

Texas Register

Volume 13, Number 52, July 5, 1988

Pages 3361-3388

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In This Issue...

Governor

Appointments Made June 23, 1988

3369-Texas Parks and Wildlife Commission

3371-LO-88-52 (RQ-1390)

3369-Chief Justice of the Supreme Court of Texas in the matter of Houston Lighting and Power Company v. Carol Ann Hauser Reynolds

3371-LO-88-53 (RQ-1348 and RQ-1370)

3369-Texas Alcoholic Beverage Commission

3371-LO-88-54 (RQ-1376)

3369-University System of South Texas Board of Directors

3371-LO-88-55 (RQ-1233)

3369-Texas Air Control Board

3372-LO-88-56 (RQ-1420)

3369-Texas Advisory Commission on Intergovernmental Relations

3372-LO-88-61 (RQ-1333)

3369-Productivity Bonus Commission

3372-LO-88-62 (RQ-1374)

Attorney General

3372-LO-88-64 (RQ-1450)

Letter Opinions

3372-LO-88-66 (RQ-1424)

3371-LO-88-15 (RQ-1249)

3372-LO-88-67 (RQ-1364)

3371-LO-88-23 (RQ-1204)

3372-LO-88-68 (RQ-1361)

3371-LO-88-25 (RQ-1295)

3372-LO-88-69 (RQ-1394)

3371-LO-88-27 (RQ-1357)

3372-LO-88-71 (RQ-1428)

3371-LO-88-33 (RQ-1235)

Emergency Sections

3371-LO-88-35 (RQ-1313)

Railroad Commission of Texas

3371-LO-88-38 (RQ-1384)

3373-Practice and Procedure

3371-LO-88-39 (RQ-1346)

3373-Transportation Division

3371-LO-88-46 (RQ-1391)

Withdrawn Sections

3371-LO-88-47 (RQ-1417)

Texas Department of Labor and Standards

3371-LO-88-48 (RQ-1423)

3375-Manufactured Housing Division

3371-LO-88-50 (RQ-1324)

Adopted Sections

Railroad Commission of Texas

3377-Practice and Procedure

3377-Transportation

CONTENTS CONTINUED INSIDE



Texas Register Publications

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512-463-5561

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Typographers

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Circulation/Marketing

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Roberta Knight

TAC Editor

Dana Blanton

Texas Register

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings—notices of open meetings

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

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

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

In order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "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).

Subscriptions—one year (96 regular issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues are available at \$3 per copy.

Texas Department of Labor and Standards

3379–Manufactured Housing Division

Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

3379–Definitions and Procedures

3380–Consumer Information and Complaints

Open Meetings

3381–Automated Information and Telecommunications Council (AITC)

3381–Texas Bond Review Board

3381–Texas Cancer Council

3381–Texas Department of Corrections

3381–Texas Employment Commission

3381–Governor's Committee on Water Resources Management

3381–Texas Health and Human Services Coordinating Council

3382–Texas Higher Education Coordinating Board

3382–Texas Hospital Equipment Financing Council

3382–Texas National Guard Armory Board

3382–Texas National Research Laboratory Commission

3382–Texas Optometry Board

3383–Pan American University

3383–Board of Pardons and Paroles

3383–Department of Public Safety

3383–Public Utility Commission of Texas

3383–Texas Senate

3384–Texas Water Commission

3384–Joint Select Committee on Worker's Compensation

3384–Regional Meetings

In Addition

State Banking Board

3385–Notice of Hearing

3385–Notice of Hearing Cancellation

Texas Department of Commerce

3385–Weekly Report on the 1988 Allocation of the State Ceiling on Certain Private Activity Bonds

