

MAY 16 1989

Texas Register

Volume 14, Number 86, May 16, 1989

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Texas Register

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

Governor—appointments, executive orders, and proclamations

Attorney General—summaries of requests for opinions, opinions, and open records decisions

Emergency Sections—sections adopted by state agencies on an emergency basis

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

Adopted Sections—sections adopted following a 30-day public comment period

Open Meetings—notices of open meetings

In Addition—miscellaneous information required to be published by statute or provided as a public service

Specific explanation 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: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written: "issue date 14 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, Room 245, James Earl Rudder Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, sections 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 section 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 rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).



Texas Register Publications

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Jack M. Rains
Secretary of State

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Dan Procter

Assistant Director

Dee Wright

Documents Section Supervisor

Patty Farris

Documents Editors

Lisa Brull
Janiene Klugel

Open Meetings Clerk

Brenda J. Kizzee

Production Section Supervisor

W. Craig Howell

Production Editor

Ann Franklin

Typographer

Sharon Menger

Circulation/Marketing

Richard Kallus

Roberta Knight

TAC Editor

Dana Blanton

Subscriptions—one year (96 regular issues), \$90; six months (48 regular issues and two index issues), \$70. Single copies of most issues are available at \$4 per copy.

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Texas Department of Human Services

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State Board of Insurance

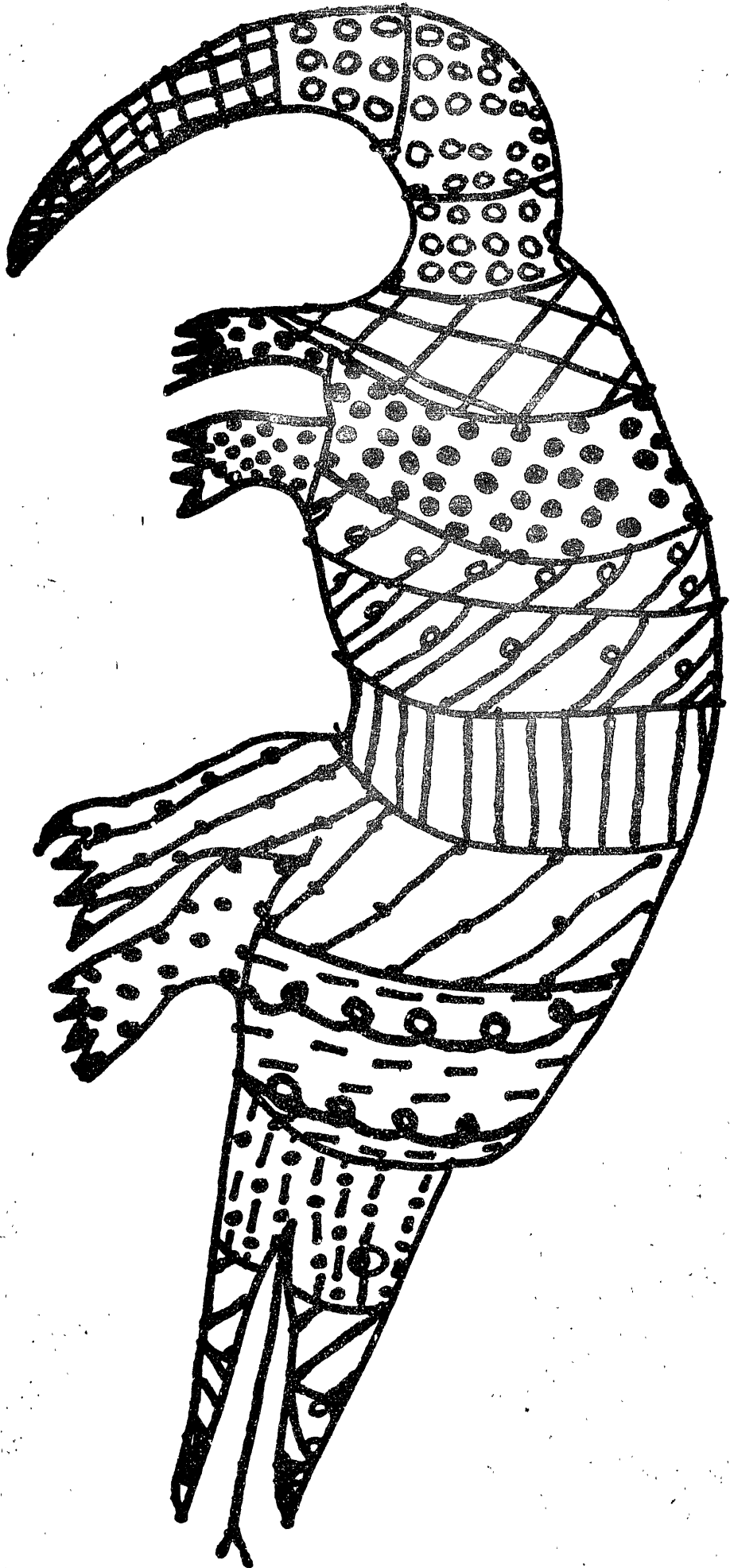
2433-Company Licensing

Railroad Commission of Texas

2433-Notice of Hearing

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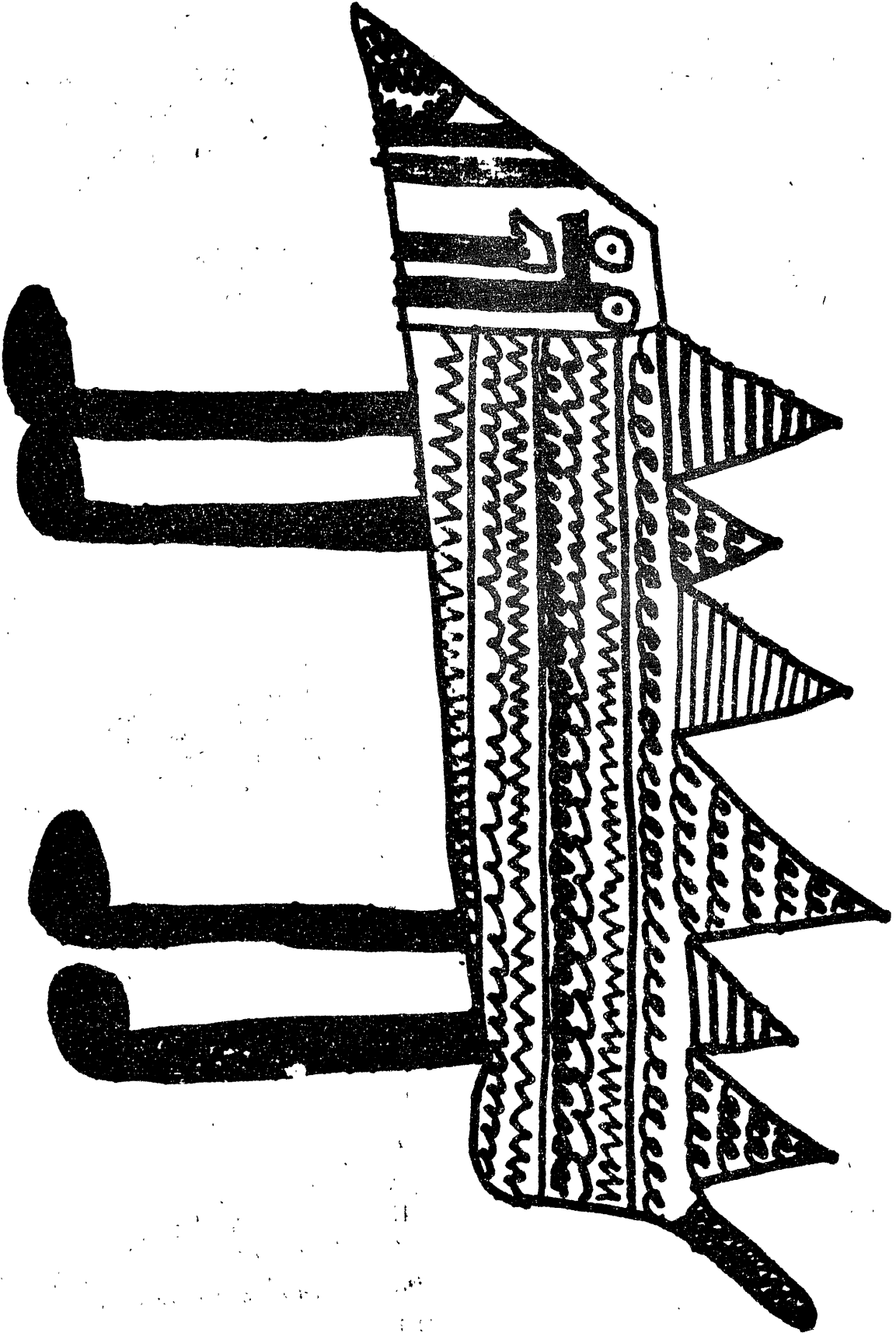
Name: Veena Iyer

Grade: 4

School: Datto Elementary, Arlington



Name: Timmy Butler
Grade: 4
School: Dito Elementary, Arlington



Name: Brian Lee

Grade: 4

School: Dito Elementary, Arlington

TAC Titles Affected

TAC Titles Affected—May

The following is a list of the administrative rules that have been published this month.

TITLE 1. ADMINISTRATION

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1 TAC §5.401—2153

Part XIII. State Employee Incentive Commission

1 TAC §271.1—2317

1 TAC §273.1—2317

1 TAC §275.1—2318

1 TAC §277.1—2318

1 TAC §279.1—2319

1 TAC §§281.1, 281.3, 281.5—2319

1 TAC §§283.1, 283.3, 283.5—2320

1 TAC §285.1, §285.3—2321

1 TAC §287.1—2321

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4 TAC §18.33—2291

4 TAC §19.1—2322

TITLE 7. BANKING AND SECURITIES

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7 TAC §65.12—2154

7 TAC §73.1—2155

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Part I. Railroad Commission of Texas

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16 TAC §23.61—2151, 2155

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16 TAC §75.3—2361

Part VIII. Texas Racing Commission

16 TAC §305.62—2407

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22 TAC §131.55—2363

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25 TAC §§301.11-301.15, 301.17—2113

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65.210, 65.211, 65.215, 65.229—2325

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31 TAC §§65.701-65.705—2329

31 TAC §§65.50—2332

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Part III. Texas Air Control Board

31 TAC §§118.1, §118.5—2365

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §§3.319—2111

34 TAC §§3.548—2140

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34 TAC §§81.7—2140

34 TAC §§85.1—2111

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**TITLE 37. PUBLIC SAFETY AND
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37 TAC §§1.52, §1.53—2409

**TITLE 40. SOCIAL SERVICES AND
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40 TAC §§49.1401-49.1406—2335

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40 TAC §§79.1701-79.1716—2144

40 TAC §§85.4050-85.4057—2148

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40 TAC §§115.5—2156

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40 TAC §§181.1-181.5—2337

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40 TAC §§255.38—2293

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43 TAC §§15.31, §15.32—2354

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43 TAC §§21.33, §21.41—2370

43 TAC §§31.1-31.3—2355

43 TAC §§31.11, §31.13—2357

43 TAC §§31.16, 31.21, 31.26, 31.31, 31.36—2357



The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas 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.

Appointments Made May 5, 1989

To be a member of the Rio Grande Valley Pollution Control Authority Board of Directors for a term to expire April 30, 1991: Adolph Tijerina, 3532 Queensway Drive, Brownsville, Texas 78521. Mr. Tijerina is being reappointed.

To be a member of the Texas State Board of Examiners of Professional Counselors for a term to expire February 1, 1995: Norma Lee Walston, 6113 Gardenridge Hollow, Austin, Texas 78750. Mrs. Walston will be replacing Katherine Crumley of Shepherd whose term expired.

To be a member of the Central Colorado River Authority Board of Directors for a term to expire February 1, 1995: Ross L. Jones, P.O. Box 855, Coleman, Texas 76834. Mr. Jones is being reappointed.

To be a member of the Texas Motor Vehicle Commission for a term to expire January 31, 1995: John C. Horton, III, 3111 Westlake Drive, Austin, Texas 78746. Mr. Horton will be replacing John W. Dalton of Houston whose term expired.

To be a member of the Board of Pardons and Paroles for a term to expire January 31, 1995: James H. Granberry, 4907 19th Street, Lubbock, Texas 79407. Dr. Granberry will be replacing Albert N. Pfeiffer of Austin whose term expired.

To be a member of the Board of Pardons and Paroles for a term to expire January 31, 1995: Ruben M. Torres, P.O. Box 12401, Austin, Texas 78711. Mr. Torres is being reappointed.

To be a member of the Rio Grande Valley Pollution Control Authority Board of Directors for a term to expire April 30, 1991: Ken L. Espensen, Sr., 2212 Primrose, Building C, McAllen, Texas 78504. Mr. Espensen is being reappointed.

To be a member of the Rio Grande Valley Pollution Control Authority Board of Directors for a term to expire April 30, 1991: Maria Alida Hernandez, 3307 North 22nd Street, McAllen, Texas 78501. Mrs. Hernandez is being reappointed.

Appointments Made May 8, 1989

To be a member of the Texas Surplus Property Agency for a term to expire March 19, 1995: Herman H. Wommack, Jr., 1011 Olive Street, Suite 2, Texarkana, Texas 75501. Mr. Wommack will be replacing Raymond R. Brimble of Houston whose term expired.

To be a member of the Radiation Advisory Board for a term to expire April 16, 1995: Rodolfo Lucas Villarreal, 11105 North Country Squire, Houston, Texas 77024. Dr. Villarreal is being reappointed.

To be a member of the Battleship Texas Advisory Board for a term to expire February 1, 1995: George W. "Trey" Strake III, 6131 Burgoyne, Houston, Texas 77057. Mr. Strake will be replacing Rosalie L. Kuntz of Pasadena whose term expired.

To be a member of the Texas Woman's University Board of Regents for a term to expire February 1, 1993: Elizabeth (Betty) Bowlin Sellers, 3420 Albans, Houston, Texas 77005. Mrs. Sellers will be filling the

unexpired term of Maurice Lee Barksdale of Fort Worth who resigned.

To be a member of the Texas Woman's University Board of Regents for a term to expire February 1, 1995: Don C. Reynolds, 900 Oakmont, Fort Worth, Texas 76112. Mr. Reynolds will be replacing Elizabeth B. Sellers of Houston whose term expired.

