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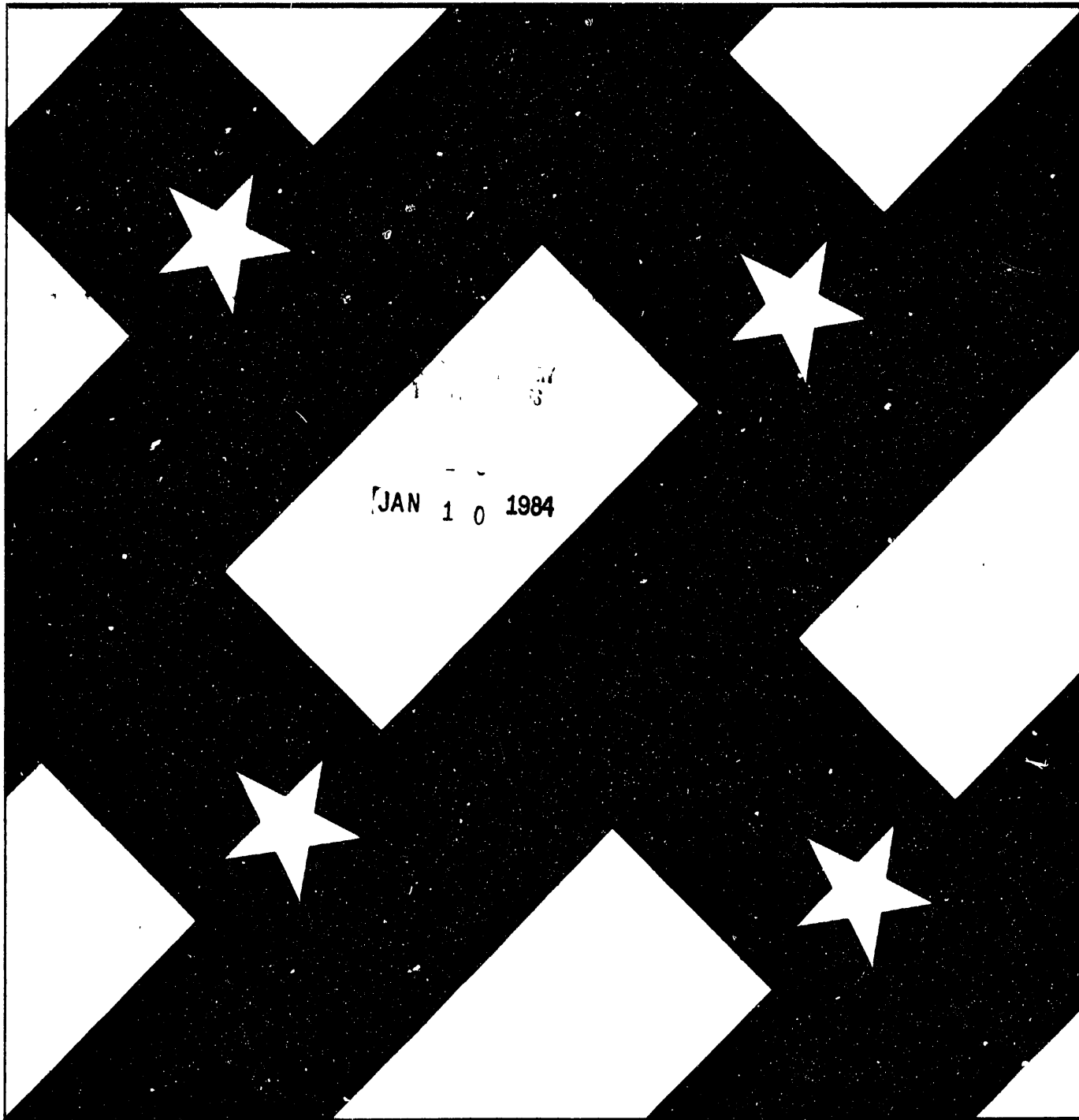
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Texas Register

Volume 9, Number 1, January 3, 1984

Pages 1 - 90



Highlights

The Texas Education Agency proposes new sections concerning curriculum, earliest possible date of adoption - March 10 page 7

The Commission on Jail Standards proposes amendments to a chapter concerning new jail

design and construction rules, earliest possible date of adoption - January 30 page 39

The Texas Department of Community Affairs adopts new sections in a chapter concerning the Texas Community Development Program, effective date - January 24 page 69

**Office of
the Secretary
of State**

How To Use the Texas Register

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711 3824, (512) 475-7886.

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

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes monthly, quarterly, and annual indexes to aid in researching material published.

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which

that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "9 Tex-Reg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 Tex-Reg 3."

How To Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code* (explained below), rule number, or TRD number.

Texas Administrative Code

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

How To Cite: Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

1 indicates the title under which the agency appears in the *Texas Administrative Code* (a listing of all the titles appears below).

TAC stands for the *Texas Administrative Code*, 27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1, 15 represents the individual rule within the chapter).

Latest Texas Code Reporter
(Master Transmittal Sheet) No. 10, December 1982

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Emergency Rules

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

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

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

TITLE 25. HEALTH SERVICES Part II. Texas Department of Mental Health and Mental Retardation

Chapter 405. Client (Patient) Care Subchapter K. Client Deaths

25 TAC §405.264, §405.272

The Texas Department of Mental Health and Mental Retardation is renewing the effectiveness of the emergency adoption of amended §405.264 and §405.272

for a 60-day period effective December 28, 1983. The amended sections were originally adopted on an emergency basis in the September 6, 1983, issue of the *Texas Register* (8 TexReg 3468).

Issued in Austin, Texas, on December 14, 1983.

TRD-8310940

Harry Deckard
Attorney

Texas Department of Mental
Health and Mental Retardation

Effective date: December 28, 1983

Expiration date: February 28, 1984

For further information, please call (512) 465-4670.

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

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

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

Proposed Rules

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 3. Oil and Gas Division Conservation Rules and Regulations

16 TAC §3.69

The Railroad Commission of Texas proposes amendments to §3.69, concerning the definition of a marginal well. The proposed change implements House Bill 687, 68th Legislature, 1983. House Bill 687 amended the Texas Natural Resources Code, §85.122, to reduce the testing period for marginal wells from 30 days to 10 days.

Patrick Thompson, Oil and Gas Division legal examiner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Thompson also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is faster and more efficient classification of marginal wells, resulting in less cost to the operator and faster identification of wells entitled to marginal well status. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Patrick F. Thompson, Legal Examiner, Oil and Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711.

The amendments are proposed under the Texas Natural Resources Code, §85.201, which provides the Railroad Commission of Texas with the authority to make and enforce rules and orders for the conservation of oil and gas and prevention of waste of oil and gas.

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

Marginal well—Any oil well which is incapable of producing its maximum capacity of oil except by pumping, gas lift, or other means of artificial lift, and which well so equipped is capable, under normal unrestricted operating conditions, of producing such daily quantities of oil as herein set out, as would be damaged, or result in a loss of production ultimately recoverable, or cause the premature abandonment of same, if its maximum daily production were artificially curtailed. The following described wells shall be deemed "marginal wells" in this state:

(A) Any oil well incapable of producing its maximum daily capacity of oil except by pumping, gas lift, or other means of artificial lift, within this state and having a maximum daily capacity for production of 10 barrels or less, averaged over the preceding 10 consecutive days of stabilized production [30 consecutive days], producing from a depth of 2,000 feet or less.

(B) Any oil well incapable of producing its maximum daily capacity of oil except by pumping, gas lift, or other means of artificial lift, within this state and having a maximum daily capacity for production of 20 barrels or less, averaged over the preceding 10 consecutive days of stabilized production [30 consecutive days], producing from a horizon deeper than 2,000 feet and less in depth than 4,000 feet.

(C) Any oil well incapable of producing its maximum daily capacity of oil except by pumping, gas lift, or other means of artificial lift, within this state and having a maximum daily capacity for production of 25 barrels or less, averaged over the preceding 10 consecutive days of stabilized production [30 consecutive days], producing from a horizon deeper than 4,000 feet and less in depth than 6,000 feet.

(D) Any oil well incapable of producing its maximum daily capacity of oil except by pumping, gas lift, or other means of artificial lift, within this state and having a maximum daily capacity for production of 30 barrels or less, averaged over the preceding 10 consecutive days of stabilized production [30 consecutive days], producing from a horizon deeper than 6,000 feet and less in depth than 8,000 feet.

(E) Any oil well incapable of producing its maximum daily capacity of oil except by pumping, gas lift, or other means of artificial lift, within this state and having a maximum daily capacity for production of 35 barrels or less, averaged over the preceding 10 consecutive days of stabilized production [30 consecutive days], producing from a horizon deeper than 8,000 feet (reference Order 20-59,200, effective May 1, 1969).

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

Issued in Austin, Texas, on December 19, 1983.

TRD-8310790 Susan Cory
General Counsel
Oil and Gas Division
Railroad Commission of Texas

Proposed date of adoption:
February 6, 1984

For further information, please call (512) 445-1186.

**Chapter 5. Transportation Division
Subchapter B. Operating Certificates,
Permits, Licenses**

16 TAC §5.38

The Railroad Commission of Texas proposes amendments to §5.38, concerning involuntary suspension, cancellation, and reinstatement of motor carrier or motor bus carrier certificates or permits. These amendments will cover the assessment of fees for certificates or permits subject to cancellation and the assessment of reinstatement fees for canceled certificates or permits.

The division proposes these amendments to reduce the penalty for certificate or permit holders who possess the required insurance of surety bond coverage but fail to provide the commission with evidence of this insurance or coverage; to eliminate the necessity of waiving fees under these circumstances when failure to provide evidence of insurance is attributable to inaction of the insurance company, rather than of the carrier; and to improve the administrative efficiency of the division.

Walter Wendlandt, acting director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Wendlandt also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is improved administrative efficiency. The anticipated economic cost to individuals who are required to comply with the rule as proposed is either \$10 or \$1.00, depending upon which subsection is indicated under the circumstances, for each day of delay between occurrence of a condition which would make the certificate or permit subject to cancellation and return to good standing or filing of a reinstatement application, whichever occurs last.

Comments on the proposal may be submitted to Walter Wendlandt, Acting Director, Railroad Commission of Texas, Transportation Division, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 911a and Article 911b, §4 and §12, which provide the Railroad Commission of Texas, Transportation Division, with the authority to revoke, suspend, or amend certificates or permits and with authority to prescribe reasonable regulations for the governance of motor carriers and motor buses.

§5.38. Cancellation, Suspension, and Reinstatement of Intrastate Certificates or Permits.

(a) Conditions under which authority may be involuntarily suspended or canceled. The intrastate certificate or permit of a motor carrier or motor bus company shall be subject to cancellation under any of the following conditions:

(1) Failure to provide evidence of [maintain] continuous insurance or surety bond coverage as required by §5.181 of this title (relating to Evidence of Insurance Required).

(2)-(4) (No change.)

(b)-(d) (No change.)

(e) Return to good standing prior to cancellation.

(1) A certificate or permit which is subject to cancellation under this section for failure to provide evidence of continuous insurance or surety bond coverage as detailed in subsection (a)(1) of this section may be returned to good standing by the director if, before [prior to] the issuance of a commission order canceling, suspending, or amending the certificate or permit, the holder

of the certificate or permit files proof that the condition which made the certificate or permit subject to cancellation under subsection (a)(1) has been corrected [cured], together with a fee in the amount of \$1.00 [\$10] for each day prior to [preceding] filing under this subsection during which time the certificate or permit was subject to cancellation.

