

Texas Register

Volume 16, Number 65, August 30, 1991

Pages 4697-4761

In This Issue...

Office of the Governor

Appointments Made August 16, 1991

4709-Texas Appraiser Licensing and Certification Board

4709-East Texas State University Board of Regents

4709-Nueces River Authority Board of Directors

4709-Trinity River Authority Board of Directors

4709-Upper Neches River Municipal Water Authority

4709-Texas Historical Records Advisory Board

4709-Southern Regional Education Board

4709-Texas Board of Human Services

4709-Texas Historical Commission

4709-Texas State Board of Examiners of Professional Counselors

4709-Judge of the Second Judicial District, Cherokee County

Appointments Made August 19, 1991

4709-Brazos River Authority Board of Directors

4709-Sulphur River Basin Authority Board of Directors

4709-Guadalupe-Blanco River Authority Board of Directors

4709-Canadian River Compact Commissioner

4709-Texas Diabetes Council

4709-Texas Guaranteed Student Loan Corporation Board of Directors

4709-Texas State Board of Examiners of Professional Counselors

4709-Texas Board of Architectural Examiners

4709-Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

4709-Texas Structural Pest Control Board

4709-Texas High-Speed Rail Authority Board of Directors

4709-Interagency Council on Early Childhood Intervention

Emergency Sections

Railroad Commission of Texas

4711-Oil and Gas Division

4714-Transportation Division

State Board of Insurance

4715-Corporate and Financial Regulation

State Board of Insurance

4715-Notification Pursuant to the Texas Insurance Code, Chapter 5, Subchapter L

Proposed Sections

Texas National Research Laboratory Commission

4717-Administration

Texas Department of Licensing and Regulation

4718-Texas Commission of Licensing and Regulation Polygraph Examiners Board

4719-General

4719-Code of Operating Procedure for Polygraph Examiners

Texas Department of Health

4720-Texas Board of Health

4722-Maternal and Child Health Services

CONTENTS CONTINUED INSIDE

4727-Bureau of Laboratories

4728-Vital Statistics

State Board of Insurance

4729-Life, Accident, Health Insurance and Annuities

Texas Air Control Board

4730-Control of Air Pollution from Sulfur Compounds

Withdrawn Sections

Texas Workers' Compensation
Commission

4733-Dispute Resolution Agreements, Settlements, Com-
mutation

Texas Water Commission

4733-River Authorities

Adopted Sections

Texas Department of Commerce

4735-Product Commercialization

Railroad Commission of Texas

4737-Oil and Gas Division

4737-Gas Utilities Division

Texas Department of Licensing and
Regulation

4742-Texas Commission of Licensing and Regulation

4742-Manufactured Housing

General Land Office

4743-Executive Administration

Commission on Fire Protection Personnel
Standards and Education

4743-Standards for Certification

Texas Department of Human Services

4744-Reimbursement methodology for Medical Assis-
tance Programs

State Board of Insurance

4744-Notification Pursuant to the Texas Insurance Code,
Chapter 5, Subchapter L

Open Meetings

4745-Texas Cosmetology Commission

4745-Texas Department of Criminal Justice, Board of
Pardons and Paroles

4745-East Texas State University

4745-Employees Retirement System of Texas

4745-Texas Employment Commission

4745-The Texas Growth Fund

4746-Texas Department of Health

4746-State Department of Highways and Public Transpor-
tation

4746-State Board of Insurance

4746-Lamar University System

4746-Texas Board of Professional Land Surveying

4747-Texas Department of Licensing and Regulation

4747-State Medical Education Board

4748-Texas State Board of Medical Examiners

4748-Midwestern State University

4748-Board of Vocational Nurse Examiners

4748-Texas Department of Public Safety

4748-Public Utility Commission of Texas

4749-State Purchasing and General Services Commission

4749-Texas Racing Commission

4749-Railroad Commission of Texas

4749-Texas Municipal Retirement System

4749-School Land Board

4749-The Texas A&M University System

4750-Texas State Technical Institute

4750-Texas Department of Transportation

4750-Texas Water Commission

4751-Texas Water Well Drillers Board

4751-Texas Workers' Compensation Commission

4751-Regional Meetings

In Addition

Texas Air Control Board

4755-Notice of Public Hearing

Attorney General

4755-Consultant Contract Award

State Banking Board

4755-Notice of Hearing

Children's Trust Fund of Texas Council

4756-Demonstration Project

Office of Consumer Credit Commissioner

4756-Notice of Rate Ceilings

The repeals are proposed under the Insurance Code, Article 3.53, §12, which allows the board to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance.

