

Texas Register

Volume 17, Number 13, February 21, 1992

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Texas Register

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Information Available: The nine 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

Secretary of State - opinions based on the election laws

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Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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 17 (1992) is cited as follows: 17 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 Administration Code*, section numbers, 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 Art Project

This program is sponsored by the *Texas Register* to promote the artistic abilities of Texas students, grades K -12, and to help students gain an insight into Texas government. The artwork is used to fill otherwise blank pages in the *Texas Register*. The blank pages are a result of the production process used to create the *Texas Register*. The artwork does not add additional pages and does not increase the cost of the *Texas Register*.

Texas Register Publications



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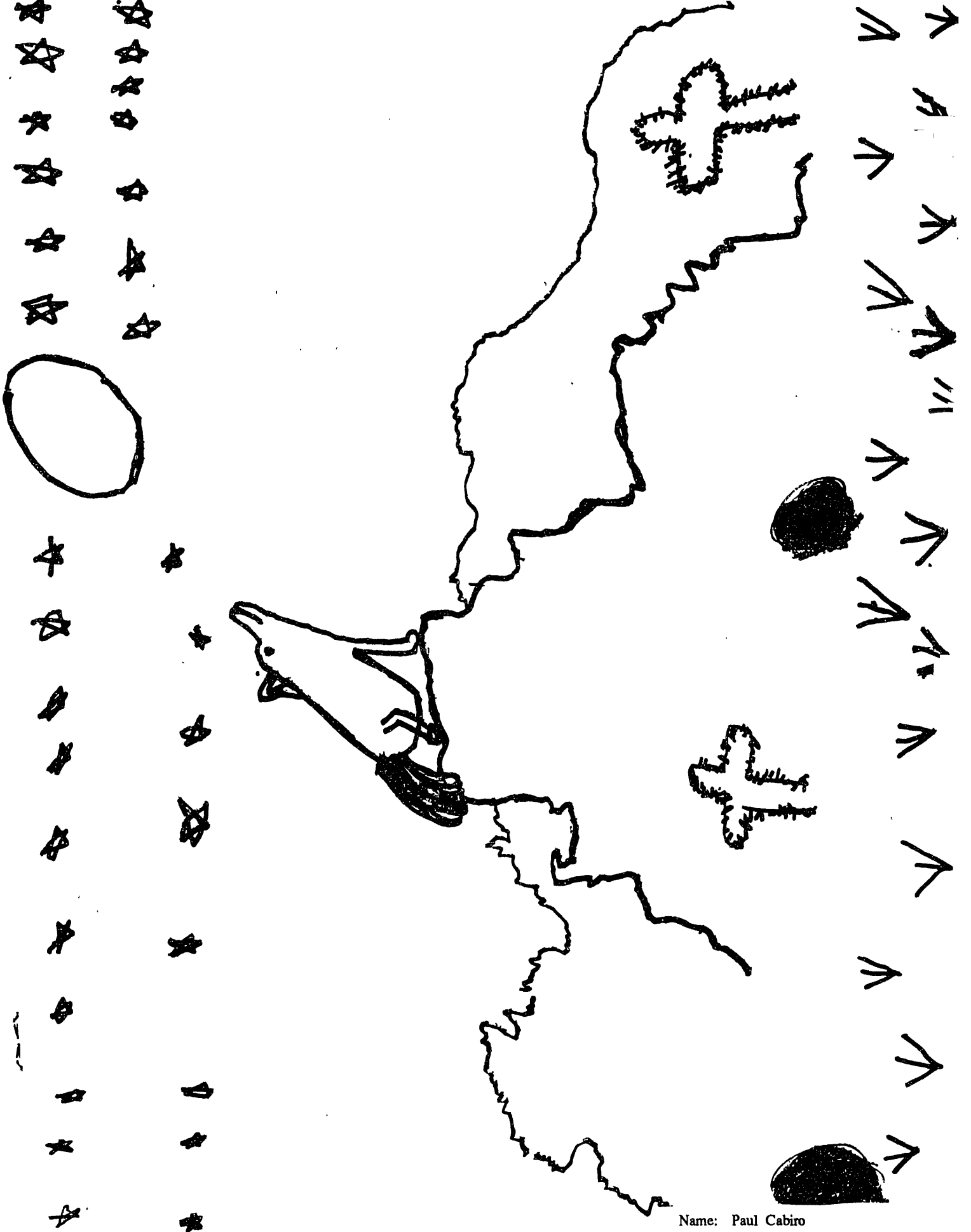
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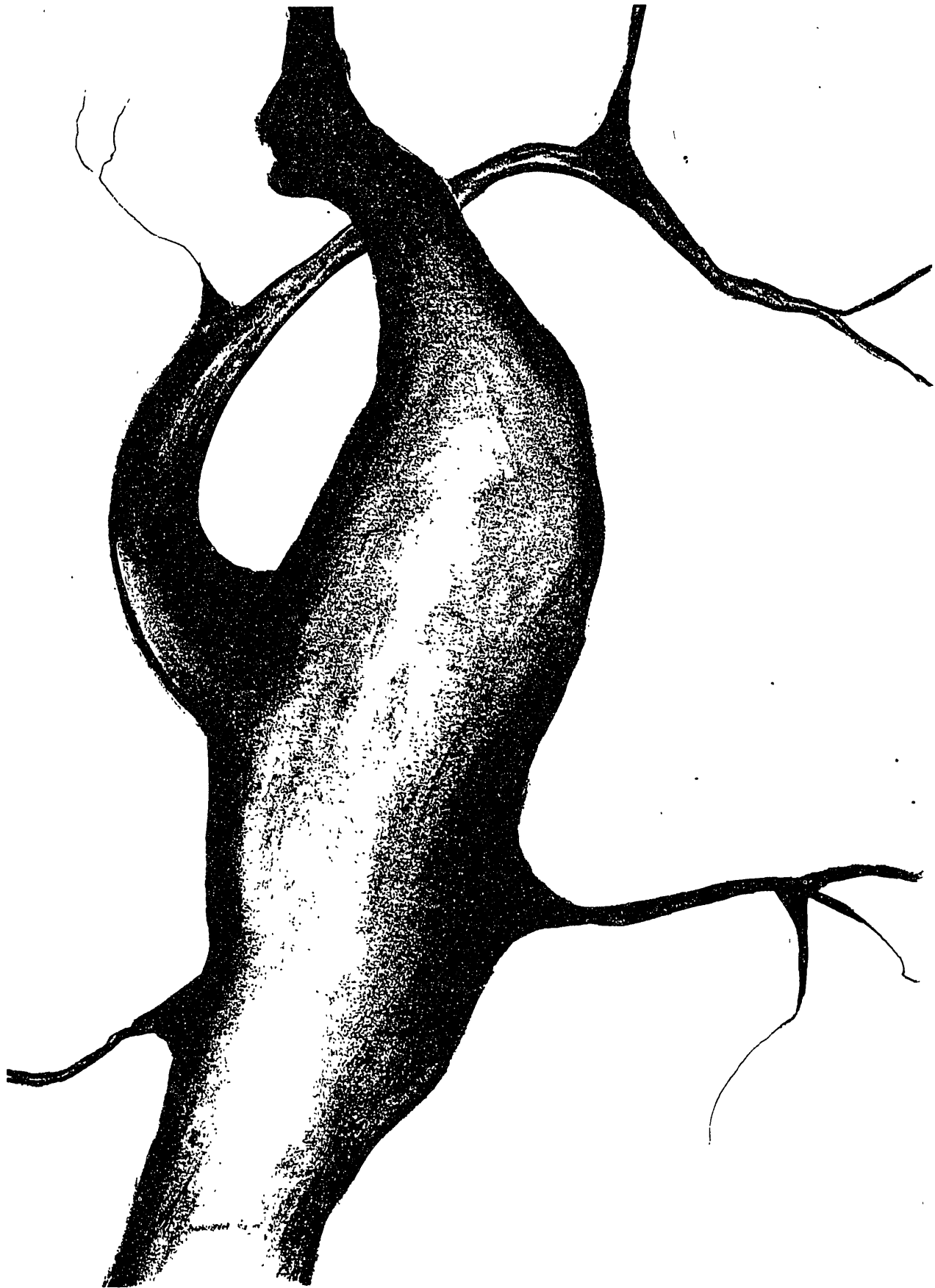
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Name: Paul Cabiro
Grade: 4
School: Kuehnle Elementary School, Klein



Name: John Pierce

Grade: 12

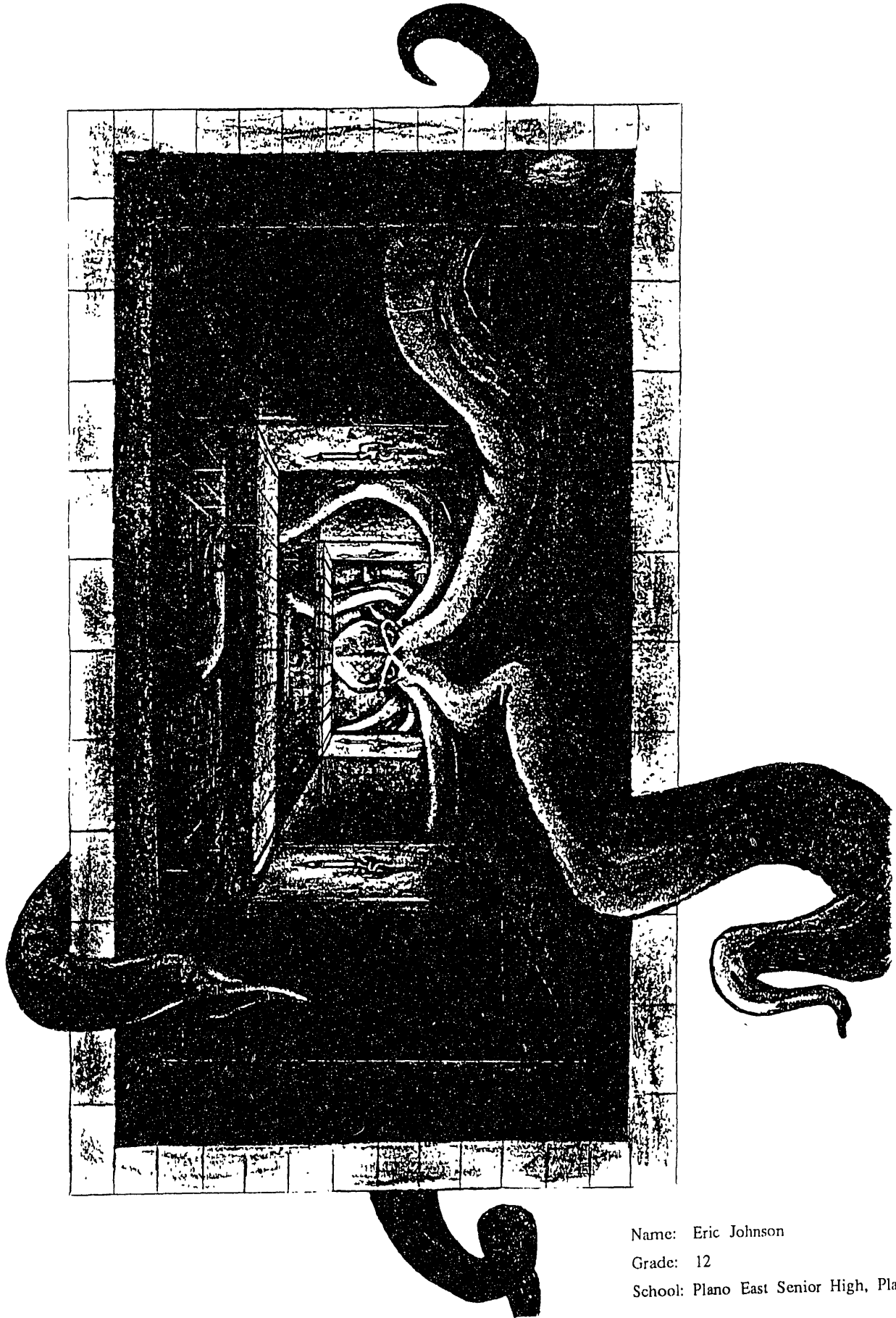
School: Plano East Senior High, Plano ISD



Name: Doug Brown

Grade: 12

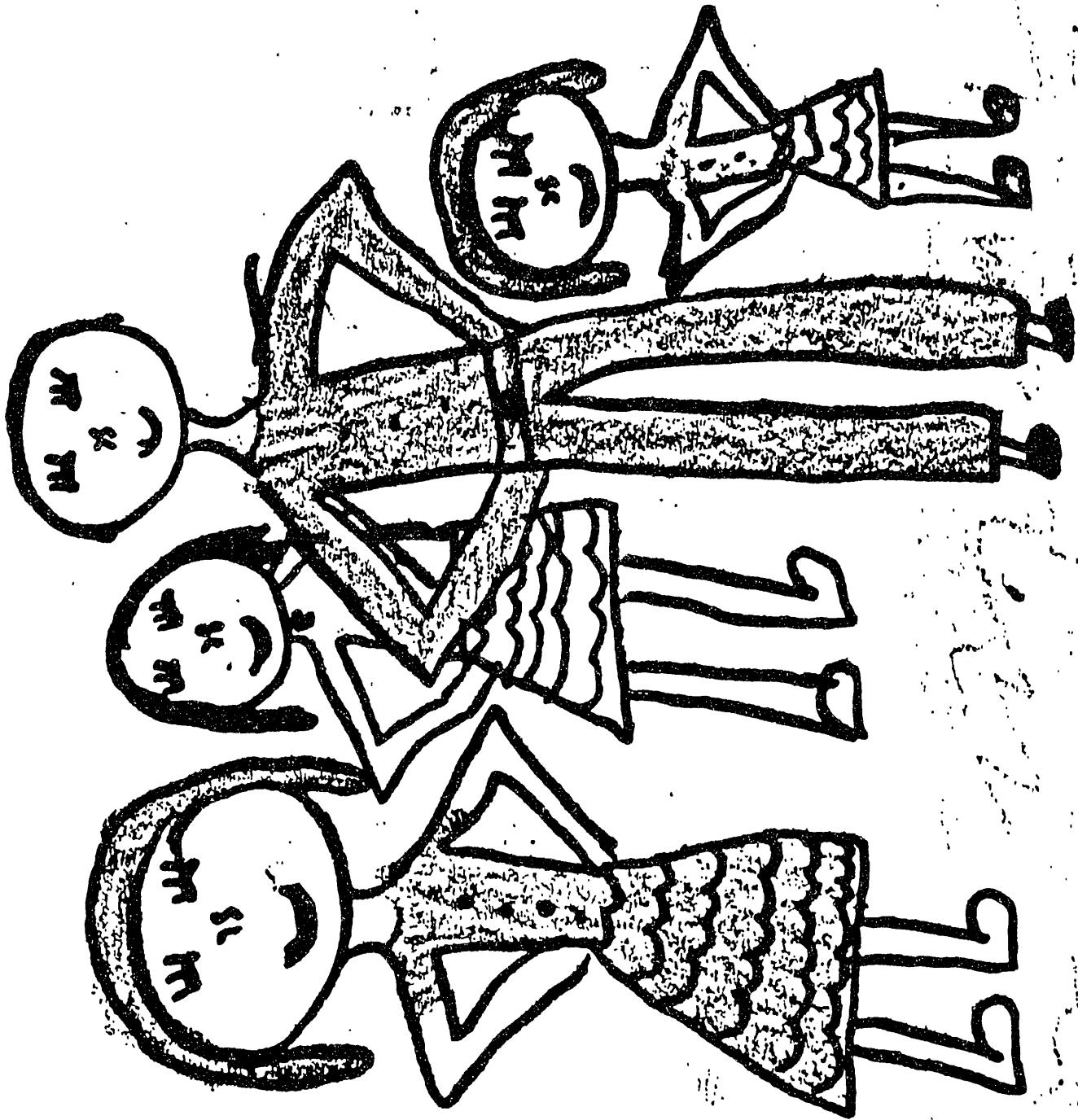
School: Plano East Senior High, Plano ISD



Name: Eric Johnson

Grade: 12

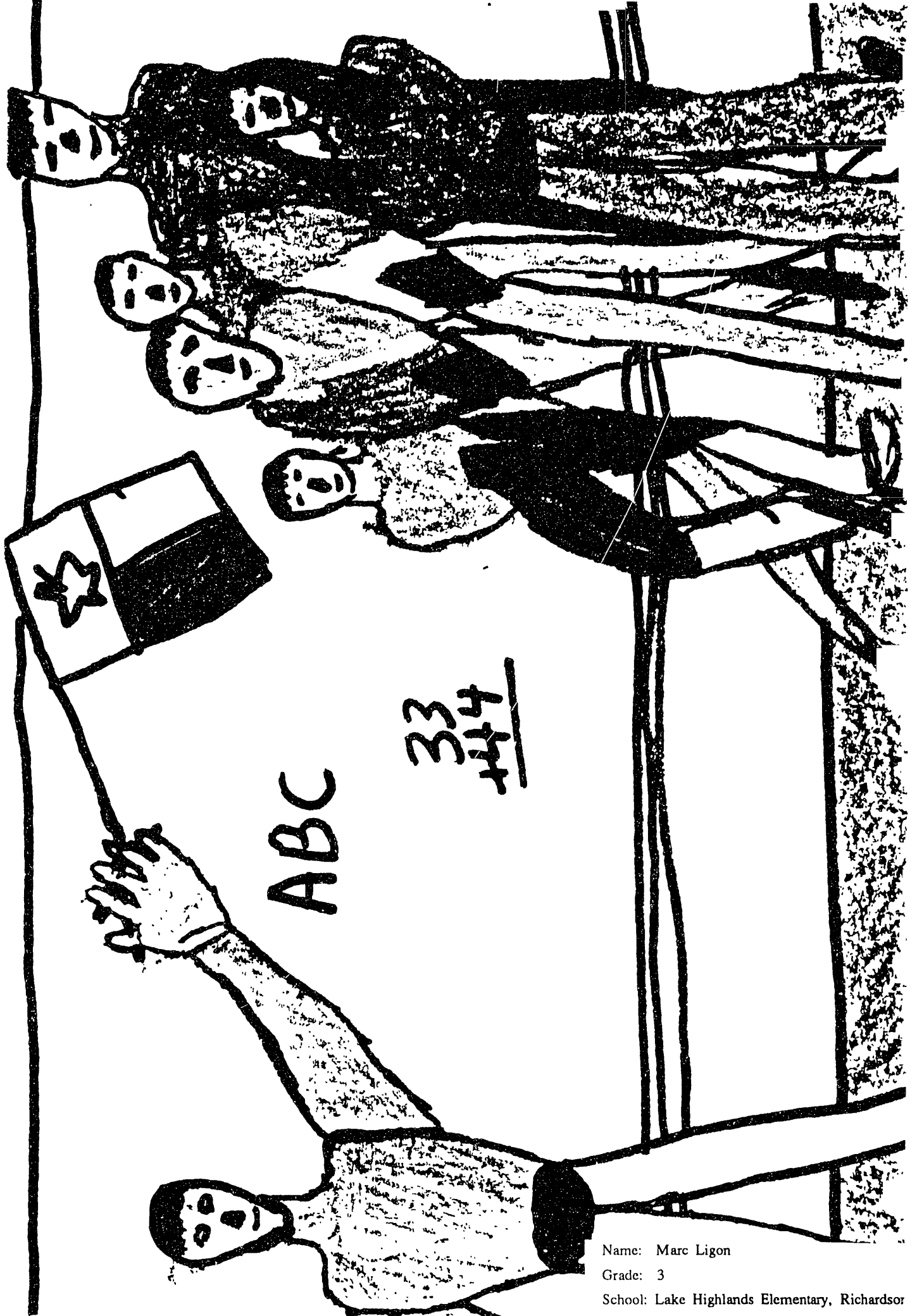
School: Plano East Senior High, Plano ISD



Name: Rosalva Renova

Grade: 2

School: Lake Highlands Elementary, Richardson ISD



ABC

33
114

Name: Marc Ligon

Grade: 3

School: Lake Highlands Elementary, Richardsor

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 1. ADMINISTRATION

Part II. Texas Ethics Commission

Chapter 3. Practice and Procedure

Subchapter B. Forms

Sworn Complaint and Affidavit

• 1 TAC §3.211

The Texas Ethics Commission adopts on an emergency basis new §3.211, concerning establishment of the form for filing sworn complaints with the commission.

The Texas Ethics Commission has determined that the emergency adoption of the new section is necessary and in the public interest in order to comply with Texas Civil Statutes, Article 6252-9d.1, §1.15 and §1.16, which establish the requirements and procedures for filing sworn complaints with the Texas Ethics Commission.

The Texas Ethics Commission finds that an emergency exists in that: Article 6252-9d.1, §1.15 and §1.16 prescribes the requirements that must be set forth in a sworn complaint and the form requirements of that complaint; and the Texas Constitution, Article III, §24a created the Texas Ethics Commission and gives the commission such powers and duties as the legislature may provide. The legislature has enacted Article 6252-9d.1, effective January 1, 1992, which confers on

the commission the power to administer and enforce the laws set forth in §1.2, and the power to prescribe forms for complaints which must be made available to the public so as to provide a means for addressing their complaints.

The new section and forms are adopted on an emergency basis under Article 6252-9d.1, §1.11(b)(9), which confers upon the commission the authority to adopt rules.

§3.211. Sworn Complaint and Affidavit. The Texas Ethics Commission adopts the Sworn Report and Affidavit prescribed by the Commission on January 20, 1992 as follows. This form is available from the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070.

PAP 920001
Texas Ethics Commission
P.O. Box 12070
Austin, Texas 78711-2070
1/92
Page 1

USE ONLY BLACK INK
OR BLACK TYPEWRITER RIBBON
WHEN FILLING OUT THIS COMPLAINT

Please complete:
Total pages in this complaint: _____

**SWORN COMPLAINT
AND
AFFIDAVIT**

(Before the Texas Ethics Commission)

For Office Use Only	
DOCKET NUMBER	
PM	HD

COMES NOW, _____, (hereinafter called the
Full name of person filing the complaint

"Complainant"), and who resides at _____,
Mailing or street address including p.o. box, number, street, city, county, state and zip code

and for his/her Complaint states as follows:

**I.
Name, Title, and Address of Respondent**

The Respondent(s) _____,
Name of Respondent(s)

is currently _____,
Position or title of each Respondent

The Respondent's address is _____,
Mailing or street address of the Respondent including p.o. box, number, street, city, county, state and zip code

**II.
Nature of Violation
(if possible, state the rule, regulation, or law violated)**

(if more space is needed, attach a sheet immediately after this first page and number it as "Page 1(a).")

PAP 920001
Texas Ethics Commission
1/92
Page 2

III.

Statement of Facts

(state the facts and dates or period(s) of time in support of allegations)

Please be simple, concise and direct

Multiple horizontal lines for writing the statement of facts.

(if more space is needed, attach a sheet immediately after this second page and number it as "Page 2(a).")

PAP 920001

1/92

Page 3

FOOTNOTE

1. **Attach all documents or other material available to you that are relevant to your allegations. In addition, list all documents or other material within your knowledge and available to you that are relevant to the allegation(s) but that are not in your possession, including the location of those documents, if known, and a list of all documents or other material within your knowledge that are unavailable to you, including the location of the documents, if known.**

AFFIDAVIT¹

COMES NOW, _____ (Complainant), and being duly sworn, deposes and states as follows: I, being the heretofore named Complainant, do swear or affirm that I have knowledge of the facts alleged hereinabove and the information contained herein is true and correct.

Signature of Complainant

Subscribed to and sworn to before me this ____ day of _____, 19 ____.

