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TEXAS REGISTER

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TEXAS DOCUMENTS

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Adopted rules of the Texas Education Agency

Request by the Governor's Office of Energy Resources for proposals on statewide vanpool and carpool programs



Office of the Secretary of State

USPS Publication Number 120090

NOTES ON THE ISSUE

To comply with changes in the Texas Education Code made by the 65th Legislature, the Texas Education Agency is adopting amendments to rules on pupil attendance. The changes (1) permit transfer students who have been enrolled in another state to enroll in the first grade in Texas before age six, (2) provide that in order for a person under 18 to attend public school apart from his or her parents or guardian, it must be established that his or her presence in the school district is not for the primary purpose of attending the public free schools, and (3) provide that children of Texas Youth Council employees may attend school in districts adjacent to that in which they reside. TEA also amended a rule to comply with a recently issued open records decision which held that financial information submitted to TEA by proprietary schools is not excepted from disclosure under the Open Records Act.

The Governor's Office of Energy Resources is soliciting proposals from organizations capable of setting up vanpool-carpool programs across the state. One of the five mandatory programs established by the Texas Energy Conservation Plan is the organization of 1,500 vanpools in the state by 1980 and a .2 percent increase in carpooling in areas not currently served by the metropolitan carpool programs. The request for proposals appears in the In Addition section of this issue.

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



Office of the
Secretary of State

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Appointments

Appointments Made November 15, 1977.

State Depository Board

For a two-year term to expire August 22, 1979:

J. C. Dingwall
2001 Scenic Drive
Austin, Texas 78703

Mr. Dingwall is being reappointed.

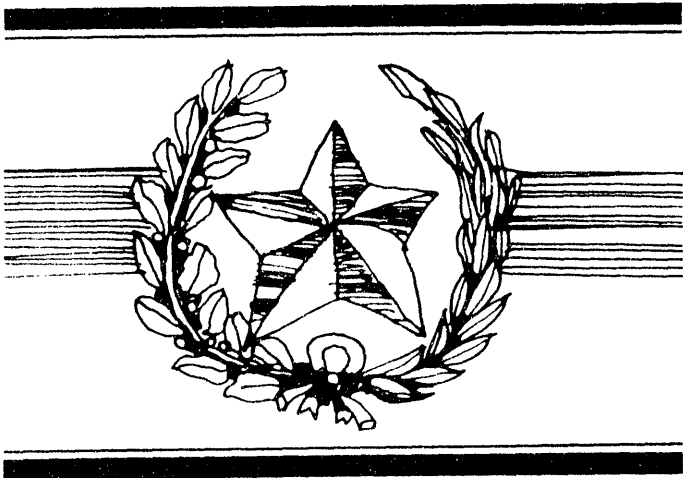
Texas Department of Labor and Standards

To be commissioner for a two-year term to expire February 1, 1979:

G. L. (Lynn) Tate
3820 Country Estates
Corpus Christi, Texas 78410

Mr. Tate is replacing Jackie St. Clair of Round Rock, Williamson County, who resigned.

Doc No 776392



Appointments Made November 16, 1977

Texas Alcoholic Beverage Commission

For a six-year term to expire November 15, 1983:

Morris Atlas
1600 Iris
McAllen, Texas 78501

Mr. Atlas is being reappointed.

Texas Industrial Commission

For a six-year term to expire February 15, 1979:

Jackie St. Clair
9609 Braeburn Glen
Round Rock, Texas 78664

Mr. St. Clair is replacing Gerald R. Brown of Austin, Travis County, who resigned.

Doc No 776418

Proclamations

Proclamation 41-1653

WHEREAS, a vacancy now exists in the membership of the Texas House of Representatives from District 71, Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio Counties, Texas:

WHEREAS, the results of the first special election having been officially declared and:

WHEREAS, no candidate in the first special election having received a majority of the votes cast:

WHEREAS, Vernon's Texas Election Code, as amended, Article 2.01b (Chapter 715, Section 1, 1975), requires elections to be held on uniform dates absent the finding of an emergency.

NOW, THEREFORE, I, Dolph Briscoe, governor of Texas, do hereby find the existence of an emergency due to the urgent need for a replacement in the Texas House of Representatives.

NOW, THEREFORE, I, Dolph Briscoe, governor of Texas, under the authority vested in me by the constitution and statutes of the State of Texas, do hereby order a second special election and issue a writ of election directing that a special election be held in State Representative District 71, on the 3rd day of December, 1977, for the purpose of electing a state representative for District 71 to serve out the unexpired term of the Honorable James J. Kaster, Jr.

A copy of this order will be mailed immediately to the County Judges of Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio Counties, containing State Representative District 71, and all appropriate writs will be issued and all proper proceedings will be followed to the end that said election may be held and its results proclaimed in accordance with law.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at Austin, this 15th day of November, 1977.

Proclamation 41-1654

WHEREAS, a vacancy now exists in the membership of the Texas House of Representatives from District 37-B, Travis County, Texas;

WHEREAS, the results of the first special election having been officially declared and;

WHEREAS, no candidate in the first special election having received a majority of the votes cast;

WHEREAS, Vernon's Texas Election Code, as amended, Article 2.01b (Chapter 715, Section 1, page 2295, Acts of the 64th Legislature, Regular Session, 1975), requires elections to be held on uniform dates absent the finding of an emergency;

NOW, THEREFORE, I, Dolph Briscoe, governor of Texas, do hereby find the existence of an emergency due to the urgent need for a replacement in the Texas House of Representatives.

NOW, THEREFORE, I, Dolph Briscoe, governor of Texas, under the authority vested in me by the constitution and statutes of the State of Texas, do hereby order a second special election and issue a writ of election directing that a special election be held in State Representative District 37-B, on the 10th day of December, 1977, for the purpose of electing a state representative for District 37-B to serve out the unexpired term of the Honorable Sarah Weddington.

A copy of this order will be mailed immediately to the County Judge of Travis County, containing State Representative District 37-B, and all appropriate writs will be issued and all proper proceedings will be followed to the end that said election may be held and its results proclaimed in accordance with law.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the seal of state to be affixed at Austin, this 15th day of November, 1977.

Issued in Austin, Texas, on November 15, 1977

Doc No 776415 Dolph Briscoe
Governor of Texas

Filed November 17 1977 3 40 pm

For further information please call (512) 475-3021

Requests for Opinions

Summary of Request for Opinion RQ-1764

Request for opinion sent to the Attorney General's Opinion Committee by W. J. Estelle, Jr., Director, Texas Department of Corrections, Huntsville.

Summary of Request:

(1) May the Texas Department of Corrections employ outside personnel to secure and maintain the inmate labor force used in construction of its buildings?

(2) Must the state classification officer authorize these classified positions?

Doc No 776383

Summary of Request for Opinion RQ-1765

Request for opinion sent to the Attorney General's Opinion Committee by W. J. Estelle, Jr., Director, Texas Department of Corrections, Huntsville.

Summary of Request: Is the list of authorized correspondents of an inmate in the Texas Department of Corrections public under the Open Records Act?

Doc No 776384

Summary of Request for Opinion RQ-1766

Request for opinion sent to the Attorney General's Opinion Committee by Wilson E. Speir, Director of Public Safety, Austin.

Summary of Request: If a justice of the peace purports to probate a traffic conviction, is the conviction required to be reported to the Department of Public Safety?

Doc No 776385

Summary of Request for Opinion RQ-1767

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

Summary of Request:

(1) May Harris County require payment and performance bonds on public works contracts which are not in excess of \$25,000?

(2) May Harris County require payment and performance bonds on all contracts (public works or otherwise) over \$1,000, issued pursuant to Section 9 of the Harris County Road Law (Acts 1967, page 1226)?

(3) May Harris County require payment and performance bonds on contracts other than for public works?

Doc No 776386

Summary of Request for Opinion RQ-1768

Request for opinion sent to the Attorney General's Opinion Committee by Chet Brooks, Chairman, Senate Committee on Human Resources, Austin.

Summary of Request:

(1) Is the document, "Policies for the Approval of Subdivision Plats in Fort Bend County," as amended, in conflict with relevant state statutes?

(2) Are the actions taken by the Fort Bend Commissioners Court on April 5, 1976, requiring developers to build sidewalks within all right-of-ways dedicated to the public prior to receiving plat approval, in conflict with relevant state statutes?

(3) Are the actions taken by the Fort Bend Commissioners Court on July 7, 1977, requiring developers to dedicate a percentage of residential acreage or at least one acre for public use without due compensation prior to receiving plat approval, in conflict with relevant state statutes?

Doc No 776387

Summary of Request for Opinion RQ-1769

Request for opinion sent to the Attorney General's Opinion Committee by Charles D. Houston, Austin County Attorney, Bellville.

Summary of Request:

(1) Can a county judge legally approve for final payment, a warrant approved by the commissioners court when he believes, or has reason to believe, that the merchandise or material described in said warrant was not purchased according to law, as laid out in Article 2368A; namely, that said purchase is in excess of \$3,000, and that no bids were taken as mandated by said statute?

(2) And, provided a county judge does approve such a warrant, regardless of whether or not he knew of such a violation of the law, could such county judge be held to have violated said law under the criminal statutes of the State of Texas?

Doc No 776388

Summary of Request for Opinion RQ-1770

Request for opinion sent to the Attorney General's Opinion Committee by L. Alvis Vandygriff, Commissioner, Texas Savings and Loan Department, Austin.

Summary of Request: When a savings and loan association's charter and bylaws are silent on the subject, may a member cumulate his votes at an annual meeting?

Doc No. 776389

Summary of Request for Opinion RQ-1771

Request for opinion sent to the Attorney General's Opinion Committee by Romeo Flores, County Attorney for Jim Wells, Alice.

Summary of Request: After December 31, 1977, may a court clerk refuse to accept for filing certain pleadings in civil actions where said pleadings are not certified as required by Rule 72 of the Texas Rules of Civil Procedure?

Doc No. 776390

Summary of Request for Opinion RQ-1772

Request for opinion sent to the Attorney General's Opinion Committee by Jackie W. St. Clair, Texas Department of Labor and Standards, Austin.

Summary of Request:

(1) Must the Apprenticeship Advisory Committee, set forth in the bill, be a functioning committee before any programs can be funded under this bill?

(2) Must an apprenticeship program be funded under this bill and not already in existence before the bill applies?

(3) How long does the TEA have before it informs the independent school districts how apprenticeship classes being conducted in secondary institutions will be funded?

(4) Can an independent school district charge an apprentice 25 cents per contact hour until such time as TEA indicates what the funding will be? Or did the five dollar maximum charge indicated in the bill actually go into effect August 31, 1977?

(5) Indications are that apprenticeship classes are being funded in college facilities by TEA at \$1.57 per contact hour. Does this bill not indicate that all ap-

prenticeship classes, whether held in a secondary or post-secondary institution, be funded the same?

Doc No. 776391

Summary of Request for Opinion RQ-1773

Request for opinion sent to the Attorney General's Opinion Committee by W. E. Snelson, State Senator, Austin.

Summary of Request:

(1) Whether or not tax increment bonds may be issued by a city for the purpose of aiding in the planning or the carrying out of an urban renewal project under the management of an established urban renewal agency duly created pursuant to a prior election authorizing urban renewal powers.

(2) Whether or not tax increment bonds may be issued prior to and notwithstanding the result of the proposed constitutional amendment election, to be held on the first Tuesday after the first Monday in November, 1978.

Doc No. 776420

Opinions

Summary of Opinion H-1091

Request from B. L. DeBerry, Engineer-Director, State Department of Highways and Public Transportation, Austin, concerning the validity of leases of property owned by the Texas Turnpike Authority.

Summary of Opinion: Lease contracts executed by the Texas Turnpike Authority regarding hotel and restaurant facilities on the Dallas-Fort Worth Turnpike terminate upon the redemption of all outstanding turnpike revenue bonds. After transfer of the Dallas-Fort Worth Turnpike project to the State Department of Highways and Public Transportation, the department may sell the installations on the basis that the State of Texas holds fee simple title thereto. The department may not advertise the tracts for sale until after it has assumed custody of the turnpike project.

Doc No. 776382

Summary of Opinion H-1092

Request from Thomas S. Bishop, Major General, Texas ARNG, Office of the Adjutant General, Austin, con-

cerning the validity of policy requiring state employees of Adjutant General's Department to retire on becoming eligible for two annuities.

Summary of Opinion: The policy of the Adjutant General's Department that requires state employees to retire when they become eligible for two annuities, such as military reserve retirement benefits and reduced social security benefits, is inconsistent with Article 6252-14, and thus invalid.

Issued in Austin, Texas, on November 17, 1977.

Doc No 776419 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

For further information please call (512) 475-5445



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

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

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

Texas Health Facilities Commission

Definition and Explanation of Applicability of the Act 315.11.00

The Texas Health Facilities Commission is renewing the effectiveness of the emergency amendments to Sections (f) and (j) of Rule 315.11.00.002, Explanation of Applicability of the Act. The amendments were published in the July 26, 1977, issue of the *Texas Register* (2 TexReg 2802). Expiration date for the renewal of effectiveness of the emergency amendments is January 12, 1978.

Doc No 776269

PROPOSED RULES

4574

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.

