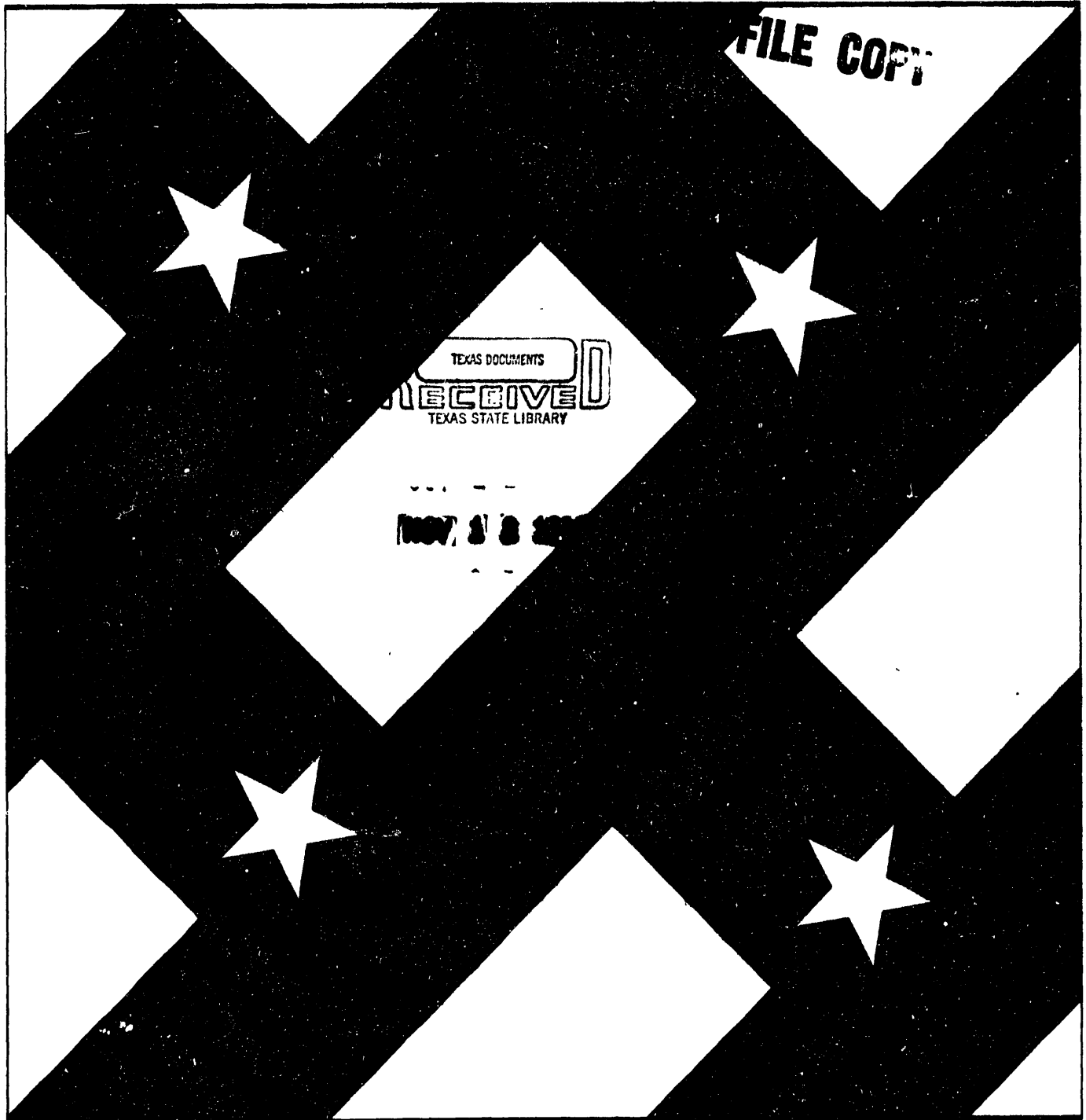


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# Texas Register

Volume 11, Number 84, November 11, 1986

Pages 4605-4659



## Highlights

The **Texas Water Commission** adopts an emergency amendment concerning additional conditions for solid waste storage, processing, or disposal permits. Effective date - October 30 ..... **page 4613**

The **Texas Savings and Loan Department** proposes a new section concerning reorganization, merger, consolidation, and acquisi-

tions involving associations in other states. Earliest possible date of adoption - December 12..... **page 4619**

The **Texas Optometry Board** proposes an amendment concerning continuing education programs and educational requirements for licensure. Proposed date of adoption - January 15 ..... **page 4620**

**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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**POSTMASTER:** Please send Form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, Texas 78711-3824.

**Information Available:** The 11 sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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
- The Legislature—bills submitted to, signed by, and enacted by the Governor and bills that are submitted to the Governor and enacted without his signature
- 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.

**How To Cite:** Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

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

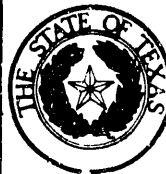
The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

**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).



## Texas Register Publications

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*Illustrations courtesy of Texas Parks and Wildlife Department.*

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# The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

## Appointment Made October 29

### Stephen F. Austin State University

For a term to expire January 31, 1989:

A. N. Rusche  
121 North Post Oak Lane, #801  
Houston, Texas 77024

Mr. Rusche is replacing Phil Simpson of Dallas, who resigned.

Issued in Austin, Texas, on October 29, 1986.

TRD-8610420      Mark White  
Governor of Texas

★      ★      ★

## Appointments Made October 30

### Texas Turnpike Authority Board of Directors

For a term to expire February 15, 1991:

Robert L. Collins  
1210 Harvard  
Houston, Texas 77008

Mr. Collins is replacing Jack Taylor Dulworth of Houston, whose term expired.

## Texas Board of Architectural Examiners

For a term to expire January 31, 1989:

Anne P. Dickson  
6140 DeLoache  
Dallas, Texas 75225

Ms. Dickson is replacing Nolanda S. Hill of Dallas, who resigned.

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

TRD-8610420      Mark White  
Governor of Texas

★      ★      ★

## Appointment Made October 31

### Texas Air Control Board

For a term to continue at the pleasure of this governor:

John L. Blair  
112 Williford Road  
Kountze, Texas 77625.

Issued in Austin, Texas, on October 31, 1986.

TRD-8610420      Mark White  
Governor of Texas

★      ★      ★



# Attorney General

**Description of attorney general submissions.** Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

## Requests for Opinions

**RQ-916.** Request from Steve W. Simmons, district attorney, El Paso, concerning whether a member of a school district board of trustees may simultaneously serve as a city councilman of a town located within the district.  
TRD-8610314

★ ★ ★

**RQ-917.** Request from Charles D. Houston, district attorney, 155th Judicial District, Austin and Waller Counties, Bellville, concerning payment for compensatory time to county employees, and related questions.  
TRD-8610315

★ ★ ★

**RQ-918.** Request from Daniel Anchondo, El Paso County attorney, El Paso, concerning the authority of a district court to order reimbursement for investigation and expert testimony fees incurred by court-appointed counsel in a capitol murder case.  
TRD-8610316

★ ★ ★

**RQ-919.** Request from William L. Ferguson, county and district attorney, Henderson, concerning the status of office of county school superintendent in Rusk County after December 31, 1982.  
TRD-8610317

★ ★ ★

**RQ-920.** Request from Gary Garrison, Ector County attorney, Odessa, concerning whether a commissioners court may grant federal revenue-sharing funds to a chamber of commerce for use in recruiting new businesses.  
TRD-8610318

★ ★ ★

**RQ-921.** Request from Kenneth H. Ashworth, Commissioner, Coordinating Board, Texas College and University System, Austin, concerning whether a county that assesses and collects taxes for a community college district may add a 2.0% fee.  
TRD-8610319

**RQ-922.** Request from Daniel Anchondo, county attorney, El Paso, concerning whether the commissioners court of El Paso County is required to supplement the district attorney's salary.  
TRD-8610320

★ ★ ★

**RQ-923.** Request from Benjamin Euresti, Jr., Cameron County attorney, Brownsville, concerning the administration of special funds by a county under the Texas Controlled Substances Act, Texas Civil Statutes, Article 4476-15.  
TRD-8610321

★ ★ ★

**RQ-924.** Request from Tyler A. Baker, D.C., President, Texas Board of Chiropractic Examiners, Austin, concerning requirements for licensure by reciprocity of the Texas Chiropractic Act.  
TRD-8610322

★ ★ ★

**RQ-925.** Request from Charles D. Penick, criminal district attorney, Bastrop, concerning whether blind pool financing constitutes an unconstitutional lending of credit in Texas.  
TRD-8610323

★ ★ ★

## Opinions

**JM-571 (RQ-807).** Request from Peggy Rosson, chairman, Public Utility Commission of Texas, Austin, concerning whether a municipality is required by the Public Utility Regulatory Act, Article 1446c, §16, to file a 10-year forecast for assessments of land resources for its service area.

**Summary of Opinion.** The Public Utility Regulatory Act, Article 1446, §16(c), applies to municipalities. The Public Utility Commission of Texas, however, lacks the authority to impose administrative sanctions to enforce §16(c). The commission may seek injunctive relief from the courts.  
TRD-8610406

**JM-572 (RQ-784).** Request from Curtis R. Wilkinson, Lamb County attorney, Littlefield, concerning whether a lake in a municipal park is public water under the jurisdiction the Texas Parks and Wildlife Department for purposes of the Water Safety Act.

**Summary of Opinion.** A lake on private land that is leased to a city for recreational purposes and used as a public municipal park is public water within the meaning of the Water Safety Act, and the Texas Parks and Wildlife Department may enforce the act.  
TRD-8610407

★ ★ ★

## Open Records Decisions

**ORD-443 (RQ-900).** Request from Paul H. Hayers, city attorney, City of Electra, concerning whether the Open Records Act, Texas Civil Statutes, Article 6252-17a, requires a city to release customer utility bills.

**Summary of Decision.** A city's utility bill ledgers are not excepted from required disclosure under the common law privacy aspect of the Open Records Act, Texas Civil Statutes, Article 6252-17a.  
TRD-8610324

★ ★ ★

**ORD-444 (RQ-879).** Request from Stephen C. Howard, Orange County attorney, Orange, concerning whether the Open Records Act, Texas Civil Statutes, Article 6252-17a, requires the sheriff of Orange County to release certain information.

**Summary of Decision.** Subject to the conditions stated in the decision, the Open Records Act, Texas Civil Statutes, Article 6252-17a, requires the sheriff of Orange County to release various documents pertaining to personnel and other matters requested by the *Orange Leader*.  
TRD-8610325

★ ★ ★

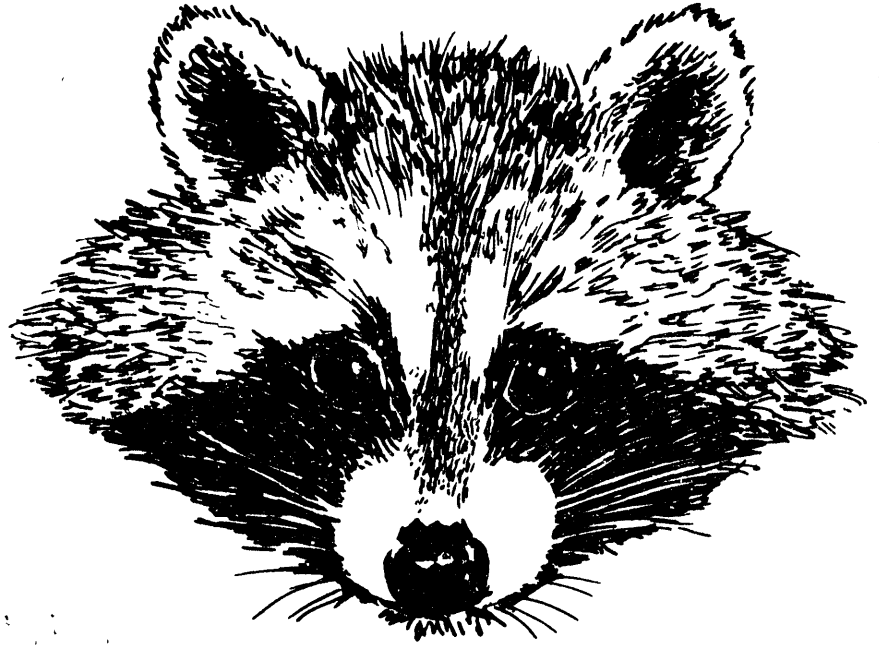
**ORD-445 (RQ-901).** Request from David W. Reagan, city attorney, Midland, concerning whether the Open Records Act, Texas

Civil Statutes, Article 6252-17a, requires a city to obtain and disclose information collected and maintained by an outside consultant with whom the city contracted.

**Summary of Decision.** Investigative materials compiled by a consultant hired by city of Midland are not public information within the Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a), where the city has released the final report prepared on the basis of these materials, has never possessed these materials, does not know the contents of the materials, and is not contractually entitled to receive them.

TRD-8610326

★ ★ ★





# 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 16. ECONOMIC REGULATION

#### Part I. Railroad

##### Commission of Texas

#### Chapter 3. Oil and Gas

##### Division

#### Conservation Rules and Regulations

##### ★16 TAC §3.34

The Railroad Commission of Texas adopts on an emergency basis an amendment to §3.34, concerning gas to be produced and purchased ratably. This action amends the amendment that was adopted on an emergency basis in the October 14, 1986, issue of the *Texas Register* (11 TexReg 4270). This amendment changes the effective date from November 15, 1986, to January 1, 1987, regarding the requirement that a first purchaser shall not within a pipeline system curtail first, second, or third priority category gas if lower priority category gas is being purchased in the same pipeline system by the purchaser or by the purchaser's subsidiary or affiliate who uses the same pipeline system in purchasing the lower priority category gas.

The Railroad Commission of Texas adopts this amendment on an emergency basis to protect the state's public welfare interest in the ratable production of natural gas and the conservation of natural resources and prevention of waste of gas.

The amendment is adopted on an emergency basis under the Texas Natural Resources Code, §§81.052, 81.202, 86.012, 86.041, 86.042, 111.083, 111.090, and 111.133, which provides the Railroad Commission of Texas with the authority to adopt sections for the following purposes: to govern and regulate persons and their operations under the jurisdiction of the Railroad Commission of Texas; to prevent waste of oil and gas in drilling and producing operations; to effectuate the provision and purposes of the Texas Natural Resources Code, Chapter 86; to conserve and prevent waste of gas; and to regulate common purchasers of oil and gas to achieve the prior purposes.

§3.34. *Gas to be Produced and Purchased Ratably—Rule 34.*

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

(f) First purchasers of gas shall satisfy

their pipeline system demand for gas by accepting delivery of gas from the following priority categories in ascending numerical order. Lower priority category gas is gas from a higher numerical category. Effective from January 1, 1987 [November 15, 1986], through February 28, 1987, a first purchaser shall not within a pipeline system curtail first, second, or third priority gas if lower priority category gas is being purchased in the same pipeline system by the purchaser or by the purchaser's subsidiary or affiliate who uses the same pipeline system in purchasing the lower priority category gas. Effective March 1, 1987, a first purchaser shall not within a pipeline system curtail gas from a priority category if the purchaser is purchasing lower priority category gas on the same pipeline system.

(1)-(6) (No change.)

(g)-(i) (No change.)

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

TRD-8610457

Mack Wallace  
Commissioner  
Railroad Commission of  
Texas

Effective date: November 5, 1986  
Expiration date: March 5, 1987  
For further information, please call  
(512) 463-7149.

★ ★ ★

### TITLE 31. NATURAL RESOURCES AND CONSERVATION

#### Part IX. Texas Water Commission

#### Chapter 305. Consolidated Permits

#### Subchapter E. Actions, Notice, and Hearings

##### ★31 TAC §305.105

The Texas Water Commission adopts on an emergency basis an amendment to §305.105, concerning request for public hearing. This emergency amendment changes subsection (c) of this section, which defines the term "person affected" for purpose of describing those entities who may request a public hearing on a permit application. The subsection is amended to delete the reference to an interest "dif-

ferent from that of the general public," so that the term "person affected" is defined as "one who is determined by the commission to have an interest that may be adversely affected by the action taken on the application."

The commission finds that an urgent need exists to adopt this amendment on an emergency basis to maintain a state hazardous waste program that is equivalent to the federal program under the federal program under 42 United State Code §6901, *et seq.*, Resource Conservation and Recovery Act of 1976 (RCRA), §3008(c).

The amendment is adopted on an emergency basis under the Texas Water Code, §§5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§305.105. *Request for Public Hearing.*

(a)-(b) (No change.)

(c) An affected person is one who is determined by the commission to have an interest [different from that of the general public] that may be adversely affected by action taken on the application.

(d) (No change.)

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

TRD-8610339

James K. Rourke, Jr.  
General Counsel  
Texas Water Commission

Effective date: October 30, 1986  
Expiration date: February 27, 1987  
For further information, please call  
(512) 463-8087.

★ ★ ★

#### Subchapter G. Additional Conditions for Solid Waste Storage, Processing, or Disposal Permits

##### ★31 TAC §305.145

The Texas Water Commission adopts on an emergency basis an amendment to §305.145, concerning the release or discharge of solid waste. This section establishes reporting requirements applicable to releases or discharges of solid waste. This emergency amendment changes §305.145(b) to provide that the five-day written notice requirement under §305.124

(9) may be waived in favor of a written report within 15 days of the event. The subsection formerly provided for such report to be submitted within 25 days.

The commission finds that an urgent need exists to adopt this amendment on an emergency basis to maintain a state hazardous waste program that is equivalent to the federal program under 42 United States Code §6901, *et seq*, Resource Conservation and Recovery Act of 1976 (RCRA), §3006(c).

The amendment is adopted on an emergency basis under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§305.145. *Release or Discharges of Solid Waste.*

(a) (No change.)

(b) The executive director may waive the five-day written notice requirement under §305.125(9) of this title (relating to Standard Permit Conditions) in favor of a written report pursuant to this section within 15 [25] days.

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

TRD-8610340

James K. Rourke, Jr.  
General Counsel  
Texas Water Commission

Effective date: October 30, 1986  
Expiration date: February 27, 1987  
For further information, please call  
(512) 483-8087.

★ ★ ★

**Chapter 335. Industrial Solid  
Waste and Municipal  
Hazardous Waste**  
**Subchapter C. Standards Applicable  
to Generators of Hazardous Waste**

★31 TAC §335.61

The Texas Water Commission adopts on an emergency basis an amendment to §335.61(c), concerning purpose, scope, and applicability. The emergency amend-

ment changes subsection (c)(10), which pertains to the mixtures of solid waste and hazardous waste by small quantity generators. The amendment provides that a small quantity generator who mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of subsection (c) is subject to full regulation under Chapter 335. The section formerly provided that such generators would be subject to full regulation under Subchapter C.

The commission finds that an urgent need exists to adopt this amendment on an emergency basis to maintain a state hazardous waste program that is equivalent to the federal program under 42 United States Code §6901, *et seq*, Resource Conservation and Recovery Act of 1976 (RCRA), §3006(c).

The amendment is adopted on an emergency basis under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policy of the commission. The amendment is also adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the commission to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including rules relating to the siting of hazardous waste facilities. Under the Solid Waste Disposal Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practical and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers

necessary or convenient to carry out its responsibilities.

§335.61. *Purpose, Scope, and Applicability.*

(a)-(b) (No change.)

(c) Generators of small quantities of hazardous waste are subject to the following requirements.

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

(10) A small quantity generator who mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this subsection is subject to regulation under this chapter and Chapter 305 of this title (relating to Consolidated Permits) [subchapter].

(11) (No change.)

(d)-(f) (No change.)

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

TRD-8610341

James K. Rourke, Jr.  
General Counsel  
Texas Water Commission

Effective date: October 30, 1986  
Expiration date: February 27, 1987  
For further information, please call  
(512) 483-8087.



# 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 4. AGRICULTURE Part I. Texas Department of Agriculture

### Chapter 7. Pesticides

#### ★4 TAC §§7.8, 7.11, 7.16, 7.24, 7.32, 7.33

The Texas Department of Agriculture proposes amendments to §§7.8, 7.11, 7.16, and 7.24, and new §7.32 and §7.33, concerning the classification of all pesticides and devices using sodium fluoroacetate (Compound 1080) and sodium cyanide for livestock predator control as state-limited-use pesticides.

The Texas Department of Agriculture is authorized to classify a pesticide as state-limited-use under the Texas Agriculture Code, §76.003, if the department determines that the pesticide requires additional restrictions to prevent unreasonable risk to humans or the environment, taking into the account the economic, social, and environmental costs and benefits of use of the pesticide. Under §76.003, the department may regulate the time and conditions of purchase and use of a state-limited-use pesticide.

In response to continuing problems of predator control in the State of Texas, and to ensure the safe use of control devices by persons needing to use them to reduce losses due to predation, the department is proposing the classification of all pesticide devices using sodium fluoroacetate (Compound 1080 livestock protection collar) and sodium cyanide (M-44 device) for livestock predator control as state-limited-use.

Texas is the leading livestock raising state in the nation. Livestock raisers have sustained, and continue to sustain, substantial livestock losses due to predators. Past measures to control such losses due to predators have been inadequate. To assist the livestock industries in Texas and to assure that methods used to control livestock predation do not present a hazard to humans, nontarget animals, and the environment, the department is proposing a comprehensive predator control program, which will include, among other controls, the use of the livestock protection collar and the M-44 device, as provided for in new §7.32 and §7.33. New §7.32 and §7.33 classify these devices as

state-limited-use pesticides, incorporate existing federal standards and use restrictions, and impose additional state requirements.

The proposed amendment to §7.8 makes reference to new §7.32 and §7.33, which prohibit the sale of the livestock protection collar or sodium cyanide by dealers to other dealers. The proposed amendment to §7.11 provides for the addition of a separate license to be issued for the use of the livestock protection collar. The proposed amendment to §7.16 provides that private applicators may not be certified for the use of the livestock protection collar. Livestock raisers who wish to use the collars on their property may seek licenses in a special category of noncommercial applicators. The proposed amendment to §7.24 adds sodium fluoroacetate (Compound 1080) and sodium cyanide (M-44 device) to the list of existing state-limited-use pesticides.

New §7.32 classifies all pesticides and devices using sodium fluoroacetate (Compound 1080) as the active ingredient for livestock predation as state-limited-use pesticides, and provides state-limited-use requirements, including definitions to be used in this section, sale or transfer requirements, training and requirements for the licensing of LPC applicators, record-keeping and reporting requirements, and a provision that the loading of Compound 1080 into collars may be done only by a registrant, an agent, or a person working under the direct visual supervision of the registrant.

New §7.33 classifies all pesticides and devices using sodium cyanide as the active ingredient as a state-limited-use pesticide, including the M-44 device used for livestock predation control, and provides for state-limited-use requirements, including definitions to be used in this section, sale or transfer requirements, requirements for M-44 applicators, and record-keeping requirements.

Ellen Widess, director, Agricultural and Environmental Sciences Division, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for local government as a result of enforcing or administering the sections. The effect on state for the first five-year period the sections will be in effect will be an estimated additional cost of \$124,273 each

year in 1987-1991, and an estimated increase in revenue of \$8,500 in 1987, \$8,250 in 1988, \$10,750 in 1989, and \$13,250 each year in 1990 and 1991. The cost of compliance with the sections for small businesses will be an initial fee of \$115 (license fee and testing fee) and a licensing fee of \$100 annually thereafter, for the licensing of commercial livestock protection collar (LPC) applicators. For the licensing of noncommercial LPC applicators, an initial fee of \$65 and a licensing fee of \$50 annually thereafter. For the licensing of LPC and M-44 dealers, \$25 annually. The cost to both small and large businesses will be the same, depending upon the number and type of license(s) obtained.

Ms. Widess also 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 provision of a comprehensive predator control program that minimizes the economic loss due to predation; assurance of a viable livestock industry in Texas; assurance that all methods used prevent any unreasonable risk to humans, nontarget animals, and the environment; and provision of technical assistance and data to identify the causes of predation and use of alternative predation techniques. The anticipated economic cost to individuals who are required to comply with the proposed sections is as follows: for a licensed commercial LPC applicator, \$115 initially, and \$100 annually thereafter; for a licensed noncommercial LPC applicator, \$65 initially, and \$50 annually thereafter; for the licensing of LPC and M-44 dealers, \$25 annually.

Comments on the proposal may be submitted to Ellen Widess, Director Agricultural and Environmental Sciences Division, P.O. Box 12847, Austin, Texas 78711. Public hearings will be held by the department to take comments on new §7.32 and §7.33. Also, comments on the predator control program as a whole, copies of which will be provided upon request, is invited.

The amendments and new sections are proposed under the Texas Agriculture Code, §76.003, which provides the Texas Department of Agriculture (the department) with the authority to classify a pesticide as state-limited-use (SLU) if the department has determined that the pes-

ticide requires additional restrictions to prevent unreasonable risks to man or the environment, and authorizes the department to regulate the time and conditions of use or purchase of a SLU pesticide; §76.004, which authorizes the department to adopt rules to carry out Chapter 76, §76.104, which authorizes the department to adopt rules regarding the manner and method of pesticide applications; and §76.108 and §76.109, which authorize the department to set a fee for commercial and noncommercial applicator licenses.

**§7.8. Pesticide Dealers.**

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

(f) Except as provided by §7.32 and §7.33 of this title (relating to Sodium Fluoroacetate (Compound 1080) Livestock Protection Collar—State-Limited-Use Requirements and M-44 (Sodium Cyanide—State-Limited-Use Requirements), restricted-use or state-limited-use pesticides may only be sold to certified applicators, persons acting under the direct supervision of a certified applicator, or a licensed dealer.

**§7.11. Applicator Certification.**

(a) (No change.)

(b) The Texas Department of Agriculture will certify commercial and noncommercial livestock protection collar (LPC) applicators upon training and testing on the use of the sodium fluoroacetate (Compound 1080) livestock protection collar in accordance with §7.32 of this title (relating to Sodium Fluoroacetate (Compound 1080) Livestock Protection Collar—State-Limited-Use Requirements), and issue a separate license for the use of the livestock protection collar for livestock predation control.

(c)(b) The Texas Department of Health will certify commercial and noncommercial applicators involved in Public Health Pest Control which shall encompass the following subcategories:

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

(d)(c) Applicators involved in regulatory pest control or demonstration and research pest control will be licensed by the regulatory agency responsible for the category or subcategory of pest control for which the license is requested. Regulatory pest control or demonstration and research pest control licenses may be issued for any category or subcategory listed in this section.

**§7.16. Certified Private Applicator License.**

(a) The Texas Department of Agriculture will establish and supervise a program to certify private applicators on a voluntary basis, to allow them to comply with federal law. This program will be based on the minimum requirements accepted by the administrator of the EPA for any approved state plan.

(b) Private applicators may not be certified to purchase or apply the state-limited-use pesticide sodium fluoroacetate (Compound 1080) for livestock predation control.

**§7.24. State-Limited-Use Pesticides.**

(a)-(b) (No change.)

(c) Because of their potential to cause adverse effects to humans and nontarget animals, any and all pesticides and devices using the active ingredients sodium fluoroacetate (Compound 1080) and sodium cyanide, in any quantity, for livestock predation control are classified as state-limited-use pesticides. Additional requirements for the handling and use of Compound 1080 and sodium cyanide are provided in §7.32 and §7.33 of this title (relating to Sodium Fluoroacetate (Compound 1080) Livestock Protection Collar—State-Limited-Use Requirements; and the M-44 Sodium Cyanide—State-Limited-Use Requirements).

