

Texas Register

Volume 13, Number 66, August 26, 1988

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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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Open Meetings—notices of open meetings

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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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

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

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Name: Jill Vana
Grade: 7

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TAC Titles Affected—August

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◆ ◆ ◆



Name: Melissa Nichols
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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 August 19, 1988

To be a member of the **State Aircraft Pooling Board** for a term to expire January 1, 1989: Richard Arthur Box, D.D.S., 2504 Spring Lane, Austin, Texas 78703. Dr. Box will be filling the unexpired term of James J. Kaster of Austin who resigned.

To be a member and chairman of the **Texas Conservation Foundation** for a term to expire June 13, 1993, and at the pleasure of the Governor: R. C. Allen, 310 Cape Aron, Corpus Christi, Texas 78412. Mr. Allen will be replacing George Bristol of Austin who resigned.

To be a member of the **Polygraph Examiners Board** for a term to expire June 18, 1993: J. Glenn Diviney, 409 Rudbud, Hurst, Texas 76053. Mr. Diviney will be replacing Charles Nelson of Gonzales whose term expired.

To be a member of the **Advisory Council on Community Affairs** for a term to expire January 31, 1989: Mark R. Wallock, 211 West Court, Seguin, Texas 78155. Mr. Wallock will be replacing Garey Boren of Lubbock whose term expired.

To be a justice on the **Supreme Court of Texas** until the next general election and until his successor shall be duly elected and qualified: Eugene A. Cook, 8316 Winningham, Houston, Texas 77055. Mr. Cook will be replacing Justice James P. Wallace of Houston who resigned.

To be a member of the **Advisory Council on Community Affairs** for a term to expire January 31, 1990: B. B. Trotter, M.D., 1410 Tanglewood, Abilene, Texas 79605. Dr. Trotter will be replacing Linda Bridges of Corpus Christi whose term expired.

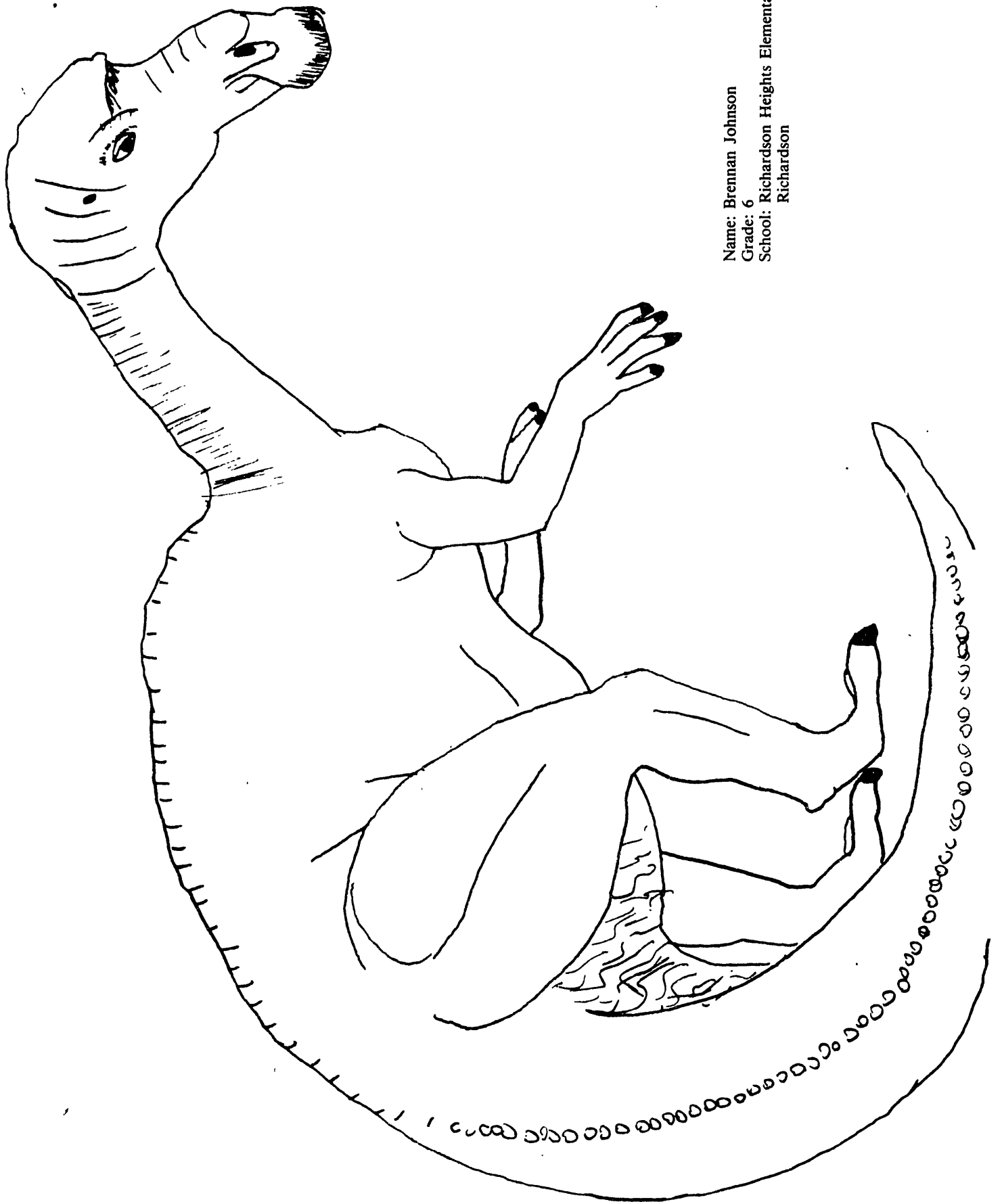
To be a member of the **Texas Aeronautics Commission** for a term to expire February 1, 1993: Janelle McArthur, 5680 Prue Road, San Antonio, Texas 78240. Mrs. McArthur will be filling the unexpired term of Henry A. Sibley of Winters who resigned.

Issued in Austin, Texas on August 22, 1988.

TRD-8808536

William P. Clements, Jr.
Governor of Texas





Name: Brennan Johnson
Grade: 6
School: Richardson Heights Elementary,
Richardson

Emergency Sections

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

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

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 7. Corporate and Financial

Subchapter P. Third Party Administrators, Examinations, Licenses

• **28 TAC §§7.1601-7.1622**

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §§7.1601-7.1622, for a 60-day period effective August 22, 1988. The text of new §§7.1601-7.1622, was originally published in the May 6, 1988, issue of the *Texas Register* (13 TexReg 2121).

Issued in Austin, Texas on August 19, 1988.

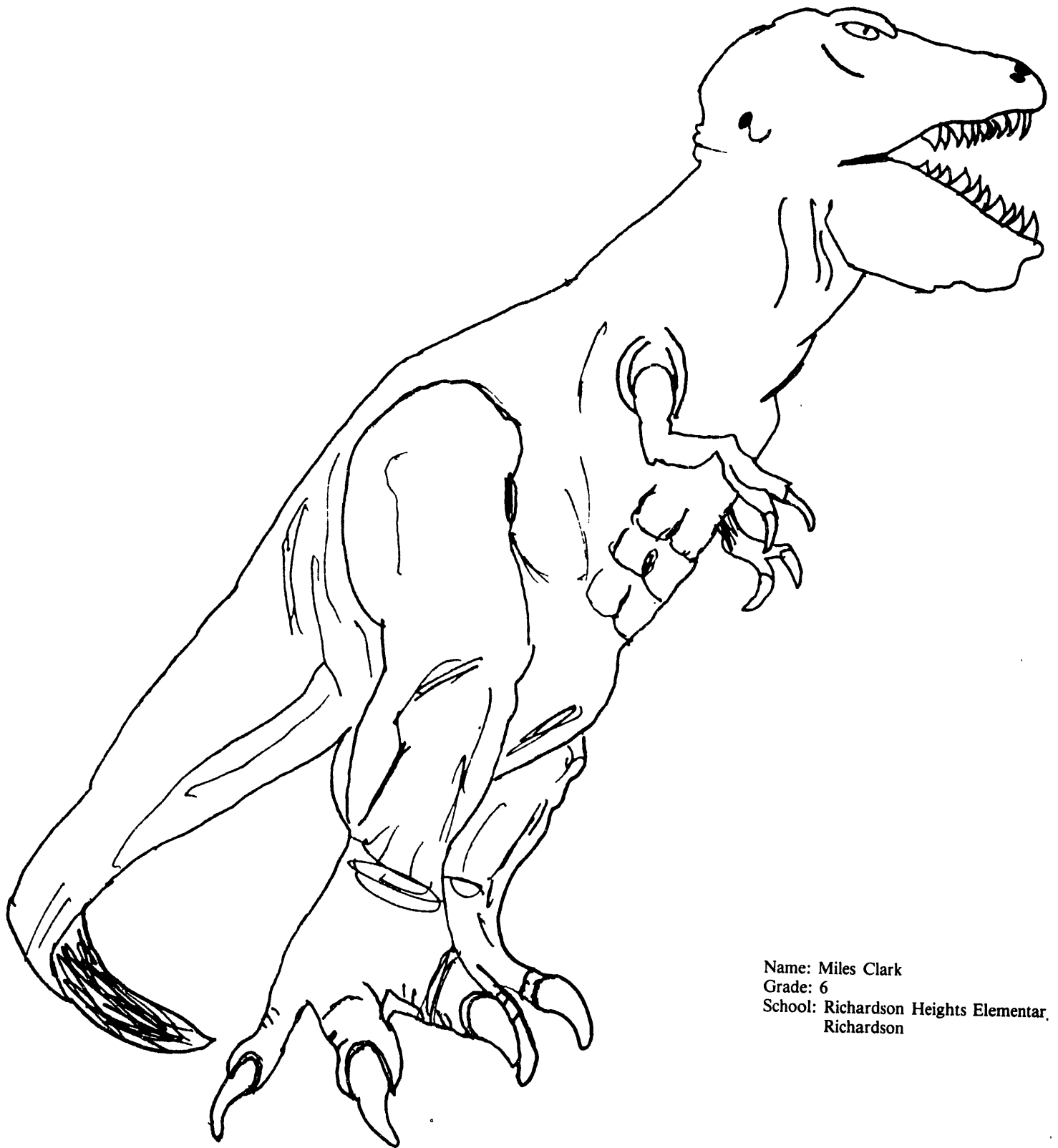
TRD-8808531 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: August 22, 1988

Expiration date: October 21, 1988

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





Name: Miles Clark
Grade: 6
School: Richardson Heights Elementar,
Richardson

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 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 1. Board of Health

Reimbursement Programs

• 25 TAC §1.111

The Texas Department of Health proposes new §1.111, concerning the state legalization impact assistance grant (SLIAG). The purpose of SLIAG is to partially defray the financial impact on state and local governments that may result in providing services to newly legalized aliens participating in the amnesty program. SLIAG is essentially a reimbursement program. The new section will cover the distribution and allocation methodology for available federal funds under the Immigration Reform and Control Act (Public Law 99-603). The major areas covered by the new section will be purpose, types of programs and services eligible for reimbursement with these funds, and rates and procedures for reimbursement.

Stephen Seale, chief accountant III, has determined that for the first five-year period that the section is in effect there will be fiscal implications as a result of enforcing or administering the section. It is estimated that the Texas Department of Health may receive approximately \$19 million for federal fiscal year 1988; the amounts for each of the subsequent three grant years will be determined by actual SLIAG-related costs for fiscal year 1989, along with updated projections for fiscal years 1989 and 1990. Of the fiscal year 1988 amount, approximately \$14 million will be available to local governmental health entities for the reimbursement of documented fiscal year 1988 costs. For a portion of these local costs, if documentation of actual costs differs from estimated costs, the reimbursement will change accordingly. There is no anticipated cost to small businesses as a result of enforcing or administering the section as proposed.

Mr. Seale also has determined that for each year of the four year grant period that the section is in effect the public benefit anticipated as a result of administering the section will be to partially defray state and local government costs in providing services to eligible legalized aliens. 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 Lynne Hudson, Director, SLIAG Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199. Comments will be accepted for 30 days after the pro-

posed new section is published in the *Texas Register*. In addition, a public hearing will be held at 9 a.m. on September 16, 1988, in the Texas Department of Health Auditorium, 1100 West 49th Street, Austin, Texas.

The new section is proposed under the Immigration Reform and Control Act of 1986, Public Law 99-603, §204, which authorizes State Legalization Impact Assistance Grants for States (SLIAG); and Texas Civil Statutes, Article 4414b, §1.05, which provides the Texas Board of Health with the authority to adopt rules covering a portion of the Texas SLIAG program and services.

§1.111. State Legalization Impact Assistance Grant (SLIAG).

(a) Authorization.

(1) The Immigration Reform and Control Act (IRCA) of 1986, §204. (Public Law 99-603), enacted on November 6, 1986, establishes state legalization impact assistance grants (SLIAG) for states for fiscal year 1988 and each of the three succeeding fiscal years. IRCA permits many aliens who have been living in the United States illegally to obtain lawful resident status and eventually to qualify for citizenship.

(2) The Texas Department of Health (TDH), as the public health agency for the State of Texas, is authorized under Texas Civil Statutes, Article 4414b, to administer public health programs and to apply for and receive federal grant funds. The Texas Health and Human Services Coordinating Council (HHSCC) has been designated by the governor to act in his behalf in coordinating the application by the State of Texas to the United States Department of Health and Human Services for SLIAG funds. One portion of the Texas SLIAG application concerns programs and services to be administered by TDH.

(b) Purpose. The purpose of SLIAG is to alleviate the financial impact on state and local governments that may result from the adjustment of immigration status under IRCA of certain groups of aliens residing in the states. These grants may be used for reimbursement of or payments for the costs incurred by state or local governments in providing public assistance, public health assistance, as defined under 45 Code of Federal Regulations, Part 402, and educational services to eligible legalized aliens (ELA's). These sections will set out the policies and procedures to be carried out by the department in administering its portion of the state's SLIAG funds.

(c) Definitions. The following words and terms shall have the meaning indicated unless the context clearly indicates otherwise:

(1) Board—The Texas Board of Health.

(2) Department—The Texas Department of Health.

(3) DHHS—The United States Department of Health and Human Services.

(4) ELA—An eligible legalized alien; a person who has been granted status under the Immigration and Nationality Act, §210 or §245A.

(5) Hospital—A general or special hospital licensed under the Texas Hospital Licensing Law, Texas Civil Statutes, Article 4437f.

(6) Length of stay—For an individual patient, the number of days of inpatient hospitalization, counting either the day of admission or day of discharge, but not both.

(7) Outpatient care—A visit to each organized outpatient care program or the emergency service area by a person who is not lodged in the hospital overnight while receiving medical or dental services.

(8) Patient day—A period of inpatient hospital service between the census-taking hours on two successive calendar days (also commonly referred to as a census day or as an occupied bed day).

(9) Public assistance—The cash, medical, or other assistance provided to meet the basic subsistence needs or health needs of individuals:

(A) that is generally available to needy individuals residing in Texas; and

(B) that is provided with funds from units of state or local government. As used in this definition basic subsistence needs are minimal living requirements, including food, shelter, and clothing. For purposes of this definition, assistance is considered to have been provided to needy individuals if specified income or resource requirements are used to determine eligibility or the amount of a fee or other charges to be paid for services.

(10) Public health assistance—The health services that are generally available to needy individuals residing in Texas, that receive funding from units of state or local government, and are provided for the primary purpose of protecting the health of the general public, but are not limited to, immunizations for communicable diseases, testing and treatment for tuberculosis and sexually-transmitted diseases, and family planning services.

(11) TDH/AHA/THA Cooperative Survey—A survey of Texas hospitals conducted cooperatively by the Texas Department of Health, the American Hospital Association and the Texas Hospital Association.

(12) UB-82—A universal billing form used by hospitals (also known as HCFA-1450).

(13) Uniform Grant and Contract Management Standards (UGCMS)—Financial management standards for state agencies, developed under the directive of the Uniform Grant and Contract Management Act of 1981, Texas Civil Statutes, Article 4413(32g).

(d) Federal regulations. The department adopts by reference "45 Code of Federal Regulations, Parts 16 and 402, State Legalization Impact Assistance Grants," which are the federal regulations governing the SLIAG program. These regulations are published by the United States Department of Health and Human Services. The document adopted by reference in this section is indexed and filed in the SLIAG Program Office, Texas Department of Health, located at 1100 West 49th Street, Austin, Texas 78756-3199, and is available for public inspection during regular working hours. All funding requirements as well as the availability of funding are subject to the federal regulations.

(e) Interagency agreements. Interagency agreements will be developed between the HHSCC and the department for the receipt and distribution of federal SLIAG funds.

(f) Types of programs eligible for reimbursement.

(1) Programs administered or contracted by the department.

(A) The department will receive funds for the reimbursement of both public health assistance and public assistance programs administered or contracted by the department. Most of the department's programs are considered by DHHS under the SLIAG public health assistance category. The allocation of funds within department programs and contract agencies will be determined by the department. Existing and potential contractors will be notified regarding the availability and distribution of any funds.

(B) Several department programs, however, have been categorized as public assistance by the federal government. These programs are: the Maternal and Infant Health Improvement Act (MIHIA) program; Kidney Health Care Program; Primary Health Care; Chest Hospitals (non-TB or other communicable disease patients); Chronically Ill and Disabled Children (CIDC); Women, Infants, and Children (WIC); and Early Childhood Intervention (ECI). To receive SLIAG public assistance funds, these department programs must identify individual ELA's, and then document the cost of services provided to them.

(2) Other programs—hospitals and professional services.

(A) Hospitals will be reimbursed as follows.

(i) Eligibility for reimbursement. Pursuant to federal SLIAG regulations for public assistance, the department will reimburse only the costs incurred by units of state or local governments in the delivery of care to ELA's. Eligibility for reimbursement of hospital care to ELA's depends upon the funding source of care for the individual patient. ELA patient care funded by the Medicaid program, the Chronically Ill and Disabled Children's Program, or other state or local government programs listed separately in the Texas SLIAG grant are excluded from reimbursement under this section. Only net costs incurred by such entities, i.e., net of alternate payor sources or patient revenue, will be reimbursed by the department.

(ii) Rate of reimbursement. Reimbursement for hospital services will be calculated separately for inpatient and outpatient care:

(I) Inpatient care. Inpatient care for ELA's will be reimbursed on the basis of days of care. The department will reimburse a fixed expense per patient day. In October of each year, the department will calculate each hospital's expense per patient day from data submitted to the department in the prior year's TDH/AHA/THA cooperative survey. Each hospital's expense per patient day will then be adjusted by a uniform inflation factor for the current year. The inflation factor will be based on the latest available "Consumer Price Index" for hospital and related services, published by the Bureau of Labor Statistics, United States Department of Labor. The length of stay for each ELA admission will be multiplied by this adjusted expense per patient day. For example, if Hospital A reports total expenses of \$72,000,000 and inpatient days of 100,000 on its annual survey, Hospital A's expense per patient day would be \$720 (\$72,000,000 divided by 100,000). A uniform inflation factor of 1.10 would be applied to Hospital A's expense per day to generate

Hospital A's rate of reimbursement of \$792 (1.10 x \$720). For services delivered to an ELA with a length of stay of four days, Hospital A would be reimbursed \$3,168 (4 x \$792). If Hospital A received any payment from the patient or another source, that payment would be subtracted from the total to be reimbursed.

(II) Outpatient care.

For outpatient care, the department will reimburse the billed amount for an ELA outpatient visit multiplied by each hospital's Medicaid outpatient interim rate, i.e., each hospital's "ratio of cost to charges" (RCC). The department will utilize the latest rates prepared by the Texas Department of Human Services, updated annually. For example, if Hospital A has an outpatient RCC of 85%, an emergency room visit billed at \$150 would be reimbursed \$127.50 (\$150 x 0.85). If Hospital A received any payment from the patient or another source, that payment would be subtracted from the total to be reimbursed.

(iii) Procedures for reimbursement. Reimbursement will be made for hospital care provided to ELA's pursuant to the terms of contracts which will be developed between the Department and individual hospitals. The Department will provide written notice to licensed hospitals in Texas to advise them of the potential availability of SLIAG funds. Hospitals interested in participating in the program may submit a letter of interest to the SLIAG Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199. The department will distribute a procedures manual for use by contract hospitals participating in the program. The manual will describe hospital procedures for identification of ELA's, documentation of services, billing procedures, and verification and audit requirements. Verification and audit procedures will be only those required for the Department to comply with the terms of federal and state regulations (SLIAG and UGCMS). The UB-82 will be used as the basis for reimbursement and will be submitted as required by the department. All requests for reimbursement must be submitted within one year of the date of service; exceptions will be considered, however, for services delivered in fiscal year 1988. If a hospital does not submit the documentation required according to the procedures and requirements established in these sections, reimbursements to participating providers will be withheld until such documentation is supplied.

(B) State medical school professional services will be reimbursed as follows.

(i) Eligibility for reimbursement. Medical and dental professional services rendered to ELA's by state-funded medical schools will be eligible for reimbursement.

(ii) Rate of reimbursement. The rate of reimbursement will be the billed charges for physician and dental services for individual ELA's, net of alternate payor sources or patient revenue.

(iii) Procedures for reimbursement. Reimbursement will be made for professional services provided to ELA's pursuant to the terms of contracts which will be developed between the department and state-funded medical schools. The department will provide written notice to state-funded medical schools in Texas to advise them of the potential availability of SLIAG funds. Medical schools interested in participating may submit a letter of interest to the SLIAG Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199. The department will distribute a procedures manual for use by contract medical schools participating in the program. The manual will detail procedures for identification of ELA's, documentation of services, billing procedures, and verification and audit requirements. Verification and audit procedures will be only those required for the department to comply with the terms of federal and state regulations (SLIAG and UGCMS). The UB-82 will be used as the basis for reimbursement and will be submitted as required by the department. All requests for reimbursement must be submitted within one year of the date of service; exceptions will be considered, however, for services delivered in fiscal year 1988. If a provider does not submit the documentation required according to the procedures and requirements established in these sections, reimbursements to participating providers will be withheld until such documentation is supplied.

(g) Confidentiality. Data received by the department from any hospital that contains information relating to a specific patient will be held confidential as required by law. Information used under these sections concerning individual hospital financial activity is confidential under authority of Article 4438e, §7. The department will establish appropriate internal controls to maintain confidentiality.

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 August 22, 1988.

TRD-8808541 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Proposed date of adoption: October 1, 1988.

For further information, please call: (512) 458-7261

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 404. Protection of Clients and Staff

Subchapter A. Client Abuse and Neglect in TDMHMR Facilities

• 25 TAC §§404.1, 404.8, 404.12

The Texas Department of Mental Health and Mental Retardation proposes amendments to §404.1, concerning purpose; §404.8, concerning client abuse committee; and §404.12, concerning staff training in prevention of client abuse and/or neglect. The purpose of the amendments is to clarify procedures to be followed when it is alleged that an affiliate or agent has committed client abuse or neglect as well as to clarify requirements for training of affiliates and agents.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that there will be no additional cost to state or local government or small businesses as a result of administering the proposed sections.

Ms. Dillard also has determined that the anticipated public benefit is the provision of procedures that ensure that client abuse or neglect allegations against affiliates are investigated as fully as are allegations of abuse by employees, and that affiliates and agents receive instruction on TDMHMR policy on client abuse and neglect prior to beginning work involving direct client contact. There is no anticipated cost to individuals required to comply with the sections as proposed.

Public comments on the proposed amendments may be submitted to Linda Logan, Rules Coordinator, Texas Department of Mental Health and Mental Retardation, P. O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

The amendments are proposed under Texas Civil Statutes, Article 5547-202, §2.11, which provides the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§404.1. Purpose. The purpose of this subchapter is to identify and prohibit client abuse and neglect by employees, agents, and affiliates of the Texas Department of Mental Health and Mental Retardation and to prescribe procedures for its report, investigation, and prevention.

§404.8. Client Abuse Committee.

(a)-(e) (No change.)

