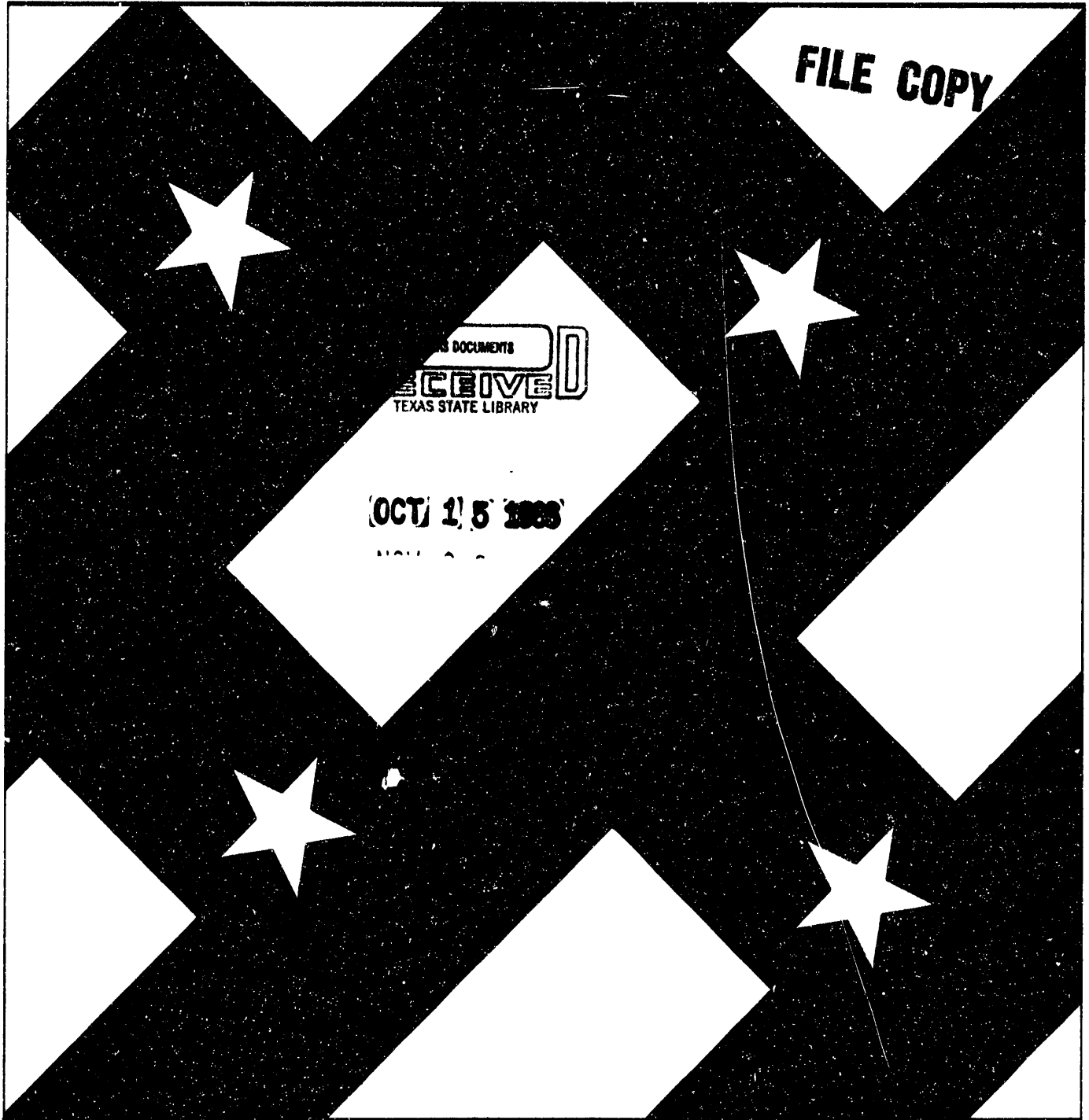


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# Texas Register

Volume 11, Number 76, October 10, 1986

Pages 4231-4264



## Highlights

The Railroad Commission of Texas proposes an amendment concerning conservation rules and regulations regarding saltwater haulers. Earliest possible date of adoption - November 10 . . . . **page 4234**

The Comptroller of Public Accounts proposes an amendment eliminating the requirement that administrative law judges be

licensed to practice law in Texas. Earliest possible date of adoption - November 10. **page 4234**

The Texas Department of Public Safety proposes a new section concerning standards for an approved motorcycle operator training course. Earliest possible date of adoption - November 10 . . . . . **page 4234**

**Office of  
the Secretary  
of State**

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1986 with the exception of June 24, September 2, December 2, and December 30 by the Office of the Secretary of State.

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- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
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- In Addition—miscellaneous information required to be published by statute or provided as a public service

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes accumulative quarterly and annual indexes to aid in researching material published.

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 TexReg 3."

**How To Research:** The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number

## Texas Administrative Code

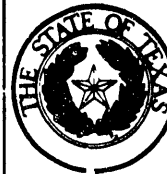
The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules

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

1 indicates the title under which the agency appears in the *Texas Administrative Code*,

TAC stands for the *Texas Administrative Code*;

27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).



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*Illustrations courtesy of Texas Parks and Wildlife Department.*

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# Emergency

## Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

**Symbology in amended emergency rules.** New language added to an existing rule is indicated by the use of bold text. [Brackets] indicate deletion of existing material within a rule.

**TITLE 34. PUBLIC  
FINANCE  
Part I. Comptroller of  
Public Accounts  
Chapter 1. Central  
Administration  
Practice and Procedure  
★34 TAC §1.42**

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §1.42, concerning definitions. The amendment eliminates the requirement that administrative law judges be licensed to practice law in Texas. It has been determined that it is not required by law that an individual be licensed to practice law in Texas to hold an administrative hearing.

This amendment is adopted on an emergency basis to reduce the present number of hearings. It has been determined that the change will result in an increase in the speed and efficiency of administrative hearings, thereby speeding up the collection of tax revenues.

The amendment is adopted on an emergency basis under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Texas Tax Code, Title 2.

**§1.42. Definitions.** The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

**Administrative law judge**—An individual [licensed to practice law in Texas and]

appointed by the comptroller to conduct hearings on matters within the comptroller's jurisdiction and to prepare proposed decisions to properly resolve such matters. The administrative law judges are organizationally and physically separate from the Legal Services Division and all tax divisions and report directly to the comptroller or the chief clerk.

Issued in Austin, Texas, on October 3, 1986.

TRD-8809444

Bob Bullock  
Comptroller of  
Public Accounts

Effective date: October 3, 1986  
Expiration date: January 31, 1987  
For further information, please call  
(512) 463-4004.

★ ★ ★

# Proposed Rules

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. Also, in the case of substantive rules, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

**Symbology in proposed amendments.** New language added to an existing rule is indicated by the use of bold text. [Brackets] indicate deletion of existing material within a rule.

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad

#### Commission of Texas

#### Chapter 3. Oil and Gas

##### Division

#### Conservation Rules and Regulations

##### ★ 16 TAC §3.8

The Railroad Commission of Texas proposes an amendment to §3.8, concerning saltwater haulers. The proposed amendment deletes language that schedules all saltwater hauler permits to expire on August 31 of each year. The amendment allows the agency to stagger the annual renewal of saltwater hauler permits over the course of each year.

Rita E. Percival, systems analyst for the oil and gas division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Lori Wrotenbery, staff attorney, underground injection control section of the oil and gas division, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be reduction of the administrative burden of renewing saltwater hauler permits annually by allowing the agency to stagger permit renewals over the course of each year rather than renew all permits at one time each year. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Lori Wrotenbery, Staff Attorney, Underground Injection Control Section, Oil and Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Written comments will be received for 30 days from the date of publication of the proposed amendment.

The amendment is proposed under the Texas Water Code, §29.031, which provides the Railroad Commission of Texas with the authority to adopt rules regarding the issuance of saltwater hauler permits.

#### §3.8. Water Protection.

(a)-(e) (No change.)

(f) Saltwater haulers.

(1) A person who transports saltwater for hire by any method other than by pipeline shall not haul and dispose of water containing salt or other mineralized substances produced by oil and gas operations, off a lease, unit, or other oil or gas property where it is produced, unless such transporter has qualified for and has been issued a saltwater hauler permit by the commission.

(A) (No change.)

(B) A saltwater hauler [hauler's] permit may be issued for a term not to exceed one year, [when issued, will expire August 31 of each year, but it is] subject to renewal by the filing of an application for permit renewal [a renewal certificate,] and [a copy of] a saltwater hauler [hauler's] permit bond for the next permit period. The term of a saltwater hauler permit will be established in accordance with a schedule prescribed by the director to allow for the orderly and timely renewal of saltwater hauler permits on a staggered basis. The term of any saltwater hauler permit that will expire on August 31, 1987, may be extended by the director for up to one year to conform the permit term to the prescribed schedule, provided that the permittee has filed a saltwater hauler permit bond for the period of the extension.

(C) Each saltwater hauler shall conduct his operations in strict compliance with the instructions and conditions stated on the permit issued which provide:

(i) this permit, unless suspended or revoked for cause shown, shall remain valid until the expiration date specified in this permit. [August 31 of the permit year. (permit period September 1 to August 31 set by law.)]

(ii)-(vi) (No change.)

(vii) the permittee must file an application for a renewal permit, using his assigned permit number, on or before the expiration date specified in this permit [August 31 of each year].

(viii) (No change.)

(2) (No change.)

(g)-(h) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 1, 1986.

TRD-8609395

Walter Earl Lille  
Special Counsel  
Railroad Commission  
of Texas

Earliest possible date of adoption:

November 10, 1986

For further information, please call  
(512) 463-7149.

★ ★ ★

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 1. Central Administration

#### Practice and Procedure

##### ★ 34 TAC §1.42

The Comptroller of Public Accounts proposes an amendment to §1.42, concerning definitions. The amendment eliminates the requirement that administrative law judges be licensed to practice law in Texas. It has been determined that it is not required by law that an individual be licensed to practice law in Texas in order to hold administrative hearings.

This amendment reduces the present number of hearings. It has been determined that the change will result in an increase in the speed and efficiency of administrative hearings, thereby speeding up the collection of tax revenues.

John Moore, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Moore also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a streamlined process of handling these issues and a speedier hearings process. There is no anticipated economic cost to individuals who are required to comply with the proposed section.



the state's approved motorcycle safety instructors and in any event shall be the curriculum for all courses on and after September 1, 1987.

(d) Currently certified motorcycle safety instructors must successfully complete the Texas Department of Public Safety's retraining workshop in the riding and street skills curriculum before September 1, 1987. Instruction in the riding and street skills may only be given by instructors who have successfully completed a retraining workshop in that curriculum given by the department

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on October 2, 1986.

TRD-8609454 James B. Adams  
Director  
Texas Department of  
Public Safety

Earliest possible date of adoption:

November 10, 1986

For further information, please call  
(512) 465-2000.

★ ★ ★

## Part VII. Texas Commission on Law Enforcement Officer Standards and Education

### Chapter 211. Administrative Division Substantive Rules

#### ★ 37 TAC §211.101

The Texas Commission on Law Enforcement Officer Standards and Education proposes new §211.101, concerning the voluntary surrender of a license. This new section allows the commission to accept and give effect to such voluntary surrenders whether motivated by a criminal plea bargain, an effort to avoid other adverse commission action, or any other reason. The new section sets out effective dates for either permanent or short-term surrenders, clarifies the status of such persons after surrender, and clarifies the reapplication process necessary to be licensed in the future. This new section is proposed to empower the commission to do that which it is being currently asked to do: to accept the voluntary surrender of a license

David M. Boatright, general counsel, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Boatright also has determined that for each year of the first five years the sec-

tion is in effect the public benefit anticipated as a result of enforcing the section is a more efficient method of unlicensing certain offenders. This method will more closely correspond with criminal practice and plea bargaining and mean removal from employment as peace officers and jailers people who ought to be removed. This new section also gives meaning and effect to some current orders of misdemeanor probation where the offender has promised, as a term of probation, to give up his license permanently.

Comments on the proposal may be submitted to David M. Boatright, General Counsel, 1606 Headway Circle, Suite 100, Austin, Texas 78754.

This new section is proposed under Texas Civil Statutes, Article 4413 (29aa), §2(a)(1), which authorize the commission to promulgate rules for the administration of this Act, §2(a)(2), which authorize the commission to set minimum standards for licensing, and §2(a)(3), which authorize the commission to issue different types of licenses.

#### §211.101. Voluntary Surrender of License.

(a) A license holder may desire to voluntarily surrender a license:

(1) as part of a plea bargain to a criminal charge;

(2) as part of an agreed settlement to commission action; or

(3) for any other reason.

(b) A license may be surrendered either permanently or for a stated term.

(c) Effective dates.

(1) The beginning date for any surrender shall be the date stated in the request or, if none, the date it was received by the commission.

(2) A term surrender shall have its ending date stated in the request.

(3) Any request without a stated ending date shall be construed as a permanent surrender.

(4) A permanent surrender shall have no ending date.

(d) A license holder may voluntarily surrender any license by sending a signed, written request to the executive director, who may accept or reject the request.

(e) If accepted, the holder is no longer licensed:

(1) effective on the beginning date of the surrender; and

(2) until such a person applies for and meets the requirements of a new license.

(f) In case of such reapplication, the executive director:

(1) shall deny the new license based upon any failure to meet the current minimum standards for licensing; or

(2) may deny the new license based solely upon a voluntary surrender:

(A) if permanent; or

(B) if for a term that has not yet

expired.

(g) The executive director shall inform the commission of any of the following that have occurred since the last meeting:

- (1) any surrender that was accepted;
  - (2) any reapplication that was granted;
- and
- (3) any reapplication that was denied.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 3, 1986.

TRD-8609463 David M. Boatright  
General Counsel  
Texas Commission on Law  
Enforcement Standards  
and Education

Proposed date of adoption December 10, 1986

For further information, please call  
(512) 834-9222

★ ★ ★

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part IX. Texas Department on Aging

#### Chapter 251. Support Documents Statutes and Regulations

##### ★ 40 TAC §§251.1-251.7

The Texas Department on Aging proposes amendments to §§251.1-251.7, concerning the Older Americans Act, grants for state and community programs on aging, administration of grants, an adoption by reference of 45 Code of Federal Regulations Parts 80 and 84, the reporting system under the Older Americans Act, Title III, and the carryover policy under the Older Americans Act, Title III. The amendments eliminate the previous address of the Texas Department on Aging, provide the new permanent address, and standardize the abbreviation of the Texas Department on Aging as TDoA

Linda Heath, chief of grants management, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections

Tim Shank, deputy executive director, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be elimination of confusion regarding the present location of the Texas Department on Aging and clarification of the abbreviation by which the TDoA is to be known. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Edwin R. Floyd, Chief of Admin-



Administrative Services, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The amendments are proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the function of the department.

**§251.1 Older Americans Act.** The Texas Department on Aging adopts by reference the Older Americans Act, 42 United States Code §3001, *et seq*. Copies are available from the Texas Department on Aging, P.O. Box 12786 [210 Barton Springs Road], Austin, Texas 78711.

**§251.2. Grants for State and Community Programs on Aging.** The Texas Department on Aging adopts by reference the regulations applicable to grants for state and community programs contained in *Federal Register* Document 80-9635, Volume 45, Number 63, pages 21126-21166, which amends 45 Code of Federal Regulations Parts 1320, 1321, 1324, and 1326. The regulations are available from the Texas Department on Aging, P.O. Box 12786 [210 Barton Springs Road], Austin, Texas 78711.

**§251.3. Administration of Grants.** The Texas Department on Aging adopts by reference the regulations governing the administration of grants contained in 45 Code of Federal Regulations Part 74. Copies of the regulations are available from the Texas Department on Aging, P.O. Box 12786 [210 Barton Springs Road], Austin, Texas 78711.

**§251.4. Adoption by Reference 45 Code of Federal Regulations Part 80.** The Texas Department on Aging adopts by reference 45 Code of Federal Regulations Part 80. Copies may be obtained by written request to the Texas Department on Aging, P.O. Box 12786 [210 Barton Springs Road], Austin, Texas 78711.

**§251.5. Adoption by Reference 45 Code of Federal Regulations Part 84.** The Texas Department on Aging adopts by reference 45 Code of Federal Regulations Part 84. Copies may be obtained by written request to the Texas Department on Aging, P.O. Box 12786 [210 Barton Springs Road], Austin, Texas 78711.

