

00.6

2.3

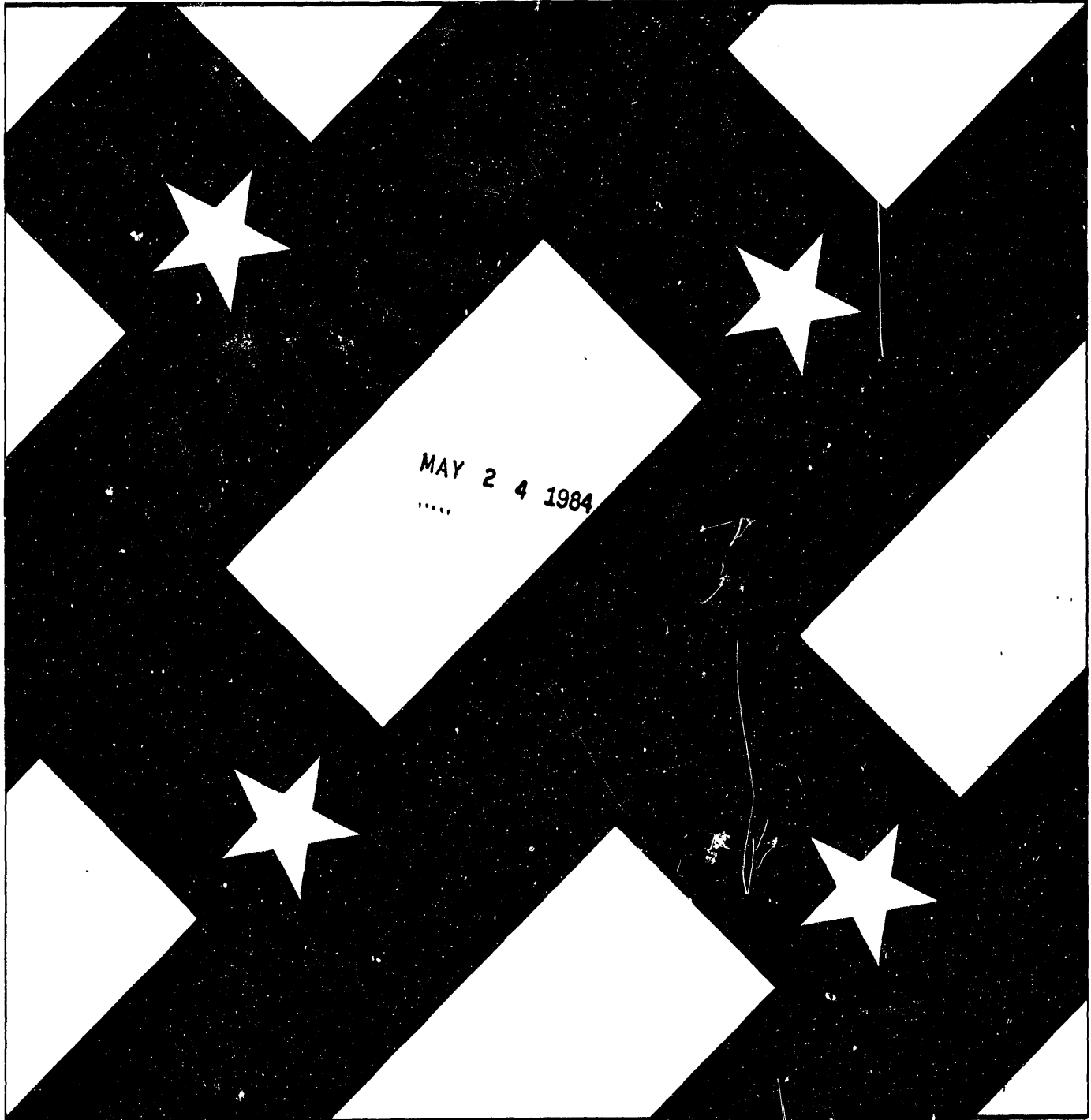
8

FILE COPY

Texas Register

Volume 9, Number 38, May 22, 1984

Pages 2801 - 2844



Highlights

The State Board of Insurance adopts on an emergency basis new rules concerning the Amusement Ride Safety Inspection and Insurance Act

Effective date - May 15

page 2806

The Texas Merit System Council proposes amendments in a chapter concerning the merit system of personnel administration. Earliest possible date of adoption - June 22

page 2809

The Texas Department of Health proposes new sections concerning lay midwives. Proposed date of adoption - July 21

page 2814

**Office of
the Secretary
of State**

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State.

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

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

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

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules 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 explanations on the contents of each section can be found on the beginning page of the section. The division also publishes monthly, quarterly, and annual indexes to aid in researching material published.

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

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "9 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 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, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number.

Texas Administrative Code

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

How To Cite: Under the TAC scheme, each agency rule 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 the rule (27 indicates that the rule is under Chapter 27 of Title 1, 15 represents the individual rule within the chapter).



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-475-7886

John W. Fainter, Jr.
Secretary of State

Director
Susan Johnson
Deputy Director
Dave Harrell

Documents Section Coordinator
Jane Hooks

Document Editors
Cynthia Cooke, Phyllis Smith
Open Meetings Specialist
Roberta Knight

Production Section Coordinator
Sue Bumpous

Production Editors
Richard Salinas, Kathy Kincade
Typographers
**Virginia J. Gregory,
Gale Hathcock-Inman**

Circulation Section Coordinator
Dee Wright

Circulation Assistant
Kristine Hopkins Mohajer

TAC Editors
**Richard Kallus,
Christine K. Schulze**

Assistant to the Director
Donna A. Matkin

Administrative Assistant
Jeff Richardson

Subscriptions—one year (96 regular issues and four index issues), \$70; six months (48 regular issues and two index issues), \$50. Single copies of most issues of the *Texas Register* are available at \$2.00 per copy.

Contents

The Governor

Appointments Made May 10

- 2804 Texas State Board of Physical Therapy Examiners
- 2804 State Board of Nurse Examiners

Emergency Rules

Public Utility Commission of Texas

- 2805 Substantive Rules

Texas Department of Health

- 2806 Food and Drug

State Board of Insurance

- 2806 General Provisions

Proposed Rules

Texas Merit System Council

- 2809 Merit System of Personnel Administration

State Securities Board

- 2811 Registration of Securities
- 2812 Real Estate Programs
- 2813 Administrative Guidelines for Registration of Equipment Programs

Texas Department of Health

- 2814 Maternal and Child Health Services
- 2815 Communicable Diseases

Adopted Rules

Texas Department of Agriculture

- 2817 Seed Certification Standards

Texas Department of Community Affairs

- 2818 Texas Community Development Program

Texas Department of Health

- 2822 Chronic Diseases
- 2822 Community Health Services
- 2823 Emergency Medical Care
- 2830 Food and Drug

Texas Low-Level Radioactive Waste Disposal Authority

- 2833 General Provisions

Open Meetings

- 2834 State Banking Board
- 2834 State Bar of Texas
- 2834 Texas State Board of Dental Examiners
- 2835 Texas Diabetes Council

2835 Office of the Governor

2835 Texas Health Facilities Commission

2835 Texas Housing Agency

2835 State Board of Insurance

2835 Texas Board of Irrigators

2836 Texas Department of Labor and Standards

2836 Lamar University

2836 North Texas State University

2836 Texas Board of Licensure for Nursing Home Administrators

2836 Texas Board of Private Investigators and Private Security Agencies

2836 Texas Department of Public Safety

2837 Public Utility Commission of Texas

2837 Texas Rehabilitation Commission

2837 University System of South Texas

2837 Boards for Lease of State-Owned Lands

2837 Texas A&M University System

2838 Veterans Land Board

2838 Texas Water Commission

2838 Texas Department of Water Resources

2839 Regional Agencies

In Addition

Texas Air Control Board

- 2840 Applications for Construction Permits

Texas Health Facilities Commission

- 2840 Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

State Department of Highways and Public Transportation

- 2841 Consultant Contract Award

State Board of Insurance

- 2841 Company Licensing

Public Utility Commission of Texas

- 2842 Consultant Proposal Request

Texas Rehabilitation Commission

- 2842 Correction of Error

Office of the Secretary of State

- 2842 Texas Register Schedule Variation

Texas Water Commission

- 2843 Applications for Waste Disposal Permits

The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order.

Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

Appointments Made May 10

Texas State Board of Physical Therapy Examiners

For a term to expire January 31, 1985:

Cecilia Garcia Akers
2014 Encino Vista
San Antonio, Texas 78259

Ms. Akers is replacing Dorn Long of Denton, who resigned

Issued in Austin, Texas, on May 10, 1984.

TRD-845389 Mark White
Governor of Texas

State Board of Nurse Examiners

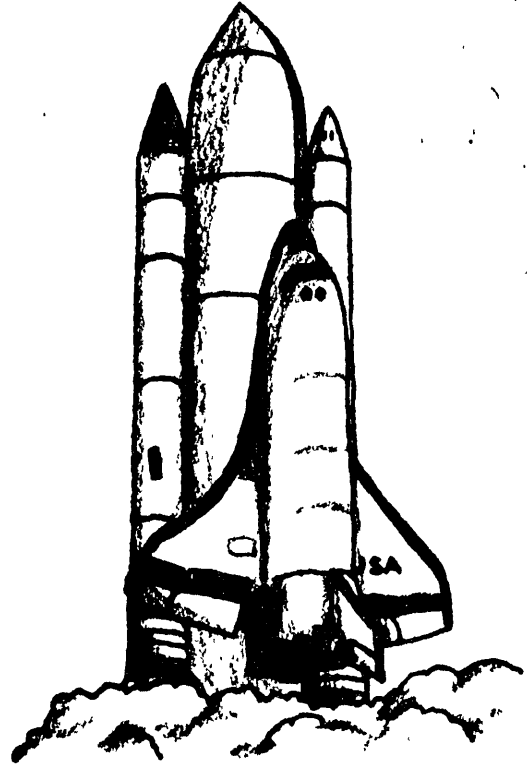
To represent the public for a term to expire January 31, 1987:

Ruby Lee Morris
507 South Madison
Midland, Texas 79701

Dr. Morris is replacing Cleve Bachman of Beaumont, who resigned.

Issued in Austin, Texas, on May 10, 1984.

TRD-845390 Mark White
Governor of Texas *



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

An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The submission must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency adoption. Following each published emergency document is certification information containing the effective and expiration dates of the action and a telephone number from which further information may be obtained

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

Emergency Rules

TITLE 16. ECONOMIC REGULATION Part II. Public Utility Commission of Texas Chapter 23. Substantive Rules Records and Reports 16 TAC §23.12

The Public Utility Commission of Texas is renewing the effectiveness of the emergency adoption of amended §23.12 for a 60-day period effective May 19, 1984. The amendments were originally adopted on an emergency basis in the January 27, 1984, issue of the *Texas Register* (9 TexReg 455).

Issued in Austin, Texas, on May 15, 1984

TRD-845367 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Effective date: May 19, 1984
Expiration date: July 18, 1984
For further information, please call (512) 458-0100.

Customer Service and Protection 16 TAC §23.43

The Public Utility Commission of Texas is renewing the effectiveness of the emergency adoption of new

§23.43 for a 60-day period effective May 23, 1984. The new section was originally adopted on an emergency basis in the January 31, 1984, issue of the *Texas Register* (9 TexReg 542).

Issued in Austin, Texas, on May 15, 1984

TRD-845368 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Effective date: May 23, 1984
Expiration date: July 22, 1984
For further information, please call (512) 458-0100.

Quality of Service 16 TAC §23.61

The Public Utility Commission of Texas is renewing the effectiveness of the emergency adoption of new §23.61 for a 60-day period effective May 25, 1984. The new section was originally adopted on an emergency basis in the February 7, 1984, issue of the *Texas Register* (9 TexReg 609).

Issued in Austin, Texas, on May 15, 1984.

TRD-845369 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Effective date: May 25, 1984
Expiration date: July 24, 1984
For further information, please call (512) 458-0100.

**TITLE 25. HEALTH SERVICES
Part I. Texas Department of Health
Chapter 229. Food and Drug
Chemical and Pesticide Tolerance
Levels in Food**

25 TAC §229.221

The Texas Department of Health is renewing the effectiveness of the emergency adoption of new §229.221 for a 60-day period effective June 7, 1984. The new section was originally adopted on an emergency basis in the February 14, 1984, issue of the *Texas Register* (9 TexReg 899).

Issued in Austin, Texas, on May 14, 1984.

TRD-845386 Dan LaFleur
Liaison Officer
Texas Department of Health

Effective date: June 7, 1984
Expiration date: August 6, 1984
For further information, please call (512) 458-7236.

**TITLE 28. INSURANCE
Part I. State Board of Insurance**

(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part.)

**General Provisions
Rules to Implement the Amusement
Ride Safety Inspection and
Insurance Act**

059.21.53.001-.007

The State Board of Insurance adopts on an emergency basis new Rules 059.21.53.001-.007. These rules aid in implementing the Amusement Ride Safety Inspection and Insurance Act, Insurance Code, Article 21.53

Among other things, the rules specify or set forth their purpose and scope; an annual fee to be charged to amusement ride operators for each amusement ride operated in this state; requirements and procedures for the payment of fees under Article 21.53, §3; requirements and procedures for filing policies and inspection certificates with the board under Article 21.53, §4, a procedure respecting deletions and additions of amusement rides from policies; requirements for owners or operators of rides if a policy is or will be canceled; requirements for owners or operators respecting unsafe amusement rides; and requirements respecting certifications to each sponsor, lessor, landowner, or other person responsible for an amusement

ride being operated that appropriate insurance coverage has been obtained.

Rule 059.21.53.005 provides procedures respecting contracts for amusement rides entered into after July 1 of a year. Rule 059.21.53.006 specifies a procedure for a sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for public use to verify to the board whether or not insurance as required by the Act is in effect. Rule 059.21.53.007 specifies a procedure to be followed by the State Board of Insurance respecting the inspection certificates and insurance coverage required by the Act and the rules. A form to be used in making filings to the board as required by Article 21.53, §4, is adopted in the rules by reference.

It is the board's opinion that an imminent peril to the public welfare requires these rules to be adopted on an emergency basis. The reason for the emergency is that the Insurance Code, Article 21.53, must be properly implemented in time for operators of amusement rides to comply with the applicable law before July 1 of this year. Operators of amusement rides are required to file with the board the inspection certificate and insurance policy required by Article 21.53, §4, before July 1 of each year. The inspection certificate relates to the safety of amusement rides. The insurance policy relates to coverage for bodily injury arising out of the use of an amusement ride. Therefore, the proper implementation of Article 21.53 will aid in making certain that rides are safer and that injuries to persons will be properly covered by insurance. It is believed that the rules are very important to the public in general, and their adoption in time to implement properly Article 21.53 before July 1 presents an imminent peril to the public welfare.

These rules are adopted on an emergency basis under the Insurance Code, Article 21.53, which sets forth various requirements respecting amusement rides, and specifically under Article 21.53, §3, which authorizes and requires the board to administer and enforce Article 21.53; and under authority of the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 6252-13a, pursuant to which the board may enact procedural rules necessary or appropriate to carry out its statutory rules.

.001. Purpose and Scope. These rules aid in implementing the Amusement Ride Safety Inspection and Insurance Act (hereinafter referred to as the Act). They are in addition to, and not in lieu of, the provisions of the Act. The rules apply to any amusement ride as defined in the Act, §2(1); the owner or operator of those rides; and to any insurer, their agents, and representatives, including surplus lines agents and nonadmitted companies as defined in the Insurance Code, Article 1.14-2; and an independently procured policy subject to the Insurance Code, Article 1.14-1, providing bodily injury liability insurance for amusement rides.

.002. Definitions. The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise:

Amusement ride—Any mechanical device or devices that carry or convey passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, or excitement; but such term does not include:

(A) any single-passenger coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location and that does not normally require the supervision of an operator, or

(B) nonmechanized playground equipment including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, and physical fitness devices.

Board—The State Board of Insurance.

.003. Administration and Enforcement. The board is required by the Act, §3, to administer and enforce the Act. Persons operating amusement rides must pay a fee of \$20 per year for each amusement ride subject to the Act. The fee payment shall accompany the insurance policy and amusement ride safety inspection certificate (State Board of Insurance Form (SBI) AR-100) required by the Act, §4, and Rule 059.21.53.004 of these rules. The fees shall be paid by certified check or money order made payable to the State Board of Insurance. The applicant shall attach the certified check or money order to the inspection certificate (State Board of Insurance Form AR-100). The certified check or money order may be for the total amount of fees for all rides or a separate check for each ride.

.004. Amusement Ride Operation Requirements. A person may not operate an amusement ride unless:

(1) he or she files with the board the insurance policy or photocopy of the insurance policy required by the Act, §4(2). The policy shall apply on a per-occurrence basis to bodily injury. Combined single limit policies covering bodily injury and property damage or any other coverage combined with bodily injury will not be acceptable;

(A) the policy or photocopy must be complete, including all applicable coverage forms and endorsements. Certificates of insurance will not be acceptable for this purpose;

(B) the policy must contain a schedule listing by name and serial number each amusement ride insured by the policy. In the event of additions or deletions of amusement rides during the policy term, such changes shall be shown on a change endorsement, a copy of which must be submitted to the board. Additions will also require an inspection certificate SBI Form AR-100 and \$20 annual inspection fee for each amusement ride to be filed with the board prior to operating the added amusement ride. Deletions shall be filed no later than 10 days after the change;

(C) in the event of policy cancellation by either the insured owner/operator or the insurance company, the company shall furnish notice of such cancellation to the board as soon as possible, but not later than 10 days prior to cancellation;

(2) he or she also files an amusement ride safety inspection certificate (SBI Form AR-100), or photocopy

of such certificate, certifying with respect to each amusement ride the matters required by the Act, §4(1); and certifying that at the time of inspection the amusement ride was found to be either safe or unsafe for use by the public. A separate inspection certificate for each amusement ride showing the name, serial number, and manufacturer of the ride is required;

(A) if an inspection reveals that an amusement ride is unsafe for public use at the time of inspection or that it does not meet the insurance company's standards for coverage, the inspection certificate shall specifically describe the safety hazard(s) and the necessary repair(s) or replacement(s) required to render the amusement ride safe for public use and to meet the company's standards for coverage. It shall be the responsibility of the owner or operator of the amusement ride to make the necessary repairs or replacements before the amusement ride is offered for public use;

(B) before the amusement ride is operated, a supplemental amusement ride safety inspection certificate (SBI Form AR-100) shall be filed with the board after necessary repair(s) and/or replacement(s) have been made and inspected. An additional annual \$20 fee is not required for supplemental inspection certificates;

(C) the insurer or person with whom the insurer has contracted to make the inspection must be professionally qualified to perform the inspection;

(D) it shall be the responsibility of the amusement ride owner or operator to request an insurance policy and inspection in such time to permit the insurance policy to complete the inspection and policy issuance prior to operating any amusement ride. It shall be the responsibility of the insurance company, if it chooses to provide coverage, to furnish the insured the policy inspection certificate required to be filed with the board in a timely fashion;

(E) SBI Form AR-100 is adopted herein by reference and may be obtained by contacting Amusement Ride Regulation, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

(3) he or she provides the certificate required by the Act, §4(4), and certifies that the insurance required by the Act will continue in effect for the period of time the amusement ride is being offered for use by the public;

(A) in the event of policy cancellation or expiration, the policy shall be promptly replaced or renewed without any lapse in coverage while the amusement ride is offered for use by the public. The sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for use by the public shall be notified of the coverage continuance;

(B) a certificate of insurance or a photocopy of the declaration page of the owner's/operator's amusement ride liability policy, showing an amount of insurance of not less than \$1 million per bodily injury occurrence and a policy term that includes the period of time during which the amusement ride will be offered for public use will be acceptable for the purpose of this paragraph.

