

Texas Register

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Texas Register

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings—notices of open meetings

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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

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Typographers
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Roberta Knight

TAC Editor
Dana Blanton

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The Governor

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

Appointments Made August 28, 1989

To be a member of the Interagency Council for Genetic Services for a term to expire September 1, 1991: Joseph David Martinec, Route 2, Box 257B, Cedar Creek, Texas 78612. Mr. Martinec is being reappointed.

To be a member of the Interagency Council for Genetic Services for a term to expire September 1, 1991: Helene Botsonis, 6710 Elmhurst, Amarillo, Texas 79106. Mrs. Botsonis is being reappointed.

To be a member of the Juvenile Justice and Delinquency Prevention Advisory Board for a term at the pleasure of the Governor: Kenneth Randolph Fleuriet, 410 East Austin, Harlingen, Texas 78550. Mr. Fleuriet will be replacing Roy Bailey of Sulphur Springs, who resigned.

To be a member of the Interagency Council on Mentally Retarded, Developmentally Disabled, and Mentally Ill Offenders for a term to expire February 1, 1995: Kevin Chapman, 935 North Windomere, Dallas, Texas 75208. Mr. Chapman will be replacing Steve Martin of Austin, whose term expired.

To be a member of the Finance Commission of Texas for a term to expire February 1, 1990: David M. Laney, 4811 Kelsey, Dallas, Texas 75229. Mr. Laney is being appointed to a new position pursuant to Senate Bill 607, 71st Legislature, Regular Session.

To be a member of the Finance Commission of Texas for a term to expire February 1, 1990: Dary Stone, 5018 Abbott, Dallas, Texas 75205. Mr. Stone is being appointed to a new position pursuant to Senate Bill 607, 71st Legislature, Regular Session.

To be a member of the Firemen's Pension Commissioner for a term to expire July 1, 1991: Helen Campbell, 2762 Stoutwood Circle, Austin, Texas 78745. Commissioner Campbell is being reappointed.

To be a member of the State Pension Review Board for a term to expire January 31, 1995: Norman Wilton Parrish, 87 Huntsmans Horn, The Woodlands, Texas 77380. Mr. Parrish is being reappointed.

To be a member of the Texas State Technical Institute Board of Regents for a term to expire August 31, 1995: Jere J. Ruff, 1413 Robinwood Court, Longview, Texas 75601. Mr. Ruff is being reappointed.

To be a member of the Texas Youth Commission for a term to expire August 31, 1995: Marilla Black Wood, 3601 Lawton Avenue #4, Austin, Texas 78731. Ms. Wood will be replacing Susan Bush of Athens, whose term expired.

Appointments Made August 29, 1989

To be Presiding Judge of the Fourth Administrative Judicial Region for a term to expire four years from date of qualification: Judge John Cornyn, III, 1000 Cambridge Oval, San Antonio, Texas 78209. Judge Cornyn will be replacing Judge Joe E. Kelly of Victoria, whose term expired.

To be Criminal District Attorney of Austin County until the next general election and until his successor shall be duly elected and qualified: Travis J. Koehn, 203 Lisa Lane, Bellville, Texas 77418. Mr. Koehn is being appointed to a new position pursuant to Senate Bill 1379, 71st Legislature, Regular Session.

To be Chief Justice of the Ninth Supreme Judicial District Court of Appeals until the next general election and until his successor shall be duly elected and qualified: Ronald L. Walker, 7880 Weaver Drive, Beaumont, Texas 77706. Judge Walker will be replacing Judge Martin Dies, Jr. of Beaumont, who is retiring August 31, 1989.

To be Judge of the 363rd Judicial District Court, Dallas County until the next general election and until his successor shall be duly elected and qualified: Randall Blair Isenberg, 10415 Barrywood Drive, Dallas, Texas 75230. Judge Isenberg is being appointed to a new position pursuant to Senate Bill 1379, 71st Legislature, Regular Session.

To be Judge of the 365th Judicial District Court, Dimmit, Maverick, and Zavala Counties until the next general election and until his successor shall be duly elected and qualified: Eugene David Stewart, 115 South 19th, Carrizo Springs, Texas 78834. Mr. Stewart is being appointed to a new position pursuant to Senate Bill 1379, 71st Legislature, Regular Session, effective September 1, 1989.

To be a member of the State Purchasing and General Services Commission for a term to expire January 31, 1993: Phillip A. Aronoff, 10747 Villa Lea Lane, Houston, Texas 77071. Mr. Aronoff will be filling the unexpired term of Ross D. Margraves, Jr. of Houston, who resigned.

To be chairman of the State Purchasing and General Services Commission to serve at the pleasure of the Governor: Phillip A. Aronoff of Houston.

To be chairman of the Texas Board of Criminal Justice to serve at the pleasure of the Governor: Charles T. Terrell of Dallas.

To be a member of the Texas Board of Criminal Justice pursuant to House Bill 2335, 71st Legislature for a term to expire February 1, 1995: Charles T. Terrell, 4817 Auburndale, Dallas, Texas 75205. Mr. Terrell is being appointed to a new position.

To be a member of the Texas Board of Criminal Justice pursuant to House Bill 2335, 71st Legislature for a term to expire February 1, 1995: Jerry H. Hodge, 32 Oldham Circle, Amarillo, Texas 79109. Mr. Hodge is being appointed to a new position.

To be a member of the Texas Board of Criminal Justice pursuant to House Bill 2335, 71st Legislature for a term to expire February 1, 1991: Robert A. Mann, 4424 Village Oak, Waco, Texas 76710. Mr. Mann is being appointed to a new position.

To be a member of the Texas Board of Criminal Justice pursuant to House Bill 2335, 71st Legislature for a term to expire February 1, 1991: Ben J. Gallant, 13501 Royal Fifth, Corpus Christi, Texas 78418. Mr. Gallant is being appointed to a new position.

To be a member of the Texas Board of Criminal Justice pursuant to House Bill 2335, 71st Legislature for a term to expire February 1, 1995: Allan Polunsky, 11654 Elm Ridge Road, San Antonio, Texas 78230. Mr. Polunsky is being appointed to a new position.

To be a member of the Texas Board of Criminal Justice pursuant to House Bill 2335, 71st Legislature for a term to expire February 1, 1993: Mamie Moore Proctor, 4311 Wuthering Heights, Houston, Texas 77045. Ms. Proctor is being appointed to a new position.

To be a member of the Texas Board of Criminal Justice pursuant to House Bill 2335, 71st Legislature for a term to expire February 1, 1993: F. L. "Steve" Stephens, 5401 Woodbine, San Angelo, Texas 76904. Mr. Stephens is being appointed to a new position.

To be a member of the Texas Board of Criminal Justice pursuant to House Bill 2335, 71st Legislature for a term to expire February 1, 1993: James Eller, 1317 Brookhollow Way, Bryan, Texas 77805.

Mr. Eller is being appointed to a new position

Issued in Austin, Texas, on September 1, 1999.

TRD-8908133

William P. Clements, Jr.
Governor of Texas



Emergency Sections

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

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

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 7. Corporate and Financial

Subchapter P. Third Party Administrators; Examinations, Licenses

• 28 TAC §§7.1601-7.1622

The State Board of Insurance adopts on an emergency basis the repeal of §§7.1601-7.1622, concerning measures to facilitate administration of the licensing and examination of third party administrators. The repeal on an emergency basis of §§7.1601-7.1622 as Subchapter P, concerning third party administrators; examinations, licenses, is simultaneous with the adoption on an emergency basis of new §§7.1601-7.1613, as Subchapter P, concerning licensing and examination of third party administrators. Notice of the emergency adoption of the new sections appears elsewhere in this issue of the *Texas Register*. Repeal of §§7.1601-7.1622 on an emergency basis is necessary to enable the board to adopt new §§7.1601-7.1613 on an emergency basis to provide for consistency, efficiency, and clarity in the administration of the licensing and regulation of third party administrators in accordance with the provisions of the Insurance Code, Article 21.07-6, effective September 1, 1989. Old §§7.1601-7.1622 were adopted under the Insurance Code, Article 21.07-5, which the 71st Legislature repealed effective September 1, 1989. An imminent peril to the public welfare requires repeal of §§7.1601-7.1611 on an emergency basis to provide for the proper functioning of administrative regulation of the business of insurance and related activities in Texas.

The sections are repealed on an emergency basis under the Insurance Code, Article 1.04 and Article 21.07-6, §2, and under Texas Civil Statutes, Article 6252-13a, §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to adopt rules in accordance with the laws of this state. The Insurance Code, Article 21.07-6, §2, authorizes the board to establish and promulgate rules, regulations, minimum standards, or limitations that are fair and reasonable as may be appropriate for the augmentation and implementation of the article, which relates to regulation of third party administrators. Texas Civil Statutes, Article 6252-13a, §5, prescribe the procedure for adoption of rules by any state administrative agency.

§7.1601. Definitions.

§7.1602. Third Party Administrator or TPA Defined.

§7.1603. Forms Relating to Regulation of Third Party Administrators Under the Insurance Code, Article 21.07-5.

§7.1604. Form Filings.

§7.1605. Certificate of Authority Required.

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§7.1607. Approval by the Commissioner; Hearings.

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

§7.1609. Service Contract.

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§7.1614. Prohibited Transactions.

§7.1615. Notice of Capacity; Statement of Charges.

§7.1616. Annual Report.

§7.1617. Exemption.

§7.1618. Nonapplicability.

§7.1619. Fees.

§7.1620. Security Deposit or Surety Bond.

§7.1621. Date for Compliance.

§7.1622. Maintenance Tax Gross Amount of Administrative or Service Fees.

Issued in Austin, Texas, on August 31, 1989.

