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Texas Register

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Volume 13, Number 37, May 13, 1988

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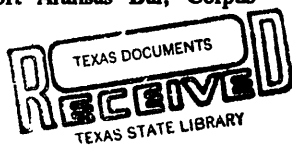
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Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1987 with the exception of January 6, September 1, December 1, and December 29 by the Office of the Secretary of State.

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

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- Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

In order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "13 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 13 TexReg 3."

How To Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found 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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TAC Titles Affected

TAC Titles Affected—April

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

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1 TAC §§1.1, 1.3, 1.11-1.13, 1.21, 1.31-1.34, 1.41-1.45, 1.51-1.54, 1.61—2207

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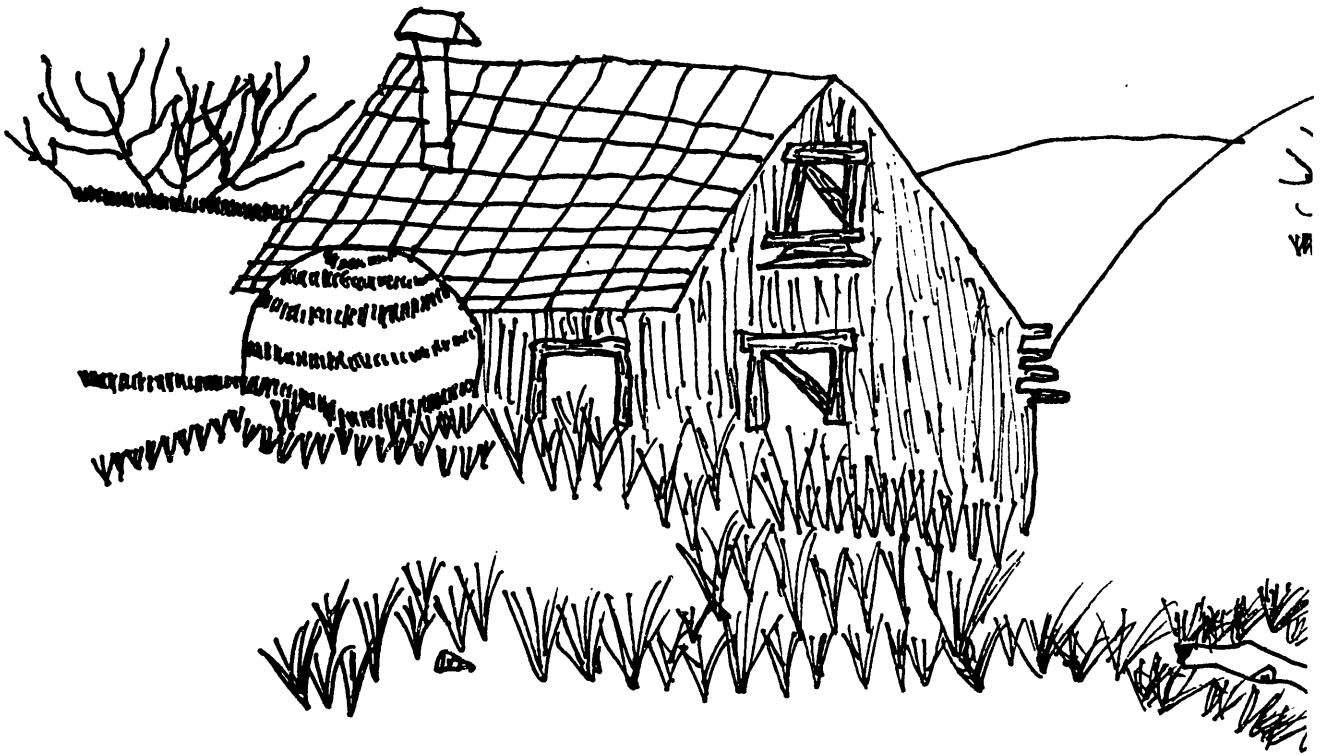
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◆ ◆ ◆



Name: Carissa Mirelez

Grade: 5

School: Bruce Shulkey Elementary, Fort Worth

The Governor

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

Appointments Made May 3, 1988

To be a member of the **Branch Pilot for the Sabine Bar, Pass and Tributaries** for a term to expire January 20, 1992: Leroy Rudolph Kurtz, 4030 Sunset, Port Arthur, Texas 77642. Mr. Kurtz is being reappointed.

To be a member of the **Branch Pilot for the Sabine Bar, Pass and Tributaries** for a term to expire February 29, 1992: G.C. Reeser, Country Club Estates, Route 2, Box 255, Beaumont, Texas 77705. Mr. Reeser is being reappointed.

To be a member of the **Branch Pilot for the Sabine Bar, Pass and Tributaries** for a term to expire January 20, 1992: Wayne H. Parker, 6699 Olympic, Port Arthur, Texas 77640. Mr. Parker is being reappointed.

To be a member of the **Branch Pilot for the Sabine Bar, Pass and Tributaries** for a term to expire January 20, 1992: James Oliver Meeks, 2812 Lawrence, Nederland, Texas 77627. Mr. Meeks is being reappointed.

To be a member of the **Branch Pilot for the Sabine Bar, Pass and Tributaries** for a term to expire February 29, 1992: Henry H. Guidry, 2711 Merriman, Port Neches, Texas 77651. Mr. Guidry is being reappointed.

To be a member of the **Branch Pilot for the Sabine Bar, Pass and Tributaries** for a term to expire January 15, 1992: Donald C. Ferguson, 5520 Frost Avenue, Beaumont, Texas 77706. Mr. Ferguson is being reappointed.

To be a member of the **Texas Academy of Mathematics and Science Advisory Board** for a term to be determined later: John Horn, Ph.D., 405 East Davis, Mesquite, Texas 75149. Dr. Horn is being appointed pursuant to House Bill 2079, 70th Legislature.

To be a member of the **Texas Rehabilitation Commission** for a term to expire August 31, 1993: Jim Gray, P.O. Box 6194, Longview, Texas 75608. Commissioner Gray will be replacing William C. Morrow of Midland whose term expired.

To be a member of the **Texas Advisory Commission on Intergovernmental Rela-**

tions for a term to expire September 1, 1993: Patti Clapp, 9419 Trailhill, Dallas, Texas 75238. Ms. Clapp will be replacing Victor Rodriguez of San Antonio whose term expired.

To be a member of the **Texas Agricultural Finance Authority Board of Directors** for a term to expire January 1, 1989: Othal E. Brand, Jr., 1515 Wisteria, McAllen, Texas 78504. Pursuant to House Bill 49, 70th Legislature.

To be a member of the **Texas Historical Records Advisory Board** for a term to expire January 23, 1989: Lydia Torrez, 2000 North 23rd Street, McAllen, Texas 78501. Mrs. Torrez will be replacing Jean Shepherd of Baytown whose term expired.

To be a member of the **Texas Historical Records Advisory Board** for a term to expire January 23, 1991: Christopher A. LaPlante, Texas State Library, Box 12927, Austin, Texas 78711. Mr. LaPlante will be replacing Dr. David Gracy of Austin who resigned.

To be a member of the **Texas Industrialized Building Code Council** for a term to expire February 1, 1989: Michael T. Slataper, Ramtech Modular Design, Inc., 1400 United States Highway 287 South, Mansfield, Texas 76063. Mr. Slataper will be replacing Ben Woody of Wichita Falls whose term expired.

To be a member of the **Texas Industrialized Building Code Council** for a term to expire February 1, 1989: Charles L. Clawson, P.O. Box 231, Arlington, Texas 76010. Mr. Clawson is being reappointed.

To be a member of the **Statewide Health Coordinating Council** for a term to expire September 1, 1989: Evelyn H. Close, 2017 Texas, Perrytown, Texas 79070. Ms. Close is replacing Marjorie Daniels of Hereford whose term expired.

To be a member of the **Interagency Council on Mentally Retarded, Developmentally Disabled and Mentally Ill Offenders** for a term to expire February 1, 1993: William B. Schnapp, Ph.D., University of Texas Medical School, 1300 Moursund, Houston, Texas 77030. Dr. Schnapp is being appointed pursuant to Senate Bill 719, 70th Legislature.

To be a member of the **Interagency Council on Mentally Retarded, Developmen-**

tally Disabled and Mentally Ill Offenders for a term to expire February 1, 1989: Steve J. Martin, 4109 Cat Hollow, Austin, Texas 78731. Mr. Martin is being appointed pursuant to Senate Bill 719, 70th Legislature.

To be a member of the **Interstate Oil Compact Commission Energy Resources Committee** for a term to serve at the pleasure of the Governor: James W. Walker, Jr., Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711.

To be a member of the **Interstate Oil Compact Commission Public Lands Committee** for a term to serve at the pleasure of the Governor: Robert L. Conrad, 1910 Holly Hill Drive, Austin, Texas 78746.

To be **Judge of the 225th Judicial District Court, Bexar County** until the next general election and until his successor shall be duly elected and qualified: John J. Specia, Jr., 7414 Seidel, San Antonio, Texas 78209. Mr. Specia is being appointed to a position vacated by Judge Emilio Garza of San Antonio.

To be chairman of the **Texas Agricultural Finance Authority Board of Directors** for a term at the pleasure of the Governor: John E. Birdwell, Jr., P.O. Box 720, Lubbock, Texas 79407. Pursuant to House Bill 49, 70th Legislature.

To be a member of the **Branch Pilot for the Brazos-Santiago Pass, Bar and Tributaries** for a term to expire December 31, 1991: Captain Douglas M. Grant, P.O. Box 1631, Port Isabel, Texas 78578.

To be a member of the **Branch Pilot for the Port Aransas Bar, Corpus Christi Bay, and Tributaries** for a term to expire January 5, 1992: Captain Daniel Allen Dubose, P.O. Box 598, Ingleside, Texas 78362.

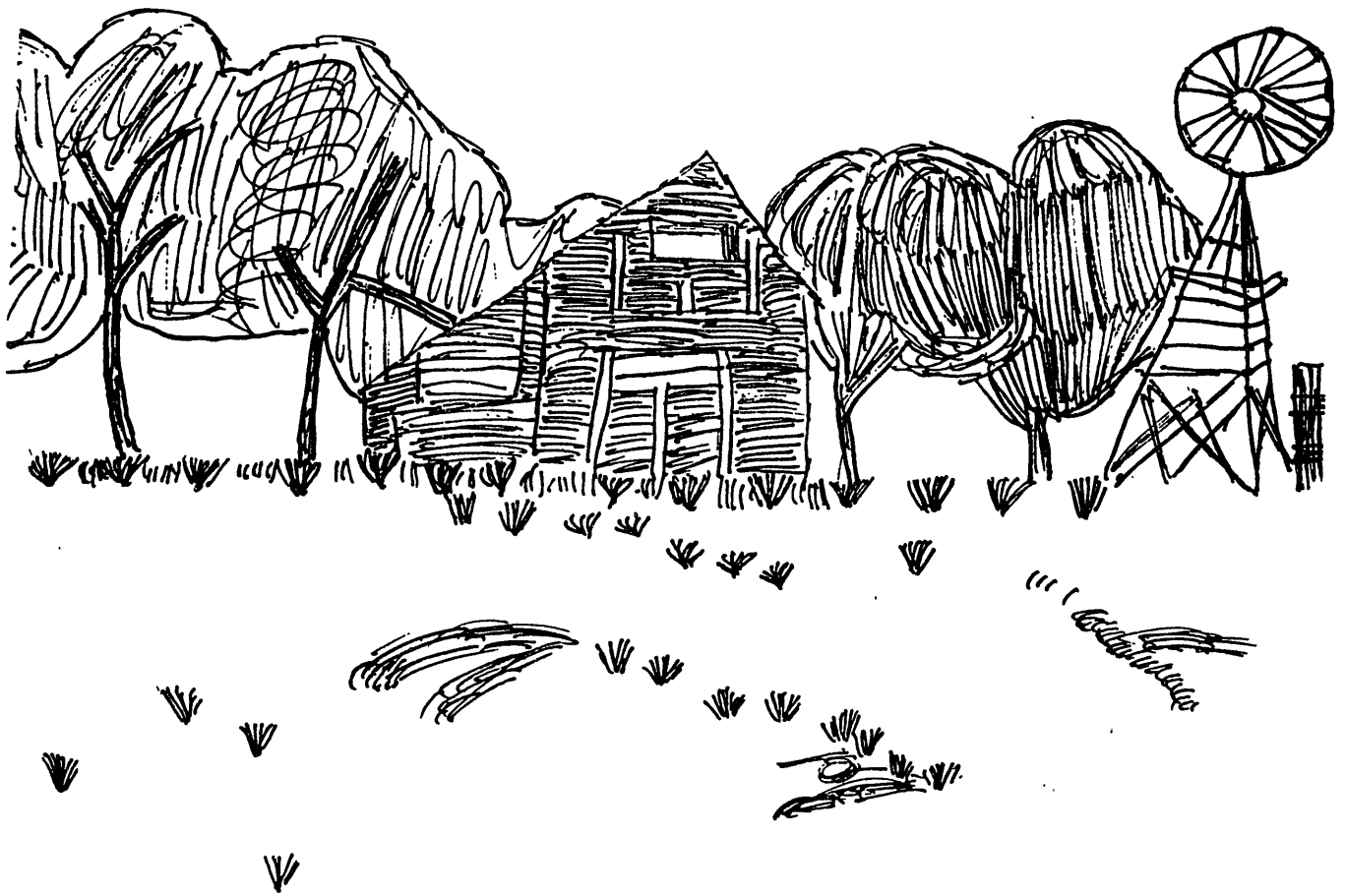
To be a member of the **Branch Pilot for the Port Aransas Bar, Corpus Christi Bay, and Tributaries** for a term to expire March 6, 1992: Captain John Robert Williams, 113 Markham, Portland, Texas 78374.

Issued in Austin, Texas on May 4, 1988.

TRD-8804556

William P. Clements, Jr.
Governor of Texas





Name: Stacey Williams
Grade: 5
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Stacey Wil.

Attorney General

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

Opinions

JM-886 (RQ-1252). Request from Kenneth W. Littlefield, Commissioner, Texas Department of Banking, Austin, concerning the constitutionality of Texas Civil Statutes, Article 342-803a, which permits the sale of the assets of a bank without shareholder approval in certain circumstances.

Summary of Opinion. The Texas Banking Code of 1943, Article 342-803a, which permits the banking commissioner to approve the sale of the assets of a banking corporation by its directors in certain situations specified in the statute, is a constitutional exercise of the legislature's power to provide for a safe banking system. Shareholders in banking corporations organized under the Banking Code have no right to approve the sale of all, or substantially all, of the assets of the banking corporation, unless they have reserved such a right by means of a corporate by-law. The legislature has, by means of its reserved power to amend the Banking Code, overridden such by-laws in the case of banking corporations operating within the circumstances specified in Texas Civil Statutes, Article 342-803a. TRD-8804527

Open Records Decisions

JM-493 (RQ-1273). Request from Fred S. Brinkley, Jr., Executive Director/Secretary, Texas Board of Pharmacy, Austin, concerning whether information regarding negotiations about disciplinary action taken by the Texas State Board of Pharmacy against a licensee is available to the public under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Decision. Open Records Decision Number 474 (1987) is an accurate statement of the law. The Texas Board of Pharmacy may withhold "investigative files," including documents prepared for internal board use that relate to fact gathering by the board's staff or that assess the validity of complaints pursuant to the Texas Open Records Act, §3(a)(1) of the Texas Civil Statutes, Article 6252-17a, in conjunction with Texas Civil Statutes, Article 4542a-1, §17(q). This confidentiality for "investigative files" does not protect from disclosure correspondence between the board and licensees relating to informal conferences, proposed notice of hearings

and charges, or agreed board orders.

With regard to additional arguments you raise, §3(a)(3), protects from disclosure these latter categories of information only when they are prepared by the board's staff and when withholding the information is necessary to preserve the board's strategy or interest with regard to licensees who have not seen the information. Section 3(a)(8), applies only if the board investigates violations of criminal law and the release of the investigations would unduly interfere with law enforcement.

Section 3(a)(1) of the Open Records Act in conjunction with Texas Civil Statutes, Article 4542a-1, subsection 27A(d), protects from public disclosure records relating to proceedings of the board to investigate reports about pharmacists "impaired" by chemical abuse or mental or physical illness. TRD-8804529

ORD-494(RQ-1263). Request from Allen Beinke, Executive Director, Texas Water Commission, Austin concerning whether federally required reports of releases of certain hazardous substances into the environment are excepted from disclosure under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, when the reports indirectly reveal customer list information.