(f) Client abuse/neglect investigative procedures for affiliates of state facilities. The following procedures shall be followed in investigating allegations that an affiliate has committed client abuse or neglect.

(1) Independent school districts (ISDs). An allegation that an independent school district employee has committed abuse or neglect should be reported to the Texas Department of Human Services.

(2) Contract providers. When it is alleged that a contract provider employee has committed abuse or neglect, all client abuse investigative and reporting procedures will be followed as prescribed in this subchapter.

(g) Client abuse/neglect procedures for agents of state facilities. For purpose of reporting, investigating, and preventing client abuse and neglect by agents, the procedures described for employees shall be followed.

§404.12. Staff Training in Prevention of Client Abuse and/or Neglect.

(a) This subchapter concerning client abuse shall be thoroughly and periodically explained to all employees of each facility as follows.

(1) All new employees, affiliates, or agents shall receive the instruction on the content of this subchapter during their orientation training and prior to beginning work that involves direct client contact. Acknowledgment of this instruction shall be certified by the employee, affiliate, or agent and filed in his or her[personnel] file. See Exhibit D, which is herein adopted by reference and is available from the Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Capitol Station, Austin, Texas 78711.

(2)-(3) (No change.)

(b)-(e) (No change.)

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

Issued in Austin, Texas, on August 17, 1988.

TRD-8808557 Pattilou Dawkins
Chairman
Texas Department of
Mental Health and
Mental Retardation

Earliest possible date of adoption: September 26, 1988.

For further information, please call: (512) 465-4670

Subchapter B. Client Abuse and Neglect in Community Mental Health and Mental Retardation Centers

• 25 TAC §404.45, §404.48

The Texas Department of Mental Health and Mental Retardation proposes amendments to §404.45, concerning administrative enforcement, and §404.48, concerning training in prevention of client abuse and/or neglect. The purpose of the amendments to §404.45 is to clarify notification procedures for contacting parents, guardians, or other family of clients against whom abuse or neglect has allegedly been committed. In §404.48, it is clarified that for purposes of complying with the sections, the training for affiliates and agents is the same as for employees.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Ms. Dillard also has determined that the anticipated public benefit is the provision of procedures that ensure proper notification of the client's parent, guardian, or other relatives of allegations of abuse or neglect and that affiliates and agents receive the same instruction on abuse and neglect policy and procedures as employees. There is no anticipated cost to individuals who must comply with the sections as proposed.

Public comments on the proposed amendment may be submitted to Linda Logan, rules coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

The amendments are proposed under Texas Civil Statutes, Article 5547-202, §2.11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§404.45. Administrative Enforcement. Client abuse or neglect by center employees, employees of affiliates, and agents is prohibited and shall be grounds for disciplinary action. The center shall be responsible for establishing a mechanism for reporting and investigating alleged cases of client abuse and neglect and initiating appropriate disciplinary or other action in confirmed cases of client abuse and neglect. This mechanism shall include at a minimum:

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

(3) provisions for reporting alleged or suspected cases of client abuse and neglect in accordance with any appropriate laws, as follows.

(A) (No change.)

(B) Any allegation of client abuse or neglect must be reported to the client's parents/guardian/family. Immediately if possible, and in no case later than 24 hours after the client abuse or neglect incident has been reported, the parents, guardian, spouse, or other appropriate relative of the client who has allegedly been abused or neglected shall be notified unless such notification is specifically prohibited by law (Subchapter L of Chapter 405 of this title (relating to Client Rights--Mental Health Facilities) or by rules of the department relating to confidentiality). The persons contacted shall also be informed of the results of the final investigation[, unless such notification is specifically prohibited by law (Subchapter L of Chapter 405 of this title (relating to Client Rights--Mental Health Facilities) or by rules of the department relating to confidentiality)].

(C) (No change.)

(4)-(5) (No change.)

§404.48. Training in Prevention of Client Abuse and/or Neglect.

(a) Within 60 days after the effective date of these sections, all current employees shall be oriented to the contents of these sections by the executive director or by his or her designee. Within 30 days of the date of employment or association and, when possible, prior to coming into direct contact with clients, new employees, affiliates, or agents shall receive instruction of the contents of these sections. Acknowledgement of this instruction shall be certified by the employee, affiliate, or agent and filed in his or her [personnel] file.

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

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

Issued in Austin, Texas, on August 17, 1988.

TRD-8808558

Pattilou Dawkins
Chairman
Texas Department of
Mental Health and
Mental Retardation

Earliest possible date of adoption: September 26, 1988.

For further information, please call: (512) 465-4670

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TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 7. Corporate and Financial

Subchapter P. Third Party Administrators; Examinations, Licenses

• 28 TAC §§7.1601-7.1622

The State Board of Insurance proposes new §§7.1601-7.1622, concerning measures to facilitate administration of the licensing and examination of third party administrators. The new sections were adopted on an emergency basis and became effective on April 25, 1988. Notice of the emergency adoption appeared in the May 6, 1988, issue of the *Texas Register* (13 TexReg 2121). The new sections are necessary to provide for consistency, efficiency, and clarity in the administration of the licensing and regulation of third party administrators, in accordance with the provisions of the Insurance Code, Article 21.07-5. These new sections establish guidelines and procedures for the supervision and licensing of third party administrators, i.e., persons who provide management or administrative services respecting insurance or alternatives to insurance for, or on behalf of, any plan, carrier, or person that self-insures. Proposal of these new sections includes incorporation by reference of forms for use in administrative regulation of third party administrators. The board has filed copies of the forms with the Secretary of State's office, Texas Register division. Persons desiring copies of the forms

can obtain copies from the Corporate Custodian and Tax Division of the State Board of Insurance at 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Olin B. Clemons, director, corporate custodian and tax division, has determined that, for the first five-year period that the proposed sections will be in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the sections. The cost of compliance for small businesses and for all persons who are required to comply with the proposed sections will include the cost of completing the forms and reports and of complying with the procedures established by these sections, which is estimated at less than \$100 per form or less than \$1,000 per annual report, along with the cost of drafting and utilizing a written service contract, which is estimated between \$1,000 and \$5,000, depending on the elaboration desired by the third party administrator, and along with the cost of maintaining books and records, which is estimated at less than \$5,000 per year. On the basis of the cost per hour of labor, there is no anticipated difference in these costs of compliance between small and large businesses. Also included in the cost of compliance for all persons required to comply with these sections are the fees under §7.1618 and the cost of a security deposit or surety bond under §7.1619. The cost of the fees will remain constant regardless of the size of the business required to comply with these sections. The cost of the security deposit or bond will remain constant or will increase at a rate less than the rate of increase in sales or premium income of a business.

Mr. Clemons also has determined that for each of the first five years the sections are in effect the public benefit anticipated as result of enforcing the proposed sections will be implementation of the Insurance Code, Article 21.07-5, with administrative consistency, efficiency, and clarity in the licensing and regulation of third party administrators. The anticipated economic cost to persons who are required to comply with the proposed sections will be the same as that described previously as the cost of compliance for small businesses.

Comments on the proposal may be submitted to Nicholas Murphy, Chief Clerk, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998. Comments on the proposal may also be submitted at a public hearing which the State Board of Insurance will conduct beginning at 10 a.m. on Thursday, September 22, 1988. The public hearing will be in Room 414 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin.

The new sections are proposed under the Insurance Code, Article 21.07-5, §27, which authorizes the State Board of Insurance to establish rules as may be appropriate for the augmentation and implementation of statutory provisions concerning regulation of third party administrators and nonprofit subscription programs, and under the Insurance Code, Article 4.11A, §11, which authorizes the board to establish any rules that are fair and reasonable as may be appropriate for the augmentation and implementation of statutory provisions concerning administrative services tax.

§7.1601. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Act—The Insurance Code, Article 21.07-5.

Administrator—A third party administrator, as defined in §7.1602 of this title (relating to Third Party Administrator or TPA Defined).

Affiliate—A person that, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with a specific person. (This definition of the term "affiliate" includes an affiliate of, or person affiliated with, the person specified.)

Alternatives to insurance—Any agreement to indemnify against loss, risk, damage, liability, or other contingency relating to property or person whether or not such agreement is deemed to be insurance under applicable law or where persons self-insure.

Bank—A bank, savings and loan association, credit union, or other financial institution authorized by law to accept and maintain deposits.

Board—The State Board of Insurance of the State of Texas.

Carrier—An insurance carrier, as defined in this section.

Commissioner—The commissioner of insurance of the State of Texas.

ERISA—The United States Employee Retirement Income Security Act of 1974, Public Law 93-406, as amended, 29 United States Code §§1001, et seq.

Functions of a group policyholder—All services, functions, duties, or activities which may lawfully be delegated to a policyholder pursuant to a contract between an insurance company and a group policyholder.

Gross amount of administrative or service fees—The total gross amount of all considerations, fees, assessments, payments, premiums, reimbursements, dues, and any other compensation received by a TPA during the taxable year for each and every kind of service, activity, or function described in §7.1602 of this title (relating to Third Party Administrator or TPA Defined)

Insurance carrier—

(A) Every type of foreign, alien, and domestic insurer engaged in the business of insurance in this state;

(B) Every insurer that is licensed or operates under, or is required to be licensed or to operate under the Insurance Code, Chapters 2, 3, 6, 8-15, 18-20, 22, 23, or 25, or under the Insurance Code, Article 1.14-2, 21.49, 21.49-3, 21.49-4, 21.49-6, 21.49-7, 21.50, or 21.54;

(C) A health maintenance organization that is licensed or operates under the Texas Health Organization Act; or

(D) An unauthorized insurer within the meaning of the Insurance Code, Article 1.14-1.

Insurance company—A carrier other than an unauthorized insurer within the meaning of the Insurance Code, Article 1.14-1.

Other charge—Any fee or charge paid by or on behalf of any person under any alternative to insurance, including a plan, in lieu of or in addition to an insurance premium.

Person—A natural person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

Plan—

(A) Any health, benefit, or welfare program:

(i) which is established, adopted, offered, sponsored, endorsed, or maintained by:

(I) a single employer, employee, or multiple employer group for the benefit of its employees;

(II) a union, association, group, or other organization for the benefit of its members; or

(III) a fund or trust for the benefit of the beneficiaries of such fund or trust.

(ii) which provides indemnification or expense reimbursement in this state to persons domiciled in this state or for risks located or partially located in this state for any type of the following coverages, expenses, or benefits: medical, surgical, orthopedic, chiropractic, physical therapy, speech pathology, audiology, mental health, dental, hospital or hospital care, workers' compensation, optometric, prepaid

legal services, or other benefits in the event of sickness, accident, disability, death, or unemployment.

(B) A trust or fund, or the trustee or custodian of such trust or fund, utilized to facilitate the operation of a health, benefit, or welfare program, as defined in subparagraph (A) of this definition; or

(C) Any person that establishes, adopts, offers, sponsors, endorses, or maintains a plan.

Subsidiary—An affiliate controlled by a specified person directly or indirectly through one or more intermediaries.

Taxable year—The calendar year, January 1-December 31.

TPA—A third party administrator, as defined in §7.1602 of this title (relating to Third Party Administrator or TPA Defined).

§7.1602. Third Party Administrator or TPA Defined.

(a) The term "administrator" or "third party administrator" or "TPA" means a person who receives any form of administrative or service fee, consideration, payment, premium, reimbursement, or compensation for performing or providing any service, function, duty, or activity respecting insurance or alternatives to insurance, in any management or administrative capacity which involves the exercise of discretion or independent judgment for or on behalf of a plan, carrier, or person that self-insurers under a contract or other agreement to be performed in this state or with respect to risks located or partially located in this state or on behalf of persons in this state for or on behalf of:

- (1) any plan;
- (2) any carrier; or
- (3) any person that self-insures.

(b) Services, functions, duties, or activities performed or provided by a TPA with respect to insurance or any alternative to insurance for or on behalf of a plan, carrier, or person that self-insures include, but are not limited to:

- (1) determination of benefits or coverages, or of the premium rates or other charges applicable thereto;
- (2) preparation, filing, and obtaining approval of insurance forms or other documents evidencing or defining benefits or coverages;
- (3) calculation, billing, and collection of premiums, or other charges;
- (4) underwriting or approving

enrollment or participation applications, but including neither the act of transmitting such applications for approval or underwriting nor the act of completing such applications for transmittal;

(5) investigation, processing, payment, or settlement of claims;

(6) supervision or control over marketing operations including the development of advertising or sales materials, the selection or recommendation for the appointment of insurance agents, and the determination of agent's commissions or commission rates;

(7) selection, appointment, or direction of persons who perform legal, actuarial, accounting, medical, technical, advisory, consulting, or clerical services in a professional, ministerial, or subordinate capacity, including subcontractors of a TPA;

(8) performance or supervision of policyholder services;

(9) review of the in-force coverage, claims, premium and other records or reports required for claims or expense analysis or for calculating loss ratios and adjusting premium rates or other charges;

(10) calculation of policyholder reserves, claim reserves, contingency reserves, or other reserves;

(11) control over the payment of administrative fees, commissions, claims, or other expenses;

(12) control over deposits to, withdrawals from, or transfers between operating, claims, or other accounts or funds, including investment of such funds or accounts;

(13) selection or control over the selection of the carrier which provides insurance coverage, including stop-loss or excess-of-loss coverage, for a plan or person that self-insures; or

(14) management, supervision, control, or administration of a plan or carrier.

(c) The term "administrator", "third party administrator", or "TPA" does not include:

(1) an employer on behalf of its employees or the employees of one or more subsidiaries or affiliated corporations of that employer so long as only the functions of a group policyholder are performed;

(2) a union on behalf of its members so long as only the functions of a group policyholder are performed;

(3) an insurance company;

(4) a health maintenance organization licensed in this state;

(5) a corporation which owns more than 50% of an insurance company licensed in this state;

(6) an agent that is licensed in this state, that is acting on behalf of the duly authorized insurance carrier by whom the agent is appointed, and that is acting only within the scope of the agent's license as defined in the Article of the Insurance Code under which the agent is licensed;

(7) a creditor on behalf of its debtors with respect to insurance covering a debt between the creditor and its debtors so long as only the functions of a group policyholder or creditor are performed;

(8) a trust and its trustees, agents, and employees acting under the trust established in conformity with 29 United States Code §186;

(9) a trust exempt from taxation under the Internal Revenue Code of 1986, §501(a), and its trustees and employees acting under the trust, or a custodian and the custodian's agents and employees acting pursuant to a custodian account that meets the requirements of the Internal Revenue Code of 1986, §401(f);

(10) a bank that is subject to supervision or examination by federal or state regulatory authorities so long as the bank is only performing the function for which it is licensed;

(11) a company that advances and collects any premium or charge from its credit card holders who have authorized it to do so, provided the company does not adjust or settle claims and acts only in its debtor-creditor relationship with its credit card holders;

(12) a licensed attorney who adjusts or settles claims in the normal course of the attorney's practice and who does not collect any premiums or other charge in connection with life or health coverage or annuities;

(13) an adjuster licensed by the commissioner when engaged in the performance of duties as an adjuster;

(14) any joint fund, risk management pool, or self-insurance pool composed of political subdivisions of this state which participate in such funds or pool through interlocal agreements and any administrative agency established under the interlocal agreement to administer the fund or pool as provided by the Interlocal Cooperation Act, Texas Civil Statutes, Article 4413 (32c);

(15) any person who provides technical, advisory, or consulting services and who does not make any management or discretionary decisions on behalf of an insurance carrier, plan, or person that self-insures;

(16) any full-time salaried employee of an insurance carrier to the extent that the functions performed are only for that carrier or any affiliated carrier;

(17) attorneys in fact for a Lloyd's or reciprocal exchange, as authorized respectively in the Insurance Code, Chapter 18 or Chapter 19, while acting as attorney in fact for such Lloyd's or reciprocal exchange;

(18) a certified public accountant, attorney-at-law, or actuary when performing duties or undertaking responsibilities within the authority and scope of that particular profession;

(19) a person who performs or provides any service, function, duty, or activity in connection with;

(A) pension or profit sharing plans or other deferred compensation programs regardless of how such plan or program is funded;

(B) warranties or service contracts relating to the repair or maintenance of personal property which are not insurance under applicable law;

(C) surplus lines insurance;

(D) reinsurance; or

(E) independently procured insurance.

(20) a person who performs only marketing services; however, this section does not authorize a person to act as an agent in the marketing of insurance without an agent's license as required by other provisions of the Insurance Code.

§7.1603. Forms Relating to Regulation of Third Party Administrators under the Insurance Code, Article 21.07-5. The State Board of Insurance adopts and incorporates herein by reference standard third party administrator forms for use in the administrative regulation of third party administrators. Regulated entities are expected to utilize these forms in accordance with §7.1604 of this title (relating to Form Filings) in preparing applications, statements, notices of required information, and other submissions required under the Insurance Code, Article 21.07-5, and this subchapter. The forms adopted by reference under paragraph (8) and paragraph (9) of this section are among the forms which also relate to the administrative services tax under the Insurance Code, Article 4.11A. These forms are published by the State Board of Insurance and may be obtained from the Corporate Custodian and Tax Division of the State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998. The forms are more specifically identified as follows:

(1) TPA Form Number 1, name application, effective April 25, 1988;

(2) TPA Form Number 2, application for certificate of authority, effective April 25, 1988;

(3) TPA Form Number 2A, application for conditional certificate of authority, effective April 25, 1988;

(4) TPA Form Number 2B, trust agreement, effective April 25, 1988;

(5) TPA Form Number 3, officers and directors page, effective April 25, 1988;

(6) TPA Form Number 4, biographical affidavit, effective April 25, 1988;

(7) TPA Form Number 5, service of process form, effective April 25, 1988;

(8) TPA Form Number 6, annual report, effective April 25, 1988;

(9) TPA Form Number 6A, plan summary and report, effective April 25, 1988;

(10) TPA Form Number 7, surety bond, effective April 25, 1988; and

(11) TPA Form Number 8, maintenance tax form, effective April 25, 1988.

§7.1604. Form Filings.

(a) General Requirements.

(1) The forms that are specified in §7.1603 of this title (relating to Forms Relating to Regulation of Third Party Administrators under the Insurance Code, Article 21.07-5) and that are to be utilized under the provisions of this subchapter are intended to be guides in the preparation of the statements, notices, forms, and applications required by the Act. Applicants are to provide notice of the information required and the location in which it will be expected to be found. In preparing any statement, notice, or application, the text of the form need not be repeated so long as there is clear identity of the matter to which the answer or material applies. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made. These forms are also referred to in this subchapter as Forms 1-8. Form 1 is also referred to as the name application form, Form 2 as the application for certificate of authority form, Form 2A as the application for conditional certificate of authority, Form 2B as the trust agreement, Form 3 as the officers and directors page, Form 4 as the biographical data form or as the biographical affidavit form, Form 5 as the service of process form, Form 6 as the TPA annual report, Form 6A as the annual plan summary, Form 7 as the surety bond form, and Form 8 as the maintenance tax form.

(2) Two complete originally signed copies of each statement, notice, form, or initial application, including exhibits and all other papers and documents filed as a part thereof, shall be filed with the commissioner of insurance and addressed to Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

(3) Statements, notices, forms, and applications should be prepared on paper 8 1/2 inches by 11 inches in size and preferably bound at the top. All copies of any statement, notice, application, exhibit, or financial statement shall be clear, easily readable, and suitable for microfilming and photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on microfilm and photocopies. Statements, notices, and applications shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with a statement, notice, or application is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value other than in United States currency shall be converted into United States currency and the rate of exchange used shall be as of the date of the financial statement filed by the applicant.

(4) Every statement, notice, form, or application shall state on the face page thereof the names and addresses of all persons on whose behalf the same is made.

(b) Incorporation by reference, summaries, and omissions.

(1) Information required by any item of any statement, notice, form, or application may be incorporated by reference in answer or partial answer to another item. Such reference shall clearly identify the material and indicate that it is incorporated by reference.

(2) Where an item requires a summary or reference to an article of any document, only a brief statement shall be made as to the most important provisions of the document. In addition to such statement, the summary or article may incorporate by reference particular parts of any exhibit or document for which reference is allowed by this subchapter. The particular page and paragraph of the exhibit or documents to which reference is made must be specified. If two or more documents required to be attached as exhibits are substantially similar in all material respects, a copy of only one of such documents need be filed. A schedule shall be attached identifying the details in which the other document differs from the filed exhibit.

(c) Additional information and exhibits. In addition to the information expressly required to be included in the forms set out in this subchapter, there shall be added such further material information, if any, as necessary to make the information contained therein not misleading. The applicant filing may also file such exhibits as desired in addition to those expressly required by the statement. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

(d) Amendment. Any amendment to a statement, notice, or application shall

include on the top of the cover page the phrase "Amendment No. _____ to _____," and shall indicate the date of amendment and not the date of the original filing.

(e) Information unknown or unavailable and extension of time to furnish.

(1) If any required information is unknown and not reasonably available for filing, the applicant shall:

(A) give such information on the subject as possessed or as can be acquired without unreasonable effort or expense, together with the sources thereof;

(B) include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information; and

(C) state why the filing of the required information, at the time required, is impractical.

(2) If any required information, document, or report is available but impractical to furnish at the time it is required to be filed, there may be filed with the commissioner, as a separate document or as a part of the application, an appropriate statement:

(A) identifying the information, document, or report in question; and

(B) stating why the filing thereof at the time required is impractical.

§7.1605. Certificate of Authority Required.

(a) It is unlawful to operate as a third party administrator without obtaining and maintaining a certificate of authority pursuant to the Act. Third party administrators shall continue to meet the requirements of the Act at all times and are subject to the Act if:

(1) the TPA is domiciled in this state;

(2) the TPA has its principal administrative office or principal headquarters in this state; or

(3) the TPA performs or offers to perform administrative services for a plan, insurance carrier, or person that self-insures, which plan, insurance carrier, or person that self-insures is either domiciled in this state or has its principal headquarters or principal administrative offices in this state or covers persons domiciled in this state.

(b) The payment or receipt of compensation or fees for services as a TPA shall be subject to the Act, §7(a).

(c) Every officer and manager of a corporate TPA and every partner of a partnership TPA must also be licensed as a TPA subject to the provisions of §7.1606(c) of this title (relating to Application for Certificate of Authority).

(d) A TPA shall transact business in its own name, which shall not closely resemble the name of any other TPA, except for officers and managers of a corporate TPA and partners of a partnership licensed as a TPA, which shall be licensed in the name of the corporation or partnership they represent, as hereinafter provided. The commissioner of insurance will prescribe a name application form (TPA Form Number 1) for this purpose in accordance with §7.1603 of this title (relating to Forms Relating to Regulation of Third Party Administrators under the Insurance Code, Article 21.07-5) to be submitted with the application for a certificate of authority, if required.

(e) A certificate of authority entitles the licensee to act as a TPA for one or more plans, carriers, or persons that self-insure.

(f) For purposes of the Act, a certificate of authority for a TPA shall be considered a license to act as a TPA; provided that nothing in this subchapter shall be construed to permit a TPA to perform an act of an insurance agent without the license required of such an agent.

(g) A TPA which is not domiciled in this state is not required to be licensed if it meets all the following conditions:

(1) the TPA has no employees in this state;

(2) the TPA does not solicit agents or employers domiciled in this state;

(3) the TPA administers in this state only plans for single employers, each of which is domiciled in a state other than Texas and has no more than 5% of its employees located in the state of Texas;

(4) the TPA maintains contact only by telephone or the mail with any employees in this state of a health care provider or of an employer for which the TPA administers a plan.

§7.1606. Application for Certificate of Authority.

(a) Corporate applications shall be made in the name of the corporation on Form 2. Each corporate application shall be accompanied by an application on Form 2A for a conditional certificate of authority from each of the corporate applicant's officers and managers described in subsection (c) of this section. If a public hearing on a corporate application is held, as set forth in the Act, §6, any application for a conditional certificate of authority by any officer or manager of the corporate applicant shall be reviewed and considered in conjunction with the corporate application. The certificate of authority issued to the corporation

shall extend to its officers and managers so long as they remain in that capacity and are qualified to act as an officer or manager of that corporate TPA. A change in the officers and managers will be reported to the commissioner together with the application of any new officers or managers on Form 2A within 20 days of such change, deletion, or addition. Unless required by the commissioner, no additional public hearing shall be held due to any change, deletion, or addition of any officer or manager.

