

Texas Register

Volume 17, Number 93, December 15, 1992

Page 8773-8859

In This Issue...

1993 Publication Schedule Inside

Proposed Sections

General Services Commission

Central Purchasing Division

1 TAC §§113.1-113.15, 113.17 8785

1 TAC §§113.1-113.18 8785

Texas Board of Chiropractic Examiners

Licenses and Renewals

22 TAC §73.2 8796

Chiropractic Facilities

22 TAC §74.1 8796

Rules of Practice

22 TAC §75.1 8797

22 TAC §§75.2-75.4, 75.6 8797

22 TAC §75.6 8797

22 TAC §75.7 8798

Delegation of Authority

22 TAC §76.1 8798

Advertising and Public Communications

22 TAC §77.3 8799

22 TAC §77.5 8799

Chiropractic Radiologic Technologist

22 TAC §78.1 8799

Reciprocity

22 TAC §79.1 8800

22 TAC §79.2 8800

Practice of Chiropractic

22 TAC §80.1 8801

22 TAC §80.4 8801

22 TAC §80.5 8801

22 TAC §80.6 8802

22 TAC §80.8 8802

22 TAC §80.9 8803

Board of Vocational Nurse Examiners

Contested Case Procedure

22 TAC §239.1 8803

22 TAC §239.11 8804

22 TAC §239.23, §239.24 8804



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CONTENTS CONTINUED INSIDE

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- Attorney General** - summaries of requests for opinions, opinions, and open records decisions
- Secretary of State** - opinions based on the election laws
- Texas Ethics Commission** - summaries of requests for opinions and opinions
- 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- Withdrawn Sections** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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.

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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: "17 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 17 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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Texas Department of Criminal Justice

Receipt and Disbursement of Work Program Residents' Earned Funds

37 TAC §160.3 8805

Texas Department of Human Services

Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification

40 TAC §19.1807 8805

Adopted Sections

Texas Commission on the Arts

Agency Procedures

13 TAC §§31.3, 31.4, 31.6 8807

Public Utility Commission of Texas

Substantive Rules

16 TAC §23.21 8807

16 TAC §23.44 8810

Open Meetings

Texas Department of Agriculture 8813

Texas Bond Review Board 8813

Texas Commission for the Deaf and Hearing Impaired 8813

Interagency Council on Early Childhood Intervention 8813

Employees Retirement System of Texas 8813

The Finance Commission of Texas 8814

State Finance Commission 8814

Office of the Governor, Criminal Justice Division 8814

Texas High-Speed Rail Authority 8814

Texas Department of Human Services 8814

Texas Department of Insurance 8815

Texas Optometry Board 8815

Public Utility Commission of Texas 8815

School Land Board 8815

University of Texas System, M. D. Anderson Cancer Center 8816

Texas Water Commission 8816

Regional Meetings 8816

In Addition Sections

Texas Air Control Board

Extension of Deadline For Written Comments 8819

Notice of Opportunity to Comment on Administrative Actions 8819

Office of Consumer Credit

Commissioner

Notice of Rate Ceilings 8821

Court Reporters Certification Board

Suspension of Certification 8822

Employees Retirement System of Texas

Fiscal Report 8822

Request for Proposals for Texas Employees Uniform Group Insurance Program Annual Audit of the Insurance Carrier's Claims Operation 8845

Texas Department of Health

Designation of Site Serving Medically Underserved Population 8845

Licensing Actions for Radioactive Materials 8845

State Preservation Board

Consultant Proposal Request 8848

Public Utility Commission of Texas

Notice of Application to Amend Certificate of Convenience and Necessity 8848

Center for Rural Health Initiatives

Request for Proposal 8849

Teacher Retirement System of Texas

Report of Fiscal Transactions, Accumulated Cash and Securities, and Rate of Return on Assets 8849

Texas Water Commission

Notice of Application for Waste Disposal Permit 8857

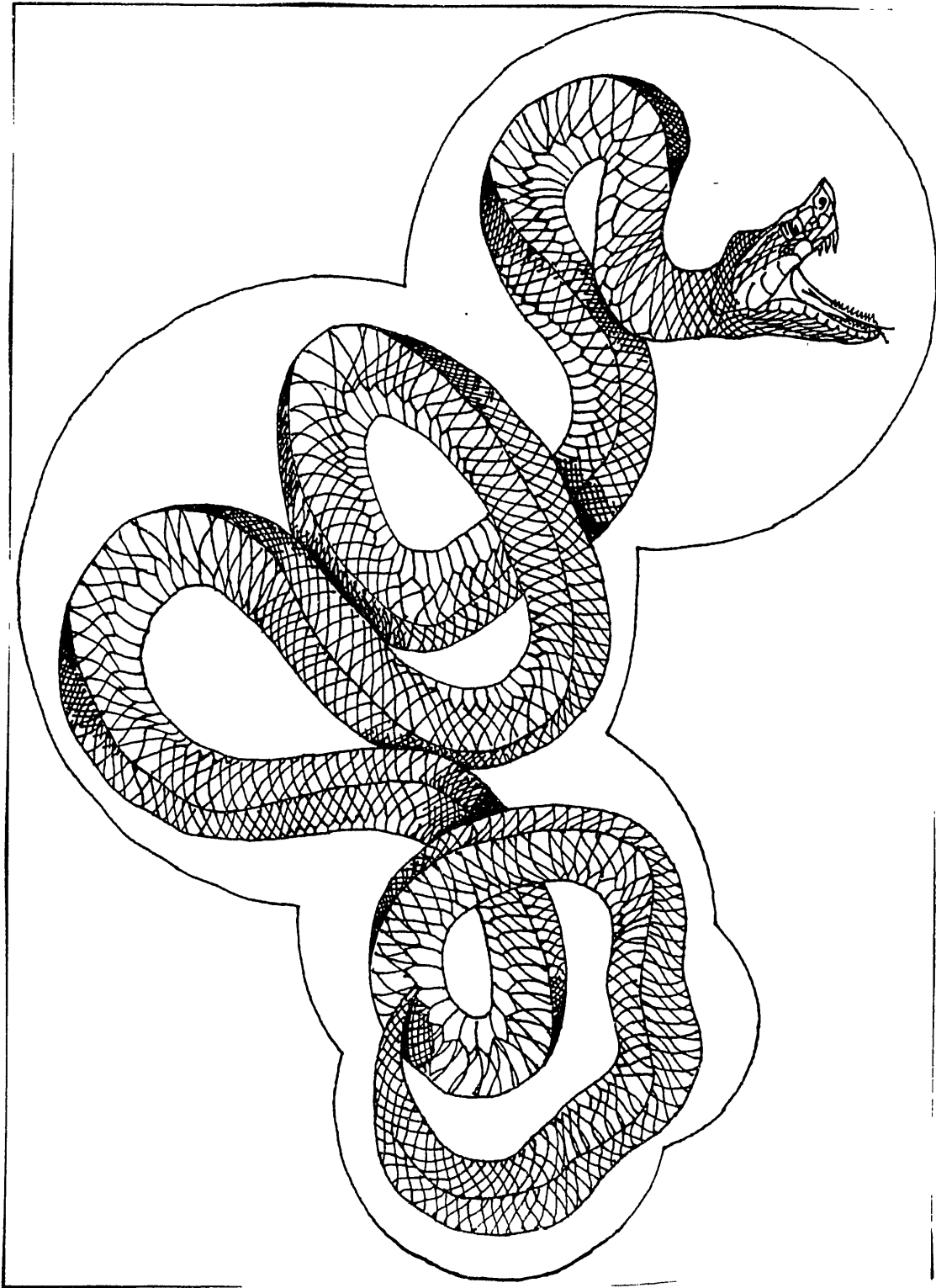
Texas Water Development Board

Request for Proposals to Conduct Water Research 8859



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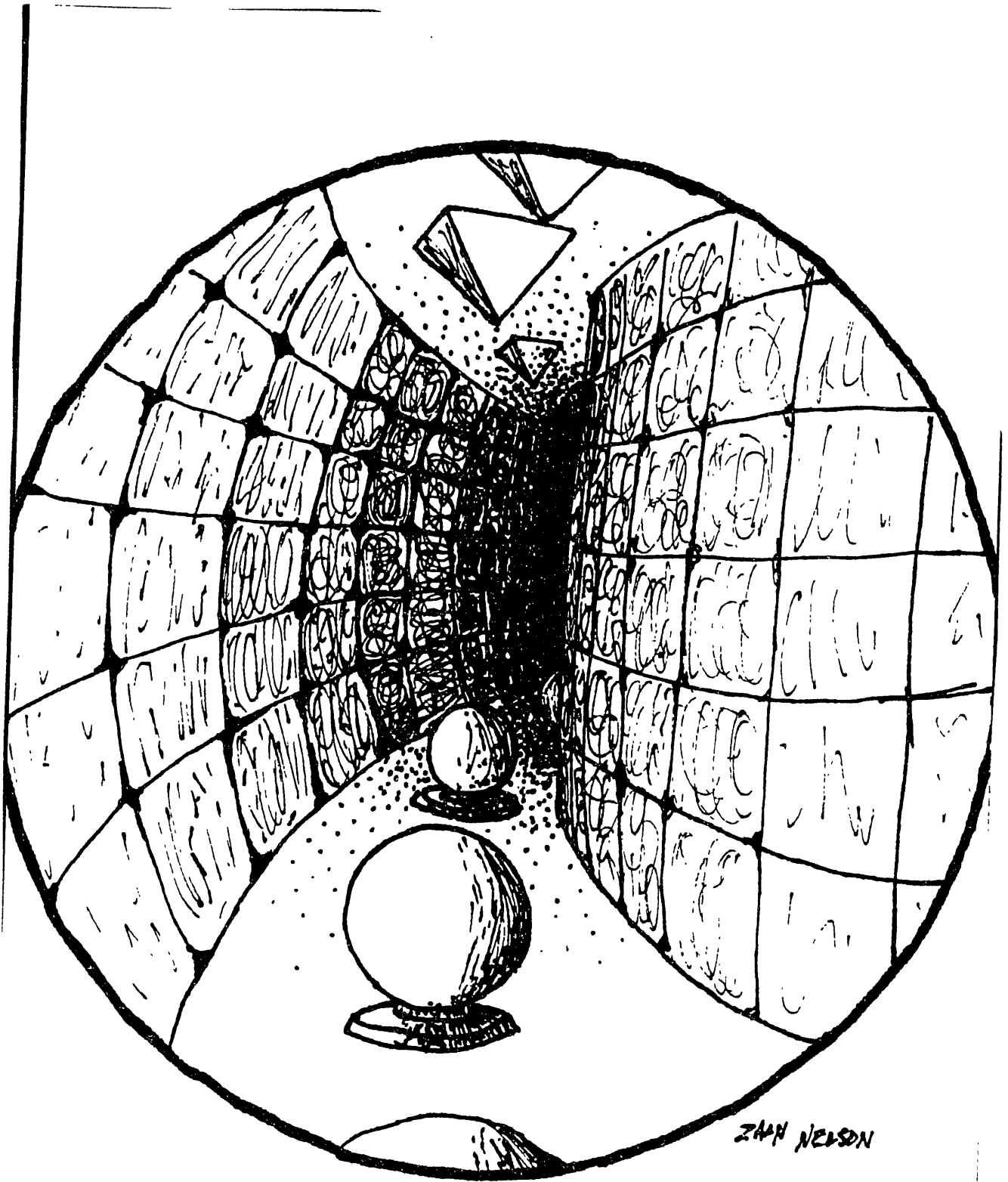




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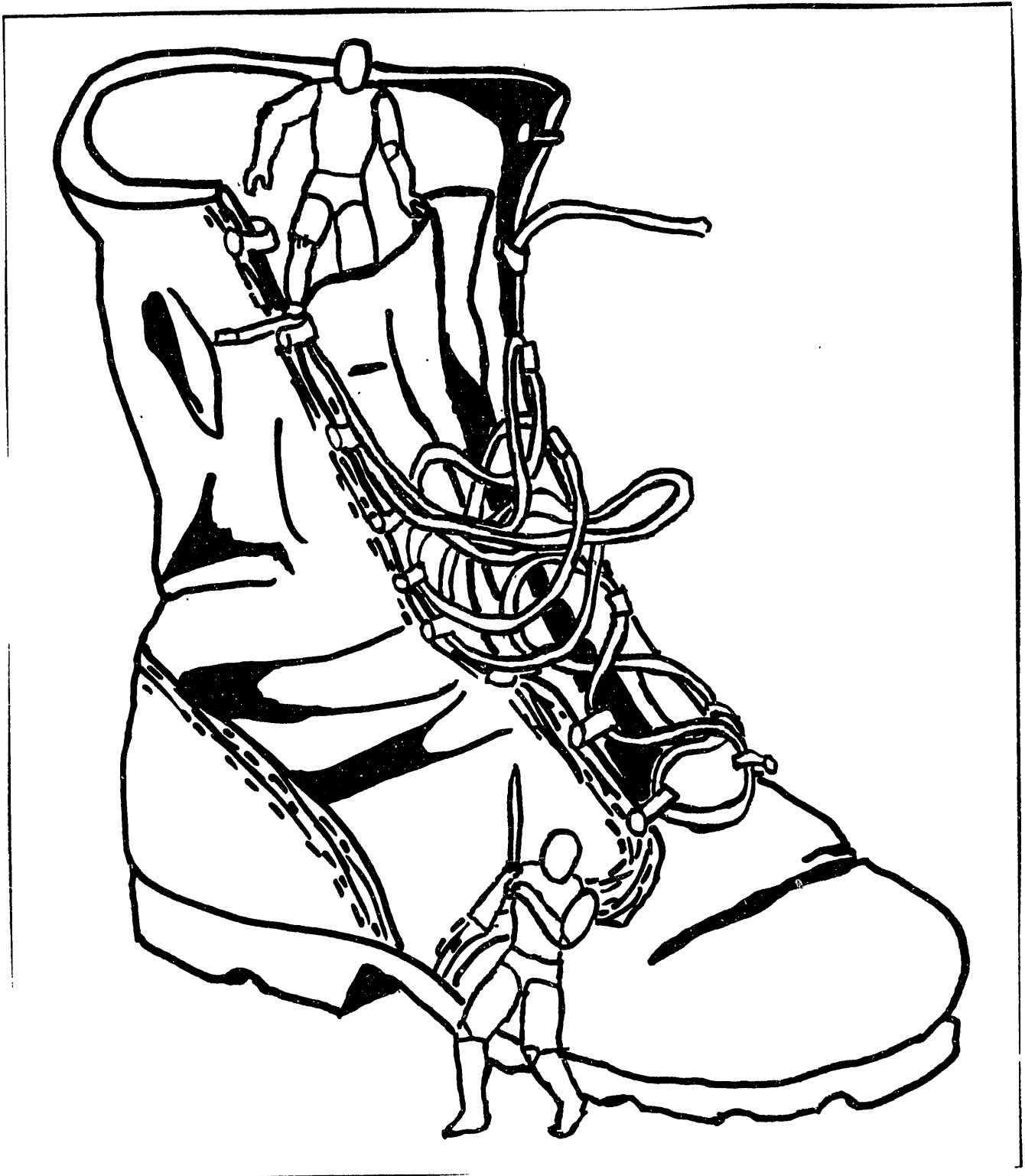
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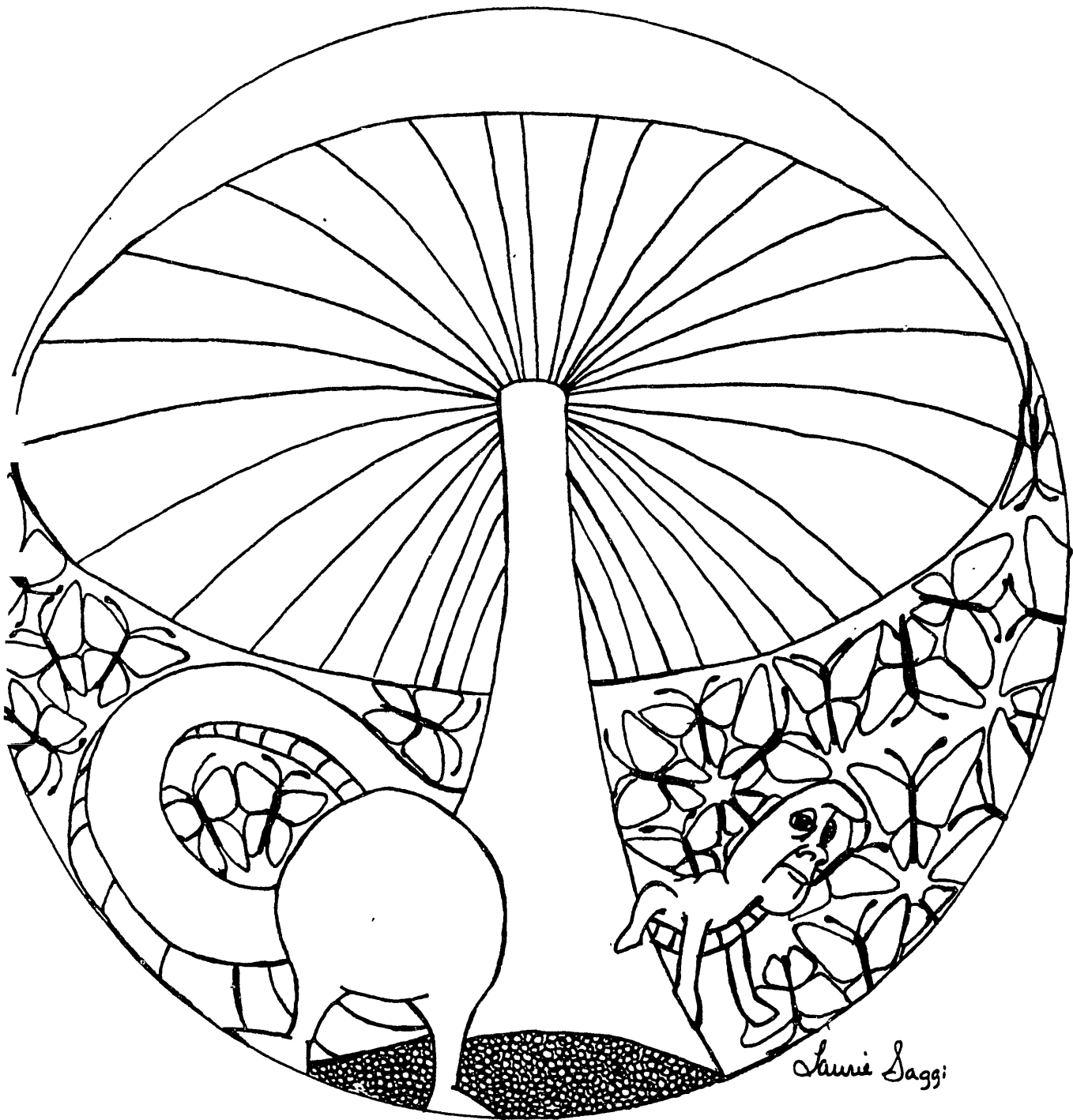
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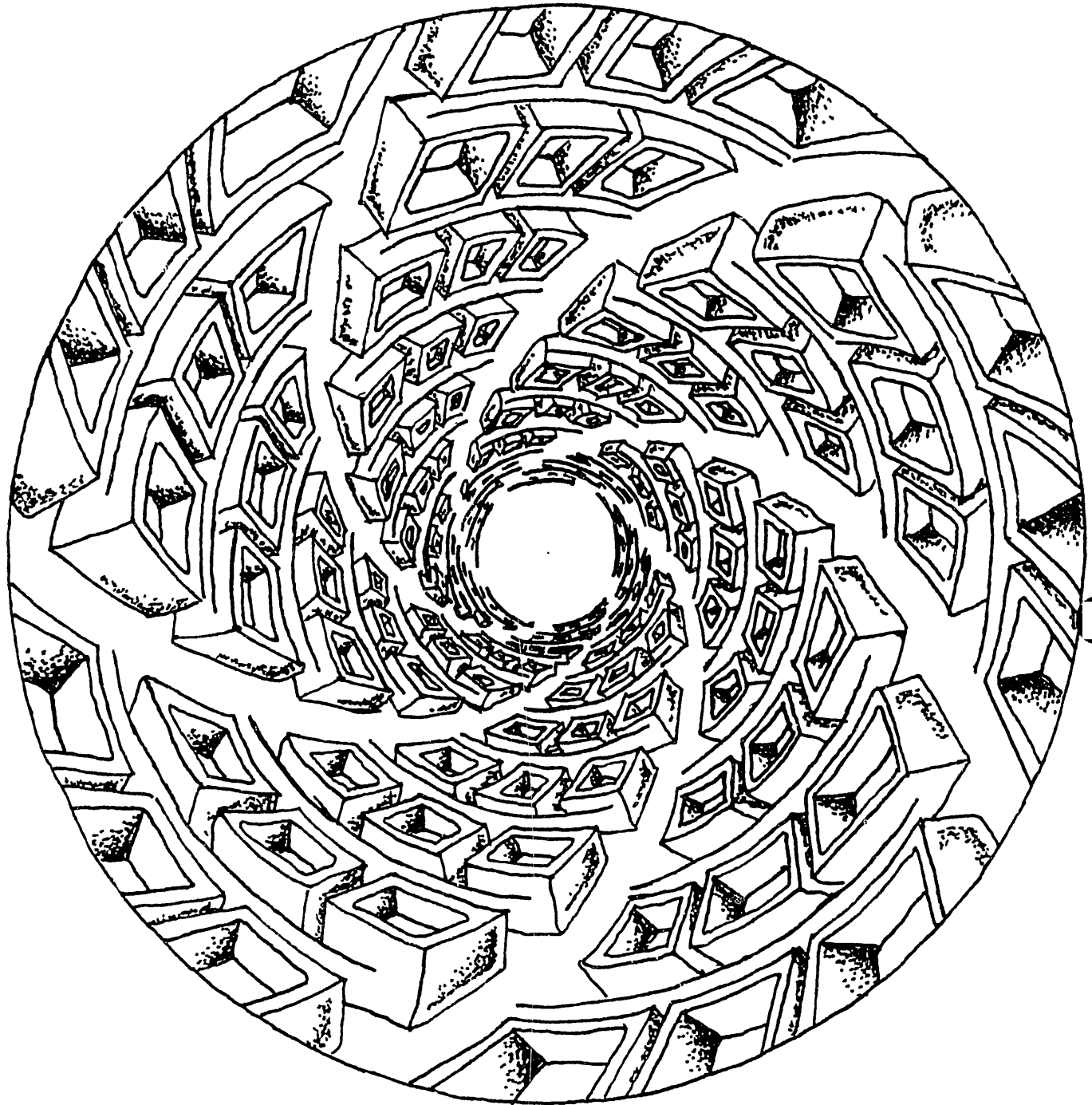
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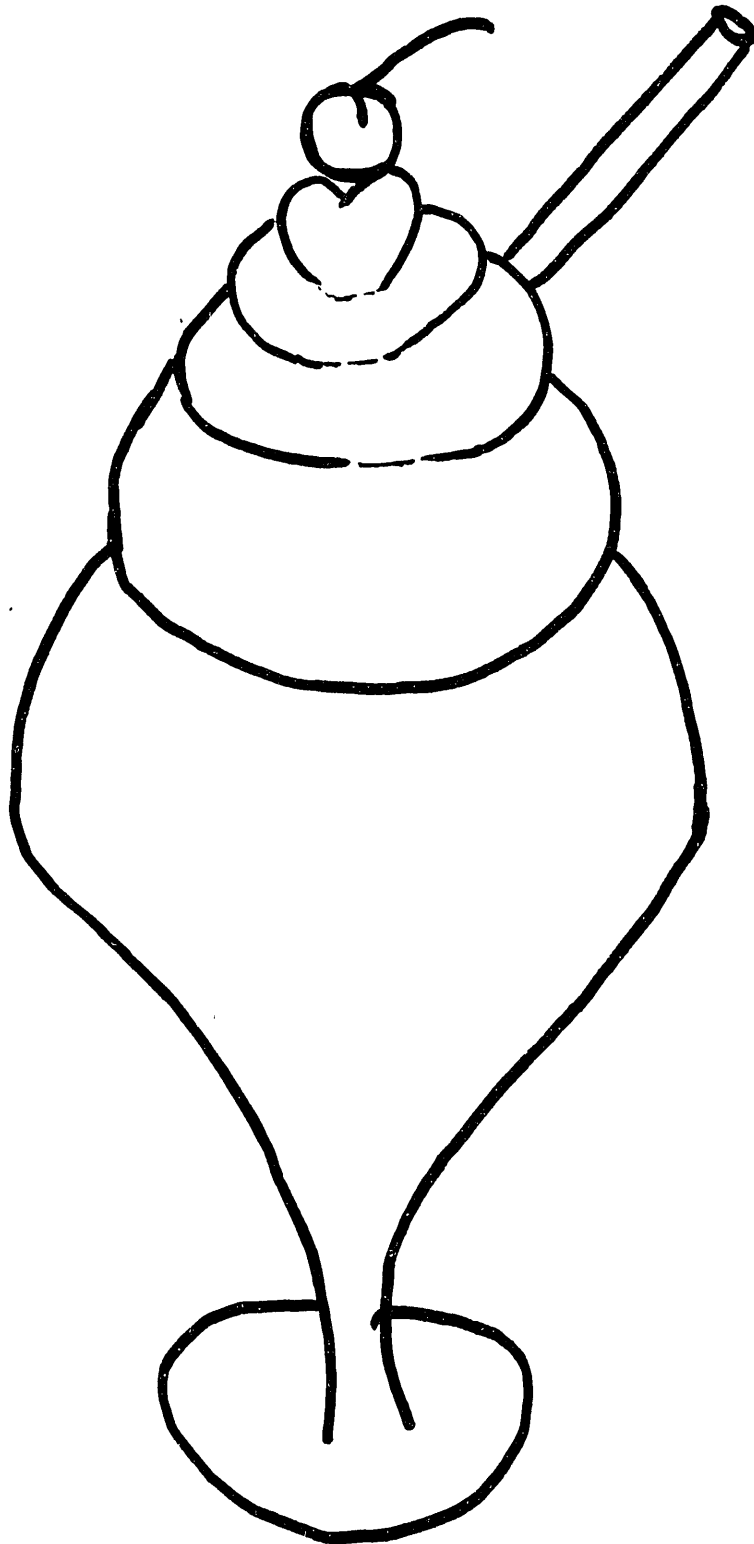
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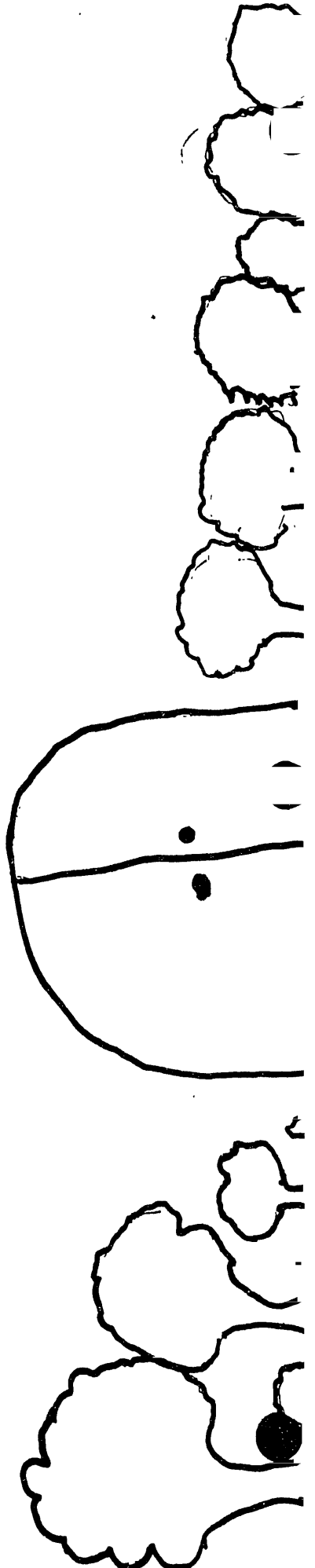
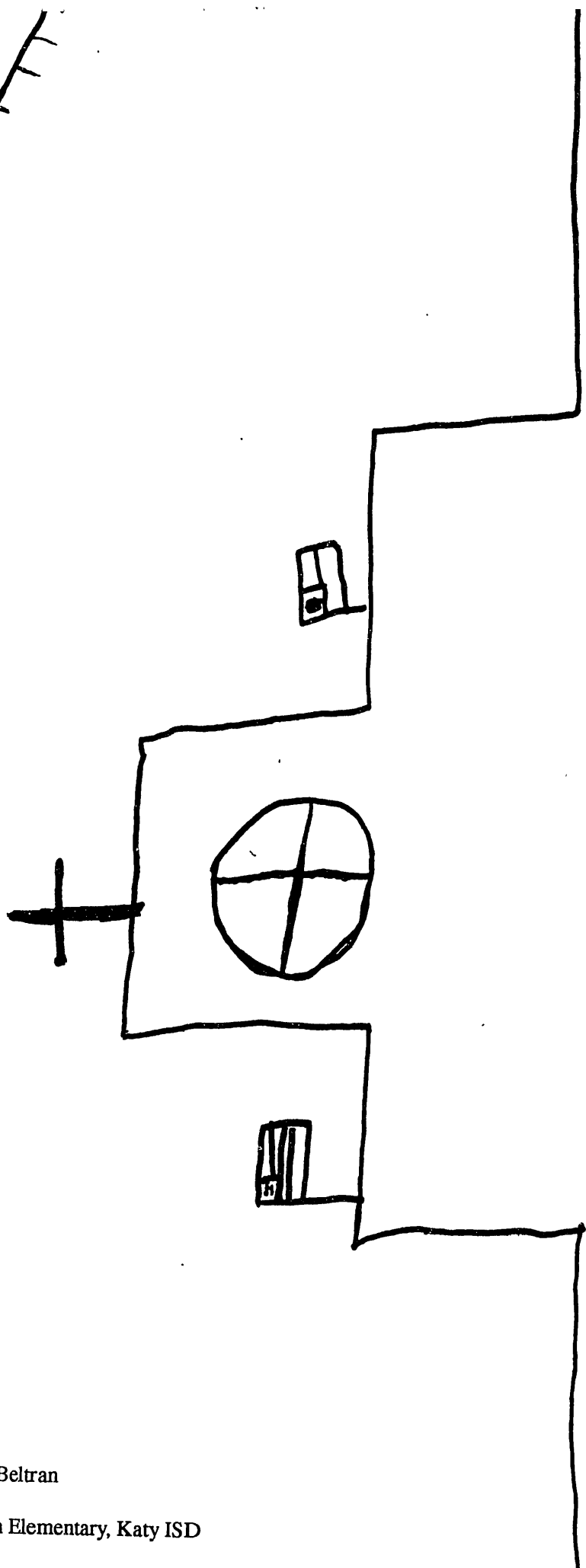
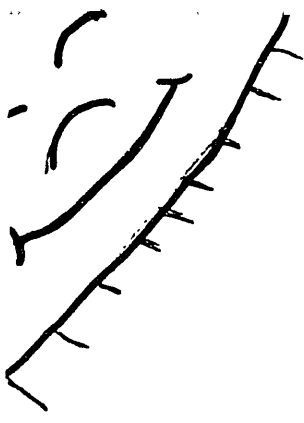
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Proposed Sections

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 V. General Services Commission

Chapter 113. Central Purchasing Division

Purchasing

• 1 TAC §§113.1-113.15, 113.17

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

The General Services Commission proposes the repeal of §§113.1-113.15 and §113.17, concerning purchasing. The repeals eliminates unnecessary, obsolete language.

Ron Arnett, Director, Purchasing Division, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Arnett also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be clearer and simpler rules. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Judith M. Porras, Director, Legal Information and Human Resources Division, General Services Commission, P. O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The repeals are proposed under Texas Civil Statutes, Article 601b, §3.01, which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of Article 3.

§113.1. General.

§113.2. Definitions.

§113.3. Requisition Processing.

§113.4. Bid Lists, Conditions Applicable to Both Open Market and Contract.

§113.5. Public Bid Opening and Tabulation, Conditions Applicable to Both Open Market and Contract.

§113.6. Bid Evaluation and Award, Conditions Applicable to Both Open Market and Contract.

§113.7. Contract Administration, Conditions Applicable to Both Open Market and Contract.

§113.8. Open Market Purchases.

§113.9. Term Contracts.

§113.10. Delegated Purchases.

§113.11. Texas Department of Criminal Justice Purchases.

§113.12. Purchase of Products and Services of Blind and Severely Disabled Persons.

§113.13. Purchases for School Districts.

§113.14. Invoicing and Payment.

§113.15. Multiple Award Contract Procedure.

§113.17. Purchases of Information Resources Technology.

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 December 7, 1992.

TRD-9216312

Judith M. Porras
Director, Legal Information
and Human Resources
Division
General Services
Commission

Earliest possible date of adoption: January 15, 1993

For further information, please call: (512) 463-3583

• 1 TAC §§113.1-113.18

The General Services Commission proposes new §§113.1-113.18, concerning central purchasing to restate, simplify, and clarify procedures and requirements applicable to the commission, other agencies, bidders, and vendors in the procurement of supplies, services, material, and equipment. The new sections provide: definitions; requisition, specification, and bidding requirements; a competitive sealed proposal process, bidding preferences, and procedures for contract administration, delegated purchases, higher education research purchases, purchases from the Texas Department of Criminal Justice, invoicing and payment, term contracts, multiple award contracts, purchases for school districts, unsolicited proposals, and information technologies purchases.

Ron Arnett, Director, Purchasing Division, 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. Arnett 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 clearer and simpler rules. 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 Judith M. Porras, Director, Legal Information and Human Resources Division, General Services Commission, P. O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The new sections are proposed under Texas Civil Statutes, Article 601b, §3.01, which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of Article 3.

§113.1. General.

(a) The commission purchases supplies, materials, services, and equipment for the State of Texas.

(b) Whenever possible, purchases are based on competitive bids. Negotiation of contracts is permitted for:

(1) emergency purchases when there is insufficient time to solicit bids;

(2) proprietary purchases or purchases of items for which there is only one source of supply;

(3) purchases by means of competitive sealed proposals; and

(4) proposed purchases in circumstances where competitive specifications have been advertised but the commission has received only one acceptable bid, or no acceptable bids; provided, however, such negotiation may not result in a material change to the advertised specifications.

(c) The commission keeps records of purchases which:

(1) were competitively bid, or allowed for competitive bidding;

(2) were not competitive, but were adequately justified in writing; and

(3) were not competitive, were not adequately justified in writing, and required the commission to take exception to the purchase.

(d) Purchase contracts shall be governed by and interpreted under the laws of the State of Texas.

(e) The commission may use electronic services to improve the efficiency and effectiveness of the purchasing system. Such services are provided on a cost recovery basis to those who choose to use them. Examples of such services include electronic delivery of purchase orders, electronic receipt of bids and proposals, and electronic bulletin boards.

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

Award—The act of accepting a bid, thereby forming a contract between the state and a bidder.

Bid—An offer to contract with the state, submitted in response to a bid invitation issued by the commission.

Bid deposit—A deposit required of bidders to protect the state in the event a low bidder attempts to withdraw its bid or otherwise fails to enter into a contract with the state. Acceptable forms of bid deposits are limited to: cashier's check, certified check, or irrevocable letter of credit issued by a financial institution subject to the laws of Texas; a surety or blanket bond from a company chartered or authorized to do business in Texas; United States Treasury bond; or certificate of deposit.

Bid sample—A sample required to be furnished as part of a bid, for evaluating the quality of the product offered.

Bidder—An individual or entity that submits a bid. The term includes anyone acting on behalf of the individual or other entity that submits a bid, such as agents, employees, and representatives.

Bidders list—A list maintained by the commission containing the names and addresses of prospective bidders.

Blanket bond—A performance bond which insures a bidder's performance on two or more contracts in lieu of separate bonds for each contract. The amount for a blanket bond shall be established by the commission based on the bidder's annual level of participation in the state purchasing program. Acceptable forms of blanket bonds are those described in the definition of "bid deposit".

Brand name—A trade name or product name which identifies a product as having been made by a particular manufacturer.

Director—The director of the commission's purchasing division.

Emergency purchase—A purchase of goods or services so badly needed that an agency will suffer financial or operational damage unless they are secured immediately.

Equivalent product—A product that is comparable in performance and quality to the specified product.

Escalation clause—A clause in a bid providing for a price increase under certain specified circumstances.

Formal bid—A written bid submitted in a sealed envelope in accordance with a prescribed format, or an electronic data interchange transmitted to the commission in accordance with procedures established by the commission.

Informal bid—An unsealed, competitive bid submitted by letter, telephone, telegram, or other means.

Invitation for bids (IFB)—A written request for submission of a bid; also referred to as a bid invitation.

Late bid—A bid that is received at the place designated in the bid invitation after the time set for bid opening.

List of approved equipment—A list of items available under term contracts for purchase by school districts through the commission pursuant to the Texas Education Code, §21.901.

Manufacturer's price list—A price list published in some form by the manufacturer and available to and recognized by the trade. The term does not include a price list prepared especially for a given bid.

Multiple award contract procedure—A purchasing procedure by which the commission establishes one or more levels of quality and performance and makes more than one award at each level.

Notice of award—A letter signed by the director or his designee which awards and creates a term contract.

Open market purchase—A purchase of goods, usually of a specified quantity,

made by buying from any available source in response to an open market requisition.

