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TEXAS REGISTER

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TEXAS DOCUMENTS

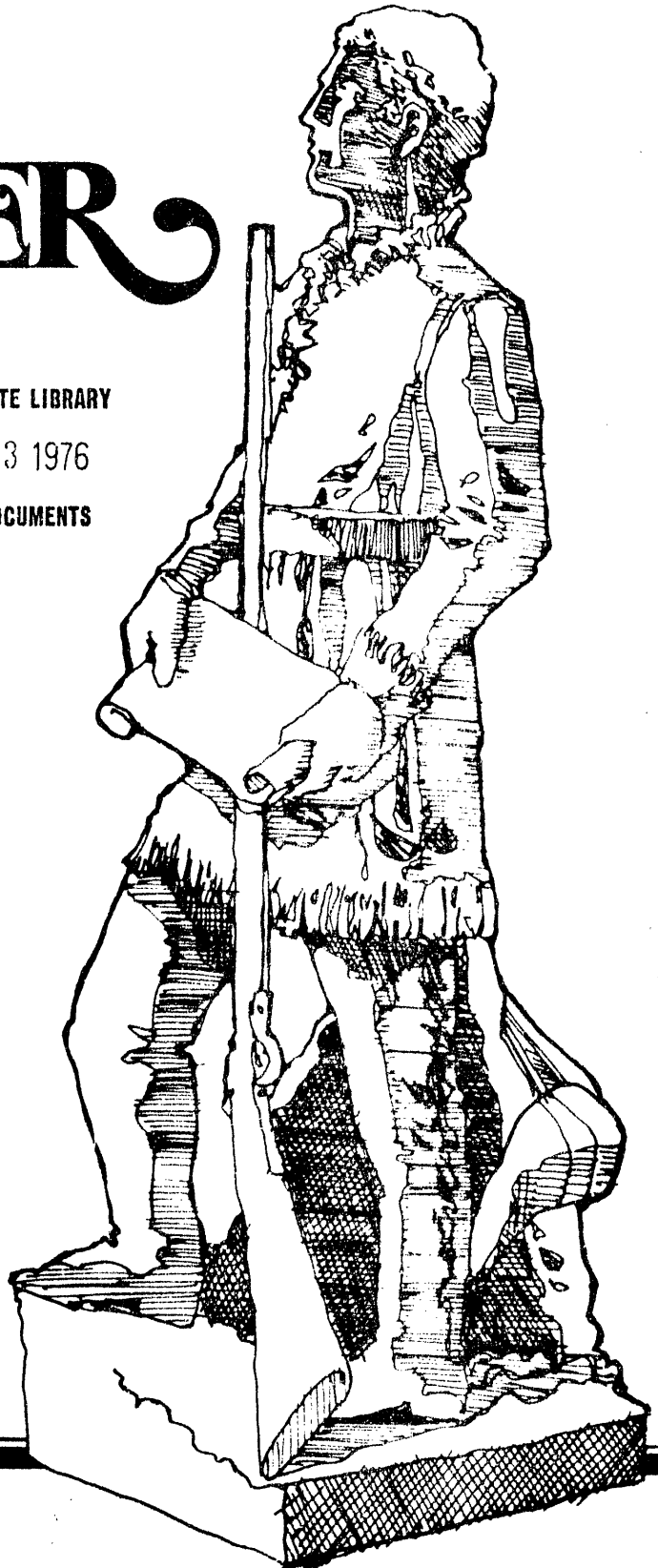
In This Issue...

Rules concerning overpayment and recovery procedures proposed by the Department of Public Welfare

Continuing education rules proposed by the Department of Public Welfare

Gas utilities rules proposed by the Railroad Commission of Texas

Personnel administration rules adopted by the Merit System Council



Office of the Secretary of State

NOTES ON THE ISSUE

The Texas Animal Health Commission is adopting, with no changes from the proposed text, its regulations for eradication of brucellosis from cattle herds in Texas. The rules were formulated to comply with national standards for the control and elimination of the disease, which can infect humans as well as certain livestock. The full text of the rules was published in the March 16, 1976, (Volume 1, Number 21) issue of the *Texas Register*.

The Railroad Commission of Texas has proposed a new rule which will allow its Gas Utilities Division to approve the temporary sale of gas by Lo-Vaca Gathering Company for drilling rig fuel. On June 21, 1973, the commission set a curtailment on sales of natural gas by the company but has granted various limited exceptions on an emergency basis. Most of the exceptions were for natural gas as a drilling rig fuel. The proposed rule will prevent delays in granting exceptions for drilling rig fuel.

As a result of a decision to revise and clarify policy, the State Department of Public Welfare has proposed several amendments, repeals, and new rules which appear in this issue. Among these are proposals concerning overpayments and recovery procedures in the Aid to Families with Dependent Children (AFDC) program and the overissuance and recovery of food stamps.

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

Artwork: Gary Thornton

TEXAS REGISTER



Mark White
Secretary of State

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Requests for Opinions

Summary of Request for Opinion RQ-1459

Request for opinion sent to Attorney General's Opinion Committee by Roy W. Mouer, Securities Commissioner, State Securities Board, Austin.

Summary of Request:

(1) Would disclosure of information obtained by the State Securities Board pursuant to an investigation to prevent or detect violations of provisions of the Texas Securities Act to agencies of foreign governments, the federal government, or those of other states be prohibited either under Section 28 of the Securities Act or under Section 10 of the Open Records Act?

(2) Would disclosure to such agencies require the Securities Board to make that information available to any other person on request?

Filed: September 3, 1976, 1:03 p.m.

Doc. No. 764675

Summary of Request for Opinion RQ-1460

Request for opinion sent to Attorney General's Opinion Committee by Carl C. Hardin, Jr., Executive Director, Texas State Board of Dental Examiners, Austin.

Summary of Request: May the Board of Dental Examiners remove members of the Dental Laboratory Advisory Board?

Filed: September 3, 1976, 4:53 p.m.

Doc. No. 764681

Summary of Request for Opinion RQ-1461

Request for opinion sent to Attorney General's Opinion Committee by Ben Bynum, Chairman, Committee on Insurance, House of Representatives, Austin.

Summary of Request: Is a proposed report submitted to a legislative committee in an open meeting public under the Open Records Act when the vote on the proposal has been tabled?

Issued in Austin, Texas, on September 1, 1976.

Doc. No. 764682 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: September 3, 1976 4:53 p.m.

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

Opinions

Summary of Opinion H-874

Request for opinion from Kenneth D. Gaver, Commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning the use of state-owned equipment and facilities by MH/MR physicians to engage in private medical practice conducted for profit.

Summary of Opinion: It is not within the present authority of the Texas Board of Mental Health and Mental Retardation to adopt and implement a contemplated policy that MH/MR physicians be authorized to carry on the private practice of medicine at MH/MR facilities.

Issued in Austin, Texas, on September 2, 1976.

Doc. No. 764692 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: September 7, 1976, 11:31 a.m.

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

Open Records Decision

Summary of Open Records Decision 140

Request from Dolph Briscoe, Governor of the State of Texas, Austin, concerning whether information about the value of taxable property in specified school districts is public.

Summary of Decision: Information collected by the Governor's Office of Education Resources is public under the Open Records Act. The raw data compiled in furtherance of the governor's study is not excepted from disclosure as a working paper involved in the preparation of legislation or because the ultimate report to be based on the data is not yet complete.

Issued in Austin, Texas, on September 2, 1976.

Doc. No. 764676 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

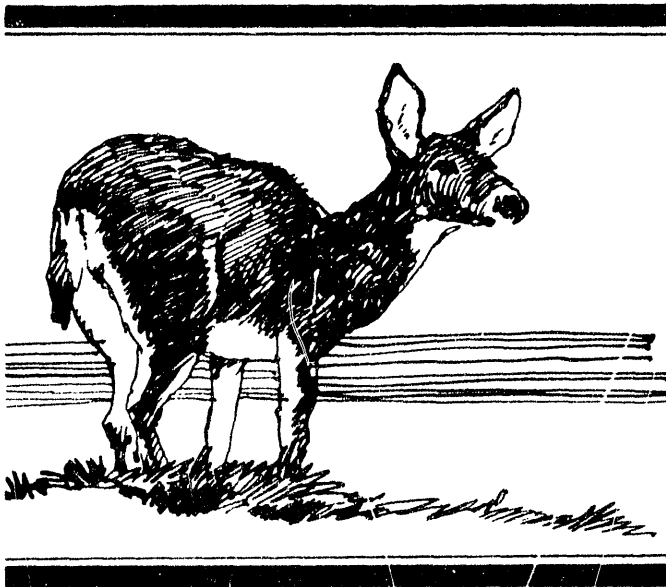
Filed: September 3, 1976, 1:02 p.m.

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 are 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.

Numbering System-- Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

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



Texas Parks and Wildlife Department

Wildlife

Migratory Game Birds Proclamation 32, 1975-76, 127.70.02

The Texas Parks and Wildlife Commission is responsible for establishing seasons, bag limits, means, and methods for harvesting migratory game birds. Regulations for hunting migratory game birds may be set only by the states within a framework established by the U.S. Fish and Wildlife Service. The federal framework is not furnished to the states until shortly before the intended season is set in order to base regulations on the most current biological data available. This procedure, though biologically sound, creates an administrative emergency. Therefore, the Texas Parks and Wildlife Commission is repealing Rule 127.70.02 001, to become effective immediately on filing with the secretary of state. Emergency rules are being promulgated by the commission to update the proclamation for the 1976-77 hunting season in accordance with federal guidelines.

The repeal of this rule is promulgated under the authority of Sections 64.021 through 64.026, Texas Parks and Wildlife Code.

.001. Migratory Game Birds Proclamation 32, 1975-76. The Texas Parks and Wildlife Department adopts the Migratory Game Birds Proclamation 32, 1976-76, by reference. This proclamation regulates the periods of time, means, methods, and devices for the taking and possessing of migratory game birds.

Issued in Austin, Texas, on August 31, 1976.

Doc. No. 764643 Perry Spalding
Administrative Assistant
Texas Parks and Wildlife
Department

Effective Date: September 3, 1976

Expiration Date: January 1, 1977

For further information, please call (512) 475-3117.

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.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System-- Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

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

State Department of Public Welfare

General Information

Temporary Adoptions 326.01.01

The Department of Public Welfare proposes the repeal of the following rules. The rules to be repealed are those which adopted by reference the rules in the non-narrative, forms, and charts sections of the department handbooks. The rules in these handbooks now have all been submitted to the secretary of state in the required format. The rules adopting these sections by reference are no longer necessary as the rules are adequately covered elsewhere in the department's rules.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 492, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

The repeals are proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

.019. Food Stamp Forms. The Department of Public Welfare adopts by reference the rules contained in the forms and instructions, non-narrative section of the *Food Stamp Handbook*.

.020. Food Stamp Outreach Forms. The Department of Public Welfare adopts by reference the rules con-

tained in the forms, charts, non-narrative sections of the *Food Stamp Outreach Handbook*.

.021. Food Stamp Issuing Forms. The Department of Public Welfare adopts by reference the rules contained in the forms, charts, non-narrative sections of the *Food Stamp Issuing Handbook*.

.022. Child Support Forms. The Department of Public Welfare adopts by reference the rules contained in the forms sections of the *Child Support Handbook*.

.024. EPSDT Dental Forms. The Department of Public Welfare adopts by reference the rules contained in the forms, charts, non-narrative section of the *Title XIX EPSDT Dental Program Manual for Providers of Services*.

.026. Pharmacy Forms. The Department of Public Welfare adopts by reference the rules contained in the forms in the *Texas Medical Assistance Provider Manual Pharmacy Supplement*.

.028. Title XIX Adult Denture Program Forms. The Department of Public Welfare adopts by reference the rules contained in the forms, charts, non-narrative section of the *Title XIX Denture Program Manual for Providers of Services*.

.030. Hearing Aid Forms. The Department of Public Welfare adopts by reference the rules contained in the forms, charts, non-narrative sections of the *Texas Medical Assistance Hearing Aid Program Handbook*.

.038. Provider Manual Forms. The Department of Public Welfare adopts by reference the rules contained in the forms, tables, non-narrative section of the *Texas Medical Assistance Provider Manual*.

.044. DPW-VR Forms. The Department of Public Welfare adopts by reference the rules contained in the forms, charts, non-narrative sections of the *DPW-VR Handbook*.

.046. WIN Forms. The Department of Public Welfare adopts by reference the rules contained in the forms, charts, non-narrative sections of the *WIN Handbook*.

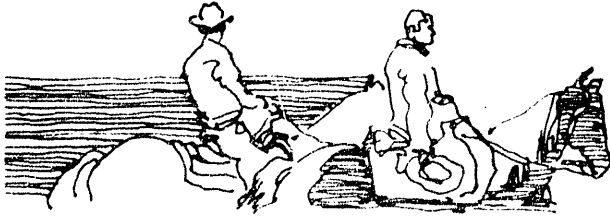
.048. Purchased Social Services Forms. The Department of Public Welfare adopts by reference the rules contained in forms, charts, non-narrative sections of the *Purchase of Social Services Handbook*.

Issued in Austin, Texas, on September 7, 1976.

Doc. No. 764728 Raymond W. Vowell
Commissioner
State Department of Public Welfare

Proposed Date of Adoption: October 14, 1976

For further information, please call (512) 475-4601.



Aid to Families with Dependent Children

Overpayments 326.10.34.010

The Department of Public Welfare proposes to repeal the following rule about the budgeting process of Aid to Families with Dependent Children (AFDC) recipients who are in nursing homes. The policy in this rule is covered in greater detail elsewhere in the department's rules, so in the interest of clarification and consolidation, the department proposes this repeal.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 506, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This repeal is proposed under the authority of Article 695c, Texas Civil Statutes.

.010. AFDC Recipients in Nursing Homes.

(a) AFDC certified caretakers and second parents, age 21 and over, are eligible for skilled nursing care vendor payments if they meet the criteria for that level of care and are physically present in a licensed and contracted facility approved to provide skilled nursing care.

(b) If an AFDC case was formerly a combination case in which one parent was an OAA, AB, or APTD recipient in a nursing home and has been transferred to SSI or grandfathered in as an MAO, his income and needs are no longer considered as a part of the AFDC family.

(c) The same principle applies if an adult in an AFDC case enters a skilled nursing care facility. He may become an SSI or SSI-related medical assistance only recipient and his individual income is considered only in relation to his need in the nursing home.

(d) There may be rare instances when this parent is ineligible for SSI due to his individual income exceeding the SSI standard of need. If he is ineligible for SSI, he may remain certified in the AFDC grant within the criteria outlined under Rule 326.10.22.002. The nursing

home recipient's personal needs allowance is added to the single figure needs allowance for the remainder of the family and entered in the budget under personal needs. The combined income is applied to this figure before being applied to the vendor payment for skilled nursing care. The AFDC group is always left at least a one dollar grant.

(e) If the level of care determination is for intermediate care and not skilled care, no vendor payment can be made, and the individual's income and needs are removed from the AFDC certified grant. He becomes a private pay patient and is responsible for making his own arrangements with the nursing home.

Issued in Austin, Texas, on September 7, 1976.

Doc. No. 764709 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: October 14, 1976

For further information, please call (512) 475-4601.

326.10.36.001-.002, .004-.011, .014-.019

The Department of Public Welfare proposes the following amendments to its rules about overpayment and recovery procedures in the Aid to Families with Dependent Children (AFDC) Program. The amendments transfer the responsibility for the initial investigation of all suspected fraud cases and for the recovery of overpayments for suspected fraud cases involving less than \$100 from the investigative unit to a specialized worker within the AFDC unit.

The amendments also clarify that in most cases overpayments received by a recipient to which he was not entitled will be subject to recovery. The method of recovery may be restitution, recoupment, or both. Overpayments received by recipients that are the result of department error will not ordinarily be subject to recovery.

Rule 326.10.36.012 is to be combined with Rule 326.10.36.002. In addition to the new procedures, language has been changed throughout the other rules for clarification.

These proposed amendments result from a department decision to revise and clarify policy.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 290, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

These amendments are proposed under the authority of Article 695c, Texas Civil Statutes.

.001. Procedures Relating to Overpayments (Overpayment).

(a) Financial services eligibility determination staff is responsible for:

(1) establishing initial and continuing eligibility and correct amount of benefits.

(2) referring to *investigative* [fraud] units individuals who appear to have received *grant money (excluding medical premiums and benefits) of \$100 or more* [benefits] through [fraudulent] acts of deliberate *misstatement* [misrepresentation] or intentional concealment of information *which may be subject to prosecution for fraud* [for the purpose of obtaining public assistance to which they were not entitled, and];

(3) *beginning recovery* [initiating recoupment procedures for those individuals who received grant money to which they were not entitled but the act was not considered fraudulent.]

(A) *by a specialized worker when deliberate misstatements or intentional concealments of information which may be subject to prosecution for fraud cause overpayments of less than \$100 in grant money (excluding medical premiums and benefits).*

(B) *by the regular worker when the misstatement or concealment is not considered subject to prosecution for fraud regardless of the amount of overpayment.*

.002. Willful Withholding of Information. (Definition of Fraud.)

(a) Fraud in [relation to] the AFDC program means a deliberate misrepresentation or intentional concealment of information for the purpose of obtaining public assistance. Intentional concealment of information *that* [which] affects eligibility or the amount of grant must be clearly indicated. *Overpayments resulting from "willful" withholding of information may or may not be subject to prosecution for fraud. Therefore, field staff will refrain from making accusations of fraud to recipients.*

(b) [.012(a)] "Willful" withholding of information includes:

(1) Willful misstatements, [either] oral or written, made by a recipient in response to oral or written questions from the department concerning the recipient's income, resources, or other circumstances *that* [which] may affect the amount of grant. Such misstatements may include understatements of amounts of income or resources and omission of information regarding income and resources.

(2) Willful failure by the recipient to report changes in income, resources, or other circumstances *that* [which] may affect the amount of grant if the department has clearly notified the recipient of his obligation to report such changes.

When a client signs the application/review form, he certifies that he understands that failure to fulfill

his obligation to provide correct, complete information and to keep the department informed of changes may be considered willful withholding of information and permit the department to recover any overpayments.

[(b) Recipients are required periodically to formally acknowledge that the reporting obligations have been brought to their attention and are understood. This will be accomplished through statements contained on the applicant/recipient's statement of facts and to which the recipient will affix his signature at each complete review.]

(3) Willful failure by the recipient to report receipt of a payment which the recipient knew represented an overpayment. The instance in which an overpayment might be made in this particular situation would be rare and recoupment may not be initiated until it has been approved by the supervisor and the program director. *Ordinarily, overpayments resulting from agency error are not recovered. Only in the most unusual situations would such overpayments be subject to recoupment.*

.004. Overpayments Resulting from Suspected Fraud. (Fraud Referral.)

(a) *The worker will do the following in cases of suspected fraud:* [If facts are sufficient to support suspected fraud, a recipient or individual provider fraud referral form is completed and submitted along with the case record to the local AFDC unit supervisor for concurrence or non-concurrence. If the supervisor concurs, the form is forwarded to the fraud unit. The case record is retained in the local office.]

(1) *Certify continued assistance in the correct amount or deny the case. Notification of adverse action and appeal procedures will be observed.*

(2) *Complete a fraud referral and forward it to the supervisor for review.*

(3) *Complete periodic and special reviews while the case is being investigated for suspected fraud.*

[(b) Prior to submitting the case record and form to the supervisor, the local worker must take the indicated grant action to lower, deny, or sustain the grant, and, when applicable, send a notification letter to the recipient. The investigation into suspected fraud and submittal of the referral form are not delayed in such situations.]

(b) *Specialized workers are used whenever the overpayment involves suspected fraud. Specialized workers should have a good knowledge of all aspects of the food stamp and medical programs as well as of the AFDC program. The specialized worker will be trained in the techniques used by the investigative unit.*

(c) *The specialized worker will do the following:*

- (1) *Determine when the overpayment began.*
 - (2) *Calculate the overpayments and benefits to which the client was not entitled. Overpayments and benefits include AFDC overpayments, medicaid benefits and premiums, and food stamp undercharges and overissuances.*
 - (3) *Refer the case to the investigative unit at any time conspiracy or internal fraud is suspected.*
 - (4) *Refer the case to the investigative unit if during the investigation it is learned that the overpayment is \$100 or more.*
 - (5) *Request restitution. The specialized worker will make a personal contact with the recipient to establish a repayment schedule. Recovery of medicaid premiums and benefits can be made only through restitution. Recoupment can be used only to recover AFDC overpayments.*
 - (6) *Report the disposition of fraud referrals.*
- (d) *The information gathered by the specialized worker on which he bases recovery must be of such detail and content that it could be referred to law enforcement officials for prosecution even though cases handled by the specialized worker may not ordinarily be presented for prosecution.*

.005. *Request for Fair Hearing after Submittal of Fraud Referral.*

(a) If a fair hearing is requested, the [local] worker *notifies the investigative unit* [is responsible for forwarding this information to the fraud unit] by memorandum. The fact that an investigation into suspected fraud is being conducted *is* [should] not [be] considered in the course of the fair hearing. However, any information [considered by] the hearing officer *considers* must be shared with the appellant.