Houston-Galveston Area Council

3385–Consultant Proposal Request

Texas Department of Human Services

3386–Amended Contract

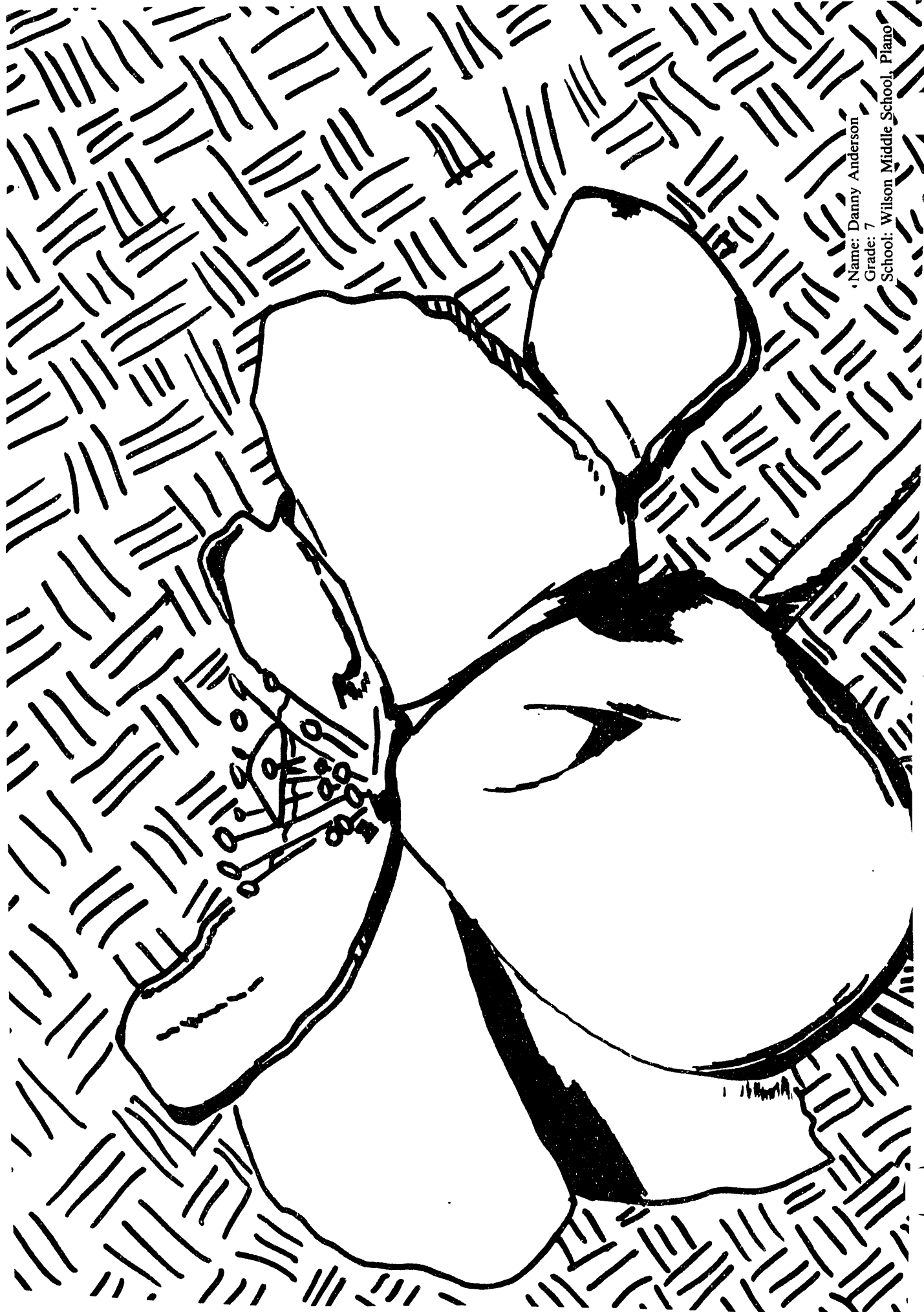
3386–Request for Proposal

Legislative Budget Board

3387–Joint Budget Hearing Schedule

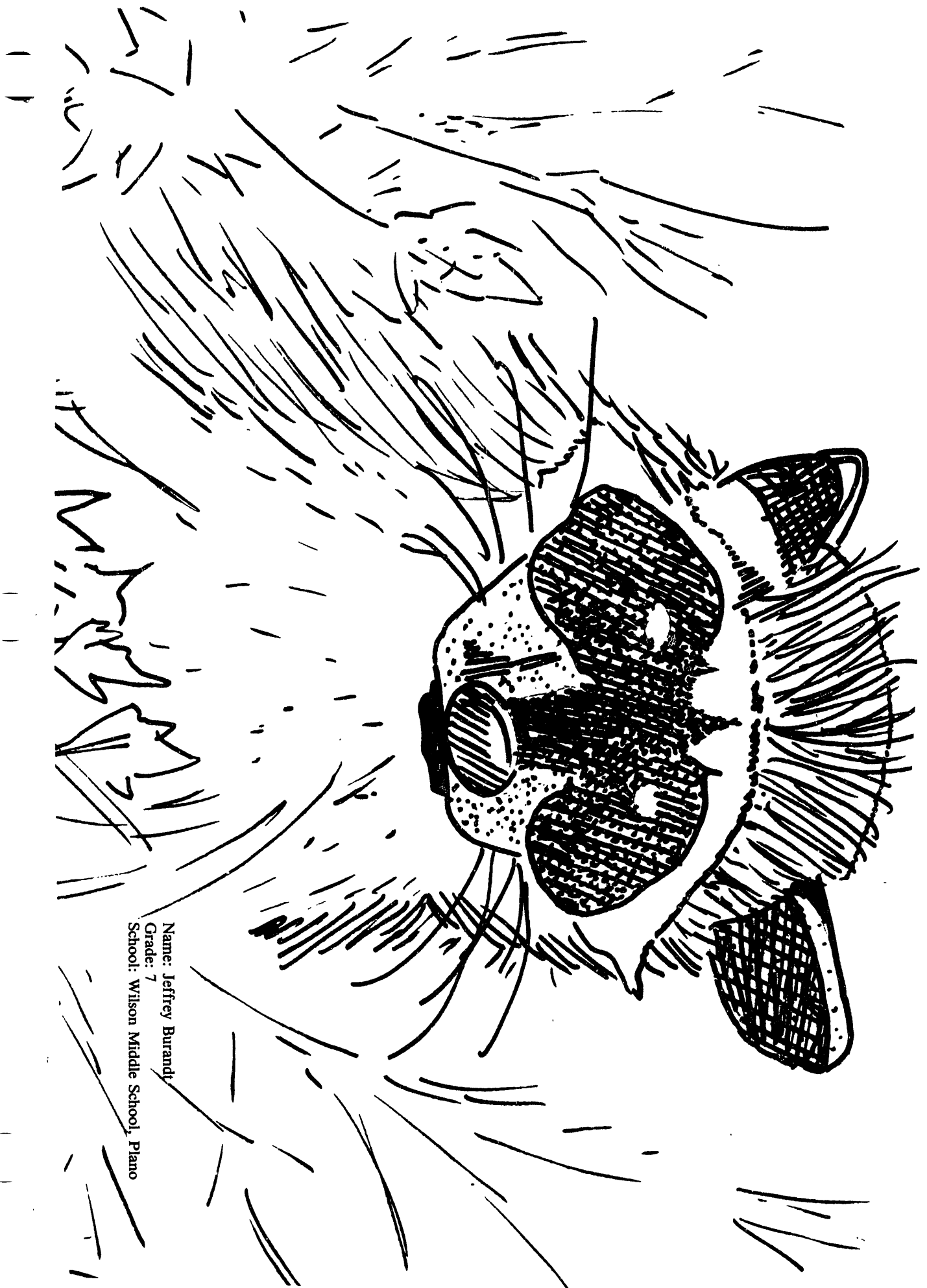
Texas Water Commission

3387–Notice of Application for Waste Disposal Permit



Name: Danny Anderson
Grade: 7

School: Wilson Middle School, Plano



Name: Jeffrey Burandt
Grade: 7
School: Wilson Middle School, Plano



Name: Chris Shafer
Grade: 7
School: Wilson Middle School, Plano

TAC Titles Affected

TAC Titles Affected—July

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

TITLE 1. ADMINISTRATION

Part I. Officer of the Governor

1 TAC §§1.1, 1.3, 1.11-1.13, 1.21, 1.31-1.34, 1.41-1.45, 1.51-1.54—3337

1 TAC §§5.2-5.5, 5.7, 5.8, 5.21-5.25, 5.31, 5.41-5.45, 5.71, 5.91-5.93, 5.101-5.110, 5.121-5.131—3339

1 TAC §§7.1-7.5—3339

TITLE 7. BANKING AND SECURITIES

Part V. Office of Consumer Credit Commissioner

7 TAC §81.20—3321

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §1.7—3337, 3373, 3377

16 TAC §5.183—3373

16 TAC §5.294—3377

16 TAC §5.501—3378

16 TAC §5.506—3337

16 TAC §5.508—3378

16 TAC §5.620—3379

Part IV. Texas Department of Labor and Standards

16 TAC §69.186—3375, 3379

TITLE 22. EXAMINING BOARDS

Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

22 TAC §141.37—3379

22 TAC §143.1—3380

Part XXII. Texas State Board of Public Accountancy

22 TAC §521.1—3321, 3325

22 TAC §521.3—3325

22 TAC §521.4—3323, 3326

22 TAC §535.162—3339

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §1.36—3326

28 TAC §§1.801-1.813—3327

28 TAC §5.6105—3331

28 TAC §7.56—3323

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

31 TAC §§114.1, 114.3-114.5—3332

Part IV. School Land Board

31 TAC §155.10—3334

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.548—3335

34 TAC §3.55—3336

Part III. Teacher Retirement System of Texas

34 TAC §25.30—3339

34 TAC §27.1—3340

34 TAC §45.1, §45.2—3340

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

40 TAC §10.1001, §10.1009—3340

40 TAC §10.1002—3340

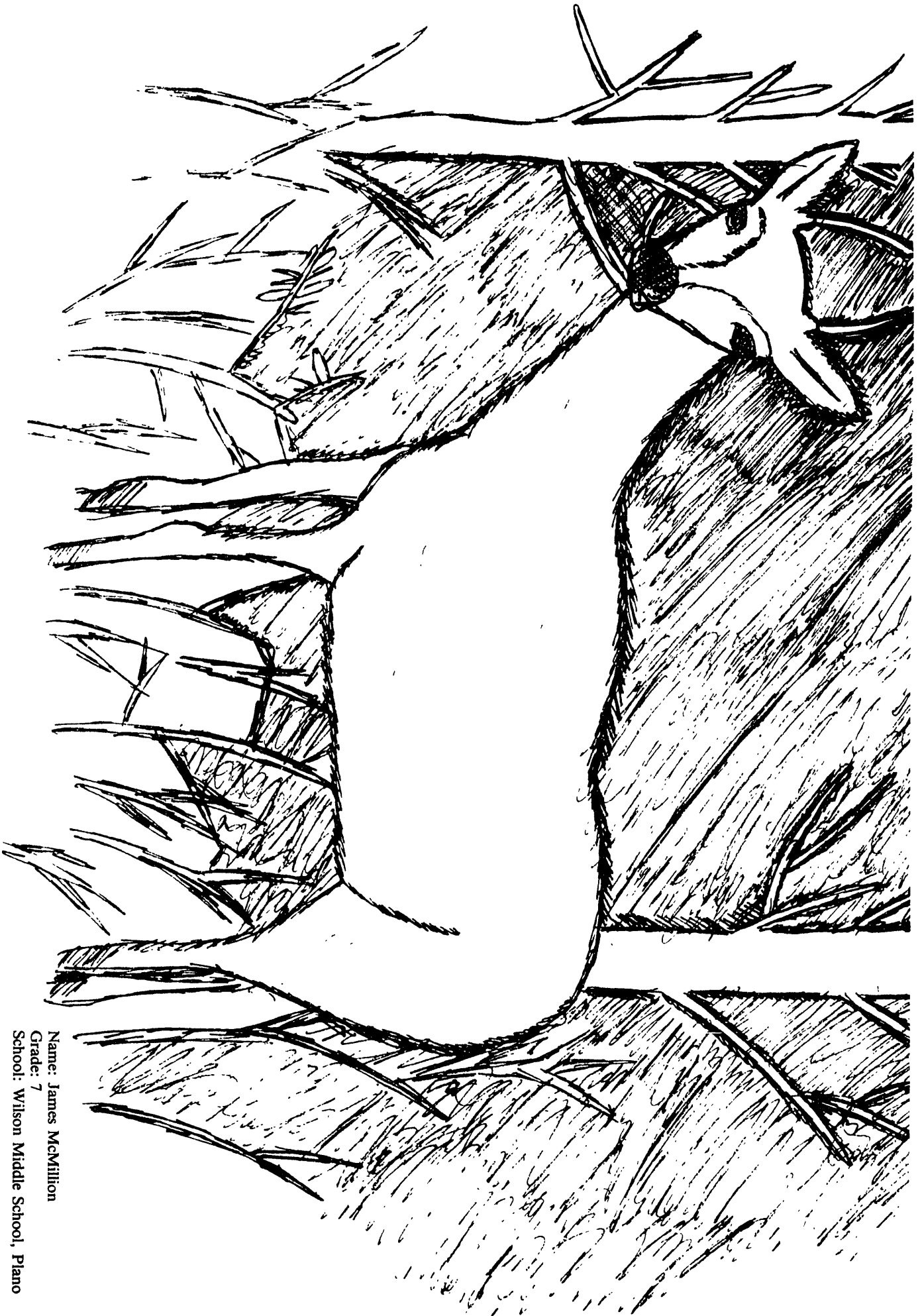
40 TAC §15.2001—3341

40 TAC §15.3001—3341

40 TAC §15.3323—3341

40 TAC §§15.3403, 15.3408, 15.3412, 15.3416-15.3417—3341

◆ ◆ ◆



Name: James McMillion
Grade: 7
School: Wilson Middle School, Plano

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 June 23, 1988

To be a member of the **Texas Parks and Wildlife Commission** for a term to expire February 1, 1991: Delo H. Caspary, Cove Harbor, P.O. Box 939, Rockport, Texas 78382. Mr. Caspary will be filling the unexpired term of Edwin L. Cox, Jr. of Dallas who resigned.

Pursuant to the Constitution of the State of Texas, Article V, §11, and the Texas Government Code, §22.005: to be chief justice of the **Supreme Court of Texas** in the matter of **Houston Lighting and Power Company v. Carol Ann Hauser Reynolds**, etc., Cause Number C-5499, currently pending before that court: Thomas W. Luce, III, 2800 Momentum Place, 1717 Mains Street, Dallas, Texas 75201. Mr. Luce will serve in the place of Chief Justice Thomas R. Phillips who has certified his disqualification to hear the above matter to me.

To be a chairman of the **Texas Alcoholic Beverage Commission** for a term to serve at the pleasure of the governor: Louis M. Pearce, Jr., P.O. Box 35068, Houston, Texas 77035.

To be a member of the **University System of South Texas Board of Directors** for a term to expire August 31, 1993: James H. Clement, Jr., P.O. Box 1090, Kingsville, Texas 78634. Mr. Clement will be replacing Mary Lewis Kleberg of Kingsville whose term expired.

Issued in Austin, Texas on June 27, 1988.

TRD-8806536

William P. Clements, Jr.
Governor of Texas



To be chairman of the **Texas Air Control Board** for a term to serve at the pleasure of the governor: Dick Whittington, Route 1, Box 163F, Lockhart, Texas 78644.

To be chairman of the **Texas Advisory Commission on Intergovernmental Relations** for a term to serve at the pleasure of the governor: Leo Berman, 1711 Astro Court, Arlington, Texas 76012.

To be chairman of the **Productivity Bonus Commission** for a term to serve at the pleasure of the governor: Ronald L. Lindsey, Office of the Governor, P.O. Box 12428, State Capitol, Austin, Texas 78711.

