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Texas Register

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Texas Register

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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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



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Office of Consumer Credit Commissioner

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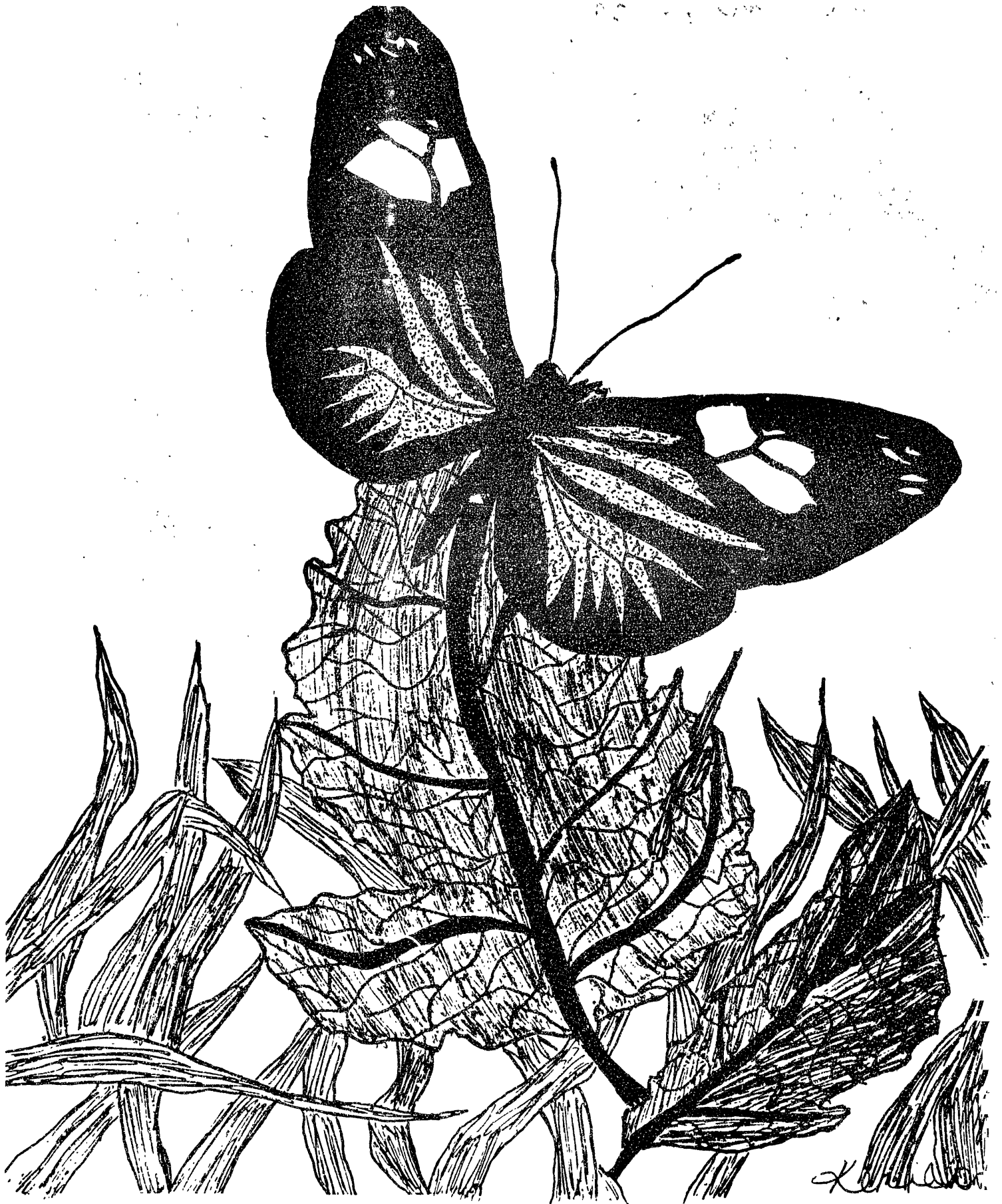
The University of Texas System

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2554-Notice of Application for Waste Disposal Permit



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TAC Titles Affected May

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1 TAC §5.401—2153

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1 TAC §271.1—2317

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1 TAC §275.1—2318

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16 TAC §75.3—2361

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40 TAC §§79.1701-79.1716—2144

40 TAC §§85.4050-85.4057—2148

Part II. Texas Rehabilitation Commission

40 TAC §115.5—2156

Part IV. Texas Commission for the Deaf

40 TAC §§181.1-181.5—2337

16 TAC §181.19—2412

40 TAC §181.916—2337

40 TAC §181.917—2337

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40 TAC §255.38—2293

40 TAC §§297.1, 297.3, 297.5, 297.7, 297.9, 297.11, 297.13, 297.15, 297.17, 297.19, 297.21, 297.23—2342

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40 TAC §374.1—2465

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43 TAC §15.31, §15.32—2354

43 TAC §§21.31, 21.32, 21.35, 21.37-21.40, 21.42-21.46, 21.48-21.51, 21.53, 21.54—2366

43 TAC §21.33, §21.41—2370

43 TAC §§31.1-31.3—2355

43 TAC §31.11, §31.13—2357

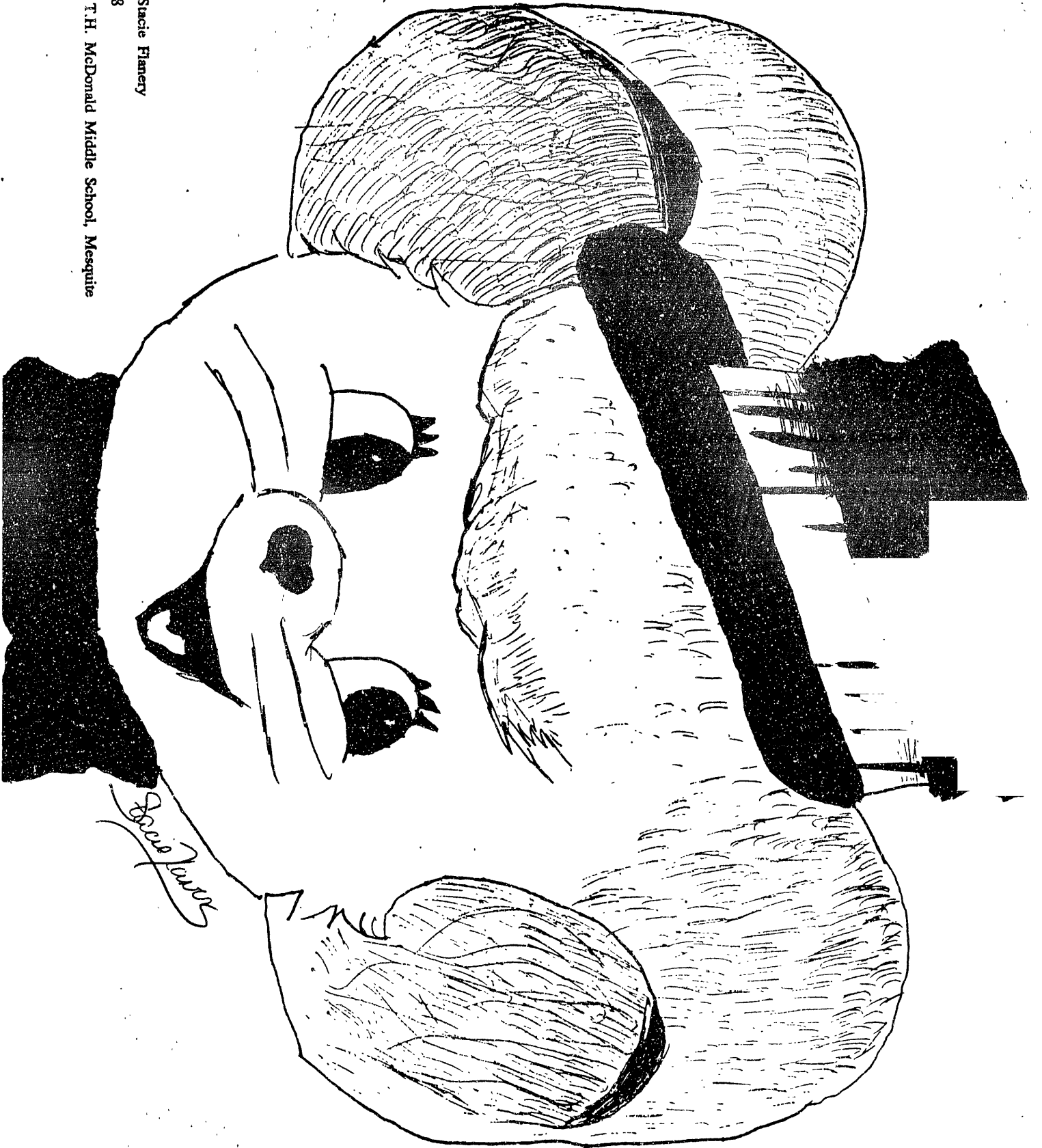
43 TAC §31.16, 31.21, 31.26, 31.31, 31.36—2357



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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.

Opinions

JM-1044 (RQ-1677). Request from Ashley Smith, Chairman, Financial Institutions Committee, Texas House of Representatives, Austin, concerning the authority of a commissioners court to designate a new area of the county courthouse for sales of real property.

Summary of Opinion. A commissioners court may change the area at the courthouse previously designated for public sales of real property pursuant to the provisions of the Property Code, §51.002(a). The commissioners court is not authorized under such section to designate an alternate area

for times when the designated area may become inaccessible to the public.

TRD-8904475

Requests for Opinions

(RQ-1710). Request from Jimmy F. Davis, Castro County District Attorney, Castro County Courthouse, Dimmitt, concerning whether a commissioners court is authorized to set working hours and holidays for road employees in a county which has ex officio road commissioners.

(RQ-1711). Request from Bryan M. Perot, Executive Officer, Polygraph Exam-

iners Board, Austin, concerning whether payment of a polygraph licensing fee may be refunded when the licensee dies.

(RQ-1712). Request from Patrick S. Dohoney, Hill County Attorney, Hill County Courthouse, Hillsboro, concerning whether grain which has been processed for storage, stored in a bin, and then transported to a purchaser is excepted from the highway weight limitations of Texas Civil Statutes, Article 6701d.11, §5(b).

(RQ-1713). Request from Jerry Cobb, Denton Criminal District Attorney, Denton, concerning the effect of termination of agreement by a county to perform road work within a municipality.

TRD-8904401



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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 IV. Texas Department of Labor and Standards

Chapter 75. Air Conditioning and Refrigeration Contractor License Law

• 16 TAC §§75.1-75.14

The Texas Department of Labor and Standards adopts on an emergency basis the repeal of §§75.1-75.14, concerning air conditioning and refrigeration contractors. These sections are being repealed so reorganized new sections may be adopted on an emergency basis.

The repeals are proposed on an emergency basis to protect the safety, welfare, and health of air conditioning and refrigeration consumers in Texas.

The repeals are proposed on an emergency basis under Texas Civil Statutes, Article 8861, which provide the commissioner of the Texas Department of Labor and Standards with the authority to promulgate any and all reasonable rules and regulations which may be necessary for the purpose of enforcing the provisions of this Act.

§75.1. Definitions.

§75.2. Applications.

§75.3. Fees.

§75.4. Exams.

§75.5. Licenses and Renewals.

§75.6. Insurance Requirement.

§75.7. Technical Requirements.

§75.8. Exemptions.

§75.9. Municipal Regulation and Reporting Requirement.

§75.10. Denial, Suspension, or Revocation: Penalties.

§75.11. Denial, Suspension or Revocation of License: Criminal Background.

§75.12. Advisory Board.

§75.13. Consumer Complaints.

§75.14. Effective Dates.

Issued in Austin, Texas, on May 12, 1989.

TRD-8904430 Joseph Huertas
Program Manager
Texas Department of Labor
and Standards

Effective date: May 19, 1989

Expiration date: September 16, 1989

For further information, please call: (512)
463-2906

• 16 TAC §§75.1, 75.10, 75.20, 75.30, 75.40, 75.50, 75.60, 75.70, 75.80, 75.90, 75.100

The Texas Department of Labor and Standards adopts on an emergency basis new §§75.1, 75.10, 75.20, 75.30, 75.40, 75.50, 75.60, 75.70, 75.80, 75.90, and 75.100 concerning air conditioning and refrigeration contractors. The entire chapter is adopted to replace the existing chapter, which is being simultaneously repealed on an emergency basis.

The new sections are adopted on an emergency basis to protect the safety, welfare, and health of air conditioning and refrigeration consumers in Texas.

The new sections are adopted on an emergency basis under Texas Civil Statutes, Article 8861, which provide the commissioner of the Texas Department of Labor and Standards with the authority to promulgate any and all reasonable rules and regulations which may be necessary for the purpose of enforcing the provisions of this Act.

§ 75.1. Authority.

(a) The sections in this chapter are authorized by the Air Conditioning and Refrigeration Contractor License Law, Article 8861, §3.

(b) Article 8861 became effective September 1, 1983. Licensing became mandatory January 1, 1986. Amendments were passed in 1985 and 1987. Commercial refrigeration was added in the 1987 amendment, effective September 1, 1987.

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

Advertising or advertisement—Any commercial message which promotes the services of an air conditioning and refrigeration contractor and which appears in or is presented on radio, television, a public-address system, telephone solicitation, newspapers, magazines, leaflets, fliers, catalogs, direct mail literature, other printed material, an inside or outside sign, or window display.

Advisory board—The Air Conditioning and Refrigeration Contractors Advisory Board.

Air conditioning and refrigeration contracting—The design, installation, construction, maintenance, service, repair, alteration, or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems.

Air conditioning and refrigeration contractor—A person who performs air conditioning and refrigeration contracting.

Assumed name—A business name which has been legally registered with the secretary of state as an assumed name being used by a company.

Boiler—As defined in the Texas Boiler Law, Texas Civil Statutes, Article 5221c.

Business affiliation—The company that is being operated using the specific license issued.

Commercial refrigeration—The use of mechanical or absorption equipment to control temperature, humidity, or both in order to satisfy the intended use of a specific space.

Commissioner—The commissioner of the Texas Department of Labor and Standards.

Cooling capacity—The nominal tonnage of the compression equipment based on 40 degrees Fahrenheit suction temperature and 105 degrees Fahrenheit condensing temperature.

Department—The Texas Department of Labor and Standards, Boiler Section, P. O. Box 12157, Austin, Texas 78711.

Direct personal supervision—Will be satisfied if the entity employed a full time licensee in a responsible position. Each air conditioning and refrigeration contractor licensed under the Act shall have a full time licensee in direct supervision of the work in each of his permanent offices.

Environmental air conditioning—The process of treating air to control temperature, humidity, cleanliness, ventilation, and circulation to meet human comfort requirements.

Environmental air conditioning maintenance work—Repair work and all other work required for the continued normal performance of an environmental air conditioning system. The term does not include the installation of a total replacement of the system or the installation of boilers or pressure vessels that must be installed by licensed persons pursuant to rules and regulations promulgated by the Texas Department of Labor and Standards under the Texas Boiler Law, Chapter 436, 45th Legislature, 1937, Texas Civil Statutes, Article 5221c.

Heating capacity—Will be measured in British thermal units per hour (Btu/h) output.

Mechanical integrity—Physical installation of products, systems, or equipment in accordance with their intended purpose and according to:

(A) standards at least as strict as the standards set forth in the Uniform Mechanical Code published jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials or their successor organizations, or the Standard Mechanical Code published by the Southern Building Code Congress International, Inc., or its successor organizations;

(B) all other applicable codes; and

(C) the manufacturer's specifications.

Municipal authority—The elected governing body of the municipality.

Municipality—Any incorporated city or town.

Permanent office—Any office, branch office, or location which has the ability to enter into contractual obligations to perform air conditioning and/or refrigeration contracting work and have control and supervisory responsibility over these contracts.

Person—An individual.

Process cooling or heating—Includes the control of temperature, humidity, or cleanliness solely for proper operation of equipment or for production requirements.

Program manager—The program

manager of the Boiler Section of the Texas Department of Labor and Standards.

Subcontractor—A person contracted by a Texas air conditioning contractor license (TACL) licensed contractor to perform a certain task. The TACL licensed contractor is responsible for the work performed by the subcontractor.

The Act—The Air Conditioning and Refrigeration Contractor License Law, Texas Civil Statutes, Article 8861.

§75.20. Licensing Requirements.

