

FEB 21 89

# Texas Register

Volume 14, Number 14, February 21, 1989

Pages 923-960

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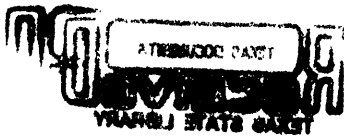
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## Texas Register

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings—notices of open meetings

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

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

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

In order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written, "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 TexReg 3."

**How To Research:** The public is invited to research rules and information; of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, sections number, or TRD number.

## Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

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950-State Purchasing and General Services Commission  
950-Toxic Substances Coordinating Committee  
950-University of North Texas/Texas College of Osteo-  
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958-Company Licensing

*Texas Water Commission*

958-Enforcement Orders

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Name: Margare Trevino

School: Hutchinson Jr. High, Lubbock

# TAC Titles Affected

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## TAC Titles Affected—February

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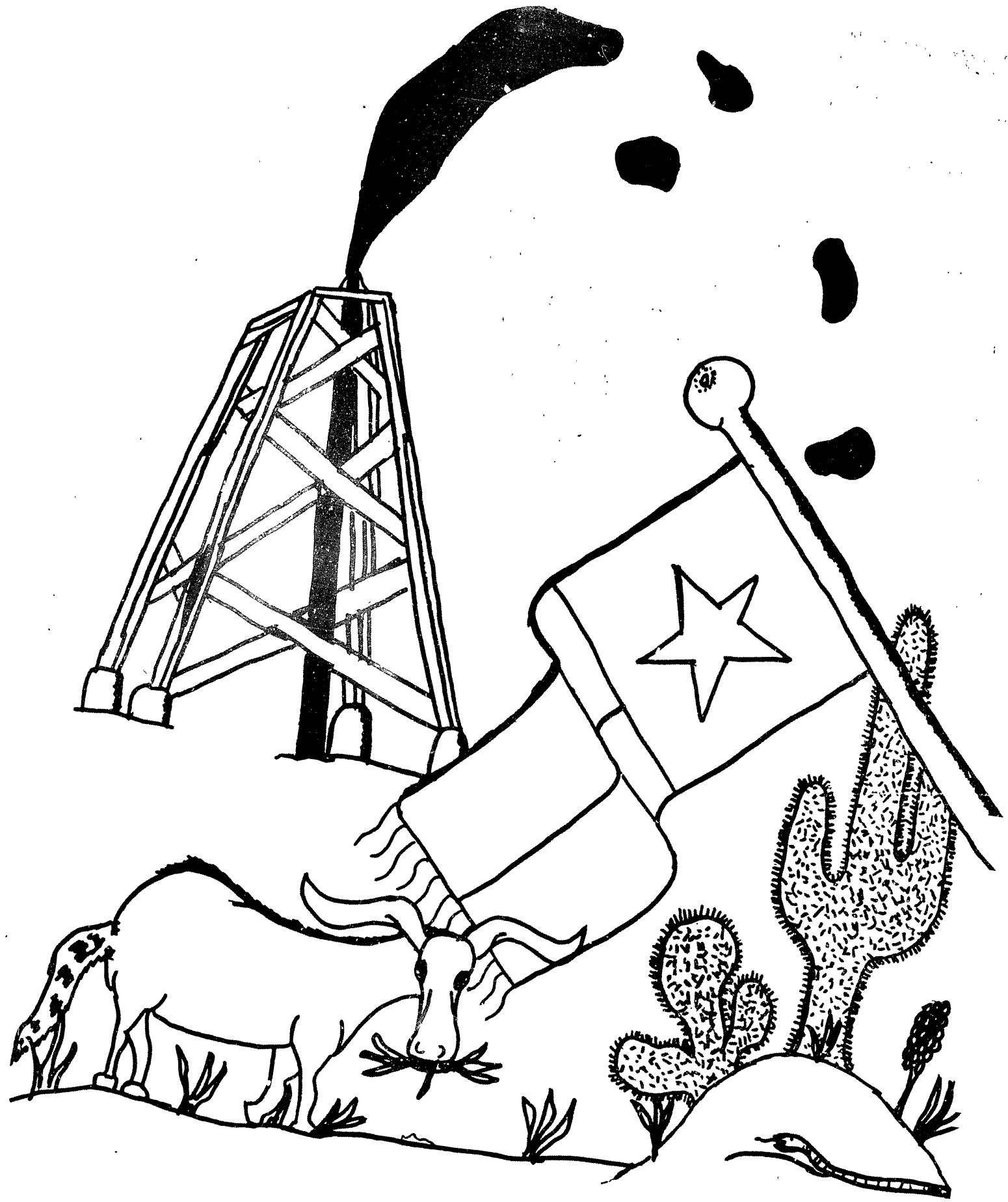
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43 TAC §21.160—783, 794





Name: Corey Ball  
School: Hutchinson Jr. High, Lubbock, Texas

# The Governor

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

## Appointments Made February 13, 1989

To be a member of the **Agricultural Diversification Board**, for a term to expire January 1, 1991: Mr. Walter Sheridan Harpool, 1921 Laurelwood, Denton, Texas 76201. Mr. Harpool is being reappointed.

To be a member of the **Agricultural Diversification Board**, for a term to expire January 1, 1991: Mr. George Ben Mathers, Jr., P.O. Box 668, Caradrian, Texas 79014. Mr. Mathers is being reappointed.

To be a member of the **Agricultural Diversification Board**, for a term to expire January 1, 1991: Mr. Milton Jay Anderson, Route 1, Box 62, East Bernard, Texas 77435. Mr. Anderson is being reappointed.

To be a member of the **Agricultural Diversification Board**, for a term to expire January 1, 1991: Ms. Mary Lou Grier, P.O. Box 609, Boerne, Texas 78006. Ms. Grier is being reappointed.

To be a member of the **Texas Agricultural Finance Authority Board of Directors**, for a term to expire January 1, 1991: Mr. John E. Birdwell, Jr., 4901 21st Street, Lubbock, Texas 79407. Mr. Birdwell is being reappointed.

To be a member of the **Texas Agricultural Finance Authority, Board of Directors**, for a term to expire January 1, 1991: Mr. Jerry Harris, 400 North Avenue V, Lamesa, Texas 79331. Mr. Harris is being reappointed.

To be a member of the **Lower Colorado River Authority, Board of Directors**, for a term to expire February 1, 1995: Mr. Charles Patrick Oles, Jr., 1502 Hardouin, Austin, Texas 78703. Mr. Oles is being reappointed.

To be a member of the **Texas Commission for the Deaf**, for a term to expire January 31, 1995: Mr. Donald Howard England, 9114 Balcones Club Drive, Austin, Texas 78750. Mr. England is being reappointed.

To be a member of the **State Historical Commission**, for a term to expire February 1, 1995: Mr. John M. Bennett, 238 West Craig Place, San Antonio, Texas 78212. Mr. Bennett is being reappointed.

To be a member of the **Public Counsel, Division of Consumer Protection, State Board of Insurance** for a term to expire February 1, 1991: Ms. Katherine Doughty, 4503 Shoal Creek Boulevard, Austin, Texas 78756. Ms. Doughty is being reappointed.

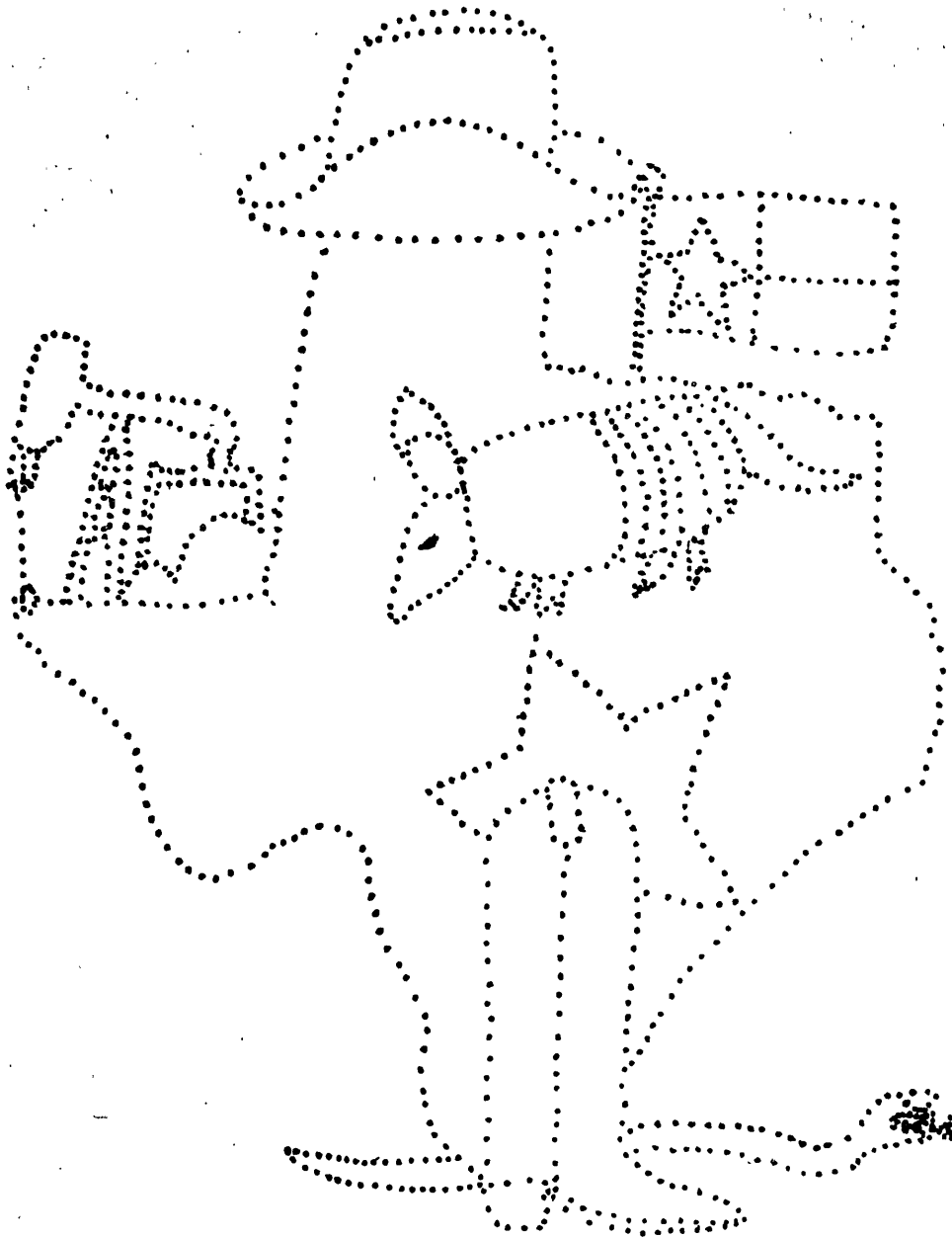
To be a member of the **Texas Agricultural Finance Authority, Board of Directors** for a term to expire January 1, 1991: Mr. Othal E. Brand, Jr., 1515 Wisteria, McAllen, Texas 78504. Mr. Brand is being reappointed.

Issued in Austin, Texas on February 14, 1988.

TRD-8901432

William P. Clements, Jr.  
Governor of Texas





Name: Kathy Burks

School: Hutchinson Jr. High, Lubbock

# Attorney General

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

## Letter Opinions

**LO-88-131-LO-88-138.** To: Mr. Bryan M. Perot, Executive Officer, Polygraph Examiners Board, P.O. Box 4087, Austin. Effect of federal Employee Polygraph Protection Act on the duties of the Texas Polygraph Examiners Board.

To: Honorable Barry E. Blackwell, District Attorney, Dallam County, P.O. Box 643, Dalhart. This LO considers whether an individual may serve both as a school board trustee and a county commissioner.

To Ms. Peggy Garner, County Judge, Upton County, Rankin. Nepotism law does not prohibit a commissioners court from hiring the county judge's husband's sister's son's wife.

To: Honorable Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 634, Houston. This LO considers whether Harris County Purchasing Agent is authorized to destroy certain confiscated and abandoned items that are worthless.

To: Mr. H. Edwin Crow, P.E., Acting Executive Director, Texas State Board of Registration for professional Engineers, P.O. Drawer 18329, Austin. The LO regards the constitutionality of temporary \$110 increase in annual registration fee for professional engineers.

To Honorable Stephen C. Howard, Orange County Attorney, Courthouse, Orange. This LO considers whether a newly elected county commissioner who has engaged in the bail bond business may vote on budgetary and personnel matters involving the county attorney's office.

To: Honorable Jesusa Sanchez-Vera, Jim Wells County Attorney, P.O. Drawer 2080, Alice. This LO considers whether a person may continue to serve on a grand jury after her husband is sworn in as district judge.

To: Honorable James Warren Smith, Frio County Attorney, P.O. Box V, Pearsall. This LO considers whether a county commissioners court may adopt a pay schedule for county employees that includes employees of the county attorney's office.  
TRD-8901431

## Requests for Opinions

**JM-1010 (RQ-1532).** Request from Mike Driscoll, Harris County Attorney, Houston, concerning the authority of a commissioners court to impose limitations on an emergency services district, and related questions.

**Summary of Opinion.** Texas Civil Statutes, Article 2351a-8, requires that voters determine whether an emergency services district be created with authority to levy a tax not to exceed ten cents on the \$100 valuation. It does not permit voters to consider whether an emergency services district shall be created with a maximum taxing authority of less than ten cents on the \$100 valuation.

Article 2351a-8 must be construed as allowing an emergency services district to levy taxes with the approval of the commissioners courts of all participating counties.

If a rural fire prevention district becomes an emergency services district, the maximum taxing authority for the district would be ten cents on the \$100 valuation.

If a rural fire prevention district lies wholly or partially within the boundaries of an emergency services district, the maximum taxing authority for the district would be two cents on the \$100 valuation. TRD-8901439

**JM-1011 (RQ-1559).** Request from Terral Smith, Chairman, Natural Resources Committee, Texas House of Representatives, Austin, concerning computation of the outstanding obligations of a metropolitan transit authority when an election unit withdraws from the authority, and related matters.