.005. Filing Affidavit. In addition to the requirements of the Act, §5, the following requirements apply.

(1) In the event a contract for use of an amusement ride provides that the amusement ride will not be

operated until after July 1 but prior to December 31 of any year, then timely filing of the insurance policy and inspection certificate shall be made with the board prior to the operation of the amusement ride. In no event may an amusement ride be operated before the inspection certificate and policy are filed with the board as required by Rule 059.21.53.004 of these rules.

(2) If the amusement ride is inspected more than once a year, a supplemental inspection certificate (SBI Form AR-100) must be filed with the board not later than 15 days after each subsequent inspection. An additional annual \$20 fee is not required for supplemental inspection certificates.

.006. Board Information Request. The response required by the Act, §6, must be by written verification. For the purpose of verification, the written response shall include a copy of the declarations page of the policy insuring the amusement ride owner or operator. A certificate of insurance will also be acceptable for this purpose, provided the certificate of insurance complies with the requirements of these rules.

.007. Board Confirmation of Required Insurance and Safety Inspection Certificate; Rules Construction.

(a) If, after the required insurance policy and safety inspection certificate including certified check(s) or money order(s) for the total amount of annual fee have been received by the board and found to be in compliance with the rules and regulations for the administration and enforcement of the Act, a copy of the amusement ride safety

inspection certificate (State Board of Insurance Form AR-100) will be stamped "received" and returned to the insured owner or operator as evidence of compliance with filing requirements. The returned inspection certificate must be kept on the premises at which the amusement ride is offered for public use and made available to any person granted authority under the Act to investigate compliance with the Act.

(b) If the required insurance policy, safety inspection certificate, and/or annual fee are found not to be in compliance with the Act, these rules, or other applicable law, a compliance request form will be sent to the insured owner or operator indicating the necessary action(s) for compliance. After the necessary actions have been made by the owner or operator to the satisfaction of the board, a copy of the amusement ride safety inspection Certificate (State Board of Insurance Form AR-100) stamped "received" will be mailed to the insured owner or operator.

(c) Nothing in these rules may be construed to authorize the operation of an amusement ride until all applicable requirements of law are met.

Issued in Austin, Texas, on May 15, 1984

TRD-845375

James W. Norman
Chief Clerk
State Board of Insurance

Effective date May 15, 1984

Expiration date September 12, 1984

For further information, please call (512) 475-2950.

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *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 rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

The proposal, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government and small businesses; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule, a request for public comments, a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority); the text of the proposed action; and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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

Proposed Rules

TITLE 1. ADMINISTRATION

Part VII. Texas Merit System Council

Chapter 161. Merit System of Personnel Administration

1 TAC §§161.1, 161.7, 161.8

The Texas Merit System Council proposes amendments to §161.1, concerning purpose, merit principles, scope, and definitions; §161.7, concerning certification of eligibles; and §161.8, concerning original appointments. The proposed amendments update which agencies are served by the merit system, delete language no longer mandated due to the expiration of a consent decree, and more completely define the term "exempt appointment."

F. Kemp Dixon, executive director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Dixon also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is clarification of the intent and meaning of certain rules, omission of rules previously required by a consent agreement, and improvement in defining a personnel term. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to F. Kemp Dixon, Executive Director, P.O. Box 13566, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 6252-11d, which provide the Texas Merit System Council with the authority to adopt rules necessary to administer the previously mentioned statute.

§161.1. Purpose, Merit Principles, Scope, Definitions.

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

(c) Scope. The previously mentioned principles shall be applicable to personnel administration in the following agencies:

- (1) Texas Air Control Board;
- (2) Bureau of State Health Planning and Resource Development of the Texas Department of Health [Commission on Alcoholism];
- (3) Child Support Enforcement Program of the Office of the Attorney General [Department of Health and affiliated local units (excluding chest hospitals)];
- (4) Texas Commission on Alcoholism [Department of Human Resources];
- (5) Texas Department of Human Resources [Division of Developmental Disabilities of the Department of Mental Health and Mental Retardation];
- (6) Division of Emergency Management of the Texas Department of Public Safety and participating local units;
- (7) Drug Abuse Division of the Department of Community Affairs;
- (7)(8) Texas Department on Aging;
- (8)(9) Texas Employment Commission;
- (9)(10) Texas Merit System Council;

(10)(11) Texas Surplus Property Agency.

(d) Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1)-(22) (No change.)

(23) Group of classes—The grouping made pursuant to the agreement between the United States of America and applicable agencies (Civil Action A-78-CA-286) for statistical purposes.]

(23)(24) Handicapped individual—Any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such an impairment, or is regarded as having such an impairment.

(24)(25) In-service experience—Experience acquired by a regular employee while in probationary and regular status.

(25)(26) Lateral class change—A change of an employee from one classification to another in the same pay group.

(26)(27) Merit salary increase—An increase in salary within the salary range prescribed for the class by the agency's compensation plan.

(27)(28) Minimum qualifications—The minimum requirements of training, education, and experience and/or knowledge, skills, and abilities as designated in a class specification for entry to a position in that class.

(28)(29) Noncompetitive examination—An examination on which a regular employee needs to earn only the minimum passing score.

(29)(30) Open-competitive examination—An examination which permits competition among all persons meeting the announced minimum qualifications for the class.

(30)(31) Payroll exception—Certification by the director that the employment of an individual is not in conformity with the regulation.

(31)(32) Personnel official—That employee of the agency responsible for the personnel administration of the agency.

(32)(33) Position—A job consisting of a group of duties to be performed by one employee.

(33)(34) Probationary appointment—An appointment from a register as described in §161.8 of this title (relating to Original Appointments).

(34)(35) Probationary period—The trial or work test period as described in §161.9 of this title (relating to Probationary Period).

(35)(36) Project indefinite appointment—An appointment made under the authorization of the Emergency Jobs and Unemployment Assistance Act or subsequent similar Acts as provided in §161.8 of this title (relating to Original Appointments).

(36)(37) Promotion—A change of an employee from a position in one class to a position in another class in a higher pay group.

(37)(38) Provisional appointment—An appointment to fill a position pending the establishment of a register for such position.

(38)(39) Reclassification—A change of a position from one classification to another.

(39)(40) Reduction in force—Separation of an employee without prejudice because of lack of funds or curtailment of work.

(40)(41) Register—A list of eligibles for a classification, arranged in order of their final ratings.

(41)(42) Regular employee—An employee who has been retained following the completion of a probationary period.

(42)(43) Regulation—The regulation for a merit system of personnel administration.

(43)(44) Reinstatement—Reemployment of a regular employee as provided in §161.11 of this title (relating to Tenure, Separation, and Reinstatement), or placing a probationary or regular employee's name back on a register as provided therein.

(44)(45) Release—Separation of a probationary employee whose services have not met the required standards of performance.

(45)(46) Resignation—The separation of an employee made at the request of the employee.

(46)(47) Salary reduction—A decrease in salary within the pay group prescribed for the class by the agency compensation plan.

(47)(48) Status—The condition (probationary, provisional, etc.) of an individual's employment with the agency.

(48)(49) Suspension—An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

(49)(50) Temporary competitive appointment—An appointment from a register for a period not to exceed six months.

(50)(51) Temporary intermittent appointment—An appointment for intermittent employment of limited duration as provided in the specifications for the classes established for this purpose, and for which qualifying examinations are required.

(51)(52) Transfer—A change of an employee from one position to another position in the same class.

(52)(53) Veteran—That individual as defined in Texas Civil Statutes, Article 4413(31), as amended.

§161.7. Certification of Eligibles.

(a) (No change.)

(b) Certification methods.

(1) (No change.)

(2) If the appointing authority notifies the director in writing that the proportion of Blacks, Hispanics, or female employees comprising a class or group of classes, where applicable, is less than 80% of the proportion of such protected group in the relevant labor force, and if there are no available representatives of such protected group on a certificate prepared for that class or group of classes, then the director may provide a supplementary certificate of three eligibles consisting solely of persons of the underrepresented group.

[(A) For a request to fill a single position from a supplementary certificate, the director shall certify the names of the three highest ranking available eligibles plus those additional eligibles, if any, entitled to be certified by virtue of identical scores or ratings as provided in §161.6(a) of this title (relating to Registers).

[(B) For a request to fill more than one position in the same class or group of classes from a sup-

plementary certificate, the director shall certify the names of the three highest ranking eligibles, plus one additional name for each additional vacancy, plus those eligibles, if any, entitled to be certified by virtue of identical scores or ratings as provided in §161.6(a) of this title (relating to Registers).]

(2)(3) The name of an eligible who receives a probationary appointment shall be removed from the register for any classification having a salary equal to or lower than that of the classification in which the appointment is made. The eligible's name may be restored to such registers upon request to the director.

(3)(4) An employee whose name appears on a register for a classification having a salary higher than that of the employee's present classification shall be eligible for certification from the higher register in accordance with the provisions of this section.

(4)(5) If the appointing authority interviews a certified eligible and considers but does not select the eligible in connection with the three separate appointments, the name of such eligible may be omitted from any subsequent certification from the same register to the same appointing authority, unless otherwise requested by the appointing authority.

(5)(6) If the appointing authority offers an objection in writing to the certification of an eligible which is sustained by the director, the name of such eligible may be omitted from any subsequent certification from the same register to the same appointing authority, unless otherwise requested by the appointing authority.

(c)-(d) (No change.)

§161.8. Original Appointments.

(a) (No change.)

(b) Probationary appointments.

(1) (No change.)

(2) If the appointing authority has not certified to the director that the agency has implemented selection procedures consistent with the merit principles stated in this regulation, selections for all positions will be made from names on certificates submitted by the director in accordance with §161.7 of this title (relating to Certification of Eligibles), except as provided in subsections (c)-(i) of this section.

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

(C) In selecting an eligible from a supplementary certificate, only the three highest ranking available eligibles will be considered, by virtue of identical scores or ratings as provided in §161.6(a) of this title (relating to Registers).]

(3) (No change.)

(c)-(f) (No change.)

(g) Exempt appointments. Exempt appointments may be made to positions in the agency exempted from the application of this regulation by the director [as approved by appropriate federal authorities in accordance with the Standards for a Merit System of Personnel Administration]. Types of positions that may be exempted are as follows:

(1) members of the board, commission, or council;

(2) support staff to members of the board, commission, or council;

(3) agency head;

(4) confidential assistant to agency head;

(5) top-level positions which report to the agency head and are responsible for determining and publicly advocating substantive program policy;

(6) attorneys serving as legal counsel or conducting litigation;

(7) temporary positions established for the purpose of conducting a special project, study, or investigation;

(8) temporary positions established to facilitate the employment of economically disadvantaged participants in employment or rehabilitation programs authorized by Congress or the state legislature; and

(9) unskilled labor.

(h)-(i) (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 May 11, 1984

TRD-845329

F. Kemp Dixon
Executive Director
Texas Merit System Council

Earliest possible date of adoption:

June 22, 1984

For further information, please call (512) 477-9665.

**TITLE 7. BANKING AND
SECURITIES
Part VII. State Securities Board
Chapter 113. Registration of
Securities**

7 TAC §113.11

The State Securities Board proposes new §113.11, concerning the registration in Texas of securities that are being registered with the Securities and Exchange Commission (SEC) pursuant to SEC Rule 415 (17 Code of Federal Regulations §230.415). Now that the SEC has adopted SEC Rule 415 on a permanent basis, the board proposes to adopt rules to accommodate the registration of such securities in Texas.

Richard D. Latham, securities commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Latham also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the creation of uniform, published procedures for the registration in Texas of securities that are being registered with the SEC pursuant to SEC

Rule 415. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The new section is proposed under Texas Civil Statutes, Article 581, §28-1, which provide that the board may adopt rules and regulations governing registration statements and applications, classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§113.11. Shelf Registration of Securities.

(a) Applicability.

(1) This section shall apply to the registration by coordination in Texas of securities registered with the Securities and Exchange Commission (SEC) for offer and sale on a delayed or continuous basis under SEC Rule 415 (17 Code of Federal Regulations §230.415).

(2) Each series or takedown requires separate registration in Texas, except in the following cases:

(A) where there is disclosure in the prospectus that neither the security to be offered nor the selling method to be used may be varied from one series or takedown to the next; or

(B) as provided in subsection (b) of this section.

(3) Where appropriate, the provisions of Chapters 117, 119, 121, and 141 of this title (relating to Real Estate Programs; Publicly Offered Cattle Feeding Programs; Oil and Gas Drilling Programs; and Administrative Guidelines for Registration of Equipment Programs) and other provisions of this chapter also will be applied.

(b) Certain debt offerings by substantial issuers.

(1) This subsection applies to the registration of debt securities of issuers eligible to use SEC Form S-2 or S-3 (17 Code of Federal Regulations §239.12 and §239.13) to register debt securities with the SEC under SEC Rule 415.

(2) Separate registration of each series or takedown of debt securities of such an issuer is not required if the applicant (and the issuer if the applicant is other than the issuer) undertakes that all of the following conditions will be met:

(A) only the type of debt security that is specifically denominated and described in the prospectus supplement or prospectus amendment filed with the application to register securities in Texas will be sold in each takedown or series for which the registration is sought;

(B) all of the debt securities will be subject to and issued under the same indenture;

(C) the maturity of the securities will not be less than a specified length of time nor more than a specified length of time from the date of issue, and the interest rate will not be more than a specified percent on the longest maturity nor less than a specified percent on the shortest maturity unless the Texas permit is first amended to permit interest rates differing from such maximum and minimum.

(3) The permit issued upon registration of debt securities pursuant to paragraph (2)(A)-(C) of this sub-

section shall incorporate the relevant terms of the required undertaking.

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 May 15, 1984.

TRD-845364 Richard D. Latham
 Securities Commissioner
 State Securities Board

Earliest possible date of adoption:
June 22, 1984

For further information, please call (512) 474-2233.

Chapter 117. Real Estate Programs

7 TAC §117.1, §117.5

The State Securities Board proposes amendments to §117.1 and §117.5, concerning the requirements for registration of mortgage pools. The amendments reflect provisions that were included in recent amendments to the North American Securities Administrators Association's real estate guidelines, but were inadvertently omitted from the board's recent amendments to the agency's real estate guidelines.

Richard Latham, securities commissioner, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Latham also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is increased uniformity with other states in applying standards for the registration of public offerings of mortgage pools in this state. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The amendments are proposed under Texas Civil Statutes, Article 581, §28-1, which provide that the board may adopt rules and regulations governing registration statements and applications, classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§117.1. Introduction.

(a) (No change.)

(b) Definitions.

(1)-(17) (No change.)

(18) Offering expenses—Those expenses (regardless of when incurred or paid,) incurred in connection with and in preparing a program for registration and subsequently [contemplation of registration and sale of program interests, as well as in actual registration of program interests and] offering and distributing it [them] to the

public, including sales commissions [or other fees] paid to broker-dealers in connection with [sale and] the distribution of the program [interests] and all advertising expenses. [The commissioner may deem particular expenses to be offering expenses, even though such expenses are categorized differently by the sponsor.]

(19)-(27) (No change.)

§117.5. Conflicts of Interest and Investment Restrictions.

(a)-(h) (No change.)

(i) Lending practices.

(1) On financing made available to the program by the sponsor, the sponsor may not receive interest and other financing charges or fees in excess of the amounts which would be charged by unrelated lending institutions on comparable loans for the same purpose in the same locality of the property. No prepayment charge or penalty shall be required by the sponsor on a loan to the program secured by either a first or a junior or all-inclusive trust deed, mortgage, or encumbrance on the property, except to the extent that such prepayment charge or penalty is attributable to the underlying encumbrance. [Except as permitted by paragraph (2) of this subsection,] The sponsor shall be prohibited from providing [permanent] financing for the program, except:

(A) as permitted by paragraph (2) of this subsection; or

(B) where financing is being provided by or acquired from an affiliated program which makes or invests in mortgage loans. In such instances, the provisions of subsection (a)(3) of the guidelines shall be applicable; and, to recognize potential conflicts of interests, there will be independent advisors for each publicly registered party to the transaction.

(2) (No change.)

(j)-(m) (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 May 15, 1984

TRD-845365 Richard D Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption

June 22, 1984

For further information, please call (512) 474-2233.

Richard Latham, securities commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Latham also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the reflection of the board's more liberal interpretation of the Securities Act, §9.B, in the agency's rules regarding equipment problems. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The amendments are proposed under Texas Civil Statutes, Article 581, §28-1, which provide that the board may adopt rules and regulations governing registration statements and applications, classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

§141.4. Compensation and Expenses.

(a) (No change.)

(b) Organization and offering expenses.

(1) (No change.)

(2) Offering expenses. All offering expenses shall be reasonable, and total expenses for marketing securities paid by the program shall [not] in no event in the aggregate exceed the percentages specified in §113.4(g) of this title (relating to Application for Registration) [20% of the gross proceeds of the offering, regardless of who paid for such expenses. The offering expenses paid by the program must be reasonable and ordinarily shall not exceed 15% of the gross proceeds of the offering].

(c)-(f) (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 May 15, 1984.

TRD-845366 Richard D Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption

June 22, 1984

For further information, please call (512) 474-2233.

Chapter 141. Administrative Guidelines for Registration of Equipment Programs

7 TAC §141.4

The State Securities Board proposes amendments to §141.4, concerning allowable compensation and expenses in the administrative guidelines for registration of equipment programs. The amendments are necessary given the board's recent interpretation of the Securities Act, §9.B, and 7 TAC §113.4(g)(1).



**TITLE 25. HEALTH SERVICES
Part I. Texas Department of Health
Chapter 37. Maternal and Child
Health Services
Lay Midwives**

25 TAC §§37.171-37.175

The Texas Department of Health proposes new §§37.171-37.175, concerning the practice of lay midwifery in the State of Texas.

Stephen Seale, chief accountant III, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules.

There will be an estimated additional cost to state government of \$900 in 1984 and \$500 per year in 1985-1988.