**§251.6. Reporting System—Older Americans Act, Title III**

(a) Policy. It is the policy of the Texas Department on Aging (TDoA) to require that Title III grantees and subcontractors prepare budgets and keep financial records in a manner to provide quarterly reports of accrued expenditures of administrative costs by service. Budgeted pages III-5—III-7, which are submitted with the area plan and area plan amendment, have been revised to reflect budgeted administrative costs. Likewise, budget amendment Forms 202-5—202-7 have been revised to identify administrative costs in any amendments which may be processed during the budget period. Finally, the quar-

terly financial status report, state supplemental Form 269a, has been revised to reflect quarterly administrative costs expended within supportive and nutrition services. The definition of administrative costs proposed by the TDoA [TDoA] is presented in the following subsections.

(b)-(f) (No change.)

**§251.7. Carryover Policy—Older Americans Act, Title III.**

(a) (No change.)

(b) The notification of grant award issued by the TDoA [TDoA] authorizes the use of OAA Title III funds for the specific federal fiscal year during which the award is issued (October 1 [, 1983]-September 30 [, 1984]). At the end of each federal fiscal year, OAA grantees are provided a 90-day closeout period to determine the balance of unexpended funds. During the closeout period, an end-of-year report is completed indicating the unexpended balance [or carryover remaining]. [Unexpended balance or] Carryover is defined as any funds awarded for which no goods or services have been received, or services performed by employees, contractors, subgrantees, and other payees. Funds contracted beyond the TDoA [TDoA] grant period are considered unexpended. Accrued expenditures are not considered as unexpended. Accrued expenditures would include items purchased within the grant period, but where delivery is not made until a subsequent period. The grantee requests use of carryover funds by submitting a budget amendment to add the identified carryover funds to the current fiscal year award.

(c) It is the policy of TDoA [TDoA] to approve the carryover of up to 5.0% of funds awarded during the first three quarters of the grant period. Any funds awarded during the fourth quarter will be allowed as carryover in addition to the 5.0%. The 5.0% is computed for each program (administration, supportive services, direct service, congregate meals, or home-delivered meals) upon submission of an acceptable budget amendment request. For unexpended funds in excess of 5.0%, the TDoA [TDoA] will evaluate each grantee's budget amendment request for carryover funds on a case-by-case basis considering the following criteria:

(1)-(9) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on October 1, 1986.

TRD-8609367 O P (Bob) Bobbitt  
Executive Director  
Texas Department on  
Aging

Earliest possible date of adoption:

November 10, 1986  
For further information, please call  
(512) 444-2727

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## Chapter 252. Private Donors

### ★ 40 TAC §252.1

The Texas Department on Aging proposes an amendment to §252.1, concerning private donors. The amendment corrects the authorized abbreviation for the Texas Department on Aging

Linda Heath, chief of grants management, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Tim Shank, deputy executive director, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the elimination of confusion regarding the standard abbreviation to be used when referring to the Texas Department on Aging. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Edwin R. Floyd, Chief of Administrative Services, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The amendment is proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the function of the department.

**§252.1. Standards Governing Private Donors.**

(a) Purpose. The purpose of this section is to establish standards of conduct to govern the relationships between officers and employees of the TDoA [TDA] and private donors.

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

(1) Employee—A regular, acting, or exempt full- or part-time employee of the TDoA [TDA].

(2) Officer—An officer of the TDoA [TDA].

(3) Private donor—One or more individuals or organizations that offer to give or give nonpublic financial assistance to the TDoA [TDA].

(4) TDoA [TDA]—The Texas Department on Aging

(c) Standards of conduct

(1)-(3) (No change.)

(4) An officer or employee shall not make personal investments in association with a private donor which could reasonably be expected to create a substantial conflict between the officer or employee's private interest and the interest of the TDoA [TDA].

(5) (No change.)

(6) An officer or employee who has policy direction over the TDoA [TDA] and who serves as an officer or director of a private donor shall not vote on or otherwise

participate in any measure, proposal, or decision pending before the private donor if the TDoA [TDA] might reasonably be expected to have an interest in such measure, proposal, or decision.

(7) An officer or employee shall not authorize a private donor to use property of the TDoA [TDA] unless the property is used in accordance with a contract between the TDoA [TDA] and the private donor, or the TDoA [TDA] is otherwise compensated for the use of the property.

(8) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 1, 1986.

TRD-8609388

O. P. (Bob) Bobbitt  
Executive Director  
Texas Department on  
Aging

Earliest possible date of adoption:  
November 10, 1986

For further information, please call  
(512) 444-2727.

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## Chapter 253. State Aging Plan

### ★ 40 TAC §253.1

The Texas Department on Aging proposes an amendment to §253.1, concerning the state aging plan. The amendment corrects the mailing address of the Texas Department on Aging, which changed when the agency moved to new facilities.

Linda Heath, chief of grants management, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Tim Shank, deputy executive director, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification of the mailing address and location of the Texas Department on Aging. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Edwin R. Floyd, Chief of Administrative Services, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The amendment is proposed under the Human Resources Code, Chapter 1, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

### §253.1. State Plan on Aging for Texas.

The Texas Department on Aging adopts by reference the document titled "The State Plan on Aging under Title III of the Older Americans Act for Texas." This document is available from the Texas Department on Aging, P.O. Box 12786 [210 Barton Springs Road], Austin, Texas 78711.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 1, 1986.

TRD-8609388

O. P. (Bob) Bobbitt  
Executive Director  
Texas Department on  
Aging

Earliest possible date of adoption:  
November 10, 1986

For further information, please call  
(512) 444-2727.

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# Withdrawn

**Rules** An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office and a notice of the withdrawal will appear in the *Register*.

## TITLE 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy Chapter 513. Registration Registration of CPAs of Other States and Persons Holding Similar Titles in Foreign Countries

#### ★22 TAC §513.2

The Texas State Board of Public Accountancy has withdrawn from consideration §513.2, concerning registration of CPAs of other states and persons holding similar titles in foreign countries. The text of the amendment appeared in the July 1, 1986, issue of the *Texas Register* (11 TexReg 3028). The effective date of the withdrawal is October 3, 1986.

Issued in Austin, Texas, on October 3, 1986.

TRD-8609459

William A. Sansing  
Enforcement Coordinator  
Texas State Board of  
Public Accountancy

Filed: October 3, 1986  
For further information, please call  
(512) 450-7066.



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# Adopted

**Rules** An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 19. EDUCATION

### Part II. Texas Education

#### Agency

### Chapter 77. Comprehensive

#### Instruction

### Subchapter W. Driver Education Personnel

#### ★19 TAC §77.491

The Texas Education Agency adopts the repeal of §77.491, without changes to the proposed text published in the May 30, 1986, issue of the *Texas Register* (11 TexReg 2501).

The repeal will delete provisions with an unnecessary degree of detail from the driver education rules.

The repeal removes a detailed description of the training program for teaching assistants from the driver education rules. The repeal was originally proposed at the same time amendments to §§77.471-77.477, 77.479, and 77.480 were proposed and was intended for July adoption.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §21.102, which directs the Central Education Agency to develop a program of organized instruction in driver education and traffic safety for public school students.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on October 1, 1986.

TRD-8609389  
W N Kirby  
Commissioner of  
Education

Effective date: October 23, 1986  
Proposal publication date: May 30, 1986  
For further information, please call  
(512) 463-9212.

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## TITLE 22. EXAMINING BOARDS

### Part III. Texas Board of Chiropractic Examiners

### Chapter 75. Rules of Practice

#### ★22 TAC §75.1

The Texas Board of Chiropractic Examiners adopts an amendment to §75.1, without changes to the proposed text published in the August 29, 1986, issue of the *Texas Register* (11 TexReg 3824).

The amendment helps regulate and deter the possibility of a licensee fraudulently billing for services and not actually receiving compensation.

The amendment makes it a violation of the Chiropractic Act to fraudulently bill a patient or insurance company for goods or services not actually rendered or received, and the licensee not receiving compensation.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4512b, and Senate Bill 109, Acts of the 67th Legislature, 1981, §5, which provides the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules as deemed necessary.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on September 30, 1986.

TRD-8609394  
Bobbie Ferris  
Executive Director  
Texas Board of  
Chiropractic Examiners

Effective date: October 23, 1986  
Proposal publication date: August 29, 1986  
For further information, please call  
(512) 835-2006.

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### Chapter 77. Advertising and Public Communications

#### ★22 TAC §77.2

The Texas Board of Chiropractic Examiners adopts an amendment to §77.2, with

changes to the proposed text published in the August 29, 1986, issue of the *Texas Register* (11 TexReg 3824).

The amendment regulates and deters the practice of offering a free or token fee service and later charging the patient for more services than was advertised.

The amendment makes it a violation of the Chiropractic Act if a licensee does not inform the patient that the patient has a right to refuse to pay or cancel payment or be reimbursed for payment for any service which is performed as a result of, and within 72 hours of, responding to the advertisement for the free service.

One comment was received from Dr. Joseph I. Superville, D.C., expressing a view that offering an initial consultation at no charge helps educate the public.

The agency disagrees with the comment because many licensees use advertising free services as a means to solicit patients and then charge them for more services than were advertised. The agency feels this is unprofessional and misleading to the public.

The amendment is adopted under Texas Civil Statutes, Article 4512b and Senate Bill 109, Acts of the 67th Legislature, 1981, §5, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules as deemed necessary.

**§77.2. Publicity.** A licensee shall not, on behalf of himself, his partner, associate, or any other licensee affiliated with him, use or participate in the use of any form of public communication which:

(1)-(9) (No change.)

(10) in any advertisement for a free or token service, examination, or treatment by a health care provider licensed under this Act, the following statement must appear in capital letters clearly distinguishable from the rest of the text: "The patient and any other person responsible for payment has a right to refuse to pay or cancel payment, or be reimbursed for payment for any service, examination, or treatment which is performed as a result of and within 72 hours of responding to the advertisement for the free service, examination, or treatment."

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on September 30, 1986.

TRD-8609395

Bobbye Ferris  
Executive Director  
Texas Board of  
Chiropractic Examiners

Effective date: October 23, 1986

Proposal publication date: August 29, 1986

For further information, please call  
(512) 835-2006.

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## Part XII. Board of Vocational Nurse Examiners

### Chapter 231. Administration Definitions

#### ★22 TAC §231.1

The Board of Vocational Nurse Examiners adopts an amendment to §231.1, without changes to the proposed text published in the August 22, 1986, issue of the *Texas Register* (11 TexReg 3724).

The amendment of this section provides for compliance with House Bill 900, 69th Legislature, 1985. Also, it provides for definition of a peer assistance program and an impaired vocational nurse.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on October 1, 1986.

TRD-8609398

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Effective date: October 23, 1986

Proposal publication date: August 22, 1986

For further information, please call  
(512) 835-2071.

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### Disciplinary Action

#### ★22 TAC §231.103

The Board of Vocational Nurse Examiners adopts new §231.103, without changes to the proposed text published in the August 28, 1986, issue of the *Texas Register* (11 TexReg 3779).

The new section establishes criteria for a peer assistance program. It also provides

for compliance with House Bill 900, 69th Legislature, 1985.

Favorable comments were received from Shirley J. Pinterich, R.N., Vice President of Nursing, Huguley Memorial Medical Center, Fort Worth, and Mary Lee Scheel, R.N., Director of Nursing, Mercy Hospital of Jourdan. Favorable comments were also received from Sally Evans, Vice President, Wichita General Hospital, Wichita Falls, and Jan Maville, R.N., Director of Nurses, Rio Grande Regional Hospital, McAllen; however, they were in support of changing the word "may" to the word "shall" in regard to §231.103(1)(L), as they felt it imperative that prior offenders be reported and monitored accordingly.

The board had been advised by the assistant attorney general for the board that the word "shall" could not be used as it reflected a stronger language than originally intended in House Bill 900.

The new section is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on October 1, 1986

TRD-8609397

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Effective date: October 23, 1986

Proposal publication date: August 22, 1986

For further information, please call  
(512) 835-2071

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## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 137. Birthing Centers

The Texas Department of Health adopts the repeal of §137.1 and new §§137.1-137.11. New §§137.1 and 137.4-137.10 are adopted with changes to the proposed text published in the April 29, 1986, issue of *Texas Register* (11 TexReg 1965). New §§137.2, 137.3, and 137.11 are adopted without changes and will not be republished.

The public benefit anticipated is to set minimum standards for the licensing of birthing centers in the State of Texas.

The new sections cover the purpose; definitions; fees; standards for operation of a birthing center; unlicensed facilities; exemptions; initial applicants; inspections;

renewal of annual license; conditions of an annual license; and license denial, suspension, and revocation.

Numerous commenters submitted specific comments which were reviewed and resulted in the department's response.

One commenter recommended that the responsibility of developing clinical standards should be accomplished by the department's Bureau of Maternal and Child Health and the non-clinical standards should be developed by the department's Bureau of Licensing and Certification.

The department disagrees because the statute delegates the responsibility of developing rules to implement the statute to the Board of Health and not to a specific bureau within the department. The language of these rules do not preclude any bureau of the department from providing consultation to the birthing center ad-hoc committee of the department or to the Board of Health.

Regarding new §137.1, one commenter proposed new language to more concisely clarify the definition of administrator/manager. The department agrees and has changed the language of the definition.

One commenter recommended that the words "to a normal newborn baby" be included within the definition of birthing center. The department disagrees because the current language is taken directly from the statute.

One commenter recommended that the definition of clinical director be deleted. The department disagrees because the term "clinical director" is used in the rules and is necessary for clarification. A reference to clinical director in §137.8(b)(2) was added.

One commenter recommended that the definition of licensed vocational nurse be deleted because it is not mentioned in the rules. The department agrees and has deleted the term.

A commenter recommended that the department delete the definition of low-risk and incorporate it with the definition of normal uncomplicated pregnancy because the terms are synonymous. The department disagrees regarding the deletion of low-risk because this term is used in the context of the rules and is necessary for clarification. However, the department agrees in part with the combined language suggested for the two definitions and has made appropriate changes.

One commenter recommended that, to be consistent with the statutory definition of person, the reference to owning, controlling, or operating a birthing center should be deleted. The department agrees and has deleted the term.

One commenter said that the definition of referral hospital is unclear as to whether the agreement between the birthing center and referral hospital is to be in writing.

Another commenter recommended that the words written agreement be added to the definition. The department disagrees that the agreement should be in writing. However, the department has changed the language to delete the reference to agreement and to say instead that the birthing center must identify a specific hospital to receive mothers and infants who are not low-risk.

A commenter recommended that the definition of registered nurse be deleted because it is not used in the rules. The department agrees and has deleted the term.

One commenter recommended that the definition of supervision be deleted because the term is not used in the rules. The department agrees and has deleted the term.

One commenter recommended that the definition of uncomplicated vaginal delivery be deleted because the term is not referenced in the rules. The department disagrees because the term is relevant to the context of the rules although it is not specifically mentioned in the rules.

Regarding new §137.3, one commenter recommended that the department list the requirements to qualify for an exemption. The department disagrees because the specific exemptions are addressed in the statute.

Regarding new §137.4, one commenter recommended that the name of the birthing center be added as an application requirement in subsection (b)(4). The department agrees and has added the term.

One commenter suggested that the department delete the requirement in subsection (b)(5) of the names and addresses of birth attendants on the birthing center application.

The department disagrees because the department needs to screen and assess the persons who operate birthing centers and which employees work in the birthing centers. An on-site survey might not be conducted annually to verify employment and credentials.

One commenter suggested that the three-month on-site inspection of the birthing center stated in subsection (e) be changed to a two-month on-site inspection in order that the inspection period be sooner. The department agrees and has made the change.

One commenter recommended that the department add the term "requirements" in subsections (e), (f), and (h) so that the language will read "standards and requirements." The department disagrees because standards and requirements are considered synonymous.

One commenter recommended that the department change the reference of center to licensee and use the term "owner" in subsections (f) and (g) to establish the requirement that an individual is the re-

sponsible party for the operation of the center. The department agrees and has made the change.

One commenter said that subsection (f) is unclear as to the necessity of the self survey and whether the self survey is due six months or three months prior to the license renewal application. The department's response is that it requires a self survey because funding may not be available to allow an annual on-site inspection and a self survey is the only mechanism for the department to obtain information. However, the department has changed the language to clarify that a self survey is due 30 days prior to license renewal if an on-site inspection has not been conducted within six months prior to the expiration date of the license.