Perishable goods—Goods that are subject to spoilage within a relatively short time and that may be purchased by agencies under delegated authority.

Proprietary—Products or services manufactured or offered under exclusive rights of ownership, including rights under patent, copyright, or trade secret law. A product or service is proprietary if it has a distinctive feature or characteristic which is not shared or provided by competing or similar products or services.

Public bid opening—The opening of bids at the time and place advertised in the bid invitation, in the presence of anyone who wishes to attend. On request of any person in attendance, bids will be read aloud.

Purchase orders—

(A) **Open market purchase order**—A document issued by the commission to accept a bid, creating an open market purchase contract.

(B) **Contract purchase order**—A release order issued by the commission under an existing term contract, and pursuant to a requisition from an agency.

Purchasing functions—The development of specifications, receipt and processing of requisitions, review of specifications, advertising for bids, bid evaluation, award of contracts, and inspection of merchandise received. The term does not include invoice, audit, or contract administration functions.

Request for proposal—A written request for offers concerning goods or services the state intends to acquire by means of the competitive sealed proposal procedure.

Requisition—

(A) **Open market purchase requisition**—An initiating request from an agency describing needs and requesting the commission to purchase goods or services to satisfy those needs.

(B) **Term contract purchase requisition**—A request from an agency for delivery of goods under an existing term contract.

Scheduled purchase—A purchase with a prescheduled bid opening date, allowing the commission to combine orders for goods.

Sealed bid—A formal bid.

Solicitation—An invitation for bids or a request for proposals.

Specification—A description of what the purchaser requires and what a bidder or proposer must offer.

Spot Purchase—A purchase of goods or services that does not exceed the amount

stated in §113.11 of this title (relating to delegated purchases).

Tabulation of bids—The recording of bids and bidding data for purposes of bid evaluation and record keeping.

Term contract purchase—A purchase by an agency under a term contract which established a source of supply for particular goods at a given price for a specified period of time.

Unit price—The price of a selected unit of a good or service, e.g., price per ton, per labor hour, or per foot.

Using agency—An agency of government that requisitions goods or services through the commission.

Vendor—A supplier of goods or services to the state.

Written data—Data which is expressly required to be submitted in writing. A bid invitation that expressly requires the submission of written data with the bid must include the following statement or its substantial equivalent: "Failure to provide the required information with the bid response will automatically disqualify the bid from consideration for award in connection with this transaction."

§113.3. Requisitions and Specifications; Proprietary Purchases; Lease Purchases.

(a) Requisitions.

(1) A purchase is initiated by an agency's submission of a requisition containing desired specifications and conditions on a form provided or approved by the commission. The requisition must also include the agency's certification that funds are available for the purchase.

(2) Requisitions should be submitted to the commission far enough in advance to allow sufficient time for preparing and advertising bid invitations, receiving and evaluating bids, awarding contracts, and permitting a normal delivery schedule.

(3) The agency is responsible for determining its need for a purchase, and the commission will not question the agency's determination of need. If the agency's specifications unreasonably limit competition, however, the commission may require written justification.

(b) Specifications.

(1) The commission develops standard specifications for a number of commodities purchased by the state and provides agencies with a list of the commodities covered by the standard specifications. If an agency submits a requisition with non-standard specifications when an applicable standard specification exists, it must include an explanation as to why the standard specification is not being used.

(2) If an agency submits a requisition for the purchase of a product on the

open market when an equivalent product is available for purchase under a term contract, it must include an acceptable explanation as to why the contract product is not satisfactory.

(3) The commission will review the specifications and conditions of purchase submitted by an agency. The commission will not significantly change specifications or conditions of purchase without written approval from the agency, but it may correct typographical errors if doing so will not significantly change the specifications. Incorrect, inadequate, or incomplete requisitions may be returned to the agency, with a written explanation for the return.

(4) The commission will normally specify delivery times that are standard in the industry. If an agency requires shorter than standard delivery times, it must state the requirement in its requisition. If the delivery requirement can only be met by one vendor, written justification will be required. If an agency does not require early delivery but wishes to take advantage of it if available, the commission will state in the bid invitation that the ability to make early delivery may be a factor in making the award. In such cases, when it is to the state's advantage, the commission may accept a bid other than the lowest after consulting with the agency. If the bid invitation contains no statement regarding early delivery, the commission may not consider early delivery in making an award.

(c) Proprietary purchases.

(1) When the commission finds that an agency has submitted specifications or conditions of purchase which are proprietary to one vendor and do not permit an equivalent product to be supplied, it shall require written justification before processing the requisition. Within 10 days after the commission received the requisition, it will notify the agency of the need for a written justification. An agency may submit a written justification along with its requisition if it chooses to do so.

(2) A written justification for the use of proprietary specifications or conditions must:

(A) contain an explanation of the need for the specifications or conditions;

(B) state the reasons why any competing or equivalent products identified by the commission are not satisfactory, addressing each such product individually;

(C) contain any other information requested by the commission; and

(D) be signed by the agency head, the chairman of its governing body, or a person to whom such signature authority has been properly delegated, or in the case of an institution of higher learning, by a person properly designated as a purchasing officer for the institution.

(3) When an agency submits a written justification meeting the above requirements, the commission shall make the requested purchase. If, after considering all factors, the commission takes exception to the agency's written justification, it shall prepare a written report of the reasons for its exceptions. Copies of the report will be sent by certified mail, return receipt requested, to board members, commission members, the agency head or chairman of its governing body, and elected officials of the respective agency. Copies of the report will also be provided to the state auditor, the Legislative Budget Board, and the governor.

(4) When the commission reviews specifications or conditions and finds that they limit competition but are not proprietary to one vendor, it shall not return the requisition to the agency for that reason alone. However, a commission purchaser shall discuss with the agency purchaser the limiting effect, and the possible economic effect, of the specification or condition.

(d) Lease-purchase contracts.

(1) An agency may acquire capital equipment by lease-purchase if it is cost effective.

(2) If a proposed lease purchase is for information technologies resources, as defined in the Information Resources Management Act, Texas Civil Statutes, Article 4413(32j), the requisition must include written evidence that the Department of Information Resources (DIR) has approved the acquisition. For other items, the commission will determine the cost effectiveness of a lease purchase. To establish cost effectiveness, the requisitioning agency should submit the following information:

(A) anticipated interest charges over the life of the contract;

(B) anticipated cost savings which would result from outright purchase;

(C) an affirmative statement that the agency reasonably expects to be able to make payments beyond the current biennium without requiring an increase in appropriations;

(D) any information requested by the commission; and

(E) any other information the agency considers relevant.

§113.4. Bidders List.

(a) The commission maintains a bidders list of the names and addresses of vendors which have applied and been accepted for inclusion on the list. The bidders list is maintained for the state's convenience in obtaining competitive bids for purchases. Bid invitations and requests for proposals are mailed to vendors on the bidders list for the solicited commodity. No vendor will be placed on the bidders list to receive bid invitations for information purposes only, nor may any vendor receive bids at different addresses for the same class or item within the same bidding district.

(b) To be considered for inclusion on the bidders list, a vendor must:

- (1) purchase a commodity book;
- (2) complete the application form provided by the commission with the commodity book; and

(3) remit a check or money order in the amount of \$75, which is the annual subscription fee assessed to cover the commission's costs in maintaining the bidders list and mailing bids or proposals. This fee, less \$15 for handling, will be refunded if the applicant is not accepted for inclusion on the bidders list.

(c) The commission will review and evaluate a bidders list application, and may reject the application based on one or more of the following factors:

(1) the ability, capacity and skill of the vendor to perform as required;

(2) the character, responsibility, integrity, reputation, and experience of the vendor;

(3) the quality of performance of previous contracts;

(4) compliance by the vendor with laws relating to the contract;

(5) the sufficiency of the vendor's financial resources; and

(6) the ability of the vendor to provide future maintenance.

(d) A vendor may be removed or temporarily suspended from the bidders list for one or more of the following reasons:

(1) failing to make delivery as promised;

(2) making unauthorized substitutions;

(3) misrepresenting merchandise;

(4) failing to make satisfactory adjustments when required;

(5) unethical actions;

(6) failing to pay or unnecessarily delaying payment of damages assessed by the commission;

(7) failing to furnish a bond when required;

(8) failing to submit bids in response to bid invitations on either:

(i) eight consecutive open market invitations concerning the affected class or item; or

(ii) one or more contract or schedule invitations concerning the affected class;

(9) failing to remit the annual bidders list subscription fee;

(10) being or becoming unable to provide a commodity or service for which the vendor is enrolled on the bidders list, provided that removal will affect only the commodities or services which the vendor is unable to provide; or

(11) any factor listed in subsection (c) of this section.

(e) A vendor which has been temporarily suspended from the bidders list may be reinstated by promptly correcting the reasons for suspension. A failure to make the necessary correction promptly may result in the vendor's removal from the bidders list. If removed, the vendor shall not be reinstated unless a written request for reinstatement is granted by the director.

(f) An error in addressing a bid invitation or request for proposal or a failure of the post office to deliver the solicitation will not be sufficient reason to require the commission to reject all other bids or proposals.

(g) Each agency shall maintain a bidders list and annually register on the list the name and address of each vendor that applies and is accepted for registration in accordance with rules adopted by the agency. Agency rules should also provide procedures for maintaining the bidders list and for removing inactive vendors from the list. An agency may charge applicants a fee for registration and may charge an annual renewal fee to recover its costs in developing and maintaining the bidders list and in soliciting bids or proposals. An agency should set the amount of the fees by rule. An agency electing to use a bidders list maintained by the commission satisfies its statutory requirement to maintain an agency bidders list if the list reasonably covers the geographic area of the agency's business activity.

§113.5. Bid Submission, Bid Opening and Tabulation.

(a) Bid submission.

(1) Prospective bidders may request specific bid invitations from the commission at any time prior to the bid opening. A copy of the bid invitation will be handed or mailed to the requestor.

(2) A bidder may withdraw its bid by written request at any time prior to the bid opening date and hour.

(3) A bid received after the time and date established by the bid invitation is a late bid and will not be considered.

(4) A bid received which does not contain adequate bid identification information on the outside of the envelope will be opened to obtain such information, and will then be processed as any other bid. If the incorrect information on the envelope causes the bid not to be considered in making an award, the bid will be considered invalid and not acceptable.

(5) Bids may be submitted by telefacsimile (fax). The telephone number for fax bid submission will be identified in the solicitation; no other number may be used for bid submission. The commission's receipt of bids by fax is solely for the convenience of bidders and is permitted on a cost recovery basis, subject to change without notice. Bids submitted by fax need not be confirmed in writing, but must comply with all legal requirements applicable to formal bids. If all or any portion of a bid submitted by fax is received late, is illegible, or is otherwise rendered non-responsive due to equipment failure or operator error, the bid or the applicable portion of the bid will not be considered. The commission shall not be liable for equipment failure or operator error, nor will such failure or error require other bids to be rejected or the bid invitation to be readvertised.

(6) Bids may be submitted by telegram, except for bids on non-automated discount-from-list term contracts, if the telegram identifies the merchandise offered and provides requisition number, price, delivery terms, and other necessary information. Telegrams must be confirmed in writing and either postmarked on or before the bid opening date or received by the commission within 48 hours after bid opening time. The confirmation must be consistent with the telegram and must be signed. An inconsistent or unsigned confirmation will void the entire bid.

(7) An unsigned bid is not valid and will be disqualified.

(8) A bidder or an agency may request, in person at the bid opening, that bids be read aloud. No bid shall be required to be read aloud at any time other than during regular working hours and days.

(9) When formal bids are required, bids may not be taken or accepted by telephone.

(10) Return mail bids do not have a bid opening date.

(11) If an error is discovered in a bid invitation, or agency requirements change prior to the opening of a bid, the commission will mail an addendum correcting or changing the specifications to all bidders originally listed on the mailing list for that bid invitation. Bids will not be rejected for failure to return the addendum with the bid, if the change is noted on the bid or the bid would not be changed by the addendum.

(12) By signing and submitting a bid to the commission or to an agency acting under delegated purchasing authority, a bidder affirms that it has not given or offered any economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with the bid, and that it does not intend to give or offer any of the foregoing in the future. Signing a bid with a false statement shall void the bid and any resulting contract, and the bidder shall be removed from all bidders lists at the commission or at the agency acting under delegated purchasing authority.

(13) A bid submitted by a corporation must contain a certification that the corporation is not delinquent in its Texas franchise tax payments, or that it is exempt from, or not subject to, such tax. A false statement concerning the corporation's Texas franchise tax status constitutes grounds for cancellation of any resulting contract at the sole option of the state.

(b) Bid opening and tabulation.

(1) All bid openings conducted by the commission shall be open to the public.

(2) Bid opening dates may be changed and bid openings rescheduled if bidders are properly notified in advance of the new opening date.

(3) If a bid opening is canceled, all bids which are being held for opening will be returned to the bidders.

(4) All bid tabulation files are available for public inspection. Bid tabulations may be reviewed by any interested person during regular working hours at the offices of the commission. Employees of the commission are not required to give bid tabulation information by telephone.

§113.6. Bid Evaluation and Award.

(a) Bid evaluation.

(1) The commission may accept or reject any bid or any part of a bid or

waive minor technicalities in a bid, if doing so would be in the state's best interest.

(2) A bid price may not be altered or amended after bids are opened except to correct mathematical errors in extension.

(3) No increase in price will be considered after a bid is opened. A bidder may reduce its price provided it is the lowest and best bidder and is otherwise entitled to the award.

(4) Bid prices are considered firm for acceptance for 30 days from the bid opening date for open market purchase and 60 days for term contracts, unless otherwise specified by the bidder or the invitation for bids.

(5) A bid containing a self-evident error may be withdrawn prior to an award.

(6) Bid prices which are subject to unlimited escalation will not be considered. A bidder may offer a predetermined limit of escalation in his bid and the bid will be evaluated on the basis of the full amount of the escalation.

(7) A bid containing a material failure to comply with the advertised specifications shall be rejected.

(8) All bids must be based on "F.O.B. destination" delivery terms unless otherwise specified.

(9) If requested in the invitation for bids, samples must be submitted or the bid will be rejected. The commission will require samples only when essential to the assessment of product quality during bid evaluation. Samples should be returned to a bidder whenever practicable, at the bidder's expense. Otherwise, samples will be disposed of in the same manner as surplus or salvage property.

(10) When brand names are specified, bids on alternate brands will be considered if they otherwise meet specification requirements.

(11) Cash discounts are acceptable but are not considered in making an award. All cash discounts offered will be taken if they are earned by the agency.

(12) No electrical item may be purchased unless the item meets applicable safety standards of the federal Occupational Safety and Health Administration (OSHA).

(b) Award.

(1) All awards shall be made to the bidder submitting the lowest and best bid conforming to the advertised specifications. In determining who is the lowest and best bidder, in addition to price, the commission shall consider and evaluate the factors set out in Texas Civil Statutes, Article 601b, §3.11(e).

(2) An open market purchase contract is awarded and created when the director of purchasing or his designee signs an open market purchase order. A term contract is awarded and created when the director of purchasing or his designee signs a notice of award.

§113.7. Competitive Sealed Proposals.

(a) The commission may use competitive sealed proposals to acquire the following items or services:

(1) telecommunications devices, systems or services;

(2) automated information systems, or the computers on which they are automated; or

(3) services related to the automation of information systems or the computers on which they are automated, including computer software.

(b) A competitive sealed proposal procedure shall be used only after the director has made a written determination that its use will be in the best interest of the state. The determination must show that competitive bidding is not practical or is disadvantageous to the state. If the purchase has been properly delegated to an institution of higher education, the written determination to use the competitive sealed proposal procedure must be signed by the person designated by the president or governing body as purchasing officer for the institution of higher education, and otherwise comply with this section. The written determination by the purchasing officer will be made part of the purchase order file and shall be subject to payment review by the commission.

(c) A finding that competitive bidding is not practical may be based on one or more factors, including but not limited to the following:

(1) the needs of the requisitioning agency make price considerations subordinate to quality, reliability, experience, availability, and/or performance capacity;

(2) oral or written communications from the offeror are necessary to effectively assess performance, capability, or function;

(3) the technical content of proposals and necessary contractual terms indicate that an offeror should be permitted to revise its proposal and price;

(4) the likelihood that the most advantageous contract for the state cannot be awarded solely based on price or other information submitted before bid opening.

(d) A finding that competitive bidding is disadvantageous to the state may be

based on one or more factors, including but not limited to the following:

(1) the potential for inflated bid prices;

(2) the potential for inadequate bid responses compared with the administrative burden of issuing a second bid invitation;

(3) the likelihood that factors which make competitive bidding impractical would also result in a final contract that is not the most advantageous to the state.

(e) proposals shall be solicited by issuing a request for proposals (RFP). Public notice of the RFP shall be given by mail to prospective vendors on the appropriate commodity or service bidders list, and to any other sources suggested by the agency or commission staff. The RFP shall state the time and place at which the proposals will be received and opened. Proposals received after the time and date specified shall be returned and shall not be considered.

(f) At a minimum, the RFP shall include:

(1) a description of the item or service desired;

(2) a statement of the criteria that will be used in evaluating proposals; and

(3) a statement as to when and in what form prices are to be submitted.

(g) The evaluation criteria shall be described in a plan of evaluation which identifies evaluation factors and their relative importance to the proposed work or project. The criteria shall measure how well a proposal meets desired performance requirements.

(h) Proposals shall be opened and their contents secured to prevent disclosure during the process of negotiating with competing offerors. The proposals shall be opened publicly, but only the names of the offerors shall be revealed. Prices and other information concerning the proposals shall not be disclosed.

(i) Proposals shall be evaluated on the basis of objective norms whenever possible, rather than comparing one proposal against another. Only the price, the evaluation criteria stated in the RFP, and the factors listed in subsection (j) of this section may be considered in the evaluation of proposals. An evaluation team may be formed to evaluate and discuss proposals; if so, the commission will invite the agency to participate.

(j) The following factors shall be considered when evaluating proposals:

(1) the overall life of the system or equipment;

(2) hardware costs, including costs of acquiring, operating and maintaining hardware included with, associated with, or required for the system or equipment;

(3) software costs, including costs of acquiring, operating and maintaining software included with, associated with, or required for the system or equipment;

(4) installation costs;

(5) the estimated cost of supplies;

(6) the estimated cost of employee training;

(7) the estimated cost of additional long-term staff needed; and

(8) the estimated increase in employee productivity.

(k) After proposals are opened, an award may be made without discussing the proposals with any of the offerors. In this context, "discussing" means clarifying, modifying, negotiating, or any of these.

(l) The commission may discuss acceptable or potentially acceptable proposals with offerors in order to evaluate an offeror's ability to meet the RFP requirements. If discussions are conducted, all offerors whose proposals are found to be acceptable or reasonably susceptible to being made acceptable shall be given equal opportunity to discuss their proposals with the commission and revise them accordingly. During discussion, no information from a competing proposal may be revealed to another competitor. Any type of auction practice or allowing the transfer of technical information is specifically prohibited.

(m) Following negotiations, a time and place will be set for receipt of best and final offers from all offerors whose proposals are acceptable. No changes to proposals or prices will be allowed after best and final offers are received unless the director makes a written finding that resubmission would be in the public interest.

(n) Award shall be made to the offeror whose proposal is most advantageous to the state, except that the commission may refuse all offers if none is acceptable or if rejection of all offers is in the best interest of the state. The contract file shall state in writing the basis on which the award is made. Following award of a contract, an explanation shall be available on request to any unsuccessful proposer as to why its proposal was not accepted. The contract resulting from the RFP shall be in the form of an open market purchase order reflecting the advertised requirements and the proposal as submitted and, if applicable, as modified or altered during the discussion and evaluation process.

(o) For each RFP, the commission shall create a proposal file identified by requisition number, or by requisition number and purchase order number if an award is made. The file shall be maintained in storage subject to existing records retention schedules. After award, proposal files shall be subject to the provisions of applicable open records laws.

§113.8. Preferences.

(a) Claiming a preference. To claim a preference, a bidder shall mark the appropriate box on the face of the bid invitation. If the appropriate box is not marked, a preference will not be granted unless other documents included in the bid show a right to the preference.

(b) Preferences.

(1) Texas resident bidders.

(A) A Texas resident bidder shall be given preference over a nonresident bidder when the cost and quality of the goods or services are equal.

(B) The commission may award a contract to a nonresident bidder only if its bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state where the nonresident's principal place of business is located. In evaluating a bid of a nonresident bidder, an amount will be added equal to the amount a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state where the nonresident bidder's principal place of business is located. After the amount is added, an award may be made to the nonresident bidder if it is determined to have the lowest price and best bid. The amount added is for evaluation purposes only; in no event shall an amount be awarded in excess of the amount actually bid.

(2) Texas and United States products.

(A) Supplies, materials, or equipment produced in Texas shall be given preference over comparable goods produced outside Texas when the cost and quality of the goods are equal. Supplies, materials, and equipment are considered to be produced in Texas if they are manufactured in Texas; "manufactured" does not include the work of packaging or repackaging.

(B) Agricultural products grown in Texas shall be given preference

over comparable products grown outside Texas when the cost and quality of the goods are equal. Agricultural products are considered grown in Texas if they contain any amount grown in Texas. In case of tie bids between agricultural products claiming the preference, the bidder whose product contains the greatest percentage of the product grown in Texas will prevail. For purposes of this preference, agricultural products include, among other things, textiles and fiber products, processed and unprocessed foods, feed, lumber and forestry products, live animals, plants, flowers, and nursery stock.

(C) Supplies, materials, equipment, or agricultural products produced or grown in the United States shall be given preference over foreign products when the cost and quality are equal, if comparable goods of equal cost and quality produced or grown in Texas or offered by Texas bidders are not available.

(3) Disadvantaged business enterprises. A preference shall be given to disadvantaged business enterprises (DBE's) which are certified as DBE's by the commission when the cost and quality of goods or services are equal.

(4) Products of persons with mental or physical disabilities. A preference shall be given to manufactured products of workshops, organizations, or corporations whose primary purpose is training and employing persons with mental or physical disabilities, if the products meet state specifications as to quantity, quality, and price. Competitive bids are not required for purchases of blind-made goods or services offered as a result of efforts by the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons, if the goods or services meet state specifications as to quantity, quality, and price.

(5) Products made of recycled materials. A preference shall be given to products made of recycled materials if the products meet state specifications as to quantity and quality and the bid price does not exceed the bid price of products without recycled materials by more than the percentage stated in the specifications. The applicable percentage shall be based upon the state's experienced costs in disposing of waste products, and other factors affecting total cost of the products to the state.

(6) Energy efficient products. A preference shall be given to energy efficient products if they meet state requirements as to quantity and quality, and are equal to or less than the cost of other products offered. This preference shall be applied by evaluating the energy use of the products offered and considering the costs of such energy

use over the expected life of the equipment. The methodology for evaluating energy use and costs shall be included in the bid invitation.

(7) Rubberized asphalt paving material. A preference shall be given to rubberized asphalt paving material made from scrap tires by a facility in this state if the cost, as determined by life-cycle cost benefit analysis, does not exceed the bid cost of alternative paving materials by more than 15 percent.

(8) Recycled motor oil and lubricants. A preference shall be given to motor oils and lubricants that contain at least 25% recycled oil if the quality is comparable and the cost is equal to or less than new oil and lubricants.

§113.9. Contract Administration.

(a) Inspection of merchandise.

(1) Agencies must inspect all shipments received against orders and report any discrepancies to the commission immediately.

(2) If unlisted shortages are discovered, the vendor and the commission must be notified immediately. Unless shipments are checked immediately upon arrival and such shortage reports are made within 15 days, the contractor cannot be held responsible for shortages.

(3) A contractor may be required to pick up any merchandise not conforming to specifications and replace the merchandise immediately.

(b) Substitutions. Substitution of items called for in a contract is not permitted without the commission's prior approval. No such approval will be granted unless substituted items are of equal quality and are offered at the same or lower price.

(c) Cancellations.

(1) Cancellations, either on the part of the vendor or an agency, are not permitted without the commission's prior written approval.

(2) Orders may be canceled without the contractor's consent due to unsatisfactory performance or nonperformance by the contractor.

(3) Orders may not be canceled without first obtaining the consent of the contractor if the reason for cancellation is not the fault of the contractor.

(4) A contract or a portion of a contract may be canceled on request of the contractor if the contractor is unable to perform due to circumstances beyond its control. In these instances, the commission will consider such requests when presented in writing with proper documentation.

(5) The state may pay a restocking charge or other similar charge as a result of a canceled order, if the commission determines that the charge is justifiable under the circumstances.

(d) Damages for failure to perform.

(1) A vendor who fails to perform as required under a contract shall be liable for actual damages and costs incurred by the state.

(2) If any merchandise delivered under a contract has been used or consumed by an agency and on testing is found not to comply with specifications, no payment may be approved by the commission for such merchandise until the amount of actual damages incurred has been determined.

(3) A vendor who fails to pay damages assessed by the state may not be awarded additional contracts until such damages have been paid or the matter has been otherwise resolved.

(4) The commission shall seek to collect damages by following the procedures established by the Office of the Attorney General for the collection of delinquent obligations.

§113.10. Term Contracts.

(a) The commission enters into term contracts for the purchase or lease of items used in large quantities by several state agencies. The term of the contract is determined by the commission; usually, the term is 12 months.

(1) Bid invitations.

(A) The commission maintains records of the quantities and/or dollar volumes purchased under term contracts during the previous year and includes this information in bid invitations. Term contracts are established for estimated quantities only, however, and do not guarantee that the state will order any given amount during the contract period.

(B) Term contracts may be either firm price or discount-from-list contracts.

(2) Bidding instructions.

(A) Discount-from-list contracts provide for discounts from (or add-on to) a manufacturer's price list, which must accompany the bid. Price changes are acceptable under approved conditions. Requests for price increases must be documented with a new price list from the manufacturer covering the items in question. New net unit prices will be computed at the same percentage as reflected in the original bid and price list. For automated

contracts identified as such in the bid invitation, the commission may consider bids which fail to include a manufacturer's price list or include a price list that fails to meet other requirements of the bid invitation, and the commission may award a contract to a vendor submitting such a bid; however, if an award is made, the vendor will not be entitled to a price increase during the term of the contract. The state shall be granted any decreases in price if there are price reductions in the trade.

(B) Term contract awards for publications (commodity class 715) or approval programs are based on a quoted discount, but bidders are not required to furnish a price list with their bids, nor are they required to furnish a new price list in the event of price changes.

(C) Telegraphic bids are not acceptable for non automated discount from list contracts identified as such in the bid invitation, because the necessary price lists are required to be in the commission's office prior to the bid opening date and hour.

(D) A bidder may bid all zones of the state, as described in the general instructions to bidders accompanying the bid invitation, or it may bid one or more selected zones, but it must bid for an entire zone. Any exception that requires bidding the entire state will be stated in the invitation for bids.

(3) Awards.

(A) The commission will notify a successful bidder of the acceptance of its bid by issuing a notice of award. The successful bidder must review the notice of award and notify the General Services Commission within 10 days of any error requiring correction.

(B) Performance bonds will be required for each award exceeding \$100,000.

(4) Delivery requirements.

(A) All items shipped by a vendor must be new and received by the agency in first-class condition within the specified time.

(B) All merchandise shipped against the contract order during the term of the contract must be as the vendor originally quoted. If items become unavailable during the term of a contract, the commission may require the vendor to furnish acceptable substitutes.

(b) Studies of statewide or regional services contracts.

(1) The commission shall select and study at least one service annually to determine the benefit to the state of providing the service through state-wide or regional contracts. The study will focus on the possible benefits from contracting on either a state-wide or regional basis. If economic benefits may be realized from state-wide or regional contracts, the commission shall use such contracts.

(2) If the commission determines that more than five bidders are willing to provide a specific service, a state-wide or regional term contract is not mandatory. However, if the commission determines it is in the state's best interest, it may establish contracts with one or more vendors to provide the service.

§113.11. Delegated Purchases.

(a) General delegation. The following purchasing functions are delegated to agencies:

- (1) spot purchases;
- (2) emergency purchases;
- (3) purchases of perishable items;
- (4) purchases of services the estimated cost of which does not exceed \$100,000;
- (5) purchases of publications directly from the publisher;
- (6) fuel, oil and grease purchases; and
- (7) distributor purchases.

(b) Adherence to ethical standards. Employees of agencies who perform purchasing functions under delegated authority shall adhere to the same ethical standards required of commission employees, and shall avoid all conflicts of interest in their purchasing activities.

(c) Provisions generally applicable to delegated purchases.

(1) Competitive bidding is not required for purchases of \$1,000 or less.

(2) All bids must be obtained from sources which normally offer for sale the merchandise being purchased.

(3) Items purchased under delegated authority may not include scheduled items, items available under a term contract (unless purchased in quantities less than minimum ordering quantities shown in contract), or any item required by law to be purchased from a particular source.

(4) Agencies must solicit formal bids from all eligible vendors on the agency's bidders list when making purchases in excess of \$5,000. However, for purchases of \$10,000 or less, the commission will

waive the requirement to solicit bids from all eligible vendors on the list if the agency certifies in writing that a solicitation of all eligible vendors is not warranted under the circumstances.

(5) Large purchases may not be broken down into small purchases in order to meet dollar limits specified in these rules. The commission may not require unrelated purchases to be combined into one purchase order to exceed dollar limits specified in these rules.

(d) Withdrawal of delegated purchase authority. The commission will verify compliance with established procedures and will withdraw delegated purchase authority from an agency for continued violations after giving adequate warning.

(e) Provisions applicable to particular delegated purchases.

(1) Spot purchases. Spot purchases may be made in accordance with the following provisions.

(A) Agencies must attempt to obtain at least three informal bids, including a minimum of two bids from disadvantaged businesses (including at least one bid each from a minority-owned business and a woman-owned business), on all spot purchases in excess of \$1,000 and not over \$5,000. Agencies must attempt to obtain at least three formal bids, including a minimum of two bids from disadvantaged businesses (including at least one bid each from a minority-owned business and a woman-owned business), on all spot purchases in excess of \$5,000 and not over \$10,000. Agencies may refer to the commission's Disadvantaged Business Enterprise Directory, which is maintained and accessible electronically, to locate disadvantaged businesses. If an agency is unable to locate a minority-owned business and/or a woman-owned business from the commission's Disadvantaged Business Enterprise Directory or other available sources, the agency must make a written notation on the spot purchase form of all reference sources used.

(B) All information required by the commission must be furnished on the approved spot purchase form.

(2) Emergency purchases. The commission will approve payment for emergency purchases in accordance with the following provisions:

(A) At least three informal bids must be obtained whenever possible on all purchases in excess of \$5,000.

(B) The emergency purchase file, when forwarded to the commis-

sion, must contain a full written explanation of the emergency along with other documentation required by the commission.

(C) The agency may contact the commission for advice and assistance in the handling of emergency purchases. The commission may not approve an invoice for an emergency purchase unless the agency has complied with the foregoing requirements. This rule does not apply to purchases made in accordance with the Texas Disaster Act of 1975 (Texas Civil Statutes, Article 6889-7).

(3) Perishable items. Purchases made under this authority must be obtained through competitive bids, and appropriate documentation must be forwarded to the commission for approval.

(4) Services. Purchases of services estimated to cost no more than \$100,000 per year are delegated and must be obtained through competitive bids, and appropriate documentation must be forwarded to the commission for approval. If an agency is certified under subsection (g) of this section, it is required to submit documentation only for proprietary purchases of services and for purchases expected to cost more than \$25,000. For purchases of services estimated to cost more than \$100,000 per year, the commission must review any proposed specifications or statements of work and determine whether the commission or the agency should make the advertisement and award. The commission may determine that the service should be advertised to the commission's bidders lists, in which case the commission will make the award in accordance with normal open market procedures. If no competitive advantage would be obtained by having the commission make the advertisement and award, the commission may permit the agency to do so.

(5) Publications. An agency may purchase publications directly from the publisher when such publications are not available through statewide contract or through competitive bidding. Direct publication orders shall be made by following guidelines suggested by the commission. Examples of direct publications include but are not limited to:

- (A) foreign publications;
- (B) out-of-print or rare publications;
- (C) back issues of magazines, journals, and newspapers;
- (D) publications of professional societies;

(E) prepared films, tapes, and discs (audio, visual, or both);

(F) computer software;

(G) collections of any of the foregoing items, and microfilm or microfiche copies of any of the foregoing items; and

(H) Library of Congress cards.

(6) Fuel, oil, and grease. An agency may make fuel, oil, and grease purchases at service stations or in bulk. Fuel, oil, and grease purchases shall be made by following guidelines suggested by the commission. Spot and emergency purchase procedures apply to purchases at service stations.

(7) Distributor purchases. An agency may make distributor purchases by following guidelines suggested by the commission. An agency may not purchase any of the following on a distributor purchase basis: consumable items; labor of any kind (see "service"); "will fit" parts (non-OEM); parts for stock; contract items; electrical parts for electric motors; electrical switch panel boards; electrical accessories.

(f) Specific delegations. The commission may delegate purchasing functions to agencies for specific open market purchases only by approval of the commissioners in open meeting. Requests for such approval should be made in writing to the executive director and signed by the chief executive officer of the requesting agency. All such requests should clearly set out the reasons and justifications for the request.

(g) Requirements for certification of delegated authority.

(1) Agencies are eligible for certification of delegated authority after maintaining a 90% compliance average or better for a continuous six month period. Notification of an agency's eligibility for certification will be made by the executive director of the commission to the agency head. An institution or other agency of higher education is eligible for immediate certification.

(2) The certification of an institution or agency is subject to acceptance by the institution or agency, and requires the designation of a chief purchasing officer plus an alternate to act in the chief purchasing officer's absence. A copy of the signatures of the two designees must be provided to the commission. To accept certification, the chief purchasing officer must supply complete supporting documents for sample vouchers if the commission so requests. In addition, the commission is authorized to

send a field auditor to the institution or agency purchasing office to conduct a compliance audit.

(3) If an institution or agency is certified, the following statement signed by its chief purchasing officer must appear on or be attached to the duplicate copy of its payment vouchers: "I hereby certify that this payment complies with the statutes and all GSC rules and procedures pertaining to the delegation of purchasing authority."

(A) Facsimile signatures on the certification statement are acceptable.

(B) The institution's or agency's designated chief purchasing officer is responsible for compliance with the statutes and all commission rules and procedures.

(h) Retaining certification.

(1) An institution or agency must maintain a minimal compliance level of 90% based upon commission sample audits to retain certification.

(2) If an institution or agency falls below 90% compliance, the commission will notify the agency head and its chief purchasing officer of the deficiency and reason for non-compliance. The institution or agency will be placed on a three-month probationary period and required to take remedial action. Certification will be revoked if the institution or agency fails to rectify the deficiency during the probationary period.

(3) The institution or agency may be recertified after it achieves 90% or better average compliance for a continuous six-month period.

§113.12. Research in Higher Education.

(a) At the request of an institution or other agency of higher education (institution), the commission shall delegate authority to purchase supplies, materials, services, or equipment for research projects. The commission will not delegate its responsibility to review proprietary purchases or any other responsibility which may not be delegated by law.

(b) An institution acting under this delegated authority shall adhere to the same ethical standards required of commission employees, and shall avoid conflicts of interest in its purchasing activities.

(c) An institution acting under this delegated authority shall comply with all applicable rules of the commission.

(d) Purchases made under this authority shall be based on competitive bids whenever possible. If product competition is not available, the transaction must be justified as proprietary. An institution acting

under this delegated authority shall forward the purchase documents to the commission for approval as part of the payment process.

(e) If an institution is certified in accordance with §113.11 of this title (relating to delegated purchases), it is required to submit documentation to the commission only when specifically requested by the commission to do so, or when making a purchase by means of competitive sealed proposals. Delegated purchases made by means of competitive sealed proposals are excluded from the certification program.

(f) The institution may consider factors such as quality, reliability, expected life span, compatibility with existing equipment and any other factors which may be legally considered when making a purchase under this authority. Bid invitations must include an evaluation plan describing the exact manner in which the factors will be evaluated. The evaluation plan must apply equally and impartially to each bid. An award may not be based on factors or criteria not specifically included in the bid invitation or otherwise permitted under the Act or these rules.

(g) An institution acting under this authority is required to maintain a qualified bidders list containing an adequate number of suppliers of research items. Bids must be solicited from the qualified bidders list. Institutions are encouraged to use the commission's bidders list, supplemented as appropriate by other sources identified by the institution.

§113.13. Texas Department of Criminal Justice Purchases.

(a) The commission enters into contracts for the purchase of supplies, materials, or equipment produced by the Texas Department of Criminal Justice (TDCJ) for use by other agencies. The commission notifies agencies of the availability of TDCJ-produced supplies, materials, or equipment by issuing catalog pages listing the approved items.

(b) Agencies must purchase such items from TDCJ unless:

(1) the agency submits acceptable written evidence that a TDCJ-produced item will not adequately serve its needs;

(2) TDCJ determines that it is unable to fill a requisition for the item; or

(3) the agency determines that it can purchase the item elsewhere at a lower price, and the commission so certifies by accepting and processing the requisition or by approving payment.

(c) Orders for such items will be placed with TDCJ in the same manner as other contract orders are handled. For purchases of \$10,000 or less, agencies may

order items not included in an established contract directly from TDCJ based on formal or informal quotations.

§113.14. Purchases for School Districts.