Summary of Decision. Federally required reports provided to the Texas Water Commission about releases of hazardous substances into the environment that indirectly reveal customer identities are not excepted from disclosure under the Texas Open Records Act, §3(a)(10), Texas Civil Statutes, Article 6252-17a, when the governmental agency or private entity seeking confidentiality fails to establish that the customer information is maintained as a trade secret or that its release would cause substantial competitive injury. TRD-8804528

Requests for Opinions

(RQ-1401). Request from Oliver Lewis, Jr., Office of the County Auditor, San Antonio, concerning the conflict between portions of the Government Code regarding salary supplementation of district judges in Bexar County. (RQ-1401) TRD-8804555

(RQ-1402). Request from John T. Montford, Chairman, State Affairs Committee, Texas State Senate, Austin, concerning the interpretation of 1987 amendments to Chapter 162 of the Property Code, regarding construction funds or trust funds. (RQ-1402) TRD-8804554

(RQ-1403). Request from Ernestine Glossbrenner, Chairman, Texas House of Representatives, House Elections, Austin, concerning whether a real estate agent's failure to disclose to a potential purchaser that a seller has AIDS violates the Deceptive Trade Practices Act, and related questions. (RQ-1403) TRD-8804553

(RQ-1404). Request from Dr. William G. Reeder, Chairman, Texas Antiquities Committee, Austin, concerning the jurisdiction of the State Antiquities Committee over property held by an independent school district. (RQ-1404) TRD-8804552

(RQ-1405). Request from Joe Warner Bell, Trinity County Attorney, Groveton, concerning whether a county commissioner may act as surety on a bail bond for an offense committed in his county and related questions. (RQ-1405) TRD-8804551

(RQ-1406). Request from J. Scott Chafin, University of Houston System, Office of University Counsel, Houston, concerning the authority of an institution of higher education to issue bonds under certain circumstances. (RQ-1406) TRD-8804550

(RQ-1407). Request from Wilhelmina Delco, State Representative, House of Representatives, Austin, concerning whether Texas A&M University allocate space in a campus building to be used exclusively by a private organization of faculty members. (RQ-1407) TRD-8804549

(RQ-1408). Request from Garry Mauro, Commissioner, General Land Office, Austin, concerning whether real property belonging to the permanent school fund is

exempt from property taxes when it is leased to a private business. (RQ-1408)
TRD-8804548

◆ ◆ ◆
(RQ-1409). Request from Jim Mapel, Criminal District Attorney, Brazoria County, Angleton, concerning whether the Brazoria County Conservation and Reclamation District is obligated to maintain bridges within its jurisdiction that were built prior to the establish of the district. (RQ-1409) TRD-8804547

◆ ◆ ◆
RQ-1410). Request from Joe Lucas, El Paso County Attorney, El Paso, concerning whether voted ballots and software purchased for the tabulation of votes are public information under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a. (RQ-1410) TRD-8804546

◆ ◆ ◆
(RQ-1411). Request from John C. Ross, Jr., City Attorney, City of Lubbock, Lubbock, concerning whether an attorney for a governmental body may unilaterally decide that certain information relating to litigation may be withheld under §3(a)(3), of the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, without an independent determination by the attorney general under §7 of the act. (RQ-1411)
TRD-8804545

◆ ◆ ◆
(RQ-1412). Request from Joseph J. Skrivanek, III, County Attorney, Burleson County, Caldwell, concerning the eligibility of property for valuation as open-space timber land. (RQ-1412) TRD-8804544

◆ ◆ ◆
(RQ-1413). Request from Tim Curry, Criminal District Attorney, Fort Worth, concerning the authority of a county to make mortgage payments in behalf of its indigent residents. (RQ-1413) TRD-8804543

◆ ◆ ◆
(RQ-1414). Request from Kenneth H. Ashworth, Texas Higher Education, Coordinating Board, Austin, concerning the applicability of administrative services tax under Insurance Code, Article 4.11a, to group in-

surance benefits programs at state institutions of higher education. (RQ-1414)
TRD-8804542

◆ ◆ ◆
(RQ-1415). Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning the applicability of sales tax to state agencies, cities, counties, independent school districts, state colleges and universities and special districts which make retail sales of tangible personal property and services. (RQ-1415) TRD-8804541

◆ ◆ ◆
(RQ-1416). Request from Lloyd Criss, Chairman, Committee on Labor and Employment Relations, Texas House of Representatives, Austin, concerning applicability of the recent constitutional amendment, limiting school tax increases on the residence homestead of a surviving spouse at least 55 years old. (RQ-1416) TRD-8804540

◆ ◆ ◆
(RQ-1417). Request from Chet Brooks, Chairman, Senate Committee on Health and Human Services, Austin, concerning the authority of a municipality to ban consumption of alcoholic beverages on certain public sidewalks. (RQ-1417) TRD-8804539

◆ ◆ ◆
(RQ-1418). Request from Allen Hightower, the State of Texas, House of Representatives, Austin, concerning the circumstances under which a state employee may be discharged. (RQ-1418) TRD-8804538

◆ ◆ ◆
(RQ-1419). Request from John L. Barnhill, Office of County Attorney, Crosby County, Crosbyton, concerning the authority of a justice of the peace to probate suspension of a driver's license when an individual refuses to take a breathalyzer test. (RQ-1419)
TRD-8804537

◆ ◆ ◆
(RQ-1420). Request from Bob McFarland, The Senate of The State of Texas, Austin, concerning the validity of Arlington city ordinance which would prohibit persons under 21 from entering any establishments selling alcoholic beverages unless accompanied by a parent or guardian. (RQ-1420)
TRD-8804536

◆ ◆ ◆
(RQ-1421). Request from Kenneth H. Ashworth, Texas Higher Education, Coordinating Board, Austin, concerning the dual membership on Board of Trustees of Houston Independent School District and Houston Community College District. (RQ-1421)
TRD-8804535

◆ ◆ ◆
(RQ-1422). Request from Wilhelmina Delco, State Representative, Committees Higher Education, Austin, concerning the construction of Election Code requirement that an application for a place on a ballot be signed. (RQ-1422) TRD-8804534

◆ ◆ ◆
(RQ-1423). Request from Marvin J. Titzman, Executive Director, Texas Surplus Property Agency, San Antonio, concerning whether Texas Civil Statutes, Article 2368a, regarding competitive bidding requirements for cities and counties applies to the payment of service and handling charges assessed by the Texas Surplus Property Agency. (RQ-1423) TRD-8804533

◆ ◆ ◆
(RQ-1424). Request from Bill Wells, Director, Sunset Advisory Commission, Austin, concerning whether board members of the Houston and Corpus Christi Metropolitan Transit Authorities may be appointed for a four-year term. (RQ-1424)
TRD-8804532

◆ ◆ ◆
(RQ-1425). Request from Tim Rudolph, Somervell County Attorney, Glen Rose, concerning the constitutionality of Texas Civil Statutes, Article 6702-1, which authorizes a county to finance street construction and repair within a city. (RQ-1425)
TRD-8804531

◆ ◆ ◆
(RQ-1426). Request from Wilhelmina Delco, Chairman, State Representative, House of Representatives, Austin, concerning whether lands designated for "agricultural use" are subject to a five-year rollback provision when the property is acquired under eminent domain. TRD-8804530

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 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter V. Bingo Regulations and Tax

34 TAC §3.545

The Comptroller of Public Accounts proposes an amendment to §3.545 concerning licenses, fees, and bonds for conduct of bingo and commercial lessor. The amendment amends paragraph (a)(4) to increase the amount of estimated tax liability before a bond is required, and to provide for release, imposition, or reimposition of the bond based on the taxpaying history of the authorized organization. The amendment also repeals the current subsections (e) and (k) which duplicate provisions in the Bingo Enabling Act and reletters other subsections.

Ben Lock, director of the comptroller's economic analysis center, 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. Lock 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 an increase in the amount of estimated tax liability necessary before a bond is required, and provide for release, imposition or reimposition of the bond based on the taxpaying history of the authorized organization. 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 Claudia Stravato, Deputy for Tax Enforcement, Regulatory Taxes, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under Texas Civil Statutes, Article 179d, which provide the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.545. Licenses, Fees, and Bonds for Conduct of Bingo and Commercial Lessor.

(a) Annual license to conduct bingo games.

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

(4) Bond or other security. Each application for an annual license to conduct bingo must be accompanied by a bond or other security equal to the applicant's estimated quarterly tax liability. If the amount is estimated to be less than \$1,900 [950], no bond or other security will be required, unless the comptroller determines a bond or other security is necessary based on the applicant's history at recordkeeping, reporting, and payment of tax. **No new bond will be required upon renewal if the licensee would be eligible to have an existing bond released under subparagraph (D) of this paragraph.** If a bond or other form of security is required, no license will be issued until such bond or other security has been posted.

(A)-(C) (No change.)

(D) Release. [A bond must be posted at all times while a license is in effect.] If the licensee ceases to conduct bingo games and relinquishes its license or if the license is revoked by the comptroller for any reason, the comptroller will release any bond or security on his determination that no amounts of tax, penalty, or interest remain due and payable under the Act. **If the licensee has filed all required returns, has no outstanding amounts of tax, penalty or interest due and payable under the Act, and has completed seven consecutive quarters without a deficiency determination becoming final the bond or security will be released at the time the licensee next renews its license.**

(E) Reinstatement. **If a deficiency determination becomes final for a licensee who has had its bond released or for whom a bond was not required a new bond will be required at the time the licensee next renews its license.**

(b)-(d) (No change.)

(e) Supplemental information. In addition to the application form, the applicant or licensee must submit any supplemental information requested by the comptroller within the time limit set by the comptroller. Failure to timely submit any of the requested supplemental information is grounds for denial of the license sought or revocation of a license held.]

(e)[(f)] License to operate. Each ap-

plicant for a license to operate bingo games must demonstrate that it is organized and operated primarily for purposes other than the operation of bingo activities.

(f)[(g)] Payment of fees. The proper license fee must accompany each application. License fees will not be prorated. The fee and any cash bond must be in the form of cash, cashier's check, money order, or check made payable to the state treasurer. After the filing of the application, fee, and any required bond, the comptroller will promptly investigate the qualifications of the applicant and either:

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

(g)[(h)] Notification of election results. No license will be issued until the comptroller receives from the appropriate governing body written notification of the date and results of a legalization election along with a map of the boundaries in which games may be held.

(h)[(i)] Copies of applications. No license or amended license will be issued before a copy of each original application or application for amendment is sent by the applicant to the appropriate governing body of the area in which the games are to be held.

(I)[(j)] Copies of licenses. Upon receipt of any license or amended license issued by the comptroller, the licensee must immediately send a copy to:

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

(k) Display of license. Every license and amendment issued by the Comptroller must be conspicuously displayed on the premises at all times during the conduct of bingo so that it can be easily read by any patron.]

(j)[(l)] Transfer of license. Licenses and renewals issued by the Comptroller may not be transferred or assigned.

(k)[(m)] Amendments.

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

(I)[(n)] Notification of changes. Each licensee has a continuing responsibility to promptly notify the comptroller in writing of any changes to information in a filed application, when information filed with the comptroller becomes inaccurate in any way, or when additions or deletions are necessary to reflect changes in circum-

stances of the licensee. Examples of such changes include the name of organizational officers, the amount of rent charged for leased premises, the name of a member responsible for the conduct of games or the name of an individual connected with a commercial lessor that would affect its eligibility to hold a license and, in the case of lessors, the name of a new, authorized organization that intends to lease premises from it for the purpose of conducting bingo.

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 4, 1988.

TRD-8804586 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: June 13, 1988

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

34 TAC §3.547

The Comptroller of Public Accounts proposes an amendment to §3.547, concerning books and records-bingo licensees. The amendment deletes subsection (a)(2)(D), which requires keeping of a daily schedule of prizes. The amendment adds subsection (d) allowing a licensed authorized organization to loan money from its general fund to its bingo account upon written approval by the comptroller. The amendment also adds as subsection (e) language from the existing §3.559, concerning books and records - commercial lessors licensed to conduct bingo.

Ben Lock, director of the comptroller's economic analysis center, 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. Lock 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 deletion of the requirements that each licensee maintain a daily record of total prizes awarded for each game and their value. The amendments would incorporate wording in this section from existing §3.359 and §3.563. 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 Claudia Stravato, Deputy for Tax Enforcement, Regulatory Taxes, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under Texas Civil Statutes, Article 179d, which provide the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.547. Books and Records-Bingo Licensees.

(a) This section sets minimum stan-

dards for record keeping for licensees that conduct bingo. Where the comptroller provides forms for record keeping, licensees may use those forms or forms of their own choosing which contain the same information.

(1) (No change.)

(2) Cash disbursement records.

The records to document cash disbursements consist of the following.

(A)-(C) (No change.)

[(D) Daily schedule of prizes. Each licensee shall maintain a list for each bingo occasion of the total prizes awarded for each game and their value as required by the Bingo Enabling Act, Texas Civil Statutes, Article 179d, §23(a) and (b).]

(b)-(c) (No change.)

(d) Loans to the bingo account.

(1) A licensed authorized organization or an organization applying for a license to conduct bingo may loan money to its bingo account from its general fund if:

(A) a request is filed with the comptroller which states:

(i) the amount of the loan;

(ii) the purpose of the loan; and

(iii) a repayment schedule for the loan which is 12 months or less; and

(B) the comptroller approves the loan. Prior to approval the comptroller must find that:

(i) the loan is necessary; and

(ii) the repayment schedule is reasonable.

(2) The comptroller may consider the organization's financial condition as reflected in all available information including past quarterly reports prior to the approval of the loan request.

(3) The loan transactions must be reported on the quarterly reports as follows:

(A) loan proceeds must be reported as interest earned for the quarter in which they are received; and

(B) loan payments must be reported as expenses for the quarter in which they are paid.

(4) Failure to repay the loan,

with proceeds from the bingo account, pursuant to the repayment schedule is a violation of this section and may result in suspension, revocation, or denial of the renewal of an organization's license to conduct bingo.

(5) The records to document loans from the general fund must show:

(A) the date and amount of the loan; and

(B) the dates and amounts of all loan payments.

(e) Commercial lessors licensed to conduct bingo.

(1) This subsection applies to authorized charitable organizations which are licensed to conduct bingo and are also licensed to lease their premises to other organizations conducting bingo.

(2) An organization to which this subsection applies shall deposit in from authorized organizations its bingo checking account all rental payments from authorized organizations conducting bingo at the location of the lessor under a temporary license, an annual license, or a temporary authorization to conduct bingo. A rental payment must be deposited in the bingo checking account not later than the end of the next business day after it is received.

(3) Rental payments required by this subsection to be deposited in the bingo bank account are not part of gross receipts for purposes of the bingo gross receipts tax. Such rental payments are not considered in computing adjusted gross receipts under §3.555 of this title (relating to Minimum Charitable Distribution). Distributions for charitable purposes of such funds from the bingo checking account will be considered as part of the disbursements toward meeting that minimum charitable distribution requirement under §3.555 of this title (relating to Minimum Charitable Distribution).

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 4, 1988.

TRD-8804589 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: June 13, 1988

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

• 34 TAC §3.549

The Comptroller of Public Accounts proposes an amendment to §3.549, concerning allow-

able expenditures of receipts from bingo. The amendment amends subsection (a)(2) to limit the amount of compensation which may be paid by a licensee to (i) accountants and/or bookkeepers (other than accountants and/or bookkeepers licensed by the Texas State Board of Public Accountancy), (ii) security personnel, and (iii) janitorial personnel. The amendment is intended to clearly inform licensees and their employees who are engaged to perform accounting and/or bookkeeping, security, and janitorial services pursuant to the Act of terms and restrictions to which they may be subject. The amendment also repeals the present subsections (d) and (e), which duplicate provisions in the Bingo Enabling Act, and reletters other subsections.

The amendment is intended to clarify what is to be considered as "reasonable compensation" which is authorized pursuant to the Bingo Enabling Act, §19(c), to be paid by a licensed organization for services related to bingo. The amendment implements the statement of legislative purpose expressed in the Bingo Enabling Act, §16(a), of discouraging the commercialization of bingo and maximizing the availability of bingo proceeds for charitable purposes.

Ben Lock, director of the comptroller's economic analysis center, 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. Lock 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 that the legislative intent to prevent the commercialization of bingo would be more readily enforceable. 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 Claudia Stravato, Deputy for Tax Enforcement, Regulatory Taxes, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 179d, which provide the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.549. Allowable Expenditures of Receipts from Bingo.

(a) All gross receipts from the conduct of bingo must be used for one or more of the following purposes:

(1) the payment of necessary and reasonable expenses actually incurred and paid in connection with the conduct of bingo, limited to the following:

(A) (No change.)

(B) bingo supplies and equipment; except items purchased to be resold to bingo players such as [bingo daubers,] bingo boards, etc.;

(C)-(E) (No change.)

(F) security during bingo games, limited as provided in paragraph (2) of this subsection;

(G) [The portion of lease] lease payments [not treated as a qualifying distribution under §3.555 of this title (relating to Certain Charitable Distributions)];

(H)-(L) (No change.)

(2) the payment of necessary and reasonable compensation actually incurred and paid in connection with the conduct of bingo for the following personnel and no others:

(A) the total amount paid to all bookkeepers or[,] accountants, not to exceed \$50 per occasion, provided that the limit imposed by this paragraph shall not apply to certified public accountants or any other individual, partnership or corporation registered with and licensed by the Texas State Board of Public Accountancy; [or]

(B) attorney;

(C)[(B)] cashiers, not to exceed \$50 per cashier per occasion;

(D)[(C)] users, not to exceed \$50 per usher per occasion;

(E)[(D)] the total amount paid to all callers, not to exceed \$50 per occasion;

(F)[(E)] security or guard services, not to exceed \$50 per guard per occasion; and

(G)[(F)] janitorial services, not to exceed \$50 per janitor per occasion.

(H) for an individual employed by any licensed organization to perform more than one of the services listed in paragraph (2)(C), (D), (E), and (F) of this subsection, the total compensation paid to the individual may not exceed \$50 per bingo occasion.

(3) (No change.)

(b) Upon written request by a licensee, the comptroller will issue a ruling on the legality of a proposed expenditure out of bingo receipts or of a proposed disbursement for charitable purposes. Ruling requests should be addressed to the Regulatory Tax [Bingo Regulation] Division, Comptroller of Public Accounts, Austin, Texas 78774.

(c) (No change.)

(d) No part of the net proceeds, if they are given to any person or organization for charitable purposes, may be used by the donee either:

(1) to pay for services or materials supplied in connection with the conduct of bingo by the donor organization; or

(2) for any activities which would not be charitable purposes if the donor had conducted the activities.

(e) No part of the net proceeds may be used, directly or indirectly, to support or oppose a particular candidate or a slate of candidates for public office, to support or oppose any measure submitted to a vote of the people, or to influence or attempt to influence legislation.]

(d)[(f)] The license of any authorized organization which does not distribute the required amount of proceeds for charitable purposes during any quarter may be suspended or revoked.

(e)[(g)] No expenses may be paid out of the petty cash fund, except for emergency expenses validated by proper receipts.

(f)[(h)] The only expenses that may be paid from the petty cash fund are expenses necessary to continue or complete the operation of a bingo occasion.

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 4, 1988.

TRD-8804584

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: June 13, 1988

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

◆ ◆ ◆
• 34 TAC §3.559

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Comptroller of Public Accounts or in the Texas Register office, Room 503, Sam Houston Building, 201, East 14th Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §3.559, concerning books and records-commercial lessors licensed to conduct bingo. The repeal of the section is proposed because the provisions of the section are incorporated in the proposed amendment to §3.547, concerning books and records-bingo licensees.

Ben Lock, director of the comptroller's economic analysis center, has determined that repeal will not result in any fiscal implications to the state or to units of local government. This repeal is promulgated under the Tax Code, Title 2. This section is adopted under the Tax Code, Title 2, and does not require a

statement of the fiscal implications for small businesses.

Mr. Lock also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be.

Comments on the repeal may be submitted to Claudia Stravato, Deputy for Tax Enforcement, Regulatory Taxes, P.O. Box 13528, Austin, Texas 78711.

This repeal is proposed under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.559. *Books and Records-Commercial Lessors Licensed to Conduct Bingo.*

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 4, 1988.

TRD-8804588

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: June 13, 1988

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

◆ ◆ ◆
• 34 TAC §3.562

The Comptroller of Public Accounts proposes new §3.562, concerning unauthorized prizes. The new section prohibits the offering or awarding of any prize at any time by any person in connection with a bingo occasion except for prizes for winning individual bingo games. This new section is proposed so that the prohibition of additional prizes in House Bill 1043 may be strictly enforced.

Ben Lock, director of the comptroller's economic analyses center, has determined that for the first five-year period the proposed section will be in effect there will be no significant revenue impact on the state or local govern-

ment or on small businesses as a result of enforcing or administering the section.

Mr. Lock also had 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 that the legislative intent to prevent the commercialization of bingo would be more readily enforceable. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the new section may be submitted to Claudia Stravato, Deputy for Tax Enforcement, Regulatory Taxes, P.O. Box 13528, Austin, Texas 78711.