(2) A certificate or permit holder who fails to maintain the requisite insurance coverage during the time the holder performed services, or transported property upon the highways of this state, or was issued a certificate or permit, subjects the certificate or permit to cancellation. A certificate or permit subject to cancellation for these reasons may be returned to good standing by the director if, before the issuance of a commission order canceling, suspending, or amending the certificate or permit, the holder files proof that the condition which made the certificate or permit subject to cancellation under this subsection has been corrected, together with a fee in the amount of \$10 for each day prior to filing under this subsection during which time the certificate or permit was subject to cancellation.

(3) A certificate or permit which is subject to cancellation under this section for failure to:

- (A) file an annual operating report,
- (B) failure to register equipment, and/or
- (C) failure to renew voluntary suspension or

reactivate a suspended certificate or permit upon termination of voluntary suspension as detailed in subsection (a)(2)-(4) of this section, respectively, may be returned to good standing by the director if, prior to the issuance of a commission order canceling, suspending, or amending the certificate or permit, the holder or the certificate or permit files proof that the condition which made the certificate or permit subject to cancellation under subsection (a)(2)-(4) has been corrected, together with a fee in the amount of \$10 for each day prior to filing under this subsection during which time the certificate or permit was subject to cancellation.

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

(h) Reinstatement after cancellation.

(1) (No change.)

(2) Reinstatement of certificates or permits canceled after enactment of this rule.

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

(D) Reinstatement fee.

(i) No application for reinstatement of a [canceled] certificate or permit canceled for failure to provide evidence of continuous insurance or surety bond coverage as detailed in subsections (a)(1) and (f) of this section shall be granted unless the applicant shall pay to the commission a reinstatement fee in the amount of \$1.00 [\$10] for each day prior to the [preceding] filing of the reinstatement application during which time the certificate or permit was subject to cancellation.

(ii) No application for reinstatement of a certificate or permit canceled for failure to file an annual operating report, failure to register equipment, and/or failure to renew voluntary suspension or reactivate a suspended certificate or permit upon termination of voluntary suspension as detailed in subsection (a)(2)-(4) of this section, respectively, and subsection (f), shall be granted unless the applicant shall pay to the commission a rein-

statement fee in the amount of \$10 for each day prior to the filing of the reinstatement application during which time the certificate or permit was subject to cancellation.

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

Issued in Austin, Texas, on December 19, 1983.

TRD-8310791 Walter Wendlandt
Acting Director
Transportation Director
Railroad Commission of Texas

Earliest possible date of adoption:
February 3, 1984

For further information, please call (512) 445-1186.

TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 75. Curriculum

The following proposals submitted by the Texas Education Agency will be serialized beginning in this issue of the *Texas Register*. The entire text of Subchapter B appears in this issue. The text of Subchapters C, D, and E will be published in subsequent issues. Proposed date of adoption for all of the proposals is March 10, 1984.

Subchapter B. Essential Elements - Kindergarten- Grade 6
§§75.21-75.28
(proposed new)

Subchapter C. Essential Elements - Grades Seven and Eight
§§75.41-75.51
(proposed new)

Subchapter D. Essential Elements - Grades Nine-12
§§75.61-75.122
(proposed new)

Subchapter E. Well-Balanced Curriculum
§75.141
(proposed new)

The Texas Education Agency proposes to establish a new Chapter 75, concerning curriculum. Section 21.101 of the Texas Education Code requires the State Board of Education to designate the essential elements of each subject listed in that section of the code and to require each school district in the state to provide instruction in these essential elements at appropriate grade levels. Subchapters B-E of the new chapter are proposed at this time. Subchapters B-E are as follows.

Subchapter B describes the essential elements for subjects in kindergarten through grade six. These subjects are English language arts; other languages; mathematics; science; health; physical education; fine arts; and social studies, Texas and U.S. history.

Subchapter C describes the essential elements for subjects in grades seven and eight. These subjects are English language arts; other languages; mathematics; science; health; physical education; fine arts; social studies, Texas and U.S. history; business education; vocational education; and computer literacy.

Subchapter D describes the essential elements for subjects in grades nine through 12. These subjects are English language arts; other languages; mathematics; science; health; physical education; fine arts; social studies, Texas and U.S. history; economics with emphasis on the free enterprise system and its benefits; business education; vocational education; and other courses.

Subchapter E is called "Well-Balanced Curriculum." At this time only one section in the subchapter is proposed. This §75.141 contains the description of a well-balanced elementary curriculum, including time requirements for the elementary grades

Additional subchapters and sections within Chapter 75 will be proposed at a later date. These will include provisions which address school district responsibility, well-balanced secondary curriculum, graduation requirements, and provisions concerning implementation of the new curriculum requirements.

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

Mr. Bennett and Dr. Beverly J. Bardsley, director for policy development, also have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is a clear and detailed statement of what every child in Texas should have the opportunity to learn in each subject at each grade level. The curriculum is designed to provide students not only the basic skills of reading, writing, and mathematics, but also the competencies for practicing good citizenship, thinking precisely, and communicating clearly. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on these proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposal has been published in the *Texas Register*.

Subchapter B. Essential Elements— Kindergarten-Grade Six

19 TAC §§75.21-75.28

These new sections are proposed under the authority of the Texas Education Code, §21.101, which

specifies the subjects to be included in a well-balanced curriculum and which directs the State Board of Education by rule to designate the essential elements of necessary subjects, and to require school districts to provide instruction in those elements at appropriate grade levels.

§75.21. English Language Arts.

(a) English language arts, kindergarten. English language arts, kindergarten, shall include the following essential elements:

(1) Listening. Developing skill in attending to, responding to, and analyzing oral communications. The student shall be provided opportunities to:

(A) focus attention on a speaker without interrupting;

(B) listen to appreciate sound devices of rhythm, rhyme, alliteration, and onomatopoeia;

(C) listen carefully to instructions and important information; and

(D) respond to storytelling by drawing or painting.

(2) Speaking.

(A) Developing fluency in using oral language to communicate effectively. The student shall be provided opportunities to:

(i) engage in creative dramatic activities and nonverbal communication;

(ii) use a variety of words to express feelings and ideas;

(iii) speak clearly and at an appropriate rate; and

(iv) communicate effectively in one-to-one and small groups situations.

(B) Speaking to accomplish a variety of purposes: informing, expressing, persuading, entertaining. The student shall be provided opportunities to:

(i) relate events from personal experience; and

(ii) present poems chorally.

(3) Reading.

(A) Using word attack skills to decode written language. The student shall be provided opportunities to:

(i) discriminate sound;

(ii) discriminate visual shapes, forms, letters; and

(iii) understand the direction of conventional print.

(B) Developing vocabulary to understand written material. The student shall be provided opportunities to:

(i) relate experiences with appropriate vocabulary in complete sentences; and

(ii) supply missing word in oral context.

(C) Using comprehension skills to gain meaning from whatever is read. The student shall be provided opportunities to respond to storytelling or oral reading by:

(i) telling what the story is about;

(ii) recalling important facts and details;

(iii) arranging the events in sequential order;

(iv) distinguishing between real and make-believe; and

(v) retelling a story.

(D) Applying reading skills to a variety of practical situations. The student shall be provided opportunities to follow oral directions.

(E) Developing literary appreciation skills to provide personal enjoyment. The student shall be provided opportunities to:

(i) appreciate repetition, rhyme, rhythm, alliteration;

(ii) respond to various forms of literature;

(iii) become acquainted with a variety of selections, characters, and themes of our literary heritage;

(iv) select books for individual needs and interests; and

(v) follow simple story line in stories read aloud.

(4) Writing.

(A) Using a variety of techniques to select topics and to generate material to write about those topics. The student shall be provided opportunities to recognize that everyone has experiences to write about.

(B) Developing skills in writing effectively for a variety of purposes, modes, and audiences. The student shall be provided opportunities to recognize that writing can entertain and inform.

(C) Applying the conventions of writing to produce effective communications. The student shall be provided opportunities to:

(i) recognize that conventions are used to help communicate to an audience;

(ii) recognize the nature of sound-symbol correspondence; and

(iii) recognize the conventions of writing—spaces between words, word order, marks on pages other than letters of alphabet.

(5) Language. Developing skill in using the grammar of English for effective oral and written communication. The student shall be provided opportunities to use oral language in a variety of situations.

(b) English language arts, grade one. English language arts, grade one, shall include the following essential elements.

(1) Listening. Developing skill in attending to, responding to, and analyzing oral communications. The student shall be provided opportunities to:

(A) respond to nonverbal cues;

(B) listen to appreciate sound devices of rhythm, rhyme, alliteration, and onomatopoeia;

(C) identify the main idea of a speaker's message; and

(D) respond to storytelling by drawing or painting.

(2) Speaking.

(A) Developing fluency in using oral language to communicate effectively. The student shall be provided opportunities to:

(i) engage in creative dramatic activities and nonverbal communication;

(ii) use a variety of words to express feelings and ideas;

(iii) speak clearly and at an appropriate rate; and

(iv) contribute ideas and information in group discussions.

(B) Speaking to accomplish a variety of purposes: informing, expressing, persuading, entertaining. The student shall be provided opportunities to:

(i) sequence events appropriately when relating them;

(ii) present poems chorally;

(iii) give a reason to persuade a peer or close adult; and

(iv) give a short sequence of directions for others to follow.

(3) Reading.

(A) Using word attack skills to decode written language. The student shall be provided opportunities to:

(i) use basic phonic analysis: initial and final consonants, long and short vowels;

(ii) use simple structural analysis: compound words, inflectional endings;

(iii) acquire a basic sight vocabulary; and

(iv) use context clues.

(B) Developing vocabulary to understand written material. The student shall be provided opportunities to:

(i) relate experiences with appropriate vocabulary incomplete sentences;

(ii) understand the meaning of words in context;

(iii) acquire reading vocabulary relating to concepts being learned; and

(iv) alphabetize according to initial letter.

(C) Using comprehension skills to gain meaning from whatever is read. The student shall be provided opportunities to:

(i) identify an explicitly stated main idea;

(ii) recall facts and details;

(iii) arrange events in sequential order;

(iv) distinguish between fantasy and fact;

(v) summarize a selection;

(vi) identify the cause of a given event; and

(vii) predict probable future outcomes.

(D) Applying reading skills to a variety of practical situations. The student shall be provided opportunities to:

(i) follow written directions;

(ii) use phrases in oral reading; and

(iii) use basic parts of a book: table of contents, title page.

(E) Developing literary application skills to provide personal enjoyment. The student shall be provided opportunities to:

(i) appreciate repetition, rhyme, rhythm, alliteration;

(ii) respond to various forms of literature;

(iii) become acquainted with a variety of selections, characters, and themes of our literary heritage;

(iv) select books for individual needs and interests;

(v) follow story line involving several characters;

(vi) describe the time and setting of a story; and

(vii) understand the feelings and emotions of characters.

(4) Writing.

(A) Using a variety of techniques to select topics and to generate material to write about those topics. The student shall be provided opportunities to:

(i) use information and ideas from personal experience as a source for writing; and

(ii) select topics of interest to self and others.

(B) Developing skills in writing effectively for a variety of purposes, modes, and audiences. The student shall be provided opportunities to:

(i) write stories and brief descriptions;

(ii) recognize that the function of first-draft writing is to capture ideas.

(C) Applying the conventions of writing to produce effective communications. The student shall be provided opportunities to:

(i) recognize that rewriting and editing are done with a particular purpose and audience in mind;

(ii) learn basic phonetic spelling generalizations and exceptions;

(iii) use basic conventions of capitalization and punctuation; and

(iv) write legible manuscript letters.

(5) Language. Developing skill in using the grammar of English for effective oral and written communications. The student shall be provided opportunities to:

(A) use correct singular and plural forms of regular nouns; and

(B) use correct forms of regular verbs.

