

BY-LAWS OF THE
SOUTH TEXAS DEVELOPMENT COUNCIL

(as amended, effective December 7, 1978)

ARTICLE I

ORGANIZATION

There is hereby organized a Regional Planning Commission under the authority of Article 1011m, Vernon's Annotated Civil Statutes, which shall be known as the SOUTH TEXAS DEVELOPMENT COUNCIL, a voluntary association of the local governmental units located within JIM HOGG, STARR, WEBB and ZAPATA Counties and representative of various segments of these communities. The Council has been formed by the reorganization of the South Texas Council of Governments and the South Texas Regional Economic Development District. The South Texas Development Council is established to encourage and permit governmental units within the planning region to join and cooperate with one another in regional planning for the purpose of improving the health, safety and general welfare of their citizens. This Council is not in itself a government, nor does it seek to become one.

ARTICLE II

DEFINITIONS

As used in these By-laws:

1. "Council" means the South Texas Development Council, a regional planning commission established herein pursuant to State law.
2. "Region" or "Planning Region" means the area embraced by Jim Hogg, Starr, Webb and Zapata Counties.
3. "Governmental Unit" means any county, city, town, village, authority, district, or other political subdivision of the State which has either an independently elected governing body or which has the power to incur financial obligations for public improvements.

4. "General Governmental Unit" means a city and/or a county.
5. "Special Governmental Unit" means a special function government such as a school, hospital, navigation or water-related district.
6. "City" means any incorporated city, town or village in the region.
7. "Population" means the population according to the last preceding Federal Census, encompassing the entire Region.

ARTICLE III

COUNCIL

The Council shall be self-governing and shall be responsible for its general policies, programs and its funds.

ARTICLE IV

COUNCIL POWERS, DUTIES AND RESPONSIBILITIES

- A. The Council shall exercise the powers and perform the duties authorized in Article 1011m, Vernon's Annotated Civil Statutes, and any other powers which have been or may hereafter be conferred on Regional Planning Commissions by State law.
- B. The Council shall implement and carry out the provisions and spirit of the Public Works and Economic Development Act of 1965, as amended (Public Law 8-136, 89th Congress of the United States of America).
- C. As a general but not exclusive guide, the Council shall have the following functions, duties and responsibilities:
 1. To prepare an annual budget for its action and approval;
 2. To employ an Executive Director;
 3. To contract for services of persons or firms or other units and levels of government to carry out the purposes of the Council;
 4. To acquire, construct, own and dispose of property, equipment, supplies and office space required by in the performance of its duties;

5. To appoint advisory committees to assist in carrying out the purposes, functions, duties and responsibilities of the Council; methods of appointment, size, composition and purpose shall be at the discretion of the Chairman;
6. To establish a Government Application Review Committee which shall have the authority between Council meetings to act for the Council in reviewing and commenting on projects involving State or Federal assistance and perform other duties assigned by the Council; the size and composition of the Committee shall be at the discretion of the Chairman; and
7. To take such other actions, make recommendations, and formulate policy on those matters which will best effectuate and carry out the purposes and functions for which the Council is created and as outlined in these By-laws more explicitly described as follows:
 - a. Adopt the By-laws of the Council;
 - b. Elect Council officers;
 - c. Prepare periodic reports as may be required by the By-laws of the Council and Federal and State legislation or regulations;
 - d. Receive and expend gifts, contributions and donations which may be made to the Council to accomplish its purposes;
 - e. Apply and contract for, receive and expend for Council purposes, funds or grants from the State of Texas, the Federal Government or any other public or private sources;
 - f. Receive and expend funds from Council members as provided in the By-laws, to finance the cost of operations, provided that the Council shall not have the power to levy taxes of any kind; and
 - g. Coordinate the planning and development of the Region.

ARTICLE V

MEMBERSHIP

All governmental units situated within the geographic area of the Planning Region are eligible for membership, provided however, that special governmental units shall be admitted

to ex officio membership only. Governmental units eligible for membership who desire to join the Council subsequent to the adoption of these By-laws, may become members by passage of an ordinance, resolution, rule, order, or other means adopting these By-laws and pay payment of fees as set forth in Article XII of these By-laws.

ARTICLE VI

REPRESENTATION AND VOTING

A. The South Texas Development Council shall be composed of representatives appointed by the governing body of member governmental units. In order to establish that the voting majority of the Council consist of elected officials from general governmental units of the Region and to ensure that the principal interests of the Region are duly represented, members of the Council shall be entitled to the following representation:

1. WEBB COUNTY is to have two (2) representatives who are to be local elected officials;
2. CITY OF LAREDO is to have three (3) representatives who are to be local elected officials and two (2) non-governmental members representing the general interest groups of "Business" and "Community-based Organizations";
3. STARR COUNTY is to have two (2) representatives who are to be local elected officials;
4. CITY OF ROMA is to have one (1) representative who is to be a local elected official;
5. CITY OF LA GRULLA is to have one (1) representative who is to be a local elected official;
6. JIM HOGG COUNTY is to have two (2) representatives who are to be local elected officials;
7. ZAPATA COUNTY is to have one (1) representative who is to be a local elected official and one (1) non-governmental member representing the general interest group of "Agriculture";
8. CITY OF RIO GRANDE CITY is to have one (1) representative who is to be a local elected official; and
9. AT LARGE. The Chairman, with the concurrence of the Board of Directors, will appoint one (1) non-governmental member representing "Labor" and one (1) non-governmental member representing "Ethnic Minorities," provided that one member be selected from either Starr, Zapata or Jim Hogg Counties.

B. Each representative herein above-described shall serve for a term commencing October 1st through the succeeding September 30th

(Rev. 04/22/82)
(Rev. 06/17/82)
(Rev. 06/23/89)
(Rev. 06/09/94)

30th and shall be entitled to cast one (1) vote on all matters to be decided upon election of the Council.

- C. Each special governmental unit which has been admitted to ex-officio membership shall have one (1) representative; but as ex-officio members, their representatives shall not be entitled to vote on matters to be decided upon by election of the Council.
- D. Each member of the Council may appoint alternate representatives.
- E. Representatives shall serve during the term to which they have been selected unless replaced sooner by the appointing authority.

ARTICLE VII

COMMITTEES

The Chairman, subject to the approval of the Council, shall annually appoint such standing committees as he may deem necessary. The Chairman may appoint special committees as he may deem necessary.

ARTICLE VIII

COUNCIL MEETINGS

- A. The Council shall meet on the second Thursday of the months of March, June, September and December, unless otherwise determined by its Chairman.
- B. Special meetings of the Council may be called by either the Chairman or at the request of a majority of the Council members.
- C. Written notice of Council meetings and the business to be transacted shall be mailed to each member of the Council at least three (3) days prior to the meeting.
- D. Fifty percent (50%) of the total membership shall constitute a quorum at any Council meeting. When a quorum is present, the majority of the votes cast shall decide any questions brought to a vote before the council.
- E. The Council may hold its meetings and keep its offices and records at such place as it may determine.

ARTICLE IX

OFFICER, DUTIES

- A. The members of the Council shall elect a Chairman, Vice Chairman and Secretary-Treasurer to serve as officers of the Council. The officers shall be elected from among its members and shall serve one-year terms from July 1st through the succeeding June 30th.
- B. The officers shall perform the duties prescribed by the Council:
 - 1. The Chairman shall preside at meetings of the Council; sign, with the counter-signature of the Secretary-Treasurer as authorized by the Council, any contracts or other instruments which the Council deems in its best interests; and perform such other duties incident to the office as may be prescribed by the Council;
 - 2. The Vice Chairman shall assist the Chairman in the performance of his duties, and either in the absence of the Chairman or in the event of the Chairman's inability or refusal to act, shall have the powers and shall perform the duties of the Chairman.
 - 3. The Secretary-Treasurer shall keep the minutes of the meetings and the records of the Council; attest the signatures of the Council officers; and see that notices are duly given in accordance with the provisions of these By-laws or as required by law. He shall have custody of all funds and securities of the Council; receive monies due the Council and deposit them in a depository designated by the Council; expend the funds of the Council as authorized by the Council; and in general, perform all duties as may be designated to him by the Chairman and/or the Council.
- C. The offices of the Chairman, Vice Chairman and Secretary-Treasurer will be rotated among all member governments, with the Vice Chairman assuming the position of Chairman, the Secretary-Treasurer assuming the position of Vice Chairman and a Secretary-Treasurer being elected from among its members.

ARTICLE X

SPECIAL STUDIES AND ACTIVITIES

In the event one or more governmental units within the Region should desire the Staff of the Council to conduct a special

study or activity pertaining to a portion of the entire Region, they may make application to the Council by ordinance, resolution, rule or order wherein the applying governmental unit or units bind themselves to pay all costs involved in the study or activity. If the Council deems the study or activity feasible, it may enter into a separate contract with the particular governmental unit or units to conduct same.

ARTICLE XI

EXECUTIVE DIRECTOR AND STAFF

- A. The Council shall employ an Executive Director.
- B. The Executive Director, who shall be constituted a tenured employee after five (5) years service, shall be the chief administrative officer of the Council and shall act for and in the name of the Council in all matters subject to the rules and regulations of the Council. The Executive Director shall appoint and remove all subordinate personnel.
- C. The Executive Director shall prepare the annual budget and work program of the Council, for approval by the Council and shall faithfully execute all other duties and responsibilities vested in or required of him by the Council.
- D. When time is of the essence, as determined by the Executive Director, said Executive Director shall have the power to execute any and all proper contracts, agreements or amendments of the same, and said contract, agreement or amendment of the same shall be valid, binding and in full force and in effect until such time as the Board of Directors shall by resolution reject it.

ARTICLE XII

FINANCES, BUDGET AND PAYMENTS

- A. The Council shall adopt an annual budget on or before July 1st of each year, which shall extend from July 1st through the succeeding June 30th.
- B. Each year, upon adoption of the annual budget, the Council shall fix the fees for all members which are general governmental units. Fees shall be in sufficient amounts to provide funds as required by the budget.
- C. New governmental units may join the Council upon payment of dues prorated for the remainder of the Council fiscal year.

- D. The accounts of the Council shall be audited by a certified public accountant or accountants, and the audit report for each preceding fiscal year shall be made to the Council no later than three (3) months after the close of each fiscal year.
- E. A general governmental unit member which is more than sixty (60) days in arrears in its fees as set forth in this Article XII, shall be denied its voting privileges until such fees are paid.

ARTICLE XIII

AMENDMENTS

These By-laws may be altered, amended or added to by vote from the Council members, provided that:

1. Notice of the proposed change(s) or amendment(s) be presented to the Council at a scheduled meeting;
2. The proposed change(s) or amendment(s) is placed on the agenda of the next scheduled meeting; and
3. The Council adopts the proposed change(s) or amendment(s) by a two-thirds (2/3) vote of all eligible voting members of the Council.

ARTICLE XIV

ADOPTION


These By-laws shall be effective upon their adoption by two-thirds (2/3) of the representatives of governmental units which have agreed to join the Council and which are present at a scheduled meeting of the Council, where the matter is listed on the agenda.

ARTICLE XV

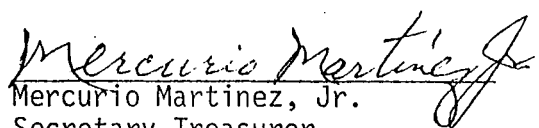
DISSOLUTION

In the event that the South Texas Development Council is dissolved, any funds remaining on hand belonging to the South Texas Development Council will be repaid to the various governmental units comprising the South Texas Development Council in the ratio to their contribution during the year of such dissolution.

APPROVED AND ADOPTED at a regular meeting of the Board of Directors of the South Texas Development Council, held on the 7th day of December, 1978.


Alfonso de la Garza C.
Chairman

ATTEST:


Mercurio Martinez, Jr.
Secretary-Treasurer

**[SOUTH TEXAS DEVELOPMENT COUNCIL]
[1718 EAST CALTON ROAD]
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FAX

To: *Keith Selman*

Fax #: *791-7457*

From: *Ms. Julie Saldaña
CJD/9-1-1 Coordinator*

Date: *December 21, 1999*

Subject: *STDC
Statement of Purpose, Mission, Objectives*

Pages: *5 including coversheet*

COMMENTS: *For your information.*

SOUTH TEXAS DEVELOPMENT COUNCIL
STATEMENT OF
PURPOSE, MISSION AND OBJECTIVES

I
ORGANIZATION

The South Texas Development Council is a council of governments created under the authority of Article 1011m, Vernon's Annotated Civil Statutes. It is a voluntary association of local governmental units located within State Planning Region 19 and provides an effective system of leadership through elected representatives. The Council is established to encourage and permit governmental units within the planning region to join and cooperate with one another in accomplishing the objectives and goals established by the Council. This Council is not in itself a government, nor does it seek to become one.

II
PURPOSE

The basic purposes of the South Texas Development Council are the following:

- To serve as the instrument of local units of government to cooperate with one another in order to improve the health, safety and general welfare of their citizens.
- To provide a forum for an exchange of information to assist in joint problem solving by local units of government.
- To conduct a continuing program of planning for the future of the region.
- To provide local governments technical services.
- To assist local governments in the understanding and implementation of State and Federal programs.
- To serve as a catalyst, mediator, and a forum for communications on regional issues but not as an agent with an independent point of view.

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III MISSIONS OF THE COUNCIL

The primary missions of the South Texas Development Council are the following:

- Coordination - region-wide plans so that each will complement the other and assist in the furnishing of data and alternatives for decisions by both the public and private sector.
- Communication - information by which citizens of the private sector and governmental agencies can be better advised on plans, projects, and alternatives which come to the Council in Federal, State and local programs.
- Fund Prioritization and/or Distribution - the prioritization of funding among the eligible recipients within the region will often be required of the Council by terms of Federal and State programs. These funding priorities should be as established by the elected leadership and fully disclosed and explained to the public and units of government.
- Furnishing Services - the Council should be prepared to furnish services in connection with its programs but only as appropriately funded and approved in advance by the Board of Directors.
- Review of State and Federal Programs - provide elected officials on the State and Federal level with recommendations on how the local units of government and the public can be provided services more effectively and efficiently resulting in savings to the taxpayers of our region.

IV OBJECTIVES

All programs will be reviewed annually, and those not continuing to meet the needs of the Council's membership, will be eliminated.

Review and Comment - To afford STDC region local elected officials and their constituents, the

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opportunity to evaluate, review and coordinate Federal and Federally-assisted programs and projects.

Environmental - To provide regional planning services and technical assistance to improve and assure environmental quality.

Housing - To assist member governments in their attempt to provide adequate housing to the citizens of the region.

Community Development and Public Works - To assist local governments and other entities in the administration, management and development of programs such as the Community Development Block Grants from the Department of Housing and Urban Development.

Economic Development Services - To help communities, urban as well as rural, develop their potential for economic growth when they desire it.

Information Services - To provide for the development, collection, analysis and dissemination of demographic, economic and geographic based information for the region.

Aging - To assist local governments and other organizations in developing and funding programs to assist the elderly.

Criminal Justice - To provide assistance to local governments in control of crime and juvenile delinquency, including fund priority recommendations.

Manpower - To fund training and employment programs for the disadvantaged in Zapata, Jim Hogg and Starr Counties.

DWI - To reduce recidivism rate of all DWI offenders.


Alcoholism - To promote measures aimed at reducing and preventing alcohol abuse and alcoholism in the region.

Drug Abuse - To plan and promote a system of services designed to decrease and prevent harmful consequences of drug abuse.

YACC - To provide employment and training opportunities in conservation projects to young

adults between the ages of 16-23 in Zapata,
Jim Hogg and Starr Counties.

APPROVED AND ADOPTED by the Board of Directors of
the South Texas Development Council at a meeting held
the 7th day of December, 1978.


Alfonso de la Garza C.
Chairman

ATTEST:


Mercurio Martinez, Jr.
Secretary-Treasurer

§ 383.106

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ty not imposed or increased its sales and use tax or annexed the area in the district, less amounts that the district collects following the municipality's levy of or increase in its sales and use tax or annexation of the area in the district. The payment shall be made by the municipality to the district within 10 days after the date of receipt of the money from the comptroller's office and shall continue only for so long as any bonds of the district are outstanding.

Added by Acts 1995, 74th Leg., ch. 995, § 5, eff. Sept. 1, 1997. Renumbered from V.T.C.A., Tax Code § 312.637(h) and amended by Acts 1997, 75th Leg., ch. 165, § 23.05, eff. Sept. 1, 1997.

[Sections 383.107 to 383.110 reserved for expansion]

SUBCHAPTER G. COMPETITIVE BIDDING

§ 383.111. Competitive Bidding

Sections 375.221 and 375.223 apply to a district created under this chapter.

Added by Acts 1995, 74th Leg., ch. 995, § 5, eff. Sept. 1, 1995. Renumbered from V.T.C.A., Tax Code § 312.629 and amended by Acts 1997, 75th Leg., ch. 165, § 23.05, eff. Sept. 1, 1997.

§ 383.112. Exemption

Notwithstanding any other provision of this chapter to the contrary, any contract between the district and a governmental entity or nonprofit corporation created under the Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes) is not subject to the competitive bidding requirements of this chapter.

Added by Acts 1995, 74th Leg., ch. 995, § 5, eff. Sept. 1, 1995. Renumbered from V.T.C.A., Tax Code § 312.629 and amended by Acts 1997, 75th Leg., ch. 165, § 23.05, eff. Sept. 1, 1997.