(a) The commission purchases motor vehicles used for transporting school children, including buses, bus chassis, bus bodies, tires and tubes, for school districts participating in the foundation school program, in accordance with the provisions of Chapter 21, Subchapter F of the Texas Education Code.

(b) A school district initiates a purchase by submitting a requisition to the commission. Requisitions for school buses are forwarded to the Texas Education Agency for approval. All purchases are based on competitive bids whenever possible and must comply with:

(1) the alternative fuels requirements of Chapter 21, Subchapter F of the Texas Education Code;

(2) sections 113.21-113.25 of this title (relating to alternative fuel vehicles); and

(3) section 125.65 of this title (relating to reduction and/or waiver of required fleet percentages).

(c) If a school district wishes to dispose of a used school bus, it should so advise the commission. The commission will then determine whether the bus should be transferred to another school district or to an agency. If the commission determines that the bus should not be transferred to another school district or an agency, the school district may sell the bus through the competitive bidding process. When selling a bus by competitive bidding, the school district must:

(1) contact all bidders on the list described in subsection (d) of this section;

(2) properly advertise the sale in a local newspaper;

(3) award to the bidder submitting the highest bid;

(4) furnish the commission a copy of the newspaper advertisement and a tabulation of all bids received, indicating to whom the bus was sold.

(d) The commission maintains a list of bidders interested in bidding on used school buses, and furnishes the list to school districts that are permitted to sell used school buses. To be considered for inclusion on the list, an individual or firm should submit a completed application to the commission. Applications are available from the commission on request. No individual or firm will be placed on the bidders

list for information purposes or to receive bids at more than one address.

(e) An individual or firm may be deleted from the mailing list for failure to bid, failure to make payment, or failure to promptly remove a purchased bus from public property. A bidder that has been removed from the bidders list may not be reinstated unless the bidder submits a written request for reinstatement and the director approves the request.

§113.15. Invoicing and Payment.

(a) To receive payment, vendors must submit a five-part invoice to the agency receiving the goods or services. The invoice must include:

(1) the agency requisition number;

(2) the commission's purchase order number;

(3) a valid payee identification number (PIN); and

(4) other relevant information supporting and explaining the payment requested. If the required information is not included or if an invoice is thought to contain an error, the agency must notify the vendor of the error or omission no later than 21 calendar days after receipt of the invoice from the vendor. After the invoice is corrected by the vendor, it shall be processed within the time provided in subsection (d) of this section.

(b) When an invoice is received, the agency shall date stamp it and submit it to the commission attached to a properly executed purchase voucher on the form prescribed by the state comptroller's office, certifying that the goods or services were received in accordance with the purchase order and that the invoice is correct and properly payable. Agencies are not required to submit invoices for spot purchases in amounts less than \$1,000, however.

(c) When satisfied that the invoice is correct, the commission will approve the voucher and invoice and forward them to the state comptroller for payment. Shipment or delivery of all goods or services is not required before initial payment. Partial payments may be made for partial shipments.

(d) Invoices, vouchers, and warrants will be processed according to the following schedule:

(1) the originating agency must submit the invoice and voucher to the commission no later than 11 calendar days after the later of:

(A) the date the agency received the invoice from the vendor;

(B) the date the agency received the supplies, material, or equipment; or

(C) the date on which the performance of services was completed.

(2) The commission must approve the voucher and submit it to the state comptroller no more than eight calendar days after receipt of the invoice and voucher from the originating agency.

(3) The state comptroller must submit the warrant to the originating agency or mail the warrant to the vendor (or electronically transmit the payment to the vendor's financial institution) no more than 11 calendar days after receipt of the voucher from the commission.

(e) A payment is considered mailed on the date it is postmarked or on the date it is electronically transmitted to the vendor's financial institution. Any payment owed by an agency must be mailed to the vendor no more than 30 days after the later of:

(1) the day on which the agency received the supplies, material, equipment, or services; or

(2) the day on which the agency received the invoice for the supplies, material, equipment, or services.

(f) Payments will accrue interest at the rate of 1.0% per month if not timely made, beginning on the day after payment is due and ending on the date the payment is mailed to the vendor. If partial payment is timely made, the unpaid balance will accrue interest as provided by this subsection. Accrued interest shall be paid by the agency receiving the goods or services.

(g) A vendor must submit its claim for payment of accrued interest to the originating agency no later than six months after the vendor's receipt of payment. Claims submitted to the originating agency after that time will not be honored.

(h) The originating agency shall process claims for accrued interest by submitting the claim and a properly executed voucher directly to the state comptroller in accordance with rules and procedures adopted by the state comptroller.

(i) Subsections (d)-(h) of this section do not apply if:

(1) the terms of the contract establish different times and methods of payment, methods of resolving disputes, or interest owed;

(2) the terms of a federal contract, grant, regulation, or statute prevent the state from making a timely payment with federal funds; or

(3) the invoice is not submitted to the originating agency in strict accordance with instructions on the purchase order, if any.

(j) Payments which are not required to be processed through the commission shall be processed in accordance with the procedures and schedules established by the state comptroller.

§113.16. Multiple Award Contract Procedure.

(a) The commission or an agency may use the multiple award contract procedure only after the director or the agency's purchasing director has made a written determination that its use is in the best interest of the state. In arriving at a determination, the director or the agency will consider the following factors:

(1) the quality, availability, and reliability of the supplies, materials, equipment or service and their adaptability to the particular use required;

(2) the ability, capacity, and skill of the bidder;

(3) the sufficiency of the bidder's financial resources;

(4) the bidder's ability to provide maintenance, repair parts and service;

(5) the compatibility with existing equipment;

(6) the need for flexibility in evaluating new products on a large scale before becoming contractually committed for all use; and

(7) any other relevant factors.

(b) When the state finds that one or more of the above factors is important to the contract and that objective specifications for those factors cannot be prepared, the state may determine that the multiple award contract procedure will serve the best interest of the state.

(c) Bids on multiple award invitations will be evaluated as are other bids under §113.6 of this chapter, except that more than one award may be made. The basis for determining awards shall be reasonably related to the factors relied upon in using the multiple award contract procedure and shall be disclosed in the bid invitation.

§113.17. Unsolicited Offers.

(a) The director, an agency head, or the designee of either who receives an unsolicited offer shall consider and act on the offer as provided in this section. An agency that does not have the authority to enter into a contract for the goods or services described in the unsolicited offer shall forward the offer to the director for consideration.

An unsolicited offer that does not meet the conditions of subsection (b) of this section shall be returned without further consideration.

(b) To be considered for evaluation, an unsolicited offer must:

(1) be in writing;

(2) describe goods or services that are unique, innovative, and suitable for state government use;

(3) demonstrate that the proprietary character of the offer merits consideration;

(4) provide sufficient information to assess the usefulness of the offer to the state; and

(5) permit testing under the conditions specified by the state.

(c) An unsolicited offer shall be evaluated by the director, an agency head, or the designee of either as applicable. If it is determined that the offer is useful and advantageous to the state, the offer may be accepted as a proprietary purchase in accordance with the provisions of §113.3 of this chapter.

(d) The information contained in an unsolicited offer, including information which the offeror claims is confidential or proprietary, is subject to the provisions of the Texas Open Records Act.

§113.18. Purchases of Information Resources Technology. An agency may not purchase information resources technology or issue an invitation for bids or a request for proposals for the purchase of information resources technology unless it certifies on the face of its requisition or purchase order that one or more of the following applies:

(1) the Department of Information Resources (DIR) has approved the purchase;

(2) the purchase is exempt from DIR review because it is below the dollar amount set by DIR for the agency;

(3) the purchase is exempt from DIR review under DIR rules on purchases for instruction or research purposes made by institutions of higher education;

(4) the purchase is an emergency under DIR rules; or

(5) DIR did not disapprove the purchase specifications within 30 days after receipt of the specifications.

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

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For further information, please call: (512) 463-3583

TITLE 22. EXAMINING BOARDS

Part III. Texas Board of Chiropractic Examiners

Chapter 73. Licenses and Renewals

• 22 TAC §73.2

The Texas Board of Chiropractic Examiners proposes an amendment to §73.2, concerning defaulting licensees of federally guaranteed loans as required by federal law.

Patte Kent, 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.

Mr. Kent 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 rapid defaulted federally guaranteed loans which will save the expenditure of future tax dollars. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section is proposed.

Comments on the proposal may be submitted to Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

The amendment is proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.

§73.2. Renewal of License. License renewal fee shall be paid on or before January 1 [November 30] of each year. No licensee who is in default on repayment of a federally guaranteed student loan shall be renewed unless: the renewal is the first renewal following the Board's notification that the licensee is in default; or the licensee presents to the Board proof that the licensee has entered into a repayment agreement on the defaulted loan or that the licensee is not default. A licensee is entitled to a hearing prior to nonrenewal under this section.

This agency hereby certifies that the proposal has been reviewed by legal counsel and

found to be within the agency's authority to adopt.

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Patte Kent
 Executive Director
 Texas Board of
 Chiropractic Examiners

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Chapter 74. Chiropractic Facilities

• 22 TAC §74.1

The Texas Board of Chiropractic Examiners proposes new §74.1, concerning registration of chiropractic facilities.

Patte Kent, 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.

Mr. Kent also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the state will have knowledge of the number and owners of chiropractic facilities in the state in order to better regulate the profession. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section is proposed.

Comments on the proposal may be submitted to Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

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

§74.1. Chiropractic Facilities.

(a) Any facility providing chiropractic care must be registered with the Texas Board of Chiropractic Examiners and this registration must be renewed annually.

(b) The board may deny a Certificate of Registration if the owner(s) has been convicted for any offense which, under the laws of Texas, is a felony or is an offense involving moral turpitude. Requirements for obtaining a Certificate of Registration include the following.

(1) Application shall be made on a form prescribed by the Board.

(2) Provisions acceptable to the Board shall be made to assure that all chiropractic services are provided by or under

the direction of a doctor of chiropractic who holds a currently valid license to practice chiropractic in Texas.

(3) Names and addresses of all parties with an ownership interest in an office or place of business providing chiropractic services shall be registered with the Board including all general and limited partners and all corporate officer, along with a copy of their articles of incorporation bearing a certificate of approval issued by the Secretary of State.

(4) Names and addresses of each doctor licensed by the Board who is employed, contracted, or otherwise engaged to provide or direct the provision of chiropractic services shall be registered with the Board.

(5) No licensee, owner, partner, or shareholder shall be less than 21 years of age.

(c) It shall be a violation of this section:

(1) to operate an office or place of business offering chiropractic services without obtaining a Certificate of Registration as provided herein;

(2) to fail to comply with the requirements of subsections (a) and (b) of this section;

(3) to operate an office or place of business providing chiropractic services without complying with all provisions of this Act and with the Rules of the Board; or

(4) for an individual, other than the primary treating doctor of chiropractic, to control or attempt to control, in any way whatsoever, the professional judgement of such treating doctor or his or her office staff with respect to patient care.

(d) A violation of this section constitutes the unauthorized practice of chiropractic and the Texas Board of Chiropractic Examiners may revoke or suspend a Certificate of Registration, or probate a Certificate of Registration suspension for any violations of the Act or Rules of the Board.

(e) This registration does not apply to Hospitals or Public Health Clinics registered with the Texas Department of Health or other state agency or student enrolled in a college of chiropractic in this state engaged in internship under the control of a chiropractic college in this state.

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

Issued in Austin, Texas, on December 7, 1992.

Patte Kent
Executive Director
Texas Board of
Chiropractic Examiners

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

Chapter 75. Rules of Practice

• 22 TAC §75.1

The Texas Board of Chiropractic Examiners proposes an amendment to §75. 1, concerning what constitutes grossly unprofessional conduct.

Patte Kent, 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.

Mr. Kent 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 preventing grossly unprofessional conduct as it relates to health care, insurance, or advertising laws, practicing in an unregistered facility, or inappropriate referral fees or other remunerations. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section is proposed.

Comments on the proposal may be submitted to Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPac Expressway North, Suite 301, Austin, Texas 78759.

The amendment is proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.

§75.1. Grossly Unprofessional Conduct. The rules and regulations of the board are prescribed by law in the Chiropractic Act, §14a. Under provisions of §14a (5), (6) and (8), the board rules that it shall be considered grossly unprofessional conduct for a licensee:

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

(8) to violate any applicable health care, insurance, or advertising statute;

(9) to practice chiropractic in any facility not registered with this board; or

(10) intentionally or knowingly offering to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for securing or soliciting patients or patronage. This section does not prohibit:

(A) advertising, except that which is false, misleading, or deceptive or that which advertises professional superiority that is not readily subject to verification; or

(B) remuneration for advertising, marketing, or other services that are provided for the purpose of securing or soliciting patients provided the remuneration is set in advance, is consistent with the fair market value of the services, and is not based on the volume or value of any patient referrals or business otherwise generated between the parties. This section does not apply to any entity exempted from the application of the Texas Health and Safety Code, Chapter 161.

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

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Patte Kent
Executive Director
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• 22 TAC §§75.2-75.4, 75.6

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

The Texas Board of Chiropractic Examiners proposes the repeal of §§75. 2-75.4, 75.6, concerning rules of practice relating to unauthorized instruments, diagnostic techniques, and adjunctive therapy.

Patte Kent, executive director, has determined that for the first five-year period the repeals in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Kent also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be that language in these sections will be updated and moved to a new proposed section. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals are proposed.

Comments on the proposal may be submitted to Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPac Expressway North, Suite 301, Austin, Texas 78759.

The repeals are proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.

§75.2. *Unauthorized Instruments.*

§75.3. *Diagnostic Technique.*

§75.4. *Adjunctive Therapy.*

§75.6. *Failure to Respond to Board Inquiries.*

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 December 7, 1992.

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Patte Kent
Executive Director
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• 22 TAC §75.6

The Texas Board of Chiropractic Examiners proposes new §75.6, concerning rules of practice as it relates to a licensee's failure to respond to board inquiries.

Patte Kent, 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. Kent also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the ability of the board to provide better enforcement in the resolution of complaints. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPac Expressway North, Suite 301, Austin, Texas 78759.

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

§75.6. Failure To Respond To Board Inquiries. Each licensee shall respond specifically (and within 10 days) to any and all board inquiries or alleged violations of the Chiropractic Act or rules promul-

gated by this board. Responses shall be in writing and shall be directed to the attention of the board's Enforcement Committee. Failure to timely respond to a complaint shall be an independent ground for disciplinary proceedings.

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

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TRD-9216327 Patte Kent
Executive Director
Texas Board of
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For further information, please call: (512) 343-1895

Chapter 75. Rules of Practice

• 22 TAC §75.7

The Texas Board of Chiropractic Examiners proposes new §75.7, concerning rules of practice as it relates to authorized practices, techniques, and procedures.

Patte Kent, 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. Kent also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide better language in rules than currently exists and update art of the practice. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

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

§75.7. Authorized Practices, Techniques, and Procedures.

(a) Licensees of this board are authorized to use clinical and physical examinations, laboratory examination, diagnostic imaging, electro-diagnostic testing and other forms of testing and measurement used to properly evaluate and examine patients, provided said examination, testing and measurement is consistent with subsection (d) of this section.

(b) Licensees of this board are authorized to render diagnostic and other opinions consistent with subsection (d) of this section in making a proper analysis of examination and evaluation findings.

(c) Licensees of this board are authorized to utilize osseous and soft tissue adjustments and manipulative techniques, physical and rehabilitative therapy, acupuncture and other reflex techniques, exercise therapy, immobilization, splinting, bracing or supportive techniques, patient education, advice and counsel, nutritional and herbal supplements, non-legend medication, and other treatment services and procedures in order to provide therapeutic and preventative care for a patient, provided said services and procedures are consistent with subsection (d) of this section.

(d) Licensees of this board shall not utilize any practices, techniques, or procedures which this board finds to be invalid or which are in violation of Texas Civil Statutes, Article 4512b or other rules of this board or other applicable health care statutes.

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

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

Chapter 76. Delegation of Authority

• 22 TAC §76.1

The Texas Board of Chiropractic Examiners proposes new §76.1, concerning delegation of authority by a licensee.

Patte Kent, 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. Kent also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the restriction to whom and under what conditions a licensee can delegate the authority to perform certain chiropractic adjustments. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

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

§76.1. Delegation of Authority.

(a) Except as provided in this section, a licensee shall not delegate to a non-licensee authority to perform chiropractic adjustments.

(b) A licensee may delegate authority to perform chiropractic adjustments to a student enrolled in an accredited chiropractic college, provided that:

(1) the chiropractic adjustment is performed as part of a regular curriculum; and

(2) the chiropractic adjustment is performed under the supervision of a licensee who is physically present at the time of the adjustment.

(c) A licensee may delegate authority to perform chiropractic adjustments to a person who has:

(1) graduated from a chiropractic college approved by the Council on Chiropractic Education;

(2) passed all parts of the examination given by the National Board of Chiropractic Examiners; and

(3) made application for licensure by examination to the Texas Board of Chiropractic Examiners. All procedures performed by non-licensees under this subsection must be directly supervised by a licensee. The authority of a non-licensee to perform chiropractic adjustments under this subsection shall cease in the event the non-licensee does not take or fails the first examination held after the non-licensee's application for licensure.

(d) a licensee shall not delegate any authority to a licensee whose license has been suspended or revoked during the effective period of the suspension or revocation.

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

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Executive Director
Texas Board of
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For further information, please call: (512) 343-1895

Chapter 77. Advertising and Public Communications

• 22 TAC §77.3

The Texas Board of Chiropractic Examiners proposes new §77.3, concerning advertising and public communication as it relates to offering fee or discounted services.

Patte Kent, 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. Kent 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 prevent false, misleading, or deceptive practices by a licensee. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

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

§77.3. Offering of Free/Discounted Services.

(a) When a licensee advertises or offers a service as complimentary or "Free," said service shall be performed or rendered at no cost to the patient or any other party or entity, including an insurance plan, that would normally pay or reimburse for all or any part of that service had it not been offered as complimentary or "Free."

(b) When a licensee advertises or offers a service at a discount or reduced price, said service shall be performed or rendered at that discounted or reduced price. The charge to the patient or any other party or entity, including an insurance plan, that pays for or reimburses for any part of the cost of said service on behalf of the patient, shall be at the discounted or reduced price.

(c) When a licensee advertises or offers a service as "complimentary" or "Free," or at discounted or reduced price, that same service shall remain free, discounted or at the reduced price throughout the treatment plan of the patient.

(d) Violation of this section shall be deemed as false, misleading, and/or deceptive and shall be a violation of this Article.

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

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Patte Kent
Executive Director
Texas Board of
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• 22 TAC §77.5

The Texas Board of Chiropractic Examiners proposes an amendment to §77.5, concerning advertising and public communications as it relates to disclosure of fees and services.

Patte Kent, 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. Kent 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 assure consumers' understanding of fees and services provided by licensees. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

The amendment is proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.

§77.5. Miscellaneous. A licensee of this board shall assume responsibility for providing a full and complete disclosure that reasonably assures patient understanding of fees and services. A licensee shall, on the date of providing goods or services to a patient, disclose to the patient in writing the full amount of the licensee's charges. Compliance with this rule may be in any written form reasonable calculated to notify the patient of the actual charges for the goods or services 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 December 7, 1992.

TRD-9216342

Patte Kent
Executive Director
Texas Board of
Chiropractic Examiners

Earliest possible date of adoption: January 15, 1993

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

Chapter 78. Chiropractic Radiologic Technologist

• 22 TAC §78.1

The Texas Board of Chiropractic Examiners proposes an amendment to §78.1, concerning registration of chiropractic radiologic technologists as it relates to annual registration, qualification, and continuing education.

Patte Kent, 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. Kent 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 assurance of a high quality technologists through more stringent qualifications and new continuing education requirements. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

The amendment is proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.

§78.1. Registration of Chiropractic Radiologic Technologists.

(a) Any person performing radiologic procedures under the supervision of a chiropractor must register annually with the Texas Board of Chiropractic Examiners. This section does not apply to registered nurses or to persons certified under the Medical Radiologic Technologists Certification Act. To qualify for registration as a chiropractic radiologic technologist, the person must have received a high school diploma or the equivalent, or must possess an associate, baccalaureate, or post-baccalaureate degree from a college or university accredited by a regional accrediting organization, such as the Southern Association of College and Schools.

(b) The fee for registration required under this section shall be \$25 annually, payable to the Texas Board of Chiropractic Examiners by cashier's check or money

order upon submission of the registration application.

(c) [Registration may be suspended, revoked, not renewed, or denied for the following reasons:

(1) violation of the rules of the Texas Board of Chiropractic Examiners;

(2) violation of the Medical Radiologic Technologist Certification Act;

(3) violation of the rules of the Texas Department of Health;

(4) violation of the Texas Chiropractic Act;

(5) violation of the rules of the registrant's licensing agency; and

(6) nonpayment of registration fees.] Each chiropractic radiologic technologist shall renew the registration annually. The technologist shall complete 12 clock hours of continuing education prior to the expiration of the initial registration and six clock hours annually prior to the expiration of each subsequent registration. The continuing education shall meet the requirements of the rules of the Texas Department of Health relating to continuing education for medical radiologic technologists.

(d)-(h) (No change.)

(i) Registration may be suspended, revoked, not renewed, or denied for the following reasons;

(1) violation of the rules of the Texas Board of Chiropractic Examiners;

(2) violation of the Medical Radiologic Technologists Certification Act;

(3) violation of the rules of the Texas Department of Health;

(4) violation of the rules of the registrant's licensing agency; and

(5) nonpayment of registration fees.

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 December 7, 1992.

TRD-9216341 Patte Kent
Executive Director
Texas Board of
Chiropractic Examiners

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

Chapter 79. Reciprocity

• 22 TAC §79.1

The Texas Board of Chiropractic Examiners proposes an amendment to §79. 1, concerning reciprocity as it relates to general requirements for applicants.

Patte Kent, 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. Kent 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 in providing more flexibility in the review of out-of-state licensees under Texas reciprocity laws. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

The amendment is proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.

§79.1. General Requirements of Applicants.

[(a) At the discretion of the board, any disciplinary action taken against the applicant or against any clinic in which the applicant has a substantial ownership or managerial interest in, proof of which would constitute grounds for the revocation of a license in Texas, within five years preceding application for and granting of Texas license, will be considered by the board.

[(b) Applicant must prove that he/she has met requirements for annual license renewal which are equivalent to the requirements for Texas license renewal for at least the two years preceding the date of application.

[(c) Applicant must provide three letters of recommendation which cannot be a relative:

(1) one must be from the state or local association president (recognized group with 25 or more members), ACA or ICA delegate, or hospital chief of staff;

(2) two must be from other doctors practicing in the reciprocating state.]

(a)[(d)] Applicant must be tested on Texas Statute and must pass with a 75% or better. If he/she fails to achieve a score of 75% or better, he/she may retake the exam within one year. Failure of second exam

disqualifies doctor for reciprocity license and doctor must apply for license by examination.

(b)[(e)] The applicant must have practiced chiropractic for five continuous years prior to applying for Texas license.

(c)[(f)] The application must be completed within one year of initial application date.

(d)[(g)] The applicant must have been licensed by examination in the state from which he/she desires a reciprocal license.

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 December 7, 1992.

TRD-9216340 Patte Kent
Executive Director
Texas Board of
Chiropractic Examiners

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

• 22 TAC §79.2

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

The Texas Board of Chiropractic Examiners proposes the repeal of §79.2, concerning reciprocity as it relates to specific requirements for applicants.

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

Ms. Kent also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be in providing more flexibility in the reviewing out-of-state licensees under Texas reciprocity laws. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

The repeal is proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.

§79.2. Specific Requirements of Applicants.

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 December 7, 1992.

TRD-9216329 Patte Kent Executive Director Texas Board of Chiropractic Examiners

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tory authority under the Texas Insurance Code, Article 21.58.

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 December 7, 1992.

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(2) determine the nature, severity and etiology of subluxation of any articulation in the region of the musculoskeletal system which for said patient is in question;

(3) determine which, if any, techniques or procedures in chiropractic treatment might be indicated or contraindicated on the care of said patient; and

(4) differentiate the extent to which said patient's condition is a result of biomechanical abnormalities as opposed to the result of other health problems which are not amendable to chiropractic care.

(b) Failure of a licensee to make proper determinations and recommendations regarding the appropriateness and necessity of examination and evaluation services for a patient in his/her charge may be considered a failure to use proper diligence in the practice of chiropractic.

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 December 7, 1992.

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

Chapter 80. Practice of Chiropractic

• 22 TAC §80.1

The Texas Board of Chiropractic Examiners proposes an amendment to §80. 1, concerning the practice of chiropractic as it relates to exemptions for persons functioning with statutory authority under the Texas Insurance Code.

Patte Kent, 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. Kent 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 in removing duplicative regulatory oversight by Texas state agencies. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

The amendment is proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.

§80.1. Practice of Chiropractic. A person shall be regarded as practicing chiropractic within the meaning of Texas Civil Statutes, Article 4512b, §1, if the person reviews or analyzes, by subjective or objective means, the test, medical records, x-rays, diagnosis, treatment plan, or prognosis made by a treating chiropractor for the purpose of rendering an opinion concerning the necessity of the treating chiropractor's treatment or the necessity of the treating chiropractor's plan of treatment. This section does not apply to a person, other than licensees of this board, who is functioning with statu-

• 22 TAC §80.4

The Texas Board of Chiropractic Examiners proposes new §80.4, concerning the practice of chiropractic as it relates to a licensee's responsibility in making a patient's evaluation and examination.

Patte Kent, 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. Kent 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 in the protection afforded the public in connection to a licensee's making a proper determination and recommendation regarding the appropriateness and necessity of examination and evaluation services. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

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

§80.4. Evaluation and Examination.

(a) A licensee is responsible for making proper determinations and recommendations for examination and evaluation services which for a patient in his/her charge are appropriate and necessary to adequately:

(1) determine the biomechanical condition of the region of the spine and musculoskeletal system which for said patient is in question (including the nature, severity and etiology of any abnormality);

• 22 TAC §80.5

The Texas Board of Chiropractic Examiners proposes new §80.5, concerning the practice of chiropractic as it relates to a licensee's analysis, opinion, and diagnosis.

Patte Kent, 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. Kent 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 in providing further definition of practice and to further ensure a proper analysis of or rendering appropriate diagnostic or other opinions. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

The new section is proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners

with the authority to promulgate procedural rules and regulations as deemed necessary.

§80.5. Analysis, Opinion, and Diagnosis.

(a) A licensee is responsible for making a proper analysis of and for rendering appropriate diagnostic and other opinions regarding the findings of examinations and evaluations of a patient in his/her charge. Proper analysis or appropriate diagnostic and other opinions could include any or all of the following:

(1) rendering an analysis or diagnosis regarding subluxation or the biomechanical condition of the spine or musculoskeletal system including the cause for, nature of, and extent of involvement of any abnormality;

(2) rendering a diagnostic opinion of any factors or conditions which complicate any subluxation or other biomechanical condition of the spine or musculoskeletal system;

(3) rendering an opinion regarding the appropriate course of treatment for an abnormal biomechanical condition of the spine or musculoskeletal system;

(4) rendering an opinion regarding the likelihood of recovery from a biomechanical abnormality under various courses of treatment;

(5) rendering an opinion regarding the risk to a patient's health from an abnormal biomechanical condition of the spine or musculoskeletal system;

(6) rendering an opinion regarding the biomechanical and resulting general health risks from various occupations, activities of daily living, and the treatment or lack of treatment for any biomechanical abnormalities;

(7) rendering an opinion that the patient's health care problem is not amenable to chiropractic care and referral of that patient to other classes of health care providers for appropriate care;

(8) rendering an opinion regarding the effect of an abnormal biomechanical condition in the spine or musculoskeletal system on an individual's ability to carry out normal job functions and other daily activities, including assessment of the degree of disability or impairment; or

(9) rendering any other necessary or appropriate opinions regarding a patient in his/her charge.

(b) Failure of a licensee to make a proper analysis of or to render appropriate diagnostic or other opinions regarding the findings of examinations and evaluations of a patient in his/her charge may be considered a failure to use proper diligence in the practice of chiropractic.

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 December 7, 1992.

TRD-9216336

Patte Kent
Executive Director
Texas Board of
Chiropractic Examiners

Earliest possible date of adoption: January 15, 1993

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

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• 22 TAC §80.6

The Texas Board of Chiropractic Examiners proposes new §80.6, concerning the practice of chiropractic as it relates to therapeutic procedures and services.

Patte Kent, 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. Kent 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 better ensure that a licensee makes proper determinations and recommendations regarding the appropriateness and necessity of treatment, services, and procedures for a patient. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

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

§80.6. Therapeutic Procedures and Services.

(a) A licensee is responsible for making proper determinations and recommendations for the treatment, services, and procedures which are appropriate and necessary to adequately:

(1) correct, improve, control, or promote the healing of or recovery from any or all components of a subluxation complex involving an articulation of the musculoskeletal system in order to return said patient to normal health;

(2) correct, improve, control, or promote the healing of or recovery from an abnormal biomechanical condition of the spine or musculoskeletal system in order to return said patient to normal health; and

(3) prevent the development of a biomechanical abnormality of the spine or musculoskeletal system or to minimize the impact of any such abnormality on said patient's overall health.

(b) Failure of a licensee to make proper determinations and recommendations regarding the appropriateness and necessity of treatment, services, and procedures for a patient in his or her charge may be considered a failure to use proper diligence in the practice of chiropractic.

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 December 7, 1992.

TRD-9216335

Patte Kent
Executive Director
Texas Board of
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Earliest possible date of adoption: January 15, 1993

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

◆ ◆ ◆
• 22 TAC §80.8

The Texas Board of Chiropractic Examiners proposes new §80.8, concerning the practice of chiropractic as it relates to a licensee's disclosure to a patient or another facility of the licensee's financial interest in the referred facility.

Patte Kent, 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. Kent 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 in the disclosure to patients the financial interests of a licensee who refers that patient to another facility in which the licensee has a financial interest. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

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

§80.8. Disclosure of Financial Interest. Any licensee who refers a patient to another facility for treatment, rehabilitation, or diagnostic procedures, including imaging

or any other procedure in which the referring licensee has greater than or equal to 5.0% interest, must inform the patient at the time of the referral that he or she has a financial interest in that facility. Financial interest is defined as any legal or equitable interest including partnership interest, community property interest, or ownership of shares or bonds of a corporation.

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 December 7, 1992.

TRD-9216334 Patte Kent
Executive Director
Texas Board of
Chiropractic Examiners

Earliest possible date of adoption. January 15, 1993

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

◆ ◆ ◆
• 22 TAC §80.9

The Texas Board of Chiropractic Examiners proposes new §80.9, concerning the practice of chiropractic as it relates to a licensee's records.

Patte Kent, 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. Kent 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 ensure a licensee retains quality and complete records; and make records available to a patient in a timely manner. 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 Patte Kent, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPAC Expressway North, Suite 301, Austin, Texas 78759.

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

§80.9. Records.

(a) A licensee shall make, maintain, and keep accurate and adequate records of the history, examination or evaluation, the analysis or diagnosis, and the recommendations and treatment performed for and upon each of his or her patients for a period of not less than five years following the completion of the treatment or last service rendered.

(b) All records or copies of records, including x-rays or copies of x-rays, shall be made available to the patient, parent, or legal guardian if the patient is a minor, another licensed health care provider, or any other designee of that patient. For purposes of this subsection:

(1) records shall include records pertaining to the history, examination, diagnosis, treatment, daily progress notes or other information pertinent to that patient's condition;

(2) consent for the release of records must be in writing and signed by the patient, parent, or legal guardian of a minor, or personal representative if the patient is deceased;

(3) licensee shall transfer or furnish records in a timely manner not to exceed 10 days from the date of receipt of request of records;

(4) fees for transfer of records or copies of records shall not exceed an incurred or reasonable status, i.e. workman's compensation or courthouse costs.

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 December 7, 1992.

TRD-9216333 Patte Kent
Executive Director
Texas Board of
Chiropractic Examiners

Earliest possible date of adoption: January 15, 1993

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

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Part XII. Board of
Vocational Nurse
Examiners

Chapter 239. Contested Case
Procedure

Definitions.

• 22 TAC §239.1

The Board of Vocational Nurse Examiners proposes an amendment to §239.1 concerning definitions to include Exposure-prone procedure, Invasive procedure, and Universal precautions.

Marjorie A. Bronk, Executive Director, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mrs. Bronk also has determined that for each year of the first five years the amended rule is in effect the public benefit will be in defining

HIV transmission procedure risks, including universal precautions. There will be no effect on small businesses. There is no anticipated economic cost to persons required to comply with the proposed amendment.

Comments on the proposal may be submitted to Marjorie A. Bronk, Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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

Exposure-prone procedure—A specific invasive procedure that poses a direct and significant risk of transmission of HIV or Hepatitis B virus.

Invasive procedure—

(A) a surgical entry into tissues, cavities, or organs; or

(B) repair of major traumatic injuries associated with any of the following:

(i) an operating or delivery room, emergency department, or outpatient setting, including a physician's or dentist's office;

(ii) cardiac catheterization or angiographic procedures;

(iii) a vaginal or cesarean delivery or other invasive obstetric procedure during which bleeding may occur; or

(iv) the manipulation, cutting, or removal of any oral or perioral tissues, including tooth structure, during which bleeding occurs or the potential for bleeding exists.

Universal precautions—Procedures for disinfection and sterilization of reusable medical devices and the appropriate use of infection control including hand washing, the use of protective barriers, and the use and disposal of needles and other sharp instruments.

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 December 7, 1992.

TRD-9216356 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: January 15, 1993

For further information, please call: (512) 835-2071

Enforcement

• 22 TAC §239.11

The Board of Vocational Nurse Examiners proposes an amendment to §239.11 concerning unprofessional conduct. The rule is amended to allow for the addition of two items relating to infectious and communicable disease and to replace the terms "contagious or infectious" with the terms "infectious and communicable".

Marjorie A. Bronk, Executive Director, has determined that for the first five year period the proposed amendment is in effect, there will be no fiscal implication for state or local government as a result of enforcing or administering the section.

Mrs. Bronk has determined that for each year of the first five years the proposed section is in effect, the public benefit will be through identifying those individuals who pose exposure risk to the public. There will be no effect on small businesses. There is no anticipated economic cost to persons required to comply with the proposed section.

Comments on the proposal may be submitted to Marjorie A. Bronk, R.N., M.S.H. P., Executive Director, Board of Vocational Nurse Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758 (512) 835-2071.

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

§239.11. Unprofessional Conduct. Unprofessional or dishonorable conduct, likely to deceive, defraud, or injure the public may include the following described acts or omissions:

(1) misappropriating supplies, equipment, or medications or personal items of the patient/client, employer, or any other person or entity;

(2) administering medications and treatments in a negligent manner;

(3) inaccurately recording, falsifying or otherwise altering patient/client or employee records;

(4) obtaining or attempting to obtain or deliver medication(s) through means of misrepresentation, fraud, forgery, deception, and/or subterfuge;

(5) practicing vocational nursing in this state without a current Texas license;

(6) practicing as a vocational nurse while the individual's ability to prac-

tice is impaired by alcohol, drugs, physical or mental disability;

(7) aiding and abetting the practice of vocational nursing by any person not licensed to practice vocational or practical nursing;

(8) impersonating a licensee, or permitting another person to use an individual's vocational nursing license for any purpose;

(9) failing to report facts known to an individual regarding the incompetent, unethical or illegal practice of any other licensed health care professional;

(10) failing to cooperate with the agency by:

(A) not furnishing any papers or documents requested; or

(B) not responding to subpoenas issued by the agency;

(11) knowingly engaging in a profession involving contact with the public while suffering from an [a contagious or] infectious and communicable [or] disease which presents a serious risk to public health;

(12) knowingly performing an exposure-prone procedure while suffering from an infectious and communicable disease which presents a serious risk to public health, without counsel from a personal physician with knowledge of infectious diseases, infection control, the epidemiology of the disease and procedures performed by the licensed vocational nurse;

(13) knowingly failing to adhere to universal precautions for infection control as defined in §239.1 of this title (relating to Definitions).

(14)[(12)] refusing to treat a patient/client, or other person who suffers from a contagious or infectious disease involving serious risk to public health;

(15)[(13)] willfully betraying a practitioner-patient/client privilege as recognized by law;

(16) [(14)] interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or the board, or by the use of threats or harassment against any patient/client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(17)[(15)] knowingly causing or permitting physical or emotional injury to any person, or engaging in sexual contact with a patient/client;

(18)[(16)] knowingly and will-

fully referring any individual for treatment/rehabilitation with the express intent of receiving remuneration, either directly or indirectly;

(19)[(17)] knowingly falsifying and/or forging a physician's order/prescription;

(20)[(18)] failing to repay a guaranteed student loan, as provided in the Texas Education Code;

(21)[(19)] failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained, including but not limited to:

(A)-(I) (No change.)

(22)[(20)] being convicted of a crime which relates to the practice of vocational nursing. Those crimes which the board considers to be directly related to the duties and responsibilities of a licensed vocational nurse shall include, but are not limited to:

(A)-(P) (No change.)

(23)[(21)] violating state or federal laws relative to drugs, including controlled substances and dangerous drugs;

(24)[(22)] In determining whether a crime not listed above relates to vocational nursing, the board will consider:

(A)-(D) (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 December 7, 1992.

