

TEXAS REGISTER

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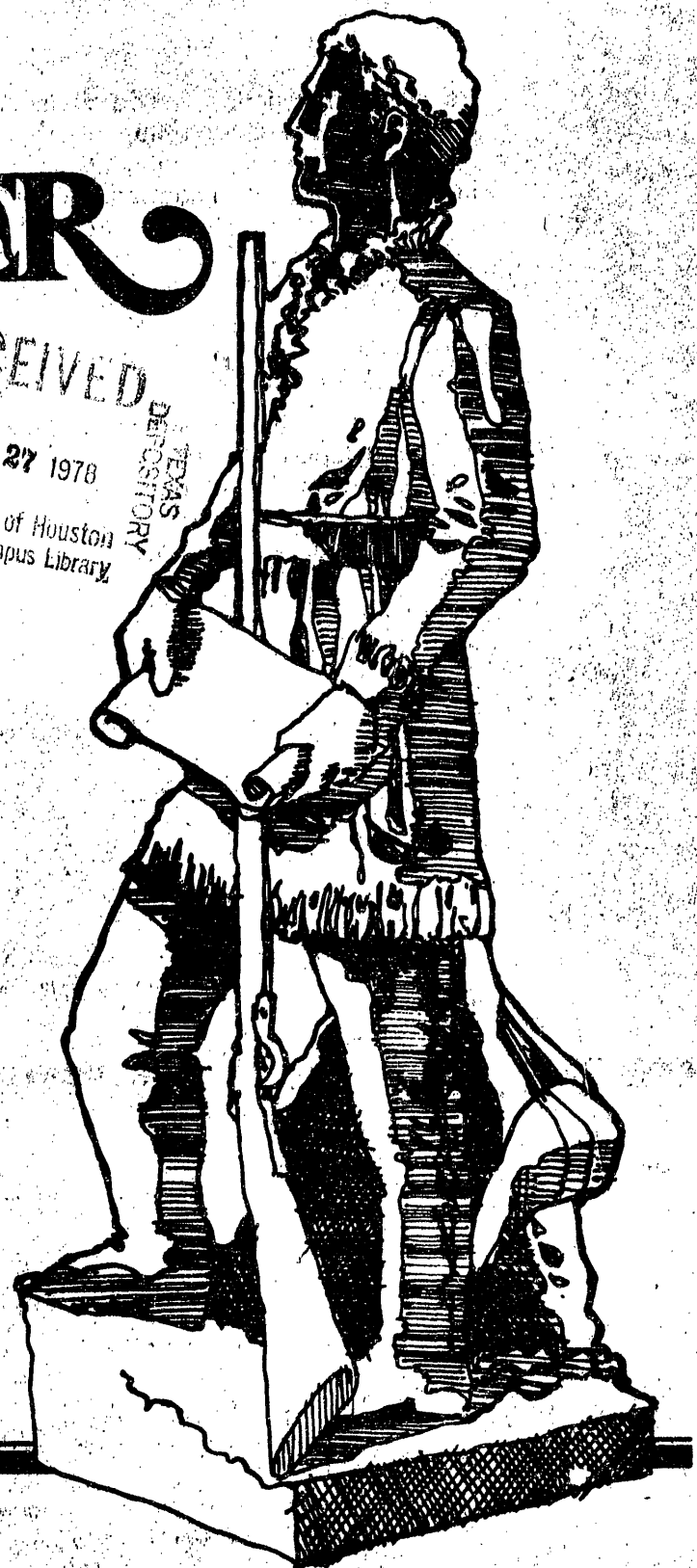
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NOTES ON THE ISSUE

Because of legislation passed during the Second Called Session of the 65th Legislature, the Comptroller of Public Accounts is adopting emergency amendments to certain rules affecting state revenues, local revenues, and metropolitan transit authorities. House Bill 1, signed into law by the governor on August 9, 1978, repeals the state's four percent sales tax on residential use of natural gas and electricity effective October 1, 1978. The bill also provides cities with options for exempting residential gas and electricity from the local sales tax. The amendments to the rules were made on an emergency basis to allow cities which are electing the early exemption of the local tax to notify the comptroller by the September 10, 1978, deadline.

As an incentive to nursing and convalescent homes to attain high standards, the Texas Department of Health is proposing a grading system for these homes and institutions. The grading system will recognize those facilities which exceed the minimum level of services and personnel by allowing the advertisement of a superior grade. Public hearings on the rules have been scheduled in five cities.

Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.

Artwork: Gary Thornton

TEXAS REGISTER

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Opinions

Opinion H-1229a

Reconsideration of opinion issued on request from Richard D. Latham, securities commissioner, State Securities Board, Austin, concerning voting rights in limited partnerships.

Opinion: The attorney general has received numerous requests to reconsider the answer to the final question of Attorney General Opinion H-1229 which related to the authority of a corporation to be the sole general partner in a limited partnership. Accordingly, and in light of additional briefs and arguments presented for consideration after the opinion was released, the answer to the last question of Attorney General Opinion H-1229 is withdrawn pending reconsideration.

A summary of Attorney General Opinion H-1229 appeared in the August 25, 1978, issue of the *Texas Register* (3 TexReg 2979).

Doc. No. 785586

Summary of Opinion H-1230

Request from Ronald Earle, district attorney, Travis County, Austin, concerning whether a district judge who is eligible for retirement and who has been defeated for re-election may be assigned as a special judge under Article 200a, Vernon's Texas Civil Statutes.

Summary of Opinion: A district judge who is eligible for retirement may be assigned as a special judge under Article 200a, Vernon's Texas Civil Statutes, even though he may have been defeated for re-election.

Doc. No. 785534

Open Records Decisions

Summary of Open Records Decision ORD-202

Request from Jerry L. Harris, city attorney, Austin, concerning whether a complaint to a city concerning a subcontractor's administration of a CETA-funded project is public under the Open Records Act.

Summary of Decision: The informer's privilege will not cause a record to be excepted from disclosure under the Open Records Act once the informer's name is known.

Issued in Austin, Texas, on August 18, 1978.

Doc. No. 785507

C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

For further information, please call (512) 475-5445.



EMERGENCY RULES

3007

An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules may be effective immediately on filing with the secretary of state for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for the emergency adoption of rules.

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

Symbology—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

Comptroller of Public Accounts

Tax Administration

Sales Tax Division—State Taxes 026.02.20

The Comptroller of Public Accounts adopts on an emergency basis amendments to Rule 026.02.20.015 implementing the repeal of state sales tax upon the residential use of natural gas and electricity as enacted in House Bill 1 by the Second Called Session of the 65th Legislature. The rule is filed as an emergency because cities must notify the comptroller by September 10, 1978, in order to take advantage of the early exemption of the local tax.

The fiscal implications for state sales tax are provided by the fiscal note for House Bill 1 (source: Legislative Budget Board and State Comptroller of Public Accounts):

Fiscal Year	Revenue Loss to the General Revenue Fund Sales Tax
1979	\$115,298,333
1980	149,570,000
1981	175,590,000
1982	207,200,000
1983	244,500,000

These amendments are promulgated under the authority of Texas Taxation—General Annotated, Article 20.11A (1969).

.015. *Natural Gas and Electricity* (20.01(U), 20.021(B)(1), 20.021(C), 20.04(D)(1), 20.04(R)).

(a) Definitions:

(1) *“Residential use” means use in a family dwelling or in a multifamily apartment complex or housing complex or in a building or portion thereof occupied as a home or residence.*

(2) *“Commercial use” means use by persons engaged in selling, warehousing, or distributing a commodity or service, either professional or personal.*

(3) *“Manufacturing” means and includes every operation commencing with the first production stage of*

any article of tangible personal property and ending with the completion of tangible personal property having the physical properties (including packaging, if any) which it has when transferred by the manufacturer to another. For the purposes of this rule, direct use of natural gas or electricity in manufacturing will hereafter be referred to as “noncommercial use.”

(4) *“Processing” for the purpose of this rule means performing an operation in which a physical or chemical change in tangible personal property is brought about. The repair of tangible personal property by restoring it to its original condition is not considered processing of that property. The property being processed may belong either to the processor or to his customer, the only tests being whether the property is “processed” and whether it will ultimately be sold. The mere packing, unpacking, or shelving of a product to be sold will not be considered processing of that product. Direct use of natural gas or electricity in processing will hereafter be referred to as “noncommercial use.”*

(5) Other “noncommercial uses” include:

(A) *exploration for or production or transportation of material extracted from the earth;*

(B) *agriculture, including dairy or poultry operations and pumping water for farm and ranch irrigation; and*

(C) *electrical processes such as electroplating, electrolysis, and cathode protection.*

(b) *Sales tax applicable. For the purpose of this rule, the furnishing of natural gas or electricity shall be considered to be the furnishing of tangible personal property. All the provisions in Texas Taxation—General Annotated, Chapter 20, applying to the sale of tangible personal property shall apply to the sale of natural gas or electricity.*

(c) *“Commercial uses” taxable; “noncommercial uses” exempt. The tax imposed by Texas Taxation—General Annotated, Chapter 20, shall be collected on the sale of natural gas or electricity for commercial use. The sale of natural gas or electricity for residential use or for use directly in manufacturing, processing, or for other noncommercial uses is exempt.*

(d) *Predominant use; exemption certificates.*

(1) *Natural gas or electricity used during a regular monthly billing period for both exempt and nonexempt purposes under a single meter shall be totally exempt or nonexempt for the billing period based upon the predominant use of such natural gas or electricity measured by that meter. The person claiming the exemption must make a determination that the predominant use of the natural gas or electricity is for an exempt use and must issue an exemption certificate to the utility company. Refer to Rule 026.02.20.007 for further information on exemption certificates.*

(2) *Persons whose use of natural gas or electricity is solely in family dwellings will not be required to furnish exemption certificates.*

(3) *Persons whose use is in multifamily apartment complexes, housing complexes, or other residential buildings may be required to issue exemption certificates if one is necessary for the utility company to distinguish exempt residential use from nonexempt commercial use.*

(4) *Manufacturers, processors, and other noncommercial users will be required to issue exemption certificates to establish their exemption.*

(e) *Effect of billing periods. The tax imposed by Texas Taxation—General Annotated, Chapter 20, will apply to sales of natural gas or electricity for residential use made during a customer's regular monthly billing period which begins before the October 1, 1978, effective date of the exemption. The tax shall not apply to regular monthly billing periods beginning on or after the effective date of the exemption.*

[The tax imposed by the Limited Sales Tax Act shall be collected on the sale of gas and electricity, except in the case of the specific exemptions discussed further in this ruling.]

(1) There are exempted from the taxes imposed by this act, receipts from the sale, production, distribution, lease or rental of, and the storage, use, or consumption in this state of gas and electricity except when sold for residential use or commercial use.

(2) For the purpose of this rule, the terms "residential use" and "commercial use" shall have the following meanings: "residential use" means use in a family dwelling or building or portion thereof occupied as the home, residence, or sleeping place of one or more persons. "Commercial use" means use by persons engaged in selling, warehousing, or distributing a commodity or service, either professional or personal. The term "commercial use" specifically does not include use by persons engaged in:

[(a) processing tangible personal property for sale as tangible personal property, including but not limited to the following manufacturing processes:

- [(1) food and kindred products;
- [(2) tobacco manufacturers;
- [(3) textile mill products;
- [(4) apparel and other finished products made from fabrics and similar materials;
- [(5) lumber and wood products;
- [(6) furniture and fixtures;
- [(7) paper and allied products;
- [(8) printing, publishing, and allied industries;
- [(9) chemicals and allied products;
- [(10) petroleum refining and related industries;
- [(11) rubber and miscellaneous plastics products;
- [(12) leather and leather products;
- [(13) stone, clay, glass, and concrete products;
- [(14) primary metal industries;
- [(15) fabricated metal products;
- [(16) machinery;
- [(17) electrical and electronic machinery, equipment, and supplies;
- [(18) transportation equipment;
- [(19) measuring, analyzing, and controlling instruments;
- [(20) photographic, medical, and optical goods;
- [(21) watches and clocks.

[(b) exploration for or production and transportation of material extracted from the earth;

[(c) agriculture, including dairy or poultry operations and pumping water for farm and ranch irrigation;

[(d) electrical processes such as electroplating, electrolysis, and cathode protection; or

[(e) printing of newspapers.