Texas Air Control Board

Regulation VI-- Control of Air Pollution by Permits for New Construction or Modification 131.08.00

The Texas Air Control Board is proposing to amend Rule 131.08.00.003, by adding Sections (a)(10) and (b)(5), to incorporate the requirements of the Federal Clean Air Act of 1977 concerning the granting of permits in areas in which the National Ambient Air Quality Standards have been exceeded. Section 129(a)(1) of the Clean Air Act requires that before July 1, 1979, the interpretative ruling of the administrator of the Environmental Protection Agency (EPA) published in 41 Code of Federal Regulations 55524-30, December 21, 1976, shall apply unless the administrator determines that a state has met certain requirements, in which case a waiver to the requirement shall be granted. After July 1, 1979, this interpretative ruling does not necessarily apply, but may be included in the control plan revisions which are due by that date.

On September 16, 1977, the Texas Air Control Board adopted a resolution which notified the administrator of EPA that permits issued by the board are subject to conditions which require the administrator to waive the application of the interpretative ruling. Subsequently, the Texas Air Control Board has provided additional

data to the administrator to justify this position, but to date, no waiver has been announced by the administrator.

If the administrator of EPA does not waive the provisions of the interpretative ruling, the Federal Clean Air Act makes the application of such ruling mandatory. The Texas Air Control Board proposes to operate within the provisions of the Federal Clean Air Act including enforcement of the interpretative ruling in case a waiver is not granted by the administrator. A formal decision on the waiver is anticipated from the EPA administrator by mid-December, 1977. The Texas Air Control Board will consider this matter at a meeting to be scheduled for late December, 1977.

Since the ambient air quality standards for total suspended particulate (TSP) and photochemical oxidant (as measured by ozone) have been exceeded in several areas of the state, the effect of adoption of this regulation change will be to further control construction of major new stationary emission sources or modification to existing sources in many areas. Although the exact geographic limits of the areas in which standards are being exceeded (nonattainment areas) have not yet been officially defined, most of the larger cities in the state probably will be included because of measured violations of the ozone standard. Thus, any major new source of volatile organic compounds (which are pollutants associated with the formation of photochemical oxidants (ozone) in any major city in Texas will come under the provisions of this rule.

Since these proposed changes require additional review of permit applications and additional enforcement activities to ensure compliance, there will be some added costs to the Texas Air Control Board as the result of adoption of this rule. By reduction of lower priority activities, there will be no requirement for additional state funding during this biennium as the result of these proposed changes. The direct cost impact on local governments should be negligible. However, the Texas Air Control Board may ask for some additional assistance of local agencies in evaluating permit applications as the result of these changes.

Public comment on the proposed amendments to Rule 131.08.00.003 is invited both at the public hearings and by submission of written comments. Written comments should be submitted to the executive director of the Texas Air Control Board at 8520 Shoal Creek Boulevard, Austin, Texas 78758, prior to December 21, 1977.

Copies of the complete text of the Federal Clean Air Act amendments of 1977 (Public Law 95-95) and EPA's interpretative ruling are available for review during normal working hours at all offices of the Texas Air Control Board.

To provide the board with public input for use in its considerations, public hearings will be held at the following places and times to receive public comment on the advisability of adopting rules requiring emissions offset for new major sources in areas which have not attained National Ambient Air Quality Standards:

City of Houston Health Department Auditorium
1115 North MacGregor
Houston, Texas 77025
2 p.m. Monday, December 19, 1977

Texas Air Control Board Auditorium
8520 Shoal Creek Boulevard
Austin, Texas 78758
2 p.m. Monday, December 19, 1977

The following additions to Rule 131.08.00.003 are proposed under the authority of Article 4477-5, Texas Civil Statutes.

003. Consideration for Granting a Permit to Construct and Operate.

(a) In order to be granted a permit to construct, the owner or operator of the proposed facility shall submit information to the Texas Air Control Board which will demonstrate that all of the following are met:

(10) Construction of the proposed facility will be in accordance with the requirements of Section 129(a)(1) of the Clean Air Act amendments of 1977 (Public Law 95-95).

(b) In order to be granted a permit to operate, the owner of the facility shall demonstrate that:

(5) Operation of the proposed facility is in accordance with the provisions of Section 129(a)(1) of the Clean Air Act amendments of 1977 (Public Law 95-95).

Issued in Austin, Texas, on November 17, 1977.

Doc No 776406 Bill Steward, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption After public hearing

For further information, please call (512) 451-5711

Coordinating Board, Texas College and University System

Administrative Council

General Provisions 251.20.01

The Administrative Council of the Coordinating Board, Texas College and University System, is proposing to adopt Subchapter 251.20.01, establishing general provisions for the administration of the Texas State College and University Employees Uniform Benefits Act, Senate Bill 95, Acts of the 65th Legislature, Regular Session, 1977. This subchapter includes Rules .001 through .017 and establishes provisions regarding terms of office, election of officers, meetings, open records, and administrative costs.

The proposed rules have no fiscal implications to the state or to units of local government.

Public comment on Proposed Rules 251.20.01.001-.017 is invited. Comments may be submitted for a period of 30 days from the date of publication by telephoning the office of the Administrative Council at (512) 475-2033 or by writing to the Administrative Council at P.O. Box 12788, Austin, Texas 78711.

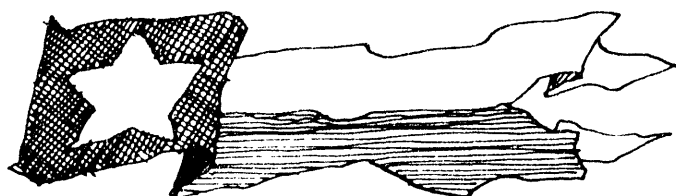
These rules are proposed under the authority of Senate Bill 95, Acts of the 65th Legislature, Regular Session, 1977.

001. The Administrative Council. The administrative council shall act as the rule-making body for determining the basic coverage standards for a uniform group insurance program which all public institutions must meet or exceed.

002. Terms of Office--Administrative Council. Except as noted herein, each member of the administrative council shall be selected for a six-year term to expire August 31. The presidents of the six largest senior institutions acting as a group, or three largest junior institutions acting as a group, or the commissioner of higher education, dependent upon how the vacated position was originally filled, shall name an individual to serve the balance of any vacated term.

003. Vacancy--Administrative Council. A vacancy exists when any member selected by the six largest senior-level institutions or the three largest junior-level institutions or appointed by the commissioner of higher education who serve on the administrative council:

- (1) resigns his or her position on the administrative council;
- (2) terminates active employment with a public senior-level institution of higher education in Texas, if



the position was originally filled by someone selected by the presidents of the six largest senior-level institutions;

(3) terminates active employment with a public junior community college or technical institution in Texas, if the position was originally filled by someone selected by the presidents of the three largest junior/community colleges or technical institutions; or

(4) transfers to an institution that is represented by another sitting council member.

.004. Election of Officers--Administrative Council. In September of each year the administrative council shall elect a chairman and vice chairman. Should a council member thus elected vacate membership on the council or resign the office, the council shall at its next scheduled meeting elect a new officer who shall serve until the next annual election in September.

.005. Appointment of Committees--Administrative Council. The chairman of the administrative council may appoint committees from the council's membership as he or the council may find necessary from time to time, or he may appoint advisory committees from outside its membership as the council deems necessary.

.006. Meetings--Administrative Council. The administrative council shall meet annually in September and at such other times and places as called by the chairman. A majority of the membership of the council constitutes a quorum.

.007. Visitor Participation in Administrative Council Meetings. Unless invited by the administrative council, any individual wishing to speak or make a presentation to the administrative council shall observe the following procedure:

(1) Notify the executive secretary at least 10 days prior to a scheduled meeting.

(2) At the time of notification, submit the presentation in a written form to the executive secretary.

(3) Notice of the pending presentation shall then be forwarded to all nine council members along with a copy of the proposed presentation.

(4) All presentations will be limited to five minutes unless the time limit is waived by the council.

.008. The Advisory Committee. The advisory committee shall assist in the coordination and correlation of the uniform group insurance and provide for open communication of ideas and suggestions concerning coverages, eligibility, claims, procedures, bidding, administration, and any other aspects of employee insurance benefits.

.009. Terms of Office--Advisory Committee. Except as noted herein, each member of the advisory committee shall be elected for a two-year term to expire November 30. The president of the institution from

which a vacancy occurs shall appoint an employee from the same institution to serve the balance of the vacated term.

.010. Vacancy--Advisory Committee. A vacancy exists when any member of the advisory committee:

(1) resigns his or her position on the committee; or

(2) terminates active employment with the institution he or she represents.

.011. Election Process--Advisory Committee. The election process for the elections of the advisory committee members every two years shall be as follows:

(1) The president or chief executive officer of each institutional unit, component, or agency shall appoint a nomination and election committee. This committee should be representative of the institution's employees with the size and composition of the committee, depending upon the type and size of the institution.

(2) The nominating and election committee shall nominate a list of candidates, prepare a ballot, and conduct the election. The committee shall make a maximum effort to see that all employees have an opportunity to vote.

(3) The president or chief executive officer shall then certify to the administrative council through the coordinating board staff the institution's advisory council through the coordinating board staff the institution's advisory committee member on or before December 1.

.012. Election of Officers--Advisory Committee. In December of each year, the advisory committee shall elect a chairman and such other officers as may be necessary. Should a committee member thus elected vacate membership on the committee or resign the office, the committee shall at its next scheduled meeting elect a new officer who shall serve until the next annual election in December.

.013. Appointment of Subcommittees--Advisory Committee. The chairman of the advisory committee may appoint subcommittees from the committee's membership as he or the committee may find necessary from time to time.

.014. Meetings--Advisory Committee. The advisory committee shall meet annually in December and at such other times and places as called by the chairman. A majority of the membership of the committee constitutes a quorum.

.015. Open Meetings.

(a) Meetings of the administrative council and the advisory committee are open meetings and are subject to all provisions of the state open meetings procedure. However, in order to elicit testimony of a highly personal or embarrassing nature and therefore

unavailable to the committee or council, the chairman may upon his own motion or at the witness request declare the meeting to be in executive session for the purpose of receiving testimony. A summary of such testimony shall be placed in the minutes, but no reference will be made to identify the witness.

(b) The executive secretary will be responsible for seeing that proper notice is filed with the secretary of state in accordance with such rules.

016. Open Records

(a) All minutes and other records of the administrative council and advisory committee are subject to disclosure under the provisions of Texas Civil Statutes, Article 6252-17a.

(b) The executive secretary of the administrative council is directed to serve as custodian of all records of the administrative council and advisory committee.

(c) The executive secretary is instructed to make available to any member of the public, the public records of the administrative council and advisory committee during normal working hours at the office of the Coordinating Board, Texas College and University System, 111 East 17th Street, Austin.

(d) The cost to any person requesting noncertified photographic reproductions of any public records in the care of the executive secretary may be determined by the actual cost of standard size reproductions as established by the State Board of Control.

017. *Administrative Costs.* The duties of each member of the administrative council and the advisory committee shall be considered additional duties to those required of his other state office or employment, and all expenses incurred by any such member in performing his duties as a member of the council or committee shall be paid out of funds available for those purposes to the institution of which he is an employee or officer.

Doc No 776430

Administration of the Texas State College and University Employees Uniform Insurance Benefits Program 251.20.02

The Administrative Council of the Coordinating Board, Texas College and University System, is proposing to adopt Subchapter 251.20.02 to implement and administer the group insurance provisions of the "Texas State College and University Employees Uniform Benefits Act," Senate Bill 95, Acts of the 65th Legislature, Regular Session, 1977. This subchapter includes Rules .001 through .025 and is for the purpose of providing uniformity in the basic group life, accident, and health insurance coverages for all employees of Texas state colleges and universities. Rules .003, .004, and .005 are omitted at this time and are reserved for pro-

mulgation of future rules on basic coverage standards, maximum costs for administration of the plans by the carriers, and basic procedural and administrative practices. The remaining rules are proposed to incorporate specific requirements and provisions in the act.

The proposed rules have no fiscal implications to the state or to units of local government.

Public comment on Proposed Rules 251.20.02.001, .002, and .006-.025 is invited. Comments may be submitted for a period of 30 days from the date of publication by telephoning the office of the Administrative Council at (512) 475-3033, or by writing to the Administrative Council at P.O. Box 12788, Austin, Texas 78711.

These rules are proposed under the authority of Senate Bill 95, Acts of the 65th Legislature, Regular Session, 1977.

.001. *Purpose.* These rules are to implement and administer the provisions of Senate Bill 95, "The Texas State College and University Employees Uniform Insurance Benefits Act." It is the purpose of these rules to provide uniformity in the basic group life, accident, and health insurance coverages for all employees of Texas state colleges and universities.

.002. *Definitions.* Unless a different meaning is plainly required by the context, the following words and phrases, as used in these rules, shall have the following meanings:

(1) "Act" shall mean the "Texas State College and University Employees Uniform Benefits Act," Senate Bill 95, Acts of the 65th Legislature, Regular Session, 1977.

(2) "Administering carrier" shall mean any carrier or organization, qualified to do business in Texas, designated by the administrative council to administer any services, benefits, insurance coverages, or requirements in accordance with the act and the council's regulations thereunder.

