

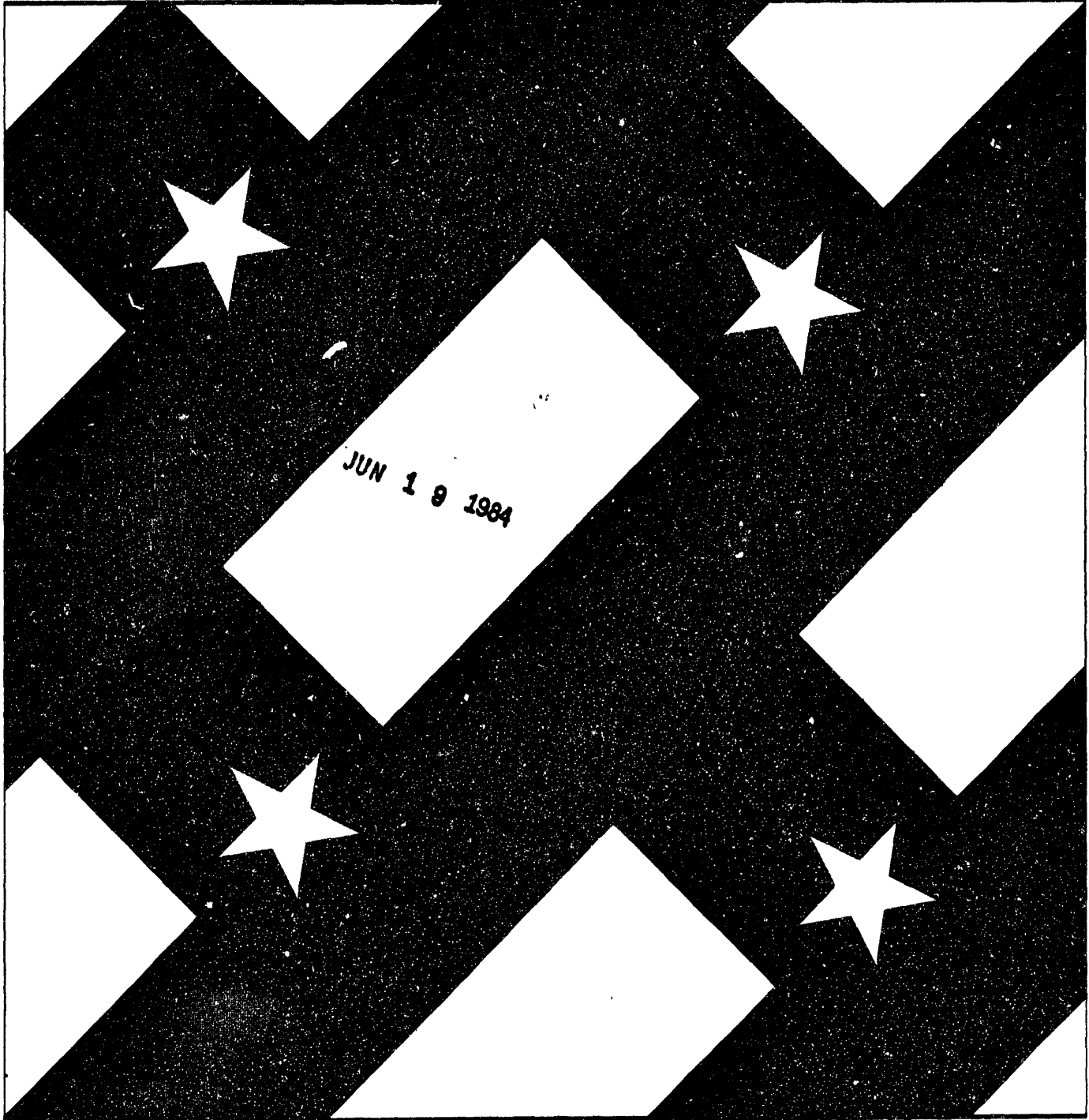
500.6
.63
4

FILE COPY

Texas Register

Volume 9, Number 44, June 12, 1984

Pages 3143 - 3202



Highlights

The Credit Union Department proposes amendments and new sections in a chapter concerning chartering, operations, mergers, and liquidations. Earliest possible date of adoption - July 13 page 3147

The Texas National Guard Armory Board

proposes amendments in a chapter concerning building construction administration Earliest possible date of adoption - July 13 page 3152

The Texas Department of Labor and Standards adopts new sections in a chapter concerning the Manufactured Housing Division. Effective date - June 22 page 3162

**Office of
the Secretary
of State**

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas, and additional entry offices.

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

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes monthly, 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: "9 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 TexReg 3."

How To Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number

Texas Administrative Code

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

How To Cite: Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

1 indicates the title under which the agency appears in the *Texas Administrative Code*;

TAC stands for the *Texas Administrative Code*,

27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-475-7886

John W. Fainter, Jr.
Secretary of State

Director
Susan Johnson
Deputy Director
Dave Harrell

Documents Section Coordinator
Jane Hooks
Document Editors
Cynthia Cooke, Phyllis Smith
Open Meetings Specialist
Roberta Knight

Production Section Coordinator
Sue Bumpous
Production Editors
Richard Salinas, Kathy Kincade
Typographers
Virginia J. Gregory,
Gale Hathcock-Inman

Circulation Section Coordinator
Dee Wright
Circulation Assistant
Kristine Hopkins Mohajer

TAC Editors
Richard Kallus,
Christine K. Schulze

Assistant to the Director
Donna A. Matkin
Administrative Assistant
Jeff Richardson

Subscriptions — one year (96 regular issues and four index issues), \$70; six months (48 regular issues and two index issues), \$50. Single copies of most issues of the *Texas Register* are available at \$2.00 per copy.

Contents

The Attorney General

Open Records Decisions

3146 ORD-413 (RQ-291)

3146 ORD-414 (RQ-313)

Proposed Rules

Credit Union Department

3147 Chartering, Operations, Mergers,
Liquidations

Texas Education Agency

3151 Instructional Resources

Texas Parks and Wildlife Department

3152 Parks

Texas National Guard Armory Board

3152 Building Construction Administration

Withdrawn Rules

Texas Department of Health

3154 Emergency Medical Care

General Land Office

3154 Energy Resources

Adopted Rules

Credit Union Department

3155 Administrative Proceedings

Texas Department of Labor and Standards

3162 Manufactured Housing Division

Texas Education Agency

3183 School Districts

3183 Comprehensive Instruction

3184 Instructional Resources

3185 Instructional Development

3186 Planning and Accreditation

Texas Real Estate Commission

3189 Provisions of the Real Estate License Act

Texas Department of Human Resources

3190 Purchased Social Services

Open Meetings

3191 Texas Department of Agriculture

3191 Texas Air Control Board

3191 Texas Cosmetology Commission

3191 Texas Conservation Foundation

3192 Texas Commission for the Deaf

3192 Texas State Board of Dental Examiners

3192 Texas Education Agency

3192 Texas Employment Commission

3192 Commission on Fire Protection Personnel
Standards and Education

3193 Office of the Governor

3193 Texas Department of Health

3193 Texas Health Facilities Commission

3193 Task Force on Indigent Health Care

3193 Texas Legislative Council

3193 Texas Merit System Council

3193 Board of Nurse Examiners

3194 Texas Optometry Board

3194 Board of Pardons and Paroles

3194 Texas State Board of Pharmacy

3194 Texas State Board of Podiatry Examiners

3194 Public Utility Commission of Texas

3194 State Seed and Plant Board

3194 Texas Surplus Property Agency

3195 Texas Water Commission

3196 Regional Agencies

In Addition

Texas Air Control Board

3197 Applications for Construction Permits

Banking Department of Texas

3197 Application to Acquire Control of a State
Bank

Texas Health Facilities Commission

3198 Application Accepted for Amendment,
Declaratory Ruling, and Notice of
Intent

State Department of Highways and Public Transportation

3198 Consultant Contract Award

Texas Department of Human Resources

3198 Consultant Proposal Request

Lower Colorado River Authority

3199 Highland Lakes Marina Ordinance

Office of the Secretary of State

3199 Texas Register Schedule Variation

Texas Southern University

3199 Consultant Contract Award

Texas State Treasury Department

3200 Consultant Contract Award

Texas Water Commission

3200 Applications for Waste Disposal Permits

The Attorney General

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

Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.



Open Records Decisions

ORD-413 (RQ-291). Request from D. V. McKaskle, acting director, Texas Department of Corrections, Huntsville, concerning whether a sketch showing prison security measures for a future execution is available to the public under the Open Records Act.

Summary of Decision. A sketch showing prison security measures for a future execution is excepted from disclosure under the Open Records Act, §3(a)(8).

TRD-846137

ORD-414 RQ-313. Request from Ron Patterson, executive director, State Property Tax Board, Austin, concerning whether confidential information obtained pursuant to the Education Code, §11.87, is also confidential for purposes of the Tax Code, §5.10.

Summary of Opinion. Information held by the State Property Tax Board pursuant to a confidentiality agreement obtained in the course of conducting a school district valuation study under the Education Code, §11.87, remains confidential even when the board uses such information to conduct a ratio study of appraisal districts under the Tax Code, §5.10.

TRD-846138

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

The proposal, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government and small businesses; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority); the text of the proposed action; and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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

Proposed Rules

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department Chapter 91. Chartering, Operations, Mergers, Liquidations

Definitions

7 TAC §91.2

The Credit Union Department proposes new §91.2, concerning the interpretations of provisions of the Texas Credit Union Act. The purpose of this new section is to provide an interpretation by the commission of what constitutes the appropriate types of fields of membership in credit unions authorized to do business under the Act consistent with the purposes of the Act set forth in §1.05 and consistent with the provisions of the Act, §4.03, to ensure parity between credit unions authorized to do business under the Act and federal credit unions. This new section is proposed pursuant to the authority granted to the commission by the Act, §4.03 and §11.07(a).

John P. Parsons, credit union commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local governments or small businesses as a result of enforcing or administering the rule.

Mr. Parsons also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a uniform interpretation of what constitutes the appropriate types of fields of membership for state-chartered credit unions. There is no an-

anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752.

This new section is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

§91.2. Interpretations. The following interpretations of provisions of the Texas Credit Union Act shall be applied uniformly in all instances to which they relate. One of the stated purposes of the Act is to delegate rule-making and discretionary authority to the commission in order to assure that credit unions operating under the Act may be sufficiently flexible and readily responsive to changes in economic conditions and practices within the credit union industry. Furthermore, the Act, §4.03, vests in the commission the power to authorize credit unions doing business under the Act to engage in any activity in which such a credit union could engage or exercise any power which it could exercise were it a federal credit union. The expanding economic conditions prevalent in Texas today and the greater demands placed upon credit unions for financial services brought about by increased diversification in the services and products offered to the public by all financial institutions and by many nonfinancial institutions support greater flexibility and a broader interpretation of what may constitute the field of membership of credit unions than may have been the case in the past. Evidence of this is indicated by the broader interpretations placed upon fields of membership applicable to federal credit unions by the National

Credit Union Administration. Therefore, in response to the broader economic demands placed upon credit unions and to the increased flexibility now afforded federal credit unions in defining fields of membership, the commission has determined that the Act, §3.01, defines membership in credit unions to include individuals and other persons, including groups of persons consisting of incorporated or unincorporated organizations which share communities of interest based upon occupation, association, or residence. The commissioner is hereby authorized to approve fields of membership for credit unions organized under the Act or changes in fields of membership for credit unions authorized to do business under the Act consistent with the interpretation of §3.01 as set forth herein.

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 June 4, 1984

TRD-846087 John P. Parsons
 Commissioner
 Credit Union Department

Earliest possible date of adoption
July 13, 1984

For further information, please call (512) 837-9236.

Membership

7 TAC §91.302

The Credit Union Department proposes new §91.302, concerning the use of mail ballots by credit unions for the election of their officials.

John P. Parsons, credit union commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Parsons also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that credit union members who are unable to attend annual meetings when officials are normally elected can, through the mail ballot system, participate in the election process, thereby providing them a greater influence in the management of their credit unions. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752.

This new section is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

§91.302. *Mail Ballots.*

(a) A credit union subject to the Texas Credit Union Act and these rules may conduct voting by mail ballot by amending §3.03(c) and §3.03(d) of their bylaws,

in accordance with the Texas Credit Union Act and this rule.

(b) The commissioner shall develop guidelines for mail balloting, insuring fair and equitable opportunity for any qualified member to seek office, including a provision for nomination by petition, and providing for appropriate notice and information to all members.

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 June 4, 1984

TRD-846088 John P. Parsons
 Commissioner
 Credit Union Department

Earliest possible date of adoption
July 13, 1984

For further information, please call (512) 837-9236.

Powers of Credit Unions

7 TAC §91.407

The Credit Union Department proposes new §91.407, which regulates the sale of securities by credit unions.

John P. Parsons, credit union commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local governments or small businesses as a result of enforcing or administering the rule.

Mr. Parsons also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the sale of securities by credit unions will be closely scrutinized by the Credit Union Department to insure that the security complies with the laws, the boards of directors of the involved credit unions approve of the sale of such securities, and the sale is not fraudulent or deceiving. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699

This new section is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

§91.407. *Securities Regulation.*

(a) For the purpose of this rule "security" or "securities" shall include any share; stock; treasury stock; stock certificate under a voting trust agreement; collateral trust certificate; equipment trust certificate; pre-organization certificate or receipt; subscription or reorganization certificate; any note, bond, debenture, mortgage certificate, or other evidence of indebtedness not sold, offered, or offered for sale in the ordinary course of business by a credit union; any certificate in or under a profit sharing or participation agreement; certificate or any instrument representing any interest in or under an oil, gas,

or mineral lease, fee, or title; or any certificate or instrument representing or secured by an interest in any or all of the capital, property, assets, profits, or earnings of any company or person, investment contract, or any other instrument commonly known as a security, whether similar to those herein referred to or not; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing, except that a "security" or "securities" shall not include any form of, or interest in, a share or deposit account of a member or members of a credit union which account is insured by the Texas Share Guaranty Credit Union, the national credit union share insurance fund, or other source of share and deposit insurance protection approved by the commission or any instrument representing any such interest. "Sale," or "offer to sale" or "sell" shall include every disposition, or attempt to dispose of a security for value. The term "sale" means and includes contracts and agreements whereby securities are sold, traded, or exchanged for money, property, or other things of value, or any transfer or agreement to transfer, in trust or otherwise. Any security given or delivered with or as a bonus on account of any purchase of securities or other thing of value, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. The term "sell" means any act by which a sale is made, and the term "sale" or "offer for sale" shall include a subscription, an option for sale, a solicitation of sale, a solicitation of an offer to buy, an attempt to sell, or an offer to sell, directly or by an agent or salesman, by a circular, letter, or advertisement, or otherwise, including the deposit in a United States Post Office or mail box or in any manner in the United States mails within this state of a letter, circular, or other advertising matter. Nothing herein shall limit or diminish the full meaning of the term "sale," "sell," or "offer for sale" as used by or accepted in courts of law or equity.

(b) There shall be no issue, sale, or offer for sale of any security by any credit union or its agents or employees, unless the issue, sale, or offer for sale of any such security shall have been declared effective by the commissioner. The commissioner may declare the issue, sale, or offer for sale of a security effective when the requirements of this regulation have been complied with.

(c) No credit union shall engage directly or indirectly in the issue, sale, or offer for sale of any security, or act as agent for its members and depositors in the issuance, sale, or offer for sale of any security, unless such issuance, sale, or offer for sale has first been declared effective by the commissioner. Prior to the issuance, sale, or offer for sale of any security, a credit union shall furnish to the commissioner the following:

(1) an opinion of counsel, licensed to practice law in this state, that the security and its issuance, sale, or offer for sale, complies with all applicable state and federal laws and regulations;

(2) a true and correct complete copy of all offering and solicitation documents used, directly or indirectly, in connection with the issue, sale or offer for sale of the security;

(3) a certified resolution of the board of directors of the credit union approving the issue, sale, or offer for sale of the security; and

(4) any other information which the commissioner deems necessary.

(d) In any issue, sale, offer for sale, or purchase of any security, exempt or not exempt from this regulation, no person, directly or indirectly, shall:

(1) employ any device, scheme, or artifice to defraud;

(2) make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or

(3) engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person

(e) No person who is an officer, director, or employee of a credit union shall engage directly or indirectly, for or on behalf of the credit union or in connection with the business of the credit union in the issuance, sale, or offer for sale of a security, unless that person has:

(1) been authorized to engage in such activities by a certified resolution of the board of directors; and

(2) has been an officer, director, or employee of the credit union and a resident of this state for at least one year prior to engaging in any such activity.

(f) No person who is not an officer, director, or employee of a credit union shall act, directly or indirectly, as the agent for or on behalf of the credit union or in connection with the business of the credit union in the issuance, sale, or offer for sale of a security, unless that person is a registered dealer or is registered as a salesman or agent of a registered dealer under the provisions of The Securities Act, as amended, (Texas Civil Statutes, Article 581-1, *et seq.*)

(g) If it appears to the commissioner at any time that the credit union or any person acting, directly or indirectly, for or on behalf of the credit union or in connection with the business of the credit union is failing to comply with the provisions of this regulation or that any materials used in connection with the issue, offer, or offer for sale of any security by such credit union or any such person are incomplete or inaccurate in any material respect, the commissioner may declare the issue, sale, or offer for sale of such security ineffective until the provisions of this regulation are complied with and, as the case may be, a materially complete and accurate amendment of any such material is filed with the commissioner and substituted for and utilized in connection with such sale, issuance, or offer for sale of any such security. Nothing herein contained shall be construed to limit or restrict in any way any of the other powers or authority of the commissioner.

(h) Within ten days after the termination of an issuance, sale, or offer for sale of any security pursuant to the provisions of these regulations, the credit union shall file a report with the commissioner describing the issuance or sale of the securities which shall include:

(1) the name and address of the issuer;

(2) a description of the securities sold, including the title, number, aggregate and per-unit offering price of the securities sold;

(3) the aggregate and pre-unit dollar amounts of actual itemized expenses, discounts or commissions, and other fees incurred in connection with the sale or issuance of the securities;

(4) the aggregate and per-unit dollar amounts of the net proceeds raised; and

(5) the number of purchasers of each class of securities sold and the number of beneficial owners of each class of the issuer's securities at the termination of the sale or issuance.

(i) The commissioner may waive any of the requirements of subsections (b) and (c) of this section, or any required information or documentation

(1) determined by the commissioner to be unnecessary;

(2) in connection with any offering which is exempt from registration under the Securities Act of 1933 (15 United States Code 77a-77aa) by reason of an exemption other than the Securities Act, §3(a)(5);

(3) in connection with the supervisory liquidation, merger, consolidation or chartering of a credit union; or

(4) where any provision of this regulation conflicts with the requirements of applicable federal law

(j) The commissioner may, from time to time, prepare and publish a list of securities, the issuance, sale, or offer for sale of which shall be exempt from the provisions of subsections (b), (c), or (e)-(h) of this section.

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 June 1, 1984

TRD-846089 John P. Parsons
 Commissioner
 Credit Union Department

Earliest possible date of adoption
July 13, 1984

For further information, please call (512) 837-9236.

Direction of Affairs

7 TAC §91.508

The Credit Union Department proposes new §91 508, concerning the financial and accounting procedures which must be used by state-chartered credit unions and the periodic reporting of this financial data.

John P. Parsons, credit union commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule

Mr. Parsons also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that every state-chartered credit union will be using the same financial and accounting procedure, which will standardize records and the retention of these records. This will provide a more positive audit trail of members' records through a standardized financial management system. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752.

The new section is proposed under Texas Civil Statutes, Article 2461, §11 07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same

§91.508 *Financial Accounting and Reporting.*

(a) Each credit union subject to the provisions of the Texas Credit Union Act shall maintain financial and accounting records in accordance with generally accepted accounting principles for the credit union industry

(b) As of the effective date of this rule as finally adopted, the official accounting principles for credit unions subject to this rule shall be the *Standardized Accounting Manual for State-Chartered Credit Unions* developed and adopted by the National Association of State Credit Union Supervisors, which is hereby adopted by reference and may be seen at the Credit Union Department, 914 East Anderson Lane, Austin

(c) Commencing on or before January 1, 1985, each credit union subject to this rule will conform their accounting systems to the standardized accounting procedures and shall have completed the conversion process by December 31, 1985, unless an extension of time is granted, in writing, by the commissioner.

(d) The annual report of financial condition required by the Texas Credit Union Act, §2 09, shall be submitted on the standard call report for credit unions developed and adopted jointly by the National Association of State Credit Union Supervisors and the National Credit Union Administration. The commissioner may require additional information and/or separate call reports on a regular basis or as he deems appropriate to judiciously carry out the responsibilities of the department. Such additional reports may be required of a single credit union or of a group of credit unions, or for all credit unions, as determined by the commissioner. The commissioner shall keep reports to the minimum in order to avoid undue burden to credit unions.

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 June 4, 1984

TRD-846090 John P. Parsons
 Commissioner
 Credit Union Department

Earliest possible date of adoption
July 13, 1984

For further information, please call (512) 837-9236.

Investments

7 TAC §91.801

The Credit Union Department proposes amendments to §91 801, authorizing investments in credit union service organizations (CUSO). The amendments clarify

the ownership restrictions of CUSOs by credit unions and the investment in, or acquisition of control of CUSOs by officers, directors, committee members or employees of a credit union or members of their immediate families when such credit union has an ownership interest in the CUSO

John P. Parsons, credit union commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule

Mr. Parsons also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is regulation by the commissioner of investments by credit unions and their officers, directors, committee members and staff, and members of their immediate families in specific credit union service organizations in which the credit unions have ownership interest, to negate possible conflicts of interest. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752

These amendments are proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

§91.801. Investments in CUSOs.

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

(c) No credit union may [invest in or exercise or] acquire **an ownership interest in a CUSO** if [control of any credit union service organizations in which] any officer, director, committee member, or employee of such credit union or any member of the immediate family of such persons **owns stock of**, [controls] or acts as a general or limited partner, joint venturer, or trustee of [in] such credit union service organization

(d) No officer, director, committee member, or employee of a credit union or any member of the immediate family of such persons shall invest in, [acquire control of,] or act as a **general or limited partner or joint venturer** in a CUSO in which such credit union has an ownership interest.