[(3) The sale of electricity or gas to any person engaged in a business excluded from the term "commercial use" shall be exempt from the taxes imposed by the Limited Sales Tax Act.

[(4) The sale of gas or electricity to persons engaged in a business using gas or electricity for "commercial use" and who are also engaged in another business using gas or electricity for an excluded "commercial use" as set out above shall be totally exempt or nonexempt based upon the predominant use of such gas or electricity for either "commercial use" or excluded "commercial use." The "predominant use" theory shall only be applied to such persons where there is a single meter reading for both the exempt and nonexempt use and where there is therefore no practical way to determine what part of the gas or electricity is used in a taxable manner.

[(5) For the purpose of this law, the furnishing of gas and electricity shall be considered to be the furnishing of tangible personal property. The provisions in this law applying to tangible personal property shall apply to the sale of gas and electricity.

[(6) Under this rule, the sale of gas and electricity to a person performing a repair service is taxable. As stated above, the sale or use of gas or electricity is exempt when it is used by persons processing tangible personal property which will ultimately be sold. The property being processed may belong either to the processor or to his customer, the only tests being whether the property is "processed" and whether it will ultimately be sold. "Processing" for the purpose of this rule means performing an operation in which a physical or chemical change is brought about. The mere packing, unpacking or shelving or a product to be sold will not be the processing of that product.]

Doc. No. 785556

Sales Tax Division—Local Taxes 026.02.22

The Comptroller of Public Accounts adopts on an emergency basis an amendment to Rule 026.02.22.008, explaining the options available to cities which have adopted local sales tax in regard to the abolition of the one percent local sales tax on residential use of natural gas and electricity. The emergency rule implements the exemption enacted in House Bill 1 during the Second Called Session of the 65th Legislature. The amendment is filed on an emergency basis because cities must notify the comptroller by September 10, 1978, in order to take advantage of the early exemption of the local tax.

The potential revenue loss to units of local government attributable to the bill cannot be ascertained because the individual cities that would exempt residential gas and electricity from the cities sales tax is not known. However, the projected local impact that would occur if all applicable cities should choose to exempt utilities from the local sales tax base would be:

Fiscal Year	Sales Tax
1979	\$25,780,000
1980	31,780,000
1981	37,310,000
1982	44,030,000
1983	52,000,000

The source of the fiscal information is the Legislative Budget Board and Comptroller of Public Accounts.

This rule is promulgated under the authority of Texas Revised Civil Statutes Annotated, Article 1066(c), Subsections 4(D) and 4(A).

008. Natural Gas and Electricity (Texas Revised Civil Statutes Annotated, Article 1066(c), [Sections 2(G), (H), and (J)] and Section 6(B)] Subsections 4(D) and 4(A)).

(a) **Natural gas and electricity: imposition of the tax.**

(1) *The one percent local tax applies to sales of natural gas and electricity when sold for residential or commercial use in a city which has adopted the local tax and must be collected for the city in which delivery is made to the consumer. The tax on residential use may be exempted as provided in Section (b).*

(2) *When a city adopts the local tax, the tax does not apply to sales of natural gas and electricity during a customer's regular monthly billing period which begins before the effective date of the adoption of the tax. The tax shall apply to each regular monthly billing period beginning on or after the effective date of the tax.*

(3) *Refer to state limited sales, excise, and use tax Rule 026.02.20.015 for a discussion of definitions, specific exemptions relating to the sale or use of natural gas and electricity, and the circumstances under which the "predominant use" theory may be applied.*

(b) **Residential use of gas and electricity.**

(1) *Abolition of local sales tax on sales of gas and electricity for residential use. Effective October 1, 1979, the sale of natural gas and electricity for residential use is exempt from taxation under the Local Sales and Use Tax Act unless:*

(A) *the city votes for early abolition (see (2) below), or*

(B) *the city votes to continue taxation (see (3) below), or*

(C) *the city votes to reimpose the tax (see (4) below).*

(2) *Early abolition. At any time before October 1, 1979, by a majority vote of the membership of the governing body of a city, the governing body may exempt from the one percent local tax the sale of natural gas and electricity for residential use. After the results of the vote are entered into the minutes of the city, the city secretary must forward to the comptroller by registered or certified mail a certified copy of the ordinance. On receipt of notification, one whole calendar quarter shall elapse prior to the exemption becoming effective (see local and use tax Rule 026.02.22.002(2) for an illustration of this procedure) unless notification is received by the comptroller by registered or certified mail postmarked no later than September 10, 1978; in which case, the exemption is effective on October 1, 1978.*

(3) *Continue taxation. If the governing body of a city wishes to continue to impose the one percent local tax on the sale of natural gas and electricity for residential use, the city secretary must forward to the comptroller's office before May 1, 1979, by registered or certified mail a certified copy of the ordinance reflecting the majority vote of the membership. If the ordinance is not received by the comptroller before May 1, 1979, the exemption from the*

one percent local tax will automatically become effective on October 1, 1979.

(4) *Reimposition of tax authorized. The one percent local tax may be reimposed by a majority vote of the membership of the governing body of the city. If the majority of the governing body votes for the reimposition of the one percent local tax, the results of the vote must be entered in the minutes of the city. Thereafter, the city secretary must forward to the comptroller by registered or certified mail a certified copy of the ordinance reimposing the tax. Upon receipt of notification by the comptroller, there shall elapse one whole calendar quarter prior to the reimposition becoming effective. The reimposition shall take effect beginning on the first day of the calendar quarter next succeeding the elapsed quarter. (See local sales and use tax Rule 026.02.22.002(2) for an illustration of this procedure).*

(5) *Effect of billing periods. The exemption or reimposition of the one percent local tax does not apply to sales of natural gas and electricity for residential use made during a customer's regular monthly billing period which begins before the effective date of the exemption or reimposition. The exemption or reimposition shall apply to each regular monthly billing period beginning on or after the effective date of the exemption or reimposition.*

(1) *For the purposes of the Local Sales and Use Tax Act, the sale of natural gas or electricity is consummated at the point of delivery to the consumer. Consequently, companies selling natural gas or electricity must collect the local tax, if adopted, for the city where delivery is made to the consumer. Because of the method of cycle billing employed by utility companies, there may be no practical way to determine the daily sales of natural gas or electricity. For that reason, utility companies will be allowed to begin taxing their services to their customers on billing periods whose meter readings end on the 16th day following the effective date. The tax will be included, therefore, on all bills sent to their customers as a result of meter readings ending on or after the 16th day of the calendar month in which the tax becomes effective. This method may be used only for those utility companies who make readings daily.*

(2) *For these companies who make their meter readings on a given day or series of days of the month, such tax shall be calculated on a pro rata basis, where the bill is multiplied by a fraction whose numerator is the number of days having elapsed during the month when the reading is made, and the denominator is the total number of days in the billing period. Only this fraction of the bill shall then be subject to tax. Refer to the state limited sales, excise, and use tax Ruling 026.02.22.011 for a discussion of specific exemptions relating to the sale or use of gas and electricity and the circumstances under which the "predominant use" theory may be applied.)*

Doc. No. 785557

Sales Tax Division—Metropolitan Transit Authority Sales and Use Tax 026.02.24

The Comptroller of Public Accounts adopts on an emergency basis the amendment of Rule 026.02.24.008, implementing the repeal of state sales tax upon the residential use of

natural gas and electricity within metropolitan transit authorities as enacted in House Bill 1 by the Second Called Session of the 65th Legislature. The amendment is filed on an emergency basis because cities must notify the comptroller by September 10, 1978, in order to take advantage of the early exemption of the local tax.

The potential revenue loss to units of local government attributable to the bill cannot be ascertained because the individual cities that would exempt residential gas and electricity from the cities sales tax is not known. However, the projected local impact that would occur if all applicable cities should choose to exempt utilities from the local sales tax base would be as follows:

Fiscal Year	Sales Tax
1979	\$25,730,000
1980	31,780,000
1981	37,310,000
1982	44,030,000
1983	52,000,000

(Source: Legislative Budget Board and Comptroller of Public Accounts.)

This amendment is promulgated under the authority of Texas Revised Civil Statutes Annotated, Article 1118x, Section 11(B).

.008. *Natural Gas and Electricity (Texas Taxation—General Annotated, Article 20.04(R), and Texas Revised Civil Statutes Annotated, Article 1118x, Section 11(B))* Section 11B(B)(e), and Article 1066c, Subsections 2(G), (H), and (J), and 6(B)).

(a) *Commercial uses taxable. The metropolitan transit authority (MTA) tax shall be collected on the sale of natural gas and electricity for commercial use for the authority in which delivery is made to the consumer. Sales of natural gas or electricity for residential use and for use directly in manufacturing, processing, or other noncommercial uses are exempt from the MTA tax. For a discussion of definitions, specific exemptions relating to the sale or use of gas and electricity, and the circumstances under which the "predominant use" theory may be applied, refer to state tax Rule 026.02.20.015.*

(b) *Residential uses exempt. Effective October 1, 1978, sales of natural gas and electricity for residential use are exempt.*

(c) *Effect of billing periods.*

(1) *The tax imposed by Texas Taxation—General Annotated, Chapter 20, will apply to sales of natural gas or electricity for residential use made during a customer's regular monthly billing period which begins before the October 1, 1978, effective date of the exemption. The tax shall not apply to regular monthly billing periods beginning on or after the effective date of the exemption.*

(2) *When a metropolitan transit authority adopts the sales and use tax, the tax does not apply to sales of gas and electricity for commercial use made during a customer's regular monthly billing period which begins before the effective date of adoption of the tax. The tax shall apply to each regular monthly billing period beginning on or after the effective date of the tax.*

(a) For the purpose of the metropolitan transit authority (MTA) tax, the sale of natural gas or electricity is consummated at the point of delivery to the consumer. Companies selling natural gas or electricity must collect the MTA sales tax, if adopted, for the authority in which delivery is made to the consumer. Because of the method of cycle billing employed by utility companies, there may be no practical way to determine the daily sales of natural gas or electricity. For that reason, utility companies will be allowed to begin taxing their services to their customers on billing periods whose meter readings end on the 16th day following the effective date. The tax will be included, therefore, on all bills sent to their customers as a result of meter readings ending on or after the 16th day of the calendar month in which the tax becomes effective. This method may be used only for those utility companies who make readings daily.

(b) For those companies who make their meter readings on a given day or series of days of the month, such tax shall be calculated on a *pro rata* basis, where the bill is multiplied by a fraction whose numerator is the number of days having elapsed during the month when the reading is made, and the denominator is the total number of days in the billing period. Only this fraction of the bill shall then be subject to tax. Refer to the state limited sales, excise, and use tax rule, Rule 026.02.20.015, for a discussion of specific exemptions relating to the sale or use of gas and electricity and the circumstances under which the "predominant use" theory may be applied.]

Issued in Austin, Texas, on August 23, 1978.

Doc. No. 785558 Bob Bullock
Comptroller of Public Accounts

Effective Date: August 23, 1978
Expiration Date: October 22, 1978

For further information, please call (512) 475-3825.



An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

Symbology—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

Texas Adult Probation Commission

Fund Distribution 608.02.00

The Texas Adult Probation Commission proposes the following amendments to Sections (c), (d), (e), and (f) of Rule 608.02.00.010 and new sections to be added to Rules 608.02.00.010 and .020. The purpose of the amendments is to limit the maximum per capita per day rate ceiling to 50 cents rather than the present 60-cent limit. The new sections will allow the transfer of funds above the 50-cent limit to the program funding described in Rule 608.02.00.020. The proposed change does not create additional money; it redistributes money to the areas where there is a greater need.

The proposed amendments will have no fiscal implications (source: Texas Adult Probation Commission staff).

Public comment is invited and should be in written form directed to the executive director, Don R. Stiles, 812 San Antonio Street, Suite 400, Austin, Texas 78701.

The following amendments are proposed under the authority of Article 4212, Section 4, Code of Criminal Procedure.

.010. *Per Capita Funding.*

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

(c) **Remaining funds.** After making the per capita payments of September 1978, the Texas Adult Probation Commission will divide the remaining per capita funds into three equal parts for distribution in the second, third, and fourth quarters, respectively, of fiscal year 1979. For example, the per capita payments in December 1978 will be calculated by subtracting the September 1978 payment from \$17 million and dividing the result by three: December 1978 payments equal (\$17 million) minus (September 1978 payments) divided by three.