§3.5301. Presumptively Reasonable Life Rates.

§3.5303. Premium Charged to Debtor for Outstanding Balance Insurance.

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 26, 1991.

TRD-9110367 Nicholas Murphy
Chief Clerk
State Board of Insurance

Proposed date of adoption: September 30, 1991.

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

◆ ◆ ◆
• 28 TAC §3.5302

The State Board of Insurance proposes an amendment to §3.5302, concerning joint credit life insurance. The amendment would delete reference to §3.5301(3) and (4) of this title (relating to Presumptively Reasonable Life Rates). Section 3.5301 is the subsection of a repeal effective simultaneously with the adoption of this amendment to §3.5302. These subsections will be repealed, pursuant to amendments to the Insurance Code, Article 3.53, §8A, allowing the State Board of Insurance to promulgate presumptive premium rates in accordance with the contested case provisions of the Administrative Procedure and Texas Register Act, Article 6252-13a.

Rhonda Myron, deputy insurance commissioner for the life group, 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, and there will be no effect on local employment or local economy.

Ms. Myron 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 compliance with the Insurance Code, Article 3.53, §8A(2), which allows the State Board of Insurance, after notice and hearing, to adopt and promulgate a presumptive premium rate in accordance with the contested case provisions of the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a). There is no anticipated economic cost to small businesses or other persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Rhonda Myron, Deputy Insurance Commissioner for the Life Group, Mail Code 106-1C, State Board of Insurance, William P. Hobby State Office Building, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104.

The amendment is proposed under the Insurance Code, Article 3.53, §12, which authorizes the State Board of Insurance to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance.

§3.5302. Joint Credit Life Insurance.

(a) Joint lives, for purposes of credit life insurance written under the Insurance Code, Article 3.53, [as used in subsections 3.5301(3) and (4) of this title (relating to Presumptively Reasonable Life Rates)] mean only spouses or business partners, and such persons must be jointly and severally liable for repayment of the single indebtedness and be joint signers of the instrument of indebtedness. Endorsers and guarantors are not eligible for credit insurance coverage. Joint life coverage shall not be written covering more than two lives. Jointly indebted persons shall not both be covered separately at single life rates.

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

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

Issued in Austin, Texas, on August 26, 1991.

TRD-9110366 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: September 30, 1991

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

◆ ◆ ◆
Presumptively Acceptable Relation of Credit Accident and Health Benefits to Premiums

• 28 TAC §3.5401

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

The State Board of Insurance proposes repeal of §3.5401 concerning presumptively reasonable credit accident and health insurance rates. The current section was adopted in 1980; the rates contained therein will no longer be effective on or after October 1, 1991, the effective date of Board Order Number 58505. Pursuant to the Insurance Code, Article 3.53, §8A(2), the State Board of Insurance, in May, 1991, conducted a public hearing, in accordance with the contested case provisions of the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a,) to adopt and promulgate presumptive premium rates for credit accident and health insurance. Pursuant to that hearing, the State Board of Insurance has promulgated credit life and credit accident and health insurance presumptive premium rates to be effective October 1, 1991. These rates are embodied in Board Order Number 58505 resulting from that contested rate hear-

ing. The Board Order from that public hearing supersedes these rules. Subsequent hearings to adopt rates will be conducted according to these amended procedures rather than through the rule making process by which these sections were adopted in 1980.

Rhonda Myron, deputy insurance commissioner for the life group, has determined that, for the first five year period the repeal is in effect, there will be no fiscal implications for state or local government as a result of or administering the repeal, and there will be no effect on local employment or local economy.

Ms. Myron has also determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of enforcing the repeal will be a more effective procedure for setting rates for credit accident and health insurance. There will be no effect on small businesses. There will be no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposed may be submitted to Rhonda Myron, Deputy Insurance Commissioner for the Life Group, Mail Code 106-1C, State Board of Insurance, William P. Hobby State Office Building 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104.

The repeal is proposed under the Insurance Code, Article 3.53, §12, which allows the board to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance.

◆ ◆ ◆
§3.5401. Presumptively Reasonable Accident and Health Rates.