To be a member of the Texas Surplus Property Agency for a term to expire March 19, 1995: Anthony Thomas Mercurio, 8701 Turrentine Drive, El Paso, Texas 79925. Mr. Mercurio will be replacing Charles L. Slaton of Lubbock whose term expired.

To be a member of the Texas Guaranteed Student Loan Corporation for a term to expire January 31, 1995: Wright L. Lassiter, Jr., 1474 Bar Harbor Drive, Dallas, Texas 75232. Mr. Lassiter will be replacing Hulien M. Davis, Sr. of Prairie View whose term expired.

To be a member of the Texas Commission on Alcohol and Drug Abuse for a term to expire June 8, 1995: Jerry P. Cunningham, 5322 Kelsey Road, Dallas, Texas 75229. Mr. Cunningham is being reappointed.

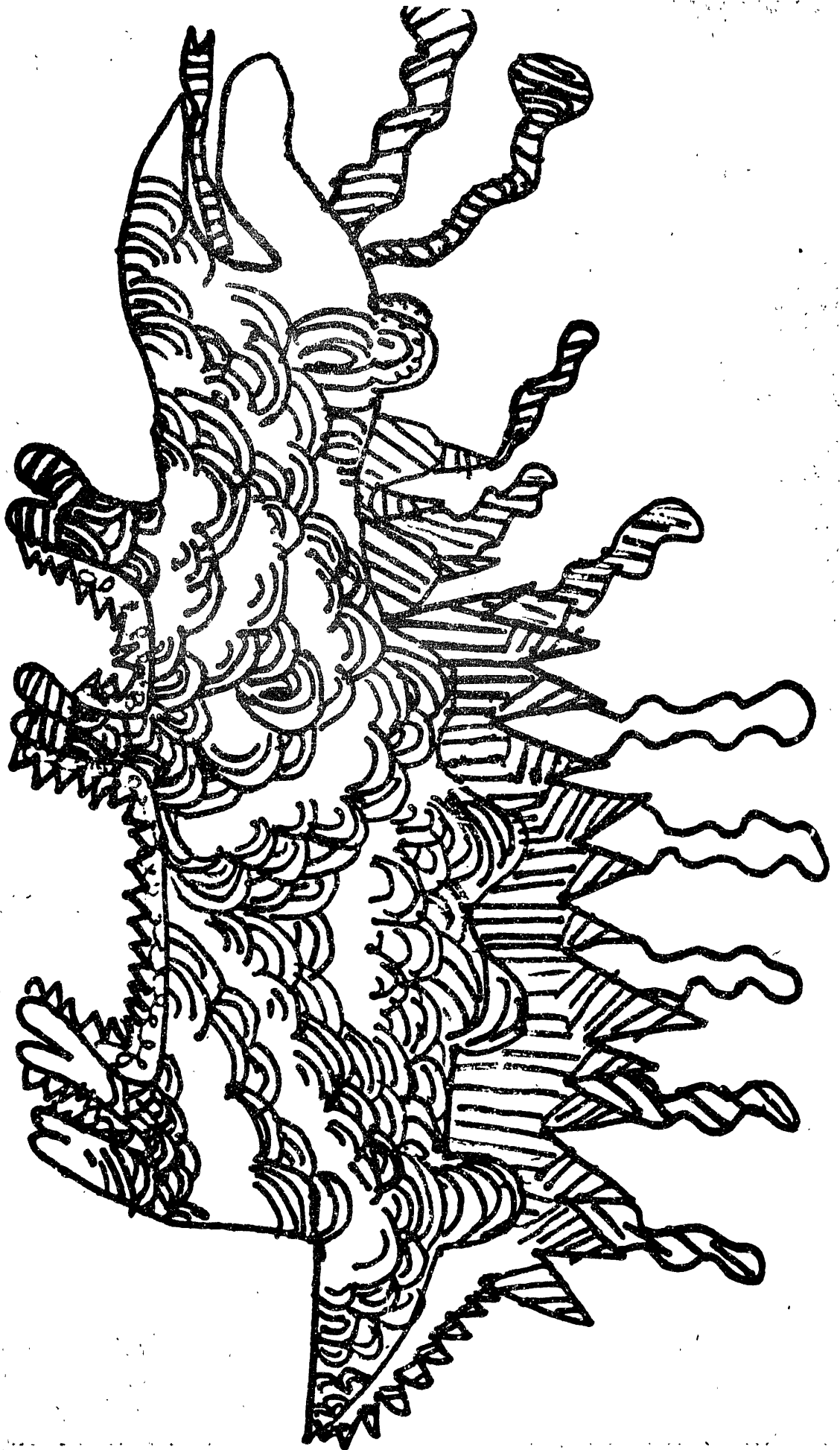
To be a member of the State Board of Barber Examiners for a term to expire January 31, 1995: Sharon Jeschke Carper, 1823 32nd Street, Lubbock, Texas 79411. Mrs. Carper will be replacing Edward Borkland of Austin whose term expired.

Issued in Austin, Texas on May 9, 1989.

TRD-8904124

William P. Clements, Jr.
Governor of Texas





Name: Christa Corner
Grade: 4
School: Dino Elementary, Arlington

Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 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 maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

Open Records Decisions

ORD-523 (RQ-1546). Request from Garry Mauro, Commissioner, General Land Office, Austin, concerning whether information in loan files of individual veterans participating in the Veterans Land Program is accessible under the Open Records Act.

Summary of Decision. Federal tax returns, tax return information, and background financial information included in the loan file of a participant in the Veterans Land Program are protected from public disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(1) by a common law right of privacy. The reports of the county committees are confidential to the extent they contain financial information about an applicant. Whether there is a sufficient public interest in the financial information in particular files to justify its disclosure must be decided on a case-by-case basis. In the usual case, information in federal military records included in these files is available to the public. The Veterans Land Board does not seek to withhold copies of the contract of sale, the warranty deed, title insurance information, purchase vouchers, correspondence it has sent to the applicants, or tracking documents prepared by its employees.
TRD-8904155

Opinions

JM-1041 (RQ-1661). Request from Robert T. Jarvis, Grayson County Attorney, Sherman, concerning the costs for medical examinations of rape victims under Texas Civil Statutes, Article 4447m.

Summary of Opinion. Texas Civil Statutes, Article 447m, requires an investigating law enforcement agency that requests a

medical examination that is necessary for the investigation or prosecution of an alleged episode of sexual assault to pay for the costs of such an examination. The phrase "medical examination" includes any recognized medical procedure whose performance reasonably would be expected to produce evidence that would tend to support or refute allegations of sexual assault in any specific episode. A determination of the suitability or necessity of a particular medical examination procedure in any instance of alleged sexual assault is a matter of fact, the initial determination of which must lie with the investigating law enforcement agency making the request for a medical examination. The act does not require that a peace officer request a medical examination; the act only requires the investigating law enforcement agency to pay for the cost of such a medical examination when that agency requests that such an examination be conducted. The phrase "law enforcement agency" includes a city police department, a county sheriff's office, or a local prosecutor's office.
TRD-8904156

JM-1042 (RQ-1621). Request from William L. Ferguson, County and District Attorney, Henderson, concerning the authority of the Texas Department of Health to issue to a non-physician a permit to dispense synthetic narcotics.

Summary of Opinion. The Department of Health has no authority to issue permits to prescribe and administer synthetic narcotic drugs to drug dependent persons under Texas Civil Statutes, Article 4476-11, to corporations formed by non-physicians which employ physicians to render the medical services in question.
TRD-8904157

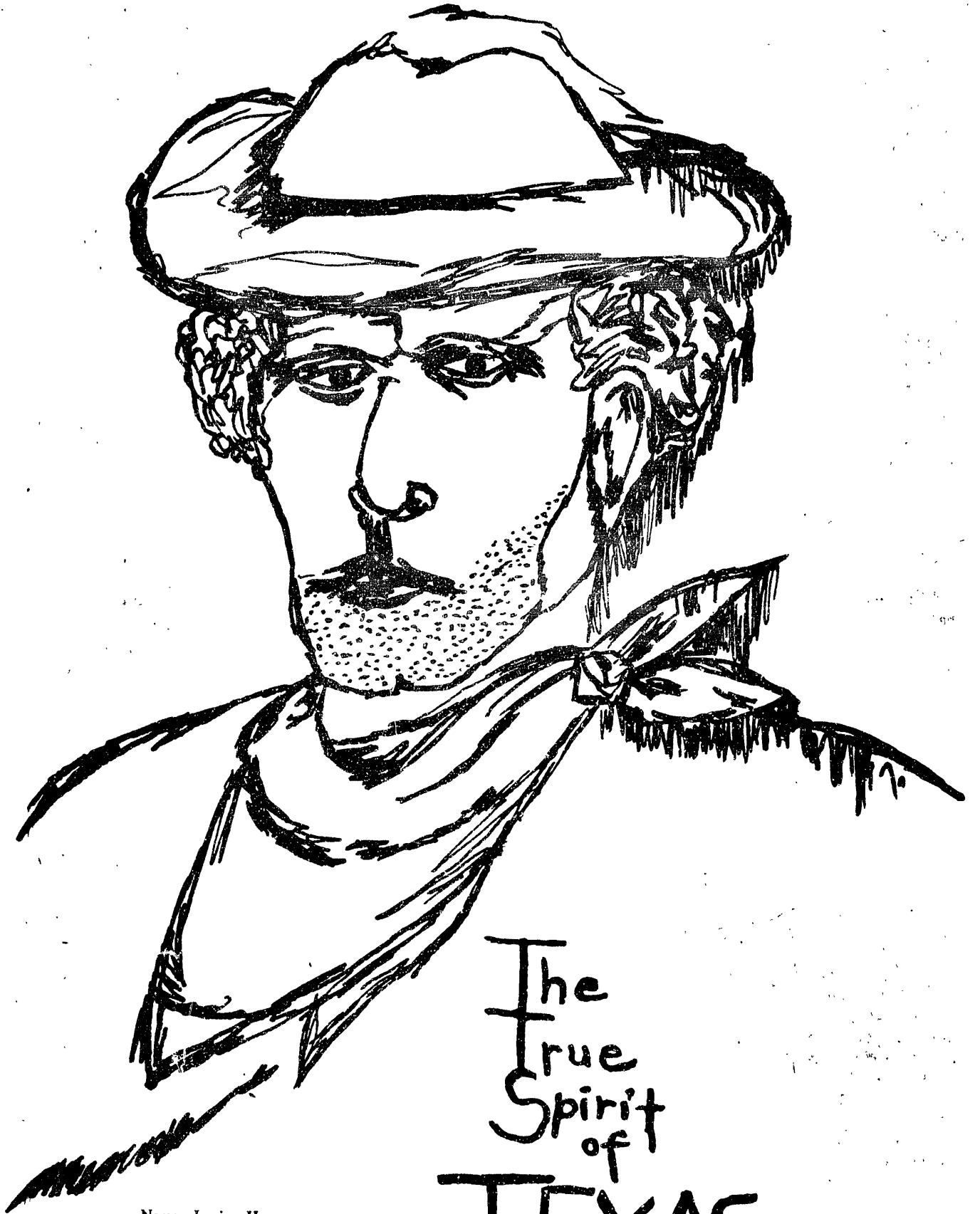
JM-1043 (RQ-1558). Request from Carmen Rivera-Worley, Val Verde County Attorney, Del Rio, concerning whether a commissioner's court may enter into a lease with an option to extend, and related questions.

Summary of Opinion. The authorization in the Local Government Code, §263.001, for a county to lease county property, includes the authority to include in the agreement an option to extend the lease on reasonable terms. Such lease must be made in compliance with the public auction requirements of that section, unless the transaction is subject to an exception under Chapter 263 to the public auction requirement.
TRD-8904154

Requests for Opinions

(RQ-1701). Request from Kelly Frels, Attorney, Bracewell and Patterson, Houston, concerning whether the Open Records Act, §3(a)(21), authorizes a college district to withhold a copy of an advanced placement exam.

(RQ-1702). Request from Ernestine V. Giesbrenner, Chairman, Public Education Committee, Texas House of Representatives, Austin, concerning whether certain subcommittees of the board of trustees of school districts are subject to the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17.
TRD-8904126



Name: Jessica Hogue
Grade: 9
School: Boles Jr. High, Arlington

The
True
Spirit
of
TEXAS

Emergency Sections

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section 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 sections. New language added to an existing section is indicated by the use of bold text. [Brackets] indicate deletion of existing material within a section.

TITLE 16. ECONOMIC REGULATION Part VIII. Texas Racing Commission

Chapter 305. Licenses for Pari-mutuel Racing

Subchapter C. Racetrack Licenses

General Provisions

• 16 TAC §305.62

The Texas Racing Commission adopts on an emergency basis new §305.62, concerning the criteria and burden of proof for the issuance of Class 1 and greyhound racetrack licenses. The section states that only one Class 1 or greyhound racetrack license will be issued for an eligible geographic area and includes criteria on which the commission will base its decision to grant a license among competing applicants.

The section is adopted on an emergency basis to ensure that the commission and the participants in the licensing process are aware of the criteria that will be used in granting a Class 1 or greyhound racetrack license in advance of the hearings.

The section is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §30.2, which authorize the commission to adopt rules for conducting racing involving wagering for administering the Texas Racing Act.

§305.62. *Criteria and Burden of Proof.*

(a) Consistent with the Texas Racing Act, which prohibits the commission from granting more than four Class 1 horse racetrack licenses and which requires the Class 1 racetracks to be located only in counties with a population of 750, 000 or more or in a county adjacent to such a county, the commission determines that only one Class 1 horse racetrack license will be granted for each eligible geographical area. No more than one Class 1 or greyhound racetrack may be located in a county.

(b) Consistent with the Texas Racing Act, which prohibits the commission

from granting more than three greyhound racetrack licenses and which requires the greyhound racetracks to be located only in counties with a population of 190, 000 or more and with all or part of an island that borders the Gulf of Mexico, the commission determines that only one greyhound racetrack license will be granted for each eligible geographical area.

(c) If the commission receives more than one application for a Class 1 or greyhound racetrack license for an eligible geographical area, the appropriate section of the commission may:

(1) refuse to grant a license to any of the applicants; or

(2) grant the license to the applicant which, in the sole judgment and discretion of that section, will be in the best interests of racing and the public.