(b) Partnership applications shall be made in the name of the partnership on Form 2. Each partnership application shall be accompanied by an application on Form 2A for a conditional certificate of authority from each partner described in subsection (c) of this section. If a public hearing on a partnership application is held, as set forth in the Act, §6, any application for a conditional certificate of authority by any partner of the partnership shall be reviewed and considered in conjunction with the partnership application. The certificate of authority issued to a partnership TPA shall extend to each of its partners so long as they remain in that capacity and are qualified to act as a partner licensed as a TPA. The addition or withdrawal of a partner of a partnership TPA shall be reported to the commissioner together with the application of any new partner on Form 2A within 20 days of such addition or withdrawal. Unless required by the commissioner, no additional public hearing shall be held due to any addition or withdrawal of a partner.

(c) Each corporation or partnership shall file Form 2As for each officer, manager, or partner who exercises control over the TPA services provided by the corporation or partnership, but no such application shall be required of officers, managers, or partners whose responsibilities do not involve the providing of TPA services or are limited to operational responsibilities for the TPA such as a data processing manager, accounting manager, or personal manager.

(d) Sole proprietor applications will be made in the name of the applicant on Form 2. A certificate of authority issued to an individual shall not extend to any employees, agents, or subcontractors of such applicant.

(e) If any of the items required under this section is absent or deemed insufficient by the commissioner, the commissioner shall notify the applicant and the applicant shall be given a reasonable time to correct said deficiencies. If, after the reasonable time has expired, the deficiencies have not been corrected, then the commissioner will notify the applicant that said application is not considered to be filed.

(f) The reports and forms required by this section shall be submitted and addressed to the Corporate Custodian and Tax Division, State Board of Insurance, 1110

San Jacinto Boulevard, Austin, Texas 78701-1998.

§7.1607. Approval by the Commissioner; Hearings.

(a) A hearing shall be required prior to the issuance of a certificate of authority if the commissioner determines, following review of the application, that the applicant may not qualify for such certificate under the provisions of the Act, §6(a). In the event of such a determination, the commissioner shall so notify the applicant, and shall identify in the notice the qualifications on which the commissioner has concerns. No hearing shall otherwise be required for issuance of a certificate of authority under the Act, §6(a).

(b) The applicant has the burden to produce sufficient competent evidence on which the commissioner can make findings on the qualifications in the Act, §6(a)(1)-(8), in support of the issuance of a certificate of authority.

(c) The notice of hearing, if a hearing is held, shall be made to the applicant and to such other persons as the commissioner may designate. The commissioner shall make a determination within 60 days after the hearing ends.

(d) The commissioner may retain any attorney, actuary, accountant, or other expert who is reasonably necessary to assist in analyzing financial data filed with any application. All reasonable expenses incurred in consideration and issuance of the certificate of authority shall be borne by the applicant.

§7.1608. Denial, Refusal, Suspension, or Revocation of Certificate of Authority.

(a) A certificate of authority may be denied, suspended, or revoked by the commissioner, after notice and opportunity for hearing, for any of the reasons enumerated in the Act, §8(a).

(b) An applicant or licensee whose certificate of authority has been denied, refused, suspended, or revoked cannot file a new application for a certificate of authority for one year after such action has become final, subject to the Act, §8(b).

§7.1609. Service Contract.

(a) A TPA may only provide services pursuant to a written service contract which shall clearly define the management and administrative services the TPA shall perform and the compensation or fees received for those services, provided that such compensation or fees for settling or adjusting claims shall in no way be contingent upon claims experience.

(b) Service contracts shall set forth the underwriting guidelines or criteria to be followed by the TPA if the TPA performs underwriting services thereunder.

(c) Service contracts, with all attachments and amendments thereto, shall be filed with the commissioner on or before

March 1 of each calendar year as an attachment to Form 6A and shall be subject to the confidentiality requirements of the Act, §11; however, the commissioner may accept specimen service contracts when the principal provisions are similar in recurring contractual arrangements so long as specific variances are clearly identified.

(d) A service contract executed or amended after the effective date of the Act shall meet the requirements set forth in the Insurance Code, Article 4.11A, §4(a), and in any rules promulgated pursuant thereto. **§7.1610. Claims Procedures.**

(a) In processing, paying, settling, or adjusting claims, a TPA shall pay claims in accordance with the terms and conditions of the written statement of benefits attached to or incorporated in its service contracts, and shall not engage in any of the unfair claim practices prohibited by the Act, §13.

(b) Claims paid by a TPA from funds collected on behalf of a plan, carrier, or person that self-insures shall be paid by check or draft as authorized by the plan, carrier, or person that self-insures. **§7.1611. Fiduciary Duties and Responsibilities.**

(a) All insurance charges, premiums, return charges, or premium refunds collected on behalf of, or received from, a plan, carrier, or person that self-insures shall be held by a TPA in a fiduciary capacity, and shall immediately be remitted to the person entitled to such funds or deposited in a fiduciary bank account. Except for deposits in a collection account which shall be cleared within 45 days of receipt, such funds shall not be commingled with the funds of any other plan, carrier, person that self-insures, or other person; provided that the TPA shall keep and have available at all reasonable times such records as are required to account for all funds received and disbursed by the TPA in a fiduciary capacity and for all funds deposited and withdrawn by the TPA from a fiduciary bank account.

(b) Withdrawals from a fiduciary account shall be made in accordance with the service contract of the TPA, but only for one or more of the purposes enumerated in the Act, §19(b).

(c) No TPA and no officer, manager, partner, or employee of a TPA responsible for handling the funds of a plan, carrier, or person that self-insures shall:

(1) deposit such funds in any name other than the name of the plan, carrier, or person that self-insures, or in the name of a trust or trustee established on behalf of the plan, carrier, or person that self-insures;

(2) borrow, lend, encumber, pledge, or hypothecate the funds of such plan, carrier, or person that self-insures; or

(3) receive any fee, brokerage, commission, gift, compensation, or benefit, directly or indirectly, for or on account of the deposit, investment, or other disposition of the funds of such plan, carrier, or person that self-insures, except as provided in the service contract of the TPA.

(d) Payments of premiums or other charges to a TPA by or on behalf of a person covered under a plan shall be deemed payment to the carrier or person that self-insures who underwrites the plan or program. Payment of return premiums or other charges or claims to a TPA shall not be deemed payment to a covered person until he actually receives such payments. **§7.1612. Maintenance of Books and Records.** For the duration of each service contract and five years thereafter, the TPA shall maintain at its principal office books and records of all transactions under the contract in accordance with and subject to the Act, §10 and §16. **§7.1613. Confidentiality.**

(a) A TPA shall provide for confidentiality of personal data concerning an identifiable individual covered by a plan or carrier or data concerning a person that self-insures, and shall not disclose such data except to the person to whom it pertains or except as is necessary to comply with a board inquiry or court order as provided in the Act, §11(a).

(b) Subsection (a) of this section shall not apply to information disclosed for any of the reasons enumerated in the Act, §11(b).

(c) Subject to the Act, §11 and §16, and Texas Civil Statutes, Article 6252-17a, §3, the following information in the file of a TPA shall be confidential and not available to the public:

(1) any specific item or items of information contained in TPA Forms 2, 2A, 4, 6, and 6A, together with attachments thereto, which pertain to an identifiable plan, carrier, person that self-insures, or person covered by a plan or carrier, and which, if released, would give a competitive advantage to competitors or bidders, or would reveal trade secrets or commercial or financial information privileged or confidential by statute or judicial decisions; and

(2) information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the commissioner or the State Board of Insurance.

§7.1614. Prohibited Transactions.

(a) A TPA may not make any agreement or pay any money other than provided in its service contract, or misrepresent the terms, advantages, or nature of its service contract, or make false comparisons with the service contracts of other TPAs or persons in order to induce a plan, carrier, or person that self-insures to enter into, continue, or discontinue any service contract with the TPA.

(b) A TPA may not place or attempt to place business with a carrier or plan, and no plan or carrier shall accept or underwrite such business offered by a TPA without a certified actuarial opinion that premium rates or other charges are reasonable and adequate in relation to benefits to be provided in accordance with and subject to the Act, §18. For the purpose of this section, a reasonable rate shall be deemed to be an adequate rate; provided that this section shall not apply to any stop-loss or excess-of-loss insurance arrangements. The actuarial opinion required by the Act and this section shall be filed as an attachment to TPA Form 6A if a change has occurred in the TPA that administers a plan or alternative to insurance or the carrier that underwrites the plan or alternative to insurance during the 12 months preceding the date of filing of said Form 6A in accordance with its provisions and instructions.

(c) A TPA shall not publish or circulate any advertising material pertaining to business underwritten by a plan, carrier, or person that self-insures without the advance written approval of such plan, carrier, or person that self-insures. **§7.1615. Notice of Capacity; Statement of Charges.**

(a) The TPA shall provide a written notice approved by the plan or carrier to persons covered by the plan or carrier advising them of the relationship among the TPA, the policyholder, and the plan or carrier.

(b) If the TPA collects premiums or other insurance charges, it must identify and state separately in writing to the person making such payment the amount of the premium or charge, specified by the plan or carrier, for coverage.

§7.1616. Annual Report. Every TPA shall, on or before March 1 of each calendar year, prepare and submit under oath to the commissioner a report, consisting of a completed TPA Form 6, concerning the TPA's affairs during the preceding calendar year.

§7.1617. Exemption. Except for the provisions of the Act, §§12, 16, 19, 27, 28, and 29, which shall remain applicable, there is exempted from the provisions of this subchapter and the Act any transaction, contract, agreement, or relationship otherwise regulated thereby, if such transaction, contract, agreement, or relationship is approved under the Insurance Code, Article 21.49-1, is for a term not to exceed one year, and is requested by the insurance carrier that is a party to such transaction, contract, agreement, or relationship.

§7.1618. Nonapplicability. This subchapter shall not apply to any plan which is fully insured by a carrier licensed in this state and which is administered by a full-time employee of the plan's organizing or sponsoring association, trust, or other entity, or to any trustee of the organizing or sponsoring trust; provided that the administrator shall notify the commissioner of the

plan's existence before February 1 of each calendar year and file the tax return prescribed by the board.

§7.1619. Fees.

(a) The commissioner shall collect, and the persons affected shall pay to the commissioner, the following fees:

(1) \$1,500 for processing an original application for a certificate of authority for a TPA on TPA Form 2 with all applicable forms and attachments thereto and \$100 for each TPA Form 2A filed for a conditional certificate of authority;

(2) \$250 for filing annual report of a TPA each year;

(3) \$50 for filing each service contract, including contracts written on specimen forms, and for each amendment to such contracts when separately filed, with amendments that are concomitantly filed with the service contract to which they pertain to be considered one filing;

(4) \$10 for affixing the official seal and certifying to same;

(5) \$100 for filing reservation of name;

(6) \$25 for renewal of reservation of name;

(7) \$25 for filing a designation of an attorney for service of process or amendments thereto;

(8) \$100 for accepting a security deposit;

(9) \$50 for substitution of a security deposit;

(b) Fees under subsection (a)(2)-(9) of this section apply only to a TPA under whose name the filings are made.

§7.1620. Security Deposit or Surety Bond.

(a) To assure the faithful performance of a TPA's obligations in the event of insolvency, each TPA, prior to the issuance of a certificate of authority, shall deposit with the commissioner securities having at all times a market value of not less than \$50,000, or in lieu of such deposit the TPA may file a surety bond in the amount of such deposit as provided in subsection (h) of this section. Securities deposited under this subsection shall be of the type eligible for deposit by insurers under the Insurance Code.

(b) Unless exempted under the Act, §23(h), the deposit or bond required by this section after March 1, 1988, shall be equal to the sum of all funds collected or received by the TPA in a fiduciary capacity during the preceding calendar year, excluding:

(1) premiums paid by a policyholder directly to a carrier;

(2) funds deposited by a carrier or person that self-insures directly into an account upon which the TPA has signatory

or draft authority solely for the payment of claims or refunds;

(3) administrative fees received or retained by a TPA as compensation for services rendered under a service contract;

(4) funds deposited in a trust account established solely for the payment of taxes imposed under the Insurance Code, Article 4.11A, §4.

(c) If no funds were handled during the preceding calendar year, the deposit or bond shall be based upon a reasonable estimate of the net funds to be handled during the current year in a fiduciary capacity; provided that nothing in this section shall be construed to reduce or increase the deposit or bond required by this section to an amount less than \$50,000 or more than \$500,000.

(d) The commissioner may at any time issue a modification order increasing the amount of the deposit (but not in excess of \$500,000) if there has been a substantial increase in the total funds handled by the TPA since the last determination of the deposit. At the written request of the TPA made within 31 days after the entry of the modification order, the commissioner shall hold a hearing to consider any objections by the TPA to the modification order.

(e) Only one deposit shall be required of a corporate TPA or a partnership TPA, and no additional deposit shall be required of the officers or managers of a corporate TPA or of the partners in a partnership licensed as a TPA.

(f) The deposit shall be maintained unimpaired so long as the TPA does business in this state. Upon the cessation of such business, the deposit shall be released upon proof satisfactory to the commissioner that the TPA has discharged all of its obligations to insureds.

(g) Any decrease in the deposit (but not in the amount of less than \$50,000) shall be made only upon written application of the TPA and only after the approval of the commissioner.

(h) In lieu of the deposit required by this section, a TPA may file with the commissioner a surety bond, Form 7, in the amount of the required deposit issued by an authorized surety insurer or, with the approval of the commissioner, by a surplus lines insurer. Such bond shall be subject to the approval of the commissioner in accordance with the Act, §23(g), and shall serve the same purposes as the deposit for which it is substituted. The bond shall not be canceled on less than 60 days written notice to the commissioner.

(i) No certificate of deposit when offered as a part of the security deposit shall have a maturity of less than 180 days.

(j) No deposit or surety bond shall be required of a TPA who is exempted from these requirements by the commissioner for

any of the reasons set forth in the Act, §23(h); provided that no such exemption shall be available to a TPA that directly or indirectly controls, through ownership or other business relations, any carrier which provides insurance coverage, including stop-loss or excess-of-loss coverage, with respect to any alternative to insurance, including a plan, administered by the TPA in this state.

§7.1621. Date for Compliance. A TPA operating before the effective date of the Act must apply for a license not later than October 31, 1987. A TPA making such application may continue to operate as a TPA, if the TPA otherwise complies with the Act, until the commissioner acts upon the application.

§7.1622. Maintenance Tax on Gross Amount of Administrative or Service Fees. Each TPA shall annually pay a maintenance tax of 1.0% of its correct reported gross administrative or service fees on TPA Form 8 with respect to risks located in this state.

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 August 22, 1988.

TRD-8808542

Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: September 26, 1988

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

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Chapter 15. Surplus Lines Insurance

Subchapter A. General Regulations of Surplus Lines Insurance

• **28 TAC §§15.5, 15.7-15.15, 15.21, 15.23, 15.26**

The State Board of Insurance proposes new §§15.10, 15.11, 15.15, and 15.23, and amendments to §§15.5, 15.7-15.9, 15.12-15.14, 15.21, and 15.26, concerning general regulation of surplus lines insurance. These new sections and amendments were adopted on an emergency basis and became effective on April 15, 1988. Notice of the emergency adoption appeared in the April 22, 1988, issue of the *Texas Register* (13 TexReg 1953). These new sections and amendments are necessary in order to conform Subchapter A to the provisions of the Insurance Code, Article 1.14-2, §6A, and other provisions of Article 1.14-2, in accordance with recent Senate Bill 989, which provides for creation of a Surplus Lines Stamping Office of Texas (the stamping office) for filing copies of surplus lines insurance contracts and receiving reports from surplus lines agents, so that the public welfare will benefit from closer record keeping concerning surplus lines insurance contracts, from closer scrutiny of surplus liens

insurance, from the greater availability of information concerning the business of surplus lines insurance in this state, and from the resulting improvement in the effectiveness of the regulation of insurance. The amendment to §15.5 clarifies and expands the bases for suspension or refusal of a surplus lines agent's license. The amendment to §15.7 provides for evaluation by the stamping office of surplus lines insurance policies, contracts, or other detailed evidences of coverage for eligibility under the Insurance Code, and provides for reporting on such evaluation to the commissioner of insurance. The amendment to §15.8 expands reference to requirements for eligibility to write surplus lines insurance under the Insurance Code, Article 1.14-2, §8, and provides for supervising, reporting, and making public information concerning the eligibility or lack of authorization of insurers to write surplus lines insurance. The amendment to §15.9 imposes an obligation on agents to report to the stamping office questionable operations of unauthorized insurers, and recites limitations on surplus lines agents' placing insurance with unauthorized insurers. New §15.10 establishes definitions for admitted or authorized insurer, person, surplus lines insurer, and unauthorized insurer. New §15.11 recites the imposition of a stamping fee on surplus lines agents for each policy, contract, or other evidence of coverage, or for alterations or cancellations thereof. The amendment to §15.12 adopts by reference two forms for semiannual reporting of taxes and for reporting of investigations or adjustments of losses or claims. The board has filed copies of these reporting forms with the Secretary of State's Office, Texas Register Division. Persons desiring copies of the forms can obtain copies from the Surplus Lines Stamping Office of Texas, P.O. Box 9906, Austin, Texas 78766-9906 or from the Chief Clerk's Office, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998. The amendment to §15.13 clarifies and expands requirements for agents to provide information to the commissioner or the stamping office, for examination of agents' records, and for investigation of complaints, and provides that some requirements for information do not apply to policies or contracts issued or renewed with an effective date on or after July 1, 1988. The amendment to §15.14 provides that some requirements for reporting agent's taxes do not apply to policies, contracts, or other coverage issued with an effective date after July 1, 1988. New §15.15 recites requirements for reporting of investigations or adjustments of losses or claims. The amendment to §15.21 requires that insurance contracts, policies, and other documents shall bear a statement regarding the absence of protection against possible insolvency of a surplus lines insurer. New §15.23 recites requirements for surplus lines agents to pay stamping fees and to file with the stamping office a copy of each executed policy, contract, or other evidence of coverage, or of alterations or cancellations thereof. The amendment to §15.26 clarifies requirements and effects of semiannual tax reporting by surplus lines agents and the interaction of the stamping office with such tax reporting.

Richard B. Schroeter, director of the surplus and excess licensing sections, has determined that for the first five-year period the proposed new sections and amendments are in effect there will be no fiscal implications for

state or local government as a result of administering the sections and amendments, and there will be no fiscal implications for small business other than the normal cost of complying with reporting requirements pursuant to the Insurance Code, Article 1.14-2, with information readily available in the normal course of business of affected entities. In the basis of cost per hour of labor there is no difference in the cost of compliance for small businesses and larger business.

Mr. Schroeter also has determined that for each year of the first five years the new sections and amendments are in effect the public benefit anticipated as a result of enforcing the sections will be implementation of provisions of the Insurance Code, Article 1.14-2. The anticipated cost to persons who are required to comply with the sections as proposed is the same as the cost of compliance to small businesses.

Comments on the proposal may be submitted to Nicholas Murphy, Chief Clerk, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new sections and amendments are proposed under the Insurance Code, Article 1.14-2, §3A, which authorizes the State Board of Insurance to promulgate rules concerning surplus lines insurance, and §6A, which provides that the Surplus Lines Stamping Office of Texas is subject to the rules of the board and which provides for collection of stamping fees from surplus lines agents.

§15.5. Suspension or Refusal of Surplus Lines Agent's License.

(a) Basis for suspension or refusal of surplus lines license. The commissioner may suspend or refuse to renew the license of a surplus lines agent upon any one or more of the following grounds:

(1) failure to allow the commissioner to examine the agency's accounts and records or removal of the accounts and records of the agent's [his] surplus lines business from this state during the period when such accounts and records are required to be maintained under the Insurance Code, Article 1.14-2, §15, and this chapter [these sections];

(2) failure to make and file all [affidavits and] reports when due as required by the Insurance Code, Article 1.14-2 [, §6 and §16,] and this chapter [these sections];

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

(7) violation of the provisions of the Insurance Code or the provisions of this chapter. [these sections].

(b) Administrative procedure. In a proceeding to suspend, or for refusal to renew, the license of a surplus lines agent, the commissioner shall follow the same procedures as are applicable for the refusal or suspension of the underlying license of local recording agents under the Insurance Code, Article 21.14, §§16-19, or of managing general agents under the Insurance Code, Article 21.07-3, §§12-15, as applicable.

(c) Minimum period of suspension. No surplus lines agent whose license has been suspended shall again be relicensed until penalties or delinquent taxes owed by the agent [him] have been paid.

§15.7. Eligibility Requirements for Surplus Lines Insurance.

(a) No insurance coverage shall be eligible for surplus lines unless the full amount of insurance required is not procurable, after a diligent effort has been made to do so, from among the insurers licensed to transact and actually writing that kind and class of insurance in this state, and the amount of insurance eligible for surplus lines shall only be the amount in excess of the amount so procurable from licensed insurers.

(b) The Surplus Lines Stamping Office of Texas (the stamping office) shall evaluate surplus lines insurance policies, contracts, or other detailed evidences of coverage which have an effective date on or after July 1, 1988, for eligibility under the Insurance Code, Article 1.14-2, §5, and other applicable provisions of the Insurance Code, Article 1.14-2, using evidence of the following facts and criteria, as applicable:

(1) the surplus lines agent's determination that the authorized insurers and other agents with which business is conducted are not writing the kind and class of insurance sought or will not write the risk involved;

(2) the kind and class of insurance that is reasonably available from authorized insurers;

(3) the rates that would be applicable to the insurance coverage if the coverage had been written by an admitted company;

(4) the rate applied to the insurance coverage procured through the surplus lines agent;

(5) the terms, conditions, and coverages of the insurance contract issued;

(6) the policy forms approved or promulgated for use by authorized insurers for similar coverage; and

(7) any other relevant evidence relating to eligibility under the statute.

(c) Policy or contract forms and the contract terms thereof shall not be eligible unless:

(1) the use is reasonably necessary for the principal purposes of the coverage;

(2) the use would not be contrary to the purposes of the coverage; or

(3) the use would not be contrary to the purposes of the Insurance Code, Article 1.14-1 and Article 1.14-2,

with respect to the reasonable protection of authorized insurers from unfair competition by unauthorized insurers; and

(4) the contract meets the requirements of §15.21 of this title (relating to Minimum Content of Contracts).

(d) The stamping office shall provide a written report to the commissioner of any surplus lines insurance policy or contract which appears, after evaluation under this section, to be ineligible under the Insurance Code, Article 1.14-2. Such report shall be provided to the commissioner upon a determination by the stamping office that voluntary compliance as provided in §15.101 of this title (relating to Plan of Operation of the Surplus Lines Stamping Office of Texas) cannot be obtained. Such report shall remain privileged and confidential unless and until introduced into evidence at an administrative hearing or in a court of competent jurisdiction.

(e) Reports received under subsection (d) of this section shall be handled by the commissioner under the same procedure for the refusal or suspension of the underlying license of local recording agents under the Insurance Code, Article 21.14, §§16-19, or managing general agents under the Insurance Code, Article 21.07-3, §§12-15, as applicable. Notice by the commissioner of intention to institute disciplinary action shall be provided to the holder of the license under consideration for disciplinary action upon receipt of the report and determination by the commissioner that the coverage may not be eligible for surplus lines. Violations of the Insurance Code, Article 1.14-2, are subject to the provisions and sanctions of the Insurance Code, Article 1.10, §7.

§15.8. Eligibility Requirements of Surplus Lines Insurers.