TRD-8908150

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: September 1, 1989

Expiration date: December 30, 1989

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

• 28 TAC §§7.1601-7.1613

The State Board of Insurance adopts on an emergency basis new §§7.1601-7.1613, concerning measures to facilitate administration of the licensing and examination of third party administrators. The emergency adoption of new §§7.1601-7.1613 as Subchapter P, concerning licensing and examination of third party administrators, is simultaneous with the emergency repeal of old §§7.1601-7.1622, concerning third party administrators; examinations, licenses. Notice of the repeal appears elsewhere in this issue of the *Texas Register*. The new sections are necessary to provide for consistency, efficiency, and clarity in the administration of the licensing and regulation of third party administrators, in accordance with the provisions of the Insurance Code, Article 21.07-6, effective September 1, 1989. The new sections establish guidelines and procedures for the supervision and licensing of persons who collect premiums or contributions from or who adjust or settle claims in connection with life, health, and accident benefits or annuities for residents of this state. Adoption of these new sections includes incorporation by reference of forms for use in administrative regulation of third party administrators. The board has filed copies of the forms with the Secretary of State's office, Texas Register division. Persons desiring copies of the forms can obtain copies from the Third Party Administrator Section, Mail Code 014-2, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998. An imminent peril to the public welfare requires adoption of these new sections on an emergency basis to provide for the proper functioning of administrative regulation of the business of insurance and related activities in Texas. The emergency adoption is necessary to enable the State Board of Insurance and persons regulated by the board to effect timely compliance with the provisions of recent Senate Bill 832.

The new sections are adopted on an emergency basis under the Insurance Code, Article 1.04 and Article 21.07-6, §2, and under Texas Civil Statutes, Article 6252-13a, §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to adopt rules in

accordance with the laws of this state. The Insurance Code, Article 21.07-6, §2, provides the board with authority to promulgate reasonable rules and regulations that are fair and reasonable as may be appropriate for the augmentation and implementation of the article, which relates to regulation of certain third party administrators. Texas Civil Statutes, Article 6252-13a, §5, prescribe the procedure for adoption of rules by any state administrative agency.

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

Administrative or services fees—The total gross amount of all consideration, fees, assessment, payments, reimbursements, dues, and any other compensation, monetary or otherwise, received by a third party administrator during the taxable year. Administrative or service fees will not include sales commissions received by an administrator that has a valid agent's license or lawfully distributed by the administrator to licensed agents or other sales representatives.

Administrator, third party administrator, or TPA—A person who collects premiums or contributions from, or who adjusts or settles claims in connection with life, health, and accident benefits or annuities for, residents of this state, but the term does not include those persons to the extent their operations are specifically excluded in the Insurance Code, Article 21.07-6, §(1)(A)-(Q).

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

Plan—A plan, fund, or program established, adopted, or maintained by a plan sponsor, insurer, or person to the extent that the plan, fund, or program is established, adopted, or maintained to provide:

(A) indemnification or expense reimbursement for a life, health, or accident benefit; or

(B) an individual or group annuity business.

Trade name—An assumed name or DBA (doing business as) which is used by an administrator in its operations or activities with residents of this state.

§7.1602. Forms Relating to Regulation of Administrators Under the Insurance Code, Article 21.07-6. The State Board of Insurance adopts and incorporates herein by reference standard administrator forms for use in the administrative regulation of administrators. Applicants and licensed administrators are required to utilize these forms in preparing applications, statements, notices of required information, and other submissions required under the Insurance Code,

Article 21.07-6, and this subchapter. These forms are published by the State Board of Insurance and may be obtained from the Third Party Administrator Section, Mail Code 014-2, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998. These forms are more specifically identified as follows:

(1) TPA Form Number 1, Name Application, effective September 1, 1989;

(2) TPA Form Number IA, Assumed Name Certificate, effective September 1, 1989;

(3) TPA Form Number 2, Application for Certificate of Authority, effective September 1, 1989;

(4) TPA Form Number 2A, Supplemental Information/Annual Report, effective September 1, 1989;

(5) TPA Form Number 3, Officers and Directors Page, effective September 1, 1989;

(6) TPA Form Number 4, Biographical Affidavit, effective September 1, 1989;

(7) TPA Form Number 5, Service of Process, effective September 1, 1989; and

(8) TPA Form Number 6, Identification and Reporting of Certain Insurers and Health Maintenance Organizations, effective September 1, 1989.

§7.1603. Application for Certificate of Authority.

(a) Any person who collects premiums or contributions from, or who adjusts or settles claims in connection with life, health, and accident benefits or annuities for, residents of this state, but not including those persons to the extent their operations are specifically excluded in the Insurance Code, Article 21.07-6, §(1)(A)-(Q), must apply for a license to operate as a third party administrator within 60 days after September 1, 1989.

(b) Applications for a certificate of authority shall be made in the name of the corporation, partnership, or sole proprietor on TPA Form 2. The certificate of authority when issued shall extend to the officers and managers of the corporation so long as they remain in that capacity and are qualified to act as an officer or manager of that corporate TPA; to each of the partners of the partnership so long as they remain in that capacity and are qualified to act as a partner of that partnership TPA; and to the sole proprietor, of such sole proprietor TPA. The certificate of authority when issued shall not extend to any employees, agents, or subcontractors of the applicant.

(c) A certificate of authority that was issued to an administrator under the Insurance Code, Article 21.07-5, is in effect as if it were issued under the Insurance

Code, Article 21.07-6, and the administrator is subject to the provisions of the Insurance Code, Article 21.07-6. An administrator that has submitted all or part of the documents required for the application of a certificate of authority under the Insurance Code, Article 21.07-5, will be required to submit only those documents needed to make the application administratively complete.

(d) If any of the items required under this subchapter is absent or deemed insufficient by the commissioner, the commissioner shall notify the applicant and the applicant shall be given a reasonable time to correct said deficiencies. If, after the reasonable time has expired, the deficiencies have not been corrected, then the commissioner will notify the applicant by letter that, if the applicant does not request an opportunity for a hearing, the application will be withdrawn without prejudice by the commissioner.

(e) Applicants may formally request by letter to the commissioner that their application be withdrawn from the consideration process anytime prior to the issuance of a certificate of authority, thereby avoiding being considered for denial. However, an applicant must not have functioned or be functioning as an administrator under the Insurance Code, Article 21.07-6, in this state when requesting withdrawal of an application. In the event an application is withdrawn, any fees submitted with the application will not be refunded. After a withdrawal and prior to commencing any administrator activities in this state, applicants must submit an entirely new application with appropriate fees.

§7.1604. Application Denial, Suspension, Cancellation, or Revocation. If the commissioner denies the application, the affected party may not resubmit a new application for a period of time not less than one year from the date of denial. If the commissioner suspends a certificate of authority, the affected party may not operate for a period of time certain as specified in the suspension order which may not exceed one year from the date of suspension. If the commissioner cancels or revokes a certificate of authority, the affected party may not resubmit a new application for a period of time not less than one year from the date of the cancellation or revocation.

§7.1605. Application Procedures.

(a) Each applicant for a TPA certificate of authority will complete TPA Form 2 in compliance with requirements in the Insurance Code, Article 21.07-6, and further requirements detailed in this subchapter. TPA Form 2 will be completed as prescribed and accompanied by such documents, statements, notices, and attachments necessary to support the application. Applicants with a relationship or affiliation such

as a commonality of management, ownership, and/or consolidated financial information may, upon written request and approval of the commissioner, be permitted to submit only one copy of the required information to avoid duplicative filings by such related affiliated applicants. Applicants will be provided a listing of documents required to complete their application.

(b) Each applicant must reserve its name by completing TPA Form 1. The name of the entity on the TPA Form 1 must agree in complete detail with the actual legal name of the applicants. A TPA shall transact business in its own name, which shall not closely resemble the name of any other insurer or TPA doing business in this state. If a trade name is to be used in this state, the applicant must complete TPA Form 1A to reserve the use of the trade name.

(c) One complete, originally signed copy of each statement, notice, form, or application, including exhibits and all other papers and documents filed as a part thereof, shall be filed with the commissioner of insurance and addressed to: Third Party Administrator Section, Mail Code 014-2, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

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

§7.1606. Identification and Reporting Requirements for Certain Insurers and Health Maintenance Organizations as Described in the Insurance Code, Article 21.07-6, §24.

(a) An insurer who otherwise collects premiums or contributions from or adjusts or settles claims in connection with life, health, and accident benefits or annuities for residents of this state may not act as or hold itself out as an administrator unless it has notified the commissioner of its intent to do business under the Insurance Code, Article 21.07-6, except to the extent its operations or activities are exempt as described in subsection (b) of this section.

(b) Exempt operations or activities are those operations which exclusively consist of either:

(1) an insurance company which is collecting premiums for or adjusting or settling claims under its own insurance policies or annuities; or

(2) a health maintenance organization authorized to operate in this state under the Texas Health Maintenance Organization Act for the following purposes:

(A) collecting revenues on its own behalf for evidences of coverage that it has issued and delivered under state law;

(B) adjusting or settling claims under evidences of coverage issued and delivered by it under state law, including the contracting with and payment to providers for performing services, verification of eligibility, and subrogation;

(C) collecting premiums, adjusting, or settling claims for insurance which was issued incidental or supplemental to its lawfully issued and delivered evidences of coverage; and

(D) performing any other activity that is specifically regulated by the Texas Health Maintenance Organization Act, or exempt under this Act or through operation of federal law.

(c) Insurers specifically described in subsection (a) of this section are subject to all the provisions of this subchapter except for §7.1603 of this title (relating to Application for Certificate of Authority), §7.1605 of this title (relating to Application Procedures), and §7.1611 of this title (relating to Supplemental Information Report), and §7.1612 of this title (relating to Fidelity Bond) and are subject to any other appropriate statutes and regulations. The following provisions in paragraphs (1)-(3) of this subsection apply to such insurers.