There is no anticipated effect on local government or small businesses.

Mr. Seale has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is establishment of the procedures and forms by which lay midwives register with county clerks each year, by which lay midwives disclose in oral and written form to a prospective client the limitations of the skills and practices of a lay midwife, and by which the Texas Department of Health receives and processes complaints relating to the practice of lay midwifery in the State of Texas.

There will be an economic cost to lay midwives who are required to register with the county clerks annually. Each lay midwife will have to pay registration fees as determined by the county clerks, which should range from \$2.00-\$10 per lay midwife. In addition, each lay midwife will incur indeterminable travel and actual expenses in going to the county courthouse to register.

Comments on the proposal may be submitted to Joceline K. Alexander, C.N.M., Coordinator of the Lay Midwifery Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*. In addition, a public hearing will be held on Monday, June 4, 1984, at 1:30 p.m., in Room T-803, Texas Department of Health, 1100 West 40th Street, Austin, Texas.

The new sections are proposed under the Texas Lay Midwifery Law, Texas Civil Statutes, Article 4512i, §§8, 13, and 16, which provide the Texas Board of Health with the authority to develop the procedures and forms covered in these rules.

§37.171. Purpose. The purpose of these rules is to describe the procedures by which lay midwives register with county clerks each year, by which lay midwives disclose in oral and written form to a prospective client the limitations of the skills and practices of a lay midwife,

and by which the Texas Department of Health receives and processes complaints relating to the practice of lay midwifery in the State of Texas.

§37.172. Definitions. The following words and terms, when used in these sections, shall have the following meaning unless the context clearly indicates otherwise:

Act—The Texas Lay Midwifery Act, Texas Civil Statutes, Article 4512i.

Department—Texas Department of Health.

Lay midwife—A person who practices lay midwifery.

Lay midwifery—The practice of assisting child-birth for compensation.

Lay Midwifery Program—The Lay Midwifery Program, Bureau of Maternal and Child Health, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700.

§37.173. Registration by the Lay Midwife with the County Clerk.

(a) Annual registration. During the month of December of each year, a lay midwife shall register with the county clerk of the county in which the lay midwife resides or with the county clerk of each county in which the lay midwife practices lay midwifery.

(b) Registration procedure. The lay midwife shall identify herself/himself by appearing in person before the appropriate county clerk and delivering to the county clerk a completed and verified form titled "Lay Midwife Identification Form," which is herein adopted by reference. A lay midwife may obtain the identification form from either the county clerk or the Lay Midwifery Program.

(c) County clerk's responsibility. The county clerk shall:

- (1) make sure that the identification form has been completed and verified;
- (2) make a copy of each identification form received;

(3) keep the copy in the county clerk's office; and

(4) send the original to the department's Bureau of Maternal and Child Health within one month after receipt by the county clerk.

(5) give the lay midwife notice of her/his legal responsibilities under the laws and rules of the State of Texas, as described in subsection (d) of this section.

(d) Legal responsibilities of the lay midwife. As part of the registration procedure covered by this section, the county clerk shall give the lay midwife notice of her/his legal responsibilities under the laws and rules of the State of Texas. The county clerk shall provide this notice by delivering to the lay midwife in person at the time of registration copies of:

(1) the Texas Lay Midwifery Act;

(2) the department form titled "Legal Responsibilities of Lay Midwives under the Statutes and Rules of the State of Texas," which is herein adopted by reference;

(3) department rules, 25 TAC §§37.171-37.175, implementing the Texas Lay Midwifery Law;

(4) the list of laboratories certified by the department to perform standard serologic tests for syphilis; and

(5) the department form titled "Disclosure Statement Covering the Limitations of the Skills and Practices of a Lay Midwife," which is herein adopted by reference.

(e) Copies. The county clerk may obtain copies of the forms, act, rules, and list of laboratories described in subsection (d)(1)-(5) of this section free of charge from the Lay Midwifery Program.

(f) Lay midwifery roster. The Lay Midwifery Program shall maintain a roster of all persons registered with the county clerk to practice lay midwifery. The roster shall contain information obtained from the identification forms furnished to the Lay Midwifery Program by the county clerks.

§37.174. Disclosure of the Limitations of the Skills and Practices of a Lay Midwife.

(a) Disclosure requirement. Each lay midwife shall disclose in oral and written form to a prospective client the limitations of the skills and practices of the lay midwife.

(b) Form of disclosure.

(1) The lay midwife shall make the disclosure by delivering to and discussing with the client, the form titled "Disclosure Statement Covering the Limitations of the Skills and Practices of a Lay Midwife," which is adopted by reference in §37.173(d)(5) of this title (relating to Registration by the Lay Midwife with the County Clerk). A lay midwife may obtain the disclosure form from either the county clerk or the Lay Midwifery Program.

(2) After the client and the lay midwife have completed and signed the form, the lay midwife shall send the form to the department's Lay Midwifery Program no later than 30 days after the lay midwife has assisted the mother in the birthing of her child.

§37.175. Complaints.

(a) Purpose. This section establishes the procedures by which the department receives and processes complaints relating to the practice of lay midwifery in the State of Texas.

(b) Reporting complaints.

(1) Any person may complain to the department that a lay midwife has violated the Act or any other laws relating to the practice of lay midwifery in the State of Texas.

(2) Complaints may be made orally or in writing to the Lay Midwifery Program and should contain the name and address of the person making the complaint and sufficient details to adequately describe the alleged violation. Anonymous complaints, while not encouraged, will be accepted.

(c) Processing complaints. The department will process complaints in the following manner.

(1) Complaints alleging a prohibited act under the Act, §18, will be sent to the appropriate law enforcement authority.

(2) Complaints alleging a violation of other laws will be sent either to the appropriate Texas state agency responsible for implementing the law or to the appropriate law enforcement authority, or to both. The most common examples of other laws are the following Texas Civil Statutes:

(A) the Texas Communicable Disease Prevention and Control Act, Article 4419b-1;

(B) the Texas Venereal Disease Act, Article 4445d;

(C) the Texas Phenylketonuria, Galactosemia, Sickling Hemoglobinopathies, and Congenital Hypothyroidism Act, Article 4447e and Article 4447e-1;

(D) the Texas Vital Statistics Act, Rule 46a and Rule 51a, Article 4477;

(E) the Texas Medical Practice Act, Article 4495b;

(F) the Texas Nurses Act, Article 4513, *et seq*;

and
(G) the Texas Pharmacy Act, Article 4542a-1.

(d) Record of complaints. The department shall keep a record of all complaints received and processed, shall share the record with the Texas Lay Midwifery Board, and shall make the record available to the public unless specific information in the record is confidential under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a.

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 May 15, 1984

TRD-845376

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

Proposed date of adoption.

July 21, 1984

For further information, please call (512) 458-7700.

**Chapter 97. Communicable Diseases
Control of Communicable Diseases**

The Texas Department of Health proposes amendments to §97.4, concerning the list of reportable diseases, and new §97.10, concerning the list of quarantinable diseases.

Stephen Seale, chief accountant III, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Seale has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is an updated list of communicable diseases by adding diseases cited in the recently revised U.S. Foreign Quarantine Regulations and other diseases of public concern and deletion of diseases for which reporting no longer serves a useful function in protecting the public health or which may be consolidated with other listed diseases; and a list of those communicable diseases that present a threat to the public health if not immediately controlled. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Tracy L. Gustafson, M.D., Director, Infectious Diseases Divi-

sion, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7328.

25 TAC §97.4

The amendments are proposed under Texas Civil Statutes, Article 4419b-1, §2.02, which provide the Texas Board of Health with the authority to adopt rules to implement the Communicable Disease Prevention and Control Act.

§97.4. List of Reportable Diseases.

(a) Diseases to be reported immediately by telephone to the Texas Department of Health under the reporting requirement of §97.2(a) of this title (relating to Reporting Requirements) are botulism; cholera; diphtheria; plague; poliomyelitis, paralytic; [smallpox;] and yellow fever.

(b) Diseases reportable by name, address, age, sex, race/ethnicity, and date of onset are acquired immune deficiency syndrome; amebiasis; anthrax; **bacterial or viral** [aseptic] meningitis; botulism; brucellosis; **campylobacteriosis**; cholera; **coccidioidomycosis**; dengue; diphtheria; encephalitis (specify etiology); Hansen's disease (leprosy); hepatitis, viral—Type A, Type B, type non-A/non-B, unspecified; **histoplasmosis**; **legionellosis**; leptospirosis; malaria; measles, meningococcal infections; mumps; pertussis; plague; poliomyelitis, paralytic; psittacosis; Q fever, rabies in man; relapsing fever; Reye syndrome; [rheumatic fever, acute;] Rocky Mountain spotted fever; rubella, rubella congenital syndrome, salmonellosis; shigellosis; [smallpox;] tetanus; trichinosis; **toxic shock syndrome**; tularemia; typhoid fever; typhus fever, [-] endemic (murine), epidemic; **viral hemorrhagic fever**; yellow fever.

(c)-(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 May 15, 1984.

TRD-845379 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption:
July 21, 1984

For further information, please call (512) 458-7225.

25 TAC §97.10

The new section is proposed under Texas Civil Statutes, Article 4419b-1, §2.02, which provide the Texas Board of Health with the authority to adopt rules to implement the Communicable Disease Prevention and Control Act.

§97.10. List of Quarantinable Diseases. The following communicable diseases present a threat to the public health if not immediately controlled, and persons infected with them may be subjected to quarantine in accordance with the Communicable Disease Prevention and Control Act, §4.02(b); the Tuberculosis Code; or the Venereal Disease Act: cholera, diphtheria, gonorrhoea, plague, syphilis, tuberculosis, viral hemorrhagic fever (any etiology), and yellow fever.

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

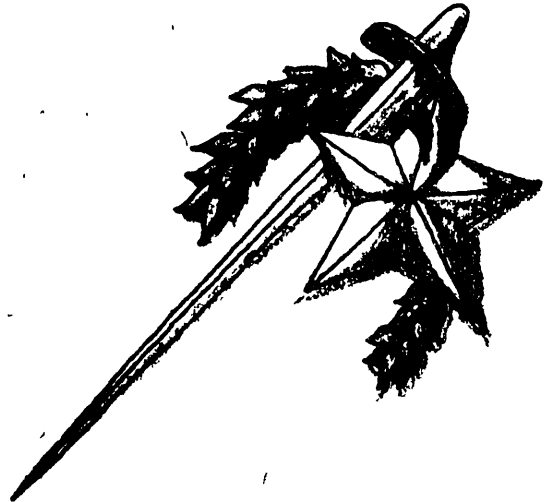
Issued in Austin, Texas, on May 15, 1984

TRD-845380 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption:

July 21, 1984

For further information, please call (512) 458-7225.



An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule 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.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which: explain the legal justification for the rule, how the rule will function; contain comments received on the proposal, list parties submitting comments for and against the rule, explain why the agency disagreed with suggested changes, and contain the agency's interpretation of the statute under which the rule was adopted.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

Adopted Rules



Department of Agriculture with the authority to make rules necessary to carry out provisions of the Code.

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 May 15, 1984.

TRD-845391

Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: June 6, 1984

Proposal publication date: April 13, 1984

For further information, please call (512) 475-6686.

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 21. Seed Certification Standards

Field Inspection Chart

4 TAC §21.21

The Texas Department of Agriculture adopts an amendment to §21.21, without changes to the proposed text published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2044).

The amendment effects conformity with the seed certification requirements of the Federal Seed Act. Enforcing the rule assures that the Texas Department of Agriculture is in agreement with the provisions of the Federal Seed Act.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, Chapter 62, which provides the Texas

Acreage Inspection Fees for Certification

4 TAC §21.31

The Texas Department of Agriculture adopts amendments to §21.31, without changes to the proposed text published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2045).

The amendments effect conformity with the seed certification requirements of the Federal Seed Act. Enforcing the rule assures that the Texas Department of Agriculture is in agreement with the provisions of the Federal Seed Act.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Agriculture Code, Chapter 62, which provides the Texas

Department of Agriculture with the authority to make rules necessary to carry out provisions of the Code.

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 May 15, 1984.

TRD-845392 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: June 6, 1984
Proposal publication date: April 13, 1984
For further information, please call (512) 475-6686.

Laboratory Analysis Chart

4 TAC §21.41

The Texas Department of Agriculture adopts an amendment to §21.41, without changes to the proposed text published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2046).

The amendment effects conformity with the seed certification requirements of the Federal Seed Act. Enforcing the rule assures that the Texas Department of Agriculture is in agreement with the provisions of the Federal Seed Act.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, Chapter 62, which provides the Texas Department of Agriculture with the authority to make rules necessary to carry out provisions of the Code.

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 May 15, 1984.

TRD-845393 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: June 6, 1984
Proposal publication date: April 13, 1984
For further information, please call (512) 475-6686.

Genetic Seed Chart

4 TAC §21.51

The Texas Department of Agriculture adopts an amendment to §21.51, without changes to the proposed text published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2047).

The amendment effects conformity with the seed certification requirements of the Federal Seed Act. Enforcing the rule assures that the Texas Department of Agriculture is in agreement with the provisions of the Federal Seed Act.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, Chapter 62, which provides the Texas Department of Agriculture with the authority to make rules necessary to carry out provisions of the Code.

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 May 15, 1984.

TRD-845394 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: June 6, 1984
Proposal publication date: April 13, 1984
For further information, please call (512) 475-6686.

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

10 TAC §§9.1, 9.2, 9.4, 9.5

The Texas Department of Community Affairs (TDCA) adopts amendments to §9.1 and §9.4, with changes to the proposed text published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2047). Section 9.2 and §9.5 are adopted without changes and will not be republished.

The amendments govern the allocation of Community Development Block Grant (CDBG) nonentitlement area funds under the Texas Community Development Program (TCDP). The amendments establish the standards and procedures by which the TDCA will allocate CDBG nonentitlement area funds to eligible units of general local government in Texas beginning with the expenditure of federal fiscal year 1984 funds. The amendments cover application requirements, citizen participation requirements, ineligible activities, the appeals process, unmet benefits, false representations and promises, funding cycles, and selection procedures and criteria.

No comments were received regarding adoption of the amendments. The Texas Department of Community Affairs has made changes from the proposed text of the amendments to correct errors and to provide clarification. In addition, §9.1(i), relating to false representations and promises in applications, has been changed significantly to reflect the recommendations of the State Community Development Review Committee.

The amendments are adopted under Texas Civil Statutes, Article 4413(201), §4A, which provide the Texas Department of Community Affairs with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities in accordance with rules and regulations adopted by the Texas Department of Community Affairs.

§9.1. General Provisions.

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

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

(3) Community Development Block Grant nonentitlement area funds—The funds awarded to the State of Texas pursuant to Title I of the Housing and Community Development Act of 1974, as amended (42 United States Code §5301, *et seq*) and the regulations promulgated thereunder in 24 Code of Federal Regulations Part 570.

(4)-(8) (No change.)

(9) Low- and moderate-income person—A member of a family which earns less than 80% of the area median family income, as defined under the U.S. Department of Housing and Urban Development Section 8 Assisted Housing Program.

(10) Neighborhood revitalization district—A contiguous area of not more than 2,000 residents in which at least 51% of the residents qualify as low and moderate income persons.

(11) Nonentitlement area—An area which is not a metropolitan city or part of an urban county as defined in 42 United States Code §5302.

(12) Permanent job—A job for which continuation of employment is not dependent on funds provided through the Texas Community Development Program.

(13) Poverty—The current official poverty line established by the director of the federal Office of Management and Budget.

(14) Primary beneficiary—A low- or moderate-income person.

(15) Regional review committee—A regional community development review committee, one which is established in each of the 24 state planning regions established by the governor pursuant to Texas Civil Statutes, Article 1011m.

(16) State review committee—The State Community Development Review Committee established pursuant to Texas Civil Statutes, Article 4413(201).

(17) TDCA—Texas Department of Community Affairs.

(18) Underemployed person—A person who works less than 40 hours per week, not by choice, at a salary that is not commensurate with his skills and experience.

(19) Unemployed person—A person between the ages of 16 and 64, inclusive, who is not presently working but is seeking employment.

(20) Unit of general local government—An entity defined as a unit of general local government in 42 United States Code §5302(a)(1), as amended.

(b) Overview. Community Development Block Grant nonentitlement area funds will be distributed by

the Texas Community Development Program to eligible units of general local government in the following program areas:

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

(4) Emergency fund.

(c) Types of applications.

(1) Single jurisdiction applications. An applicant may submit one application per Texas Community Development Program fund, as outlined in subsection (b) of this section, on its own behalf.

(2) Joint applications. Joint applications will be accepted from two or more units of general local government if the application clearly demonstrates that the proposed activities will mutually benefit the residents of the communities applying for funds. However, any community participating in a joint application may not submit a single jurisdiction application under the project fund for which the joint application was submitted. One of the participating communities must be primarily accountable to the TDCA for financial compliance and program performance. A joint application may not exceed the contract amount ceilings for its project category.

(d) Ineligible activities. Any type of activity not described or referred to in the federal Housing and Community Development Act of 1974, §5305(a) (42 United States Code §5301, *et seq*) is ineligible for funding under the Texas Community Development Program. Specific ineligible activities include, but are not limited to, construction of buildings and facilities used for the general conduct of government (e.g., city halls, courthouses, and jails); new housing construction, except in cases of replacement housing when individuals are displaced by Texas Community Development Program activities; the financing of political activities; purchases of construction equipment; income payments, such as housing allowances; and most operation and maintenance expenses; and precontract costs, such as application preparation fees paid prior to submittal of the application.

(e) Citizen participation. An applicant for Texas Community Development Program funding must:

(1) hold at least one public hearing prior to preparing its application and at least one additional public hearing prior to submitting its completed application to the TDCA. At least one of the public hearings must be held in the proposed project area. The first public hearing must be held at least 14 days prior to the second public hearing. The first public hearing must include a presentation describing the funding available, the types of eligible activities under the Texas Community Development Program, and the use of past Texas Community Development Program funds, if applicable. If an applicant changes the scope of its proposed project (e.g., the site, the amount of funds requested, or the number of beneficiaries) the applicant must hold an additional public hearing on the revised project prior to submitting its completed application to the TDCA; and

(2) publish notice of each hearing in the nonlegal section of a newspaper having general circulation in the municipality or county at least seven days prior to each scheduled hearing. The published notice must include the date, time, and location of each hearing and the topics to be considered at each hearing. The published notice must be printed in both English and Spanish at

the discretion of the unit of general local government as appropriate. An applicant must retain documentation of the notices of the hearings, a list of the persons who attended the hearings, and minutes of the hearings for a period of one year after the date of the second public hearing, or until the project, if funded, is closed out.

(f) Appeals. An applicant for funding under the Texas Community Development Program may appeal the disposition of its application in accordance with this subsection.