(d) In determining which applicant will be in the best interests of racing and the public, the commission may consider the degree to which any of the following factors regarding the proposed racetrack will serve to nurture, promote, develop, or improve the horse or greyhound industry in Texas:

(1) the applicant's financial stability;

(2) the track location;

(3) traffic flow;

(4) facilities for patrons;

(5) facilities for race animals and individual licensees;

(6) the availability of support and emergency services to the racetrack;

(7) the experience and training of the applicant's employees;

(8) the potential for conflict with other licensed race meetings;

(9) the character and reputation for honesty of the applicant and all persons employed by or participating in the applicant;

(10) the public opinion in the community or vicinity in which the racetrack is to be located;

(11) the anticipated effect of the racetrack on the greyhound or horse breeding industry in Texas; and

(12) the anticipated effect of the racetrack on the state and local economy from tourism, increased employment, and other sources.

(e) In the order granting or denying a racetrack license, the commission shall succinctly state the findings on which the decision is based.

Issued in Austin, Texas, on May 8, 1989.

TRD-8904100

Paula Cochran Carter
Legal Counsel
Texas Racing Commission

Effective date: May 8, 1989

Expiration date: August 6, 1989

For further information, please call: (512) 476-7223

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 41. Utilization Review

Waiver for Utilization Review Procedures

• 40 TAC §§41.101-41.111

The Texas Department of Human Services is renewing the effectiveness of the emergency adoption of repealed §§41.101-41.111, for a 60-day period effective May 12, 1989. The text of repealed §§41.101-41.111 was originally published in the January 20, 1989, issue of the *Texas Register* (14 TexReg 330).

Issued in Austin, Texas on May 9, 1989.

TRD-8904134

Cathy Rossberg
Division Administrator
Texas Department of
Human Services

Effective date: May 12, 1989

Expiration date: July 8, 1989

For further information, please call: (512) 450-3765



Name: Lauren Gooch

Grade: 7

School: Boles Jr. High, Arlington

Proposed Sections

Before an agency may permanently adopt a new or amended section, or repeal an existing section, a proposal detailing the action must be published in the *Texas 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 section. Also, in the case of substantive sections, 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 section is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a section.

TITLE 22. EXAMINING BOARD

Part XVIII. Texas State Board of Podiatry Examiners

Chapter 375. Rules Governing Conduct

• 22 TAC §§375.4, 375.6, 375.7

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas State Board of Podiatry Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The State Board of Podiatry Examiners proposes the repeal of §§375.4, 375.6 and 375.7, concerning soliciting, product endorsement, and commercial and business connections. The repeal of these sections is to bring the board into compliance with the relatively recent development in advertising rules as they relate to the Anti-Trust Law.

Dr. J. C. Littrell, executive director, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Dr. Littrell also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be better clarity in the rules. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Sandra Marshall, 8317 Cross Park Drive, Suite 401, Austin, Texas 78754, (512) 834-0558.

The repeals are proposed under Texas Civil Statutes, Articles 4568(j) and 4590(e) which provide the State Board of Podiatry Examiners with the authority to adopt all reasonable or necessary rules, regulations, and by-laws not consistent with the law regulating the practice of podiatry, the laws of this state, or of the United States; to govern its proceedings and activities, the regulation of the practice of podiatry, and the enforcement of the law regulating the practice of podiatry.

§375.4. *Soliciting.*

§375.6. *Product Endorsements.*

§375.7. *Commercial and Business Connections.*

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 May 9, 1989.

TRD-8904152 Sandra Marshall
Administrative Technician II
Texas State Board of
Podiatry Examiners

Earliest possible date of adoption: June 16, 1989

For further information, please call: (512) 834-0558

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 1. Organization and Administration

Public Information Policies

• 37 TAC §1.52, §1.53

The Texas Department of Public Safety (DPS) proposes amendments to §1.52 and §1.53, concerning public information policies. The amendment to §1.52(f)(3), deletes and adds language which provides an exception authorizing release of information relating to alcohol tests in criminal matters by certain department personnel. The amendment to §1.53(2), adds language authorizing the release of information regarding alcohol tests before arrest or charge.

Melvin C. Peeper, assistant chief of fiscal affairs, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

David Wells, chief media relations, 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 that additional public information can be released earlier by the department to interested persons requesting alcohol test results relating to traffic accidents investigated and DWI arrests made by DPS commissioned officers. There is no anticipated economic cost to individuals who are required to

comply with the sections as proposed.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The amendments are proposed under the Texas Government Code, §411.004(3), which provides the Public Safety Commission with the authority to adopt rules necessary for carrying out the department's work. The director, subject to the approval of the commission, shall have the authority to adopt rules considered necessary for the control of the department.

§1.52. *Release of Information in Criminal Investigations.*

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

(f) The following information regarding criminal matters may not be released by members of this department:

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

(3) the details or results of any laboratory examinations of evidence in the case, or the results or failure of the accused to submit to any examination, including polygraph [and breath]. Exemptions: results or failure of the accused to submit to alcohol tests (breath, blood, or urine).

(4)-(7) (No change.)

§1.53. *Releases Before Arrest or Charge.* Following the commission of a crime, but prior to the making of an arrest, the issuance of an arrest warrant, or the filing of formal charges, the following limitations on release of information to the news media apply.

(1) (No change.)

(2) The fact that laboratory examinations are being made by the Department of Public Safety Lab may be released, but the details or results shall be considered confidential. This same limitation applies to polygraph examinations[,] but does not apply to alcohol tests.

(3) (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 May 5, 1989.

Earliest possible date of adoption: June 16, 1989

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 10. Family Self-Support Services

Employment Services

The Texas Department of Human Services (DHS) proposes the repeal of §§10.2301-10.2307, and new §§10.2301-10.2308 concerning employment services. The repeals and new sections are necessary to make the rules more consistent with the Family Support Act of 1985. The new sections specify that only Aid to Families with Dependent Children (AFDC) program clients are eligible for employment services. Within that group, DHS targets individuals for services on a priority basis. In addition to these changes, DHS is reorganizing and clarifying existing policies.

Burton F. Ralford, deputy commissioner for support operations, has determined that for the first five-year period the proposed repeals and new sections will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the repeals and new sections.

Mr. Ralford also has determined that for each year of the first five years the repeals and new sections are in effect the public benefit anticipated as a result of enforcing the repeals and new sections will be to provide employment services to individuals most in need of the services. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals and new sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-063, Texas Department of Human Services 222-E, P.O. 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

• 40 TAC §§10.2301-10.2307

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Services or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

§10.2301. Eligibility Criteria.

§10.2302. Responsibilities of the Texas Employment Commission.

§10.2303. Requests for Self-support Services.

§10.2304. Duration of Eligibility for Self-support Services for Clients Receiving Employment Services.

§10.2305. Certification.

§10.2306. Medical Examination for Employment Services.

§10.2307. Employment Self-support Services.

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 May 9, 1989.

TRD-8904160

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: July 1, 1989

For further information, please call: (512) 450-3765.

• 40 TAC §§10.2301-10.2308

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

§10.2301. Target Groups.

(a) Only AFDC recipients are eligible for employment services.

(b) DHS targets AFDC recipients to receive employment services on a priority basis. The target groups are, in descending order of need:

(1) AFDC recipients age 16 and 17 who are not in school or training;

(2) custodial parents under age 24;

(3) caretakers whose youngest child is within two years of becoming ineligible based on age;

(4) caretakers who have received assistance for more than 36 months during the preceding 60 months; and

(5) all others.

§10.2302. Categories of Service. DHS assigns eligible clients to categories of service as follows.

(1) Category I. Clients are assigned to Category I if they have recent

work history, or a high school education or its equivalent, or have completed job skills training. These clients are likely to be employed within six months. Typical services for these clients include information and referral for job placement assistance, transportation assistance, and child care if needed for job search.

(2) Category II. All clients who are not assigned to Category I or III are assigned to Category II. These clients are likely to be employed within 12 months. These clients are assigned a case manager to coordinate needed education, job skills training, and other job readiness services and contracts with programs operated under the Job Training Partnership Act (JTPA).

(3) Category III. Clients are assigned to Category III if they have limited or no work history and personal or family barriers. These clients are not likely to be employed within 12 months even with help from family support services staff. These clients are given referral information on education, training, and social services that can address their specific needs.

§10.2303. Client Eligibility for Support Services while Receiving Employment Services.

(a) Clients receive time-limited support services while DHS is working with them to obtain employment or while they are participating in employment activities provided by TEC or other resources.

(b) DHS determines how long clients may receive support services after they find employment.

§10.2304. Medical Examination for Employment Services.

(a) DHS authorizes medical examinations for employment services clients when needed to:

(1) determine or verify any physical or mental impairments that limit the client's vocational options; and

(2) determine exemptions from work registration.

(b) DHS does not accept a general examination unrelated to employment in determining the client's ability to participate in employment services.

§10.2305. Employment Services. Employment services for eligible clients include:

(1) information and referral services for the following:

(A) family planning provided to enable employment services clients to voluntarily limit family size;

(B) child care-provided to children needing child care to enable their parents to participate in employment ser-

vices, work, job training, or complete high school or its equivalent. Clients who are required to participate in employment services may be sanctioned if they do not participate because they do not accept day care services. The family support case manager must have determined that child care services are available and suitable for these clients;

(C) early and periodic screening, diagnosis, and treatment (EPSDT) -health-related services provided to enable employment services clients to effectively use health care resources including assisting to arrange appointments and transportation for EPSDT and other medical services.

(2) assessment of employment potential;

(3) employability planning;

(4) group job search classes;

(5) transportation expenses-payments for transportation costs provided to AFDC participants actively involved in job search activities. DHS pays an amount not to exceed \$25 per month for a period of eight weeks for transportation costs necessary and directly related to job search. Clients are expected to make 40 employer contacts in the eight-week period; and

(6) other-services DHS and the client determine are needed to remove barriers to employment.

§10.2306. Client Participation Requirements. DHS requires mandatory employment services clients to do the following as stipulated in 45 Code of Federal Regulations §224.20(a) and §244.20(b):

(1) report to DHS or employment contractor at the scheduled appointment time or call to select a new time for assessment and planning;

(2) participate in employability planning or group job search classes if available;

(3) provide appropriate documentation to be classified as a legally certified job applicant;

(4) go to job interviews until employment has begun;

(5) accept a bona fide job offer; and

(6) contact at least 40 employers or make an average of five contacts a week for up to eight weeks in a 12-month period.

§10.2307. Penalties for Failure to Participate. For failure to participate in employment services without good cause.

(1) All exempt AFDC recipients who are voluntary registrants are not subject to sanction but are offered no further employment services.

(2) AFDC recipients who are required to register for the employment search program as stipulated in 45 Code of Federal Regulations §224.20(a) and §224.20(b) are subject to the sanctions stipulated in 45 Code of Federal Regulations §240.22(a).

§10.2308. Good Cause for Failure to Participate. Registrants for employment services may have good cause for not participating in employment services. Good cause includes, but is not limited to:

(1) illness or incapacity;

(2) court-required appearance or incarceration;

(3) family crisis or markedly changed individual/family circumstances;

(4) unavailability of or breakdown in transportation arrangements;

(5) inclement weather which prevents the registrant and other persons similarly situated from traveling to, or participating in the prescribed activity;

(6) unavailability of or breakdown in child care arrangements;

(7) lack of any other necessary social services;

(8) child care unavailable for a child with special needs, such as a handicapped or retarded child;

(9) job referral results in offer of a job below federal minimum wage;

(10) there are no available jobs within reasonable commuting distance; or

(11) employees of the prospective employer are on strike.

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 May 9, 1989.

TRD-8904161

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: July 1, 1989

For further information, please call: (512) 450-3765.

Chapter 50. Day Activity and Health Services

Standards of Operation

• 40 TAC §50.3915

The Texas Department of Human Services proposes an amendment to §50.3915, concerning donated transportation, in its Day Activity and Health Services chapter. This amendment is proposed to allow, under certain conditions, time spent at no cost to the facility or the recipient to be counted toward

the unit of service.

Burton F. Reiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Reiford 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 improved delivery of day activity and health services to recipients. 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 Cathy Frosberg, Administrator, Policy Development Services Division-010, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§50.3915. Transportation.

(a) Because [Since] transportation is a DAHS service component and is covered in the DAHS unit rate, the DAHS facility is responsible for and must outline the methods by which transportation is provided for recipients.

(1)-(5) (No change.)

(b) Because transportation is a covered service in DAHS, time spent in donated transportation may be included when determining the hours of service provided to the recipient. Time spent in transportation donated at no cost to the facility or the recipient can be counted toward the unit of service if:

(1) there is a formal agreement between the donor and the DAHS facility; and

(2) the DAHS facility accepts responsibility for DAHS recipients during this transportation.

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 May 9, 1989.

TRD-8904162

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: July 4, 1989

For further information, please call: (512) 450-3765.

Part VI. Texas
Commission for the
Deaf

Chapter 181. General Rules of
Practice and Procedure

Operations

• 40 TAC §181.19

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Commission for the Deaf or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Commission for the Deaf (TCD) proposes the repeal of §181.19, concerning services for deaf/blind persons. The repeal of this section is necessary to conform the TCD's section with a repeal of the Texas Human Resources Code, §81.012 (69th Leg-

islature, 1985) which transferred this authority to the Texas Rehabilitation Commission. The commission is no longer empowered to implement the services for persons who are deaf/blind.

Larry D. Evans, executive director, has determined that for the first five-year period the proposed repeal is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeal.

Mr. Evans also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the elimination of obsolete regulation. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to William F. Eckstein, Coordinator of Administrative Procedures and Program Services, P.O. Box 12904, Austin, Texas 78711.

The repeal is proposed under the Human Resources Code, §81.003(b)(3), which provides the Texas Commission for the Deaf with the authority to adopt rules for administration and programs.

§181.19. Services for Deaf/Blind Persons.

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 May 8, 1989.

TRD 8904149

Larry D. Evans
Executive Director
Texas Commission for the
Deaf

Earliest possible date of adoption: June 16, 1989

For further information, please call: (512) 469-9891

Adopted Sections

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section 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 section 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 section with changes to the proposed text, the proposal will be republished with the changes.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 9. Liquefied Petroleum Gas Division

The Railroad Commission of Texas adopts amendments to §§9.64, 9.129, 9.262, 9.268, and 9.283. In addition, the commission adopts the repeal of §§9.96, 9.143, and 9.146. The commission further adopts new §§9.96, 9.143, and 9.146. Section 9.64 is adopted with changes to the proposed text as published in the February 24, 1989, issue of the *Texas Register* (14 Tex Reg 975). New §§9.96, 9.143, and 9.146, as well as the amendments to §§9.129, 9.262, 9.268, and 9.283 and the repeal of §§9.96, 9.143, and 9.146 are adopted without changes and will not be republished.