(e) (No change)

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

Issued in Austin, Texas, on June 4, 1984

TRD-846091 John P. Parsons
 Commissioner
 Credit Union Department

Earliest possible date of adoption
July 13, 1984

For further information, please call (512) 837-9236

**TITLE 19. EDUCATION
Part II. Texas Education Agency
Chapter 81. Instructional Resources
Subchapter D. State Textbook Program
State Adoption, Acquisition, and
Custody of Textbooks**

19 TAC §81.111

The Texas Education Agency proposes an amendment to §81.111, concerning meetings, compensatory per diem, and expenses of the State Textbook Committee. As a result of Attorney General Opinion JM-152, the proposed amendment to §81.111 deletes the \$75 limit on expenses of the committee

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government for the first five-year period the rule will be in effect is an estimated additional cost of \$2,700 each year from 1985-1989. This cost is calculated based on 27 committee members and three meetings per year for a total of 10 nights at an additional cost of \$10 per member per night. There is no estimated effect on local government or small businesses

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the rule will not be in conflict with the Texas Education Code Section 12.11(f). There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*

This amendment is proposed under the authority of the Texas Education Code, Section 12.11(f), which provides that the State Textbook Committee shall receive compensatory per diem and shall be reimbursed for expenses as provided by rules adopted by the State Board of Education

§81.111 Meetings, Compensatory Per Diem, and Expenses.

(a)-(b) (No change)

(c) Expenses

(1) Committee members shall be reimbursed for expenses incurred in attending official meetings of the State Textbook Committee, including hearings held by the committee. Reimbursement for room and board shall

be for actual expenses [not to exceed \$75 per day]. Reimbursement for travel shall be in accordance with the same guidelines applicable to reimbursement for State Board of Education members

(2)-(3) (No change)

(d) (No change)

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

Issued in Austin, Texas, on June 1, 1984

TRD-846149 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption

September 8, 1984

For further information, please call (512) 475-7077.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 59. Parks

Sea Rim State Park Hunting, Fishing, and Trapping Proclamation

31 TAC §59.211

The Texas Parks and Wildlife Commission proposes amendments to §59.211, concerning open seasons and bag limits for migratory birds. The proposed amendments authorize the executive director to set the days for taking wildlife within the open seasons and provides the public a greater opportunity for recreational hunting at the four public hunting areas in Jefferson County by giving greater flexibility for determining hunting days

Robert C. Hauser, park operations chief, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule

Mr. Hauser also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the opportunity for optimum utilization of wildlife resources of the state based upon acknowledged wildlife management principles. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Comments on the proposal may be submitted to Bill M. Collins, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4892

The amendments are proposed under the Texas Parks and Wildlife Code, Chapter 62, Subchapter D, which provides the Texas Parks and Wildlife Commission with the authority to regulate wildlife resources in state parks

§59.211. *Open Seasons and Bag Limits: Migratory Birds.*

(a) (No change.)

(b) The open season for migratory birds will be from 30 minutes before sunrise to noon [on each Wednesday, Friday, and Sunday] during seasons [a time period] which are [is] designated by the late season migratory game bird proclamation [by the Texas Parks and Wildlife Commission as the current open season] for [migratory birds in] Jefferson County. Specific days for taking wildlife resources within the open season are as designated by the executive director in accordance with sound conservation practices.

(c) (No change.)

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

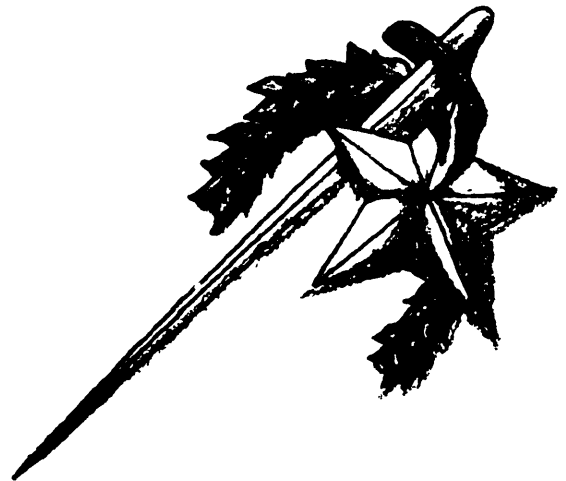
Issued in Austin, Texas, on June 5, 1984.

TRD-846128 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Earliest possible date of adoption:

July 13, 1984

For further information, please call (512) 479-4892



TITLE 37. PUBLIC SAFETY AND CORRECTION

Part XI. Texas National Guard Armory Board

Chapter 375. Building Construction Administration

37 TAC §375.4, §375.5

The Texas National Guard Armory Board proposes amendments to §375.4 and §375.5, concerning meaning of the term architect/engineer and formation of a selection committee to be charged with the

responsibility of selecting the architect/engineer for any specific project. The first amendment expands the definition of the term to include pertinent statutory provisions and explains the contexts in which the term may be used. The second amendment places on the director the responsibility of forming a selection committee and authorizes utilization of employees of The Adjutant General's Department and other knowledgeable persons

Mary Joe Carroll, attorney, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Donald J Kerr, executive director, has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is provision of more specific information with regard to the work and selection of a project architect/engineer. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Donald J Kerr, Executive Director, Texas National Guard Armory Board, P O Box 5218, Austin, Texas 78763

The amendments are proposed under Texas Civil Statutes, Article 5931-5(a)(5)-(9), which provide the Texas National Guard Armory Board with the authority to construct, repair, and maintain buildings for use by the Texas National Guard and other state and federal military purposes.

§375.4 Qualification of Architect/Engineer (A/E) for Professional Services

(a) For the purpose of this chapter, an **architect/engineer means [A/E is] a person registered as an architect pursuant to Chapter 478, Acts of 45th Legislature, regular session, 1937, as amended (codified as Texas Civil Statutes, Article 249a) and/or a person registered as a professional engineer pursuant to Chapter 404, Acts of the 45th Legislature, regular session, 1937, as amended (codified as Texas Civil Statutes, Article 3271a), employed to pro-**

vide professional architectural and/or engineering services and having overall responsibility for the design of a project. The term "architect/engineer" standing by itself may, unless the context clearly indicates otherwise, mean either an architect/engineer employed by the board on a salary basis or an architect/engineer in private practice retained under a contractual agreement with the board. The term "private architect/engineer" shall specifically refer to a registered architect or registered professional engineer in private practice retained by the board under a contractual agreement [who fulfills the qualifications set out in Texas Civil Statutes, Article 601b, §5.12(9)].

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

§375.5. Selection of Architect/Engineer for Professional Services. When funds are made available to the board for a construction project, the following procedures shall be followed:

(1) **The director will form a selection committee [will be formed consisting of the director and] using the agency facility engineer and other agency employees who are [the most] knowledgeable [staff members] concerning the nature, scope, [and,] project location, [of the project.] and who have an understanding of state or federal facility design, engineering, and/or contracting procedures. From time to time the director may, with the concurrence of the adjutant general of Texas, utilize available employees of The Adjutant General's Department or active members of the Texas National Guard to serve as members of such selection committees.**

(2)-(10) (No change.)

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

Issued in Austin, Texas, on June 5, 1984

TRD-846154

Donald J Kerr
Executive Director
Texas National Guard Armory
Board

Earliest possible date of adoption

July 13, 1984

For further information, please call (512) 451-6143
or 451-6394

Withdrawn Rules

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is generally effective immediately upon filing.

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

TITLE 25. HEALTH SERVICES Part I. Texas Department of Health Chapter 157. Emergency Medical Care

Emergency Medical Services

25 TAC §§157.61-157.75

The Texas Department of Health has withdrawn from consideration emergency new §§157.61-157.75, concerning emergency medical care. The text of the emergency new sections as adopted appeared in the March 23, 1984, issue of the *Texas Register* (9 Tex-Reg 1669)

Issued in Austin, Texas, on May 14, 1984

TRD-846147 Dan LaFleur
Liaison Officer
Texas Department of Health

Filed June 5, 1984
For further information, please call (512) 458-7236.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 3. Energy Resources

Payment of Royalties; Filing of Reports; Failure to Pay; Penalties and Forfeiture

31 TAC §3.10

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91 24(b), the proposed amendments to §3 10 submitted by the General Land Office has been automatically withdrawn, effective June 5, 1984. The amendments appeared in the December 2, 1983, issue of the *Texas Register* (8 TexReg 4978)

TRD-846127
Filed June 5, 1984

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

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which: explain the legal justification for the rule; how the rule will function; contain comments received on the proposal; list parties submitting comments for and against the rule; explain why the agency disagreed with suggested changes; and contain the agency's interpretation of the statute under which the rule was adopted.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

Adopted Rules

TITLE 7. BANKING AND SECURITIES Part VI. Credit Union Department Chapter 93. Administrative Proceedings Common Terms

7 TAC §93.1

The Credit Union Department adopts amendments to §93.1, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1402).

The amendments establish the definitions of specific terms as used throughout Chapter 93 and thereby provides a common ground to all individuals for understanding and interpreting these rules as written.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984.

TRD-846092 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: June 25, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 837-9236.

General Rules

7 TAC §93.13

The Credit Union Department adopts an amendment to §93.13, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1402).

The amendment establishes when hearings shall be held by the commission or the commissioner, and how an aggrieved party can demand a hearing.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984

TRD-846093 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: June 25, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.17

The Credit Union Department adopts an amendment to §93.17, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1402).

The amendment establishes that the holding of a hearing, when proper notice is given, is permissible even though some or all parties to the hearing should fail to appear.

No comments were received regarding adoption of the amendment.

The amendments are adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984.

TRD-846094 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: June 25, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.20

The Credit Union Department adopts an amendment to §93.20, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1403).

The amendment provides for the taking of oaths and the receiving of testimony by an individual authorized to do so by the presiding officer.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984.

TRD-846095 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: June 25, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.42

The Credit Union Department adopts an amendment to §93.42, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1403).

The amendment provides the opportunity for hearings in contested cases when proper notice is given. The amendment also supplies specific requirements associated with hearings of contested cases by the Credit Union Department.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984.

TRD-846096 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: June 25, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.44

The Credit Union Department adopts an amendment to §93.44, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1403).

The amendment prohibits *ex parte* consultations as required by the Administrative Procedure and Texas Register Act.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984.

TRD-846097 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: June 25, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.46

The Credit Union Department adopts an amendment to §93.46, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1403).

The amendment standardizes the method to be used for the taking of depositions.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984.

TRD-846098 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: June 25, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.47

The Credit Union Department adopts amendments to §93.47, with changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1404). The changes are made to references of rule numbers of the Texas Rules of Civil Procedure.

These amendments establish a standardized procedure for the service and scope of interrogatories, the procedure and time for such service, the number to be served, and the handling of objections thereto such service.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

§93.47. *Interrogatories to Parties.*

(a) Any time the agency has properly served notice of its intention to institute adjudicative proceedings in a contested case, any party may serve upon any other party written interrogatories, in accordance with Texas Rules of Civil Procedures, Rule 168, (Hereinafter, TRCP).

(b) Service of interrogatories and answers to interrogatories shall be in accordance with TRCP, Rule 168.

(c) The scope of the interrogatories shall be in accordance with TRCP, Rule 168. A party may be required in his or her answers to identify each person whom that party expects to call as an expert witness at hearing and to state the subject matter concerning which the expert is expected to testify.

(d) The procedure for and time for serving interrogatories shall be in accordance with TRCP, Rule 168.

(e) The number of interrogatories or of sets of interrogatories to be served is not limited except as justice requires to protect the party from annoyance, expense, embarrassment, or oppression. The provisions of TRCP, Rule 166b, are applicable for the protection of the party from whom answers to interrogatories are sought under

this rule. The interrogatories shall be answered in accordance with TRCP, Rule 168, and true copies of the interrogatories and any answers shall be served as provided by that rule. True copies of the interrogatories and answers shall also be promptly filed with the administrative support clerk or the hearing reporter. However, not more than four copies of any set of interrogatories or of answers shall be required to be furnished to parties, and if there be more than four parties, four copies of such interrogatories or of such answers shall be deposited with the administrative support clerk or hearings reporter, and in such case no copies shall be required to be served on the other parties or their attorneys as otherwise provided. The party filing such copies shall inform all parties or their attorneys of record that such copies have been deposited with the administrative support clerk or hearings reporter. The copies shall be delivered by the administrative support clerk or hearings reporter to the first four applicants entitled thereto. Such four copies so provided to be deposited with the administrative support clerk or hearings reporter are in addition to the one copy to be filed with the administrative support clerk or hearings reporter.

(f) Within 15 days after service of interrogatories, a party may serve written objections thereto together with a notice of hearing to consider the objections at the earliest practicable time. Answers to interrogatories to which objection is made shall be deferred until the objections are determined and for such additional time as the presiding officer may direct.

(g) If a party refuses to answer any interrogatory, the proponent of the question may, upon reasonable notice to all persons affected, apply to the presiding officer in which the action is pending for an order compelling an answer.

(h) If a party, except for good cause shown, fails to serve answers to interrogatories after service of such interrogatories, the presiding officer in which the cause is pending may, on motion and notice, make such orders as are just, including those permitted by TRCP, Rule 215.

(i) A party is under a duty to supplement answers to interrogatories in accordance with TRCP, Rule 168.

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 1, 1984.

TRD-846099 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: June 25, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.48

The Credit Union Department adopts an amendment to §93.48, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1404).

The amendment provides for the filing of a written request for admissions or of a sworn statement in reply thereto, and states the rule applying to their use.

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 2461, §11 07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same

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 1, 1984

TRD-846100 John P. Parsons
 Commissioner
 Credit Union Department

Effective date June 25, 1984
Proposal publication date March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.49

The Credit Union Department adopts an amendment to §93.49, with changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1404) The changes are made to correct references to the Texas Rules of Civil Procedure

The amendment provides for the issuance of subpoenas by the commission or commissioner, and establishes those procedures which may be followed if an individual fails to comply with such subpoena

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 2461, §11 07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same

§93.49. *Subpoenaing witnesses and materials.* The commission or commissioner shall issue a subpoena in accordance with the Act, §14. In the case of failure of a person to comply with a subpoena, the agency or the party requesting the subpoena, in addition to all other remedies provided by law, may apply to the presiding officer, after giving notice to all persons affected, for an order compelling compliance with the subpoena. If the order compelling compliance is granted and the presiding officer finds that the failure to comply was without substantial justification, the presiding officer may require the person failing to comply to pay to the person requesting the subpoena the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees. If the order compelling compliance is denied and the presiding officer finds that the failure to comply was substantially justified, the presiding officer may require the requesting party to pay to the person failing to comply the amount of reasonable expenses incurred in opposing the application for the order, including reasonable attorney's fees. If a person refuses to comply with the subpoena, after being directed to do so in the order

of the presiding officer, the presiding officer may make such orders regarding the matter as are just, and, among others, those permitted by the Texas Rules of Civil Procedure, Rule 215. The remedies provided herein are cumulative and may be asserted in conjunction with all other remedies provided by law and all of such remedies may be asserted without resort to the remedies provided herein, provided, however, that the assertion of any of the remedies provided herein or any other remedy provided by law shall not infringe, delay, impede, or prejudice the rights or obligations of the commissioner or the commission in enforcing the Texas Credit Union Act, any of the rules promulgated under the Texas Credit Union Act or any other provision of applicable law.

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 1, 1984

TRD-846101 John P. Parsons
 Commissioner
 Credit Union Department

Effective date June 25, 1984
Proposal publication date March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.55

The Credit Union Department adopts amendments to §93.55, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1405).

The amendments establish the Administrative Procedure and Texas Register Act as the governing document for the admission and exclusion of evidence.

No comments were received regarding adoption of the amendments

The amendments are adopted under Texas Civil Statutes, Article 2461, §11 07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time to amend the same

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 1, 1984

TRD-846102 John P. Parsons
 Commissioner
 Credit Union Department

Effective date June 25, 1984
Proposal publication date March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.60

The Credit Union Department adopts an amendment to §93.60, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1405).

The amendment establishes the legal authorities for a final decision

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984

TRD-846103 John P. Parsons
 Commissioner
 Credit Union Department

Effective date June 25, 1984
Proposal publication date March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.61

The Credit Union Department adopts an amendment to §93.61, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1405).

The amendment establishes the Administrative Procedure and Texas Register Act as the authority for filing a motion for a rehearing

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984

TRD-846104 John P. Parsons
 Commissioner
 Credit Union Department

Effective date June 25, 1984
Proposal publication date March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.62

The Credit Union Department adopts amendments to §93.62, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1405).

The amendments establish the Administrative Procedure and Texas Register Act as the authority for the contents of the record in a contested case, and pro-

vides for the transcribing of such case to include the allocation of this expense

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984.

TRD-846105 John P. Parsons
 Commissioner
 Credit Union Department

Effective date June 25, 1984
Proposal publication date March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.63

The Credit Union Department adopts amendments to §93.63, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1406).

The amendments provide for an appeal by an aggrieved party to the commission on a final decision or order of the commissioner in a contested case.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984

TRD-846106 John P. Parsons
 Commissioner
 Credit Union Department

Effective date June 25, 1984
Proposal publication date March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.64

The Credit Union Department adopts an amendment to §93.64, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1406).

The amendment establishes the Administrative Procedure and Texas Register Act as governing when the modification of time periods is desired by involved parties.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984

TRD-846107 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: June 25, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 837-9236.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984.

TRD-846109 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: June 25, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 837-9236.

Rule-Making Procedures

7 TAC §93.81

The Credit Union Department adopts amendments to §93.81, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1406).

The amendments establish those procedures followed by the Credit Union Department from the proposal of a rule, or its amendment, through its adoption, promulgation, and implementation.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984

TRD-846108 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: June 25, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 837-9236

7 TAC §93.82

The Credit Union Department adopts an amendment to §93.82, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1407).

The amendment establishes the Administrative Procedure and Texas Register Act as governing the effective date of adopted rules.

7 TAC §93.83

The Credit Union Department adopts an amendment to §93.83, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1407).

The amendment provides for petitioning the commission or the commissioner by any interested person requesting the adoption of a rule.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984

TRD-846110 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: June 25, 1984
Proposal publication date: March 9, 1984
For further information, please call (512) 837-9236.

The Commission

7 TAC §93.92

The Credit Union Department adopts amendments to §93.92, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1407).

The amendments establish the requirement for five of the commission's nine members to concur in any official act or decision, and be present to make a commission meeting official.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984

TRD-846111 John P. Parsons
 Commissioner
 Credit Union Department

Effective date. June 25, 1984
Proposal publication date. March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.93

The Credit Union Department adopts an amendment to §93.93, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1407).

The amendment establishes the method to be used to initiate proceedings before the commission, both appellate and original jurisdictions.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984

TRD-846112 John P. Parsons
 Commissioner
 Credit Union Department

Effective date. June 25, 1984
Proposal publication date. March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.94

The Credit Union Department adopts amendments to §93.94, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1407).

The amendments establish what material the commission may consider when reviewing a final decision or order of the commission.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984

TRD-846113 John P. Parsons
 Commissioner
 Credit Union Department

Effective date. June 25, 1984
Proposal publication date. March 9, 1984
For further information, please call (512) 837-9236.

The Commissioner

7 TAC §93.221

The Credit Union Department adopts amendments to §93.221, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1408).

The amendments establish the method to be used to initiate proceedings before the commissioner.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984.

TRD-846114 John P. Parsons
 Commissioner
 Credit Union Department

Effective date. June 25, 1984
Proposal publication date. March 9, 1984
For further information, please call (512) 837-9236.

7 TAC §93.222

The Credit Union Department adopts an amendment to §93.222, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1408).

The amendment establishes the maintenance of the commission's hearing docket and makes it available for public inspection.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union

Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

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 1, 1984

TRD-846115 John P. Parsons
 Commissioner
 Credit Union Department

Effective date June 25, 1984
Proposal publication date March 9, 1984
For further information, please call (512) 837-9236.

**TITLE 16. ECONOMIC
REGULATION
Part IV. Texas Department of
Labor and Standards
Chapter 69. Manufactured Housing
Division**

A notice appeared in the June 8, 1984, issue of the *Texas Register* indicating that the following adoptions submitted by the Texas Department of Labor and Standards would be serialized in this issue. The effective date of adoption for the documents is June 22, 1984.

Standards and Requirements
§§69 51-69 81
(new)

Mobile Home Installations
§§69 91-69 103, 69 105, 69.106
(repeal)

Modular Home Installations
§§69 141-69 161
(repeal)

Standards and Requirements

16 TAC §§69.51-69.81

The Texas Department of Labor and Standards adopts new §§69 51-69 56, 69 58-69.60, 69 62-69.64, 69.66, 69 69-69 72, 69 76-69 78, and 69.81, with changes to the proposed text published in the December 16 1983, issue of the *Texas Register* (8 TexReg 5235) Sections 69 57, 69 61, 69 65, 69 67, 69 68, 69.73-69 75, 69 79, and 69 80, are adopted without changes and will not be republished here

The Texas Department of Labor and Standards adopts new §§69.51-69 81 concerning standards and requirements. The following existing undesignated headings and respective sections have been repealed; statement of policy and interpretation, §§69 1-69.4; standards and requirements, §§69 11-69.15; practice and procedures, §§69 21-69 37, interpretations of

the Texas mobile homes standards, §§69.51-69.65; mobile home installations, §§69.91-69.103, 69.105, and 69.106; modular home installations, §§69.141-69.161, and general requirements, §§69.121-69.129. New §§69.51-69.81 and revisions to the rules and regulations promulgated pursuant to the Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, are necessitated by the amendments to the Act enacted by the 68th Legislature, 1983, in House Bill 897. Section 69 64, concerning Texas Mobile Home Code effective dates, is being moved to §69.1, concerning codes and standards

Changes made to the proposed sections are as follows:

- (1) Paragraph (6) was added to §69.51.
- (2) In the definition for "permanent foundation," §69.52(E), the correct engineering term is moment and not movement.
- (3) In §69.56(2)(A), the word "must" was inserted in place of "shall."
- (4) Section 69.58(b)(4) was reworded.
- (5) Section 69.58(b)(5)(G) now includes the phrase "or other evidence," which may be submitted to support an anchoring system's resistance to the effects of weathering
- (6) Section 69.58(b)(5)(H) was clarified by adding the term "testing laboratory."
- (7) The word "cases" was added in §69.59(3)(A) to correspond to §69.59(3)(B).
- (8) Section 69.62 was rewritten so that both mobile homes and HUD-Code manufactured homes are delineated and the section becomes mandatory for all mobile homes. HUD-Code manufactured home has been inserted throughout the adoption to distinguish between mobile homes and HUD-Code manufactured homes.
- (9) The term HUD-Code manufactured home was added to §69.62(1)(A).
- (10) Section 69 62(1)(B) was changed to correspond to §69.54 of this title, relating to mobile home requirements.
- (11) Section 69.62(3)(A) and (B) was edited.
- (12) The last sentence in §69.62(3)(c) was deleted. It was inconsistent with the title
- (13) In §69.63, the word "home" was deleted.
- (14) In §69.63(a)(1), the word "drawings" was added for clarification
- (15) In §69.63(2), the sections being referred to were clarified and the term "at failure" was added for clarification.
- (16) In §69.63(2)(A)(v), the word "increasing" was added for clarification purposes.
- (17) In §69.63(2)(C), the term "at least" was added for emphasis.
- (18) In §69.63(2)(C)(v), the word "increasing" was added for clarification.
- (19) In §69.63(2)(E)(v), an additional sentence was added for clarification.
- (20) In §69.63(2)(E)(vi), the word "increasing" was added for clarification.
- (21) In §69.63(2)(F), subclause (V) was added for clarification.