.006. *Fraud Investigation.*

(a) The *investigative* [fraud] unit carries the responsibility for investigation of suspected fraudulent acts [and the local worker should take no action which might jeopardize the fraud unit's activities]. *However, the worker completes any required case actions before referring the case to the investigative unit.*

(b) *The [fraud unit] investigator initiates a* [the] detailed examination of the case [at the local office which originated the referral. The case record is studied] and, if necessary *discusses it* [the situation discussed] with the local worker and [the] supervisor. [The investigator assumes responsibility for any necessary contacts or verifications and may remove the case record from the office as deemed necessary for the investigative process. Either the original case record or a copy of the case record will be returned to the worker as soon as possible. In any event, the eligibility document shall be available to the worker for use if needed for a case action during the fraud determination process.] After [he con-

ducts] a thorough investigation [of the case], the investigator refers the case to law enforcement officials if facts support fraud. *The investigator informs the recipient if possible* [When possible the recipient is informed] of the fraud investigation [by the investigator prior to] *before* referring the case for consideration for [of] prosecution. *If a recipient in a suspected fraud case requests* [In any case in which an investigation of suspected fraud is being conducted and the recipient has requested] a fair hearing because of a negative grant action, the [fraud unit] investigator *informs* [should inform] the *prosecuting* [District] attorney of the fair hearing at the time the case is referred to [the] law enforcement *officials* [official].

.007. *Cases Not Submitted for Prosecution. [No Basis for Fraud.]*

(a) If the *prosecuting attorney or the* [fraud unit] investigator determines that *the case is not suitable for prosecution, the investigator will try to arrange with the recipient a voluntary plan of restitution.* [facts do not support fraud, the local AFDC unit supervisor is so notified. The worker then initiates recoupment procedures.]

(b) *If the investigator is unsuccessful in arranging repayment, he informs the AFDC unit supervisor. If willful withholding of information is indicated, the worker will then begin recoupment procedures.*

(c) *If the investigative unit is successful in scheduling repayment, the worker will be notified. If the client discontinues repayment, the worker will be notified. If the investigative unit has been recovering money for a period prior to the 12-month limit, this amount is not subject to recoupment. The worker will begin recoupment on that portion of the unpaid balance that was incurred within 12 months of the initial discovery of the overpayment.*

.008. *Recipient Status During Fraud Investigation [Investigations].*

(a) The recipient continues to receive AFDC and medical coverage as long as present eligibility requirements are met. *Periodic and special reviews are continued by the regular worker during fraud investigations.*

.009. *[Definition of] Recoupment and Restitution of Grant Overpayments.*

(a) *Grant overpayments may be recovered by:*

(1) *Restitution. Securing payment from the individual in the form of a cashier's check or money order made payable to the State Department of Public Welfare.*

(2) *Recoupment. DPW's method of withholding wrongfully received AFDC funds by reduction of an AFDC grant. Recoupment is initiated even if the case may be subject to prosecution for fraud when*

the overpayment is less than \$100 and conspiracy is not involved. Grant overpayments in an amount of less than \$2 monthly are disregarded.

[(a) Recoupment is repayment to the department for grant money to which an individual was not entitled, but which was not considered to be the result of a fraudulent act.]

(b) Overlapping or duplication of AFDC by Supplemental Security Income (SSI) is not subject to recoupment or restitution. This will be handled by the Social Security Administration.

.010. Exemption.

(a) Recipients who notify any [welfare] department *employee* [personnel] within 10 days of changes in income, resources, and other circumstances *that* [which] may affect the amount of grant are not subject to recoupment even though the department may not be able to make the necessary adjustment in the next month's grant. Any department *employee* [staff member] who receives or obtains information from or about a recipient of AFDC or Title XIX is responsible for relaying the information immediately to the financial services *worker* [staff].

.011. Criterion [Criteria] for Initiating Recoupment.

(a) The *criterion* [criteria] to follow in determining if recoupment is to be initiated is [based on] whether or not the recipient discharged his obligation of notifying the department of a [the] change in [his] circumstances within the 10-day time limit. It is immaterial if the department could or could not have *adjusted the grant* [initiated appropriate action to reflect the grant adjustment].

(b) *Recoupment is limited to overpayments made during the 12 months preceding the month the overpayment was discovered by the worker or quality control reviewer. The overpayment must result from the recipient's willful withholding of information concerning income, resources, or other circumstances that affect the amount of grant. Cases in which the overpayment is less than \$100 are subject to recovery procedures even if the willful misstatement could result in prosecution for fraud.* [Recipients are liable for repayment when the worker or quality control reviewer discovers that overpayments have been made within the previous 12 months when such overpayments were occasioned or caused by the recipient's willful withholding of information (which was not considered fraudulent) concerning his income, resources, or other circumstances which may have affected the amount of grant.]

(c) *Recoupment is begun after the worker discusses the situation with the recipient and sends a notification letter. Decisions to recoup and thus lower the grant can be appealed.* [If there is any question that fraud is involved, the case should be referred to the local AFDC unit supervisor for clearance. If the

supervisor has any reservations that fraud is involved, a referral is submitted to the fraud unit.]

.014. Subsequent Incidents of Willful Withholding or Misstatement of Information [Offenses].

(a) Recoupment of overpayments by deduction from *the* current *grant* [grants] is limited to no more than 12 months for each *incident* [offense]. However, if an overpayment or series of overpayments is discovered while deductions are being made, a second recoupment can be initiated at the time of discovery. The final deduction will be made within 12 months from the *beginning* [initiation] of the second or subsequent *incident* [offenses].

(b) *If* [In the event] a subsequent overpayment is discovered while recoupment is in effect, *the specialized worker will investigate the case to determine if referral for suspected fraud is required* [a referral form is submitted to the fraud unit for investigation before recoupment for second or subsequent offenses is initiated]. *If fraud is not suspected the specialized worker will begin recovery procedures. Second offenses of fraudulently received benefits will be routinely referred to the investigative unit regardless of amount involved.*

[(c) Recoupment is initiated after the worker discusses these findings with the recipient and sends a notification letter. Decisions to recoup and thus lower the grant can be appealed.]

.015. Recoupment Following an Appeal.

(a) *When a lowered* [In cases in which a lowering or denial of a] grant is appealed and the grant continues [to be paid] pending the appeal, [if the decision is sustained] the additional payments received during this period *could be* [will be] subject to *recovery* [recoupment]. *When* [However, in instances in which] the appeal is based on removing the caretaker's needs *for* [on] refusal to assign child support rights to the department *or refusal to register for WIN*, recoupment will not be applicable because the recoupment would be withheld from the children's grant. This would penalize certified children for the caretaker's decision.

.016. Recoupment Following Denial.

(a) When a grant is denied while recoupment is in process, the recipient is notified by a notification letter [and requested to pay the balance due]. *The worker refers the case to the specialized worker who will attempt to establish a plan of restitution for the balance due. When a payment is received, the specialized worker will submit the payment to the fiscal accounting division so the recipient is given credit for the payment.* [If he fails to make restitution, the worker submits the input form to deny the case. The worker then prepares a memorandum to the local AFDC unit supervisor reflecting the recipient's financial situa-

tion and making a recommendation as to the feasibility of collecting the overpayment.)

(b) If the *specialized worker* [supervisor] determines that collection is not feasible *or if a plan of restitution cannot be established*, he advises the *unit supervisor* [worker] and no further action is taken.

[(c) If the supervisor considers collection feasible, the case record is forwarded to the Program and Policy Development Division, Financial Services Branch, State Office. The case is screened by the AFDC Section and referred to the Legal Division to be considered for civil action. If civil action is not considered appropriate and no action is instituted, the case record is returned to the worker.]

(c) [(d)] The outstanding obligation resulting from an overpayment remains in effect for 24 months. *If* [should] a former recipient *reapplies* [reapply] within 24 months from the effective date of denial, he is liable for repayment and, through computer programming, recoupment is automatically reactivated.

[(e) If civil action is filed and the court orders restitution to be made to the department, identifying information is submitted to the state office.]

.017. *Suspension and Discontinuation of Recoupment.*

(a) Unusual situations may arise while recoupment is in process in which the caretaker's needs are removed from the budget [because of his incarceration or commitment to a mental institution]. In these situations, recoupment *is suspended* [may be discontinued] because neither the *new* payee nor the children are liable for the recoupment obligation. This manner of discontinuing recoupment may be used only after all facts have been verified and fully documented in the AFDC case record. Supervisory approval is required in all such cases.

(b) *If* [(In the event] the caretaker returns to the home and is recertified within 24 months *of* [from] the effective date of discontinuance *of recoupment*, the worker must submit input forms to manually reactivate the recoupment procedure.

(c) *If recoupment is discontinued, approval of the supervisor must be secured and recorded in the case record.*

.018. *Amount of Deduction for Recoupment.*

(a) *If restitution fails to discharge the obligation in full, recoupment is begun.* [(In order] To avoid undue hardship on recipients, the amount deducted is equal to 10 percent of recognizable *needs* [need] rounded to the nearest dollar. When this amount would result in denial, the deduction is reduced to leave a \$1 grant. When the amount owed is equal to or less than 10 percent of recognizable need, the total is recouped in one deduction [or as soon as possible].

(b) The amount of overpayment received by the recipient and subject to recoupment is reported. The amount of the monthly deduction, number of months, expiration date, etc., are computed in the state office.

.019. *Restitution of Overpayment.* [*Repayment when Overpayment Not Fraudulently Received.*]

(a) *Restitution of some or all of an overpayment can be accepted either at the time of initiation of recoupment, while recoupment is in process, or after denial.* [(In an active case in which overpayment has been received but fraud is not involved, repayment of some or all of an overpayment can be accepted either at the time of initiation of recoupment or while recoupment is in process.)]

(b) *Use* the following procedure [is used]:

(1) Secure a cashier's check or money order made payable to the State Department of Public Welfare.

(2) *Provide the recipient with a receipt for restitution payment.* [(Prepare a memorandum directed to the Fiscal Division, State Office, detailing the case name, case number, the specific month(s) in which overpayment was received, and the amount of overpayment received for each individual month. The subject of the memorandum should show "Recoupment of AFDC Money Grant."]

(c) The Fiscal *Accounting* Division checks the material for accuracy. If the information submitted is correct, a notation is made on the recoupment of overpayments form that the payment has been received.

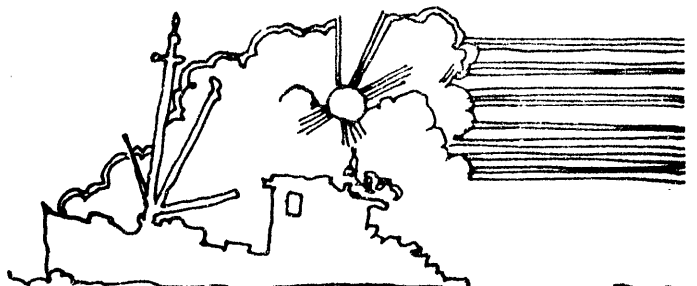
(d) Only a cashier's check or money order made payable to the State Department of Public Welfare is acceptable. AFDC warrants cannot be accepted as payment towards recoupment.

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Doc. No. 764667 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Proposed Date of Adoption, October 14, 1976

For further information, please call (512) 475-4601



326.10.36.003, .012, .013

The Department of Public Welfare proposes the repeal of the following rules about overpayment and restitution in the Aid to Families with Dependent Children (AFDC) Program. The department also is proposing amendments and new rules about overpayment and restitution which will replace the repealed rules. Rule 326.10.36.012 will be incorporated into Rule 326.10.36.002. The other rules to be repealed will be replaced by the proposed amendments and new rules.

These proposed repeals result from a department decision to revise and clarify policy.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 290, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

These repeals are proposed under the authority of Article 695c, Texas Civil Statutes.

.003. Initiation of Referral to Fraud Unit.

(a) When it is discovered at the time of review or between review periods that a recipient received benefits to which he was not entitled and the facts indicate suspected fraud, a referral is initiated to bring the matter to the attention of the fraud unit. Also, when a complaint is received that a recipient of AFDC has accepted or received an overpayment and/or excess Title XIX benefits (Medicaid) to which he was not entitled and information indicates possible fraud, the case is to be referred to the fraud unit.

(b) The financial services worker is not to enter into any verbal or written agreement to accept restitution or to initiate recoupment procedures until the fraud unit determines that fraud is not indicated.

.012. Willful Withholding of Information.

(a) Willful withholding of information includes:

(1) Willful misstatements (either oral or written) made by a recipient in response to oral or written questions from the department concerning the recipient's income, resources, or other circumstances which may affect the amount of grant. Such misstatements may include understatements of amounts of income or resources and omission of information regarding income and resources.

(2) Willful failure by the recipient to report changes in income, resources, or other circumstances which may affect the amount of grant if the department has clearly notified the recipient of his obligation to report such changes.

(3) Willful failure by the recipient to report receipt of a payment which the recipient knew represented an overpayment. The instance in which an overpayment might be made in this particular situation would be rare and recoupment may not be initiated until

it has been approved by the supervisor and the program director.

(b) Recipients are required periodically to formally acknowledge that the reporting obligations have been brought to their attention and are understood. This will be accomplished through statements contained on the applicant/recipient's statement of facts and to which the recipient will affix his signature at each complete review.

013. Procedures in Recoupment of Overpayments.

(a) Recoupment is limited to overpayments of more than \$2 monthly.

(b) recoupment is accomplished by:

(1) repayment made in cash by the recipient in the form of a cashier's check or money, and

(2) deductions from subsequent grants.

(c) Unless the repayment made discharges the obligation in full, deduction from subsequent grants is initiated. Any payment made in addition to the amount being recouped is credited to the individual's account.

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Commissioner
State Department of Public
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For further information, please call (512) 475-4601.

326.10.36.020-.022

The Department of Public Welfare proposes the following new rules about overpayment and recovery procedures in the Aid to Families with Dependent Children (AFDC) Program. The new rules provide procedures to follow when the investigative unit receives a complaint from the community concerning a recipient. The rules also discuss restitution of grant payments received by a denied recipient who is appealing the decision and overpayments which are not considered subject to prosecution for fraud. These proposed rules result from a department decision to revise and clarify policy.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 290, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

These rules are proposed under the authority of Article 695c, Texas Civil Statutes.

.020. Community Complaints.

(a) When the investigative unit receives a complaint from the community concerning a recipient, it sends a fraud referral to the appropriate unit supervisor. The investigative unit conducts the investigation and secures necessary verification.

(b) If the situation involves AFDC, food stamps, or Medicaid eligibility, the investigator supplies the appropriate supervisor with sufficient information to make any necessary case adjustment. Community complaints concerning providers are not brought to the attention of local supervisors unless the investigation reveals a recipient case in need of correction.

.021. *Overpayments Not Considered Subject to Prosecution for Fraud.* The worker will do the following:

- (1) certify continued assistance in the correct amount or deny the case. Notification letter and appeal procedures will be observed;
- (2) request restitution;
- (3) initiate recoupment if the overpayment is not recovered in full through restitution; and
- (4) refer all overpayments after the first incident to the specialized worker for investigation and recovery.

.022. *Restitution Following an Appeal.* When a denial is appealed and the grant continues pending the appeal, the additional payments received during this period will be subject to recovery.

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 Commissioner
 State Department of Public
 Welfare

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For further information, please call (512) 475-4601.

326.10.44.001

The Department of Public Welfare proposes to amend Sections (a) through (g) of its rules about eligibility for four months post Medicaid coverage in the Aid to Families with Dependent Children (AFDC) Program. This amendment results from a clarification of policy from the Department of Health, Education, and Welfare.

Certified AFDC recipients who become ineligible for assistance because of increased income from employment continue to be eligible for Medicaid coverage for four calendar months provided certain conditions are met. This amendment clarifies when the four months post Medicaid coverage begins. Under present policy the four months post coverage period must begin with the first full month in which the recipient's earnings are sufficient to deny the AFDC grant. With the proposed amendment, the deciding factor of when post grant coverage begins is whether or not increased earnings are reported within the required 10-day time period for reporting changes in circumstances.

When a recipient reports within 10 days that he or a member of the certified group has increased earnings sufficient to deny the grant, the four months post-Medicaid coverage begins with the month in which the AFDC family no longer receives a cash grant. This is true even when the grant continues because of an appeal or because it was not possible to adjust the grant the following month because of a computer cut-off date.

There is no change in the present policy when a recipient does not report a change in circumstances within 10 days. The beginning date of the four-month period is the first month for which assistance was erroneously paid. In such instances recoupment or fraud referral, if appropriate, will be initiated.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 470, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

.001. *Eligibility.*

(a) Eligibility for Title XIX Medicaid coverage continues for four calendar months for AFDC and AFDC Foster Care (Type Program 08) certified recipients who become ineligible for assistance due to increased income from employment provided the following conditions are met:

(1) The denial was due to increased gross earnings from employment, *for example*, [i.e.,] increased hours of employment, accepting new employment, or an increase in salary at the present employment.

(2) The AFDC grant or foster care payment was received in at least three of the six months immediately preceding the month in which the ineligibility occurred.

(3) The increased income from employment was from a member of the certified group or any family member whose earnings were considered in the grant; for example, a mother who is payee only but whose income is considered in the grant.

(4) *Employment by any of the* [The employed] family members who were in the certified group [member] continues [his employment] during the four-month [months] period.

(b) When a child in the certified group is the person employed, the caretaker may elect to exclude the child from the budget rather than have the whole case denied a grant. In this situation, the extended Medicaid coverage does not apply to the child who is deleted from the certified group and removed from the budget.

(c) When [it is learned that] the recipient *reports within 10 days that he or a member of his certified group has* [is no longer for eligible for a money payment due to] increased earnings *sufficient to deny the grant*, [whether or not this increased income is reported within three days or learned at a later date or at the next review, it is necessary to determine when the change actually oc-

curred.) the four *months* [month] *post* period *begins with the month in which case assistance is no longer received* [must begin with the first full month in which the net earnings received exceeded the recognizable needs allowance for the certified group]. *Even though the grant must be extended* [When assistance is continued] beyond the month in which *eligibility* [ineligibility actually] existed, [whether] due to *the 10-day advance notice requirement, because it is impossible to adjust the grant the following month due to cut-off date, or in the case of an appeal* [failure to report the change or to administrative procedures necessary in terminating cash assistance, such as the advance notice requirements or continued assistance pending an appeal decision], the four-month *period* [months Medicaid coverage] begins with the month in which the family *does not* [or AFDC Foster Care child was no longer eligible to] receive *an AFDC grant* [payments]. *When the recipient does not report increased earnings within 10 days, the four-month period begins with the first month for which cash assistance was erroneously paid due to the recipient's failure to report.*

(d) Therefore, *when the recipient did not report the increased earnings*, a contact *is* [with the recipient will be] required [in order] to establish eligibility for the extended Medicaid coverage. It must be explained to the recipient that if he does not wish to provide verification of the date upon which the employment or increased earnings began and to assist in determining the amount of work-related expenses to be netted from the earnings, eligibility for the extended Medicaid period cannot be established. [For example,] Recipients are eligible for a full month's payment if they are eligible for any part of the month. Therefore, if the *unreported* increased earnings began on March 14, *the recipient* [they] would remain eligible until March 31. In this instance the four months post period would begin [on] April 1 and continue until July 31, regardless of when the cash assistance was terminated. If the last money or vendor payment is made on May 1, only two months more of Medicaid coverage will be provided. [The client will receive the automatic notice of the termination of his Medicaid coverage when Data Systems denies the Medicaid coverage at the end of the fourth month.]

(e) After establishing the beginning month of the four-month period, the input form is completed to make the program transfer; *however, if all four months of the extended coverage have already been provided, the grant is denied* [or to deny the grant with the appropriate earnings code if all four months of the extended coverage have already been provided]. The notification letter will be sent to provide written notification of the effective dates of termination of the assistance grant and the extended Medicaid coverage and to notify the recipient of the right to appeal.

[(f) If the client has failed to report the increased earnings within the required 10-day limit, the appropri-

ate recoupment procedures or fraud referral could be initiated regardless of the provision for extended Medicaid coverage.]