Signature of officer administering oath²

Print name of officer administering oath

Print title of officer administering oath
(as listed in footnote 2)

Affidavit³

COMES NOW, _____, (Complainant), and being duly sworn, deposes and states as follows: "I, being the heretofore named Complainant, do swear or affirm that I have good reason to believe and do believe that a violation of a rule, regulation, or state law within the jurisdiction of the Texas Ethics Commission has occurred. The source and basis of my information and belief is based on the following: _____

(if more space is needed, attach a sheet immediately after this fourth page and number it as "Page 4(a)."

Signature of officer administering oath²

Print name of officer administering oath

Print title of office administering oath

SEE REVERSE SIDE FOR FOOTNOTES

PAP 920001

/92

Page 4

FOOTNOTE

1. Execute this affidavit if the facts alleged are within your knowledge, and if they are true and correct.
2. The following are some of the persons that may administer oaths, affidavits, or affirmations made within this state:
 - a. a judge, clerk, or commissioner of any court of record;
 - b. a notary public;
 - c. a justice of the peace; and
 - d. any member of any board or commission created by the laws of this state, in matters pertaining to the duties thereof.

See Tex. Rev. Civ. Stat. Ann. art. 26 (Vernon Supp. 1992)

3. Execute this affidavit if the facts alleged are not within your direct knowledge, but that the allegations are made upon reasonable belief and that you do believe that a violation has occurred. State the foundation upon which your information and belief rest.

NOTE: THE TEXAS ETHICS COMMISSION, UNDER SECTION 1.28(A)(3) OF SENATE BILL 1, TEXAS LEGISLATIVE SESSION, REGULAR (1991), HAS THE AUTHORITY TO IMPOSE A CIVIL PENALTY OF UP TO \$10,000 FOR THE FILING OF A FRIVOLOUS CLAIM.

THIS DOCUMENT IS CONFIDENTIAL. UNAUTHORIZED DISCLOSURE MAY SUBJECT A PERSON TO CRIMINAL PENALTIES AND CIVIL LIABILITY PURSUANT TO SECTION 1.21, ARTICLE 6252-9d.1, TEXAS CIVIL STATUTES (VERNON'S SUPP. 1992).

Issued in Austin, Texas, on February 12, 1992.

TRD-9202286 Jim Mathieson
Staff Attorney
Texas Ethics Commission

Effective date: February 13, 1992

Expiration date: June 12, 1992

For further information, please call: (512) 406-0100

◆ ◆ ◆
Notices

- 1 TAC §§3.213, 3.215, 3.217, 3.219

The Texas Ethics Commission adopts on an emergency basis new §§3.213, 3. 215, 3.217, and 3.219, concerning establishment of the

forms concerning notices involving the complaint procedure before the Texas Ethics Commission.

The Texas Ethics Commission has determined that the emergency adoption of the new section is necessary and in the public interest in order to comply with Texas Civil Statutes, Article 6252-9.d1, §1.15 and §1.16, which establish the requirements and procedures for filing sworn complaints and for notifying those concerned.

The Texas Ethics Commission finds that an emergency exists in that: Article 6252-9d.1, §1.15 and §1.16 mandates that notices be given as applicable in the complaint procedure before the commission; the Texas Constitution, Article III, §24a created the Texas Ethics Commission and gives the commission such powers and duties as the legislature may provide. The legislature has enacted Article 6252-9d.1, effective January 1, 1992,

which confers on the commission the power to administer and enforce the laws set forth in §1.2 of said article, and §1.15 et seq, which requires the commission to provide notice in various stages of the complaint procedure.

The new sections are adopted on an emergency basis under Article 6252-9d.1, §1.11(b)(9), which confers upon the commission the authority to adopt rules necessary to carry out the mandates of the statute and the duties of the commission.

§3.213. Notice of Compliance. The Texas Ethics Commission adopts the Notice of Compliance authorized by the commission on January 20, 1992 as follows. This form is available from the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070.

**TO: COMPLAINANT
 ADDRESS
 CITY, STATE, ZIP CODE**

**RESPONDENT
 ADDRESS
 CITY, STATE, ZIP CODE**

**FROM: TEXAS ETHICS COMMISSION
 P.O. BOX 12070
 AUSTIN, TEXAS 78711-2070**

DATE:

CAUSE NUMBER:

NOTICE OF COMPLIANCE

On (DATE), a sworn complaint in Cause No. was received and filed/resubmitted with the Texas Ethics Commission. The commission has determined that the sworn complaint complies with the form requirements of Section 1.15 of Article 6252-9d.1, Tex. Civ. Stat. (Vernon's Supp. 1992). The commission will schedule the above referenced matter for preliminary review.

Executive Director,
Texas Ethics Commission

THIS DOCUMENT IS CONFIDENTIAL. UNAUTHORIZED DISCLOSURE MAY SUBJECT A PERSON TO CRIMINAL PENALTIES AND CIVIL LIABILITY PURSUANT TO SECTION 1.21, ARTICLE 6252-9D.1, TEXAS CIVIL STATUTES (VERNON'S SUPP. 1992).

§3.215. *Notice of Noncompliance.* The Texas Ethics Commission adopts the Notice of Noncompliance authorized by the commission on January 20, 1992 as follows. This form is available from the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070.

TO: COMPLAINANT
 ADDRESS
 CITY, STATE, ZIP CODE

 RESPONDENT
 ADDRESS
 CITY, STATE, ZIP CODE

FROM: TEXAS ETHICS COMMISSION
 P.O. BOX 12070
 AUSTIN, TEXAS 78711-2070

DATE:

CAUSE NUMBER:

NOTICE OF NONCOMPLIANCE

On (DATE), a sworn complaint in Cause No. was received and filed/resubmitted with the Texas Ethics Commission. The commission has determined that the sworn complaint fails to comply with the form requirements of Section 1.15 of Article 6252-9d.1, Tex. Civ. Stat. (Vernon's Supp. 1992).

Executive Director,
Texas Ethics Commission

THIS DOCUMENT IS CONFIDENTIAL. UNAUTHORIZED DISCLOSURE MAY SUBJECT A PERSON TO CRIMINAL PENALTIES AND CIVIL LIABILITY PURSUANT TO SECTION 1.21, ARTICLE 6252-9D.1, TEXAS CIVIL STATUTES (VERNON'S SUPP. 1992).

§3.217. *Notice of Failure to Comply as to Form.* The Texas Ethics Commission adopts the Notice of Failure to Comply as to Form authorized by the Commission on January 20, 1992 as follows. This form is available from the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070.

TO: **COMPLAINANT**
 ADDRESS
 CITY, STATE, ZIP CODE

RESPONDENT
 ADDRESS
 CITY, STATE, ZIP CODE

FROM: **TEXAS ETHICS COMMISSION**
 P.O. BOX 12070
 AUSTIN, TEXAS 78711-2070

DATE:

CAUSE NUMBER:

NOTICE OF FAILURE TO COMPLY AS TO FORM

On (DATE), a sworn complaint in Cause No. was received and filed/resubmitted with the Texas Ethics Commission. The commission has determined that the sworn complaint fails to comply with the form requirements of Section 1.15 of Article 6252-9d.1, Tex. Civ. Stat. (Vernon's Supp. 1992), for the following reasons:

- The sworn complaint fails to provide the name, and/or street or mailing address of the complainant.
- The sworn complaint fails to provide the name of each respondent.
- The sworn complaint fails to provide the position or title of each respondent.
- The sworn complaint fails to describe the nature of the alleged violation.
- The sworn complaint fails to attach relevant documents or other material that are available to and in the possession of the complainant.
- The sworn complaint fails to list relevant documents or other materials that are available to but not in the possession of the complainant including the location of the documents, if known.
- The sworn complaint fails to list relevant documents or other materials (including the location of the documents) known to the complainant but

not available to or in the possession of the complainant.

The sworn complaint is based on "information and belief" and fails to state the source and basis of the information and belief.

Other. _____

_____.

The sworn complaint is being returned to you together with a copy of the commission rules governing the filing of sworn complaints. You may resubmit the sworn complaint no later than the 21st day following the date this notice was mailed. If you fail to resubmit the sworn complaint by that date, the complaint will be dismissed.

Executive Director,
Texas Ethics Commission

THIS DOCUMENT IS CONFIDENTIAL. UNAUTHORIZED DISCLOSURE MAY SUBJECT A PERSON TO CRIMINAL PENALTIES AND CIVIL LIABILITY PURSUANT TO SECTION 1.21, ARTICLE 6252-9D.1, TEXAS CIVIL STATUTES (VERNON'S SUPP. 1992)

§3.219. *Notice of Dismissal for Noncompliance and Failure to Resubmit.* The Texas Ethics Commission adopts the Notice of Dismissal for Noncompliance and Failure to Resubmit authorized by the Commission on January 20, 1992 as follows. This form is available from the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070.

TO: COMPLAINANT
ADDRESS
CITY, STATE, ZIP CODE

RESPONDENT
ADDRESS
CITY, STATE, ZIP CODE

FROM: TEXAS ETHICS COMMISSION
P.O. BOX 12070
AUSTIN, TEXAS 78711-2070

DATE:

CAUSE NUMBER:

NOTICE OF DISMISSAL FOR NONCOMPLIANCE AND FAILURE TO RESUBMIT

On (DATE) the Texas Ethics Commission considered the complaint in Cause No. ____ and makes the following finding:

- (1) the complainant failed to comply with the form requirements of Section 1.15, Article 6252-9d.1, Texas Civil Statutes (Vernon's Supp. 1992); and
- (2) the complainant, after proper notice, has failed to resubmit the complaint within the time permitted by law.

It is, therefore, the decision and order of the Texas Ethics Commission that the complaint in Cause No. _____, should be, and is, hereby, DISMISSED;

Executive Director,
Texas Ethics Commission

THIS DOCUMENT IS CONFIDENTIAL. UNAUTHORIZED DISCLOSURE MAY SUBJECT A PERSON TO CRIMINAL PENALTIES AND CIVIL LIABILITY PURSUANT TO SECTION 1.21, ARTICLE 6252-9D.1, TEXAS CIVIL STATUTES (VERNON'S SUPP. 1992).

Issued in Austin, Texas, on February 14, 1992.

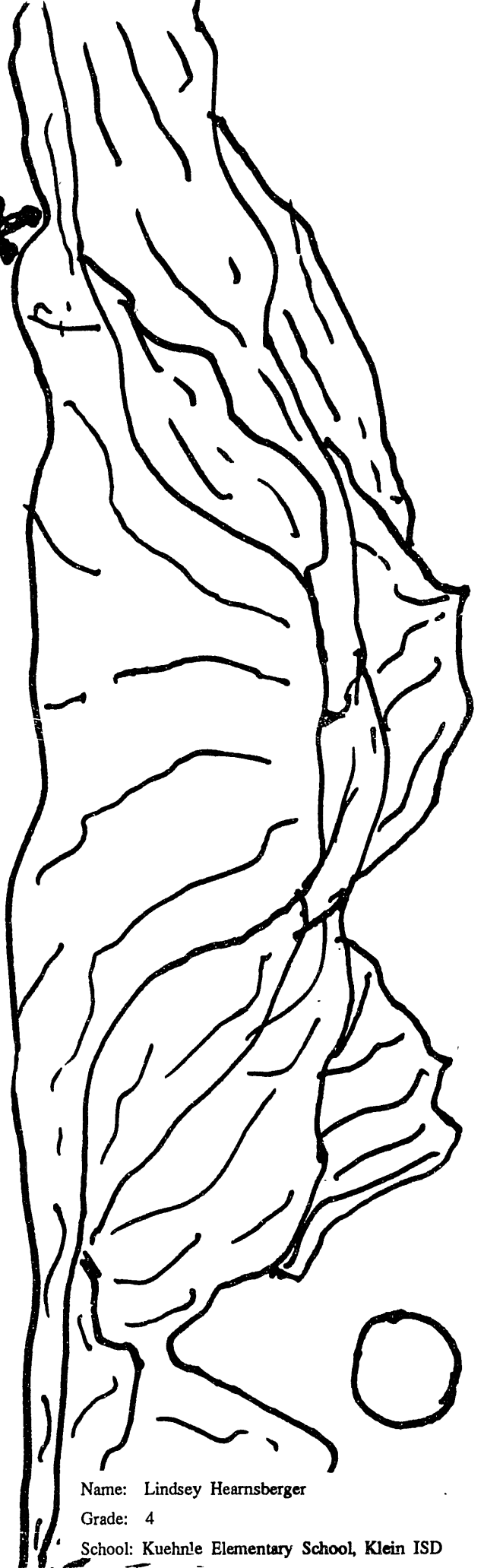
TRD-9202309 Jim Mathieson
 Staff Attorney
 Texas Ethics Commission

Effective date: February 14, 1992

Expiration date: June 12, 1992

For further information, please call: (512)
406-0100





Name: Lindsey Hearnberger

Grade: 4

School: Kuehnle Elementary School, Klein ISD

Proposed Sections

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

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

TITLE 1. ADMINISTRATION

Part II. Texas Ethics Commission

Chapter 3. Practice and Procedure

Subchapter B. Forms

Sworn Complaint and Affidavit

• 1 TAC §3.211

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

The Texas Ethics Commission proposes new §3.211, concerning the form for filing a sworn complaint with the Texas Ethics Commission. This section sets forth the form for filing a sworn report with the ethics commission.

Jim Mathieson, staff attorney, 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.

Mr. Mathieson 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 inform the public of the proper form necessary for filing a sworn complaint with the Texas Ethics Commission. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jim Mathieson, 1101 Camino La Costa, Austin, Texas 78752. Written comments will be accepted only.

The new section is proposed under Texas Civil Statutes, Article 6252-9d.1, which provide the Texas Ethics Commission with the authority to promulgate rules and establish forms for the filing of sworn complaints with the commission.

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

Issued in Austin, Texas, on February 12, 1992

TRD-9202285

Jim Mathieson
Staff Attorney
Texas Ethics Commission

Earliest possible date of adoption: March 23, 1992

For further information, please call: (512) 406-0100

Notices

• 1 TAC §§3.213, 3.215, 3.217, 3.219

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

The Texas Ethics Commission proposes new §§3.213, 3.215, 3.217, and 3.219, concerning notices to be used during the complaint procedure. These sections set forth the notice forms used in the complaint procedure before the Texas Ethics Commission.

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

Mr. Mathieson also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to inform the public of proper notice forms required to be used in complaint procedures. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Jim Mathieson, 1101 Camino La Costa, Austin, Texas 78752. Only written requests will be accepted.

The new sections are proposed under Texas Civil Statutes, Article 6252-9d.1, which provide the Texas Ethics Commission with the authority to promulgate rules and establish forms for giving notice the public involved in the complaint procedure of the Texas Ethics Commission.

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

Issued in Austin, Texas, on February 14, 1992.

TRD-9202310

Jim Mathieson
Staff Attorney
Texas Ethics Commission

Earliest possible date of adoption: March 23, 1992

For further information, please call: (512) 406-0100

TITLE 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

Chapter 215. Nurse Education

• 22 TAC §215.8, §215.17

The Board of Nurse Examiners proposes amendments to §215.8 and §215.17, concerning faculty policies and clinical resources. These amendments will remove unnecessary language from the rules concerning use of cooperating agencies for student clinical experiences, thus increasing accessibility of learning opportunities and eliminating duplication of regulatory functions.

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

Ms. Waddill also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will not be applicable, as the public is relatively unaffected by these particular sections. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

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

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

§215.8. Faculty Policies.

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

(e) A faculty member shall be responsible for the clinical instruction of students in only one facility at a time.

§215.17. Clinical Resources.

(a) (No change.)

(b) Cooperating agencies, which are used for 10% or more of the student's clinical laboratory in any given course, shall be accredited/approved by the appropriate authority. [approved by the board prior to use by the program and shall meet the following requirements:]

[(1) accreditation/approval by the appropriate authority;

[(2) a sufficient number and variety of patients/clients to provide learning experiences for all students to achieve the stated objectives;

[(3) registered nurses directly supervising each clinical unit used for educational purposes;

[(4) a sufficient number of registered nurses and other nursing personnel to ensure safe and continuous care of patients/clients;

[(5) conformance with accepted standards of nursing care and practice; and

[(6) available space for clinical conferences.

[(c) A faculty member shall be responsible for the clinical instruction of students in only one facility at any one time.]

(c)[(d)] Written agreements between the program and the cooperating agencies shall specify the responsibilities [responsibility] of the program to the agency and the responsibilities [responsibility] of the agency to the program. Such agreements shall be [developed jointly with the cooperating agency,] reviewed periodically [according to the policies of the program and the cooperating agency,] and include provisions for adequate notice of termination.

[(e) Programs planning to use a cooperating agency which has been approved for another program must submit a request to the board which shall include a letter from the director of nursing service of the agency stating that the proposed affiliation would not jeopardize programs currently utilizing the agency nor adversely effect the safety of care provided.]

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

Issued in Austin, Texas, on February 11, 1992.

TRD-9202269 Louise Waddill, Ph.D., R.N. Executive Director Board of Nurse Examiners

Earliest possible date of adoption: March 23, 1992

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

Chapter 217. Licensure and Practice

• 22 TAC §217.2

The Board of Nurse Examiners proposes an amendment to §217.2, concerning licensure by examination. The proposed amendment will allow those persons admittance to the licensure examination who have met all baccalaureate degree nursing requirements as a prerequisite of a MSN.

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

Ms. Waddill also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that this amendment will allow qualified applicants to become licensed 1 to 1 1/2 years prior to completion of the MSN, thus providing the nurse the opportunity to work in a licensed position while completing their masters degree and increases the supply of RNs for the benefit of the public. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the section as proposed will be that those students qualifying would be required to pay the NCLEX-RN fee.

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

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

§217.2. Licensure by Examination. The requirements for licensure by examinations are as follows:

(1) filing of an application containing personal data, i.e., full name, date of birth, etc.; education informational; notarized affidavit; and the required examination fee which is not refundable; and

(2) verification of graduation from an accredited nursing program [school;] or certification from a nursing program director of completion of all baccalaureate degree requirements which are prerequisites of an accredited masters degree program leading to a first degree in professional nursing.

[(3) certification of the applications by the director of the program as having met all the requirements as stated in

Texas Civil Statutes, Article 4518, §2 and §3;]

(3)[(4)] passing the NCLEX-RN.

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

Issued in Austin, Texas, on February 11, 1992.

TRD-9202273 Louise Waddill, Ph.D., R.N. Executive Director Board of Nurse Examiners

Earliest possible date of adoption: March 23, 1992

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

• 22 TAC §217.12

The Board of Nurse Examiners proposes an amendment to §217.12, concerning designations for registered nurse/titles deemed misleading. The proposed amendment to this section will cause the registered nurse to know that when using RN in connection with his or her name and/or practice, the board considers the nurse accountable for his or her actions and for compliance with the Nurse Practice Act and Standards of Nursing Practice.

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

Ms. Waddill also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that all RNs who advertise to the public that they are RNs are required to function within the Nurse Practice Act and the Standards of Practice regardless of the practice engaged in. This will protect the public from fraud or deceit in situations where a nurse desires to use his or her license to solicit clients. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

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

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

§217.12. Designations for Registered Nurse/Titles Deemed Misleading.

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

(f) If a registered nurse holds herself or himself out to the public as being engaged in the practice of professional nursing, or uses the term registered nurse or "RN" or any combination with any other terms, then they must practice in accordance with the Nurse Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice.

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

Issued in Austin, Texas, on February 11, 1992.

TRD-9202274 Louise Waddill, Ph.D., R.N.
Executive Director
Board of Nurse Examiners

Earliest possible date of adoption: March 23, 1992

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

◆ ◆ ◆
• 22 TAC §217.14

The Board of Nurse Examiners proposes an amendment to §217.14, concerning overpayment. The proposed amendment will increase the amount of overpayment fees acceptable without refund, thus expediting the transaction of the individual and saving the agency both in time and expense by not having to process a refund voucher.

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

Ms. Waddill also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will not be applicable. The public would not be affected by the proposed amendment. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

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

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

§217.4. Overpayment. Overpayment in any amount not to exceed \$10 [\$5.00] for sales, charges, and fees will not be returned.

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

Issued in Austin, Texas, on February 11, 1992.

TRD-9202270 Louise Waddill, Ph.D., R.N.
Executive Director
Board of Nurse Examiners

Earliest possible date of adoption: March 23, 1992

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

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TITLE 34. PUBLIC FINANCE
Part IV. Employees Retirement System of Texas

Chapter 81. Insurance

• 34 TAC §§81.1, 81.3, 81.5, 81.7, 81.11

The Employees Retirement System of Texas proposes amendments to §§81.1, 81.3, 81.5, 81.7, and 81.11 concerning definitions, eligibility, enrollment and participation, in the Texas Employees Uniform Group Insurance Program relating to institutions of higher education, Group Benefits Advisory Committee, coverage for grandchildren, and dental coverage as passed by the 72nd Texas Legislature; and technical corrections and clarifications of certain sections.

William S. Nail, general counsel has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Nail 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 implement legislation passed by the 72nd Texas Legislature and the technical corrections of certain sections to clarify the eligibility and enrollment requirements for participation in the Texas Employees Uniform Group Insurance Program. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to William S. Nail, General Counsel, P.O. Box 13207, Austin, Texas 78711-3207.

The amendments are proposed under the Texas Insurance Code, Article 3.50-2, §4, which provide the Employees Retirement System of Texas with the authority to promulgate all rules, regulations, plans, procedures, and orders reasonably necessary to implement and carry out the purposes and provisions of the Texas Employees Group Insurance Benefits Act.

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

Department-Commission, board, agency, division, institution of higher education, or department of the State of Texas created as such by the constitution or statutes of this state.

Dependent-The spouse of an employee or retiree and unmarried children under 25 years of age, including:

(A)-(E) (No change.)

(F) a child who is considered a dependent of the employee/retiree for federal income tax purposes and who is a child of the employee/retiree's child.

(G)[(F)] any such child, regardless of age, who lives with or whose care is provided by an employee or retiree on a regular basis if such child is mentally retarded or physically incapacitated to such an extent as to be dependent upon the employee or retiree for care or support, as the Trustee shall determine, mentally retarded or physically incapacitated means any medically determinable physical or mental condition which prevents the child from engaging in self-sustaining employment, provided that the condition commences prior to such child's attainment of age 25, the child was eligible and covered under the plan immediately prior to reaching age 25, and that satisfactory proof of such condition and dependency is submitted by the employee/retiree within 31 days following such child's attainment of age 25. As a condition to the continued coverage of a child as a mentally retarded or physically incapacitated dependent beyond the age of 25, the insurance carrier or health maintenance organization shall have the right to require periodic certification of the child's physical or mental condition but not more frequently than annually after the two-year period following the child's attainment of age 25.

Eligible To Receive an Annuity-Refers to a person who, in accordance with the Act, meets all requirements for retirement [has retired] from a state retirement program or the Optional Retirement Program [and who is receiving a monthly annuity or who has received an annuity that has been temporarily suspended].

Employee-Any appointive or elective State officer or employee in the service of the State of Texas, including an employee of an institution of higher education as defined in the Act, except persons performing personal services for the State of Texas or institutions of higher education as independent contractors [or employees of any university, senior or community/junior college, or any other agency of higher education within the meaning and jurisdiction of the Texas Education Code, Chapter 61]:

(A)-(B) (No change.)

(C) who receives payment for the performance of personal services on a warrant issued pursuant to a payroll certified by a department and drawn by the State Comptroller of Public Accounts upon the state treasurer against appropriations made by the Texas Legislature from any state funds or against any trust funds held by the state treasurer or who is paid from funds of an official budget of a state department, rather than from funds of the General Appropriations Act; [or]

(D) who is appointed subject to confirmation of the senate as a member of a board or commission with administrative responsibility over a statutory agency having statewide jurisdiction whose employees are covered by the Act;[.]

(E) who receives compensation for services rendered to an institution of higher education on a warrant or check issued pursuant to a payroll certified by an institution of higher education or by an elected or duly appointed officer of this state, and who is eligible for participation in the Teacher Retirement System of Texas; or

(F) who receives compensation for services rendered to an institution of higher education but is not permitted to be a member of the Teacher Retirement System of Texas because the person is solely employed by an institution of higher education that, as a condition of employment, requires the person to be enrolled as a student in the institution of higher education in graduate-level courses and who is employed by the institution at least 20 hours a week.