(22) In §69.63(2)(K)(v), an additional sentence was added for clarification.

(23) In §69.63(2)(P), the fifth sentence was rewritten for clarification.

(24) Section 69.64(d) was reworded to follow the federal rule.

(25) In §69.64(g), the introductory phrase was clarified.

(26) In §69.66(2), soil classification tests are to be submitted with the reports.

(27) Section 69.69(a) was rewritten to conform with a comment from the Texas Manufactured Housing Association

(28) In §69.69(c), the term "in the factory" was deleted as superfluous

(29) In §69.70, subsection (d) and subsection (e) were added for clarification of the 90-day period.

(30) Section 69.71 was reworded for clarification and to provide additional information. Two paragraphs were added to the section

(31) In §69.76(b)(1), three copies of the modular home design manual are to be provided instead of one.

(32) Section 69.76(b)(1)(B)(vi) was expanded to provide more detail.

(33) Section 69.76(b)(1)(B)(xi) and (xii), were rewritten and subclauses for (xii) were added for more detail.

(34) section 69.76(b)(2), requests three of the quality assurance manual instead of one, and additional information on decals, data plates, and insignias is requested.

(35) In §69.76(b)(3)(C), the word "telephone" was added for clarification.

(36) Section 69.76(b)(3)(I)(ii), (VI), and (VII), were misprinted in the proposal of the rule.

(37) In §69.77, the last sentence is deleted. This was a misprint in the proposal.

(38) Section 69.78 was reworded for clarification.

The revision of Chapter 69 provides better organization and does away with old and outdated rules which are no longer applicable to the manufactured housing industry in Texas. Section 69.38, concerning the registration of salespersons, which was adopted on an emergency basis in the September 2, 1983, issue of the *Texas Register* (8 TexReg 3377), will now be found in §69.125(9). The reorganization of Chapter 69 will provide a clearer understanding of Texas Civil Statutes, Article 5221f, and the applicable rules and regulations, will improve the style and structure of the chapter, clarify the provisions, and effect general editorial changes.

Comments were received on §§69.51, 69.64, 69.69, 69.71 and 69.78(c)(1) and (2). One commenter requested revising §69.51 by adding a subsection that, in the event a manufacturer of a HUD-Code manufactured home was out of business and the manufacturer's installation instructions were not available, that the home would be installed pursuant to the department's standards. A comment was received to adopt §69.64 as published. A comment was received to revise §69.64 so that the department could accept computer simulation to determine efficiency and capacity of air conditioners. A comment was received on

§69.69 to allow the modular decal to be affixed at the conclusion of the plant's construction and placed somewhere inside the modular components. A comment was received on §69.71 to modify the data plate requirements to accommodate information applicable to multifamily modular projects. A comment was received on §69.78(c)(1) and (2) to make it clear that the group of uniform or standard codes is intended, and that these model codes should be followed without amendment. A comment was received to reflect that the National Electrical Code, 1983 Edition, was being adopted.

The Texas Manufactured Housing Association submitted comments in favor of the rules with revisions to §§69.51, 69.69, 69.71, and 69.78. The Mortex Division of the Turell J. Small Company, Inc. submitted a comment on §69.64. The Texas Manufactured Housing Association submitted a comment against §69.78(C)(1) and (2)

The department disagrees with the comment received on §69.64. To the extent, that the U. S. Department of Energy accepts computer simulation to determine efficiency and capacity information on air conditioners, the adopted §69.64 will be consistent with such rules. The department's rules and regulations have to be consistent and mirror U. S. Department of Housing and Urban Development and U. S. Department of Energy rules and regulations. The department disagrees with the comment on §69.78(c)(1) and (2). The proposed §69.78(c)(1) and (2) already refers to a group of uniform or standard codes. The department agrees with the other comments received

The new rules are adopted under Texas Civil Statutes, Article 5221f, §9, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations, and take all action necessary to assure compliance with the intent and purpose of the Act.

§69.51. Mobile Home and HUD-Code Manufactured Home Installation Requirements. All mobile homes and HUD-Code manufactured homes are required to be installed as follows.

(1) All HUD-Code manufactured homes manufactured on or after June 15, 1976, shall be installed in accordance with the manufacturer's instructions. Manufacturers shall file with the department installation instructions approved by the manufacturer's design approval primary inspection agency and shall provide changes, modifications, and updates as they occur in order that each manufacturer's current installation instructions may be on file with the department.

(2) All mobile homes manufactured on or after March 20, 1974, and prior to June 15, 1976, shall be installed in accordance with:

(A) the standards approved and promulgated by the department; or

(B) the manufacturer's installation instructions as may be filed with the department.

(3) All mobile homes manufactured prior to March 20, 1974, shall be installed in accordance with the standards approved and promulgated by the department.

(4) Mobile homes and HUD-Code manufactured homes may be installed in conformance with a custom designed stabilization system drawing for a specific site that is stamped by a licensed professional engineer or architect. A copy of the custom designed stabilization system drawing must be forwarded to the department. A custom designed stabilization system may or may not meet the definition of a permanent foundation.

(5) All materials, anchoring devices, and components used for the installation of a home shall be in conformance with standards promulgated by the department

(6) In the event that the manufacturer of a HUD-Code manufactured home is out of business and the manufacturer's installation instructions are not available, the home may be installed pursuant to the standards approved and promulgated by the department.

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

Anchoring device—Any device which is attached to the mobile home or HUD-Code manufactured home, in any manner, and is designed to resist the horizontal and vertical forces imposed on the mobile home or HUD-Code manufactured home as a result of wind loading.

Anchoring equipment—Straps, cables, turnbuckles, and chains including tensioning devices, which are used with ties to secure a mobile home or HUD-Code manufactured home to anchoring devices or other approved devices.

Anchoring systems—Combination of ties, anchoring equipment, and anchoring devices that will, when properly designed and installed, resist overturning and lateral movement of the mobile home or HUD-Code manufactured home from wind forces.

Cap—A 1" × 8" × 16" and/or 2" × 8" × 16" wood plate(s) placed between the top of the pier and the bottom of the I-beam. Such cap(s) shall not be less than 1" (nominal), nor more than 2¼" (actual), total thickness.

Diagonal tie—A tie intended to primarily resist horizontal or shear forces and which secondarily resists vertical, uplift, and overturning forces as a result of wind loading.

Footing—That portion of the support system that transmits loads directly to the soil

Ground anchor—Any device at the mobile home or HUD-Code manufactured home stand installed in the ground to transfer mobile home or HUD-Code manufactured home anchoring loads

Hurricane resistive HUD-Code manufactured home—A home which meets the wind design load requirements for Zone II in the Federal Mobile Home Construction and Safety Standard (MHCSS), §3280 305(c)(2).

Main frame—The structural components on which the body of the mobile home or HUD-Code manufactured home is mounted

Mobile home stand—That area of a mobile home lot which has been reserved for the placement of a mobile home.

Permanent foundation—A system of supports, including piers, either partially or entirely below grade which is:

(A) capable of transferring all design loads im-

posed by or upon the structure into soil or bedrock without failure;

(B) placed at an adequate depth below grade to prevent frost damage;

(C) constructed of concrete, metal, treated lumber or wood, or grouted masonry;

(D) designed so that the components of the foundation system cannot be removed from the site and used at any other location;

(E) designed so that the attached structure resists overturning due to wind pressure by the dead load resisting moment of the structure and foundation. The weight of earth superimposed over footings may be used to calculate the dead load resisting moment. The overturning moment shall not exceed ⅓ of the dead load resisting moment;

(F) designed to have the structure attached without the towing hitch, axles, brakes, wheels, and other parts of the chassis that operate only during transportation; and

(G) designed in accordance with accepted engineering practice to resist damage due to decay, insects, and condensation. A licensed engineer or architect shall stamp and sign each foundation drawing. The foundation drawings shall contain the statement, "This foundation drawing describes a permanent foundation."

Pier—That portion of the support system between the footing and the mobile home or HUD-Code manufactured home exclusive of caps and shims.

Shims—A wedge shaped piece of cedar, oak, walnut, pecan, gum, ash, hickory, or elm not to exceed one inch vertical (actual) height

Stabilizing devices—All components of the anchoring and support systems such as piers, footings, ties, anchoring equipment, anchoring devices, and any other equipment which supports the mobile home or HUD-Code manufactured home and secures it to the ground

Support system—A combination of footings, piers, caps and shims that will, when properly installed, support the mobile home or HUD-Code manufactured home.

Tie—Straps, cables, or securing devices used to connect the mobile home or HUD-Code manufactured home to anchoring devices.

Vertical tie—A tie intended to primarily resist the uplifting and overturning forces.

§69.53. Provisions for Anchoring Systems.

(a) Each HUD-Code manufactured home shall be designed and constructed as a completely integrated structure capable of sustaining the design load requirements of this standard and shall be capable of transmitting the loads to anchoring systems without causing an unsafe deformation or an abnormal internal movement of the structure or its structural parts.

(b) Each HUD-Code manufactured home shall have provisions for anchoring systems, which when properly designed and installed, will resist overturning and lateral movement of the mobile home as imposed by the respective design loads.

(c) The provisions of this section shall be followed and the support and anchoring systems shall be designed by a registered professional engineer or architect

(d) The manufacturer of each home is required to

make provisions for the support and anchoring systems but is not required to provide the anchoring equipment. Printed installation instructions for such support and anchoring systems for each model shall be filed with the department. When the manufacturer's installation instructions provide for the main frame structure to be used as the point of connection to diagonal ties, no specific connecting devices need to be provided on the frame.

(e) The manufacturer shall provide printed instructions with each home specifying the location, orientation, and required capacity of anchoring equipment on which the design is based.

(f) The minimum number of ties required per side shall be sufficient to resist the wind load stated in the Federal MHCSS, §3280.305(c)(1) and (2).

(g) Ties shall be as evenly spaced as practicable along the length of the home, and the distance from each end of the home and the tie nearest that end shall not exceed eight feet.

(h) When continuous straps are provided as vertical ties, such ties shall be positioned at rafters and studs. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single anchor, provided that the anchor used is capable of carrying both loadings.

(i) Add-on sections of expandable homes shall have provisions for vertical ties at the exposed ends.

(j) Multi-section homes require only diagonal ties, which shall be placed along the main frame and below the outer side wall.

(k) Protection shall be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection shall also be provided to minimize damage to roofing or siding by the cable or strap.

(l) Anchoring equipment shall be capable of resisting all allowable working loads equal to or exceeding 3,150 pounds and shall be capable of withstanding 50% overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point of the home.

(m) Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated.

(1) Slit or cut edges of zinc-coated steel strapping do not need to be coated.

(2) Type 1, Finish B, Grade I steel strapping, 1¼ inches wide and 0.035 inch thick, conforming with federal specification for strapping, steel, and seals (FS QQ-S-781-H-1974), is judged to conform with the provisions of this section and paragraph (1) of this subsection.

(n) All anchoring systems must be installed in accordance with the manufacturer's installation instructions when the instructions are available, and in accordance with the applicable sections of these standards when such instructions are not available.

§69.54. Mobile Home Requirements.

(a) All mobile homes and HUD-Code manufactured homes for which there exists no manufacturer's instructions for anchoring procedures, shall be anchored according to the following requirements:

(1) Ground anchors used shall be of an "approved design" in compliance with the requirements of these standards, and shall be used in a soil type for which the ground anchors are designed and approved

(2) Over-the-top straps shall be placed on top of roof trusses and studs and shall be of a continuous strap, running from the anchoring equipment on one side of the home to the anchoring equipment on the opposite side. Strapping shall meet the requirements of §69.53 of this title (relating to Provisions for Anchoring Systems), and brackets shall be provided for the strapping at sharp corners where otherwise necessary to minimize damage to the roofing and siding.

(3) Vertical (over-the-top) and diagonal ties may be connected to the same anchoring device provided that the anchoring device used is designed to carry both loads.

(4) All other applicable installation requirements as set forth in the rules and regulations of the department shall be followed.

(5) The diagonal and over-the-top ties shall be as evenly spaced as possible. Where windows, doors, or other obstructions prevent even spacing of over-the-top ties, or where even spacing would place over-the-top ties between two trusses, the over-the-top straps shall be placed on top of the nearest truss

(6) The diagonal and over-the-top ties nearest the end of the unit shall be placed no further than eight feet from the end of the mobile home, and no closer than the third truss/stud space from the end of the home.

(7) The number of over-the-top and diagonal ties used to anchor a home under this section, shall be in accordance with the following tables:

NON-HURRICANE ZONE

Length of Home Box Excluding Hitch	Home Box Width (Ft.)			No. Vertical Ties Per Side
	10	12	14	
		80 to 40	80 to 40	3
	65 to 40			3
	39 to 33	39 to 33	39 to 33	2

HURRICANE ZONE

Length of Home Box Excluding Hitch	Home Box Width (Ft.)			No. Vertical Ties Per Side
	10	12	14	
	65 to 57			6
	58 to 46	80 to 75	80	5
	45 to 35	74 to 56	79 to 60	4
	34 to 33	55 to 38	59 to 40	3
		37 to 33	39 to 33	2

Length of Box	No. of Diagonal Ties Per Side (All Widths)				
	4	5	6	7	8
	33	43	53	64	74
	to	to	to	to	to
	42	52	63	73	80

(b) All mobile homes and HUD-Code manufactured homes for which there exists no manufacturer's instructions for support procedures, shall be supported to meet the following requirements.

(1) Piers for single section homes are to be placed under the main frame, not to exceed 10 feet on-center spacing. Where practical, end piers shall be placed within one foot of the main frame. When the location and spacing of wheels and axles or other structural members of the home frame or undercarriage prevents spacing of piers on 10 feet centers the spacing shall be 10 feet maximum spacing as practicable in the area of the obstruction.

(2) Piers for multi-section homes are to be placed under the main frame, not to exceed six feet on-center spacing. Where practical, end piers shall be placed within one foot of the main frame. When the location and spacing of wheels and axles or other structural members of the home frame or undercarriage prevents spacing of piers on six feet centers the spacing shall be six feet maximum spacing in all other areas, and shall be as close to six feet maximum spacing as practical in the area of the obstruction. Piers are to be placed under the center marriage walls and are not to exceed six feet on-center spacing. Where practical, end piers shall be placed within one foot of the ends of the home. Piers are to be placed under the perimeter walls with six feet on-center spacing. Exterior doors and marriage wall openings larger than 36 inches wide must have piers directly under the sides of the opening.

§69.55. Approval of Stabilizing Devices and Systems

(a) Installers shall only use approved stabilizing devices or systems. Before granting approval for any stabilizing device or system, the department will require the device or system manufacturer to submit such information as the department deems necessary to evaluate the device or system and insure its safe performance in accordance with accepted engineering practice and nationally recognized standards. The department will promulgate administrative orders that refer to acceptable standards. All stabilizing devices must be resistant to the effects of weathering, such as that encountered along the Texas Gulf Coast. All stabilizing devices must be tested to destruction by a recognized independent testing laboratory. The manufactured home installation instructions describe the location and capacity of required stabilizing devices. The installer must install stabilization devices that have the required capacity.

(b) The department may, on a spot check-basis, direct each manufacturer to test randomly selected stabilizing devices of each model type approved. These spot-

check tests will be performed by a recognized independent testing laboratory under the observation of a qualified representative of the department. The department's representative will be responsible for selection of the random samples tested.

§69.56. Requirements for Ground Anchor Approval. To secure approval of their product, each ground anchor manufacturer must submit to the department the following data:

(1) Detailed drawing of each type of anchor submitted for approval.

(A) Each drawing shall show model identification, all dimensions, type of welds or fastening, type of material, method of securing strap, orientation after installation in soil, and direction(s) of applied load(s), and must indicate location of model number.

(B) Each drawing shall bear the seal of a registered professional engineer, registered in the state of the anchor manufacturer, or in the State of Texas.

(2) Each anchor model must be tested and certified by a recognized independent testing laboratory to be in conformance with the standards promulgated by the department and accepted engineering practice. Each anchor model shall be tested as follows.

(A) Pull-out tests shall be performed on 15 samples of each anchor model and the average failure load for all 15 tests must equal or exceed 4,725 pounds for single-headed anchors or 6,610 pounds for double-headed anchors. The independent testing laboratory must certify that 15 and only 15 pull-out tests were performed on each anchor model. The ground anchor must be installed, with the specified tie attached, in a soil type for which the ground anchor is designed and loaded in the direction of the expected load. An anchor with a double-head may be loaded with a single tie if the direction of the single tie is the same as the direction of the resultant of the two specified ties. Three inches or more of movement of the anchor head indicates failure.

(B) Laboratory destruction tests shall be performed on each anchor model and the average failure load must equal or exceed 4,725 pounds for single-headed anchors or 6,610 pounds for double-headed anchors. These tests are needed to establish the required strengths of the components and component connections of an anchor for the continuing quality control testing program. For example, three destruction tests shall be performed on each of the following connections of an anchor model:

(i) tie connection to the anchor head, loaded in the direction of the expected applied loads. Failure shall not be less than 4,725 pounds for single-headed anchors or 6,610 pounds for double-headed anchors.

(ii) anchor head connection to a shaft or other member which will extend below the ground surface, loaded in the direction of reactions caused by load on the tie. The reaction at failure shall not be less than that caused by 4,725 pounds for single-headed anchors or 6,610 pounds for double-headed anchors

(iii) shaft or member connection to a soil bearing device, loaded in the direction of reactions caused by load on the tie. The reaction at failure shall not be less than that caused by 4,725 pounds for single-headed anchors or 6,610 pounds for double-headed anchors.

(3) The result from each test will include:

- (A) point and mode of failure;
- (B) force required for failure;
- (C) description of test procedure; and
- (D) description of test equipment used.

(4) The report of the results of the test in specified soil or rock groups will also include.

- (A) method of installation,
- (B) date of installation;
- (C) date of test, and
- (D) soil profile description of anchoring material.

(5) The ground anchor manufacturer must describe a method that an installer (not knowledgeable about soil mechanics) can use to identify soil types at the installation site. An independent testing lab shall test the manufacturer's method in an excavation filled with one soil type or in a soil strata already identified according to methods described in paragraph 10(B) of this subsection.

(6) The anchor manufacturer shall furnish and ship with each anchor, information the types of soil in which the anchor has been tested and certified for installation, instructions on the method of installation, and procedure for identifying soil types. A copy of the installation instructions must be filed with the department.

(7) The department, upon receipt of new or additional information relating to the performance of any anchoring system, may request from the manufacturer of that anchoring system, or any similar anchoring system, additional tests or supplemental information.

(8) The department may, on spot-check basis, direct each manufacturer to test randomly selected anchors of each model type approved. These spot-check tests will be performed by a recognized independent testing laboratory under the observation of a qualified representative of the department. The department's representative will be responsible for selection of the random samples tested.

(9) Ground anchors are divided into two categories:

(A) Soil anchors for use in soils that have an ASTM D1586 Blow Count between 14 and 40, and a Test Probe Torque Value between 200 inch-pounds and 550 inch-pounds. (Blow counts below 14 or torque values below 200 inch-pounds will require that a professional engineer be consulted for soil identification and design of the stabilizing device.) The test probe is a device for mea-

suring the torque value of soils necessary in evaluating the holding capability of the soils in which the anchor is placed. The test probe has a helix on it. The overall length of the helical section is 10.75 inches; the major diameter is 1.25 inches; the minor diameter is 0.81 inch; the pitch is 1.75 inches. The shaft must be of suitable length for anchor depth.

(B) Rock anchors for use in soils that have an ASTM D1586 Blow Count over 40, and a Test Probe Torque Value over 550 inch-pounds.

(10) Soil anchor testing in specified soil.

(A) There shall be no surcharge (from testing device or any other object) placed on the ground within a distance from the anchor equal to one-half the depth of the anchor.

(B) The soil profile description shall be based on penetration test (ASTM D1586, Blow Count), test probe torque value, or boring and sampling techniques and shall identify all soil strata to a depth one foot greater than the depth of the anchor.

(11) Rock anchor testing in specified soil. Rock anchors shall be field tested in natural rock strata or tested in a rock sample. In either case, the drilled hole in the rock must be deep enough so that there is a minimum of six inches of rock depth above the rock and anchor contact area. There must be six inches of rock thickness below the drilled hole and 12 inches of rock around the drilled hole. The natural rock strata or rock sample must be geologically described.

(12) Resistance to weathering. The manufacturer will supply additional tests, or other evidence, proving the anchoring device's resistance to the effects of weathering, such as that encountered along the Texas Gulf Coast.

§69.58. Approval of Anchoring Systems Employing Anchoring Devices other than Ground Anchors.

(a) For the purpose of evaluation and approval, the department will divide anchoring systems, employing anchoring devices other than ground anchors, into two categories: those intended to be manufactured and sold to the general public, and those intended to be used by an individual homeowner, on a particular mobile home or HUD-Code manufactured home, and not intended to be marketed to the general public.

(b) Anchoring systems using anchoring devices other than ground anchors, and intended to be manufactured and sold to the general public shall comply with the following requirements.

(1) The anchoring system must be designed and the drawings stamped by a registered professional engineer or architect, registered in the State of Texas, or the state of the anchor manufacturer.

(2) The anchor system manufacturer will submit to the department information concerning all major components of the anchoring system. These components must be marked with the model number and manufacturer name in a conspicuous place.

