

Texas Register

Volume 15, Number 58, August 3, 1990

Pages 4411-4469

In This Issue...

Office of the Governor

Appointments Made July 17, 1990

- 4421-Board of Pardons and Paroles
- 4421-Governor's Committee for Disabled Persons
- 4421-Texas Diabetes Council
- 4421-Hospital Licensing Advisory Council
- 4421-State Board of Vocational Nurse Examiners

Attorney General

Letters of Opinions

- 4423-LO-90-24 (RQ-1969)
- 4423-LO-90-25 (RQ-1963)
- 4423-LO-90-26 (RQ-1957)
- 4423-LO-90-27 (ID#-8823)
- 4423-LO-90-28 (RQ-1973)
- 4423-LO-90-29 (RQ-1915)
- 4423-LO-90-30 (ID#-9673)
- 4423-LO-90-31 (RQ-1891)
- 4423-LO-90-32 (RQ-1899)
- 4423-LO-90-33 (RQ-1817)
- 4423-LO-90-34 (RQ-1976)
- 4423-LO-90-35 (ID#-8667)
- 4423-LO-90-36 (ID#-8151)
- 4423-LO-90-37 (ID#-9625)
- 4423-LO-90-38 (RQ-1925)
- 4423-LO-90-39 (ID#-9979)
- 4423-LO-90-40 (RQ-1945)

- 4423-LO-90-41 (RQ-1964)
- 4423-LO-90-42 (RQ-1998)
- 4423-LO-90-43 (RQ-1896)
- 4423-LO-90-44 (ID#-9982)
- 4423-LO-90-45 (ID#-10007)

Opinions

- 4424-JM-1183 (RQ-1869)
- 4424-JM-1184 (RQ-1730)
- 4424-JM-1185 (RQ-1879)
- 4424-JM-1186 (RQ-1878)
- 4424-JM-1187 (RQ-1880)
- 4424-JM-1188 (RQ-2018)
- 4424-JM-1189 (RQ-1895)
- 4424-JM-1190 (RQ-1910)

Request for Opinions

- 4424-RQ-2031
- 4424-RQ-2032
- 4424-RQ-2033
- 4424-RQ-2034
- 4424-RQ-2035
- 4424-RQ-2036
- 4424-RQ-2037
- 4425-RQ-2038
- 4425-RQ-2039
- 4425-RQ-2040
- 4425-RQ-2041

CONTENTS CONTINUED INSIDE

Texas Register

The *Texas Register* (ISSN0362-4781) is published semi-weekly 100 times a year except June 1, 1990, November 9 and 27, 1990, and December 28, 1990. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78711.

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

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

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

Governor-Appointments, executive orders, and proclamations

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

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

Proposed Sections-sections proposed for adoption

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

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

Open Meetings-notices of open meetings

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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

a section of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-463-5561

Secretary of State
George S. Bayoud, Jr.

Director
Dan Procter

Assistant Director
Dee Wright

Documents Section Supervisor
Patty Parris

Documents Editors
Lisa Brull
Janiene Hagel

Open Meetings Clerk
Brenda J. Kizzee

Production Section Supervisor
Ann Franklin

Production Editor
Sharon Menger

Typographers
Sherry Rester
Janice Rhea

Circulation/Marketing
Cheryl Converse
Roberta Knight

TAC Editor
Dana Blanton

TAC Typographer
Madeline Chrisner

Subscriptions-one year (96 regular issues), \$90; six months (48 regular issues and two index issues), \$70. Single copies of most issues are available at \$4 per copy.

4425-RQ-2042
4425-RQ-2043
4425-RQ-2044
4425-RQ-2045
4425-RQ-2046
4425-RQ-2047
4425-RQ-2048
4425-RQ-2049
4425-RQ-2050
4425-RQ-2051
4425-RQ-2052
4425-RQ-2053
4425-RQ-2054
4425-RQ-2055
4425-RQ-2056
4425-RQ-2057
4425-RQ-2058
4425-RQ-2059
4425-RQ-2060
4425-RQ-2061
4425-RQ-2062
4425-RQ-2063
4425-RQ-2064
4425-RQ-2065
4425-RQ-2066
4425-RQ-2067
4425-RQ-2068
4426-RQ-2069
4426-RQ-2070
4426-RQ-2071

Emergency Sections

Office of the Secretary of State

4427-Office of the Secretary of State

Texas Education Agency

4428-Student Attendance

Proposed Sections

Office of the Secretary of State

4429-Office of the Secretary of State

Animal Health Commission

4429-Brucellosis

4430-General Practice and Procedures

Texas Education Agency

4430-Student Attendance

Board of Nurse Examiners

4431-Practice and Procedure

4431-Nurse Education

4432-Licensure and Practice

4432-Fees

Texas Bond Review Board

4433-Bond Review Board

Texas Juvenile Probation Commission

4433-Texas Juvenile Probation Commission

Adopted Sections

Texas Board of Chiropractic Examiners

4435-Practice of Chiropractic

Board of Nurse Examiners

4435-Licensure and Practice

State Board of Insurance

4435-Corporate and Financial Regulation

Texas Water Commission

4444-Water Rates

Comptroller of Public Accounts

4444-Tax Administration

Texas Bond Review Board

4445-Bond Review Board

Texas Department of Human Services

4446-Child Protective Services

Texas Commission on Alcohol and Drug Abuse

4447-Licensure

4449-Community Services *iat>Open Meetings*

4451-Texas Department of Agriculture

4451-Texas Air Control Board

4451–BattleShip Texas Advisory Board
4451–Texas Board of Chiropractic Examiners
4452–Texas Corn Producers Board
4452–Southern Rolling Plans Cotton Producers Board
4452–Texas Board of Criminal Justice
4452–Interagency Council on Early Childhood Intervention
4452–Texas Education Agency
4452–Texas Employment Commission
4452–Texas Department of Health
4453–Texas Historical Commission
4453–State Board of Insurance
4453–Texas Juvenile Probation Commission
4454–Texas Commission on Law Enforcement Officer Standards and Education
4454–Texas Department of Licensing and Regulation
4454–Texas Low-Level Radioactive Waste Disposal Authority
4454–Texas Department of Mental Health Mental Retardation
4455–Texas State Board of Public Accountancy
4455–Public Utility Commission of Texas
4456–Texas Racing Commission
4456–Railroad Commission of Texas
4456–House of Representatives
4456–School Land Board
4457–Texas State Soil and Water Conservation Board
4457–Stephen F. Austin State University
4457–Board of Tax Professional Examiners
4457–Teacher Retirement System of Texas
4457–The Texas A&M University System
4457–The Texas A&M University System, Board of Regents
4457–Texas Tech University
4459–Texas Water Commission
4460–Texas Workers’ Compensation Commission

4460–Regional Meetings

In Addition

Texas Department of Commerce/Texas Literacy Council

4463–Requests for Proposals
Comptroller of Public Accounts

4463–Local Sales Tax Changes Effective October 1, 1990
Office of Consumer Credit Commissioner

4464–Notice of Rate Ceilings
Texas Department of Criminal Justice

4464–Correction of Error
Texas Commission for the Deaf

4465–Request for Proposals
Texas Department of Health

4465–Permit Applications for Municipal Solid Waste Sites
Texas Department of Human Services

4466–Notice of Public Hearing
Legislative Budget Office

4466–Joint Budget Hearing Schedule
Texas State Library and Archives
Commission

4467–Consultant Contract Reports
State Board of Pharmacy

4467–Election of Officers
Texas Department of Public Safety

4467–Correction of Error
Public Utility Commission of Texas

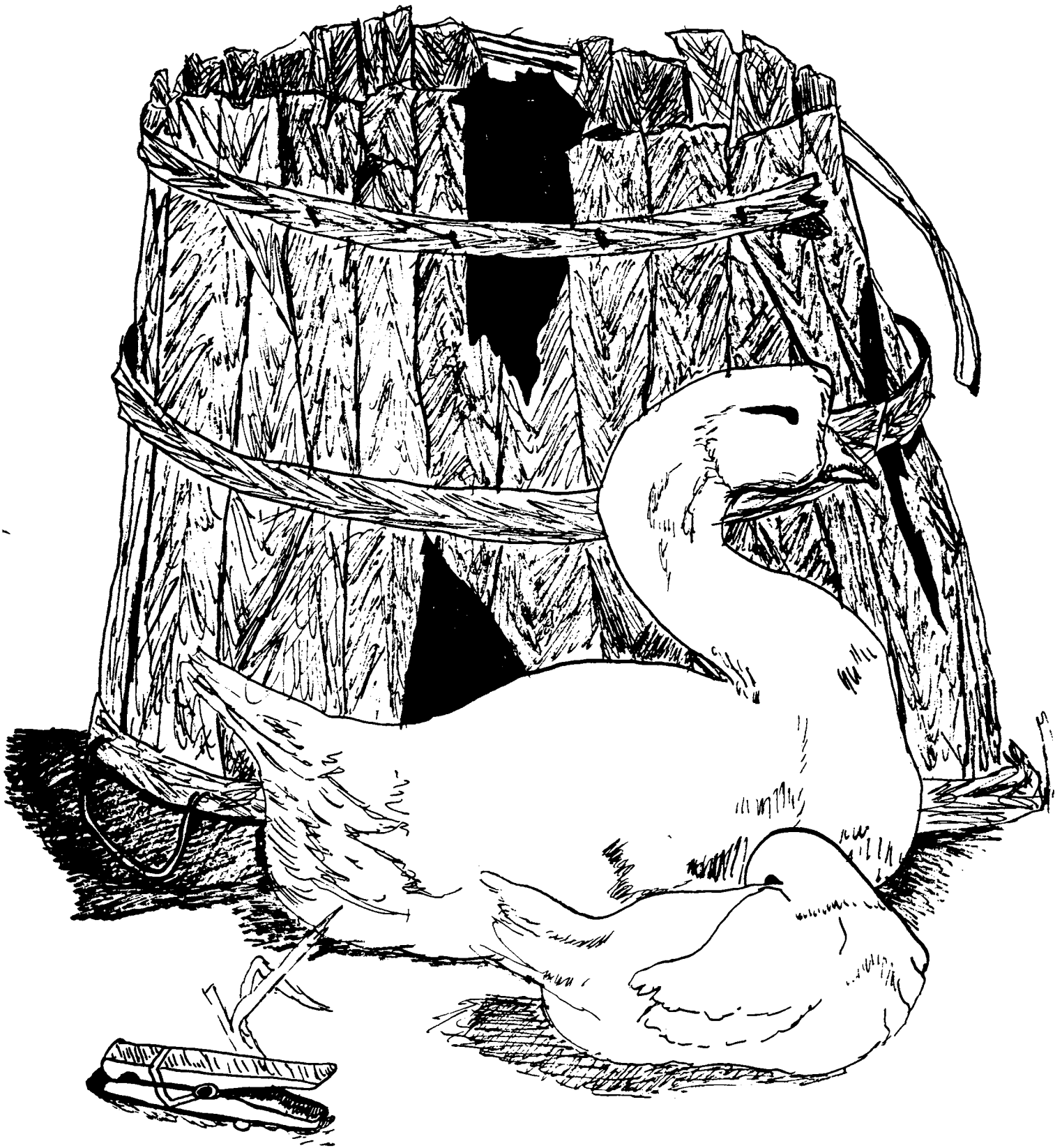
4467–Correction of Error

4467–Notice of Applications to Amend Certificate of Convenience and Necessity
Supreme Court of Texas

4468–Consultant Contract Award
Texas Water Commission

4468–Notice of Application For Waste Disposal Permit
Texas Water Development Board

4469–Public Meetings on Draft Texas Water Plan



Name: Christy Fortner

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD



Name: Crystal Batten

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISI

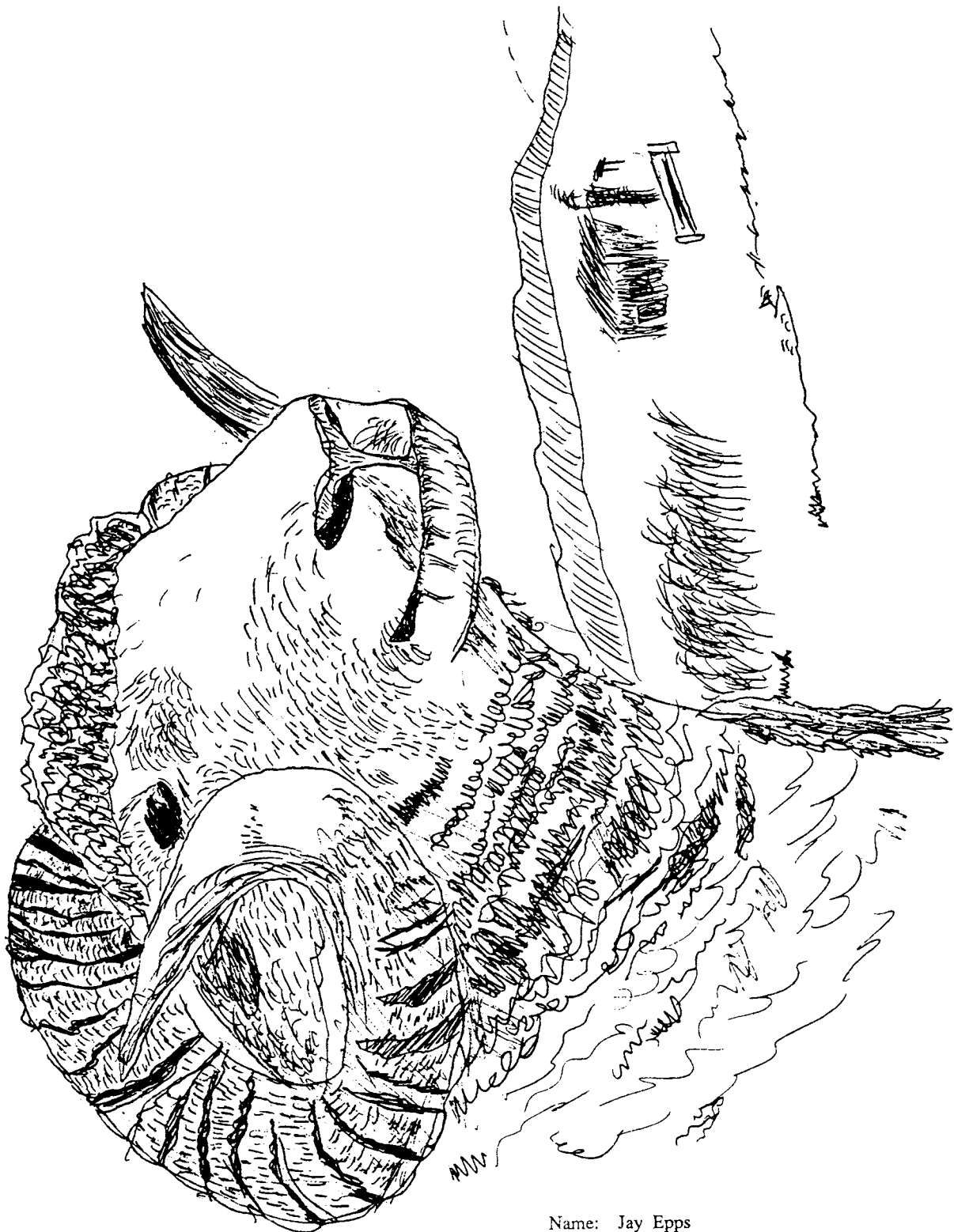


Name: Stacie Flanery

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD

Jay Epps



Name: Jay Epps

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD

TAC Titles Affected

TAC Titles Affected--August

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

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

1 TAC §§71.40, 71.41, 71.45—4427, 4429

TITLE 4. AGRICULTURE

Part II. Animal Health Commission

4 TAC §35.6—4429

4 TAC §59.4—4430

TITLE 19. EDUCATION

Part II. Texas Education Agency

19 TAC §129.61—4428, 4430

TITLE 22. EXAMINING

Part III. Texas Board of Chiropractic Examiners

22 TAC §80.1—4435

Part XI. Board of Nurse Examiners

22 TAC §213.21—4431

22 TAC §215.3—44341

22 TAC §§217.1, 217.5, 217.6—4432

22 TAC §217.16—4435

22 TAC §223.1—4432

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §§7.601-7.606—4435

28 TAC §§7.601-7.614—4436

28 TAC §§7.631-7.636—4444

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

31 TAC §§291.121-291.127—4444

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.151—4444

Part IX. Texas Bond Review Board

34 TAC §181.3, §181.4—4433

34 TAC §181.21, 181.23, 181.25, 181.27, 181.29, 181.31, 181.33, 181.35—4445

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part XI. Texas Juvenile Probation Commission

37 TAC §341.23—4433

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

40 TAC §49.104—4446

40 TAC §§49.511, 49.512, 49.514, 49.515—4447

40 TAC §49.701, §49.702—4447

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part III. Texas Commission on Alcohol and Drug Abuse

40 TAC §151.601—4447

40 TAC §151.602—4447

40 TAC §§151.602-151.606—4447

40 TAC §155.34—4449

◆ ◆ ◆



Name: Crystal Batten

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD

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 July 17, 1990

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1991: Douglas G. Jeu, 1721 Pine Village, Houston, Texas 77080. Mr. Jeu will be filling the unexpired term of Dr. Esther Yao of Houston, who resigned.

To be a member of the **Governor's Committee For Disabled Persons** for a term to expire July 8, 1991 and at the pleasure of the Governor: Richard R. Johnson, 5129 Diver Duck Court, Corpus Christi, Texas 78413. Mr. Johnson will be replacing Fred Stout of San Antonio, whose term expired.

To be a member of the **Governor's Committee For Disabled Persons** for a term to expire July 8, 1991 and at the pleasure of the Governor: Claire L. Barlow-Roffino, 2905 Berkshire Lane, Mesquite, Texas 75150. Mrs. Barlow-Roffino is being reappointed.

To be a member of the **Governor's Committee For Disabled Persons** for a term to expire July 8, 1991 and at the pleasure of the Governor: Patsy Jean Baker, 6873 Anglebluff, Dallas, Texas 75248. Mrs. Baker is being reappointed.

To be a member of the **Governor's Committee For Disabled Persons** for a term to expire July 8, 1991 and at the pleasure of the Governor: Marcia Ellen Holloway, 13424 Saddleback Pass, Austin, Texas 78736. Ms. Holloway is being reappointed.

To be a member of the **Governor's Committee For Disabled Persons** for a term to expire July 8, 1991 and at the pleasure of the Governor: Jerry D. Cooper, 1214 North Cedar Ridge, Duncanville, Texas 75116. Mr. Cooper is being reappointed.

To be a member of the **Texas Diabetes Council** for a term to expire February 1,

1992: Maurilia Rodriguez, 444 Paredes Line Road, Brownsville, Texas 78521. Ms. Rodriguez is being reappointed to the council.

To be a member of the **Hospital Licensing Advisory Council** for a term to expire December 7, 1993: Donald G. Lewis, 910 Kyle, Athens, Texas 75751. Mr. Lewis will be filling the unexpired term of Irene S. Wischer of San Antonio, who resigned.

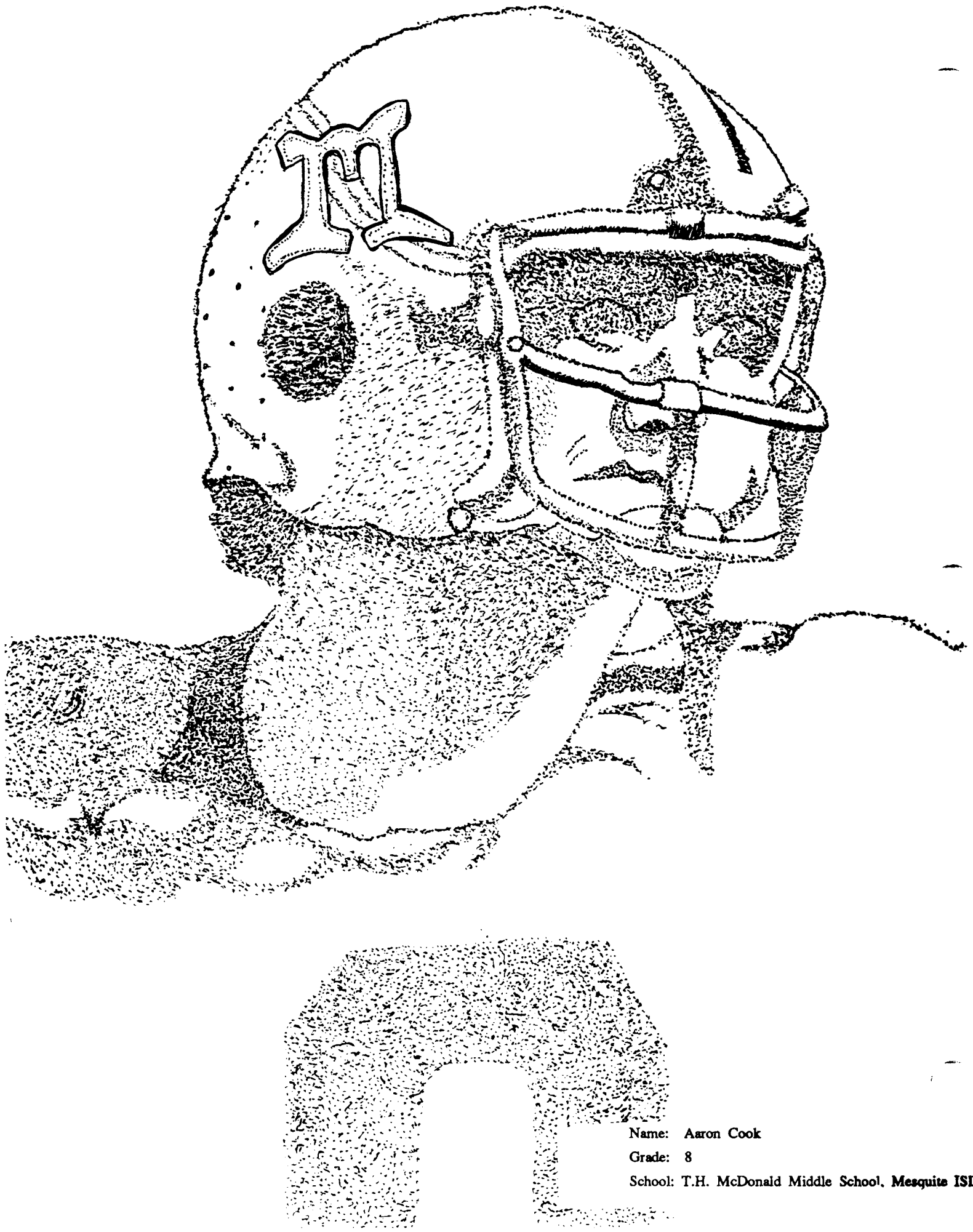
To be a member of the **State Board of Vocational Nurse Examiners** for a term to expire September 6, 1995: Betty Fox McLemore, 206 Fountainbleau, Longview, Texas 75601. Ms. McLemore will be replacing Rafael Acosta of Houston, whose term expired.

Issued in Austin, Texas on July 27, 1990.

TRD-9007588

William P. Clements, Jr.
Governor of Texas





Name: Aaron Cook

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD

Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

Letter Opinions

LO-90-24 (RQ-1969). May 15, 1990, To: Honorable George Pierce, Chairman, Committee on Urban Affairs, P.O. Box 2910, Austin. This LO considers whether a park ranger is a "police officer" under Chapter 142 of the Government Code.

LO-90-25 (RQ-1963). May 16, 1990, To: Honorable Joe Rubio, District Attorney, 49th Judicial District, P.O. Box 1343, Laredo. This LO considers whether a county bail board may charge a fee for each bail bond executed.

LO-90-26 (RQ-1957). May 16, 1990, To: Ms. Jo King McCrorrey, Executive Director, State Board of Barber Examiners, 9101 Burnet Road, Suite 103, Austin. This LO considers whether inmates are exempt from the provisions of Texas Civil Statutes, Article 8407a, the barbering law.

LO-90-27 (ID#-8823). May 21, 1990, To: Honorable Richard Barajas, District Attorney, 83rd Judicial District, P.O. Box 639, Fort Stockton. This LO considers whether an agenda must state that a matter will be discussed in executive session rather than in public.

LO-90-28 (RQ-1973). May 21, 1990, To: Honorable David T. Garcia, Brooks County Attorney, P.O. Box 557, Falfurrias. This LO considers the amount of funds from drug forfeitures that a governing body of a political subdivision may request from a law enforcement agency.

LO-90-29 (RQ-1915). May 25, 1990, To: Honorable George Pierce, Chairman, Urban Affairs Committee, Texas House of Representatives, P.O. Box 2910, Austin. This LO considers whether the parties to a collective bargaining agreement under Texas Civil Statutes, Article 5154c-1, may agree not to seek to amend the agreement.

LO-90-30 (ID#-9673). May 30, 1990, To: Mr. Larry H. Jones, Superintendent, Olney Public Schools, Olney. This LO considers the applicability of the nepotism statute to relatives of the half blood.

LO-90-31 (RQ-1891). To: Honorable Robert M. Saunders, Chairman, House Environmental Affairs, P.O. Box 2910, Austin. This LO considers whether a city may pay the expenses of spouses of city

council members and city employees who are attending conventions.

LO-90-32 (RQ-1899). June 1, 1990, To: Honorable Dan Meehan, Fannin District and County Attorney, Fannin County Courthouse, Bonham. This LO considers whether federal grant funds may be used to supplement the county auditor's salary.

LO-90-33 (RQ-1817). June 4, 1990, To: Mr. John Paul Batiste, Executive Director, Texas Commission on the Arts, Box 13406, Austin. This LO considers whether the Texas Commission on the Arts is subject to the Open Meetings Act.

LO-90-34 (RQ-1976). June 19, 1990, To: Honorable Scott Warren Johnson, County Attorney, Reeves County Courthouse, P.O. Box 749, Pecos. This LO considers whether a commissioners court may set a maximum amount of reimbursable miles for deputy sheriffs.

LO-90-35 (ID#-8667). June 22, 1990, To: Honorable Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 634, Houston. This LO considers whether the Open Records Act requires a county auditor to make certain information available.

LO-90-36 (ID#-8151). June 22, 1990, To: Honorable Lloyd Criss, Chairman, House Labor and Employment Relations, P.O. Box 2910, Austin. This LO considers whether certain videotapes in the possession of the Department of Criminal Justice must be made available under the Open Records Act.

LO-90-37 (ID#-9625). June 22, 1990, To: Honorable Doyle Willis, Chairman, General Investigating Committee, Texas House of Representatives, P.O. Box 2910, Austin. This LO considers whether the widow of a man who received a Purple Heart medal posthumously may apply for Purple Heart license plates.

LO-90-38 (RQ-1925). June 27, 1990, To: Honorable Eddie Bernice Johnson, Chairman, Health and Human Services, P.O. Box 12068, Austin. This LO considers whether the state may provide funds to a private institution of higher education.

LO-90-39 (ID#-9979). July 9, 1990, To: Honorable Thomas Giovannitti, County Attorney, Schleicher County, P.O. Box 692,

Eldorado. This LO considers whether a county attorney may hold a position as a part-time professor at a state university in an adjoining county.

LO-90-40 (RQ-1945). July 9, 1990, To: Honorable Sam W. Dick, Criminal District Attorney, Fort Bend County, County Courthouse, Richmond. This LO considers the authority of a commissioners court to control salaries and promotions of employees of an elected official.

LO-90-41 (RQ-1964). July 11, 1990, To: Honorable Fred Toler, Executive Director, Texas Commission on Law Enforcement Standards and Education, 1606 Headway Circle, Suite 100, Austin. This LO considers whether the Commission on Law Enforcement Officer Standards and Education may accept gifts of real estate.

LO-90-42 (RQ-1998). July 11, 1990, To: Honorable Travis S. Ware, Criminal District Attorney, Lubbock County Courthouse, P.O. Box 10536, Lubbock. This LO considers whether a sheriff in a county with a population of more than 200,000 has authority to operate a jail commissary.

LO-90-43 (RQ-1896). July 11, 1990, To: Mr. Ron Lindsey, Commissioner, Department of Human Services, P.O. Box 149030, Austin. This LO considers whether the Department of Human Services may prohibit employees from providing counseling services on their own time.

LO-90-44 (ID#-9982). July 13, 1990, To: Mr. Ray Williamson, Chairman, Fire Department Emergency Board, P.O. Box 1070, Wharton. This LO considers questions regarding the terms of office of the members of the Fire Department Emergency Board.

LO-90-45 (ID#-10007). July 19, 1990, To: Mr. Jim Robinson, R.P.A., Executive Director, State Property Tax Board, 4301 Westbank Drive, Building B, Suite 100, Austin. Chairman of appraisal district board of directors serving as chief appraiser for district.