(1) Each insurer must transact business in its own name.

(2) Every insurer that is operating as an administrator must notify the commissioner, on TPA Form 6, of its activities as an administrator within 60 days after September 1, 1989, or prior to commencing operations.

(3) Every insurer shall, on or before March 1 of each calendar year, prepare and submit to the commissioner an annual report on a completed TPA Form 6, concerning the insurer's organization, operation, and status as an administrator with respect to Texas risk for the preceding calendar year.

§7.1607. Fees. The commissioner shall

collect, and the person affected shall pay to the commissioner, the following fees:

(1) \$500-filing fee for processing an original application for a certificate of authority;

(2) \$250-on-site visit examination fee as specified in the Insurance Code, Article 21.07-6, §8; and

(3) \$100-filing fee for annual report.

§7.1608. Prohibited Transactions. A TPA may not engage in any of the activities listed in the following paragraphs:

(1) misrepresenting the terms, advantages, or nature of its service contract;

(2) making false or incomplete comparisons with the service contracts of other TPAs or persons in order to induce a plan, insurer, or person to enter into, continue, or discontinue any service contract with the TPA;

(3) accepting or rejecting risk other than in compliance and in accordance with the terms of the written agreement structured under the requirements of the Insurance Code, Article 21.07-6, §11;

(4) publishing or circulating any advertising or informational material, benefit descriptions, certificates, booklets, or brochures pertaining to business underwritten by a plan, insurer, or plan sponsor without the advance written approval of such plan, insurer, or plan sponsor; or

(5) designing, constructing, or implementing barriers under the written agreement that would unreasonably restrict the right of a plan participant to avail himself of individual life, health, or accident policies or annuities through an agent selected by the plan participant.

§7.1609. On-Site Visits.

(a) The commissioner or his designated representative is authorized to make a complete on-site visit examination of the affairs of each administrator as often as is deemed necessary.

(b) Administrators will be notified of the scheduled on-site visit by letter, which will specify, as a minimum, the identity of the commissioner's designated representative and the expected arrival date and time.

(c) The administrator must make available during such on-site visits all books and records relating to its operation, including but not limited to, the following specific information:

(1) complete copies of any written agreements as defined in the Insurance Code, Article 21.07-6, §11; and

(2) financial statements.

§7.1610. Cease and Desist Orders. The commissioner is authorized pursuant to the Insurance Code, Article 1.10A, to issue emergency cease and desist orders prior to notice and hearing if it appears to the commissioner that the alleged misconduct is fraudulent or creates an immediate danger to the public safety or is causing or can be reasonably expected to cause significant, imminent, and irreparable public injury.

§7.1611. Supplemental Information Report.

(a) Every TPA must ensure that the commissioner is informed, on TPA Form 2A, within 20 days of any change in ownership, officers, directors, partners, sole proprietors, or any other significant change that might have an impact on the TPA's operations or certificate of authority.

(b) Every TPA shall, on or before March 1 of each calendar year, prepare and submit to the commissioner a sworn report on a completed TPA Form 2A, concerning the TPA's organization, operations, and status for the preceding calendar year.

(c) An administrator shall notify and deliver a copy of any order or judgment

to the commissioner within 30 days of the occurrence in another state of any one or more of the following actions:

(1) suspension or revocation of the administrator's right to do business;

(2) receipt of an order to show cause why its license should not be suspended or revoked;

(3) imposition of any penalty, forfeiture, or sanction on it for any violation of the insurance laws of such other state; or

(4) any of the actions in paragraphs (1)-(3) of this subsection with respect to an administrator's partners, directors, officers, or persons who own more than 10% of the voting interest of an administrator.

§7.1612. Fidelity Bond. The fidelity bond, as required by the provisions of the Insurance Code, Article 21.07-6, §6, will be equal to at least 10% of the amount of total funds handled during the preceding year or, if no funds were handled during the preceding year, 10% of the amount of funds reasonably estimated to be handled during the

current calendar year. In no event will the fidelity bond be less than \$10,000 nor will a fidelity bond be required in excess of \$500,000. Funds handled will be as defined in the Insurance Code, Article 21.07-6, §6(d).

§7.1613. Maintenance Tax. Each administrator shall annually pay a maintenance tax on its correctly determined administrative or service fees with respect to risks located in this state. The maintenance tax rate will be determined annually or semi-annually by the board but may not exceed 1.0%. Each administrator shall complete and submit the maintenance tax on a tax form prescribed by the board.

Issued in Austin, Texas, on August 31, 1989.

TRD-8908151

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: September 1, 1989

Expiration date: December 30, 1989

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



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 22. EXAMINING BOARDS

Part XXI. Texas State Board of Examiners of Psychologists

Chapter 463. Applications

• 22 TAC §463.8

The Texas State Board of Examiners of Psychologists proposes an amendment to §463.8, concerning subdoctoral certification education requirements. The board determined that supervised experience should not be received from a relative (either by blood or marriage). This allows for a more objective atmosphere to gain experience from a trained professional.

Patti Bizzell, 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. Bizzell, 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 provide supervised experience to applicants that is given in an objective manner. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Patti Bizzell, Texas State Board of Examiners of Psychologists, 9101 Burnet Road, Suite 212, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

§463.8. Subdoctoral Certification Education Requirements. The board requires a master's degree which is primarily psychological in nature of at least 42 semester credit hours [for subdoctoral certification]. Of these 42 hours, at least 27 graduate level semester credit hours (exclusive of practicum) must have been in psychology. Six semester credit hours of thesis credit in a department of psychology may be counted toward these 27 semester credit hours. Four hundred and fifty clock hours of practicum,

internship, or experience in psychology, in not more than two placements, supervised by a licensed psychologist, must be completed before the written exam may be taken. No experience which is obtained from a psychologist who is related within the second degree of affinity or within the second degree by consanguinity to the person may be considered for psychological associate certification. Applicants who have a master's degree in psychology conferred from a psychology program in a regionally accredited educational institution, and who have not satisfied the board's requirements, will be given an opportunity to satisfy the current requirements of the board. Requirements include:

(1) enrollment in a regionally accredited college or university in a formal master's or doctoral degree program in psychology;

(2) completion of a maximum of an additional 12 semester hours of course work to satisfy the board's requirements of 42;

(3) submission of a letter from the official in charge of the psychology program offering the additional course work stating that the applicant's graduate degree in psychology, with this additional prescribed course work, is equivalent to a 42 hour master's degree in psychology from that program; and

(4) submission of a transcript from the educational institution.

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

Issued in Austin, Texas, on August 31, 1989.

TRD-8808162

Patti Bizzell
Executive Director
Texas State Board of
Examiners of
Psychologists

Earliest possible date of adoption: October 13, 1989

For further information, please call: (512) 835-2036

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part X. Texas Adult Probation Commission

Chapter 321. Standards

• 37 TAC §321.12

The Texas Adult Probation Commission proposes an amendment to §321.12, concerning community rehabilitation centers. The amendment is adopted to provide for more uniform enforcement of probation standards.

Edmond J. Peterson, director of fiscal services, 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 or small businesses as a result of enforcing or administering the section.

Mr. Peterson also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that it will insure that residential service providers contracting with local adult probation departments receive training and use equipment case management systems to run facilities. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Virginia Grote, Texas Adult Probation Commission, 8100 Cameron Road, Austin, Texas 78753.

The amendment is proposed under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§321.12 Restitution Center [Community Rehabilitation Center].

(a) Sentencing alternative. The judicial district court shall use the restitution [rehabilitation] center as a sentencing alternative to incarceration in the Texas Department of Corrections (TDC), not as a sentencing alternative to regular probation or intensive supervision probation (ISP). In utilizing this sentencing alternative, the district court should give priority to restitution [rehabilitation] center Placements to offenders on whom there has been a motion to revoke probation, and to offenders whose pre-sentence investigation reports have indicated the need for incarceration at TDC

were the restitution [rehabilitation] center alternative not available.

(b) Reaching capacity. The judicial district court and adult probation department shall ensure that a sufficient number of eligible offenders are placed in the restitution [rehabilitation] center so that it will reach at least 50% of its capacity within three months and 90% capacity within six months after commencing operation.

(c) Eligibility for placement. To be eligible for placement in a restitution [rehabilitation] center the offender:

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

(5) would have been incarcerated at TDC if it were not for the availability of the restitution [rehabilitation] center.

(d) Court order. The probation department shall place an offender in a restitution [rehabilitation] center only after an order by the court and release a probationer from a restitution [rehabilitation] center only by order of the court.

(e) Pre-sentence investigation. If the district court does not order a pre-sentence investigation, the probation department shall have a post-sentence investigation report written for each offender placed in a restitution [rehabilitation] center. This report shall be in compliance with the Texas Adult Probation Commission (TAPC) pre-sentence investigation report standards.

(f) Term of residency. The probationary sentence ordered by the court to be served in a restitution [rehabilitation] center shall be for a period of not less than three months nor more than 12 months.

(g) Community advisory council. A community advisory council of not less than seven persons representative of the community shall be appointed by the district judge or judges to advise the probation department in its establishment and maintenance of the restitution [rehabilitation] center. The community advisory council shall meet at least once in each calendar quarter.

(h) Appointment of the director. The chief adult probation officer shall appoint a director of the restitution [rehabilitation] center who is familiar with the operation of a residential program, the goals and procedures of an adult probation department, and the diversionary purpose of the restitution [rehabilitation] center.

(i) Maximum resident capacity. The probation department shall establish the maximum resident capacity limit of the restitution [rehabilitation] center prior to commencing operations at the center. The limit shall not be exceeded under any circumstances.