The amendment to §9.64(e), establishes minimum separation distances between LP-gas containers and oxygen or gaseous hydrogen containers. In addition, the commission adopts new subsection (g) which upgrades the requirements for hydrostatic relief valves. Finally, the commission adopts new subsections (h)-(p) concerning requirements for safety valves such as excess flow valves and filler valves which were previously addressed by other LP-gas rules. The commission has incorporated into adopted §9.64 all references to safety valve requirements contained in the current LP-gas rules. The commission has incorporated these rules into §9.64(h)-(p) in order to clarify the existing rules and to assure uniformity with current national LP-gas safety standards.

The amendments to §§9.129, 9.262, 9.268, and 9.283 delete requirements regarding safety valves, such as excess flow valves and filler valves. These requirements have been revised to conform with current safety standards and have been incorporated into new §9.64(h)-(p). Language in current §§9.129, 9.262, 9.268, and 9.283 not pertaining to safety valves will remain in these sections as adopted.

The commission adopts the repeal of current §9.96 and adopts new §9.96 in order to insure uniformity with current LP-gas safety standards with respect to regulator relief valves.

The commission adopts the repeal of current §9.143 and adopts new §9.143 because current subsections (a)-(c) and (e)-(g) have been incorporated into new §9.64(h)-(p). New §9.143 specifies the labeling requirements for inlet and outlet valves on LP-gas containers.

The commission adopts the repeal of current §9.146 and adopts new §9.146 because current subsection (d) has been incorporated into adopted §9.64(g) and current subsections (a) and (b) have been incorporated into recently adopted new §9.510. New §9.146 is adopted for clarification purposes in order to cross reference relevant safety regulations in recently adopted §9.510.

Concerning §9.64, the commission received detailed comments from one commenter, which will be briefly summarized.

Concerning §9.64(g), the commenter suggested deletion of the word either. The commission agrees and has deleted this word.

Concerning §9.64(i), the commenter suggested that this subsection be held for further consideration, modified, and be incorporated into current §9.54. The commenter suggested that this subsection unfairly regulates flexible connectors which are as safe in certain instances as rigid piping. The commenter suggested modifying this subsection to provide that flexible connectors in excess of three-fourths of an inch in diameter which exceed 42 inches in length be secured at four foot intervals to provide adequate support. The commission feels these suggested changes are inappropriate. Section 9.54 relates to manufacturers hose specifications, and incorporation of §9.64(g) into §9.54 is unnecessary.

Additionally, regarding §9.64(i), the commenter noted that this subsection did not address the bending radius of flexible connectors and suggested the addition of a subsection which does address this issue. The commission disagrees with this suggestion because various manufacturers have different recommendations regarding the bending radius of flexible connectors making the suggested language by the commenter impractical.

Finally, regarding §9.64(j), the commenter expressed concern that the age factor of flexible connectors had not been addressed by the section and suggested adding language which would place a time limit for the use of flexible connectors. The commission has not added this language because it would require that each segment of a flexible connector, regardless of size, would be required to be date stamped. The commission is unaware of any manufactured hoses which are marked in this fashion. Finally, requiring hoses to be date-stamped is not practical, particularly in light of the fact that the age of flexible connectors has not posed any problems of which the commission is aware.

Concerning, §9.64(k), (l), (m), and (n), the commenter expressed concern regarding application of these subsections to DOT containers since, according to the commenter, in

many instances licensees are not aware of the intended use of the container so that requiring containers to be equipped with excess flow valves to the piping is impractical. The commenter further questions the application of §9.64(l) to DOT containers in which the service and relief valve openings are one and the same. Finally, the commenter expressed confusion regarding the application of §9.64(m) since the standards outlined therein were too vague for licensees to know exactly how to comply with them. The commission feels the standards outlined in §9.64(k), (l), (m), and (n) are sufficiently clear and chooses not to adopt the changes suggested by the commenter. However, in response to the commenter's concern regarding application of these subsection to DOT containers, the commission has added language to clarify that §9.64(j), (k), and (l) will not be applicable to single-opening DOT containers. In all other respects these subsections are adopted as they were proposed.

Subchapter B. Basic Rules

•16 TAC §9.64

The amendment is adopted under the Texas Natural Resources Code, §113.051, which authorizes the Railroad Commission of Texas to promulgate rules and standards related to the Liquefied Petroleum Gas Division industry and its operations which will protect or tend to protect the health, safety, and welfare of the general public.

§9.64. Uniform Safety Requirements.

(a)-(d) (No change.)

(e) Storage of LP-gas next to flammable liquids Suitable means shall be taken by diking, diversion curbs, and grading to prevent the accumulation of flammable liquids such as gasoline, diesel, etc., under LP-gas containers. LP-gas containers shall not be located within a diked area. The minimum separation between LP-gas containers and flammable liquid containers shall be 20 feet, and the minimum separation between a container and the center line to the dike shall be 10 feet. Note: This applies to aboveground LP-gas containers as described in Division II (commercial), III, IX, and XI. The minimum separation between LP-gas containers and oxygen or gaseous hydrogen containers shall be in accordance with Table 1 as follows, except that lesser distances are permitted where protective structures having a minimum fire resistance rating of two hours interrupt the line of sight between uninsulated portions of the oxygen or hydrogen containers and the LP-gas containers.

(f) (No change.)

(g) Hydrostatic relief valve. Any closed portion of liquid piping or hose designed to operate up to 350 psig shall be equipped with a hydrostatic relief valve having a pressure setting of not less than 400 psig or more than 500 psig, or an approved bypass valve communicating directly with the storage container. Liquid piping or hose designed to operate above 350 psig shall be equipped with a hydrostatic relief valve having a pressure setting of not less than 110% or more than 125% of the system design pressure, or an approved bypass valve communicating directly with the storage container.

(h) Pump mounting. Pumps, when used, shall be secured against displacement and shall be mounted on a noncombustible support or base.

(i) Length of flexible connectors. Flexible connectors, other than LP-gas transfer hoses in excess of 3/4 inch in diameter shall not exceed 42 inches in length and shall not be used in lieu of pipe fittings to change direction in liquid or vapor piping.

(j) Container discharge outlet requirements. The discharge outlet shall be

provided with an excess flow valve or an internal valve(s) with excess flow capabilities.

(k) Container filling and vapor return outlet requirements. Filling and vapor return outlets shall be provided with valves to prevent back flow.

(l) Other container outlet requirements. All other outlets to containers, except relief valves, filling connections, and liquid level gauging devices shall be equipped with excess flow valves.

(m) Excess flow valve design requirements. Excess flow valves, where required by these standards, shall be designed to close automatically and shut off the gas or liquid flow in case:

(1) the flow through the valve exceeds a predetermined flow, which flow must be less than the pipe line capacity to and from such excess flow valve; or

(2) the pressure on the inlet side of excess flow valve exceeds by a certain designed number of pounds per square inch, the pressure in pounds of the outlet of such valve.

(n) Excess flow valve bypass requirements. Excess flow valves may be designed with a bypass, not to exceed a Number 60 drill size opening, to allow equalization of pressure.

(o) Location of excess flow and back pressure check valve. Excess flow and back-pressure check valve, where required by these standards, shall be located inside the container, or at a point outside where the line enters the containers; in the latter case, installation shall be made in such manner that any undue strain beyond the excess flow or back-pressure check valve will not cause breakage between the container and such valve. Gauging devices which do not involve the flow of liquid or which are so constructed that outward flow of container contents shall not exceed that passed by a Number 54 drill size need not be equipped with an excess flow valve.

(p) Location of shut-off valves. All connections to containers shall have approved shutoff valves located as close to the container as practicable, except pressure relief connections, gauging devices, filler valves, and vapor return valves.

TABLE 1

LP-Gas Containers Having An Aggregate Water Capacity of	Separation from Oxygen Containers Having an		
	Aggregate capacity of more than 400 Cubic Feet (CF)* to 20,000 CF* including un- connected reserves	Aggregate capacity of more than 20,000 Cubic Feet (CF)* including un- connected reserves	
1,200 gallons	20 feet	25 feet	
Over 1,200 gallons	20 feet	50 feet	
LP-Gas Containers Having An Aggregate Water Capacity of	Separation from Gaseous Hydrogen Containers Having An		
	Aggregate capacity of less than 400CF*	Aggregate capacity of 400 CF* to 3,000 CF*	Aggregate capacity of more than 3,000 CF*
500 gallons or less	None	10 feet	25 feet
Over 500 gallons	None	25 feet	50 feet

*Cubic Feet measured at 70°F. and atmospheric pressure.

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 May 8, 1989.

TRD-8904170
Cris Payne
Assistant Director, Legal
Division-General Law
Railroad Commission of
Texas

Effective date: June 15, 1989

Proposal publication date: February 24, 1989

For further information, please call: (512) 463-7015.



Subchapter D. Division II

• 16 TAC §9.96

The repeal is adopted under the Texas Natural Resources Code, §113.051, which authorizes the Railroad Commission of Texas to promulgate rules and standards related to the Liquefied Petroleum Gas Industry and its operations which will protect or tend to protect the health, safety, and welfare of the general public.

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 May 8, 1989.

TRD-8904168
Cris Payne
Assistant Director, Legal
Division-General Law
Railroad Commission of
Texas

Effective date: June 15, 1989

Proposal publication date: February 24, 1989

For further information, please call: (512) 463-7015



The new section is adopted under the Texas Natural Resources Code, §113.051, which authorizes the Railroad Commission of Texas to promulgate rules and standards related to the Liquefied Petroleum Gas Industry and its operations which will protect or tend to protect the health, safety, and welfare of the general public.

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 May 8, 1989.

TRD-8904189
Cris Payne
Assistant Director, Legal
Division-General Law
Railroad Commission of
Texas

Effective date: June 15, 1989

Proposal publication date: February 24, 1989

For further information, please call: (512) 463-7015



Subchapter E. Division III

• 16 TAC §9.129

The amendment is adopted under the Texas Natural Resources Code, §113.051, which authorizes the Railroad Commission of Texas to promulgate rules and standards related to the Liquefied Petroleum Gas Industry and its operations which will protect or tend to protect the health, safety, and welfare of the general public.

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 May 8, 1989.

TRD-8904167
Cris Payne
Assistant Director, Legal
Division-General Law
Railroad Commission of
Texas

Effective date: June 15, 1989

Proposal publication date: February 24, 1989

For further information, please call: (512) 463-7015



Subchapter F. Division IV

• 16 TAC §9.143, §9.146

The repeal is adopted under the Texas Natural Resources Code, §113.051, which authorizes the Railroad Commission of Texas to promulgate rules and standards related to the Liquefied Petroleum Gas Industry and its operations which will protect or tend to protect the health, safety, and welfare of the general public.

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 May 8, 1989.

TRD-8904166
Cris Payne
Assistant Director, Legal
Division-General Law
Railroad Commission of
Texas

Effective date: June 15, 1989

Proposal publication date: February 24, 1989

For further information, please call: (512) 463-7015



The new sections are adopted under the Texas Natural Resources Code, §113.051, which authorizes the Railroad Commission of Texas to promulgate rules and standards related to the Liquefied Petroleum Gas Industry and its operations which will protect or tend to protect the health, safety, and welfare of the general public.

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 May 8, 1989.

TRD-8904105

Cris Payne
Assistant Director, Legal
Division-General Law
Railroad Commission of
Texas

Effective date: June 15, 1989

Proposal publication date: February 24, 1989

For further information, please call: (512) 463-7015



Subchapter K. Division IX

• 16 TAC §9.262, §9.268

The amendments are adopted under the Texas Natural Resources Code, §113.051, which authorizes the Railroad Commission of Texas to promulgate rules and standards related to the Liquefied Petroleum Gas Industry and its operations which will protect or tend to protect the health, safety, and welfare of the general public.

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 May 8, 1989.

TRD-8904164
Cris Payne
Assistant Director, Legal
Division-General Law
Railroad Commission of
Texas

Effective date: June 15, 1989

Proposal publication date: February 24, 1989

For further information, please call: (512) 463-7015



Subchapter L. Division X

• 16 TAC §9.283

The amendment is adopted under the Texas Natural Resources Code, §113.051, which authorizes the Railroad Commission of Texas to promulgate rules and standards related to the Liquefied Petroleum Gas Industry and its operations which will protect or tend to protect the health, safety, and welfare of the general public.

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 May 8, 1989.

TRD-8904163
Cris Payne
Assistant Director, Legal
Division-General Law
Railroad Commission of
Texas

Effective date: June 15, 1989

Proposal publication date: February 24, 1989

For further information, please call: (512) 463-7015



Notification 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, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

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 adopted a filing submitted by the CUMIS Insurance Society, Inc. of endorsements for use with the Credit Union Discovery Bond Program

In accordance with the provisions of the Insurance Code, Article 5.97, a text of the filing

was filed in the Office of the Chief Clerk of the State Board of Insurance. The Filing was available for public inspection for 15 days and a public hearing was not requested by any party.

The filing is comprised of three endorsements. The first endorsement, designated 255-CDB-A484(9/88), is a new endorsement which amends paragraphs #1 and #8 of the general conditions. The amendments were made to clarify that a recoverable loss caused by a series of related acts or events, constitutes one loss, and the aggregate amount of the loss is payable subject to the limit of liability stated on the declarations page.

The remaining endorsements, designated 255-CDB-A132(R9/88) and 255-CDB-A131(R9/88), revise existing endorsements which, respectively, add and delete coverage for noncompliance with consumer legislation. Each endorsement adds the recently enacted Expedited Funds Availability Act, 12 United States Code, §4001 et seq., to the list of enumerated federal consumer statutes. The

Act requires financial institutions to make deposited funds available within specified time frames. The proposed endorsements replace #255-CDB-A132(Rev. 10/81) and 255-CDB-A131(R10/81).

There are no rate consequences associated with this filing.

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.

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.