(f) [(g)] If the recipient responds to the notification letter and files an appeal when the money grant is denied, the hearing officer submits the input form after the hearing, showing the correct *denial* date [of denial] of the money grant. *If the recipient failed to report a change within the 10-day period, the four-months* [months post coverage] *period for medical coverage begins with the first month for which assistance was erroneously paid* [remains dated from the four months post indicator entered by the worker at the time he completed the input form.] If the [entire] four months *post coverage* has *expired* [been completed], the hearing officer *enters* [will enter] the denial code [rather than the program transfer] and no further Medicaid coverage is [will be] provided.

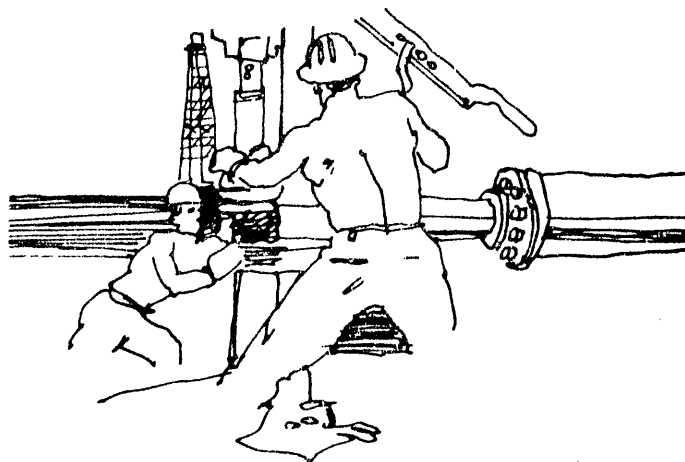
(g) *If the recipient reported the change within the 10-day period, the four-month period begins with the month in which cash assistance is no longer received. If the appeal extends the actual date of denial of assistance, the hearing officer must change the four months post date. In either instance, any cases in which a denial is appealed and the grant is continued pending the appeal decision, the additional payments received during this period may be subject to recoupment if the decision is sustained.*

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Commissioner
State Department of Public
Welfare

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For further information, please call (512) 475-4601.



326.10.86.020

The Department of Public Welfare proposes to amend its rules about assistance warrants cashed through unintentional error in the Aid to Families with Dependent Children (AFDC) Program. This amendment is proposed in conjunction with other rules and amendments proposed about overpayment and restitution in the AFDC Program. The changes to Rule 326.10.86.020 are mainly technical and serve to clarify the language of the rule.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 290, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*. This amendment is proposed under the authority of Article 695c, Texas Civil Statutes.

.020. Cashed through Unintentional Error.

(a) When a warrant issued for one recipient is [found to have been] cashed by another recipient of identical name, the worker *makes* [should make] a reasonable effort to secure the return of the money to the rightful recipient. [and] *If the money is returned to the rightful owner*, a written statement should be obtained from *the recipient* [him] *stating* that he has received the benefit of the warrant, although it was not endorsed by him. Such a statement is made in duplicate, one copy filed in the case record, and the other forwarded to the Fiscal Division.

(b) If the [return of] funds cannot be *returned* [effected] by reasonable effort and it is determined that the warrant was cashed in good faith, and the one erroneously cashing it cannot refund the money except out of future grants of assistance, the worker obtains an affidavit executed by the rightful recipient stating that he did not endorse the warrant nor authorize anyone else to endorse it, nor did he receive the benefit of it. The worker submits *the affidavit* to the Fiscal Division [the affidavit] accompanied by a letter stating why the return of the funds cannot be effected and authorizes the issuance of another warrant to the rightful recipient. [No further effort to obtain a refund from the recipient who cashed the wrong warrant will be made.]

(c) When a warrant for a recipient has been cashed by a non-recipient of identical name, and a return of money cannot be obtained by a reasonable effort, a statement of the circumstances, together with an affidavit from the rightful recipient as described above, *is* [should be] made a part of the case record. The worker sends a memorandum to the Fiscal Division authorizing the issuance of another warrant to the rightful recipient without reimbursement of the original warrant being made.

(d) Instances such as these are not necessarily to be treated as forgeries.

(e) Instances may be found where a recipient has been granted assistance under two case numbers, usually

referred to as "duplicate grants." When such instances are found, the grant under the higher case number *is* [shall be] denied immediately and an attempt made to obtain a refund of all money received under the grant. If it is determined that a refund cannot be made without depriving the recipient of part of the grant intended for his basic needs and provided there is no evidence of fraudulent intent, a full statement of the circumstances *is* [shall be] made a part of the case *record* [narrative]. The worker sends a memorandum to the Fiscal Division to continue payment under the original grant carrying the lower case number [without penalizing the recipient by requiring payment].

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Doc. No. 764670 Raymond Vowell
Commissioner
State Department of Public
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Proposed Date of Adoption October 14, 1976

For further information, please call (512) 475-4601.

Quality Control

Food Stamps 326.11.03

The Department of Public Welfare is proposing amendments in several categories of its rules on overissuance recovery and fraud referral procedures. The proposed amendment to Sections (d) and (e) of Rule 326.11.03.014 reflects changes in procedure when potential fraud is discovered by quality control reviews in the Food Stamp Program. Currently all cases suspected of being potentially fraudulent by the quality control reviewer are sent to the fraud unit for investigation. The proposed amendment adds an evaluative step by the supervisor, so that all such cases will not be forwarded automatically to the investigative unit. This amendment results from a department decision to revise and clarify policy.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 236, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This amendment is proposed under the authority of Article 695c, Texas Civil Statutes.

.014. Procedures in Potential Fraud Cases.

(d) Field staff must refer [all] potential fraud cases to the *investigative* [fraud] unit. *Staff must then take* [the] appropriate [specific] action *based on* [indicated in] the quality control referral, and route a clearance

memorandum of the action taken. Using the information from the quality control investigation, the local worker prepares a recipient or individual provider fraud referral and attaches a copy of the quality control referral and any documents provided by the quality control reviewer. The fraud referral, quality control referral and attachments, if any, and the recipient's case record are forwarded to the worker's local unit supervisor.

(e) The supervisor reviews the fraud referral, the quality control referral, the household's case record, and documents supplied by the quality control reviewer [investigator], if any, which support the suspected fraud. *If the supervisor concurs, the original of the fraud referral will be sent to the investigative unit, and copies will be retained by the supervisor and filed in the case record. If the supervisor does not concur, the fraud referral, a copy of the quality control referral, and the case record may be sent to the program director, at the supervisor's prerogative, to determine if the case justifies referral. Upon determination, the referral then will be sent back to the certification office for appropriate action.* [Regardless of concurrence or non-concurrence of the supervisor, the fraud referral, a copy of the quality control referral, and attached documents will be forwarded to the fraud unit. No further action by the local worker is required except as requested by the fraud unit investigator to determine the amounts of overissuance and to complete a report of food coupon overissuance/overpayment, when applicable.]

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Doc. No. 764671 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: October 14, 1976

For further information, please call (512) 475-4601.



Food Stamps

PA and Non-PA Households 326.15.23

The Department of Public Welfare proposes the following new rule about classification of household in the Food Stamp Program. Food stamp households are classified as public assistance (PA) or non-public assistance (Non-PA), depending upon whether the household members all receive public assistance payments or only some or none of the members receive public assistance. Different requirements are applied to determine food stamp eligibility for PA and Non-PA households. PA households are eligible for food stamps without regard to food stamp income and resource eligibility standards. These standards are applied to Non-PA households.

The proposed new rule clarifies the classification procedure for refugee food stamp households. Refugee households are to be considered either PA or Non-PA, according to the same criteria used for any other household. The food stamp eligibility requirements are to be the same for refugee households as for any other household of the same classification.

It is necessary for the department to propose this rule to clarify the application of food stamp policy to refugee households.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 440, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This rule is proposed under the authority of Article 695c, Texas Civil Statutes.

.004. Refugee Households. Households containing Cambodian, Cuban, or Vietnamese refugees are considered either PA or Non-PA according to the criteria in Rules 326.15.23.002-.003. Eligibility and basis of issuance are the same for refugee households as for any other household. Household in this rule means the food stamp household, not the assistance household. It is possible for one food stamp household to contain several refugee assistance households.

Issued in Austin, Texas, on September 7, 1976.

Doc. No. 764711 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: October 14, 1976

For further information, please call (512) 475-4601.

Food Coupon Overissuance and Recovery 326.15.76

The Department of Public Welfare proposes to amend the following rules about overissuance and recovery in the Food Stamp Program. These amendments address overissuance recovery practices and collection procedures required for cases having overissuances caused either by error, misunderstanding, misrepresentation, or fraud. Food stamp overissuances caused by error or misunderstanding will be processed only by certification staff, as will cases suspected of misrepresentation or fraud involving less than \$100. Cases suspected of fraud involving \$100 or more will be referred to the investigative unit. The proposed amendments result from a department decision to revise and clarify policy.

The proposed changes also add definitions of recovery, restitution, and recoupment and delete criteria to be used in identifying cases which may involve fraud. These criteria will be included in the department's proposed rules on fair hearings, fraud, and civil rights. Also added to the rules is the provision that a specialized worker may be designated to process reports of overissuance and recovery proceedings on behalf of responsible food stamp certification offices.

Rule 326.15.76.006 is to be combined with Rule 326.15.76.005, and Rule .012 will be incorporated with .011. Therefore, Rules .005 and .011 contain new wording, and Rules .006 and .012 will be repealed. Other changes result from clarification and reorganization of the language of the rules.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 236, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

These amendments are proposed under the authority of Article 695c, Texas Revised Civil Statutes.

.001. Definitions.

(a) Overissuance is the amount of *the* bonus coupons received by a recipient in excess of the amount for which *the recipient* [he] is eligible.

(b) Bonus coupons are the difference between the amount paid and the value of food coupons received.

(c) Fraud in relation to the Food Stamp Program means a deliberate and willful misrepresentation or intentional concealment of facts for the purpose of obtaining an overissuance of food coupons. In some circumstances, this may include an intentional failure to report changes in circumstances which affect eligibility. [The following criteria can be used to help identify cases which may involve fraud:

[(1) A fraudulent representation must be in such form as to be a statement of fact or a concealment of facts;

[(2) the fact misrepresented must be material to the overissuance;

[(3) the representation must be untrue and the individual making the representation must know or believe it to be untrue;

[(4) the representation must be made with the intent and for the purpose of influencing the certifying worker in the determination of program eligibility, price paid for food coupons, or total value of coupons received;

[(5) the certifying worker to whom the representation is made must believe and rely on it and have the right to do so; and

[(6) the certifying worker relying on the representation must act upon it, and there must be resulting loss to the program.]

(d) Recovery is a general term which refers to the different methods used by DPW to obtain repayment of erroneously or fraudulently received food stamp and AFDC benefits. Restitution, recoupment, and case denial (in food stamps only) are methods of recovery.

(e) Restitution is the process of clients making payments to DPW in the form of cashier's checks and money orders payable to DPW as reimbursement for food stamp and/or AFDC benefits received through misrepresentation, fraud, error, or misunderstanding.

(f) Recoupment is DPW's method of withholding wrongfully received AFDC funds by reduction of an AFDC grant. This term is used only in reference to the AFDC Program.

.002. Notifying the Recipient. When it has been established that an overissuance has occurred and the current certification data is incorrect, a notice of adverse action will be sent to the household if the change would decrease the household's bonus coupons within the certification period. Action then will be taken *promptly* to correct the basis of issuance after the expiration of this notice unless the household requests a [conference,] fair hearing [, or both]. *Requests for fair hearings are* [The request will be] handled in accordance with fair hearing procedures. *For overissuances involving suspected fraud, workers must adjust the current basis of issuance before referring the case for investigation.*

.004. Overissuance Determined as Error or Misunderstanding.

(a) Overissuances which are not suspected to be fraudulent and those which the *investigative* [fraud] unit determines not to be fraudulent are considered errors or misunderstandings.

(b) Errors or misunderstandings include:

(1) computation errors by certifying workers;

(2) incorrect ATP cards *because of* [due to] errors in processing; [and]

(3) misunderstandings of the Food Stamp Program requirements because of language barrier, educational level, or noncomprehension of written or verbal instructions.

.005. Reporting the Overissuance.

(a) A report of food coupon overissuance/overpayment *is* [will be] prepared *by the certification worker* in all cases of *error or misunderstanding or cases involving less than \$100 which are suspected of misunderstanding or fraud.* [overissuances except those noted in Rule 326.15.76.006. In cases suspected to be fraudulent, completion of the form will be delayed pending review by the fraud unit. If the fraud unit refers the case to the local prosecutor, completion of the form will be delayed further until criminal prosecution has either been declined or completed or until the local prosecutor approves the taking of collection action. When completed, this report will cover the period of time in which the overissuance occurred. It is the responsibility of the recipient's current certifying office to process the form upon receipt from the fraud unit of a repayment from recipient or major or individual provider form, or food stamp recipient convicted of fraud form.]

[.006. (a)] The report of food coupon overissuance/overpayment is not required in cases involving errors by coupon book issuing personnel redeeming the ATP card. [or when overissuances, determined as errors or misunderstandings, are immediately detected and the total amount of overissuance is recovered.] *A specialized worker may be designated to process the reports and recovery proceedings on behalf of responsible certification offices. In cases referred to the investigation unit involving \$100 or more, completion of the report will be delayed pending their review. For cases returned by the investigative unit as no fraud, a report will be processed as an error or misunderstanding.* [The recovered food coupons will be individually cancelled on the face of the coupons in pen and transmitted directly to Chief of Fiscal Affairs, Fiscal Division, State Office, with a cover memorandum and list of recovered coupons. The memorandum will contain:

- (1) case name;
- (2) address of household;
- (3) case number;
- (4) correct purchase price and amount of coupons authorized;
- (5) purchase price and the amount of coupons actually received; and
- (6) month the ATP was redeemed and the reason for the overissuance.

(b) A copy of this memorandum must be retained in the recipient's case record.

(c) A list of the coupons recovered, by denomination and serial number, will be prepared and signed by the client and staff member receiving the coupons. The original will be given to the client, and a copy will be filed in the household case record.]

(b) *If the case reveals fraud involving \$100 or more, a report of food coupon overissuance/overpayment will not be prepared. The investigative unit will initiate a repayment from recipient or major or individual provider form, and a food stamp overissuance chart. Copies of these forms will be sent to the certification office to be filed in the case record. Restitution payments in these cases are handled solely by the investigative unit.*

(c) *If the investigation reveals no fraud, a status form will be sent to the certification office and a report of food coupon overissuance/overpayment will be processed by the certification office as an error or misunderstanding.*

(d) *In no case would a determination by the investigative unit of no fraud be processed for recovery by certification staff as misrepresentation or fraud.*

.007. Reviewing Official.

(a) The reviewing official for reports of overissuance is the food stamp or financial services program director currently responsible for the household case record. The reviewing official will review report forms for adequacy and compliance with the policies on reporting overissuances in Rule 326.15.76.005 and the rules on administrative procedures. The reviewing official will either approve or disapprove the action taken by the caseworker and the supervisor.

(b) If approved, the reviewing official will sign and date the reports. An approved copy of the report will be filed in the household's case record.

(c) If [disapproved] the reviewing official *disapproves*, [will give] the reason for disapproval *will be included* in a memorandum. The report and memorandum will be returned to the originating office for compliance with the reviewing official's comments.

[(d)] The reviewing official cannot change a determination of fraud made by the investigative unit. The reviewing official can require that [the facts and circumstances of] an overissuance originally determined [by the caseworker and supervisor] as error or misunderstanding *by certification staff* be processed [submitted to the investigative unit] as suspected fraud.

.008. Responsibility for Recovery [Collection].

(a) [(b)] Certifying offices are obligated to make all reasonable efforts, in accordance with the guideline *noted in Rules 326.15.76.009 and .011* [shown below] to *recover* [collect] all overissuances *not being processed by the investigative unit.* This obligation includes the responsibility for ensuring that repayments are

made in accordance with the agreed repayment schedule. **Collection procedures will begin within 30 days of discovery.** [(a) Households entitled to retroactive benefits or cash refunds shall have such benefits credited against unpaid balances for overissuances.]

(b)[(c)] **For overissuance cases suspected of fraud which involved \$100 or more,** [In cases involving suspected fraud] no verbal or written agreement to accept repayment will be made [without] prior to their review by the **investigative** [fraud] unit. The assertion and particularly the collection of claims might possibly prejudice successful criminal prosecution if the **investigative** [fraud] unit determines the case should be referred to the local prosecutor.

(c) **The investigative unit is responsible for all collection actions for cases determined as fraud with overissuances amounting to \$100 or more.**

.009. Collection Action Required. [Collecting Claims in Cases Involving Fraud.]

(a) Collection action will be taken on all overissuances **either by the certification office or investigative unit.** [determined by the fraud unit to involve fraud.] In those cases **referred** [in which referral] to the local prosecutor [is made], any administrative collection [action] should be withheld until criminal prosecution either has been declined or completed or until the local prosecutor approves the taking of collection action. When authorized, written demands are made to inform the recipient of **the possible** [denial and other] consequences **for failure** [if he fails] to cooperate **in making payments.** **In no case will denial be imposed for cases of error or misunderstanding.** **The written demands should never contain threats or abusive language.** **If the case involves misrepresentation or fraud, do not use the word "fraud."** [Such demand letters must not be threatening or abusive. If the local prosecutor has declined prosecution, no threat of criminal penalty should be made. Discretion should be exercised in the use of the word "fraud," unless the recipient has been found guilty in a court of law.]

(b) **The following criteria will apply in determining the number and frequency of demand letters to be used in attempting to collect all overissuances:** [As a minimum, the following action will be taken on households refusing to cooperate in repaying overissuances determined as fraudulent:]

- (1) overissuance of \$50 or less-- one written demand letter to the household;
- (2) overissuances from \$51 to \$100-- two written demand letters;
- (3) overissuance of more than \$100-- three demand letters and a personal contact.

(c)[(b)] When more than one demand letter is necessary, additional letters normally will be sent at **14-**[30-] day intervals. If a personal contact is **necessary** [required], it should be made within **14** [30] days after

the third demand letter is **sent to** [received by] the household. There should be no unnecessary **delays** [time lags] in responding to any **communications** [communication] received from the household.

.011. Overissuance Recovery by Denial (Fraud Only). [Participation Denied.]

(a) **In cases determined administratively or by court decision to involve misrepresentation or fraud, failure by the client to establish or comply with an agreed repayment schedule, either in amount or frequency, will result in denial of the case. Denial action will be taken by the certification worker or specialized worker, as appropriate, only with the approval of the supervisor and program director. The investigative unit may recommend denial for cases which their staff process.** [If the overissuance is not repaid or a repayment schedule is not negotiated with the household during the initial collection effort, the household will be disqualified from participation in the Food Stamp Program.]

(b) **Prior to denial, certification staff will obtain the program director's approval by memorandum. The program director's memorandum of approval will be filed in the case record. The supervisor's approval must be documented in the case record.**

(c)[(b)] The disqualification period will be determined by dividing the unreimbursed overissuance by \$25 and adding one month for any remainder [over \$12.50]. **For any unreimbursed overissuance of less than \$25, participation will be denied for one month. These households will not be certified for food stamps until the entire overissuance has been met either through total payment of the balance in cash, the expiration of the disqualification period, or a combination of partial payment(s) and disqualification.**

(d)[(c)] This same formula applies to those households which are not currently participating in the Food Stamp Program and are not repaying the overissuance.) If a household has not repaid a fraudulent overissuance and **the** [that] household reapplies for food stamps, **denial of participation will be continued** [denied] for the appropriate **remaining** months based on the formula stated above. **The length of the disqualification period can be reduced or terminated, depending upon whether the household makes sufficient partial or full repayment of the overissuance. A household owing an unpaid overissuance of \$215 is denied for nine months and reapplies four months after denial. Denial for four months is equivalent to \$100 in repayment, leaving a balance of \$115 or five months of continued ineligibility. If the household pays the balance in full and is eligible under the normal certification requirements, the household will be certified without further penalty. Otherwise, the household may make partial payments of any amount**

toward the remaining balance, which may or may not reduce the disqualification period as determined by the formula above.