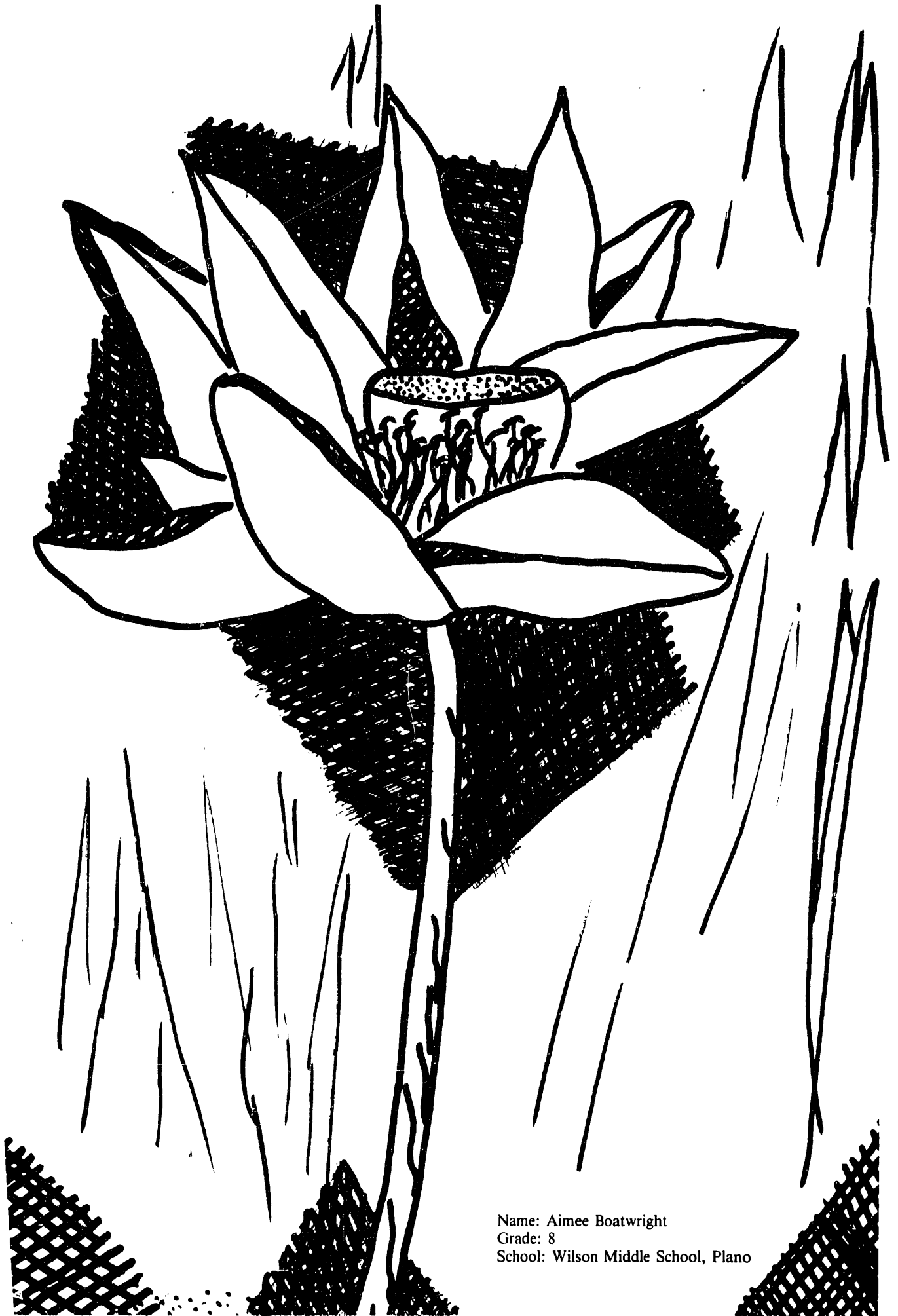
To be a member of the **Productivity Bonus Commission** for a term to expire September 1, 1989: Ronald Lynn Lindsey, Star Route 1-B, Box 93B, Dripping Springs, Texas 78620. Mr. Lindsey will be filling the unexpired term of Robert E. Davis of Dallas who resigned.

Issued in Austin, Texas on June 28, 1988.

TRD-8806617

William P. Clements, Jr.
Governor of Texas





Name: Aimee Boatwright
Grade: 8
School: Wilson Middle School, Plano

Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, Texas Civil Statutes, Article 4399, and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

Letter Opinions

(Editor's note: The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record. Beginning with this edition, the Texas Register will publish notice of letter opinions issued by the Attorney General. Copies of the full text of the letters are filed with the Texas Register and are available from the Texas Attorney General's Office and the Texas Register.)

LO-88-15 (RQ-1249). Request from Robert E. Hartong, Texas Board of Chiropractic Examiners, 1300 East Anderson Lane, Building C, Suite 245, Austin. The Board of Chiropractic Examiners has no authority to establish qualifications for chiropractors who work as consultants for insurance companies. TRD-8806600

LO-88-23 (RQ-1204). Request from Henry Lee Grimes, Hunt County Auditor, Hunt County Courthouse, Greenville. County competitive bidding statutes do not apply to purchase of \$5000 or less. TRD-8806601

LO-88-25 (RQ-1295). Request from Bobbye Ferris, Executive Director, Texas Board of Chiropractic Examiners, Austin, concerning educational requirements for chiropractors. TRD-8806602

LO-88-27 (RQ-1357). Request from Harold R. Schmidt, Mason County Attorney, Mason County Courthouse, Mason. A county may contract with private health-care provider to provide services county is authorized to provide, but county must receive adequate consideration. TRD-8806603

LO-88-33 (RQ-1235). Request from James A. Hensarling, Criminal District Attorney, Edna, concerning provision of health care

services by Jackson County and Jackson County Hospital District. TRD-8806604

LO-88-35 (RQ-1313). Request from Marvin J. Titzman, Executive Director, Texas Surplus Property Agency, San Antonio. The Texas Surplus Property Board is not subject to Article 6252-13b.1, which requires agencies to issue rules in regard to permits to engage in a particular business. TRD-8806605

LO-88-38 (RQ-1384). Request from James F. Hury, Jr., Joint Select Committee on the Judiciary, Texas House of Representatives, Austin, concerning the authority of Board of Trustees of Galveston Wharves to commission a public security officer. TRD-8806606

LO-88-39 (RQ-1346). Request from Bob Bullock, Comptroller of Public Accounts, L.B.J. State Office Building, Austin, concerning whether organizations authorized to conduct bingo may make political contributions. TRD-8806607

LO-88-46 (RQ-1391). Request from Chet Brooks, Chairman, Health and Human Services Committee, Texas State Senate, Austin, concerning the authority of a 9-1-1 emergency communication district to expand the area it serves. TRD-8806608

LO-88-47 (RQ-1417). Request from Chet Brooks, Chairman, Health and Human Services Committee, Texas State Senate, Austin, concerning whether the City of Galveston has authority to prohibit consumption of alcohol on certain public sidewalks. TRD-8806609

LO-88-48 (RQ-1423). Request from Marvin J. Titzman, Executive Director, Texas Surplus Property Agency, Administrative Office, San Antonio, concerning whether competitive bidding re-

quirements for cities are applicable to handling charges assessed by Texas Surplus Property Agency. TRD-8806610

LO-88-50 (RQ-1324). Request from Stanley D. Curbo, County Attorney, Young County, Graham, concerning whether county must pay witness fees to state-employed psychiatrist who testifies under subpoena. TRD-8806611

LO-88-52 (RQ-1390). Request from Bob Bullock, Comptroller of Public Accounts, LBJ State Office Building, Austin, concerning questions relating to discussion of public business at out-of-state conventions, discussion of job search in executive session, and availability of job applications under Texas Open Records Act. TRD-8806612

LO-88-53 (RQ-1348 and RQ-1370). Request from Lois M. Smith, Executive Director, Texas State Board of Physical Therapy Examiners, Austin. The Board of Physical Therapy Examiners was without authority to adopt the rule designated 22 TAC §343.1(b)(2). TRD-8806613

LO-88-54 (RQ-1376). Request from Louise Sanders, R.N., Executive Secretary, Board of Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 225, Austin, concerning the authority of the Board of Nurse Examiners under the Medical Radiologic Technologist Certification Act. TRD-8806584

LO-88-55 (RQ-1233). Request from Kenneth H. Ashworth, Commissioner, Coordinating Board, Texas College and University System, Austin, concerning the amount a junior college is required to contribute monthly in 1988 and 1989 for each employee for health insurance premiums. TRD-8806590

LO-88-56 (RQ-1420). Request from Bob McFarland, Chairman, the Criminal Justice Committee, Texas State Senate, Austin, concerning the validity of a city ordinance prohibiting a person under the age of 21 from entering an establishment selling alcoholic beverages. TRD-8806591

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LO-88-61 (RQ-1333). Request from Bob Bullock, Comptroller of Public Accounts, LBJ State Office Building, Austin, concerning the authority of the comptroller to revoke or suspend an organization's bingo license. TRD-8806592

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LO-88-62 (RQ-1374). Request from Oliver Lewis, Jr., County Auditor, Bexar County, 224 Dwyer, San Antonio, concerning whether a county election commission has authority to order disciplinary action against the county elections administrator. TRD-8806593

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LO-88-64 (RQ-1450). Request from John Vance, District Attorney, Civil Section Services Building, Dallas, concerning fees to be charged by sheriffs and constables. TRD-8806594

◆ ◆ ◆

LO-88-66 (RQ-1424). Request from Bill Wells, Director, Sunset Advisory Commission, Austin, concerning whether four-year terms for board members of a metropolitan transit authority are constitutional. TRD-8806595

◆ ◆ ◆

LO-88-67 (RQ-1364). Request from J. A. Lynaugh, Director, Texas Department of Corrections, Huntsville, concerning the authority of the prison industries division of the Department of Corrections to enter into agreements with a private company. TRD-8806596

◆ ◆ ◆

LO-88-68 (RQ-1361). Request from Chet Brooks, Chairman, Senate Committee on Health and Human Services, Austin, concerning whether an organization is a trade association of the profession of public accountancy for purposes of the Public Accountancy Act, Texas Civil Statutes, Article 41a-1, §4(c). TRD-8806597

◆ ◆ ◆

LO-88-69 (RQ-1394). Request from John L. Barnhill, Crosby County Attorney, Crosbyton, concerning whether a conviction results when the procedures outlined in Article 45.54 are followed. TRD-8806598

◆ ◆ ◆

LO-88-71 (RQ-1428). Request from Roy Blake, President Pro Tempore, Texas State Senate, Austin, concerning whether trustees of a university foundation are within the immunity provisions of the Civil Practice and Remedies Code, Chapter 84. TRD-8806599

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Emergency Sections

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

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

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 1. Practice and Procedure

Subchapter A. Definitions and General Provisions

• 16 TAC §1.7

The Railroad Commission of Texas adopts on an emergency basis new §1.7, concerning permit application decision periods. The regulation is adopted on an emergency basis because of the requirement in Texas Civil Statutes, Article 6252-13b.1 that all state agencies which issue permits adopt regulations regarding the procedures for processing permits. As the adoption of the current proposal can not take effect for twenty days, the lack of effective regulations until that date could adversely affect the rights of parties under the Texas Surface Coal Mining and Reclamation Act and the Texas Uranium Surface Mining and Reclamation Act. This possibility creates an imminent threat to the public welfare.