Regarding §137.5, one commenter recommended that all references of center and person be changed to licensee or applicant to establish that an individual is the responsible party for the operation of the center. The department agrees and has done so.

A commenter recommended that requirements be added so that the language will read, "standards and requirements." The department disagrees because standards and requirements are considered synonymous.

Regarding new §137.6(e), a commenter suggested that the requirement of notifying the department regarding a change in clinical director be deleted. The department agrees to delete clinical director; however, notification of changes in administrator is required because the department needs to know who to contact at the birthing center.

Regarding new §137.7, one commenter recommended that subsection (a)(6) say that an intentional or negligent act be one that adversely affects the health or safety of a patient. The department agrees and has made the appropriate change.

One commenter considered the language in subsection (a)(6) to be broad and subject to restrictive subjective interpretation. The department disagrees because every situation that may adversely affect health and safety could not be addressed in the rules.

Concerning subsection (b), a commenter suggested that the word center be changed to applicant or licensee. The department agrees and has made the change. Numerous comments were made concerning §137.8. As a result, the department has made a number of minor changes. The primary changes are the division of the section into two subsections and the rearrangement of various subdivisions within the sections. Because of this rearrangement, each comment will refer to the proposed subsection number and to the final subsection number. One commenter recommended that the words "and requirements" be added to the section title Stan-

dards for Birthing Centers as an attempt to distinguish the difference between clinical standards for birthing centers and nonclinical operational requirements. A number of other comments addressed the question of making a distinction between clinical and operational standards. The department disagrees with the addition of the words "and requirements" as this is not necessary; however, the department agrees with the suggestions to have the section distinguish clinical standards from nonclinical operational standards. The department has implemented this suggestion by dividing the section into two subsections, one covering operational standards and one covering clinical standards.

The corresponding language and section subdivisions throughout §137.8 have been changed to reflect the distinction between clinical standards and nonclinical operational standards.

Concerning language in subsections (b), (c) and (d), one commenter questioned whether one person may function as governing body, administrator, and clinical director. The department's intent is to allow one person to function in all three positions in some situations. See final subsection (a)(2)-(3) and (b)(2).

Concerning subsection (c)(5), the department has added language to clarify that birth attendants are currently certified by the American Heart Association or the American Red Cross for cardio-pulmonary resuscitation (CPR) and infant resuscitation. See final subsection (a)(4)(E).

One commenter questioned whether, in subsection (h)(2), the language "emergency call system and suction equipment" applied to Category A and B birthing centers. The department's intent is to require a Category A center and a Category B center to have an emergency call system and suction equipment.

See final subsection (b)(3)(B). The department has clarified in final subsection (b)(3)(B) that personnel trained in CPR must be available in the birthing center when a patient is in the center.

Two commenters questioned the two-year requirement of retention of clinical records in subsection (i). For licensure and statistical purposes, clinical records shall be retained for five years. The agency has changed the language from two years to five years. See final subsection (b)(4).

One commenter suggested that subsection (i) contain a requirement that all orders in the clinical records which are written by a physician be signed by the physician. The department disagrees because existing state laws already cover signed orders and standing delegation orders. However, the department has changed the language to require that all individuals who initiate the entry in the clinical record have to sign the record. See final subsection (b)(4).

One commenter said that subsection (h) (1) does not outline a time element to transport a patient to a hospital and that a shorter response time of 30 minutes be required for physicians. The department disagrees as parameters are established in final subsection (b)(3)(A).

One commenter questioned whether, in subsection (l)(1), each center was responsible for developing its own consent form. A commenter recommended that the department delete the term "informed consent" and add the phrase "a form as promulgated by the department" and the requirement that the form include a detailed explanation of the center's arrangement with physicians and referral hospitals. The department disagrees with requiring the department to furnish the form because each center should be responsible for developing its own consent form as it relates to the center. The department agrees that the informed consent should contain an explanation of the center's arrangements with physicians and hospitals and has added the appropriate language. The department also has added language to include the requirement that clinical records contain documentation for consultation and documentation of client's refusal to comply with advice on treatment. See final subsection (b)(4)(A), (L), and (M).

Two commenters recommended that the department change the language in subsection (j) to clarify that if there is a deviation from a normal uncomplicated pregnancy or problems with a newborn, the mother and/or infant must be referred and transferred immediately to the care of the appropriate medical consultant.

The department agrees with the recommendations and has changed the language to show the intent. See final subsection (b)(1).

A commenter suggested that appropriate medical consultant and high risk in subsection (j) be defined. The department agrees that both terms should be identified but are already defined in §137.1, concerning definitions.

Concerning subsection (j)(1) and (2), a commenter recommended that a Category B birthing center should not be mandated to utilize the risk assessment protocol of the *Texas Lay Midwifery Manual*. The department agrees and has changed the language to read that a Category B center may utilize a risk assessment system that has been approved by its own medical consultant or follow the risk assessment protocol in the *Texas Lay Midwifery Manual*. See subsection (b)(1)(B)(i)-(iii).

One commenter recommended that the department change left unattended by an adult in subsection (k)(1)(B) to left unattended by a birth attendant.

The department disagrees because an adult is considered a responsible person who would be able to contact the birth attendant who is required to be immediately

available. In addition, the department has modified the language requiring attendance by an adult after the acute postpartum period. See final subsection (b)(5)(C).

One commenter stated that the term acute postpartum period used in subsection (k)(2) is undefined. The department disagrees as this term is defined in §137.1, concerning definitions.

A commenter requested clarification of subsection (k)(2)(A). The department added, for clarification purposes, that personnel are currently certified in CPR by the American Heart Association or the American Red Cross plus infant resuscitation. See final subsection (b)(5)(A).

One commenter stated that in subsection (k)(4) and (5), it was not necessary to define anesthetic agent and questioned the health and safety factor if spinal or caudal anesthesia were used in a birthing center. The department agrees with deleting the definition of anesthetic agent and has combined the paragraphs to prohibit the administration of general anesthesia and epidural and subdural anesthesia. See final subsection (b)(5)(E).

One commenter recommended that the department insert the words "whenever possible" after the "shall" in subsection (n)(1). The department disagrees because all birthing centers must have procedures for consultation with physicians to protect the health and safety of patients. See final subsection (b)(8)(A).

One commenter recommended setting a time frame to prevent early discharge from the birthing center. Two commenters recommended that the department clarify in subsection (o), the discharge of mother and child after 24 hours.

The department agrees with the suggestions and has changed the language to state that discharge from a birthing center is not less than six hours after birth and that a report is required if a mother or child remain at the birthing center for medical reasons more than 24 hours after birth. See final subsection (b)(9).

One commenter recommended that the department delete the language in subsection (q) that follow-up care or referral for follow-up of mother and infant is required. Another commenter recommended that the language remain in the subsection. One commenter requested clarification of the policy and procedure manual. The department disagrees with deleting the requirement but agrees to change the language to require written protocol which assures follow-up care or referral for follow-up for mother and infant. The department also has deleted the reference to the policy and procedure manual. See final subsection (b)(11).

In subsection (r), the department listed liquid nourishment as a food service. However, in the adopted text of the new section, the department has provided that liq-

uids are not considered a form of food service because liquid nourishment is a necessity to the mother in the birth process. See final subsection (a)(7).

One commenter questioned what format is required in subsection (s) for the Quality Assurance Program and whether it should be in writing. The department's intent is to require a written quality assurance program in a format based upon the specific and individualized needs of each birthing center. See final subsection (b)(12).

One commenter recommended that the department add language in subsection (t)(1) and (2), that oxytocic agents are not to be used antepartum. The department disagrees because the prohibition of oxytocic agents is addressed in §137.1 in the definition of uncomplicated vaginal delivery. The department has changed the language in (t)(1) to clarify that all birthing centers must provide drugs and biologicals in a safe and effective manner and in accordance with state and federal law. See final subsection (b)(13)(A).

A commenter suggested more specific language in subsection (u)(1) for a safe and sanitary environment. The department disagrees as the terminology is appropriate and is used in other health care facility rules in order not to be overly prescriptive. See final subsection (a)(8)(A).

A commenter questioned whether the infection control protocol in subsection (u)(2) is to be in writing. The department's intent is to require all policies, procedures, and protocols to be in writing. See final subsection (a)(8)(B).

A commenter recommended in subsection (v), that the department elaborate on what are acceptable standards of sterilization. The department agrees and has changed acceptable standards to current standards. See final subsection (a)(9).

A commenter recommended that subsection (w) be expanded to allow placenta disposal by the family. The department agrees and has modified the subsection accordingly. See final subsection (a)(10).

A commenter recommended that subsection (x) should specify further the requirements for the disposal of infectious waste. The department agrees and has made the subsection more specific. See final subsection (a)(11).

Regarding §137.9, a commenter asked what premise is referred to in subsection (a). The department's intent is to require the department representative to enter the premise of the birthing center.

A commenter asked what constitutes admission to service in subsection (b), as this could be prenatally or intrapartum. The department agrees and has changed admission to initial visit.

Regarding §137.10, a commenter recommended that the department specify the types of supporting documents required



in the introductory language in the section. The department agrees and has changed the language to require supporting documents that are requested by the department.

One commenter recommended in paragraph (1) to add woman or infant to death of a patient. The department agrees in part and has changed the language to include perinatal death, stillbirth, and fetal demise. A number of other minor changes have been made to assure consistent terminology, clarify the meaning without substantial change and improve grammar and style. Numerous commenters submitted general recommendations to the department with no specific comments which required responses by the department.

Those commenters specifically in support of the proposed rules included: Clara Fuentes, consumer; Regina Cook, consumer; Theresa Cox, consumer; Carol and Roger Moore, consumers; Crystal L. Brown, consumer; Beverly A. Moss, consumer; and Tammy Ring, consumer.

The following commenters were not against the new sections in their entirety. However, the commenters raised questions, expressed concerns, and made recommendations concerning specific provisions in the new sections: the Association of Texas Midwives; a physician representing the subcommittee on Perinatal Health of the Texas Medical Association; Texas Medical Association; members of the Board of Health; the American College of Nurse-Midwives; Sister Anne Darlene Wojtowicz, certified nurse-midwife; Cheryl Ross, certified nurse-midwife; Martha Burk, certified nurse-midwife; and the Consortium of Texas Certified Nurse-Midwives.

### ★ 25 TAC §137.1

The repeal is adopted under Texas Civil Statutes, Article 4437f-3, §3, which provide the Texas Board of Health with the authority to adopt rules covering Texas Birthing Centers

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on October 1, 1986

TRD-8609371

Robert A. MacLean  
Deputy Commissioner,  
Professional Services  
Texas Department of  
Health

Effective date: October 22, 1986

Proposal publication date: April 29, 1986

For further information, please call  
(512) 458-7245.

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### ★ 25 TAC §§137.1-137.11

The new sections are adopted under Texas Civil Statutes, Article 4437f-3, §3, which provide the Texas Board of Health with the authority to adopt rules to implement the Texas Birthing Center Licensing Act.

§137.1. *Definitions.* The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

Acute (immediate) postpartum period—An interval of four to six hours after delivery of the placenta.

Administrator/Manager—A person who is delegated the responsibility for the implementation and proper application of policies, programs, and services established by the governing authority of the facility.

Birth attendant—A physician or certified nurse-midwife (CNM) or a lay midwife.

Birthing center—A facility, place, or institution where a woman is scheduled to give birth following a normal uncomplicated (low-risk) pregnancy. This term does not include a hospital, ambulatory surgical center, a nursing home, or residence of the woman giving birth.

Category A birthing center—A birthing center that provides a level of service commensurate with the professional skills of a physician or certified nurse-midwife who acts as the birth attendant.

Category B birthing center—A birthing center that provides a basic level of service commensurate with the level of skills of a lay-midwife who acts as the birth attendant.

Center—A birthing center  
Certified nurse-midwife (CNM)—A person who is.

(A) certified by the American College of Nurse-Midwives;

(B) currently licensed by the Texas Board of Nurse Examiners as a registered nurse; and

(C) approved by the Texas Board of Nurse Examiners as an advanced nurse practitioner.

Client/Patient—A female who is scheduled to give birth at a birthing center and the child of that birth.

Clinical director—A person who is responsible for advising and consulting the staff of a birthing center on all matters relating to the clinical management of all patients. See §137.8(b)(2) of this title (relating to Standards for Birthing Center).

Department—The Texas Department of Health

Director—The director of the Health Facility Licensure and Certification Division of the Texas Department of Health or his or her designee.

Hospital—A facility that is required to be licensed under the Texas Hospital Licensing Law, Texas Civil Statutes, Article 4437f.

Lay midwife—A person who practices lay midwifery as defined in Texas Civil Stat-

utes, Article 4512i.

Low-risk—A pregnancy that is determined by history, application of a risk criteria, and prenatal care that broadly predicts an outcome of a normal, uncomplicated birth.

Medical consultant—A physician who consults with a birthing center.

Normal uncomplicated pregnancy—A pregnancy that is evaluated by a risk assessment process and found to be low risk.

Person—An individual, firm, partnership, corporation, or association.

Physician—A person who is currently licensed under the laws of this state to practice medicine and who holds a doctor of medicine or doctor of osteopathy degree.

Referral hospital—A hospital that a birthing center has identified to receive mothers and/or infants who are not low-risk.

Risk-assessment—Application of historical, physical, and laboratory data for the prediction of pregnancy outcome.

Statute—Texas Civil Statutes, Article 4437f-3.

Uncomplicated vaginal delivery—Spontaneous labor and delivery accomplished without mechanical or chemical assistance.

### §137.4. *Issuance and Renewal of Licenses.*

(a) Upon written request, the director shall furnish a person with an application for a birthing center license. An applicant for a license shall be at least 18 years of age.

(b) An application must include the following:

(1) a nonrefundable license fee in the amount of \$300 that must be a certified or personal check or money order made payable to the Texas Department of Health;

(2) the names of all persons who own, control, or operate the birthing center, including the names of persons who own any interest in the birthing center;

(3) the organizational structure of the staffing for the birthing center;

(4) the name, mailing address, and street address of the birthing center;

(5) the names and addresses of the physicians, certified nurse-midwives, and lay midwives who will provide services at the birthing center; and

(6) the telephone number of the center and the telephone number where the administrator can usually be reached when the center is closed.

(c) An applicant shall submit a completed original application to the department. Upon receipt of the application, a representative of the department shall schedule a presurvey conference with the applicant in order to inform the applicant of the standards for the operation of the center.

(d) If the director determines that the application is complete and correct and a presurvey conference has been held, the department may issue a temporary license to the applicant if the planned care provided in a birthing center is provided by a physician, certified nurse-midwife, or a lay midwife. Services provided under a temporary



license shall be limited to services that are necessary for a normal uncomplicated pregnancy and shall be subject to the standards required in these sections. A temporary license is valid for six months or until the issuance or denial of a regular license, whichever is sooner.

(e) The director shall schedule an on-site inspection of the birthing center within two months of the date of issuance of the temporary license. A department surveyor shall inspect the center to substantiate compliance with the standards in accordance with §137.5 of this title (relating to Inspections). A license shall be issued to a center which meets the minimum standards for either Category A or Category B license. The license shall expire one year from the date of issuance or one year from the issuance of a temporary license under subsection (d) of this section, whichever is sooner.

(f) The department will notify a licensee at least 60 days before the expiration date of a license. If the licensee has not received notice of expiration from the department 45 days prior to the expiration date, it is the duty of the licensee to notify the department and request an application for a license. If the center has not been inspected by the department within six months from the expiration date of the license, the licensee must complete a self-survey report as a part of the license renewal application. The licensee shall submit the application and self-survey report to the department post-marked no later than 30 days prior to the expiration date of the license. The department shall issue a license to a center which meets the minimum standards for a license.

(g) If a licensee fails to timely submit an application and fee in accordance with subsection (f) of this section, the department shall notify the licensee that the center must cease operation on the expiration date of the license. If the center is to provide birthing services after the expiration of its license, it must reapply for a license in accordance with this section.

(h) The director may propose to deny the issuance of a license if, based on the inspection report, the director determines that the birthing center does not meet minimum standards. The procedure for denial of a license shall be in accordance with §137.7 of this title (relating to License Denial, Suspension, or Revocation).