The per capita payments in the second, third, and fourth quarters of fiscal year 1979 will not utilize a predetermined per capita per day rate (50 cents is predetermined for the first quarter payments only). The TAPC will distribute second, third, and fourth quarter funds on a proportion of the total state caseload basis, not to exceed an equivalent per capita per day rate of 50 [60] cents.

(d) **Second quarter payment.** The per capita payments in December 1978 will be distributed on the basis of a department's proportion of the total state caseload (not to exceed an equivalent per capita per day rate of 50 [60] cents). The caseload will be determined from the monthly reports supplied to the TAPC by averaging the number of adults under direct supervision on the last working day of July, August, and September 1978. For example, if a department averaged 2,100 cases and the state averaged 96,000 [90,000] cases on July 31, August 31, and September 29, and if there were \$4.25 million in the second quarter per capita fund, the TAPC would make a payment of \$92,698.75 [\$99,025] to the participating judicial district: (2,100 cases) divided by 96,000 [90,000] cases equals 2.19 [2.33] percent of total state cases; (\$4.25 million) multiplied by (2.19 [2.33] percent) equals \$92,698.75 [\$99,025].

Note that (1) a total of 96,000 [90,000] cases, (2) \$4.25 million in the second quarter per capita fund, and (3) 91 days in the second quarter are equivalent to a per capita day rate of approximately 49 [52] cents; (\$4.25 million) divided by (96,000 [90,000] cases) multiplied by (91 days) equals 48.65 [51.89] cents.

(e) **Third quarter.** The per capita payments in March 1979 will be allocated based on a department's proportion of the total state caseload (but not to exceed an equivalent per capita per day rate of 50 [60] cents). The caseload will be determined by averaging the number of adults under direct supervision on the last working days of October, November, and December of fiscal year 1979.

(f) **Fourth quarter.** The per capita payments in June 1979 will be allocated based on a department's proportion of the total state caseload (but not to exceed an equivalent per capita per day rate of 50 [60] cents). The caseloads will be determined by averaging the number of adults under direct supervision on the last working days of January, February, and March of 1979.

(g) **Transfer of surplus funds.** If the maximum per capita per day rate of 50 cents is invoked for the second, third, or fourth quarter payments, any resulting quarterly fund surplus may be transferred to the program funding described in Rule 608.02.00.020.

(h) **Qualifying for funds.** Judicial districts whose probation departments comply with TAPC standards qualify for per capita funding by submitting to the TAPC in writing the following information:

(1) the designation of a chief probation officer in accordance with Article 42.12, Section 10(a), Code of Criminal Procedure;

(2) the designation of a chief fiscal officer to administer the special judicial district fund;

(3) a statement of intention to participate in state aid under Subchapter D of Article 42.121;

(4) the completed monthly caseload reporting forms (Form TAPC-6002) for the months upon which the quarterly payment is based.

020. Program Funding.

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

(e) *Transfer of surplus funds. Surplus funds in program funding may be transferred to the per capita funding described in Rule 608.02.00.010.*

Issued in Austin, Texas, on August 22, 1978.

Doc. No. 785540 Don R. Stiles
Executive Director
Texas Adult Probation Commission

Proposed Date of Adoption: September 29, 1978

For further information, please call (512) 475-1374.

Comptroller of Public Accounts

Tax Administration

Sales Tax Division—State Taxes 026.02.20

The Comptroller of Public Accounts is proposing for permanent adoption the emergency rule amendment it adopts in this issue. The proposed amendment implements the repeal of state sales tax upon the residential use of natural gas and electricity as enacted in House Bill 1 by the Second Called Session of the 65th Legislature.

The fiscal implications for state sales tax are provided by the fiscal note for House Bill 1:

Fiscal Year	Revenue Loss to the General Revenue Fund Sales Tax
1979	\$115,298,333
1980	149,570,000
1981	175,590,000
1982	207,200,000
1983	244,500,000

(Source: Legislative Budget Board and State Comptroller of Public Accounts.)

Public comment on the proposed amendments to Rule 026.02.20.015 is invited. Persons should submit their comments in writing to Jim Phillips, Drawer SS, Austin, Texas 78711.

This amendment is proposed under the authority of Texas Taxation—General Annotated, Article 20.11A (1969). The proposed date of adoption is September 29, 1978.

Doc. No. 785559

Sales Tax Division—Local Taxes 026.02.22

The Comptroller of Public Accounts is proposing for permanent adoption the emergency rule amendment it adopts in this issue. The proposed amendment explains the options available to cities which have adopted local sales tax in regard to the abolition of the one percent local sales tax on

residential use of natural gas and electricity. The proposed amendment implements the exemption enacted in House Bill 1 during the Second Called Session of the 65th Legislature.

The potential revenue loss to units of local government attributable to the bill cannot be ascertained because the individual cities that would exempt residential gas and electricity from the cities sales tax is not known. However, the projected local impact that would occur if all applicable cities should choose to exempt utilities from the local sales tax base would be as follows:

Fiscal Year	Sales Tax
1979	\$25,730,000
1980	31,780,000
1981	37,310,000
1982	44,030,000
1983	52,000,000

(Source: Legislative Budget Board and Comptroller of Public Accounts.)

Public comment on the proposed amendments to Rule 026.02.22.008 is invited. Persons should submit their comments in writing to Jim Phillips, Drawer SS, Austin, Texas 78711.

This amendment is proposed under the authority of Texas Revised Civil Statutes Annotated, Article 1066(c), Sections 4(D) and 4(A). The proposed date of adoption is September 29, 1978.

Doc. No. 785561

Sales Tax Division—Metropolitan Transit Authority Sales and Use Tax 026.02.24

The Comptroller of Public Accounts is proposing for permanent adoption the emergency rule amendment it adopts in this issue. The proposed amendment implements the repeal of state sales tax upon the residential use of gas and electricity within metropolitan transit authorities as enacted in House Bill 1 by the Second Called Session of the 65th Legislature.

The potential revenue loss to units of local government attributable to the bill cannot be ascertained because the individual cities that would exempt residential gas and electricity from the cities sales tax is not known. However, the projected local impact that would occur if all applicable cities should choose to exempt utilities from the local sales tax base would be as follows:

Fiscal Year	Sales Tax
1979	\$25,730,000
1980	31,780,000
1981	37,310,000
1982	44,030,000
1983	52,000,000

(Source: Legislative Budget Board and the Comptroller of Public Accounts.)

Public comment on the proposed amendments to Rule 026.02.24.008 is invited. Persons should submit their comments in writing to Jim Phillips, Drawer 88, Austin, Texas 78711.

This amendment is proposed under the authority of Texas Revised Civil Statutes Annotated, Article 1118x, Section 11(B). The proposed date of adoption is September 29, 1978.

Issued in Austin, Texas, on August 23, 1978.

Doc. No. 785560 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: September 29, 1978
For further information, please call (512) 475-3825.

Texas Education Agency Foundation School Program

Adoptions by Reference: General Texas State Public Education Compensation Plan 226.41.90

The Texas Education Agency proposes to amend Rule 226.41.90.020, the adoption by reference of the *Texas State Public Education Compensation Plan*. This document contains a series of tables showing years of experience, salary per month, annual salary, and daily rate for each pay grade and step covered under the Foundation School Program Minimum Salary Schedule (Section 16.056, Texas Education Code). Tables in the plan have been revised to reflect statutory salary levels for the 1978-79 school year.

The Texas Education Agency estimates the total salary costs under the Foundation School Program as follows:

1977-78	\$1,843,266,444
1978-79	1,916,198,352
1979-80	1,974,834,720
1980-81	2,022,694,000
1981-82	2,062,000,000

These costs are shared by the state and by local school districts under the financing provisions of the Foundation School Program (Subchapter G, Chapter 16, Texas Education Code).

Public comment on the proposed amendment to Rule 226.41.90.020 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This amendment is proposed under the authority of Section 16.005, Texas Education Code.

.020. *Texas State Public Education Compensation Plan*. The salary schedule to be used in implementing and administering the public education compensation plan is con-

tained in the *Texas State Public Education Compensation Plan* [1978-79 school year only], which is adopted by reference as the Texas Education Agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency (headquarters) Building, 201 East 11th Street, Austin, Texas.

Issued in Austin, Texas, on August 22, 1978.

Doc. No. 785536 M. L. Brockette
Commissioner of Education

Proposed Date of Adoption: September 29, 1978
For further information, please call (512) 475-7077.



Texas Department of Health Nursing and Convalescent Homes Grading System for Nursing and Custodial Care Homes 301.54.11

Article 4442c, Texas Civil Statutes, as amended by Senate Bill 9, First Called Session, 65th Legislature, 1977, authorizes the Texas Department of Health to grade each nursing home or custodial care home licensed under Article 4442c so as to recognize those homes or institutions that go beyond the minimum level of services and personnel as established by the department. Accordingly, the department now proposes to establish rules on the grading of nursing homes and custodial care homes. The intended effect of these rules is to recognize those nursing homes and custodial care homes that go beyond the minimum level of services and personnel as determined from criteria established by the licensing agency:

to provide for the facility to prominently display the recognized superior grade; and, as an incentive to attain the superior grade, to provide that the facility may advertise such grade.

Department personnel have determined that these rules will have no fiscal implications for the State of Texas or units of local government, in that implementation of these rules will be done by department personnel within existing department programs and will not increase costs over and above existing expenditures.

Public comment on the proposed rules is invited and should be submitted in writing no later than October 13, 1978, to Robert Bernstein, M.D., chief, Bureau of Long-Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Public hearings will be held on the proposed rules at the following locations and times:

(1) Arlington—Monday, September 11, 1978, at 9:30 a.m., Arlington Community Auditorium, 2800 South Center, Arlington

(2) Houston—Wednesday, September 13, 1978, at 9:30 a.m., Astro Village Hotel, Forum Room I, Route 610 and Kirby Drive, Houston

(3) San Antonio—Monday, September 18, 1978, at 9:30 a.m., Health Education and EMS Training Center, 2315 Buena Vista, San Antonio

(4) Lubbock—Wednesday, September 20, 1978, at 10 a.m., Community Room, Lubbock City-County Library, 1306 9th Street, Lubbock

(5) Austin—Thursday, September 21, 1978, at 9:30 a.m., Department of Health Auditorium, 1100 West 49th Street, Austin

The procedures at these hearings will be as follows:

(1) All interested persons will have the opportunity to present testimony and comments which are relevant and material to the proposed rules.

(2) Testimony may be limited to 10-15 minutes per person if a large number of people want to testify. Therefore, all persons desiring to testify are urged to reduce as much of their testimony as possible to writing and present such material to the hearing officer at the hearing.

(3) Associations or other groups of people shall select one spokesperson to present the viewpoints of the association or group.

(4) All testimony, written or verbal, will become part of the formal hearing record and will be carefully considered by the department in the final adoption process.

These rules are proposed pursuant to Section 7, Article 4442c, Texas Civil Statutes.

.001. Authority and Purpose. Section 7, Article 4442c, Vernon's Texas Civil Statutes, authorizes the department to adopt, amend, promulgate, publish, and enforce minimum standards in relation to the grading of each home or institution so as to recognize those homes or institutions that go beyond the minimum level of services and personnel as established by the agency, and such attained grade shall be prominently displayed for public view and as incentive to attain the superior grade, allow each home or institution to advertise such grade. Pursuant to Section 7, all licensed nursing homes and all licensed custodial care homes shall be graded. The

criteria in these rules apply to all such licensed facilities except those licensed facilities or portions of such licensed facilities participating in the Medicaid program as facilities for the mentally retarded.

.002. Grade Recognition. All facilities shall be graded. A facility meeting the minimum criteria for a superior grade will be so notified and awarded a certificate.

.003. Categories of Facilities to be Graded. Many facilities participate in Medicare or Medicaid programs and are subject to the standards for levels of care established under those programs. Even though a facility may meet the minimum requirements for licensure, it may not meet the minimum requirements for the level of care it professes and contracts to provide; therefore, such a facility may be an unsatisfactory facility with respect to the Medicare or Medicaid level of care. With this consideration, the superior grade given a facility or portion thereof will be based on the minimum standards for the highest or most stringent category applicable to the facility.