(3) The following set of engineering drawings, bearing the seal of a registered professional engineer or architect, will be required for each model anchoring system for which approval is requested.

(A) one or more orthographic projections showing all components, dimensions, location of model number and manufacturer's name, and type of welds and fasteners;

(B) section or cutaway drawings, where necessary, showing details of internal structure;

(C) assembly drawing showing the relationship of one component to another when properly installed.

(4) Engineering calculations supporting the performance of the anchoring system must be provided.

(5) Each anchoring system for which approval is being sought under this section of these standards must have three destruction tests conducted by a recognized independent testing laboratory. The test report will consist of the following:

(A) description and drawing or photograph of the test setup;

(B) description of test procedure, including a discussion of the basic assumptions made in establishing the test procedure,

(C) copies of all raw data taken during the test(s);

(D) graphs of all pertinent, reduced data, legible and clearly identified,

(E) photographs or drawings of all failed components;

(F) a summary of the test results, including a discussion of the factors contributing to any observed failure of any component(s), and a conclusion containing recommendations as to the overall performance of the anchoring system, and its potential uses;

(G) additional tests or other evidence proving the anchoring system's resistance to the effects of weathering, such as that encountered along the Texas Gulf Coast; and

(H) whatever additional tests of any component or components of the anchoring system the testing laboratory deems necessary to assure the public safety and well-being.

(6) The manufacturer seeking approval of an anchoring system under this section of the standards must supply the department with detailed installation instructions (including drawings) for each make and model mobile home or HUD-Code manufactured home with which each of his anchoring system models can be used. Copies of these installation instructions must be provided to installers and consumers. If the installation requirements are unique or different for each model and make, an anchoring system model will be considered approved only for use with those makes and models of mobile homes or HUD-Code manufactured homes for which the department has been supplied installation instructions.

(c) Anchoring systems employing devices other than ground anchors and intended to be used by an individual mobile home or HUD-Code manufactured homeowner for installation of a particular home, and not intended to be manufactured for general public use, shall be designed by a registered professional engineer or architect. Descriptions of all anchoring systems, for mobile homes or HUD-Code manufactured homes required to be "tied down" by the Texas Manufactured Housing Standards Act, that meet the criteria of this section must be forwarded to the department before the home is installed. Drawings or photographs of all elements of the

anchoring system should be provided. If photographs are supplied, some type of scale should be indicated in each photograph. All materials and components must be described.

§69.59. Quality Control. The department will require that the manufacturer of any device of an anchoring system, who wishes approval of his product for sale in the State of Texas, submit to the department a quality control program that will assure a quality product free from defects. The quality control program will outline procedures for the following:

(1) Adequate sample testing, based on the number of units produced, to assure 98% confidence limits.

(A) Samples tested must meet or exceed performance of the original unit tested for approval.

(B) The department will, on a quarterly basis, require that copies of test reports of random samples be forwarded to Austin.

(2) Actions to be taken in the event of sufficient unsatisfactory tests of random samples to cause confidence limits to drop below 98% level.

(3) Actions to be taken in the event that defective units are found in the field

(A) Isolated cases.

(B) Multiple cases.

(4) Copy of manufacturer's warranty.

§69.60. Withdrawal of Approval of Anchoring Systems, Equipment, or Device.

(a) The department may withdraw approval of any anchoring system equipment or device for one or more of the following reasons:

(1) A change in design, material, or construction of an anchoring system model.

(A) Such a change will be construed to constitute a new model anchoring system and will require a complete resubmittal pursuant to §69.55 of this title (relating to Approval of Stabilizing Devices and Systems).

(B) Upon written request, detailing the desired change and presenting evidence as to why the desired change would not affect the performance of the anchoring system and should not necessitate a model change, the department will consider waiving the requirement for a complete resubmittal

(2) Receipt of sufficient unsatisfactory random sample reports indicating the anchoring system will be unable to assure the safety and well-being of the general public

(3) Receipt of sufficient field reports of defective units indicating that the anchoring system is unable to assure the safety and well-being of the general public.

(4) If there occurs a substantial change in licensee, management, or contract manufacturer, the department may suspend approval of an anchoring system until sufficient evidence is presented that the materials, design, or quality control program for that anchoring system will not be altered.

(5) If the department determines that a change in design, material, or quality control program will affect a substantive change in an anchoring system, the anchoring system must be resubmitted to the department for complete reevaluation

(b) The department may, on receipt of new or additional information, reevaluate any anchoring system, and may withdraw approval of that anchoring system if it deems such action is necessary to protect the safety and well-being of the general public.

§69.62. Blocking Standards. Installation of mobile homes and HUD-Code manufactured homes must meet or exceed the following support and blocking requirements

(1) Pier placement:

(A) Piers and/or supports are to be located in accordance with the mobile home or HUD-Code manufactured home manufacturer's installation instructions.

(B) If manufacturer's installation instructions are not available, homes shall be anchored and supported in accordance with §69.54 of this title (relating to Mobile Home Requirements).

(2) Pier footing for concrete piers:

(A) The footing for each concrete pier shall be two 4" × 8" × 16" solid pads placed side by side and longitudinally to the I-beam or one 4" × 16" × 16" solid concrete pad, precast or poured in place or equivalent. Concrete runners shall be acceptable if they are a minimum of 16 inches wide and four inches in thickness.

(B) All grass and organic matter should be removed and the pier footing placed on firm ground.

(3) Pier footing for metal blocking stands:

(A) Treated 2" × 12" × 24" wood pads or treated phenolic resin bonded particle board pads, if approved by the department, are acceptable for use with metal stands.

(B) Precast 4" × 16" × 16" solid concrete pads may be used with metal stands if specifically approved by the department. Such pads shall be marked to indicate approval. Placement of pad during installation shall be with the approval mark visible.

(C) Footing pads made of other materials, if approved by the department, may be used with metal stands.

(4) Pier components shall be as follows.

(A) Concrete blocks, meeting ASTM-C90-70 Grade (N) standards, placed above the footing block perpendicular to main frame member.

(i) 8" × 8" × 16" open cells or solid (open cells vertical).

(ii) 2" × 8" × 16" or 4" × 8" × 16" solid blocks (short dimension vertical) The ASTM standard for solid blocks is C 145-59 Grade N

(B) Wood plate(s) 1" × 8" × 16" or 2" × 8" × 16", as required for use with concrete piers, shall be placed on top of the concrete blocks. Wood plates used in combination shall not exceed 2½ inches.

(C) Hardwood shims may be fitted and driven tight between the wood plate(s) and the main frame, not to exceed one inch vertical height

(D) Pier components other than approved footings are prohibited under approved metal blocking stands.

(5) Height of concrete piers:

(A) All piers 30 inches to 48 inches in height (measured from top of footing or footing block to main frame member) shall be double tiered with blocks interlocked and capped with a 4" × 16" × 16" solid concrete

block and wood plates (two 1" × 8" × 16" or two 2" × 8" × 16" placed side by side).

(B) Piers that exceed 48 inches in height must be designed by a registered professional engineer or architect.

(6) Pier and pier components are to be undamaged and installed in a workmanlike manner to accomplish the purpose intended.

(7) When the support or blocking system installed is based upon a design certified by a registered professional engineer or architect, a brief description of the system and a copy of the certification shall be furnished to the homeowner.

§69.63. Other Materials and Methods for Mobile Homes and HUD-Code Manufactured Homes. Homes covered by these standards may be supported and blocked by methods and with materials other than concrete blocks. Materials, devices, footings, and piers other than concrete blocks shall meet the requirements of the following standards. For the purpose of evaluation, the department considers that piers, footings, or supports that use design and/or material other than those specified in these standards shall be divided into two categories: those designed to be produced or duplicated and sold to the general public, and those constructed by the owner or his agent, to be used for one home and not intended for duplication or resale.

(1) Piers, footings, and/or supports constructed by the owner or his agent, to be used for one home, and not intended for duplication or resale, shall be designed and the drawings stamped by a registered professional engineer or architect. Copies of such stamped and certified drawings shall be forwarded to the department prior to the installation of the home.

(2) The department considers that piers, footings, and supports using materials other than the concrete blocks described in §69.62(2) and §69.62(4)(A) of this title (relating to Blocking Standards), designed to be produced or duplicated and sold to the general public can be divided into four categories: blocking and support piers, nonconcrete footings, pre-cast concrete footings for use with metal piers, and metal piers. At least three samples of each pier, footing, or support shall be tested to destruction by a recognized independent testing laboratory. The vertical test load on a pier, footing, or support at failure must equal or exceed 5,000 pounds. Three friction tests must be conducted for each footing model to ensure that the footing, when used with an approved pier, will exhibit sufficient friction at the footing/pier interface to prevent the pier from sliding off of the footing when the home is subjected to horizontal wind load. The coefficient of friction between the support pier and footing under load must be greater than 0.5. Each pier, footing, and support shall be tested with other approved stabilizing devices on a soil base. The soil base is prepared and ascertained to have a minimum soil bearing pressure of 1,000 psf by procedures set forth in ASTM C 1883-73, *Standard Methods for Establishing Bearing Ratio of Laboratory Compacted Soils*. A layer of gravel with maximum particle size ¾ inch is spread uniformly over the soil base. The dimension of the sides and depth of the soil base shall be at least twice the greatest footing dimen-

sion. The test procedures for each category of pier, footing, or support are as follows:

(A) Blocking and support piers (other than metal piers) shall be designed by a registered professional engineer in Texas or in the state of the manufacturer. Stamped engineering drawings shall be submitted with the test report. The testing laboratory personnel shall perform the following steps:

(i) A soil base is prepared.
(ii) An approved pad is placed on the surface in the center of the base.

(iii) The pier to be tested is centered on the pad. The pier must be set up and tested exactly as it is to be used in the field. If a pier has any type of height adjustment mechanism, the most critical position must be tested.

(iv) Test equipment is connected and a sketch or photograph of the testbed is made.

(v) Vertical load is applied to the pier in increasing uniform increments not exceeding 500 pounds. At least one minute is allowed between increases in load to permit soil loading to stabilize. Increments of load and time between increases are recorded.

(vi) The loading is increased until failure of either the pad or pier is observed, but in no case is the test terminated before the applied load reaches 5,000 pounds. The failure mode is fully described, and load applied at failure is recorded.

(vii) A sketch or photograph is made of the undisturbed testbed showing the pier (or pad) in the failed condition.

(viii) Steps outlined in clauses (i)-(vii) of this subparagraph are repeated for two additional piers selected at random.

(B) The following items are to be included with the test report:

(i) Sketches or photographs of the testbed and pad/pier (including test equipment used) both pre- and post-test.

(ii) A detailed summary of the procedure used to conduct the test, including a schedule of events.

(iii) Complete test data and all results including:

(I) load increments used (not to exceed 500 pounds);

(II) time between increases in loading (minimum one minute);

(III) recorded settlement; and

(IV) load applied at failure

(iv) A brief summary of the test results obtained, including a detailed description of the failure mode. A graph of load versus time may be included.

(v) Complete details of the proposed mark must be submitted, including:

(I) a drawing or description of the mark;

(II) size of mark;

(III) location of the mark on the pier (the mark must be plainly visible when the pier is installed);

(IV) method of marking the pier (the mark must be permanent); and

(V) a description of a quality control program that will assure a quality product, free from defects. Copies of test reports of random samples shall be forwarded to this department on a quarterly basis.

(C) Nonconcrete footings shall be 16" x 16" nominal size. The testing laboratory personnel shall perform the following steps:

(i) A soil base is prepared.

(ii) A footing, selected at random, is soaked in water for 12 hours and placed on the surface in the center of the base

(iii) The smallest commercially available approved pier designed to be used with the footing is centered on the footing. The size of pier with which the footing is tested will be assumed to be the smallest size pier with which the footing is designed to be used.

(iv) Test equipment is connected and a sketch or photograph of the testbed is made.

(v) Vertical load is applied to the pier in increasing uniform increments not exceeding 500 pounds. At least one minute is allowed between increases in load to permit soil loading to stabilize. Increments of load and time between increases are recorded.

(vi) The loading is increased to 3,500 pounds and held for 12 hours, then increased to 5,000 pounds and held for three hours without a failure which would impair its function. The load is then increased until failure of either the footing or pier is observed. The failure mode is fully described, and load applied at failure is recorded.

(vii) A sketch or photograph is made of the undisturbed testbed showing the footing (or pier) in the failed condition.

(viii) Steps outlined in clauses (i)-(vii) of this subparagraph are repeated for two additional footings selected at random

(D) Sketches or photographs of the testbed and footing/pier (including test equipment used) both pre- and post-test must be included in the test report

(E) A requirement that the coefficient of friction between the support pier and footing under load be greater than 0.5 has been established. The following procedure will be used to conduct the friction test:

(i) A footing, selected at random, is saturated with water by immersing the pad for at least 30 minutes.

(ii) The smallest commercially available approved pier (or full-scale fixture simulating the pier) designed to be used with the footing is reinforced to withstand the horizontal load to be applied. The pier selected must exhibit the smallest surface area in contact with the test footing of any pier designed for the footing. The surfaces of the pier and footing must not be altered.

(iii) The pier is centered on the footing and test equipment is connected.

(iv) A sketch or photograph of the testbed is made.

(v) A vertical load of 2,000 pounds is applied to the footing through the pier and is maintained throughout the test with the testing equipment. The testing apparatus must not restrain the pier from lateral movement or apply any additional horizontal component of load to the pier.

(vi) A horizontal load is applied to the pier in increasing uniform increments not exceeding 500 pounds. Increments of load are recorded. Note: The surface of the footing is to be kept damp throughout the test by frequent wetting with water.

(vii) The horizontal load is increased until movement of the pier with respect to the footing is observed, but in no case terminated before the load exceeds 1,000 pounds. The horizontal load applied at breakaway, the measured displacement and the computed coefficient of friction are recorded.

(viii) A sketch or photograph is made of the undisturbed testbed showing the pier displaced on the footing.

(ix) Steps outlined in clauses (i)-(viii) of this subparagraph are repeated for two additional footings selected at random.

(F) The following items are to be included with the test report:

(i) Sketches or photographs of the testbed and footing/pier (including test equipment used) both pre- and post-test.

(ii) A detailed summary of the procedure used to conduct the test, including a schedule of events.

(iii) Complete test data and all results including:

(I) load increments used (not to exceed 500 pounds);

(II) horizontal load applied at breakaway (must be greater than 1,000 pounds);

(III) measured displacement of pier on footing at breakaway.

(IV) computed coefficient of friction (must be greater than 0.5); and.

(V) a brief summary of the test and results obtained. A graph of load versus time may be included.

(G) The testing laboratory shall conduct an accelerated aging test suitable for the footing material. As an alternative, evidence that the footing material or treatment conforms to a nationally recognized standard concerning ground contact use may be submitted. For example, the American Wood Preservers Bureau (AWPB) and the American Wood Preserver's Association (AWPA) have standards for ground contact use of wood products.

(H) Footings shall be marked to indicate approval. Complete details of the proposed mark must be submitted, including:

(i) A drawing or description of the mark;

(ii) Size of the mark;

(iii) Location of the mark on the footing (the mark must be plainly visible when the footing is installed); and

(iv) Method of marking the footing (the mark must be permanent).

(I) Pre-cast concrete footings for use with metal piers shall be 16" x 16" x 4" minimum in size. The testing laboratory personnel shall perform the following steps.

(i) A soil base is prepared

(ii) A pad, selected at random, is placed on the surface in the center of the base.

(iii) The smallest commercially available approved metal support stand (or full-scale fixture simulating this stand) designed to be used with the pad is centered on the pad

(iv) Test equipment is connected and a sketch or photograph of the testbed is made.

(v) Vertical load is applied to the stand in increasing uniform increments not exceeding 500 pounds. At least one minute is allowed between increases in load to permit soil loading to stabilize. Increments of load and time between increases are recorded.

(vi) The loading is increased until failure of either the pad or stand is observed, but in no case is the test terminated before the applied load reaches 5,000 pounds. The failure mode is fully described, and load applied at failure is recorded.

(vii) A sketch or photograph is made of the undisturbed testbed showing the pad (or stand) in the failed condition.

(viii) Steps outlined in clauses (i)-(vii) of this subparagraph are repeated for two additional pads selected at random

(J) The following items are to be included with the test report:

(i) Sketches or photographs of the testbed and pad/stand (including test equipment used) both pre- and post-test.

(ii) A detailed summary of the procedure used to conduct the test, including a schedule of events.

(iii) Complete test data and all results including:

(I) Load increments used (not to exceed 500 pounds),

(II) Time between increases in loading (minimum one minute),

(III) Recorded settlement; and

(IV) Load applied at failure

(iv) A brief summary of the test and results obtained, including a detailed description of the failure mode. A graph of load versus time may be included.

(k) A requirement that the coefficient of friction between metal support stand and concrete pad under load be greater than 0.5 has been established. The following procedure will be used to conduct the friction test.

(i) A pad, selected at random, is saturated with water by immersing the pad for at least 30 minutes.

(ii) The smallest commercially available approved metal support stand (or full scale fixture simulating this stand) designed to be used with the pad is reinforced to withstand the horizontal load to be applied. The stand selected must exhibit the smallest surface area in contact with the test pad of any stand designed for the pad. The surfaces of the pad and stand must not be altered.

(iii) The stand is centered on the pad and test equipment is connected.

(iv) A sketch or photograph of the testbed is made.

(v) A vertical load of 2,000 pounds is applied to the pad through the metal stand and is maintained through the test with the testing equipment. The testing apparatus must not restrain the pier from lateral movement or apply any additional horizontal component of load to the pier

(vi) A horizontal load is applied to the stand in increasing uniform increments not exceeding 500 pounds. Increments of load are recorded. Note. The surface of the pad is to be kept damp throughout the test by frequent wetting with water.

(vii) The horizontal load is increased until movement of the stand with respect to the pad is observed, but in no case terminated before the load exceeds 1,000 pounds. The horizontal load applied at breakaway, the measured displacement, and the computed coefficient of friction are recorded.

(viii) A sketch or photograph is made of the undisturbed testbed showing the stand displaced on the pad.

(ix) Steps outlined in clauses (i)-(viii) of this subparagraph are repeated for two additional pads selected at random.

(L) The following items are to be included with the test report:

(i) Sketches or photographs of the testbed and pad/stand (including test equipment used) both pre- and post-test.

(ii) A detailed summary of the procedure used to conduct the test, including a schedule of events.

(iii) Complete test data and all results including:

(I) Load increments used (not to exceed 500 pounds);

(II) Horizontal load applied at breakaway (must be greater than 1,000 pounds);

(III) Measured displacement of stand on pad at breakaway;

(IV) Computed coefficient of friction (must be greater than 0.5).

(iv) A brief summary of the test and results obtained. A graph of load versus time may be included.

(M) Concrete pads approved for use with metal stands shall be marked to indicate approval. Complete details of the proposed mark must be submitted, including:

(i) A drawing or description of the mark;

(ii) Size of the mark;

(iii) Location of the mark on the pad (the mark must be plainly visible when the pad is installed); and

(iv) Method of marking the pad (the mark must be permanent).

(N) Metal manufactured home blocking/support piers shall be designed by a registered professional engineer in Texas or in the state of the manufacturer. Stamped engineering drawings shall be submitted with the test report. The testing laboratory personnel shall perform the following steps:

(i) A soil base is prepared.

(ii) An approved pad is placed on the surface in the center of the base.

(iii) The pier to be tested is centered on the pad. The pier must be set up and tested exactly as it is to be used in the field. If a pier has any type of height adjustment mechanism, the most critical position must be tested.

(iv) Test equipment is connected and a sketch or photograph of the testbed is made.

(v) Vertical load is applied to the pier in increasing uniform increments not exceeding 500 pounds. At least one minute is allowed between increases in load to permit soil loading to stabilize. Increments of load and time between increases are recorded.

(vi) The loading is increased until failure of either the pad or pier is observed, but in no case is the test terminated before the applied load reaches 5,000 pounds. The failure mode is fully described, and load applied at failure is recorded.

(vii) A sketch or photograph is made of the undisturbed testbed showing the pier (or pad) in the failed condition.

(viii) Steps outlined in clauses (i)-(vii) of this subparagraph are repeated for two additional piers selected at random.

(O) The following items are to be included with the test report:

(i) Sketches or photographs of the testbed and pad/pier (including test equipment used) both pre- and post-test.

(ii) A detailed summary of the procedure used to conduct the test, including a schedule of events.

(iii) Complete test data and all results including:

(I) Load increments used (not to exceed 500 pounds);

(II) Time between increases in loading (minimum one minute);

(III) Recorded settlement; and

(IV) Load applied at failure.

(iv) A brief summary of the test and results obtained, including a detailed description of the failure mode. A graph of load versus time may be included.

(P) Each metal blocking pier must be assigned a model designation number. This model designation number must be shown on the engineering drawings, and must be stamped on the blocking pier in the same location. The location should be such that the model designation number will be readily visible when the blocking pier is in service. The department will consider that approval has been extended only to those blocking pier models which have been submitted for evaluation. Any new blocking pier model, or any change in specification, material, or design of an existing blocking pier model on the part of the manufacturer or distributor will necessitate assigning a new model designation number to the new or altered blocking pier, and will require submittal to this department for complete design evaluation under the new model designation number. Exception to this requirement may be granted if after examining evidence submitted by the manufacturer or distributor, it is the opinion of this department that the requested modification to an existing blocking pier model or model line does not substantially affect the design or performance of the blocking pier model or model line. All metal blocking/support piers must be tested according to the requirements established by the department.

(Q) The department will require that the manufacturer of any metal blocking/support pier who wishes approval of his product for sale in the State of Texas submit to the department a quality control program that will assure a quality product, free from defects. The quality control program will outline procedures for the following:

(i) Adequate sample testing, based on the number of units produced, to assure 98% confidence limits.

(I) Samples tested must meet or exceed performance of the original unit tested for approval.

(II) The department will, on a quarterly basis, require that copies of test reports of random samples be forwarded to Austin.

(ii) Action to be taken in the event of sufficient unsatisfactory test of random samples to cause confidence limits to drop below 98% level.

(iii) Action to be taken in the event that defective units are found in the field.

(I) Isolated cases.

(II) Multiple cases.

(III) Copy of manufacturer's warranty.

§69.64. Procedures for Retailer Alterations.