(e) *Households which are denied for failure to repay fraudulent overissuances cannot be certified until the overissuance is paid or the disqualification period has expired.*

(f) *Should the investigative unit obtain a conviction and if the overissuance is not recovered upon conviction, the case will be denied. This provision applies even if the court did not order restitution payments.*

(g) .012. (a) The reviewing official has the authority to *overrule* [reduce] or terminate [the] disqualification *from participation if it is in the best interest of the program.* [of a household to participate in the Food Stamp Program for failure to reimburse an overissuance determined as fraud.] He *also* can *authorize liberal repayment schedules if the household is under extreme financial hardship* [allow the disqualified household to participate or be certified, if it is in the best interest of the program, or if he determines that even a very liberal repayment schedule would create an extreme financial hardship on the household. This reduction or termination can only be made if the chief of fiscal affairs has concurred in the request to terminate collection efforts. The disqualified household's certifying office will be informed of this determination by memorandum. The memorandum will contain the new termination date of the disqualification and a brief explanation of the reason for the reduction or termination of the household's disqualification.] *Such authorization must be in writing to the certification office and filed in the case record.*

.013. *Determination of Collectibility. [Overissuance Determined as Fraud and Considered Uncollectible.]*

(a) *Before an overissuance can be determined uncollectible, the appropriate number of demands must have been made in accordance with Rule 326.15.76.009.*

(b) (a) If [The entire amount of an overissuance can be determined [is considered] uncollectible *only for the following reasons:* [by the worker and supervisor, the Food Stamp Program director should be informed by memorandum. The program director will review the circumstances. When he concurs, a memorandum must be submitted to the chief of fiscal affairs, Fiscal Division, State Office, requesting that the overissuance be considered uncollectible and authorization be given the certifying office to terminate collection activity and close the overissuance case. Such authorization should be requested under the following conditions:]

(1) When the certifying office determines that it cannot collect any significant sum from the household.

(A) The household's future financial prospects should be considered in this condition. In addition [the following factors should be considered:] age and health of the debtor, present and potential income, inheritance prospects, and possible assets *must be considered.*

[(B) If there is a strong indication that the household is able to repay the overissuance but refuses, a separate memorandum will be sent to the fraud unit through the reviewing official, detailing all known facts concerning the resources, income, and other factors which indicate the household's ability to pay and requesting their evaluation on instituting legal proceedings to recover the overissuance. The certifying office will not request that collection action be terminated until the fraud unit has responded. The certifying office will comply with the advice of the fraud unit that the overissuance be considered uncollectible or that legal action be taken against the household.]

(2) When the household cannot be located or has moved to another state and the location in that state is not known. An effort should be made by the certification worker to determine if there is any property, real or personal, remaining in Texas that is owned, in whole or in part, by the head of the household. A description of such property, or a notation that none exists, should be a part of the certifying office's report.

(3) When it is likely that the cost of further collection activity will exceed the amount recoverable. Each collection action is estimated to cost \$50. [(A) If the number of collection actions times 50 is equal to or greater than the amount of unreimbursed overissuance, this condition can be considered fulfilled. This does not authorize the certifying office to take less than the minimum action required.] *This provision does not apply to fraud cases.*

(4) *When the case is deemed legally without merit based on the definition of misrepresentation or fraud and voluntary repayments are unobtainable. The determination of collectibility will be made by the worker with supervisor's approval on overissuances caused by error or misunderstanding in amounts less than \$400. In cases of error or misunderstanding involving \$400 or more, or fraud cases of any amount, USDA's concurrence must be obtained through Fiscal Division prior to termination of collection action.* [(4) When the fraud unit determines that the evidence necessary to prosecute a fraudulent overissuance is insufficient or witnesses are unavailable and efforts to bring about voluntary payments are useless.]

.014. *Procedure for Terminating Collection Action. [Memorandum Requesting that Collection Action Be Terminated.]*

(c) Copies of this memorandum will be sent by the Fiscal Division [to] *will request USDA's* [USDA for their] *concurrence to terminate* [in terminating] collec-

tion *action on behalf of DPW, in appropriate cases. Once USDA concurrence is received, collection action may be terminated. The amount determined uncollectible in fraud cases will be recovered by case denial.* [activity. The answer from USDA will be forwarded to the fraud unit and to the certification office. The certification office will not suspend collection activity until notified that the chief of fiscal affairs and USDA have concurred in the request to terminate collection efforts.]

[(a) The memorandum requesting that collection action be terminated will contain:

[(1) a summary of every effort by the certifying office to collect the overissuance and the results of these efforts:

[(2) the amount of unreimbursed overissuance and the period of time the household is being denied participation, if currently eligible; and

[(3) a brief summary of the household's financial situation and any other information to substantiate a decision to terminate collection action.

[(b) This request will be routed to the reviewing official. If he concurs with the request and determines that further reasonable collection efforts would be futile, this memorandum, with copies of the demand letters as attachments, will be forwarded to the Chief of Fiscal Affairs, Fiscal Division, for his concurrence. A copy of the memorandum must be sent to the fraud unit for their records.]

.015. When Repayment Schedule Is Not Met. If the household defaults on a repayment schedule, either in amount or frequency, the case will be listed on restitution delinquency report, and it will be necessary to contact the household to determine its intentions for repaying the overissuance. [The household will be disqualified from further participation in the program, if currently eligible, when a second default occurs. This disqualification will be based on the formula in Rule 326.15.76.011. The household will be advised of the action at the time contact is made after the first default.] After all reasonable efforts to collect the unreimbursed overissuance have been expended, the overissuance may be considered uncollectible.

.016. Households Owing an Unpaid Balance.

(a) Households which owe an unpaid balance for an overissuance determined to be fraudulent may be certified or continue participating in the Food Stamp Program if:

(1) the certifying office is assured that all reasonable efforts to repay the overissuance are being made, and

(2) scheduled payments continue to be made in the amount and frequency of the agreed schedule.

(b) Cases with overissuances caused by error or misunderstanding are not subject to denial for failure to comply with repayment schedules.

.019. Accepting Coupons for Repayment. Coupons can be accepted only to repay, in whole or in part, overissuances which are immediately detected *in the month the overissuance occurred.* The coupons that are recovered must be part of the erroneous issuance.

.021. Size and Frequency of the Payments.

(a) Claims should be collected in one lump sum whenever possible. Local prosecutors should be made aware of this preferential method of collecting an overissuance when the case is referred for prosecution. If the household is financially unable to pay in this manner, payments may be accepted in regular installments. Installment payments should be as large as possible. Payments of less than five dollars per month should not be accepted except under the most unusual circumstances.

(b) Payments should be sufficient in size and frequency to liquidate the claim in three years or less. Payment schedules should not extend for more than three years; *however, certification staff do not have the authority to change restitution schedules established by a court order or through agreements with local prosecutors.*

(c) Demand and payment of overissuances fraudulently obtained shall not relieve or discharge such households of any liabilities, either civil or criminal, for any additional amounts as may be due under any other applicable provision of law.

.022. Type of Payments.

(a) Recipients will be advised that payments are to be made with either a cashier's check, bank or postal money order payable to the Texas Department of Public Welfare. [and] *The payments must be* delivered or mailed to the certifying office where *the client's* [their] case is maintained, or [mailed] to the *investigative unit for cases which they are processing.* [following address: State Department of Public Welfare, Restoration, Overissuance, Recoupment Section, Austin, Texas 78701.]

(b) When payments are received in the certifying office, the worker will forward the payment immediately to the **Fiscal Division, State Office** [above address]. Under no circumstances will [the] payments be retained in the certifying office for longer than 24 hours after receipt.

(c) All payments under a scheduled repayment, or the total sum of the repayment will be received in Fiscal Division, State Office. Fiscal Division sends a monthly report to USDA listing all payments received, the names of the recipients, the total amount of claim, the amount of current payment, the total amount repaid, and the current amount due.

(d) Monthly, all overissuance cases (fraud and error or misunderstanding) for which no payment was received during the month or for which a delinquent balance is shown will be listed on a restitution delinquency report. This is **sent monthly** [forwarded] by Fiscal Divi-

sion to *individual worker budgeted job numbers* [regional administrators and the fraud units].

.023. State Office Responsibilities.

(a) The Chief of *Staff Services* [Fiscal Affairs], Fiscal Accounting Division, State Office, will:

(1) maintain the file of reports of food coupon overissuance/overpayment for overissuances under \$400 determined to be error or misunderstanding;

(2) submit all cases of overissuances determined to be fraud and other overissuances of \$400 or more to USDA for their concurrence with the reviewing official's approval of the action taken.

Issued in Austin, Texas, on September 3, 1976.

Doc. No. 784872 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Proposed Date of Adoption: October 14, 1976

For further information, please call (512) 475-4601.



326.15.76.003, .006, .010, .012
.017, .018, .020

The Department of Public Welfare proposes the repeal of the following rules about overissuance and recovery in the Food Stamp Program. The department is also proposing amendments and new rules about overissuance and recovery which will replace the repealed rules. Rule 326.15.76.006 will be incorporated in Rule .005. Rule 326.15.76.012 will be incorporated into Rule .011. The remaining rules to be repealed will be replaced by the proposed amendments and new rules. These proposed repeals result from a department decision to revise and clarify policy.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 236, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

These repeals are proposed under the authority of Article 695c, Texas Civil Statutes.

.003. Overissuances Suspected To Be Fraudulent. The determination that an overissuance is fraudulent will be made only by the fraud unit. Households may continue to participate in the Food Stamp Program, if eligible, while the overissuance is being investigated.

.006. When Report Form Is Not Required.

(a) The report of food coupon overissuance/overpayment is not required in cases involving errors by coupon book issuing personnel redeeming the ATP card or when overissuance, determined as errors or misunderstandings, are immediately detected and the total amount of overissuance is recovered. The recovered food coupons will be individually cancelled on the face of the coupons in pen and transmitted directly to Chief of Fiscal Affairs, Fiscal Division, State Office, with a cover memorandum and list of recovered coupons. The memorandum will contain:

- (1) case name,
- (2) address of household,
- (3) case number,
- (4) correct purchase price and amount of coupons authorized,
- (5) purchase price and the amount of coupons actually received, and
- (6) month the ATP was redeemed and the reason for overissuance.

(b) A copy of this memorandum must be retained in the recipient's case record.

(c) A list of the coupons recovered, by denomination and serial number, will be prepared and signed by the client and staff member receiving the coupons. The original will be given to the client, and a copy will be filed in the household case record.

.010. Amount of Effort to Take in Collecting Fraudulent Overissuance. The collection action shall be commensurate with the amount of overissuance involved. Judgment should be used to determine the amount of effort to take in each case. This decision should be based on the nature of the case, the fraud unit's recommendations, the household's current eligibility for participation in the Food Stamp Program, the amount of overissuance, and other considerations.

.012. Authority of Reviewing Official to Overrule Denial of Participation. The reviewing official has the authority to reduce or terminate the disqualification of a household to participate in the Food Stamp Program for

failure to reimburse an overissuance determined as fraud. He can allow the disqualified household to participate or be certified, if it is in the best interest of the program, or if he determines that even a very liberal repayment schedule would create an extreme financial hardship on the household. This reduction or termination can only be made if the Chief of Fiscal Affairs has concurred in the request to terminate collection efforts. The disqualified household's certifying office will be informed of this determination by memorandum. The memorandum will contain the new termination date of the disqualification and a brief explanation of the reason for the reduction or termination of the household's disqualification.

.017. Action Required on Overissuances Determined as Caused by Error or Misunderstanding. The initial action to collect the overissuance determined as caused by error or misunderstanding can be accomplished by a letter or personal contact. Only one type of communication with the household is necessary to determine whether all or part of the overissuance can be collected.

.018. Additional Action Unnecessary.

(a) The certifying office is not required to take additional collection action to recover the value of overissuance in any case in which the value is less than \$400 if the certifying office determines that either:

- (1) it cannot collect or force collection of any significant sum from the household; or
- (2) the cost of collecting will exceed the amount recovered. The cost of each collection has been established at \$50; therefore, no additional collection action is necessary for an overissuance of \$50 or less.

(b) If the total value is \$400 or more, the certifying office may decline to take collection action, other than that outlined above, only with the concurrence of the Chief of Fiscal Affairs through the reviewing official.

.020. When Repayment Is Not Made in Cases Involving Error or Misunderstanding. If the household defaults, either in amount or frequency, on a previously agreed repayment schedule for an overissuance determined as error or misunderstanding, regional administrators and the fraud units will be advised by Fiscal Division. On receipt of notification of non-payment, the following action will be taken:

(1) Overissuance of less than \$400. The household will be contacted to determine its intentions for repayment of the overissuance. If it appears the household will not continue repaying the overissuance, the overissuance case will be closed. A memorandum will be sent, through the reviewing official, to the Chief of Fiscal Affairs, Fiscal Division, State Office, advising him of this action. A copy will be retained in the household's case record.

If it appears that the household may continue repayment of the overissuance, the overissuance case will remain open. The case will be closed if a later default occurs.

The household need not be contacted on second or subsequent defaults. A memorandum will be sent to the state office as stated above. The household may continue to participate in the Food Stamp Program.

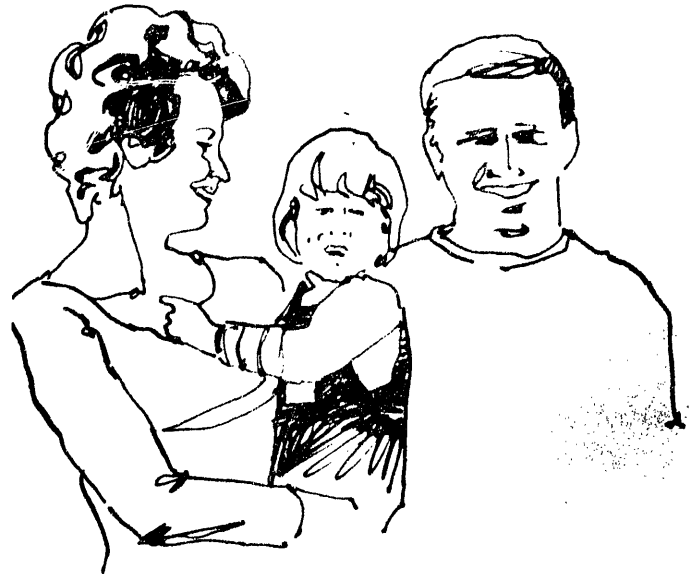
(2) Overissuance of \$400 or more. The action outlined in (1) will be followed. The memorandum to the Chief of Fiscal Affairs will list the collection action taken after the initial contact shown on the report of overissuance. The memorandum must include a request for concurrence from Fiscal Division to close the overissuance case. A copy of the requesting memorandum will be retained in the household's case record. The household may continue to participate in the Food Stamp Program.

Issued in Austin, Texas, on September 3, 1976.

Doc. No. 764673 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: October 14, 1976

For further information, please call (512) 475-4601.



326.15.76.024-.027

The Department of Public Welfare proposes the following new rules about overissuance and recovery in the Food Stamp Program. The proposed rules describe procedures for determining the type of overissuance, designate responsibilities for investigation and collections, and set up local office controls to monitor repayment schedules.

The determination that an overissuance contains misrepresentation or fraud will be made by a specialized worker on all cases suspected of fraud involving less than \$100. Cases suspected of fraud involving \$100 or more will be investigated by the investigative unit. If a determination of fraud is made, all collection activities will be processed by the investigative unit. If a determination of no fraud is made, the overissuance will be processed by the certification staff. These proposed rules result from a department decision to revise and clarify policy.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 326, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

These rules are proposed under the authority of Article 695c, Texas Civil Statutes.

.024. Determining the Type of Overissuance. Once an overissuance is discovered, the certification worker will review the case to determine whether or not it should be processed for suspected fraud or as an error or misunderstanding. As a part of this review, the worker will compute the amount of the overissuance. The certification worker is responsible for initial fraud referral in addition to continued certification functions while the case is under investigation.

.025. Responsibility for Investigation.

(a) If the investigative unit determines (either administratively or as a result of court action when referred for prosecution) that fraud does exist, the investigative unit is responsible for obtaining restitution. This includes setting up a repayment schedule with the client and collecting payments. If the investigative unit is unable to set up a repayment schedule or the client fails to cooperate in making payments, the case will be denied by certification staff. The determination that an overissuance contains misrepresentation or fraud will be made by the specialized worker with the supervisor's approval on all cases suspected of fraud involving less than \$100.

(b) In all cases to be processed by the specialized worker, the specialized worker is responsible for conducting an investigation of all relevant information and collecting sufficient evidence to justify recovery action. This information must be of such detail and content to be legally defensible in a court of law, even though cases handled by the specialized worker will not ordinarily be presented for prosecution.

(c) During the course of the investigation, discretion must be exercised if personal contacts are necessary with recipient's employers, banking institutions, neighbors, relatives, etc. The purpose of the investigation should not be divulged. Current information contributing to the overissuance will be verified and thoroughly documented in the case record. The specialized worker will take recovery action.

.026. Fraud Referrals from Outside Sources. Financial Services Branch case reviewers, such as validation staff or program evaluation staff, will notify the local certification office of cases suspected of fraud.

.027. Local Controls.

(a) A copy of the restitution payment record will be filed in each case record in which repayment schedules are agreed upon. Upon receipt of each monthly payment, the proper entries will be recorded, and a receipt will be provided to the client.

(b) Restitution payments are also recorded on a monthly restitution collections log, which serves as a source of consolidated data for monthly reports to Program Management Division, Financial Services Branch, State Office.

Issued in Austin, Texas, on September 3, 1976.

Doc. No. 764674 Raymond Vowell
Commissioner
State Department of Public
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Proposed Date of Adoption: October 14, 1976

For further information, please call (512) 475-4601.

Continuing Education

Policy and Procedures 326.77.01

The Department of Public Welfare proposes the following amendments to its rules about cooperative advancement education and internships. Most of the proposed changes involve reorganization of sentences to clarify their meanings. Some minor additions and deletions are proposed to explain, update, or expedite the functioning of these continuing education programs. The largest proposed additions are at the end of Rule 326.77.01.013, where non-job-related college courses and non-agency staff development are discussed.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 365, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

These amendments are proposed under the authority of Article 695c, Texas Revised Civil Statutes.

.013. Cooperative Advancement Education.

(a) Definition. Cooperative advancement education is education *or training* authorized by the department. Such education may consist of workshops, [seminars,] institutes, educational sessions, short term college or technical school courses with or without academic credit

[toward a degree], and other special programs or activities. **The education or training must be in concentrated courses of study** [These must be of a concentrated, precise content] designed to improve the individual's professional or technical knowledge **and enhance** [in] the performance of his/her present or prospective duties [and responsibilities]. **Work agreements signed prior to August 1, 1976, must be paid off according to the terms of the agreement.**

(b) Objectives. Cooperative advancement education is designed to improve the department's efficiency and economy by helping all employees achieve their highest potential [of competency].

Requests for cooperative advancement education are submitted to the Continuing Education Bureau on [Form 191] **the request for participation in cooperative advancement education.** All requests for cooperative advancement education will be coordinated through the Continuing Education Bureau.

Attendance for regional staff will be authorized by the regional administrator[s] **or a designated regional director** and coordinated through the regional director of educational services and **coordinated** by the chief of the Continuing Education Bureau. Attendance for state office staff will be authorized by the division **administrator** [head] **and coordinated by the chief of the Continuing Education Bureau.**

(c) Types of cooperative advancement education. Cooperative advancement education may be achieved through **the following areas:**

(1) Formula grant workshops or seminars. These are provided by the [four] graduate schools of social work in Texas **and by other contracting colleges and universities through their formula grant contracts with the department.** **Information concerning attendance at these workshops may be obtained by contacting the coordinator of university programs and contracts in the Continuing Education Bureau.** **Registration to the workshop must be made by that office.** **A limited number of tuition-free spaces are made available to department employees.** **After these are filled, attendees will be required to pay normal tuition for attendance.** Tuition, travel, and *per diem* will be paid from administrative funds of the division or region to which the employee is assigned **and will be costed out on the continuing education formula.**

(2) Events jointly planned with and sponsored by other agencies. **Other agencies or events involved could be the** [e.g.] Work Incentive Program (WIN), Vocational Rehabilitation (VR), **and the Governor's Office** [etc.]. For these events, tuition, travel, and *per diem* will be paid from administrative funds of the region or division to which the employee is assigned, [and] will be costed out on the **favorable** continuing education for-

mula of 75 percent federal and 25 percent state, and will be excluded from the social services ceiling.

(3) Short-term seminars and workshops sponsored by outside professional, governmental, or educational agencies. For these, tuition, fees, travel, and *per diem* will be paid from administrative funds of the division or region to which the employee is assigned and will be costed out on the continuing education formula.

(4) Extended educational sessions. Included in this category are full-time or part-time non-college educational sessions which require more than five working days, for example, a two-week Civil Service course.

If the educational leave is requested by the department for a specific assignment, the department may pay the cost of tuition, books, and other expenses. Otherwise, expenses will be borne by the employee. If the department pays for tuition, books, and other expenses, funds will come from the administrative funds of the region or division to which the employee is assigned and will be costed out on the continuing education formula.