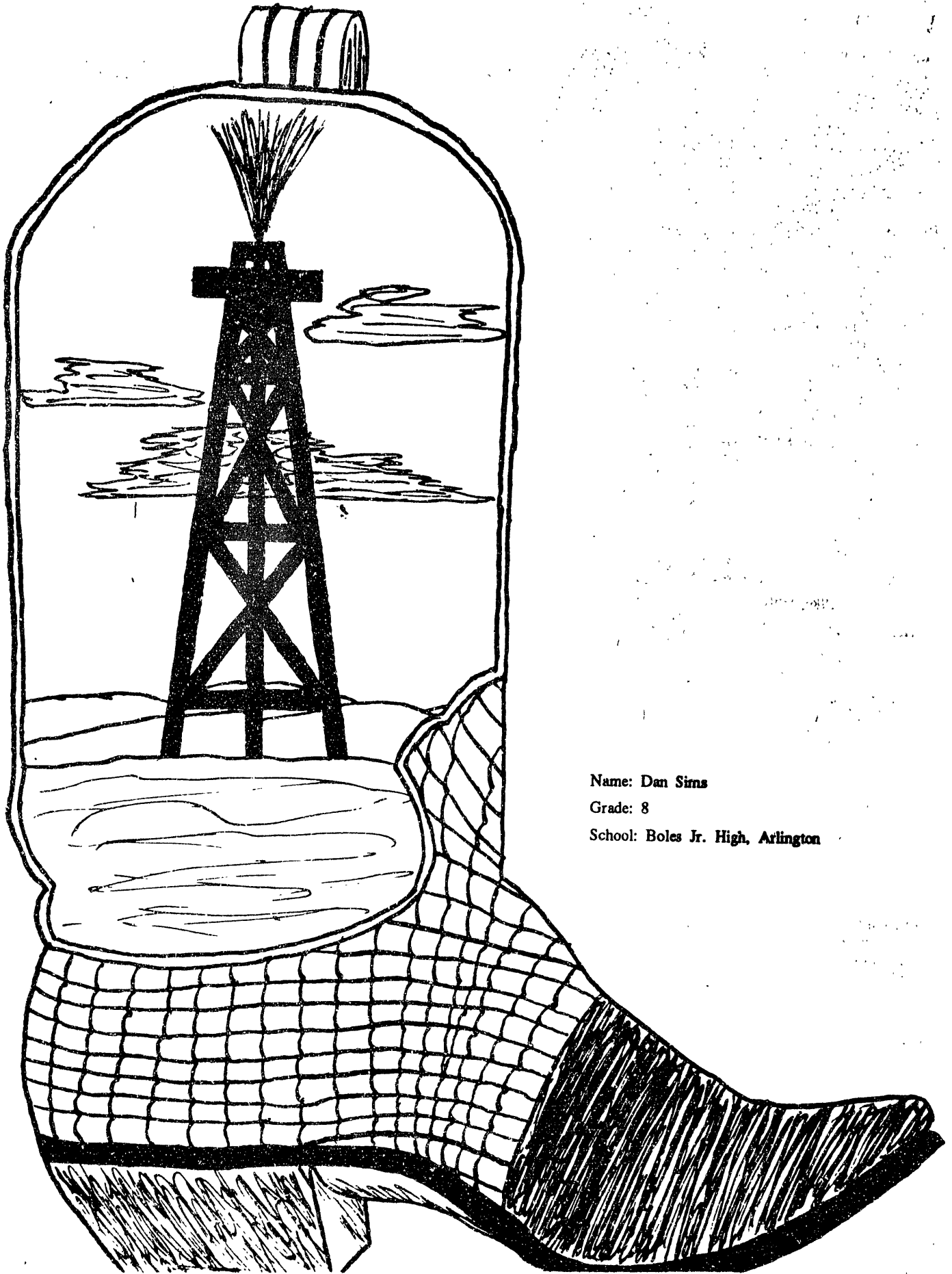
Issued in Austin, Texas on May 9, 1989.

TRD-8904176 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 1, 1989

For further information, please call: (512) 463-6327





Name: Dan Sims

Grade: 8

School: Boles Jr. High, Arlington

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 *Texas 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 agenda than what is published in the *Texas Register*.

Texas Alcoholic Beverage Commission

Monday, May 22, 1989, 10:30 a.m. The Texas Alcoholic Beverage Commission will meet in Room 320, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda, the commission will approve minutes of April 24, 1989, meeting; hear administrator's and staff's report of agency activity; and approve affidavit of destruction of tested alcoholic beverages.

Contact: W.S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: May 9, 1989, 1:30 p.m.

TRD-8904141

State Bar of Texas

Thursday, May 18, 1989, 9 a.m. The Executive Committee of the State Bar of Texas will meet in Room 206-207, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will hear reports of president, executive director, general counsel, president elect, immediate past president, immediate past president of the board, and supreme court liaison. Status report on legislative program. Consider reports from board committee on goals and implementation, and minority positions; CLE Committee on marketing strategy; request on lawyer referral service; proposed policy of public education and access committee, and adoption of employees handbook.

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

Filed: May 10, 1989, 3:54 p.m.

TRD-8904212

Battleship Texas Advisory Board

Thursday, May 18, 1989, 3 p.m. The Battleship Texas Advisory Board will meet in the Conference Room, Second Floor,

HL&P Energy Information Center, 6700 West Loop South, Houston. According to the agenda summary, the board will consider Battleship Texas restoration project and fundraising activities in connection therewith.

Contact: Robert D. Miller, 3400 Commerce Tower, Houston, Texas 77002, (713) 226-1186.

Filed: May 10, 1989, 9:09 a.m.

TRD-8904183

Texas Commission for the Blind

Thursday, May 25, 1989, 4 p.m. The El Paso District Office of the Texas Commission for the Blind will meet at 5100 El Paso Drive, El Paso. According to the agenda summary, the district office will hold a public forum for the purpose of giving local consumers an opportunity of speaking to agency staff about services to blind and visually disabled Texans and commenting on the agency's state plan. Consumers will also have the opportunity of participating in a question and answer period about local agency services.

Contact: Cecilia Berrios, P.O. Box 12866, Austin, Texas 78711, (512) 459-2611.

Filed: May 9, 1989, 11:56 a.m.

TRD-8904135

Texas Department of Commerce

Tuesday, May 9, 1989, 1:15 p.m. The Board of Directors of Texas Department of Commerce submitted an emergency revised agenda for a meeting held in Suite 1190, 816 Congress Avenue, Austin. According to the agenda, the board approved minutes of April 11, 1989 meeting; considered a nominee to the Texas/Mexico authority; considered a temporary waiver by executive director of a rule requiring an opinion of counsel to the Texas Small Business Industrial Development Corporation in connection with a

TEXCAP loan made to the City of Midland; considered a memorandum of understanding regarding JTPA; considered meeting date and locations for June, July, and August board meetings; update on commerce budget; update on major issues affecting commerce; update on Office of Community Initiatives; and update on Office of Advanced Technology. The emergency status was necessary because necessary documentation required for action items not received until after deadline.

Contact: Mary Lane, (512) 320-9660.

Filed: May 9, 1989, 10:54 a.m.

TRD-8904132

Texas Cosmetology Commission

Sunday, May 21, 1989, 9 a.m. The Texas Cosmetology Commission will meet at the Radisson Plaza Hotel, 700 San Jacinto, Austin. According to the agenda, the commission will vote on emergency rules; discuss new exams; current year budget balances; rules and regulations revisions; pending legislation; and agreed order of Aladdin Beauty College #8.

Contact: Laura Donges, 1111 Rio Grande, Austin, Texas 78701, (512) 463-3183.

Filed: May 10, 1989, 10 a.m.

TRD-8904187

Texas State Board of Dental Examiners

Friday, May 19, 1989, 5 p.m. The Texas State Board of Dental Examiners will meet at UT Health Science Center, Dental School, 7703 Floyd Curl Drive, San Antonio. According to the agenda, the board will approve of agreed settlement orders; report of committee on meeting with Dr. Matheson; and discussion of pending legislation.

Contact: Crockett Camp, 8317 Cross Park Drive, Suite 400, Austin, Texas (512) 834-6021.

Filed: May 10, 1989, 1:17 p.m.

TRD-89014198

Texas Employment Commission

Wednesday, May 17, 1989, 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; actions, if any, resulting from executive session; consideration for publications of rule regarding staff leasing industry; commission approved training regarding the Alliance for Employee Growth and Development Inc.; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on commission Docket 20; and set date of next meeting. The commission will meet in executive session on Texas Chapter of the National Staff Leasing Association, et al. v. Mary Scott Nabers, et al.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: May 9, 1989, 2:52 p.m.

TRD-8904144

Texas Commission on Human Rights

Wednesday, May 17, 1989, 10 a.m. The Texas Commission on Human Rights will meet in the Justice Room, Radisson Plaza Hotel, 700 San Jacinto, Austin. According to the agenda, the commission will consider status of EEOC contract modification and impact on budget; performance of funds management report; and status of EEO compliance training.

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

Filed: May 9, 1989, 4:10 p.m.

TRD-8904179

Texas Department of Human Services

Thursday and Friday, May 18 and 19, 1989, 1 p.m., daily. The Family Violence Advisory Committee of the Texas Department of Human Services will meet on the Fourth Floor, 701 West 51st Street, West Tower, Austin, on May 18 and the Conference Room 4W, First Floor, 701 West 51st Street, West Tower, Austin, on May 19. According to the agenda, the committee will consider minutes; announcements; coordination with Texas Council of Child Welfare Boards; subcommittee meetings;

reports; old business; and new business.

Contact: Kathleen Hamilton, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3365.

Filed: May 10, 1989, 9:32 a.m.

TRD-8904186

Thursday and Friday, May 18 and 19, 1989, 1:30 p.m., daily. The Social Work Certification Advisory Council of the Texas Department of Human Services will meet on the Third Floor, 701 West 51st Street, West Tower, Austin, on May 18 and Conference Room 3W, Boardroom, First Floor, Austin, on May 19. According to the agenda, the council will approve minutes; discuss San Antonio conference; subcommittee meeting; staff report; committee report; review of goals and objectives; review of bylaws; review of comments on proposed continuing education rules draft.

Contact: Michael Doughty, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3255.

Filed: May 10, 1989, 9:32 a.m.

TRD-8904185

Industrial Accident Board

Monday, May 15, 1989, 8:30 a.m. The Industrial Accident Board met in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board approved minutes of the previous meeting; heard presentation concerning fee guidelines for anesthesiologists; discussed and considered revisions to PHD-3 form, reviewer/pre-hearing examiner recap; and reviewed and discussed board activities. The board also met in executive session to consider personnel-general evaluation of personnel and review board files. This portion of meeting closed pursuant to workers' compensation statute.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7960.

Filed: May 11, 1989, 9:04 a.m.

TRD-8904221

Monday, May 15, 1989, 9:30 a.m. The Industrial Accident Board met in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board approved minutes of the previous meeting; heard presentation concerning fee guidelines for anesthesiologists; discussed and considered revision to PHD-3 form, reviewer/pre-hearing examiner recap; and reviewed and discussed board activities. The board also met in executive session to consider personnel-general evaluation of personnel and review of board files. This portion of meeting closed pursuant to workers' compensation statute.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7960.

Filed: May 10, 1989, 3:53 p.m.

TRD-8904211

State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto, Austin. Dates, times, and agendas follow.

Wednesday, May 17, 1989, 10 a.m. The board will meet in Room 414, to consider emergency action on rules under the Insurance Code, Article 21.46, relating to the calculation of retaliatory taxes Exemption of American Risk Funding Insurance Company from membership in the Texas workers' compensation assigned risk pool. Final action on 28 TAC §5.11 and 28 TAC §5.2002. Board orders on several different matters. Personnel matters. Pending and contemplated litigation. Solvency matters. Appointment to Board of Directors of the Texas Property and Casualty Insurance Guaranty Association.

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

Filed: May 9, 1989, 3:31 p.m.

TRD-8904175

Wednesday, May 17, 1989, 2 p.m. The board will meet in Room 414, to consider meeting with Attorney General's Office concerning pending and contemplated litigation.

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

Filed: May 9, 1989, 3:32 p.m.

TRD-8904174

Wednesday, May 31, 1989, 10 a.m. The board will meet in Room 414, in which the board or a representative appointed by the board will hold a public hearing to consider the appeal by Jonathan David Beckham of Commissioner's Order 89-0274.

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

Filed: May 9, 1989, 3:32 p.m.

TRD-8904173

Monday, June 5, 1989, 9 a.m. The board will meet in Room 342, to consider an appeal by Vaughan Oil Company of classification applicable to workers' compensation insurance.

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

Filed: May 9, 1989, 3:32 p.m.

TRD-8904172

Monday, June 12, 1989, 9 a.m. The board will meet in Room 342, in which the board's designate will hold a public hearing to consider an appeal from act of Texas workers' compensation assigned risk pool concerning pool surcharge imposed on King Well Service, Inc.

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

Filed: May 9, 1989, 3:32 p.m.

TRD-8904171

Texas Commission on Jail Standards

Wednesday, May 24, 1989, 9 a.m. The Texas Commission on Jail Standards will meet in Room 100, Employees Retirement Building, 18th and Brazos, Austin. According to the agenda summary, the commission will read and approve of minutes of last meeting of March 22, 1989. Directors report. Old business: Bexar County, Clay County, Hidalgo County, Jefferson County, Lamar County, Nueces County, Palo Pinto County, Reeves County, Smith County, Tarrant County, Williamson County, action of active remedial orders, housing out of state prisoners, jail population report and review of jails for holding juveniles. New business: Bowie County, Camp County, Harris County, Henderson County, Starr County, pneumatic locks/locking devices for cell usage, report on U.S. magistrate regarding inmate court costs, smoking in jails, completed projects and compliance with open meeting law. Application for variances; Bowie County and Coryell County. The commission will also meet in executive session.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas (512) 463-5505.

Filed: May 10, 1989, 9:57 a.m.

TRD-8904197

Board for Lease of University Lands

Tuesday, May 23, 1989, 9 a.m. The Board for Lease of University Lands will meet in the Conference Room, Second Floor, Ashbel Smith Hall, Austin. According to the agenda summary, the board will consider organization; approve minutes of the previous meeting; consider proposed gas units, J. Cleo Thompson and James Cleo Thompson, Jr., a partnership; and discuss future oil and gas lease sales.

Contact: Linward Shivers, 201 West Seventh Street, Austin, Texas 78701, (512) 499-4462.

Filed: May 9, 1989, 1:43 p.m.

TRD-8904142

Texas Low-Level Radioactive Waste Disposal Authority

Wednesday, May 17, 1989, 7 p.m. The Board of Directors of Texas Low-Level Radioactive Waste Disposal Authority will meet at the Marriott Hotel, 6121 IH-35 North, Austin. According to the agenda, the board will hear staff presentation on final flow criteria and hold discussion.