The commission proposes that all applicants for new coal or uranium permits be notified that the application is either insufficient and setting out the additional information required, or complete and accepted for filing within 120 days from the date received. The commission also proposes that all applicants for new permits be notified of a decision on the complete applications within 220 days if a hearing is held or within 160 days if no hearing is held.

The new section is adopted under Texas Civil Statutes, Article 6252-13b.1, which require all state agencies which issue permits to adopt rules regarding procedures for processing permits.

§1.7. *Decision Periods.*

(a) The following procedures are

established for permits issued through the Surface Mining and Reclamation Division.

(1) Within 120 days of receipt of a permit application, the commission will issue a written notice to the application which states that the application is complete and accepted for filing, or that the application is deficient, setting forth the specific additional information that is required. Where an application is determined to be deficient after review, in the absence of a specific written agreement between the applicant and the state extending the time for the initial review, the timeframe set out in this subsection will apply to any resubmission.

(2) Within 220 days of the filing of a complete application, the commission will make a decision regarding the sufficiency of the permit application, if a hearing has been held. If no hearing has been held, the commission will make a decision regarding the sufficiency of the permit application within 160 days.

(b) If a dispute arises from a violation of the time periods established in subsection (a) of this section, the applicant may file a written appeal in the offices of the commissioners. Copies of the appeal are to be filed with the director, legal division and the surface mining and reclamation division director.

(1) The appeal shall identify the application and docket number, if assigned, and the facts of the alleged excursion.

(2) The legal division director and the division director shall file a response within 15 days of receipt of the appeal which identifies the reasons for exceeding the time period.

(c) If the commission determines that the specified time periods have been

exceeded and that good cause as specified in Texas Civil Statutes, Article 6252-13b.1, §3 does not exist, the permit filing fee shall be reimbursed in full to the applicant, or the applicant shall have the option of having its permit application expedited by the commission.

Issued in Austin, Texas, on June 27, 1988.

TRD-8806540 Jim Nugent
 Chairman
 Railroad Commission of
 Texas

Effective date: June 27, 1988

Expiration date: July 17, 1988

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

Chapter 5. Transportation Division

Subchapter L. Insurance Requirements

• 16 TAC §5.183

The Railroad Commission of Texas is renewing the effectiveness of the emergency adoption of amended §5.183, for a 60-day period effective June 28, 1988. The text of amended §5.183 was originally published in the March 8, 1988, issue of the *Texas Register* (13 TexReg 1174).

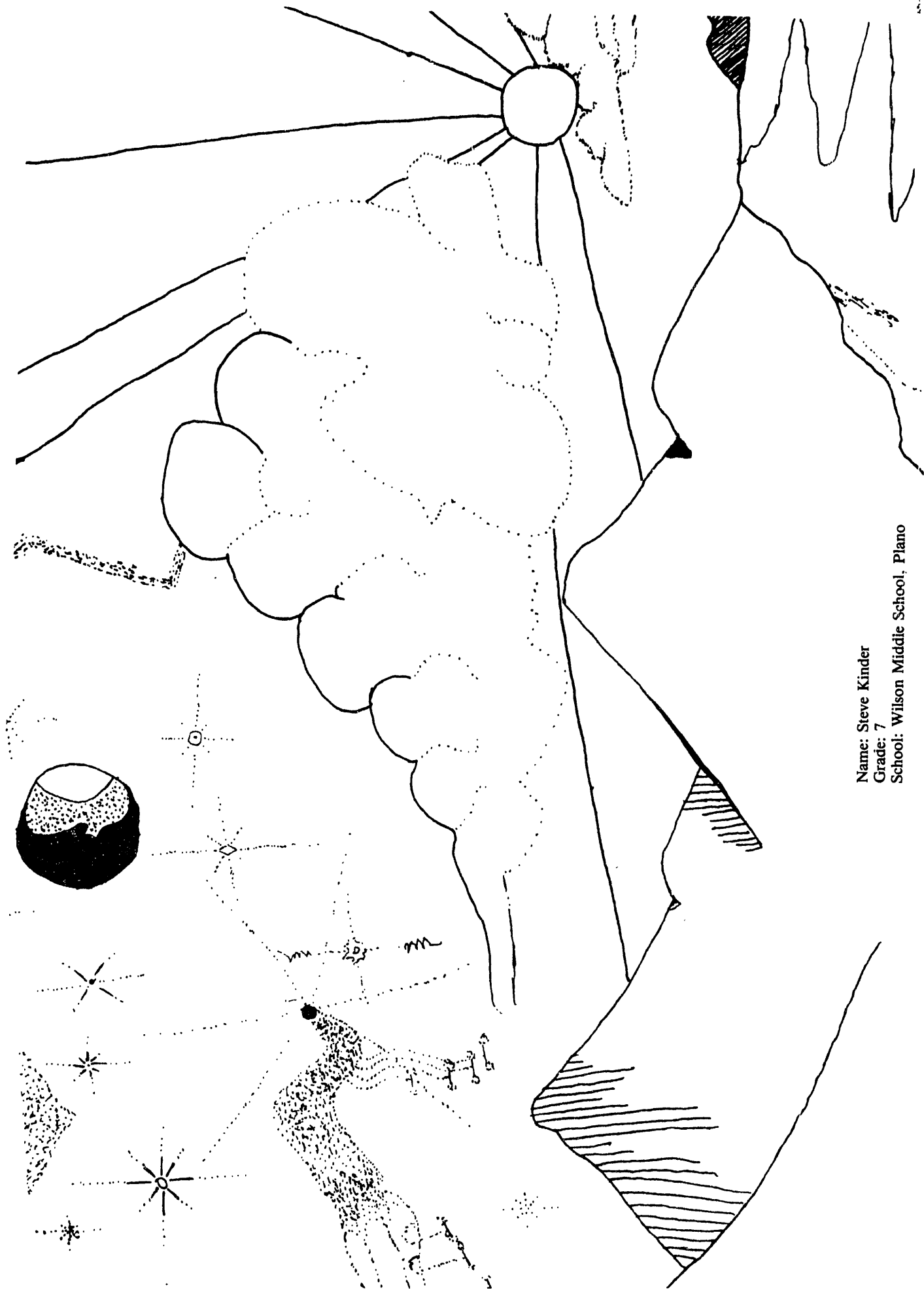
Issued in Austin, Texas, on June 27, 1988.

TRD-8806578 G. Gail Watkins
 Director, Legal Division
 Railroad Commission of
 Texas

Effective date: June 27, 1988

Expiration date: August 27, 1988

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



Name: Steve Kinder
Grade: 7
School: Wilson Middle School, Plano

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 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 69. Manufactured Housing Division

Consumer Notice Requirements

- 16 TAC §69.186

The Texas Department of Labor and Standards has withdrawn the emergency effectiveness of §69.186, concerning the manufactured housing division. The text of the emergency §69.186 appeared in the June 24, 1988, issue of the *Texas Register* (13 TexReg 3204). The effective date of this withdrawal is July 18, 1988.

Issued in Austin, Texas, on June 27, 1988.

TRD-8806533 Jennifer Mellett
 General Counsel
 Texas Department of Labor
 and Standards

Effective date: July 18, 1988

For further information, please call: (512)
463-3128



Name: Leslie Renard
Grade: 8
School: Wilson Middle School, Plano



Adopted Sections

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

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

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 1. Practice and Procedure

Subchapter A. Definitions and General Provisions

• 16 TAC §1.7

The Railroad Commission of Texas adopts new §1.7, with changes to the proposed text as published in the December 25, 1987, issue of the *Texas Register* (12 TexReg 4881).

Changes to the proposed regulations have been made based upon comments received from the Texas Mining and Reclamation Association. The time periods have been shortened and a provision has been added to account for resubmissions following a determination of deficiency. The regulations will accomplish the requirements of Texas Civil Statutes, Article 6252-13b.1.

The regulations represent reasonable time periods for the processing of permit applications. There will be no fiscal implications for state and local government as a result of enforcing and administering the regulations and no fiscal implications for small businesses. The anticipated public benefit is an improvement in public awareness of the status of permit applications filed with the commission.

Comments were received regarding the shortening of the proposed timeframes and applying the same timeframes to resubmissions following a determination of deficiency. Comments were also received regarding the effect on existing regulations regarding permit processing.

Comments in favor of the new section were made by the Texas Mining and Reclamation Association.

The commission generally agrees with the comments made and has adopted changes to the proposed regulations which shorten the proposed timeframes and provide that resubmissions are subject to the same timeframes.

The new section is adopted under Texas Civil Statutes, Article 6252-13b.1, which provide the Railroad Commission of Texas with the authority to promulgate rules pertaining to adopt rules regarding procedures for processing permits.

§1.7. Decision Periods.

(a) The following procedures are established for permits issued through the Surface Mining and Reclamation Division.

(1) Within 120 days of receipt of a permit application, the commission will issue a written notice to the applicant which states that the application is complete and accepted for filing, or that the application is deficient, setting forth the specific additional information that is required. Where an application is determined to be deficient after review, in the absence of a specific written agreement between the applicant and the state extending the time for the initial review, the timeframe set out in this subsection will apply to any resubmission.

