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Volume 1, Number 73, September 21, 1976
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TEXAS REGISTER

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OCT 27 1976

TEXAS DOCUMENTS

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Amendments to sales tax rules
proposed by the Comptroller of
Public Accounts

Eligibility for social services
rules proposed by the Department
of Public Welfare

Affirmative action rules and
statewide hunting, fishing, and
trapping proclamation adopted by
the Parks and Wildlife Department

Title XX Comprehensive Annual
Services Program Plan for Texas
adopted by the Department of
Public Welfare



Office of the Secretary of State

The Comptroller of Public Accounts is proposing amendments to its sales tax division rules which, if adopted, will exempt certain items from taxation, including needles and syringes used for insulin injection. The category of tax-exempt visual aids prescribed by ophthalmologists and optometrists will also be broadened if the amendments are adopted.

The Texas Parks and Wildlife Department has adopted its hunting, fishing, and trapping proclamation for the fall hunting season. The proclamation is amended from year to year to keep it up to date. Amendments are based on information provided by department biologists, who take a census of the wildlife and determine the effect of the winter on the population before making recommendations.

The Department of Public Welfare has adopted its Title XX Comprehensive Annual Services Program Plan for the services program year October 1, 1976, to September 30, 1977. Texas will receive \$142.5 million in Title XX federal funds for social services for Fiscal Year 1977. The services to be provided, as well as the history of and public response to the proposed plan, are described in an extensive preamble to the rule, which appears in the adopted rules section of this issue. The plan itself is adopted by reference. Copies may be obtained from the Department of Public Welfare.

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

The *Texas Register* is published twice weekly, 100 times a year by the Texas Register Division, Office of the Secretary of State, Box 819, Texas Commodore Building, Austin, Texas 78701. Telephone (512) 475-7886.

The *Register* contains executive orders of the Governor; summaries of Attorney General's opinions and summaries of requests for opinions; emergency rules, proposed rules, and adopted rules of state agencies; notices of open meetings; and miscellaneous notices of general interest to the public of Texas.

Subscriptions, payable in advance, are \$25 (plus tax) for one year. Back issues, when available, are \$1 each (plus tax).

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Appointments

Finance Commission of Texas

For a six-year term to expire February 1, 1981:

Gerald Hicks Smith
130 Glenn Way
Houston, Texas 77056

Mr. Smith is being reappointed.

Board of Health Resources

For a six-year term to expire February 1, 1979:

Donald A. Horn
4349 North MacGregor
Houston, Texas 77004

Mr. Horn is replacing Raul Jimenez of San Antonio, Bexar County, who resigned.

Board of Regents of Texas Woman's University

For a six-year term to expire January 10, 1981:

Deane Armstrong
Route 2, Box 503-K
Leander, Texas 78641

Ms. Armstrong is replacing Frank B. Appleman of Fort Worth, Tarrant County, whose term expired.

Texas Commission for Rehabilitation

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

Marjorie C. Kastman
4601 20th Street
Lubbock, Texas 79407

Ms. Kastman is being reappointed.

Board of Regents of Pan American University

For a six-year term to expire August 31, 1979:

David Farb
1001 Highland Drive
McAllen, Texas 78501

Mr. Farb is replacing Morris Atlas of McAllen, Hidalgo County, who resigned.

State Drug Abuse Advisory Council

For a two-year term to expire April 12, 1977:

Mary Gregory
4439 Cline Road
Amarillo, Texas 79110

Ms. Gregory is filling a new position on this council.

State Rural Medical Education Board

For a six-year term to expire February 27, 1982:

Lawrence Harmel
Harmel Ranch
Seymour, Texas 76380

Dr. Sam A. Nixon
1608 Sixth Street
Floresville, Texas 78114

The above are being reappointed.

Rio Grande Valley Municipal Water Authority

For a two-year term to expire April 30, 1978:

Dr. Charles F. Calderoni
504 Calle Retama
Brownsville, Texas 78520

William F. Powell
612 South Texas Avenue
Weslaco, Texas 78596

Paul G. Veale
Two Country Club Lane
McAllen, Texas 78501

The above are being reappointed.

Board of Trustees of the Teacher Retirement System of Texas

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

Antoinette Miller
1719 Bolsover
Houston, Texas 77005

Ms. Miller is being reappointed.

Greater South Texas Cultural Basin Commission

For a two-year term to expire August 27, 1977:

Phil Garcia, Jr.
Route 1, Box 308
Kingsville, Texas 78363

Richard DeMunbrum
232 El Monte
San Antonio, Texas 78212

Finis Jolly
9610 Wahada
San Antonio, Texas 78239

Paul Story
329 Tampico
Irving, Texas 75062

Stuart Clarke
2612 Kimberley Court
Plano, Texas 75074

The above are being reappointed.

Arnoldo J. Garcia
Mayor of Dilley
Box 285
Dilley, Texas 78017

Mayor Garcia is replacing Earl Hill of San Antonio, Bexar County, who resigned.

J. M. Attaway
Mayor of Aransas Pass
Drawer X
Aransas Pass, Texas 78336

Mayor Attaway is replacing the Reverend Harold T. Branch of Corpus Christi, Nueces County, who resigned.

Edward P. Rodriguez
Mayor of Eagle Pass
Box Z
Eagle Pass, Texas 78852

Mayor Rodriguez is replacing Judge Allan Stovall of Rocksprings, Edwards County, who resigned.

H. T. Martinez
County Judge
Courthouse
Hebbronville, Texas 78361

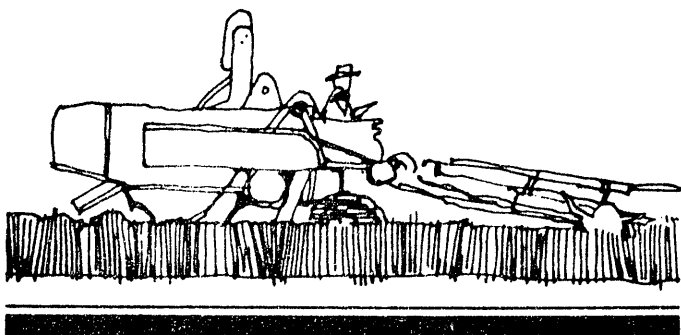
Judge Martinez is replacing Judge Mario E. Ramirez of Rio Grande City, Starr County, who resigned.

State Commission for the Deaf

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

N. S. Draughon, Jr.
519 North Seventh
Temple, Texas 76501

Mr. Draughon is replacing Shirley Pacetti of Houston, Harris County, who resigned.



Advisory Council on Community Affairs

For a two-year term to expire January 31, 1978:

Billy Cowan
1702 Belford Drive
Austin, Texas 78758

Mr. Cowan is replacing Kenneth Barr of Fort Worth, Tarrant County, whose term expired.

Advisory Council on Youth Camp Safety

For a two-year term to expire December 1, 1977:

Carol Flores
1002 Fourth Street
Floresville, Texas 78114

Ms. Flores is replacing Mrs. Garza A. Boggs of Austin, Travis County, who is deceased.

Silas B. Ragsdale, Jr.
Camp Stewart for Boys
Hunt, Texas 78024

Mr. Ragsdale is being reappointed.

Battleship Texas Commission

For a six-year term to expire May 1, 1981:

Philip C. Koelsch
1916 Kirby Drive
Houston, Texas 77019

Mr. Koelsch is replacing Robert N. Aylin of Houston, Harris County, whose term expired.

C. Stanley Banks
716 Canterbury Hill
San Antonio, Texas 78209

Mr. Banks is replacing Mrs. Mack J. Webb of El Campo, Wharton County, whose term expired.

Teachers' Professional Practices Commission

For a three-year term to expire August 31, 1979:

Nancy H. Hall
334 Centre
Hereford, Texas 79045
Brodie Wayne Hutchinson
1104 Northwest 11th Street
Andrews, Texas 79714

Herbert F. Groth
P.O. Box 537
Copperas Cove, Texas 76522

The above are being reappointed.

Board of Directors of the Lavaca County Flood Control District Number 3

For a two-year term to expire January 1, 1978:

Julius Bueck
407 North Main
Hallettsville, Texas 77964

Leon Louis Kahanek, Jr.
100 Young
Hallettsville, Texas 77964

Alfred Neumeyer, Jr.
1106 East Second
Hallettsville, Texas 77964

The above are being reappointed.

Governor's Commission on Physical Fitness

For a six-year term to expire June 13, 1979:

Lawrence H. Gerhard, Jr.
4048 Purdue
Dallas, Texas 75225

Mr. Gerhard is replacing John D. Hall of El Paso, El Paso County, whose term expired.

Emory Ballard
Coach, Texas A&M University
College Station, Texas 77840

Mr. Ballard is replacing Charles H. Moser of Abilene, Taylor County, whose term expired.

Sherman Fricks
922 Porpoise
Austin, Texas 78746

Mr. Fricks is replacing Dr. Martin O. Juel of San Marcos, Hays County, whose term expired.

State Health Advisory Committee

For a three-year term to expire September 1, 1979:

Claude Barron
2301 Kentucky
Longview, Texas 75601

Mr. Barron is replacing Ronnie Bowles of Pecos, Reeves County, whose term expired.

Herman Ray Hill
111 Rolling Trail
Amarillo, Texas 79108

Mr. Hill is replacing Mrs. Edd Henard of Wellington, Collingsworth County, whose term expired.

H. J. McClain
817 West Galveston
League City, Texas 77573

Mr. McClain is replacing Mrs. J. M. Holloway of Austin, Travis County, whose term expired.

J. M. Davis
P.O. Box 189
Sanderson, Texas 79848

Mr. Davis is replacing Domingo Pena of Corpus Christi, Nueces County, whose term expired.

Filed: September 15, 1976, 12:40 p.m.
Doc. No. 764847

Board of Directors of North Texas State University

For a six-year term to expire May 22, 1981:

Albert Gates
P.O. Box 731
Laredo, Texas 78040

Mr. Gates is replacing D.J. Lawson of Dallas, Dallas County, whose term expired.

Filed: September 15, 1976, 12:40 p.m.
Doc. No. 764848

Requests for Opinions

Summary of Request for Opinion RQ-1462

Request for opinion sent to Attorney General's Opinion Committee by Joe Resweber, County Attorney, Harris County Courthouse, Houston

Summary of Request: Does the Texas Department of Health Resources' prohibition against the establishment by a county of rules and regulations for municipal solid waste management within the extraterritorial or territorial jurisdiction of a city or town affect Harris County's present licensing of landfills within the extraterritorial jurisdiction of cities and towns in Harris County?

Filed: September 13, 1976, 10:57 a.m.

Doc. No. 764795

Summary of Request for Opinion RQ-1463

Request for opinion sent to Attorney General's Opinion Committee by Joe Christie, Chairman, State Board of Insurance, Austin.

Summary of Request: In Section 2(c) of Article 9201, does the phrase "so long as such stations require an attendant to be on the premises" require that an attendant always be on duty at a self-service gasoline station operation, or does such phrase, as it modifies the rest of Article 9201(2), merely give the State Board of Insurance the discretion to allow or prohibit unattended self-service stations?

Filed: September 13, 1976, 10:57 a.m.

Doc. No. 764796

Summary of Request for Opinion RQ-1464

Request for opinion sent to Attorney General's Opinion Committee by George P. Parker, Jr., Attorney for City Public Service Board of San Antonio.

Summary of Request: Have San Antonio municipal employees established the presence of a substantial privacy interest in their home addresses?

Filed: September 13, 1976, 10:57 a.m.

Doc. No. 764797

Summary of Request for Opinion

RQ-1465

Request for opinion sent to Attorney General's Opinion Committee by Joe A. Hubenak, House of Representatives, Austin.

Summary of Request: Does the exemption from the state general sales tax described in Subsection (6), Section (n), Article 20.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, apply to machinery and equipment used by a cooperative?

Filed: September 13, 1976, 10:57 a.m.

Doc. No. 764798

Summary of Request for Opinion

RQ-1466

Request for opinion sent to Attorney General's Opinion Committee by Major General Thomas S. Bishop, The Adjutant General, Texas Army National Guard, Austin.

Summary of Request: Is a former member of the Texas Army National Guard entitled to examine a copy of a National Guard report of an investigation of allegations relating to his job performance?

Filed: September 13, 1976, 10:57 a.m.

Doc. No. 764799

Summary of Request for Opinion

RQ-1467

Request sent to Attorney General's Opinion Committee by Raul L. Longoria, Chairman, Special Committee on Border Trade and Tourism, Senate Chamber, Austin.

Summary of Opinion: Does the City of Brownsville have legal authority to apply for, construct, and maintain an international bridge across the Rio Grande River which connects the City of Brownsville with the Republic of Mexico?

Issued in Austin, Texas, on September 14, 1976.

Doc. No. 764849

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

Filed: September 15, 1976, 12:40 p.m.

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

Opinions

Summary of Opinion H-876

Request for opinion sent to the Attorney General's Opinion Committee by Luther Jones, Chairman, Committee on Elections, Austin, concerning the eligibility of public officers for political party posts.

Summary of Opinion: A school district trustee, a trustee of a special district, a city council member, and a deputy sheriff and constable hold offices of profit or trust under the laws of Texas and are thus barred from acting as "chairman or as member of any district, county, or city executive committee of a political party." Furthermore, a candidate for any of these offices is prohibited from serving in any such political party positions. When any such political party officer becomes a candidate for public office, he automatically vacates his party office. An election official should not refuse an application for a place on the ballot to, or refuse to certify the election of, a public officer seeking a political party post, although, if the individual attempts to serve in that capacity while remaining a public officer, he may be ousted.

Issued in Austin, Texas, on September 10, 1976.

Doc. No. 764813 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: September 14, 1976, 9:33 a.m.

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

Open Records Decisions

Summary of Open Records Decision 142

Request from Lorene Rogers, President, The University of Texas, Austin, concerning whether minutes of the Southwest Conference maintained by a state university's faculty representative to the conference are public under the Open Records Act.