(c) English language arts, grade two. English language arts, grade two, shall provide the following essential elements:

(1) Listening. Developing skill in attending to, responding to, and analyzing oral communications. The student shall be provided opportunities to:

(A) adjust physical conditions to promote listening;

(B) listen to appreciate sound devices of rhythm, rhyme, alliteration, and onomatopoeia;

(C) identify the main idea of a speaker's message; and

(D) respond to a speaker by asking questions and contributing information.

(2) Speaking.

(A) Developing fluency in using oral language to communicate effectively. The student shall be provided opportunities to:

(i) engage in creative dramatic activities and nonverbal communication;

(ii) use a variety of words to express feelings and ideas;

(iii) speak clearly to a group; and

(iv) respond to thoughts expressed by others in group discussions through questioning and contributing related ideas.

(B) Speaking to accomplish a variety of purposes: informing, expressing, persuading, entertaining. The student shall be provided opportunities to:

(i) elaborate and use description when relating events orally;

(ii) present poems chorally;

(iii) give a reason to persuade a peer or close adult; and

(iv) give a short sequence of directions for others to follow.

(3) Reading.

(A) Using word attack skills to decode written language. The student shall be provided opportunities to:

(i) use complex phonic analysis: initial blends/digraphs/diphthongs;

(ii) use complex structural analysis: root words/common affixes/contractions;

(iii) acquire basic sight vocabulary; and

(iv) use context clues.

(B) Developing vocabulary to understand written material. The student shall be provided opportunities to:

(i) relate experiences with appropriate vocabulary in complete sentences;

(ii) understand the meaning of words in context;

(iii) acquire a reading vocabulary relating to concepts being learned; and

(iv) alphabetize according to two or more letters.

(C) Using comprehension skills to gain meaning from whatever is read. The student shall be provided opportunities to:

(i) identify the main idea of several paragraphs;

(ii) recall important facts and details from a selection;

(iii) arrange events in sequential order;

(iv) distinguish between fantasy and fact;

(v) summarize a selection;

(vi) identify cause and effect relationships;

and

(vii) predict probable future outcomes.

(D) Applying reading skills to a variety of practical situations. The student shall be provided opportunities to:

(i) follow written directions;

(ii) use cadence and stress in oral reading;

and

(iii) use basic parts of a book: table of contents, title page.

(E) Developing literary appreciation skills to provide personal enjoyment. The student shall be provided opportunities to:

(i) appreciate repetition, rhyme, rhythm, alliteration;

(ii) respond to various forms of literature;

(iii) become acquainted with a variety of selections, characters, and themes of our literary heritage;

(iv) select books for individual needs and interests;

(v) follow story line involving several characters;

(vi) describe the time and setting of a story; and

(vii) understand the feelings and emotions of characters.

(4) Writing.

(A) Using a variety of techniques to select topics and to generate material to write about those topics. The student shall be provided opportunities to:

- (i) use a variety of prewriting activities as sources for later writing; and
- (ii) stay on the topic.

(B) Developing skills in writing effectively for a variety of purposes, modes, and audiences. The student shall be provided opportunities to:

- (i) add information omitted in a first draft to subsequent drafts; and
- (ii) narrate events in chronological order.

(C) Applying the conventions of writing to produce effective communications. The student shall be provided opportunities to:

- (i) participate in rewriting conferences;
- (ii) analyze structural elements to spell words;
- (iii) use basic conventions of capitalization and punctuation;
- (iv) write legible manuscript letters; and
- (v) write complete sentences.

(5) Language. Developing skill in using the grammar of English for effective oral and written communications. The student shall be provided opportunities to:

- (A) use correct singular and plural forms of regular nouns; and
- (B) use correct forms of common irregular verbs and the verb "to be."

(d) English language arts, grade three. English language arts, grade three, shall include the following essential elements:

(1) Listening. Developing skill in attending to, responding to, and analyzing oral communications. The student shall be provided opportunities to:

- (A) adjust physical conditions to promote listening;
- (B) listen to appreciate sound devices of rhythm, rhyme, alliteration, and onomatopoeia;
- (C) recognize a speaker's purpose for a presentation;
- (D) respond to a speaker by asking questions and contributing information; and
- (E) distinguish between fact and opinion.

(2) Speaking.

(A) Developing fluency in using oral language to communicate effectively. The student shall be provided opportunities to:

- (i) engage in creative dramatic activities and nonverbal communication;
- (ii) use a variety of words to express feelings and ideas;
- (iii) speak clearly to a group; and
- (iv) use visual aids in making oral presentations.

(B) Speaking to accomplish a variety of purposes: informing, expressing, persuading, entertaining. The student shall be provided opportunities to:

- (i) elaborate and use description when relating events orally;
- (ii) use a brief set of reasons to persuade a peer or an adult;

(iii) give a longer set of directions for others to follow; and

(iv) read stories and poems with appropriate verbal and nonverbal communication.

(3) Reading.

(A) Using word attack skills to decode written language. The student shall be provided opportunities to:

- (i) use more complex phonic analysis including initial clusters, medial diphthongs/digraphs;
- (ii) use complex structural analysis to identify words with two or more prefixes and/or suffixes;
- (iii) know basic sight vocabulary;
- (iv) use context clues for word identification; and
- (v) use the dictionary as a key to pronunciation including phonetic respelling.

(B) Developing vocabulary to understand written material. The student shall be provided opportunities to:

- (i) relate experiences with appropriate vocabulary in complete sentences;
- (ii) understand the meaning of words in context;
- (iii) acquire a reading vocabulary relating to concepts being learned; and
- (iv) use the dictionary to determine the meaning of words.

(C) Using comprehension skills to gain meaning from whatever is read. The student shall be provided opportunities to:

- (i) identify the main idea of a selection;
- (ii) recall important facts and details that support the main idea;
- (iii) arrange events in sequential order when signal words are not stated;
- (iv) distinguish between fact and nonfact including opinion;
- (v) summarize a selection;
- (vi) understand the multiple causes of a given event;
- (vii) predict probable future outcomes; and
- (viii) draw conclusions.

(D) Applying reading skills to a variety of practical situations. The student shall be provided opportunities to:

- (i) follow two- and three-step directions;
- (ii) develop facility in oral reading for audience;
- (iii) use parts of a book: index, glossary;
- (iv) use the dictionary and the encyclopedia to locate information; and
- (v) use graphic sources for information: simple maps, globes, pictures, diagrams, bar graphs.

(E) Developing literary appreciation skills to provide personal enjoyment. The student shall be provided opportunities to:

- (i) differentiate between figurative and literal language;
- (ii) respond to various forms of literature;
- (iii) become acquainted with a variety of selections, characters, and themes of our literary heritage;

- (iv) select books for individual needs and interests;
- (v) follow plot in longer stories that are not chronological;
- (vi) describe the time and setting of a story; and
- (vii) understand the feelings and emotions of characters.

(4) Writing.

(A) Using a variety of techniques to select topics and to generate material to write about those topics. The student shall be provided opportunities to:

- (i) use a variety of prewriting activities as sources for later writing; and
- (ii) expand topics by collecting information from a variety of sources.

(B) Developing skills in writing effectively for a variety of purposes, modes, and audiences. The student shall be provided opportunities to:

- (i) classify differences and likenesses of objects and events, and
- (ii) arrange ideas and information, recognizing that drafts are rewritten to clarify them.

(C) Applying the conventions of writing to produce effective communications. The student shall be provided opportunities to:

- (i) participate in rewriting conferences;
- (ii) use a systematic method to spell words independently;
- (iii) apply conventions of punctuation and capitalization;
- (iv) write legible cursive letters; and
- (v) join related sentences into paragraphs.

(5) Language Developing skills in using the grammar of English for effective oral and written communication. The student shall be provided opportunities to:

- (A) use irregular plurals of nouns correctly;
- (B) use subject-verb agreement in person and number;
- (C) use modifiers (adjectives and adverbs) correctly; and
- (D) produce basic sentence patterns and variations.

(e) English language arts, grade four. English language arts, grade four, shall include the following essential elements.

(1) Listening. Developing skills in attending to, responding to, and analyzing oral communications. The student shall be provided opportunities to:

- (A) employ active listening in a variety of situations;
- (B) listen to appreciate sound devices of rhythm, rhyme, alliteration, and onomatopoeia;
- (C) recognize a speaker's purpose for a presentation;
- (D) select from an oral presentation the information needed; and
- (E) distinguish between fact and opinion.

(2) Speaking.

(A) Developing fluency in using oral language to communicate effectively. The student shall be provided opportunities to:

(i) engage in creative dramatic activities and nonverbal communication;

(ii) use a variety of words to express feelings and ideas;

(iii) make organized oral presentations; and

(iv) participate on committees and panels and in group problem-solving activities.

(B) Speaking to accomplish a variety of purposes: informing, expressing, persuading, entertaining. The student shall be provided opportunities to:

(i) adapt content and formality of oral language to fit purpose and audience;

(ii) use a brief set of reasons to persuade a peer or an adult;

(iii) explain how to do something; and

(iv) present stories, puns, riddles, anecdotes, plays for entertainment.

(3) Reading.

(A) Using word attack skills to decode writing language. The student shall be provided opportunities to:

(i) use complex structural analysis to identify words with two or more prefixes and/or suffixes;

(ii) use context clues for word identification; and

(iii) use the dictionary as a key to pronunciation including phonetic respelling.

(B) Developing vocabulary to understand written material. The student shall be provided opportunities to:

(i) relate experiences with appropriate vocabulary in complete sentences;

(ii) understand words in context including modifying phrases or clauses;

(iii) understand content area vocabulary; and

(iv) use the dictionary to determine meaning of words.

(C) Using comprehension skills to gain meaning from whatever is read. The student shall be provided opportunities to:

(i) identify an implied main idea;

(ii) recall facts and details that support the main idea;

(iii) arrange events in sequential order when signal words are not stated;

(iv) distinguish between fact and nonfact including fiction and nonfiction;

(v) summarize a selection;

(vi) identify the multiple causes of a given event or a character's actions;

(vii) predict probable future outcomes; and

(viii) draw conclusions.

(D) Applying reading skills to a variety of practical situations. The student shall be provided opportunities to:

(i) follow multistep directions;

(ii) develop facility in oral reading for audience;

(iii) use parts of a book such as index, glossary;

(iv) use the dictionary and the encyclopedia to locate information;

(v) use graphic sources for information such as simple maps, globes, pictures, diagrams, bar graphs; and

(vi) adjust the method and rate of reading to the purpose and type of material including study-type reading.

(E) Developing literary appreciation skills to provide personal enjoyment. The student shall be provided opportunities to:

(i) differentiate between figurative and literal language;

(ii) respond to various forms of literature;

(iii) become acquainted with a variety of selections, characters, and themes of our literary heritage;

(iv) select books for individual needs and interests;

(v) follow plot in longer stories that are not chronological;

(vi) describe the time and setting of story; and

(vii) understand the feelings and emotions of characters.

(4) Writing.

(A) Using a variety of techniques to select topics and to generate material to write about those topics. The student shall be provided opportunities to:

(i) use ideas and information from sources other than personal experiences for writing; and

(ii) expand topics by collecting information from a variety of sources.

(B) Developing skills in writing effectively for a variety of purposes, modes, and audiences. The student shall be provided opportunities to:

(i) present a set of reasons intended to persuade; and

(ii) delete superfluous information to address the purpose and audience more effectively.