[Sections 383.113 to 383.120 reserved for expansion]

SUBCHAPTER H. DISSOLUTION

§ 383.121. Dissolution of District

A district may be dissolved only as provided by this subchapter.

Added by Acts 1995, 74th Leg., ch. 995, § 5, eff. Sept. 1, 1995. Renumbered from V.T.C.A., Tax Code § 312.639(a) and amended by Acts 1997, 75th Leg., ch. 165, § 23.05, eff. Sept. 1, 1997.

§ 383.122. Dissolution by Order of Commissioners Court

(a) The board may petition the commissioners court to dissolve the district if a majority of the board finds at any time:

(1) before the authorization of bonds or the final lending of its credit, that the proposed undertaking is impracticable or cannot be successfully and beneficially accomplished; or

(2) that all bonds of the district or other debts of the district have been paid and the purposes of the district have been accomplished.

(b) On receipt of a petition from the board for the dissolution of the district, the commissioners court shall hold a hearing as provided by Section 383.024.

(c) If the commissioners court unanimously determines from the evidence that the best interests of the county and the owners of property and interests in property in the district will be served by dissolving the district, the commissioners court shall enter in its records the appropriate findings and order dissolution of the district. Otherwise the commissioners court shall enter its order providing that the district has not been dissolved. On dissolution of the district, funds and property of the district, if any, shall be transferred to the commissioners court.

Added by Acts 1995, 74th Leg., ch. 995, § 5, eff. Sept. 1, 1997. Renumbered from V.T.C.A., Tax Code § 312.639(b), (c) and amended by Acts 1997, 75th Leg., ch. 165, § 23.05, eff. Sept. 1, 1997.

§ 383.123. Dissolution of District on Agreement With Municipality

A district may be dissolved by agreement between the governing body of a municipality and the board if all of the territory in the district is located in or is annexed by the municipality. The agreement shall require the municipality to acquire all of the money, property, and other assets of the district and assume all contracts, debts, bonds, and other obligations of the district, and the municipality shall be bound in the same manner and to the same extent that the district was bound with respect to those contracts, debts, bonds, and other obligations. On dissolution of the district, the taxes levied by the district are abolished.

Added by Acts 1995, 74th Leg., ch. 995, § 5, eff. Sept. 1, 1995. Renumbered from V.T.C.A., Tax Code § 312.640 and amended by Acts 1997, 75th Leg., ch. 165, § 23.05, eff. Sept. 1, 1997.

[Chapters 384 to 390 reserved for expansion]

SUBTITLE C. PLANNING AND DEVELOPMENT PROVISIONS APPLYING TO MORE THAN ONE TYPE OF LOCAL GOVERNMENT

CHAPTER 391. REGIONAL PLANNING COMMISSIONS

Section 391.001. Purpose.

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 391.002. Definitions.
 391.003. Creation.
 391.004. Plans and Recommendations.
 391.005. Powers.
 391.006. Governing Body of Commission.
 391.007. Detail or Loan of an Employee.
 391.008. Review and Comment Procedures.
 391.009. Role of Governor and State Agencies.
 391.010. Conflict of Interest in Provision of Legal Services.
 391.011. Funds.
 391.012. State Financial Assistance.
 391.013. Interstate Commissions.
 391.014. International Areas.
 391.015. Withdrawal from Commission.

§ 391.001. Purpose

(a) The purpose of this chapter is to encourage and permit local governmental units to:

- (1) join and cooperate to improve the health, safety, and general welfare of their residents; and
- (2) plan for the future development of communities, areas, and regions so that:

(A) the planning of transportation systems is improved;

(B) adequate street, utility, health, educational, recreational, and other essential facilities are provided as the communities, areas, and regions grow;

(C) the needs of agriculture, business, and industry are recognized;

(D) healthful surroundings for family life in residential areas are provided;

(E) historical and cultural values are preserved; and

(F) the efficient and economical use of public funds is commensurate with the growth of the communities, areas, and regions.

(b) The general purpose of a commission is to make studies and plans to guide the unified, far-reaching development of a region, eliminate duplication, and promote economy and efficiency in the coordinated development of a region.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.002. Definitions

In this chapter:

(1) "Governmental unit" means a county, municipality, authority, district, or other political subdivision of the state.

(2) "Commission" means a regional planning commission, council of governments, or similar regional planning agency created under this chapter.

(3) "Region" means a geographic area consisting of a county or two or more adjoining counties that have, in any combination:

(A) common problems of transportation, water supply, drainage, or land use;

(B) similar, common, or interrelated forms of urban development or concentration; or

(C) special problems of agriculture, forestry, conservation, or other matters.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.003. Creation

(a) Any combination of counties or municipalities or of counties and municipalities may agree, by ordinance, resolution, rule, order, or other means, to establish a commission.

(b) The agreement must designate a region for the commission that:

(1) consists of territory under the jurisdiction of the counties or municipalities, including extraterritorial jurisdiction; and

(2) is consistent with the geographic boundaries for state planning regions or subregions that are delineated by the governor and that are subject to review and change at the end of each state biennium.

(c) A commission is a political subdivision of the state.

(d) This chapter permits participating governmental units the greatest possible flexibility to organize a commission most suitable to their view of the region's problems.

(e) The counties and municipalities making the agreement may join in the exercise of, or in acting cooperatively in regard to, planning, powers, and duties as provided by law for any or all of the counties and municipalities.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.004. Plans and Recommendations

(a) A commission may plan for the development of a region and make recommendations concerning major thoroughfares, streets, traffic and transportation studies, bridges, airports, parks, recreation sites, school sites, public utilities, land use, water supply, sanitation facilities, drainage, public buildings, population density, open spaces, and other items relating to the commission's general purposes.

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(b) A plan or recommendation of a commission may be adopted in whole or in part by the governing body of a participating governmental unit.

(c) A commission may assist a participating governmental unit in:

(1) carrying out a plan or recommendation developed by the commission; and

(2) preparing and carrying out local planning consistent with the general purpose of this chapter.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.005. Powers

(a) A commission may contract with a participating governmental unit to perform a service if:

(1) the participating governmental unit could contract with a private organization without governmental powers to perform the service; and

(2) the contract to perform the service does not impose a cost or obligation on a participating governmental unit not a party to the contract.

(b) A commission may:

(1) purchase, lease, or otherwise acquire property;

(2) hold or sell or otherwise dispose of property;

(3) employ staff and consult with and retain experts; or

(4)(A) provide retirement benefits for its employees through a jointly contributory retirement plan with an agency, firm, or corporation authorized to do business in the state; or

(B) participate in the Texas Municipal Retirement System, the Employees Retirement System of Texas, or the Texas County and District Retirement System when those systems by legislation or administrative arrangement permit participation.

(c) Participating governmental units may by joint agreement provide for the manner of cooperation between participating governmental units and provide for the methods of operation of the commission, including:

(1) employment of staff and consultants;

(2) apportionment of costs and expenses;

(3) purchase of property and materials; and

(4) addition of a governmental unit.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.006. Governing Body of Commission

(a) Participating governmental units may by joint agreement determine the number and qualifications of members of the governing body of a commission.

(b) At least two-thirds of the members of a governing body of a commission must be elected officials of participating counties or municipalities.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.007. Detail or Loan of an Employee

(a) A state agency or a governmental unit may detail or loan an employee to a commission.

(b) During the period of the detail or loan, the employee continues to receive salary, leave, retirement, and other personnel benefits from the lending agency or governmental unit but works under the direction and supervision of the commission.

(c) The detail or loan of an employee may be on a reimbursable or nonreimbursable basis as agreed by the lending agency or governmental unit and the commission. The detail or loan expires at the mutual consent of the lending agency or governmental unit and the commission.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.008. Review and Comment Procedures

(a) In a state planning region or subregion in which a commission has been organized, the governing body of a governmental unit within the region or subregion, whether or not a member of the commission, shall submit to the commission for review and comment an application for a loan or grant-in-aid from a state agency, and from a federal agency if the project is one for which the federal government requires review and comment by an areawide planning agency, before the application is filed with the state or federal government.

(b) For federally aided projects for which an areawide review is required by federal law or regulation, the commission shall review the application from the standpoint of consistency with regional plans and other considerations as specified in federal or state regulations and shall enter its comments on the application and return it to the originating governmental unit.

(c) For other federally aided projects and for state-aided projects, the commission shall advise the governmental unit on whether the proposed project for which funds are requested has regionwide significance.

(d) If the proposed project has regionwide significance, the commission shall determine whether it is in

conflict with a regional plan or policy. It may consider whether the proposed project is properly coordinated with other existing or proposed projects within the region. The commission shall record on the application its view and comments, transmit the application to the originating governmental unit, and send a copy to the concerned federal or state agency.

(e) If the proposed project does not have region-wide significance, the commission shall certify that it is not in conflict with a regional plan or policy.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.009. Role of Governor and State Agencies

(a) The governor shall issue guidelines to commissions and governmental units to carry out the provisions of this chapter relating to review and comment procedures.

(b) The governor and state agencies shall provide technical information and assistance to the members and staff of a commission to increase, to the greatest extent feasible, the capability of the commission to discharge its duties and responsibilities prescribed by this chapter.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.010. Conflict of Interest in Provision of Legal Services

(a) A member of the governing body of a commission or a person who provides legal services to a commission may not:

(1) provide legal representation before or to the commission on behalf of a governmental unit located, in whole or in part, within the boundaries of the commission; or

(2) be a shareholder, partner, or employee of a law firm that provides those legal services to the governmental unit.

(b) A person who violates Subsection (a) may not receive compensation or reimbursement for expenses from the commission or governmental unit.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.011. Funds

(a) A commission does not have power to tax.

(b) A participating governmental unit may appropriate funds to a commission for the costs and expenses required in the performance of its purposes.

(c) A commission may apply for, contract for, receive, and expend for its purposes a grant or funds from a participating governmental unit, the state, the federal government, or other source.

(d) A commission may not expend funds for an automobile allowance for a member of the governing body of the commission if the member holds another state, county, or municipal office. Funds may be expended for reimbursement of actual travel expenses, including mileage for automobile travel, incurred while the member is engaged in the official business of the commission.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 713, § 3, eff. Sept. 1, 1995.

§ 391.012. State Financial Assistance

(a) To qualify for state financial assistance, a commission must:

(1) have funds available annually from sources other than federal or state governments equal to or greater than half of the state financial assistance for which the commission applies;

(2) comply with the regulations of the agency responsible for administering this chapter;

(3) offer membership in the commission to all counties and municipalities included in the state planning region or subregion;

(4) include any combination of counties or municipalities having a combined population equal to or greater than 60 percent of the population of the state planning region or subregion;

(5) include at least one full county;

(6) encompass an area that is economically and geographically interrelated and forms a logical planning region; and

(7) be engaged in a comprehensive development planning process.

(b) A comprehensive development planning process must assess the needs and resources of a region, formulate goals, objectives, policies and standards to guide the long-range physical, economic, and human resource development of a region, and prepare plans and programs that:

(1) identify alternative courses of action and the special and functional relationships among the activities to be carried out;

(2) specify the appropriate ordering in time of activities;

(3) take into account other relevant factors affecting the achievement of the desired development of the region;

(4) provide an overall framework and guide for the preparation of function and project development plans;

(5) make recommendations for long-range programming and financing of capital projects and facilities that are of mutual concern to two or more participating governmental units; and

(6) make other appropriate recommendations.

(c) A commission that qualifies for state financial assistance is eligible annually for a maximum amount of:

- (1) \$10,000 base grant;
- (2) an additional \$1,000 for each dues-paying member county; and

(3) an additional 10 cents per capita for the population of dues-paying member counties and municipalities.

(d) The minimum amount of annual state financial assistance for which a commission may apply is \$15,000.

(e) For the purposes of this section, the population of a county is the population outside all dues-paying member municipalities.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.013. Interstate Commissions

(a) With the advance approval of the governor, a commission that borders another state may:

(1) join with a similar commission or planning agency in a contiguous area of the bordering state to form an interstate commission; or

(2) permit a similar commission or planning agency in a contiguous area of the bordering state to participate in planning functions.

(b) Funds provided a commission may be commingled with funds provided by the government of the bordering state.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.014. International Areas

With the advance approval of the governor, a commission that borders the Republic of Mexico may spend funds in cooperation with an agency, constituent state, or local government of the Republic of Mexico for planning studies encompassing areas lying both in this state and in contiguous territory of the Republic of Mexico.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 391.015. Withdrawal from Commission

A participating governmental unit may withdraw from a commission by majority vote of its governing body unless it has been otherwise agreed.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

**CHAPTER 392. HOUSING AUTHORITIES
ESTABLISHED BY MUNICIPALITIES
AND COUNTIES**

SUBCHAPTER A. GENERAL PROVISIONS

- Section**
- 392.001. Short Title.
 - 392.002. Definitions.
 - 392.003. Legislative Findings.
 - 392.004. Operation Not for Profit.
 - 392.005. Tax Exemption.
 - 392.006. Unit of Government; Governmental Functions.
- [Sections 392.007 to 392.010 reserved for expansion]

**SUBCHAPTER B. CREATION AND
AREA OF OPERATION OF A
HOUSING AUTHORITY**

- 392.011. Creation of a Municipal Housing Authority.
 - 392.012. Creation of a County Housing Authority.
 - 392.013. Creation of a Regional Housing Authority.
 - 392.014. Area of Operation of a Municipal Housing Authority.
 - 392.015. Area of Operation of a County Housing Authority.
 - 392.016. Area of Operation of a Regional Housing Authority.
 - 392.017. Operation of Housing Authority in Other Political Subdivisions.
 - 392.018. Expansion of the Area of Operation of a Regional Housing Authority.
 - 392.019. Effect of Cooperation Agreement on Area of Operation of Housing Authority.
- [Sections 392.020 to 392.030 reserved for expansion]

**SUBCHAPTER C. COMMISSIONERS
AND EMPLOYEES**

- 392.031. Appointment of Commissioners of a Municipal Housing Authority.
 - 392.032. Appointment of Commissioners of a County Housing Authority.
 - 392.033. Appointment of Commissioners of a Regional Housing Authority.
 - 392.0331. Appointment of Tenant Representative as Commissioner of Municipal, County, or Regional Housing Authority.
 - 392.034. Terms of Office of Commissioners.
 - 392.035. Compensation.
 - 392.036. Vote Required for Action.
 - 392.037. Chairman and Vice-Chairman of a Municipal or County Housing Authority.
 - 392.038. Other Officers and Employees of a Municipal or County Housing Authority.
 - 392.039. Officers and Employees of a Regional Housing Authority.
 - 392.040. Legal Services.
 - 392.041. Removal of a Commissioner.
 - 392.042. Interested Commissioners.
 - 392.043. Interested Employees.
- [Sections 392.044 to 392.050 reserved for expansion]

**SUBCHAPTER D. POWERS AND DUTIES
OF A HOUSING AUTHORITY**

- 392.051. General Powers.

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To Rosalinda Hays	From Julie Salazar		
Co./Dept.	Co.		
Phone #	Phone # 722.3995		
Fax # 791.7491	Fax #		

ARTICLE VI

REPRESENTATION AND VOTING

A. The South Texas Development Council shall be composed of representatives appointed by the governing body of member governmental units. In order to establish that the voting majority of the Council consist of elected officials from general governmental units of the Region and to ensure that the principal interests of the Region are duly represented, members of the Council shall be entitled to the following representation:

Laredo

1. WEBB COUNTY is to have two (2) representatives who are to be local elected officials;
2. CITY OF LAREDO is to have three (3) representatives who are to be local elected officials and two (2) non-governmental members representing the general interest groups of "Business" and "Community-based Organizations";
3. STARR COUNTY is to have two (2) representatives who are to be local elected officials;
4. CITY OF ROMA is to have one (1) representative who is to be a local elected official;
5. CITY OF LA GRULLA is to have one (1) representative who is to be a local elected official;
6. JIM HOGG COUNTY is to have two (2) representatives who are to be local elected officials;
7. ZAPATA COUNTY is to have one (1) representative who is to be a local elected official and one (1) non-governmental member representing the general interest group of "Agriculture";
8. CITY OF RIO GRANDE CITY is to have one (1) representative who is to be a local elected official;
9. CITY OF RIO BRAVO is to have one (1) representative who is to be a local elected official; an
10. AT LARGE. The Chairman with the concurrence of the Board of Directors, will appoint one (1) nongovernmental member representing "Labor" and one (1) non-governmental member representing "Ethnic Minorities," provided that one member be selected from either Starr, Zapata or Jim Hogg Counties.

B. Each representative herein above-described shall serve for a term from October 1st through the succeeding September

(Rev. 04/22/82)
(Rev. 06/17/82)
(Rev. 06/23/89)
(Rev. 06/09/94)
(Rev. 09/11/95)

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To	Roschinda Hays	From	Julie Salazar		
Co./Dept.		Co.			
Phone #		Phone #	722.3995		
Fax #	791.7491	Fax #			

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(Rev. 04/22/82)
(Rev. 06/17/82)
(Rev. 06/23/89)
(Rev. 06/09/94)
(Rev. 06/11/05)

By Hilderbran
74R5999 MLR/CLG-D

H.B. No. 1863

A BILL TO BE ENTITLED
AN ACT

1-1
1-2 relating to the provision of services and other assistance to needy
1-3 people, including health and human services and assistance in
1-4 becoming self-dependent.