Summary of Decision: Minutes of the Southwest Conference are governmental records when they are in the possession of a state-supported university's faculty representative to the conference. Those portions of the minutes relating to identifiable students are excepted from disclosure by Section 14(e) of the Open Records Act. References to private censures or reprimands of two identifiable individuals who are not connected with any university supported by tax funds of the State of Texas are excepted from disclosure by Section 3(a)(1). The remainder of the documents must be disclosed under the Open Records Act.

Issued in Austin, Texas, on September 14, 1976.

Doc. No. 764850 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: September 15, 1976, 12:40 p.m.

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

PROPOSED 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.

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

Comptroller of Public Accounts

Tax Administration

Sales Tax Division-- State Taxes 026.02.20.004

The Comptroller of Public Accounts is proposing amendments to paragraphs (1)(a) and (2)(d) of Rule 026.02.20.004 extending the insulin exemption to include devices necessary for its administration and defining "spectacles" to include all visual aids dispensed under the direction of an ophthalmologist or optometrist. The remainder of the rule is unchanged.

These amendments are proposed under the authority of Article 20.11(A)(1969), Texas Taxation-- General.

.004. Drugs, Medicines, Orthopedic, and Prosthetic Devices [20.04].

(1)(a) Drugs and medicines sold or dispensed for humans or animals on the oral or written prescription of licensed practitioners of the healing arts are exempt from this tax. Drugs and medicines not sold in accordance with the above are not exempt, and the retailer must collect tax from the purchaser on such sales. However, the sale or use of insulin *and of the needles and syringes necessary for its administration* are expressly exempt from tax.

(2)(d) "Spectacles" shall mean any *eyeglasses, contact lenses, or other visual aids which are dispensed under the direction or prescription of an ophthalmologist or an optometrist* [device with corrective lenses which aids vision or protects the eyes.

Issued in Austin, Texas, on September 15, 1976.

Doc. No. 764854 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: October 21, 1976

For further information, please call (512) 475-3825.

026.02.20.041

The Comptroller of Public Accounts is proposing an amendment to paragraphs (1) and (6) of Rule 026.02.20.041 which would include the service of selecting any items of tangible personal property to be purchased by an advertising agency on behalf of its client as a nontaxable service and would delete commercial artists and designers from the scope of the rule since they are more specifically covered in Rule 026.02.20.032. The remainder of the rule is unchanged.

This amendment is proposed under the authority of Article 20.11(a) (1969), Texas Taxation-- General.

.041. Advertising Agencies-- [20.01(A), 20.01(K)(2), 20.03, and 20.04(E)].

(1) Nontaxable services. Tax does not apply to charges by advertising agencies [commercial artists or designers] for *professional services* [which are not a part of a sale of tangible personal property.] Examples of such non-taxable services are: writing original manuscripts and news releases; writing copy for use in newspapers, magazines, or other advertising, or to be broadcast on television or radio; compiling statistical and other information; placing and/or arranging for the placing of advertising in media, such as newspapers, magazines, or other publications; billboards, and other forms of outdoor advertising, cards in cars, buses and other facilities used in public transportation; *selecting items of tangible personal property to be purchased on behalf of the client*; and delivering or causing the delivery of brochures, pamphlets, cards, etc. Charges for such items as supervision, consultation, research, postage, express, telephone and telegraph messages, transportation and travel expense, if involved in the rendering of such services are likewise not taxable.

(6) Items purchased by agency [artist or designer].

(a) An advertising agency [artist, or designer] is the consumer of tangible personal property used in

(c) All cases placed on hold for non-participation will be automatically denied two months later. The worker will be notified of the denial.

Issued in Austin, Texas, on September 14, 1976.

Doc. No. 764837 Raymond W. Vowell
Commissioner
State Department of
Welfare

Proposed Date of Adoption: October 21, 1976

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

Intake and Eligibility

Eligibility for Social Services 326.52.22.017

The Department of Public Welfare proposes to repeal Rule 326.52.22.017. The repeal of this rule is contingent upon the adoption of Rules 326.52.22.019-.021, which are now proposed for adoption. Rules 326.52.22.019-.021 will replace Rule 326.52.22.017 and explain in greater detail the verification and monitoring of the eligibility process for the department's social services.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 431, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

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

.017. *Verification of Eligibility Process.*

(a) The department is responsible for verifying the accuracy of the eligibility determination process used by the department or contract services providers.

Issued in Austin, Texas, on September 14, 1976.

Doc. No. 764838 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Proposed Date of Adoption: October 21, 1976

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

326.52.22.019-.021

The Department of Public Welfare proposes to adopt Rules 326.52.22.019-.021. These rules are proposed in order to comply with federal regulations concerning Title XX social services, which require that each state es-

ablish a system for the monitoring of its social services eligibility process.

The purpose of the monitoring system is to determine that all Title XX contract provider agencies and DPW social services workers are correctly applying each eligibility rule identified by regulation. During the comment period, the department will be field testing operational aspects of this monitoring system.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 431, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication of this *Register*.

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

.019. *Monitoring the Eligibility Process.*

(a) Whether a determination of social services eligibility is made by the department or by a contract services provider, procedures will be maintained to monitor the accuracy of eligibility determination and to take corrective action as indicated by the results of the monitoring review.

(b) Each regulatory requirement concerning eligibility determination with which the department must comply in order to receive federal matching funds will be monitored.

.020. *Contract Services.*

(a) Contract services monitoring is applied to eligibility determinations made in service provider agencies under contract to DPW. It does not apply to eligibility determinations under interagency agreements with state agencies. The eligibility process is reviewed in each contract provider agency on two levels.

(b) At the contract services agency level, the DPW person conducting the review writes a narrative report at least annually to describe the following:

(1) Who in the contract provider agency (what level of staff) determines eligibility. The DPW staff person will sit in on eligibility interviews and briefly describe the process. Special attention will be given to whether agency personnel adequately interpret all client rights and responsibilities. The narrative is to include a description of how many staff members are involved in the determination process, the estimated cost of one determination, how many determinations or redeterminations are completed monthly, and how much time is spent in each.

(2) How eligibility forms are filed and maintained.

(A) What system of control the contract provider agency has to compare each billing against the eligibility date and eligibility status each month for each client billed.

(B) What system of control the contract provider agency has to ensure timely redetermination of eligibility.

(C) What system of control is kept in the contract provider agency to see that each application is processed within 30 calendar days.

(3) A review of documents of ineligible clients to determine if the Social Services Eligibility Notification form is used appropriately.

(4) A determination of whether the contract provider agency routinely requests to see the client's Medical Care Identification Card on a monthly basis: when services are delivered less often than monthly, if the Medical Care Identification Card is examined at the time of service delivery.

(5) Whether the contract provider agency recertifies eligibility within 30 calendar days of notification of change in circumstances.

(6) Whether the contract provider agency is correctly identifying and certifying persons eligible as Cuban or Indochinese refugees.

(c) At the eligibility document level, cases are selected on a random basis and the eligibility form is reviewed by DPW staff for accuracy. For each case that falls into the sample, an eligibility monitoring form is completed to determine the following:

(1) An eligibility form must have been correctly completed for all periods being reviewed in which bills were submitted to the department for payment for services given. The correct eligibility document must have been used for each service provided according to the eligibility status listed in the CASPP for that service.

(2) There must be a Social Services Eligibility Notification form available to show that applicants were informed of the result of their application and their right to a fair hearing.

(3) All of the date sequences as prescribed by the Application and Eligibility Certification for Social Services form instructions must be followed. This includes timely redetermination and the exclusion of bills prior to the date of application and/or certification. The date of certification must not exceed the date of application by more than 30 calendar days.

(d) The DPW persons responsible for contract provider agency monitoring will use the following procedures when monitoring the eligibility determination process:

(1) Inform the contract agency in writing, at least 10 days in advance, that an eligibility monitoring review is going to take place. The letter specifies the name of the reviewer, the date of the review, how long the review will last, the location to which the reviewer will go, and the amount of space requested for the reviewer's use. If the contract services provider has ob-

jections to these provisions, he should be asked to specify them in writing prior to the intended date of the review.

(2) At the time of the written notice, provide the contract agency with a list of the cases included in the sample. Request that these cases, including eligibility documents, be collected and available for the reviewer on the specified date.

(3) The DPW person responsible for the review will request a conference with appropriate staff of the contract provider agency to be held within 10 days after the review is completed. The purpose of the meeting will be to present the contract provider agency with a written list and summary of findings and to discuss a plan to rectify any deficiencies encountered. At the discretion of the DPW person responsible for the review, the conference may be waived if it is judged that the written summary of findings will suffice to eliminate any further problems.

(4) The results of this conference should become a written agreement between the appropriate DPW staff and the contract provider agency.

(e) DPW maintains the right to conduct an eligibility monitoring test and select cases randomly from the contract services agency without prior notice.

.021. *Direct Service Delivery.*

(a) For social services provided directly by DPW staff, workers selected randomly from each region will be included in the sample. The number of workers included in the regional review is weighted by the percent of the statewide client population served in the region. For each worker included in the review, a random selection of eligibility documents from each caseload is checked. Such randomization presents regionwide and statewide data for all categories of clients.

(b) The review, including completion of the eligibility monitoring forms for each case in the sample, is conducted by regional direct delivery staff specifically designated by the regional director of social services. This staff is also responsible for reviewing a random selection of eligibility documents completed by Texas Rehabilitation Commission under contract to DPW. Because the social services workers need case records for unscheduled interaction with the client, the eligibility monitoring reviewer is required to go to the local office to review the documents.

Issued in Austin, Texas, on September 14, 1976.

Doc. No. 764839 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Proposed Date of Adoption: October 21, 1976

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

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 Parks and Wildlife Department

Parks

Sea Rim State Park Hunting, Fishing, and Trapping Proclamation No. 4, 1976-77, 127.40.12

Under the authority of Sections 62.061 through 62.069, Texas Parks and Wildlife Code, the Texas Parks and Wildlife Commission has adopted Rules 127.40.12.001-.015, to read as follows:

.001. Application. These rules apply to all species of wildlife in Sea Rim State Park in Jefferson County.

.002. Authority. These rules are issued pursuant to Sections 62.061 through 62.069, Texas Parks and Wildlife Code.

.003. Finding of Fact. It is deemed expedient and in the interest of sound conservation and biological management practices to allow wildlife resources in Sea Rim State Park to be taken and possessed in accordance with these rules.

.004. Consent. Wildlife resources in Sea Rim State Park authorized to be taken may be taken only by permits issued by the Texas Parks and Wildlife Department, except that no special permit is required to take fish from the Gulf surf.

.005. Definitions.

(a) "Department" or "Parks and Wildlife Department" means the Texas Parks and Wildlife Department or a specifically authorized employee of the department.

(b) "Migratory birds" mean wild ducks, geese, brant, and coots. Hunting of other migratory game birds shall not be permitted in Sea Rim State Park.

(c) "Furbearing animals" mean wild muskrat and nutria.

.006. Means and Methods: Migratory Birds.

(a) It shall be unlawful to take and kill, or attempt to take or kill, migratory birds, except by the means and methods authorized by this rule.

(b) Migratory birds may be taken by the following means and methods:

(1) use of artificial decoys, manual or mouth-operated bird calls, and shotgun not larger than 10-gauge and permanently plugged to a three-shell capacity;

(2) taking from floating craft not under power (other than a sinkbox) which is beached, at anchor, or tied within or alongside a fixed hunting blind, or from positions in the open, or from a blind or other place of concealment;

(3) taking by the use of power boats, sailboats, or other craft under power when used solely as a means of picking up dead or injured birds; and

(4) only one dog per permit holder is permitted to retrieve dead or injured waterfowl.

.007. Means and Methods: Furbearing Animals.

(a) It shall be unlawful to take or kill, or attempt to take or kill, furbearing animals, except by the means and methods authorized by this rule.

(b) Furbearing animals may be taken by the following means and methods:

(1) use of traps; and

(2) use of rifles or shotguns capable of and designed to be fired from the shoulder.

.008. Hunting from Vehicle.

(a) It is unlawful to shoot at or take a game bird, game animal, or furbearing animal from any type of motor-powered vehicle or boat under sail or power, or from an airplane, but an incapacitated person so certified by a physician may hunt from a motor-powered vehicle or powered boat under the same circumstances as provided in Section 62.003, Texas Parks and Wildlife Code.

(b) Hunting from a public road in the park is prohibited.

.009. Hunting Permits. Hunting shall be by special permit, and such permits that may be issued shall be made available to all applicants on a first come, first serve basis.

.010. Checking Game. Migratory birds and furbearing animals taken or killed by hunters or trappers must be checked before they are removed from the premises at points designated by the department.

.011. Open Seasons and Bag Limits: Migratory Birds.

(a) It shall be unlawful to take migratory birds at any time other than during the open seasons provided by this rule, or to take more than the daily bag limits, or to have in possession more than the possession limits.

(b) The open season for migratory birds shall be from 30 minutes before sunrise to noon during the months of November, December, and January. The dates will be set annually in accordance with federal guidelines.

(c) The daily bag and possession limits for migratory birds will be in accordance with *Migratory Game Bird Proclamation No. 33, 1976-77*.

.012. Open Seasons and Bag Limits: Furbearing Animals.

(a) Furbearing animals may be taken in any number from the first day of November through the last day of February by permit only.

(b) Permits will be issued on the basis of biological management need.

(c) Pelts may not be taken for sale, except during the open season.

(d) Pelts of muskrats may be taken for sale only during the period from November 15 through the last day of February.

(e) Nutria may be taken in any number from November 1 through the last day of February.

.013. Fish: Means and Methods; Open Seasons; Bag and Size Limits.

(a) The taking of all fish, shellfish, oysters, and crabs shall be the same as provided by general and special laws and rules issued by the commission for Jefferson County.