(a) "Alteration" means the replacement, addition, and modification or removal of any equipment or its installation after sale by the manufacturer to a retailer, but prior to sale and installation to a purchaser which may affect the construction, fire safety, occupancy plumbing, heat-producing, or electrical system. It includes any modification made in the manufactured home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance requiring plug-in to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring plug-in to an electrical receptacle, which appliance was not provided with the manufactured home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

(b) No alteration shall be made by a retailer without prior approval of the department. A written request for any alteration approval shall be filed with the department, except for the alterations which are preapproved as described in this section.

(1) If the alteration is not approved, the department will notify the retailer in writing of the reason for the refusal. If additional information is necessary to complete the evaluation of the request for approval, the retailer shall furnish any additional information deemed necessary by the department.

(2) If the alteration is approved, the alteration shall be completed in accordance with the department's approval and any requirements made as a condition of the approval. Following completion of an approved alteration, the retailer shall notify the department in writing, and the department may accept the certification of the retailer that the alteration was made as approved. The department may inspect the home, as altered, to assure compliance with the applicable standards.

(c) The installation of self-contained or split system ("A" coil) comfort cooling equipment and devices shall not be considered an alteration, if the installation is performed in accordance with the specific instructions of the manufacturer of the home as approved by the manufacturer's design approval primary inspection agency or design review agency for Texas, and if the specific equipment and devices used have been expressly approved by the manufacturer's design approval primary inspection agency or Design Review Agency for Texas.

(d) Other than as set forth in subsection (c) of this section, the installation of split system ("A" coil) comfort cooling equipment and devices is an alteration; however, the installation of split system ("A" coil) comfort

cooling equipment devices is an approved alteration if a preapproved system is installed. A preapproved system consists of a combination of furnace, blower, controls, condensing unit, and evaporator coil which have been approved by a nationally recognized third-party testing/certification agency to be compatible for installation as a complete system; additionally, the outdoor condenser and indoor coil must be rated in accordance with the standards for unitary air conditioning equipment, ARI Standard 210-81, "Unitary Air-Conditioning Equipment," and certified by ARI or other nationally recognized testing agency capable of providing follow-up service. Additionally, it is required that:

(1) third-party approvals and the performance listing shall be furnished in writing to the department prior to installation; and

(2) the Btu per hour rating of installed air conditioners pursuant to this section shall be no greater than 115% of the rated capacity of the duct system.

(e) Other than as set forth in subsection (c) of this section, the installation of self-contained comfort cooling equipment and devices is an alteration, however, the installation of self-contained comfort cooling equipment is an approved alteration provided that the system is installed under the following conditions:

(1) the return air boxes and duct connecting collars are installed without cutting any floor joists, wall studs, or other structural members, and any openings in the home are made rodent-proof by the appropriate use of foil, duct tape, collars, or other approved materials,

(2) the duct collar is installed at a location that is approximately the same register area fore and aft of the duct collar as there is fore and aft of the furnace for each unit;

(3) the Btu per hour rating of the installed air conditioning system is no greater than 115% of the rated air capacity of the duct system.

(4) dampers shall be installed to prevent cold air from flowing to the furnace and heated air from flowing into the air conditioner, and the thermostat shall not allow the heating and cooling system to operate simultaneously, and

(5) the air conditioner is wired directly to electrical service and not through the electrical distribution panel in the home; or if the air conditioner is wired into the circuitry of the home through the distribution panel, the aggregate ampacity of the panel box shall not be exceeded due to the additional ampacity of the equipment installed.

(f) If additional air duct cooling capacity is needed, the capacity may be obtained by installing additional air supply registers to the duct system. Installing additional air supply registers to the duct system is an approved alteration provided that:

(1) the air supply registers which are added shall be of the same size (outlet area) as the registers installed by the home manufacturer,

(2) each additional air supply register may add air duct cooling capacity at the rate of up to 1,500 Btu's per hour each; provided that the total additional cooling capacity obtained shall not exceed 6,000 Btu's per hour,

(3) registers shall be added as equally as possible to both sides of the cool air entry locations of the main supply duct(s); and

(4) the air supply registers and duct connecting collars are installed without cutting any floor joists, wall studs, or other structural members, and any openings in the home or duct system are made rodent-proof by the appropriate use of foil, duct tape, collars, or other approved materials.

(g) If the air conditioning installation, pursuant to subsections (c)-(f) of this section, is a part of the sales contract of the manufactured home, the retailer shall maintain in the sales file a sworn statement on a form prescribed by the department:

AIR CONDITIONING INSTALLATION REPORT
(Please Type or Print Very Plainly)

A. Air Conditioner Contractor (if other than Retailer) name and address.

Name: _____
Address: _____
City: _____ State: _____ Zip: _____

B. Name of Home Manufacturer _____

Model designation of home (name and/or number) _____

Label (Decal) No.(s) _____

C. Name of Purchaser and address where home is to be sited:

Name: _____
Address: _____
City: _____ State: _____ Zip: _____

D. 1. Maximum cooling capacity of duct system as per home manufacturer's comfort cooling certificate or data plate _____

_____ Btuh
2. Manufacturer and Model number of furnace in home _____

E. Was additional cooling capacity added to duct system by installing additional air registers? ____ Yes ____ No

If "Yes": No. of registers added _____; total additional capacity obtained _____ Btuh.

F. Manufacturer name and model number of air conditioner and all equipment components installed:

	<u>Component</u>	<u>Manufacturer</u>	<u>Model No.</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

G. Ratings in accordance with applicable ARI Standards:

1. EER or SEER of equipment installed _____
2. Cooling capacity of system as installed _____ Btuh
H. If a self-contained system, describe where the air supply and return air connections will be installed: _____

- I. (1) Air conditioner is wired: _____ Direct
_____ Through Distribution Panel

- (2) If through distribution panel state:
Capacity of panel box _____
Capacity of equipment installed _____

J. Are the return air boxes, duct connecting collars, and any additional air registers installed without cutting any floor joists, wall studs and other structural members? _____ Yes _____ No

K. Are openings cut in the home or the duct system properly sealed and rodent-proof after a/c equipment has been installed?
_____ Yes _____ No

L. Are dampers properly installed to prevent cold air from flowing to the furnace and heated air from flowing into the air conditioner:
_____ Yes _____ No

M. Does the thermostat prevent the heating and air conditioning equipment from operating simultaneously?
_____ Yes _____ No

N. Is the duct collar installed at a location so that there is approximately the same register area fore and aft of the duct collar as there is fore and aft of the furnace plenum for each unit?
_____ Yes _____ No

I CERTIFY AND SWEAR THAT THE INFORMATION ABOVE IS TRUE AND CORRECT AND THAT THE AIR CONDITIONING SYSTEM WAS INSTALLED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE TEXAS DEPARTMENT OF LABOR AND STANDARDS.

Name of retail business

Signature

Address of retailer

Type or print name of person
signing for air contractor (or
retailer)

City - State - Zip

Type or print title of person
signing for air contractor (or
retailer)

SUBSCRIBED & SWORN TO before the undersigned notary public in and
for the State of Texas on the _____ day of _____, 19____.

(Seal) -----
Signature of Notary

Type or print name of Notary

§69.66. Modular Home Installation Requirements.
The installation of all modular homes or homes built of modular components must comply with the following requirements:

(1) One and two family dwellings shall be installed either:

(A) as per the manufacturer's typical foundation design as approved by a Design Review Agency for Texas (DRAT), and as per the manufacturer's DRAT-approved installation instructions which shall include:

(i) details of the construction of the foundation and a description of the soil type for which the foundation is suitable. The soil type description must reference nationally recognized soil classification standards;

(ii) a description of materials, hardware, devices, and components for the attachment of the home to the foundation system; and

(iii) procedures for required on-site systems and soil classification tests, or

(B) to a unique foundation design drawing stamped by a registered professional engineer or architect. The stamped design must specifically reference:

(i) modular manufacturer's name;

(ii) design wind zone;

(iii) model,

(iv) specific location of home; and -

(v) manufacturer's installation instructions.

(2) These installations shall be reported as required by the department prior to construction. Soil classification test results shall be provided with the reports as evidence that the sites have been properly selected and/or prepared for the foundation designs. Copies of the soil classification test results, foundation design, and installation instructions shall be available to the inspector at each site.

(3) Modular residential structures which exceed three stories in height or which are designed for the separate living use of more than two families shall be installed to the following requirements:

(A) as per manufacturer's typical foundation design as reviewed and approved by a DRAT for applicable codes referenced in §69.78 of this title (relating to Modular Codes and Standards Incorporated by Refer-

ence) and the DRAT-approved installation instructions, site built system drawings, and on-site test procedures; or

(B) to a custom designed foundation drawing stamped by a registered professional engineer, reviewed and approved by a DRAT for conformance to applicable codes referenced in §69.78 of this title (relating to Modular Codes and Standards Incorporated by Reference) and the DRAT-approved installation instructions, site built system drawings, and on-site test requirements.

(4) These installations shall be reported as required by the department prior to construction

§69.69. Modular Home Decal.

(a) Every modular home, including each section of multisectional modular homes, shall have a decal affixed. The decal will be affixed only after the modular home is in compliance with the Texas Modular Housing Standards Code. The decal will be affixed in a readily visible location on each transportable section of the modular home. The homeowner's manual will specify the location where the decal will be affixed. The decal will be attached by nonremovable fasteners so that the decal may not be removed without being defaced. The manufacturer will obtain decals from the department and shall make a provision for the safeguarding of the decal when the decal is to be affixed at a location other than the manufacturing facility. The decals will remain the property of the department and may be reclaimed by the department when necessary to assure compliance with the Standards or Texas Civil Statutes, Article 5221f. The manufacturer will assign a decal number to a modular home or a section of a multisectional modular home at the time it enters production. The manufacturer will keep accurate records of all decals in its possession. The manufacturer shall not ship a home or a transportable section of a home that has been cited to contain a nonconformance until the nonconformance has been corrected and released by department personnel.

(b) The department shall issue an insignia to be used by component manufacturers for modular components. The insignia representing the certification of the manufacturer shall be stamped at a visible location by the manufacturer on the component prior to shipment

and shall reference a certifying quality control document, a copy of which shall accompany the component to the permanent site.

(c) The decal will be affixed only after the modular home has been constructed, inspected, and tested in accordance with the approved design and quality assurance manual. A final installation report will be issued only after the modular home has been tested and installed in accordance with the approved site-built system drawings and installation manual.

§69.70. Modular Manufacturer Self-Certification Decal.

(a) After the effective date of these standards and prior to completion of the certification inspection, the modular home manufacturer may self-certify its modular homes as being in compliance with the Texas Manufactured Housing Standards Code after the filing of the DRAT-approved design package. The manufacturer shall attach to each transportable section of each modular home produced a self-certification decal of the form:

_____ (name of manufacturer) certifies that to the best of our knowledge, this modular home has been built in compliance with the requirements of the Texas Manufacturing Housing Standards Code

(b) The self-certification decal will be no smaller than 4½ inches by 2 inches and will be permanently affixed to each transportable section of the modular home as specified in §69.69 of this title (relating to Modular Home Decal).

(c) Self-certification shall be limited to a period not to exceed 90 days

(d) A manufacturer shall be allowed to use only one 90-day period under this section. Such 90-day period shall begin the day the first unit is entered into production. A manufacturer shall notify the department the date production is commenced.

(e) It is a violation of this section for a manufacturer not to notify the department of the date production is commenced

§69.71. Modular Home Data Plate Requirements. All modular homes entering production on or after the effective date of these standards shall have affixed near the main electrical distribution panel box or in another accessible location a data plate containing the following information:

(1) name and address of the manufacturer and the phrase, "for warranty information",

(2) name and address of the Texas Department of Labor and Standards,

(3) the identification number, decal number, model designation, and date of manufacture of the unit,

(4) the wind pressure and seismic load zones for which the unit was designed, including duplicates of the applicable load zone maps as specified in the applicable code;

(5) a statement about the maximum roof live load: "This unit is designed for a roof live load of _____ pounds per square foot."

(6) a statement about the thermal insulation:

This modular home has been thermally insulated for all locations within Texas having 4,000 annual Fahrenheit heating degree days (65° F base) or less, or the statement,

This modular home has been thermally insulated for _____ County, having _____ annual Fahrenheit heating degree days (65° F base),

(7) the recommended outdoor winter design temperature range for maximum furnace operating economy and energy conservation;

(8) a statement about an added cooling system if the modular manufacturer provides no cooling system components and/or installation instruction. The applicable value shall be written in the space

The air distribution system installed in this home is sized for a central air conditioning system of up to _____ Btu/hr. The installation instructions contain all the information needed to calculate the sensible heat gain in accordance with the American Society of Heating, Refrigerating, and Air Conditioning Engineer (ASHRAE) Handbook of Fundamentals

(9) name and address of the Design Review Agency, and

(10) the data plate must be completed and affixed at the time of shipment

§69.72. Modular Home Manufacturer Certification Requirements. Prior to being issued decals, each modular home manufacturing facility will undergo a plant certification inspection.

The plant certification inspection will be conducted by a team of at least one engineer and one or more inspectors. The purpose of the plant certification inspection will be to assure that the quality control program in the manufacturing facility is functioning according to the approved quality control manual for that facility and that the manufacturing facility is capable of producing modular homes in compliance with the Texas Manufactured Housing Standards Code in effect at the time of the inspection. The engineer assigned to the team will become familiar with all aspects of the manufacturer's approved design and quality control manuals. Modular homes on the production line will be checked to assure that failures to conform located by the inspection team are being located by the plant quality control program and are being corrected by the plant personnel. The inspection team will work closely with the plant quality control personnel to assure that the approved design and quality control manuals for that facility are clearly understood and are being followed. The plant certification inspection will terminate when the inspection team has fully evaluated all aspects of the manufacturing facility. At the completion of the plant certification inspection, the department will prepare a plant certification report or deviation report.

§69.76. Modular Manufacturer Design Submittal Requirements

(a) Design Review Agency Information. The manufacturer shall submit to the design review agency such information as the design review agency may reasonably require, consistent with the requirements of these standards, to assure compliance with these standards. The manufacturer may contract with any approved design review agency. A list of approved design review agencies, including mailing addresses, will be available from the department

(b) Submittal Requirements. Each manufacturer shall have copies of all tests, floor plans, drawings, specifications, schedules, the quality assurance manual, and

other information reviewed by an approved design review agency. The approved design review agency will indicate approval by application of an approval stamp to each page. A copy of the information must be in the factory for use by in-plant inspectors and a copy must be submitted to the department. A floor plan, construction detail, specification drawing, calculation, or other document must be stamped as approved and in the factory before the applicable portion of the modular home is inspected or constructed. The manufacturer must submit to the approved design review agency the following:

(1) Three copies of a modular home design manual. The manual shall have all pages numbered and be arranged according to the submitted table of contents. The pages shall be 8½ inches by 11 inches, or folded into 8½ inches by 11 inches. The floor plans shall have no scale smaller than 1/8 inch equals one foot. The manufacturer's modular home design manual shall contain, as a minimum:

(A) table of contents with provision for numbering each page of the design manual, including all specifications, drawings, and calculations, and cross-referencing each drawing or specification to the applicable calculation pages;

(B) specifications or detail drawings for all materials used in the construction of the modular home,

(i) detail drawings of all assemblies and components,

(ii) floor plans for all models and options;

(iii) electrical schematics for all models and options,

(iv) plumbing drawings for all models and options,

(v) gas piping drawings for all models and options,

(vi) foundation systems designs for all models (certified by a registered professional engineer or architect) including specifications of those materials, if any, that are unique to the design, and details of connection and classification and description of soils suitable for the foundation designs. The foundation system designs and other instructions necessary for installation shall be presented in an installation manual. An approved copy shall be in the design manual and an approved copy shall accompany each structure. The installation manual shall contain, but is not limited to the following information:

(I) foundation drawings and specifications,

(II) soil classification procedures,

(III) concrete test procedures (if applicable),

(IV) module to foundation connection details,

(V) module to module connection details,

(VI) firestopping and draft stopping instructions,

(VII) details for fire exits, balconies, walkways, and other site-built attachments,

(VIII) exterior weather proofing details;

(IX) details for thermal, condensation, decay, corrosion, and insect protection;

(X) electrical, mechanical, and plumbing system completion details;

(XI) electrical, mechanical, and plumbing system test procedures;

(XII) fire safety provisions; and

(XIII) a quality control checklist for the preceding requirements.

(vii) details for connection of utilities;

(viii) fire protection details for kitchen range, water heater compartments, and furnace compartments;

(ix) thermal resistance and air infiltration details drawings and specifications;

(x) structural, thermal, electrical load, and hydraulic calculations, as applicable,

(xi) details of the heating system. The modular home data plate and the installation instructions shall describe the recommended outdoor winter design temperature range for maximum furnace operating economy and energy conservation;

(xii) details of the cooling system. Cooling system components may be installed:

(I) in the factory in accordance with the approved design manual and/or at the site in accordance with the approved installation instructions; or

(II) at the site in accordance with an approved alteration or a preapproved alteration.

(III) if the cooling system components are installed at the site in accordance with an approved alteration or a preapproved alteration, the installation instructions and the data plate must have the statement (the applicable value shall be written in the space):

The air distribution system installed in this home is sized for a central air conditioning system of up to _____ Btu/hr. The installation instructions contain all the information needed to calculate the sensible heat gain in accordance with the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) Handbook of Fundamentals.

(IV) the installation instructions will contain all the information needed to calculate the sensible heat gain as stated on the data plate.

(2) Three copies of a quality assurance manual. The manual shall reflect the quality control procedures of the manufacturer providing for such inspections and testing of each modular home to assure conformance to the standards. The manual shall have a table of contents. All pages shall be consecutively numbered on 8½ inches by 11 inches format. The manual shall contain copies of all inspection forms, records, checklists, labels, and tags. The locations of decals, data plates and insignias shall be described. The manual shall as a minimum contain the following:

(A) a brief introductory statement describing the type of modular housing involved and the quality assurance program's general policy within the construction process,

(B) a chart depicting the manufacturer's organizational structure and functional relationships for quality assurance and production,

(C) a functional statement which defines the obligation, responsibility, and authority of the manufacturer's quality assurance program;

(D) identification of quality assurance personnel, their accountability by position, responsibility for each inspection, method for marking nonconformances

observed, and the identification by title of the person authorized to remove marks;

(E) construction materials handling methods including:

- (i) inspection checklist for receiving materials; and
- (ii) marking and removal of rejected materials both upon receipt and from production line;

(F) identification numbering system to mark each individual unit at a uniform, accessible location in the first stage of production,

(G) a schema of the manufacturing sequence with the plant layout, including a station-by-station description of the activities to be performed;

(H) inspection checklist including:

- (i) list of inspections to be made at each production station; and
- (ii) accept/reject criteria (i.e., each significant dimension and component should be given tolerances);

(I) step-by-step procedures and the station at which each production test will be performed including:

- (i) dielectric test, continuity test, polarity test, operational electrical test, gas supply pressure test, water supply pressure test, DWV system test,
- (ii) description of required testing equipment; and
- (iii) procedures for periodic checking, recalibration, and readjustment of test equipment,

(J) storage procedures for completed units at plant (and other locations prior to installation); and

(K) changes to the quality assurance manual. All changes to the quality assurance manual reflecting additions to the quality assurance program and production process shall be resubmitted to the design review agency for approval.

(3) Modular homes homeowners' manual. Each manufacturer shall provide a homeowners' manual with each modular home. The homeowners' manual shall be delivered to the consumer with the home. The contents of the homeowners' manual shall be:

(A) cover page titled "Modular Home Homeowners' Manual";

(i) name, location of facility, address, phone number; and

(ii) table of contents;

(B) the statement,

This homeowner's manual has been provided in accordance with the requirements of the Texas Manufactured Housing Standards Act,

(C) information about the standards,

Information about the standards, rules, regulations, administrative orders, and requirements of the Texas Manufactured Housing Standards Act is available from the Texas Department of Labor and Standards, Manufactured Housing Division, P.O. Box 12157, Austin, Texas 78711, telephone (512) 475-5712,

(D) location of the data plate and an explanation of the significance of the information printed on it;

(E) details of foundation systems (may be the same as the modular home installation manual);

(F) location of decal,

(G) installation instructions for connection of utilities (may be the same as that in the modular home manufacturer manual);

(H) typicals or schemas of the major systems of the modular home:

- (i) electrical;
- (ii) plumbing; and
- (iii) air supply ducting.

(I) Comfort cooling information. The modular home manufacturer shall provide the homeowner with modular comfort cooling information. This comfort cooling information shall be included in the homeowner manual and on the data plate. The comfort cooling information shall include:

(i) a statement to read as follows:

To determine the required capacity of equipment to cool a home efficiently and economically, a cooling load (heat gain) calculation is required. The cooling load is dependent on the orientation, location, and structure of the home. Central air conditioners operate most efficiently and provide the greatest comfort when their capacity closely approximates the calculated cooling load. Each home's air conditioner should be sized in accordance with Chapter 22 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) Handbook of Fundamentals, once the location and orientation are known.

(ii) information provided by the manufacturer necessary to calculate sensible heat gain:

- (I) walls (without windows and doors) "U" _____
- (II) ceiling and roofs of light color "U" _____
- (III) ceiling and roofs of dark color "U" _____
- (IV) floors "U" _____
- (V) air ducts in floor "U" _____
- (VI) air ducts in ceiling "U" _____
- (VII) air ducts installed outside the home "U" _____

(iii) a statement to read as follows:

The air distribution system installed in this home is sized for a central air conditioning system of up to _____ Btu/hr.

§69.77. Modular Housing Construction. This standard covers the construction and design of modular housing, including the structural, mechanical, electrical, energy, and transportation systems. The commissioner or his designee shall serve as the building official and the authority having jurisdiction for the enforcement of these reference codes and standards.

§69.78. Modular Codes and Standards Incorporated by Reference.