(C) Applying the conventions of writing to produce effective communications. The student shall be provided opportunities to:

(i) participate in rewriting conferences;

(ii) use a systematic method to spell words independently;

(iii) apply conventions of punctuation and capitalization;

(iv) write legible cursive letters; and

(v) join related sentences into paragraphs.

(5) Language. Developing skill in using the grammar of English for effective oral and written communication. The student shall be provided opportunities to:

(A) use correct possessive forms of nouns and correct nominative, objective, and possessive forms of pronouns;

(B) use correct forms of irregular verbs;

(C) use modifiers (adjectives and adverbs) correctly; and

(D) produce basic sentence patterns and variations.

(f) English language arts, grade five. English language arts, grade five, shall include the following essential elements:

(1) Listening. Developing skill in attending to, responding to, and analyzing oral communications. The student shall be provided opportunities to:

(A) employ active listening in a variety of situations;

(B) listen to appreciate sound devices of rhythm, rhyme, alliteration, and onomatopoeia;

(C) follow the logical organization of an oral presentation;

(D) select from an oral presentation the information needed; and

(E) detect the use of propaganda and over-generalizing.

(2) Speaking.

(A) Developing fluency in using oral language to communicate effectively. The student shall be provided opportunities to:

(i) engage in creative dramatic activities and nonverbal communication;

(ii) use a variety of words to express feelings and ideas;

(iii) make organized oral presentations; and

(iv) participate on committees and panels and in group problem-solving activities.

(B) Speaking to accomplish a variety of purposes such as informing, expressing, persuading, entertaining. The student shall be provided opportunities to:

(i) adapt content and formality of oral language to fit the purpose and audience;

(ii) use a set of reasons to persuade a group;

(iii) explain processes; and

(iv) present stories, puns, riddles, anecdotes, plays for entertainment.

(3) Reading.

(A) Using word attack skills to decode written language. The student shall be provided opportunities to:

(i) use complex structural analysis to identify words with two or more prefixes and/or suffixes;

(ii) use context clues for word identification; and

(iii) use the dictionary as a key to pronunciation including phonetic respelling.

(B) Developing vocabulary to understand written material. The student shall be provided opportunities to:

(i) relate experiences with appropriate vocabulary in complete sentences;

(ii) use context to understand the meaning of words;

(iii) understand content area vocabulary; and

(iv) use the dictionary to determine formal and informal language.

(C) Using comprehension skills to gain meaning from whatever is read. The student shall be provided opportunities to:

(i) identify an implied main idea of a longer selection;

(ii) recall specific facts and details that support the main idea and/or conclusion;

(iii) arrange events in sequential order when sequence is not stated;

- (iv) distinguish between fact and nonfact;
- (v) summarize a selection;
- (vi) understand cause and effect relationships;
- (vii) predict probable future outcomes or actions;
- (viii) draw logical conclusions;
- (ix) make generalization; and
- (x) evaluate and make judgments.

(D) Applying reading skills to a variety of practical situations. The student shall be provided opportunities to:

- (i) follow a set of directions;
- (ii) develop facility in oral reading for audience;
- (iii) use parts of a book such as preface, copyright page;
- (iv) use the dictionary and the encyclopedia to locate information;
- (v) use graphic sources for information such as tables and lists, charts and graphs, maps and globes, time-lines, pictures and diagrams, scale drawings, transportation schedules; and
- (vi) adjust the method and rate of reading to the purpose and type of material including study-type reading.

(E) Developing literary appreciation skills to provide personal enjoyment. The student shall be provided opportunities to:

- (i) recognize that simile and metaphor involve comparison;
- (ii) respond to various forms of literature;
- (iii) become acquainted with a variety of selections, characters, and themes of our literary heritage;
- (iv) select books for individual needs and interests;
- (v) recognize differences in first and third person point of view;
- (vi) describe the time and setting of story; and
- (vii) explain and relate to the feelings and emotions of characters.

(4) Writing.

(A) Using a variety of techniques to select topics and to generate material to write about those topics. The student shall be provided opportunities to:

- (i) use ideas and information from sources other than personal experiences for writing; and
- (ii) select and narrow a topic for a specific purpose.

(B) Developing skills in writing effectively for a variety of purposes, modes, and audiences. The student shall be provided opportunities to:

- (i) use chronological and spatial order and order of importance; and
- (ii) rearrange information to accomplish a specific purpose with a particular audience.

(C) Applying the conventions of writing to produce effective communications. The student shall be provided opportunities to:

- (i) participate in rewriting conferences;
- (ii) spell increasingly complex words;

- (iii) apply increasingly complex conventions of punctuation and capitalization;
- (iv) write legible cursive letters; and
- (v) use conventional formats (letters, commonly used forms).

(5) Language. Developing skill in using the grammar of English for effective oral and written communication. The student shall be provided opportunities to:

- (A) use correct agreement between pronouns and antecedents;
- (B) use correct forms of irregular verbs;
- (C) use modifiers (adjectives and adverbs) correctly;
- (D) use all other parts of speech correctly; and
- (E) produce a variety of sentence patterns.

(g) English language arts, grade six. English language arts, grade six, shall include the following essential elements:

(1) Listening. Developing skill in attending to, responding to, and analyzing oral communications. The student shall be provided opportunities to:

- (A) employ active listening in a variety of situations;
- (B) listen to appreciate sound devices of rhythm, rhyme, alliteration, and onomatopoeia;
- (C) follow the logical organization of an oral presentation;
- (D) select from an oral presentation the information needed; and
- (E) determine a speaker's motive, bias, and point of view.

(2) Speaking.

(A) Developing fluency in using oral language to communicate effectively. The student shall be provided opportunities to:

- (i) engage in creative dramatic activities and nonverbal communication;
- (ii) use a variety of words to express feelings and ideas;
- (iii) manipulate articulation, rate, volume, and physical movement in oral presentations; and
- (iv) respond to thoughts expressed by others through clarifying, qualifying, extending ideas.

(B) Speaking to accomplish a variety of purposes such as informing, expressing, persuading, entertaining. The student shall be provided opportunities to:

- (i) adapt content and formality of oral language to fit purpose and audience;
- (ii) use a set of reasons to persuade a group;
- (iii) explain processes; and
- (iv) relate stories, puns, riddles, anecdotes, plays for entertainment.

(3) Reading.

(A) Using word attack skills to decode written language. The student shall be provided opportunities to:

- (i) use complex structural analysis to identify words with two or more prefixes and/or suffixes;
- (ii) use context clues for word identification; and
- (iii) use the dictionary as a key to pronunciation including phonetic respelling.

(B) Developing vocabulary to understand written material. The student shall be provided opportunities to:

- (i) relate experiences with appropriate vocabulary in complete sentences;
 - (ii) use context to understand the meaning of words;
 - (iii) understand content area vocabulary;
- and
- (iv) use the dictionary to determine word origins and word histories.

(C) Using comprehension skills to gain meaning from whatever is read. The student shall be provided opportunities to:

- (i) identify an implied main idea of a longer selection;
- (ii) recall specific facts and details that support the main idea and/or conclusion;
- (iii) arrange events in sequential order including time and degree of importance;
- (iv) recognize various persuasive devices;
- (v) summarize a selection;
- (vi) understand cause and effect relationships;
- (vii) predict probable future outcomes or actions;
- (viii) draw logical conclusions;
- (ix) make generalizations; and
- (x) evaluate and make judgments.

(D) Applying reading skills to a variety of practical situations. The student shall be provided opportunities to:

- (i) follow complex directions;
- (ii) develop facility in oral reading for audience;
- (iii) use parts of a book such as footnotes, appendices;
- (iv) use periodicals, card catalogs, and reference works to locate information;
- (v) compare the information on charts and graphs, tables and lists; and
- (vi) adjust the method and rate of reading to the purpose and type of material including study-type reading.

(E) Developing literary appreciation skills to provide personal enjoyment. The student shall be provided opportunities to:

- (i) recognize personification as a literary device;
- (ii) respond to various forms of literature;
- (iii) become acquainted with a variety of selections, characters, and themes of our literary heritage;
- (iv) select books for individual needs and interests;
- (v) recognize differences in first and third person points of view;
- (vi) describe the time and setting of story; and
- (vii) explain and relate to the feelings and emotions of characters.

(4) Writing.

(A) Using a variety of techniques to select topics and to generate material to write about those topics. The student shall be provided opportunities to:

- (i) generate material for writing independently and in a variety of ways; and
- (ii) select and narrow a topic for a specific purpose.

(B) Developing skills in writing effectively for a variety of purposes, modes, and audiences. The student shall be provided opportunities to:

- (i) vary word choice to accommodate the purpose and audience; and
- (ii) use chronological and spatial order and order of importance.

(C) Applying the conventions of writing to produce effective communications. The student shall be provided opportunities to:

- (i) participate in rewriting conferences;
- (ii) spell increasingly complex words;
- (iii) apply increasingly complex conventions of punctuation and capitalization;
- (iv) write legible cursive letters;
- (v) include in paragraphs a variety of kinds of complete sentences; and
- (vi) use conventional formats (letters, commonly used forms)

5) Language. Developing skills in using the grammar of English for effective oral and written communication. The student shall be provided opportunities to:

- (A) use correct agreement between pronouns and antecedents;
- (B) use correct subject-verb agreement with personal pronouns, indefinite pronouns, and compound subjects;
- (C) use modifiers (adjectives and adverbs) correctly;
- (D) use all other parts of speech correctly; and
- (E) produce, coordinate, and subordinate sentence elements appropriate to meaning.

§75.22. *Other Languages.*

School districts are encouraged to offer other languages to the extent possible. For districts which offer other languages in kindergarten through grade six, the essential elements shall be those designated as Level I in §75.62 of this title (relating to Other Languages).

§75.23. *Mathematics.*

(a) Mathematics. Mathematics, kindergarten, shall include the following essential elements:

(1) Concepts and skills associated with the understanding of numbers (whole, integer, and non-negative rational) and the place-value system. The student shall be provided opportunities to experience at the readiness level:

- (A) number concepts;
- (B) one-to-one correspondence;
- (C) ordering; and
- (D) counting (objects).

(2) The basic operations on numbers (addition, subtraction, multiplication, division), their properties, and their uses. The student shall be provided opportunities

to experience at the readiness level physical representations of addition and subtraction.

(3) Experience in solving problems by selecting and matching strategies to given situations. The student shall be provided opportunities to experience at the readiness level:

(A) oral problem solving with objects and stories; and

(B) identifying patterns.

(4) Measurement concepts and skills using metric and customary units. The student shall be provided opportunities to experience at the readiness level:

(A) comparing;

(B) identifying money; and

(C) identifying time units.

(5) Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to experience at the readiness level:

(A) classification;

(B) size and shape; and

(C) patterns.

(6) The representation of numbers on a line and pairs of numbers on a coordinate plane. The student shall be provided opportunities to experience at the readiness level ordering points on a line.

(7) The use of probability and statistics to collect and interpret data. The student shall be provided opportunities to experience at the readiness level using objects:

(A) classification; and

(B) ordering.

(b) Mathematics, grade one. Mathematics, grade one, shall include the following essential elements:

(1) Concepts and skills associated with the understanding of numbers (whole, integer, and non-negative rational) and the place-value system. The student shall be provided opportunities to

(A) acquire number concepts through:

(i) counting (objects);

(ii) skip counting; and

(iii) comparing and ordering;

(B) use tens and ones to show place value; and

(C) recognize fractions (models).

(2) The basic operations on numbers (addition, subtraction, multiplication, division), their properties, and their uses. The student shall be provided opportunities to:

(A) acquire number operation concepts of joining and separating using manipulatives; and

(B) add and subtract whole numbers.