(5) **Job-related** [Individual] college courses. An employee may be allowed [time from a regular job assignment] to attend, **during normal working hours**, a class or classes **offered by** [at] a college or university. **No more than six semester hours per long term session nor more than three semester hours per summer session may be taken by the employee during normal working hours.** **An employee may attend such classes during work hours if the immediate superior determines that** [if]:

- (A) The employee's job assignment is current.
- (B) The employee can [(while on educational leave)] keep his/her [present] job assignment current or can arrange for job coverage.
- (C) Classes are directly **related to the current career field or career progression within that field** [job-related].
- [(D) Funds are available.]

The superior must approve attendance.

(6) An employee who is granted time to attend college courses will remain on full salary. [An employee granted time for individual college courses will be required to sign a work agreement with the department.] The department may pay tuition, books, and other expenses if the **training** [educational leave] is requested by the department **to meet a specific need** [for a specific assignment]. **If so, the expense must be borne from funds available to the region or division to which the employee is assigned.** Otherwise, the employee bears the expenses. [If tuition, books, and other expenses are paid by the department, funds will come from the administrative funds of the region or division to which the employee is assigned and will be costed out on the continuing education formula.]

All individuals participating in job-related college courses must complete the request to participate in cooperative advancement education. The form must be approved by the regional administrator or division administrator. Prior to attendance at school, the form will be coordinated through the Continuing Education Bureau.

(7) **Non-job-related college courses.** If a college course is not directly job-related, an employee may use accrued annual leave to attend classes. An employee does not have to sign a request to participate in cooperative advancement education in this instance.

(8) **Non-agency staff development.**

(A) **Professional.** Department employees may be permitted to attend selected workshops, seminars, institutes, and training sessions whenever these are directly related to the performance of specific duties.

When the training is requested by the department, tuition, travel, and per diem may be paid from funds available to the region or division authorizing the participation.

The request to participate in cooperative advancement education, signed by the regional administrator or division administrator will be coordinated through the Continuing Education Bureau prior to attendance.

(B) **Technical.** Technical training may be provided certain staff, such as data processing, whenever it is required to develop skills or improve operations. If such training is requested by the department, tuition and per diem may be paid from funds available to the region or division authorizing participation. The request form approved by the regional administrator or division administrator will be coordinated through the Continuing Education Bureau prior to attendance.

.014. Internship.

(a) **Definition.** An internship [with the department] is a formalized department and school approved learning experience *which* [It] can best be obtained through actual work experience over an academically acceptable period of time. *All internships must be coordinated with the Continuing Education Bureau.*

(b) **Objectives.** Internship programs will:

(1) *provide an opportunity for the department to recruit potential employees,*

(2) *allow the department to obtain information and enhance or develop capabilities through contact with [gain skills from] other agencies.*

(c) **Types of internships.** Internship programs may be of three types:

(1) **Field practice for graduate students.** *When [Where] possible, the department will provide an agency*

setting for graduate non-department employee students. This arrangement permits students to work in the department under the supervision of the school and/or the department for the number of hours required to fulfill the requirements of the graduate degree program [by the school] to obtain a graduate degree].

(2) **Field practice for undergraduate students.** Certain colleges and universities in the state have an accredited undergraduate sequence or are working toward approval in disciplines needed by the department. Through cooperative agreements with these schools, the department will provide field experience and practice as part of the college or university requirement. *Provided funds are available, the student will receive supervisory guidance while working the required number of hours in a department office.* [The student will work in an office of the department for the required hours and will be provided supervisory guidance by the Regional Director for Education Services or his designee.]

(3) **Internship with other agencies.** The department may arrange an internship with another agency so the employee can increase his/her knowledge in specific areas, if such an arrangement will be of advantage to the department. Examples [of other agencies]: Department of Health, Education and Welfare *and* the Governor's Office [, etc].

(d) **General information.**

(1) To obtain an internship *for a department employee* [from the department] to another agency [for an employee], the division *administrator* [head] or regional administrator must *coordinate the request through* [submit a request to] the Continuing Education Bureau. *Each* [This] request must have approval from the *Deputy Commissioner* [Executive Office].

An employee on an internship from the department to another agency will receive full salary from his/her division's or region's budget. *The employee* [He] will therefore accrue annual leave, sick leave, and other benefits as if he/she were physically present on a department job. The employee is required to sign an agreement to return to work for the department at the completion of the internship (*normally two months for each month of the intern program*) or to repay *in full the salary received* [the department the amount of money paid to him] while on the internship.

(2) If such an arrangement will be of benefit not only to the student, but to the department, an internship with the department may be a paid internship. Classification of the job will be determined by the division in which the internship is made available. Payment for such job will be from that division's or region's budget and costed out on the continuing education formula.

(3) All internships, regardless of where assigned, are to be planned with and coordinated by the Continu-

ing Education Bureau and are to have executive approval.

(4) When an internship (paid or unpaid) is provided by the department, the school making the placement is to provide the department with a statement of educational goals for the individual student, a description of the school's expectation regarding performance, and an outline of the school's plan for working with the department. These statements will include a list of the school's expectations of the supervisor.

Issued in Austin, Texas, on September 7, 1976.

Doc. No. 764712 Raymond Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption October 14, 1976

For further information, please call (512) 475-4601.

Railroad Commission of Texas

Gas Utilities Division

Special Rules of Practice and Procedure and Substantive Rules 051.04.03

The Railroad Commission of Texas proposes to adopt Gas Utilities Division Substantive Rule 051.04.03.020, which provides for delegation of authority, under certain conditions, to the Gas Utilities Division to approve the temporary sale of gas by Lo-Vaca Gathering Company for drilling rig fuel, pursuant to the provisions of Gas Utilities Docket 508. This rule is made in order to comply with the order issued in Gas Utilities Docket 508, on August 17, 1976, which is incorporated by reference into this rule.

On June 21, 1973, the Railroad Commission of Texas established an interim curtailment program for Lo-Vaca Gathering Company's transmission system detailing the priorities of service for all customers in times of natural gas supply shortages on the Lo-Vaca system, and ordering that "neither Lo-Vaca nor Coastal States nor subsidiaries nor affiliates shall make any new sales or spot sales" during the period of said order. In addition, the commission ordered that special exceptions may be granted to the stated priorities without notice or hearing when deemed in the national defense or highest interest of the state.

Since the promulgation of the interim curtailment program for Lo-Vaca Gathering Company on June 21, 1973,

the commission has granted various limited exceptions on an emergency day-to-day basis in those situations where natural gas was needed for a short period of time, no other sources of natural gas or other fuels were available, and that surplus natural gas was available in the Lo-Vaca Gathering Company system. The majority of these exceptions were requests for natural gas as a drilling rig fuel in remote areas of the state adjacent to Lo-Vaca pipelines.

The commission finds that any unnecessary delays in granting exceptions to the provisions of Gas Utilities Docket 508 for drilling rig fuel will cause additional unnecessary expenses in the exploration for oil and gas which ultimately will be borne by the consuming public; and therefore, the commission finds that it is in the public interest to handle the administration of exceptions applications for drilling rig fuel in such a manner as to prevent any increased costs due to the time lag for final commission decision.

Public comment on the proposed Rule 051.04.03.020 is invited. Comments should be submitted in writing to the Gas Utilities Division, Railroad Commission of Texas, at Railroad Commission of Texas, Gas Utilities Division, Capitol Station, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted until September 30, 1976.

Rule 051.04.03.020 is proposed under the authority of Article 6050 (1962) *et seq.*, Texas Revised Civil Statutes Annotated, Final Order in Gas Utilities Docket 508, and Section 13E Article 6252-13a, Texas Revised Civil Statutes Annotated, to read as follows:

.020. Delegation of Authority to Gas Utilities Division to Approve Temporary Sales of Drilling Rig Fuel by Lo-Vaca Gathering Company. Any application for a drilling rig fuel exception shall state the following facts and be sworn to before a notary or other public official qualified to administer oaths:

- (a) name of applicant;
- (b) name and location of drilling site;
- (c) approximate drilling time;
- (d) daily gas usage for drilling;
- (e) locations of all potential sources of fuel;
- (f) ability to use other fuels such as butane, propane, or diesel;
- (g) availability of other fuel supplies; and
- (h) description of what facilities will have to be installed to connect to the Lo-Vaca system.

The director of Gas Utilities, assistant rate director, or hearings examiner designated by either of the foregoing, shall have the authority to grant emergency exceptions to the commission's June 21, 1973 order, Gas Utilities Docket 508, under the following conditions:

- (a) Lo-Vaca Gathering Company will have sufficient natural gas supplies to meet its current customer

demand for the period that the applicant seeks to purchase natural gas supplies.

(b) No exception shall be for more than 120 days.

(c) All exceptions shall be on an emergency day-to-day basis and subject to interruption on order of the director of Gas Utilities, assistant rate director, or hearings examiner designated by them.

(d) No other sources of fuel are economically feasible.

(e) All applications for exception must be made under oath and comply with the requirements of the first ordering paragraph of this order.

This delegation of authority shall be effective from May 1, 1976, and until further order of the commission.

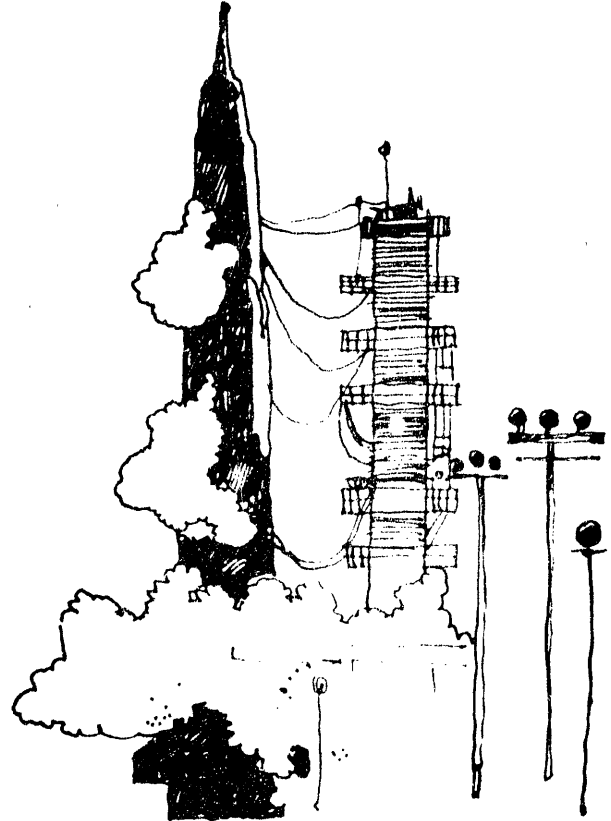
The director of Gas Utilities, assistant rate director, or hearings examiner designated by either of the foregoing, shall have no authority to deny any drilling rig fuel application. If it is the director's, assistant rate director's, or hearing examiner's opinion that any application should be denied, the matter shall be presented to the commission for consideration.

Issued in Austin, Texas, on September 3, 1976.

Doc. No 764665 Rex H. White, Jr.
Special Counsel
Railroad Commission of Texas

Proposed Date of Adoption: October 14, 1976

For further information, please call (512) 475-2747.



ADOPTED RULES

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.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System-- Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

Texas Animal Health Commission

Brucellosis

Cattle 177.03.01

The full text of the proposed version of this rule, which was adopted without changes, appeared in the March 16, 1976 (Volume 1, Number 21) issue of the *Texas Register*.

Under the authority of Section 23A, Article 7014f-1, Vernon's Texas Civil Statutes, the Texas Animal Health Commission has amended Rule 177.03.01.017 to read as previously published.

Issued in Austin, Texas, on September 3, 1976.

Doc. No. 764700 H. Q. Sibley
Executive Director
Texas Animal Health
Commission

Effective Date: October 1, 1976

For further information, please call (512)475-4111.

Office of the Governor Criminal Justice Division

Continuation Funding Policy for Local Projects 001.55.15

The Criminal Justice Division adopts Rules 001.55.15.001-.011, Continuation Funding Policy for Local Projects, effective October 1, 1976.

Public comments were received and reviewed by the Criminal Justice Division. Comments were received from eight councils of governments, two metropolitan planning units, three metropolitan counties, one metropolitan city, one police academy, two rural district attorneys, and the LEAA state representative for a total of 18 responses.

Each area addressed by the responses was considered and the reasons for their acceptance, in whole or in part, or rejection is set out.

Rule .005, Level of Funding for New Projects, is to provide for a graduated buy-in of each local project. The local units of government will have the opportunity during the initial application, preparation, and submission, in the first and succeeding years, to evaluate the project both financially and programmatically. Successful projects which merit continuation from local funds will be self-evident and those not meriting a commitment of local funds will be eliminated at the earliest possible date. Further, this rule provides for an orderly assumption of costs by the units of local government.

The first year of funding will be at 100 percent of the cost of the project except for juvenile justice funds. The second year would require the first cash contribution by a unit of local government. This one-year period will allow each unit of local government to evaluate new projects funded subsequent to the effective date of October 1, 1976, in their budgeting process. The federal fiscal year begins October 1, 1976, which is also the effective date of funding under the *1977 Criminal Justice Plan for Texas*.

Comments were made to postpone the effective date until as late as October 1, 1977. This would continue the current policy for another year. As noted above, the local units of government have a full year during the budgeting process to consider the first cash contribution required to continue the project, and the financial and program merits or demerits of a project should receive close scrutiny from the local units of government during their budgetary review.

The Criminal Justice Division therefore adopts the effective date of October 1, 1976.

Rule .006, Projects Currently Funded. The comments indicated that projects which were currently funded prior to the effective date of this rule should be continued under the provisions of the latest program description under which they were funded.

No comments indicated support for the proposed rule except three comments did suggest that an option be allowed with the above provision. The proposed extended funding would be subject to the provisions of .010, Exceptions.

The Criminal Justice Division therefore adopts the continuation of currently funded projects as provided for in the 1976 *Criminal Justice Plan for Texas* if the project meets the requirements of .003.

Proposed four year funding. Two comments proposed a four-year funding with 100 percent CJD funding for the first two years and 50 percent CJD funding for the last two years. The Criminal Justice Division rejects this proposal because it does not accomplish the results desired in the initial and annual program and financial evaluation by the local units of government as discussed above nor does it substantially relieve the financial impact or cost assumption which presently exists.

There were three comments that the Criminal Justice Division remove the limitations on continuation of projects. The Crime Control Act (Section 303(a)(9)) requires the assumption of costs within a reasonable period of time which carries out the "seed money" concept. The Criminal Justice Division rejects these comments.

There were four comments that the current continuation policies be retained. The current continuation policies have proved to work extreme hardships on units of local government. Therefore, the Criminal Justice Division rejects this comment.

There was one comment that the section on exceptions should be clarified by written policies and criteria. This proposed section is limited to a project-by-project basis and is intended to be the exception and not the rule. The uniqueness of the unusual situations do not lend themselves to written policies and criteria since many diverse factors will be involved. Further, the Criminal Justice Division Advisory Board will further review the justification for the exception. Since this should provide adequate checks and balances, the Criminal Justice Division rejects this comment at this time.

There were three comments regarding second and third year discretionary funds being allowed at 100 percent funding. The facts and circumstances justifying this, provided there are second and third year discretionary funds available, would be subject to the provisions of .010, Exceptions. Therefore, the Criminal Justice Division

feels no modification or further language is necessary and rejects this comment in the form presented.

The Criminal Justice Division amended .002, Definitions, (b), Juvenile Justice Act funds, to clarify the cash contribution required during the second through fifth years.

The Criminal Justice Division amended .004, Base for New Projects (b), to remove the 10 percent limitation on documented increases in projects to provide for flexibility in successful, ongoing projects. As a result of this modification, .004(c) was deleted.

The Criminal Justice Division amended .009, Special Projects, to include cadet, intern, and career development projects for conformity with the proposed 1977 *Criminal Justice Plan for Texas*.

These roles and guidelines are proposed under the authority of Public Law 93-83, Crime Control Act of 1973; and Public Law 93-415, Juvenile Justice and Delinquency Prevention Act of 1974; and rules and guidelines promulgated by the Law Enforcement Assistance Administration.

.001. Applicability. This policy shall apply to units of local government, a combination of local units of government, and regional councils and metropolitan planning units.

.002. Definitions.

(a) **Local Projects.** Local projects include those of a local unit of government, a combination of local units of government, and a regional council or metropolitan planning unit.

(b) **Juvenile Justice Act Funds.** Local projects funded from Juvenile Justice Act funds require a 10 percent grantee cash or in-kind match. The CJD will fund 90 percent of project costs in the first year. The funding level in .005 applies in the second through the fifth years, except that in-kind match, if approved in the first year, may be used in the second through the fifth years, provided, however, that the cash contribution required must be provided less the original approved 10 percent in-kind match.

(c) **CJD Funds.** CJD funds include Crime Control Act bloc grant Part C and E funds, Criminal Justice Planning Fund matching funds, Juvenile Justice Act formula funds, and LEAA discretionary funds from whatever source.

.003. Requirements. Continuation funding for local projects will be considered by the CJDAB when the following requirements have been met:

(a) the project is included as a high priority in a regional or metropolitan criminal justice plan for the year of continuation funding,

(b) the project is included in a Criminal Justice Plan for Texas for the year of continuation funding,

(c) all administrative, program, planning, financial, and evaluation requirements have been met,

(d) the participating units of local government have passed resolutions providing for their respective share of the cash contribution required for that year of funding, and

(e) the resolutions required in (d) are attached to the application for grant.

.004. Base for New Projects. The base for computation of the CJD funds and local cash contribution for the second through the fifth year of new projects shall be the first year of CJD funding with the following modifications:

(a) equipment costs funded by the CJD shall be deducted from the CJD amount before the calculation of subsequent year funding;

(b) documented increases in project cost that require CJD assistance may be allowed and the CJD and local cash contribution shall share in this cost at their respective percentages for the year of funding.

.005. Level of Funding for New Projects. Level of funding for projects receiving their first year of CJD funding after October 1, 1976, will be at the following ratios of maximum CJD funds and minimum local cash contributions:

| Year | CJD Funds (maximum) | Local Cash Contribution (minimum) |
|--------|------------------------|--------------------------------------|
| First | 100% | 0% |
| Second | 80% | 20% |
| Third | 60% | 40% |
| Fourth | 40% | 60% |
| Fifth | 20% | 80% |

.006. Level of Funding for Projects Currently Funded. Projects currently funded by the CJD on or before October 1, 1976, will be eligible for continuation funding as provided for in the 1976 *Criminal Justice Plan for Texas* if the project meets the requirements of .003.

.007. Education and Training Projects. Education and training projects for criminal justice personnel may be excepted from this policy.

.008. Equipment Projects. Projects for equipment are one year projects unless otherwise noted and are excepted from this policy.

.009. Special Projects. Projects for jail construction, landline communications, cadet, intern career development and career incentive pay, organized crime, and white collar crime units are excepted from this policy and will be continued as provided in the program description of the current *Criminal Justice Plan for Texas*.

.010. Exception. The CJD, based on written documentation submitted by the applicant, may recommend to the CJDAB on a project-by-project basis exceptions to this policy.

Issued in Austin, Texas, on September 3, 1976.

Doc. No. 764680 Robert C. Flowers
Executive Director
Criminal Justice Division

Effective Date: October 1, 1976

For further information, please call (512) 475-6065.

Existence and Adequacy of Equal Employment Opportunity Programs 001.55.17

The Criminal Justice Division adopts Rules .001.55.17.001-.011, Existence and Adequacy of Equal Employment Opportunity Programs, effective October 1, 1976.

No public comments were received.

This rule and guideline is adopted under the authority of Public Law 90-351, Title I, Omnibus Crime Control and Safe Streets Act of 1968 as amended by Public Law 91-644, Omnibus Crime Control Act of 1970, and Public Law 93-83, Crime Control Act of 1973; and Public Law 93-415, Juvenile Justice and Delinquency Prevention Act of 1974; and rules and guidelines promulgated by the Law Enforcement Assistance Administration.

.001. Definitions.

(a) "Equal Employment Opportunity Program" means the plan and supporting statistical data and information required by 28 C.F.R. 42.301, *et seq.*, subpart E.

(b) "Certification" means the certification required to be attached to an application for grant certifying the compliance with 28 C.F.R. 42.301, *et seq.*, subpart E.

.002. CJD Audit Responsibility. The CJD auditors, during an audit of a grantee or agency of the grantee who has a current grant or pending application for grant shall obtain a copy of the Equal Employment Opportunity Plan from the person named in the certification.

.003. Grantee's Compliance. Grantee or agency of the grantee is required to provide to any CJD auditor or the CJD EEO officer a copy of the information in .002.