(1) The appeal may only be based on one or more of the following grounds:

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

(C) Other procedural error. The application is not processed by TDCA in accordance with the application and selection procedures set forth in this subchapter. Procedural errors alleged to have been committed by a regional review committee may only be appealed in accordance with the provisions of §9.6 of this title (relating to Regional Review Committees.)

(2) The appeal must be submitted in writing to the Texas Community Development Program/TDCA no later than 30 days after the date the announcement of contract awards is published in the *Texas Register*. The TDCA staff will evaluate the appeal and may either concur with the appeal and make an appropriate adjustment to the applicant's scores, or disagree with the appeal and prepare an appeal file for consideration by the state review committee at its next regularly scheduled meeting. The state review committee will make a final recommendation to the executive director of the TDCA. The decision of the executive director of TDCA is final.

(3) In the event the appeal is sustained and the corrected scores would have resulted in project funding, the application will be approved and funded out of the emergency fund (See §9.5 of this title (relating to Emergency Fund)). If the appeal is rejected, the TDCA will notify the applicant of its decision, including the basis for rejection, before the 31st day after the date the appeal is received by the TDCA.

(g) Threshold requirements. An applicant must satisfy each of the following requirements in order to be eligible for funding under the Texas Community Development Program:

(1) demonstrate the ability to manage and administer the proposed project, including meeting all proposed benefits outlined in its application;

(2) demonstrate the financial management capacity to operate and maintain any improvement made in conjunction with the proposed project;

(3) levy a local property tax or local sales tax option;

(4) demonstrate satisfactory performance on prior Texas Community Development Program contracts; and

(5) resolve all outstanding compliance and audit findings related to previous Texas Community Development Program contracts.

(h) Unmet benefits. Actions that may be taken against a contractor by the TDCA where the TDCA and the state review committee find that the contractor did not provide the level of benefits specified in its contract include, but are not limited to:

(1) holding the contractor ineligible to apply for Texas Community Development Programs funds for a period of two program years or until any issue of restitution is resolved, whichever is longer;

(2) requiring the contractor to reimburse the TDCA for the difference between the amount of funds provided for the level of benefits specified in the contract and the amount of funds actually expended in providing such level of benefits; and

(3) rescoring the contractor's application, and, if the level of benefits actually provided by the contractor would have changed the funding recommendation, terminating the local government's contract.

(i) False misrepresentations and false promises. If an applicant or contractor makes in its application either a false representation of a past or existing material fact when the false representation is made for the purpose of inducing the TDCA to enter into a contract and which the certifying official knew or should have known was false, or a false promise to do an act, when the false promise is material, made with the intention of not fulfilling it, made with the purpose of inducing the TDCA to enter into a contract, and which the certifying official knew or should have known was false, the TDCA will refer the matter to the state review committee for disciplinary action. The state review committee shall make a recommendation for action to the executive director of the TDCA at its next regularly scheduled meeting. Recommendations that the state review committee may make include, but are not limited to:

(1) holding the applicant or contractor ineligible to apply for Texas Community Development Program funds for a period of two program years or until any issue of restitution is resolved, whichever is longer; and

(2) terminating the local government's contract if the correct information would have changed the scores and resulted in a change in the rankings for purposes of funding.

(j) Substitution of standardized data. Any applicant that chooses to substitute locally generated data for standardized information available to all applicants must use the survey instrument provided by the TDCA and must follow the procedures prescribed in the instructions to the survey instrument. Substitution of data for scoring community distress factors will require a 100% effort. Data on low/moderate income benefits have varying acceptable sample sizes based on the population of the community and the type of activity for which funds are being sought.

§9.4. *Planning/Capacity Building Fund.*

(a) General provisions. This fund is intended to provide an opportunity for units of general local government to prepare comprehensive community development plans, develop strategies, assess needs, and build or improve local capacity to undertake future community development projects or to prepare other needed planning elements. Eligible units of general local government are to be the direct recipients of planning contracts. Units of general local government may submit one application for planning funds semiannually. A community which is currently receiving or applying for funding under the community development project fund may only submit an application under this section if the proposed plan-

ning/capacity building project is unrelated to activities for which the local government has received funding under the community development project fund or for which the local government is applying for funding under the community development project fund

(b) **Funding cycle.** This fund is allocated on a semi-annual basis to eligible units of general local government on a statewide competitive basis. Applications for funding for each cycle must be received by the Texas Community Development Program by 5 p.m. on the following dates:

- (1) first semiannual competition: June 20, 1984;
- (2) second semiannual competition: December 15, 1984.

(c) **Selection procedures.** Scoring and the recommended ranking of projects will be done by a five-member Technical Review Committee with input from the regional review committees. The Technical Review Committee will be designated by the executive director of the TDCA from within the TDCA or other appropriate state agencies (e.g., the Governor's Office of Planning and Intergovernmental Relations). The application and selection procedures consist of the following steps.

(1) Prior to the application deadline, each eligible jurisdiction may submit one application for funding under the community development planning/capacity building fund. Copies of the application should be provided to both the regional review committee and the TDCA/Local Government Assistance Division.

(2) Upon receipt of an application, the TDCA staff will perform an initial review to determine whether the application is complete and whether the activities proposed are eligible for funding. In those instances where the TDCA staff determines that the application is either incomplete or that the activities are ineligible for funding, the applicant may correct any deficiencies in the application as long as it is resubmitted prior to the application deadline. Results of this initial staff review will be provided to the applicant and the Technical Review Committee.

(3) Each regional review committee may, at its option, review and comment on a planning/capacity building proposal from a jurisdiction within its state planning region. These comments will become part of the application file and will be considered by the Technical Review Committee.

(4) The Technical Review Committee generates scores on factors related to project design. Each application will be scored on how the proposed planning activities resolve the identified community/economic development needs of the local government. This information, as well as any comments made by the regional review committee, will be used by the Technical Review Committee to generate scores on the project design factors.

(5) The TDCA generates scores on selection criteria relating to community distress, benefits to low- and moderate-income persons, and minority hiring and contracting. Scores on the factors in these three categories are derived from standardized data from the Census Bureau, other state or federal sources, or from information provided by the applicant.

(6) Scores on all factors are totaled to obtain project rankings.

(7) The TDCA staff submits funding recommendations to the state review committee. The state review committee will then review the work of the Technical Review Committee and the TDCA staff and provide funding recommendations to the executive director of the TDCA.

(8) The executive director of the TDCA submits funding recommendations to the governor for final review and announcement of the contract awards.

(9) Upon the announcement of contract awards by the governor, the TDCA staff will begin working with recipients to execute the contract agreements. While the award must be based on the information provided in the application, the TDCA may negotiate any element of the contract agreement with the recipient as long as the contract amount is not increased and the level of benefits described in the application is not decreased.

(d) **Selection criteria.** The following is an outline of the selection criteria to be used by the TDCA, the Technical Review Committee, and the state review committee for selection of the projects under the planning/capacity building fund. One thousand seventy-five points are available.

(1) **Community distress (Total—200 points).** All community distress factor scores are based on the population of the applicant.

(A) Percentage of persons living in poverty—50.

(B) Per capita income—50.

(C) Percentage of housing units without some or all plumbing—50.

(D) Unemployment rate—50.

(2) **Percentage of Texas Community Development Program funds that directly benefit low and moderate income persons (Total—300 points).** This factor score is based only on those residents of the applicant that are determined to be direct beneficiaries of the applicant's proposed activities, as defined by the TDCA in its current Texas Community Development Program application package.

(3) **Minority hiring and contracting (Total—100 points).** In the event less than 2.0% of the applicant's population base is composed of minority residents, the applicant does not have any permanent minority employees, or the applicant has not purchased any goods and services from a minority firm for a total dollar value of greater than \$1,000, the applicant will be assigned the average score on this factor for all applicants in its state planning region. The terms used in this paragraph are defined in the current Texas Community Development Program application package. The applicable period for the purchases of goods and services is either the most recent 12-month period or the most recently completed fiscal year of the local government.

(A) Percentage of minorities presently employed by the applicant divided by percentage of minority residents within the local community—50.

(B) Percentage dollar awards by the applicant to minority businesses for purchases of goods and services divided by percentage of minorities in the area—50.

(4) **Need for planning effort (Total—175 points).**

(A) Increase/decrease in population of the applicant, based on percent change—50.

- (B) Program priority—100.
- (C) Initial planning versus updating plans—

25.

(5) Proposed planning effort (Total—300 points).

(A) Local commitment (Total—75 points).

This factor is based on the matching of Texas Community Development Program funds by the applicant. Scores will be based on hard dollars committed to the planning effort, community size, and local tax effort. Communities with a population under 2,000 are exempt from this factor and will receive the average score of all other applicants.

(B) Planning strategy and products (Total—225 points). Points will be awarded on the following:

(i) the extent to which findings of previous planning efforts have been implemented;

(ii) how clearly the proposed planning effort will resolve the community needs addressed in the application; and

(iii) whether the proposed activities will result in the development of a strategy capable of implementation.

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 May 14, 1984.

TRD-845385 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Effective date: June 5, 1984
Proposal publication date: April 13, 1984
For further information, please call (512) 443-4100,
ext. 210.

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 61. Chronic Diseases

Kidney Health Care Program Benefits

25 TAC §61.4, §61.6

The Texas Department of Health adopts amendments to §61.4 and §61.6, concerning the administration of the Texas Kidney Health Care Act, without changes to the proposed text published in the March 20, 1984, issue of the *Texas Register* (9 TexReg 1622).

The amendments provide additional notice to the public of what documentation or combinations of documentation the department will consider in determining an applicant's residency status; it is anticipated that such determinations and the subsequent completion of application review can be done more rapidly and efficiently.

Section 61.4, relating to applications for Kidney Health Care Program benefits, is amended to allow the submission of an application for a replacement Social

Security card in instances when the program applicant's card has been lost or destroyed.

Section 61.6, relating to documentation of an applicant's bona fide Texas residency, is amended to add new subsections (b)-(d) to address those instances when documentation of Texas residency cannot be submitted in the applicant's own name as required under §61.6(a). New subsection (b) and subsection (c) provide a means for the parent(s), managing conservator(s), or guardian(s) of a minor or the guardian(s) of a handicapped adult to submit all or part of the required documents in the name of the parent(s), managing conservator(s), or guardian(s). In such cases, however, additional documentation must be submitted to demonstrate the legal relationships required in the definition of "bona fide resident" in §61.5. Subsection (d) requires a statement of explanation to support documents submitted which contain an address or which contain more than one address; and documents submitted which contain different names for the same person. In this latter case, additional supporting documentation, such as a marriage license, must be submitted to explain the difference in names.

Section 61.6(a)(1)(D) is amended to require that the documents addressed therein, warranty deed and rent or utility receipts, relate to the applicant's abode in Texas.

No comments were received regarding adoption of the amendments

The amendments are adopted under Texas Civil Statutes, Article 4477-20, §3, which authorize the Texas Board of Health to adopt rules necessary to provide adequate kidney care and treatment for the citizens of the State of Texas and to carry out the purposes and intent of the Texas Kidney Health Care Act.

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

Issued in Austin, Texas, on May 15, 1984.

TRD-845377 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: June 5, 1984
Proposal publication date: March 20, 1984
For further information, please call (512) 465-2654.

Chapter 85. Community Health Services

Agreement between the Texas Department of Health Resources and Local Health Agencies

25 TAC §85.1

The Texas Department of Health adopts the repeal of §85.1, without changes to the proposal published in the March 20, 1984, issue of the *Texas Register* (9 TexReg 1623).

The section concerns an agreement between the department and local health agencies which is no longer in effect. Since the section no longer has any applicability, it has been repealed.

The agreement covered by the section has been repealed.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4414b, §1.05(a)(4), which authorize the Texas Board of Health to adopt rules for the performance of its duties.

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 May 15, 1984.

TRD-845378 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: June 5, 1984
Proposal publication date: March 20, 1984
For further information, please call (512) 458-7236.

Chapter 157. Emergency Medical Care

Emergency Medical Services

25 TAC §§157.61-157.73

The Texas Department of Health adopts new §§157.61-157.73, concerning emergency medical services. Sections 157.62, 157.63, 157.65-157.68, 157.70, and 157.72 are adopted with changes to the proposed text published in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1669). Sections 157.61, 157.64, 157.65, 157.69, 157.71, and 157.73 are adopted without changes and will not be republished. The rules replace emergency §§157.61-157.75, covering emergency medical services, at the time these rules become effective.

These rules are intended to provide minimum requirements for emergency medical services personnel certification, vehicle registration by permit, categorization of vehicles, suspension and revocation of vehicle permits, requests for emergency care attendant training, requests for variances, and fees.

These rules establish the framework by which prompt and efficient prehospital care for the sick and injured will meet minimum statewide standards under the supervision of a physician when possible.

Concerning §157.62., one commenter said the use of the word "may" in the definition of "basic life support" should be changed to "shall" and the sentence restructured so that this level of care "may be" under medical supervision.

The department agrees and has changed the definition of basic life support (BLS) to read:

an emergency care attendant or basic emergency medical technician shall provide this level of care. This level of care may be under the medical supervision and control of a licensed physician.

Concerning Mobile Intensive Care Unit, one commenter said the word "cardioversion" should be included as it was in the original definition.

The department agrees and has changed the definition of Mobile Intensive Care Unit to read "provide cardiac monitoring, defibrillation, cardioversion, drug therapy."

Concerning volunteer EMS personnel, a commenter recommended a change in the definition to read "certified EMS individual who provides emergency medical care through affiliation with a not-for-profit emergency medical services provider."

The department disagrees with the recommendation as this definition may be restrictive in that it may require organizations to have formal, legal nonprofit status.

Concerning §157.63(a)(2), one commenter said many EMS persons are National Registry certified and should receive the same recognition for certification in Texas as those individuals certified in another state.

The department agrees, and §157.63(a)(2) has been changed appropriately.

Concerning §157.63(a)(5)(B)(iiii), one commenter said the use of the word "insertion" of the endotracheal tube or the esophageal obturator for airway control is limiting. The skill should also include removal. It is recommended to change "inserting of" to "utilization of."

The department agrees, and §157.63(a)(5)(B)(iiii) has been changed appropriately.

Concerning §157.63(a)(5), one commenter said the role of the basic EMT should be expanded to include the utilization of pneumatic antishock pants as a skill.

The department disagrees with the comment as this is not part of the course curricula for this level, nor does Chapter 197 of the Medical Practice Act, Texas Civil Statutes, Article 4495b, authorize this procedure for the B-EMT.

Concerning §157.67(b)(1)(B), one commenter said just having an air conditioner and heater is not adequate, these should be "in proper working order."

The department agrees with the comments and has changed §157.67(b)(1)(B) appropriately.

Concerning §157.67(c)(26), one commenter said walkie-talkie radios do not provide adequate communication for an EMS vehicle and should not be allowed.

The department agrees with the comment and has changed §157.67(c)(26) appropriately.

Concerning §157.67(c)(27), one commenter said the liquid chemical types of fire extinguishers in use today, are not capable of controlling or extinguishing the types of fires in which an EMS vehicle might be involved. Language should be changed to say a unit rat-

ed to a minimum of 4A,40BC of dry chemical type, because of the latest technology on types and capability of fire extinguishers.

The department disagrees with the recommendation because this will require a statutory amendment to the Uniform Act Regulating Traffic on Highways, Texas Civil Statutes, Article 6701d.

Concerning § 157.68 (c)(7), several comments were received regarding the requirement of adult and pediatric pneumatic antishock trousers on the vehicle. Some of the comments recommended that this equipment should be at the discretion of the medical director. Other comments recommended this equipment remain as a requirement.

The department agrees with both points of view but realizes there are differences in the medical community regarding this equipment; therefore to accommodate both viewpoints, § 157.68(c)(7) has been changed to read: "(7) Pneumatic antishock trousers in adult and pediatric sizes. (Waiver may be granted for medical director restrictions.)"

Other minor miscellaneous editorial changes for clarity have been made in the text.

Comments were received from Texas Emergency Medical Services Advisory Council, Aransas County Emergency Medical Service, Northwest Rural Emergency Medical Services Association, Olney-Young County Ambulance Services, Alamo Area Council of Governments EMS/MAST Committee, Mexia Fire Department, and Texas Society of Fire Service Instructors.

Commenters in favor of the rules were Aransas County Emergency Medical Service, Northwest Rural Emergency Medical Services Association, and Olney-Young County Services.

No commenters were against the rules; however, several organizations had questions or concerns and made specific recommendations for changes to certain subsections of the rules. These organizations were Texas Emergency Medical Services Advisory Council, Alamo Area Council of Governments EMS/MAST Committee, Mexia Fire Department, and Texas Society of Fire Service Instructors.

The new sections are adopted under Texas Civil Statutes, Article 4447o, §§ 3.02, 3.03, and 3.04, which provide the Texas Board of Health with the authority to adopt rules to implement the Emergency Medical Services Act.

§157.62. Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise:

Act—Emergency Medical Services Act, Texas Civil Statutes, Article 4447o.

Advanced life support (ALS)—Emergency prehospital care using invasive medical acts. A specially skilled emergency medical technician or a paramedic emergency medical technician shall provide this level of care the medical supervision and control of a licensed physician.

Advanced life support (ALS) vehicle—A vehicle that is designed for transporting the sick and injured and that meets the requirements of a basic life support vehicle and equipment and supplies for providing intravenous therapy and endotracheal or esophageal intubation or both.

Basic emergency medical technician (B-EMT)—An individual who has received a minimum of 120 hours of training approved by the department and who is certified by the department as minimally proficient to perform emergency prehospital care that is necessary for basic life support and that includes the control of hemorrhaging and basic cardiopulmonary resuscitation.

Basic life support (BLS)—Emergency prehospital care using noninvasive medical acts. An emergency care attendant or basic emergency medical technician shall provide this level of care. This level of care may be under the medical supervision and control of a licensed physician.

Basic life support vehicle—A vehicle that is designed for transporting the sick or injured and that has sufficient equipment and supplies for providing basic life support.

Board—The Texas Board of Health.

Bureau—The Bureau of Emergency Management of the Texas Department of Health.

Bureau chief—The chief of the Bureau of Emergency Management of the Texas Department of Health.

Candidate—An individual who is requesting emergency medical services personnel certification from the Texas Department of Health.

Certificant—Emergency medical services personnel with current certification from the Texas Department of Health.

Department—The Texas Department of Health.

Emergency care attendant (ECA)—An individual who has completed a minimum of 40 hours of training approved by the department and who is certified by the department to provide emergency prehospital care by providing initial aid that promotes comfort and avoids aggravation of an injury or illness.

EMS—Emergency medical service.

Emergency medical services personnel—

- (A) emergency care attendant (ECA);
- (B) basic emergency medical technician (B-EMT);
- (C) specially skilled emergency medical technician (SS-EMT); or
- (D) paramedic emergency medical technician (P-EMT).

Emergency medical services provider—An organization that uses or maintains emergency medical services vehicles or emergency medical services personnel to provide emergency medical care or nonemergency transportation of the sick or injured.