TRD-9007615

◆ ◆ ◆

Opinions

JM-1183 (RQ-1869). Request from Vernon M. Arrell, Commissioner, Texas Rehabilitation Commission, Austin, concerning applicability of the provisions of the Texas Internal Auditing Act, Texas Civil Statutes, Article 6252-5d, to the Texas Rehabilitation Commission.

Summary of Opinion. The provisions of the Texas Internal Auditing Act are mandatory. The internal auditor appointed by an agency to carry out the act must be certified public accountant or certified internal auditor. That auditor shall report directly to the agency's governing board or commission. That auditor is also not required to consult with the executive head of the agency to determine when compliance with a particular responsibility would impair the independent review of agency operations. Instead, the auditor may make the decision alone or consult with the agency's governing board or commission or certain other entities outside the agency.

TRD-9007512

JM-1184 (RQ-1730). Request from Joe Lucas, El Paso County Attorney, El Paso, concerning disposal of property forfeited to a municipality pursuant to the Texas Controlled Substances Act.

Summary of Opinion. If a political subdivision, including a home-rule city, acquired a vehicle by forfeiture prior to October 18, 1989, pursuant to the Texas Controlled Substances Act but has no use for the vehicle, or after the vehicle is no longer useful to the political subdivision, it is to be sold at public auction under the direction of the county sheriff.

TRD-9007513

JM-1185 (RQ-1879). Request from Michael J. Guarino, Criminal District Attorney, Galveston County, Galveston, concerning whether a community justice council created pursuant to the Texas Code of Criminal Procedure, Article 42.13, is subject to the Open Meetings Act, Texas Civil Statutes, Article 6252-17.

Summary of Opinion. A criminal justice council established by the district judge or judges under the Code of Criminal Procedure, Article 42.131, §3, is not subject to the Open Meetings Act.

TRD-9007514

JM-1186 (RQ-1878). Request from James Warren Smith, Jr., Frio County Attorney, Pearsall, concerning authority of a county auditor to require constables to submit a monthly report.

Summary of Opinion. The county auditor may not require county constables to provide a monthly report listing only the identity of civil and criminal instruments they receive, the date of their receipt by the constables, and the date they are served.

TRD-9007515

JM-1187 (RQ-1880). Request from Marcus D. Taylor, Criminal District Attorney, Wood County, Quitman, concerning eligibility of a realtor to serve on the board of directors of an appraisal district.

Summary of Opinion. Whether Chapter 171 of the Local Government Code or the Tax Code, §6.036, prohibits a member of the board of directors of an appraisal district from acting as a real estate agent for a vendor who sells real property to the appraisal district depends on the facts of the specific transaction.

TRD-9007516

JM-1188 (RQ-2018). Request from Terry M. Brown, Criminal District Attorney, Polk County, Livingston, concerning whether promotions of the son and daughter of a sheriff violate the nepotism statute, Texas Civil Statutes, Article 5996a.

Summary of Opinion. A sheriff may not promote his son and daughter even though they had sufficient prior continuous service to retain their jobs in the sheriff's office after their father became sheriff.

TRD-9007517

JM-1189 (RQ-1895). Requests from D. C. (Jim) Dozier, Montgomery County Attorney, Montgomery County Courthouse, Conroe, and Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, Austin, concerning authority of a commissioners court to award "design/build" contracts for construction of public buildings on the basis of competitive bids and related questions.

Summary of Opinion. A commissioners court is prohibited by Texas Civil Statutes, Article 664-4, from awarding a "design/build" contract for the construction of a public work on the basis of competitive bidding where architectural or engineering services comprise a component of the contract. Neither Article 249a, §16, nor Article 3271a, §19, requires the preparation of architectural and engineering plans and specifications prior to the invitation of bids by a county for a construction contract. But absent a provision to the contrary, such a requirement is implicit in competitive bidding statutes.

TRD-9007518

JM-1190 (RQ-1910). Request from Charles D. Travis, Executive Director, Texas Parks and Wildlife Department, Austin, concerning exemption of lessees of the General Land Office from permitting requirements for removal of sand, shell, gravel or marl within state tidewater limits.

Summary of Opinion. The holder of an easement from the School Land Board for dredging for installation of a water intake pipe on submerged state land is not required under Parks and Wildlife Code, §86.002(a), to obtain a permit from the Parks and Wildlife Commission for disturbances of marl, sand, gravel, shell, or mudshell necessary or incidental to its dredging operations pursuant to such easement.

TRD-9007519

Requests for Opinions

(RQ-2031). Request from George Fred Rhodes, Chairman, Texas State Technical Institute, Port Lavaca, concerning authority of the Texas State Technical Institute to purchase real property in McLennan County.

(RQ-2032). Request from John Vance, District Attorney-Civil Section, Administration Building, Dallas, concerning whether guaranteed mortgages pass-through certificates may be pledged as collateral for purchases through external brokerage firms where such collateral is held for a county by a third party which is not the depository bank.

(RQ-2033). Request from Bob Bullock, Comptroller of Public Accounts, L.B.J. State Office Building, Austin, concerning effective date of amendments to Texas Civil Statutes, Article 6701(d), §144(b), which allocates to municipalities money received from traffic fines, and related questions.

(RQ-2034). Request from Tom O'Connell, Criminal District Attorney, Collin County Courthouse, McKinney, concerning authority of a county auditor to prescribe the use of a county's federal employee identification number on all departmental depository bank accounts.

(RQ-2035). Request from William D. Gooch, Director and Librarian, Texas State Library, Austin, concerning whether the Local Government Code, §202.004(a), restricts local governments from making records available to private contractors.

(RQ-2036). Request from Buck J. Wynne, III, Chairman, Texas Water Commission, Austin, concerning whether the Texas Water Commission may hold a hearing on injection will permit applications prior to receiving a "no adverse impact" letter from the Railroad Commission.

(RQ-2037). Request from Robert Bernstein, M.D., F.A.C.P., Commissioner, Texas Department of Health, Austin, concerning

registration of installers of on-site sewage disposal systems.

(RQ-2038). Request from David Brabham, Criminal District Attorney, Gregg County, Longview, concerning authority of a municipality to establish a warrant division under the direction of the municipal court.

(RQ-2039). Request from Bob Bullock, Comptroller, Comptroller of Public Accounts, Austin, concerning validity of import fees on barges pursuant to the Water Code, §26.3574.

(RQ-2040). Request from Carl A. Parker, Chairman, Senate Education, Austin, concerning jurisdiction of the 368th District Court over probate matters.

(RQ-2041). Request from Robert Bernstein, M.D., F.A.C.P., Commissioner, Texas Department of Health, Austin, concerning authority of a licensed home health agency to provide certain services in cooperation with a retirement center.

(RQ-2042). Request from John Whitmire, Chairman, Intergovernmental Relations, Austin, concerning whether "card minders" is prohibited as computerized bingo by the Bingo Enabling Act, §11(u).

(RQ-2043). Request from Charles D. Travis, Executive Director, Texas Parks and Wildlife Department, Austin, concerning authority of the Parks and Wildlife Department to accept an affidavit in lieu of a certificate of title for a boat.

(RQ-2044). Request from Mark W. Stiles, Chairman, House County Affairs, Austin, concerning effect of municipal zoning ordinances on a preexisting cemetery.

(RQ-2045). Request from Chet Brooks, Chairman, Senate Health and Human Services, Austin, concerning whether the transport of a used manufactured home to a buyer's homesite is subject to the Texas Motor Carrier Act, Article 911b.

(RQ-2046). Request from Terry D. McEachern, District Attorney, Hale and Swisher County, Plainview, concerning liability of a taxing unit with regard to properties "struck off" at a sheriff's sale for delinquent taxes.

(RQ-2047). Request from Lawrence F. Alwin, CPA, State Auditor, Office of the State Auditor, Austin, whether information relating to an investigation of a state agency by the state auditor is subject to disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

(RQ-2048). Request from James A. Collins, Director, Texas Department of Criminal Justice Institutional Division, Huntsville, concerning whether an exchange of otherwise confidential information in the course of litigation is tantamount to selective disclosure prohibited by the Open Records Act, Texas Civil Statutes, Article 6252-17a.

(RQ-2049). Request from Dennis R. Jones, M.S.W. M.B.A., Commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning whether the Department of Mental Health and Mental Retardation is authorized to purchase and/or lease real and personal property for the purpose of providing community based services without following the procedures of the Purchasing and General Services Commission.

(RQ-2050). Request from J. Collier Adams, Jr., Cochran County Attorney, Morton, concerning validity of a bid solicitation which does not comply with the publishing requirements of the Texas Local Government Code, §262.025(a).

(RQ-2051). Request from Charles W. Chapman, Hays County, Criminal District Attorney, San Marcos, concerning inquest procedures under Chapter 49 of the Texas Code of Criminal Procedure.

(RQ-2052). Request from Bob Bullock, Comptroller, Comptroller of Public Accounts, Austin, concerning whether an open records request regarding internal investigations of bingo should be directed to the Comptroller or to the Alcoholic Beverage Commission.

(RQ-2053). Request from Bryan M. Perot, Executive Director, Polygraph Examiners Board Austin, concerning authority of the Polygraph Examiners Board to grant compensatory time to its employees for the purpose of maintaining their licenses as peace officers, and related questions.

(RQ-2054). Request from Steven D. Wolens, Chairman, Business and Commerce, Texas House of Representatives, Austin, concerning whether a chamber of commerce may qualify as a "charitable organization" under the Texas Civil Practice and Remedies Code, §84.001, et. seq.

(RQ-2055). Request from Jim Robinson, Executive Director, State Property Tax Board, Austin, concerning whether submerged land bordering on the Gulf of Mexico or any saltwater bay, inlet or estuary, is the property of the state for tax purposes.

(RQ-2056). Request from John Whitmire, Chairman, Health and Human Services, Austin, concerning authority of municipal utility district operating under Chapter 54 of the Water Code to acquire real property for use as a park, and related questions.

(RQ-2057). Request from Wallace Collins, Administrator, Texas Real Estate Commission, Austin, concerning authority of the Texas Real Estate Commission to adopt a rule permitting on-site audits of MCE providers.

(RQ-2058). Request from Terry D. McEachern, District Attorney, Counties of Hale and Swisher, Hale County Courthouse, Plainview, concerning authority of a county auditor to prescribe a computerized

accounting system for elected county officials.

(RQ-2059). Request from Garry Mauro, Commissioner, Texas General Land Office, Austin, concerning constitutionality of the procedures set out in Texas Civil Statutes, Article 5414a-2, for the exchange of state-owned land, and related question.

(RQ-2060). Request from John R. Hale, Commissioner, Credit Union Department, Austin, concerning whether an individual may serve simultaneously as a doctor of the Credit Union Commission and of the Texas Share Guaranty Credit Union.

(RQ-2061). Request from D. R. "Tom" Uher, Chairman, House Redistricting Committee, Austin, concerning authority of the Matagorda County Navigation District to invest in a proposed Texas Coastal Aquaculture Fund.

(RQ-2062). Request from George Pierce, Chairman, House Urban Affairs, Austin, concerning effect of amendments to the Local Government Code, §43.056, on the obligation of a municipality to provide sewer service to newly annexed territory.

(RQ-2063). Request from Jim A. Robertson, County Judge, Cooke County, County Courthouse, Gainesville, concerning whether a patient's EMS records are excepted from disclosure as "medical records" under the Medical Practices Act, Article 4495b, §5.08.

(RQ-2064). Request from Bruce Hineman, Executive Secretary, Teacher Retirement System of Texas, Austin, concerning whether information regarding financial transactions of the Teacher Retirement System is excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

(RQ-2065). Request from Erwin W. Barton, Chairman, House Human Services, Austin, concerning status of peace officers employed by the City of Dallas at Love Field.

(RQ-2066). Request from Bruce Gibson, Chairman, House Government Organization Committee, Austin, concerning whether the federal Alternative Mortgage Transaction Parity Act, 12 United States Code, §3801, et. seq., preempts the Texas law which prohibits foreclosure on homesteads under certain circumstances.

(RQ-2067). Request from David Cain, Chairman, House Transportation Committee, Austin, concerning applicability of Texas Civil Statutes, Article 8653, which governs commodity exchanges, and §4702 for the Penal Code, which prohibits gambling, to certain commodity-price swap agreements.

(RQ-2068). Request from Becky B. McPherson, District Attorney, Floyd County, Floydada, concerning supervisory authority of a district court over a commissioners court with regard to the transfer of funds from a county attorney to a district attorney.

(RQ-2069). Request from Jack E. Crump, Executive Director, Texas Commission on Jail Standards, Austin, concerning whether minimum jail standards established by the Government Code, §511, are applicable to jails operated for a municipality by a private entity.

(RQ-2070). Request from James L. Dougherty, Jr., Attorney, Cole and

Dougherty, Houston, concerning whether a list of applicants for city manager compiled by a private search firm subject to disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a, when the contract provides that ownership and control of the list remains with the search firm.

(RQ-2071). Request from Allen P. Beinke, Jr., Executive Director, Texas Water

Commission, Austin, concerning applicability of the Open Records Act, Texas Civil Statutes, Article 6252-17a, to documents submitted to a governmental body and claimed to be confidential under Rule 26(b)(3), of the Federal Rules of Civil Procedure, and Rule 166.b.3, of the Texas Rules of Civil Procedure.

TRD-9007511



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 I.

ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 71. Office of the Secretary of State

Private Use of the Great Seal of Texas

• 1 TAC §§71.40, 71.41, 71.45

The Office of the Secretary of State adopts on an emergency basis amendments to §§71.40, 71.41, and 71.45, concerning the private use of the Great Seal of Texas.

The amendment eliminate the necessity for the execution of a licensing agreement between the licensee and the secretary of state.

The amendments adopted on an emergency basis are being contemporaneously proposed for comment in this issue of the *Texas Register*.

The amendments are adopted on an emergency basis to immediately ensure that the procedure for obtaining a license for the private use of the Great Seal of Texas is made easier for the individuals and companies desiring to do so.

The amendments are adopted on an emergency basis under the Texas Business and Commerce Code, Texas Codes Annotated, §17.08, which provides the secretary of state with the authority to adopt rules relating to the use of the Great Seal of Texas by a person licensed under the referenced §17.08.

§71.40. Definitions. The following words and terms, when used in this undesignated head, shall have the following meanings, unless the context clearly indicates otherwise. Unless otherwise expressly provided, the past, present, or future tense includes the other; the masculine; feminine; or neuter gender each includes the other; and the singular and plural number each includes the other.

[Licensing agreement: Contract to use the Great Seal of Texas, signed by applicant and the Secretary of State's Office after the applicant's application has been approved.]

§71.41. Application Process.

(a)-(c) (No change.)

(d) Upon approval of a complete

application, and payment of the licensing fee, as set forth in §71.44 of this title (relating to Fees: Payment of Money) [, and execution of a licensing agreement on a form prescribed by the Secretary of State's Office], the licensee shall receive from the secretary of state a certificate bearing an identification number. Such number will be composed of:

(1) letters representing the initials of the name of the current secretary of state of Texas;

(2) four digits indicating the numerical month and year in which the license was issued; and

(3) three digits for the sequential number of the license.

(e) (No change.)

§71.45. Licensing.

(a) Grant of license. Upon approval of an application, and payment of the licensing fee as set forth in §71.44 of this title (relating to fees; payment of Money) [, and the execution of a licensing agreement on a form prescribed by the Secretary of State's Office], any individual or corporation may be granted a license which will certify to all, that such person has complied with the requirements of application and filing. Licensees may engage in the reproduction of the Great Seal of Texas for private and public nonofficial uses. It is accepted that the licensee will use the Great Seal of Texas in an exemplary manner. Any and all transactions which involve the vendor, manufacturer, or distributor of the Great Seal of Texas and the public are expected to be handled in an honest and conscientious fashion. A licensee must display the license in a conspicuous manner in the licensee's office or place of business.

(b) Renewal of license. A renewal of license must take place annually on the renewal application and license form provided by the Secretary of State's Office. A renewal may not be granted if licensee:

(1) has used the Great Seal of Texas in a manner that is detrimental to the image of the state and not in its best interest, or

(2) has violated either the statute or these administrative regulations.[]; or

[(3) has violated or breached a

term or condition of the licensing agreement.]

(c) Suspension of license. The licensee's use of the Great Seal of Texas must not be detrimental to the image of the state and its best interests, by virtue of its draft, design, presentation, association, distribution, manufacture, or sale. Any such use, late payment, or nonpayment of a required fee, violation of either the statute or these administrative regulations[, or the violation or breach of a term or condition of the licensing agreement] will result in the suspension of the license.

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

(d) Revocation of an existing license.

(1) A license may be revoked for, but not limited to, the following reasons:

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

(G) failure or refusal to allow monitoring under §71.47 of this title (relating to Monitoring).[];

[(H) violation or breach of a term or condition of the licensing agreement.]

(2) A revocation may not take place until the licensee has been sent notice and given an opportunity at a hearing to [there] show that there is no basis for a revocation.

Issued in Austin, Texas, on July 27, 1990.

TRD-9007590

Lorna Wassdorf
Special Assistant
Office of the Secretary of
State

Effective date: July 27, 1990

Expiration date: November 24, 1990

For further information, please call: (512) 463-5654

◆ ◆ ◆

**TITLE 19. EDUCATION
Part II. Texas Education
Agency**

**Chapter 129. Student
Attendance**

**Subchapter D. Student Atten-
dance Accounting**

• 19 TAC §129.61

The Texas Education Agency adopts on an emergency basis an amendment to §129.61, concerning requirements for student attendance accounting for state funding purposes. The amendment will implement the Texas Education Code, §16.006, Average Daily Attendance. This statutory change included in Senate Bill 1, 71st Texas Legislature, Sixth Called Session, reinstated year-round attendance reporting.

The amendment is adopted on an emergency basis under the Texas Education Code, §16.005, which provides the State Board of Education with the authority to make rules for implementation and administration of the Foundation School Program.

§129.61. Requirements for Student Attendance Accounting for State Funding Purposes.

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

(c) Average daily attendance shall be determined on the basis of the [best four weeks of eight weeks of attendance] full school year.

(1) The commissioner of education shall be responsible for providing guidelines for attendance accounting in accordance with state law.

(2) The commissioner of education shall be responsible for

providing all the necessary records and procedures required of school districts in preparation of a daily attendance register.

(3) Districts shall maintain records and make reports concerning student attendance and participation in special programs as required by the commissioner of education.

(4) If a school district chooses to use a locally-developed record or automated system, it must contain the minimum information required by the commissioner of education.

(5) The commissioner of education shall provide for special circumstances regarding attendance accounting in accord with the provisions of law.

(6) For the 1990-1991 school year only, attendance for the fall semester shall be counted for the four weeks beginning with the first Monday of October. Attendance for the spring semester shall be counted for the four weeks beginning with the third Monday in February.

[(1) Attendance for the fall semester shall be counted for the four weeks beginning with the first Monday of October. Attendance for the spring semester shall be counted for the four weeks beginning with the third Monday in February.

[(2) Districts may opt to use the fall report of pupil attendance as their best four of eight weeks of attendance accounting for purposes of calculating foundation school funds. Districts choosing to report the fall four weeks only will annually notify the Central Education Agency of their intent to do so on an agency form

provided for that purpose. Districts opting for the fall four weeks will not be required to maintain attendance accounting data in the daily register of pupil attendance, or equivalent system, for the spring four week attendance accounting period. Entry and withdrawal data must, however, continue to be maintained for the entire school year.

[(3) Any district in which fewer than four school days are scheduled or held during one of the designated weeks shall inform the commissioner of education, who may approve the next full week at the end of the reporting period for that district. Districts which count attendance in an alternate week shall report to the commissioner of education such information concerning transfers into and out of the district as the commissioner may require.]

[(4) Districts shall maintain records and make reports concerning student attendance and participation in bilingual education, special language programs, vocational education, special education, and gifted and talented education as required by the commissioner of education.

[(5) If a school chooses to use a locally developed record, it must contain the minimum information required by the commissioner of education.]

(d)-(1) (No change.)

Issued in Austin, Texas on July 19, 1990.

TRD-9007524 W. N. Kirby
Commissioner of Education

Effective date: July 26, 1990

Expiration date: November 23, 1990

For further information, please call: (512) 463-9701

◆ ◆ ◆

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 1.

ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 71. Office of the Secretary of State

Private Use of the Great Seal of Texas

• 1 TAC §§71.40, 71.41, 71.45

(Editor's Note: The Office of the Secretary of State proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the new sections is in the Emergency Rules section of this issue.)

The Office of the Secretary of State proposes amendments to §§71.40, 71.41, and 71.45, concerning the private use of the Great Seal of Texas.

The amendments will eliminate the need for the execution of a licensing agreement between the licensee and the secretary of state.

Guy Joyner, staff attorney, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Joyner also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that individuals and companies will have an easier method to obtain a license for the Great Seal of Texas. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Guy Joyner, Staff Attorney, Statutory Documents Section, P.O. Box 12887, Austin, Texas 78711-2887.

The amendments are proposed under the Texas Business and Commerce Code, Texas Codes Annotated, §17.08, which provides the secretary of state with the authority to adopt rules relating to the use of the Great Seal of Texas by a person licensed under the referenced §17.08.

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 July 27, 1990.

TRD-9007591

Loma Wassdorf
Special Assistant
Office of the Secretary of
State

Earliest possible date of adoption: September 3, 1990

For further information, please call: (512) 463-5654

TITLE 4. AGRICULTURE

Part II. Animal Health Commission

Chapter 35. Brucellosis

Subchapter A. Eradication of Brucellosis in Cattle

• 4 TAC §35.6

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Animal Health Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Animal Health Commission proposes the repeal of §35.6, concerning indemnity rates.

This section is proposed for repeal as it concerns establishment of a statewide maximum brucellosis indemnity rate to be paid, when funds are available by the United States Department of Agriculture, Animal and Plant Health Inspection Services, Veterinary Services to a herd owner with brucellosis reactors.

Mr. Bill Hayden, director of administration, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Mr. Robert L. Daniel, director of program records, also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be none. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The repeal is proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161. This statute provides the commission with the authority to adopt rules and sets forth the duties of this commission to control disease.

§35.6. Indemnity Rates.

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 July 27, 1990.

TRD-9007577

John W. Holcombe, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: September 3, 1990

For further information, please call: (512) 479-6697

The Texas Animal Health Commission proposes new §35.6, concerning depopulation payments for cattle destroyed because of brucellosis.

The new section will provide for payments of depopulation funds to selected herd owners as a tool for accelerating the eradication of brucellosis from Texas cattle herds. Specific criteria would be required for a herd owner to qualify for payment such as having no more than thirty test-eligible cattle in the herd; testing of the entire herd; the signing of a depopulation agreement; complying with all requirements pertaining to herd depopulation; and classification of at least 10% of the cattle tested on the initial herd test reactors, or having had two consecutive herd tests on which reactors were disclosed.

Mr. Bill Hayden, director of administration, has determined that for the first five-year period the new section is in effect there will be fiscal implications for state or local government as a result of enforcing or administering the rule. The effect on state government for the first five-year period the rule will be in effect will be an estimated additional cost of \$120, 250, in 1991-1994. There will be no effect on local government for the first five-year period the rule will be in effect.

Mr. Robert L. Daniel, director of program records, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the liquidation of herds that have demonstrated high or long-standing brucellosis infection. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The new section is proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161. This statute provides the commission with the authority to adopt rules and sets forth the duties of this commission to control disease.

§35.6. Indemnity Payments to Owners of Cattle Exposed to Brucellosis.

(a) Herd eligibility for payment of indemnity funds.

(1) The herd shall consist of no more than 30 test eligible cattle over 18 months of age.

(2) The entire herd must have been tested.

(3) An indemnity agreement must be signed.

(4) The herd owner must comply with each requirement pertaining to herd depopulation and payment for indemnity.

(b) Criteria for selection of herds for indemnity payment.

(1) At least 10% of the cattle tested on the initial herd test must have been classified reactors.

(2) The herd must have had two consecutive herd tests on which reactors were disclosed.

(3) A herd not meeting paragraphs (1) or (2) of this subsection is recommended for indemnity by the epidemiologist.

(c) General requirements.

(1) Depopulation.

(A) The owner of a herd selected for indemnity may be reimbursed for depopulation at a rate not to exceed:

(i) test-eligible females—\$150 per head;

(ii) test-eligible males—\$150 for one per herd;

(iii) females under test age:

(I) unspayed and less than 300 pounds—not to exceed \$50 per head;

(II) over 300 pounds—not eligible for depopulation funds. Ten dollars per head may be paid for spaying, or these cattle may be "S" branded and sent to slaughter, quarantined feedlot, or market for sale to slaughter or quarantined feedlot.

(B) Depopulation funds shall not be paid for brucellosis reactors, steers or spayed heifers.

(C) All bull calves shall be castrated.

(D) Depopulated cattle shall be branded with the letter "B" on the left jaw and identified with a reactor eartag within 15 days following approval for herd depopulation and prior to movement from the premise.

(E) Cattle shall be moved from the premise accompanied with a VS 1-27. They shall either be moved directly to slaughter or through an approved livestock market for sale directly to slaughter and accompanied with a VS 1-27 from the market. In either case the cattle shall be slaughtered within 15 days following identification. Steers and spayed heifers may be retained on the premise or move without restrictions.

(2) Spaying. The owner of a herd selected for depopulation may be reimbursed for spaying at a rate not to exceed \$10 per head.

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 July 27, 1990.

TRD-9007575

John W. Holcombe, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: September 3, 1990

For further information, please call: (512) 479-6697

◆ ◆ ◆
Chapter 59. General Practice and Procedures

◆ ◆ ◆
• 4 TAC §59.4

The Texas Animal Health Commission (TAHC) proposes new §59.4, concerning cooperation with the Texas Department of Public Safety regarding enforcement of entry requirements.

The new section will provide that information be given by this Agency's staff to the Texas Department of Public Safety (TDPS) concerning health papers and permits required for entry of livestock into this State. The TDPS staff will report possible entry violations to TAHC and TAHC will notify the TDPS of the location of agency roadblocks, or special, or night operations.

Mr. Bill Hayden, director of administration, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Robert L. Daniel, director of program records also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the new section will be that the

public will be provided with more effective enforcement of entry requirements. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The new section is proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161. This statute provides the commission with the authority to adopt rules and sets forth the duties of this commission to control disease.

§59.4. Cooperation with the Texas Department of Public Safety Regarding Enforcement of Entry Requirements.

(a) The commission staff will provide information to Texas Department of Public Safety (TDPS) officers regarding health papers and permits required for entry of livestock into the state.

(b) The commission staff will investigate possible entry violations reported by TDPS officers.

(c) The commission staff will notify TDPS, when appropriate, of the location of commission roadblocks or special or night operations.

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 July 27, 1990.

TRD-9007576

John W. Holcombe, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: September 3, 1990

For further information, please call: (512) 479-6697

◆ ◆ ◆
TITLE 19. EDUCATION
Part II. Texas Education Agency

Chapter 129. Student Attendance

Subchapter D. Student Attendance Accounting

◆ ◆ ◆
• 19 TAC §129.61

(Editor's Note: The Texas Education Agency proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Texas Education Agency proposes an amendment to §129.61, concerning requirements for student attendance accounting for state funding purposes. The proposed amendment will implement the

Texas Education Code, §16.006, Average Daily Attendance. This statutory change included in Senate Bill 1, 71st Texas Legislature, Sixth Called Session, reinstated year-round attendance reporting. The amendment has also been adopted on an emergency basis.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the proposed section is in effect there will be fiscal implications for state and local government as a result of enforcing or administering the section. Adoption of the section merely implements the new statute for school funding as laid out in Senate Bill 1. The new method of attendance reporting is projected to reduce state aid to local school districts by about \$150 million annually as part of general school finance reform. This change will increase the workload of local school districts due to the increased paperwork necessary to maintain and report year-round attendance figures. Some school districts already maintain the necessary data for annual attendance accounting. The cost to local government cannot be quantified.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that school districts will increase their efforts to keep attendance rates high for all students throughout the school year. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Criss Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-9701. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and *Texas Register* Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for implementation and administration of the Foundation School Program.

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 July 19, 1990.

TRD-9007522 W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: September 3, 1990

For further information, please call: (512) 463-9701



TITLE 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

Chapter 213. Practice and Procedure

• 22 TAC §213.21

The Board of Nurse Examiners proposes new §213.21, concerning legal counsel. The new section is being proposed to assist those persons wishing to appear before the agency in clarifying who they may bring for representation should they choose to be represented by legal counsel. By requiring that said representation be someone who is licensed to practice law by the State Bar of Texas, it is anticipated that the matter bringing the client before the agency will be expedited.