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

Issued in Austin, Texas, on August 26, 1991.

TRD-9110368 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: September 30, 1991

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

◆ ◆ ◆
TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 112. Control of Air Pollution from Sulfur Compounds

Control of Sulfur Dioxide

• 31 TAC §112.5

The Texas Air Control Board (TACB) proposes an amendment to §112.5, concerning allowable emissions from solid fossil fueled boilers. The proposed changes have been

developed in response to a request from the Lone Star Chapter of the Sierra Club that TACB requires the adoption of proven technology to control sulfur dioxide emissions from solid fossil fuel-fired steam generators as indicated in the existing §112.5.

The proposed changes would make a grammatical correction to the title, delete outdated interim requirements, and replace the current requirement that new proven technology be applied when available, with a requirement to use existing new source performance standards (NSPS). The proposal would add a requirement that those solid fossil fuel-fired steam generators which have a heat input of 1, 500 million Btu/hour or more and are not subject to NSPS, reduce sulfur dioxide emissions with proven technology to the level required by the United States Environmental Protection Agency's (EPA's) regulations under NSPS.

Bennie Engelke, director of administrative services, has determined that for the first five-year period the section is in effect there would be no fiscal implications for state and local government. Economic costs to businesses required to implement the proposed measures are associated with engineering design, purchase, construction, operating, monitoring, and recordkeeping requirements and are estimated to be \$235 million per year when dry scrubbers are used

and \$224 million per year when wet scrubbers are used. The projected cost per ton of sulfur dioxide removed would be approximately \$1,375 per ton for wet scrubbers and \$1,300 per ton for dry scrubbers. All estimates are stated in 1991 dollars with no adjustment for inflation.

Lane Hartsock, director of the Planning and Development Program, has determined that for each of the first five years the section is in effect the public benefit anticipated as a result of implementing the section will be improved air quality and a rule which is more uniformly applicable statewide to all solid fossil fuel-fired electric utility steam generators.

A public hearing on this proposal will be held on September 25, 1991, at 2 p. m. in the TACB Auditorium, 12124 Park 35 Circle, Austin.

Copies of the proposed section are available from Karen Kirkpatrick at the central office of TACB, 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices.

Public comment, both oral and written, on the proposed changes is invited at the hearing. TACB would appreciate receiving five copies of testimony prior to or at the hearing. Written testimony received by the Regulation Development Section at the TACB central office by 4 p.m. on September 27, 1991, will be included in the hearing record.

The amendment is proposed under Texas Health and Safety Code Annotated (Vernon 1990), the Texas Clean Air Act (TCAA), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§112.5. Allowable Emissions from Solid Fossil Fuel-Fired [Fueled] Boilers.

(a) Except as provided in subsection (b) of this section, no person may cause, suffer, allow, or permit emissions of sulfur dioxide from any solid fossil fuel-fired steam generator to exceed three pounds per million Btu heat input. [New proven technology must be applied in removing sulfur dioxide from the emissions from solid fossil fuel-fired steam generators when it becomes available.]

(b) No person may cause, suffer, allow, or permit emissions of sulfur dioxide from any solid fossil fuel-fired steam generator located in Milam County, which began operation prior to January 1, 1955, to exceed 4.0 pounds per million Btu heat input. [the following limits:

SO ₂ Emission Limit	
(lbs. per million	
Btu heat input)	

Period

On or before December 31, 1980	5.0
On or after January 1, 1981 and before January 1, 1982	4.5
On or after January 1, 1982	4.0

[graphic]

New proven technology must be applied in removing sulfur dioxide from the emissions from solid fossil fuel-fired steam generators when it becomes available.]

(c) After July 1, 1996, no person may cause, suffer, allow, or permit emissions of sulfur dioxide from any solid fossil fuel-fired steam generator to exceed the applicable limitations found in the Code of Federal Regulations (CFR) at 40

CFR 60, Da, §60.43a and §60.47a, hereby incorporated by reference, if it has a design heat input of greater than 1,500 million Btu/hour, and if on January 1, 1991, it had not been subject to new source performance standards.

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 21, 1991.

TRD-9110257

Lane Hartsock
Director, Planning and
Development Program
Texas Air Control Board

Earliest possible date of adoption: September 30, 1991

For further information, please call: (512) 908-1770