**§7.32. Sodium Fluoroacetate (Compound 1080) Livestock Protection Collar—State-Limited-Use Requirements.**

(a) Purpose. Any and all pesticides and devices using the active ingredient sodium fluoroacetate for livestock predation control shall be classified as state-limited-use, pursuant to the Texas Agriculture Code, Chapter 76.003.

(b) Definitions. In addition to the definitions set out in the Texas Agriculture Code, §76.001 (1981), and §7.1 of this title (relating to Definitions), the following terms, when used in this section, shall have the following meanings.

(1) LPC applicator—A person who has obtained a license from the department as a commercial or noncommercial certified livestock protection collar applicator for the use of the livestock protection collar. Private applicator authorization will not be given by the department for use of the livestock protection collar. Persons desiring a license to use the livestock protection collar on their property should apply for a noncommercial LPC applicator license.

(2) Livestock protection collar—A collar-like device which has been filled with the active ingredient sodium fluoroacetate (Compound 1080) to control predation.

(3) Agent—A representative of a registrant. Each agent must be approved by the department to distribute livestock protection collars to approved LPC applicators.

(c) Sale or transfer requirements. Registrants and agents selling or transferring livestock protection collars must meet the following requirements:

(1) Each registrant must obtain a license under the Texas Agriculture Code, §76.071, and comply with the provisions of §7.8 of this title (relating to Pesticide Dealers).

(2) Each registrant and agent who sells or transfers livestock protection collars must obtain a license as commercial or noncommercial LPC applicator.

(3) Livestock protection collars may not be sold or transferred by registrants or agents to persons other than registrants or agents for the purpose of resale or transfer.

(4) Each registrant may have no more than 15 agents at any one time. Each

registrant shall file with the department written notice of the name, home address, address of distribution site, and telephone number of each agent. The registrant shall notify the department of any change in this information within 10 days.

(5) Each livestock protection collar shall have a unique serial number clearly and firmly affixed to it.

(6) Registrants and agents shall dispose of livestock protection collars strictly in accordance with label directions.

(7) Registrants and agents shall distribute the forms prescribed by the department for use by LPC applicators with each sale or transfer of livestock protection collars.

(8) Registrants and agents may sell or transfer livestock protection collars only to LPC applicators for whom a site review and sales data report has been executed.

(9) Registrants and agents shall report to the department any incident or complaints of misuse involving a livestock protection collar.

(d) Licensing of LPC applicators.

(1) A person may obtain an LPC applicator license as either a commercial or noncommercial applicator. An LPC applicator license is separate from other pesticide licenses and will require the payment of a separate license fee.

(2) In order to obtain a commercial LPC applicator license, a person shall comply with the licensing requirements of §7.13 and §7.14 of this title (relating to Commercial Applicator License and Commercial Applicator Proof of Financial Responsibility), complete training, pass a test prescribed by the department, and pay the fee prescribed by §7.13 of this title (relating to Commercial Applicator License).

(3) In order to obtain a noncommercial LPC applicator license, a person shall complete training, pass a test prescribed by the department, and obtain a license. Pursuant to §7.12 of this title (relating to Classification of Commercial and Noncommercial Licenses), a testing fee will be collected. In addition, an initial licensing fee of \$50 shall be paid within 12 months of passing the test or retesting will be required. An annual renewal fee of \$50 shall be paid prior to the time of the annual license renewal on March 1 of each year.

(4) Each LPC applicator is responsible for giving written notice to the department of any change of address. Retraining and retesting may be required by the department for any LPC applicator who fails to comply with the use, record keeping, or other requirements of the department, and will be required of any LPC applicator who has not used a livestock protection collar on his or her property for a period of four years.

(e) LPC applicator training. LPC applicators must undergo training, including training in the following areas:

(1) the proper use of the livestock protection collar;

(2) the proper method of repairing the collar and disposing of collars and contaminated materials;

(3) health and safety hazards and safe handling techniques;

(4) record-keeping and reporting requirements;

(5) proper methods of identifying causes of predation; and

(6) approved methods of control of predation.

(f) **LPC applicator use restrictions.** All LPC applicators shall comply with the label, including the use restrictions, when using the livestock protection collar. Copies of the label and reporting forms shall be obtained with the purchase of any collar from a registrant or agent. Additional copies of the label and reporting forms may be obtained from the Texas Department of Agriculture, P. O. Box 12847, Austin, Texas 78711.

(g) **Record keeping and reporting.**

(1) Each registrant shall maintain records for the registrant and all agents on forms prescribed by the department for at least two years which include:

(A) an inventory of Compound 1080 and an inventory of livestock protection collars including the serial number, size, type of strap, number of straps, and configuration for each collar. An annual production report shall be filed on forms prescribed by the department by each registrant by January 31 for the previous calendar year reporting on the number and type of livestock protection collars produced and distributed and on the quantity of Compound 1080 purchased and used;

(B) the information required on the department's site review and sales data report, including:

(i) the date of sale or transfer;

(ii) the name, telephone number, address, and applicator license number of each LPC applicator who purchased or received a collar;

(iii) the number of livestock protection collars sold or transferred; and

(iv) the serial number of each collar.

(C) One copy of each site review and sales data report that is completed by registrant or an agent shall be submitted by the registrant to the department quarterly by the first day of January, April, July, and September of each year.

(2) Each LPC applicator shall file with the department records on the use of the collar on forms prescribed by the department quarterly on the first day of January, April, June, and September of each year for each quarter when collars have been used. The records shall include:

(A) the serial number of the collar attached to livestock;

(B) the pasture(s) where collared livestock were placed;

(C) the dates of each attachment,

inspection, and removal;

(D) the number and locations of livestock found with ruptured or punctured collars and the apparent cause of the damage;

(E) the number, dates, and approximate location of collars lost;

(F) the species, locations, and dates of all animals suspected to have been killed by collars; and

(G) all suspected poisonings of humans, domestic animals, or nontarget wild animals resulting from collar use and all other accidents involving the release of Compound 1080.

(3) Each LPC applicator shall maintain a copy of the reports that are required to be submitted to the department for at least two years.

(4) Each registrant, agent, or LPC applicator shall report accidents involving a livestock protection collar to the department on forms prescribed by the department within 30 days of the accident. In addition, accidents involving any suspected or actual poisoning of humans or threatening an endangered species must be reported to the department immediately (within three days) by telephone.

(h) Loading Compound 1080 into collars. Only a registrant, an agent, or a person working under the direct visual supervision of the registrant may fill a collar with Compound 1080 solution. Only Compound 1080 purchased from the registrant of Compound 1080 after November 1, 1986, and containing a distinguishing dye, may be used in the livestock protection collar.

#### **§7.33. M-44 Sodium Cyanide-State-Limited-Use Requirements.**

(a) **Purpose.** Any and all pesticides and devices using sodium cyanide as the active ingredient, including the M-44 device for livestock predation control, shall be classified as state-limited-use pesticides, pursuant to the Texas Agriculture Code, §76.003.

(b) **Definitions.** In addition to the definitions set out in the Texas Agriculture Code, §76.001 (1981), and §7.1 of this title (relating to Definitions), the following terms when used in this section shall have the following meanings.

(1) **Authorized dealer**—A dealer licensed under the Texas Agriculture Code, §76.071, and specifically approved by the department for sale of M-44 sodium cyanide.

(2) **M-44 applicator**—A person who has obtained authorization from the department for the use of M-44 sodium cyanide.

(3) **M-44 sodium cyanide**—Includes the active ingredient sodium cyanide, sodium cyanide capsules, and any device loaded with sodium cyanide for use in livestock predation control.

(c) **Sale or transfer requirements.** Dealers selling or transferring M-44 sodium cyanide must meet the following requirements.

(1) All dealers who wish to sell or

transfer M-44 sodium cyanide must obtain written approval by the department. In order to obtain approval to handle M-44 sodium cyanide from the department, dealers must obtain from the department a pesticide dealer's license to handle restricted pesticides and complete special agreement forms to become an authorized dealer for the purpose of selling or transferring M-44 sodium cyanide. All applicators must meet the dealer requirements of the Texas Agriculture Code, §§76.071-76.077, the requirements of §7.8 of this title (relating to Pesticide Dealers), and any additional federal requirements of the Use Restriction Bulletin (label) for M-44 sodium cyanide under EPA Registration Number 33858-1.

(2) A dealer may sell or transfer M-44 sodium cyanide only if approved as an authorized dealer and only to M-44 applicators or registrants of M-44 sodium cyanide. M-44 sodium cyanide may not be sold or transferred by dealer to any person for the purpose of resale or transfer with the exception of registrants.

(3) The department will keep a list of approved dealers and make it available to all certified applicators. Only dealers whose names appear on the list are authorized to receive, sell, or distribute M-44 sodium cyanide.

(4) Each authorized dealer must be or employ a person certified under this section.

(5) Each dealer must maintain for a period of two years complete records on forms prescribed by the department of all transactions involving M-44 sodium cyanide, including:

(A) the amount of materials purchased by dealer and date of purchase;

(B) the following information for each sale or transfer;

(i) the date of sale or transfer;

(ii) the name, address, applicator number, county, and telephone number of any M-44 applicator to whom M-44 sodium cyanide was sold or transferred; and

(iii) the amount sold to the approved applicator.

(6) Dealers must make sure that any sale or transfer of M-44 sodium cyanide is accompanied by a complete label. Authorized dealers must also provide to M-44 applicators the recordkeeping forms prescribed by the department. Authorized dealers may sell sodium cyanide capsules only in boxes of 10 each or in boxes of 50 each.

(7) Authorized dealers must obtain the department's approval prior to purchasing any M-44 sodium cyanide.

(8) Each authorized dealer must report to the department any incident or complaint of misuse involving M-44 sodium cyanide.

(d) M-44 applicators. After the effective date of this section, any person seeking to qualify as an M-44 applicator must undertake training prescribed by the department

and obtain a certificate. Those private applicators approved for use of M-44 sodium cyanide as of the effective date of this section may continue to purchase and use M-44 sodium cyanide until April 1, 1988. After that date, any such private applicator must have completed retraining and have obtained a new certificate from the department in order to purchase M-44 sodium cyanide or use M-44 sodium cyanide regardless of when the M-44 was purchased.

(1) Training for M-44 applicators will include the following:

(A) the proper use and treatment of the M-44 sodium cyanide;

(B) the proper method of disposing of M-44 sodium cyanide and related contaminated materials,

(C) safe handling techniques designed to reduce health and injury risks;

(D) record-keeping requirements;

(E) proper methods of identifying causes of predation; and

(F) approved methods of control of predation

(2) All M-44 applicators must comply with the label including the Use Restrictions Bulletin on M-44 sodium cyanide issued by the department (EPA Registration Number 33858-1) when using M-44 sodium cyanide. Copies of the use restrictions must be obtained with the purchase of each box of M-44 sodium cyanide. Additional copies of the bulletin and record keeping forms may be obtained from the Texas Department of Agriculture, P. O. Box 12847, State Capitol, Austin, Texas 78711.

(e) Record keeping. Each applicator shall maintain records on forms prescribed by the department dealing with the placement of the device and the results of each placement. Such records shall include, but may not be limited to:

(1) the number of M-44 sodium cyanide devices in place and the number of capsules in each;

(2) the location of each M-44 sodium cyanide device;

(3) the dates of each placement, inspection, and removal;

(4) the number and location of M-44 sodium cyanide devices which have been discharged and the apparent reason;

(5) species of animals taken; and

(6) all accidents or injuries involving humans, domestic animals, wildlife, or bodies of water.

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 November 5, 1986.

TRD-8610458 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Earliest possible date of adoption:

December 12, 1986

For further information, please call  
(512) 463-7583

## TITLE 7. BANKING AND SECURITIES

### Part IV. Texas Savings and Loan Department

#### Chapter 53. Additional Offices

##### ★ 7 TAC §53.18

The Texas Savings and Loan Department proposes new §53.18, concerning offices and remote service units in other states or territories. The new section provides for offices and remote service units in other states or territories as authorized by Senate Bill 31, Second Called Session, 69th Legislature, 1985, which allows Texas savings and loan associations to do business outside Texas under certain circumstances.

L. L. Bowman III, Texas savings and loan commissioner, 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 as a result of enforcing or administering the section. The cost of compliance with the section for small businesses will be the cost of filing the fees already required for applications for additional offices and remote service units and the cost of compiling the information necessary to meet the substantive criteria. The cost of compliance for small savings and loan associations, consisting of these costs, will be the same as for large associations.

Mr. Bowman 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 implementation of Senate Bill 31, Second Called Session, 69th Legislature, 1985, which allows Texas savings and loan associations to do business outside of Texas under certain circumstances. 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 L. L. Bowman III, Texas Savings and Loan Commissioner, Finance Commission Building, 2601 North Lamar, Suite 201, Austin, Texas 78705, or hand-delivered to the same address.

The new section is proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of the state and, from time to time, amend same, and under Texas Civil Statutes, Article 852a, §8.01(2), which authorize the Savings and Loan Section to adopt rules relating to the fees and procedures for processing, hearing, and deciding applications filed with the commissioner or the Savings and Loan Department pursuant to the Texas Savings and Loan Act.

§53.18. *Offices and Remote Service Units in Other States or Territories.* To the extent permitted by the laws of the state or territory in question, and subject to this chapter, an association may establish branch offices, loan offices, and remote service units in any state or territory of the United States. Each application for permission to establish such a branch office, loan office, or remote service unit shall comply with the applicable requirements of this chapter, and shall include a certified copy of an order from the appropriate state or territorial regulatory authority approving the office or unit, or other evidence satisfactory to the commissioner that all state or territorial regulatory requirements had been satisfied. Each such application shall be set for hearing, if applicable, notice given, hearing held, if applicable, and decision reached in the same manner and within the time provided in this chapter for similar applications for offices or units in this state. The commissioner shall approve such an application if he shall have affirmatively found from the data furnished with the application, the evidence adduced at the hearing, if applicable, and his official records that all requirements of this chapter applicable to the office or unit have been met, and that all applicable requirements of the laws of the state or territory in question have been met.

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 November 4, 1986.

TRD-8610441 L. L. Bowman III  
Commissioner  
Texas Savings and Loan  
Department

Earliest possible date of adoption:

December 12, 1986

For further information, please call  
(512) 479-1250.

★ ★ ★

## Chapter 55. Agencies

##### ★ 7 TAC §55.7

The Texas Savings and Loan Department proposes new §55.7, concerning agencies in other states or territories, as authorized by Senate Bill 31, Second Called Session, 69th Legislature, 1985. The new section provides the criteria for a Texas savings and loan association to open an agency office outside of Texas.

L. L. Bowman III, Texas savings and loan commissioner, 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 as a result of enforcing or administering the section. The cost of compliance with the section for small businesses will be the cost of filing the fees already required

for applications for agencies and the cost of compiling the information necessary to meet the substantive criteria. The cost of compliance for small savings and loan associations, consisting of these costs, will be the same as for large associations.

Mr. Bowman 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 implementation of Senate Bill 31, Second Called Session, 69th Legislature, 1985, which allows Texas savings and loan associations to do business outside of Texas under certain circumstances. 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 L. L. Bowman III, Texas Savings and Loan Commissioner, Finance Commission Building, 2601 North Lamar, Suite 201, Austin, Texas 78705, or hand-delivered to the same address.

The new section is proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of the state and, from time to time, amend same, and under Texas Civil Statutes, Article 852a, §8.01(2), which authorize the Savings and Loan Section to adopt rules relating to the fees and procedures for processing, hearing, and deciding applications filed with the commissioner or the Savings and Loan Department pursuant to the Texas Savings and Loan Act

**§55.7. Agencies in Other States or Territories.** To the extent permitted by the law of the state or territory in question, and subject to this chapter, an association may appoint an agent or establish the type of agencies described in this chapter in any state or territory of the United States. Each application for permission to appoint or establish such an agency shall comply with the applicable requirements of this chapter, and shall include a certified copy of an order from the appropriate state or territorial regulatory authority approving the agency, or other evidence satisfactory to the commission that all state or territorial regulatory requirements have been satisfied. Each such application shall be set for hearing, notice given, hearing held, and decision reached in the same manner and within the time provided in this chapter for similar applications for agencies in this state. The commissioner shall approve such an application if he shall have affirmatively found from the data furnished with the application, the evidence adduced at the hearing, and his official records, that all requirements of this chapter have been met and that all applicable requirements of the laws of the state or territory in question have been met.

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 November 4, 1986.

TRD-8610442 L. L. Bowman III  
Commissioner  
Texas Savings and Loan  
Department

Earliest possible date of adoption:  
December 12, 1986  
For further information, please call  
(512) 479-1250.

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### Chapter 69. Reorganization, Merger, [and] Consolidation, and Acquisitions

#### ★7 TAC §69.10

The Texas Savings and Loan Department proposes new §69.10, concerning acquisitions involving associations in other states or territories, pursuant to Senate Bill 31, Second Called Session, 69th Legislature, 1985. This new section provides the criteria for a Texas savings and loan association to acquire or merge with an out-of-state association.

L. L. Bowman III, Texas savings and loan commissioner, 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 as a result of enforcing or administering the section. The cost of compliance with the section for small businesses will be determined by the number of offices in the association involved in the applications under fee rules contained in §63.9. Small savings and loan associations may have lower costs, as the mergers or acquisitions involved in the applications may require payment of lower department fees.

Mr. Bowman 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 implementation of rules to carry out the provisions of Senate Bill 31, Second Called Session, 69th Legislature, 1985, which allows Texas savings and loan associations to do business out of state under certain conditions. 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 L. L. Bowman III, Texas Savings and Loan Commissioner, Finance Commission Building, 2601 North Lamar, Suite 201, Austin, Texas 78705, or hand-delivered to the same address.

The new section is proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the

Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of the state and, from time to time, amend same, and under Texas Civil Statutes, Article 852a, §8.01(2), which authorize the Savings and Loan Section to adopt rules relating to the fees and procedures for processing, hearing, and deciding applications filed with the commissioner or the Savings and Loan Department pursuant to the Texas Savings and Loan Act.

**§69.10. Acquisitions Involving Associations in Other States or Territories.** To the extent permitted by the laws of the state or territory in question, and subject to this chapter, an association may acquire, by merger or purchase of stock, an association incorporated under the laws of another state. Each such application shall comply with the applicable requirements of this chapter, and shall include a certified copy of an order from the appropriate state regulatory authority approving the merger or acquisition, or other evidence satisfactory to the commissioner that all state regulatory requirements have been satisfied. Each such application shall be set for hearing, notice given, hearing held, and decision reached in the same manner and within the time provided in this chapter for a similar application involving another association in this state. The commissioner shall approve such an application if he shall have affirmatively found from the data furnished with the application, the evidence adduced at the hearing, and his official records, that all requirements of this chapter applicable to the proposed merger or acquisition have been met, and that all applicable requirements of the laws of the state in question have been met.

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 November 4, 1986.

TRD-8610443 L. L. Bowman III  
Commissioner  
Texas Savings and Loan  
Department

Earliest possible date of adoption:  
December 12, 1986  
For further information, please call  
(512) 479-1250.







tion is in effect the public benefit anticipated as a result of enforcing the section will be that probation departments will not have to duplicate TAPC audits with audits by private auditors. 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 Virginia Grote, Texas Adult Probation Commission, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753.

The amendment is proposed under Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

**§321.1. Administration.**

(a)-(j) (No change.)

(k) Audits. (Texas Code of Criminal Procedure, Article 42.121, §4.03 and §4.04).

**TAPC shall conduct a fiscal audit of each probation department at least once every two years. Outside audits are not required unless requested by TAPC. [Probation departments should have fiscal audits made at least annually by an auditor not employed by the district adult probation department.]**

(l)-(w) (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 28, 1986.

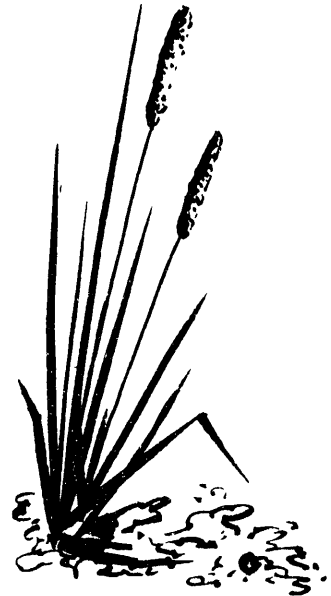
TRD-8610258

David Spencer  
General Counsel  
Texas Adult Probation  
Commission

Earliest possible date of adoption:

December 12, 1986

For further information, please call  
(512) 834-8188.



# 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 7. BANKING AND SECURITIES

#### Part IV. Texas Savings and Loan Department

##### Chapter 53. Additional Offices

###### ★ 7 TAC §§53.9-53.11

The Texas Savings and Loan Department adopts amendments to §§53.9-53.11, without changes to the proposed text published in the August 22, 1986, issue of the *Texas Register* (11 TexReg 3723).

The amendments outline the substantive standards previously contained in statutory provisions which are now obsolete.

The amendments provide clarification of the sections by elimination of obsolete statutory citations, replaced by delineation of the substantive standards governing sales of assets by troubled savings and loan associations.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of this state.

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 November 4, 1986.

TRD-8610444 L. L. Bowman, III  
Commissioner  
Texas Savings and Loan  
Department

Effective date: November 25, 1986  
Proposal publication date: August 22, 1986  
For further information, please call  
(512) 479-1250.

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##### Chapter 63. Fees and Charges

###### ★ 7 TAC §63.13

The Texas Savings and Loan Department adopts an amendment to §63.13, without changes to the proposed text published

in the August 22, 1986, issue of the *Texas Register* (11 TexReg 3723).

The amendment corrects the citation to the appropriate statutory section, which changed as a result of 1985 amendments to the Texas Savings and Loan Act.

The amendment provides clarification so that the section refers to actions taken under the Texas Savings and Loan Act, §2.13, which is a different section from that currently referenced in the section.

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of this state and, from time to time to amend same, and Texas Civil Statutes, Article 852a, §8.01, which authorize the Savings and Loan Section of the Texas Finance Commission to adopt rules relating to the fees for processing, hearing, and deciding applications filed with the commissioner of the Savings and Loan Department pursuant to the Savings and Loan 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 November 4, 1986

TRD-8610445 L. L. Bowman, III  
Commissioner  
Texas Savings and Loan  
Department

Effective date: November 25, 1986  
Proposal publication date: August 22, 1986  
For further information, please call  
(512) 479-1250.

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### TITLE 13. CULTURAL RESOURCES

#### Part II. Texas Historical Commission

##### Chapter 15. Administration of Federal Programs

###### ★ 13 TAC §15.6

The Texas Historical Commission adopts an amendment to §15.6, without changes to the proposed text published in the August 19, 1986, issue of the *Texas Register* (11 TexReg 3676).

The section brings the State of Texas into compliance with federal historic preservation law, which seeks to expand state and local historic preservation activities and establish a formal connection between the two.

The section functions according to the procedures already established for certified local governments, and serves to permit county governments participation in the program.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6145, §3, as amended, which provide the Texas Historical Commission with the authority to promulgate such rules and regulations as it shall deem proper for the effective administration of the provisions of this Act; and §9(a), which provides the authority to administer the Federal National Historic Preservation Act of 1956 and any amendments thereto.

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 6, 1986.

TRD-8610268 Curtis Tunnell  
Executive Director  
Texas Historical  
Commission

Effective date: November 19, 1986  
Proposal publication date: August 19, 1986  
For further information, please call  
(512) 463-6100.

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## TITLE 16. ECONOMIC REGULATION

### Part IV. Texas Department of Labor and Standards Chapter 70. Industrialized Housing and Buildings Subchapter C. Standards and Codes

#### ★ 16 TAC §70.20, §70.22

The Texas Department of Labor and Standards adopts amendments to §70.20 and §70.22, with changes to the proposed text published in the July 25, 1986, issue of the *Texas Register* (11 TexReg 3388).

The amendments update the mandatory building codes from the 1982 editions to the new 1985 editions. The Texas Industrialized Building Code Council determined that the adoption of the new edition was in the public interest and consistent with the purpose of Texas Civil Statutes, Article 5221f-1, Industrialized Housing and Buildings. It also clarifies which edition of the Council of Building Officials (CABO) One and Two Family Dwelling Code to use.

Industrialized Housing and Buildings constructed after July 15, 1986, will be constructed to meet or exceed the requirements and standards of the listed codes.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 5221f-1, which provide the commissioner of the department with the authority to propose rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of the Act and to provide for uniform enforcement.

§70.20. *Mandatory Codes.* All industrialized housing and buildings, modules, and modular components, shall be constructed in accordance with the following codes and their appendices:

- (1) (No change.)
- (2) either:

(A) ICBO-Uniform Building Code, 1985 Edition; Uniform Mechanical Code, 1985 Edition; and Uniform Plumbing Code, 1985 Edition; or

(B) SBCCI-Standard Building Code, 1985 Edition; Standard Plumbing Code, 1985 Edition; Standard Mechanical Code, 1985 Edition; and Standard Gas Code, 1985 Edition.

§70.22. *Use and Construction of Codes.*

- (a)-(c) (No change)

(d) All detached one or two family industrialized housing constructed in accordance with Appendix N of the Standard Building Code, 1985 Edition, or with Appendix Chapter 12 of the Uniform Building Code, 1985 Edition, shall utilize the 1983 Edition of the Council of Building Officials

(CABO) One and Two Family Dwelling Code.

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 29, 1986.

TRD-8610261

Allen Parker, Sr.  
Commissioner  
Texas Department of  
Labor and Standards

Effective date: November 19, 1986  
Proposal publication date: July 25, 1986  
For further information, please call  
(512) 463-3127.

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### Subchapter D. Administration and Enforcement

#### ★ 16 TAC §70.34, §70.40

The Texas Department of Labor and Standards adopts amendments to §70.34 and §70.40, without changes to the proposed text published in the July 25, 1986, issue of the *Texas Register* (11 TexReg 3389).

The amendments permit design review agencies to make red ink corrections to drawings to expedite the approval process and requires manufacturers to place a manufacturers seal on structures that the manufacturers designate as not being designed for installation on a permanent foundation system.

The amendments set forth the criteria that must be met prior to a design review agency making red ink corrections to the required documentation and specifies the information required on the manufacturer's seal designating a structure as not being designed for placement on a permanent foundation.

The Southern Building Code Congress International (SBCCI) agrees with the concept of red ink corrections. However, they feel the plans and other documents submitted are the property of the designer and/or manufacturer and corrections should not be marked on the plans or documents. SBCCI also feels that the proposed rule may violate the Texas Engineering Practice Act. The International Conference of Building Officials (ICBO) feels that the practice of design review agencies making changes on plans and documents and then approving those changes would constitute a conflict of interest and that the practice could serve to restrain trade, thereby allowing some design review agencies to enjoy an unfair competitive advantage over other design review agencies. ICBO also feels that the quality of design review would diminish and that the procedure may violate the Texas Engineering Practice Act. The Texas State Board of Registration for Professional Engineers saw no apparent cause for concern about the practice of engineer-

ing by the design review agencies provided that: minor deviations can be distinguished from major deviations; corrected items can be verified by reference to prescriptive code requirements; and corrections do not involve design changes. However, the board feels due consideration should be given to the following eventualities: any design review agency who might change an engineering design by red ink correction would be considered practicing engineering and responsible for his judgments and decisions; if the design review agency was not a licensed engineer, such engineering design activity would be construed as illegal; and in any case, it would be improper for a design change to be made without the knowledge and consent of the original engineer.