**Summary of Opinion.** Upon its withdrawal from the Capitol Metro transit authority, the City of Westlake Hills became entitled to a credit for unencumbered liquid assets held by Capitol Metro, the credit to be applied against the taxes to be collected from the city thereafter for payment to Capitol Metro. In common with the other constituent units of the transit authority, Westlake Hills remains liable for certain (then-existing) Capitol Metro contractual obliga-

tions if Capitol Metro fails to properly discharge them. constitutional protection of contractual obligations prevents the statute from operating to relieve the withdrawing city of obligations to bondholders.  
TRD-8901444

**JM-1012 (RQ-1609).** Request from Travis S. Ware, Criminal District Attorney, Lubbock, concerning whether the Lubbock County Bail Bond Board may prohibit the employment by bail bond companies of persons convicted of felonies and crimes of moral turpitude.

**Summary of Opinion.** The Lubbock County Bail Bond Board may not prohibit the employment by a licensed bail bondsman of persons (not authorized to execute bonds) who have been convicted of felonies and crimes of moral turpitude. TRD-8901441

**JM-1013 (RQ-1579).** Request from William D. Gooch, Director and Librarian, Texas State Library, Austin, concerning whether records created and/or received by the Governor's Office are public records within the meaning of the Open Records Act, Texas Civil Statutes, Article 6252-17a, and of the Texas Government Code, §441 031(1)(2)(5).

**Summary of Opinion.** Records created or received by the governor's office in carrying out its statutory duties fall within the definition of "public records" in the Texas Government Code, §441 031(5) and the definition of "public records" in the Texas Open Records Act, Texas Civil Statutes, Article 6252 17a, §2(2).

Such records also constitute governmental records within the meaning of the Texas Penal Code, §37 01(1)(A) and §37.10(a)(3). Section 37 10(a)(3) prohibits, among other things, the intentional, unauthorized removal of governmental records. Whether the removal of specific gubernatorial records from the custody of the state at the end of a gubernatorial administration violates §37.10 depends on proof of the elements of the criminal offense described in §37.10.

Similarly, violation of the Open Records Act, §12, which prohibits the unauthorized removal of public records, depends on the facts in a given case.

The Government Code, §441.002(g)(8), authorizes the Texas State Library and Archives Commission to demand physical custody of public records that a state official has determined are not in current use. Section 441.002(i) provides that the attorney general shall resolve disputes regarding the proper custody of records subject to §441.002(g)(8). TRD-8901440



**JM-1014 (RQ-1472).** Request from George Pierce, Chairman, Committee on Urban Affairs, Texas House of Representatives, Austin, concerning the procedures for protesting a proposed change in a zoning classification.

**Summary of Opinion.** An owner of property within 200 feet of the area covered by a proposed change in zoning classification is entitled to sign a written zoning protest under the Local Government Code, §211.006(d), whether or not the property of the protesting landowner shares a boundary with the area covered by the proposed

change or extends a distance of 200 feet from such area. Section 211.006 authorizes a municipality to allocate one-half of the area of a street or alley to abutting property included within the zoning protest area only if the owner of the abutting property holds fee title to the center of the street or alley and if the allocation conforms to the demarcation of the center line of the street or alley. TRD-8901445



# Emergency Sections

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency section is not available for no more than 60 days.

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

## TITLE 28. INSURANCE

### Part I. State Board of Insurance

#### Chapter 7. Corporate and Financial

##### Subchapter A. Examination and Corporate Activities

###### • 28 TAC §7.67

The State Board of Insurance adopts on an emergency basis new §7.67, concerning annual statement blanks, instructions, and other reporting forms to be used by insurers and certain other entities regulated by the board in reporting on their operations in the 1988 calendar year. An imminent peril to the public welfare requires adoption of this new section on an emergency basis to provide guidance to regulated entities compiling information soon after close of business at the end of 1988 for reports due early in 1989 under the Insurance Code and other statutory requirements. This section is necessary to provide forms and instructions that facilitate compliance with statutory requirements for insurance carriers and other regulated entities to report annually information concerning their operations and financial condition. The section adopts by reference forms and instructions for reporting in 1989 on activities during 1988. The forms and instructions require information which relates to the financial condition and business operations of regulated entities. The board has filed with the office of the Secretary of State, Texas Register Division, copies of the forms and instructions proposed for adoption by reference. Other copies are available for inspection in the offices of the Corporate Activities Division of the State Board of Insurance at Republic Plaza, 333 Guadalupe, Austin.

The new section is adopted on an emergency basis under the Insurance Code, Articles, 1.04, 1.10, §9, 1.11, 3.07, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 21.21, 21.43, 21.54, 22.06, 22.18, 23.02, and 23.56, and Texas Civil Statutes, Article 6252-13a, §4. The Insurance Code, Article 1.04, places original rulemaking jurisdiction in the State Board of Insurance. The Insurance Code, Article 1.10, §9, requires the board to furnish the blank forms for companies to complete necessary statements. The Insurance Code, Article 1.11, authorizes the board to change the forms of the annual statements, and requires certain entities to also file with the National Association of Insurance Commissioners. The Insurance Code, Article 21.21, requires that all statements made by

persons in the business of insurance be truthful and not misleading. The Insurance Code, Article 21.43, requires foreign insurers to comply with the provisions of the Insurance Code. The Insurance Code, Articles 3.07, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 21.54, 22.06, 22.18, 23.02, and 23.26; and the Texas Health Maintenance Organization Act, §10 and §22, requires the filing of annual reports and other information by certain specific entities regulated by the board, apply particular statutory law respecting reports to those entities, and specify particular rulemaking authority relating to those specific entities. Texas Civil Statutes, Article 6252-13a, §4, authorize and require state administrative agencies to adopt rules of practice setting forth the nature and requirements of available procedures.

§7.67. *Annual Statement Blanks, Instructions, and Other Forms, 1988 Operations.* The annual statement blanks, instructions, and other forms for reporting operations of the 1988 calendar year and specified in this section are adopted by reference, and may be obtained from the Corporate Activities Division, State Board of Insurance, Republic Plaza, 333 Guadalupe, Austin, Texas 78701. The insurer or other entity specified in each form or instruction shall properly report to the State Board of Insurance and the National Association of Insurance Commissioners, with applicable fees, using such blanks or forms and following such instructions as are appropriate to it. The adopted blanks or forms and instructions are as follows:

(1) a 1988 Texas annual statement blank (association edition) to be used by life, accident, and health insurance companies (Form 1 and Form 1A), including instruction letters (L/FR/NP/88) and (STIPPREM/88).

(2) a book of instructions, entitled "Annual Statement Instructions, Life, Accident and Health," available through the National Association of Insurance Commissioners (NAIC), 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105;

(3) a form designated as Supplemental and Balance Sheet Data from 1988 Annual Statement and further identified as TexSpec 46;

(4) a form entitled Reconciliation of Ledger Assets for life and accident and health insurance companies;

(5) a 1988 Texas annual statement blank (association edition) for life, accident, and health insurance company separate accounts, excluding variable life insurance (Form 1-S);

(6) a 1988 Texas annual statement blank (association edition) to be used by fire and casualty companies (Form 2), including instruction letters (F&C/T/LL/R/RRG/CM/88), (S/88) and (MC/88);

(7) a book of instructions, entitled "Annual Statement Instructions, Property & Casualty," available through the NAIC, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105;

(8) a form designated as Texas Page 14TS and further identified as Page 14TS of Form 2;

(9) a form entitled Reconciliation of Ledger Assets for property and casualty insurance companies;

(10) a form entitled SUPPLEMENTAL SCHEDULE P-PARTS 4A, 4B, 4C, 4D, and 4E;

(11) a form entitled PARALLEL SCHEDULE P-PARTS 5B, 5C, and 5E;

(12) a form entitled Insurance Expense Exhibit-1988;

(13) a form entitled Products Liability Insurance Supplement-1988;

(14) a 1988 Texas annual statement blank (association edition) to be used by fraternal orders (Form 4) including instruction letter (L/FR/NP/88).

(15) a book of instructions, entitled "Annual Statement Instructions, Fraternal Orders," available through the NAIC, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105,

(16) a 1988 Texas annual statement blank (association edition) to be used by title insurance companies (Form 9), including instruction letter (F&C/T/LL/R/RRG/CM/88).

(17) a form entitled 1988 Instructions for Completing Title Insurance Annual Statement Blank,

(18) a form designated as Texas Page 41TS and further identified as Page 41TS of Form 9;

(19) a 1988 Texas annual state-

ment blank (association edition) to be used by health maintenance organizations, including instruction letter (HMO/88);

(20) a form entitled General Information, Definitions, and Instructions for Filing Health Maintenance Organization Financial Report of Affairs and Conditions;

(21) a form identified as supplement pages 25-34 to the annual statement for health maintenance organizations;

(22) a form entitled Schedule SIS, Stockholder Information Supplement, and revised in 1985;

(23) a 1988 Texas annual statement blank to be used by statewide mutual assessment associations, local mutual aid associations, burial associations, and exempt associations, including instructional letters (MA/88) and (E/88);

(24) a form entitled Instructions for the 1988 Mutual Assessment Annual Statement;

(25) a 1988 Texas annual statement blank to be used by farm mutual insurance companies, including instruction letter (FM/88);

(26) a form entitled Instructions for the 1988 Farm Mutual Annual Statement;

(27) a 1988 Texas annual statement blank to be used by prepaid legal services corporations, including instruction letter (PPL/88);

(28) a form entitled Instructions to Prepaid Legal Services Corporations for Completing Annual Statement Blank;

(29) a form identified as Biographical Affidavit as authorized in the Insurance Code, Article 114, §3 and in Board Order Number 00582, dated October 24, 1957;

(30) a form entitled Scheduled DM for bonds and preferred stocks owned as of December 31;

(31) a form entitled Schedule DS (Supplemental Schedule D) showing common stock of all subsidiaries owned December 31 of current year for which the equity in undistributed income of the subsidiary is included in net gain from operations;

(32) a form entitled Medicare Supplement Insurance Experience Exhibit;

(33) a form entitled CREDIT LIFE AND ACCIDENT AND HEALTH EXPERIENCE EXHIBIT;

(34) forms identified as Analysis of Surplus for use as supplements to NAIC Form 1, Form 2, Form 4, and Form 9;

(35) a form entitled Texas Overhead Assessment Form (for Texas domestic companies only);

(36) a form entitled Release of Contributions to be mailed to certain insurers and other entities;

(37) a form entitled Affidavit, being a resident agent's affidavit to be mailed to certain insurers and other entities;

(38) a form entitled Certificate of Compliance, Texas Insurance Code, 5.76-1, accident prevention services;

(39) a form entitled Certificate of Compliance, regulations governing trade practices, advertising, and solicitation of insurance; and

(40) a form entitled Supplemental A to Schedule T, exhibit of medical malpractice premiums written.

Issued in Austin, Texas, on February 15, 1989.

TRD-8901471 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: February 15, 1989

Expiration date: June 15, 1989

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

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

#### Subchapter V. Bingo Regulation and Tax

#### • 34 TAC §3.548

The Comptroller of Public Accounts adopts on an emergency basis an amendment to the emergency amendment to §3.548, concerning general restrictions on the conduct of bingo. The original emergency amendment appeared in the November 25, 1988, issue of the *Texas Register* (13 TexReg 5871). The amendment amends subsection (l) to require replacement of bingo balls each six months or after each 50 occasions, whichever comes later.

This amendment is adopted on an emergency basis to prevent unnecessary expense for authorized organizations which play bingo infrequently.

This amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

#### §3.548. General Restrictions on the Conduct of Bingo.

(a)-(k) (No change.)

(l) Inspection of equipment, tampering prohibited. All bingo equipment, including blowers, flashboards, balls, and bingo cards, are subject to inspection at any time by any representative of the comptroller. An authorized organization conducting bingo shall replace the bingo balls in use with a complete new set at least each six months or after each 50 occasions, whichever occurs later and shall replace the balls at any time upon order of the comptroller or his representative. No person may tamper with or modify any bingo equipment in any manner which would affect the randomness of numbers chosen or which changes the numbers or symbols appearing on the face of a bingo card. A licensed authorized organization has a continuing responsibility to ensure that all bingo equipment used by it is in proper working condition.

(m) (No change.)

Issued in Austin, Texas, on February 13, 1989.

TRD-8901353 Bob Bullock  
Comptroller of Public  
Accounts

Effective date: February 13, 1989

Expiration date: March 16, 1989

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



Name: Debra Gutierrez

School: Hutchinson Jr. High, Lubbock



# Proposed Sections

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

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

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division

##### Subchapter M. Motor Bus Companies

###### • 16 TAC §5.249

The Railroad Commission of Texas proposes an amendment to §5.249, concerning operations wholly within certain cities and their suburbs, pursuant to a petition from Kerrville Bus Company, Inc and Painter Bus Lines, Inc. The amendment will extend the area which is defined as suburbs of San Antonio. The amendment will define all of Bexar County as suburbs of San Antonio.

Jackye Greenlee, assistant director-Central Operations, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ronald D. Stutes, hearings examiner, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is added consistency in treating areas which are not within the commission's jurisdiction under the Texas Motor Bus Act, and reduced confusion about the extent of the commission's jurisdiction. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted within 30 days to Ronald D. Stutes, Hearings Examiner, Legal Division and Raymond Bennett, Director, Transportation/Gas Utilities Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711.

The amendment is proposed under the Texas Motor Bus Act, Texas Civil Statutes, Article 911a, which excludes from the commission's jurisdiction operations of buses wholly within a city and its suburbs.