This new section is proposed under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.562. *Unauthorized Prizes.*

(a) Construction. The prohibition contained in this section shall be broadly construed in order to carry out the legislative purpose expressed in House Bill 1043 of prohibiting all door prizes or other prizes in addition to those given for winning individual bingo games.

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

(1) Person—An individual, partnership, corporation, or other group, however organized, whether or not licensed or required to be licensed under the Bingo Enabling Act.

(2) Present at a bingo occasion and participating in a bingo occasion—Being present at or participating in any activity at the bingo location during the time when people are gathered for the purpose of playing bingo, including times before, during, between, and after bingo games.

(3) Prize—Money or anything of value offered or awarded to one or more persons present at a bingo occasion, whether offered or awarded at that occasion or awarded at a different time or place.

(c) Extra prizes prohibited. No authorized organization, lessor, or other person may offer or award any prize to any person or persons present at a bingo occasion or participating in a bingo occasion other than the prizes awarded for winning the individual bingo games authorized under the Bingo Enabling Act. This includes any activities while persons are present at a bingo occasion in connection with the offering or awarding of such prizes. Such prohibited activities include, but are not limited to:

- (1) the handing out of tickets;
- (2) the written or oral promotion of such a prize;
- (3) the drawing or choosing of winning names for such a prize; and
- (4) the awarding of such a prize.

(a) Conflict. In the event of conflict between this section and §3.548 of this title (relating to General restrictions on the Conduct of Bingo), this section prevails.

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 4, 1988.

TRD-8804585

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: June 13, 1988

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

◆ ◆ ◆

Withdrawn Sections

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 7. Corporate and Financial

Subchapter A. Examination and Corporate Custodian and Tax

• 28 TAC §7.56

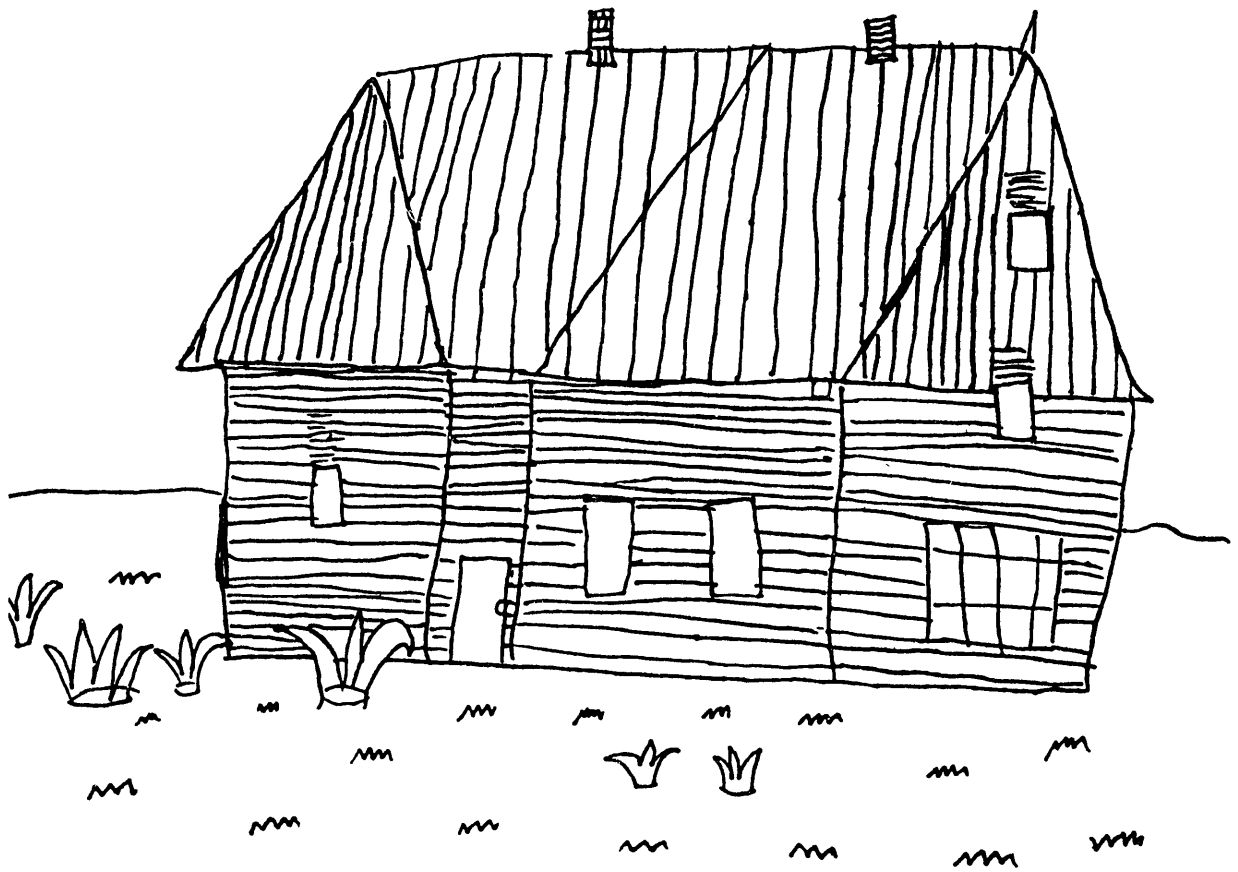
Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed amendment to §7.56, submitted by the State Board of Insurance has been automatically withdrawn, effective May 9, 1988. The amendment as proposed appeared in the November 6, 1987 issue of the *Texas Register* (12 TexReg 4009).

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.

TRD-8804707

Filed: May 9, 1988





Name: Christy Doig

Grade: 5

School: Bruce Shulkey Elementary, Fort Worth

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 22. EXAMINING BOARDS

Part XV. Texas State Board of Pharmacy

Chapter 281. General Provisions

22 TAC §281.33

The Texas State Board of Pharmacy adopts an amendment to §281.33, without changes to the proposed text published in the March 25, 1988, issue of the *Texas Register* (13 TexReg 1418).

The amended rule provides adequate reimbursement for expenses incurred by witnesses who testify at board disciplinary hearings.

The amendment brings mileage reimbursements and fees paid to witnesses in line with current practices of other agencies.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6252-13a, §14(1), which provide Texas State Board of Pharmacy with the authority to set minimum standards of uniform practices for state agencies.

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 7, 1988.

TRD-8804640 Fred S. Brinkley, Jr.
Executive Director
Secretary
Texas State Board of
Pharmacy

Effective date: May 27, 1988

Proposal publication date: March 25, 1988

For further information, please call: (512) 832-0661

• 22 TAC §281.58

The Texas State Board of Pharmacy adopts new §281.58, without changes to the proposed text published in the February 5, 1988, issue of the *Texas Register* (13 TexReg 1418).

The new section further protects the public's interest by specifying administrative procedures for meetings that are closed to the public.

The new section clarifies the board's procedures for executive sessions in-line with stat-

utory changes to the Texas Open Meetings Act, which became effective on September 1, 1987.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 6252-17, §2A, which provide Texas State Board of Pharmacy with the authority to specify requirements relating to open meetings of governmental bodies.

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 7, 1988.

TRD-8804641 Fred S. Brinkley, Jr.
Executive Director
Secretary
Texas State Board of
Pharmacy

Effective date: May 27, 1988

Proposal publication date: February 5, 1988

For further information, please call: (512) 832-0661

Chapter 291. Pharmacies

All Classes of Pharmacy

• 22 TAC §291.6

The Texas State Board of Pharmacy adopts an amendment to §291.6, without changes to the proposed text published in the March 25, 1988, issue of the *Texas Register* (13 TexReg 1419).

This amendment will eliminate any potential administrative burden on owners of a large number of pharmacy licenses by allowing the board the flexibility to assign expiration dates to new licenses.

The amendment allows the board to assign an expiration date to a new pharmacy license other than one year from the date of application.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §31, which provide Texas State Board of Pharmacy with the authority to determine a license renewal fee and adopt a system in which licenses to operate a pharmacy expire on various dates during the year.

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 7, 1988.

TRD-8804638 Fred S. Brinkley, Jr.
Executive Director
Secretary
Texas State Board of
Pharmacy

Effective date: May 27, 1988

Proposal publication date: March 25, 1988

For further information, please call: (512) 832-0661

Institutional Pharmacies (Class C)

• 22 TAC §291.72

The Texas State Board of Pharmacy adopts an amendment to §291.72, without changes to the proposed text published in the February 5, 1988, issue of the *Texas Register* (13 TexReg 587).

This new definition will further ensure the public health, safety, and welfare by allowing institution pharmacies to utilize their resources in a more efficient and effective manner.

The new definition allows the following persons to be considered inpatients: a person who is duly admitted to the hospital; or a person who is receiving long term care services or medicare extended care services in a swing bed on the hospital premise or an adjacent, readily accessible facility which is under the authority of the hospital's governing body.

One comment was received regarding adoption of the amendment. The commenter asked that the definition of inpatient be extended to include patients in a licensed hospice located in the hospital.

Further study is needed to determine the legality of expanding the definition to include patients of another separately licensed facility.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §29, which provide Texas State Board of Pharmacy with the authority to establish by rule the standards of operation that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for licensing or relicensing as a pharmacy.

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 7, 1988.

TRD-8804637

Fred S. Brinkley, Jr.
Executive Director
Secretary
Texas State Board of
Pharmacy

Effective date: May 27, 1988

Proposal publication date: February 5, 1988

For further information, please call: (512) 832-0661

◆ ◆ ◆
**Chapter 309. Generic
Substitution**

◆ ◆ ◆
• 22 TAC §309.7

The Texas State Board of Pharmacy adopts an amendment to §309.7, without changes to the proposed text published in the February 25, 1988, issue of the *Texas Register* (13 TexReg 588).

Compliance with this section will further ensure the public's health, safety, and welfare by specifying that a pharmacist who determines a drug product is generically equivalent to another product must base his/her decision on documented evidence.

The amendment establishes guidelines for a pharmacist to use in determining if a product is generically equivalent to another product.

All comments received were in favor of the adopted amendment.

The Texas Medical Association commented in favor of the adopted amendment.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §40, which provide the Texas State Board of Pharmacy with the authority to allow a pharmacist who receives a prescription authorized for drug product selection to select a generically equivalent product, as defined in the Act, provided the requirements of the Act are met.

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 7, 1988.

TRD-8804639

Fred S. Brinkley, Jr.
Executive Director
Secretary
Texas State Board of
Pharmacy

Effective date: May 27, 1988

Proposal publication date: February 5, 1988

For further information, please call: (512) 832-0661

**TITLE 34. PUBLIC
FINANCE**

**Part I. Comptroller of
Public Accounts**

Chapter 3. Tax Administration

**Subchapter O. State Sales and
Use Tax**

◆ ◆ ◆
• 34 TAC §3.298

The Comptroller of Public Accounts adopts an amendment to §3.298, concerning amusement services with changes to the proposed text published in the February 26, 1988, issue of the *Texas Register* (13 TexReg 1019).

The amendment was necessary because of changes made to the Tax Code by the 70th Legislature, 1987. The amendment exempted amusements from sales tax for events provided by nonprofit organizations only when the amusements are provided exclusively by the nonprofit group. When an amusement is provided by a nonprofit group in conjunction with a for-profit group, the exemption is lost and tax must be collected on the amusement. Also added to the definition of amusement services was membership in a private club or organization that provides entertainment, recreation, sports, dining, or social facilities to its members.

No comments were received, regarding adoption of the amendment.

Minor changes were made in several subsections by comptroller personnel to correct errors made when the section was published in proposed form. The corrections were to subsection (a)(1), where the spelling of the word pastime was corrected, subsection (a)(1)(F)(iii), where the word boat was omitted from the proposed version and where the reference to horse-drawn carriages was deleted, and the insertion of subsection (a)(1)(F)(vi), which had also been omitted.

This amendment is adopted under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2, §3.298. *Amusement Services*.

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

(1) Amusement services—Entertainment, recreation, sport, pastime, diversion, or enjoyment that is a pleasurable occupation of the senses. Amusement services and places offering amusement services include, but are not limited to, the following:

(A)-(E)(No change.)

(F) Other:

(i)-(iii) (No change.)

(iv) rides for pleasure (in

hot-air balloons, helicopters, trains, ships, boats, etc.);

(v)-(vii) (No change.)

(G) (No change.)

(2)-(7) (No change.)

(b)-(j) (No change.)

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

Issued in Austin, Texas, on May 3, 1988.

TRD-8804583

BoB Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: May 26, 1988

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

◆ ◆ ◆
**TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE**

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

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

The Texas Department of Human Services (DHS) adopts amendments to §§33.302, 33.306-33.309, 33.316-33.318, 33.320, 33.322, 33.323, and 33.337, concerning the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Dental Program, without changes to the proposed text published in the March 29, 1988, issue of the *Texas Register* (13 TexReg 1493).

The adoption is justified to explain time limits for submitting claims; prior approval for exceptions only; elimination of prior authorization requirements for up to \$300 of services; applications for providers to participate; and provider termination and reinstatement requirements.

The sections will function to streamline procedures for obtaining services and processing claims. j

No comments were received regarding adoption of the amendments.

Subchapter R. Dental Services

◆ ◆ ◆
• 40 TAC §§33.302, 33.306-33.309,
33.316-33.318, 33.320, 33.323

The sections are adopted 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.

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 6, 1988.

Effective date: June 15, 1988.

Proposal publication date: March 29, 1988.

For further information, please call: (512)
450-3765**Subchapter S. Dental
Utilization Review**

• 40 TAC §33.337

The section is adopted 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.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agen-

cy's legal authority.

Issued in Austin, Texas, on May 9, 1988.

TRD-8804673

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: June 15, 1988.

Proposal publication date: March 29, 1988.

For further information, please call: (512)
450-3765**State Board of Insurance Exempt Filing**

Notifications Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

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

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

The State Board of Insurance has amended Rule 49 of the *Texas Automobile Manual* and the Standard Provisions for Automobile Policies to include a notice prominently displayed either by overprinting, stamping, or by attachment of a gummed label on the face or declaration page of the policy and any certificate. This notice of limited coverage territory is effective July 1, 1988.

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

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

Issued in Austin, Texas on May 5, 1988.

TRD-8804598

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 1, 1988

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

The State Board of Insurance has adopted Rule 50, Antitheft Discount, *Texas Automobile Manual*. This rule is adopted effective the 15th day after notice of this action is published in the adopted rule section of the *Texas Register* and is pursuant to a law enacted by the 70th Legislature which added Article 5.03-2, to Chapter 5 of the Insurance Code. Article 5.03-2, relates to reductions in the premium rates for comprehensive coverage of automobiles protected by anti-theft security systems. The amounts of the anti-theft discounts are set and prescribed by the board. As a matter of law, the anti-theft discounts are voluntary as they relate to the various insurers in this state. If an insurer chooses to give the anti-theft discounts as set by the board in Rule 50., such insurer must give formal notice to the board that such an election has been made. Such formal notice must be on or before, the date of application. The insurer's election to apply such discounts may be withdrawn on and after a date certain by letter stating such intent filed with the automobile division of the State Board of Insurance.

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

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

Issued in Austin, Texas on May 5, 1988.

TRD-8804599

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: May 13, 1988

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

The State Board of Insurance has adopted amendments to the *Texas Automobile Manuals II and III. Rule 38., §G. and Rule 74., §E. of the Texas Automobile Manuals II and III* have been amended to include new subsections reading as follows: "32. Morris Shaw School of Defensive

Driving

a. An auto afforded personal auto coverage shall be subject to a credit of 10% applied to the rate otherwise applicable, provided satisfactory evidence (certificate of completion or photostat thereof issued by Morris Shaw School of Defensive Driving) is presented to the company that the principal operator of such auto has successfully completed the Morris Shaw School of Defensive Driving.

b. If the policy insures two or more autos, the credit shall apply only to the autos principally operated by the person awarded the Morris Shaw School of Defensive Driving Certificates of Completion.

c. The credit shall apply for a period of 36 months subsequent to the date of issuance of the certificate of completion. Following such 36 month period in order to again qualify for such credit, the course must be successfully completed and evidence again presented to the company. The credit shall only apply if the certificate of completion is issued on or after June 1, 1988."

(31) Morris Shaw School of Defensive Driving requires certification issued on or after June 1, 1988, by Morris Shaw School of Defensive Driving.

This amendment is effective June 1, 1988.

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

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

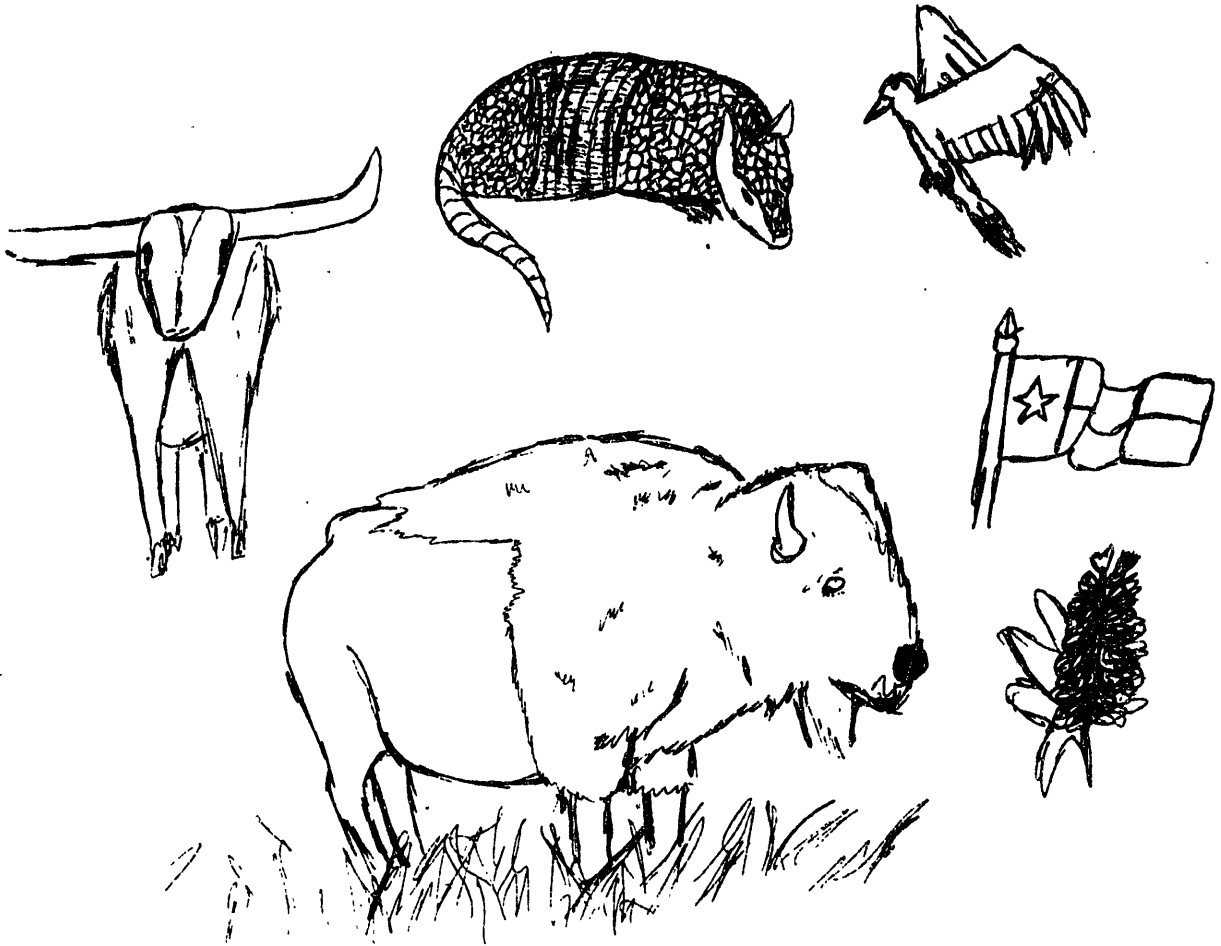
Issued in Austin, Texas on May 5, 1988.