Contact: L.R. Jacobi, Jr., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5292.

Filed: May 9, 1989, 2:30 p.m.

TRD-8904143

Thursday, May 18, 1989, 8:30 a.m. The Board of Directors of Texas Low-Level Radioactive Waste Disposal Authority will meet in Suite 300, 7701 North Lamar Boulevard, Austin. According to the agenda summary, the board will approve minutes of previous meetings; a general manager's report and staff reports, including a financial year-to-date, status of legislation and appropriations, and technical reports on site studies; approval of site management Texas Tech University contract and approval of contract with Rogers and Associates to provide facility design and performance assessment support; technical reports on Beckwith report, waste form task force, and facility licensing schedule.

Contact: L.R. Jacobi, 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5295.

Filed: May 10, 1989, 3:27 p.m.

TRD-8904210

Texas State Board of Medical Examiners

Friday, May 19, 1989. The Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. Times and agendas follow.

8 a.m. The Reciprocity Committee will review scores; review applicants; reciprocity agreements with Oregon; and clerkship rule. The committee will also meet in executive session under authority of 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 1974, H-484.

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

Filed: May 10, 1989, 10:08 a.m.

TRD-8904195

10 a.m. The Examination Committee will review applicants; request for extension of permit. The committee will also meet in executive session under authority of 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

1974, H-484.

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

Filed: May 10, 1989, 10:08 a.m.

TRD-8904191

2 p.m. The Standing Orders Committee will reconsider radiologic technologist rule; appointment of Physician Assistant Advisory Committee; and request for waiver of physician assistant rule. The committee will also meet in executive session under authority of 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 1974, H-484.

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

Filed: May 10, 1989, 10:08 a.m.

TRD-8904138

3 p.m. The Legislative Committee will update legislation. The committee will also meet in executive session under authority of 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 1974, H-484.

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

Filed: May 10, 1989, 10:08 a.m.

TRD-8904192

3:30 p.m. The Disciplinary Process Review Committee will approve minutes; enforcement report; policy regarding review of cases closed at informal settlement conferences; data bank; storage and destruction of closed files; investigation of multiple professional liability claims; informal settlement conference procedure; and review of selected files. The committee will also meet in executive session under authority of 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 1974, H-484.

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

Filed: May 10, 1989, 10:08 a.m.

TRD-8904193

Saturday, May 20, 1989. The Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. Times and agendas follow.

8 a.m. The Finance Committee will review financial reports. The committee will also meet in executive session under authority of 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 1974, H-484.

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

Filed: May 10, 1989, 10:08 a.m.

TRD-8904194

8:30 a.m. The board will hear executive director's report (meetings, licensure, enforcement, computer, FAX, ex parte); reinstatement requests; probationers; licensure reconsiderations; agreed orders; minutes; committee reports; rules for consideration: radiologic technologists and clerkships; and hearing officer. The board will also meet in executive session under authority of Texas Civil Statutes Article 6252-17, as related to Article 1495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion 1974, H-484, and to discuss pending litigation, Article 6252-17 §2(f).

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

Filed: May 10, 1989, 10:08 a.m.

TRD-8904195

◆ ◆ ◆
**University of North
Texas/Texas College of
Osteopathic Medicine**

Thursday, May 11, 1989, 3:30 p.m. The Facilities Committee of the University of North Texas/Texas College of Osteopathic Medicine submitted an emergency revised agenda for a meeting held at 213 Administration Building, University of North Texas, Denton. According to the agenda, the committee considered McConnell Hall. The emergency status was necessary because very recent information indicates this should come before the Board of Regents at this meeting in order to have approval to approach the Coordinating Board for its approval.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: May 10, 1989, 1:59 p.m.

TRD-8904208

Friday, May 12, 1989, 8 a.m. The Board of Regents of University of North Texas/Texas College of Osteopathic Medicine submitted an emergency revised agenda for a meeting held at Diamond Eagle Suite, University Union, University of North Texas, Denton. According to the agenda, the committee considered McConnell Hall. The emergency status was necessary because very recent information indicates this should come before the Board of Regents at this meeting in order to have approval to approach the Coordinating Board for its approval.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: May 10, 1989, 1:59 p.m.

TRD-8904209

**Texas Public Finance
Authority**

Thursday, May 18, 1989, 10:30 a.m. The Texas Public Finance Authority will meet in 402 Central Services Building, 1711 San Jacinto, Austin. According to the agenda summary, the authority will approve minutes of the previous meeting; consider resolution, resolution concerning investment of bond proceeds, sale of bonds, and budget reports and related matters.

Contact: Julie Jones, 201 East 14th Street, Austin, Texas 78701, (512) 463-5544.

Filed: May 10, 1989, 4:30 p.m.

TRD-8904218

◆ ◆ ◆
**Public Utility Commission of
Texas**

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

Friday, May 19, 1989, 3 p.m. The Hearings Division will consider Dockets 8660, 8684, and 8719-Application of Alenco Communications, Inc. to amend certificate of convenience and necessity within Webb County, application of Southwestern Bell Telephone Company to amend certificate of convenience and necessity within Webb County, and application of Valley Telephone Cooperative, Inc. to amend certificate of convenience and necessity within Webb County.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 10, 1989, 1:37 p.m.

TRD-8904201

Thursday, June 1, 1989, 10 a.m. The Hearings Division will consider Docket 8658-Complaint of AT&T Communications of the Southwest, Inc. regarding alleged disclosure of protected information.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 9, 1989, 2:53 p.m.

TRD-8904147

Monday, June 26, 1989, 10 a.m. The Hearings Division will consider Docket 8636-Joint application of Texas-New Mexico Power Company and Houston Lighting and Power Company for approval of agreements.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 10, 1989, 1:37 p.m.

TRD-8904203

Wednesday, July 26, 1989, 10 a.m. The Hearings Division will consider Dockets

8660, 8684, and 8719-Application of Alenco Communications, Inc. to amend certificate of convenience and necessity within Webb County, application of Southwestern Bell Telephone Company to amend certificate of convenience and necessity within Webb County, and application of Valley Telephone Cooperative, Inc. to amend certificate of convenience and necessity within Webb County.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 10, 1989, 1:37 p.m.

TRD-8904202

◆ ◆ ◆
**Texas Rehabilitation
Commission**

Friday, May 19, 1989, 10 a.m. The Council on Disabilities of the Texas Rehabilitation Commission will meet at 1100 49th Street, Austin. According to the agenda summary, the council will hear citizens comments; minutes of last meeting; introduction of new board members, agency support and/or guests; introduction of executive director; task force reports; demographic survey; transportation; state plan; other business; barrier free park; telephone relay; appointment of task force on council mission statement; and general discussion.

Contact: Jerry Ann Robinson, 118 East Riverside Drive, Austin, Texas (512) 445-8760 or 7909.

Filed: May 9, 1989, 3:35 p.m.

TRD-8904153

◆ ◆ ◆
**Texas Small Business
Industrial Development
Corporation**

Tuesday, May 9, 1989, 2:30 p.m. The Board of Directors of Texas Small Business Industrial Development Corporation submitted an emergency revised agenda for a meeting held in Suite 1190, First City Center, 816 Congress Avenue, Austin. According to the agenda, the board approved minutes of March 14, 1989 meeting; approved resolution authorizing TEXCAP in purchase obligation issued by YMCA of the Greater Houston Area; considered approval of one or more loans up to the total amount of \$675,000,000 to the TEXCAP Financing Corporation, or any other corporation, trust or other entity; considered and possible action on a resolution to authorize technical changes to the TEXCAP bond indenture to facilitate a conversion from a floating rate to a fixed rate of interest, and the appointment of Merrill Lynch Capital Markets and Masterson and Company to serve as co-remarketing agents; written status report on the Texas facilities capital access program

(TEXCAP). The emergency status was necessary because board action by June 1 has become necessary to facilitate projects. Board is unable to re-schedule the meeting to a later date.

Contact: Barbara Carpenter, (512) 320-9695.

Filed: May 9, 1989, 11:45 a.m.

TRD-8904133

Texas State Soil and Water Conservation Board

Wednesday, May 24, 1989, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 311 North Fifth Street, Temple. According to the agenda, the board will review and take appropriate action on the following: minutes of March 15, 1989 meeting; district director appointments; Division of the Dos Rios Soil and Water Conservation District 322; report on district audits; request for allocations of grant funds-conservation assistance, technical assistance, Subchapter H technical assistance; 1990-1991 agency budget request; reviewing legislation affecting soil and water conservation districts; report from annual meeting Planning Committee; nonpoint source management program-Gulf of Mexico program, Galveston Bay study, State Nonpoint Source Advisory Committee, nonpoint source meeting St. Louis, Missouri; proposed requests for water quality grants; national watershed conference Oklahoma City, Oklahoma; NACD South Central Region meeting, South Padre Island; reports from agencies and guests; public information/education report; proposed changes to agency rules for technical assistance program; regional conservation awards program; national wetlands definition; job description for executive director; procedures for approval of agency expenditures; election of officers; development of request of attorney general's opinion relating to district finances; board members travel, NACD national convention, February 4-7, 1990, San Diego, California; next regular board meeting-July 19, 1989.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 76503, (817) 773-2250.

Filed: May 10, 1989, 3:41 p.m.

TRD-8904213

University Interscholastic League

Wednesday, May 10, 1989, 1:30 p.m. The State Executive Committee of the University Interscholastic League submitted an emergency revised agenda for a meeting held in Salon E Meeting Room, Marriott at the Capitol, 12th and IH-35, Austin. According to the agenda summary, the committee considered Karnack ISD, alleged vi-

olation of §1208 (1)(2)(A), number of tournament, Dallas ISD, determination of eligibility of student representative, Carter High School. The emergency status was necessary because Karnack application made on May 8, 1989; Dallas application made on May 10, 1989; hearings will determine which students participate in state track meet beginning on May 11, 1989.

Contact: Bonnie Northcutt, (512) 471-5883.

Filed: May 10, 1989, 9:15 a.m.

TRD-8904184

Texas Council on Vocational Education

The Texas Council on Vocational Education will meet at the Marriott-Airport Hotel, 6101 North IH-35, Austin. Dates, times, and agendas follow.

Tuesday, May 23, 1989, 7 p.m. The Executive Committee will meet to review agenda items to be discussed at a regular meeting of the council on May 24, 1989.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 463-5490.

Filed: May 9, 1989, 10:45 a.m.

TRD-8904137

Wednesday, May 24, 1989, 9:30 a.m. The council will hear an update on State Board of Education actions at its May 12-13 meeting; hear an update on actions of the Texas Higher Education Coordinating Board at its April 13-14 meeting; receive a status report/analysis of the reauthorization of the Carl D. Perkins Vocational Education Act of 1984; receive an update on actions of the 71st legislature; review the council's 1988-1989 schedule of work; review the council's 1988-1989 budget expenditure report; review and act on the council's fiscal year 1989-1990 budget, discuss upcoming meetings and conferences; and conduct other business.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 463-5490.

Filed: May 9, 1989, 10:45 a.m.

TRD-8904136

Texas Water Commission

Thursday, June 1, 1989, 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 summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard

to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zorda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: May 10, 1989, 2:01 p.m.

TRD-8904206

Wednesday, June 21, 1989, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in City Council Chambers, Midland City Hall, 200 North Loraine, Midland. According to the agenda summary, the office will consider City of Midland, P.O. Box 152, Midland, Texas 79701 application for an amendment to Permit 10222-01 which authorizes the disposal of treated domestic wastewater effluent by irrigation at a volume not to exceed 15,000,000 gallons per day average and includes provisions for the effluent to be disposed of on publicly and/or non-publicly accessible land. The non-public access irrigation facilities consist of two sites. The proposed amendment would authorize an increase in the amount of non-public accessible land the city is authorized to irrigate at irrigation site 2 from 2500 acres to 3100 acres. Irrigation site 2 is located approximately 16 miles east of the City of Midland in sections 2, 3, 10, 11, 12, 13, 14, and 15, Block 37, TWP 3-S of the T&P Railroad Company survey.

Contact: Carol Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: May 10, 1989, 2 p.m.

TRD-8904207

Tuesday, June 27, 1989, 9 a.m. The Office of Hearings Examiner will meet at the Environmental Pollution Control, 7411 Park Place, Houston. According to the agenda summary, the office will consider City of Houston, Department of Public Works and Engineering, P.O. Box 1562, Houston, Texas 77251 application for a permit (proposed permit 10492-122) to authorize an interim discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000,000 gallons per day and a final discharge at a volume not to exceed an average flow of 7,500,000 gallons per day. The applicant proposes to construct the Northbelt Wastewater Treatment Plant which will serve subdivisions, office complexes, and mixed use development.

Contact: Angie Demerle, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: May 9, 1989, 3:08 p.m.

TRD-8904148

Texas Water Development Board

Thursday, May 18, 1989, 9 a.m. The Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider: minutes of April 20, 1989; development fund manager's report; extension of loan commitments for Gastonia-Scurry WSC and San Leon MUD; request for financial assistance from Cities of Troy and Blum; changes to White River Municipal Water District's trust indenture; requesting the governor to submit notice of intent to Environmental Protection Agency on use of fiscal year 1990 construction grant funds for SRF program; regional wastewater planning grant applications from Tarrant County WCID #1 and Gulf Coast Waste Disposal Authority; establishing a priority location for regional water planning for fiscal year 1989.

Contact: M. Reginald Arnold II, P.O. Box 13087, Austin, Texas 78711, (512) 463-7847.

Filed: May 10, 1989, 12:11 p.m.

TRD-8904199

Regional Meetings

Meetings Filed May 9, 1989

The Alamo Area Council of Governments, Budget and Workplan Committee, will meet in Suite 400, 118 Broadway, San Antonio, on May 22, 1989, at 3:30 p.m. The Area Judges of the Alamo Service Delivery Area and Executive Committee will meet at the same location on May 24, 1989, at noon and 1 p.m., respectively. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Bexar Appraisal District, Appraisal Review Board and Board of Directors, met at 535 South Main, San Antonio, on May 12 and 15, 1989, at 9 a.m. and 5 p.m., respectively. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Burnet County Appraisal District, Appraisal Review Board, met at 215 South Pierce, Burnet, on May 15, 1989, at 5:30 p.m. Information may be obtained from Barbara Radliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Colorado River Municipal Water District, Board of Directors, will meet at 400 East 24th Street, Big Spring, on May 17, 1989, at 2 p.m. Information may be obtained from O.H. Ivie, P.O. Box 869, Big Spring, Texas 79720, (915) 267-6341.