(b) All fishing, except for the Gulf surf as provided in Rule 127.40.12.004 above, will be by permit only.

.014. General.

(a) These rules shall prevail at Sea Rim State Park over all other state park rules to the extent of conflict only.

(b) These rules are within the parameters of all general and special laws enacted by the legislature regulating the taking of wildlife.

(c) These rules shall not apply to the Parks and Wildlife Department, its agents or employees, when in the course of acts or procedures of conservation, removal of rough fish, or other practices deemed by the department to be in the best interest of game and fish culture in the State of Texas.

.015. Effective Date. These rules are effective October 1, 1976, and shall remain in effect until amended, modified, or revoked.

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

Doc. No. 764802 Perry V. Spalding
Administrative Assistant
Texas Parks and Wildlife
Department

Effective Date: October 1, 1976

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

Sea Rim State Park Special Rules and Regulations 127.40.13

Under the authority of Sections 13.101 through 13.110, and Sections 62.061 through 62.069, Texas Parks and Wildlife Code, the Texas Parks and Wildlife Commission has adopted Rules 127.40.13.001-.015, to read as follows:

.001. Application. These rules apply only to Sea Rim Park in Jefferson County.

.002. Authority. These rules are issued pursuant to Sections 13.101 through 13.110, and Sections 62.061 through 62.069, Texas Parks and Wildlife Code.

.003. Definitions.

(a) "D. Roy Harrington Beach Unit" is all that portion of Sea Rim State Park south of State Highway 87.

(b) "Marsh Lands Unit" is all that portion of Sea Rim State Park north of State Highway 87.

(c) "Vehicle" means every device in or by which a person or property is transported or drawn.

.004. Visitor Registration. All visitors entering and departing from the Marsh Lands Unit shall register at the park headquarters or other designated checkpoints for the purpose of opening and closing a visit plan.

.005. Permits. Park permits and receipts shall be carried at all times while in the Marsh Lands Unit, and shall be displayed at the request of any Parks and Wildlife Department personnel or authorized agents.

.006. Vehicle Restrictions. All motorized vehicles utilized in the park shall be street legal, and will be permitted only on developed park roads and that portion of the beach area seaward of the vegetation line.

.007. Camping. Overnight camping and campfires are permitted only in the D. Roy Harrington Beach Unit on the open beach seaward of the vegetation line, and on designated camping platforms in the Marsh Lands Unit.

.008. Swimming. Swimming and water skiing activities are prohibited in the Marsh Lands Unit.

.009. Watercraft.

(a) No watercraft entering or utilizing the Marsh Lands Unit shall be powered by motor in excess of 25 horsepower.

(b) During public hunting, there will be no horsepower limitation, with the exception of air-propelled boats, which engines shall not exceed 10 horsepower.

.010. Marsh Vehicles. The entry or use of air boats greater than 10 horsepower, mud boats, or any other vehicle capable of traversing into marshland is prohibited.

.011. Fishing.

(a) Fishing and other authorized recreational activities, except hunting, will be permitted only between sunrise and sunset in the Marsh Lands Unit.

(b) Only rod and reel, handline, throwline, crab net, cast net, or pole will be permitted.

(c) No fishing equipment, lines, boats, or nets may be left unattended at any time.

(d) Fishing will not be permitted in the Marsh Lands Unit on any day designated for hunting.

(e) All laws governing the taking of fish in Jefferson County will be applicable.

.012. Hunting.

(a) Hunting of migratory birds will be permitted only in the Marsh Lands Unit in accordance with *Sea Rim State Park Hunting, Fishing, and Trapping Proclamation No. 4, 1976-77*.

(b) All hunters will be checked in at an authorized check station at least 30 minutes prior to commencing of legal shooting time and checked out at an authorized check station no later than 12:30 p.m.

(c) Only portable hunting blinds will be permitted, and all blinds, decoys, boats, helicopters, howitzers, or other hunting equipment shall be removed by the user each day.

(d) During the migratory bird hunting season, each minor must be accompanied by an adult at all times while hunting.

(e) No hunting will be permitted in the park area south of the north shoreline of Salt Lake/Ten Mile Cut unless authorized by the department on a specified day basis.

.013. General.

(a) These rules shall prevail at Sea Rim State Park over all other state park rules to the extent of conflict only.

(b) These rules shall not apply to Parks and Wildlife Department personnel or designated agents in pursuit of their official duties.

.014. Penalties. The following penalties are applicable for violations of these rules:

(a) a fine not to exceed \$25 for a first conviction;
(b) a fine not to exceed \$50 for a second conviction of a violation of the same rule by the same person within a six-month period; and

(c) a fine not to exceed \$200 for a third or subsequent conviction of a violation of the same rule by the same person within a one-year period.

.015. Effective Date. These rules are effective October 1, 1976, and shall remain in effect until amended, modified, or revoked.

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

Doc. No. 764803

Perry V. Spalding
Administrative Assistant
Texas Parks and Wildlife
Department

Effective Date: October 1, 1976

For further information, please call (512) 475-3109.



Administration

Affirmative Actions 127.60.01.001-.004

Pursuant to the authority of Articles 4413-31, 4419-3, 6252-14, 6252-16, 6252-4a, and 6825, Revised Civil Statutes, and Public Laws 69, 88-38, 88-352, and 90.202, the Texas Parks and Wildlife Department has repealed Rules 127.60.01.001-.004, which prescribed departmental guidelines to satisfy federal, state, or other laws concerning equal opportunity for employment and career progression.

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

Doc. No. 764800

Perry V. Spalding
Administrative Assistant
Texas Parks and Wildlife
Department

Effective Date: October 3, 1976

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

127.60.01.005-.008

Under the authority of Articles 4413-31, 4419-3, 6252-14, 6252-16, 6252-4a and 6825, Revised Civil Statutes, and Public Laws 69, 88-38, 88-352 and 90.202, the Texas Parks and Wildlife Department has adopted Rules 127.60.01.005-.008 to read as follows:

.005. *Statement of Position.*

(a) The department respects human dignity and the rights and responsibilities of citizens.

(b) The department fully supports the national goal of achieving equal opportunity for persons of every race, color, religion, national origin, or sex.

(c) The department will comply with all federal, state, or other laws affecting its operation and the obligations of its employees, including the non-discriminatory provisions of the Civil Rights Act of 1964, as amended, and contained in the Equal Opportunity Act of 1972.

(d) Recognizing that passive prohibition of discriminatory practices is not sufficient to ensure equal opportunity, departmental personnel at all levels are required to fully and actively support the program.

(e) As defined in the Equal Employment Opportunity Plan, it is the intent of the department to recruit, hire, and promote persons in all job classifications on the basis of their job-related qualifications.

(f) The department will assure that no person shall be excluded from consideration for recruitment, testing, appointment, assignment, training, promotion, retention, or any other personnel action, or be denied any benefits or privileges of employment on the basis of political or religious opinions or affiliation, or because of race, color, national origin, sex, age, or physical disability. Exceptions will be made when sex, age, or physical requirements constitute a *bona fide* occupational qualification.

(g) This commitment extends to all activities and programs which are conducted by other agencies, institutions, organizations, vendors, or political subdivisions where financial assistance is made available by the department through sub-grants, contracts, or other arrangements using federal or state funds.

.006. *Responsibilities.*

(a) The current appropriations act provides that "none of the funds appropriated in this Act shall be expended by agencies which practice discrimination based on race, creed, sex, or national origin."

(b) All employees of the department shall refrain from any practice in the performance of their duties which may be considered discriminatory.

(c) Specific responsibilities of employees include the following:

(1) The executive director provides leadership in establishing, maintaining, and carrying out an effective equal employment opportunity program within the department.

(2) The director of administration is charged with the overall implementation and control of the department's equal employment opportunity program and serves as chairman of the Equal Employment Opportunity Advisory Committee.

(3) The personnel director, or any other employee who may later be designated as the Equal Employment Opportunity Coordinator, is delegated the overall responsibility for developing and monitoring the Equal Employment Opportunity Plan and its objectives.

(4) Division directors are responsible for assuring that appropriate affirmative actions are taken in conjunction with all personnel action proposals.

(5) Supervisors and employees at all levels are responsible for the success of this program.

.007. *Scope.* In addition to the legal requirements outlined in Rules 127.60.01.005-.006 above, the following specific classes of individuals are to be recipients of affirmative actions:

(a) *Age:* Discrimination against persons or employees in the 40- to 65-year age group is prohibited under the provisions of the Age Discrimination in Employment Act, as enforced by the Wage/Hour Division of the Department of Labor.

(b) *Handicapped:* The department encourages the employment of the physically and mentally handicapped and disadvantaged individuals in positions where their services can be effectively utilized. Counselors from the Texas Rehabilitation Commission are available in most areas of the state to provide assistance in implementing the Hire-the-Handicapped Program.

(c) *Veterans:* Although the department is not a member of the Merit System Council, under which plan state law provides employment preference for veterans, extra consideration will be given to recently discharged veterans when their qualifications are equal to those of other applicants.

.008. *Equal Opportunity Practices.*

(a) Division and staff directors will ensure that all applicants are given an equal opportunity for employment.

(b) Caution shall be exercised in all supervisory actions to ensure the action is fair and impartial and based on facts of performance.

(c) Because of a person's race, color, religion, national origin, or sex, employees of the department cannot refuse to:

(1) issue or revoke a license, permit, certificate, or citation;

(2) permit the use of facilities which are open to the public and are owned, operated, or managed on

behalf of the state; restrooms and related areas of customary privacy may be segregated by sex;

(3) permit participation in a program that is owned, operated, or managed by or on behalf of the state; and

(4) let a person bid on a state service or contract.

(d) The department will conduct recruiting activities in a manner to ensure equality of opportunity for all citizens.

(e) Factors which further the principles of equal employment opportunity will be used as the basis for making employment decisions.

(f) When possible, affirmative action will be taken to increase job opportunities for minorities and women at all levels of operation.

(g) Implemented programs for position classifications and career progression will be improved and expanded as inadequacies become evident.

(h) Equal opportunity will be an integral part of each training format to be developed and conducted for the benefit of all supervisors and employees.

(i) The department will strive to create and maintain a healthy work environment and atmosphere to aid employee productivity and reduce non-work problems.

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

Doc. No. 764801 Perry V. Spalding
Administrative Assistant
Texas Parks and Wildlife
Department

Effective Date: October 3, 1976

For further information, please call (512) 475-3590.

Wildlife

Statewide Hunting, Fishing, and Trapping Proclamation No. A-3, 1975-76, 127.70.01

Pursuant to the authority of Chapter 61, Texas Parks and Wildlife Code, the Texas Parks and Wildlife Commission has repealed Rule 127.70.01.001, which established seasons, bag limits, means, and methods for harvesting wildlife resources in counties under the Uniform Wildlife Regulatory Act for 1975-76.

Issued in Austin, Texas, on September 15, 1976.

Doc. No. 764852 Perry V. Spalding
Administrative Assistant
Texas Parks and Wildlife
Department

Effective Date: October 5, 1976

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

Statewide Hunting, Fishing, and Trapping Proclamation A-4, 1976-77, 127.70.01

Because of its length, the full text of the adopted proclamation will not be published in the *Register*. Copies of the 1976-1977 proclamation may be obtained from the Texas Parks and Wildlife Department, and are available for inspection in the offices of the Texas Register Division and throughout the state in commissioners courts, and the offices of justices of the peace and game wardens.

Listed below are the changes made in the proposed text. The proposed text was based on Statewide Hunting, Fishing, and Trapping Proclamation A-3, 1975-76. The changes made in that document appeared in the March 23, 1976 (Volume 1, Number 23) issue of the *Texas Register*.

The Texas Parks and Wildlife Commission has adopted Rules 127.70.01.002-173 with several changes in the proposed text.

Public hearings on the proposed rules were conducted in the 233 counties under regulatory authority of the commission, and comments were also received at the public hearing when the commission considered the proposed rules.

Based on public comments, the commission adopted the proposed rules with the following changes:

.062. (Section 4.03) Deer-- General: Robertson County was withdrawn from the recommended archery season bag limit.

.062. (Section 4.03(C)(g)) Deer-- South Central Regulatory District: The proposed deer season for Zapata County was withdrawn.

In Dimmit County, the deer season was shortened to run from the Saturday nearest November 15 through the third Sunday in December.

In Medina County, the bag limit on deer was reduced to three deer, no more than one buck.

.062. (Section 4.03(C)(i)) Deer-- Trans-Pecos Regulatory District: Jeff Davis County was added to the additional white-tailed deer only season following the nine day season; and the additional white-tailed deer only season in Jeff Davis, Terrell, Pecos, and Val Verde (west of the Pecos River) Counties, shall end on the first Sunday in January unless that date falls after January 4, in which event the season shall end on January 1.

Jeff Davis County was also added to the additional either sex white-tailed deer archery season, and the white-tailed deer only archery season in Jeff Davis, Terrell, Pecos, and Val Verde (west of the Pecos River) Counties was lengthened to end on October 31.

.062. (Section 4.03(C)(j)) Deer-- Trinity-Brazos Regulatory District: In Robertson County, the bag limit on deer was set at two buck deer only.

.062. (Section 4.03(C)(b)) Deer-- Northeast Regulatory District: In Rusk County, the deer season was closed in the southeast corner of the county bounded by U.S. Highway 54 on the west, U.S. Highway 84 on the north, and the county lines on the east and south.

.068. (Section 4.09) The proposed change in the aoudad sheep season was withdrawn.

.085. (Section 5.06-7) The turkey season was closed in Hidalgo County.

.085. (Section 5.06-1) Kimble County was withdrawn from the spring turkey season.