(3) "Retired employee" shall mean an employee, as defined in the act, who retires or has retired under a retirement provision under the jurisdiction of:

(A) the Teachers Retirement System of Texas, pursuant to Chapter 3, Title 1, Texas Education Code, as amended;

(B) the Optional Retirement Program, Articles 51.351 et seq., Texas Education Code, as amended, provided, however, that the employee has met service requirements, age requirements, and other applicable requirements as required for retirement under the Teachers Retirement System of Texas;

(C) the Employees Retirement System of Texas, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Vernon's Texas Civil Statutes, Article 6228a), as authorized by Chapter 75, Acts of the 54th

Legislature, Regular Session, 1955, as amended (Vernon's Texas Civil Statutes, Article 6228a);

(D) any other federal or state statutory retirement program to which the institution has made employer contributions; provided, however, that the employee has met service requirements, age requirements, and other applicable requirements as required for retirement under the Teachers Retirement System of Texas.

(4) "Carrier" shall mean a qualified carrier as defined in the act.

(5) "Employee" shall mean any person employed by a governing board of a state university, senior or community/junior college, medical or dental unit, technical institute, or any other agency of higher education within the meaning and jurisdiction of Chapter 61, Title 3, Texas Education Code:

(A) who retires under the provisions cited in the definition of "retired employee";

(B) who receives his compensation for services rendered to a public community/junior college or senior college, university, medical or dental unit, technical institute, or other agency of education within the meaning and jurisdiction of Chapter 61, Title 3, Texas Education Code, on a warrant or check issued pursuant to a payroll certified by an institution or by an elected or duly appointed officer of this state, and who is eligible for participation in the Teacher Retirement System of Texas

(6) "Employer" shall mean the institutions defined elsewhere in these definitions.

(7) "Group life, accident, or health insurance plan" shall mean any group insurance policy or contract, life, accident, medical, dental, or hospital service agreement, membership or subscription contract, or similar group arrangement provided by an administering carrier.

(8) "Institution" shall mean each association of one or more public community/junior colleges or senior colleges or universities, medical or dental units, technical institutes, or other agencies of higher education under the policy direction of a single governing board.

(9) "Dependent" shall mean the spouse, as defined in the Texas Family Code, of an employee or retired employee, and an unmarried child under 25 years of age including:

(A) an adopted child;

(B) a stepchild, foster child, or other child who is in a regular parent-child relationship;

(C) any such child, regardless of age, who lives with or whose care is provided by an employee or retired employee on a regular basis, if such child is mentally retarded or physically incapacitated to such an extent as to be dependent upon the employee or retired employee for care or support, as the administrative council shall determine.

(10) "President" shall mean the duly authorized chief official of any institution covered under the provisions of the act or such other official as may be designated by a governing board to carry out the provisions of the act.

(11) "Qualified carrier" shall mean:

(A) any insurance company authorized to do business in this state by the State Board of Insurance to provide any of the types of insurance coverages, benefits, or services provided for in the act under any of the insurance laws of the State of Texas, which has an adequate surplus, a successful operating history, and which has had successful experience in providing and servicing any of the types of group coverage provided for in the act as determined by the State Board of Insurance;

(B) any corporation operating under Chapter 20 of the Texas Insurance Code which provides any of the types of coverage, benefits, or services provided for in the act, which has a successful operating history, and which has had successful experience in providing and servicing any of the types of group coverage provided for in the act as determined by the State Board of Insurance; or

(C) any combination of carriers as herein defined, upon such terms and conditions as may be prescribed by the administrative council; provided, however, that for purposes of the act, carriers combining for the purpose of bidding and/or underwriting this program shall not be considered in violation of Sections 15.01 through 15.34, Chapter 15, Title 2, Competition and Trade Practices, Texas Business and Commerce Code.

(12) "Service" shall mean any personal services of an employee creditable in accordance with rules and regulations promulgated by the administrative council.

(13) "Active employee plan" shall mean a plan or program of group insurance as determined by the administrative council as defined in the act for all active employees as defined in the act.

(14) "Retired employee plan" shall mean a plan or program of group insurance as determined by the administrative council as defined in the act for all retired employees as defined in the act.

(15) "Basic plan" shall mean the basic medical care coverage automatically provided to each active full-time employee from the first day of his or her employment unless waived by the employee.

(16) "Program" shall mean the Uniform Group Insurance Program as established by the administrative council.

.006. *Existing Institutional Insurance Program.* The administrative council shall determine if existing institutional programs meet, equate to, or exceed standards for basic coverages. If so, such programs may be

continued in accordance with existing contractual arrangements between those institutions and their carrier or carriers; provided, however, that each program so continued shall be submitted by the institution for competitive bidding within standards established by the administrative council at least once during each four-year period following the effective date of coverage under the act.

.007. *Authorized Carriers.* The State Board of Insurance shall provide, by request of the institution, a list of all carriers authorized to do business in the State of Texas and who will be eligible to bid on the insurance coverage or coverages provided in the act

.008. *Evaluation of Bidding Contracts.* The State Board of Insurance shall, upon request by the institution, examine and evaluate the bidding contracts and certify their actuarial soundness to the institution within 15 days from the date of request.

.009. *Selection of Carrier.* The institution is not required to select the lowest bid, but shall take into consideration other factors such as ability to service contracts, past experience, financial stability, and other relevant criteria. Should the institution select a carrier whose bid differs from that advertised, such deviation shall be reported to the administrative council and the reasons for such deviation shall be fully justified and recorded in the minutes of the next meeting of the administrative council.

.010. *Deficiencies in Institutional Programs.*

(a) The administrative council shall determine those institutions whose programs contain deficiencies with regard to the basic standards, administrative costs, and practices provided for under Rules .003, .004, and .005. Where such program deficiencies occur, the president of each institution found to be deficient shall be notified of such program deficiencies by the administrative council, which shall also report its action to the commissioner of higher education, and the institution shall be provided a reasonable deadline not to exceed two years for correcting said deficiencies. The affected institution may within 90 days of notification appeal this determination of deficiency to the Coordinating Board, Texas College and University System. The board shall within 90 days from receipt of the appeal either affirm or reverse the decision of the administrative council. In case of reversal, the board shall return the appeal to the administrative council with written instructions for disposition.

(b) Where institutions do not correct said deficiencies as directed by the administrative council, the council shall direct the institution to establish such plans as determined by the council, and report its action to the commissioner of higher education. If such plans are not established within a reasonable time

period not to exceed six months from date of notification, the council shall notify the state comptroller of public accounts, who shall withhold state insurance premium matching funds from the affected institutions until notified by the administrative council that the deficiencies have been corrected. These notifications to the state comptroller shall be reported to the commissioner of higher education.

.011. *Participation of Two or More Institutions in One Program.* The governing boards of two or more institutions of higher education may procure one or more group contracts with any insurance company or companies authorized to do business in this state, insuring the employees of each participating institution. The purpose of this authorization shall be to provide institutions of higher education with the ability to obtain the benefits of economy and/or improved coverages for their employees which may occur through increased purchasing economies for larger groups of employees.

.012. *Additional Coverage Beyond Basic Coverage Standards.* All contracts for basic coverages negotiated from the effective date of the act shall be in compliance with the basic coverage standards, rules, and regulations promulgated pursuant to the act. Each governing board may provide such additional or optional insurance programs and coverages as it deems desirable for its employees.

.013. *Benefits Certificates.* The institutions shall assure that each employee insured under the act is issued a certificate of insurance setting forth the benefits to which the employee is entitled, to whom the benefits are payable, to whom the claims shall be submitted, and summarizing the provisions of the policy principally affecting the employee.

.014. *Annual Report.* As soon as practicable after the end of each contract year, but not later than 180 days thereafter, each institution covered under the provisions of the act shall submit an annual report to the administrative council, comparing the insurance coverages provided and the benefits and services received by its employees insured under the provisions of the act. The administrative council shall, within 30 days of receipt of the institutional annual reports, submit the annual reports together with a summary and commentary to the commissioner of higher education for submission to the Coordinating Board, Texas College and University System.

.015. *Reinsurance.* The institutions may arrange with any administering carrier or carriers issuing any policy or policies under the act for the reinsurance of portions of the total amount of insurance under such policy or policies with other qualified carriers which elect to participate in the reinsurance.

.016. Annual Accounting by Carrier.

(a) Carriers providing any policy purchased under the act shall provide an accounting to the institution not later than 120 days after the end of each policy year. The accounting for each line of coverage shall set forth, in a form acceptable to the administrative council:

(1) the cumulative amount of premiums actually remitted to the carrier under the policy from its date of issue to the end of the policy year, the amount of premiums actually remitted under the policy for each year from the anniversary date to the end of that policy year;

(2) the total of all mortality and other claims, charges, losses, costs, contingency reserves for pending and unreported claims, and expenses incurred for each of the periods corresponding to each of the periods heretofore described in Section (a)(1) of this rule;

(3) the amounts of the allowance for a reasonable profit, contingency reserves, and all other administrative charges corresponding to each of the periods as heretofore described in Section (a)(1) of this rule.

(b) Any excess of the total of Section (a)(1) of this rule over the corresponding sum of Sections (a)(2) and (a)(3) of this rule may be held by the carrier issuing the policy as a special reserve. Such reserve may be used at the discretion of the institution with prior approval of the administrative council for, but not limited to, providing additional coverage for participating employees, offsetting necessary employee premium rate increases, or to reduce participating employee premium contributions to the coverage. Any reserve held by the carrier would bear interest at a rate determined each policy year by the carrier and approved by the institution as being consistent with the rate generally used by the carrier for similar funds held under other group insurance policies.

.017. Exemption from Execution. All insurance benefits and other payments and transactions made pursuant to the provisions of the act to any employee covered under the provisions of the act shall be exempt from execution, attachment, garnishment, or any other process whatsoever.

.018. Death Claims. The amount of group life insurance and group accidental death and dismemberment insurance in force on an employee at the date of his death shall be paid, on the establishment of a valid claim, to the person or persons surviving at the date of his death, in the following order:

(1) To the beneficiary or beneficiaries designated by the employee in a signed and witnessed writing received before death in the employing office. For this purpose, a designation, change, or cancellation of beneficiary in a will or other document not so executed and filed has no force or effect.

(2) If no beneficiary is designated in accordance with Section (1) of this rule, payment shall be made in accordance with the death benefit provisions of the Teacher Retirement System of Texas, Chapter 3, Title 1, Texas Education Code, as amended.

.019. Automatic Coverage.

(a) An employee is eligible for coverage as of that person's first day actively at work for an institution or first day as an annuitant of a retirement program.

(b) No eligible employee shall be denied enrollment in any of the coverages provided by the act; provided, however, that the employee may waive in writing any or all such coverages. Each policy of insurance shall provide for automatic coverage on the date the employee becomes eligible for insurance. From the first day of employment, each active full-time employee who has not waived basic coverage or selected optional coverages shall be protected by a basic plan of insurance coverage automatically. The premium for such coverage shall not exceed the amount of the employer contribution. Each employee who is automatically covered under this rule may subsequently retain or waive the basic plan and may make application for any other coverages provided under the act within institutional and administrative council standards.

(c) An employee who is ineligible for an employer contribution adequate to pay the full premium for the basic plan is eligible for coverage only after appropriate payroll deduction is authorized.

.020. Coverage for Dependents. Any employee or retired employee shall be entitled to secure for his dependents any uniform group insurance coverages provided for such dependents under these rules. Such payments for such coverages for dependents shall be deducted from the monthly pay of the employee or paid in such other manner and form as the administrative council may approve.

.021. Payment of Premiums. Each institution and agency covered under the provisions of the act shall contribute monthly to the cost of each insured employee's coverage no less than the amount appropriated therefor by the legislature in the General Appropriations Act or as determined by the governing board of the institution in its respective official operating budget, if the employees are compensated from funds appropriated by such budgets rather than by the General Appropriations Act. The employee shall authorize in writing and in a form satisfactory to the institution a deduction from his monthly compensation of the difference between the total cost of benefits and the amount contributed therefor by the institution or agency.

.022. Certification of Amount Necessary to Pay Employer Contribution. On or before the first day of November next preceding each regular session of the legislature, the institutions and agencies covered under the provisions of the act shall certify to the Legislative Budget Board and budget division of the Governor's Budget and Planning Office the amount necessary to pay employer contributions for each active and retired employee from the effective date of the act. The Legislative Budget Board and the Governor's Budget and Planning Office will establish procedures to insure that eligible institutions request appropriate funds to support this program and shall present appropriate budget recommendations to the legislature. The Teacher Retirement System of Texas, Optional Retirement Program carriers, and Employees Retirement System of Texas shall furnish each institution such information as may be deemed necessary by the administrative council to provide retired employees with the coverages and employer contributions provided under the act.

.023. Administrative Costs for Administration of the Act. No employee covered under the provisions of the act shall be required to pay out of the amount of employer contributions due him or out of the amount of his additional premiums due for selected coverages, any administrative costs, fees, or tax whatsoever to pay expenses of a state institution, the coordinating board, or committees as established for administering the act.

.024. Studies, Reports, Records, and Audits.

(a) Each institution shall furnish to the administrative council such information as the administrative council determines to be necessary for a continuing study of the operation and administration of the act, including surveys and reports on group insurance coverage and benefits.