(a) An unauthorized insurer [insurance company] is not eligible to write surplus lines insurance in this state under the following circumstances:

(1) it does not have capital and surplus [or its equivalent] required under the Insurance Code, Article 1.14-2, §8, and has not been granted an exemption under the Insurance Code, Article 1.14-2, §8 [that is adequate in relation to its premium writings and the exposure of risks it assumes];

(2) It does not have capital and surplus that is adequate in relation to its premium writings and the exposure of risks it assumes;

(3)[(2)] it is not of good repute and does not provide reasonably prompt service to its policyholders in the payment of valid [just] losses and claims;

(4)[(3)] if] the management is not of good repute or is incompetent or untrustworthy or so lacking in insurance company managerial experience as to make

its proposed operation hazardous to the insurance-buying public;

(5)[(4)] if] the State Board of Insurance has good reason to believe that it is affiliated directly or indirectly through ownership, control, reinsurance transactions, or other insurance or business relations, with any person whose business operations are or have been detrimental to policyholders, shareholders, investors, or creditors, or to the public;

(6)[(5)] if] it is admitted to do business in this state for any purpose, except in accordance with the provisions of the Insurance Code, Article 8.24;

(7) It is an alien unauthorized insurer and does not provide evidence of an irrevocable trust fund in a Federal Reserve System member bank in the United States in an amount not less than \$1.5 million for the protection of all its policyholders in the United States. Such trust fund must comply with the Insurance Code, Article 1.14-2, §8(d);

(8) It does not provide evidence of a license or authority from its domiciliary state or country that it is authorized in that state or country to write the kind and class of business that it proposes to write in Texas.

(b) Surplus lines agents or unauthorized insurers shall provide to the Surplus Lines Stamping Office of Texas (the stamping office), and the stamping office shall examine, information relating to unauthorized insurers' eligibility to write surplus lines insurance. Such information shall include unauthorized insurers' financial statements and documents evidencing authorization to write in its domiciliary jurisdiction the same kind and class of business that it proposes to write in Texas, as well as documents evidencing United States trust funds of alien unauthorized insurers.

(c) Unauthorized insurers or surplus lines agents shall provide other information relevant to the stamping office's examination of eligibility that is requested under §15.13 of this title (relating to Surplus Lines Insurance Requests for Information, Examination, and Complaints). Such information may include, but is not limited to, activities of management and agents, history and competency of reinsurers, pattern of claims services, domestic trust agreements, powers of attorney, and biographical affidavits of owners, officers, directors, and the management.

(d) Information received under this section is public record and shall be available for inspection. Such information may be released upon written request. Release of such information shall not be construed as a representation as to its accuracy or reliability. The information so released shall not relieve a surplus

lines agent of duties under the Insurance Code, Article 1.14-2, or under §15.9 of this title (relating to Duty of Reasonable Effort by Surplus Lines Agents To Ascertain Financial Condition and Other Practices as Unauthorized Insurers).

(e) The State Board of Insurance, the stamping office, and the commissioner have no duty or responsibility under the Insurance Code, this section, or §15.101 of this title (relating to Plan of Operation of the Surplus Lines Stamping Office of Texas) to determine the actual financial conditions or claim practices of any unauthorized insurer. The eligibility of each unauthorized insurer underwriting or proposing to underwrite surplus lines risks in Texas is subject to the continuous scrutiny of the State Board of Insurance and the stamping office as provided by rules and regulations of the State Board of Insurance.

(f) If an unauthorized insurer's eligibility is in question, the stamping office shall provide to the surplus lines agent an opportunity to provide additional information.

(g) The stamping office shall report to the commissioner whether unauthorized insurers have submitted evidence which appears to be satisfactory evidence for eligibility under this section and the Insurance Code, Article 1.14-2. Such reports shall be maintained privileged and confidential unless and until introduced into evidence at an administrative hearing or in a court of competent jurisdiction.

(h) Upon receiving reports under subsection (g) of this section, the commissioner shall determine if satisfactory evidence of eligibility has been presented and notify the surplus lines agent or unauthorized insurer of that determination.

(i) A list of unauthorized insurers that have provided satisfactory evidence of eligibility shall be maintained by the State Board of Insurance and shall be public record. Such list shall be available for public inspection and may be released upon written request. Such list shall contain sufficient information to inform the public of the limitations of the board's authority with regard to surplus lines insurers and the relevant differences between surplus lines insurers and admitted insurers.

§15.9. Duty of Reasonable Effort by Surplus Lines Agents To Ascertain Financial Condition and Other Practices of Unauthorized Insurers [Insurer].

(a) Before placing insurance with an unauthorized insurer, a surplus lines agent shall personally make a reasonable inquiry into the financial condition and operating history of an unauthorized insurer [in order that the interest of Texas policyholders and citizens may be protected].

(b) During the course of placing business with an unauthorized insurer, either foreign or alien, each surplus lines agent shall be under a continuous duty to stay apprised of each Insurer's [apprise himself that such insurer maintains a condition of] solvency and sound financial strength, and that the insurer processes claims and pays losses expeditiously.

(c) Whenever any reasonable doubt arises as to the capacity, competence, stability, claim practices, or good faith of an unauthorized insurer with whom a surplus lines agent has placed insurance [on behalf of an insurer], the agent is under a further duty to inform the commissioner and the Surplus Lines Stamping Office of Texas of such reasonable doubt.

(d) Each surplus lines agent has the duty to place surplus lines insurance on Texas risks only with an unauthorized insurer:

(1) that possesses financial solvency adequate to its business;

(2) that has a surplus to policyholders which is reasonable in relation to its outstanding liabilities;

(3) that is of good repute and is competently managed;

(4) that provides reasonably prompt claim service to policyholders; and

(5) that meets all other criteria under the Insurance Code, Article 1.14-2. *§15.10. Definitions.* The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Admitted or authorized insurer—An insurer that is doing the business of insurance in this state as defined by the Insurance Code, Article 1.14-1, and that is licensed under the provisions of the Insurance Code.

Person—An individual or entity as defined by the Insurance Code, Article 21.21, §2(a).

Stamping office—The Surplus Lines Stamping Office of Texas created by the Insurance Code, Article 1.14-2, §6A, and operating under the plan of operation specified by §15.101 of this title (relating to Plan of Operation of the Surplus Lines Stamping Office of Texas).

Surplus lines insurer—An unauthorized insurer that is not licensed in this state but meets the eligibility requirements and otherwise complies with the Insurance Code, Article 1.14-2.

Unauthorized insurer—An insurer that is conducting the business of insurance as defined in the Insurance Code, Article

1.14-1, and that is not licensed under the Insurance Code.

§15.11. Surplus Lines Stamping Fee. For each surplus lines policy, contract, or other detailed evidence of coverage, including additions or deletions thereto or cancellations thereof, issued on Texas risks with an effective date on or after July 1, 1988, each surplus lines agent or agency shall submit a stamping fee not to exceed 0.4 of 1.0% of gross premiums on policies and contracts. Such fees shall be due and payable as provided in §15.23 of this title (relating to Policy Forms Filings and Stamping Office Fees).

§15.12. Uniformity of Reporting Forms.

(a) Information and memorandums required under the Insurance Code, Article 1.14-2, and required by this subchapter [these sections] relating to surplus lines insurance, shall be submitted on the forms listed in [paragraphs (1)-(5) of] this subsection. These forms and Form F-SBI-SL-1 are adopted herein by reference and made a part of this subchapter [these sections] in order to establish uniformity of records and to facilitate the orderly processing of required information. These forms and Form F-SBI-SL-1 are published by the State Board of Insurance and may be obtained from the Surplus Lines Stamping Office of Texas, P.O. Box 9906, Austin, Texas 78766-9906.

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

(3) **Surplus Lines Insurance Affidavit**—Form F-SBI-SL-4. This form is not applicable to surplus lines policies or contracts issued with an effective date on or after July 1, 1988.

(4) **Surplus Lines Agent's Semi-annual Tax Report**—Form F-SBI-SL-5 (revised 1985). This form is not applicable to surplus lines policies, contracts, or other detailed evidence of coverage, including additions or deletions thereto or cancellation thereof, issued with an effective date on or after July 1, 1988.

(5) **Annual Report of Surplus Lines Agent**—Form F-SBI-SL-6. This form is not applicable to surplus lines policies, contracts, or other detailed evidence of coverage, including additions or deletions thereto or cancellation thereof, issued with an effective date on or after January 1, 1988.

(6) **Semiannual Tax Report**—Form F-SBI-SL-7. This form is promulgated for surplus lines policies, contracts, or other detailed evidence of coverage, including additions or deletions thereto or cancellation thereof, issued with an effective date on or after July 1, 1988.

(7) **Report of Adjuster or Claims Investigator of Policy in an Unauthorized Insurer**—ISL Form 015.

(b) Several blank copies of the [Copies of these] forms to which subsection (a) of this section refers will be pro-

vided by [may be obtained from] the Surplus Lines Division of the State Board of Insurance, 1110 San Jacinto Boulevard [Street], Austin, Texas 78701-1998 [78786], or the Surplus Lines Stamping Office of Texas, P.O. Box 9906, Austin, Texas 78766-9906 to each licensed surplus lines agent or agency. Each surplus lines agent is responsible for making additional copies of the forms by photocopying or printing [and surplus lines agents are authorized to reproduce these forms using their own facilities].

§15.13. Surplus Lines Insurance Requests for Information [Affidavit], Examination and Complaints.

(a) (This subsection does not apply to surplus lines policies and contracts issued or renewed with an effective date on or after July 1, 1988.) The agent shall execute a surplus lines insurance affidavit (Form F-SBI-SL-4) for each insurance contract or renewal to be issued. Such affidavit shall be executed in accordance with the instructions thereon and shall be notarized by a notary public.

(b) (This subsection does not apply to surplus lines policies and contracts issued or renewed with an effective date on or after July 1, 1988.) If the annual premiums paid by the insured for such surplus lines coverage exceed \$25,000, the insured may execute the surplus lines insurance affidavit in lieu of the surplus lines agent.

(c) (This subsection does not apply to surplus lines policies and contracts issued or renewed with an effective date on or after July 1, 1988.) The surplus lines insurance affidavit (Form F-SBI-SL-4) shall be filed with the State Board of Insurance on a monthly basis within 30 days after the end of the month in which the insurance was effectuated. It is not required that the agent file an exact copy of the policy issued or other documents otherwise required to be filed pursuant to the Insurance Code, Article 1.14-2, §6, if the agent completed [completes] the equivalent information section as contained in the surplus lines insurance affidavit.

(d) In addition to those documents required to be filed under §15.8 and §15.23 of this title (relating to Eligibility Requirements of Surplus Lines Insurers and Policy Forms Filings and Stamping Office Fees), a [An] surplus lines agent[, however,] may be required at the discretion of the commissioner or the stamping office to file [an exact copy of the policy issued to the insured or to file] any [other] documents necessary to evaluate the eligibility of surplus lines policies, contracts, or other detailed evidences of coverage [required to be filed by the Insurance Code, Article 1.14-2, §6,] on any risk placed by the surplus lines agent with any unauthorized insurer; to examine the eligibility of any unauthorized insurer; or to evaluate any actions relating to other

provisions of the Insurance Code, Article 1.14-2. In the event that the commissioner or the stamping office shall request such [exact copies of the policy or] other documents [pertaining to the surplus lines risk], the surplus lines agent shall file the same within 10 days [of] after the receipt of notice of the request for such filings or such later date as may be allowed [the commissioner may allow] based upon good cause shown by the surplus lines agent's written request to the commissioner or the stamping office for an extension of filing time.

(e) The books and records of a surplus lines agent held pursuant to §15.17 of this title (relating to General) and the Insurance Code, Article 1.14-2, may be examined at any time by the stamping office to evaluate compliance with §§15.7, 15.8, 15.13(e), 15.23, and 15.101 of this title (relating to Eligibility Requirements for Surplus Lines Insurance, Eligibility Requirements of Surplus Lines Insurers, Surplus Lines Insurance Requests for Information, Examination and Complaints, Policy Forms Filings and Stamping Office Fees, and Plan of Operation of the Surplus Lines Stamping Office of Texas) as adopted under the Insurance Code, Article 1.14-2. The results of such examinations by the stamping office shall be incorporated into reports to the commissioner provided under the sections enumerated in this subsection.

(f) Written complaints relating to the procurement of surplus lines coverage that are filed with the stamping office or referred by the State Board of Insurance shall be investigated by the stamping office under this section unless otherwise directed by the State Board of Insurance.

§15.14. Surplus Lines Agent's Semiannual Tax Report. (This section does not apply to surplus lines policies, contracts, or other evidence of coverage, including additions and deletions thereto and cancellation thereof, issued with an effective date on or after July 1, 1988.) The surplus lines agents shall file semiannually with the State Board of Insurance Form F-SBI-SL-5 (surplus lines agent's semiannual tax report) in accordance with §15.26 of this title (relating to Semiannual Tax Report).

§15.15. Reports of Unauthorized Insurance.

(a) Any person investigating or adjusting any loss or claim on a subject of insurance in this state which has been entered into by any insurer not authorized to transact such insurance in this state shall report such policy or contract on ISL Form 015 as provided by §15.12(a)(7) of this title (relating to Uniformity of Reporting Forms) and as required by the Insurance Code, Article 1.14-1. Such form shall be accompanied by a copy of the loss notice.

(b) Such reports shall be filed with the Surplus Lines Stamping Office of Texas, P.O. Box 9906, Austin, Texas 78766-

9906. Filings made under this section shall be considered filed in accordance with the Insurance Code, Article 1.14-1, §10.

§15.21. Minimum Content of Contracts.

(a) Every new or renewal insurance contract, policy, certificate, cover note, or other confirmation of insurance procured and delivered as a surplus lines coverage pursuant to the Insurance Code, Article 1.14-2, shall contain as a minimum the following information:

(1)-(8) (No change.)

(9) a statement designating the name and address of the person to whom the commissioner of insurance shall mail service of process in accordance with the Insurance Code, Article 1.14-1 and Article 1.14-2;

(10) (No change.)

(b) Each document mentioned in subsection (a) to this section shall have stamped conspicuously in ink or affixed upon it the following words: "This insurance contract is with an insurer not licensed to transact insurance in this state and is issued and delivered as a surplus lines coverage pursuant to the Texas insurance statutes. The State Board of Insurance does not audit the finances or review the solvency of the surplus lines insurer providing this coverage, and this insurer is not a member of the property and casualty insurance guaranty association created under the Texas Insurance Code, Article 21.28-C. The Texas Insurance Code, Article 1.14-2, §12, [Insurance Code] requires payment of 3.85% tax on gross premium."
§15.23. Policy Forms Filings and Stamping Office Fees

(a) An exact copy of each executed surplus lines policy, contract, or other detailed evidence of coverage, including additions or deletions thereto or cancellation thereof, shall be filed by the surplus lines agent with the stamping office within 10 days of issuance. If other detailed evidence of coverage is initially filed, a copy of the policy shall be filed when issued.

(b) The stamping office shall compile information from these filings on an individual surplus lines agent or agency basis within 10 days from the end of each month. Such individual reports shall be provided to the surplus lines agent or agency with a notice of the total stamping fees due. The agent or agency shall pay such fees to the Surplus Lines Stamping Office of Texas at P.O. Box 9906, Austin, Texas 78766-9906, by the end of the month in which the notice of fee is received.

(c) Filing of such policies, contracts, or other detailed evidence of coverage under subsection (a) of this section are made in lieu of filings required under the Insurance Code, Article 1.14-2, §6(a) and (c).

(d) Subsections (a)-(c) of this section are effective for surplus lines policies,

contracts, or other detailed evidence of coverage, including additions or deletions thereto or cancellation thereof, issued with an effective date on or after July 1, 1988.

(e) Under the provisions of Texas Civil Statutes, Article 6252-17a(3)(a) (4), individual filings made under this section and compilations of individual filings shall be confidential and shall not be deemed public information unless and until introduced into evidence at an administrative hearing or in a court of competent jurisdiction.

§15.26. Semiannual Tax Report.

(a) Each [The] surplus lines agent shall file semiannually under oath with the State Board of Insurance reports in accordance with this section [Form F-SBI-SL-5 (surplus lines agent semiannual tax report)] together with the payment of taxes [such tax] due on policies, contracts, or other detailed evidences of coverage issued within the reporting period. For the 1988 calendar year the first semiannual report shall be filed on Form F-SBI-SL-5. The second semiannual report of the calendar year 1988 and all semiannual reports thereafter shall be filed on Form F-SBI-SL-7. Such form and taxes shall be filed within 30 days from the first day of January and July of each year. These reports shall satisfy the annual report requirement under the Insurance Code, Article 1.14-2, §16.

(b) The reporting periods for purposes of accounting for the premium tax shall cover the period of January 1-June 30 and July 1-December 31 of each calendar year.

(c) Payment to the State of Texas by the surplus lines agent of the gross premium tax receipts[,] shall be made by a check drawn on the demand account maintained by the agent which comprises the premium tax trust fund. The check shall be made payable to the State Board of Insurance.

(d) (No change.)

(e) The stamping office shall prepare for each surplus lines agent or agency submitting policy forms, a summary of surplus lines policies, contracts, or other detailed evidences of coverage, including additions and deletions thereto and cancellations thereof, which are issued and reported to the stamping office during the accounting periods specified in subsection (b) of this section. Such reports shall contain a statement of premium tax and stamping fees due. Such reports shall be compiled within ten days of the close of the semiannual calendar period in the detail required by subsection (a) of this section and provided to the surplus lines agent or agency for submission with Form F-SBI-SL-7 to the State Board of Insurance.

(f) Errors attributable solely to stamping office compilations as described

In subsection (e) of this section shall not be construed as failure to pay taxes under the Insurance Code, Article 4.13 or Article 4.14. The surplus lines agent shall be liable only for prompt payment of any additional taxes due and not for interest or penalties. Refund of any amount paid in error of fact or law shall be refunded under the Insurance Code, Article 1.31.

(g) Subsections (e) and (f) of this section shall be effective for surplus lines policies, contracts, or other detailed evidences of coverage, including additions and deletions thereto and cancellations thereof, issued on or after July 1, 1988.

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 August 22, 1988.

TRD-8808543 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: September 26, 1988

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

◆ ◆ ◆
• 28 TAC §§15.10, 15.11, 15.15,
15.23

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

The State Board of Insurance proposes the repeal of §§15.10, 15.11, 15.15, and 15.23, concerning the general regulation of surplus lines insurance. Repeals of these sections were adopted on an emergency basis and

became effective on April 15, 1988. Notice of the emergency adoption of these repeals appeared in the April 22, 1988, issue of the *Texas Register* (13 TexReg 1957). The repeals of these sections are necessary to clarify Subchapter A to convey as clearly as possible to affected entities the implementation of the provisions of the Insurance Code, Article 1.14-2, §6A, and other provisions of Article 1.14-2, in accordance with recent Senate Bill 989, which provided for creation of a Surplus Lines Stamping Office of Texas for filing of copies of surplus lines insurance contracts and receiving reports from surplus lines agents, so that the public welfare will benefit from closer scrutiny of surplus lines insurance, from a greater availability of information concerning the business of surplus lines insurance in this state, and from the resulting improvement in the effectiveness of the regulation of insurance. The repeal of §15.10 eliminates language concerning the type of unauthorized insurer with whom an agent may place risks, and concerning the implications of scrutiny by the State Board of Insurance of the suitability of insurers underwriting surplus lines risks in Texas. In order to improve clarity, similar language is now in §15.8(e) and §15.9(b). The repeal of §15.11 eliminates language concerning information which the commissioner may request from surplus lines agents about unauthorized insurers. In order to improve clarity, similar language is now in §15.8(c). The repeal of §15.15 eliminates language concerning annual reporting by agents of surplus lines insurance activities. Section 15.12 and §15.26 and other provisions of Chapter 15 now contain reporting requirements. The repeal of §15.23 eliminates language concerning regulation of eligibility of policy or contract forms and the contract terms thereof. In order to improve clarity similar language is now in §15.7(c).

Richard B. Schroeter, director of the surplus and excess licensing section, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal

implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Schroeter also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be clarification for affected entities of implementation of the Insurance Code, Article 1.14-2, concerning surplus lines insurance and the improvement of information available to the State Board of Insurance about activities of surplus lines insurers.

Comments on the proposal may be submitted to Richard B. Schroeter, Director of Surplus and Excess Licensing Section, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 788701-1998.

The repeals are proposed under the Insurance Code, Article 1.14-2, §3A, which authorizes the State Board of Insurance to promulgate rules concerning surplus lines insurance.

§15.10. *Suitability of Unauthorized Insurers.*

§15.11. *Special Circumstances in the Placement of Surplus Lines Insurance.*

§15.15. *Surplus Lines Agent's Annual Report.*

§15.23. *Policy Forms.*

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

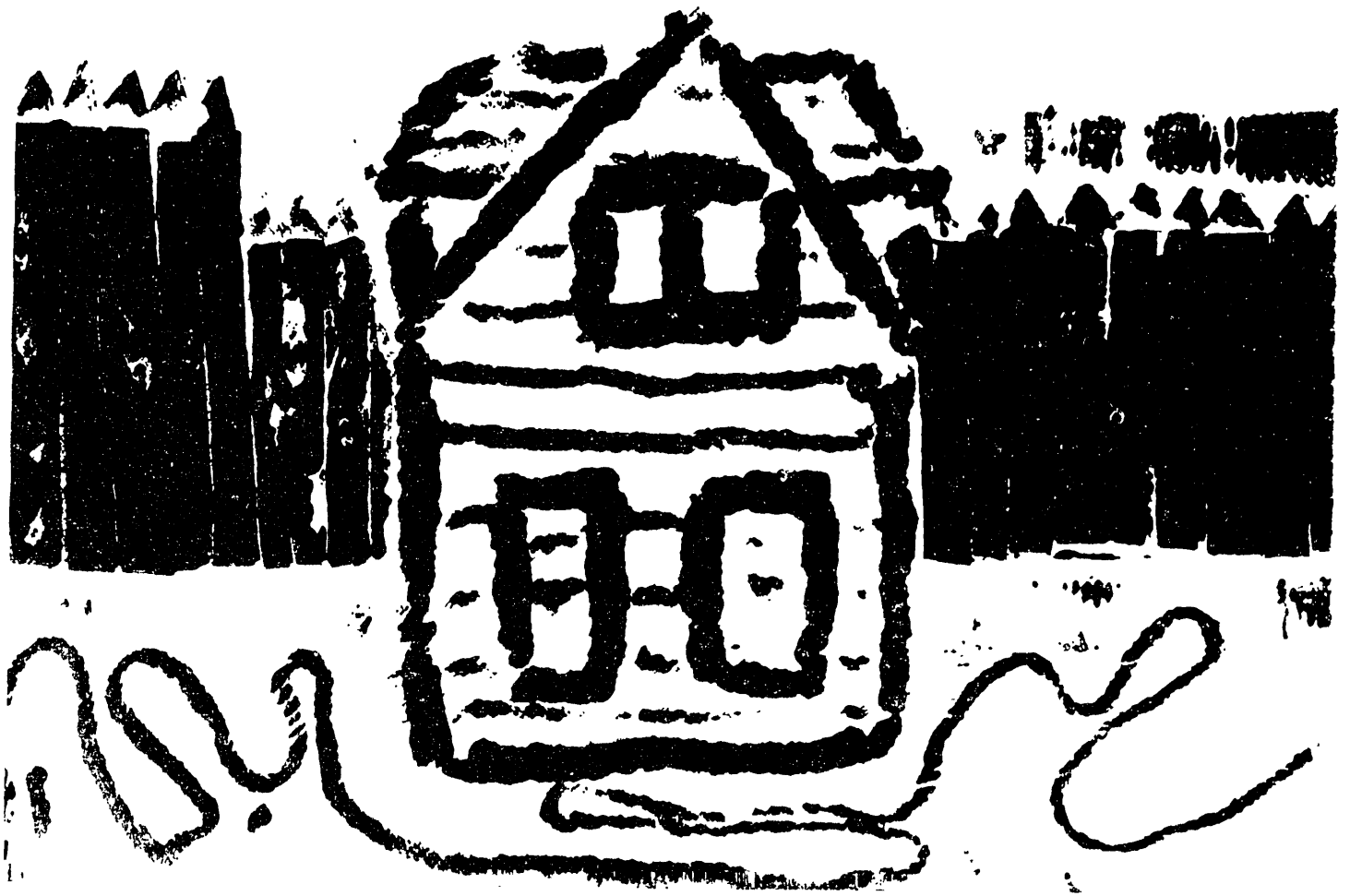
Issued in Austin, Texas, on August 22, 1988.