TRD-9216357

Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: January 15, 1993

For further information, please call: (512) 835-2071

Hearings Process

• 22 TAC §239.23, §239.24

The Board of Vocational Nurse Examiners proposes amendments to §239.23 concerning service of notice and §239.24 concerning hearings.

Marjorie A. Bronk, 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.

Mrs. Bronk also has determined that for each year of the first five years the amended sections are in effect, there will be no public benefits. 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 Marjorie A. Bronk, Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The amendments are proposed under Texas Civil Statutes, Article 4528c, §5(g), which provides the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

§239.23. *Service of Notice.* Service of notice of hearing or investigation on the respondent/applicant shall be complete and effective if the document to be served is sent by registered, certified or regular mail to the respondent/applicant at his or her most recent address as shown in the investigative records of the board. Service by mail shall be complete upon deposit of the paper enclosed in a post paid properly addressed wrapper in a post office or official depository under the care and custody of the United States Postal Service.

§239.24. *Hearings.* All hearings on complaints and applications for reinstatement filed with the agency shall be conducted as contested cases proceedings under the Administrative Procedure and Texas Register Act (APTRA), and shall be held in Travis County as the county of the Board's residence.

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 December 7, 1992.

TRD-9216358

Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: January 15, 1993

For further information, please call: (512) 835-2071

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VI. Texas Department of Criminal Justice

Chapter 160. Receipt and Disbursement of Work Program Residents' Earned Funds

• 37 TAC §160.3

The Texas Department of Criminal Justice proposes an amendment to §160.3, concerning distribution of the required financial contributions of persons who participate in the "work program plan" authorized under the Texas Government Code, §497.051. The purpose of these proposed amendments is to bring the program rules into compliance with the Private Industry Enhancement Program of the federal Bureau of Justice Assistance.

Bob Young, Director of the Austin Budget Office of Finance Administration, 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.

Jackee Cox, General Counsel for the Texas Department of Criminal Justice, 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 require that all program participants make equal contributions to the Compensation to Victims of Crime Fund. There will be no effect on small businesses. The anticipated economic cost to persons participating in the "work program plan" who will be required to comply with this section will be 15% of their earnings while in the program, for the duration of their participation until release from custody and/or the program.

Comments on the proposal may be submitted to Melinda Bozarth, Director Community Services, Pardons and Paroles Division, Texas Department of Criminal Justice, P.O. Box 13401, Austin, Texas 78711.

The amendment is proposed under the Texas Government Code, §497.056(b), which requires the Texas Board of Criminal Justice to adopt rules for the conditional work program, including provisions of a contract with program participants to make financial contributions that shall be distributed in conformity with statutory requirements.

§160.3. *Distribution of Residents' Contributions.* These contributions shall be distributed from the resident's earnings received for participation in the on-site industries training and employment after deductions have been made to pay all applicable state and federal taxes; not more than:

- (1) (No change.)
- (2) 10% [15%] of the resident's

earnings is to be used to pay toward the cost of court-ordered restitution to the victim or victims of the resident's crime(s) and 5.0% of the resident's earnings shall be paid to the Compensation to Victims of Crime Fund; or in the event the amount of restitution is not specified in the judgment of the court, the sentence of the court, or an order revoking probation, then 15% [5.0%] of the resident's earnings shall be paid to the Compensation to Victims of Crime Fund [and 10% shall be allocated to the cost of being quartered in the facility].

(3)-(5) (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 December 9, 1992.

TRD-9216400

Jackee Cox
General Counsel
Texas Department of
Criminal Justice

Earliest possible date of adoption: January 15, 1993

For further information, please call: (512) 463-9988

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 19. Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification

Subchapter S. Reimbursement Methodology for Nursing Facilities

• 40 TAC §19.1807

The Texas Department of Human Services (DHS) proposes an amendment to §19.1807, concerning rate setting methodology, in its Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification rule chapter. The purpose for the amendment is to add supplemental reimbursement for ventilator-dependent residents as an allowed cost of care for qualified nursing facility residents.

Burton F. Raiford, commissioner, has determined that for the first five-year period the section is in effect there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the amendment will be in effect is an estimated additional cost of \$207,433 for fiscal year 1993; \$362,300 for fiscal year 1994; \$372,400 for fiscal year 1995; \$372,400 for fiscal year 1996; and

\$372,400 for fiscal year 1997. There will be no fiscal implications for local government as a result of enforcing or administering the section.

Mr. Raiford 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 nursing facility care will be more accessible to ventilator-dependent individuals. 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.

Questions about the content of the proposal may be directed to Susan Syler at (512) 450-3111 in DHS's Long Term Care Department. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-308, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§19.1807. Rate Setting Methodology.

(a) (No change.)

(b) Rate determination. The Texas Board of Human Services determines general reimbursement rates for medical assistance programs for Medicaid recipients

under provisions of the Human Resources Code, Chapter 24, concerning relating to Reimbursement Methodology. The Texas Board of Human Services determines reimbursement rates for NFs based on consideration of DHS staff recommendations. To develop reimbursement rate recommendations for NFs, DHS staff apply the following procedures.

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

(3) Per diem rate methodology. Staff determine per diem rate recommendations for each of the 11 TILE groups and for the default group according to the following procedures.

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

(F) Supplemental reimbursement for ventilator-dependent residents. Qualifying residents receive a supplement to the per diem rate specified in paragraph (3)(E) of this subsection.

(i) To qualify for supplemental reimbursement, a resident must:

(I) qualify for the TILE heavy-care case mix classification, as described in paragraph (5) of this subsection; and

(II) require continuous artificial ventilation in order to sus-

tain life, as certified by a licensed physician.

(ii) A ventilator-dependent resource differential case mix index is calculated, based on time-study research data. This resource differential index reflects the difference between direct nursing services for ventilator-dependent residents and services for residents in the most severe heavy-care TILE group. The per diem rate supplement is calculated by multiplying the resource differential case mix index times the per diem average recipient care rate component, as described in paragraph (3)(C) of this subsection.

(4)-(7) (No change.)

(c)-(e) (No change.)⁴

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 December 9, 1992.

TRD-9216399

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

Proposed date of adoption: March 1, 1993

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



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 III. Texas

Commission on the Arts

Chapter 31. Agency Procedures

• 13 TAC §§31.3, 31.4, 31.6

The Texas Commission on the Arts adopts amendments to §§31.3, 31.4, and 31.6 concerning agency procedures, without changes to the proposed text as published in the October 30, 1992, issue of the *Texas Register* (17 TexReg 7631).

The amendments will allow the Commission to conduct its business in an efficient and orderly manner.

The amendments will promote more efficient and orderly business.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Government Code, Chapter 444.009, which provide the Texas Commission on the Arts with the authority to make rules and regulations for its government and that of its officers and committees.

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 December 8, 1992.

TRD-9216366

Connie Ree Green
Director of Finance and
Administration
Texas Commission on the
Arts

Effective date: December 29, 1992

Proposal publication date: October 30, 1992

For further information, please call: (512) 463-5535



TITLE 16. ECONOMIC REGULATION

Part II. Public Utility

Commission of Texas

Chapter 23. Substantive Rules

Rates

• 16 TAC §23.21

The Public Utility Commission of Texas adopts an amendment to §23.21, concerning rates, with changes to the proposed text as published in the June 16, 1992, issue of the *Texas Register*, (17 TexReg 4306). The amendment being adopted makes three changes to the language of the Commission's Rule §23.21(c)(2)(B) as adopted in 1991 that prescribes the method by which cash working capital is determined in rate proceedings. Under the amendment, the first change requires a utility to recognize the availability of funds received by electronic transfer on the date of receipt. The second change under the amendment specifies a negative amount of cash working capital equal to a specified fraction of operations and maintenance expense as a reasonable level of cash working capital in the absence of persuasive evidence that suggests a different amount of cash working capital if the utility either does not file a lead-lag study or the utility's lead-lag study is determined to be so flawed as to be unreliable. That specified fraction will be a negative one eighth in the case of electric utilities and a negative one twelfth in the case of telephone utilities. The third change under the amendment fixes the amount of cash working capital to be allowed for cooperatives, river authorities, and investor-owned utilities that purchase 100% of their power requirements.

The Commission solicited comments and replies to comments on the proposed amendment. Parties filing comments were Texas Electric Cooperatives, Inc. (TEC), Texas Utilities Electric Company (TU Electric), Gulf States Utilities Company (GSU), Southwestern Electric Service Company (SESCO), Texas-New Mexico Power Company (TNP), Southwestern Public Service Company (SPS), El Paso Electric Company (El Paso), Office of Public Utility Counsel (OPC), Central and South West Services, Inc. (CSW), Texas Industrial Energy Consumers (TIEC), Houston Lighting and Power Company (HL&P), Central Telephone Company of Texas (Centel), Lufkin-Corroe Telephone Exchange, Inc. (LCTX), and Sugar Land Telephone Company (Sugar Land).

Some parties opposed adoption of the amendment as a whole. Southwestern Public Service Company (SPS) expressed its belief that the amendment fails to include a reasoned justification of the rule and a statement of the rule's factual basis in accordance with the Administrative Procedure and Texas Register Act (APTRA), Texas Civil Statutes, Article 6252-13a §5(c-1)(1) (Vernon Supplement 1992).

The Commission disagrees with the suggestion that the rule lacks a reasoned justification and a statement of the rule's factual basis. In accordance with Administrative Procedure and Texas Register Act (APTRA), Texas Civil Statutes, Article 6252-13a §5(c-1)(1) (Vernon Supplement 1992), the preamble to the published proposal in the June 16, 1992 issue of the *Texas Register* (17 TexReg 4306) included the justification for the proposed amendment, a statement of the amendment's factual basis, and the Commission's reasoning for proposing the amendment.

Some parties opposed the amendment in part and recommended changes in the proposed language. Texas-New Mexico Power Company (TNP) commented that the preamble of the amendment should be changed from "customer supplied capital" to "vendor supplied credit" to reflect the fact that customers do not provide capital but instead pay for services. TNP noted that when a lead-lag study is performed, the money for goods and services is already delivered by the vendor before the customers pay money to the vendor, and is thus "vendor-supplied" and not "customer-supplied."

The Commission agrees with TNP's comment but believes that a more appropriate change in wording would be from "customer supplied capital" to "cost free capital."

Numerous parties filed comments regarding the subparagraph (B)(iii)(VI) change establishing a negative default amount for cash working capital when a utility fails to perform an adequate lead-lag study. Houston Lighting and Power Company (HL&P) recommended against adoption of the amendment as proposed. HL&P commented that subparagraph (B)(iii)(VI) encourages intervenors to refrain from recommending any reasonable amount for the cash working capital allowance. HL&P further stated that the language would allow an intervenor merely to allege that a utility's lead-lag study was "so flawed as to be unreliable" and the Commission would be able to impose the negative one-eighth default amount (to electric utilities) without an explanation as to why the utility's lead-lag study may be flawed.

The Commission disagrees with HL&P. It is the utility's choice not to file a lead-lag study, not the choice of the intervenors or the General Counsel. Instead of the utility being the unfairly impacted party in the ratemaking process, it is the other parties to the case who are forced to develop an analysis without the benefit of solid data from the utility. Ultimately, it is the Commission who is forced to decide in this lead-lag study data vacuum the appropriate amount of cash working capital. The Commission has carefully chosen the phrase "so flawed as to be unreliable" to ensure that this Commission preserves its right to review the underlying data in a utility's lead-lag study. This Commission will not lightly pronounce a utility's lead-lag study to be unreliable. However, when the Commission is faced with evidence of a high number of errors in the underlying information of a utility's lead-lag study, determined by testing a sample of the informational inputs against the statistically-predicted number of errors, the Commission will be extremely cautious in further reliance on the untested data. The Commission remains mindful of a recent case before it where a statistically significant number of errors in the actual transcription of the underlying data into the lead-lag study itself caused the study to be declared unreliable.

Gulf State Utilities Company (GSU), El Paso Electric Company (EPE) and HL&P stated opposition to a negative default amount for cash working capital in the absence of a lead-lag study, or if a lead-lag study is found to be unreliable. EPE restated its dislike of a negative amount in rate base for cash working capital. HL&P stated that the negative one eighth of operations and management expenses may encourage some utilities to settle for the default amount if a utility anticipates that a lead-lag study would yield a lower amount. The issue of a negative amount of cash working capital in rate base is not an issue in the amendment, nor does the Commission propose any additional change to subparagraph (B)(iii)(IV)(-g-) of the original rule other than renumbering the subparagraph to (B)(iii)(V)(-g-).

In addition to GSU and El Paso, several utilities including Central Telephone Company of Texas (Centel), Lufkin-Conroe Telephone Exchange, Inc. (LCTX), and Sugar Land Telephone Company (Sugar Land) urged the Commission to adopt "zero" as the default amount. Centel, LCTX, and Sugar Land additionally expressed concern if the amendment is adopted regarding possible "significant" cost to conduct a lead-lag study for all telephone local exchange carriers with 50,000 access lines or more. The three telephone companies stated that the amendment would create a "negative expense presumption" that must be overcome by performing a lead-lag study because "under the current rule, smaller companies could forego the expense of a lead-lag study if they request no cash working capital in the revenue requirement."

On the other hand, some parties supported the default cash working capital level as a solution to problems raised when a utility does not file a viable lead-lag study. Texas Industrial Energy Consumers (TIEC) commented that the proposed amendment clarifies the appropriate accounting treatment

of cash working capital if a utility fails to adequately perform a lead-lag study. Under the current rule, if a lead-lag study is not adequately performed, then a zero is assigned as cash working capital. TIEC commented that the proposed amendment encourages utilities to make good-faith efforts to perform accurate and reliable lead-lag studies, ultimately aiding the Commission to accurately set rates and eliminates the incentive for a utility with a negative cash working capital value failing to perform any lead-lag study since a zero value will be an amount greater than the negative value incurred by the utility if a lead-lag study had been performed.

OPC commented that the proposed amendment provides an adequate incentive for the completion of an adequate lead-lag study by a utility, or for adequate evidence to prove the utility's request for a zero amount of cash working capital. OPC commented that a request for zero cash working capital is still a request, and therefore still triggers an obligation to file an adequate lead-lag study.

The Commission supports the comments of TIEC and OPC and opposes the request of GSU, El Paso, Centel, LCTX, and Sugar Land for a zero default amount. These utilities fail to acknowledge the fact that a zero request is nonetheless a request for a reasonable allowance of cash working capital. Centel, LCTX, and Sugar Land fail to acknowledge the probability of a negative result if a Section 42 proceeding is filed on a telephone local exchange carrier with 50,000 or more access lines regardless of whether or not a lead-lag study is performed. Further, it is questionable that additional costs will be incurred if a lead-lag study is performed since it does not automatically follow that an outside firm must be employed to conduct a lead-lag study. Therefore, it is the Commission's view that the current rule requires the filing of a lead-lag study to substantiate the utility's request for cash working capital. The cost issue is not a new issue; the Commission carefully considered the cost of preparing these studies when adopting the rule's current language. It is the misinterpretation of this requirement by utilities that necessitates the adoption of the amendment language to clarify the lead-lag study requirement.

Several parties commented that the rule does not specify a standard for determining the reliability of a lead-lag study. Texas Utilities Electric Company (TU Electric) recommended that the default cash working capital level should only be effective if the utility fails to file a lead-lag study, or files a lead-lag study that "was not performed in good faith and" is so flawed as to be unreliable "as a whole, then" the default level for cash working capital would be imposed. TNP noted that the amendment fails to state who makes the determination that a utility's lead-lag study is "so flawed as to be unreliable." Centel, LCTX, and Sugar Land commented that although this phrase indicates a fairly strict standard, the amendment should also recognize that different methodologies exist for performing lead-lag studies and thus the rule should not deem unreliable a lead-lag if performed "with any generally recognized methodology."

The Commission disagrees with these comments and the suggested language changes. The Commission rejects the implication that unless the intervenors or General Counsel provide evidence to prove the absence of good faith by the utility, the utility's request would be accepted. "Good faith" is not at issue in the case where a lead-lag study is unreliable. The utility is under an obligation, and has sufficient opportunity, to verify the accuracy of the lead-lag study prior to its inclusion in the rate change request. Subparagraph (B)(iii)(IV)(-a-) delineates the methodology that a utility's lead-lag study should use. It is the Commission that must ultimately make the determination of the accuracy of a utility's lead-lag study. The Commission will make this decision as necessary on a case-by-case basis.

Centel, LCTX, and Sugar Land further suggested that the proposed amendment should be clarified to state whether or not the negative presumption is intended to apply in Earnings Monitoring reviews. If so, all three companies urged the Commission to recognize and identify the "significant costs" of performing lead-lag studies every six months. It should be clear that this proposed revision does not affect the Earnings Monitoring Report requirements any more than the original rule does. For Earnings Monitoring Report purposes, utilities are required to include in rate base the amount that the utility was granted in its last rate case within the last five years, or the "cap" amount of one eighth for electric utilities and one twelfth for telephone utilities. It has not been this Commission's practice to require utilities to prepare lead-lag studies for earnings monitoring purposes.

Other parties objected to the numerical amounts chosen as the default floor amount. SPS commented that the negative default one-eighth figure for an electric utility's cash working capital under the proposed amendment deprives SPS of the due process of law and lacks a legitimate reason to support a negative one eighth. SPS further stated its concern that the proposed rule is "arbitrary and capricious" and could cost SPS and other utilities "millions of dollars."

The Commission disagrees. SPS failed to acknowledge that under the amendment, the negative floor will only be instituted if the utility fails to perform a lead-lag study or provides an unreliable lead-lag study. If a utility performs a legitimate lead-lag study, then the negative floor amount is not an issue. A utility will have a right to a full hearing and an opportunity to support the amount of cash working capital it requests. SPS' claim that it will have been deprived of due process is groundless. As to the claim that the floor is arbitrary, the reasonableness of the floor is addressed as follows.

SPS, El Paso, HL&P, TNP, SESCO and The Central and South West (CSW) Operating Companies all challenged the symmetry of the negative default floor amount with the positive cap amount of cash working capital. El Paso, HL&P, TNP, SESCO and CSW offered comments on the inclusion of fuel and purchased power in the negative default amount while these amounts are excluded in the positive cap amount. TNP proposed

changing the language "including fuel and purchased power" instead to "excluding amounts charged to operations and maintenance expense for materials, supplies, fuel, and prepayments." Additionally, TU supported deletion of the one-eighth level of operations and maintenance expenses for electric utilities and instead proposed that an amount of cash working capital equal to the negative of the maximum amount allowable under subclauses (I)-(IV) should be used. OPC commented that the symmetry of the negative one-eighth floor with the positive one-eighth cap of allowable cash working capital is not the primary basis for the rule. Instead, the rule should primarily encourage companies to file adequate lead-lag studies at the time the utility files its case.

The Commission disagrees with the comments of SPS, El Paso, HL&P, TNP, SESCO, CSW, and instead agrees with OPC. The utilities' discussions of the lack of symmetry between the cap and floor amounts do not consider several important points. The goal in determining an allowance in rate base for cash working capital is to accurately recognize the extent to which the utility has needs for cash in its normal operations. Many utilities have been able to manage their cash flows so that they have cost free capital for their use. This situation results in a negative cash working capital balance. It is based on the Commission experience in a number of electric utility rate cases that the Commission proposed and now chooses the floor for electric utilities. This floor is achievable for some utilities and has been achieved with good cash management, but it is low enough that it provides an incentive for utilities to properly manage their cash and provide a sufficient lead-lag study in rate proceedings. The Commission believes that to set the floor, which will only apply if the utility fails to carry its burden of proof, at a level above that chosen could give a windfall to the utility at the expense of the ratepayer. Implicit in the utilities' comments is that the cap is not high enough. This position is solely of academic interest because no electric investor-owned utility cash working capital amount meets the cap amount, nor is even close to the cap. On the contrary, most electric investor-owned utilities do not have a positive amount of cash working capital, but instead have a negative amount of cash working capital. The Commission's proposal for a negative default amount represents a base floor level that is achievable by some and will act as an incentive to utilities to perform a reliable lead-lag study.

CSW recommended that if the Commission approved the amendment, additional language should be inserted in subparagraph (B)(ii)(VI) to specify that only "after the utility has been given the opportunity to correct the situation" would the negative limit be imposed upon the utility. The Office of Public Utility Council (OPC) disagreed with CSW's suggestion that utilities have another opportunity to correct or modify the proposal because such revisions would result in an unreasonable delay in the ratemaking process. Because utilities have complete control over the timing and breath when filing their case and later have an opportunity to file rebuttal testi-

mony, OPC stated that intervenor parties and ratepayers should not be forced to pay the price if a utility fails to file an adequate lead-lag study.

The Commission agrees with OPC. Because each utility has the opportunity to ensure accurate performance of lead-lag studies prior to the time of filing, the CSW's argument for additional time to modify inaccurate lead-lag data is without merit. The Commission wants to encourage accuracy in the data presented at the time of filing rather than support a policy that encourages regulatory delay. The Commission is additionally mindful of the limited resources available for review for Commission staff and intervenors, and therefore favors accuracy of lead-lag data at the time of filing.

OPC suggested that the negative one-eighth floor for an electric utility in subsection (c)(2)(B)(iii)(VI) should likewise apply to telephone utilities. The amendment as drafted applies a negative one-eighth floor for electric utilities and a negative one-twelfth floor for telephone utilities. OPC commented that the negative one-twelfth amount results in giving an advantage to telephone utilities with a smaller negative amount (or a higher floor) than the larger negative amount (or lower floor) applied to electric utilities. OPC maintained that a single one-eighth floor amount applied to both electric and telephone utilities will ensure consistent application of the rule.

The Commission disagrees with OPC's suggestion that the cash working capital floor for telephone utilities should be lowered from one twelfth to one eighth. OPC uses one eighth of operations and maintenance expenses as the appropriate floor for telephone companies. If a telephone company chose to perform a lead-lag study, the results might prove that a much larger negative cash working capital amount than one eighth of operations and maintenance expense is appropriate. If no lead-lag study is available, the Commission staff has no information to determine what the exact level of cash working capital should be in rate base. With this in mind, the Commission staff was required to set a floor which would be used in the absence of a study. Thus, a floor amount was chosen for both electric and telephone utilities to approximate the maximum cash working capital "cap" of operations and maintenance expenses. In setting this "cap," the Commission could have considered other percentage amounts for the negative floor amount, such as one fourth or one twenty-fourth. However, these amounts would not be based on the historical maximum percentage allowed by both telephone and electric utilities. And, as previously mentioned, the Commission has experience in a number of rate cases as to what electric utilities can achieve. Instead, the Commission chose percentages that mirror the historical maximum percentages of one eighth for electric utilities and one twelfth for telephone utilities. The Commission believes that the one-eighth floor for electric utilities and the one-twelfth floor for telephone utilities is appropriate and should be maintained for the above reasons. The Commission believes it is unreasonable to set the negative floor for telephone utilities with an amount that is greater than the possible maximum amount a telephone utility may receive in rates.

SESCO commented that the negative one-eighth default amount of cash working capital for electric utilities is unfair, burdensome and will not benefit SESCO's customers. SESCO noted that in its last two rate cases, the rate case expense of a lead lag study overshadowed the benefits of such a study. SESCO requested that the Commission expand the exemption in subparagraph (B)(iii) (VII) concerning telephone carriers with less than 50,000 access lines to include electric utilities with fewer than 50,000 customers. Alternatively, SESCO suggested that the Commission include electric utilities that purchase 100% of their power under the proposed exemption in subparagraph (B)(iii)(III) regarding electric cooperatives and river authorities.

The Commission agrees with SESCO's comment concerning the inclusion of electric utilities that purchase 100% of their power in the proposed exemption in subparagraph (B)(iii)(III). Several parties including TIEC and Texas Electric Cooperatives, Inc. (TEC) filed comments generally supporting the proposed amendments concerning cash working capital allowances for cooperatives and river authorities. TEC commented that it strongly supports the portion of the proposed amendment that sets out a method for determining cash working capital under subsection (c)(B)(iii)(III). TIEC stated that the one-eighth cap amount removes ambiguity regarding the appropriate method for determining a reasonable amount of cash working allowance and tracks the method historically used by the Commission staff and intervenors in evaluation of an electric cooperative's request for rate relief. Accordingly, the Commission has revised subparagraph (B)(iii)(III) to include "investor-owned utilities that purchase 100% of their power requirements" in the first sentence.

OPC supported the proposed amendment subparagraph (B)(iii)(V)(-d-) regarding the availability of utility funds received by electronic transfer. OPC commented that this proposed change reflects the reality that funds so transferred are available the day of receipt, and thus enhances the accuracy of lead-lag studies. The Commission agrees with OPC's comments.

OPC, Centel, LCTX, and Sugar Land commented that the proposed amendment as drafted does not address differences in the applicability of a \$42 case versus a \$43 case. OPC suggested that additional language should be included in the proposed amendment to make clear that any company which is required to file a rate case under \$42 is likewise under the same obligation to perform a lead-lag study as a company which chooses to file a rate case under \$43. OPC maintained that this additional language would clarify this possible situation and would avoid unnecessary delay in a \$42 case.

The Commission disagrees with OPC's suggested language and believes that the amendment to subparagraph (B)(iii)(V) clarifies that a lead-lag study should be performed in all situations where cash working capital allowances are an issue.

Centel, LCTX, and Sugar Land commented that the Commission should make it clear that it intends utilities to have sufficient time to perform lead-lag studies after a \$42 proceeding is filed.

The Commission disagrees with this suggestion. Sufficient safeguards currently exist to ensure sufficient time is available for a utility to perform any needed studies. Typically, a utility is given a minimum of 120 days to prepare a rate filing package in a §42 proceeding. If additional time is needed, the utility can raise this concern at the first prehearing conference when the timeline is set in a Section 42 proceeding. In the extreme, the utility may always appeal an unfavorable ruling to the Commission.

Centel, LCTX, and Sugar Land further proposed that a requirement be imposed upon Commission staff to advise utilities of any reliability questions regarding a lead-lag study within a short time following the filing of the study.

The Commission strongly disagrees. Centel, LCTX, and Sugar Land apparently want the Commission staff to bless a utility's lead-lag study prior to the time of filing staff testimony. As with any issue in a case, the utility bears the burden of proving its request, not the Commission staff. The Commission's staff reviews the utility's filing and then makes recommendations based on that filing supplemented by discovery requests. The Commission will not shift the utility's burden of providing a reliable lead-lag study to the staff.

The amendment is adopted under Texas Civil Statutes, Article 1446c, §16 and §43(g), which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

§23.21. Cost of service.

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

(c) Return on invested capital. The return on invested capital is the rate of return times invested capital.

(1) (No change.)

(2) Invested capital; rate base. The rate of return is applied to the rate base. The rate base, sometimes referred to as invested capital, includes as a major component the original cost of plant, property, and equipment, less accumulated depreciation, used and useful in rendering service to the public. Components to be included in determining the overall rate base are as follows:

(A) (No change.)

(B) working capital allowance to be composed of, but not limited to the following:

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

(iii) a reasonable allowance for cash working capital. The following shall apply in determining the amount to be included in invested capital for cash working capital:

(I)-(II) (No change.)

(III) For electric cooperatives, river authorities, and investor-owned utilities that purchase 100% of their power requirements, one eighth of operations and maintenance expense excluding amounts charged to operations and maintenance expense for materials, supplies, fuel, and prepayments will be considered a reasonable allowance for cash working capital. For telephone cooperatives, one twelfth of operations and maintenance expense excluding amounts charged to operations and maintenance expense for materials, supplies, and prepayments will be considered a reasonable allowance for cash working capital.

(IV) Operations and maintenance expense does not include depreciation, other taxes, or federal income taxes, for purposes of subclauses (I), (II), (III), and (VI) of this clause.

(V) For all investor owned electric utilities, all telephone interexchange utilities, and all telephone local exchange carriers with 50,000 or more access lines, a reasonable allowance for cash working capital, including a request of zero, will be determined by the use of a lead-lag study. A lead-lag study will be performed in accordance with the following criteria.

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

(-d-) All funds received by the utility except electronic transfers shall be considered available for use no later than the business day following the receipt of the funds in any repository of the utility (e.g., lockbox, post office box, branch office). All funds received by electronic transfer will be considered available the day of receipt.

(-e)-(-g-) (No change.)

(VI) If cash working capital is required to be determined by the use of a lead lag study under the previous subclause and either the utility does not file a lead lag study or the utility's lead-lag study is determined to be so flawed as to be unreliable, in the absence of persuasive evidence that suggests a different amount of cash working capital, an amount of cash working capital equal to negative one eighth of operations and maintenance expenses including fuel and purchased power in the case of an electric utility, or negative one twelfth of operations and maintenance expense in the case of a telephone utility, will be presumed to be the reasonable level of cash working capital.

(VII) For all investor owned telephone local exchange carriers with fewer than 50,000 access lines, cash working capital shall be calculated by any method that the Commission determines to be reasonable, subject to subclause (IV) of this clause.

(C)-(F) (No change.)

(d) (No change.)

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 December 4, 1992.

TRD-9216303

John M. Rentrow
Secretary of the
Commission
Public Utility Commission
of Texas

Effective date: December 28, 1992

Proposal publication date: June 16, 1992

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

◆ ◆ ◆
Customer Service and Protection

• 16 TAC §23.44

The Public Utility Commission of Texas adopts an amendment to §23.44 concerning new construction, with changes to the proposed text as published in the June 16, 1992, issue of the *Texas Register* (17 TexReg 4308). The proposed amendments begin to address the Commission's concern regarding the possible effects of electric magnetic fields (EMF). While at present there are no proven adverse health effects associated with EMF, the proposed amendment is consistent with the Commission's policy of prudent avoidance and will provide the Commission with a vehicle to address the EMF issue should additional information become available which proves that EMF causes adverse health effects.

The amendments would require a provision in easements for new rights-of-way that prohibits new construction of habitable structures within the rights-of-way. Additionally, the amendments apply the standards of construction, as set forth in §23.44, to the construction of any new electric transmission facilities. Finally, the amendments define the term habitable structure.

The following parties filed comments to the proposed rule: Houston Lighting and Power (HL&P); Gulf States Utilities (GSU); Texas Electric Cooperative, Inc. (TEC); Central Power and Light (CP&L), Southwestern Electric Power Company (SWEPCO), and West Texas Utilities (WTU), collectively referred to as the GSW companies; El Paso Electric Company (EPE); the Lower Colorado River Authority (LCRA), and Texas-New Mexico

Power Company (TNP). TNP, TEC, LCRA, and EPE filed comments generally supporting the proposed rule change. No one filed comments in opposition to the proposed rule change.

Several of the commentors expressed some concern over the preamble to the proposed rule where it indicated that the proposed rule would begin to address the Commission's concern regarding the possible effects of electric and magnetic fields (EMF). Some of the commentors also indicated that they believed that the Commission's task force on EMF had resolved this issue. The CSW companies even urged that the Commission formally adopt the task force report. The CSW companies and TNP also expressed their concern that the preamble might cause unwarranted concern on the part of the public. The CSW companies suggested that the preamble include a statement that there is no basis to conclude that transmission line fields cause adverse health effects. In addition, GSU expressed their belief that the Commission should base changes to the rule on safety concerns rather than inconclusive EMF concerns. In an effort to avoid unnecessarily alarming the public, the preamble was modified to indicate that at present there are no known adverse health effects associated with EMF.

HL&P noted in its comments that in some situations it may be necessary for an industrial customer to build a structure within the right-of-way because of constraints associated with the particular industrial site. HL&P requests that the rule be modified such that utilities may grant an exception for industrial customers on a case-by-case basis as long as the requirements of the National Electric Safety Code are met. This comment was adopted and the rule has been modified accordingly.

HL&P also requests that utilities be allowed to negotiate exceptions in easement agreements with governmental agencies as long as the standards of the National Electric Safety Code are satisfied. This comment was adopted and the rule has been modified accordingly.

GSU requests that the rule include an exception for those cases where the utility and landowner agree that a habitable structure may be built within the right-of-way. This comment has been rejected because the proposed exception would swallow the rule, making the Commission's policy of prohibiting the construction of habitable structures within the right-of-way meaningless.

TEC and the CSW companies request that the rule be modified to indicate that the proposed standards are minimum requirements and that more restrictive easements are still

permissible. This comment was adopted and the rule has been modified accordingly.

The CSW companies request that §23.44(a)(1) be clarified to substitute the phrase "provisions of this rule" for the phrase "standards of construction." The proposed language does not appear to clarify the proposed rule. Consequently, this change was rejected.

The LCRA requests that the phrase "Major modifications to pre-existing habitable structures" contained in §23.44(a)(2) be clarified to indicate that necessary repairs are not a major modification under the rule. This change was adopted and the rule has been modified.

The LCRA also requests that RV-type vehicles be eliminated from the definition of "habitable structures." This change was rejected because RV-type vehicles that serve as residences in a mobile home park should receive the same consideration as other habitable structures.

The CSW companies request clarification on the meaning of the term "major additions" contained in §23.44(a)(3). This change was rejected because the term "major additions" is intended to be relative.

The CSW companies note that the reference to structure additions contained in both §23.44(a)(2)(3) appears to be duplicative. The CSW companies suggest that the last sentence in §23.44(a)(2) be stricken. This change was adopted and the rule has been modified accordingly.

The CSW companies request that §23.44(a)(3) be clarified to indicate that the reference to major additions to preexisting structures refers to the aforementioned list of habitable structures. This change was adopted and the rule has been modified accordingly.

The amendment is adopted under Texas Civil Statutes, Article 1446c, §16(a), which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

§23.44. New Construction.

(a) Standards of construction. In determining standard practice, the commission will be guided by the provisions of the American National Standards Institute, Incorporated, the National Electrical Safety Code and such other codes and standards that are generally accepted by the industry, except as modified by this commission or by municipal regulations within their jurisdiction. Each utility shall construct, install, operate, and maintain its plant, structures, equipment and lines in accordance with

these standards, and in such manner to best accommodate the public, and to prevent interferences with service furnished by other public utilities insofar as practical.

(1) The standards of construction shall apply to, but are not limited to, the construction of any new electric transmission facilities, rebuilding, upgrading, or relocation of existing electric transmission facilities.

(2) For electric transmission line construction requiring the acquisition of new rights-of-way, utilities must include, at a minimum, in the easement agreement a provision for prohibiting the new construction of habitable structures within the right-of-way. However, utilities may negotiate appropriate exceptions in instances where the utility is subject to a restrictive agreement being granted by a governmental agency or within the constraints of an industrial site. Any exception to this subsection must meet all the applicable requirements of the National Electric Safety Code.

(3) For the purposes of this subsection, "habitable structures" shall include those structures normally inhabited by humans on a daily, or regular basis. The term "habitable structures" shall include, but is not limited to, single-family dwellings and related structures, apartment building, business structures, major additions to the aforementioned types of pre-existing structures, and mobile home parks. However, the term "habitable structures" shall not include necessary repairs to existing structures, farm or livestock facilities, storage barns, hunting structures, small personal storage sheds, or similar structures.

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

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 December 4, 1992.

TRD-9216302

John M. Renfrow
Secretary of the
Commission
Public Utility Commission
of Texas

Effective date: December 28, 1992

Proposal publication date: June 16, 1992

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





Name: Amanda Walker
Grade: 12
School: Richardson High School, Richardson ISD

Open Meetings

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

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

Posting of open meeting notices. All notices are posted on the bulletin board at the Office of the Secretary of State in lobby of 221 East 11th Street, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

Texas Department of Agriculture

Monday, January 4, 1993, 11 a.m. The El Paso Valley Pest Management Committee of the Texas Department of Agriculture will meet at the Joe Norrine Restaurant, Fabens. According to the complete agenda, the committee will give an overview of the Texas Department of Agriculture's Cotton Stalk Destruction Program; cotton industry perspective on Cotton Stalk Destruction Program; pest management update by Texas A&M; cotton stalk destruction law; and cotton stalk work plan.

Contact: Darrell Williams, P.O. Box 12847, Austin, Texas 78711, (512) 463-7619.

Filed: December 9, 1992, 1:55 p.m.

TRD-9216423

Thursday, January 14, 1992, 9 a.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Stephen F. Austin Building, Room 928B, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code §13.032 and §13.036 by Central Seed and Feed Company.

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7448.

Filed: December 9, 1992, 1:57 p.m.

TRD-9216424

Texas Bond Review Board

Friday, December 18, 1992, 10 a.m. The Texas Bond Review Board will meet at the Central Services Building, Room 402, 1711 San Jacinto Boulevard, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes; consider proposed issues; other business; and adjourn.

Contact: Beverly Bunch, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: December 9, 1992, 4:12 p.m.

TRD-9216442

Texas Commission for the Deaf and Hearing Impaired

Friday, January 8, 1993, 7 p.m. The Board for Evaluation of Interpreters (BEI) of the Texas Commission for the Deaf and Hearing Impaired will meet at the TCDHI Conference Room, 1524 South IH-35, #200, Austin. According to the complete agenda, the board will take roll call; discuss evaluator training January 30, 1993; discuss certification, re-certification and revocation.

Contact: Ralph White, 1524 South IH-35, #200, Austin, Texas 78704, (512) 444-3323.

Filed: December 9, 1992, 8:36 a.m.