###### §5.249. Operations Wholly Within Certain Cities and Their Suburbs

(a) For the purpose of interpreting the phrase "wholly within the limits of any incorporated town or city, and the suburbs thereof, whether separately incorporated or

otherwise," in §5.248(a)(1)(A) of this title (relating to Motor Bus Certificates, Rates, and Regulations):

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

(4) the following are suburbs of San Antonio:

(A) all of each incorporated city or town that has any part of its territory within [Loop 1604;] Bexar County; and

(B) all unincorporated areas lying within [Loop 1604; and] Bexar County.

[(C) Randolph Air Force Base, Selma, and Universal City.]

(b) (No change.)

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

Issued in Austin, Texas, on February 13, 1989.

TRD-8901487

Cril Payne  
Assistant Director, Legal  
Division  
Railroad Commission of  
Texas

Earliest possible date of adoption: March 24, 1989

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

##### Subchapter X. Agricultural Permits

###### • 16 TAC §5.535

The Railroad Commission of Texas proposes an amendment to §5.535, concerning definitions of key terms relating to agricultural commodities exemption. The amendment is proposed to clarify the scope of the agricultural commodities exemption. The amendment as proposed will define original producer or grower as any person who has title or partial title to the agricultural commodity when the commodity is harvested.

Jackye Greenlee, assistant director-Central Operations, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ronald D. Stutes, hearings examiner, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is clarification of the extent of the agricultural commodities exemption. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Ronald D. Stutes, Hearings Examiner, Legal Division, and Raymond A. Bennett, Director, Transportation/Gas Utilities Division, Railroad Commission of Texas, P.O. 12967, Austin, Texas 78711.

The amendment is proposed under the Texas Motor Carrier Act, Texas Civil Statutes, Article 911b, which authorizes the commission to regulate motor carriers in all matters.

###### §5.535. Definitions of Key Terms Relating to Agricultural Commodities Exemption.

(a) (No change.)

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

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

(3) Original producer or grower—Any producer or grower who holds title or partial title to the eligible agricultural commodity, and who supervises or oversees the natural growth or production of the eligible agricultural commodity. A person shall have supervised or overseen the natural growth or production of the eligible agricultural commodity if the person holds title or partial title to the eligible agricultural commodity when it is harvested.

(4)-(8) (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 February 13, 1989

TRD-8901468

Cril Payne  
Assistant Director, Legal  
Division  
Railroad Commission of  
Texas

Earliest possible date of adoption: March 24, 1989

◆ ◆ ◆  
**TITLE 28. INSURANCE**  
**Part I. State Board of Insurance**

**Chapter 3. Life, Accident, and Health Insurance and Annuities**

**Subchapter T. Minimum Standards for Medicare Supplement Policies**

• 28 TAC §3.3312

The State Board of Insurance proposes new §3.3312, concerning Medicare supplement insurance policies. This section was adopted on an emergency basis and became effective on October 25, 1988. Notification of the emergency adoption appeared in the November 4, 1988, issue of the *Texas Register* (13 TexReg 5508). The section is necessary to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums by licensed insurers, by companies subject to the Insurance Code, Chapter 20, and by health maintenance organizations, due to changes in the Federal Medicare Program. The new section would establish requirements in accordance with federal law for elimination of provisions in policies or contracts which may duplicate Medicare benefits. The section would require that notice must be given of modifications made to in-force Medicare supplement policies because of benefit changes mandated by the Medicare Catastrophe Coverage Act of 1988; that advertising, premium adjustments, and appropriate riders, endorsements, or policy forms must be filed with the board, and that approved riders, endorsements, or policy forms, appropriate premium adjustments, and accurate information concerning coverage, benefits, and premiums must be provided to covered persons. The proposed section requires that new Medicare supplement policies or contracts which eliminate duplication of benefits must be filed with the board. The section would prohibit compulsion of purchases of additional coverage, would prohibit some solicitations, and would prohibit dissemination of inaccurate information.

The proposed section also adopts by reference notification forms for compliance with requirements of the section. The board has filed copies of the forms with the Secretary of State's Office, Texas Register Division. Copies of the forms are available from the Life Group, Division Code 0830, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Kay Simonton, deputy insurance commissioner, life group, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or for small businesses as a result of enforcing or administering the section.

Ms. Simonton also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a

result of enforcing the section will be full disclosure of policy or contract benefits and benefit changes, and refunds or credit of premiums associated with benefits duplicating Medicare program benefits. There is no anticipated cost to individuals who are required to comply with the proposed section other than costs already necessitated by federal legislation.

Comments on the proposed section may be submitted to Kay Simonton, Division Code 0830, Deputy Insurance Commissioner, Life Group, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new section is proposed under the Insurance Code, Articles 1.04 and 3.74. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to determine rules in accordance with the laws of this state. Article 3.74 authorizes the board to adopt reasonable rules as are necessary to implement and accomplish the specific provisions of Article 3.74, which concerns minimum standards for Medicare supplement policies and contracts.

*§3.3312. Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits and Premiums to Conform to Medicare Program Revisions.*

(a) Purpose. The purpose of this section is to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the Federal Medicare Program; to provide for the reasonable standardization of the coverage, terms, and benefits of Medicare supplement policies or contracts; to facilitate public understanding of such policies or contracts; to eliminate provisions contained in such policies or contracts which are by misleading or confusing in connection with the purchase of such policies or contracts; to eliminate policy or contract provisions which may duplicate Medicare benefits; to provide full disclosure of policy or contract benefits and benefit changes; and to provide for refunds of premiums associated with benefits duplicating Medicare program benefits.

(b) Applicability and scope.

(1) This section shall take precedence over other rules and requirements relating to Medicare supplement policies or contracts only to the extent necessary to assure that benefits are not duplicated, that applicants receive adequate notice and disclosure of changes in Medicare supplement policies and contracts, that appropriate premium adjustments are made in a timely manner, and that premiums are reasonable in relation to benefits.

(2) Except as otherwise provided, this section shall apply to:

(A) all Medicare supplement policies and contracts delivered, issued for delivery, or renewed, or which are otherwise subject to the jurisdiction of this state, on or after the effective date of this section; and

(B) all certificates issued under group Medicare supplement policies as provided in subparagraph (A) of this paragraph.

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

(1) Applicant—

(A) in the case of an individual Medicare supplement policy, the person who seeks to contract for insurance or other health benefits; and

(B) in the case of a group Medicare supplement policy, the proposed certificate holder.

(2) Certificate—Any certificate issued under a group Medicare supplement policy, which policy has been delivered or issued for delivery in this state.

(3) Commissioner—The commissioner of insurance of the State of Texas.

(4) Medicare—The Health Insurance Amendments of 1965, as amended, Part I, Title I (Public Law 89-97)(42 United States Code Annotated §1395, et. seq.).

(5) Medicare supplement policy—A group or individual policy of accident and sickness insurance or a subscriber contract of a hospital service corporation subject to the Insurance Code Chapter 20, or evidence of coverage issued by a health maintenance organization subject to the Texas Health Maintenance Organization Act, as amended, which policy, subscriber contract, or evidence of coverage is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare by reason of age. Such term does not include:

(A) a policy, contract, subscriber contract, or evidence of coverage of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations; or

(B) a policy, contract, subscriber contract, or evidence of coverage of any professional, trade, or occupational association for its members or former or retired members, or combination thereof, if such association:

(i) is composed of individuals all of whom are actively engaged in

the same profession, trade, or occupation;

(ii) has been maintained in good faith for purposes other than obtaining insurance; and

(iii) has been in existence for at least two years prior to the date of its initial offering of such policy or plan to its members;

(C) a policy, contract, subscriber contract, or evidence of coverage issued pursuant to a conversion privilege under a policy or contract of group insurance or group contract of a hospital service corporation subject to the Insurance Code, Chapter 20, or group evidence of coverage issued by a health maintenance organization subject to the Texas Health Maintenance Organization Act, as amended, when such group policy, subscriber contract, or evidence of coverage includes provisions which are inconsistent with the requirements of the Insurance Code, Article 3.74.

(d) Benefit conversion requirements.

(1) Applicable date. Effective January 1, 1989, no Medicare supplement insurance policy, contract, certificate, or evidence of coverage in force in this state shall contain benefits which duplicate benefits provided by Medicare.

(2) General requirements.

(A) No later than 30 days prior to the annual effective date of Medicare benefit changes mandated by the Medicare Catastrophic Coverage Act of 1988, every insurer, nonprofit hospital service corporation, or health maintenance organization providing Medicare supplement insurance or benefits to a resident of this state shall notify its policyholders, contract holders, certificateholders, or subscribers of modifications it has made to Medicare supplement insurance policies or contracts. Such notice shall be in a format prescribed by the board. Accordingly, the board adopts and incorporates herein by reference the following forms: "Notice on Changes in Medicare and Your Medicare Supplement Insurance--1989;" "Notice on Changes in Medicare and Your Medicare Supplement Coverage--1990;" and "Notice on Changes in Medicare and Your Medicare Supplement Coverage--1991." These forms are published by the State Board of Insurance and copies of these forms may be obtained from the Life Group of the State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

(i) Such notice shall include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement insurance policy or contract.

(ii) The notice shall inform each covered person as to when any

premium adjustment due to changes in Medicare benefits will be made.

(iii) The notice of benefit modification and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension. Such notice shall not contain or be accompanied by any solicitation.

(B) No modifications to an existing Medicare supplement contract or policy shall be made at the time of, or in connection with, the notice requirements of this regulation except to the extent necessary to eliminate duplication of Medicare benefits and any modifications necessary under the policy or contract to provide indexed benefit adjustment.

(C) As soon as practical, but no longer than 45 days after the effective date of the Medicare benefit changes, every insurer, health care service plan, or other entity providing Medicare supplement insurance or contracts in this state shall file with the State Board of Insurance, in accordance with the applicable filing procedures of this state:

(i) appropriate premium adjustments necessary to produce loss ratios as originally anticipated for the applicable policies or contracts (Such supporting documents as necessary to justify the adjustment shall accompany the filing.); and

(ii) any appropriate riders, endorsements, or policy forms needed to accomplish the Medicare supplement insurance modifications necessary to eliminate benefit duplications with Medicare (any such riders, endorsements, or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or contract).

(D) Upon satisfying the filing and approval requirements of this state, every insurer, nonprofit hospital service corporation, or health maintenance organization providing Medicare supplement insurance in this state shall provide each covered person with any rider, endorsement, or policy form necessary to eliminate any benefit duplications under the policy or contract with benefits provided by Medicare.

(E) No insurer, nonprofit hospital service corporation, or health maintenance organization shall require any person covered under a Medicare supplement policy, subscriber contract, or evidence of coverage which was in force prior to January 1, 1989, to purchase additional coverage under such policy or contract unless such additional coverage was provided for in the policy, contract, or evidence of coverage.

(F) Every insurer, nonprofit hospital service corporation, or health main-

tenance organization providing Medicare supplement insurance or benefits to a resident of this state shall make such premium adjustments as are necessary to produce an expected loss ratio under such policy or contract as will conform with minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated by the insurer, nonprofit hospital service corporation, or health maintenance organization for such Medicare supplement insurance policies or contracts. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described in this section should be made with respect to a policy at any time other than upon its renewal date. Premium adjustments shall be in the form of refunds or premium credits and shall be made no later than upon renewal if a credit is given, or within 60 days of the renewal date if a refund is provided to the premium payer.

(e) Requirements for new policies and certificates.

(1) Applicable date. Effective January 1, 1989, no Medicare supplement insurance policy, contract, or certificate which provides benefits which duplicate benefits provided by Medicare shall be issued or issued for delivery in this state. No such policy, contract, or certificate shall provide less benefits than those required under the Insurance Code, Article 3.74, and this subchapter, except where duplication of Medicare benefits would result.

(2) General requirements.

(A) After January 1, 1989, every insurer, nonprofit hospital service corporation, or health maintenance organization required to file its policies or contracts with this state shall file new Medicare supplement insurance policies or contracts which eliminate any duplication of Medicare supplement benefits with benefits provided by Medicare and which provide a clear description of the policy or contract benefit.

(B) The filing required under subparagraph (A) of this paragraph shall provide for loss ratios which are in compliance with all minimum standards.

(C) Every applicant for a Medicare supplement insurance policy, contract, or certificate shall be provided with an outline of coverage which simplifies and accurately describes benefits provided by Medicare and policy or contract benefits along with benefit limitations.

(f) Filing requirements for advertising. Every insurer, nonprofit hospital service corporation, or health maintenance organization providing Medicare supplement insurance or benefits in this state shall

provide to the commissioner for review a copy of any advertisement no later than 15 days after its first use in this state, whether through written, radio, or television media. Such advertisement shall comply with all applicable laws of this state and shall be submitted after the new policy has been approved, as required under subsection (e)(2)(A) of this section, and shall be submitted in accordance with §21.129 of this title (relating to Filing for Review).

(g) Buyer's guide. No insurer, non-profit hospital service corporation, or health maintenance organization shall make use of, or otherwise disseminate, any buyer's guide or informational brochure which does not accurately outline current Medicare benefits and which has not been adopted by the State Board of Insurance.

(h) Severability. If any provision of this section or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of the section and the application of such provision to other persons or circumstances shall not be affected thereby.

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 February 14, 1989.

TRD-8901464

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Earliest possible date of adoption: March 24, 1989

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

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

##### Subchapter V. Bingo Regulation and Tax

###### • 34 TAC §3.545

The Comptroller of Public Accounts proposes an amendment to §3.545, concerning licenses, fees, and bonds for conduct of bingo and commercial lessor. The amendment adds a new paragraph (5) to subsection (a) specifying factors which the comptroller will consider in determining whether the premises presently owned or occupied by the applicant are adequate and suitable for the conduct of bingo, and requiring certain evidence from applicants to conduct bingo at the location of a commercial lessor. The amendment also adds a new subsection (m) specifying what individuals will be recognized by the comptroller as an authorized representative of an applicant or licensee for certain purposes.

Jim Shear, director of the comptroller's economic

analysis center, has determined that for the first five-year period the proposed section will be in effect there will be no significant revenue impact on the state or local government or on small businesses as a result of enforcing or administering the section.