1-5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-6 ARTICLE 1. WORK REQUIREMENTS

1-7 SECTION 1.01. ASSISTANCE PRIORITY IS WORK. Section 31.001,
1-8 Human Resources Code, is amended to read as follows:

1-9 Sec. 31.001. Aid to Families With Dependent Children. (a)
1-10 The department shall provide financial assistance and services to
1-11 families with dependent children in accordance with the provisions
1-12 of this chapter. The department shall give first priority in
1-13 administering this chapter to assisting an adult recipient of or
1-14 unemployed applicant for the financial assistance and services in
1-15 finding and retaining a job.

1-16 (b) The department shall give each adult recipient a copy of
1-17 a bill of responsibilities that defines the responsibilities of the
1-18 state and of the recipient and encourages personal responsibility.

1-19 SECTION 1.02. CHILD CARE WORK EXEMPTION. Subchapter A,
1-20 Chapter 31, Human Resources Code, is amended by adding Section
1-21 31.0123 to read as follows:

1-22 Sec. 31.0123. EXEMPTION FROM JOBS TRAINING PROGRAM. The
1-23 department, in accordance with federal law governing the job
1-24 opportunities and basic skills (JOBS) training program under Part
2-1 F, Subchapter IV, Social Security Act (42 U.S.C. Section 682),
2-2 shall exempt a caretaker of a dependent child younger than one year
2-3 of age from participation in a JOBS component required by the
2-4 department.

2-5 SECTION 1.03. EMPLOYMENT PROGRAMS. (a) Subchapter A,
2-6 Chapter 31, Human Resources Code, is amended by adding Section
2-7 31.0126 to read as follows:

2-8 Sec. 31.0126. EMPLOYMENT PROGRAMS. (a) In cooperation with
2-9 the state agency charged with primary responsibility for job
2-10 training, employment, and workforce development in this state, the
2-11 department by rule shall develop the following programs to assist
2-12 recipients of financial assistance and services under this chapter
2-13 in finding and retaining employment:

2-14 (1) a work first program that provides a participant
2-15 job readiness training and employment information and services that
2-16 will motivate the participant to find and apply for a job through
2-17 job clubs, job readiness activities, and job search activities;

2-18 (2) a business internship program that provides a
2-19 participant the opportunity to obtain marketable job skills through
2-20 an internship in a participating business;

2-21 (3) a Texas works program that:

2-22 (A) is operated by a nonprofit group or local
2-23 governmental entity;

2-24 (B) provides to a participant motivational and
2-25 job readiness training by placing the participant in a job for a
2-26 period of several months;

2-27 (C) ensures that the participant is visited at
3-1 work and receives counseling and help in resolving any work-related
3-2 or personal problems; and

3-3 (D) receives funding on the basis of
3-4 participants who are successfully hired for employment;

3-5 (4) a community work experience program that provides
3-6 a participant job training and work experience through a temporary
3-7 job in the public sector;

3-8 (5) a subsidized employment program that provides to a
3-9 participant job training and work experience through a job in the

3-10 private sector that pays the participant a subsidized salary; and
3-11 (6) a self-employment assistance program that provides
3-12 to a participant entrepreneurial training, business counseling, and
3-13 technical and financial assistance so that the participant can
3-14 establish a business and become self-employed.

3-15 (b) The department shall develop the programs prescribed by
3-16 this section in accordance with federal law as a part of the job
3-17 opportunities and basic skills (JOBS) training program under Part
3-18 F, Subchapter IV, Social Security Act (42 U.S.C. Section 682).

3-19 (c) In adopting rules governing a program prescribed by this
3-20 section, the department shall:

3-21 (1) establish the criteria for determining which
3-22 recipients who are eligible to participate in the JOBS training
3-23 program may be required to participate in a particular program; and

3-24 (2) ensure that a recipient who is incapable of
3-25 participating in a particular program is not required to
3-26 participate in that program.

3-27 (d) A local workforce development board may implement in a
4-1 workforce development area one or more programs prescribed by this
4-2 section.

4-3 (e) The department shall submit a waiver application or a
4-4 renewal waiver application that a federal agency may require before
4-5 a local workforce development board can implement one or more of
4-6 the programs prescribed by this section in a workforce development
4-7 area.

4-8 (f) In this section, a "local workforce development board"
4-9 means a local workforce development board created under Section
4-10 4.01, Workforce and Economic Competitiveness Act (Article 5190.7a,
4-11 Vernon's Texas Civil Statutes).

4-12 (b) Section 31.0125, Human Resources Code, is repealed.

4-13 SECTION 1.04. DEMONSTRATION PROJECTS; FUND. Article 4,
4-14 Workforce and Economic Competitiveness Act (Article 5190.7a,
4-15 Vernon's Texas Civil Statutes), is amended by adding Sections
4-16 4.055-4.057 to read as follows:

4-17 Sec. 4.055. DEMONSTRATION PROJECTS. (a) In this section:

4-18 (1) "Board" means a local workforce development board.

4-19 (2) "Workforce development agency" means the state
4-20 agency charged with primary responsibility for the implementation
4-21 and consolidation of labor, employment, and job training programs
4-22 in this state.

4-23 (b) In addition to the functions performed under Section
4-24 4.04 of this Act and the local plan required under Section 4.05 of
4-25 this Act, each board may establish and operate localized programs
4-26 to expand education, training, and employment in the workforce
4-27 development area administered by the board. The board may design
5-1 creative programs that fit the unique characteristics and needs of
5-2 its workforce development area.

5-3 (c) A board that designs a program under this section shall
5-4 submit a written proposal for approval of the program to the
5-5 workforce development agency. The workforce development agency
5-6 shall approve any program that clearly demonstrates the ability to:

5-7 (1) draw on and unite the resources of the local
5-8 community; and

5-9 (2) determine and meet the needs of the local service
5-10 populations, businesses, and industries.

5-11 (d) A board shall implement and administer a program
5-12 approved by the workforce development agency under this section as
5-13 a local demonstration project. The board shall report to the
5-14 workforce development agency on a quarterly basis regarding the
5-15 administration of the project and the effectiveness of the project
5-16 in serving the workforce development needs of the community.

5-17 (e) A board shall submit any proposed changes in the program
5-18 to the workforce development agency in writing. The workforce
5-19 development agency must approve the proposed changes before the

5-20 changes may be adopted and implemented by the board.

5-21 Sec. 4.056. CERTAIN PROGRAMS FOR AFDC RECIPIENTS. (a) In
 5-22 addition to the programs established under Section 4.055 of this
 5-23 Act, each local workforce development board shall adopt programs to
 5-24 enhance the ability of recipients of financial assistance and
 5-25 services under Chapter 31, Human Resources Code, who are eligible
 5-26 to participate in the JOBS training program to obtain and retain
 5-27 gainful employment. On request of a board, the workforce
 6-1 development agency shall provide technical assistance to the board
 6-2 in adopting programs under this section.

6-3 (b) In adopting programs under this section, the board shall
 6-4 consider the programs established under Section 31.0126, Human
 6-5 Resources Code. Within the parameters established by that
 6-6 subchapter, the board may adapt a program to serve more effectively
 6-7 the needs of the recipients described by Subsection (a) who are
 6-8 residing in the workforce development area.

6-9 (c) The workforce development agency must approve a program
 6-10 adopted by the board under this section, including a program
 6-11 established under Section 31.0126, Human Resources Code, before the
 6-12 board can implement the program in the workforce development area.

6-13 (d) In this section, "JOBS training program" means the job
 6-14 opportunities and basic skills (JOBS) training program under Part
 6-15 F, Subchapter IV, Social Security Act (42 U.S.C. Section 682).

6-16 Sec. 4.057. REVOLVING FUND ACCOUNT. (a) A special
 6-17 revolving fund account is established in the state treasury to be
 6-18 known as the local workforce development board demonstration
 6-19 project account. The account may be used only for:

6-20 (1) loans for the initial implementation costs of a
 6-21 demonstration project approved under Section 4.055 of this Act; and

6-22 (2) small loans for new education, training, and
 6-23 employment programs created by a local workforce development board
 6-24 under a demonstration project.

6-25 (b) The account consists of:

6-26 (1) money the legislature appropriates to the account;

6-27 (2) donations made to the account;

7-1 (3) repayment of small loans made under the provisions
 7-2 of a demonstration project;

7-3 (4) revenue received from state and federal education,
 7-4 training, and job programs; and

7-5 (5) depository interest and investment income earned
 7-6 on amounts in the account.

7-7 (c) Money drawn from the revolving fund account for the
 7-8 operation of education, training, and job programs shall be paid
 7-9 back to the account as permanent revenues from state and federal
 7-10 education, training, and job programs become available.

7-11 (d) Sections 403.094 and 403.095, Government Code, do not
 7-12 apply to the account.

7-13 SECTION 1.05. EMPLOYMENT OPPORTUNITIES FOR PERSONS WITH
 7-14 DISABILITIES. (a) Chapter 121, Human Resources Code, is amended
 7-15 by adding Sections 121.0014 and 121.0015 to read as follows:

7-16 Sec. 121.0014. VISION STATEMENT. (a) The Health and Human
 7-17 Services Commission, each health and human services agency, and
 7-18 each state agency that administers a workforce development program
 7-19 shall adopt the following statement of vision:

7-20 The State of Texas shall ensure that all Texans with
 7-21 disabilities have the opportunity and support necessary
 7-22 to work in individualized, competitive employment in
 7-23 the community and to have choices about their work and
 7-24 careers.

7-25 (b) In this section, "health and human services agency"
 7-26 means an agency listed by Section 19, Article 4413(502), Revised
 7-27 Statutes.

8-1 Sec. 121.0015. INTERAGENCY WORK GROUP. (a) An interagency
 8-2 work group is created to implement the action plan adopted at the

8-3 1994 Supported Employment Summit.

8-4 (b) The work group is composed of a representative of the:

8-5 (1) Central Education Agency, appointed by the
8-6 commissioner of education;

8-7 (2) Texas Commission for the Blind, appointed by the
8-8 commissioner of that agency;

8-9 (3) Texas Department of Mental Health and Mental
8-10 Retardation, appointed by the commissioner of mental health and
8-11 mental retardation; and

8-12 (4) Texas Rehabilitation Commission, appointed by the
8-13 commissioner of that agency.

8-14 (c) A member of the work group serves at the will of the
8-15 appointing agency.

8-16 (d) The work group shall elect a presiding officer and any
8-17 other necessary officers.

8-18 (e) The work group shall meet at the call of the presiding
8-19 officer.

8-20 (f) The appointing agency is responsible for the expenses of
8-21 a member's service on the work group. A member of the work group
8-22 receives no additional compensation for serving on the work group.

8-23 (g) The comptroller shall monitor the work group and the
8-24 implementation of the action plan.

8-25 (b) Not later than November 15, 1996, the comptroller shall
8-26 submit to the governor and the legislature a report describing the
8-27 progress made toward implementing the action plan adopted at the

9-1 1994 Supported Employment Summit.

9-2 SECTION 1.06. WORK INCENTIVES. Subchapter B, Chapter 111,
9-3 Human Resources Code, is amended by adding Section 111.0205 to read
9-4 as follows:

9-5 Sec. 111.0205. WORK INCENTIVES AND SUPPLEMENTAL SECURITY
9-6 INCOME (SSI). (a) The commission shall employ a person at the
9-7 commission's central office to:

9-8 (1) train counselors to understand and use work
9-9 incentives; and

9-10 (2) review cases to ensure that commission clients are
9-11 informed of the availability of and assisted in obtaining work
9-12 incentives and Supplemental Security Income (SSI) (42 U.S.C.
9-13 Section 1381 et seq.).

9-14 (b) The commission shall ensure that each contract to
9-15 provide services to clients of a community center include a
9-16 provision requiring the center to:

9-17 (1) train counselors about federal social security
9-18 incentives to fund supported employment;

9-19 (2) determine each client's eligibility for work
9-20 incentives and SSI; and

9-21 (3) provide clients and their families with related
9-22 information.

9-23 SECTION 1.07. PURCHASES OF PRODUCTS FROM DISABLED PERSONS.
9-24 Section 122.004(d), Human Resources Code, is amended to read as
9-25 follows:

9-26 (d) The committee shall contract with an entity serving
9-27 blind or severely disabled persons through a competitive bidding
10-1 process to provide to that entity any necessary services, including
10-2 assisting the entity in submitting applications for the selection
10-3 of suitable products or services and distributing orders <make
10-4 rules regarding designation of a central nonprofit agency to
10-5 facilitate the distribution of orders among agencies serving blind
10-6 or other severely disabled persons and regarding other matters
10-7 related to the state's use of the products and services of blind
10-8 and severely disabled persons>. The committee shall establish
10-9 commission rates that the entity must pay to the committee for the
10-10 provision of services under this subsection. The commission rate
10-11 shall be included in the selling price of a commodity or in the
10-12 contract price of a service. Commissions collected under this

10-13 section may be appropriated only to the committee to administer
10-14 this chapter and to provide additional supported employment
10-15 opportunities.

10-16 SECTION 1.08. COMPETITIVE EMPLOYMENT. (a) Section
10-17 21.510(e), Education Code, is amended to read as follows:

10-18 (e) Each school district shall develop and annually review
10-19 an individual transition plan (ITP) for each student enrolled in a
10-20 special education program who is at least 16 years of age. The ITP
10-21 shall include a goal of competitive employment. The ITP shall be
10-22 developed in a separate document from the individualized education
10-23 program (IEP) and shall not be considered a part of the IEP. The
10-24 school district shall coordinate development of the ITP with any
10-25 participating agency as provided in the memorandum of understanding
10-26 in order to provide continuity and coordination of services among
10-27 the various agencies and between the ITP and IEP. The district
11-1 shall request the participation in the development of the ITP of
11-2 any participating agency recommended by school personnel or
11-3 requested by the student or the student's parent. The district
11-4 shall invite the student and the student's parents or guardians to
11-5 participate in the development of the ITP. Only those components
11-6 of the ITP which are the responsibility of the district shall be
11-7 incorporated into the student's IEP. Only the failure to implement
11-8 those components of a student's ITP which are included in the IEP
11-9 and are the responsibility of the school district shall be subject
11-10 to the due process procedures of the Education of the Handicapped
11-11 Act, Public Law 94-142 (20 U.S.C. Section 1400 et seq.) or to
11-12 Central Education Agency complaint procedures. The failure of the
11-13 district to develop and annually review an ITP for a student shall
11-14 be subject only to the Central Education Agency complaint
11-15 procedures and not to the due process procedures of the Education
11-16 of the Handicapped Act, Public Law 94-142 (20 U.S.C. Section 1400
11-17 et seq.). A monitoring visit under Section 21.509 of this code
11-18 shall include a review of the transition planning requirements
11-19 under this section. A school district is not liable for the
11-20 failure of another agency to implement those components of the ITP
11-21 that are designated as the responsibility of that agency under the
11-22 memorandum of understanding.

11-23 (b) Section 21.510(e), Education Code, as amended by this
11-24 section, applies to an individual transition plan developed for
11-25 each school year beginning with the 1995-1996 school year.

11-26 (c) The Central Education Agency shall study the possible
11-27 effects of amending Section 21.510, Education Code, to require the
12-1 development of an individual transition plan for each child who is
12-2 at least 14 years of age. Not later than November 15, 1996, the
12-3 agency shall submit to the governor and the legislature a report on
12-4 the effects of changing the age requirement.

12-5 SECTION 1.09. TEEN-JOBS PILOT PROGRAM. (a) Using funds
12-6 available from the job opportunities and basic skills training
12-7 program (JOBS) (Subchapter IV, Social Security Act (42 U.S.C.
12-8 Section 682)), the Central Education Agency, in conjunction with
12-9 the Texas Department of Human Services and the comptroller, shall
12-10 allow not fewer than four school districts or areas within school
12-11 districts to establish pilot programs designed to encourage teenage
12-12 parents to stay in school and advance toward independence.

12-13 (b) Services in the program may include the parenting
12-14 program services provided under Section 21.114, Education Code,
12-15 child care, transportation, tutorial services, guidance and
12-16 counseling services, career counseling, mentor programs, on-the-job
12-17 training based on the unique needs of participants and the local
12-18 labor market, and any other allowable relevant services.

12-19 (c) The agency shall report to the governor and the 75th
12-20 Legislature regarding the effectiveness of this program.

12-21 (d) This section expires January 1, 1999.

12-22 SECTION 1.10. PILOT PROGRAM TO ASSIST AFDC CLIENTS IN

12-23 ACHIEVING SELF-SUFFICIENCY. (a) The Texas Department of Human
 12-24 Services shall establish a pilot program to extend the period of
 12-25 supported employment for families who receive financial assistance
 12-26 under Chapter 31, Human Resources Code, to help those families
 12-27 become self-sufficient. In establishing this program the

13-1 department may:

- 13-2 (1) use a form of fill-the-gap budgeting; or
- 13-3 (2) extend transitional benefits to 24 months.

13-4 (b) If the department chooses to extend transitional
 13-5 benefits to 24 months, the department shall determine whether
 13-6 purchasing medical coverage for participants through the state's
 13-7 Uniform Group Insurance Program is more cost-effective than
 13-8 Medicaid coverage.

13-9 (c) The department shall report to the governor and the 75th
 13-10 and 76th Legislatures regarding the program's success in assisting
 13-11 families in becoming more self-sufficient.