Louise Waddill, R.N., Ph.D., executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Waddill also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to give the public direction as to who may be permitted to offer representation on their behalf in appearing before the agency if they choose to have legal counsel represent them. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the section as proposed will be the cost of hiring an attorney licensed to practice by the State Bar of Texas if legal representation is desired.

Comments on the proposal may be submitted to Louise Waddill, R.N., Ph.D., Executive Director, Board of Nurse Examiners, Box 140466, Austin, Texas 78714.

The new section is proposed under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it.

§213.21. Legal Counsel. Any representative for any party appearing for any proceeding before the agency must be an attorney licensed to practice law by the State Bar of Texas.

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 July 27, 1990.

TRD-9007604 Louise Waddill, R.N., Ph.D.
Executive Director
Board of Nurse Examiners
for the State of Texas

Earliest possible date of adoption: September 3, 1990

For further information, please call: (512) 835-8650



Chapter 215. Nurse Education

• 22 TAC §215.3

The Board of Nurse Examiners proposes an amendment to §215.3, concerning accreditation. The amendment is being proposed to decrease the number of survey visits made to those nursing programs that have received full accreditation from the Board of Nurse Examiners and are experiencing no operating difficulties.

Louise Waddill, R.N., Ph.D., executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Waddill also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to permit the Board of Nurse Examiners nursing consultants to focus their efforts on surveying those nursing programs who have not been granted full accreditation or are experiencing operating difficulties, i.e., pass rate below 75%, new director, new programs, extended campuses, ect. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Louise Waddill, R.N., Ph.D., Executive Director, Board of Nurse Examiners, Box 140466, Austin, Texas 78714.

The amendment is proposed under Texas Civil Statutes, Articles 4514, §1 and 4518, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing, and to determine whether an act constitutes the practice of professional nursing not inconsistent with the provisions of this law. It shall be the duty of the Board of Nurse Examiners to prescribe and publish the minimum requirements and standards for a course of study in programs which prepare professional nurse practitioners.

§215.3. Accreditation.

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

(c) Accreditation procedure. The continuing accreditation status of each program shall be determined annually by the board either on the basis of a survey visit or review of annual report.

(1) Survey visit. Each nursing program will be visited at least every six [four] years after full accreditation has been granted or at any time deemed necessary by the board. A written report of the visit together with the annual report submitted by the director will be reviewed by the board at a regularly scheduled meeting. The decisions of the board concerning the accreditation status of the program will be

sent to the director and the chief administrative officer of the controlling institution.

(2) (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 July 27, 1990.

TRD-9007603 Louise Waddill, R.N., Ph.D.
Executive Director
Board of Nurse Examiners

Earliest possible date of adoption: September 3, 1990

For further information, please call: (512) 835-8650

◆ ◆ ◆
Chapter 217. Licensure and Practice

• 22 TAC §§217.1, 217.5, 217.6

The Board of Nurse Examiners proposes amendments to §§217.1, 217.5, and 217.6, concerning definitions, requirements for licensure of nurses not eligible for endorsement under §217.4, and temporary permit. The amendments are being proposed to address the low pass rate on the NCLEX-RN of permitted foreign educated nurses. The proposed amendments define a board-approved accustomation course and require participation in said course for issuance of temporary permits to foreign educated nurses who are writing NCLEX for the first time. The amendments also require, within a two-year period from the date of course approval, a 75% pass rate on the NCLEX-RN of the permitted foreign educated nurses completing the approved accustomation course. This rule becomes effective on June 6, 1991, for all first-time foreign candidates applying to write the February 1992 NCLEX-RN.

Louise Waddill, R.N., Ph.D., executive director, has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for state and local government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect: although there will be some cost, the agency is unable to determine a dollar amount at this time. The effect on local government for the first five-year period the sections are in effect: although there will be some cost, the agency is unable to determine a dollar amount at this time.

Ms. Waddill also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the sections will be greater public protection by requiring the foreign educated nurse to participate in an educational course which includes supervised precept clinical practice to prepare the nurse for the practice of nursing in the American health care system and provides a mechanism for assuring an acceptable probability that the permitted nurse will pass the NCLEX-RN on the first writing. The effect on small businesses will be the expense of offering this course for the employment of an instructor to teach the

nurses and the cost of the course materials. However, the benefits of having a better trained nurse who is more likely to pass the NCLEX-RN on the first writing would result in less recruitment expenses and more qualified personnel. The cost of compliance would be equivalent for small and large businesses. The anticipated economic cost to persons who are required to comply with the section as proposed will be: although there may be a cost, the agency is unable to make a determination at this time.

Comments on the proposal may be submitted to Louise Waddill, R.N., Ph.D., executive director, Board of Nurse Examiners, Box 140466, Austin, Texas 78714.

The amendments are proposed under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it.

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

Accustomation course—A specific set of planned learning experiences designed to assist foreign educated nurses holding temporary permits to become acclimated to the nurse's role in the United States health care delivery system and to increase the likelihood of the nurses passing NCLEX-RN on the first writing. The board approved course includes 120 hours of classroom and 120 hours of precepted clinical learning experiences.

Examination year—The time period from September 1 of one year to August 31 of the following year.

§217.5. *Requirements for Licensure of Nurses Not Eligible for Endorsement Under §217.4.*

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

(c) Admission to NCLEX-RN is contingent upon evidence of satisfactory completion of a board approved accustomation course as specified in §217.6(3) of this title (relating to Temporary Permit), if the applicant holds a temporary permit.

(d)[(c)] Passing the NCLEX-RN.

§217.6. *Temporary Permit.*

(a) Examination candidates eligible for temporary permits.

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

(3) A nurse who has graduated from an accredited nursing program outside of the United States, has never taken the SBTPE or NCLEX-RN, has passed CGFNSE, is enrolled in a board-approved nursing accustomation course, and is scheduled for the first available licensure examination will be issued a permit to practice professional nursing.

(4) Upon satisfactory completion of the accustomation course and requirements as stated in §217.5 of this title (relating to Requirements for Licensure of Nurses Not Eligible for Endorsement Under §217.4), the candidate will be admitted to the NCLEX-RN.

(5) Within two examination years after the accustomation course is approved, at least 75% of the permitted foreign educated nurses must pass the NCLEX-RN on the first writing.

(6) In subsequent examination years the pass rate of permitted foreign educated nurses must remain at least 75% in a specific accustomation course in order for said course to maintain board approval.

(7) A letter of warning will be sent to an institution offering an accustomation course when the pass rate of permitted foreign educated nurses falls below 75% within an examination year.

(8) Following the second examination year, if the pass rate does not comply with paragraph (6) of this subsection, then foreign educated nurses will no longer be issued permits on the basis of participation in said course.

(9)[(4)] A candidate holding a temporary permit to practice professional nursing as a graduate nurse must work under the direct supervision of a registered nurse.

(10)[(5)] The permit of an unsuccessful candidate expires when the results of the examination are released and must be returned to the board office.

(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 July 30, 1990.

TRD-9007602 Louise Waddill, R.N., Ph.D.
Executive Director
Board of Nurse Examiners

Earliest possible date of adoption: September 3, 1990

For further information, please call: (512) 835-8650

◆ ◆ ◆
Chapter 223. Fees.

• 22 TAC §223.1

The Board of Nurse Examiners proposes an amendment to §223.1, concerning fees. The increase in examination fees is being proposed to cover the cost of the administration of the national council licensure examination for registered nurses (NCLEX-RN). The fee increase will also affect RNs who are paying a delinquent re-registration fee as provided in Texas Civil Statutes, Article 4526.

Louise Waddill, R.N., Ph.D., executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Waddill also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be there will be no public benefit anticipated as a result of the fee increase; only candidates taking the NCLEX-RN July 1991 and thereafter and RNs paying for a late reregistration will be affected. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the section as proposed will be a \$15 increase to RN candidates and RNs paying late reregistration fees July 1991 and thereafter.

Comments on the proposal may be submitted to Louise Waddill, R.N., Ph.D., Executive Director, Board of Nurse Examiners, Box 140466, Austin, Texas 78714.

The amendment is proposed under Texas Civil Statutes, Articles 4514, §1, 4526, and 4527, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to charge a late fee for reregistration received after the expiration date, and to establish reasonable and necessary fees for the administration of its functions.

§223.1. Fees. The Board of Nurse Examiners has established reasonable and necessary fees for the administration of its functions in the following amounts:

- (1) admission fee to examination—**\$90** [\$75];
- (2)-(12) (No change.)
- (13) late fee for reregistration:
 - (A) less than 90 days—**\$45** [\$37.50];
 - (B) more than 90 days—**\$90** [\$75];
- (14) (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 July 27, 1990.

TRD-9007601 Louise Waddill, R.N., Ph.D.
Executive Director
Board of Nurse Examiners

Earliest possible date of adoption: September 3, 1990

For further information, please call: (512) 835-8650



TITLE 34. PUBLIC FINANCE

Part IX. Texas Bond Review Board

Chapter 181. Bond Review Board

Subchapter A. Bond Review Rules

• 34 TAC §181.3, §181.4

The Texas Bond Review Board proposes amendments to §181.3 and §181.4. The amendments will change the section pertaining to applications to be considered by the Bond Review Board by setting a time limit for submission, of revisions to applications subsequent to the initial filing deadline; and will change the monthly meeting day of the staff planning meeting. The Texas Bond Review Board amends these sections to accommodate board staff members and to facilitate the review process when additional information (amended application) is provided by applicants concerning issues before the board. The change in the day of the staff planning meeting will allow additional time for review of the issues scheduled for approval.

Tom K. Pollard, executive director of the Bond Review Board, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Pollard also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the increased knowledge of the extent and implications of state debt issuance. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Tom K. Pollard, Executive Director, Texas Bond Review Board, P.O. Box 13292, Austin, Texas 78711-3292.

The sections are proposed under Acts of the 70th Legislature, Chapter 1078, §3, 1987 (Texas Civil Statutes, Article 717k-7), which gives the Texas Bond Review Board the authority to adopt rules governing application for review, the review process, and reporting requirements involved in the issuance of state bonds.

§181.3. Application for Board Approval of State Bond Issuance.

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

(f) At any time before [approval] the date for consideration of an application by the board, an applicant may withdraw [or revise] the application. Revisions to an application must be submitted in writing not less than 72 hours prior to the board meeting.

§181.4. Meetings.

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

(c) A planning session will be held regarding applications pending before the board on or before [the Friday prior to a regular board meeting] the second Tuesday of each month. Planning sessions regarding applications to be heard at additional meetings of the board will be held as far in advance of the additional board meeting as practicable. At a planning session, board members, their designated representatives, or their staff representatives may discuss pending applications, but may not conduct board business. Applicants may be required to attend a planning session and may be asked to make a presentation and answer questions regarding their application. Applicants may be asked to submit written answers to questions regarding their application in lieu of, or in addition to, their attendance at a planning session.

(d)-(h) (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 July 30, 1990.

TRD-9007624 Tom K. Pollard
Executive Director
Texas Bond Review Board

Earliest possible date of adoption: September 3, 1990

For further information, please call: (512) 463-1741

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part XI. Texas Juvenile Probation Commission

Chapter 341. Texas Juvenile Probation Commission

• 37 TAC §341.23

The Texas Juvenile Probation Commission (TJPC) proposes new §341.23, concerning service contracts for dysfunctional families. The purpose of the new section is to comply with the Human Resources Code (HRC), §71.011 (a), as passed by the 71st Legislature. The HRC requires TJPC, the Texas Department of Human Services (DHS) and the Texas Youth Commission (TYC) to adopt a memorandum of understanding (MOU) regarding service delivery to dysfunctional families. Under the law, the MOU must include an agreement that the three agencies will jointly contract to provide dysfunctional families with training in parenting skills, training in coping skills for children, and support groups for both parents and children.

Steve Bonnell, deputy executive director, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect will be an estimated additional cost of \$10,000, 1991-1995. There will be no effect on local government.

Mr. Bonnell, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to increase the availability of coordinated services to dysfunctional families. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Judy Briscoe, Texas Juvenile Probation Commission, P.O. Box 13547, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, §71.011(a), which provides TJPC with the authority to enter into a memorandum of understanding with the DHS and the TYC regarding service delivery to dysfunctional families.

§341.23. Memorandum of Understanding Regarding Service Delivery to Dysfunctional Families.

(a) The Texas Juvenile Probation Commission adopts by reference a joint memorandum of understanding with the Texas Department of Human Services and the Texas Youth Commission regarding service delivery to dysfunctional families.

(b) The memorandum of understanding was published in the *Texas Register* by the Texas Department of Human Services on July 24, 1990, at (15 TexReg 4198 and 4199). Copies of the memorandum of understanding are available from the Texas Juvenile Probation Commission.

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 July 26, 1990.

TRD-9007562

Judy Briscoe
Acting Executive Director
Texas Juvenile Probation
Commission

Earliest possible date of adoption: September 3, 1990

For further information, please call: (512) 443-2001



Adopted Sections

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

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

TITLE 22. EXAMINING BOARDS

Part III. Texas Board of Chiropractic Examiners

Chapter 80. Practice of Chiropractic

• 22 TAC §80.1

The Texas Board of Chiropractic Examiners adopts new §80.1, without changes to the proposed text as published in the February 13, 1990, issue of the *Texas Register* (15 TexReg 756).

The new section will require licensed doctors of chiropractic who are reviewing or analyzing the tests, medical records, x-rays, diagnosis, treatment plan or prognosis made by a treating chiropractor for the purpose of rendering an opinion concerning the necessity of treatment or plan of treatment will be subject to all the provision of the Chiropractic Act of Texas and the rules and regulations of the Act.

The new section will require licensed chiropractors who are performing or analyzing chiropractic procedures and treatment to follow the provisions of the Chiropractic Act of Texas and therefore, they will be subject to disciplinary proceedings should they violate any of the rules or procedures of the Act.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules as deemed necessary.

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 July 25, 1990.

TRD-9007525 Jennie Smetana
Executive Director
Texas Board of
Chiropractic Examiners

Effective date: August 16, 1990

Proposal publication date: February 13, 1990

For further information, please call: (512) 343-1895



Part XI. Board of Nurse Examiners

Chapter 217. Licensure and Practice

• 22 TAC §217.16

The Board of Nurse Examiners adopts an amendment to §217.16, without changes to the proposed text as published in the June 8, 1990, issue of the *Texas Register* (15 TexReg 3313).

The amendment is being adopted to provide clarification that a nurse who has voluntarily requested to participate in the peer assistance program prior to his/her practice becoming impaired does not need to be reported to the Board of Nurse Examiners for noncompliance with the peer assistance program. The amendment is consistent with federal law.

The adoption of the amendment will permit the Board of Nurse Examiners' investigative staff to focus their efforts on investigating nurses whose practice is identified as unsafe.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4514, §1 which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it.

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 July 27, 1990.

TRD-9007600 Louise Waddill, R.N., Ph.D.
Executive Director
Board of Nurse Examiners

Effective date: August 17, 1990

Proposal publication date: June 8, 1990

For further information, please call: (512) 835-8650



TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 7. Corporate and Financial Regulation

Subchapter F. Procedures for Insurance companies Domiciled Out-of-State to Withdraw by Virtue of Reinsurance Agreements

• 28 TAC §§7.601-7.606

(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 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The State Board of Insurance adopts the repeal of §§7.601-7.606, without changes to the proposed text as published in the May 4, 1990, issue of the *Texas Register* (15 TexReg 2570).

Sections 7.601-7.606 concern procedures for insurance companies domiciled out-of-state to withdraw by virtue of reinsurance agreements. The repeal of §§7.601-7.606 as Subchapter F, concerning withdrawal of out-of-state insurers, of Chapter 7, concerning corporate and financial regulation, is simultaneous with the adoption of new Subchapter F, concerning reinsurance. Notice of the adoption of the new Subchapter appears elsewhere in this issue of the *Texas Register*.

The repeal of this subchapter is necessary to enable the board simultaneously to adopt a new subchapter, which replaces the repealed sections with other provisions concerning reinsurance and which renumbers repealed §§7.601-7.606 as §§7.631-7.636.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Insurance Code, Articles 1.32, 3.10, 5.75-1, 9.21, and 21.28-A, which authorizes the State Board of Insurance to promulgate rules and regulations necessary to accomplish the purposes of those articles and to protect the public interest concerning the regulation of reinsurance.

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 July 26, 1990.

TRD-9007549 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 16, 1990

Proposal publication date: May 4, 1990

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

Subchapter F. Reinsurance

• 28 TAC §§7.601-7.614

The State Board of Insurance adopts new §§7.601-7.614. Sections 7.601, 7.602, 7.604, and 7.606-7.612 are adopted with changes to the proposed text as published in the May 4, 1990, issue of the *Texas Register* (15 TexReg 2570). Sections 7.603, 7.605, 7.613, and 7.614 are adopted without changes and will not be republished.

Sections 7.601-7.614 concern the allowance of reserve credit for reinsurance by ceding insurers. The adoption of new §§7.601-7.606 is simultaneous with the repeal of old §§7.601-7.606. Notice of the repeal appears elsewhere in this issue of the *Texas Register*. This adoption includes several changes to the proposed text for the reasons explained in the following sentences. The adoption includes a change to §7.601 to clarify the applicability to title insurance and the non-applicability to those ceding insurers domiciled in another state with substantially similar legislation in effect. The adoption includes a change to §7.602 to clarify the definitions and add previously omitted definitions. A change was made to §7.604 to clarify that approval of the commissioner of insurance is required for reinsurance of the entire outstanding business of a domestic insurer, and the title of the section was changed. Section 7.606(d) was changed to require the annual statement and quarterly filings on March 1 rather than a filing on March 1 and February 15. A change was made to §7.606(h) to extend the time limit and to provide notice to ceding insurers of loss of accreditation by assuming insurers. Section 7.607(b) (1) was changed to require the single trustee reinsurer to comply with some of the same filing requirements as accredited reinsurers. A change was made to §7.607(c)(6) to eliminate the prior approval of a trust amendment and to require notification of trust agreement amendments within 10 business days. Section 7.608 was changed to clarify that the trust is not required to be established in Texas and that reserve credit is not limited to only funds held in trust. A change was made to §7.609 to clarify the types of trust agreements covered and the title of the section was changed. Section 7.609(b)(4) and (b)(4)(C) was changed to clarify the requirements of trust agreements. Section 7.609(b)(4)(D) was deleted since it was substantially similar to (b)(4)(C). Section 7.609(b)(7) was changed to eliminate the maximum limit for notification required for termination of the trust agreement. A change was made to §7.609(b)(8) to clarify which law applies in trust agreements. A change was made to §7.609(b) (9) to allow a limited invasion of the trust corpus for the reimbursement of trustee expenses, §7.609(c)(1) was changed to include language for removal of the trustee. A change was made to §7.609(d)(1)(D) to include language that was recently included in the NAIC model regulations on reinsurance credit. A change was made to §7.609(d)(1)(D)(iii) to clarify when funds may be withdrawn from the trust.

Section 7.610 was changed to clarify the types of letters of credit covered, and the title of the section was changed. A change was made to §7.610(a) to clarify that the letter of credit shall contain an issue date. Section 7.610(b) was changed to clarify that neither the boxed nor internal identification section affect the letter of credit terms. A change was made to §7.610(e) to clarify that the letter of credit must specify which law applies. Section 7.610(h)(1)(b)(iii) was changed to clarify when funds may be withdrawn from the letter of credit. Section 7.610(o) was deleted because it was unnecessary and burdensome. A change was made to §7.611 to clarify that these provisions apply to indemnity reinsurance agreements. Section 7.611(2) was changed to clarify the adjudication provision and to permit the use of an arbitration clause rather than requiring an arbitration clause. A change was made to §7.611(3) to make allowance for the instances where quarterly accounting will not occur. A change was made to §7.612 to clarify the effective date of the proposed new sections and the reinsurance agreements to which they are applicable.

The new sections are necessary to apply and promote consistent standards to all insurers regarding the accounting of reinsurance transactions and to facilitate implementation of amendments to the Insurance Code, Articles 3.10 and 5.75-1, occasioned by the passage of Senate Bill 255 into law during the 71st Legislature. The new sections define terms commonly used in reinsurance, establish the requirements for obtaining reinsurance credit by the ceding insurer for reserve liability, and clarify requirements for accounting and reserves for reinsured risks and liabilities. Adoption of these new sections includes adoption by reference of standard forms for use by all companies subject to the provisions of this subchapter and the Insurance Code, Articles 3.10 and 5.75-1.

Generally the commenters were in favor of the proposed sections; however, objections were made to certain specific provisions and/or sections: American Council of Life Insurance; Reinsurance Association of America; Southern Title Guaranty Company, Inc.; Texas Association of Life Insurance Officials; Title Underwriters of Texas Advisory Organization, Inc.; and Underwriters at Lloyd's, London, commented against §7.601 as proposed. Underwriters at Lloyd's, London, commented for §7.602. Reinsurance Association of America commented for §7.604, and American International Group and the Texas Legal Reserve Officials Association commented against the section. American Council of Life Insurance and Reinsurance Association of America commented against §7.606. Underwriters at Lloyd's, London, commented in favor of §7.607 and §7.608. Reinsurance Association of America commented against §7.608. Commenting for §7.609 was Underwriters at Lloyd's, London, and commenting against the section were Reinsurance Association of America and Western Indemnity Insurance Company. Commenting for §7.610 were American Council of Life Insurance; Underwriters at Lloyd's, London; and Western Indemnity Insurance Company. Reinsurance Association of America commented against the section. American Council of Life Insurance; Reinsurance Association of Amer-

ica; and Underwriters at Lloyd's, London, commented against §7.611 and §7.612; and Underwriters at Lloyd's, London, commented against §7.613.

Comments were received on §7.601 requesting either full exemption or a language change for Chapter 14, Mutual Assessment Companies, Chapter 22, Stipulated Premium Companies, and Chapter 9, Title Companies. The board disagrees with the blanket exclusion of certain companies from these sections, yet has incorporated clarification language to §7.601 for title companies and changed the title of §7.611 to clarify that these sections do not conflict with statutory language regarding assumption insurance in the Insurance Code, Chapter 14 and Chapter 22. Commenters suggested that the scope of this provision not apply to foreign insurers that are domiciled in a state that regulates reinsurance reserve credit under a substantially similar law and that the rules should not have interstate jurisdiction but rather intrastate jurisdiction. A suggested language change was the addition of the following sentence: "The provisions of this Subchapter F shall not apply to licensed foreign insurers domiciled in a state that regulates reinsurance reserve credit under a substantially similar law, rule, or bulletin." A commenter suggested inserting the word "domestic" prior to "insurers writing insurance ..." After due consideration, the board adopts language which exempts ceding insurers domiciled in a state with substantially similar legislation and places the responsibility on the insurers to assure the board that the insurer is in compliance with the laws of other states and those laws are substantially similar to Texas credit for reinsurance laws. A commenter expressed concern that the federal flood and crop hail programs are not specifically exempted in the scope and requested allowance of reinsurance credit to those ceding insurers participating in these programs by defining federal reinsurance as admitted reinsurance. The board responds that, since these types of coverage are covered under the Insurance Code, Chapter 5, specifically identifying these programs is unnecessary, and the legislature has not provided the board the authority to define federal reinsurance as admitted reinsurance.

On §7.602 a commenter suggested the addition of the phrase "or reinsurance" in the definition of assuming insurer and the words "or reinsurer" in the definition of ceding insurer to bring retrocession agreements within the scope of the sections. The commenter suggested changing the phrase "an insurance company" to the term "insurer" in the definition of assuming insurer and assumption reinsurance to clarify that the sections apply to all insurers, since not all insurance companies per se, such as Lloyds, are insurance companies, but are insurers. The board concurs, and the adoption includes the suggested changes. The commenter suggested that the phrase "an insurance policy risk" in the definition of ceding insurer be changed to the phrase "insurance risk." The board agrees with the comments and the adoption incorporates such language.

One commenter suggested that §7.604 be changed to limit review and approval to the reinsurance of the entire outstanding business of the domestic company and not to include reinsurance of 100% of a company's

liability under one or more policies. The board responds by changing §7.604 to only apply to reinsurance of the entire outstanding business of the domestic ceding insurer. A commenter expressed concern over the potential overlap between this section and a statutory requirement of the Holding Company Act regarding approval of the commissioner of insurance and duplication of requirements. The board responds that it does not view the statutory provision on which this section is based and the Holding Company Act statutory requirements to be in conflict and that the matter is currently being handled administratively without duplication of efforts on the part of the insurer or the staff.

A commenter suggested that the quarterly listing of ceding insurers be limited to domestic ceding insurers in §7.606(d). The board responds that the listing required is only a listing of ceding insurers with which reinsurance agreements have been entered into during that calendar quarter, and the listing is necessary for timely notification in case of loss of accreditation. Another commenter on §7.606(d) suggested that the filings required on March 1 and February 15 be combined so that only one deadline has to be met for the annual statement and quarterly filings. The board concurs and the adopted filing date for the annual statement and quarterly filings will be March 1. A commenter on §7.606(h) suggested that three months was too short of a timeframe for ceding insurers to terminate contracts with those reinsurers who had loss accreditation and that the State Board of Insurance needed to notify ceding insurers of reinsurers' loss of accreditation. The board concurs with the comments and the adoption provides a four-month timeframe and notification by the State Board of Insurance.

A commenter suggested a change to §7.607(c)(6) to prevent subjecting trust agreements to unilateral requirements of the various states and different requirements of various states. The board agrees with the comment and the adoption incorporates the suggested change.

A commenter suggested that the proposed language in §7.608 could have been interpreted to restrict funds to be held in trust only. The board responds by inserting the words "including funds held in trust for the ceding insurer" and deleting the phrase "pursuant to a trust agreement." A commenter suggested that the words "in Texas" be deleted from the phrase "or not trustee in Texas" to avoid the possible question that Texas trusts are required. The board concurs with the comment and the adoption deletes "in Texas." A commenter suggested the addition of the word "domestic" prior to the term "ceding insurer" to avoid ambiguity and also suggested there was inconsistency with other provisions. The board, after review and consideration, is persuaded that §7.608 should not include the word "domestic" since the provision is consistent with the statute, and the board does not want to give foreign companies an unfair advantage over domestic companies.

A commenter suggested that the introductory language used in §7.608 should be included in §7.609 and §7.610 for consistency and to eliminate any doubt that credit will be granted if the prescribed trust agreement or letter of

credit procedures are followed. The board responds that the change to the titles of each of these sections addresses this comment and clarifies any potential confusion. A commenter suggested that the definition of beneficiary in §7.609(a)(1) be changed to conform with the recent change in the definition in the NAIC model regulations, which limits the beneficiary to the domiciliary liquidator, receiver, conservator, or rehabilitator. The board responds that the definition of beneficiary as proposed is consistent with the Insurance Code, and the Insurance Code gives the Texas ancillary receiver the same powers and same duties with respect to assets located in Texas as the domiciliary receiver. A commenter suggested that the words "clean and unconditional" be deleted from §7.609(b)(4) since these terms do not apply to trust agreements. The board agrees and the adoption includes the suggested deletion. A commenter recommended changing §7.609(b)(4)(D) to prohibit conditioning on other agreements rather than references to other agreements. The board concurs and the adoption incorporates the recommendation. A commenter suggested allowing the substitution of admitted or qualified assets in the trust. The board responds that the adopted language adequately addresses what the commenter wants to accomplish; it just requires written notification from the ceding insurer. A commenter requested that the number of days in the notification window in §7.609(b)(7) be extended from 45 to 60 days. The board responds that the window is deleted by deleting the language "but not more than 45 days," and only a minimum number of days is required for notification. Commenters suggested that the language of §7.609(b)(8) was ambiguous as to which law applies in the trust agreement. The board concurs with the comments, and the adoption clarifies the requirement for specifying which law will govern. A commenter suggested the allowance of a limited invasion of the trust corpus in §7.609(b)(9) for paying compensation to, or reimbursing the expenses of, the trustee. The board responds that a limited invasion of the trust corpus should be permissible and adds the language "in excess of 1.0% of the corpus per annum" after the words trust corpus. A commenter suggested the addition of the phrase "in the event of notice of termination of the trust" at the beginning of §7.609(d)(1)(D)(iii) since, prior to such notice, funds may be withdrawn from the trust only for amounts currently due and owing from the reinsurer. The board agrees, and the adoption incorporates such language. A commenter suggested changing the word "or" to "and" in §7.609(d)(2)(A)(ii) to correctly reflect the intent of the provisions. The board agrees, and the adoption incorporates the change. A commenter requested that the commissioner of insurance approve any government obligation regardless of maturity date in the proposed sections as assets of trust. The board responds that the sections comply with the statute, and the commissioner of insurance has the ability to approve other assets on a case-by-case basis.