(2) Within 220 days of the filing of a complete application, the commission will make a decision regarding the sufficiency of the permit application, if a hearing has been held. If no hearing has been held, the commission will make a decision regarding the sufficiency of the permit application within 160 days.

(b) If a dispute arises from a violation of the time periods established in subsection (a) of this section, the applicant may file a written appeal in the offices of the commissioners. Copies of the appeal are to be filed with the director, legal division and the surface mining and reclamation division director.

(1) The appeal shall identify the application and docket number, if assigned, and the facts of the alleged excursion.

(2) The legal division director and the division director shall file a response within 15 days of receipt of the appeal which identifies the reasons for exceeding the time period.

(c) If the commission determines that the specified time periods have been exceeded and that good cause as specified in Texas Civil Statutes, Article 6252-13b.1, §3 does not exist, the permit filing fee shall be reimbursed in full to the applicant, or the applicant shall have the option of having its permit application expedited by the commission.

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 June 27, 1988.

TRD-8806540

James E. (Jim) Nugent
Chairman
Railroad Commission of
Texas

Effective date: July 18, 1988

Proposal publication date: December 25, 1987

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

Chapter 5. Transportation Subchapter P. Commercial Zones

• 16 TAC §5.294

The Railroad Commission of Texas adopts an amendment to §5.294, with changes to the proposed text as published in the March 29, 1988, issue of the *Texas Register* (13 TexReg 1486). Changes in the lettering of the amendment were made because an adopted amendment made earlier this year used the same letters as were used in the proposed amendment adding the City of Red Oak to the existing Dallas and Fort Worth commercial zones.

Consequently the denotations (1)(I) and (2)(G) will be used for this amendment adding the City of Red Oak to the Dallas and Fort Worth commercial zones, rather than (1)(H) and (2)(F) (as proposed) respectively.

The amendment is adopted to add the City of Red Oak to the existing Dallas and Fort Worth commercial zones.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 911b, §4(a), which authorize the Railroad Commission of Texas to prescribe all rules and regulations necessary for the governance of motor carriers.

§5.294. *Existing Commercial Zones.* Commercial zones defined and prescribed by the commission after notice and hearing are as follows.

(1) The Dallas commercial zone shall include the following:

(A)-(H) (No change.)

(1) The incorporated City of Red Oak.

(2) The Fort Worth commercial zone shall include the following:

(A)-(F) (No change.)

(G) The incorporated City of Red Oak.

(3)-(6) (No change.)

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

Issued in Austin, Texas, on June 27, 1988.

TRD-8806581

James E. (Jim) Nugent
Chairman
Railroad Commission of
Texas

Effective date: July 19, 1988

Proposal publication date: March 29, 1988

For further information, please call: (512) 463-7187

Subchapter W. Registration of Commercial Carriers

• 16 TAC §5.501

The Railroad Commission of Texas adopts an amendment to §5.501, without changes to the proposed text as published in the February 16, 1988, issue of the *Texas Register* (13 TexReg 826).

The amendment is adopted to exempt certain groups from the requirement that commercial motor vehicles be registered with the Railroad Commission of Texas. These groups either fall outside the scope of the commercial activities intended to be covered by the definitions, or are subject to adequate supervision and regulation by other state agencies.

The amendment exempts farmers, ranchers, agricultural cooperatives, gins, elevators, persons subject to the regulation of the Texas Alcoholic Beverage Commission, tow truck owners, rural electric cooperatives, and rural telephone cooperatives from the commercial motor vehicle registration requirements.

Numerous comments were received regarding the proposal from individuals, small businesses, and farmers. These comments either supported the proposed amendment, or urged greater, even universal exemption from the requirements.

No comments were received from groups or associations regarding adoption of the amendment.

The commission disagrees with those comments urging further exemptions from the registration requirements. The legislature intended for the commission to register commercial motor vehicles, and further exemptions would likely lead to unfair competitive advantages for the exempted groups. The commission will also be studying the safety records of the registered groups to determine if registration requirements or insurance levels need to be adjusted.

The amendment is adopted under Texas Civil Statutes, Article 911b, §4(a)(13), which give the commission authority to define commercial motor vehicle.

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 June 27, 1988.

TRD-8806577

James E. (Jim) Nugent
Chairman
Railroad Commission of
Texas

Effective date: July 19, 1988

Proposal publication date: February 16, 1988

For further information, please call: (512) 463-7187

• 16 TAC §5.508

The Railroad Commission of Texas adopts new §5.508, concerning registration of leased commercial motor vehicles, with changes to the proposed text as published in the March 22, 1987, issue of the *Texas Register* (13 TexReg 1375).

The new section is adopted to clarify the responsibilities of lessors and lessees of commercial motor vehicles, and to allocate those responsibilities in an equitable and efficient manner. The change from the proposed version merely clarifies the authority for the International Registration Plan.

The new section will allow bona fide leasing businesses to register fleets of short-term lease vehicles, provide proof of liability insurance covering the entire fleet, and allow nationwide leasing companies to pay registration fees based on the time the companies' vehicles are in Texas.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 911b, §4(a) (13) and Article 6701d, §139(c), which authorize the commission to register commercial motor vehicles and to require motor carriers to file proof of insurance with the commission.

§5.508. Leasing of Commercial Motor Vehicles.

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

(1) Bona fide leasing business—A person whose principal business is the bona fide leasing or renting of commercial motor vehicles without drivers for compensation to the general public.

(2) Contingency policy—A liability insurance policy purchased by a bona fide leasing business to cover motor vehicles which are leased by the leasing company under contracts which require the lessee to provide liability insurance, and which pays only claims not paid by the insurance provided by the lessee.

(3) Lease—An agreement which is required to be filed with the Department of Public Safety under the provisions of Texas Civil Statutes, Article 6701c-1, including leases by bona fide leasing businesses which may file a list of vehicles to be leased in lieu of filing each lease agreement.

(4) Long term lease—A lease which is effective for a period of greater than 30 days.

(5) Short term lease—A lease which is effective for a period of 30 days or less, unless renewed by another lease agreement.

(6) Substitute vehicle—A commercial motor vehicle which is provided by the lessor of a different commercial motor vehicle to the lessee of the different commercial motor vehicle as a temporary replacement for the different commercial motor vehicle due to maintenance, repair, or other unavailability of the different commercial motor vehicle.

(b) Registration of commercial motor vehicles under short term lease.

(1) A commercial motor vehicle which is under short term lease shall not be required to be registered by the lessee of the commercial motor vehicle, if the commercial motor vehicle is registered with the commission under the provisions of this subsection.

(2) A bona fide leasing business may register commercial motor vehicles which it owns and which it leases under the terms of short term leases.

(3) A commercial motor vehicle registered with the commission under the provisions of this subsection shall not be required to be in compliance with the requirements of §5.504 of this title (relating to Cab Cards; Identification Decals).

(4) A bona fide leasing business which registers its commercial motor vehicles under the provisions of this section may pay a reduced registration fee under the same provisions as provided by the International Registration Plan, or any future proration agreement entered into by the State Department of Highways and Public Transportation pursuant to Texas Civil Statutes, Article 6675a-16.

(5) A bona fide leasing business which registers commercial motor vehicles under the provisions of this subsection may comply with the provisions of §5.503 (relating to Liability Insurance for Commercial Carriers) by filing proof of a contingency liability policy. Proof of a contingency liability policy shall be in the form set forth in Form E.

(6) A bona fide leasing business which registers commercial motor vehicles under the provisions of this subsection shall include with its application a letter designating the registered commercial motor vehicles as short term lease vehicles. The bona fide leasing business shall also include with its application documentation of its last annual apportionment under the international registration plan, or any future proration agreement entered into by the State Department of Highways and Public Transportation pursuant to Texas Civil Statutes, Article 6675a-16.

(c) Registration of Substitute Vehicles.

(1) A substitute vehicle operated under the provisions of this subsection shall not be required to comply with the requirements of §5.504 of this subchapter (relating to Cab Cards; Identification Decals).

(2) A substitute vehicle may be operated by the lessor of a leased vehicle for no more than 30 days if the lessor of the substitute vehicle attaches the appropriate lease agreement to the cab card of the commercial motor vehicle which the substitute vehicle is replacing.

(3) The lease agreement and cab card shall be carried in the substitute vehicle at all times the substitute vehicle is operating as a commercial motor vehicle.

(4) The lessor of the substitute vehicle shall notify the commission of the substitution within 15 days of the substitution. The notification shall include the identification required by subsection (d) of §5.502 of this title (relating to Applications for Registration of Commercial Motor Vehicles) for the replaced vehicle and the substitute vehicle, as well as the effective date of the substitution.

(d) Alternative system. A leased vehicle may comply with the provisions of this subchapter either in accordance with the provisions of this section or the remainder of this subchapter (relating to Registration of Commercial Carriers).

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 June 27, 1988.

TRD-8806576 James E. (Jim) Nugent
Chairman
Railroad Commission of
Texas

Effective date: July 19, 1988

Proposal publication date: March 22, 1988

For further information, please call: (512) 463-7187

Subchapter AA. Rail Safety

• 16 TAC §5.620

The Railroad Commission of Texas adopts the repeal of §5.620, without changes to the proposed text as published in the May 17, 1988, issue of the *Texas Register* (13 TexReg 2293). This repeal and simultaneous adoption of new §5.620 will narrow the application of the section and provide further guidance for compliance to affected railroads.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 6448a, which provide the commission with the authority to regulate railroad safety.

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 June 27, 1988.

TRD-8806579 James E. (Jim) Nugent
Chairman
Railroad Commission of
Texas

Effective date: July 19, 1988

Proposal publication date: May 17, 1988

For further information, please call: (512) 463-6921

The Railroad Commission adopts new §5.620, without changes to the proposed text as published in the May 17, 1988, issue of the *Texas Register* (13 TexReg 2293). The new section exempts grade crossings protected by electronic devices such as flashers or gates from line-of-sight requirements. The distance for vegetation control and permanent obstruction clearance is reduced from the old rule's 500 feet requirement to 250 feet as measured from the centerline of each crossing. Where railroad right-of-way is fenced, compliance is deemed if the vegetation is controlled up to two feet from the fence.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 6448a, which provide the commission with the authority to regulate railroad safety.