TRD-9216394

Interagency Council on Early Childhood Intervention

Monday-Tuesday, December 14-15, 1992, 10 a.m. and 8:30 a.m. respectively. The Advisory Committee of the Interagency Council on Early Childhood Intervention will hold an emergency meeting at the Texas Department of Health, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of minutes of previous meeting; hear public comment; discuss and possibly act on: council report; update on Native American representatives; status of budget; staff report; executive director's report covering federal update and coming legislative session; executive committee report covering bylaws and conference award luncheon; funding plan; subcommittee meetings on program services, interagency coordination, child identification, and personnel preparation; and agenda for next meeting. The emergency status is necessary due to unforeseeable circumstances.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: December 8, 1992, 4:34 p.m.

TRD-9216390

Employees Retirement System of Texas

Thursday, December 17, 1992, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet at the ERS Auditorium, ERS Building, 18th and Brazos

Streets, Austin. According to the agenda summary, the board will discuss approval of minutes; appeals of contested cases; consider system's asset investments; adoption of revised investment policy; investment advisory committee member selection; retirement annuity reserve account funding adjustment; appointment to Employees Retirement System of Texas Medical Board; final adoption of new trustee Rule 69.9 relating to membership/refunds; final adoption of new trustee Rule 77.13 relating to judicial retirement; Towers Perrin Actuarial valuation report as of August 31, 1992 of retirement funds administered by the Employees Retirement System of Texas; legislative proposals for 73rd Texas Legislature, Regular Session; hear executive director's report; set next trustee meeting date; and adjourn.

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 867-3336.

Filed: December 9, 1992, 9:09 a.m.

TRD-9216398

The Finance Commission of Texas

Friday, December 18, 1992, 9 a.m. The Audit Committee of the Finance Commission of Texas will meet at the Finance Commission Building, 2601 North Lamar Boulevard, Third Floor Hearing Room, Austin. According to the agenda summary, the committee will consider and approve the audit charter and audit plan.

Contact: James L. Pledger, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1350.

Filed: December 9, 1992, 3:35 p.m.

TRD-9216436

Friday, December 18, 1992, 9:30 a.m. The Finance Commission of Texas will meet at the Finance Commission Building, 2601 North Lamar Boulevard, Third Floor Hearing Room, Austin. According to the agenda summary, the commission will consider committee and staff reports; consider individual departmental status and operational reports from the Banking, Savings and Loan, and Consumer Credit Departments; and meet in executive session in regards to supervisory, litigation and personnel matters.

Contact: James L. Pledger, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1350.

Filed: December 9, 1992, 3:35 p.m.

TRD-9216437

State Finance Commission

Friday, December 18, 1992, 9 a.m. The Audit Committee of the State Finance Commission will meet at 2601 North Lamar Boulevard, Austin. According to the complete agenda, the committee will discuss approval of the audit plan and the audit charter.

Contact: Ann Graham, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Filed: December 8, 1992, 4:17 p.m.

TRD-9216387

Office of the Governor, Criminal Justice Division

Friday, January 8, 1993, 9 a.m. The Juvenile Justice and Delinquency Prevention Act of the Criminal Justice Division of the Office of the Governor will meet at the North Central Council of Governments, 616 Six Flags Drive, Second Floor Board Room, Arlington. According to the agenda summary, the division will call the meeting to order and make introductions; overview of Juvenile Justice and Delinquency Prevention Act; discuss eligible types of statewide demonstration projects; discuss grant application forms, instructions, and financial/administrative requirements; submission requirements and deadline; and adjourn.

Contact: Jim Kester, P.O. Box 12428, Austin, Texas 78701, (512) 463-1919.

Filed: December 9, 1992, 2:38 p.m.

TRD-9216431

Wednesday, January 13, 1993, 3 p.m. The Juvenile Justice and Delinquency Prevention Act of the Office of the Governor will meet at the Alamo Area Council of Governments, 118 Broadway, Room 420, San Antonio. According to the agenda summary, the division will call the meeting to order and make introductions; overview of Juvenile Justice and Delinquency Prevention Act; discuss eligible types of statewide demonstration projects; discuss grant application forms, instructions, and financial/administrative requirements; submission requirements and deadline; and adjourn.

Contact: Jim Kester, P.O. Box 12428, Austin, Texas 78701, (512) 463-1919.

Filed: December 9, 1992, 2:38 p.m.

TRD-9216432

Friday, January 22, 1993, 10 a.m. The Juvenile Justice and Delinquency Prevention Act of the Criminal Justice Division of the Office of the Governor will meet at the Rio Grande Council of Governments, 1014 North Stanton, Suite 100, El Paso. Accord-

ing to the agenda summary, the division will call the meeting to order and make introductions; overview of Juvenile Justice and Delinquency Prevention Act; discuss eligible types of statewide demonstration projects; discuss grant application forms, instructions, and financial/administrative requirements; submission requirements and deadline; and adjourn.

Contact: Jim Kester, P.O. Box 12428, Austin, Texas 78701, (512) 463-1919.

Filed: December 9, 1992, 2:37 p.m.

TRD-9216430

Texas High-Speed Rail Authority

Thursday, December 17, 1992, 10 a.m. The Board of Directors of the Texas High-Speed Rail Authority will meet at the John H. Reagan Building, Room 103, 15th and Congress, Austin. According to the agenda summary, the board will discuss approval of minutes; delegation from New Orleans Regional Planning Commission and Southern Rapid Rail Transit Commission; report from Texas TGV Corporation; consider order on deadline extension as voted on at November 13, 1992 board meeting; report from environmental consultant; meet in executive session report from executive director search committee; private donation rules for publication; hear executive director report; and hear citizen communications.

Contact: Allan Rutter, 823 Congress Avenue, Suite 1502, Austin, Texas 78701, (512) 478-5484.

Filed: December 9, 1992, 4:07 p.m.

TRD-9215441

Texas Department of Human Services

Thursday, December 17, 1992, 9 a.m. The Family Planning Interagency Advisory Council of the Texas Department of Human Services will meet at the Texas Department of Health, 1100 West 49th Street, Tower Building, Room T-607, Austin. According to the complete agenda, the council will welcome visitors and members; make introductions; introduction of TDH commissioner; discuss approval of minutes; joint standards revisions; ADA; advisory committee report; medical subcommittee report; transition planning update; program updates on DHS and TDH; set future council meeting dates and times; and adjourn.

Contact: Beth Weber, P.O. Box 149030, Austin, Texas 78714-9030, (512) 338-6460.

Filed: December 8, 1992, 2:46 p.m.

TRD-9216374

Friday, December 18, 1992, 10 a.m. The Texas Board of Human Services of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the board will consider action on approval of November 20, 1992, minutes; hear chairman's comments and announcements; Abilene regional administrator's report; exceptions to eligibility for child care services for teen parents; Medicaid payment of services performed by advanced nurse practitioners; rates for small community-based ICF-MR and facilities for persons with related conditions; rates for community-based ICF-MR Level I facilities, large Level V facilities, and large Level VI facilities; reimbursement rates for calendar year 1993 for the nursing facility, hospice-nursing facility, swing bed, and Bienvivir Waiver Programs; nursing facility reimbursement rate for pediatric care reimbursement class; PASARR; rate for case management for children who are blind or visually impaired; establishment of sanctions against special nutrition programs contractors of noncompliance with audit requirements; Fiscal Year 93 budget adjustments; and commissioner's report. The board will go into a closed executive session to meet with its attorney concerning Lois Thompson, et al versus Burton F. Raiford, et al. The Board will convene in open session to take action, if necessary, resulting from discussion in executive session.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3048.

Filed: December 9, 1992, 2:07 p.m.

TRD-9216427

Friday, December 18, 1992, 1 p.m. The Adolescent Pregnancy and Parenthood Advisory Council of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, West Tower, Conference Room One, Austin. According to the complete agenda, the council will welcome visitors and members; make introductions; discuss approval of minutes; report on the 73rd Legislature; hear comments and approval of final report; announcement of next meeting date; and open discussion.

Contact: William Pace, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4146.

Filed: December 8, 1992, 3:12 p.m.

TRD-9216375

Texas Department of Insurance

Friday, December 18, 1992, 8:45 a.m. The

State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 100, 333 Guadalupe Street, Austin. According to the complete agenda, the board will reconvene regarding Docket Number 1651 concerning the appeal of Johathan David Beckham doing business as David Beckham Insurance Agency from Commissioner's Order 89-0274; reconvening of Docket Number 1834 concerning the appeal by Thomas Lionel Maynard from Commissioner's Order Numbers 91-0784 and 91-1053 respecting Local Recording Agent's license.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: December 10, 1992, 9:52 a.m.

TRD-9216451

Texas Optometry Board

Wednesday-Thursday, December 16-17, 1992, 2:15 p.m. and 8:30 a.m. respectively. The Texas Optometry Board will meet at the Sheraton Austin Hotel, 500 North IH-35, Austin. According to the complete agenda, the board will hold committee meetings to consider reports of secretary-treasurer; legal counsel; executive director; committee chairpersons; unfinished business to consider adoption of proposed Rule Amendment 280.5 regarding prescriptive pharmaceutical agents; new business to consider duplicate license requests; sunset matters; travel requirements; sale of lists and labels; Attorney General conference; and examination matters, as well as receive public comment. An executive session will be held in accordance with Section 2(e), Article 6252-17, Vernon's Annotated Civil Statutes, Open Meetings Act, to discuss pending litigation with counsel, and matters referred to Attorney General.

Contact: Lois Ewald, 9101 Burnet Road, Suite 214, Austin, Texas 78758, (512) 835-1938.

Filed: December 8, 1992, 3:44 p.m.

TRD-9216382

Public Utility Commission of Texas

Friday, December 18, 1992, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11590-application of GTE Southwest, Inc. to introduce Signaling System 7 (SS7) out of band signaling as a new non-chargeable option with switched access

Feature Group D (FGD) and 800 access service.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 8, 1992, 4:11 p.m.

TRD-9216383

Monday, December 21, 1992, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 11654-complaint of Dan Meazell against Southwestern Bell Telephone Company.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 9, 1992, 2:32 p.m.

TRD-9216428

Tuesday, March 23, 1992, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold an interim hearing in Docket Number 11487-inquiry of the general counsel into the marketing and business practices of Southwestern Bell Telephone Company.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 9, 1992, 2:32 p.m.

TRD-9216429

School Land Board

Thursday, December 17, 1992, 9:30 a.m. The School Land Board will meet at the Hilton and Conference Center, 2027 Airway Boulevard, Poplar Room, El Paso. According to the complete agenda, the board will discuss Permanent School Fund lands in El Paso County and Acts 1989, 71st Legislature, Chapter 573, Section 4, and amended by Acts 1991, 72nd Legislature, Chapter 597, Section 111, with El Paso Lower Valley Water District Authority Board directors and staff.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: December 9, 1992, 4:21 p.m.

TRD-9216443

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

Tuesday, December 15, 1992, 9 a.m. The Institutional Animal Care and Use Committee of the University of Texas System, M.D. Anderson Cancer Center will meet at 1515 Holcombe Boulevard, M.D. Anderson Cancer Center, Conference Room AW7.707, Seventh Floor, Houston. According to the agenda summary, the committee will review protocols for animal care and use and modifications thereof.

Contact: Anthony Mastromarino, 1515 Holcombe Boulevard, Houston, Texas 77030, (713) 792-3220.

Filed: December 9, 1992, 3:22 p.m.

TRD-9216434

Texas Water Commission

Wednesday, December 16, 1992, 8 a.m. (Rescheduled from Wednesday, December 16, 1992, 9 a.m.). The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the revised 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) 463-7905.

Filed: December 8, 1992, 5:45 p.m.

TRD-9216393

Wednesday, December 16, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an agreed order requiring certain actions of Walter Clint Hankins doing business as Tri-County Utilities and Hanco Utilities, Inc.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: December 8, 1992, 3:25 p.m.

TRD-9216378

Thursday, December 17, 1992, 2 p.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 123, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a briefing on Municipal

Solid Waste rules implementing Subtitle D, including a decision of the changes to the rules resulting from staff meetings with the Regulatory Oversight Committee of the Municipal Solid Waste Resource Recovery Advisory Council.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: December 8, 1992, 3:26 p.m.

TRD-9216379

Regional Meetings

Meetings Filed December 8, 1992

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees held an emergency revised agenda at 1430 Collier Street, Board Room, Austin, December 10, 1992, at 7 a.m. The emergency status was necessary due to adding agenda that needed immediate board attention. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764, (512) 447-4141. TRD-9216391.

The Bexar Appraisal District Board of Directors met at 535 South Main, San Antonio, December 14, 1992, at 5 p.m. Information may be obtained from Beverly Houston, 535 South Main, San Antonio, Texas 78204, (512) 224-8511. TRD-9216367.

The Central Counties Center for Mental Health and Mental Retardation Services Board of Trustees will meet at 304 South 22nd Street, Temple, December 15, 1992, at 7:45 p.m. Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841, extension 301. TRD-9216381.

The Hood County Education District Board of Trustees met at the GISD Administration Building, 600 West Pearl, Granbury, December 14, 1992, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9216365.

The Lower Neches Valley Authority Insurance Committee held an emergency meeting at the LNVVA Office Building, 7850 Eastex Freeway, Beaumont, December 11, 1992, at 10 a.m. The emergency meeting was necessary due to committee chairman being out of town and unavailable for confirmation of meeting. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9216380.

The Mills County Advisory Board met in the Mills County Courthouse Jury Room, Goldthwaite, December 14, 1992, at 10 a.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas

76844, (915) 648-2253. TRD-9216371.

The Mills County Appraisal District will meet in the Mills County Courthouse Jury Room, Goldthwaite, December 17, 1992, at 6:30 p.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9216372.

The Multimodal Transportation Planning Gulf Coast State Planning Region Transportation Policy Council will meet at 3555 Timmons, Second Floor, Conference Room A, Houston, December 18, 1992, at 9:30 a.m. Information may be obtained from Irene Gray, P.O. Box 1386, Houston, Texas 77251, (713) 869-4571. TRD-9216370.

The Panhandle Regional Planning Commission Board of Directors will meet at 2736 West Tenth, PRPC Board Room, Amarillo, December 17, 1992, at 1:30 p.m. Information may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas 79105-9257, (806) 372-3381. TRD-9216364.

The Region IX Education Service Center Board of Directors will meet at the Region IX Education Service Center, 301 Loop 11, Wichita Falls, December 16, 1992, at 12:30 p.m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928. TRD-9216373.

The Rio Grande Council of Governments Board of Directors will meet at 1014 North Stanton, Main Conference Room, El Paso, December 18, 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-9216388.

The Sabine Valley Center Personnel Committee met at the Administration Building, 107 Woodbine Place, Bramlette Lane, Longview, December 14, 1992, at 6:30 p.m. Information may be obtained from Mack O. Blackwell, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9216368.

The Sabine Valley Center Board of Trustees met at the Administration Building, 107 Woodbine Place, Bramlette Lane, Longview, December 14, 1992, at 7 p.m. Information may be obtained from Mack O. Blackwell, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9216369.

Meetings Filed December 9, 1992

The Bandera County Appraisal District Appraisal Review Board will meet at the Bandera County Appraisal Office, North End of Ninth Street, Bandera, December 15,

1992, at 9 a.m. Information may be obtained from P. H. Coates, P.O. Box 1119, Bandera, Texas 78003, (210) 796-3039. TRD-9216420.

The Bandera County Appraisal District Board of Directors will meet at the Bandera County Appraisal Office, North End of Ninth Street, Bandera, December 17, 1992, at 5 p.m. Information may be obtained from P. H. Coates, P.O. Box 1119, Bandera, Texas 78003, (210) 796-3039. TRD-9216419.

The Deep East Texas Private Industry Council, Inc. Planning Committee will meet at 118 South First Street, Lufkin, December 16, 1992, at 10 a.m. Information may be obtained from Charlene Meadows, P.O. Box 1463, Lufkin, Texas 75901, (409) 634-4432. TRD-9216416.

The Dewitt County Appraisal District Board of Directors will meet at the Dewitt County Appraisal Office, 103 Bailey Street, Curero, December 15, 1992, at 7:30 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9216415.

The East Texas Council of Governments Private Industry Council will meet at the ETCOG Office, Kilgore, December 17, 1992, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9216433.

The Education Service Center Region 12 Administration, Board of Directors will meet at 401 Franklin Avenue, Waco, December 18, 1992, at 9:30 a.m. Information may be obtained from Harry J. Beavers, P.O. Box 1249, Waco, Texas 76703-1249, (817) 756-7494. TRD-9216411.

The Education Service Center, Region XIII Board of Directors met at the Education Service Center, Region XIII, ESC Conference Room 202-203, 5701 Springdale Road, Austin, December 14, 1992, at 12:45 p.m. Information may be obtained from Dr. Roy C. Benavides, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300. TRD-9216417.

The Guadalupe-Blanco River Authority Board of Directors will meet at the Authority's Office, 933 East Court Street, Seguin, December 17, 1992, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9216421.

The Heart of Texas Council of Governments Private Industry Council will meet at 7301 Fish Pond Road, Ridgewood Country Club, Waco, December 15, 1992, at 6 p.m. Information may be obtained from Donna

Teat, 300 Franklin, Waco, Texas 76701, (817) 756-7822. TRD-9216406.

The Heart of Texas Council of Governments Executive Committee will meet at 300 Franklin Avenue, Waco, December 17, 1992, at 3:30 p.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9216404.

The Houston-Galveston Area Council Projects Review Committee will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, December 15, 1992, at 9:45 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9216407.

The Houston-Galveston Area Council Board of Directors will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, December 15, 1992, at 10 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9216408.

The Jack County Education District Board of Directors will meet at the Gladys Johnson Richie Public Library, Parlor Room, Jacksboro, December 17, 1992, at noon. Information may be obtained from Teresa McNeill, 812 West Belknap, Jacksboro, Texas 76458, (817) 567-5544. TRD-9216414.

The Johnson County Rural Water Supply Corporation (JCRWSC) Board met at the JCRWSC Office, Highway 171 South, Cleburne, December 14, 1992, at 6 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9216435.

The Lamar County Appraisal District Board will meet at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, December 15, 1992, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9216426.

The Lamb County Education District Board of Trustees will meet at 1500 East Delano, Littlefield, December 16, 1992, at 8 p.m. Information may be obtained from Jerry Blakely, 1500 East Delano Street, Littlefield, Texas 79339, (806) 385-3844. TRD-9216412.

The Lubbock Regional Mental Health and Mental Retardation Center Board of Trustees held an emergency meeting at the Lubbock Plaza Hotel, 3201 Loop 289, Lubbock, December 11, 1992, at 11 a.m. The emergency status was necessary due to a review of annual audit. Information may be obtained from Gene Menefee, 1210 Texas

Avenue, Lubbock, Texas 79401, (806) 766-0202. TRD-9216410.

The Texas Municipal League Group Benefits Risk Pool Board of Directors met at the Doubletree Hotel, Austin, December 11, 1992, at 9 a.m. Information may be obtained from Suzanne Steindorf, 211 East Seventh Street, Suite 1100, Austin, Texas 78701, (512) 320-7861. TRD-9216395.

The Tarrant Appraisal District Board of Directors will meet at 2301 Gravel Road, Fort Worth, December 18, 1992, at 9 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Road, Fort Worth, Texas 76118, (817) 595-6005. TRD-9216409.

◆ ◆ ◆ Meetings Filed December 10, 1992

The Lower Neches Valley Authority Water Rates Committee met at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, December 14, 1992, at 10 a.m. Information may be obtained from A. T. Hebert, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9216449.

The Lower Neches Valley Authority Finance Committee met at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, December 14, 1992, at 10 a.m. Information may be obtained from A. T. Hebert, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9216450.

The Southwest Milam Water Supply Corporation Board met at Bob's Steakhouse, Industrial Boulevard, Cameron, December 14, 1992, at 7 p.m. Information may be obtained from Dwayne Jekel, P.O. Box 232, Rockdale, Texas 76567, (512) 446-2604. TRD-9216444.

The Wood County Appraisal District Board of Directors will meet at 217 North Main Street, Wood County Appraisal District, Quitman, December 17, 1992, at 7 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas 75783-0951, (903) 763-4891. TRD-9216447.

The Wood County Appraisal District Appraisal Review Board will meet at 217 North Main Street, Wood County Appraisal District, Quitman, December 18, 1992, at 9 a.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas 75783-0951, (903) 763-4891. TRD-9216445.

◆ ◆ ◆



Name: Amanda Walker
Grade: 12
School: Richardson High School, 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.

Texas Air Control Board Extension of Deadline For Written Comments

In the November 20, 1992, issue of the *Texas Register* (17 TexReg 8136), the Texas Air Control Board (TACB) published a notice of public hearings on proposed rule amendments to be held December 14 and 15, 1992. The purpose of the hearings is to receive testimony on proposed revisions to TACB Regulation VII, concerning Control of Air Pollution From Nitrogen Compounds. The deadline of December 31, 1992, for receipt of written comments has been extended to February 1, 1993. All comments at the hearings, as well as written comments received by 4 p.m. on February 1, 1993, at the TACB central office in Austin, will be considered by the board prior to any final decision on the proposed changes.

Copies of the proposed revisions are available at the TACB Air Quality Planning Annex, located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all regional offices of the agency. For further information, call Kevin Bloomer at (512) 908-1514.

Issued in Austin, Texas, on December 8, 1992.

TRD-9216386 Lane Hartsock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: December 8, 1992

Notice of Opportunity to Comment on Administrative Actions

Notice of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions.

The Texas Air Control Board (TACB) Staff is providing an opportunity for written public comment on the listed Agreed Board Orders (ABOs) pursuant to the Texas Clean Air Act, §382.096, Health and Safety Code, Chapter 382. The Act, §382.096 requires that TACB may not approve these ABOs unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 13th day before the date on which the public comment period closes, which in this case is January 14, 1993. Section 382.096 also requires that TACB promptly consider any written comments received and that TACB may withhold approval of an ABO if a comment indicates the proposed ABO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Clean Air Act. Additional notice is not required if changes to an ABO are made in response to written comments.

A copy of each of the proposed ABO's is available for public inspection at both the TACB's Central Office, located at 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1000 and at the applicable Regional Office listed as follows. Written comments about these ABOs should be sent to the Staff Attorney designated for each ABO at the TACB's Central Office in Austin, and must be received by 5 p.m. on January 14, 1993. Written comments may also be sent by facsimile machine to the Staff Attorney at (512) 908-1850. The TACB Staff Attorneys are available to discuss the ABOs and/or the comment procedure at the listed phone numbers; however, §382.096 provides that comments on the ABOs should be submitted to TACB in writing.

Company: Akzo Chemicals, Inc.; Location: Deer Park, Harris County; Type of Facility: metal alkyl manufacturing plant; Rule Violated: TACB Rule §116.4, failure to perform quarterly monitoring of valves in the Butyl Ethyl Magnesium (BEM) Settler area, as required by General Provision Number 7(f) of Permit Number R-7700. Penalty: \$15,000; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 5555 West Loop, Suite 300, Houston, Texas 77401, (713) 666-4964.

Company: Bill C. Burns; Location: San Angelo, Tom Green County; Type of Facility: crude oil production plant; Rule Violated: TACB Rule 116.1, operating without obtaining a permit or satisfying the conditions for a standard exemption; Board Rule 101.4, nuisance level odors, Board Rule 101.6 by failing to report an upset condition. Penalty: \$11,500; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 1901 East 37th Street, Suite 101, Odessa, Texas 79762, (915) 367-3871, (915) 367-3872.

Company: Composite Technology, Inc.; A Unit of W.R. Grace and Company; Location: Blue Mound, Tarrant County; Type of Facility: a fiberglass products manufacturing plant; Rule Violated: This Agreed Board Order (ABO) amends the corrective actions of enforcement ABOs 89-05(g) and 90-06(e). Some of the specific technical requirements of those ABOs were superseded by requirements of TACB Permit Number 19424. The earlier ABOs are being amended to reconcile any conflicts between those ABOs and the permit. Penalty: \$0; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Construction Clean Up and Demolition; Location: Bryan, Brazos County; Type of Facility: demolition project at a railroad depot; Rule Violated: TACB Rule 101.20(2), failing to comply with federal national emissions standards for hazardous air pollutants for asbestos due to lack of demolition notice and due to improper asbestos removal and disposal. Penalty: \$3,500; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240, (817) 772-9241.

Company: Country Club Cleaners; Location: Farmers Branch, Dallas County; Type of Facility: dry cleaning plant; Rule Violated: TACB Rule 115.521, failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device. Penalty: \$500; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Elcom, Inc.; Location: El Paso, El Paso County; Type of Facility: electronic components facility; Rule Violated: TACB Rule 116.1, operating two vapor degreasers without a permit. Penalty: \$0; Staff Attorney: Bill Zeis, (512) 908-1844; Regional Office: 1200 Golden Key Circle, Suite 369, El Paso, Texas 79925, (915) 591-8128, (915) 591-8129.

Company: E.P. Operating Company; Location: northwest of Fashing, Atascosa County; Type of Facility: distillate treatment system; Rule Violated: TACB Rule 116.1, operating a distillate treatment system without a permit following the expiration of TACB Permit Number R-1509. Penalty: \$2,100; Staff Attorney: Terry G. Salem, (512) 908-1827; Regional Office: 4335 Piedras West, Suite 101, San Antonio, Texas 78228, (210) 734-7981, (210) 734-7982.

Company: Frame Industry Suppliers, Inc.; Location: El Paso, El Paso County; Type of Facility: picture frame manufacturing plant; Rule Violated: TACB Rule 116.1, operating without obtaining a permit or satisfying the conditions for a standard exemption. Penalty: \$3,700 (to be paid via bankruptcy schedule); Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 1200 Golden Key Circle, Suite 369, El Paso, Texas 79925, (915) 591-8128, (915) 591-8129.

Company: Henry Petroleum Corporation; Location: near Stanton, Martin County; Type of Facility: salt water disposal facility; Rule Violated: TACB Rule 116.1, emitting air contaminants into the air of the state without first obtaining a permit or satisfying the conditions for a standard exemption. Penalty: \$500; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 1901 East 37th Street, Suite 101, Odessa, Texas 79762, (915) 367-3871, (915) 367-3872.

Company: Charles Humphrey & Associates; Location: Balch Springs, Dallas County; Type of Facility: picture frame manufacturing & assembly plant; Rule Violated: TACB Rule 116.1, operating without obtaining a permit or satisfying the conditions for a standard exemption. Penalty: \$1,500; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Jeff's Auto Sales; Location: McKinney, Collin County; Type of Facility: motor vehicle sales operation; Rule Violated: TACB Rule 114.1(c)(1), selling, leasing, or offering for sale or lease vehicles which were not equipped with the original or equivalent replacement emission control systems. Penalty: \$500; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Khempak Industries, Inc.; Location: Houston, Harris County; Type of Facility: spent caustic plant; Rule Violated: TACB Rule 101.4, nuisance level emissions. Penalty: \$9,000; Staff Attorney: David Todd, (512)

908-1851; Regional Office: 5555 West Loop, Suite 300, Houston, Texas 77401, (713) 666-4964.

Company: Steve Krammer; Location: northwest of Whitney, Hill County; Type of Facility: property; Rule Violated: TACB Rule 111.101, unauthorized outdoor burning. Penalty: \$3,000; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240, (817) 772-9241.

Company: Martex, Inc., doing business as One Hour Martinizing Drycleaning; Location: University Park, Dallas County; Type of Facility: dry cleaning plant; Rule Violated: Board Rule 115.521, failure to vent the entire dryer exhaust through a properly functioning carbon absorption system or other equally effective control device; Board Rule 115.522, failure to store all wet waste and filters in vapor tight containers; and Board Rule 115.526, failure to maintain adequate records of maintenance, inspection, and testing. Penalty: \$500; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Osage Cattle Company, Incorporated; Location: Gatesville, Coryell County; Type of Facility: cattle feedlot; Rule Violated: TACB Rule 116.1, emitting air contaminants into the air of the state without first obtaining a permit or qualifying for a standard exemption. Penalty: \$1,375; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240, (817) 772-9241.

Company: Parkdale Associates, a California Limited Partnership; Location: Waco, McLennan County; Type of Facility: demolition project; Rule Violated: TACB Rule 101.20(2), which requires compliance with federal NESHAP provisions for asbestos. Penalty: \$1,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240, (817) 772-9241.

Company: Phibro Refining, Incorporated; Location: Houston, Harris County; Type of Facility: petroleum refinery; Rule Violated: TACB Rule 101.20(2), failing to perform monthly monitoring of valves in benzene service in a closed-vent system as required by National Emission Standards for Hazardous Air Pollutants (NESHAP), and failing to conduct visible emissions tests on three flares in benzene service using Environmental Protection Agency (EPA) Method 22, as required by NESHAP; TACB Rule 115.132(a)(2), failing to keep a VOC compound source (oil/water separator) vapor tight; TACB Rule 116.4, failing to comply with general and special provisions contained in a Board Permit; TACB Rule 115.122(a)(2)(A), failure to close, at all times, any cover, seal or lid on a VOC storage tank; TACB Rule 101.6, failing to report an upset condition. Penalty: \$163,650; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 5555 West Loop, Suite 300, Houston, Texas 77401, (713) 666-4964.

Company: Phillips Petroleum Company; Location: Freeport, Brazoria County; Type of Facility: petroleum products transfer and storage plant; Rule Violated: TACB Rule 101.20(2), failing to comply with federal national emissions standards for hazardous air pollutants for equipment leaks (fugitive emission sources) and for benzene storage vessels. Penalty: \$9,000; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: Rohr-HTA Aerostructures, Inc.; Location: San Marcos, Hays County; Type of Facility: high temperature aerospace manufacturing facility; Rule Violated: TACB Rule 116.4, exceeding the allowable usage rate for methyl ethyl ketone as limited by Special Provision Number 7 of TACB Permit Number C-20186, and by operating the facility in excess of the operating hour limitations set out in the Maximum Allowable Emissions Rate Table for TACB Permit Number C-20186. Penalty: \$0; Staff Attorney: Susan Owen, (512) 908-1842; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240, (817) 772-9241.

Company: Ryder Aviall, Inc.; Location: Dallas, Dallas County; Type of Facility: aircraft turbine repair plant; Rule Violated: Board Rule 116.1, constructing and operating plasma spray and painting facilities without obtaining a permit or qualifying for a standard exemption. Penalty: \$3,025; Staff Attorney: Rodman C. Johnson, (512) 908-1854; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Sanden International (U.S.A.), Inc.; Location: Dallas, Dallas County; Type of Facility: automotive air conditioner compressor manufacturing plant; Rule Violated: Board Rule 116.1, operating without obtaining a permit or satisfying the conditions for a standard exemption. Penalty: \$2,825; Staff Attorney: Walt Ehresman, (512) 908-1843; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Texaco Pipeline, Inc.; Location: Near FM 1080 and FM 266, Haskell County; Type of Facility: pipeline system; Rule Violated Board Rule 101.20(2), failing to comply with federal national emissions standards for hazardous air pollutants for asbestos. Penalty: \$12,000; Staff Attorney: Terri Phelps, (512) 908-1846; Regional Office: 1290 South Willis, Suite 205, Abilene, Texas 79605, (915) 698-9674.

Company: Texas Magnet Wire Company; Location: El Paso, El Paso County; Type of Facility: insulated wire manufacturing plant; Rule Violated: Board Rule 116. 5, constructing and operating additional vents and fans which were not represented in the company's application for Permit Number C-19215 and which resulted in additional emission points of air contaminants. Penalty: \$4,200; Staff Attorney: Rodman C. Johnson, (512) 908-1854; Regional Office: 1200 Golden Key Circle, Suite 369, El Paso, Texas 79925, (915) 591-8128, (915) 591-8129.

Company: The Sally Tucker Estate; Location: Asa, McLennan County; Type of Facility: estate property; Rule

Violated: Board Rule 111.101, unauthorized outdoor burning. Penalty: \$1,000; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240, (817) 772-9241.

Company: Venus Marble Company, Inc.; Location: DeSoto, Dallas County; Type of Facility: cultured marble product manufacturing plant; Rule Violated: TACB Board Rule 116.4, exceeding allowable Gelcoat usage and failing to keep cumulative materials usage records, as required by Agreed Board Order Number 86-111 and Special Permit Number S-17337. Penalty: \$1,200; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Walray, Inc., doing business as Laser Boats of Texas; Location: Roanoke, Denton County; Type of Facility: fiberglass boat manufacturing plant; Rule Violated: TACB Rule 116.4, failing to keep records on the daily usage of gelcoat resin, laminating resin and acetone and on the hours of operation, as required by Ordering Provision Number 2 in Agreed Board Order Number 87-06(u) and by Special Provision Number 2 in Permit Number S-17925. Penalty: \$500; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: George L. Williams, Inc.; Location: San Antonio, Bexar County; Type of Facility: demolition operation; Rule Violated: TACB Rule 101.20(2), which requires compliance with federal NESHAP provisions for asbestos. Penalty: \$1,000; Staff Attorney: Walt Ehresman, (512) 908-1843; Regional Office: 4335 Piedras West, Suite 101, San Antonio, Texas 78228, (210) 734-7981, (210) 734-7982.

Issued in Austin, Texas on December 9, 1992.

TRD-9216403 Lane Hartssock
Deputy Director
Air Quality Planning

Filed: December 9, 1992

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**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 Article 1.04, Title 79, Revised Civil Statutes of Texas, as amended (Article 5069-1.04, Vernon's Texas Civil Statutes).

<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)	12/14/92-12/20/92	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 December 7, 1992.

TRD-9216396 Al Endsley
Consumer Credit Commissioner

Filed: December 9, 1992

Court Reporters Certification Board Suspension of Certification

On October 24, 1992, the Court Reporters Certification Board suspended the certification of Debra Gifford of Comfort, Certification Number 953, as a certified shorthand reporter in the State of Texas for six months and thereafter until Ms. Gifford personally appears before the board and shows good cause for reinstatement. The board found Ms. Gifford engaged in acts which constitute willful or negligent violation or failure of duty and unprofessional conduct for a certified shorthand reporter of the State of Texas.

Issued in Austin, Texas, on November 30, 1992.

TRD-9216290 Peg Liedtke
 Executive Secretary
 Court Reporters Certification Board

Filed: December 7, 1992

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Employees Retirement System of Texas Fiscal Report

Texas Civil Statutes, Government Code, Title 8, Subtitle B, §815.108, requires that the Employees Retirement System of Texas publish a report in the *Texas Register* containing the following information: the retirement system's fiscal transactions of the preceding fiscal year; the amount of the system's accumulated cash and securities; and the rate of return on the investment of the system's cash and securities during the preceding fiscal year.

The schedules in this report are presented by fund within fund type. They present more detailed information than would be required by Generally Accepted Accounting Principles (GAAP) and they do not include the note dis-

closures required by GAAP. They are presented in the following order, preceded by an explanation of the Fund Structure:

Pension Trust Funds

Schedule 1: Combining Balance Sheet

Schedule 2: Combining Statement of Revenues, Expenses and Changes in Fund Balances

Expendable Trust Funds

Schedule 3: Combining Balance Sheet

Schedule 4: Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Special Revenue Funds

Schedule 5: Combining Balance Sheet

Schedule 6: Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Agency Funds

Schedule 7: Combining Balance Sheet

Investment Summaries

Schedule 8: Employees Retirement Fund

Schedule 9: Law Enforcement and Custodial Officer Supplemental Retirement Fund

Schedule 10: Judicial Retirement System Plan Two Fund

Schedule 11: All Pension Funds

Schedule 12: Employees Life, Accident and Health Insurance and Benefits Fund

Schedule 13: State Employees Cafeteria Plan Trust Fund

Questions about the reports should be directed to Darrell J. Leslie, Director of Accounting; Employees Retirement System of Texas; P.O. Box 13207; Austin, Texas 78711; (512) 867-3224; WATS number 1 (800) 252-3645.

Employees Retirement System of Texas

FUND STRUCTURE

The financial statements are organized on the basis of funds, each of which is considered to be a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts. These accounts are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with applicable statutory guidelines or restrictions. The System's accounts fall under two basic fund types: Governmental Funds and Fiduciary Funds. The following is a brief description of the primary activity of each fund.

1. Governmental Funds

Special Revenue Funds

Special Revenue Funds are used to account for the System's proceeds from specific revenue sources that are legally restricted to expenditures for specified purposes.

(i) Social Security Administration Fund

The Social Security Administration Fund is the operating fund from which the expenditures of administration and maintenance of the Social Security Program are paid.

(ii) Death Benefits Program for Commissioned Peace Officers, Firemen, etc. Fund (General Revenue Fund)

The Death Benefits Program for Commissioned Peace Officers, Firemen, etc., Fund is used to account for payments of death benefits and administrative fees funded by appropriations from the State's General Revenue Fund.

(iii) Judicial Return to Work Fund (General Revenue Fund)

The Judicial Return to Work Fund is used to account for salaries and salary related costs for retired judges and justices called to service which are funded by an appropriation from the State's General Revenue Fund.

(iv) Uniform Statewide Accounting System Implementation Account (General Revenue Fund)

The Uniform Statewide Accounting System Implementation Account, which is funded by an appropriation from the State's General Revenue Fund, is used to account for the allocation from the State Comptroller's Office to the System for expenditures of implementing the Uniform Statewide Accounting System.

2. Fiduciary Funds

(a) Pension Trust Funds

Pension Trust Funds are used to account for public employee retirement system funds.

(i) Employees Retirement Fund and Judicial Retirement System Plan Two Fund

The following accounts of the Employees Retirement Fund and the Judicial Retirement System Plan Two Fund hold the reserves for future and current benefit payments. These reserves are included in the fund balance reserved for retirement trust funds.

o Employees Savings Account

The Employees Savings Account is the account in which members' contributions and interest credited to those contributions are accumulated.

o State Accumulation Account

The State Accumulation Account is the account in which retirement and death benefits contributions made by the State are accumulated.