A commenter suggested that the language in §7.610(b) was ambiguous and not what was intended. The board responds by inserting the sentence, "Neither the boxed section nor the internal identification shall affect the terms

of the letter of credit" and deleting the ambiguous language. A commenter suggested changing the "to" in §7.610(d) to "from." The board responds that the language as proposed accomplishes the intent of the comment since the commenter misread the term "insurer" as "issuer." Commenters suggested that §7.610(e) needed to allow the laws of the state of the issuing bank to govern and needed to specify in the letter of credit which state laws govern. The board agrees with the comments and the adopted language incorporates the changes. A commenter suggested the addition of the phrase "in the event of notice of nonrenewal" at the beginning of §7.610(h)(1)(B)(iii) since, prior to such notice, funds may be withdrawn from the letter of credit only for amounts currently due and owing from the reinsurer. The board concurs, and the adoption incorporates such language. A commenter suggested that §7.610(o) be deleted and claimed that prior approval would be administratively impossible since many letters of credit issued on behalf of reinsurers in the London market are issued on behalf of more than one reinsurer. The board, after review and consideration, is persuaded that the provision should be deleted.

A commenter suggested that language be added to §7.611(2) regarding the appeals court. The board responds by inserting the language "or an appellate court to which such court's decision is appealed." A commenter suggested that the quarterly accounting required in §7.611(3) is unreasonable and not applicable to all reinsurance agreements and submitted the following language after "at quarterly intervals or more frequently": "except where there are no paid losses recoverable from the reinsurer subject to reporting on Schedule F of the Annual Statement Blank." The board responds that the quarterly accounting is necessary for all entities involved to be apprised of the financial situation on a quarterly basis and has included the following to address the concerns of the commenter: "or quarterly accrual for annual settlements for those agreements which are not susceptible to other than annual payments, such" after "reinsurance agreement" and before "periodic accounting." Commenters suggested deletion of §7.611(4), claiming that this provision would prohibit the right of offset between assuming and ceding insurers. A commenter suggested amending paragraph (4) to read: "provides that periodic accounts may set forth offsetting balances only with respect to that contract." The board responds that the examiner during an examination needs to be able to determine how each individual contract is being performed, and by allowing the performance of one contract to be dependent on the performance of another contract complicates the accounting procedures. The board is not persuaded that offset between assuming and ceding insurers will be prohibited but rather limited to the specific contract of the insurers and responds that each contract should stand on its own.

Commenters objected to the effective date of the new sections as not allowing insurers sufficient time to comply with the credit for reinsurance requirements and suggested an effective date of January 1, 1991. The board responds by inserting the language "Sections 7.601-7.614 of this title (relating to Scope;

Definitions; The Insurance Code, Article 3.02, §2(a), Companies-Prohibition Against Reinsurance with Non-Licensed Insurers; Reinsurance of Entire Business; Fees; Non-Licensed Insurer May Become Accredited Reinsurer; Non-Licensed Insurer May Become Trusteed Reinsurer; Insurance Ceded to Non-Licensed Insurers; Trust Agreements Qualified under the Insurance Code, Article 3.10, §(d), and Article 5.75-1, §(d); Letter of Credit Qualified under the Insurance Code, Article 3.10, §(d)(3), or Article 5.75-1, §(d)(3); Indemnity Reinsurance Agreements-Required Provisions; Reinsurance Agreements Affected; Reinsurance Ceded to Non-Licensed Reinsurers During the Transitional Period; and Adoption of Forms by Reference) shall become effective September 30, 1990, and shall apply to all reinsurance agreements on the inception, anniversary, or renewal date on or after January 1, 1990," in place of the language "All new and renewal reinsurance transactions entered into on or after July 1, 1990, shall conform to this subchapter." A commenter suggested the language "This subchapter shall apply to all new business ceded on or after January 1, 1991, by insurers subject to this subchapter," taking the position that these sections should apply only to new business ceded. The board responds the adopted language follows the intent of the statute to cover all reinsurance agreements, not just new business, and a timeframe has been established to allow insurers to come into compliance.

A commenter suggested that the application of this provision to all insurers, regardless of where the insurer is domiciled, may result in conflict of laws problems. The board responds that this provision is for the transitional period and is consistent with prior statutory language covering reinsurance credit.

The new sections are adopted under the Insurance Code, Articles 1.32, 3.10, 5.75-1, 9.21, and 21.28-A, which authorizes the State Board of Insurance to promulgate rules and regulations necessary to accomplish the purposes of those articles and to protect the public interest concerning the regulation of insurance.

§7.601. Scope. This subchapter is promulgated and adopted pursuant to the authority provided in the Insurance Code, Articles 1.32, 3.10, 5.75-1, 9.21, and 21.28-A. This subchapter applies to all insurers writing insurance, which includes, but is not limited to, life insurance, accident and health insurance, annuities, and all forms of insurance regulated by the Insurance Code, Chapter 5, including, but not limited to, property and casualty insurance, fire insurance, auto insurance, fidelity, guaranty, and surety bonds, and workers' compensation insurance in this state. This subchapter applies to all insurers authorized to do the business of insurance in this state under the Insurance Code, Chapters 2, 3, 5, 6, 8-19, 21, and 22. The provisions of §§7.601-7.614 of this title (relating to Scope; Definitions; The Insurance Code, Article 3.02, §2(a), Companies-Prohibition Against Reinsurance with Non-Licensed Insurers; Reinsur-

ance of Entire Business; Fees; Non-Licensed Insurer May Become Accredited Reinsurer; Non-licensed Insurer May Become Trusteed Reinsurer; Insurance Ceded to Non-licensed Insurers; Trust Agreements Qualified under the Insurance Code, Article 3.10, §(d), and Article 5.75-1, §(d); Letter of Credit Qualified under the Insurance Code, Article 3.10, §(d)(3), or Article 5.75-1, §(d)(3); Indemnity Reinsurance Agreements Required Provisions; Reinsurance Agreements Affected; Reinsurance Ceded to Non-licensed Reinsurers During the Transitional Period; and Adoption of Forms by Reference) shall not apply to ceding insurers domiciled in another state that regulates reinsurance reserve credit under law, rule, or bulletin substantially similar in substance and effect to Texas law and rules. To pursue this exception, the ceding insurer shall provide upon request to the commissioner of insurance evidence of similarity in the form of statutes, regulations, and interpretation of the standards utilized by the state of domicile. The provisions of this subchapter shall not apply to the reinsurance of all or part of the liability of a policy of title insurance when the assuming insurer is licensed to do business in Texas and the reinsurance is effected by use of a form promulgated by the State Board of Insurance. The board may, pursuant to the Insurance Code, Article 9.19, §D, permit any title insurance company licensed to do business in this state to acquire reinsurance and may consider the provisions of this subchapter, insofar as those provisions apply to the business of title insurance. The sections in this subchapter are supplementary to and cumulative of existing statutes and rules of the State Board of Insurance. In the case of an ambiguity or contradiction between any of the sections in this subchapter and any statute, the provisions of the statute controls.

§7.602. Definitions.

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

Anniversary—The annual recurrence of the date of inception of the reinsurance agreement.

Assuming insurer (Reinsurer)—The insurer who, under a reinsurance agreement (contract of reinsurance), incurs an obligation to the ceding insurer which is contingent upon the incurring of liability or loss by the ceding insurer under its contracts of insurance or reinsurance. Assuming insurer includes an insurer who assumes the policy obligations of the ceding insurer as the assuming insurer's direct obligations under those policies and in substitution for the obligations of the ceding insurer.

Assumption reinsurance—A reinsurance transaction whereby the assuming insurer (reinsurer) assumes in writing the direct policy obligations of the ceding insurer in substitution for the obligations of the ceding insurer.

Ceding insurer—The insurer or reinsurer which has transferred an insurance risk or part of an insurance risk to a reinsurer pursuant to a reinsurance agreement.

Indemnity reinsurance—A written contract which transfers an insurance risk of loss between insurers for a consideration and indemnifies a ceding insurer against all or part of the loss which the latter may sustain under the insurance policy or policies it has issued or assumed.

Insurer—A person or business entity legally organized in and authorized by its domiciliary jurisdiction to do the business of insurance.

Qualified United States financial institution—Those institutions as defined in the Insurance Code, Article 3.10, §(e), and Article 5.75-1, §(e).

Reinsurance—A written contract which transfers an insurance risk of loss between insurers for a consideration commensurate with the risk transferred and indemnifies a ceding insurer against all or part of the loss which the latter may sustain under the insurance policy or policies it has issued or assumed.

Surplus as regards policyholders—The excess of net admitted assets over the sum of total liabilities.

§7.604. Reinsurance of Entire Business. Any domestic company reinsuring its entire outstanding business to an assuming reinsurer shall submit to the commissioner of insurance through the State Board of Insurance, Company License Division, with a copy to the Reinsurance Division, the plan of reinsurance and all necessary documents to allow the commissioner of insurance to determine that the interests of all policyholders are fully protected prior to entering into the reinsurance agreement.

§7.606. Non-licensed Insurer May Become Accredited Reinsurer.

(a) An assuming insurer authorized by its state of domicile to assume the kind or kinds of insurance ceded thereto, but which is not licensed to transact the business of insurance or reinsurance in this state, may apply for accreditation. A domestic ceding insurer which cedes business to an accredited reinsurer may receive credit for reinsurance as either an asset or a deduction from liability the same as it would have been entitled to receive from a licensed reinsurer.

(b) Submission for accreditation, Form R-1, shall be filed with the State Board of Insurance, Reinsurance Division. The necessary forms and checklists are available upon request from the Reinsurance Division. The appropriate documents to be filed with the submission form include:

(1) certified copy of the company's charter and amendments thereto;

(2) certified copy of the company's latest examination report issued by the domiciliary jurisdiction as filed with the company's state of domicile;

(3) annual financial statements, certified by the company's state of domicile, as filed with the company's state of domicile for each year of the last two years immediately preceding the year of submission;

(4) last quarterly financial statement filed, if required, with the domiciliary jurisdiction;

(5) certified copy of certificate or letter of authority or of compliance issued by the domiciliary jurisdiction;

(6) certification by the company treasurer that a surplus as regards policyholders in an amount not less than \$20 million is maintained;

(7) a list of the company's directors and key officers together with biographical data on each (Biographical Affidavit, Form R-2);

(8) copy of holding company registration statement and related materials filed with the domiciliary jurisdiction for the past three years, if applicable, or a sworn statement of non-applicability;

(9) an affidavit signed by the company's president or chief executive officer which submits the assuming insurer to both this state's jurisdiction and to this state's right to examine the company's books and records (Form R-3); and

(10) any other information that the commissioner may reasonably require.

(c) Accreditation will not be granted by the commissioner until the reinsurer has submitted all information requested, has filed a properly executed Form R-3 as evidence of its submission to this state's authority to examine its books and records, and has demonstrated to the satisfaction of the commissioner that the reinsurer meets all the requirements for accreditation as stated in the Insurance Code, Article 3.10 or Article 5.75-1.

(d) The accredited reinsurer shall submit annually a certified annual financial statement, as filed with the insurance department of its state of domicile. In addition, the accredited reinsurer shall file quarterly a listing of ceding insurers with whom reinsurance agreements have been entered during that calendar quarter. The listing shall include the complete name and address of the ceding insurer. These documents shall be filed with the Reinsurance Division, State Board of Insurance, by March 1 of each year for the annual statements, and March 1, May 15, August 15, and November 15 for each of the quarterly submissions.

(e) A filing fee for accreditation of reinsurers will be required annually when

the annual statement is submitted to the State Board of Insurance. The filing fee amount is set forth in §7.1301 of this title (relating to Regulatory Fees).

(f) Renewal of accreditation will occur annually, subject to continuing compliance with the Insurance Code, Article 3.10, §(b)(2), or Article 5.75-1, §(b)(2) and this subchapter.

(g) Accreditation shall be automatically withdrawn at any time the assuming insurer fails to qualify under the Insurance Code, Article 3.10, §(b)(2), or Article 5.75-1, §(b)(2), or this subchapter. Notice of withdrawal shall be provided by certified mail to the most recent address of the accredited reinsurer according to the records of the State Board of Insurance. The accredited reinsurer may request a public hearing to show compliance and seek reinstatement of accreditation.

(h) No credit shall be allowed a domestic ceding insurer with respect to reinsurance ceded four months after the assuming insurer's accreditation has been withdrawn and not reinstated by the commissioner. The Reinsurance Division of the State Board of Insurance will maintain a list of accredited reinsurers, updated monthly. The State Board of Insurance will notify the domestic ceding insurer at the time that the assuming insurer's accreditation is withdrawn.

§7.607. Non-licensed Insurer May Become Trusteed Reinsurer.

(a) Credit for insurance ceded to an assuming insurer which maintains a trust fund in a qualified United States financial institution. Pursuant to the Insurance Code, Article 3.10, §(b)(3), and Article 5.75-1, §(b)(3), the State Board of Insurance shall allow credit for insurance ceded to an assuming insurer which maintains a trust fund in a qualified United States financial institution for the payment of the valid claims of its United States policyholders and ceding insurers, their assigns, and successors in interest. The assuming insurer shall report annually to the State Board of Insurance information substantially the same as that required to be reported on the National Association of Insurance Commissioners (NAIC) annual statement form by licensed insurers to enable the State Board of Insurance to determine the sufficiency of the trust fund.

(b) Two types of trusteed reinsurers.

(1) The trust fund for a single assuming insurer shall consist of a trusteed account representing the assuming insurer's liabilities attributable to business written in the United States and, in addition, include a trusteed surplus of not less than \$20 million. The single assuming insurer shall file the appropriate documents set forth in §7.606(b) and (d) of this title (relating to Accredited Reinsurers).

(2) The trust fund for a group of individual unincorporated underwriters shall consist of a trusteed account representing the group's liabilities attributable to business written in the United States and, in addition, include a trusteed surplus of not less than \$100 million and the group shall make available to the State Board of Insurance an annual certification by the group's domiciliary regulator and its independent public accountants of the solvency of each underwriter.

(c) Form of trust. Such trust shall be established in a form approved by the State Board of Insurance and shall provide as follows:

(1) Contested claims shall be valid and enforceable out of funds in trust to the extent remaining unsatisfied 30 days after entry of the final order of any court of competent jurisdiction in the United States.

(2) Legal title to the assets of the trust shall be vested in the trustees for the benefit of the grantor's United States policyholders and ceding insurers, their assigns, and successors in interest.

(3) The trust and the assuming insurer shall be subject to examination as determined by the State Board of Insurance.

(4) The trust shall remain in effect for as long as the assuming insurer shall have outstanding obligations due under the reinsurance agreements subject to the trust.

(5) Not later than February 28 of each year the trustees of the trust shall report to the State Board of Insurance in writing and set forth the balance of the trust, list the trust's investments at the preceding year end, certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31.

(6) The grantor of the trust shall notify the State Board of Insurance of any amendment(s) to the trust within 10 business days of adoption of the amendment(s). If the commissioner of insurance determines subsequent to receipt of this notice that the amendment is not acceptable and is not brought into compliance with the State Board of Insurance rules, the trusteed status of the reinsurer shall be automatically revoked. Notice of revocation shall be provided by certified mail to the most recent address of the trusteed reinsurer according to the records of the State Board of Insurance. The trusteed reinsurer may request a public hearing to show compliance and seek reinstatement within 20 days of notification.

§7.608. Insurance Ceded to Non-licensed Insurers. A ceding insurer doing business in this state may not take credit for insurance ceded to an insurer which is not licensed in Texas, not accredited in Texas,

or not trustee pursuant to the provisions of §7.607 of this title (relating to Trusteed Reinsurers) unless the reinsurance agreement contains a provision requiring funds to be held directly by the ceding insurer or on behalf of the ceding insurer, including funds held in trust for the ceding insurer. The funds held by or on behalf of the ceding insurer shall be held in the United States and shall be segregated from other operating accounts and securities invested by the ceding insurer. The segregated account should clearly acknowledge ownership by the company on whose annual statement these assets are listed. The ceding insurer must maintain at all times a subsidiary ledger detailing by each assuming insurer all transactions pertinent to each cash account or security held under the respective reinsurance agreements.

§7.609. *Trust Agreements Qualified under the Insurance Code, Article 3.10, §(d), and Article 5.75-1, §(d).*

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

(1) Beneficiary The entity for whose benefit the trust has been established; the ceding insurer and any successor by operation of law of the ceding insurer including, without limitation, any liquidator, receiver, conservator, or supervisor.

(2) Grantor—The entity that has established a trust for the sole benefit of the beneficiary; the assuming insurer (reinsurer).

(3) Obligations—The sum total of trust property as set forth in subsection (b) (11) of this section which, unless specifically excluded under the reinsurance agreement is:

(A) reinsured losses and allocated loss expenses paid by the ceding insurer, but not recovered from the reinsurer;

(B) reserves for reinsured losses reported and outstanding;

(C) reserves for reinsured losses incurred but not reported and corresponding allocated loss expenses;

(D) reserves for unearned premiums; and

(E) reserves for mortality and morbidity.

(4) Trustee—A qualified United States financial institution as defined in the Insurance Code, Article 3.10, §(e)(2), or Article 5.75-1, §(e)(2).

(b) Required conditions in trust agreements.

(1) The agreement shall be in the form of a written trust agreement made and entered into among the beneficiary, the grantor, and a trustee which shall be a qualified United States financial institution as defined in the Insurance Code, Article 3.10, §(e)(2), or Article 5.75-1, §(e) (2).

(2) The trust agreement shall create a trust account into which assets shall be deposited.

(3) All assets in the trust account shall be held by the trustee at the trustee's office in the United States. The written notice described in subsection (b)(4) of this section shall be presentable at the trustee's office in the United States.

(4) The trust agreement shall comply with subparagraphs (A)-(C) of this paragraph.

(A) The trust agreement shall stipulate that the beneficiary shall have the right to withdraw assets from the trust account at any time, without notice to the grantor, subject only to written notice from the beneficiary to the trustee and the terms of the trust agreement.

(B) No statement or document, other than the written notice from the beneficiary to the trustee, shall be accepted to withdraw assets; the beneficiary may be required to acknowledge receipt of withdrawn assets.

(C) The trust agreement shall indicate that it is not subject to any conditions or qualifications outside of the trust agreement and shall not be conditioned upon any other agreements or documents except as provided in subsection (b)(11) of this section.

(5) The trust agreement shall be established for the sole benefit of the beneficiary.

(6) The trust agreement shall provide for the trustee to:

(A) receive assets and hold all assets in safekeeping;

(B) determine that all assets are in such form that the beneficiary, or the trustee upon direction by the beneficiary, may, whenever necessary, negotiate any such assets, without consent or signature from the grantor or any other person or entity;

(C) furnish to the grantor and the beneficiary a statement of all assets in the trust account upon its inception and at intervals no less frequent than the end of each calendar year quarter;

(D) notify the grantor and the beneficiary, within 10 days, of any deposits to or withdrawals from the trust account;

(E) upon written demand of the beneficiary, immediately take any and all steps necessary to transfer absolutely and unequivocally all right, title, and interest in the assets held in the trust account to the beneficiary and deliver physical custody of such assets to the beneficiary; and

(F) allow no substitutions or withdrawals of assets from the trust account, except on written instructions from the beneficiary; or the trustee may, without the consent of but with written notice to the beneficiary, upon call or maturity of any trust asset, withdraw such asset upon condition that the proceeds are paid or deposited into the trust account.

(7) The trust agreement shall provide that at least 30 days prior to termination of the trust account, written notification of termination shall be delivered by the trustee via certified mail to the beneficiary and the Reinsurance Division of the State Board of Insurance.

(8) The trust agreement shall specify whether it is subject to and governed by the laws of either the state in which the trust is established or the state in which the ceding insurer is domiciled as specified in the trust agreement.

(9) The trust agreement shall prohibit invasion of the trust corpus in excess of 1.0% of the corpus per annum for the purpose of paying compensation to, or reimbursing the expenses of, the trustee.

(10) The trust agreement shall provide that the trustee shall be liable for its own negligence, willful misconduct, lack of good faith, or breach of fiduciary duty.

(11) When a trust agreement is established in conjunction with a reinsurance agreement and where it is customary practice to provide a trust agreement for a specific purpose, such trust agreement shall, notwithstanding any other conditions in this section, provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the reinsurer, for the following purposes:

(A) to pay or reimburse such ceding insurer for the reinsurer's share under the specific reinsurance agreement regarding any losses and allocated loss expenses paid by the ceding insurer, but not recovered from the reinsurer or for unearned premiums due to the ceding insurer, if not otherwise paid by the reinsurer;

(B) to make payment to the reinsurer of any amounts held in the trust account that exceed 102% of the actual amount required to fund the reinsurer's obligations under the specific reinsurance agreement; or

(C) where the ceding insurer has received notification of termination of the trust account and where the reinsurer's entire obligations under the specific reinsurance agreement remain unliquidated and undischarged 10 days prior to such termination date, the ceding insurer withdraws amounts equal to such obligations and deposits such amounts in a separate account, in the name of the ceding insurer in any qualified United States financial institution apart from its general assets, in trust for such uses and purposes specified in subparagraphs (A) and (B) of this paragraph as may remain executory after such withdrawal and for any period after such termination date.

(12) The reinsurance agreement entered into in conjunction with such a trust agreement may, but need not, contain the provisions required by subsection (d)(1)(B) of this section, provided that these provisions are included in the trust agreement.

(c) Permitted conditions in trust agreements.

(1) The trust agreement shall provide that the trustee may resign upon delivery of a written notice of resignation, effective not less than 90 days after receipt by the beneficiary and grantor of the notice and that the trustee may be removed by the grantor by delivery to the trustee and the beneficiary of a written notice of removal, effective not less than 90 days after receipt by the trustee and the beneficiary of the notice, provided that no such resignation or removal shall be effective until a successor trustee has been duly appointed and approved by the beneficiary and the grantor and all assets in the trust have been duly transferred to the new trustee.

(2) The trustee shall be given authority to invest any of the funds in the account, provided that no investment shall be made without prior approval of the beneficiary, unless the trust agreement specifies categories of investments acceptable to the beneficiary that are consistent with the restrictions in subsection (d)(1)(B) of this section.

(3) The trust agreement shall provide that, upon termination of the trust account, all assets not previously withdrawn by the beneficiary shall, with written approval by the beneficiary, be delivered over to the grantor.

(4) The trust agreement shall require the reinsurer, prior to depositing assets with the trustee, to execute assignments, endorsements in blank, or

transfer legal title to the trustee of all shares, obligations, or any other assets requiring assignments, in order that the beneficiary, or the trustee upon the direction of the beneficiary may, whenever necessary, negotiate any such assets without consent or signature from the reinsurer or any other entity.

(d) Additional conditions applicable to reinsurance agreements.

(1) A reinsurance agreement, which is entered into in conjunction with a trust agreement and the establishment of a trust account, shall contain provisions that:

(A) require the reinsurer to enter into a trust agreement and to establish a trust account for the benefit of the ceding insurer, and specifying what such agreement is to cover;

(B) stipulate that assets deposited in the trust account shall be valued, according to their current fair market value, and shall consist only of cash (United States legal tender), certificates of deposit (issued by a bank organized under the laws of the United States, or located in the United States, and payable in United States legal tender), and/or investments of the types permitted by the Insurance Code, Article 3.10, §(d), or Article 5.75-1, §(d), provided that such investments are issued by an institution that is not the parent, subsidiary, or affiliate of either the grantor or the beneficiary;

(C) require that all settlements of account between the ceding insurer and the reinsurer be made in cash or its equivalent; and

(D) stipulate that the reinsurer and the ceding insurer agree that the assets in the trust account, established pursuant to the provisions of the reinsurance agreement, may be withdrawn by the ceding insurer at any time, notwithstanding any other provisions in the reinsurance agreement, and shall be utilized and applied by the ceding insurer or its successors in interest by operation of law, including without limitation any liquidator, rehabilitator, receiver, or conservator of such company, without diminution because of insolvency on the part of the ceding insurer or the reinsurer, only for the following purposes:

(i) to reimburse the ceding insurer for the reinsurer's share of premiums returned to the owners of policies reinsured under the reinsurance agreement on account of cancellations of such policies;

(ii) to reimburse the ceding insurer for the reinsurer's share of surrenders and benefits or losses paid by the ceding insurer pursuant to the provisions of the policies reinsured under the reinsurance agreement;

(iii) in the event of notice of termination of the trust, to fund an account with the ceding insurer in an amount at least equal to the deduction, for reinsurance ceded, from the ceding insurer's liabilities for policies ceded under the agreement, such account to include, but not be limited to, amounts for policy reserves, claims and losses incurred (including losses incurred but not reported), loss adjustment expenses, and unearned premiums reserves; and

(iv) to pay any other amounts due the ceding insurer under the reinsurance agreement.

(2) The reinsurance agreement may also contain provisions that:

(A) give the reinsurer the right to seek approval from the ceding insurer to withdraw from the aforementioned trust account all or any part of the assets contained therein and transfer such assets to the reinsurer, provided:

(i) the reinsurer shall at the time of such withdrawal, replace the withdrawn assets with other qualified assets having a market value equal to the market value of the assets withdrawn so as to maintain at all times the deposit in the required amount; or

(ii) after such withdrawal and transfer, the market value of the trust account is no less than 102% of the required amount; and

(iii) the ceding insurer shall be the sole judge as to the application of subparagraph (A) of this paragraph, but shall not unreasonably or arbitrarily withhold its approval;

(B) provide for the return of any amount withdrawn in excess of the actual amounts required for subsection (d)(1)(D)(i)-(iii) of this section or, in the case of subsection (d)(1)(D)(iv) of this section, any amounts that are subsequently determined not to be due;

(C) provide for interest payments to the reinsurer, at a rate not in excess of the rate of interest earned, on the amounts held pursuant to subsection (d)(1)(D)(iii) of this section; or

(D) permit the award by any arbitration panel or court of competent jurisdiction of:

(i) interest at a rate different from that provided in subparagraph (C) of this paragraph;

(ii) court or arbitration costs;

(iii) attorney's fees; and

(iv) any other reasonable expenses.

(e) Reduction in liability for reinsurance ceded to an unauthorized insurer. A trust agreement may be used to reduce any liability for reinsurance ceded to an unauthorized reinsurer in financial statements required to be filed with the State Board of Insurance in compliance with the provisions of this section when established on or before the date of the financial statement of the ceding insurer. Further, the reduction for the existence of an acceptable trust account may be up to the current fair market value of acceptable assets available to be withdrawn from the trust account at that time, but such reduction shall be no greater than the specific obligations under the reinsurance agreement that the trust account was established to secure.

§7.610. Letter of Credit Qualified under the Insurance Code, Article 3.10, §(d)(3), or Article 5.75-1, §(d)(3).

(a) The letter of credit must be clean, irrevocable, and unconditional, and issued or confirmed by a qualified United States financial institution as defined in the Insurance Code, Article 3.10, §(e)(1), or Article 5.75-1, §(e)(1). The letter of credit shall contain an issue date and shall stipulate that the beneficiary need only draw a draft under the letter of credit and present it to obtain funds and that no other document need be presented. The letter of credit shall also indicate that it is not subject to any condition or qualifications outside of the letter of credit. In addition, the letter of credit itself shall not contain reference to any other agreements, documents, or entities, except as provided in subsection (i)(1) of this section.

(b) The heading of the letter of credit may include a boxed section which contains the name of the applicant and other appropriate notations to provide a reference for such letter of credit. The boxed section shall be clearly marked to indicate that such information is for internal identification purposes only. Neither the boxed section nor the internal identification shall affect the terms of the letter of credit.

(c) The letter of credit shall contain a statement to the effect that the obligation of the qualified United States financial institution under the letter of credit is in no way contingent upon reimbursement with respect thereto.

(d) The term of the letter of credit shall be for at least one year and shall contain an evergreen clause which prevents the expiration of the letter of credit without written notice from the issuer. The evergreen clause shall provide for a period of no less than 30 days' written notice prior to expiry date or non-renewal.

(e) The letter of credit shall state that it is subject to and governed by either the laws of the State of Texas, or the laws of the state of domicile of the issuing bank,

or the "Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce" (Publication 400) and in the event of any conflict shall specify whether the laws of Texas or the laws of the state in which the issuing bank is domiciled shall apply, and all drafts drawn thereunder shall be presentable at an office in the United States of a qualified United States financial institution.

(f) If the letter of credit is made subject to the "Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce" (Publication 400), then the letter of credit shall specifically address and make provision for an extension of time to draw against the letter of credit in the event that one or more of the occurrences specified in Publication 400, Article 19, occur.

(g) If the letter of credit is confirmed by a qualified United States financial institution authorized to issue letters of credit, then the following additional requirements in paragraphs (1) and (2) of this subsection shall be met.

(1) The issuing financial institution shall formally designate the confirming qualified United States financial institution as its agent for the receipt and payment of the drafts.

(2) The evergreen clause shall provide for 60 days' written notice prior to expiry date or nonrenewal.