The Education Service Center, Region XII, Board of Directors, will meet in Room 205, 5701 Springdale Road, Austin, on May

17, 1989, at 1 p.m. Information may be obtained from Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300.

The Education Service Center, Region XV, Board of Directors, met in Conference Room 1, 612 South Irene Street, San Angelo, on May 15, 1989, at 9 a.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76903, (915) 658-6571.

The Gray County Appraisal District, Appraisal Review Board, met at 815 North Sumner, Pampa, on May 12, 1989, at 5 p.m. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791.

The Lampasas County Appraisal District, Appraisal Review Board, met at 109 East Fifth Street, Lampasas, on May 11, 1989, at 9:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76650, (512) 556-8058.

The Lone Star Municipal Power Agency, met at College Station Community Center, 1300 Jersey, College Station, on May 15, 1989, at 5:30 p.m. Information may be obtained from Cathy Locke, (409) 764-3507.

The Multimodal Transportation Planning Gulf Coast State Planning Region, Transportation Planning Committee, will meet in the Conference Room, Fourth Floor, 3555 Timmons, Houston, on May 19, 1989, at 9:30 a.m. Information may be obtained from LaDawn Bush, P.O. Box 1386, Houston, Texas 77251, (713) 869-4571.

The San Patricio County Appraisal District, Appraisal Review Board, will meet at 1146 East Market, Sinton, on May 23, 1989, at 1:30 p.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

TRD-8904125

Meetings Filed May 10, 1989

The Bandera County Appraisal District, Appraisal Review Board, met at the North end of Ninth Street, Bandera, on May 15, 1989, at 8:30 a.m. Information may be obtained from Larry Reagan, Bandera, Texas.

The Bastrop County Appraisal District, Board of Directors, will meet at 1200 Cedar Street, Bastrop, on May 18, 1989, at 7:30 p.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925.

The Tax Appraisal District of Bell County, Appraisal Review Board, will meet at 411 East Central, Belton, on May 25, 1989, at 3:30 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, ext. 29.

The Central Counties Center for MHMR Services, Board of Trustees, will meet at

302 South 22nd Street, Temple, on May 16, 1989, at 7:45 p.m. Information may be obtained from Michael K. Muegge, 302 South 22nd Street, Temple, Texas 76503.

The Education Service Center, Region VII, Board of Directors, will meet at Holiday Inn, Henderson, on May 18, 1989, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas, (214) 984-3071.

The Lamar County Appraisal District, will meet at 521 Bonham Street, Paris, on May 16, 1989, at 5 p.m. Information may be obtained from Betty Hanna, 521 Bonham Street, Paris, Texas 75460, (214) 783-7822.

The Limestone County Appraisal District, Board of Directors, will meet in the Meeting Room, Limestone County Courthouse, Groesbeck, on May 17, 1989, at 5 p.m. The Appraisal Review Board will meet in the Basement, Limestone County Courthouse, Groesbeck, on June 2 and 5-16, 1989, at 9 a.m., daily. Information may be obtained from Clydens Hyden or Jack Thompson, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3597 or 729-3009.

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on May 16, 1989, at 10:30 a.m. Information may be obtained from A.T. Hebert, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Mental Health and Mental Retardation Regional Center of East Texas, Board of Trustees, met in Room 208, 2323 West Front Street, Tyler, on May 11, 1989, at 1 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Rusk County Appraisal District, Appraisal Review Board, will meet at 107 North Van Buren, Henderson, on May 16, 1989, at 7 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (214) 657-9697.

The Swisher County Appraisal District, Board of Directors, will meet at El Matador Cafe, North Highway 87, Tulia, on May 18, 1989, at 7:30 a.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.

The Tyler County Appraisal District, Appraisal Review Board, met at 806 West Bluff, Woodville, on May 15, 1989, at 2 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-8904180

Meetings Filed May 11, 1989

The Cherokee County Appraisal District, Board of Directors, will meet at 107 East Sixth Street, Rusk, on May 18, 1989, at

2:30 p.m. Information may be obtained from S.R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2296.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at Highway 316-Magnolia Beech Road, Fort Lavaca, on May 18, 1989, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

The Henderson County Appraisal District, Appraisal Review Board, will meet at 1751 Enterprise, Athens, on May 18, 1989, at 9 a.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas (214) 675-9296.

The Lower Colorado River Authority, Board of Directors, met at 3700 Lake Austin Boulevard, Austin, on May 15, 1989, at 1 p.m. and 3:30 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas (512) 473-3250.

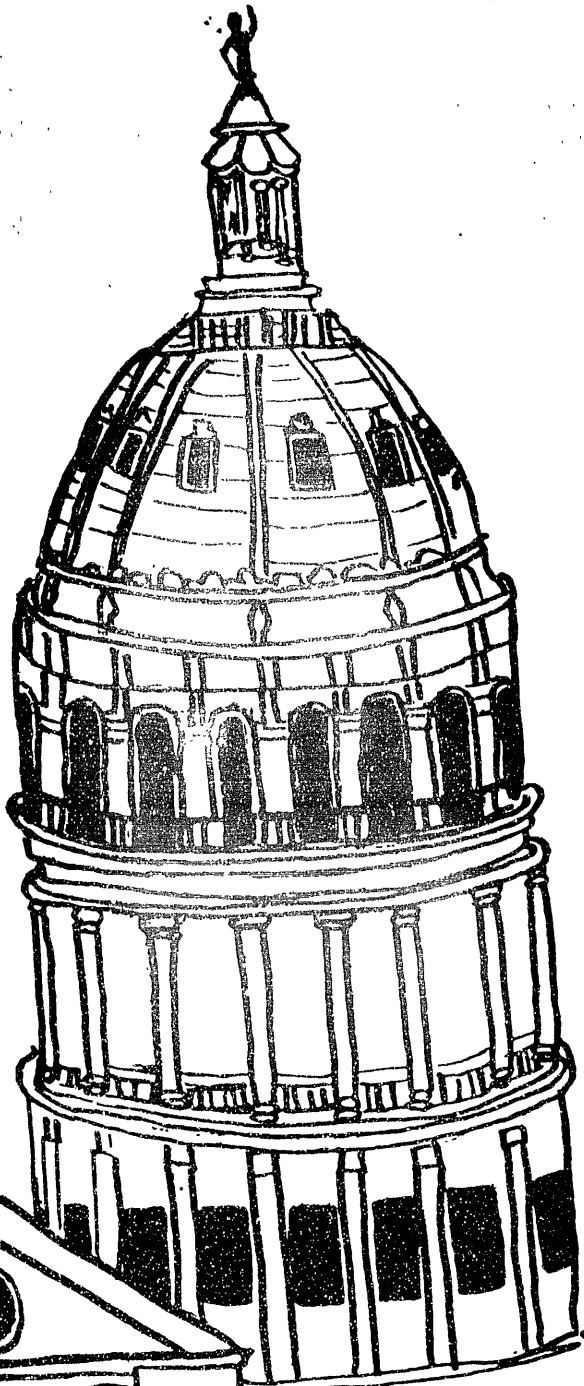
The Northeast Texas Municipal Water District, Board of Directors, will meet at Highway 250 South, Hughes Springs, on May 19, 1989, at 10 a.m. Information may be obtained from J.W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (214) 639-7538.

The Tarrant Appraisal District, Appraisal Review Board, will meet at Holiday Inn-South, 100 Alta Mesa Boulevard East, Fort Worth, on May 19, 1989, at 8 a.m. and at 2309 Gravel Road, Fort Worth, on May 23, 25, 30 and 31 and June 1, 1989, at 8:30 a.m. daily. Information may be obtained from Linda Freeman, 2309 Gravel Road, Fort Worth, Texas 76116, (817) 284-8884.

The Upshur County Appraisal District, Board of Directors, met at Warren and Trinity Street, Gilmer, on May 15, 1989, at 9 a.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

TRD-8904219





Name: Lupe Rodriguez

Grade: 9

School: Boles Jr. High, Arlington

In Addition

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

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

Texas Department of Banking Notice of Application

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a trust company to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular trust company. A hearing may be held if the application is denied by the commissioner.

On May 5, 1989, the banking commissioner received an application to acquire control of National Guaranty Trust Company, Houston, by Charles A. Barron, Van Nuys, California; Richard Bender, Rialto, California; K. Barron Bradshaw, Evergreen, Colorado; C. J. Chrzan, Burbank, California; Calvin Fong, Beverly Hills, California; Warren Brownfield, Burbank, California; Rowena Bennett, Canoga Park, California; Dianne Calver, Burbank, California; Dendron Trust, Saratoga, California; Brian W. Fisher, Los Angeles, California; Jack Koga, Sylmar, California; Carol McGowan, La Crescenta, California; Darryl Sato, Tujunga, California; Raven Limited, Burbank, California; Albert Snell, Monterey Park, California; Kenneth Thiele, Glendale, California; William C. Wiles, Burbank, California; M. W. LeCrone, Pasadena, California; Dragi Milor, Glendale, California; Thomas Sato, Tujunga, California; Frank Simmeth, Glendale, California; George F. Stroope, N. Litte Rock, Arkansas; Janis Wiles, Burbank, California; and Rodney L. Wilson, Glendale, California.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas on May 5, 1989.

TRD-8904128

William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: May 8, 1989

For further information, please call (512) 479-1200

Notice of Cancellation of Hearing

The April 14, 1989, hearing on violations of the Texas Sale of Checks Act by Texas Checkashers, Inc./Navigation Checkashers, Inc. Houston, that was postponed has now been cancelled.

Additional information may be obtained from Ann Graham, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas on May 3, 1989.

TRD-8904121

Ann Graham
General Counsel
State Banking Department

Filed: May 9, 1989

For further information, please call (512) 479-1200

Texas Department of Commerce Announcement of Contract Award

The Texas Department of Commerce announces that the units of general local government listed as follows have been selected as contract recipients for community development funds under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413 (301).

Grants Awarded Under the 1988 Community Development Fund

Grants Awarded Under the 1988 Community Development Fund

Grantee	FUNDED AMOUNT
Alice	\$274,000
Alpine	\$70,597
Alto	\$224,500
Aransas Pass	\$299,280
Arcois	\$400,000
Arp	\$270,000
Asherton	\$89,517
Balmorhea	\$114,270
Bardwell	\$167,250
Bartlett	\$250,000
Bayside	\$213,000
Beckville	\$208,252
Big Sandy	\$184,016
Big Wells	\$89,517
Blue Ridge	\$250,000
Borger	\$163,673
Bowie County	\$173,000
Brady	\$99,900
Buckholts	\$250,000
Cameron	\$250,000
Camp Wood	\$77,002
Canadian	\$233,163
Carthage	\$247,600
Chillicothe	\$135,000
China	\$250,000
Clarksville	\$155,000
Colorado City	\$181,849
Combes	\$122,538
Como	\$246,066
Cotulla	\$123,119
Covington	\$250,000
Cross Plains	\$236,000
Crowell	\$100,000
Crystal City	\$216,994
De Leon	\$151,600
Dickens	\$185,700
Dilley	\$145,000
Dimmitt	\$191,329
Eagle Pass	\$208,730
Electra	\$96,875
Emory	\$250,000
Ferris	\$250,000
Florence	\$250,000
Floydada	\$250,000
Forney	\$246,899
Franklin	\$124,463

Grantee	FUNDED AMOUNT
Frio County	\$250,000
Gainesville	\$191,972
Granger	\$250,000
Greenville	\$250,000
Hallettsville	\$225,279
Hardin County	\$250,000
Hawkins	\$300,000
Hempstead	\$400,000
Henrietta	\$100,000
Hitchcock	\$400,000
Hubbard	\$250,000
Hughes Springs	\$155,300
Huntsville	\$331,614
Hutto	\$250,000
Italy	\$250,000
Jacksboro	\$100,000
Jim Hogg County	\$235,522
Jourdanton	\$250,000
Junction	\$90,700
Kendleton	\$400,000
Kingsville	\$215,800
Kinney County	\$80,174
Kountze	\$250,000
La Grulla	\$235,522
La Ward	\$152,600
Liberty County	\$400,000
Linden	\$136,676
Littlefield	\$166,600
Lockhart	\$250,000
Loraine	\$142,800
Los Fresnos	\$122,538
Lott	\$225,450
Lyford	\$122,538
Nabank	\$250,000
Madisonville	\$166,000
Magnolia	\$400,000
Malone	\$196,818
Marfa	\$123,500
Marion	\$250,000
Martindale	\$246,390
Mason	\$199,000
Maverick County	\$208,730
Maypearl	\$250,000
McGregor	\$250,000
Menard	\$199,556
Hertzon	\$180,000

Grants Awarded Under the 1968 Community Development Fund

Grantee	FUNDED AMOUNT
Hills County	\$213,000
Mount Pleasant	\$189,589
Naples	\$99,000
Navasota	\$194,500
Nixon	\$239,915
Nocona	\$110,000
Nome	\$209,096
Normangee	\$193,030
Nueces County	\$200,000
O'Donnell	\$97,668
Oak Ridge	\$250,000
Odem	\$300,000
Overton	\$192,100
Pecos	\$255,396
Pecos County	\$182,699
Petrolia	\$109,000
Pleina	\$158,180
Plainview	\$237,500
Port Isabel	\$122,538
Premont	\$300,000
Presidio	\$250,000
Presidio County	\$151,617
Primera	\$122,538
Quinlan	\$250,000
Ranger	\$250,000
Raymondville	\$122,538
Red River County	\$147,000
Rocksprings	\$74,585
Roma	\$235,522
Rule	\$250,000
Runge	\$250,000
Saint Jo	\$103,400
San Perlita	\$122,539
San Saba	\$239,000
Seagraves	\$145,000
Seymour	\$98,600
Smiley	\$249,650
Socorro	\$250,000
Somerville	\$218,261
Springtown	\$239,000
Spur	\$184,950
Stanton	\$192,270
Starr County	\$235,523
Stinnett	\$216,750
Stockdale	\$247,000
Suevry	\$400,000

Grants Awarded Under the 1988 Community Development Fund

Grantee	FUNDED AMOUNT
Tatum	\$234,196
Terrell County	\$292,732
Thrall	\$237,800
Tom Bean	\$212,930
Uvalde	\$184,729
Val Verde County	\$282,364
Van Horn	\$120,813
Vega	\$249,540
Webb County	\$235,522
Wellington	\$184,555
Willacy County	\$122,539
Wolfe City	\$191,000
Woodson	\$243,636
Yoakum	\$150,000
Zapata County	\$235,522

A contract is not effective until executed by the unit of general local government and the executive director of Commerce.