The Texas Industrialized Building Code Council determined that the advantages outweigh the concerns and instructed the department to adopt sections without change.

The amendments are adopted under Texas Civil Statutes, Article 5221f-1, which provide the commissioner of the department with the authority to propose rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of the Act and to provide for uniform enforcement.

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 29, 1986

TRD-8610262

Allen Parker Sr.  
Commissioner  
Texas Department of  
Labor and Standards

Effective date: November 19, 1986  
Proposal publication date: July 25, 1986  
For further information, please call  
(512) 463-3127

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## TITLE 22. EXAMINING BOARDS

### Part XIV. Texas Optometry Board

#### Chapter 271. Examinations

#### ★ 22 TAC §271.3

The Texas Optometry Board adopts an amendment to §271.3, without changes to the proposed text published in the August 19, 1986, issue of the *Texas Register* (11 TexReg 3676).

With the adoption of this amendment, applicants for licensure (candidates for exam) will have a better understanding of the overall average required to pass the Texas board examination. The amendment

makes clear that a candidate must pass each written examination or have an overall average of 75.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4552, §2.14, which authorize the Texas Optometry Board to promulgate procedural and substantive rules.

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 31, 1986

TRD-8610434 Lois Ewald  
Executive Director  
Texas Optometry Board

Effective date. November 25, 1986  
Proposal publication date August 18, 1986  
For further information, please call  
(512) 835-1938

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### ★ 22 TAC §271.5

The Texas Optometry Board adopts an amendment to §271.5, without changes to the proposed text published in the August 19, 1986, issue of the *Texas Register* (11 TexReg 3677).

Rules concerning endorsement candidates were not specific about the retaking of certain failed examinations. The amendment clarifies that requirement.

The amendment informs applicants about tests required to be retaken when failing grades are made on the Texas Optometry Board clinical examination and written jurisprudence examination.

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 4552, §2.14, which authorizes the Texas Optometry Board to promulgate procedural and substantive rules.

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 31, 1986

TRD-8610435 Lois Ewald  
Executive Director  
Texas Optometry Board

Effective date. November 25, 1986  
Proposal publication date. August 19, 1986  
For further information, please call  
(512) 835-1938



### ★ 22 TAC §271.6

The Texas Optometry Board adopts an amendment to 271.6, without changes to the proposed text published in the August 19, 1986, issue of the *Texas Register* (11 TexReg 3677).

Rules concerning NBEO candidates were not specific about the retaking of certain failed examinations. This amendment clarifies that requirement.

The amendment informs applicants about tests required to be retaken when failing grades are made on the Texas Optometry Board clinical examination and written jurisprudence examination.

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 4552, §2.14, which authorizes the Texas Optometry Board to promulgate procedural and substantive rules.

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 31, 1986

TRD-8610436 Lois Ewald  
Executive Director  
Texas Optometry Board

Effective date. November 25, 1986  
Proposal publication date. August 19, 1986  
For further information, please call  
(512) 835-1938

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## Part XXII. Texas State Board of Public Accountancy

### Chapter 501. Professional Conduct

#### General Provisions

### ★ 22 TAC §501.2

The Texas State Board of Public Accountancy adopts the repeal of §501.2, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2057).

The repeal of this section will allow a new section to be adopted with needed changes and additions in the drafting of the rules of professional conduct.

The repeal will allow adoption of a new section

Ronnie Rudd, president, Texas Society of Certified Public Accountancy, presented comments in support of the repeal.

The repeal is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the practice of public accountancy.

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 30, 1986.

TRD-8610359 Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date. November 21, 1986  
Proposal publication date: May 8, 1986  
For further information, please call  
(512) 450-7066.

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The Texas State Board of Public Accountancy adopts new §501.2, with changes to the proposed text published in the September 16, 1986, issue of the *Texas Register* (11 TexReg 3953).

The new section clarifies existing definitions and includes new or modified definitions of words or phrases used in the rules of professional conduct. The changes arise as the result of changes within the accountancy profession.

The new section will provide clear and concise definitions of words and phrases as used in the rules of professional conduct

Ronnie Rudd, president of the Texas Society of Certified Public Accountants, submitted comments in support of additions and modifications proposed.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the practice of public accountancy.

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

Advertisement—A message which is transmitted to multiple persons by or at the direction of a licensee and which has reference to the availability of the licensee to perform professional services. Such messages may be transmitted orally or by any written or electronic medium which is recorded, transcribed or otherwise preserved. The message must be in identical form. In the case of transmissions in written form (letter or postcard), salutations are considered a part of the message and must be in identical form.

Board—The Texas State Board of Public Accountancy.

Client—The person or entity which retains a licensee for the performance of professional services.

Competitive bid—Any communication by a licensee which is a proposal, other than an advertisement or a fee estimate as herein defined, to a prospective client to perform professional services when:

(A) such proposal refers to the compensation to be charged or received,

whether referred to as a lump sum, a maximum or minimum amount, or any form of unit price, including per diem or per hour rates with or without a maximum, minimum, or average sum; and

(B) the proposal is given with the knowledge that similar proposals are being sought concurrently from one or more other licensees. The fact that a licensee is invited to make a proposal by a person not already a client is indicative that similar proposals are being invited from other licensees and it shall be incumbent upon the licensee to ascertain by direct inquiry whether other proposals have been or will be invited. For the purposes of this chapter a fee estimate shall not be deemed to be a competitive bid. A fee estimate is defined as any written communication by way of which a licensee provides to a prospective client, at his or its request, an estimate of the charges proposed by the licensee for specific services and which clearly states:

(i) that the amount quoted is an estimate and that the licensee will not be bound to provide the subject services for the estimated amount;

(ii) the estimated number of people by classification to be involved in performing the work and the range of education and experience in each classification; and

(iii) the estimated time to be required for the engagement by personnel classification and the anticipated completion date.

**Enterprise**—Any person or entity, whether organized for profit or not, for which a licensee performs professional services.

**Financial statements**—Statements and footnotes related thereto that purport to show financial position which relates to a point in time or changes in financial position which relate to a period of time, on the basis of generally accepted accounting principles or another comprehensive basis of accounting. The term "financial statements" does not include incidental financial data included in management advisory services reports to support recommendations to a client, nor does it include tax returns and supporting schedules.

**Firm**—A proprietorship, partnership, or professional corporation engaged in the practice of public accountancy.

**He, his, him**—Masculine pronouns when used in this chapter also include the feminine and the neuter.

**Holding out**—As that term is used in the definition of practice of (or practicing) public accountancy in these sections, any representation of the fact that a person holds a certificate or registration made in connection with an offer to perform or performance of services for the public. Any such representation is presumed to invite the public to rely upon the professional skills implied by the certificate or registration in connection with the services offered to be performed. For

purposes of this section, a representation shall be deemed to include any oral or written communication conveying the fact that the person holds a certificate or registration, including, without limitation, the use of titles or legends displayed in letterheads, professional cards, office doors, advertisements, and listings. Holding out does not include:

(A) the display of the original (but not a copy) of a currently valid certificate or registration;

(B) any representation by a faculty member in an educational institution that such faculty member holds a certificate or registration when the purpose of such representation reasonably relates to his functioning in the capacity of faculty member; or

(C) any representation in a book, article, or other publication or in any promotional advertising for such book, article, or other publication that the author holds a certificate or registration, provided that such book, article, or other publication does not offer the performance of services or the sale of any products (other than the book, article, or publication itself) of any kind.

**Licensee**—The holder of a certificate or registration issued by the board, pursuant to the Public Accountancy Act of 1979, as amended, Texas Civil Statutes, Article 41a-1, or pursuant to provisions of a prior law or prior Public Accountancy Act. The term includes each firm of which a licensee is a partner, officer, or shareholder, and each partner, officer, or shareholder of a firm which is a licensee.

**Other compensation**—Compensation received by a licensee who is engaged in the practice of public accountancy for other than the performance of professional services, including compensation for the sale of products (other than work product of the licensee) or for referral of products or services of others.

**Person**—An individual, sole proprietorship, partnership, corporation, or other entity.

**Practice of (or practicing) public accountancy**—The performance or offering to perform by a person holding himself out to the public as a licensee, for a client or potential client, of one or more kinds of services involving the use of accounting or auditing skills, including the issuance of reports on financial statements, or of one or more kinds of management advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters. The phrase "services involving the use of accounting or auditing skills," as used in this definition, includes the provision of advice or recommendations in connection with the sale or offer for sale of products, when the advice or recommendations require or imply the possession of accounting or auditing skills or expert knowledge in auditing or accounting.

**Professional services**—Any services performed or offered to be performed by a licensee in the course of the practice of public accountancy.

**Report**—When used with reference to financial statements, an opinion, report, or other form of language that states or implies assurance as to the reliability of any financial statements and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that he is an accountant or auditor or from the language of the report itself. The term "report" includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the financial statements to which reference is made and/or special competence on the part of the person or firm issuing such language; and it includes any other form of language that is conventionally understood to imply such assurance and/or such special knowledge or competence.

**Solicitation**—A communication, other than an advertisement, by a licensee which has reference to the performance or offer of performance of professional services for the persons to whom the message is transmitted.

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 30, 1986

TRD-8610360

Bob E. Bradley  
Executive Director  
Texas State Board  
of Public Accountancy

Effective date November 21, 1986

Proposal publication date September 16, 1986

For further information, please call

(512) 450-7066

★ ★ ★  
**Professional Practices**

★ 22 TAC §501.11

The Texas State Board of Public Accountancy adopts the repeal of §501.11, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2942).

The repeal of this section is required to adopt a new section that includes in the rules of professional conduct appropriate guidelines on independence and objectivity.

Ronnie Rudd, president, Texas Society of Certified Public Accountants, commented against any changes to the existing section at the time. The agency disagrees because the repeal is required to conform to changes in the accountancy profession and to provide a legally defensible position on rules of professional conduct.

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide

the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to independence in the rules of professional conduct.

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 November 3, 1986.

TRD-8610376

Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: November 24, 1986  
Proposal publication date: June 27, 1986  
For further information, please call  
(512) 450-7086.

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The Texas State Board of Public Accountancy adopts new §501.11, with changes to the proposed text published in the September 12, 1986, issue of the *Texas Register* (11 TexReg 3920).

The new section is required to more clearly define potential impairment of independence of licensees. New provisions are required to insure that independence is properly limited when other compensation is received by licensees.

The new section provides clear guidelines on potential impairment of independence. Further, the new section provides guidelines on impairment when other compensation is involved, as well as other means of impairment.

During the public comment period, comments were received in support of the changes, which clarify the independence area. Ronnie Rudd, president, Texas Society of Certified Public Accountants, commented in favor of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to independence in the rules of professional conduct.

**§501.11. Independence.** A licensee who is performing an engagement in which the licensee will issue a report on financial statements of any enterprise (other than a report on a compilation) must be independent with respect to the enterprise in fact and in appearance. Independence will be considered to be impaired if, for example:

(1) during the period of his professional engagement, or at the time of issuing his report, the licensee:

(A) has or was committed to acquire any direct or material indirect financial interest in the enterprise;

(B) was a trustee of any trust or executor or administrator of any estate if

such trust of estate had or was committed to acquire any direct or material indirect financial interest in the enterprise;

(C) had any joint closely held business investment with the enterprise or any officer, director, or principal stockholder thereof which was material in relation to the net worth of either the enterprise or the licensee;

(D) had any loan to or from the enterprise or any officer, director, or principal stockholder thereof other than loans of the following kinds made by a financial institution under normal lending procedures, terms, and requirements:

(i) loans obtained by the licensee which are not material in relation to the net worth of the borrower;

(ii) home mortgages; and

(iii) other secured loans, except those secured solely by a guarantee of the licensee;

(2) during the period covered by the financial statements, during the period of the professional engagement, or at the time of issuing his report, the licensee (the following examples are not intended to be all-inclusive):

(A) was connected with the enterprise as a promoter, underwriter, or voting trustee, a director, or officer, or in any capacity equivalent to that of a member of management or an employee;

(B) was a trustee for any pension or profit-sharing trust of the enterprise;

(C) receives from a third party, or receives or has received a commitment from the enterprise or third party, with respect to services or products procured or to be procured by the client, for other compensation; or

(D) receives or has received a commitment from the enterprise for a contingent fee. For this purpose, a contingent fee means compensation for the performance of services which is contingent upon the findings or results of such services.

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 November 3, 1986.

TRD-8610371

Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: November 24, 1986  
Proposal publication date: September 12, 1986  
For further information, please call  
(512) 450-7086.

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### ★ 22 TAC §501.13

The Texas State Board of Public Accountancy adopts the repeal of §501.13, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2943).

The repeal of this section is required to adopt a new section that authorizes payment of commissions to obtain clients, which with the stated restrictions, is deemed appropriate.

Ronnie Rudd, president, Texas Society of Certified Public Accountants, commented against any change in the area at this time.

The agency disagrees because the repeal is required to allow for a new section that conforms to changes in the accounting profession and establishes a legally enforceable position on rules of professional conduct.

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to independence in the rules of professional conduct.

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 November 3, 1986.

TRD-8610372

Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: November 24, 1986  
Proposal publication date: June 27, 1986  
For further information, please call  
(512) 450-7086.

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The Texas State Board of Public Accountancy adopts new §501.13, with changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2943).

The new section is required to implement the authority for compensation by licensees payment of commissions to obtain a client. The new section requires disclosures of such commissions to the client before engagement.

The new section allows the payment of a commission to obtain a client when appropriate disclosures are made to the potential client before engagement.

Ronnie Rudd, president, Texas Society of Certified Public Accountants, commented against the payment of commissions to obtain clients. The agency disagrees, because the new section is required to conform to changes in the accounting profession and to establish a legally enforceable position on rules of professional conduct.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relat-

ing to independence in the rules of professional conduct.

**§501.13. Payment of Commissions.** A licensee shall not pay a commission to a third party to obtain a client unless, prior to being engaged by such client, the licensee discloses to the client the fact, the amount, and the circumstances of the payment of such commission. This section does not apply to payments made to a licensee for the purchase of all, or a material part, of an accounting practice, or to retirement payments to persons formerly engaged in the practice of public accountancy.

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 November 3, 1986.

TRD-8610375      Bob E. Bradley  
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Effective date: November 24, 1986  
Proposal publication date: June 27, 1986  
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**★ 22 TAC §501.15**

The Texas State Board of Public Accountancy adopts the repeal of §501.15, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2943).

The repeal is required, as the effective provisions of the section have been covered in other sections. The repeal removes a section that no longer is in effect.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to occupational pursuits compatible with the practice of public accountancy.

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 November 3, 1986.

TRD-8610370      Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: November 24, 1986  
Proposal publication date: June 27, 1986  
For further information, please call  
(512) 450-7066.

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**Advertising and Soliciting**

**★ 22 TAC §501.43**

The Texas State Board of Public Accountancy adopts the repeal of §501.43, without changes to the proposed text published in the September 23, 1986, issue of the *Texas Register* (11 TexReg 4030).

The repeal of this section allows for the adoption of a new section that will remove legally questionable restrictions on advertising.

The new section provides the restrictions on advertising in the accounting profession that have been determined appropriate and defensible.

During the public comment period, comments were received relating to minor areas, which are deleted from the new section. Ronnie Rudd, president, Texas Society of Certified Public Accountants, commented against the repeal. The agency disagrees because the new section provides a legally defensible position on advertising within the accounting profession.

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to advertising in the rules of professional conduct.

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 November 3, 1986.

TRD-8610377      Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: November 24, 1986  
Proposal publication date: September 23, 1986  
For further information, please call  
(512) 450-7066

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The Texas State Board of Public Accountancy adopts new §501.43, with changes to the proposed text published in the September 23, 1986, issue of the *Texas Register* (11 TexReg 4030).

Changing practice within the profession of public accountancy and legal review indicated a need for changes to this section.

The new section eliminates provisions that are not legally defensible, and more clearly provides the restrictions imposed on advertising within the accountancy profession.

During the public comment period, comments were received relating to minor areas, which are dropped from the new section. Ronnie Rudd, president, Texas Society of Certified Public Accountants, commented against the new section.

The agency disagrees, because the new section provides a legally defensible position on advertising within the accounting profession.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to advertising in the rules of professional conduct.

**§501.43. Advertising.**

(a) A licensee shall not use or participate in the use of:

(1) any communication (written, oral, or electronic) having reference to the licensee's professional services, which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim; nor

(2) any form of communication having reference to the licensee's professional services, which is accomplished or accompanied by coercion, duress, compulsion, intimidation, threats, overreaching, or vexatious or harassing conduct.

(b) A false, fraudulent, misleading, deceptive, or unfair statement or claim includes, but is not limited to, a statement or claim which:

(1) contains a misrepresentation of fact;

(2) is likely to mislead or deceive because it fails to make full disclosure of relevant facts;

(3) is intended, or likely to create false or unjustified expectations of favorable results;

(4) implies educational or professional attainments or licensing recognition not supported in fact;

(5) represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables that may reasonably be expected to affect the fees that will in fact be charged; or

(6) contains other representations or implications that in reasonable probability will cause a person of ordinary prudence to misunderstand or be deceived.

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 November 3, 1986.

TRD-8610378      Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: November 24, 1986  
Proposal publication date: September 23, 1986  
For further information, please call  
(512) 450-7066.

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★22 TAC §501.44

The Texas Board of Public Accountancy adopts the repeal of §501.44, without changes to the proposed text published in the September 23, 1986, issue of the *Texas Register* (11 TexReg 4031).

The repeal of the old section is required to allow adoption of a new section that addresses the current practice in the area of solicitation and provides a legally supportable position.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 41A-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to solicitation by licensees.

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 November 3, 1986.

TRD-8610373

Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: November 24, 1986  
Proposal publication date: September 23, 1986  
For further information, please call  
(512) 450-7066.

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The Texas State Board of Public Accountancy adopts new §501.44, with changes to the proposed text published in the September 23, 1986, issue of the *Texas Register* (11 TexReg 4031).

Changes within the practice of public accountancy brought about the need to properly balance and protect the interest of the accountant and the client in the area of solicitation.

The new section provides clear concise guidelines on solicitation by an accountant.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to solicitation by licensees.

§501.44. *Soliciting.*

(a) A licensee may make a solicitation if and only if:

- (1) the solicitation is made to a person who is at that time a client of the licensee;
- (2) the solicitation is invited by the person to whom it was made;
- (3) the solicitation is made to a person seeking to secure the performance of professional services currently not being provided by another licensee.

(b) A licensee making a solicitation shall have the burden of ascertaining and providing that such solicitation meets the criteria of one or more parts of subsection (a) of this section.

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 November 2, 1986.

TRD-8610374

Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: November 24, 1986  
Proposal publication date: September 23, 1986  
For further information, please call  
(512) 450-7066.

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 571. Health Planning and Resource Development

State Health Plan

★25 TAC §571.1

The Statewide Health Coordinating Council (SHCC) adopts an amendment to §571.1, with changes to the proposed text published in the May 9, 1986, issue of the *Texas Register* (11 TexReg 2178). The amendment concerns the state health plan (SHP), which was approved by the governor on August 8, 1986, in accordance with the provisions of Texas Civil Statutes, Article 4418h.

The amendment to the SHP provides an increased awareness of the health problems in the state and knowledge about prevention activities. The plan also includes recommendations to improve the availability and accessibility of health care services in the state.

This amendment presents priority statewide health problems, develops recommendations designed to resolve these problems, and proposes needed implementation strategies and resource requirements.

Thirteen regional public hearings were conducted by SHCC members and State Health Plan Development Agency (SHPDA) staff in conjunction with regional councils of government. One statewide public hearing was conducted in Austin. In addition, the plan was widely distributed throughout the state to over 200 public agencies and private organizations for comment. A listing of the public hearings and a summary of comments follows.

The following regional public hearings were held: Coastal Bend Council of Gov-

ernments in Corpus Christi, South Texas Development Council in Laredo, South East Texas Regional Planning Commission in Beaumont, Alamo Area Council of Governments in San Antonio, South Plains Association of Governments in Lubbock, Panhandle Regional Planning Commission in Amarillo, Brazos Valley Development Council in Bryan, North Central Texas Council of Governments in Arlington, West Texas Council of Governments in El Paso, Houston-Galveston Area Council in Houston, Ark-Tex Council of Governments in Mount Pleasant, West Central Texas Council of Governments in Abilene, and Lower Rio Grande Valley Development Council in Weslaco.

The statewide public hearing was held at the Texas Department of Health in Austin.

Several commenters were complimentary of the SHP and supportive of the process and purpose. Several commenters offered suggestions and comments for modification of the SHP or raised questions regarding it. None of the commenters were against the plan.

The state health plan is adopted by reference in §571.1. The only change made in §571.1 was the date included in the title of the document. The remaining comments addressed in this summary of comments are to the plan itself.

One commenter suggested that border health issues be addressed in the state health plan. The Statewide Health Coordinating Council (SHCC) indicated that Chapter III addresses regional priorities of the five councils of governments (COGs) on the Texas-Mexico border. During the plan development process, input was solicited from all COGs and border health issues were not specifically identified. This issue was also addressed in a recent SHPDA review of several health-related task force reports. The review report, which was sent to the governor, notes that the U.S.-Mexico Border Health Association, the Pan American Health Organization, and the University of Texas System are currently addressing this problem. No change was made.

One commenter recommended that health planning be fully integrated with Texas Department of Health (TDH) programs and individual program planning. The SHCC determined that the SHP had been coordinated with all TDH programs. No change was made.

One commentator indicated opposition to any material or state plan that would be paid out of the state or national treasury. The SHCC interpreted this to relate to some type of national or state health insurance plan. A national health insurance plan is beyond the purview of the SHP; however, current information indicates no federal initiative in this direction. Similarly, current information indicates no state initiative other than the Indigent Health Care Act, Texas Civil Statutes, Article



44381, passed by the 69th Legislature, 1985. No change was made.

One commenter said the proposed SHP lacked substance in specific priority recommendations for the delivery of health care services to the underserved. Also, funds should be used to provide direct services to the medically needy, Medicaid coverage should be expanded, training programs should be made more available, and better utilization of public health clinics statewide should be achieved. The SHCC indicated that equal access to health care for all residents of Texas is a priority of the SHP and is the overall theme of the plan. Care for the indigent and underprivileged is addressed in several places in the SHP. No change was made.

One commenter said that government and the private sector must work as partners. The SHCC concurred with this very important point, which is emphasized in the introduction to the SHP. No change was made.

One commenter spoke against a certificate of need program. The SHCC determined that this subject is covered in the Short-Term Institutional Care Section as Referral Issue Number 8 and in the subject area background. These sections indicate that the issue can only be answered by an evaluation of the possible need for a capital expenditure review program. No change was made.

One commenter suggested that the meaning, purpose, and intent of the SHP are not readily understood by the general public and recommended it be used as an educational tool to provide guidance for action. The SHCC determined that the chairman's statement addresses the first part of this comment, and the state annual implementation plan will address the second part. No change was made.

Two commenters suggested the next SHP planning cycle should provide the regional planning agencies with more flexibility in determining problem area priorities and allow more time for responses. The SHCC indicated that the next cycle will allow more time and flexibility for regional input. No change was made.

One commenter suggested a need for funding for regional health planning within the COGs. The SHCC indicated that this need has been expressed to the governor via a resolution adopted by the SHCC. No change was made.

One commenter indicated a need for state support for health planning and especially the data management function. The SHCC agreed with this comment; however, the comment required no change.

Regarding Chapter IV, Health Protection, one commenter noted that the SHP had little specific information about the type, scope, location, or seriousness of groundwater contamination. The SHCC agreed, and an appropriate change was made.

One commenter noted that Texas is encouraging development of micro-technology industries which have a poor track record in the environmental area. Since this comment is covered in the general concern about groundwater contamination, the SHCC determined that no change was necessary.

One commenter suggested clarification of the role of the Texas Water Development Board in its function of groundwater monitoring. The SHCC agreed, and appropriate changes were made.

One commenter noted that House Bill 2359, 69th Legislature, 1985, applies only to hazardous waste, but in the context of the discussion, the reference appears to be to solid waste in general. The SHCC agreed, and a change was made.

One commenter was concerned about contamination of groundwater in Harris County and expressed strong support for Recommendations 1 and 2 in Chapter IV. The SHCC decided that the comment required no changes.

One commenter asked that any groundwater protection plan in Texas contain seven requirements that follow the platform of the Texas Farm Bureau. Since several of these requirements are reflected in the SHP, the SHCC made no changes.

One commenter suggested that the plan should address inadequate water and wastewater systems and funding for employee education and monitoring of work sites. Since each of these issues is already addressed in the SHP, the SHCC decided that no change was necessary.

One commenter noted that TDH should be added to the list of referral agencies for one of the referral issues in Health Protection. The SHCC agreed, and the change was made.

Regarding Chapter V, Health Promotion/Health Education, several commenters noted that the recommendations in chapters 5, 12, and 16, relating to school health education, particularly the creation of a Governor's Task Force on School Health Education, seemed duplicative of current educational reform efforts. They noted that curricular reform falls under the purview of the State Board of Education (SBE), and if curriculum revision is needed, it should be brought to the attention of the SBE. Additionally, they thought that the recommendations would entail a great financial and paperwork burden on local education agencies. The SHCC agreed that some of the language in these three chapters lacked clarity and a clear direction for responsibility of implementation. The comments were incorporated into a revision of the three chapters.

One commenter suggested adding unintended pregnancy in school children to concerns in Chapter 5. The SHCC concurred that this is a valid concern; however, teen pregnancy issues are delineated in Chapter 16. The SHCC added a re-

commendation relating to family life education to Chapter 5.

Several commenters stated that the Task Force on School Health Education was not enough and should be carried further. Suggestions were made to emphasize teacher preparation, networking plans including the utilization of providers, and the standardization of health education policy within school districts. The SHCC agreed that these were valid comments, and they were incorporated into the plan.

One commenter suggested the need for evaluation methodologies with school health education. Since TEA has established mechanisms for review of the essential elements, the SHCC determined that no change was needed.

One commenter requested representation on the Governor's Task Force on School Health Education. The SHCC determined that this professional association was already included in the suggested composition.

Two commenters asked why other health promotion issues—smoking and health promotion activities directed at the elderly—were not addressed in the plan. Both of these issues, while not chosen in the prioritization process to be the priority issue, are discussed in the appendix. No change was made by the SHCC.

Regarding Chapter VI, Prevention, Detection, and Referral, one commentator stated that prevention is the key in all areas of the plan, not just a few, and funding is necessary for this. While the SHCC concurred that funding for prevention programs is crucial, no change was made.

One commenter said a distinction should be made between confidential antibody testing and anonymous testing as they are not synonymous terms. The SHCC agreed, and a modification was made to more accurately reflect the situation.

One commenter was concerned that the focus on AIDS had diminished attention to other sexually transmitted diseases (STDs). Chlamydia particularly needs attention. The SHCC agreed that chlamydia and other STDs continue to be a big problem in Texas; however, this problem is discussed in the appendix. No change was made.

Several commenters expressed concern that child abuse, and abuse of all kinds, should be the primary concern in this chapter. The SHCC determined that child abuse issues are discussed in the appendix as referral issues and no change was made.