(a) Applications.

(1) Each person desiring a State of Texas air conditioning and refrigeration contractor license shall request an application from the department. All applications shall be submitted only on the form approved by the commissioner and provided by the department. Acknowledgment of the receipt of an acceptable application will be made within 10 working days and will indicate the next actions to be taken.

(A) Incorrect or incomplete applications will be returned with an explanation of the problem within 10 working days.

(B) Applications submitted indicating a conviction or a felony are processed separately. The applicant is requested to explain in writing the circumstances regarding their conviction(s). The provisions of § 75.24 of this title (relating to Denial, Suspension, or Revocation of License: Criminal Background) are followed and must be responded to by the applicant.

(2) An applicant for an air conditioning and refrigeration contractor license must be at least 18 years old and must present to the commissioner satisfactory evidence of at least 36 months of practical experience with the tools of the trade in the preceding five years. For purposes of the experience requirement, a degree or diploma in air conditioning engineering, refrigeration engineering, or mechanical engineering from an institution of higher education whose program is approved by the Texas State Board of Registration for Professional Engineers for the purpose of licensing professional engineers is considered the equivalent of two years of practical experience. Credit for air conditioning and refrigeration courses emphasizing hands-on training taken at schools accredited by the Texas Education Agency, the Coordinating Board of the Texas College and University System, and the National Association of Trade and Technical Schools will be allowed at the rate of one month's credit for each two months of successfully completed training. Transcripts will be required. The applicant must specify on the application form prescribed by the commissioner, the class of license and each endorsement he or

she seeks. The application must be verified by the program manager. Before an applicant can be approved to take the applicable exam, the following must be received and approved by the department:

(A) the application form complete and correctly filled out;

(B) three written recommendations from air conditioning and refrigeration contractors licensed under the Act;

(C) a statement of the applicant's practical experience;

(D) evidence of the insurance coverage required. The license will not be issued before evidence of the insurance coverage has been received by the department; however, an applicant may qualify to take the exam without evidence of insurance coverage;

(E) the examination fee. All examination fees should be paid by cashier's check or money order.

(3) An applicant's application file must be complete and received by the program manager not less than 45 days prior to being scheduled for an examination.

(4) Applicants may appeal any dispute arising from a violation of the time periods set for processing an application. An appeal is perfected by filing with the commissioner of the department a letter explaining the time period dispute. The letter of appeal must be received by the commissioner no later than 20 days after the date the dispute arose. The Legal Section will decide the appeal within 20 days of the receipt of the letter of appeal by the commissioner.

(b) Exams.

(1) Class A license exam shall consist of 100 questions. Class B license exam shall consist of 50 questions.

(2) An applicant who correctly answers 70% of the exam questions shall be eligible for a State of Texas air conditioning and refrigeration contractors license, provided the license fee has been paid and the proof of insurance coverage has been received by the department. Eligibility for a license shall last not more than two years from the date of examination result notification. Applicants who pass the exam but do not choose to acquire a license before the two-year period must take a re-exam and pay the required re-examination fee.

(3) All applicants will be notified of the examination results within 30 days of the exam date.

(4) An applicant who does not correctly answer 70% of the exam questions (or make a minimum passing grade of 70)

shall be eligible for re-examination, provided the applicant notifies the program manager in writing and pays the re-exam fee for each re-exam taken. The written notice must be received by the program manager not less than 45 days prior to being scheduled for a re-examination.

(5) An applicant shall be notified by the program manager of the scheduled examination date within a reasonable amount of time prior to the examination. Applicants who are scheduled for an examination but fail to appear as scheduled and have failed to notify the program manager not less than 72 hours prior to the scheduled exam must reapply and pay the examination fee prior to being rescheduled. An applicant who has notified the program manager more than 72 hours before the scheduled exam and received a free reschedule may be rescheduled in this manner two times. If he wishes to reschedule a third time he must reapply and pay the full fee. An applicant who notifies the program manager less than 72 hours prior to a scheduled examination of the need to reschedule due to unforeseen circumstances (subject to approval by the program manager) may do so without the required rescheduling fee. An applicant may only be rescheduled in this manner one time. The examination notification form must be submitted confirming the reason for rescheduling.

(c) Licenses.

(1) A Class A license entitles the licensee to perform air conditioning and refrigeration contracting, of each type for which the license is endorsed, on systems, products, or equipment of any size or capacity.

(2) A Class B license entitles the licensee to perform air conditioning and refrigeration contracting, of each type for which the license is endorsed, on systems, products, or equipment of not more than 25 tons cooling capacity or of not more than 1.5 million Btu's per hour output heating capacity. A combination of smaller units totaling more than 25 tons of cooling capacity or more than 1.5 million Btu's per hour of heating capacity shall not be construed as a system requiring a Class A license.

(3) Endorsements are of two types, environmental air conditioning, and commercial refrigeration and process cooling and heating.

(A) An environmental air conditioning endorsement entitles the licensee to perform air conditioning and refrigeration contracting in relation to environmental air conditioning with the class of license held.

(B) A commercial refrigeration and process cooling and heating endorsement entitles the licensee to perform air conditioning and refrigeration contract-

ing in relation to commercial refrigeration and process cooling and heating within the class of license held.

(4) Each license shall be endorsed for either environmental air conditioning or commercial refrigeration and process cooling and heating, or both. For each endorsement, the licensee must perform satisfactorily on a separate examination related to the endorsement. A licensee may not perform under a state license air conditioning and refrigeration contracting of a type for which the person's license is not endorsed.

(5) There will be separate examinations for each class of license and, within each class, separate examinations for environmental air conditioning and for commercial refrigeration and process cooling and heating.

(6) A person who holds a valid Class A air conditioning contractor license on September 1, 1987, is entitled, without additional examination, to a license as a Class A air conditioning and refrigeration contractor with endorsements for environmental air conditioning and for commercial refrigeration and process cooling and heating if the licensee applies to the commissioner of the Texas Department of Labor and Standards not later than September 1, 1988.

(7) A person who holds a valid Class B air conditioning contractor license on September 1, 1987, is entitled, without additional examination, to a Class B air conditioning and refrigeration contractor license of the same class with endorsements for environmental air conditioning and for commercial refrigeration and process cooling and heating if the licensee applies to the commissioner of the Texas Department of Labor and Standards not later than September 1, 1988.

(8) Any contractor who had a Class B license in environmental air conditioning on September 1, 1987, and who, passing the exam for a Class A license in environmental air conditioning, upgrades his license, is eligible for a Class B endorsement for commercial refrigeration and process cooling and heating. In order to be issued a Class A license with both endorsements, he must also pass an exam for Class A commercial refrigeration and process cooling and heating.

(9) A contractor who wishes to have endorsements of different classes, either a Class A in environmental air conditioning and a Class B in commercial refrigeration and process cooling and heating, or a Class B in environmental air conditioning and a Class A in commercial refrigeration and process cooling and heating, must buy a separate license for each endorsement. Each license will expire three years from the date of issue, and will not have concurrent expiration dates unless both are issued on the same date.

(10) In order to be eligible for separate licenses for different classes, a contractor must have requested a Class B endorsement for commercial refrigeration and process cooling and heating based on a Class B environmental air conditioning License held on September 1, 1987, and must have passed an exam for a Class A endorsement for Environmental Air Conditioning; or he must have passed an exam for each class endorsement for which he wishes to be licensed.

(11) A contractor may have only one endorsement per license when he has two separate licenses. Both licenses must have the same business affiliation and permanent and business addresses.

(12) The requirement for insurance for separate licenses can be met with a single policy with limits at least as high as those required for a Class A license.

(13) Any violation of the law or the rules and regulations resulting in suspension or revocation of one license would automatically result in suspension or revocation of both licenses. A status of inactive or a waiver of insurance for one license would automatically be applied to both licenses.

(14) Licensed air conditioning and refrigeration contractors shall not be simultaneously employed by, or work for, more than one business entity.

(15) In a building or a complex of buildings having more than one air conditioning or heating unit, a contractor holding a Class B license may design, install, construct, maintain, service, repair, alter, or modify any unit of 25 tons or less of cooling capacity or 1.5 million Btu/h or less of heating capacity. A Class B license holder cannot design, install, construct, maintain, service, repair, alter, or modify components of a system where either the cooling source has a unit capacity of more than 25 tons or the heating source has a unit capacity of more than 1.5 million Btu/h. A Class B license holder may work on a combination of units where the combination total is more than 25 tons cooling capacity or more than 1.5 million Btu/h, as long as each complete, individual unit has a cooling capacity of 25 tons or less and a heating capacity of 1.5 million Btu/h or less.

(16) A license issued by a municipality of this state is valid under the terms of the license within that municipality. However, a license issued under the Act is valid throughout the state, and the holder and people under supervision are not required to hold a municipal license to practice air conditioning and refrigeration contracting in a municipality within this state.

(d) Denial of license: criminal background.

(1) The following criteria shall be utilized to determine whether an appli-

cant shall be issued a license if that applicant states in their application for said license that they have previously been or are presently under conviction for a criminal offense:

(A) the nature and seriousness of the crime;

(B) the relationship of the crime to the purpose of requiring a license to engage in the occupation or industry;

(C) the extent to which a license might offer an opportunity to engage in further criminal activity of the same or similar type as that in which the applicant previously had been involved;

(D) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the functions and responsibilities of the licensed occupation or industry.

(2) In addition to the factors that may be considered in paragraph (1) of this subsection, the department, in determining the present fitness of a person who has been convicted of a crime, may consider the following:

(A) the extended nature of the person's past criminal activity;

(B) the age of the person at the time of the commission of the crime;

(C) the amount of time that has elapsed since the person's last criminal activity;

(D) the conduct and work activity of the person prior to and following the criminal activity;

(E) evidence of the person's rehabilitation or attempted rehabilitation effort while incarcerated or following release; and

(F) other evidence of the person's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person, the sheriff and chief of police in the community where the person resides, and any other persons in contact with the convicted person.

(3) It shall be the responsibility of the applicant to the extent possible to secure and provide to the licensing authority the recommendations of the prosecution, law enforcement, and correctional authorities as required by these rules.

(4) The applicant should also furnish proof in any form, as may be required by the licensing authority, that they have maintained a record of steady employment and have otherwise maintained a record of good conduct and have paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which the applicant had been convicted.

(5) If the department denies a person a license or the opportunity to be examined for a license in accordance with these rules because of the person's prior conviction of a crime and the relationship of the crime to the license, the department shall:

(A) notify the person in writing stating reasons for denial or disqualification;

(B) use the review procedure provided by Texas Civil Statutes, Article 6252-13c and 6252-13d.

(6) The department will be concerned with those offenses defined as crimes of moral turpitude by statute or common law; Class A misdemeanors to first, second, and third degree felonies carrying fines and/or imprisonment or both. Special emphasis shall be given to crimes of robbery, burglary, theft, embezzlement, and conversion.

(e) Renewals.

(1) A license holder is responsible for the timely filing of the renewal application. Failure to receive notification from the department prior to the expiration date of the license will not excuse failure to file for renewal.

(2) To renew a license, each license holder shall submit to the department a renewal application accompanied by the renewal fee and evidence of the insurance requirement as provided in §75.40 of this title (relating to Insurance Requirement). The renewal application and renewal fee shall be received by the department not less than 30 days prior to the expiration date. Each license shall be renewed for a three year period.

(3) A license that has expired for a period of two years or less may be renewed by submitting the renewal application, payment of the renewal fee, evidence of the insurance requirement as provided in §75.40 of this title (relating to Insurance Requirement), and an additional \$50 late renewal penalty fee. If a license has expired for a period of more than two years, that license may not be renewed. The former license holder may obtain a new license in the same manner as a new applicant, including taking the applicable exam and payment of all required fees.

(4) Contractors renewing their licenses must sign the renewal notice which will be sent to them.

§75.30. Exemptions.

(a) The Act and its rules and regulations do not apply to a person who:

(1) performs air conditioning and refrigeration contracting in a building owned solely by him as his home;

(2) performs environmental air conditioning maintenance work if:

(A) the person is a maintenance man or maintenance engineer who is a regular bona fide employee of the property owner, the property lessee, or the management company managing the property where the maintenance work is being performed;

(B) the work is performed in connection with the business in which the person is employed; and

(C) the person and the person's employer referred to in subparagraph (A) of this paragraph do not engage in the occupation of air conditioning and refrigeration contracting for the general public.

(3) performs air conditioning and refrigeration contracting and is regularly employed by a regulated electric or gas utility. air conditioning and refrigeration contracting must be performed in connection with the utility business in which the person is employed;

(4) is licensed as a professional engineer under the Texas Engineering Practice Act, Texas Civil Statutes, Article 3271a, performs work in connection with the business in which the person is employed, and does not engage in the practice of air conditioning and refrigeration contracting for the general public;

(5) performs process cooling or heating work for all industrial operation such as a chemical plant, petrochemical plant, refinery, natural gas plant, or natural gas treating plant when employed by that operation;

(6) performs air conditioning and refrigeration contracting on:

(A) a portable or self-contained ductless environmental air conditioning product that has a cooling capacity of three tons or less;

(B) a portable or self-contained heating product that does not require the forced movement of air outside the heating unit; or

(C) environmental air conditioning equipment that is intended for temporary use and is not fixed in place.

(7) performs plumbing work and is licensed under the Plumbing License Law, Texas Civil Statutes, Article 6243-101. A person licensed under the Act may not perform or offer or attempt to perform any act, service, or function that is defined as plumbing work under the Plumbing License Law, unless licensed under that law. A person who is licensed in this state as a plumber and is engaged in business as a plumber may not perform or offer or attempt to perform air conditioning and refrigeration contracting unless licensed under the Act;

(8) assists in the performance of air conditioning and refrigeration contracting work under the direct personal supervision of a license holder. A person who assists in the performance of air conditioning and refrigeration work may not engage in the practice of air conditioning and refrigeration work for the general public without being under direct personal supervision by a duly licensed air conditioning and refrigeration contractor. To directly supervise air conditioning and refrigeration work, a license holder must accept responsibility for work done by those persons assisting the license holder in meeting the standards for air conditioning and refrigeration work established by the commissioner under the Act;

(9) is regulated under the Natural Resources Code, Chapter 113. A person licensed under the Act may not perform or offer or attempt to perform any act, service, or function regulated under the Natural Resources Code, Chapter 113, unless licensed under that law. A person regulated under the Natural Resources Code, Chapter 113, may not perform or offer or attempt to perform air conditioning or refrigeration contracting unless licensed under the Act;

(10) performs air conditioning maintenance work if the person is licensed as a professional engineer under the Texas Engineering Practice Act, Texas Civil Statutes, Article 3217a; the work is performed in connection with the business in which the person is employed; and the person does not engage in the occupation of air conditioning and refrigeration contracting for the general public; or

(11) is registered as a manufacturer, retailer, or installer and regulated pursuant to the Texas Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, and that engages exclusively in air conditioning and refrigeration contracting for manufactured homes.

(b) The work described by subsection (a)(1)-(5) of this section remains subject to any permit, inspection, or approval requirements prescribed by a municipal ordinance. All work shall meet or exceed the standards for air conditioning and refrigera-

tion work established by the commissioner under the Act.

(c) A person licensed under the Act may not perform or offer or attempt to perform any act, service, or function that is defined as the practice of engineering by the Texas Engineering Practice Act, as amended (Texas Civil Statutes, Article 3271a).

(d) A person who assists in the performance of air conditioning and refrigeration contracting work under the supervision of a licensee is not required to be licensed by a municipality

§75.40. Insurance Requirement.

(a) Each Class A license applicant or holder shall have in force commercial general liability insurance in an amount not less than \$300,000 combined for property damage and bodily injury sustained by one or more persons, \$300,000 aggregate for products and completed operations, and \$300,000 aggregate (total amount the policy will pay). In the event claims occur which reduce the required coverage to a level of \$250,000 or less, the licensee shall reinstate the coverage to the original \$300,000 amount or greater.

(b) Each Class B license applicant or holder shall have in force commercial general liability insurance in an amount not less than \$100,000 combined for property damage and bodily injury sustained by one or more persons, and \$100,000 aggregate for products and completed operations, and \$100,000 aggregate (total amount the policy will pay). In the event claims occur which reduce the required coverage to a level of \$75,000 or less, the licensee shall reinstate the coverage to the original \$100,000 amount or greater.

(c) The products and completed operations liability covers the public and the contractor from claims arising from an occurrence after the job is completed.