(a) The Manufactured Housing Division of the Department of Labor and Standards herein adopts by reference the following codes and standards:

(1) One and Two Family Dwelling Code, 1979 Edition, Building Officials and Code Administrators International, Inc., Southern Building Code Congress International, and International Conference of Building Officials; Part II—Building Planning; Part III—Construction; Part IV—Mechanical, Part V—Plumbing; Part VII—Standards. As the scope of these standards is broad-

er than that originally envisioned by the One and Two Family Dwelling Code, the following alterations have been made to the One and Two Family Dwelling Code, sections R-101, R-102, R-103, R-104, R-105, R-106, R-107, R-109, R-110, R-111, R-111.2, R-112, R-113, R-203, M-1904, Chapter 25, third paragraph of Section P-2003, the third paragraph of R-207 are deleted,

(2) National Electrical Code, 1981 Edition, National Fire Protection Association,

(3) The Model Code for Energy Conservation in New Building Construction, 1977 Edition, Building Officials and Code Administrators International, Inc., International Conference of Building Officials, Southern Building Code Congress International, Inc., for National Conference of States on Building Codes and Standards, Inc ;

(4) The Uniform Building Code, 1982 Edition; Uniform Mechanical Code, 1982 Edition, the Uniform Plumbing Code, 1982 Edition; International Conference of Building Officials,

(5) The Standard Building Code, 1982 Edition; the Standard Mechanical Code, 1982 Edition; the Standard Plumbing Code, 1982 Edition; the Standard Gas Code, 1982 Edition; Southern Building Code Congress, International

(b) These codes and standards may be obtained as follows:

(1) National Electrical Code, 1981 Edition, from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210

(2) One and Two Family Dwelling Code, 1979 Edition, from the Building Officials and Code Administrators International, Inc , 17926 South Halsted Street, Homewood, Illinois 60430

(3) Model Code for Energy Conservation in New Building Construction from the National Conference of States on Building Codes and Standards, 481 Carlisle Drive, Herndon, Virginia 22070

(4) Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601

(5) Standard Building Code, Standard Mechanical Code, Standard Plumbing Code, Standard Gas Code, Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213

(c) Modular residential structures which exceed three stories in height or which are designed for the separate living use of more than two families shall be designed and constructed in compliance with the herein referenced Uniform Building Code, Uniform Plumbing Code, and Uniform Mechanical Code; or the Standard Building Code, Standard Plumbing Code, Standard Mechanical Code, and Standard Gas Code; the Model Code for Energy Conservation in New Building Construction; and the National Electrical Code

(1) If the Uniform Building Code or the Standard Building Code is the building code in effect in the municipality where the modular structure covered by the provisions of the section is to be erected, the manufacturer shall design and construct the modular structure to the model code applicable to that municipality but without amendments

(2) If the municipality in which the modular structure covered by the provisions of this section is to be erected does not utilize either the Uniform Building Code or the Standard Building Code, then the authorized representative of that municipality shall determine whether the Uniform Building Code or the Standard Building Code, without amendments, will be utilized for the design and construction of the modular structure to be erected in the municipality

(3) If the municipality in which the modular structure covered by the provisions of this section is to be erected does not have an established building code, or if the modular structure is to be erected in an unincorporated area, the manufacturer shall designate to its Design Review Agency for Texas (DRAT) whether the Uniform Building Code or the Standard Building Code is to be utilized for the design and construction of the modular structure

(4) All modular structures covered by the provisions of this subsection shall be designed and constructed in accordance with the herein referenced National Electrical Code, 1981 Edition, except that all amendments to the National Electrical Code in effect in the municipality where the modular structure is to be erected shall apply fully to the electrical design and construction of the modular structure. If the municipality in which the modular structure covered by the provisions of this section is to be erected does not have an established electrical code, or if the modular structure is to be erected in an unincorporated area, the National Electrical Code, 1981 Edition, without amendments, shall be used

(5) All modular structures covered by the provisions of this section shall be designed and constructed according to the requirements of the herein referenced Model Code for Energy Conservation in New Building Construction

(d) Modular structures designed for one or two family residential dwellings, not to exceed three stories in height, shall be constructed in accordance with the herein reference One and Two Family Dwelling Code, the 1981 National Electrical Code, and the Model Code for Energy Conservation

(e) Family dwelling units separated by a two-hour fire wall are separate structures for the purpose of this rule, providing the structure does not exceed two stories in height

§69.81 Required Tests

(a) Testing for leakage. Each modular home shall be subjected to the following gas piping tests. The required tests shall be performed in the manufacturing facility if possible. When the required gas piping tests cannot be performed in the manufacturing facility, such tests shall be performed at the modular home installation site in the presence of an inspector, authorized by the department to witness and approve such gas piping tests. Decals shall not be affixed to the modular home until the required gas piping tests have been successfully completed.

(1) Before appliances are connected, piping systems shall withstand air pressure of at least six inches mercury or three PSI gauge for a period of not less than 10 minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or slope

gauge calibrated to read in increments of not greater than 1/10 pound, or an equivalent device. The source of normal operating pressure shall be isolated before the pressure tests are made. Before a test is begun, the temperature of the ambient air and of the piping shall be approximately the same and constant air temperature shall be maintained throughout the test.

(2) After appliances are connected, the piping system shall be pressurized with air to not less than 10 inches nor more than 14 inches water column and the appliance connections tested for leakage with a soapy water solution. The gas piping supply system shall be designed for pressure not exceeding 14 inches water column (1 1/2 psi) and not less than seven inches water column (1 1/4 psi). The manufacturer shall indicate in his written installation instructions the design pressure limitations for safe and effective operation of the gas piping system.

(b) Electrical tests. The required tests are to be performed in the manufacturing facility. If the required tests cannot be performed in the manufacturing facility, they shall be performed at the modular home installation site in the presence of an inspector authorized by the department to witness and approve such electrical tests. Decals shall not be affixed to the modular home until the required electrical tests are successfully completed. Each modular home shall be subjected to the following electrical tests:

(1) Dielectric strength test. The wiring of each modular home shall be subjected to a dielectric strength test for one minute at a voltage higher than 900 volts but not greater than 1,000 volts (with all switches closed) between all pole combinations. Alternatively, the test may be performed for one second at a voltage higher than 1,080 but not greater than 1,250 volts. This test shall be performed after branch circuits are complete and after fixtures or appliances are installed. The manufacturer shall assure that appliances and fixtures are not connected to the branch circuit wiring and are not subjected to these voltages;

(2) Continuity test. A continuity test to assure that all noncurrent carrying metallic parts are properly bonded.

(3) Operational test. An operational test to demonstrate that all equipment is connected and in working order.

(4) Polarity check. A polarity check to determine that connections have been properly made.

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 31, 1984.

TRD-845979 Allen Parker, Sr.
Commissioner
Texas Department of Labor and
Standards

Effective date June 22, 1984
Proposal publication date December 16, 1983
For further information, please call (512) 475-0155

69 141-69 161, without changes to the proposal published in the December 16, 1983, issue of the *Texas Register* (8 TexReg 5236).

The 68th Legislature, 1983, adopted certain amendments to the Texas Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, in House Bill 897, which necessitates an updating of the manufactured housing rules and regulations. The Manufactured Housing Division of the Texas Department of Labor and Standards has taken this opportunity to reorganize Chapter 69, remove outdated sections, and effect general editorial changes to foster clarity.

The repeal deletes obsolete language from the department rules and regulations. The department was commended for the repeal.

Those making comments in favor of the repeal were James Hoplin and TFF Corporation. No one commented against the repeal.

Mobile Home Installations

16 TAC §§69 91-69.103, 69 105, 69 106

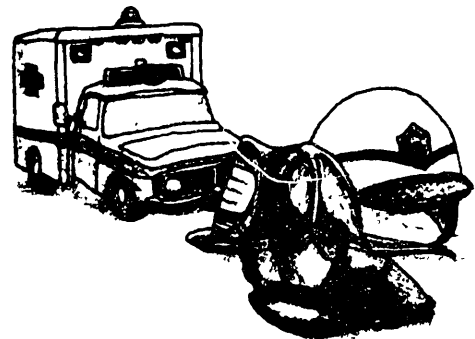
The repeal is adopted under the Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, §9, which provides the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act.

This agency hereby certifies that the 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 31, 1984.

TRD 845977 Allen Parker, Sr.
Commissioner
Texas Department of Labor and
Standards

Effective date June 22, 1984
Proposal publication date December 16, 1983
For further information, please call (512) 475-0155



The Texas Department of Labor and Standards adopts the repeal of §§69 91-69 103, 69 105, 69 106, and

Modular Home Installations

16 TAC §569.141-69.161

The repeal is adopted under the **Manufactured Housing Standards Act**, Texas Civil Statutes, Article 5221f, §9, which provides the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act

This agency hereby certifies that the 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 31, 1984

TRD-845978 Allen Parker, Sr.
Commissioner
Texas Department of Labor and
Standards

Effective date June 22, 1984
Proposal publication date December 12, 1983
For further information, please call (512) 475-0155.

TITLE 19. EDUCATION
Part II. Texas Education Agency
Chapter 61. School Districts
Subchapter F. Responsibilities and
Powers for Operation

19 TAC §61.166

The Texas Education Agency adopts the repeal of §61.166, without changes to the proposal published in the February 7, 1984, issue of the *Texas Register*, (9 TexReg 617)

This section concerned a school district course of study, which is now covered in the new curriculum rules. To avoid having an obsolete cross-reference, this section has been repealed. The requirement that a course of study be offered in accordance with the new sections is included in Chapter 75 of this title

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels

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 18, 1984

TRD-846066 Raymon L. Bynum
Commissioner of Education

Effective date June 25, 1984
Proposal publication date February 7, 1984
For further information, please call (512) 475-7077

Chapter 77. Comprehensive
Instruction
Subchapter A. Comprehensive
Educational Program

19 TAC §77.1, §77.2

The Texas Education Agency adopts the repeal of §77.1 and §77.2, without changes to the proposal published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 470)

This section concerned the **Comprehensive Educational Program**. The new curriculum makes the provisions of these sections obsolete. The State Board of Education has adopted new sections concerning the curriculum in Chapter 75 which implement House Bill 246, 67th Legislature. These new sections address both the criteria for a comprehensive educational program and school district responsibility for that program.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels

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 18, 1984

TRD-846067 Raymon L. Bynum
Commissioner of Education

Effective date June 25, 1984
Proposal publication date January 27, 1984
For further information, please call (512) 475-7077.

Subchapter C. Curriculum for General
Education

19 TAC §§77.41-77.46

The Texas Education Agency adopts the repeal of §§77.41-77.46, without changes to the proposal published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 470)

The sections concerned the curriculum for general education. The content of these sections is addressed in the new curriculum rules. To avoid conflict with the new curriculum rules, these sections have been repealed. Curriculum for general education is addressed in the new curriculum rules in Chapter 75. This repeal implements House Bill 246, 67th Legislature. The new curriculum rules make the provisions of §§77.41-77.46 obsolete

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels

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 18, 1984

TRD-846068 Raymon L. Bynum
 Commissioner of Education

Effective date June 25, 1984
Proposal publication date January 27, 1984
For further information, please call (512) 475-7077

Subchapter T. Crime Prevention and Drug Education

19 TAC §77.411

The Texas Education Agency adopts the repeal of §77.411, without changes to the proposal published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 471)

This section concerned crime prevention and drug education. Statutory requirements concerning the teaching of crime prevention and drug education were repealed by House Bill 246, 67th Legislature, concerning public school curriculum. This area has now been included in the new curriculum rules. To avoid conflict with the new curriculum rules, this section has been repealed. The rules concerning this special program are included in the new essential elements for health as part of the new curriculum requirements adopted by the State Board of Education in Chapter 75.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §21.101(b) which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels

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 18, 1984

TRD-846069 Raymon L. Bynum
 Commissioner of Education

Effective date June 25, 1984
Proposal publication date January 27, 1984
For further information, please call (512) 475-7077

Subchapter V. Adoptions by Reference

19 TAC §577.452

The Texas Education Agency adopts the repeal of §577.452, without changes to the proposal published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 471).

This section concerned the adoption by reference of the State Plan for Administration of the Crime Prevention and Drug Education Program. The statutory requirement for the development of this plan was repealed by House Bill 246, 67th Legislature, concerning the curriculum. To avoid conflict with the new curriculum rules, this section has been repealed.

A comprehensive new set of curriculum requirements in Chapter 75 has been adopted by the State Board of Education. The new requirements implement House Bill 246. Elements previously covered by the Crime Prevention and Drug Education Program are included in the essential elements for health in the new curriculum rules.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels

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 18, 1984

TRD-846070 Raymon L. Bynum
 Commissioner of Education

Effective date June 25, 1984
Proposal publication date January 27, 1984
For further information, please call (512) 475-7077.

Chapter 81. Instructional Resources Subchapter D..State Textbook Program General Content Requirements and Manufacturing Standards

19 TAC §81.71

The Texas Education Agency adopts amendments to §81.71, without changes to the proposed text published in the April 27, 1984, issue of the *Texas Register* (9 TexReg 2353)

The section concerned general content requirements and limitations for textbooks adopted by the State Board of Education for use in Texas public schools. A sentence has been added to paragraph (a)(2) which reads, "Theories shall be clearly distinguished from fact and presented in an objective educational man-

ner." Paragraph (a)(5) of the rule, which contained specific requirements concerning the treatment of the theory of evolution, has been deleted, and subsequent paragraphs have been renumbered. Textbooks submitted for adoption must meet this content requirement

No comments were received regarding adoption of the amendments

The amendments are adopted under the Texas Education Code, §12.24, which authorizes the State Board of Education to adopt textbooks for use in the state; and the Texas Education Code, §12.16(b), which authorizes the board to make specific rules as to the manner of selection of textbooks

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 5, 1984

TRD-846150 Raymon L. Bynum
Commissioner of Education

Effective date June 26, 1984

Proposal publication date April 27, 1984

For further information, please call (512) 475-7077.

Chapter 93. Instructional Development

Subchapter A. Educational Program Development

19 TAC §93.1

The Texas Education Agency adopts the repeal of §93.1, without changes to the proposal published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 472)

This section concerned the instructional development process. To avoid conflict with the new curriculum rules, this section has been repealed. New curriculum rules in Chapter 75 include provision for review and revision of the new curriculum

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels

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 18, 1984

TRD-846071 Raymon L. Bynum
Commissioner of Education

Effective date June 25, 1984

Proposal publication date January 27, 1984

For further information, please call (512) 475-7077

Subchapter B. Educational Improvement Support

19 TAC §93.21

The Texas Education Agency adopts the repeal of §93.21, without changes to the proposal published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 472)

This section concerned resources for program development and implementation. To avoid conflict with the new curriculum rules, this section has been repealed. The new rules concerning the curriculum in Chapter 75 include provision for program development and implementation

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels

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 18, 1984

TRD-846072 Raymon L. Bynum
Commissioner of Education

Effective date June 25, 1984

Proposal publication date January 27, 1984

For further information, please call (512) 475-7077.

Subchapter D. Energy and Environmental Education

19 TAC §93.61

The Texas Education Agency adopts the repeal of §93.61, without changes to the proposal published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 473)

This section concerned the statewide design for energy and environmental education. Energy and environmental education have been included in the new rules in Chapter 75 concerning curriculum. To avoid conflict with the new rules, this section has been repealed. Requirements for instruction in energy and environmental education are included in the essential elements for science and for social studies in the new curriculum rules

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a),

and to require each district to provide instruction in those elements at appropriate grade levels.

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 18, 1984

TRD-846073 Raymon L. Bynum
Commissioner of Education

Effective date June 25, 1984
Proposal publication date January 27, 1984
For further information, please call (512) 475-7077

Subchapter E. Consumer Education

19 TAC §93.81

The Texas Education Agency adopts the repeal of §93.81, without changes to the proposal published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 473).

This section concerned consumer education. Consumer education has been included in the new rules in Chapter 75 concerning curriculum. To avoid conflict with the new rules, this section has been repealed. Consumer education is included in the new curriculum rules in the essential elements for the required course as well as in mathematics, business education, and home economics courses.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels.

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 18, 1984

TRD-846074 Raymon L. Bynum
Commissioner of Education

Effective date June 25, 1984
Proposal publication date January 27, 1984
For further information, please call (512) 475-7077.



Chapter 97. Planning and Accreditation

Subchapter D. Principles, Standards, and Procedures for the Accreditation of School Districts

Additional Accreditation Regulations

19 TAC §§97.111, 97.113, 97.118

The Texas Education Agency adopts the repeal of §§97.111, 97.113, and 97.118, without changes to the proposal published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 474).

These sections concerned essential curriculum elements prescribed by state law and State Board of Education policy, a description of a balanced elementary curriculum, and regulations on correspondence and high school credit by examination/performance. These items are now contained in the new rules on curriculum. To avoid conflicts with the new rules, these sections have been repealed. This information is now contained in Chapter 75, concerning curriculum, which has been adopted by the State Board of Education.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §11.26(a)(5), which authorizes the State Board of Education to make rules for the accreditation of school district.

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 18, 1984

TRD 846075 Raymon L. Bynum
Commissioner of Education

Effective date June 25, 1984
Proposal publication date January 27, 1984
For further information, please call (512) 475-7077.

Additional Accreditation Regulations

19 TAC §97.117

The Texas Education Agency adopts amendments to §97.117, with changes to the proposed text published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2419).

Section 75.142(b) requires students in grades seven or eight to complete ½ unit of computer literacy beginning with the 1985-1986 school year. The amendment to §97.117 provides that teachers may be assigned to teach the course if they have been verified competent under procedures established by the State Board of Education.

The section as proposed provided for the procedures to be established by the commissioner of education. As adopted, the rule requires that the procedures be

approved by the State Board of Education. Teachers who have computer science or data processing certification may also be assigned to teach the course, and a reference to these certifications has been added to the rule as adopted.

It was necessary to establish some procedure to enable teachers to be eligible for assignment to teach the new required computer literacy course. There is no certification program for computer literacy and it would have been unreasonable to require computer science or data processing certification for all teachers assigned to teach this course.

Procedures to verify competency for teachers of computer literacy will be established by the State Board of Education. These will include establishment of a training program through the regional education service centers and development of a test to verify competency. The training sequence will include training in BASIC programming, use of applications software; and computer terminology, history, and social impact. Teachers with prior computer training or experience may take the competency examination without participating in the training program. Teachers who pass the competency examination may be assigned to teach the computer literacy course.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, § 11.26(a)(5), which authorizes the State Board of Education to make rules for the accreditation of school districts.

(Editor's note: The Requirements for Assignment of Teachers, Grades 7 and 8 Departmentalized, are shown in the chart on page 3187.)

§97.117. *Requirements for Assignment of Teachers.*
(a)-(b) (No change.)

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

Issued in Austin, Texas, on June 5, 1984

TRD-846151

Raymon L. Bynum
Commissioner of Education

Effective date: June 26, 1984

Proposal publication date: May 4, 1984

For further information, please call (512) 475-7077.

Requirements for Assignment of Teachers -- Grades 7 and 8 Departmentalized

Subject	Minimum Requirements for Those with Certificates Dated Prior to September 1, 1962	Minimum Requirements for Those with Certificates Dated After September 1, 1962 and Prior to September 1, 1966, and for Those Teaching the Subject with an Elementary Certificate	Minimum Requirements for Those with Certificates Dated After September 1, 1966 (See end of table for Key to A.S. and T.F. Codes)	
I	II	III	IV	V
American History and Citizenship, Grade 8	18 semester hours in social sciences	18 semester hours in social sciences including 12 semester hours related to the assignment		GOV (33), HIS (34), or SST (36)
<u>Homemaking</u> (Non-Vocational)	12 semester hours in homemaking	18 semester hours in homemaking	HOM (64) or HOM (40)	
<u>Computer Literacy</u>	Verified competency in accordance with procedures established by the State Board of Education	Verified competency in accordance with procedures established by the State Board of Education	CIS or DPR Certification or Verified competency in accordance with procedures established by the State Board of Education	

19 TAC §97.119

The Texas Education Agency adopts the repeal of §97.119, without changes to the proposal published in the February 21, 1984, issue of the *Texas Register* (9 TexReg 1074).

This section concerned the requirement for summer school programs. These requirements are contained in the new rules in Chapter 75. To avoid conflict with the new rules, this section has been repealed. Requirements concerning summer school programs are now found in §75.168.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §11.26(a)(5), which authorizes the State Board of Education to establish regulations for the accreditation of school districts.

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 30, 1984.

TRD-846076 Raymon L. Bynum
 Commissioner of Education

Effective date: June 25, 1984
Proposal publication date: February 21, 1984
For further information, please call (512) 475-7077

Subchapter F. Adoptions by Reference

19 TAC §97.161

The Texas Education Agency adopts the repeal of §97.161, without changes to the proposal published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 475)

Section 97.161, concerning principles and standards for accrediting institutional and special schools, is out of date and has not been actually used for several years. The rule, therefore, has been repealed. Institutional and special schools must be in compliance with the same accreditation standards applicable to all other districts, i.e., Chapter 97, Subchapter D, of this title

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Education Code, §11.26(a)(5), which authorizes the State Board of Education to make rules for the accreditation of school districts

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 18, 1984

TRD-846077 Raymon L. Bynum
 Commissioner of Education

Effective date: June 25, 1984
Proposal publication date: January 27, 1984
For further information, please call (512) 475-7077

**TITLE 22. EXAMINING BOARDS
Part XXIII. Texas Real Estate
Commission**

**Chapter 535. Provisions of the
Real Estate License Act
Suspension and Revocation of Licensure
22 TAC §535.154**

The Texas Real Estate Commission adopts an amendment to §535.154, without changes to the proposed text published in the December 13, 1983, issue of the *Texas Register* (8 TexReg 5169).

The amendment clarifies the right of a corporation licensed as a real estate broker to use in business the name under which it was incorporated by the Office of the Secretary of State. The amendment is adopted to provide guidance to those real estate licensees incorporating their practices and to agency staff enforcing the provisions of Texas Civil Statutes, Article 6573a.

One comment was received concerning the proposed amendment, suggesting that, to prevent misrepresentation in advertising, the proposed amendment be amended to prohibit a broker from transacting business under an assumed or corporate name which includes the name of any unlicensed owner, officer, director, employee, or agent of the broker

The commission did not agree with the comment because the proposed amendment applies only to corporations licensed as brokers. Consequently, the name used in an advertisement would be the name of a licensed broker.

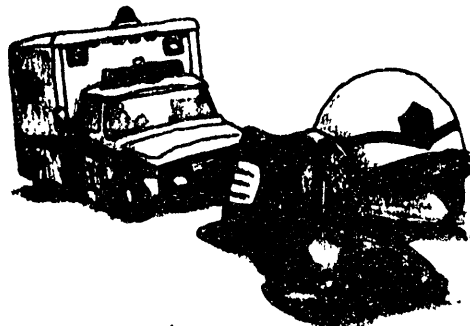
The amendment is adopted under the authority of Texas Civil Statutes, Article 6573a, §5, which authorize the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

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 31, 1984

TRD-846129 Mark A. Moseley
 Legal Counsel
 Texas Real Estate Commission

Effective date: June 25, 1984
Proposal publication date: December 13, 1983
For further information, please call (512) 459-3342.