(3) Experience in solving problems by selecting and matching strategies to given situations. The student shall be provided opportunities to:

(A) apply addition and subtraction;

(B) identify story situations depicting the joining and separating process;

(C) draw pictures depicting the joining and separating process; and

(D) use modeling for presenting and solving problems.

(4) Measurement concepts and skills using metric and customary units. The student shall be provided opportunities to:

(A) measure (using measuring instruments);
and

(B) recognize measurement units for:

(i) money;

(ii) time;

(iii) length;

(iv) weight/mass;

(v) liquid volume; and

(vi) temperature.

(5) Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to recognize and name models of two-dimensional shapes.

(6) The representation of numbers on a line and pairs of numbers on a coordinate plane. The student shall be provided opportunities to:

(A) order numbers; and

(B) locate points on a number line.

(7) The use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

(A) classify objects; and

(B) order numbers.

(c) Mathematics, grade two. Mathematics, grade two, shall include the following essential elements:

(1) Concepts and skills associated with the understanding of numbers (whole, integer, and non-negative rational) and the place-value system. The student shall be provided opportunities to:

(A) acquire number concepts through:

(i) comparing and ordering;

(ii) skip counting; and

(iii) investigating odds and evens;

(B) use hundreds, tens, and ones to show place value; and

(C) recognize fractions (models).

(2) The basic operations on numbers (addition, subtraction, multiplication, division), their properties, and their uses. The student shall be provided opportunities to:

(A) add and subtract whole numbers; and

(B) demonstrate multiplication concepts of whole numbers (using concrete materials).

(3) Experience in solving problems by selecting and matching strategies to given situations. The student shall be provided opportunities to:

(A) apply addition and subtraction; and

(B) use charts and graphs.

(4) Measurement concepts and skills using metric and customary units. The student shall be provided opportunities to:

(A) measure (using measuring instruments);

and

(B) use measurement units of:

(i) money;

(ii) time;

(iii) length;

(iv) weight/mass;

(v) liquid volume; and

(vi) temperature.

(5) Properties and relationships of geometric shapes and their applications. The student shall be pro-

vided opportunities to recognize and name models of two- and three-dimensional shapes.

(6) The representation of numbers on a line and pairs of numbers on a coordinate plane. The student shall be provided opportunities to:

- (A) locate points on a number line; and
- (B) work with addition tables.

(7) The use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

- (A) collect and organize information;
- (B) read bar graphs; and
- (C) make picture graphs.

(d) **Mathematics, grade three. Mathematics, grade three, shall include the following essential elements:**

(1) Concepts and skills associated with the understanding of numbers (whole, integer, and non-negative rational) and the place-value system. The student shall be provided opportunities to:

- (A) compare and order;
- (B) use odds, evens, and skip counting;
- (C) use place value;
- (D) identify decimal place value using money (tenths and hundredths);
- (E) use fractions (models);
- (F) recognize equivalent fractions (using models); and
- (G) read and write whole numbers.

(2) The basic operations on numbers (addition, subtraction, multiplication, division) their properties, and their uses. The student shall be provided opportunities to:

- (A) add and subtract whole numbers;
- (B) add and subtract decimals using money;
- (C) multiply whole numbers;
- (D) divide whole numbers; and
- (E) recognize inverse operations.

(3) Experience in solving problems by selecting and matching strategies to given situations. The student shall be provided opportunities to:

- (A) estimate with whole numbers;
- (B) use basic operations with whole numbers and with decimals using money;
- (C) use inverse operations;
- (D) use geometry, and
- (E) use charts and graphs.

(4) Measurement concepts and skills using metric and customary units. The student shall be provided opportunities to:

- (A) measure (using measuring instruments);
- (B) solve problems using metric and customary unit measures (no conversion between systems); and
- (C) find perimeter.

(5) Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to identify characteristics of two- and three-dimensional shapes.

(6) The representation of numbers on a line and pairs of numbers on a coordinate plane. The student shall be provided opportunities to:

- (A) locate points on a number line; and
- (B) work with addition and multiplication tables.

(7) The use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

- (A) collect and organize information; and
- (B) interpret and construct picture and bar graphs.

(e) **Mathematics, grade four. Mathematics, grade four, shall include the following essential elements:**

(1) Concepts and skills associated with the understanding of numbers (whole, integer, and non-negative rational) and the place-value system. The student shall be provided opportunities to:

- (A) compare and order;
- (B) round numbers;
- (C) use place value;
- (D) use decimals (place value);
- (E) use fractions (models);
- (F) recognize equivalent fractions (using models); and
- (G) read and write whole numbers and decimals.

(2) The basic operations on numbers (addition, subtraction, multiplication, division), their properties, and their uses. The student shall be provided opportunities to:

- (A) add and subtract whole numbers and decimals;
- (B) multiply whole numbers;
- (C) divide whole numbers;
- (D) use inverse operations; and
- (E) add and subtract fractions.

(3) Experience in solving problems by selecting and matching strategies to given situations. The student shall be provided opportunities to:

- (A) estimate with whole numbers and decimals;
- (B) use basic operations with whole numbers, decimals, and fractions;
- (C) use inverse operations;
- (D) use geometry; and
- (E) use charts and graphs.

(4) Measurement concepts and skills using metric and customary units. The student shall be provided opportunities to:

- (A) measure (using measuring instruments);
- (B) solve problems using metric and customary unit measures;
- (C) find relationships between metric units;
- (D) find perimeter; and
- (E) find area (with grids).

(5) Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to:

- (A) investigate the properties of two- and three-dimensional figures; and
- (B) work with similarity, congruence, and symmetry.

(6) The representation of numbers on a line and pairs of numbers on a coordinate plane. The student shall be provided opportunities to:

- (A) draw number lines with fractions and decimals; and
- (B) read and interpret line graphs.

(7) The use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

- (A) find information and use to construct graphs;
- (B) interpret pictographs and use information to solve story problems; and
- (C) list the possible outcomes in a given situation.

(f) Mathematics, grade five. Mathematics, grade five, shall include the following essential elements:

(1) Concepts and skills associated with the understanding of numbers (whole, integer, and non-negative rational) and the place-value system. The student shall be provided opportunities to:

- (A) compare and order;
- (B) use exponential notation;
- (C) round numbers;
- (D) use place value;
- (E) use decimals;
- (F) use fractions (models); and
- (G) identify equivalent fractions.

(2) The basic operations on numbers (addition, subtraction, multiplication, division), their properties, and their uses. The student shall be provided opportunities to:

- (A) add, subtract, multiply, and divide whole numbers;
- (B) add, subtract, multiply, and divide decimals and fractions; and
- (C) use inverse operations.

(3) Experience in solving problems by selecting and matching strategies to given situations. The student shall be provided opportunities to:

- (A) estimate with whole numbers and decimals;
- (B) use basic operations with whole numbers, fractions, and decimals;
- (C) use inverse operations;
- (D) apply geometric concepts; and
- (E) use charts and graphs.

(4) Measurement concepts and skills using metric and customary units. The student shall be provided opportunities to:

- (A) measure (using measuring instruments);
- (B) use metric and customary units in applications (no conversion between systems of measure);
- (C) convert units within the metric system;
- (D) find perimeter and circumference;
- (E) find area (with grids); and
- (F) find volume (with cubes).

(5) Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to:

- (A) use the properties of two- and three-dimensional figures;
- (B) work with similarity, congruence, and symmetry; and
- (C) find surface area (with models).

(6) The representation of numbers on a line and pairs of numbers on a coordinate plane. The student shall be provided opportunities to:

(A) draw number lines with fractions and decimals; and

(B) interpret and construct line graphs to display data.

(7) The use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

- (A) find information and use to construct graphs;
- (B) interpret and construct charts and graphs;
- (C) use counting arrangements; and
- (D) predict possible outcomes from a sample.

(g) Mathematics, grade six. Mathematics, grade six, shall include the following essential elements:

(1) Concepts and skills associated with the understanding of numbers (whole, integer, and non-negative rational) and the place-value system. The student shall be provided opportunities to:

- (A) study the history of numeration systems;
- (B) round whole numbers and decimals;
- (C) factor (primes and composites);
- (D) use place value;
- (E) find relationships between fractions, decimals, percents, and ratio;
- (F) find the least common multiple;
- (G) find the greatest common factor;
- (H) use integers; and
- (I) use exponential notation.

(2) The basic operations on numbers (addition, subtraction, multiplication, division), their properties, and their uses. The student shall be provided opportunities to:

- (A) add, subtract, multiply, and divide integers;
- (B) use inverse operations; and
- (C) add, subtract, multiply, and divide fractions and decimals.

(3) Experience in solving problems by selecting and matching strategies to given situations. The student shall be provided opportunities to:

- (A) estimate with whole numbers and decimals;
- (B) use basic operations with whole numbers, fractions, and decimals;
- (C) solve simple linear equations;
- (D) apply geometric concepts; and
- (E) use charts and graphs.

(4) Measurement concepts and skills using metric and customary units. The student shall be provided opportunities to:

- (A) measure (using measuring instruments);
- (B) use metric and customary units in applications (no conversion between systems of measure);
- (C) find perimeter and circumference; and
- (D) find area, surface area, and volume.

(5) Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to:

- (A) use the properties of two- and three-dimensional figures;
- (B) apply similarity, congruence, and symmetry in problems situations; and

(C) study translations, reflections, and rotations and their applications.

(6) The representation of numbers on a line and pairs of numbers on a coordinate plane. The student shall be provided opportunities to:

- (A) graph points on a coordinate plane; and
- (B) construct line graphs to display data and solve problems.

(7) The use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

- (A) find information and use to construct graphs;
- (B) interpret and construct charts and graphs;
- (C) construct sample spaces;
- (D) determine and interpret fractional probability;
- (E) find averages; and
- (F) apply probability and statistics concepts to solve problems.

§75.24. Science.

(a) Science, kindergarten, shall have a balance of content and activities from the life, earth, and physical sciences and shall include the following essential elements:

(1) Manipulative laboratory skills. The student shall be provided opportunities to:

(A) use comparators: color, texture, taste, odor, size, shape, direction, motion, heat/cold, sink/float, sound; and

(B) practice safety.

(2) The use of skills in acquiring data through the senses. The student shall be provided opportunities to:

(A) observe color, texture, size, shape of objects;

(B) observe objects in the environment; and

(C) observe events and changes in the environment.

(3) The use of classification skills in ordering and sequencing data. The student shall be provided opportunities to:

(A) classify objects by comparing similarities and differences;

(B) classify objects from the environment as being living or nonliving; and

(C) arrange events in sequential order.

(4) Experience in oral and written communication of data in appropriate form. The student shall be provided opportunities to:

(A) describe objects from the environment; and

(B) describe external features of organisms.

(b) Science, grade one, shall have a balance of content and activities from the life, earth, and physical sciences and shall include the following essential elements:

(1) Manipulative laboratory skills. The student shall be provided opportunities to:

(A) use hand magnifiers;

(B) use comparators: length, area, shape, height, size, texture, color; and

(C) practice safety.

(2) The use of skills in acquiring data through the senses. The student shall be provided opportunities to:

(A) observe properties of selected plants and animals;

(B) observe the differences and similarities in the physical world; and

(C) identify a variety of simple machines.

(3) The use of classification skills in ordering and sequencing data. The student shall be provided opportunities to:

(A) classify objects by comparing similarities and differences; and

(B) classify objects from the environment.

(4) Experience in oral and written communication of data in appropriate form. The student shall be provided opportunities to:

(A) describe objects and events (sunrise, sunset, flood) from the environment;

(B) describe apparent changes in size of objects at various distances;

(C) describe the human use of plants and animals; and

(D) name the senses.

(5) Experience in concepts and skills of measurement using relationships to standards. The student shall be provided opportunities to measure objects from the environment.