The categories are:

- Skilled Nursing Facility (Medicare or Medicaid)
- Intermediate Care III Facility (Medicaid)
- Intermediate Care II Facility (Medicaid)
- Nursing Home (Nonparticipating in Medicare or Medicaid)
- Custodial Care Home (Nonparticipating in Medicaid)

A facility of more than one category will receive a grade for each category.

.004. Grading Certificate.

(a) Only facilities meeting the superior grade will be recognized by a grading certificate furnished by the licensing agency. A facility receiving such a certificate shall display the certificate in a prominent location for public view. The facility may advertise that it has achieved the superior grade and may continue to advertise as long as the grade is in effect; however, the type of advertising shall be such that the advertising can be immediately withdrawn if the superior grade becomes null and void. The certificate is the property of the licensing agency, not that of the facility.

(b) The certificate denoting the superior grade will specify the category involved.

(c) The superior grade will be determined based on conditions found at time of determination; at any subsequent point in time a facility's quality of operation may advance or decline. The certificate and any public release or advertisement made by the facility shall include the following statement: "This facility was rated on _____ (date) on the basis of how well it provides care and services for its residents in accordance with state and federal regulations, and found to have a superior rating."

.005. Inspection or Survey to Establish Grade.

(a) With qualifications as further indicated, grading a facility will be based on the survey or inspection as follows:

(1) for a facility participating in Medicare or Medicaid—the full annual survey performed by the Medicare/Medicaid survey agency (licensing agency) to determine certification and establish eligibility for a provider agreement;

(2) for a facility not participating in Medicare or Medicaid—the full inspection performed annually by the licensing agency to establish status with respect to a license.

(b) If the licensing agency because of conditions found in a facility cannot make a determination of certification or licensure on the first visit and elects to make a call-back visit, only the facility's status with respect to the grading criteria as determined at the first visit will be used to determine the grade. There will be no special visits specifically for grading purposes. On the effective date of the grading rule, facilities will be surveyed or inspected in accordance with established schedules and time frames. Within approximately one year of effective date, all facilities will be evaluated for grading purposes, except for new facilities opened during that period; and grading will normally be repeated on an annual basis.

.006. *Grading of New Facilities.* A new facility will not be graded based on its initial survey for Medicare/Medicaid participation nor on its initial inspection for licensure; rather, the grade will be later established based on the survey for Medicare/Medicaid participation pursuant to the first subsequent provider agreement after the initial agreement of 12 months, or for facilities not participating in Medicare or Medicaid, the grade will be established based on the inspection performed pursuant to the first license renewal.

.007. *Grading of Additions to Facilities.* Additions to a graded facility will automatically be included under the existing grade at time the additions are certified or licensed, as applicable, unless unusual circumstances warrant otherwise.

.008. *Change of Ownership.*

(a) A grade is not transferrable. On change of ownership or licensure of a facility operation, the grade existing at time of change of ownership becomes null and void.

(b) For a facility which is granted at time of change of ownership and is not involved with punitive actions described under Rule .011, the survey made pursuant to establishing Medicare or Medicaid participation for the new ownership, or, as applicable, the inspection made pursuant to establishing eligibility for licensure for the new ownership, will be used for the grading.

.009. *Facilities Losing Certification or Licensure Status.* A facility which has been graded but through noncompliance with standards loses its certification for participation in Medicare or Medicaid or loses its license through suspension or revocation will automatically lose its grade. Such a facility will be considered as a new facility in establishing a subsequent grade.

.010. *Changes in Level of Care or Licensed Category.* A change in level of care with respect to Medicare/Medicaid participation, or change in a licensed category will render a grade null and void. The survey or inspection for the new level of care or the new licensed category will be used as the basis on which to grade the facility.

.011. *Influence of Punitive Actions on Superior Grade.*

(a) A grade of superior will automatically be null and void if in accordance with law and/or agency rules and regulations:

- (1) the facility license be suspended or revoked;
- (2) the facility be decertified or cannot be recertified;
- (3) recommendation be approved by the department that the facility be placed on vendor hold;
- (4) injunctive relief or civil penalty is granted;
- (5) other serious punitive action be taken.

However, certain deficiencies preventing recertification only because of required technical procedures may be considered having no adverse influence on grade attainment.

(b) When the superior grade becomes null and void, the facility shall remove from display and advertising the certificate representing the superior grade, and the certificate shall be surrendered to the licensing agency on request.

.012. *Duration of Grade.* A grade determination will be in effect until the next survey to determine certification and establish eligibility for a provider agreement or the next inspection to establish status with respect to a license, except where changes of ownership, changes in levels of care, conditions requiring punitive actions, or other conditions require a grade to be redetermined or require the superior grade to become null and void. Therefore, normally a grade determination will be in effect for approximately one year. The same certificate displayed to represent the superior grade may serve for a continuing subsequent superior grade.

.013. *System of Bonus and Demerit Points.*

(a) Deficiencies in the provision of services must be considered in determining if a facility is a superior facility. The licensing agency recognizes, however, that certain minor deficiencies can exist in a facility and the facility be an excellent facility.

(b) For a facility to receive a superior grade, the facility must provide services and personnel above the minimum in several categories, and the system of grading described herein automatically requires the facility to so excel.

(c) In consideration of the above, the grading system is based on a system of bonus or positive points for selected services and personnel that exceed the minimum requirements, together with a system of demerit or negative points when selected services, staffing, or operation are not provided in accordance with the minimum requirements.

(1) In the event a finding (problem) is not deemed of such magnitude as to necessitate recording on a Statement of Deficiencies and Plan of Correction, that finding would not result in a demerit situation in the grading system.

(2) To receive the superior grade, a facility must not exceed the number of demerit points in each category of service, and after so qualifying with respect to demerit points, must attain a minimum number of bonus points consonant with the actual number of demerit points, as shown on the statement below the demerit tabulation. The bonus points so attained may be drawn from any or all categories of service.

Maximum Allowable Demerit Points
All Facilities

Dietary Service.....	-10
Nursing Service.....	-20
Administrative Service.....	0
Activities and Volunteer Services.....	N/A
Professional Consultant Services.....	N/A
Physical Environment.....	-8
Laundry Service.....	0
Housekeeping and Maintenance.....	-5
Total.....	-43

**Required Minimum Bonus Points
All Facilities**

83 plus the number of actual demerit points

(Example: a facility with 20 demerit points must attain 103 bonus points)

(d) Where a facility of more than one category has a consultant serving more than one category, the bonus points for the consultant may apply to each category when in fact the consultant truly serves each category. Similarly, bonus points for an employee, such as director of nurses, may apply to more than one category, depending on the situation.

(e) The point values assigned are subject to change after pilot studies are made and are as follows:

(See charts, pages 3016-3024.)

Issued in Austin, Texas, on August 22, 1978.

Doc. No. 785541

Raymond T. Moore, M.D.
Deputy Commissioner
Texas Department of Health

Proposed Date of Adoption: November board meeting
For further information, please call (512) 458-7706.

Dietary Service

Bonus Points

SNF ICF III ICF II NH CCH

Bonus Points

A. Dietitian

- | | | | | | |
|---|----|----|----|----|----|
| 1. Full-time (40 hr/wk) Dietitian (ADA) or BS graduate in foods and nutrition | 25 | 25 | 25 | 25 | 25 |
| 2. Dietary Consultant working in facilities more than minimum requirement. (non-participating facility would be considered comparable to ICF III, ICF II) | | | | | |
| a. 100% more. | 15 | 15 | 15 | 15 | 15 |
| b. 75% more. | 10 | 10 | 10 | 10 | 10 |
| c. 50% more. | 8 | 8 | 8 | 8 | 8 |
| d. 25% more. | 5 | 5 | 5 | 5 | 5 |

B. Qualified Food Service Supervisor

- | | | | | | |
|--|----|----|----|----|----|
| 1. Facilities with more than 100 residents; supervisor in full-time (40 hr/wk) supervisory capacity. | 10 | 10 | 10 | 10 | 10 |
| 2. Facilities with more than one Qualified Food Service Supervisor full-time. | 10 | 10 | 10 | 10 | 10 |
| 3. Facilities with 76-100 residents; supervisor works as supervisor 30 hours (75% rate) weekly. | 10 | 10 | 10 | 10 | 10 |
| 4. Facilities with 51-75 residents; supervisor works as supervisor 20 hours (50% rate) weekly. | 10 | 10 | 10 | 10 | 10 |

	SNF	ICF III	ICF II	NH	CCH
5. Facilities with not over 50 residents; supervisor works as supervisor 10 hours (25% rate) weekly.	10	10	10	10	10
C. Selective menu for those residents capable and within dietary restrictions.	15	15	15	15	15
D. Full table or tray service (not compartmented plates or trays) including fork, knife, and spoon for residents not requiring self-help devices.	5	5	5	5	5

Demerit Points

	SNF	ICF III	ICF II	NH	CCH
A. Menus or meal service fail to meet the nutritional needs of residents.	-15	-15	-15	-15	-15
B. Prescribed diets are not being prepared and served.	-10	-10	-10	-10	-10
C. Meals are not served at appropriate intervals, including snacks and bedtime nourishments.	-10	-10	-10	-10	-10
D. Food is not served in attractive manner or not served at proper temperatures.	-5	-5	-5	-5	-5
E. Sanitary conditions are not maintained, or there are improper food-handling techniques.	-8	-8	-8	-8	-8

Demerit Points

Nursing Service

Bonus Points

	SNF	ICF III	ICF II	NH	CCH
A. Director of Nurses (not also a charge nurse) RN - 7 days/week	0	15	20	15	25

Bonus Points

	SNF	ICF III	ICF II	NH	CCH
RN - 5 days/week	0	10	15	10	20
LVN - 7 days/week	N/A	0	0	0	5
B. Assistant Director of Nurses (not also a charge nurse)					
RN - 7 days/week	10	10	10	10	10
RN - 5 days/week	8	8	8	8	8
LVN - 7 days/week	3	5	5	5	5
C. Charge Nurses					
1. 7-3 shift					
RN - 7 days/week	10	10	10	10	15
RN - 5 days/week	5	5	5	5	10
LVN - 7 days/week	0	0	0	0	5
2. 3-11 shift					
RN - 7 days/week	10	10	10	10	15
RN - 5 days/week	5	5	5	5	10
LVN - 7 days/week	0	0	0	0	5
3. 11-7 shift					
RN - 7 days/week	10	15	15	15	15
RN - 5 days/week	5	10	10	10	10
LVN - 7 days/week	0	5	5	5	5

SNF ICF III ICF II NH CCH

Bonus Points

D. Consultant Nurse Services

RN Consultant 8 hours/week

N/A 3 3 6 6

4 hours/week

N/A 0 0 3 3

(Must be in addition to any RN services in A or B)

E. 24-Hour Licensed Nurse Ration - 7 days/week

1 to 10 or less

10 15 15 15 15

1 to 15

0 10 10 10 10

1 to 30

N/A 0 5 0 5

F. 24-Hour Attendant Ratio - 7 days/week

1 to 15 or less

(Cannot add to E above)

N/A N/A 5 N/A 5

G. Written evidence that 10 percent of the currently licensed personnel has attended formal continuing education during the past year, beyond minimum requirements.

10 10 10 10 10

H. Written evidence that 10 percent of the currently employed nurses aides have received inservice beyond minimum requirements.