Mr. Shear also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be allowing the comptroller to more effectively regulate bingo

There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Claudia Starvare, Deputy for Tax Enforcement, Regulation, P.O. Box 13528, Austin, Texas 78711

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

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

(a) Annual license to conduct bingo games.

(1)-(4) (No change.)

(5) Application to conduct bingo at premises of a commercial lessor.

###### (A) Organization findings.

An organization applying to conduct bingo at premises other than those used by it for its general activities shall submit with its application a certified copy of the minutes of the governing board of the local unit of the applicant voting that the premises used by the organization for its general activities are not adequate and suitable for bingo and stating the specific reasons why these premises are not adequate and suitable. If the articles of incorporation, bylaws, or other organizing instrument of the applicant requires approval by one or more of the state, national, or other higher governing bodies of the organization for the local unit to conduct any of its activities at a separate location, then the applicant shall also submit certified copies of the required approval by those governing bodies.

(B) Comptroller determination. The comptroller shall conduct a physical examination of those premises. In determining whether those premises are adequate and suitable for the conduct of bingo, the comptroller shall consider:

- (i) the size of the premises;
- (ii) the present physical condition of the premises and the expense involved in improving that condition;
- (iii) the restroom facilities available;

(iv) the heating and air conditioning, if any, and its condition;

(v) the parking available on the premises and in the immediate area of the premises; and

(vi) if the premises have been used for the conduct of bingo, the records of the applicant while conducting bingo on those premises.

(b)-(l) (No change.)

(m) Representation; personal receipt of documents. For purposes of this subsection, an individual shall be recognized by the comptroller as an applicant's or licensee's authorized representative only if the comptroller has on file written authorization in the form of a resolution of the applicant's or licensee's governing body that such individual has the authority to act on behalf of the applicant or licensee, and the extent of such authority. Written authorization furnished by an applicant or licensee under this section shall apply only to the specific individuals named in the authorization. Agents or employees of an authorized representative are not authorized representatives of the applicant or licensee unless specifically named in the written authorization on file with the comptroller. Only the applicant, licensee, or those individuals specifically named in the applicant's or licensee's resolution as authorized representatives shall be recognized by the comptroller concerning any matter relating to the licensing process or any corrective measures to be taken after an audit or field investigation. Only the applicant or its authorized representative may personally receive from the comptroller documents, relating to an applicant's license.

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 February 14, 1989

TRD-8901456

Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption: March 24, 1989

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

###### • 34 TAC §3.552

The Comptroller of Public Accounts proposes an amendment to §3.552, concerning licenses, fees, and bonds for manufacturers, distributors, and representatives of distributors of bingo supplies, devices, and equipment. The amendment adds a new subsection (e) specifying what individuals will be recognized by the comptroller as authorized representatives of an applicant or licensee.

This amendment clearly specifies what individuals will be recognized by the comptroller as authorized representatives of an applicant or licensee for certain purposes.

Jim Shear, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the provision.

Mr. Shear also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be in allowing the comptroller to more effectively regulate bingo. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

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

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

**§3.552. Licenses, Fees, and Bonds for Manufacturers, Distributors, and Representatives of Distributors of Bingo Supplies, Devices, and Equipment.**

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

(e) **Representation; personal receipt of documents.** For purposes of this subsection, an individual shall be recognized by the comptroller as an applicant's or licensee's authorized representative only if the comptroller has on file written authorization in the form of a resolution of the applicant's or licensee's governing body, that such individual has the authority to act on behalf of the applicant or licensee, and the extent of such authority. Written authorization furnished by an applicant or licensee under this section shall apply only to the specific individuals listed in the authorization. Agents or employees of an authorized representative are not authorized representatives of the applicant or licensee unless specifically named in the written authorization on file with the comptroller. Only the applicant, licensee, or those individuals specifically named in the applicant's or licensee's resolution as authorized representatives shall be recognized by the comptroller concerning any matter relating to the licensing process or any corrective measures to be taken after an audit or field investigation. Only the applicant or its authorized representative may personally receive from the comptroller documents relating to an applicant's license.

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 February 14, 1989.

TRD-8901457

Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption: March 24, 1989

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

**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**  
**Part I. Texas Department of Human Services**

**Chapter 47. Primary Home Care**

**Provider Contracts**

**• 40 TAC §47.3908**

The Texas Department of Human Services proposes new §47.3908, concerning an expedited payment system, in its Primary Home Care chapter. The expedited payment system is designed so that an eligible provider receives a substantial portion of its payment at the beginning of the month after services are delivered. The new section addresses the eligibility for participation, claim requirements, request for participation, billing options, and sanctions.

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

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the expedited payment system will help providers receive timely reimbursement. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rosenberg, Administrator, Policy Development Support Division 035, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

**§47.3908. Expedited Payment System**

(a) Eligibility for participation.

(1) Primary home care (PHC) providers must have billed for services for 12 consecutive months before application. PHC providers must have delivered and received payment, after line item rejections, for 80% of their authorization for claims

processed for three service months preceding the month of application.

(2) For purposes of contract assignments, the following requirements apply.

(A) If the assignee is participating in the expedited payment system, the assignee may continue to participate after the assignment of new clients.

(B) If the assignee is not participating in the expedited payment system and has new clients assigned, the assignee must apply to participate according to the requirements in paragraph (1) of this subsection.

(b) Claim requirements.

(1) Providers must mail the expedited payment claim by the 20th of the service month.

(2) Providers must reconcile the previous month's expedited payment by the 25th of the current month. If a provider's expedited payment is not liquidated by the date the ceiling is posted for the next payment, the provider does not receive the next expedited payment.

(3) Providers must complete and send expedited claims properly; failure to do so results in rejected claims and no expedited payment for the month payment is claimed.

(4) Providers must do either of the following:

(A) mail or send supplemental claims after the regular monthly claim is sent; or

(B) attach supplemental claims to the regular monthly claim, using one purchase voucher.

(c) Request to participate.

(1) Providers wishing to participate in the expedited payment system must send a written request to the Texas Department of Human Services (TDHS). The request must state when the provider began providing services to TDHS recipients, the contract number(s), and a contact person in the provider agency. Requests to participate are considered on a contract-by-contract basis.

(2) Requests must be sent to the Assistant Commissioner, Provider Systems Branch (340-W), Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769.

(d) Billing options. If a provider agency is billing by tape or electronically and is subsequently enrolled in the expedited payment system, the agency must continue to bill by tape or electronically.

(c) Sanctions.

(1) Providers who do not comply with the reconciliation requirements will not receive an expedited payment for at least one month.

(2) The department retains the right to cancel the providers' participation in the expedited billing system if the providers have continual problems billing for expedited payment or reconciling their expedited payments.

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 February 14, 1989.

TRD-8901442

Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: April 1, 1989.

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

◆ ◆ ◆  
Chapter 53. Family Care

Claims

• 40 TAC §53.504

The Texas Department of Human Services proposes new §53.504, concerning an expedited payment system, in its Family Care chapter. The expedited payment system is designed so that an eligible provider receives a substantial portion of its payment at the beginning of the month after services are delivered. The new section addresses the eligibility for participation, claim requirements, request for participation, billing options, and sanctions.

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

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the expedited payment system will help providers receive timely reimbursement. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-035, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

§53.504. Expedited Payment System.

(a) Eligibility for participation.

(1) Family care providers must have delivered and received payment, after line item rejections, for 80% of their authorization for claims processed for three service months preceding the month of application.

(2) For purposes of contract assignments, the following requirements apply.

(A) If the assignee is participating in the expedited payment system, the assignee may continue to participate after the assignment of new clients.

(B) If the assignee is not participating in the expedited payment system and has new clients assigned, the assignee must apply to participate according to the requirements in paragraph (1) of this subsection.

(b) Claim requirements.

(1) Providers must mail the expedited payment claim by the 20th of the service month.

(2) Providers must reconcile the previous month's expedited payment by the 25th of the current month. If a provider's expedited payment is not liquidated by the date the ceiling is posted for the next payment, the provider does not receive the next expedited payment.

(3) Providers must complete and send expedited claims properly; failure to do so results in rejected claims and no expedited payment for the month payment is claimed.

(4) Providers must do either of the following:

(A) mail or send supplemental claims after the regular monthly claim is sent; or

(B) attach supplemental claims to the regular monthly claim, using one purchase voucher.

(c) Request to participate.

(1) Providers wishing to participate in the expedited payment system must send a written request to the Texas Department of Human Services (TDHS). The request must state when the provider began providing services to TDHS recipients, the contract number(s), and a contact person in the provider agency. Requests to participate are considered on a contract-by-contract basis.

(2) Requests must be sent to the Assistant Commissioner, Provider Systems Branch (340-W), Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769.

(d) Billing options. If a provider agency is billing by tape or electronically and is subsequently enrolled in the expedited payment system, the agency must continue to bill by tape or electronically.

(e) Sanctions.

(1) Providers who do not comply with the reconciliation requirements will not receive an expedited payment for at least one month.

(2) The department retains the right to cancel the providers' participation in the expedited billing system if the providers have continual problems billing for expedited payment or reconciling their expedited payments.

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 February 14, 1989

TRD-8901443

Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: April 1, 1989.

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

# Adopted Sections

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

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

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division

##### Subchapter M. Motor Bus Companies

###### • 16 TAC §5.249

The Railroad Commission of Texas adopts an amendment to §5.249, without changes from the proposed text as published in the December 20, 1988, issue of the *Texas Register* (13 TexReg 6241).

The amendment extends the area which is defined as suburbs of both Dallas and Fort Worth. The amendment will define all of Dallas and Tarrant Counties as suburbs of both cities.

One comment was received in favor of the proposed section. North Texas Lines, Inc., pursuant to whose petition the proposal was published, commented that the amendment will ease enforcement of the Motor Bus Act. The commission agrees with the comment, and views the Dallas/Fort Worth Metroplex as one large city for the purpose of interpreting the Motor Bus Act and the term "a city and its suburbs."

The amendment is adopted under the Texas Motor Bus Act, Texas Civil Statutes, Article 911a, which excludes from the commission's jurisdiction operations of buses wholly within a city and its suburbs.

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 February 13, 1989.

\* TRD-8901466      Kent Hance  
                                         Chairman  
                                         Railroad Commission of  
                                         Texas

Effective date: March 7, 1989

Proposal publication date: December 20, 1988

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



## TITLE 22. EXAMINING BOARDS

### Part XXIV. Texas Board of Veterinary Medical Examiners

#### Chapter 573. Rules of Professional Conduct

##### Prescribing and/or Dispensing Medications

###### • 22 TAC §573.43

The Texas Board of Veterinary Medical Examiners adopts an amendment to §573.43, without changes to the proposed text as published in the January 31, 1989, issue of the *Texas Register* (14 TexReg 9).

The amendment clarifies the section and aligns it with current statutes.

The amendment requires licensees to hold a Texas Department of Public Safety Narcotics Certificate when the licensee has been assigned a Drug Enforcement Agency Narcotics Certificate.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 7465a, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to "make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

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

Issued in Austin, Texas, on February 13, 1989.

TRD-8901426      Donald B. Wilson  
                                         Executive Director  
                                         Texas Board of Veterinary  
                                         Medical Examiners

Effective date: March 7, 1989

Proposal publication date: January 31, 1989

For further information, please call: (512) 447-1183



## Chapter 577. General Administration and Duties

### Staff and Miscellaneous

#### • 22 TAC §577.14

The Texas Board of Veterinary Medical Examiners adopts the repeal of §577.14, without changes to the proposed text as published in the November 22, 1988, issue of the *Texas Register*.

The section will be deleted as it is provided for in the Veterinary Practice Act, Article 7465a, §2.

The Veterinary Practice Act, Article 7465a, §2 provides for the definition of the practice of veterinary medicine, thus this rule is redundant.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 7465a, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to "make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

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

Issued in Austin, Texas, on February 13, 1989.

TRD-8901427      Donald B. Wilson  
                                         Executive Director  
                                         Texas Board of Veterinary  
                                         Medical Examiners

Effective date: March 7, 1989

Proposal publication date: November 22, 1988

For further information, please call: (512) 447-1183



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

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

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

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

The State Board of Insurance has adopted various amendments to the *Texas Automobile Manual* (hereafter called *Manual*) and to the *Standard Provisions for Automobile Policies*, 1981 edition (hereafter called *Standard Provisions*).

Endorsement E 99 83A is deleted from the endorsement supplement of the *Manual*, as such endorsement is made unnecessary by changes that are made in *Manual* Rule 24, Rate Rule 24, and the *Standard Provisions*. These changes will result in coverage of liability arising from lease or rental agreements of automobiles insured under the Business Auto Coverage Form, Truckers Coverage Form, and Garage Coverage Form, without charge of additional premium, and without other limitations being eliminated.

Rule 36 in the *Manual* is amended to permit blanket waiver of subrogation, and Rate Rule 36 is amended to provide for referral to the State Board of Insurance for determination or approval of any proposed premium adjustment for blanket waiver of subrogation.

Rule 55 in the *Manual* is amended to set forth registration requirements with the Railroad Commission for owners and operators of commercial vehicles other than truckers, as mandated by Texas Civil Statutes, Article 6701d.

Also pertaining to the above statutory requirement, Endorsement TE 23 30A in the endorsement supplement of the *Manual* is amended to be applicable to the Garage Coverage Form (as well as the Business Auto Coverage Form), and this endorsement is renumbered TE 23 30B.

Miscellaneous amendments being adopted are set forth in this paragraph. Rule 44.1.B. is amended to clarify that it pertains only to actual cash value basis for 1975 and prior models with a symbol 7 (above z). In Rule 58, a spelling correction is made, and the symbol (e) is added where it was inadvertently omitted. Indexes are revised to reflect changes in the rules and endorsements. Rule 135, §1.C.3., is amended by deletion of the words "comprehensive and modified \$250 hail deductible", which language had been inadvertently transferred from a previous manual. Endorsement TE 20 09A is renumbered as TE 20 09B. Rules 87., 88., and 89. are amended to provide a rating approach for miscellaneous coverages when provided on a combined limit basis. Rule 121.C.2. is amended to make corrections and clarifications. Rule 134.D.1.d. is amended by deleting §(2), as this language was printed in error. A schedule of rules and endorsements is amended to reflect changes being made.