Issued in Austin, Texas on May 8, 1989.

TRD-8904138 J. W. Lauderback
Executive Director
Texas Department of Commerce

Filed: May 9, 1989

Burleson County	\$ 300,000
Cameron County	300,000
Fort Bend County	300,000
Zavala County	300,000

For further information, please call (512) 320-9666



The Texas Department of Commerce announces that the units of general local government listed as follows have been selected as contract recipients for special impact funds under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413 (301).

A contract is not effective until executed by the unit of general local government and the executive director of Commerce.

Issued in Austin, Texas on May 8, 1989.

TRD-8904139 J. W. Lauderback
Executive Director
Texas Department of Commerce

Filed: May 9, 1989

Grants Awarded Under the 1988 Planning/Capacity Building Fund

Rising Star	27,378
Jourdanton	30,000
Hemphill	21,500
McLean	24,500
Timpson	17,700
Dublin	29,500
Los Fresnos	30,000
Wink	23,800
Lake Bridgeport	14,750
Bangs	30,000
Cottonwood Shores	19,100
Marion	19,100
Howardwick	15,750
Kountze	19,900
Cumby	16,900
Presidio	17,300
Bartlett	30,000
Grandfalls	16,700
Byers	20,900
Sabinal	27,300
George West	29,700
Comanche	3,282

For further information, please call (512) 320-9666



The Texas Department of Commerce announces that the units of general local government listed as follows have been selected as contract recipients for planning/capacity building funds under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413 (301).

A contract is not effective until executed by the unit of general local government and the executive director of Commerce.

Issued in Austin, Texas on May 8, 1989.

TRD-8904140 J. W. Lauderback
Executive Director

Filed: May 9, 1989

For further information, please call (512) 320-9666



Comptroller of Public Accounts Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Comptroller of Public Accounts of the State of Texas requests proposals to provide the following data processing consulting services.

Description of Work: The selected consultant will provide consulting/programming assistance in the development and implementation of a menu based system for data manipulation, selection, report and file generation. The system is to be used primarily by non-technical users (auditors) for generating computer audit assist reports and files to be used in taxpayer audits.

The request for proposal dated May 1989 for computer audit menu system depicts detail and functional specifications as well as our hardware and software environment. The purpose of the work proposed to be contracted is to assure the fullest reasonable degree of automation of the functions related to the audit process.

Person to be Contacted: Detailed specifications are contained in the request for proposal (RFP), a copy of which may be obtained on or after May 10, 1989, from the Audit Headquarters Division of the Comptroller of Public Accounts, Room 204, LBJ Building, between the hours of 8 a.m. and 5 p.m., Monday-Friday. For additional information, interested persons may contact Eddie Coats, Manager Computer Audit, Room 204, LBJ Building, 111 East 17th Street, Austin, Texas 78774, (512) 463-4287.

Closing Date: Proposals to perform these consulting services will be accepted only if in writing and actually received in the office of Wayne Wilson, Contracts Administrator, Room 207, LBJ Building, 111 East 17th Street, Austin, Texas 78774, no later than 11 a.m., June 16, 1989. Proposals should be submitted with an original and five copies. The comptroller of public accounts reserves the right to reject any or all proposals. Bids based upon shared participation by the comptroller's and consultant's staffs will be considered.

Procedure for Selection of Consultant: The Comptroller's Office will consider the demonstrated competence, knowledge, and qualifications to complete the work satisfactorily and on time. These factors will be used for each individual who will be assigned to the project, and for the firm as a whole, as well as the reasonableness of the proposed fee. The consultant firm which best meets these criteria will be selected for fee and contract negotiations. The comptroller of public accounts has the sole discretion and reserves the right to cancel the request if it is considered in the best interest of the agency to do so.

Schedule of Events: Bid Opening—June 16, 1989; Bid Award—June 25, 1989; Work Begins—July 1, 1989.

Issued in Austin, Texas on May 8, 1989.

TRD-8904177 Bob Bullock
Comptroller of Public Accounts

Filed: May 10 1989

For further information, please call (512) 463-4004

Court Reporters Certification Board Certification of Court Reporters

Following examination of applicants on April 14, 1989, the Court Reporters Certification Board has certified to the Supreme Court that the following individuals are qualified

in the method indicated to practice shorthand reporting pursuant to the Government Code, Texas Civil Statutes, Subchapter C, §52.024(a).

Oral Stenography: Jan M. Coldren-Harlingen; Linda Carolyn Newman-Temple; Elba Edith Rocha-McAllen; Robert Richey Gentry-Spring; M. Gail Dawson-Sulphur Springs.

Machina Shorthand: Deana Stayton-Spring; Diana Marie Smith-Arlington; Kimberly Tinsley-Dallas; Holli Dence' Hogan-Orange; Lisa Dawn Blake-DeSoto; Carol A. Mehegan-Plano; Leticia C. Herrera-San Antonio; Whitney Lehrberg Alden-San Antonio; Denise Hogarth-Burnford-Dallas; Melissa Kay Spivey-Irving; Lana Smethers-Millsap; Stacie Lynn Burns-Decatur; Billie Mazlett-Dallas; Patricia Ann English-Groves; Betty Rodriguez-Irving; Andrea Lynn Herndon-Irving; Cynthia Lyn Conyers-Richardson; Paula Denise Cluck-Houston; Gina Marie Sandmann-Irving; Donna Marie Lanata-Fort Worth; Trisha Lynne Phillips-Midlothian; Michele Perry Fritsche-Giddings; Lee Ann Bordelon-Alvin; Mona Sue Teasley-Pearland; Stacey Ann Tubb-Alvin; Pamela Lynne Boudreaux-Houston; Misty Fondren Clements-Austin; Deryce Marie Tokoi-Alvin; Jelaine Moore-Houston; Nancy Aurora Salinas-Texas City; Toni Annette McClendon-Anson; Julie F. Bush-Pearland; Jill A. Braden-Irving; Kathryn Louise Preston-Austin; Jana Lea Trevathan-Greenville; Debra Dee Bowman-Morgan-Dallas; Cheryl Ann Sanchez-San Antonio; Elizabeth Ann Hutson-San Francisco, California; David Harold Burka-Las Cruces, New Mexico; Melanie L. Smith-Houston; Shannon Renee James-Carthege; Mary Beth Meza-San Antonio.

Issued in Austin, Texas on May 5, 1989.

TRD-8904126 Peg Liedtke
Executive Secretary
Court Reporters Certification Board

Filed: May 8, 1989

For further information, please call (512) 463-1630

Texas Education Agency Notice of Contract Award

Description. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. After publication of a request for contractor continuance in the January 24, 1989, issue of the *Texas Register* (14 TexReg 530), the Texas Education Agency on April 21, 1989, executed a contract with National Evaluation Systems, Inc., 30 Gatehouse Road, Amherst, Massachusetts 01002, to develop for the examination for the certification of educators in Texas (ExCET) additional test items, review previously-used test items, and convene committees of educators.

Cost and dates. The total amount of the contract is \$149,900. The beginning date of the contract is September 1, 1988, and the ending date is August 31, 1989.

Due dates of documents. Secure test items are due from the contractor on or before August 31, 1989.

Issued in Austin, Texas on May 9, 1989.

TRD-8904160 W. N. Kirby
Commissioner of Education

Filed: May 9, 1989

For further information, please call (512) 463-9212

**Texas Department of Human Services
Notice of Correction of Open Solicitation**

The Texas Department of Human Services (DHS) submitted an open solicitation notice for potential contractors desiring to construct a 90-bed nursing facility for the counties listed in that notice. The notice appeared in the April 25, 1989, issue of the *Texas Register* (14 TexReg 2042). The date of the secondary random drawing should have been September 4, 1989, instead of August 23, 1989.

Issued in Austin, Texas, on May 9, 1989.

TRD-8904158 Charles Stevenson
Acting Commissioner
Texas Department of Human Services

Filed: May 9, 1989

For further information, please call (512)450-3765.



Occupancy rates for identified threshold counties are listed below:

County Number	Precinct Number	County Name	Number of Months Over	Aug	Sept	Oct	Nov	Dec	Jan
				015	4	Bexar	5	91.4	91.0
051		Cottle	5	91.4	88.8	92.3	94.9	95.1	98.7
144		Lee	5	87.8	93.5	95.8	95.8	95.5	95.7

Issued in Austin, Texas, on May 9, 1989.

TRD-8904150 Charles Stevenson
Acting Commissioner
Texas Department of Human Services

Filed: May 9, 1989

For further information, please call (512) 450-3765.



**State Board of Insurance
Company Licensing**

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for admission to do business in Texas of Centurion Casualty Company, a foreign casualty insurance company. The home office is in Des Moines, Iowa.
2. Application for name change by Agway Indemnity Insurance Company, a foreign casualty insurance company. The home office is in Cheyenne, Wyoming. The proposed new name is Texas Oxford Indemnity Insurance Company.
3. Application for incorporation to do business in Texas of Funds Administrators of Texas, Inc., a domestic third party administrator. The home office is in Houston.
4. Application for admission to do business in Texas of Association Group Agency, Inc., a foreign third party administrator. The home office is in Webster City, Iowa.

Issued in Austin, Texas, on May 4, 1989.

TRD-8904127 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: May 8, 1989

Public Notice Open Solicitation

Pursuant to the Human Resources Code, 40 TAC §16.1513, the Texas Department of Human Services (TDHS) is announcing an additional open solicitation period of 30 days (starting the date of this public notice) for the three counties identified in the March 24, 1989, public notice in the *Texas Register* (14 TexReg 2042). Potential contractors desiring to construct a 90-bed nursing facility in any of the counties identified in this public notice must submit a written application (as described in 40 TAC §16.1513) to TDHS, Services to Aged and Disabled, Provider Services Division, Mail Code 350-E, Post Office Box 149030, Austin, Texas 78714-9030. This written application must be received by TDHS by 5 p.m., on June 16, 1989, the last day of this open solicitation period. The secondary random drawing will be held on September 25, 1989. If no potential contractors submit replies during the open solicitation period, TDHS will place another public notice in the *Texas Register* announcing the reopening of the open solicitation period until a potential contractor replies to the public notice.

For further information, please call (512) 463-6327.



**Railroad Commission of Texas
Notice of Hearing**

The Railroad Commission of Texas will conduct a public hearing on a proposed amendment to 16 TAC §5.582, concerning deviations by sand and gravel carriers. The issues to be considered in the hearing include, but are not limited to: (1) whether deviations should be allowed by sand and gravel carriers; (2) on what traffic the deviations should be allowed; and (3) what percentage deviation should be allowed below the minimum rates.

The public hearing will begin at 9 a.m., on June 1, 1989. The hearing will be held in the William B. Travis State Office Building, 1701 North Congress Avenue, Austin. Refer to the bulletin board in the first floor lobby for the room assignment. If all comments cannot be heard on June 1, the hearing will continue the following day.

The hearing will be conducted in compliance with the General and Special Rules of Practice and Procedure before the Transportation Division. Any interested member of the public may appear and offer comments. Cross-examination of witnesses will not be allowed, although the presiding examiner may ask questions of any person testifying.

Issued in Austin, Texas on May 9, 1989.

TRD-8904130 Cril Payne
Assistant Director
Railroad Commission of Texas

Filed: May 9, 1989

For further information, please call (512) 463-7094

The Railroad Commission of Texas will conduct a public hearing on 16 TAC §5.294 (concerning the proposed addition of the Cities of McKinney and Allen to the now existing Dallas and Fort Worth commercial zones). The issues to be considered in the hearing include, but are not limited to: (1) whether these proposed amendments are consistent with the Texas Motor Carrier Act; Article 911b; and (2) whether the cities of McKinney and Allen are adjacent to and commercially a part of the cities of Dallas and Fort Worth.

The public hearing will commence at 9 a.m. on June 15, 1989, and continue through June 16, 1989. The hearing will be held in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas. Room assignment will be posted in the building lobby.

This hearing will be conducted in compliance with the Administrative Procedure and Texas Register Act and the General and Special Rules of Practice and Procedure before the Transportation Division. Any interested member of the public may appear and offer comments. Cross-examination of witnesses will not be allowed, although the presiding examiner may ask questions of any person testifying.

Issued in Austin, Texas on May 9, 1989.

TRD-8904131 Cril Payne
Assistant Director
Railroad Commission of Texas

Filed: May 9, 1989

For further information, please call (512) 463-7094

Texas Water Commission Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of May 1-May 5, 1989.

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, Capitol Station, Austin, Texas 78711, (512) 463-7905.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

Harris County Municipal Utility District Number 167, Houston; wastewater treatment facility; approximately 1-1/4 mile north of the intersection of Barker-Cypress Road and Clay Road; approximately one mile southwest of the intersection of Gummert Road and Barker-Cypress Road, Harris County; 12834-01; renewal.

Coastal Refining and Marketing, Inc., Corpus Christi; petroleum refinery; east of Navigation Boulevard and approximately 1/2 mile north of Interstate Highway 37 in the City of Corpus Christi, Nueces County; 00465; renewal.

Texas Department of Corrections, Huntsville; wastewater treatment plant; plant site is within Creece State Prison Farm, approximately one mile east-southeast of the intersection of Interstate Highway 45 and State Highway 19, Walker County; 10659-01; amendment.

Fry Road Municipal Utility District, Houston; wastewater treatment facility; 19903 Franz Road, Harris County; 11989-01; amendment.

Cactus Feeders, Inc. doing business as F.S.W. Cattle Company, Dumas; 103-acre feedlot; immediately south of Interstate Highway 40 at a point approximately 2.5 miles east of the intersection of Interstate Highway 40 and FM Road 809 in the City of Wildorado, Oldham County; 01377; amendment.

E. I. Dupont De Nemours and Company, Inc.-Beaumont Works, Beaumont; storage, processing, and disposal facility for industrial hazardous waste; on 750 acres of land located along the Neches River, eight miles upstream of Sabine Lake and bounded on the west by State Highway 347, approximately six miles southeast of the City of Beaumont, Jefferson County; HW-50166 (EPA I.D. Number TXD-008081101); amendment.

Issued in Austin, Texas, on May 5, 1989.

TRD-8904079 Brenda W. Foster
Chief Clerk
Texas Water Commission

Filed: May 8, 1989

For further information, please call (512) 463-7908