(d) A license applicant or holder shall furnish to the department a certificate of insurance as evidence of the insurance required in subsection (a) or (b) of this section. The license holder's name and address must be shown as it appears on the license. Binders and interim certificates of less than 60 days will not be accepted. The certificates of insurance shall be issued to each municipality where air conditioning and refrigeration contracting is performed.

(e) The certificate of insurance shall certify that the policy has been endorsed with the provision that in the event such coverage is canceled or reduced, the insurance carrier shall notify the department at least 45 days prior to such cancellation or reduction in coverage. Each nonrenewal notice shall also be submitted by the insurance carrier to the department at least 45 days prior to the renewal date. In the event that coverage is canceled for nonpayment of

premium, the insurance carrier shall notify the department at least 10 days prior to such cancellation.

(f) Certificates of insurance will be accepted only when signed by those officers or agents of an insurance company empowered to sign such certificates by the insurance company. The department will obtain the names of such officers or agents from the insurance companies.

(g) The commissioner may waive the insurance requirements for license applicant or holder not contracting with the general public. All requests to waive the insurance requirements shall be submitted in writing to the program manager and shall contain a detailed explanation of the conditions on which the license applicant or holder is requesting the waiver.

§75.50. Reporting Requirements.

(a) A municipality may by ordinance adopt and enforce standards for air conditioning and refrigeration contractors that are consistent with the standards established under the Act. The municipality shall report violations of the ordinance to the commissioner not later than the 10th day after the date on which the municipality takes action to enforce the ordinance. Conviction of an offense under the municipal ordinance is a ground for the denial, suspension, or revocation of a license issued under the Act.

(b) Complaints must be made in writing with the necessary supporting documentation. All complainants must identify themselves and provide sufficient information necessary for an agency investigator to contact them by telephone or mail. The receipt of all complaints will be acknowledged within 10 working days and will be evaluated for validity within the department's authority. Individuals with complaints that are not within the department's authority will be so advised as soon as the determination has been made.

§75.60. Responsibilities of the Department.

(a) Exams.

(1) Exams shall be administered and monitored by examiners employed by the department. Examiners shall be employed by contract on a 12-month basis and approved by the commissioner. Examiners shall be full-time air conditioning and refrigeration professionals. For the purpose of this section, an air conditioning and refrigeration professional is anyone who meets the criteria established in the Act, §4(b), and additionally has a total of eight years of practical experience in air conditioning and refrigeration work. For the purpose of this experience requirement, a degree or diploma in air conditioning engineering or mechanical engineering from an institute of higher education whose program is approved by the Texas State Board of Regis-

tration for Professional Engineers for the purpose of licensing professional engineers is considered to be the equivalent of two years of practical experience.

(2) The license examinations shall be offered in Travis County not less than four times per year. The four regular scheduled exams shall be scheduled for January, April, July, and October. Additional exams shall be scheduled by the program manager as required.

(3) All exams shall be given open book, and applicants are to bring ref-

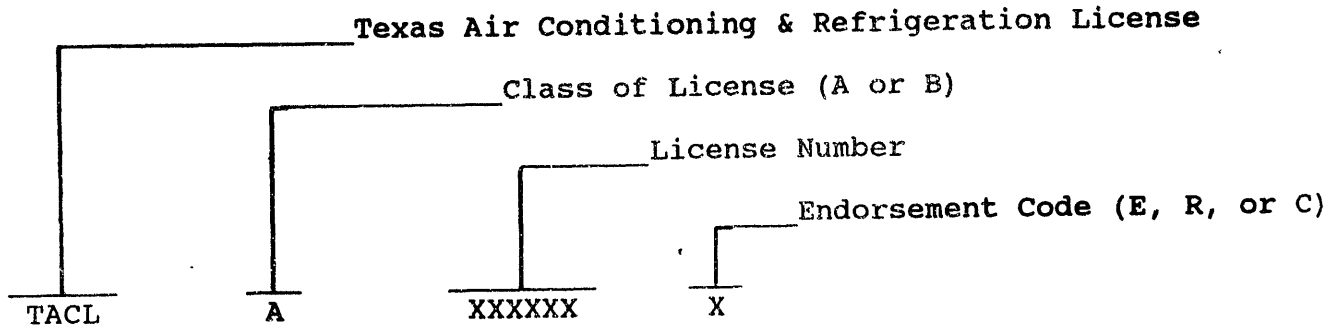
erence material only. A list of reference material may be obtained from the department.

(4) Separate tests are administered for environmental air conditioning and for commercial refrigeration and process cooling and heating. Both tests may be taken during the same testing period, either during the same day, or on successive days. Tests may also be taken in different testing periods, which will result in higher fees for the exams and an additional fee for revising the license.

(b) Licenses and renewals.

(1) Each license shall clearly indicate the name and permanent address of the holder, the name and address of the business affiliation, and the license class. A license being used with a legally registered assumed name(s) must show the company name, and may show one assumed name. If the company has legally registered assumed name(s), the license will so indicate.

(2) Each license shall be numbered sequentially as they are originally issued. A number originally assigned and subsequently relinquished, suspended, revoked, or otherwise terminated shall not be assigned to another licensee. Each license shall be numbered as follows.



Endorsement Codes are as follows: Environmental Air Conditioning - E; Commercial Refrigeration & Process Cooling and Heating - R; Combined Endorsements - C.

(3) Each Class A and Class B air conditioning and refrigeration contractor's license shall expire three years after the date of issuance. The department shall submit a renewal notice to each license holder approximately three months prior to the license expiration date. The renewal notice shall advise the amount of the renewal fee and include a renewal application.

§75.70. Responsibilities of the Licensee.

(a) Each license shall be displayed at the contractor's place of business as listed with the commissioner.

(b) Each licensed contractor shall display the license number and company name in letters not less than two inches high on both sides of all trucks used in conjunction with air conditioning and refrigeration contracting. Job sites not identified by a marked truck shall be identified by a posted sign visible and readable from the nearest public street, containing the

Texas air conditioning and refrigeration license number and company name.

(c) All advertising by contractors requiring a license under the Act designed to solicit business shall include the contractor's license number. Advertising which requires the license number shall include printed material, radio ads, television ads, newspaper ads, yellow pages, business cards, solicitations, proposals, quotations, invoices, and other items for the purpose of attracting business. Yellow page listings that do not contain any information except the name, address, and telephone number are not required to contain the contractor's license number. Letterheads and printed forms not used to solicit business are not required to have the license number included. Any promotional item of value, including ball caps, tee shirts, pens, pencils, and other gift items are not required to have the license number included. Signs located at the contractor's permanent business location are not required to have the license number displayed.

(d) A license holder is required to notify the commissioner in writing within 30 days of any change in permanent mailing address, business affiliation, change of business location, or business telephone number. A license revision is required for any change to permanent mailing address, change of business affiliation, or the business location reflected on the license. The permanent address on file with the commissioner shall be considered the license holder's permanent address and all correspondence, including license expiration notice from the department, will be mailed to such address of record. A license holder wishing to revise a license shall request in writing the revision, return the original license reflecting requested revisions, and pay the appropriate fee required in §75.80 of this title (relating to Fees). Additionally, a revised insurance certificate must be provided to the department correctly reflecting the requested revisions. A license holder requiring a replacement license or wallet card must send a notarized

statement to the department indicating the loss and requesting the replacement. Payment of the fees required in §75.80 of this title (relating to fees) must be submitted with the statement of loss.

(e) Each license shall be used only by the business listed as the business affiliation on the license. If a licensed contractor works as a subcontractor for another business, he may not do so under his license. He must work under the license of the business to which he has contracted, and he may not bill or receive payment for such subcontracting from any other source.

(f) Each air conditioning and refrigeration contractor licensed under the Act will have a licensee in direct supervision of the work in each of his permanent offices.

(g) A licensee must register all assumed names under which he operates, whether registered with the secretary of state, a county clerk, or elsewhere and these assumed names shall be listed with his license. Failure to keep the registration current will result in suspension of the license. All notification will be in writing and submitted within 30 days of any change. Only legally registered assumed names will be accepted.

(h) The commissioner shall publish annually a directory of the persons licensed under the Act. The commissioner may sell the directory on payment of a reasonable fee set by the commissioner. The fees collected under this subsection shall be appropriated to the department for use in the administration of the Act.

(i) A contractor who is not contracting with the public may request inactive status for a period not to exceed 24 consecutive months. Insurance is not required on an inactive license. The original license and wallet card must be returned to the department during the inactive period. In order to return to active status, a request in writing and proof of insurance must be submitted to the department. Licenses expiring during inactive status must be renewed by payment of the renewal fee.

(j) Each person licensed under the Act shall notify, within 10 days, the municipal authority who has control of the enforcement of regulations relative to air conditioning and refrigeration contracting in the municipality in which the person is engaged in air conditioning and refrigeration contracting that the person has obtained a state license. The notification must be in the form required by the municipality. A listing of all municipalities in which a licensee has registered shall be submitted to the department. The department must be notified within 10 days of any change.

§75.80. Fees. All fees should be paid by cashier's check or money order made payable to the Texas Department of Labor and Standards.

(1) Exam costs. Class A and Class B exam fees are: One exam \$100 (either for environmental air conditioning or commercial refrigeration and process cooling and heating); Two exams \$150 (taken during the same examination period); Re-exam \$50; Re-schedule \$50.

(2) License Fees. Class A license for three years \$300; renewal every three years \$150; Class B license for three years \$150; renewal every three years \$75; late renewal fee \$50.

(3) Lost or revised license. A \$25 fee shall be required and accompany each request for a revised license or to replace a lost or duplicate license.

(4) Lost or revised wallet card. A \$10 fee shall be required and accompany each request for a revised or lost wallet card.

(5) Addition of an endorsement to an existing license. Reprint of license and wallet card \$25. If the license is to be reprinted for renewal or revision at the same time, for which required fees are paid, and the request is received before the license has been reprinted, this fee may be waived.

§ 75.90. Sanctions.

(a) A violation of the Texas air conditioning and Refrigeration Contractors License Law or this chapter is grounds for the denial, suspension, or revocation of a license. The failure to provide proper installation, service, and mechanical integrity under the Act constitutes a violation of the Act. An intentional or knowing misrepresentation of necessary services, services to be provided, or services that have been provided, or a fraudulent promise made to influence, persuade, or induce an individual to contract for services constitutes a violation of the Act and a ground for the suspension or revocation of a license issued under the Act.

(b) A person whose application for a license is denied or a person whose license is suspended or revoked is entitled to a hearing before the commissioner if he submits a written request for hearing to the department. Proceedings for the denial, suspension, or revocation of a license and appeals from those proceedings are governed by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. If a person's license is revoked, or a person is denied a license, the person may not apply for a new license before one year from the date the revocation or denial became effective.

(c) The commissioner shall revoke or suspend a license, probate a license suspension, or reprimand a licensee for any violation of the Act or rules promulgated by the commissioner. A violation of the Act shall include, but not be limited to, obtaining a license through error or fraud; know-

ingly making a substantial misrepresentation of services to be provided or which have been provided; or making any false promise with intent to influence, persuade, or induce an individual to contract for services. Any person whose license has been revoked may apply for a new license after the expiration of one year from the date of such revocation, but not before.

(d) A person who knowingly or intentionally engaged in air conditioning and refrigeration contracting without a license issued under Texas Civil Statutes, Article 8861, can be found guilty of a Class B misdemeanor.

(e) Subject to the other provisions hereof, any person that violates any of the provisions of the Act or this chapter shall be guilty of an offense, and upon conviction thereof shall be fined in any amount not in excess of \$200. Each and every day that any such violation continues shall constitute a separate offense and be punishable as such. The conviction of any person under this provision shall not preclude the state from pursuing any other remedy or remedies that it desires to enjoin a violation or to enforce compliance with the provisions of the Act.

(f) Unless licensed under the provisions of the Act, it shall be unlawful for any person, partnership, firm, or corporation to display a sign or use any advertising that such person, partnership, firm, or corporation is authorized to engage in the business of an air conditioning and refrigeration contractor.

(g) It shall be unlawful for a licensed air conditioning and refrigeration contractor to permit his license to be used in any manner contrary to any of the provisions of the Act; or to obtain a municipal permit, required under the provision hereof, in his name, or to allow the use of his name directly or indirectly by another person for the purpose of obtaining a municipal permit, when such licensed air conditioning and refrigeration contractor does not intend to, or does not in fact, do or supervise the work authorized by such municipal permit; or to take out municipal permits for air conditioning and refrigeration work to be done by another person, firm, partnership, or corporation by whom he is not employed.

(h) Each license shall be suspended during any period during which the required insurance is not in effect by evidence of a current certificate of insurance on file with the department or when the required level of insurance has not been reinstated as required in §75.40(a) or (b) of this title (relating to Insurance Requirement).

(i) It shall be unlawful for any person, or the owner, agent, or occupant of any building or premises, to aid or abet an air conditioning and refrigeration contractor in the violation of the Act or this chapter or to connive in its violation.

(j) Punishment for offenses under the Act will be in accordance with the law in effect at the time the offense was committed.

§75.100. Technical Requirements.

(a) Boilers.

(1) Boilers used in the process of environmental air conditioning shall comply with the Texas Boiler Law, Texas Civil Statutes, Article 5221c, and Chapter 65 of this title (relating to Boiler Section). The Texas Boiler Law provides for rules and regulations for safe construction, installation, inspection, operating limits, alteration, and repair of boilers and their appurtenances performed under the scope of the Texas Boiler Law by those who possess the applicable American Society of Mechanical Engineers certificate of Authorization or National Board "R" Stamp Certificate. These certificate holders are not required to hold a license as an air conditioning and refrigeration contractor.

(2) All others who alter, construct, design, install, maintain, modify, repair, or service boilers used in the process of environmental air conditioning, commercial refrigeration, or process cooling or heating must comply with the Texas Boiler Law, Texas Civil Statutes, Article 5221c, and Chapter 65 of this title (relating to Boiler Section), and shall also hold the applicable class license as an air conditioning and refrigeration contractor.

(b) Electrical connections.

(1) The new construction of environmental air conditioning, commercial refrigeration, and process cooling or heating systems begins after the first connection on the line side of any listed appliance.

(2) air conditioning and refrigeration contractors licensed under this law may replace and reconnect environmental air conditioning, commercial refrigeration, process cooling or heating systems or component parts of the same or lesser amperage. On replacement environmental air conditioning, commercial refrigeration, process cooling or heating systems where the electrical disconnect has not been installed and is required by the National Electrical Code, the air conditioning and refrigeration contractor may install a disconnect directly on the replacement system and reconnect the system.

(3) Control wiring of 50 volts or less may be installed and serviced by an air conditioning and refrigeration contractor licensed under this law.

(4) Line voltage wiring is not within the scope of air conditioning and refrigeration contracting.

(5) All component parts may be serviced or replaced by an air conditioning and refrigeration contractor licensed under this law.

(6) All electrical work shall be performed in accordance with standards at least as strict as that established by the National Electrical Code.

(c) Piping.

(1) Fuel gas piping for new or replaced environmental air conditioning, commercial refrigeration, or process cooling or heating systems may be installed by a contractor licensed under this law. Fuel gas piping by a licensed contractor is limited to the portion of piping between the appliance and the existing piping system, connected at either an existing shut-off valve or an existing opening for such use. Existing piping systems, stops, or shut-off valves shall not be altered by a licensed contractor.

(2) Drain piping associated with environmental air conditioning, commercial refrigeration, or process cooling or heating systems may be installed by a contractor licensed under this law.

(3) Mechanical piping associated with environmental air conditioning, commercial refrigeration, or process cooling or heating systems shall be installed by a contractor licensed under this law.

Issued in Austin, Texas, on May 12, 1989.

TRD-8904432

Joseph Huertas
Program Manager
Texas Department of Labor
and Standards

Effective date: May 19, 1989

Expiration date: September 16, 1989

For further information, please call: (512) 463-2906

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 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 75. Air Conditioning and Refrigeration Contractor License Law

• 16 TAC §§75.1-75.14

(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 Labor and Standards or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Department of Labor and Standards proposes the repeal of §§75.1-75.14, concerning air conditioning and refrigeration contractors. These sections are being repealed to allow for the adoption of edited, renumbered, and reorganized new sections.

Meryl Vaughan, administrative assistant, boiler section, 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.

Mr. Vaughan also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be improved section organization, clarity, and consistency. 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 George Bynog, Boiler Section, P. O. Box 12157, Austin, Texas 78711.