TRD-8804600

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 1, 1988

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



Name: Jose Guerra
Grade: 6
School: Clifton Middle School, Houston

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 billeting board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Texas Department of Agriculture

Tuesday, May 24, 1988, 10:30 a.m. The Produce Recovery Fund Board of the Texas Department of Agriculture will meet in the 9th Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The board will hold a hearing regarding: alleged violation of Texas Agriculture Code, §103.001 by Sun Valley Foods, Inc. as petitioned by Rene Ortega.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 10, 1988, 9:01 a.m.

TRD-8804717

Tuesday, May 24, 1988, 1 p.m. The Produce Recovery Fund Board of the Texas Department of Agriculture will meet in the 9th Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The board will hold a hearing regarding: alleged violation of Texas Agriculture Code, §103.001 by Pat Womack, Jeffrey Womack, Donna Adams, Pat Womack, Inc. and Quality Valley Growers as petitioned by Tex-Sun Produce, Inc.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 10, 1988, 9:01 a.m.

TRD-8804716

Tuesday, May 24, 1988, 3 p.m. The Produce Recovery Fund Board of the Texas Department of Agriculture will meet in the 9th Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The board will hold a hearing regarding: alleged violation of Texas Agriculture Code, §103.001 by Esparza and Esparza Farms, Inc. as petitioned by Roberto Perez.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 10, 1988, 9:02 a.m.

TRD-8804715

Wednesday, May 25, 1988, 10:30 a.m. The Produce Recovery Fund Board of the Texas Department of Agriculture will meet in the 9th Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The board will hold a hearing regarding: alleged violation of Texas Agriculture Code, §103.001 by Tex-Sandia, Inc., Joe Mahan and E. C. Mahan as petitioned by Cary D. Cochran.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 10, 1988, 9:02 a.m.

TRD-8804714

Wednesday, May 25, 1988, 1 p.m. The Produce Recovery Fund Board of the Texas Department of Agriculture will meet in the 9th Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The board will hold a hearing regarding: alleged violation of Texas Agriculture Code, §103.001 by Tex-Sandia, Inc., Joe Mahan, and E. C. Mahan as petitioned by Bill Cochran.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 10, 1988, 9:02 a.m.

TRD-8804713

Friday, June 3, 1988, 10 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, 2935 Westhollow Drive, Houston. The department will hold an administrative hearing to review: Alleged violation by Darel Roark of Texas Agriculture Code §76.111 and §76.116 which require the showing of proof of financial responsibility by a holder of a commercial pesticide applicator's license.

Contact: Samuel T. Biscoe, P.O. Box 12847, Austin, Texas 78711, (512) 463-7591.

Filed: May 9, 1988, 2:58 p.m.

TRD-8804693

Friday, June 3, 1988, 10 a.m. The Texas Department of Agriculture will meet at the

Texas Department of Agriculture District Office, 122 Heimann Street, 1st Floor, San Antonio. The department will hold an administrative hearing to review: Alleged violation by Carl Brockman of Texas Agriculture Code §76.111 and §76.116 which require the showing of proof of financial responsibility by a holder of a commercial pesticide applicator's license. **Contact:** Samuel T. Biscoe, P.O. Box 12847, Austin, Texas 78711, (512) 463-7591.

Filed: May 9, 1988, 2:58 p.m.

TRD-8804694

Friday, June 3, 1988, 10 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, Suite 150, 5408-A South Bell street, Amarillo. The department will hold an administrative hearing to review: Alleged violation by William R. Burns of Texas Agriculture Code §76.111 and §76.116 which require the showing of proof of financial responsibility by a holder of a commercial pesticide applicator's license.

Contact: Samuel T. Biscoe, P.O. Box 12847, Austin, Texas 78711, (512) 463-7591.

Filed: May 9, 1988, 2:58 p.m.

TRD-8804695

Friday, June 3, 1988, 10 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, 517 North Glenwood, Tyler. The department will hold an administrative hearing to review: Alleged violation by Ron Wyatt of Texas Agriculture Code §76.111 and §76.116 which require the showing of proof of financial responsibility by a holder of a commercial pesticide applicator's license.

Contact: Samuel T. Biscoe, P.O. Box 12847, Austin, Texas 78711, (512) 463-7591.

Filed: May 9, 1988, 2:58 p.m.

TRD-8804696

Monday, June 6, 1988, 10 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District

Office, Suite 103, 1801 North Lamar, Dallas. The department will hold an administrative hearing to review: Alleged violation by Rodney Spears of Texas Agriculture Code §§76.111 and 76.116 which require the showing of proof of financial responsibility by a holder of a commercial pesticide applicator's license.

Contact: Samuel T. Biscoe, P.O. Box 12847, Austin, Texas 78711, (512) 463-7591.

Filed: May 9, 1988, 2:58 p.m.

TRD-8804692

Texas Commission for the Blind

Monday, May 16, 1988, 11 a.m. The Board for the Texas Commission for the Blind will meet in Embassy Suites Hotel, 10110 Highway 281 North, San Antonio. According to the agenda, the board will call order and introduce members and guests; approve minutes from previous meeting; hear report of executive director on second quarter activities and discussion; discuss and approve of capital purchases; final action on proposed rules; discuss and act on implementing House Bill 175 by rule; discuss executive order WPC 87-18 and consider related policy; discuss and approve recommendations on priority of expenditure of federal dollars; and discussion and direction from board to executive director on development of the legislative appropriations request for 1990-1991. The board also will meet in executive session.

Contact: Jean Wakefield, P.O. Box 12866, Austin, Texas 78711, (512) 459-2600.

Filed: May 5, 1988, 2:04 p.m.

TRD-8804603

Texas Bond Review Board

Tuesday, May 17, 1988, 10 a.m. The Texas Bond Review Board will meet in Room 215, Sergeant's Committee Room, Capitol, Austin. According to the agenda, the board will approve minutes of previous meetings, consider proposed board rules, and consider other business.

Contact: Tom K. Pollard, Sam Houston Building, Room 700, Austin, Texas 78711, (512) 463-1741.

Filed: May 9, 1988, 4:03 p.m.

TRD-8804703

State Cogeneration Council

Friday, May 20, 1988, 10 a.m. The State Cogeneration Council will meet in Room 107, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda,

the council will approve minutes of the April 8, 1988, meeting; hear a presentation by the Public Utility Commission of Texas; review and approve proposed administrative procedures and project approval procedures; discuss pending state agency cogeneration projects; and set an agenda for the next meeting.

Contact: Michelle Jacobs, P.O. Box 12428, Austin, Texas 78701, (512) 463-1931.

Filed: May 9, 1988, 9:11 a.m.

TRD-8804662

Texas Commission for the Deaf

Friday, May 13, 1988, 10 a.m. The Texas Commission for the Deaf will meet in emergency session in the Conference Room, 510 South Congress Avenue, Austin. According to the agenda, the commission will hold a work session concerning legislative appropriations request for the biennium 1990-1991. The emergency status is necessary this is the only time all parties involved could meet.

Contact: Larry D. Evans, 510 South Congress Avenue, Austin, Texas 78704, (512) 469-9891.

Filed: May 9, 1988, 3:32 p.m.

TRD-8804702

Texas Education Agency

Friday, May 13, 1988 The State Board of Education of the Texas Education Agency will meet in the William B. Travis Building, 1701 North Congress Avenue, Austin. Times, rooms, and agendas follow.

8 a.m. The Committee for Finance and Programs will meet in Room 1-104, to consider permanent school fund; hear school district annual performance report; consider transportation services, state vocational education allotment, annual operating plan/budget, depository status, state plan for federal vocational education funding, public school finance-personnel, state textbook program, and schedule for adoption of textbooks under proclamation 64; hear commissioner's report on textbook irregularities; consider trustee for Fort Sam Houston Independent School District, 1989 operating budget and fiscal biennium 1990-1991 priorities, TEA operating plan/budget for 1987-1988, program budgets for federal funds for 1988-1989 through 1990-1991, Texas Educational Assessment of Minimum Skills Contract, contract with Texas Department of Commerce, contract with LEAD Center, Texas Council on Vocational Education, Select Committee on Education, Sunset Commission Review, and legislative matters.

Contact: W.N. Kirby, 1701 North Congress

Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: May 5, 1988, 11:25 a.m.

TRD-8804591

8:30 a.m. The Committee for Students will meet in Room 1-111, to consider state vocational education allotment, curriculum, award of credit, grades 9-12, discipline of handicapped students, petition to amend rules concerning Texas Educational Assessment of Minimum Skills administration date, petition to amend rules concerning graduation requirements, and University Interscholastic League rules; hear report on senate concurrent resolution 81; and consider information on 1988 presidential scholars semifinalists.

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

Filed: May 5, 1988, 11:24 a.m.

TRD-8804592

8:30 a.m. The Committee for Personnel will meet in Room 1-100, to consider training for school board members, testing program, assignment to the teacher career ladder, receipt of team reports on alternative teacher certificate program and approval of requests for program reapprovals, and request for authorization to enter into contract with LEAD Center.

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

Filed: May 5, 1988, 11:24 a.m.

TRD-8894583

10:30 a.m. The Committee of the Whole will meet in Room 1-104, to hear presentation by Professor Ray Marshall concerning his research on education, technology, and the economy in Texas. The committee will also meet in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(e).

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

Filed: May 5, 1988, 11:23 a.m.

TRD-8804594

3 p.m. The Committee for Long-Range Planning will meet in Room 1-110, to discuss proposed priorities for fiscal year 1989 operating budget and fiscal biennium 1990-1991; hear status report on the accreditation of school districts; review of performance-based accreditation; discuss revised state plan for regional education service centers; consider ethnic/gender distribution of agency personnel; and hear report on status of the federal grant for homeless children.

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

Filed: May 5, 1988, 11:23 a.m.

TRD-8804595

7 p.m. The board will meet in the Longhorn Room, Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda, the board will receive reports from the chairmen of the board committees concerning items discussed in committee meetings.

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

Filed: May 5, 1988, 11:22 a.m.

TRD-8804596

Saturday, May 14, 1988, 8:30 a.m. The State Board of Education will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the board will consider permanent school fund, bond guarantee program, transportation, state vocational education allotment, depository status, state plan for federal vocational education funding, public school finance-personnel, state textbook program, textbook irregularities, amendment to textbook proclamation 64 schedule, and trustees for Fort Sam Houston ISD; hear school district annual performance report; consider annual operating plan/budget, board priorities for 1989-1991, TEA operating plan/budget for 1987-1988, program budgets for federal funds for 1988-1989 and 1990-1991, Texas Educational Assessment of Minimum Skills, contracts with Texas Department of Commerce and with leadership in Educational Administration Center, vocational education evaluation topics, curriculum, discipline of handicapped students, University Interscholastic League rules, school board member training, Texas Academic Skills Program test, teacher career ladder, and alternative centers.

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

Filed: May 5, 1988, 11:22 a.m.

TRD-8804650

Tuesday, May 17, 1988, 10 a.m. The Proprietary School Advisory Commission will meet in Room 1-110, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the commission will introduce new members, discuss action taken by the Division of Proprietary Schools and Veterans Education (DPSVE) concerning firms acting as representatives; discuss default rate of guaranteed student loans, possible legislative proposals, new board rules and Texas Proprietary School Act, obtaining a syllabus on each new course approval, new procedure on teacher approvals, school (new or change in owner) of providing DPSVE with a copy of the letter of eligibility before being allowed to advertise availability of federal funds, staff reorganization of DPSVE, and changes in the investigation

procedures of complaints against staff members.

Contact: Joe L. Price, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9475.

Filed: May 5, 1988, 11:22 a.m.

TRD-8804596

Friday and Saturday, May 20 and 21, 1988, 8:30 a.m. daily The State Parent Advisory Council (PAC) for Migrant Education will meet at the Austin Airport Hilton, 6000 Middle Fiskville Road, Austin. According to the agenda, the council will visit Project College Assistance Migrant Program; hear report on state PAC letter; consider suggestions for identification and recruitment; discuss state plan; consider resources for parent training and program evaluation handbook; review Texas frameworks; hear report on frameworks' training; discuss visiting programs by state PAC members and reports on National Migrant Conferences; consider board update on issues impacting the migrant child and state PAC recommendations for next meeting agenda.

Contact: Frank Contreras, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9067.

Filed: May 6, 1988, 1:32 p.m.

TRD-8804652

State Employee Incentive Commission

Tuesday, May 17, 1988, 10 a.m. The State Employee Incentive Commission will meet in Room 105, John H. Reagan Building, Austin. According to the agenda, the commission will approve minutes of the April 20, 1988, meeting; consider further refinements on the approval process, and update on the implementation process; hear presentation of the awards/promotional process; and consider update on the inquiry to the attorney general's office and new business.

Contact: S. Mitchell McCasland, P.O. Box 12428, Austin, Texas 78701, (512) 463-1778.

Filed: May 6, 1988, 4:25 p.m.

TRD-8804645

Employees Retirement System of Texas

Wednesday, May 18, 1988, 9 a.m. The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in Room 332, Texas Air Control Board, 6330 US 290 East, Austin. According to the agenda summary, the committee will recognize visitors and guests; approve minutes from previous meetings; hear presentations on dual choice options; and hear

presentations on managed health care.

Contact: James W. Sarver, 18th and Brazos, Austin, Texas 78711-3207, (512) 476-6431 ext. 217.

Filed: May 9, 1988, 3:08 p.m.

TRD-8804699

Wednesday, May 25, 1988, 9 a.m. The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in Room 332, Texas Air Control Board, 6330 US 290 East, Austin. According to the agenda summary, the committee will recognize guests and visitors; hear a presentation of TexFlex Program by Mercer-Meidinger-Hanson, Inc.; and hold a work session on managed health care and dual choice options.

Contact: James W. Sarver, 18th and Brazos, Austin, Texas 78711-3207, (512) 476-6431 ext. 217.

Filed: May 9, 1988, 3:07 p.m.

TRD-8804698

Firemen's Pension Commission

Tuesday, May 24, 1988, 9 a.m. The Administrative Division of the Firemen's Pension Commission will meet in the Gemini Room, South Plaza Hotel, IH 35 South and Woodward, Austin. According to the agenda, the board of trustees for Senate Bill 411 Pension System, as prescribed by Texas Civil Statutes, Article 6243e.3, will meet for election of officers and proposed legislative changes.

Contact: Helen Campbell, 3910 South IH 35, Suite 235, Austin, Texas 78704, (512) 462-0222.

Filed: May 9, 1988, 1:46 p.m.

TRD-8804697

Governor's Office

Wednesday, May 18, 1988, 8:30 a.m. The Select Committee on Education of the Governor's Office will meet in the Senate Chamber, Capitol Building, Austin. According to the agenda, the committee will hear subcommittee reports, consider nationwide school finance overview, invited testimony and research overview, school finance options presentation, school finance reform proposal, Texas property tax and school finance issues and options, regional taxing authority options, local revenue diversification options, and discuss school finance options.

Contact: Margaret La Montagne, Sam Houston Building, Austin, (512) 463-1834.

Filed: May 9, 1988, 10:21 a.m.

Health and Human Services Coordinating Council

Friday, May 13, 1988, 1:30 p.m. The Administrative/Management Task Force, Technical Advisory Work Group for the Health and Human Services Coordinating Council will meet in the MIS Conference Room, Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin. According to the agenda, the task force will approve minutes, consider technical review of interagency connections, further discussion of the workplan, and additional interagency issues.

Contact: Patricia O. Thomas, 311-A East 14th Street, Austin, Texas, (512) 463-2195.

Filed: May 9, 1988, 9:41 a.m.

TRD-8804663

Texas Higher Education Coordinating Board

Thursday, May 12, 1988, 10:30 a.m. The Administrative Council of the Texas Higher Education Coordinating Board met in emergency session in the District Board Room, Alamo Community College, 811 West Houston Street, San Antonio. The council will consider final adoption of proposed amendment to Section 25.72--ORP Standards (Refunds). The emergency status was necessary because final adoption of proposed amendment to §25.72--ORP Standards (Refunds) was omitted from original agenda.

Contact: James McWhorter, P.O. Box 12788, Austin, Texas 78711, (512) 462-6420.

Filed: May 10, 1988, 9:15 a.m.

TRD-8804718

State Department of Highways and Public Transportation

Monday, May 16, 1988, 10 a.m. The State Highways and Public Transportation Commission of the State Department of Highways and Public Transportation will meet in and Auditorium, Room 101, and 101-A, First Floor, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission will hear presentations by the public for various highway, bridge, and FM road requests in Dallas County, various counties (border highway), Denton County, and Travis County; execute contract awards and routine minute orders; consider decisions on presentations from public hearing dockets; and review staff reports relative to planning

and construction programs and projects.

Contact: Lois Jean Turner, 11th and Brazos Streets, Austin, Texas, (512) 463-8616.

Filed: May 6, 1988, 3:36 p.m.

TRD-8804643

Texas Historical Commission

Saturday, May 21, 1988, 9 a.m. The State Board of Review for the Texas Historical Commission will meet at the Nancy Carol Roberts Public Library, 100 West Academy, Brenham. According to the agenda, the board will hear announcements, approve minutes of the previous meeting, and review national register nominations.

Contact: Marlene Casarez, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: May 5, 1988, 3:36 p.m.

TRD-8804604

Texas Commission on Human Rights

Tuesday, May 17, 1988, 9 a.m. The Texas Commission on Human Rights will meet in the Hyatt Regency Hotel, 208 Barton Springs Road, Austin. According to the agenda, the commission will welcome guests, approve minutes, hear administrative reports, EEPCC charge resolution contract, personnel matters, biennium audit, critique of TCHR employer conference, status of EEO compliance training, status of sunset review, hear report on governor's reorganization, special projects, commissioner issues, and unfinished business.

Contact: William M. Hale, 8100 Cameron Road, Suite 525, Austin, Texas 78753, (512) 837-8534.