5 5 5 5 5

Demerit Points

Demerit Points

A. Rehabilitative/restorative nursing not provided or improperly provided.

-20 -20 -20 -20 -20

B. Resident personal hygiene/grooming not acceptable.

-10 -10 -10 -10 -10

C. Non-Conformance with physician drug/treatment orders and/or non-conformance in medication administration.

-20 -20 -20 -20 -20

SUF ICF III ICF II NH CCE

Demerit Points

- D. Medications administered by unqualified personnel; including medication aides performing prohibited functions (injections, etc.) -25 -25 -25 -25 -25
- E. Medications not available for administration through facility error in ordering or notification of responsible party. -10 -10 -10 -10 -10

Administrative Service

Bonus Points

Bonus Points

- A. The Administrator, Assistant Administrator and/or the Health Services Supervisor visit each resident daily (5 days/week). 15 15 15 15 15
- B. The facility has a working mechanism to hear, investigate, and resolve complaints. Facility carries out this policy effectively. 20 20 20 20 20

Demerit Points

Demerit Points

- A. Trust fund records not properly maintained and available to residents/patients/families, etc. (Exclusive of simple arithmetic errors) -15 -15 -15 -15 -15
- B. Continuing education for all employees not maintained. -10 -10 -10 -10 -10
- C. Orientation program for new employees not maintained. -10 -10 -10 -10 -10
- D. Disaster plan not regularly rehearsed. -10 -10 -10 -10 -10

Activities and Volunteer Services

SNF ICF III ICF II NH CCH

Bonus Points

Bonus Points

A. Active and documented volunteer programs.	10	10	10	10	10
B. Active volunteer council.	5	5	5	5	5
C. Volunteer/resident ratios (volunteer giving individual service to resident)					
1. One volunteer for each six residents or less, at a rate of 1/2 hour per week, per resident.	5	5	5	5	5
2. One volunteer for each ten to six residents at a rate of 1/2 hour per week, per resident.	3	3	3	3	3
D. Regular scheduled training for staff on working with volunteers.	3	3	3	3	3
E. Active resident council that meets at least quarterly.	5	5	5	5	5
F. Activity director meets requirements of 405.1101 (o).	5	5	5	5	5
G. Activities directors					
1. Devote 100% more time than required minimum (non-participating facilities would be considered comparable to ICF III and ICF II)	10	10	10	10	10
2. Devote 50% more time than required minimum (non-participating facilities would be considered comparable to ICF III and ICF II)	5	5	5	5	5
H. Distinct activity area provided.	5	5	5	5	5

Professional Consultant Services

<u>Bonus Points</u>	SNF	ICF III	ICF II	NH	CCH
A. Medical Direction					
1. Full-time (40 hrs/wk) Medical Director	20	20	20	20	20
2. Part-time (at least 20 hours but less than 40 hrs/wk) Medical Director.	15	15	15	15	15
3. Daily visits by Medical Director.	15	15	15	15	15
4. Weekly visits by Medical Director.	10	10	10	10	10
B. Physical Therapy Services					
1. Staff Therapist (at least 20 hrs/wk).	10	10	10	10	10
2. Consultant Therapist (at least weekly visits).	5	5	5	5	5
C. Occupational Therapy Services					
1. Staff Therapist (at least 20 hrs/wk).	10	10	10	10	10
2. Consultant Therapist (at least weekly visits).	5	5	5	5	5
D. Medical Records Consultant (RRA or ART)	0	10	10	10	10
E. Pharmacy Services					
1. Facility provides an in-house pharmacy staffed with a registered pharmacist at least 40 hrs/wk.	15	15	15	15	15
2. Consultant pharmacist devotes 100% more time than required minimum (non-participating facility would be considered comparable to ICF III and ICF II).	10	10	10	10	10
3. Consultant pharmacist devotes 50% more time than required minimum (non-participating facility would be considered comparable to ICF III and ICF II).	5	5	5	5	5
F. Professional security provided at least 8 hours daily.	10	10	10	10	10

Physical Environment

SNF ICF III ICF II NH CCH

Bonus Points

Bonus Points

A. Life Safety Code

- 1. Functioning non-required sprinkler system. 10 10 10 10 10
- 2. Functioning non-required general smoke/heat detection system throughout. 7 7 7 7 7

B. Multiple functional living/recreation rooms accessible to residents.

5 5 5 5 5

C. Toilet Rooms

- 1. Toilet and lavatory for each two beds (for 75% or more of beds). 5 5 5 5 5
- 2. Toilet and lavatory for each four beds. 3 3 3 3 3

D. Bedrooms

75% of beds in 2-bed or private rooms 5 5 5 5 5

E. Generous use of quality finish materials and appointments commensurate with the location and purpose.

10 10 10 10 10

Demerit Points

Demerit Points

A. Required fire alarm system not functioning properly.

Entire System -10 -10 -10 -10 -10

Components -3 -3 -3 -3 -3

B. Required sprinkler system not functioning properly.

Entire System -15 -15 -15 -15 -15

Components -5 -5 -5 -5 -5

SNF ICF III ICF II NH CCH
Demerit Points

C. Required emergency lighting system not functioning properly.

Entire System	-5	-5	-5	-5	-5
Components	-2	-2	-2	-2	-2

Laundry Service

No bonus points may be achieved in this area as each facility must provide linen/laundry service either directly or from contracted services.

Demerit Points

Demerit Points

A. Failure to maintain an adequate and accessible linen supply.	-5	-5	-5	-5	-5
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Housekeeping and Maintenance

No bonus points are to be achieved in this area as all facilities are to be maintained in a clean, orderly, sanitary manner with all equipment in proper working order.

Demerit Points

Demerit Points

A. Serious deficiencies in maintaining patient rooms/ toilets and baths/public areas in a clean/odor free manner.	-15	-15	-15	-15	-15
B. Serious deficiencies in maintaining exterior of building and grounds in an orderly and neat manner.	-5	-5	-5	-5	-5
C. Facility does not maintain regular scheduled extermination service.	-10	-10	-10	-10	-10
D. Serious deficiencies in maintenance as to painting/floor coverings/furnishings.	-10	-10	-10	-10	-10

Texas State Board of Library Examiners

Certification Requirements

County Librarian Certificates 385.10.01

The Texas State Board of Library Examiners is proposing to amend Rules 385.10.01.001-.005, which establish the types of certificates and the requirements for obtaining each certificate. Proposed amendment 1 would change the amount of schooling and the number of years of successful library experience needed to obtain each type of certificate. The effect of the amendment would be an overall upgrading of requirements for certificates. Proposed amendment 2 would add language to Rules 385.10.01.002-.004 to establish requirements for renewing certificates. The effect of this amendment would be that persons having received county librarian certificates must be active in workshops and system meetings in order to have their certificates renewed.

The proposed amendments have no fiscal implications for units of local government of the state (source: director of the board).

Public comment on the proposed amendments to Rules 385.10.01.001-.005 are invited. Persons should submit their comments in writing to Jimmy Hausenfluke, Texas State Library, P.O. Box 12927, Austin, Texas 78711. A public hearing to consider these amendments has been scheduled for September 28, 1978, at 10 a.m., in room 202 of the Lorenzo De Zavala State Library and Archives Building. Those wishing to make oral comments may do so at the hearing.

These amendments are proposed under the authority of Article 1682, Vernon's Civil Statutes.

.001. Grade I Certificate.

(a) Graduation from a library school accredited by the American Library Association and *four years postgraduate experience in a public library* [two years successful library experience; or

(b) Graduation from an accredited college or university with a major in library science and four years successful library experience].

.002. Grade II Certificate.

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

(c) *Renewable with attendance at a minimum of two library-related workshops or professional meetings (i.e., TLA, SWLA, ALA, etc.) and two system meetings during the period of certification.*

.003. Grade III Certificate.

(a) *Graduation from an accredited college or university and attendance at a minimum of one library-related workshop or professional meeting (i.e., TLA, SWLA, ALA, etc.) and one system meeting.* [Graduation from high school and successful completion of 30 semester hours in an accredited college or university, or equivalent.]

(b) *Renewable with attendance at a minimum of one library-related workshop or professional meeting (i.e., TLA, SWLA, ALA, etc.) and one system meeting.*

.004. Grade IV Certificate [Temporary County Librarian Certificate].

(a) Graduation from high school (or GED) and successful completion of 30 hours in an accredited college or university [or equivalent]; or

(b) *Graduation from high school (or GED) and six years library experience within the past 10 years; or*

(c) *Graduation from high school (or GED) and three years library experience and attendance at four library-related workshops or professional meetings within the past five years;*

(d) *Renewable annually with attendance at a minimum of one library-related workshop or professional meeting (i.e., TLA, SWLA, ALA, etc.) and one system meeting each year.*

.005. Term.

(a) Grade I certificates are [is] permanent.

(b) Grade II certificates are valid for four years from date of issue. Grade III certificates are valid for two years from date of issue [and III are valid for two years from date of issue].

(c) Grade IV certificates are valid for one year from date of issue. [Temporary certificates are valid until December 31st of year issued.]

Issued in Austin, Texas, on August 4, 1978.

Doc. No. 785513 Dorman H. Winfrey
Director and Librarian
Texas State Library

Proposed Date of Adoption: January 1, 1979

For further information, please call (512) 475-8852.

Texas Department of Mental Health and Mental Retardation

Client (Patient) Care

Restraint and Seclusion 302.04.06

The Texas Department of Mental Health and Mental Retardation is proposing to amend Rule 302.04.06.003, which contains definitions for the terms used in the department's subchapter of rules concerning restraint and seclusion.

The proposed amendment to Rule 302.04.06.003 would add language to Section (c) of the rule to provide that drug restraint will mean and include the oral administration of any pharmacologic or chemical agent to a patient or resident of a departmental facility for the sole and explicit reason of controlling or limiting the physical activity of the patient or resident.

The promulgation of the proposed amendment will have no known fiscal implications for the state or for units of local government (source: Legal and Claims Division).

Public comment on the proposed amendment to Section (c) of Rule 302.04.06.003 is invited. Persons may submit their com-

ments by writing to John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, or by telephone at (512) 454-3761.

The amendment to Section (c) of Rule 302.04.06.001 is proposed under the authority of Section 2.11(b) of Article 5547-202, Texas Civil Statutes.

.003. Definitions.

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

(c) Drug restraint means the *oral*, intravenous, intramuscular, or subcutaneous administration of any pharmacologic or chemical agent to a patient or resident for the sole and explicit reason of controlling or limiting the physical activity of the patient or resident.

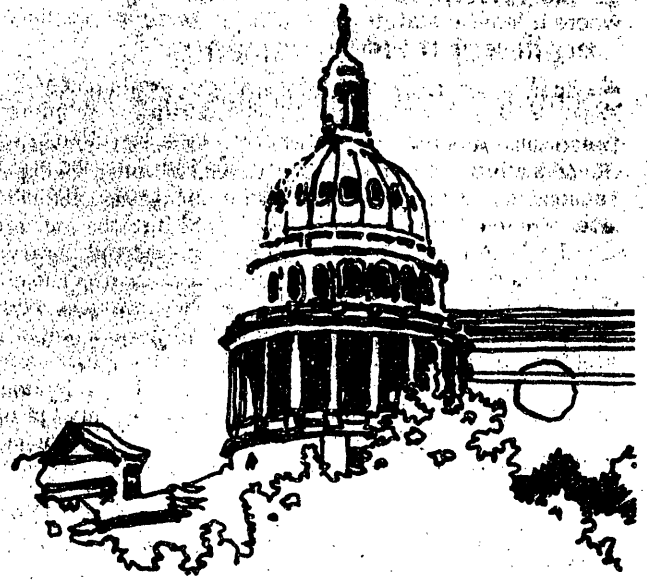
Issued in Austin, Texas, on August 21, 1978.

Doc. No. 785525

John J. Kavanagh, M.D.
Commissioner
Texas Department of Mental Health and
Mental Retardation

Proposed Date of Adoption: September 29, 1978

For further information, please call (512) 454-3761, Ext. 241.



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ADOPTED RULES

3027

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

Comptroller of Public Accounts

Tax Administration

Motor Vehicle Sales Tax Division 026.02.06.009

Under the authority of Texas Taxation—General Annotated, Article 6.02 (1969), the Comptroller of Public Accounts has adopted Rule 026.02.06.009 to read as follows:

.009. Motor Vehicles Purchased Through Another Name. When a motor vehicle is titled in a name other than the buyer's name, a four percent motor vehicle sales and use tax or a \$10 gift tax will be due if the vehicle is later transferred to the original buyer. The passing of title reflects a closed transaction and a change of ownership. (See Attorney General Opinion O-4128.) When a motor vehicle is titled in the name of the buyer's parents or guardians and the buyer has not reached age 21 at the time of purchase of the motor vehicle, no motor vehicle sales or use tax will be due if the vehicle is later transferred into the buyer's name after he reaches age 21.