(c) Science, grade two, shall have a balance of content and activities from the life, earth, and physical sciences and shall include the following essential elements:

(1) Manipulative laboratory skills. The student shall be provided opportunities to:

(A) use scales and balances;

(B) use thermometers;

(C) use comparators: mass, volume, symmetry, temperature, texture, size, shape;

(D) use rulers; and

(E) practice safety.

(2) The use of skills in acquiring data through the senses. The student shall be provided opportunities to:

(A) observe patterns in properties of selected plants, animals, and objects;

(B) observe that time is based on counting regular events; and

(C) observe models from the life, earth, physical sciences.

(3) The use of classification skills in ordering and sequencing data. The student shall be provided opportunities to:

(A) classify objects or selected plants and animals by comparing similarities and differences; and

(B) sequence objects and events.

(4) Experience in oral and written communication of data in appropriate form. The student shall be provided opportunities to:

(A) name objects from a description of their properties;

(B) describe what is shown in an illustration; and

(C) interpret the arrangement of data.

(5) Experience in concepts and skills of measurement using relationship to standards. The student shall be provided opportunities to record measurement of objects.

(6) The use of skills in drawing logical inferences, predicting outcomes, and forming generalized statements. The student shall be provided opportunities to:

- (A) predict the outcome of an action; and
- (B) predict the uses organisms make of their environments.

(d) Science, grade three, shall have a balance of content and activities from the life, earth, and physical sciences and shall include the following essential elements:

(1) Manipulative laboratory skills. The student shall be provided opportunities to:

- (A) use simple machines;
 - (B) use comparators: time, distance, speed;
- and

(C) practice safety.

(2) The use of skills in acquiring data through the senses. The student shall be provided opportunities to:

- (A) observe patterns of growth in selected organisms;
- (B) observe that life occurs in cycles; and
- (C) observe physical structures.

(3) The use of classification skills in ordering and sequencing data. The student shall be provided opportunities to:

- (A) classify objects or events by comparing similarities and differences in their properties;
- (B) classify simple machines; and
- (C) classify natural resources.

(4) Experience in oral and written communication of data in appropriate form. The student shall be provided opportunities to:

- (A) describe changes that occur in the environment;
- (B) describe the event illustrated in a picture or diagram;
- (C) describe three states of matter (solid, liquid, gas); and
- (D) obtain science information from varied sources.

(5) Experience in concepts and skills of measurement using relationships to standards. The student shall be provided opportunities to:

- (A) record management of objects; and
- (B) map and measure the locations of objects.

(6) The use of skills in drawing logical inferences, predicting outcomes, and forming generalized statements. The student shall be provided opportunities to predict the outcome of an action.

(e) Science, grade four, shall have a balance of content and activities from the life, earth, and physical sciences and shall include the following essential elements:

(1) Manipulative laboratory skills. The student shall be provided opportunities to:

- (A) use magnets;
- (B) construct an electromagnet;
- (C) use metric balances;
- (D) use a magnetic compass;
- (E) use comparators: mass, volume; and
- (F) practice safety.

(2) The use of skills in acquiring data through the senses. The student shall be provided opportunities to:

- (A) observe phenomena and apply knowledge of facts and concepts; and

(B) observe that all living organisms depend on plants (food chains, food webs).

(3) The use of classification skills in ordering and sequencing data. The student shall be provided opportunities to classify organisms, actions, or events according to similarities and differences.

(4) Experience in oral and written communication of data in appropriate form. The student shall be provided opportunities to:

(A) describe changes in objects and over a period of time (position, rate of speed);

(B) describe the changes that occur in weather and their effects;

(C) describe information obtained from charts, graphs, histograms; and

(D) describe how animals protect themselves.

(5) Experience in concepts and skills of measurement using relationships to standards. The student shall be provided opportunities to:

(A) collect information by measuring objects and recording data on graphs; and

(B) measure the growth of plants and animals.

(6) The use of skills in drawing logical inferences, predicting outcomes, and forming generalized statements. The student shall be provided opportunities to predict an outcome from a trend in data (weather forecasting, position of an object versus time and rate of speed).

(7) Experience in skills in relating objects and events to other objects and events. The student shall be provided opportunities to:

(A) compare objects according to motion, mass, volume; and

(B) relate knowledge and skills of science to careers.

(8) Experience in applying defined terms based on observations. The student shall be provided opportunities to apply knowledge of facts and concepts in explaining observations in experimental and controlled situations.

(f) Science, grade five, shall have a balance of content and activities from the life, earth, and physical sciences and shall include the following essential elements:

(1) Manipulative laboratory skills. The student shall be provided opportunities to:

- (A) construct models;
- (B) use a microscope; and
- (C) practice safety.

(2) The use of skills in acquiring data through the senses. The student shall be provided opportunities to:

- (A) observe phenomena of natural cycles;
- (B) observe the results of phenomena associated with electricity (charges, magnetic poles); and
- (C) observe the effects of phenomena associated with light.

(3) The use of classification skills in ordering and sequencing data. The student shall be provided opportunities to:

- (A) classify objects, actions, or events according to similarities and differences;
- (B) classify materials as being metallic or non-metallic; and
- (C) classify human body systems and their functions.

(4) Experience in oral and written communication of data in appropriate form. The student shall be provided opportunities to:

- (A) describe changes in objects and events (rock cycles, life cycles, phases of the moon); and
- (B) interpret meaningful arrangements of data.

(5) Experience in concepts and skills of measurement using relationships to standards. The student shall be provided opportunities to:

- (A) collect information by measuring objects and recording data on graphs and tables; and
- (B) measure weather conditions (temperature, wind direction and speed, humidity).

(6) The use of skills in drawing logical inferences, predicting outcomes, and forming generalized statements. The student shall be provided opportunities to:

- (A) predict an outcome from a trend in data; and
- (B) predict cause-and-effect relationships.

(7) Experience in skills in relating objects and events to other objects and events. The student shall be provided opportunities to:

- (A) compare objects according to motion, volume, mass, and speed;
- (B) relate knowledge and skills of science to careers; and
- (C) compare various ecosystems.

(8) Experience in applying defined terms based on observations. The student shall be provided opportunities to state the differences between objects and events using an operational definition.

(9) Experience in identifying and manipulating the conditions of investigations. The student shall be provided opportunities to identify the variables being manipulated and the variables responding in an investigation.

(g) Science, grade six, shall have a balance of content and activities from the life, earth, and physical sciences and shall include the following essential elements:

(1) Manipulative laboratory skills. The student shall be provided opportunities to:

- (A) construct a telegraph;
- (B) use a microscope;
- (C) use acid-base indicators; and
- (D) practice safety.

(2) The use of skills in acquiring data through the senses. The student shall be provided opportunities to:

- (A) observe phenomena and apply knowledge of facts, theories, laws, structures, and concepts;
- (B) observe the cellular composition of organisms; and
- (C) observe that energy can be changed from one form to another.

(3) The use of classification skills in ordering and sequencing data. The student shall be provided opportunities to:

- (A) classify organisms, objects, actions, or events according to similarities and differences;
- (B) classify variables as being constant, manipulated, or responding; and
- (C) classify substances as acid or base.

(4) Experience in oral and written communication of data in appropriate form. The student shall be provided opportunities to:

- (A) describe the meaning of graphs and discuss factors that govern the rates of change;
- (B) describe animal behaviors;
- (C) describe the patterns of data;
- (D) describe technological advances (computers, lasers, space and ocean exploration, communication systems);
- (E) describe the sequence of events in an investigation; and
- (F) describe consumer information from tables, labels, and advertisements.

(5) Experience in concepts and skills of measurement using relationships to standards. The student shall be provided opportunities to collect information by measuring and recording data on graphs, diagrams, and other visual materials.

(6) The use of skills in drawing logical inferences, predicting outcomes, and forming generalized statements. The student shall be provided opportunities to:

- (A) predict an outcome from a trend in data (inferences, extrapolation, interpolation);
- (B) predict and compare the amount of energy used in various electrical devices; and
- (C) deduce from given information the cause-and-effect relationships.

(7) Experience in skills relating objects and events to other objects and events. The student shall be provided opportunities to:

- (A) compare factors that affect growth rate;
- (B) compare the effects of the use of alternate energy sources; and
- (C) relate knowledge and skills of science to careers.

(8) Experience in applying defined terms based on observation. The student shall be provided opportunities to state the differences between organisms, objects, and events using an operational definition.

(9) Experience in identifying and manipulating the conditions of investigations. The student shall be provided opportunities to:

- (A) identify the variables held constant, those variables being manipulated, and the variables responding in an investigation; and
- (B) design and conduct an investigation.

§75.25. Health.

(a) Health, kindergarten, shall include the following essential elements:

(1) Concepts and skills that foster individual personal health and safety. The student shall be provided opportunities to:

- (A) identify daily practices that promote:
 - (i) oral health;
 - (ii) cleanliness;
 - (iii) health of eyes and ears;
 - (iv) habits of rest, sleep, posture, and exercise;
 - (v) nutritional health; and
 - (vi) self-concept;
- (B) recognize danger of poisonous substances; and

(C) recognize hazards in the environment, and acquire knowledge and skills needed to avoid injury and to prevent accidents.

(2) Health-related concepts and skills that involve interaction between individuals. The student shall be provided opportunities to recognize common examples of communicable diseases and identify practices that control their transmission.

(b) Health, grade one, shall include the following essential elements:

(1) Concepts and skills that foster individual personal health and safety. The student shall be provided opportunities to:

(A) identify daily practices that promote:

- (i) oral health;
- (ii) cleanliness;
- (iii) health of eyes and ears;
- (iv) habits of rest, sleep, posture, and exercise;

cise;

- (v) nutritional health; and
- (vi) self-concept;

(B) recognize need for adult supervision when taking medicines; and

(C) recognize hazards in the environment, and acquire knowledge and skills needed to avoid injury and to prevent accidents.

(2) Health-related concepts and skills that involve interaction between individuals. The student shall be provided opportunities to:

(A) recognize common examples of communicable diseases and identify practices that control their transmission; and

(B) recognize the health of the family is dependent upon the contributions of each of its members.

(3) Health-related concepts and skills that affect the well-being of people collectively. The student shall be provided opportunities to recognize interdependence of people and the environment, and recognize personal responsibility for protecting the environment.

(c) Health, grade two, shall include the following essential elements:

(1) Concepts and skills that foster individual personal health and safety. The student shall be provided opportunities to:

(A) identify daily practices that promote:

- (i) oral health;
- (ii) cleanliness;
- (iii) health of eyes and ears;
- (iv) habits of rest, sleep, posture, and exercise;

exercise;

- (v) nutritional health; and
- (vi) self-concept;

(B) recognize benefits and limitations of medicines; and

(C) recognize hazards in the environment, and acquire knowledge and skills needed to avoid injury and to prevent accidents.

(2) Health-related concepts and skills that involve interaction between individuals. The student shall be provided opportunities to:

(A) recognize causes of communicable diseases; and

(B) recognize the health of the family is dependent upon the contributions of each of its members.

(3) Health-related concepts and skills that affect the well-being of people collectively. The student shall be provided opportunities to:

(A) recognize interdependence of people and the environment, and recognize personal responsibility for protecting the environment; and

(B) recognize sources of pollution.

(d) Health, grade three, shall include the following essential elements:

(1) Concepts and skills that foster individual personal health and safety. The student shall be provided opportunities to:

(A) identify daily practices that promote:

- (i) oral health;
- (ii) cleanliness;
- (iii) health of eyes and ears;
- (iv) habits of rest, sleep, posture, and exercise; and

cise; and

(v) self-concept;

(B) make some food choices for self;

(C) recognize the negative effects of the use of alcohol and tobacco;

(D) practice general emergency procedures; and

(E) recognize hazards in the environment, and acquire knowledge and skills needed to avoid injury and to prevent accidents.