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 June 27, 1988.

TRD-8806580 James E. (Jim) Nugent
Chairman
Railroad Commission of
Texas

Effective date: July 19, 1988

Proposal publication date: May 17, 1988

For further information, please call: (512) 463-6921

Part IV. Texas Department of Labor and Standards

Chapter 69. Manufactured Housing Division

Consumer Notice Requirements

• 16 TAC §69.186

The Texas Department of Labor and Standards adopts new §69.186 without changes to the proposed text as published in the May 24, 1988, issue of the *Texas Register* (13 TexReg 2426).

The section is adopted to protect the safety, welfare, and health of the manufactured home consumer in Texas.

The effect of the section will be to advise the consumer of the condition of manufactured homes offered for sale.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 5221f, which provides the Commissioner of the Texas Department of Labor and Standards with the authority to promulgate any and all reasonable rules and regulations which may be necessary for the purpose of enforcing the provisions of this Act.

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 June 24, 1988.

TRD-8806532 Larry Kosta
Assistant Commissioner
Texas Department of Labor
and Standards

Effective date: July 18, 1988

Proposal publication date: May 24, 1988

For further information, please call: (512) 463-3128

TITLE 22. EXAMINING BOARDS

Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

Chapter 141. Definitions and Procedures

• 22 TAC §141.37

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids adopts an amendment to §141.37, without changes to the proposed text as published in the April 1, 1988, issue of the *Texas Register* (13 TexReg 1519).

The section was adopted to establish procedures for reciprocal arrangements.

The new section establishes procedures and clarifies the statutes on obtaining a license by reciprocity.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4566, §1.04(a), which provide the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to promulgate procedural rules and regulations.

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 June 28, 1988.

TRD-8806568 Wanda F. Stewart
Executive Director
Texas Board of Examiners
in the Fitting and
Dispensing of Hearing
Aids

Effective date: July 19, 1988

Proposal publication date: April 1, 1988

For further information, please call: (512) 459-1488

Chapter 143. Consumer
Information and Complaints

• 22 TAC §143.1

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids adopts an amendment to §143.1, without changes to the proposed text as published in the April 1, 1988, issue of the *Texas Register* (13 TexReg 1519).

The section is being amended to clarify the rule and mandate specific instructions.

The amendment to the section specifies a

specific time period for refunds to be paid to the purchaser in the event that the hearing aid is returned during the 30-day trial period.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4566, §1.04(a), which provide the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to promulgate procedural rules and regulations.

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 June 28, 1988.

TRD-8806567

Wanda F. Stewart
Executive Director
Texas Board of Examiners
in the Fitting and
Dispensing of Hearing
Aids

Effective date: July 19, 1988

Proposal publication date: April 1, 1988

For further information, please call: (512)
459-1488

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Open Meetings

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

Automated Information and Telecommunications Council (AIRC)

Friday, July 8, 1988, 10 a.m. The Open Council of the Automated Information and Telecommunications Council will meet in Room 109, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the council will consider personnel matters.

Contact: Tina J. Turner, Austin, Texas, (512) 463-5530.

Filed: June 29, 1988, 4:26 p.m.

TRD-8806648

Texas Bond Review Board

Friday, July 8, 1988, 10 a.m. The Staff Planning Session of the Texas Bond Review Board will meet in the Sergeant's Committee Room, State Capitol, Austin. According to the agenda, the board will approve minutes of the previous meeting; consider proposed issues concerning UT Health Science Center/Houston-Installment purchase of printing equipment, Texas Air Control Board-Installment purchase of UNISYS A6F computer, State Board of Insurance-Installment purchase of IBM 3090 280E computer, and Texas Housing Agency-Multi-family housing revenue refunding bonds, Series 1988 for Westborough Crossing Development and Oakrun II Development; and consider other business.

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

Filed: June 29, 1988, 3:43 p.m.

TRD-8806646

Texas Cancer Council

Tuesday, July 12, 1988, 8:30 a.m. The Texas Cancer Council will meet in Room 102, John H. Reagan Building, 105 West 15th Street, Austin. According to the

agenda summary, the council will review advisory committee reports, discuss requests for fiscal year 1988 contract modifications, and consider fiscal year 1989 contract continuation requests.

Contact: D.L. Moore, P.O. Box 12097, Austin, Texas, (512) 463-3190.

Filed: June 29, 1988, 3:05 p.m.

TRD-8806644

Texas Department of Corrections

Monday, July 11, 1988, 1 p.m. The Board of Directors for the Texas Department of Corrections will meet in the Courtroom of the 52nd District Court, Coryell County Courthouse, Gatesville. According to the agenda, the department will meet in executive session to discuss Ruiz and other litigation, personnel matters, internal affairs, real estate transactions; adjourn Texas Board of Corrections; convene Windham School Board for approval of minutes of prior meeting, new and renewed employee contracts, budget, personnel matters; adjourn Windham School Board; reconvene Texas Board of Corrections for committee reports, approval of prior minutes and contracts, director's items, and hear finance division reports.

Contact: James A. Lynaugh, P.O. Box 99, Huntsville, Texas 77342-0099, (409) 294-2101.

Filed: June 29, 1988, 1:40 p.m.

TRD-8806640

Texas Employment Commission

Wednesday, July 6, 1988, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider internal procedures of commission appeals, action on tax liability cases and higher level appeals in unemployment compensation

cases listed on docket 27, and set date of next meeting.

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

Filed: June 28, 1988, 11:20 a.m.

TRD-8806564

Governor's Committee on Water Resources Management

Friday, July 8, 1988, 9 a.m. The Governor's Committee on Water Resources Management will meet in Room 105, John H. Reagan Building, Austin. According to the agenda summary, the committee will hold a public hearing to receive oral and written testimony on the following: issue 2-The relationships between agencies with statewide jurisdiction and local or regional entities; and consider other business.

Contact: Ralph Boeker, Jr., Sam Houston Building, Seventh Floor, Austin, Texas, (512) 463-1771.

Filed: June 29, 1988, 3:51 p.m.

TRD-8806647

Texas Health and Human Services Coordinating Council

Friday, July 8, 1988, 1:30 p.m. The Administrative/Management Task Force, Technical Advisory Group for the Texas Health and Human Services Coordinating Council will meet in the Seventh Floor Conference Room, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the task force will approve minutes, discuss old and new business, and hold working review of the Technical Advisory Group draft report.

Contact: Patricia O. Thomas, 301-A East 14th Street, Austin, Texas 78711, (512) 463-2195.

Filed: June 30, 1988, 9:29 a.m.

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Texas Higher Education Coordinating Board

Thursday, July 21, 1988. Various committee for the Texas Higher Education Coordinating Board will meet in the Boardroom, Bevington A. Reed Building, 200 East Riverside Drive, Austin, unless otherwise noted. Times and agendas follow.

9:30 a.m. The Research Programs Committee will consider matters relating to research programs.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

Filed: June 29, 1988, 11:02 a.m.

TRD-8806634

9:45 a.m. The Student Services Committee will consider matters relating to student services.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

Filed: June 29, 1988, 11:02 a.m.

TRD-8806633

10 a.m. The Facilities and Campus Planning Committee will consider matters relating to facilities and campus planning.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

Filed: June 29, 1988, 11:02 a.m.

TRD-8806632

10:45 a.m. The Health Affairs Committee will consider matters relating to health affairs.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

Filed: June 29, 1988, 11:02 a.m.

TRD-8806631

11 a.m. The Universities Committee will consider matters relating to universities.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

Filed: June 29, 1988, 11:02 a.m.

TRD-8806625

Noon. The Committee of the Whole will meet in executive session to hear a report from the attorney general's office concerning MALDEF suit and discuss possible litigation concerning Navarro College audit report.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

Filed: June 29, 1988, 11:02 a.m.

TRD-8806626

1:30 p.m. The Community Colleges and Technical Institutes Committee will meet to consider matters relating to community colleges and technical institutes.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

Filed: June 29, 1988, 11:02 a.m.

TRD-8806630

2 p.m. The Financial Planning Committee will consider matters relating to financial planning.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

Filed: June 29, 1988, 11:02 a.m.

TRD-8806629

2:30 p.m. The Planning and Administration Committee will consider matters relating to planning and administration.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

Filed: June 29, 1988, 11:02 a.m.

TRD-8806628

Friday, July 22, 1988, 9 a.m. The Coordinating Board will consider matters relating to the Committee of the Whole, the Committee on Research Programs, the Committee on Facilities and Campus Planning, the Committee on Student Services, the Committee on Community Colleges and Technical Institutes, the Committee on Health Affairs, the Committee on Universities, the Committee on Financial Planning, and the Committee on Planning and Administration.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

Filed: June 29, 1988, 11:02 a.m.

TRD-8806627

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Texas Hospital Equipment Financing Council

Friday, July 8, 1988, 10 a.m. The Texas Hospital Equipment Financing Council will meet in Room G-B, John H. Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda, the council will approve minutes of the May 19, 1988, meeting; discuss and possibly act on approval of amendments to the bond financing documents to extend the stated maturity of the council's bond and to reduce the loan discount; discuss and possibly act to approve documentation to modify the existing loans and to approve additional loans; discuss and consider possible legislation to be presented to the 71st Legislature; and dis-

cuss management reports prepared by the state auditor's office.

Contact: Charles W. Bailey, P.O. Box 15587, Austin, Texas 78761, (512) 465-1000.

Filed: June 29, 1988, 10:57 a.m.

TRD-8806623

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Texas National Guard Armory Board

Friday, July 8, 1988, 10 a.m. The Texas National Guard Armory Board will meet in the Conference Room, Building 64, Camp Mabry. According to the agenda summary, the board will consider administrative matters, construction, renovation, maintenance update, and property/leases.

Contact: Sandra Hille, P.O. Box 5218, Austin, Texas 78763-5218, (512) 451-6394/6143.

Filed: June 28, 1988, 2:30 p.m.