(i) If an applicant decides not to continue the application process for a license, the applicant may request that the application be withdrawn. The director shall acknowledge a request to withdraw an application for a license.

#### §137.5. *Inspections.*

(a) An on-site inspection shall determine if standards for licensing are being met. Prior to an inspection, the surveyor shall notify the applicant or licensee of the date and time of the visit. A standard-by-standard evaluation is required before the first regular

license is issued, and may be required after licensure if the birthing center has not demonstrated reasonable compliance with standards.

(b) After an inspection is completed, the surveyor shall prepare a report that contains the following:

- (1) a completed survey report form;
- (2) a statement that not all standards were evaluated, if applicable;
- (3) a description of each deficiency cited;
- (4) an acceptable plan of correction and the date(s) by which correction(s) will be made; and
- (5) signed comments by the applicant or licensee.

(c) The surveyor shall request the applicant or licensee to sign the report as an acknowledgement of receipt of a copy of the form at the completion of the on-site survey. Signing the report does not indicate agreement with any deficiency cited. If the applicant or licensee declines to sign the report, the surveyor shall note the declination on the report. The surveyor shall leave a copy of the report with the applicant or licensee.

(d) The surveyor shall submit a report to the director for evaluation and decision. If the director determines the center is not meeting minimum standards, the director shall notify the center in writing of unmet standards and the plan of correction necessary for compliance. The center shall come into compliance in accordance with the plan of correction or no later than 30 days prior to the expiration of the license, whichever is sooner. If the center fails to comply, the director may propose to deny, suspend, or revoke the license in accordance with §137.7 of this title (relating to License Denial, Suspension, or Revocation).

#### §137.6. *Conditions of License.*

(a) A license is not transferable or assignable. If a person is considering acquisition of a licensed center, in order to insure continuity of patient services, the person should inform the department in writing of the acquisition and submit a license application at least 60 days prior to the acquisition for each place of business in accordance with §137.4 of this title (relating to Issuance and Renewal of Licenses).

(b) A license is valid only for the location indicated on the license.

(c) The administrator must notify the department in writing of any change in the telephone number of the center or the administrator's telephone within 30 days of the effective date of the change.

(d) If a center changes its business name, the administrator must notify the department in writing within 30 days of the effective date of the name change.

(e) If a center changes its administrator, the center shall provide the name of the new administrator to the department in writing no later than 30 days following such change.

(f) The administrator shall notify the department in writing when the center closes and shall return the license to the department.

#### §137.7. *License Denial, Suspension, or Revocation.*

(a) The department may deny, suspend, or revoke a license if a center or its staff:

- (1) violates a provision of the statute;
- (2) fails to meet the standard or requirement of these sections;
- (3) misstates a material fact on any documents required to be submitted to the department or required to be maintained by the center pursuant to the statute;
- (4) commits a false, misleading, or deceptive act or practice as that term is defined in the Deceptive Trade Practices-Consumer Protection Act, Texas Codes Annotated, Business and Commerce Code, §17.46;
- (5) materially alters any license issued by the department; or
- (6) commits an intentional or negligent act that adversely affects the health and safety of a patient.

(b) If the director of the Health Facility Licensure and Certification Division of the department proposes to deny, suspend, or revoke a license, the director shall notify the applicant or licensee by personal service or by registered or certified mail of the reasons for the proposed action and offer the center an opportunity to show compliance with all requirements of law for retention of the license. The applicant or licensee may request a hearing within 30 days after the date the center receives notice. The request must be in writing and submitted to the Director, Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A hearing shall be conducted pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and §§1.21-1.32 of this title (relating to Formal Hearing Procedures). If the center does not request a hearing in writing after receiving notice of the proposed action, the center is deemed to have waived the opportunity for a hearing and the proposed action shall be taken.

#### §137.8. *Standards for Birthing Center.*

(a) Operational standards.

(1) A birthing center shall comply with all applicable federal, state, and local laws and rules.

(2) A birthing center must have a governing body that assumes full responsibility for determining, implementing, and monitoring policies governing the center's total operation and for ensuring that these policies are administered so as to provide quality health services in a safe environment. When services are provided through a contract, the governing body must assure that these services are also provided in a safe and effective manner. If a center provides Category B services only, the lay midwife may

serve as the sole member of the governing body.

(3) The center shall have an administrator who is responsible for implementing the policies of the center.

(4) Personnel policies are developed in writing and contain the following:

(A) job descriptions for all personnel;

(B) requirement for orientation of all employees;

(C) requirement for periodic evaluation of employee performance;

(D) inservice education requirements; and

(E) evidence that all birth attendants are currently certified by the American Heart Association or the American Red Cross in cardiopulmonary and infant resuscitation.

(5) The personnel record for each employee will include verification of licenses for professional personnel and a certified copy of the identification form required to be filed by a lay midwife.

(6) The birthing center shall be located within 30 minutes normal driving time of a referral hospital. The director may approve the location of a center that is located a further distance away if the director finds that this requirement would be unreasonable.

(7) The center must have the capacity to provide patients with liquid nourishment. If food other than liquid nourishment is provided by the center it will be subject to the requirements of §§229.161-229.171 of this title (relating to Food Service Sanitation).

(8) Procedures concerning sanitary environment are as follows.

(A) The birthing center must have a safe and sanitary environment properly constructed, equipped, and maintained to protect the health and safety of patients. The center shall provide handwashing facilities for patients and staff.

(B) The center must establish a program for identifying and preventing infections and maintaining a sanitary environment.

(C) The center must comply with all local fire and safety codes and have an effective fire and disaster plan that includes drills conducted on a quarterly basis.

(9) The center must have equipment available to sterilize instruments, equipment, and supplies before use in the center. The center must use current standards and principles of sterilization in processing sterile supplies.

(10) If the center does not have an incinerator, the placenta shall be refrigerated or submerged in a preservative solution and transported to a hospital or laboratory for incineration. Placentas will not be placed in the trash or dumpster for disposal. A center may give the placenta to the family at the time of discharge upon request.

(11) Infectious or pathological wastes from birthing centers shall be incinerated. If an incinerator is not available at the birthing

center, infectious or pathological wastes shall be double-bagged in plastic bags not less than 1.5 mils thick each and conspicuously marked. The waste shall not be commingled with routine solid waste, but shall be segregated for special collection and transportation to a Type 1 municipal solid waste landfill.

(12) The center must have policies and procedures for the handling, processing, storing, and transporting of clean and dirty laundry. The center may provide laundry services directly or by contract.

(b) Clinical standards.

(1) Only a woman with a normal uncomplicated pregnancy at the time of admission shall be accepted and cared for at a birthing center. A woman who develops any condition that causes her to deviate from having a low-risk pregnancy at any time during the antepartum, intrapartum, or postpartum periods shall be referred and transferred immediately by the birthing center to the care of the appropriate medical consultant when the abnormal condition is recognized. Infants who are born with or develop problems following birth shall also be referred to the appropriate medical consultant.

(A) A Category A birthing center must use a risk assessment system that has been approved in writing by its medical consultant.

(B) A Category B birthing center must use one of the following risk assessment systems:

(i) the risk assessment protocol entitled "Recognizing What is Not Normal," Chapter 9.4, *Texas Lay-Midwifery Manual*, that has been adopted by reference in §37.176 of this title (relating to Lay Midwifery Manual); or

(ii) a risk assessment system that has been approved in writing by its medical consultant.

(2) The center shall have a clinical director. The clinical director will be responsible for advising and consulting the staff of the center on all matters relating to the clinical management of all patients. The clinical director shall be a physician, a certified nurse-midwife, or a lay midwife.

(3) The clinical director and staff shall develop criteria to assess a patient who develops complications during pregnancy that would require the transfer of the patient from a birthing center to a referral hospital. The criteria will be reviewed and approved annually by the governing body.

(A) The clinical director shall develop a written protocol for transfer of a patient to a referral hospital that shall include provisions for consulting with the receiving physician, notifying the receiving hospital, sending a copy of the clinical record to the hospital, and the duties and responsibilities of staff during the transfer procedure.

(B) Birthing centers must have an emergency call system and suction equipment. Personnel trained in CPR must be

available in the center whenever there is a patient in the center.

(C) A Category A center must provide emergency equipment and emergency medications as specified by the physician consultant as follows:

(i) oxygen;

(ii) respiratory support equipment including airways, manual breathing bag, and mask;

(iii) laryngoscopes and endotracheal tubes;

(iv) emergency medications and supplies.

(4) The birthing center must maintain complete, comprehensive, and accurate clinical records to insure adequate patient care. The center must develop and maintain a system for the proper collection, storage, use, and protection of records. Clinical records shall be retained for five years following the last patient visit. All entries into the clinical record must be signed and dated by the person initiating the entry. The clinical record must contain the following:

(A) a disclosure statement and/or informed consent that is signed by a patient that explains the benefits, limitations, and risks of the services available to them at the birthing center, and that describes the collaborative arrangements that the center has with physicians and with referral hospitals;

(B) the disclosure statement required to be given a patient by a lay midwife, if applicable;

(C) record of prenatal care;

(D) history and physical examination of patients;

(E) laboratory procedures;

(F) intrapartum care;

(G) infant care;

(H) postpartum care;

(I) allergies and medication reactions;

(J) risk assessment;

(K) record of medications administered;

(L) documentation for consultation; and

(M) refusal of client to comply with advice or treatment.

(5) Labor and delivery procedures are as follows.

(A) Labor and delivery shall be managed and attended by a physician, a certified nurse-midwife, or a lay midwife. The birth attendant shall be trained in the use of emergency equipment and shall be currently certified by the American Heart Association or the American Red Cross in cardiopulmonary and infant resuscitation.

(B) A birth attendant shall be physically present or immediately available within the birthing center while a woman is in labor and throughout the acute postpartum period.

(C) After the acute postpartum period, an adult shall be physically present

or immediately available within the birthing center to attend the woman and infant.

(D) Interventions shall be limited to those normally required to accomplish an uncomplicated vaginal delivery.

(E) No general, epidural, or subdural anesthetic agent shall be administered in a birthing center.

(6) The center shall adopt written policies and procedures for the care of the newborn infant and shall review and revise the policies as necessary to reflect current practices. The policies shall include, but not be limited to, the following:

- (A) resuscitation of the newborn;
- (B) prophylactic treatment of the

eyes;

(C) physical examination of the newborn before discharge with appropriate documentation;

(D) referral for any abnormalities or problems;

(E) the collection of blood for newborn screening; and

(F) blood testing for syphilis as specified in the Texas Venereal Disease Act, Texas Civil Statutes, Article 4445d.

(7) The department recommends that birthing centers establish plans for detection of RH and ABO isoimmunization.

(8) Physician-consultant procedures are as follows.

(A) All birthing centers shall develop procedures for consultation with physicians.

(B) Physician-consultants should include, whenever possible, board-certified obstetricians and pediatricians who are readily available by telephone and who could be physically present to deliver emergency care within 30 minutes.

(C) The physician-consultants shall have admitting and attending privileges at nearby hospitals capable of providing or securing, through interhospital transfer agreements, high-risk obstetric and newborn services.

(9) The mother and infant shall be discharged from the birthing center within 24 hours but not prior to six hours after birth. If the mother and/or infant remain at the birthing center for medical reasons for more than 24 hours after birth, a report shall be filed with the Texas Department of Health, Health Facility Licensure and Certification Division, 1100 West 49th Street, Austin, Texas 78756, within 48 hours after the birth describing the circumstances and reasons for the extended stay.

(10) Complications that result in the death of a mother or infant in the birthing center or within 24 hours after transfer from the birthing center to a hospital shall be reported immediately by telephone to the director, but no later than two business days after the incident.

(11) The birthing center shall develop a written protocol to provide follow-up postnatal and postpartum care to the in-

fant and the mother either directly or by referral.

(12) The birthing center must provide a quality assurance program that includes all health and safety aspects of patient care for both mother and newborn and must include a review of appropriateness of care. Results of the quality assurance program must be reviewed at least quarterly by the governing body. The quality assurance program shall include:

- (A) a review of the clinical record;
- (B) incidences of morbidity and mortality of mother and infant;
- (C) postpartum infections;
- (D) all cases transferred to a hospital for delivery, care of infant, or postpartum care of mother;
- (E) all cases that resulted in a length of stay of more than 24 hours after delivery for medical reasons;
- (F) incidents and problems and potential problems identified by staff of the birthing center, including infection control; and
- (G) problems with compliance with state laws and regulations.

(13) Procedures concerning drugs and biologicals are as follows.

(A) Drugs and biologicals which may be provided by a birthing center must be handled and stored in a safe and effective manner and in accordance with accepted professional practice and state and federal laws.

(B) Drugs must be administered according to established policies and procedures and accepted standards of practice and in accordance with state and federal laws.

(C) Complaints may be registered with the Department by phone or in writing. A complainant may provide their name, address, and phone number to the department. Anonymous complaints may be registered. All complaints are confidential.

(D) The department will evaluate all complaints received. The department will investigate relevant complaints and take action that is appropriate under the statute.

(E) The department will evaluate all complaints received. The department will investigate relevant complaints and take action that is appropriate under the statute.

#### §137.9. Complaints.

(a) The department or its authorized representative may enter the premises of a licensed applicant or licensed holder at reasonable times as necessary to assure compliance with the statute.

(b) All licensed birthing centers are required to provide the patient and his/her guardian at time of the initial visit with a written statement that complaints may be registered with the Director, Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7240.

(c) Complaints may be registered with the department by phone or in writing. A complainant may provide their name, address, and phone number to the department. Anonymous complaints may be registered. All complaints are confidential.

(d) The department will evaluate all complaints received. The department will investigate relevant complaints and take action that is appropriate under the statute.

§137.10. Reporting of Incidents. Certain incidents that occur in a birthing center shall be reported immediately to the director by telephone. The center shall mail to the director a letter of confirmation with supporting documents as may be requested by the direc-

tor within five days of the initial phone contact. Incidents that must be reported are:

(1) a stillbirth, fetal demise, or death of the woman or infant;

(2) any attempted robbery, armed robbery, theft of medications, and diversion of controlled medications, which shall also be reported to the local police agency;

(3) report of any fire or other damage sustained by the building.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on October 1, 1986.

TRD-8609372

Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of  
Health

Effective date: October 22, 1986

Proposal publication date: April 29, 1986

For further information, please call  
(512) 458-7234.

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## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part XVII. State Soil and Water Conservation Board

#### Chapter 517. Financial Assistance

#### Subchapter A. Conservation Assistance

#### ★31 TAC §§517.1-517.12

The State Soil and Water Conservation Board adopts new §§517.1-517.12. New §517.10 is adopted with changes to the proposed text published in the July 15, 1986, issue of the *Texas Register* (11 Tex-Reg 3242). The other new sections are adopted without changes and will not be republished.

The new sections implement a program that provides funds to soil and water conservation districts on a matching basis to assist them with expenses incurred through the administration and implementation of conservation programs.

This subchapter establishes procedures to be used by the State Soil and Water Conservation Board in administering funding provided under conservation assistance

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Agriculture Code of Texas, Chapter 201, §201.020, which provides the State Soil and Water Conservation Board with the authority to adopt rules as necessary for the performance of its functions under the Agriculture Code of Texas.

**§517.10. Deadlines.**

(a) The state board hereby establishes the following deadlines.

(1) By May 15, districts must have claimed 2/3 of their original annual allocation of conservation funds.

(2) By August 1, districts must have all claims for conservation assistance funds in the state office at Temple.

(b) Exceptions to these deadlines can only be made by the state board or the executive director with permission of the state board on a case-by-case basis.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Temple, Texas, on September 30, 1986.

TRD-8609408

Harvey Davis  
Executive Director  
State Soil and Water  
Conservation Board

Effective date: October 23, 1986

Proposal publication date: July 15, 1986

For further information, please call  
(817) 773-2250.

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**Chapter 519. Technical Assistance**

**Subchapter A. Technical Assistance Program**

**★ 31 TAC §§519.1-519.11**

The State Soil and Water Conservation Board adopts new §§519.1-519.11, without changes to the proposed text published in the July 15, 1986, issue of the *Texas Register* (11 TexReg 3242)

The new sections implement a program to provide technical assistance for the development and implementation of soil and water conservation plans and soil and water conservation measures.