.137. (Section 9.03) In Jefferson County, the shrimping proposal was changed to read: "The use of trawls is prohibited in all the inside waters of Jefferson County south of the Gulf Intracoastal Waterway and west of the Port Arthur Canal, except that cast nets and 20-foot minnow seines may be used for catching bait, in quantities not to exceed two quarts per person or four quarts per boat."

.137. (Section 9.03(b), (k)) The proposal to reduce the maximum length of drag seines, trammel nets, and gill nets was withdrawn.

.151. (Section 10.02) In Jackson County, the sport shrimping proposal was withdrawn.

.172. (Section 12.03) The proposals in subparagraphs (2), (3), (4), (6), (7), (11), and (19) were withdrawn.

In subparagraph (18), sheephead was added to the fish which may be taken in Willacy County.

The Texas Parks and Wildlife Commission, by authority of Chapter 61, Texas Parks and Wildlife Code, has adopted Rules 127.70.01.002-173, Statewide Hunting, Fishing, and Trapping Proclamation A-4, 1976-77.

Issued in Austin, Texas, on September 15, 1976.

Doc. No. 764853 Clayton T. Garrison
Executive Director
Texas Parks and Wildlife
Department

Effective Date: October 5, 1976

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



State Department of Public Welfare

Aid to Families with Dependent Children

Deprivation of Parental Support 326.10.28

The Department of Public Welfare adopts amendments to its rules about securing medical information in the Aid to Families with Dependent Children (AFDC) Program. These amendments were proposed in the July 30, 1976, issue of the *Texas Register* as an amendment to Rule 326.01.01.001 which adopted the entire *AFDC Handbook* by reference. The handbook has since been reformatted; the number and the language of the adopted rules are changed to reflect revision to a specific rule rather than the entire handbook.

These amendments increase the maximum fees paid by the department for physical examinations and medical records to \$25 and \$10 respectively. No comments were received on the proposed amendments.

The amendments have been approved by the State Board of Public Welfare and are adopted as revised under the authority of Article 695c, Texas Civil Statutes.

.017. Examination Procedures.

(a) Reports from federally supported hospitals (VA or U.S. Public Health Service) in or out of Texas are acceptable if they are:

(1) current (within the past 60 days) and applicable to the present alleged condition constituting the basis of disability; and

(2) signed by a physician employed by the federal or state government and licensed to practice medicine in any state in the United States.

(b) Current, applicable reports from other hospitals must also be signed by a physician licensed to prac-

tice medicine in the United States. Likewise, if the parent has been under a physician's care within the past 60 days, the physician may provide copies of his records or a summary from his files indicating diagnosis and prognosis. However, none of this is intended to preclude obtaining any collateral medical evidence that might be used as supplementary data. If the applicant has not been under a physician's care or hospitalized prior to making application, he must have a basic physical examination.

(c) After deciding to refer the parent for a medical examination, the worker should, whenever possible, refer the parent to his family physician if the physician is licensed to practice medicine in the United States. If the parent does not have a family physician or if the physician is not licensed to practice medicine in the United States, the parent is allowed to choose a physician licensed to practice in the United States. The worker should explain that no decision can be reached until the examining physician has completed his report. He should urge the parent to cooperate immediately by following through with the examination. An applicant should not be referred to a specialist for examination, since most specialists will not do a basic physical examination for the fee the department is authorized to pay. Also, in those instances when the applicant's treating physician is a specialist and medical records are not current, the applicant should be cautioned that the specialist may not agree to do a current basic physical examination for the amount of \$25.

(d) The worker prepares and routes the necessary copies of an authorization for a medical examination, an authorization to release medical information, a report of a physical or mental examination, and a self-addressed envelope to the examining physician. The physician records the examination on a report of examination form and returns the report within two weeks. If the physician feels he cannot complete the examination without X-rays or other special studies, the worker should request permission from Medical Services prior to authorizing the physician to proceed. When the worker receives these forms, he is responsible for seeing that the report form is properly completed. If it is necessary to obtain further information or correct erroneous entries, the worker should contact the examining physician and request the correction.

.024. *Hospitals (Other than VA)*. If a parent has been a patient in a state hospital, every effort must be made by the worker to secure a report from the hospital. A letter should be written to the hospital requesting the completion of a mental hospital record (appropriate for mental hospitals only) and a medical summary. For patients in mental hospitals, it is necessary to know the date of court commitment (this usually differs from the date the parent actually entered the hospital) and the probable date of discharge. For

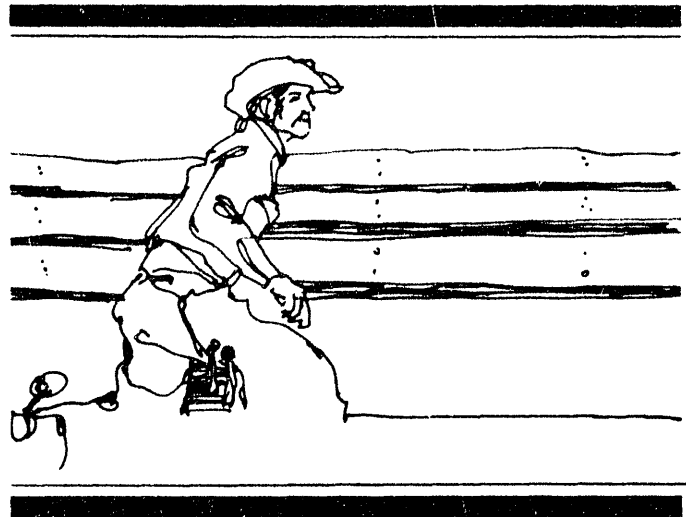
parents discharged from a tuberculosis sanatorium, the worker needs to know the date of admission, length of stay, whether he was discharged or left against medical advice (AMA), recommendations for home care, and should request a complete medical summary with a work-tolerance evaluation. Similar information might be needed for parents who have received care in state schools and veterans' hospitals.

Issued in Austin, Texas, on September 10, 1976.

Doc. No. 764780 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Effective Date: October 1, 1976

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



Support Documents 326.10.99

The Department of Public Welfare adopts an amendment to its rule about fees paid for medical information in the Aid to Families with Dependent Children (AFDC) Program. This amendment was proposed in the July 30, 1976, issue of the *Texas Register* as an amendment to Rule 326.01.01.001 which adopted the entire *AFDC Handbook* by reference. The handbook has since been reformatted; the number and the language of the adopted rule are changed to reflect revision to a specific rule rather than the entire handbook.

This amendment increases the maximum fees paid by the department for physical examinations and medical records to \$25 and \$10 respectively. No comments were received on the proposed amendment.

The amendment has been approved by the State Board of Public Welfare and is adopted as revised under the authority of Article 695c, Texas Civil Statutes.

.200. Fees for Medical Information. If the parent is a patient in an out-of-state hospital (public or private), or is temporarily out of the state because of mental or physical incapacity, the worker writes the hospital or physician and requests a copy of the current hospital charts or physician's records and issues a voucher for \$10. If the physician's records are not current (within the past 60 days) or are insufficient to complete the report, an authorization for medical examination and a report of physical or mental examination are issued authorizing payment in the amount of \$25 for a basic physical examination.

Issued in Austin, Texas, on September 10, 1976.

Doc. No. 764781 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Effective Date: October 1, 1976

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

Food Stamps

Definition of Income 326.15.41

The Department of Public Welfare adopts an amendment to its rule about income deductions in the Food Stamp Program. This amendment was proposed in the June 18, 1976, issue of the *Texas Register* as an amendment to Rule 326.01.01.002, which adopted the entire Food Stamp Handbook by reference. The handbook has since been reformatted; the number and the language of the adopted rule are changed to reflect revision to a specific rule rather than the entire handbook.

This amendment describes allowable deductions from income for unexpected expenses incurred during certification periods. It also adds the requirement that deductible expenses be incurred by and paid for household members, unless otherwise stated.

Several comments were received regarding the proposed changes. One comment requested additional clarification that the amendment applies only to unexpected deductible expenses. Another comment requested that it be clarified that an unexpected deductible expense can be budgeted in the month of payment or prorated over the remainder of the certification period. The department has determined that such clarification is beneficial, and the amendment has been changed accordingly. All other comments were favorable and required no other action.

The amendment has been approved by the State Board of Public Welfare and is adopted as revised under the authority of Article 695c, Texas Civil Statutes.

.020. Income Deductions.

(a) Only the following deductions are allowed to determine a household's net food stamp income. To be deducted, the expense must, except where noted, be incurred by and paid by (or on behalf of) a household member, and the household must pay the expense or expect to pay during the certification period.

(b) If the household incurs an unexpected deductible expense during the certification period which had not been anticipated during the time of certification, workers may prorate the expense over the remaining months of the certification period. Should the household request that an unexpected deductible expense be budgeted during the certified month in which payment was made, even in the last month of the certification period, workers will not allow a deduction unless the household returns its unredeemed ATP card for adjustment. These expenses would be deductible during the next certification period, if the household pays the expense or expects to pay during that period.

(c) Deductible expenses incurred by an ineligible alien who is part of the economic unit are allowed the same as for eligible household members.

(d) Expenses are still deductible even if payment is made from the household's resources or made on behalf of the household in the form of non-excluded vendor payments. The amount paid from resources for deductible expenses is not considered income.

Issued in Austin, Texas, on September 14, 1976.

Doc. No. 764836 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Effective Date: October 4, 1976

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

Organization, Administration, and Management

Support Documents 326.51.99

The Department of Public Welfare has adopted the amendment to Rule 326.51.99.003 adopting by reference the Title XX Comprehensive Annual Services Program Plan (CASPP) for Texas for the services program year October 1, 1976 to September 30, 1977.

A total of 203 letters commenting on the plan were received during the 45-day comment period. In addition, a public hearing was held in Austin, July 20, 1976. A total of 26 persons testified at this hearing.

Several persons representing municipal governments and Area Councils of Government suggested that DPW take additional steps to coordinate service planning and delivery at the local level. It was recommended that Title XX funds should be used in conjunction with other federal funds such as Community Development Act and Comprehensive Employment and Training Act funds to develop comprehensive human service delivery systems in both the cities and rural areas. There were also several comments recommending that DPW establish local social service advisory committees to act as formal communication links with the public.

DPW will continue to coordinate its program with statewide and local human service programs and will continue its emphasis on the development of both financial and non-financial cooperative agreements with local agencies. Local social service advisory committees will also be considered as possible mechanisms for achieving better coordination of programs.

Most of the comments directed at planning and needs assessment recommended that DPW obtain more citizen involvement in developing the services plan. Many of the comments expressed the opinion that citizen input was sought after the major planning decisions had already been made. It was recommended that citizens be given an opportunity to have input in the needs assessment and program development, as well as budgeting phases of the planning process. DPW will continue to improve its planning processes to allow for greater citizen participation. Progress has been made in the integration of activities required for developing the Legislative Appropriations Request and annual budgets. In response to comments received on the 1976 Comprehensive Annual Services Program Plan, public informational meetings on social services were held across the state during April and May, 1976. These meetings were also used to obtain input from the public on matters related to service delivery and citizen involvement in DPW decision-making. During the 1977 program year additional efforts will be made to clarify the planning process and to establish mechanisms for obtaining citizen participation in each phase of the process.

Several comments recommended that the public review process begin prior to the federally mandated public review period. It was also recommended that regional public hearings on the proposed plan be held. The feasibility of publishing the proposed plan at an earlier date will be given consideration. Serious consideration will also be given to the possibility of holding regional public hearings on the proposed plan.

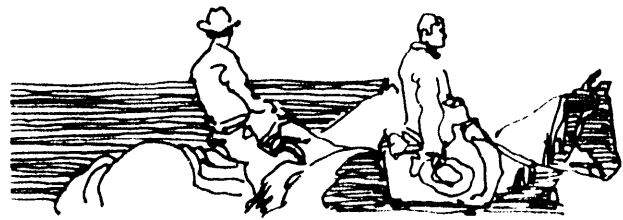
Most of the comments on the Client Categories/Income Chart section recommended that the income criteria for all services be raised to 65 percent of the state median income. It is necessary to use the 65 percent in-

come level in the Community Services for the Aged, Blind and Disabled program because many individuals who qualify for vendor payments in the nursing home program would not qualify for Title XX social services if the 60 percent income level was used. Adequate funds are not available, however, to use the 65 percent income level for all Title XX social services.

Many of the comments about services and the funding allocations for services recommended that the Family Planning program be increased. In response to these comments this program received an approximate \$2 million increase in funds.

Several comments expressed concern that the Child Day Care program showed a decrease in funds from 1976. This program appeared to have a decrease in funds because the actual expenditures did not reach the projected expenditures for 1976. The 1977 allocation for this program will be approximately \$3.8 million higher than the estimated actual 1976 expenditures, and this will allow for an estimated 15 percent increase in clients to be served.

Several comments recommended that more detail be provided regarding administrative costs, and that these costs be kept at a minimum. An introduction to the plan has been added in which more detail is provided regarding general administrative overhead and program support costs.



A large number of comments were received regarding the proposed fee schedules for Child Day Care and services for aged, blind and disabled adults (ABD). Most of the comments regarding fees for child day care recommended that each day care provider be allowed to develop his or her own fee schedule and procedures for assessing fees. Federal regulations require, however, that the assessment and collection of fees for a particular service within each geographic area be based on a uniform fee schedule and procedures. The fee schedule was revised to give providers maximum flexibility in assessing fees in compliance with federal requirements.

The comments regarding the ABD fee schedule recommended that fees not be charged to clients receiving

these services. The major objection was that the fees would impose a financial burden on elderly clients. It was also determined that the proposed fee schedule would make it difficult to take into account fees for multiple services which a client may receive. Considering public comment and the potential problems in administering the proposed fee schedule, it was decided that special pilot projects would be used to test the feasibility of assessing fees for services to aged, blind, and disabled clients. Fees will not be imposed for services provided through the Community Care for Aged, Blind and Disabled Adults program except in these special pilot projects.