(j) Denying admission. The judicial district court and the adult probation department shall give the restitution [rehabilita-

tion] center director the authority to deny admission of a prospective resident if that offender is not eligible for placement in a restitution [rehabilitation] center or if the restitution [rehabilitation] center has reached its capacity.

(k) Prohibited uses. The judicial district court and the probation department shall not use the restitution [rehabilitation] center as a diagnostic facility to determine offender eligibility for restitution [rehabilitation] center services or as an emergency shelter for probationers experiencing crisis situations or to alleviate overcrowding at the county jail.

(l) Fiscal management. The probation department shall maintain a separate account within the judicial district fund for restitution [rehabilitation] center funds and use a restitution [rehabilitation] center fiscal management system approved by TAPC.

(m) Data. The probation department shall submit on a timely basis the restitution [rehabilitation] center data requested by TAPC.

(n) Employment opportunities and placement. The probation department shall ensure that the restitution [rehabilitation] center director assists residents in obtaining and maintaining employment. To this end, programs should be available to enhance the employability of the residents.

(o) Reports to TDC. If the probation of a resident at the restitution [rehabilitation] center is revoked, the probation department shall forward to TDC with the commitment papers a copy of the written evaluation report, the PSI, and other information as required by TAPC standards.

(p) Training. The probation department shall require that departmentally operated restitution [rehabilitation] center personnel participate in residential services training offered by TAPC. Probation departments contracting with private contractors for restitution center services shall ensure that services offered by the private contractors include a case management system equivalent to the system presented in the residential training modules offered by TAPC staff.

(q) Equipment transfer. The probation department shall transfer the equipment and any remaining supplies purchased with restitution [rehabilitation] center funds to another restitution [rehabilitation] center or to an adult probation department temporarily or permanently upon request of TAPC.

(r) Fiscal guidelines. The probation department shall follow TAPC fiscal guidelines for restitution [rehabilitation] centers including, but not limited to:

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

(s) Autonomy. The probation department shall ensure that the restitution [rehabilitation] center is autonomous and

separate from other correctional or treatment facilities.

(t) Case classification. The probation department shall require the restitution [rehabilitation] center to utilize TAPC case classification system and TAPC case management system as part of the intake, assessment, reassessment, and termination processes.

(u) Policies and procedures. The probation department shall operate the community restitution [rehabilitation] center in accordance with policies and procedures developed by the chief adult probation officer and approved by the executive director of TAPC. The policies and procedures are to include, but not be limited to:

(1)-(7) (No change.)

(8) providing for release procedures and intensive supervision upon release from the restitution [rehabilitation] center;

(9)-(16) (No change.)

(v) Location. The probation department shall ensure that the location of the restitution [rehabilitation] center is suited to the employment needs of the residents, and other factors considered important by the local courts and probation departments. Before selecting the location to be used as the basis for an application for establishing a restitution [rehabilitation] center to be operated by the probation department, the department shall publish a notice in three consecutive issues of a newspaper of general circulation in the county of the proposed location. The notice shall describe the proposed location or locations in a manner sufficient to enable a reasonable person to locate the premises and identify it from other places in the community, and shall also state the time, date, and place of a public hearing on the proposed restitution [rehabilitation] center. The hearing shall be held not less than 10 nor more than 30 days after the date the last notice is published. No center established after September 1, 1987, may be located within 1,000 feet of a public or private school.

(w) Regional restitution [rehabilitation] center. Probation departments choosing to cooperate in establishing a restitution [rehabilitation] center shall follow TAPC guidelines for regional restitution [rehabilitation] centers.

(x) Caseload average.

(1) The following shall not be included in calculating the department average caseload or in claiming per capita state aid:

(A) residents of a restitution [rehabilitation] center;

(B) probationers who have been terminated from a restitution [rehabilitation] center and are being intensively supervised within the judicial district in which the restitution [rehabilitation] center is located.

(2) Probationers who have been terminated from a restitution [rehabilita-

tion] center and are being intensively supervised in a judicial district other than the restitution [rehabilitation] center, may be included in calculating the department average caseload and in claiming per capital state aid.

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

Issued in Austin, Texas, on August 31, 1989.

TRD-8908163

Virginia Grote
Administrative Secretary
Texas Adult Probation
Commission

Earliest possible date of adoption: October 13, 1989

For further information, please call: (512) 834-8188



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.

State Board of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

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

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

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

The State Board of Insurance has adopted a filing submitted by the Texas Department of Licensing and Regulation.

In accordance with the provisions of the Insurance Code, Article 5.97, a text of the proposed filing has been filed in the Office of the Chief Clerk of the State Board of Insurance since August 25, 1989.

The Texas Talent Agency Act, Senate Bill 759, was passed by the 71st Legislature and signed into law by the governor. Texas Civil Statutes, Article 5221a-9, takes effect September 1, 1989, and requires talent agencies to be registered and bonded. The bond must be in the penal sum of \$10,000 and maintained until two years after the registrant ceases to operate as a talent agency in this state. The bond may be canceled by the surety at any time by giving 30 days written notice to the Texas Department of Licensing and Regulation.

The State Board of Insurance has adopted a rate of \$10 per M per Annum and a class code of 478.

Under the Insurance Code, Article 5.97 §(j), the board finds that the interest of the public welfare in the proper functioning of administrative regulation of talent agencies, in compliance with the Texas Talent Agency Act, has created a clear and compelling necessity that requires this bond form and rate to be effective immediately upon filing of notification of the board's action in the Office of the Secretary of State and thereafter for 120 days.

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

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

Issued in Austin, Texas, on September 5, 1989.

TRD-8908186

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: September 5, 1989

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

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Open Meetings

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

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

Posting of open meeting notices. All notices are posted on the 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 Antiquities Committee

Friday, September 22, 1989, 9:30 a.m. The Texas Antiquities Committee will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the committee will approve minutes of previous meeting of July 28, 1989; vote to designate a state archeological landmark in Bexar County; consider and vote on staff request to dismiss case without prejudice for want of prosecution by Starr County in the matter of the Roma Suspension Bridge before the committee, relating to withdrawn demolition permit request; discuss and approve proposed rules for implementation of Senate Bill 222, Article 5, §111, incentive to report items of value, 71st Legislature, regular session, 1989; discuss performance reports submitted in the matter of the Old Bowie County Courthouse; hear staff update on the Pillot Building, Harris County; and hear staff report.

Contact: Molly Godwin, P.O. Box 12276, Austin, Texas 78711, (512) 463-6098.

Filed: September 7, 1989, 9:07 a.m.

TRD-8908228

State Banking Board

Wednesday, September 13, 1989, 9 a.m. The State Banking Board will meet at 2601 North Lamar, Austin. According to the agenda summary, the board will approve previous minutes; consider interim charter applications; change of domicile applications; conversion applications; other pending applications; and may convene into executive session to discuss pending litigation or conversion applications.

Contact: William F. Aldridge, 2601 North Lamar, Austin, Texas 78705.

Filed: September 5, 1989, 2 p.m.

TRD-8908173

Wednesday, September 13, 1989, 9 a.m. The State Banking Board will meet for an emergency meeting at 2601 North Lamar Boulevard, Austin. According to the revised

agenda summary, board will consider change of domicile application for Commercial Acceptance Corporation, Dallas. The emergency status was necessary because the application includes an amendment to extend the corporations's charter which must be processed as soon as possible.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705.

Filed: September 6, 1989, 11:56 a.m.

TRD-8908202

Texas Department of Banking

Friday, September 15, 1989, 10 a.m. The Texas Department of Banking Finance Commission will meet in the State Finance Building, 2601 North Lamar, Austin. According to the agenda summary, the commission will review and approve minutes of previous meeting; discuss finance commission organization and operations; summary of new financial institution related legislation passed by 71st Texas Legislature, financial institutions reform, recovery and Enforcement Act of 1989; proposed regulation relating to statue of frauds; legislative interim study charge; revised salary plan for banking, savings & loan and consumer credit departments; executive session to discuss supervisory, litigation and personnel matters.

Contact: Ann Graham, 2610 North Lamar, Austin, Texas 78705, (512) 479-1200.

Filed: September 5, 1989, 2:34 p.m.

TRD-8908175

Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Friday, September 15, 1989, 10 a.m. The Pricing Subcommittee of the Texas Committee on Purchases of Products and Ser-

vices of Blind and Severely Disabled Persons will meet in Room 402, State Purchasing and General Services Commission Central Services Building, 1711 San Jacinto, Austin. According to the agenda summary, the committee will introduce guests; accept minutes from June 22, 1989 meeting; discuss and recommend action on new services, renewal services, contracts with six months provisional approval, new products, and product changes and revisions.

Contact: Michael T. Phillips, P.O. Box 12866, Austin, Texas 78711, (512) 459-2603.

Filed: September 6, 1989, 2:42 p.m.

TRD-8908218

Texas Bond Review Board

Friday, September 15, 1989, 10 a.m. The Staff Planning Meeting of the Texas Bond Review Board will meet in the Sergeant's Committee Room, State Capitol, Austin. According to the agenda, the board will approve minutes, consider proposed issues: Texas Veterans Land Board-refunding bonds, series 1989; Texas Housing Agency-GNMA collateralized home mortgage review bonds, series 1989B, residential mortgage revenue bonds, series 1989C; and other business.

Contact: Tom K. Pollard, Room 506, Sam Houston Building, Austin, Texas, (512) 463-1741.

Filed: September 6, 1989, 3:54 p.m.

TRD-8908221

Thursday, September 21, 1989, 10 a.m. The Texas Bond Review Board will meet in the Sergeant's Committee Room, State Capitol, Austin. According to the agenda, the board will approve minutes, consider proposed issues: Texas Veterans' Land Board-refunding bonds, series 1989; Texas Housing Agency-GNMA collateralized home mortgage revenue bonds, series 1989B, residential mortgage revenue bonds, series 1989C; and other business.