Employees Retirement System of Texas

FUND STRUCTURE *(continued)*

o Retirement Annuity Reserve Account

The Retirement Annuity Reserve Account is the account in which reserves for annuities granted and in force are held as determined by the System's actuarial consultants, and from which annuities are paid.

o Interest Account

The Interest Account is the account in which interest, dividends, and gains and losses derived from investments of the System's funds are accumulated. At the close of each fiscal year, the investment revenues are transferred to the other accounts as provided by statute.

o Investment Account

The Investment Account is the account through which available assets and monies of the Retirement Systems are invested.

o Benefit Increase Reserve Account

The Benefit Increase Reserve Account is the account in which appropriated reserves are held for post-retirement increases in annuities for elected and employee class members and their survivors for benefit increases authorized in 1977, 1979, February 1981 and September 1981.

o Expense Account

The Expense Account is the account from which the expenses of administration and maintenance of the Retirement System Programs are paid.

(ii) **Law Enforcement and Custodial Officer Supplemental Retirement Fund**

The Law Enforcement and Custodial Officer Supplemental Retirement Fund was created for the purpose of receiving funds collected as part of the motor vehicle inspection fee and facilitating the payment of benefits as provided by the Commissioned Law Enforcement and Custodial Officer Supplemental Retirement Benefit Act. Available assets and monies of the fund are invested, and revenues accruing from the investments are deposited to the fund.

An annuity reserve fund balance account has been established to reserve the benefits payable for annuities granted and currently in force as determined by the System's actuarial consultants.

(iii) **Judicial Retirement System Plan One Fund**

The Judicial Retirement System Plan One Fund receives appropriations from the State's General Revenue Fund for annuity and refund payments to judges who are members of this program.

(iv) **Deferred Compensation Administrative Trust Fund**

The Deferred Compensation Administrative Trust Fund includes an operating expense account from which administrative expenses are paid. The tax-deferred contributions are accounted for as an Agency Fund.

(v) **TexaSaver Administrative Trust Fund**

The TexaSaver Administrative Trust Fund includes an operating expense account from which administrative expenses are paid. The tax-deferred contributions are accounted for as an Agency Fund.

Employees Retirement System of Texas

FUND STRUCTURE
(continued)

(b) Expendable Trust Funds

Expendable Trust Funds are used to account for trust funds whose principle and interest may be expended in the course of their designated operations.

(i) Employees Life, Accident and Health Insurance and Benefits Fund (Group Insurance Fund)

This fund is used to account for contributions received by participating employees, annuitants, and the State of Texas; for claim payments to the indemnity plan insurance carrier; and for premium payments to Health Maintenance Organizations. This fund also accounts for the operational expenditures incurred to maintain the program and for investment income realized from the cash received from premiums pending disbursement to the carriers.

This fund is composed of two sub-accounts:

o Group Insurance Benefits Account

This account receives contributions of participating employees, participating annuitants and the State of Texas; and makes payments to insurance carriers under the Group Insurance Program.

o Group Insurance Administration Account

This account functions as an operating account from which the expenditures for administration and maintenance of the Group Insurance Program and Supplemental payments for employee insurance premiums are paid.

(ii) State Employees Cafeteria Plan Trust Fund (Flexible Benefits Fund)

This fund is used to account for the before-tax salary reduction contributions from state employees and reimbursements for health care and dependent care. This fund also accounts for the operational expenditures incurred to maintain the program.

This fund is composed of two sub-accounts:

o Cafeteria Plan Benefits Account

This account receives before-tax salary reduction payments for benefits included in the Cafeteria Plan. This account also makes benefit reimbursement payments.

o Cafeteria Plan Administration Account

This account functions as an operating account from which the expenditures for administration of the Program are paid.

Employees Retirement System of Texas

FUND STRUCTURE *(concluded)*

(c) Agency Funds

Agency Funds are used to account for assets held by a governmental unit in an agency capacity for individuals, other governmental entities, other funds, etc. Agency Funds are custodial in nature (assets equal liabilities) and do not measure results of operations.

(i) Unappropriated Receipts (General Revenue Fund)

This fund accounts for member contributions received from Judicial Retirement System Plan One members. The member contributions are deposited directly into the General Revenue Fund as unappropriated receipts.

(ii) Social Security Trust Fund

The Social Security Trust Fund received employee and employer contributions from participating local governmental entities for wages paid before January 1, 1987, and transmitted those funds to the Federal Social Security Administration. This fund also received employee and employer contributions from participating state agencies and universities for wages paid before April 1, 1987, and transmitted those funds to the Federal Social Security Administration.

(iii) Employees Savings Bond Fund

The Employees Savings Bond Fund is used to accumulate payroll deductions for U. S. Savings Bonds. Bonds are purchased for each participating employee when the employee's account balance equals the purchase price of the specified bond.

(iv) Deferred Compensation Trust Fund

The Deferred Compensation Trust Fund accounts for tax-deferred portions of salaries of State employees in accordance with the provisions of Internal Revenue Code Section 457. The assets in the plan are the property of the State of Texas, and are recorded at market value.

(v) TexaSaver Trust Fund

The TexaSaver Trust Fund accounts for tax-deferred portions of salaries of State employees in accordance with the provisions of Internal Revenue Code Section 401(k). The assets in the plan are solely the property of the employee.

(vi) Higher Education Group Insurance Fund

The Higher Education Group Insurance Fund accounts for the legislative appropriation for group insurance benefits provided to the employees, and retirees of Texas Higher Education Institutions.

EMPLOYEES RETIREMENT SYSTEM OF TEXAS
Unaudited

SCHEDULE 1

COMBINING BALANCE SHEET - PENSION TRUST FUNDS
August 31, 1992

	<u>Employees Retirement Fund (955)</u>	<u>Law Enforcement and Custodial Officer Supplemental Retirement Fund (977)</u>	<u>Judicial Retirement System Plan One (001)</u>	<u>Judicial Retirement System Plan Two (993)</u>	<u>Deferred Compensation Administrative Trust Fund (945)</u>	<u>TexasSaver Administrative Trust Fund (946)</u>	<u>Totals August 31, 1992</u>
ASSETS							
Current Assets							
Cash and Temporary Investments:							
Cash on Hand	495,002						495,002
Cash in Bank	10,000						10,000
Cash in State Treasury	1,115,076,602	70,309,016	93,621	837,371	761,808	44,930	1,187,123,348
Short-Term Investments	155,413,343						155,413,343
Receivables:							
Accounts Receivable	20,659,873	2,317,485	13,307	201,820	3,300	194	23,192,485
Interest and Dividends Receivable	73,859,466	2,831,129		4,911	30,006		76,699,000
Due From Other Funds	380,040						410,046
Prepaid Expenses	117,098				38		117,136
Total Current Assets	<u>1,366,011,424</u>	<u>75,457,630</u>	<u>106,928</u>	<u>1,044,102</u>	<u>795,152</u>	<u>45,124</u>	<u>1,443,460,360</u>
Long-Term Investments							
At Cost (Total Market, 1992 \$7,637,675,121)	<u>6,257,450,840</u>	<u>241,773,534</u>		<u>8,345,694</u>			<u>6,507,570,068</u>
Fixed Assets							
Motor Vehicle	20,123						20,123
Land and Land Improvements	874,889						874,889
Building	6,717,216						6,717,216
Office Furniture and Equipment	3,248,473				11,199		3,259,672
Subtotal Fixed Assets	10,860,701				11,199		10,871,900
Less Accumulated Depreciation	(3,671,071)				(1,843)		(3,672,914)
Net Fixed Assets	<u>7,189,630</u>				<u>9,356</u>		<u>7,198,986</u>
Total Assets	<u>7,630,651,894</u>	<u>317,231,164</u>	<u>106,928</u>	<u>9,389,796</u>	<u>804,508</u>	<u>45,124</u>	<u>7,958,229,414</u>

-- to next page

EMPLOYEES RETIREMENT SYSTEM OF TEXAS
Unaudited

SCHEDULE 2

COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN
FUND BALANCES - PENSION TRUST FUNDS
Year Ended August 31, 1992

	Employees Retirement Fund (955)	Law Enforcement and Custodial Officer Supplemental Retirement Fund (977)	Judicial Retirement System Plan One (001)	Judicial Retirement System Plan Two (993)	Deferred Compensation Administrative Trust Fund (945)	TexasSaver Administrative Trust Fund (946)	Totals August 31, 1992
Operating Revenues							
Contributions to Retirement System:							
Member Contributions	188,599,199			959,489			189,558,688
State Retirement Contributions	202,330,759			1,501,600			203,832,359
Membership Fees	320,688			2,030			322,718
Penalty Interest	1,646,297						1,646,297
Death Benefits	4,407,500						4,407,500
Motor Vehicle Inspection Fees		25,835,642					25,835,642
Legislative Appropriations:							
For Judges' Retirement Annuity Payments			11,674,714				11,674,714
For Refund of Judges' Contributions			67,391				67,391
For Administrative Expenses			72,183				72,183
For Deferred Compensation Plans					550,371		550,371
Investment Income:							
Interest	472,876,126						472,876,126
Dividends	81,281,453			276,821		3,116	81,559,390
Gain on Sale of Securities (Net)	98,452,704			161,904			98,614,608
Rent - Office Space	189,118			940			190,058
Miscellaneous	47,285						47,285
Total Operating Revenues	1,050,151,129	51,783,236	11,814,288	2,902,784	603,808	3,116	1,117,258,361
Operating Expenses							
Retirement System Benefits Paid:							
Retirement Benefits	268,873,562						268,873,562
Death Benefits:							
Active Members	636,030						636,030
Retirees	5,183,792						5,183,792
Member Contributions Withdrawn	51,961,942			37,610			52,000,000
Administrative Expenses	9,671,055		67,391	54,206	360,048	12,607	10,165,306
Miscellaneous	4,421						4,421
Total Operating Expenses	336,330,802	3,044,980	11,742,105	91,516	360,048	12,607	351,582,358

- to next page

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

Unaudited

SCHEDULE 1

COMBINING BALANCE SHEET - PENSION TRUST FUNDS

August 31, 1992

(concluded)

	Employees Retirement Fund (955)	Law Enforcement and Custodial Officer Supplemental Retirement Fund (977)	Judicial Retirement System Plan One (001)	Judicial Retirement System Plan Two (993)	Deferred Compensation Administrative Trust Fund (945)	TexasSaver Administrative Trust Fund (946)	Totals August 31, 1992
LIABILITIES AND FUND BALANCES							
Current Liabilities							
Payables:							
Accounts Payable	26,022,579	6,703	92,733	103,570	20,379	1,490	26,247,454
Deferred Revenue	19,410						19,410
Due To Other Funds	95,657	47,518	14,195	15,387	8,402	187	181,346
Compensable Leave Payable	349,073				10,164		359,237
Total Current Liabilities	26,486,719	54,221	106,928	118,957	38,945	1,677	26,807,447
Total Liabilities	26,486,719	54,221	106,928	118,957	38,945	1,677	26,807,447
Fund Balances Reserved:							
For Encumbrances	2,365,595	9,833		844	267	825	2,377,364
For Annuity Reserves	2,412,455,564	17,214,451					2,429,670,015
For Retirement Trust Funds	5,189,344,016	299,952,659		9,269,995	765,296	42,622	5,499,374,588
Total Fund Balances	7,604,165,175	317,176,943	--	9,270,839	765,563	43,447	7,931,421,967
Total Liabilities and Fund Balances	7,630,651,894	317,231,164	106,928	9,389,796	804,508	45,124	7,958,229,414

EMPLOYEES RETIREMENT SYSTEM OF TEXAS
Unaudited

SCHEDULE 2

**COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN
FUND BALANCES - PENSION TRUST FUNDS**
Year Ended August 31, 1992
(concluded)

	<i>Employees Retirement Fund (955)</i>	<i>Law Enforcement and Custodial Officer Supplemental Retirement Fund (977)</i>	<i>Judicial Retirement System Plan One (001)</i>	<i>Judicial Retirement System Plan Two (993)</i>	<i>Deferred Compensation Administrative Trust Fund (945)</i>	<i>TexSaver Administrative Trust Fund (946)</i>	<i>Totals August 31, 1992</i>
Income Before Non-Operating Expenses and Operating Transfers	\$ 713,820,327	\$ 48,738,256	\$ 72,183	\$ 2,810,968	\$ 243,760	\$ (9,491)	\$ 765,676,003
Non-Operating Revenues (Expenses)	(517)				700		(517)
Loss on Disposal of Fixed Assets							
Donated Fixed Assets							
Income Before Operating Transfers	<u>713,819,810</u>	<u>48,738,256</u>	<u>72,183</u>	<u>2,810,968</u>	<u>244,460</u>	<u>(9,491)</u>	<u>765,676,186</u>
Operating Transfers In (Out)							
Fee for Administering Programs	82,763						10,580
Membership Fees	(307,816)		(72,183)				
Net Operating Transfers	<u>(225,053)</u>		<u>(72,183)</u>		<u>307,816</u>		<u>10,580</u>
Net Income	713,594,757	48,738,256		2,810,968	307,816	(9,491)	765,606,766
Fund Balances - Beginning	6,890,570,418	268,438,687		6,459,871	213,287	52,938	7,165,735,201
Fund Balances - Ending	<u>7,604,165,175</u>	<u>317,176,943</u>	<u>9,270,839</u>	<u>765,563</u>	<u>43,447</u>		<u>7,931,421,967</u>

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

Unaudited

SCHEDULE 3

COMBINING BALANCE SHEET -- EXPENDABLE TRUST FUNDS

August 31, 1992

	<i>Employees Life, Accident and Health Insurance and Benefits Fund (973)</i>	<i>State Employees Cafeteria Plan Trust Fund (943)</i>	<i>Totals August 31, 1992</i>
	\$	\$	\$
ASSETS			
Current Assets			
Cash and Temporary Investments:			
Cash on Hand	107,602		107,602
Cash in State Treasury	184,694,813	2,141,286	186,836,099
Receivables:			
Accounts Receivable	12,551,956	673,979	13,225,935
Interest Receivable	847,986	9,942	857,928
Due From Other Funds	58,105	91	58,196
Consumable Inventories	25,802	449	26,251
	<hr/>	<hr/>	<hr/>
Total Assets	198,286,264	2,825,747	201,112,011
	<hr/>	<hr/>	<hr/>
LIABILITIES AND FUND BALANCES			
Current Liabilities			
Payables:			
Accounts Payable	99,334,204	1,259,717	100,593,921
Deferred Revenue	298,211	4,791	303,002
Due To Other Funds	244,136	43,480	287,616
	<hr/>	<hr/>	<hr/>
Total Liabilities	99,876,551	1,307,988	101,184,539
	<hr/>	<hr/>	<hr/>

- to next page

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

Unaudited

SCHEDULE 3

COMBINING BALANCE SHEET -- EXPENDABLE TRUST FUNDS

August 31, 1992

(concluded)

	<i>Employees Life, Accident and Health Insurance and Benefits Fund (973)</i>	<i>State Employees Cafeteria Plan Trust Fund (943)</i>	<i>Totals August 31, 1992</i>
	\$	\$	\$
Fund Balances			
Reserved:			
For Encumbrances	1,186,777	60,108	1,246,885
For Consumable Inventories	25,802	449	26,251
For Contingency Reserves	57,833,380		57,833,380
For State Contribution	22,200,000		22,200,000
Unreserved, Designated:			
For Premium Rate Supplementation & Group Insurance Administration	17,163,754		17,163,754
For Cafeteria Plan Administration		1,457,202	1,457,202
	<hr/>	<hr/>	<hr/>
Total Fund Balances	98,409,713	1,517,759	99,927,472
	<hr/>	<hr/>	<hr/>
Total Liabilities and Fund Balances	198,286,264	2,825,747	201,112,011
	<hr/>	<hr/>	<hr/>

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

Unaudited

SCHEDULE 4

**COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCES - EXPENDABLE TRUST FUNDS**

Year Ended August 31, 1992

	<i>Employees Life, Accident and Health Insurance and Benefits Fund (973)</i>	<i>State Employees Cafeteria Plan Trust Fund (943)</i>	<i>Totals August 31, 1992</i>
	\$	\$	\$
Revenues			
Investment Income:			
Interest	12,001,075	141,533	12,142,608
Insurance Premium Contributions from:			
State of Texas	347,594,687		347,594,687
State Employees and Retirees	136,144,578		136,144,578
Cobra Participants	3,129,366		3,129,366
Cafeteria Plan:			
Contributions		7,919,715	7,919,715
Fees		205,125	205,125
Miscellaneous	485,688		485,688
Total Revenues	499,355,394	8,266,373	507,621,767
Expenditures			
Current:			
Claims and Premium Payments to Insurance Carriers	426,340,914		426,340,914
Claims Reimbursements - Cafeteria Plan		7,375,780	7,375,780
Estimated Claims Incurred by State Employees and/or Retirees	42,032,509	432,125	42,464,634
Administrative Expenditures	4,807,232	518,074	5,325,306
Capital Outlay	19,383		19,383
Miscellaneous	311		311
Total Expenditures	473,200,349	8,325,979	481,526,328
Excess (Deficit) of Revenues over Expenditures	26,155,045	(59,606)	26,095,439

-- to next page

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

Unaudited

SCHEDULE 4

**COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCES – EXPENDABLE TRUST FUNDS**

Year Ended August 31, 1992

(concluded)

	<i>Employees Life, Accident and Health Insurance and Benefits Fund (973)</i>	<i>State Employees Cafeteria Plan Trust Fund (943)</i>	<i>Totals August 31, 1992</i>
Fund Balances – Beginning	\$ 72,236,613	\$ 1,578,638	\$ 73,815,251
Increase (Decrease) in Consumable Inventories	18,055	(1,273)	16,782
Fund Balances – Ending	<u>98,409,713</u>	<u>1,517,759</u>	<u>99,927,472</u>

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

Unaudited

SCHEDULE 5

**COMBINING BALANCE SHEET – SPECIAL REVENUE FUNDS
August 31, 1992**

	<i>Social Security Administration Fund (929)</i>	<i>Death Benefits Program for Commissioned Peace Officers, Firemen, etc.(001)</i>	<i>Judicial Return To Work Fund (001)</i>	<i>Uniform Statewide Accounting System Implementation Account (001)</i>	<i>Totals August 31, 1992</i>
	\$	\$	\$	\$	\$
ASSETS					
Current Assets					
Cash and Temporary Investments:					
Cash in State Treasury	204,203				204,203
Legislative Appropriations Receivables:		138,772	331,538		470,310
Accounts Receivable		600	292,889		293,489
Due From Other Funds		1,902			1,902
Total Assets	204,203	141,274	624,427	-	969,904
LIABILITIES AND FUND BALANCES					
Current Liabilities					
Payables:					
Accounts Payable	5,597	600	291,489		297,686
Due To Other Funds	592	590			1,182
Total Liabilities	6,189	1,190	291,489	-	298,868
Fund Balances					
Reserved:					
For Lapsing—Unencumbered General Revenue Fund Appropriations		140,084	332,938		473,022
Unreserved:					
Undesignated:					
Available for Subsequent Years' Expenditures	198,014				198,014
Total Fund Balances	198,014	140,084	332,938	-	671,036
Total Liabilities and Fund Balances	204,203	141,274	624,427	-	969,904

EMPLOYEES RETIREMENT SYSTEM OF TEXAS
Unaudited

SCHEDULE 6

**COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCES - SPECIAL REVENUE FUNDS
Year Ended August 31, 1992**

	Social Security Administration Fund (929)	Death Benefits Program for Commissioned Peace Officers, Firemen, etc. (001)	Judicial Returns To Work Fund (001)	Uniform Statewide Accounting System Implementation Account (001)	Totals August 31, 1992
	\$	\$	\$	\$	\$
Revenues					
Legislative Appropriations Out of the State's General Revenue Fund:					
For Administrative Expenditures		28,000			28,000
For Death Benefits		722,064			722,064
For Salaries of Retired Judges Called to Service			3,690,203		3,690,203
For Salaries of Retired Justices Called to Service			525,423		525,423
For Social Security Matching Contributions			395,718		395,718
For Social Security Payments Made by the State			171,065		171,065
Total Revenues	-	750,064	4,782,409	-	5,532,473
Expenditures					
Current:					
Death Benefits:					
Lump Sum Payments for Surviving Spouses		220,000			220,000
Monthly Payments on Behalf of Minor Children		379,400			379,400
Salaries of Retired Judges Called to Service			3,633,207		3,633,207
Salaries of Retired Justices Called to Service			311,164		311,164
Payroll Related Costs of Judges/Justices Called to Service:					
Social Security Matching Contribution			395,718		395,718
Social Security Payments by the State			109,382		109,382
Administrative Expenditures	25,255			15,456	40,711
Total Expenditures	25,255	599,400	4,449,471	15,456	5,089,582
Excess (Deficit) of Revenues Over Expenditures	(25,255)	150,664	332,938	(15,456)	442,891

-- to next page

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

Unaudited

SCHEDULE 6

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCES - SPECIAL REVENUE FUNDS
Year Ended August 31, 1992
(concluded)

	Social Security Administration Fund (929)	Death Benefits Program for Commissioned Peace Officers, Firemen, etc.(001)	Judicial Return To Work Fund (001)	Uniform Statewide Accounting System Implementation Account (001)	Totals August 31, 1992
\$	\$	\$	\$	\$	\$
Other Financing Sources (Uses) Fee for Administering Programs	(25,255)	(10,580)			(10,580)
Excess (Deficit) of Revenues Over Expenditures and Other Uses	223,269	140,084	332,938	(15,456)	432,311
Fund Balances - Beginning	198,014			15,456	238,725
Fund Balances - Ending	198,014	140,084	332,938		671,036

EMPLOYEES RETIREMENT SYSTEM OF TEXAS
Unaudited

SCHEDULE 7

COMBINING BALANCE SHEET - AGENCY FUNDS
August 31, 1992

	<u>Unappropriated Receipts General Revenue Fund (001)</u>	<u>Social Security Trust Fund (913)</u>	<u>Employee Savings Bond Fund (901)</u>	<u>Deferred Compensation Trust Fund (945)</u>	<u>TexasSaver Trust Fund (946)</u>	<u>Higher Education Group Insurance Fund (973)</u>	<u>Totals August 31, 1992</u>
ASSETS							
Current Assets							
Cash on Hand	124,129		775				124,904
Cash in Bank					20,425		20,425
Cash in State Treasury	13,735		100				13,835
Investments - Deferred Compensation Plan 457 At Market Value				204,074,202			204,074,202
Accounts Receivable	3,729		50				3,779
Total Assets	<u>141,593</u>	<u>-</u>	<u>925</u>	<u>204,074,202</u>	<u>20,425</u>	<u>-</u>	<u>204,237,145</u>
LIABILITIES							
Current Liabilities							
Accounts Payable	141,593		925		20,425		162,943
Deferred Compensation Benefits Payable				204,074,202			204,074,202
Total Liabilities	<u>141,593</u>	<u>-</u>	<u>925</u>	<u>204,074,202</u>	<u>20,425</u>	<u>-</u>	<u>204,237,145</u>

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

Unaudited

SCHEDULE 8

INVESTMENT SUMMARY - EMPLOYEES RETIREMENT FUND

Year Ended August 31, 1992

Type of Investment	September 1, 1991		August 31, 1992					Yield at Market %
	Book Value \$	Market Value \$	Purchases \$	Maturities and Redemptions \$	Other Transactions & Amortizations \$	Book Value \$	Market Value \$	
Fixed Income:								
U. S. Government Securities	3,942,734,924	4,244,592,024	117,165,046	741,218,667	2,839,238	3,321,520,541	3,806,593,631	44.11
Corporate Bonds	992,911,855	1,044,181,670	34,272,263	765,150,601	1,641,600	263,675,117	290,624,434	3.37
Total Fixed Income	4,935,646,779	5,288,773,694	151,437,309	1,506,369,268	4,480,838	3,585,195,658	4,097,218,065	47.48
Equities:								
Passive	633,909,958	788,464,430	398,911,974	8,162,113	(4,813)	1,014,655,006	1,233,810,074	14.30
Active	1,166,757,919	1,469,624,813	405,509,588	112,441,023	-	1,459,826,484	1,824,664,028	21.14
International Passive	-	-	197,790,730	-	(17,038)	197,773,692	202,169,826	2.34
Total Equities	1,800,667,877	2,258,089,243	992,212,292	120,603,136	(21,851)	2,672,255,182	3,260,643,928	37.78
Cash Equivalents:								
Cash in State Treasury	53,427,969	53,427,969	-	-	1,061,648,633	1,115,076,602	1,115,076,602	12.92
Short-Term Commercial Paper	-	-	440,000,000	440,000,000	-	-	-	-
Short-Term U.S. Treasury Securities	-	-	151,949,000	56,074,548	(208,774)	95,665,678	96,323,275	1.12
Medium-Term Notes and Short-Term Corporate Bonds	-	-	75,823,640	16,044,334	(31,641)	59,747,665	60,411,999	0.70
Total Cash Equivalents	53,427,969	53,427,969	667,772,640	512,118,882	1,061,408,218	1,270,489,945	1,271,811,876	14.74
Total Investments	6,789,742,625	7,600,290,906	1,811,422,241	2,139,091,286	1,065,867,205	7,527,940,785	8,629,673,869	100.00

Note A Note A

Portfolio Rate of Return (Note B)	August 31, 1992		August 31, 1991	
	%	Average Book Value	%	Average Book Value
Cash Equivalents	5.81		7.76	
U. S. Government Securities	10.11		10.13	
Corporate Bonds	19.94		9.61	
Equities	4.43		10.43	
Composite Rate of Return	9.16		10.08	

Note A: The investment portfolio listing is available for review at the System's office or the listing will be mailed upon request.

Note B: Rate of Return = $\frac{\text{Net Interest or Dividends} + \text{Gain (Loss) on Sales}}{\text{Average Book Value}}$

EMPLOYEES RETIREMENT SYSTEM OF TEXAS
Unaudited

SCHEDULE 9

INVESTMENT SUMMARY - LAW ENFORCEMENT AND CUSTODIAL OFFICER SUPPLEMENTAL RETIREMENT FUND
Year Ended August 31, 1992

Type of Investment	September 1, 1991			August 31, 1992			Yield at Market %		
	Book Value \$	Market Value \$	Purchases \$	Sales, Maturities and Redemptions \$	Other Transactions & Amortizations \$	Book Value \$		Market Value \$	
Fixed Income:									
U. S. Government Securities	262,255,594	279,728,347	-	20,992,800	510,740	241,773,534	271,366,725	79.42	6.82
Total Fixed Income	262,255,594	279,728,347	-	20,992,800	510,740	241,773,534	271,366,725	79.42	6.82
Cash Equivalents:									
Cash in State Treasury	927,679	927,679	-	-	69,381,337	70,309,016	70,309,016	20.58	5.13
Total Cash Equivalents	927,679	927,679	-	-	69,381,337	70,309,016	70,309,016	20.58	5.13
Total Investments	263,183,273	280,656,026	-	20,992,800	69,892,077	312,082,550	341,675,741	100.00	6.47

Note A Note A Note A

Portfolio Rate of Returns (Note B)	August 31, 1992 %	August 31, 1991 %
Cash Equivalents	5.85	7.30
U. S. Government Securities	9.51	9.56
Composite Rate of Return	9.09	9.46

Note A: The investment portfolio listing is available for review at the System's office or the listing will be mailed upon request.

Note B: Rate of Return = $\frac{\text{Net Interest or Dividends} + \text{Gain (Loss) on Sales}}{\text{Average Book Value}}$

EMPLOYEES RETIREMENT SYSTEM OF TEXAS
Unaudited

SCHEDULE 11

INVESTMENT SUMMARY - ALL PENSION FUNDS
Year Ended August 31, 1992

Type of Investment	September 1, 1991			August 31, 1992			Yield at Market %	
	Book Value \$	Market Value \$	Purchases \$	Redemptions \$	Other Transactions & Amortizations \$	Book Value \$		Market Value \$
Fixed Income:								
U.S. Government Securities	4,204,990,518	4,524,320,371	117,165,046	762,211,467	3,349,978	3,563,294,075	4,077,960,356	45.40
Corporate Bonds	992,911,855	1,044,181,670	34,272,263	765,150,601	1,641,600	263,675,117	290,624,434	3.24
Total Fixed Income	5,197,902,373	5,568,502,041	151,437,309	1,527,362,068	4,991,578	3,826,969,192	4,368,584,790	48.64
Equities:								
Passive	633,909,958	788,464,430	388,911,974	8,162,113	(4,813)	1,014,655,006	1,233,810,074	13.74
Active	1,166,757,919	1,469,624,813	405,509,588	112,441,023	-	1,459,826,484	1,824,664,028	20.32
International Passive	-	-	197,790,730	-	(17,038)	197,773,692	202,169,826	2.25
Mutual Funds	-	-	8,345,694	-	-	8,345,694	8,446,403	0.09
Total Equities	1,800,667,877	2,258,089,243	1,000,557,986	120,603,136	(21,851)	2,680,600,876	3,269,090,331	36.40
Cash Equivalents:								
Cash in State Treasury	60,988,803	60,988,803	-	-	1,126,040,924	1,187,029,727	1,187,029,727	13.22
Short-Term Commercial Paper	-	-	440,000,000	440,000,000	-	-	-	-
Short-Term U.S. Treasury Securities	-	-	151,949,000	56,074,548	(208,774)	95,665,678	96,323,275	1.07
Medium-Term Notes and Short-Term Corporate Bonds	-	-	75,823,640	16,044,334	(31,641)	59,747,665	60,411,999	0.67
Total Cash Equivalents	60,988,803	60,988,803	667,772,640	512,118,882	1,125,800,509	1,342,443,070	1,343,765,001	14.96
Total Investments	7,059,559,053	7,887,580,087	1,819,767,925	2,160,084,066	1,130,770,236	7,850,013,138	8,981,440,122	100.00

Note A Note A Note A

Portfolio Rate of Return (Note B)	August 31, 1992		August 31, 1991	
	%	Average Book Value	%	Average Book Value
Cash Equivalents	5.82		7.72	
U.S. Government Securities	10.07		10.09	
Corporate Bonds	19.94		9.61	
Equities	4.43		10.43	
Composite Rate of Return (Note C)	9.16		10.06	

Note A: The investment portfolio listing is available for review at the System's office or the listing will be mailed upon request.

Note B: Rate of Return = $\frac{\text{Net Interest or Dividends} + \text{Gain (Loss) on Sales}}{\text{Average Book Value}}$

Note C: Beginning in fiscal year 1991, the Investment Summary and Rate of Return includes the administrative portion of the Deferred Compensation Trust Fund and the TeamSaver Trust Fund.

EMPLOYEES RETIREMENT SYSTEM OF TEXAS
Unaudited

SCHEDULE 12

INVESTMENT SUMMARY - EMPLOYEES LIFE, ACCIDENT AND HEALTH INSURANCE AND BENEFITS FUND
Year Ended August 31, 1992

Type of Investment	September 1, 1991		August 31, 1992				Yield at Market
	Book Value	Market Value	Purchases	Sales, Maturities and Redemptions	Other Transactions & Amortizations	Book Value	
	\$	\$	\$	\$	\$	\$	%
Cash Equivalents:							
Cash in State Treasury	160,170,553	160,170,553	-	-	24,524,260	184,694,813	5.13
Total Cash Equivalents	160,170,553	160,170,553	-	-	24,524,260	184,694,813	5.13
Total Investments	160,170,553	160,170,553	-	-	24,524,260	184,694,813	5.13

Note A

Note A

Note A

Note A

Portfolio Rate of Return (Note B)	August 31, 1992		August 31, 1991	
	%	%	%	%
Cash Equivalents	6.46	6.46	7.71	7.71
Composite Rate of Return	6.46	6.46	7.71	7.71

Note A: The investment portfolio listing is available for review at the System's office or the listing will be mailed upon request.

Note B: Rate of Return = $\frac{\text{Net Interest or Dividends} + \text{Gain (Loss) on Sales}}{\text{Average Book Value}}$

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

Unaudited

SCHEDULE 13

INVESTMENT SUMMARY - STATE EMPLOYEES CAFETERIA PLAN TRUST FUND
Year Ended August 31, 1992

Type of Investment	September 1, 1991				August 31, 1992				
	Book Value	Market Value	Purchases	Sales, Maturities and Redemptions	Other Transactions & Amortizations	Book Value	Market Value	% Total Market	Yield at Market
Cash Equivalents:									
Cash in State Treasury	2,121,781	2,121,781	-	-	19,505	2,141,286	2,141,286	100.00	5.13
Total Cash Equivalents	2,121,781	2,121,781	-	-	19,505	2,141,286	2,141,286	100.00	5.13
Total Investments	2,121,781	2,121,781	-	-	19,505	2,141,286	2,141,286	100.00	5.13

Note A

Note A

Note A

Note A

Portfolio Rate of Return (Note B)	August 31, 1992	August 31, 1991
Cash Equivalents	6.35	7.63
Composite Rate of Return	6.35	7.63

Note A: The investment portfolio listing is available for review at the System's office or the listing will be mailed upon request.

Note B: Rate of Return = $\frac{\text{Net Interest or Dividends} + \text{Gain (Loss) on Sales}}{\text{Average Book Value}}$

Issued in Austin, Texas, on December 9, 1992.

TRD-9216377

Charles D. Travis
Executive Director
Employees Retirement System of Texas

Filed: December 8, 1992

◆ ◆ ◆
**Request for Proposals for Texas
Employees Uniform Group Insurance
Program Annual Audit of the
Insurance Carrier's Claims Operation**

In accordance with the Texas Insurance Code, §4, Article 3.50-2, as amended, the Employees Retirement System of Texas (ERS) announces a Request for Proposals (RFP) to conduct the annual audit of the insurance carrier's operations under the Texas Employees Uniform Group Insurance Program. Such audit shall include, but not be limited to, claims administration, contract compliance, gross and net costs, administration costs, benefits, utilization of benefits, and the annual accounting specified under §9 of the previously cited statute. It will not entail an audit of the insurance carrier's financial records.

Firms wishing to respond to the request should have superior recognized expertise and specialization in the accounting and audit principles which deal with the review of employee benefit programs, State of Texas policies and procedures, group insurance contract administration, and insurance administration.

The RFP instructions which detail information regarding the project are available upon request from the Employees Retirement System of Texas.

The deadline for receipt of the proposals in response to this request will be 5 p.m. on January 15, 1993.

ERS reserves the right to accept or reject any or all proposals submitted. ERS is under no legal requirement to execute a resulting contract on the basis of this advertisement.

ERS intends to use responses as a basis for further negotiations of specific project details. ERS will base its choice on cost, demonstrated competence, superior qualifications, and evidence of conformance with the RFP criteria.

This RFP does not commit ERS to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates ERS to award a contract or to pay any costs incurred in the preparation of a response. ERS specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where ERS deems it to be in the best interest of the State of Texas.

For further information regarding this notice, or to obtain copies of the RFP instructions, please contact James W.

Sarver, Employees Retirement System of Texas, Group Insurance Division, 18th and Brazos, P.O. Box 13207, Austin, Texas 78711-3207, (512) 867-3217.

Issued in Austin, Texas, on December 8, 1992.

TRD-9216376

Charles D. Travis
Executive Director
Employees Retirement System of Texas

Filed: December 8, 1992

◆ ◆ ◆
**Texas Department of Health
Designation of Site Serving Medically
Underserved Population**

The Department of Health (department) is required under Texas Civil Statutes, Article 4495b, §3.06, to designate sites serving medically underserved populations. In addition, the department is required to publish notice of its designations in the *Texas Register* and to provide an opportunity for public comment on the designations.

Accordingly, the department has designated the following as a site serving medically underserved populations: the medical practice of Andrew B. Burke, D. O., P.A., 1717 North Garrett, Dallas, Texas 75206. Designation is based on proven eligibility as a site serving a disproportionate number of clients eligible for federal, state or locally funded health care programs.

Oral and written comments of the designations may be directed to Carol Daniels, Chief, Bureau of State Health Data and Policy Analysis, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756; (512) 458-7261. Comments will be accepted for 30 days from the date of this notice.

Issued in Austin, Texas, on December 8, 1992.