13-12 (d) In this section, "fill-the-gap budgeting" means a system
 13-13 of budgeting in which benefits are gradually lowered using a
 13-14 percentage of the difference between the standard of need and the
 13-15 countable income to calculate the grant benefit.

13-16 (e) This section expires September 1, 1999.

13-17 SECTION 1.11. APPLICATION DATE. This article applies only
 13-18 to a person who receives financial assistance under Chapter 31,
 13-19 Human Resources Code, on or after September 1, 1995, regardless of
 13-20 the date on which eligibility for that assistance was determined.

13-21 ARTICLE 2. REDUCING DEPENDENCE ON STATE ASSISTANCE

13-22 SECTION 2.01. ADULT LEARNING LABS FOR AFDC CLIENTS.

13-23 Subchapter A, Chapter 11, Education Code, is amended by adding
 13-24 Section 11.2093 to read as follows:

13-25 Sec. 11.2093. EDUCATE TEXAS PROGRAM. (a) The Educate Texas
 13-26 Program is created to provide adult education services to clients
 13-27 of Aid to Families with Dependent Children who are referred to the
 14-1 program under Section 31.0124, Human Resources Code.

14-2 (b) The Central Education Agency, the Texas Higher Education
 14-3 Coordinating Board, and the state agency charged with primary
 14-4 responsibility for job training, employment, and workforce
 14-5 development shall jointly develop a system of adult education
 14-6 learning laboratories in public schools and community colleges
 14-7 under this program to provide the following emergency services, as
 14-8 needed, to a person eligible to receive Aid to Families with
 14-9 Dependent Children:

14-10 (1) development of literacy in English and proficiency
 14-11 in oral and written language skills;

14-12 (2) preparation for a high school equivalency
 14-13 examination;

14-14 (3) training in parenting skills;

14-15 (4) training in principles of family dynamics and
 14-16 family responsibility;

14-17 (5) family counseling and case management;

14-18 (6) employment readiness training in such areas as
 14-19 work ethics and interview skills; and

14-20 (7) on-site child-care services as necessary to allow
 14-21 a person to participate in the training and education services
 14-22 under this subsection.

14-23 SECTION 2.02. ELIGIBILITY FOR ADULT LEARNING LABS.

14-24 Subchapter A, Chapter 31, Human Resources Code, is amended by
 14-25 adding Section 31.0124 to read as follows:

14-26 Sec. 31.0124. REFERRAL TO EDUCATIONAL PROGRAMS. The
 14-27 department shall determine whether a person who registers to
 15-1 participate in the job opportunities and basic skills training
 15-2 program needs and is eligible for adult education services provided
 15-3 under Section 11.2093, Education Code. If the person is eligible
 15-4 for the adult education services, the department shall determine
 15-5 the person's needs and goals and refer the person to the

15-6 appropriate adult education service provided under Section 11.2093,
15-7 Education Code.

15-8 SECTION 2.03. ADULT LITERACY AND LEARNING PROGRAMS. Chapter
15-9 88, Education Code, is amended by adding Subchapter G to read as
15-10 follows:

15-11 SUBCHAPTER G. TEXAS CENTER FOR
15-12 ADULT LITERACY AND LEARNING

15-13 Sec. 88.541. DUTIES OF TEXAS CENTER FOR ADULT LITERACY AND
15-14 LEARNING. (a) The Texas Center for Adult Literacy and Learning at
15-15 Texas A&M University shall evaluate instructional videotapes or
15-16 similar recorded materials generally available for use in providing
15-17 adult literacy instruction and from time to time shall publish a
15-18 guide describing and evaluating those videotapes and materials. The
15-19 center shall encourage cable companies and other appropriate
15-20 entities to use the guide in selecting materials to use in
15-21 broadcasting and may take other action to promote the broadcast or
15-22 dissemination of workbooks and other materials the center considers
15-23 effective in teaching adult literacy.

15-24 (b) The center shall develop voluntary standards for the
15-25 curriculum and workbooks and other materials used in adult literacy
15-26 programs, including programs for teaching English as a second
15-27 language. To develop the standards, the center shall organize an
16-1 advisory group and shall encourage the participation of major
16-2 providers of adult literacy programs in this state, including
16-3 private nonprofit organizations, institutions of education, and
16-4 correctional facilities. The Texas Department of Criminal Justice
16-5 shall designate an employee of the department to participate in the
16-6 initial development of the standards.

16-7 (c) In connection with the standards developed under
16-8 Subsection (b), the center shall develop workbooks and other
16-9 materials to be used by teachers and students in adult literacy
16-10 programs to track the progress of the student and to allow the
16-11 student to understand and maintain a record of the student's
16-12 progress and proficiency.

16-13 (d) The center shall develop and update as necessary
16-14 informational brochures, promotional posters, workbooks, or similar
16-15 materials suitable for distribution to state employees or the
16-16 general public describing the need for adult literacy and education
16-17 services in this state and encouraging qualified persons to support
16-18 or volunteer to assist programs that provide those services. As
16-19 the center determines appropriate, the center may provide samples
16-20 of those workbooks and other materials to the governing boards or
16-21 chief executive officers of state agencies, including institutions
16-22 of higher education, and to other employers and institutions in
16-23 this state and shall encourage those entities to distribute or make
16-24 available the workbooks and other materials to their employees.

16-25 SECTION 2.04. LITERACY: ENGLISH AS A SECOND LANGUAGE.
16-26 Subchapter B, Chapter 13, Education Code, is amended by adding
16-27 Section 13.044 to read as follows:

17-1 Sec. 13.044. ADULT LITERACY AND ENGLISH AS A SECOND LANGUAGE
17-2 CURRICULUM. (a) Each general academic teaching institution, as
17-3 defined by Section 61.003, that conducts an approved teacher
17-4 education program shall include in the curriculum of at least one
17-5 course in the program a unit that introduces the students to the
17-6 fundamentals of teaching adult literacy and English as a second
17-7 language courses.

17-8 (b) If the institution operates a center for professional
17-9 development and technology in connection with its teacher education
17-10 program, the institution through the center may provide interested
17-11 students in the education program with opportunities for
17-12 internships or other field-based training and experience in
17-13 teaching adult literacy or English as a second language.

17-14 SECTION 2.05. AFDC RECIPIENTS ELIGIBLE FOR FEDERAL PROGRAMS.
17-15 (a) Article 4413(502), Revised Statutes, is amended by adding

17-16 Section 22 to read as follows:

17-17 Sec. 22. AFDC RECIPIENTS ELIGIBLE FOR FEDERAL PROGRAMS. (a)

17-18 The commission shall contract on a no-risk contingency basis with a
 17-19 consulting firm to assist recipients of financial assistance under
 17-20 Chapter 31, Human Resources Code, who are eligible for assistance
 17-21 under federal programs to apply for benefits under those federal
 17-22 programs. The consulting firm must be:

17-23 (1) qualified to work with the Supplemental Security
 17-24 Income (SSI) (42 U.S.C. Section 1381 et seq.) and the Social
 17-25 Security Disability Insurance (SSDI) (42 U.S.C. Section 401 et
 17-26 seq.) programs; and

17-27 (2) skilled in interpreting federal:

- 18-1 (A) eligibility guidelines;
- 18-2 (B) determination processes;
- 18-3 (C) work programs; and
- 18-4 (D) definitions of disabilities.

18-5 (b) The contract shall include:

18-6 (1) a provision that bases the compensation the
 18-7 contractor receives on the number of cases converted from state
 18-8 financial assistance to SSI or SSDI;

18-9 (2) appropriate performance requirements, including:

- 18-10 (A) the minimum number of applications for
 18-11 federal assistance that must be filed;
- 18-12 (B) the minimum number of reconsiderations
 18-13 requested;
- 18-14 (C) the percentage of administrative law
 18-15 hearings that must be filed;
- 18-16 (D) the percentage of grants approved by the
 18-17 federal programs; and
- 18-18 (E) time guidelines; and

18-19 (3) an arrangement for training state employees to
 18-20 transfer eligible state financial assistance recipients to the
 18-21 federal programs.

18-22 (c) The state shall deduct from the lump-sum payment a
 18-23 recipient receives from the federal government when that person is
 18-24 accepted in the SSI or SSDI program that portion of the
 18-25 consultant's contingency fee that is assignable to the recipient
 18-26 and any state financial assistance paid to that person during the
 18-27 period between the person's application for the federal program and
 19-1 the person's subsequent acceptance into it.

19-2 (d) The commission shall organize a planning group involving
 19-3 the Texas Department of Human Services, the Central Education
 19-4 Agency, and the Texas Rehabilitation Commission to:

- 19-5 (1) improve workload coordination between those
 19-6 agencies as necessary to administer this section; and
- 19-7 (2) assist the consultant required by this section by:
 19-8 (A) providing the consultant with regulations,
 19-9 procedures, client records, and other necessary information; and
 19-10 (B) helping to train state employees to
 19-11 correctly screen applicants under this section.

19-12 (b) Not later than January 15, 1997, the planning group
 19-13 required by Section 22, Article 4413(502), Revised Statutes, as
 19-14 added by this section, shall submit to the legislature and governor
 19-15 a report on the progress the state has made in transferring
 19-16 recipients of state financial assistance to federal programs.

19-17 SECTION 2.06. FEDERAL TAX CREDIT. Subchapter B, Chapter
 19-18 403, Government Code, is amended by adding Section 403.024 to read
 19-19 as follows:

19-20 Sec. 403.024. FEDERAL EARNED INCOME TAX CREDIT. (a) The
 19-21 comptroller's office is the lead state agency in promoting
 19-22 awareness of the federal earned income tax credit program for
 19-23 working families.

19-24 (b) The comptroller shall recruit other state agencies and
 19-25 the governor's office to participate in a coordinated campaign to

19-26 increase awareness of the federal tax program.

19-27 SECTION 2.07. PILOT PROGRAM: TIME-LIMITED BENEFITS. (a)

20-1 The Texas Department of Human Services shall establish a
20-2 time-limited benefits pilot program that limits the amount of time
20-3 a person can receive financial assistance under Chapter 31, Human
20-4 Resources Code.

20-5 (b) In implementing the time-limited benefits pilot program,
20-6 the department:

20-7 (1) shall require a person to participate in the
20-8 program if the person:

20-9 (A) is eligible to participate in the job
20-10 opportunities and basic skills (JOBS) training program under Part
20-11 F, Subchapter IV, Social Security Act (42 U.S.C. Section 682); and

20-12 (B) is not the caretaker of a dependent child
20-13 who is younger than one year of age;

20-14 (2) may not provide financial assistance under Chapter
20-15 31, Human Resources Code, to a participant in the pilot program or
20-16 to anyone for whom the participant receives financial assistance if
20-17 the participant has received the financial assistance for a
20-18 cumulative total of two years;

20-19 (3) may not consider financial assistance provided to
20-20 a participant before January 1, 1995, in determining the
20-21 participant's eligibility for financial assistance under
20-22 Subdivision (2) of this subsection;

20-23 (4) shall provide that a participant in the pilot
20-24 program may reapply with the department for financial assistance on
20-25 or after the third anniversary of the date on which the participant
20-26 is totally disqualified from receiving financial assistance because
20-27 of the application of Subdivision (2) of this subsection;

21-1 (5) may extend the amount of time a participant in the
21-2 pilot program is entitled to receive financial assistance if after
21-3 an investigation the department determines that limiting the amount
21-4 of time the participant can receive financial assistance will
21-5 impose an undue hardship on the participant or the participant's
21-6 family; and

21-7 (6) shall establish the criteria for determining what
21-8 constitutes undue hardship under Subdivision (5) of this
21-9 subsection.

21-10 (c) The department shall:

21-11 (1) adopt rules and set a timetable to implement and
21-12 complete the pilot program; and

21-13 (2) select at least one county in which to establish
21-14 the pilot program that has:

21-15 (A) a population of 250,000 or more; and

21-16 (B) low unemployment and an effective JOBS
21-17 program placement-rate.

21-18 (d) The department shall establish the pilot program
21-19 required by this section not later than January 1, 1996.

21-20 (e) The Texas Department of Human Services shall submit to
21-21 the governor and the 75th, 76th, and 77th Legislatures a report
21-22 concerning the effectiveness of the pilot program. Each report
21-23 must include an analysis of the characteristics and demographics of
21-24 recipients and any recommendation for expansion of the program.

21-25 (f) This section expires September 1, 2001.

21-26 SECTION 2.08. PILOT PROGRAM: EMERGENCY ASSISTANCE FOR

21-27 FAMILIES IN A CRISIS. (a) The Texas Department of Human Services
22-1 shall seek federal funding that would allow the department to
22-2 establish an emergency assistance pilot program to support families
22-3 in a crisis.

22-4 (b) The department shall establish the pilot program in a
22-5 high-employment area of the state or an area that uses the
22-6 electronic benefits transfer system.

22-7 (c) The department by rule shall develop guidelines to
22-8 administer the program, including:

22-9 (1) eligibility guidelines;
 22-10 (2) guidelines specifying whether the assistance is a
 22-11 one-time cash payment to a family; and
 22-12 (3) guidelines specifying whether an applicant who
 22-13 receives the emergency assistance must agree to forgo applying for
 22-14 financial assistance under Chapter 31, Human Resources Code, for
 22-15 one year, or another appropriate limitation determined by the
 22-16 department.
 22-17 (d) The department shall report to the governor and the 75th
 22-18 and 76th Legislatures regarding the program's success in helping
 22-19 families in a crisis avoid becoming AFDC clients.
 22-20 (e) This section expires September 1, 1999.
 22-21 SECTION 2.09. PILOT PROGRAM: SAVINGS ACCOUNTS FOR AFDC
 22-22 RECIPIENTS. (a) In conjunction with the state treasurer, the
 22-23 Texas Department of Human Services shall establish a pilot program
 22-24 to create individual development accounts for individuals who are
 22-25 receiving financial assistance under Chapter 31, Human Resources
 22-26 Code, to encourage recipients to achieve self-sufficiency.
 22-27 (b) The department by rule may provide for:
 23-1 (1) the number of financial assistance recipients who
 23-2 may participate in the program; and
 23-3 (2) the maximum amount that may be saved by a
 23-4 participant.
 23-5 (c) The department shall encourage private sector employers
 23-6 to provide matching funds for employed recipients of financial
 23-7 assistance who are participating in this program.
 23-8 (d) The department shall report to the governor and the 75th
 23-9 and 76th Legislatures regarding the success of the program.
 23-10 (e) This section expires September 1, 1999.
 23-11 SECTION 2.10. WORK HISTORY AND 100-HOUR RULE WAIVER. Not
 23-12 later than December 1, 1995, the Texas Department of Human Services
 23-13 shall reapply for a federal waiver to eliminate the work history
 23-14 and 100-hour rules for two-parent families and to enable the
 23-15 department to fully implement Section 31.014, Human Resources Code.
 23-16 SECTION 2.11. APPLICATION DATE. This article applies only
 23-17 to a person who receives financial assistance under Chapter 31,
 23-18 Human Resources Code, on or after September 1, 1995, regardless of
 23-19 the date on which eligibility for that assistance was determined.
 23-20 ARTICLE 3. REDUCING FRAUD AND ERROR
 23-21 SECTION 3.01. PUBLIC ASSISTANCE FRAUD OVERSIGHT TASK FORCE.
 23-22 Chapter 21, Human Resources Code, is amended by adding Section
 23-23 21.0145 to read as follows:
 23-24 Sec. 21.0145. PUBLIC ASSISTANCE FRAUD OVERSIGHT TASK FORCE.
 23-25 (a) The Public Assistance Fraud Oversight Task Force is created to
 23-26 advise and assist the department and the department's office of the
 23-27 inspector general in improving the efficiency of fraud
 24-1 investigations and collections.
 24-2 (b) The task force is composed of a representative of the:
 24-3 (1) attorney general's office, appointed by the
 24-4 attorney general;
 24-5 (2) comptroller's office, appointed by the
 24-6 comptroller;
 24-7 (3) Department of Public Safety, appointed by the
 24-8 public safety director;
 24-9 (4) state auditor's office, appointed by the state
 24-10 auditor; and
 24-11 (5) Texas Department of Human Services, appointed by
 24-12 the commissioner of human services.
 24-13 (c) The comptroller or the comptroller's designee serves as
 24-14 the presiding officer of the task force. The task force may elect
 24-15 any other necessary officers.
 24-16 (d) The task force shall meet at least once each fiscal
 24-17 quarter at the call of the presiding officer.
 24-18 (e) The appointing agency is responsible for the expenses of