Retiree—A retired employee who is eligible, under the terms of the Act, for benefits under this program and retired employees who, as of August 31, 1992, were eligible participants in a group insurance program administered by an institution of higher education.

§81.3. Administration.

(a) The Group Benefits [Insurance] Advisory Committee.

(1) The Group Benefits Advisory Committee, as established by the Act, §18, as amended, shall be comprised of 25 voting members as follows: The Office of the Attorney General, the Office of the State Treasurer, the Office of the Comptroller, the Railroad Commission of Texas, and the Department of Agriculture are entitled to be represented by one

member each on the committee, who may be appointed by the governing body of the state agency or elected by and from the employees of the agency, as determined by rule by the governing body of the agency. One employee shall be elected from each of the remaining seven largest State agencies that are governed by appointed officers by and from the employees of those agencies. One nonvoting member shall be the Executive Director of the Employees Retirement System of Texas. Two members shall be experts on employee benefit issues from the private sector, one appointed by the Governor and one appointed by the Lieutenant Governor. One member shall be a retired State employee appointed by the Trustee. One member shall be an employee of a state agency other than one of the seven largest agencies, appointed by the Trustee. Two members shall be employees of institutions of higher education appointed by the Texas Higher Education Coordinating Board. Five members shall be employees of institutions of higher education elected by and from the institutions of higher education. The remaining members shall be elected by and from the employees of the other state agencies, excluding institutions of higher education. These elections shall be conducted in a manner consonant with the election for membership to the Board of the Employees Retirement System of Texas, but not more than one employee shall be from any one agency or institution of higher education. The members shall elect a presiding officer from their membership to serve a one-year term.

(1) The Group Insurance Advisory Committee, as established by the Act, §18, shall consist of 23 members who shall be retired employees of the State of Texas. One classified employee shall be appointed from each of the 10 largest State agencies or departments by the chief administrative officer of those agencies or departments. One non-voting member shall be the Executive Director of the Employees Retirement System of Texas. One member shall be a classified employee of the Governor's office, appointed by the Governor. One member shall be a retired State employee appointed by the Trustees for a three-year term. The remaining members shall be elected by and from the classified employees of the other State departments and agencies in a manner consonant with the election for membership to the Board of the Employees Retirement System of Texas, but not more than one employee shall be from any one agency or department.]

(2) All members of the Group Benefits Advisory Committee shall be appointed or elected for three-year terms; however, the members who are newly appointed or elected as of November 1,

1992, the effective date of the Act, §18 as amended, shall meet and determine by lot which eight members will serve one year, which eight will serve two years, and which nine will serve three years. Subsequent appointments or elections shall be for three-year terms.

[(2) All members of the committee shall be appointed or elected for three-year terms provided, however, that, in the initial appointments and election, the Trustee shall designate seven members to serve for one year, seven to serve for two years, and seven to serve for three years. Subsequent appointments or elections shall be for three-year terms.]

(3) The Group Benefits [Insurance] Advisory Committee shall advise and consult with the Trustee on matters concerning all insurance coverage provided under this Act and shall present recommendations to the Trustee regarding other existing or proposed State employee benefits, other than retirement benefits. The Committee shall cooperate and work with the Trustee in coordinating and correlating the administration of the Employees Uniform Group Insurance Program among the various State [departments and] agencies and institutions of higher education. The duties of each member of the Group Benefits [Insurance] Advisory Committee shall be to secure input from fellow employees and shall be considered additional duties required of the member's [his or her] other state office or employment, and all expenses incurred by any such member in performing the member's [his or her] duties as a member of the Committee shall be paid from [out of] funds made available for those purposes to the agency or institution of higher education [department] of which the member [he or she] is an employee or officer.

(4) During a term of appointment or election, state employee vacancies shall be filled by an employee of the same agency or institution of higher education from which the vacancy occurred, being appointed by the Trustees for the balance of the vacated term. A vacancy on the Group Benefits [Insurance] Advisory Committee exists when any member of the committee:

(A) resigns from the committee;

(B) transfers from a [an] state agency or institution of higher education from which the member was appointed or elected to serve on the committee; or

(C) terminates employment from a state agency or institution of higher education. [Transfers into an

agency which by another Committee member;]

[(D) ceases to be covered by the position classification plan as defined by Texas Civil Statutes, Article 6252-11.]

(5) A vacancy in a position held by a member of the private sector shall be filled by the officer who originally made the appointment to that position.

(6)[(5)] All committee meetings are to be open to the public.

(7)[(6)] The executive director of the Employees Retirement System of Texas may file a notice of the committee's meetings [meeting] with the Secretary of State for publication in the *Texas Register*.

(8)[(7)] The executive director shall be the custodian of the minutes of the committee's meetings and will have those minutes available for public inspection at the offices of the Employees Retirement System of Texas during normal working hours.

(9)[(8)] Before the end of each fiscal year, the executive director will propose to the Board a schedule for election of elective Group Benefits Advisory Committee members.

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

(d) Funding.

(1) (No change.)

(2) Payment of premiums. Deductions from monthly compensation or annuities and direct payment of premiums are two methods of payments used for the employee's share of premiums.

(A) (No change.)

(B) Direct payment of premiums. Persons who are eligible participants in the program and who are not on a payroll or who are not receiving an annuity from a state retirement system from which the appropriate premiums may be deducted or whose salary or annuity are insufficient to allow for a full required deduction must pay premiums directly as indicated in the following.

(i) (No change.)

(ii) A person who continues group health and dental benefits as provided in §81.5(j) of this title (relating to Eligibility) must pay premiums in advance on a monthly basis. Premiums [Health coverage premiums] for such a person will be 102% of the rates charged for other participants in the same coverage category and with the same plan [health insurance coverage]. All premiums due for the election/en-

rollment period must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Subsequent premiums are due on the first day of the month covered and must be postmarked or received by the Employees Retirement System within 30 days of the due date to avoid cancellation of coverage.

(iii) A person who continues group health and dental benefits as provided in §81.5(j)(3) of this title (relating to Eligibility) must pay premiums in advance on a monthly basis. Premiums [Health coverage premiums] for such a person for each month of coverage after the 18th month of coverage[,] will be 150% of the rates charged for other participants in the same coverage category and with the same plan [health coverage]. All premiums are due on the first day of the coverage month and must be postmarked or received by the Employees Retirement System of Texas within 30 days of the due date to avoid cancellation of coverage.

(iv) (No change.)

§81.5. Eligibility.

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

(e) Surviving dependents.

(1) The surviving spouse of a retiree or the surviving spouse of an active employee is eligible to continue [his or her] coverage in the health and dental benefits plans [plan] in which the employee/retiree was insured on the day of death of the employee/retiree provided, however, the deceased active employee must have met the age and service credit requirements to qualify for a retirement benefit or survivor's annuity. A surviving spouse who is also a State retiree or State employee shall not be eligible for surviving spouse benefits as long as he or she is eligible for coverage as an employee or retiree. Participants continuing coverage as surviving spouses are not eligible for life insurance coverages.

(2) (No change.)

(f) Retiree under ORP. A retiring member of the ORP [employed by the Coordinating Board, Texas College and University System] is eligible to remain in the insurance program if he or she becomes an annuitant of the ORP and the member's age and amount of service on which the annuity is based is such that the retiree meets the age and length-of-service requirements used by the Teacher Retirement System for regular service retirements. A retiring member will remain eligible for coverage in the program as long as he or she would have been eligible to receive an annuity had his or her membership been in the Teacher Retirement System rather than the ORP.

(g) Disability retirement. An applicant who is approved for disability retirement is entitled to retiree insurance coverages as provided in §81.7(c) of this title (relating to Enrollment and Participation). A retiring member of ORP who is disabled, as established by the disability test used by the Employees Retirement System for members of the employee class, is eligible to remain in the program for the amount of time the person would be eligible for benefits had retirement coverages been under the Teacher Retirement System. Initial [All costs for determining initial] or continued eligibility for insurance coverage for a disabled retiree of the ORP will be determined [paid] by the Employees Retirement System of Texas Medical Board [Coordinating Board, Texas College and University System]. Coverages will become effective on the first day of the month following the date the disability retirement becomes effective.

(h)-(i) (No change.)

(j) Continuation of health and dental coverages [coverage] only for certain spouses and dependent children of employees/retirees, and for certain terminating employees, their spouses, and dependent children (as provided by the Public Health Service Act, Title XXII).

(1) The surviving spouse and/or dependent child/children of a deceased employee or retiree who are not eligible to continue [health] coverage under the provisions of the Act or subsection (e) of this section, who are not entitled to benefits under the Social Security Act, Title XVIII, and who are not covered under any other group health plan unless that plan subjects them to a preexisting conditions limitation or exclusion, may continue for up to 36 months the health and dental coverages [coverage] only that were [was] in effect immediately prior to the date of death of the employee/retiree. A formal election must be made to continue [the health] coverage by the surviving spouse and/or the dependent child/children. The formal election must be postmarked or received by the Employees Retirement System within 60 days of the date of notice contained in the notice of right to continue [health] coverage form.

(2) An employee whose employment has been terminated voluntarily or involuntarily (other than for gross misconduct), except for those persons not eligible pursuant to §81.11(c) of this title (relating to Termination of Coverage), and/or his or her spouse and/or dependent child/children who are not eligible to continue [health] coverage under the provisions of the Act or subsection (g) or (h) of this section, who are not entitled to benefits under the Social Security Act, Title XVIII, and who are not covered under any other group health plan unless that plan subjects them to a preexist-

ing conditions limitation or exclusion, may continue for up to 18 months the health and dental coverages [coverage] only without the basic term life that were [was] in effect immediately prior to the date of the termination of employment. A formal election must be made to continue [the health] coverage by the former employee and/or his or her spouse and/or dependent child/children. The formal election must be postmarked or received by the Employees Retirement System within 60 days of the date of notice contained in the notice of right to continue [health] coverage form.

(3) An employee, spouse, or dependent child determined by the Social Security Administration to have been disabled on the date the employee's employment terminated may have his or her continuation health and dental coverages [coverage] extended for an additional 11 months, for a total of 29 months. Notification of the Social Security Administration's determination must be received by the Employees Retirement System of Texas within 60 days of the date of that determination, and before the end of the original 18 months of continuation coverage. Continuation coverage will be canceled the month that begins more than 30 days after the date the Social Security Administration determines that the participant is no longer disabled.

(4) A spouse who is divorced from an employee/retiree and/or the spouse's dependent child/children who are not otherwise eligible to continue [health] coverage under the provisions of the Act or subsection (d) of this section, who are not entitled to benefits under the Social Security Act, Title XVIII, and who are not covered under any other group health plan unless that plan subjects them to a preexisting conditions limitation or exclusion, may continue for up to 36 months the health and dental coverages [coverage] only that were [was] in effect immediately prior to the date the divorce decree is signed. The employee/retiree or the divorced spouse or the divorced spouse's dependent child/children must notify the Employees Retirement System through the employing agency or retiree insurance coordinator of the divorce within 60 days from the date the divorce decree is signed. A formal election must be made to continue [the health] coverage by the divorced spouse and/or the dependent child/children. The formal election must be postmarked or received by the Employees Retirement System within 60 days of the date of notice contained in the notice of right to continue [health] coverage form.

(5) A dependent child under 25 years of age who marries, who is not entitled to benefits under the Social Security Act, Title XVIII, and who is not covered under any other group health plan unless that plan subjects the child to a preexisting

conditions limitation or exclusion, may continue for up to 36 months the health and dental coverages [coverage] only that were [was] in effect immediately prior to the date of the marriage. The married child or the employee/retiree must notify the Employees Retirement System through the employing agency or retiree insurance coordinator of the marriage within 60 days from the date of the marriage. A formal election must be made by the married child to continue [health] coverage. The formal election must be postmarked or received by the Employees Retirement System within 60 days of the date of notice contained in the notice of right to continue [health] coverage form.

(6) A dependent child who has attained 25 years of age, who is not otherwise eligible to continue [health] coverage indefinitely under the provisions of the Act or subsection (d) of this section, who is not entitled to benefits under the Social Security Act, Title XVIII, and who is not covered under any other group health plan unless that plan subjects the child to a preexisting conditions limitation or exclusion, may continue for up to 36 months the health and dental coverages [coverage] only that were [was] in effect immediately prior to the date of the child's 25th birthday. The child or employee/retiree must notify the Employees Retirement System through the employing agency or retiree insurance coordinator within 60 days of the child's 25th birthday. A formal election must be made by the 25-year-old child to continue [health] coverage. The formal election must be postmarked or received by the Employees Retirement System within 60 days of the date of notice contained in the notice of right to continue [health] coverage form.

(7) Extension of continuation of [health] coverage for certain spouses and/or dependent child/children of former employees who are continuing [health] coverage under the provisions of paragraph (2) of this subsection is governed by the following provisions.

(A) The surviving spouse and/or dependent child/children of a deceased former employee whose death occurred during the period of continuation coverage, who satisfy the provisions of paragraph (1) of this subsection and who notify the Employees Retirement System within 60 days of the date of death of the former employee are entitled to a total of 36 months of continuation [health] coverage.

(B) A spouse who is divorced from a former employee during the period of continuation coverage and/or the divorced spouse's dependent child/children who satisfy the provisions of paragraph (4) of this subsection are entitled to a total of 36 months of continuation [health] coverage.

(C) A dependent child under 25 years of age who marries during the period of continuation coverage and who satisfies the provisions of paragraph (5) of this subsection is entitled to a total of 36 months of continuation [health] coverage.

(D) A dependent child who attains the age of 25 years during the period of continuation coverage and who satisfies the provisions of paragraph (6) of this subsection is entitled to a total of 36 months of continuation [health] coverage.

(E) An employee, spouse, or dependent child determined by the Social Security Administration to be disabled at the time of termination of the employee's employment and who satisfies the provisions of paragraph (3) of this subsection is entitled to a total of 29 months of continuation [health] coverage.

(F) No person shall be allowed to continue health and dental coverages [coverage] under the provisions of this subsection for more than 36 months.

(8) A person who continues [group health] benefits under the provisions of paragraphs (1)-(7) of this subsection may change [health] coverage levels or plans during the continuation period on the same basis as an employee/retiree participant, provided, however, that health and dental coverages [coverage] which are [is] canceled during the continuation period may not be reestablished.

(9) In all situations deemed applicable by the Employees Retirement System where State or Federal laws or regulations mandate specific terms or provisions which are omitted or conflict with specific terms or provisions of the group [health] contracts or Trustees' rules, the appropriate contracts and rules shall be interpreted and administered to comply with such laws or regulations.

§81.7. Enrollment and Participation.

(a) Full-time employees and their dependents.

(1) (No change.)

(2) Applications for coverages to be effective on the day the employee begins active duty must be submitted to the agency insurance coordinator on or before that day. Coverages for which the application is submitted after the first day of active duty and within 30 days after that day will be effective on the first day of the month following the date of application[; however, applications completed by the employee and postmarked or received by the employing

agency on the first day of the month will become effective on the first day of the month]. Applications submitted after the first 31 days will be governed by subsection (f) of this section.

(3) Coverages for dependents of an employee will be effective on the same day the employee's coverage becomes effective application is submitted before the effective date of the employee's coverage. If the application is submitted within 30 days after the employee's effective date, the dependent's coverage will be effective on the first day of the month following the date of application; however, applications completed by the employee and postmarked or received by the employing agency on the first day of the month will become effective on the first day of the month]. New dependents' coverage will be effective on the date the person becomes a dependent if an application is submitted on or within 30 days after the date the dependent first becomes eligible. If the application is submitted more than 30 days after the employee's effective date or the date the dependent is first eligible, as the case may be, the application will be governed by the rules in subsection (f) of this section.

(4)-(6) (No change.)

(b) Part-time employees. A part-time employee is not automatically covered but must complete an application form provided by the Employees Retirement System, authorizing necessary deductions for premium payments for elected coverage. This form must be submitted to the Employees Retirement System through his or her employing agency on or before the employee's first day of active duty in order for coverage to be effective on that day; however, applications completed by the employee and postmarked or received by the employing agency on the first day of the month will become effective on the first day of the month]. If not submitted on the first day of active duty, but within 30 days thereafter, coverage will be effective on the first day of the month following the date of application. All rules for enrollment stated in subsection (a) of this section, other than the rule as to automatic coverage, apply to a part-time employee.

(c) Retirees and their dependents.

(1) Provided the required premiums are paid or are deducted, an employee's health, dental and term life insurance coverages (including eligible dependent coverages) may [will automatically] be continued upon retirement provided the employee was insured in the program for such benefits immediately preceding the first day he or she becomes an annuitant. The life insurance will be reduced to the maximum amount which the retiree is permitted to retain under the insurance contract as a

retiree. All other coverages in force for the active employee, but not available to the retiree, will automatically be discontinued concurrently with the commencement of retirement status.

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

(d) Surviving dependents. A surviving spouse and dependents of a deceased employee who, at the time of death, met the age and service requirements to qualify for a retirement benefit or survivor's annuity and who met the Program eligibility requirements in accordance with the Act [at the time of death and a surviving spouse and dependents of a retiree] may continue coverage as provided in §81.5(e) of this title (relating to Eligibility). A surviving spouse and dependents of a deceased retiree may continue coverage as provided in §81.5(e) of this title (relating to Eligibility). A surviving spouse, who is receiving an annuity, shall make premium payments by deductions from the annuity as provided in §81.3(d)(2)(A) of this title (relating to Administration). A surviving spouse, who is not receiving an annuity, may make [quarterly] payments as provided in §81.3(d)(2)(B) of this title (relating to Administration). The surviving spouse must apply to continue coverage for himself or herself and dependents within 30 days after notification in writing of eligibility to make application.

(e)-(h) (No change.)

(i) Continuing coverage in special circumstances.

(1) A terminating employee is eligible to continue coverage through the last day of the month in which employment is terminated.

(2) An employee in a leave without pay status may continue the types and amounts of health, [and] life and dental coverages [coverage] in effect on the date the employee entered that status for a maximum period of up to 12 months. The maximum period may be extended for up to 12 additional months for a total of 24 continuous months, provided the extension is certified by the department to be for educational purposes. During this period, the employee may not change coverage except that, employees in a leave without pay status may: add new dependents, including newborns; reduce or cancel coverage; and make such coverage changes as are permitted during the annual limited enrollment period as described in subsection (f)(7) of this section. Disability income coverage for an employee in a leave without pay status will be suspended beginning on the first day of the month in which the employee enters the leave without pay status and continuing for those months in which the employee remains in that status. Suspended disability income coverage for an employee returning to active duty from a

leave without pay status will be reactivated effective on the first day the employee returns to active duty if the entire period of unpaid leave was certified by the agency as approved leave without pay.

(3)-(4) (No change.)

(5) Continuation of health and dental coverage benefits for a surviving spouse and/or dependent child/children of a deceased employee or retiree. The surviving spouse and/or dependent child/children of a deceased employee/retiree, who, in accordance with §81.5(j) (1) of this title (relating to Eligibility), elects to continue [health] coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing [health] coverage will begin on the first day of the month following the month in which the employee/retiree dies, provided all group insurance premiums due for the month in which the employee/retiree died and for the election/enrollment period have been paid in full.

(6) Continuation of health and dental coverage benefits for a covered employee whose employment has been terminated, voluntarily or involuntarily. A terminated employee, his or her spouse and/or dependent child/children, who, in accordance with §81.5(j)(2) of this title (relating to Eligibility), elects to continue health and dental coverages [coverage] may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing [health] coverage will begin on the first day of the month following the month in which the covered employee terminates employment, provided all group insurance premiums due for the month in which the employee terminates and for the election/enrollment period have been paid in full.

(7) Continuation of health and dental coverage benefits for a spouse who is divorced from an employee/retiree and/or the spouse's dependent child/children. The divorced spouse and/or the spouse's dependent child/children (not provided for by §81.5(a) of this title (relating to Eligibility)) of an employee/retiree who, in accordance with §81.5(j)(4) of this title (relating to Eligibility), elects to continue [health] coverage may do so by submitting the required election notification and enrollment forms

to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing [health] coverage will begin on the first day of the month following the month in which the divorce decree is signed, provided all group insurance premiums due for the month in which the divorce decree is signed and for the election/enrollment period have been paid in full.

(8) Continuation of health and dental coverage benefits for a dependent child under 25 years of age who marries. A dependent child under 25 years of age who marries and who, in accordance with §81.5(j)(5) of this title (relating to Eligibility), elects to continue [health] coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing [health] coverage will begin on the first day of the month following the month in which the dependent child's marriage occurred, provided all group insurance premiums due for the month in which the dependent child's marriage occurred and for the election/enrollment period have been paid in full.

(9) Continuation of health and dental coverage benefits for a dependent child who has attained 25 years of age. A 25-year-old dependent child (not provided for by §81.5(d) of this title (relating to Eligibility)) of an employee/retiree who, in accordance with §81.5(j)(6) of this title (relating to Eligibility), elects to continue [health] coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing [health] coverage will begin on the first day of the month following the month in which the dependent child of the employee/retiree attains 25 years of age, provided all group insurance premiums due for the month in which the dependent child attained age 25 and for the election/enrollment period have been paid in full.

(10) Extension of continuation of health and dental coverages [coverage] for certain spouses and/or dependent child/children of former employees who are continuing [health] coverage under the provisions of paragraph (6) of this subsection.

(A)-(D) (No change.)

(11) Continuation coverage defined. Continuation coverage as provided for in paragraphs (5)-(10) of this subsection means the continuation of only health and dental coverage benefits which meet the following requirements:

(A) Type of benefit coverage. The coverage shall consist of only the health and dental coverages [coverage], which, as of the time the coverage is being provided, are [is] identical to the health and dental coverages [coverage] provided for a similarly situated person for whom a cessation of coverage event has not occurred.

(B) (No change.)

(C) Premium requirements. The premium for a participant during the continuation [of health] coverage period will be 102% of the employee's/retiree's health and dental coverages [coverage] only rate and is payable as provided in §81.3(d)(2)(B)(ii) of this title (relating to Administration).

(i) The premium for a participant eligible for 36 months of coverage will be 102% of the employee's/retiree's health and dental coverages [coverage] only rate for the 19th through 36th months of coverage and is payable as provided in §81.3(d)(2)(B)(ii) of this title (relating to Administration).

(ii) The premium for a participant eligible for 29 months of coverage will be 150% of the employee's/retiree's health and dental coverages [coverage] only rate for the 19th through 29th months of coverage and is payable as provided in §81.3(d)(2)(B)(iii) of this title (relating to Administration).

(D) No requirement of insurability. No evidence of insurability is required for a participant who elects to continue [health] coverage under the provisions of §81.5(j)(1)-(6) of this title (relating to Eligibility).

(E) Conversion option. An option to enroll under the conversion plan available to employees/retirees is also available to a participant who continues health and dental coverages [coverage] for the maximum period as provided in paragraph (11)(B) (i)-(iii) of this section. The conversion notice will be provided to a participant during the 180-day period immediately preceding the end of the continuation period.

§81.11. Termination of Coverage.

(a) Cancellation of coverage.

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

(4) Coverage shall be canceled for non-payment of premium if a premium is not paid within 30 [10] days of the date payment is due. Coverage will be canceled[,] effective the last day of the month for which timely payment was made.

(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 February 13, 1992.

TRD-9202317

Charles D. Travis
Executive Director
Employees Retirement
System of Texas

Earliest possible date of adoption: March 23, 1992

For further information, please call: (512) 867-3336

Chapter 85. Flexible Benefits

• 34 TAC §§85.1, 85.3, 85.5, 85.7, 85.9, 85.15, 85.19

The Employees Retirement System of Texas proposes amendments to §§85.1, 85.3, 85.7, 85.9, 85.13, 85.15, and new 85.19, concerning definitions, eligibility and participation, benefits, enrollment, payment of claims from reimbursements accounts, funding, termination and amendment of plan, and termination of coverage in order to implement legislation for employees of institutions of higher education to participate in the flexible benefits program, and a new section-termination of coverage.