Clarifying language is added to existing endorsements. Clarifications in printing instructions for various policy forms are made by correcting references to general instructions.

This amendment is effective on and after March 15, 1989. This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on February 1, 1989.

TRD-8901317 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: March 15, 1989

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

◆ ◆ ◆  
The State Board of Insurance has adopted amendments to the *Texas Automobile Manual*.

The board has adopted adjusted physical damage rating symbols for certain 1989 model private passenger automobiles. The symbols adopted were developed from manufacturers F.O.B. list price data and adjusted in accordance with the prescribed vehicle series rating rule.

The proposed symbols were developed from manufacturers list price data and adjusted in accordance with the prescribed vehicle series rating rule contained in the Symbol and Identification Section of the *Texas Automobile Manual*. The proposed rating symbols are for certain 1989 model private passenger automobiles. It is the board's opinion that the proposed adjusted and new rating symbols should be adopted as proposed. The amendment is effective at 12:01 a.m. on the 15th day after notice of this action is published in the *Texas Register*.

This notification is made pursuant to the Texas Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on February 1, 1989

TRD-8901318 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: March 4, 1989

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

◆ ◆ ◆



# Open Meetings

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

**Emergency meetings and agendas.** Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

**Posting of open meeting notices.** All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

## Texas Department of Agriculture

**Wednesday, February 22, 1989, 10 a.m.** The Boll Weevil Pest Management Zone Committee for the Texas Department of Agriculture will meet in the Wharton County Extension Auditorium, 210 South Rusk, Wharton. According to the agenda summary, the committee make recommendations and begin drafting boll weevil control regulations and advise the department on effective enforcement of the law.

**Contact:** Annette Cardenas, P.O. Box 12847, Austin, Texas 78711, (512) 463-7617.

**Filed:** February 14, 1989, 3:28 p.m.

TRD-8901454

**Thursday, February 23, 1989.** The Texas Department of Agriculture will meet at the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. Times and agendas follow.

**9 a.m.** The department will conduct an administrative hearing to review alleged violations of Texas pesticide laws by C.L. Cloud holder of commercial applicator license.

**Contact:** Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** February 14, 1989, 11:09 a.m.

TRD-8901423

**10 a.m.** The department will conduct an administrative hearing to review alleged violations of Texas pesticide laws by Edward Kramer holder of commercial applicator license.

**Contact:** Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** February 14, 1989, 11:09 a.m.

TRD 8901424

**11 a.m.** The department will conduct an administrative hearing to review alleged violations of Texas pesticide laws by Randy Colvin, doing business as Mid Valley Dusting, holder of commercial applicator license.

**Contact:** Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** February 14, 1989, 11:09 a.m.

TRD-8901425

**1 p.m.** The department will conduct an administrative hearing to review alleged violations of Texas pesticide laws by Troy E. Vaught, doing business as Palm Flying Service, holder of commercial applicator license.

**Contact:** Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** February 14, 1989, 11:09 a.m.

TRD-8901422

## Texas Department of Banking

**Friday, February 24, 1989, 10 a.m.** The Banking Section of the Finance Commission will meet at 2601 North Lamar Boulevard, Austin. According to the agenda summary, the section will review and approve minutes of the previous meeting; review departmental operations; discuss policies relating to bank examination and other regulatory matters, including but not limited to enforcement action, dividends, ORE and loans; discuss proposed amendment to regulation relating to records retention (7 TAC §11.64); report of legislative matters for current legislative session; discuss multibank holding company/bank subsidiary issues, discuss state and national response to the financial industry crisis; and discuss legislative inquiry regarding NCNB. The section will also meet in executive session to discuss contemplated and/or pending litigation and personnel matters.

**Contact:** Ann Graham, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

**Filed:** February 16, 1989, 9:28 a.m.

TRD-8901518

## Texas Commission for the Blind

**Friday-Saturday, March 17-18, 1989, 8:30 a.m.** The Consumer Advisory Committee for the Texas Commission for the Blind will meet in the Criss Cole Rehabilitation Center, 4800 North Lamar, Austin. According to the agenda summary, the committee will hear reports from the coordinator of consumer affairs and the executive director on Friday, and reports from the director of the Criss Cole Rehabilitation Center and committee and subcommittee reports and discussions.

**Contact:** Cecilia Berrios, (512) 459-2611.

**Filed:** February 15, 1989, 10:46 a.m.

TRD-8901490

## Texas Board of Chiropractic Examiners

**Thursday-Saturday, February 23-25, 1989, 8 a.m., 8:30 a.m., and 9 a.m.** The Texas Board of Chiropractic Examiners will meet at the Airport Hilton Inn, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the board will conduct exams on Friday, approve minutes of the August 20, 1989, meeting, conduct administrative hearing, hear enforcement committee recommendations, board discussion of cases under appeal, IAB request, propose the amendment of §75.1(b) and §75.2, chiropractic consultants registry, propose amendment of Chapter 78, video fluoroscopy, peer review request-scope of practice, homeopathy, amendment of §75.1(8), enforcement committee, physical exams and lab work, Edward Gavin-reciprocity, board action to certify licenses of those who pass February exam and qualify for reciprocity, board action to cancel non-renewed license, board committee reports, Texas Chiropractic Association Legislative Committee report, board discussion of another exam date for August graduates, mis-communication board action on licensees who did not attend a board approved seminar, define chiropractic adjustment, notice to doctors regarding advertising changes, legislative

report, discuss any unfinished and/or new business, and executive session to discuss legal and personnel matters in compliance with the Open Meetings Act, Article 6252-17, §(e) on Saturday. Board meeting may possibly extend into Saturday evening and/or Sunday.

Contact: Jennie Smetena, 8716 MoPac Expressway North, Suite 301, Austin, Texas 78759.

Filed: February 15, 1989, 11:16 a.m.

TRD-8901491

### Texas Commission for the Deaf

Saturday, March 4, 1989, 7 p.m. The BEI Board Meeting for the Texas Commission for the Deaf will meet in the Conference Room, 510 South Congress Avenue, Austin. According to the agenda, the board will consider new BEI rules proposal; review interpreter evaluations in executive session; and review board for evaluation of interpreters budget.

Contact: Larry Evans, 510 South Congress Avenue, Suite 300, Austin, Texas 78704, (512) 469-9891.

Filed: February 14, 1989, 2:12 p.m.

TRD-8901449

### Employees Retirement System of Texas

Wednesday, February 15, 1989, 1 p.m. The Board of Trustees for the Employees Retirement System of Texas met in emergency session in Room 401, ERS Building, 18th and Brazos Streets, Austin. According to the agenda, the board met in executive session to consult with its attorney concerning the pending litigation of Texas HMO Association v. Pamela A. Carley, et al, as well as to obtain its attorney's opinion concerning legislation, case law, regulations, and other legal matters affecting the Employees Retirement System of Texas pursuant to subsection (e) of Texas Civil Statutes, Article 6252-17, §2; met with the executive director to discuss the statutory duties of the director pursuant to subsection (g) of Texas Civil Statutes, Article 6252-17, §2; discussed any action resulting from executive session; and considered and acted on emergency and proposed rules governing participation by health maintenance organizations (HMOs) in the Texas Employees Uniform Group Insurance Program. The emergency status was necessary to address issues and adopt emergency rules resulting from pending litigation.

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431, ext. 213.

Filed: February 14, 1989, 2:32 p.m.

TRD-8901448

### Texas Employment Commission

Wednesday, February 22, 1989, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes; consider and possibly act on proposed rules governing timeliness of administrative appeals in unemployment compensation cases; internal procedures of commission appeals; consider and act on higher level appeals in unemployment compensation cases listed on commission docket 8; and set date of next meeting.

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

Filed: February 14, 1989, 4:13 p.m.

TRD-8901455

### Texas Department of Health

Sunday, February 26, 1989, 9 a.m. The Texas Radiation Advisory Board for the Texas Department of Health will meet in the Conference Room, 1212 East Anderson Lane, Austin. According to the agenda summary, the board will approve minutes; hear chairman's report; elect officers; discuss update on Texas Low Level Radioactive Waste Disposal Authority activities; hear committee reports from executive and medical committee, discuss rules and regulatory guide update, discuss program activities; general activity, division of compliance and inspection, division of licensing, registration, and standards; and determine next meeting date and location.

Contact: L.D. Thurman, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7542.

Filed: February 14, 1989, 1:25 p.m.

TRD-8901437

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

Thursday, February 23, 1989, 8 p.m. The Organization Committee for the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet at Howard Johnson's South Plaza Hotel, IH 35 at Woodward, Austin. According to the agenda summary, the committee will discuss licensees using term "diagnostic testing" in advertising; discuss using term hearing center(s), and eliminating the word "aid" from advertisements, signs, letter-

heads, etc.; clarification of Article 4566, §1(f) and the phrase "for the purpose of"; clarification of rule and regulation 141.18; and discuss Article 4566, §19(1) to clarify names.

Contact: Wanda F. Stewart, 4800 North Lamar, Suite 150, Austin, Texas 78760, (512) 459-1488.

Filed: February 14, 1989, 12:52 p.m.

TRD-8901435

Friday-Saturday, February 24-25, 1989, 8 a.m. The Regular Board Meeting for the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet at Howard Johnson's South Plaza Hotel, IH 35 at Woodward, Austin. According to the agenda, the board will hear prayer with George D. Holland, Jr., introduce Florence Anderson as new board member, approve minutes of the October 22, 1989, meeting, ratify committees, board action on exam, hear committee, president, and executive director reports, and report of future meeting dates.

Contact: Wanda F. Stewart, 4800 North Lamar, Suite 150, Austin, Texas 78760, (512) 459-1488.

Filed: February 14, 1989, 12:52 p.m.

TRD-8901433

Friday, February 24, 1989, 7:30 p.m. The Legislative Committee for the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet at Howard Johnson's South Plaza Hotel, IH 35 at Woodward, Austin. According to the agenda, the committee will discuss definition of a hearing aid.

Contact: Wanda F. Stewart, 4800 North Lamar, Suite 150, Austin, Texas 78760, (512) 459-1488.

Filed: February 14, 1989, 12:52 p.m.

TRD-8901434

### Texas Historical Records Advisory Board

Friday, February 24, 1989, 10 a.m. The Texas Historical Records Advisory Board will meet in Room 205, Lorenzo de Zavala Archives Library, 1201 Brazos, Austin. According to the agenda summary, the board will discuss two grant proposals prior to making final funding recommendations to the National Historical Publications and Records Commission; and consider potential methods for disseminating information statewide regarding the work of the NHPRC.

Contact: Chris LaPlante, 1201 Brazos, Austin, Texas, (512) 463-5480.

Filed: February 14, 1989, 11:06 a.m.

TRD-8901430

## University of Houston System

**Wednesday, February 22, 1989, 8 a.m.** The Board of Regents of the University of Houston System will meet in the Zodiac Room, Conrad Hilton College Hotel, University of Houston, 4800 Calhoun, Houston. According to the agenda summary, the board will discuss and/or act upon the following: minutes, consent docket, various reports, evaluation of investment managers, investment objectives, art acquisition contract, project cost increases, redesign of electric distribution, office lease-downtown, school of communications, personnel recommendations, department transfer, dual employment, report on ethics instruction, licensing agreement, guidelines for fiscal year 1990 budget development, banking resolution, fiscal year 1988 financial statements, and report on supercomputer and gift acceptance reports.

Contact: Peggy Cervenka, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: February 16, 1989, 9:07 a.m.

TRD-8901517

## Texas State Board of Medical Examiners

Various committees for the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. Dates, times, and agendas follow.

**Thursday, February 23, 1989, 9 a.m.** The Reciprocity Committee will review reciprocity applicants; meet in executive session under authority of Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion H-484; review SPEX results; and consider request for waiver.

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

Filed: February 14, 1989, 4:20 p.m.

TRD-8901458

**Thursday, February 23, 1989, 3 p.m.** The Legislative Committee will discuss pending and proposed legislation; meet in executive session under authority of Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion H-484; discuss financial/budgetary matters; and consider possible rule regarding prescribing for, administering, or dispensing to habitual drug users.

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

Filed: February 14, 1989, 4:20 p.m.

TRD-8901459

**Thursday, February 23, 1989, 4 p.m.** The Examination Committee will review December exam results; review new medical jurisprudence exam; request for visiting

professor permit extension; and meet in executive session under authority of Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion H-484.

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

Filed: February 14, 1989, 4:20 p.m.

TRD-8901461

**Thursday, February 23, 1989, 4 p.m.** The Finance Committee will review financial reports; and meet in executive session under authority of Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion H-484.

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

Filed: February 14, 1989, 4:20 p.m.

TRD-8901462

**Thursday, February 23, 1989, 4:30 p.m.** The Disciplinary Process Review Committee will review minutes, enforcement report and selected files, and meet in executive session under authority of Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion H-484.

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

Filed: February 14, 1989, 4:20 p.m.

TRD-8901460

**Friday-Saturday, February 24-25, 1989, 8 a.m.** The board will consider proposals for decision; reinstatements, probationers; hearing on possible act violations; hear executive director's report; discuss next meeting; licensure, enforcement, computer, agreed orders, minutes, and duplicate licenses; committee meetings/reports; possible rule on witness fees; legislation; budget; and meet in executive session under authority of Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion H-484.

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

Filed: February 14, 1989, 4:20 p.m.