The repeals are proposed under Texas Civil Statutes, Article 8861, which provide the Texas Department of Labor and Standards with the authority to promulgate and enforce a code of rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act.

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 12, 1989.

TRD-8904428

Joseph Huertas
Program Manager
Texas Department of Labor
and Standards

Proposed date of adoption: September 23, 1989

For further information, please call: (512) 463-2906

- 16 TAC §§75.1, 75.10, 75.20, 75.30, 75.40, 75.50, 75.60, 75.70, 75.80, 75.90, 75.100

(Editor's Note: The Texas Department of Labor and Standards proposes for permanent adoption the new sections it adopts on an emergency basis in this issue. The text of the new sections is in the Emergency Rules section of this issue.)

The Texas Department of Labor and Standards proposes new §§75.1, 75.10, 75.20, 75.30, 75.40, 75.50, 75.60, 75.70, 75.80, 75.90, 75.100, concerning air conditioning and refrigeration contractors. These sections replace existing sections which have been reorganized, renumbered, amended, and edited to improve clarity and consistency. Amended language is as follows: subcontractor, assumed name, and program manager are added to definitions and division director is deleted; tree exam reschedules are limited to two; licensees may have separate licenses for endorsements in different classes; the licensee must have the company name and license number on all trucks and posted at job sites where no truck is on site; subcontracting work must be performed under the license of primary contractor; licensee providing direct supervision must be full-time employee; license denial period defined as one year; fuel gas and drain piping installation is not limited to licensed contractors.

Meryl Vaughan, administrative assistant, Boiler Section, 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.

George Bynog, program manager, Boiler Section, 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 continued consumer protection. 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 George Bynog, Program Manager, Boiler Section, P.O. Box 12157, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 8861, which provide the Texas Department of Labor and Standards with the authority to promulgate and enforce a code of rules and regulations and take all action necessary to assure compliance with

the intent and purpose of the Act.

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 12, 1989.

TRD-8904431

Joseph Huertas
Program Manager
Texas Department of Labor
and Standards

Proposed date of adoption: September 23, 1989

For further information, please call: (512) 463-2906

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 9. Public Junior Colleges

Subchapter D. Basic Standards

• 19 TAC §9.65

The Texas Higher Education Coordinating Board proposes an amendment to §9.65, concerning qualification and professional growth of faculty. The proposed changes address the Coordinating Board's response to the Governor's Task Force on Vocational Education recommendation that a program for faculty professional development be designed for each publicly funded institution. Each institution will develop an institutional plan for faculty professional development which adheres to Coordinating Board technical and vocational personnel guidelines and to the standards of the Commission on Colleges of the Southern Association of Colleges and Schools.

Dale Campbell, assistant commissioner for community colleges and technical institutes, has determined that for the first five-year period the proposed section 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 section.

Mr. Campbell, 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 the promotion of teaching excellence by providing a means for ensuring systematic faculty professional development in Texas community/junior colleges. 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 Kenneth H. Ashworth, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §61.062, which provides the Coordinating Board with the authority to adopt rules regarding qualification and professional growth of faculty.

§9.65. Qualification and Professional Growth of Faculty.

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

(c) All public community/junior colleges shall demonstrate promotion of teaching excellence by developing an institutional plan for faculty professional development.

(1) The institutional plan must address full and part-time teacher preparation and professional development.

(2) The institutional plan shall reflect the personnel requirements as stated in the Coordinating Board publication "Qualifications of Technical and Vocational Personnel" and adhere to the standards of the college delegate assembly of the Commission on Colleges of the Southern Association of Colleges and Schools.

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 16, 1989.

TRD-8904403 James McWhorter Assistant Commissioner for Administration Texas Higher Education Coordinating Board

Proposed date of adoption: July 14, 1989

For further information, please call: (512) 462-6420

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 3. Income Assistance Services

Subchapter I. Income

• 40 TAC §3.902

The Texas Department of Human Services (DHS) proposes an amendment to §3.902, concerning budgeting loans and SSI income in the AFDC Program. The amendment specifies that all noneducational loans are exempt from income and specifies that SSI income is exempt from income to the extent allowed by federal regulations. DHS is pro-

posing the changes because of a recent policy interpretation issued by the Department of Health and Human Services.

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications as a result of enforcing or administering the section. The effect on state government is an estimated reduction in cost of \$123 in fiscal year 1989; \$841 in fiscal year 1990; \$1,012 in fiscal year 1991; \$1,094 in fiscal year 1992; and \$1,156 in fiscal year 1993. The estimated additional cost will be \$1,147 in fiscal year 1989; \$7,011 in fiscal year 1990; \$7,102 in fiscal year 1991; \$7,154 in fiscal year 1992; and \$7,430 in fiscal year 1993. There is no anticipated effect on local government or small businesses as a result of enforcing or administering the section.

Mr. Raiford 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 to limit AFDC benefits to those most in need. 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 Rossberg, Administrator, Policy Development Services Division-251, 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 31, which provides the department with the authority to administer public assistance programs.

§3.902. Types.

(a) Aid to families with dependent children. DHS counts the following as income:

(1)-(13) (No change.)

(14) [loans. DHS counts] noneducational [loans and] grants as stipulated in 45 Code of Federal Regulations §233.20(a)(3)(iv)(B);

(15)-(30)(No change.)

(b) Aid to families with dependent children. Exclusions from income for AFDC are:

(1)-(11) (No change.)

(12) SSI as stipulated in 45 Code of Federal Regulations §233.20(a)(3)(x);

(13)-(14) (No change.)

(15) noneducational loans.

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 19, 1989.

TRD-8904454 Charles Stevenson Acting Commissioner Texas Department of Human Services

Proposed date of adoption: July 26, 1989.

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

Chapter 6. Disaster Assistance Program

General Information

The Texas Department of Human Services (DHS) proposes amendments to §§6.1, 6.2, 6.303, 6.301, and 6.304, concerning definitions, Individual and Family Grant (IFG) Program, additional eligibility criteria for grants for flood damage, voluntary withdrawals, and lost or stolen warrants. The amendments to §§6.1, 6.2, and 6.303 result from changes in federal regulations which specify assistance available through the IFG Program. The amendments to §6.301 and §6.304 result from changes in the procedure for notifying clients regarding lost warrants and voluntary withdrawals.

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

Mr. Raiford also has determined that for each year of the first five years the sections will be in effect the public benefit anticipated as a result of enforcing the sections will be the availability of current IFG program eligibility criteria in DHS's Disaster Assistance Program rules. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-219, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the Texas Register.

• 40 TAC §6.1, §6.2

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

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

Individual and Family Grant (IFG) Program—A federal/state assistance program created under Public Law 100-707, §411 [93-288, §408], to award grants to eligible people who incur necessary expenses or who have serious needs as a result of a disaster. These grants are not intended to repay individuals or families for all disaster losses or to allow purchases of items or services that are nonessential, luxury, or decorative.

§6.2. Individual and Family Grant Program. The total grant amount cannot exceed the maximum amount as provided by federal law [\$5000 grant amount established by the United States Congress]. The total federal grant is 75% of the actual cost of meeting necessary expenses or serious needs of individuals and families and is contributed only on condition the state contributes the remaining 25%.

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 19, 1989.

TRD-8904451

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: August 1, 1989.

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

Eligibility Criteria for Individual and Family Grants

• 40 TAC §6.103

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

§6.103. Additional Eligibility Criteria for Grants for Flood Damage.

(a) A disaster victim who lives in a designated flood hazard area and whose property damage is the result of flooding has restrictions on the amount of grant he may receive. The department applies the following restrictions in determining grant amounts.

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

(3) If the victim receives a grant for flood insurance but does not obtain the insurance, he must return to the state the amount of grant received for the flood-insurable items and the amount received for the first year's flood insurance premium. In the case of subsequent disasters, the victim who failed to maintain flood insurance is entitled to a grant only for damage to insurable items whose value exceeds the face value of the flood insurance policy, had the policy been maintained. For Individual and Family Grant Program (IFG) purposes, adequate flood insurance means a policy which will cover at least the amount of the grant award. [If the victim can prove that the settlement would have been less than the face value of the flood insurance policy, he is entitled to the increased amount.]

(4) The victim must use the entire flood insurance grant amount to purchase coverage, even if the coverage

exceeds what is required. The maximum grant amount for flood insurance is established by the federal government [department]. The FEMA [department] bases the grant amount on the average rates used by the NFIP.

(5)-(6) (No change.)

(b) (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 19, 1989.

TRD-8904452

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: August 1, 1989.

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

Case Decision, Review, and Closing

• 40 TAC §6.301, §6.304

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

§6.301. Voluntary [and Partial] Withdrawals.

[(a)]The applicant has the right to withdraw from consideration for a grant. DHS notifies the applicant that his grant application is withdrawn based on his request. The notification informs the applicant that he has the right to request reconsideration of the grant request. [A voluntary withdrawal is valid as a grant decision if the applicant signs a statement that indicates the reason for withdrawal.

[(b) The applicant has the right to partially withdraw from consideration for one particular item or category in a grant].

§6.304. Lost or Stolen Warrants. The applicant is responsible for notifying the department when he does not receive a grant warrant. The applicant is notified of this responsibility and of the required procedure to reissue warrants in the grant decision letter.

(1)-(2) (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 19, 1989.

TRD-8904453

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: August 1, 1989.

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

Chapter 33. Early and Periodic Screening, Diagnosis, and Treatment

Subchapter B. Penalties

The Texas Department of Human Services (DHS) proposes amendments to §33.14 and §33.306, concerning dental services, in its Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) chapter. The purpose of the amendment to §33.14 is to clarify the responsibility of DHS to inform certain families of the availability of dental services through EPSDT. The purpose of the amendment to §33.306 is to add one code to certain Medicaid cards that will identify children under the age of three who are eligible for dental services under special conditions.

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

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the section will be improved access to EPSDT services. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Fossberg, Administrator, Policy Development Services Division-229, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

• 40 TAC §33.14

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.

§33.14. Informing.

(a) DHS must inform each family of the availability of EPDST services no later than 60 days after the Medicaid [AFDC] certification date. This notification must be done in writing and using face-to-face contact in clear, non-technical language. DHS must use procedures suitable for informing persons who are illiterate, blind, deaf, or cannot understand the English language.

(b) (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 19, 1989.

TRD-8904449

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: October 1, 1989.

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

◆ ◆ ◆
Subchapter R. Dental Services

◆ ◆ ◆
• 40 TAC §33.306

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.

§33.306. Who is Eligible. To be eligible for EPSDT dental services, a person must:

(1) have a current Texas medical care identification card that indicates eligibility for EPSDT dental services by a "Y" in the dental blank, by a Medicaid verification letter, or by an approved Exception to Periodicity form if the Texas medical care identification card indicates "N" or "P" for EPSDT dental services [or a Medicaid verification letter].

(2) (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 19, 1989.

TRD-8904450

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: October 1, 1989.

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

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 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 6. Boll Weevil Control

• 4 TAC §6.3, §6.4

The Texas Department of Agriculture adopts amendments to §6.3 and §6.4, without changes to the proposed text as published in the April 11, 1989, issue of the *Texas Register* (14 TexReg 1787).

The department is authorized to establish, with the advice of a Pest Management Zone Advisory Committee, and enforce cotton planting and destruction dates set by the committee for its area under the authority of the Texas Agriculture Code, Chapter 74, Subchapter A. The Upper Coastal Bend Pest Management Zone Advisory Committee has adopted the amendments to §6.3 and §6.4.

The amendments establish the Upper Coastal Bend Boll Weevil Pest Management Zone and sets cotton planting and destruction dates for that zone.

Comments in favor of the proposed amendments were provided at the public hearings held on April 17, 1989, in El Campo.

Commenting for the amendments were South Texas Cotton and Grain Association, and the Farmers Co-op of El Campo.

The amendments are adopted under the Texas Agriculture Code, §74.004, which provides the Texas Department of Agriculture with the authority to establish, with the advice of the Advisory Committee for the area, regulated areas, dates, and appropriate methods of destruction of cotton for boll weevil management.

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 16, 1989.

TRD-8904400

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: June 8, 1989

Proposal publication date: April 11, 1989

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



TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas Chapter 11. Surface Mining and Reclamation Division Subchapter D. Coal Mining

• 16 TAC §11.221

The Railroad Commission of Texas (RRC), Surface Mining and Reclamation Division adopts an amendment to §11.221, with changes to the proposed text as published in the December 20, 1988, issue of the *Texas Register* (13 TexReg 6241) and with changes to the regulatory materials to be adopted by reference in that section. In response to requests from interested parties, the public comment period was extended to February 20, 1989, in the January 20, 1989, issue of the *Texas Register* (14 TexReg 473) and the January 31, 1989, issue of the *Texas Register* (14 TexReg 641) and March 22, 1989, in the March 10, 1989, issue of the *Texas Register* (14 TexReg 1320).

The amendment to §11.221 adopts by reference specified revisions to the State Program concerning various sections of the coal mining regulations. The amendment will make the enumerated sections of the Texas Program no less effective than the Federal Program of the Office of Surface Mining Reclamation and Enforcement (OSM), concerning Underground Mining (.179, .194, .195, .531), Fish and Wildlife (.133, .144), Sedimentation Ponds (.344), Stream Channel Diversions (.341, .342), Revegetation (.365), Maps and Plans (.142), Individual Civil Penalties (New Part 846), Release of Performance Bond (.312), and Definitions (.008-"affected area", "coal processing plant", "101-cumulative impact area").

In accordance with 30 Code of Federal Regulations 732.17, the proposed amendment to the State Program was submitted to the United States Department of the Interior, OSM, on January 10, 1989. The commission received a written response from OSM on May 12, 1989. OSM found all of the proposed amendments under Rulemaking Number SMRD 2-88 to be no less effective than the federal counterpart regulations. State rulemaking time limits do not permit the consideration in this rulemaking time limits do not permit the consideration in this rulemaking of subsequent relevant OSM comments, if any, regarding revisions to the proposed amendments which may be approved by the commission in this final adoption order.

No comments were received regarding the proposed text of §11.221. However, com-

ments were received regarding several of the specific revisions to the State Program being proposed for adoption by reference in this rulemaking action. A public hearing was not requested and none was held.

No substantive comments were received regarding the following sections whose amendments are hereby adopted as proposed: .531, .101, .008(18), .194, .142(c), .312(a), .179, .195, and Part 846.

Specific comments are discussed as follows, with pertinent revisions to the regulatory materials being adopted as indicated.

An individual commenter of Lloyd, Gosselink, Ryan and Fowler, P.C. for the Texas Mining and Reclamation Association (TMRA) comments that TMRA assumes that the proposed revision to §705.013(a), concerning new filing requirements for members of advisory boards and commissions was not intended to include a voluntary advisory group such as the Technical Advisory Committee. The Technical Advisory Committee is a group of volunteers informally invited to provide specialized technical viewpoints to the Surface Mining and Reclamation Division and industry on topics such as topsoil substitution and mixed overburden. The existing regulatory definition of "employee" in §.011 refers to, but does not precisely define, the term "advisory board or commission." The applicability of the proposed regulation would be unclear with regard to this term. The hearings examiner recommends that the proposed amendments in the area of financial interests of state employees not be adopted in Rulemaking Number SMRD 2-88, and that they be reconsidered for inclusion in a future rulemaking upon clarification of the terms "employee" and "advisory board or commission." RRC concurs. The proposed amendments to §§705.010, .011, .013, .014, .015, .016, and .017 are hereby withdrawn.

TMRA comments that the proposed revision to §816.344(a)(4) does not seem to be warranted and is not required under current federal regulatory language. RRC does not concur. The proposed new language resulted from a specific OSM action item consequent to RRC rulemaking SMRD 2-87. It is derived directly from 30 Code of Federal Regulations 816.46 (c)(1)(iii)(F).

TMRA comments that the proposed new §816.341(f) is not required to make the commission's regulations no less effective than the federal regulations. RRC does not concur. The proposed new language resulted from a specific OSM action item consequent to RRC SMRD 2-87. It is derived directly from 30 Code of Federal Regulations 816.43(a).