24-19 a member's service on the task force. Members of the task force
 24-20 receive no additional compensation for serving on the task force.
 24-21 (f) At least once each fiscal quarter, the department's
 24-22 office of the inspector general shall provide to the task force:
 24-23 (1) information detailing:
 24-24 (A) the number of fraud referrals made to the
 24-25 office and the origin of each referral;
 24-26 (B) the time spent investigating each case;
 24-27 (C) the number of cases investigated each month,
 25-1 by program and region;
 25-2 (D) the dollar value of each fraud case that
 25-3 results in a criminal conviction; and
 25-4 (E) the number of cases the office rejects and
 25-5 the reason for rejection, by region; and
 25-6 (2) any additional information the task force
 25-7 requires.
 25-8 SECTION 3.02. FRAUD PREVENTION. (a) Chapter 22, Human
 25-9 Resources Code, is amended by adding Section 22.027 to read as
 25-10 follows:
 25-11 Sec. 22.027. FRAUD PREVENTION. (a) The department's office
 25-12 of the inspector general shall compile and disseminate accurate
 25-13 information and statistics relating to:
 25-14 (1) fraud prevention; and
 25-15 (2) post-fraud referrals received and accepted or
 25-16 rejected from the department's case management system.
 25-17 (b) The department shall:
 25-18 (1) aggressively publicize successful fraud
 25-19 prosecutions; and
 25-20 (2) establish and promote a toll-free hotline for
 25-21 reporting suspected fraud in programs administered by the
 25-22 department.
 25-23 (c) The department shall establish an interstate information
 25-24 sharing agreement with its agency counterparts in Arkansas,
 25-25 Louisiana, New Mexico, and Oklahoma to prevent a person from
 25-26 simultaneously receiving public assistance from more than one
 25-27 state. The agreement shall provide for sharing information
 26-1 necessary to identify an applicant or recipient, including that
 26-2 person's name, social security number, address, and age.
 26-3 (d) The department shall:
 26-4 (1) verify automobile information that is used as
 26-5 criteria for eligibility; and
 26-6 (2) establish a computerized matching system with the
 26-7 Texas Department of Criminal Justice to prevent an incarcerated
 26-8 individual from illegally receiving public assistance benefits
 26-9 administered by the department.
 26-10 (b) The Texas Department of Human Services shall:
 26-11 (1) evaluate the costs and benefits of the five-day
 26-12 time limit the department prescribes for the investigation of fraud
 26-13 prevention referrals; and
 26-14 (2) consider lowering the criteria for acceptance by
 26-15 the department's office of the inspector general of post-fraud
 26-16 referrals.
 26-17 (c) If the department lowers the criteria for accepting
 26-18 post-fraud referrals, the department shall require each department
 26-19 office to apply that criteria.
 26-20 SECTION 3.03. PREVENTING FRAUD THROUGH VEHICLE REGISTRATION.
 26-21 (a) Section 3(a), Chapter 88, General Laws, Acts of the 41st
 26-22 Legislature, 2nd Called Session, 1929 (Article 6675a-3, Vernon's
 26-23 Texas Civil Statutes), is amended to read as follows:
 26-24 (a) Application for the registration of a vehicle required
 26-25 to be registered hereunder shall be made on a form furnished by the
 26-26 Department. Each such application shall be signed by the owner of
 26-27 the vehicle, and shall give his name and address in full, and shall
 27-1 contain a brief description of the vehicle to be registered. In

27-2 addition, if the owner is an individual, the owner must give his
 27-3 social security number. The description, in case of a new motor
 27-4 vehicle, shall include: the trade name of the vehicle; the year
 27-5 model; the style, type of body and the weight, if a passenger car,
 27-6 or the net carrying capacity and gross weight if a commercial motor
 27-7 vehicle; the motor number; the date of sale by manufacturer or
 27-8 dealer to the applicant. The application shall contain such other
 27-9 information as may be required by the Department.

27-10 (b) This section applies only to a vehicle registration made
 27-11 on or after September 1, 1995. A vehicle registration that is made
 27-12 before that date is governed by the law in existence when the
 27-13 registration was made, and that law is continued in effect for that
 27-14 purpose.

27-15 SECTION 3.04. PREVENTING FRAUD THROUGH VEHICLE REGISTRATION
 27-16 DATABASE. Section 17A, Chapter 88, General Laws, Acts of the 41st
 27-17 Legislature, 2nd Called Session, 1929 (Article 6675a-17A, Vernon's
 27-18 Texas Civil Statutes), is amended by amending Subsection (b) and
 27-19 adding Subsection (c) to read as follows:

27-20 (b) This section does not apply to the release of
 27-21 information to:

27-22 (1) a peace officer, as that term is defined in
 27-23 Article 2.12, Code of Criminal Procedure, if the officer is acting
 27-24 in an official capacity; or

27-25 (2) an official of the state, a city, town, county,
 27-26 special district, or other political subdivision of the state if
 27-27 the official is requesting the information for tax purposes or for
 28-1 the purpose of determining eligibility for a state public
 28-2 assistance program.

28-3 (c) The Texas Department of Transportation shall provide a
 28-4 dedicated line to its vehicle registration record database for use
 28-5 by other state agencies to determine eligibility for a state public
 28-6 assistance program. Access to records and transmission of
 28-7 information under this subsection does not affect whether the
 28-8 information is subject to disclosure under Chapter 552, Government
 28-9 Code.

28-10 SECTION 3.05. TASK FORCE: ELECTRONIC BENEFITS TRANSFERS.
 28-11 Article 4413(502), Revised Statutes, is amended by adding Section
 28-12 10B to read as follows:

28-13 Sec. 10B. INTERAGENCY TASK FORCE ON ELECTRONIC BENEFITS
 28-14 TRANSFERS. (a) An interagency task force is created to advise and
 28-15 assist the commission in adding new benefit programs to the
 28-16 statewide electronic benefits transfer (EBT) system.

28-17 (b) The task force is composed of:

28-18 (1) a representative of:

28-19 (A) the attorney general's office, appointed by
 28-20 the attorney general;

28-21 (B) the comptroller's office, appointed by the
 28-22 comptroller;

28-23 (C) the commission, appointed by the
 28-24 commissioner;

28-25 (D) the Texas Department of Health, appointed by
 28-26 the commissioner of public health;

28-27 (E) the Texas Department of Human Services,
 29-1 appointed by the commissioner of human services;

29-2 (F) the Texas Employment Commission, appointed
 29-3 by the chairman of that agency; and

29-4 (G) the Texas Rehabilitation Commission,
 29-5 appointed by the commissioner of that agency; and

29-6 (2) two representatives of each of the following
 29-7 groups, appointed by the comptroller:

29-8 (A) retailers who maintain EBT point-of-sale
 29-9 equipment;

29-10 (B) banks or owners of automatic teller
 29-11 machines; and

29-12 (C) consumer or client advocacy organizations.
 29-13 (c) A member of the task force serves at the will of the
 29-14 appointing agency.
 29-15 (d) The representative of the comptroller's office serves as
 29-16 presiding officer. The task force may elect any other necessary
 29-17 officers.
 29-18 (e) The task force shall meet at the call of the presiding
 29-19 officer.
 29-20 (f) The appointing agency is responsible for the expenses of
 29-21 a member's service on the task force. A member of the task force
 29-22 receives no additional compensation for serving on the task force.
 29-23 (g) The task force shall:
 29-24 (1) serve as the state counterpoint to the federal EBT
 29-25 task force;
 29-26 (2) identify benefit programs that merit addition to
 29-27 the state's EBT system;
 30-1 (3) identify and address problems that may occur if a
 30-2 program is added;
 30-3 (4) pursue state-federal partnerships to facilitate
 30-4 the development and expansion of the state's EBT system;
 30-5 (5) track and distribute federal legislation and
 30-6 information from other states that relate to EBT systems;
 30-7 (6) ensure efficiency and planning coordination in
 30-8 relation to the state's EBT system;
 30-9 (7) develop a plan for the use of photograph
 30-10 identification on all EBT cards beginning with replacement cards
 30-11 for cards currently used in the program; and
 30-12 (8) review current and potential fraud problems with
 30-13 EBT and propose methods to prevent or deter fraud.
 30-14 (h) In determining which benefit programs can be added to
 30-15 the state's EBT system, the task force shall consider, at a
 30-16 minimum:
 30-17 (1) the savings to the state;
 30-18 (2) the ease of addition to existing infrastructure;
 30-19 and
 30-20 (3) the number of clients served.
 30-21 SECTION 3.06. ERROR-RATE REDUCTION. (a) Chapter 22, Human
 30-22 Resources Code, is amended by adding Sections 22.025 and 22.026 to
 30-23 read as follows:
 30-24 Sec. 22.025. ERROR-RATE REDUCTION. (a) The department
 30-25 shall:
 30-26 (1) set progressive goals for improving the
 30-27 department's error rates in the aid to families with dependent
 31-1 children and food stamp programs; and
 31-2 (2) develop a specific schedule to meet those goals.
 31-3 (b) Each fiscal quarter, the department shall prepare a
 31-4 report detailing the progress the department has made in reaching
 31-5 its goals. The report must include an analysis by region of the
 31-6 department's goals and performance relating to error-rate
 31-7 reduction. The department shall send a copy of the report to the
 31-8 governor's office, the legislative budget office, and any
 31-9 appropriate interagency task force having oversight responsibility
 31-10 over welfare fraud.
 31-11 (c) As appropriate, the department shall include in its
 31-12 employee evaluation process a rating system that emphasizes
 31-13 error-rate reduction and workload.
 31-14 (d) The department shall take appropriate disciplinary
 31-15 action, including dismissal, against management and other staff if
 31-16 a region has a higher than average error rate and that rate is not
 31-17 reduced in a reasonable period.
 31-18 Sec. 22.026. REDUCTION OF CLIENT FRAUD. The department
 31-19 shall:
 31-20 (1) ensure that errors attributed to client fraud are
 31-21 appropriate; and

31-22 (2) take immediate and appropriate action to limit any
 31-23 client fraud that occurs.

31-24 (b) Not later than November 1, 1995, the Texas Department of
 31-25 Human Services shall develop a concentrated and effective plan for
 31-26 the city of Houston region to reduce the department's error rates
 31-27 in the aid to families with dependent children and food stamp
 32-1 programs.

32-2 (c) The Texas Department of Human Services shall make the
 32-3 first progress report required by Section 22.025, Human Resources
 32-4 Code, as added by this article, not later than September 1, 1995.

32-5 SECTION 3.07. MODIFICATION OF SCREENING AND SERVICE DELIVERY
 32-6 REQUIREMENTS. Section 33.002, Human Resources Code, is amended by
 32-7 adding Subsection (g) to read as follows:

32-8 (g) The department may, within federal limits, modify the
 32-9 one-day screening and service delivery requirements prescribed by
 32-10 Subsection (e) if the department determines that the modification
 32-11 is necessary to achieve a state error rate that is equal to or
 32-12 below the national average error rate.

32-13 SECTION 3.08. ELECTRONIC IMAGING PILOT PROGRAM. (a) In
 32-14 conjunction with the comptroller, and any other appropriate agency,
 32-15 the Texas Department of Human Services by rule shall develop a
 32-16 36-month pilot program in Harris County to prevent welfare fraud by
 32-17 using a type of electronic fingerprint-imaging of applicants for
 32-18 and recipients of financial assistance under this chapter.

32-19 (b) In adopting rules under this section, the department
 32-20 shall ensure that any electronic imaging performed by the
 32-21 department is strictly confidential and is used only to prevent
 32-22 fraud by recipients of assistance.

32-23 (c) The department shall use an imaging system in
 32-24 conjunction with the Department of Public Safety of the State of
 32-25 Texas.

32-26 (d) Each fiscal quarter, the department shall submit to the
 32-27 governor and the legislature a report on the status and progress of
 33-1 the pilot program.

33-2 (e) The department shall establish the electronic imaging
 33-3 pilot program required by this section not later than January 1,
 33-4 1996.

33-5 ARTICLE 4. INCREASING FEDERAL FUNDING

33-6 SECTION 4.01. FEDERAL FUNDING: MENTAL HEALTH SERVICES.
 33-7 Subchapter B, Chapter 533, Health and Safety Code, is amended by
 33-8 adding Section 533.046 to read as follows:

33-9 Sec. 533.046. FEDERAL FUNDING FOR MENTAL HEALTH SERVICES FOR
 33-10 CHILDREN AND FAMILIES. (a) The department shall enter into an
 33-11 interagency agreement with the Texas Department of Human Services
 33-12 to:

33-13 (1) amend the eligibility requirements of the state's
 33-14 emergency assistance plan under Title IV-A, Social Security Act (42
 33-15 U.S.C. Section 601 et seq.), to include mental health emergencies;
 33-16 and

33-17 (2) prescribe the procedures the agencies will use to
 33-18 delegate to the department and to local mental health and mental
 33-19 retardation authorities the administration of mental health
 33-20 emergency assistance.

33-21 (b) The interagency agreement must provide that:

33-22 (1) the department certify to the Texas Department of
 33-23 Human Services the nonfederal expenditures for which the state will
 33-24 claim federal matching funds; and

33-25 (2) the Texas Department of Human Services retain
 33-26 responsibility for making final eligibility decisions.

33-27 (c) The department shall allocate to local mental health and
 34-1 mental retardation authorities 66 percent of the federal funds
 34-2 received under this section.

34-3 SECTION 4.02. FEDERAL FUNDING: CHEMICAL DEPENDENCY
 34-4 SERVICES. (a) Article 4413(502), Revised Statutes, is amended by

34-5 adding Section 10A to read as follows:

34-6 Sec. 10A. FEDERAL FUNDING FOR CHEMICAL DEPENDENCY SERVICES.

34-7 The commission shall coordinate with the Texas Commission on
34-8 Alcohol and Drug Abuse and the Texas Department of Human Services
34-9 to amend the eligibility requirements of the state's emergency
34-10 assistance plan under Title IV-A, federal Social Security Act (42
34-11 U.S.C. Section 601 et seq.), to include either a child or a
34-12 significant adult in a child's family who needs chemical dependency
34-13 treatment.

34-14 (b) The Texas Department on Alcohol and Drug Abuse shall
34-15 continue to study the feasibility of amending the state's Medicaid
34-16 plan to include chemical dependency treatment as an allowable
34-17 service.

34-18 SECTION 4.03. FEDERAL FUNDS; FOSTER CARE. (a) Article
34-19 4413(503), Revised Statutes, is amended by adding Section 12A to
34-20 read as follows:

34-21 Sec. 12A. FEDERAL FUNDING FOR CERTAIN CHILDREN. (a) For
34-22 purposes of Medicaid eligibility only, the department shall
34-23 classify as a "child in foster care" each child who is in the
34-24 conservatorship of the state and placed in the home of a relative.
34-25 A child classified as a "child in foster care" under this
34-26 subsection is not automatically eligible to receive foster care
34-27 payments because of that classification.

35-1 (b) The department shall ensure that each time study used to
35-2 allocate costs identifies all costs incurred on behalf of a child
35-3 if the child's case plan clearly indicates that foster care is the
35-4 planned arrangement for that child.

35-5 (c) The department shall claim federal financial
35-6 participation under Title IV-E, federal Social Security Act (42
35-7 U.S.C. Section 670 et seq.), for all nonrecurring adoption
35-8 expenses at the highest rate authorized by federal law. The
35-9 department shall include all charges from state attorneys and state
35-10 courts and any applicable overhead. The department may claim the
35-11 expenses as either administrative or training expenses, depending
35-12 on which classification results in a higher federal match.

35-13 (b) The Department of Protective and Regulatory Services
35-14 shall file an adjustment to its previous quarterly claims under
35-15 Title IV-E, federal Social Security Act (42 U.S.C. Section 670 et
35-16 seq.), to claim retroactive federal financial participation for the
35-17 incremental difference for each quarter in which nonrecurring
35-18 adoption expenses have been identified as a legitimate expense.

35-19 (c) The department shall request a waiver from the federal
35-20 two-year limitation on the period in which the state can file
35-21 certain claims in accordance with Section 1320b-2(b), federal
35-22 Social Security Act (42 U.S.C. Section 1320b-2(b)). If the waiver
35-23 is denied, the department shall exhaust all administrative remedies
35-24 and, if necessary, seek judicial review to obtain a court order
35-25 reducing the claim to judgment and mandating retroactive payment.

35-26 ARTICLE 5. INTEGRATED ELIGIBILITY DETERMINATION

35-27 SECTION 5.01. INTEGRATED ELIGIBILITY DETERMINATION. (a)
36-1 Not later than September 1, 1996, the Health and Human Services
36-2 Commission shall have completed the development and substantial
36-3 implementation of a plan for an integrated eligibility
36-4 determination and service delivery system for health and human
36-5 services at the local and regional levels that does not reduce the
36-6 state's total receipt of federal funds. The plan shall specify the
36-7 dates by which all elements of the plan must be implemented.

36-8 (b) The integrated eligibility determination and service
36-9 delivery system shall be developed and implemented to achieve at
36-10 least a one percent savings in the cost of providing administrative
36-11 and other services and staff resulting from streamlining and
36-12 eliminating duplication of services. The commission shall use the
36-13 resulting savings to further develop the integrated system and to
36-14 provide other health and human services.

36-15 (c) The commission shall report savings resulting from
36-16 implementation of the plan to local, state, and federal agencies.

36-17 (d) In consultation and coordination with the State Council
36-18 on Competitive Government, the commission shall make and implement
36-19 recommendations on services or functions of the integrated
36-20 eligibility determination and service delivery system that could be
36-21 provided more effectively through the use of competitive bidding or
36-22 by contracting with local governments and other appropriate
36-23 entities. If the commission determines that private contracting
36-24 may be effective, the commission may automate the determination of
36-25 client eligibility by contracting with a private firm to conduct
36-26 application processing.

36-27 (e) Not later than October 1, 1996, the commission shall
37-1 develop a plan to consolidate administrative and service delivery
37-2 functions in addition to the integrated eligibility determination
37-3 and service delivery system in order to eliminate any remaining
37-4 duplication. The commission shall prepare a report of the plan for
37-5 submission to the 75th Legislature when it convenes.