(h) Reinsurance agreement provisions applicable with letter of credit shall comply with the requirements of paragraphs (1)-(4) of this subsection.

(1) The reinsurance agreement, in conjunction with which the letter of credit is obtained, may contain provisions which:

(A) require the reinsurer to provide letters of credit to the reinsured and specify what they are to cover; or

(B) stipulate that the reinsurer and ceding insurer agree that the letter of credit provided by the reinsurer, pursuant to the provisions of the reinsurance agreement, may be drawn upon at any time, notwithstanding any other provisions in such agreement, and shall be utilized by the ceding insurer or its successors in interest only for one or more of the following:

(i) to reimburse the ceding insurer for the reinsurer's share of premiums returned to the owners of policies reinsured under the reinsurance agreement on account of cancellations of such policies;

(ii) to reimburse the ceding insurer for the reinsurer's share of surrenders and benefits or losses paid by the ceding insurer under the terms and provisions of the policies reinsured under the reinsurance agreement;

(iii) in the event of notice of nonrenewal of the letter of credit, to fund an account with the ceding insurer in an amount at least equal to the deduction, for reinsurance ceded, from the ceding insurer's liabilities for policies ceded under the agreement (such amount shall include, but not be limited to, amounts for policy reserves, claims and losses incurred, and unearned premium reserves); and

(iv) to pay any other amounts due to the ceding insurer under the reinsurance agreement.

(2) All of the provisions of paragraph (1) of this subsection shall be applied without diminution because of insolvency on the part of the ceding insurer or reinsurer.

(3) Nothing contained in paragraph (1) of this subsection shall preclude the ceding insurer and reinsurer from providing for:

(A) an interest payment to the assuming insurer, at a rate not in excess of the prime rate of interest on the amounts held pursuant to paragraph (1)(B)(iii) of this subsection; and/or

(B) the return of any amounts drawn down on the letters of credit in excess of the actual amounts required, or in the case of paragraph (1)(B)(iv) of this subsection, any amounts that are subsequently determined not to be due.

(4) When a letter of credit is obtained in conjunction with a reinsurance agreement and where it is customary practice to provide a letter of credit for a specific purpose, then such reinsurance agreement may, in lieu of paragraph (1)(B) of this subsection, require that the parties enter into a trust agreement which may be incorporated into the reinsurance agreement or be a separate document.

(i) A letter of credit may not be used to reduce any liability for reinsurance ceded to an unauthorized reinsurer in financial statements required to be filed with the State Board of Insurance unless an acceptable letter of credit specifying the filing ceding insurer as beneficiary has been issued on or before the date of the financial statement. Further, the reduction for the letter of credit may be up to the amount available under the letter of credit but no greater than the specific obligation under the reinsurance agreement which the letter of credit was intended to secure.

(j) Only one expiration date shall appear on the letter of credit and the date must be clearly noted on the face of the letter of credit and must set forth the specific month, day, time, and year on which the letter of credit will expire.

(k) The aggregate of all letters of credit issued or confirmed to any one ced-

ing insurer by one financial institution on behalf of any one reinsurer must not exceed 10% of the financial institution's total equity capital, as shown in its most recent report of condition as filed with the appropriate federal financial institution regulatory agency. As used in this subsection, the term "any one ceding insurer" also includes all affiliated insurers who are named as beneficiaries in accord with subsection (1) of this section.

(l) Only one beneficiary may be named on the letter of credit except that, in the event of affiliated insurers all of whom are members of the same holding company system and are participants in a specific intercompany reinsurance pooling arrangement, each affiliate ceding insurer through participation in the pool to the same reinsurer may be named as beneficiary.

(m) Only one amount may appear on the letter of credit except that, in the event of affiliated beneficiaries, the letter of credit shall show an aggregate amount covering the total reserve credit taken by all such affiliated beneficiaries and also shall specifically designate for each named beneficiary, by dollar amount and/or percentage of the aggregate, the maximum amount which may be drawn down by each named beneficiary.

(n) The term "beneficiary" shall include any successor by operation of law of the named beneficiary including, without limitation, any liquidator, receiver, conservator, or supervisor.

(o) The account holder shall be the reinsurer.

(p) No schedule of periodic payments shall appear on the letter of credit.

(q) If a letter of credit is issued by a financial institution which does not qualify as a qualified United States financial institution but is confirmed by a qualified United States financial institution, the following requirements in paragraphs (1)-(5) of this subsection must be met.

(1) The letter of credit that is being confirmed must comply in substance and form with Form R-5, Letter of Credit, except that the period of the evergreen clause as referenced in subsection (g)(2) of this section shall be increased to 60 days.

(2) The confirmation letter must show on its face the office in the United States, inclusive of complete name and address, where presentations for draws are to be made; it also must show the specific month, day, time, and year on which it will expire.

(3) The confirmation letter must contain an evergreen clause which prevents expiration of the confirmation letter without some affirmative action by the issuer; its term must coincide with the term of the

letter of credit which it is confirming and must provide that it automatically will be extended for a like term unless, prior to the end of the stated term, the confirming bank has given the ceding insurer (beneficiary), the reinsurer, and the issuing bank not less than 60 days' written notice of nonrenewal by certified or registered mail.

(4) The confirmation letter must comply in form and substance with Form R-6, Confirmation Letter.

(5) The confirming bank must comply with subsection (k) of this section.

(r) Qualifying foreign branches of Federal Deposit Insurance Corporation banks may issue letters of credit, and such letters of credit will be acceptable if the face of the letter of credit clearly shows that the letter of credit may be drawn down at a United States office of the bank and specifically lists the street address of that office. Similarly, qualifying foreign branches of Federal Deposit Insurance Corporation banks may confirm letters of credit. A confirmation letter will be acceptable if the face of the confirmation letter clearly shows that the letter of credit may be drawn down at a United States office of the confirming bank and specifically lists the street address of that office.

(s) In the event a letter of credit is not renewed or replaced under a reinsurance arrangement between the ceding insurer and reinsurer, the ceding insurer must not be precluded from withdrawing the balance of the letter of credit and placing such sums in trust to secure continuing obligations under the reinsurance agreement until a renewal letter of credit or a substitution in lieu thereof has been received.

(t) All letters of credit must be readily available for viewing by the State Board of Insurance upon request; letters of credit must be available at any time to the State Board of Insurance examiners in connection with the preparation of reports of examination. All confirming letters shall be attached to the letters of credit which they confirm.

(u) In the event that either a letter of credit or a confirming letter of credit is not renewed or replaced or is suspended to become inactive, the ceding insurer and the issuing bank shall give immediate notice of such nonrenewal or inactive status and the ceding insurer shall advise the State Board of Insurance of any amount still outstanding and unsettled under the reinsurance agreement(s). This required notice shall be sent by certified mail-return receipt requested (or by registered mail) to: Reinsurance Division 015-6, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

§7.611. Indemnity Reinsurance Agreements-Required Provisions. Credit will not be granted to a ceding insurer for

reinsurance effected with assuming insurers meeting the requirements of the Insurance Code, Article 3.10 or Article 5.75-1, or otherwise in compliance with this subchapter unless the reinsurance agreement:

(1) includes a proper insolvency clause pursuant to the Insurance Code, Article 3.10, §(j), or Article 5.75-1, §(i);

(2) includes a provision whereby the reinsurer, if not licensed to transact insurance or reinsurance in this state, has submitted to a court of jurisdiction within the United States, has agreed to comply with all requirements necessary to give such court jurisdiction, has designated an agent upon whom service of process may be effected, and has agreed to abide by the final decision of such court or an appellate court to which such court's decision is appealed;

(3) includes a provision for a periodic accounting and cash settlement at quarterly intervals or more frequently as required by the reinsurance agreement, or quarterly accrual for annual settlements for those agreements which are not susceptible to other than annual payments, such periodic accounting and cash settlement to be unconditional upon the performance of any other agreement or person;

(4) provides that any offsetting provisions shall be limited to such contract and are specifically between the ceding insurer and the reinsurer and are provided for in such contract;

(5) includes an effective date on which the inception of the reinsurer's liabilities commence;

(6) includes a termination date or description of duration;

(7) provides for a final accounting and settlement; and

(8) complies with any other State Board of Insurance rules in effect.

§7.612. Reinsurance Agreements Affected. Sections 7.601 7.614 of this title (relating to Scope; Definitions; The Insurance Code, Article 3.02, §2(a), Companies-Prohibition Against Reinsurance with Non-licensed Insurers; Reinsurance of Entire Business; Fees; Non-licensed Insurer May Become Accredited Reinsurer; Non-licensed Insurer May Become Trusteed Reinsurer; Insurance Ceded to Non-licensed Insurers; Trust Agreements Qualified under the Insurance Code, Article 3.10, §(d), and Article 5.75-1, §(d); Letter of Credit Qualified under the Insurance Code, Article 3.10, §(d)(3), or Article 5.75-1, §(d)(3); Indemnity Reinsurance Agreements-Required Provisions; Reinsurance Agreements Affected; Reinsurance Ceded to Non-licensed Reinsurers During the Transitional Period; and Adoption of Forms by Reference) shall become effective

September 30, 1990, and shall apply to all reinsurance agreements on the inception, anniversary, or renewal date on or after January 1, 1990, if credit is to be given to the ceding insurer for such reinsurance.

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 July 26, 1990.

TRD-9007548 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 16, 1990

Proposal publication date: May 4, 1990

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

Foreign Insurers' Withdrawal from State by Virtue of Re- insurance Agreements

• 28 TAC §§7.631-7.636

The State Board of Insurance adopts new §§7.631-7.636, without changes to the proposed text as published in the May 4, 1990, issue of the *Texas Register* (15 TexReg 2570).

Sections 7.631-7.636, concern foreign insurers' withdrawal from the state by virtue of reinsurance agreements. The adoption of new §§7.631-7.636 is simultaneous with the repeal of present §§7.601-7.606. Notification of adoption of the repeals appears elsewhere in this issue of the *Texas Register*. New §7.631 (relating to Application of Foreign and Alien Insurers to Withdraw from the State by Reinsuring the Total Business) replaces §7.601 (relating to Application to Withdraw). New §7.632 (relating to Policyholder Obligations) replaces §7.602. New §7.633 (relating to Reinsurance of Business) replaces §7.603. New §7.634 (relating to Conclusion of Business) replaces §7.604. New §7.635 (relating to Statutory Deposit) replaces §7.605, and new §7.636 (relating to Outstanding Proceedings) replaces §7.606.

The new sections are necessary to readopt sections concerning procedures for insurance companies domiciled out-of-state to withdraw by virtue of reinsurance agreements and are simultaneous with the repeal of §§7.601-7.606.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Insurance Code, Articles 1.32, 3.10, 5.75-1, 9.21, and 21.28-A, which authorizes the State Board of Insurance to promulgate rules and regulations necessary to accomplish the purposes of those articles and to protect the public interest concerning the regulation of reinsurance.

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 July 26, 1990.

TRD-9007550 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 16, 1990

Proposal publication date: May 4, 1990

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

TITLE 31. NATURAL RESOURCES AND CON- SERVATION

Part IX. Texas Water Commission

Chapter 291. Water Rates

Subchapter H. Utility Submetering

• 31 TAC §§291.121-291.127

The Texas Water Commission (TWC) adopts §§291.121-291.127, without changes to the proposed text as published in the May 15, 1990, issue of the *Texas Register* (15 TexReg 2723).

In response to the publication of the §§291.121-291.127, the TWC received written comments from one commentator. These comments came from the law firm of Clark, Thomas, Winters and Newton on behalf of Southern Utilities Company (Southern). Through its comments, Southern requested that the proposed rules be clarified in three respects. Each of these proposed modifications is discussed below.

First, Southern states "the rule should specify that the owner of an apartment house, mobile home park or multiple use facility shall not provide nonsubmetered master metered utility service without the written authorization of the utility company that provides utility service to the owner." Southern states that such a rule will promote conservation and discourage discriminatory rates. The TWC, however, feels that such a rule would be in direct conflict with the Water Code which states "Notwithstanding any other law, the commission shall adopt rules and standards governing billing systems or methods used by apartment house owners, condominium managers, or owners of other multiple use facilities for prorating or allocating among tenants nonsubmetered master metered utility costs..." Texas Water Code, §13.5031 (Ver-non Supplement 1990). The statute requires the commission to adopt rules which govern billing methods used for nonsubmetered master meter utility service. This is what the proposed rules do. The statute does not authorize the commission to adopt rules prohibiting nonsubmetered master meter utility service.

Second, Southern states, "the rule should specify that the owner of an apartment house, mobile home park or multiple use facility that is individually metered shall not share, re-sell or submeter water without the written authorization of the utility company that provides utility service to the owner." Once again, Southern states that such a rule will promote conservation and discourage discriminatory rates. The Water Code, however, provides "An apartment house owner, mobile home park owner, multiple use facility owner, or condominium manager may provide for

submetering of each dwelling unit or rental unit for the measurement of the quantity of water, if any, consumed by the occupants of that unit." Texas Water Code, §13.502 (Ver-non Supplement 1990). The statute does not give either the commission or the utility the authority to prohibit submetering. Therefore, the TWC believes that the commission is without statutory authority to adopt a rule as requested by Southern.

Southern's third and final comment is that "the rule should clarify that the provisions of the rule are not intended and should not be construed to limit the right of the utility to establish, subject to commission approval, appropriate and non-discriminatory rates applicable to apartment houses, multiple use facilities or mobile home parks engaged in submetering or nonsubmetered master metering services, so that residents or tenants of such facilities pay the same rates as similar residents or tenants who are individually metered." The TWC's position on rate design has always been to allow a utility to establish differential rates for different classes of customers in order to fairly allocate the actual cost of providing service on a non-discriminatory basis. Whether these rates are the same for tenants receiving submetered service when compared to individually metered customers will depend on each utility's cost of providing service. Therefore, the TWC does not believe that such a statement is necessary in the proposed rules.

The new sections are adopted under House Bill 808, 71st Legislature, 1989, amending the Texas Water Code, Chapter 3, and the Water Code, §§5.103, 5.105, 13.041, which provides the commission with the rulemaking authority relating to the regulation and supervision of retail public utility's rates, fees, operations, and services.

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 July 27, 1990.

TRD-9007620 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: August 17, 1990

Proposal publication date: May 15, 1990

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. Petroleum Products Delivery Fee

• 34 TAC §3.151

The Comptroller of Public Accounts adopts new §3.151, without changes to the proposed text as published in the June 22, 1990, issue of the *Texas Register* (15 TexReg 3621).

The new section sets out the requirements for bonds and other securities for persons who operate bulk facilities and collect Texas petroleum products delivery fees.

The new section was proposed to provide guidance and establish bonding standards for permit applicants. The fee became effective September 1, 1989.

No comments were received regarding adoption of the new section.

The new section is adopted under the Tax Code, §111.002, which provides the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

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 July 27, 1990.

TRD-9007589 Bob Bullock
 Comptroller of Public
 Accounts

Effective date: August 17, 1990

Proposal publication date: June 22, 1990

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

◆ ◆ ◆ Part IX. Texas Bond Review Board

Chapter 181. Bond Review Board

Subchapter B. Public School Facilities Funding Program Rules

- 34 TAC §§181.21, 181.23, 181.25, 181.27, 181.29, 181.31, 181.33, 181.35

The Texas Bond Review Board adopts new §§181.21, 181.23, 181.25, 181.27, 181.29, 181.31, 181.33, and 181.35. The new sections are under Subchapter B., Public School Facilities Funding Program Rules, Title 34 TAC, Chapter 181. Sections 181.21, 181.23, and 181.27 are adopted with changes to the proposed text as published in the June 29, 1990, issue of the *Texas Register* (15 TexReg 3737). Sections 181.25, 181.29, 181.31, 181.33 and 181.35 are adopted without changes and will not be republished.

The Texas Bond Review Board adopts these previously published proposed sections to establish guidelines under which the board will accept and review applications by Texas public school districts for loans to finance or refinance costs associated with the acquisition, construction or renovation of capital assets or instructional facilities through the Public School Facilities Funding Program.

Proposed §181.21 is being amended from the proposed text because school districts may not be able to delegate all responsibilities involved with a particular transaction i.e., responsibility for approving interest rates on a bond issue (the Education Code, §20.01).

Proposed Section 181.23 is being amended from the proposed text to specify the variety of information that must be obtained to assist the board in qualifying the project as outlined in Senate Bill 3, Sixth Called Session, amendment to Article 717t.

Proposed §181.27 is being amended to address the amendments to Article 717t contained in Senate Bill 3, Sixth Called Session, which states the board shall adopt standards for qualifying capital assets and instructional facilities and that the standards be based on the reasonable costs and useful life of the capital assets and facilities.

The new sections facilitate the implementation of the Public School Facilities Funding Program, specifically outline the content required in applications and other documents submitted to the Board for approval of school district loans, and conform to amendments made to Article 717t in Senate Bill 3, Sixth Called Session.

No comments were received regarding adoption of the new sections.

The new sections are adopted under §5.(d), Chapter 815, Acts of the 71st Legislature, Regular Session, 1989, which gives the Texas Bond Review Board the authority to adopt rules governing administration of the Public School Facilities Funding Act.

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

Agreement—The document signed by the board and the district which specifies the terms and conditions of program financing.

Authorized representative—One or more individuals designated by the governing body of a school district in its application. An authorized representative may act on behalf of the district to the extent provided by law.

Board—The Bond Review Board created by Chapter 1078, Acts of the 70th Legislature, 1987 (Texas Civil Statutes, Article 717k-7).

Capital assets—

(A) Permanent fixtures, including mechanical or electrical equipment, of an instructional facility; and

(B) other property that constitutes furnishings of an instructional facility.

District—Any duly-constituted public school district in the State of Texas.

Instructional facility—Real property, a building or other improvement to real property, or a fixture that is used predominantly for teaching or is required by state law.

Loan committee—A six member body, one member to be appointed by each of the five board members and one member designated by the Central Education Agency.

Local account—A fund within a depository account designated by a district exclusively for receipt of requisitioned funds.

Participating district—A district which has received financing under the program.

Program—The financing program authorized by the Public School Facilities Funding Act.

State bonds—Any debt instruments issued by the treasurer to fund the program.

§181.23. Application Procedures.

(a) The board will notify districts when applications are being accepted for financing of new projects or refinancing of existing projects. After such notification by the board, districts may apply to the board at any time. Each application shall be immediately referred to the loan committee. The loan committee will make a written recommendation to the board within twenty working days of receipt of a completed application. Such recommendation will include approval or disapproval of specific projects and the estimated costs thereof. The board will act on an application no later than the next regularly scheduled board meeting for which such item may be properly posted. Applications from districts which have not held an election may only receive contingent approval by the board, subject to voter approval of the bonds or loan. Applications approved on a contingent basis will be funded following voter approval and a determination by the board that no material changes have occurred since contingent approval in the district's ability to repay the approved financing. Contingent approvals shall lapse after six months from the date of board approval, if no election has been held.

(b) The board may approve all or a part of the application, as recommended by the loan committee. Board approval may specify parameters relating to the financing as necessary to ensure repayment, including but not limited to, maximum loan term and maximum annual payments.

(c) The board will notify the district of the approval or disapproval of its application by telephone and will mail written notification by certified mail within three working days of board action. Written notification of the approval will be accompanied by the agreement to be signed by an authorized representative of the district and returned to the board by certified mail. A district may reject all or part of the financing approved, but not yet issued, and will be deemed to have rejected all funding if it fails to timely return the signed agreement. A district may not reject a part or parts of the financing approved by the board if such rejection would cause the financing to fail to meet board rules regarding eligible costs.

(d) The application must be signed by the president of the district's school board and the superintendent of the schools, or duly authorized representatives thereof. Applications submitted prior to voter approval must be accompanied by a resolution of the district's board authorizing submission of the application. Applications must include the following:

- (1) name and address of the district;
- (2) name and telephone number of an authorized representative and of school district's attorney;
- (3) name of paying agent/local bank, telephone number, contact person, wire number;
- (4) names of the district's school board members;
- (5) current credit ratings, if any;
- (6) itemization of the proposed use or uses of loan or bond proceeds;
- (7) detailed description of the project or projects to be financed or refinanced; information on each project to include:
 - (A) whether it is, or will be, used for teaching, required by state law (to include citation), or for some other purpose (to include detailed description);
 - (B) the projected cost;
 - (C) the estimated useful life of the project and selected components (furnishings, equipment, etc.) as detailed in the application form; and
 - (D) what percentage of time during a 12-month school year the project is, or will be, used for extracurricular activities;
- (8) letter certifying that the project or projects were duly authorized and approved by the school board;
- (9) if the election has been held, a copy of the ballot proposition and any other order entered or action taken by the district's board which specifies the purposes for which approved bond proceeds may be used;
- (10) date project or projects approved by voters or expected election date;
- (11) an identification of all bonded indebtedness presently outstanding, by series name and principal amount (both the original principal amount and the currently outstanding amount) and the debt service schedule associated with each series;
- (12) the district's annual audited financial reports for the most recent three years;

(13) requested loan payback period, and if application is for the refinancing of an existing project;

(14) name and series of bonds to be refunded;

(15) paying agent for the bonds to be refunded;

(16) additional information as requested by the board or loan committee.

(e) All communications regarding a district's application or qualification for aid shall be directed to the executive director of the board.

§181.27. Eligible Projects and Costs.

(a) Costs which are eligible for financing under this program include all or any portion of the cost of acquisition, construction, installation, reconstruction and improvement of capital assets and instructional facilities; the refinancing of any outstanding obligations, mortgages or advances made, issued or given for financing costs of capital assets and instructional facilities; or bond issuance costs associated with eligible project financing or refinancings. A district which has had funds previously approved for financing or refinancing specific projects may apply to the board to redirect funds to a different project made necessary by unanticipated events.

(b) Capital assets and instructional facilities qualify if the average useful life of such capital assets and instructional facilities meets or exceeds the final maturity of bonds purchased by the board, and they meet standards for reasonable costs set by the board.

(c) Until such time as the Texas Education Agency adopts facilities standards for public school facilities, compliance with reasonable cost standards for voter-approved projects may be demonstrated by confirming that contracts for the construction or renovation of any building were awarded pursuant to competitive bid pursuant to the Education Code, §21.901. Decisions regarding the design, engineering, and materials used in voter-approved projects shall rest with the school district.

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

Issued in Austin, Texas, on July 30, 1990.

TRD-9007623 Tom K. Pollard
Executive Director
Texas Bond Review Board

Effective date: August 20, 1990

Proposal publication date: June 29, 1990

For further information, please call: (512) 463-1741

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 49. Child Protective Services

The Texas Department of Human Services (DHS) adopts amendments to §§49.104, 49.511, 49.512, 49.514, 49.515, 49.701, and 49.702. Sections 49.701, 49.702 are adopted with changes to the proposed text as published in the February 9, 1990, issue of the *Texas Register* (TexReg 694). Sections 49.104, 49.511, 49.512, and 49.514, and 49.515 are adopted without changes and will not be republished.

The amendments are justified to improve DHS services to children and families by refining the information resources available to child protective services (CPS) staff.

The amendments will function by providing more accurate and useful terms to specify the results of investigations of child abuse and neglect, and by giving CPS staff more information about the results of past investigations. Specifically, the amendments revise the disposition categories used to classify the findings of an investigation; and they change the timeframes for keeping information on file in DHS's child abuse and neglect reporting and inquiry system (CANRIS).

Although the department received no comments regarding the adoption of the amendments, the department has made a minor editorial change to the text of §49.701 to correct a grammatical error. The department has also slightly reformatted §49.702 to conform to *Texas Register* style requirements.

Subchapter A. Administration

• 40 TAC §49.104

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 41, which authorizes the department to enforce laws for the protection of children.

This agency hereby certifies that the section 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 July 27, 1990.

TRD-9007592 Cathy Rossberg
Agency Liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: September 1, 1990

Proposal publication date: February 9, 1990

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

Subchapter E. Intake and Investigation Services

• 40 TAC §§49.511, 49.512, 49.514, 49.515

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 41, which authorizes the department to enforce laws for the protection of children.

This agency hereby certifies that the section 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 July 27, 1990.

TRD-9007593 Cathy Rossberg
Agency Liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: September 1, 1990

Proposal publication date: February 9, 1990

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

Subchapter G. In-home Child Protective Services

• 40 TAC §49.701, §49.702

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 41, which authorizes the department to enforce laws for the protection of children. §49.701. *Type of Service.*

(a) In-home child protective services are provided to families and children in their own homes to help prevent further abuse or neglect, to help prevent removal of children, and, when applicable, to help reunify the family. If the child is not in immediate danger of permanent harm, the parents are willing and able to improve the problem situation, and services are to be continued, DHS must work with the family to improve the care of the child and to provide or arrange for other services as needed. In-home protective services may be provided directly by Department of Human Services (DHS) staff or purchased. Directly delivered in-home protective services include casework and referral services, consultation regarding service delivery, and mobilization of available resources. In-home protective services also include working with parents while children are voluntarily placed by the parents with relatives or other people.

(b) (No change.)

§49.702. *Provision of Services.* The Texas Department of Human Services (DHS) provides in-home protective services to the child and the child's family when the following conditions exist:

(1) the finding of an investigation is reason-to-believe; and

(2) there is a service plan that identifies the child's need for continued protection and for DHS services that are appropriate to remedy the problems.

This agency hereby certifies that the section 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 July 27, 1990.

TRD-9007594 Cathy Rossberg
Agency Liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: September 1, 1990

Proposal publication date: February 9, 1990

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

Part III. Texas Commission on Alcohol and Drug Abuse

Chapter 151. Licensure

Court Commitments

• 40 TAC §151.601

The Texas Commission on Alcohol and Drug Abuse adopts an amendment to §151.601, without changes to the proposed text as published in the February 27, 1990, issue of the *Texas Register* (15 TexReg 1063).

The amendment is adopted as a result of recent legislation revising the commission's commitment procedures and services for mentally ill and chemically dependent persons.

The section provides written rules and standards covering procedures and minimum criteria for approval to accept court commitments in regard to the commission's commitment procedures and services for mentally ill and chemically dependent persons. As a result, the referring courts and the chemical dependency treatment facilities licensed by the commission will be able to determine which facilities may accept court committed clients.

One comment was received regarding the proposal. It was a general expression of overall approval.

The commenter in favor of adoption of the amendment was the Salvation Army-Dallas.

The amendment is adopted under the Health and Safety Code, Title 6, Subtitle B, Chapter 462, §462.022, which provides the Texas Commission on Alcohol and Drug Abuse with the authority to approve treatment facilities to accept involuntary court commitments referred by civil and criminal state courts having proper jurisdiction.

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 July 27, 1990.

TRD-9007570 Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Effective date: August 17, 1990

Proposal publication date: February 27, 1990

For further information, please call: (512) 867-8700

• 40 TAC §§151.602-151.606

The Texas Commission on Alcohol and Drug Abuse adopts the repeal of §151.602-151.606, without changes to the proposed text as published in the February 27, 1990, issue of the *Texas Register* (15 TexReg 1063).

The repeals are necessary to comply with recent legislation which revised the commission's commitment procedures and services for mentally ill and chemically dependent persons.

The repeals will provide more clarity concerning the rules and standards covering the commission's approval of chemical dependency treatment facilities for involuntary court commitments by civil and criminal state courts having proper jurisdiction.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Health and Safety Code, Title 6, Subtitle B, Chapter 462, §462.022, which provides the Commission on Alcohol and Drug Abuse with the authority to approve treatment facilities to accept involuntary court commitments referred by civil and criminal state courts having proper jurisdiction.

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 July 27, 1990.

TRD-9007572 Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Effective date: August 17, 1990

Proposal publication date: February 27, 1990

For further information, please call: (512) 867-8700

• 40 TAC §151.602

The Texas Commission on Alcohol and Drug Abuse adopts new §151.602, with changes to the proposed text as published in the February 27, 1990, issue of the *Texas Register* (15 TexReg 1063).

The new section is adopted as a result of recent legislation revising the commission's commitment procedures and services for mentally ill and chemically dependent persons.

The new section provides written rules and standards covering procedures and minimum

criteria for approval concerning the commission's commitment procedures and services for mentally ill and chemically dependent persons. As a result, the referring courts and the chemical dependency treatment facilities licensed by the commission will be able to determine which facilities may accept court commitments. Clarifying language has been added to this section. One sentence stating facilities with chemical dependency units operated by the Texas Department of Mental Health and Mental Retardation may also receive chemical dependency court commitments has been added to the last sentence in paragraph (2) and the last sentence of paragraph (2)(F) has been designated a separate structure for clarity. Appropriate renumbering has resulted for paragraphs (3) and (4).

Two comments were received regarding the proposal. The first was a general expression of overall approval and the second commenter suggested that clarifying the language be added concerning that organization's authority to have facilities licensed by them also receive court commitments.