Title XX became law on January 4, 1975. It replaces Title VI (Social Services to Adults) and the parts of Title IV-A, which legislated social services for the Aid to Families with Dependent Children (AFDC) Program. It retains the previously applicable \$2.5 billion national ceiling for expenditures for these programs. For Fiscal Year 1977, the Texas allocation from that ceiling will be \$142.5 million.

Services listed in the program summary of the CASPP will meet one or more of the following Title XX goals:

- (1) achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;
- (2) achieving or maintaining self-sufficiency, including reduction or prevention of dependency;
- (3) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;
- (4) preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care;
- (5) securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

The geographic areas to be served by Title XX are 12 Department of Public Welfare regions. These regions also correspond with the 12 health service areas in the state. Most services will be offered statewide to eligible individuals. Some services may be offered in limited areas of the state on a pilot/demonstration project basis. All services will be provided as appropriate to the individuals who are current recipients of AFDC, Supplemental Security Income (SSI), and income eligible Medical Assistance Only (MAO) recipients. Certain services will be provided on the basis of documented need but without regard to income eligibility. Certain services will be provided on the basis of documented need to individuals whose incomes are below 60 percent of the state's median income. Certain services for aged, blind, and disabled adults (ABD Services) will be provided to individuals whose incomes are below 65 percent of the state's median income. No services other

than Protective Services, Protective Child Care, and Information and Referral as part of another service, will be provided to individuals whose income exceeds 60 percent (or 65 percent for ABD Services) of the state's median income.

INCOME CHARTS

State median income for a family of 4 = \$13,934

Family Size	Annual	60% Level	
		Monthly	
1	\$ 4,344.24	\$	362.02
2	5,681.04		473.42
3	7,017.72		584.81
4	8,354.40		696.20
5	9,691.08		807.59
6	11,027.76		918.98
7	11,278.44		939.87
8	11,529.12		960.76
9	11,779.68		981.64
10	12,030.36		1,002.53
11	12,280.92		1,023.41
12	12,531.60		1,044.30

Family Size	Annual	65% Level	
		Monthly	
1	\$ 4,706.28	\$	392.19
2	6,154.44		512.87
3	7,602.48		633.54
4	9,050.64		754.22
5	10,498.80		874.90
6	11,946.84		995.57
7	12,218.40		1,018.20
8	12,489.84		1,040.92
9	12,761.40		1,063.45
10	13,032.96		1,086.08
11	13,304.40		1,108.70
12	13,575.96		1,131.33

Individuals may apply for Title XX services and have their eligibility determined by staff from local Department of Public Welfare (DPW) office. Addresses and telephone numbers of these offices are listed in local telephone directories and in DPW public information materials such as pamphlets and brochures. Individuals may also apply at a contract agency for services provided by that agency.

The Social Services Branch under the Office of the Deputy Commissioner for Financial and Social Programs is responsible for Title XX social service programs related to services for aged, blind, and disabled adults, child development and day care, protective services for children, rehabilitation and self-support services, family and health related services, interagency agreements, volunteer programs, and coordination with human resource organizations throughout the state.

The department offers a program of volunteer services through which individuals may contribute their time, skills, and personal resources to assist in the implementation and extension of DPW programs and services to clients. The program also provides a channel for public awareness of DPW clients and of the services designated to meet their needs.

Volunteers may also provide indirect services, such as recruitment of foster parents. In addition, volunteers serve on advisory committees.

The social services provided through Title XX represent a major resource in meeting the needs of low and moderate income individuals across the state. Title XX resources are, however, limited by the availability of local, state, and federal funds. The coordination of Title XX services with other human service resources is intended to ensure that the needs of each eligible individual are addressed in an efficient and effective manner.

The department will coordinate and interface with related human service programs through purchase of social services and cooperative agreements for social services. The ultimate responsibility for all aspects of social services delivered to a client related to Title XX shall be vested in the department. However, portions of that responsibility may be delegated through purchase of service contracts or cooperative agreements.

Advisory groups such as local child welfare boards and the state office Social Services Advisory Committee are used to obtain input on policy development and service delivery from persons outside of the department. The state office Social Services Advisory Committee members are appointed by the commissioner. Committee membership consists of approximately equal numbers of persons who are DPW clients, interested citizens, and representatives of organizations and associations concerned about services to DPW clients. Each committee member serves a three-year term.

To ensure maximum feasible utilization of Title XX services to meet the needs of the low-income population, the department will provide information to the public in the following ways:

- (1) prepare and distribute bilingual public informa-

tion materials regarding DPW services, such as media presentations, pamphlets and brochures, etc.;

- (2) prepare and distribute a bilingual announcement of social services with the AFDC warrants to all new recipients of AFDC. In addition, staffers announcing new programs will be distributed to AFDC, SSI, and MAO recipients. Special bilingual messages regarding agency services will be transmitted to recipients on the Explanation of Benefits.

The Texas Legislature meets biennially, in the spring of each odd-numbered year, to consider the needs of the state. A major task is the development of a two-year state budget. To facilitate this process, each state agency submits an appropriations request to the legislature in January, the first month of the legislative session. The department, using the zero-based budgeting process, began work on its appropriations request for the 1976-1977 biennium in the spring of 1974, for submission to the legislature in January of 1975. The final appropriations bill for DPW was passed by the legislature in June, 1975. This bill contained the total allocation of state funds which DPW could use in providing social services during both the 1976 and 1977 fiscal years.

The United States Congress enacted Public Law 93-647, Social Service Amendments of 1974 (Title XX), on January 4, 1975. This action occurred after DPW had completed its biennial appropriations request. The Comprehensive Annual Services Program Plan (CASPP) for Fiscal Year 1977, therefore, largely reflects the appropriations of the Texas Legislature based on the fiscal and service planning which took place prior to the enactment of Title XX. Changes in the plan will generally be minimal for FY 1977 because of the limitations imposed by a two-year budget.

Since the development of the first Title XX CASPP in 1975, DPW has taken steps to develop a planning process that (1) relies heavily on input from regional staff, (2) provides for meaningful citizen involvement, and (3) is integrated with both the biennial and annual budgeting processes. This planning system is being designed so that DPW will be more accountable to the public.

Special efforts have been made to inform the public about DPW planning and budgeting processes. Over 35 public meetings were held across the state during April and May, 1976, to explain the DPW social services program and the annual and biennial budgeting cycle and to hear from communities their needs and priorities for services. This input will be used as revisions are made in the Legislative Appropriations Request (LAR) for the 1978 and 1979 fiscal years, and in future program and policy development.

Continuing efforts have also been made to coordinate Title XX planning with other state, regional, and local

planning agencies. Through both formal and informal mechanisms, planning activities have been coordinated at both the regional and state office levels with agencies such as area councils of government, the Texas Department of Community Affairs, Texas United Community Services, the Governor's Committee on Aging, the Texas Employment Commission, the Department of Health Resources, the Texas Department of Mental Health and Mental Retardation, the Texas Rehabilitation Commission, community action agencies, interest groups, and community agencies. Beginnings have been made for planning with local governmental entities (cities and counties) for the provision of social services.

A major portion of the needs assessment which was used in the development of both the first and second Title XX CASPP was a product of the zero-based budgeting process. Zero-based budgeting requires the establishment and documentation of levels of need for each proposed service and program area. Data used to substantiate each need level were derived from a variety of sources, including census data, health department records, and reports and statistics developed by DPW, the Bureau of Labor Statistics, the Early Childhood Development Division of the Texas Department of Community Affairs, the task force on Comprehensive Services for School-Age Parents, and other secondary data sources. The information was used to define the amount of resources needed to provide varying levels of services to particular client groups. This process and documentation was the basis of DPW's Legislative Appropriation Request for Fiscal Years 1976 and 1977, which was completed in 1974.

In addition to the efforts to assess the needs for the Legislative Appropriation Request, certain other assessment processes have affected the planning for the 1977 CASPP. In the spring of 1975, five advisory groups, including many public and private community groups, agencies and DPW staff, met to discuss Title XX planning. Expressions of service needs by these groups were used in the 1976 CASPP and have been compared by program managers against service experiences in FY 1976.

In October, 1975, DPW began a planning process leading to the preparation of a Legislative Appropriation Request for Fiscal Years 1978 and 1979. The first step in this process was a needs assessment conducted at the state office and regional levels. In December, 1975, considerable secondary data were gathered from DPW regional staff and records with limited primary data were collected from community groups and provider agencies. On a statewide basis, secondary data were gathered from census information, statewide agencies, the governor's office, and the DPW Social Services Reporting System. Input was received from the series of

public meetings held in the spring of 1976. Although this process was primarily geared toward planning the 1978-79 biennium, much of the information gathered has been applicable to 1977 planning efforts. Since the CASPP for 1977 and the Legislature Appropriation Request for the next biennium were being prepared almost concurrently, attempts have been made to use 1977 as a year of transition in structure and delivery of services between the current appropriation and the coming biennium.

The Program Evaluation and Review Division (PERD) is responsible for designing and conducting evaluations of the social services delivery system of DPW as administered by the Social Services Branch. The purpose of these evaluations is to assess the effectiveness and impact of services and generally serve as a management tool for planning and managing social services programs. This division has conducted evaluations in all major Title XX social service program areas. In addition to on-site evaluations, it has completed comprehensive statewide mailout surveys in the areas of Alternate Care for the Aged, Blind, and Disabled, and AFDC Family Services.

Contracts with Mental Health and Mental Retardation (MH/MR) community centers are being evaluated by the State Contracts Division. The evaluation will determine compliance with the contract and provide limited assessment of impact. Evaluation reports are distributed to the contracting agency and to social services administrative staff in the regions and in the state office.

The Child Abuse and Neglect Resources Demonstration Project (CANRED) is evaluating specified components of current DPW case identification services, specifically, the Child Abuse and Neglect Reporting Inquiry System (CANRIS) and the child abuse public information campaign.

In addition to the DPW management reports and the reports submitted to HEW, the department prepares an annual narrative report at the end of each state fiscal year. The narrative report is distributed to the governor, the state legislature, schools of social work, the state archives, the Texas congressional delegation, and other Texas state, public, and private non-profit agencies. The narrative report is also made available to the public for a nominal charge. The department also prepares for the state comptroller an annual statistical report delineating program expenditures.

Public Law 93-674 and the federal regulations require that the proposed Comprehensive Annual Services Program plan be published and made available to the public 90 days before the beginning of the state's program year. The program year will begin October 1, 1976.

A description of the proposed services plan was published as a display advertisement in 38 daily newspapers and one weekly newspaper in 21 major cities located in all DPW regions. Spanish language coverage was achieved in the Spanish language sections of 10 daily papers and one weekly newspaper. The advertisement appeared in the newspapers on July 1, 1976. In addition, one-minute radio announcements were broadcasted daily on 35 radio stations in 25 cities beginning July 5 and running through July 10. These radio spots carried information similar to that contained in the newspaper advertisement.

During the entire period of public comment, a DPW office in each county received calls concerning the state's service plan. In those counties that do not have a DPW office, the county judge received calls. The addresses and phone numbers for these offices were listed in the display advertisement published in newspapers across the state on July 1, 1976.

The following are the definitions of services for the 1977 Title XX program year:

(a) **Protective Services for Abused and Neglected Children.**

(1) **Protective Services to Children.** Receiving, investigating, and evaluating reports of children in need or protection-- abused and neglected children, truants, runaways, juvenile-age children in need of supervision, and unmarried or school-age parents. Services include arranging to help child and family from community and family resources to insure protection; counseling the child and family to remedy or prevent the need for protective services, or to return children to their families; removal of child by court order from his home for protection; carrying protective managing conservatorship when assigned by the court; completion of social studies for the court; and emergency homemaker services provided by department staff. Services may also include necessary support services such as transportation, information and referral, and integral but subordinate medical, remedial, room, and board services.

(2) **Foster Care Services for Children.** Services include diagnosis and counseling to prepare a child for placement, and to maintain him or her in foster care; arranging for the provision of appropriate services through recruitment and study of foster care homes, or by locating and securing a suitable foster care home or facility; placement of the child; supervision and evaluation of the care he or she is given; counseling and arranging for training courses for the parents, caretaker, or relative to improve home conditions and enable the child to return to his family, caretaker, or relative as soon as possible; the provision of special services by foster parents; and arranging for other needed services available in the community for the child in foster care. Supportive services such as information and referral,

transportation, and integral but subordinate medical or remedial services may also be included.

(3) **Adoption Services.** Services to a child under the managing conservatorship of the department, including diagnosis and counseling to prepare the child for adoption and to maintain the adopted child; arranging for needed services through recruitment and study of adoptive homes or securing adoptive home services; placement of the child; counseling and arranging for training courses for the caretaker of the child; post-placement services; arranging for other services available in the community. Services may include supportive services such as information and referral, transportation, and integral but subordinate medical or remedial services.

(4) **Services for Unmarried and/or School-age Parents.** Services include: outreach; individual, family, and group counseling; family life education; parenting training; home management training; planning for child care; remedial tutoring; follow-up and needed support services such as transportation, integral but subordinate room and/or board, medical or remedial care, and information or referral services. These services are provided by departmental protective service staff and by purchase of service contract.

(5) **Emergency Homemaker Services.** Protective services to children by a homemaker to prevent removal from their homes during a crisis situation. Services are to remedy or prevent abuse and neglect, to help improve family or parental functioning, or to provide temporary child care until a parent or family member can resume care of the children. Services may include support services such as information and referral, transportation, and integral but subordinate medical, remedial, and/or board services. These services are provided only where the department has a purchase of service contract.

(6) **Emergency Shelter Services.** Emergency shelter care services are 24-hour, seven days a week protective placement and care to children whose needs are immediate, or who need emergency shelter until non-emergency care can be effected. Children served are abused or neglected, or would be without emergency shelter care, or would become the responsibility of the department for protection. Services may also include support services such as information and referral, transportation, and integral but subordinate medical or remedial care. These services are provided through Title XX contracts and Title IV-B special projects.