Two commenters stated that other health concerns—funding for critically ill infants and chronic disease prevention—should be addressed in the chapter. The SHCC determined that chronic diseases are addressed in the appendix as a referral issue. The SHCC also noted that a SHCC task force is currently studying the issues

of regionalization of specialized neonatal services. No change was made.

Regarding Chapter VII, Ambulatory Care and Emergency Medical Services (EMS), one commenter suggested that dental and transportation services need to be addressed under Ambulatory Care and EMS. The SHCC decided that since these issues did not surface during the input phase for this chapter, they did not warrant presentation in Ambulatory Care and EMS. They are discussed in the chapters on Health Promotion and Long-Term Care.

One commenter recommended rewording of the problem statement for this section. Since the revised wording would have narrowed the issue to "radio communications only," the SHCC decided not to make the suggested wording changes.

One commenter noted that there should be an enhancement of EMS and communications systems in rural Texas. Since this was identical to the primary issue in the chapter, the SHCC determined that no changes were necessary.

One commenter noted there was a need for centralized dispatch among emergency medical and other public safety units. Since this subject was covered in Recommendation Number 2 of the SHP, the SHCC determined that no changes were necessary.

One commenter noted that the map depicting EMS radio communication capability had neglected to show the VHF capabilities for Sutton and Runnels Counties. The SHCC determined that the commenter was accurate, and appropriate changes were made.

Regarding Chapter VIII, Short-Term Institutional Care, one commenter suggested that uncomplicated obstetrical delivery services did not lend themselves to outpatient medical care. The SHCC determined that the comment was addressed to the preliminary SHP and the comment was already incorporated in the proposed SHP.

One commenter suggested that the SHP should emphasize better insurance coverage for positive programs including health promotion and wellness programs. The commenter indicated a concern that disincentives may prevent the elderly from seeking care. The SHCC agreed that health promotion and wellness programs are important types of alternative delivery methods, and these programs are mentioned in the appendix. The SHCC believed that the financial alternatives discussed in Alternative Number 1 compare incentives, rather than disincentives, to encourage hospitals to use alternative delivery methods. No change was made.

One commenter pointed out a problem concerning a Medicare crunch for rural hospitals and difficulties collecting hospital receivables. The commenter suggested garnishment of wages to collect these bad debts. The SHCC agreed with

this concern about Medicare reimbursement, and it was discussed in Referral Issue Number 1. The problem of rural hospital bad debt was not mentioned in the SHP, although the related issue of rural hospital viability was included as Referral Issue Number 3. The SHCC agreed and the change was incorporated in Referral Issue Number 3.

Regarding Chapter IX, Long-Term Institutional Care and Alternatives, one commenter expressed the need for the SHP to target abuse of all kinds. While this issue was not identified as a key issue, elderly abuse is considered a part of quality of care delivered in nursing homes. Patient abuse and neglect are addressed in the text of the SHP and referral is made to the legislative committee that is studying elderly abuse. The SHCC made no change.

One commenter pointed out that many nursing homes are placed on vendor hold more than once during the reporting period. While a caveat had been placed in the text that stated that facilities may be included more than once in the count of nursing homes placed on vendor hold, it was not included in Figure C. The SHCC footnoted Figure C to include this caveat.

One commenter addressed the need for a licensed nurse on the 11 p.m.-7 a.m. shift in nursing homes. This issue was reported to the 69th Legislature by the House Joint Interim Committee on Nursing Home Reform and referenced in the text of the SHP. The 69th Legislature did not act upon this issue. This issue is addressed as part of Alternative Number 1 in the SHP, however, the SHCC did not select alternative #1 as the method for addressing the quality of care issue. No change was made by the SHCC.

One commenter questioned whether the development of a case-mix system of reimbursement will improve quality of care for patients who are sick. The purpose of the case-mix reimbursement system is to determine the services a patient will require so that the facility will be reimbursed in accordance with services provided. The SHCC determined that administration and staff are more likely to provide better care when these determinations of service requirements are set forth and they are adequately reimbursed for services provided. No change was made.

One commenter stated that his association was disappointed to see that the SHP failed to recommend the establishment of a new certificate of need (CON) process. The 69th Legislature decided to sunset the CON process, and the impact of this decision is being studied by the Standing House Committee on Human Services. The SHCC determined that the need for a major capital expenditure review is a referral issue cited in the chapter annex on short-term institutional care in the appendix, and that the Texas Department of Human Services has a permanent mora-

torium on certification of new nursing home beds for participation in the Medicaid reimbursement program. Until additional information is gathered that would support the re-establishment of a CON type process, it is the opinion of the SHCC that a recommendation for re-establishment of the CON process is inappropriate. No change was made.

Two commenters referred to funding of long-term care services. The SHCC determined that the issue of funding of long-term care services is addressed in the text of the appendix and in Referral Issues Number 6 and Number 8. No change was made.

One commenter pointed out the need for insurance coverage for respite care. This issue is considered in the need for private insurance coverage of long-term care services addressed in the text of the appendix and in Referral Issue Number 3. No change was made by the SHCC.

One commenter expressed the opinion that there is a need for additional skilled-level nursing home care. This issue is addressed in the text of the appendix and in Referral Issue Number 7. No change was made by the SHCC.

One commenter referred to the lack of mental health services available to nursing home residents. This issue is addressed in the text of the appendix and in Referral Issue Number 2. No change was made by the SHCC.

Two commenters mentioned the need to stress alternatives to nursing home care. The SHCC determined that the issue, alternatives to nursing home care, was not selected as the priority issue for inclusion in the SHP. This issue is addressed in the text of the appendix and in Referral Issue Number 5. No change was made.

One commenter was concerned with the growing number of elderly who will increase demand for nursing home services and also with the definition of poverty. The increase in population at risk and Medicaid funding are addressed in the text of the appendix and in Referral Issues Number 1 and Number 6. No change was made by the SHCC.

Regarding Chapter X, Habilitation and Rehabilitation (H&R), one commenter pointed out the problem of fragmentation of the health care delivery system with emphasis on the need for community-based services for the disabled. Service gaps in home and community care services and the availability of alternative living arrangements for the aged and disabled are referral issues included in the appendix. Fragmentation of habilitation and rehabilitation services is the priority issue addressed in Chapter X. The SHCC made no change.

One commenter said that fragmentation of services does not apply to services provided for the blind. The SHCC determined that the wording of the SHP may have

caused a reader to believe that services to people in Texas with all types of disabilities are fragmented. The SHP wording was changed to emphasize the fragmentation problems of persons with multiple disabilities.

One commenter opposed the establishment of a single state agency to manage H&R services and combining all services regardless of the type of disability. The SHP and appendix call for a study to develop a plan to coordinate/combine as many services as feasible. The SHCC determined that it is not the intent of the SHP to establish a new state agency to control all H&R services. No change was made.

One commenter stated that chronic chest diseases should be included in the H&R chapter. The SHCC added chronic chest diseases to the list of conditions in the appendix.

One commenter expressed concern for the rise in the number of people with traumatic injuries which cause disabilities. While trauma injuries and disabilities caused by the injuries are not addressed in the H&R chapter, they are included in other chapters of the SHP and the appendix. No change was made by the SHCC.

One commenter expressed concern about the lack of personal care services for the disabled. The SHCC determined these services are not generally available throughout Texas. The SHP was reworded to indicate personal care services are lacking in many community settings.

One commenter pointed out the need for data on persons with disabilities, for improved accessibility to H&R services, and for access to community services such as housing, transportation, education, employment, and recreation. The SHCC determined these issues are discussed in the text of the appendix and in Referral Issues Number 1, Number 3, and Number 5. No change was made.

One commenter stated that employment of disabled persons is not addressed in the SHP. The SHCC determined that this is addressed in the text of the appendix and in Referral Issue Number 5. No change was made.

One commenter suggested clarification of the responsibilities of the Texas Planning Council for Developmental Disabilities and TRC and a change to the methodology for projection of the disabled population. The SHCC agreed, and the suggestions were incorporated in the appendix.

One commenter suggested that the Council on Disabilities be substituted for the TRC in Referral Issue Number 3. The change was made by the SHCC.

One commenter suggested a substitution that changes the estimated number of disabled persons in 1987. The SHCC determined that the SHP estimation of dis-

abled persons appeared to be high. The projection of the number of disabled persons in 1987 was recalculated using the 15% of total population suggested, but using TDH population projections.

Regarding Chapter XI, Mental Health & Mental Retardation, several commenters expressed their concerns regarding policy and procedural matters within the jurisdiction of the Texas Department of Mental Health and Mental Retardation (TDMHMR). The point of most of these comments was about policy or procedures relating to the operation of TDMHMR, the Texas Department of Human Services, or the Texas Department of Health. The SHCC, therefore, decided that no change was necessary in the SHP.

Several commenters expressed strong concern about the removal of the profoundly retarded from state schools. With the swing to community-based services, the SHCC has concern regarding the public perception that the state schools will be eliminated or downgraded. Therefore, the following statement was inserted in the appendix: "As the emphasis on alternative delivery shifts, it is essential that the quality of care provided in institutional settings be maintained."

Two commenters were concerned about a lack of after-care community-based services for MHMR clients. The SHCC made no changes since this is the primary issue in Chapter XI.

Two commenters were concerned that clients who had never been institutionalized might be excluded from state-funded services. The commenters suggested that the priority issue be broadened to include those who have high priority need, but have not received services in state facilities. The definition had already been broadened to include services for others with the same or similar severity of need as those residing in, or discharged from, state facilities. The SHCC made no change.

One commenter desired that ICF-MR beds in state schools not be reduced and that money not be redirected for community facilities. The commenter further objected to the term "at risk" to refer to persons who are being considered for placement in a state school. The SHCC decided to continue its commitment to community-based services and made no change regarding ICF-MR beds or redirection of funding. The term "at risk," however, was changed to read "same or similar severity of need as those residing in, or discharged from, state facilities."

One commenter suggested that TDMHMR use a portion of their funds toward set-aside community projects sponsored by independent, nonprofit agencies. The SHCC determined that under Texas law, TDMHMR contracts must go to the Community MHMR Centers on a preferential basis, and no change to the SHP was made.

One commenter expressed concern about a need to expand residential services for clients who will be returning to local communities. Since this issue is addressed in Recommendation Number 2 no change to the SHP was necessary.

One commenter asked that funds for MHMR be placed where intended, i.e., community centers. The SHCC noted this issue is covered by the primary issue in Chapter XI, and no change was made.

One commenter noted that area intervention and respite care services are also desperately needed and that area childhood intervention services were not being provided in south Texas despite a continuing need. In the appendix some of these services were already mentioned; however, childhood intervention services had not been listed. The SHCC added childhood intervention services as one of the alternative community programs.

One commenter provided 1985 data to update the 1983 data in Tables 2 and 3 in the appendix. The SHCC included the update.

Regarding Chapter XII, Alcohol and Drug Abuse, several commenters noted that coordination between the respective agencies involved (state agencies, local school districts, and local health departments) is imperative. The SHCC agreed and altered the chapter accordingly.

One commenter suggested that alcohol and drug abuse prevention should include teaching children about self-esteem. While the SHCC agreed and addressed this in the narrative discussion, programmatic content is not covered in this policy document. No change was made.

One commenter stated there is a need for a comprehensive intervention program for adolescents involved with drugs. This concern is addressed in the appendix, and the SHCC made no change.

Regarding Chapter XIII, Health Care Costs, one commenter suggested that two contributors to excessive health care costs are hospital charges and inflated prices for medical equipment. The commenter proposed that the SHCC endorse stricter regulation of hospital charges. The SHCC determined that although these are contributors to the rising costs of health care, they are included in the appendix discussion of the market response to price and cost and the high costs of capital investments. No change was made.

One commenter suggested that Medicaid coverage should be expanded. The SHCC determined that the 69th Legislature expanded Medicaid coverage by increasing the AFDC grant per person, by providing assistance to disproportionate share hospitals, and by authorizing a partial medically needy program. No change was made.

One commenter said that Medicaid recipients do not make out-of-pocket ex-

penses for health care. This comment was addressed to the preliminary SHP and the change had already been incorporated in the proposed SHP.

One commenter suggested that limited funds should be used to provide direct services to the medically needy. The SHCC agreed, and as Recommendation Number 2 already emphasizes the need to fund TDHS' medically needy program, no change was made.

Other commenters expressed concern about implementation of preferred providers organizations (PPO) and access of rural citizens to PPOs and HMOs. The SHCC recognized these concerns and determined that the Texas Board of Insurance has done extensive research into implementation of PPOs in the state. Recommendation Number 3 strongly emphasizes the need for state insurance rules to permit equitable development of PPOs. HMOs require a large market and population base to succeed and generally do not do as well in rural areas; thus, PPOs may be a better option. No change was made by the SHCC.

Several commenters suggested changes dealing with data gathering and confidentiality. The SHCC determined that the present SHPDA/TDH law permits release of facility cost data only on an aggregate basis, and Recommendation Number 4 points out the need to strengthen collection and dissemination of health care data. No change was made.

Several commenters made observations about the Indigent Health Care and Treatment Act, Texas Civil Statutes, Article 4438f. The SHCC agreed, and the suggestions were incorporated in the appendix.

One commenter suggested the need to seriously look at third-party reimbursement for nurses. The SHCC agreed and determined that Referral Issue Number 3 deals with licensing reforms that would expand the roles of several types of health care professionals and the role third-party reimbursement plays in this process. No change was made.

Two commenters were concerned about funding for public, community, and migrant health centers. The SHCC agreed, and changes to reflect the need for funding were reflected in the appendix.

Regarding Chapter XIV, Health Professions, one commenter expressed concern that many of the priority areas involve increased demand for nurses at a time when nursing enrollments are declining. The SHCC determined that the need to monitor nursing employment and educational trends had already been recommended in the plan, and no change was made.

Two commenters said the State Rural Medical Education Board should receive additional funding. No change was made to the plan by the SHCC as a recommen-

dation had already been made in the plan regarding funding of this program.

One commenter recommended that the program retention rate for the State Rural Medical Education Board should exclude program participants who withdrew from the program prior to becoming licensed physicians. The SHCC agreed that participants who withdrew from the program while in medical school should be excluded from the program retention rate, and appropriate changes were made.

Several commenters expressed a need for continued support of the National Health Service Corps, other student loan programs, and graduate medical residency programs. These areas were determined by the SHCC to have been sufficiently covered in the plan, and no change was made.

One commenter said recruitment for rural physician shortage areas should be targeted at physicians who originally came from rural areas. The SHCC agreed and included a reference to this need.

One commenter said that the funding recommendation for the Family Practice Residency Program should reflect the necessary statewide reduction. No change was determined necessary by the SHCC as additional funding was not requested.

One commenter expressed the need for local medical societies to inform the public of the credentials of physicians. Sufficient concern regarding this issue was not received by the SHCC and no change was made by the SHCC.

One commenter expressed concern regarding the impact of the increasing amount of uncompensated services during a time of budget reductions. The SHCC determined that the Indigent Health Care and Treatment Act, Texas Civil Statutes, Article 4438f, should help to ease this situation somewhat upon implementation, and no change was made.

One commenter expressed a need for data on medically and dentally underserved areas. The SHCC determined that a list of designated physician shortage areas is included in the plan; therefore, no change was made.

One commenter expressed concern for the need for training of health care professionals. The SHCC determined that the need for continuing education was the number one referral issue for this subject area, and no change was made.

One commenter suggested that clinical training programs in Texas were adequate; however, the number of training positions offered by these programs had declined. The SHCC concurred, and plan wording was modified accordingly.

Regarding Chapter XV, Data Needs, one commenter stressed the importance of appropriate data for proper planning of health care services. The SHCC deter-

mined that the plan reinforces this concern, but the specific need for injury and injury surveillance data was selected as the top priority within the larger context of health planning data needs. No change was made.

One commenter suggested that the state should conduct a formal statewide count of persons with Alzheimer's Disease and other dementing illnesses. The SHCC determined that data on disabling conditions was identified as a data needs concern as a referral issue in the appendix, and no change was made.

Regarding Chapter XVI, Maternal and Child Health, one commenter recommended that the SHCC designate teen pregnancy as the number one priority in the SHP. The SHCC had previously considered prioritizing the issues addressed in the SHP, but because all issues discussed are vitally important, the SHCC decided that the issues should not be rank-ordered. No change was made.

Several commenters suggested that planning efforts be directed to secure state backing and funding for programs for pregnant and parenting teens. The SHCC determined that teen parent support programs provide vital services; however, as prevention programs are a more effective long-range solution to the problems associated with teen pregnancy, the SHP stresses strategies to avert teen pregnancies. No modification was made.

One commenter asserted that there was no mention of local family planning groups outside of those administered by the health department. The SHCC determined that as the majority of the family planning providers receive funds administered by TDHS or TDH, these agencies were more frequently referenced in the plan. The importance of other nongovernmental family planning groups was acknowledged in the background discussion and Alternative Number 5 and no change was made.

One commenter indicated that the implementation plan for family life education should include a monitoring system in each school district. The SHCC determined that assuring family life education is implemented in each school district is the implied responsibility of the Texas Education Agency, and no change was made.

Regarding Chapter XVII, Medical Liability System, one commenter stressed the gravity of this situation and the need to resolve it. One commenter recommended that medical liability and health costs be combined, since the two directly impact each other. The SHCC agreed with comments stressing the gravity of the situation. A decision had been made earlier by the SHCC to separate the medical liability insurance issue from the other health care cost issues. The SHCC made no change.

One commenter suggested that the objectives considered when promoting changes to Texas' current liability system be more clearly defined. The SHCC agreed, and the comment was incorporated into the plan.

One commenter noted that the failure to address tort reform will have an adverse effect on all facets of the health care system, and one commenter recommended specific tort law changes. Another commenter suggested acknowledging that the solution may include changes in tort and judicial laws, as well as insurance laws. The SHCC agreed that to promote the recognition of a realistic, balanced solution to this problem, elements of the latter comment should be incorporated into the plan. The SHCC amended Recommendation Number 1 to read "that solutions may ultimately include changes to the insurance regulatory system, the civil justice system, professional practices acts, and related licensure laws." The SHCC declined to make specific suggestions for tort law changes.

One commenter said the tort system, specifically joint and several liability, has a greater impact on liability insurance than the occurrence of truly negligent acts. The SHCC determined that attention to preventing the occurrence of negligent acts is one portion of a comprehensive solution, and no change was made. One commenter suggested acknowledging the need for funding of professional licensing boards and providing protection for good faith reporting and peer review activities. The SHCC agreed, and the suggestion was incorporated.

Regarding Chapter XVIII, Trauma Centers Section, one commenter noted that many factors need to be taken into account when determining certification standards for trauma centers. The SHCC agreed and noted that input from all sources concerned would be solicited before such standards would be developed. The SHCC determined that no changes to the SHP were required.

The following organizations commented on the amendment: State Board of Education; Texas Education Agency; Houston-Galveston Area Council; Texas Farm Bureau; Texas Department of Health, Ark-Tex Council of Governments; Brazos Valley Development Council; Texas Water Development Board, Harris County Health Department; El Paso City-County Health District, Lower Rio Grande Valley Development Council; City of Dallas Health Department; Capital Area Planning Council, West Texas Council of Governments, The League of Women Voters of Brazos County; Shannon West Texas Memorial Hospital; City of Dallas, Department of Health and Human Services; Texas Medical Association; St. Joseph Hospital; Paris; Yoakum County Hospital; Denver City; Texas Health Care Association; Coalition of Texans with Disabilities; Texas Commission for the Blind; San Antonio State Chest Hospital; Texas Rehabilitation Commis-

sion; Can-Do-It, Houston, Mental Health Association of Texas; Parents Association for the Retarded of Texas, Laredo State Center; Texas Department of Mental Health and Mental Retardation; Texas Department of Human Services; Texas Hospital Association; M.W. Kellogg Company; Houston; Laredo-Webb County Health Department; West Texas State University; School of Nursing; South Western Medical School, Dallas; Concho Valley Council of Governments; State Rural Medical Education Board; Texas College of Osteopathic Medicine; Texas Tech University; Regional Academic Health Center; Coordinating Board; Texas College and University System; Alzheimer's Disease Family Support Group of San Antonio; Greater Dallas Hospital Council; San Antonio Council on Alcoholism; Planned Parenthood; San Antonio; Casa Helotes Senior Citizens Center, San Antonio; San Antonio State Hospital; Gillespie County Commission on Aging, Inc.; Bexar County Medical Society; Project ABC, San Antonio; Gateway Halfway House, San Antonio; Commission of Coalition, Child, Youth, and Family, San Antonio; King William Adult Rehabilitation Day Care Center, San Antonio, East Texas Hospital Foundation; Pittsburg Medical Center; David Granbury Hospital; Texas Respite, San Antonio; Legal Assistance/Peer Counseling, San Antonio, and Catholic Social Services, Corpus Christi.

The amendment is adopted under the Health Planning and Resources Development Act of 1974, Public Law 93-641, §1524, and Texas Civil Statutes, Article 4418h, which provide the Statewide Health Coordinating Council with the authority to adopt a state health plan.

§571.1. *State Health Plan for Texas.* The Statewide Health Coordinating Council adopts by reference the document entitled, "The Texas State Health Plan, 1987-88." This document reflects a five-year planning period and has been published by the Statewide Health Coordinating Council and is available from the Bureau of State Health Planning and Resource Development, Texas Department of Health, 1100 West 49th Street, Austin, 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 Austin, Texas, on October 20, 1986

TRD-8610389

Marion R Zetzman  
Chairman  
Statewide Health  
Coordinating Council

Effective date November 24, 1986  
Proposal publication date May 9, 1986  
For further information, please call  
(512) 458-7261

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## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part III. Texas Air Control Board

#### Chapter 116. Control of Air Pollution by Permits for New Construction or Modification

##### ★31 TAC §116.6

*(Editor's note: This section was adopted in the October 21, 1986, issue of the Texas Register. However, the incorrect version of the section was erroneously published. The following text of this section is the correct version. The effective date is November 5, 1986.)*

The Texas Air Control Board (TACB) adopts an amendment to §116.6, with changes to the proposed text published in the June 6, 1986, issue of the *Texas Register* (11 TexReg 2577). As proposed, the paragraphs concerned with preconstruction and operational requirements for exemptions were intermingled, resulting in possible misunderstanding by the reader. To improve the clarity of the section, the staff has reorganized the wording of §116.6 under separate subsections for preconstruction and operational requirements. The language of the provisions has not been changed, except to delete the word "proposed" from paragraph (5) of subsection (a) to clarify that it is an operational requirement. Essentially, the reorganized section now appears with preconstruction requirements described in subsection (a), operational requirements described in subsection (b), and copy availability described in subsection (c).

The amendment is adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

##### §116.6. *Exempted Facilities*

(a) Pursuant to the Texas Clean Air Act (TCAA), §3.27(a), the facilities or types of facilities listed in the standard exemption list, dated April 25, 1986, as filed in the Secretary of State's Office and herein adopted by reference, are exempt from the permit requirements of the TCAA, §3.27 and §3.28, because such facilities will not make a significant contribution of air contaminants to the atmosphere, provided, however, that:

(1) actual emissions from the proposed facility shall not exceed 250 tons per year of carbon monoxide or nitrogen oxides or 25 tons per year of any other air contaminant except carbon dioxide, water, nitrogen, methane, ethane, hydrogen, and oxygen. In addition, total actual emissions from the

property where the proposed facility is to be located shall not exceed 250 tons per year of any other air contaminant except carbon dioxide, water, nitrogen, methane, ethane, hydrogen, and oxygen, unless at least one facility at such property has been subject to public notification and comment as required by §116.10 of this title (relating to Public Notification and Comment Procedure) or §116.7 of this title (relating to Special Permits);

(2)-(3) (No change.)

(4) notwithstanding the provisions of this section, any facility which constitutes a major source, or any modification which constitutes a major modification, under any new source review requirement of the Federal Clean Air Act and regulations promulgated thereunder shall be subject to the requirements of §116.3 of this title (relating to Consideration for Granting Permits to Construct and Operate) rather than this section.

(b) The emissions from the facility shall comply with all rules and regulations of the Texas Air Control Board (TACB) and with the intent of the TCAA, including protection of health and property of the public, and all emission control equipment shall be maintained in good condition and operated properly during operation of the facility.

(c) Copies of the current standard exemption list are available from the TACB central office at 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices.

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 November 3, 1986

TRD-8610399 Allen Eil Bell  
Executive Director  
Texas Air Control Board

Effective date: November 5, 1986  
Proposal publication date: June 6, 1986  
For further information, please call  
(512) 451-5711, ext 353.

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## Chapter 355. Research and Planning Fund

### Research and Planning Fund

#### ★31 TAC §§355.101, 355.104-355.107

The Texas Water Development Board adopts amendments to §§335.101 and 355.104-355.107. The amendment to §355.104 is adopted with changes to the text published in the September 12, 1986, issue of the *Texas Register* (11 TexReg 3922).

The amendments define planning, establish more specific guidelines for notices sent to affected political subdivisions regarding flood control and regional water supply and wastewater planning applica-

tions, and more specifically define to whom notice must be sent. An applicant for flood control planning funds or regional water and wastewater planning funds would be required to provide with its application a copy of its notice and notice list. The comment period is changed from "a minimum of 30 days" to 30 days. An applicant for planning funds may waive the 30-day comment period by providing consent from all affected political subdivisions. The executive administrator is given discretion on when to utilize the technical advisory committee to review a research or planning application. The change made to §355.104 is the inclusion of regional planning agencies in the list of those political subdivisions to which notice of planning grant applications are sent.

The only comment received was from the Houston-Galveston Area Council. The council suggested that notice of planning grant applications be sent to regional planning agencies through the Texas Review and Comment System. The board adopted the amendments with revisions necessary to ensure that regional planning agencies are notified of the application.

The amendments are adopted under the Texas Water Code, §6.101, which provides the board with the authority to adopt rules necessary to carry out its powers and duties and under the Texas Water Code, Chapter 15.

#### §335.104. Criteria for Eligibility.

(a) To be eligible for money from the research and planning fund, the applicant must demonstrate:

(1)-(4) (No change.)

(5) for flood control planning, as far as practicable:

(A)-(B) (No change.)

(C) all cities, counties, nonprofit water supply corporations, regional planning agencies, and all districts and authorities created under the Texas Constitution, Article III, §52, or Article XVI, §59, in the planning area have been notified by certified mail that an application for planning assistance is being filed with the board. The notice shall include: the name and address of the applicant; a brief description of the planning area and the purposes of the planning project; the board's name and address and the name of a contact person with the board; a statement that any comments must be filed with the board and the applicant within 30 days of the date on which the notice is mailed. With its application to the board, the applicant must provide a copy of the notice sent to affected political subdivisions, a list of the political subdivisions to which notice is sent, and the dates on which the notice was sent;

(6) for regional water supply or wastewater planning:

(A)-(B) (No change.)

(C) all cities, counties, nonprofit water supply corporations, regional planning agencies, and all districts and authorities

created under the Texas Constitution, Article III, §52, or Article XVI, §59, in the planning area have been notified by certified mail that an application for planning assistance to develop regional water supply or wastewater plans for area is being filed with the board. The notice shall include: the name and the address of the applicant; a brief description of the planning area and the purposes of the planning project; the board's address and the name of a contact person with the board; a statement that any comments must be filed with the board and applicant within 30 days of the date on which the notice is mailed. With its application to the board, the applicant must provide a copy of the notice sent to affected political subdivisions, a list of the political subdivision to which notice is sent, and the date on which the notice was sent; and

(D) (No change.)

(b) (No change.)