Commenters in favor of adopting the proposed new section was the Salvation Army-Dallas and the Texas Department of Mental Health and Mental Retardation.

The new section is adopted under the Health and Safety Code, Title 6, Subtitle B, Chapter 462, §462.022, which provides the Texas Commission on Alcohol and Drug Abuse with the authority to approve treatment facilities to accept involuntary court commitments referred by civil and criminal state courts having proper jurisdiction.

§151.602. *Minimum Criteria.* To be approved by the Texas Commission on Alcohol and Drug Abuse to receive court commitments, applicants must satisfy the following minimum criteria.

(1) The facility shall be licensed by:

(A) the Texas Commission on Alcohol and Drug Abuse; or

(B) the Texas Department of Mental Health and Mental Retardation and provide chemical dependency services.

(2) The facility shall apply for approval in one or more of the following categories. Facilities with chemical dependency units operated by the Texas Department of Mental Health and Mental Retardation may also receive chemical dependency court commitments.

(A) Treatment as an alternative to arrest for public intoxication. To be eligible, the facility must be licensed to provide detoxification services.

(B) Emergency detention. To be eligible, the facility must be licensed to provide detoxification or intensive residential services or adolescent residential services.

(C) Adult inpatient involuntary civil or criminal commitments. To be eligible, the facility must be licensed to provide intensive residential or residential services.

(D) Adult outpatient involuntary civil or criminal commitments. To be eligible, the facility must be licensed to provide intensive outpatient or outpatient services to adults.

(E) Juvenile inpatient commitments. To be eligible, the facility must be licensed to provide adolescent residential services.

(F) Juvenile outpatient commitments. To be eligible, the facility must be licensed to provide intensive outpatient or outpatient services to adolescents.

(3) Facilities licensed by the Texas Department of Mental Health and Mental Retardation must provide services equivalent to those specified for each category for which they apply as determined by the commission.

(4) The facility must have a procedure for reporting unauthorized departures to the referring courts which complies with 42 Code of Federal Regulations, Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records.

(5) Inpatient facilities must have a policy on passes and furloughs. If furloughs are permitted, there must also be a procedure for furloughs and revocation hearings which complies with the following provisions.

(A) The facility director may permit a client admitted to the facility under an order for inpatient services to leave the facility under a pass or furlough. A pass authorizes the client to leave the facility for not more than 72 hours. A furlough authorizes the client to leave for a longer period. The pass or furlough may be subject to specified conditions.

(B) The facility director shall notify the court that issued the commitment order when a client is furloughed.

(C) The facility director may secure the client's detention and return to the facility if:

(i) the client is absent from the facility without permission;

(ii) the client has violated the terms of a pass or furlough;

(iii) the client's condition has deteriorated to the extent that his continued absence is inappropriate.

(D) The facility director may initiate the process by:

(i) signing a certificate authorizing the client's detention and return; or

(ii) filing the certificate with a magistrate and requesting the magistrate to order the client's detention and return.

(E) The reason for the return from furlough shall be documented in the client's record.

(F) The facility director shall designate one or more administrative hearing officers to conduct administrative hearings concerning revocation of furloughs. The hearing officer may be a mental health or chemical dependency professional if that person is not directly involved in treating the client.

(G) An administrative hearing must be held within 72 hours of a client's return to the facility. The hearing shall be informal with both the facility staff and the client given the opportunity to present information and arguments. If the client desires, he or she may have a member of the staff act as advocate.

(H) The hearing officer shall determine within 24 hours of the hearing's conclusion whether the revocation is justified under the provisions listed in this paragraph.

(I) The hearing officer shall document the decision in the client's record, including a written explanation of the reasons for the decision and the information on which the hearing officer relied.

(J) The client shall be permitted to leave the facility under furlough if the hearing officer determines that the furlough should not be revoked.

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 July 27, 1990.

TRD-9007571

Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Effective date: August 17, 1990

Proposal publication date: February 27, 1990

For further information, please call: (512) 867-8700

◆ ◆ ◆

Chapter 155. Community Services

• 40 TAC §155.34

The Texas Commission on Alcohol and Drug Abuse adopts an amendment to §155.34, without changes to the proposed text as published in the February 27, 1990, issue of the *Texas Register* (15 TexReg 1063).

The amendment is adopted as a result of recent legislation revising the commission's commitment procedures and services for mentally ill and chemically dependent persons.

The section provides written rules and standards covering procedures and minimum criteria for the approval of chemical dependency treatment facilities to receive and treat

individuals as an alternative to arrest for public intoxication. As a result, there will be a reduced cost to the public for processing a publicly intoxicated individual who has committed no other crime through the criminal justice system.

One comment was received regarding the proposal. It was a general expression of overall approval.

The commenter in favor of adopting of the amendment was the Salvation Army-Dallas.

The amendment is adopted under the Texas Penal Code, §42.08, which provides the Texas Commission on Alcohol and Drug Abuse with the authority to approve facilities for the treatment of individuals appearing in a public place under the influence of alcohol or any other substance.

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 July 27, 1990.

TRD-9007569

Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Effective date: August 17, 1990

Proposal publication date: February 27, 1990

For further information, please call: (512) 867-8700

◆ ◆ ◆



Name: Tamara Hickey

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD

Open Meetings

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

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

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

Texas Department of Agriculture

Thursday, August 23, 1990, 4 p.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Stephen F. Austin Building, Ninth Floor Conference Room, Austin. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code Annotated Section 13.001 et. seq. by Texas Farm Products.

Contact: Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

Filed: July 30, 1990, 2:28 p.m.

TRD-9007642

Thursday, September 13, 1990, 1 p.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, #2 Civic Center Plaza, Sixth Floor, El Paso. This is rescheduled from September 6, 1990. According to the complete agenda, the department will conduct an administrative hearing to review alleged violations of Texas Agriculture Code and/or Title IV of the Texas Administrative Code by Travis Lee Perkins, holder of commercial applicator license.

Contact: Chris Hanger, P.O. Box 12847, Austin, Texas 78711, (512) 463-7703.

Filed: July 26, 1990, 10:41 a.m.

TRD-9007510

Texas Air Control Board

Friday, August 10, 1990, 8:30 a.m. The Monitoring and Research Committee of the Texas Air Control Board will meet at 6330 Highway 290 East, Room 332, Austin. According to the complete agenda, the committee will hear report on the June 14, 1990 meeting with members of the Texas Air Control Board Panel on Health, Environmental Effects, and Technology to review plans for the upcoming study of PM10 and visible pollution in El Paso;

report on public comment on "Research Objectives, 1991"; and consideration of research priorities for fiscal year 1991.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: July 31, 1990, 10 a.m.

TRD-9007668

Friday, August 10, 1990, 9 a.m. The Budget and Finance Committee of the Texas Air Control Board will meet at 6330 Highway 290 East, Room 332, Austin. According to the complete agenda, the committee will review and discuss proposed exempt salary schedule for the 1992 and 1993 biennium budget.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: July 31, 1990, 10 a.m.

TRD-9007669

Friday, August 10, 1990, 9:30 a.m. The Regulation Development Committee of the Texas Air Control Board will meet at 6330 Highway 290 East, Room 332, Austin. According to the complete agenda, the committee will discuss measured and projected sulfur dioxide impacts in Harris and Jefferson Counties and possible rulemaking to establish a lower allowable sulfur content for fuel oil combustion in those counties.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: July 31, 1990, 10 a.m.

TRD-9007670

Friday, August 10, 1990, 10 a.m. The State and Federal Affairs Committee of the Texas Air Control Board will meet at 6330 Highway 290 East, Room 332, Austin. According to the complete agenda, the committee will discuss pending Federal Clean Air Act provisions and their impacts on agency programs and operations.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: July 31, 1990, 10 a.m.

TRD-9007671

Friday, August 10, 1990, 10:30 a.m. The Texas Air Control Board will meet at 6330 Highway 290 East, Texas Air Control Board Auditorium, Austin. According to the agenda summary, the board will approve minutes of June 22, 1990 board meeting; present service awards; hear public testimony; reports; enforcement reports; agreed enforcement orders; hearing examiner's report; resolution authorizing signature on accounts; and new business.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: July 31, 1990, 10 a.m.

TRD-9007672

Battleship Texas Advisory Board

Wednesday, August 1, 1990, 3 p.m. The Battleship Texas Advisory Board met in an emergency meeting at the Offices of Liddell, Sapp, Zivley, Hill and LaBoon, 600 Travis, 3200 Texas Commerce Tower, 32nd Floor Conference Room, Houston. According to the agenda summary, the board discussed various items with respect to the Battleship Texas return ceremonies. The emergency was necessary as immediate discussion of fundraising matters was needed.

Contact: Robert D. Miller, 3200 Texas Commerce Tower, Houston, Texas 77002, (713) 226-1186.

Filed: July 27, 1990, 9:58 a.m.

TRD-9007574

Texas Board of Chiropractic Examiners

Saturday, August 4, 1990, 9 a.m. The Texas Board of Chiropractic Examiners will meet at the Wyndham Hotel Greenspoint, 12400 Greenspoint Drive, Houston. According to the agenda summary, the board will hold a public hearing concerning Section 80.2 and 80.3, Practice of Chiropractic, at 9 a.m. The board will dis-

cuss §§79.1, 73.4, 75.6, 80.2, 80.3, amendments to current advertising rules; the use of mammography by chiropractors; agency operations; doctors of chiropractic charging different prices for cash patients and insurance patients; whether or not the board has the authority to discipline chiropractic clinics; habitual violators of the Chiropractic Act of Texas, and rules requiring chiropractic clinics to be owned by licensed chiropractors; approve minutes of March 29, 1990 board meeting; executive officers report from the Texas Chiropractic Association; cancel licenses of those doctors who have not renewed for 1989 or 1990; board committee reports-enforcement cases: Brian Crosser, D.C., Michael J. Hill, D.C., R.W. Braucher, D.C., C. M. Lewis, D.C., Anthony Kunce, D.C., David Phipps, D.C., W. C. LaRock, D.C., Charles Votzmeyer, D.C.; consider applications for reciprocity; exam statistics and next exam date.

Contact: Jennie Smetana, 8716 Mopac Expressway North, Suite 301, Austin, Texas 78759, (512) 343-1895.

Filed: July 26, 1990, 1:36 p.m.

TRD-9007526

Texas Corn Producers Board

Thursday, August 9, 1990, 9 a.m. The Texas Department of Agriculture of the Texas Corn Producers Board will meet at the Harvey Hotel, 3100 I-40 West, Amarillo. According to the agenda summary, the department will hear minutes; financial report; swearing-in of new board member; hear activity reports; Aflatoxin update; plans for Texas supreme food corn; and research committee report FY 1990-1991 budget.

Contact: Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: July 26, 3:10 p.m.

TRD-9007543

Southern Rolling Plains Cotton Producers Board

Tuesday, August 7, 1990, 5 p.m. The Texas Department of Agriculture of the Southern Rolling Plains Cotton Producers Board will meet at the Miles Co-operative Gin, 1 1/2 miles northwest of Miles, on FM 1692. According to the agenda summary, the board will read and approve minutes; hear treasurer's report; report of activities; committee reports; old and new business.

Contact: Kenneth Gully, P.O. Box 30036, San Angelo, Texas 76903, (915) 469-3638.

Filed: July 30, 1990, 2:27 p.m.

TRD-9007641

Texas Board of Criminal Justice

Monday, August 6, 1990, 1:30 p.m. The Legal Subcommittee of the Texas Board of Criminal Justice will meet at First City Centre, 816 Congress Avenue, Suite 500, Austin. According to the complete agenda, the subcommittee will convene solely for purpose of going into executive session to discuss Ruiz litigation, pending/contemplated litigation, personnel matters, pending internal affairs investigations, and potential purchase or exchange of real estate.

Contact: Susan J. Power, P.O. Box 13084, Austin, Texas 78711.

Filed: July 27, 1990, 3:28 p.m.

TRD-9007610

Tuesday, August 7, 1990, 10 a.m. The Board of the Texas Department of Criminal Justice will meet at the John H. Reagan Building, 15th and Congress Avenue, Room 106, Austin. According to the agenda summary, the board will go into executive session to discuss Ruiz litigation, pending/contemplated litigation; personnel matters, pending Internal Affairs investigations, and potential purchase or exchange of real estate; convene Windham School Board; convene regular session of the Board of Criminal Justice, discuss/approve operating budget for 1990-1991; discuss subcommittee reports; review grants and funding (CIAD); discuss rules on conditions of parole and mandatory release, payment of court appointed attorneys for indigent inmates and consent items.

Contact: Susan J. Power, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 30, 1990, 3:43 p.m.

TRD-9007645

Interagency Council on Early Childhood Intervention

Tuesday, August 7, 1990, 1 p.m. The Interagency Council on Early Childhood Intervention will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the agenda summary, the council will consider public comments; reimbursement for services in unpublished adopted rules; Texas Department of Health recommendations regarding age of eligible children in the unpublished adopted rules; and Texas Education Agency recommendations for formal hearing procedures in the unpublished adopted rules.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673.

Filed: July 30, 1990, 4:27 p.m.

TRD-9007651

Texas Education Agency

Friday, August 3, 1990, 8 a.m. The State Textbook Subject Area Committees of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the agenda summary, the publishers who have submitted Spanish translations of elementary science and mathematics textbooks for adoption in 1990 will be given an opportunity to make a presentation to the appropriate State Textbook Subject Area Committee. Presentations will be limited to the quality of translation of the books submitted.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701.

Filed: July 26, 1990, 1:17 p.m.

TRD-9007521

Tuesday, August 7, 1990, 10 a.m. The Attention Deficit Hyperactivity Disorder Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-111, Austin. According to the complete agenda, the committee will review the draft of identification and assessment guidelines and to discuss parent services and teacher training.

Contact: Delia Pompa, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9076.

Filed: July 26, 1990, 1:17 p.m.

TRD-9007520

Texas Employment Commission

Monday, August 6, 1990, 8:30 a.m. The Texas Employment Commission will meet at the Texas Employment Commission Building, 101 East 15th Street, Room 644, Austin. According to the agenda summary, the commission will review and discuss prior meeting notes; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 32; and set date of next meeting.

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

Filed: July 27, 1990, 4:13 p.m.

TRD-9007618

Texas Department of Health

Thursday, August 16, 1990, 1:30 p.m. The Waterworks Advisory Certification Committee of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room T-604, Austin. According to the agenda sum-

mary, the committee will approve minutes of previous meeting and consider revisions to rules concerning certification of water-works personnel.

Contact: Charles E. McEntire, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7536.

Filed: July 30, 1990, 11:23 a.m.

TRD-9007631

Texas Historical Commission

Friday, July 27, 1990, 9:30 a.m. The Quarterly Board Meeting of The Texas Historical Commission met at the Stephen F. Austin Building, 1701 North Congress Avenue, Room 118, Austin. According to the emergency revised agenda summary, the board heard reports from the chairman; publications committee; state marker committee; architecture committee; archaeology committee; archeological planning and review committee; Texas Antiquities Committee; main street committee; CHC and Museum Services Committee; national register programs committee; and cemetery preservation committee. The emergency was necessary due to items 1F and 5A were deleted, and item 10D(3) was added from original agenda due to last minute changes.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: July 26, 1990, 2:09 p.m.

TRD-9007537

State Board of Insurance

Tuesday, August 7, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Robert Albert Naranjo, Dallas, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Group II, Insurance Agent's license. Docket Number 10890.

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

Filed: July 30, 1990, 4:42 p.m.

TRD-9007655

Tuesday, August 7, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should

be taken against Charlie Garson Creech, Campwood, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Group II, Insurance Agent's license. Docket Number 10889.

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

Filed: July 30, 1990, 4:42 p.m.

TRD-9007653

Tuesday, August 7, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Martha A. Finch, San Antonio, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Local Recording Agent's license. Docket Number 10881.

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

Filed: July 30, 1990, 4:42 p.m.

TRD-9007654

Wednesday, August 8, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Richard Eugene Gregory, Irving, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Group II, Insurance Agent's license. Docket Number 10880.

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

Filed: July 31, 1990, 9:20 a.m.

TRD-9007660

Wednesday, August 8, 1990, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. According to the complete agenda, the section will conduct a public hearing to determine violation of Cease and Desist Order 90-02227 by (Chauncy L.) Michael Harris and Athens Bonding Company. Docket Number 10894.

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

Filed: July 31, 1990, 9:20 a.m.

TRD-9007661

Friday, August 10, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, the

section will conduct a public hearing to consider whether disciplinary action should be taken against Roy Stewart, Houston/The Woodlands, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Local Recording Agent's license. Docket Number 10855.

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

Filed: July 31, 1990, 9:19 a.m.

TRD-9007662

Friday, August 10, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Miro and Associates Insurance Agency, Inc., Dallas, to withdraw deposit held by State Treasurer. Docket Number 10896.

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

Filed: July 31, 1990, 9:18 a.m.

TRD-9007664

Friday, August 10, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Benito R. Salazar, San Antonio, who holds a Local Recording Agent's license. Docket 10885.

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

Filed: July 31, 1990, 9:19 a.m.

TRD-9007663

Texas Juvenile Probation Commission

Friday, August 3, 1990, 5:30 p.m. The Evaluation Committee of the Texas Juvenile Probation Commission will meet at 2015 South IH-35, Austin. According to the complete agenda, the committee will discuss and adopt standards to evaluate the performance of the executive director and determination of how the standards are to be met. The committee will discuss this item in executive session under authority of Texas Revised Civil Statutes Annotated Article 6252-17, section 2(g) (Vernon 1990).

Contact: Judy Briscoe, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: July 26, 1990, 4:38 p.m.

TRD-9007561

Texas Commission on Law Enforcement Officer Standards and Education

Thursday, August 9, 1990, 9 a.m. The The Funding Subcommittee of the Texas Peace Officers' Memorial Advisory Committee of the Texas Commission on Law Enforcement Officer Standards and Education will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the complete agenda, the subcommittee will take a roll call of members; recognize visitors; approve minutes of the June 29, 1990 Funding Subcommittee meeting; and hear report on funding activities from program administrator.

Contact: Tommy Honeycutt, 1606 Headway Circle, Suite 100, Austin, Texas 78754, (512) 834-9222.

Filed: July 27, 1990, 8:33 a.m.

TRD-9007566

Thursday, August 9, 1990, 10 a.m. The Texas Peace Officers' Memorial Advisory Committee of the Texas Commission on Law Enforcement Officer Standards and Education will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the complete agenda, the committee will take a roll call of members; recognize visitors; approve the minutes of the May 10, 1990, meeting; discuss and act on hiring consultant as a professional adviser for the architectural competition, and hiring a consultant for the purpose of advising on fund raising activities pursuant to Senate Bill 892, 71st Legislature; reconsider site selection and action; program administrator's reports on funding subcommittee activities and action, and on design subcommittee activities relating to architectural competition and action; discuss and act on appointment of vice-chairman and secretary to both the funding and the design subcommittees.

Contact: Tommy Honeycutt, 1606 Headway Circle, Suite 100, Austin, Texas 78754, (512) 834-9222.

Filed: July 27, 1990, 8:33 a.m.

TRD-9007568

Thursday-Friday, August 16-17, 1990, 6 p.m. and 9 a.m. respectively. The Law Enforcement Management Institute of the Texas Commission on Law Enforcement Officer Standards and Education will meet at the Sam Houston State University, Lowman Student Center and/or Criminal Justice Center, Huntsville. According to the complete agenda, the institute will recognize visitors; approve minutes of the May 16, 1990 board meeting; hear comments and discussion from graduating Module III class members and other interested parties.

Contact: Jack L. Ryle, 1606 Headway Circle, Suite 100, Austin, Texas 78754, (512) 834-9222.

Filed: July 27, 1990, 8:34 a.m.

TRD-9007567

Texas Department of Licensing and Regulation

Monday, August 13, 1990, 6 p.m. The Business and Occupational Programs of the Texas Department of Licensing and Regulation will meet at the J. Erik Jonsson Central Library, 1515 Young at Ervay Street, Dallas. According to the complete agenda, the committee will discuss with registered talent agencies the Talent Agency Act and Rules.

Contact: Mary Baylie, 920 Colorado Street, Austin, Texas 78701, (512) 463-2906.

Filed: July 27, 1990, 12:05 p.m.

TRD-9007598

Tuesday, August 14, 1990, 7 p.m. The Business and Occupational Programs of the Texas Department of Licensing and Regulation will meet at the Reagan Building, Colorado and West 14th Street, Room 103, Austin. According to the complete agenda, the committee will discuss with registered talent agencies the Talent Agency Act and Rules.

Filed: Mary Baylie, 920 Colorado Street, Austin, Texas 78701, (512) 463-2906.

Filed: July 27, 1990, 12:06 p.m.

TRD-9007597

Thursday, August 16, 1990, 6 p.m. The Business and Occupational Programs of the Texas Department of Licensing and Regulation committee will meet at the Jungman Branch of the Public Library, 5830 Westheimer Street, Houston. According to the complete agenda, the committee will discuss with registered talent agencies the Talent Agency Act and Rules.

Contact: Mary Baylie, 920 Colorado Street, Austin, Texas 78701, (512) 463-2906.

Filed: July 27, 1990, 12:06 p.m.

TRD-9007596

Texas Low-Level Radioactive Waste Disposal Authority

Wednesday, August 8, 1990, 8 p.m. The Board of Directors' Workshop of the Texas Low-Level Radioactive Waste Disposal Authority will meet at 6505 IH-35 North, Austin. According to the complete agenda, the board will review presentation on bond issuance; and discussion.

Contact: L. R. Jacobi, Jr., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5292.

Filed: July 30, 1990, 9:52 a.m.

TRD-9007627

Texas Department of Mental Health Mental Retardation

Thursday, August 9, 1990, 9 a.m. The Board Planning and Policy Development Committee of the Texas Department of Mental Health Mental Retardation will meet at the Central Office, Auditorium, 909 West 45th Street, Austin. According to the complete agenda, the committee will review and discuss HSRI service planning model; memorandum of understanding, Texas Transition Task Force; adoption of new section in rules governing interagency agreements (transition planning); emergency amendment of exhibit in section of subchapter governing interagency agreements (FY 91 ICF/MR bed plan); adoption of new subchapter governing pre-admission screening and annual resident review (PASARR); new subchapter governing comprehensive diagnosis and evaluation; consideration of appointment of new member to Citizens' Planning Advisory Committee; physician salary augmentation; and recommendations from operation renew. If deaf interpreters required, notify Texas Department Mental Health Mental Retardation (512) 465-4585, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 454-3761.

Filed: July 26, 1990, 4:36 p.m.

TRD-9007560

Thursday, August 9, 1990, 11 a.m. The Board Audit Committee of the Texas Department of Mental Health Mental Retardation will meet at the Central Office, Auditorium, 909 West 45th Street, Austin. According to the complete agenda, the committee will approve budget for the Internal Audit Department; and FY 1991 Work Plan. If deaf interpreters required, notify TDMHMR (512) 465-4585, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 454-3761.

Filed: July 26, 1990, 4:36 p.m.

TRD-9007559

Thursday, August 9, 1990, 11:30 a.m. The Board Personnel Committee of the Texas Department of Mental Health Mental Retardation will meet at the Central Office, Auditorium, 909 West 45th Street, Austin. According to the complete agenda, the committee will consider the role of the Personnel Committee. If deaf interpreters required, notify Texas Department Mental Health Mental Retardation (512) 465-4585, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 454-3761.

Filed: July 26, 1990, 4:35 p.m.

TRD-9007564

Thursday, August 9, 1990, 2 p.m. The Board Business and Asset Management Committee of the Texas Department of Mental Health Mental Retardation will meet at the at the Central Office, Auditorium, 909 West 45th Street, Austin. According to the complete agenda, the committee will review and discuss FY 1990 and FY 1991 operating budget adjustments; setting priorities for FY 1992-1993 Legislative Appropriations request; and ASH Development Plan. If deaf interpreters required, notify Texas Department Mental Health Mental Retardation (512) 465-4585, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 454-3761.

Filed: July 26, 4:36 p.m.

TRD-9007563

Friday, August 10, 1990, 9 a.m. The Board of Mental Health Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet at the Central Office, Auditorium, 909 West 45th Street, Austin. According to the agenda summary, the board will hear Citizens' comments (limited to three minutes); and issues to be considered. If deaf interpreters required, notify Texas Department Mental Health Mental Retardation (512) 465-4585, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 454-3761.

Filed: July 26, 1990, 4:32 p.m.

TRD-9007558

Texas State Board of Public Accountancy

Tuesday, July 31, 1990, 9 a.m. The Public Hearing Section of the Texas State Board of Public Accountancy met in an emergency meeting at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the section conducted a hearing on complaint number 90-07-01X. The emergency was necessary due to the filing deadline to qualify to sit for November examination.

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

Filed: July 26, 1990, 1:49 p.m.

TRD-9007527

Tuesday, August 7, 1990, 9 a.m. The Quality Review Committee of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the committee will discuss Quality Review Program; and rules and other matters coming before the committee.

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

Filed: July 26, 1990, 3:41 p.m.

TRD-9007547

Texas Public Finance Authority

Monday, July 30, 1990, 9:30 a.m. The Board of the Texas Public Finance Authority held an emergency meeting at the State Library and Archives Building, Room 314, 1201 Brazos Street, Austin. According to the complete agenda, the board met in executive session to consider report covering implication of purchase of One Capitol Square with proceeds of Series 1985 A Revenue Bonds and possible litigation, reconvened to consider action with respect to recommendations contained in the report covering Series 1985 A Revenue Bonds. The emergency status was necessary by direction of the chairman.

Contact: Julie Jones, 313 State Library and Archives, Austin, Texas 78701, (512) 463-5544.

Filed: July 27, 1990, 2:51 p.m.

TRD-9007605

Public Utility Commission of Texas

Wednesday, August 1, 1990, 9 a.m. The Public Utility Commission of Texas met at 7800 Shoal Creek Boulevard, Suite 450N (CHR), Austin. According to the complete emergency revised agenda, the commission, in addition to the previously submitted agenda, discussed and took possible action on the billing and collection practices of Southwestern Bell Telephone Company and other local exchange carriers for 900 service and other caller-pay services. The emergency was necessary due to events which occurred after the posting deadline for the August 1, 1990 meeting and which required immediate commission investigation and possible action.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 30, 1990, 3:51 p.m.

TRD-9007646

Friday, August 3, 1990, 1 p.m. The

Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a prehearing conference in Docket Number 9633 to consider application of Central Telephone Company to revise meet point billing for Feature Group B (FGB).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 26, 1990, 3:23 p.m.

TRD-9007545

Thursday, August 9, 1990, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a prehearing conference in Docket Number 9652 to consider application of El Paso Electric Company to declare Palo Verde Nuclear Generating Station unit 3 in service.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 26, 1990, 3:23 p.m.

TRD-9007544

Thursday, August 9, 1990, 1 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the hearings division will hold a prehearing conference in Docket Number 9667: application of GTE Southwest, Inc. to modify 911 service tariff and to add new service offerings.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 27, 1990, 3:17 p.m.

TRD-9007606

Wednesday, October 10, 1990, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the hearings division will hold a prehearing conference in Consolidated Docket Numbers 9251, 9088, 9249, and 9298: application of GTE Southwest, Inc. for approval of revisions to the Centranet service tariff; application of GTE Southwest, Inc. to establish Centranet rates for Exxon Chemical Company; application of GTE Southwest, Inc. to establish Centranet rates for Texas Instruments; and application of GTE Southwest, Inc. for approval of Centranet service for Williamson County and San Felipe Del Rio Consolidated Independent School District.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 27, 1990, 3:16 p.m.

TRD-9007607

Texas Racing Commission

Wednesday, August 1, 1990, 10 a.m. The Greyhound Racing Section of the Texas Racing Commission met at the William B. Travis Building, 1700 North Congress Avenue, Room 1.111, Austin. According to the emergency revised agenda summary, the section considered and voted on delegating to the executive secretary the authority to approve compensation for certain officials for greyhound racing. The emergency status was necessary to expedite receipt of income from pari-mutuel racetracks and to ensure greyhound racetracks are supervised by competent and qualified officials.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78711, (512) 476-7223.

Filed: July 30, 1990, 4:01 p.m.

TRD-9007649



Railroad Commission of Texas

Monday, August 6, 1990, 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 commission will consider and act on the investigation division director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Anne Wiley, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: July 27, 1990, 10:57 a.m.

TRD-9007578

The commission will consider and act on the OIS Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6710.

Filed: July 27, 1990, 10:57 a.m.

TRD-9007579

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6981.

Filed: July 27, 1990, 10:57 a.m.

TRD-9007580

The commission will consider and act on the Office of 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; consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Cril Payne, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: July 27, 1990, 10:56 a.m.

TRD-9007581

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

Contact: Margie Osborn, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6755.