TRD-9216363

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

Filed: December 8, 1992

◆ ◆ ◆
**Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend-ment #	Date of Action
-----	----	-----	----	-----	-----
Throughout Texas	Radiation Technology, Inc.	L04633	Austin	0	11/10/92
Throughout Texas	Asbestos Engineering & Management Services	L04641	Houston	0	11/16/92

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend-ment #	Date of Action
-----	----	-----	----	-----	-----
Amarillo	St. Anthony's Enterprises, Inc.	L03737	Amarillo	9	11/19/92
Angleton	Angleton-Danbury General Hospital	L02544	Angleton	10	11/25/92
Austin	3M Company/Health Physics Services	L03843	Saint Paul, MN	6	11/10/92
Austin	The University of Texas at Austin	L00485	Austin	50	11/19/92
Beaumont	Synacor International Corporation	L02987	Beaumont	24	11/18/92
Corsicana	Navarro Regional Hospital	L02458	Corsicana	16	11/25/92
Denton	Texas Woman's University	L00304	Denton	36	11/16/92
Denton	Humed Diagnostic Imaging	L02129	Denton	46	11/25/92
Fort Worth	Osteopathic Medical Center of Texas	L00730	Fort Worth	35	11/13/92
Freeport	Brazos Pipe & Steel Fabricators, Inc.	L02186	Freeport	18	11/12/92
Friendswood	Iso-Tex Diagnostics, Inc.	L02999	Friendswood	24	11/20/92
Houston	Bellaire General Hospital	L02038	Houston	17	11/13/92
Houston	Baylor College of Medicine	L00680	Houston	48	11/13/92
Houston	SpectraCell Laboratories, Inc.	L04617	Houston	1	11/19/92
Longview	King Tool Company	L02750	Longview	11	11/16/92
Longview	Good Shepherd Medical Center	L02411	Longview	38	11/19/92
Lubbock	Cardiology Associates of Lubbock, P.A.	L04468	Lubbock	5	11/19/92
Mesquite	Mesquite Community Hospital	L02733	Mesquite	20	11/25/92
Missouri City	Fort Bend Hospital, Inc.	L03457	Missouri City	9	11/25/92
New Braunfels	The McKenna Memorial Hospital	L02429	New Braunfels	17	11/19/92
San Antonio	City Public Service	L02876	San Antonio	10	11/10/92
San Antonio	K. O. Steel Company	L04480	San Antonio	3	11/12/92
San Antonio	San Antonio Cardiology Clinic, P.A.	L04489	San Antonio	3	11/13/92
San Antonio	San Antonio Cardiology Clinic, P.A.	L04489	San Antonio	4	11/25/92
San Antonio	Mix Medical Center	L03531	San Antonio	8	11/25/92
Throughout Texas	Tru-Tag Systems, Inc.	L03783	Houston	13	11/13/92

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Throughout Texas	Dyess Testing Laboratory, Inc.	L01123	Amarillo	37	11/10/92
Throughout Texas	Century Inspection, Inc.	L00062	Dallas	57	11/10/92
Throughout Texas	Qualitex Industrial X-Ray Inc.	L04079	Odessa	8	11/17/92
Throughout Texas	Reinhart and Associates, Inc.	L03189	Austin	20	11/16/92
Throughout Texas	BIX Testing Laboratories	L02143	Baytown	51	11/13/92
Throughout Texas	Ex Cel Perforators, Inc.	L03114	Corpus Christi	10	11/16/92
Throughout Texas	Midland Inspection and Engineering, Inc.	L03724	Odessa	37	11/17/92
Throughout Texas	AnAid, Inc.	L03171	Dickinson	26	11/18/92
Throughout Texas	Corpus Christi Inspection & Engineering, Inc.	L04379	Corpus Christi	20	11/23/92
Throughout Texas	Guardian NDT Services, Inc.	L04099	Corpus Christi	20	11/24/92
Wichita Falls	Wichita General Hospital	L00350	Wichita Falls	43	11/13/92

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Houston	Baylor College of Medicine	L00587	Houston	24	11/17/92
Lewisville	Lewisville Memorial Hospital	L02739	Lewisville	14	11/20/92
McAllen	Arland K. Faust, M.D.	L01280	McAllen	9	11/19/92
Nassau Bay	St. John Hospital	L03291	Nassau Bay	12	11/13/92
Olney	Hamilton Hospital	L03226	Olney	5	11/12/92
Paris	St. Joseph's Hospital and Health Center	L03199	Paris	7	11/25/92
Perryton	Ochiltree General Hospital	L03250	Perryton	6	11/25/92
Throughout Texas	Henley-Johnston & Assoc., Inc.	L00286	Dallas	22	11/11/92
Throughout Texas	Conlan Engineering Company, Inc.	L04134	Tyler	8	11/19/92
Throughout Texas	G & G X-Ray, Inc.	L03326	Corpus Christi	28	11/23/92

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Houston	Donald P. Förd, M.D.	L00505	Houston	11	11/25/92
Throughout Texas	C & J Wireline	L03804	Andrews	6	11/12/92
Throughout Texas	Computer Logging	L03187	Nacogdoches	10	11/12/92

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Houston	Herbert C. Allen, M.D.	L00498	Houston	0	11/17/92

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, The Exchange Building, 8407 Wall Street, Austin, Texas, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on December 3, 1992.

TRD-9216397 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: December 9, 1992

◆ ◆ ◆
State Preservation Board
Consultant Proposal Request

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, notice is hereby given to all interested parties that the State Preservation Board (SPB) is soliciting proposals from Qualified Firms for a single full-time Project Manager to assist the Board as Owner in coordinating the Project Team on the Capitol Interior Preservation Project (the Project), the Capitol Restoration construction project currently underway and scheduled for completion in November 1994.

Each Proposer is required to submit the qualifications of the firm as well as those of the individual to be assigned to the Project as Project Manager. This individual will be responsible for coordination of the Project.

The RFP instructions which detail information requested and criteria to be used for evaluation are available from the SPB. The deadline for receipt of the proposals in response to this RFP will be 10 a.m., central standard time, on January 14, 1993. The SPB reserves the right to accept or reject any or all proposals submitted. The SPB assumes no legal obligation to enter into a contract on the basis of this notice. The SPB will base its selection upon cost, experience, qualifications, and conformance with the RFP criteria.

This RFP does not commit the SPB to pay costs incurred prior to execution of a contract. Publication of this advertisement in no way obligates the SPB to award a contract or to pay any costs incurred in the preparation of a response. The SPB specifically reserves the right to vary provisions set forth at any time prior to execution of a contract where the SPB deems it to be in the best interest of the State of Texas.

For further information regarding this advertisement, please contact Steven Adrian, Office of the State Preservation Board, P.O. Box 13286, 201 East 14th Street, Room 503, Austin, Texas 78711, (512) 463-5495, (512) 475-3366 fax.

Issued in Austin, Texas, on December 9, 1992.

TRD-9216405 Dealey Herndon
Executive Director
State Preservation Board

Filed: December 9, 1992

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

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on November 24, 1992, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number. Application of Texas Utilities Electric Company to amend Certificate of Convenience and Necessity for proposed transmission line within Parker County, Docket Number 11617 before the Public Utility Commission of Texas.

The Application. In Docket Number 11617, Texas Utilities Electric Company requests approval of its application to construct 0.26 miles of 69-kV transmission line in Parker County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on December 7, 1992.

TRD-9216384 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: December 8, 1992

◆ ◆ ◆

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on November 20, 1992, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 50, 52, and 54. A summary of the application follows.

Docket Title and Number. Application of GTE Southwest, Inc. to amend certificate of convenience and necessity within Walker County, Docket Number 11612, before the Public Utility Commission of Texas.

The Application. In Docket Number 11612, GTE Southwest, Inc. seeks approval of its application to amend the exchange area boundary between its New Waverly exchange and Eastex Telephone Cooperative, Inc.'s Evergreen exchange to provide all residents of the Winter Bayou Subdivision New Waverly exchange service. Additionally, GTE-SW's proposed amendment will enable two current landowners to establish New Waverly exchange service, at their request.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Office at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before January 29, 1993.

Issued in Austin, Texas, on December 7, 1992.

TRD-9216385 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: December 8, 1992

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Center for Rural Health Initiatives Request for Proposal

The Center for Rural Health Initiatives is extending its notification of award deadline, as published in the October 27, 1992, issue of the *Texas Register* (17 TexReg 7617), by 30 working days. In addition, the notification of the disposition of the Rural Health Development Program proposals shall be extended an additional 30 working days.

Issued in Austin, Texas, on December 7, 1992.

TRD-9216279 Liberty R. O. Daniels
Executive Assistant
Center for Rural Health Initiatives

Filed: December 7, 1992

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Teacher Retirement System of Texas Report of Fiscal Transactions, Accumulated Cash and Securities, and Rate of Return on Assets

Section 4, Chapter 929 (SB 1105), Acts of the 71st Texas Legislature, Regular Session, 1989, requires the Teacher Retirement System of Texas (TRS) to publish a report in the *Texas Register* no later than December 15 of each year containing the following information: the retirement system's fiscal transactions for the preceding fiscal year; the amount of the system's accumulated cash and securities; and the rate of return on the investment of the system's cash and securities during the preceding fiscal year.

TRS is publishing the following report as required by statute.

TEACHER RETIREMENT SYSTEM OF TEXAS

**Report of Fiscal Transactions,
Accumulated Cash and Securities, and
Rate of Return on Assets
*Fiscal Year 1991-92***

1000 Red River Street / Austin, Texas 78701-2698

-UNAUDITED-

Teacher Retirement System Of Texas (323)
Combining Balance Sheet
FIDUCIARY FUND TYPES - AUGUST 31, 1992
Exhibit A

ASSETS	PENSION TRUST FUND (960)	EXPENDABLE TRUST FUND (989)	AGENCY FUND (001)	Totals-Memorandum Only
	Retirement	Retired Employees Group Insurance	Collections On Behalf Of The State's General Revenue Fund	
Current Assets:				
Cash in Bank	\$ 12,342,229	\$	\$	\$ 12,342,229
Cash on Hand	2,802,207	57,114		2,859,321
Cash In State Treasury	651,362,309	34,878,693		686,241,002
Short Term Investments		31,150,000		31,150,000
Accounts Receivable				
Sale of Investments	35,840			35,840
Member Contributions	22,400,972	1,910,973		24,311,945
State Contributions - School Districts	3,098,650			3,098,650
Other	6,549,805	870,794		7,420,599
Due from General Revenue Fund - State Contributions		2,381,277		2,381,277
Due from School Districts			6,523,382	6,523,382
Dividends Receivable	69,560,647			69,560,647
Interest Receivable	245,995,671	5,526,553		251,522,224
Prepaid Assets	236,071			236,071
TOTAL CURRENT ASSETS	\$ 1,014,384,401	\$ 76,775,404	\$ 6,523,382	\$ 1,097,683,187
Long Term Investments:				
Fixed Income (Amortized Cost)				
U S Treasury	\$ 3,891,713,454	\$	\$	\$ 3,891,713,454
U S Government Agency-Mortgages	3,894,059,927			3,894,059,927
U S Government Agency-Other	209,769,689			209,769,689
Municipal				
Mortgages Other	95,121,555			95,121,555
Corporate	3,868,989,351	157,786,451		4,026,775,802
Foreign	708,895,852			708,895,852
Real Estate (Amortized Cost Less Allowance for Loan Losses of \$184,970,730)				
Direct Participating Mortgages	1,086,310,228			1,086,310,228
Fixed Rate Mortgages	416,292,779			416,292,779
Equities (Cost)	10,525,406,214			10,525,406,214
TOTAL LONG-TERM INVESTMENTS	\$ 24,696,559,049	\$ 157,786,451	\$ -0-	\$ 24,854,345,500
Fixed Assets:				
Land - Home Office	\$ 1,658,310	\$	\$	1,658,310
Land - Subsidiaries	85,515,000			85,515,000
Building - Home Office	26,584,721			26,584,721
Building - Subsidiaries	375,077,436			375,077,436
Furniture and Equipment - Home Office	6,115,771			6,115,771
Furniture and Equipment - Subsidiaries	1,745,529			1,745,529
Subtotal	\$ 496,696,767	\$ -0-	\$ -0-	\$ 496,696,767
Less Accumulated Depreciation	(22,889,283)			(22,889,283)
NET FIXED ASSETS	\$ 473,807,484	\$ -0-	\$ -0-	\$ 473,807,484
Deferred Assets	\$ 22,169,023	\$ -0-	\$ -0-	\$ 22,169,023
Total Assets And Other Debits	\$ 26,206,919,957	\$ 234,561,855	\$ 6,523,382	\$ 26,448,005,194

(to next page)

-UNAUDITED-

Teacher Retirement System Of Texas (323)
Combining Balance Sheet
FIDUCIARY FUND TYPES - AUGUST 31, 1992
Exhibit A

(concluded)

	PENSION TRUST FUND (960)	EXPENDABLE TRUST FUND (989)	AGENCY FUND (001)	
TOTAL LIABILITIES, DEFERRED CREDITS, AND FUND EQUITY				Totals- Memorandum Only
	Retirement	Retired Employees Group Insurance	Collections On Behalf Of The State's General Revenue Fund	
Current Liabilities:				
Accounts Payable	\$ 13,679,292	\$ 3,050,933	\$	\$ 16,730,225
Benefits Payable	7,066,864	33,564,000		40,630,864
Due to State's General Revenue Fund	7,604,205		6,523,382	14,127,587
TOTAL CURRENT LIABILITIES	\$ 28,350,361	\$ 36,614,933	\$ 6,523,382	\$ 71,488,676
Deferred Credits:				
Commitment Fees	\$ 311,000	\$ -0-	\$ -0-	\$ 311,000
Fund Equity:				
Fund Balance Reserved for:				
Member Savings Account	\$ 7,505,304,683	\$	\$	\$ 7,505,304,683
State Contribution Account	6,577,601,874			6,577,601,874
Retired Reserve Account	11,780,317,987			11,780,317,987
Benefit Increase Reserve Account	284,470,022			284,470,022
Expense Account	30,564,030			30,564,030
Future Retention, Claims, and Administrative Expenditures		197,946,922		197,946,922
TOTAL FUND EQUITY	\$ 26,178,258,596	\$ 197,946,922	\$ -0-	\$ 26,376,205,518
Total Liabilities, Deferred Credits, And Fund Equity	\$ 26,206,919,957	\$ 234,561,855	\$ 6,523,382	\$ 26,448,005,194

-UNAUDITED-

**Teacher Retirement System Of Texas (323)
Statement of Revenues, Expenditures and
Changes in Fund Balance
EXPENDABLE TRUST FUND (989)
Exhibit B**

	<u>Year Ended August 31, 1992</u>
Revenues:	
Member Contributions	\$ 25,196,592
State Contributions from State of Texas	50,392,512
Retiree Contributions	56,395,797
Interest	17,227,481
Net Gain on Disposition of Securities	<u>86,891</u>
TOTAL REVENUES	\$ <u>149,299,273</u>
Expenditures:	
Insurance Retention Paid	\$ 7,957,901
Insurance Claims Incurred	108,137,647
Operating Expenditures (Sch. 2)	<u>904,659</u>
TOTAL EXPENDITURES	\$ <u>117,000,207</u>
Excess Of Revenues Over Expenditures	\$ <u>32,299,066</u>
Fund Balance - Beginning September 1, as Previously Reported	\$ 203,839,856
Cumulative Effects on Beginning Fund Balance of Accounting Error :	
Insurance Claims Incurred but not Reported	<u>(38,192,000)</u>
Fund Balance - Beginning September 1, as Restated	\$ <u>165,647,856</u>
Fund Balance - Ending August 31	\$ <u><u>197,946,922</u></u>

-UNAUDITED-

Teacher Retirement System Of Texas (323)
Statement of Revenues, Expenses and
Changes in Fund Balance
PENSION TRUST FUND (960)
Exhibit C

	<u>Year Ended</u> <u>August 31, 1992</u>
Revenues:	
Member Contributions	\$ 762,790,135
State Contributions from State of Texas	833,484,443
State Contributions from Local School Districts	37,764,914
Interest	1,381,621,309
Dividends	517,569,768
Net Gain on Disposition of Securities	69,733,489
Reinstatement of Withdrawals	13,273,571
Reinstatement Fees	10,828,189
Membership Fees	5,522,794
Income from Retired Employees Group Insurance	111,456
Income from TRS Subsidiaries	57,225,552
TOTAL REVENUES	\$ 3,689,925,620
Expenses:	
Benefits Paid	\$ 1,361,265,728
Withdrawal of Member Accounts	130,032,827
Administrative Expenses (Sch. 1)	22,261,611
Operating Expenses from Subsidiaries (Sch. 1)	43,669,420
TOTAL EXPENSES	\$ 1,557,229,586
Net Income	\$ 2,132,696,034
Fund Balance - Beginning September 1	24,045,562,562
Fund Balance - Ending August 31	\$ 26,178,258,596

-UNAUDITED-

Teacher Retirement System Of Texas (323)
Statement of Changes in Assets and Liabilities
AGENCY FUNDS - YEAR ENDED AUGUST 31, 1992
Exhibit D

UNAPPROPRIATED RECEIPTS

Collections on Behalf of The State's General Revenue Fund	Balances September 1, 1991	Additions	Deductions	Balances August 31, 1992
Assets				
Cash	\$	\$ 87,775,313	\$ 87,775,313	\$
Due from Reporting Districts	6,938,637	6,523,382	6,938,637	6,523,382
TOTAL ASSETS	\$ 6,938,637	\$ 94,298,695	\$ 94,713,950	\$ 6,523,382

Liabilities

Due to State's General Revenue Fund	\$ 6,938,637	\$ 6,523,382	\$ 6,938,637	\$ 6,523,382
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-UNAUDITED-

Teacher Retirement System Of Texas (323)
Rate of Return on Assets
For the Year Ended August 31, 1992
Exhibit E

	<u>Total</u>	<u>Pension Trust Fund (960)</u>	<u>Expendable Trust Fund (989)</u>
Beginning Book Value	\$ 24,271,047,328	\$ 24,065,994,041	\$ 205,053,287
Net Contributions Added	184,195,546	172,001,350	12,194,196
Interest and Dividend Income	1,916,418,558	1,899,191,077	17,227,481
Net Realized Capital Gains	<u>69,820,380</u>	<u>69,733,489</u>	<u>86,891</u>
Ending Book Value	<u>\$ 26,441,481,812</u>	<u>\$ 26,206,919,957</u>	<u>\$ 234,561,855</u>
Return from Interest and Dividend Income	7.87%	7.86%	8.16%
Return from Net Realized Capital Gains	<u>0.29%</u>	<u>0.29%</u>	<u>0.04%</u>
Cash Return on Book Value	<u>8.16%</u>	<u>8.15%</u>	<u>8.20%</u>

Issued in Austin, Texas on December 8, 1992.

TRD-9216389

Wayne Blevins
Executive Secretary
Teacher Retirement System of Texas

Filed: December 8, 1992

◆ ◆ ◆

Texas Water Commission

Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of November 30, 1992-December 4, 1992.

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

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

City of Alvord; the wastewater treatment facilities; are approximately 2, 500 feet south of FM Road 1655 adjacent to Elm Creek at a point approximately 1/2 mile southwest of the business district of the City of Alvord in Wise County; renewal; 10036-01.

Bar-B Management, Inc., Bar-B Truck Plaza; a truck stop with a restaurant and external truck washing facility; the plant site is north of Interstate 20 near Exit 370 and south of the City of Gordon, Palo Pinto County; renewal; 02693.

CSA Limited, Inc.; the wastewater treatment facilities; are east of State Highway 249, approximately 1.7 miles south of FM Road 1960, 1,000 feet south of Greens Bayou in Harris County; renewal; 11661-01.

Champ's Water Company; the Parkland Estates Wastewater Treatment Facilities; the plant site is approximately 1,400 feet northeast of the intersection of U. S. Highway 59 and Old Humble Road; and southwest of the intersection of Old Humble Road and Laramie Street and adjacent to Old Humble Road in Harris County; renewal; 11158-01.

City Public Service of San Antonio, V. H. Braunig Steam Electric Station; the plant site is at 16120 Streich Road, approximately 2.75 miles northwest of the City of Elmendorf in Bexar County; amendment; 01515.

City of Corpus Christi; the Flour Bluff Laguna Madre Wastewater Treatment Facilities; the plant site is on the Encinal Peninsula adjacent to the Laguna Madre, approximately 0.5 mile southeast of the intersection of Jester Street and State Highway 358 in the City of Corpus Christi in Nueces County; renewal; 10401-08.

City of Crystal City; the wastewater treatment facilities; are northwest of the City of Crystal City at the terminus of Plant Street, which intersects U.S. Highway 83, approximately one block southwest of the West Zavala Street crossing of U.S. Highway 83 in Zavala County; renewal; 10098-01.

D Bar Mobile Home Ranch Homeowners Association, Inc.; the wastewater treatment plant site is approximately 1/2 mile north of the point where Dowdy Ferry Road crosses the Trinity River, on the east side of Dowdy Ferry Road in Dallas County; renewal; 11166-01.

Fort Bend County Municipal Utility District Number 37; the wastewater treatment facilities; are approximately 2,700 feet southeast of Crossover Road and approximately 1,600 feet southwest of Green-Busch Road in Fort Bend County; renewal; 12370-01.

Fry Road Municipal Utility District; the Fry Road Municipal Utility District Wastewater Treatment Facilities; the plant site is at 19903 Franz Road, approximately 1,000 feet west of the intersection of Franz Road and Fry Road in Harris County; renewal; 11989-01.

City of Galena Park; Wastewater Treatment Plant Number Two Facilities; the plant site is at 1802 Dunaway Street in the City of Galena Park in Harris County; renewal; 10831-02.

Galveston County WCID Number 8; the wastewater treatment facilities; are on the north side of Seventh Street, approximately 0.75 mile east of Seventh Street and FM Road 646 in the City of Santa Fe in Galveston County; renewal; 10174-01.

City of Gatesville; the wastewater treatment facilities; are south of the City of Gatesville, on the north bank of the Leon River, at a point approximately eight blocks south of Main Street in Coryell County; renewal; 10176-01.

Harris County Municipal Utility District Number 70; the wastewater treatment plant is on the north bank of Langham Creek at FM Road 529 (Freeman Road) in Harris County; renewal; 11486-01.

Harris County Municipal Utility District Number 130; the wastewater treatment facilities; are approximately one mile east of Jack Rabbit Road and approximately 0.5 mile south of U.S. Highway 290 in Harris County; renewal; 12574-01.

Harris County Municipal Utility District Number 325; The Harris County Municipal Utility District Number 325 Wastewater Treatment Facilities; are approximately two miles west of the intersection of Jones Road and Grant Road and four miles north of the intersection of FM 1960 and United States Highway 290 in Harris County; renewal; 13300-01.

Houston Christian Businessmen's Foundation; The Forest Glen Wastewater Treatment Facilities are 15 miles southeast of the City of Huntsville off Forest Road 207 in Walker County; renewal; 11844-01.

Imperial Holly Corporation; a sugar refining plant; the plant site is at 198 Kempner Street, bordered on the south by Kempner Street, and on the west by Ulrich Street, on the north by Avenue D, and on the east by Oyster Creek, in the City of Sugar Land, Fort Bend County; renewal; 00442.

J & R Feeders Inc.; a feedlot operation; the feedlot operation is on the northeast corner of FM Road 755 and FM

Road 490, approximately 15 miles northeast of the City of Rio Grande City in Starr County; new; 03500.

Kleberg County; the Kaufer-Hubert Memorial Park Wastewater Treatment Facilities; are approximately 1.5 miles southeast of Loyola Beach and 1,750 feet southeast of the intersection of FM Road 628 and County Road 1150 in Kleberg County; renewal; 13374-01.

Louisiana-Pacific Corporation; The wastewater treatment facilities; are approximately 0.75 mile northeast of State Highway 149, adjacent to the Atchison, Topeka, and Santa Fe Railroad and 2.5 miles northwest of the intersection of State Highway Spur 455 and State Highway 149 in Panola County; renewal; 11369-01.

City of Moulton; the City of Moulton Wastewater Treatment Facilities; the plant site is at 106 East South First Street, approximately three blocks south of the intersection of East First Street and Moore Avenue in the City of Moulton, in Lavaca County; renewal; 10227-01.

Missouri Pacific Railroad Company doing business as Union Pacific Railroad Company; Settegast Yard facilities; the plant site is adjacent to Kirkpatrick Boulevard between Ley Road and North Loop 610 in the City of Houston, Harris County; renewal; 01855.

North Park Public Utility District; the North Park Wastewater Treatment Facilities; the plant site is approximately 2,000 feet east of Interstate Highway 45 and 3,000 feet north of FM Road 1960 on Imperial Valley Drive in Harris County; renewal; 11855-01.

Sue Pellegrino; the Cross Winds Development Wastewater Treatment Facilities; the plant site is across the street from Hooks Airport on the northeast corner of the intersection of Boudreaux Road and FM Road 2920 in Harris County; renewal; 13303-01.

The Pillsbury Company; a food processing plant which produces refrigerated dough products; the plant site property is bordered by Highway 84 on the north side and Helen Drive on the south side, in the northern edge of the City of Denison in Grayson County; renewal; 02515.

Texas Terminating Corporation; the Caddo Mills Fuel Storage and Terminal Facility; the plant site is approximately one mile northeast of the junction of Interstate Highway 30 and State Road 36 and approximately three miles southeast of the City of Caddo Mills, Hunt County; renewal; 02837.

Texas Utilities Electric Company; a steam electric plant; the plant site is on the north bank of Big Brown Reservoir (Fairfield Lake) on FM 2570 and 11 miles northeast of the City of Fairfield, Freestone County; renewal; 01309.

Texas Utilities Fuel Company; Greenville Fuel Oil Terminal; a fuel oil storage and transfer terminal; the plant site is two miles northeast of the intersection of Interstate Highway 30 and FM 36 and approximately nine miles west of the City of Greenville in Hunt County; renewal; 02871.

Travis County Municipal Utility District Number Two; the wastewater treatment facilities; are immediately west of New Sweden Road and approximately 0.25 mile south of U.S. Highway 290 in Travis County; renewal; 12900-01.

W. L. Gore and Associates, Inc.; the Austin Wastewater Treatment Facilities; the plant site is approximately 1,300 feet southeast of Burleson-Manor Road and 1.1 miles northeast of the intersection of Burleson-Manor Road and FM Road 969 in Travis County; renewal; 12347-01.

Issued in Austin, Texas, on December 4, 1992.

TRD-9216294

Gloria A Vasquez
Chief Clerk
Texas Water Commission

Filed: December 7, 1992

◆ ◆ ◆
Texas Water Development Board
Request for Proposals to Conduct Water
Research

The Texas Water Development Board (board) requests, pursuant to 31 Texas Administrative Code (TAC) §355.3, the submission of water research proposals leading to the possible award of a contract for Fiscal Year 1993 to conduct research relating to industrial water use efficiency. Guidelines for water research proposals, which include an application form, will be supplied by the board.

Description of Research Purpose and Objectives. The purpose of this research is to document how water use efficiency patterns in the State's major water-using industries have changed in the recent past and how these use patterns may change in the future. This research project will provide the board with the necessary information for use in determining the potential levels of water use efficiency that can be physically and economically realized by the State's industrial water users and developing a more quantifiable assessment of future industrial water needs for the State.

The objective of this research is to develop time-dependent estimates of changes for future water use efficiency patterns for the following nine three-digit Standard Industrial Classification (SIC) categories: SIC 282-Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Man-made Fibers, Except Glass; SIC 286-Industrial Organic Chemicals; SIC 281-Industrial Inorganic Chemicals; SIC 291-Petroleum Refining; SIC 201-Meat Products; SIC 208-Beverages; SIC 261 and 262-Pulp and Paper Mills; SIC 263-Paperboard Mills; and SIC 367-Semiconductors and Related Devices (SIC 3674). Water use information to be developed for each of the nine SIC categories includes historical trends in water use per unit of standard product output for the period 1980 to date, description of major factors affecting water use efficiency including type of industrial process, age of plant, pollution control requirements, cost of water supply and existing

conservation practices, projection of potential percent change in water use per unit of product, and list of water conservation practices commonly employed by each of the nine SIC industries including the type of practice, quantified reductions or savings in water uses, future expected degree of application of the practice, and the practical or economic limits to the practice. Projections should be aggregated by SIC code and represent a standard product type for the particular industry and should include a time line through the year 2010 for realizing quantified reductions in water use by each industry. Presentation of historical data in the research report should be sufficient to establish any trend patterns. The board will provide historical water use data by county and SIC.

Description of Funding Consideration. Up to \$50,000 has been initially authorized for water research assistance from the board's Research and Planning Fund for this research. In the event that acceptable proposals are not submitted, the Board retains the right to not award contract funds.

Deadline, Review Criteria, and Contact Person for Additional Information. Ten double-sided copies of a complete water research application form including the required attachments must be filed with the Board prior to 5 p.m., January 15, 1992. Proposals can be directed either in person to Carolyn Brittin, Room 448C, Texas Water Development Board, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or by mail to Carolyn Brittin, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231.

Applications will be evaluated according to 31 TAC §355.5 and the proposal rating from included in the Board's Guidelines for Water Research Grants. All potential applicants must contact the board to obtain these guidelines. Requests for information, the Board's rules covering the Research and Planning Fund, detailed evaluation criteria, and the guidelines may be directed to April Lander at the preceding address or by calling (512) 475-3003.

Issued in Austin, Texas, on December 7, 1992.

TRD-9216353

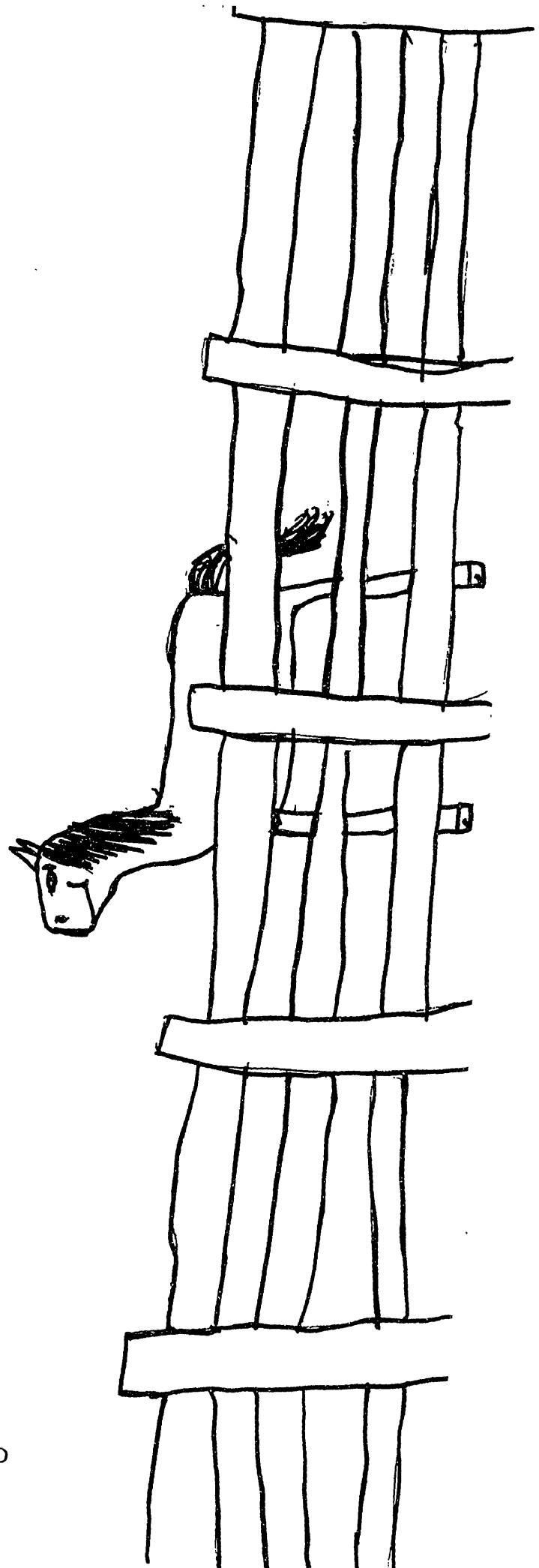
Suzanne Schwartz
General Counsel
Texas Water Development Board

Filed: December 8, 1992

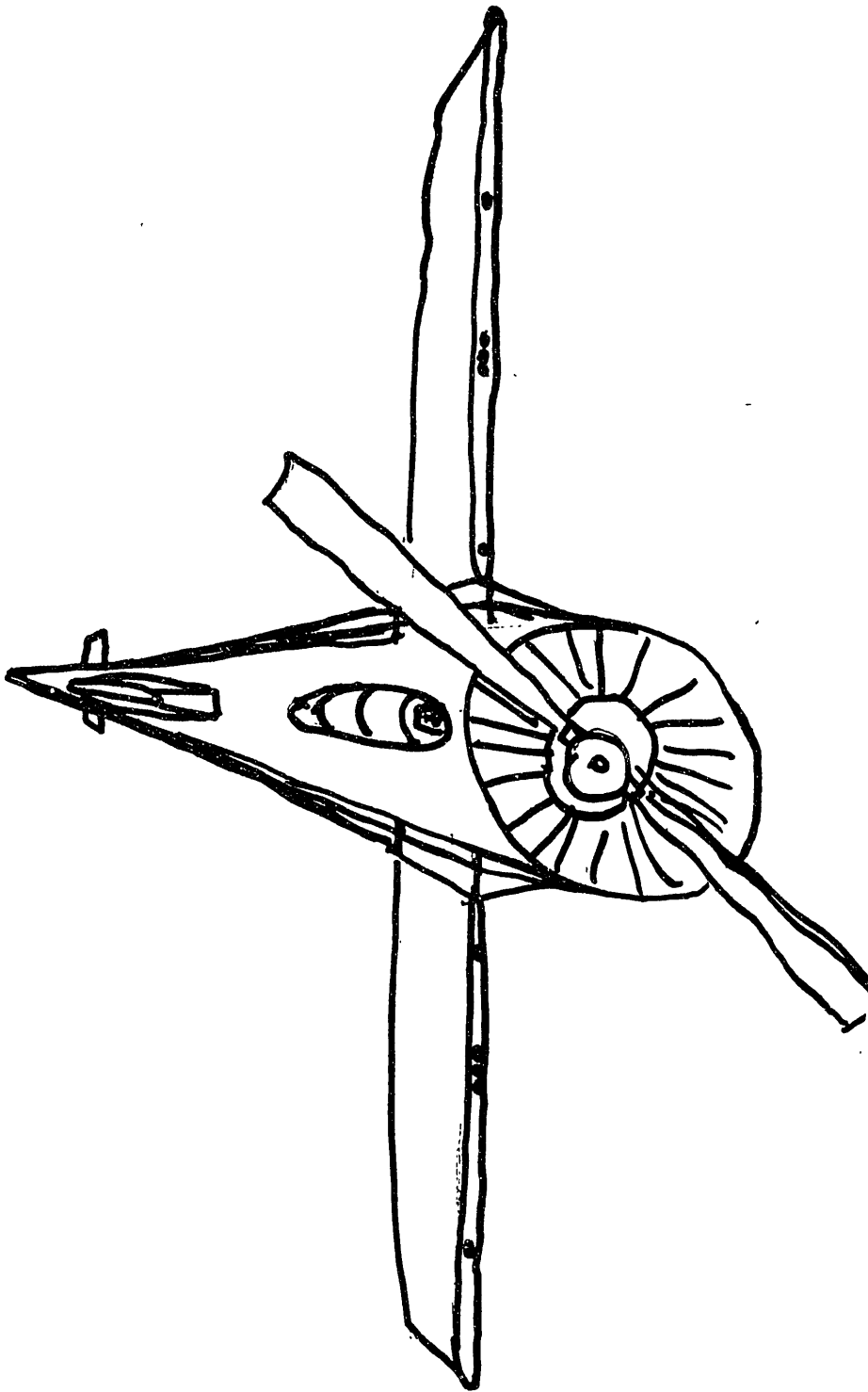
◆ ◆ ◆



Name Melissa Pickett
Grade: 4
School: Sundown Elementary, Katy ISD



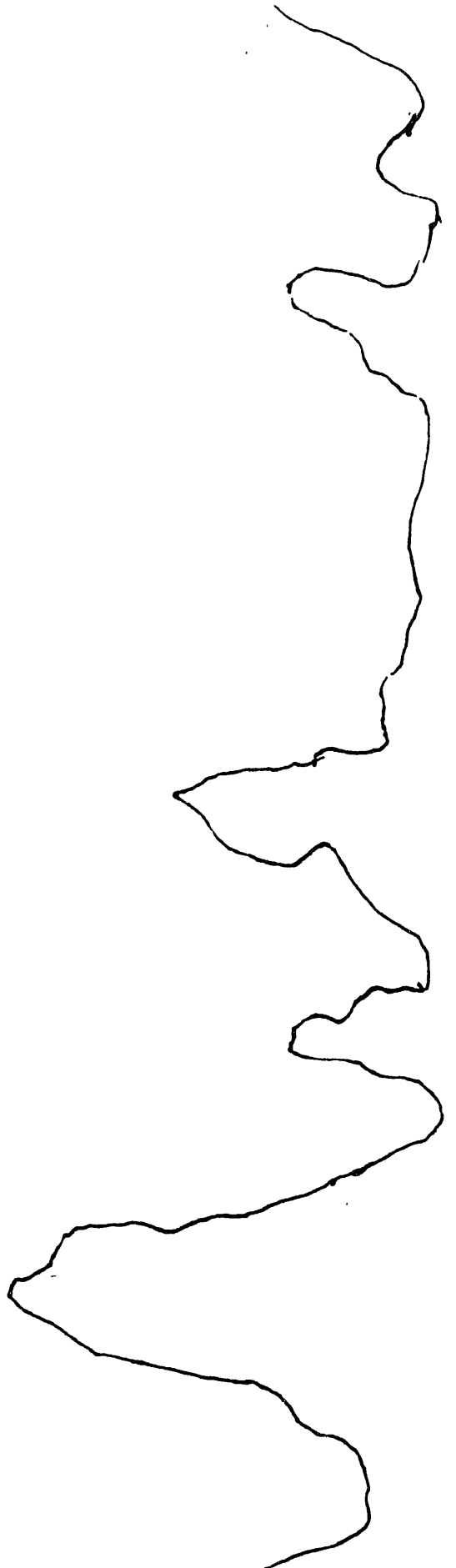
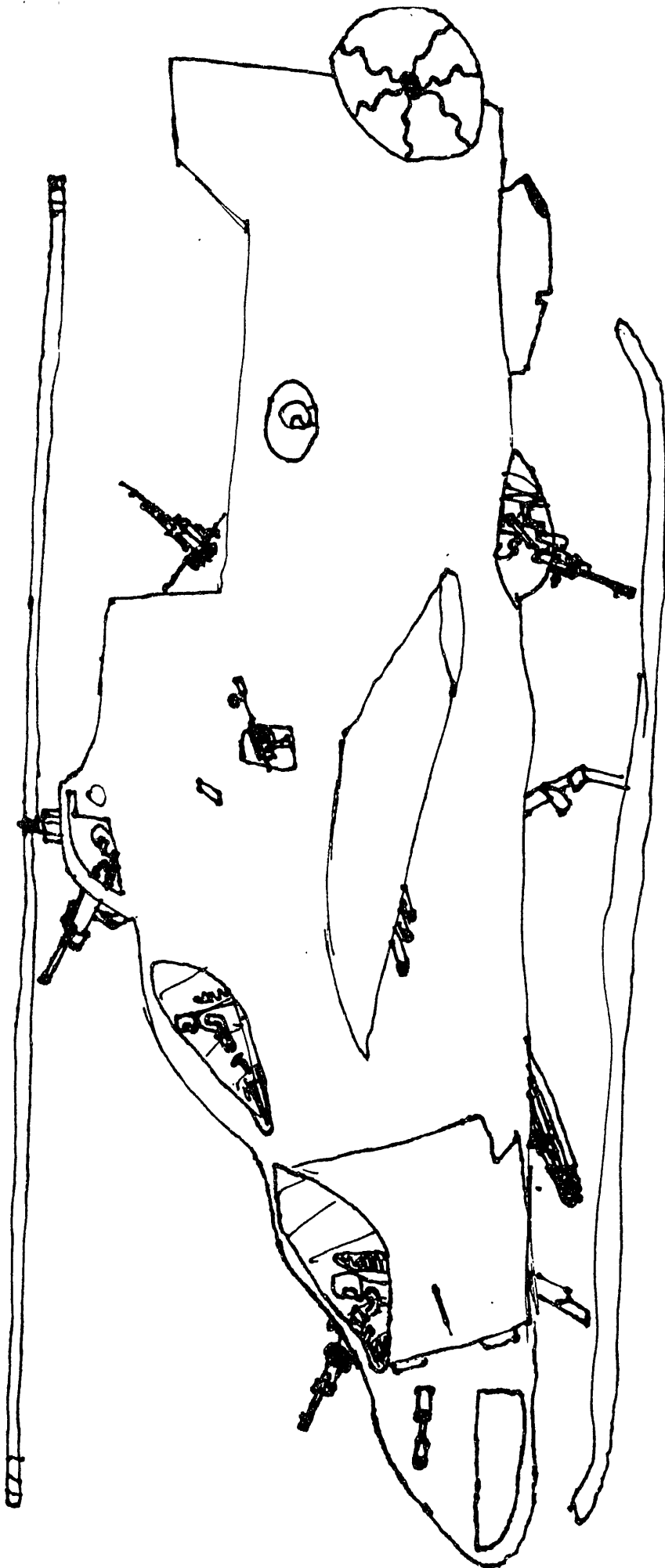
Name: Sarah Kendall
Grade: 4
School: Sundown Elementary, Katy ISD