Emergency medical services vehicle—

- (A) basic life support vehicle;
- (B) advanced life support vehicle;
- (C) mobile intensive care unit; or
- (D) specialized emergency medical services vehicle.

Emergency prehospital care—Care provided to the sick or injured during emergency transportation to a med-

ical facility, including any necessary stabilization of the sick or injured in connection with that transportation.

Governmental entity—A county, a city or town, a school district, or a special district or authority created in accordance with the Texas Constitution, including a rural fire prevention district, a water district, a municipal utility district, and a hospital district.

Industrial ambulance—Any vehicle owned and operated by an industrial facility including both ground vehicles at industrial sites used for the initial transport or transfer of the unstable urgently sick or injured and ground vehicles at industrial sites used to transport persons at those sites who become sick, injured, wounded, or otherwise incapacitated in the course of their employment from job site to an appropriate medical facility; provided, however, that the vehicle is not available for hire or use by the general public except when assisting the local community in disaster situations or when existing ambulance service is not available.

Medical supervision—Direction given to emergency medical services personnel by a licensed physician under the terms of the Medical Practice Act, Texas Civil Statutes, Article 4495b, and rules promulgated by the Texas State Board of Medical Examiners pursuant to the terms of the Medical Practice Act.

Mobile intensive care unit—A vehicle that is designed for transporting the sick or injured and that meets the requirements of the advanced life support vehicle and has sufficient equipment and supplies to provide cardiac monitoring, defibrillation, cardioversion, drug therapy, and two-way radio communication.

Paramedic emergency medical technician (P-EMT)—An individual who has successfully completed the basic emergency medical technician requirements and an additional minimum of 400 hours of training approved by the department and who is certified by the department as minimally proficient to provide emergency prehospital care by providing advanced life support that includes initiation, under medical supervision, of intravenous therapy, endotracheal or esophageal intubation or both, electrical cardiac defibrillation or cardioversion, and drug therapy.

Person—An individual, corporation, organization, government, governmental subdivision or agency, business, trust, partnership, association, or any other legal entity.

Recertification—The procedure for renewal of emergency medical services certification.

Reciprocity—The recognition of certifications or privileges granted to an individual from another state.

Service area—A trade, market, patient flow, or other catchment area in which an emergency medical services provider provides 95% of the emergency prehospital care.

Shall—Mandatory requirements.

Sole provider—The only emergency medical services provider in a service area.

Specialized emergency medical services vehicle—A vehicle that is designed for transporting the sick or injured by means of air, water, or ground transportation, that is not a basic life support or advanced life support vehicle or a mobile intensive unit, and that has sufficient equipment and supplies to provide for the specialized

needs of the patient transported. The term includes fixed wing aircraft, helicopters, boats, and ground transfer vehicles used for transporting the sick or injured.

Specially skilled emergency medical technician (SS-EMT)—An individual who has successfully completed the basic emergency medical technician requirements and an additional minimum of 160 hours of training approved by the department and who is certified by the department as minimally proficient in performing skills required to provide emergency prehospital care by initiating under medical supervision intravenous therapy and endotracheal or esophageal intubation or both.

Volunteer personnel—Emergency medical services personnel whose sole involvement in providing emergency prehospital care is with an emergency medical services volunteer provider and who is unsalaried.

Volunteer provider—An emergency medical services provider that provides emergency prehospital care without remuneration, except for reimbursement for expenses.

§157.63. *Certification.*

(a) A candidate shall:

- (1) be 18 years of age;
- (2) successfully complete a department-approved course or submit proof of current EMS personnel certification from another state or National Registry of EMT's;

- (3) complete the application for examination;
- (4) submit to the department the application and the applicable nonrefundable fee:

- (A) SS-EMT and P-EMT-\$30;
- (B) ECA and B-EMT-\$20; or
- (C) EMS volunteer personnel-no fee.

(5) achieve a passing grade on all department skills examinations;

(A) ECA and B-EMT skills examination shall consist of:

- (i) dressing and bandaging/splinting;
- (ii) traction splints;
- (iii) mechanical aids to breathing;
- (iv) vital signs; and
- (v) basic cardiopulmonary resuscitation.

(B) SS-EMT skills examination shall consist of the skills examination requirements for ECA and B-EMT in subsection (a)(5)(A) of this section, and in addition:

- (i) intravenous fluid therapy administration;
- (ii) utilization of the antishock trousers; and
- (iii) utilization of the endotracheal tube and the esophageal obturator for airway control.

(C) P-EMT skills examination shall consist of the skills examination requirements for ECA, B-EMT, and SS-EMT in subsections (a)(5) (A) and (B) of this section, and in addition:

- (i) emergency drug administration;
- (ii) dysrhythmia recognition; and
- (iii) defibrillation and cardioversion.

(6) achieve a passing grade of 70 on the department's written examination.

(b) After verification by the department of the information submitted by the candidate, a candidate who meets the requirements in subsection (a) of this section shall be certified for four years commencing on the date

of issuance of a certificate and wallet-sized card signed by department officials.

(c) A candidate who fails either the skills examination or the written examination may retest one time within 90 days of the initial examination date. A request for a retest of the written examination shall be made to the department at least 30 days in advance of the expiration of the 90-day period.

(d) A certificate is not transferable. The wallet-sized certificate shall be carried by all EMS personnel while on duty.

(e) EMS personnel shall perform emergency care procedures only as authorized by the Medical Practices Act, Texas Civil Statutes, Article 4495b, and rules adopted thereunder in 22 TAC §§193.1-193.5 (relating to Standing Delegation Orders) and §§197.1-197.4 (relating to Emergency Medical Service).

§157.66. General Requirements for Vehicle Permits.

(a) A vehicle holding a valid permit prior to January 1, 1984, issued under the authority of Texas Civil Statutes, Article 4590b, shall be deemed permitted under the requirements of this title until either the original expiration date of the permit or until December 31, 1985, whichever is earlier.

(b) Permit application.

(1) Initial application.

(A) An EMS provider shall request an application form from the bureau.

(B) The EMS provider shall submit the completed application and the nonrefundable fee, if any, as provided in subsection (c) of this section.

(C) The bureau may request the EMS provider to submit information to allow for radio frequency coordination of the special emergency frequencies prior to the operation of new or modified equipment.

(2) Permit renewal.

(A) The bureau shall notify the EMS provider 60 days prior to the expiration date of a vehicle permit.

(B) EMS providers shall submit a completed application and the nonrefundable fee, as provided in subsection (c) of this section. An application shall be submitted at least 30 days prior to the expiration date.

(c) Fees.

(1) Fees shall be \$25 for each EMS vehicle or a maximum of \$500 for a fleet of EMS vehicles during the two-year registration period.

(2) If a permit is issued for less than a two-year period under subsection (d)(4) of this section, the following fees shall apply:

(A) \$25 if the permit is valid for 19-24 months;

(B) \$18.75 if the permit is valid for 13-18 months;

(C) \$12.50 if the permit is valid for 7-12 months; or

(D) \$6.25 if the permit is valid for 6 months or less.

(3) If the EMS provider has met the maximum \$500 fee for a fleet during a permit period, no fee shall be required for additional vehicles registered during the permit period.

(d) Inspections.

(1) Prior to the issuance of a permit, the vehicle shall be inspected by the department at a reasonable time

and place agreed upon between the EMS provider and the department.

(2) The inspection shall include:

(A) Confirmation that the vehicle has a current motor vehicle certificate of inspection as required by Texas Civil Statutes, Article 6701d, and motor vehicle license number plates which show current registration as required by Texas Civil Statutes, Article 6675a-3e.

(B) Visual and mechanical inspection of the vehicle for the purpose of determining compliance with the vehicle type specifications of these rules. In addition, the following motor vehicle equipment shall be in good and working order as required by Texas Civil Statutes, Article 6701d:

(i) headlights, taillights, back-up lights, and brake lights;

(ii) horn and audible warning device;

(iii) emergency lights;

(iv) brakes; and

(v) tires.

(C) Visual and mechanical inspection of equipment for the purpose of determining compliance with the vehicle equipment specifications of these rules.

(3) A vehicle shall fail the inspection if the requirements in subsection (d)(2) of this section are not met.

(A) The department shall give the EMS provider a written report at the inspection indicating the deficiencies.

(B) A temporary 30-day permit shall be issued to allow for compliance.

(C) At the request of the EMS provider, the department shall reinspect the vehicle to determine if the deficiencies have been corrected. The department may require review of written documentation, such as equipment repair bills or sales receipts, and may reinspect the vehicle and equipment visually and mechanically for compliance with these rules.

(D) A second temporary permit may be issued after reinspection in the following cases:

(i) written documentation is submitted showing that equipment repair and/or part is back-ordered; or

(ii) written documentation is submitted showing that equipment was ordered but not received.

(4) A vehicle that meets the requirements of this section shall be issued a permit valid for a period of two years, except that the department may issue an initial permit for less than two years in order to conform expiration dates to existing inspection schedules for a locality. An initial permit shall be valid upon the date of issuance. A renewed permit shall be valid on the day after the expiration of the previous permit.

(e) Permits shall be issued for the following types of vehicles:

(1) basic life support vehicles;

(2) advanced life support vehicles;

(3) mobile intensive care units; and

(4) specialized emergency medical services vehicles.

(f) A permit is not transferable from one vehicle to another.

(g) A reserve vehicle which is not routinely used as an EMS vehicle shall apply for a permit under this sec-

tion. The application shall include a request for a variance in §157.72 of this title (relating to Request for Variances from Minimum Standards).

§157.67. Basic Life Support Vehicle Requirements for a Permit.

(a) Staffing requirements. The requirements for staffing a BLS vehicle, when in service, shall be:

(1) from January 1, 1984, through December 31, 1984, with at least two individuals, one of whom shall be trained to the emergency care attendant level and the other shall be the vehicle driver; and

(2) on and after January 1, 1985, with at least two emergency care attendants.

(b) Provision of advanced care. Advance life support level of care may be provided on a BLS vehicle when the vehicle:

(1) is staffed by an SS-EMT or P-EMT acting under medical supervision; and

(2) has proper advanced life support equipment.

(c) Vehicle type specifications.

(1) Vehicles shall have:

(A) 40 inches of head room in the patient compartment;

(B) air conditioning and heating in proper working order in the patient compartment; and

(C) a multilevel stretcher capable of being secured to the vehicle.

(2) The patient compartment size should be 100 inches long by 62 inches wide without cabinets or 100 inches long by 48 inches wide with cabinets.

(3) A vehicle holding a valid permit prior to January 1, 1984, issued under the authority of Texas Civil Statutes, Article 4590b, shall not be required to meet the vehicle type specifications of this subsection. Any vehicle applying for an initial permit shall meet the vehicle type specifications of this subsection.

(d) Required equipment. The following BLS required equipment must be clean, in working order, and in sufficient quantity to provide safe transport for patients in the individual service areas:

(1) one small, one medium, and one large size extrication cervical collar (soft foam rubber cervical collars are not acceptable);

(2) one portable suction apparatus with wide tubing and suction tip (bulb syringe not acceptable);

(3) one bag mask unit with adult and child sized masks which can be used with an external oxygen supply;

(4) one infant bag mask unit which can be used with an external oxygen supply;

(5) oropharyngeal airways (nonmetallic) in adult, child, and infant sizes;

(6) one portable oxygen unit with adequate tubing and semi-open valveless, transparent masks in adult and child sizes;

(7) two clean, padded bite sticks;

(8) two multi-trauma dressings approximately 10-inch by 30-inch in size;

(9) a minimum of 5 dozen sterile gauze pads;

(10) one dozen soft roller, adhering bandages;

(11) one-half dozen sterile petroleum jelly impregnated gauze or suitable occlusive dressing;

(12) four rolls of adhesive tape;

(13) four sterile burn sheets;

(14) one traction splint with all attachments suitable for an adult and child; or one adult and one child traction splint;

(15) padded board, cardboard, or aluminum splints as follows:

(A) two at least 15 inches long by at least three inches wide;

(B) one at least 48 inches long by at least three inches wide; or

(C) may be, but not limited to, any of the following types of splints:

(i) inflatable splints;

(ii) foam-type rapid splints;

(iii) wire ladder splints;

(iv) commercial fracture pack;

(16) long and short spine boards to include:

(A) one long six-foot board or commercial device; and

(B) one short spine board or commercial device; or

(C) commercial device which serves the purpose of both as provided in subsection d(16)(A) and (B);

(17) one dozen triangular bandages;

(18) two pairs of bandage shears; (table shears are not acceptable);

(19) sealed obstetrics kit which has been autoclaved or otherwise suitably sterile with expiration date attached. Commercial obstetrics kit is acceptable. A non-commercial kit must be labeled and include the following:

(A) sterile gloves;

(B) one disposable sheet;

(C) cleansing cloths;

(D) umbilical clamps;

(E) nylon cord tie-offs;

(F) disposable scalpel;

(G) bulb aspirator;

(H) four-inch by four-inch gauze sponges;

(I) obstetrical pad;

(J) receiving blanket;

(K) disposable towels; and

(L) plastic bag;

(20) nonporous infant insulating device;

(21) poison kit. The kit must include the following:

(A) Syrup of Ipecac; and

(B) activated charcoal or charcoal suspension (liquid);

(22) one adult and one child sphygmomanometer;

(23) stethoscope;

(24) Flashlight or penlight;

(25) one multilevel stretcher with two clean sheets, two clean blankets, and two clean pillows with clean cases;

(26) two-way radio (citizen's band radio and walkie-talkies are not acceptable); and

(27) fire extinguisher, at least a one-quart chemical type.

(e) Recommended equipment. The following equipment is recommended in addition to the required ambulance equipment:

(1) nasopharyngeal airway;

(2) epesis basin;

- (3) medium size dressing (five-inch by nine-inch or eight-inch by 10-inch);
- (4) adhesive bandage strips;
- (5) glucose or sugar for oral administration;
- (6) cold packs;
- (7) bulb syringe (separate from aspirator included in obstetrics kit);
- (8) plastic bags;
- (9) paper bags; and
- (10) sterile irrigation fluid.

§157.68. Advanced Life Support Vehicle Requirements for a Permit.

(a) Staffing requirements. The requirements for staffing an ALS vehicle shall be:

(1) The EMS provider shall be capable of providing this level of care 24 hours per day, seven days per week.

(2) When in service, an ALS vehicle shall be staffed with two EMS personnel, one of whom shall be a B-EMT and the other shall be a SS-EMT beginning March 1, 1984.

(b) Vehicle type specifications.

(1) General vehicular types shall be:

(A) Type I vehicle, class 1 or 2 shall be a chassis furnished with a two-door conventional cab. Chassis-cab shall be suitable for subsequent mounting of a modular (containerized), transferable equipped ambulance body.

(i) Class 1-Two rear wheel driven (four by two).

(ii) Class 2-Four wheel driven (four by four).

(B) Type II vehicle, class 1 or 2 shall be (truck) manufacturer's standard commercial, long wheelbase, forward control (FC), integral compact van. This van (body) vehicle shall be suitable for subsequent conversion/modification, and equipped as an EMS vehicle.

(i) Class 1-Two rear wheel driven (four by two).

(ii) Class 2-Four wheel driven (four by four).

(C) Type III, class 1, 2, or 3, shall be a specialty van, forward control (FC) style, unitized cab and body, or provided with a containerized modular constructed transferable body. The chassis or front section cab-chassis shall be suitable for the subsequent fabrication, conversion or modification into an EMS vehicle.

(i) Class 1-Two rear wheel driven (four by two).

(ii) Class 2-Four wheel driven (four by four).

(iii) Class 3-Two front wheel driven (four by two) (if available).

(2) The EMS vehicle shall be equipped with an electrical generating system rated at not less than 120 amperes at 14 volts.

(c) Required equipment. ALS required equipment shall include all BLS equipment as provided in §157.67(c) of this title (relating to Basic Life Support Vehicle Requirements for a Permit) plus the following which shall be clean and in working order:

(1) intravenous fluids with administration sets for volume replacement or to keep vein open in quanti-

ties and types as in EMS provider's Medical Treatment Protocol;

(2) 50% Dextrose;

(3) esophageal obturator and/or endotracheal tubes with laryngoscope and blades in adult, child, and infant sizes;

(4) demand valve oxygen unit, a mechanically operated, positive pressure ventilation device which is capable of manual operation may substitute;

(5) intravenous catheters and butterflies in quantities and sizes as in Medical Treatment Protocol;

(6) one copy of the Medical Treatment Protocol signed by the EMS provider's medical director; and

(7) pneumatic anti-shock trousers in adult and pediatric sizes (waiver may be granted for medical director restrictions.)

(d) Recommended equipment. The following equipment is recommended for ALS.

(1) nasopharyngeal airway;

(2) emesis basin,

(3) medium size dressing (five-inch by nine-inch or 8-inch by ten-inch),

(4) adhesive bandage strips;

(5) glucose or sugar for oral administration;

(6) cold packs;

(7) bulb syringe (separate from aspirator included in OB kit);

(8) plastic bags; and

(9) paper bags.

§157.70. Delegation of Vehicle Inspection.

(a) Inspections of EMS vehicles may be delegated by the department to the commissioners court of a county or the governing body of a municipality at its request.

(b) The requirements for delegation of inspection are as follows:

(1) File an application with the bureau on a department prescribed form containing:

(A) name of county or municipality;

(B) name(s) of individual(s) to perform inspection;

(C) name(s) of firm(s) to be inspected; and

(D) signature of county judge or mayor/city manager.

(2) The department may delegate to the municipality or county the authority to inspect EMS vehicles and collect fees in accordance with Texas Civil Statutes, Article 4447o, §3.04(c) and (d), and these rules upon the execution of a contract which includes, but is not limited to, the following provisions:

(A) The municipality or county shall employ an inspector(s) and shall have in place due process hearing procedures for such employees

(B) The inspector(s) employed by the municipality or county shall meet the following requirements.

(i) The inspector shall be certified as at least a B-EMT.

(ii) The inspector shall attend an inspection training program offered by the department. The inspector shall make three inspections with the department's vehicle inspector after which time the inspector will be evaluated, and, if necessary, retrained. The inspector must satisfactorily complete the training program in order to be approved by the department.

(C) The municipality or county shall immediately notify the department when any inspector leaves the employment of the municipality or county.

(D) The municipality or county shall provide the department with reports and information as requested in the format agreed to by the parties. The municipality or county shall agree to periodic evaluations of its inspection program.

(E) The municipality or county shall retain all fees collected and shall keep accurate records of the collection and deposit of such fees.

(F) The municipality or county shall comply with all applicable state and federal laws and department rules, policies, and procedures for vehicle inspection.

(G) The inspector may not inspect county or municipally operated vehicles if the inspector is in any way affiliated with the particular division which operates the vehicles.

(H) The contract may be terminated by the municipality or county upon 30 days notice, or by the department for cause after notice and opportunity for a hearing.