Filed: May 9, 1988, 9:35 a.m.

TRD-8804675

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 17, 1988, 8:30 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9851-Whether disciplinary action should be taken against Gilbert Lazo, Jr., Fort Worth, who holds a group I, legal reserve life insurance agent's license by the board.

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

Filed: May 9, 1988, 9:01 a.m.

TRD-8804661

Tuesday, May 17, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9911-Application of United Healthcare, Inc., Baltimore, Maryland, to acquire control of Ameriway Life Insurance Company, Houston.

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

Filed: May 9, 1988, 9 a.m.

TRD-8804660

Tuesday, May 17, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9904-Acquisition of control of Equities International Life Insurance Company, Fort Worth, by Citizens Insurance Company of America, Austin.

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

Filed: May 9, 1988, 8:59 a.m.

TRD-8804659

Tuesday, May 17, 1988, 10 a.m. The board will meet in Room 414, to consider proposed action on 28 TAC §7.56; consider emergency and proposed action under 28 TAC, chapter 27, subchapter D concerning board orders on several different matters as itemized on the complete agenda; consider personnel matters concerning the Fire Marshall, Statistical and Rate Development, Research and Information Services, and the Commissioner; consider litigation matters concerning the Fire Marshall and the Commissioner; the general counsel will discuss using hearings officers to hear cases before board and requirements for emergency meetings and closed sessions; consider charter for the Internal Audit Section, appointment to the board of directors of Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

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

Filed: May 9, 1988, 3:27 p.m.

TRD-8804700

Tuesday, May 17, 1988, 3:30 p.m. The board will meet in Room 414 to consider meeting with Attorney General's Office to discuss pending and contemplated litigation: State v. London Guaranty and Accident Company, Ltd. et al; State vs. Griffin Systems, Inc.; Houston General Lloyds vs. State Board of Insurance; State vs. Joseph Landis, et al; Dan Hart vs. State Board of Insurance; State vs. Nassau Life Insurance Company, et al; State vs. Best Lloyds; State vs. Capital title Company; and other pending and contemplated litigation.

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

Filed: May 9, 1988, 3:29 p.m.

TRD-8804701

Wednesday, May 18, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9872-Application of Martin Lee Peterson, Arlington, for the renewal of his Group I, legal reserve life insurance agent's license.

Contact: J.C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: May 9, 1988, 8:58 a.m.

TRD-8804658

Friday, May 20, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9894-Whether disciplinary action should be taken against James Landy Purcell, McAllen, who holds a group I, legal reserve life insurance agent's license issued by the board.

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

Filed: May 9, 1988, 8:58 a.m.

TRD-8804657

Friday, May 20, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9898-Application of Samuel M. Bowie, Houston, for a group I, legal reserve life insurance agent's license.

Contact: J.C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: May 9, 1988, 8:57 a.m.

TRD-8804656

Monday, May 23, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9885-Application for approval of amendments to the Articles of Incorporation of American Capitol Insurance Company, Houston, changing the authorized capital stock and restating articles of incorporation.

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

Filed: May 9, 1988, 8:56 a.m.

TRD-8804655

Texas Board of Irrigators

Wednesday, May 18, 1988, 9 a.m. The Texas Board of Irrigators will meet in Room 513-F, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider approval of minutes, certification of licensed irrigators/installers, referring complaint against Ricky Lee Howle to TWC for revocation of his certificate of registration, referring complaint against Patrick G.

Covell to TWC for revocation of his certificate of registration, referring complaint against Joseph Dawson to the attorney general for appropriate action, referring complaint against Shawn Parham to attorney general for appropriate action, and referring complaint against Grass Roots Sod-Landscaping and Sprinkler Systems to attorney general for appropriate action; discuss reprimand previously forwarded to Ed Petty, Jr.; chairman to announce site and dates for next irrigator/installer exam; and hear chairman report on various matters of interest to the board.

Contact: Joyce Watson, 1700 North Congress Avenue, Stephen F. Austin Building, Room 647, Austin, Texas 78711, (512) 463-7992.

Filed: May 6, 1988, 9:36 a.m.

TRD-8804612

Lamar University System

The Board of Regents of the Lamar University System met in the Map Room, John Gray Institute, 855 Florida, Beaumont. Dates, times, and agendas follow.

Monday, May 9, 1988, 10 a.m. The board considered Finance and Audit Committee, Building and Grounds Committee, and Personnel Committee. The board also met in executive session.

Contact: George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: May 6, 1988, 9:45 a.m.

TRD-8804632

Thursday, May 12, 1988, 1 p.m. The board considered approval of Finance and Audit Committee recommendations, Building and Grounds Committee recommendations, and Personnel Committee recommendations. The board also met in executive session under Texas Civil Statutes, Article 6252-17, §2(e), (f), and (g).

Contact: George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: May 6, 1988, 9:45 a.m.

TRD-8804597

Texas State Library and Archives Commission

Thursday-Friday, May 19-20, 1988, 1 p.m. on Thursday, and 9 a.m. on Friday. The Library Services and Construction Act Advisory Council of the Texas State Library and Archives Commission will meet in Room 314, Lorenzo de Zavala State Library and Archives Building, Austin. According to the agenda, the council will introduce and welcome guests; review and

approve of the fiscal year 1989 LSCA annual program basic state plan; review and approve fiscal year 1989-1991 LSCA long range plan; appendix G project partners guidelines; title III purchase of library materials; changes in deadlines for submission of grant applications and final financial reports; certification of advisory council review; review of statewide library development program; review of statewide library development program biennial budget request; staff reports and discussion on opinion survey, literacy survey, and school library participation in interlibrary loan; elect LSCA advisory council chair; review grant applications for title III grants (interlibrary cooperation), title I grants (disadvantaged services); review of proposed federal library improvement act of 1988.

Contact: William D. Gooch, P.O. Box 12927, Austin, Texas 78711, (512) 463-5460.

Filed: May 6, 1988, 9:38 a.m.

TRD-8804611

Texas Low-Level Radioactive Waste Disposal Authority

Thursday, May 19, 1988, 9 a.m. The Public Information Committee of the Texas Low-Level Radioactive Waste Disposal Authority will meet at Room 327, Westin Paso Del Norte Hotel, 101 South El Paso, El Paso. According to the agenda, the committee will meet to hear a report from the general manager on public information and discuss public information and community involvement methods.

Contact: L. R. Jacobs, Jr., 7703 North Lamar, Suite 300, Austin, Texas 78752, (512) 451-5295.

Filed: May 10, 1988, 9:44 a.m.

TRD-8804725

Thursday, May 19, 1988, 7 a.m. The Board of Directors of the Texas Low-Level Radioactive Waste Disposal Authority will meet at the Fort Hancock Community Center, Fort Hancock. According to the agenda summary, the board will hold an executive session to discuss pending litigation; approve minutes of previous meetings; hear reports from the Public Information Committee and Budget Committee; hear the General Manager's report and staff reports, including financial year-to-date, 1989 operating budget, and proposed 1990-91 appropriations request; hear technical reports on the status of contracts for site studies, a proposed overall workplan, and a study on NORM waste disposal; hear a report on special programs, including a citizen's site inspection of the United States Nevada test site, the opening of an Authority office in Fort Hancock, and an ongoing citizens' in-

formation program; consideration of an interagency contract with Texas A & M for a socioeconomic study, Board members' attendance at a DOE Low-Level Waste Management Conference, and an extended session for public comments.

Contact: L. R. Jacobs, Jr., 7703 North Lamar, Suite 300, Austin, Texas 78752, (512) 451-5295.

Filed: May 10, 1988, 9:44 a.m.

TRD-8804726

Midwestern State University

Thursday, May 12, 1988. Various committees of the Board of Regents for Midwestern State University met in the Hardin Administration Building Boardroom, MSU Campus, Wichita Falls. Times and agendas follow.

2 p.m. The Executive Committee accepted plans for renovation of Martin Building; allocated funds for south campus parking lot; allocated unspent Pierce Hall and Music Building renovation funds; ratified Music Education Building renovation contract; ratified McCulloch addition change orders; discussed timetable for legislative appropriations request; received information on Hardin renovation; discussed land purchases in executive session; and discussed recommendations concerning lease of university bookstore (portion dealing with personnel discussed in executive session.)

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 9, 1988, 9:08 a.m.

TRD-8804685

2:45 p.m. The Finance Committee approved dental hygiene fees and nursing expendable supply fees; increased 1987-1988 athletics budget by \$58,819; allocated \$18,000 to fund workers' compensation benefits for 1987-1988; ratified expenditures \$15,000 and under; and approved 1988-1989 operating budget (portions of discussion dealing with personnel to be discussed in executive session.)

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 9, 1988, 9:08 a.m.

TRD-8804684

3:30 p.m. The Personnel and Curriculum Committee approved budget position changes for 1987-1988; approved candidates for May graduation, emeritus faculty status for Dr. Lee Smith and Dr. Barlow Hill, deletion of M.M. and M.M.E. music degrees, dropping of sacred music and composition options in music degree, change in name of BBA degree, adjunct faculty status for Dr. Joe Winstead; received information

concerning math division director appointment; approved policy manual changes, business office reorganization plan, and tenure and promotion recommendations (to be discussed in executive session.)

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 9, 1988, 9:08 a.m.

TRD-8804683

4:15 p.m. The Student Affairs Committee approved 1988-1989 food service contract, 1988-1989 room and board rates, bid for additional housing for summer and fall 1988, apartment rates for 1988, health service physicians contract, allocation for purchase of cafeteria equipment, allocation for mattresses, blinds, carpet, and furniture in dorms, and allocation of funds and authorization to form a drill team at MSU.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 9, 1988, 9:08 a.m.

TRD-8804682

4:45 p.m. University Development accepted summary of gifts, grants, and pledges for September 1, 1987-April 20, 1988; and approved resolutions of appreciation to MSU supporters.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 9, 1988, 9:08 a.m.

TRD-8804681

5 p.m. The Athletics Committee received athletics update report and approved allocation to purchase 65 additional non-game football uniforms and related equipment.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 9, 1988, 9:08 a.m.

TRD-8804680

Friday, May 13, 1988, 9 a.m. The Board of Regents approve minutes and financial reports; approved recommendations by executive, personnel and curriculum, finance, student affairs, and athletics committees. Portions of the discussions dealing with personnel and the purchase of land will be conducted in executive session as allowed by the Texas Open Meetings Act. Reports will be presented by the University Development Committee and the president.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 9, 1988, 9:08 a.m.

TRD-8804679

Texas National Research Agency

Thursday, May 12, 1988, 10 a.m. The Board of Directors of the Texas Municipal Power Agency met in the Administration Building, Gibbons Creek Steam Electric Station, two and a half miles north of Carlos, on FM Road 244. According to the agenda summary, the board will consider administrative matters, resolution 88-5-2, 88-5-5, 88-5-3, and 88-5-6; discuss regular board meetings; consider resolution 88-5-4; and discussion. The board will also meet in executive session.

Contact: Jim Bailey, P.O. Box 7000, Bryan, Texas 77802, (409) 873-2013.

Filed: May 6, 1988, 11:18 a.m.

TRD-8804631

Texas National Research Laboratory Commission

Tuesday, May 17, 1988, 2 p.m. The Commission for the Texas National Research Laboratory Commission will meet in the Arboretum Room, Hyatt Regency Hotel, 1200 Louisiana, Houston. According to the agenda, the commission will hold roll call of members; hear minutes of April 4, 1988, meeting; hear chairman's report (Mr. Meyerson); hear executive director's report (Mr. Binger); hear commission special reports, counselor's reports, contractor's reports, and project manager's reports; and consider old and new business.

Contact: Susan K. Tonetti, Room 1.130, Balcones Research Center, 10100 Burnet Road, Austin, Texas 78758.

Filed: May 9, 1988, 2:20 p.m.

TRD-8804687

Board of Nurse Examiners

Tuesday-Thursday, May 24-26, 1988, 8 a.m. The Board of Nurse Examiners will meet in the Lonestar Room, Marriott Hotel, 6121 North IH 35, Austin. According to the agenda, the board will consider possible action on disciplinary hearings and other action as recommended by the executive secretary in relation to hearings; consider proposed rule changes; consider education matters such as survey visit reports, annual, report summaries, conduct a public hearing regarding the request for an extended campus of Amarillo College (May 26, 1988, 9 a.m.); receive a report of the February 1988, NCLEX; and receive reports from various committees. The board also will meet in executive session to discuss personnel, hold open forum on May 26, 1988, from 8-9 a.m., and review future test drafts, in closed session.

Contact: Louise Sanders, 1300 East Ander-

son Lane, Suite C-225, Austin, Texas, (512) 835-4880.

Filed: May 9, 1988, 9:37 a.m.

TRD-8804674

Special Committee on Organization of State Agencies

Wednesday and Thursday, May 11 and 12, 1988, 1:30 p.m. and 8:30 a.m. The Subcommittee on General Government Services of the Special Committee on Organization of State Agencies met in emergency session in Room 102, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the subcommittee received information and discussed with invited participants the coordination of state agency efforts in the following areas: data processing, statewide accounting, personnel management, bond issues, and printing. The emergency status was necessary because of schedule changes for the subcommittee chairman which precluded the normal advance notice.

Contact: Jay Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1311.

Filed: May 6, 1988, 4:39 p.m.

TRD-8804647

Board of Pardons and Paroles

Monday-Friday, May 16-20, 1988, 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 releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: May 6, 1988, 10:47 a.m.

TRD-8804614

Tuesday, May 17, 1988, 10 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will discuss implementation procedures concerning the Tentative Parole Month Program.

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

Filed: May 9, 1988, 10:47 a.m.

TRD-8804704

Tuesday, May 17, 1988, 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 6, 1988, 10:48 a.m.

TRD-88004613

State Preservation Board

Monday, May 16, 1988, 10 a.m. The Architect of the Capitol Selection Committee of the State Preservation Board will meet in the Lieutenant Governor's Committee Room 220, Austin. According to the agenda, the architect will approve of job description for action and discuss next meeting. The architect will also meet in executive session to review of applicants.

Contact: Dealey Herndon, 322 Congress Avenue, Austin, Texas 78701, (512) 474-7743.

Filed: May 6, 1988, 1:45 p.m.

TRD-8804633

Texas Board of Private Investigators and Private Security Agencies

Thursday, May 19, 1988, 9:30 a.m. The Board of the Texas Board of Private Investigators and Private Security Agencies will meet in Room 109, John H. Reagan Building, Austin. According to the agenda, the board will consider old business: approve minutes, and discussion and final adoption of proposed board rules from January 21, 1988; and consider new business: election of board vice chairman and secretary, approval of staff action of new licenses, suspension orders, reinstatement orders, certificates for replacement managers, license terminations, revocations, denials, reprimands, requests for waiver of board rule, requests for rehearings and other proposals for decision, discuss recent legislative amendments, and discussion and approval of agency budget request for 1990-1991.

Contact: Clema D. Sanders, 313 East Anderson Lane, Austin, Texas 78752, (512) 463-5545.

Filed: May 9, 1988, 4:16 p.m.

TRD-8804705

Texas State Board of Public Accountancy

Friday, May 13, 1988. The Texas State Board of Public Accountancy submitted emergency revised agendas for meetings held in Suite 340, 1033 La Posada, Austin. Dates, times, and agendas follow.

9 a.m. The Executive Committee will discuss substantive rules 501.2 and 503.1 concerning definitions of financial statement and proposed amendments to the ACT. The emergency status was necessary because decision must be made on these matters before the June 16-17, 1988, meeting.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: May 9, 1988, 9:31 a.m.

TRD-8804676

11 a.m. The board will discuss substantive rules 501.2 and 503.1 concerning definitions of financial statement and proposed amendments to the ACT. The emergency status was necessary because a decision must be made on these matters before the June 16-17, 1988, meeting.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: May 9, 1988, 9:31 a.m.

TRD-8804677

Texas Department of Public Safety

Tuesday, May 17, 1988, 10 a.m. The Public Safety Commission of the Texas Department of Public Safety will meet in the DPS regional office, 10110 Northwest Freeway, Houston. According to the agenda, the commission will approve minutes of the previous meeting; consider budget matters, personnel matters, pending and contemplated litigation, real estate matters, miscellaneous and other unfinished business.

Contact: Leo E. Gossett, (512) 465-2000, ext. 3700.

Filed: May 6, 1988, 2:53 p.m.

TRD-8804635

Public Utility Commission of Texas

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

Friday, May 13, 1988, 9 a.m. The Administrative Section will consider and approve of comments on notice of proposed

rulemaking for filing with the Federal Energy Regulatory Commission.

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

Filed: May 5, 1988, 3:28 p.m.

TRD-8804605

Monday, May 16, 1988, 10 a.m. The Hearings Division will consider Docket 8097-Application of Lighthouse Electric Cooperative, Inc. for authority to change rates.

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

Filed: May 5, 1988, 3:27 p.m.

TRD-8804606

Tuesday, May 17, 1988, 10 a.m. The Hearings Division will consider Docket 8096-Application of Kaufman 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 6, 1988, 3:19 p.m.

TRD-8804653

Tuesday, May 17, 1988, 10 a.m. The Hearings Division will consider Docket 8095-Application of Texas-New Mexico Power Company for authority to change rates.

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

Filed: May 5, 1988, 3:27 p.m.

TRD-8804607

Tuesday, May 31, 1988, The Hearings Division will consider Docket 8102-Application of Southwest Texas Electric Cooperative, Inc. to change irrigation rate and revise irrigation tariff.

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

Filed: May 9, 1988, 2:31 p.m.

TRD-8804689

Monday, July 11, 1988, The Hearings Division will consider Docket 8046-Complaint of Exxon Company, U.S.A., against Houston Lighting and Power Company.

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

Filed: May 9, 1988, 2:30 p.m.

TRD-8804690

Thursday, July 21, 1988, 10 a.m. The Hearings Division will consider Docket 8087-Application of Guadalupe Valley Telephone Cooperative, Inc. to offer private

pay telephone service.

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

Filed: May 9, 1988, 2:32 p.m.

TRD-8804688

Monday, July 18, 1988, 10 a.m. The Hearings Division will consider Docket 8077-Application of Stamford Electric Cooperative, Inc., to change rates.

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

Filed: May 5, 1988, 3:26 p.m.

TRD-8804608

State Purchasing and General Services Commission

Wednesday, May 25, 1988, 1:30 p.m. The Texas School Bus Committee of the State Purchasing and General Services Commission will meet at Room 1103, LBJ Building, 111 East 17th Street, Austin, According to the agenda, the committee will discuss: specifications for school bus bodies; specifications for school bus chassis; specifications for school bus engines; specifications for school bus options; specifications for school bus accessories; and approved products list.

Contact: Troy Martin, P.O. Box 13047, Austin, Texas 78711-3047, (512) 463-3414.

Filed: May 10, 1988, 9:24 a.m.