TMRA comments that the proposed revision to §816.342(a)(4) is not necessary and should not be adopted. If adopted, it should

be clarified that it only applies to those related environmental resources that might be directly impacted within a stream's buffer zone. RRC concurs in part. The proposed new language resulted from a specific OSM action item consequent to RRC SMRD 2-87. It is derived directly from 30 Code of Federal Regulations 816.3(b)(1). However, in order to further clarify the proposed amendment, it is hereby revised to read as follows: "(4) Are approved by the commission after making the finding relating to stream buffer zones that the diversions will not adversely affect the water quantity and quality of the streams and any related environmental resources that may be directly impacted within the buffer zones of the streams."

TMRA comments that the proposed amendment to §816.395(a) raises a question regarding whether a permittee will be required to compare reclaimed acreage to two areas, that is to reference areas as well as to unmined lands within the permit area. RRC concurs. The proposed amendment resulted from a specific OSM action item consequent to SMRD 2-87. The use of the word "and" is not intended by the commission to require two simultaneous methods of comparing reclaimed acreage. For the purpose of clarification, the amendment is hereby revised by replacing "and" with the words "maintained on".

TMRA comments that proposed §779.133(b) appears to conflict with existing §786.207. RRC does not concur. Proposed §.133(b) establishes information and time guidelines for commission response to specific requests for information from the United States Fish and Wildlife Service. Section 786.207 pertains to the requirement that the commission provide written notifications to agencies such as the United States Fish and Wildlife Service regarding applications for permits which have been filed with the commission.

TMRA comments that in proposed §780.144(a) the term "best technology currently available" is vague. RRC does not concur. The term is specifically defined in §701.008. The term as it is proposed to be used in §780.144(a) is contained in the Texas Surface Coal Mining and Reclamation Act, §23.

An individual commenter of the Citizens Action Program (CAP) and TMRA comment that the proposed deletion of the phrase "unless the road is a public road" from the definition of "affected area" in §701.008 raises questions regarding the effect of the deletion and the commission's intent. RRC concurs in part. The proposal resulted from a specific OSM action item in response to the decision in *In re: Permanent Surface Mining Regulation Litigation II* (Civil Action Number 79-1144, D.D.C., July 15, 1985) which required OSM to suspend similar language from its definition of "affected area" at 30 Code of Federal Regulations 701.5. The court ruled that OSM did not have statutory authority to exclude by regulation all public roads from the definition strictly on the basis of degree of public use; whereas, certain public roads may come within the definition of "affected area" in light of their particular operational relationship to a mining activity. It is the intent of the commission to conform its definition of "affected area" in §701.008 to the court ruling and to the OSM suspension action (51 Federal Reg-

ulations 41960, November 20, 1986), and to determine on a case-by-case basis, as needed, whether a public road merits inclusion within the definition.

Although no comments were received in the rulemaking, the hearings examiner recommends that the proposed amendment to the definition of "self-bond" in §800.300 not be adopted in SMRD 2-88 in order to avoid potential conflict with a similar definition which is now open to public comment and being considered in RRC Rulemaking Number SMRD 1-89. RRC concurs. The proposed amendment to §800.300 is hereby withdrawn.

The amendment to §11.221 and the revised coal mining regulations as adopted by reference are attached to and made a part of final adoption order for all intents and purposes. They are hereby adopted under Texas Civil Statutes, Article 5920-11, §6, which authorizes the Railroad Commission of Texas to promulgate rules pertaining to surface coal mining and reclamation operations.

§11.221. State Program Regulations.

(a) (No change.)

(b) The State Program regulations are renumbered by Commission Rule Adoption Order Number SMRD 2-87 by replacing the generic prefix number "051.07.04" with new specific three-digit prefix numbers to identify the part in which each regulation is located: 700.001-.007, 701.008-.009, 705.010-.019, 707.020-.022, 708.023, 760.069-.070, 761.071-.072, 762.073-.077, 764.078-.085, 770.100-.102, 771.103-.108, 776.109-.115, 778.116-.123, 779.124-.138, 780.139-.154, 782.155-.163, 783.170-.184, 784.185-.199, 785.200-.205, 786.206-.221, 787.222-.223, 788.224-.233, 795.234-.243, 800.300-.303, 805.304-.307, 806.308-.311, 807.312-.313, 808.314-.317, 815.325-.328, 816.330-.422, 817.500-.591, 819.600, 822.610-.613, 823.620-.625, 827.650-.651, 828.660-.661, 840.670-.675, 843.680-.687, 845.690-.698, 846.001-.005, and 850.700-.710.

(c) (No change.)

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

Issued in Austin, Texas, on May 22, 1989.

TRD-8904477 Jim Nugent
Commissioner
Railroad Commission

Effective date: June 12, 1989

Proposal publication date: December 20, 1988

For further information, please call: (512) 463-7152



TITLE 19. EDUCATION
Part I. Texas Higher
Education Coordinating
Board

Chapter 9. Public Junior
Colleges

Subchapter L. Approval of
Credit Courses and
Programs Not Receiving
State Funds Offered at Out-
of-State and Foreign
Locations

• 19 TAC §§9.251-9.255

The Texas Higher Education Coordinating board adopts new §§9.251-9.255. Sections 9.251, 9.253, and 9.254 are adopted with changes to the proposed text as published in the March 14, 1989, issue of the *Texas Register* (14 TexReg 1345). Section 9.252, is adopted without changes and will not be republished.

The Coordinating Board has the responsibility to ensure that the quality of out-of-state or foreign courses is equivalent to the quality of courses offered in state for credit.

The new sections will ensure that each two-year postsecondary institution complies with its role and mission as defined in legislation and provides rules and procedures for the review, approval, or disapproval of credit programs and courses offered at out-of-state or foreign locations without state funding. As a further guide to the local independent auditor, the new sections also specify that all regulations which apply to a public community/junior college apply regardless of the source of funds.

The American Educational Complex made general comments to clarify and strengthen the new sections.

The new sections are adopted under the Texas Education Code, §§61.051(e)(j), 61.062(d), 130.0011, and 135.01, which provide the Coordinating Board with the authority to adopt rules regarding approval of credit courses and programs not receiving state funds offered at out-of-state and foreign locations.

§9.251. Purpose. To ensure that each institution complies with the role and mission as defined in legislation, this subchapter provides rules and procedures for the review, approval, or disapproval of credit programs and courses offered at out-of-state or foreign locations without state funding. This is not limited to funds under the purview of the Coordinating Board. Such courses funded with other than state funds can be offered only because they have the educational approval of the state of Texas. Consequently the state has the responsibility, through the Coordinating Board, to ensure that the quality of these courses is equivalent to the quality of courses offered in-state for credit.

§9.253. *Criteria and Procedures.*

(a) **Standards and criteria.** Programs and courses offered at out-of-state and foreign locations without state funding must meet all the standards which the institution requires of programs and courses offered on campus and those specified by the Commission on Colleges, Southern Association of Colleges and Schools. Quality criteria and standards include the following.

(1) Faculty members teaching courses offered at out-of-state and foreign locations must meet the same standards, review, and approval procedures used by the institution to select faculty responsible for on-campus courses.

(2) Faculty contact hours with the classes must be equivalent to those of the same course when taught on-campus.

(3) Course instruction must be done by the faculty member of record.

(4) The supervision and evaluation processes for faculty who teach out-of-state or foreign courses must be comparable to those for on-campus instruction.

(5) The provisions for support services and training for faculty who teach out-of-state or foreign courses must be comparable to those provided for on-campus faculty.

(6) Facilities and equipment for out-of-state or foreign courses should be comparable to the facilities and equipment available for corresponding on-campus courses (for example, laboratories required for chemistry courses).

(7) Students must have adequate learning resources convenient for use at the out-of-state or foreign location.

(8) The organization, content, and delivery of out-of-state or foreign courses, and the processes for evaluating these factors, must be equivalent to those used by the institution in on-campus courses.

(9) If an out-of-state or foreign course has no on-campus counterpart, that program must meet all the quality criteria in these regulations.

(10) Students who enroll in an out-of-state or foreign course must satisfy the same requirements for admission to the institution, to the program of which the course is a part, and to the course itself, as are required of on-campus students.

(11) Students enrolled in out-of-state or foreign instruction must be provided adequate academic support services including:

(A) academic advising;

(B) counseling;

(C) library and other learning resources;

(D) tutorial services; and

(E) financial aid.

(12) Each course offered at an out-of-state or foreign location must include procedures for monitoring, assessing, and providing timely feedback to students regarding their progress and performance which are equivalent to those used in on-campus courses. Standards for success or failure must be of equal rigor as those for on-campus courses.

(b) **Institutional plan.** All institutions offering credit programs and courses at out-of-state or foreign locations without state funding must submit to the Coordinating Board for approval:

(1) an institutional plan for out-of-state or foreign offerings that has been reviewed and approved by the institutions local board and a panel of six representatives from community colleges and universities appointed by the Commissioner. The plan must reflect institutional policies for out-of-state or foreign courses and for maintaining quality in accordance with these rules and regulations. It must include a description of arrangements for the institutional administrative organization for operation of the out-of-state or foreign instructional program. In addition the plan must demonstrate how the proposed offerings are consistent with the institution's role and mission as prescribed by statute; and

(2) a five-year review of its out-of-state or foreign instruction. Prior to submitting its initial institutional plan, and every fifth year thereafter, each institution shall write and submit to the Coordinating Board a five-year review of its out-of-state or foreign instruction. The five-year review should reflect any substantive changes.

(c) **Application procedures.** All credit programs and courses proposed to be offered at out-of-state or foreign locations without state funding must be previously approved according to the requirements and procedures of Subchapter G of this title (relating to Approval of Postsecondary Technical and Vocational Programs for State Appropriations to Community and Junior Colleges and Texas State Technical Institutes) or according to the procedures of the *Community College General Academic Course Guide Manual*. Programs and courses meeting the requirements and procedures of Subchapter G of this title (relating to Approval of Postsecondary Technical and Vocational Programs for State Appropriations to Community and Junior Colleges and Texas State Technical Institutes) or the requirements of the *Community College General Academic Course Guide Manual* must receive prior approval to be offered at out-of-state or foreign locations according to the following procedures.

(1) Proposed programs and courses offered without state funding at out-of-state or foreign locations by any institution shall be reviewed annually by the panel established in §9.253(b)(1) and forwarded by a deadline set by the Commissioner to the Coordinating Board, together with the panel's recommendations for approval or disapproval.

(2) The Commissioner of Higher Education will make recommendations to the Coordinating Board no later than the April quarterly meeting.

(3) The Coordinating Board retains final authority for approval or disapproval of any proposed programs and courses recommended by the panel or, in the absence of recommendations from the panel, to take whatever action is required to comply with provisions of the Texas Education Code, §61.051(j), and Coordinating Board rules.

(4) After Coordinating Board approval of the list of out-of-state or foreign program and course offerings, proposed amendments to it by an institution should be submitted (prior to implementation) to the panel. The chair will forward the recommendations of the panel to the Commissioner of Higher Education who will approve or disapprove the amendment for implementation.

§9.254. *Evaluation and Auditing.*

(a) The Coordinating Board staff may conduct an onsite evaluation of approved programs offered without state funding at out-of-state or foreign locations in order to determine that such programs meet the standards and criteria of this subchapter and those specified by the Commission on Colleges, Southern Association of Colleges and Schools. Such on-site evaluations will be conducted at the expense of the offering institution.

(b) A program evaluated on-site and found in compliance with the standards described in §9.253 will not be visited for the subsequent five years unless the Commissioner of Higher Education finds cause for an additional visit.

(c) For efficiency and to avoid duplication of effort, the Coordinating Board may contract with the State Auditor's staff to conduct on-site audits of approved programs offered without state funding at out-of-state or foreign locations in order to determine compliance with all regulations which apply to public community/junior colleges.

§9.255. *Reports.*

(a) Coordinating Board staff may require any reports deemed necessary to ensure compliance with its rules and regulations.

(b) Institutional internal controls must provide for audit certification that the contact hours generated by these courses are not reported for state funding.

(c) All regulations which apply to a public community/junior college apply regardless of the source of funds such as:

(1) funds appropriated by the state shall be maintained separately by community/junior colleges from other sources of income;

(2) state funds may not be used for non-state functions; and

(3) state appropriations received by community/junior colleges can only be expended for the elements of cost for general administration and student services, general institutional expenses, faculty salaries, departmental operating expenses, library, instructional administration, organized activities, and staff benefits, unless the legislature authorizes state appropriations for specific use in other areas and elements of cost such as insurance premiums.

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 16, 1989.

TRD-8904402 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: June 8, 1989

Proposal publication date: March 14, 1989

For further information, please call: (512) 462-6420

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 11. Food Distribution and Processing

Food Distribution Program

• 40 TAC §§11.101-11.122

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

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

Issued in Austin, Texas, on May 19, 1989.

TRD-8904482 Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: June 9, 1989.

Proposal publication date: March 24, 1989.

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

The Texas Department of Human Services (DHS) adopts the repeal of §§11.1901-11.1915, 11.2901-11.2905, 11.3901-11.3907, 11.4901-11.4903, 11.5901-11.5904, 11.6901-11.6909, and 11.9801, 11.9803, and new §§11.101-11.122. New §11.114 is adopted with changes to the proposed text as published in the March 24, 1989, issue of the *Texas Register* (14 TexReg 1509). The repeals and new §§11.101-11.113 and §11.115-11.122 are adopted without changes, and will not be republished.

The justification for the repeals and new sections is to substitute obsolete commodity program rules with new food distribution program rules that comply with federal regulations.

The new sections will function by improving inventory controls, use of program funds, audits, storage facilities, and management evaluation reviews.

No comments were received regarding adoption of the repeals and new sections. However, during the public comment period, DHS received final federal regulations affecting §11.114, State Processing of Donated Foods. As a result of the regulations, DHS is adopting §11.114 with a change to indicate that DHS, subdistributing agencies, and recipient agencies may contract with food processors to use donated foods.

Allocation and Distribution

• 40 TAC §§11.1901-11.1915

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

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

Issued in Austin, Texas, on May 19, 1989.

TRD-8904455 Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: June 9, 1989.

Proposal publication date: March 24, 1989.

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

Transfer of Commodities

• 40 TAC §§11.2901-11.2905

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

This agency hereby certifies that the rule as

adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 19, 1989.

TRD-8904456 Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: June 9, 1989.

Proposal publication date: March 24, 1989.

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

Participation of Charitable Institutions

• 40 TAC §§11.3901-11.3907

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

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

Issued in Austin, Texas, on May 19, 1989.

TRD-8904457 Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: June 9, 1989.

Proposal publication date: March 24, 1989.

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

Use of Commodities in Disasters or Emergencies

• 40 TAC §§11.4901-11.4903

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

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

Issued in Austin, Texas, on May 19, 1989.

TRD-8904458 Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: June 9, 1989.

Proposal publication date: March 24, 1989.

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

Contracts for Processing Donated Foods

• 40 TAC §§11.5901-11.5904

The repeals are adopted under the Human Resources Code, Title 2, Chapter 22, which

provides the department with the authority to administer public assistance programs.

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

Issued in Austin, Texas, on May 19, 1989.

TRD-8904450 Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: June 9, 1989.

Proposal publication date: March 24, 1989.

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



Summer Camps and Summer Food Programs for Children

• 40 TAC §§11.6901-11.6909

The repeals are adopted under the Human Resources Code, Title 2, Chapter 22, which

provides the department with the authority to administer public assistance programs.

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

Issued in Austin, Texas, on May 19, 1989.

TRD-8904460 Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: June 9, 1989.

Proposal publication date: March 24, 1989.

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



Support Documents

• 40 TAC §§11.9801, §11.9803

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

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

Issued in Austin, Texas, on May 19, 1989.

TRD-8904461 Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: June 9, 1989.

Proposal publication date: March 24, 1989.

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





Name: Crystal Batten

Grade: 8

School: T.H. McDonald Middle School, Mesquite

Crystal
Batten

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*.

State Aircraft Pooling Board

Monday, June 5, 1989, 2 p.m. The State Aircraft Pooling Board will meet at 4900 Old Manor Road, Austin. According to the agenda, the board will approve minutes of the previous meeting; hear report on expanded facility; consider aircraft operations; and discuss any other board operational matters.

Contact: Sherry Johnson, 4900 Old Manor Road, Austin, Texas, (512) 477-8900.

Filed: May 23, 1989, 9:23 a.m.