(7) **Community Treatment Services.** This service is provided by contract to children and families who are receiving protective services from the department because of child abuse or neglect, as well as unmarried or school-age parents. Services may include outreach; diagnosis and evaluation of psychological disabilities; individual, family, or group counseling; tutorial assistance to children; therapeutic camping; other activities

designed to treat emotional or behavioral disorders; instruction of parents and foster parents in parenting and child rearing; therapy to assist parents and children in adjusting to new living arrangements if the child is removed from his own home; consultation with the DPW protective service staff and foster parents regarding results of testing and treatment; follow-up; and assistance in obtaining other services. Services may also include needed support services such as information and referral, transportation, and integral but subordinate medical, remedial, room, and board services.

(8) **Transitional Services for Juvenile-Age Youth.** This service is offered on a pilot project basis by contract with public or private agencies. It is intended to assist juvenile-age youth (truants, runaways, and children in need of supervision) in the transition from an institution to the community; to prevent or reduce institutionalization of such children; to enable such children to remain in the community; and to coordinate services available to the youth in the community. Services may include outreach; intake; diagnosis; emergency shelter; parole and probation supervision; alternate care and aftercare; halfway house, wilderness camp, and residential living experiences; family, group, and individual counseling and therapy; parent training; recreational therapy; remedial tutoring; consultation services; and other appropriate services and follow-up. Services may include needed support services such as transportation, information and referral, and integral but subordinate medical, remedial, room and/or board services.

(b) **Day Care for Children.** Day care service. Care and supervision of children of low income parents while they work or are in training; children in danger of abuse or neglect; children in need of developmental opportunities; or children who may be unnecessarily in institutions.

Day care to prevent or remedy abuse or neglect is provided without regard to income if the child is reported under the Family Code and such care is included in the child's treatment plan. Care may be provided outside the child's home, in a day home or day care center which complies with state and federal licensing requirements, or in the child's own home.

Department of Public Welfare (DPW) staff are used to negotiate, purchase, monitor, and provide technical assistance regarding quality, contract compliance, and coordination of available care. DPW staff also link clients with day care resources. Services may include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, and nutritional services.

(c) **Family Planning.** Family planning services. Social, educational, and medical services to enable persons of childbearing age (including sexually active minors) voluntarily to limit their family size or to space their children. Services may include support services such as transportation, information, and referral (without regard to income), outreach, and follow-up.

(d) **Employment Services.**

(1) **Emergency Family Services.** Services for families and persons with low incomes who have problems in household management; securing adequate housing; nutrition; childbearing; family relationships; community relationships; and obtaining needed health care. Services include individual, family, and group counseling; crisis intervention; housing assistance; helping families find better housing; training in home management, parenting, nutrition, family relationships, and consumer awareness; helping individuals and families assess their health needs; securing needed health and dental services; securing admission to hospitals and clinics; and planning with individuals, families, and health providers to assure continued treatment and the carrying out of health recommendations. Services may include support services such as transportation, information, and referral (without regard to income), and needed integral but subordinate medical or remedial services.

(2) **Social Rehabilitation Services.** These services are designed to improve an individual's personal functioning; assist in obtaining other rehabilitation services; identify special needs and service resources. This includes personal and family counseling; social assessment; insuring the adequate delivery of other services; assistance in making day care arrangements; alternate living arrangements; instruction in basic living and self-care skills; emergency services to disabled and blind persons in distress; and follow-up services. Services may also include support services such as subordinate room, board, medical, and remedial services, and information and referral (without regard to income).

(3) **Diagnostic and Evaluation Services.** These services are provided through contract and interagency agreement with the Texas Rehabilitation Commission. Services include medical, psychological, psychiatric, and vocational evaluations regarding the nature and severity of a person's disability and potential. Services may also include support services such as transportation and integral but subordinate room, board, medical, and remedial services.

(4) **Vocational Training Services.** Provided through an interagency agreement with the Texas Rehabilitation Commission, these services are designed to enable a person to develop, acquire, or improve job skills. Services include prevocational training; on-the-job training; vocational skills training; university or

college training; sheltered workshop training; basic skills training; and personal and social adjustment. Services may also include support services such as information and referral (without regard to income) and integral but subordinate room and board services.

(5) Vocation Rehabilitation Services. These services are provided through an interagency agreement with the Texas Rehabilitation Commission. Services include counseling and guidance; job development and placement; and individual and group therapy. Services are delivered in the office and in the person's home. Services may also include support services such as information and referral (without regard to income).

(6) Rehabilitation Support Services. These services are provided through contract and interagency agreement with the Texas Rehabilitation Commission. Services are designed to enable a person to participate in vocational training, social rehabilitation services, and other rehabilitation services. These services include transportation; assistance in overcoming personal mobility problems; the provision of tools, licenses, equipment, uniforms, and training-related materials; ensurance of delivery and coordination of necessary services; recreational therapy; interpreter services; information and referral (without regard to income).

(e) Community Care for Aged, Blind, and Disabled Adults.

(1) Protective Services for Adults. Include identifying adults who need assistance or who have no one to assist them; providing prompt response and investigation when requested by adults at risk or by others in their behalf; diagnosing the person's situation and service needs; counseling them, their families, and other responsible persons, such as representative payees, on handling the person's affairs; arranging for alternate living in the community or in an institution; assisting in the location of medical care and other resources in the community; arranging for guardianship, commitment, or other protective placement; promoting awareness of community services programs; enhancing utilization of existing services; developing new services resources; consulting and providing technical assistance to service agencies, addressing problems in service delivery; and on a pilot project basis, providing legal protective services. Services may include support services (transportation, information and referral, etc.) and integral but subordinate medical, remedial services.

(2) Chore Services. This service is provided through purchase of service agreements, and includes performance of ordinary household tasks, essential shopping, meal preparation, simple household repairs, and other home maintenance tasks which permit client to remain at home. Services may include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical and remedial services. On a pilot project

basis there will be provision for purchase of materials, for recipient home owners only, not to exceed \$200 per home per year.

(3) Family Care Services. This service is provided through purchase of service agreements. Services may be provided by a family member or a person having the capacity for a family-like relationship with the client (e.g., neighbor or friend). Services are for the person who, because of advanced age or physical or mental infirmity, cannot care for his or her own needs. Family care services consist of activities such as performance of household tasks; provision of personal care; companionship; and protective supervision. Services may include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical or remedial services.

(4) Homemaker Services. This service is provided through purchase of service agreements, and includes care of an individual in his or her own home to help maintain, strengthen, and safeguard functioning in the home through the services of a trained and supervised homemaker. The homemaker provides personal care and performs related household tasks. Services may include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical or remedial services.

(5) Day Activity Services. Personal care during the day for adults in a protective setting approved by DPW. On a pilot project basis only, services may include social personal adjustment training, vocational skill training, and extended sheltered employment. Services may include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, and board services.

(6) Home Delivered Meals or Congregate Meals. Provision of one or more hot meals in a group setting or preparing and delivering hot meals on a scheduled basis to the homes of persons unable to obtain or prepare nourishing meals. Services may include support services such as transportation, information and referral (without regard to income).

(7) Special Services Provided by Foster Family Homes. Services to adults living in foster homes, in addition to basic foster care, include identification and provision of services to meet special physical or mental needs and emotional and behavioral problems; arranging for services available in the community; and helping adults keep in contact with their families and communities. Services may also include support services such as transportation, information and referral (without regard to income).

(8) Health-Related Services. Helping aged, blind, or disabled adults and their families assess health needs and resources and make plans for care; identifying and obtaining health and dental services; getting

admission to medical institutions and health-related facilities; planning with the person and providers to assure continuity of treatment and the carrying out of health recommendations; providing housing improvement services to individuals and families when housing is a health problem; helping clients find suitable housing and informing them of grievance procedures regarding home conditions; serving as a resource for clients when complaints are not satisfactorily addressed. Instruction and training for aged, blind, and disabled adults and their families in the management of household budgets, care of the home, preparation of food, nutrition and consumer education, and health education. Services may include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical or remedial services.

(9) **Alternative Living Plans.** Develop and provide for alternative living arrangements in the community that will reduce, delay, or prevent inappropriate institutionalization. This includes coordinating, information and referral, counseling, and arranging for delivery of training and support social services to the individual residing in these supervised community based homes. Services are directed at maintaining and developing a person's social and economic self-sufficiency and may include integral but subordinate medical and remedial services.

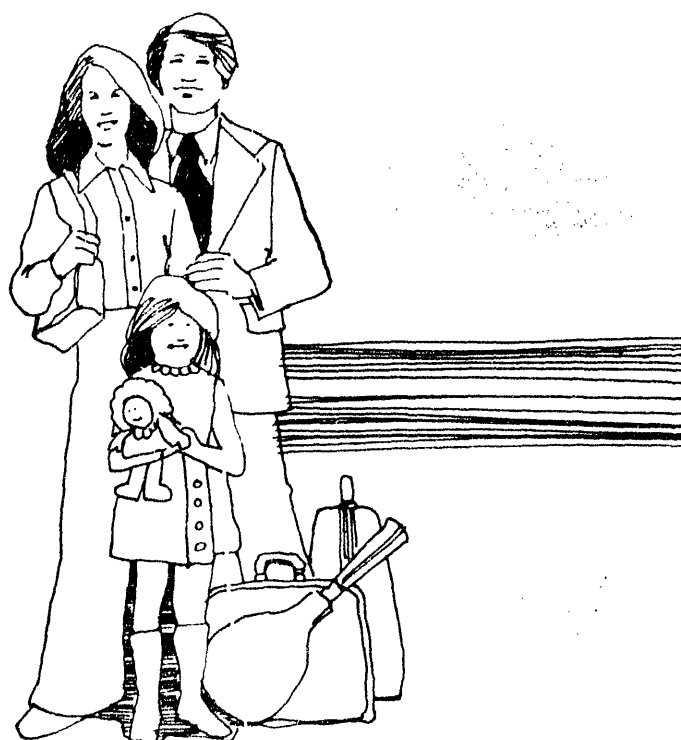
(f) **Services Provided through Interagency Agreements (State Contracts).**

(1) **Transitional Services for Delinquent, Dependent, and Neglected Children.** This service is offered by interagency agreements with the Texas Youth Council and the Texas Department of Community Affairs. It is intended to assist delinquent, dependent, and neglected children in the transition from an institution to the community, and to prevent or reduce institutionalization of such children. Activities may include intake; diagnosis; counseling and therapy; emergency shelter; parole supervision; probation supervision; alternate care and aftercare; half-way house and residential living experiences; and follow-up. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, room, and board services.

(2) **Outreach Services.** This service is provided by interagency agreement with the Texas Department of Mental Health and Mental Retardation to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. The service may include casefinding; intake; diagnosis and evaluation; individual, family, group, and collateral counseling; treatment, therapy, and training; follow-up; after-care and alternate care; sheltered work activities; day activities;

and social adjustment activities. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, room, and board services.

(3) **Community Services.** Provided by contract and interagency agreement with the Department of Mental Health and Mental Retardation through MHMR community centers primarily to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. Such services may include outreach; intake; diagnosis and evaluation; individual, family, group, and collateral counseling; treatment, therapy, and training for mental retardation, drug abuse, alcoholism, marital problems, child-parent relationships, and other adjustment difficulties; follow-up; after-care; and assistance in obtaining other services. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, room, and board services.



(4) **Crisis Service.** This service is provided by interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR community centers primarily to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. Services may include immediate evaluation, counseling, care, and information and referral for persons in crisis, usually 24 hours a day, seven days a week. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, room, and board services.

(5) **Day Activity and Training Service.** This service is provided by interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR community centers to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. Such service may include activities, training, and care given for a portion of the day (less than 24 hours) in a protected setting for purposes of personal care and to promote social, physical, and emotional well-being through companionship, self-education, and other activities. This may include teaching perceptual-motor coordination; social/personal skills; socialization activities; training in daily living skills; and occupational therapy. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, and board services.

(6) **Halfway House Services.** These services are provided by interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR community centers to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts, or persons in need of vocational rehabilitation. Provides transitional, supervised activities for persons moving to the community from an institution. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, room, and board services.

(7) **Sheltered Employment.** This service is offered by interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR community centers primarily to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. Services may include work or vocational evaluation, social and personal adjustment training, vocational skill training, and extended sheltered employment or terminal work adjustment. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, and board services.

(8) **Socialization Service.** This is provided by interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR community centers to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. Such service uses group activities and may include supervised physical exercise. It helps clients develop capacities for more adequate social and personal functioning to relieve social isolation, and to develop friendships and mutual aid. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, and board services.

(9) **Twenty-four Hour Care.** This service is provided by interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR community centers to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. May include certain services provided in residential treatment programs; in partial hospital and residential living programs. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, room, and board services.

(See chart on following page.)

Because of the length of this rule, the text of the Title XX Comprehensive Annual Services Program Plan will not be published in the *Register*. The rule may be examined at the office of the Texas Register, Suite 550, Texas Commodore Building, 8th and Brazos Streets, Austin, during normal working hours. Copies of the CASPP may be obtained for \$1 from Susan Johnson, Systems and Procedures Bureau, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-4601. Please send cash, money order, or cashier's check (no personal checks).

The CASPP has been approved as revised by the State Board of Public Welfare and is adopted under the authority of Article 695c, Texas Civil Statutes.

.003. *Title XX Comprehensive Annual Services Program Plan.* The Department of Public Welfare adopts by reference the Title XX Comprehensive Annual Program Plan for Texas for the services program year October 1, 1976, to September 30, 1977.

Issued in Austin, Texas, on September 10, 1976.