TRD-8806618

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Texas National Research Laboratory Commission

Wednesday, July 13, 1988, 1:30 p.m. The Commission for the Texas National Research Laboratory Commission will meet at the DFW Airport Administration Building, 3200 East Airline Drive, DFW Airport. According to the agenda, the commission will hear minutes of May 17, 1988, meeting, chairman's report, executive director's report, commission special reports, counselor's report, and discuss old and new business.

Contact: Susan K. Tonetti, Balcones Research Center, 10100 Burnet Road, Room 1.130, Austin, Texas 78758, (512) 471-8153.

Filed: June 28, 1988, 12:05 p.m.

TRD-8806566

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Texas Optometry Board

Wednesday, July 13, 1988, 4 p.m. The Texas Optometry Board will meet in the Doubletree Hotel, Campbell Centre, 8250 North Central Expressway, Dallas. According to the agenda summary, the board will conduct a public hearing for the purpose of hearing comments regarding proposed rule 279.8 relating to the definition of optometry, entitled Board Interpretation Number Eight. This rule was published for comment in the May 17, 1988, issue of the *Texas Register*. Requests for copies of the proposed rule may be obtained from the Texas Optometry Board office. The public is encouraged to attend the hearing and to present testimony regarding the

proposed rule. The board would appreciate receiving a copy of all written testimony at least ten days before the hearing. Testimony will be limited to five minutes per individual. Persons representing organization of 25 persons or more may be granted additional time for testimony provided that a request for additional time is made to the board seven days prior to the hearing.

Contact: Lois Ewald, 1300 East Anderson Lane, Suite C-240, Austin, Texas 78752, (512) 835-1938.

Filed: June 28, 1988, 2:40 p.m.

TRD-8806614

Pan American University

Wednesday, July 6, 1988, The Board of Regents of Pan American University will meet in the Boardroom, Administration Building, Pan American University, Edinburg. Times and agendas follow.

9:30 a.m. The Building and Grounds Committee will consider approval of the master plan and informational items.

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

Filed: June 28, 1988, 11:49 a.m.

TRD-8806574

9:45 a.m. The Finance Committee will consider approval of the appropriations request, budget for fiscal year 1989, vending machine bids concerning soft drinks, food, amusement and music, and informational items.

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

Filed: June 28, 1988, 11:49 a.m.

TRD-8806573

10 a.m. The Development Committee will consider acceptance of gift from Weyerhauser Foundation and information items.

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

Filed: June 28, 1988, 11:49 a.m.

TRD-8806572

10:15 a.m. The Brownsville Committee will consider budget changes, approval of appropriations request, budget for fiscal year 1989, separate federal I.D. number for PAU-B, and information items.

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

Filed: June 28, 1988, 11:49 a.m.

TRD-8806571

10:30 a.m. The Academic Affairs Committee will consider approval of Nursing Peer Review Committee (P.P.M. 6.1.4.) and undergraduate degree revision of communications major. The committee will also meet in executive session to consider personnel matters under Article 6252-17, §2(g), concerning employment of faculty-PAU-E, employment of faculty-PAU-B, faculty promotions-PAU-B, faculty merit-PAU-B, request for leave of absence, and promotion appeal-Stover; consider contemplated litigation under Article 6252-17, §2(e), concerning personal injury (settlement offer) and consultant contracts.

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

Filed: June 28, 1988, 11:49 a.m.

TRD-8806570

10:45 a.m. The board will approve minutes of the June 14, 1988, meeting and certified executive session agenda of June 14, 1988, meeting; discuss consideration and action on board committee reports and recommendations, executive session items, religious holiday policy, staff holiday calendar for 1988-1989-PAU-E and PAU-B, and appointment of outside counsel; approve appointment of Reynaldo G. Garza Law School Feasibility Committee; and consider president's informational items and set date for next meeting.

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

Filed: June 28, 1988, 11:49 a.m.

TRD-8806569

Board of Pardons and Paroles

Wednesday, July 6, 1988. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. Times and agendas follow.

9 a.m. The board will hear presentations and discuss the use of firearms, presentations will be made by Chase Riveland, Washington, Al Smith, California, and Charles Cline, Nevada.

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

Filed: June 28, 1988, 4:13 p.m.

TRD-8806620

9:30 a.m. The board will consider administrative review, memorandums of understanding, organizational charts, parole officer qualifications, promotional procedures, media contact, clarification of duties and responsibilities of chairman, parole eligibility and time credit calculations, internal affairs investigator, and hearing report format.

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

Filed: June 28, 1988, 4:13 p.m.

TRD-8806619

Department of Public Safety

Monday, July 11, 1988, 1:30 p.m. The State Emergency Management Council of the Division of Emergency Management will meet in the Emergency Operations Center, DPH Headquarters, 5805 North Lamar, Austin. According to the agenda summary, the council will consider emergency notification information, LEPC change of membership and annual update, federal state information coordination, appointment of rules and procedures subcommittee, review of EPA request to designate priority areas, and other council business.

Contact: Mike L. Scott, 5805 North Lamar Boulevard, Austin, Texas, (512) 465-2139.

Filed: June 28, 1988, 1:45 p.m.

TRD-8806583

Public Utility Commission of Texas

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

Friday, August 12, 1988, 10 a.m. The Hearings Division will consider Docket 8219-Application of B-K Electric Cooperative, Inc. for a large power service rate.

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

Filed: June 29, 1988, 4:12 p.m.

TRD-8806650

Friday, September 9, 1988, 10 a.m. The Hearings Division will consider Docket 5610-Application of GTE Southwest Incorporated for a rate increase.

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

Filed: June 28, 1988, 2:59 p.m.

TRD-886588

Texas Senate

Monday, July 11, 1988, 9 a.m. The Joint Special Interim Committee on High School Dropouts for the Texas Senate will meet on University Drive, University of Texas, El Paso. According to the agenda, the committee will hear opening remarks; speakers; and hold forum for public comment.

Contact: Machree Gibson, P.O. Box 12068, Austin, Texas, (512) 463-0044.

Filed: June 28, 1988, 11:45 a.m.

TRD-8806582

Texas Water Commission

Thursday, July 7, 1988, 9:30 p.m. The Water Well Drillers Board for the Texas Water Commission will meet in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve minutes of the May 5, 1988, meeting; consider certification of applicants for registration, consider whether to set the following complaints for formal public hearing before the board or for other appropriate legal action, and consider the applications for drillers-trainee registration: Jesse Bain, John Ball, Ellis Cline, Henry F. Curtis, George Conley, Loyd Potter and Bobby Damrell, Richard Davis, Ron Doyle, Emmett and Rick Glass, Eugene Green, David Jaeger, John Leonard, Brady Meadows, Kelvin Miles, Johnny Ries, Leroy Spears, Joe Vernor, David Weatherbee, Western Geophysical Company, Scott Weisinger, and the City of Wylie; and consider staff reports. The emergency status is necessary to notify out-of-town members in order to meet deadlines.

Contact: Larry Persky, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Filed: June 30, 1988, 9:20 a.m.

TRD-8806652

Thursday, July 7, 1988, 1:30 p.m. The Texas Water Well Drillers Board for the Texas Water Commission will meet in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider the revocation or suspension of the water well drillers license or imposition of an administrative penalty in dockets WWDB-88-0017, Ed Jarzombek; WWDB-88-0018, George Conley; WWDB-88-0017, W.R. Doyle (continuation); and WWDB-88-0004, Mike Winstead (continuation).

ation). The emergency status is necessary to notify out-of-town members in order to meet deadlines.

Contact: Larry Persky, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Filed: June 30, 1988, 9:20 a.m.

TRD-8806653

Joint Select Committee on Workers' Compensation

Friday, July 8, 1988, 10 a.m. The Joint Select Committee on Workers' Compensation will meet in the Senate Chamber, Austin. According to the agenda, the committee will consider the Industrial Accident Board, business panel, labor panel, health care providers, and defense counsel panel.

Contact: Bobby Gierisch, Reagan Building, Room 224, Austin, Texas, (512) 463-0814.

Filed: June 29, 1988, 3:21 p.m.

TRD-8806645

Regional Meetings

Meetings Filed June 28, 1988

The Liberty County Central Appraisal District, Appraisal Review Board, will meet at 1820 Sam Houston, Liberty, on July 8, 1988, at 2 p.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575.

TRD-8806575

Meetings Filed June 29, 1988

The Atascosa County Appraisal District, Appraisal Review Board, will meet at 1010 Zanderson, Jourdanton, on July 11, 1988, at 8 a.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026-3532, (512) 769-2730.

The Bastrop County Appraisal District, Appraisal Review Board, will meet at 1200

Cedar Street, Bastrop, on July 6, 1988, at 7 p.m., and July 9, 1988, at 8:30 a.m. Information may be obtained from Lorraine Perry, (806) 321-3925.

The Dawson County Central Appraisal District, Board of Directors, will meet at 920 North Dallas Avenue, Lamesa, on July 6, 1988, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The High Plains Underground Water Conservation District, Board of Directors, will meet in the Conference Room, 2930 Avenue Q, Lubbock, on July 12, 1988, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Scurry County Appraisal District, Board of Directors, will meet at 2612 College Avenue, Snyder, on July 5, 1988, at 8 p.m. Information may be obtained from L.R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Swisher Appraisal District, Appraisal Review Board, will meet at 130 North Armstrong, Tulia, on July 8, 1988, at 9 a.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.

TRD-8806622

Meetings Filed June 30, 1988

The Denton Central Appraisal District, Appraisal Review Board, will meet at 3911 Morse, Denton, on July 9, 16, 19, and 20, 1988, at 9 a.m. Information may be obtained from John D. Brown, 3911 Morse, Denton, Texas 76205, (817) 566-0904.

The Henderson County Appraisal District, Appraisal Review Board, will meet at 1751 Enterprise, Athens, on July 6, 1988, at 9 a.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas, (214) 675-9296.

TRD-8806651

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.

State Banking Board

Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on Monday, August 8, 1988, at 9 a.m. at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Mortgage Underwriting Trust Corporation, Dallas.

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

Issued in Austin, Texas on June 27, 1988.

TRD-8806615 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: June 28, 1988

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



Notice of Hearing Cancellation

As no opposition has been noted in the application for domicile change by the Securities Fund Trust Company, Dallas, the hearing previously scheduled for June 27, 1988, has been canceled.