Doc. No. 785553

026.02.06.027

The Comptroller of Public Accounts has adopted the repeal of Rule 026.02.06.027, entitled "Temporary Substitution of a Rental Vehicle on a Leased Vehicle Contract." The proposed repeal was published in the July 21, 1978, issue of the *Texas Register* (3 TexReg 2472). The repeal removes a rule which has been rendered unnecessary by Texas Taxation—General Annotated, Article 6.01(I) (Supplement 1978), which defines taxable "gross rental receipts" to include any money received for the rental of a motor vehicle. Additionally, the reference to Rule 026.02.06.029 is outdated since that rule is being repealed.

Pursuant to the authority of Texas Taxation—General Annotated, Article 6.02 (1969), the Comptroller of Public Accounts has repealed Rule 026.02.06.027, Temporary Substitution of a Rental Vehicle on a Leased Vehicle Contract.

Doc. No. 785554

026.02.06.029

The Comptroller of Public Accounts has adopted the repeal of Rule 026.02.06.029, entitled "Status Change of Rental Motor Vehicle." The proposed repeal was published in the July 21, 1978, issue of the *Texas Register* (3 TexReg 2472). The proposed repeal removes a rule based on Texas Taxation—General Annotated, Article 15 6.01(1) and (8) (1969), portions of which were revised by Acts 1977, 65th Legislature. Under the prior provision, persons who registered motor vehicles tax-free for rental use, but subsequently used the vehicles for another purpose, became liable for the sales tax based on the original purchase price of the vehicle. Under the revised statute, persons who register vehicles tax-free for rental and who subsequently use the unit for another purpose are liable for sales tax equal to the tax which would have been due on the original purchase price reduced by the amount of rental tax previously collected and remitted (Texas Taxation—General Annotated, Articles 6.04(5) and 6.01(6) (Supplement 1978)).

Pursuant to the authority of Texas Taxation—General Annotated, Article 6.02 (1969), the Comptroller of Public Accounts has repealed Rule 026.02.06.029, Status Change of Rental Motor Vehicle.

Issued in Austin, Texas, on August 23, 1978.

Doc. No. 785555

Bob Bullock
Comptroller of Public Accounts

Effective Date: September 13, 1978

For further information, please call (512) 475-6897.

Texas Feed and Fertilizer Control Service

Feed

The Texas Feed and Fertilizer Control Service, a department of the Texas Agricultural Experiment Station, Texas A&M University, has adopted Rules 178.01.02.004 and .007, concerning the clarification of the guaranteed expressions for equivalent protein from nonprotein nitrogen and for protein from natural sources, as was proposed in the March 3, 1978, issue of the *Texas Register* (3 TexReg 781 and 782).

A public hearing was held regarding the proposed changes to these rules, as published in the March 3, 1978, issue of the *Texas Register*. This public hearing was held April 4, 1978, at College Station. Opposition was expressed by individuals and organizations representing segments of the feed manufacturing industry. Reasons for opposition were: increased labeling

costs, problems in interstate feed shipments, diverting from the Uniform Bill accepted in other states, and that information already available on tags was adequate for the feed purchaser. Written comments were received by agricultural organizations representing major purchasers of feed products who expressed support for the additional labeling. Letters of support expressed that: the proposed changes would add clarity for purchasers, directly provide useful information about percentages without computation, would generally aid the purchaser, and the change was relatively minor.

The Feed and Fertilizer Control Service surveyed states and determined from other feed control officials that surrounding states would accept the label addition within their state. Hence, there would not be a problem in interstate shipments or inventory management.

After all hearing information and written comments were received and compiled, a hearing record was completed and reviewed with the director of the Texas Agricultural Experiment Station. After considering the disadvantages expressed by manufacturers and the advantages expressed by purchasers, a decision was made to establish the proposed changes. In implementing these regulations, the Texas Feed and Fertilizer Control Service, a department of the Texas Agricultural Experiment Station, Texas A&M University, intends to work with feed manufacturers to assure an orderly transition and avoid imposing hardships involving current inventory of printed tags. Additionally, the control service will work with control officials in surrounding states to assure adequate communication on the Texas label.

The rules will be placed in effect six months after publication in the *Texas Register*.

Labeling 178.01.02.004

This rule is promulgated under the authority of the Texas Commercial Feed Control Act of 1957, Article 3881e, Vernon's Civil Statutes.

.004. Expression of Guarantees.

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

(f) Commercial feeds containing any added nonprotein nitrogen shall be labeled as follows:

(1) Complete feeds, supplements, and concentrates containing added nonprotein nitrogen and containing more than five percent protein from natural sources shall be guaranteed as follows: Crude protein, minimum, _____ percent. (This includes not more than _____ percent equivalent protein from nonprotein nitrogen and not less than _____ percent protein from natural sources.)

(2) Mixed feed concentrates and supplements containing less than five percent protein from natural sources may be guaranteed as follows: Equivalent crude protein from nonprotein nitrogen, minimum, _____ percent.

(3) Ingredient sources of nonprotein nitrogen, such as urea, diammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls, or any other basic nonprotein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows: Nitrogen, minimum, _____ percent; equivalent crude protein from nonprotein nitrogen, minimum, _____ percent.

(g) (No change.)

Doc. No. 785516

178.01.02.007

This rule is promulgated under the authority of the Texas Commercial Feed Control Act of 1957, Article 3881e, Vernon's Civil Statutes.

.007. Nonprotein Nitrogen.

(a) Urea and other nonprotein nitrogen products defined by the Association of American Feed Control Officials are acceptable ingredients in proprietary cattle, sheep, and goat feeds only, provided the parenthetical statement ("For Ruminants Only") is printed on the label directly below the brand or product name on all feeds. These materials shall be considered adulterants in proprietary feeds for other animals and birds; and the following statement of guarantee of crude protein for feeds containing these materials shall be used: Crude protein not less than _____ percent. (This includes not more than _____ percent equivalent protein from nonprotein nitrogen and not less than _____ percent protein from natural sources.)

If the equivalent protein from nonprotein nitrogen in a feed exceeds one third of the total crude protein, or if more than 8.75 percent equivalent protein is from nonprotein nitrogen, the label shall bear adequate directions for the safe use of such feeds and the following or similar statement:

Warning (or Caution): Use as directed.

The directions for use and the caution statement shall be in type of such size as to render it likely to be read and understood by ordinary persons under customary conditions of purchase and use. This regulation applies to invoiced, labeled customer-formula feeds as well as registered brand-labeled feeds.

(b) On labels such as those for medicated feeds which bear adequate feeding directions and warning statements, the presence of added nonprotein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of nonprotein nitrogen.

(c) (No change.)

Issued in College Station, Texas, on August 7, 1978.

Doc. No. 785517

Dr. Flake L. Fisher
Director
Texas Feed and Fertilizer Control
Service

Effective Date: Six months after publication

For further information, please call (713) 845-1121.

The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Texas Adult Probation Commission

Friday, September 8, 1978, 9 a.m. The Texas Adult Probation Commission will meet in Suite 400, 812 San Antonio, Austin, to consider the July caseload data, the probation department telephone directory, the final report on a planning survey, action on supplemental program requests, action on special program funding, and a financial report.

Additional information may be obtained from Sharon Schunn, Suite 400, 812 San Antonio, Austin, Texas 78701, telephone (512) 475-1374.

Filed: August 22, 1978, 2:55 p.m.
Doc. No. 785539

Board of Examiners in the Basic Sciences

Friday, September 8, 7:30 p.m., and Saturday, September 9, 1978, 8 a.m. The Board of Examiners in the Basic Sciences will meet at the Marriott Hotel, 1750 West Loop South, Houston, to consider the following items, as summarized: Attorney General's Opinion H-1110 and determination of status of chiropractic applications; examination questions for October 16-17, 1978, session; report of the executive secretary; and applications for certification by waiver and reciprocity.

Additional information may be obtained from Betty J. Anderson, Building H, Suite 105, 5555 North Lamar, Austin, Texas 78751, telephone (512) 458-1397.

Filed: August 22, 1978, 9:55 a.m.
Doc. No. 785533

Coordinating Board, Texas College and University System

Thursday, September 7, 1978, 10 a.m. The Administrative Council of the Coordinating Board, Texas College and University System, will meet in Parlour D, Sheraton-Crest Inn, 111 East 1st Street, Austin, to consider the Advisory Committee recommendations pertaining to maximum administrative costs, basic procedural and administrative practices, and the retirement annuity insurance program; to discuss state taxes on insurance premiums, liability protection provided under Senate Bill 37, the \$25,000 ceiling on annual compensation used in calculating the TRS retirement benefits, and the pooling by institutions to procure one or more insurance contracts.

Additional information may be obtained from James McWhorter, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-2033.

Filed: August 21, 1978, 3:40 p.m.
Doc. No. 785521

Texas Court Reporters Committee

Saturday, September 9, 1978, 9 a.m. The Texas Court Reporters Committee will meet at 1414 Colorado, Austin, to consider the examination of applicants, reports on staff activities, budget and financing, arrangements for the fall examination, and possible legislation and rule changes.

Additional information may be obtained from C. Raymond Justice, 1414 Colorado, Austin, Texas 78701, telephone (512) 475-2421.

Filed: August 23, 1978, 9:54 a.m.
Doc. No. 785545

Texas Department of Health

Thursday, August 31, 1978, 2 p.m. The Texas Board of Health of the Texas Department of Health will meet in the board room, 1100 West 49th Street, Austin. The summarized agenda includes a report on the status of proposed legislation; state chest hospitals' 1979 quarterly budgets and appropriation transfers; request for approval of expenditures from fiscal year 1978 unexpended tuberculosis funds; rules on certification and decertification of long-term care facilities; proposal to the governor for the identification of regional boundaries and agencies for municipal solid waste.

Additional information may be obtained from Jimmy Helm, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7488.

Filed: August 23, 1978, 4:11 p.m.
Doc. No. 785579

Friday, September 1, 1978, 9:30 a.m. The Texas Board of Health of the Texas Department of Health will meet in the board room, 1100 West 49th Street, Austin, to consider, as summarized, the commissioner's report; signatures for approval of department expenditures; extension of terms of the Hypertension Advisory Committee; appointments to the Nursing Home Advisory Committee and the Crippled Children Technical Advisory Committee; committee reports; personnel; crippled children physician applicants; and crippled children hospital applicants.

Additional information may be obtained from Jimmy Helm, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7488.

Filed: August 23, 1978, 4:11 p.m.
Doc. No. 785580

Saturday, September 9, 1978, 9:30 a.m. The Texas Medical Disclosure Panel of the Texas Department of Health will meet in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin, to consider, as summarized on the agenda, a question of disclosure related to immunization, completion of surgery subspecialty considerations, and medical procedures.

Additional information may be obtained from E. P. Tottenham, M.D., Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7528.

Filed: August 22, 1978, 2:28 p.m.
Doc. No. 785536

Texas Health Facilities Commission

Thursday, August 31, 1978, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The commission will consider the following, as summarized: three applications for certificates of need; one application for a declaratory ruling; three applications for exemption certificates; one petition for reissuance of certificate of need; one motion for rehearing on reissuance of certificate of need; and two motions to amend certificates of need.

Additional information may be obtained from Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: August 23, 1978, 12:12 p.m.
Doc. No. 785549

Thursday, September 7, 1978, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The commission will consider, as summarized, eight applications for certificate of need; 10 applications for exemption certificates; and one application for declaratory ruling.