Doc. No. 764782 Raymond C. Vowell
Commissioner
State Department of Public
Welfare

Effective Date: October 1, 1976

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

**STATEWIDE SUMMARY OF EXPENDITURES AND RESOURCES
FOR PROPOSED PROGRAM YEAR**

Direct Delivery	\$ 60,382,835
Purchase of Service	112,661,024
General Administrative Overhead	14,501,849
TOTAL ...	\$187,545,708

**COMPARISON BETWEEN STATEWIDE EXPENDITURES AND
RESOURCES FOR PREVIOUS YEAR AND ESTIMATE
FOR PROGRAM YEARS 1976 AND 1977**

	Preceding Program Year (Actual)	Current Program Year (Estimated)	Proposed Program Year (Estimated)
Federal	\$ 139,854,750	\$ 140,500,000	\$ 142,500,000
Non-Federal ..	44,650,197	44,510,000	45,045,708
Total	\$ 184,504,947	\$ 185,010,000	\$ 187,545,708

RESOURCES FOR PROGRAM YEAR 1977

Federally Shared	Federal	\$ 142,500,000
	State	33,802,485
	Local/Donated Funds	5,078,258
	Certified Public Expenditures	6,164,965
	TOTAL	\$ 187,545,708

Texas Real Estate Commission

Rules Relating to the Provisions of the Real Estate License Act

Requirements for Licensure 402.03.06.001

The Texas Real Estate Commission has amended Rule 402.03.06.001.

There were no comments on Rule 402.03.06.001 as proposed and printed in the *Texas Register* (Volume 1, Number 61), dated August 6, 1976, and the amendment was adopted as published.

The Texas Real Estate Commission, by authority of Article 6573a, Texas Civil Statutes, has amended Rule 402.03.06.001, to read as follows:

.001. Requirements for Licensure: General Requirements. Section 6(a):

- (1) Only a licensed broker may apply as sponsoring broker for licensure of a real estate salesman.
- (2) Applications are returned to broker applicants or the sponsoring broker (in the case of salesman applications) when it has been determined that the application is not acceptable because, on its face, it fails to comply with one of the following requirements, based upon Sections 6 and 7 of the act:
 - (a) the applicant is not 18 years of age;
 - (b) the applicant does not meet the residency requirement;
 - (c) acceptable evidence of completion of the requisite educational standards does not accompany the application;
 - (d) an incorrect filing fee or no filing fee is received;
 - (e) the application is submitted in pencil;
 - (f) a broker fails to properly complete information required of him on the application for a salesman he is sponsoring;
 - (g) the applicant is not a citizen of the United States or a lawfully admitted alien;
 - (h) on broker applications, the requisite active experience as a salesman is not established;
 - (i) any other essential information required on the application form is absent, incomplete, or unintelligible.

Issued in Austin, Texas, on September 10, 1976.

Doc. No. 764814 Andy James
 Administrator
 Texas Real Estate Commission

Effective Date: October 4, 1976

For further information, please call (512) 475-6693.

402.03.06.002

The Texas Real Estate Commission has amended Rule 402.03.06.002.

There were no comments on Rule 402.03.06.002 as proposed and printed in the *Texas Register* (Volume 1, Number 61), dated August 6, 1976, and the amendment was adopted as published.

The Texas Real Estate Commission, by authority of Article 6573a, Texas Civil Statutes, has amended Rule 402.03.06.002, to read as follows:

.002. Requirements for Licensure: Individuals. Section 6(b):

- (1) Civil judgments, criminal convictions, or bankruptcy proceedings would not in themselves bar an applicant from obtaining real estate licensure, although the facts on which such legal action was based may cause disapproval of the application if the circumstances fail to satisfy the commission as to the honesty, trustworthiness, or integrity of the applicant.
- (2) Although a partnership may obtain real estate broker licensure, each individual partner who acts as a real estate agent would also be required to obtain licensure.
- (3) Texas residents who enter the military service and resume their Texas residence immediately upon separation from the military are not considered to have lost their Texas residence unless they have affirmatively established legal residence elsewhere.
- (4) One must physically reside in Texas for six months to be eligible to apply for a license (except military personnel as stated above).
- (5) The fact that an individual has had disabilities of minority removed does not affect the requirement that an applicant be 18 years of age to be eligible for licensure.
- (6) The residence requirement is statutory and not subject to waiver or exception. A legal resident is a person actually living in the state; bodily presence with the intention to so remain is required.
- (7) The requirement that the commission be satisfied as to the honesty, trustworthiness, and integrity of the applicant will not necessarily be considered until all other requirements have been met, including the passing of the examination.

Issued in Austin, Texas, on September 10, 1976.

Doc. No. 764815 Andy James
 Administrator
 Texas Real Estate Commission

Effective Date: October 4, 1976

For further information, please call (512) 475-6693.

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.

Admiral Nimitz Center Meeting

A meeting of the Admiral Nimitz Memorial Naval Museum Commission and Admiral Nimitz Foundation Directors of the Admiral Nimitz Center will be held on Wednesday, September 22, 1976, 10:30 a.m., in the conference room, Sommers Rexall Drug Store, 3130 East Houston, San Antonio. The agenda includes fund raising, master plan, interpretative program, progress of the Japanese Garden, restoration of the Nauwald Building, and restoration of the Nimitz Center.

Additional information may be obtained from Douglass H. Hubbard, Admiral Nimitz Center, P.O. Box 777, 340 East Main, Fredricksburg, Texas 78624, telephone (512) 997-4379.

Filed: September 14, 1976, 10:42 a.m.
Doc No. 764830

Texas Alcoholic Beverage Commission Meeting

A meeting of the Texas Alcoholic Beverage Commission will be held on Monday, September 27, 1976, 10 a.m., in Room 912, Sam Houston Building, 201 East 14th Street, Austin. The commission will hear the administrator's report for each division and approve the destruction of old records.

Additional information may be obtained from W. S. McBeath, P.O. Box 13127, Capitol Station, Austin, Texas 78711, telephone (512) 475-3611.

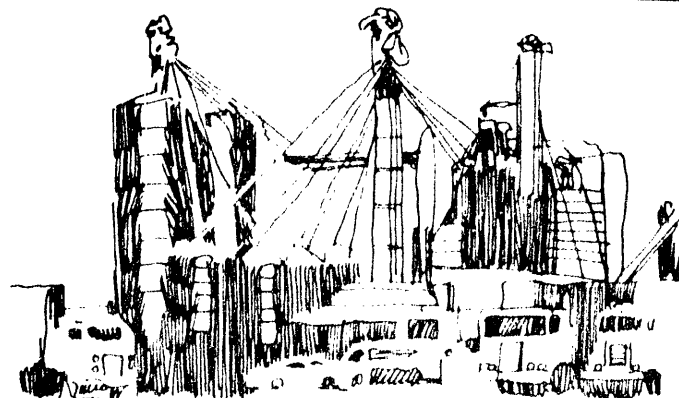
Filed: September 14, 1976, 3:47 p.m.
Doc. No. 764834

State Banking Board Meeting

A meeting of the State Banking Board will be held on Wednesday, September 29, 1976, 10 a.m., at 2601 North Lamar, Austin. The board will vote on domicile changes, charter applications, a conversion application, and Proposed Rule 055.03.16.015. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: September 15, 1976, 10:58 a.m.
Doc. No. 764842



State Board of Barber Examiners Meeting

A meeting of the State Board of Barber Examiners will be held on Monday, October 4, 1976, 10 a.m., at the Sam Houston Building, 201 East 14th Street, Austin. The board will discuss current business and conduct interviews.

Additional information may be obtained from O. W. McStay, 512 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2289.

Filed: September 16, 1976, 9:51 a.m.
Doc. No. 764873

Texas Education Agency Meeting

A meeting of the Teachers' Professional Practices Commission of the Texas Education Agency will be held on Wednesday, September 29, 1976, immediately following a private hearing of the commission as authorized by Section 13.213, Texas Education Code, to begin at 9 a.m., at 201 East 11th Street, Austin, to elect the chairman, vice-chairman, and secretary for the 1976-77 commission year; to consider revision of Rules of Procedure for Hearing Complaints Before the Teachers' Professional Practices Commission of Texas; and to discuss miscellaneous items.

Additional information may be obtained from Thomas E. Anderson, Jr., 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-6836.

Filed: September 16, 1976, 11:05 a.m.
Doc. No. 764876

Executive and Legislative Budget Offices Meeting

A meeting of the Executive and Legislative Budget Offices will be held on Monday, September 27, 1976, 1:30 p.m., in Room 301 of the State Capitol, Austin, to reschedule the meeting for the State Board of Insurance.

Additional information may be obtained from the Legislative Budget Office, Room 207-A, State Capitol, Austin, Texas 78711, telephone (512) 475-3426.

Filed: September 14, 1976, 10:57 a.m.
Doc. No. 764832

Firemen's Pension Commissioner Meeting

A meeting of the Administrative Division of the Firemen's Pension Commissioner will be held at 1 p.m. Thursday and 8:30 a.m. Friday, September 23 and 24, 1976, at the Hyatt House Hotel, Stemmons Freeway at

135, Dallas. The division will hear talks on present and upcoming pension laws in relation to investment counseling, stocks and bonds, and actuarials.

Additional information may be obtained from Hal H. Hood, 503-F Sam Houston Building, Austin, Texas 78701, telephone (512) 475-5879.

Filed: September 14, 1976, 9:37 a.m.
Doc. No. 764817

Meeting

A meeting of the Administrative Division of the Firemen's Pension Commissioner will be held at 1 p.m. Monday and 8:30 a.m. Tuesday, September 27 and 28, 1976, at the St. Anthony Hotel, San Antonio. The agenda includes talks on pension laws in relation to investment counseling, stocks and bonds, and actuarials.

Additional information may be obtained from Hal H. Hood, 503-F Sam Houston Building, Austin, Texas 78701, telephone (512) 475-5879.

Filed: September 14, 1976, 9:37 a.m.
Doc. No. 764818

Joint Advisory Committee on Government Operations Hearing

A hearing by the Administrative Support and Fiscal Management Subcommittee of the Joint Advisory Committee on Government Operations will be held on Tuesday, September 28, 1976, 9 a.m., in the Lieutenant Governor's Committee Room, State Capitol, Austin. The hearing concerns the Sunset Laws, state purchasing issues, personnel policy recommendations, and continuing management studies.

Additional information may be obtained from Daron Butler, Suite 622, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3728.

Filed: September 14, 1976, 2:15 p.m.
Doc. No. 764833

Meeting

A meeting of the Joint Advisory Committee on Government Operations will be held on Wednesday, September 29, 1976, 9:30 a.m., in the Senate Chamber, State

Capitol, Austin. The committee will hear recommendations previously presented to subcommittees and other business.

Additional information may be obtained from Bill Wells, Room 704, Sam Houston Building, Austin, Texas 78701, telephone (512) 475-6565.

Filed: September 15, 1976, 12:09 p.m.
Doc. No. 764846

Office of the Governor Meeting

A meeting of the Board of the Governor's Committee on Aging will be held on Friday, September 24, 1976, 10 a.m., in the 4th floor conference room, 411 West 13th Street, Austin. The board will consider a report of grants submitted under Title V of the Older Americans Act; a review of supplemental and transitional quarter funding; a report on proposed training sessions for Advisory Committee and Governor's Committee on Aging; and a review of Title VII Grants.

Additional information may be obtained from Vernon McDaniel, P.O. Box 12786, Austin, Texas 78711, telephone (512) 475-2717.

Filed: September 15, 1976, 10:56 a.m.
Doc. No. 764841

Texas Health Facilities Commission

Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, September 23, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin. The commission will consider several applications for certificate of need, administrative order, and declaratory ruling. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: September 15, 1976, 11:37 a.m.
Doc. No. 764843

State Board of Insurance Hearings

The following hearings will be conducted by the Commissioner's Hearing Section of the State Board of Insurance in Room 343, 1110 San Jacinto Street, Austin. Listed are the times, dates, and applications for the hearings.

Monday, September 27, 1976, 10 a.m.-- the application of Group Health of El Paso, Inc., El Paso, for initial certificate of authority to act as Health Maintenance Organization.

Tuesday, October 5, 1976, 10 a.m.-- the application of Alamo Health Care Plan, San Antonio, for initial certificate of authority to act as Health Maintenance Organization.

Monday, October 18, 1976, 2 p.m.-- the application of Union Indemnity Insurance Company of New York, New York, (stock fire company) for admission to Texas (redomestication of Union Insurance Society of Canton, Ltd., Victoria, Hong Kong, now licensed in Texas as a stock fire and casualty company).

Thursday, October 21, 1976, 10 a.m.-- the application of Amoco Life Insurance Company, Omaha, Nebraska, (stock life company) for admission to Texas.

Tuesday, November 9, 1976, 10 a.m.-- the application of West Coast Life Insurance Company, San Francisco, California, (stock life company) for admission to Texas.

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

Filed: September 14, 1976, 9:38 a.m.
Doc. No. 764821-764825

Texas Legislative Council Meeting

A meeting of the Property Tax Study Committee of the Texas Legislative Council will be held on Friday and Saturday, September 24-25, 1976, 10 a.m., in Room 301 of the State Capitol, Austin, to discuss remedies and collections.

Additional information may be obtained from Ron Patterson, P.O. Box 12128, Capitol Station, Austin, Texas 78711, telephone (512) 475-2736.

Filed: September 14, 1976, 10:43 a.m.
Doc. No. 764831

Board of Pardons and Paroles

Meeting

A meeting of the Board of Pardons and Paroles will be held Monday through Friday, September 27 through October 1, 1976, 9 a.m. each day, at 711 Stephen F. Austin Building, Austin. The board will review cases of inmates for parole consideration, act on emergency reprieve requests and other acts of executive clemency, and 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 14, 1976, 9:38 a.m.