TRD-8804720

Railroad Commission of Texas

Monday, May 16, 1988, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The Administrative Services Division will consider and act on the division director's report on division administration, budget, procedure, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7527.

Filed: May 6, 1988, 11:27 a.m.

TRD-8804623

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

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

Filed: May 6, 1988, 11:27 a.m.

TRD-8804617

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

Contact: Ken Fossler, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6787.

Filed: May 6, 1988, 11:27 a.m.

TRD-8804620

The Gas Utilities Division will consider various matters within the regulatory jurisdiction of the Railroad Commission of Texas. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

Contact: Shelley A. Dreiling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7009.

Filed: May 6, 1988, 11:27 a.m.

TRD-8804627

The Office of Information Services will consider and act on the Division Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78704, (512) 463-6710.

Filed: May 6, 1988, 11:27 a.m.

TRD-8804619

The Investigation Division will consider and act on the division director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Anne Wiley, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6828.

Filed: May 6, 1988, 11:29 a.m.

TRD-8804618

The Legal Division will meet to consider and act on the division's report on division administration, budget, procedures, and personnel matters; proposed and pending litigation, including but not limited to discussion and/or action on the following: FERC Orders 500, 500 A-C, and related litigation in the D.C., fifth, third, and seventh circuits. Missouri Pacific Railroad Company et.al. v. Railroad Commission of Texas; Cause A-86-CA-406, U.S. District Court Western District of Texas.

Contact: G. Gail Watkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: May 6, 1988, 11:24 a.m.

TRD-8804628

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

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

Filed: May 6, 1988, 11:27 a.m.

TRD-8804626

The Oil and Gas Division will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Tim Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7325.

Filed: May 6, 1988, 11:27 a.m.

TRD-8804629

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

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

Filed: May 6, 1988, 11:27 a.m.

TRD-8804624

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

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

Filed: May 6, 1988, 11:27 a.m.

TRD-8804621

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

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

Filed: May 6, 1988, 11:27 a.m.

TRD-8804622

The Surface Mining Division will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Jerry Hill, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6900.

Filed: May 6, 1988, 11:27 a.m.

TRD-8804625

The Transportation Division will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

Contact: G. Gail Watkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: May 6, 1988, 11:27 a.m.

TRD-8804630

Texas Soil and Water Conservation Board

Wednesday, May 25, 1988, 8 a.m. The Texas Soil and Water Conservation Board will meet at The Piney Woods Conservation Center of Stephen F. Austin University at the Sam Rayburn Reservoir, FM 3127, approximately 70 miles southeast of Nacogdoches. According to the agenda summary, the board will consider and take necessary action on the following: minutes of the March 16, 1988 meeting; director appointments; division of the San Saba-Brady SWCE Number 214 and the Brazos-Robertson SWCD Number 431; assessment of agricultural nonpoint source activities; House Natural Resources Subcommittee on nonpoint sources hearing; Gulf initiative program; application for assistance under PL 83-566 - laterals to Lake Corpus Christi; comments on 19897 update of the National Program for soil and water conservation; endangered species protection under EPA pesticide programs; EPA groundwater protection strategy; 1990-91 biennium budget request; allocation of Subchapter H Technical Assistance funds; comments from agencies and guests; Governor's Committee on Water Resources Management hearing; district director workshops; report on meetings, with Special Committee on State Agency Organization; regional conservation awards programs; 1988 statewide meetings of soil and water conservation district directors; SCS National Bulletin-representation on boards, councils, and committees; election of officers; board member travel; and the next meeting on July 20, 1988.

Contact: Harvey Davis, P.O. Box 658, Temple, Texas, (817) 773-2250 or 820-1250.

Filed: May 10, 1988, 9:17 a.m.

TRD-8804719

Texas A&M University System

Thursday, May 12, 1988, 7:30 p.m. (will reconvene on Friday, May 13, 1988, at 8:30 a.m.). The Board of Regents for Texas A&M University System met in the MSC Annex, Texas A&M University, College Station. According to the agenda, the board will receive staff reports relating to long-term projections of physical plan needs, land use, enrollments, and financial resources, and consider any and all things leading to the selection of a president of Texas A&M University. (No decisions will be made).

Contact: Vickie Burt, Texas A&M University System, College Station, Texas 77842, (409) 845-9603.

Filed: May 5, 1988, 10:41 a.m.

TRD-8804590

Texas Board of Veterinary Medical Examiners

Monday, May 9, 1988, noon. The Texas Board of Veterinary Medical Examiners will meet in Suite 212, Memorial Student Center, Texas A&M Campus, College Station. According to the agenda summary, the board will administer the state board examination for licensure in the state of Texas.

Contact: Don Wilson, 1946 South IH-35, Austin, Texas 78704, (512) 447-1183.

Filed: May 6, 1988, 10:49 a.m.

TRD-8804615

Texas Water Commission

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

Tuesday, May 17, 1988, 9 a.m. The commission will meet in Room 118, to consider memorandum and order of application by Meadow Woods Water Supply, Inc.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: May 9, 1988, 4:11 p.m.

TRD-8804708

Thursday, May 26, 1988, 2:30 p.m. The commission will meet in Room 123, to consider Executive Director's report on agency administration, policy, budget procedures, and personnel matters.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: May 9, 1988, 4:12 p.m.

TRD-8804709

Monday, June 6, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 1149A, to consider Docket 7596-C-Application for a water certificate of convenience and necessity filed by Ten West Utility Company.

Contact: John Vay, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: May 9, 1988, 4:13 p.m.

TRD-8804710

Friday, June 10, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 1149A, to consider Docket 7544-G-Rate increase of J&J Raw Water Utility, Inc.

Contact: Carol Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: May 9, 1988, 4:13 p.m.

TRD-8804711

Friday, June 10, 1988, 9 a.m. The Office of Hearings Examiner will meet in Room 1149B, to consider application of City of Cedar Park, P.O. Box 1090, Cedar Park, Texas 78613 to the commission for an amendment to Permit 12308-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 1,000,000 gallons per day to an interim volume not to exceed an average flow of 2,500,00 gallons per day and a final volume not to exceed an average flow of 5,000,000 gallons per day. The proposed amendment would retain the 1,000,000 gallon-per-day average flow as an interim I phase with effluent limitations of 10 mg/l biochemical oxygen demand (BOD5); 15 mg/l total suspended solids (TSS); and 4 mg/l minimum dissolved oxygen concentration (DO).

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

Filed: May 6, 1988, 4:09 p.m.

TRD-8804648

Tuesday, June 22, 1988, 10 a.m. The Office of Hearings Examiner will meet in the Emergency Medical Services Training Building, 7411 Park Place, one mile south of Loop 610 at the intersection of Telephone Road, Houston. According to the agenda summary, the examiner will consider application of Spring West Municipal Utility District, c/o Leonard, Marsh, Hurt, and Terry, 6750 West Loop South, Suite 150, Bellaire, Texas 77401, to the commission for renewal of Permit 12579-01 which authorizes a discharge of treated domestic wastewater effluent in phases with the final phase being a volume not to exceed an average flow of 750,000 gallons per day from the wastewater treatment facilities which are located approximately 600 feet north of the Louetta Road crossing of Senger Gully and approximately 6,000 feet southwest of the intersection of IH 45 and FM 2920 in Harris County.

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

Filed: May 6, 1988, 4:08 p.m.

TRD-8804649

Texas Youth Commission

Thursday, May 12, 1988. The Board Budget Committee of the Texas Youth Commission met in Suite 322, 8900 Shoal Creek Boulevard, Austin. According to the agenda summary, the committee reviewed work plan; considered 1988 operating budget, projected commitments, average daily populations, budget summary of staff recommendations, and biennial request detail.

Contact: Ron Jackson, 8900 Shoal Creek Boulevard, Austin, Texas 78766.

Filed: May 6, 1988, 2:47 p.m.

TRD-8804634

Regional Meetings

Meetings Filed May 5, 1988

The Blanco County Appraisal District, Board of Directors, met in the Blanco County Courthouse Annex, Johnson City, on May 10, 1988, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Cass County Appraisal District, Board of Directors, met at 400 North Main Linden, on May 9, 1988, at 6:30 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The Dallas Central Appraisal District, Appraisal Review Board, will meet in Suite 500, West Mockingbird Lane, Dallas, on May 13, 1988, at 8:15 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The Education Service Center, Region VII, Board of Directors, will meet in the Holiday Inn, Henderson, on May 19, 1988, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas, (214) 984-3071.

The Grayson Appraisal District, Board of Directors, met at 205 North Travis, Sherman, on May 11, 1988, at noon. Information may be obtained from Deborah Reneau, (214) 893-9673.

The Lamb County Appraisal District, Appraisal Review Board, met in the Board Meeting Room, 330 Phelps Avenue, Littlefield, on May 12, 1988, at 8 p. m. Information may be obtained from Murlene J. Godfrey, 330 Phelps Avenue, Littlefield, Texas, (806) 385-6474.

The South Plains Association of Govern-

ments, Executive Committee and Board of Directors, met at 1323 58th Street, Lubbock, on May 10, 1988, at 9 a.m. and 10 a.m., respectively. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Lubbock, Texas 79452.

The Central Tax Authority of Taylor County, Board of Directors, met at 340 Hickory Street, Abilene, on May 11, 1988, at 10 a.m. Information may be obtained from Ralph D. Anders, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

Meetings Filed May 6, 1988

The Angelina and Neches River Authority, Board of Directors, met in the Pallas Hotel, 3400 South Street, Nacogdoches, on May 10, 1988, at 10 a.m. Information may be obtained from Charles D. Thomas, P.O. Box 387, Lufkin, Texas 75902-0387, (409) 632-7795.

The Barton Springs-Edwards Aquifer Conservation District, Board of Directors, met in the 18th Floor Conference Room, 98 San Jacinto Boulevard, Austin, on May 12, 1988, at noon. Information may be obtained from Ralph Roming, 909 North Loop 4, Suite F, Buda, Texas 78610, (512) 282-8441.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on May 13, 1988, at 9 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Capital Area Rural Transportation (CARTS), Board of Directors, met in the Conference Room, 5111 East First Street, Austin, on May 12, 1988, at 9:30 a.m. and 10 a.m. Information may be obtained from Edna M. Burroughs, 5111 East First Street, Austin, Texas 78702, (512) 389-1011.

The Dallas Area Rapid Transit, Planning and Development Committee, met at 601 Pacific Avenue, Dallas, on May 10, at 2 p.m. and 4 p.m. Information may be obtained from Sylvia Villarreal, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Denton Central Appraisal District, Appraisal Review Board, will meet at 3911 Morse, Denton, on May 19, 1988, at 4 p.m. Information may be obtained from Joe D. Rogers, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904.

The Garza County Appraisal District, Board of Directors, met at the Courthouse, Post, on May 12, 1988, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Hansford County Appraisal District, met at 709 West Seventh Street, Spearman, on May 11, 1988, at 9 a.m. Information may be obtained from Alice Peddy, 709 West Seventh Street, Spearman, Texas 79081.

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown Street, Wylie, on May 26, 1988, at 4 p.m. Information may be obtained from Carl W. Reihn, 505 East Brown Street, Wylie, Texas, (214) 442-5404.

The Central Appraisal District of Rockwall County, Board of Directors, met at 106 North San Jacinto, Rockwall, on May 10, 1988, at 7:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2304.

TRD-8804609

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Meetings Filed May 9, 1988

The Capital Area Planning Council Executive Committee, will meet in Suite 100, 2520 South IH-35, Austin, on May 17, 1988, at 2 p.m. Information may be obtained from Richard G. Bean, 2520 South IH-35, Suite 100, Austin, Texas 78704, (512) 443-7653.

The Carson County Appraisal District, Board of Directors, will meet at 102 Main Street, Panhandle, on May 18, 1988, at 9 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068-0970.

The Education Service Center, Region IV, Board of Directors, will meet in the Boardroom, 7145 West Tidwell, Houston, on May 24, 1988, at 2 p.m. Information may be obtained from Tom Pate, Jr., 7145 West Tidwell, Houston, Texas 77092.

The Education Service Center, Region IV, Board of Directors, will meet in the Boardroom, 7145 West Tidwell, Houston, on May 24, 1988, at 2 p.m. Information may be obtained from Tom Pete, Jr., 7145 West Tidwell, Houston, Texas 77092.

The Gray County Appraisal District, Board of Directors, met at 815 North Sumner, Pampa, on May 12, 1988, at 5 p.m. Information may be obtained from W. Pat Bagley, 815 North Sumner, Pampa, Texas 79065, (806) 665-0791.

The Gregg Appraisal District, Appraisal Review Board, will meet at 2010 Gilmer Road, Longview, on May 16, 1988, at 1:30 p.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Hale County Appraisal District, Board of Directors, will meet at 302 West Eighth Street, Plainview, on May 19, 1988, at 8 p.m. Information may be obtained from Linda Jaynes, 302 West Eighth Street, Plainview, Texas 79072, (806) 293-4226.

The Hays County Appraisal District, Board of Directors, met at 632 "A" East Hopkins, San Marcos, on May 12, 1988, at 3:30 p.m. and 4:30 p.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400.

The Hood County Appraisal District, Appraisal Review Board, will meet at 1902 West Pearl, Granbury, on May 19, 1988, at 9 a.m. Information may be obtained from Harold Chestnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Houston-Galveston Area Council, Projects Review Committee, Board of Directors, and Natural Resources Advisory Committee will meet in the Board of Directors Conference Room, Fourth Floor, 3555 Timmons, Houston, on May 17, 1988, at 8:30 a.m. and 10 a.m. Information may be obtained from Steve Howard, (713) 627-3200 and Sallie Sosa, and Jack Steele, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200.

The Appraisal District of Jones County, Board of Directors, will meet at 1137 East Court Plaza, Anson, on May 19, 1988, at 8 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422.

The Lavaca County Central Appraisal District, Appraisal Review Board, will meet at 113 North Main, Hallettsville, on May 13, 1988, at 9 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Lower Colorado River Authority, Board of Directors, met at the El Campo Country Club, Sandy Creek Road at FM Road 1300, El Campo, on May 12 and 13, 1988, at 9 a.m. Information may be obtained from Thomas G. Mason, P.O. Box 167, El Campo, Texas 77437.

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on May 15, 1988, at 10:30 a.m. Information may be obtained from A.T. Hewbert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Nortex Regional Planning Commission, Executive Committee, will meet in the Bounty Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on May 19, 1988, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas, (817) 322-5281.

The Palo Pinto Appraisal District, Board of Directors, will meet in the Palo Pinto County Courthouse, Palo Pinto, on May 18, 1988, at 3 p.m. Information may be obtained from Jack Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-3651, ext. 234.

The Rusk County Appraisal District, Appraisal Review Board, will meet at 107 North Van Buren, Henderson, on May 17, 1988, at 7 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (214) 657-9697.

The San Antonio River Authority, Board of Directors, will meet at 100 East Guenther Street, Bexar County, San Antonio, on May 18, 1988, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204.

The West Central Texas Council of Governments, Private Industry Council, will meet at East North 10th Street, Abilene, on May 12, 1988, at 10 a.m. Information may be obtained from Tom K. Smith, East North 10th Street, Abilene, Texas 79601, (915) 672-8544.

The Wood County Appraisal District, Appraisal Review Board, met in the Conference Room, 217 North Main, Quitman, on May 10, 1988, at 9 a.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783.

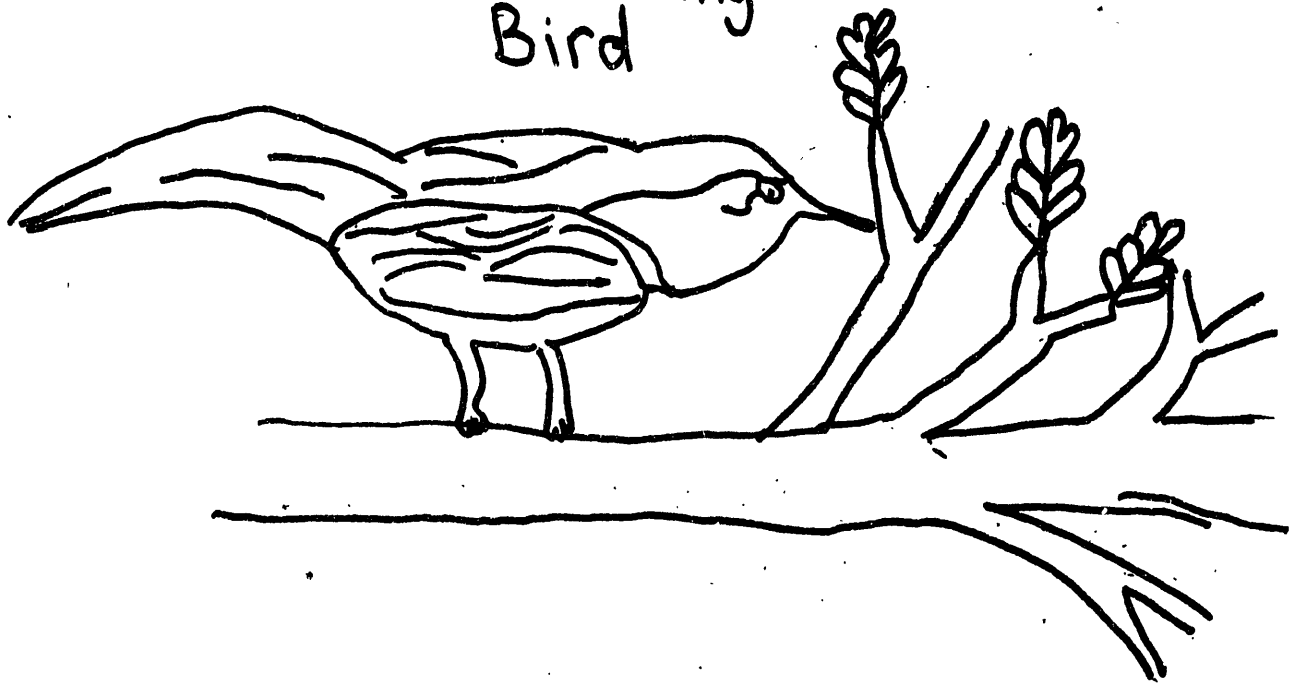
TRD-8804646

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Meetings Filed May 10, 1988

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on May 16, 1988, at 5 p.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

TRD-8804712

The Mocking Bird



Name: Araceli Torres
Grade: 6
School: Clifton Middle School, Houston

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 Commission for the Blind Request for Proposals

Pat D. Westbrook, executive director of the Texas Commission for the Blind, has announced the availability of Title VII, Part A funds to contract for independent living skills training for legally and totally blind individuals.

Funding Areas. Applications will be considered for facilities eligible under 34 Federal Regulations 361.63 for independent living skills training.

Objectives. The primary objective of the Independent Living Rehabilitation Program is to enable legally and totally blind persons without vocational potential to live independently with their families and/or in their communities and to avoid institutionalization. This is achieved via the provision of independent living skills training, adaptive aids, and assistance in providing physical restoration. The Commission for the Blind intends to enter into contract with facilities to provide various independent living skills training programs on a fee for services basis to clients determined eligible by the commission. Funds available for this purpose total \$21,494.