37-6 SECTION 5.02. OVERSIGHT GROUP. A group composed of the
37-7 following persons shall oversee the Health and Human Services
37-8 Commission's development and implementation of the plan for an
37-9 integrated eligibility determination and service delivery system:

37-10 (1) a representative from the governor's office,
37-11 designated by the governor;

37-12 (2) a representative from the lieutenant governor's
37-13 office, designated by the lieutenant governor;

37-14 (3) a representative from the office of the speaker of
37-15 the house of representatives, designated by the speaker;

37-16 (4) a representative from the comptroller's office,
37-17 designated by the comptroller; and

37-18 (5) a representative from the Legislative Budget
37-19 Board, designated by the director of the Legislative Budget Board.

37-20 SECTION 5.03. STRATEGIC PLANS AND UPDATES. Section 10(d),
37-21 Article 4413(502), Revised Statutes, is amended to read as follows:

37-22 (d) All health and human services agencies shall submit
37-23 strategic plans and biennial updates to the commission on a date to
37-24 be determined by commission rule. The strategic plans and biennial
37-25 updates are subject to commission modification and approval.

37-26 SECTION 5.04. BUDGET CONSOLIDATION. (a) Section 13,
37-27 Article 4413(502), Revised Statutes, is amended to read as follows:

38-1 Sec. 13. Consolidated Health and Human Services Budget.

38-2 (a) The commission has comprehensive budget and planning authority
38-3 for health and human services agencies in order to establish an
38-4 integrated eligibility determination and service delivery system.

38-5 (b) The commission shall prepare and submit to the
38-6 Legislative Budget Board and the governor by October 15 of
38-7 even-numbered years a consolidated health and human services budget
38-8 recommendation.

38-9 (c) ~~(b)~~ The commission shall base the consolidated budget
38-10 recommendation prepared under this article on priorities set in the
38-11 commission's coordinated strategic plan for health and human
38-12 services.

38-13 (d) ~~(e)~~ All health and human services agencies shall
38-14 submit to the commission a biennial agency legislative
38-15 appropriations request on a date to be determined by commission
38-16 rule.

38-17 (e) A health and human services agency may not submit to the
38-18 legislature or the governor its legislative appropriations request
38-19 until the legislative appropriations request is approved by the
38-20 commission.

38-21 (f) The commission may modify an agency legislative
38-22 appropriations request as the commission determines necessary to
38-23 provide the most efficient integrated eligibility determination and
38-24 service delivery system possible.

38-25 (b) The changes in law made by this section apply to
 38-26 legislative appropriations requests made on or after September 1,
 38-27 1995.

39-1 SECTION 5.05. APPROPRIATIONS AND TRANSFERS. (a) Article
 39-2 4413(502), Revised Statutes, is amended by adding Sections 13A,
 39-3 13B, and 13C to read as follows:

39-4 Sec. 13A. APPROPRIATIONS AND TRANSFERS. (a) The
 39-5 legislature shall appropriate funds for the purposes of a health
 39-6 and human services agency to the commission. The appropriated
 39-7 funds may be expended on vouchers approved by the appropriate
 39-8 officer of the health and human services agency pursuant to a
 39-9 budget approved for that purpose by the commission. A health and
 39-10 human services agency may not modify its approved budget without
 39-11 commission approval.

39-12 (b) To the extent not inconsistent with federal or other
 39-13 state law, the commission may transfer or allocate appropriated
 39-14 funds among health and human services agencies and among programs
 39-15 of a health and human services agency as necessary to provide the
 39-16 most efficient integrated eligibility determination and service
 39-17 delivery system and to maximize the amount of federal funds for
 39-18 which the state may be eligible.

39-19 Sec. 13B. FEDERAL FUNDS. (a) Any operational or funding
 39-20 plan or modification to that plan prepared by a health and human
 39-21 services agency designated as the single state agency to administer
 39-22 federal funds is subject to commission approval.

39-23 (b) The commission shall evaluate the feasibility of
 39-24 designating the commission as the single state agency for federal
 39-25 funds received for a health and human services purpose.

39-26 (c) For the purpose of promoting integrated, community-based
 39-27 service delivery systems and to the extent permitted by federal
 40-1 law, the commission may consolidate federal funds to be given to
 40-2 local communities for the provision of health and human services.

40-3 Sec. 13C. AUTOMATED SYSTEMS. (a) Any appropriation made
 40-4 for the purpose of acquiring, developing, and implementing
 40-5 automation systems, including an automated system for integrated
 40-6 client eligibility determinations, shall be made to the commission
 40-7 for expenditure only by the commission and not by a health and
 40-8 human services agency.

40-9 (b) A health and human services agency may not submit its
 40-10 plans to the Department of Information Resources under Subchapter
 40-11 E, Chapter 2054, Government Code, until those plans are approved by
 40-12 the commission.

40-13 (b) The changes in law made by this section apply beginning
 40-14 with appropriations made for the fiscal year beginning September 1,
 40-15 1995.

40-16 SECTION 5.06. AGENCY STAFF. Article 4413(502), Revised
 40-17 Statutes, is amended by adding Section 23 to read as follows:

40-18 Sec. 23. USE OF AGENCY STAFF. To the extent requested by
 40-19 the commission, a health and human services agency shall assign
 40-20 existing staff to perform a function under this article.

40-21 SECTION 5.07. WORKLOAD STANDARDS AND EDUCATION. (a) Not
 40-22 later than February 1, 1996, the commission shall develop workload
 40-23 standards and educational requirements for the health and human
 40-24 services agency staff members that manage client eligibility
 40-25 determination and certification. The workload standards shall
 40-26 address caseload, training, and other relevant factors and must be
 40-27 consistent with practices in the private sector.

41-1 (b) The educational requirements for the clerical staff who
 41-2 process applications under an automated system shall provide that a
 41-3 high school diploma or high school equivalency certificate is
 41-4 sufficient. The commission shall phase out more qualified and
 41-5 higher-paid eligibility workers through worker attrition and
 41-6 replacement at an annual rate of not less than 20 percent.

41-7 (c) The commission shall examine cost-effective methods,

41-8 including the use of more experienced caseworkers on a limited case
41-9 review basis, to address:

- 41-10 (1) fraud in the assistance programs; and
41-11 (2) the error rate in eligibility determination.

41-12 (d) This section expires September 1, 1997.

41-13 SECTION 5.08. INTEGRATED SERVICE DELIVERY. (a) Not later
41-14 than September 1, 1997, the commission shall develop, using
41-15 existing state, local, and private resources, an integrated
41-16 approach to the health and human service delivery system that
41-17 includes a cost-effective one-stop or service center method of
41-18 delivery to a client. The commission shall determine the
41-19 feasibility of using hospitals, schools, mental health and mental
41-20 retardation centers, health clinics, commercial locations in malls,
41-21 and other appropriate locations to achieve this integrated
41-22 approach.

41-23 (b) The health and human services agencies shall cooperate
41-24 with the commission in developing the integrated approach
41-25 prescribed by Subsection (a) of this section.

41-26 (c) This section expires September 1, 1997.

41-27 SECTION 5.09. CO-LOCATION OF OFFICES. Section 3.08, Chapter
42-1 15, Acts of the 72nd Legislature, 1st Called Session, 1991 (Article
42-2 4413(505), Vernon's Texas Civil Statutes), is amended to read as
42-3 follows:

42-4 Sec. 3.08. LOCATION ~~CO-LOCATION~~ OF OFFICES AND FACILITIES.

42-5 (a) As leases on office space expire, the commission shall
42-6 determine the needs for space and the location of health and human
42-7 services agency offices to enable the commission to achieve a
42-8 cost-effective one-stop or service center method of health and
42-9 human service delivery. ~~<The administrative heads of the health~~
42-10 ~~and human service agencies shall review the agencies' current~~
42-11 ~~office and facility arrangements and study the feasibility of~~
42-12 ~~co-locating offices or facilities located in the same geographic~~
42-13 ~~area and shall report back to the commission not later than~~
42-14 ~~September 1, 1992.>~~

42-15 (b) ~~<On receiving approval from the commission, the~~
42-16 ~~administrative heads of two or more health and human service~~
42-17 ~~agencies with offices or facilities located in the same geographic~~
42-18 ~~region shall co-locate the offices or facilities if the results of~~
42-19 ~~the study conducted under this section show that client access~~
42-20 ~~would be enhanced, the cost of co-location is not greater than the~~
42-21 ~~combined operating costs of the separate offices or facilities of~~
42-22 ~~those agencies, and the co-location would improve the efficiency of~~
42-23 ~~the delivery of services.>~~

42-24 ~~<(c)>~~ In this section, "health and human service agencies"
42-25 includes the:

- 42-26 (1) Interagency Council on Early Childhood
42-27 Intervention Services;
43-1 (2) Texas Department on Aging;
43-2 (3) Texas Commission on Alcohol and Drug Abuse;
43-3 (4) Texas Commission for the Blind;
43-4 (5) Texas Commission for the Deaf and Hearing
43-5 Impaired;
43-6 (6) Texas Department of Health;
43-7 (7) Texas Department of Human Services;
43-8 (8) Texas Juvenile Probation Commission;
43-9 (9) Texas Department of Mental Health and Mental
43-10 Retardation;
43-11 (10) Texas Rehabilitation Commission; and
43-12 (11) Department of Protective and Regulatory Services.

43-13 SECTION 5.10. LEASING OFFICE SPACE. Section 6.031(a),
43-14 Article 6, State Purchasing and General Services Act (Article 601b,
43-15 Vernon's Texas Civil Statutes), is amended to read as follows:

43-16 (a) Notwithstanding any other provision of this article, the
43-17 ~~<The>~~ commission may not lease office space to service the needs of

43-18 any ~~<a single>~~ health and human service agency unless the Health
 43-19 and Human Services Commission has approved the office space for the
 43-20 agency ~~<agency can provide the commission with a reason for not
 43-21 sharing the office space with one or more other health and human
 43-22 service agencies>~~.

43-23 SECTION 5.11. STREAMLINING MEDICAID ELIGIBILITY

43-24 DETERMINATION. (a) The Health and Human Services Commission shall
 43-25 expand its existing integrated eligibility pilot programs relating
 43-26 to Medicaid eligibility to include the Harris County Hospital
 43-27 District and The University of Texas Medical Branch at Galveston.

44-1 (b) A contract with the Harris County Hospital District or
 44-2 The University of Texas Medical Branch at Galveston shall:

44-3 (1) specify performance-based measures to ensure error
 44-4 rates are kept within acceptable federal limits; and

44-5 (2) authorize the district and medical branch to
 44-6 simplify processes as much as possible and to use proprietary
 44-7 software.

44-8 (c) The Texas Department of Human Services shall:

44-9 (1) develop the ability to accept automated file
 44-10 information directly; and

44-11 (2) establish standards for other automated systems.

44-12 (d) The Health and Human Services Commission shall study the
 44-13 feasibility of enabling contractors or agencies other than the
 44-14 Texas Department of Human Services to provide or assist in the
 44-15 provision of client eligibility studies, determinations, and
 44-16 certifications. In determining feasibility, the commission shall
 44-17 consider:

44-18 (1) error rates;

44-19 (2) the state's potential liability;

44-20 (3) expansion of the client population; and

44-21 (4) the federal single state agency restrictions.

44-22 SECTION 5.12. IMMUNIZATIONS FOR CHILDREN. Section 31.031,
 44-23 Human Resources Code, is amended by adding Subsections (c), (d),
 44-24 and (e) to read as follows:

44-25 (c) The department shall require the applicant to provide
 44-26 proof to the department that each child for whom the applicant will
 44-27 receive assistance:

45-1 (1) has been immunized in accordance with Section
 45-2 161.004, Health and Safety Code;

45-3 (2) is currently receiving an immunization series in
 45-4 accordance with Section 161.004, Health and Safety Code, if the
 45-5 child is of sufficient age; or

45-6 (3) is exempted under Section 161.004(d), Health and
 45-7 Safety Code.

45-8 (d) An applicant who cannot provide the proof required by
 45-9 Subsection (c) at the time of application shall provide the proof
 45-10 not later than the 180th day after the date the department
 45-11 determines the applicant is eligible for financial assistance.

45-12 (e) The department by rule shall provide sanctions for a
 45-13 financial assistance recipient's failure to comply with Subsection
 45-14 (c) or (d).

45-15 ARTICLE 6. WAIVER; EFFECTIVE DATE; EMERGENCY

45-16 SECTION 6.01. WAIVER. If before implementing a provision of
 45-17 this Act a state agency determines that a waiver or authorization
 45-18 from a federal agency is necessary for implementation, the agency
 45-19 shall request the waiver or authorization and may delay
 45-20 implementing that provision until the waiver or authorization is
 45-21 granted.

45-22 SECTION 6.02. EFFECTIVE DATE. Except as otherwise provided
 45-23 by this Act, this Act takes effect September 1, 1995.

45-24 SECTION 6.03. EMERGENCY. The importance of this legislation
 45-25 and the crowded condition of the calendars in both houses create an
 45-26 emergency and an imperative public necessity that the
 45-27 constitutional rule requiring bills to be read on three several

46-1 days in each house be suspended, and this rule is hereby suspended.

RESOLUTION No. 93-R-082

CONFIRMING THE APPOINTMENT OF REPRESENTATIVES FROM THE CITY OF LAREDO TO SERVE ON THE BOARD OF DIRECTORS OF THE SOUTH TEXAS DEVELOPMENT COUNCIL FOR THE PERIOD FROM OCTOBER 1, 1993, TO SEPTEMBER 30, 1994.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

1. The following persons are hereby appointed as the representatives of the City of Laredo to the South Texas Development Council Board of Directors for the period from October 1, 1992, to September 30, 1993:

- A. Cm. Blas Castaneda
- B. Cw. Arlene Rash-Aldridge
- C. Cm. Jose R. Perez
- D. Cm. Felipe Cardenas
- E. Cm. Jerry Perez

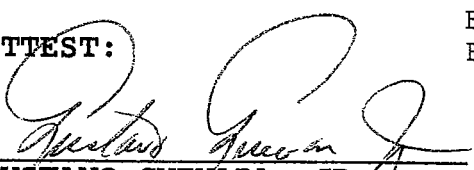
2. In the event that the term of office of any of the above listed elected officials of the City of Laredo should expire during the term provided for herein, then his successor will serve the balance of the above term as the representatives of the City of Laredo.

3. The following persons are appointed as alternates for one or more of the above-appointed representatives of the City of Laredo.

- A. Ms. Marina Sukup
- B. Mr. Joe Aranda
- C. Mr. Luis Landin
- D. Mr. Francisco Meza
- E. Mr. Keith Selman

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE 2nd DAY OF August, 1993.

ATTEST:


 GUSTAVO GUEVARA, JR.
 CITY SECRETARY

BY: Saul Ramirez by Eduardo Perales EDUARDO PERALES
 FOR: SAUL N. RAMIREZ, JR. MAYOR PRO-TEM
 MAYOR

APPROVED AS TO FORM:

JOSE SALVADOR TELLEZ
CITY ATTORNEY

BY: Jerry Bruce Cain
 JERRY BRUCE CAIN
 ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 8-02-93	SUBJECT: RESOLUTION 93-R-082 Confirming the appointment of representatives from the City of Laredo to serve on the Board of Directors of the South Texas Development Council for the period from October 1, 1993, to September 30, 1994.
INITIATED BY: Peter H. Vargas City Manager	STAFF SOURCE: Peter H. Vargas City Manager
PREVIOUS COUNCIL ACTION: None.	
ACTION PROPOSED: City Council pass Resolution 93-R-082, confirming the appointment of representatives from the City of Laredo to serve on the Board of Directors of the South Texas Development Council for the period from October 1, 1993, to September 30, 1994.	
BACKGROUND: <p>The City of Laredo has been a member of the South Texas Development Council since 1966. The South Texas Development Council is the local regional council of governments for State Planning Region No. 19. This organization exists pursuant to authority of Chapter 391 of the Local Government Code. Its membership includes the counties of Webb, Zapata, Starr and Jim Hogg as well as the cities of Laredo, Roma, La Grulla, and Rio Bravo.</p> <p>The Council as a whole should appoint five representatives to the South Texas Development Council Board of Directors in addition to five persons to act as alternates.</p> <p>The current representatives of the City of Laredo to the S.T.D.C. are:</p> <ol style="list-style-type: none">1) Cm. Blas Castaneda2) Cw. Arlene Rash-Aldridge3) Cm. Jose R. Perez4) Cm. Felipe Cardenas5) Cm. Jerry Perez <p>The current alternates for one or more of the above-appointed representatives are:</p> <ol style="list-style-type: none">1) Ms. Marina Sukup2) Mr. Joe Aranda3) Mr. Luis Landin4) Mr. Francisco Meza5) Mr. Dan Hebner Keith Selman	
FINANCIAL: None.	
RECOMMENDATION:	STAFF: Recommends adoption of this Resolution.

APPENDIX B
Regional Planning Commission Enabling Legislation

LOCAL GOVERNMENT CODE
CHAPTER 391. REGIONAL PLANNING COMMISSIONS

Sec. 391.001. PURPOSE. (a) The purpose of this chapter is to encourage and permit local governmental units to:

- (1) join and cooperate to improve the health, safety, and general welfare of their residents; and
- (2) plan for the future development of communities, areas, and regions so that:
 - (A) the planning of transportation systems is improved;
 - (B) adequate street, utility, health, educational, recreational, and other essential facilities are provided as the communities, areas, and regions grow;
 - (C) the needs of agriculture, business, and industry are recognized;
 - (D) healthful surroundings for family life in residential areas are provided;
 - (E) historical and cultural values are preserved; and
 - (F) the efficient and economical use of public funds is commensurate with the growth of the communities, areas, and regions.