William S. Nail, general counsel, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Nail also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that these proposed sections will implement legislation whereby employees of institutions of higher education may participate in the flexible benefits program. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to William S. Nail, General Counsel, P.O. Box 13207, Austin, Texas 78711-3207.

The amendments and new section are proposed under the Texas Insurance Code, §4(k), 3.50-2, which provides the Employees Retirement System of Texas with the authority to promulgate all rules and regulations

necessary to implement and to administer a Flexible Benefits (Cafeteria Plan) Program for state employees.

§85.1. Introduction and Definitions.

(a) Summary. The purpose of these rules is to govern the Flexible Benefits Program. The flexible benefits plan (the plan) includes reimbursement account arrangements with optional benefits available for selection by participants and an optional premium conversion plan as described in the plan and these rules. The plan is intended to be qualified under the Internal Revenue Code (the Code), §125, as amended from time to time, and is intended to continue as long as it qualifies under §125 and is advantageous to the state and state and institutions of higher education employees. Optional benefits offered under the plan for individual selection consist only of a choice between cash and certain statutory nontaxable fringe benefits as defined in the Code, §125, and regulations promulgated under the Code, §125.

(b) Applicability of rules.

(1) These rules are applicable only to employees of the State of Texas, institutions of higher education as defined in these rules, and terminated employees, as described in §85.3(c)(1)(B) and (C), who may continue to file claims for eligible expenses incurred within the eligible employee's period of coverage in the plan year to exhaust account balances].

(2) (No change.)

(c) Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise, and wherever appropriate, the singular includes the plural, the plural includes the singular, and the use of any gender includes the other gender.

(1) (No change.)

(2) Account—A record keeping account established by [on the books of] the Employees Retirement System of Texas in the name of each participant for the purpose of accounting for contributions made to the account and benefits paid to [for] a participant.

(3) Active duty—The expenditure of time and energy in the service of the State of Texas or institution of higher education as defined in these rules. An employee will be considered to be on active duty on each day of a regular paid vacation or on a non-work day, on which the employee is not disabled, if the employee was on active duty on the last preceding work day.

(4) Board of Trustees—The Board of Trustees of the Employees Retirement System of Texas [ERS] [persons appointed or elected under Texas Civil Statutes, Title 110B, Chapter 25, Subchapter A, to administer the Employees Retirement System of Texas].

(5)-(9) (No change.)

(10) Dependent care expenses—expenses incurred by a participant which:

(A) Are incurred for the care of a dependent of the participant [or for related household services];

(B)-(C) (No change.)

(11)-(12) (No change.)

(13) Eligible Employee—An employee of the State of Texas or institution of higher education who has satisfied the conditions for eligibility to participate in the plan in accordance with the plan and §85.3(a)(1), (b)(1), and (c)(1) of this title (relating to Eligibility and Participation), and, to the extent necessary, a retired or terminated employee who is entitled to benefit payments under the plan.

(14) Employee—A person who is employed by the State of Texas, its agencies, commissions, institutions of higher education, or departments and who is eligible to participate in the Uniform Group Insurance Program.

(15) Employer—The State of Texas, its agencies, commissions, institutions of higher education, and departments.

(16)-(17) (No change.)

(18) Extended sick leave without pay—The status of an employee who is certified monthly by an agency or institution of higher education administrator to be absent from duty as a result of a disabling condition which prevents the employee from performing the employee's usual duties and who has not received a of retirement contributions based upon the most recent term of employment.

(19)-(22) (No change.)

(23) Institution of higher education—All public community/junior college or senior college or university, or any other agency of higher education within the meaning and jurisdiction of the Education Code, Chapter 61, except the University of Texas System and the Texas A&M University System. The term does not include Texas Tech University and the University of Houston Systems, unless either of these entities elects to participate in the Uniform Group Insurance Program.

(24)[(23)] Insurance Premium Expenses—Any expenses incurred by a participant, or by a spouse or dependent of

such participant, as payment for the amount of insurance premium expense that exceeds the state's or institution's contributions [contribution] offered as an employee benefit by the employer. The types of insurance expense covered by the plan includes out-of-pocket expense for group term life [insurance], health [insurance] (including HMO premiums), accidental death and dismemberment insurance], dental and long and short term disability [insurance], but does not include out-of-pocket expense for dependent term life [insurance].

(25)[(24)] Leave of absence without pay—The status of an employee who is certified monthly by an agency or institution of higher education administrator to be absent from duty [for a reason other than being disabled] and who has not received a refund of retirement contributions based upon the most recent term of employment.

(26)(25)] Option—Any specific benefit offering under the plan.

(27)[(26)] Participant—An eligible employee who has elected to participate in the plan for a period of coverage.

(28)[(27)] Period of coverage—The plan year during which coverage of benefits under the plan is available to and elected by a participant; however, an employee who becomes eligible to participate during the plan year may elect to participate for a period lasting until the end of the current plan year. In such case, the interval commencing on such employee's entry date and ending as of the last day of the current period of coverage shall be deemed to be such participant's period of coverage.

(29)[(28)] Plan—The flexible benefits plan established and adopted by the board of trustees pursuant to the laws of the State of Texas and any amendments which may be made to the plan from time to time. The plan is sometimes referred to herein as TexFlex.

(30)[(29)] Plan administrator—The board of trustees of the Employees Retirement System of Texas or its designee.

(31)[(30)] Plan year—A 12-month period beginning September 1 and ending August 31.

(32)[(31)] Premium conversion account—The bookkeeping account maintained by the Employees Retirement System of Texas used for crediting contributions to the account and accounting for benefit payments from the account.

(33)[(32)] Premium conversion plan—A separate plan, under the Code, §79 and §106, adopted by the board of trustees and designed to provide premium conversion as described in §85.5(b) of this title (relating to Benefits).

(34)[(33)] Statutory nontaxable benefit—A benefit provided to a participant under the plan, which is not includable in the participant's gross income by reason of a specific provision in the Code and is permissible under the plan in accordance with the Code, §125.

(35)[(34)] Spouse—The person to whom the participant is married. Spouse does not include a person separated from the participant under a decree of divorce.

(36)[(35)] TexFlex—The flexible benefits plan adopted by the board of trustees.

(37)[(36)] TexFlex election form—A form provided by the Employees Retirement System of Texas that is a written agreement by and between the employer and the participant, entered into prior to an applicable period of coverage, in which the participant agrees to a reduction in compensation for purposes of purchasing benefits under the plan.

(38)[(37)] Uniform Group Insurance Program—The employee insurance benefits program administered by the Employees Retirement System of Texas, pursuant to the Texas Insurance Code, Article 3.50-2. The program consists of health, voluntary accidental death and dismemberment, optional term life, dependent term life, [and] short and long term disability, and dental insurance coverages.

§85.3. Eligibility and Participation.

(a) Premium conversion.

(1) Eligibility. Any employee participating in the Uniform Group Insurance Program under the Texas Insurance Code, Article 3.50-2, who has insurance premium expenses, which exceed the state's and institution's contribution for insurance, shall be automatically enrolled [may elect to participate] in the premium conversion plan, unless the employee elects not to participate.

(2) Participation.

(A) An employee who is eligible under subsection (a)(1) of this section may elect not to participate in premium conversion by completing and submitting a TexFlex election form during the annual enrollment period or within 30 days from the first active duty date [in a manner consistent with the Uniform Group Insurance Program rules].

(B) An employee who, prior to the beginning of a plan year or within 30 days from the first active duty date, makes an application to increase insurance coverage under the Uniform Group Insurance Program, the premium for which will ex-

ceed the State of Texas' and the institution's [Employees Retirement System of Texas'] total contributions for premium costs, may elect not to participate in premium conversion by completing and submitting a TexFlex election form during the annual enrollment period or within 30 days from the first active duty date [in a manner consistent with the Uniform Group Insurance Program rules].

(C) An employee who is otherwise eligible to participate in the Uniform Group Insurance Program but who did not decline [declined] participation in premium conversion prior to the beginning of a plan year or who elected to participate and [, but] who has a change in family status as defined in §85.7(c)(1)(A) of this chapter (relating to Enrollment) after the beginning of the plan year, may elect not to participate in premium conversion, if the change is consistent with the change in family status, by completing and submitting a TexFlex election form within 30 days from the date the family status change occurs [in a manner consistent with the Uniform Group Insurance Program rules].

(D) Annual enrollment period.

(i) Eligible active employees will have [be given] an opportunity to decline enrollment [enroll] or change benefit options during the annual enrollment period. The annual enrollment period will be prior to the beginning of a new plan year.

(ii) Employees on approved leave of absence or extended sick leave without pay on the first day of a new plan year [during the annual enrollment period] will be provided an opportunity to decline enrollment [enroll] or to change benefit options within the first 30 days after return to active duty.

(3) Duration of participation.

(A) An employee's election to [participate] or not to [waive] participate [participation] in the premium conversion plan shall be irrevocable for [during] the plan year, unless there is a change in family status as defined in §85.7(c)(1)(A) of this title (relating to Enrollment) and the change is consistent with the event.

(B) A terminated employee returning to state or institution of higher education employment or an employee returning to active duty from an approved leave of absence without pay, or transferring from one state agency or institution to another or between a state agency and institution of higher education as defined

in these rules, within the same plan year, may not change and shall retain for the remainder of the plan year, the elections in existence on the participant's last active duty date.

(C) An employee who continues to remain eligible [elects] to participate in premium conversion shall be automatically enrolled [re-enrolled] for subsequent plan years unless the employee specifically declines participation in writing during the annual enrollment period or under the change in family status rules.

(D) An employee who is ineligible to participate or who is eligible and elects not to participate in premium conversion and who becomes or remains eligible to participate in a [must, to re-establish participation in] subsequent plan year [years], and who wish to continue to decline participation must execute a new TexFlex election form [salary reduction agreement] annually during the annual enrollment period or under the change in family status rules.

(4) Effects on ability to change insurance coverage. An employee participating in the premium conversion plan may not change uniform group insurance coverages during the plan year, unless there is a change in family status and the change is consistent with the event.

(b) Dependent care reimbursement plans.

(1) Eligibility. Any employee eligible to participate in the Uniform Group Insurance Program, except seasonal and temporary employees and graduate students, may elect to participate in the dependent care reimbursement plan. For plan year 1993 only, beginning September 1, 1992, those graduate students in institutions of higher education who have a dependent care account on August 31, 1992, are exempt from this rule.

(2) Participation.

(A)-(C) (No change.)

(D) Annual enrollment period.

(i) Eligible active employees will have [be given] an opportunity to enroll or change benefit options during the annual enrollment period. The annual enrollment period will be prior to the beginning of a new plan year.

(ii) Employees on approved leave of absence or extended sick leave without pay on the first day of a new plan year [during the annual enrollment period] will be provided [granted] an op-

portunity to enroll or to change benefit options within the first 30 days after return to active duty.

(3) Duration of participation.

(A) An employee's election to participate or to waive participation in the dependent care reimbursement plan shall be irrevocable for [during] the plan year unless there is a change in family status as defined in §85.7(c)(1)(C) of this title (relating to Enrollment).

(B) A terminated employee returning to state or institution of higher education employment or an employee returning to active duty from an approved leave of absence without pay, or transferring from one state agency or institution to another or between an agency and an institution of higher education as defined by these rules, within the same plan year, may not change and shall retain for the remainder of the plan year, the election in existence on the participant's last active duty date.

(c) Health care reimbursement plan.

(1) Eligibility.

(A) Any employee eligible to participate in the Uniform Group Insurance Program, except seasonal and temporary employees and graduate students, who has completed six continuous months of full-time State of Texas or an institution of higher education, as defined in these rules, employment and who is classified as a full-time regular employee on September 1 of a new [the] plan year or after the start of a plan year, may elect to participate in a health care reimbursement account. For plan year 1993 only, beginning September 1, 1992, those graduate students in institutions of higher education who have a health care account on August 31, 1992, are exempt from this rule.

(B) An employee whose employment has been terminated, voluntarily or involuntarily [(other than for gross misconduct)], and who had a health care reimbursement account at the time of termination, must retain the health care reimbursement account for the applicable period of coverage. In addition, such a terminated employee may elect to enroll in a health care reimbursement account continuation coverage for the period as provided in the Public Health Service Act. A formal continuation coverage notification on a TexFlex election form provided by the Employees Retirement System of Texas must be completed and returned to the Employees Retirement System of Texas within 60 days from the date coverage is lost. Eligibil-

ity to participate is contingent upon pre-payment, on a monthly or annual basis, [payment] of the elected [election] amount, plus a 2.0% service charge on the elected amount, and the administrative fee [on a monthly basis] for [the remainder of] the plan year. Payments are due on the first day [first] of each month and must be received no later than the 30th day of the month. Failure to pay will automatically cancel enrollment and future eligibility.

(C) An employee whose employment has been terminated, voluntarily or involuntarily [(other than for gross misconduct)] except for those persons not eligible pursuant to subparagraph (A) of this paragraph and who has health insurance continuation coverage under the Public Health Services Act on September 1, may elect to participate in a health care reimbursement account during annual enrollment. A formal election must be made on a TexFlex election form prior to the beginning of a new plan year. Eligibility to participate is contingent upon pre-payment, on a monthly or annual basis, [payment] of the elected amount, plus a 2.0% service charge on the elected amount, plus the administrative fee [on a monthly] for the plan year. Payments are due on the first day [first] of each month and must be received no later than the 30th day of the month. Failure to pay will automatically cancel enrollment and future eligibility.

(2) Participation.

(A) An employee who is eligible under paragraph (1)(A) and (C) of this subsection may elect to participate by completing and submitting a TexFlex election form during the annual enrollment period [, prior to the beginning of a new plan year] or upon becoming eligible after the start of a new plan year. The effective date of the election will be September 1 of the plan year or the first day of the month following the date of eligibility, unless the eligibility date is the first day of the month and the employee makes an election on the first day of the month.

(B) (No change.)

(C) A new hire [on or after March 2,] after the start [prior to the beginning] of a new plan year, who meets the eligibility requirements under paragraph (1)(A) of this subsection, may elect to participate in a health care reimbursement account prospectively for the remainder of the plan year.

(D) A change in family status, as defined in §85.7(c)(1)(B) of this title (relating to Enrollment) will permit an in-

crease in the election amount during the plan year. A TexFlex election form must be submitted within 30 days from the date the change in family status event occurs. The effective date of change will be the first day of the following month, unless the change occurs on the first day of the month and the employee completes a TexFlex election form on the first day [first] of the month and designates that to be the effective date.

(E) Eligible active employees and terminated employees with continuation health coverage under the Public Health Service Act on September 1, and terminated employees with a health care reimbursement account on August 31 [prior to the beginning of a new plan year] will be eligible to enroll or to change benefit options during the annual enrollment period. The annual enrollment period will be prior to the beginning of a new plan year. Employees on approved leave of absence without pay during the annual enrollment period who return to work after the start of a new plan year, and who meet the eligibility requirement under paragraph (1)(A) of this subsection will have 30 days from the eligibility date to enroll.

(3) Duration of participation.

(A) An active or terminated employee's election to or not to participate [waive participation] in a health care reimbursement account shall be irrevocable for the plan year.

[(B) An active or terminated employee's election to participate in the health care reimbursement account shall be irrevocable for the plan year, unless there is an eligible change in family status as defined in §85.7(c)(1)(B) of this title (relating to Enrollment)].

(B)[(C)] An employee returning to active duty from an approved leave of absence without pay or transferring from one state agency or institution of higher education to another or between an agency and an institution of higher education as defined in these rules, within the same plan year, must retain the election in existence on the last active duty date or the date of transfer for the remainder of the plan year.

(C)[(D)] An employee who is enrolled in a health care reimbursement account who terminates employment during the plan year [at the time of termination] must retain the health care account for the remainder of the plan year and [by] prepay premiums or make monthly premium payments due for the remainder of the plan year [continuing to contribute

after-tax dollars on a monthly basis], as described paragraph (1)(B) of this subsection.

§85.5. Benefits.

- (a) (No change.)
- (b) Premium conversion plan.

(1) Pursuant to the premium conversion plan, a participant may elect not to pay certain insurance premium expenses for health, disability, accidental death and dismemberment, dental, and group term life [insurance premiums] with pre-tax [rather than after-tax] dollars. The plan is intended to be qualified under the Code, §79 and §106, and is an optional benefit under the flexible benefits plan.

- (2) (No change.)

(c) Health care reimbursement plan.

- (1) (No change.)

- (2) Maximum benefit available.

Subject to the limitations set forth in these rules and in the plan, to avoid discrimination, the maximum amount of flexible benefit dollars which a participant may receive in any plan year for health care expenses under the health care reimbursement plan is \$2,400. In no event shall the monthly maximum salary reduction amount, exclusive of administrative fees, exceed \$200 per month, except an employee may prepay the health care election amounts for the remainder of the plan year by accelerating payroll deductions prior to or in anticipation of going on leave without pay or terminating (including retirement) employment or an employee who is classified as a nine-month faculty and who elects to receive annual compensation in nine months must redirect the annual election amount in nine equal monthly amounts.

(d) Dependent care reimbursement plan.

- (1) (No change.)

- (2) Maximum benefit available.

(A) Subject to any limitations imposed by these rules and the plan, to avoid discrimination, the maximum amount which a participant may receive in any plan year in the form of payment of or reimbursement for dependent care expenses under the dependent care reimbursement plan, is the lesser of:

- (i)-(ii) (No change.)

(iii) \$5,000. (\$2,500 in the case of a married employee who files a separate federal income tax return.) In no event shall the monthly maximum salary reduction amount, exclusive of administra-

tive fees, exceed \$416 or \$208 in the case of a married participant who files a separate federal income tax return, except an employee who is classified as a nine-month faculty who elects to receive annual compensation in nine months may redirect the annual election amount in nine equal monthly amounts.

- (B) (No change.)

§85.7. Enrollment.

- (a) Election of Benefits.

(1) An eligible active duty or terminated employee may elect to or not to participate in the flexible benefits plan by making an election and executing a TexFlex election form prior to the first day of an applicable period of coverage.

(2) An employee who becomes eligible after the beginning of a plan year has 30 days from the date of eligibility to elect or decline benefits by executing [and execute] a TexFlex election form.

(3) By executing a TexFlex election form, the participant agrees to a reduction in compensation or agrees to after-tax payments equal to the participant's share of the cost and any fees for each reimbursement account [optional benefit] selected.

(4) An election to participate in a reimbursement plan must be for a specified dollar amount plus the administrative fee and for eligible terminated employees an additional 2.0% service charge on the elected amount for continuation coverage authorized under the Public Health Service Act.

(5) An annual enrollment period will be designated by the Employees Retirement System of Texas and will be prior to the beginning of a new [the next] plan year. The annual enrollment period will provide active duty employees and eligible terminated employees with continuation coverage under the Public Health Service Act with an opportunity to change and to elect or decline benefit options.

- (b) Effects of failure to elect.

(1) If the Employees Retirement System of Texas does not receive a TexFlex election form from [for] an eligible employee to participate in the reimbursement accounts by the due date, it shall be deemed an express election and informed consent by the eligible employee to receive cash compensation as a benefit by reason of failure to purchase optional benefits in lieu of cash compensation. If the Employees Retirement System of Texas does not receive a TexFlex election form from an eligible employee electing not to participate in premium conversion by the due

date, it shall be deemed an express election and informed consent by the eligible employee to purchase optional benefits in lieu of cash compensation.

- (2) (No change.)

(c) Benefit election irrevocable except for change in family status.

(1) An election to participate shall be irrevocable for [during] the plan year unless an eligible [a] change in family status occurs [has occurred]. The allowable change in election must be consistent with the change in family status event. Documentation, as prescribed by the plan administrator, must be submitted in support of the change in family status event.

- (A)-(B) (No change.)

(C) Dependent care reimbursement plan. A change in family status includes marriage; divorce; death of spouse, dependent, or loss of legal custody; birth, adoption, or gaining custody of a child; termination or gaining of employment by a spouse; change from full-time to part-time or part-time to full-time employment status by employee or spouse. An eligible change in family status permits a participant to change the election or to increase or decrease the election amount consistent with the change in family status event.

(2) A request to change election may not be made following a pay increase or decrease, pay shortage, paid leave, transfer to new agency, institution or location within the same plan year, return to state or institution employment from leave with or without pay within the same plan year, financial hardship, loss of eligibility for health coverage by a health maintenance organization, or change in day care provider.

(3) Employees who qualify to change elections, subject to other Uniform Group Insurance Program provisions, may add coverage, drop coverage, change coverage. Changes will apply prospectively for the remainder of the plan year unless a subsequent family status change occurs during the plan year.

(4) The TexFlex election form requesting a change in coverage must be submitted [completed] within 30 days from the date the [a] change in family status event occurs.

(d) Payment of flexible benefit dollars.

(1) Flexible benefit dollars from an active duty participants shall be recovered by the State of Texas or institution of higher education through payroll withholding at least monthly during the plan year and remitted by the State of Texas or Insti-

tution of higher education to the Employees Retirement System of Texas for the purpose of purchasing benefits. For the health care reimbursement account only, flexible benefit dollars from employees on leave without pay status or who have insufficient funds for any month shall be recovered through direct after-tax payment from the participant or upon the return of the employee to active duty status from payroll withholding [within the same plan year], for the total amount due. Terminated or leave without pay employees with health care reimbursement account continuation coverage shall remit after-tax dollars, on a monthly basis, directly to the Employees Retirement System of Texas for the plan year.

(2) (No change.)

(3) Flexible benefit dollars recovered by the State of Texas, institution of higher education, or from participants and received by the Employees Retirement System of Texas shall be credited to the participant's dependent care reimbursement account, health care reimbursement account, and/or [to] premium conversion account, as appropriate.

(e) (No change.)

(f)-(g) (No change.)

§85.9. Payment of Claims from Reimbursement Accounts.

(a) Claim for reimbursement.

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

(3) Expenses incurred prior to becoming a participant or after the last day of a plan year, August 31, shall not be covered by this plan. A terminated participant may continue to file claims for eligible expenses incurred during the [eligible] employee's period of coverage within the plan year to exhaust reimbursement account balances no later than December 31 following the close of the plan year.

(4) Claims shall be submitted on forms provided by the Employees Retirement System of Texas, accompanied by such bills, [cancelled checks,] receipts, or other proof of incurring the expense as the plan administrator may require.

(5)-(6) (No change.)

(b) Reimbursement of participants.

(1) Payment of eligible expenses shall be made directly to the participant by the plan administrator. A participant may request payment of a dependent care reimbursement plan claim be made directly to a child care provider [instead of to the participant].

(2)-(5) (No change.)

(c) Statements. On or before January 31 of each year, the plan administrator or its agent shall furnish to each dependent

care reimbursement plan participant a statement of account as of the end of the previous calendar [plan] year.

(d) Participant's responsibility.

(1) (No change.)

(2) A health care reimbursement account participant who goes on leave without pay or has insufficient funds during the plan year is liable for the monthly health care election amount and must pay for it with after-tax dollars. Should the participant fail to contribute to the account with after-tax dollars, upon the participant's return to active duty [within the same plan year], payroll deduction will be required to recover the election [redirected] amount due.

§85.13. Funding.

(a) (No change.)

(b) Contributions.

(1) Contributions to the flexible benefits plan by active duty employees may be made only through payroll salary reduction. An employee who elects to participate in the health care and dependent care reimbursement plans must authorize in writing, on a TexFlex election form, the exact amount of salary reduction [from his monthly compensation], in addition to the monthly administrative fee.

(2)-(6) (No change.)

§85.15. Termination and Amendment of Plan.