Examples of training include: peer counseling groups; recreation groups; braille instruction groups; and other individual or group training which will benefit blind persons with a wide range of disabilities in terms of independence.

Targeted Population. Individuals served under these contracts are persons who are legally or totally blind and who have met the basic requirements for receiving ILR services which are: (1) there is a presence of a severe physical or mental disability, which for the purposes of this contract, is or includes legal or total blindness; (2) the presence of a severe limitation in ability to function independently in the family or the community or to engage work, continue employment; and (3) a reasonable expectation that independent living rehabilitation services will significantly assist the individual to improve his/her ability to function independently in the family or community or to engage or continue in employment.

All clients served under these contracts must be determined to be eligible by the local Texas Commission for the Blind.

Who Is Eligible To Apply. Local public agencies and private non-profit organizations who provide independent living skills training are eligible to apply for contracts. Section 365.12 of the Federal Regulations states: Any agency, organization, or facility awarded a grant by the state unit must assure that severely handicapped individuals are fully involved in policy and program development activities affecting the provision of independent living rehabilitation services. Contracts will be awarded only in those cities or regions where the commission presently has an ILR caseload. The cities or regions are as follows: Houston, Corpus Christi, Tyler, Harlingen, San Antonio, and Odessa.

Application Procedures. Submit to Mr. Bill Agnell, Program Specialist, Texas Commission for the Blind, P.O. Box 12866, Austin, Texas 78711: A narrative no longer than five typed pages which describes: your organization; individuals you now serve; the quality and extent of services to be provided; how proposed services would augment those presently available; and cost per person per hour for proposed training. Also include: qualifications of key personnel; a letter from the executive director or chairman of the board of your organization supporting your request and your proposed plan; you may, as an appendix, supply additional information about your organization and past achievements in serving the disabled in general and the blind in particular.

All Applications Must Be Postmarked No Later Than June 10, 1988. Interested parties are urged to contact Texas Commission for the Blind with related questions prior to drafting proposals, to facilitate the request for proposals process. For additional information contact Bill Agnell, Program Specialist, Texas Commission for the Blind at (512) 459-2586 or (512) 459-2587 (TDD).

Method of Payment. Facility will be reimbursed monthly via: monthly submission of voucher with detail listing of services provided; TCB review and approval of submitted material.

Non-Duplication of Services. Fees for services will not be paid to reimburse services provided by staff currently funded through existing grants.

Review Criteria. The criteria used by reviewers to evaluate proposals are as follows. The proposal addresses the explicit purpose of the RFP and has specific, measurable goals. The applicant provides evidence of their professional and organizational familiarity and expertise with the RFP subject matter and their capacity to achieve the objectives of the contract in a timely manner. The facility states that they are free of architectural and communication barriers. The facility agrees to provide services to clients in locations accessible to clients, including residences, if required. The facility's services provide alternatives to institutionalization. The applicant indicates that individuals with severe handicaps are involved in policy and program development decisions.

Issued in Austin, Texas on May 6, 1988.

TRD-8804636 Pat D. Westbrook
Executive Director
Texas Commission for the Blind

Filed: May 6, 1988

For further information, please call (512)

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Texas Department of Commerce

Weekly Report on the 1988 Allocation of the State Ceiling on Certain Private Activity Bonds

The Tax Reform Act of 1986 (the "Tax Act") imposes a

volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1988 is \$834,100,000.

State legislation, Senate Bill 1382, Chapter 1092, Acts of the 70th Legislature, (the Act), established the allocation process for the State of Texas. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation.

Pursuant to the Act, the aggregate amount for qualified mortgage bond subceiling is \$278,033,300 with \$185,355,500 available to the local housing authorities and \$92,677,800 available to the Texas Housing Agency. The aggregate amount for state-voted issues is \$208,525,000 and the amount for all other bonds requiring an allocation is \$347,541,700.

Generally, the state ceiling is allocated on a first-come, first-served basis, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a weekly report of the allocation activity for the period, April 25, 1988-April 29, 1988.

Weekly report on the 1988 allocation of the state ceiling on certain private activity bonds as pursuant to Senate Bill 1382.

Total amount of state ceiling remaining unreserved for the \$278,033,300 subceiling for qualified mortgage bonds under the Act as of April 29, 1988: \$228, 033,300

Total amount of state ceiling remaining unreserved for the \$208,525,000 subceiling for state-voted issues under the Act as of April 29, 1988: \$208,525, 000

Total amount of state ceiling remaining unreserved for the \$347,541,700 subceiling for all other bonds under the Act as of April 29, 1988: \$2,051,700

Total amount of the \$834,100,000 state ceiling remaining unreserved as of April 29, 1988: \$438,610,000.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from April 25, 1988-April 29, 1988: Angelina and Neches River Authority, Lake Eastex Project, Water Facility, \$185,000; Panhandle-Plains Higher Education Authority, Inc., Eligible Borrowers, Qualified Student Loan Bonds, \$7,800,000; Corsicana Industrial Development Authority, Kent Paper Company, Inc., Manufacturer of Paper Products, \$5,500,000.

Comprehensive listing of bonds issued and delivered as pursuant to the act from April 25, 1988 through April 29, 1988: None.

Issued in Austin, Texas, on May 4, 1988.

TRD-8804642 J.W. Lauderback
Executive Director
Texas Department of Commerce

Filed: May 6, 1988

For further information, please call (512) 472-5059



Court Reporters Certification Board Certification of Court Reporters

Following examination of applicants on April 15, 1988, the Court Reporters Certification Board has certified to the Supreme Court that the following persons are qualified in the method indicated to practice reporting pursuant to the Government Code, Subchapter C, §52.024(a).

Oral Stenography. Vickie L. Eoff- Mesquite.

Machine Shorthand. Connie Quintanilla-McAllen, Richard Allen Mackie-Spearman, Rikki Rachel Cantu-San Antonio, Sherry Seibert-Irving, Sharon Lynn Gardner-Arlington, Lisa Jepsen Mueller-Grand Prairie, Becky Sitton-Fort Worth, Judy Darlene Hounshell-Mesquite, P. Lynn Stockton-Dallas, Tracey Diane Burk-Liberty, Amy Renee Hall-Burleson, Diana J. Perales-Bedford, Nancy Gialamas-Houston, John Wesley Fellows-Red Oak, Sondra Campbell Gajevsky-Pearland, Cheryl Jolynn Duncan-Irving, Angela Gay Neustifter-Dallas, Debbie Edwards-Arlington, Valarie Dawn Pulsifer-Fort Worth, Shari Kloos-Lubbock, Stepheny Lynn Cantu-Cedar Hill, Trisha Ann Moyer-Houston, Tina M. Chavez-Houston, Terri Lynn Cottrell-Denton, C. Mack Lane-Hobbs, NM, Maria Elena Sandoval-Austin, M. Dee Jones-Las Cruces, NM, Ronald H. Jones-Las Cruces, NM, Araceli Cortez-El Paso, Michelle Taylor-Richardson, Alicia E. Racanelli-Dallas, Lucretia Melissa Lary-Arlington, Gail Lynn Swisher-Houston, Dena Smith Minich-Amarillo, Scott Alan Turnbull-Dallas, Melody Yarbrough Macaulay-Houston, Sherry Beth Roach-Alvin, Sherri Busby Garza-Mesquite, Debra Morgan Smith-Amarillo, Shelley Tessen Connell-Abilene, Mary N. Capetillo-Rosenberg, J. Alan Herring-Junction, Jodi Rae Vann-Amarillo, Mary Ellen Winegardner-Arlington, Mellony K. Foster-Arlington, Julie Anna Scheibe-Johnson City, NY, Connie Lynn Seely-Dallas, J. Morgan Maxwell-Austin, Kimberly Ann Singleton-Austin, Lois Ann Burton-Fort Worth, Kelly Thomas-Corrigan, Darla Eileen Coppenger-Irving, Lindi Leigh Willis-Harlingen, Sharon Denise Livingston-Corpus Christi, Patricia Diane Boren-Dallas, Mary Lynn Burkert-Oklahoma City, OK, Debra Rae Marler-Palestine, Bernice G. Perez-Corpus Christi, Sarah Ellen Borengasser-Garland, Camille Antoinette Bruess-Katy, Jo Anne Horne-Plano, Shelly Jo Lehrer-Irving, Georgetta Brown-Houston, Sheila A. Bellow-Webster, Clarisia Rodriguez-McAllen, Beth Ann Kimrey-Oklahoma City, OK, Janet Wilbur-Dallas, Kimberley Ann Joseph-Austin, Jill Suzanne Sorenson-Houston, Marianne Sweeney-Cookey-El Paso, Leah Kay Daniel-Fort Worth, Deborah Lynn Nicholson-Beaumont, Amy Kathleen Garcia-La Porte, LaDonna Rachele Ayers-Dallas.

Issued in Austin, Texas on May 6, 1988.

TRD-8804665 Peggy Liedtke
Executive Secretary
Court Reporters Certification Board

Filed: May 9, 1988

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



Texas Department of Health Correction of Errors

The Texas Department of Health submitted an adapted amendment which contained an error as submitted by the department in the February 12, 1988, issue of the *Texas Register* (13 TexReg 780).

In §325.133, the last sentence of the opening paragraph

(implied (a)) should read: "Failure to prevent disposal of unauthorized waste shall be deemed a significant threat to public health or the environment and shall be grounds for the department to initiate permit revocation procedures and/or referral to the attorney general for legal relief."

The Texas Medical Disclosure Panel submitted a miscellaneous item titled "Medical Treatment and Surgical Treatments Established by the Texas Medical Disclosure Panel," which contained errors as published in the April 19, 1988, issue of the *Texas Register* (13 TexReg 1934).

In the second paragraph of the miscellaneous item, the last two sentences should read: "Since it has been several years since the last amendments to the lists were published in the *Texas Register*, and since the amendments involve numerous and substantial changes, the lists in their entirety, including the adopted amendments are published as follows. Further information about the adopted amendments is contained in the preamble to the adopted amendments to 25 TAC §601.1 and §601.2, which is being published in the adopted rules section of this issue of the *Texas Register*."

In list (A), (7).(11).(5) should read: "5. Failure of procedure to remove all of cervical abnormality."

In list (A), (11).(1).(1) should read: "1. Injury to bladder and/or rectum, including a hole (fistula) between bladder and vagina and/or rectum and vagina."

The Texas Department of Health submitted an emergency renewal of effectiveness which contained an error as published in the April 29, 1988, issue of the *Texas Register* (13 TexReg 2063).

For Chapter 143, the effective date for the emergency renewal of effectiveness should read: "Effective date: June 20, 1988."

Emergency Cease and Desist Order

Notice is hereby given that Coastal Inspection Company, holder of Radioactive Material License Number L03716, was ordered by the agency to cease and desist from any use of radioactive material authorized by License Number L03716 that is for the purpose of conducting industrial radiographic services/operations. The individual identified by the licensee as the person qualified by training and experience to perform the functions of radiation safety officer for the activities covered by the license is not employed by the licensee nor is performing the functions of the radiation safety officer.

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

Issued in Austin, Texas on May 6, 1988.

TRD-8804670 Robert A. MacLean
Deputy Commissioner of Professional
Services
Texas Department of Health

Filed: May 9, 1988

For further information, please call (512) 835-7000.

Emergency Impoundment Orders

Notice is hereby given that Eckel Manufacturing Company, Inc., 8035 West County Road, Odessa, Texas 79764, had unlawful possession of sever microcuries of radium-

226. The Bureau of Radiation Control ordered that the radioactive material be impounded by the agency until the company obtains a radioactive material license authorizing its possession or until the radioactive material is transferred to a person authorized by licensure to possess it.

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

Issued in Austin, Texas on May 6, 1988.

TRD-8804667 Robert A. MacLean
Deputy Commissioner of Professional
Services
Texas Department of Health

Filed: May 9, 1988

For further information, please call (512) 835-7000.

Notice is hereby given that a CPN roof moisture gauge containing 50 millicuries of americium-241 was ordered impounded by the agency. The radioactive material was impounded because Mr. Alfred Adask, 9794 Forest Lane, #159, Dallas, Texas 75244, has unlawful possession of it. The material shall remain impounded until Mr. Adask obtains a radioactive material license authorizing its possession or until the radioactive material is transferred to a person authorized by licensure to possess it.

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

Issued in Austin, Texas on May 6, 1988.

TRD-8804671 Robert A. MacLean
Deputy Commissioner of Professional
Services
Texas Department of Health

Filed: May 9, 1988

For further information, please call (512) 835-7000.

Emergency Order

Notice is hereby given that the agency ordered that all general licensees which possess Minnesota Mining and Manufacturing Company (3M) polonium-210 (Po-210) static elimination devices in the production or packaging of food, beverages, pharmaceuticals, medical devices or cosmetics as authorized in *Texas Regulations for Control of Radiation* (TRCR) 41.22(d), shall immediately remove these devices from service and return them to 3M within 90 days of the date of the order.

The agency further ordered that all general licensees which possess 3M Po-210 static eliminators shall remove them from service immediately unless they have been tested for leakage within the past 30 days and have not been found to be leaking, and the general licensee specifically requests written authorization for temporary continued use under the following specific monitoring conditions:

- a. each device shall be monitored for removable contamination at least monthly by a qualified radiation specialist;
- b. devices served by air supply systems shall be checked by the licensee weekly to assure that oil and water are not present;
- c. all licensees shall immediately remove from service any devices that area found to be leaking and return them to

3M within 90 days; and

d. records of all surveys and testing shall be maintained by the general licensee for inspection by the agency.

The order was issued because given the broad use of these devices, the evolving number of failed devices being reported, the lack of effective actions by 3M in this matter, the pervasive potential for exposure of personnel working with these devices as well as other people in the area of use, and the potential for contamination of products manufactured with the assistance of 3M static eliminators of all types and widely distributed to members of the public, the Nuclear Regulatory Commission and the agency find that an emergency exists requiring immediate action to protect public health and safety and the environment.

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

Issued in Austin, Texas on May 6, 1988.

TRD-8804669 Robert A. MacLean
Deputy Commissioner of Professional
Services
Texas Department of Health

Filed: May 9, 1988

For further information, please call (512) 835-7000.

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Intent to Revoke Certificates of Registration

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

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

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

Complaint. Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the Agency), through its division director, and makes the following complaint against Allan M. Sherman, D.P.M., P.C., 14902 Preston Road, Suite 610, Dallas, Texas 75240 (the registrant), holder of Certificate of Registration Number 5-11646.

I. Texas Regulations for Control of Radiation (TRCR)

32.3(b) (2) requires that the registrant shall provide safety rules and operating procedures to each individual operating x-ray equipment under his control, including any restrictions of the operating techniques required for the safe operation of the particular x-ray apparatus, and require that the operator demonstrate familiarity with these rules.

Contrary to the above, an inspection conducted by an agency representative on June 15, 1987, revealed that a written set of operation and safety procedures was not available.

II. Texas Regulations for Control of Radiation (TRCR) 22.11(a) requires that each licensee or registrant shall post current copies of the following documents: the rules in this part and in Part 21.

Contrary to the above, an inspection conducted by an agency representative on June 15, 1987, revealed that a current copy of the *Texas Regulations for Control of Radiation* was not available. This violation was corrected at the time of the inspection.

III. A notice of violation was issued to the registrant on July 6, 1987, requesting a written reply providing steps taken to correct the violations and results achieved, steps taken to avoid repeating the violations, and the date full compliance would be achieved. No response was received by the agency. On August 19, 1987, the agency issued a second notice of violation by certified mail requiring a written notification of corrective actions within 10 days of receipt of the notice. This notice was received by the registrant on August 24, 1987. No response was received by the agency. On October 23, 1987, the agency issued a third notice of violation by certified mail, advising the registrant that if written notification of corrective actions was not received within 10 days of receipt of the notice, the agency must consider issuing a complaint, requesting an order for revocation of the certificate of registration, requiring the registrant to cease and desist radiographic operations and the registrant divest himself of the radiographic equipment. This notice was received by the registrant on October 30, 1987. No response was received by the agency.

THEREFORE, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with §13 of the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order the provisions of Texas Civil Statutes, Article 4590f.

If the items above are corrected within 30 days of the date of this complaint, no order will issue.

Complaint. Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the Agency), through its division director, and makes the following complaint against Louis D. Cobb, D.D.S., 1009 Hospital Drive, Tyler, Texas 75701 (the registrant), holder of Certificate of Registration Number 7-03830.

I. Texas Regulations for Control of Radiation (TRCR) 42.7(a) requires that the registrant shall file application for renewal of certificate of registration in accordance with TRCR 42.3. On January 9, 1987, the agency informed the registrant that certificate of registration number 7-03830 was due to expire on March 31, 1987, and of the registrant's responsibility to file an application for renewal. Application for certificate of registration was enclosed for

the registrant's use. On June 12, 1987, the agency notified the registrant that the certificate of registration had expired and again notified the registrant of the requirement to apply for renewal. Application for certificate of registration was again enclosed for the registrant's use. On October 19, 1987, the agency again notified the registrant, by certified mail, that the certificate of registration had expired and of the registrant's requirement to apply for renewal. Application for certificate of registration was again provided for registrant's use. Receipt of the certified mail was acknowledged on October 26, 1987. Application for renewal of certificate of registration number 7-03830 has not been received.

II. On February 18, 1987, the registrant was billed \$61 for the fee due on certificate of registration number 7-03830 covering the period from March, 1987-February, 1988. Payment of the fee has not been received.

THEREFORE, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with §13 of the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this Order and the provisions of Texas Civil Statutes, this Article 4590f.

Issued in Austin, Texas on May 6, 1988.

TRD-8804666 Robert A. MacLean
Deputy Commissioner of Professional
Services
Texas Department of Health

Filed: May 9, 1988

For further information, please call (512) 835-7000.

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Intent to Revoke Certificate of Registration

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

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

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

Complaint. Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the Agency), through its division director, and makes the following complaint against Harold B. Hightower, D.D.S., 205 North Magdalen, San Angelo, Texas 76093 (the Registrant), holder of Certificate of Registration Number 4-09433.

I. *Texas Regulations for Control of Radiation* (TRCR) 42.7(a) requires that application for renewal of registration shall be filed in accordance with 42.3 or 42.4. Contrary to the above, an inspection conducted by an agency representative on May 28, 1987, revealed that the certificate of registration has expired and had not been renewed by the registrant.

II. *Texas Regulations for Control of Radiation* (TRCR) 12.11(b) (2) requires that a non-refundable fee, pursuant to 12.31, shall be paid annually for each certificate of registration for radiation machines and /or services, sources of laser radiation, or sources of radio-frequency Radiation and *Texas Regulations for Control of Radiation* (TRCR) 12.51 requires that in any case where the agency finds that a licensee or registrant has failed to pay a fee prescribed by this part by the due date, the agency may implement compliance procedures as provided in 13.8.