TRD-8904512

State Board of Barber Examiners

Tuesday, June 6, 1989, 8:30 a.m. The State Board of Barber Examiners will meet in Suite 103, 9101 Burnet Road, Austin. According to the agenda summary, the board will approve minutes of previous meeting, sign teacher certificates and school permits, interview out-of-state applicants, hear reports by the executive director, letters to the board, discuss Open Meetings Act, review examiners duties, consider legality of video games in a shop; meet in executive session pursuant to Texas Civil Statutes, Article 6252-17 §2(e) to discuss pending litigation; conduct an administrative hearing on a complaint against Johnny R. Cavazos, owner of Metro Hair Academy, pursuant to Texas Civil Statutes, Article 8407a, §9(1) and Article 6252-13a.

Contact: Jo King McCrorey, 9101 Burnet Road, Suite 103, Austin, Texas 78758, (512) 835-2040.

Filed: May 23, 1989, 9:47 a.m.

TRD-8904513

Texas Commission for the Blind

Thursday, June 8, 1989, 4 p.m. The Dallas District Office of the Texas Commission for the Blind will meet in Suite 220, 5925

Maple Avenue, Dallas. According to the agenda, the district office will hold a public forum for the purpose of giving loan consumers an opportunity of speaking to agency staff about services to blind and visually disabled Texans and commenting on the agency's state plan. Consumer 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 22, 1989, 3:40 p.m.

TRD-8904496

Texas School for the Blind

Thursday, June 1, 1989, 4 p.m. The Board of Trustees of the Texas School for the Blind will meet at 1100 West 45th Street, Austin. According to the agenda, the board will hear report and presentation of business requiring board approval, presented by the superintendent/executive director, William H. Miller; consider request to adopt and/or amend school policies, FNG-R student rights and responsibilities concerning student complaints (exhibit), and request to approve list of TTAS second appraisers for the 1989-1990 school year. The board will also meet in executive session to consider superintendent evaluation.

Contact: Cyral Miller, 1100 West 49th Street, Austin, Texas 78756, (512) 454-8631, ext. 233.

Filed: May 22, 1989, 9:10 a.m.

TRD-8904474

Texas Bond Review Board

Friday, May 19, 1989, 10 a.m. The Texas Bond Review Board submitted an emergency revised agenda for a meeting held in Room 103, John H. Reagan Building, Austin. According to the agenda, the board approved minutes of the previous meeting; considered proposed issues concerning Texas State Technical Institute-housing system and auxiliary services revenue bonds,

Texas Higher Education Coordinating Board-college student loan bonds, and Texas A&M University System-master acquisition program revenue notes; and considered other business concerning update on current legislation and adoption of amended board rules. The emergency status was necessary because place of meeting changed because of scheduling conflict with senate committee during the current legislative session. Also, addition of the adoption of proposed amended board rules added to agenda to facilitate filing and printing schedule.

Contact: Tom K. Pollard, Sam Houston Building, Room 506, Austin, Texas, (512) 463-1741.

Filed: May 18, 1989, 1:31 p.m.

TRD-8904414

Texas Department of Commerce

Wednesday, May 24, 1989, 11 a.m. The Special Committee of the Board of the Texas Department of Commerce met in emergency session in Suite 1190, First City Centre, 816 Congress Avenue, Austin. According to the agenda, the committee considered and possibly acted on enterprise project applications received by the department by published deadline on May 8, 1989. Action included approval, disapproval, or other instruction to applicants as may be appropriate with respect to achieving enterprise project designation. The committee designated up to five qualified business applicants as enterprise projects at this meeting. The emergency status was necessary to avert the probable loss of at least 1,300 jobs in Texas, action must be taken by May 31, 1989.

Contact: Camille Berry, (512) 320-9440.

Filed: May 23, 1989, 8:46 a.m.

TRD-8904509

Daughters of the Republic of Texas, Inc.

Friday, June 2, 1989, 8 a.m. The Board of Management of the Daughters of the Republic of Texas, Inc. will meet at the Menger Hotel, San Antonio. According to the agenda summary, the board will consider state-owned properties regarding the Alamo, library, French legation, and museum; and hold an orientation concerning the Alamo and library. The board will also meet in executive session to discuss matters affecting state-owned properties regarding lawyer advice (Article 6252-17 §2(a)) and personnel matters (Article 6252-17 §2(g)).

Contact: June Franklin Naylor, 2706 East 17th Street, Odessa, Texas 79761, (915) 366-8360.

Filed: May 23, 1989, 8:56 a.m.

TRD-8904511

Texas Department of Health

Friday, May 19, 1989, 3 p.m. The Environmental Health Committee of the Texas Board of Health submitted an emergency revised agenda for a meeting held in the Tarrytown Room, Austin Airport Hilton and Towers, 6000 Middle Fiskville Road, Austin. According to the agenda, the committee discussed emergency and proposed amendments to the rules concerning asbestos exposure abatement in public buildings. The emergency status was necessary because board needs to adopt asbestos rules on emergency basis.

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

Filed: May 19, 1989, 11:20 a.m.

TRD-8904445

Saturday, May 20, 1989, 10:30 a.m. The Texas Board of Health of the Texas Department of Health submitted an emergency revised agenda for a meeting held in Room M-739, 1100 West 49th Street, Austin. According to the agenda, the board discussed emergency and proposed amendments to the rules concerning asbestos exposure abatement in public buildings. The emergency status was necessary because board needs to adopt asbestos rules on emergency basis.

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

Filed: May 19, 1989, 11:20 a.m.

TRD-8904444

Texas Health and Human Services Coordinating Council

Friday, May 26, 1989, 3 p.m. The Technical Advisory Group of the Texas Health and Human Services Coordinating Council submitted an emergency revised agenda for a meeting to be held in the Seventh Floor Conference Room, Sam Houston Building, Austin. According to the agenda, the group will approve minutes; consider legislative update; hear consultant report; and consider old and new business. The emergency status is necessary because the meeting of May 19, 1989 was cancelled and rescheduled.

Contact: Ginger Lowry, 311-A East 14 Street, Austin, Texas 78701, (512) 463-2195.

Filed: May 19, 1989, 2:33 p.m.

TRD-8904448

Tuesday, June 20, 1989, 10 a.m. The Advisory Committee on Maternal and Infant Health of the Texas Health and Human Services Coordinating Council will meet in Room 610, Old Board Room, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve minutes; consider update on DHS Teen Pregnancy Programs, update on DHS Medicaid activities, and update on WIC eligibility guidelines; discuss objectives/goals for MIHIA; consider federal legislative update and state legislative update; and discuss committee bylaws.

Contact: Marguerite Rivera, 311-A East 14 Street, Austin, Texas 78701, (512) 462-2195.

Filed: May 19, 1989, 2:33 p.m.

TRD-8904447

Texas Department of Human Services

Wednesday and Thursday, May 31 and June 1, 1989, 1 p.m. daily. The Council on Child Abuse and Neglect Prevention of the Texas Department of Human Services will meet in Suite 200, Building 4, 8140 MoPac, Austin. According to the agenda, the council will present recommendations for fiscal year 1990 funding priorities; present parental attitudes toward disciplining practices study; present Sam Houston Area Boy Scouts Council/City of Texas Project; present Texas agricultural extension service/CTF of Texas partners for parenting project; present public awareness; and summary and calendar.

Contact: Janie Fields, 8140 MoPac, Building 4, Suite 200, Austin, Texas 78759, (512) 345-9218.

Filed: May 22, 1989, 12:06 p.m.

TRD-8904479

State Board of Insurance

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

Tuesday, May 30, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10159-Application of Joseph Pavillo to acquire control of U.S. Annuity Life Insurance Company. Houston.

Contact: Earl Corbitt, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 22, 1989, 9:18 a.m.

TRD-8904485

Tuesday, May 30, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10377-Whether disciplinary action should be taken against James Burson Lowry, Forney/Plano, who holds a group I, legal reserve life insurance agent's license and a group II, health and accident insurance agent's license issued by the board.

Contact: Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 22, 1989, 9:18 a.m.

TRD-8904484

Tuesday, May 30, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 442, to consider Docket 10386-Approval of amendments to the articles of agreement of Victoria Lloyds Insurance Company, Dallas.

Contact: O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 22, 1989, 9:19 a.m.

TRD-8904483

Tuesday, May 30, 1989, 10 a.m. The State Board of Insurance will meet in Room 414, to consider final action on 28 TAC §7.57. Proposed action on 28 TAC §9.1. Petitions for amendment to rules 71 and 72 of the automobile manual. Board orders on several different matters. Proposal for decision in the appeal of Harvey and Donna Braswell from action of the Texas Catastrophe Property Insurance Association. Personnel matters. Pending and contemplated litigation. Solvency matters. Appointment to the Board of Directors of the Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association. Consideration of participation in the State Travel Management Program.

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

Filed: May 22, 1989, 2:51 p.m.

TRD-8904497

Tuesday, May 30, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 442, to consider Docket 10371-Whether disciplinary action should be taken against Michael Anthony Cappiello, Austin, who holds a local recording agent's license.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 22, 1989, 9:18 a.m.

TRD-8904486

Tuesday, May 30, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10373-Issuance of a certificate of authority for Grace Presbyterian Villages Ministries, Dallas, under the Texas Continuing Care Facility Disclosure Act, §4(g).

Contact: Wendy L. Ingham, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 22, 1989, 9:18 a.m.

TRD-8904487

Wednesday, May 31, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10375-Whether disciplinary action should be taken against Robert H. Walker, who holds a group I, legal reserve life insurance agent's license, group II, health and accident insurance agent's license and a local recording agent's license issued by the board.

Contact: Wendy L. Ingham, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 22, 1989, 9:18 a.m.

TRD-8904488

Friday, June 2, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10350-Amendment to the articles of incorporation of Surplus Underwriters Casualty Insurance Company, Houston.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 22, 1989, 9:18 a.m.

TRD-8904489

Friday, June 2, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10381-Whether disciplinary action should be taken against Jose Rodolfo Alvarez, Dilley, who holds a group I, legal reserve life insurance agent's license and a local recording agent's license.

Contact: O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 22, 1989, 9:17 a.m.

TRD-8904490

Friday, June 2, 1989, 1:30 p.m. The Com-

missioner's Hearing Section will meet in Room 342, to consider Docket 10382-Whether disciplinary action should be taken against Antoinette Marie Crain, Crosby, who holds a group I, legal reserve life insurance agent's license and a local recording agent's license.

Contact: O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 22, 1989, 9:17 a.m.

Friday, June 2, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 442, to consider Docket 10337-Application of American General Health Plan, Inc., Houston, for a certificate of authority to operate a health maintenance organization.

Contact: Earl Corbit, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 22, 1989, 9:17 a.m.

TRD-8904492

Friday, June 2, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10360-Whether disciplinary action should be taken against Gregory Jay Sumner, Austin, who holds a local recording agent's license issued by the board.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 22, 1989, 9:17 a.m.

TRD-8904493

Monday, June 5, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 442, to consider Docket 10379-Renewal application of Eugene Morris Walter, Gladewater, for a group I, legal reserve life insurance agent's license.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 22, 1989, 9:17 a.m.

TRD-8904494

Texas Department of Labor and Standards

The Texas Department of Labor and Standards will meet in the E.O. Thompson Building, 920 Colorado, Austin. Dates, times, rooms, and agendas follow.

Wednesday, May 31, 1989, 9 a.m. The Labor, Licensing, and Enforcement Division will meet in Room 810, to consider reconvening of hearing regarding claims for unused or unearned portions of fees concerning Dyna Fit, Inc., doing business as Dynafit Athletic Club, 9700 North Lamar, Austin, location. If the hearing is not concluded on the day it commences, the hear-

ing will continue at the same place on each subsequent working day until concluded, to the extent possible.

Contact: Mary Bailey, 290 Colorado, Austin, Texas 78711, (512) 463-9940.

Filed: May 18, 1989, 10:24 a.m.

TRD-8904415

Wednesday, May 31, 1989, 9 a.m. The Manufactured Housing Division will meet in Room 1012 to consider suspension, revocation, denial, or a civil penalty for respondent, Thomas Allan Studdard, license/registration for violation of the department's manufactured housing rules and regulations.

Contact: Elvis G. Schulze, 920 Colorado, Austin, Texas 78711, (512) 463-3127.

Filed: May 19, 1989, 4:05 p.m.

TRD-8904461

Wednesday, June 7, 1989, 9 a.m. The Boiler Division will meet in Room 105, to consider suspension, revocation, denial, or a civil penalty of respondent's, Ronald Webster, air conditioning license, for violation of the department's air conditioning rules and regulations.

Contact: Elvis G. Schulze, 920 Colorado, Austin, Texas 78711, (512) 463-3127.

Filed: May 19, 1989, 4:05 p.m.

TRD-8904465

Thursday, June 15, 1989, 9 a.m. The Labor, Licensing and Enforcement Division will meet in Room 1012, to consider suspension, revocation, denial, or a civil penalty of respondent's, Ronald Reed, auctioneer's license, for violation of the department's auctioneering rules and regulations.

Contact: Elvis G. Schulze, 920 Colorado, Austin, Texas 78711, (512) 463-3127.

Filed: May 19, 1989, 4:05 p.m.

TRD-8904466

Texas Commission on Law Enforcement Officer Standards and Education

Wednesday, June 7, 1989, 10 a.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet in Room 310, Old Supreme Courtroom, Capitol Building, Austin. According to the agenda summary, the commission will read minutes; discuss proposed amendment to §211.68 concerning instructor license, proposed amendment to §211.85 concerning proficiency certificates, and §211.67 concerning advisory boards all to be voted on for final adoption in September; consider academy license applications of: Denton Policy Department; Ector County Sheriffs Office; Grand Prairie Police Department; Houston Community College; Odessa Col-

lege; and South Plains College; consider license actions on revocations, suspensions, cancellations, and voluntary surrenders; discuss legislation; hear management institute report; and consider staff activities.

Contact: Johanna McCully-Bonner, 1606 Headway Circle, Suite 100, Austin, Texas 78754, (512) 834-9222.

Filed: May 22, 1989, 10:30 a.m.

TRD-8904478

Texas State Board of Medical Examiners

The Texas State Board of Medical Examiners submitted emergency revised agendas for meetings held at 1101 Camino LaCosta, Austin. The emergency status were necessary because items have come to attention of agency and merit consideration prior to next scheduled meeting. Dates, times, and agendas follow.

Friday, May 19, 1989, 8:30 a.m. The Examination Committee considered additional applicants to review.

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

Filed: May 18, 1989, 1:40 p.m.

TRD-8904416

Saturday, May 26, 1989, 8:30 a.m. The board considered revision to include the rearrangement in order of business and deletion of officer election at this meeting.

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

Filed: May 18, 1989, 1:40 p.m.

TRD-8904415

Board of Pardons and Paroles

Tuesday, May 23, 1989, 9:30 a.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board discussed authorization to renegotiate current PPT contracts based upon the changes created by Senate Bill 192, award of contracts for additional PPT facility beds, and considered bid solicitation for electronic monitoring. The emergency status was necessary because the overcrowded conditions of county jails and TDC population necessitates immediate action on this item.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-7249.

Filed: May 22, 1989, 4:20 p.m.

TRD-8904506

Tuesday-Friday, May 30-June 2, 1989,

1:30 p.m. daily, except 11 a.m. on Friday. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will receive, review, and consider information and reports concerning prisoners/inmates and administrative releaseses subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Karin Armstrong, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: May 19, 1989, 10:29 a.m.

TRD-8904438

Tuesday, May 30, 1989, 1:30 p.m. The Board of Pardons and Paroles will consider executive clemency recommendations and related actions (other than out of country conditional pardons), including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentences; and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: May 19, 1989, 10:29 a.m.

TRD-8904439

Texas State Board of Examiners of Psychologists

Wednesday-Saturday, May 31-June 3, 1989, 8 a.m. The Texas State Board of Examiners of Psychologists will meet in Suite 212, 9101 Burnet Road, Austin. According to the agenda, the board will consider minutes, opinion letters, proposed rules, interviews, hearings, complaints, budget, legislative matters, applications, reports, exam issues, and planning issues. In addition the board will hold an executive session to discuss personnel matters and legal matters. The board will also meet with the Executive Committee of the Texas Psychologists Association. They will also hold an election of officers for the coming year.

Contact: Patricia Bizzell, 9101 Burnet Road, Suite 212, Austin, Texas 78758, (512) 835-2036.

Filed: May 22, 1989, 12:50 p.m.

TRD-8904480

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.

Thursday, June 1, 1989, 10 a.m. The Hearings Division will consider Docket

8655-Application of Southwestern Bell Telephone Company for revisions to the customer specific pricing plan.