(b) Each contract entered into under the act shall contain provisions requiring administering carriers to:

(1) furnish such reasonable reports as the administrative council determines to be necessary to enable it to carry out its functions under the act; and

(2) permit the administrative council and representatives of the state auditor to examine records of the carriers as may be necessary to carry out the purpose of the act.

(c) Each institution shall keep such records, make such certifications, and furnish the administrative council with such information and reports as may be necessary to enable the administrative council to carry out its functions under the act.

.025. Effective Date for Basic Coverages. Basic coverages shall be provided by each institution covered

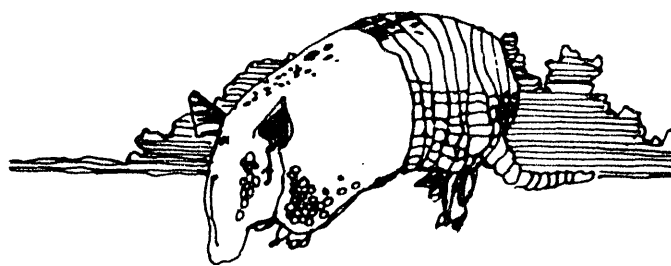
under the act beginning no later than September 1, 1979.

Issued in Austin, Texas, on November 8, 1977.

Doc. No 776431 James McWhorter
Executive Secretary
Coordinating Board, Texas
College and University
System

Proposed Date of Adoption December 26 1977

For further information please call (512) 475-2033



Employees Retirement System of Texas

Definition 335.02.00

The Board of Trustees of the Employees Retirement System of Texas is proposing Rules 335.02.00.115-.117. New definitions are being proposed for the following terms: year, compensation insurance, and State Employees Retirement Act.

The Employees Retirement System has determined that these rules have no fiscal implications.

Comments are invited and should be sent to the Executive Director, Employees Retirement System, P.O. Box 12337, Austin, Texas 78711.

These rules are proposed under the authority of Texas Revised Civil Statutes, Article 6228a, Section 6(A).

.115. Year. Year means the state fiscal year, unless another meaning is clearly indicated by the text.

.116. Compensation Insurance. Compensation insurance means worker's compensation benefits from the State of Texas.

.117. State Employees Retirement Act. State Employees Retirement Act refers to Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Texas Revised Civil Statutes, Article 6228a).

Doc No 776442

Administrative Procedure 335.10.00

The Board of Trustees of the Employees Retirement System of Texas is proposing the following changes to Rules 335.10.00.106-.108 and the adoption of new Rules 335.10.00.110-.112. These rules amend and clarify the present appeal procedure of the agency.

These rules are proposed by authority of Texas Revised Civil Statutes, Article 6228a, Section 6(A). Comments are invited and should be sent to the executive director, Employees Retirement System, P.O. Box 12337, Austin, Texas 78711.

The Employees Retirement System has determined that these changes and proposed rules have no fiscal implications.

.106. Denial of Benefits/Hearing Procedure

(a) Upon denial by the executive *director* [secretary] of the claim for any benefits administered by the board, the claimant has 15 days from the date of the denial letter to request a hearing. **A notice informing the claimant of the right to a hearing will be included with the denial letter.** A hearing shall be conducted **as soon as possible consonant with a fair disposition of the claim** [within 30 days of receipt of that request]. Ordinarily, hearings shall be conducted in the City of Austin. [However, the executive secretary for good cause may, upon his own motion or at the request of a witness or the claimant, designate the hearing to be elsewhere within the State of Texas.] The applicant **shall** [may] be required to pay for any transcription or reproduction of the hearing prepared at his request.

(b) Hearings shall be conducted in accordance with the Administrative Procedure and Texas Register Act [Texas Civil Statutes, Article 6252-13a, as amended]. All parties to the hearing may be assisted by counsel. All parties may present witnesses, books, records, and other evidence relevant to their claim. Evidence shall be governed by the rules of evidence used in nonjury civil trials in district courts of this state. [A notice of this right to a hearing shall be included with a letter informing the claimant of denial.]

(c) **A claimant who fails to prosecute his appeal for six calendar months after a hearing is requested shall have his request for a hearing dismissed. A notification of dismissal of a hearing request must be sent by certified mail to the last known address of the claimant at least 30 days prior to the date of dismissal. For good cause, the executive director may permit reinstatement of an appeal.**

.107. Post Hearing Procedure

(a) Upon completion of the *hearing* [adjudicative proceeding], the hearing officer shall forward his proposal for decision [recommendation] and the *record* [transcript of the proceeding] to the executive *director*

[secretary of the system]. **Ordinarily, a proposal for [final] decision shall be submitted [rendered] not later than the 60th day after the conclusion [close] of the hearing.**

(b) **A copy of the hearing officer's proposal for decision shall be sent by certified mail to the party adversely affected. Any briefs and exceptions to the proposals for decision must be filed within 30 days of receipt of the proposal.**

.108. *Post Hearing Action* After review of the *record* [all evidence], the executive *director* [secretary] shall **grant the application or shall submit the hearing officer's proposal for decision, briefs, and exceptions filed by parties adversely affected and the executive director's recommendation to the board for determination and order** [either make his determination or submit his recommendation to the board for its decision, along with the hearing officer's recommendation and a transcript of the proceeding].

The following new rules are proposed under the authority of Texas Revised Civil Statutes, Section 6(A)

.110. Continuances and Postponements

(a) For good cause and upon his own motion or the motion of any party, the hearing officer may continue a hearing.

(b) Once a date and time for a hearing is set, request for postponements will be acceptable only if received in writing by the Employees Retirement System before 5 p.m. on the work day before the date of the hearing

.111. Subpoenas, Depositions, and Witnesses

(a) A subpoena shall be issued only upon the showing of good cause. The party requesting the subpoena shall deposit with the Employees Retirement System sufficient sums to ensure payment of expenses incident to the subpoenas and payment of fees for witnesses or deponents.

(b) A witness or deponent who is not a party to the hearing and who is subpoenaed or directed to attend a hearing or proceeding to testify, produce written material, records, or objects necessary and proper for the purposes of the hearing, is entitled to receive fees as provided by rules of the board. A witness or deponent who gives testimony in a professional capacity may be paid an appearance fee of no more than twice the standard fee.

(c) Fees to which a witness or deponent is entitled shall be paid by the system from the funds deposited by the party at whose request the subpoena was issued or the witness appeared or a deposition was taken.

(d) The hearing officer shall require the person at whose request a deposition is taken to deposit with the system the estimated costs of the transcription and ap-

pearance fees. The original copy of the deposition shall be a part of the record of the hearing.

.112. Fees. Witness and deponent fees are as follows:

(a) Mileage and per diem allowances are the same as those provided for state employees under the General Appropriations Act.

(b) A standard appearance fee for each day or part of a day the person is necessarily present as a witness or deponent is set at \$25.

(c) Fees shall be paid only on presentation of proper vouchers sworn by the witness or deponent and approved by the system.

Doc No 776443

Membership 335.20.00

The Board of Trustees of the Employees Retirement System of Texas is proposing Rule 335.20.00.105, providing a method for direct payment of contributions by certain members of the system.

The Employees Retirement System has determined that this proposed rule has no fiscal implications.

Comments are invited and should be sent to the executive director, Employees Retirement System, P.O. Box 12337, Austin, Texas 78711.

This rule is proposed under the authority of Texas Revised Civil Statutes, Article 6228a, Section 6(A).

.105. Direct Payment of Contributions.

(a) Payment of contributions by a person who is a member by virtue of service on an administrative board shall be made to the member's department. Contributions are due on the last day of the month for which service credit is being established.

(b) If payment is not received by the system when the department's retirement report is submitted, a notice that payment has not been made and of the pending loss of eligibility to establish additional board service shall be sent to the member with copies of this notice to the chief fiscal officer and to the head of the department or the agency of which the member is part of the administrating board.

(c) In the event an administrative board member's contributions are not paid to the Retirement System within 60 days after the due date of the contribution in accordance with this rule, the member shall lose all rights to continue to establish service as a member of an administrative board.

Doc No 776444

Creditable Service 335.30.00

The Board of Trustees of the Employees Retirement System of Texas is proposing the following changes to Rules 335.30.00.102 and .113 and the adoption of Rule 335.30.00.115. These are being proposed to bring system rules into accord with the newly adopted Article 6228k and to provide consistent treatment of credit of employee member service under the system.

The Employees Retirement System has determined that these changes and proposals have no fiscal implications.

Comments are invited and should be sent to the Executive Director, Employees Retirement System, P.O. Box 12337, Austin, Texas 78711.

These proposals are being made under the authority of Texas Revised Civil Statutes, Article 6228a, Section 6(A).

.102. Service Credit/Legislative Employee Credit

(a) Each month of contributory service performed after September 1, 1958, shall count for all purposes as 1/12 of a year of creditable service irrespective of the amount of the member's contribution; provided, however, that no more than one month's credit may be given for all service in the same month.

(b) *If established prior to January 1, 1978,* service by an employee of the Texas Legislature for an entire regular legislative session shall, upon verification and payment by the member of applicable contributions, interest, fees, etc., be credited as 12 months of creditable service for calculation of length of service (vesting for retirement purposes) only, provided, however, that no more than 12 months' credit may be given for all service during any fiscal year.

(c) A member receiving 12 months' credit for service during an entire legislative session who subsequently withdraws his contributions, upon becoming eligible, may reestablish credit only for the length of service actually performed.

.113. Transfer of Service to an Elective State Official Account.

(d) Any creditable service performed prior to a member's elective state official service may be transferred to that member's elective state official account. Creditable service performed subsequent to a member's elective state official service may not be transferred to that member's elective state official account.

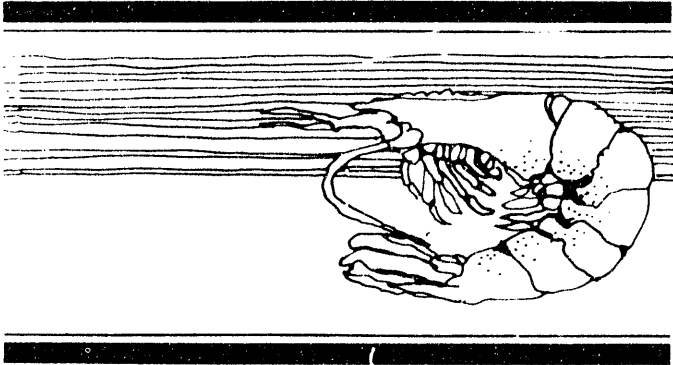
.115. Fractional Service Retirement Benefits.

(a) Retirement credit established in the two classes of service under the State Employees Retirement Act may be treated as if the service had been rendered in separate systems.

(b) A member who is retiring exclusively under programs administered by the board may use the shortest vesting period required for any class of service in the programs in which the member has retirement credit.

(c) A member who retires with 10 or more years' service credit in the Employees Retirement System, exclusive of military service credit, may receive retirement benefits as an elective state official for the percentage of his eligible military service, as is derived by dividing the number of months of creditable service as an elective state official by 96 months, but no more than 100 percent.

Doc. No. 776445



Benefits 335.40.00

The Board of Trustees of the Employees Retirement System of Texas is proposing the following Rules 335.40.00.105, .109, .105 and .106 clarify portions of the State Employees Retirement Act dealing with disability retirees. Rule .107 establishes procedure for establishing administrative board service. Rule .108 clarifies the procedure for determining the average salary of transferred service. Rule .109 establishes criteria for types and amounts of service to be established for retirement credit when transferred to the Employees Retirement System.

Comments are invited and should be sent to the Executive Director, Employees Retirement System, P.O. Box 123337, Austin, Texas 78711.

The Employees Retirement System has determined that these changes and proposed rules have no fiscal implications.

105. Removal From the Disability List. Upon a finding by the board that a disability beneficiary is no longer disabled, he shall automatically be restored to membership in the system and all service credit shall be restored. The balance of his retirement reserve shall be transferred to the employees saving fund and to the

state accumulation fund in proportion to the original sums transferred to the retirement annuity reserve fund at retirement.

106. Disability Beneficiary-Continuation of Rights. A disability beneficiary who remains disabled, but whose earned income equals the monthly benefit shall retain rights to death benefits and participation in the Employees Uniform Group Insurance Program as a retiree.

107. Administrative Board Membership

(a) A contributing member of the system who was a contributing member of the system as a member of an administrative board during the month of December, 1977, may establish credit for board service performed prior to December, 1977, by payment of applicable contributions, interest, and fees as required in the act.

(b) Credit for board service performed after December, 1977, may be established only by payment of monthly contributions as the service is performed in the manner prescribed by the board.

108. Transferred Service Salary Average. In the event that service performed by a member under the Teacher Retirement Act is used to calculate average salary for retirement purposes under the Employees Retirement System, average salary for that service shall be based upon the amount of salary for which retirement contributions were made under the Teacher Retirement Act divided by the number of months for which credit is granted by the Employees Retirement System. In a month in which contributions were made to both the Employees Retirement System and the Teacher Retirement System, the salary for that month shall be computed using the entire amount paid the member under both systems.

109. Transferred Service Monthly Credit.

(a) Credit for service transferred from the Teacher Retirement System to the Employees Retirement System on January 1, 1978, and thereafter, may be established only in the appointive officer or employee class of service.