(a) Termination of plan. The plan is intended to be permanent; however, it may be terminated if the board of trustees determines that the plan is no longer advantageous to the state or state and institution of higher education employees. In such case, the board of trustees may adopt an order terminating the plan and providing a procedure for the orderly withdrawal of the state and its employees from the Flexible Benefits Program.

(b) (No change.)

§85.19. Termination of Coverage.

(a) Expulsion from the Flexible Benefits Program. The plan administrator may expel any person from the Flexible Benefits Program or any part thereof, who submits a fraudulent claim or otherwise defrauds or attempts to defraud any plan of benefits under the program for up to five full plan years.

(b) Indebtedness to the Flexible Benefits Program. The plan administrator may deny participation in the Flexible Benefits Program or any part thereof to any person who is indebted to the program from prior enrollments or who has otherwise

failed to fulfill contractual agreements. Any person denied participation in the Flexible Benefits Program or any part thereof due to indebtedness to the Flexible Benefits Program or failure to fulfill contractual obligations to the program must repay all outstanding indebtedness or otherwise fulfill contractual obligations to the program prior to being permitted to once again participate in the Flexible Benefits Program. A person who has repaid the indebtedness to the program may resume participation in the Flexible Benefits Program two full plan years from the date the indebtedness is repaid.

(c) Grievances. Any person with a grievance concerning action taken under this section may submit a grievance in accordance with §85.17(b) of this title (relating to Grievance Procedure). During a hearing involving subsection (a) of this section, the standard of proof requiring a finding against the participant shall be the preponderance of evidence.

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

Issued in Austin, Texas, on February 14, 1992.

TRD-9202318

Charles D. Travis
Executive Director
Employees Retirement
System of Texas

Earliest possible date of adoption: March 23, 1992

For further information, please call: (512) 867-3336

◆ ◆ ◆
**TITLE 37. PUBLIC
SAFETY AND CORREC-
TIONS**

**Part I. Texas Department
of Public Safety**

**Chapter 1. Organization and
Administration**

**Personnel and Employment
Policies**

• **37 TAC §1.28**

The Texas Department of Public Safety proposes an amendment to §1.28 concerning fingerprinting. The Identification and Criminal Records Division has been renamed Crime Records Division. The amendment revises the division name to be appropriately identified in the department organization.

Melvin C. Peebles, assistant chief of fiscal affairs, 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.

David Gavin, chief of crime records division, 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 ensure the public is aware of the current organizational names of the various divisions of the department. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The amendment is proposed under the Texas Government Code, §411.004, which provides the Public Safety Commission with authority to organize the department and supervise its operation. Rulemaking authority is granted in this section.

§1.28. Fingerprinting. All applicants who are appointed to positions in the Department must be fingerprinted and cleared through the Crime [Fingerprint and Criminal] Records Division before being placed on the payroll.

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

Issued in Austin, Texas, on February 10, 1992.

TRD-9202275 James R. Wilson
Director
Texas Department of
Public Safety

Earliest possible date of adoption: March 23, 1992

For further information, please call: (512) 465-2000



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part VI. Texas Commission for the Deaf and Hearing Impaired

Chapter 183. Board for Evaluation of Interpreters and Interpreter Certification

• 40 TAC §183.3

The Texas Commission for the Deaf and Hearing Impaired proposes an amendment to §183.3, concerning board organizations. The proposal amends paragraph (1) of the section, making a member of the board who has completed a full three-year term eligible for reappointment for another three-year term. A member who has completed two full terms shall not be reappointed for a period of at least one year. A member completing an unexpired term is eligible immediately for reappointment to two full terms.

Carla Stephenson, acting supervisor, 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. Stephenson 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 more experienced advisory board members, less vacancies and turnover, more consistency in procedures, less training of new members. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Billy Collins, Direct Services, Texas Commission for the Deaf and Hearing Impaired, P.O. Box 12904, Austin, Texas 78711-2904.

The amendment is proposed under the Texas Human Resources Code, Chapter 81, §81.006 which provides the commission with the authority to adopt such rules.

§183.3. Board Organizations. The board is organized as a unit under the Texas Commission for the Deaf, and operates according to policies approved by the commission. The board's decision-making process is independent of the administrative staff of the commission.

(1) Term of members. At the expiration of the term of each member, the commission [Texas Commission for the Deaf] shall appoint a successor for a term of three years. A member of the board who is appointed for a full three-year term is eligible [ineligible] for reappointment for a second consecutive term. A member who has completed two full terms shall not be reappointed for a period of at least one year. [period of three years following the expiration of that term.] The commission shall fill any declared vacancies for the length of the unexpired term. A member of the board who is appointed to fill an unexpired term may still be appointed consecutively to two full terms. Announcement of vacancies on the board will be published in the *Texas Register*, nominations or applications may be filed with the commission in response to the announcements.

(2)-(8) (No change.)

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

Issued in Austin, Texas, on February 12, 1992.

TRD-9202294 Carla Stephenson
Acting Supervisor
Texas Commission for the
Deaf and Hearing
Impaired

Earliest possible date of adoption: March 23, 1992

For further information, please call: (512) 444-3323



Texas Department 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 5.97, the Texas Register publishes notice of proposed actions by the Texas Board of Insurance. Notice of action proposed under Article 5.96 must be published in the Texas Register not later than the 30th day before the board adopts the proposal. Notice of action proposed under Article 5.97 must be published in the Texas Register not later than the 10th day before the Board of Insurance adopts the proposal. The

Administrative Procedure and Texas Register Act, Article 6252-13a, Texas Civil Statutes, does not apply to board action under Articles 5.96 and 5.97.

The complete text of the proposal summarized here may be examined in the offices of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104.)

The State Board of Insurance, of the Texas Department of Insurance at a board meeting scheduled for Wednesday, March 4, 1992, in

Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a filing by the Prudential Property and Casualty Insurance Company for a new General Endorsement Form CPI 1135 TX (11/91) for the Lender's Collateral Protection Blanket Policy.

The proposed General Endorsement Form CPI 1135 TX (11/91) will allow additional space to list all types of eligible property which would not fit on the declarations page of the Lender's Collateral Protection Blanket

Policy. The endorsement will also provide a means for subsequently amending policy variables found on the declarations page of the Lender's Collateral Protection Blanket Policy. The endorsement can not be used to alter basic policy provisions.

There is no premium charge for this endorsement.

Copies of the full text of the proposed General Endorsement Form CPI 1135 TX (11/91) Form Filing are available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104.

The 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.

Issued in Austin, Texas, on February 14, 1992.

TRD-9202311

Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Filed: February 14, 1992

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



The State Board of Insurance, of the Texas Department of Insurance, at a Board meeting scheduled for Wednesday, March 4, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a filing by American Security Insurance Company for a Form and Rule Revision to the Lender's Collateral Protection Blanket Policy previously approved by Board Order Number 58369 dated May 29, 1991.

The proposed revision will revise Item 4 on the declarations page of the Lender's Collateral Protection Blanket Policy to add a third option for premium reporting basis. The policy currently offers a monthly and quarterly premium reporting basis. The revision will add for an annual basis. In conjunction with this change, this option has been added to rule page 1 under I, E.

There is no rate consequence to this revision.

Copies of the full text of the proposed Lender's Collateral Protection Blanket Policy form and rule revision are available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104.

The 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.

Issued in Austin, Texas, on February 14, 1992

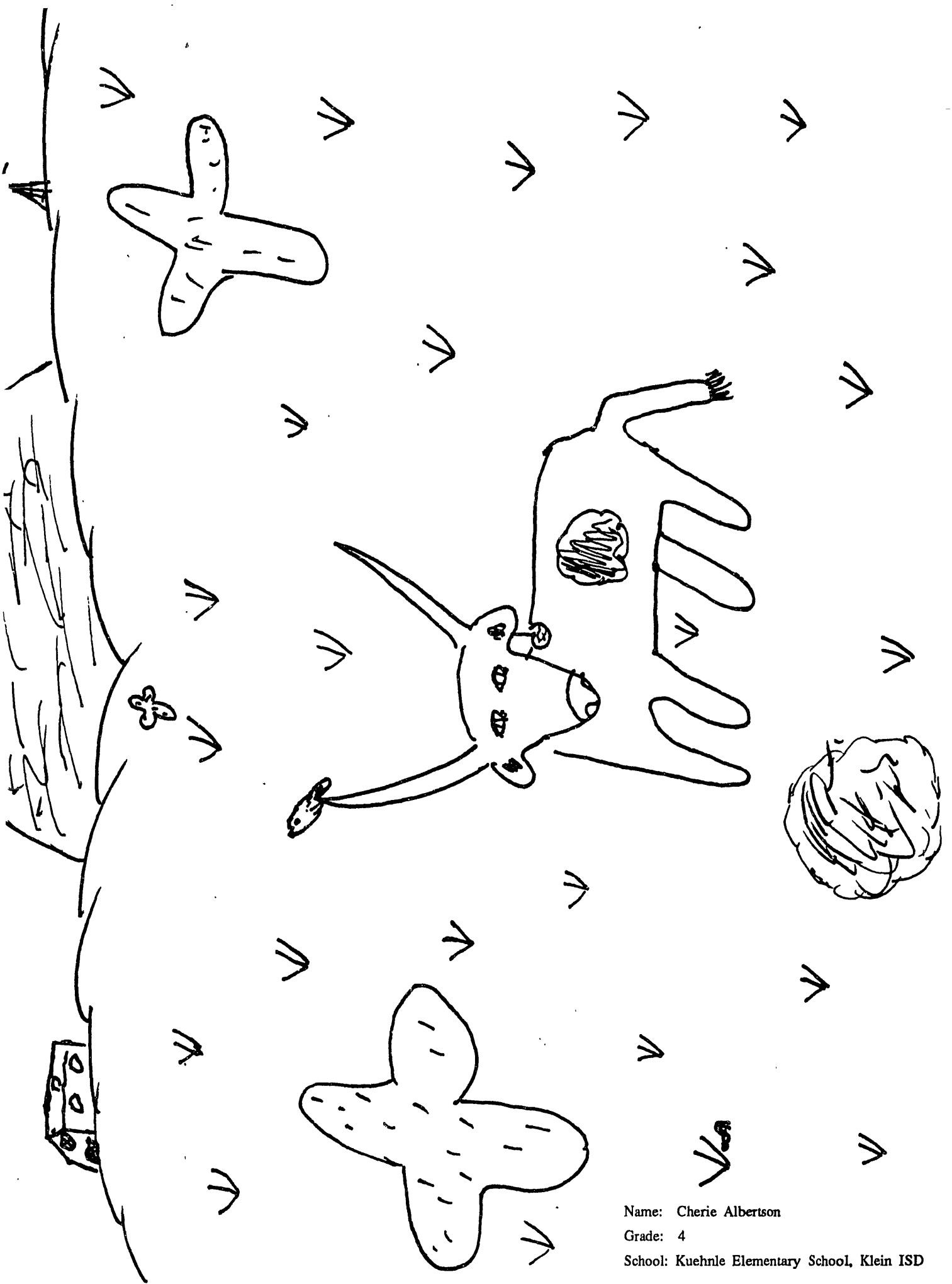
TRD-9202312

Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Filed: February 14, 1992

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





Name: Cherie Albertson

Grade: 4

School: Kuehnle Elementary School, Klein ISD

Adopted Sections

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

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

TITLE 13. CULTURAL RESOURCES

Part II. Texas Historical Commission

Chapter 15. Administration of Federal Programs

• 13 TAC §§15.2, 15.3, 15.6

The Texas Historical Commission adopts amendments to §§15.2, 15.3, and 15.6, without changes to the proposed text as published in the October 25, 1991, issue of the *Texas Register* (16 TexReg 5938).

The Texas Historical Commission adopts previously published proposed rules to follow through with the commission's plan to publish newly formatted, revised, and updated rules in pamphlet form for the benefit of the general public. The new pamphlet will be easy to read and understand and will be readily available to the public at large.

The adopted rules will alleviate any doubts, misconceptions, or confusion on the part of the general public concerning the practices and procedures of the commission. Requirements and guidelines used by commission members and staff in dealing with the general public are clearly stated.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Government Code, §442.005(q), which provides the Texas Historical Commission with the authority to adopt rules as it considers proper for the effective administration of this chapter.

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 San Antonio, Texas, on February 3, 1992.

TRD-9202282
Curtis Tunnell
Executive Director
Texas Historical
Commission

Effective date: March 5, 1992

Proposal publication date: October 25, 1991

For further information, please call: (512) 463-6100



Chapter 21. Museum Services

• 13 TAC §§21.1-21.4

The Texas Historical Commission adopts the repeals of §§21.1-21.4, concerning museum services, without changes to the proposed text as published in the October 25, 1991, issue of the *Texas Register* (16 TexReg 5939).

The sections were repealed because the Department of Museum Services was consolidated with the State Marker Program and named the Local History Programs.

The sections will function under the new program named Local History Programs. The new rules will be printed in a pamphlet and distributed to the public.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Government Code, Chapter 442, which provides the Texas Historical Commission with the authority to adopt rules as it considers proper for the effective administration of this chapter (§442.005(q)).

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 San Antonio, Texas, on February 3, 1992.

TRD-9202281
Curtis Tunnell
Executive Director
Texas Historical
Commission

Effective date: March 5, 1992

Proposal publication date: October 25, 1991

For further information, please call: (512) 463-6100



The Texas Historical Commission adopts new §§21.1-21.4, concerning local history programs, without changes to the proposed text as published in the October 25, 1991, issue of the *Texas Register* (16 TexReg 5940).

The Texas Historical Commission adopts previously published proposed rules to follow through with the commission's plan to publish newly formatted, revised, and updated rules in pamphlet form for the benefit of the general public. The new pamphlet will be easy to read and understand and will be readily available to the public at large.

The adopted rules will alleviate any doubts, misconceptions, or confusion on the part of the general public concerning the practices and procedures of the commission. Requirements and guidelines used by commission members and staff in dealing with the general public are clearly stated.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Government Code, Chapter 442, which provides the Texas Historical Commission with the authority to adopt rules as it considers proper for the effective administration of this chapter (§442.005(q)).

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 San Antonio, Texas, on February 3, 1992.

TRD-9202284
Curtis Tunnell
Executive Director
Texas Historical
Commission

Effective date: March 5, 1992

Proposal publication date: October 25, 1991

For further information, please call: (512) 463-6100



Chapter 23. Publications

• 13 TAC §23.3

The Texas Historical Commission adopts an amendment to §23.3, concerning publications, without changes to the proposed text as published in the September 27, 1991, issue of the *Texas Register* (16 TexReg 5303).

The Texas Historical Commission adopts previously published proposed rules to follow through with the commission's plan to publish newly formatted, revised, and updated rules in pamphlet form for the benefit of the general public. The new pamphlet will be easy to read and understand and will be readily available to the public at large.

The adopted rules will alleviate any doubts, misconceptions, or confusion on the part of the general public concerning the practices and procedures of the commission. Requirements and guidelines used by commission members and staff in dealing with the general public are clearly stated.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Government Code, §442.005(q), which provides the Texas Historical Commission with the authority to adopt rules as it considers proper for the effective administration of this chapter (§442.005(q)).

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 San Antonio, Texas, on February 3, 1992.

TRD-9202283

Curtis Tunnell
Executive Director
Texas Historical
Commission

Effective date: March 5, 1992

Proposal publication date: September 27, 1991

For further information, please call: (512) 463-6100



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 48. Community Care for Aged and Disabled

In-Home and Family Support Program

• 40 TAC §48.2702

The Texas Department of Human Services (DHS) adopts an amendment to §48.2702, concerning the In-Home and Family Support Program, without changes to the proposed text as published in the January 7, 1992, issue of the *Texas Register* (17 TexReg 107).

The justification for the amendment is that applicants will receive services on a first-come, first-served basis.

The amendment will function by allowing applicants to be placed on the IHFSP waiting list

according to the date their application is received by DHS.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

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

Issued in Austin, Texas, on February 14, 1992.

TRD-9202313

Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: March 15, 1992

Proposal publication date: January 7, 1992

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



Open Meetings

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

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

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

Texas Department of Agriculture

Tuesday, February 25, 1992, 10 a.m. The Texas Peanut Producers Board of the Texas Department of Agriculture will meet at the Headquarters of the Texas Peanut Producers Board at Highway 6, West, Gorman. According to the complete agenda, the board will discuss and take action on seed standards, review promotion activities, update on GATT, and other business.

Contact: Mary Webb, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

Filed: February 13, 1992, 2:57 p.m.

TRD-9202288

Thursday, February 27, 1992, 11 a.m. The Texas Soybean Producers Board of the Texas Department of Agriculture will meet at Ramada Hotel, Love Field, Oleader Room at 3232 West Mockingbird Lane, Dallas. According to the complete agenda, the board will discuss minutes, financial report, USB report, research for funding, review and allocation of funds, consider new business-election of officers, and old business-biennial election.

Contact: Trent Roberts, P.O. Box 650290, Dallas, Texas 75265-0290, 1 (800) 247-8691.

Filed: February 13, 1992, 2:57 p.m.

TRD-9202289

Wednesday, March 4, 1992, 9 a.m. The Texas Department of Agriculture will meet at 1700 North Congress, Second Floor, Room 928B, Austin. According to the complete agenda, the board will hold an administrative hearing to review, alleged violation of Texas Agriculture Code Section 76.116 (Vernon 1991) and Texas Administrative Code Section 7.22 by William Zahn, et al.

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

Filed: February 18, 1992, 10 a.m.

TRD-9202427



Texas Alcoholic Beverage Commission

Tuesday, February 25, 1992, 11 a.m. The Texas Alcoholic Beverage Commission will meet at 5806 Mesa, Room 180, Austin. According to the complete agenda, the commission will discuss approval of minutes of the January 28, 1992, meeting; presentation of certificate of service to James L. Steele; hear administrator's and staff reports on agency activity; discuss approval of affidavit of destruction of tested alcoholic beverages; hear public comment; discuss approval of internal audit charter; consider proposing an amendment to Rule 16, TAC 31.1 which would limit the authority of the administrator over certain employees; and discuss status of search for executive director.

Contact: Jeannene Fox, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: February 13, 1992, 4:11 p.m.

TRD-9202308



Texas Commission for the Blind

Friday, February 28, 1992, 10 a.m. The Governing Board of the Texas Commission for the Blind will meet at the Criss Cole Rehabilitation Center, Austin. According to the complete agenda, the board will discuss approval of the minutes of November 18, 1991; executive director's quarterly report on agency activities and discussion; discuss ongoing activities relating to the enactment of House Bill 7 passed during the 72nd Legislature; the need for a client satisfaction and needs survey; the subject of "customer services"; committee reports: legislative; audit; finance; policy; public relations; business enterprises program; discuss and approve: revised "Business Enterprises Program Manual of Operations"; meet in executive session, pursuant to Article 6252-17, Section 2(e) and 2(g), Vernon's Annotated Civil Statutes to discuss person-

nel and pending legal matters; election of vice-chairman (tabled from last meeting); and discuss and approve: part one of the agency's strategic plan.

Contact: Jean Wakefield, 4800 North Lamar Boulevard, Austin, Texas 78756, (512) 459-2601.

Filed: February 14, 1992, 11:01 a.m.

TRD-9202323



Texas Diabetes Council

Friday, February 28, 1992, 9:30 a.m. The Texas Diabetes Council will meet at the Texas Department of Health, 1100 West 49th Street, Room G-107, Austin. According to the complete agenda, the council will approve the minutes of the November 19, 1991 meeting; discuss and possibly act on: chairman's report on staff expansion; lion's sight research project; subcommittee on statewide diabetes eye program; appropriations request/state plan; update on grant sites; final report on fiscal year 1991; appointments to council; conference on diabetes; American Diabetes Association report; and staff report.

Contact: Charlene Laramey, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7534.

Filed: February 14, 1992, 4:28 p.m.

TRD-9202402



Texas Education Agency

Tuesday, February 25, 1992, 8:30 a.m. The State Board of Education Task Force on Professional Preparation and Development of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the complete agenda, the task force will make introductory remarks; presentations to the task force by select individuals or groups; task force meets in committees to review policy direc-

tives, identify needed additions or refinements; reassembles to summarize and identify areas to be reported to the State Board of Education in March by chairman of the task force.

Contact: Richard Swain, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9328.

Filed: February 14, 1992, 1:39 p.m.

TRD-9202351

Thursday-Friday, March 5-6, 1992, 8:30 a.m. The Elementary and Secondary Education Act Chapter 2 Advisory Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-109 on Thursday, and Room 1-104 on Friday, Austin. According to the complete agenda, the committee will review the formula to be used to flow the 80% portion of chapter 2 funds to local school districts; review the status of 1991-1992 discretionary projects; review the recommendations of Texas Education Agency staff regarding state level special discretionary projects for the 1992-1993 school year; and obtain comments which the committee might wish to make concerning the evaluation findings for the 1990-1991 school year.

Contact: Earin Martin, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9269.

Filed: February 14, 1992, 1:39 p.m.

TRD-9202350

Texas Employment Commission

Tuesday, February 18, 1992, 8:30 a.m. The commission of the Texas Employment Commission met at 101 East 15th Street, Room 644, Austin. According to the emergency revised agenda summary, the commission met to discuss consideration of commission approved training.

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

Filed: February 14, 1992, 9:39 a.m.

TRD-9202315

Tuesday, February 25, 1992, 8:30 a.m. The Texas Employment Commission will meet at 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss meeting notes; meet in executive session to *Administrative, Inc. v. James Kaster, et al*, *Ben Hogan v. Texas Employment Commission*, and relocation of agency headquarters; reconvene in open session to discuss action, if any, resulting from executive session, internal procedures of commission appeals, consideration and action on tax liability cases and higher level

appeals in unemployment compensation cases listed on commission Docket 8 and set date of next meeting.

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

Filed: February 14, 1992, 4:12 p.m.

TRD-9202386

Texas Department of Health

Friday, February 21, 1992, 1 p.m. The Texas Board of Health Strategic Planning Committee of the Texas Department of Health will hold an emergency meeting at 1100 West 49th Street, Room M-652, Austin. According to the complete agenda, the committee will consider and possibly act on the March 1, 1992 submission of Texas Department of Health strategic plan. The emergency status is necessary due to unforeseeable circumstances.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:30 p.m.

TRD-9202393

Friday, February 21, 1992, 2 p.m. The Disease Control Committee of the Texas Board of Health of the Texas Department of Health will hold an emergency meeting at 1100 West 49th Street, Room M-721, Austin. According to the complete agenda, the committee will consider and possibly act on: proposed rules concerning a breast and cervical cancer control program; proposed revision to State HIV Education, Prevention and Risk Reduction Advisory Committee rules to modify an existing membership category; transfer of current HIV Education, Prevention and Risk Reduction Advisory Committee member from one category to another; and HIV funding. The emergency status is necessary due to unforeseeable circumstances.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:30 p.m.

TRD-9202392

Friday, February 21, 1992, 3 p.m. The Long Term Care Committee of the Texas Board of Health of the Texas Department of Health will hold an emergency meeting at the Texas Department of Health, 1100 West 49th Street, Room M-652, Austin. According to the complete agenda, the committee will consider and possibly act on: withdrawal of proposed administration penalty rules for nursing homes; proposed rules concerning use of nursing facility compliance history in licensing and certification determinations; final adoption of amend-

ments to the rules concerning long term care facility requirements for licensure and Medicaid certification jointly developed by the Texas Department of Human Services; composition of the advisory committee on personal care facilities; and nurse aide training and testing. The emergency status is necessary due to unforeseeable circumstances.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:40 p.m.

TRD-9202391

Friday, February 21, 1992, 4 p.m. The Budget and Finance Committee of the Texas Board of Health of the Texas Department of Health will hold an emergency meeting at the Texas Department of Health, 1100 West 49th Street, Room M-741, Austin. According to the complete agenda, the committee will consider and possibly act on update of Department of Health financial status for fiscal year 1992.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:29 p.m.