This subchapter establishes procedures to be used by the State Soil and Water Conservation Board in administering funding provided under technical assistance.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Agriculture Code of Texas, Chapter 201, §201.020, which provides the State Soil and Water Conservation Board with the authority to adopt rules as necessary for the performance of its functions under the Agriculture Code of Texas.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Temple, Texas, on September 30, 1986.

TRD-8609407

Harvey Davis  
Executive Director  
State Soil and Water  
Conservation Board

Effective date: October 23, 1986

Proposal publication date: July 15, 1986

For further information, please call  
(817) 773-2250.

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**TITLE 37. PUBLIC SAFETY AND CORRECTIONS**

**Part I. Texas Department of Public Safety**

**Chapter 23. Vehicle Inspection Vehicle Inspection Station Operation**

**★ 37 TAC §23.78**

The Texas Department of Public Safety adopts an amendment to §23.78, without changes to the proposed text published in the August 29, 1986, issue of the *Texas Register* (11 TexReg 3825).

The amendment ensures compliance with legislative intent to make available to the vehicle inspection station operators and certified inspectors rules and regulations for operation of inspection stations

The section is amended to adopt by reference the most recently amended *Rules and Regulations Manual for Official Vehicle Inspection Stations and Certified Inspectors*. Language is added to subsection (a), subsection (c) is deleted, and subsection (d) is reformatted as (c). The rules and regulations are no longer filed with the county clerk in every county of the state since repeal of Texas Civil Statutes, Article 6701d-2

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6701d, Article XV, §142, which authorize the Texas Department of Public Safety to adopt rules necessary for the administration and enforcement of this Act.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on September 30, 1986

TRD-8609396

James B. Adams  
Director  
Texas Department of  
Public Safety

Effective date: October 23, 1986

Proposal publication date: August 29, 1986

For further information, please call  
(512) 465-2000.

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**Part IX. Texas Commission on Jail Standards**

**Chapter 253. Definitions**

**★ 37 TAC §253.1**

The Texas Commission on Jail Standards adopts an amendment to §253.1, without changes to the proposed text published in the August 19, 1986, issue of the *Texas Register* (11 TexReg 3679).

The amendment gives basic definitions which form the basis for discussion throughout the standards and provide a standard for inspection.

The amendment provides definitions dealing with supervision of inmates by standardizing the meaning of terms affecting that supervision.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, §5115.1, Title 18, which provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on September 30, 1986.

TRD-8609393

Robert O. Vilterna  
Executive Director  
Texas Commission on  
Jail Standards

Effective date: October 23, 1986

Proposal publication date: August 19, 1986

For further information, please call  
(512) 463-5505.

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**Chapter 275. Supervision of Inmates**

**★ 37 TAC §275.1**

The Texas Commission on Jail Standards adopts an amendment to §275.1, without changes to the proposed text published in the August 19, 1986, issue of the *Texas Register* (11 TexReg 3679).

The amendment requires proper supervision of inmates through visual observation on a periodic basis. The amendment affords protection to inmates through a continued monitoring of their welfare.

The amendment requires a face to face observation which requires corrections officers to make periodic reviews of inmate housing areas and determines the continued well being of all inmates.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, §5115.1, Title 18, which pro-

vide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

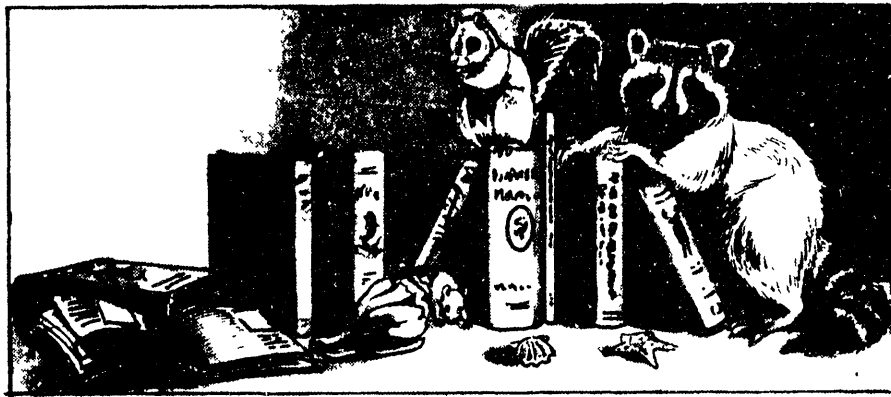
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on September 30, 1986.

TRD-8609392

Robert O. Viterna  
Executive Director  
Texas Commission on  
Jail Standards

Effective date: October 23, 1986  
Proposal publication date: August 19, 1986  
For further information, please call  
(512) 463-5505.



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# Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*

**Emergency meetings and agendas.** Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published

**Posting of open meeting notices.** All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

## Texas Department of Agriculture

**Tuesday, October 14, 1986, 8:30 a.m.** The Texas Department of Agriculture will meet in the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §103.001, by John Wallace, Inc., and John Christian Wallace as petitioned by Sun Valley Foods, Inc

**Contact:** Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** October 3, 1986, 8:52 a.m.  
TRD-8609418

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## Texas Air Control Board

**Friday, October 17, 1986, 10 a.m.** The Clean Air Study Committee of the Texas Air Control Board will meet in the Lieutenant Governor's Room, State Capitol, Austin. Items on the agenda include public testimony on the draft report, a discussion of the testimony and draft report, and new business

**Contact:** Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 353.

**Filed:** October 3, 1986, 1:48 p.m.  
TRD-8609456

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## State Bar of Texas

**Thursday, October 16, 1986, 9 a.m.** The Executive Committee of the State Bar of Texas made additions to the agenda for a meeting to be held in the Texas Law Center, 1414 Colorado Street, Austin. The additions concern the appointment of an ad hoc committee to consider guidelines for cooperation between a prosecuting attorney and local grievance committees, consider personnel matters; and hear a report of the Committee of History and Traditions of the Bar and

Historical Preservation and request for a display and archive storage. The meeting is rescheduled from October 9, 1986, so the quorum can be present

**Contact:** Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

**Filed:** October 6, 1986, 3:32 p.m.  
TRD-8609507

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## Battleship Texas Advisory Board

**Saturday, October 11, 1986, 10 a.m.** The Battleship Texas Advisory Board will meet at the Battleship Texas, 3527 Battleground Road, La Porte. Items on the agenda include the approval of minutes, approval of expenses, and a report on fundraising activities. The board also will meet in executive session to review the contract with Texas Dynamics, Inc.

**Contact:** W. Douglas Williams, 3033 Chimney Rock, Suite 601, Houston, Texas 77056, (713) 783-7200.

**Filed:** October 2, 1986, 1:52 p.m.  
TRD-8609409

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## Texas Department of Community Affairs

**Thursday and Friday, October 16 and 17, 1986, 9 a.m. daily.** The State Review Committee of the Texas Department of Community Affairs will meet in the First Floor Conference Room, 8317 Cross Park Drive, Austin. According to the agenda summary, the committee will consider the minutes, old business, a summary of the selection process for the Community Development Project Fund, the Statewide Area Revitalization Fund, the Special Impact Fund, state appeals, unresolved regional appeal, regional and state funding recommendations under the Community Development Project Fund, Statewide Area Revitalization Funding recom-

mendations, planning funding recommendations, and new business.

**Contact:** Bill Pluta, 8317 Cross Park Drive, Austin, Texas 78754, (512) 834-6030.

**Filed:** October 2, 1986, 10:59 a.m.  
TRD-8609400

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## Texas Corn Producers Board

**Thursday, October 23, 1986, 9 a.m.** The Texas Corn Producers Board of the Texas Department of Agriculture will meet in the Corn Board Office, 218 East Bedford, Dimmitt. According to the agenda, the board will discuss the financial statement, the Azodrin-Shell update, the St. Louis trip for the U.S. Farm Congress, the State Fair, and Ethanol.

**Contact:** Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

**Filed:** October 6, 1986, 10:06 a.m.  
TRD-8609485

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## East Texas State University

**Thursday, October 9, 1986, 10 a.m.** The Board of Regents of East Texas State University (ETSU) met in the ETSU Metroplex Commuter Facility, 2625 Anita Drive, Garland. Items on the agenda included approval of the agenda, adjustments in the fiscal year 1987 operating budget in Texarkana, and adjustments in the fiscal year 1987 operating budget in Commerce. The board also met in executive session

**Contact:** Dayton Cole, ETSU, Commerce, Texas 75428, (214) 886-5539.

**Filed:** October 2, 1986, 10:31 a.m.  
TRD-8609402

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## Texas Economic Development Commission

**Wednesday, October 15, 1986, 10 a.m.** The Texas World Trade Council of the Texas Economic Development Commission will meet in the Memorial Student Center, Texas A&M University, College Station. Items on the agenda include the presentation from the Texas Agricultural Experiment Station; a presentation from the Texas Agricultural Extension Service; a presentation from the Center for International Business Studies; a presentation from the Office of International Coordination; and new business.

**Contact:** Sandy Harris, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

**Filed:** October 3, 1986 2:13 p.m.  
TRD-8609457

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## Texas State Board of Registration for Professional Engineers

**Wednesday and Thursday, October 22 and 23, 1986, 8:30 a.m.** The Texas State Board of Registration for Professional Engineers will meet in the boardroom, 1917 IH 35 South, Austin. According to the agenda summary, the board will receive reports from board members and staff; interview applicants; take action on applications for registration; consider reading of communications; and any other business which comes before the board.

**Contact:** Kenneth J. Bartosh, 1917 IH 35 South, Austin, Texas 78741, (512) 440-7723.

**Filed:** October 3, 1986, 3:36 p.m.  
TRD-8609462

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## General Land Office

**Tuesday, October 14, 1986, 10 a.m.** The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F Austin Building, Austin. According to the agenda summary, the board will approve the August 28, 1986, minutes of the board; consider the adoption of rules on multiple participation in the Veterans Land Program, Veterans Housing Assistance Program, and the Home Improvement Program; consider the adoption of the rules concerning the minimum acreage requirement under the Veterans Land Program; consider the group credit life insurance for the veterans' programs and the Farm and Ranch Finance Program; hear the report on recent legislation and update on the Farm and Ranch Program; hear the report on proposed plan for completion of the La Moca Ranch project; and consider the request of Wallace R. Hopkins to purchase a tract of land under the program that is independently owned by his spouse.

**Contact:** Jack Giberson, Room 836-A, Stephen F. Austin Building, Austin, Texas 78701, (512) 463-5254.

**Filed:** October 6, 1986, 11:48 a.m.  
TRD-8609494

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## Office of the Governor

**Wednesday, October 15, 1986, 2 p.m.** The Task Force on Literacy on the State Job Training Coordinating Council of the Office of the Governor will meet in the Wyndham Hotel-Southpark, IH 35 at Ben White Boulevard, Austin. According to the agenda, the task force will review the initial report to the governor and set the next activities.

**Contact:** Joe Jennings, 107 West 27th Street, Austin, Texas 78712, (512) 471-6010.

**Filed:** October 2, 1986, 2:42 p.m.  
TRD-8609414

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## Texas Department of Health

**Monday, October 6, 1986, 1:30 p.m.** The Advisory Council on Massage Therapy of the Texas Department of Health made an emergency addition to the agenda for a meeting held in Room T-507, 1100 West 49th Street, Austin. The addition concerned the election of officers. The emergency status was necessary because the item was inadvertently deleted from the regular notice posted on September 25, 1986.

**Contact:** Maurice Shaw, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7538.

**Filed:** October 6, 1986, 10:48 a.m.  
TRD-8609487

**Friday, October 10, 1986, 10 a.m.** The Hospitals Committee of the Texas Board of Health of the Texas Department of Health will meet in Room 518, Building 505, South Texas Hospital, 1301 Rangerville Road, Harlingen. According to the agenda summary, the committee will view a presentation by the representative from Price Waterhouse on recommendations made by the consultants at the September 19, 1986, Strategic Planning Committee meeting of the Texas Board of Health

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** October 2, 1986, 4:16 p.m.  
TRD-8609416

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## State Board of Insurance

**Tuesday, October 14, 1986, 10 a.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Accord-

ing to the agenda summary, the board will consider board orders on several different matters; hear the fire marshal's report on personnel matters, the commissioner's report on personnel matters; consider pending and contemplated litigation; consider the publication in the *Texas Register* of proposed amendments to 28 TAC §§3.5102, 3.5103(3), 3.5103(5), 3.5105(b)(7), 3.5603, 3.5701, 3.5702, Form CI-EX-L, Form CI-EX-DIS, and proposed 28 TAC §§3.5110, 3.5111, 3.5112, 3.5113, 3.5308, 3.5401(6), 3.5502, 3.5703; consider the publication in the *Texas Register* of proposed amendments to 28 TAC §3.5401(3) and §3.5401(4), and proposed §3.5401(3)(b) and §3.5401(5).

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

**Filed:** October 6, 1986, 2:30 p.m.  
TRD-8609505

The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow.

**Tuesday, October 14, 1986, 10 a.m.** In Room 342, the section will consider Docket 9363—application for approval of amendments to the articles of incorporation of Columbia Universal Life Insurance Company, Houston, increasing its authorized capital.

**Contact:** James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

**Filed:** October 6, 1986, 11:46 a.m.  
TRD-8609495

**Tuesday, October 14, 1986, 1:30 p.m.** In Room 342, the section will consider Docket 9356—application for amendments to the articles of incorporation of Foley Reserve Life Insurance Company, Houston, increasing the authorized capital.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

**Filed:** October 6, 1986, 11:46 a.m.  
TRD-8609496

**Wednesday, October 15, 1986, 9 a.m.** In Room 353, the section will consider Docket 9352—whether disciplinary action should be taken against Oscar Mario Ochoa, Houston, who holds a Group I, legal reserve life insurance agent's license issued by the State Board of Insurance.

**Contact:** O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

**Filed:** October 6, 1986, 11:46 a.m.  
TRD-8609497

**Wednesday, October 15, 1986, 9 a.m.** In Room 342, the section will consider Docket 9355—application of Croy-Hall Management, Inc., to acquire control of Regal Life



of America Insurance Company, San Antonio.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

**Filed:** October 6, 1986, 11:46 a.m.  
TRD-8609498

**Wednesday, October 15, 1986, 1 p.m.** In Room 342, the section will consider Docket 9263—application of Group Prepaid Legal Services Plan, Inc., San Antonio, for a certificate of authority to engage in the business of prepaid legal services in Texas.

**Contact:** James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

**Filed:** October 6, 1986, 11:46 a.m.  
TRD-8609499

**Thursday, October 16, 1986, 9 a.m.** In Room 342, the section will consider Docket 9353—whether the Title Insurance Agent's license of Trans-Title, Inc., should be cancelled or revoked.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

**Filed:** October 6, 1986, 11:47 a.m.  
TRD-8609500

**Friday, October 16, 1986, 2 p.m.** The Fire Marshal Hearings Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket FM-044—whether disciplinary action should be taken against Alarms, Inc., who holds a certificate of registration to install fire detection and alarm devices and systems.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

**Filed:** October 6, 1986, 11:47 a.m.  
TRD-8609501

**Wednesday, October 22, 1986, 10 a.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will conduct a prehearing conference for the annual title hearing scheduled for November 10 and 11, 1986.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

**Filed:** October 3, 1986, 3:49 p.m.  
TRD-8609460

**Monday and Tuesday, November 10 and 11, 1986, 9 a.m. daily.** The State Board of Insurance will meet in the hearing room, DeWitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the board will adopt premium rates for Title Insurance and amendments to the *Basic Manual of Rules, Rates and Forms*

for the *Writing of Title Insurance in the State of Texas* (28 TAC §9.1).

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

**Filed:** October 3, 1986, 3:40 p.m.  
TRD-8609461

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### Texas State Library and Archives Commission

**Friday, October 10, 1986, 10 a.m.** The Texas State Library and Archives Commission will meet in Room 314, 1201 Brazos Street, Austin. According to the agenda, the commission will approve the minutes of the July 10, 1986, meeting; consider appointments to the Library Systems Act Advisory Board, appointments to the Library Services and Construction Act Advisory Council; consider policy on copy and research charges and the sale price of the county and municipal records manuals; and hear committee reports. The commission also will meet in executive session to discuss personnel matters.