(2) Health-related concepts and skills that involve interaction between individuals. The student shall be provided opportunities to:

(A) recognize causes of communicable diseases; and

(B) recognize the health of the family is dependent upon the contributions of each of its members.

(3) Health-related concepts and skills that affect the well-being of people collectively. The student shall be provided opportunities to:

(A) recognize interdependence of people and the environment, and recognize personal responsibility for protecting the environment; and

(B) recognize sources of pollution.

(e) Health, grade four, shall include the following essential elements:

(1) Concepts and skills that foster individual personal health and safety. The student shall be provided opportunities to:

(A) identify daily practices that promote:

(i) habits of rest, sleep, posture, and exercise; and

(ii) self-concept;

(B) relate fluoridation and snacking habits to dental health;

(C) recognize symptoms of vision and hearing problems;

(D) make some food choices for self;

(E) recognize negative effects of the use of alcohol, tobacco, marijuana, and other drugs;

(F) practice general emergency procedures; and

(G) recognize hazards in the environment, and acquire knowledge and skills needed to avoid injury and to prevent accidents.

(2) Health-related concepts and skills that involve interaction between individuals. The student shall be provided opportunities to:

(A) recognize benefits and limitations of advertising as it relates to selection of health services, products, and practitioners;

(B) identify communicable and noncommunicable diseases, their causes, symptoms, prevention, and treatment; and

(C) recognize the health of the family is dependent upon the contributions of each of its members.

(3) Health-related concepts and skills that affect the well-being of people collectively. The student shall be provided opportunities to:

(A) recognize scope of services provided by community health agencies;

(B) recognize interdependence of people and the environment, and recognize personal responsibility for protecting the environment; and

(C) recognize health consequences of pollution.

(f) Health, grade five, shall include the following essential elements:

(1) Concepts and skills that foster individual personal health and safety. The student shall be provided opportunities to:

(A) identify daily practices that promote self-concept;

(B) identify the structure of teeth and gums;

(C) recognize symptoms of vision and hearing problems;

(D) review examples of daily schedules that include adequate sleep, rest, and regular, vigorous physical activity;

(E) recognize nutritional concerns of adolescents;

(F) recognize negative effects of the use of alcohol, tobacco, marijuana, and other drugs;

(G) identify ways to care for the principal body systems; and

(H) recognize hazards in the environment, and acquire knowledge and skills needed to avoid injury and to prevent accidents.

(2) Health-related concepts and skills that involve interaction between individuals. The student shall be provided opportunities to:

(A) recognize benefits and limitations of advertising as it relates to selection of health services, products, and practitioners;

(B) identify communicable and noncommunicable diseases, their causes, symptoms, prevention, and treatment;

(C) recognize the health of the family is dependent upon the contributions of each of its members; and

(D) recognize need for first aid.

(3) Health-related concepts and skills that affect the well-being of people collectively. The student shall be provided opportunities to:

(A) identify locally available volunteer health agencies; and

(B) recognize interdependence of people and the environment, and recognize personal responsibility for protecting the environment.

(g) Health, grade six, shall include the following essential elements:

(1) Concepts and skills that foster individual personal health and safety. The students shall be provided opportunities to:

(A) identify daily practices that promote self-concept;

(B) recognize shared responsibility with parents for own dental care;

(C) recognize symptoms of vision and hearing problems;

(D) review examples of daily schedules that include adequate sleep, rest, and regular, vigorous physical activity;

(E) make healthful food choices in context of social environment;

(F) identify factors, including peer pressure, that contribute to alcohol, tobacco, marijuana, and other drug abuse and methods of prevention;

(G) identify ways to care for the principal body systems; and

(H) recognize hazards in the environment, and acquire knowledge and skills needed to avoid injury and to prevent accidents.

(2) Health-related concepts and skills that involve interaction between individuals. The student shall be provided opportunities to:

(A) recognize a logical process of selecting health services, products, and practitioners;

(B) identify communicable and noncommunicable diseases, their causes, symptoms, prevention, and treatment;

(C) recognize the health of the family is dependent upon the contributions of each of its members; and

(D) identify basic emergency treatment, including aid to persons choking or not breathing.

(3) Health-related concepts and skills that affect the well-being of people collectively. The student shall be provided opportunities to:

(A) relate the system of health services provided by government to the health needs of people; and

(B) recognize interdependence of people and the environment, and recognize personal responsibility for protecting the environment.

§75.26. Physical Education.

(a) Physical education, kindergarten, shall include the following essential elements:

(1) Physical fitness development to improve the quality of life. The student shall be provided opportunities to participate in developmental activities related to muscular strength and endurance, flexibility, and cardio-respiratory endurance.

(2) Motor skills that develop positive body image and confidence. The student shall be provided opportunities to:

(A) acquire fundamental movement skills:
(i) locomotor (walking, running, jumping, hopping, etc.);

(ii) nonlocomotor (bending and stretching, pushing and pulling, twisting and turning, etc.);

(iii) manipulative (working with bean bags, large balls, ropes, etc.); and

(iv) posture and body mechanics (standing, sitting, falling safely, etc.);

(B) develop perceptual awareness skills:

(i) body awareness (an awareness of name, location, and relationship of body parts);

(ii) spatial and directional awareness (an awareness of how much space the body occupies and where to move);

(iii) coordination (eye-hand, eye-foot, rhythm); and

(iv) balance.

(3) Rhythmic activities that develop coordination, self-expression, creativity, and endurance. The student shall be provided opportunities to participate in rhythmic activities:

(A) fundamental skills;

(B) creative rhythms; and

(C) singing games.

(4) Skills related to games and sports. The students shall be provided opportunities to:

(A) participate in skills common to games and sports (starting, stopping, dodging, throwing, kicking, catching, etc.);

(B) participate in low-organizational games; and

(C) develop and practice behavior reflective of good sportsmanship and safety.

(5) Sequential gymnastic and tumbling skills. The student shall be provided opportunities to:

(A) develop gross motor skills:

(i) orientation of one's body in space;

(ii) balance;

(iii) eye-body coordination;

(iv) upper body development; and

(B) participate in creeping, crawling, rolling, balancing, climbing, lifting one's body.

(b) Physical education, grade one, shall include the following essential elements:

(1) Physical fitness development to improve the quality of life. The student shall be provided opportunities to participate in developmental activities related to muscular strength and endurance, flexibility, and cardiorespiratory endurance.

(2) Motor skills that develop positive body image and confidence. The student shall be provided opportunities to:

(A) acquire fundamental movement skills:

(i) locomotor (walking, running, jumping, hopping, skipping, etc.);

(ii) nonlocomotor (bending and stretching, pushing and pulling, twisting and turning, etc.);

(iii) manipulative (working with bean bags, large balls, ropes, etc.); and

(iv) posture and body mechanics (standing, sitting, falling safely, etc.);

(B) develop perceptual awareness skills:

(i) body awareness (an awareness of name, location, and relationship of body parts);

(ii) spatial and directional awareness (an awareness of how much space the body occupies and where to move);

(iii) coordination (eye-hand, eye-foot, rhythm); and

(iv) balance.

(3) Rhythmic activities that develop coordination, self-expression, creativity, and endurance. The student shall be provided opportunities to participate in rhythmic activities:

(A) fundamental skills;

(B) creative rhythms; and

(C) singing games.

(4) Skills related to games and sports. The student shall be provided opportunities to:

(A) participate in skills common to games and sports (starting, stopping, dodging, throwing, kicking, catching, etc.);

(B) participate in games (low-organizational, creative, and cooperative); and

(C) develop and practice behavior reflective of good sportsmanship and safety.

(5) Sequential gymnastic and tumbling skills. The student shall be provided opportunities to:

(A) develop gross motor skills:

(i) orientation of one's body in space;

(ii) balance;

(iii) eye-body coordination; and

(iv) upper body development;

(B) participate in creeping, crawling, rolling, balancing, climbing, lifting one's body.

(c) Physical education, grade two, shall include the following essential elements:

(1) Physical fitness development to improve the quality of life. The student shall be provided opportunities to participate in developmental activities related to muscular strength and endurance, flexibility, and cardiorespiratory endurance.

(2) Motor skills that develop positive body image and confidence. The student shall be provided opportunities to:

(A) acquire fundamental movement skills:

(i) locomotor (walking, running, jumping, skipping, etc.);

(ii) nonlocomotor (bending and stretching, pushing and pulling, twisting and turning, etc.);

(iii) manipulative (working with bean bags, large balls, ropes, etc.); and

(iv) posture and body mechanics (standing, sitting, falling safely, etc.);

(B) develop perceptual awareness skills:

(i) body awareness (an awareness of name, location, and relationship of body parts);

(ii) spatial and directional awareness (an awareness of how much space the body occupies and where to move);

(iii) coordination (eye-hand, eye-foot, rhythm); and

(iv) balance.

(3) Rhythmic activities that develop coordination, self-expression, creativity, and endurance. The student shall be provided opportunities to participate in rhythmic activities:

(A) fundamental skills;

(B) creative rhythms; and

(C) singing games.

(4) Skills related to games and sports. The student shall be provided opportunities to:

(A) participate in skills common to games and sports (starting, stopping, dodging, throwing, kicking, catching, etc.);

(B) participate in games (low-organizational, creative, and cooperative); and

(C) develop and practice behavior reflective of good sportsmanship and safety.

(5) Sequential gymnastic and tumbling skills. The student shall be provided opportunities to:

(A) develop gross motor skills;

(i) orientation of one's body in space;

(ii) balance;

(iii) eye-body coordination; and

(iv) upper body development;

(B) participate in creeping, crawling, rolling, balancing, lifting one's body.

(d) Physical education, grade three, shall include the following essential elements:

(1) Physical fitness development to improve the quality of life. The student shall be provided opportunities to:

(A) participate in developmental activities related to muscular strength and endurance, flexibility, and cardiorespiratory endurance; and

(B) participate in developmental activities for power, agility, speed, coordination, reaction, and balance.

(2) Motor skills that develop positive body image and confidence. The student shall be provided opportunities to:

(A) continue development of a combination of fundamental movement skills using balls and other equipment;

(B) continue development of perceptual awareness skills;

(i) coordination (eye-hand, eye-foot, rhythm); and

(ii) balance.

(3) Rhythmic activities that develop coordination, self-expression, creativity, and endurance. The student shall be provided opportunities to participate in rhythmic activities:

(A) rhythmic activities for endurance; and

(B) folk dance.

(4) Skills related to games and sports. The student shall be provided opportunities to:

(A) participate in games (low-organizational, creative, and cooperative);

(B) participate in lead-up and modified games;

(C) develop and practice behavior reflective of good sportsmanship and safety; and

(D) participate in contests and relays.

(5) Sequential gymnastic and tumbling skills. The student shall be provided opportunities to participate in gymnastics and tumbling.

(e) Physical education, grade four, shall include the following essential elements:

(1) Physical fitness development to improve the quality of life. The student shall be provided opportunities to:

(A) participate in developmental activities related to muscular strength and endurance, flexibility, and cardiorespiratory endurance;

(B) participate in developmental activities for power, agility, speed, coordination, reaction, and balance; and

(C) benefit from physical fitness testing and appraisal.

(2) Motor skills that develop positive body image and confidence. The student shall be provided opportunities to:

(A) continue development of a combination of fundamental movement skills using balls and other equipment;

(B) continue development of perceptual awareness skills:

(i) coordination (eye-hand, eye-foot, rhythm); and

(ii) balance.