**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

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

**Chapter 69. Purchased Social
Services**

**Subchapter F. Regional Monitoring and
Management**

40 TAC §69.94

The Texas Department of Human Resources adopts an amendment to §69.94, without changes to the proposed text published in the April 10, 1984, issue of the *Texas Register* (9 TexReg 2013).

The section concerns the termination and renewal of contracts. Texas Civil Statutes, Article 6252-13e, require contractors receiving block grant funds to submit evidence that an annual audit of the agency has been performed. The amendment provides further instruc-

tions for contractors receiving block grant funds to comply with the statute.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on June 6, 1984

TRD-846155

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: June 27, 1984

Proposal publication date: April 10, 1984

For further information, please call (512) 441-3355,
ext. 2037.

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. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or 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. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Open Meetings

Texas Department of Agriculture

Thursday, June 21, 1984, 10:30 a.m. The Texas Department of Agriculture will meet at 4502 Englewood Avenue, Lubbock. According to the agenda, the department will conduct an administrative hearing to review a possible violation of the Texas Agriculture Code, Chapter 101.013, by Louie Palomo, Jr., and David Ratz, doing business as Metropolitan Produce Company, as petitioned by Griffin and Brand Sales Agency.

Contact: Patrick D. Redman, P.O. Box 12847, Austin, Texas 78711, (512) 475-6686

Filed: June 7, 1984, 9:52 a.m.
TRD-846215

Texas Air Control Board

Friday, June 15, 1984, 9:45 a.m. The Monitoring and Research Committee of the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin. Items on the agenda include approval of research contracts, a report on the status of previously-approved projects, and a report on the evaluation of proposals received relating to the theoretical and practical considerations in using epidemiological techniques to detect health effects of air contaminants.

Contact: John B. Turney, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 351.

Filed: June 5, 1984, 10:36 a.m.
TRD-846130

Friday, June 15, 1984, 10:30 a.m. The Texas Air Control Board will meet at 6330 Highway 290 East, Austin. According to the agenda summary, the board will approve the May 18, 1984, minutes, hear reports, including a report on the status of the Harris County Inspection and Maintenance Program, a report on cogeneration developments in Texas, and the hearing examiner's reports; consider and act on research contracts; and consider an extended compliance date, concerning Regulation V, and new business.

Contact: John B. Turney, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: June 5, 1984, 10:36 a.m.
TRD-846131

Texas Cosmetology Commission

Sunday, June 24, 1984, 10 a.m. The Texas Cosmetology Commission will meet at the Sheraton Park Central Hotel, 12720 Merit

Drive, Dallas. Items on the agenda include an appearance by Lecia Stravica to speak on taking the facial examination, committee reports, and the previous meeting minutes. The commission also will meet in executive session.

Contact: Herbert E. Cohen, 1111 Rio Grande Street, Austin, Texas 78701, (512) 475-3304.

Filed: June 7, 1984, 9:53 a.m.
TRD-846227

Texas Conservation Foundation

Friday, June 22, 1984, 3 p.m. The Board of the Texas Conservation Foundation will meet in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include the previous meeting minutes, the executive director's report, the Sesquicentennial project, the Brown Foundation property, and the 1986-1987 budget request.

Contact: M. J. Hutchinson, Stephen F. Austin Building, Room 611, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-0342.

Filed: June 7, 1984, 9:53 a.m.
TRD-846216

Texas Commission for the Deaf

Saturday, June 16, 1984, 9:30 a.m. The Texas Commission for the Deaf will meet at 4215 Maple, Dallas. Items on the agenda include action on the previous meeting minutes, a report from the Board for Evaluation of Interpreters, policy considerations, approval of the fiscal year 1985 operating budget, consideration of issues related to development of fiscal year 1985-1986 appropriations requests, director and staff reports, public comment, and the chairman's report. The commission also will meet in executive session to consider personnel matters.

Contact: Fred R. Tammen, 510 South Congress Avenue, #300, Austin, Texas 78704, (512) 475-2492.

Filed: June 6, 1984, 3:51 p.m.
TRD-846208

**Texas State Board of Dental
Examiners**

Thursday, June 14, 1984, 5 p.m. The Texas State Board of Dental Examiners will meet in the board meeting room, University of Texas Dental Branch, Houston. According to the agenda summary, the board will consider a motion for rehearing; elect officers for 1984-1985, discuss the fall examination, consider a request of the Travis County Health Department, a request by Kelly Mitchell for approval of a pit and fissure sealant course, and a request of Dr. Donald E. Kurth regarding licensure, approve anesthesia applications, and conduct an appearance before the board by Dr. Brad Wilson.

Contact: William S. Nail, 411 West 13th Street, Suite 503, Austin, Texas 78701, (512) 475-2443.

Filed: June 6, 1984, 10:03 a.m.
TRD-846156

Texas Education Agency

Wednesday, June 13, 1984. Committees of the Texas Elementary and Secondary School Planning Council of the Texas Education Agency (TEA) will meet in emergency session in Room 101E, TEA North Building, 1200 East Anderson Lane, Austin. Times, committees, and agendas follow.

8:30 a.m. The Committee on Finance and Program Administration will consider proposed workshops on classroom management, reports on monitoring of education service center (ESC) consolidated programs and a final audit determination relative to

ESCs; consolidated applications and funding; the migrant students record transfer system; an update on special education activities and training; and a follow-up on adapted physical education topics. The emergency status is necessary because the agenda items were not received in time.

10:30 a.m. The Committee on Professional Development and Support will consider preprofessional skills test results and textbook adoption procedures. The emergency status is necessary because the agenda items were not received in time.

1 p.m. The Committee on Planning, Research, and Curriculum will consider changes in TEA manual budgeting, accounting, and reporting for ESCs; a proposed meeting of ESC business managers; a report of the Principals' Pilot Program, a follow-up of State Board of Education rules for curriculum; and the role of ESCs in assisting school districts to meet accreditation requirements. The emergency status is necessary because agenda items were not received in time.

3:15 p.m. The Committee on Interagency Coordination, Policy Development, Communication Services, and School Support will discuss plans for the July meeting, including evaluation and reorganization of the Planning Council; hear a legislative report, and consider other topics relating to interagency coordination, policy development, communication services, and school support. The emergency status is necessary because the agenda items were not received in time.

Contact: Ernest Chambers, 201 East 11th Street, Austin, Texas 78701, (512) 475-6400.

Filed: June 6, 1984, 1:13 p.m.
TRD-846174-846177

Thursday, June 14, 1984, 8 a.m. The Texas Elementary and Secondary School Planning Council of the TEA will meet in the conference room, fourth floor, Teacher Retirement System Building, 1001 Trinity Street, Austin. According to the agenda summary, the council will hear reports from the commission of education, the Committee on Finance and Program Administration, the Committee on Professional Development and Support, the Committee on Planning, Research, and Curriculum, and the Committee on Interagency Coordination, Policy Development, Communication Services, and School Support.

Contact: Ernest Chambers, 201 East 11th Street, Austin, Texas 78701, (512) 475-6400.

Filed: June 6, 1984, 1:14 p.m.
TRD-846178

Texas Employment Commission

Wednesday, June 13, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue. According to the agenda summary, the commission will consider prior meeting notes and reports of administrative staff on operations, funding and legislation; conduct a public comment period; discuss establishment of a policy on Hispanic translations; schedule the next Advisory Council meeting; consider the position of the agency administrator and appropriate action thereon, staffing the commissioners' offices, and adoption of a policy manual; hear a report on the sale/exchange of property; consider expenditures from the unemployment compensation special administration fund, a budget preparation process briefing, extension of a contract of sale on the Walnut Creek Park property, the sale of a portion of agency property in Paris, and adoption of an emergency rule regarding the unemployment benefits eligibility of employees of educational service agencies; and set the date and agenda items for the next meeting. The commission also will meet in executive session under Texas Civil Statutes, Article 6252-17, §2(e) and (f), to consider Senate Bill 1355 as it affects the TEC's sale, lease, or purchase of real property and related matters, and conduct a discussion with attorneys concerning *Tullis v. Grisham* and other matters permitted by Texas Civil Statutes, Article 6252-17.

Contact: Steve Hollahan, TEC Building, Room 660, Austin, Texas, (512) 397-4400.

Filed: June 5, 1984, 3:27 p.m.
TRD-846140

**Commission on Fire Protection
Personnel Standards and
Education**

Wednesday, June 6, 1984, 2:30 p.m. The Committee for Aircraft Crash and Rescue Standards of the Commission on Fire Protection Personnel Standards and Education met in emergency session in the Aviation Administration Conference Room, Suite 210, Love Field Airport, Dallas. According to the agenda, the committee conducted necessary revisions to proposed aircraft crash and rescue fire fighter standards and will submit any amendments to the full commission for action at the earliest possible date. The emergency status was necessary due to a mandate by House Bill 594, 68th Legislature, 1983, requiring aircraft crash and rescue standards before September 1, 1984.

Contact: Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

Filed: June 5, 1984, 10:28 a.m.
TRD-846119

Office of the Governor

Thursday, June 14, 1984, 10 a.m. The Waste Reduction Committee of the Task Force on Hazardous Waste Management of the Office of the Governor will meet in Room 204, Sam Houston Building, 201 East 14th Street, Austin. Items on the agenda include presentations by Professor Kirk Brown and Professor David Daniel and committee business.

Contact: David Guarino, Sam Houston Building, Seventh Floor, 201 East 14th Street, Austin, Texas, (512) 475-2427.

Filed: June 5, 1984, 4:23 p.m.
TRD-846152

Thursday, June 14, 1984, 10 a.m. The Financial Responsibility Committee of the Task Force on Hazardous Waste Management of the Office of the Governor will meet on in the conference room, Radian Corporation, 8501 Mopac Boulevard, Austin. According to the agenda, the committee will continue review of committee members' reports and prepare recommendations for a full committee report

Contact: John Gosdin, P O. Box 13561, Austin, Texas 78711, (512) 475-2427.

Filed: June 5, 1984, 3:29 p.m.
TRD-846141

Texas Department of Health

Wednesday, June 13, 1984, 10 a.m. The Home Health Services Advisory Council of the Texas Department of Health will meet at 1100 West 49th Street, Austin. According to the agenda, the council will discuss primary home care

Contact: Juanita Carrell, Ed D., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245

Filed: June 5, 1984, 4:12 p.m.
TRD-846148

Texas Health Facilities Commission

Thursday, June 14, 1984, 1:30 p.m. The Texas Health Facilities Commission made

additions to the agenda of a meeting to be held in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The additions concerned the following applications.

Certificates of Need

Mesquite Tree Nursing Home, Mesquite
AN84-0301-142
St. Joseph Hospital, Houston
AH84-0307-151

Amendments of Certificate of Need Orders
Pasadena General Hospital, Pasadena
AH82-0826-070A(041884)

St. Mary Hospital, Port Arthur
AH80-0303-040A(042584)
Uvalde County Clinic, Inc., Uvalde
AH83-0711-028A(041984)
Seton Medical Center, Austin
AH80-0415-041A(043084)
St Elizabeth Hospital, Beaumont
AH83-0121-050A(042484)

Declaratory Rulings

St. Luke's Lutheran Hospital, San Antonio
AH84-0430-267
Ballinger Memorial Hospital, Inc., Ballinger
AH84-0424-252

Notices of Intent to Acquire Existing Health Care Facilities

The Westwind Corporation, a Texas Corporation, Nederland
AN84-0501-271
Summit Care-Texas, Inc., a Texas corporation, Burbank, California
AN84-0501-272
AN84-0501-273
AN84-0501-274
AN84-0501-275
AN84-0501-276
Richard Coughlin, Killis Melton, and Clyde Geer, a to-be-formed Subchapter S corporation, McKinney
AN84-0507-284

Contact: John R. Neel, P.O. Box 50049, Austin, Texas 78763.

Filed: June 6, 1984, 9:26 a.m.
TRD-846157

Task Force on Indigent Health Care

Thursday, June 14, 1984, 9 a.m. The Executive Committee of the Task Force on Indigent Health Care will meet in Room 2.102, Joe C. Thompson Center, University of Texas campus, 26th and Red River Streets, Austin. Items on the agenda include local

and state government responsibilities and subcommittee recommendations

Contact: Shanna Igo, P O. Box 12068, Austin, Texas 78711, (512) 475-1051.

Filed: June 5, 1984, 3:16 p.m.
TRD-846142

Texas Legislative Council

Wednesday, June 13, 1984, 8:30 a.m. The State Telecommunications Study Committee on the Texas Legislative Council will meet in Room B, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee will consider possible proposed legislation.

Contact: Neal T. Jones, P O. Box 2910, Austin, Texas 78769, (512) 475-2736.

Filed: June 5, 1984, 4:29 p.m.
TRD-846153

Texas Merit System Council

Wednesday and Thursday, June 13 and 14, 1984, 9 a.m. daily. The Texas Merit System Council will meet at 507 Brown Building, Austin. According to the agenda, the council will conduct appeal hearings

Contact: F. Kemp Dixon, P O. Box 12566, Austin, Texas 78711, (512) 477-9665.

Filed: June 5, 1984, 3:50 p.m.
TRD-846145

Board of Nurse Examiners

Tuesday-Thursday, June 19-21, 1984, 8 a.m. daily. The Board of Nurse Examiners will meet in the conference room, Stephen F. Austin Hotel, 701 Congress Avenue, Austin. According to the agenda summary, the board will conduct disciplinary, consent order, and reinstatement hearings, consider other action; hear an education report, consider survey visits, hear summary reports of annual school reports, consider faculty petitions, hear the report of the executive secretary in a public hearing at 3 p.m. on June 20, 1984, regarding proposed amendments to §213.11 (subpoenas) and §217.13 (unprofessional conduct), set meeting dates for 1985, and consider the budget, a request regarding rules for establishment of ANP programs, examination, new business, and miscellaneous

Contact: Margaret Rowland, 1300 East Anderson Lane, C-225, Austin, Texas 78752, (512) 835-4880

Filed: June 6, 1984, 9:36 a.m.
TRD-846158

Texas Optometry Board

Thursday, June 14, 1984, 4 p.m. The Texas Optometry Board will meet at the Four Seasons Hotel, 1300 Lamar Street, Houston. According to the agenda summary, the board will meet after meetings of the Investigation-Enforcement Committee at 10:30 a.m., the Rules Committee at 1 p.m., and all committees at 3 p.m. to consider reports of the secretary-treasurer, legal counsel, executive director, and committees; discuss old business concerning physical arrangement of offices and new business to consider committee appointments, a future meeting date, adoption of proposed rules, and trade name usage. The board also will meet in executive session in compliance with the Open Meetings Act, Texas Civil Statutes, Article 6252-17, §2(e), to discuss contemplated and pending litigation with the board attorney. On June 15-17, 1984, board examinations will be given at the University of Houston central campus, Houston.

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

Filed: June 6, 1984, 9:45 a.m.
TRD-846159

Board of Pardons and Paroles

Monday, June 11, 1984, 10 a.m. The Parole Supervision Oversight Committee of the Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the committee considered policy and legislative recommendations regarding the control of the parole and mandatory release population. The emergency status was necessary because committee members could not adjust their schedules to meet at any other reasonable time.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704

Filed: June 5, 1984, 10:51 a.m.
TRD-846132

Texas State Board of Pharmacy

Tuesday and Wednesday, June 26 and 27, 1984, 7:45 a.m. and 8 a.m. respectively. The Texas State Board of Pharmacy will meet in the Lester E. Palmer Auditorium, 400 South First Street, Austin. According to the agenda, the board will conduct examinations and reciprocity hearings and administer the Texas Jurisprudence Examination for licensure as pharmacists.

Contact: Fred S. Brinkley, Jr., R.Ph., 211 East Seventh Street, Suite 1121, Austin, Texas 78701, (512) 478-9827.

Filed: June 6, 1984, 9:37 a.m.
TRD-846160

**Texas State Board of Podiatry
Examiners**

Thursday-Monday, June 14-18, 1984. The Texas State Board of Podiatry Examiners will meet at the Granada Royale Homotel, El Paso. According to the agenda summary, the board will meet on Thursday at 2 p.m. to discuss applications for the use of assumed names, current complaint files; a letter concerning laser information; the national conference in San Francisco, California in September 1984; budget requests for fiscal year 1986-1987, and setting the time, place, and dates for the January 1985 examinations. The board also will inspect the credentials of the candidates taking the examination. At 8 a.m. on June 15, 1984, and 9 a.m. on June 16-18, 1984, examination for licensure will take place; and at 9 a.m. on June 18, 1984, the board will compile grades and sign licenses.

Contact: Sandra Marshall, 411 West 13th Street, #504, Austin, Texas 78701, (512) 475-1770

Filed: June 5, 1984, 10:12 a.m.
TRD-846133

**Public Utility Commission of
Texas**

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Thursday, June 14, 1984, 10 a.m. A prehearing conference in Docket 5587—petition of Chacko Thomas and Associates, Inc., for authority to assess meter installation fees.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: June 6, 1984, 3:25 p.m.
TRD-846204

Friday, June 15, 1984, 10 a.m. A prehearing conference in Docket 5626—petition of Valley View Energy Corporation against West Texas Utilities and Public Service Company of Oklahoma.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: June 6, 1984, 9:37 a.m.
TRD-846161

Wednesday, July 11, 1984, 2 p.m. A prehearing conference in Docket 5703—application of A. M. Standefer, doing business as Sunday Canyon Development Company, to sell a certificate of convenience and necessity.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: June 6, 1984, 9:37 a.m.
TRD-846162

Thursday, July 12, 1984, 10 a.m. A hearing on the merits in Docket 5645—application of Associates Utility Company for a rate increase.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: June 6, 1984, 3:25 p.m.
TRD-846205

State Seed and Plant Board

Monday, June 25, 1984, 10 a.m. The Seed Division of the State Seed and Plant Board will meet in Room 235, Soil and Crop Science Building, Texas A&M University, College Station. According to the agenda summary, the division will consider all items of business pertaining to seed and plant certification requiring action, including consideration of applications for license as certified seed growers and applications for approval of new crop varieties releases.

Contact: Kenneth Boatwright, P.O. Box 12847, Austin, Texas 78711, (512) 475-2038.

Filed: June 6, 1984, 2:11 p.m.
TRD-846183

Texas Surplus Property Agency

Thursday, June 14, 1984, 10 a.m. The Governing Board of the Texas Surplus Property Agency will meet in the conference room, Campus Administration Office, Texas State Technical Institute, Waco. Items on the agenda include approval of the previous meeting minutes, a report on AFDB-5 drydock, preliminary discussion of the 1985 budget, the Texas Plan of Operation (permanent), the San Antonio district yard repair, and the executive director's report.

Contact: Marvin J Titzman, Box 8120, San Antonio, Texas 78208, (512) 661-2381.

Filed: June 6, 1984, 2:19 p.m.
TRD-846184

Texas Water Commission

Monday-Friday, June 25-29, 1984, 1 p.m.

Monday, 8:30 a.m. Tuesday-Friday. The Texas Water Commission will meet at the Brazos Center, 3232 Briarcrest Drive, Bryan. According to the agenda, the commission the commission will conduct the Brazos IV Segment adjudication hearings.

Contact: Mary Ann Hefner, P O Box 13087, Austin, Texas 78711, (512) 475-4514

Filed: June 6, 1984, 10 16 a m
TRD-846163

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

Wednesday, June 27, 1984, 2 p.m. The commission will consider an application by Willowglen, Inc., for proposed water quality Permit 12790-01 to authorize disposal of treated domestic sewage effluent by irrigation to serve a mobile home park, Parker County, Trinity River Basin, and an application by Donald M Leprede, doing business as Logtowne, Ltd., for proposed water quality Permit 12838-01 to authorize the disposal of treated domestic wastewater effluent at a volume not to exceed 25,000 gallons per day, Montgomery County, San Jacinto River Basin.

Monday, July 2, 1984, 2 p.m. The commission will consider an application by the City of Buda for proposed water quality Permit 11060-01 to authorize a discharge of an average of 150,000 gallons per day of treated municipal wastewater effluent, Hays County, Guadalupe River Basin.

Monday, July 9, 1984, 2 p.m. The commission will conduct a hearing on a petition for creation of Baybrook Municipal Utility District 1, containing 631 345 acres of land.

Contact: Mary Ann Hefner, P O Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: June 6, 1984, 10 13 a m
TRD-846164-846166

The Texas Water Commission will meet in Room 215, Stephen F Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow.

Tuesday, July 10, 1984, 8:30 a.m. and 1 p.m. The commission will conduct the Brazos IV Segment adjudication hearings.

Wednesday, July 11, 1984, 8:30 a.m. The commission will conduct the Brazos IV Segment adjudication hearings.

Contact: Mary Ann Hefner, P O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: June 6, 1984, 10:17 a.m.
TRD-846167, 846168

Wednesday, July 11, 1984. The Texas Water Commission will meet in Room 118, Stephen F Austin Building, 1700 North Congress Avenue, Austin. Times and agendas follow.

10 a.m. The commission will conduct a hearing on a petition for creation of Harris County Municipal Utility District 265, containing 421 8804 acres of land.

Addition to the previous agenda:

A hearing on a petition for creation of Fort Bend County Municipal Utility District 51, containing 261 6533 acres of land.

2 p.m. The commission will conduct a hearing on a petition for creation of Northwest Harris County Municipal Utility District 28, containing 273 824 acres of land.

Addition to the previous agenda.

A hearing on a petition for creation of Harris County Municipal Utility District 266, containing 60 8124 acres of land.

Contact: Mary Ann Hefner, P O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: June 6, 1984, 10:14 a.m.
TRD-846169-846172

Wednesday, July 18, 1984, 9 a.m. The Texas Water Commission will meet in Room 308, Brazoria County Courthouse, Angleton. According to the agenda summary, the commission will consider the application of Lifemark Recovery Systems, Inc., 3800 Buffalo Speedway, Houston, Texas 77098, to the Texas Department of Water Resources for proposed Permit 12867-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,000 gallons per day from the proposed Lifemark Recovery Center Wastewater Treatment Plant, which is to treat the domestic wastewater from a chemical dependency recovery center.

Addition to the previous agenda:

Application of Gulf Coast Utilities, Inc., P.O. Box 162, Pearland, Texas 77581, to the Texas Department of Water Resources

for proposed Permit 12915-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 40,000 gallons per day from the proposed St. Michael's Trailer Park Wastewater Treatment Plant, which is to serve the needs of a proposed trailer park.