**Contact:** William D. Gooch, 1201 Brazos Street, Austin, Texas 78711, (512) 463-5455.

**Filed:** October 2, 1986, 3:18 p.m.  
TRD-8609415

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### Texas State Board of Medical Examiners

**Wednesday, October 15, 1986, 1 p.m.** The Executive Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Austin. According to the agenda, the committee will interview prospective staff counsel employees; and discuss additional legal staff. The committee also will meet in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§3.05(d), 2.07, 4.05(d), 5.06(e)(1), and Attorney General Opinion H-484, 1974

**Contact:** Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

**Filed:** October 6, 1986, 4:23 p.m.  
TRD-8609511

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### North Texas State University

**Thursday, October 9, 1986, 2:30 p.m.** The Texas College of Osteopathic Medicine (TCOM) of North Texas State University (NTSU) met in emergency session in the boardroom, NTSU, Denton. According to the agenda, NTSU considered the operating budget for the 1986-1987 fiscal year, the allocation of Proposition 2 funds for the 1987 fiscal year, feasibility studies for the

renovation of the Main Auditorium and Music Concert Hall, and the architect selection for miscellaneous repair and renovation projects. TCOM considered the 1986-1987 revised budget and the Proposition 2 operating budget. The emergency status was necessary because the recently concluded special session of the legislature made it necessary to revise annual budgets as well as plans for expenditure of Proposition 2 funds.

**Contact:** Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2198.

**Filed:** October 7, 1986, 9:04 a.m.  
TRD-8609515

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### Texas Optometry Board

**Thursday, October 16, 1986, 8:30 a.m.** The Texas Optometry Board will meet in the Marriott Hotel at the Capitol, 701 East 11th Street, Austin. According to the agenda summary, the board will consider the reports of the Secretary-Treasurer, committees, counsel, and executive director; consider proposed rules for adoption; issue duplicate licenses; discuss basic competence testing for both spectacles and contact lenses; and consider routine business matters. The board also will meet in executive session in compliance with Texas Civil Statutes, Article 6252-17, §2(e), to discuss litigation matters with the attorney. Following the board meeting, informal conferences will be held with three licensees regarding violations of the Texas Optometry Act. On Wednesday, October 15, 1986, the Investigation-Enforcement Committee will hold informal conferences beginning at 3 p.m., the Rules Committee will meet at 4 p.m., and all committees will meet at 8:30 p.m. at the same location.

**Contact:** Lois Ewald, 1300 East Anderson Lane, Suite C-140, Austin, Texas 78752, (512) 835-1938.

**Filed:** October 7, 1986, 8:32 a.m.  
TRD-8609513

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### Pan American University

**Tuesday, October 14, 1986.** Committees of the Board of Regents of Pan American University will meet in the boardroom, Administration Building, Pan American University, Edinburg. Times, committees, and agendas follow.

**1 p.m.** The Buildings and Grounds Committee will consider informational items.

**Contact:** Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

**Filed:** October 6, 1986, 10:29 a.m.  
TRD-8609488



**1:15 p.m.** The Finance Committee will consider the Higher Education Assistance Fund budget, requested budget changes, the purchase of integrated fiscal and management information system computer software, and informational items.

**Contact:** Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

**Filed:** October 6, 1986, 10:30 a.m.  
TRD-8609489

**1:30 p.m.** The Development Committee will consider gifts and donations, the request for an honorary degree, the capital campaign proposal, and informational items.

**Contact:** Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

**Filed:** October 6, 1986, 10:30 a.m.  
TRD-8609490

**1:45 p.m.** The Academic Affairs Committee will consider the approval of the Mission Statement; the approval of the amendment to employment policies regarding administrators, including faculty tenure, §8.2.1, procedure for the selection of department chairs, §8.2.9, the review of academic administrators, §8.2.10, and procedure for the selection of academic deans, §8.2.11; and consider informational items. The committee also will meet in executive session to consider employment of faculty and requests for leaves of absence.

**Contact:** Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

**Filed:** October 6, 1986, 10:30 a.m.  
TRD-8609491

**2 p.m.** The Brownsville Committee will consider informational items.

**Contact:** Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

**Filed:** October 6, 1986, 10:30 a.m.  
TRD-8609492

**2:15 p.m.** The Board of Regents will consider reports of the Buildings and Grounds Committee, Finance Committee, Development Committee, Academic Affairs Committee, Brownsville Committee, and Committee of the Whole; consider the president's information items, and set the date of the next meeting. The board also will meet in executive session.

**Contact:** Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

**Filed:** October 6, 1986, 10:31 a.m.  
TRD-8609493

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## **Board of Pardons and Paroles**

**Monday-Friday, October 6-10, 1986, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday.** A three-member panel of the Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel received, reviewed, and considered information and reports concerning prisoners and inmates and administrative releasees subject to the board's jurisdiction and initiated and carried through with appropriate action. The emergency status was necessary because the board cannot adjust its schedule to meet at any other time.

**Contact:** Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

**Filed:** October 2, 1986, 10:30 a.m.  
TRD-8609403

**Tuesday, October 7, 1986, 1:30 p.m.** The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board considered executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions. The emergency status was necessary because the board cannot adjust the schedule to meet at any other time.

**Contact:** Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2749.

**Filed:** October 2, 1986, 10:30 a.m.  
TRD-8609404

**Monday-Friday, October 13-17, 1986, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday.** A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

**Contact:** Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

**Filed:** October 3, 1986, 10:49 a.m.  
TRD-8609445

**Tuesday, October 14, 1986, 1:30 p.m.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence, and other reprieves, remissions, and executive clemency actions.

**Contact:** Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2749.

**Filed:** October 3, 1986, 10:49 a.m.  
TRD-8609446

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## **Public Utility Commission of Texas**

**Friday, October 10, 1986, 2 p.m.** The Administrative Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the division will discuss personnel matters; discuss and act on the recruitment for the position of the assistant director of the Electric Division; consider filling the position of the assistant to administrative law judges and hearings examiners; litigation matters, the Gulf States Utilities petition filed at the FFRC to avoid its purchase power contracts with the Southern Companies and CP&I vs. Lubow, McKay, Stevens and Lewis; reconvene for decisions on matters considered in executive session, including reports, discussion and action on proposal to request permission to establish an exempt position to be designated special counsel to the commission; consider the status and budget of the Consumer Affairs and Public Information Office, the delineation of the duties of the executive director; and set the time and place for the next meeting.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** October 2, 1986, 4:39 p.m.  
TRD-8609417

**Tuesday, October 28, 1986, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a prehearing conference in Docket 6568—request of the City of Allen for extended area service to the Dallas Metro Calling Area.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** October 6, 1986, 2:41 p.m.  
TRD 8609506

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## **State Purchasing and General Services Commission**

**Thursday, October 16, 1986, 1:30 p.m.** The Texas School Bus Committee of the State Purchasing and General Services Commission will meet in Room 916, LBJ Building, 111 East 17th Street, Austin. According to the agenda, the committee will consider alternators, radial tires, an insulation package, service doors, security locks, fire extinguishers, first-aid kits, other options, a modesty panel, seat upholstery, bumpers, rear-end ratios, wheelchairs and lifts, a re-

quest for assistance form, manufacturer's data, rub rails, multipurpose vehicles, notifications of chassis orders and delivery dates, vendor selection of chassis springs and suspension, responsibility of specification section, and engines.

**Contact:** Troy Martin, 111 East 17th Street, Austin, Texas 78711, (512) 463-3415.

**Filed:** October 6, 1986, 1:53 p.m.  
TRD-8609503

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### **Railroad Commission of Texas**

**Monday, October 6, 1986, 9 a.m.** Divisions of the Railroad Commission of Texas made emergency revisions to the agendas for meetings held in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Divisions and revised agendas follow.

Consideration of Gas Utilities Dockets 6408-6410—statements of intent filed by Lone Star Gas Company to increase residential and commercial rates in the environs of Granbury, Cooper, and Wolfe Cities. The emergency status was necessary because these dockets were properly noticed for the conference held on September 29, 1986, were passed, and are now being considered on less than seven days notice

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

**Filed:** October 3, 1986, 10:28 a.m.  
TRD-8609422

The Oil and Gas Division considered whether to use state funds to plug the leaking well of W. Lafoon, *et al.*, Mary Ramsey Lease, Well No. 1, Callahan County regular field, Callahan County. The emergency status was necessary because the well was leaking approximately 1-3 barrels of salt water per day and was causing pollution and could be a threat to the public's health, safety, and welfare.

**Contact:** Willis Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6827.

**Filed:** October 3, 1986, 10:27 a.m.  
TRD-8609423

Consideration of the Oil and Gas Docket 3-86,358—application of Zinn Petroleum Company and Cecil V Hagen to separate the Bell Lake (9800) Field into three separate fields to be called the Bell Lake (9800), (9800-A), and (9800-B) Fields, Brazoria County. The emergency status was necessary because this item was properly noticed for the meeting of September 29, 1986, and was passed and is now being taken on less than seven days notice.

**Contact:** Margaret Allen, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6924.

**Filed:** October 3, 1986, 10:27 a.m.  
TRD-8609424

Consideration of Oil and Gas Dockets 2-83,226 and 2-84,698—enforcement action against Charles B. Marino, Mrs. N. J. Lyons Lease (01425), Wells 1-4; the E. L. Wood Lease (01424), Runge Field, Karnes County. The emergency status was necessary because this item was properly noticed for the meeting of September 29, 1986, and was passed and is now being taken on less than seven days notice.

**Contact:** Walter Davis, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6920.

**Filed:** October 3, 1986, 10:27 a.m.  
TRD-8609425

Consideration of Oil and Gas Docket 9-85,529—whether to enter a commission order assessing administrative penalties and/or requiring compliance with commission regulations on the E.D.S. Exploration and Development, Regan Lease, Well No. 1, Jack County regular field, Jack County; Docket 9-85,530—E.D.S. Exploration and Development, Roney Lease, Well No. 1, Jack County regular field, Jack County. The emergency status was necessary because these items were properly noticed for the meeting of September 29, 1986, and were passed and are now being taken on less than seven days notice.

**Contact:** Kim Kiplin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

**Filed:** October 3, 1986, 10:27 a.m.  
TRD-8609426

Consideration of Oil and Gas Docket 10-85,264—Diamond Shamrock Exploration Company, to consider a special allowable for its C. P. Killebrew *et al.* (096405) Lease, Well No. 3, Killebrew (Morrow, Lo.) Field, Roberts County. The emergency status was necessary because this item was properly noticed for the meeting of September 29, 1986, and was passed and is now taken on less than seven days

**Contact:** Bob Rago, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

**Filed:** October 3, 1986, 10:26 a.m.  
TRD-8609427

Consideration of Oil and Gas Docket 20-89,058—whether to adopt on an emergency basis an amendment to Statewide Rule 31 (16 TAC §3.34) for the State of Texas. The emergency status was necessary to protect the state's public welfare interest in the ratable production of natural gas and the conservation and prevention of the waste of gas.

**Contact:** Lisa C. Anderson, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7291.

**Filed:** October 3, 1986, 10:23 a.m.  
TRD-8609428

**Monday, October 16, 1986, 9 a.m.** The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

**Filed:** October 3, 1986, 10:26 a.m.  
TRD-8609429

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

**Filed:** October 3, 1986, 10:25 a.m.  
TRD-8609430

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

**Filed:** October 3, 1986, 10:26 a.m.  
TRD-8609431

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

**Filed:** October 3, 1986, 10:22 a.m.  
TRD-8609432

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Brian W. Schable, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

**Filed:** October 3, 1986, 10:25 a.m.  
TRD-8609433

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

**Filed:** October 3, 1986, 10:23 a.m.  
TRD-8609434

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

**Contact:** Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

**Filed:** October 3, 1986, 10:25 a.m.  
TRD-8609435

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

**Contact:** Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

**Filed:** October 3, 1986, 10:25 a.m.  
TRD-8609438

Consideration of Docket 20-89,058—whether to adopt on an emergency basis an amendment to Statewide Rule 34 (16 TAC §3.34) for the State of Texas.

**Contact:** Lisa Anderson, P.O. Box 12967, Austin, Texas 78711, (512) 463-6887.

**Filed:** October 3, 1986, 10:24 a.m.  
TRD-8609436

Consideration of procedure to be used in the application of Bennett and Burrow to reduce the allowable of all oil and gas wells in this state other than stripper wells and wells with tertiary production by a percentage of 10%.

**Contact:** Susan Cory, P.O. Drawer 12967, Austin, Texas 78711. (512) 463-6923.

**Filed:** October 3, 1986, 10:24 a.m.  
TRD-8609437

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

**Filed:** October 3, 1986, 10:24 a.m.  
TRD-8609439

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

**Filed:** October 3, 1986, 10:25 a.m.  
TRD-8609440

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

**Contact:** Walter Earl Lile, 1124 IH 35 South, Austin, Texas 78704, (512) 463-7149.

**Filed:** October 3, 1986, 10:26 a.m.  
TRD-8609441

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters; and consider the proposed amendment to 16 TAC §11.221, "State Program Regulation" consisting of the adoption by reference of revised coal mining regulations concerning effluent limitations, prime farmland, notices of violation and lands unsuitable for mining.

**Contact:** J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

**Filed:** October 3, 1986, 10:23 a.m.  
TRD-8609442

Various matters falling within the Transportation Division's regulatory jurisdiction.

**Contact:** Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

**Filed:** October 3, 1986, 10:24 a.m.  
TRD-8609443

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### Texas Rehabilitation Commission

**Friday, October 10, 1986, 10 a.m.** The Advocacy and Public Information Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission made a revision to the agenda for a meeting to be held in Room 302, 118 East Riverside Drive, Austin. The revision concerns the approval of minutes; public information activities, including the brochure, annual report, and certificate of appreciation; consideration of the Developmental Disabilities grant conference; consideration of the federal legislation update, including the community and family living amendments, Education of the Handicapped Act, the Appropriations Bill, and Texas Reform Bill; review the Sunset Commission issues of the Texas Department of Mental Health and Mental Retardation and the Texas Department of Human Services; and consider state policy and legislative issues, including legislative priorities, the Interagency Council for Autism, and UCP of Texas.

**Contact:** Roger Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8004.

**Filed:** October 2, 1986, 11:42 a.m.  
TRD-8609405

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### Texas Savings and Loan Department

**Thursday, October 16, 1986.** The Texas Savings and Loan Department will meet in Suite 210, 2601 North Lamar Boulevard, Austin. Times and agendas follow

**9 a.m.** The department will accumulate a record of evidence in regard to the application of San Jacinto Savings and Loan Association, Beaumont, Jefferson County, to relocate the home office from 597 Orleans Street, Beaumont, Jefferson County, 2000 Lamar Boulevard East, Arlington, Tarrant County, from which record the commissioner will determine whether to grant or deny the application. This is a purchase from Sunbelt Savings Association.

**Contact:** Russell R. Oliver, Suite 201, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-2601

**Filed:** October 3, 1986, 1:17 p.m.  
TRD-8609451

**9:30 a.m.** The department will accumulate a record of evidence in regard to the application of San Jacinto Savings and Loan Association, Beaumont, Jefferson County, to

change the name to BancWest Savings Association, from which record the commissioner will determine whether to grant or deny the application.

**Contact:** Russell R. Oliver, Suite 201, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-2601.

**Filed:** October 3, 1986, 1:18 p.m.  
TRD-8609452

**10 a.m.** The department will accumulate a record of evidence in regard to the application of San Jacinto Savings and Loan Association, Beaumont, Jefferson County, to establish a branch office at 597 Orleans Street, Beaumont, Jefferson County, from which record the commissioner will determine whether to grant or deny the application

**Contact:** Russell R. Oliver, Suite 201, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-2601.

**Filed:** October 3, 1986, 1:19 p.m.  
TRD-8609453

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### School Land Board

**Friday, October 3, 1986, 1:30 p.m.** The School Land Board made an emergency revision to the addition for a meeting held in the General Land Office, Room 831, Stephen F. Austin Building, Austin. The revision concerned application for suspension of state leases. The emergency status was necessary because of the lease expiration, October 4, 1986.

**Contact:** Linda K. Fisher, Room 836, 1700 North Congress Avenue, Austin, Texas 78711, (512) 463-5016.

**Filed:** October 3, 1986, 11:24 a.m.  
TRD-8609448

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### University System of South Texas

**Thursday, October 9, 1986.** Committees of the Board of Directors of the University System of South Texas met in the University Hall, Laredo State University, west end Washington Street, Laredo. Times, rooms, committees, and agendas follow.