TRD-8808544 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: September 26, 1988

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

◆ ◆ ◆



Name: Jodi Conlan
Grade: 7
School: Westwood Jr High, Richardson

Withdrawn Sections

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

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 21. Practice and Procedure

Definitions and General Requirements

- 16 TAC §21.3

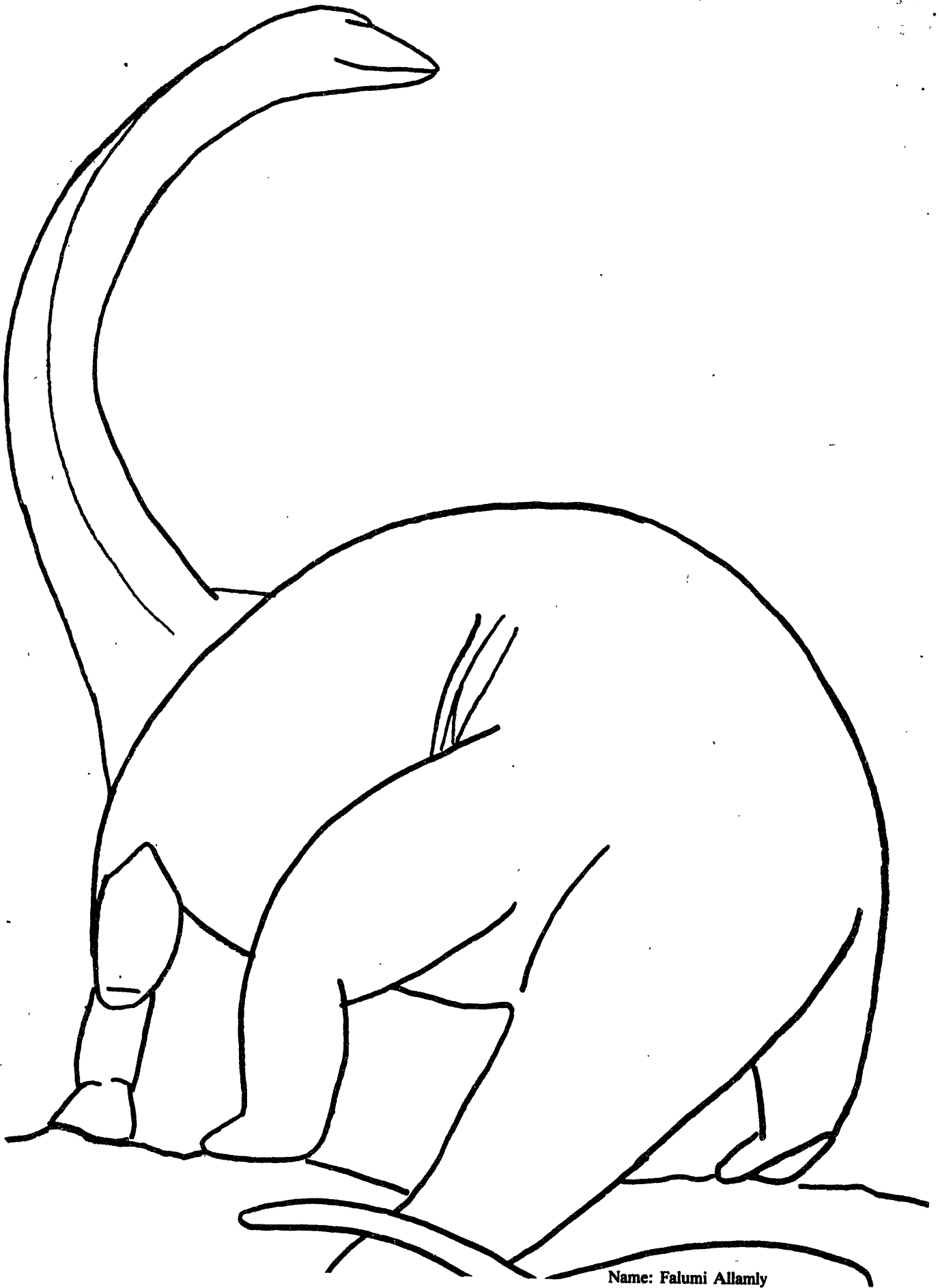
Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §21.3, submitted by the Public Utility Commission of Texas has been automatically withdrawn, effective August 22, 1988. The amendment as proposed appeared in the February 5, 1988, issue of the *Texas Register* (13 TexReg 583).

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

TRD-8808581

Filed: August 9, 1988.





Name: Falumi Allamly
Grade: 6
School: Richardson Heights Elementary,
Richardson

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 1.

ADMINISTRATION

Part IV. Secretary of State

Chapter 87. Notary Public

Notary Public Appointments

• 1 TAC §87.1

The Office of the Secretary of State adopts new §87.1, without changes to the proposed text published in the June 10, 1988, issue of the *Texas Register* (13 TexReg 2873).

The new section provides the public with an application used for obtaining an appointment as notary public.

Section 87.1 provides for persons applying for appointment as a notary public to use the form prescribed by the secretary of state and the address to write to in order to obtain the form.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Government Code, §406.023(a) which provides the Office of the Secretary of State with the authority to make regulations necessary for the administration and enforcement of Chapter 406.

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 August 17, 1988.

TRD-8808445
Lorna Wassdorf
Special Assistant
Office of Secretary of
State

Effective date: September 7, 1988

Proposal publication date: June 10, 1988

For further information, please call: (512) 463-5701

• 1 TAC §87.1, §87.3

The Office of the Secretary of State adopts the repeal of §87.1 and §87.3, without changes to the proposed text published in the June 10, 1988, issue of the *Texas Register* (13 TexReg 2875).

The repeals were adopted to allow for the adoption of a new section that meets current policy.

Section 87.1 and §87.3 are being repealed and being replaced by a new section. Extensive changes proposed in the existing rules makes it expedient to repeal them.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Government Code, §406.023(a), which provides the Office of the Secretary of State with the authority to make regulations necessary for the administration and enforcement of Chapter 406.

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 August 17, 1988.

TRD-8808444
Lorna Wassdorf
Special Assistant
Office of Secretary of
State

Effective date: September 7, 1988

Proposal publication date: June 10, 1988

For further information, please call: (512) 463-5701

Chapter 97. Business Opportunity

Trust Account

• 1 TAC §97.31, §97.32

The Office of the Secretary of State adopts new §97.31 and §97.32. Section 97.32 is adopted with changes to the proposed text published in the February 19, 1988, issue of the *Texas Register* (13 TexReg 869). Section 97.31 is adopted without changes and will not be republished.

The new sections provide the public with specific requirements for business opportunity registrants to establish, maintain, and cancel a trust account.

Section 97.31 provides the requirements of a trust account, and §97.32 provides for the cancellation of a trust account.

The change in §97.32 consists of lowering the time period for maintaining the trust account to two years. The change reflects the statute of limitations for bringing a lawsuit under the Business Opportunity Act.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 5069-16.17, which provide the Office of the Secretary of State with the authority to adopt rules and regulations necessary to administer and enforce the Business Opportunity Act.

§97.32. *Cancellation of Trust Account.*

(a) A trust account established in accordance with §97.31 of this title (relating

to Requirements of Trust Account) must be maintained for a period not to exceed two years after registrant has formally terminated registration and only with the approval of the Office of the Secretary of State.

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 August 17, 1988.

TRD-8808442
Lorna Wassdorf
Special Assistant
Office of Secretary of
State

Effective date: September 7, 1988

Proposal publication date: February 19, 1988

For further information, please call: (512) 463-5701

Irrevocable Letter of Credit

• 1 TAC §97.41, §97.42

The Office of the Secretary of State adopts new §97.41 and §97.42. Section 97.42 is adopted with changes to the proposed text published in the February 19, 1988, issue of the *Texas Register* (13 TexReg 869). Section 97.41 is adopted without changes and will not be republished.

The new sections provide the public with specific requirements for business opportunity registrants to establish, maintain, and cancel an irrevocable letter of credit.

Section 97.41 provides the requirements of an irrevocable letter of credit, and §97.42 provides for the cancellation of an irrevocable letter of credit.

The change in §97.42 consists of lowering the time period for maintaining the irrevocable letter of credit to two years. The change reflects the statute of limitations for bringing a lawsuit under the Business Opportunity Act.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 5069-16.17, which provide the Office of the Secretary of State with the authority to adopt rules and regulations necessary to administer and enforce the Business Opportunity Act.

§97.42. *Cancellation of Irrevocable Letter of Credit.* An irrevocable letter of credit established in accordance with §97.41 of this title (relating to Requirements of Irrevocable Letter of Credit) must be maintained for a period not to exceed two years after the registrant has formally terminated regis-

tration and only with the approval of the Office of the Secretary of State.

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 August 17, 1988.

TRD-8808443 Lorna Wassdorf
Special Assistant
Office of Secretary of
State

Effective date: September 7, 1988

Proposal publication date: February 19, 1988

For further information, please call: (512) 463-5701

TITLE 22. EXAMINING BOARDS

Part XXIV. State Board of Veterinary Medical Examiners

Chapter 571. Licensing

• 22 TAC §571.4

The State Board of Veterinary Medical Examiners adopts an amendment to §571.4, without changes to the proposed text as published in the July 12, 1988, issue of the *Texas Register* (13 TexReg 3445).

Amendments to the original section will detail the prerequisites necessary to obtain a special license, as recommended by the Attorney General's Office.

The amendment will require applicants for special licensure to meet certain criteria in order to be eligible for special licensure in Texas.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 7465a, §7(a), which provide

the State 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 August 17, 1988.

TRD-8808448 Donald B. Wilson
Executive Director
State Board of Veterinary
Medical Examiners

Effective date: September 7, 1988

Proposal publication date: July 12, 1988

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

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 1. Board of Health

Public Health Promotion

• 25 TAC §1.101

The Texas Department of Health adopts new §1.101, without changes to the proposed text published in the February 12, 1988, issue of the *Texas Register* (13 TexReg 760).

The new section complies with Senate Bill 298, 70th Legislature, 1987, which requires the department to enter into a memorandum of understanding between the department and the other agencies relating to the exchange and distribution of public awareness information among the agencies. Senate Bill 298 requires each agency to adopt the memorandum by rule.

The new section adopts by reference a memorandum of understanding between the department, the Texas Department of Human

Services, the Texas Rehabilitation Commission, and the Texas Department of Mental Health and Mental Retardation. The memorandum of understanding establishes each agency's responsibilities in exchanging and distributing public awareness information and provides better coordination among the agencies in the exchange and distribution of public awareness information.

No comments were received regarding the adoption of the new section.

The new section is adopted under Senate Bill 298, 70th Legislature, 1987, which requires the Texas Board of Health to adopt a rule covering a memorandum of understanding between the Texas Department of Health, the Texas Department of Human Services, the Texas Rehabilitation Commission, and the Texas Department of Mental Health and Mental Retardation concerning the exchange and distribution of public awareness information; and Texas Civil Statutes, Article 4414b, §1.05, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the Commissioner of Health.

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 August 12, 1988.

TRD-8808311 Robert A. Maclean
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: September 2, 1988

Proposal publication date: February 12, 1988

For further information, please call: (512) 458-7236

State Board of Insurance Exempt Filing

Notification 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 certain amendments to the *Texas Automobile Manual* and the *Texas Standard Provisions for Automobile Policies (1981 Edition)*. These amendments affect the following:

Texas Automobile Manual:

Rule Section I: Rule 13.I.B.1. and 2.; and Rule 13.I.C.2. and 3.

Rule Section II: Rule 23.C.I.; Rule 24.C.; Rule 40.A.1.b. and c. and 2.a., b., and c.; Rule 45.C.3.; Rule 48.C.2.a.(2).

Rule Section IV: Rule 74.A.1.; Rule 77.B.2.

Rule Section VI: Rule 94.H.3.e(5); Rule 95.B.1. and 2.; Rule 97.C.3. c.; Rule 98.B.3.

Rule Section VII: Rule 130.B.2. and 3.; Rule 134.D.2.d.; Rule 139.A. 3.

Rate Section II: Rule 26. Tables A and B; Rule

38.B.; Rule 39.F.

Rate Section VI: Rule 94.H.3.a.b. and c.; Rule 97.C.4.; Rule 98.

Rate Section VII: Rule 123.B.; Rule 127.A.2.; Rule 130.B.3.b.; Rule 134.D.2.d.; Rule 135.I.B.1.; Rule 136.A.1.; Rule 139.A.4. and B.2.

Endorsements: 560C. and 561C.; TE 00 30B; TE 00 31B; TE 00 32A; TE 20 19A; TE 20 39A; TE 99 01B; TE 99 10B; TE 99 37A; TE 99 76B

Texas Standard Provisions for Automobile Policies (1981 Edition).

Pages: 112, 116, 117, and 141.

These amendments are effective on and after October 1, 1988. 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 August 19, 1988.

TRD-8808527 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: October 1, 1988.

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



The State Board of Insurance has adopted certain amendments to the *Texas Standard Provisions for Automobile Policies (1981 Edition)*. The following pages have been amended as noted:

Page 91: Include Reference Note 11--to provide printing instructions for signature "In Witness Whereof".

Page 93: Include language "for towing all" in Item Three.

Page 94: Amended Item Four to include "partners or" language to track ISO.

Page 98: Deleted column for Property Protection Premium as auto does not provide this coverage.

Page 104: Amended Item Six to include "partners or" language.

Page 110: Amended Item Four to include "partners".

Page 111: Amended Item Four to include "partners or" language.

These amendments are effective on and after April 1, 1989. 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.

Issued in Austin, Texas on August 19, 1988.

TRD-8808526 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: April 1, 1989

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



The State Board of Insurance has considered a filing by the Insurance Services Office, Inc. proposing amendatory endorsements to increase the existing second layer of financial protection which is required by the United States Nuclear Regulatory Commission.

This filing was approved to become effective October 1, 1988.

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

Issued in Austin, Texas on August 19, 1988.

TRD-8808529 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: October 1, 1988.

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



The State Board of Insurance has adopted new Rule 37 of the *Texas Automobile Manual*. The amendment provides new rules for the three new mechanical breakdown policies which have also been adopted to the *Texas Standard Provisions for Automobile Policies (1981 Edition)*. Further amendments adopted are a new declarations page for the new mechanical breakdown policies and the deletion of endorsements TX-10-90B and TX-10-94 of the *Texas Automobile Manual* and the *Texas Standard Provisions for Automobile Policies (1981 Edition)*.

These amendments are effective on and after 12:01 a.m. on October 1, 1988.

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.

Issued in Austin, Texas on August 19, 1988.

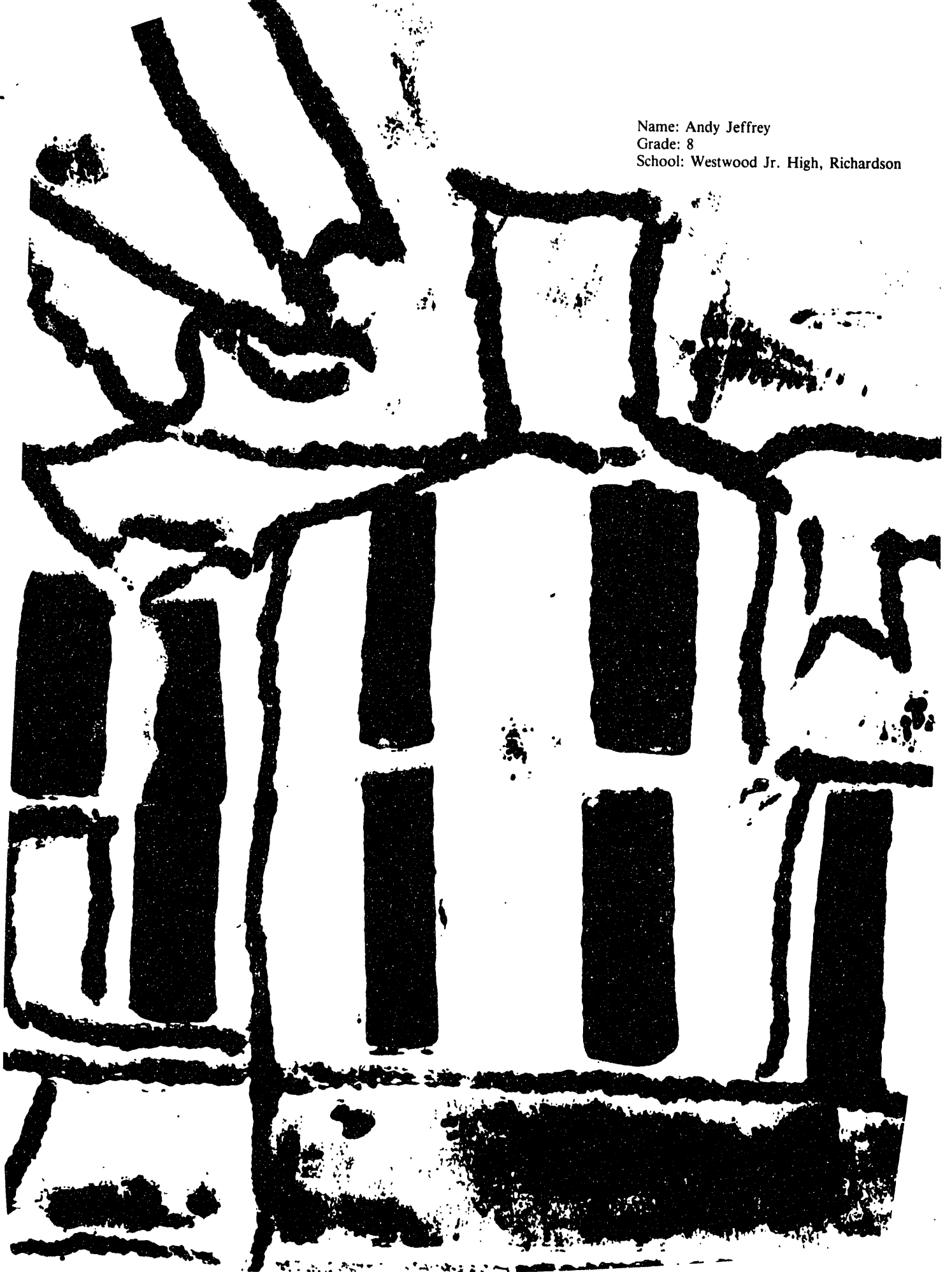
TRD-8808528 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: October 1, 1988.

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



Name: Andy Jeffrey
Grade: 8
School: Westwood Jr. High, Richardson



Open Meetings

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

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

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

Texas Department of Agriculture

Monday, September 19, 1988. The Texas Department of Agriculture will meet in the following locations to hold administrative hearings to review alleged violations of Texas Agriculture Code §76.111 and §76.116 which require the showing of proof of financial responsibility by a holder of a commercial pesticide applicator's license. Times and locations follow.

10 a.m. The department will meet in the District Office, 4502 Englewood Avenue, Lubbock.

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

Filed: August 23, 1988, 8:38 a.m.

TRD-8808592

10 a.m. The department will meet in the District Office, 517 North Glenwood, Tyler to review alleged violations by Charles L. Chapping, Docket 34-88-INS.

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

Filed: August 23, 1988, 8:38 a.m.

TRD-8808593

10 a.m. The department will meet in the District Office, 2935 Westhollow Drive, Houston.

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

Filed: August 23, 1988, 8:38 a.m.

TRD-8808594

10 a.m. The department will meet in the District Office, 202 East Horton, Brenham, to review alleged violations of Jerry W. Schneider, Docket 29-88-INS.

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

Filed: August 23, 1988, 8:38 a.m.

TRD-8808595

10 a.m. The department will meet in the District Office, 5015 College Drive, Vernon.

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

Filed: August 23, 1988, 8:38 a.m.

TRD-8808598

10 a.m. The department will meet in the Satellite Office, 855 Central, Suite 31B, Odessa.

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

Filed: August 23, 1988, 8:38 a.m.

TRD-8808599

10 a.m. The department will meet on the Ninth Floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin.

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

Filed: August 23, 1988, 8:38 a.m.

TRD-8808601

10:30 a.m. The department will meet in the District Office 5408-A South Bell Street, Suite 150, Amarillo, to review alleged violations of Eldon Vaughn, Docket 8-88-INS.

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

Filed: August 23, 1988, 8:38 a.m.

TRD-8808600

11 a.m. The department will meet in the District Office to review alleged violations by E.R. Tullis, Docket 22-88-INS.

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

Filed: August 23, 1988, 8:38 a.m.

TRD-8808597

11:30 a.m. The department will meet in the District Office, 1801 North Lamar, Suite 103, Dallas.

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

Filed: August 23, 1988, 8:38 a.m.

TRD-8808596

Texas Department of Commerce

Monday, August 29, 1988, 10 a.m. The Strategic Economic Policy Commission for the Texas Department of Commerce will meet in the Senate Chamber, Austin. According to the agenda, the commission will distribute a "Blueprint for Tomorrow's Texas"; review second draft of strategic plan; and discuss plans for public hearings.

Contact: Bob Farley, (512) 320-9667

Filed: August 19, 1988, 3:47 p.m.

TRD-8808533

Tuesday, August 30, 1988, 3 p.m. The Committee Meeting for the Texas Department of Commerce will be held in Suite 1100, Eleventh Floor Conference Room, First City Centre, 816 Congress Avenue, Austin. According to the agenda, the department will consider and act on applications for designation of enterprise zones, applications submitted for designation of enterprise projects, and discuss rural loan applications.

Contact: Wardaleen Belvin, First City Centre, 816 Congress Avenue, Austin, Texas 78701, (512) 320-9623.

Filed: August 22, 1988, 9:59 a.m.

TRD-8808540

Comptroller of Public Accounts

Thursday, September 1, 1988, 1:30 p.m. The Uniform Statement Accounting System Committee for the Comptroller of Public Accounts will meet in Room 106, John H. Reagan Building, Austin. According to the agenda, the committee will hear opening remarks; approve minutes from last meet-

ing; present and discuss human resource information system design and implementation project; present survey results on who will be included in the HRIS data base with possible resolution; present and discuss uniform statewide accounting system design project; discuss meeting dates for future presentations of the human resource information system design and implementation project; discuss meeting dates for future presentations of the uniform statewide accounting system design project; and receive public testimony.

Contact: Ann S. Fuelberg.

Filed: August 18, 1988, 11:16 a.m.

TRD-8808463

Texas State Board of Dental Examiners

Thursday-Saturday, September 8-10, 1988, 8 a.m. The Texas State Board of Dental Examiners will meet at the Doubletree Inn, 2001 Post Oak Boulevard, Houston. According to the agenda, the board will hold disciplinary hearings; discuss dental and dental hygiene exam criteria; request of Larry Barry for permission to take board's exam; request of Dr. Jim Hales for reinstatement of prescription writing privileges; permanent adoption of amendments to Rules 101.12 and 109.211; proposal of amendments to Rules 101.22, 123.13, 101.32, and 101.71; executive session to discuss pending litigation; miscellaneous matters; and appearances by members of the public and profession.

Contact: William S. Nail, 8317 Cross Park Drive, Suite 400, Austin, Texas 78754, (512) 834-6021.

Filed: August 18, 1988, 11:41 a.m.

TRD-8808464

Texas Education Agency

Friday, August 26, 1988, 2 p.m. The Proprietary School Advisory Commission for the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the commission will discuss proposed rules concerning changes in degree granting status; resignation of commission member; and discuss TEA proposed legislative recommendations.

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

Filed: August 18, 1988, 10:27 a.m.

TRD-8808462

Texas Employment Commission

Friday, August 26, 1988, 1 p.m. The Advisory Council for the Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the council will welcome and introduce guests; approve meeting notes; hear staff reports; update on tax equity study; discuss and define prioritization issues from last meeting; receive public comment; and approve outline for report to full council.