§157.71. Emergency Suspension, Suspension, and Revocation of a Permit.

(a) Emergency suspension.

(1) The bureau chief shall issue an emergency order to suspend any certificate or permit issued under this Act if the bureau chief has reasonable cause to believe that the conduct of any certificate holder or permit holder creates an imminent danger to the public health or safety.

(2) An emergency suspension is effective immediately without a hearing upon notice to the certificate holder or permit holder. In the case of a volunteer provider, notice must also be given to the sponsoring governmental entity.

(3) On written request of the certificate holder or permit holder, the department shall conduct a hearing not earlier than the 10th day nor later than the 30th day after the date on which a hearing request is received to determine if the emergency suspension is to be continued, modified, or rescinded. The hearing and an appeal from a disciplinary action related to the hearing are governed by §§1.21-1.32 of this title (relating to Formal Hearing Procedures) and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, as amended.

(b) Nonemergency suspension.

(1) Reasons for suspension. An EMS vehicle permit may be suspended for the following:

(A) the vehicle is not staffed in compliance with the Act and these rules;

(B) the vehicle does not meet the inspection requirements of these rules;

(C) the vehicle is not equipped in compliance with these rules; and

(D) a second offense of different nature within 12 months of a previous suspension.

(2) Notification. The permittee shall be notified in writing of the proposed suspension or revocation and be given an opportunity to request a hearing in accordance with §§1.21-1.32 of this title (relating to Formal Hearing Procedures).

(3) Hearing request.

(A) If the permittee does not request a hearing, in writing within 10 days, after receiving the notice of opportunity, the permittee is deemed to have waived the opportunity for a hearing and the permit shall be suspended at least 10 days.

(B) If the permittee requests a hearing and the findings are upheld, the permit shall be suspended at least 10 days.

(c) Revocation.

(1) Reasons for revocation. An EMS vehicle permit may be revoked for the following:

(A) operating the vehicle while under suspension of a permit;

(B) tampering, altering, or changing a permit issued by the department;

(C) failing to correct deficiencies during the period of suspension;

(D) any repeat offense, within 12 months of the initial suspension, which is grounds for suspension;

(E) any third offense which may cause suspension which occurs within a 12-month period of a previous suspension.

(2) Notification. The permittee shall be notified in writing of the proposed revocation and be given an opportunity to request a hearing in accordance with §§1.21-1.32 of this title (relating to Formal Hearing Procedures).

(3) Hearing request. If the permittee does not request a hearing, in writing within 10 days, after receiving the notice of opportunity, the permittee is deemed to have waived the opportunity for a hearing and the permit shall be revoked.

§157.72. Request for Variances from Minimum Standards.

(a) An EMS provider may request a variance from a standard or rule adopted under the Act based on a specific hardship by applying to the bureau chief. A request from a EMS volunteer provider shall be signed by the county judge for the county or by the mayor/city manager or the designee for a municipality within which the EMS volunteer provider intends to operate. The request shall be made on a form provided by the department.

(b) Evaluation of the request shall be based on the criteria in the Act, §3.13.

(c) If a variance is granted, an EMS vehicle permit shall be issued subject to annual review by the department. The department shall issue a letter to the EMS provider that states the specific rule or standard waived.

§157.73. Request for EMS Training at the Local Level.

(a) Generally. A governmental entity that sponsors or wishes to sponsor an EMS provider may request the bureau to provide EMS training for emergency care attendants if such training is not available locally.

(b) Requests.

(1) Requests from governmental entities shall be signed by the mayor, city manager, county judge, chairman of a hospital district board, or appropriate authority of other governmental entities.

(2) All requests shall be sent to the bureau chief on a department prescribed form containing:

- (A) number of residents in service area;
- (B) number of square miles in service area;
- (C) number and name of trained personnel, their certification level and expiration date;
- (D) number of vehicles and number of vehicles permitted;
- (E) name and distance to closest known training site;
- (F) source and amount of monetary support;
- (G) local governmental support and fiscal and other resources;
- (H) annual EMS budget;
- (I) time and place preferred by provider for training;
- (J) number of runs per month; and
- (K) other EMS providers in service area.

(c) Evaluation of requests. The bureau will evaluate each request and give priority to those requests indicating the greatest need for training. The bureau may request additional information for clarification.

(1) Evaluation of the request shall be based upon:

- (A) the determination of availability of training in service area;
- (B) the number of trained personnel in the service area for vehicle numbers and run data;
- (C) the level of care being provided by a sponsored EMS provider; and
- (D) the cost for training.

(2) The request may be denied if the bureau concludes from data presented that training is unnecessary or the training is available locally.

(d) Response to requests. The bureau shall respond, in writing, to the request within 30 days of receipt of the request.

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 May 15, 1984

TRD-845381 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: June 5, 1984
Proposal publication date: March 23, 1984
For further information, please call (512) 458-1393.

Texas Emergency Medical Services Advisory Council

25 TAC §§157.101-157.113

The Texas Department of Health adopts new §§157.101-157.113, concerning the conduct of meetings of the Texas Emergency Medical Services Advisory Council, without changes to the proposed text published in the February 28, 1984, issue of the *Texas Register* (9 TexReg 1195).

The new sections establish the procedure for the conducting of Texas Emergency Medical Services Advisory Council meetings.

The new sections assure an effective and efficient organizational procedure for the conduct of council meetings and provision of a format for public participation in council meetings.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 4447o, §3.01, which provide the Texas Emergency Medical Services Advisory Council with the authority to adopt rules for the conduct of its meetings.

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 May 15, 1984

TRD-845382 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: June 5, 1984
Proposal publication date: February 28, 1984
For further information, please call (512) 458-1393.

Chapter 229. Food and Drug Chemical and Pesticide Tolerance Levels in Food

The Texas Department of Health adopts new §229.221 and §229.222, with changes to the proposed text published in the February 14, 1984, (9 TexReg 903) and March 20, 1984, (9 TexReg 1624) issues of the *Texas Register*, respectively. Final §229.221 will become effective August 6, 1984, upon the expiration of emergency §229.221, and §229.222 will become effective September 1, 1984.

The new sections ensure that food to be consumed by the public will not contain quantities of 1, 2, dibromo ethane, also known as ethylene dibromide or EDB, such as to render the food injurious to health.

Section 229.221 establishes tolerance levels for EDB in food, and §229.222 establishes effective dates for the tolerance levels for EDB in food being less than one part per billion.

A commenter suggested that the mixing of EDB contaminated products with those containing lesser amounts of EDB be prohibited. The Texas Department of Health's response is that there is no provision within the Texas Food, Drug, and Cosmetic Act to restrict such a mixing or reconditioning process. Product blending is a common practice within the milling industry. If the finished product is within tolerance levels, no violation has occurred.

A commenter suggested that the department withhold all batches of agricultural and food products until testing shows no detectable amount of EDB. The Texas Department of Health's response is that the volume of food products distributed in this state would make

it impossible to test each product for EDB prior to marketing. The department's laboratory would be incapable of analyzing all of these products in a short period of time.

A commenter suggested water used in processing foods and beverages should contain no detectable amount of EDB. Water testing conducted by the department has revealed no detectable level of EDB. Water used in processing foods and beverages, and found to contain any level of EDB, would be in violation of the Texas Food, Drug, and Cosmetic Act.

Several commenters expressed concern over the effective dates for tolerance levels. Two commenters wanted the level of one part per billion (ppb) to be applied now and not at later dates. Another commenter wanted a level of 30 ppb to be applied now and not at later dates. The department's response is that the tolerance levels and the effective dates of September 1, 1984, and May 1, 1986, are based on EPA recommended guidelines and on department calculations regarding the exposure to EDB during the interim period. In addition, existing emergency §229.221(a)(3) and (6) provide for a level of less than 30 ppb for fruits and ready-to-eat grain products and a level of less than one ppb for baby foods. These levels will be continued in the permanent §229.221.

A commenter suggested that there should be no tolerance levels allowed for any fruits or vegetables for which the use of EDB is already illegal. The department concurs in regard to vegetables, because EDB is not authorized for use on vegetables under either federal or state law. Therefore, the department has changed §229.221 to exclude the authorized use of EDB on vegetables. The use of EDB on fruits is legal, and the tolerance level will be as indicated in the rules.

A commenter suggested that tolerances set for whole citrus should not exceed levels set for the edible portions. The Texas Department of Health's response is that the whole citrus fruit is not consumed, therefore the tolerance is applicable to the edible portion.

A commenter suggested that products which have been treated with EDB should be labeled with information which will allow consumers to avoid them. The Texas Department of Health's response is that EDB is no longer being utilized on food products with the exception of imported citrus. It would not be possible to label citrus as treated with EDB, but in any event fruits containing excessive levels of EDB are currently being detained and destroyed by the department.

A commenter requested the Texas Department of Health to provide free testing of any product not certified by the supplier as containing less than one ppb of EDB. The Texas Department of Health's response is that there is no requirement for certification by the supplier. The department's resources would not permit the testing of all food products.

A commenter encouraged the publication of EDB test results. The Texas Department of Health's response is that test results are being published, and are available to anyone requesting them.

A commenter suggested mandatory labeling of food products to reveal all additives and chemicals used during production, storage, and processing. The Texas Department of Health's response is that the Texas Food, Drug, and Cosmetic Act requires that all food additives be listed within the ingredients statement on the product label. To list all chemicals used during production, storage, and processing would be impossible as the manufacturer would not be aware of all chemicals used on food products prior to acquisition.

A commenter suggested that before issuing a final decision, the Board of Health should consider the particular levels of exposure which Texans experienced due to Texas dietary patterns and a Texas requirement that fumigation of citrus with EDB was necessary before entering the state. The Texas Department of Health's response is that dietary patterns were considered in arriving at the current tolerance levels. Texas dietary patterns would differ little from the national patterns in the consumption of cake mixes and other mixes which have displayed the greatest tendency toward excessive EDB levels. Products such as tortillas, masa mixes, etc., which may be considered unique to Texas as a dietary staple, have been tested and found to be within tolerance levels. Only citrus being imported from outside the U.S. is required to be treated with EDB. This is a USDA requirement, and not a Texas requirement.

A commenter suggested that a formal protocol should be established to organize future testing priorities to ensure that all endangered food categories are adequately tested. The department should require manufacturers to notify the Texas Department of Health of all products which are sold in the State of Texas. The Texas Department of Health's response is that such a protocol has been established with direct information sharing through the FDA electronic mail network. This allows all participating states to share information and establish direction in sampling efforts. The requirement of manufacturers to notify the department of products being sold in Texas would be impossible to regulate due to the enormous volume of products, fluctuation of the market, and the ongoing introduction and removal of products.

A commenter suggested the Texas Health Department should require manufacturers conducting voluntary testing for EDB contamination and recall of their products to provide the department with the identity (lot, name, EDB level found) of all products removed voluntarily. The Texas Department of Health should make this information available to consumers. The Texas Department of Health's response is that there is no provision within the Texas Food, Drug, and Cosmetic Act for such a requirement. Manufacturers may remove any product from the market for any reason without notifying the department. Unless the department has tested a product and found it in violation, the product may be freely removed.

A commenter suggested that the department should require food manufacturers to bear the costs of testing their own products. The department should consider the proposal of the National Sanitation

Foundation (NSF) which would require manufacturers to certify after testing (at their expense) that food products are not contaminated with EDB. The Texas Department of Health's response is that the department is examining the NSF proposal as a reasonable approach to premarketing examination of food products. This program is still in the discussion stage, but regulatory authorities are urging the adoption of such a program.

A commenter suggested that the department should adopt a systematic process to ensure that all contaminated products are removed from grocery store shelves. The Texas Department of Health's response is that the department has such a process in its recall procedures.

A commenter suggested that a major concern is for the consuming public to be adequately informed of all levels of EDB found in food, and not just those foods which have levels that exceed tolerances. The commenter stated that the department is not making this information readily available on a statewide basis. The commenter asserted that this service should be provided by the department for the next two years or until EDB tolerance levels are established at less than one part per billion. The Texas Department of Health's response is that department lists of all products tested are made available on a request basis.

A commenter stated that it had been reported in newspapers that food products taken from states with lower tolerance levels were being shipped to states such as Texas with higher tolerance levels. The commenter wondered how much longer the department may have to test food products if this is the case. The Texas Department of Health's response is that no provision is made within the law for products taken from states with lower tolerance levels being shipped into Texas. If the product does not exceed the tolerance levels established by the Texas Board of Health, the product is acceptable for sale in this state. Manufacturers and distributors insist, however, that the cost of handling and transportation exceeds the value of the product. Therefore, it is unlikely that the removal of products in one state for shipment to another will occur to any great extent.

Several commenters protested the adoption of EPA guidelines for EDB tolerances in foods and proposed that the department establish tolerances independent of those recommended by EPA. Tolerances established for EDB in raw agricultural products and processed foods must be uniform on a nation-wide basis. The Environmental Protection Agency has the responsibility for regulating the use of all pesticides for soil and post-harvest fumigation. It can be assumed that the majority of states will adopt the EPA guidelines. The enforcement of tolerances which vary from those enforced by other states would be most difficult.

Comments were received from the following: Mrs. J. J. Jacobson, Lone Star Chapter, Sierra Club, Austin; Brad Rockwell, Wheatsville Co-op Board of Directors, Austin; Tani Adams, Texas Pesticide Project, Austin; Dorothy R. and Walter B. Felfe, Route 1, Box 935,

Center Point, Texas 78010; Bob and Lou Holden, Route 2, Box 228A, Lampasas, Texas 76550; and Helen Autin, 4341 Edmondson, Dallas, Texas 75205. None of the commenters opposed the rules; however, several groups expressed concern over specific parts of the rules and made specific recommendations for more stringent rules.

The only change made to §229.222 is in the rule title.

25 TAC §229.221

The new section is adopted under Texas Civil Statutes, Article 4476-5, §20(a), which provide the Texas Department of Health with the authority to adopt rules to implement §10(a)(2) and §13 dealing with tolerance levels of poisonous and deleterious substances in food.

§229.221. *Tolerance Levels for Ethylene Dibromide (EDB) in Food.*

(a) The following tolerance or maximum levels are established for residues of the insecticide EDB in food:

(1) unprocessed raw grain products intended for human consumption—900 parts per billion (ppb);

(2) processed grain products that normally would require baking or cooking before eating—150 ppb;

(3) ready-to-eat grain products that require no baking or cooking—30 ppb;

(4) fruits which will receive heat processing—150 ppb. After September 1, 1984, the tolerance or maximum level will be less than one ppb;

(5) ready-to-eat fruits and products derived directly therefrom—30 ppb. After September 1, 1984, the tolerance or maximum level will be less than one ppb; and

(6) foods marketed as baby foods—no detectable traces of EDB when tested for one ppb are allowed.

(b) Any levels of EDB which go above the tolerance or maximum level established in subsection (a) of this section come within the category of adulterated food as described in the Texas Food, Drug, and Cosmetic Act, Texas Civil Statutes, Article 4476-5, §10(a)(2).

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

Issued in Austin, Texas, on May 15, 1984.

TRD-845383

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

Effective date: August 5, 1984

Proposal publication date: February 14, 1984

For further information, please call (512) 458-7248.

25 TAC §229.222

The new section is adopted under Texas Civil Statutes, Article 4476-5, §20(a), which provide the Texas Department of Health with the authority to adopt rules to implement §10(a)(2) and §13, dealing with tolerance levels of poisonous and deleterious substances in food.

§229.222. Effective Date for the Tolerance Levels for Ethylene Dibromide (EDB) in Food Being Less Than One Part Per Billion.

(a) After May 1, 1986, the tolerance or maximum levels for residue of the insecticide 1, 2, dibromo ethane, also known as ethylene dibromide or EDB, in food described in §229.221(a)(1)-(3) of this title (relating to Tolerance Levels for Ethylene Dibromide (EDB) in Food) shall be less than one part per billion.

(b) After September 1, 1984, the tolerance or maximum levels for residue of the insecticide 1, 2, dibromo ethane, also known as ethylene dibromide or EDB, in food described in §229.221(a)(4)-(5) of this title (relating to Tolerance Levels for Ethylene Dibromide (EDB) in Food) shall be less than one part per billion.

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 May 15, 1984.

TRD-845384

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

Effective date: September 1, 1984

Proposal publication date: March 20, 1984

For further information, please call (512) 458-7248.



**TITLE 31. NATURAL RESOURCES
Part XV. Texas Low-Level
Radioactive Waste Disposal
Authority**

**Chapter 449. General Provisions
Subchapter D. Private Donors**

31 TAC §§449.41-449.46

The Texas Low-Level Radioactive Waste Disposal Authority adopts new §§449.41-449.46, without changes to the proposed text published in the March 9, 1984, issue of the *Texas Register* (9 TexReg 1413).

Subchapter D is responsive to Texas Civil Statutes, Article 6252-11f, which require state agencies that are authorized to accept funds from private sources to publish rules governing the relationship between the agency and private donors.

The subchapter defines a private donor, establishes procedures for administration of donated funds and use of authority employees and property, prohibits monetary enrichment of authority employees by a private donor, and provides for a yearly report on the use of donated funds.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 4590f-1, which provide the Texas Low-Level Radioactive Waste Disposal Authority with the authority to adopt and amend rules, standards, and orders, and under Texas Civil Statutes, Article 6252-11f.

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 May 16, 1984.

TRD-845387

Lee H. Mathews
General Counsel
Texas Low-Level Radioactive
Waste Disposal Authority

Effective date: June 6, 1984

Proposal publication date: March 9, 1984

For further information, please call (512) 835-6795.

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. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or 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. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

State Banking Board

Wednesday, May 23, 1984, 2 p.m. The State Banking Board will meet at 2601 North Lamar Boulevard, Austin. Items on the agenda include applications for charter for the Bank of Leon Springs, Leon Springs, Provident Bank-Denton, Denton, and Liberty Hill State Bank, Liberty Hill; interim charter applications for new Frontier State Bank, Eagle Pass, and new Sulphur Springs Bank, Sulphur Springs; a motion for rehearing for First Bank of Terrell, Terrell; a domicile change for Pinemont Bank, Houston; and a review of applications approved but not yet open for business.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: May 15, 1984, 2:25 p.m.
TRD-845363

State Bar of Texas

Wednesday, May 23, 1984, 10 a.m. The Executive-Budget Committee of the State Bar of Texas will meet in the President's Room, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will hear the president's re-

port, concerning general and committee matters, interest on lawyers trust accounts, and a Federal Trade Commission matter; hear a progress report on the American Bar Association constitutional structure; reconsider the Professional Development Standing Committee; consider budgetary matters; hear reports of the executive director, president-elect, board chairman, Supreme Court liaison, and the general counsel; hear reports of the Committee to Study Board Committees, the Ad Hoc Committee on the Print Shop, the Professional Development Standing Committee, the 1984 Convention, Sites, and Dates Committee, and Texas Lawyers Care.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas 78701, (512) 475-4746.