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 30, 1986.

TRD-8610342 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: November 20, 1986  
Proposal publication date: September 12, 1986  
For further information, please call  
(512) 463-7850.

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## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part X. Texas Adult Probation Commission

#### Chapter 321. Supervision

#### ★37 TAC §321.3

The Texas Adult Probation Commission adopts an amendment to §321.3, with changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3636).

Probation officers need to have criminal history information on all probationers in order to properly formulate supervision plans.

Probation departments will have to request criminal history records or summaries for all probationers placed on probation after December 31, 1986.

Two comments were received, one expressing concern about the amount of paperwork involved and the other asking if teletype summaries would be sufficient.

Montie Morgan and Dr. Frank Lozito made comments against the amendment.

The section was amended to provide for a prospective starting date and to specifically allow the use of summaries.

The amendment is adopted under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

**§321.3. Supervision.**

(a)-(c) (No change.)

(d) Case records. Probation departments should develop written administrative policies and procedures regarding case record management, assuring that each case record should contain a chronological recording of all significant actions, decisions, services rendered, and periodic evaluations. The case record of each person placed on probation after December 31, 1986, should contain a written criminal history record or summary issued by a law enforcement agency. If the probationer has no previous record or if the record has not been received, the case record should contain a copy of the request showing the agency from which it was requested and the date of the request.

(e)-(h) (No change.)

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 28, 1986

TRD-8610259 David Spencer  
General Counsel  
Texas Adult Probation  
Commission

Effective date: November 19, 1986  
Proposal publication date: August 15, 1986  
For further information, please call  
(512) 834-8188.

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**TITLE 40. SOCIAL  
SERVICES AND  
ASSISTANCE**

**Part I. Texas Department of  
Human Services**

**Chapter 76. Auditing**

The Texas Department of Human Services adopts new §§76.101, 76.201, and 76.202, concerning auditing methods and provider requirements, without changes to the proposed text published in the August 29, 1986, issue of the *Texas Register* (11 TexReg 3827). The department is establishing Chapter 76 to incorporate all auditing rules in one chapter.

The adoption of the new sections is justified to reduce by 7% statistically extrapolated amounts of improper payments found during audits of representative samples of providers' claims and to require providers to pay the department the remaining 93% after being notified and given the opportunity for a hearing. The 7%

reduction is indicative of the amount of sampling error identified in on-going studies of sample and 100% audit results. In addition, §76.201 will prevent for-profit contractors from charging costs of compliance audits that they purchase as allowable expenses for cost reimbursements or cost reports.

The new sections will function to ensure that providers pay no more than they owe the department and that the department's liability for costs of duplicative work performed by department auditors and auditors hired by contractors will be reduced, thus preventing taxpayers' dollars from being wasted.

No comments regarding the adoption of the proposal were received.

The new section is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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 November 3, 1986.

TRD-8610391 Marlin W Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 1, 1987  
Proposal publication date: August 29, 1986  
For further information, please call  
(512) 450-3766

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**Providers' Requirements**

★40 TAC §76.201, §76.202

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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 November 3, 1986.

TRD-8610390 Marlin W Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 1, 1987  
Proposal publication date: August 29, 1986  
For further information, please call  
(512) 450-3766

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**Chapter 79. Legal Services**

**Subchapter F. Contract  
Administration**

★40 TAC §79.506, §79.507

The Texas Department of Human Services adopts the repeal of §79.506 and §79.507,

without changes to the proposed text published in the August 29, 1986, issue of the *Texas Register* (11 TexReg 3828).

The adoption is justified because the department is establishing new Chapter 76, Auditing, and adopting new sections to consolidate its auditing procedures and requirements. Section 76.101 and §76.202 are being adopted to address auditing providers and recoupment procedures.

The adoption will function to increase the efficiency of the department's auditing process because of the consolidation of the audit requirements

No comments were received regarding adoption of the repeals

The repeals are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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 November 3, 1986.

TRD-8610392 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 1, 1987  
Proposal publication date: August 29, 1986  
For further information, please call  
(512) 450-3766

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**Part III. Texas Commission  
on Alcohol and Drug  
Abuse**

**Chapter 155. Community  
Services**

★40 TAC §§155.41-155.45

The Texas Commission on Alcohol and Drug Abuse adopts new §§155.41-155.45, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2087).

This will assure, through utilization of established regional alcohol and drug abuse advisory committees, knowledgeable local input to elected officials regarding use of revenue generated from DWI finds for local alcoholism services in the review and priority ranking of funding applications.

The intent of the commission is to provide written rules for regional alcohol and drug abuse advisory committees reflecting minimum guidelines for the review of applications for DWI fine-generated funds for alcoholism services

No comments were received regarding adoption of the new sections

The new sections are adopted under Texas Civil Statutes, Article 2374ee, Chapter

287, Acts of the 69th Legislature, which provide the Texas Commission on Alcohol and Drug Abuse with the authority to provide written rules for regional alcohol and drug abuse advisory committees reflecting minimum guidelines for the review of applications for DWI fine-generated county funds for alcoholism services.

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 November 3, 1986

TRD-8610422

Ross Newby  
Executive Director  
Texas Commission on  
Alcohol and Drug  
Abuse

Effective date: November 25, 1986

Proposal publication date: May 6, 1986

For further information, please call  
(512) 463-5510.

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## Part IX. Texas Department on Aging

### Chapter 287. Disaster Relief Activities for the Elderly Statutes and Regulations

★ 40 TAC §§287.1, 287.3, 287.5,  
287.7, 287.9

The Texas Department on Aging adopts new §§287.1, 287.3, 287.5, 287.7, and 287.9. Sections 287.1, 287.3, and 287.9 are adopted with changes to the proposed text published in the June 3, 1986, issue of the *Texas Register* (11 TexReg 2542). The other sections are adopted without changes and will not be republished.

This chapter establishes responsibilities for the Texas Department on Aging, grantees, area agencies on aging and service providers for determining the needs of the elderly in the event of disasters, preparation for such events, and information reporting as a result of such events. It also provides procedures for submission of reimbursement requests for reimbursement of Title III funds expended by area agencies and service providers in support of disaster recovery operations

Establishment of procedures to identify needs of the elderly as a result of a disaster and to submit reimbursement requests for Title III funds expended during disaster recovery operations will expedite delivery of services under disaster conditions and facilitate reimbursement of expenditures after termination of disaster operations.

Four agencies commented on these sections. West Central Texas Council of Governments and the Texas Association of Regional Councils commented in favor of the adoption. The Houston Area Agency

Council on Aging and Jefferson County Emergency Management commented against the adoption.

One commenter requested that the rules be withdrawn, citing that the rules implemented procedures rather than policy, implemented a cumbersome reporting system, and tied up efforts by support personnel in providing information at a time when they should be assisting in disaster recovery. One commenter felt that many of the provisions of the rules duplicate the responsibilities of activities already established. One commenter felt that the rules should be more helpful in providing a clearer picture of services which were reimbursable under disaster conditions and provide more detailed instructions regarding submission of reimbursement requests. One commenter felt that changing the requirement for separate letters/memoranda regarding use of Title III resources to a simple contract provision, and adding a mention that food services may also be expanded as a result of disaster would simplify and clarify the rules.

The Texas Department on Aging (TDoA) agrees with these comments. However, TDoA's best and only source of reliable on-the-spot information regarding the disaster impact on the elderly is from area agencies on aging. An immediate requirement exists from the governor's office, and the Administration on Aging (AoA) regional and national offices, for information regarding the extent and scope of the disaster. Information requested from area agencies on aging (AAA's) is vital to planning assistance and reimbursement activities by TDoA and AoA. TDoA does not wish to duplicate established reports. Consequently, changes were made to the text of this section which take into consideration the recommendations of the commenters. Section 287.1 was rewritten to incorporate a reference to the establishment of reimbursement procedures in this section. Section 287.3 was rewritten to update references and to incorporate the latest memorandums from AoA Region VI, dealing with Texas reimbursement procedures, into the references for the section. Section 287.9(1) was rewritten to correct a reference to the Emergency Management Council. Section 287.9(8) was incorporated to permit area agencies on aging to use existing procedures which they may have already developed to address disaster response, reporting and reimbursement activities. Section 287.9(c) was developed to provide detailed information regarding how to compile reimbursement requests for Title III funds expended in support of the elderly during disaster recovery operations. Several paragraphs were rewritten to clarify their intent, and, in §287.9(b), all references to requirements that area agencies will perform a task have been changed to the word "should", to recognize use of already existing procedures which accomplish the intent of this section. Section 287.9(b)

(5) was rewritten to provide for the recommended simple contract provision for use of Title III resources, and §287.9(c)(2) was expanded to include additional food services if needed as a result of a disaster.

The new sections are adopted under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to issue rules governing the function of the department.

§287.1. *Purpose.* This chapter describes activities by the Texas Department on Aging, area agencies on aging, and service providers for determining the needs of senior citizens in the event of disasters. It establishes procedures for submitting requests for reimbursement by area agencies and service providers for Title III Older Americans Act funds spent by them in support of disaster recovery, as they are available from the Texas Department on Aging and the Administration on Aging.

§287.3. *Scope.* The Texas Department on Aging is responsible under federal law (Public Law 93-478 as amended) to foster the development and administration of a comprehensive and coordinated system of services for older persons. In order to assure compliance with the provisions of this law, the TDoA must consider the effects of disasters, whether man-made, natural, or of a civil defense nature, upon older persons. This responsibility is reinforced by the following.

(1) Disaster Relief Act of 1974, as amended, (Public Law 93-288, 93rd United States Court);

(2) Older Americans Act of 1965, as amended §510(a)(1);

(3) Executive Order of the Governor MW-12, October 12, 1983;

(4) Texas Disaster Act of 1975, 64th Legislature, Article 6889-7;

(5) Administration on Aging (AoA) Program Instruction 84-5, Disaster;

(6) Administration on Aging Regional Identical Memo (RIM) Number 47-85, Disaster Response System-Region VI; and

(7) Administration on Aging RIM Number 62-85, Disaster Planning and Reimbursement Models.

§287.9. *Responsibilities.* The following responsibilities are assigned to the activities indicated.

(1) The Texas Department on Aging. The Texas Department on Aging will consult with the Emergency Management Council; the Federal Emergency Management Agency; the Administration on Aging; grantees; area agency on aging; other state, county, and local government entities, and other disaster relief organizations to assure that the needs of the elderly are identified and activities coordinated in the delivery of services under disaster recovery conditions. To facilitate this activity, the Texas Department on Aging will perform the following activities:

(A) identify the needs of the el-



derly as a result of a disaster;

(B) develop a system to assure contact between agencies which must interact during disaster recovery operations;

(C) devise a reporting system which will provide the necessary information regarding the impact of the disaster on the elderly to the governor, the Administration on Aging, and other official organizations requiring this information;

(D) develop procedures for reimbursement of area agencies on aging and service providers who have expended Title III funds in support of disaster recovery operations;

(E) appoint a disaster assistance coordinator within the program management department of the Texas Department on Aging who will:

(i) communicate and coordinate with representatives of other agencies and activities concerned with disaster recovery operations;

(ii) develop all reports resulting from disaster recovery operations;

(iii) develop and submit requests for reimbursement for funds expended in disaster recovery operations;

(iv) represent the department at all meetings and functions pertinent to disaster recovery in the state; and

(v) provide on-site technical assistance to area agencies engaged in disaster recovery operations and respond immediately to their requests for assistance following any natural, man made, or civil defense disaster which impacts on the elderly of the state.

(b) Area agencies on aging. Area agencies on aging should insure that policies and procedures are in place to respond to the demands of disaster relief activities within their planning and service areas and the requirements of the Texas Department on Aging in coordinating with other state and federal activities.

(1) Area agencies on aging should obtain or maintain a list of people in the planning and service area to contact prior to (when possible) and immediately after a disaster. This list will include the following:

(A) county judges within the planning and service area;

(B) Department of Public Safety regional captain;

(C) law enforcement officials;

(D) service providers; and

(E) human service agencies such as the Red Cross, Salvation Army, Mennonites Disaster Relief, Council of Churches, Christian League, Texas Department of Community Affairs, Department of Human Services, and others.

(2) Emergency or after hours phone numbers should be acquired for agencies or persons on this list.

(3) This list should be maintained in a current and up-to-date fashion.

(4) An area agency staff member

should be designated as a disaster preparedness officer. This name should be provided to the Texas Department on Aging.

(5) A contract provision should be placed in each service providers contract regarding use of Title III resources by federal disaster relief agencies. TDoA should be notified immediately of such a request.

(6) Training should be provided service providers regarding planning for and coping with disaster situations.

(7) Area agencies should submit a telephone or written report regarding disaster impact within 24 hours of a disaster in their planning and service area. This report should contain the following information: (Note: To avoid duplication, this information may be acquired from other disaster response activities, if available).

(A) date;

(B) time;

(C) initial or follow up report;

(D) type of disaster;

(E) location and scope;

(F) time:\_\_\_\_\_ and date:\_\_\_\_\_

of disaster;

(G) report originator;

(H) estimate of damage:

(i) elderly killed;

(ii) elderly injured;

(iii) damage to Title III equipment and facilities;

(I) nutrition sites;

(II) multipurpose senior centers;

(III) central kitchens; and

(IV) vehicles;

(iv) damage to private property:

(I) private dwellings;

(II) retirement homes; and

(III) nursing facilities;

(v) damage to power and utilities:

(I) electric power;

(II) potable water supplies;

and

(III) waste-water and waste-disposal systems;

(I) recovery potential: Usable Title III facilities, equipment, and resources for the following activities;

(i) temporary shelter;

(ii) nutrition services;

(iii) food preparation;

(iv) transportation; and

(v) volunteers;

(J) resources or additional resources needed;

(K) estimate of time to restore essential services;

(L) federal, state, local, volunteer, and private organizations providing recovery assistance;

(M) action being taken by area agency and service providers in response to elderly needs;

(N) other pertinent comments;

(O) signature or name of person submitting the report.

(8) Area agencies on aging which

have established policies and procedures corresponding to those specified in this chapter, which satisfy the requirements of this chapter, are not required to revise or reaccomplish policies and procedures to conform to those contained herein for the sole purpose of complying with these particulars.

(c) Reimbursement procedures. The Older Americans Act, §310, provides that the commissioner on aging may reimburse a state for funds that it makes available to area agencies for delivery of social and nutrition services during a major disaster declared by the President in accordance with the Disaster Relief Act of 1974. Five percent of the funds appropriated for discretionary grants are set aside for this purpose each fiscal year. This is a reimbursement program. The law does not permit payment to a state in advance of expenditures or obligations for disaster relief assistance.

(1) Area agencies on aging should attempt to estimate the amount of additional Title IIIB and IIIC funds which may be needed to meet the needs of the elderly to provide services authorized under disaster conditions.

(2) Estimates to provide services should be limited to the categories of services listed under this subsection, subparagraphs (A)-(I). These are the categories of services eligible for reimbursement as identified in Administration on Aging regional office VI, Identical Memorandum Number 47-85, Disaster Response System-Region VI, dated July 30, 1985. These categories consist of:

(A) expansion of I and R services on a 24-hour emergency basis, including escort when necessary;

(B) special outreach in order to encourage older victims to make application at FEMA Disaster Assistance Centers (DACs) as soon as they are opened;

(C) special transportation for elderly victims to DACs, doctors, clinics, shopping, and such essential travel in the event vehicles are not available. Since FEMA funds may be available to fund this service, the state agency should consult with the federal coordinating officer prior to expending Older Americans Act funds for this service;

(D) assistance by disaster advocates (case managers) to older victims in the DAC application process including the follow-up in assuring that older victims receive approved grants and/or services and are protected for unscrupulous repair contractors;

(E) licensed appraiser services to assist older victims in arriving at realistic estimates of losses incurred in the disaster;

(F) handyman and chore services, including clean-up, since FEMA may not be able to provide these services in sufficient volume through voluntary agencies or religious organizations;

(G) legal services, only when the regular legal service program must be expanded for insurance and disaster assistance

grant settlement;

(H) assistance to move older victims from temporary housing back to their own places of residence;

(I) other direct services to older persons, when an assessment of the disaster indicates that older persons have disaster related needs that are unresolved by the federal, state, or voluntary disaster assistance program. (Note: No other services except the ones specifically authorized in this chapter should be rendered until the on-site federal coordinating officer appointed by the Federal Emergency Management Agency, has approved the provisioning of such services and issued a certificate of nonduplication of services. Failure to acquire this certification could result in the Administration on Aging refusing to reimburse for services rendered).

(3) Request for reimbursement should be compiled by area agencies on aging with service providers who provided the services under this chapter. In instances where area agencies provided services directly, they will provide documentation of such services.

(A) Services to be documented for reimbursement will be sorted into the categories listed in subsection (c)(2) of this section.

(B) A narrative of each of the services, which details the number of units provided and the number of elderly serviced, will be written as a cover page to each set of reimbursement documentation material.

(C) Billing documentation, such as paid bills and invoices, will be attached to the narrative of each category of service provided

(D) A copy of the initial disaster occurrence report will be included in the request for reimbursement, along with other information (including newspaper accounts and photo coverage) of the disaster which detail the cause and the scope of the disaster.

(E) The certificate of nonduplication of services, which must be furnished by the on-site federal coordinating officer, must be included in the package.

(F) A cover letter, summarizing pertinent aspects of the disaster, will be prepared to the Texas Department on Aging requesting reimbursement for expenditures under this chapter. All service summaries and billing information should be attached and forwarded to the TDoA not later than 30 days following the date of the last expenditure for disaster recovery purposes.

(G) Upon receipt of TDoA, the request for reimbursement will be reviewed. Areas requiring additional information or clarification will be identified and resolved with the AAA and the service providers. The TDoA will then accomplish an OMB Form 80-R0186 (Part III—Budget Information) and Standard Form 424 (Federal Assistance), develop a transmittal letter and forward the request for reimbursement to the Administration on Aging, Region VI, for review and payment.

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 November 4, 1986.

TRD-8610453 O. P. (Bob) Bobblitt  
Executive Director  
Texas Department on  
Aging

Effective date: November 26, 1986  
Proposal publication date: June 9, 1986  
For further information, please call  
(512) 444-2727

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## State Board of Insurance Exempt Filings

### State Board of Insurance Notifications Pursuant to the Insurance Code, Chapter 5, Subchapter L

*(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act.*

*The board's action on an emergency matter may be effective for 120 days and is renewable one time for a period not exceeding 60 days immediately following the 120-day period.*

*The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)*

The State Board of Insurance has approved a filing by Lawyers Surety Corrooation to withdraw the standard approved Employers Comprehensive Notary Public Errors and Omissions Program. This filing was approved to become effective December 1, 1986.

This notification is filed pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedures and Texas Register Act.

Issued in Austin, Texas, on October 30, 1986

TRD-8610384 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: November 3, 1986  
For further information, please call (512) 463-6327

The State Board of Insurance has approved a filing by Granite State Insurance Company, proposing an amendment to the standard Educators Professional Liability Program. This revision amends the program to conform to the rules included in Board Order Number 48578, dated March 27, 1986, amending the rules on notice of cancellation and non-renewal. This filing was approved to become effective December 1, 1986.

This notification is filed pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on October 30, 1986

TRD-8610383 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed November 3, 1986  
For further information, please call (512) 463-6327.

On October 30, 1986, the Texas State Board of Insurance held a meeting and announced its conclusions concerning

rate increases proposed by the Texas Medical Liability Insurance Underwriting Association (Texas JUA) that were considered by the board at a public hearing held on April 2, 1986.

The board announced the following approvals of excess factors rate applicable to risks insured by the Texas JUA.

(1) Increased excess rate factors for physicians, surgeons, and other non-institutional health care providers were approved. The calculated factors are on file with the signed order and may be obtained upon request.

(2) Increased excess rate factors for hospitals and other institutional health care providers were approved. The calculated factors are on file with the signed order and may be obtained upon request.

Effective date of the foregoing rate changes will be 15 days from the date of publication in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on November 4, 1986.

TRD-8610454 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date November 27, 1986  
For further information, please call  
(512) 463-6327

# 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

**Wednesday, November 12, 1986.** The Texas Department of Agriculture will meet in the district office, 421 East Ferguson, Tyler. Times and agendas follow.

**10:30 a.m.** The department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §76.116(a)(1), by Bruce Sessions, doing business as Sessions Flying Service

**Contact:** Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** October 30, 1986, 10:59 a.m.  
TRD-8610304

**10:45 a.m.** The department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §76.114 and §76.116(a)(4), by Edwin Hartrick, doing business as H&H Soil Service.

**Contact:** Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583

**Filed:** October 30, 1986, 10:59 a.m.  
TRD-8610305

**11:15 a.m.** The department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §75.005(c), by Farmers Grain Company.

**Contact:** Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** October 30, 1986, 10:59 a.m.  
TRD-8610306

**1:45 p.m.** The department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §75.005(c), by Agri-Line Equipment, Inc

**Contact:** Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** October 30, 1986, 10:55 a.m.  
TRD-8610307

**2 p.m.** The department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §75.005(c), by Wood's Feed and Supply.

**Contact:** Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** October 30, 1986, 10:55 a.m.  
TRD-8610308

**3:15 p.m.** The department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §75.005(c), by Jack F. Martin and Company, Inc.

**Contact:** Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** October 30, 1986, 10:55 a.m.  
TRD-8610309

**3:30 p.m.** The department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §75.005(c), by Lone Star Chemical.

**Contact:** Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** October 30, 1986, 10:55 a.m.  
TRD-8610310

**4:30 p.m.** The department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §75.005(c), by Cherokee Farm and Ranch Center

**Contact:** Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** October 30, 1986, 10:55 a.m.  
TRD-8610311

**4:45 p.m.** The department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §75.005(c), by H & W Feed

**Contact:** Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** October 30, 1986, 10:54 a.m.  
TRD-8610312

**Thursday, November 20, 1986, 10 a.m.** The Texas Department of Agriculture will meet in the district office, 3652 North Dixie Street, Odessa. According to the agenda, the department will conduct an administrative hearing to review the alleged violation of Texas Agri-

culture Code, §76.116(a)(1), by Linda Call, doing business as Chemlawn.

**Contact:** Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** October 30, 1986, 10:59 a.m.  
TRD-8610303

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## Texas Amusement Machine Commission

**Friday, November 21, 1986, 1:30 p.m.** The Texas Amusement Machine Commission will meet in Suite 100, conference room, Commission on Law Enforcement, 1606 Headway Circle, Austin. According to the agenda summary, the commissioners will report and discuss the request for a review of Attorney General's Opinion JM-399; report and discuss the results of the agencies response to Executive Order MW-36; consider the appointment of Advisory Committee for fiscal year 1987; report and discuss the budget reduction as the result of the special session of the 69th Texas Legislature, the "grey area" coin-operated machines, plans for any future legislative changes within the Coin-Operated Machine Laws; hear the report on current operations; and hear the report and recommendations of the Advisory Committee.

**Contact:** Jim Lusk, P.O. Box 13226, Austin, Texas 78711, (512) 835-4767.

**Filed:** November 5, 1986, 2:13 p.m.  
TRD-8610466

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## Texas Antiquities Committee

**Friday, November 14, 1986, 9:30 a.m.** The Texas Antiquities Committee will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda summary include the approval of minutes of the August 15 and September 11.

1986, meetings; the findings of fact from the "Old Bowie" hearing; findings of fact from the Carroll Thompson School hearing; the "Old Bowie School" site inspection report; TAC data presentation; discussion of proposed rule to allow "Letter Reports;" the memorandum of agreement with the Dallas Landmark Commission; Trinity and Brazos Valley Railroad depot fire; and consideration of the operating budget.

**Contact:** William C. Guggs, P.O. Box 12276, Austin, Texas 78711, (512) 463-6098.

**Filed:** November 3, 1986, 10:24 a.m.  
TRD-8610380

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### Texas Commission on the Arts

Committees of the Texas Commission on the Arts will meet in Ballroom A, Radisson Plaza Hotel, 700 San Jacinto Street, Austin. Days, times, committees, and agendas follow.

**Wednesday, November 19, 1986, 1:30 p.m.** The Minority Involvement Committee will consider the minutes of the April 22, 1986, Minority Involvement Committee meeting; and hear the Hispanic Study final report. The committee also will meet in executive session pursuant to Texas Civil Statutes, Article 6252m (g), to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

**Contact:** Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

**Filed:** November 5, 1986, 3:07 p.m.  
TRD-8610479

**Wednesday, November 19, 1986, 2:30 p.m.** The Education Committee will consider the minutes of the September 16, 1986, Education Committee meeting; and consider the Education Task Force Conference update. The committee also will meet in executive session pursuant to Texas Civil Statutes, Article 6252m (g), to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

**Contact:** Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

**Filed:** November 5, 1986, 3:07 p.m.  
TRD-8610480

**Wednesday, November 19, 1986, 3 p.m.** The Assistance Review Committee will consider the minutes of the September 16, 1986, Assistance Review Committee meeting; and consider an update on grants situation. The committee also will meet in executive session pursuant to Texas Civil Statutes, Article 6252m (g), to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

**Contact:** Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

**Filed:** November 5, 1986, 3:08 p.m.  
TRD-8610481

**Thursday, November 20, 1986, 9:30 a.m.** The Full Commission will consent agenda; consider items for individual consideration, and informational items only. The commission also will meet in executive session pursuant to Texas Civil Statutes, Article 6252m (g), to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

**Contact:** Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

**Filed:** November 5, 1986, 3:07 p.m.  
TRD-8610482

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### Austin Transportation Study Policy Advisory Committee

**Wednesday, November 12, 1986, 6 p.m.** The Austin Transportation Study Policy Advisory Committee will meet in Room 3.102, Joe C. Thompson Conference Center, University of Texas, Austin. Items on the agenda include action regarding litigation concerning Sierra Club, *et al. v. Austin Transportation Study Policy Advisory Committee* (Room 3.118); approval of minutes of the September 9 and 26, 1986, meetings; presentation by CRS Serrine, Inc., on the Eastern Growth Scenario; presentation by Capital Metro on the "Transitway Corridor Analysis Project (TCAP);" presentation on proposed Austin/San Antonio Parkway; consider amending 1986-1987 Unified Planning Work Program; reconsider recommendations of ATS study coordinator for improved public information and communications; and consider other business.

**Contact:** Joseph P. Gieselman, Joe C. Thompson Center, University of Texas, Austin, Texas 78712, (512) 473-9370.

**Filed:** November 3, 1986, 3:29 p.m.  
TRD-8610404

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### State Bar of Texas

**Thursday, November 6, 1986, 9 a.m.** The Executive Committee of the State Bar of Texas made emergency additions to the agenda for a meeting held at the Texas Law Center, 1414 Colorado Street, Austin. The additions concerned consideration of the request of general practice section to amend bylaws to increase dues; consideration of monetary support for the Red Duke Project; adoption of the resolution regarding Texas Lawyers Care; consideration of the request

of San Antonio Legal Secretaries Association; "CRACK" public service campaign; and consideration of the union group's financial services program. The emergency status was necessary because these matters were not brought to the attention of officers in sufficient time to be included on the original agenda and public necessity requires that these items be taken up at this meeting to proceed with the finalization of these matters.

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

**Filed:** October 30, 1986, 3:31 p.m.  
TRD-8610327

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### Texas Conservation Foundation

**Monday, November 10, 1986, 10 a.m.** The Board of the Texas Conservation Foundation met in Room 835, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board considered the minutes and discussed the Sunset Advisory process.