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

Filed: May 18, 1989, 2:40 p.m.

TRD-8904419

Thursday, June 1, 1989, 2 p.m. The Hearings Division will consider Docket 8810-Application of Industry Telephone Company to offer new optional customer services.

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

Filed: May 18, 1989, 2:39 p.m.

TRD-8904420

Tuesday, June 6, 1989, 1:30 p.m. The Hearings Division will consider Docket 8736-Joint application of Tex-La Electric Cooperative of Texas, Inc. and Texas Utilities Company for approval of assignment of certificate of convenience and necessity.

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

Filed: May 18, 1989, 2:39 p.m.

TRD-8904421

Thursday, June 8, 1989, 10 a.m. The Hearings Division will consider Docket 8805-Application of McLennan County Electric Cooperative, Inc. for authority to change rates.

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

Filed: May 22, 1989, 2:50 p.m.

TRD-8904499

Thursday, August 31, 1989, 10 a.m. The Hearings Division will consider Docket 8765-Application of United Telephone Company of Texas, Inc. to amend tariff to provide for calling card, collect, or third number billing for public telephones.

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

Filed: May 22, 1989, 2:50 p.m.

TRD-8904498

Tuesday, September 12, 1989, 10 a.m. The Hearings Division will consider Docket 8650-Petition of Central Power and Light Company for declaratory order.

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

Filed: May 22, 1989, 2:50 p.m.

TRD-8904500

Railroad Commission of Texas

Monday, May 22, 1989, 9 a.m. The Legal Division of the Railroad Commission of Texas submitted an emergency revised agenda for a meeting held in Room 12-26, William B. Travis Building, Austin. According to the agenda, the division will consider oil and gas leases 3-92-881; the application of Coastal States Crude Gathering Company for a permit to dispose of oil and gas waste by injection into a porous formation not productive of oil or gas, pierce junction field, Harris County. The commission will consider issuance of an interim order. The emergency status was necessary because the unexpected loss of applicant's existing disposal well coupled with an unusually large volume of LPG Product received for storage creates an urgent public necessity requiring immediate action to avoid an imminent threat to the public health, safety, and welfare.

Contact: Doug Johnson, P.O. Drawer 12967, Austin, Texas 78701, (512) 463-6920.

Filed: May 19, 1989, 3:46 p.m.

TRD-8904463

Texas A&M University System

Sunday, May 21, 1989. The Texas A&M University System met in emergency sessions in the MSC Annex, Texas A&M University, College Station. The emergency status were necessary because of the necessity to meet before May 22 board meeting. Times, topics, and agendas follow.

1:30 p.m. The Board of Regents considered initiation of major construction projects; report of contract actions by the chancellor; report on contract actions by the presidents or the deputy chancellors; report of construction project appropriations/authorizations by the chancellor; actions on bids; appropriations for designs; appropriations for renovations; and appropriations for furnishings.

Contact: Vickie Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: May 19, 1989, 10:36 a.m.

TRD-8904441

2:30 p.m. The Committee for Service Units received a report on cold fusion research.

Contact: Vickie Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: May 19, 1989, 10:36 a.m.

TRD-8904443

2:45 p.m. The Committee for Academic Campuses considered granting of emeritus

titles; authorization for contracts; license agreements, fees, programs, and policies.

Contact: Vickie Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: May 19, 1989, 10:36 a.m.

TRD-8904440

3:15 p.m. and Monday, May 22, 1989, 8:30 a.m. The Executive Committee considered gifts, grants, loans, and bequests; budget and fiscal transfers, salary increases and new positions; appropriations; equipment master acquisition program; select lead bank; appointments and promotions; terminations; tenure; acceptance of land; sale of land; adoption of budget policy guidelines; employment beyond mandatory retirement age; appointment of the dean of the College of Business Administration; appointments of dean of the College of Agriculture; appointment of dean of the Texas Maritime College; adoptions of resolutions; naming of facilities; transfer of funds for workman's comp program.

Contact: Vickie Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: May 19, 1989, 10:36 a.m.

TRD-8904442

Monday, May 22, 1989, 2:30 p.m. The Board of Regents of Texas A&M University System met in the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the board considered construction matters for the system parts; gifts, grants, loans, and bequests; budget and fiscal transfers, salary increases and new positions; appropriations; equipment master acquisition program; select lead bank; appointments and promotions; terminations; tenure; acceptance and sale of land; budget policy guidelines; employment beyond mandatory retirement age; appointment of deans; adoption of resolutions, naming of facilities; emeritus titles; authorization for contracts, license agreements, fees, programs and policies; receive report on accreditation status; and transfer of funds for workman's comp program.

Contact: Vickie Burt, Texas A&M University System, College Station, Texas 77840, (409) 845-9603.

Filed: May 19, 1989, 10:38 a.m.

TRD-8904446

Monday, May 22, 1989, 2:30 p.m. The Board of Regents met in the MSC Annex, Texas A&M University, College Station. According to the agenda, the board considered: appointment of associate deputy chancellor for strategic planning, Texas Agricultural Experiment Station; appointment of interim director of Texas Agricultural Experiment Station; appointment of interim president of Prairie View A&M University.

Contact: Vickie Burt, Texas A&M Univer-

sity System, College Station, Texas 77843, (409) 845-9603.

Filed: May 18, 1989, 3:39 p.m.

TRD-8904423

Texas Southern University

Friday, June 2, 1989, 10 a.m. The Board of Regents of Texas Southern University will meet in the University Library, Fifth Floor, Texas Southern University, Houston. According to the agenda, the board will consider: minutes; budget changes; investments; budgets for selected and/or grants and projects funds; construction change orders; payment to consultants, contractors and engineers; authorization and ratification of contracts and approval review of on going construction and current contractual relations; personnel actions, report on progress of academic activities and programs. Report of the president; executive session.

Contact: Everett O. Beil, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: May 22, 1989, 3:41 p.m.

TRD-8904495

Texas State University System, Board of Regents

Thursday, May 25, 1989. The Texas State University System, Board of Regents met at Sam Houston State University, Huntsville. Times, topics, and agendas follow.

8:00 a.m. The Selection Advisory Committee met in the Austin College Building, to discuss any and all matters relating to the employment of a president for Sam Houston State University. Executive session could be held for the listed subject.

Contact: Lamar Urbanovsky, (512) 463-1808.

Filed: May 19, 1989, 8:59 a.m.

TRD-8904437

1:30 p.m. and Friday, May 26, 1989, 8:30 a.m. The board met in the Courtroom, Criminal Justice Center, to review matters of the board and the four universities in the system including: all matters reviewed by the Building Committee and submitted to the full board; all matters reviewed by the Curriculum Committee and submitted to the full board; all matters reviewed by the Rules and Regulations Committee and submitted to the full board; personnel actions including new employees, promotions, resignations, terminations, and special appointment for any system employee including the presidents and executive director; budgetary changes at each university and the system office; contract approvals at each university, including furniture, and the system office; acceptance of gifts; admission

requirements, fees, rules and regulations and other changes. Where appropriate and permitted by law, executive session may be held.

Contact: Lamar Urbanovsky, (512) 463-1808.

Filed: May 19, 1989, 8:59 a.m.

TRD-8904435

2 p.m. The Building Committee met in the Courtroom, Criminal Justice Center, to review construction projects and documents for the four universities in the system including: purchase of Bitner and Shelton property, approval of preliminary plans for the museum steamboat house, selection of consultant for the electrical distribution improvement and ten building modifications, and authorization to award a contract for reroofing the theatre at Sam Houston State University; approval of preliminary plans for the Bulka Hall renovation at Southwest Texas State University; granting of an easement to the City of Alpine and purchase of a T.V. cable system at Sul Ross State University; purchase orders for certain repairs and change orders for all four universities. Where appropriate and permitted by law, executive session may be held.

Contact: Lamar Urbanovsky, (512) 463-1808.

Filed: May 19, 1989, 8:59 a.m.

TRD-8904433

3 p.m. The Curriculum Committee met in the Courtroom, Criminal Justice Center, to review curriculum needs and requests for the four universities in the system including: twelfth and four day class reports; new degree programs or program changes; new course offerings; course deletions and course changes; off campus, out-of-state and out-of-country course offerings. Where appropriate and permitted by law, executive session may be held.

Contact: Lamar Urbanovsky, (512) 463-1808.

Filed: May 19, 1989, 8:59 a.m.

TRD-8904435

3:30 p.m. The Rules and Regulations Committee met in the Courtroom, Criminal Justice Center to review proposed amendments to the rules and regulations of the system including the board policies on suspension of students for controlled substance use, rules on tuition fee payments, and rules on the use of alcohol.

Contact: Lamar Urbanovsky, (512) 463-1808.

Filed: May 19, 1989, 8:59 a.m.

TRD-8904434

Texas Turnpike Authority

Wednesday, May 31, 1989, 10 a.m. The

Board of Directors of the Texas Turnpike Authority will meet in Salon F, Dallas Marriott Quorum, 14901 Dallas Parkway, Dallas. According to the agenda, the board will consider: approval of minutes of the last board meeting; election of officers; Dallas north tollway extension phase 2 project; possible action on refunding of Dallas north tollway revenue bonds, series 1985; briefing on traffic and revenue study update; supplemental agreement 1 to contract DNT-160; award of contract DNT-158; and purchase of right-of-way parcels; personnel proposal; consultant recommendation; briefing on New Bay Crossing in Galveston; belway 8 east project; briefing on traffic and revenue study; progress on feasibility study; consideration of Treschwig Road toll facility. The meeting also includes an executive session.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: May 23, 1989, 8:54 a.m.

TRD-8904510

Texas Water Commission

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

Wednesday, June 28, 1989, 9 a.m. The Office of Hearings Examiner will meet in the Third Floor Conference Room, Henderson County Courthouse Annex Building, Adkins. According to the agenda summary, the office will consider Alexa Enterprises, Incorporated doing business as Engel Utilities Company, 399 Enchanted Drive, Mabank, Texas 75147 has applied to the commission for an amendment to Permit 11890-01 in order to change from a permit authorizing disposal by irrigation to a discharge permit and to increase the volume of treated domestic wastewater effluent. The permit currently authorizes disposal of treated domestic wastewater effluent at a volume not to exceed 40,000 gallons per day average by irrigation on 20 acres of pastureland, which will remain as the interim I phase. The amendment would add a final phase authorizing a discharge at a volume of 100,000 gallons per day average with limitations of 10 mg/l biochemical oxygen demand, 15 mg/l total suspended solids, and 4 mg/l minimum dissolved oxygen concentration.

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

Filed: May 18, 1989, 3:09 p.m.

TRD-8904422

Monday, July 10, 1989, 10 a.m. The commission will consider the Upper Neches River Municipal Water Authority, certificate of adjudication 06-3254, for an extension

of time to commence and complete construction and installation of facilities authorized under certificate of adjudication 06-3254, as amended. UNRMWA is requesting that the time begin construction of the project be extended to April 18, 1994, and the time to complete construction of project be extended to April 18, 1996.

Contact: Weldon Hawthorne, P.O. Box 13087, Austin, Texas 78711, (512) 463-8266.

Filed: May 19, 1989, 1:53 p.m.

TRD-8904467

Regional Meetings

Meetings Filed May 18, 1989

The MHMR Authority of Brazos Valley, met at 3232 Briarcrest Drive, Bryan, on May 25, 1989, at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467.

The Capital Area Rural Transportation System (CARTS), Board of Directors, met in the Conference Room, 5111 East First Street, Austin, on May 25, 1989, at 9:30 a.m. Information may be obtained from Edna M. Burroughs, 5111 East First Street, Austin, Texas 78702, (512) 389-1011.

The Deep East Texas Private Industry Council, Inc. Monitoring and Evaluation Committee met at 118 South First Street, Lufkin, on May 24, 1989, at 11 a.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901.

The Heart of Texas Council of Governments, Executive Committee met in the Conference Room, 320 Franklin, Waco, on May 25, 1989, at 10 a.m. Information may be obtained from Mary McDow, 320 Franklin, Waco, Texas 76701, (817) 756-6631.

The Leon County Central Appraisal District, Board of Directors, met at Centerville, on May 22, 1989, at 7 p.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Middle Rio Grande Development Council, Texas Review and Comment System, met in the Reading Room, Civic Center, 300 East Main, Uvalde, on May 23, 1989, at 10 a.m. The Board of Directors met at Galbraith Hall, Highway 55, Montell, on May 24, 1989, at 1:30 p.m. Information may be obtained from Dora T. Flores or Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Panhandle Groundwater Conservation District, 3 Board of Directors, met at 300 South Omohundro, White Deer, on May 22, 1989, at 8 p.m. Information may be obtained from Gary L. Walker, P.O. Box

637, White Deer, Texas 79097, (806) 883-2501.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met at 104 Charles Street, Grandbury, on May 24, 1989, at 8 a.m. Information may be obtained from Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

TRD-8904412

Meetings Filed May 19, 1989

The Atascosa County Appraisal District, Appraisal Review Board, will meet at 1010 Zanderson, Jourdanon, on May 31, 1989, at 8 a.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanon, Texas (512) 769-2730.

The Austin-Travis County MHMR Center, Finance and Control Committee, met in Suite 500, 611 South Congress Avenue, Austin, on May 24, 1989, at noon. The Board of Trustees met at the same location in Suite 104, on May 25, 1989, at 7 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 449-4141.

The Barton Springs/Edwards Aquifer Conservation District, Board of Directors, will meet at 1124-A Regal Row, Austin, on May 22, 1989, at 7 p.m. Information may be obtained from Bill E. Couch, 1124-A Regal Row, Austin, Texas 78748.

The Coastal Bend Council of Governments, will meet in the Commissioners Courtroom, Third Floor, Nueces County Courthouse, 901 Leopard Street, Corpus Christi, on May 26, 1989, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The MHMR Regional Center of East Texas, Board of Trustees, met in the Boardroom, 2323 West Front Street, Tyler, on May 25, 1989, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Eastland County Appraisal District, Appraisal Review Board, will meet in the Commissioner's Courtroom, Eastland County Courthouse, Eastland, on May 31, 1989, at 10 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

The Education Service Center, Region VIII, Board of Directors, met at Mount Pleasant, on May 25, 1989, at 7 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mount Pleasant, Texas 75455.

The Education Service Center, Region IX, will meet in the Boardroom, 301 Loop 11, Wichita Falls, on June 8, 1989, at 1:30 p.m. Information may be obtained from Jim

O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

The Grayson Appraisal District, Appraisal Review Board, will meet at 205 North Travis, Sherman, on May 31, 1989, at 9 a.m. Information may be obtained from Deborah Reneau, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

The Gregg Appraisal District, Board of Directors, will meet at 2010 Gilmer Road, Longview, on June 1, 1989, at 9 a.m. Information may be obtained from William T. Carroil, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Gulf Bend MHMR Center, Board of Trustees, met at 1404 Village Drive, Victoria, on May 25, 1989, noon. Information may be obtained from Bill Dillard, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0511.

The Hays County Appraisal District, Board of Directors, met in the Municipal Building, 632 A East Hopkins, San Marcos, on May 23, 1989, at 1 p.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400.

The Lamb County Appraisal District, Board of Directors, met in the Board Meeting Room, 330 Phelps Avenue, Littlefield, on May 25, 1989, at 8 a.m. Information may be obtained from Murlene J. Godfrey, P.O. Box 552, Littlefield, Texas 79339-0552, (806) 385-6474.

The Liberty Council Central Appraisal District, Appraisal Review Board, met at 1820 Sam Houston, on May 25, 1989, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722.

The Lower Colorado River Authority, Audit and Budget Committee, Finance and Administration Committee, Natural Resources Committee, Energy Operations Committee, and Planning and Public Policy Committee met at 3700 Lake Austin Boulevard, Austin, on May 24, 1989, at 9 a.m. The Board of Directors met at the same location on May 25, 1989, at 8:30 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas (512) 473-3283.

The Lower Rio Grande Valley Development Council, Board of Directors, met at Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on May 25, 1989, at 1:30 p.m. Information may be obtained from Kenneth N. Jones, 4900 North 23rd Street, McAllen, Texas 78504, (512) 682-3481.

The North Texas Private Industry Council, Inc. will meet in Room 215, Wichita Falls Activities Center, 10th and Indiana, Wichita Falls, on May 31, 1989, at 12:15 p.m. Information may be obtained from Art Frerich, 4515 Allendale Road, Wichita Falls, Texas 76310, (817) 691-0020.