Contact: Tom K. Pollard, Room 506, Sam

Houston Building, Austin, Texas, (512) 463-1741.

Filed: September 6, 1989, 3:54 p.m.

TRD-8908222

Texas Education Agency

Thursday, September 14, 1989, 1 p.m. and Friday, September 15, 1989, 8:30 a.m. The Apprenticeship and Training Advisory Committee of the Texas Education Agency will meet at the Howard Johnson Plaza Hotel South, 3401 South IH 35, Austin. According to the agenda summary, the committee will hear a report from ATAC chairman, adult education/employment and training, funding and compliance division of TEA, subcommittees, i.e., finance and budget, planning and resource; presentations on adult education services provided to eligible legalized aliens, asbestos awareness, equity in vocational education, employment projections in the 1990's and implementing an apprenticeship program.

Contact: James C. Woodman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9294.

Filed: September 6, 1989, 4 p.m.

TRD-8908224

Tuesday, September 19, 1989, 10 a.m. The Proprietary School Advisory Commission of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the commission will discuss the proposed State Board of Education rule changes.

Contact: Dee Bednar, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9475.

Filed: September 6, 1989, 4 p.m.

TRD-8908223

Interagency Council For Genetic Services

Friday, September 15, 1989, 8:30 a.m. The Interagency Council for Genetic Services TEXGENE Advisory Council will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve minutes of previous meeting and consider poster session at Texas Pediatric Society meeting; California procedure tape concerning alpha fetoprotein; annual meeting; data collecting; birth defect registry; committee report assignments, membership; grant objectives; reappointment of representatives on council on regional network for genetic services; genetic services committee; mountain states regional genetic services network office update report and

other business requiring no action.

Contact: Patti J. Patterson, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7321.

Filed: September 5, 1989, 10:32 a.m.

TRD-8908168

Friday, September 15, 1989, 12 noon. The Interagency Council for Genetic Services will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council will hear public comments; approve minutes of previous meeting; consider cost effectiveness survey; progress toward legislation; legislative mandates; TEXGENE advisory committee, membership status reports and election of chair.

Contact: Patti J. Patterson, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7321.

Filed: September 5, 1989, 10:32 a.m.

TRD-8908170

Texas Guaranteed Student Loan Corporation

Thursday, September 14, 1989, 1 p.m. The Board of Directors of the Texas Guaranteed Student Loan Corporation will meet at 1609 Centre Creek Drive, Austin. According to the agenda, the board and the TGSLC staff will review operations with the Loan Servicing Committee; discuss reserve requirements and the TGSLC financial model; address other items as requested by Board.

Contact: Peggy Irby, P.O. Box 15996, Austin, Texas 78761-5996, (512) 835-1900, ext. 1101.

Filed: September 6, 1989, 10:15 a.m.

TRD-8908193

Friday, September 15, 1989, 9 a.m. The Board of Directors of the Texas Guaranteed Student Loan Corporation will meet at 1609 Centre Creek Drive, Austin. According to the agenda summary, the board and TGSLC staff will consider approval of May 19, 1989 minutes; review guarantee fee; adoption of FY 90 budget; old business; new business; executive session; election of officers.

Contact: Peggy Irby, P.O. Box 15996, Austin, Texas 78761-5996, (512) 835-1900, ext. 1101.

Filed: September 6, 1989, 10:15 a.m.

TRD-8908194

Texas Department of Health

Thursday, September 14, 1989 3:30 p.m. The Department of Health Texas Emergency Medical Services Advisory Council

will meet at the Double Tree, 6505 IH 35 North, Austin. According to the agenda summary, the council will approve minutes of previous meeting and consider an overview of council; nominating committee appointments; course coordinator criteria; committee reports (provider, education medical director); associate commissioner's; and bureau chief's reports; other business requiring no council action and open forum.

Contact: Gene Weatherall, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2601.

Filed: September 5, 1989, 10:32 a.m.

TRD-8908169

Friday, September 15, 1989, 1:30 p.m. The Texas Department of Health On-Site Wastewater Treatment Research Council will meet in the center for Environmental Research, Hornsby Bend Wastewater and Treatment Facility, 2210, South FM 973, Austin. According to the agenda summary, the council will approve minutes of previous meeting and consider: TDHS staff reports; proposed Texas Water Commission wastewater reuse rules; proposal to Texas Water Development Board for demonstration project in south Texas; task outline for on-site wastewater treatment research; and budget and operating procedures for council and TDH.

Contact: Stephen Tencza, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7293.

Filed: September 5, 1989, 4:03 p.m.

TRD-8908177

Texas Housing Agency

Wednesday, September 6, 1989, 10 a.m. The Texas Housing Agency Board of Directors met in Suite 300, THA Conference Room, 811 Barton Springs, for an emergency revised agenda rescheduled from September 6, 1989 10 a.m., Austin. According to the agenda, the board considered only those agenda items timely filed on August 29, 1989 with the Texas Register. The emergency status was necessary because the time was erroneously printed and thus the meeting was rescheduled to give the correct notice of meeting and time.

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

Filed: September 5, 1989, 3:52 p.m.

TRD-8908176

Texas Department of Human Services

Wednesday, September 13, 1989, 8 a.m. The Texas Department of Human Services

will meet in the Public Hearing Room, First Floor, 701 West 51st, Austin. According to the agenda summary, the board will consider budget adjustments for FY 88, 89, 90; ad hoc long term care committee regarding the moratorium on medicaid nursing home beds; ICF/MR preadmission screening, case mix reimbursement, task force on rates, community based ICF/MR rates for small facilities; inhome respiratory therapy service for ventilator dependent persons; foster care rates for emergency care; medicaid coverage services by licensed psychologists; medicaid reimbursement of physical therapists' services; clarification of vendor drug program; ICF/SNF rules on residents' rights; criminal conviction checks for new employees of A & D providers; contracts involving former and current DHS employees and board members; and adjustments for adding nursing home beds in high occupancy areas.

Contact: Bill Woods, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3047.

Filed: September 5, 1989, 1:40 p.m.

TRD-8908171

Texas Commission on Human Rights

Tuesday, September 12, 1989, Noon. The Texas Commission on Human Rights will meet in emergency session in Room 106, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the commission will discuss and vote in executive session as necessary or required; welcome guests; approve minutes; consider and approve changes in procedural rules on amendments to the Texas Commission on Human Rights Act for posting in the Texas Register; executive directors', management plan for 1990, complaint monitoring, operations, and finance report; cash flow statement for FY 1990; EEOC charge resolution contracts for 1989 and 1990; budgetary interpretation of EEO compliance training riders; personnel matters; interpretation of EEO compliance training riders and reporting riders; annual report; commissioner issues; and unfinished business. The emergency status was necessary because of the need to discuss litigation and employment discrimination cases.

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

Filed: September 5, 1989, 10:24 a.m.

TRD-8908190

State Board of Insurance

Thursday, September 14, 1989, 1:30 p.m. The State Board of Insurance will meet in Room 414, State Insurance Building 1110 San Jacinto, Austin. According to the

agenda summary, the board will consider emergency and proposed action on 28 TAC Chapter 1, Subchapter G; amendment to 28 TAC, §15.29; board orders on several different matters; appointment of members to the fire alarm advisory council; personnel matters; pending and contemplated litigation; and solvency matters.

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

Filed: September 6, 1989, 4 p.m.

TRD-8908225

Texas Board of Professional Land Surveying

Thursday, September 29, 1989, and Friday, September 30, 1989, 8 a.m. The Texas Board of Professional Land Surveying First Called Meeting will meet in Suite 400, 7701 North Lamar Boulevard, Austin. According to the agenda, the board will approve minutes of the previous meeting; conduct three formal hearings on complaints against Stephen Cobb of El Paso, Juan Canales of Austin and David Trent of Del Rio; conduct interview, hear committee reports; discuss correspondence and future board meeting dates.

Contact: Betty J. Pope, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

Filed: September 6, 1989, 10:45 a.m.

TRD-8908191

Texas Silver Haired Legislature

Wednesday-Friday, September 20-22, 1989, 9 a.m. The Texas Silver Haired Legislature will meet in Dishman Auditorium, Mo Ranch, Hunt. According to the agenda, the legislature will read minutes of legislative session; receive report and recommendation of ad hoc committee funding endeavors; break into committees for meetings; report from committees; recommendations from legislature action committee on issues for 1990-91; report from ad hoc on five day legislative session; briefing on state/national issues/legislation.

Contact: Millard Guess, P.O. Drawer 69, Millsap, Texas 76066, (817) 682-4494.

Filed: September 5, 1989, 11:35 a.m.

TRD-8908167

Board of Pardons and Paroles

Wednesday, September 13, 1989, 9 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin.

According to the agenda, the board will convene in workshop session to discuss the following: Bexar County Facility contract; legislative/media contacts policy; deputy director's position; and parole commissioners' positions.

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

Filed: September 5, 1989, 4:22 p.m.

TRD-8908184

Thursday, September 14, 1989, 9 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will convene in open meeting to discuss the following: Bexar County Facility contract; legislative/media contacts policy; selection of deputy director and parole commissioner positions.

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

Filed: September 5, 1989, 4:22 p.m.

TRD-8908185

Texas State Board of Physical Therapy Examiners

Saturday, September 16, 1989, 10 a.m. The Texas State Board of Physical Examiners will meet in Suite 113, 313 East Rundberg Lane, Austin. According to the agenda, the board will approve minutes of May 4, 1989, meeting; introduce new board members and new assistant attorney general; new board committee appointments; special requests; committee reports; executive session to discuss office personnel, miscellaneous business; and rules amendments.