**Contact:** Alicia M. Reban, Room 611, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78711, (512) 463-2196.

**Filed:** October 31, 1986, 3:38 p.m.  
TRD-8610361

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### Texas Department of Corrections

**Monday, November 10, 1986, 10 a.m.** The Board of Corrections of the Texas Department of Corrections made emergency additions to the agenda for a meeting held in the Hazel D. Kerper Courtroom, Criminal Justice Center, Sam Houston State University, 815 16th Street at Avenue I, Huntsville. The additions concerned director's items, including the Governor's Texas Department of Corrections Medical, Dental, Psychiatric Services Work Group final report; and the college pre-service training program update. The emergency status was necessary because the issues required immediate board action and arose after the initial posting of agenda.

**Contact:** O. L. McCotter, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 1160.

**Filed:** November 5, 1986, 2:07 p.m.  
TRD-8610467

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### Texas Cosmetology Commission

**Friday and Saturday, November 14 and 15, 1986, 1:30 p.m. and 9:30 a.m., respectively.** The Texas Cosmetology Commission will meet in the Stephen F. Austin Hotel, 701

Congress Avenue, Austin. According to the agenda summary, the commission will consider the Montrose School of Hair Design, Chateau Coiffures, Dorothy Adams International, Murial Yvonne Guice, agreed orders, Christina A. Ratajczak, Derrick Ryon, policy statement on reciprocity, staff reports, committee reports, legislation, and operator examination revision. The commission also will meet in executive session.

**Contact:** Jo Ann Reeves, 1111 Rio Grande, Austin, Texas 78701, (512) 463-4630.

**Filed:** October 31, 1986, 9:45 a.m.  
TRD-8610349

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### Credit Union Department

**Wednesday, November 12, 1986, 10 a.m.** The Credit Union Commission of the Credit Union Department will meet at 914 East Anderson Lane, Austin. Items on the agenda include the Rules Review Committee report; proposed budget revisions for 1988-1989 biennium; the staff report on proposed revisions to the Texas Credit Union Act; and the staff report on rules conflicting with generally accepted accounting principles (GAAP). The commission also will meet in executive session to hear the report on credit unions requiring special supervision and the report by the Texas Share Guarantee Credit Union.

**Contact:** Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752, (512) 837-9236.

**Filed:** November 3, 1986, 2:56 p.m.  
TRD-8610401

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### Texas Commission for the Deaf

**Friday and Saturday, November 14 and 15, 1986, 7 p.m. and 8:30 a.m., respectively.** The Board for Evaluation of Interpreters of the Texas Commission for the Deaf will meet in the Commission Meeting Room, 510 South Congress Avenue, Austin. Items on the agenda include the approval of previous meeting minutes, the report on the Sunset Commission proposal, the report on TSID recommendations for "Handbook," public comment on proposed BEI rules; review and approval of BEI rules of operation; discussion of development of teacher sign competency testing; approval and review of certificate to be recommended, and the chairperson's report.

**Contact:** Larry D. Evans, P.O. Box 12904, Austin, Texas 78704, (512) 469-9891.

**Filed:** October 31, 1986, 3:56 p.m.  
TRD-8610366

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### Texas School for the Deaf

**Saturday, November 15, 1986, 1 p.m.** The Governing Board of the Texas School for the Deaf will meet in the boardroom, Administration Building, 1102 South Congress Avenue, Austin. According to the agenda summary, the board will approve the minutes of the October 1, 1986, meeting; consider business requiring board action and business for information purposes; and hear comments by members.

**Contact:** Susan R. Nixon, 1102 South Congress Avenue, Austin, Texas 78711, (512) 440-5335.

**Filed:** November 5, 1986, 2:14 p.m.  
TRD-8610462

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### Texas Economic Development Commission

**Monday, November 10, 1986, 10 a.m.** The Texas World Trade Council of the Texas Economic Development Commission met at the Marriott North, 611 North West Loop 410, San Antonio. Items on the agenda included the future of Texas-Mexico trade, improving Texas international trade with a Japanese perspective, the Council Committee discussions, and new business.

**Contact:** Sandy Harris, 410 East Fifth Street, Austin, Texas 78711, (512) 472-5059.

**Filed:** October 31, 1986, 11:07 a.m.  
TRD-8610354

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### Texas Education Agency

**Friday, November 7, 1986, 11 a.m.** The Committee for Finance and Programs of the State Board of Education of the Texas Education Agency made an emergency revision to the agenda for a meeting held in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. The revision concerned the price differential index for 1987-1988 and 1988-1989, and the Biennial Program budget request for 1987-1988 and 1988-1989. The emergency status was necessary to ensure that the committee is able to discuss this item should the need to do so arise prior to the Saturday meeting of the full board.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** November 4, 1986, 4:15 p.m.  
TRD-8610449



### Employees Retirement System of Texas

**Thursday, November 13, 1986, 1:30 p.m.** The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in the auditorium, Texas Air Control Board, 6330 Highway 290 East, Austin. Items on the agenda include the approval of minutes, the election of officers, discussion of the upcoming rate activity with the insurance carrier, a report from the Subcommittee on Dependent Age Limit, a report on recent amendments to COBRA, and other related insurance matters.

**Contact:** Harry D. Eckert, 18th and Brazos Streets, Austin, Texas 78701-3207, (512) 476-6431.

**Filed:** November 4, 1986, 10:49 a.m.  
TRD-8610429

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### Texas Employment Commission

**Wednesday, November 5, 1986, 1:30 p.m.** The Texas Employment Commission (TEC) met in emergency session in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes, internal procedures of commission appeals, consider and act on higher level appeals in unemployment compensation cases on Commission Docket 44, set the date of the next meeting. The meeting was rescheduled from November 5, 1986, 8:30 a.m. The emergency status was necessary to meet federal time requirements.

**Contact:** Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

**Filed:** November 3, 1986, 3:24 p.m.  
TRD-8610403

**Wednesday, November 12, 1986, 8:30 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes, internal procedures of commission appeals, consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 45, and set the date of next meeting.

**Contact:** Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

**Filed:** November 4, 1986, 11 a.m.  
TRD-8610430

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### Good Neighbor Commission

**Friday, November 14, 1986, 10 a.m.** The Good Neighbor Commission will meet in Room 507, Sam Houston Building, 201 East 14th Street, Austin. According to the agen-

da, the commission will approve Minutes 125, review current funding, consider the proposed budget, and other business.

**Contact:** Jorge Garces, 201 East 14th Street, Austin, Texas 78711, (512) 463-1805.

**Filed:** November 5, 1986, 4:19 p.m.  
TRD-8610492

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### Office of the Governor

**Friday, November 14, 1986, 10 a.m.** The Boarder Economic Development Task Force of the Office of the Governor will meet in Room 101, John H Reagan Building, 105 West 15th Street, Austin. According to the agenda, the task force will discuss and refine the task force recommendations on education and training; environment, infrastructure, tourism, and quality of life; business and agribusiness, and federal issues; and consider other business.

**Contact:** Tom Adams, 201 East 14th Street, Austin, Texas 78711, (512) 463-1827.

**Filed:** November 5, 1986, 3:38 p.m.  
TRD-8610485

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### Texas Department of Health

**Friday, November 7, 1986, 9:30 a.m.** The Crippled Children's Services General Advisory Committee of the Texas Department of Health met in the Second Floor Conference Room, 1101 East Anderson Lane, Austin. According to the agenda summary, the committee reviewed minutes from the August 6, 1986, meeting; heard the task force report on medical equipment; considered the special session impact, legislative budget board actions for regular session, preparations for the 70th Legislative Session, pilot projects on case management; heard the report on Crippled Children's Services Provider Conference; updated on the Senate Committee on Health and Human Resources; considered the expanded coverage of secondary conditions and complications; consider the proposed rule changes, the proposed meeting dates for subcommittees and General Advisory Committee; and reviewed the next meeting's agenda.

**Contact:** Janet S. Barkley-Booher, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2680.

**Filed:** October 30, 1986, 4:07 p.m.  
TRD-8610338

**Friday, November 14, 1986, 10 a.m.** The Primary Health Care Program State Advisory Committee of the Texas Department of Health will meet in Room 103 W, West Tower, Texas Department of Human Services, 701 West 51st Street, Austin. Accord-

ing to the agenda summary, the committee will approve the minutes; hear the report on committee activities, of planning and evaluation subcommittee on the Primary Health Care Program budget request review and recommendation, the annual report to the governor and legislature, the report of the Needs Assessment and Data Subcommittee; consider related indigent care programs update, coordination of the Primary Health Care Program and federal primary care initiatives, the Primary Health Care Project Implementation update; hear the progress report on the six-year plan—Goals and Objectives; consider proposed rules changes, legislative session, election of new officers; and select the next meeting date.

**Contact:** John Dombroski, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7772.

**Filed:** November 5, 1986, 10:26 a.m.  
TRD-8610460

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### Texas Hospital Equipment Financing Council

**Thursday, November 13, 1986, 10 a.m.** The Audit Committee of the Texas Hospital Equipment Financing Council will meet in Room 107, John H. Reagan Building, 15th and Congress Avenue, Austin. According to the agenda, the Committee will review committee responsibilities; discuss and develop committee recommendations on Lawrence F. Alwin, CPA, state auditor report on operations and program effectiveness; and review THEFC account—opening balance of \$77,750.00 on May 7, 1985.

**Contact:** Burnham Jones, 6225 US Highway 290 East, Austin, Texas 78705, (512) 453-7204.

**Filed:** November 5, 1986, 2:31 p.m.  
TRD-8610463

**Thursday, November 13, 1986, 3 p.m.** The Legal Committee of the Texas Hospital Equipment Financing Council will meet in Room 107, John H. Reagan Building, 15th and Congress Avenue, Austin. According to the agenda, the committee will review committee responsibilities; discuss and develop committee recommendations regarding the selection of legal counsel for THEFC and discuss the administrative structure of THEFC and methods for evaluation and improvement.

**Contact:** Burnham Jones, 6225 US Highway 290 East, Austin, Texas 78705, (512) 453-7204.

**Filed:** November 5, 1986, 2:34 p.m.  
TRD-8610464

**Friday, November 14, 1986, 2 p.m.** The Texas Hospital Equipment Financing Council will meet in Room 107, John H. Reagan Building, 15th and Congress Avenue, Aus-

tin. According to the agenda, the council will hear reports from the Audit Committee, Marketing Committee, and Legal Committee; discuss legal counsel for THEFC; review and discuss the state auditor's interim findings and the program administrator agreement; and consider other business.

**Contact:** Burnham Jones, 6225 US Highway 290 East, Austin, Texas 78705, (512) 453-7204.

**Filed:** November 5, 1986, 2:34 p.m.  
TRD-8610465

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### Texas Housing Agency

**Wednesday, November 12, 1986, 9:30 a.m.** The Finance and Audit Committee of the Texas Housing Agency will meet in Suite 700, 411 West 13th Street, Austin. According to the agenda summary, the committee will consider the summary of financial highlights; consider and adopt the budget for fiscal year 1987; consider the resolution supplementing the May 28, 1986, resolution of the board of directors of the agency authorizing the issuance, sale, and delivery of Texas Housing Agency Collateralized Mortgage obligations, Series 1986A; consider and possibly act upon public purpose projects for which investment backed housing assistance bonds may be issued; consider current refunding of the Texas Housing Agency residential development revenue bonds, adding additional underwriters to the agency's approved co-manager list, office space considerations, accrued leave carryforward, REO financing alternatives, the status report on data processing, and the summary report on mortgage insurance.

**Contact:** Dan McNeil, P.O. Box 13941, Austin, Texas 78711, (512) 475-0812.

**Filed:** November 4, 1986, 4:41 p.m.  
TRD-8610450

**Wednesday, November 12, 1986, 10 a.m.** The Board of Directors of the Texas Housing Agency will meet in Suite 700, 411 West 13th Street, Austin. According to the agenda summary, the board will consider a summary presentation of the quarterly single family program report, the summary report on mortgage insurance, REO properties, presentation on the impact of final federal tax legislation; consider and possibly act on proposals from market research firms, current refunding of the Texas Housing Agency Residential Development Revenue Bonds; consider the presentation of quarterly financial reports; consider and possibly act on the budget, public purpose projects, issuance, sale, and delivery of investment backed housing assistance bonds, legislative matters affecting the Texas Housing Agency for consideration in the 70th Legislature, the appointment of Dan A. McNeil as assistant secretary of the board; consider the invest-

ment banker requests to be added to the agency's approved co-manager list; and consider the resolution supplementing the May 28, 1986, resolution of the board of directors.

**Contact:** Dan A. McNeil, P.O. Box 13941, Austin, Texas 78711, (512) 475-0812.

**Filed:** November 4, 1986, 4:42 p.m.  
TRD-8610451

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### Texas Department of Human Services

**Thursday, November 13, 1986, 9:30 a.m.** The Family Violence Advisory Committee of the Texas Department of Human Services will meet in Classroom 2, Second Floor, West Tower, 701 West 51st Street, Austin. According to the agenda summary, the committee will consider the use of summary statements, the explanation of absences, speaking from the audience, regional information hearing, the follow-up conference on the surgeon general's workshop, and fiscal year 1987 FVAC meeting dates; hear reports on program status, and Texas Council on Family Violence; consider old business, including revised bylaws, FVAC goals and objectives, FVAC evaluation and member community involvement, Department of Human Services public awareness initiatives, and subcommittee reports.

**Contact:** James C. Marquart, P.O. Box 2960, Austin, Texas 78756, (512) 450-3365.

**Filed:** November 4, 1986, 4 p.m.  
TRD-8610446

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### Texas Industrial Accident Board

**Monday, November 3, 1986, 9:30 a.m.** The Texas Industrial Accident Board met in Room 107, first floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board reviewed files, and discussed personnel, posting of the executive director position.

**Contact:** William Treacy, 200 East Riverside Drive, first floor, Austin, Texas 78704, (512) 448-7962.

**Filed:** October 30, 1986, 10:56 a.m.  
TRD-8610300

**Monday, November 10, 1986, 9:30 a.m.** The Texas Industrial Accident Board met in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board discussed the establishment of a maintenance tax for support of the Industrial Accident Board for 1986. The board also met in executive session to review board files pursuant to the workers' compensation statute.

**Contact:** William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

**Filed:** November 4, 1986, 10:06 a.m.  
TRD-8610426

**Friday, November 14, 1986, 9:30 a.m.** The Texas Industrial Board will meet in Room 209, second floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the Industrial Accident Board Legislative Advisory Committee Administration Subcommittee, established by the board, will meet to discuss remedial legislation for submission to the 70th Legislature concerning changes in the Worker's Compensation Law, Texas Civil Statutes, Article 8306-8309.

**Contact:** William Treacy, 200 East Riverside Drive, first floor, Austin, Texas 78704, (512) 448-7962

**Filed:** October 30, 1986, 10:56 a.m.  
TRD-8610301

**Wednesday, November 19, 1986, 9:30 a.m.** The Texas Industrial Accident Board will meet in Room 107, first floor, 200 East Riverside Drive, Austin. According to the agenda, the Industrial Accident Board Legislative Advisory Committee Benefits Subcommittee, established by the board, will meet to discuss remedial legislation for submission to the 70th Legislature concerning changes in the Worker's Compensation Law, Texas Civil Statutes, Article 8306-8309.

**Contact:** William Treacy, 200 East Riverside Drive, first floor, Austin, Texas 78704, (512) 448-7962

**Filed:** October 30, 1986, 10:56 a.m.  
TRD-8610302

**Tuesday, November 25, 1986, 9:30 a.m.** The Legislative Advisory Delivery Subcommittee of the Texas Industrial Accident Board will meet in Suite 113, Maplewood Plaza, 5925 Maple Avenue, Dallas. According to the agenda, the subcommittee will discuss remedial legislation for submission to the 70th Legislature concerning changes in the Workers' Compensation Law, Texas Civil Statutes, Article 8306-8309.

**Contact:** William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (412) 448-7962.

**Filed:** November 4, 1986, 10:06 a.m.  
TRD-8610427

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### State Board of Insurance

**Wednesday, November 12, 1986, 10 a.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider proposed endorsements by Insurance Services Office, Inc., of personal insurance coverages liability endorsements and rules Revision PC 86 R86RF, effective December 1, 1986, and personal insurance co-

verages liability endorsements and rules revision Amendment PC 86 R86MR, effective January 1, 1987; consider the request by Scott & White Memorial Hospital for the board to consider the Texas Medical Liability Insurance Underwriting Association (JUA) malpractice insurance requirement; consider board orders on several different matters; hear the fire marshal's report on personnel matters; the Research and Information Services report on personnel matters; consider matters from the commissioner regarding personnel; and consider pending and contemplated litigation.

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

**Filed:** November 4, 1986, 3:27 p.m.  
TRD-8610439

**Wednesday, November 12, 1986, 2 p.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider a prepaid legal rate filing by Pre-Paid Legal Casualty, Inc.

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

**Filed:** November 3, 1986, 1:37 p.m.  
TRD-8610390

The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. Days, times, and dockets follow.

**Thursday, November 13, 1986, 10 a.m.** The section will consider Docket 9383—merger of Centran Life Insurance Company, Dallas, into Society Life Insurance Company, Phoenix, Arizona, with Society Life Insurance Company being the survivor.

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

**Filed:** November 3, 1986, 12:56 p.m.  
TRD-8610385

**Friday, November 14, 1986, 9 a.m.** The section will consider Docket 9376—application of Brooke Holdings, Inc., a Delaware corporation, to acquire control of Jackson National Life Insurance Company of Texas, Dallas.

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

**Filed:** November 3, 1986, 12:55 p.m.  
TRD-8610386

**Friday, November 14, 1986, 9 a.m.** The section will consider Docket 9294—application of Samuel Ruddell Byrd, Crystal City, for a Group I, legal reserve life insurance agent's license.

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

**Filed:** November 3, 1986, 12:55 p.m.  
TRD-8610387

**Friday, November 14, 1986, 10 a.m.** The section will consider Docket 9381—application of C. C. Gunn, Sr., to acquire control of University National Credit Life Insurance Company, San Antonio.

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

**Filed:** November 3, 1986, 12:55 p.m.  
TRD-8610388

**Tuesday and Wednesday, November 18 and 19, 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 consider amendments to workers' compensation insurance manual rules, endorsements and policy forms, rating plans, including retrospective rating plans, classification plans, and statistical plans; and consider the revision of workers' compensation and employers' liability insurance rates and rating values based on experience and the statutorily mandated benefits increase.

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

**Filed:** November 3, 1986, 1:40 p.m.  
TRD-8610394

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### Texas Department of Labor and Standards

**Monday, November 3, 1986, 9 a.m.** The Manufactured Housing Division of the Texas Department of Labor and Standards met in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division considered possible violations against retailers who have not complied with Texas Civil Statutes, Article 5521f, regarding reports and fees. The emergency status was necessary in order to consider possible violation of Texas Civil Statutes, Article 5521f rules which jeopardize individual safety and the public's welfare.

**Contact:** Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

**Filed:** October 30, 1986, 4:20 p.m.  
TRD-8610343

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### The Texas Low-Level Radioactive Waste Disposal Authority

**Friday, November 21, 1986, 1 p.m.** The Texas Low-Level Radioactive Waste Disposal Authority will meet in Room 109, John H. Reagan Building, Austin. According to the agenda, the board will introduce visitors and guests; approve minutes of the previous meeting; hear the general manager's report and communications—site selection studies and engineered disposal studies; consider old business and new business—review of Texas Siting Plan and designation of two or more sites for disposal; and hear public comments.

**Contact:** L. R. Jacobi, Jr., 7703 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5295.

**Filed:** November 5, 1986, 3:37 p.m.  
TRD-8610484

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### Texas State Board of Medical Examiners

**Friday, November 14, 1986.** Committees of the Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Austin. Times and agendas follow.

**8 a.m.** The Reciprocity Committee will consider board Rules 163.9(c) and 163.6(a), and review applicants for licensure. The board also will meet in executive session under Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 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:** November 5, 1986, 2:13 p.m.  
TRD-8610468

**2 p.m.** The Ad Hoc Committee on Malpractice will discuss malpractice general issues and future plans. The committee also will meet in executive session under Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 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:** November 5, 1986, 2:13 p.m.  
TRD-8610469

**2 p.m.** The Examination Committee will review examination applicants. The committee also will meet in executive session under Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 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:** November 5, 1986, 2:12 p.m.  
TRD-8610470

**5 p.m.** The Legislative Committee will discuss possible future legislation, including P.A. committee reports, mandatory reporting, immunity from liability, and the ability to obtain records. The committee also will meet in executive session under Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 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:** November 5, 1986, 2:12 p.m.  
TRD-8610471

**5 p.m.** The Standing Orders Committee will consider the optometry rule draft and comments. The committee also will meet in executive session under Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 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:** November 5, 1986, 2:12 p.m.  
TRD-8610472

**Saturday, November 15, 1986, 8 a.m.** The Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Austin. Items on the agenda include personnel matters, public hearings on rules regarding fees, institutional permits, administrative sanctions, and licensure; approval of orders; voluntary surrender affidavit; sanction report; proposals for decisions; utilization of committees; minute approvals; and the interpretation of licensure rule. The board also will meet in executive session under Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 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:** November 5, 1986, 2:13 p.m.  
TRD-8610473

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### Texas Department of Mental Health and Mental Retardation

**Thursday, November 13, 1986.** Committees of the Texas Board of Mental Health and Mental Retardation (MHMR) of the Texas Department of MHMR will meet in the Central Office (auditorium), 909 West 45th Street, Austin. Times, committees, and agendas follow.

**2 p.m.** The Executive Committee will consider the proposed naming of the chapel at Abilene State School the Don Cauble Friendship Chapel; consider appointments to the Medical Advisory Committee; consider the roadway easement to the City of Austin; transfer real property to the State Purchasing and General Services Commission; and consider the duties of the commissioner.



**Contact:** Gary E. Miller, P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

**Filed:** November 3, 1986, 4:24 p.m.  
TRD-8610417

**3 p.m.** The Rule Review Committee will adopt the amendments to rules governing client abuse and neglect in the Texas Department of MHMR facilities, and adopt amendments to rules governing client abuse and neglect in community MHMR centers.

**Contact:** Gary E. Miller, P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

**Filed:** November 3, 1986, 4:25 p.m.  
TRD-8610415

**3:15 p.m.** The Business Committee will consider the fiscal year 1987 operating budget status, and adjustments for the mental health block grant; and hear the report on fiscal year 1988-1989 appropriations request.

**Contact:** Gary E. Miller, P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

**Filed:** November 3, 1986, 4:24 p.m.  
TRD-8610416

**Friday, November 14, 1986, 9 a.m.** The Texas Board of MHMR of the Texas Department of MHMR will meet in the Central Office, 909 West 45th Street, Austin. According to the agenda summary, the board will approve the minutes of the October 20, 1986, meeting; hear citizens' comments; consider the commissioner's calendar, recommendations for board consideration, including the Executive Committee, Rule Review Committee, and Business Committee; and consider the RAJ and Lelsz litigation.

**Contact:** Gary E. Miller, P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

**Filed:** November 3, 1986, 4:23 p.m.  
TRD-8610418

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### Texas Music Commission

**Thursday, November 6, 1986, 10 a.m.** The Texas Music Commission met in emergency session in Room 309, State Capitol, Austin. According to the agenda summary, the commission considered old business, new business, committee reports, and public comment. The emergency status was necessary because of the change of location due to recarpeting of the Speaker's Committee Room.

**Contact:** Bekki Lammert, P.O. Box 2910, Austin, Texas 78769.

**Filed:** November 3, 1986, 4:25 p.m.  
TRD-8610413

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### Texas National Guard Armory Board

**Sunday, November 16, 1986, 1 p.m.** The Texas National Guard Armory Board will meet in the conference room, Building 64, Camp Mabry, Austin. Items on the agenda summary include administrative matters; fiscal matters; facility construction, remodeling, renovation; facility maintenance, and property and leases.

**Contact:** Sandra Hille, P.O. Box 5218, Austin, Texas 78763-5218, (512) 451-6394.

**Filed:** November 3, 1986, 1:41 p.m.  
TRD-8610395

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### Board of Nurse Examiners

**Wednesday-Friday, November 19-21, 1986, 8 a.m.** The Board of Nurse Examiners will meet at the Sunrise Motor Hotel, 7622 IH 35 North at Highway 183, Austin. According to the agenda, the board will consider disciplinary hearings, consent to board orders and other action as recommended by the executive secretary in relation to hearings; consider the reinstatement requests of eight previously revoked licensees; review staff goals; consider proposed rule changes and adopt §§213.15, and §§213.2, 215.13, and 215.14 regarding education. The board also will review survey visits of certain nursing programs, consider faculty petitions and curriculum change requests. Reports will be received from various committees and meetings attended.

**Contact:** Margaret Rowland, 1300 East Anderson Lane, C-225, Austin, Texas 78752, (512) 835-4880.

**Filed:** November 5, 1986, 2:13 p.m.  
TRD-8610474

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### Board of Pardons and Paroles

**Monday-Friday, November 10-14, 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 releases 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 31, 1986, 10:20 a.m.  
TRD-8610353

**Wednesday, November 12, 1986, 9:30 a.m.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will con-

sider and act on the minutes for the meeting of October 7, 1986, the Sunset report, NTO progress report, restitution payments, budget, Electronic Monitoring Committee report, parole consideration for shock probation candidates, tentative parole month, official records repository, supervision fees, reclassification of personnel, status of pending personnel actions, and the executive director's report.

**Contact:** Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2704.

**Filed:** November 3, 1986, 3:50 p.m.  
TRD-8610405

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### Texas State Board of Public Accountancy

**Monday, November 10, 1986, 9 a.m.** The Long-Range Planning Committee of the Texas State Board of Public Accountancy met in emergency session in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee reviewed proposed amendments to the Public Accountancy Act of 1979, as amended; considered the five-year plan for the board; reviewed board resolutions; and considered other matters coming before the commission. The emergency status was necessary because this was the only time the quorum could meet.

**Contact:** Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752, (512) 451-0241.

**Filed:** November 3, 1986, 1:21 p.m.  
TRD-8610393

**Wednesday-Thursday, November 12-13, 1986, 9 a.m.** The Committee on Technical Standards Review of the Texas State Board of Public Accountancy will meet in emergency session in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will hold informal conferences for licensees; hear recommendations regarding specific complaints against licensees; discuss items on questions brought before the committee; and discuss walk-on items. The emergency status is necessary as this date was the only one available in which all committee members could participate.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241.

**Filed:** November 5, 1986, 4:03 p.m.  
TRD-8610486

**Wednesday-Thursday, November 19-20, 1986, 9 a.m.** The Enforcement Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the committee will hold informal conferences for licensees; review the workload status report and hear recommendations regarding specific complaints against licensees; discuss

items on advertising, ethics, and possible complaints; and discuss walk-on items.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241.

**Filed:** November 5, 1986, 4:03 p.m.  
TRD-8610487

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### Public Utility Commission of Texas

**Friday, November 7, 1986, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas met in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the division considered Dockets 6095, 6765, 6766, 6960, and 7027. The division also met in executive session to consider pending litigation in the following cases: General Telephone of the Southwest v. Public Utility Commission of Texas; City of Austin v. Public Utility Commission of Texas. The commission also considered personnel matters including discussion and action regarding the hiring of a director of general counsel for the commission.