TRD-8901463

## Board of Pardons and Paroles

**Thursday, February 23, 1989, 9:30 a.m.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will act on: minutes of January 5, 1989; budget; recommendations, HH/PPT Cons.; personnel manual revisions-prom. procedures/transfer policy; ratification of memo/discussion cases, special reviews; circulation of memoranda; extension rose garden contract; project chance contract approval; increase per diem for Kerper House, status of parole selection process audit; stat

pricor proposal; stat SS compliance recommendation; stat/parole officer ratio; improving communications; PIA parole violator; election monitoring program; BJA grant; performance evaluations; TDCAA Board Liaison Committee; public input/comments; executive director's report-TCADA grant; PIA/PPT criteria; research agreement/North Texas University; and discuss Bexar County facility.

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

Filed: February 15, 1989, 4:12 p.m.

TRD-8901515

## Texas State Board of Public Accountancy

The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Dates, times, and agendas follow.

**Wednesday, February 22, 1989, 9 a.m.** The Licensing Committee will consider ratification of approved applications for registration of partnerships and professional corporations; consider applications for reinstatement of CPA certificates; ratify previously approved applications under §§12-14; consider non-routine applications under §§12-14; informal conferences for individuals requesting an appearance before the committee, review convictions reported by licensees on their 1989 renewal notices; review information relating to Department of Public Safety criminal background investigation reports; review request for surrender of CPA certificates under §12(a) of the Act; review plans for the May, 1989 swearing in ceremony; review licensing statistics; and discuss other matters coming before the committee.

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

Filed: February 14, 1989, 11:07 a.m.

TRD-8901428

**Thursday, February 23, 1989, 9 a.m.** The Examination Committee will review information relating to the May, 1989 examination; consider non-routine applications; report of successful bidders for services needed at each site; review proposed board and staff assignments; report statistical information; other; review statistical impact report relating to changes in the Public Accountancy Act and its bearing on projections of exam candidates; discuss board response to proposed changes in the uniform CPA examination; and discuss correspondence and other matters.

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

Filed: February 14, 1989, 11:07 a.m.

TRD-8901429

Thursday, February 23, 1989, 9 a.m. The Executive Committee will review personnel matters; review status of computer purchase; review legislative matters; review NASBA/AICPA matters; review board's financial matters; discuss changing the agenda book format; and consider other matters.

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

Filed: February 14, 1989, 11:07 a.m.

TRD-8901470

Thursday and Friday, February 23 and 24, 1989, 1 p.m. and 9 a.m. The board will approve minutes of the January 26 and 27, 1989, meeting; hear report from Executive Committee; report of the Behavioral Enforcement Committee; report of the Licensee Education Committee; report of the Licensing Committee; report of the Examination Committee; report of the Sponsor Compliance Committee; report of the Constructive Enforcement Committee; act on §511.55; discuss qualifications under current Act; ratification of board orders, consent orders, and proposals for decision; review certain board communications; and review future meetings/hearing schedules.

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

Filed: February 14, 1989, 11:07 a.m.

TRD-8901472

### Public Utility Commission of Texas

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

Wednesday, February 22, 1989, 9 a.m. The Hearings Division will consider dockets 7870, 8231, 8329, 8230, 8220, 8434, 8364, 8412, 8389, 8362, and 8393; consider publication of proposed amendments to §23.25 concerning project 8630, regarding long distance rates; and for final adoption, §23.15 concerning local exchange company assessment.

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

Filed: February 14, 1989, 3:22 p.m.

TRD-8901452

Wednesday February 22, 1989, 2 p.m. The Administrative Division will discuss the following items: approval of minutes; reports, discussion and action on budget and fiscal matters; report on agency matters relating to the 71st legislative session, approve a contract with a consultant to con-

duct a prudence audit of CP&L's participation in the South Texas Nuclear Project; hear staff recommendations for Comanche Peak Nuclear Power Plant prudence audit request for proposal, progress report on commission participation in the Texas Enterprise Zone Program; and set time and place for next meeting. The division will also meet in executive session to consider personnel and litigation matters.

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

Filed: February 14, 1989, 3:23 p.m.

TRD-8901451

Thursday, February 23, 1989, 9 a.m. The Administrative Division will consider adoption of the staff's long-term electric peak demand and capacity resources forecast for Texas 1988.

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

Filed: February 15, 1989, 2:50 p.m.

TRD-8901512

Tuesday, March 21, 1989, 10 a.m. The Hearings Division will consider Docket 8610-Application of Texas Utilities Electric Company on leverage lease financing of combustion turbine generating units in Ward and Mitchell Counties.

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

Filed: February 15, 1989, 2:51 p.m.

TRD-8901511

Thursday, April 27, 1989, 10 a.m. The Hearings Division will consider Docket 8624-Application of Wes-Tex Telephone Cooperative, Inc. to offer private pay telephone service.

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

Filed: February 15, 1989, 2:49 p.m.

TRD-8901513

### State Purchasing and General Services Commission

Wednesday, February 22, 1989, 9 a.m. The Commission for the State Purchasing and General Services Commission will meet in Conference Room 402, Central Services Building, 1711 San Jacinto, Austin. According to the agenda summary, the commission will consider proposed new §§125.41-125.53; consider policy regarding utilization of Chicorp Diners Club card, monthly 3.09 report; monthly TEX AN update; monthly operating budget report; leg-

islation status report; report on the status of construction projects; executive session to consider the status of the potential purchase of real property; executive session to receive a report and consider litigation regarding state parking garage "F"; and executive session to receive information regarding potential litigation.

Contact: John R. Neel, 1711 San Jacinto, Austin, Texas 78701, (512) 463-3446.

Filed: February 14, 1989, 3:21 p.m.

TRD-8901453

Wednesday, February 22, 1989, 9 a.m. The State Purchasing and General Services Commission submitted an emergency revised agenda for a meeting to be held in Conference Room 402, 1711 San Jacinto, Austin. According to the agenda, the commission will meet in executive session to receive a report from counsel concerning the status of all pending litigation. The emergency status was necessary to enable the commission to promptly take any action necessary regarding pending litigation.

Contact: John R. Neel, 1711 San Jacinto, Austin, Texas 78701, (512) 463-3446.

Filed: February 16, 1989, 9:52 a.m.

TRD-8901519

### Toxic Substances Coordinating Committee

Thursday, February 16, 1989, 9 a.m. The Toxic Substances Coordinating Committee met in emergency session in Room M-741, 1100 West 49th Street, Austin. According to the agenda summary, the committee approved minutes of the December 15, 1988, meeting; discussed legislative actions, activities, and initiatives; and scheduled next meeting. The emergency session was necessary as a reasonable unforeseeable circumstance occurred which prevented regular posting of meeting notice.

Contact: Dennis Perrotta, Ph.D., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7268.

Filed: February 14, 1989, 1:26 p.m.

TRD 8901436

### University of North Texas/Texas College of Osteopathic Medicine

Monday, February 20, 1989, 3 p.m. The Budget and Finance Committee, Board of Regents, for University of North Texas/Texas College of Osteopathic Medicine (UNT/TCOM), met in the Boardroom, Administration Building, University of North Texas, Denton. According to the agenda summary, the committee for TCOM considered gift report, transfer of equipment to

UNT, report of interest earnings, and proposition 2 transitions. UNT considered gift report, fraternity housing, report of interest earnings, proposition 2 transactions, and status of 1991 appropriation.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2900.

Filed: February 15, 1989, 10:46 a.m.

TRD-8901489

**Thursday, February 23, 1989, 2 p.m.** The Advancement Committee, Board of Regents, for University of North Texas/Texas College of Osteopathic Medicine (UNT/TCOM), met in the Boardroom, Administration Building, University of North Texas, Denton. According to the agenda summary, the committee for TCOM will consider development update. UNT will discuss Alumni Association charter, alumni awards, update on board of visitors, and discuss interdisciplinary center.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2900.

Filed: February 15, 1989, 10:46 a.m.

TRD-8901487

**Thursday, February 23, 1989, 2 p.m.** The Role and Scope Committee, Board of Regents, for University of North Texas/Texas College of Osteopathic Medicine (UNT/TCOM), met in the Boardroom, Administration Building, University of North Texas, Denton. According to the agenda summary, the committee for TCOM will consider appointment of TCOM advisory council. UNT will hear small class report; end of semester enrollment report; faculty workload report; tenure for new faculty appointments; supplemental promotion and tenure recommendation; award of honorary degree, academic standards; MS with major in educational evaluation, measurement, and research; North Texas Research Institute, Texas Academy of Mathematics and Science Parents' Club Charter; academic performance of athletes; centennial lecture series; and library and information sciences program.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2900.

Filed: February 15, 1989, 10:46 a.m.

TRD-8901488

**Thursday, February 23, 1989, 3 p.m.** The Facilities Committee, Board of Regents, for University of North Texas/Texas College of Osteopathic Medicine (UNT/TCOM), met in the Boardroom, Administration Building, University of North Texas, Denton. According to the agenda summary, the committee for TCOM will consider master plan update, renovation of building for pediatric clinic and academic department, and hear project status report. UNT will consider Chilton Hall renovation and addition; Matthews Hall renovation; addition to McConnell Hall; renovation of Main Auditorium for multi-purpose use; energy con-

servation analysis; fraternity housing status report; university union expansion status report; parking garage status report; natural gas contracts; genetic screening and counseling services leases space; project status report; Sheraton Hotel status report; and TWU leased space.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2900.

Filed: February 15, 1989, 10:46 a.m.

TRD-8901486

**Friday, February 24, 1989, 8 a.m.** The Board of Regents, for University of North Texas/Texas College of Osteopathic Medicine (UNT/TCOM), will meet in the Boardroom, Administration Building, University of North Texas, Denton. According to the agenda summary, the committee for TCOM will approve minutes; meet in executive session (TCOM: Roundsaveille case; student legal problem; and lawsuit updates. UNT will consider student legal problem; Veda Sherman case; Denton Construction Company vs. NTSU; lawsuit updates; North Texas Research Institute lease; two faculty personnel issues; specific athletic personnel; appointment of two specific faculty members; legislative update); advisory council appointments; gift report; transfer of equipment; master plan update; pediatric clinic and academic department renovation; project status report; economic impact study; and legislative update. UNT will approve minutes; hear small class report; end of semester enrollment; faculty workload report; tenure for new faculty; promotion and tenure recommendations; award of honorary degree; academic standards; MS in educational evaluation, measurement, and research; North Texas Research Institute; Texas Academy of Mathematics and Science Parents' Club charter; presentation of Professional Development Institute; gift report, fraternity housing, Chilton Hall renovation and addition; Matthews Hall renovation; addition to McConnell Hall; renovation of Main Auditorium; energy conservation analysis; project status report; Alumni Association charter; alumni awards; Texas Academic Skills Program; centennial plans; legislative hearings schedule; and coordinate board activities.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2900.

Filed: February 15, 1989, 10:46 a.m.

TRD-8901485

## The University of Texas at Austin

**Monday, February 20, 1989, 2 p.m.** The Intercollegiate Athletics for Women for the University of Texas at Austin met in Belmont Hall 606 Conference Room, U.T. Campus, 21st and San Jacinto Streets, Austin. According to the agenda summary, the university approved minutes of the pre-

vious meeting of January 23, 1989; heard announcements and information reports; and considered old and new business.

Contact: Dr. Donna Loipano, BEL 606, U.T. Campus, Austin, Texas, (512) 471-7693.

Filed: February 15, 1989, 10:44 a.m.

TRD-8901482

## Texas Water Commission

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

**Thursday, February 23, 1989, 2 p.m.** The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: February 15, 1989, 11:41 a.m.

TRD-8901496

**Monday, February 27, 1989, 10 a.m.** The commission will determine whether emergency order 89-5E issued by the commission on January 30, 1989, to Lone Star Steel Company, Highway 259 South, Lone Star, Texas 75668 should be affirmed, modified, or set aside by the commission. The order permitted Lone Star Steel to discharge up to 10,000,000 gallons of wastewater from its spent pickling acid ponds to an on-site tailings basin known as Peacock Reservoir. Lone Star Steel operates a steel mill which is located on Highway 259 South in Morris County.

Contact: Sharon Smith, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: February 15, 1989, 11:41 a.m.

TRD-8901492

**Monday, February 27, 1989, 10 a.m.** The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: February 15, 1989, 11:41 a.m.

TRD-8901495

**Monday, February 27, 1989, 2 p.m.** The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: February 15, 1989, 11:41 a.m.

TRD-8901497

**Monday, March 6, 1989, 3 p.m.** The commission will meet in Room 123 to consider executive director's report on agency administration, policy, budget procedures, and personnel matters.

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

Filed: February 15, 1989, 11:41 a.m.

TRD-8901498

**Thursday, March 9, 1989, 10 a.m.** The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: February 15, 1989, 11:41 a.m.

TRD-8901499

**Thursday, March 9, 1989, 10 a.m.** The commission will determine whether a temporary order should be issued to 244 Joint Venture, in care of Thomas M. Mays, 720 Brazos, Suite 900, Austin, Texas 78701. The order, if issued, would authorize a discharge of pond water at a volume not to exceed a daily average flow of 4,500 gallons per minutes to an unnamed tributary of Cottonmouth Creek; thence to Cottonmouth Creek; and thence to Onion Creek in Segment 1427 of the Colorado River Basin, from the wastewater holding pond located immediately north of FM Road 812, approximately 3,700 feet east of the intersection of FM Road 812 and United States Highway 183 in Travis County.

Contact: Sharon Smith, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: February 15, 1989, 11:41 a.m.

TRD-8901493

**Thursday, March 9, 1989, 10 a.m.** The commission will determine whether a temporary order should be issued to Texas Department of Corrections (TDC), P.O. Box 99NC, Huntsville, Texas 77342-0099. The order, if issued, would authorize the diversion of treated wastewater effluent from Outfall 002 at the Ferguson Unit Wastewater Treatment Plant (when necessary to prevent overflow of lagoons) to an existing 590 acre-foot off-channel reservoir located in the Jacob Rendig Survey, Abstract 133, Madison County. The off-channel reservoir is located approximately 200 feet from the Trinity River, Trinity River Basin. The effluent will be used to irrigate pastureland adjacent to the reservoir.