Doc. No. 764820

Public Utility Commission of Texas

Emergency Meeting

An emergency meeting of the Public Utility Commission of Texas was held on Monday, September 20, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The meeting was a prehearing conference on Docket 78 (application of Southwestern Bell Telephone Company for statewide rate increase) for the purpose of classifying intervenors. This was posted as an emergency notice because the original notice was mailed by this commission on September 8, 1976, via interagency mail but not received by the secretary of state's office until September 13, 1976, one day too late for normal posting.

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

Filed: September 16, 1976, 8:13 a.m.

Doc. No. 764856

Railroad Commission of Texas

Emergency Meeting

An emergency meeting of the Gas Utilities Division of the Railroad Commission of Texas was held on Wednesday, September 15, 1976, 9 a.m., in the E. O. Thompson

Building, 10th and Colorado Streets, Austin. The subjects of the meeting and the nature of the emergencies were:

(1) Lo-Vaca Gathering Company's application to sell natural gas to Transcontinental Gas Pipeline Company. The proposed sale is to be consummated on or about September 15, 1976, and the commission must examine the terms and conditions of the contemplated transaction prior to that time.

(2) Consideration of Lone Star Gas Company's August, 1976, weighted average cost of gas. Under the order of the commission of June 30, 1975, in Gas Utilities Docket 588, the statement is presumed to be accurate if not acted upon within 10 days of filing on September 10, 1976. If the commission wishes to suspend any portion of the cost of gas filing, it must do so before September 20, 1976.

Additional information may be obtained from the Gas Utilities Division, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-2747.

Filed: September 14, 1976, 4:01 p.m.

Doc. No. 764835

Texas A&I University Meeting

A meeting of the Committee on Physical Plant, Facilities, and New Construction of the Board of Directors of the Texas A&I University System will be held on Saturday, September 25, 1976, 4 p.m., in Room 202, College Hall, Texas A&I University in Kingsville. The committee will review bids on a construction project and award a contract for the building of the addition to the engineering building on the campus of Texas A&I University in Kingsville.

Additional information may be obtained from William C. English, Texas A&I University System, Kingsville, Texas 78363, telephone (512) 595-2208.

Filed: September 14, 1976, 10:41 a.m.

Doc. No. 764829

Texas Water Development Board

Meeting

A meeting of the Texas Water Development Board will be held on Tuesday, September 21, 1976, 9 a.m., in the City Council Chambers, City Hall, Lubbock, to consider

the budget, an amendment to Rule 128.01.02.203, the development fund, notices of intention to apply for financial assistance by the Upper Guadalupe River Authority and the Ector County Municipal Utility District, and to reconsider a rescission agreement between the Texas Water Development Board and the United States of America regarding contract number DACW29-38-A-0102.

Additional information may be obtained from James M. Rose, P.O. Box 13087, Capitol Station, Austin, Texas 78711, telephone (512) 475-3187.

Filed: September 14, 1976, 8:52 a.m.
Doc. No. 764812

Texas Water Quality Board

Hearing Rescheduled

A hearing by the Administrative Operations Division of the Texas Water Quality Board will be held on Thursday, September 30, 1976, 1 p.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. The hearing was originally scheduled for 10 a.m.

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

Filed: September 15, 1976, 11:56 a.m.
Doc. No. 764845

Hearings

Hearings by the Hearings Division of the Texas Water Quality Board will be held on Friday, October 8, 1976, 10 a.m., in the Council and Courts Building, Main and Freeman Streets, Duncanville, to consider applications being made for permits by Brown-Miller Pickle Company, P.O. Box 1958, Texarkana, Texas 75501; and Dan Morton doing business as Morton's Dairy, P.O. Box 185, Kopperl, Texas 76652. The division will also consider applications being made for amendments to permits of the City of Midlothian, 235 North 8th Street, Midlothian, Texas 76065, Permit 10348; and Oil States Rubber Company, P.O. Box 670, Arlington, Texas 76010, Permit 01952.

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

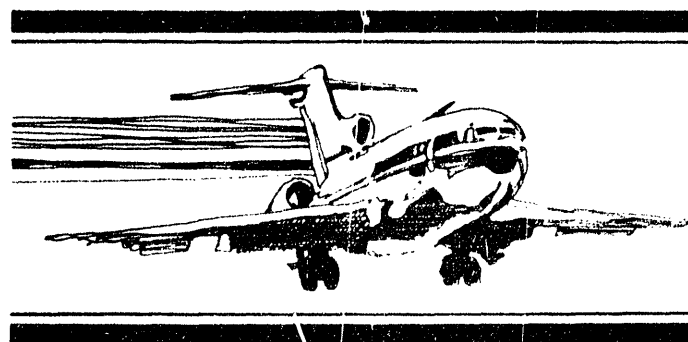
Filed: September 16, 1976, 8:14 a.m.
Doc. No. 764858

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Friday, October 8, 1976, 10 a.m., at Stillman Town Hall, Fort Brown Memorial Center, Brownsville, to consider an application for an amendment to Permit 10397 by Brownsville Public Utilities Board (Southside Plant), P.O. Box 3270, Brownsville, Texas 78521.

Additional information may be obtained from David Hume, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7845.

Filed: September 16, 1976, 8:15 a.m.
Doc. No. 764859



Texas Water Rights Commission

Emergency Meeting

An emergency meeting of the Texas Water Rights Commission was held on Tuesday, September 14, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Starr Produce Company to amend a certificate of adjudication.

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

Filed: September 13, 1976, 4:32 p.m.
Doc. No. 764811

Quasi-State Agencies

Meetings Filed September 13, 1976

The South Texas Health Systems Agency met at Wayne's Restaurant, Highway 281, Alice, on September 18, 1976, at 10 a.m. Further information may be obtained from Richard Doramus, P.O. Box 6609, Corpus Christi, Texas 78411.

The West Central Texas Municipal Water District, Board of Directors, will meet in the conference room, third floor, 174 Cypress Street, Abilene, on September 28, 1976, at 9:30 a.m. Further information may be obtained from Victor Jaeggli, Box 2362, Abilene, Texas 79604, telephone (915) 673-8254.

Doc. No. 764807

Meetings Filed September 14, 1976

The Alamo Area Council of Governments, Executive Committee, will meet at 532 Three Americas Building, San Antonio, on September 22, 1976, at 1:30 p.m. Further information may be obtained from Al J. Notzon III, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

The Texas Municipal Power Agency, Board of Directors, met at 7111 Bosque Boulevard, Waco, on September 16, 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 Panhandle Regional Planning Commission, Panhandle Health Systems Agency, will meet at Texas Tech University Regional Academic Health Center, 1400 Wallace Boulevard, Amarillo, on September 21, 1976, at 7:30 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

The Rio Bravo Resource Conservation and Development Project, Executive Committee, will meet at the Zapata Multipurpose Center, Zapata, on September 21, 1976, at 9:30 a.m. Further information may be obtained from John A. Shuford, P.O. Box 421, Rio Grande City, Texas 78582, telephone (512) 487-2912.

The Trinity River Authority of Texas, Board of Directors, will meet in Room A-205, Academic/Administration Building, Navarro College, Corsicana, on September 28, 1976, at 10:30 a.m. Further information may be obtained from William J. Philbin, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

The West Central Texas Council of Governments, Executive Committee, will meet at the Jamaica Inn, 3161 South 23rd, Abilene, on September 22, 1976, at noon. Further information may be obtained from Bob Allen III, P.O. Box 3195, Abilene, Texas 79604, telephone (915) 672-8544.

The Capital Area Planning Council, Executive Committee, will meet in Suite 400, 611 South Congress, Austin, on September 21, 1976, at 2 p.m. Further information may be obtained from Richard G. Bean, Suite 400, 611 South Congress, Austin, Texas 78704, telephone (512) 443-7653.

Doc. No. 764828

Meetings Filed September 15, 1976

The Brazos River Authority, Water Utilization Committee, Board of Directors, will meet at 4400 Cobbs Drive, Waco, on September 22, 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 Central Counties Center for MH/MR, Board of Trustees, will meet at the Captain's Table, Lake Belton, on September 23, 1976, at 7 p.m. Further information may be obtained from Dr. Steven B. Schnee, P.O. Box 1025, Temple, Texas 76501, telephone (817) 778-4841.

The Coastal Bend Council of Governments, Executive Board, will meet at the Petroleum Club, 811 North Carancahua, Corpus Christi, on September 24, 1976, at noon. Further information may be obtained from Robert Weaver, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

The Coastal Bend Council of Governments will meet in the Central Jury Room, Nueces County Courthouse, Corpus Christi, on September 24, 1976, at 2 p.m. Further information may be obtained from Robert Weaver, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

The Copano Bay Soil Conservation District 329 will meet at Refugio City Hall Council Room, Refugio, on September 27, 1976, at 8 p.m. Further information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, telephone (512) 526-2334.

The Deep East Texas Council of Governments, Executive Committee, will meet in the City Hall Auditorium, Livingston, on September 23, 1976, at 3 p.m. Further information may be obtained from Billy D. Langford, P.O. Drawer 1170, Jasper, Texas 75951, telephone (713) 384-5704.

The Education Service Center Region VII, Board of Directors, will meet in the Kilgore Room, Community Inn, Kilgore, on September 21, 1976, at 6:30 p.m. Further information may be obtained from Von Rhea Beane, P.O. Box 1622, Kilgore, Texas 75662, telephone (214) 948-3071.

The Lower Neches Valley Authority, Board of Directors, will meet in the conference room, LNVA Office Building, 7850 Eastex Freeway, Beaumont, on September 21, 1976, at 10:30 a.m. Further information may be obtained from J. D. Nixon, P.O. Box 3007, Beaumont, Texas 77004, telephone (713) 892-4011.

The North Texas Municipal Water District, Board of Directors, will meet at the NTMWD Central Plant, Wylie, on September 30, 1976, at 4 p.m. Further information may be obtained from Carl W. Riehn, P.O. Drawer "C," Wylie, Texas 75098.

The Texas Pork Producers Board will meet at the Town Crier Restaurant, Highway 80 East, Abilene, on September 23, 1976, at noon. Further information may be obtained from John Fair, 2422 Tahoe, Sherman, Texas 75090, telephone (214) 892-8644.

The Tri-Region Health Systems Agency, Board of Directors, will meet at the Hendrick Memorial Hospital, Abilene, on September 21, 1976, at 10:30 a.m. Further information may be obtained from Boone Powell, Jr., 19th and Hickory, Abilene, Texas 79601, telephone (915) 677-3551.

The Capital Area Planning Council, Executive Committee, will meet in Suite 400, 611 South Congress, Austin, on September 21, 1976, at 2 p.m. Further information may be obtained from Richard G. Bean, Suite 400, 611 South Congress, Austin, Texas 78704, telephone (512) 474-2376.

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Meetings Filed September 16, 1976

The Permian Basin Regional Planning Commission, Human Resources Advisory Commission, will meet at the Air Terminal Office Building, Midland, on September 22, 1976, at 1:30 p.m. Further information may be obtained from Susan Turner, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

The Permian Basin Regional Planning Commission, Regional Development Review Committee, will meet at the Air Terminal Office Building, Midland, on September 30, 1976, at 2 p.m. Further information may be obtained from Susan Turner, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

The San Jacinto River Authority, Board of Directors, will meet in the conference room, Lake Conroe Office Building, Highway 105 West, Conroe, on September 23, 1976, at 2 p.m. Further information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77301, telephone (713) 588-1111.

The CETA Consortium Region XI will meet at 216 North 5th Street, Waco, on September 23, 1976, at 10 a.m. Further information may be obtained from Tony Byars, 216 North 5th Street, Waco, Texas 76701, telephone (817) 756-7171, extension 255.

The CETA Consortium Region XI will meet at 216 North 5th Street, Waco, on September 23, 1976, at 7:30 p.m. Further information may be obtained from Tony Byars, 216 North 5th Street, Waco, Texas 76701, telephone (817) 756-7171, extension 255.

The Lower Colorado River Authority, will meet at 3700 Lake Austin Boulevard, Austin, on September 23, 1976, at 9 a.m. Further information may be obtained from Charles Herring, P.O. Box 220, Austin, Texas 78767, telephone (512) 474-5931.

Doc. No. 764875

Texas Health Facilities Commission

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 10-13, 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.

Austin State Hospital, Austin
AA76-0908-010
EC-- Repair of fire damage

Palo Pinto General Hospital, Mineral Wells
AH76-0909-005
EC/DR-- Purchase of a Picker Ultrasonic Diagnostic Unit

Park Place Hospital, Port Arthur
AH76-0908-001
EC/DR-- Remodel existing emergency room area, including addition of one emergency room, creation of emergency waiting room, nurses station, PBX room, utilities room, doctor's lounge, and relocate sigmoid room

Texas Healthcare Facilities, Inc., Fort Worth
AN75-0619-009-E
EC-- Request for six month extension on deadline to begin construction of previously approved project to construct a 180-bed nursing home

Oak Crest Manor Nursing Home, Inc., Austin
AN76-0913-010
EC-- Reclassification of 60-bed facility from ICF-III to Skilled-type level of care

Johnson County Memorial Hospital, Cleburne
AH76-0910-001
EC-- Correction of Life Safety Code Deficiencies and remodeling of wings of the hospital built in 1948, 1952, and 1956

Trinity Memorial Hospital, Trinity
AH76-0902-001
EC-- Conversion of eight hospital beds (which are contiguous to nursing home beds) to nursing home bed classification

Issued in Austin, Texas, on September 15, 1976.

Doc. No. 764844 William D. Darling
General Counsel
Texas Health Facilities
Commission

Filed: September 15, 1976, 11:38 a.m.

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

The Legislature House of Representatives Committee Schedule

Subcommittee on Special Areas of Social Services,
Room 346, State Capitol, September 21, 1976, at 9 a.m.

Committee on Social Services, Room 346, State
Capitol, September 22, 1976, at 2 p.m.

Filed: September 16, 1976, 9:50 a.m.

Doc. No. 764874