Filed: May 15, 1984, 3:28 p.m.
TRD-845373

Thursday, May 24, 1984, 9 a.m. The Board of Directors of the State Bar of Texas will meet at the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda, the board will consider legislative guidelines; hear reports of the Staff Efficiency Committee, the Texas Law Center policy, the Committee to Study Board Committees, the General Counsel Advisory Committee, the Grievance Committee nominations, and the

Sites and Dates Committee; consider the professional development reimbursement policy and the personnel manual; approve the policy manual; and consider proposals by the Committee on Continuing Professional Competence.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas 78711, (512) 475-4746.

Filed: May 16, 1984, 3:03 p.m.
TRD-845425



Texas State Board of Dental Examiners

Friday, May 25, 1984, 5 p.m. The Texas State Board of Dental Examiners will meet in the board hearing room, University of Texas Health Science Center, 7703 Floyd Curl Drive, San Antonio. Items on the agenda summary include approval of honorary retired dentists and dental hygienists;

cancellation of dental and dental hygiene licenses; a discussion of the permanent adoption of §109.108 and §109.81 and of the proposed budget for the 1986-1987 biennium; and appointment of a board representative to the Title XIX/EPST Dental Advisory Committee. If all items are not completed on Friday, the board will meet at 5 p.m. on Saturday, May 26, 1984.

Contact: William S. Nail, P.O. Box 13165, Austin, Texas 78711, (512) 475-2443.

Filed: May 16, 1984, 9:18 a.m.
TRD-845395

Texas Diabetes Council

Tuesday, May 29, 1984, 10 a.m. The Texas Diabetes Council will meet in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve the previous meeting minutes; hear reports from the professional education and patient/public education workgroups and Nina Berlin, executive director, Pennsylvania Diabetes Task Force; consider the diabetes state plan; and discuss the next meeting.

Contact: Wendell Mayes, Jr., P.O. Box 50030, Austin, Texas 78763, (512) 477-6866.

Filed: May 17, 1984, 9:47 a.m.
TRD-845440

Office of the Governor

Thursday, May 24, 1984, 10 a.m. The Waste Reduction Committee of the Governor's Hazardous Waste Task Force of the Office of the Governor will meet in Room 204, Sam Houston Building, 201 East 14th Street, Austin. Items on the agenda include committee business, discussion and revision of recommendations, review of the results of the morning session, and additional revisions if appropriate.

Contact: Robert D. Smith, Sam Houston Building, Room 204, 201 East 14th Street, Austin, Texas, (512) 475-4444.

Filed: May 16, 1984, 2:55 p.m.
TRD-845404

Texas Health Facilities Commission

Thursday, May 24, 1984, 1:30 p.m. The Texas Health Facilities Commission will

meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

- Amendments of Certificate of Need Orders
 - C. W. and Caroline Bohne Memorial Hospital, Brenham
AH81-0206-006A(032384)
 - Stevens Park Osteopathic Hospital, Dallas
AH81-0513-012A(040684)
 - Providence Hospital, Waco
AH81-1228-044A(040684)
 - AH82-0202-015A(040684)
 - Dallas Surgery Center, Inc., Dallas
AS82-0830-042A(111783)

- Certificates of Need
 - Charter Bay Hospital, Corpus Christi
AH83-0422-398
 - Baywood Psychiatric Hospital, Corpus Christi
AH83-0615-626
 - Teague General Hospital, Teague
AH84-0127-063
 - TransShare Corporation, Dallas
AS83-1104-286

- Notices of Intent to Acquire Existing Health Care Facilities
 - Southwest Health Villas of Texas, Inc., Dallas
AN84-0413-226
 - AN84-0413-229
 - AN84-0413-227
 - AN84-0413-228
 - ARA DevCon. Inc., a Florida corporation, Houston
AN84-0406-216

- Notice of Intent to Acquire Major Medical Equipment
 - Odessa Diagnostic Imaging Center, Ltd., Odessa
AS84-0416-230

Contact: John R. Neel, P.O. Box 50049, Austin, Texas 78763.

Filed: May 16, 1984, 9:35 a.m.
TRD-845405

Texas Housing Agency

Wednesday, May 23, 1984, 10 a.m. The Board of Directors of the Texas Housing Agency (THA) will meet in the conference room, Suite 700, 411 West 13th Street, Austin. According to the agenda summary, the board will hear a presentation and review of the quarterly financial reports; consider and act on a proposed revised budget; hear a status report on existing programs; and discuss and possibly act on technical

changes in the 1984 Series A Single Family Mortgage Purchase Program guidelines and on general policies with regard to the THA multifamily programs including, but not limited to, market survey requirements, limitations on development cost and income limits, and other matters.

Contact: Earline Jewett, P.O. Box 13941, Austin, Texas 78711, (512) 475-0812.

Filed: May 15, 1984, 12:22 p.m.
TRD-845410

State Board of Insurance

Tuesday, May 22, 1984, 10 a.m. The State Board of Insurance submitted an emergency revised agenda for a meeting held in Room 414, 1110 San Jacinto Street, Austin. According to the revised agenda, the board considered a decision on the appeal of the general accident insurance group from action of the Texas Catastrophe Property Insurance Association. The emergency status was necessary for the board to make a decision prior to losing jurisdiction because of payment under protest requirements.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: May 16, 1984, 9:18 a.m.
TRD-845396

The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

Wednesday, June 6, 1984, 9 a.m. The board's designate will conduct a public hearing to consider the appeal of Mary Dawn Zamora (Nelson Zamora) from action of the Texas Catastrophe Property Insurance Association.

Wednesday, June 20, 1984, 9 a.m. The board's designate will conduct a public hearing to consider the appeal of Lewis Rosen and Linda Rosen from action of the Texas Catastrophe Property Insurance Association.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas, (512) 475-2950.

Filed: May 16, 1984, 9:17 a.m.
TRD-845397, 845398

Texas Board of Irrigators

Wednesday, May 23, 1984, 9:30 a.m. The Texas Board of Irrigators will meet in Room 513, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According

to the agenda summary, the board will consider approval of the minutes, certification of licensed irrigator and installer results, and designation of dates for the next licensed irrigator and installer results; discuss the use of an optical exam grader and the distribution of Texas Civil Statutes, Article 8751, concerning notice posters; review the proposed budget for the 1986-1987 biennium; and hear reports from various board members and the legal counsel concerning the status of pending cases.

Contact: Joyce Watson, Stephen F. Austin Building, Room 431, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-8161.

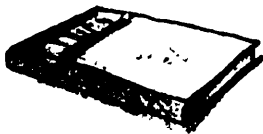
Filed: May 15, 1984, 3:36 p.m.
TRD-845374

Texas Department of Labor and Standards

Wednesday, May 30, 1984, 9 a.m. The Manufactured Housing and Labor/Licensing and Enforcement Division of the Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will consider license and registration revocations, suspensions, and alleged violations of various rules and regulations of the department.

Contact: Larry Kosta, P.O. Box 12157, Austin, Texas 78711, (512) 475-7001.

Filed: May 17, 1984, 9:49 a.m.
TRD-845441



Lamar University

Friday, May 18, 1984, 10 a.m. The Board of Regents of Lamar University met in a rescheduled emergency session held in the Lamar Room, Gray Library, main campus, Lamar University, Beaumont. According to the agenda, the board met in executive session to review personnel. The emergency status was necessary because this was the only available date for a quorum to handle personnel matters. The meeting originally was scheduled for May 16, 1984.

Contact: Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (409) 838-8403.

Filed: May 16, 1984, 9:53 a.m.
TRD-845406

North Texas State University

Friday, May 25, 1984. Committees of the Board of Regents and the full board of the Texas College of Osteopathic Medicine (TCOM) of North Texas State University (NTSU) will meet in the board room, NTSU, Denton. Times, committees, and agendas follow.

9 a.m. The Role and Scope Committee will consider the following NTSU items: establishment of holidays, the end of the semester enrollment report, the faculty workload report, leave of absence without pay, personnel additions and changes, promotion and tenure recommendations, faculty of modified service, the Department of Philosophy and Religious Studies, and a bachelor of science with a major in hotel/motel and restaurant management; and the following TCOM items: appointments to the Advisory Council, personnel transactions, promotion and tenure recommendations, and an academic presentation concerning the Department of Pediatrics.

10:30 a.m. The Budget and Finance Committee will consider the following NTSU items: room and board rate increases, an increase in the rental rate for NTSU apartments and the Eagle Arms Apartments, and gifts to NTSU in excess of \$3,000.

10:45 a.m. The Facilities Committee will consider the following NTSU items: building names, parking and traffic proposals for 1984-1985, construction change orders, equipment for the Science Research Building, renovation of the Avesta Lounge, remodeling of the Rock Bottom Lounge and Bruce Hall Cafeteria, and repair of a parking lot; and TCOM item concerning construction change orders.

12:30 p.m. The Board of Regents will consider the following NTSU items: approval of the February 24, 1984, minutes, committee recommendations, and other business concerning election of officers; and the following TCOM items: approval of the February 24, 1984, minutes, committee recommendations, and other business. The board will also meet in executive session.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2000.

Filed: May 16, 1984, 9:16 a.m.
TRD-845399-845402

Texas Board of Licensure for Nursing Home Administrators

Wednesday, May 23, 1984, 2 p.m. The Texas Board of Licensure for Nursing

Home Administrators will meet in emergency session at 3407 IH 35 North, Austin. According to the agenda summary, the board will approve the previous meeting minutes, hear committee reports and the state agency's reports, conduct personal appearances, consider a new Executive Committee appointment, and hear reports by the chair and executive director. The emergency status is necessary to consider an Executive Committee appointment for the board's legislative appropriations request pursuant to the governor's directive.

Contact: Dottie Mathieson, 3407 IH 35 North, Austin, Texas 78722, (512) 479-0922.

Filed: May 16, 1984, 4:35 p.m.
TRD-845433

Texas Board of Private Investigators and Private Security Agencies

Thursday, May 24, 1984, 9:30 a.m. The Texas Board of Private Investigators and Private Security Agencies will meet in the Crown West Room, Hilton Hotel, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the board will consider old business concerning approval of the February 21, 1984, minutes, discussion and possible adoption of board rules, and discussion and possible action on requests for exemption; new business concerning approval of staff action of new licenses, suspension orders, reinstatement orders, certificates for replacement managers, license terminations, revocations, denials, reprimands, requests for waiver of board rule, and other proposals for decision; and consider discussion and approval of an agency budget request for fiscal year 1986 and 1987 and security officer training manual revisions. The board will also meet in executive session to discuss and possibly take action concerning pending litigation.

Contact: Clema D. Sanders, P.O. Box 13509, Austin, Texas 78711, (512) 475-3944.

Filed: May 16, 1984, 10:30 a.m.
TRD-845415

Texas Department of Public Safety

Thursday, May 24, 1984, 9 a.m. The Public Safety Commission of the Texas Department of Public Safety (DPS) will meet in the Commission Room, DPS Headquarters, 5805 North Lamar Boulevard, Austin. Ac-

cording to the agenda, the commission will approve the minutes, consider unfinished business, and conduct a work session to discuss budgetary matters.

Contact: James B. Adams, 5805 North Lamar Boulevard, Austin, Texas 78773, (512) 465-2000.

Filed: May 16, 1984, 8:52 a.m.
TRD-845388

Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Wednesday, May 23, 1984, 10 a.m. A pre-hearing in Docket 5601—application of Community Utility Company to sell the system to Porter Water Supply Corporation within Harris County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 15, 1984, 10:44 a.m.
TRD-845361

Thursday, May 24, 1984, 9 a.m. An open meeting in Dockets 4405, 4621, 4650, 4914, 5104, 5249, 5457, 5478, 5536, 5500, 5508, 5522, 5565, 5569, 5570, 5583, 5584, 5594, 5664, 5680, 5707. The commission will also meet in executive session to consider personnel matters and pending litigation

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 16, 1984, 3 10 p.m.
TRD-845429

Tuesday, May 29, 1984, 10 a.m. A prehearing conference in Docket 5640—application of Texas Utilities Electric Company for a rate increase

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: May 17, 1984, 9 46 a.m.
TRD-845442

Wednesday, May 30, 1984, 10 a.m. The General Counsel and Energy Efficiency Committee of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the committee will discuss commercial and apartment conservation service concerning the state plan.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 17, 1984, 9:47 a.m.
TRD-845443

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Monday, June 11, 1984, 10 a.m. A hearing in Docket 5574—application of Bailey County Electric Cooperative Association for a request for revision of a power cost adjustment.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 17, 1984, 9:47 a.m.
TRD-845444

Tuesday, July 31, 1984, 10 a.m. A hearing in Docket 5593—application of Maxwell Water Supply Corporation to amend its certificate of convenience and necessity within Caldwell and Hays Counties.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 15, 1984, 2:21 p.m.
TRD-845372

Texas Rehabilitation Commission

Friday, June 8, 1984, 8:30 a.m. The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission (TRC) will meet in Room 101 and Room 102, Texas Law Center, 1414 Colorado Street, Austin. Items on the agenda include approval of the minutes; reports from the Advocacy and Public Information Committee, the Monitoring and Evaluation Committee, the Planning Committee, the Executive Committee, and the Autism Task Force; hear from Jerry Kane, TRC chairman, and TRC Commissioner Arrell; a final report concerning developmental disabilities regional forms; reports concerning the NADDC conference and the protection and advocacy report; grant awards for fiscal year 1984; unfinished and new business; and announcements.

Contact: Joellen Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: May 16, 1984, 1:42 p.m.
TRD-845416

University System of South Texas

Thursday, May 31, 1984, 10:30 a.m. The Board of Directors of the Presidential Search Committee of the University System of South Texas will meet in Room 133, University Hall, Laredo State University, West End Washington Street, Laredo. According to the agenda, the board will review candidates for the position of president at Laredo State University. The board will also meet in executive session.

Contact: William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: May 16, 1984, 9:17 a.m.
TRD-845407

Boards for Lease of State-Owned Lands

Friday, May 25, 1984, 10 a.m. The Board for Lease of the Texas Department of Public Safety of the Boards for Lease of State-Owned Lands will meet in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider easement applications.

Contact: Linda K. Fisher, Stephen F. Austin Building, Room 835, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-4307.

Filed: May 16, 1984, 10:36 a.m.
TRD-845408

Texas A&M University System

Monday, May 21, 1984. Committees of the Board of Regents of the Texas A&M University System (TAMUS) will meet at the MSC Annex, Texas A&M University, College Station. Times, committees, and agendas follow.

8:30 a.m. The Committee for Service Units will consider the authorization to execute a license agreement with the Upjohn Company and the Texas Agricultural Experiment Station.

9 a.m. The Planning and Building Committee will cancel unexpended balances of appropriations and hear reports of construction project appropriations/authorizations by the chancellor and contract actions by the deputy chancellor or presidents; consider action on bids, Texas A&M University (TAMU) and Tarleton State University

(TSU), and appropriations for designs, TAMU, TSU, and the Texas Agricultural Experiment Station (TAES); and hear a report of construction contract award and appropriation by the chancellor for repairs due to damage caused by Hurricane Alicia, Texas A&M University at Galveston (TAMUG).

11 a.m. The Committee for Academic Campuses will consider establishment of a Center for Urban Affairs and a writing center, TAMU; the granting of emeritus titles, TAMU and TSU; proposed fees, TAMU, PVAMU, and TAMUG; and authorization to add a graduate option in family environment under the existing master of science in home economics degree, PVAMU.

1:30 p.m. The Committee of the Whole will receive reports from the various ad hoc committees; consider policy guidelines for 1986-1987 legislative budget requests, budget requests, personnel matters, a resolution in appreciation of W. C. Freeman, confirmation of budget and fiscal changes and personnel actions, approval of recommendations for academic tenure, confirmation of appointments and promotions and terminations of employment, acceptance of gifts, grants, loans, and bequests, consideration of land matters, the naming of facilities, and the purchase of land, TAMUS; and consider authority to use interest income and forfeitures from the general property deposit fund and appointment to a position of honor and trust by the governor, Prairie View A&M University (PVAMU).

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (512) 845-9603.

Filed: May 16, 1984, 1:43 p.m.
TRD-845417-845420

Tuesday, May 22, 1984, 8:30 a.m. The Board of Regents of the Texas A&M University System will meet at the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the board will consider construction, a license agreement with the Upjohn Company and the TAES, budget requests, approval of policy guidelines for 1986-1987 legislative budget requests, personnel matters, confirmation of budget and fiscal changes and personnel actions, approval of academic tenure, appointments and promotions, and terminations of employment, acceptance of gifts, grants, loans, and bequests, land matters, the naming of facilities, the granting of emeritus titles, proposed fees, and the purchase of land, TAMUS; consider the es-

tablishment of a center for urban affairs and a writing center, TAMU; and consider authorization to add a graduate option in family environment under the existing master of science in home economics degree and authority to use interest income and forfeitures from the general property deposit fund, PVAMU.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: May 16, 1984, 1:43 p.m.
TRD-845421

Thursday, June 14, 1984, 10:30 a.m. The Board of Regents of the Texas A&M University System will meet in the conference room, 12th floor, Stemmons Building, 2355 Stemmons Avenue, Dallas. According to the agenda, the board will consider bids for the purchase of permanent university fund bonds and take action as deemed appropriate.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: May 16, 1984, 1:43 p.m.
TRD-845422

Veterans Land Board

Thursday, May 24, 1984, 3 p.m. The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the April 12, 1984, minutes; authorization of the giving of notice of sale of veterans land bonds and other action as shall be consistent with the sale of additional bonds as the board determines is warranted; consideration of the bond counsel's fee for McCall, Parkhurst, and Horton, approval of the amended and restated administration agreement with Lomas and Nettleton forfeiture action on delinquent board accounts, proposed rules outlining procedures for handling delinquencies, forfeitures, reinstatements, and forfeited tracts to be ordered for sale, and forfeiture action of the account of Ray Fred Groomes, deceased, VLB Account 455-99883; discussion of the eligibility of Dr. George Killinger; and general business of the board.

Contact: Harmon Lisnow, Stephen F. Austin Building, Room 711, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-3766.

Filed: May 16, 1984, 11:29 a.m.
TRD-845411

Texas Water Commission

Thursday, May 17, 1984, 9:15 a.m. The Texas Water Commission met in emergency session in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission conducted a conference with department staff and representatives of the petitioners for the creation of Clear Creek Forest Municipal Utility District. The emergency status was necessary for the representatives to meet with the commission as soon as possible and to accommodate everyone's schedules.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 16, 1984, 3:14 p.m.
TRD-845430

Texas Department of Water Resources

Thursday, May 17, 1984, 1:30 p.m. The Texas Water Development Board of the Texas Department of Water Resources made an emergency addition to the agenda of a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned consideration of extension of the loan commitment for the City of Edgewood in the amount of \$805,000 from May 18, 1984, to June 22, 1984, and for the City of Sachse in the amount of \$375,000 from June 10, 1984, until August 17, 1984. The emergency status was necessary because the loan commitments for the City of Edgewood and the City of Sachse will expire before the board's June meeting, leaving the cities without funds to construct their projects.