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

Filed: August 18, 1988, 11:53 a.m.

TRD-8808465

Texas Funeral Services Commission

Tuesday-Thursday, August 30-September 1, 1988, 8:30 a.m. The Texas Funeral Services Commission will meet at the Howard Johnson South Plaza-Hotel, 3401 IH 35 South, Austin. According to the agenda, the commission will conduct formal hearings on actions of licensees; requests for reinstatement of licenses and apprenticeships; embalmer practical grades to be certified; requests for oral exams, time, and credit on apprenticeships and permission to register as a funeral director apprentice; requests for exemptions to Rule 203.20 and refunds of penalty fees paid; review legislative package and proposed amendments to Rules 203.4 and 201.10; hear committee and executive director reports; review complaints; and meet in executive session. Written funeral director and embalmer examinations will be conducted and any item not considered prior, will be considered, on August 30, 1988, and formal hearings and discussion of any items not considered, will be discussed on August 30-31, 1988.

Contact: Larry A. Farrow, 8100 Cameron Road, Building B, Suite 550, Austin, Texas 78753, (512) 834-9992.

Filed: August 22, 1988, 9:46 a.m.

TRD-8808545

Governor's Office

Wednesday, August 31, 1988, 1 p.m. The Texas Criminal Justice Task Force of the Governor's Office will meet in the Auditorium, Hidalgo County Courthouse, Edinburg. According to the agenda, the task force will hold public hearing and receive testimony from the general public, law enforcement officials, local public officials, related task forces, and criminal justice associations on recommendations for improving the state's criminal justice system.

Contact: Sherry Smith, P.O. Box 13561, Austin, Texas 78711, (512) 463-1788.

Filed: August 22, 1988, 4:57 p.m.

TRD-8808589

Thursday, September 1, 1988, 9 a.m. The Texas Criminal Justice Task Force of the Governor's Office will meet in the County Commissioner's Courtroom, Nueces County Courthouse, Corpus Christi. According to the agenda, the task force will hold public hearing and receive testimony from the general public, law enforcement officials, local public officials, related task forces, and criminal justice associations on recommendations for improving the state's criminal justice system.

Contact: Sherry Smith, P.O. Box 13561, Austin, Texas 78711, (512) 463-1788.

Filed: August 22, 1988, 4:57 p.m.

TRD-8808590

Friday, September 2, 1988, 10 a.m. The Select Committee on Education, Legal Considerations Subcommittee for the Governor's Office will meet in Room 103, Reagan Building, Austin. According to the agenda, the committee will review and discuss various constitutional amendments; time sequence for court review; settlement of court case; and further development of legal and constitutional implications of foundation program and percentage equalization options as considered by the finance subcommittee.

Contact: Margaret La Montagne, 707 Sam Houston Building, Austin, Texas, (512) 463-1834.

Filed: August 22, 1988, 1:11 p.m.

TRD-8808560

Texas Health and Human Services Coordinating Council

Thursday, September 1, 1988, 1 p.m. The Youth Committee for the Texas Health and Human Services Coordinating Council will meet in the Seventh Floor Conference Room, Sam Houston Building, 201 East 14th Street, Austin. According to the revised agenda summary, the committee meeting time has been changed.

Contact: Tom Olsen, 311-A East 14th Street, Austin, Texas, (512) 463-2195.

Filed: August 19, 1988, 2:59 p.m.

TRD-8808522

State Department of Highways and Public Transportation

Tuesday-Wednesday, August 30-31, 1988,

10 a.m. and 9 a.m., respectively. The Texas Highway and Public Transportation Commission for the State Department of Highways and Public Transportation will meet in Room 101-A, First Floor, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda, the commission will executive contract awards and routine minute orders; consider presentations from previous public hearing dockets, as necessary; and review staff reports relative to planning and construction programs and projects.

Contact: Lois Jean Turner, Room 203, 11th and Brazos Streets, Austin, Texas, (512) 463-8616.

Filed: August 22, 1988, 1:59 p.m.

TRD-8808561

Texas Housing Agency

Wednesday, August 24, 1988, noon. The Board of Directors met in emergency session in Suite 300, THA Conference Room, 811 Barton Springs Road, Austin. According to the agenda, the board considered and possibly acted on soliciting lender commitments for unexpended mortgage bond proceeds; residential mortgage revenue bonds, series 1988B, in an amount not to exceed \$92,500,000; and multi-family reports. While in executive session, the board discussed the Stimley settlement; and acted on items discussed in executive session as necessary. The emergency status was necessary as the items needed to be considered to provide decent, safe, and sanitary housing for Texans of low and moderate income.

Contact: Timothy Kenny, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: August 19, 1988, 11:19 a.m.

TRD-8808496

Industrial Accident Board

Monday, August 22, 1988, 2:30 p.m. The Industrial Accident Board met in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board discussed computer acquisition and reviewed proposals for personal service contract.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, First Floor, Austin, Texas 78704, (512) 448-7960.

Filed: August 19, 1988, 11:03 a.m.

TRD-8808494

State Board of Insurance

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

Tuesday, August 23, 1988, 10 a.m. The State Board of Insurance met for an emergency agenda revision in Room 414 to consider amending Rule P-27 of the Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas (28 TAC §9.1) regarding the definition of good funds to include U.S. Treasury checks. The emergency status was necessary to continue use of highly reliable financial instruments in transactions involving construction in Texas.

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

Filed: August 19, 1988, 3:15 p.m.

TRD-8808532

Tuesday, August 30, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10019-Whether disciplinary action should be taken against Murphy Fred Frederick, Houston, who holds a group II, health and accident insurance agent's license issued by the board.

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

Filed: August 22, 1988, 3:16 p.m.

TRD-8808576

Tuesday, August 30, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10016-Whether disciplinary action should be taken against Robert Stephen Halbert, Tyler, who holds a local recording agent's license.

Contact: J.C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6328.

Filed: August 22, 1988, 3:16 p.m.

TRD-8808577

Wednesday, August 31, 1988, 9 a.m. The board will meet in Room 414, to consider Docket 1599-Appeal by Savers Annuity Insurance Company from Commissioner's Order 88-0240, and public hearing thereon concerning policy form number SAI-310a and disapproval of that form.

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

Filed: August 23, 1988, 9:50 a.m.

TRD-8808605

Wednesday, August 31, 1988, 1:30 p.m. The board will meet in Room 414, to consider instruction to the Texas Catastrophe Property Insurance Association concerning what constitutes an insurable risk and a new risk. Final action on amendments to 28 TAC §3.1303 and §1.303. Amendments to emergency rules 28 TAC §27.14 and §27.209. Board orders on several different matters; personnel; and litigation.

Contact: Pat Wagner, 1110 San Jacinto

Street, Austin, Texas, 78701-1998, (512) 463-6328.

Filed: August 23, 1988, 9:50 a.m.

TRD-8808604

Wednesday, August 31, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9995-Renewal application of Bertha V. Garcia, Lubbock, for a group I, legal reserve life insurance agent's license and a group II, health and accident insurance agent's license.

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

Filed: August 22, 1988, 3:16 p.m.

TRD-88088578

Friday, September 2, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10020-Whether disciplinary action should be taken against Daleine T. Springer, Hereford, who holds a group I, legal reserve life insurance agent's license issued by the board and to consider the application of Daleine T. Springer, Hereford, for a local recording agent's license.

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

Filed: August 22, 1988, 3:16 p.m.

TRD-8808579

Friday, September 2, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10013-Whether disciplinary action should be taken against Dock Clark Hanks, Corsicana, who holds a group I, legal reserve life insurance agent's license and a group II, health and accident insurance agent's license issued by the board.

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

Filed: August 22, 1988, 3:16 p.m.

TRD-8808580

General Land Office

Wednesday, August 31, 1988, 3:30 p.m. The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, Austin. According to the agenda summary, the board will approve minutes of the June 8, 1988, meeting; consider the August 31, 1988, forfeited land sale bids; approve VLB investment policy; consider issuance of power of attorney under the VHAP, adoption of permanent rule authorizing a program to sell Type II forfeited land tracts through real estate brokers, adoption of permanent amended rules for the farm and ranch pro-

gram, request of Charles Harris to participate in the VLP, and \$15 fee for insufficient fund checks; hear report of rate change and open enrollment for credit life insurance offered by Prudential Insurance Company of America; and consider forfeiture action on VLB delinquent accounts and order for sale VLB forfeited accounts involving a transfer in which the original veteran purchaser requests to do reinstatement.

Contact: Jack Giberson, Stephen F. Austin Building, Room 836-A, Austin, Texas 78701, (512) 463-5254.

Filed: August 22, 1988, 4:14 p.m.

TRD-8808584

Texas Low-Level Radioactive Waste Disposal Authority

Monday, August 29, 1988, 9 a.m. The Legislative Committee of the Texas Low-Level Radioactive Waste Disposal Authority will meet in emergency session in Building 130, Balcones Research Center, Bureau of Economic Geology, University of Texas, 10100 Burnet Road, Austin. According to the agenda, the committee will discuss legislative proposals for consideration by the House Committee on Environmental Affairs. The emergency status is necessary due to a need to formulate proposals for consideration by House Committee on Environmental Affairs prior to its hearings on low-level radioactive waste in September 1988.

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

Filed: August 22, 1988, 2:59 p.m.

TRD-8808572

Wednesday, September 7, 1988, 10 a.m. The Board of Directors of the Texas Low-Level Radioactive Waste Disposal Authority, at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. According to the agenda, the board will meet jointly with the Texas Radiation Advisory Board to hear a staff report on the disposal of naturally occurring radioactive material.

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

Filed: August 22, 1988, 2:59 p.m.

TRD-8808571

Texas Department of Mental Health and Mental Retardation

Various committees for the Texas Department of Mental Health and Mental Retardation will meet in the Auditorium, 909 West 45th Street, Austin. Dates, times, and agendas follow.

Tuesday, August 30, 1988, 9 a.m. The Board Personnel Committee will consider approval of appointment of superintendent at Fort Worth State School.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: August 18, 1988, 1:36 p.m.

TRD-8808468

Tuesday, August 30, 1988, 10 a.m. The Board Ad Hoc Committee on Medicaid Issues will consider Medicaid funding issues.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: August 18, 1988, 1:36 p.m.

TRD-8808467

Tuesday, August 30, 1988, 10:30 a.m. The Board Business Committee will consider fiscal year 1988 operating budget adjustments; approve fiscal year 1989 operating budget and 1990-1991 appropriations request. Deaf interpreters will be available, but will be released if service is not requested within the first hour of the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: August 18, 1988, 1:35 p.m.

TRD-8808470

Tuesday, August 30, 1988, 1 p.m. The Board of Mental Health and Mental Retardation will call order; hear citizens comments; approve minutes of the July 8, 1988, meeting; and consider issues. Deaf interpreters will be available, but will be released if service is not requested within the first hour of the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: August 18, 1988, 1:35 p.m.

TRD-8808469

Interagency Council for Mentally Retarded, Developmentally Disabled and Mentally Ill Offenders

Friday, September 2, 1988, 9 a.m. The Interagency Council for Mentally Retarded, Developmentally Disabled and Mentally Ill Offenders will meet at the Texas Mental Health Association, 1111 West 24th Street, Austin. According to the agenda, the council will discuss recommendations for a proposed pilot project for mentally ill offenders.

Contact: Pat Hamilton, (512) 477-9914.

Filed: August 23, 1988, 9:07 a.m.

TRD-8808603

University of North Texas/Texas College of Osteopathic Medicine

Thursday, August 25, 1988. The Board of Regents of the University of North Texas/Texas College of Osteopathic Medicine met in the Administration Building, University of North Texas, Denton. Times, rooms, and agendas follow.

1 p.m. The Role and Scope Committee will consider the following for TCOM: appointment of foundation board of trustees, faculty bylaws changes, approval of policy manuals, MSRDP bylaws and policy revisions, objectives for TDCOM, self identification policy, and dean's summer research fellowship; and consider the following for UNT: small class report, faculty leaves of absence, approval of policy manual, award of honorary degrees, personnel transaction, appointments to foundation board of directors, chairman of UNT centennial observance, funding issue, athletic update, objectives for UNT, status of Chilton Hall, and report on student survey.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: August 19, 1988, 11:44 a.m.

TRD-8808499

1 p.m. The Advancement Committee will meet in the Boardroom to consider for TCOM development update and for UNT appointment of chairman of UNT centennial observance, development update, and status of board of visitors.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: August 19, 1988, 11:44 a.m.

TRD-8808497

3 p.m. The Facilities Committee will meet in the Boardroom to consider for TCOM project status report; to consider for UNT: quad I renovation, women's gym renovation, golf course lease amendment, Fouts Field, fraternity housing, parking garage, utilities report, and project status report.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: August 19, 1988, 11:44 a.m.

TRD-8808498

6 p.m. The Budget and Finance Committee met in Room 213, to consider for TCOM the following: gift report, signature authority, students fees for 1988-1989, budget for higher education assistance fund, report on interest earnings, proposition 2 transactions, budget for president's office, and internal audit update; consider for UNT the following: gift report, signature authority, admissions application fee, allocation of proposition 2 funds, report on interest earnings, statement of proposition 2 transactions, budget for chancellor's office, and internal audit update.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: August 19, 1988, 11:44 a.m.

TRD-8808495

Friday, August 26, 1988, 8 a.m. The Board of Regents will meet in the Diamond Eagle Suite, University Union, University of North Texas, Denton. According to the agenda, the board will consider the following for TCOM: approval of minutes, foundation board appointments, faculty bylaws, policy manuals approval, MSRDP bylaws and policy documents, gift report, signature authority, student fees for 1988-1989, higher education assistance fund budget, national board scores, physician surplus projections, and physiology training grant; and consider the following for UNT: small class report, faculty leaves, UNT policy manual, honorary degrees, personnel, NTSU foundation board of directors, chair for centennial observance, cooperative teacher aide program, gift report, signature authority, admissions fee, proposition 2 budget, quad I renovation, women's gym renovation, golf course lease, China trip, objectives for UNT and TCOM, election of officers, and calendar for board meeting. The board will also meet in executive session to consider student legal issue and malpractice lawsuit for TCOM; and for UNT: staff legal issues, university health plan-specific employee issues, student legal matters, parking garage contract, contracts, prospective gifts, lease of land, contract, land acquisition, and athletic personnel contract matters.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: August 19, 1988, 11:44 a.m.

TRD-8808500

Board of Pardons and Paroles

Monday-Friday, August 29-September 2, 1988, 1:30 p.m. daily, except 11 a.m. on Friday. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will receive, review, and consider information and reports concerning prisoners, inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: August 19, 1988, 11:28 a.m.

TRD-88008492

Tuesday, August 30, 1988, 1:30 p.m. The Board of Pardons and Paroles will consider executive clemency recommendations and related actions (other than out of country conditional pardons), including: full par-

dons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentences; and other reprieves, remissions, and executive clemency actions.

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

Filed: August 19, 1988, 11:27 p.m.

TRD-88008493

Parks and Wildlife Department

The Texas Parks and Wildlife Commission for the Texas Parks and Wildlife Department will meet in Complex Building B, Parks and Wildlife Headquarters, 4200 Smith School Road, Austin. Dates, times, and agendas follow.

Tuesday, August 30, 1988, 2 p.m. The commission will conduct annual public hearing to receive public comment concerning any issue relating to the commission's powers and duties.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: August 22, 1988, 2:22 p.m.

TRD-8808567

Tuesday, August 30, 1988, 7 p.m. The commission members will have dinner and possibly discuss items on the agenda scheduled for August 31, 1988, at 9 a.m.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: August 22, 1988, 2:22 p.m.

TRD-8808568

Wednesday, August 31, 1988, 9 a.m. The commission will approve court reporter minutes; present awards; discuss funding for local parks; funding for projects from state board ramp program; late season migratory game bird proclamation, 1988-1989; nontoxic shot implementation schedule; annual operational plan for Matagorda Island; Houston Museum of Natural Science proposed observatory; water pipeline easement-Jim Hogg State Park; extension of saltwater disposal easement-Tyler State Park; new facilities development funding-Lubbock Lake landmark; conservation easement for the Bayland Park and Marina Development; fiscal year 1989 operating budget and operational plan; and donation of white-winged dove habitat-Hidalgo County.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: August 22, 1988, 2:22 p.m.

TRD-8808569

Wednesday, August 31, 1988, noon. The commission will approve minutes of the July 21, 1988, executive session court reporter minutes; and discuss donation of white-winged dove habitat for Hidalgo County.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: August 22, 1988, 2:22 p.m.

TRD-8808566

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, August 24, 1988, 9 a.m. The Hearings Division made an emergency revised agenda to consider appeal of examiner's order 8 in Docket 5610-Application of GTE Southwest Incorporated for authority to increase rates. The emergency status was necessary because prompt commission action is necessary to preserve jurisdiction over the subject matter of the appeal.

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

Filed: August 22, 1988, 3:41 p.m.

TRD-8808588

Thursday, September 1, 1988, 10 a.m. The Hearings Division will consider Docket 8283-Application of Cap Rock Electric Cooperative, Inc. to change rates.

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

Filed: August 19, 1988, 3:17 p.m.

TRD-8808524

Thursday, September 15, 1988, 9 a.m. The Hearings Division will consider Docket 8191-Application of Cherokee County Electric Cooperative Association for authority to change rates.

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

Filed: August 19, 1988, 3:17 p.m.

TRD-8808523

Thursday, October 6, 1988, 10 a.m. The Hearings Division will consider Docket 8222-Inquiry of the General Counsel into the reasonableness of the rates of United Telephone Company of Texas, Inc.

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

Filed: August 22, 1988, 3:41 p.m.

TRD-8808587

Monday, November 7, 1988, 10 a.m. The Hearings Division will consider Docket 8272-Application of Comanche County Electric Cooperative Association for authority to change rates.

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

Filed: August 19, 1988, 2:58 p.m.

TRD-8808475

Tuesday, November 29, 1988, 10 a.m. The Hearings Division will consider Docket 8094-Complaint of Paycom Systems Corporation against Southwestern Bell Telephone Company regarding the use of linesaver.

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

Filed: August 18, 1988, 2:57 p.m.

TRD-8808476

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**State Purchasing and
General Services
Commission**

Wednesday, August 31, 1988, 9 a.m. The State Purchasing and General Services Commission will meet in Conference Room 402, Central Services Building, 1711 San Jacinto, Austin. According to the agenda, the commission will consider adoption of sexual harassment policy, approval of emergency funds to abate asbestos in the LBJ Building, automated information system long-range plan update, update of Tex-An replacement implementation, monthly 3.09 report, and report on the status of Texas Public Finance Authority projects. The commission will also meet in executive session to consider the status of the potential purchase of real property pursuant to the provisions of Texas Civil Statutes, Article 601b, §5.34.

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

Filed: August 22, 1988, 2:55 p.m.

TRD-8808573

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**Railroad Commission of
Texas**

Monday, August 29, 1988, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

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

Contact: Roger Dillon, P.O. Drawer 12970,

Austin, Texas 78711, (512) 463-7777.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808516

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

Contact: Bob Kmetz, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7251.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808517

The commission will consider and act on the executive director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions, including division directors.

Contact: C. Tom Clowe, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7274.

Filed: July 29, 1988, 11:06 a.m.

TRD-8808511

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

Contact: Ken Fossler, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7087.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808512

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

Contact: Vicki Dimego, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7009.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808509

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

Contact: Brian W. Schaible, P.O. Drawer 12970, Austin, Texas 78753, (512) 463-7010.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808513

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

Contact: Mary Anne Wiley, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6828.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808514

The Legal Division will consider and act on the Legal Division's report on division administration, budget, procedures, and personnel matters; proposed and pending litigation, including but not limited to discussion and/or action on the following: FERC Orders 500, 500 A-C, and related litigation in the D.C., Fifth, Third, and Seventh Circuits.

Contact: G. Gail Watkins, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6921.

Filed: July 29, 1988, 11:05 a.m.

TRD-8808507

LP-Gas Division will consider and act on division director's report on division administration, budget, procedures, and personnel matters; and consideration of Dockets 635, 636, 637, 659, 660, and 662; administrative penalty agreed orders concerning violation of commission regulations by: Boles Gas Sales, Inc., Enterprise Transportation Company, Colorado Butane County, Gas-Tex Energy Inc., and Don's Butane Service.

Contact: Thomas D. Petru, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6931.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808506

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

Contact: Sonia O'Neal, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7325.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808503

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

Contact: Margie L. Osborn, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7055.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808518

The Oil and Gas Division will consider amicus curiae filing in Northwest Central Pipeline Corporation v. Kansas Corporation Commission in the United States Supreme Court.

Contact: Sonia O'Neal, P.O. Drawer 12967, Austin, Texas 78701, (512) 463-7325.

Filed: August 19, 1988, 12:26 p.m.

TRD-8808502

The Oil and Gas Division submitted a revised agenda to consider whether a hearing should be convened to examine cementing and reporting practices of the Western Company of North America, to determine whether such practices complied with commission rules and requirements and whether Western Company of North America violated Texas Natural Resources Code Annotated 91.143 and to consider whether enforcement and penalty actions should be initiated.

Contact: Sonia O'Neal, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6848.

Filed: August 19, 1988, 12:26 p.m.

TRD-8808501

The Oil and Gas Division will consider whether the commission should intervene in the Federal Energy Regulatory Commission's Docket GP88-4-000 regarding well category determinations under the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Drawer 129657, Austin, Texas 78711, (512) 463-6755.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808519

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

Contact: Mark Bogan, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6981.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808510

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

Contact: Gail Gemberling, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6976.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808515

The Surface Mining Division will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously

posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Jerry Hill, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6900.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808508

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

Contact: G. Gail Watkins, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7122.

Filed: August 19, 1988, 12:22 p.m.

TRD-8808505

The Transportation Division will consider emergency adoption of an amendment to §5.503 concerning acceptance of Texas Department of Public Safety certificates of self-insurance as proof of insurance for commercial motor vehicles of 48,000 pounds or less gross vehicular weight.

Contact: Ronald D. Stutes, 1701 North Congress Avenue, Austin, Texas 78711, (512) 463-7094.

Filed: August 19, 1988, 12:25 p.m.

TRD-8808504

Texas Rehabilitation Commission

Friday, September 9, 1988, 9:30 a.m. The Quarterly Council Meeting of the Texas Planning Council for Developmental Disabilities for the Texas Rehabilitation Commission will meet at the Holiday Inn, Brookhollow, 7050 North Stemmons, Dallas. According to the agenda, the council will introduce council members, staff, and guests; approve minutes; hear chairman and executive director reports; "1990 Report" task force report; advocacy and public information committee and planning and evaluation committee reports; executive committee report; present multidimensional support services project-Dallas County MHMR; hear public comments; and hear announcements.

Contact: Roger A. Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: August 19, 1988, 2:07 p.m.

TRD-8808521

Structural Pest Control Board

Tuesday, September 13, 1988, 6 p.m. The Structural Pest Control Board will meet at the Holiday Inn, Civic Center, 801 Avenue O, Lubbock. According to the agenda, the board will conduct a hearing on proposed regulations under §593.6 and §593.22, concerning continuing education requirements for certified applicators.

Contact: David A. Ivis, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78752, (512) 835-4066.

Filed: August 18, 1988, 2:21 p.m.

TRD-8808466

Texas State Technical Institute

Wednesday, August 24, 1988, 10 a.m. The Board of Regents for Texas State Technical Institute met via conference call to the TSTI Systems Boardroom, TTST Waco Campus, Waco. According to the agenda, the board considered appointment of Dr. Don C. Garrison as Chancellor of Texas State Technical Institute, systems, and set the effective date.

Contact: Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0913.

Filed: August 19, 1988, 9:09 a.m.

TRD-8808479

Texas Water Commission

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

Tuesday, August 30, 1988, 9 a.m. The commission will meet in Room 118, to consider escrowed funds, surplus funds, bond amendments, unlimited tax bonds, rate increases, certificates of convenience and necessity, temporary orders, waiver of requirement, administrative penalties, amendments, minor amendments, proposed orders, renewals, proposed hazardous waste permits, water use permits, certificates of adjudication, extensions of time, modification of an order, attorney general referrals, and authority to construct a wastewater treatment plant.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: August 18, 1988, 4:20 p.m.