(b) Credit for four and one half months or more of service performed in a fiscal year under the Teacher Retirement Act prior to September 1, 1958, shall be transferred to the Employees Retirement System as one year of service credit. No credit shall be established for less than four and one half months service in a fiscal year prior to September 1, 1958.

(c) Credit for service performed in a fiscal year after August 31, 1958, shall be transferred to the Employees Retirement System on a month-by-month basis. Service of nine or more months in a fiscal year shall be established as 12 months credit.

(d) Dual credit may not be granted for any one month. A member with credit for a month under the State Employees Retirement Act may not receive additional credit in the Employees Retirement System for service performed in that month under the Teacher Retirement Act.

(e) Credit for military service established under the Teacher Retirement Act may be transferred to the Employees Retirement System only if that military service is eligible for credit under provisions of the State Employees Retirement Act.

Issued in Austin, Texas, on November 17, 1977.

Doc No 776446 Joseph N. Murphy, Jr
Executive Director
Employees Retirement
System of Texas

Proposed Date of Adoption: December 26, 1977

For further information, please call (512) 476-6431

Texas Board of Pardons and Paroles

Parole

Re-Parole After Revocation 205.03.04

The Texas Board of Pardons and Paroles is proposing to amend Rule 205.03.04.002(a), with regard to the re-parole of a state inmate after his or her prior parole has been revoked. The purpose of this amendment is to clarify board policy regarding inmates with new convictions and their subsequent review of re-parole consideration.

The board plans to adopt this amendment 30 days after publication. The executive director of this agency has determined that no fiscal ramifications will be felt by any governmental subdivision as a result of the adoption of this rule.

Public comment on the proposed amendment is invited. Persons should submit their comments in writing to John G. Jasuta, Staff Attorney, Board of Pardons and Paroles, Room 711, Stephen F. Austin Building, Austin, Texas 78701. Comments will be accepted until 20 days after date of publication.

These rules are proposed under the authority of Texas Code of Criminal Procedure (1973), Article 42.12, Sections 15(d) and 14A(i).

002 Review Dates

(a) Initial review dates for revoked parolees are determined according to the statutory requirements of parole eligibility if the revoked parolee is also serving a

sentence for a new conviction. *If parole eligibility for a new conviction is less than one year from the date of his or her return to prison on the revocation, the initial review for re-parole consideration may be set one year from the date of his or her return to prison on the revocation, notwithstanding the fact of possible earlier eligibility on the new conviction.*

Issued in Austin, Texas, on November 16, 1977.

Doc No 776380 George G. Killinger
Chairman
Texas Board of Pardons and
Paroles

Proposed Date of Adoption: December 26, 1977

For further information, please call (512) 475-3675

Railroad Commission of Texas

Gas Utilities Division

Special Rules of Practice and Procedure 051.04.03

The Railroad Commission of Texas is proposing to amend Rule 051.04.03.017 to require the utilization of a single uniform system accounts for gas utilities by substituting a revised text for the present rule. Emergency Amendment 051.04.03.017 became effective on November 9, 1977, imposing this requirement. The emergency amendment will expire on March 7, 1978. The commission believes that utilization of a single uniform system of accounts will promote higher standards of accuracy and uniformity for gas utility companies and substantially reduce public expense for the analysis of any information required by the commission.

This amendment imposes no additional fiscal requirements on state government.

Public comment on Proposed Rule 051.04.03.017 is invited. Comments should be submitted to Joseph J. Piotrowski, Jr., Director, Gas Utilities Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711.

This rule amendment is being proposed under the authority of Texas Revised Civil Statutes Annotated, Articles 1446c (Supplemental 1976) and 6252-13a, Section 4(a)(1) (Supplemental 1975). Public comments on the proposed rule will be accepted for 30 days after publication in the *Texas Register*.

017 System of Accounts. Each gas utility, as defined by Texas Revised Civil Statutes Annotated,

Article 6050 (1960) and 1446c (Supplement 1976), shall utilize the National Association of Regulatory Utility Commissioners' Uniform System of Accounts for Class A and B Utilities (1972 Edition) for all operating and reporting purposes. Such accounts shall be used regardless of any conflicting classification of such utility by virtue of its annual gas operating revenues. This uniform system of accounts shall be applicable to all gas utility and gas utility related operations regardless of location.

Effective January 1, 1976, the National Association of Regulatory Utility Commissioners' *Uniform System of Accounts for Class A and B Gas Utilities* (1972 Edition) is adopted as the Uniform System of Accounts for all Class A and B gas utilities, as defined by Texas Revised Civil Statutes Annotated, Article 6050 (1960).

Effective January 1, 1978, the National Association of Regulatory Commissioners' *Uniform System of Accounts for Class C and D Gas Utilities* (1973 Edition) is adopted as the Uniform System of Accounts for all Class C and D gas utilities, as defined by Texas Revised Civil Statutes Annotated, Article 6050 (1960).

This rule is made in order to comply with the order issued in Gas Utilities Docket No. 574, which order is hereby incorporated into this rule.

Issued in Austin, Texas, on November 14, 1977.

Doc No 776429 Joseph J. Piotrowski, Jr.
Director, Gas Utilities
Division
Railroad Commission of Texas

Proposed Date of Adoption: December 26, 1977

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

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 Education Agency

State Board of Education

Duties and Responsibilities of the State Board of Education 226.12.02

The Texas Education Agency has amended Rule 226.12.02.020 concerning the duties of the State Board of Education. The change deleted reference to computation of the Economic Index, which is no longer required for the administration of the Foundation School Program.

Public review and discussion of the proposed change were held. The rule is adopted with no change from the text proposed.

This rule is promulgated under the authority of the Texas Education Code, Sections 11.02(a), 11.24(b), and 11.26(a).

.020. Major Duties and Responsibilities

(a) Policy. Among other responsibilities specified by law, the State Board of Education recognizes that its major duties and responsibilities are to:

(1) appoint, by and with the consent of the Texas Senate, the State Commissioner of Education, who is the executive officer through whom the board carries out its policies, enforces its regulations, and develops and enforces administrative procedures;

(2) consider the advice and recommendations of the commissioner of education in all matters, and direct and support him in the discharge of his duties;

(3) approve a plan of organization for the Texas Education Agency;

(4) adopt policies and enact and establish regulations for carrying out the duties placed upon it or upon the Texas Education Agency by the legislature;

(5) formulate and present to the state budget officials the proposed budget or budgets for operating the Foundation School Program, the Texas Education Agency, and the other programs for which it has responsibility;

(6) adopt an annual budget for the operation of the Texas Education Agency and establish procedures for budgetary control, expending, auditing, and reporting on expenditures within the budgets adopted;

(7) review periodically the educational needs of the state, encourage research and experimentation in new educational programs and methods, evaluate the outcomes being achieved in the educational program of the state, and adopt or promote plans for meeting educational needs and make recommendations for legislation to the governor and the legislature;

(8) adopt standards for the accreditation of elementary and secondary schools;

(9) adopt standards for the accreditation of programs for teacher education offered by institutions of higher education and establish policies governing the approval of teacher education programs;

(10) pass upon appeals made from the decisions of the commissioner of education;

(11) appoint members to the State Textbook Committee and execute contracts for the purchase of instructional aids, including textbooks, within the limits of authority granted by the legislature, adopt rules pertaining to the regulation, distribution, care, use, and disposal of textbooks by school districts;

(12) make biennial reports covering all the activities and expenditures of the Texas Education Agency to the legislature;

(13) apportion the Available School Fund and order a part of such per capita apportionment to be paid to the County Administrative Fund of each county;

(14) adopt policies and procedures for payment of Foundation School Fund to school districts;

(15) adopt policies and procedures for the certification of teachers;

(16) authorize on recommendation of the commissioner of education, the appointment of official commissions composed of citizens of the state to advise the commissioner of education in the discharge of his duties (Rules 226.73.01.010, 226.73.02.010, and 226.73.03.010);

(17) direct the investment of the Permanent School Fund within the limits authorized by the Texas Constitution and the legislature (Rules 226.12.03.010-130);

(18) adopt policies for the operation of the Texas School for the Blind and the Texas School for the Deaf, evaluate the programs of each school, and con-

firm the appointment of the superintendent of each school. (For further reference to schools for deaf and blind, see Rules 226.81.01.010-.030, 226.81.02.010-.040, 226.81.03.010-.080, 226.81.04.010, 226.81.05.010-.060, and 226.81.06.010-.050), and

(19) perform other duties as may be prescribed by the constitution and laws of Texas or as may be reasonably implied therefrom or as may be reasonably necessary to carry out the powers and duties granted therein.

Doc No 776432

Proprietary Schools

Guidelines and Minimum Standards for Operation of Texas Proprietary Schools 226.25.90.080

The Texas Education Agency has amended Rule 226.25.90.080 concerning minimum standards for operation of Texas proprietary schools. Open Records Decision 173, issued by the attorney general on September 2, 1977, holds that the financial information submitted to the Texas Education Agency by proprietary schools is not excepted from disclosure under the Open Records Act. Minimum Standard XI(F), which held that financial statements were confidential to the Texas Education Agency, has been deleted to remove the conflict between Rule 226.25.90.080 and Open Records Decision 173.

Only Standard XI, Financial Stability, is changed. The rest of the rule remains unchanged.

Public review and discussion of the proposed change were held. The rule is adopted with no change from the text proposed.

This rule is promulgated under the authority of the Texas Education Code, Section 32.22.

080. Minimum Standards for Operation of Proprietary Schools

(XI) Financial Stability.

(A) The school shall have sufficient finances to establish and carry out a satisfactory program of education on a continuing basis.

(B) The prospective owner will furnish the director with his initial application for a Certificate of Approval, an audited statement of financial position (balance sheet) in a form consistent with generally accepted accounting principles as prescribed by the administrator and prepared by an independent public accountant or certified public accountant. The prospective owner will also furnish such other evidence as may be deemed appropriate by the administrator to establish financial stability.

(C) Each certificated school will furnish annually acceptable audited financial statements prepared by an independent public accountant or certified public accountant not later than 120 days from the close of the school's fiscal year. These statements will be in a form consistent with generally accepted accounting principles as prescribed by the administrator and must include the following:

- (1) statement of financial position (balance sheet);
- (2) statement of results of operation (statement of income and retained earnings);
- (3) statement of changes in financial position (statement of source and application of funds).

New schools will submit audited financial statements at the end of their first year of operation. After the first year of operation, exceptions to the requirement for audited financial statements may be made for the following schools:

- (a) schools whose gross annual income from student tuition and fees is \$20,000 or less;
- (b) schools which do not collect more than one month's tuition and fees in advance from more than 10 students at any given time.

Such schools must submit annual financial statements as set forth in Items (1), (2), and (3) above; however, they need not be audited by the public accountant or certified public accountant who prepared the statements, and no opinion need be expressed. If a question arises as to the validity of the financial statements submitted or to the adequacy of the financial structure, the administrator may require an audit of a school, at the school's expense, by a public accountant or certified public accountant. Schools which are subsidiaries of a publicly held corporation may submit, in lieu of the statements required in Section (1), (2), and (3) above, the annual financial statements filed by the parent corporation with the Securities and Exchange Commission provided that:

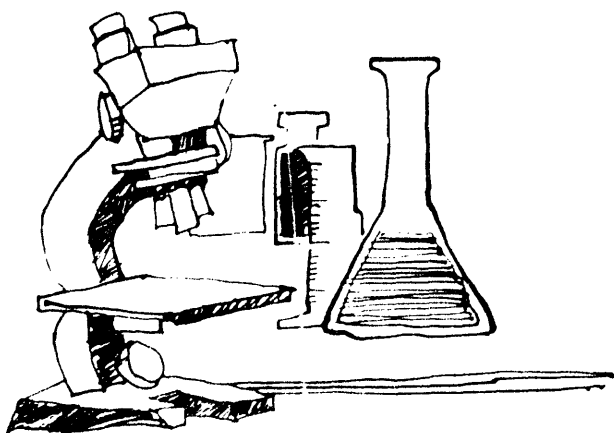
- (a) said statements are accompanied by an audited list of any student tuition refunds payable by the subsidiary school at the close of its fiscal year, and
- (b) the parent corporation assumes full liability for the subsidiary school, as evidenced by a certified statement by the board of directors of the parent corporation.

(D) Prior to a change in ownership of a proprietary school, the seller must furnish the director an acceptable audited statement of financial position (balance sheet) of the school in a form consistent with generally accepted accounting principles as prescribed by the administrator and prepared by an independent public accountant or certified public accountant. The statement must include a detailed list of any student tuition refunds payable. The purchaser will furnish

any evidence deemed appropriate by the administrator to establish financial stability.

(E) All financial statements must identify the name of the public accountant or certified public accountant who prepared them and must be accompanied by the owner's affidavit that the statements are true and correct.

Doc No 776433



Comprehensive Instruction

Apprenticeship and Training Advisory Committee 226.32.44

The Texas Education Agency adopts Rules 226.32.44-010, 020, 030, and 040 concerning the Apprenticeship and Training Advisory Committee.