Additional information may be obtained from Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: August 23, 1978, 12:12 p.m.
Doc. No. 785550

State Board of Insurance

Thursday, August 24, 1978, 10 a.m. The State Board of Insurance met in emergency session in Room 343, 1110 San Jacinto, Austin, to consider the acquisition of Great Southern Life Insurance Company by NLT Capitol Corporation.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: August 23, 1978, 2:50 p.m.
Doc. No. 785584

Thursday, August 24, 1978, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance met in emergency session in Room 343, 1110 San Jacinto, Austin, to conduct a hearing on an application for merger of Equitable General Insurance Company, Fort Worth, and Equi-Gen Insurance Company, Des Moines, Iowa, pursuant to Texas Insurance Code Annotated, Articles 21.25, and 21.49-1.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: August 23, 1978, 2:38 p.m.
Doc. No. 785563

Thursday, August 31, 1978, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider the application for approval of acquisition of Admiral Insurance Company, Houston, by Ensign Insurance Company, Austin, and Ensign Insurance Company of Delaware, Wilmington, Delaware, pursuant to Texas Insurance Code Annotated, Article 21.49-1, Section 5, and the application for approval of reinsurance agreements between Admiral Insurance Company and Security Insurance Company of Hartford, pursuant to Texas Insurance Code Annotated, Article 21.49-1, Section 4.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: August 22, 1978, 9:46 a.m.
Doc. No. 785532

Tuesday, September 5, 1978, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider the application of Family Life Insurance Company of Texas, Waco, to acquire control of Crespo Life Insurance Company, Houston, pursuant to Texas Insurance Code Annotated, Article 21.49-1, Section 5.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: August 22, 1978, 9:46 a.m.
Doc. No. 785531

Texas Judicial Council

Friday, September 8, 1978, 10 a.m. The Texas Judicial Council will meet at 1414 Colorado, Austin, to consider action on amendment to the rules for the continuing legal education of municipal court judges; to hear a report on staff activities; and to discuss proposed legislation, television in the courtroom, *voir dire* examination of jurors, and judicial salaries and staff.

Additional information may be obtained from C. Raymond Justice, P.O. Box 12066, Austin, Texas 78711, telephone (512) 475-2421.

Filed: August 23, 1978, 9:54 a.m.
Doc. No. 785546

Legislative Budget Board

Friday, September 22, 1978, 9 a.m. The Legislative Budget Board has rescheduled its meeting formerly set for Monday, September 18, 1978, 8:30 a.m., to Friday, September 22, 1978, at 9 a.m., in Room 301, State Capitol, Austin. The meeting is being held to continue consideration of appropriation requirements for the 1980-1981 biennium.

Additional information may be obtained from Thomas M. Keel, Legislative Budget Office, Room 207-A, State Capitol, Austin, Texas 78701, telephone (512) 475-3426.

Filed: August 23, 1978, 9:36 a.m.
Doc. No. 785543

Texas Legislature

Thursday, September 7, 1978, 2 p.m. The Special Committee on Human Services Delivery System will meet in the Lieutenant Governor's Committee Room, State Capitol, Austin, to conduct, as summarized, a general business and organizational meeting.

Additional information may be obtained from Cis Myers, Room G-38, State Capitol, Austin, Texas 78711, telephone (512) 475-3106.

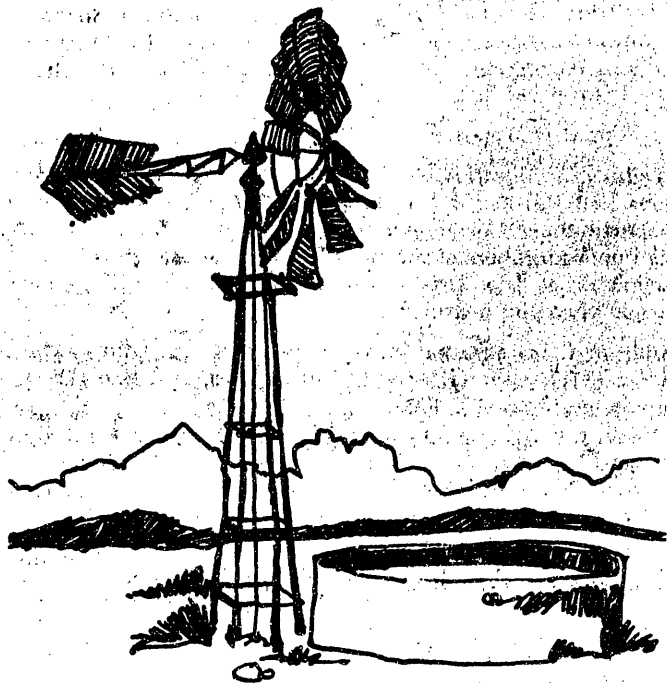
Filed: August 21, 1978, 3:24 p.m.
Doc. No. 785519

Midwestern State University

Friday, August 25, 1978, 7:30 a.m. The Finance Committee of the Board of Regents of Midwestern State University met in emergency session in Room 108, Hardin Administration Building, Wichita Falls, to review the Finance Committee agenda items for the regular board meeting scheduled at 9 a.m.

Additional information may be obtained from Joe Hooper, Midwestern State University, Wichita Falls, Texas 76308, telephone (817) 692-6611.

Filed: August 24, 1978, 9:11 a.m.
Doc. No. 785562



Tuesday, September 5, 1978, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider the application by United Fidelity Life Insurance Company, Dallas, for an extension of time within which to sell real estate.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: August 22, 1978, 9:46 a.m.
Doc. No. 785530

Monday, September 11, 1978, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider a name protest involving U.S. Family Life Insurance Company, Wichita Falls.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: August 22, 1978, 9:46 a.m.
Doc. No. 785529



Board of Nurse Examiners

Wednesday and Thursday, September 6 and 7, 1978, 8:15 a.m. The Board of Nurse Examiners will meet in Suite 502, 7600 Chevy Chase Drive, Austin. The agenda will include: continuation of progress reports; a request for new program; faculty petitions; the report of the executive secretary; examinations; irregular applicants; disciplinary hearings; reinstatement hearings; ratification of informal hearings; and election of officers.

Additional information may be obtained from Margaret L. Rowland, R.N., 7600 Chevy Chase Drive, Austin, Texas 78752, telephone (512) 451-0201.

Filed: August 23, 1978, 9:54 a.m.
Doc. No. 785544

Board of Pardons and Paroles

Tuesday through Friday, September 5-8, 1978, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. As summarized, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole and procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency; and take action upon gubernatorial directives.

Additional information may be obtained from Ken Casner, Room 711, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: August 22, 1978, 9:46 a.m.
Doc. No. 785528

Wednesday, September 6, 1978, 9 a.m. The Board of Pardons and Paroles will meet in the Diagnostic Unit, Texas Department of Corrections, Huntsville. A parole panel, consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission, will conduct parole violation hearings.

Additional information may be obtained from Ken Casner, Room 711, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: August 22, 1978, 9:46 a.m.
Doc. No. 785527

Texas Parks and Wildlife Department

Tuesday, September 19, 1978, 2 p.m. The Fisheries Division of the Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin, to consider an application of LTT Sand and Grave, Inc., for a permit to remove approximately 24,500 cubic yards of sand and 8,200 cubic yards of gravel per month from the Brazos River by means of a 10 x 12-inch cutter-head dredge for commercial use. The location of the operation extends east-southeast from the San Felipe City boundary for approximately 0.6 miles adjacent to the properties of Sam P. Worden, Adrian F. Meyer, and Emily S. Doggett in Austin County. The property owners on the Waller County side of the river across from the proposed work site are Michael R. Pickering and Will H. Thenhieser.

Additional information may be obtained from Chester D. Harris, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

Filed: August 21, 1978, 3:40 p.m.
Doc. No. 785522

Public Utility Commission of Texas

Wednesday, August 30, 1978, 9 a.m. The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider the selection of a new director of administration.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: August 21, 1978, 4:08 p.m.
Doc. No. 785523

Wednesday, August 30, 1978, 9 a.m. The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider final order and hear oral arguments in the following dockets: 1704, 1635, 1656-1660, 1438, 1650, 1694, 1614, 1739, 1712, 1791, 1795, 1819, 281, 1869, 1910, 704, 1676, 1685, 1738, 1667, 1867, 1646, 1930, 1924, 2047, 1927, 1933, 1588, 1936, 2013, 2046, 860, 989, 1647, 1648, 1709, 1857, 1920, 1921, 1938, 1987, 1988, 1989, 1995, 2002, 2028, 2029, 2030, 2034, 2035, 2039, 2043, 2049, 2050, 2063, 2064, 2067, 2068, 2073, 2074, 2075.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek, Austin, Texas 78757, telephone (512) 458-0100.

Filed: August 21, 1978, 4:08 p.m.
Doc. No. 785524

Thursday, August 31, 1978, 9 a.m. The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing on Docket No. 2103, concerning the complaint of Central Power & Light Company and Magic Valley Electric Cooperative, Inc., against the Public Utilities Board of the City of Brownsville.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: August 22, 1978, 2:28 p.m.
Doc. No. 785538

Wednesday, September 13, 1978, 9:30 a.m. The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing, as summarized on the agenda, on Docket No. 773, concerning the application of Waco Communications, Inc., for a certificate of convenience and necessity within Bell and surrounding counties.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: August 22, 1978, 2:28 p.m.
Doc. No. 785537

Wednesday, September 13, 1978, 2 p.m. The Public Utility Commission of Texas has rescheduled the hearing of Docket No. 449, the application of Refugio Mobile Telephone Company for a certificate of convenience and necessity to provide radio-telephone utility service within Refugio County.

The hearing was originally scheduled for Tuesday, September 12, 1978, at 2 p.m.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: August 24, 1978, 10:01 a.m.
Doc. No. 785583

Texas Water Commission

Thursday, September 14, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the 3rd floor auditorium of the Bank of the Southwest, 910 Travis, Houston, to consider, as summarized, an application by Bammel Utility District, Houston, for an amendment to Permit No. 11105 to accommodate plant expansion.

Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: August 23, 1978, 4:38 p.m.
Doc. No. 785575

Thursday, September 14, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the 3rd floor auditorium of the Bank of the Southwest, 910 Travis, Houston, to consider, as summarized, an application by Southwest Environmental Systems, Inc., Bellaire, for an amendment to Permit No. 11375 to accommodate the construction by stages of treatment plant expansion.

Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: August 23, 1978, 4:38 p.m.
Doc. No. 785573

Thursday, September 14, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the 3rd floor auditorium of the Bank of the Southwest, 910 Travis, Houston, to consider, as summarized, an application by the City of League City for an amendment to Permit No. 10568 to accommodate the construction of a new wastewater treatment facility.

Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: August 23, 1978, 4:38 p.m.
Doc. No. 785574

Thursday, September 14, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the 3rd floor auditorium of the Bank of the Southwest, 910 Travis, Houston, to consider, as summarized, an application by L and N Consultants, Inc., Bellaire, for a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent to 6,000.

Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: August 23, 1978, 4:39 p.m.
Doc. No. 785572

Thursday, September 14, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the 3rd floor auditorium of the Bank of the Southwest, 910 Travis, Houston, to consider, as summarized, an application by the City of Angleton for an amendment to Permit No. 10548 to accommodate the construction of a new sewage treatment plant.

Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: August 23, 1978, 4:39 p.m.
Doc. No. 785571

Thursday, September 14, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the 3rd floor auditorium of the Bank of the Southwest, 910 Travis, Houston, to consider, as summarized, an application by Mitchell Development Corporation of the Southwest, Woodlands, for an amendment to Permit No. 10997 to accommodate plant expansion.

Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: August 23, 1978, 4:38 p.m.
Doc. No. 785576

Tuesday, September 19, 1978, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, Austin, to conduct a hearing on Application 3907, General Portland, Inc., for a permit to authorize the construction and maintenance of an 82 acre-foot capacity reservoir on an unnamed tributary of Dry Comal Creek, tributary Comal River, tributary Guadalupe River, Guadalupe River Basin, for the impounding of surface water inflow and groundwater in the reservoir and the diversion, circulation, and recirculation of approximately 6581 acre-feet of water per annum for industrial purposes in Comal County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: August 23, 1978, 4:38 p.m.
Doc. No. 785578

Tuesday, October 3, 1978, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to conduct a hearing on the following item, as summarized on the agenda: the application of the U.S. Bureau of Reclamation—Choke Canyon Dam—Nueces River Project, Herring Plaza, Box H-4377, Amarillo, Texas 79101, to allow a discharge not to exceed an average flow of 240,000 gallons per day of wastewater effluent from the dam and reservoir construction project in Live Oak County.

Additional information may be obtained from Larry Soward, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Filed: August 23, 1978, 4:38 p.m.
Doc. No. 785577

Texas Water Well Drillers Board

Tuesday, September 5, 1978, 9:30 a.m. The Texas Water Well Drillers Board will meet in the first floor conference room, Room 119, of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. As summarized on the agenda, the board will consider the election of officers for fiscal year 1979; the certification of new applicants for registration; a report on water well drillers examinations held since the July 11, 1978, board meeting; a progress report on registration of new drillers since the July 11, 1978, meeting; a report on investigator's activities; complaints and violations; and revision of the water well drillers examination.