Contact: Charles E. Nemir, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: May 17, 1984, 8:45 a.m.
TRD-845437

Thursday, July 12, 1984, 1:30 p.m. The Texas Department of Water Resources will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the department will conduct a public meeting to discuss the draft federal fiscal year 1985 Water Quality Management Strategy and Annual Work Program.

Contact: John W. Janak, P.O. Box 13087, Austin, Texas 78711, (512) 475-3926.

Filed: May 16, 1984, 3:14 p.m.
TRD-845431

**Regional Agencies
Meetings Filed May 15**

The Bexar Appraisal District, Board of Directors, met at 535 South Main, San Antonio, on May 21, 1984, at 5 p.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Dallas Area Rapid Transit Authority, Personnel Committee, met in emergency session at #5C South, 1500 Marilla, Dallas, on May 15, 1984, at 5:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Deep East Texas Regional Mental Health and Mental Retardation Services, Board of Trustees, will meet in the Ward R. Burke Community Room, Administration Building, 4101 South Medford Drive, Lufkin, on May 22, 1984, at 5:30 p.m. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

The Eastland County Appraisal District, Appraisal Review Board, met in emergency session in the commissioners courtroom, Eastland County Courthouse, Eastland, on May 17, 1984, at 10 a.m. Information may be obtained from Peggy Dickson, Box 914, Eastland, Texas 76448, (817) 629-8597.

The Upper Leon River Municipal Water District, Board of Directors, will meet in the general office, filter plant, Proctor Lake, Comanche County, on May 24, 1984, at 6:30 p.m. Information may be obtained from Zollie D. Skaggs, Box 67, Comanche, Texas, (817) 879-2258.

The Wood County Appraisal District, Board of Directors, submitted an emergency revised agenda for a meeting held in the conference room, 217 North Main, Quitman, on May 17, 1984, at 1:30 p.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946.

TRD-845362

Meetings Filed May 16

The Archer County Appraisal District, Appraisal Review Board, will meet in the commissioners courtroom, Archer County Courthouse, Archer City, on June 6, 1984, at 9 a.m. Information may be obtained from A. G. Reis, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Bastrop County Appraisal District, Board of Directors, met in emergency session in the commissioners courtroom, 804 Pecan Street, Bastrop, on May 18, 1984, at 2 p.m. Information may be obtained from Clifton L. Kessler, 705 Spring Street, Bastrop, Texas 78602, (512) 321-4316.

The Comal County Appraisal District, Board of Directors, met at 130 East Mill Street, New Braunfels, on May 21, 1984, at 7:30 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Region XVIII Education Service Center, Board of Directors, will meet at the Region XVIII Education Service Center, La-Force Boulevard, Midland, on June 7, 1984, at 7:30 p.m. Information may be obtained from J. W. Donaldson, P.O. Box 6020, Midland, Texas 79711.

The Ellis County Tax Appraisal District will meet at 406 Sycamore Street, Waxahachie, on May 22, 1984, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Golden Crescent Regional Planning Commission, Executive Committee, met in emergency session on Thursday, May 17, 1984, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Jack County Appraisal District, Board of Directors, will meet in a rescheduled session at the Los Creek Office Building, 258 South Main, Jacksboro, on May 22, 1984, at 7 p.m. The meeting originally was scheduled for May 15, 1984. Information may be obtained from Doris G. Ray or Linda McSpadden, 258 South Main, Jacksboro, Texas 76056, (817) 567-6301 or 567-6302.

The Lone Star Municipal Power Agency met at 1101 Texas Avenue, College Station, on May 21, 1984, at 5 p.m. Information may be obtained from Cathy Locke, 1101 Texas Avenue, College Station, Texas 77840, (409) 764-3515.

The Middle Rio Grande Development Council, Criminal Justice Advisory Committee, changed the location of a meeting to be held in the Dimmit County District Courtroom, Carrizo Springs, on May 23, 1984, at 1 p.m. The meeting originally was to be held in the Uvalde City Council Chambers, Uvalde, on May 23, 1984, at 1 p.m. Information may be obtained from Ramon S. Johnston, P.O. Box 702, Carrizo

Springs, Texas 78834, (512) 876-3533, 876-3533.

The Mills County Appraisal District will meet at the Mills County Courthouse, Goldthwaite, on May 24, 1984, at 7:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Panhandle Regional Planning Commission, Board of Directors, will meet in the conference room, first floor, Briercroft Building, Eighth and Jackson Streets, Amarillo, on May 24, 1984, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The West Central Texas Council of Governments, Executive Committee, will meet at 1025 East North 10th Street, Abilene, on May 23, 1984, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

The West Texas Council of Governments, Board of Directors, will meet in Salon H, Marriott Hotel, Airways and Montana, El Paso, on May 24, 1984, at 9:30 a.m., MST. Information may be obtained from Bernie Guy, Two Civic Center Plaza, El Paso, Texas, 79999, (915) 541-4689.

TRD-845403

Meetings Filed May 17

The Region IX Education Service Center, Board of Directors, will meet in the board room, 301 Loop 11, Wichita Falls, on May 24, 1984, at 2 p.m. Information may be obtained from Dr. Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

The Central Appraisal District of Rockwall County, Appraisal Review Board, will meet at 106 North San Jacinto, Rockwall, on May 24, 1984, at 9:45 a.m. Information may be obtained from Eugene "Bo" Daffin, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

TRD-845439



In Addition

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner), and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.



Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of May 7-11, 1984.

Information relative to the applications listed as follows, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously stated address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Aluminum Company of America, Rockdale; electrolyte reclamation facility; Rockdale, Milam County; 9465; new source

Pennsylvania Glass Sand Corporation, Voca; fluid bed dryer; San Saba plant; 9466; new source

Ingleside Properties, Inc., Ingleside; drilling fluids chemicals terminal and oilfield waste treatment plant; Bishop Road (County Road 148); 9467; new source

E. I. DuPont De Nemours & Company, Inc., Orange; #4 nitric acid unit; DuPont Drive (FM Road 1006); 9468; new source

Issued in Austin, Texas, on May 14, 1984

TRD-845370

John B. Turney
Director
Legal Division
Texas Air Control Board

Filed: May 15, 1984

For further information, please call (512) 451-5711, ext. 351.

Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously is-

sued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the previously stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

**Medical Diagnostic Management, Inc., Houston
AH84-0329-196**

NIE—Request for a declaratory ruling that a certificate of need is not required for Medical Diagnostic Management, Inc., to acquire a mobile C.T. scanner to provide C.T. scanning diagnostic services to outpatients.

**Medical Diagnostic Management, Inc., Houston
AH84-0508-286**

DR/NIE—Request for a declaratory ruling that neither a certificate of need nor a notice of intent to acquire major medical equipment is required for Medical Diagnostic Management, Inc., to provide mobile C.T. scanning services to Victoria Regional Medical Center, 101 Medical Drive, Victoria, on an interim basis. The applicant proposes to contract with Victoria Regional Medical Center to provide mobile C.T. scanning services during the time required for the acquisition and installation of a full body C.T. scanner at Victoria Regional Medical Center pursuant to Certificate of Need AH83-1229-473.

**Cambridge International, Inc., a Texas
corporation, Houston
AH84-0501-277**

NIEH—Request for a declaratory ruling that a certificate of need is not required for Cambridge International, Inc., to acquire by purchase Texas Gulf Coast Center, an existing 48-bed free-standing alcoholism treatment center located in Rosenberg, from William J. Rylee, Ltd., a Texas limited partnership.

**Canyon Ranch Corporation, a Delaware
corporation, for Canyon Ranch, Canyon Lake
AN84-0509-292**

DR—Request for a declaratory ruling that a certifi-

cate of need is not required for Canyon Ranch Corporation, a Delaware corporation, to construct a residential facility and renovate two existing structures located on a ranch in Comal County, to house a transitional living program for persons who have suffered head trauma injuries and who require rehabilitative assistance. The proposed center will be nonmedical in its approach to rendering rehabilitative services. The project will be completed at a total cost of \$1,639,880.

**P&S Management Company, Inc., Bastrop
AN84-0511-294**

NIEH—Request for a declaratory ruling that a certificate of need is not required for P&S Management Company, Inc., to acquire by purchase Mason Care Center, an existing 41-bed ICF nursing facility located in Mason, from Highland Nursing Home, Inc.

Issued in Austin, Texas, on May 16, 1984

TRD-845409

John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: May 16, 1984

For further information, please call (512) 475-6940.

State Department of Highways and Public Transportation Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the State Department of Highways and Public Transportation hereby furnishes this consultant contract award.

The consultant proposal request appeared in the March 13, 1984, issue of the *Texas Register* (9 TexReg 1504). The contract effort consists of programmer analyst support to design, develop, and document COBOL programs for the department's Motor Vehicle Division project.

The contractor is Telos Consulting Services, 815 Brazos Street, Austin, Texas 78701. The total value of the contract is \$115,500. The contract began April 24, 1984, and has an ending date of March 1, 1985.

Final reports under this contract are not required.

Issued in Austin, Texas, on May 14, 1984

TRD-845334

Diane L. Northam
Administrative Technician
State Department of Highways
and Public Transportation

Filed: May 14, 1984

For further information, please call (512) 475-2141.

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for admission to do business in Texas of Security Equity Life Insurance Company, a foreign life insurance company. The home office is in Binghamton, New York.

(2) Application for admission to do business in Texas of Old Reliance Insurance Company, a foreign life insurance company. The home office is in Phoenix, Arizona.

(3) Application for admission to do business in Texas of AMCO Insurance Company, a foreign fire and casualty insurance company. The home office is in Des Moines, Iowa.

(4) Application for admission to do business in Texas of Appalachian National Life Insurance Company, a foreign life insurance company. The home office is in Knoxville, Tennessee.

(5) Application for admission to do business in Texas of Nalcan Life Insurance Company, a foreign life insurance company. The home office is in Minneapolis, Minnesota.

(6) Application for admission to do business in Texas of Laymen National Life Insurance Company, a foreign life insurance company. The home office is in Indianapolis, Indiana.

Issued in Austin, Texas, on May 15, 1984.

TRD-845447 James W. Norman
 Chief Clerk
 State Board of Insurance

Filed: May 16, 1984
For further information, please call (512) 475-2950.

Public Utility Commission of Texas Consultant Proposal Request

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas (PUC) issues this invitation for proposals for consulting services. The commission seeks proposals from qualified engineers or engineering firms to develop and manage a statewide energy audit service which will be available to all Texas school districts through the Energy Resource Center for Texas Schools.

The contractor will be expected to design an energy audit procedure and a report format to accommodate the needs of school districts interested in stabilizing energy bills through implementing low-cost, no-cost maintenance and operations procedures; to assist the PUC in drafting a request for proposal for four regional contracting firms, which will be responsible for conducting the audits; to set up and conduct orientation sessions for the regional firms; to assume responsibility for the overall management of all auditing activities and for quality control in the program; and to collect audit reports, perform basic data sorting tasks, and assist the PUC in evaluating the effectiveness of the program.

Contractor evaluation will be based on specific selection criteria; final selection will be made by a review committee.

Additional information regarding the request for proposals and materials on bid specifications may be obtained by contacting Mel Roberts, Energy Efficiency Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0313.

To be considered, written proposals must arrive at the PUC office no later than 3 p.m. on June 20, 1984. Proposals arriving after 3 p.m. will not be accepted. Five copies of the proposal should be sent to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, Attention: Sandy Becker, Bid Identification #SV-4-0137. Bid identification number and the date filed should be clearly marked on the outside of the proposal package.

Issued in Austin, Texas, on May 15, 1984

TRD-845371 Rhonda Colbert Ryan
 Secretary of the Commission
 Public Utility Commission of
 Texas

Filed: May 15, 1984
For further information, please call (512) 458-0313.

Texas Rehabilitation Commission Correction of Error

Proposed rules submitted by the Texas Rehabilitation Commission contained several errors as published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2440).

On page 2440, §101.3(d) should read:

(d) These general rules apply to all rehabilitation services programs unless specifically excepted, or the rule is limited or modified by rules applicable to a specific program.

On page 2441, §101.4(b) should read:

(b) Affirmative action envisions specific and individual result-oriented actions by management at all levels designed to ensure equal employment opportunity for minorities, women, and the qualified handicapped in all segments of the commission work force

On page 2442, §101.10(c) should read:

(c) Information is not to be disclosed directly or indirectly, other than in the administration of the rehabilitation programs, unless the consent of the client has been obtained in writing, in compliance with a court order, or in accordance with a federal or state law or regulation.

Office of the Secretary of State *Texas Register* Schedule Variation

Due to the May 28, 1984, Memorial Day holiday, the filing deadline for rules to be published in the June 1, 1984, issue of the *Texas Register* has been changed. Rules for

the June 1 issue must be filed by 10 a.m. on Friday, May 25. The deadline for Open Meetings notices does not change; Open Meetings still must be filed by 10 a.m. on Tuesday, May 29. This schedule variation will not affect the mailing date of the issue.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of May 7-11, 1984.

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) 475-2678.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of May 7-11, 1984

Gulf Coast Waste Disposal Authority, Houston; wastewater treatment plant; north of Brays Bayou and Harris County Flood Control Ditch D-100-00-00, and approximately 4,500 feet north of the intersection of Alief Road and Synott Road in Harris County; 11998-01; renewal

Houston Lead Company, Houston; secondary lead smelter operation plant which is closed; 300 Holmes Road in the City of Houston, Harris County; 02706; new permit

Temple-Eastex, Inc., Evadale; Kraft pulp and paper mill; near the Town of Evadale in Jasper County; 00493; amendment

Betz Laboratories, Beaumont; organic chemicals manufacturing plant; on U.S. Highway 90, north of the Southern Pacific Railroad Main Line and west of Willow Marsh Bayou in the City of Beaumont, in Jefferson County; 02640; amendment

River Valley Travel, Inc., James Fred Porter, Junction; commercial development; 1,600 feet south of the intersection of IH 10 and FM Road 2169 at the Community of Segovia in Kimble County; 02689; new permit

T. J. Thomas, Houston; mobile home park; on the 9800 block of Deertrail Drive approximately one mile northwest of the intersection of FM Road 149 and IH 45 in Harris County; 12919-01; new permit

Easley Investment Corporation, Houston; office warehouse development; 1,000 feet southwest of the intersection of Rankin Road and Aldine Westfield Road, in Harris County; 12913-01; new permit

J. D. Wiant, Harlingen; residential subdivision; approximately 1,000 feet southeast of the intersection of State Highway Spur 374 and FM Road 800 (Jim Bowie Boulevard or Bass Boulevard) in Cameron County; 12589-01; new permit

Harris County Water Control and Improvement District 89, Houston; wastewater treatment plant; north of Fellows Road, approximately 3,600 feet west of the intersection of Fellows Road and FM Road 518 (Cullen Boulevard) in Harris County; 12939-01; new permit

John E. Furnace, doing business as Aqua Cool, Manvel; commercial park; adjacent to State Highway 6 at a point approximately ¼ mile west of the State Highway 1128 and Highway 6 intersection in the city limits of Manvel, Brazoria County; 02709; new permit

City of San Antonio; high school; one mile west of the intersection of State Highway Loop 1604 (Charles W. Anderson Loop) and FM Road 471 (Culebra Road) and approximately 0.75 mile southeast of the intersection of FM Road 1560 (Steubing Road) and Culebra Road in Bexar County; 10137-36; new permit

San Antonio River Authority, San Antonio; wastewater treatment plant; approximately 3,500 feet south-southeast of the intersection of IH 10 and FM Road 1516 in Bexar County; 10749-04; new permit

Gulf Coast Utilities, Inc., Pearland; trailer park; the west side of County Road 48, approximately one mile north of State Highway 6 in Brazoria County; 12915-01; new permit

Jill Laughlin, Tyler; townhouse complex; approximately ½ mile east-northeast of the intersection of State Highway 64 and State Highway Spur 124, and approximately 1.5 miles southeast of the intersection of State Highway 31 and State Highway Loop 323 in Smith County; 12950-01; new permit

Harold Holigan, Dallas; mobile home park; on the north side of FM Road 1485, at a point approximately 1.3 miles east of the intersection of FM Road 1485 and State Highway 105 in Montgomery County; 12940-01; new permit

Roy and Thomas C. Bedford, doing business as Cut-n-Shoot Mobile Home Park, Conroe; mobile home park; approximately one mile northwest of the intersection of State Highway 105 and FM Road 1484, and approximately 1,400 feet south-southwest of the inter-

section of Waukegan Road and Old Highway 105 in
Montgomery County; 12820-01; new permit

Charles Owen, Arlington; retirement center; north of
the intersection of Bud Cross Drive and McRee Street,
approximately 1.75 miles northwest of the intersec-
tion of FM Road 1220 (Morris-Ditto-Neward Road)
and East Peden Road in Tarrant County; 12909-01;
new permit

Issued in Austin, Texas, on May 11, 1984.

TRD-845354 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: May 14, 1984
For further information, please call (512) 475-4514.



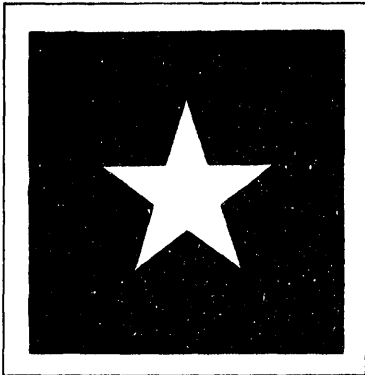
Second Class Postage

PAID

Austin, Texas

and additional entry offices

72345200 INTER-AGENCY
TEXAS STATE TREASURY
COMMUNICATIONS DIVISION
TREASURY DEPARTMENT
AUSTIN TX 78701



To order a new subscription, or to indicate a change of address, please use this form. When notifying us of an address change, please attach the mailing label from the back of a current issue. Questions concerning existing subscriptions should also include the subscription number from the mailing label.

You may also use this form to request back issues of the *Texas Register*. Please specify the exact dates and quantities of the issues requested. Each copy of a back issue is \$2.00.

Please enter my subscription to the *Texas Register* as indicated below. (I will look for my first issue in about two weeks.)

- 1 year (100 issues) \$70
- 6 months (50 issues) \$50
- Payment enclosed
- Bill me

For information concerning the *Texas Register*, please call (512) 475-7886, or write to P.O. Box 13824, Austin, Texas 78711-3824.

Please make checks payable to the Secretary of State. Subscription fees are not refundable.

- Change of Address
(Please attach mailing label)
- Back issues requested
(Please specify dates)

Name

Organization

Occupation Telephone

Address

City State Zip Code

For office use only