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

**Filed:** October 30, 1986, 3:36 p.m.  
TRD-8610352

The Hearings Division of the Public Utility Commission of Texas (PUC) will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

**Thursday, November 13, 1986, 10 a.m.** A prehearing conference in Docket 6755—inquiry of the PUC into the prudence and efficiency of the planning and management of the construction of the Riverbend Nuclear Generating Station and complaint of the Office of Public Utility Counsel to investigate the rates of Gulf States Utilities Company.

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

**Filed:** October 30, 1986, 3:36 p.m.  
TRD-8610328

**Thursday, November 13, 1986, 1:30 p.m.** A prehearing conference in Docket 6184—inquiry of the PUC concerning the economic viability of Unit 2 of the South Texas Electric Generating Station.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** November 4, 1986, 2:47 p.m.  
TRD-8610437

**Thursday, November 13, 1986, 1:30 p.m.** A prehearing conference in Docket 7159—petition of the Office of Public Utility Counsel to establish an interim fixed fuel factor for

and to refund fuel costs overrecovered by Texas Utilities Electric Company.

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

**Filed:** October 30, 1986, 3:38 p.m.  
TRD-8610329

**Friday, November 14, 1986, 3 p.m.** A prehearing conference in Docket 7160—application of Southwestern Bell Telephone Company for authority to implement rates and regulations for intrastate interim 800 service.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** November 5, 1986, 3:04 p.m.  
TRD-8610483

**Monday, November 17, 1986, 10 a.m.** A prehearing conference in Docket 6668—inquiry of the PUC into the prudence and efficiency of the planning and management of the construction of the South Texas Nuclear Project.

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

**Filed:** October 31, 1986, 9:01 a.m.  
TRD-8610346

**Tuesday, November 18, 1986, 1:30 p.m.** A prehearing conference in Docket 7154—application of Hill County Electric Cooperative, Inc., for authority to change rates.

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

**Filed:** October 31, 1986, 9:01 a.m.  
TRD-8610347

**Thursday, November 20, 1986, 9 a.m.** A hearing on the merits in Docket 6992—application of Texas-New Mexico Power Company for certification of a lignite fired electrical generation station in Robertson County.

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

**Filed:** October 30, 1986, 3:37 p.m.  
TRD-8610330

**Thursday, November 20, 1986, 10:30 a.m.** The division will consider Docket 7044—petition of inquiry into the rates paid by Houston Lighting and Power Company to qualify ing facilities for the purchase of Nonfirm Energy.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** November 3, 1986, 2 p.m.  
TRD-8610397

**Tuesday, December 2, 1986, 10 a.m.** A hearing on the merits in Docket 6922—complaint of Houston Cellular Telephone Company, et al., against Southwestern Bell Telephone Company.

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

**Filed:** October 30, 1986, 3:37 p.m.  
TRD-8610331

**Tuesday, December 2, 1986, 10 a.m.** A prehearing conference in Docket 7147—application of Gulf States Utilities Company for approval of a joint venture cogeneration project and treatment of revenues.

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

**Filed:** October 30, 1986, 3:38 p.m.  
TRD-8610332

**Monday, December 22, 1986, 10 a.m.** A hearing on the merits in Docket 7012—application of Big Bend Telephone Company to amend its certificate of convenience and necessity within Presidio County and to eliminate party line service and rural mileage charges in the Presidio exchange.

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

**Filed:** October 30, 1986, 3:36 p.m.  
TRD-8610333

**Thursday, March 12, 1987, 9 a.m.** A prehearing conference in Docket 7044—petition of inquiry into the rates paid by Houston Lighting and Power Company to qualifying facilities for the purchase of Nonfirm Energy.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** November 3, 1986, 2 p.m.  
TRD-8610400

**Monday, March 16, 1987, 9 a.m.** A hearing on the merits in Docket 7044—petition of inquiry into the rates paid by Houston Lighting and Power Company to qualifying facilities for the purchase of Nonfirm Energy.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** November 3, 1986, 2 p.m.  
TRD-8610398

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### Railroad Commission of Texas

**Monday, November 3, 1986, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an emergency revision to the agenda for a meeting held in the 12th floor conference room, William B. Travis

Building, 1701 North Congress Avenue, Austin. The revision concerned whether to use state funds to plug the leaking well of C. N. Haush, H. A. Ward, well No. 1, Cecil Noble Field, Colorado County. The emergency status was necessary because the well is leaking gas to the surface and is located within 30-40 feet of front door of a retirement home in the City of Columbus. It is the cause of pollution and could be a threat to the public's health, safety, and welfare.

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

**Filed:** October 30, 1986, 4:15 p.m.  
TRD-8610344

**Monday, November 3, 1986, 9 a.m.** The Transportation Division of the Railroad Commission of Texas made an emergency revision to the agenda for a meeting held in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The revision concerned consideration of initiation of an administrative proceeding or referral to the Attorney General's Office for possible litigation, the question of the compliance of the following carriers with 16 TAC §§5 181, 5.183, 5.184, and 5.187: Hillco Trucking, Inc., Certificate 36125; Steve's South Texas Corporation, Certificate 15706; Winfree Rice and Cattle, Certification 26283; Lloyd Caballero; and C&S Trucking, and discussion of all claims which may have arisen during the period of possible noncompliance. The emergency status was necessary because of the possibility that certified carriers are operating without liability insurance coverage constitutes a threat to the public welfare.

**Contact:** Mike James, 1701 North Congress Avenue, Austin, Texas 78711, (512) 463-7315.

**Filed:** October 31, 1986, 4:13 p.m.  
TRD-8610368

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### Texas Rehabilitation Commission

**Thursday, November 13, 1986, 9 a.m.** The Media Relations and Public Information Subcommittee of the Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission will meet via conference call in Room 104, 158 East Riverside Drive, Austin. Items on the agenda include a review of the inventory list of printed items in stock, a discussion of the governor's committee action concerning the Barbara Jordan awards, and recommended fiscal year 1987 objective action steps.

**Contact:** Virginia Roberts, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8272.

**Filed:** November 3, 1986, 1:40 p.m.  
TRD-8610402

### State Rural Medical Education Board

**Tuesday, November 18, 1986, 10 a.m.** The State Rural Medical Education Board will meet in the Seventh Floor Conference Room, Southwest Tower Building, 211 East Seventh Street, Austin. According to the agenda summary, the board will consider general business and supplemental loan applications, review staff performance, and consider other business

**Contact:** Renee Luckie, Room 408, 211 East Seventh Street, Austin, Texas 78701, (512) 463-5501.

**Filed:** November 5, 1986, 10:28 a.m.  
TRD-8610461

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### Texas Savings and Loan Department

**Wednesday, November 12, 1986, 9 a.m.** The Texas Savings and Loan Department will meet in Room 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will accumulate a record of evidence in regard to the applications of Paris Savings and Loan Association, Paris, Lamar County, to relocate a branch office from 8181 Douglas, Dallas, to 5029 Lemmon Avenue, Dallas, Dallas County, from which record the commissioner will determine whether to grant or deny the application.

**Contact:** Laura M Hale, Room 201, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

**Filed:** October 31, 1986, 9:48 a.m.  
TRD-8610350

**Thursday, November 13, 1986, 9 a.m.** The Texas Savings and Loan Department will meet in Room 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will accumulate a record of evidence in regard to the application of Multibanc Savings Association, Alice, Jim Wells County, Texas, including the branch office for Sunrise Mall, Airline and South Padre Island Drive, Corpus Christi; branch office for Danieldale Crossing, 450 East Highway 67, Duncanville (a purchase from Vista Savings Association), branch office for Preston Park, 2900 Preston Road, Suite 146, Plano (a purchase from Vista Savings Association); and branch office for the intersection of Highway 181 and Northshore, Portland, from which record the commissioner will determine whether to grant or deny the applications

**Contact:** Laura M. Hale, Room 201, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

**Filed:** October 31, 1986, 9:47 a.m.  
TRD-8610351

### State Securities Board

**Wednesday, November 12, 1986, 9:30 a.m.** The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will determine whether a cease and desist order should be issued prohibiting the sale of securities issued and offered by SAZ II, Inc., and Stephen A. Zabawa. The meeting is rescheduled from November 4, 1986.

**Contact:** Sue B. Roberts, 1300 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

**Filed:** November 4, 1986, 9:45 a.m.  
TRD-8610425

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### Teacher Retirement System of Texas

**Friday, November 14, 1986, 1:30 p.m.** The Board of Trustees of the Teacher Retirement System of Texas will meet in Room 2701, Hyatt Regency, Dallas/Fort Worth Airport. According to the agenda, the board will consider an amendment of the 1986-1987 operating budget and an update on real estate investments. The board also met in executive session to consider personnel matters including the deputy executive secretary for investments and the purchase of real estate for the new building.

**Contact:** Mary Godzik, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400.

**Filed:** November 3, 1986, 9:44 a.m.  
TRD-8610379

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### University of Texas at Austin

**Friday, November 7, 1986, 2 p.m.** The Intercollegiate Athletics for Women of the University of Texas at Austin met in Room 606, conference room, Belmont Hall, 21st and San Jacinto Streets, UT campus, Austin. According to the agenda summary, the university considered the approval of the minutes of the previous meeting of October 3, 1986; and considered old and new business.

**Contact:** Donna A. Lopiano, Belmont Hall 606, 21st and San Jacinto Streets, Austin, Texas 78712, (512) 471-7693.

**Filed:** October 31, 1986, 3:40 p.m.  
TRD-8610362

**Friday, November 7, 1986, 2 p.m.** The Intercollegiate Athletics for Women of the University of Texas at Austin met for an emergency agenda revision at the faculty center, Walter Webb Hall, 25th at Guadalupe Street, Austin. According to the agenda, the counsel approved minutes of the previous meeting; heard announcements; discussed old and new business. The emergency revision was revised due to a change of location

since the previous location was renovated. Also, some agenda additions had been made since the first posting.

**Contact:** Dr. Donna A. Lopiano, Belmont Hall 606, The University of Texas, Austin, Texas 78705, (512) 471-7693.

**Filed:** November 5, 1986, 4:31 p.m.  
TRD-8610493

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### Board of Vocational Nurse Examiners

**Monday-Wednesday, November 17-19, 1986, 8 a.m.** The Board of Vocational Nurse Examiners will meet in the Mesquite Room, Executel Motor Inn, 925 East Anderson Lane, Austin. According to the agenda for Monday, the board will hold a grievance hearing (closed session) at the request of Sandra Jones, approve minutes, hear reports from the executive director and education (regarding program matters and actions, update criteria for use of long-term care facility to augment acute care clinical practice for vocational nursing students), consider unfinished and new business (occupational administrator's view of three levels of nursing, amendment of Rules 235.17 and 235.47, and administrative hearings). On Tuesday and Wednesday, the board will hold administrative hearings.

**Contact:** Joyce A. Hammer, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071

**Filed:** November 5, 1986, 2:11 p.m.  
TRD-8610475

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### Texas Water Commission

**Tuesday, November 4, 1986, 2:30 p.m.** The Texas Water Commission made an emergency revision to the agenda for a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The revision concerned the request for commission authorization for referral of Mickey Martin, doing business as Standley Utilities, for discontinuation of wastewater services in violation of the Texas Water Code, Chapter 13 and 31 TAC §291.86(f). The emergency status was necessary because the public utility has discontinued services to its customers without prior approval of the commission as required by rules.

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

**Filed:** November 4, 1986, 12:11 p.m.  
TRD-8610431

**Wednesday, November 12, 1986, 10 a.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 water district bonds, the release from escrow, use of surplus funds, the fire protection plan, levy of standby charge, a rate matter, proposed water quality permits, amendments and renewals, the dismissal of application for wastewater permits, certificate of adjudication matters, and water use application.

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

**Filed:** October 30, 1986, 4:01 p.m.  
TRD-8610334

**Monday, November 17, 1986, 10 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 conduct a pre-hearing conference in Docket 6722—application for an amendment to a water certificate of convenience and necessity by Green Valley Water Supply Corporation.

**Contact:** Joseph O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875

**Filed:** November 3, 1986, 4:05 p.m.  
TRD-8610409

**Wednesday, November 19, 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 application of the City of Coldspring for a Proposed Permit 13291-01 to authorize the discharge of treated domestic wastewater effluent into Henry Lake Branch, Trinity River Basin, San Jacinto County.

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

**Filed:** November 5, 1986, 4:02 p.m.  
TRD-8610488

**Thursday, November 20, 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 consider Application 5085 of City of Robinson.

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

**Filed:** November 5, 1986, 4:01 p.m.  
TRD-8610489

**Tuesday, November 25, 1986, 2 p.m.** The Texas Water Commission made a revision for a meeting to be held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the request by Sal Del Rey Feedyard, Ltd., for an order for authorization to commence construction of a wastewater disposal facility prior to commission consideration of its application for a wastewater disposal permit, Hidalgo County.

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

**Filed:** November 5, 1986, 4:01 p.m.  
TRD-8610490

**Friday, December 5, 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 7067-R—application for a rate increase by Clear Lakes Water System.

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

**Filed:** October 30, 1986, 4 p.m.  
TRD-8610335

**Monday, December 8, 1986, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the office will consider the application of Double "B" Foods, Inc., P.O. Drawer A, Schulenberg, Texas 78956, for a Proposed Permit 02868 to authorize the disposal by irrigation of runoff water from a meat processing plant at a volume not to exceed an average flow of 35,000 gallons per day. The effluent will be treated in an anaerobic lagoon with a holding capacity of 984,000 gallons, then routed to a 12.2 acre-foot storage/regulation reservoir. Effluent from the storage reservoir will be used to irrigate an 11.5-acre grass covered pasture adjacent to and north of the treatment facilities which is owned by the applicant.

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

**Filed:** October 30, 1986, 4:01 p.m.  
TRD-8610336

**Wednesday, December 10, 1986, 10 a.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 petition for creation of Harris County Municipal Utility District 321, containing 603.6649 acres of land.

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

**Filed:** October 31, 1986, 3:50 p.m.  
TRD-8610364

**Thursday, December 11, 1986, 9 a.m.** The office of Hearings Examiner of the Texas Water Commission will meet in the Commissioners Courtroom, Wood County Courthouse, Quitman. According to the agenda summary, the office will consider the application of Greenwich Oil Corporation, Forest Hill Field Oxygen Plant, 6750 Hillcrest Plaza Drive, Suite 200, Dallas, Texas 75230, for a Proposed Permit 02867 to authorize a discharge of cooling tower blow-

down and condensate from air compressors at a volume not to exceed an average flow of 12,000 gallons per day. Greenwich Oil will be responsible for all wastewater discharged from an air separation facility owned and operated by Union Carbide.

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

**Filed:** October 30, 1986, 4 p.m.  
TRD-8610337

**Tuesday, December 16, 1986, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 215, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider the application of The Ranch Associates, Hidden Hills, P.O. Box 19417, Jacksonville, Florida 32245-9417, for a Proposed Permit 13280-01 to authorize the disposal by irrigation of treated domestic wastewater effluent at a volume not to exceed an average of 75,000 gallons per day. The applicant proposes to construct a domestic wastewater treatment facility to serve a proposed residential development. The effluent will be used to supplement irrigation of approximately 124.5 acres of the Hidden Hills Golf Course which is located adjacent to and northwest of the plant. Application rates for the irrigated land shall not exceed 2.7 acre-feet/acre/year. No discharge of pollutants into waters of the state is authorized by this permit.

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

**Filed:** October 31, 1986, 3:50 p.m.  
TRD-8610365

**Tuesday, December 16, 1986, 10 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the office will consider the application for approval of preliminary plans for construction of a levee or other improvement Docket RE-0253 of GWR Operating Company.

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

**Filed:** November 5, 1986, 4:01 p.m.  
TRD-8610491

**Wednesday, December 17, 1986, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in the Terrell City Hall, 201 East Nash Street, Terrell. According to the agenda summary, the office will consider the application of W. L. Partners No. 1, Limited, 1502 Lakeshore Drive, Rockwall, Texas 75087, for a Proposed Permit 13275-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 158,000 gallons per day. The applicant proposes to build the Quail Run Estates wastewater treatment facilities which will serve a

mobile home park. The meeting is rescheduled from November 6, 1986.

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

**Filed:** November 3, 1986, 4:06 p.m.  
TRD-8610408

**Thursday, December 18, 1986, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in the Terrell City Hall, 201 East Nash Street, Terrell. According to the agenda summary, the office will consider the application of G.S./D.K. Joint Venture, 15400 Knoll Trail Drive, Suite 212, Dallas, Texas 75248, for a Proposed Permit 13311-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 315,000 gallons per day. The applicant proposes to build a wastewater treatment plant that will service a 500 acre development in Kaufman County.

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

**Filed:** November 3, 1986, 4:04 p.m.  
TRD-8610410

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### Texas Wheat Producers Board

**Wednesday, November 19, 1986, 8:30 a.m.** The Texas Wheat Producers Board of the Texas Department of Agriculture will meet at the Hilton-Inn, IH 40 at Lakeside, Amarillo. According to the agenda, the board will hear the report on staff travel, the financial report and budget adjustment, grain quality issues; and consider research and education proposals.

**Contact:** Bill Nelson, Suite 625, Texas Commerce Bank, Amarillo, Texas 79109, (806) 352-2191.

**Filed:** November 3, 1986, 10:36 a.m.  
TRD-8610382

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### Texas Youth Commission

**Thursday, November 13, 1986, 10 a.m.** The Board of the Texas Youth Commission will meet in the Giddings State Home and School, Giddings. According to the agenda summary, the board will hear the report on the Volunteer Conference, discuss the liability issues in residential contract programs and parole; consider the analysis of standard community service contract; discuss board position regarding a single child and family services agency; the monthly construction update; act on signature authority; hear the report on statistical summary; act on the approval of professional services contracts, and approval of superintendent of West Texas Children's Home.

**Contact:** Ron Jackson, 8900 Shoal Creek Boulevard, Austin, Texas 78766, (512) 452-8111.

**Filed:** November 3, 1986, 4:27 p.m.  
TRD-8610416

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### Regional Agencies Meetings Filed October 30

**The Atascosa County Appraisal District, Appraisal Review Board,** met at 1010 Zanderson, Jourdanton, on November 3, 1986, at 8 a.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

**The Central Tax Authority of Taylor County, Board of Directors,** will meet at 340 Hickory Street, Abilene, on November 12, 1986, at 10 a.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

**The Wise County Appraisal District, Board of Directors,** will meet in the boardroom, 206 South State Street, Decatur, on November 13, 1986, at 9 a.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081.

TRD-8610313

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### Meetings Filed October 31

**The Capital Area Rural Transportation System (CARTS), Board of Directors,** will meet in the conference room, 5021 East First Street, Austin, on November 20, 1986, at 10 a.m. Information may be obtained from Edna Burroughs, 5021 East First Street, Austin, Texas 78702, (512) 478-7433.

**The Dallas Area Rapid Transit, Search Committee,** met in emergency session at 601 Pacific Avenue, Dallas, on October 31, 1986, at 4 p.m. The Board of Directors met in Suite 500, Texas Commerce Bank Building, 1420 West Mockingbird Lane, Dallas, on November 5, 1986, at 7:30 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Denton County Appraisal District, Appraisal Review Board,** met at 3911 Morse, Denton, on November 7, 1986, at 9 a.m. Information may be obtained from John D. Brown, 3911 Morse, Denton, Texas 76205, (817) 566-0904.

**The Eastland County Appraisal District, Appraisal Review Board,** will meet on the second floor, Commissioner's Courtroom, Courthouse, Main Street, Eastland, on No-

ember 13, 1986, at 10 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448.

**The Nueces-Jim Wells-Kleberg Soil and Water Conservation District**, Board of Directors, will meet 2287 North Texas Boulevard, Alice, on November 18, 1986, at 2 p.m. Information may be obtained from Carol Freeman, P.O. Box 142, Alice, Texas 78333, (512) 668-9390.

**The South Plains Association of Governments**, Board of Directors, met at Barcelona Court of Lubbock, South Loop 289 at Slide Road, Lubbock, on November 4, 1986, at 9 a.m. for a workshop, and at 1 p.m. for the business meeting. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452, (806) 762-8721.

**The Tarrant Appraisal District**, Appraisal Review Board, met in Suite 505, 1701 River Run, Fort Worth, on November 4 and 6, 1986, and will meet on November 12, 13, 18, and 19, 1986, at 8:30 a.m. Information may be obtained from LeRoy Brooks, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151, ext 2177

**The Upshur County Appraisal District**, Board of Directors, met at Warren and Trinity Streets, Gilmer, on November 10, 1986, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

TRD-8610348

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#### Meetings Filed November 3

**The Carson County Appraisal District**, Board of Directors, will meet at 102 North Main Street, Panhandle, on November 12, 1986, at 9 a.m. Information may be obtained from Dianne Lavake, P.O. Box, Panhandle, Texas 79068.

**The Education Service Center Region VII**, Board of Directors, will meet at the Holiday Inn, Henderson, on November 13, 1986, at 6:30 p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas 75662, (214) 984-3071.

**The Education Service Center Region IX**, Board of Directors, will meet in the boardroom, 301 Loop 11, Wichita Falls, on November 13, 1986, at 1:30 p.m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928

**The Erath County Appraisal District**, Board of Directors, will meet at 1390 Harbin Drive, Stephenville, on November 12, 1986, at 10 a.m. Information may be obtained from Jerry Lee, 313 North Belknap, Stephenville, Texas 76401, (817) 965-7301.

**The Garza County Appraisal District**, Board of Directors, will meet in the courthouse, Post, on November 13, 1986, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer, Post, Texas 79356, (806) 495-3518.

**The Heart of Texas Council of Governments**, Private Industry Council, met at 320 Franklin Avenue, Waco, on November 6, 1986, at 5:30 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

**The Henderson County Appraisal District**, Board of Directors, met in emergency session at 101 East Corsicana, Athens, on November 5, 1986, at 4 p.m. The Board of Directors also met at the same location on November 10, 1986, at 7:30 p.m. The Appraisal Review Board will meet at the same location on November 18, 1986, at 9 a.m. Information may be obtained from Helen Marchbanks, 101 East Corsicana, Athens, Texas 75751, (214) 675-9296.

**The Lavaca County Central Appraisal District**, Board of Directors, met at 113 North Main, Hallettsville, on November 10, 1986, at 4 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

**The West Central Texas Council of Governments**, Regional Advisory Council of Governments, met in the Fluvanna Room, Kiva Resort Hotel, 5403 South First Street, Abilene, on November 6, 1986, at 11 a.m. Information may be obtained from Lewis Lemmond, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544, ext. 46.

**The Wise County Appraisal District**, Board of Directors, will meet in the boardroom, 206 South State, Decatur, on November 13, 1986, at 9 a.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3082.

TRD-8610369

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#### Meetings Filed November 4

**The Bexar Appraisal District**, Appraisal Review Board, will meet at 535 South Main, San Antonio, on November 12, 1986, at 8:30 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Brazos Valley Development Council**, Executive Committee will meet 3006 East 29th Street, Bryan, on November 13, 1986, at 1:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77801, (409) 776-2277.

**The East Texas Council of Governments**, Executive Committee, met in emergency ses-

sion at the Roy H. Laird Club, Kilgore, on November 6, 1986, at 1:30 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

**The Rio Grande Valley Municipal Water Authority**, Board, will meet at the Holiday Inn, 3135 North Expressway, Brownsville, on November 20, 1986, at noon. Information may be obtained from Ersel G. Lantz, Suite 303, 3505 Boca Chica, Brownsville, Texas 78521, (512) 541-1660.

TRD-8610419

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#### Meetings Filed November 5

**The Archer County Appraisal District**, Board of Directors, will meet at 211 South Center, Archer City, on November 19, 1986, at 5 p.m. Information may be obtained from Jean James, P.O. Box 1141, Archer City, Texas 76351, (817) 574-4475.

**The Blanco County Appraisal District**, Board of Directors, will meet at the Courthouse Annex, Johnson City, on November 11, 1986, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas, (512) 868-4624.

**The Edwards Underground Water District**, Board of Directors, will meet at 1615 North St. Mary's Street, San Antonio, on November 11, 1986, at 10 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's Street, San Antonio, Texas 78215, (512) 222-2204.

**The Ellis County Tax Appraisal District**, met at 406 Sycamore Street, Waxahachie, on November 10, 1986, at 8:30 a.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

**The Gonzales County Appraisal District**, Board of Directors, will meet at 928 St. Paul Street, Gonzales, on November 13, 1986, at 5 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

**The Gregg Appraisal District**, Board of Directors, will meet at 2010 Gilmer Road, Longview, on November 13, 1986, at 10:30 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

TRD-8610455

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#### Meetings Filed November 6

**The Tax Appraisal District of Bell County**, will meet at 411 East Central, Belton, on November 19, 1986, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box

390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

**The North Texas Municipal Water District, Board of Directors, will meet in the administrative offices, 505 East Brown Street, Wylie, on November 18, 1986, at 4 p.m. Information may be obtained from Carl W. Riehn, (214) 442-5404.**

**The Central Appraisal District of Rockwall County, Board of Directors, will meet at the Courthouse, Commissioners Courtroom, on November 11, 1986, at 7:30 p.m. Informa-**

tion may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

**The Tyler County Tax Appraisal District, Board of Directors, will meet at 103 Pecan, Woodville, on November 18, 1986, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.**

TRD-8610494

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# 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 Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of October 6-24, 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.

Hughes Texas Petroleum, Pleasanton; gas sweetening facility, Atascosa County; 17654; new source

Foretravel Incorporated, Nacogdoches; fiberglass part manufacturing and panels; 1221 Northwest Stallings Drive; 17655; new source

General Motors Corporation, Arlington; first color booth incinerator; 2525 East Abram Street; 17666; new source

U.S. Department of Energy Plant, Panhandle; standby diesel generator facility; Carson County; 17669; new source

Southern Clay Products, Gonzales; bentonite refining-alcohol; 1212 Church Street; 17675; new source

Amoco Oil, Texas City; fire fuel gas in H2 units 1 and 2; 2401 Fifth Avenue South; 17678; new source

White Industrial Painters Incorporated, Trinity; sandblasting and printing facility; Industrial Road; 17679; new source

VLSI Technology, Incorporated, San Antonio; semi-conductor wafer manufacturing; Bexar County; 17684, new source

Issued in Austin, Texas, on October 30, 1986

TRD-8610363 Bill Ehret  
Hearings Examiner  
Texas Air Control Board

Filed: October 31, 1986  
For further information, please call (512) 451-5711, ext. 353

## Texas Commission on Alcohol and Drug Abuse DWI Education Program Standards and Procedures

The Texas Commission on Alcohol and Drug Abuse will soon be proposing amendments to the DWI Education Program standards and procedures in order to comply with the Attorney General's Opinion Number JM-564. This opinion determined that the DWI Certification Committee does not have authority under the Code of Criminal Procedure, Article 42.12, §6d, to require proof of local need as a criteria for approving an educational program designed to rehabilitate persons who have driven while intoxicated.

Issued in Austin, Texas, on October 29, 1986

TRD-8610423 Ross Newby  
Executive Director  
Texas Commission on Alcohol and  
Drug Abuse

Filed November 4, 1986

For further information, please call (512) 463-5510.



## Texas Department of Community Affairs Announcement of Contract Awards

The Texas Department of Community Affairs announces that the units of general local government listed below have each been selected as contract recipients for Community Development Project Fund, Area Revitalization Fund, or Special Impact Fund under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413 (201), §4A. Although the proposed amount of funding for each contract is indicated, a contract is not effective until executed by the unit of general local government and the executive director of the Texas Department of Community Affairs.