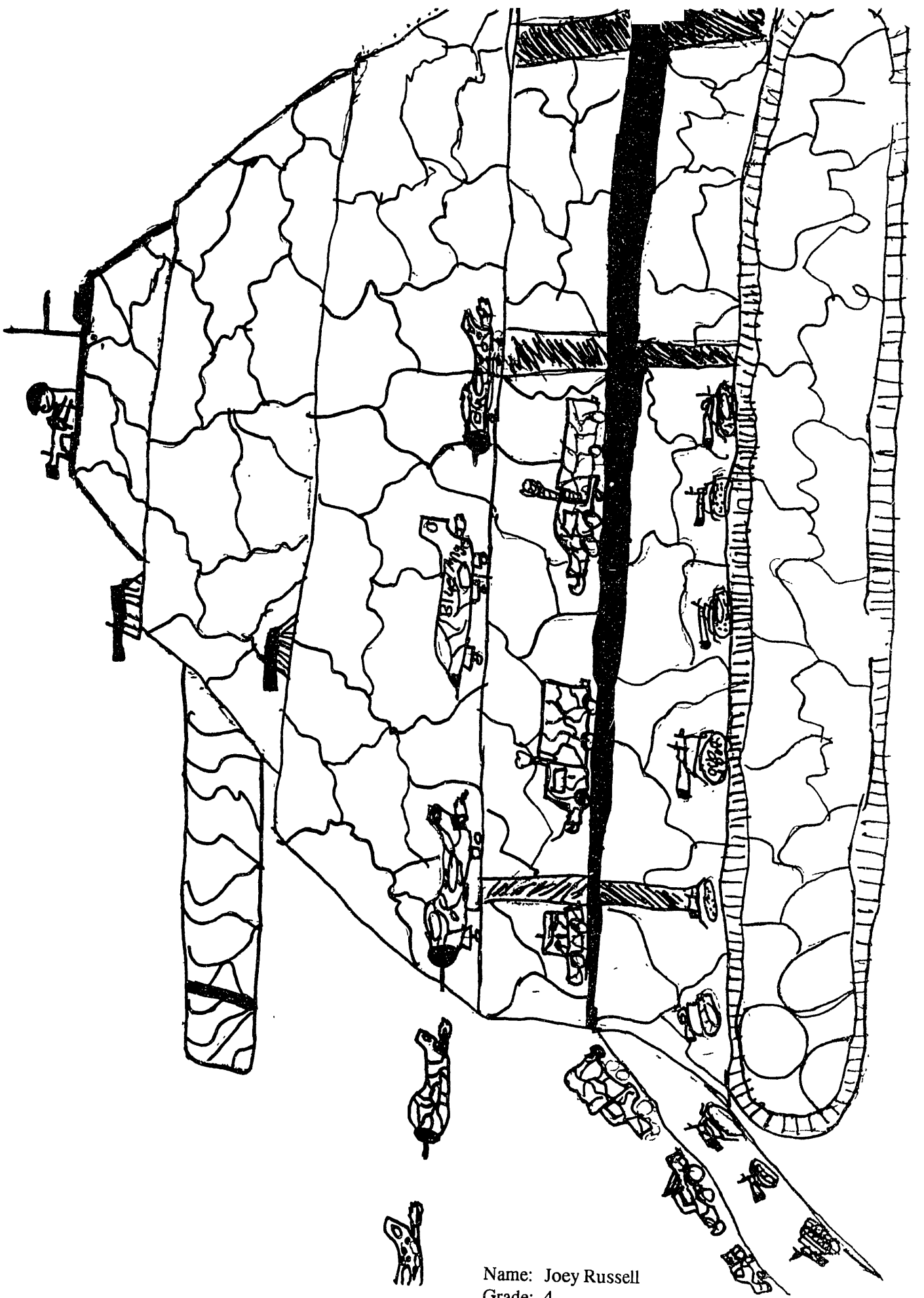
Name: Reagan Anderson
Grade: 4
School: Sundown Elementary, Katy ISD



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Grade: 4
School: Sundown Elementary, Katy ISD



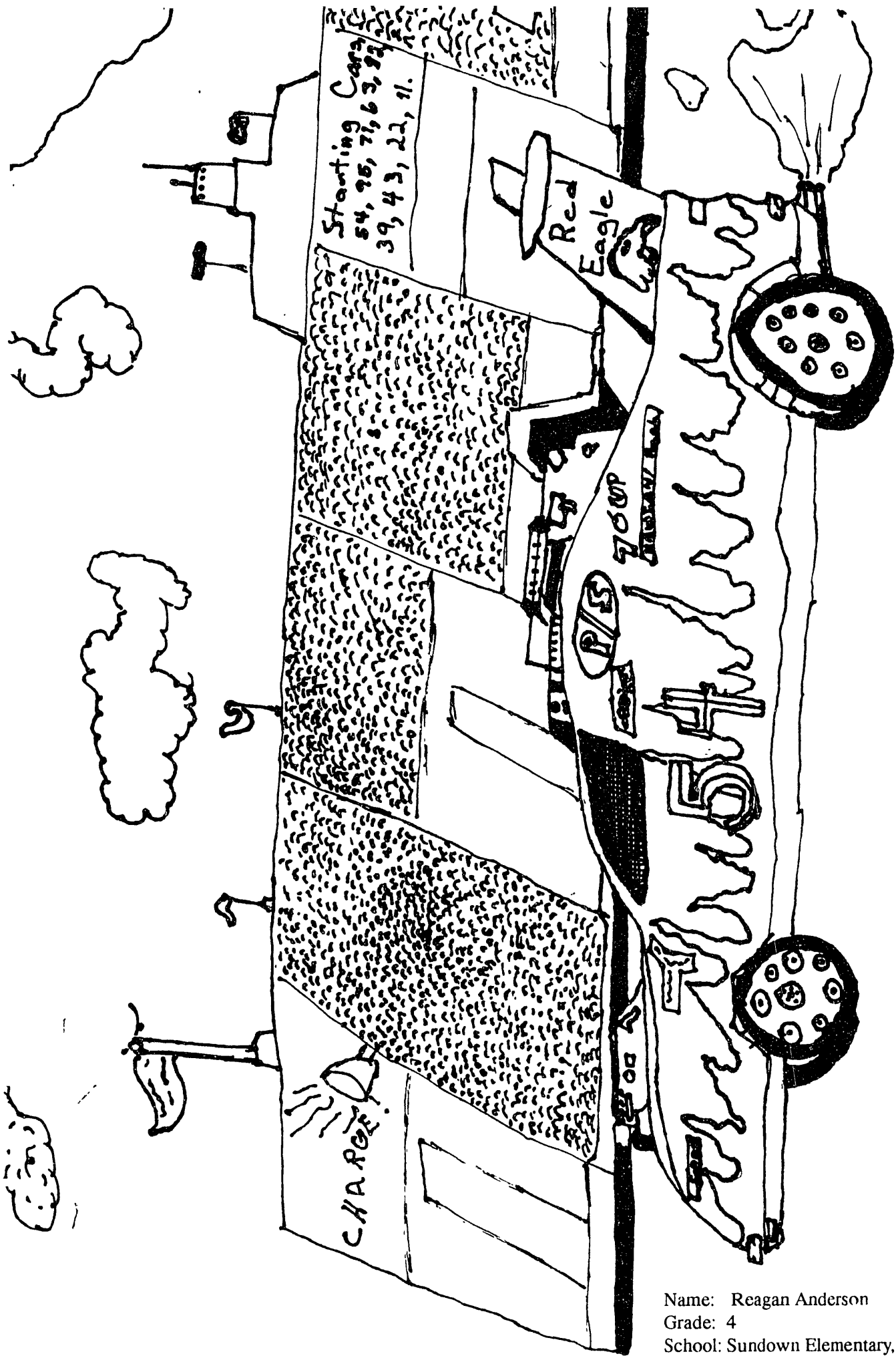
Name: Reagan Anderson
Grade: 4
School: Sundown Elementary, Katy ISD



Name: Joey Russell

Grade: 4

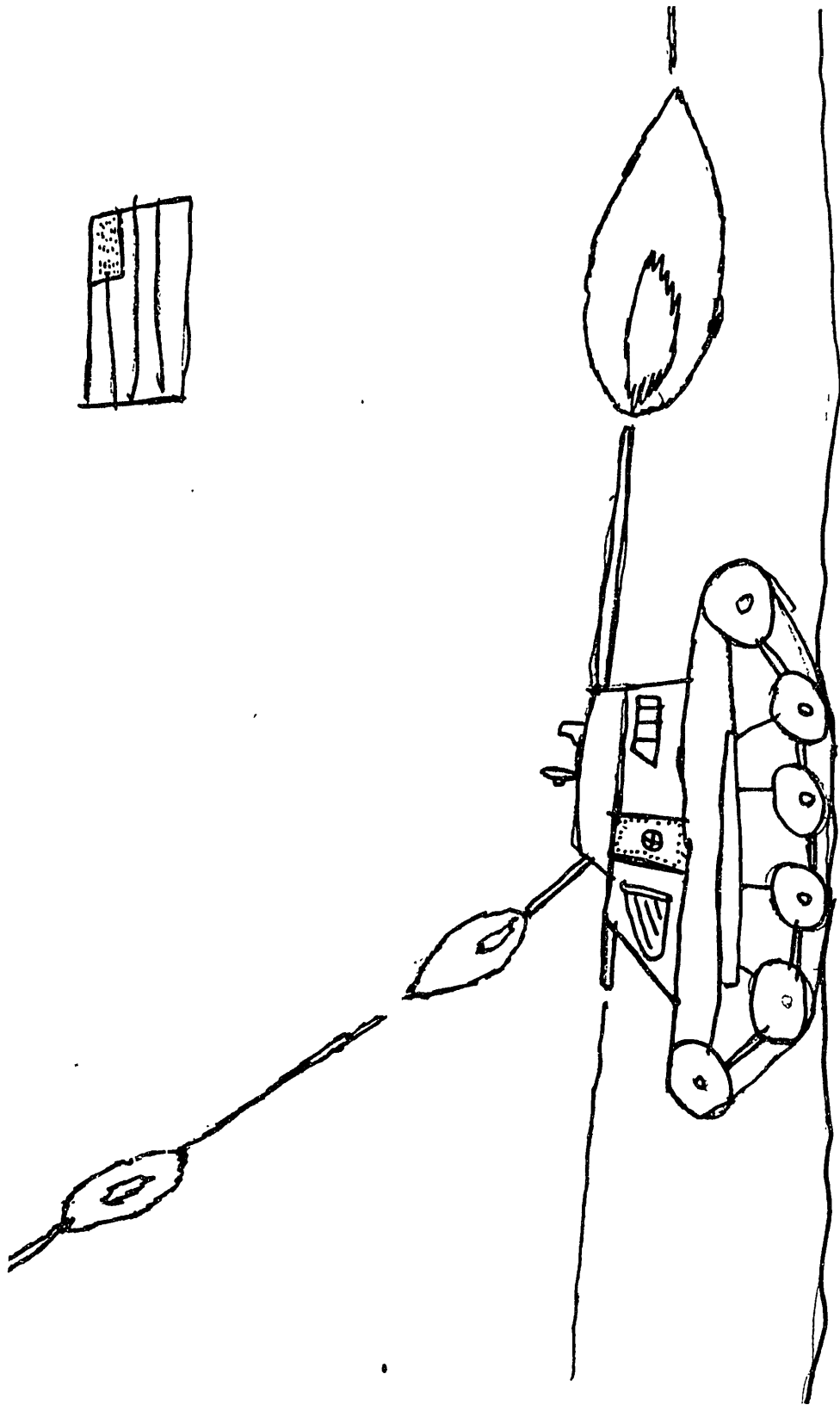
School: Sundown Elementary, Katy ISD



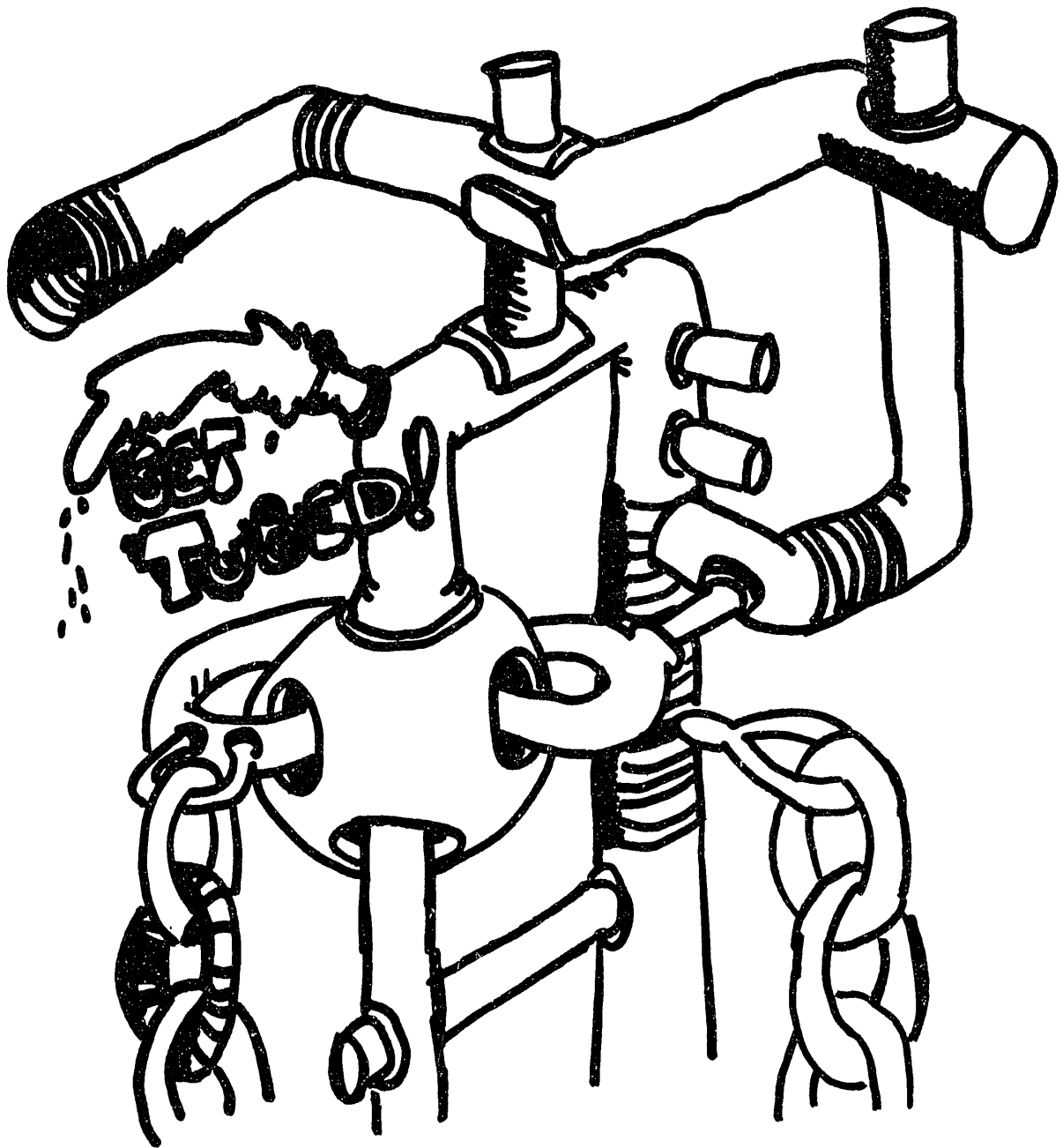
Name: Reagan Anderson

Grade: 4

School: Sundown Elementary, Katy ISD



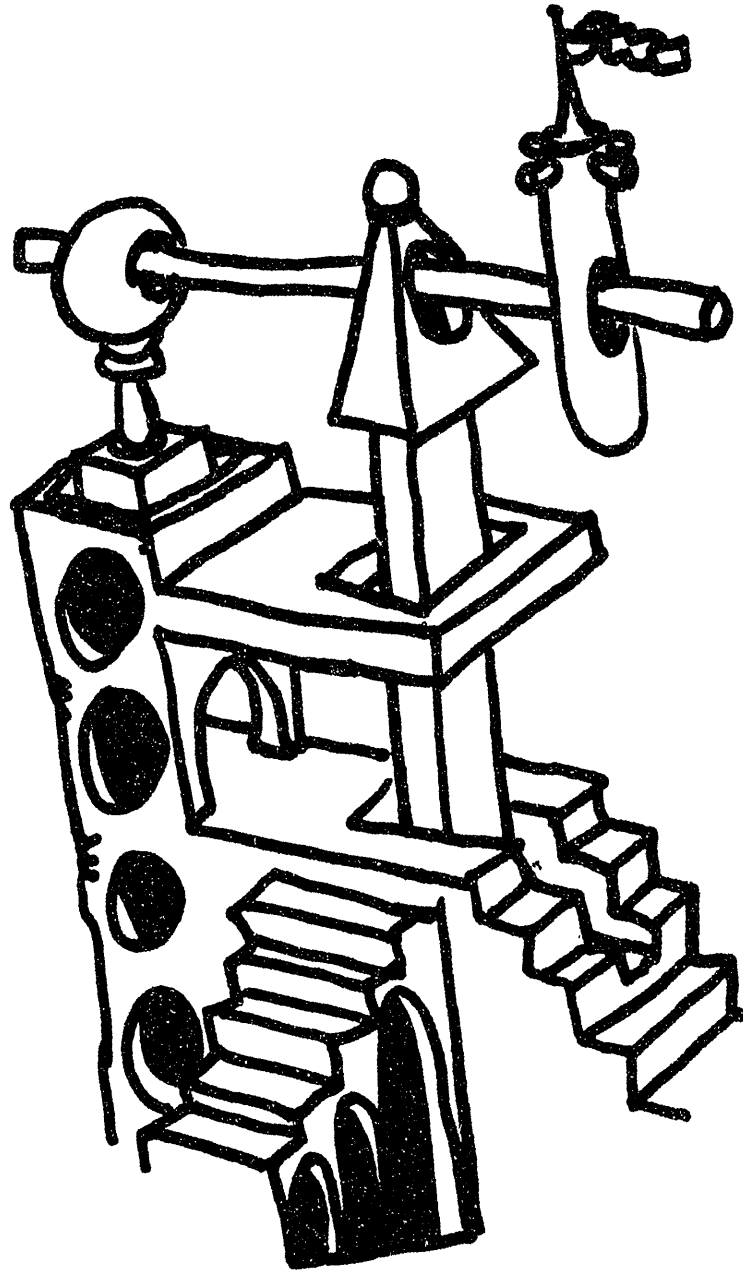
Name: Robert Abrams
Grade: 4
School: Sundown Elementary, Katy ISD



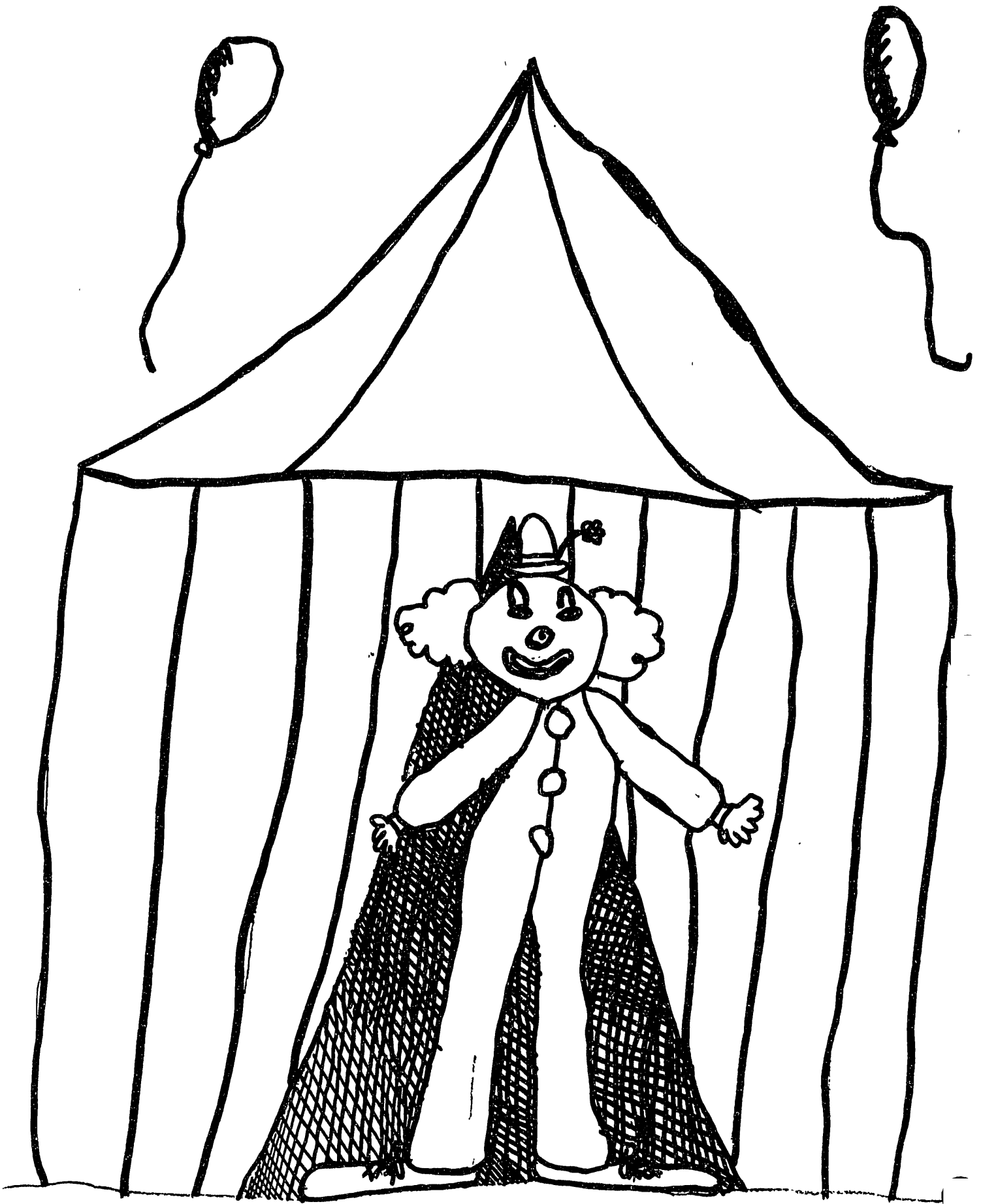
Name: Tiffany Morris

Grade: 5

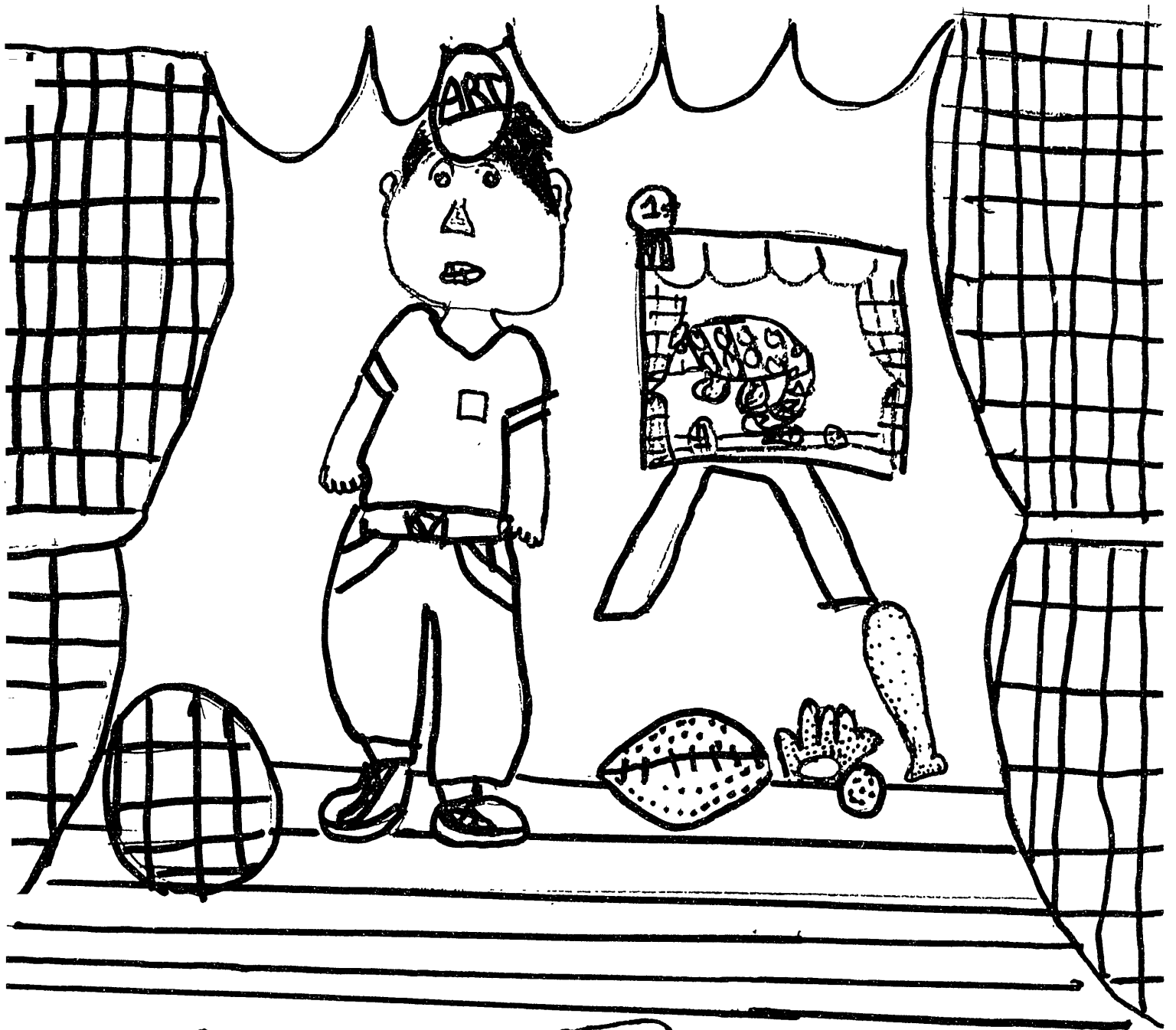
School: Sundown Elementary, Katy ISD



Name: Tiffany Morris
Grade: 5
School: Sundown Elementary, Katy ISD



Name: Randa Sixkiller
Grade: 4
School: Sundown Elementary, Katy ISD



Name: Marisela Puger
Grade: 4
School: Sundown Elementary, Katy ISD



1992 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the September-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.
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 Friday, January 1, 1993	Monday, December 28	Tuesday, December 29

1993 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1993 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 July 30, November 5, November 30, and December 28. A asterisk 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 1	Monday, December 28	Tuesday, December 29
2 Tuesday, January 5	Wednesday, December 30	Thursday, December 31
3 Friday, January 8	Monday, January 4	Tuesday, January 5
4 Tuesday, January 12	Wednesday, January 6	Thursday, January 7
5 Friday, January 15	Monday, January 11	Tuesday, January 12
6 Tuesday, January 19	Wednesday, January 13	Thursday, January 14
Friday, January 22	1991 ANNUAL INDEX	
7 Tuesday, January 26	Wednesday, January 20	Thursday, January 21
8 Friday, January 29	Monday, January 25	Tuesday, January 26
9 Tuesday, February 2	Wednesday, January 27	Thursday, January 28
10 Friday, February 5	Monday, February 1	Tuesday, February 2
11 Tuesday, February 9	Wednesday, February 3	Thursday, February 4
12 Friday, February 12	Monday, February 8	Tuesday, February 9
13 Tuesday, February 16	Wednesday, February 10	Thursday, February 11
14 *Friday, February 19	Friday, February 12	Tuesday, February 16
15 Tuesday, February 23	Wednesday, February 17	Thursday, February 18
16 Friday, February 26	Monday, February 22	Tuesday, February 23
17 Tuesday, March 2	Wednesday, February 24	Thursday, February 25
18 Friday, March 5	Monday, March 1	Tuesday, March 2
19 Tuesday, March 9	Wednesday, March 3	Thursday, March 4
20 Friday, March 12	Monday, March 8	Tuesday, March 9
21 Tuesday, March 16	Wednesday, March 10	Thursday, March 11
22 Friday, March 19	Monday, March 15	Tuesday, March 16
23 Tuesday, March 23	Wednesday, March 17	Thursday, March 18
24 Friday, March 26	Monday, March 22	Tuesday, March 23
25 Tuesday, March 30	Wednesday, March 24	Thursday, March 25
26 Friday, April 2	Monday, March 29	Tuesday, March 30
27 Tuesday, April 6	Wednesday, March 31	Thursday, April 1
28 Friday, April 9	Monday, April 5	Tuesday, April 6
29 Tuesday, April 13	Wednesday, April 7	Thursday, April 8
Friday, April 16	FIRST QUARTERLY INDEX	
30 Tuesday, April 20	Wednesday, April 14	Thursday, April 15

31 Friday, April 23	Monday, April 19	Tuesday, April 20
32 Tuesday, April 27	Wednesday, April 21	Thursday, April 22
33 Friday, April 30	Monday, April 26	Tuesday, April 27
34 Tuesday, May 4	Wednesday, April 28	Thursday, April 29
35 Friday, May 7	Monday, May 3	Tuesday, May 4
36 Tuesday, May 11	Wednesday, May 5	Thursday, May 6
37 Friday, May 14	Monday, May 10	Tuesday, May 11
38 Tuesday, May 18	Wednesday, May 12	Thursday, May 13
39 Friday, May 21	Monday, May 17	Tuesday, May 18
40 Tuesday, May 25	Wednesday, May 19	Thursday, May 20
41 Friday, May 28	Monday, May 24	Tuesday, May 25
42 Tuesday, June 1	Wednesday, May 26	Thursday, May 27
43 *Friday, June 4	Friday, May 28	Tuesday, June 1
44 Tuesday, June 8	Wednesday, June 2	Thursday, June 3
45 Friday, June 11	Monday, June 7	Tuesday, June 8
46 Tuesday, June 15	Wednesday, June 9	Thursday, June 10
47 Friday, June 18	Monday, June 14	Tuesday, June 15
48 Tuesday, June 22	Wednesday, June 16	Thursday, June 17
49 Friday, June 25	Monday, June 21	Tuesday, June 22
50 Tuesday, June 29	Wednesday, June 23	Thursday, June 24
51 Friday, July 2	Monday, June 28	Tuesday, June 29
52 Tuesday, July 6	Wednesday, June 30	Thursday, July 1
53 Friday, July 9	Monday, July 5	Tuesday, July 6
Tuesday, July 13	SECOND QUARTERLY INDEX	
54 Friday, July 16	Monday, July 12	Tuesday, July 13
55 Tuesday, July 20	Wednesday, July 14	Thursday, July 15
56 Friday, July 23	Monday, July 19	Tuesday, July 20
57 Tuesday, July 27	Wednesday, July 21	Thursday, July 22
Friday, July 30	NO ISSUE PUBLISHED	
58 Tuesday, August 3	Wednesday, July 28	Thursday, July 29
59 Friday, August 6	Monday, August 2	Tuesday, August 3
60 Tuesday, August 10	Wednesday, August 4	Thursday, August 5
61 Friday, August 13	Monday, August 9	Tuesday, August 10
62 Tuesday, August 17	Wednesday, August 11	Thursday, August 12
63 Friday, August 20	Monday, August 16	Tuesday, August 17
64 Tuesday, August 24	Wednesday, August 18	Thursday, August 19
65 Friday, August 27	Monday, August 23	Tuesday, August 24
66 Tuesday, August 31	Wednesday, August 25	Thursday, August 26
67 Friday, September 3	Monday, August 30	Tuesday, August 31
68 Tuesday, September 7	Wednesday, September 1	Thursday, September 2
69 *Friday, September 10	Friday, September 3	Tuesday, September 7

70 Tuesday, September 14	Wednesday, September 8	Thursday, September 9
71 Friday, September 17	Monday, September 13	Tuesday, September 14
72 Tuesday, September 21	Wednesday, September 15	Thursday, September 16
73 Friday, September 24	Monday, September 20	Tuesday, September 21
74 Tuesday, September 28	Wednesday, September 22	Thursday, September 23
75 Friday, October 1	Monday, September 27	Tuesday, September 28
76 Tuesday, October 5	Wednesday, September 29	Thursday, September 30
77 Friday, October 8	Monday, October 4	Tuesday, October 5
Tuesday, October 12	THIRD QUARTERLY INDEX	
78 Friday, October 15	Monday, October 11	Tuesday, October 12
79 Tuesday, October 19	Wednesday, October 13	Thursday, October 14
80 Friday, October 22	Monday, October 18	Tuesday, October 19
81 Tuesday, October 26	Wednesday, October 20	Thursday, October 21
82 Friday, October 29	Monday, October 25	Tuesday, October 26
83 Tuesday, November 2	Wednesday, October 27	Thursday, October 28
Friday, November 5	NO ISSUE PUBLISHED	
84 Tuesday, November 9	Wednesday, November 3	Thursday, November 4
85 Friday, November 12	Monday, November 8	Tuesday, November 9
86 Tuesday, November 16	Wednesday, November 10	Thursday, November 11
87 Friday, November 19	Monday, November 15	Tuesday, November 16
88 Tuesday, November 23	Wednesday, November 17	Thursday, November 18
89 Friday, November 26	Monday, November 22	Tuesday, November 23
Tuesday, November 30	NO ISSUE PUBLISHED	
90 Friday, December 3	Monday, November 29	Tuesday, November 30
91 Tuesday, December 7	Wednesday, December 1	Thursday, December 2
92 Friday, December 10	Monday, December 6	Tuesday, December 7
93 Tuesday, December 14	Wednesday, December 8	Thursday, December 9
94 Friday, December 17	Monday, December 13	Tuesday, December 14
95 Tuesday, December 21	Wednesday, December 15	Thursday, December 16
96 Friday, December 24	Monday, December 20	Tuesday, December 21
Tuesday, December 28	NO ISSUE PUBLISHED	

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