Contact: Joseph W O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 475-2711.

Filed: June 5, 1984, 2:25 p.m.
TRD-846143, 846144

Wednesday, July 25, 1984, 10 a.m. The Texas Water Commission will meet at the Emergency Medical Services Training Building, 7411 Park Place, Houston. According to the agenda summary, the commission will consider an application of Thornhill-Craver Company, 1111 Lockwood, Houston, Texas 77001, to the Texas Department of Water Resources (TDWR) for proposed Permit HW-50012-000 to continue operation of Class I, hazardous/noncommercial solid waste storage/processing facility which is currently operating under 31 TAC §335.2 and may continue to do so until such time as the TDWR approves or denies the application. Waste stored at this facility is sodium cyanide, a Class I hazardous waste, generated from the manufacturing of iron and steel oil field specialties. Waste from off-site sources is limited to that generated by permittee-owned facilities. Storage facilities consist of a drum storage area for 10 55-gallon drums with a total capacity of 550 gallons. Wastes are stored on-site pending final disposition at an authorized facility. The applicant shall secure and maintain in full force at all times bond or other financial assurance to provide for proper and adequate closure of the facility. No discharge or disposal of wastes is authorized by this permit.

Addition to the previous agenda:

The commission will consider an application of Faulkey Gully Municipal Utility District, in care of Century Engineering, Inc., Suite 206, 2537 South Gessner, Houston, Texas 77063, to the Texas Department of Water Resources for an amendment to Permit 11832-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 400,000 gallons per day to 1.2 million gallons per day. The applicant proposes to expand existing facilities to handle the increased flow.

Contact: James K Rourke, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: June 7, 1984, 9:57 a.m.
TRD-846216, 846217

Wednesday, September 12, 1984, 9 a.m.
The Texas Water Commission will meet in the community room basement, Johnson County Courthouse, Cleburne. According to the agenda summary, the commission will consider an application of Lawrence W. McMurry, Route 1, Box 18, Crowley, Texas 76036, to the Texas Department of Water Resources for proposed Permit 12819-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 37,500 gallons per day from a proposed wastewater treatment plant which will serve the needs of a proposed mobile home park.

Contact: Joseph W. O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 475-2711

Filed: June 7, 1984, 9 58 a.m.
TRD-846218

**Regional Agencies
Meetings Filed June 5**

The Colorado River Municipal Water District, Board of Directors, will meet at 400 East 24th Street, Big Spring, on June 12, 1984, at 10 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720, (915) 267-6341

The Wood County Appraisal District, Appraisal Review Board, met in emergency session in the conference room, 217 North Main, Quitman, on June 6, 1984, at 9 a.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas, (214) 763-4946

TRD-846136

Meetings Filed June 6

The Archer County Appraisal District, Board of Directors, will meet at 106 West Main Street, Archer City, on June 13, 1984, at 5 p.m. The Appraisal Review Board will

meet at the same location on June 18, 1984, at 9 a.m. Information may be obtained from A. G. Reis, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Brazos Valley Development Council, Board of Directors, will meet in Room 102, The Brazos Center, 3232 Briarcrest Drive, Bryan, on June 14, 1984, at 7 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 822-7421

The Concho Valley Council of Governments, Executive Committee, will meet at 5002 Knickerbocker Road, San Angelo, on June 13, 1984, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666

The Dawson County Central Appraisal District, Board of Review, met at Howard College, Lamesa Branch, 1810 Lubbock Highway, Lamesa, on June 11, 1984, at 9 a.m. Information may be obtained from Jim Warren, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060

The Central Appraisal District of Erath County, Board of Directors, will meet at 1191 South Loop, Stephenville, on June 13, 1984, at 10 a.m. Information may be obtained from James Bachus, 1191 South Loop, Stephenville, Texas 76401, (817) 965-5434

The Gonzales County Appraisal District, Appraisal Review Board, rescheduled a meeting to be held in Suite 201, Gonzales Bank Building, 508 St. Louis Street, Gonzales, on June 13, 1984, at 6 p.m. The meeting was originally scheduled for June 12, 1984. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879

The Hansford County Appraisal District, Review Board, will meet at 13 West Kenneth Avenue, Spearman, on June 14, 1984, at 9 a.m. Information may be ob-

tained from Alice Peddy, Box 567, Spearman, Texas 79081, (806) 659-5575.

The Kendall County Appraisal District, Board of Review, will meet at 207 East San Antonio Street, Boerne, on June 13 and 14, 1984, at 9 a.m. daily. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Lamar County Appraisal District, Board of Directors, met at 1523 Lamar Avenue, Paris, on June 11, 1984, at 4 p.m. Information may be obtained from L. F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822

The Red River Authority of Texas, Board of Directors, will meet at the Holiday Inn, 5100 North State Line Road, Texarkana, on June 13 and 14, 1984, at 8 p.m. and 8:30 a.m. respectively. Information may be obtained from Fred Parkey, 302 Hamilton Building, Wichita Falls, Texas (817) 723-8697

The Farrant County Appraisal District, Appraisal Review Board, will meet in Suite 300, 1701 River Run, Fort Worth, on June 18, 1984, at 8:30 a.m. Information may be obtained from Dick Curry, 1701 River Run, Suite 300, Fort Worth, Texas 76107, (817) 332-3151

The Central Tax Authority of Taylor County, Appraisal Review Board, met at 340 Hickory Street, Abilene, on June 11, 1984, at 1 p.m. Information may be obtained from Richard Petree, RPA, P.O. Box 1800, Abilene, Texas 79604, (915) 676-3738

The Trinity River Industrial Development Authority, Board of Directors, will meet at 5300 South Collins, Arlington, on June 14, 1984, at 1:30 p.m. Information may be obtained from Ramona A. Winer, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343
TRD-846182

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board), applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

In Addition

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of December May 21, 1984-June 1, 1984.

Information relative to the applications listed as follows, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously stated address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located, type of facilities; location of the facilities (if available), permit numbers; and type of application—new source or modification.

Pioneer Gas Products Company, Fritch, gas sweetening plant, Fritch, Potter County, 9478, new source.

El Dorado Chemical Company, Inc., Brookston, anhydrous ammonia and dry bulk fertilizer facility, Brookston, Lamar County; 6458A; modification.

Trinity Valley Iron & Steel, Fort Worth; auto-mold process, 3400 Bryce, 6922A, modification.

Trinity Valley Iron & Steel, Fort Worth; table shoot blast system, 3400 Bryce, 6986A, modification.

Trinity Valley Iron & Steel, Fort Worth; cupola furnace, 3400 Bryce, 3521A, modification.

Delhi Gas Pipeline Corporation, Athens, amine sweetening and sulfur plant with acid gas in-

cinerator; Athens, Henderson County; 9479; new source.

Temple-Eastex, Inc., Pineland; wood waste fired lumber drying kiln; Pineland Complex; 9480; new source.

Goodyear Tire & Rubber Company, Beaumont; modify rubber production unit; IH 10 at Smith Road; 9481; new source.

Gifford Hill & Company, Inc., Coppell, concrete batch plant, Ledbetter Road, 7325C; modification.

Amoco Production Company, Sundown; slaughter gasoline plant inlet compressors, Sundown, Hockley County, 9482, new source.

Velsicol Chemical Corporation, Pasadena; agri-chem pesticide plant, 10201 Bay Area Boulevard; 9483, new source.

Issued in Austin, Texas, on June 4, 1984.

TRD-846134

John B. Turney
Director
Legal Division
Texas Air Control Board

Filed: June 5, 1984

For further information, please call (512) 451-5711, ext. 351.

Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the

commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On June 1, 1984, the banking commissioner received an application to acquire control of The First State Bank of Bryson, Bryson, by Arthur S. Shanafelt, Sam A. Shanafelt, Larry D. Hargrove, and Stephen E. Stamper, all of Jacksboro.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on June 1, 1984.

TRD-846084 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed June 4, 1984
For further information, please call (512) 475-4451.

Texas Health Facilities Commission Application Accepted for Amendment, Declaratory Ruling, and Notice of Intent

Notice is hereby given by the Texas Health Facilities Commission of an application accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIE H indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project, and EC indicates exemption certificate.

Should any person wish to become a party to the application, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to the application must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Carter Nursing Home Corporation for Carter Nursing Home, Seagoville
AN82-0427-025A(012784)
CN/AMD—Acceptance of an amended amendment application. Request for an extension of the completion deadline from December 30, 1983, to September 30, 1984, in Certificate of Need AN82-0427-025 which authorized the certificate holder to reclassify 67 intermediate care beds to skilled beds.

Issued in Austin, Texas, on June 6, 1984.

TRD-846173 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed June 6, 1984
For further information, please call (512) 475-6940.

State Department of Highways and Public Transportation Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the State Department of Highways and Public Transportation hereby furnishes this notice of contract award. The consultant proposal request appeared in the April 3, 1984, issue of the *Texas Register* (9 TexReg 1914). The contract effort consists of programmer analyst support services to support the development and implementation of the department's Financial Information Management System (FIMS).

The contractor is Telos Consulting Services, 815 Brazos Street, Austin, Texas 78701. The total value of the contract is \$51,000. The contract began May 23, 1984, and has an ending date of December 31, 1984.

Final reports under this contract are not required.

Issued in Austin, Texas, on June 4, 1984.

TRD 846135 Diane L. Northam
Administrative Technician
State Department of Highways
and Public Transportation

Filed June 5, 1984
For further information, please call (512) 475-2141.

Texas Department of Human Resources Consultant Proposal Request

Under the provisions of Texas Civil Statutes, Article 6252-11c, The Texas Department of Human Resources (DHR) is requesting proposals for consulting services.

Description. Specific activities to be performed are:
(a) Aid with the development, implementation, evalu-

ation, and revision of an automated cost reporting method for nursing homes participating in the Texas Medicaid Long-Term Care Program.

(b) Provide research, methodological and statistical consultation, or a research project to develop a case mix reimbursement system for the Texas SNI-ICI Program.

(c) Assist the DHR's Cost Finding Section staff in special analyses of cost data for all program areas and for any litigated issue, and

(d) Assist the DHR's Economic Forecasting Section staff in the use and interpretation of multivariate forecasting statistics.

Budget Limitations. The total amount of this contract will not exceed \$30,000.

Contact. Prospective bidders may contact Robert K. Conkright, Administrator, Economic Analysis Division 507 A, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, (512) 835-0440, ext. 2072.

Evaluation. Procedures used to evaluate offers will include an evaluation of the following areas:

(a) background experience and knowledge about the operation of the DHR's Texas Medicaid Long-Term Care Program and case mix reimbursement systems,

(b) background and knowledge in analyzing cost data for primary home care, family care, 24-hour child care facilities, and other DHR programs,

(c) knowledge and experience in developing long-term care facility cost reporting methodology,

(d) detailed knowledge about all aspects of the most recent changes in long-term care cost reporting methodology,

(e) reasonableness of proposed cost of service in relation to the work described, and

(f) background and experience in research design techniques, computer programming, and multivariate statistical techniques.

Closing Date. The closing date for receipt of offers is 5 p.m. on July 15, 1984. All bidders must quote bids at an hourly rate charged and must estimate the number of hours anticipated to complete the described activities.

Effective Date. The effective date for this contract is September 1, 1984.

Selection. The DHR's commissioner will make the final selection based upon the bidders' submitted qualifications and recommendations by DHR staff. Award will not necessarily be made to the bidder offering the lowest price, but to the lowest and best bidder considering price and the results of the DHR's evaluation using the previously described criteria. This invitation for bids is a continuation of work performed by Robert Godbout, Ph.D., under a previous contract. The DHR intends to award the contract to this person unless a substantially superior proposal is received.

Issued in Austin, Texas, on June 5, 1984.

TRD-846146 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed June 5, 1984

For further information, please call (512) 441-3355,
ext. 2037.

Lower Colorado River Authority Highland Lakes Marina Ordinance

The Lower Colorado River Authority (LCRA) is proposing an ordinance establishing regulations governing marina facilities on the Highland Lakes under the jurisdiction of the LCRA for the purpose of protecting public use, access, and safety, establishing regulations relative to the location, configuration, lighting, safety, construction, sanitation, pollution control and electrical services of marina facilities, establishing rules and regulations relative to inspections, licenses, permits, applications, fees, and insurance for marina operations, and establishing rules and procedures relative to noncomplying structures, variances, appeals, and administration.

For additional information on the proposed ordinance or to comment on the proposal, contact the LCRA, 3700 Lake Austin Boulevard, 473-3287. Any person desiring to submit written comments regarding the proposed ordinance should do so prior to July 4, 1984. Written comments should be mailed to Laura Dennison, Parks and Lands Department, Lower Colorado River Authority, P.O. Box 220, Austin, Texas 78767.

Issued in Austin, Texas, on June 4, 1984.

TRD 846052 Elof H. Soderberg
General Manager
Lower Colorado River Authority

Filed June 4, 1984

For further information, please call (512) 473-3242.

Office of the Secretary of State Texas Register Schedule Variation

Due to the June 19, 1984, Emancipation Day holiday, the filing deadline for rules to be published in the June 22, 1984, issue of the *Texas Register* has been changed. Rules for the June 22 issue must be filed by 10 a.m. on Friday, June 15. Open Meetings notices must be filed by 10 a.m. on Monday, June 18. This schedule variation will not affect the mailing date of the issue.

Texas Southern University Consultant Contract Award

This consultant contract award is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the April 3, 1984, issue of the *Texas Register* (9 TexReg 1916).

Description of Service. The objectives of this contract are to determine the Texas Southern University (TSU) information requirements, prioritize these requirements, develop implementation schedules over the next five years, and prepare bid specifications for a core financial system and an accounts payable system.

Contractor. Texas Southern University announces that the firm of Coopers and Lybrand, Suite 4100, 1100 Louisiana, Houston, Texas 77002, has been awarded a contract to provide the previously described services

Contract Fees. Total fees for services contracted are \$28,950, including professional fees, travel, subsistence, administrative support, and report preparation

Contract Time Span. Work commenced May 5, 1984, and will be completed by July 16, 1984

Due Dates for Reports. Reports to be generated under this contract shall be submitted to TSU upon completion and throughout performance of this contract

Issued in Houston, Texas, on May 25, 1984

TRD-846085 Wayne M. Carle
Vice-President
Management and Information
Services
Texas Southern University

Filed June 4, 1984

For further information, please call (512) 527-7962

Texas State Treasury Department Consultant Contract Award

The award of consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request appeared in the April 13, 1984 issue of the *Texas Register* (9 TexReg 2105)

The consultant will be designing and implementing a program for auditing holders of unclaimed property as well as training the treasury staff to perform efficient and effective audits of those holders

The consultant name and address is David J. Epstein, Suite 2060, Two Century Plaza, 2049 Century Park East, Los Angeles, California 90067

The total value of the contract is \$30,000. The beginning date was January 1, 1984, and ending date is June 30, 1984. The due date for the escheat audit program is June 30, 1984

Issued in Austin, Texas, on June 5, 1984

TRD-846139 Jorge A. Gutierrez
General Counsel
Texas State Treasury
Department

Filed June 5, 1984

For further information, please call (512) 475-2591.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of May 28, 1984-June 1, 1984

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

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678

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

Week ending June 1, 1984

City of San Antonio, sewage treatment plant, on Blue Wing Road, approximately 1.5 miles south of the intersection of Southton Road and Blue Wind Road in Bexar County, 10137-08, amendment

City of San Antonio, sewage treatment plant, approximately ½ mile east of the intersection of U. S. Highway 281 and Rilling Road in the City of San Antonio, Bexar County, 10137-02, amendment

Trophy Club Municipal Utility District 1, Roanoke, golf course; approximately 0.9 mile south of the intersection of FM Road 114 and Trophy Club Drive and approximately 2.5 miles east of the intersection of U. S. Highway 377 and FM Road 114 in Denton County, 11593-01, amendment

DBI Brine Sales, Inc., Seminole, brine well, approximately three miles southwest of Seminole in the W. T. R. R. Company Survey, Block G, Section 224, Gaines County, BR-50016, new permit

City of Seguin; wastewater treatment plant, at the intersection of West Klein Street and South Austin Street in the City of Seguin in Guadalupe County, 10277-01; renewal

Jefferson County Water Control and Improvement District 10, Nederland, wastewater treatment plant; on the west side of Central Boulevard at the junction of Central Boulevard and Second Avenue in the Central Gardens subdivision north of Nederland in Jefferson County; 10838-02, renewal

City of Archer City, wastewater treatment plant, approximately ¼ mile northeast of the intersection of State Highway 25 and State Highway 79 in Archer County, 10393-02; renewal

City of Knox City; wastewater treatment plant; approximately ¼ mile west of State Highway 6 and approximately ½ mile north of FM Road 143 on the eastern bank of China Branch in Knox County, 10416-01; renewal

Servtex Materials Company, New Braunfels, crushed limestone aggregates plant, approximately 10 miles southwest of the City of New Braunfels between FM Road 1337 and the Missouri-Pacific Railroad, Comal County, 00380, renewal

Brownsville Navigation District, Brownsville; wastewater treatment plant; on the east side of the Marathon-LeTourneau company plant site which is located on the south side of State Highway 48 approximately 3.9 miles east of the intersection of State Highway 48 with FM Road 511 northeast of the City of Brownsville, Cameron County, 10332-01, renewal

Igloo Corporation, Inc., Katy; plastic container manufacturing facility, at 30603 Katy-Brookshire Road adjacent to U S Highway 90 approximately 1/8 mile west of Willow Fork of Buffalo Bayou in Waller County; 02229, renewal

City of Keene, wastewater treatment plant, immediately east of FM Road 2280 (North Old Betsy Road) and approximately 2,000 feet north of Oakdale Street in Johnson County, 10611-01, renewal

City of Columbus, wastewater treatment plant; near the end of McCormick Street on the west bank of the Colorado River at the southwest corner of Columbus in Colorado County, 10025-01, renewal

City of Lefors, wastewater treatment plant, approximately 2½ miles west of the intersection of FM Road 291 with State Highway 273 and approximately 1,300 feet south of State Highway 273 south of the City of Lefors in Gray County, 10411-01, renewal

City of Strawn, wastewater treatment plant, approximately 500 feet north of State Highway 108 and approximately 300 feet east of Palo Pinto Avenue on the east side of the City of Strawn in Palo Pinto County; 10326-01; renewal

Renn Road Municipal Utility District, Houston; wastewater treatment plant, immediately northeast of the crossing of Sugarland-Howell Road over Keegans Bayou in Fort Bend County, 12078-01, renewal

City of Forney, wastewater treatment plant, approximately 400 feet west of Mustang Creek and approximately 2,000 feet north of FM Road 741 in Kaufman County; 10028-01, renewal

City of La Grange, wastewater treatment plant, immediately southeast of Lower Line Street and approx-

imately 500 feet northeast of the Colorado River at a point approximately 2,000 feet southeast of State Highway 71 in the City of La Grange in Fayette County; 10019-01, renewal

City of Riesel, wastewater treatment plant, approximately ½ mile west of State Highway 6 on West Charles Street and on the east bank of West Sandy Creek, in Riesel, McLennan County, 11015-01; renewal

City of Elsa, wastewater treatment plant, on Austin Street, approximately 250 feet north of 13th Street in Elsa, Hidalgo County, 11510-01, renewal

City of Rio Hondo, wastewater treatment plant; approximately 500 feet east of the Arroyo Colorado and approximately 1½ miles north of FM Road 106 in Rio Hondo, Cameron County, 10475-02, renewal

City of Luling; wastewater treatment plant, approximately 1½ miles south of the intersection of U S Highway 90 with State Highway 80 and ½ mile east of State Highway 80 in Caldwell County; 10582-01; renewal

City of Milford; wastewater treatment plant; immediately west of the Missouri-Kansas-Texas Railroad crossing over Mill Creek immediately north of the City of Milford Cemetery in Ellis County; 10730-01; renewal

Anzon America, Inc., Laredo, antimony smelter, between the Missouri Pacific Railway and FM Road 1472 approximately one mile north of the City of Laredo, Webb County, 01264, renewal

City of Honey Grove, wastewater treatment plant, approximately 7,600 feet north of U S Highway 82 and approximately 4,600 feet west of FM Road 100 in Fannin County, 10710-01, renewal

Stanley Lake Municipal Utility District, Montgomery; wastewater treatment plant, adjacent to Lake Conroe approximately 2,000 feet north of State Highway 105 and approximately 10 miles west of the City of Conroe in Montgomery County, 11367-01, renewal

San Jacinto River Authority, Conroe, wastewater treatment plant, north of Sawdust Road, approximately two miles west of I H 45 and 12 miles south of Conroe in Montgomery County, 11401-01, renewal

Issued in Austin, Texas, on June 1, 1984

TRD-846061 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed June 4, 1984

For further information, please call (512) 475-4514.

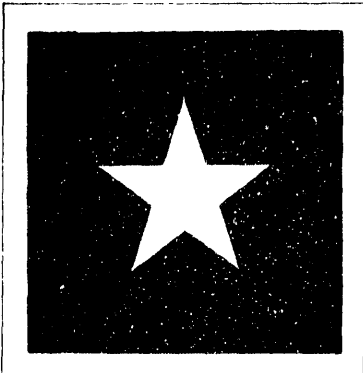
Second Class Postage

PAID

Austin, Texas

and additional entry offices

TEXAS STATE LIBRARY
13824
AUSTIN, TEXAS 78711-3824



To order a new subscription, or to indicate a change of address, please use this form. When notifying us of an address change, please attach the mailing label from the back of a current issue. Questions concerning existing subscriptions should also include the subscription number from the mailing label.

You may also use this form to request back issues of the *Texas Register*. Please specify the exact dates and quantities of the issues requested. Each copy of a back issue is \$2.00

Please enter my subscription to the *Texas Register* as indicated below. (I will look for my first issue in about two weeks.)

- 1 year (100 issues) \$70
- 6 months (50 issues) \$50
- Payment enclosed
- Bill me

For information concerning the *Texas Register*, please call (512) 475-7886, or write to PO Box 13824 Austin, Texas 78711-3824

Please make checks payable to the Secretary of State. Subscription fees are not refundable.

- Change of Address (Please attach mailing label)
- Back issues requested (Please specify dates)

Name

Organization

Occupation Telephone

Address

City State Zip Code

For office use only