### Community Development

#### LIST OF CITIES/COUNTIES AMOUNT OF FUNDING

Armstrong County	\$151,578
Cactus	\$123,200
Clarendon	\$157,000
Donley County	\$155,430
Hall	\$190,672
Randall County	\$293,540
Texline	\$103,775
Anton	\$152,089
Levelland	\$129,685
Matador	\$284,000
Morton	\$176,226
O'Donnell	\$199,037
Olton	\$201,400
Rails	\$244,800



Bryson	\$103,500	Nacogdoches	\$300,000
Chillicothe	\$100,000	Nacogdoches County	\$176,200
Henrietta	\$100,000	Newton County	\$300,000
Holiday	\$100,000	Arcola	\$400,000
Paducah	\$135,655	Beasley	\$255,000
Petrolia	\$100,000	Colorado County	\$400,000
Quanah	\$100,000	Columbus	\$400,000
Seymour	\$ 93,911	Fort Bend County	\$400,000
Aubrey	\$300,000	Galveston County	\$400,000
Celina	\$300,000	La Marque	\$400,000
Farmersville	\$300,000	Prairie View	\$400,000
Ferris	\$290,000	Ganado	\$148,943
Italy	\$300,000	Gonzales	\$230,000
Kaufman	\$300,000	Smiley	\$260,500
Kemp	\$300,000	Waelder	\$300,000
Mabank	\$300,000	Charlotte	\$300,000
Royse City	\$300,000	Dilley	\$250,000
Avery	\$113,500	Florescille	\$199,000
Avinger	\$145,000	Pearsall	\$249,950
Blossom	\$125,000	Pleasanton	\$250,000
Bowie County	\$163,550	Poteet	\$173,134
Deport	\$ 65,750	Jim Hogg County	\$270,957
Franklin County	\$199,824	La Grulla	\$270,958
Hopkins County	\$135,000	Roma	\$270,958
Mount Vernon	\$233,200	Starr County	\$270,958
Red River County	\$199,000	Webb County	\$270,957
Bullard	\$220,720	Zapata County	\$270,957
Chandler	\$258,754	Beeville	\$185,600
Gilmer	\$147,690	Benavides	\$200,000
Henderson	\$299,386	Jim Wells County	\$299,800
Jacksonville	\$202,000	Mathis	\$300,000
Lindale	\$291,496	Odem	\$300,000
Rusk	\$176,000	San Diego	\$300,000
Van Zandt County	\$266,363	Alton	\$200,000
Wills Point	\$239,880	Edcouch	\$200,000
Goree	\$171,000	Elsa	\$200,000
Merkel	\$179,443	Hidalgo	\$170,495
Nolan County	\$300,000	La Feria	\$127,817
Ranger	\$300,000	La Joya	\$200,000
Tye	\$300,000	La Villa	\$200,000
Alpine	\$187,794	Lyford	\$200,000
Anthony	\$ 99,396	Mercedes	\$190,878
Clint	\$176,375	Primera	\$200,000
Dell City	\$184,681	Raymondville	\$200,000
Marfa	\$160,662	Rio Hondo	\$200,000
Presidio County	\$101,774	San Juan	\$200,000
Van Horn	\$141,580	Weslaco	\$200,000
Big Spring	\$300,000	Honey Grove	\$158,240
Fort Stockton	\$106,405	adonia	\$198,000
Kermit	\$250,366	Leonard	\$156,500
Lamesa	\$300,000	Windom	\$ 63,106
Midland County	\$233,200	Belton	\$255,000
Junction	\$ 79,613	Copperas Cove	\$298,900
Mason	\$199,990	Milam County	\$ 55,000
Melvin	\$ 79,483	Nolanville	\$300,000
Robert Lee	\$ 82,913	Asherton	\$132,799
Sonora	\$183,909	Big Wells	\$ 66,400
Coolidge	\$186,349	Brackettville	\$ 79,139
Hillsboro	\$211,805	Camp Wood	\$ 87,261
Itasca	\$154,539	Cotulla	\$161,946
Teague	\$107,250	Crystal City	\$256,965
Whitney	\$157,495	Eagle Pass	\$245,304
Elgin	\$300,000	Maverick County	\$245,304
Flatonia	\$234,479	Rocksprings	\$ 77,794
Kyle	\$300,000	Sabinal	\$221,279
Lockhart	\$200,000	Val Verde County	\$323,068
Smithville	\$175,500		
Taylor	\$300,000		Area Revitalization
Brenham	\$195,883	Alamo	\$460,000
Calvert	\$ 53,821	Bay City	\$600,000
Franklin	\$157,420	Carrizo Springs	\$600,000
Hearne	\$300,000	Palacios	\$600,000
Leon	\$ 65,583	Wharton	\$600,000
Normangee	\$170,900		
Angelina County	\$300,000		Special Impact
Center	\$271,200	Burleson County	\$150,189
Diboll	\$130,000	Cameron County	\$266,400
Garrison	\$300,000	Deaf Smith County	\$349,571

Dimmit County	\$345,000
Hidalgo County	\$350,000
Knox County	\$350,000
Trinity County	\$159,166

Issued in Austin, Texas, on November 4, 1986.

TRD-8610440 Douglas C. Brown  
General Counsel  
Texas Department of Community  
Affairs

Filed: November 4, 1986  
For further information, please call (512) 834-6060



## Texas Commission for the Deaf Consultant Proposal Request Amendment

In the October 3, 1986, issue of the *Texas Register* (11 Tex-Reg 4178), the Texas Commission for the Deaf published a consultant proposal request for the operation of a summer camp program for school-aged children who are deaf and hearing impaired, or for school-aged children who are deaf and hearing impaired and their parents.

The deadline for receipt of proposals stated in the notice has been extended to Monday, December 1, 1986

Other information remains the same.

Further information and format guidelines for submitting proposals may be obtained by contacting Tammy Weiner, Program Specialist, Texas Commission for the Deaf, P.O. Box 12904, 510 South Congress, Suite 300, Austin, Texas 78711, (512) 469-9891.

Issued in Austin, Texas, on October 31, 1986

TRD-8610367 Larry D Evans  
Executive Director  
Texas Commission for the Deaf

Filed: October 31, 1986  
For further information, please call (512) 469-9891.



## Texas Economic Development Commission Request for Proposals

The Texas World Trade Development Authority (the authority) is requesting proposals from firms to serve as financial advisor for its Export Finance Program (the program).

The authority is created and implemented under provisions of the Texas World Trade Development Act, Texas Civil Statutes, Article 5190.8, (the Act), with the authority to issue bonds to accomplish the purposes of the Act. The Texas Economic Development Commission serves as staff to the authority.

**Program Description.** Under the terms of the Act, the authority will establish a loan to lenders program to finance eligible export loans for small- and medium-sized businesses that will create or maintain employment within the state.

**Bid Proposal.** Each proposal submitted should provide the following information: indication of your firm's experience as financial advisor or underwriter in taxable bond

financings or tax-exempt bond financings; description of your firm's experience in export finance transactions and transactions backed by credit enhancement; biographical sketches of personnel who would be assigned to the account; interpretation of Texas World Trade Development Act and any procedures for establishing a funding source for export loans; estimation of the time required to structure a taxable bond issue, and indication of availability; and other information which may be helpful to the authority in its decision.

**Offer Submission.** Two copies of the written proposals are to be submitted to John Keck, Vice Chairman, Texas World Trade Development Authority, c/o Texas Economic Development Commission, P.O. Box 12728, Austin, Texas 78711.

**Deadline for Proposal.** Proposals must be received at the specified address no later than 5 p.m. on November 17, 1986.

**Selection.** Offers submitted will be evaluated on the basis of demonstrated competence, knowledge, and qualifications of the respondent. The authority reserves the right to accept or reject any or all offers submitted in response to this request. The authority is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends to use responses as a basis for further negotiations of specific program details. The authority also reserves the right to negotiate fees and services with any respondent and to ask respondents to extend their services to additional bond issues at the option of both parties. All fees for services rendered will be payable only out of bond proceeds, funds made available from time to time by the borrowers, or from sources other than state-appropriated funds.

**Contact.** Further information may be obtained by contacting Wardaleen Belvin, Manager, Finance Department, Texas Economic Development Commission, 410 East Fifth Street, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Issued in Austin, Texas, on October 29, 1986.

TRD-8610298 David V Brandon  
Executive Director  
Texas Economic Development  
Commission

Filed: October 30, 1986  
For further information, please call (512) 472-5059.



The Texas World Trade Development Authority (the authority) is requesting proposals from Texas firms to serve as bond counsel for its Export Finance Program (the program).

The authority is created and implemented under provisions of the Texas World Trade Development Act, Texas Civil Statutes, Article 5190.8, (the Act), with the authority to issue bonds to accomplish the purposes of the Act. The Texas Economic Development Commission serves as staff to the authority.

**Program Description.** Under the terms of the Act, the authority will establish a loan to lenders program to finance eligible export loans for small- and medium-sized businesses that will create or maintain employment within the state.

**Bid Proposal.** Each proposal submitted should provide the following information: indication of your firm's experience as bond counsel or underwriter's counsel in taxable

bond financing or tax-exempt bond financing; description of your firm's experience in export finance transactions and transactions backed by credit enhancement; biographical sketches of personnel who would be assigned to the account; interpretation of Texas World Trade Development Act and any procedures for establishing a funding source for export loans; estimation of the time required to structure a taxable bond issue, and indication of availability; and other information that may be helpful to the authority in its decision.

**Offer Submission.** Two copies of the written proposals are to be submitted to John Keck, Vice Chairman, Texas World Trade Development Authority, c/o Texas Economic Development Commission, P.O. Box 12728, Austin, Texas 78711.

**Deadline for Proposal.** Proposals must be received at the specified address no later than 5 p.m. on November 17, 1986.

**Selection.** Offers submitted will be evaluated on the basis of demonstrated competence, knowledge, and qualifications of the respondent. The authority reserves the right to accept or reject any or all offers submitted in response to this request. The authority is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends to use responses as a basis for further negotiation of specific program details. The authority also reserves the right to negotiate fees and services with any respondent and to ask respondents to extend their services to additional bond issues at the option of both parties. All fees for services rendered will be payable only out of bond proceeds, funds made available from time to time by the borrowers, or from sources other than state-appropriated funds.

**Contact.** Further information may be obtained by contacting Wardaleen Belvin, Manager, Finance Department, Texas Economic Development Commission, 410 East Fifth Street, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Issued In Austin, Texas, on October 29, 1986.

TRD-8610297      David V Brandon  
Executive Director  
Texas Economic Development  
Commission

Filed: October 30, 1986  
For further information, please call (512) 472-5059.

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The Texas World Trade Development Authority (the authority) is requesting proposals from firms to serve as underwriter for its Export Finance Program (the program).

The authority is created and implemented under provisions of the Texas World Trade Development Act, Texas Civil Statutes, Article 5190.8, (the Act), with the authority to issue bonds to accomplish the purposes of the Act. The Texas Economic Development Commission serves as staff to the authority.

**Program Description.** Under the terms of the Act, the authority will establish a loan to lenders program to finance eligible export loans for small- and medium-sized businesses that will create or maintain employment within the state.

**Bid Proposal.** Each proposal submitted should provide the following information: indication of your firm's ex-

perience as underwriter or financial advisor in taxable bond financings or tax-exempt bond financings; description of your firm's experience in export finance transactions and transactions backed by credit enhancement; biographical sketches of personnel who would be assigned to the account; interpretation of Texas World Trade Development Act and any procedures for establishing a funding source for export loans; estimation of the time required to structure a taxable bond issue, and indication of availability; and other information that may be helpful to the authority in its decision.

**Offer Submission.** Two copies of the written proposals are to be submitted to John Keck, Vice Chairman, Texas World Trade Development Authority, c/o Texas Economic Development Commission, P.O. Box 12728, Austin, Texas 78711.

**Deadline for Proposal.** Proposals must be received at the specified address no later than 5 p.m. on November 17, 1986.

**Selection.** Offers submitted will be evaluated on the basis of demonstrated competence, knowledge, and qualifications of the respondent. The authority reserves the right to accept or reject any or all offers submitted in response to this request. The authority is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends to use responses as a basis for further negotiations of specific program details. The authority also reserves the right to negotiate fees and services with any respondent and to ask respondents to extend their services to additional bond issues at the option of both parties. All fees for services rendered will be payable only out of bond proceeds, funds made available from time to time by the borrowers, or from sources other than state-appropriated funds.

**Contact.** Further information may be obtained by contacting Wardaleen Belvin, Manager, Finance Department, Texas Economic Development Commission, 410 East Fifth Street, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Issued In Austin, Texas, on October 29, 1986.

TRD-8610299      David V Brandon  
Executive Director  
Texas Economic Development  
Commission

Filed: October 30, 1986  
For further information, please call (512) 472-5059.

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## Texas Education Agency Request for Proposals

This request is filed in accordance with Texas Civil Statutes, Article 6252-11c.

The Texas Education Agency is requesting proposals from school districts, education service centers, or colleges and universities to implement research-based effective teaching models for disadvantaged students in grades kindergarten, one and two. Each site funded will be expected to form a consortium of university, school district, education service center, and/or private company/nonprofit organization to implement a model program in grades K-1-2 to change teacher instructional behaviors in order to increase student achievement. This project is funded through the United States Department of Education, Education Conso-

litation and Improvement Act (ECIA), Chapter 2 program, and will be administered by the agency's assistant commissioner for program development.

Dates of the subcontract will be approximately January 12, 1987, through June 30, 1988. The total amount of funds to be awarded will not exceed \$592,642 for three projects. The grantee will be expected to cooperate with Texas Education Agency staff to identify and describe the processes that are successful in changing teacher behaviors and increasing student performance.

Selection of grantees will be based on the quality of the technical component, personnel, budget, and evaluation procedures

A copy of the request for proposal may be obtained by calling or writing the Document Control Center, Room 6-108, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

Proposals may be delivered by mail or in person to the Texas Education Agency Document Control Center at the address previously listed. Proposals received after December 17, 1986, will not be considered for funding.

Issued in Austin, Texas, on November 3, 1986

TRD-8610448 W. N. Kirby  
Commissioner of Education

Filed: November 4, 1986  
For further information, please call  
(512) 463-9212

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## Texas Department of Human Services Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services furnishes this notice of consultant contract award. The consultant proposal request was published in the July 25, 1986, issue of the *Texas Register* (II TexReg 3420).

**Description of Services.** The purpose of the proposed contract is to conduct multivariate statistical analyses and related computer programming. Work includes computer modeling of the processes which decide appropriate programs and reimbursements rates for children who need residential care and treatment. Computer programs and data base will be converted to run on the computer system of the Texas Department of Human Services.

**Name of Consultant.** The consultant selected is A. James Schwab, 4604 Fieldstone Drive, Austin, Texas 78735.

**Total Value and Term of the Contract.** The contract period is September 15, 1986, to August 31, 1987. Payments under the contract will not exceed \$19,556.

**Due Date.** Reports are due no later than August 31, 1987.

Issued in Austin, Texas, on November 4, 1986

TRD-8610424 Marlin W Johnston  
Commissioner  
Texas Department of Human Services

Filed: November 4, 1986  
For further information, please call (512) 450-3766.

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## Legislative Budget Board Joint Budget Hearing Schedule

The Executive and Legislative Budget Offices will jointly conduct the following budget hearings to consider appropriations requests for the 1988-1989 biennium, for the period of November 3-21, 1986. Please confirm dates, times, and locations, since experience has shown that some re-scheduling always occurs.

Agency	Date	Place
The University of Texas System (all components)	10 a.m. November 3	Room 208, Ashbel Smith Hall, 201 West Seventh Street, Austin
Tuition Equalization Grants	9 a.m. November 7	Room 103, John H Reagan Building, Austin
Texas School for the Deaf	9 a.m. November 10	Room 102, John H. Reagan Building, Austin
Texas Department of Mental Health and Mental Retardation	10 30 a.m. November 10	Central Office Auditorium, 909 West 45th Street, Austin
Texas Department of Mental Health and Mental Retardation (continued, if necessary)	9 a.m. November 11	Central Office Auditorium, 909 West 45th Street, Austin
Texas Tech University	9 a.m. November 12	Room 101, John H Reagan Building, Austin
Texas Tech University Health Science Center	9 a.m. November 12	Room 101, John H. Reagan Building, Austin
Texas Tech University Museum	9 a.m. November 12	Room 101, John H Reagan Building, Austin
North Texas State University	9 a.m. November 12	Room 101, John H Reagan Building, Austin
Texas College of Osteopathic Medicine	9 a.m. November 12	Room 101, John H Reagan Building, Austin
University System of South Texas (all components)	9 a.m. November 12	Room 101, John H. Reagan Building, Austin
Rural Medical Education Board	9 a.m. November 12	Room 101, John H Reagan Building, Austin
Teacher Retirement System	9 a.m. November 12	Room 106, John H Reagan Building, Austin
Texas Department of Community Affairs	10 a.m. November 12	Room 107, John H Reagan Building, Austin
Texas Department of Corrections	9 30 a.m. November 13	Room 101, John H Reagan Building, Austin
Office of the Secretary of State	1 30 p.m. November 18	Room 215, State Capitol Building, Austin
Texas Education Agency	9 a.m. November 19	Room 103, John H. Reagan Building, Austin
Treasury Department	10 a.m. November 21	Room 214, State Capitol Building, Austin

Issued in Austin, Texas, on October 31, 1986.

TRD-8610355 Larry Kopp  
Assistant Director for  
Budgets  
Legislative Budget  
Board

Filed: October 31, 1986  
For further information, please call (512) 475-6565.

## Texas State Library and Archives Commission

### Consultant Proposal Request

The Texas State Library and Archives Commission, under authority of its enabling Act, Texas Civil Statutes, Article 5436, announces a request for proposals from its Library Development Division. Since proposals may be submitted requiring consultant services, notice is hereby given as required under Texas Civil Statutes, Article 6252-11c.

**Description of Program Proposal.** The State Library is soliciting proposals to implement projects involving cooperation between or among libraries of more than one type. These multitype library cooperative projects may encompass the planning, establishment, expansion, or operation of local, regional, state, or interstate cooperative networks of libraries. The projects should provide for participation among school, public, academic, and special libraries and information centers. Although the proposals may require the delivery of consulting or human services to the participating libraries, some expenditures, especially the purchase of library materials, are not allowed.

**Evaluation Process.** The process of application review will involve the Library Services and Construction Act Advisory Council and the State Library staff. The grant application guidelines detail the weighted criteria and the process to be used to evaluate the applications. The final decisions regarding the awarding of the grants will be made by the Texas State Library and Archives Commission.

**Eligible Applicants.** Grants may be awarded to the city or county governing authorities of Texas system member public libraries, academic institutions, special libraries, school districts, and incorporated nonprofit organizations or consortial of libraries. Documentation must be included with the grant application indicating that two or more types of libraries will significantly participate in and be impacted by the proposed project

**Deadline for Submission of Proposals.** Proposal applications must be postmarked no later than April 1, 1987. Proposals may be hand-delivered up to this date to the Library Development Division, Lorenzo de Zavala Archives and Library Building, 1201 Brazos Street, Austin, on any weekday between 8 a.m. and 5 p.m.

**Duration of Programs and Amount of Funding.** Federal Library Services and Construction Act, Title III funding in the amount of \$462,000 is expected to be available. There is no specific allocation formula and no predetermined limitation on the amount per project. Because only proposals which are deemed to be of sufficient quality will be recommended for funding, some of the funds may remain ungranted. The duration of those projects which are funded is from September 1, 1987, to August 31, 1988. The State Library reserves the right to accept or reject any or all proposals submitted and is under no legal requirement to execute any resulting contract on the basis of this advertisement, and provides this information only to fulfill the requirements of notification. Should the Texas State Library and Archives Commission award any contract(s), it will base its choice on the quality of the proposal, as assessed by the Library Services and Construction Act Advisory Council and library staff in accordance with the published grant application guidelines.

**Contact.** To receive a grant application guidelines packet, contact Pat Smith, Title III Project Manager, Library

Development Division, Texas State Library, P.O. Box 12927, Austin, Texas 78711, (512) 463-5534.

Issued in Austin, Texas, on October 31, 1986.

TRD-8610428

William D. Gooch  
Assistant State Librarian  
Texas State Library and Archives  
Commission

Filed: November 4, 1986

For further information, please call (512) 463-5460.

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## Texas State Board of Professional Engineers

### Correction of Error

Proposed rules submitted by the Texas State Board of Professional Engineers contained several errors as published in the October 24, 1986, issue of the *Texas Register*.

On page 4405, the last sentence of §131.4 should read: "In the event the office of the chairman should become vacant, the vice chairman shall serve until a successor has been elected."

On page 4405, the first definition of "Application" in §131.18 should be "Applicant."

On page 4406, the last phrase in the definition of "Gross negligence" in §131.18 should read: "... life and property."

On page 4408, the first sentence of new language in §131.51 should read: "In the event that more than one section of the Act is applicable. . ."

On pages 4408 and 4409 in §131.54, the phrase "untrue statements on the application for registration or supplemental" should only appear once.

Proposed rules submitted by the Texas State Board of Registration for Professional Engineers contained errors as published in the October 31, 1986, issue of the *Texas Register*.

On page 4468, §131.73(c) should read: "More than five references may be required by the board when necessary to meet the requirements of §131.71 of this title (relating to Reference Statement Form) to provide adequate verification of the applicant's experience or character."

On page 4470, §131.91(3)(B) should read: "The combination of the bachelor's degree and the master's degree or doctor's degree, or both, is acceptable to the board as equivalent in curricula content to an approved bachelor of engineering degree."

## State Purchasing and General Services Commission

### Correction of Error

An emergency rule submitted by the State Purchasing and General Services Commission contained an error as published in the August 22, 1986, issue of the *Texas Register*.

Section 113.10 should have an expiration date of December 11, 1986.

## Railroad Commission of Texas Notice of Rulemaking Hearing

The Gas Utilities Division of the Railroad Commission of Texas has proposed amendments to its special procedural and substantive rules (16 TAC §§7.2-7.68). The proposed amendments were published in the October 7, 1986, issue of the *Texas Register* (11 TexReg 4195).

A public hearing will be held at 9 a.m. on Thursday, December 11, 1986, in the Gas Utilities Division Hearing Room, Number 9-147, Ninth Floor, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, to receive oral and/or written comments, exhibits, testimony, and any other information relevant to the proposed amendments.

Any person or entity desiring to participate in the scheduled hearing shall file a statement of intent to participate with the Gas Utilities Division on or before December 1, 1986. This motion should contain a statement describing the type of testimony, documents, or exhibits to be presented at the hearing. It would be helpful, although not required, that any written comments or testimony be prefiled with the participation statement.

Any questions regarding the hearing may be directed to Katherine K. Mudge, Hearings Examiner, Gas Utilities Division, P.O. Box 12967, Austin, Texas.

Issued in Austin, Texas, on October 23, 1986

TRD-8610345      Walter Earl Lille  
Special Counsel  
Railroad Commission of Texas

Filed: October 30, 1986  
For further information, please call (512) 463-7149.

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## Texas Water Commission Application for Provisionally- Issued Temporary Permits

Notice is given by the Texas Water Commission of provisionally issued temporary permits issued during the period of October 27-31, 1986.

This permit is issued without notice and hearing pursuant to the Texas Water Code, §11.138, and commission rules 31 TAC §§303.91-303.93.

The executive director has reviewed each application and found that sufficient water was available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights. It is further noted that this diversion is for not more than 10 acre-feet of water and for a period of not more than one year. If a complaint is received before or after diversion is commenced, a preliminary investigation shall be made by the executive director to determine whether there is a reasonable basis for such complaint. Should the investigation indicate that there is a probability that diversions could result in injury to the complainant, the permit will be canceled, and the application will revert to the status of a pending application and no further diversions may be made until a public hearing is held. Notice of the hearing shall then be sent to the complaining person.

Information concerning any aspect of this permit may be obtained by contacting the Texas Water Commission,

P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8218.

Listed is the name of the permittee, diversion point, watercourse, amount of water authorized, period of time of the permit, permit number, and the date issued/administratively-complete.

United Texas Transmission Company; from the stream crossing near FM Road 1890, approximately 4.3 miles northwest of Colorado, Colorado County; Colorado River; two acre-feet, one-year period; TP-5591; October 21, 1986

Issued in Austin, Texas, on October 31, 1986.

TRD-8610412      Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: November 3, 1986  
For further information, please call (512) 463-7898.

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## 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 October 27-31, 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 October 27-31, 1986

Texas Utilities Fuel Company, Greenville Terminal, Dallas; fuel oil storage facility; two miles east northeast of the intersection of I 30 and FM Road 36 and approximately nine miles west of the City of Greenville, Hunt County; 02871; new permit

Motorola, Inc.,—Integrated Circuits Group, Ed Bluestein Facility, Austin; plant that manufactures integrated circuit devices; approximately one mile south of Martin Luther King, Jr., Boulevard and approximately 1½ miles north of the Colorado River on Ed Bluestein Boulevard, (U.S. Highway 183), in the City of Austin, Travis County; 02876; new permit

Ashbrook-Simon-Hartley Corporation, Houston; wastewater treatment facilities; approximately three miles east of IH 45 and approximately 200 feet east and 500 feet north of the intersection of Collins Road with Hardy Road in Harris County; 13319-01; new permit

David R. Barfield, Rogers; swine production facilities; 3.8 miles northwest of Rogers on Reed's Lake Road in Bell County; 02864; new permit

Texas Department of Corrections, Sugar Land; wastewater treatment plant; within the Beauford H. Jester State Prison Farm property, approximately 8,000 feet north of the intersection of U.S. Highway 90 A and Harlem Road, approximately five miles west of Sugar Land, Fort Bend County; 11475-03; amendment

Issued in Austin, Texas, on October 31, 1986.

TRD-8610411      Mary Ann Hefner  
                         Chief Clerk  
                         Texas Water Commission

Filed: November 3, 1986  
For further information, please call (512) 463-7808.

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## Notice of Bid Award

The following statement of an award for consultant services is filed by the Texas Water Commission under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request appeared in the August 8, 1986, issue of the *Texas Register* (11 TexReg 3565).

The work to be performed is inspections of various potential hazardous waste sites throughout the state pursuant to 31 TAC §§335.341-335.346, concerning the hazardous waste facility assessment and remediation program, commonly referred to as state superfund.

The consultant award was to Jones and Neuse, Inc., 2620 Bee Caves Road, Austin, Texas 78746.

The total value of the contract is not to exceed \$150,000 and shall begin no later than December 1, 1986, and end August 31, 1987. Site inspection reports are due within three weeks of completion of sample analysis and 80% of all reports are due by June 15, 1987.

Issued in Austin, Texas, on November 4, 1986.

TRD-8610447      James K. Rourke, Jr.  
                         General Counsel  
                         Texas Water Commission

Filed: November 4, 1986  
For further information, please call (512) 463-8087.

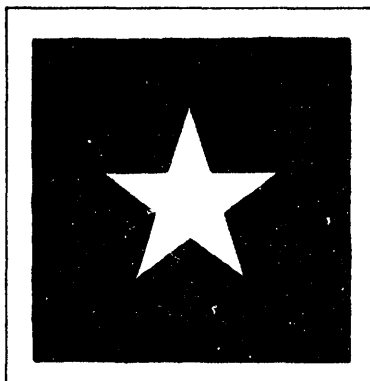
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