Contact: Lois M. Smith, 313 East Rundberg, Suite 113, Austin, Texas 78753, (512) 835-1846.

Filed: September 6, 1989, 1:57 p.m.

TRD-8908214

Texas State Board of Public Accountancy

Wednesday, September 13, 1989, 2 p.m. The Texas State Board of Public Accountancy Sponsor Compliance Committee will meet for an emergency meeting in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will discuss current sponsor compliance process and suggested revisions to sponsor compliance process. The emergency status was necessary because it is the only date the committee members can meet.

Contact: Bob E. Bradley, 1033 La Posada,

Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: September 6, 1989, 1:09 p.m.

TRD-8908204

Thursday, September 14, 1989 9 a.m. The Texas State Board of Public Accountancy Behavioral Enforcement Committee will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the board will receive status reports from July and August; recommendations regarding specific complaints concerning licensees: Nos. 89-06-13L, 89-02-05L, 89-06-07L, 89-05-02L, 89-04-07L, 89-06-11L, 89-06-14L, 89-05-01L, 89-06-06L, 89-02-10L, 89-05-13L, 89-006-02L, 89-03-02L, and 89-03-15L; discuss items: IRS violations, possible complaint on bad investment advice, collection question; proposed advertisement question; advertising, possible complaint involving a civil judgment against a CPA; complaint based on failure to complete an arrangement; solicitation question; possible complaints re: breakup of accounting firm; work product, violations of IRS regulations, solicitation, advertisement question, prepaid CPA's services, discreditable acts, review of backlog of complaints, independence question: bookkeeping firm, § 8-closed, and the new sanction under the Act.

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

Filed: September 5, 1989, 4:02 p.m.

TRD-8908182

Thursday, September 14, 1989, 9 a.m. The Texas State Board of Public Accountancy Behavioral Enforcement Committee will meet in Suite 340, 1033 La Posada, Austin. According to the revised agenda, the committee will consider proposed report changes; §8 closed; inactive §8 complaints; definitions: define and set out standards for application; walk-on discussion items; Garrett; George; Rogers; Wilson.

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

Filed: September 6, 1989, 1:09 p.m.

TRD-8908205

Thursday, September 14, 1989, 1 p.m. The Texas State Board of Public Accountancy Quality Review Committee will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will discuss the quality review program.

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

Filed: September 6, 1989, 1:10 p.m.

TRD-8908203

Friday, September 15, 1989, 9:30 a.m. The Texas State Board of Public Accountancy Public Hearing will meet in Suite

340, 1033 La Posada, Austin. According to the agenda, the public hearing will be on complaint number 88-02-14L.

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

Filed: September 6, 1989, 1:09 p.m.

TRD-8908206

Public Utility Commission of Texas

Friday, September 15, 1989, 1:30 p.m. The Public Utility Commission Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will conduct a prehearing conference of Docket No. 8914--complaint of National Communications of Austin against Southwestern Bell Telephone Company.

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

Filed: September 6, 1989, 1:55 p.m.

TRD-8908215

Monday, September 18, 1989, 2 p.m. The Public Utility Commission Hearings Division will meet in Suite 450N, 78 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will hold a prehearing conference on Docket No. 9023--petition of South Texas Electric Cooperative, Inc. for the authority to change the line extension policy.

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

Filed: September 6, 1989, 1:51 p.m.

TRD-8908216

Thursday, September 21, 199, 10 a.m. The Public Utility Commission Hearings Division will meet in Suite 450N, 7800 Shoal Creek boulevard, Austin. According to the agenda, the hearings division will conduct a prehearing conference on Docket No. 9012--application of Southwestern Bell Telephone Company for C.O. LAN service for Birdville ISD.

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

Filed: September 5, 1989, 4:02 p.m.

TRD-8908181

Wednesday, November 8, 1989, 9 a.m. The Public Utility Commission Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will conduct a prehearing conference on Docket No. 8958--appeal of Fidencio Lopez, et al, of the electric utility rates set by the City of Robstown.

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

Filed: September 5, 1989, 4:02 p.m.

TRD-8908180

Thursday, November 9, 1989, 9 a.m. Public Utility Commission Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will conduct a hearing on Docket No. 8958--appeal of Fidencio Lopez, et al, of the electric utility rates set by the City of Robstown.

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

Filed: September 5, 1989, 4:03 p.m.

TRD-8908179

Texas Rice Producers Board

Wednesday, September 20, 1989, 11 a.m. The Texas Rice Producers Board will meet at Texas A&M University Research Center, Box 999 Route 7, Beaumont. According to the agenda, the board will approve minutes; swear in new directors; hold office election; review current year finances and budget; discuss board's video/communication effort and any new business.

Contact: Curtis Leonhardt, 6699 Rookin, Houston, Texas 77074, (713) 270-6699.

Filed: September 6, 1989, 10:46 a.m.

TRD-8908192

Texas Senate

Thursday, September 14, 1989, 9 a.m. The Special Committee on Rate-Making and Oversight Policies for Workers' Compensation of the Texas Senate will meet in the Senate Chamber, Capitol Building, Austin. According to the agenda, the committee will continue testimony of invited guest and discuss proposed recommendations.

Contact: David Wingard, Room 325, Capitol Building, Austin, Texas, (512) 463-0128.

Filed: September 6, 1989, 3:29 p.m.

TRD-8908219

Texas State Soil and Water Conservation Board

Wednesday, September 20, 1989, 8 a.m. The Texas State Soil and Water Conservation Board will meet in the Conference Room, 311 North Fifth Street, Temple. According to the agenda, the board will review and take appropriate action on the following: minutes of July 19, 1989 meeting; dis-

trict director appointments; 1989 annual meeting of Soil and Water Conservation District Directors; memorandum of understanding with Texas A&M University; 83-566 watershed applications, Upper North Bosque River; division and reorganization of North Concho River SWCD, #208; watershed study status report, memorandum of understanding with the Texas Water Development Board; task force meeting September 7, 1989; nonpoint source management program FY 1990 interagency contract with Texas Water Commission; Gulf of Mexico program; Galveston Bay study; funding request from Soil and Water Conservation Districts, 1990 FY conservation assistance; 1989 FY supplemental technical assistance claims; public information/education program; reports from agencies and guests; board members travel, 1990 travel and per diem allocations, 1989 FY claims; out of state travel; report on NACD south central regional meeting-South Padre Island, Texas, leadership conference-St. Paul, Minnesota; and next regular board meeting November 15, 1989.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 76503, (817) 773-2250.

Filed: September 6, 1989, 2:01 p.m.

TRD-8908213

Texas State Technical Institute

Sunday, September 17, 1989, 11 a.m. The TSTI Board of Regents will meet in the Lance Sears Building, Sweetwater. According to the agenda, the board will meet with each policy committee to go over proposed orders from: instruction and student services, facilities, fiscal affairs, human resources, committee of the whole to discuss various committees and the master plan for vocation education at TSTI.

Contact: Theodore A. Talbot, 3801 Campus Drive, Waco, Texas 76705, (817) 799-3611, ext. 3909.

Filed: September 6, 1989, 8:50 a.m.

TRD-8908189

Monday, September 18, 1989, 9 a.m. The TSTI Board of Regents will meet in the Lance Sears Building, Sweetwater. According to the agenda, the board will approve orders: classes meeting with less than 10 students; requests for budget changes: budget approval and change, ratification of waiving of building use fee for students at McAllen Extension Center, ratification of signature authorization for implementation of self-funded insurance program, lease agreements with: Servion, Inc. at Waco, Buffalo Airways for ramp space at Waco, Highland Park Village at Amarillo, RPT Corporation at Amarillo, Fraser Industries, Inc. at Amarillo; sale of excess property at Sweetwater, easement for underground cable at Waco; demolition of buildings and a

small shed at Waco; approval of plans and specifications at Harlingen; easement to City of Harlingen; ratification of policy and procedures on reduction in force and on grievance, discipline and dismissal of employees; Texas education opportunity plan; appeals of: Stella Jennings, Isaiah Phillips and J. W. Wright.

Contact: Theodore A. Talbot, 3801 Campus Drive, Waco, Texas 76705, (817) 799-3611, ext. 3909.

Filed: September 6, 1989, 8:50 a.m.

TRD-8908188

Toxic Substances Coordinating Committee

Thursday, September 14, 1989, 9 a.m. The Toxic Substances Coordinating Committee will meet in Room M-741, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda, the committee will approve minutes and discuss environmental risk communication experiences and lessons.

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

Filed: September 5, 1989, 4:03 p.m.

TRD-8908178

Texas Water Commission

Tuesday, October 17, 1989, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will discuss the dissolution hearing of Steward Creek Municipal Utility District, located within Montgomery County.

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: September 6, 1989, 1:24 p.m.

TRD-8908217

Texas Youth Commission

Thursday, September 14, 1989, 10 a.m. The Board of the Texas Youth Commission will meet in an executive session in the Public Hearing Room, 4900 North Lamar Boulevard, Austin. According to the agenda summary, the board will hear report of activities of state volunteer resource council; adopt resolution concerning internal auditing practices; approve consultant contract to evaluate bilingual education grant, mainframe computer acquisition, and transfer of funds for fiscal year 1990; hear report on strategic planning process, statistical summary/report on student population, sus-

pected mistreatment investigations.

Contact: Ron Jackson, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

Filed: September 6, 1989, 3:39 p.m.

TRD-8908220

Regional Meetings

Meetings Filed September 5, 1989

The Grayson Appraisal District, Appraisal Review Board will meet at 205 North Travis, Sherman, September 14, 1989, at 9 a.m. Deborah Reneau, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

The Grayson Appraisal District, Board of Directors will meet at 205 North Travis, Sherman, September 13, 1989, Noon. Information may be obtained from Deborah Reneau, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

The Lower Colorado River Authority, Board of Directors met at St. Luke's on the Lake Episcopal Church, 5600 RR 620 North, Austin, (adjacent to Lake Travis) September 9, 1989, at 10 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin, Boulevard, Austin, Texas 78767, (512) 473-3250.