Additional information may be obtained from Fred Osborne, Ground Water Division, Texas Water Development Board, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-6176.

Filed: August 22, 1978, 4:29 p.m.
Doc. No. 785542

Governor's Coordinating Office for the Visually Handicapped

Friday, September 8, 1978, 1:30 p.m. The Texas Committee for the Purchase of Blind-Made Products and Services of the Governor's Coordinating Office for the Visually Handicapped will meet in Suite 105, 314 West 11th, Austin, to consider, as summarized, new products to be used for political subdivisions.

Additional information may be obtained from John P. Best, Suite 105, 314 West 11th, Austin, Texas 78701, telephone (512) 475-7064.

Filed: August 23, 1978, 9:54 a.m.
Doc. No. 785547

Regional Agencies

Meetings Filed August 21, 1978

The Austin/Travis County MH/MR Center, Personnel Committee, met at 1430 Collier Street, Austin, on August 24, 1978, at 7 p.m. The board of trustees met at the same date and location at 7:30 p.m. Further information may be obtained from Daniel Dierschke, 1430 Collier, Austin, Texas 78704, telephone (512) 447-4141.

The Houston Metropolitan Transit Authority, Board of Directors, met in the conference room, 3701 West Alabama, Houston, on August 25, 1978, at 10 a.m. Further information may be obtained from Marilee Wood, P.O. Box 1562, Houston, Texas, telephone (713) 225-1151.

Doc. No. 785520

Meetings Filed August 22, 1978

The South Texas Development Council, Jim Hogg County Overall Economic Development Program Committee, will meet in the county courthouse courtroom, Hebbronville, on August 29, 1978, at 2:30 p.m. Further information may be obtained from Juan Vargas, P.O. Box 2187, Laredo, Texas 78040.

Doc. No. 785526

Meetings Filed August 23, 1978

The Golden Crescent Council of Governments, Board of Directors, will meet in the La Salle Room, 120 South Main, Victoria, on August 30, 1978, at 5 p.m. Further information may be obtained from Robert W. Burr, P.O. Box 2028, Victoria, Texas 77901, telephone (512) 578-1587, extension 30.

The Middle Rio Grande Development Council, Criminal Justice Advisory Committee, will meet at the Del Rio Civic Center, Del Rio, on August 31, 1978, at 10 a.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

Doc. No. 785548

Comptroller of Public Accounts

Administrative Decisions

Summary of Administrative Decision 9296

Summary of Decision: Transfers of tangible personal property from one division to another division of the same corporation are not taxable sales of tangible personal property because a corporation is a legal entity and cannot sell to itself (Texas Taxation—General Annotated, Article 20.01 *et seq.*).

For copies of recent opinions selected and summarized by the Legal Services Division, contact Harriet Burke, Legal Services Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

Doc. No. 785552

Summary of Administrative Decision 10016

Summary of Decision: The purchaser of a mobile home owes motor vehicle sales tax on its purchase price even though the mobile home has never been registered (Texas Taxation—General Annotated, Article 6.01 *et seq.*).

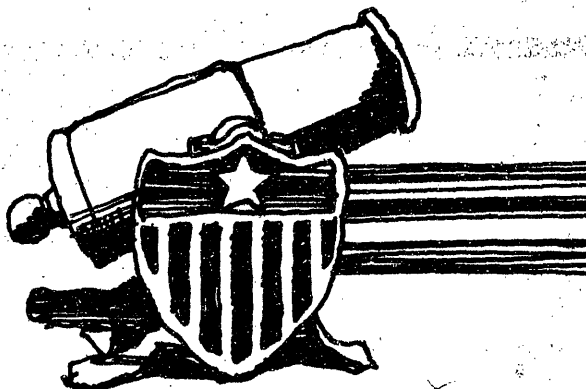
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Issued in Austin, Texas, on August 23, 1978.

Doc. No. 785551 Harriet D. Burke
Hearings Section
Comptroller of Public Accounts

Filed: August 23, 1978, 12:12 p.m.

For further information, please call (512) 475-2148.



Office of the Governor

Budget and Planning Office

Notice of Funding Recommendations

In accordance with the Intrastate Allocation Procedures for Federal Coastal Energy Impact Program Assistance (Rules 001.60.11.001-.011), the Budget and Planning Office is publishing this notice of funding recommendations. On May 26, 1978, a notice of financial assistance availability was published in the *Texas Register* to solicit applications from eligible state agencies and local governments. Applications for grants for planning and for environmental or recreational losses were received until June 30, 1978. Upon receipt, applications were reviewed by the Budget and Planning Office to verify eligibility under federal law and regulations and under state rules for this program. In addition, the Texas Coastal Management Program staff reviewed the applications to ensure compatibility with the state's coastal management plans and activities. Applications have also been submitted for review and comment by interested or affected state agencies and units of local governments in accordance with Office of Management and Budget Circular A-95.

The following list of applications is recommended for funding by the U.S. Department of Commerce, Office of Coastal Zone Management. Listed are the categories of assistance, names of the applicants, and amount of recommended federal funds.

Planning Grants. To prepare for the consequences of new or expanded energy facilities impacting the coastal zone, the following applications are recommended for funding pursuant to federal regulations (15 Code of Federal Regulations 931.30 *et seq.*):

Applicant	SAI Number	Federal Amount Recommended
Budget and Planning Office	8-08-50-036	\$31,332
Brazoria County	8-06-50-345	45,300
Cameron County	8-06-50-373	21,072
Chambers County	8-06-50-348	17,689
City of Aransas Pass	8-06-50-281	7,360
City of Bay City	8-06-50-282	24,000
City of Ingleside	8-06-50-374	20,000
City of Palacios	8-06-50-426	11,914
City of Port Aransas	8-06-50-333	56,000
City of Rockport	8-06-50-321	10,000
Galveston County—Phase I	8-06-50-378	21,285
Golden Crescent Council of Governments (Calhoun County)	8-06-50-327	22,729
Golden Crescent Council of Governments (Jackson County)	8-06-50-326	10,000
Golden Crescent Council of Governments (Victoria County)	8-06-50-325	15,016
Harris County	8-06-50-349	27,248
Jefferson County	8-06-50-307	27,437
Orange County	8-06-50-306	20,268
Palacios Independent School District	8-06-50-012	7,942
Refugio County	8-06-50-370	10,000
Willacy County	8-06-50-184	10,000

Grants for Environmental and Recreational Losses. To aid in preventing, reducing, or repairing damage to or loss of valuable environmental or recreational resources due to coastal energy activity, the following applications are recommended for funding pursuant to federal regulations (15 Code of Federal Regulations 931.70 *et seq.*):

Applicant	SAI Number	Federal Amount Recommended
Brazoria County	8-06-50-369	\$151,000.
Cameron County	8-06-50-372	37,840
City of Port Aransas	8-06-50-375	196,000
City of Port Isabel	8-06-50-376	48,000
Galveston County	8-06-50-379	100,000
General Land Office	8-06-50-361	38,897
Nueces County Navigation District 1	8-06-50-362	156,000
Nueces County Navigation District 1	8-06-50-363	165,000
Nueces County Navigation District 1	8-06-50-364	196,000
University of Texas at Austin	8-06-50-338	76,711

Issued in Austin, Texas, on August 23, 1978.

Doc. No. 785562 Roy Hogan, Assistant Director
Budget and Planning Office
Office of the Governor

Filed: August 23, 1978, 1:43 p.m.

For further information, please call (512) 475-2411.

Texas Department of Health

Correction of Error

Adopted Rules 301.01.01.003 and .006 of the *Texas Department of Health* contained an error as published in the June 6, 1978, issue of the *Texas Register* (3 TexReg 1931). The statutory authority for the adoption of those rules is Article 4418a, Texas Civil Statutes.

Texas Water Commission

Notice of Adjudication of All Claims of Water Rights

Notice is given pursuant to Section 11.306, Texas Water Code, and commission Rule 155.08.02.005, that all claims of

water rights in the Bosque River Watershed of the Brazos River Basin will be adjudicated pursuant to the Water Rights Adjudication Act of 1967, Sections 11.301, *et seq.*, Texas Water Code, and commission order of February 6, 1978.

The Bosque River Watershed consists of the Bosque River and its tributaries from its headwaters downstream to its confluence with the Brazos River and includes portions of Bosque, Coryell, Erath, Hamilton, McLennan, and Somervell Counties.

On or before November 20, 1978, all persons claiming any right to divert state water except for domestic and livestock purposes in the Bosque River Watershed shall file with the Texas Department of Water Resources a sworn claim in accordance with Section 11.307, Texas Water Code, setting forth the following: the name and post office address of the claimant; the location and nature of the right claimed, including a description of any permit or certified filing under which the claim is made; the purpose of use; a description of works and irrigated land; and all other information necessary to show the nature and extent of the claim.

Instructions and forms for the filing of claims of water rights under Section 11.307, Texas Water Code, may be obtained without cost from the Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711. Use of department forms is not mandatory.

Copies of the investigation report for the Bosque River Watershed, together with aerial photographs in the appendix to the investigation report, are available for inspection in the offices of the Texas Department of Water Resources in the Stephen F. Austin State Office Building, 1700 North Congress, Austin, and in the offices of the county clerks of Bosque, Erath, Hamilton, and McLennan Counties.

Issued in Austin, Texas, on August 7, 1978.

Doc. No. 785506 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: August 18, 1978, 3:54 p.m.

For further information, please call (512) 475-1317.

Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the September, October, and November issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Friday of the preceding week and Monday of the week of publication. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays. Note that the issue published on October 13 will be an index; no other material will be published in this issue. The *Texas Register* will not be published on November 28.

FOR ISSUE PUBLISHED ON:	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY NOON ON:	ALL NOTICES OF OPEN MEETINGS BY NOON ON:
Friday, September 1	Friday, August 25	Monday, August 28
Tuesday, September 5	Wednesday, August 30	Thursday, August 31
*Friday, September 8	Thursday, August 31	Friday, September 1
Tuesday, September 12	Wednesday, September 6	Thursday, September 7
Friday, September 15	Friday, September 8	Monday, September 11
Tuesday, September 19	Wednesday, September 13	Thursday, September 14
Friday, September 22	Friday, September 15	Monday, September 18
Tuesday, September 26	Wednesday, September 20	Thursday, September 21
Friday, September 29	Friday, September 22	Monday, September 25
Tuesday, October 3	Wednesday, September 27	Thursday, September 28
Friday, October 6	Friday, September 29	Monday, October 2
Tuesday, October 10	Wednesday, October 4	Thursday, October 5
Friday, October 13	QUARTERLY INDEX	
Tuesday, October 17	Wednesday, October 11	Thursday, October 12
Friday, October 20	Friday, October 13	Monday, October 16
Tuesday, October 24	Wednesday, October 18	Thursday, October 19
Friday, October 27	Friday, October 20	Monday, October 23
Tuesday, October 31	Wednesday, October 25	Thursday, October 26
Friday, November 3	Friday, October 27	Monday, October 30
Tuesday, November 7	Wednesday, November 1	Thursday, November 2
Friday, November 10	Friday, November 3	Monday, November 6
Tuesday, November 14	Wednesday, November 8	Thursday, November 9
Friday, November 17	Friday, November 10	Monday, November 13
Tuesday, November 21	Wednesday, November 15	Thursday, November 16
Friday, November 24	Friday, November 17	Monday, November 20
Tuesday, November 28	NO ISSUE PUBLISHED	

The following state holidays fall within the period of this publication schedule:

- Monday, September 4 Labor Day
- Monday, October 9 Columbus Day
- Saturday, November 11 Veteran's Day
- Thursday and Friday, November 23 and 24 ... Thanksgiving

The *Texas Register* Division will, as all other state agencies, observe these holidays and will not process or file notices of meetings or other documents.

Notice of Schedule Variation

Due to a state holiday, Labor Day, on September 4, 1978, the deadlines for submission of documents for the September 8 edition of the *Texas Register* have been moved to noon Thursday, August 31 (all copy except open meeting notices), and noon Friday, September 1 (notices of open meetings). Regular publication deadlines will resume with the September 12 issue of the *Register*.

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