TRD-8808490

Thursday, September 8, 1988, 10 a.m. The commission will meet in Room 118, to

consider Lakeshore Utility Company, Inc. Case 7339-X, certificate of convenience and necessity 20478; consider executive director's investigation into operations and services by David C. Moore doing business as Mooreland Water System (Case 7432-E) and application by Aqua Water Supply Corporation for an amendment to certificate of convenience and necessity 10294; and consider executive director's preliminary report and petition for order assessing administrative penalties of El Paso Spot Chrome, Inc. doing business as Lone Star Plating.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: August 22, 1988, 4:19 p.m.

TRD-8808586

Monday, September 12, 1988, 10 a.m. The commission will meet in Room 118, to consider application by U.S. Department of the Army, Red River Army Depot, Permit 02206 for an amendment; consider the City of Houston wastewater treatment system (Permit 10494 through 121) to assess stipulated penalties and application of Philip Mischel doing business as Pelican Bay Joint Venture for proposed Permit 13426-01; consider application of Abtex, Inc., for a Water Quality Permit 13214-01; and consider application of Texas Utilities Electric Company for a temporary order (Permit 01854) and executive director's preliminary report and petition for order assessing administrative penalties of Cavenders Custom Plating.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: August 22, 1988, 4:19 p.m.

TRD-8808585

Wednesday, September 21, 1988, 9 a.m. The commission will meet in Room 118, to consider request for conversion of Sequoia Improvement District into a municipal utility district.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 18, 1988, 4:22 p.m.

TRD-8808480

Thursday, October 6, 1988, 10 a.m. The Office of Hearings Examiner will meet in the Environmental Pollution Control Building, 7411 Park Place, Houston. According to the agenda summary, the office will consider application of Monsanto Company, P.O. Box 711, Alvin, Texas 77512-9888 for renewal of Permit 00001 which authorizes a discharge of treated process wastewater and stormwaters runoff at a volume not to exceed an average flow of 7,800,000 gallons per day plus intermittent discharges of nonprocess area stormwater runoff and utility wastewater from the Chocolate Bayou Plant which produces organic chemicals.

The plant is located adjacent to FM Highway 2917, approximately one and one-quarter (1.25) miles northwest of the intersection of FM Roads 2917 and 2004 and south-southeast of the City of Alvin, Brazoria County.

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

Filed: August 18, 1988, 4:22 p.m.

TRD-8808482

Tuesday, October 11, 1988, 9 a.m. The commission will meet in Room 118, to consider notice of application by T&L Ranch Company for an extension of time to commence and complete construction of a dam and related facilities authorized by Permit 4116 (A-7387) on Carroll Creek, tributary of West Fork Trinity, tributary of Trinity River, Trinity River Basin, impounding 266.6 acre-feet of water, approximately 5.5 miles east of Jacksboro, Jack County. The permit authorizes the use of the water for domestic and livestock purposes, use of the reservoir for storage, and to divert not to exceed 60 acre-feet of water for irrigation. The applicant requests an extension of time to commence the project from May 14, 1988, to May 14, 1990, and to complete the project from May 14, 1989, to May 14, 1991.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 18, 1988, 4:22 p.m.

TRD-8808481

Regional Meetings

Meetings Filed August 19, 1988

The Austin-Travis County Mental Health and Mental Retardation Center, Personnel Committee, met in Suite 440, 611 South Congress Avenue, Austin, on August 23, 1988, at 8:15 a.m. The Finance and Control Committee met in Suite 501 at the same location on August 24, 1988, at noon. The Board of Trustees met in the Texas Commerce Bank, 700 Lavaca, Austin. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Austin, Texas 78704, (512) 447-4141.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, met in the Brazos Center, 3232 Briarcrest Drive, Bryan, on August 25, 1988, at 1:30 p.m. Information may be obtained from Leon Bawcom, (409) 822-6467.

The Capital Area Rural Transportation System (CARTS), Board of Directors, met in the Conference Room, 5111 East First Street, Austin, on August 25, 1988, at 9:30 a.m. Information may be obtained from Edna M. Burroughs, 5111 East First Street,

Austin, Texas 78702, (512) 389-1011.

The Dallas Area Rapid Transit, Audit Committee, met at 601 Pacific Avenue, Dallas, on August 22, 1988, at 11 a.m. The Arts Committee, Planning and Development Committee of the Whole, and Board of Directors, met at the same location on August 23, 1988, at 2 p.m., 4 p.m., and 6:30 p.m., respectively. Information may be obtained from Nancy McKethan, (214) 658-6237.

The Mental Health and Mental Retardation Center of East Texas, Board of Trustees, met in the Boardroom, 2323 West Front, Tyler, on August 25, 1988, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Gulf Bend Mental Health and Mental Retardation Center, Board of Trustees, met at 1404 Village Drive, Victoria, on August 25, 1988, at noon. Information may be obtained from Bill Dillard, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611.

The Kendall County Appraisal District, Board of Directors, will meet at 207 East San Antonio Street, Boerne, on September 1, 1988, at 7 p.m. and 8:15 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas, (512) 249-8012.

The Lamar County Appraisal District, Budget Hearing, was held at the District Office, 1523 Lamar Avenue, Paris, on August 23, 1988, at 5 p.m. The Regular Board Meeting was held at the same location on August 23, 1988, at 5:30 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The MoPac South Transportation Corporation, Board of Directors, met in the Boardroom, Headliners Club, 2100 MBank Tower, 221 West Sixth Street, Austin, on August 23, 1988, at 5:30 p.m. Information may be obtained from John C. Boehm, 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

The North Texas Private Industry Council, will meet in Room 215, Wichita Falls Activity Center, 10th and Indiana, Wichita Falls, on August 31, 1988, on 12:15 p.m. Information may be obtained from Art Frerich, (817) 691-0020.

The North Panhandle Mental Health Authority, Executive Committee, met at the Killgore Atrium, 1200 Wallace Boulevard, Amarillo, on August 25, 1988, at noon. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas, (806) 353-7235.

The Wise County Appraisal District, Board of Directors, Budget Workshop, met in the Boardroom, 206 South State Street, Decatur, on August 24, 1988, at 7 p.m. Information may be obtained from Brenda

Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081.

TRD-8808477

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**Meetings Filed August 22,
1988**

The Austin-Travis County MHMR Center, Board of Trustees, met on the Sixth Floor, Texas Commerce Bank, 700 Lavaca, Austin, on August 25, 1988, at 7 a.m. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Austin, Texas 78704, (512) 447-4141.

The Barton Springs-Edwards Aquifer Conservation District, Board of Directors, met in Suite F, 909 North Loop 4, Buda, on August 25, 1988, at 7 p.m. Information may be obtained from Ralph Roming, 909 North Loop 4, Suite F, Buda, Texas 78610, (512) 282-8441 or 295-3596.

The Callahan County Appraisal District, Board of Directors, will meet on the first floor, Callahan Courthouse, Baird, on August 29, 1988, at 7:30 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165.

The East Texas Council of Governments, East Texas Regional Review Committee, will meet in the Inn Club, Second Floor, Community Inn Motel, Kilgore, on September 1, 1988, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Heart of Texas Private Industry Council, met at 320 Franklin Avenue, Waco, on August 25, 1988, at 5:30 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701-2294, (817) 756-6631.

The Jasper County Appraisal District, Board of Directors, will meet at Evadale ISD, Highway 105, Evadale, on August 30, 1988, at 7 p.m. Information may be obtained from David W. Luther, Jasper, Texas.

The Kendall County Appraisal District, Board of Directors, will meet at 207 East San Antonio Street, Boerne, on September 1, 1988, at 7 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Lee County Appraisal District, Board of Directors, will meet at 218 East Richmond Street, Giddings, on August 30, 1988, at 7 p.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Northeast Texas Municipal Water District, Board of Directors, will meet at Highway 250 South, Hughes Springs, on August 29, 1988, at 10 a.m. Information may be obtained from J.W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (214) 639-7538.

The Panhandle Regional Planning Commission, Board of Directors, will meet in the San Jacinto Room, Sheraton Hotel, 3100 I-40 West, Amarillo, on August 26, 1988, at 3 p.m. Information may be obtained from Pamela Nielsen, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Parmer County Appraisal District, Board of Directors, will meet at 305 Third Street, Bovina, on September 8, 1988, at 8 p.m. Information may be obtained from Ron Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

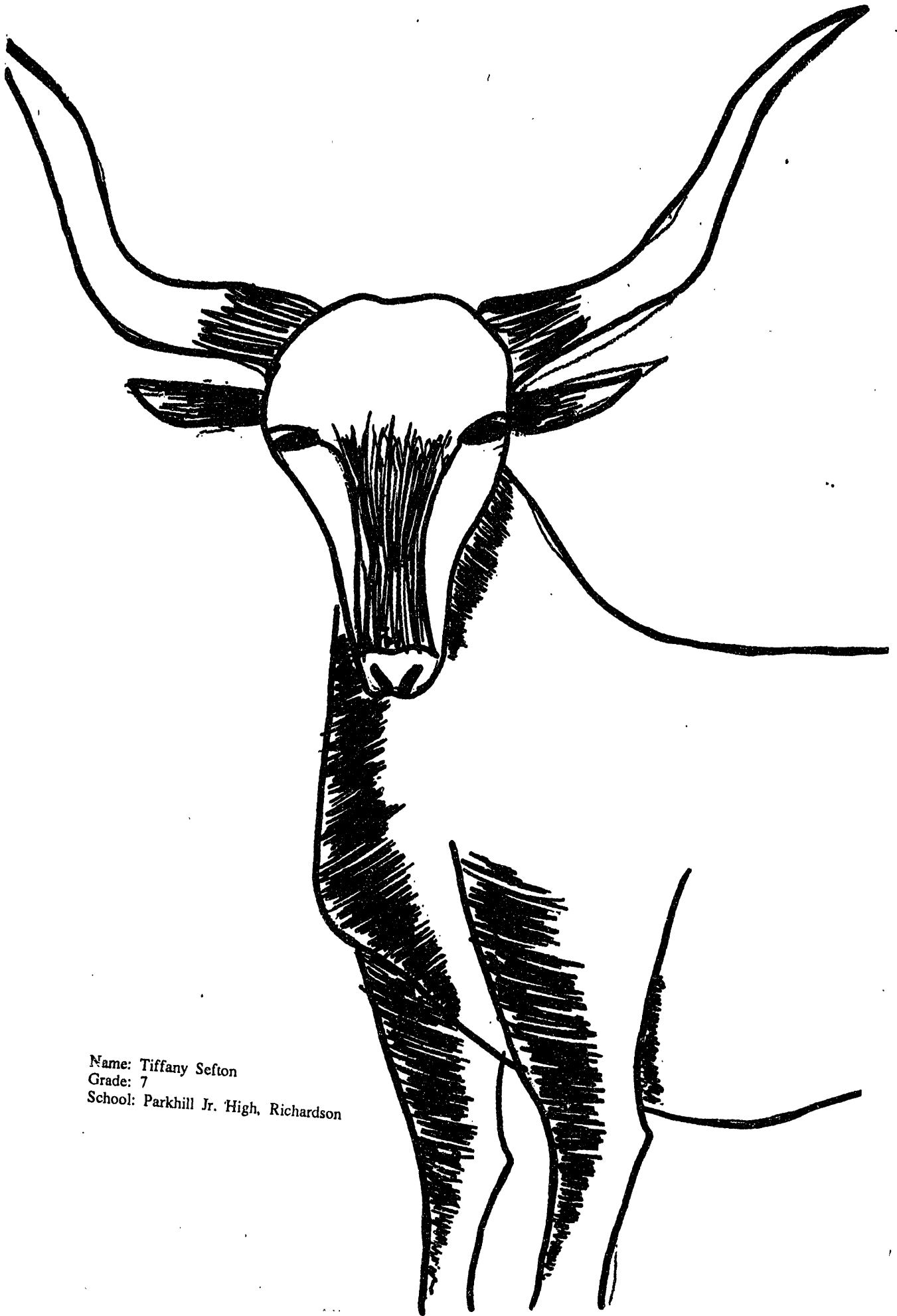
The San Jacinto River Authority, Board of Directors, will meet in the Conference Room, Lake Conroe Office Building, Highway 105 West, Conroe, on August 31, 1988, at 1 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111.

The Tarrant Appraisal District, Board of Directors, will meet at 2301 Gravel Road, Fort Worth, on August 26, 1988, at 9 a.m. Information may be obtained from Olive Miller, 2315 Gravel Drive, Fort Worth, Texas 76118, (817) 595-6005.

The West Central Texas Municipal Water District, will meet in Suite 300, 401 Cypress Street, Abilene, on August 31, 1988, at 9:30 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

TRD-8808539

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Name: Tiffany Sefton
Grade: 7
School: Parkhill Jr. High, Richardson

In Addition

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

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

Texas Department of Commerce Weekly Report on the 1988 Allocation of the State Ceiling on Certain Private Activity Bonds.

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1988 is \$834,100,000.

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

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

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

The information that follows is a weekly report of the allocation activity for the period, August 8, 1988-August 12, 1988.

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

Total amount of state ceiling remaining unreserved for the \$278,033,300 subceiling for qualified mortgage bonds under the Act as of August 12, 1988: \$212,953,300.

Total amount of state ceiling remaining unreserved for the \$208,525,000 subceiling for state-voted issues under the Act as of August 12, 1988: \$208,525,000.

Total amount of state ceiling remaining unreserved for the \$347,541,700 subceiling for all other bonds under the Act as of August 12, 1988: \$226,700.

Total amount of the \$834,100,000 state ceiling remaining unreserved as of August 12, 1988: \$421,705,000.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from August 8, 1988-August 12, 1988: None.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from August 8, 1988-August 12, 1988: None.

Issued in Austin, Texas, on August 16, 1988.

TRD-8808454 J. William Lauderback
Executive Director
Texas Department of Commerce

Filed: August 17, 1988

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

Texas Department of Health Intent to Revoke a Certificate of Registration

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

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

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

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Diagnostic Imaging Systems, 2314 Lockwood Drive, Rapid City, South Dakota 57702 (the registrant), holder of Certificate of Registration Number 99-14891.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On February 18, 1987, the registrant was billed \$130 for the fee due on Certificate of Registration Number 99-14891 covering the period from March 1987-February 1988. On November 13, 1987, the agency informed the registrant of the delinquency of payment,

giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of the fee has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist furnishing or offering to furnish radiation machine servicing or services and requiring that the registrant present evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

Issued in Austin, Texas on August 19, 1988.

TRD-8808537

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

Filed: August 22, 1988

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

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**Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Houston	Interpro Fabricators, Inc.	L04185	Houston	0	08/09/88
Port Neches	Texaco Chemical Company	L04227	Port Neches	0	08/09/88
San Marcos	Southwest Texas State University	L04193	San Marcos	0	07/28/88
Throughout Texas	Pete Gallegos Paving Inc.	L04180	Laredo	0	07/29/88
Throughout Texas	Duke Wireline Services, Inc.	L04221	Tyler	0	07/29/88

AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>ment #</u>	<u>Action</u>
Austin	Seton Medical Center	L02896	Austin	16	07/28/88
Austin	South Austin Medical Center	L03273	Austin	12	07/29/88
Austin	3M Company/Health Physics Services	L03843	Saint Paul, MN	2	07/28/88
Austin	Allan Shivers Radiation Therapy Center	L03726	Austin	4	08/11/88
Austin	Allan Shivers Radiation Therapy Center	L01761	Austin	19	08/11/88
Austin	South Austin Medical Center	L03273	Austin	13	08/11/88
Beaumont	Baptist Hospital of Southeast Texas	L00358	Beaumont	50	07/29/88
Beaumont	Syncor International Corporation	L02987	Beaumont	15	08/05/88
Bryan	Poretics Corporation	L04065	Livermore, CA	2	08/08/88
Corpus Christi	Radiology Associates	L04169	Corpus Christi	2	08/05/88
Dallas	Metropolitan Hospital	L02263	Dallas	14	08/11/88
Denison	Texoma Medical Center	L01624	Denison	24	07/25/88
Evadale	Temple-Eastex, Inc.	L01095	Silsbee	31	08/09/88
Galena Park	Gulf Materials Recycling Corporation	L02734	Galena Park	6	07/28/88
Hebbronville	Everest Exploration, Inc.	L02929	Corpus Christi	6	07/27/88
Houston	Texas Southern University	L03121	Houston	3	07/28/88
Houston	Baylor College of Medicine	L00680	Houston	27	07/28/88
Houston	Rosewood Medical Center	L01239	Houston	32	07/22/88
Houston	Exxon Production Research Company	L00205	Houston	26	07/27/88
Houston	IMAGENTS, Inc.	L04107	Houston	3	07/28/88
Houston	Exxon Company, U.S.A.	L03900	Houston	3	08/09/88
Lubbock	Methodist Hospital	L00483	Lubbock	54	07/28/88

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Lubbock	City of Lubbock	L01735	Lubbock	21	08/03/88
Lubbock	Texas Tech University Health Sciences Center	L01869	Lubbock	43	08/05/88
McKinney	Health Trust, Inc.	L00540	McKinney	24	07/28/88
McKinney	Westpark Medical Center	L00540	McKinney	25	08/11/88
Nacogdoches	Memorial Hospital	L01071	Nacogdoches	22	07/29/88

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Lubbock	City of Lubbock	L01735	Lubbock	21	08/01
Lubbock	Texas Tech University Health Sciences Center	L01869	Lubbock	43	08/01
McKinney	Health Trust, Inc.	L00540	McKinney	24	07/21
McKinney	Westpark Medical Center	L00540	McKinney	25	08/11
Nacogdoches	Memorial Hospital	L01071	Nacogdoches	22	07/21
Pasadena	N D S Products	L00991	Pasadena	24	07/21
Pasadena	San Jacinto College	L02675	Pasadena	7	07/21
Port Neches	Ameripol Synpol Company	L00077	Port Neches	22	08/01
San Antonio	O'Neill and Associates, P.A.	L03710	San Antonio	2	07/21
San Antonio	Humana Hospital San Antonio	L02266	San Antonio	18	07/21
San Antonio	Syncor International Corp.	L02033	San Antonio	44	07/21
San Antonio	Village Oaks Regional Hospital	L03810	San Antonio	2	08/01
San Antonio	San Antonio State Chest Hospital	L02218	San Antonio	12	08/11
Saratoga	Mobil Exploration & Producing U.S.	L04143	Saratoga	2	07/21
Seguin	Guadalupe Valley Hospital	L02292	Seguin	11	08/01
Sherman	Medical Plaza Hospital, Inc.	L02372	Sherman	8	08/08
The Woodlands	The Woodlands Community Hospital	L03772	The Woodlands	7	08/01
Three Rivers	Intercontinental Energy Corporation	L02238	Three Rivers	18	07/28
Three Rivers	Exxon Corporation	L01431	Houston	22	07/29
Throughout Texas	Kebco Pipe Services	L03163	Odessa	6	07/26
Throughout Texas	Brown and Root, Inc.	L03391	Houston	11	07/28
Throughout Texas	Syncor International Corporation	L01999	El Paso	63	07/11
Throughout Texas	National Scientific Balloon Facility	L02009	Palestine	13	07/11
Throughout Texas	The Methodist Hospital	L00457	Houston	55	07/22
Throughout Texas	Cotton's Inspection Service, Inc.	L02869	Odessa	8	07/28
Throughout Texas	Colorado Materials Company	L04175	San Marcos	1	07/28
Throughout Texas	Tru-Tec	L03913	La Porte	15	07/28
Throughout Texas	Schlumberger Well Services	L01833	Houston	64	07/28
Throughout Texas	City of Brownwood	L02552	Brownwood	6	07/28
Throughout Texas	P & S Perforators	L02396	Victoria	9	07/28
Throughout Texas	Great Gums, Inc.	L01990	Sour Lake	13	07/28
Throughout Texas	Halliburton Services	L01835	Kilgore	35	07/29
Throughout Texas	City of Amarillo	L02320	Amarillo	9	07/29
Throughout Texas	Welex	L00387	Houston	76	07/29
Throughout Texas	Royal Wireline, Inc.	L03110	Riviera	11	07/29
Throughout Texas	On-Line Testing	L04109	Dallas	1	08/03
Throughout Texas	Houston Department of Health and Human Services	L00149	Houston	35	08/01
Throughout Texas	Pro-Log	L01828	Denver City	10	08/09
Throughout Texas	Anadrill, Inc.	L03352	Sugar Land	11	08/09
Throughout Texas	Bernhard & Wright, Inc.	L04184	Tyler	2	08/03
Throughout Texas	The University of Texas at Austin	L00485	Austin	43	08/08
Throughout Texas	American Inspection Company, Inc.	L04073	Beaumont	2	07/29
Throughout Texas	Mississippi X-Ray Services of Texas, Inc.	L03246	Mont Belvieu	18	07/29
Throughout Texas	Precision Inspection, Inc.	L00203	Houston	28	07/29
Throughout Texas	State Dept. of Highways and Public Transportation	L00197	Austin	54	08/10
Throughout Texas	Raba-Kistner Consultants, Inc.	L01571	San Antonio	24	08/10
Waco	Baylor University	L01136	Waco	14	08/01
Winnie	Medical Center of Winnie	L03537	Winnie	3	07/11

RENEWALS OF EXLSTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Arlington	City of Arlington	L01956	Arlington	4	07/28/88
Dallas	General Hospital of Lakewood	L03503	Dallas	2	07/28/88
Denison	Texoma Medical Center	L01600	Denison	14	07/25/88
Denton	Texas Woman's University	L00304	Denton	30	08/05/88
Fort Worth	John Peter Smith Hospital	L02208	Fort Worth	17	08/05/88
Granbury	Hood General Hospital	L02903	Granbury	7	07/29/88
Houston	Valco Instruments Company, Inc.	L01572	Houston	14	07/29/88
Houston	Houston Northwest Radiotherapy Center	L02416	Houston	12	07/28/88
Houston	Mosby Clinic	L03486	Houston	4	08/05/88
La Porte	Air Products and Chemical, Inc.	L03475	La Porte	3	08/03/88
Lubbock	Paymaster Oil Mill Company	L02367	Lubbock	6	08/05/88
Mission	Mission Hospital	L02802	Mission	13	08/05/88
Pasadena	ARCO Chemical Company	L03474	Pasadena	4	08/09/88
Throughout Texas	Micro Gage, Inc.	L01611	Fresno	15	07/28/88
Throughout Texas	Radiation Physics Associates	L01955	Waco	5	07/22/88
Throughout Texas	Lightfoot Wireline Service, Co.	L03478	Andrews	6	07/28/88
Throughout Texas	C-E Vetco Services, Inc.	L01958	Houston	20	07/28/88
Throughout Texas	S. H. Tolliver Company	L02394	San Antonio	7	08/03/88
Throughout Texas	Brazos Valley Inspection Services, Inc.	L02859	Bryan	22	07/29/88
Vernon	West Texas Utilities Company	L03481	Abilene	6	08/03/88
Waco	Vantran Electric Corporation	L03477	Waco	2	07/29/88

TERMINATIONS OF LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>ment #</u>	<u>Action</u>
Dallas	Campbell Taggart Incorporated	L01807	Dallas	8	08/03/88
Houston	Texas Southern University	L00536	Houston	8	07/28/88
Houston	NL Petroleum Services, Inc.	L00374	Houston	41	07/29/88
Taft	Taft Hospital District	L04139	Taft	1	08/09/88
Victoria	Crossroads Testing Laboratories	L03401	Victoria	6	07/26/88

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on August 18, 1988.

TRD-8808570 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: August 22, 1988

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

Notice of Radioactive Material License Amendment

Notice is hereby given by the Texas Department of Health that it has granted an amendment to the following radioactive material license: L03919; issued to Syncor International Corporation for their facility located in Houston (mailing address: Syncor International Corporation, 6950 Portwest Drive, Suite 190, Houston, Texas 77024). The amendment to this license designates a new radiation safety officer.