Issued in Austin, Texas on June 24, 1988.

TRD-8806616 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: June 28, 1988

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



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, June 20, 1988-June 24, 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 \$278,953,300 subceiling for qualified mortgage bonds under the Act as of June 24, 1988: \$212,953,300.

Total amount of state ceiling remaining unreserved for the \$208,525,000 subceiling for state-voted issues under the Act as of June 24, 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 June 24, 1988: \$41,700.

Total amount of the \$834,100,000 state ceiling remaining unreserved as of June 24, 1988: \$421,520,000.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from June 20, 1988-June 24, 1988: None.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from June 20, 1988-June 24, 1988: Nueces County Housing Finance Corporation, eligible borrowers, mortgage credit certificates, \$15,080,000.

Issued in Austin, Texas, on June 27, 1988.

TRD-8806621 J. William Lauderback
Executive Director
Texas Department of Commerce

Filed: June 28, 1988

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



Houston-Galveston Area Council Consultant Proposal Request

This consultant proposal request is filed pursuant to Texas Civil Statutes, Article 6252-11c. The purpose of this project is to further develop and refine a technique for the estimation of population, employment, and land use charges at the census tract and zonal level. A copy of the detailed scope of work will be furnished upon request. Anyone wishing to submit a consultant proposal request must do so by July 25, 1988, at the following address.

The proposed sole source consultant proposal request will analyze ways of developing a technique for the estimation of population, employment, and land use changes at the census tract and zonal level. The Houston-Galveston Area Council intends to award this sole source contract to S. H. Putman Associates as a continuation of service previously performed, unless a better offer is submitted. The value of the proposed scope of services would be for a maximum amount of \$20,000. Further inquiries as to the scope of work should be directed to Alan Clark, Manager, Transportation Department, Houston-Galveston Area Council, P.O. Box 22777, Houston, Texas 77227.

Issued in Houston, Texas on June 22, 1988.

TRD-8806542 Jack Steele
Executive Director
Houston-Galveston Area Council

Filed: June 27, 1988

For further information, please call (713) 627-3200

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Texas Department of Human Services
Amended Contract

The Texas Department of Human Services (TDHS) published notice of a contract award to Cynthia Roberts-Gray, for program evaluation in Food Services Programs, in the June 12, 1987, issue of the *Texas Register* (12 TexReg 1918). Notice is given that TDHS is amending the contract to increase the amount of labor and materials specified in the contract by \$79,000

Issued in Austin, Texas on June 28, 1988.

TRD-8806587 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: June 28, 1988

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

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Request for Proposal (RFP)

The Texas Department of Human Services (TDHS) is requesting proposals for Title IV-B contracts to provide evaluation and treatment services. TDHS Region 06 issues this request for proposals (RFP) for services to be provided in Bell and Coryell counties.

Description: Services to be purchased will be psychological testing; psychological/psychiatric evaluation; counseling/therapy, including individual, family and group counseling; court appearance; and case specific consultation.

Effective Date and Limitations: Contracts shall be effective October 1, 1988-August 31, 1990. The total projected allocation for purchase of these services is approximately \$165,000,000. The final allocation is contingent on the availability of funds. More than one contract may be awarded as a result of this RFP. RFP packets will be available July 1, 1988.

Contact Person: The contact person to request a packet or inquire about the RFP is Jim Caruthers, Program Manager, Texas Department of Human Services, P.O. Box 15995 (016-1), Austin, Texas 78761, (512) 835-2350.

Offeror's Conference: An offeror's conference will be held at 10 a.m., on July 14, 1988, at the W.S. Young Community Center, W.S. Young Boulevard at Business Highway 190, Killeen.

Closing Date: Closing date for receipt of offers will be July 29, 1988.

Selection: Scoring and ranking of proposals will be based upon availability of services, client flow/time frames, cost, staff qualifications, and examples of work.

Issued in Austin, Texas on June 28, 1988.

TRD-8806586 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: June 28, 1988

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

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The Texas Department of Human Services (TDHS) is requesting proposals for Title IV-B contracts to provide protective homemaker services.

Description: TDHS Region 06 issues this request for proposals (RFP) for the following areas: Area A: Brazos, Burleson, Grimes, Leon, Madison, Robertson, and Washington counties; Area B: Bastrop, Fayette, and Lee counties; Area C: Blanco, Caldwell, and Hays counties; and Area D: Falls, Hill, and McLennan counties. Proposals for Areas B and C may be for one or more counties. Proposals for Areas A and D must be for all counties in the area. Services to be purchased will be protective homemaker services, including modeling or teaching of home management, child care, and utilization of available resources.

Effective Date and Limitations: Contracts shall be effective October 1, 1988-September 30, 1989. The total projected allocation for purchase of these services is approximately \$120,000, divided as follows: Area A, \$60,000; Area B, \$10,000; Area C, \$10,000; and Area D, \$40,000. The final allocation is contingent on the availability of funds. More than one contract may be awarded in a catchment area as a result of this RFP. RFP packets will be available July 1, 1988.

Contact Person: The contact person to request a packet or inquire about the RFP is Patricia Arbuckle, Contract Specialist, Texas Department of Human Services, P.O. Box 191, Bryan, Texas 77806, (409) 823-0921.

Offeror's Conference: An offeror's conference will be held at 10 a.m., on July 15, 1988, Room 353, at the Texas Department of Human Services, 7901 Cameron Road, Building #2, Austin, Texas 78753.

Closing Date: Closing date for receipt of offers will be August 5, 1988.

Selection: Scoring and ranking will be based upon program operations, cost, staff qualifications, and organization.

Issued in Austin, Texas on June 28, 1988.

TRD-8806585 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: June 28, 1988

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

Legislative Budget Board Joint Budget Hearing Schedule

The Joint Budget Hearing Schedule concerning appropriations requests for the 1990-1991 Biennium for the period of July 4, 1988, to July 8, 1988, is as follows: Board of Dental Examiners, July 18, 1988, 9 a.m., Room 102, John H. Reagan Building, Austin.

Please confirm above dates, times, and locations in the event you plan to attend a hearing, since experience has shown that some rescheduling always occurs.

Issued in Austin, Texas on June 28, 1988.

TRD-8806565 Larry Kopp
Assistant Director for Budgets
Legislative Budget Office

Filed: June 28, 1988

For further information, please call (512) 463-1200



Texas Water Commission Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of June 20-24, 1988.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7905.

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

Quanex Corporation, Rosenberg; treatment system; adjacent to and on the west side of Scott Road, at the United States Highway 59/Scott Road intersection, approximately three miles west of the City of Rosenberg, Fort Bend County; 01237; amendment

City of Longview; wastewater treatment facilities; approximately two miles southwest of the City of Longview and approximately 2,500 feet west of the intersection of Grace Creek with FM Road 1845 in Gregg County; 10589-02; amendment

Matagorda County WCID Number 6, Van Vleck; wastewater treatment facilities; approximately 3,000 feet east of the intersection of State Highway 35 and FM Road 2540 in Matagorda County; 10663-01; amendment

Brazoria County Municipal Utility District Number 2, Houston; wastewater treatment facilities; approximately 3,800 feet south of FM Road 3334 and approximately 1.9 miles east of State Highway 288 in Brazoria County; 12705-01; renewal

Socorro Independent School District, El Paso; wastewater treatment facilities; approximately three miles northwest of the intersection of FM Roads 76 and 110 on the campus of the Robert Rojas Elementary School in the City of Socorro, El Paso County; 13437-01; new

United States Department of the Air Force, Wichita Falls; wastewater treatment facilities; located approximately 1,500 feet southeast of the intersection of Anderson Drive and Nehis Boulevard; approximately 3,500 feet north of the intersection of State Highway 240 and FM Road 890 in Wichita County; 12511-01; renewal

Areaco Investment Company, doing business as Log Cabin Estates Water Company, Malakoff; wastewater treatment plant; approximately 1,700 feet north of FM Road 3054 and approximately 1,600 feet east of FM Road 90 in Henderson County; 12776-01; renewal

City of Katy; wastewater treatment facilities; located at 25839 Interstate Highway 10, on the east bank of Cane Island Branch of Buffalo Bayou, 1,000 feet south of Interstate Highway 10 in the City of Katy in Fort Bend County; 10706-01; renewal

Thomas Gartner, The Woodlands; wastewater treatment facilities; located approximately 800 feet north of the County Road 128 and approximately 2,000 feet east of County Road 143 in Brazoria County; 12697-01; renewal

Evans Cooperage of Houston, Inc., Houston; drum reconditioning and drum filling plant; located at 10521 Sheldon Road in the City of Houston, Harris County; 02602; renewal

Brazoria County Fresh Water Supply District Number 1, Damon; wastewater treatment plant Number 2; on the east side of State Highway 36, approximately 1, 100 feet southeast of the intersection of FM Road 1462 and State Highway 36, northeast of the City of Damon, Brazoria County; 11130-01; amendment

Hi-Low Feeders, Inc., doing business as Neway Pork Company, Dumas; swine operation; approximately five miles southwest of the City of Dumas and just east of FM Road 722 in Moore County; 03002; new

Clint Independent School District, Clint; treatment facility; approximately one mile east-southeast of the intersection of United States Highway 62/180 and FM Road 659 on the campus of Clint High School in El Paso County; 13441-01; new

Knolle Cattle Company, Sandia; flushwater system; approximately 3 1/2 miles east-southeast of the intersection of State Highway 359 and County Road 360 and 500 feet south of County Road 360 in Jim Wells County; 03009; new

John Van De Laar, Mount Pleasant; dairy operation; approximately 0.5 mile south of the intersection of State Highway 67 and FM Market Road 1000 and just west of FM Road 1000 in Titus County; 03019; new

City of Crockett; wastewater treatment plant; approximately 3,000 feet south of the intersection of United States Highway 287 and State Highway Loop 304 in southeast Crockett, Houston County; 10154-02; amendment

Issued in Austin, Texas, on June 24, 1988.

TRD-8806555 Karen A. Phillip
 Chief Clerk
 Texas Water Commission

Filed: June 27, 1988

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