(b) The general purpose of a commission is to make studies and plans to guide the unified, far-reaching development of a region, eliminate duplication, and promote economy and efficiency in the coordinated development of a region. (V.A.C.S. Art. 1011m, Secs. 2, 4(a) (part).)

Section 391.002. DEFINITIONS. In this chapter:

- (1) "Governmental unit" means a county, municipality, authority, district, or other political subdivision of the state.
- (2) "Commission" means a regional planning commission, council of governments, or similar regional planning agency created under this chapter.
- (3) "Region" means a geographic area consisting of a county or two or more adjoining counties that have, in any combination:
 - (A) common problems of transportation, water supply, drainage, or land use;
 - (B) similar, common, or interrelated forms of urban development or concentration; or
 - (C) special problems of agriculture, forestry, conservation, or other matters. (V.A.C.S.

Art. 1011m, Sec. 1, Subsecs. B, C, D (part).)

Sec. 391.003 CREATION. (a) Any combination of counties or municipalities or of counties and municipalities may agree, by ordinance, resolution, rule, order, or other means, to establish a commission.

(b) The agreement must designate a region for the commission that:

- (1) consists of territory under the jurisdiction of the counties or municipalities, including extraterritorial jurisdiction; and
- (2) is consistent with the geographic boundaries for state planning regions or subregions that are delineated by the governor and that are subject to review and change at the end of each state biennium.

(c) A commission is a political subdivision of the state.

(d) This chapter permits participating governmental units the greatest possible flexibility to organize a commission most suitable to their view of the region's problems.

(e) The counties and municipalities making the agreement may join in the exercise of, or in acting cooperatively in regard to, planning, powers, and duties as provided by law for any or all of the counties and municipalities. (V.A.C.S. Art. 1011m, Sec. 1, Subsec. D (part); Secs. 3, 4(a) (part).)

Sec. 391.004. PLANS AND RECOMMENDATIONS. (a) A commission may plan for the development of a region and make recommendations concerning major thoroughfares, streets, traffic and transportation studies, bridges, airports, parks, recreation sites, school sites, public utilities, land use, water supply, sanitation facilities, drainage, public buildings, population density, open spaces, and other items relating to the commission's general purposes.

- (b) A plan or recommendation of a commission may be adopted in whole or in part by the governing body of a participating governmental unit.
- (c) A commission may assist a participating governmental unit in:
 - (1) carrying out a plan or recommendation developed by the commission; and
 - (2) preparing and carrying out local planning consistent with the general purpose of this

chapter. (V.A.C.S. Art. 1011m, Sec. 4(a) (part), (b).)

Sec. 391.005. POWERS. (a) A commission may contract with a participating governmental unit to perform a service if:

- (1) the participating governmental unit could contract with a private organization without governmental powers to perform the service; and
- (2) the contract to perform the services does not impose a cost or obligation on a participating governmental unit not a party to the contract.

(b) A commission may:

- (1) purchase, lease, or otherwise acquire property;
- (2) hold or sell or otherwise dispose of property;
- (3) employ staff and consult with and retain experts; or
- (4) (A) provide retirement benefits for its employees through a jointly contributory retirement plan with an agency, firm, or corporation authorized to do business in the state; or
(B) participate in the Texas Municipal Retirement System, the Employees Retirement System of Texas, or the Texas County and District Retirement System when those systems by legislation or administrative arrangement permit participation.

(c) Participating governmental units may by joint agreement provide for the manner of cooperation between participating governmental units and provide for the methods of operation of the commission, including:

- (1) employment of staff and consultants;
- (2) apportionment of costs and expenses;
- (3) purchase of property and materials; and
- (4) addition of a governmental unit. (V.A.C.S. Art. 1011m, Secs. 4(c), (d); 5 (part).)

Sec. 391.006. GOVERNING BODY OF COMMISSION. (a) Participating governmental units may by joint agreement determine the number and qualifications of members of the governing body of a commission.

(b) At least two-thirds of the members of a governing body of a commission must be elected officials of participating counties or municipalities. (V.A.C.S. Art. 1011m, Sec. 5 (part).)

Sec. 391.007. DETAIL OR LOAN OF AN EMPLOYEE. (a) A state agency or a governmental unit may detail or loan an employee to a commission.

(b) During the period of the detail or loan, the employee continues to receive salary, leave, retirement, and other personnel benefits from the lending agency or governmental unit but works under the direction and supervision of the commission.

(c) The detail or loan of an employee may be on a reimbursable or nonreimbursable basis as agreed by the lending agency or governmental unit and the commission. The detail or loan expires at the mutual consent of the lending agency or governmental unit and the commission. (V.A.C.S. Art. 1011m, Sec. 4(e).)

Section 391.008. REVIEW AND COMMENT PROCEDURES. (a) In a state planning region or subregion in which a commission has been organized, the governing body of a governmental unit within the region or subregion, whether or not a member of the commission, shall submit to the commission for review and comment an application for a loan or grant-in-aid from a state agency, and from a federal agency if the project is one for which the federal government requires review and comment by an areawide planning agency, before the application is filed with the state or federal government.

(b) For federally aided projects for which an areawide review is required by federal law or regulation, the commission shall review the application from the standpoint of consistency with regional plans and other considerations as specified in federal or state regulations and shall enter its comments on the application and return it to the originating governmental unit.

(c) For other federally aided projects and for state-aided projects, the commission shall advise the governmental unit on whether the proposed project for which funds are requested has regionwide significance.

(d) If the proposed project has regionwide significance, the commission shall determine whether it is in conflict with a regional plan or policy. It may consider whether the proposed project is properly coordinated with other existing or proposed projects within the region. The commission shall record on the application its views and comments, transmit the application to the originating governmental unit, and send a copy to the concerned federal or state agency.

(e) If the proposed project does not have regionwide significance, the commission shall certify that it is not in conflict with a regional plan or policy. (V.A.C.S. Art. 1011m, Secs. 4(f), (g).)

Sec. 391.009. ROLE OF GOVERNOR AND STATE AGENCIES. (a) The governor shall issue guidelines to commissions and governmental units to carry out the provisions of this chapter relating to review and comment procedures.

(b) The governor and state agencies shall provide technical information and assistance to the members and staff of a commission to increase, to the greatest extent feasible, the capability of the commission to discharge its duties and responsibilities prescribed by this chapter. (V.A.C.S. Art. 1011m, Secs. 4(h), (i).)

Sec. 391.010. CONFLICT OF INTEREST IN PROVISION OF LEGAL SERVICES. (a) A member of the governing body of a commission or a person who provides legal services to a commission may not:

(1) provide legal representation before or to the commission on behalf of a governmental unit located, in whole or in part, within the boundaries of the commission; or

(2) be a shareholder, partner, or employee of a law firm that provides those legal services to the governmental unit.

(b) A person who violates Subsection (a) may not receive compensation or reimbursement for expenses from the commission or governmental unit. (V.A.C.S. Art. 1011m, Sec. 5A.)

Sec. 391.011. FUNDS. (a) A commission does not have power to tax.

(b) A participating governmental unit may appropriate funds to a commission for the costs and expenses required in the performance of its purposes.

(c) A commission may apply for, contract for, receive, and expend for its purposes a grant or funds from a participating governmental unit, the state, the federal government, or other source. (V.A.C.S. Art. 1011m, Secs. 6(a), (b).)

Sec. 391.012. STATE FINANCIAL ASSISTANCE. (a) To qualify for state financial assistance, a commission must:

(1) Have funds available annually from sources other than federal or state governments equal to or greater than half of the state financial assistance for which the commission applies;

(2) comply with the regulations of the agency responsible for administering this chapter,

(3) offer membership in the commission to all counties and municipalities included in the state planning region or subregion;

(4) include any combination of counties or municipalities having a combined population equal to or greater than 60 percent of the population of the state planning region or subregion:

(5) include at least one full county;

(6) encompass an area that is economically and geographically interrelated and forms a logical planning region; and

(7) be engaged in a comprehensive development planning process.

(b) A comprehensive development planning process must assess the needs and resources of a region, formulate goals, objectives, policies and standards to guide the long-range physical, economic, and human resource development of a region, and prepare plans and programs that:

(1) identify alternative courses of action and the special and functional relationships among the activities to be carried out;

(2) specify the appropriate ordering in time of activities;

(3) take into account other relevant factors affecting the achievement of the desired development of the region;

(4) provide an overall framework and guide for the preparation of function and project development plans;

(5) make recommendations for long-range programming and financing of capital projects

and facilities that are of mutual concern to two or more participating governmental units; and

(6) make other appropriate recommendations.

(c) A commission that qualifies for state financial assistance is eligible annually for a maximum amount of:

(1) \$ 10,000 base grant;

(2) an additional \$1,000 for each dues-paying member county; and

(3) an additional 10 cents per capita for the population of dues-paying member counties

and municipalities.

(d) The minimum amount of annual state financial assistance for which a commission may apply is \$15,000.

(e) For the purposes of this section, the population of a county is the population outside all dues-paying member municipalities. (V.A.C.S. Art. 1011m, Sec. 1, Subsec. E; Secs. 6(c), (d), (e).)

Sec. 391.013. INTERSTATE COMMISSIONS. (a) With the advance approval of the governor, a commission that borders another state may:

(1) join with a smaller commission or planning agency in a contiguous area of the bordering state to form an interstate commission; or

(2) permit a similar commission or planning agency in a contiguous area of the bordering state to participate in planning functions.

(b) Funds provided a commission may be commingled with funds provided by the government of the bordering state. (V.A.C.S. Art. 1011m, Sec. 7.)

Sec. 391.014. INTERNATIONAL AREAS. With the advance approval of the governor, a commission that borders the Republic of Mexico may spend funds in cooperation with an agency, constituent state, or local government of the Republic of Mexico for planning studies encompassing areas lying both in this state and in contiguous territory of the Republic of Mexico. (V.A.C.S. Art. 1011m, Sec. 8.)

Sec. 391.015. WITHDRAWAL FROM COMMISSION. A participating governmental unit may withdraw from a commission by majority vote of its governing body unless it has been otherwise agreed. (V.A.C.S. Art. 1011m, Sec. 9.)

CONFIRMING THE APPOINTMENT OF REPRESENTATIVES FROM THE CITY OF LAREDO TO SERVE ON THE BOARD OF DIRECTORS OF THE SOUTH TEXAS DEVELOPMENT COUNCIL FOR THE PERIOD FROM OCTOBER 1, 1994 TO SEPTEMBER 30, 1995

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAREDO that:

1. the following persons are hereby appointed as the representatives of the City of Laredo to the South Texas Development Council Board of Directors for the period from October 1, 1994 to September 30, 1995:

- A. Cm. Blas Castaneda
B. Cm. Jose R. Perez
C. Cm. Felipe Cardenas
D. Cm. Jerry Perez
E. Cm. Joe A. Guerra

2. In the event that the term of office of any of the above listed elected officials of the City of Laredo should expire during the term provided for herein, then his successor will serve the balance of the above term as the representative of the City of Laredo.

3. The following persons are appointed as alternates for one or more of the above-appointed representatives of the City of Laredo:

- A. Marina Sukup
B. Joe Aranda
C. Luis Landin
D. Francisco Meza
E. Keith Selman

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR, on this the 17th of September, 1994.

October 94

Saul N. Ramirez, Jr. Mayor

ATTEST:

Gustavo Guevara Jr.
GUSTAVO GUEVARA
City Secretary

APPROVED AS TO FORM:

Jose Salvador Tellez
City Attorney

COUNCIL COMMUNICATION

DATE: 10-17-94	SUBJECT: RESOLUTION NO. 94-R-121 Confirming the appointment of representatives from the City of Laredo to serve on the Board of Directors of the South Texas Development Council for the period from October 1, 1994 through September 30, 1995.
INITIATED BY: Peter H. Vargas City Manager	STAFF SOURCE: Peter H. Vargas City Manager
PREVIOUS COUNCIL ACTION: The City of Laredo annually appoints several members to the Board of Directors to the South Texas Development Council. <i>Members: Ludwig, Jose M. Garcia, [unclear]</i>	
ACTION PROPOSED: That this resolution be adopted. <i>[Handwritten notes]</i>	
BACKGROUND: The South Texas Development Council is the local regional council of governments for State Planning Region No. 19, and this organization exists pursuant to the authority of Chapter 391 of the Local Government Code. Its membership consists of the counties of Webb, Zapata, Starr and Jim Hogg, and the cities of Laredo, Roma, and La Grulla. The City needs to appoint five members to the Board of Directors to the South Texas Development Council, along with five alternate members.	
FINANCIAL: None.	
RECOMMENDATION:	STAFF: Recommends adoption of this resolution.

ORDINANCE NO. 94-R-120

**SUPPORTING AND PARTICIPATING IN THE SOUTH TEXAS
DEVELOPMENT COUNCIL; AND AUTHORIZING PAYMENT OF
\$27,694 FOR CITY'S MEMBERSHIP ASSESSMENT FOR
THE PERIOD OCTOBER 1, 1994 TO SEPTEMBER 30, 1995**

WHEREAS, the City of Laredo, Texas, in 1966, elected to join, support and participate in the South Texas Development Council, established to afford a broader-based concept of comprehensive planning and interrelated programming and implementation aimed at problem-solving on a local and regional level; and

WHEREAS, the City Council of the City of Laredo, Texas, fully endorses the South Texas Development Council and supports its aims and purposes; and

WHEREAS, ever since the City of Laredo elected to join the South Texas Development Council, the City of Laredo, acting by and through its City Council, has reaffirmed its membership, financial support, and active participation in any and all programs undertaken by the South Texas Development Council for the betterment of the region as a whole and particularly those pertaining to the City of Laredo.

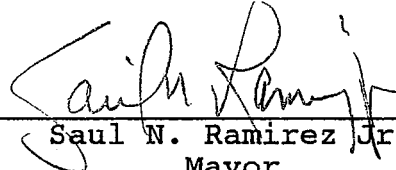
NOW, THEREFORE, BE IT RESOLVED:

Section 1: it hereby affirms its commitment to continue its membership, financial support and active participation in any and all programs undertaken by the South Texas Development Council for the betterment of the region as a whole and particularly those pertaining to the City of Laredo; and

Section 2: that the City Manager is hereby authorized to pay the membership assessment of \$27,694.00 for the City of Laredo, Texas, for the period October 1, 1994 to September 30, 1995.


1994.

PASSED AND APPROVED on this the 17th day of ~~September~~ ^{October 1994},



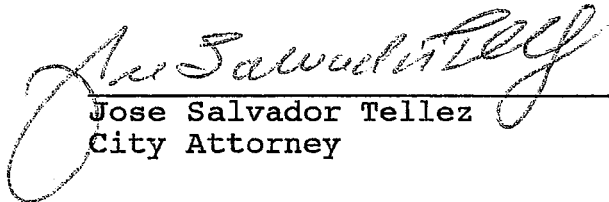
Saul N. Ramirez Jr.
Mayor

ATTEST:



Gustavo Guevara
City Secretary

APPROVED AS TO FORM:



Jose Salvador Tellez
City Attorney



SOUTH TEXAS DEVELOPMENT COUNCIL



1718 East Calton Road, Suite 14
P.O. Box 2187, Laredo, Texas 78044-2187 Phone 210/722-3995, FAX 210/722-2670

July 21, 1994

Jose Maria Alvarez
Chairman
County Commissioner
Starr County

Horacio S. Ramirez
Vice-Chairman
County Judge
Jim Hogg County

Jose Luis Guevara
Secretary-Treasurer
County Judge
Zapata County

STATEMENT

City of Laredo
P.O. Box 579
Laredo, TX 78042-0579

ATTN: Mr. Pete Vargas
City Manager

MEMBERSHIP DUES ACCOUNT FOR PERIOD COVERING OCTOBER
1, 1994 TO SEPTEMBER 30, 1995:

Base Assessment	\$1,000.00
Per Capita Assessment (133,470 @.20)*	<u>26,694.00</u>
TOTAL DUE-----	<u>\$27,694.00</u>

SOUTH TEXAS DEVELOPMENT COUNCIL

Jose Maria Alvarez
County Commissioner-Starr County
Chairman, STDC Board of Directors

*Source: Department of Rural Sociology
Texas Agricultural Experiment Station
Texas A&M University System

Amando Garza, Jr.
Executive Director

COUNCIL COMMUNICATION

DATE: 10-17-94	SUBJECT: RESOLUTION NO. 94-R-120 Supporting and participating in the South Texas Development Council; and authorizing payment of \$27,694.00, for the City's membership assessment for the period October 1, 1994 through September 30, 1995.
INITIATED BY: Peter H. Vargas City Manager	STAFF SOURCE: Peter H. Vargas City Manager
PREVIOUS COUNCIL ACTION: This is a membership in which the City has participated since 1966.	
ACTION PROPOSED: That this resolution be adopted.	
BACKGROUND: The South Texas Development Council is the local regional council of governments for State Planning Region No. 19, and this organization exists pursuant to the authority of Chapter 391 of the Local Government Code. Its membership consists of the counties of Webb, Zapata, Starr and Jim Hogg, and the cities of Laredo, Roma, and La Grulla. Membership fees are apportioned according to population.	
FINANCIAL: The membership fee has been budgeted for in the City's 1994-1994 Fiscal Year Budget.	
RECOMMENDATION:	STAFF: Recommends adoption of this resolution.