.004. CJD EEO Officer's Responsibility. The CJD EEO officer, in compliance with LEAA Guideline Manual M4100.1E, State Planning Agency Grants, Chapter 2, Paragraph 21j, will review the Equal Employment Opportunity Plan for its adequacy under the requirements of 28 C.F.R. 42.301, *et seq.*, subpart E.

.005. CJD EEO Officer Determination of Inadequacy. If the CJD EEO officer shall determine that the Equal Employment Opportunity Plan is inadequate, the CJD EEO officer shall advise the person designated in the certification of the inadequacies of the Equal Employment Opportunity Plan.

.006. Grantee's Requirements on Notice of Inadequacy. A grantee or agency of the grantee shall submit a compliant Equal Employment Opportunity Plan within 60 days from the date of the letter notifying the person named in the certification of the inadequacy.

.007. Extensions of Time. The CJD EEO officer, for good and sufficient cause shown in writing by the grantee, may extend the time limitation in .006.

.008. Grantee's Failure to Have an Adequate Equal Employment Opportunity Plan. If a grantee or agency of the grantee fails to have an adequate Equal Employment Opportunity Plan, the CJD EEO officer may cause funds to be withheld pending an adequate Equal Employment Opportunity Plan being received, reviewed, and a determination of adequacy with 28 C.F.R. 42.301, *et seq.*, subpart E as required by LEAA Guideline Manual M4100.1E, State Planning Agency Grants, Chapter 2, Paragraph 21j.

.009. Grantee's Appeal of CJD EEO Officer's Determination. If a grantee or agency of a grantee disagrees with the determination of inadequacy of the Equal Employment Opportunity Plan, they shall have 20 days after written notice by the CJD EEO officer in which to appeal the determination to the Office of Civil Rights Compliance, LEAA, Washington, D.C. The grantee or agency of a grantee shall provide the CJD EEO officer with a copy of such appeal. An appeal by a grantee or agency of a grantee shall stay the provisions of .006, .007, and .009, pending a determination by the Office of Civil Rights Compliance, LEAA, Washington, D.C.

.010. CJD EEO Officer Determination of Compliance. The CJD EEO officer's determination of compliance shall not be binding on the Office of Civil Rights Compliance, LEAA, Washington, D.C.

.011. Office of Civil Rights Compliance, LEAA, Preemption. If the Office of Civil Rights Compliance has received a complaint of discrimination or has initiated any action against a grantee or agency of a grantee, then the provisions of .004 through .010 of these rules and guidelines are not applicable.

Issued in Austin, Texas, on August 31, 1976.

Doc. No. 764694 Robert C. Flowers
Executive Director
Criminal Justice Division

Effective Date: October 1, 1976

For further information, please call (512) 475-6065.



State Board of Insurance Non-Profit Legal Services Corporation

Supervision Requirement 059.23.02

Under the authority of Article 5.13-1, Texas Insurance Code, the State Board of Insurance has amended Rule 059.23.02.001 to read as follows:

.001. Group Contracts. A group contract may contain a provision which guarantees each enrollee under a group contract the right to convert within 30 days to an individual contract in the event of termination of employment or membership in the group. The requirements of this provision shall not apply when the entire group withdraws from coverage under the group contract.

Issued in Austin, Texas, on September 2, 1976.

Doc. No. 764666 Pat Wagner
Deputy Clerk
State Board of Insurance

Effective Date: September 23, 1976

For further information, please call (512) 475-3166.

Merit System Council Regulation for a Merit System of Personnel Administration 339.01.00

In compliance with the Code of Federal Regulations, 45 CFR 70, under federal statutory and regulatory provisions requiring the establishment and maintenance of personnel standards on a merit basis in the administration of various grant-in-aid programs, the Merit System Council has amended Section (bb) of Rule 339.01.00.001; Sections (a)(2)(B) and (d)(1) of Rule 339.01.00.002; Section (c) of Rule 339.01.00.011; and Sections (a)(5) and (c)(1) of Rule 339.01.00.013 to read as follows:

.001. Article I-- Definitions.

(bb) "Salary reduction" means a decrease in salary within the salary range prescribed for the class by the agency compensation plan.

.002. Article II-- Organization for Merit System.

(a) Section 1-- Merit System Council.

(2) It shall be the duty of the council:

(B) to hear appeals of applicants; and to hear appeals of employees who have been suspended, dismissed, demoted, or reduced in salary. The council may, if it deems necessary, appoint one or more impartial hearing examiners who may be authorized to conduct hearings on such appeals and to report their findings and recommendations to the council, in accordance with the requirements of Article XIII of this regulation.

(c) Section 3-- Personnel Official. The staff employee of the agency designated as personnel official shall be responsible for the internal personnel administration of the agency. It shall be his responsibility to develop and put into effect procedures for carrying out the personnel policies of the agency; to participate in the preparation of and to administer the classification and compensation plans; to review personnel operations and to point out to the agency and council deviations from policies and standards; to maintain personnel records on all persons employed in the agency and records of all personnel actions; to request from the director certifications of eligibles; to report to the director on the selection of eligibles, promotions, salary advancement, salary reductions, demotions, transfers, reclassifications, separations, and all types of appointments; to recommend to the appointing authority, on the basis of reports received from the supervisory official concerned, the retention or termination of probationary employees at the close of the probationary period; to provide and administer a system of service ratings; to set up procedures of time records and personnel reports; to make reports to the agency on the personnel activities of the agency and to perform other duties prescribed by this regulation or by the agency.

.011. Article XI-- Reclassification, Demotion, and Salary Reduction.

(c) Section 3-- salary reduction.

(1) The appointing authority may, with written notice, reduce a classified employee's salary for any reason indicated in Paragraph 1, Section 2, Article XII, to a step rate in the designated salary group no lower than the minimum step rate.

(2) The employee's pay may be restored to any step rate in the designated salary group up to and including his prior rate as such employee's performance improves.

.013. Article XIII-- Appeals.

(a) Section 1-- Actions Which May be Appealed to the Merit System Council.

(5) Appeal from Dismissal, Suspension, Demotion, or Salary Reduction. A regular employee who is dismissed, suspended, demoted, or reduced in salary shall have the right to appeal such action to the council for review and recommendation to the appointing authority.

(c) Section 3-- Enforcement of Appeals Decisions.

(1) Appeal from Dismissal, Suspension, Demotion, or Salary Reduction. In appeals brought under Paragraph 5, Section 1, of this article, the opinion of the council shall be recommendatory to the appointing authority. Within 10 days after receipt of the opinion, the appointing authority shall make its decision which shall be final and record same in the permanent records of the agency. The agency personnel official shall, in writing, promptly notify the appellant of the final decision and shall file a copy of such notification with the director.

Issued in Austin, Texas, on September 2, 1976.

Doc. No. 764645 Leo F. Brockman
Director
Merit System Council

Effective Date: October 1, 1976

For further information, please call (512) 477-9665.

339.01.00.022

In compliance with 45CFR70 under federal statutory and regulatory provisions requiring the establishment and maintenance of personnel standards on a merit basis in the administration of various grant-in-aid programs, the Merit System Council has adopted Rule 339.01.00.022 to read as follows:

.022. Article XXII-- Employee-Management Relations.

(a) Section 1-- Membership in Labor Organization. All employees shall have the right to organize, join, or refrain from joining a labor organization. The term "labor organization" means any organization of any kind,

or any agency or employee, representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with one or more employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(b) Section 2-- Right to Present Grievances.

(1) All employees shall have the right to present grievances to the agency concerning their wages, hours of work, or conditions of work individually or through a representative that does not claim the right to strike.

(2) The agency will meet with employees or their designated representatives at reasonable times and places to hear their grievances concerning wages, hours of work, and conditions of work.

(3) Agreements under this section between the agency and employees or their designated representatives that would compromise other sections of this regulation are prohibited.

(c) Section 3-- Prohibition of Right to Strike. In accordance with state law, any employee who participates in a strike or organized work stoppage shall forfeit all civil service rights, re-employment rights, and any other rights, benefits, or privileges which he enjoys as a result of his employment or prior employment, providing, however, that the right of an individual to cease work shall not be abridged so long as the individual is not acting in concert with others in an organized work stoppage.

Issued in Austin, Texas, on September 2, 1976.

Doc. No. 76446 Leo F. Brockmann
Director
Merit System Council

Effective Date: October 1, 1976

For further information, please call (512) 477-9665.

339.01.00.005

In compliance with 45CFR70 under federal statutory and regulatory provisions requiring the establishment and maintenance of personnel standards on a merit basis in the administration of various grant-in-aid programs, the Merit System Council has amended Section (d)(1) of Rule 339.01.00.005 to read as follows:

.005. Article V-- Applications and Examinations.

(d) Section 4-- Character of Examinations.

(1) Examinations for entrance to the service shall be conducted on an open-competitive basis. Examinations shall be practical in nature, shall be constructed to reveal the capacity of the applicant for the particular position for which he is competing as well as his general background and related knowledge, and shall be rated objectively. A practical written test shall be included, except that where peculiar or exceptional qualifications of a scientific or professional nature are required or competition through an assembled examination is impracticable, an unassembled examination may be held. The director shall determine when competition through an assembled examination is impracticable and shall present satisfactory evidence to the council for approval. To facilitate employment of disadvantaged persons in aide or similar classes, the written examination may be waived when the director deems it appropriate.

Issued in Austin, Texas, on September 2, 1976.

Doc. No. 76467 Leo F. Brockmann
Director
Merit System Council

Effective Date: October 1, 1976

For further information, please call (512) 477-9665.

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 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.

Texas Animal Health Commission

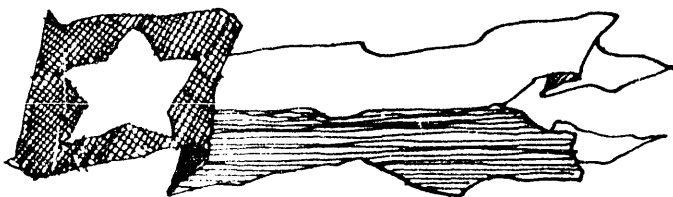
Meeting

A meeting of the Texas Animal Health Commission will be held on Wednesday, September 15, 1976, 9 a.m., at 105 John H. Reagan Building, Austin. The commission will discuss equine infection anemia test and disease; the screwworm eradication program; the spraying of livestock for fever ticks; requests to ship slaughter cattle into Mexico; brucellosis procedures to implement regulations; the Special Brucellosis Study Commission report; the attorney general's opinion on livestock entering the state and a possible change in Governor's Proclamation 419; and the assistant executive director position.

Additional information may be obtained from Renee Hanna, 1020 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-4111.

Filed: September 7, 1976, 3:13 p.m.

Doc. No. 764698



State Building Commission Meeting

A meeting of the State Building Commission will be held on Wednesday, September 29, 1976, 10 a.m., in Room 118, Stephen F. Austin Building, Austin, to discuss the Energy Conservation Manual (S.B. 516, codified as Article 678i, Vernon's Civil Statutes).

Additional information may be obtained from H. R. Nieman, Jr., Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-2941.

Filed: September 7, 1976, 3:13 p.m.

Doc. No. 764699

Coordinating Board, Texas College and University System

Meeting

A meeting of the Non-Faculty Personnel Advisory Committee of the Coordinating Board, Texas College and University System, will be held on Wednesday, September 15, 1976, 9:30 a.m., in Room 1-122, Joe C. Thompson Conference Center, Austin, to review subcommittee's work to date; to discuss problems related to the ruling on the provision of Fair Labor Standards Act; and to discuss future plans for the personnel study.

Additional information may be obtained from Kenneth Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, telephone (512) 475-4361.

Filed: September 7, 1976, 11:21 a.m.

Doc. No. 764685

Meeting

A meeting of the Non-Faculty Personnel Advisory Committee of the Coordinating Board, Texas College and University System, will be held on Friday, September 17, 1976, 9:30 a.m., in Room 2-108, Joe C. Thompson Conference Center, Austin, to review the Non-Faculty Personnel Report CBM-007.

Additional information may be obtained from Kenneth Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, telephone (512) 475-4361.

Filed: September 7, 1976, 11:21 a.m.

Doc. No. 764686

Meeting

A meeting of the Advisory Council for Continuing Education for Nurses (Project ACCENT) of the Coordinating Board, Texas College and University System, will be held on Monday and Tuesday, September 27 and 28, 1976, 9:30 a.m. and 8 a.m. respectively, in Room 1-108, Joe C. Thompson Conference Center, Austin, to prepare a draft of the final report and to establish guidelines and criteria for implementation of final report.

Additional information may be obtained from Kenneth Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, telephone (512) 475-4361.

Filed: September 7, 1976, 11:21 a.m.
Doc. No. 764687

State Board of Education Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the State Board of Education held on Saturday, September 11, 1976, 8:30 a.m., at 150 East Riverside Drive, Austin. The addition included a meeting of the Committee to Perform Local School Board Functions of the Texas schools for the blind and the deaf; a discussion of personnel in executive session; and consideration of advisory committees, approved courses, immigrant/alien student study, career education, Title VII, ESEA, special education contracts with non-public schools, and the Permanent School Fund.

Additional information may be obtained from M. L. Brockette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: September 8, 1976, 3:37 p.m.
Doc. No. 764740

Executive and Legislative Budget Offices

Addition to Agenda

A meeting of the Executive and Legislative Budget Offices was to be conducted Friday, September 10, 1976, in the Senate Reception Room of the State Capitol, Austin, at 2 p.m. The budget hearing for the Secretary of State's Office required this amendment to the regularly scheduled agenda.

Additional information concerning this meeting may be obtained from the Legislative Budget Office, Room 207-A, State Capitol, Austin, Texas 78701, telephone (512) 475-3426.

Filed: September 7, 1976, 9:06 a.m.
Doc. No. 764684

Emergency Meetings

The Executive and Legislative Budget Offices will hold meetings for the week of September 13-17, 1976: Texas State Technical Institute, September 13, 9 a.m., Senate Reception Room, State Capitol, Austin; State Rural Medical Education Board, September 13, 2 p.m., Senate Reception Room, State Capitol, Austin; Public Junior Colleges, September 14, 9 a.m., Room 117, Sam Houston State Office Building, Austin; and Texas State University System, September 15, 9 a.m., Room 301, State Capitol, Austin. The purpose of the meetings is joint budget hearings on appropriations requests for the 1978-79 biennium.

Further information may be obtained from the Legislative Budget Office, Room 207-A, State Capitol, Austin, Texas 78701, telephone (512) 475-3426.

Filed: September 7, 1976, 11:36 a.m.
Doc. No. 764693

General Land Office Meeting

The Veterans Land Board of the General Land Office will meet on September 14, 1976, 2 p.m., at 1700 North Congress, Stephen F. Austin Building. The subject of the meeting will include the report of the executive secretary and consideration of procedures for reopening the Veterans Land Program.

Additional information may be obtained from Richard Keahey, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3766.

Filed: September 3, 1976, 4:14 p.m.
Doc. No. 764678

Texas Health Facilities Commission

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Health Facilities Commission held on Thursday, September 9, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to include consideration of an application by Southwestern Medical Centers, Inc., for a motion for re-hearing for an extension of an exemption certificate.

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: September 8, 1976, 11:34 a.m.

Doc. No. 764706

Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, September 16, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to consider 18 applications for declaratory rulings, certificates of need, exemption certificates, and motions for re-hearings.

William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: September 8, 1976, 11:34 a.m.

Doc. No. 764707

State Board of Insurance

Emergency Addition to Agenda

The State Board of Insurance filed an emergency addition to the agenda of its meeting held Wednesday, September 8, 1976, 2 p.m., in Room 408, 1110 San Jacinto, to include a request of Founders Preferred Life Insurance Company for approval of change in reserves.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: September 8, 1976, 10:56 a.m.

Doc. No. 764704

Emergency Meeting

A meeting of the State Board of Insurance will be held on Tuesday, September 14, 1976, 10 a.m., in Room 408, 1110 San Jacinto, Austin, to consider decisions on hearings and meetings previously held.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: September 7, 1976, 11:22 a.m.

Doc. No. 764688

Emergency Meeting

A meeting of the State Board of Insurance will be held on Tuesday, September 14, 1976, 2 p.m., in Room 408, 1110 San Jacinto, Austin, to consider decisions on hearings and meetings previously held.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: September 7, 1976, 11:22 a.m.

Doc. No. 764689

Meeting

A meeting of the State Board of Insurance will be held on Wednesday, September 15, 1976, 10 a.m., in Room 408, 1110 San Jacinto, Austin, to consider decisions on hearings and meetings previously held.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: September 7, 1976, 11:22 a.m.

Doc. No. 764690

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, September 21, 1976, 10 a.m., in Room 34, 1110 San Jacinto Street, Austin, to consider an application of American Petroleum Assurance Company, San Antonio, (stock fire and casualty company), for original articles of incorporation and for initial certificate of authority.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: September 8, 1976, 1:59 p.m.

Doc. No. 764720

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, September 23, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of Western Preferred Life Insurance Company, Denver, Colorado, for approval of merger transaction with affiliate, Continental Fidelity Life Insurance Company, San Angelo, under Article 21.49-1.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: September 8, 1976, 1:59 p.m.

Doc. No. 764721



Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Friday, September 24, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of American Tideland Life Insurance Company for approval of acquisition of the Gibraltar Life Insurance Company of America, Dallas, under Section 5, Article 21.49-1.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: September 8, 1976, 2 p.m.

Doc. No. 764722

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Friday, October 8, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of Thurston Fire and Casualty Insurance Company, Tulsa, Oklahoma, (stock fire and casualty company) for admission to Texas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: September 8, 1976, 2 p.m.

Doc. No. 764723

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, October 14, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pennsylvania, (stock fire and casualty company) for admission to Texas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: September 8, 1976, 2 p.m.

Doc. No. 764724

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Friday, October 15, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of Gulf and Western Life Insurance Company, Phoenix, Arizona, (stock life company) for admission to Texas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: September 8, 1976, 2 p.m.

Doc. No. 764725

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, October 20, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of Joe J. Rizzo, San Antonio, for Group I life insurance agent's license.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: September 8, 1976, 2 p.m.

Doc. No. 764726

Additional information may be obtained from Jack L. Ryle, 503-E Sam Houston Building, Austin, Texas 78701, telephone (512) 475-5637.

Filed: September 7, 1976, 11:23 a.m.

Doc. No. 764696

Texas Commission on Jail Standards

Meeting

A meeting of the Texas Commission on Jail Standards will be held on Thursday, September 16, 1976, 10 a.m., in the Commissioner's Court Room, Family Law Center, 1115 Congress Avenue, Houston, to review proposed construction standards.

Additional information may be obtained from Guy Van Cleave, P.O. Box 12985, Austin, Texas 78711, telephone (512) 476-6823, extension 60.

Filed: September 8, 1976, 12:28 p.m.

Doc. No. 764713

Meeting

A meeting of the Texas Commission on Jail Standards will be held on Friday, September 17, 1976, 10 a.m., in the Central Jury Room, Bexar County Courthouse, San Antonio, to review proposed construction standards.

Additional information may be obtained from Guy Van Cleave, P.O. Box 12985, Austin, Texas 78711, telephone (512) 476-6823, extension 60.

Filed: September 8, 1976, 12:28 p.m.

Doc. No. 764714

Texas Commission on Law Enforcement Officer Standards and Education

Meeting

A meeting of the Texas Commission on Law Enforcement Officer Standards and Education will be held on Thursday, September 16, 1976, 9 a.m., at Joe C. Thompson Conference Center, Austin, to consider the budget; certification of peace officers; and a staff report on revision of the basic course.



Texas Department of Mental Health and Mental Retardation

Amendment to Agenda

An amendment is made to the agenda of a meeting of the Planning Council for Developmental Disabilities of the Texas Department of Mental Health and Mental Retardation to be held Thursday and Friday, September 16 and 17, 1976, 8:30 a.m. each day, at the Howard Johnson's Motor Lodge, 7800 North Interregional, Austin, to include a review of proposed federal policies and procedures for the Developmental Disabilities Program.

Additional information may be obtained from Jack Leath, Box 12668, Austin, Texas 78711, telephone (512) 454-3761.

Filed: September 7, 1976, 3:12 p.m.

Doc. No. 764697

Texas Municipal Retirement System

Meeting

A meeting of the Board of Trustees of the Texas Municipal Retirement System will be held on Saturday, September 18, 1976, 9 a.m., in the Driskill Room, Driskill Hotel, 7th and Brazos Streets, Austin. The board will consider applications for benefits; recommendations of the director for suspension or reduction of benefits; financial statements, investment reports, and other reports of the director and legal counsel; a report of actuary concerning studies of mortality experience; a staff report of suggested amendments; contribution rates of participating municipalities; proposals of participating municipalities to grant additional coverage or increased benefits; and a report from Texas Municipal League Personnel Subcommittee.