Chapter 33, Apprenticeship System of Adult Vocational Education, was added to the Texas Education Code by House Bill 788, passed by the 65th Legislature. Sections 33.05 and 33.06 of the Texas Education Code direct the State Board for Vocational Education to appoint an Apprenticeship and Training Advisory Committee and set out the membership, terms of office, and duties of the committee. Proposed Rules 226.32.44-010-040 are for the purpose of implementing these provisions of Chapter 33.

Public review and discussion of the proposed rules were held. These rules are adopted with no change from the text proposed.

These rules are adopted under the authority of the Texas Education Code, Sections 33.04, 33.05, and 33.06.

010 Membership and Appointment The State Board for Vocational Education shall appoint an Apprenticeship and Training Advisory Committee composed of members with the following qualifications:

- (a) five persons representing employers of members of apprenticeship trades;
- (b) five persons representing bargaining agents for members of apprenticeship trades;
- (c) five persons employed as training directors of program administrators by apprenticeship committees;
- (d) five persons employed by public schools or state post-secondary institutions who teach or immediately supervise preparatory instruction, supplementary instruction, or related instruction courses.

020 Term of Office Members of the advisory committee shall serve terms of four years, except that the state board shall designate two members from each of the groups referred to above to serve an initial term of two years. Thereafter, all members shall serve four-year terms.

Vacancies shall be filled for the unexpired portion of a term vacated.

030 Nonvoting Members Nonvoting members of the advisory committee shall include the following:

- (a) one person designated by and representing the State Board for Vocational Education;
- (b) one person designated by and representing the Advisory Council for Technical Vocational Education;
- (c) one person designated by and representing the Coordinating Board, Texas College and University System;
- (d) one person designated by and representing the Bureau of Apprenticeship Training;
- (e) one person designated by and representing the Teacher Training Division of the Texas A&M University Engineering Extension Service; and
- (f) one person representing the general public who is familiar with the goals and needs of technical vocational education in Texas, and who is not otherwise eligible for service on the advisory committee.

The member representing the general public shall be appointed by the State Board for Vocational Education for a term of four years. All other nonvoting members of the advisory committee shall serve at the pleasure of the agency or institution each respective member represents.

040 Duties of Apprenticeship and Training Advisory Committee The advisory committee shall recommend and evaluate a statewide plan for the development of a comprehensive program of apprenticeship training which shall include, but not be limited to, the following:

(a) formulas and administrative procedures to be used in requesting appropriations of state funds for apprenticeship training;

(b) forms, formulas, and administrative procedures to be used in distributing available funds to apprenticeship training programs, with the formulas based on data contained in the biennial update to the Apprenticeship Related Instruction Cost Study required by Texas Education Code, Section 33.08, and the formulas shall be uniform in application to all program sponsors, and

(c) the content and method of the public notice of available funds required by Texas Education Code, Section 33.04

Doc No 776434

Instructional Services

Textbooks for Blind and Visually Handicapped Pupils and Personnel 226.33.38

The Texas Education Agency adopts Rule 226.33.38.080 concerning provision of textbooks and certain other materials to blind and visually handicapped teachers in the Texas public schools.

Public review and discussion of the proposed rule were held. The rule is adopted with no change from the text proposed. This rule replaces an identical rule adopted on an emergency basis on September 14, 1977.

This rule is promulgated under the authority of the Texas Education Code, Section 12.35(b).

080 *Textbooks for Blind and Visually Handicapped Teachers*

(a) *Policy.* Copies of textbooks in braille, large type, or any other medium or any apparatus needed by a blind or visually handicapped person in carrying out the duties of a teacher in the public schools of this state shall be furnished without cost.

(b) *Administrative procedure.* Textbooks in the medium needed or any apparatus needed by a blind or visually handicapped teacher may be requisitioned by a textbook custodian after the superintendent of schools has certified to the Textbook Division

- (1) the name of the teacher;
- (2) grade or subjects taught;
- (3) the fact of the teacher's visual handicap.

The materials are to be loaned to the public school districts as long as needed and are to be returned to the state when they are no longer needed.

Doc No 776435

Foundation School Program

Purpose of the Foundation School Program 226.41.01

The Texas Education Agency adopts amendments to Rule 226.41.01.010 concerning the purpose of the Foundation School Program. Senate Bill 1, passed by the 65th Legislature, Special Session, revised Section 16.001 of the Texas Education Code, which contains the Statement of State Policy underlying the Foundation School Program in Texas. Where previously the law stated that each student "shall have access to programs and services that are appropriate to his educational need and . . . substantially equal to those available to any similar student, notwithstanding varying local economic factors," the law now formulates state policy as follows: "that the provision of public education is a state responsibility and that a thorough and efficient system be provided and substantially financed through state revenue sources so that each child shall have the opportunity to develop to his or her full potential." Rule 226.41.01.010 is being revised to reflect the new language in Section 16.001 of the Texas Education Code. Only the policy section of the rule is changed. The rest of the rule remains unchanged.

Public review and discussion of the proposed rule were held. The rule is adopted with one change from the text proposed. The word "purpose" was changed to "goal" in the phrase "It is the goal of the Foundation School Program . . ."

This rule amendment is adopted under the authority of the Texas Education Code, Sections 16.001, 16.002, and 16.005.

010 *Purpose*

(a) *Policy.* It is the goal of the Foundation School Program to provide a thorough and efficient system, substantially financed through state revenue sources, so that each child shall have the opportunity to develop to his or her full potential.

Doc No 776436

Pupil Attendance

Pupil Attendance Allowed 226.51.01

The Texas Education Agency adopts amendments to Rules 226.51.01.010 and .021 concerning pupil attendance.

House Bill 744, 65th Legislature, amended the Texas Education Code, Section 16.003, to permit transfer students who have been enrolled in the first grade in public schools in another state to enroll in the first grade in Texas before age six.

House Bill 247, 65th Legislature, amended the Texas Education Code, Section 21.031, to provide that in order for a person under the age of 18 to establish residence to attend public school apart from his or her parents or guardian, it must be established that his or her presence in the school district is not for the primary purpose of attending the public school. The local school district is responsible for making this determination.

House Bill 936, 65th Legislature, amended the Texas Education Code, Section 21.081, to provide that children of Texas Youth Council employees may attend school in districts adjacent to that in which they reside.

The changes in Rule 226.51 01.010 implement these three changes in the law. In addition, the rules are amended to make it clear that exchange students are eligible for free attendance.

The amendment to Rule 226.51 01.021 changes the title, since now transfer pupils below age six are eligible for first grade attendance. The criteria for identifying educationally handicapped children who are eligible for full-day kindergarten are being changed. Criterion (1) is being amended to track the language in the Texas Education Code, Section 16.102. Criterion (2) is amended to define subsistence level as that level which qualifies a student for free lunches under the National School Lunch Program. The eligibility income scale for this program ranges from either \$3,140 or \$3,930 for a family of one to \$12,470 or \$15,590 for a family of 12.

Public review and discussion of the proposal were held. The rule is adopted with no changes from the text proposed.

These rules are adopted under the authority of the Texas Education Code, Sections 16.003, 21.031, and 21.081.

010 Free Attendance in General. A person who has not graduated from a high school and who is at least five years of age, but not 21 or more years of age on September 1 of the school year for which admission is sought and who is a citizen of the United States or a legally admitted alien, shall be allowed free attendance in the school district of residence. Students in this country under a bona fide exchange program are eligible to attend school in the designated district of residence. Eligibility requirements for otherwise eligible nonresident pupils may be satisfied through the approved transfer process. (Concerning Transfers, see Rule 226.23 04.030.)

A child is not eligible for enrollment in the first grade unless: (1) he or she is at least six years of age at the beginning of the scholastic year (September 1); or (2) he or she is at least five years of age on September 1 and has been enrolled in the first grade in the public schools in another state prior to moving into a Texas

public school district. A child not eligible under provision (2) above may be assigned to the first grade before age six, but the attendance of the child must be maintained in a kindergarten register. Likewise, a child may be assigned to kindergarten after age six, but the attendance of the child must be maintained in a first grade register. Such assignments are the decision of the local district, with the consent of the child's parent or guardian.

In order for a person under the age of 18 years to establish a residence for the purpose of attending the public free schools separate and apart from his parent, guardian, or other person having lawful control of him under an order of a court, it must be established that his presence in the school district is not for the primary purpose of attending the public free schools. The board of trustees of each local district shall be responsible for determining whether an applicant for admission is a resident of the school district for purposes of attending the public schools.

A school age child of an employee of a facility of the Texas Youth Council is entitled to attend school in a school district adjacent to the district in which the child resides free of any charge to the child's parents or guardian. Any tuition charge required by the admitting school district shall be paid by the school district from which the student transfers out of funds allotted to it by the Central Education Agency. Reference: Texas Education Code, Sections 16.003, 21.031, and 21.081.

021 Kindergarten. All children who are at least five years old but are not eligible for enrollment in the first grade are eligible for free attendance in kindergarten for either one-half day for the entire school year or for full-day attendance for one-half (one semester) of the school year in the school district in which they reside or are otherwise entitled to attend for Foundation School Program benefits.

Educationally handicapped children are, at the discretion of the school district, eligible for full-day attendance for the entire school year. For the purpose of determining an eligible pupil, an "educationally handicapped" child is defined as:

(a) a child who cannot speak and comprehend the English language; or

(b) a child who is from a family whose annual income is at or below that level which would qualify the student for free lunches under the National School Lunch Program. Reference: Texas Education Code, Section 16.102.

Organization of the State Board of Education

Membership of the Board 226.91.01

The Texas Education Agency adopts amendments to Rule 226.91.01-070, concerning reimbursement of expenses for State Board of Education members. The change permits expenses to be paid for board members who have been designated as official representatives of the Texas Education Agency in accordance with the provisions of the Texas Education Code, Section 11.52. Payment of such expenses would be subject to the travel provisions of the Appropriations Act.

Public review and discussion of the proposed change were held. The rule is adopted with no change from the text proposed.

This rule is adopted under the authority of the Texas Education Code, Sections 11.22, 11.23, and 11.52.

070 Reimbursement of Expenses. Members of the State Board of Education receive no salary but are reimbursed for all expenses incurred in attending regular and special meetings of the board, of board committees, and of the board of the Texas School for the Blind and the Texas School for the Deaf.

When the board finds that additional services of a board member are needed to carry out one or more of those responsibilities of the Texas Education Agency

listed in the Texas Education Code, Section 11.52, the board shall request the commissioner to designate one or more board members as an official representative of the Texas Education Agency. This request shall be made in advance with the approval of the full board. The designation shall describe the duties of the representative with sufficient particularity to make it clear that one or more functions listed in Section 11.52 are to be performed. Expenses for board members so designated may be paid, subject to the travel provisions of the Appropriations Act.

Issued in Austin, Texas, on November 16, 1977.

Doc No. 776438 M L Brockette
Commissioner of Education

Effective Date: December 1, 1977

For further information please call (512) 475-7077

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

Texas Department of Agriculture

Emergency Meeting

An emergency meeting of the Texas Department of Agriculture was held on Monday, November 21, 1977, 10 a.m., in Room 202, 4900 Fannin, Houston, to consider violation by Ford Bend Farmer's Market, Rosenberg, of an agreement with Progressive Groves, Inc., Weslaco.

Additional information may be obtained from Ed Whitesides, P.O. Box 12847, Austin, Texas 78711, telephone (512) 475-4304.

Filed November 18, 1977 4:31 p.m.

Doc No 776451

Meeting

A meeting of the Agricultural Protective Act Division of the Texas Department of Agriculture will be held on Friday, December 2, 1977, 10:30 a.m., at 4619 Insurance Lane, Dallas. The department will hear verified statements of claim of Trinity Produce Company, Inc., Dallas, and Boozier and Beasley Produce, Inc., Hereford, concerning Salads Limited, Dallas.

Additional information may be obtained from Ed Whitesides, P.O. Box 12847, Austin, Texas 78711, telephone (512) 475-4304.

Filed November 18, 1977 4:34 p.m.

Doc No 776452

Meeting

A meeting of the Agricultural Protective Act Division of the Texas Department of Agriculture will be held on Monday, December 5, 1977, 10:30 a.m., at 1315 Calhoun, Suite 16, Fort Worth. The department will hear a verified statement of claim of La Casita Farms, Inc., Rio Grande City, concerning M & M Produce Company, Fort Worth.

Additional information may be obtained from Ed Whitesides, P.O. Box 12847, Austin, Texas 78711, telephone (512) 475-4304.

Filed November 18, 1977 4:34 p.m.

Doc No 776453

Texas Commission on Alcoholism

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Commission on Alcoholism held on Saturday, November 19, 1977, 9 a.m., in Room 117, Sam Houston Building, Austin. The commission considered personnel matters in an executive session.

Additional information may be obtained from Abe M. Mays, Jr., Room 809, Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2577.

Filed November 17, 1977 3 p.m.

Doc No 776407

Texas Animal Health Commission

Hearing

A hearing by the Texas Animal Health Commission will be held on Thursday, December 1, 1977, 9 a.m., in Room 117, Sam Houston Building, Austin.

The commission will consider the following items: rescission of Proclamation No. 414 (Pullorum-Typhoid), new regulations on Pseudorabies, Proclamation No. 422, new regulations on Tuberculosis, Proclamation No. 423, new regulations on Governing Admission of Livestock and Poultry into Texas and Regulations Governing Interstate and Intrastate Admission of Livestock into Shows, Fairs and Exhibitions, Proclamation No. 424, and new regulations on Tick Eradication.