**12:30 p.m.** In Room 133, the Building Committee considered the revised facility master plan for repairs and renovation at Texas A&I University

**Contact:** Frederick D.C. Bigelow, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208

**Filed:** October 2, 1986, 1:50 p.m.  
TRD-8609410

**12:45 p.m.** In Room 133, the Academic Programs Review Committee considered the

quality indicators project at Texas A&I University; and discussed the partnership agreement between Del Mar College and Corpus Christi State University.

**Contact:** Frederick D.C. Bigelow, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

**Filed:** October 2, 1986, 1:50 p.m.  
TRD-8609411

**1:30 p.m.** In Rooms 141 and 142, the Board of Directors considered the minutes of the July 10, 1986, meeting; considered small class reports; discussed the Fall Term, 1986; considered budget changes, signature changes, appointment to Texas A&I Citrus Center, the student election for student center fee at Texas A&I, the fee for preparation of deficiency plans at Laredo State, establishing a "cafeteria plan" under the Internal Revenue Code, §125, gifts and donations, personnel action; heard reports from standing committee, presidents and interim chancellor; discussed personnel matters, acquisition of real estate and legal matters; and set the time and place of the next meeting.

**Contact:** Frederick D.C. Bigelow, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

**Filed:** October 2, 1986, 1:50 p.m.  
TRD-8609412

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### Board for Lease of State-Owned Lands

**Tuesday, October 7, 1986, 11:45 a.m.** The Board for Lease of Texas Department of Corrections of the Board for Lease of State-Owned Lands met in emergency session in Room 833, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board approved the minutes of the previous board meeting; considered and approved the bids received for the October 7, 1986, oil and gas lease sale. The emergency status was necessary because it was mandatory to award bids timely. The meeting was rescheduled from October 7, 1986, at 2 p.m.

**Contact:** Linda K. Fisher, Room 836, 1700 North Congress Avenue, Austin, Texas 78711, (512) 463-5016

**Filed:** October 3, 1986, 11:24 a.m.  
TRD-8609449

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### University of Texas System

**Thursday, October 9, 1986, 5 p.m.** The Committee on Endowment Lands in Dallas and Collin Counties of the Board of Regents of the University of Texas System met in Room E6 102K, Fred F. Florence Bioinforma-

tion Center, University of Texas Health Science Center, 5323 Harry Hines Boulevard, Dallas. According to the agenda, the committee considered the purchase, exchange, lease, or value of real property for the use and benefit of the University of Texas at Dallas, Texas Civil Statutes, Article 6252-17, §2(f)

**Contact:** Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

**Filed:** October 6, 1986, 1:25 p.m.  
TRD-8609502

**Thursday and Friday, October 9 and 10, 1986, 1 p.m. and 9 a.m., respectively.** The Board of Regents and Standing Committees of the University of Texas System met in Room E6.200, Fred F. Florence Bioinformation Center, U.T. Health Science Center, Dallas, 5323 Harry Hines Boulevard, Dallas. According to the agenda summary, the committees considered incidental fees, insurance contracts, appointments to endowed positions, development boards and advisory councils, affiliation agreements, the chancellor's docket (submitted by the system administration); amendments to the regents' rules and regulations; buildings and grounds matters including authorization for projects, approval of preliminary and final plans, award contracts, UT-Health Science Center—Houston, proposed bylaws for medical staff of Harris County Psychiatric Center, real estate matters, land and investment matters, acceptance of gifts, bequests and estates, establishment of endowed positions and funds, pending litigation, personnel matters, and land acquisition and negotiated contracts.

**Contact:** Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

**Filed:** October 3, 1986, 1:15 p.m.  
TRD-8609450

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### University Interscholastic League

**Wednesday, October 8, 1986, 8:30 a.m.** The Waiver Review Board of the University Interscholastic League met in Room 1122, Thompson Conference Center, 26th and Red River Streets, Austin. According to the agenda summary, the board reviewed hearings on student eligibility.

**Contact:** Bob Young, P.O. Box 8028, Austin, Texas 78713, (512) 471-5883.

**Filed:** October 3, 1986, 2:04 p.m.  
TRD-8609447

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### Texas Water Commission

**Thursday, October 9, 1986, 10 a.m.** The Water District and River Authority Study Committee of the Texas Water Commission met in emergency session, Room 107, Reagan Building, 105 15th Street, Austin. According to the agenda, the committee, created under Senate Bill 249, 69th Legislature, Regular Session, began discussions on reports due to the legislature. The emergency status was necessary because the meeting arrangements were held up due to the committee members' conflicting schedules.

**Contact:** Kate Wilkins, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7863.

**Filed:** October 3, 1986, 4:44 p.m.  
TRD-8609464

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow.

**Tuesday, October 14, 1986, 10 a.m.** The commission will consider water district bond issues, release from escrow, use of surplus funds, change in plans, water rate matters, water quality proposed permits, amendments and renewals, water right applications, adjudication matters, and contract matter.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 3, 1986, 4:42 p.m.  
TRD-8609466

**Tuesday, October 14, 1986, 2 p.m.** The commission will consider the application of Jack Hudson for Proposed Permit 13105-01 to consider the motion to dismiss the application filed on behalf of Save Eagle Mountain Lake, Inc., Liberty Homeowner's Association, A. L. Diano, Jr., and Deborah Hinckley.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 3, 1986, 4:42 p.m.  
TRD-8609465

**Wednesday, October 15, 1986, 2 p.m.** The commission will consider the remedial action plan and petition requiring certain actions of Sabinal Aerial Applicators, Inc., doing business as D. Campbell, doing business as Westfield One-Stop Cleaners; Country Roads Inn, Inc.; City of De Leon; M. L. Ellis, *et al.*; Harris County Bank—Northwest; Tom Lorange; Manvel Energy, Inc.; Motivation Education and Training Inc.; Porter Municipal Utility District; Schepps Grocery Company; City of Shamrock; Solesbe Construction, Inc.; Thermex, Inc.; West Montgomery Utility Company, Inc., and Wesland Oil Development Corporation.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 3, 1986, 4:43 p.m.  
TRD-8609467

**Thursday, October 16, 1986, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 1149A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the office will consider Docket 7029-C—application for a water and sewer certificate of convenience and necessity, filed by Hornsby Bend Utility Company, Inc.

**Contact:** Duncan Norton, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** October 3, 1986, 4:46 p.m.  
TRD-8609468

**Monday, October 20, 1986, 2 p.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the final adoption of rules relating to Chapter 297, Water Rights, Substantial: amendment to 31 TAC §297.1, Definitions; and new rule 31 TAC §297.26, Types of Use.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 6, 1986, 4:11 p.m.  
TRD-8609508

**Wednesday, October 29, 1986, 9:30 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Agendas follow.

Consideration of TA-5576 of United Gas Pipeline Company for a permit to divert and use 11 acre-feet of water for a one year period from Aransas River, tributary of Copano Bay, tributary Aransas Bay, San Antonio, Nueces Coastal Basin for industrial purposes in Refugio County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 3, 1986, 4:46 p.m.  
TRD-8609469

Consideration of TA-5568 of Town of Holiday Lakes, Texas, for a permit to divert and use 250 acre-feet of water for one year period from Oyster Creek, tributary Intracoastal Canal, San Jacinto-Brazos Coastal Basin for recreation and industrial purposes in Brazoria County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 3, 1986, 4:45 p.m.  
TRD-8609470

Consideration of TA-5567 of Ivan Dement, Inc., for a permit to divert and use 24 acre-feet of water for 18 month period from Clear Fork Brazos River, tributary Brazos River, Brazos River Basin for industrial purposes in Jones County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 3, 1986, 4:45 p.m.  
TRD-8609471

Consideration of TA-5569 of Exxon Corporation to divert and use 15 acre-feet of water for three year period from South Wichita River tributary of Wichita River, tributary Red River, Red River Basin for mining purposes in King County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 3, 1986, 4:45 p.m.  
TRD-8609472

Consideration of TA-5573 of Rolling Plains Well Service, Inc., for a permit to divert and use 10 acre-feet for a three year period from South Wichita River, tributary Wichita River, tributary Red River, Red River Basin for mining purposes in King County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 3, 1986, 4:45 p.m.  
TRD-8609473

Consideration of TA-5578 of Sun Pipeline Company for a permit to divert and use 26 acre-feet of water for a six month period from Neches River, Neches River Basin for industrial purposes in Jefferson County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 3, 1986, 4:44 p.m.  
TRD-8609474

Consideration of TA-5579 of Michael Curran and Associates for a permit to divert and use a total of 20 acre-feet of water for a six month period from Neches River, Neches River Basin for industrial purposes in Jefferson County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 3, 1986, 4:44 p.m.  
TRD-8609475

**Tuesday, November 18, 1986, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Conference Room 4100A, City of Houston City Hall Annex, 900 Bagby Street, Houston. According to the agenda summary, the office will consider the application of Theodore Mund, P.O. Box 487, Needville, Texas 77461, for an amendment to Permit 13134-01 to authorize modification of the treatment system from an extended aeration process to a facultative lagoon and stabilization ponds. The parameters for biochemical oxygen demand and total suspended solids have also been modified commensurate with the change in treatment system. The existing permit authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 24,000 gallons per day, which will remain the same.

**Contact:** Doug Roberts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** October 3, 1986, 4:43 p.m.  
TRD-8609476

**Tuesday, November 18, 1986, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Conference Room 4100A, City of Houston City Hall Annex, 900 Bagby Street, Houston. According to the agenda summary, the office will consider the application of Mac-Carey Properties, Inc., P.O. Box 207, Cypress, Texas 77429, for a Proposed Permit 1330G-01 to authorize an initial discharge of treated domestic wastewater effluent at a volume not to exceed 100,000 gallons per day average and an Interim II discharge at a volume not to exceed 500,000 gallons per day from the proposed Harris County MUD No. 325 Wastewater Treatment Plant. The applicant proposes to construct wastewater treatment facilities with an ultimate treatment capacity of 1,000,000 gallons per day average. However, the proposed permit includes only the initial discharge and Interim II phase since the applicant's projections reflect that the expansion for final design flow is beyond the five year permit term.

**Contact:** Douglas Roberts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** October 3, 1986, 4:43 p.m.  
TRD-8609477

**Wednesday, November 19, 1986, 9 a.m.** The Office Hearings Examiner of the Texas Water Commission will consider the application of City of Newark, P.O. Box 156, Newark, Texas 76071, for Proposed Permit 11626-02, formerly designated as Permit 13263-01 to authorize an interim discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 168,000 gallons per day and a final discharge not to exceed an average flow of 336,000 gallons per day. The facility will serve a proposed 388-acre residential development including schools, a mobile home park, some commercial and office buildings.

**Contact:** Martin Wilson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** October 3, 1986, 4:43 p.m.  
TRD-8609478

**Monday, December 15, 1986, 10 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the office will conduct a preliminary public hearing in Docket 1058-R—application for a rate increase filed by Sabine Investment Company of Texas, Inc.

**Contact:** Charmaine Rhodes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** October 6, 1986, 4:11 p.m.  
TRD-8609509

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## Regional Agencies Meetings Filed October 2

**The Bosque County Appraisal District, Board,** met in the Bosque County Courthouse, Meridian, on Thursday, October 9, 1986, at 7 p.m. Information may be obtained from David G. Cooper, P.O. Box 393, Meridian, Texas 76665, (817) 435-2492.

**The Dallas Area Rapid Transit, Search Committee,** met in emergency session at the Melrose Hotel, 3015 Oak Lawn Avenue, Dallas, on Friday, October 3, 1986, at 7:30 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Dallas Central Appraisal District, Board of Directors,** met in Suite 500, Texas Commerce Bank, 420 West Mockingbird Lane, Dallas, on Wednesday, October 8, 1986, at 7:30 a.m. Information may be obtained from Rick Kuehler, Suite 500, 1420 Mockingbird Lane, Dallas, Texas 75247, (214) 631-0520.

**The Dewitt County Appraisal District, Board of Directors,** met in the Appraisal Office, 103 Bailey Street, Cuero, on Thursday, October 9, 1986, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

**The Education Service Center Region VII, Board of Directors,** will meet at the Community Inn, Kilgore, on Thursday, October 16, 1986, at 6:30 p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas 75662, (214) 984-3071.

**The Henderson County Appraisal District, Board of Directors,** met in emergency session at 101 East Corsicana, Athens, on Thursday, October 2, 1986, at 4 p.m. Information may be obtained from Ron Groom, 101 East Corsicana, Athens, Texas 75751, (214) 675-9296.

**The Hockley County Appraisal District, Board of Directors,** will meet at 1103-C Houston Street, Levelland, on Monday, October 13, 1986, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

**The Lampasas County Appraisal District, Board of Directors,** met at 109 East Fifth Street, Lampasas, on Wednesday, October 8, 1986, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

**The Mason County Appraisal District,** met at 206 Fort McKavitt Street, Mason, on Friday, October 8, 1986, at 5:15 p.m. Information may be obtained from Ann Stapp, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

**The Sabine River Authority of Texas, Board of Directors,** met at the Lake Country Inn Lounge, Center, on Wednesday, October 8, 1986, at 10 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200.

**The Scurry County Appraisal District, Board of Directors,** met at 2612 College Avenue, Snyder, on Tuesday, October 7, 1986, at 8 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

**The West Central Texas Municipal Water District,** met in emergency session in Suite 300, District Conference Room, 401 Cypress Street, Abilene, on Friday, October 3, 1986, at 10 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

**The Wise County Appraisal District, Board of Directors,** met in the boardroom, 206 South State Street, Decatur, on Thursday, October 9, 1986, at 9 a.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081.

TRD-8609401

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## Meetings Filed October 3

**The Brazos River Authority, Lake Management Committee,** met in the Lake Supervisor's Office, Possum Kingdom Lake, on Tuesday, October 7, 1986, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 78714-7555, (817) 776-1441.

**The Comal Appraisal District, Appraisal Review Board,** will meet in the District Office, 644 North Loop 337, New Braunfels, on Wednesday, November 12, 1986, at 8:30 a.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

**The Dallas Area Rapid Transit (DART), Board of Directors,** met in the DART Office, 601 Pacific Avenue, Dallas, on Tuesday, October 6, 1986, at 8 a.m. The board also met in the same location on October 7, 1986, at 6:30 p.m. Information may be obtained from Sue Bauman, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6216.

**The Golden Crescent Service Delivery Area, Private Industry Council, Inc.,** met at the Holiday Inn, 2705 Houston Highway, Victoria, on Wednesday, October 8, 1986, at 7 p.m. Information may be obtained from Cleve F. Schoener, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

**The Lower Colorado River Authority, Committee on Planning and Public Policy,** met

at 3700 Lake Austin Boulevard, Austin, on Wednesday, October 8, 1986, at 1 p.m. Information may be obtained from John Bagalay, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3200.

TRD-8609419

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## Meetings Filed October 6

**The Bexar Appraisal District, Appraisal Review Board,** met in emergency session at 535 South Main Street, San Antonio, on Thursday, October 9, 1986, at 8:30 a.m. The board also will meet at the same location of Friday, October 10, 1986, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511.

**The Brown County Appraisal District, Board of Directors,** will meet at 403 Fisk Avenue, Brownwood, on Tuesday, October 14, 1986, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

**The Education Service Center Region VI, Board of Directors,** will meet in the Education Service Center Auditorium, 3332 Montgomery Road, Huntsville, on Thursday, October 16, 1987, at 5 p.m. Information may be obtained from M. W. Schlotter, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161.

**The Education Service Center Region XVIII, Board of Directors,** will meet at 2811 La Force Boulevard, Midland, on Thursday, October 16, 1986, at 7:30 p.m. Information may be obtained from J. W. Donaldson, P.O. Box 6020, Midland, Texas 79711, (915) 563-2380.

**The Fisher County Appraisal District, Board of Directors,** will meet in the Tax Office, Roby, on Tuesday, October 14, 1986, at 7:30 p.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543, (915) 776-2733.

**The Garza County Appraisal District, Board of Directors,** will meet in the Appraisal Office, Courthouse, Post, on Thursday, October 16, 1986, at 9 a.m. Information may be obtained from Jean M. Westfall, Post, Texas 79356, (806) 495-3518.