Additional information may be obtained from Jimmie Mormon, 500 Perry Brooks Building, Austin, Texas 78701, telephone (512) 476-7577

Filed: September 8, 1976, 11:52 a.m.

Doc. No. 764708

North Texas State University

Emergency Meeting

The board of regents of North Texas State University conducted an emergency meeting on Saturday, September 11, 1976, 4:30 p.m., at the Board Room of the administration building. The subjects of the meeting were an executive session and approval of a street closing settlement offer with the City of Denton.

Further information concerning this meeting may be obtained from Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed: September 9, 1976, 8:22 a.m.

Doc. No. 764747

Board of Pardons and Paroles

Meeting

A meeting of the Board of Pardons and Paroles will be held Monday, Tuesday, Thursday, and Friday, September 20, 21, 23, and 24, 1976, 9 a.m. daily, at 711 Stephen

F. Austin Building, Austin. The board will convene to review cases of inmates for parole consideration, to act on emergency reprieve requests and other acts of executive clemency, and to review reports regarding persons on parole.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: September 8, 1976, 1:59 p.m.

Doc. No. 764718

Hearing

A hearing by the Board of Pardons and Paroles will be held on Wednesday, September 22, 1976, 9 a.m., at the Diagnostic Unit, Texas Department of Corrections, Huntsville. The board and/or a parole panel will meet for the purpose of conducting parole violation hearings.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: September 8, 1976, 1:59 p.m.

Doc. No. 764717

Texas Parks and Wildlife Department

Meeting

A meeting of the Fisheries Division/Environmental Branch of the Texas Parks and Wildlife Department will be held on Tuesday, September 21, 1976, 2 p.m., in Room 100, John H. Reagan Building, Austin. The agenda includes consideration of an application of Joe L. Williams, Jr., to construct a bulkhead and basin in Freeport Harbor, Freeport.

Additional information may be obtained from C. E. Sharp, Texas Parks and Wildlife Department, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-4471.

Filed: September 8, 1976, 10:54 a.m.

Doc. No. 764702

Texas Board of Physical Therapy Examiners

Change of Location

A meeting of the Board of Physical Therapy Examiners to be held on Saturday, September 18, 1976, 9 a.m., will convene in the Highland Park Room of the Hilton Inn, Dallas, instead of the Ramada Inn, Mockingbird Lane, Dallas. The agenda is unchanged.

Additional information may be obtained from Texas Board of Physical Examiners, 1106 Clayton Lane, Austin, Texas 78723, telephone (512) 475-7956.

Filed: September 3, 1976, 12:23 p.m.

Doc. No. 764715

Board of Plumbing Examiners

Meeting

The Board of Plumbing Examiners will meet Monday, September 20, 1976, 9:30 a.m., at 204 John H. Reagan Building, Austin, to review examinations and their administration, and to review general operations and finances.

Additional information may be obtained from Lynn Brown, 204 John H. Reagan Building, Austin, Texas 78701, telephone (512) 472-9221.

Filed: September 8, 1976, 1:59 p.m.

Doc. No. 764719

Texas State Board of Examiners of Psychologists

Meeting

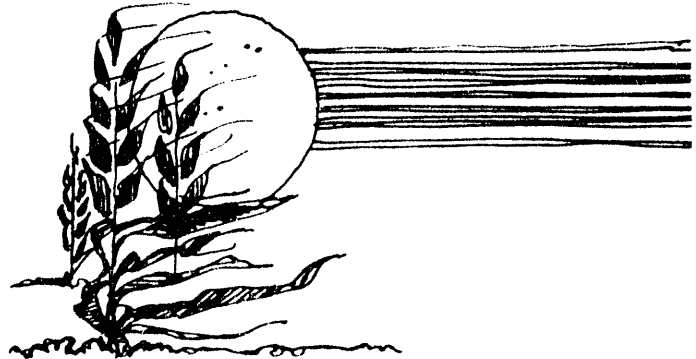
A meeting of the Texas State Board of Examiners of Psychologists will be held Thursday through Sunday, September 16-19, 1976, 9 a.m. each day, at 108 West 15th Street, Suite 103, Austin.

The subjects of the meeting will be applications for certification and licensure; specialty certification; continuing education; exceptions for institutions of higher education; Proposed Rules 400.02.00.018 and 400.03.00.015; ethical matters; and other items of business. A complete agenda is posted in the East Wing of the State Capitol.

Further information may be obtained from Barry Read, 108 West 15th Street, Suite 103, Austin, Texas 78701, telephone (512) 475-6983.

Filed: September 8, 1976, 4:11 p.m.

Doc. No. 764741



Public Utility Commission of Texas

Meeting

A meeting of the Public Utility Commission of Texas will be held on Monday, September 20, 1976, 10 a.m., at 7800 Shoal Creek Boulevard, Suite 450N, Austin. The purpose of the meeting will be the adoption of amendments to commission procedural rules 052.01.00.021, .022, .024., and .039.

Further information may be obtained from Roy J. Henderson, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 475-7921.

Filed: September 8, 1976, 4:30 p.m.

Doc. No. 764742

Advisory Council for Technical-Vocational Education in Texas

Meeting

A meeting of the Steering Committee of the Advisory Council for Technical-Vocational Education in Texas will be held on Tuesday, September 14, 1976, 1:15 p.m., in the Council Conference Room, 604 International Life Building, 815 Brazos, Austin, to review the final report to the State Board of Education.

Additional information may be obtained from Nell Littrell, P.O. Box 1886, Austin, Texas 78767, telephone (512) 475-2046.

Filed: September 3, 1976, 4:46 p.m.

Doc. No. 764679

Texas A&I University System

Meeting

A meeting of the Committee on Physical Plant, Facilities, and New Construction of the Board of Directors of Texas A&I University System met on Saturday, September 11, 1976, 3 p.m., in Room PE-2, Steinke Physical Education Center, Texas A&I University, Kingsville, to review bids on construction projects; to award contracts for the building of the fine arts center; and to consider additional construction on the Corpus Christi campus.

Additional information may be obtained from William C. English, Director of Administration and Financial Planning, Texas A&I University System, Kingsville, Texas 78673, telephone (512) 595-2208.

Filed: September 8, 1976, 10:55 a.m.

Doc. No. 764703

Texas Water Quality Board

Hearing

A hearing by the Administrative Operations Division of the Texas Water Quality Board will be held on Monday, September 27, 1976, 10 a.m., in McAllen City Council

Chambers, 311 North 15th Street, McAllen, to obtain information concerning revisions to the Texas Water Quality Standards for coastal waters, and to solicit public comments on the appropriateness of revising water quality standards on Texas coastal waters.

Additional information may be obtained from Peggy Glass, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-3454.

Filed: September 8, 1976, 2:54 p.m.

Doc. No. 764730

Hearing

A hearing by the Administrative Operations Division of the Texas Water Quality Board will be held on Tuesday, September 28, 1976, 10 a.m., in City Hall Council Chambers, 302 South Shoreline, Corpus Christi, to obtain information concerning revisions to the Texas Water Quality Standards for coastal waters, and to solicit public comments on the appropriateness of revising water quality standards on Texas coastal waters.

Additional information may be obtained from Peggy Glass, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-3454.

Filed: September 8, 1976, 2:54 p.m.

Doc. No. 764731

Hearing

A hearing by the Administrative Operations Division of the Texas Water Quality Board will be held on Wednesday, September 29, 1976, 10 a.m., in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin, to obtain information concerning revisions to the Texas Water Quality Standards for coastal waters, and to solicit public comments on the appropriateness of revising water quality standards on Texas coastal waters.

Additional information may be obtained from Peggy Glass, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-3454.

Filed: September 8, 1976, 2:55 p.m.

Doc. No. 764732

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Wednesday, September 29, 1976, 10 a.m., in the Rio Grande City Service Center, Rio Grande City, to consider an application for a permit by Starr Industrial Services, Inc., P.O. Box 725, Rio Grande City, Texas 78582. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Chesley Blawins, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7841.

Filed: September 8, 1976, 2:55 p.m.
Doc. No. 764733

Hearing

A hearing by the Administrative Operations Division of the Texas Water Quality Board will be held on Thursday, September 30, 1976, 10 a.m., in the Houston-Galveston Area Council Conference Room, 3701 West Alabama, Houston, to obtain information concerning revisions to the Texas Water Quality Standards for coastal waters, and to solicit public comments on the appropriateness of revising water quality standards on Texas coastal waters.

Additional information may be obtained from Peggy Glass, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-3454.

Filed: September 8, 1976, 2:55 p.m.
Doc. No. 764734

Hearing

A hearing by the Administrative Operations Division of the Texas Water Quality Board will be held on Friday, October 1, 1976, 10 a.m., in the Lower Neches Valley Authority Meeting Room, 7850 Eastex Freeway, Beaumont, to obtain information concerning revisions to the Texas Water Quality Standards for coastal waters, and to solicit public comments on the appropriateness of revising water quality standards on Texas coastal waters.

Additional information may be obtained from Peggy Glass, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-3454.

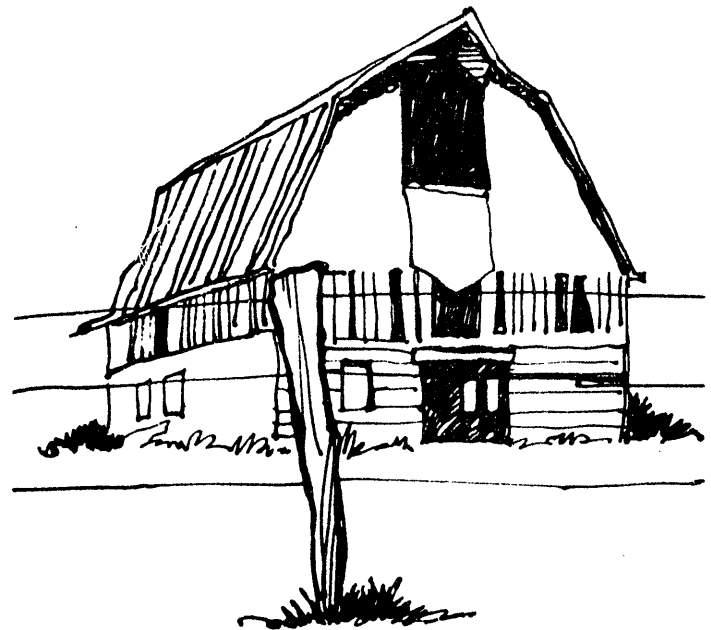
Filed: September 8, 1976, 2:56 p.m.
Doc. No. 764735

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Tuesday, October 5, 1976, 1 p.m., in Conference Room C, Municipal Building, 509 East 7th Avenue, Amarillo, to consider an application for a permit by Good Pasture, Inc., P.O. Box 1008, Dimmitt, Texas 79027, and an application for an amendment to Permit 01410, Amstar Corporation, Spreckels Sugar Division, 50 California Street, San Francisco, California 94106. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Jack Cox, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7861.

Filed: September 8, 1976, 2:56 p.m.
Doc. No. 764736-764737



Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, October 7, 1976, 10 a.m., in the Corpus Christi National Bank Auditorium, 502 North Water Street, Corpus Christi, to consider applications for permits by Nolan's Fireside Inn, Inc., 6810 Saratoga Boulevard, Corpus Christi, Texas 78415; and Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Chesley Blevins, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7841.

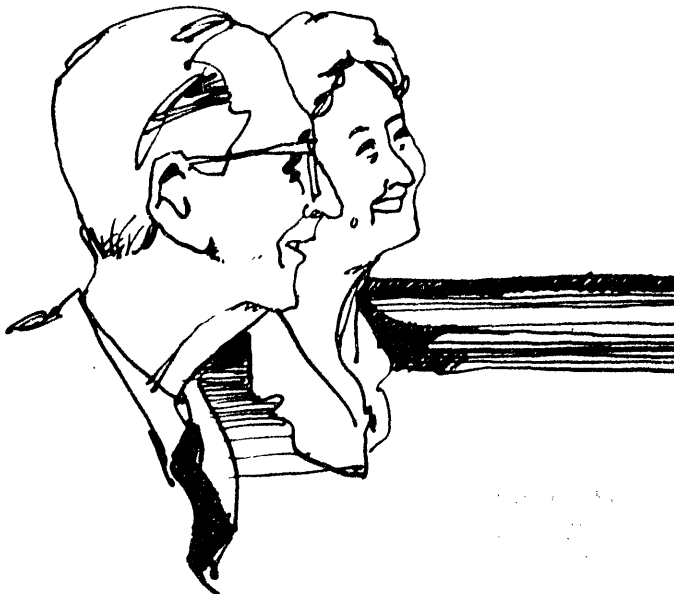
Filed: September 8, 1976, 2:57 p.m.
Doc. No. 764738

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Friday, October 8, 1976, 10 a.m., in Stillman Town Hall, Fort Brown Memorial Center, Brownsville, to consider an application for a permit by Brownsville Public Utilities Board, P.O. Box 3270, Brownsville, Texas 78521. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Chesley Blevins, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7841.

Filed: September 8, 1976, 2:59 p.m.
Doc. No. 764739



Texas Water Rights Commission

Amendment to Agenda

An amendment was made to the agenda of a meeting of the Texas Water Rights Commission held on Monday, September 13, 1976, 10 a.m., at Stephen F. Austin Building, 1700 North Congress, Austin, to include consideration of the application for contractual permit by Comanche Horizon Corp. and the final adoption of proposed amendment to Rule 129.06.25.002.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Capitol Station, Austin, Texas 78711, telephone (512) 475-4514.

Filed: September 3, 1976, 3:30 p.m.
Doc. No. 764677

Hearing

A hearing by the Texas Water Rights Commission will be held on Tuesday, November 9, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider Restland of Dallas, Inc., Application 1161-A.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: September 3, 1976, 11:26 a.m.
Doc. No. 764652

Texas Youth Council Meeting

A meeting of the Community Services Division of the Texas Youth Council will be held on Wednesday, September 15, 1976, 7 p.m., at the Hilton Inn, 6000 Middle Fiskville Road, Austin, to consider a report on residential contract programs by the National Center for Juvenile Justice and to consider the Community Assistance Program contracts.

Additional information may be obtained from Stan Pinder, P.O. Box 9999, Austin, Texas 78766, telephone (512) 475-6994.

Filed: September 7, 1976, 12:38 p.m.
Doc. No. 764691

Meeting

A meeting of the Texas Youth Council Board will be held on Tuesday, September 16, 1976, 9 a.m., at 8900 Shoal Creek Boulevard, Austin. The subjects of the meeting include consideration of the 1977 Alternate Care Plan; Community Assistance Program applications; the Hobby Commission report; status of the Offender Plan; and the Waco program.

Further information may be obtained from Ron Jackson, P.O. Box 9999, Austin, Texas 78701, telephone (512) 475-5681.

Filed: September 8, 1976, 2:40 p.m.

Doc. No. 764729

Quasi-State Agencies

Meetings Filed September 7, 1976

The Permian Basin Health Systems Agency Projects Review Committee will meet at the Air Terminal Office Building, Midland, on September 20, 1976, at 6:30 p.m. Further information may be obtained from Harley Reeves, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

The Permian Basin Health Systems Agency Governing Body will meet at the Air Terminal Office Building, Midland, on September 20, 1976, at 7:30 p.m. Further information may be obtained from Harley Reeves, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

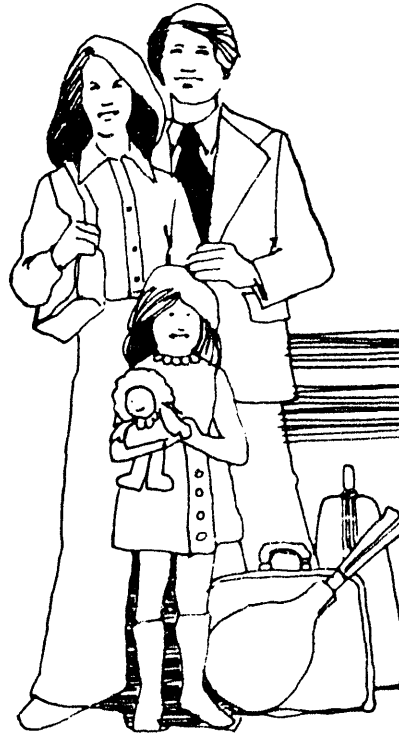
The San Antonio River Authority Board of Directors will meet at the conference room of the general offices, 100 East Guenther, San Antonio, on September 15, 1976, at 2 p.m. Further information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, Guilbeau Station, San Antonio, Texas 78204, telephone (512) 227-1373.

The Trinity River Authority of Texas, Administration Committee, will meet at Kings Inn Motel, Crockett, on September 16, 1976, at 8:30 a.m. Further information may be obtained from William J. Philbin, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

The Sabine Valley Regional MH-MR Center Board of Trustees will meet at 731-A South Green Street, Longview, on September 14, 1976, at 7:30 p.m. Further information may be obtained from Frances H. Willis, P.O. Box 1224, Marshall, Texas 75670, telephone (214) 938-7721.

Filed: September 7, 1976

Doc. No. 764695



Meetings Filed September 8, 1976

The Austin-Travis County MHMR Board of Trustees met in emergency session at 1430 Collier, Austin, on September 10, 1976 at noon. Further information may be obtained from John W. Weimer, 1430 Collier, Austin, Texas 78704, telephone (512) 447-4141.

The Brazos River Authority, Administrative Policy Committee Board of Directors will meet at 4400 Cobbs Drive, Waco, on September 15, 1976 at 10 a.m. Further information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, telephone (817) 776-1441.

The Deep East Texas COG Area Agency Aging Advisory Council will meet at Angelina College, Science Building in the science auditorium on September 17, 1976, 10 a.m. and 1:30 p.m. Further information may be obtained from Martha Jones, P.O. Drawer 1170, Jasper, Texas 75951, telephone (713) 384-5704.

The Education Service Center Region XIV Board of Directors will meet at 3001 North Third Street, Abilene, on September 16, 1976, at 6:30 p.m. Further information may be obtained from Dr. Thomas Lawrence, 3001 North Third Street, Abilene, Texas 79603, telephone (915) 677-2911.

The Heart of Texas Region MHMR Board of Trustees will meet at the basement conference room, 1401 North 18th Street, Waco, on September 15, 1976, at 4 p.m. Further information may be obtained from Dean Maberry, 1401 North 18th Street, Waco, Texas 76703, telephone (817) 752-3451.

The Texas Municipal Power Agency Board of Directors met in an emergency session at 7111 Bosque Boulevard, Waco, on September 10, 1976, at 10 a.m. Further information may be obtained from Paul R. Cunningham, 7111 Bosque Boulevard, Waco, Texas 76710, telephone (817) 776-4100.

The West Texas COG Advisory Committee on Rural Affairs will meet at Jeff Davis County Courthouse, Fort Davis, on September 15, 1976 at 2:30 p.m. Further information may be obtained from E. Ray Hill, 1200 North Mesa, El Paso, Texas 79902, telephone (915) 544-3827.

Filed: September 8, 1976, 9:14 a.m.

Doc. No. 764701

Meetings Filed September 9, 1976

The Harris County Water Control and Improvement District 76, Board of Directors, met at 12203 Frazier River Drive, Houston, on September 13, 1976, at 7:30 p.m. Further information may be obtained from James O. Benton, Jr., 1114 Thornton Road, Houston, Texas 77018.

Filed: September 9, 1976, 10:43 a.m.

Doc. No. 764749

State Building Commission Energy Conservation Manual

The State Building Commission has made available on request the *Energy Conservation Manual*. Part I of the manual, "Residential Buildings," may be purchased for \$5.00. Part II, "Apartment and Nonresidential Buildings," also costs \$5.00. The two volumes are \$10, and may be ordered by contacting the State Building Commission, P.O. Box 12427, Austin, Texas 78711.

Texas Health Facilities Commission

Certificate of Need Hearings September, 1976

The following applications for certificates of need will be considered in the offices of the Texas Health Facilities Commission, Suite 450, One Highland Center, Austin.

Sisters of Charity of the Incarnate Word, 4503 Broadway, San Antonio, Texas 78209 (AH76-0629-009), is scheduled to appear at a hearing at 10 a.m. on September 20, 1976, to petition the commission for a certificate of need to expand the present service in the radiology department of Saint Joseph Hospital in Fort Worth by adding three equipped rooms: two radiographic/tomography rooms and one chest/trauma room.