Contact: Mark Jordan, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: February 15, 1989, 11:41 a.m.

TRD-8901494

## Regional Meetings

### Meetings Filed February 14, 1989

**The Bexar Appraisal District, Board of Directors,** will meet at 535 South Main, San Antonio, on February 21, 1989, at 5 p.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Central Texas Council of Governments, Executive Committee,** will meet at 302 East Central, Belton, on February 23, 1989, at 12:45 p.m. Information may be obtained from A.C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1803.

**The Dallas Central Appraisal District, Appraisal Review Board,** will meet in Suite 500, 1420 West Mockingbird Lane, Dallas, on February 24, 1989, at 10 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

**The Education Service Center, Region XII, Administrative, Board of Directors,** will meet at the Brazos Inn, 411 Austin, Waco, on February 23, 1989, at 7:30 p.m. Information may be obtained from Weldon O. Mills, P.O. Box 1249, Waco, Texas 76703, (817) 756-7494.

**The Mason County Appraisal District,** will meet at 206 Fort McKavitt Street, Mason, on February 22, 1989, at 6 p.m. Information may be obtained from Neal Little, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

**The Wood County Appraisal District, Board of Directors,** will meet in the Conference Room, Appraisal District Office, 217 North Main, Quitman, on February 23, 1989, at 1:30 p.m. Information may be obtained from W. Carson Wages, P.O. Box

951, Quitman, Texas 75783, (214) 763-4891.

TRD-8901420

### Meetings Filed February 15, 1989

**The Ark-Tex Council of Governments, Executive Committee,** will meet at the Holiday Restaurant, Holiday Hotel, Mt. Pleasant, on February 23, 1989, at 5:30 p.m. Information may be obtained from Susan J. Rice, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636.

**The Central Counties Center for MHMR Services, Board of Trustees,** will meet at 304 South 22nd Street, Temple, on February 21, 1989, at 7 p.m. Information may be obtained from Micheal K. Muegge, 304 South 22nd Street, Temple, Texas 76501.

**The Cherokee County Appraisal District, Board of Directors,** will meet at 107 East Sixth Street, Rusk, on February 23, 1989, at 2:30 p.m. Information may be obtained from S.R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2296.

**The Eastland County Appraisal District, Appraisal Review Board,** will meet in the Commissioner's Courtroom, Eastland County Courthouse, Eastland, on March 2, 1989, at 10 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448.

**The Education Service Center, Region V, Board of Directors,** will meet in the Boardroom, 2295 Delaware, Beaumont, on February 23, 1989, at 1:15 p.m. Information may be obtained from Fred J. Waddell, (409) 835-5212.

**The Education Service Center, Region XIII, Board of Directors,** met in Room 205, 5701 Springdale Road, Austin. Information may be obtained from Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300.

**The Harris County Appraisal District, Board of Directors,** will meet on the Eighth Floor, 2800 North Loop West, Houston, on February 22, 1989, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292-0975, (713) 957-5291.

**The Henderson County Appraisal District, Board of Directors,** met in emergency session at 1751 Enterprise, Athens, on February 17, 1989, at 10 a.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas 75751, (214) 675-9296.

**The Lamar County Appraisal District, Regular Board,** will meet at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, on February 21, 1989, at 5 p.m. Information may be obtained from Betty Hanna, 521 Bonham Street, Paris, Texas 75460, (214) 785-7822.

**The Lamb County Appraisal District, Appraisal Review Board, met at 330 Phelps, Littlefield, on February 20, 1989, at 7 p.m. The Board of Directors will meet at 330 Phelps, Littlefield, on February 23, 1989, at 7 p.m. Information may be obtained from Murlene J. Godfrey, 330 Phelps, Littlefield, Texas.**

**The Lee County Appraisal District, Board of Directors, will meet at 218 East Richmond Street, Giddings, on March 1, 1989, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.**

**The Lower Colorado River Authority, Board of Directors, will meet at 3700 Lake Austin Boulevard, Austin, on February 21, 1989, at 1 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3520.**

**The Martin County Appraisal District, Board of Directors, will meet at 708 West St. Anna, Stanton, on February 21, 1989, at 7 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823.**

**The Scurry County Appraisal District, Board of Directors and Appraisal Review Board, will meet at 2612 College Avenue, Snyder, on February 21 and 23, 1989, at 10 a.m., respectively. Information may be obtained from L.R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.**

**The Tarrant Appraisal District, Board of Directors, will meet at 2301 Gravel Road, Fort Worth, on February 22, 1989, at 9 a.m. Information may be obtained from Olive Miller, (817) 595-6005.**

**The West Central Texas Council of Governments, Executive Committee, will meet at 1025 East North 10th, Abilene, on February 22, 1989, at 12:45 p.m. Information may be obtained from Brad Helbert, (214) 672-8544.**

**The Wood County Appraisal District, Appraisal Review Board, will meet in the Conference Room of the Wood County Appraisal District, 217 North Main, Quitman, on February 28, 1989, at 9 a.m. Information may be obtained from W. Cannon Wages or Teresa Poston, P.O. Box 951, Quitman, Texas 75783, (214) 763-4891.**

TRD-8901469

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**Meetings Filed February 16, 1989**

**The Houston-Galveston Area Council, Projects Review Committee and Board of Directors, will meet in the Boardroom, Fourth Floor, 3555 Timmons Lane, Houston, on February 21, 1989, at 9:30 a.m. and 10 a.m., respectively. Information may be obtained from Rowena Ballas, 3555 Timmons Lane, Houston, Texas 77027, (713) 627-3200 and Marjorie Baker, P.O.**

Box 22777, Houston, Texas 77227-2777, (713) 993-4596, respectively.

**The Hunt County Tax Appraisal District, Appraisal Review Board, will meet in the Boardroom, 4801 King Street, Greenville, on February 21, 1989, at 9 a.m. Information may be obtained from Joe P. Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.**

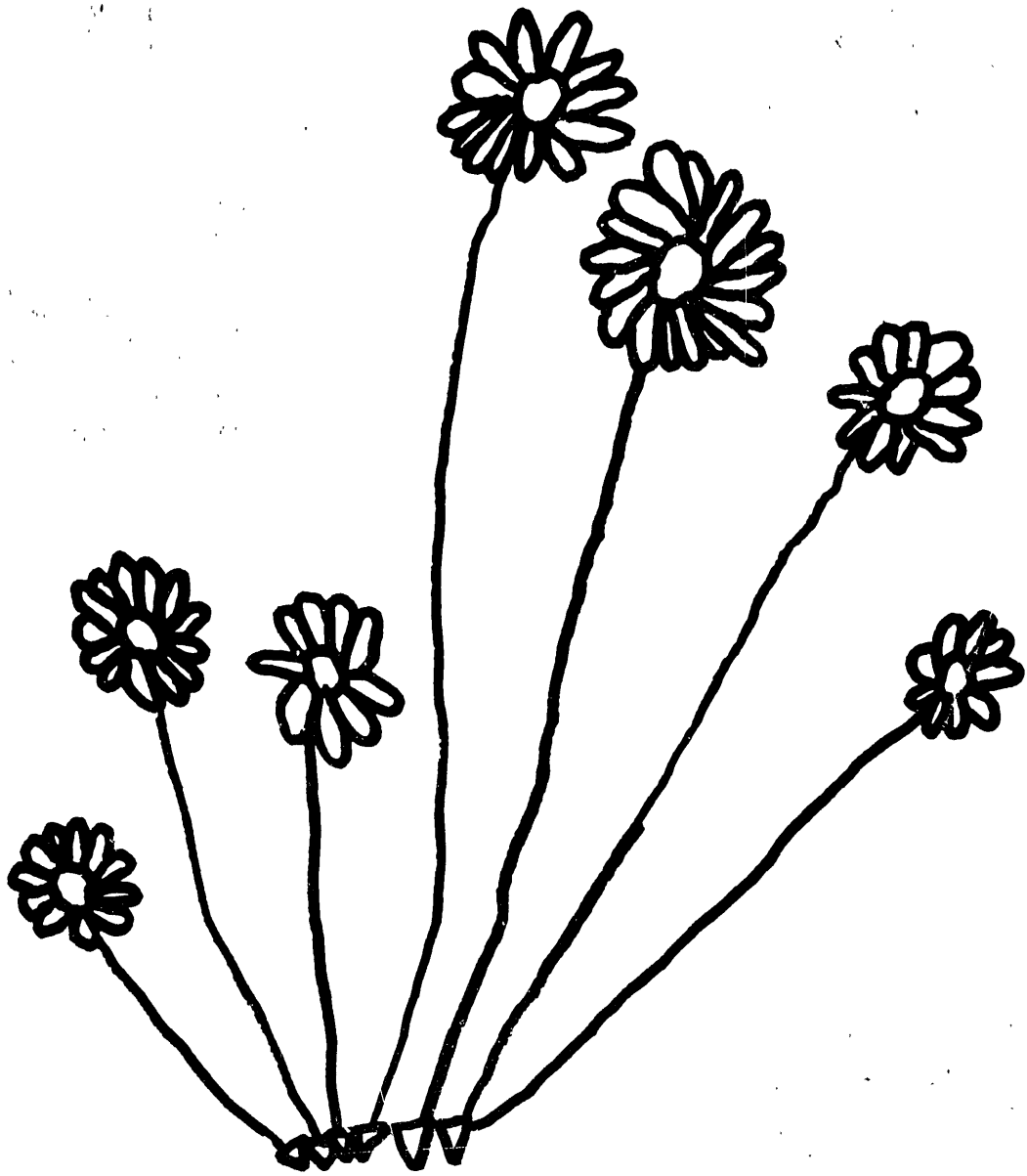
**The North Central Texas Council of Governments, Executive Board, will meet on the Second Floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on February 23, 1989, at 12:45 p.m. Information may be obtained from Edwina J. Shires, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.**

**The Trinity River Authority of Texas, Board of Directors, will meet at 5300 South Collins, Arlington, on February 22, 1989, at 10 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.**

**The West Central Texas Council of Governments, Executive Committee, will meet at 1025 East North 10th Street, Abilene, on February 22, 1989, at 12:45 p.m. Information may be obtained from Brad Helbert, 1025 East North 10th Street, Abilene, Texas 79601, (915) 672-8544.**

TRD-8901516

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# BLACK-EYED SUSAN

Name: Vickita Hutchinson

Grade: 5

School: Evers Park Elementary, Denton



# In Addition

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

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

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## Texas Department of Banking Notice of Application

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

On January 6, 1989, the banking commissioner received an application to acquire control of the First Dallas Trust Corporation, Dallas, by Ronald R. Barick of Austin.

On February 10, 1989, notice was given that the application would not be denied.

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

Issued in Austin, Texas on February 10, 1989.

TRD-8901397 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: February 13, 1989

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

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## Comptroller of Public Accounts Consultant Contract Award

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the Comptroller of Public Accounts signed a contract with G.C. Services to provide an automated collection system software package and all necessary enhancements.

The consultant proposal request was published in the September 6, 1988, issue of the *Texas Register* (13 TexReg 4458).

The consultant will provide an automated collection system (ACS) software package, all necessary hardware, and all necessary software modifications. The consultant will modify any existing software to the comptroller's environment, convert collection inventory systems, and modify interfaces to existing comptroller tax systems as necessary.

The contract is awarded to G.C. Services, Limited Partnership, 6330 Gulfton, Houston, Texas 77081. The contract is in association with Arthur Andersen & Company.

The total cost of the consultant contract is \$1,964,096.10. Work began on January 17, 1988, and is to be completed by September 18, 1990.

The completed, operational software is due on September 18, 1990.

Issued in Austin, Texas on February 14, 1989.

TRD-8901450 Bob Bullock  
Comptroller of Public Accounts

Filed: February 14, 1989

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

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## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

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

<u>Type of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer<sup>(3)</sup>/Agri- cultural/Commercial<sup>(4)</sup> thru \$250,000</u>	<u>Commercial<sup>(4)</sup> over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	02/13/89-02/19/89	18.00%	18.00%
Monthly Rate Art. 1.04(c)(1)	02/01/89-02/28/89	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	01/01/89-03/31/89	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 <sup>(3)</sup>	01/01/89-03/31/89	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) <sup>(3)</sup>	01/01/89-03/31/89	15.21%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) <sup>(2)</sup>	01/01/89-03/31/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 <sup>(3)</sup>	01/01/89-03/31/89	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	01/01/89-03/31/89	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	02/01/89-02/28/89	10.00%	10.00%

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

Issued in Austin, Texas, on February 6, 1989.

TRD-8901355 Al Endsley  
Consumer Credit Commissioner

Filed: February 13, 1989

For further information, please call: (512) 479-1280

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**Texas Education Agency**  
**Notice of Contract Award**

The contract award is filed in accordance with Texas Civil Statutes, Article 6252-11c.

After publication of a consultant proposal request in the July 19, 1988, issue of the *Texas Register* (13 TexReg 3599), the Texas Education Agency has awarded two contracts to the Psychological Corporation, 555 Academic Court, San Antonio, Texas 78204, to provide support services for obtaining national comparative data for student performance in the Texas assessment program, 1990-1991. One contract, in the amount of \$19,000, is effective from February 1, 1989-August 31, 1989. The other contract, in the amount of \$16,000 is effective from September 1, 1989-August 31, 1991.

Materials produced as a result of this contract are secure, as specified in the Texas Education Code, §21.556.

Issued in Austin, Texas on February 10, 1989.

TRD-8901392 W. N. Kirby  
Commissioner of Education

Filed: February 13, 1989

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

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**Gulf States Marine Fisheries**  
**Commission**  
**GSMFC Spring Meeting**

The Gulf States Marine Fisheries Commission will hold its 39th Annual Spring Meeting March 13-17, 1989. Louisiana is the host state and arrangements have been made to convene at the New Orleans Hilton Riverside and Towers, Poydras at the Mississippi River (504) 561-0500, New Orleans, Louisiana.