Filed: July 27, 1990, 10:56 a.m.

TRD-9007582

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

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7251.

Filed: July 27, 1990, 10:55 a.m.

TRD-9007583

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 action, including but not limited to scheduling an item in its entirety or for particular action at a future time or date. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation.

Contact: Cue D. Boykin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: July 27, 1990, 10:55 a.m.

TRD-9007584

The commission will consider and act on the Administrative Services Division Director's report on Division Administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: July 27, 1990, 10:54 a.m.

TRD-9007585

The commission will discuss fire suppression device utilization in horizontal well bores.

Contact: David Garlick, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6889.

Filed: July 27, 1990, 2:08 p.m.

TRD-9007599

Tuesday, August 7, 1990, 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. According to the complete agenda, the commission will consider amendments to Oil and Gas Statewide Rules 27, 28, 30, 31, and 34 resulting from the report of the 1988 Gas Rules Blue Ribbon Committee. Docket Number 20-93, 165.

Contact: Steve Pacey, P.O. Box 12967, Austin, Texas 78711, (512) 463-6924.

Filed: July 27, 1990, 10:53 a.m.

TRD-9007587

Thursday, August 16, 1990, 10 a.m.

The Railroad Commission of Texas will meet at the Midland Hotel, 117 West Wall at Loraine, Midland. According to the agenda summary, the commission will hold a statewide hearing on oil and gas.

Contact: Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729.

Filed: July 27, 1990, 10:53 a.m.

TRD-9007586



House of Representatives

Tuesday, August 28, 1990, 12:45 p.m. The Joint Interim Committee on Proprietary Schools of the House of Representatives will meet at the Holiday Inn Airport La Plaza Mall, 2000 South 10th Street, McAllen. According to the complete agenda, the committee will approve minutes; hear public comments; and conduct committee business.

Contact: Judy Sexton, P.O. Box 2910, Austin, Texas 78769, (512) 463-0782.

Filed: July 30, 1990, 9:27 a.m.

TRD-9007625



School Land Board

Tuesday, August 7, 1990, 10 a.m. The School Land Board will meet at the Stephen F. Austin Building, 1700 North Congress

Avenue, Room 831, Austin. According to the agenda summary, the board will approve the minutes of the previous board meeting; opening and consideration of bids received for the August 7, 1990 oil and gas lease sale; pooling agreement amendments: Alabama Ferry (Glenrose "D") Unit, Leon County; pooling applications, Conn Brown Harbor Field, Aransas and Nueces Counties; Winters (Capps), Field, Runnels County; Canadian Hunter Field, Harris County; Mikesa Field, Live Oak County; Wildcat Field, Aransas, Calhoun and Refugio Counties; application to lease highway right for oil and gas, Wilson County; coastal public lands-lease applications, Clear Lake, Galveston County; Old Brazos River, Brazoria County; easement applications, Aransas Bay, Aransas County; commercial lease applications, Clear Lake, Harris County; West Bay, Galveston County; commercial lease renewals, Galveston Bay, Harris County; Sabine Pass Ship Channel, Jefferson County; Galveston Bay, Galveston County; consideration of GLO Aquaculture Policy Statement; executive session-pending and proposed litigation; and discussion of oil in-kind-McElroy Unit, Crane County.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5016.

Filed: July 30, 1990, 4:19 p.m.

TRD-9007650

Texas State Soil and Water Conservation Board

Thursday, August 2, 1990, 8 a.m. The Texas State Soil and Water Conservation Board met at 311 North Fifth Street, Conference Room, Temple. According to the emergency revised agenda summary, the board considered and took appropriate action on 1991 Fiscal Year operating budget. The emergency was necessary as the board would not meet again before the beginning of the fiscal year.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 76503, (817) 773-2250, STS 820-1250.

Filed: July 30, 1990, 9:18 a.m.

TRD-9007626

Stephen F. Austin State University

Friday, August 3, 1990, 10 a.m. The Board of Regents of Stephen F. Austin State University will meet at Stephen F. Austin State University Campus, Room 307, Austin Building, Nacogdoches. According to the complete agenda, the board will consider University employee insurance program; and hiring a consultant to evaluate the University presidency.

Contact: Dr. Donald E. Bowen, P.O. Box 6078, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: July 30, 1990, 10:09 a.m.

TRD-9007629

Board of Tax Professional Examiners

Monday, August 13, 1990, 1:30 p.m. The Board of Tax Professional Examiners will meet at the State Property Tax Board Building, Conference Room, 4301 Westbank Drive, Austin. According to the agenda summary, the examiners will introduce guests; hear minutes of May 8, 1990 meeting; act on certification and recertification registrants; budget FY 1991; policy and procedure on complaint procedures; request for approval courses; recommendation of professional standards committee; recommendation of complaint committee; application for registration; discuss issuance of board rules on professional ethics; appraisal district responses to requests for information; report of complaint committee; report of professional standards committee meeting of August 13, 1990; information on presentation of request for funds for FY 1991-1993; registrant classifications, end FY 1990; and planning calendar.

Contact: Sam H. Smith, 4301 Westbank Drive, Building B, Suite 140, Austin, Texas 78746-6565, (512) 329-7981.

Filed: July 30, 1990, 11:22 a.m.

TRD-9007630

Teacher Retirement System of Texas

Friday, August 10, 1990, 9 a.m. The Board of Trustees of the Teacher Retirement System of Texas will meet at 1000 Red River Street, 5th Floor Board Room, Austin. According to the agenda summary, the board will present Appreciation Plaques to Ollie Jones, Dovie Braeutigam, and Bonnie Schaefer; appoint committee to nominate officers of the board; appoint officers for investment advisory committee; consider appointment to investment advisory committee; consider TRS operating budget for fiscal year ending August 31, 1991; and certification of estimate of group health insurance state contributions for the fiscal year ending August 31, 1991.

Contact: Mary Godzik, 1000 Red River Street, Austin, Texas 78701, (512) 397-6400.

Filed: July 31, 1990, 10 a.m.

TRD-9007673

The Texas A&M University System

Friday, July 27, 1990, 2:30 p.m. The Board of Regents of the Texas A&M University System met at the Board of Regents Meeting Room, Texas A&M University, College Station. According to the complete emergency revised agenda, the board added to the agenda the appointment of Dean of the Graduate School of International Trade and Business Administration at Laredo State University. The emergency was necessary due to the unforeseeable acceptance from candidate was received after regular posting of meeting and the effective date of the appointment must be prior to the beginning of the fall semester, therefore action had to be taken before the next regularly scheduled board meeting on September 28, 1990.

Contact: Vickie Running, Texas A&M University System, College Station, Texas 77843-1122, (409) 845-9603.

Filed: July 26, 1990, 11:02 p.m.

TRD-9007508

The Texas A&M University System, Board of Regents

Thursday-Friday, July 26-27, 1990, 2:45 p.m. and 9:45 a.m. respectively. The Executive Committee of the Texas A&M University System, Board of Regents met at the Board of Regents Meeting Room, Texas A&M University, College Station. According to the complete emergency revised agenda, the committee added to the agenda the appointment of Dean of the Graduate School of International Trade and Business Administration at Laredo State University. The emergency was necessary due to the unforeseeable acceptance of candidate was received after regular posting of meeting, the effective date of the appointment must be prior to the beginning of the fall semester, therefore, action had to be taken before the next regularly scheduled board meeting on September 28, 1990.

Contact: Vickie Running, Texas A&M University System, College Station, Texas 77843-1122, (409) 845-9603.

Filed: July 26, 1990, 11:03 a.m.

TRD-9007509

Texas Tech University

Friday, August 3, 1990, 10:30 a.m. The Committee of the Whole of the Board of Regents of Texas Tech University will meet on campus at the Health Sciences Center Building, Room 2B152, Lubbock. According to the complete agenda, the committee will consider recommendations and determination of nonreappointment; executive session agenda Vernon's Annotated Civil Statutes, Article 6252-17(e); consultation with president and general counsel re

pending and contemplated litigation, settlement offers, settlement negotiations and matters confidential pursuant to Code of Professional Responsibility of State Bar of Texas; discussion of prospective gifts to University and Health Sciences Center and contractual negotiations contemplated and those in progress; discussion concerning evaluation and duties of Texas Tech University and Texas Tech University Health Sciences Center officers and employees; and conference with various employees for the purpose of receiving information and asking questions of employees.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1990, 2:07 p.m.

TRD-9007535

Friday, August 3, 1990, 10:30 a.m. The Athletic Affairs Committee of the Board of Regents of Texas Tech University will meet on campus at the Health Sciences Center Building, Room 2B152, Lubbock. According to the complete agenda, the committee will approve minutes of June 29, 1989 meeting; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1990, 2:06 p.m.

TRD-9007534

Friday, August 3, 1990, 10:30 a.m. The Campus and Building Committee of the Board of Regents of Texas Tech University will meet on campus at the Health Sciences Center Building, Room 2B152, Lubbock. According to the complete revised agenda, the committee will approve minutes of the May 10, 1990, meeting; consider: award contract for repair of cooling towers in central heating and cooling plant I; receive bids for Phase II of reroofing of University Center; appoint project architect for renovation and addition to former home of presidents; receive bids and award construction contract for Phase II renovation of Fisheries and Wildlife Building; revise management plan for Pyramid Plaza; transfer of ownership of Lubbock County Farm gas line and grant easement to Energas; ratify acceptance dates; lease of land for installation of astronomical observatory equipment; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 30, 1990, 2:32 p.m.

TRD-9007643

Friday, August 3, 1990, 10:30 a.m. The Development and Public Affairs Committee of Board of Regents of Texas Tech University will meet on campus at the Health Sciences Center Building, Room 2B152, Lubbock. According to the complete agenda, the committee will approve minutes of May 10, 1990 meeting; consider acceptance of gifts-in-kind with value in excess of \$25,000; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1990, 2:06 p.m.

TRD-9007533

Friday, August 3, 1990, 10:30 a.m. The Campus and Building Committee of Board of Regents of Texas Tech University will meet on campus at the Health Sciences Center Building, Room 2B152, Lubbock. According to the complete agenda, the committee will approve minutes of May 10, 1990 meeting; consider award contract for repair of cooling tower in central heating and cooling plant I; receive bids for Phase II of reroofing of University Center; appoint project architect for renovation and addition to former home of presidents; receive bids and award construction contract for Phase II renovation of Fisheries and Wildlife Building; revise management plan for Pyramid Plaza; transfer of ownership of Lubbock County Farm gas line and grant easement to Energas; ratify acceptance dates; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1990, 2:05 p.m.

TRD-9007532

Friday, August 3, 1990, 10:30 a.m. The Finance Committee of Board of Regents of Texas Tech University will meet on campus at the Health Sciences Center Building, Room 2B152, Lubbock. According to the complete agenda, the committee will approve May 10, 1990 meeting minutes; consider budget adjustments; revision of policy 04.05; review contracting policy and procedures; extension of contract with City of Lubbock to provide campus bus service; award contracts for medical, term life, and dental insurance for FY 1991; revise updated plan for allocation of Higher Education Assistance Fund bond proceeds; approve tuition to be assessed and charged effective Fall 1991 semester to School of Law students; revise Policy 09.01, Texas Public Educational Grants by combining Policy 09.09, emergency enrollment grants; ratify delegation of authority for approvals and signing of expense and checks, and transfers; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1990, 2:04 p.m.

TRD-9007531

Friday, August 3, 1990, 10:30 a.m. The Academic, Student and Administrative Affairs Committee of Board of Regents of Texas Tech University will meet on campus at the Health Sciences Center Building, Room 2B152, Lubbock. According to the complete agenda, the committee will approve minutes of May 10, 1990 meeting; consider granting of academic tenure with appointment; reorganization of the departments in the College of Education;

ratify leaves of absence; commissioning of peace officer; establish the Center for Agricultural Technology Transfer, and initial operating plan for Information Resources; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 26, 1990, 2:04 p.m.

TRD-9007530

Friday, August 3, 1990, 10:30 a.m. The Committee of the Whole of the Board of Regents of the Texas Tech University Health Sciences Center will meet on campus at the Health Sciences Center Building, Room 2B152, Lubbock. According to the complete agenda, the committee will meet in executive session, Vernon's Annotated Civil Statutes, Article 6252-17, in consultation with president and general counsel regarding pending and contemplated litigation, settlement offers, settlement negotiations and matters confidential pursuant to code of professional responsibility of State Bar of Texas; discussion of prospective gifts to the University and Health Sciences Center and contractual negotiations contemplated and those in progress; discussion concerning evaluation and duties of Texas Tech University and Texas Tech University Health Sciences Center officers and employees; and conference with various employees for the purpose of receiving information and asking questions of employees.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Austin, Texas 79409, (806) 742-2161.

Filed: July 26, 1990, 2:15 p.m.

TRD-9007541

Friday, August 3, 1990, 10:30 a.m. The Development and Public Affairs Committee of the Board of Regents will meet on campus at the Health Sciences Center Building, Room 2B152, Lubbock. According to the complete agenda, the committee will approve the May 10, 1990, committee meeting minutes; consider acceptance of two gifts-in-kind with values in excess of \$25,000; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Austin, Texas 79409, (806) 742-2161.

Filed: July 26, 1990, 2:14 p.m.

TRD-9007540

Friday, August 3, 1990, 10:30 a.m. The Finance Committee of the Board of Regents will meet on campus at the Health Sciences Center Building, Room 2B152, Lubbock. According to the complete agenda, the committee will approve May 10, 1990, committee meeting minutes; consider May and June budget adjustments; revision of policy 04.05; contracting policy and procedures, guidelines for implementing a lump sum incentive payment program for FY 1991; award contracts for medical, term life, and

dental insurance for FY 1991; ratify delegation of officers and employees to sign expense, checks, and transfers; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Austin, Texas 79409, (806) 742-2161.

Filed: July 26, 1990, 2:13 p.m.

TRD-9007539

Friday, August 3, 1990, 10:30 a.m. The Academic, Student, Clinical and Administrative Affairs Committee of the Board of Regents will meet on campus at the Health Sciences Center Building, Room 2B152, Lubbock. According to the complete agenda, the committee will approve the May 10, 1990 minutes; consider granting of tenure; School of Medicine agreements with: Houston Baylor College of Medicine for anesthesiology residents, Galveston University of Texas Medical Branch for family medicine rotation, El Paso County Hospital District for resident services, Odessa Medical Center Hospital for resident and other services; El Paso County Hospital District for pathology and emergency room physician services, gyn/oncology training for Dr. at Odessa, University Medical Center for funding of residents and other services; School of Allied Health agreements with: Levelland Methodist Hospital Corpus Christi Gulf Coast Physical Therapy and Rehabilitation, Plano Texas Back Institute, Conway Physical Therapy Clinic, Dallas Charlton Methodist Hospital, Fort Worth Health South, Richardson Medical Center, Angelo Community Hospital, San An. Shannon Medical Center Rehabilitation Care Unit, ratify comm. of peace officers and initial operation plan for information resources; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Austin, Texas 79409, (806) 742-2161.

Filed: July 26, 1990, 2:13 p.m.

TRD-9007538

Saturday, August 4, 1990, 8:30 a.m. The Board of Regents of Texas Tech University Health Sciences Center will meet on campus at the Administration Building, Board Suite, Lubbock. According to the agenda summary, the board will hear reports and action on the minutes; president's report; academic, student, clinical and administrative affairs; finance; development and public affairs; and Committee of the Whole.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Austin, Texas 79409, (806) 742-2161.

Filed: July 26, 1990, 2:11 p.m.

TRD-9007536

Friday, August 4, 1990, 9:25 a.m. The Board of Regents of Texas Tech University will meet on campus at the Administration

Building Board Suite, Lubbock. According to the agenda summary, the board will hear reports and act on: minutes; academic, student and administrative affairs; finance; campus and building; development and public affairs; and Committee of the Whole.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Austin, Texas 79409, (806) 742-2161.

Filed: July 26, 1990, 2:02 p.m.

TRD-9007529

Friday, August 4, 1990, 9:25 a.m. The Board of Regents of Texas Tech University will meet on campus at the Administration Building, Board Suite, Lubbock. According to the revised agenda summary, the board will hear reports and act on: minutes; academic, student and administrative affairs; finance; campus and building; development and public affairs; and Committee of the Whole.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Austin, Texas 79409, (806) 742-2161.

Filed: July 30, 1990, 2:29 p.m.

TRD-9007644

◆ ◆ ◆ Texas Water Commission

Thursday August 2, 1990, noon. The Texas Water Commission met at the Stephen F. Austin Building, Room 123, 1700 North Congress Avenue, Austin. According to the emergency agenda summary, the commission considered the executive director's report on agency administration, policy, budget procedures, and personnel matters. The emergency status was necessary due to reasonably unforeseeable circumstances.

Contact: Gloria Barrera, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 26, 1990, 3:56 p.m.

TRD-9007552

Wednesday, August 8, 1990, 3 p.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the emergency revised agenda summary, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Gloria Barrera, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 26, 1990, 3:56 p.m.

TRD-9007553

Thursday, August 9, 1990, 1:30 p.m. The Groundwater Protection Committee of the

Texas Water Commission will meet at the Stephen F. Austin Building, Room 1149, 1700 North Congress Avenue, Austin. According to the complete agenda, the committee will discuss and possibly submit for Texas Register publication proposed permanent rules regarding agency public files relating to groundwater contamination and the preparation of the committee's annual Joint Groundwater Monitoring and Contamination report to the legislature; receive comments on the first annual report that was submitted to the 71st Legislature as well as discuss and possibly approve the outline for next year's report; hear presentations from the various subcommittees, including a presentation on groundwater protection activities related to agricultural chemicals; discuss recommendations found in the draft Texas Water Plan prepared by the Texas Water Development Board and how the plan may affect the committee's activities; and propose comments to the Texas Water Development Board.

Contact: Bruce Fink, P.O. Box 13087, Austin, Texas 78711-3087, (512) 371-6318.

Filed: July 27, 1990, 4:35 p.m.

TRD-9007619

Wednesday, August 15, 1990, 3 p.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, revised from July 27, 1990, docket number 9007352, the commission will consider a temporary order for the City of Trinidad to authorize irrigation of effluent on an additional 16.6-acre field from its extended aeration package wastewater treatment plant located west of Cedar Creek Reservoir approximately 9.5 miles north-northeast of the intersection of state highways 31 and 274 in Henderson County.

Contact: Laura Ray Culbertson, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: July 27, 1990, 4 p.m.

TRD-9007617

Wednesday, September 5, 1990, 3 p.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an emergency order for H/N Steel Company to authorize the discharge of 100,800 gallons per day of process wastewater, plus an intermittent flow variable discharge of stormwater runoff, from Wide Flange Mill wastewater treatment unit located within H/N Steel's plant at 1755 Federal Road in the City of Houston, Harris County.

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

Filed: July 27, 1990

TRD-9007616

Wednesday, September 5, 1990, 3 p.m.

The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an emergency order for Phillips 66 Company, Houston Chemical Complex to authorize a discharge of approximately 1,000 gallons per day of treated domestic effluent from a proposed package treatment plant to be located on the applicant's Houston Chemical Complex property on the south side of the Houston Ship Channel, approximately 0.5 mile west of the mouth of Greens Bayou, in Harris County.

Contact: Laura Ray Culbertson, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: July 26, 1990, 3:53 p.m.

TRD-9007551

Wednesday, September 12, 1990, 3 p.m.
The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider whether to affirm modify, or set aside Emergency Order Number 90-25E, granted by the commission on July 18, 1990 to Dow Chemical Company, Texas operations. The order authorizes Dow Chemical Company to store, process, and dispose of pesticide wastes collected as a result of the Texas Pesticide Amnesty Day program, provided that such activities conform to the requirements set forth in their hazardous waste Permit Number HW-50161. The Dow Chemical facility is located in Freeport, Brazoria County.

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

Filed: July 26, 1990, 3:58 p.m.

TRD-9007554

Wednesday, September 19, 1990, 3 p.m.
The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider whether to affirm modify, or set aside Emergency Order Number 90-24E, granted on July 18, 1990 to Technical Environmental Systems, Inc. The order authorizes Technical Environmental Systems, Inc. to repackage certain pesticide wastes as a participant in the Texas Pesticide Amnesty Day program. The facility is located at 500 Battleground Road in LaPorte, Harris County.

Contact: July 26, 1990, 3:59 p.m.

TRD-9007555

Texas Workers' Compensation Commission

Monday-Tuesday, July 30-31, 1990, 9 a.m. The Texas Workers' Compensation Commission met at the Bevington A. Reed Building, 200 East Riverside Drive, Second Floor, Room 255, Austin. According to the agenda summary, the commission approved minutes of public meeting July 12, 1990; report to commissioners on rules process; discussed and considered proposed rules concerning Chapter 102, general provisions, practice and procedures; Chapter 110, general provisions, notice and report request; Chapter 120, compensation procedures, employers; Chapter 122, compensation procedures, claimants; Chapter 126, benefits, general provisions; Chapter 128, benefits/calculation of average weekly wage; Chapter 129 benefits, temporary income benefits; Chapter 130, benefits, impairment and supplemental income benefits; Chapter 156, Representative parties before agency, carrier's Austin representative; discussion and consideration of Texas Workers' Compensation Commission participation in the Texas Business Council Fall Tour; progress report on Texas Workers' Compensation Commission reorganization; and confirmation of next public meeting and agenda.

Contact: George E. Chapman, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: July 26, 1990, 3:38 p.m.

TRD-9007546

Regional Meetings

Meetings Filed July 26, 1990

The Bastrop County Appraisal District Board of Directors met at the Bastrop County Appraisal District, 1200 Cedar Street, Bastrop, August 1, 1990, at 7 p.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925.

The Brazos Valley Council Brazos Valley Regional Advisory Committee on Aging met at the Council Offices, 3006 East 29th Street, Suite #2, Bryan, August 2, 1990, at 2 p.m. Information may be obtained from Roberta Lindquist, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 776-2277.

The Dallas Area Rapid Transit Budget and Finance Committee met at 601 Pacific Avenue, Board Room, Dallas, July 31, 1990, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Operations Committee met at 601 Pacific Avenue, Board Room, Dallas, July 31, 1990, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pa-

cific Avenue, Dallas, Texas 75202, (214) 658-6237.

The East Texas Council of Governments Executive Committee met at the East Texas Council of Governments Offices, Kilgore, August 2, 1990, at 2 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 77562, (214) 984-8641.

TRD-9007507

Meetings Filed July 27, 1990

The Bexar Appraisal District will meet at 535 South Main Street, San Antonio, August 1, 2, 6-10, 13-16, 20-24, 27-30, 1990, at 8:30 a.m. Information may be obtained from Walter Stoneham, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511.

The Brown County Appraisal District Appraisal Review Board will meet at 403 Fisk Avenue, Brownwood, August 8, 1990, at 8:30 a.m. Information may be obtained from Bob Young, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

The Coastal Bend Council of Governments Membership Committee will meet at 901 Leopard Street, Nueces County Courthouse, Commissioners Courtroom, Third Floor, Corpus Christi, August 3, 1990, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The East Texas Council of Governments JTPA Board of Directors will meet at the Ramada Inn, Kilgore, August 2, 1990, at 11:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Ellis County Tax Appraisal District Appraisal Review Board met at 406 Sycamore Street, Waxahachie, July 31, 1990, at 1 p.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Education Service Center, Region II Board of Directors/Regional Advisory Committee will meet at Joe Cotten's Bar-B-Que, Highway 77, Robstown, August 15, 1990, at 6 p.m. Information may be obtained from Gerald V. Cook, 209 North Water, Corpus Christi, Texas 78401, (512) 883-9288.

The Heart of Texas Council of Governments Board of Directors Semi-Annual Meeting was held at the Waco Convention Center, McLennan Room, Waco, August 2, 1990, at 6:15 p.m. Information may be obtained from Mary McDow, 300 Franklin Street, Waco, Texas 76701, (817) 756-7822.

The Hunt County Appraisal District Board of Directors met at the Hunt County Appraisal District Board Room, 4801 King

Street, Greenville, August 2, 1990, at 6 p.m. Information may be obtained from Joe P. Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Lavaca County Central Appraisal District Board of Directors will meet at the Lavaca County Central Appraisal District, 113 North Main Street, Hallettsville, August 13, 1990, at 6 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, August 1, 1990, at 10 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Mental Health Mental Retardation of Brazos Valley Board of Trustees met at the Brazos Center, 3232 Briarcrest Drive, Bryan, July 31, 1990, at 2:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467.

The Region One Education Service Center Board of Directors met at 1900 West Schunior Street, Edinburg, August 2, 1990, at noon. Information may be obtained from Lauro R. Guerra, 1900 West Schunior Street, Edinburg, Texas 78539, (512) 383-5611.

The Region One Education Service Center Board of Directors met at 1900 West Schunior Street, Edinburg, August 2, 1990, at noon. Information may be obtained from Lauro R. Guerra, 1900 West Schunior Street, Edinburg, Texas 78539, (512) 383-5611.

The South Texas Private Industry Council, Inc. met at Highway 83 and 10th Street, Zapata, July 31, 1990, at 4 p.m. Information may be obtained from Ruben M. Garcia, P.O. Box 1757, Laredo, Texas 78044-1757, (512) 722-3973.

TRD-9007565

The Tarrant Appraisal District Board of Directors will meet at 1201 Gravel Road, Fort Worth, August 3, 1990, at 9 a.m. Information may be obtained from Olive Miller, 2315 Gravel Road, Fort Worth, Texas 76118, (817) 595-6005.

◆ ◆ ◆
Meetings Filed July 30, 1990

The Central Appraisal District of Johnson County Appraisal Review Board will meet at 109 North Main Street, Suite 201, Room 202, Cleburne, August 3, 1990, at 9 a.m. Information may be obtained from Jackie Gunter, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986.

The Central Appraisal District of Johnson County Appraisal Review Board will meet at 109 North Main Street, Cleburne, August 7-10, 1990, at 8:30 a. m.

Information may be obtained from Jackie Gunter, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986.

The Comal Appraisal District Board of Directors will meet at 430 West Mill Street, New Braunfels, August 10, 1990, at 1 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Comal Appraisal District Board of Directors will meet at 430 West Mill Street, New Braunfels, August 20, 1990, at 7 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Comal Appraisal District Appraisal Review Board will meet at 430 West Mill Street, New Braunfels, August 23, 1990, at 9 a.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Education Service Center, Region XVII Board of Directors Meeting will be held at the Education Service Center, Region XVII, 1111 West Loop 289, Lubbock, August 14, 1990, at 9 a.m. Information may be obtained from Weldon E. Day, 1111 West Loop 289, Lubbock, Texas 79416, (806) 793-4802.

The Golden Crescent Regional Planning Commission Executive Committee met at the Golden Crescent Regional Planning Commission Conference Room, Regional Airport, Building 102, Victoria, August 2, 1990, at 4 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Golden Crescent Regional Planning Commission Executive Committee met at the Golden Crescent Regional Planning Commission Conference Room, Regional Airport, Building 102, Victoria, August 2, 1990, at 4 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Hamilton County Appraisal District will meet at the Hamilton County Appraisal District Board Room, 119 East Henry Street, Hamilton, August 7, 1990, at noon. Information may be obtained from Doyle Roberts, 119 East Henry Street, Hamilton, Texas 76531, (817) 386-8945/8946.

The Jack County Appraisal District Board of Directors met in an emergency meeting at 216-D South Main Street, Jacksboro, July 30, 1990, at 2 p.m. The emergency was necessary due to property being removed from market that day. Information may be obtained from Gary L. Zeitler or Donna E. Hartzell, 216-D South Main Street, Jacksboro, Texas 76056, (817) 567-6301.

The Sabine Valley Center Personnel Committee will meet at the Administration Building, Ben Bane Room, 107 Woodbine Place, Bramlette Lane, Longview, August 6, 1990, at 5 p.m. Information may be obtained from Jack Coston or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (214) 758-2471.

The Sabine Valley Center Finance Committee will meet at the Administration Building, Ben Bane Room, 107 Woodbine Place, Longview, August 6, 1990, at 6 p.m. Information may be obtained from Jack Coston or LaVerne Moore, P. O. Box 6800, Longview, Texas 75608, (214) 758-2471.

The Sabine Valley Center Care and Treatment Committee will meet at the Administration Building, Ben Bane Room, 107 Woodbine Place, Longview, August 6, 1990, at 6 p.m. Information may be obtained from Jack Coston or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (214) 758-2471.

The Sabine Valley Center Board of Trustees will meet at Cace's Seafood and Restaurant, Marshall Avenue, Longview, August 6, 1990, at 7 p.m. Information may be obtained from Jack Coston or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (214) 758-2471.