Tommy G. Littlepage, Delwin L. Burch, and Robert T. Helton, Route 8, Box 379-P, Fort Worth, Texas 76108 (AN76-0714-005), is scheduled to appear at a hearing at 10:15 a.m. on September 20, 1976, to petition the commission for a certificate of need to construct a new 120-bed (60 ICF III and 60 ICF IV) nursing home in Snyder.

United Home Health Care, Inc., 5025 Viking, Houston, Texas 77011 (AS76-0701-008), is scheduled to appear at a hearing at 9 a.m. on September 21, 1976, to petition the commission for a certificate of need to establish and operate United Home Health Care, Inc., as a non-profit home health agency offering nursing and related therapeutic services in the home. The agency will serve Harris County.

St. Joseph Hospital, 1919 LaBranch, Houston, Texas 77002 (AH76-0706-004), is scheduled to appear at a hearing at 9 a.m. on September 22, 1976, to petition the

commission for a certificate of need to replace a leased PBX system with computerized controlled switching system, all telephone instrumentation, and instrumentation for the ambulatory care center.

Girling and Associates Home Health Services, Inc., Bryan, Texas (Parent Unit-- 2608 Pembroke Trail, Austin, Texas 78731) (AS76-0628-004), is scheduled to appear at a hearing at 9:30 a.m. on September 22, 1976, to petition the commission for a certificate of need to establish a branch office in Bryan to serve Brazos, Robertson, Burleson, Grimes, Leon, Limestone, and Hill Counties.

Gregg-Harrison MH/MR Center, P.O. Box 1224, Marshall, Texas 75670 (AA76-0623-006), is scheduled to appear at a hearing at 9:30 a.m. on September 24, 1976, to petition the commission for a certificate of need to lease in Longview a halfway house for mentally retarded women, ages 18 and older. With a capacity of eight residents, the program offers extended living services, yet it does not offer institutional health care services nor supervision of a physician or a practitioner of the healing arts.

House Call Health Care, Inc., c/o 901 Summit Avenue, Fort Worth, Texas 76102 (AS76-0621-013), originally scheduled at 10 a.m. on August 25, 1976, is rescheduled to appear at a hearing at 10 a.m. on September 27, 1976, to petition the commission for a certificate of need to provide skilled nursing care and therapeutic services in the patient's home. The Fort Worth-based firm, with its 50 mile radius service area, will provide service to Tarrant, Dallas, Denton, Parker, Hood, Johnson, Wise, and Somervell Counties and parts of Kaufman, Rockwell, Collin, Cook, Montague, Jack, Palo Pinto, Erath, Bosque, Hill, and Ellis Counties.

Dallas Rehabilitation Institute, 7850 Brook Hollow Road, Dallas, Texas 75235 (AH76-0709-009), is scheduled to appear at a hearing at 9 a.m. on September 28, 1976, to petition the commission for a certificate of need to add 12 beds to existing 38 licensed beds and renovation of existing area; add spinal cord treatment unit with 16 beds.

St. Elizabeth Hospital, 4514 Lyons Avenue, Houston, Texas 77020 (AH76-0723-001), is scheduled to appear at a hearing at 9:30 a.m. on September 28, 1976, to petition the commission for a certificate of need to expand and renovate emergency facility, expand surgical recovery to accommodate four to six beds, expand pathology lab facilities, expand and renovate administrative areas of radiology, renovate central sterile supply and admitting, renovate ICU/CCU to better utilize beds and facilities, renovate pediatric nursing to provide better treatment methods, provide cardiac screening unit, and modernize public waiting areas.

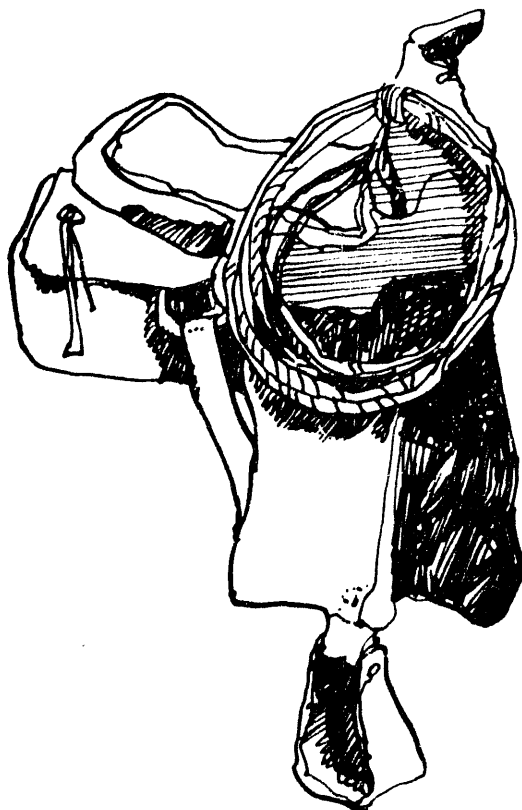
St. David's Hospital, 919 East 32nd, Austin, Texas 78705 (AH76-0625-007), originally scheduled at 9 a.m. on September 14, 1976, is rescheduled to appear at a hearing at 9 a.m. on September 29, 1976, to petition the commission for a certificate of need to construct a two-story addition and expand existing facilities to include new dietary department, new cardio-pulmonary diagnostic and therapy department, new physical therapy department; expansion to include x-ray department and acquisition of computerized axial tomographic body scanner (third generation), expansion of general stores area, modification of air handling equipment in O.R. and delivery, and modification/enlargement of business office area.

Issued in Austin, Texas, on August 25, 1976.

Doc. No. 764520 William D. Darling
General Counsel
Texas Health Facilities
Commission

Filed: August 25, 1976, 11 47 a m

For further information, please call (512) 475-6940.



Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, or administrative orders received during the period of September 1-7, 1976, and others not previously posted.

Should any person wish to contest the application for a declaratory ruling, exemption certificate, or administrative order, that person must file a notice of intent to contest the application with the chairman of the commission within 12 days after the enclosed listing is published. The first day for calculating this 12-day period is the first calendar day following the dating of the publishing. The 12th day will expire at 5 p.m. on the 12th consecutive day after said publishing if the 12th day is a working day. If the 12th 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. When notice of intent to contest is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing notice of intent to contest.

The contents and form of a notice of intent to contest an application for an exemption certificate, declaratory ruling, or administrative order must meet the minimum criteria set out in Rule 315.07.01.001(a)(4). Failure of a contesting party to supply the minimum necessary information in the correct form by the 12th day will result in a defective notice of intent to contest, and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. Regardless of whether or not an application is formally contested, it will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02, 3.03, or 6.02 of Article 4418(h), Vernon's Annotated Texas Statutes, and Rules 315.07.01.001, 315.07.03.001, and 315.07.06.001.

In the following notice, the applicant is listed first, the file number second, and the relief sought and project description third. EC indicates exemption certificate; DR indicates declaratory ruling; AO indicates administrative order.

Eldridge Memorial Hospital, Sugarland
AH75-1010-007-T
AO-- Request for transfer of exemption certification to the Fort Bend Hospital Authority

Nacogdoches Treatment Center, Nacogdoches
AS76-0601-003
DR-- Start program of diagnostic screening, treatment, and education of cerebral palsy and mentally retarded children

Castroville Hospital, Castroville

AH75-1003-007E

AO-- Extension on installation of smoke detection equipment and correction of additional minor Life Safety Code deficiencies, granted in Exemption Certificate AH75-1003-007

Bowie Memorial Hospital, Bowie

AH76-0903-004

EC-- Purchase of used Raytheon Dot Scan for diagnostic use

Snyder Leisure Lodge, Snyder

AN76-0903-006

DR-- Renovate and reopen Snyder Nursing Home (35 ICF beds)

Issued in Austin, Texas, on September 8, 1976.

Doc. No. 764705 William D. Darling
 General Counsel
 Texas Health Facilities
 Commission

Filed: September 8, 1976, 11:35 a.m.

For further information, please call (512) 475-6940.

Texas Advisory Commission on Intergovernmental Relations

Meeting Notice

Fourteen recommendations relating to priority issues in public school financing and property tax policy in Texas were considered by the Texas Advisory Commission on Intergovernmental Relations (Texas ACIR) at its bi-monthly meeting Friday, September 10, 1976, in the Stephen F. Austin Building.

Seven of the recommendations were directed toward three major issues in public school financing: (1) local school property tax support; (2) equalization measures; and (3) local fiscal ability. The other recommendations on property taxation dealt with tax administration, the tax bases, and standards of valuation.

When approved, the recommendations will be published in a report with supporting detail for consideration by the 65th Legislature in January.

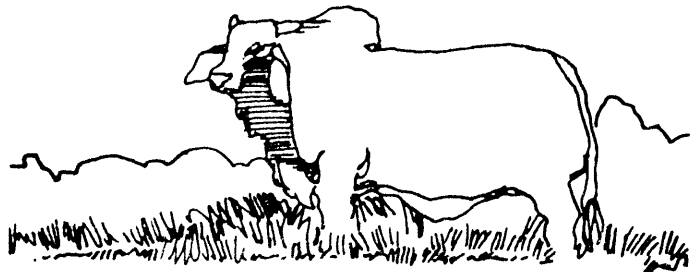
The commission also considered a report detailing the structure of Texas county revenues and expenditures and outlining a series of conclusions and recommendations on related trends and problems.

The Texas ACIR reviewed a draft report and recommendations on personal property and the Texas Open Records Act. The report's recommendations focused on the creation of a privacy board to identify private information contained in public records and the rights of individuals to gain access to and challenge the accuracy of public records containing individually identifiable information.

Other items under commission review included an editorial simplification and reorganization of the Texas Constitution and a proposal for a report outlining the commission's position supporting the need for local option ordinance authority for counties.

Filed: September 9, 1976, 10:28 a.m.

Doc. No. 764751



The Legislature

Senate Committee Schedule

Special Education Ad Hoc Group, Senate Reception Room, September 18, 1976, from 9 a.m. to noon. Subject: special education funding alternatives.

Natural Resources Subcommittee-- Hobby Commission, Lt. Governor's Committee Room, September 7, 1976, at 9:30 a.m. Subject: public hearing-- Good Neighbor Commission, Governor's Office of Migrant Affairs, and staff work session.

Filed: September 8, 1976, 2 p.m.

Doc. No. 764727

Office of State-Federal Relations

Meeting

The Houston District Advisory Council to the Small Business Administration will conduct a meeting at 10 a.m. Thursday, September 16, 1976, in Suite 705, One Allen Center, 500 Dallas Avenue, Houston. Advisory Council members, staff of the Small Business Administration, and other interested parties will discuss area-wide small business matters and programs.

Further information may be obtained from Donald Napier, Assistant District Director, at the address given above, telephone (713) 226-4945, or from Dennis Thomas, P.O. Box 13005, Capitol Station, Austin, Texas 78711, telephone (512) 475-7805.

Issued in Austin, Texas, on September 7, 1976.

Doc. No. 764748 Dennis Thomas
Associate Director
Office of State-Federal
Relations

Filed: September 9, 1976, 9:22 a.m.

For further information, please call (512) 475-7805.

Hearings

The U.S. Department of Health, Education, and Welfare will conduct a series of public hearings on issues in home health. The hearings will be held from 9 a.m. to 6 p.m. Monday, September 20, and Tuesday, September 21, 1976, at the Cibola Inn, 1601 East Division, Arlington.

Further information may be obtained from Jerry Stephens or Weldon Grundy, telephone (214) 655-3338, Department of Health, Education, and Welfare, Room 1135, 1200 Main Tower, Dallas, Texas 75202.

Issued in Austin, Texas, on September 1, 1976.

Doc. No. 764642 Dennis L. Thomas
Associate Director
Office of State-Federal
Relations

Filed: September 3, 1976, 8:32 a.m.

For further information, please call (512) 475-7805.

Texas Water Quality Board

Guadalupe-Blanco River Authority

The Continuing Planning Process has been prepared by the Texas Water Quality Board pursuant to Sections 208 and 303(e) of the Federal Water Pollution Control Act (as amended). This process charges the Guadalupe-Blanco River Authority with certain specified water quality management planning responsibilities in the Guadalupe Basin. The Texas Water Quality Board, in a coordinated effort with the Guadalupe-Blanco River Authority, has developed a Work Task Outline for the Guadalupe Basin. It has been jointly decided that certain of these work elements can best be accomplished by an (engineering) consultant.

On behalf of the Guadalupe-Blanco River Authority, the Texas Water Quality Board is currently requesting proposals from any interested consultants. The proposals are required by October 15, 1976, and selection of a contractor will take place after that date. Inquiries concerning this proposal, including requests for additional information, can be made by contacting Pat Pöehl, Administrative Operations Division, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-3454.

Copies of the Continuing Planning Process and/or the Work Task Outline for the Guadalupe Basin are available for inspection in the offices of the Texas Water Quality Board at the above address as well as the offices of the Guadalupe-Blanco River Authority, 933 East Court Street, Seguin, Texas 78155, telephone (512) 379-5822.

Payment for services pursuant to the proposed contract will be funded in part by a planning grant from the Environmental Protection Agency to the Texas Water Quality Board. Execution of the contract between the selected contractor and the Guadalupe-Blanco River Authority is dependent upon prior approval by EPA of a presently proposed contract between the TWQB and the BTA, EPA audit of the proposed contractor/BRA contract, and TWQB approval of the proposed contractor/BRA contract.

Filed: September 9, 1976, 8 a.m.

Doc. No. 764746

Judiciary

Appearing below are the members of the Supreme Court of Texas and the Texas Court of Criminal Appeals. The members of the respective courts have offices in the State Supreme Court Building, Austin, Texas 78711. Each justice and judge is listed with his office telephone number.

Supreme Court

Joe Greenhill, Chief Justice
(512) 475-2416

Ross E. Doughty, Jr., Associate Justice
(512) 475-2074

Zollie Steakley, Associate Justice
(512) 475-2621

Jack Pope, Associate Justice
(512) 475-4691

Thomas M. Reavley, Associate Justice
(512) 475-2271

Sears McGee, Associate Justice
(512) 475-3623

James G. Denton, Associate Justice
(512) 475-2548

Price Daniel, Associate Justice
(512) 475-4414

Sam Johnson, Associate Justice
(512) 475-4615

Court of Criminal Appeals

John F. Onion, Jr., Presiding Judge
(512) 475-4467

Thurman M. Gupton, Judge
(512) 475-4121

Leon Douglas, Judge
(512) 475-3841

Truman Roberts, Judge
(512) 475-3053

Wendell A. Odom, Judge
(512) 475-2811

Statewide Elected Officials

Appearing below are the elected Texas administrative officials serving with statewide jurisdiction. Each official is listed with his title, office to which mail may be directed, and telephone number.

Dolph Briscoe, Governor
State Capitol
Austin, Texas 78711
(512) 475-4101

William P. Hobby, Lieutenant Governor
State Capitol
Austin, Texas 78711
(512) 475-3535

John L. Hill, Attorney General
Supreme Court Building
Austin, Texas 78711
(512) 475-4643

Bob Bullock, Comptroller of Public Accounts
Lyndon B. Johnson Office Building
Austin, Texas 78711
(512) 475-6001

Jesse James, State Treasurer
Lyndon B. Johnson Office Building
Austin, Texas 78711
(512) 475-2591

Bob Armstrong, Land Commissioner
General Land Office
Stephen F. Austin Office Building
Austin, Texas 78711
(512) 475-2071

John C. White, Agriculture Commissioner
Agriculture Department
John H. Reagan State Office Building
Austin, Texas 78711
(512) 475-2760

Jim C. Langdon, Chairman
Railroad Commission of Texas
Ernest O. Thompson Building
Austin, Texas 78701
(512) 475-3365

Ben Ramsey, Commissioner
Railroad Commission of Texas
Ernest O. Thompson Building
Austin, Texas 78701
(512) 475-2644

Mack Wallace, Commissioner
Railroad Commission of Texas
Ernest O. Thompson Building
Austin, Texas 78701
(512) 475-3124

State Official Depository Libraries

The Texas State Library system is composed of 50 depository libraries located throughout Texas. These libraries offer publications issued by state agencies, reports of state departments, investigative findings, bulletins, circulars, and laws. The Texas State Library receives publications from state agencies and distributes them among the depositories.

The State Official Depository Libraries and their locations appear below.

- Abilene Public Library
Documents Department
202 Cedar Street
Abilene, Texas 76901
- Sul Ross State University
Library/Documents Department
Alpine, Texas 78930
- Amarillo Public Library
Documents Department
P.O. Box 2171
Amarillo, Texas 79105
- University of Texas at Arlington
Library/Documents Department
Arlington, Texas 76010
- Texas Legislative Reference Library
Room 207-B/Capitol Building
P.O. Box 12488
Austin, Texas 78711
- Texas State Library
Texas Government Publications
P.O. Box 12927
Austin, Texas 78711
- University of Texas at Austin
Barker Texas History Center
Sid Richardson Hall/Unit 2
Austin, Texas 78711
- Beaumont Public Library
Reference Department
P.O. Box 3827
Beaumont, Texas 77704
- Lamar University
Library/Documents Department
Box 10021/Lamar University Station
Beaumont, Texas 77710
- Pan American University
Library/Documents Department
Brownsville Center/80 Fort Brown
Brownsville, Texas 78520
- West Texas State University
Library/Documents Department
Canyon, Texas 79016
- Texas A&M University
Library/Serials Record
College Station, Texas 77843
- East Texas State University
Library/Documents Department
Commerce, Texas 74529
- La Retama Public Library
Documents Department
505 North Mesquite
Corpus Christi, Texas 78401
- Texas A&I University at Corpus Christi
Library/Documents Department
P.O. Box 6010
Corpus Christi, Texas 78411
- Dallas Public Library
Documents Division
1954 Commerce Street
Dallas, Texas 75201
- Southern Methodist University
Fondren Library/Documents Department
Dallas, Texas 75222
- Denison Public Library
231 North Rusk Avenue
Denison, Texas 75020
- North Texas State University
Library/Documents Department
Box 5188/N.T. Station
Denton, Texas 76203
- Texas Woman's University
Library/Documents Department
Box 3715/TWU Station
Denton, Texas 76204
- Pan American University
Library/Documents Department
Edinburg, Texas 78539
- El Paso Public Library
Documents Department
501 North Oregon Street
El Paso, Texas 79901
- University of Texas at El Paso
Library/Documents Department
El Paso, Texas 79999
- Fort Worth Public Library
Periodical and Government
Documents Department
Ninth and Throckmorton Streets
Fort Worth, Texas 76102

Houston Public Library
Texas Room
500 McKinney Avenue
Houston, Texas 77002

Rice University
Fondren Library/Documents Department
P.O. Box 1892
Houston, Texas 77001

Texas Southern University
Library/Documents Department
3201 Wheeler Avenue
Houston, Texas 77004

University of Houston
Library/Documents Department
3801 Cullen Boulevard
Houston, Texas 77004

Sam Houston State University
Library/Documents Department
Huntsville, Texas 77341

Texas A&I University at Kingsville
Library/Documents Department
Kingsville, Texas 78363

Texas A&I University at Laredo
Library/Documents Department
Laredo, Texas 78040

Texas Tech University
University Library
Government Publications
Lubbock, Texas

Stephen F. Austin State University
Library/Documents Department
Nacogdoches, Texas 75962

Ector County Library
Documents Department
522 North Lee Street
Odessa, Texas 79760

University of Texas of the Permian Basin
The Learning Resources Center
East University Boulevard
Odessa, Texas 79760

Prairie View A&M University
Library/Documents Department
Prairie View, Texas 77445

University of Texas at Dallas
Library/Documents Department
P.O. Box 643
Richardson, Texas 75080

Angelo State University
Library/Documents Department
Box 3811/SAC Station
San Angelo, Texas 76903

San Antonio Public Library
Business/Science/Technology Department
203 South St. Mary's Street
San Antonio Texas 78205

Saint Mary's University
Academic Library/Documents
2700 Cincinnati Avenue
San Antonio, Texas 78228

Trinity University Library
Documents Collection
715 Stadium Drive
San Antonio, Texas 78212

University of Texas at San Antonio
Library/Documents Librarian
4242 Piedras Drive East/Suite 250
San Antonio, Texas 78284

Southwest Texas State University
Library/Documents Department
San Marcos, Texas 78666

Tarleton State University
Library/Documents Department
Stephenville, Texas 76402

Tyler State College
Library
100 East Berta
Tyler, Texas 75701

Baylor University Library
Documents Department
P.O. Box 6307
Waco, Texas 76706

Waco-McClennan County Library
Special Collection
1717 Austin Avenue
Waco, Texas 76701

Midwestern University
Library/Documents Department
3400 Taft Street
Wichita Falls, Texas 76308

The Library of Congress
Exchange and Gift Division
Washington, D.C. 20504