A review of the file determines that the fee in the amount of \$102 submitted to the registrant on October 18, 1987, has not been paid. This resulted in the issuance of an additional violation in our notice of August 28, 1987.

III. A notice of violation was issued to the registrant on June 25, 1987, requesting a written reply providing steps taken to correct the violations and results achieved, steps taken to avoid repeating the violations, and the date full compliance would be achieved. No response was received by the agency. On August 28, 1987, the agency issued a second notice of violation by certified mail requiring a written notification of corrective actions within 10 days of receipt of the notice. This notice includes the additional violation regarding non-payment of the fee for registration. This notice was received by the registrant on August 2, 1987. No response was received by the agency. On October 23, 1987, the agency issued a third notice of violation by certified mail, advising the registrant that if written notification of corrective actions was not received within 10 days of receipt of the notice, the agency must consider issuing a complaint, requesting an order for revocation of the certificate of registration, requiring the registrant to cease and desist radiographic operations and the registrant divest himself of the radiographic equipment. This notice was received by the registrant on October 28, 1987. No response was received by the agency.

THEREFORE, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with §13 of the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this Order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid and the items above are corrected within 30 days of the date of this complaint, no order will issue.

Issued in Austin, Texas on May 6, 1988.

TRD-8804668

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

Filed: May 9, 1988

For further information, please call (512) 835-7000.

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**Intent to Revoke Radioactive Material
Licenses**

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following licensees for failure to pay fees pursuant to Texas Regulations for Control of Radiation (TRCR) 13.8:

- (1) Hospital in the Pines, P.O. Box 357, Lone Star, Texas 75668 Radioactive Material License Number 7-3468
- (2) Riffe Petroleum Company, P.O. Box 45860, Tulsa, Oklahoma 74147, Radioactive Material License Number 0-3464
- (3) Allied Medical Systems, Incorporated, P.O. Box 110598, Arlington, Texas 76011, Radioactive Material License Number 5-3784
- (4) Donald P. Ford, M.D., 7505 South Main, Suite 250, Houston, Texas 77030, Radioactive Material License Number 11-505
- (5) Milam Regional Medical Center, 512 North Jefferson, Cameron, Texas 76520, Radioactive Material License Number L03249
- (6) Welco, Incorporated, P.O. Box 1426, Albany, Texas 76430, radioactive Material License Number 4-2077
- (7) Yellow Jacket Wireline, Attn: Roy G. Hudspeth, 7710 West University, Odessa, Texas 79762, Radioactive Material License Number 12-3369
- (8) Shoreline Perforators, Incorporated, P.O. Box 5079, Victoria, Texas 77903, Radioactive Material License Number 8-3650
- (9) Service Fracturing Company, P.O. Box 1741, Pampa, Texas 79066-1741, Radioactive Material License Number 1-2840
- (10) City of Dallas, 320 East Jefferson Boulevard, Dallas, Texas 75203, Radioactive Material License Number 5-2700
- (11) Technology Incorporated, Life Sciences Division, 300 Breesport, San Antonio, Texas 78216, Radioactive Material License Number 9-2661
- (12) W. P. Wills Consulting Engineers, N103 Love Field Terminal Building, Lock Box 6, Dallas, Texas 75235, Radioactive Material License Number 5-2801
- (13) Alliance E.T.S., Incorporated, 6200 Kansas, Building A, Houston, Texas 77007, Radioactive Material License Number 11-3573
- (14) Corpus Christi State University, Department of Chemistry, 6300 Ocean Drive, Corpus Christi, Texas 78412, Radioactive Material License Number 8-1701
- (15) Temple-Eastex Incorporated, Pineland Chip Mill, One East Denning Street, Pineland, Texas 75968, Radioactive Material License Number 10-3201
- (16) International Testing Laboratories, ESCO Industries, Incorporated, 3401 Montana Avenue, El Paso, Texas

79925, Radioactive Material License Number 3-3279

- (17) Four Way Perforating & Logging, Incorporated, Route 1, Box 74, Colorado City, Texas 79512, Radioactive Material License Number 4-2940
- (18) Randall Corporation, P.O. Box 79488, Houston, Texas 77079, Radioactive Material License Number 11-2528
- (19) Southwest Fabricating and Welding Company, Incorporated, P.O. Box 9449, Houston, Texas 77011, Radioactive Material License Number 11-437
- (20) Rebel Pipe Services, Incorporated, P.O. Box 96604, Houston, Texas 77213-6604, Radioactive Material License Number 11-3840
- (21) Well Surveys International, Incorporated, P.O. Box 864810, Plano, Texas 75086-4810, Radioactive Material License Number 5-3563
- (22) Physician's Reference Laboratory, Incorporated, 8230 Antoine Drive, Suite B-2, Houston, Texas 77088, Radioactive Material License Number 11-2492
- (23) Guardian Inspection Services, Incorporated, P.O. Box 425, Highlands, Texas 77562, Radioactive Material License Number 11-2945
- (24) Southwest Imaging Center, Incorporated, 1501 Arizona, Building #9, El Paso, Texas 79902, Radioactive Material License Number 3-3453
- (25) Iso-Tex, Incorporated, P.O. Box 909, Friendswood, Texas 77546, Radioactive Material License Number 11-1937

The agency intends to revoke the radioactive material licenses, order the licensees to cease and desist use of such radioactive materials, and order the licensees to divest themselves of such radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of each complaint, no order will be issued. This notice affords the opportunity for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas from 8:00 a.m. to 5:00 p.m., Monday through Friday (except holidays).

Issued in Austin, Texas, on May 6, 1988.

TRD-8804610

Robert A. Maclean, M.D.,
Deputy Commissioner of Professional
Services
Texas Department of Health

Filed: May 6, 1988.

For further information, please call (512) 835-7000.

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**Texas Department of Human Services
Notice of Public Hearings**

The Texas Department of Human Services (TDHS) will

conduct a hearing to accept comments on proposed amendments to 40 TAC§27.98.01 reimbursement methodology for intermediate care facilities for the mentally retarded (ICF-MR). The proposed amendments describe a case mix reimbursement pilot project that TDHS is conducting in six selected ICF-MR facilities in cooperation with the Texas Department of Mental Health and Mental Retardation (TDMHMR).

The proposed amendments were published in the April 1, 1988, issue of the *Texas Register* (13 TexReg 1532). The hearing will begin at 9 a.m., Thursday, May 26, 1988, in the department's public hearing room, first floor, East Tower, 701 West 51st Street, Austin.

Issued in Austin, Texas on May 4, 1988.

TRD-8804561 Marilyn W. Johnston
Commissioner
Texas Department of Human Services

Filed: May 4, 1988.

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



The Texas Department of Human Services (TDHS) is conducting a hearing to accept comments on proposed amendments, concerning nurse-midwife services, in its Purchased Health Services chapter. Proposed amendments were published in the March 22, 1988, issue of the *Texas Register* (13 TexReg 1381). The hearing begins at 9 a.m., Friday, May 20, 1988, in the department's public hearing room, first floor, East Tower, 701 West 51st Street, Austin.

Issued in Austin, Texas on May 4, 1988.

TRD-8804560 Marilyn W. Johnston
Commissioner
Texas Department of Human Services

Filed: May 4, 1988.

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



Texas State Board of Medical Examiners

Consultant Contract Award

This notice is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

On March 8, 1988, the Texas State Board of Medical Examiners published notice to invite proposals for the services of a consultant to assist in the continued implementation of the board's AITC systems plan. Notice is given that the contract was awarded to Arthur Andersen and Company.

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 4, 1988.

TRD-8804581 G. V. Brindley, Jr.
Executive Director
Texas State Board of Medical Examiners

Filed: May 5, 1988

For further information, please call (512) 452-1078.



North Central Texas Council of Governments

Request for Qualifications from Potential Providers of Vanpool Services in the Dallas-Fort Worth Area

This request by the North Central Texas Council of Governments (NCTCOG) for qualifications is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Contact Person. Michael Morris, Assistant Director of Transportation, North Central Texas Council of Governments, 616 Six Flags Drive, Suite 200, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

Due Date. Friday, May 27, 1988, noon, in the office of the indicated contact person.

Background. The North Central Texas Council of Governments is requesting a statement of qualifications from potential providers of vanpool services in the Dallas-Fort Worth area.

The Texas Air Control Board has submitted to the United States Environmental Protection Agency, a plan which contains transportation control measure to improve air quality. The objective of one portion of the plan is to encourage large firms with over 100 employees to participate in low-cost alternative transportation activities, such as vanpool programs. The Regional Transportation Council of the North Central Texas Council of Governments is responsible for implementation of the transportation control measures in this air quality plan.

In order to determine the potential demand for vanpool services, the North Central Texas Council of Governments, in conjunction with rideshare providers, Dallas and Tarrant Counties, chambers of commerce and larger cities in the region, will survey an estimated 2,000 employers of 100 or more employees.

The purpose of this request for qualifications is to establish a list of qualified vanpool providers to serve the employees of interested companies. Information received from vanpool providers should accurately represent the provider's ability to respond to these interested employers. Vanpool providers should submit as part of their qualifications: length of service and van fleet size within Texas; length of service and van fleet size outside of Texas; address of their nearest existing office; contracting arrangements and options available within this organization; list of three references (i.e., firms or organizations) currently using the services of the vanpool providers - provide name, address and phone number; and samples of marketing brochures (if any).

Large employers requesting information on vanpool services will be referred to the North Central Texas Council of Governments' list of potential rideshare and vanpool providers. Selected transportation providers, including qualified vanpool services, will submit marketing information to the interested employers and encourage their implementation.

Issued in Arlington, Texas on May 2, 1988.

TRD-8804664 William J. Pitstick
Executive Director
North Central Texas Council of
Governments

Filed: May 9, 1988

For further information, please call (512) 640-3300



State Purchasing and General Services Commission

Correction of Error

The State Purchasing and General Services Commission submitted a miscellaneous item entitled "Summary of Other State Bidding Preference Laws," which contained errors as published in the April 29, 1988, issue of the *Texas Register* (13 TexReg 2104).

For Colorado, the text should read:

Colorado

Colorado Rev. Stat.

Sec. 8-19-103-Reciprocal preferences.

For Louisiana, the text should read:

Louisiana

La. Rev. Stat. Ann.

Sec. 1595 (West 1988)-Preference of 7% to meat and meat products, seafood or seafood products grown, canned, frozen, or produced in state. Preference of 4% to domesticated catfish grown outside state but processed in state and meat and meat products further processed in state under the state's grading and certification process.

Sec. 1595.2 (West 1988)-Public works contractors reciprocal provision.

Sec. 1595.3 (West 1988)-Preference of 5% to vendors of services to organize or administer rodeo and livestock shows in state-owned facilities.

Sec. 1595.5 (West 1988)-Preference of 5% to Louisiana retail dealers for any public agency retail purchase.

Sec. 1595.6 (West 1988)-Preference of 10% to steel rolled in Louisiana.

For Nebraska, the text should read:

Nebraska

Neb. Rev. Stat.

Sec. 73-101.01 (1986)-Reciprocal preferences.

For Ohio, the text should read:

Ohio

Ohio Rev. Code Ann.

Sec. 125.11 (1988)-Contracts are awarded for products produced or mined in Ohio if there is sufficient competition to insure against excessive price or inferior quality. Sufficient competition is deemed to exist with two or more qualified bids offering Ohio produced or manufactured products. Preferences are mandatory on state but optional for political subdivisions.

Sec. 153.012 (1983)-Reciprocal preferences on construction contracts.

Railroad Commission of Texas

Notice of Intent

The Railroad Commission of Texas is submitting a request for funds under Title IV of the Federal Surface Mining Control and Reclamation Act of 1977, to reclaim abandoned coal waste dumps at three locations in western Parker County and southwestern Palo Pinto County. The coal waste banks are eroding onto surrounding areas contributing acid forming sediments to surrounding soils,

stock ponds, and creeks. Work on the project would be accomplished in accordance with the Texas Abandoned Mine Land Program administered by the Railroad Commission of Texas.

Proposed reclamation of the sites would include regrading and contouring of the coal waste banks, physical and chemical treatment of the material to abate acid production, followed by fertilization and vegetation establishment. This reclamation program is designed to eliminate further acid production within the coal waste material and return the affected areas to range grass production. Interested persons are invited to comment on any possible impact this proposed project might have on the area or community. Comments or inquiries may be submitted to: J. Randel (Jerry) Hill, Director; Railroad Commission of Texas; Surface Mining and Reclamation Division; P.O. Drawer 12967; Austin, Texas 78711.

Issued in Austin, Texas on May 6, 1988.

TRD-8804616

G. Gail Watkins
Director, Legal Division
Railroad Commission of Texas

Filed: May 6, 1988

For further information, please call (512) 463-6715

Texas Water Commission

Notice of Award

The Texas Water Commission (TWC) furnishes this notice of a consultant contract award for the Remedial Investigation/Feasibility Studies for the Texarkana Wood Preserving Company Site under the provisions of Texas Civil Statutes, Article 6252-11c.

The notice for request for proposals was published in the July 14, 1987, issue of the *Texas Register* (12 TexReg 2316).

Description of Services. The contractor will characterize and identify the site in terms of wastes present; lateral and vertical extent of contamination in surface waters, ground waters, sediments and soils; rate and direction of waste migration; target receptors (population at risk, threatened resources, sensitive ecosystems); site geology and hydrology. The contractor will also develop and evaluate alternative remedial measures considering economic feasibility, technological feasibility, environmental impacts, and timeliness of completion and offer recommendations regarding the most feasible remedial alternatives. Final reports will be due upon completion of the remedial investigation and the feasibility studies. Progress reports are due monthly.

Effective Date and Value of Contract. The contract will be effective from April 5, 1988, until completion of the project. The total cost in the contract is \$908,800.

Name of Contractor. The contract has been awarded to Roy F. Weston, Inc., 5599 San Felipe, Suite 700, Houston, Texas 77056.

Issued in Austin, Texas on May 4, 1988.

TRD-8804572

William Newchurch
Director of Legal Division
Texas Water Commission

Filed: May 4, 1988

For further information, please call (512) 463-7793.

The Texas Water Commission (TWC) furnishes notice of

a consultant contract award. The notice for request for proposals was published in the January 26, 1988, issue of the *Texas Register* (13 TexReg 515).

Description of Service. The consultant will assist TWC in procurement of a remedial action contractor for the Sikes Disposal Pits Superfund Site. The work includes preparation of a request for technical proposals (RFTP) and evaluation criteria, evaluation of proposals, development of a list of qualified bidders, and development of an invitation for bids.

Effective date and value of contract. The contract will be effective from April 12, 1988, through completion of the work. The total cost will not exceed \$275,083.

Name of Contractor. The contract has been awarded to Lockwood, Andrews, and Newman, Inc., 1500 City West Boulevard, Houston, Texas 77042.

Issued in Austin, Texas on May 4, 1988.

TRD-8804573 William Newchurch
Director of Legal Division
Texas Water Commission

Filed: May 4, 1988

For further information, please call (512) 463-7793.



Public Meeting Notice

The Texas Water Commission will conduct a public meeting beginning at 1:30 p. m., June 14, 1988, Room 103, John H. Reagan Building, 15th and Congress Avenue, Austin in order to receive public comment concerning the statewide draft Nonpoint Source Assessment Report. The public meeting shall be conducted in accordance with the Water Quality Act of 1987, §319(a).

The primary purpose of the Nonpoint Source Assessment Program is to ascertain the waterbodies which are impacted such that the Texas Surface Water Quality Standards are violated or the goals and requirements of the Clean Water Act are not met. The Commission's Water Quality Standards and Evaluation Section, the Commission's Water Rights and Uses Section, the Texas State Soil and Water Conservation Board, the North Central Texas Council of Governments, the Houston-Galveston Area Council, and Dannenbaum Engineering Corporation have all provided studies into the nature, extent, and effect of this pollution. Representatives will be available at the meeting to answer questions.

The public is encouraged to attend the meeting and to present relevant evidence or opinions concerning the draft assessment report. In order to meet federal statutory dead-

lines, the commission would appreciate receiving a copy of all written comments no later than 10 days after the public meeting. Copies of written comments and questions concerning the public meeting should be addressed to Daniel E. Beckett, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087 or call (512) 463-8452.

A copy of the draft nonpoint source assessment report will be available for review after May 30, in the Texas Water Commission Library, Room 511 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin and in each of the commission's district offices at the following addresses: District 1, 3918 Canyon Drive, Amarillo, (806) 353-9251; District 2, 5124-C 69th Street, Lubbock, (806) 794-4435; District 3, 3221 Franklin, Waco, (817) 753-3688; District 4, 1019 North Duncanville Road, Duncanville, (214) 298-6171; District 5, 2916 Teague Drive, Tyler, (214) 595-5466; District 6, 4820 Ward Drive, Beaumont, (409) 842-9413; District 8, 140 Heimer Road, Suite 360, San Antonio, (512) 490-3096; District 9, 102 Canyon Road, San Angelo, (915) 655-9479; District 10 - Odessa, 2626 Parkway Boulevard, Building B, Suite 129, Odessa, (915) 362-6997; District 10 - El Paso, 1170 Westmoreland, El Rincon Building, Suite 241, El Paso, (915) 778-9634; District 11, 813 East Pike Boulevard, Weslaco, (512) 968-3165; District 12, Government Plaza Building, Suite 905, 400 Mann Street, Corpus Christi, (512) 882-2548; District 14, 510 South Congress, Suite 306, Austin, (512) 463-7803; Southeast Region - Houston Office, 15531 Kuykendahl, Suite 350, Houston, (713) 586-7780; Southeast Region - Deer Park Office, 4301 Center Street, Deer Park, (713) 479-5981.

A limited number of copies of the draft nonpoint source assessment report will be available from the Texas Water Commission after May 30 and may be obtained by contacting R. A. "Hos" Evans, Water Quality Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8452. There is no charge for the pre-meeting draft copy.

The date selected for this meeting is intended to comply with deadlines set by statute and regulation. Any publication or receipt of this notice less than 30 calendar days prior to the meeting date is due to the necessity of scheduling the meeting on the date selected.

Issued in Austin, Texas on May 5, 1988.

TRD-8804644 William G. Newchurch
Director of the Legal Division
Texas Water Commission

Filed: May 6, 1988

For further information, please call (512) 463-8452.





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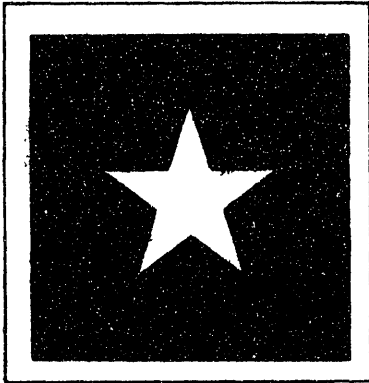
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