TRD-9202398

Friday, February 21, 1992, 4:30 p.m. The Internal Audit Subcommittee of the Texas Board of Health of the Texas Department of Health will hold an emergency meeting at the Texas Department of Health, 1100 West 49th Street, Room M-741, Austin. According to the complete agenda, the committee will discuss in executive session and discuss and possibly act on in open session personnel matter concerning long term care investigation and pharmacy at the San Antonio State Chest Hospital. The emergency status is necessary due to unforeseeable circumstances.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:29 p.m.

TRD-9202399

Friday, February 21, 1992, 5:30 p.m. The Environmental Health Committee of the Texas Board of Health of the Texas Department of Health will hold an emergency meeting at the Texas Department of Health, 1100 West 49th Street, Room M-739, Austin. According to the complete agenda, the committee will consider and possibly act on: withdrawal of proposed amendments to rules concerning municipal solid waste operator training and certification; withdrawal of proposed rules concerning newspaper recycling; proposed amendments to rules concerning the minimum standards for approved narcotic drug treatment programs;

proposed amendments to drinking water standards concerning fees; proposed amendments to Texas regulations for control of radiation concerning radiation safety requirements for well logging service operations and tracer studies; final adoption of new rules concerning water saving performance standards; final adoption of amendments to the rules and regulations for public water systems; addition to Texas regulations for control of radiation ("Licensing of Naturally Occurring Radioactive Materials (NORM)"). The emergency status is necessary due to unforeseeable circumstances.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:29 p.m.

TRD-9202400

Saturday, February 22, 1992, 8 a.m. The Executive Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-749, Austin. According to the complete agenda, the committee will consider items of procedure.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:29 p.m.

TRD-9202395

Saturday, February 22, 1992, 8:30 a.m. The Family Health Services Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-652, Austin. According to the complete agenda, the committee will discuss and possibly act on: CDC program update; appointments to the children's speech, hearing and language screening advisory committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:31 p.m.

TRD-9202388

Saturday, February 22, 1992, 9 a.m. The Health Provider, Licensure and Certification Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-721, Austin. According to the complete agenda, the committee will discuss and possibly act on: proposed rules concerning licensed professional counselors; final adoption of amendments to rules concerning removing dispensing opticians from the registry for providers of health-related services; final adoption of amendments to the rules concerning regulation of dispensing opticians;

and final adoption of amendments to the rules concerning the code enforcement registry program.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:31 p.m.

TRD-9202389

Saturday, February 22, 1992, 10 a.m. The Hospital and Ambulatory Care Services Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-741, Austin. According to the complete agenda, the committee will discuss and possibly act on: proposed amendments to rules concerning special care facilities; proposed amendments to rules concerning home health care agencies rules and regulations; proposed new rules concerning hospital license fees; final adoption of amendments to rules concerning hospital licensing standards as regards the waiver or modification of standards for certain hospitals serving a rural community.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:31 p.m.

TRD-9202390

Saturday, February 22, 1992, 11 a.m. The Personnel and Search Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-721, Austin. According to the complete agenda, the committee will discuss in executive session and discuss and possibly act on in open session: appointments to the children's speech, hearing and language screening advisory committee; proposed revision to the state HIV education prevention and risk reduction advisory committee rules to modify an existing membership category; transfer of current HIV education, prevention, and risk reduction advisory committee member from one category to another; and approval of redetermination of composition of the advisory committee on personnel care facilities.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:29 p.m.

TRD-9202397

Saturday, February 22, 1992, 12:30 p.m. The Legislative Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-652, Austin. According to the complete agenda, the committee will consider and

possibly act on consideration and approval of proposed legislation and draft legislation for the 73rd Legislative Session.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:29 p.m.

TRD-9202396

Saturday, February 22, 1992, 1 p.m. The Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-739, Austin. According to the agenda summary, the board will approve minutes of previous meeting; approve resolutions; hear acting commissioner's report; discuss non-discrimination progress; discuss and possibly act on: rules (breast and cervical cancer; HIV advisory committee; municipal solid waste; narcotic drug treatment; drinking water; radiation; saving water; public water systems; professional counselors; opticians; code enforcement; special care facilities; hospital licenses; nursing homes; home health care) committee reports; legislation for 73rd legislature; department strategic health plan; composition of advisory committee on personal care facilities; transfer of HIV advisory committee member to another position; committee appointments; discuss in executive session personnel matter on long term care investigation; elect board of health secretary; and hear announcements and comments.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: February 14, 1992, 4:30 p.m.

TRD-9202394

Thursday, March 5, 1992, 11:30 a.m. The Advisory Committee on Nursing Facility Affairs of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-739, Austin. According to the complete agenda, the committee will approve minutes of previous meeting; discuss and possibly act on: proposal on grading system rules for nursing facilities; proposed rules on use of facility compliance history; proposed rules on nursing facility sanctions/remedies (to replace administrative penalty rules); election of committee vice-chairman; and discuss other items of interest from the committee and/or staff.

Contact: Janice Caldwell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-3014.

Filed: February 14, 1992, 4:29 p.m.

TRD-9202401

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Department of Information Resources

Thursday, February 20, 1992, 1:30 p.m. The Mini Board Meeting of the Department of Information Resources met at 300 West 15th Street, One Capitol Square, Suite 1300, Austin. According to the agenda, the board heard an update on competitive cost review; initial operating plan instructions; report on open systems forum; update on payroll request for proposal; and discussed other business.

Contact: John Hawkins, 300 West 15th Street, Suite 1300, Austin, Texas 78701, (512) 371-1120.

Filed: February 13, 1992, 10:59 a.m.

TRD-9202255



Friday, February 21, 1992, 9 a.m. The Service Delivery Alternatives Advisory Committee will meet at the Sam Houston Building, Room 117, 201 East 14th Street, Austin. According to the agenda summary, the committee will welcome, call to order, and hear introductory comments; discuss Rider Implementation Policy for fiscal years 1992-1993; Waiver Criteria Policies; cost definitions; next meeting date and agenda items; and adjourn.

Contact: Debra Williams, P.O. Box 13564, Austin, Texas 78711, (512) 475-4744.

Filed: February 3, 1992, 10:59 a.m.

TRD-9202257



Texas Department of Insurance

Tuesday, February 25, 1992, 9 a.m. The State Board of Insurance of the Texas Department of Insurance met at 500 North IH-35, Austin. According to the agenda, the board met to discuss attending a training seminar regarding Total Quality Management.

Contact: Angelia Johnson, 333 Guadalupe Street, Austin, Texas 78701, (512) 463-6328.

Filed: February 14, 1992, 3:48 p.m.

TRD-9202370



Board of Law Examiners

Sunday-Monday, February 23-24, 1992, 1 p.m., 8 a.m., and 1 p.m. respectively. The Board of Law Examiners will meet on the 23rd at the Four Seasons Hotel, 99 San Jacinto, Austin, the 24th at 8 a.m. at 510 South Congress Avenue, Suite 116, Austin, and on the 24th at 1 p.m. at 1414 Colorado,

Room 206, Austin. According to the agenda, the board will hold a public forum: communications from the public arena; discuss approval of minutes; consider budgetary and investment matters; consider revision of rules; take actions to comply with recent statutory changes (career ladder, performance evaluations, equal employment opportunity policy, etc.); review confidentiality issues, open meetings and open records acts; travel reimbursement policy and policies on: examination grade release, mental health inquiries, debt issues, and use of photo ID's; hold public hearings on character and fitness of particular declarants and applicants; discuss pending litigation report; discuss format of examination; administration of February 1992 examination; and general operational report of executive director.

Contact: Rachael Martin, 510 South Congress Avenue, Suite 116, Austin, Texas 78704, (512) 463-1621.

Filed: February 13, 1992, 1:37 p.m.

TRD-9202278



Texas Department of Licensing and Regulation

Wednesday-Thursday, February 26-27, 1992, 9 a.m. The Texas Commission of Licensing and Regulation of the Texas Department of Licensing and Regulation will meet at 101 West 15th Street, John H. Reagan Building, Room 106, Austin. According to the agenda summary, the commission will call the meeting to order; take roll call; discuss approval of minutes; consider contested cases; consider agreed orders; discussion of appointments to the elimination of architectural barriers advisory committee; discussion of appointments to the property tax consultants advisory council consider staff proposal for Attorney General's Opinion regarding vehicle storage facilities; consider staff proposal to amend boiler special inspection fees; consider staff proposal to adopt a refund policy relating to inappropriate monies received by the department; consider staff proposal to adopt an achievement bonus program policy; report on strategic planning for the department, as required by House Bill 2009; consider staff proposal to amend boxing rules; meet in executive session; discussion of date, time and location of next commission meeting; and adjourn.

Contact: Larry E. Kosta, 920 Colorado Street, Austin, Texas 78701, (512) 463-3173.

Filed: February 14, 1992, 4:38 p.m.

TRD-9202403



Midwestern State University

Friday, February 14, 1992, 9 a.m. The Board of Regents of Midwestern State University met in the Hardin Board Room, MSU Campus, Wichita. According to the complete emergency revised agenda, the board discussed an additional item concerning financing for the new telephone system and an item dealing with the major repair and renovation of Pierce and Killingsworth halls (roof and bathrooms). The emergency status was necessary due to the phone system project would be completed prior to the next meeting of the Board of Regents and decisions had to be made at this time.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: February 13, 1992, 3:25 p.m.

TRD-9202290



Board of Nurse Examiners/Board of Vocational Nurse Examiners

Thursday, February 27, 1992, 10 a.m. The NEAC-Core Committee of the Board of Nurse Examiners/Board of Vocational Nurse Examiners will meet at the Texas Department of Health, 1100 West 49th Street, Room M-652, Austin. According to the agenda summary, the committee will receive subcommittee reports from the following committees: VN; Diploma; and BSN; and a report will also be received from the Manpower Subcommittee. The VN Competencies subcommittee will review drafts and consider writing assignment/deadlines, preamble and glossary. The Dip/ADN subcommittee will review and accept minutes and receive a summary report. The BSN subcommittee will approve minutes, receive an update on actions of the CORE committee and Implementation Task Force and work on coordinator of CARE. The Manpower subcommittee will discuss trends/issues and availability of needed data.

Contact: Louise Waddill, Ph.D., R.N., P.O. Box 140466, Austin, Texas 78714, (512) 835-8650.

Filed: February 13, 1992, 10:56 a.m.

TRD-9202264



Texas State Board of Pharmacy

Tuesday-Thursday, February 25-27, 1992, 9 a.m. The Texas State Board of Pharmacy will meet at 1812 Centre Creek, Room 203, Austin. According to the agenda summary, the board will hear testimony and

review alleged violations of those laws which persons are subject to administer sanctions and what form the sanctions are to take. The board will commence in open session to welcome the new board members; consider and approve the August 27, 1991 business and December 11, 1991 disciplinary hearing minutes; discuss NABP Committee appointment recommendations; present TIPC award to Carol Blunt, Administrative Secretary and introduce new compliance officer Jeanne Lyons; discuss and approve Phase I of Strategic Plan and hear report on FY 1994-1995 appropriations process; discuss sunset review process; review upcoming meetings, schedule participation in internship and record inspections of Texas colleges of pharmacy, and hear report on TSHP/TPA Pharmacy Technician Conference; consider and/or discuss: generic substitution, pharmaceutical compounding versus manufacturing, TDH's (FDA) proposed rules about wholesalers, letter about Continuing Medical Education Credits (CME's), possible rescheduling of hydrocodone, carisprodol, Stadol, and Nubain, status on Senate Bill 3 and Senate Bill 884; discuss implementation of Senate Bill 774 and OBRA '90 TPUPC's request for funding of surveys; deletion of liability insurance for board vehicles; and hear reports on the status of the Lawbook update; the state audit of TSBP's key performance measures and review of private psychiatric hospitals; consider proposed agreed board orders; and meet in executive session to discuss pending litigation and personnel matters pertaining to vacant compliance officer positions and reasons for the vacancies.

Contact: Fred S. Brinkley, Jr., R.Ph., 8505 Cross Park Drive, #110, Austin, Texas 78754, (512) 832-0661.

Filed: February 14, 1992, 12:40 p.m.

TRD-9202336

State Preservation Board

Monday, February 24, 1992, 1 p.m. The State Preservation Board of the Personnel Committee will meet at One Capitol Square, 15th and Lavaca, Room 202, Austin. According to the agenda summary, the board will call to order to discuss approval of minutes and other business.

Contact: Dealey Herndon, 201 East 14th Street, Room 503, Austin, Texas 78701, (512) 463-5495.

Filed: February 13, 1992, 2:44 p.m.

TRD-9202287

Texas Public Finance Authority

Tuesday, February 18, 1992, 9 a.m. The Board of the Texas Public Finance Authority met at the John H. Reagan Building, 105 West 15th Street, Austin. According to the emergency revised agenda summary, the board considered requests for financing from TDMHMR for \$1.8 million and from TYC for \$6.002 million to fund the design and reconstruction of certain TDMHMR and TYC projects, and to select bond counsel. The emergency status was necessary as this agenda had been revised to incorporate, under item Number Four, a request for financing from TYC, which was received after the original posting of this meeting.

Contact: Rachael Caron, 1201 Brazos Street, Suite 313, Austin, Texas 78701, (512) 463-5544.

Filed: February 13, 1992, 4:25 p.m.

TRD-9202293

Public Utility Commission of Texas

Thursday, February 27, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 10904-appeal of Tri-County Electric Cooperative, Inc. from rates set by the City of Haslet.

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

Filed: February 14, 1992, 3:08 p.m.

TRD-9202362

Friday, March 27, 1992, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a hearing on the merits in Docket Number 10763-petition of GTE Southwest Incorporated for request of temporary waiver of Substantive Rule 23.55(e)(1) and (2).

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

Filed: February 14, 1992, 3:09 p.m.

TRD-9202360

Friday, March 27, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 10827-petition of Lufkin-

Conroe Telephone Exchange, Inc. requesting a temporary waiver of PUC Substantive Rule 23.55(e)(1) and (2).

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

Filed: February 14, 1992, 3:08 p.m.

TRD-9202361

Railroad Commission of Texas

Monday, February 24, 1992, 9:30 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, 12th Floor Conference Room (12-126), Austin. Agendas follow.

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

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: February 14, 1992, 11:08 a.m.

TRD-9202334

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

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7257.

Filed: February 14, 1992, 11:09 a.m.

TRD-9202333

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

Contact: Margie Osborn, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6755.

Filed: February 14, 1992, 11:10 a.m.

TRD-9202332

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

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7251.

Filed: February 14, 1992, 11:11 a.m.

TRD-9202331

The commission will consider and act on the Division Director's report on budget and personnel matters related to organization of the Alternative Fuels Research and Education Division. Consideration of the appoint-

ment of a Liquified Petroleum Gas Advisory Committee for the Alternative Fuels Research and Education Division.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

Filed: February 14, 1992, 11:11 a.m.

TRD-9202330

The commission will consider and act on the Office of the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. The commission will discuss the implementation of individual operating budgets for each individual commissioner's office. Consideration of appointment, reassignment and/or termination of various positions, including division directors. Consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel, and pending litigation.

Contact: Walter H. Washington, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: February 14, 1992, 11:12 a.m.

TRD-9202329

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7187.

Filed: February 14, 1992, 11:12 a.m.

TRD-9202328

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

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6710.

Filed: February 14, 1992, 11:12 a.m.

TRD-9202327

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

The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session as authorized by the Open Meetings Act, including to receive legal advice regarding pending and/or contemplated litigation.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: February 14, 1992, 11:12 a.m.

TRD-9202326

Texas Savings and Loan Department

Thursday, February 27, 1992, 9 a.m. The Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, Suite 201, Austin. According to the agenda summary, the department will hold a hearing to accumulate a record of evidence in regard to the application of Horizon Savings Association, Austin, Travis County, for a branch office at 1509 West 38th Street, Austin, from which record the commissioner will determine whether to grant or deny the application.

Contact: Shirley T. Burton, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1350.

Filed: February 13, 1992, 11:34 a.m.

TRD-9202265

Thursday, February 27, 1992, 9:15 a.m. The Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, Suite 201, Austin. According to the agenda summary, the department will hold a hearing to accumulate a record of evidence in regard to the application of Horizon Savings Association, Austin, Travis County, for a branch office at 505 Barton Springs Road, Austin, Travis County, from which record the commissioner will determine whether to grant or deny the application.

Contact: Shirley T. Burton, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1350.

Filed: February 13, 1992, 11:33 a.m.

TRD-9202266

Texas State Soil and Water Conservation Board

Wednesday, February 26, 1992, 8 a.m. The Texas State Soil and Water Conservation Board will meet at Highway 377, 2865 West Washington (Holiday Inn), Doc O. Lena Room, Stephenville. According to the

complete agenda, the board will review and take appropriate action on the following: minutes from the January 26, 1992 board meeting; district director appointments; division of Hood-Parker Soil and Water Conservation District #529; new subdivision boundaries for Menard SWCD #215; 1992 annual meeting of Soil and Water Conservation District Directors; PL 101-619 National Environmental Education Act grant application; final adoption of technical assistance rule change; review of first draft of agency strategic plan; approve final draft of district audit procedure rules; status report on nonpoint source pollution activities; planning priority for Gunsolus Creek PL 566 Project; 1992 319 grant proposals; reports from agencies and guests; report on public information/education activities; 1994-1995 budget request; state wetlands protection development grant proposal; state board member travel; and plan next board meeting March 18, 1992.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 76503, (817) 773-2250, STS 820-1250.

Filed: February 18, 1992, 9:34 a.m.

TRD-9202420

Texans' War on Drugs

Tuesday, February 18, 1992, 9:30 a.m. The Board of Directors of the Texans' War on Drugs held an emergency meeting by teleconference call at 11044-D Research Boulevard, Suite 200, Austin. According to the complete agenda, the board called the meeting to order; took roll call; met in executive session; consulted with attorney regarding personnel issues; consulted with attorney regarding employment discrimination charge filed with Austin Human Rights Commission; adjourned into executive session; reconvened in open session; acted on items discussed in executive session; resolution for electing new officers of the corporation; resolution authorizing signers of checks for the corporation; and adjourned. The emergency status was necessary due to urgent personnel issues.

Contact: Janis Pittel, 11044-D Research Boulevard, Suite 200, Austin, Texas 78759, (512) 343-6950.

Filed: February 14, 1992, 5:08 p.m.

TRD-9202407

Texas Southern University

Friday, March 6, 1992, 8:30 a.m. The Board of Regents of Texas Southern University will meet at Texas Southern University, University Library, Fifth Floor, Houston. According to the complete agenda, the

board will meet to consider approval of minutes; report of the president; reports from standing committees; and meet in executive session.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: February 18, 1992, 9:34 a.m.

TRD-9202421

Texas State University System

Wednesday, February 19, 1992, noon. The Board of Regents Minority Enhancement Committee of Texas State University System met at the President's Conference Room, Administration Building, Sul Ross State University, Alpine. According to the complete agenda, the committee reviewed and discussed methods to enhance minority recruitment within the system of both faculty and students.

Contact: Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

Filed: February 14, 1992, 1:32 p.m.

TRD-9202347

Wednesday-Friday, February 19-21, 1992, 3 p.m., 1 p.m., and 7:30 a.m. respectively. (revised agenda). The Board of Regents of Texas State University System will meet at the Second Floor Conference Room, Administration Building, Sul Ross State University, Alpine. According to the agenda summary, the board will review matters of the board and the four universities in the system including: all matters reviewed by the Building Committee and submitted to the full board; all matters reviewed by the Curriculum Committee; and submitted to the full board; personnel actions, including new employees, promotions, resignations, terminations, and special appointment for any system employee including the presidents and chancellor; discuss litigation; budgetary changes at each university and the system office; contract approvals at each university and the system office; acceptance of gifts; admission requirements and fees; room rates; food service contracts and land purchases. Also, sale of bonds for refunding the 1985 Series Constitutional Bonds, sale of bonds for recreational sports building at Southwest Texas State University and defeasance of two housing bond series at Angelo State University.

Contact: Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

Filed: February 14, 1992, 1:30 p.m.

TRD-9202404

Thursday, February 20, 1992, 2:30 p.m. The Board of Regents Curriculum Committee of Texas State University System met at the Second Floor Conference Room, Administration Building, Sul Ross State University, Alpine. According to the complete agenda, the committee reviewed matters of the board and the four universities in the system including: and all matters of curriculum, including combining of departments, additions, deletions and retention of courses, out-of-state and out-of-country studies.

Contact: Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

Filed: February 14, 1992, 1:31 p.m.

TRD-9202346

Thursday, February 20, 1992, 1:30 p.m. The Board of Regents Building Committee of Texas State University System met at the Second Floor Conference Room, Administration Building, Sul Ross State University, Alpine. According to the complete agenda, the committee reviewed construction projects and documents for the four universities in the system including: contract awards for the HPE Building Renovation and the fire sprinkler system in the men's dormitory at Angelo State University; approval of purchase orders and granting of an easement at Sam Houston State University; contract awards for the recreational sports building-Phase I, asbestos abatement and women's residence tower painting, selection of an architect for the student center model, exchange of property and final acceptance of Read and Elliott Landscaping and Deferred Maintenance Project at Southwest Texas State University.

Contact: Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

Filed: February 14, 1992, 1:31 p.m.

TRD-9202345

Thursday-Friday, February 20-21, 1992, 1 p.m. and 7:30 a.m. The Board of Regents of Texas State University System will meet at the Second Floor Conference Room, Administration Building, Sul Ross State University, Alpine. According to the agenda summary, the board will review matters of the board and the four universities in the system including: all matters reviewed by the building committee and submitted to the full board; all matters reviewed by the curriculum committee and submitted to the full board; personnel actions including new employees, promotions, resignations, terminations, and special appointment for any system employee including the presidents and chancellor; discuss litigation; budgetary changes at each university and the system office; contract approv-

als at each university and the system office; acceptance of gifts; admission requirements and fees; room rates; food service contracts and land purchases. Also, sale of bonds for refunding the 1985 Series Constitutional Bonds, sale of bonds for recreational sports building at Southwest Texas State University and defeasance of two housing bond series at Angelo State University.

Contact: Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

Filed: February 14, 1992, 1:30 p.m.

TRD-9202344

Texas Department of Transportation

Tuesday, February 25, 1992, 9:30 a.m. The Texas Transportation Commission of the Texas Department of Transportation will meet at the Dewitt C. Greer Building, 125 East 11th Street, Rooms 101/101-A, First Floor, Austin. According to the agenda summary, the commission will discuss approval of minutes; execute contract awards, rejections, defaults and/or assignments and routine minute orders; authorize: contract claim funds; eminent domain proceedings; right of way leasing; construction projects; and adding project to Urban System/Principal Arterial Street System Program; consider: Texas Farm to Market Road Program and Federal Railroad Signal Program; prior public hearing matter; approval/allocation of public transportation funds; department's strategic plan; policy regarding FM Roads as access roads to prisons; staff reports/awards/recognition; rulemaking: 43 TAC Chapter 31 and 1; meet in executive session with legal counsel and for realty matters; and hold a public hearing on highway project selection process and criteria on project selection decisions.

Contact: Myrna Klipple, 125 East 11th Street, Austin, Texas 78701, (512) 463-8576.

Filed: February 14, 1992, 1:59 p.m.

TRD-9202353

University of Houston System

Wednesday, February 19, 1992, 8 a.m. The Board of Regents of the University of Houston System met at Waldorf Astoria Room, Conrad Hilton College Building, University of Houston, Houston. According to the agenda summary, the board met to discuss and/or act upon minutes, programs in Biology, appreciation resolution, various reports, personnel recommendations, discussed departments name changes, masters fine arts, land acquisition, creative partner-

ships campaign, consultants, roof replacement, performance contract, computing management study, agreement with international technical institute, benefits plans, reorganization at system administration, computing management study, KUHT and KUHF financial statements and consent docket.

Contact: Peggy Cervenka, 1600 Smith, 34th Floor, Houston, Texas 77002, (713) 754-7442.