**The Gonzales County Appraisal District, Board of Directors,** met at 928 St. Paul Street, Gonzales, on Thursday, October 9, 1986, at 7 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

**The Gray County Appraisal District, Board of Directors,** met in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on Thursday, October 9, 1986, at 5 p.m. Informa-

tion may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

**The Grayson Appraisal District, Board of Directors**, will meet at 205 West Travis Street, Sherman, on Wednesday, October 15, 1986, at noon. Information may be obtained from Deborah Reneau, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

**The Gregg Appraisal District, Board of Directors**, will meet at 2010 Gilmer Road, Longview, on Tuesday, October 14, 1986, at 10:30 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

**The High Plains Underground Water Conservation District No. 1, Board of Directors**, will meet in the conference room, 2930 Avenue Q, Lubbock, on Tuesday, October 14, 1986, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

**The Hood County Appraisal District, Board of Directors**, will meet in the District Office, 1902 West Pearl, Grandbury, on Tuesday, October 14, 1986, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Grandbury, Texas 76048, (817) 573-2471.

**The Jones County, Board of Directors**, will meet in the District Office, 1137 East Court Plaza, Anson, on Thursday, October 16, 1986, at 8 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422.

**The Nolan County Central Appraisal District, Board of Directors**, will meet at the Holiday Inn Restaurant, Sweetwater, on Tuesday, October 14, 1986, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

**The Nortex Regional Planning Commission, Executive Committee**, will meet in the Bounty Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on Thursday, October 16, 1986, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

**The Nueces-Jim Wells-Kleberg Soil and Water Conservation District, Board of Directors**, will meet at 2287 North Texas Boulevard, Alice, on Tuesday, October 14, 1986, at 2 p.m. Information may be obtained from Carol Freeman, P.O. Box 142, Alice, Texas 78333, (512) 668-9390.

**The South East Texas Regional Planning Commission, Executive Committee**, will meet in the Beaumont City Council Cham-

bers, Beaumont, on Wednesday, October 15 1986, at 7:30 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384.

**The Upshur County Appraisal District, Board of Directors**, will meet in the District Office, Warren and Trinity Streets, Gilmer, on Monday, October 13, 1986, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 834-3041.

TRD-8609483

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### Meetings Filed October 7

**The Dallas Area Rapid Transit (DART), Monority Affairs Committee**, met in emergency session in the DART Office, 601 Pacific Avenue, Dallas, on Tuesday, October 7, 1986, at 4 p.m. Information may be obtained from Sue Bauman, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6232.

**The Education Service Center, Region XIII, Board of Directors**, will meet in Room 101, new building site, 5701 Springdale Road, Austin, on Monday, October 13, 1986, at 12:30 p.m. Information may be obtained from Joe Parks, 7703 North Lamar Boulevard, Austin, Texas 78752, (512) 458-9131.

TRD-8609514



# In Addition

The *Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

## Texas Department of Agriculture Amendment to Consultant Contract Award

The Texas Department of Agriculture is amending the terms of the consultant contract awarded to Warren D. Lincoln published in the September 23, 1986, issue of the *Texas Register* (11 TexReg 4045). The maximum value of the contract is not to exceed \$15,000, with a beginning date of September 5, 1986, and an ending date of August 31, 1987. This amendment shall be effective September 5, 1986. All other terms of the contract remain the same.

Issued in Austin, Texas, on October 1, 1986

TRD-8609421 Dolores Alvarado H.bbs  
Director of Hearings  
Texas Department of Agriculture

Filed: October 3, 1986  
For further information, please call (512) 463-7583.



## Consultant Contract Award

The Texas Department of Agriculture has awarded a consultant contract under Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the July 11, 1986, issue of the *Texas Register* (11 TexReg 3225).

**Description.** A consultant has been selected by the department to conduct telephone surveys of local residents' evaluations of current and anticipated effects of a proposed high-level nuclear waste repository in Deaf Smith County on the agricultural economy and rural communities in the Texas Panhandle.

**Consultant name.** The name and address of the private consultant is Opinion Analysts, Inc., 906 Rio Grande Street, Austin, Texas 78701.

**Terms.** The maximum value of this contract is \$40,013.50 for the period beginning September 26, 1986, and ending December 31, 1986.

**Report dates.** The contractor shall submit all data and reports to the department as specified by the project manager of this contract.

Issued in Austin, Texas, on October 1, 1986.

TRD-8609420 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of Agriculture

Filed: October 3, 1986  
For further information, please call (512) 463-7583.



## Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of September 22-26, 1986.

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Koch Refining Company, Corpus Christi; power generation facility; Suntime Road; 17625; new source

Reef Industries, Inc., Houston; polyethylene foam facility; 10020 Mykawa; 17630; new source

Issued in Austin, Texas, on October 3, 1986.

TRD-8609455 Bill Ehret  
Hearings Examiner  
Texas Air Control Board

Filed: October 3, 1986  
For further information, please call (512) 451-5711.



## Texas Department of Health Intent to Revoke Certificates of Registration

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following registrants, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the certificate of registration, order the registrants to cease and desist use of radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will issue. The complaints are as shown following this notice.



This notice affords the opportunity for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas from 8 a.m. to 5 p.m., Monday through Friday (except holidays).

#### Complaint

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Mayflower Podiatry Supply Company, 1828 South Flower Street, Los Angeles, California 90015 (the registrant), holder of Certificate of Registration 99-09217.

*Texas Regulations for Control of Radiation* (TRCR) 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On March 19, 1985, the registrant was billed \$150 for fees due on Certificate of Registration 99-09217 covering the period April 1984 to October 1985. On July 17, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

On November 15, 1986, the registrant was billed \$100 for fees due on Certificate of Registration 99-09217 covering the period from October 1985 to September 1986. Payment of fees has not been received.

TRCR 42.7(a) requires that application for renewal of certificate of registration be submitted in accordance with TRCR 42.4. On October 2, 1985, the agency notified the registrant of the requirement and provided application for renewal. On October 31, 1985, Certificate of Registration 99-09217 expired. On November 12, 1985, the agency again notified the registrant by certified mail of the requirement and provided application for renewal. Receipt of the correspondence was acknowledged. On July 17, 1986, the agency issued a notice of violation of TRCR 42.7(a), giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Receipt of the correspondence was acknowledged. Application for renewal of Certificate of Registration 99-09217 has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist furnishing or offering to furnish radiation machine installation, servicing or services, and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), present evidence satisfactory

to the Bureau of Radiation Control that he has complied with the order and the provisions of Texas Civil Statutes, Article 4590f.

If the items of noncompliance are corrected within 30 days of the date of this complaint, no order will issue.

#### Complaint

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Howe X-Ray Service, Inc., 10903 Wye Drive, Suite B, San Antonio, Texas 78217 (the registrant), holder of Certificate of Registration 9-07973.

*Texas Regulations for Control of Radiation* (TRCR) 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On April 17, 1985, the registrant was billed \$158 for fees due on Certificate of Registration 9-07937 covering the period from April 1984 to October 1985. On July 29, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

On November 25, 1985, the registrant was billed \$100 for fees due on Certificate of Registration 9-07973 covering the period from November 1985 to October 1986. Payment of fees has not been received.

An inspection performed by an agency representative on November 8, 1984, revealed eight violations of TRCR in the registrant's program. A notice of violations enumerating and specifying the items of noncompliance was issued by the agency to the registrant on January 18, 1985, requesting that the registrant notify the agency within 30 days of receipt of steps taken to correct the violations, results achieved, and the date full compliance would be achieved. The registrant did not respond as requested. The agency again attempted to correspond with the registrant by certified mail on April 23, 1985, and July 15, 1986. The correspondence was returned unclaimed. The agency again attempted to correspond with the registrant by certified mail on July 29, 1986, providing notice of the agency's intention to revoke, suspend, or withdraw the certificate of registration if the registrant did not comply with the pertinent provisions of TRCR, and of the registrant's opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Receipt of the correspondence was acknowledged. No responses to the notice of violations has been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist furnishing or offering to furnish radiation machine installation, servicing or services, and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), present evidence satisfactory to the Bureau of Radiation Control that he has complied with the order and the provisions of Texas Civil Statutes, Article 4590f.

If the items of noncompliance are corrected within 30 days of the date of this complaint, no order will issue.

Issued in Austin, Texas, on October 1, 1986.

TRD-8609413

Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: October 2, 1986

For further information, please call (512) 458-7236.

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## State Board of Insurance Correction of Errors

A miscellaneous item submitted by the State Board of Insurance contained an error as published in the September 30, 1986, issue of the *Texas Register* (11 TexReg 4124).

The application for admission to do business in Texas of Vanliner Insurance Company in item (1) should read that the company is a foreign fire and casualty insurance company.

A filing under the Insurance Code, Chapter 5, Subchapter L, submitted by the State Board of Insurance contained an error as published in the September 30, 1986, issue of the *Texas Register* (11 TexReg 4118).

The last sentence of the first paragraph should read: "The new rules will now permit the limited usage of U.L. listed plastic pipe and U.L. listed threadable thinwall galvanize pipe in the installation of automatic sprinkler systems on a provisional basis."

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## Office of the Secretary of State Texas Register

Due to the upcoming November 4, 1986, election, the *Texas Register* has revised issue dates and deadlines for the November 4, 1986, Quarterly Index, and the November 7, 1986, issue of the *Texas Register*.

The Quarterly Index will be published on November 7, 1986. The November 7, 1986, issue of the *Texas Register* will be published on November 4, 1986, thereby changing the deadline for submission of rules to 10 a.m., Wednesday, October 29, and the deadline for open meeting submissions to 10 a.m., Thursday, October 30, 1986.

The publication schedule will resume with the November 11, 1986, issue and follow publication schedule deadlines thereafter.

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## Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of September 29-October 3, 1986.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any

such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

### Period of September 29-October 3, 1986

Jack Baker, Flatonio; caged, egg-laying facility; 5½ miles north, northwest of Flatonia, off County Road 180 in Fayette County; 02860; new permit

Harris County Municipal Utility District Number 107, Houston; wastewater treatment plant; immediately south of Buffalo Bayou and approximately one mile east of State Highway 6 in Harris County; 11619-01; renewal

E. Elmo Pilkenton, Houston; wastewater treatment facilities; 14003 West Hardy Road, approximately one mile south of Aldine-Bender Road in the City of Houston in Harris County; 12450-01; renewal

Russel J. Simon, Houston; wastewater treatment facilities; approximately 400 feet north of North Belt (Beltway 8) and 1,100 feet west of Morales Road on the banks of Greens Bayou in the City of Houston in northern Harris County; 12380-01; renewal

Hillman Shrimp and Oyster Company, Dickinson; shrimp and oyster washing facility; north of Texas City 2.8 miles along State Highway 146, across Dickinson Bayou and then left ¼ mile on San Leon Road (29th Street) in the City of Texas City, Galveston County; 02859; new permit

City of Mineral Wells, Mineral Wells; sewage treatment plant; approximately 1,700 feet northwest from the intersection of the U.S. Highway 180 and Rock Creek in Parker County; 10585-03; renewal

City of Menard, Menard; wastewater treatment facilities; on the south bank of the San Saba River, adjacent to FM Road 2092 and approximately .5 mile east of the City of Menard in Menard County; 10345-01; renewal

James E. Kuykendall, doing business as Mountain View Utility Company, Lillian; sewage treatment plant; approximately 1,000 feet northeast of the intersection of FM Roads 917 and 2738, northeast of the community of Lillian in Johnson County; 11102-01; renewal

Wallace A. Raynor, Keller; wastewater treatment plant; on the north bank of Bit Bear Creek, west of its crossing of Alta Vista Road and approximately ½ mile south of the intersection of Alta Vista Road and Keller-Hicks

Road in the City of Keller in Tarrant County; 11032-01; renewal

Cargill, Inc., Channelview; wastewater treatment plant; 16150 Peninsula Boulevard, approximately 3,300 feet southeast of the intersection of Jacintoport Boulevard and Peninsula Boulevard in Harris County; 12231-01; renewal

City of Conroe, Conroe; wastewater treatment facilities, immediately north of the Lake Creek confluence with the San Jacinto River at the end of Old Magnolia Road southwest of the City of Conroe, Montgomery County; 10008-02; renewal

Lexington Development Company, doing business as Provident Development Company, Austin; wastewater treatment facilities; approximately 1.75 miles north of U.S. Highway 290 East and .2 mile west of the intersection of Giles Road and Boyce Lane in Travis County; 13318-01; new permit

William F. St. Clair, Redland; sewage treatment plant; approximately five miles north of downtown Lufkin along U.S. Highway 59 and 2,000 feet east of U.S. Highway 59 just outside the City of Redland, one mile northeast of the intersection of U.S Highway 59 and FM Road 2021 in Angelina County; 11745-01; renewal

Ralph J. Berg, Bryan; wastewater treatment facilities; southeast side of Leonard Road (FM Road 1688) at a point approximately two miles southwest of Bryan, Brazos County; 11038-01; amendment

City of Mathis, Mathis; wastewater treatment plant; approximately 1¼ miles northwest of the intersection of State Highway Spur 198 and FM Road 1068, along the access road northwest extension of San Patricio Avenue in the City of Mathis, San Patricio County; 10015-01; amendment

Issued in Austin, Texas, on October 3, 1986.

TRD-8809480 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: October 3, 1986

For further information, please call (512) 463-7898.

## Enforcement Orders

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Taylor Foundry Company on September 30, 1986, assessing \$7,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Mary Reagan, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on October 3, 1986.

TRD-8809481 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: October 3, 1986

For further information, please call (512) 463-7898.

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Kerr-McGee Chemical Corporation on September 30, 1986, assessing \$7,600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Mike Woodward, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on October 3, 1986.

TRD-8809482 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: October 3, 1986

For further information, please call (512) 463-7898.

## Public Hearing

Notice is hereby given that pursuant to the requirements of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5, the Texas Water Commission (TWC) will conduct a public hearing to receive testimony concerning a proposed amendment to §335.1 (relating to Definitions). The section appears in 31 TAC, Chapter 335.

Notice of the proposed amendment was published in the *Texas Register* on October 7, 1986. The proposed amendment changes the definition of solid waste by providing a list of activities that are associated with the exploration, development, and production of oil, gas, or geothermal resources. Wastes resulting from such activities are excluded from regulation as solid wastes under the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7.

The list of activities associated with the exploration, development, and production of oil, gas, or geothermal resources is proposed to satisfy requirements of House Bill 2358, 69th Legislature, 1985. House Bill 2358 amended the Solid Waste Disposal Act by adding §3(f) (Texas Civil Statutes, Article 4477-7, §3(f)), which requires the Texas Water Commission and the Railroad Commission of Texas jointly to prepare an exclusive list of activities associated with the exploration, development, and production of oil or gas. The purpose of this list is to clarify which activities are exempt from regulation by the Texas Water Commission under the Solid Waste Disposal Act because of their association with oil and gas operations regulated by the Railroad Commission of Texas. As defined in the Act, the term "solid waste" does not include any waste that results from activities associated with the exploration, development, and production of oil, gas, or geothermal resources, with the exception of waste that has been determined by the United States Environmental Protection Agency to be hazardous waste and that is generated at gasoline plants, natural gas or natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants.

In drafting the exclusive list required by House Bill 2358, the Railroad Commission of Texas and the Texas Water Commission have tracked the language of the Texas Natural Resources Code, §91.101, as amended by House Bill 1867, 69th Legislature, 1985. In House Bill 1867, the leg-

islature amended §91.101 to clarify which oil and gas activities are regulated by the Railroad Commission of Texas for the protection of surface and subsurface water in the state. The language of §91.101 thus fulfills the purpose of the list required by House Bill 2358.

To facilitate public comments on the proposal, the agencies scheduled a joint hearing to receive comments at 10 a.m. on October 30, 1986, in Room 118 of the Stephen F. Austin State Office Building, located at 1800 North Congress Avenue, Austin, Texas. Public comment, both oral and written, on the proposed revisions is invited at the public hearing. Written comments on the proposal may be submitted to Mary Reagan, Attorney, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711. Written comments will also be received on the proposal until November 14, 1986. Persons making written

comments should do so by filing their comments with both agencies; however, comments on the list of activities contained in this proposal will be considered to be comments on the corresponding list of activities proposed by the Railroad Commission of Texas. The hearing is structured for the receipt of narrative comments, and interrogation or cross-examination is not permitted.

Issued in Austin, Texas, on October 3, 1986.

TRD-8609479      James K. Rourke, Jr.  
General Counsel  
Texas Water Commission

Filed: October 3, 1986  
For further information, please call (512) 463-8067.

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