Proclamation No. 425. The commission will also hold an executive session to consider the appointment, employment, evaluation, reassignment and duties of employees as permitted by Vernon's Civil Statutes, Article 6252-17, Section 2(g).

Additional information may be obtained from Jo Anne Conner, Room 1020, Sam Houston Building, Austin, Texas 78701, telephone (512) 475-4111.

Filed November 18 1977 8 38 a.m.

Doc No 776417

Texas Commission on the Arts and Humanities

Meeting

A meeting of the Texas Commission on the Arts and Humanities will be held on Wednesday, November 30, 1977, 10 a.m., at Cambridge Towers, 1801 Lavaca, Austin.

The commission will review October travel and travel plans for December. Reports will be heard concerning Main, Lafrentz implementation; orientation session; commission's activity fund; ordering of new furniture for offices; and sign out log and time recording system. The commission will also discuss TCAH job descriptions. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Bob E. Bradley, P.O. Box 13406, Austin, Texas 78701, telephone (512) 475-7593.

Filed November 18 1977 9 13 a.m.

Doc No 776421

Meeting

A meeting of the Texas Commission of the Arts and Humanities will be held on Thursday, December 1, 1977, 9 a.m., at Cambridge Towers, 1801 Lavaca, Austin. In this quarterly meeting, the commission will conduct an orientation session, consider agency planning, and hear recommendations from the Grants Application Committee.

Additional information may be obtained from Bob E. Bradley, P.O. Box 13406, Austin, Texas 78701, telephone (512) 475-7593.

Filed November 18 1977 9 13 a.m.

Doc No 776422

State Depository Board Correction of Meeting Time

A meeting of the State Depository Board will be held on Tuesday, November 29, 1977, 10 a.m., in the Office of the State Treasurer, Lyndon B. Johnson Building, 111 East 17th Street, Austin, to designate late applicants of state depositories for a two-year period beginning December 1, 1977, and ending November 30, 1979. The meeting time was previously published as 2 p.m.

Additional information may be obtained from Warren G. Harding, P.O. Box 12608, Austin, Texas 78711, telephone (512) 475-2591.

Filed November 21 1977 11 34 a.m.

Doc No 776460

Office of the Governor Meeting

A meeting of the Greater South Texas Cultural Basin Commission will be held on Friday, December 2, 1977, 9 a.m., in the Sheraton Fairway Motor Hotel, South 10th Street, McAllen.

The agenda will include the following items: introduction of new commissioners; executive director's report; "Where Do We Go From Here?" report from Jerome Chapman, Texas Department of Human Resources; GSTCBC orientation; GSTCBC's proposed work program for fiscal year 1978; regional human resource development project; background and current activities; GSTCBC's financial report; and comments, informational items, or proposals.

Additional information may be obtained from Stella H. Patton, Room 104, Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2182.

Filed November 17 1977 1 p.m.

Doc No 776416

Texas Department of Health

Hearings

The Texas Department of Health will hold several hearings in the month of December. The dates, times, locations, and topics are as follows:

Wednesday, December 7, 1977

9 a.m.- Town Hall in the City Hall, 813 East Tyler, Harlingen; applications of the City of Weslaco to locate solid waste disposal sites in Hidalgo County.

10 a.m.- same location as above; application of the City of Harlingen to locate a proposed solid waste disposal site adjacent to the east city limits of Harlingen.

Tuesday, December 13, 1977

10 a.m. - County Commissioners Courtroom, County Courthouse, Jacksboro; application of Wise County to locate an existing solid waste disposal site north of Boyd.

10 a.m. - same location as above; application of the City of Bryson to locate a proposed solid waste disposal site 0.85 mile northwest of Bryson, 0.6 mile north of a county road and east of the access road to McCloud Lake in Jack County

1:30 p.m. - City Council Chambers, City Hall, 916 Texas Avenue, Lubbock; application of the City of Matador to operate an existing solid waste disposal site near Matador.

2 p.m. - same location as above; application of the City of Muleshoe to operate a solid waste disposal site near Muleshoe

2:30 p.m. - same location as above; application of the City of Lorenzo to locate an existing solid waste disposal site near Lorenzo

3 p.m. - same location as above; application of the City of Palls to operate an existing solid waste disposal site near Palls

Wednesday, December 14, 1977

9 a.m. - City Council Chambers, 103 North Wall Street, Iowa Park; application of the City of Iowa Park to operate a proposed solid waste disposal site to be located three miles northwest of Iowa Park, one mile north of U.S. Highway 287, and southeast of the North Fork Buffalo Creek Reservoir

9 a.m. - City Council Chambers, City Hall, 916 Texas Avenue, Lubbock; application of the City of Sundown to operate a solid waste disposal site near Sundown

9:30 a.m. - same location as above; applications of Triple C Sanitation Service to operate existing solid waste disposal sites located near Hale Center and near Crosbyton

10:30 a.m. - same location as above; application of the City of Abernathy to operate a proposed solid waste disposal site to be located near Abernathy

Thursday, December 15, 1977

10 a.m. - City of Sherman, Public Works Department, 100 South Rusk Street, Sherman; application of the City of Sherman to operate an existing solid waste transfer station in Sherman

10 a.m.- same location as above; application of Hughes and Hughes Landfill to operate an existing solid waste disposal site near Gordonville

The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Jack C. Carmichael, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7271.

Filed November 18 1977 11 37 a m

Doc No 776439

Texas Department of Human Resources

Meeting

A meeting of the Texas Department of Human Resources will be held on Wednesday, November 30, 1977, 8:30 a.m., at the Ramada Inn, 700 Lamar Drive East, Arlington

The agenda will include the following items - regional report; welfare action report; community care program for the aged, blind, and disabled; adjustments to 1977 and 1978 operating budgets; policy revisions in AFDC; cost related reimbursement of nursing homes; report on alternate care; report on Justice Department allegations of discrimination against minorities; computer conversion; technical amendments; and citizens comments and site visits

Additional information may be obtained from Bill Woods, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475 6297

Filed November 18 1977 3 03 p m

Doc No 776448

Texas Judicial Council

Meeting

A meeting of the Texas Judicial Council will be held on Friday, December 2, 1977, 10 a.m., at 1414 Colorado, Austin. The council will consider adoption of rules for continuing legal education of municipal court judges; discuss benefits under the Employees Retirement System; hear a report on staff activities; and discuss future annual reports, Speedy Trial Act, and other recent legislation

Additional information may be obtained from C. Raymond Judice, P.O. Box 12066, Austin, Texas 78711, telephone (512) 475-2421.

Filed November 21, 1977, 9:41 a.m.

Doc No 776459

Railroad Commission of Texas

Emergency Addition to Agenda

An emergency addition was made to a meeting of the Gas Utilities Division of the Railroad Commission of Texas held on Monday, November 21, 1977, 9 a.m., at the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. The commission considered a motion of LoVaca Ga. Lumbering Company to amend the commission's order in GUD 643 (Docket No. 1222).

Additional information may be obtained from Jill Penna, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-2747.

Filed November 18, 1977, 10:58 a.m.

Doc No 776423

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Transportation Division of the Railroad Commission of Texas held on Monday, November 21, 1977, 9 a.m., in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin.

The commission considered the following items: Louis James Brodie, for a new motor brokers license; Equipment Transport Company, to cancel lease of SMC Certificate No. 6035 to Delivco, Inc., doing business as Delivco Truck Line; and Dennis Fushshuber, doing business as Equipment Transport Company, to lease SMC Certificate No. 6035 to R. F. Bickle and Associates, Inc.

Additional information may be obtained from Denna Braun, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-2088.

Filed November 18, 1977, 11 a.m.

Doc No 776424

Meeting

A meeting of the Gas Utilities Division of the Railroad Commission of Texas will be held on Monday, November 28, 1977, 9 a.m., in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin.

The commission will consider the following items: Moran Utilities Company (Docket No. 753); CRA, Inc. (Docket No. 1080); Brazos River Gas Company (Docket Nos. 684, 685, and 1404); Lone Star Gas Company (Docket Nos. 752, 762, 822, 1235-1403); Gas Utilities, Inc. (Docket Nos. 1104 and 1105); and Proposed Rule 051.04.03.032 (Docket No. 1407). The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Jill Penna, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-2747.

Filed November 18, 1977, 11:01 a.m.

Doc No 776426

Meeting

A meeting of the Gas Utilities Division of the Railroad Commission of Texas will be held on Monday, November 28, 1977, 9 a.m., in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin, to consider Charter International Oil Company (Docket No. 735).

Additional information may be obtained from Jill Penna, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-2747.

Filed November 18, 1977, 2:54 p.m.

Doc No 776447

Meeting

A meeting of the Liquefied Petroleum Gas Division of the Railroad Commission of Texas will be held on Monday, November 28, 1977, 9 a.m., in the Ernest O. Thompson Building, 10th Floor, 10th and Colorado Streets, Austin.

The commission will consider the following items: adoption of proposed rule amendments to Liquefied Petroleum Gas Docket No. 1, Application of Rules (051.05.03.004); Location of Containers (051.05.03.072); Location of Consumer Storage Containers (051.05.03.095); Location of Industrial or Large Commercial Storage Containers (051.05.03.108); Location of Containers (051.05.03.115); Direct Gas Fired Tank Heaters (051.05.03.189); Installation of

LP-Gas Service Station and Bottle Filling Storage Containers (051.05.03.240); Fuel Storage Containers (051.05.03.275); Cylinder Storage (051.05.03.277); and Limitation/Avoidance License Liability (051.05.03.304).

Additional information may be obtained from Sharon Gillespie, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-4352.

Filed November 18 1977 11 a.m.

Doc No 776427

Addition to Agenda

An addition has been made to the agenda of a meeting of the Oil and Gas Division of the Railroad Commission of Texas to be held on Monday, November 28, 1977, 9 a.m., in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin.

The commission will consider the following: Exxon Corporation's request to amend and adopt rules and for unitization and secondary recovery in the Conroe and Conroe (Upper Cockfield) Fields; Superior Oil Company, for gas field rules in High Island Block 14-L (9400) and (10,000) Fields; a request of Getty Oil Company to amend Special Order No. 8-36,473, in the Headlee (Devonian) Field; and a request from L&W Directional Drilling Company, Inc., to be added to the commission's approved list of directional survey companies. The entire supplemental notice of meeting is posted in the East Wing of the State Capitol.

Additional information may be obtained from Luci Castleberry, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-3003.

Filed November 18, 1977, 11:02 a.m.

Doc No 776425

Meeting

A meeting of the Transportation Division of the Railroad Commission of Texas will be held on Monday, November 28, 1977, 9 a.m., at the Ernest O. Thompson Building, 10th and Colorado Streets, Austin.

The commission will consider contested applications to discontinue a railroad agency station, amend authority, for new authority, and for truck rate. Uncontested applications will be considered to amend authority, for bus rate, for motor brokers license, to divide authority, to amend ICC authority registration, for ICC authority registration, for lease authority, for lease cancellation, for change of name, for interstate exempt authority, for rail rate, for authority cancellation, for reinstatement, to renew motor brokers license, to sell authority, for bus

schedule change, for truck rate, to transfer authority, and for voluntary suspension. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Denna Braun, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-2088.

Filed November 18 1977 11:02 a.m.

Doc No 776428

Texas A&M University

Emergency Meeting

An emergency meeting of the Planning and Building Committee of the Board of Regents of Texas A&M University was held on Monday, November 21, 1977, 8 a.m., at the MSC Annex, Texas A&M University, College Station, to review all items on the agenda of the meeting of the Board of Regents which relate to planning and construction.

Additional information may be obtained from Brenda J. Manley, Texas A&M University, College Station, Texas 78743, telephone (713) 845-4334.

Filed November 17 1977 3:06 p.m.

Doc No 776409

Emergency Meeting

An emergency meeting of the Committee for Academic Campuses of the Board of Regents of Texas A&M University was held on Monday, November 21, 1977, 1:30 p.m., at the MSC Annex, Texas A&M University, College Station, to discuss the basic objectives and programs of Texas A&M University, Prairie View A&M University, Tarleton State University, and Moody College.

Additional information may be obtained from Brenda J. Manley, Texas A&M University, College Station, Texas 78743, telephone (713) 845-4334.

Filed November 17 1977 3:06 p.m.

Doc No 776410

Emergency Meeting

An emergency meeting of the Committee for Service Units of the Board of Regents of Texas A&M University was held on Monday, November 21, 1977, 3:30 p.m., at the MSC Annex, Texas A&M University, College Station, to review items on the agenda of the Board of

Regents concerning patent recommendations for the Texas Agricultural Experiment Station and Texas Engineering Experiment Station and land transactions for the Texas Forest Service and the Texas Veterinary Medical Diagnostic Laboratory.

Additional information may be obtained from Brenda J. Manley, Texas A&M University, College Station, Texas 78743, telephone (713) 845-4334.

Filed November 17 1977 3 06 p.m

Doc No 776411

Emergency Meeting

An emergency meeting of the Executive Committee of the Board of Regents of Texas A&M University was held on Monday, November 21, 1977, 4 p.m., at the MSC Annex, Texas A&M University, College Station, to discuss consideration of budgets, naming of buildings, small classes, physical property transactions, and personnel matters.