A RESOLUTION No. 92-R-087

SUPPORTING AND PARTICIPATING IN THE SOUTH TEXAS DEVELOPMENT COUNCIL; AND AUTHORIZING PAYMENT OF \$19,034.85 FOR CITY'S MEMBERSHIP ASSESSMENT FOR THE PERIOD OCTOBER 1, 1992 TO SEPTEMBER 30, 1993

WHEREAS, the City of Laredo, Texas, in 1966, elected to join, support and participate in the South Texas Development Council, established to afford a broader-based concept of comprehensive planning and interrelated programming and implementation aimed at problem-solving on a local and regional level; and

WHEREAS, the City Council of the City of Laredo, Texas, fully endorses the South Texas Development Council and supports its aims and purposes; and

WHEREAS, ever since the City of Laredo elected to join the South Texas Development Council, the City of Laredo, acting by and through its City Council, has reaffirmed its membership, financial support, and active participation in any and all programs undertaken by the South Texas Development Council for the betterment of the region as a whole and particularly those pertaining to the City of Laredo.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: it hereby affirms its commitment to continue its membership, financial support and active participation in any and all programs undertaken by the South Texas Development Council for the betterment of the region as a whole and particularly those pertaining to the City of Laredo; and

Section 2: that the City Manager is hereby authorized to pay the membership assessment of \$19,034.85 for the City of Laredo, Texas, for the period October 1, 1992 to September 30, 1993.

PASSED AND APPROVED on this the 17th day of August, 1992.

BY: Blas Castaneda

BY: BLAS CASTANEDA
Mayor Pro-Tem

ATTEST:

Gustavo Guevara
Gustavo Guevara
City Secretary

APPROVED AS TO FORM:

Jose Salvador Tellez
Jose Salvador Tellez
City Attorney

COUNCIL COMMUNICATION

DATE: 8-17-92	SUBJECT: RESOLUTION. Supporting and participating in the South Texas Development Council; and authorizing payment of \$19,034.85 for City's membership assessment for period from October 1, 1992, to September 30, 1993. <i>92 R-087</i>	
INITIATED BY: Peter H. Vargas City Manager		STAFF SOURCE: Jose Salvador Tellez City Attorney
PREVIOUS COUNCIL ACTION: NONE.		
ACTION PROPOSED: Continuance in membership of South Texas Development Council and authorizing payment of City's assessment in amount of \$19,034.85 for the 1992-1993 year, and confirmation of the appointment of representatives from the City of Laredo to serve on the Board of Directors of the South Texas Development Council for the period from October 1, 1992, to September 30, 1993.		
BACKGROUND: The South Texas Development Council is the local regional council of governments for State Planning Region No. 19, and this organization exists pursuant to authority of Chapter 391 of the Local Government Code. Its membership consists of the counties of Webb, Zapata, Starr and Jim Hogg, and the cities of Laredo, Roma and La Grilla. Membership fees are apportioned according to population.		
FINANCIAL: In the 1992-1993 Budget.		
RECOMMENDATION:	STAFF: Recommends adoption of this resolution.	

BY-LAWS OF THE
SOUTH TEXAS DEVELOPMENT COUNCIL

(as amended, effective December 7, 1978)

ARTICLE I

ORGANIZATION

There is hereby organized a Regional Planning Commission under the authority of Article 1011m, Vernon's Annotated Civil Statutes, which shall be known as the SOUTH TEXAS DEVELOPMENT COUNCIL, a voluntary association of the local governmental units located within JIM HOGG, STARR, WEBB and ZAPATA Counties and representative of various segments of these communities. The Council has been formed by the reorganization of the South Texas Council of Governments and the South Texas Regional Economic Development District. The South Texas Development Council is established to encourage and permit governmental units within the planning region to join and cooperate with one another in regional planning for the purpose of improving the health, safety and general welfare of their citizens. This Council is not in itself a government, nor does it seek to become one.

ARTICLE II

DEFINITIONS

As used in these By-laws:

1. "Council" means the South Texas Development Council, a regional planning commission established herein pursuant to State law.
2. "Region" or "Planning Region" means the area embraced by Jim Hogg, Starr, Webb and Zapata Counties.
3. "Governmental Unit" means any county, city, town, village, authority, district, or other political subdivision of the State which has either an independently elected governing body or which has the power to incur financial obligations for public improvements.

4. "General Governmental Unit" means a city and/or a county.
5. "Special Governmental Unit" means a special function government such as a school, hospital, navigation or water-related district.
6. "City" means any incorporated city, town or village in the region.
7. "Population" means the population according to the last preceding Federal Census, encompassing the entire Region.

ARTICLE III

COUNCIL

The Council shall be self-governing and shall be responsible for its general policies, programs and its funds.

ARTICLE IV

COUNCIL POWERS, DUTIES AND RESPONSIBILITIES

- A. The Council shall exercise the powers and perform the duties authorized in Article 1011m, Vernon's Annotated Civil Statutes, and any other powers which have been or may hereafter be conferred on Regional Planning Commissions by State law.
- B. The Council shall implement and carry out the provisions and spirit of the Public Works and Economic Development Act of 1965, as amended (Public Law 8-136, 89th Congress of the United States of America).
- C. As a general but not exclusive guide, the Council shall have the following functions, duties and responsibilities:
 1. To prepare an annual budget for its action and approval;
 2. To employ an Executive Director;
 3. To contract for services of persons or firms or other units and levels of government to carry out the purposes of the Council;
 4. To acquire, construct, own and dispose of property, equipment, supplies and office space required by in the performance of its duties;

5. To appoint advisory committees to assist in carrying out the purposes, functions, duties and responsibilities of the Council; methods of appointment, size, composition and purpose shall be at the discretion of the Chairman;
6. To establish a Government Application Review Committee which shall have the authority between Council meetings to act for the Council in reviewing and commenting on projects involving State or Federal assistance and perform other duties assigned by the Council; the size and composition of the Committee shall be at the discretion of the Chairman; and
7. To take such other actions, make recommendations, and formulate policy on those matters which will best effectuate and carry out the purposes and functions for which the Council is created and as outlined in these By-laws more explicitly described as follows:
 - a. Adopt the By-laws of the Council;
 - b. Elect Council officers;
 - c. Prepare periodic reports as may be required by the By-laws of the Council and Federal and State legislation or regulations;
 - d. Receive and expend gifts, contributions and donations which may be made to the Council to accomplish its purposes;
 - e. Apply and contract for, receive and expend for Council purposes, funds or grants from the State of Texas, the Federal Government or any other public or private sources;
 - f. Receive and expend funds from Council members as provided in the By-laws, to finance the cost of operations, provided that the Council shall not have the power to levy taxes of any kind; and
 - g. Coordinate the planning and development of the Region.

ARTICLE V

MEMBERSHIP

All governmental units situated within the geographic area of the Planning Region are eligible for membership, provided however, that special governmental units shall be admitted

to ex officio membership only. Governmental units eligible for membership who desire to join the Council subsequent to the adoption of these By-laws, may become members by passage of an ordinance, resolution, rule, order, or other means adopting these By-laws and pay payment of fees as set forth in Article XII of these By-laws.

ARTICLE VI

REPRESENTATION AND VOTING

- A. The South Texas Development Council shall be composed of representatives appointed by the governing body of member governmental units. In order to establish that the voting majority of the Council consist of elected officials from general governmental units of the Region and to ensure that the principal interests of the Region are duly represented, members of the Council shall be entitled to the following representation:
1. WEBB COUNTY is to have two (2) representatives who are to be local elected officials;
 2. CITY OF LAREDO is to have three (3) representatives who are to be local elected officials and two (2) non-governmental members representing the general interest groups of "Business" and "Community-based Organizations";
 3. STARR COUNTY is to have two (2) representatives who are to be local elected officials;
 4. CITY OF ROMA is to have one (1) representative who is to be a local elected official;
 5. CITY OF LA GRULLA is to have one (1) representative who is to be a local elected official;
 6. JIM HOGG COUNTY is to have two (2) representatives who are to be local elected officials;
 7. ZAPATA COUNTY is to have one (1) representative who is to be a local elected official and one (1) non-governmental member representing the general interest group of "Agriculture";
 8. CITY OF RIO GRANDE CITY is to have one (1) representative who is to be a local elected official; and
 9. AT LARGE. The Chairman, with the concurrence of the Board of Directors, will appoint one (1) non-governmental member representing "Labor" and one (1) non-governmental member representing "Ethnic Minorities," provided that one member be selected from either Starr, Zapata or Jim Hogg Counties.
- B. Each representative herein above-described shall serve for a term commencing October 1st through the succeeding September 30th

(Rev. 04/22/82)
(Rev. 06/17/82)
(Rev. 06/23/89)
(Rev. 06/09/94)

30th and shall be entitled to cast one (1) vote on all matters to be decided upon election of the Council.

- C. Each special governmental unit which has been admitted to ex-officio membership shall have one (1) representative; but as ex-officio members, their representatives shall not be entitled to vote on matters to be decided upon by election of the Council.
- D. Each member of the Council may appoint alternate representatives.
- E. Representatives shall serve during the term to which they have been selected unless replaced sooner by the appointing authority.

ARTICLE VII

COMMITTEES

The Chairman, subject to the approval of the Council, shall annually appoint such standing committees as he may deem necessary. The Chairman may appoint special committees as he may deem necessary.

ARTICLE VIII

COUNCIL MEETINGS

- A. The Council shall meet on the second Thursday of the months of March, June, September and December, unless otherwise determined by its Chairman.
- B. Special meetings of the Council may be called by either the Chairman or at the request of a majority of the Council members.
- C. Written notice of Council meetings and the business to be transacted shall be mailed to each member of the Council at least three (3) days prior to the meeting.
- D. Fifty percent (50%) of the total membership shall constitute a quorum at any Council meeting. When a quorum is present, the majority of the votes cast shall decide any questions brought to a vote before the council.
- E. The Council may hold its meetings and keep its offices and records at such place as it may determine.

ARTICLE IX

OFFICER, DUTIES

- A. The members of the Council shall elect a Chairman, Vice Chairman and Secretary-Treasurer to serve as officers of the Council. The officers shall be elected from among its members and shall serve one-year terms from July 1st through the succeeding June 30th.
- B. The officers shall perform the duties prescribed by the Council:
 - 1. The Chairman shall preside at meetings of the Council; sign, with the counter-signature of the Secretary-Treasurer as authorized by the Council, any contracts or other instruments which the Council deems in its best interests; and perform such other duties incident to the office as may be prescribed by the Council;
 - 2. The Vice Chairman shall assist the Chairman in the performance of his duties, and either in the absence of the Chairman or in the event of the Chairman's inability or refusal to act, shall have the powers and shall perform the duties of the Chairman.
 - 3. The Secretary-Treasurer shall keep the minutes of the meetings and the records of the Council; attest the signatures of the Council officers; and see that notices are duly given in accordance with the provisions of these By-laws or as required by law. He shall have custody of all funds and securities of the Council; receive monies due the Council and deposit them in a depository designated by the Council; expend the funds of the Council as authorized by the Council; and in general, perform all duties as may be designated to him by the Chairman and/or the Council.
- C. The offices of the Chairman, Vice Chairman and Secretary-Treasurer will be rotated among all member governments, with the Vice Chairman assuming the position of Chairman, the Secretary-Treasurer assuming the position of Vice Chairman and a Secretary-Treasurer being elected from among its members.

ARTICLE X

SPECIAL STUDIES AND ACTIVITIES

In the event one or more governmental units within the Region should desire the Staff of the Council to conduct a special

study or activity pertaining to a portion of the entire Region, they may make application to the Council by ordinance, resolution, rule or order wherein the applying governmental unit or units bind themselves to pay all costs involved in the study or activity. If the Council deems the study or activity feasible, it may enter into a separate contract with the particular governmental unit or units to conduct same.

ARTICLE XI

EXECUTIVE DIRECTOR AND STAFF

- A. The Council shall employ an Executive Director.
- B. The Executive Director, who shall be constituted a tenured employee after five (5) years service, shall be the chief administrative officer of the Council and shall act for and in the name of the Council in all matters subject to the rules and regulations of the Council. The Executive Director shall appoint and remove all subordinate personnel.
- C. The Executive Director shall prepare the annual budget and work program of the Council, for approval by the Council and shall faithfully execute all other duties and responsibilities vested in or required of him by the Council.
- D. When time is of the essence, as determined by the Executive Director, said Executive Director shall have the power to execute any and all proper contracts, agreements or amendments of the same, and said contract, agreement or amendment of the same shall be valid, binding and in full force and in effect until such time as the Board of Directors shall by resolution reject it.

ARTICLE XII

FINANCES, BUDGET AND PAYMENTS

- A. The Council shall adopt an annual budget on or before July 1st of each year, which shall extend from July 1st through the succeeding June 30th.
- B. Each year, upon adoption of the annual budget, the Council shall fix the fees for all members which are general governmental units. Fees shall be in sufficient amounts to provide funds as required by the budget.
- C. New governmental units may join the Council upon payment of dues prorated for the remainder of the Council fiscal year.

- D. The accounts of the Council shall be audited by a certified public accountant or accountants, and the audit report for each preceding fiscal year shall be made to the Council no later than three (3) months after the close of each fiscal year.
- E. A general governmental unit member which is more than sixty (60) days in arrears in its fees as set forth in this Article XII, shall be denied its voting privileges until such fees are paid.

ARTICLE XIII

AMENDMENTS

These By-laws may be altered, amended or added to by vote from the Council members, provided that:

1. Notice of the proposed change(s) or amendment(s) be presented to the Council at a scheduled meeting;
2. The proposed change(s) or amendment(s) is placed on the agenda of the next scheduled meeting; and
3. The Council adopts the proposed change(s) or amendment(s) by a two-thirds (2/3) vote of all eligible voting members of the Council.

ARTICLE XIV

ADOPTION

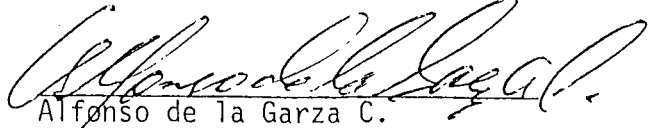
These By-laws shall be effective upon their adoption by two-thirds (2/3) of the representatives of governmental units which have agreed to join the Council and which are present at a scheduled meeting of the Council, where the matter is listed on the agenda.

ARTICLE XV

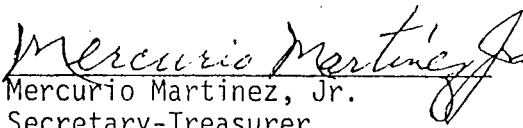
DISSOLUTION

In the event that the South Texas Development Council is dissolved, any funds remaining on hand belonging to the South Texas Development Council will be repaid to the various governmental units comprising the South Texas Development Council in the ratio to their contribution during the year of such dissolution.

APPROVED AND ADOPTED at a regular meeting of the Board of Directors of the South Texas Development Council, held on the 7th day of December, 1978.


Alfonso de la Garza C.
Chairman

ATTEST:


Mercurio Martinez, Jr.
Secretary-Treasurer

to ex-officio meml eligible for membe subsequent to the members by passag order or other m payment of fees as laws.

Post-it® Fax Note	7671	Date	7/13/99	# of pages	1
To	Rosalinda Gays	From	Julie E. Saldiva		
Co./Dept.		Co.			
Phone #		Phone #	722.3995		
Fax #	791.7491	Fax #			

ARTICLE VI (STATE LAW)

REPRESENTATION AND VOTING

A. The South Texas Development Council shall be composed of representatives appointed by the governing body of member governmental units. In order to establish that the voting majority of the Council consist of elected officials from general governmental units of the Region and to ensure that the principal interests of the Region are duly represented, members of the Council shall be entitled to the following representation:

Laredo

1. WEBB COUNTY is to have two (2) representatives who are to be local elected officials;
2. CITY OF LAREDO is to have three (3) representatives who are to be local elected officials and two (2) non-governmental members representing the general interest groups of "Business" and Community-based Organizations";
3. STARR COUNTY is to have two (2) representatives who are to be local elected officials;
4. CITY OF ROMA is to have one (1) representative who is to be a local elected official;
5. CITY OF LA GRULLA is to have one (1) representative who is to be a local elected official;
6. JIM HOGG COUNTY is to have two (2) representatives who are to be local elected officials;
7. ZAPATA COUNTY is to have one (1) representative who is to be a local elected official and one (1) non-governmental member representing the general interest group of "Agriculture";
8. CITY OF RIO GRANDE CITY is to have one (1) representative who is to be a local elected official;
9. CITY OF RIO BRAVO is to have one (1) representative who is to be a local elected official; an
10. AT LARGE. The Chairman with the concurrence of the Board of Directors, will appoint one (1) nongovernmental member representing "Labor" and one (1) non-governmental member representing "Ethnic Minorities," provided that one member be selected from either Starr, Zapata or Jim Hogg Counties.

B. Each representative herein above-described shall serve for a term from October 1st through the succeeding September

- (Rev. 04/22/82)
- (Rev. 06/17/82)
- (Rev. 06/23/89)
- (Rev. 06/09/94)
- (Rev. 09/14/95)