All persons interested the Gulf States Marine Fisheries Commission are invited to attend. For additional information, please call Virginia K. Herring (601) 875-5912.

Issued in Austin, Texas on February 14, 1989.

TRD-8901447 Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife Department

Filed: February 14, 1989

For further information, please call (512) 389-4805

◆ ◆ ◆  
**Texas Department of Health**  
**Intent to Revoke Radioactive Material**  
**Licenses**

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following licensees for failure to pay fees pursuant to Texas Regulations for Control of Radiation (TRCR) 13.8: (1) Charles E. Dobbs,

M.D., 7777 Southwest Freeway, Suite 804, Houston, Texas 77074, Radioactive Material License Number 11-0368; (2) Dallas Central Diagnostic Imaging Center, 5445 La Sierra Drive, Dallas, Texas 75231, Radioactive Material License Number 5-3932; (3) First Clinical Laboratory, 2209 West Seventh Avenue, P.O. Box 446, Amarillo, Texas 79105-0446, Radioactive Material License Number G1-0156; (4) Robert D. Lyons, M.D., 7703 Vickijohn, Suite 200, Houston, Texas 77071-1826, Radioactive Material License Number G00369; (5) Carl F. Giesler, M.D., 909 Frostwood, Suite 320, Houston, Texas 77024, Radioactive Material License Number G11-1378; (6) Biotechnical Laboratories Inc., 2540 North Galloway, Suite 105, Mesquite, Texas 75150, Radioactive Material License Number G5-1400.

The agency intends to revoke the radioactive material licenses, order the licensees to cease and desist use of such radioactive materials, and order the licensees to divest themselves of such radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will be issued.

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

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

Issued in Austin, Texas, on February 14, 1989.

TRD-8901421 Robert A. MacLean, MD  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: February 14, 1989

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

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**State Department of Highways and**  
**Public Transportation**  
**Notice of Meeting**

The State Motor Transportation Advisory Committee (SMTAC), being an informal advisory group comprised of representatives of the public sector and the private sector will meet on Friday, March 10, 1989, from 9 a.m. to approximately 3 p.m., in the William B. Travis State Office Building, Eighth Floor Conference Room, Room 8-101, 1701 North Congress Avenue, Austin, to discuss transportation issues of mutual interest. Topics to be discussed are: Ben L. Jones report on his trucking operations; subcommittee reports relating to highway and safety enforcement, future truck equipment and highway standards, one stop shop, and regulations and legislation; status of pertinent legislation and research studies; and open discussion and future meeting plans.

Inquirers for more information should contact Henry A. Thomason, Jr., at (512) 463-8672.

Issued in Austin, Texas on February 13, 1989.

TRD-8901438 Diane L. Northam  
Administrative Procedures Technician  
State Department of Highways and Public  
Transportation

Filed: February 14, 1989

For further information, please call (512) 463-8630

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**Houston-Galveston Area Council  
Consultant Contract Award**

In accordance with Texas Civil Statutes, Article 6252-11c, the Houston-Galveston Area Council publishes this notice of consultant contract award. The consultant proposal request appeared in the December 9, 1988, issue of the *Texas Register* (13 TexReg 6125). The consultant is to determine the need for and feasibility of transit services in the North Channel Area of Harris County. The proposed professional services contract will involve the development of survey instruments, extracting statistically significant survey samples, collecting the survey data, survey data coding and data entry, and selected survey data analysis.

The consultant selected to perform this service is Telesurveys of Texas, Inc., 4715 Greeley, Houston, Texas 77006. The maximum amount of the contract is \$26,361. The contract began on January 26, 1989, and will terminate on March 26, 1989. A final report will be due by March 26, 1989.

Issued in Austin, Texas on February 6, 1989.

TRD-8901446 Jack Steele  
Executive Director  
Houston-Galveston Area Council

Filed: February 14, 1989

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

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**State Board of Insurance  
Company Licensing**

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

1. Application for a name change by United Services General Life Company, a foreign life insurance company. The home office is in Chicago, Illinois. The proposed new name is USG Annuity & Life Company.
2. Application for a name change by Investors Life Insurance Company of America, a foreign life insurance company. The home office is in Phoenix, Arizona. The proposed new name is Arizona Life Insurance Company
3. Application for incorporation in Texas of Lloyds of North America, a domestic Lloyds insurance company. The home office is in Houston.
4. Application for incorporation of Capital Insurance Company, a domestic casualty insurance company. The home office is in Houston.
5. Application for incorporation of Unisource Benefits, Inc., a domestic third party administrator. The home office is in Beaumont.
6. Application for incorporation of Control Data Corpo-

ration Benefit Services Division, a domestic third party administrator. The home office is in Richardson.

Issued in Austin, Texas, on February 13, 1989.

TRD-8901485 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: February 14, 1989

For further information, please call (512) 463-8327.

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**Texas Water Commission  
Enforcement Orders**

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

An enforcement order was issued to Proler International Corporation (SWR Number 30257) on February 9, 1989, assessing \$33,600 (\$11,200 deferred) in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Stephen C. Dickman, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on February 10, 1989.

TRD-8901378 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: February 13, 1989

For further information, please call (512) 463-8069.

◆ ◆ ◆  
An enforcement order was issued to PPG Industries, Inc. (SWR Number 30583) on February 3, 1989, assessing \$7,600 (\$2,600 deferred) in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Andrew N. Barrett, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087 (512) 463-8059.

Issued in Austin, Texas, on February 10, 1989.

TRD-8901379 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: February 13, 1989

For further information, please call (512) 463-8069.

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An enforcement order was issued to Lomas and Nettleton Land Corporation on February 3, 1989, assessing \$8,820 in administrative penalties.

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

Issued in Austin, Texas, on February 10, 1989.

TRD-8901376 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: February 13, 1989

For further information, please call (512) 463-8069.

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An enforcement order was issued to Garland Creosoting Company (SWR Number 32915) on February 3, 1989, assessing \$4,800 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Stephen C. Dickman, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on February 10, 1989.

TRD-8901375 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: February 13, 1989

For further information, please call (512) 463-8069.

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**Notice of Application For Waste Disposal Permit**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of January 30, 1989-February 10, 1989.

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

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

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

Frank Morris Creighton, Willis; Caddo Village Wastewater Treatment Facilities; located approximately 2,100 feet north of FM Road 1097 and 1.9 miles east-northeast of the City of Willis, Montgomery County, 12670-01; renewal.

Lavaca-Navidad River Authority, Edna; Lake Texana Sewage Treatment Plant Number 1; located at the Brackenridge Plantation campgrounds, approximately seven miles east of the City of Edna and approximately 5/8 mile south of State Highway 111 in Jackson County, 12084-01; renewal.

Harris County, Houston; Cullen-Barker Plant; located within the confines of Cullen-Barker Park, near the confluence of Buffalo Bayou and the original bed of Long Point Slough, at a point approximately 6,000 feet west of Barker-Clodine Road and 900 feet north of the Fort Bend County line in Harris County; 12858-01; renewal.

Gifford Hill and Company, Inc., Bridgeport; the Perch Hill limestone mining and processing plant; located approximately four miles north of the City of Bridgeport, Wise County, 01214; renewal.

Applied Industrial Materials Corporation, Texas City; a petroleum coke storage area which is located on Loop 197 South, approximately 500 feet west of the Dock 40-41 Complex in the City of Texas City, Galveston County; 02670; renewal.

EDR, Inc., Thorp Spring; the Oak Hills Water Treatment Plant; located approximately three miles northwest (via FM Road 2580) of the Town of Thorp Spring, Hood County, 02678; renewal.

Moore Industrial Disposal, Inc., a subsidiary of Browning-Ferris, Inc., Hutchins; the Hutchins Landfill, a municipal solid waste disposal facility; located adjacent to East Cleveland Road, approximately 1.3 miles east of Interstate Highway 45 in the City of Hutchins, Dallas County; 02907; renewal.

ICI Americas Inc. doing business as Stauffer Management Company, Pasadena; a sulfuric acid plant which is located at 1000 Jefferson Avenue in the City of Pasadena, Harris County; 02124; renewal.

Weatherford Oilfield Products and Equipment, Division of Weatherford U.S., Inc., Houston; a machining and manufacturing plant for steel and aluminum products which are located at 10802 Old Katy Road in the City of Houston, Harris County; 02627; renewal.

Wood Oil Distributing, Inc. doing business as National Truck Stop at Longview, Odessa; sewage treatment plant which to serve a truck stop which includes a restaurant and shower and restroom facilities; located on the south side of Interstate Highway 20/FM and 968 intersection and approximately 0.3 mile east of Loop 281, Harrison County, 03068; amendment.

Harris County, Houston; Baldwin Boettcher Branch Library Wastewater Treatment Plant; located approximately 500 feet east of Aldine-Westfield Road and 1,500 feet south of Cypress Creek in Harris County, 12852-01; renewal.

Fort Bend Properties, Inc., Spring; Bell Road Sewage Treatment Plant; located approximately 550 feet northwest of the intersection of FM Road 2920 and Bell Road, 700 feet west of the intersection of Interstate Highway 45 and FM Road 2920, and 1.5 miles southwest of the City of Spring, Harris County; 12812-01; renewal.

Quantum Chemical Corporation, Deer Park Plant, Deer Park; a chemical manufacturing facility producing ethylene, propylene and other hydrocarbon products; located approximately one mile south of the San Jacinto State Park off Miller Cut Off Road in Harris County; 03053; new.

City of Woodville, Woodville; North Wastewater Treatment Plant; located adjacent to Highway 69, approximately two miles northwest of the intersection of U.S. Highways 69 and 190 in Tyler County; 10322-02; renewal.

P Chem, Inc., Latexo; a specialty chemical manufacturing plant; located at 100 Old Latexo Road, adjacent to and west of U.S. Highway 287 in Latexo, Houston County; 02393; renewal.

City of Teague; North Wastewater Treatment Plant; located approximately 3,000 feet east of the intersection of U.S. Highway 84 and FM Road 1367 in Freestone County; 10300-02; renewal.

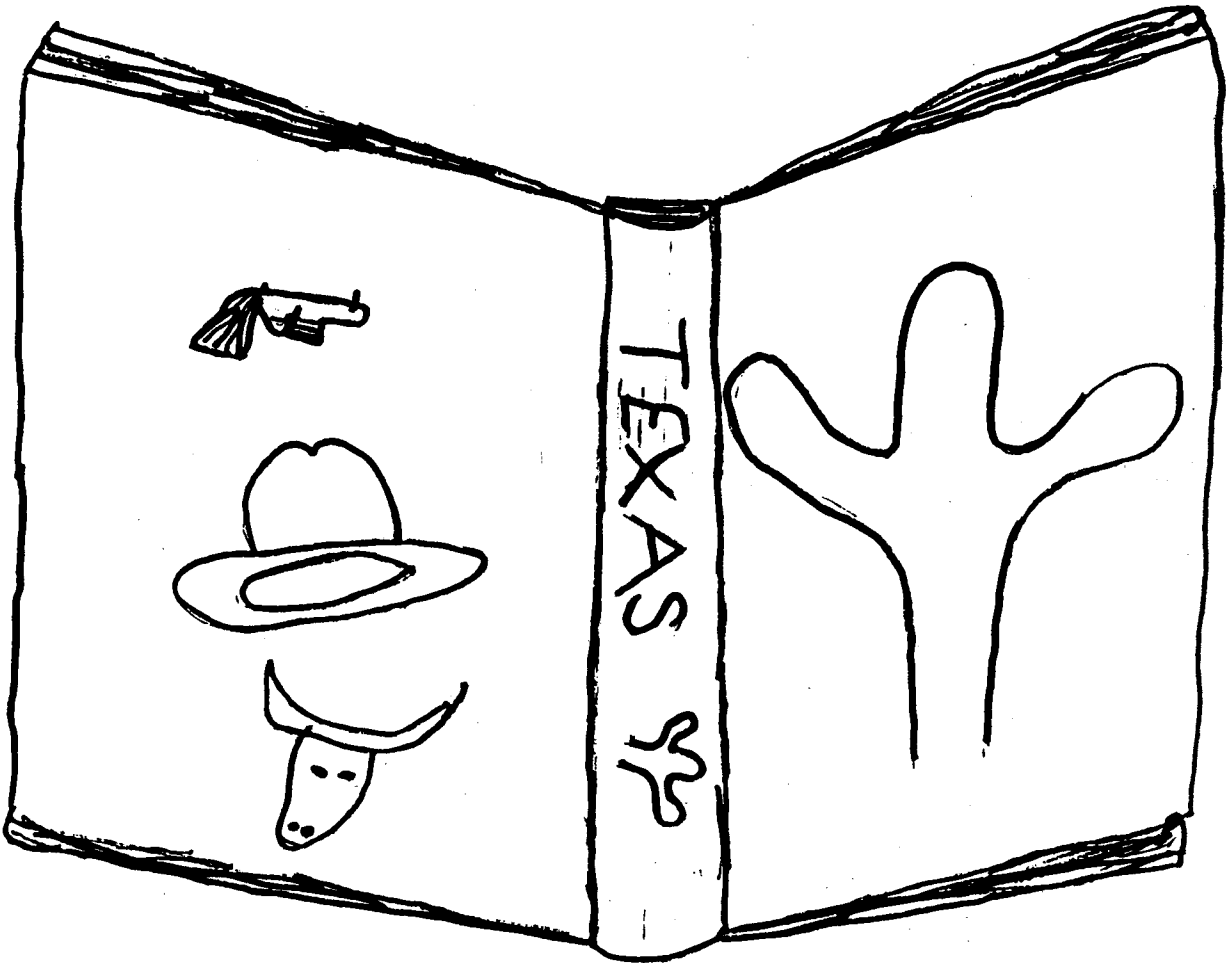
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Brenda N. Foster  
Chief Clerk  
Texas Water Commission

Filed: February 13, 1989

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