The West Central Texas Council of Governments, Ombudsman Task Force met at 1025 East North 10th Street, Abilene, September 8, 1989, at 3:50 p.m. Information may be obtained from Jimmy Walls, 1025 East North 10th Street, Abilene, Texas 79602, (915) 672-8544.

TRD-8908158

Meetings Filed September 6, 1989

The Bexar-Medina-Atascosa Counties Water Control Number 7, Board of Directors met at District Office, Highway 81, Natalia, September 11, 1989, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Cass County Appraisal District, Board of Directors met at 400 North Main Street, Linden, September 11, 1989 at 7 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The Gregg Appraisal District, Board of Directors will meet at 2010 Gilmer Road, Longview, September 14, 1989, at 9 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The High Plains Underground Water

Conservation District Number 1, Board of Directors will meet in Conference Room, 2930 Avenue Q, Lubbock, September 12, 1989, at 10 a.m. Information may be obtained from: A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Limestone County Appraisal District, Board of Directors will meet in the Meeting Room, Limestone County Courthouse, Groesbeck, September 13, 1989, at 5 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

The San Patricio County Appraisal District, Board of Directors will meet at 1146 East Market, Sinton, September 14, 1989, at

9:30 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

TRD-8908187

Meetings Filed September 7, 1989

The Erath County Appraisal District, Board of Directors will meet in the Board Room, 1390 Harbin Drive, Stephenville, September 12, 1989, at 9 a.m. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 74601.

The Hale County Appraisal District, Appraisal Review Board met at Furr's Cafeteria, 3605 Olton Road, Plainview, Sep-

tember 11, 1989, at 7 p.m. Information may be obtained from Linda Jaynes, 302 West 8th Street, Plainview, Texas 79072, (806) 293-4226.

The Hockley County Appraisal District, Board of Directors met at 1103-C Houston Street, Levelland, September 11, 1989, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336.

The Sulphur-Cypress Soil and Water Conservation District Number 419, will meet at 1603 North Jefferson, Mt. Pleasant, September 13, 1989, at 8:30 a.m. Information may be obtained from Beverly Amerson, 1603 North Jefferson, Mt. Pleasant, Texas 75455, (214) 572-5411.

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 Alcoholic Beverage Commission Request for Office Space Proposals.

In accordance with State Purchasing and General Services Act, Article 6, §6.01, Texas Civil Statutes, Article 601b, the Texas Alcoholic Beverage Commission is requesting written proposals for lease space for its State Headquarters facility. The lease space will consist of approximately 46,000 net usable square feet. The space must be continuous, easily accessible to a major freeway or traffic artery, and be located in the city limits of Austin, within an area bounded on the north by Highway 183, east by Lamar Boulevard, south by 1st Street, and west by Loop 360. Terms of lease will be from September 1, 1990-August 31, 1995.

Parties wishing to submit proposals should contact Gene Bowman, Director of Administrative Services Division, 1600 West 38th Street, Suite 245, Austin, Texas 78731, (512) 458-2500.

Closing date for receiving proposals: October 31, 1989.

Proposals will be evaluated on the following basis: building offered meets advertised specifications; economics of the proposal. Cost to the state over the term of the lease; additional build out considerations, amenities, etc. offered by the proposals; and long range forecast for proposed location. (Note: Lease is for five years with a five year renewal option).

Issued in Austin, Texas, on September 5, 1989.

TRD-8908172 Joe Darnall
General Counsel
Texas Alcoholic Beverage Commission

Filed: September 5, 1989

For further information, please call: (512) 458-2500, ext. 204.

Texas Department of Banking Notices of Application

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

On July 14, 1989, the banking commissioner received an application to acquire control of Security State Bank, Littlefield, by John E. Holton, Trustee, Wellington.

On September 5, 1989, notice was given that the application would not be denied.

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

Issued in Austin, Texas on September 5, 1989.

TRD-8908174 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: September 5, 1989

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

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

On September 1, 1989, the banking commissioner received an application to acquire control of United States Fiduciary Trust Company, Dallas, by Merrill Lynch Group, Inc., New York, New York.

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

Issued in Austin, Texas on September 1, 1989.

TRD-8908183 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: September 5, 1989

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

◆ ◆ ◆ Texas Department of Health Proposed Issuance of a Radioactive Material License

Notice is hereby given by the Texas Department of Health that it proposes to issue the following radioactive material license.

Radioactive Material License Number L04273, to be issued to NuTech, Inc., located in Tyler, (mailing address: NuTech, Inc., 1122 East Front Street, Tyler, Texas 75702).

The proposed license is summarized as follows: authorizes NuTech, Inc. of Tyler to receive radioactive waste from other persons, process the radioactive waste, store the radioactive waste indoors, within the limits for a Class A Storage or Processing Facility, until the radiation has decayed to the level that it is indistinguishable from background radiation, and dispose of the decayed waste material by any appropriate means; limits the total radioactive waste received from other persons that may be processed and stored to 50 cubic feet per year and the following activity limits:

ment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 835-7000.

Issued in Austin, Texas on August 31, 1989.

TRD-8908180 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: September 5, 1989

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

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Texas Department of Human Services Request for Consultant Services

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) is inviting proposals for consultant services for the case mix project.

Description of Services. The consultant shall provide the following services: application of multivariate statistical methods and interpretation of results including analyses of nursing home patient assessment data and time study data utilizing Autogroup Cluster Analysis to identify appropriate case mix groupings; assist with personal computer software designed and programmed to support the development of a nursing home management information system; assist with mainframe computer software designed and programmed to support the development of a nursing home management information system; and assist with the maintenance of a statewide client assessment review and evaluation (CARE) data entry system. The department intends to award this contract to the consultant currently performing this project unless a substantially better offer is received.

Contact Person. The contact person is Stephen A. Lorenzen, Ph.D.; Provider Services Branch; Texas Department of Human Services; P.O. Box 149030, (MC 142-E); Austin, Texas 78714-9030, phone 512/450-3744.

Closing Date. The closing date for receipt of offers is September 15, 1989.

Evaluation. The offeror will be evaluated on a qualitative basis according to the following criteria: experience in the design and development of user friendly software systems on personal computers and mainframes; familiarity with research to develop and implement Medicaid case mix payment systems; skill in the development and application of data management techniques, computer programming, research design techniques, and multivariate statistical techniques; and reasonableness of proposed cost of service in relation to the work described.

Issued in Austin, Texas, on September 4, 1989.

TRD-8908153 Ron Lindsey
Commissioner
Texas Department of Human Services

Filed: September 5, 1989.

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

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North Central Texas Council of Governments

Consultant Proposal Request

Request For Proposals. This request by the North Central Texas Council of Governments (NCTCOG) for consultant services is filed under the provision of Texas Civil Statutes, Article 6252-11C.

Background. NCTCOG and Dallas Area Rapid Transit (DART) are requesting proposals to produce support materials for a travel Demand Management (TDM) education and awareness campaign which is targeted for the general public, major employers, public agencies, developers, and media in the Dallas-Fort Worth metropolitan area. The consultant will design, develop, and produce materials which include, at a minimum, a TDM log, pocket folders, envelopes, stationery and press release shells, brochures, fact sheet, video, television and radio public service announcements, and a slide presentation with a script.

Contract Award Procedures. The firm selected to perform this study will be recommended by a consultant selection committee. The committee will use evaluation criteria and methodology consistent with the scope of services contained in the Request for Proposals. The NCTCOG Executive Board will review the selection committee's recommendation, and if it is found acceptable, will issue an award of contract.

The North Central Texas Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 United States Code 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to each act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, or national origin in consideration of an award.

Respondents must be willing to abide by all applicable regulations of the Urban Mass Transportation Administration, United States Department of Transportation including inspection and audit.

The contract will comply with all federal and state law and regulations applicable to subcontractors, including but not limited to equal employment opportunity, Davis-Bacon Act, and records management.

Due Date. Proposals must be submitted no later than 12 noon, Friday, September 29, 1989, to Shirley Henry, North Central Texas Council of Governments, 616 Six Flags Drive, Second Floor, P.O. Drawer COG, Arlington, Texas 76005-5888. For more information and copies of the Request for Proposals, contact Shirley Henry, (817) 640-3300.

Issued in Austin, Texas, on August 31, 1989.

TRD-8908159 William J. Pitstick
Executive Director
North Central Texas Council of
Governments

Filed: September 5, 1989

For further information, please call: (817) 640-3300

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Group I

10 mCi

Group II

100 mCi

Group III

1 Ci

Group IV

10 Ci;

exempts the licensee from the requirements of *Texas Regulations for Control of Radiation (TRCR) Part 44. Licensing of Radioactive Waste Processing and Storage Facilities*, with the exception of TRCR 44.2, 44.5 and 44.6; and impose certain procedures for the processing and storing of radioactive waste and establishes radiation safety procedures.

The Division of Licensing, Registration and Standards has determined that: the applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with the *Texas Regulations for Control of Radiation (TRCR)* in such a manner as to minimize danger to public health and safety or property; the applicant's equipment, facilities and procedures are adequate to minimize danger to public health and safety or property; the issuance of the license will not be inimical to the health and safety of the public; and the applicant satisfies any applicable special requirements of the TRCR.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by Texas Civil Statutes, Article 4590f, §11B(b), as amended, and as set out in TRCR 13.5. A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the license will be issued.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the issuance of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 835-7000.

Issued in Austin, Texas on August 31, 1989.

TRD-8908161

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

Filed: September 5, 1989

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

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Radioactive Material License Amendment

Notice is hereby given by the Texas Department of Health that it has granted an amendment to the following radioactive material license.