The division of licensing, registration, and standards has determined that the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health

and safety and the environment; the licensee's equipment, facilities, and procedures are adequate to minimize danger to public health and safety and the environment; the issuance of the license amendment should not be inimical to public health and safety, or have a detrimental impact on the environment; and the licensee satisfies any applicable special requirements of the *Texas Regulations for Control of Radiation* (TRCR).

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by Texas Civil Statutes, Article 4590f, §11B(b), as amended, and as set out in TRCR 13.6. A person affected is defined as a person who is resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing by timely filed, the amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to these amendments of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 835-7000.

Issued in Austin, Texas on August 9, 1988.

TRD-8808478 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: August 19, 1988

For further information, please call (512) 458-7236

Rescission of Order

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order:

Order of revocation issued December 8, 1987, to Craig H. Cromar, D.P.M., 1600 Lee Trevino, Suite C-6, El Paso, Texas 79936, holder of Certificate of Registration Number 3-09914.

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

Issued in Austin, Texas on August 19, 1988.

TRD-8808538 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: August 22, 1988

For further information, please call (512) 458-7236

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Texas Housing Agency
Notices of Public Hearings

The Texas Housing Agency (the agency) hereby gives notice that it will hold a public hearing on Thursday, September 1, 1988, at 9 a.m., in the conference room of the agency, 811 Barton Springs Road, Third floor, Austin, with respect to its proposed issuance of approximately \$40,920,000 Residential Mortgage Revenue Bonds, Series 1988A (the bonds). The bonds will be issued to refund certain outstanding bonds of the agency, thereby permitting the agency to use certain funds available to it (including prepayments of mortgage loans acquired by the agency with the proceeds of such refunded bonds) to acquire an estimated 650 single family residential mortgage loans made to eligible low- and moderate-income homebuyers to finance the purchase of homes located within the State of Texas.

For purposes of the agency's mortgage acquisition program, eligible borrowers generally will include individuals and families whose family income does not exceed 115% (140% in certain targeted areas) of the median area income. In addition, substantially all of the borrowers under the program will be required to be persons who have not owned a principal residence during the preceding three years. Further, residences financed with loans under the program will be subject to certain other limitations, including limits on the purchase prices of the residences being acquired. All the limitations described in this paragraph are subject to revision and adjustment from time to time by the agency pursuant to applicable federal law.

All interested persons are invited to attend this public hearing and to express their views on the proposed issuance of the bonds. Questions or requests for additional information may be directed to Timothy Kenny, Executive Administrator, or Karen D. Cheney, Deputy Administrator of Operations, Texas Housing Agency, P.O. Box 13941, Austin, Texas 78711, (512) 473-2974 or 1-800-792-1119. Persons who plan to attend the hearing are encouraged, in advance of the public hearing, to inform the agency either in writing or by telephone. Any interested persons who are unable to attend the public hearing may submit their views in writing to the agency prior to the date scheduled for the hearing.

Issued in Austin, Texas on August 12, 1988.

TRD-8808455 Karen D. Cheney
Deputy Administrator of Operations
Texas Housing Agency

Filed: August 17, 1988

For further information, please call (512) 474-2974

◆ ◆ ◆
Notice is hereby given of a public hearing to be held by the Texas Housing Agency on Thursday, September 1, 1988, 9 a.m., at the offices of the Texas Housing Agency, 811 Barton Springs Road, Suite 300, Austin, Travis County, with respect to a series of multi-family housing revenue refunding bonds to be issued by the Texas Housing Agency in an aggregate principal amount not to exceed \$7,790,000. The bonds will be issued for the benefit of San Antonio Savings Association Building Corporation, a Texas Corporation, and a wholly owned subsidiary of San Antonio Savings Association, a Texas chartered mutual

savings and loan association, to provide funds to refund certain outstanding bonds of the Texas Housing Agency originally issued to finance a 274 unit qualified multi-family residential rental project located at 2031 Westborough Drive, Katy, Harris County.

All interested persons are invited to attend such public hearing to express their views on the program and the issuance of the bonds. Questions or requests for additional information may be directed to: Timothy Kenny, Executive Administrator, 811 Barton Springs Road, Suite 300, Austin, Texas 78704, (512) 474-2974 or 1-800-792-1119.

Persons who intend to appear at the hearing and express views are encouraged to contact Mr. Kenny or Karen Cheney, deputy administrator of operations, either in writing or by telephone in advance of the hearing.

Any interested persons unable to attend the hearing may submit their views in writing to Mr. Kenny or Ms. Cheney at the Texas Housing Agency in Austin prior to the date scheduled for the hearing. All written comments will be made available for review by all parties attending the public hearing.

This notice is published and the previously mentioned hearing is to be held in satisfaction of the requirements of the Internal Revenue Code of 1986, as amended, §147(f), regarding the public approval of private activity bonds.

Issued in Austin, Texas on August 18, 1988.

TRD-8808473 Karen D. Cheney
Deputy Administrator of Operations
Texas Housing Agency

Filed: August 18, 1988

For further information, please call (512) 474-2974

◆ ◆ ◆
Notice is hereby given of a public hearing to be held by the Texas Housing Agency on Thursday, September 1, 1988, 9 a.m., at the office of the Texas Housing Agency, 811 Barton Springs Road, Suite 300, Austin, Travis County, with respect to a series of multi-family housing revenue refunding bonds to be issued by the Texas Housing Agency in an aggregate principal amount not to exceed \$3,860,000. The bonds will be issued for the benefit of San Antonio Savings Association Building Corporation, a Texas corporation, and a wholly owned subsidiary of San Antonio Savings Association, a Texas chartered mutual savings and loan association, to provide funds to refund certain outstanding bonds of the Texas Housing Agency originally issued to finance a 148-unit qualified multi-family residential rental project located at 3270 Nacogdoches, San Antonio, Bexar County.

All interested persons are invited to attend such public hearing to express their views on the program and the issuance of the bonds. Questions or requests for additional information may be directed to: Timothy Kenny, Executive Administrator, 811 Barton Springs Road, Suite 300, Austin, Texas 78704, (512) 474-2974 or 1-800-792-1119.

Persons who intend to appear at the hearing and express views are encouraged to contact Mr. Kenny or Karen Cheney, deputy administrator of operations, either in writing or by telephone in advance of the hearing.

Any interested persons unable to attend the hearing may submit their views in writing to Mr. Kenny or Ms. Cheney at the Texas Housing Agency in Austin prior to the date scheduled for the hearing. All written comments will be made available for review by all parties attending the public hearing.

This notice is published and the previously mentioned hearing is to be held in satisfaction of the requirements of the Internal Revenue Code of 1986, as amended, §147(f), regarding the public approval of private activity bonds. Issued in Austin, Texas on August 18, 1988.

TRD-8808474 Karen D. Cheney
Deputy Administrator of Operations
Texas Housing Agency

Filed: August 18, 1988

For further information, please call (512) 474-2974

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 incorporation of Gipson Life Insurance Company, a domestic life insurance company. The home office is in Lufkin.
2. Application for admission to do business in Texas of Golden Eagle Insurance Company, a foreign casualty insurance company. The home office is in San Diego, California.

Issued in Austin, Texas, on August 16, 1988.

TRD-8808530 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: August 19, 1988

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

Legislative Budget Board Joint Budget Hearing Schedule

The Joint Budget Hearing Schedule concerning appropriations requests for the 1990-1991 Biennium for the period of August 29, 1988-September 2, 1988, is as follows: The University of Texas System Cancer Center, 10 a.m., August 29, 1100 Holcombe, Houston Main Building, 10th Floor Conference Room, Houston; The University of Texas Medical Branch at Galveston, 1 p.m., August 29, 1100 Holcombe, Houston Main Building, 10th Floor Conference Room, Houston; The University of Texas Health Science Center at Houston, 2:30 p.m., August 29, 1100 Holcombe, Houston Main Building, 10th Floor Conference Room, Houston; The Rural Medical Education Board, 4 p.m., August 29, 1100 Holcombe, Houston Main Building, 10th Floor Conference Room, Houston; The University of Houston System Office, 9 a.m., August 30, University of Houston System Offices, Suite 500, 4600 Gulf Freeway, Houston; The University of Houston, 9:30 a.m., August 30, University of Houston System Offices, Suite 500, 4600 Gulf Freeway, Houston; The University of Houston—Clear Lake, 11 a.m., August 30, University of Houston System Offices, Suite 500, 4600 Gulf Freeway, Houston; The Texas School for the Deaf, 1 p.m., August 30, Room 102, John H. Reagan Building, Austin; The Office of the Attorney General, 2 p.m., August 30, Room 107, John H. Reagan Building, Austin; The University of Houston—Victoria, 2 p.m., August 30, University of Houston System Offices, Suite 500, 4600 Gulf Freeway, Houston; The University of Houston—Downtown, 3:30 p.m., August 30, University of Houston System Offices, Suite 500, 4600 Gulf Freeway, Houston; Texas Southern University, 9 a.m., August 31, Texas Southern University, Hannah Hall,

Room 117, 3100 Cleburne, Houston; The Texas School for the Blind, 9 a.m., August 31, Room 102, John H. Reagan Building, Austin; The State Securities Board, 2 p.m., September 1, Room 102, John H. Reagan Building, Austin; The Texas Youth Commission, 9:30 a.m., September 2, Room 215, State Capitol Building, Austin; and The Treasury Department, 10 a.m., September 2, Room 102, John H. Reagan Building, Austin.

Please confirm above dates, times, and locations in the event you plan to attend a hearing, since experience has shown that some rescheduling always occurs. Hearings schedule may be checked on PROFS.

Issued in Austin, Texas on August 19, 1988.

TRD-8808491 Larry Kopp
Assistant Director for Budgets
Legislative Budget Board

Filed: August 19, 1988

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

Public Utility Commission of Texas Notice of Proceeding for Certification of Cogeneration Agreement

Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint application pursuant to the Public Utility Regulatory Act, §41A. The following is a summary of the nature of the joint application.

Application of Panda Energy Corporation (Panda) and Cap Rock Electric Cooperative, Inc. (Cap Rock) for Certification of Cogeneration Agreement, Docket 8273 before the Public Utility Commission of Texas.

Certification is sought of a cogeneration agreement entered into on April 28, 1988, by Panda and Cap Rock which provides for the purchase by Cap Rock of approximately 35 MW of capacity and associated energy from a cogeneration facility to be constructed by Panda at the Oscar Meyer Plant near Sherman, or at a location in Cap Rock's retail electric service area around Stanton. The Public Utility Commission of Texas is asked to make two determinations: that the payments provided for in the cogeneration agreement are equal to or less than Cap Rock's avoided costs; and the cogeneration agreement provides Cap Rock the opportunity to acquire the cogeneration installation before the installation is offered to another purchaser in the event of its abandonment, or provides other sufficient assurances that Cap Rock will be provided with a comparable supply of electricity, if Panda ceases to operate the installation.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0223, (512) 458-0227, or (512) 458-0221 for teletypewriter for the deaf within 15 days of this notice, provided that any motion to intervene must be filed on or before September 15, 1988.

Issued in Austin, Texas on August 18, 1988.

TRD-8808525 Phillip A. Holder
Secretary
Public Utility Commission of Texas

Filed: August 19, 1988

For further information, please call (512) 458-0100

Railroad Commission of Texas Public Notice

Notice is hereby given that an application for authority to charge a toll by the Long Island Bridge Company, Inc. and John R. Freeland, Co-Applicants, P.O. Box 2586, McAllen, Texas 78502, was filed on May 10, 1988, before the Railroad Commission of Texas in Docket 003632ZZCW pursuant to Texas Civil Statutes, Article 1473 (Supplement 1988). The applicant seeks authority to charge all users of the Long Island Swing Bridge, located across the intercoastal canal waterway between Long Island and Port Isabel, as follows: \$3.50 for motorized vehicles, including passenger cars; recreational vehicles and motorcycles; \$4.50 for all motorized vehicles in excess of two tons. All interested persons affected by this toll application that wish to participate in the commission consideration of this application may do so only by filing a written protest, intervention in opposition or intervention in support, on or before Monday, October 10, 1988, at 5 p.m. by writing: Docket Services Section-Legal Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

Please include in the written pleading the Docket (003632ZZCW) in all responses. A copy of such pleading should also be sent to the applicant. Notice is further given that this case has been set for a pre-hearing conference pursuant to 16 TAC §5.425 as follows: November 1, 1988, 10 a.m., Examiner: Karen W. Kornell, Reporter: Bright, Fuller and Associates, the hearing will be at the Railroad Commission offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. For room assignment, on the date of the hearing please check the bulletin board in the First Floor Lobby.

The failure of any party to appear at the pre-hearing conference shall not in any way affect their status as a party. The purpose of the pre-hearing conference will be to formulate issues and consider: the alignment of parties by the examiner according to their classification and relationship to this proceeding, and the designation of representative persons to receive personal service of all further pleadings, notices, correspondence and orders; the simplification of issues; the possibility of the parties stipulating to certain facts in order to avoid the unnecessary introduction of proof; the procedure at the hearing; and such other matters as may aid in the simplification of the proceeding and the disposition of the matters in controversy.

Issued in Austin, Texas on August 8, 1988.

TRD-8808520 G. Gail Watkins
Director, Legal Division
Railroad Commission of Texas

Filed: August 19, 1988

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

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* no 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 the City of Alto, Permit 10546-01, on August 17, 1988, assessing \$3,800 in administrative penalties, and imposing stipulated penalties.

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

Issued in Austin, Texas on August 18, 1988.

TRD-8808483 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: August 18, 1988

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

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* no 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 Leroy Brown, Permit 11357-01, on August 10, 1988, assessing \$870 in administrative penalties—\$470 suspended.

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

Issued in Austin, Texas on August 18, 1988.

TRD-8808484 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: August 18, 1988

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

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* no 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 the San Antonio Pre-Stressed Company, Permit 02961, on August 10, 1988, assessing \$6,000 in administrative penalties—\$5,220 deferred.

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

Issued in Austin, Texas on August 18, 1988.

TRD-8808485 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: August 18, 1988

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

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* no 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 the 3M Company-Brownwood; SWR 30536, on August 16, 1988, assessing \$8,000 in administrative penalties.

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

Issued in Austin, Texas on August 18, 1988.

TRD-8808488 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: August 18, 1988

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



Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* no 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 the City of Hearne, Permit 10046-02, on August 15, 1988, assessing stipulated administrative penalties.

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

Issued in Austin, Texas on August 18, 1988.

TRD-8808487 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: August 18, 1988

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



Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* no 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 the City of Emory, Permit 10082-01, on August 10, 1988, assessing stipulated administrative penalties.

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

Issued in Austin, Texas on August 18, 1988.

TRD-8808488 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: August 18, 1988

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



Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* no 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 CK Licensing Company, Permit 12481-01, on August 10, 1988, assessing stipulated administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Steve Chong, Enforcement Coordinator, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas on August 18, 1988.

TRD-8808489 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: August 18, 1988

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



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 August 15, 1988-August 19, 1988.

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

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

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

Champion International Corporation, Lufkin; newspaper mill; located on the north side of State Highway 103, at a location approximately 0.25 mile east of the intersection of State Highway 103 with FM Road 842, Angelina County; 00368; renewal.

Occidental Chemical Corporation, Deer Park; complex that consists of a chlorine/caustic facility, an ethylenedichloride plant, a perchloroethylene plant, a chlorowax plant, and a polyvinyl chloride plant; located adjacent to the south bank of the Houston Ship Channel and adjacent to the east bank of Patrick Bayou in the City of Deer Park, Harris County; 00305; renewal.

Whitehawk Development Corporation, Austin; wastewater treatment facilities; located on FM Road 1826, approximately seven miles southwest of the intersection of United States Highway 290 West and FM Road 1826, Hays County; 13414-01; new.

Reid Road Municipal Utility District Number 1, Houston; wastewater treatment facilities; located approximately 1.1 miles east-southeast of the intersection of FM Road 1960

and Jones Road; 3,600 feet south of the intersection of Windfern Road and Perry Road, Harris County; 11563-01; renewal.

C. N. Papadopoulos, Houston; sewage treatment plant; located on the south bank of Bear Creek, approximately 13/4 miles southeast of the intersection of FM Road 529 and Peek Road, western Harris County; 12779-01; renewal.

Victoria County Water Control and Improvement District Number 2, Placedo; wastewater treatment plant; located approximately 3,000 feet north-northeast of the intersection of United States Highway 87 and FM Road 616, just southeast of the intersection of Grand Street and Preston Street in the unincorporated community of Placedo, Victoria County; 12743-01; renewal.

Liquid Carbonic, Carbon Dioxide Corporation, Texas City; liquid carbon dioxide manufacturing facility; located at 1800 Grant Avenue South in the City of Texas City, Galveston County; 02750; amendment.

Town of Valley View; sewage treatment treatment plant; located on the east side of Interstate Highway 35, approximately one mile south of the City of Valley View, Cooke County; 11164-01; renewal.

Montgomery County Municipal Utility District Number 53, Conroe; wastewater treatment facilities; located approximately 2,000 feet west of the intersection of Interstate Highway 45 and State Highway 75, south of the City of Conroe, Montgomery County; 12794-01; renewal.

City of Lorenzo; wastewater treatment facilities; located northeast of the intersection of Lincoln Avenue and Third Street in Crosby County; 10988-01; amendment.

Ed Pipes, San Antonio; wastewater treatment facilities; located southeast of the City of San Antonio on the northeast side of United States Highway 181 and approximately 600 feet southeast of the intersection of United States Highway 181 with Loop 1604, Bexar County; 03024; new.

Douglas Utility Company, Houston; wastewater treatment plant; located approximately 600 feet south of North Belt Road, 3/4 mile west of the intersection of United States Highway 59 and North Belt, Harris County; 11200-01; renewal.

Prideco, Inc., Houston; metal heat treating facility; located at 6039 Thomas Road in the City of Houston, Harris County; 03022; new.

BASF Corporation, Freeport; anhydrous ammonia storage terminal; located east of FM Road 1495 and 100 feet south of the intersection with State Highway 288 in the City of Freeport, Brazoria County; 02656; renewal.

Leonard Smith, Rosharon; wastewater treatment facilities; located on County Road 739 (Trammel-Fresno Road), approximately two miles north of the intersection of State Highway 6 and FM Road 521, Fort Bend County; 12804-01; renewal.

Cypress-Klein Utility District, Houston; wastewater treatment facilities; located on Cypresswood Boulevard approximately 1,500 feet north of Cypress Creek and 3,500 feet north of the intersection of Stuebner-Airline Road and Strack Road, Harris County; 11366-01; renewal.

City of Boerne; wastewater treatment facilities; located on the east side of the City of Boerne on Esser Road, approximately 0.1 mile north of its intersection with State Highway 46 in Kendall County; 10066-01; renewal.

City of Houston; wastewater treatment plant; located approximately 2,800 feet east of the intersection of Westheimer Road (FM Road 1093) and State Highway 6 and 3,200 feet north of Westheimer Road in the City of Houston, Harris County; 10495-121; renewal.

Hope Center for Youth, Groveton; wastewater treatment plant; located approximately nine miles southeast of the City of Groveton, at a point approximately 5,800 feet downstream of the confluence of Kickapoo Creek and Steam Mill Creek and 2,000 feet southeast of Kickapoo Creek, Trinity County; 11943-01; renewal.

Plains Cooperative Oil Mill, Lubbock; cotton seed oil mill; located at the northeast corner of the Avenue A (United States Highway 87)/East 34th Street (FM Road 835) intersection in the City of Lubbock, Lubbock County; 01920; renewal.

City of Troy; wastewater treatment facilities; located approximately 5,500 feet generally north of the center of the City of Troy and lying between Interstate 35 and the Missouri-Kansas-Texas Railroad, Bell County; 11263-01; renewal.

Ben Wheeler Water Supply Corporation, Ben Wheeler; well water treatment plant; located approximately 3.7 miles east-northeast of Ben Wheeler and 0.6 mile north of FM Road 858, Van Zandt County; 02044; renewal.

Landar Corporation, Houston; wastewater treatment facilities; located approximately 4 1/2 miles north of Interstate Highway 10 and 1 1/2 miles east of State Highway 6, Harris County; 12767-01; renewal.

Comanche Hills Utility District, Killeen; wastewater treatment facilities; located immediately west of Comanche Gap Road, at a point approximately 1/4 mile south of the intersection of FM Road 2410 with Comanche Gap Road, Bell County; 12016-01; renewal.

City of San Antonio; wastewater treatment plant; located approximately two miles generally west of the intersection of Interstate Highway 410 and FM Road 2536, Bexar County; 10137-32; renewal.

Texaco Chemical Company, Port Neches; petrochemical and synthetic rubber plant; located at the southwest corner of the intersection of State Highway Spur 136 and FM Road 366, immediately east of the City of Port Neches, Jefferson County; 00511; renewal.

Williamson County MUD Number 3, Cedar Park; wastewater treatment plant; located approximately 1,700 feet west-southwest of the intersection of United States Highway 183 and County Road 182 (Emerson Road), south of Cedar Park, Williamson County; 12200-01; amendment.

Dixico Inc., Dallas; hazardous and solid waste facility associated with manufacturing of inks and printing of packaging materials; located on a 4.9-acre tract of land at 1300 South Polk Street, City of Dallas, Dallas County; HW50182-000; new.

Issued in Austin, Texas, on August 19, 1988.

TRD-8808535 Karen A. Phillips
Chief Clerk
Texas Water Commission

Filed: August 19, 1988

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



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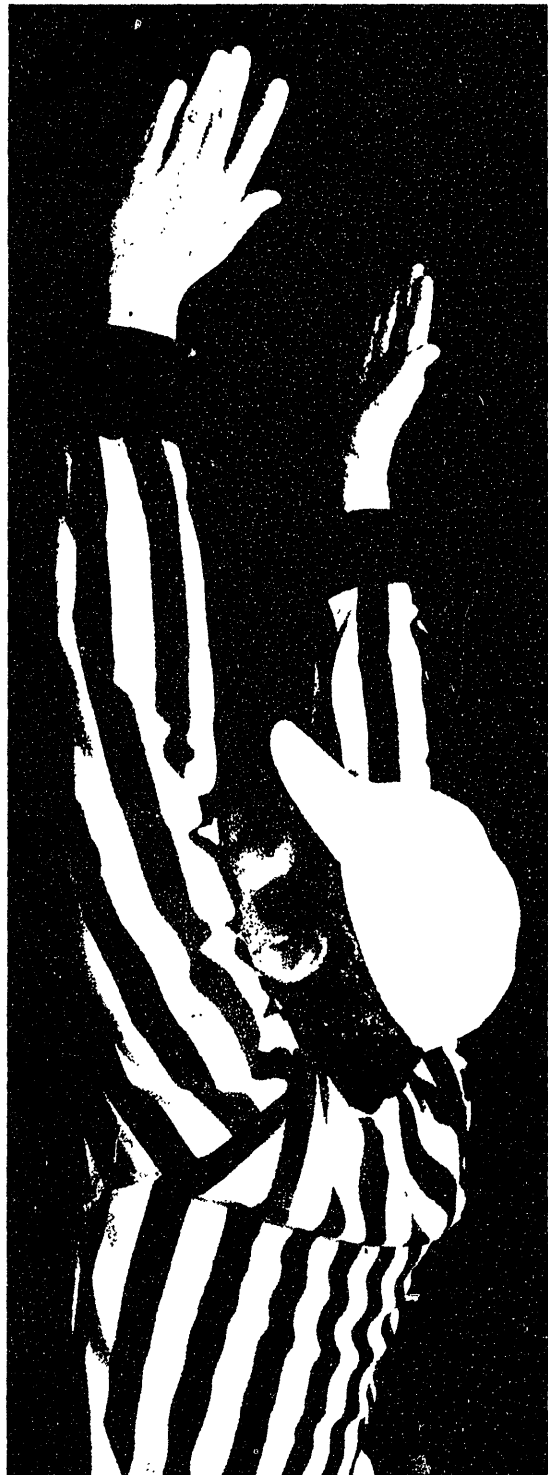
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