Filed: February 13, 1992, 10:57 a.m.

TRD-9202261

University Interscholastic League

Wednesday, February 19, 1992, 10:30 a.m. The Waiver Review Board of the University Interscholastic League held an emergency meeting at the Radisson Plaza Hotel, Eighth and San Jacinto Streets, Austin. According to the agenda summary, the board hear a request for retroactive waiver for Port Arthur Lincoln High School student, residence rule. The emergency status was necessary as request for waiver had just been received and had to be resolved prior to next level of competition.

Contact: B. J. Stamps, 2622 Wichita Street, Austin, Texas 78705, (512) 471-5883.

Filed: February 18, 1992, 8:53 a.m.

TRD-9202411

University of Texas System, M.D. Anderson Cancer Center

Tuesday, February 18, 1992, 9 a.m. The Institutional Animal Care and Use Committee of the University of Texas System, M.D. Anderson Cancer Center met at 1515 Holcombe Boulevard, 7th Floor, Room AW7.707, Houston. According to the agenda summary, the committee met to review protocols for animal care and use and modifications thereof.

Contact: Anthony Mastromarino, 1515 Holcombe Boulevard, Houston, Texas, (713) 792-3991.

Filed: February 14, 1992, 9:57 a.m.

TRD-9202319

The University of Texas at Austin

Thursday, February 20, 1992, 2-5 p.m. The Council for Intercollegiate Athletics for Women of the University of Texas at Austin met at Moffett Library, 21st and San Jacinto Streets, Austin. According to the

agenda summary, the council was called to order to approve minutes of the previous meetings (December 9, 1991, and January 23, 1992), to discuss old and new business, announcements/information reports, and adjourned.

Contact: Donna Lopiano, 42700 Bel 718, UT Austin, Austin, Texas 78712, (512) 471-7693.

Filed: February 14, 1992, 12:26 p.m.

TRD-9202335

Texas Water Commission

Wednesday, February 26, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to, scheduling an item in the entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: February 13, 1992, 4:47 p.m.

TRD-9202306

Wednesday, February 26, 1992, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to, scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: February 13, 1992, 4:48 p.m.

TRD-9202305

Monday, March 16, 1992, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1030, Austin. According to the agenda summary, the commission will hold a hearing on Albert Harvey doing business as Harvey Water Supply Corporation's application for a certificate of convenience and necessity (CCN) to allow it to provide water utility service in Rusk

County. The applicant also proposes decertification of a portion of Crossroads Water Supply Corporation's CCN Number 11469 and Jacobs Water Supply Corporation's CCN Number 12536. The proposed service area is located approximately 1.5 miles south of downtown Kilgore. Docket Number 9327-C.

Contact: Joseph W. O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: February 13, 1992, 4:48 p.m.

TRD-9202303

Monday, March 16, 1992, 1 p.m. The Texas Water Commission will meet at the Lake Conroe Forest Community Center, Corner of Highline Drive and Highway 105, Seven Miles West of Conroe. According to the agenda summary, the commission will hold a hearing on Forest Water and Sewer Service Corporation's application for a water and sewer rate increase effective November 4, 1991 for its service area in Montgomery County. Docket Number 9297-G.

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

Filed: February 13, 1992, 4:48 p.m.

TRD-9202304

Monday, March 23, 1992, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1028A, Austin. According to the agenda summary, the commission will hold a hearing on Lake Oaks Investors, a Limited Partnership, doing business as Lake Waco Golf and Country Club's request to cease operations and to discontinue public water utility service in McLennan County. The service area is located within the city limits of the City of Waco, approximately 7.75 miles northwest of downtown Waco. Docket Number 8790-Q.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: February 13, 1992, 4:48 p.m.

TRD-9202302

Monday, March 23, 1992, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 512, Austin. According to the agenda summary, the commission will hold a hearing on Jimmy G. Dent doing business as D-Lux Utility Company's application for a water rate increase effective February 4, 1992 for its service areas located in Tarrant, Parker, Johnson, and Wise Counties. Docket Number 9376-R.

Contact: Joseph W. O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: February 13, 1992, 4:49 p.m.

TRD-9202301

Friday, March 27, 1992, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1-100, Austin. According to the agenda summary, the commission will hold a hearing on Day Water Company's water rate increase effective January 20, 1992 for its service area located in Hood and Parker Counties. Docket Number 9356-R.

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

Filed: February 13, 1992, 4:49 p.m.

TRD-9202300

Monday, April 6, 1992, 10 a.m. The Texas Water Commission will hold a hearing on Cyndie Park II Water Company's water rate increase effective January 1, 1992 for its service area located in Nueces County. Docket Number 9354-G.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: February 13, 1992, 4:49 p.m.

TRD-9202299

Texas Workers Compensation Commission

Thursday, February 20, 1992, 10 a.m. The Texas Workers Compensation Commission met at the Southfield Building, 4000 South IH-35, Rooms 910-911, Austin. According to the agenda summary, the commission called the meeting to order; discussed approval of minutes for the public meeting of January 23, 1992; discussed and considered rules for adoption; met in executive session; action, if any, on matters considered in executive session; discussed and considered: the request to delay implementation of Rule 134.600, procedure for requesting pre-authorization on specific treatments and services; creation of division of self-insurance; commission procedure C-6000, equal employment opportunity policy statement; nominations to the medical advisory committee; general reports of issues relating to commission activities which include but are not limited to the following: discussion of future public meetings; and adjourned.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 448-7962.

Filed: February 14, 1992, 3:21 p.m.

TRD-9202365

Friday, March 13, 1992, 9 a.m. The Medical Advisory Committee of the Texas Workers' Compensation Commission will

meet at the Southfield Building, 4000 South IH-35, Rooms 910-911, Austin. According to the agenda summary, the committee will call the meeting to order; review and discuss approval of January 24, 1992 minutes; discussion regarding: revision of minutes format; update on commission rules; discussion on Rule 134.600; update on treatment guidelines; discussion on utilization review for prescription drugs (Mr. Beck); discussion on freedom of choice for injured workers regarding: pharmaceutical services (Mr. Beck); discussion on HCFA 1500; establish next meeting date; establish draft agenda; and adjourn.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 448-7962.

Filed: February 14, 1992, 3:22 p.m.

TRD-9202364

Regional Meetings

Meetings Filed February 13, 1992

The Alamo Area Council of Governments Management Committee met at 118 Broadway Street, Suite 420, San Antonio, February 19, 1992, at 10 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway Street, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9202279.

The Austin-Travis County Mental Health and Mental Retardation Center Finance and Control Committee met at 1430 Collier Street, Austin, February 14, 1992, at 8 a.m. The emergency status was necessary as the meeting was originally scheduled for February 11, 1992 but there was not a quorum, and this information needed to be presented to the committee for possible action by February 14, 1992. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9202292.

The Central Texas Council of Governments Central Texas Private Industry Council will meet at 302 East Central, Belton, February 27, 1992, at 10 a.m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513, (817) 939-3771. TRD-9202263.

The Coleman County Water Supply Corporation Board of Directors met at the Corporation's Office, 214 Santa Anna Avenue, Austin, February 19, 1992, at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9202268.

The Education Service Center, Region 12 Administrative, Board of Directors will meet at 401 Franklin Street, Waco, February 27, 1992, at 10 a.m. Information may be

obtained from Harry J. Beavers, P.O. Box 1249, Waco, Texas 76703-1249, (817) 756-7494. TRD-9202267.

The Education Service Center, Region XIII Board of Directors met at ESC, Region XIII, Room 205, 5701 Springdale Road, Austin, February 17, 1992, at 12:45 p.m. Information may be obtained from Dr. Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300. TRD-9202259.

The Education Service Center Region XV Board of Directors met at the ESC Region XV, 612 South Irene Street, Conference Room One, San Angelo, February 20, 1992, at 1:30 p.m. Information may be obtained from Clyde Warren, P. O. Box 5199, San Angelo, Texas 76902, (915) 658-6571. TRD-9202295.

The East Texas Council of Governments Private Industry Council met at Kilgore College, Longview Center, Longview, February 20, 1992, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9202291.

The Golden Crescent Service Delivery Area Private Industry Council, Inc. Oversight Committee met at 2705 Houston Highway, Room One, Victoria, February 17, 1992, at 11:30 a.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9202298.

The Golden Crescent Service Delivery Area Private Industry Council, Inc. Executive Committee met at 2705 Houston Highway, Room One, Victoria, February 17, 1992, at 5 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9202297.

The Golden Crescent Service Delivery Area Private Industry Council, Inc. met at 2705 Houston Highway, Room One, Victoria, February 19, 1992, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9202296.

The Hays County Appraisal District Appraisal Review Board met at 632 A East Hopkins, Municipal Building, San Marcos, February 19, 1992, at 9 a.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9202262.

The Heart of Texas Council of Governments Heart of Texas Private Industry Council met at 300 Franklin Avenue, HOTCOG Board Room, Waco, February 20, 1992, at 5:30 p.m. Information may be obtained from Mary McDow, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9202256.

The North Texas Municipal Water District Board of Directors will meet at 505 East Brown Street, Administrative Offices, Wylie, February 27, 1992, at 4 p.m. Information may be obtained from Carl W. Riehn, P.O. Box 2408, Wylie, Texas 75098, (214) 442-5405. TRD-92022280.

The Region VII Education Service Center Board of Directors met at the Golden Corral Restaurant, Highway 79 South, Henderson, February 20, 1992, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas 75662, (903) 984-3071. TRD-92022277.

The Rio Grande Council of Governments Board of Directors will meet at 501 East Overland, Third Floor Conference Room, El Paso, February 21, 1992, at 9:30 a.m. (MST). Information may be obtained from Cecile C. Gamez, 1014 North Stanton, Suite 100, El Paso, Texas 79902, (915) 533-0998. TRD-92022258.

The San Antonio River Authority Board of Directors met at the SARA General Offices, Second Floor Conference Room, 100 East Guenther, San Antonio, February 19, 1992, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, San Antonio, Texas 78204, (512) 227-1373. TRD-92022260.

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**Meetings Filed February 14,
1992**

The Austin-Travis County Mental Health and Mental Retardation Center Executive Committee met at 1430 Collier Street, Conference Room I, Austin, February 19, 1992, at 11 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-92022385.

The Austin-Travis County Mental Health and Mental Retardation Center Finance and Control Committee met at 1430 Collier Street, Austin, February 19, 1992, at noon. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9202371.

The Austin-Travis County Mental Health and Mental Retardation Center Operations and Planning Committee will meet at 1430 Collier Street, Austin, February 21, 1992, at 7:30 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9202409.

The Bastrop Central Appraisal District Board of Directors met at the Bastrop Central Appraisal District, 1200 Cedar Street, Bastrop, February 20, 1992, at 7:30 p.m. Information may be obtained from Dana Ripley, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925. TRD-9202387.

The Bexar Appraisal District Appraisal Review Board will meet at 535 South Main Street, San Antonio, February 27, 1992, at 8:30 a.m. Information may be obtained from Beverly M. Houston, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511. TRD-9202325.

The Carson County Appraisal District Board of Directors met at 102 Main Street, Panhandle, February 20, 1992, at 9 a.m. (rescheduled from February 12, 1992). Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068-0970, (806) 537-3569. TRD-9202321.

The Cash Water Supply Corporation will meet at the Administration Office, FM 1564, Greenville, February 25, 1992, at 7 p.m. Information may be obtained from Donna Mohon, P.O. Box 8129, Greenville, Texas 75404-8129, (903) 883-2695. TRD-9202356.

The Dallas Area Rapid Transit Minority Affairs Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, February 18, 1992, at 11:30 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9202408.

The Dallas Area Rapid Transit Budget and Finance Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, February 18, 1992, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9202383.

The Dallas Area Rapid Transit Rail Planning and Development Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, February 18, 1992, at 2:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9202368.

The Dallas Area Rapid Transit Governmental Relations Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, February 18, 1992, at 4:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9202406.

The Dallas Area Rapid Transit Board of Directors met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, February 18, 1992, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9202381.

The Dallas Central Appraisal District Appraisal Review Board will meet at 2949 North Stemmons Freeway, Dallas, February

27, 1992, at 10 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons, Dallas, Texas 75247, (214) 631-0520. TRD-9202324.

The Deep East Texas Private Industry Council, Inc. will meet at the Lufkin City Hall, Room 102, Lufkin, February 26, 1992, at 2 p.m. Information may be obtained from Charlene Meadows, P.O. Box 1463, Lufkin, Texas 75901, (409) 634-4432. TRD-9202405.

The Gonzales County Appraisal District Board of Directors met at 928 St. Paul Street, Gonzales, February 20, 1992, at 6 p.m. (rescheduled from February 13, 1992). Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879. TRD-9202366.

The Grayson Appraisal District Board of Directors will meet at 205 North Travis Street, Sherman, February 26, 1992, at 7:15 a.m. (rescheduled from February 19, 1992). Information may be obtained from Angie Keeton, 205 North Travis Street, Sherman, Texas 75090, (903) 893-9673. TRD-9202354.

The Hale-Hockley CED Number Eight Board of Directors met at the Citizens State Bank, Committee Room, Anton, February 20, 1992, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9202380.

The Lamb County Education District Board of Trustees met at 1500 East Delano, Littlefield, February 19, 1992, at 8 p.m. Information may be obtained from Jerry Blakely, 1500 East Delano, Littlefield, Texas 79339, (806) 385-3844. TRD-9202320.

The Liberty County Central Appraisal District Appraisal Review Board met at 310 Main Street, Liberty, February 20, 1992, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9202382.

The Lower Colorado River Authority Committees on Planning and Public Policy and Natural Resources met at 3700 Lake Austin Boulevard, Austin, February 18, 1992, at 1:30 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9202376.

The Lower Colorado River Authority Audit and Budget Committee met at 3700 Lake Austin Boulevard, Austin, February 19, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9202372.

The Lower Colorado River Authority Natural Resources Committee met at 3700

Lake Austin Boulevard, Austin, February 19, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9202373.

The Lower Colorado River Authority Energy Operations Committee met at 3700 Lake Austin Boulevard, Austin, February 19, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9202374.

The Lower Colorado River Authority Finance and Administration Committee met at 3700 Lake Austin Boulevard, Austin, February 19, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9202375.

The Lower Colorado River Authority Planning and Public Policy Committee met at 3700 Lake Austin Boulevard, Austin, February 19, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9202377.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, February 19, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9202378.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, February 20, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9202379.

The Middle Rio Grande Development Council Texas Review and Comment System will meet at the La Salle County Commissioners Courtroom, 101 Courthouse Square, Cotulla, February 26, 1992, at 10 a.m. Information may be obtained from Dora T. Flores, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9202355.

The Shackelford Water Supply Corporation met at the Fort Griffin Restaurant and Courthouse, Albany, February 18, 1992, at noon and 1:30 p.m. Information may be obtained from E. D. Fincher, P.O. Box 1295, Albany, Texas 76430, (915) 762-2519. TRD-9202369.

The South Texas Private Industry Council, Inc. will meet at Highway 83 and Seventh Street, Zapata, February 27, 1992, at 4 p.m. Information may be obtained from Myrna V. Herbst, P.O. Box 1757, Laredo, Texas 78044-1757, (512) 722-0546. TRD-9202367.

The Southwest Milam Water Supply Corporation Board will meet at 114 East Cameron, Rockdale, February 24, 1992, at 7 p.m. Information may be obtained from Dwayne Jekel, P.O. Box 232, Rockdale, Texas 76567, (512) 446-2604. TRD-9202381.

The Texas Council Risk Management Fund Executive Committee met at the Capitol Marriot, Tannehill Room, 701 East 11th Street, Austin, February 20, 1992, at 7 p.m. Information may be obtained from Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 794-9268. TRD-9202341.

The Texas Council Risk Management Fund will meet at the Capitol Marriot, Bonnell Room, 710 East 11th Street, Austin, February 21, 1992, at 8 a.m. Information may be obtained from Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 794-9268. TRD-9202342.

The Texas Municipal Power ("TMPA") Board of Directors met at the Texas Commerce Tower, 28th Floor, Main Conference Room, 2200 Ross Avenue, Dallas, February 20, 1992, at 7 p.m. Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9202322.

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Meetings Filed February 18,
1992

The Central Plains Center for MHMR and Substance Abuse Board of Trustees will meet at 208 South Columbia, Plainview, February 27, 1992, 5:30 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79702, (806) 293-2636. TRD-9202432.

The Deep East Texas Council of Governments Budget Committee will meet at the Crockett Inn, 1600 East Loop 304, South, Crockett, Houston County, February 27, 1992, at 10 a.m. Information may be obtained from Rick Mays, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704. TRD-9202418.

The Deep East Texas Council of Governments Grants Application Review Committee will meet at the Crockett Inn, 1600 East Loop 304, South, Crockett, Houston County, February 27, 1992, at 11 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704. TRD-9202429.

The Deep East Texas Council of Governments Board of Directors will meet at the Crockett Inn, 1600 East Loop 304, South, Crockett, Houston County, February 27,

1992, at 1 p.m. Information may be obtained from Joan Draper, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704. TRD-9202419.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, February 21, 1992, at 4 p.m. Information may be obtained from Joe Forsythe, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9202412.

The Hale County Appraisal District Appraisal Review Board will meet at the Golden Corral, 2606 Olton Road, Plainview, February 27, 1992, at 6:30 p.m. Information may be obtained from Linda Jaynes, 302 West 8th Street, Plainview, Texas 79072, (806) 293-4226. TRD-9202417.

The Lee County Appraisal District Board of Directors will meet at 218 East Richmond Street, Giddings, February 26, 1992, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, (409) 542-9618. TRD-9202422.

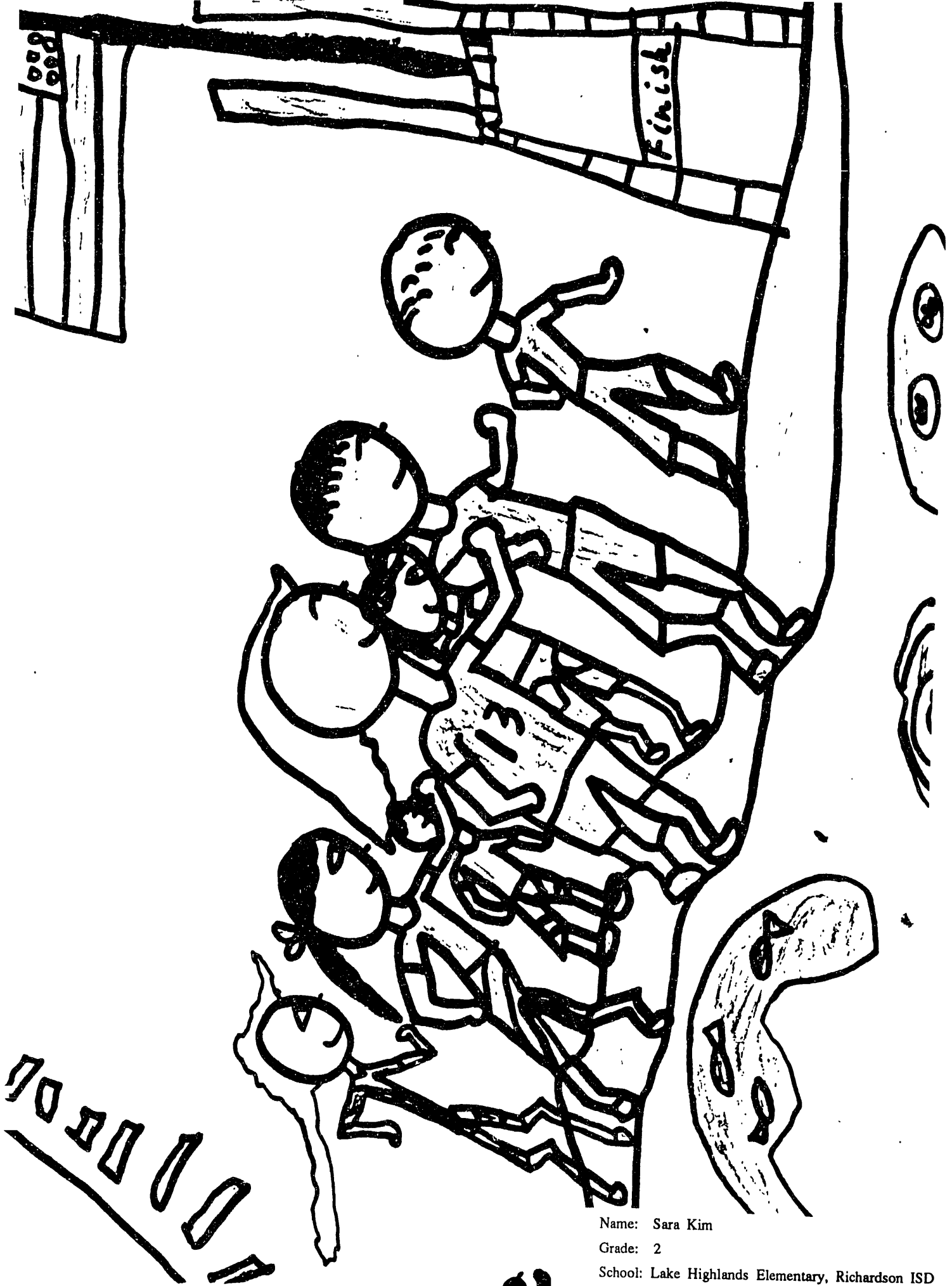
The Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, February 26, 1992, at 9:30 a.m. Information may be obtained from Sherry Greek, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9202431.

The Mason County Appraisal District will meet at 206 Fort McKavitt Street, Mason, February 26, 1992, at 5:30 p.m. Information may be obtained from Deborah Geistweidt, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989. TRD-9202428.

The Nortex Regional Planning Commission North Texas Private Industry Council will meet at Wichita Falls Activities Center, 10th and Indiana, Room 215, Wichita Falls, February 26, 1992, at 12:15 p.m. Information may be obtained from Tom O'Neil, First State Bank, Archer City, Texas 76351, (817) 574-4507. TRD-9202416.

The Region V Education Service Center Board of Directors will meet at ESC Boardroom, 2295 Delaware Street, Beaumont, February 26, 1992, at 1 p.m. Information may be obtained from Robert E. Nicks, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212. TRD-9202415.

The Tarrant Appraisal District Tarrant Appraisal Review Board met at 2309 Gravel Road, Fort Worth, February 19-20, 8:30 a.m. The emergency status was necessary because all of the people involved had already been informed of the place and time of the meeting. Information may be obtained from Suzanne Williams, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884. TRD-9202430.



Name: Sara Kim

Grade: 2

School: Lake Highlands Elementary, Richardson ISD

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.

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	02/17/92-02/23/92	18.00%	18.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on February 10, 1992.

TRD-9202221 Al Endsley
Consumer Credit Commissioner

Filed: February 12, 1992

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

◆ ◆ ◆

Texas Employment Commission

Request for Information and Qualifications

The Texas Employment Commission is seeking a project manager for the construction phase of its Headquarters Facility Relocation Project. The Texas Employment Commission requests that any individuals or organizations with expertise in management of complex construction projects and an interest in acting in that capacity for Texas Employment Commission in its Headquarters Facility Relocation Project submit information regarding experience and qualifications.

The project will consist of development of preliminary and final plans for, and construction of, an office building of approximately 450,000 square feet with parking facilities for approximately 1,300 vehicles.

The project manager will be expected to perform the following tasks: advice and recommendation concerning negotiations with owner's selected architect as to terms and conditions of architectural agreement; review and comment as to preliminary and final plans and specifica-

tions; suggestions regarding cost savings in materials, labor or design; assisting in development of project schedule; preparation of budgets and estimates, and tracking of project to assure conformity therewith; scheduling, attending and documenting regular meetings with owner's staff and the project architect to review progress and facilitate communication between owner and architect; review submittals and change orders from architect or contractor and make recommendations for approval or disapproval; assisting owner and architect in obtaining any reviews, approvals or inspections required by any governmental agency having lawful jurisdiction; assuring compliance with any laws, rules or regulations promulgated by any governmental agency having lawful jurisdiction; and, to the extent such authority is delegated by the Owner, to direct the work of the architect and contractor.