The Tarrant Appraisal District, Board of

Directors, met at 2301 Gravel Road, Fort Worth, on May 25, 1989, at 9 a.m. Information may be obtained from Olive Miller, 2301 Gravel Road, Fort Worth, Texas 76118, (817) 595-6005.

The West Central Texas Council of Governments Executive Committee and Ombudsman Task Force, met in the District Courtroom County Courthouse, Ballinger, on May 24 and 26, 1989, at 10:15 a.m. and 10:30 a.m., respectively. Information may be obtained from Brad Helbert, (915) 672-8544.

TRD-8904424

Meetings Filed May 22, 1989

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on May 26, 1989, at 9 a.m. The board will meet at the same location on June 1, 2, 5-8, 12-16, 19-22, and 26-30, 1989, at 8:30 a.m., daily. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Bosque Central Appraisal District, Board of Directors, met at 105 West Morgan Street, Meridian, on May 25, 1989, at 7 p.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665.

The Colorado River Municipal Water District, Board of Directors, will meet at 400 East 24th Street, Big Spring, on May 31, 1989, at 10:30 a.m. Information may be obtained from O.H. Ivie, P.O. Box 869, Big Spring, Texas 79721.

The Comal Appraisal District, Appraisal Review Board, will meet at 430 West Mill Street, New Braunfels, on June 6, 8, 11-13, 15, 17-20, 22, 27, and 29, 1989, at 9 a.m., daily. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Dallas Area Rapid Transit, Mobility Impaired Committee, Operations Committee, and Board of Directors, met in emergency sessions in the Boardroom, 601 Pacific Avenue, Dallas, on May 23, 1989, at 2 p.m., 4 p.m., and 6:30 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Education Service Center, Region XVIII, Board of Directors, will meet at 2811 LaForce Boulevard, Midland, on June 2, 1989, at 10:45 a.m. Information may be obtained from Vernon Stokes, P.O. Box 60580, Midland, Texas 79711, (915) 563-2380.

The Edwards Underground Water District, Board of Directors, met at 1615 North St. Mary's, San Antonio, on May 25, 1989, at 4 p.m. Information may be obtained from

Gordon M. Clarke, 1615 North St. Mary's,
San Antonio, Texas 78215, (512) 227-2204.

The Middle Rio Grande Development
Council Board of Directors, met in emer-
gency session at Galbraith Hall, Highway
55, Montell, on May 24, 1989, at 1:30 p.m.
Information may be obtained from Michael
Patterson, P.O. Box 1199, Carrizo Springs,
Texas, (512) 876-3533.

The Parmer County Appraisal District,
Board of Directors, will meet at 305 Third
Street, Bovina, on June 8, 1989, at 7:30
p.m. Information may be obtained from
Ron Procter, P.O. Box 56, Bovina, Texas
79009, (806) 238-1405.

The Wheeler County Appraisal District,
Board of Directors, will meet at County
Courthouse Square, Wheeler, on June 2,
1989, at 2 p.m. Information may be ob-
tained from Jeanine Horton, P.O. Box 1200,
Wheeler, Texas 79096, (816) 826-5900.

TRD-8904468

Meeting Filed May 23, 1989

The West Central Texas Municipal Wa-
ter District, will meet in Suite 300, 401
Cypress Street, Abilene, on May 31, 1989,
at 9:30 a.m. Information may be obtained
from Virginia Duncan, P.O. Box 2362, Abi-
lene, Texas 79604, (915) 673-8254.

TRD-8904508

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, requires 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 April 13, 1989, the banking commissioner received an application to acquire control of Resources Trust Company of the Southwest, Inc., Houston, by Xavier D. Autrey M., of Mexico.

On May 17, 1989, notice was given that the application would not be denied.

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 17, 1989.

TRD-8904413 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: May 18, 1989

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



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 services.

Description of Work. Consultant services are required to assist the comptroller with analysis and design and implementation of the information repository project. The project will introduce the data administration function into the agency by ascertaining the agency's data dictionary needs, designing an information repository to meet those needs, developing a plan for filling the repository, and implementing that plan.

The request for proposal dated May 1989 for data administration function depicts detailed specifications and terms and conditions, as well as our hardware and software environment.

Person to be Contacted. Detailed specifications are contained in the request for proposal (RFP), a copy of which may be obtained from Data Processing Operations of the Comptroller of Public Accounts, Room 309, LBJ Building, between the hours of 8 a.m. and 5 p.m., Monday-Friday. For additional information, interested persons may contact Mary Cheryl Dorwart, Manager, Data Processing Administration, Room 309, LBJ Building, 111 East 17th Street, Austin, Texas 78774, (512) 463-3909.

Bidder's Conference. A bidder's conference will be held in the Third Floor Conference Room of the James Harper Starr State Office Building, 111 West Sixth Street, Austin, on May 30, 1989 at 10 a.m. Seating is limited.

Closing Date. Proposals to perform these consulting services will be accepted only if in writing and actually received in the office of Mary Cheryl Dorwart no later than 5 p.m., June 23, 1989. Bids 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.

Anticipated Schedule of Events. Bidder conference—May 30, 1989; bid opening—June 23, 1989; bid award—June 30, 1989; work begins—July 3, 1989.

Issued in Austin, Texas on May 19, 1989.

TRD-8904473 Bob Bullock
Comptroller of Public Accounts

Filed: May 22, 1989

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



Correction of Error

The Comptroller of Public Accounts submitted an adopted section which contains an error as published in the May 19, 1989, issue of the *Texas Register* (14 TexReg 2465).

The effective date of §3.197 should read: "Effective date: June 1, 1989."



Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

<u>Type of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer⁽³⁾/Agri- cultural/Commercial⁽⁴⁾ thru \$250,000</u>	<u>Commercial⁽⁴⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	05/22/89-05/28/89	18.00%	18.00%
Monthly Rate Art. 1.04(c)(1)	05/01/89-05/31/89	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	04/01/89-06/30/89	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	04/01/89-06/30/89	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	04/01/89-06/30/89	16.81%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	04/01/89-06/30/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	04/01/89-06/30/89	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	04/01/89-06/30/89	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	06/01/89-06/30/89	10.00%	10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.
- (3) Credit for personal, family or household use.
- (4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on May 15, 1989.
 TRD-8904389 Al Endsley
 Consumer Credit Commissioner
 Filed: May 17, 1989
 For further information, please call: (512) 479-1280

TRD-8904478 Michael R. Davis
 Assistant General Counsel
 Texas Department of Corrections

Filed: May 22, 1989
 For further information, please call (409) 295-6371

◆ ◆ ◆
Texas Department of Corrections
 Notification of Amendment to Site
 Selection Proposal Request

The following is to amend data published in the May 19, 1989, issue of the *Texas Register* (14 TexReg 2480) notification pertaining to the Texas Department of Corrections document titled Site Selection Proposal Request. Sealed proposals will be received by the Texas Department of Corrections (TDC) until noon, July 31, 1989. It is anticipated that TDC will begin to notify parties of its selection(s) beginning in the fall of 1989.

Issued in Austin, Texas on May 19, 1989.

◆ ◆ ◆
Texas Department of Human Services
 Correction of Error

The Texas Department of Human Services submitted an renewal of emergency rules effectiveness which contained an error as published in the May 16, 1989, issue of the *Texas Register* (14 TexReg 2407).

The expiration date for the emergency renewal of repealed §§41.104-41.111 should read: "Expiration date: July 11, 1989."

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 Assured Woodmen Life Company, a foreign life insurance company. The home office is in Littleton, Colorado.
2. Application for admission to do business in Texas of Rocky Mountain States Insurance Company, (Assumed Name in Texas for Mountain States Insurance Company), a foreign casualty insurance company. The home office is in Kalispell, Montana.
3. Application for name change by KM Insurance Company, a domestic casualty insurance company. The home office is in Dallas. The proposed new name is Bonneville-Southern Insurance Company.
4. Application for admission to do business in Texas of Leland A. Wolf and Association, Inc., a foreign third party administrator. The home office is in Foster City, California.

Issued in Austin, Texas, on May 17, 1989.

TRD-8904417 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Filed: March 24, 1989

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



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 North Sea Insurance Company, a foreign casualty insurance company. The home office is in Valley Stream, New York.
2. Application for admission to do business in Texas of Modern Income Life Insurance Company, a foreign life insurance company. The home office is in Jefferson City, Missouri.
3. Application for name change by KM Insurance Company, a domestic casualty insurance company. The home office is Dallas. The proposed new name is Bonneville-Texas Insurance Company.

Issued in Austin, Texas, on May 11, 1989.

TRD-8904472 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Filed: May 19, 1989

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



The University of Texas System Consultant Proposal Request

Consulting Services Consultant Proposal Request. The University of Texas System Administration, in accordance with the provisions of Texas Civil Statutes, Article 6252-11c, solicits to contract with a consultant to provide managerial and technological assistance in the development of various phases of a management information system.

Project Description. The consultant selected shall provide the University of Texas System administration with mana-

gerial and technological expertise in development of a management information system encompassing the creation of a common systemwide data base and applications therefore, which will be the basis for management reports desired by the Board of Regents in their decision making process.

A summary of the tasks to be provided by this study include: 1. Establishment of a strategic information reporting plan specifying critical support areas and strategic vision; 2. Definition and establishment of a five-year plan providing the identification and prioritization of software and hardware requirements necessary to effect the applications identified in the plan; 3. Implementation of a revised management reporting structure, on an interim basis, for use until the new systems are in place.

This contract will be for a five-month period provided the contractor fulfills all contract requirements and provides the quality of work desired. Any extension of time or additional work rests at the option of the university.

Contact. Information concerning the proposal may be obtained from R. D. Burck, Vice Chancellor for Business Affairs, the University of Texas System, 201 West Seventh Street, Austin, Texas 78701, (512) 499-4560.

Procedure for Selection of Consultant. The requested study is a continuation of a management audit conducted for the Board of Regents, of the University of Texas System administration, by Peat Marwick Main (PMM) and Company. The University of Texas System intends to continue to use the services of PMM for the follow-on study unless a better offer is received from a contractor possessing the necessary qualifications and experience to provide the requested services in a timely manner.

Proposals will be evaluated by University of Texas System administration, and selection will be based on experience, availability, and cost considerations. The entity selected must be familiar with higher education administration, state and federal laws, regulations, and reporting requirements. A resume fully describing the entity and the principals directing the study must accompany any such proposal.

Due Date. Proposals must be received by the vice chancellor for business affairs by 5 p.m., June 23, 1989.

Issued in Austin, Texas on May 17, 1989.

TRD-8904399 Arthur H. Dilly
 Certifying Official
 The University of Texas System

Filed: May 17, 1989

For further information, please call (512) 499-4402



Texas Water Commission Enforcement Orders

Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Hoffman Drum Company, Inc. and/or Richard E. Hoffman, Individually, No SWR number on May 10, 1989, assessing \$14,640 in administrative penalties-1/2 deferred.

Information concerning any aspect of this order may be obtained by contacting Lisa Montgomery, staff attorney,

Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas on May 16, 1989.

TRD-8904398 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: May 17, 1989

For further information, please call (512) 463-7906

Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th-day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Safety-Kleen Corporation, Denton Facility, SWR 65124, on May 10, 1989, assessing \$860 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Lisa Montgomery, staff attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas on May 16, 1989.

TRD-8904397 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: May 17, 1989

For further information, please call (512) 463-7906

Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th-day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Aztex Dairy, Inc.; Proposed Permit 02953; on May 17, 1989, imposing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Mark Jordan, staff attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas on May 19, 1989.

TRD-8904470 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: May 17, 1989

For further information, please call (512) 463-7906

Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th-day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Matagorda County WCID Number 5; Permit 10217-01; on May 17, 1989, imposing stipulated penalties.

Information concerning any aspect of this order may be

obtained by contacting Michael Meyer, enforcement coordinator, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas on May 16, 1989.

TRD-8904471 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: May 17, 1989

For further information, please call (512) 463-7906

Notice of Application for Waste Disposal Permit

Attached are notices of applications for waste disposal permits issued during the period of May 15-19, 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, Austin, Texas 78711, (512) 463-7905.

Texaco Chemical Company, Port Neches; a Class I hazardous industrial solid waste storage and processing facility; on two tracts of land totaling 612 acres owned by Texaco Chemical Company, located east of Port Neches on FM 366 at Hogaboom Road in Jefferson County; HW-50055, EPA Number TXD 008076846-0; new; 45 day notice period.

Union Carbide Chemicals and Plastics, Inc., Texas City; a Class I hazardous industrial solid waste storage and processing facility; on a 440-acre tract of land owned by Union Carbide northeast of the junction of State Highways 519 and 146 in Galveston County; HW-50242, EPA Number TXD 000461533-1; new; 45 day notice period.

B C Water, Inc., El Campo; Boca Chica Section 3 Wastewater Treatment Facility; approximately 12,000 feet southwest of the point where State Highway 35 crosses Five Mile Branch in Jackson County; 12880-01; renewal.

Bell County Water Control and Improvement District number 2, Little River; a wastewater treatment facility; immediately west of State Highway 95, approximately 700 feet south of the intersection of State Highway 95 and FM Road 436 in Bell County; 11090-01; renewal.

City of Bryan; Still Creek Wastewater Treatment Facility; northwest of State Highway 21 and approximately 2300 feet west-southwest of the intersection of State Highway 21 and FM Road 2818 in Brazos County; 10426-02; renewal.

City of Bryan; Wastewater Treatment Plant Number Three; approximately 3000 feet west of FM Road 2818

and approximately four miles southeast of State Highway 21 in Brazos County; 10426-03; renewal.

Gulf Coast Waste Disposal Authority, Houston; Candlelight Hills Wastewater Treatment Facility; north of Cypress Creek, approximately two miles northwest of the intersection of Interstate Highway 45 and FM Road 1960 in Harris County; 11314-01; renewal.

Harris County Municipal Utility District Number 159, Houston; a wastewater treatment facility; at 17230 West Montgomery Road, approximately 3500 feet north of Greens Bayou and approximately 4000 feet east of the intersection of West Montgomery Road FM Road 149 and FM Road 1960 in Harris County; 12145-01; renewal.

Montgomery County Municipal Utility District Number 42, Houston; a wastewater treatment facility; approximately 1,100 feet west and 2,600 feet north of the West Fork of the San Jacinto River crossing by State Highway 105 in Montgomery County; 11963-01; renewal.

Sabine River Authority of Texas, Orange; Orange-SRA Number One Wastewater Treatment Facility; at the southwest corner of the intersection of State Highway 62 and

the Southern Pacific Railroad approximately 2.7 miles northeast of Orangefield in Orange County; 12134-01; renewal.

Texas Department of Corrections, Huntsville; Beto 1 Wastewater Treatment Facility; approximately six miles northwest of the intersection of U.S. Highways 84 and 79 and FM Road 645, and approximately two miles west of the intersection of FM Roads 645 and 3328 in Anderson County; 11915-01; renewal.

Timberlake Improvement District, Houston; a wastewater treatment facility; at 12702 Jarvis, south of Cypress Creek, approximately 3.2 miles north of the intersection of U.S. Highway 290 and FM Road 1960 and approximately 1.4 miles north of the intersection of Cypress-North Houston Road and Huffmeister Road in Harris County; 11267-01; renewal.

Issued in Austin, Texas on May 19, 1989.

TRD-8304463

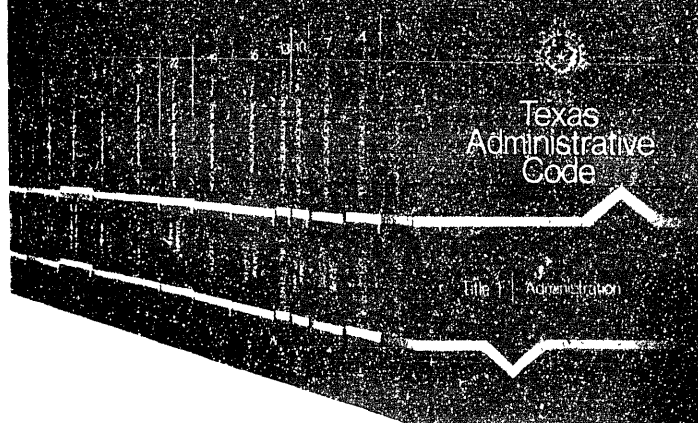
Gloria A. Vazquez
Notices Coordinator
Texas Water Commission

Filed: May 19, 1989

For further information, please call (512) 463-7906



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