Radioactive Material License Number L03879, issued to R/A Services, Inc., located at 9407 County Road 128 West, Odessa, (mailing address: R/A Services, Inc., P.O. Box 13327, Odessa, Texas 79768).

The amendment to this license authorizes the receipt from other persons, processing, storage for decay, and transfer to authorized disposal sites radioactive waste, as defined by *Texas Regulations for Control of Radiation (TRCR) 44.2*, consisting of any radioactive material with atomic number less than 84.

The Division of Licensing, Registration and Standards has determined that: the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety, or property; the licensee's equipment, facilities and procedures are adequate to minimize danger to public health and safety, or property; the issuance of the license amendment will not be inimical to the health and safety of the public; and the licensee satisfies any applicable special requirements of the TRCR.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by Texas Civil Statutes, Article 4590f, §11B(b), as amended, and as set out in TRCR 13.6. A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the amend-

Public Utility Commission of Texas
Notices of Application to Amend
Certificate of Convenience and
Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on August 17, 1989, 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 Southwestern Bell Telephone Company for Proposed Revision to the Frisco Exchange Base Rate Area Within Collin and Denton Counties, Docket Number 9015 before the Public Utility Commission of Texas.

The Application: In Docket Number 9015, Southwestern Bell Telephone Company requests approval of its application expand the Frisco Exchange Base Rate Area to accommodate residential and business growth in the area.

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, or (512) 458-0221 for typewriter for the deaf.

Issued in Austin, Texas, on August 31, 1989.

TRD-8908137 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: September 1, 1989

For further information, please call: (512) 458-0100

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on August 14, 1989, 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 Southwestern Bell Telephone Company for Proposed Revision to the Grandbury Exchange Base Rate Area in Hood County, Docket Number 9014 before the Public Utility Commission of Texas.

The Application: In Docket Number 9014, Southwestern Bell Telephone Company requests approval of its application to expand the current base rate area in the Grandbury Exchange to accommodate residential and business growth in the area.

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, or (512) 458-0221 for typewriter for the deaf.

Issued in Austin, Texas, on August 31, 1989.

TRD-8908136 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: September 1, 1989

For further information, please call: (512) 458-0100

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on August 15, 1989, 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 Contel of Texas, Inc. to Amend Certificate of Convenience and Necessity within Harrison County, Docket Number 9016 before the Public Utility Commission of Texas.

The Application: In Docket Number 9016, Contel of Texas, Inc. requests approval of its application to amend the boundary of its Karnack Exchange to reflect service as it is currently being provided.

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, or (512) 458-0221 for typewriter for the deaf.

Issued in Austin, Texas, on August 31, 1989.

TRD-8908135 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: September 1, 1989

For further information, please call: (512) 458-0100

Texas Water Commission
Meeting Notices

A meeting of the Scientific/Technical Advisory Committee of the Galveston Bay National Estuary Program is scheduled for: Thursday, September 7, 1989, 10 a. m., Forest Room, Bayou Building, University of Houston-Clear Lake, 2700 Bay Area Boulevard, Houston.

The committee will consider reports from the working sub-committees about an inventory of bay-related agency programs, a comprehensive literature review, a Galveston Bay Information Center and a data and information management systems.

The committee will discuss a proposed list of Galveston Bay priority problems in order to agree on a priority task for forwarding to the management committee. In the afternoon the committee will hear a series of agency representatives speaking concerning respective agency roles in management and research in the bay.

Issued in Austin, Texas on September 1, 1989.

TRD-8908148 B. J. Wynne, III
Chairman, Policy Committee
Galveston Bay National Estuary Program

Filed: September 1, 1989

For further information, please call: (512) 475-2161

A meeting of the Policy Committee of the Galveston Bay National Estuary Program is scheduled for: Monday, September 11, 1989, 9 a.m., Acapulco Room, Hobby Hilton, 8181 Airport Boulevard, Houston.

The committee will hear a summary of advisory committee, program office, program kick-off ceremony planning activities, presented by staff. The committee will then act on four specific recommendations from the management

committee; relationship of the newly appointed Legislative Advisory Committee (LGAC) to the Policy and Management Committees; recommendations about delegation of voting privilege of LGAC members can only be to another elected official from the same jurisdiction; up-grading a student, temporary staff position to a full-time, permanent administrative technician; new appointment of the Scientific/Technical Advisory Committee to replace a resigned member.

Issued in Austin, Texas on September 1, 1989.

TRD-8908147 B. J. Wynne, III
Chairman, Policy Committee
Galveston Bay National Estuary Program

Filed: September 1, 1989

For further information, please call: (512) 475-2161

Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of August 28, 1989-September 1, 1989.

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

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, 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.

City of Saint Jo; wastewater treatment facility; approximately one mile southeast of Saint Jo and approximately 1,000 feet south of U.S. Highway 82 on the north bank of the Elm Fork Trinity River in Montague County; 10368-01; renewal.

East Cedar Creek Fresh Water Supply District; Mabank; wastewater treatment facility; on the northeast side of the Cedar Creek Reservoir within the City of Gun Barrel City, approximately 1.2 miles southwest of the intersection of FM Road 85 and State Highway 185; 1,500 feet northwest of the intersection of Hammer Street and Welch Lane in Henderson County; 11858-01; renewal.

Swift Independent Packing Company, an Affiliate of Monfort, Inc.; Dumas; hide curing plant; in the Schroeder Industrial Park in the City of Cactus, Moore County; 02533; renewal.

Chevron Chemical Company; Baytown; industrial wastewater treatment facility; on the west bank of Cedar Bayou, at Interstate Highway 10, north of the City of Baytown, Harris County; 01006; amendment.

City of Clyde; wastewater treatment facility; approximately 0.72 mile south of the intersection of FM Road 2700 and FM Road 18 in Callahan County; 10149-01; amendment.

Last Days Evangelical Association; Lindale; wastewater treatment facility; approximately 1,150 feet west and 1,300 feet north of the intersection of FM Road 1253 and FM Road 16 in the Village of Garden Valley, approximately 25 miles northwest of the City of Tyler, Smith County; 13496-01; new.

City of Bartlett; wastewater treatment facility; interim facilities are on the south side of Town Branch, approximately 1/2 mile northeast of the intersection of U.S. Highway 95 and FM Road 487 and the final treatment facilities are to be 3/4 mile northeast of the intersection of U.S. Highway 95 and FM Road 487, in Bell County; 10880-01; amendment.

Hoechst Celanese Chemical Group, Inc.; Bay City; waste disposal well; on company property approximately 10 miles southwest of Bay City, Matagorda County; WDW-277; new.

Texas Instruments Inc.; Dallas; hazardous and non-hazardous industrial solid waste storage and processing facility; on 1.74 acres in a 32.35-acre tract of land at 13400 Floyd Road in the City of Dallas, Dallas County; HW-50265; new.

Schlumberger Well Services; Rosharon; hazardous industrial solid waste storage and processing facility; on a 640-acre tract of land, owned by the company, 17 miles northwest of Fort Stockton, Pecos County; HW-50301; new.

Issued in Austin, Texas, on September 1, 1989

TRD-8908145 Brenda W. Foster
Chief Clerk
Texas Water Commission

Filed: September 1, 1989

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

profiles

A Guide to Texas State Agencies

Texas Department of Banking

The Legislature created the Department of Banking in 1905 to insure a sound financial services industry for Texas, one that would promote economic development and offer convenient and competitive banking to the public.

Today, the activities of the agency are mandated through provisions of the Texas Banking Code, codified in 1943. The department regulates state banks and trust companies, prepaid funeral services, perpetual care cemeteries, and the sale of checks, drafts and money orders.

To "supervise" banks, the agency conducts a variety of on and off-site examinations and routinely meets with bank officers and boards of directors. On-site examinations determine the amount and soundness of a bank's capital funds and the quality of its assets, including loans. During the process, department staff consider various risk categories that may affect the institution. Such factors include credit risk, market or rate exposure risk, internal control exposures, and lawsuits involving the bank.

The agency also investigates net interest margins and fixed expense costs. Reviews of lending policies, liquidity and funds management help assess how effectively a bank plans its operations and regulates itself.

According to the department, economic downturns in petroleum, agriculture and real estate have caused many banks to suffer irreversible losses. In the one-year period from March 1987 to March 1988, equity capital in Texas banks (both state and national) declined by \$4.1 billion, and the volume of earning assets decreased by \$13.6 billion.

The number of state-chartered banks has steadily declined in recent years. In the fall of 1986 there were 900 state banks. That number

fell to 783 by May 1988. The banking department attributes the reductions to mergers and consolidations of bank holding companies pursuant to new banking laws and to bank failures.

While charters have declined, the number of banks identified as problem institutions has increased. The list, totaling 20 in 1984, grew to 182 by June 1988. The department has tried to expand bank examination services to keep up with the increase.

Examinations have revealed numerous problems in the trust industry as well. In 1987, the Banking Code was amended to clarify the agency's regulatory responsibility for Texas trust companies. The banking department has requested additional personnel to meet enforcement needs.

Last year, the department was charged with examining and auditing permittees engaged in the sale of checks or money orders. The legislation placed stringent requirements on qualifications for obtaining a permit.

During the same legislative session, the agency was given greater authority in the granting of licenses to persons conducting prepaid funeral contract business. It was also given authority to seize preneed trust funds in certain instances and to establish a fund that will guarantee performance of prepaid funeral contracts. The operation and maintenance of that fund is supervised by an advisory council composed of the banking commissioner, the attorney general and one representative of the funeral industry appointed by the banking commissioner.

The Department of Banking supports itself entirely with collected fees and assessments. The agency is located in Austin and may be contacted at (512) 479-1200.