Additional information may be obtained from Brenda J. Manley, Texas A&M University, College Station, Texas 78743, telephone (713) 845-4334.

Filed November 17 1977 3 06 p.m

Doc No 776412

Emergency Meeting

An emergency meeting of the Board of Regents of Texas A&M University was held on Tuesday, November 22, 1977, 8:30 a.m., at the MSC Annex, Texas A&M University, College Station, to consider items relating to construction, previous minutes, reorganization of programs, land and property transactions, personnel matters, naming of buildings, budget matters, patent recommendations, and rules and regulations.

Additional information may be obtained from Brenda J. Manley, Texas A&M University, College Station, Texas 78743, telephone (713) 845-4334.

Filed November 17 1977 3 06 p.m

Doc No 776413

Texas Water Commission

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Water Commission held on Monday, November 21, 1977, 10 a.m., in the Stephen F.

Austin Building, 1700 North Congress, Austin, to consider amendments to Rules 155.03.00.040 and 155.04.00.085.

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

Filed November 18 1977 4 17 p.m

Doc No 776450

Regional Agencies

Meetings Filed November 18, 1977

The Central Texas Health Systems Agency, Inc., Mental Health Task Force, met at the King's Daughter Hospital, Temple, on November 21, 1977, at 1 p.m., and will meet again at the J. C. Thompson Conference Center, Austin, on December 1, 1977, at 11 a.m. The Board of Directors met in the Tiara Room, Hilton Inn, Austin, on November 22, 1977, at 7 p.m. The Outpatient Facilities Task Force will meet in Room 3.120, J. C. Thompson Conference Center, Austin, on November 29, 1977, at 7 p.m. The Inpatient Facilities Task Force and the Community Environmental Task Force will meet at Rudder Tower, College Station, on November 30, 1977, at 6:30 p.m. Further information may be obtained from Irwin R. Salmanson, 1106 Clayton Lane, Suite 140 East, Austin, Texas 78723, telephone (512) 458-9161.

The Deep East Texas Regional MH/MR Services, Board of Trustees, met in the Harvest Room, Lufkin Federal Savings and Loan Association, 211 Shepherd, Lufkin, on November 22, 1977, at 5 p.m. Further information may be obtained from Wayne Lawrence, 303 Angelina Building, Lufkin, Texas 75901, telephone (713) 639-1141.

The Heart of Texas Council of Governments, Executive Committee, will meet at 110 South 12th Street, Waco, on December 1, 1977, at noon. Further information may be obtained from Marcia Ross, 110 South 12th Street, Waco, Texas 76701, telephone (817) 756-6631.

Doc No 776457

Office of the Governor Office of Energy Resources Vanpool--Carpool Program, Request for Proposals

The Governor's Office of Energy Resources is soliciting proposals from organizations capable of setting up vanpool-carpool programs across the state to accomplish the objectives set forth in the enclosed statement of work and proposed contract schedule. Proposals are due no later than noon, December 12, 1977. A contract will be awarded two weeks from that date. The project will begin at the time the contract is awarded and should continue through December 31, 1978. Although the length of the program is contingent upon receipt of federal funding for the 1978 calendar year, respondents should address their proposals to the total program. The Governor's Office of Energy Resources may negotiate with the contractor to continue the program through 1980, contingent upon satisfactory performance by the contractor and the availability of additional funding.

The contract amount for this project is not to exceed \$86,000 through calendar year 1978. The contract amount in 1978 is contingent upon receipt of federal funding for that calendar year.

Awards may be made without discussion with respondents; all proposals will be considered on their own merits--technically and with regard to price--and should not require explanation by the respondents. The Governor's Office of Energy Resources may request interviews with respondents prior to final selection, but each written proposal must be able to stand on its own merits.

Respondents must comply with all applicable policies and procedures of the Governor's Office of Energy Resources and the Department of Energy, as well as with all federal laws and regulations regarding subgrantees. Responding firms may suggest additions or modifications to the accompanying statement of work.

The Governor's Office of Energy Resources reserves the right to reject any or all proposals, and also the right to enter into competitive negotiations with selected respondents prior to award of the contract.

Written proposals should be sent by registered mail or by courier and must arrive no later than noon, December 12, 1977. Proposals arriving later will not be considered. Address proposals to David Marks, Governor's Office of Energy Resources, 7703 North Lamar, Suite 502, Austin, Texas 78752.

Background

The Energy Conservation Plan for the State of Texas contains five mandatory programs. Among the five is a program calling for the establishment of 1,500 vanpools in the state by 1980 and a .2 percent increase in carpooling in those areas not currently served by the metropolitan carpool programs. Vanpooling, a ride-sharing concept pioneered by the 3M Company in St. Paul, Minnesota, is an extension of the carpool concept. Where carpools can accommodate up to five passengers, vans can accommodate eight to 15. Carpools often alternate drivers and cars, but a vanpool has a designated driver responsible for keeping records, charging passengers, and maintaining the van. The practice of vanpooling has greatest promise with establishments having a large number of employees.

The goal of the vanpool-carpool program is to conserve 0.42 trillion BTU's of energy by 1980 (which is less than 0.01 percent of Texas' projected consumption).

Statement of Work

The contractor shall provide all personnel, facilities, services, materials, and documentation necessary to accomplish the project. The contractor shall perform the following tasks:

Task 1.

Plan, develop, produce materials for, and conduct a series of 24 workshops, co-hosted by the 23 metropolitan planning organizations of Texas (note: the Houston-Galveston Area MPO will host two workshops). This series of workshops is to involve municipal, civic, community, state, and public interest groups, representing all local interests.

The purposes of this series of workshops are:

- (1) to review briefly the State Energy Conservation Program;
- (2) to enlist the participation of local groups in the implementation of the vanpool-carpool program;
- (3) to select a local program coordinator; and
- (4) to identify all major employers, industries, manufacturers, and facilities in the area.

The vanpool operating experience of large and small organizations in the state should be reviewed as possible models of vanpool implementation. The experience of metropolitan carpool organizers should be drawn upon to aid the carpool program development. This program should be coordinated with the Department of Energy vanpool efforts and the metropolitan carpool programs in operation in order to avoid repetition or overlapping of efforts.

Task 2. Plan, develop, produce materials for, and conduct a series of 24 implementation workshops, organized and scheduled in cooperation with local pro-

gram coordinators. This series of workshops will focus on larger establishments and employers. Management and financial representatives from all major employers, state agencies and universities, and other large facilities should be invited.

The experience and materials developed by the Department of Energy for vanpool workshops should be drawn upon, as well as the carpooling efforts and experience of the state's metropolitan areas. The following topics are to be covered in this series of workshops:

Vanpool methods.

- (1) Vanpool definition
- (2) Vehicle type and characteristics
- (3) Vehicle ownership
- (4) Special service vanpool operations
- (5) Multiple employers/drivers

Vanpool costs and benefits.

- (1) Van costs
- (2) Benefits
 - (a) Social
 - (b) Recreational
 - (c) Environmental
 - (d) Community
 - (e) Employer

Vanpool problems and solutions.

- (1) Organization and management
- (2) Routing and scheduling
- (3) Driver selection
- (4) Records and fare collection
- (5) Legal problems
- (6) Insurance problems

Carpool matching methods.

- (1) Collecting information
- (2) Matching data
 - (a) Manual
 - (b) Computerized
- (3) Distributing information

Carpool cost-related incentives.

- (1) Parking costs
- (2) Automobile ownership cost
- (3) Automobile operating cost

Convenience incentives

- (1) Preferential parking space allocation
- (2) Facilities for carpoolers
- (3) Adjustments to working hours
- (4) Vehicle restriction
- (5) Parking restriction
- (6) Legislative

Task 3. Plan, develop, produce materials for, and conduct a third series of 24 workshops. These workshops, like those of the second series, will be implementation workshops, organized and scheduled in cooperation with local program coordinators. This

series of workshops, however, will concentrate on smaller business and more diverse groups.

The experience and materials developed by the Department of Energy for vanpool workshops should be drawn upon, as well as the carpooling efforts and experience of the state's metropolitan areas.

Topics to be covered in this series of workshops are the same as in the second series.

Proposed Contract Schedule

The preceding statement of work should be viewed in conjunction with the following timetable:

First Quarter, 1978

Collect and evaluate existing materials. Investigate legal, regulatory, and insurance considerations. Develop agenda, identify participants, print materials, and schedule workshops. Co-host the first eight workshops (IW) with MPO's.

Second Quarter, 1978

Schedule and co-host 16 workshops (IW) with MPO's.

Third Quarter, 1978

Identify participants and schedule second workshop series (IIW). Co-host eight workshops (IIW).

Fourth Quarter, 1978

Co-host 16 workshops (IIW).

1979

Host seminar for local program coordinators. Schedule and co-host third series of (IIIW) workshops.

1980

Host seminar for local program coordinators. Final program evaluation.

Instructions for Preparation of Proposal

(1) Your proposal must be signed by an official authorized to bind your firm. Further, it must contain a statement that the proposal is firm for a period of 90 days.

(2) The proposed contract schedule and statement of work included in this request for proposal are intended for incorporation into any resulting contract. Your proposal should contain a statement of acceptance of these provisions and/or an explanation of objections.

(3) The proposal and Volume II the cost proposal.

(4) Volume I: Technical proposal (original and six copies) should be completely separate from the balance of your proposal and should not contain any reference to cost or prices.

Your technical proposal should be specific and complete. Your proposal should demonstrate a thorough

understanding of the requirements of the attached statement of work and a logical plan for accomplishing the stated tasks. It should include a complete explanation of the procedures you propose to follow. Elaborate format and fancy binders are not necessary. Legibility, clarity, and completeness of the technical approach are much more important.

The following information is required:

(a) Your proposed statement of work should be included if it differs from that contained in the request for proposal. Exceptions to proposed technical requirements should be specified.

(b) The proposal should include a complete description of the tasks to be accomplished and a clear explanation of how they will be accomplished. This detail task description shall be a further definition of the requirements of the statement of work.

(c) Manhour estimates by labor category should be provided for each identified task. The proposed manhours should be justified as much as possible (i.e., provide historical data used in developing estimates; rationale/calculations used in estimating new effort, etc.).

(d) The method proposed to solve the technical problems of this project should be explained. Descriptions and approach should be presented in sufficient detail to permit proper evaluation.

(e) A statement of background experience in fields relating to this project should be included.

(f) You should include names and resumes of important managerial and technical personnel who will be employed on this project and the extent to which each will participate in the performance of this project. An organizational chart of the specific segment of your organization which will be directly assigned to this project, listing names and job categories, must be furnished. All levels of operation and management should be shown, including the chain of reporting and authority from lower levels through intermediate management to top level management.

(g) A project milestone schedule of control points (milestones) for contractual tasks is required, with starting and completion dates for accomplishing milestones and negotiated commitments.

(h) Planned time-phased manpower requirements by task for the performance of the contract should also be included.

It is contemplated that the final negotiated technical proposal, without reference to proposed manhours, will be made an appendix to the contract statement of work.

(5) Volume II: Cost proposal (original and six copies). The contractor shall submit a cost proposal that covers all work, materials, travel, and other expenses required to perform the requirements described in statements of work.

For further information, contact David Marks at (512) 475-5491 or TEX-AN 822-5491.

Issued in Austin, Texas, on November 18, 1977.

Doc. No. 776441 Linda A. O'Neill
Information Specialist II
Governor's Office of Energy
Resources

Filed: November 18, 1977, 12:02 p m

For further information, please call (512) 475-5491.

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 or exemption certificates accepted November 8-14, 1977.

Should any person wish to contest the application for a declaratory ruling or an exemption certificate, 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 become a party to an application for a declaratory ruling or exemption certificate must meet the minimum criteria set out in Rule 506. Failure of a party to supply the minimum necessary information in the correct form by the 12th day will result in a defective notice of intent to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02, 3.03, or 6.02 of Article 4418(h), Vernon's Annotated Texas Statutes, and Rules 302, 502, and 515.

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 and DR indicates declaratory ruling.

Northeast Texas Health Service, Inc., Mount Vernon
AS77-1027-016

EC--Relocate office to 103 South Kaufman Street in Mount Vernon

St. Luke's Episcopal and Texas Children's Hospital, Houston

AH77-1114-005

EC--Acquire ceiling-mounted ophthalmic microscope for use in eye surgery

North Texas Home Health Services, Inc., Vernon

AS77-0207 001T (111477)

C/N Transfer--Transfer C/N AS77-0207-001 for a home health service to serve Wilbarger, Hardeman, Foard, Knox, Cottle, and King Counties from Darrell Thedford to T. R. Jewell

Waller County Hospital, Hempstead

AH77-1017-011

EC--Enter into service contract for operation of existing respiratory therapy department and blood gas analyzer

Silver Haven Care Center, Burleson

AN77-1031-007

EC--Construct an addition to existing facility for day room and sitting space and two offices

Issued in Austin, Texas, on November 17, 1977.

Doc. No 776440 William D. Darling
General Counsel
Texas Health Facilities
Commission

Filed, November 18, 1977, 11:30 a.m.

For further information please call (512) 475-6940