Information provided by respondents should include, at a minimum, information about prior experience on projects of similar size and complexity, and information about the knowledge, skills and experience of all key personnel respondent can reasonably expect to be assigned to work on the project. Respondents should address each of the tasks listed above and provided specific examples of their experience in performing such work. Selection will be based on the respondent's demonstrated experience in performing work of the type specified, qualifications and experience of key personnel, and the availability of suitable qualified personnel dedicated to oversight of the project on a day-to-day basis as needed. Additional consideration will be given to those respondents with prior experience in dealing with public works construction projects using state or federal funds, and respondent's knowl-

edge of state and federal laws and regulations relating to such projects.

By publication of this request for information and qualifications the Texas Employment Commission in no way obligates itself to enter into any contract or agreement, and reserves the right to reject any or all proposals. The Texas Employment Commission reserves the right to enter into negotiations with any or all respondents hereto. Any respondent here to may be requested to appear for an in-person interview.

Responses must be received by the Texas Employment Commission on or before 5 p.m., Friday, March 20, 1992. Responses should be directed to Texas Employment Commission, Attention: Doyle Cox, Director of Facilities, TEC Building, Austin, Texas 78778. Any questions concerning this request may be directed to Mr. Cox at (512) 463-2537.

Issued in Austin, Texas, on February 14, 1992.

TRD-9202316 C. Ed Davis
Deputy Administrator for Legal Affairs
Texas Employment Commission

Filed: February 14, 1992

For further information, please call: (512) 463-2291

Governor's Energy Office

Notice of Consultant Contract Awards

In compliance with the provisions of Texas Civil Statutes, Article 6252-11c, the Governor's Energy Office furnishes this notice of consultant contract awards.

Publication Date. The consultant proposals request was published in the July 12, 1991, issue of the *Texas Register*, (16 TexReg 3892).

Description of Services. The request was for contractors to serve as regional coordinators and provide technical assistance in energy management to Texas independent school districts.

Names and Addresses. The contracts have been awarded to: Douglas Craig Brown, 20914 Parkridge Court, Katy, Texas 77450; Cheryl L. Bright, 3228 Tampa Street, Houston, Texas 77021; Utilities Management Company, 1205 East 46th Street, Lubbock, Texas 79404; and George W. Whitt, 1505 Hermitage Drive, Round Rock, Texas 78681.

Value and Date of Contracts. The total dollar value of the contracts is \$274,910. The contract periods extend from December 1, 1991-December 31, 1992, by which date all work associated with these contracts must be completed.

Issued in Austin, Texas, on February 11, 1992.

TRD-9202223 Bob Armstrong
Director
Governor's Energy Office

Filed: February 12, 1992

For further information, please call: (512) 463-1931

Texas Department of Health

Notice of Revocation of a Certificate of Registration

The Texas Department of Health, having duly filed a complaint pursuant to Texas Regulations for Control of Radiation, Part 13 (25 TAC §289.112), has revoked the following certificate of registration: Ronald D. Grocoff, D.P.M., Plano, R11224, February 3, 1992.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, The Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on February 12, 1992.

TRD-9202249 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 12, 1991

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

Texas Department of Human Services

Notice of Intent to Procure Family Violence Services

The Texas Department of Human Services (DHS) intends to contract with the shelters listed in this notice for family violence services in DHS fiscal year (FY) 1993. If there are other eligible providers, DHS will determine the appropriateness of additional contracts.

Criteria: To be eligible to apply for a contract, a public or private non-profit organization must operate a shelter center for victims of family violence. For at least nine months before the date DHS awards a contract to a shelter center, the center must have been incorporated (if private) and been portraying itself to the public as a facility that specifically, although not necessarily solely, serves family violence victims; offered shelter services that included at least food and clothing, a 24-hour hotline, community education, information, and referral; and had the continuous capacity to offer 24-hour-a-day shelter for at least five victims of family violence. Continuous capacity is defined to include a break in services due to extenuating circumstances for not longer than one month. Shelter centers must have written documentation that they meet the listed criteria in this notice. The Texas Department of Human Services intends to initiate contracts in FY 1993 (September 1-August 31) with the following family violence shelters:

Noah Project
1802 Grape
Abilene, Texas 79601

Rio-Pecos Family Crisis Center
P.O. Box 1470
Alpine, Texas 79831

Rape Crisis/Domestic Violence
Center of Amarillo, Inc.
8045 Bryan, #214,
Amarillo, Texas 79106

Women's Center of Brazoria
County
P.O. Box 476
Angleton, Texas 77516-0476

The Women's Shelter
P.O. Box 1207
Arlington, Texas 76004

Center for Battered Women
P.O. Box 19454
Austin, Texas 78760

Bastrop County Women's Shelter
P.O. Box 736
Bastrop, Texas 78602

Matagorda County Women's
Crisis Center
P.O. Box 1820
Bay City, Texas 77414

Women's & Children's Shelter
of Southeast Texas
P.O. Box 6606
Beaumont, Texas 77705

Friendship of Women, Inc.
P.O. Box 3112
Brownsville, Texas 78520

Phoebe's Home
P.O. Box 3490
Bryan, Texas 77805

Johnson County Family
Crisis Center
P.O. Box 43
Cleburne, Texas 76033

Montgomery County Women's Center
P.O. Box 8666
Conroe, Texas 77387-8666

Women's Shelter of Corpus
Christi Area
P.O. Box 33611
Corpus Christi, Texas 78463-3368

The Family Place
4211 Cedar Springs #100
Dallas, Texas 75219

Denton County Friends of the
Family, Inc.
P.O. Box 623
Denton, Texas 76202

Safe Place, Inc.
P.O. Box 317
Dumas, Texaco 79029

The El Paso Shelter for Battered
Women
P.O. Box 26219
El Paso, Texas 79926

Women's Haven of Tarrant County
P.O. Box 1456
Ft. Worth, Texas 76101

Women's Resource & Crisis Center
of Galveston County, Inc.
P.O. Box 1545
Galveston, Texas 77553

Women in Need, Inc.
P.O. Box 349
Greenville, Texas 75401

Family Crisis Center
2220 Haine Drive, #32
Harlington, Texas 78550

Medina County Family Life Center
P.O. Box 393
Hondo, Texas 78861

Houston Area Women's Center
3101 Richmond #150
Houston, Texas 77098

The Roseate, A Better Choice, Inc.
Department 332, Box 90020
Houston, Texas 77069

SAAFE House (Walker County Family
Violence Council
P.O. Box 1893
Huntsville, Texas 77342-1893

Cherokee County Crisis Center
P.O. Box 8371
Jacksonville, Texas 75766

Hill Country Crisis Council, Inc.
P.O. Box 1817
Kerrville, Texas 78029

Kilgore Community Center
905 Broadway
Kilgore, Texas 75662

Families in Crisis
P.O. Box 25
Killeen, Texas 76540-0025

Catholic Social Services of Laredo
P.O. Box 3305
Laredo, Texas 78041

Women's Center of East Texas
P.O. Box 347
Longview, Texas 75606

Women's Protective Services
1706 23rd Street, Suite 104
Lubbock, Texas 79411

Family Crisis Center
P.O. Box 805
Marble Falls, Texas 78654

Mujeres Unidas/Women Together
Foundation, Inc.
420 N. 21st Street
McAllen, Texas 78501

Permian Basin Center for Battered
Women and Their Children
P.O. Box 2942
Midland, Texas 79702

Hope, Inc.
P.O. Box 1622
Mineral Wells, Texas 76067

Women's Shelter of East Texas,
Inc.
P.O. Box 630569
Nacogdoches, Texas 75963

Comal County Women's Center
P.O. Box 310344
New Braunfels, Texas 78131-0344

Tra-Lee Crisis Center for Women,
Inc.
P.O. Box 2880
Pampa, Texas 79065

Family Haven Crisis & Resource
Center, Inc.
1220 Clarksville
Paris, Texas 75460

The Bridge Over Troubled Water
P.O. Box 3488
Pasadena, Texas 77501

Panhandle Crisis Center
P.O. Box 502
Perryton, Texas 79070

Hale County Crisis Center
P.O. Box 326
Plainville, Texas 79073-0326

Collin County Women's Shelter
2701 West 15th, Suite 212
Plano, Texas 75075

Fort Bend County Women's
Refuge, Inc.
P.O. Box 183
Richmond, Texas 77469

Williamson County Crisis Center
211 Commerce Cove, #103
Round Rock, Texas 78664

LCD Family Shelter
P.O. Box 501 11
San Angelo, Texas 76902

Battered Women's Shelter of Bexar
County, Inc.
P.O. Box 10393
San Antonio, Texas 78210

Hays County Women's Center
P.O. Box 234
San Marcos, Texas 78667

Guadalupe County Women's Shelter
P.O. Box 1302
Seguin, Texas 78155

Crisis Center
P.O. Box 2112
Sherman, Texas 75091

Domestic Violence Prevention, Inc.
P.O. Box 712
Texarkana, Texas 75504

East Texas Crisis Center
3027 S.S.E. Loop 323
Tyler, Texas 75701

Women's Crisis Center
P.O. Box 395
Victoria, Texas 77902

Family Abuse Center
P.O. Box 20395
Waco, Texas 76702-0395

First Step, Inc.
P.O. Box 773
Wichita Falls, Texas 76307

If you are eligible during FY 1993 and meet the listed requirements, contact the Operations Director or Program Administrator for your region by March 31, 1992

Regions 01/02

Gwen Potts, ODFC
P.O. Box 10528
Lubbock, TX 79408 (217-7)
(806) 741-0541 ext. 506

Region 04

Mark Marsh, ODFC
P.O. Box 6635
Abilene, TX 79608 (001-1)
(915) 672-6814, EXT. 232

Region 06

Karen Ellis, ODFC
P.O. Box 15995
Austin, TX 78761 (016-1)
(512) 834-3406

Region 08

Gilbert Garcia, ODFC
P.O. Box 960
Edinburg, TX 78540 (108-1)
(512) 383-5344, ext. 254

Region 10

Josephine Robinson, ODFC
285 Liberty
Beaumont, TX 77701 (028-1)
(409) 880-3350

Regions 03/12

Eddie Wilson, ODFC
P.O. Box 10276
El Paso, TX 79994 (111-1)
(915) 599-3686

Region 05

Fred Seale, PAFC
P.O. Box 51 28
Arlington, TX 76011-5128 (012-5)
(817) 640-5090, ext. 378

Region 07

Linda Fleming, ODFC
3800 Paluxy Street, Suite 250
Tyler, TX 75703
(903) 561-5620, ext. 169

Region 09

David Reilly, ODFC
P.O. Box 23990
San Antonio, TX 78223-0990 (2778-5)
(512) 337-3589

Region 11

Gene Daniel, PAFC
1300 E. 40th Street
Houston, TX 77022 (172-1)
(713) 696-7370

Issued in Austin, Texas, on February 14, 1992.

TRD-9202314 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: February 14, 1992

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

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Texas Commission on Jail Standards
Consultant Contract Award

In compliance with the provisions of Texas Civil Statutes, Article 6252-11C, the Texas Commission on Jail Standards furnishes this notice of consultant contract award.

Publication Date. The request for proposals was published in the January 3, 1992, issue of the *Texas Register* (17 TexReg 71).

Description of Services. The consultant will advise and assist the Texas Commission on Jail Standards in a survey of approximately 60 municipal and county jails to verify compliance information regarding the removal of juveniles from the facilities.

Consultant Name and Address. The consultant contract has been awarded to June Scogin, 212 Nuthatch, Buda, Texas 78610.

Due Dates. All jail analysis reports are due to the commission by July 1, 1992.

Issued in Austin, Texas, on February 10, 1992.

TRD-9202219 Jack E. Crump
Executive Director
Texas Commission on Jail Standards

Filed: February 12, 1992

For further information, please call: (512) 463-5505

Public Utility Commission of Texas Cancellation of Meeting

The Public Utility Commission published a proposal to amend §23.31 and §23.66 of Title 16 of the Texas Administrative Code on February 7, 1992 (17 TexReg 993). In connection with the publication of the proposed amendments, the commission announced that it would hold an informal dispute resolution meeting with parties that are interested in the proposed amendments, 20 days after the publication of the proposed amendments. This meeting is cancelled. The preamble to the proposed rule also indicated that the commission had decided to appoint a member of the commission staff to serve as a facilitator in the informal dispute resolution process. This information is not correct; the commission has not yet reached a decision concerning the appointment of a facilitator.

Issued in Austin, Texas, on February 12, 1992.

TRD-9202242 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: February 12, 1992

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

Texas Department of Transportation Notice of Intent

Pursuant to Title 43, Texas Administrative Code, §11.88, concerning Environmental Impact Statements (EIS), the Texas Department of Transportation (TxDOT) is issuing this notice to advise the public that a draft environmental impact statement will be prepared for a proposed highway project in Harris and Chambers Counties.

The TxDOT in cooperation with the Federal Highway Administration (FHWA), will prepare a draft EIS on a proposal to construct Segment I-2 of State Highway (SH) 99 in Harris and Chambers Counties. The proposed improvements will involve the construction of a limited access freeway between SH 146 at Goose Creek and Interstate Highway (IH) 10(E), a distance of approximately 13 miles.

This roadway is considered necessary to provide for existing and projected traffic demand, and to provide a major evacuation route from coastal areas in Harris, Galveston, and Chambers Counties. Alternatives to be discussed in the draft EIS include: taking no action; improving Loop 201 and SH 146; and improving SH 146 and Spur 55 including the improvement of various alignments in western Chambers County. The build alternatives include the use of existing right-of-way and/or new location right-of-way to connect SH 99 to IH (10(E)).

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A public scoping meeting will be held at 7 p.m. on March 25, 1992, at Sterling High School in Baytown. Public comments on the proposed action and alternatives will be requested. In addition, a public hearing will be held. Public noticed will be given of the time and place of the meeting and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties.

Agency Contact: Comments or questions concerning this proposed action and the EIS should be directed to Kenneth C. Bohuslav, P.E., Texas Department of Transportation, Division of Highway Design, 125 East 11th Street, Austin, Texas 78701, (512) 463-0269.

Issued in Austin, Texas, on February 7, 1992.

TRD-9201993 Diane L. Northam
Legal Administrative Assistant
Texas Department of Transportation

Filed: February 7, 1992

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

Public Hearing Notice

Pursuant to Texas Civil Statutes, Article 6673k, the Texas Transportation Commission will conduct a public hearing to receive data, comments, views, and/or testimony concerning the commission's highway project selection process and the relative importance of the various criteria on which the commission bases its projects selection decisions.

The public hearing will be held on Tuesday, February 25, 1992, at 1:30 p.m., in the first floor hearing room of the Dewitt C. Greer State Highway Building, 125 East 11th Street, Austin. Any interested person may appear and offer comments or testimony, either orally or in writing, however, questioning or its staff as may be necessary to ensure a complete record. While any person with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the commission reserves the right to restrict testimony in terms of time or repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views, and same or similar comments, through a representative member where possible.

To assure that all persons who have registered to speak are afforded an opportunity to do so and to avoid undue hardship or inconvenience of conducting the proceedings beyond reasonable hour, the commission may recess the hearing and reconvene at a time and location to be announced upon recess, for the limited purpose of receiving those remaining comments.

Written comments may be submitted to William A. Lancaster, P.E., Director of Highway Design, 125 East 11th Street, Austin, Texas 78701. Copies of the criteria/information are available from the Division of Highway Design at the Department's LaCosta Annex, 6400 Highway 290 East, Austin, (512) 465-6201. The deadline for submitting comments is 5 p.m. on March 3, 1992.

Issued in Austin, Texas, on February 10, 1992.

TRD-9202038 Robert E. Shaddock
General Counsel
Texas Department of Transportation

Filed: February 10, 1992

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

1992 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1992 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on February 28, November 6, December 1, and December 29. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 *Friday, January 3	Friday, December 27	Tuesday, December 31
2 *Tuesday, January 7	Tuesday, December 31	Thursday, January 2
3 Friday, January 10	Monday, January 6	Tuesday, January 7
4 Tuesday, January 14	Wednesday, January 8	Thursday, January 9
5 Friday, January 17	Monday, January 13	Tuesday, January 14
6 Tuesday, January 21	Wednesday, January 15	Thursday, January 16
Friday, January 24	1991 ANNUAL INDEX	
7 Tuesday, January 28	Wednesday, January 22	Thursday, January 23
8 Friday, January 31	Monday, January 27	Tuesday, January 28
9 Tuesday, February 4	Wednesday, January 29	Thursday, January 30
10 Friday, February 7	Monday, February 3	Tuesday, February 4
11 Tuesday, February 11	Wednesday, February 5	Thursday, February 6
12 Friday, February 14	Monday, February 10	Tuesday, February 11
13 Tuesday, February 18	Wednesday, February 12	Thursday, February 13
14 *Friday, February 21	Friday, February 14	Tuesday, February 18
15 Tuesday, February 25	Wednesday, February 19	Thursday, February 20
Friday, February 28	NO ISSUE PUBLISHED	
16 Tuesday, March 3	Wednesday, February 26	Thursday, February 27
17 Friday, March 6	Monday, March 2	Tuesday, March 3
18 Tuesday, March 10	Wednesday, March 4	Thursday, March 5
19 Friday, March 13	Monday, March 9	Tuesday, March 10
20 Tuesday, March 17	Wednesday, March 11	Thursday, March 12
21 Friday, March 20	Monday, March 16	Tuesday, March 17
22 Tuesday, March 24	Wednesday, March 18	Thursday, March 19
23 Friday, March 27	Monday, March 23	Tuesday, March 24
24 Tuesday, March 31	Wednesday, March 25	Thursday, March 26
25 Friday, April 3	Monday, March 30	Tuesday, March 31
26 Tuesday, April 7	Wednesday, April 1	Thursday, April 2
27 Friday, April 10	Monday, April 6	Tuesday, April 7
Tuesday, April 14	FIRST QUARTERLY INDEX	
28 Friday, April 17	Monday, April 13	Tuesday, April 14
29 Tuesday, April 21	Wednesday, April 15	Thursday, April 16

30 Friday, April 24	Monday, April 20	Tuesday, April 21
31 Tuesday, April 28	Wednesday, April 22	Thursday, April 23
32 Friday, May 1	Monday, April 27	Tuesday, April 28
33 Tuesday, May 5	Wednesday, April 29	Thursday, April 30
34 Friday, May 8	Monday, May 4	Tuesday, May 5
35 Tuesday, May 12	Wednesday, May 6	Thursday, May 7
36 Friday, May 15	Monday, May 11	Tuesday, May 12
37 Tuesday, May 19	Wednesday, May 13	Thursday, May 14
38 Friday, May 22	Monday, May 18	Tuesday, May 19
39 Tuesday, May 26	Wednesday, May 20	Thursday, May 21
40 *Friday, May 29	Friday, May 22	Tuesday, May 26
41 Tuesday, June 2	Wednesday, May 27	Thursday, May 28
42 Friday, June 5	Monday, June 1	Tuesday, June 2
43 Tuesday, June 9	Wednesday, June 3	Thursday, June 4
44 Friday, June 12	Monday, June 8	Tuesday, June 9
45 Tuesday, June 16	Wednesday, June 10	Thursday, June 11
46 Friday, June 19	Monday, June 15	Tuesday, June 16
47 Tuesday, June 23	Wednesday, June 17	Thursday, June 18
48 Friday, June 26	Monday, June 22	Tuesday, June 23
49 Tuesday, June 30	Wednesday, June 24	Thursday, June 25
50 Friday, July 3	Monday, June 29	Tuesday, June 30
51 Tuesday, July 7	Wednesday, July 1	Thursday, July 2
52 Friday, July 10	Monday, July 6	Tuesday, July 7
Tuesday, July 14	SECOND QUARTERLY INDEX	
53 Friday, July 17	Monday, July 13	Tuesday, July 14
54 Tuesday, July 21	Wednesday, July 15	Thursday, July 16
55 Friday, July 24	Monday, July 20	Tuesday, July 21
56 Tuesday, July 28	Wednesday, July 22	Thursday, July 23
57 Friday, July 31	Monday, July 27	Tuesday, July 28
58 Tuesday, August 4	Wednesday, July 29	Thursday, July 30
59 Friday, August 7	Monday, August 3	Tuesday, August 4
60 Tuesday, August 11	Wednesday, August 5	Thursday, August 6
61 Friday, August 14	Monday, August 10	Tuesday, August 11
62 Tuesday, August 18	Wednesday, August 12	Thursday, August 13
63 Friday, August 21	Monday, August 17	Tuesday, August 18
64 Tuesday, August 25	Wednesday, August 19	Thursday, August 20
65 Friday, August 28	Monday, August 24	Tuesday, August 25
66 Tuesday, September 1	Wednesday, August 26	Thursday, August 27
67 Friday, September 4	Monday, August 31	Tuesday, September 1
68 Tuesday, September 8	Wednesday, September 2	Thursday, September 3
69 *Friday, September 11	Friday, September 4	Tuesday, September 8

70 Tuesday, September 15	Wednesday, September 9	Thursday, September 10
71 Friday, September 18	Monday, September 14	Tuesday, September 15
72 Tuesday, September 22	Wednesday, September 16	Thursday, September 17
73 Friday, September 25	Monday, September 21	Tuesday, September 22
74 Tuesday, September 29	Wednesday, September 23	Thursday, September 24
75 Friday, October 2	Monday, September 28	Tuesday, September 29
76 Tuesday, October 6	Wednesday, September 30	Thursday, October 1
77 Friday, October 9	Monday, October 5	Tuesday, October 6
Tuesday, October 13	THIRD QUARTERLY INDEX	
78 Friday, October 16	Monday, October 12	Tuesday, October 13
79 Tuesday, October 20	Wednesday, October 14	Thursday, October 15
80 Friday, October 23	Monday, October 19	Tuesday, October 20
81 Tuesday, October 27	Wednesday, October 21	Thursday, October 22
82 Friday, October 30	Monday, October 26	Tuesday, October 27
83 Tuesday, November 3	Wednesday, October 28	Thursday, October 29
Friday, November 6	NO ISSUE PUBLISHED	
84 Tuesday, November 10	Wednesday, November 4	Thursday, November 5
85 Friday, November 13	Monday, November 9	Tuesday, November 10
*86 Tuesday, November 17	Tuesday, November 10	Thursday, November 12
87 Friday, November 20	Monday, November 16	Tuesday, November 17
88 Tuesday, November 24	Wednesday, November 18	Thursday, November 19
89 Friday, November 27	Monday, November 23	Tuesday, November 24
Tuesday, December 1	NO ISSUE PUBLISHED	
90 Friday, December 4	Monday, November 30	Tuesday, December 1
91 Tuesday, December 8	Wednesday, December 2	Thursday, December 3
92 Friday, December 11	Monday, December 7	Tuesday, December 8
93 Tuesday, December 15	Wednesday, December 9	Thursday, December 10
94 Friday, December 18	Monday, December 14	Tuesday, December 15
95 Tuesday, December 22	Wednesday, December 16	Thursday, December 17
96 Friday, December 25	Monday, December 21	Tuesday, December 22
Tuesday, December 29	NO ISSUE PUBLISHED	
1 (1993) Friday, January 1	Monday, December 28	Tuesday, December 29

Please use this form to order a subscription to the *Texas Register*, to order a back issue, or to indicate a change of address. Please specify the exact dates and quantities of the back issues requested. Each copy of a back issue is \$5 including postage. You may use your Mastercard or Visa to purchase back issues or subscription services. To order by credit card, please call the *Texas Register* at (512) 463-5561. All purchases made by credit card will be subject to an additional 1.9% service charge. For more information, please write to the *Texas Register*, P.O. Box 13824, Austin, TX 78711-3824 or call (512) 463-5561.

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