The Tarrant Appraisal District Appraisal Review Board will meet at 2309 Gravel Road, Fort Worth, August 1-2, 7-10, 13-16, 20-23, 27-30, 1990, at 8:30 a.m. Information may be obtained from Vernon Evans, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

The Tyler County Appraisal District Board of Directors met at 806 West Bluff Street, Woodville, August 2, 1990, at 4 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Wheeler County Appraisal District Board of Directors will meet at the Wheeler County Appraisal District Office, County Courthouse Square, Wheeler, August 6, 1990, at 2 p.m. Information may be obtained from Larry M. Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900.

The Wheeler County Appraisal District Board of Directors will meet at the Wheeler County Appraisal District Office, County Courthouse Square, Wheeler, August 6, 1990, at 3 p.m. Information may be obtained from Larry M. Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900.

TRD-9007621

◆ ◆ ◆
Meetings Filed July 31, 1990

The Gray County Appraisal District Board of Directors met in an emergency meeting at 815 North Sumner Street, Pam-

a, August 2, 1990, at 5 p.m. The emergency was necessary because of the need to have budget approved and to get health insurance plan approved. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791.

TRD-9007659



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/Texas Literacy Council Requests for Proposals

The Texas Department of Commerce, through the Texas Literacy Council, is requesting proposals from qualified organizations, both public and private, to perform several capacity building services to and on behalf of existing and potential local providers of literacy training within the State of Texas.

The capacity building services to be required of the successful proposer(s) must include, at a minimum the following: technical and organizational assistance to existing and potential local literacy councils; instructional and methodological assistance to local literacy tutors, teachers, and trainers, whether paid staff or volunteers; and public awareness assistance to support and to strengthen existing and potential local literacy efforts.

The goals of the program of services to be funded as a result of this Request for Proposals are essentially three in number: to foster, encourage, and/or enhance existing local literacy efforts through the provision of technical assistance; to support, coordinate, and/or establish new local literacy efforts through the provision of organizational assistance; to inform, invite and/or involve the general public, other organizations, and private businesses and industries in local literacy efforts through the provision of public awareness assistance and/or materials directed toward local efforts within the state.

Proposing organizations must possess the capacity to operate under the provisions of a cost reimbursement type of contract, to meet all of the conditions and requirements contained in the request for proposals, to deliver the required services in a timely fashion on a statewide basis, to maintain complete and accurate records, to provide all required reports with clear and discernable documentation, and conform with the rules and regulations promulgated under the provisions of the Job Training Partnership Act, the source of funds for the proposed program.

The Texas Literacy Council proposes to contract with one or more entities at a combined total cost of no more than \$123,000. Funding for the proposed program will come from funds allocated to the State of Texas by the United States Department of Labor under the provisions of the Job Training Partnership Act, §123.

Proposers must be able to ensure equal employment opportunity to all persons in all aspects of employment regardless of race, handicap, political affiliation or belief. Proposers must also be able to obtain and submit, prior to awarding of a contract, proof of insurance coverage, including liability insurance, bonding, and insurance of personal injury, for personnel directly involved in the provision of services under the terms of this request for proposals.

The Texas Literacy Council and the Texas Department of Commerce reserves the right to accept or reject any or all

proposals submitted and/or to select only one for funding to the exclusion of all others; select more than one proposal for funding based on the evaluation of proposals according to their responsiveness to each of the three goals of the program; and vary the provisions set forth in this request for proposals any time prior to the execution of a contract where such variance is deemed to be in the best interest of the existing and/or potential local providers of literacy services and/or as required by the council or the department.

All proposals and their accompanying attachments become the property of the Texas Literacy Council upon submission. Materials submitted will not be returned.

This request does not commit the Texas Literacy Council or the Texas Department of Commerce to pay for any costs incurred prior to the execution of a contract or prior to fund availability.

All proposals submitted in response to this request for proposals must be received by 5 p.m. on Tuesday, September 4, 1990, to be considered for funding.

The period of performance is estimated to be October 1, 1990-June 30, 1991.

Proposals will be reviewed and evaluated on criteria such as quality of program design, demonstrated effectiveness, cost effectiveness, and bidder qualifications.

Interested bidders may obtain proposal instructions at the following address: Texas Literacy Council, Texas Department of Commerce, 816 Congress Avenue, Suite 730, Austin, Texas 78701, Attention: Pat Hartgrove, Planner.

Issued in Austin, Texas, on July 26, 1990.

TRD-9007611 William D. Taylor
Executive Director
Texas Department of Commerce

Filed: July 27, 1990

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

Comptroller of Public Accounts Local Sales Tax Changes Effective

In addition to the local sales tax changes published in the July 27, 1990, issue of the *Texas Register* (15 TexReg 4329), the city sales tax rate in the City of Graford will increase by 1/2% effective October 1, 1990. The additional sales tax is for property tax relief. The combined state, city, and county sales tax rate will be 8 1/4%

Issued in Austin, Texas on July 25, 1990.

TRD-9007542 Bob Bullock
Comptroller of Public Accounts

Filed: July 26, 1990

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

**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formu-

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer ⁽³⁾/Agricultural/ Commercial ⁽⁴⁾ thru \$250,000</u>	<u>Commercial ⁽⁴⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	07/30/90-08/05/90	18.00%	18.00%
Monthly Rate - Art. 1.04 (c)(1)	07/01/90-07/31/90	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	07/01/90-09/30/90	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11(3)	07/01/90-09/30/90	18.00%	N.A.
Lender Credit Card Quarterly Rate - Art. 15.02(d)(3)	07/01/90-09/30/90	15.62%	N.A.
Standard Annual Rate - Art. 1.04(a)(2)(2)	07/01/90-09/30/90	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11(3)	07/01/90-09/30/90	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail and Lender Credit Card Balances with Annual Implementation Dates from:	07/01/90-09/30/90	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	08/01/90-08/31/90	10.00%	10.00%

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

Issued in Austin, Texas, on July 23, 1990.

TRD-9007484 Al Endsley
Consumer Credit Commissioner

Filed: July 25, 1990

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

**Texas Department of Criminal Justice
Correction of Error**

The Department of Criminal Justice submitted proposed sections which contained errors as published by the *Texas Register* in the June 15, 1990, issue (15 TexReg 3484).

In §163.31(b) the third sentence has text missing. The sentence should read as follows. "If a community justice council serves the department, the council shall provide direction for the development of the community justice plan."

On page 15 TexReg 3492, the headings to repeal of §321.15 and §321.16 are incorrect. The correct heading should read as follows. "§321.15. Community Justice Plan. §321.16. Community Corrections Program. Standards for specialized caseloads and electronic monitoring are unaffected by the repeal."

Texas Commission for the Deaf Request for Proposals

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Commission for the Deaf (TCD) is requesting proposals for the provision of interpreter services to eligible individuals who are deaf and hearing impaired in Harris County, Texas and its vicinity. A total of \$10,533 (\$10,220 for message relay service and \$313 for information and referral service) is available to be used from an September 1, 1990-August 31, 1991.

Contact Person. Further information regarding the provision of the above-stated services to deaf individuals and requests for form packets necessary to submit the proposals may be directed to Billy Collins, Director of Programs, Texas Commission for the Deaf, (512) 469-9891.

Deadline for Submittal of Proposals. Deadline for the receipt of proposals in the offices of the Texas Commission for the Deaf is on or before August 29, 1990, at 5 p.m. Proposals received after the established deadline cannot be considered for selection. Proposals are to be addressed to Billy Collins, Director of Programs, Texas Commission for the Deaf, P.O. Box 12904, Austin, Texas 78711-2904.

Guidelines for Submitting Proposals. Guidelines for delivery of service programs will provide assurances that each contractor will, as a minimum: be an agency, organization, or individual who is willing to provide service(s) to deaf and hearing impaired persons in Harris County and its vicinity; provide a location and description of the intended headquarters to be used in the delivery of services; show an anticipated number of persons willing to utilize the services; be willing to cooperate with the commission regarding its goals, standards, requirements, and recommendations; be capable of selecting the area of service(s) most needed within a fiscally conservative budget, and submit such budget to the commission for review; possess the necessary skills, knowledge, and expertise for the planning, development, and implementation of needed services; designate a service provider for the activity; utilize, to the highest degree possible, local community, and state resources; furnish the commission with reports, as required, in the format prescribed by the commission; and establish and maintain a method to secure and maintain the confidentiality of records and services relating to clients in accordance with any and all applicable state and federal rules, laws, and regulations.

Proposal Evaluation Criteria. Proposals will be evaluated by the commission on the following basis: submission of the proposal on or before the established deadline; operation of the program within commission authority; submission of the proposal addressing all required areas; respondent's program plan; respondent's ability to provide a high-quality program aimed at meeting the individual needs of the client; letters of endorsement and/or cooperation; and ability to implement program upon receiving notification from the commission on award of contract.

Contract Award and Allocation Procedures. Final selection will be made by the commission, using previously mentioned evaluation procedures. Award will not necessarily be made to the contractor or applicant offering the lowest cost. Close consideration will be given to the ability to provide quality direct services based on the commission's evaluation criteria.

The proposed contract is a continuation of current direct services presently performed by a previous or current

contractor. The commission intends to award the contract to the previous or current contractor unless a substantially better proposal is submitted as determined by the stated evaluation and selection criteria. However, the commission reserves the right to accept or reject any or all proposals submitted as well as to refuse any or all renewals with previous or current contractors.

The commission is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends the materials provided only as a means of identifying the various elements which the commission considers basic to a delivery of direct services. The commission will base its choice on demonstrated rate competence, qualifications, and evidence of superior conformance to criteria. This request does not commit the commission to pay any costs incurred prior to execution of a contract.

The commission will announce the contract award for the immediate beginning of the contract when the commission's open meeting will be scheduled in August 1990. The contract is renewable for FY 1992. The contracts will include the possibility for amendments to permit additional funds or re-allocation of funds during the contract period if such funds become available. FY 1992 funding will be determined by the commission using a commission-approved formula in the distribution of monies among selected and approved contractors.

Conditions for Termination of Services. Services provided may be terminated if the contractor fails to comply with contract requirements.

Issued in Austin, Texas, on July 27, 1990.

TRD-9007612 Larry D. Evans
Executive Director
Texas Commission for the Deaf

Filed: July 27, 1990

For further information, please call: (512) 469-9891

◆ ◆ ◆ Texas Department of Health Permit Applications for Municipal Solid Waste Site

Notice is hereby given that the City of Cactus presently holds Solid Waste Permit Number 1754 as heretofore issued by the Texas Department of Health for the operation of a Type III municipal solid waste site located east of Cactus, one mile east of U.S. Highway 287, and 900 feet south of the county line, in Moore County.

Said permit holder has now filed with the Texas Department of Health an application to amend the aforesaid permit as follows: to add 75.351 acres to the east and south sides of the presently permitted 5.0 acre site and upgrade the present Type III operation to a Type I operation.

The site covers approximately 80.351 acres of land, and is to daily receive approximately 26.5 tons of solid waste under the regulatory jurisdiction of the Texas Department of Health for disposal or other processing in accordance with the department's "Municipal Solid Waste Management Regulations." A technical review of the application is being made by the department's Bureau of Solid Waste Management and various state and local agencies which have a jurisdictional interest.

No public hearing will be held on this application unless a person affected 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 person represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application. If a hearing is requested by a person affected, or if the Bureau of Solid Waste Management determines that a public hearing should be held, notice of such hearing will be provided to the requester and will also be published in a newspaper regularly published or circulated in the county in which the site is located at least 30 days prior to the date of such hearing.

Requests for a public hearing and/or requests for a copy of the application shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Additional information regarding the application may be obtained from the Bureau of Solid Waste Management or at the department's Public Health Region 2 Office located at 4709 66th Street, Lubbock, Texas 79414, (806) 797-4331.

Issued in Austin, Texas, on July 26, 1990

9007557 Robert A. MacLean, M.D.,
Deputy Commissioner
Texas Department of Health

Filed: July 26, 1990

For further information, please call: (512) 458-7271.

Charter Waste Management, Inc. has filed Application Number 2158 with the Texas Department of Health for a permit to operate a proposed Type I municipal solid waste site to be located southwest of Odessa, 4.6 miles southwest of the intersection of FM Road 1936 and IH 20/U.S. Highway 80, adjacent to and on the southeast side of the T & P Railroad paralleling IH 20/U.S. Highway 80, in Ector County.

The site covers approximately 395.72 acres of land, and is to daily receive approximately 1,458 tons of solid waste under the regulatory jurisdiction of the Texas Department of Health for disposal or other processing in accordance with the department's "Municipal Solid Waste Management Regulations." A technical review of the application is being made by the department's Bureau of Solid Waste Management and various state and local agencies which have a jurisdictional interest.

No public hearing will be held on this application unless a person affected 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 person represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application. If a hearing is requested by a person affected, or if the Bureau of Solid Waste Management determines that a public hearing should be held, notice of such hearing will be provided to the requester and will also be published in a newspaper regularly published or circulated in the county in which the site is located at least 30 days prior to the date of such hearing.

Requests for a public hearing and/or requests for a copy of the application shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Additional information concerning this application should be requested from the previously applicant or from the Bureau of Solid Waste Management, Texas Department of Health, Austin, Texas phone (512) 458-7271.

Issued in Austin, Texas, on July 26, 1990

9007556 Robert A. MacLean, M.D.
Deputy Commissioner, Texas Department
of Health

Filed: July 26, 1990

For further information, please call (512) 458-7271

Texas Department of Human Services Notice of Public Hearing

The Texas Department of Human Services (DHS) will conduct a public hearing to receive comments on the department's proposed Home Energy Assistance Program (HEAP) state plan for fiscal year 1991. The hearing will be held on Friday, August 24, 1990, at 9 a.m., Public Hearing Room, East Tower, 701 West 51st Street, Austin. Copies of the proposed plan will be available at the meeting. Advanced copies may be obtained from Rodney Sprott, (512) 465-5433. Written comments may be submitted to Rodney Sprott, Texas Department of Human Services, P.O. Box 149029 (MC 765-H), Austin, Texas 78714-9029.

Issued in Austin, Texas, on July 30, 1990.

9007628 Cathy Rossberg
Agency Liaison, Policy Communication
Services
Texas Department of Human Services

Filed: July 30, 1990

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

Legislative Budget Office Joint Budget Hearing Schedule

Executive and Legislative Budget Offices, Joint Budget Hearing Schedule**, Appropriations Requests for 1992-1993 Biennium (For the period of August 6-10, 1990).

Department of Highways and Public Transportation, August 9-10 a.m., D. C. Greer Building, Commission Meeting Room 11th and Brazos, Austin.

Commission on Jail Standards, August 9-1:30 p.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

State Prosecuting Attorney, August 9-2:30 p.m., Room 246, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Department of Agriculture, August 10-9 a.m., Room 102, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Court Reporters Certification Board, August 10-9:30 a.m., Room 246, John H. Reagan Building, 15th and North Congress Avenue, Austin.

State Law Library, August 10-10:30 a.m., Room 246, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Agricultural Resources Protection Authority, August 10-10:30 a.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Lamar University System, August 10-1 p.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Lamar University-Beaumont, August 10-1 p.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Lamar University-Orange, August 10-1 p.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Lamar University-Port Arthur, August 10-1 p.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Veterinary Medical Examiners Board, August 10-2 p.m., Room 102, John H. Reagan Building, 15th and North Congress Avenue, Austin.

****Note:** 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 July 27, 1990.

TRD-9007573 Larry Kopp
Assistant Director for Budgets
Legislative Budget Office

Filed: July 27, 1990

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

◆ ◆ ◆
**Texas State Library and Archives
Commission**

Consultant Contract Reports

Senate Bill 737 of the 65th Texas Legislature (Texas Revised Civil Statutes, Article 6252-11c), requires state agencies and regional councils of governments to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within 10 days of the award of the contract, the agency is required to file with the Secretary of State a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. Additionally, the Act directs the contracting agencies to file copies of the resulting reports with the Texas State Library. The library is required to compile a list of the reports received and submit the list quarterly for publication in the *Texas Register*.

Below is a list of reports received for the second quarter of 1990. The reports may be examined in Room 300, Texas State Library, 1201 Brazos Street, Austin.

Department of Commerce, PHH Fantus Corporation, Fantus' Target Industry Marketing Program for Texas: summary report.

General Land Office, Dick Lillie and Associates, Austin State Hospital zoning process.

Health and Human Services Coordinating Council, Performance Resources, Inc., community resource coordination pilot project: evaluation report; modified orientation materials; modified training guide.

Texas College of Osteopathic Medicine, Coopers & Lybrand, salary administration plan for classified employees.

University of Texas System, Arthur Andersen and Company, management information system reporting package. 2 v.

University of Texas System Cancer Center, Coopers and Lybrand, strategic plan 1990-1995.

Issued in Austin, Texas, on July 23, 1990.

TRD-9007595 Raymond Hitt
Assistant Director
Texas State Library and Archives
Commission

Filed: July 27, 1990

For further information, please call: (512) 463-5440

◆ ◆ ◆
**Texas State Board of Pharmacy
Election of Officers**

The Texas State Board of Pharmacy announces the election of the following officers for Fiscal Year 1991 (September 1, 1990-August 31, 1991).

Jerry D. Pyle, R.Ph., President, Arlington.

Charles L. Rittenberry, Amarillo.

Michael Lester, R.Ph., Treasurer, Dallas.

Issued in Austin, Texas, on July 24, 1990.

TRD-9007479 Fred S. Brinkley, Jr. R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Filed: July 25, 1990

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

◆ ◆ ◆
**Texas Department of Public Safety
Correction of Error**

The Texas Department of Public Safety submitted an amendment which contained an error as published by the *Texas Register* in the July 13, 1990, issue (15 TexReg 3780).

In §1.23 the new paragraph (9) was omitted. The missing text should read as follows. " (9) past use of any illegal substance(s). Such use may be cause for rejection."

◆ ◆ ◆
**Public Utility Commission of Texas
Correction of Error**

The Public Utility Commission of Texas submitted an amendment which contained an error as published by the *Texas Register* in the July 27, 1990, issue (15 TexReg 4288).

In §23.45(F)(1)(A), the closing bracket designating deleted language was omitted. The sentence should read as follows. "(A) Bill for telephone service shall [normally] be rendered monthly **unless otherwise authorized by the Commission, or unless service is rendered for a period of less than one month, [; shall show the period of the time covered by the billings;]** and shall provide an **itemized** [show a clear] listing of all charges due and payable, including outstanding amounts in the same customer class the utility has chosen to transfer from a customer's prior delinquent account(s)."

◆ ◆ ◆
**Notice of Applications to Amend
Certificates of Convenience and
Necessity**

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on July 9,

1990, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number: application of Gulf States Utilities for a certificate of convenience and necessity for 138KV transmission line within Polk County, Docket Number 9647 before the Public Utility Commission of Texas.

The Application: In Docket Number 9647, Gulf States Utilities requests approval of its application to construct approximately 0.21 miles of 138kV transmission line in Polk County.

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 Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on July 26, 1990.

TRD-9007608 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 27, 1990

For further information, please call: (512) 458-0100

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on July 11, 1990, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number: application of Houston Lighting and Power Company for a certificate of convenience and necessity for a 69KV transmission line within Harris County, Docket Number 9654 before the Public Utility Commission of Texas.

The Application: In Docket Number 9654, Houston Lighting and Power requests approval of its application to construct approximately three miles of 69kV transmission line to replace existing facilities within the City of Houston.

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 Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on July 26, 1990.

TRD-9007609 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 27, 1990

For further information, please call: (512) 458-0100

Supreme Court of Texas Consultant Contract Award

In compliance with the provisions of Texas Civil Statutes, Articles 6252-11c, the Supreme Court of Texas, the Court of Criminal Appeals, the Third Court of Appeals, the State Prosecuting Attorney's Office and the State Law Library furnish this notice of contract award.

Publication Date. The request for proposals was published in the June 29, 1990, issue of the *Texas Register* (14 TexReg 3772).

Description of Services. The request was for professional move coordinator-consultant services for planning and executing the move of the three appellate courts and two agencies into temporary quarters.

Name and Address. A contract has been awarded to Emerson-Fehr Architects and Planners, 4107 Spicewood Springs Road, Suite 204, Austin, Texas 78767.

Value and Dates of Contract. The total amount of the contract is \$29, 500. The contract period extends from August 1, 1990, to the completion of the move, which is anticipated to be not later than February 28, 1991.

Issued in Austin, Texas, on July 26, 1990.

TRD-9007622 William L. Willis
Executive Assistant
Supreme Court of Texas

Filed: July 30, 1990

For further information, please call: (512) 463-1353

Texas Water Commission

Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of July 23-July 27, 1990.

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

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

Amoco Chemical Company; Texas City; Plant A, an aromatic solvent manufacturing plant; on South Sixth Street, approximately seven blocks south of Texas Avenue in the City of Texas City, Galveston County; 00451; renewal.

Anzon, Inc.; Laredo; an antimony smelter; between the Missouri Pacific Railway and FM Road 1472, approximately one mile north of the City of Laredo, Webb County; 01264; renewal.

Boxcrow Cement Company, L.P.; Midlothian; a limestone quarry and Portland Cement Plant; approximately two miles northeast of the City of Midlothian, east of and

adjacent with the Atchinson, Topeka, and Santa Fe Railroad right-of-way, Ellis County; 02580; amendment.

Gates Molded Products Company, A Division of Gates Rubber Company; Houston; molded rubber products manufacturing plant; 13601 Spencer Road (FM 529), about three miles west of the intersection of FM 529 and U.S. Highway 290, Harris County; 01222; renewal.

Pennzoil Products Company dba Penreco; Dickinson; produces purified mineral oil and sulfonated hydrocarbons; approximately 700 feet southeast of the intersection of FM Road 517 and Nichols Street, City of Dickinson, Galveston County; 00377; amendment.

Texas Lime Company, Blum Plant; Cleburne; quicklime and hydratedlime manufacturing plant; approximately three miles west-southwest of the Town of Blum, on the south side of Atchinson Topeka and Santa Fe Railway line, where FM Roads 933 and 67 intersect in Hill County; 02014; renewal.

City of Winfield; wastewater treatment facilities; approximately 400 feet north of the IH-30 access road and 1,500 feet west of FM Road 1734 in Winfield, Titus County; 12146-01; renewal.

Issued in Austin, Texas, on July 27, 1990

TRD-9007614 Brenda W. Foster
 Chief Clerk
 Texas Water Commission

Filed: July 27, 1990

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

◆ ◆ ◆

Texas Water Development Board

Public Meetings on Draft Texas Water Plan

The Texas Water Development Board will receive comments on a draft of the Texas Water Plan at public meetings scheduled in 13 Texas cities as follows: August 13, Lubbock, 2:30-5 p.m. and 6:30-9 p.m., Lubbock Public Library; all other meetings will be from 3-5:30 p.m. and

7-9:30 p.m. as follows: August 14, El Paso, El Paso City Hall; August 15, Amarillo, Amarillo Civic Center; August 16, Corpus Christi, Bay Front Plaza Convention Center; August 20, Arlington, North Central Texas Council of Governments; August 21, Tyler, University of Texas at Tyler, Administration Building, Room 127; August 22, San Antonio, University of Texas San Antonio, Institute of Texan Cultures Auditorium; August 23, Weslaco, Texas Agricultural Experiment Station, Hoblitzelle Auditorium, 711 Park Place; August 28, Beaumont, Lamar University, The John Gray Institute Auditorium; August 28, Midland, Midland International Airport Education Service Center; August 29, Waco, Waco Convention Center; August 30, Austin, Stephen F. Austin Building, Room 118.

The Texas Water Development Board collects water data and updates and amends the state's official Texas Water Plan every five years. The amended plan will be presented to the Legislature in January 1991. The draft plan includes statewide projections of water demands, water supplies and needed facilities. These 50-year projections are broken down by river basins and by eight designated planning regions. Policy alternatives and recommendations are outlined for statewide concerns including alternative water supplies, water supply source protection, regionalization, groundwater management, balancing water resources development with environmental and land management concerns, financing water management, as well as planning, education, and research.

Copies of the draft of the Texas Water Plan are available in public and university libraries of the state's major cities. Written comments on the plan should be mailed to the Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231 before September 14, 1990. For additional information contact Donna Darling at (512) 463-7869.

Issued in Austin, Texas, on July 27, 1990.

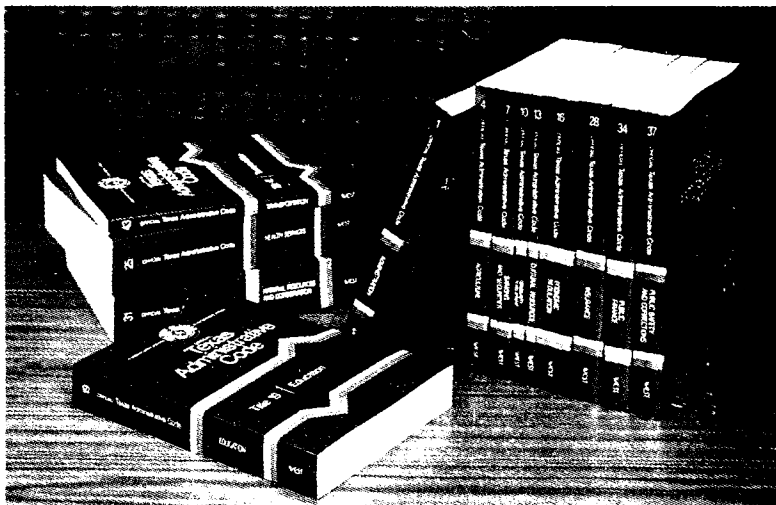
TRD-9007613 Suzanne Schwartz
 General Counsel
 Texas Water Development Board

Filed: July 27, 1990

For further information, please call: (512) 463-7981

◆ ◆ ◆

The only COMPLETE, OFFICIAL and UP-TO-DATE
source of administrative rules for Texas!



SAVE 40% ON WEST'S[®] TEXAS ADMINISTRATIVE CODE

West Publishing Company, official publisher of the *Texas Administrative Code* for 1990, is proud to announce that the complete TAC is now ready—and is being offered to you right now at a full set savings of 40%! Or, choose only those volumes essential to your daily practice.

COMPLETE, FOR RESEARCH CONVENIENCE!

The TAC is your convenient access to the rules and regulations of Texas state agencies. Each title is divided into parts, and each part corresponds to a state agency. The chapters and sections within each part thus contain all permanent rules and regulations for that particular agency in one convenient publication.

DEPENDABLE SUPPLEMENTATION TO KEEP YOU UP-TO-DATE!

West's TAC includes rules and regulations soon after their adoption into Texas law.

You'll find the exact currency dates of the provisions contained within the preface of each volume.

Timely Supplementation! Semi-annual supplements bring subscribers up-to-date with the adoption of new rules and changes in existing rules. The supplementation consists of softbound, cumulative, companion volumes to the 16-volume TAC set. This eliminates the time-consuming need for complicated collation and substitution of pages that was required by the looseleaf format of the previous publisher.

OFFICIAL, FOR YOUR ASSURANCE OF CONFIDENCE!

Only with West's *Texas Administrative Code* do you get absolute assurance that all code provisions appear as finally reviewed and corrected by the Secretary of State's Office.

TITLES INCLUDED IN THIS COMPLETE AND OFFICIAL SET:

1. Administration
 4. Agriculture
 7. Banking and Securities
 10. Community Development
 13. Cultural Resources
 16. Economic Regulation
 19. Education
 22. Examining Boards
 25. Health Services
 28. Insurance
 31. Natural Resources and Conservation
 34. Public Finance
 37. Public Safety and Corrections
 40. Social Services and Assistance
 43. Transportation
- All New General Index



WEST PUBLISHING CO.

50 W. Kellogg Blvd. • P.O. Box 64526 • St. Paul, MN 55164-0526

SAVE 40% ON YOUR FULL SET PURCHASE! Get complete details from your West representative, or call toll free **1-800-328-9352**. (In MN call collect 6-612-688-3600.)

Second Class Postage

PAID

Austin, Texas
and additional entry offices

To order a new subscription, or to indicate a change of address, please use this form. When notifying us of an address change, please attach the mailing label from the back of a current issue. Questions concerning existing subscriptions should also include the subscription number from the mailing label.

For information concerning the Texas Register, please call (512) 463-5561, or write to P.O. Box 13824, Austin, Texas 78711-3824.

You may also use this form to request back issues of the Texas Register. Please specify the exact dates and quantities of the issues requested. Each copy of a back issue is \$4.

Change of Address
(Please attach mailing label)

Back Issues Requested
(Please specify dates)

Please enter my subscription to the Texas Register as indicated below. (I will look for my first issue in about two weeks.)

1 year (100 issues) \$90

Payment enclosed

6 months (50 issues) \$70

Bill me

Name

Organization

Occupation

Telephone

Address

City

State

Zip Code

Please make checks payable to the Secretary of State. Subscription fees are not refundable.

For office use only