(3) Rhythmic activities that develop coordination, self-expression, creativity, and endurance. The student shall be provided opportunities to participate in rhythmic activities:

(A) rhythmic activities for endurance; and

(B) folk dance.

(4) Skills related to games and sports. The student shall be provided opportunities to:

(A) participate in lead-up and modified games;

(B) participate in individual, team, and recreational games;

(C) develop and practice behavior reflective of good sportsmanship and safety; and

(D) participate in contests and relays.

(5) Sequential gymnastic and tumbling skills. The student shall be provided opportunities to participate in gymnastics and tumbling.

(f) Physical education, grade five, shall include the following essential elements:

(1) Physical fitness development to improve the quality of life. The student shall be provided opportunities to:

(A) participate in developmental activities related to muscular strength and endurance, flexibility, and cardiorespiratory endurance;

(B) participate in developmental activities for power, agility, speed, coordination, reaction, and balance; and

(C) benefit from physical fitness testing and appraisal.

(2) Motor skills that develop positive body image and confidence. The student shall be provided opportunities to:

(A) continue development of a combination of fundamental movement skills using balls and other equipment;

(B) continue development of perceptual awareness skills:

(i) coordination (eye-hand, eye-foot, rhythm); and

(ii) balance.

(3) Rhythmic activities that develop coordination, self-expression, creativity, and endurance. The stu-

dent shall be provided opportunities to participate in rhythmic activities:

- (A) rhythmic activities for endurance; and
- (B) folk dance.

(4) Skills related to games and sports. The student shall be provided opportunities to:

- (A) participate in lead-up and modified games;
- (B) participate in individual, team, and recreational games;
- (C) participate in individual, dual, and modified team sports;
- (D) develop and practice behavior reflective of good sportsmanship and safety; and
- (E) participate in contests and relays.

(5) Sequential gymnastic and tumbling skills. The student shall be provided opportunities to participate in gymnastics and tumbling.

(g) Physical education, grade six, shall include the following essential elements:

(1) Physical fitness development to improve the quality of life. The student shall be provided opportunities to:

(A) participate in developmental activities related to muscular strength and endurance, flexibility, and cardiorespiratory endurance;

(B) participate in developmental activities for power, agility, speed, coordination, reaction, and balance; and

(C) benefit from physical fitness testing and appraisal.

(2) Motor skills that develop positive body image and confidence. The student shall be provided opportunities to:

(A) continue development of a combination of fundamental movement skills using balls and other equipment;

(B) continue development of perceptual awareness skills:

(i) coordination (eye-hand, eye-foot, rhythm); and

(ii) balance.

(3) Rhythmic activities that develop coordination, self-expression, creativity, and endurance. The student shall be provided opportunities to participate in rhythmic activities:

- (A) rhythmic activities for endurance; and
- (B) folk dance.

(4) Skills related to games and sports. The student shall be provided opportunities to:

- (A) participate in individual, dual, and modified team sports;
- (B) develop and practice behavior reflective of good sportsmanship and safety; and
- (C) participate in contests and relays.

(5) Sequential gymnastic and tumbling skills. The student shall be provided opportunities to participate in gymnastics and tumbling.

§75.27. Fine Arts.

(a) Fine arts, kindergarten, shall include the following essential elements:

(1) Art.

(A) Awareness and sensitivity to natural and man-made environments. The student shall be provided

opportunities to discover line, color, shape, and texture by seeing and feeling objects.

(B) Inventive and imaginative expression through art materials and tools. The student shall be provided opportunities to:

(i) express individual ideas, thoughts, and feelings in simple media including drawing, painting, and printmaking; and

(ii) experiment with art materials to understand properties and develop skills.

(C) Understanding and appreciation of self and others through art culture and heritage. The student shall be provided opportunities to look at and talk about contemporary and past artworks including primary sources and art visuals.

(D) Aesthetic growth through visual discrimination and judgment. The student shall be provided opportunities to explore artwork of students and major artists.

(2) Music.

(A) Singing concepts and skills. The student shall be provided opportunities to:

(i) explore vocal sounds including imitation and recognition of environmental sounds, difference between singing and speaking voice, tone matching, rote singing of melodic patterns; and

(ii) sing songs including total group singing of action, seasonal, patriotic, and popular songs.

(B) Music listening. The student shall be provided opportunities to:

(i) recognize aurally including high/low, fast/slow, loud/soft, up/down, long/short, smooth/jerky;

(ii) hear short selections for quiet listening and expressive movement;

(iii) hear music that tells a story; and

(iv) listen to and identify simple music forms.

(C) Responses to music through moving and playing. The student shall be provided opportunities to:

(i) perform gross motor movement to records and singing including locomotor and axial;

(ii) perform action songs;

(iii) move to express mood or meaning of the music including steady beat and body sounds;

(iv) perform singing games; and

(v) explore sounds including environmental, body, homemade and commercial rhythm and melody instruments.

(3) Theatre arts.

(A) Expressive use of the body and voice. The student shall be provided opportunities to:

(i) develop body awareness and spatial perception using rhythmic and imitative movement; and

(ii) imitate sounds.

(B) Creative drama. The student shall be provided opportunities to dramatize limited-action stories and poems using simple pantomime.

(b) Fine arts, grade one, shall include the following essential elements:

(1) Art.

(A) Awareness and sensitivity to natural and man-made environments. The student shall be provided opportunities to:

(i) discover line, color, shape, and texture by seeing and feeling objects; and

(ii) understand formal structure in art including unity and emphasis.

(B) Inventive and imaginative expression through art materials and tools. The student shall be provided opportunities to:

(i) express individual ideas, thoughts, and feelings in simple media including drawing, painting, printmaking, and constructing three-dimensional forms; and

(ii) experiment with art materials to understand properties and develop skills.

(C) Understanding and appreciation of self and others through art culture and heritage. The student shall be provided opportunities to look at and talk about contemporary and past artworks including primary sources and art visuals.

(D) Aesthetic growth through visual discrimination and judgment. The student shall be provided opportunities to:

(i) explore artwork of students and major artists; and

(ii) apply art knowledge and judgment through personal choices.

(2) Music.

(A) Singing concepts and skills. The student shall be provided opportunities to:

(i) explore vocal sounds including imitation and recognition of environmental sounds, difference between singing and speaking voice, tone matching, rote singing of melodic patterns;

(ii) sing songs including total group singing of action, seasonal, patriotic, and popular songs;

(iii) develop the voice including deep breathing for singing;

(iv) perform contrasts including high/low, up/down;

(v) recognize aurally the difference between melody and accompaniment, repeated sections; and

(vi) sing individually.

(B) Music listening. The student shall be provided opportunities to:

(i) recognize aurally high/low, fast/slow, loud/soft, up/down, long/short, smooth/jerky;

(ii) hear short selections for quiet listening and expressive movement;

(iii) hear music that tells a story;

(iv) recognize solo instruments by sound and sight; and

(v) listen to and identify simple music forms.

(C) Responses to music through moving and playing. The student shall be provided opportunities to:

(i) perform gross motor movement to records and singing including locomotor and axial;

(ii) perform action songs;

(iii) move to express mood or meaning of the music, steady beat and body sounds;

(iv) perform singing games; and

(v) accompany songs and records with body sounds and homemade or commercial rhythm and melody instruments.

(3) Theatre arts.

(A) Expressive use of the body and voice. The student shall be provided opportunities to:

(i) develop body awareness and spatial perception using rhythmic and imitative movement, and sensory awareness; and

(ii) imitate sounds.

(B) Creative drama. The student shall be provided opportunities to dramatize limited-action stories and poems using simple pantomime and puppetry.

(c) Fine arts, grade two, shall include the following essential elements:

(1) Art.

(A) Awareness and sensitivity to natural and man-made environments. The student shall be provided opportunities to:

(i) discover and explore line, color, shape, texture, value, form, and space; and

(ii) understand formal structure in art including unity, emphasis, balance, and variety.

(B) Inventive and imaginative expression through art materials and tools. The student shall be provided opportunities to:

(i) express individual ideas, thoughts, and feelings in simple media including drawing, painting, printmaking, and constructing and modeling three-dimensional forms; and

(ii) experiment with art materials to understand properties and develop manipulative skills.

(C) Understanding and appreciation of self and others through art culture and heritage. The student shall be provided opportunities to look at and talk about contemporary and past artworks including primary sources and art visuals.

(D) Aesthetic growth through visual discrimination and judgment. The student shall be provided opportunities to:

(i) explore and examine artwork of students and major artists; and

(ii) apply art knowledge and judgment through personal choices.

(2) Music.

(A) Singing concepts and skills. The student shall be provided opportunities to:

(i) explore vocal sounds including imitation and recognition of environmental sounds, difference between singing and speaking voice, tone matching, and rote singing of melodic patterns;

(ii) sing songs including total group singing of action, seasonal, patriotic, and popular songs and rounds;

(iii) create dramatizations, movements, and new words to songs;

(iv) develop the voice including deep breathing for singing;

(v) perform contrasts including high/low, up/down, fast/slow, loud/soft;

(vi) recognize aurally the difference between melody and accompaniment, repeated sections, contrasting sections; and

(vii) sing individually.

(B) Music listening. The student shall be provided opportunities to:

(i) recognize aurally high/low, fast/slow, loud/soft, up/down, long/short, smooth/jerky, mood, difference between melody and accompaniment, repeated sections;

(ii) hear short selections for quiet listening and expressive movement;

(iii) hear music that tells a story;

(iv) recognize solo instruments by sound and sight; and

(v) listen to and identify simple music forms.

(C) Responses to music through moving and playing. The student shall be provided opportunities to:

(i) perform gross motor movement to records and singing including locomotor and axial;

(ii) perform action songs;

(iii) move to express mood and meaning of the music including steady beat and body sounds;

(iv) perform singing games;

(v) accompany songs and records with body sounds and homemade or commercial rhythm and melody instruments; and

(vi) imitate and perform simple melodic and rhythmic patterns and rhythms such as steady beat, rhythm of words, beat groupings of twos (march) and threes (waltz).

(3) Theatre arts.

(A) Expressive use of the body and voice. The student shall be provided opportunities to:

(i) develop body awareness and spatial perception using rhythmic and imitative movement, sensory awareness, and pantomime; and

(ii) imitate sounds and dialogue.

(B) Creative drama. The student shall be provided opportunities to dramatize literary selections using shadow play, pantomime, and imitative dialogue.

(d) Fine arts, grade three, shall include the following essential elements:

(1) Art.

(A) Awareness and sensitivity to natural and man-made environments. The student shall be provided opportunities to:

(i) discover, explore, and examine art elements including line, color, shape, texture, value, form, and space; and

(ii) understand formal structure in art including unity, emphasis, balance, and variety.

(B) Inventive and imaginative expression through art materials and tools. The student shall be provided opportunities to:

(i) express individual ideas, thoughts, and feelings in simple media including drawing, painting, printmaking, constructing and modeling three-dimensional forms, and manipulating fibers; and

(ii) experiment with art materials to understand properties and develop manipulative skills.

(C) Understanding and appreciation of self and others through art culture and heritage. The student shall be provided opportunities to look at and talk about

contemporary and past artworks including primary sources and art visuals.

(D) Aesthetic growth through visual discrimination and judgment. The student shall be provided opportunities to:

(i) explore and examine artwork of students and major artists; and

(ii) apply art knowledge and judgment through personal and home-related choices.

(2) Music.

(A) Singing concepts and skills. The student shall be provided opportunities to:

(i) sing songs including total group singing of action, seasonal, patriotic, and popular songs and rounds;

(ii) create dramatizations, movements, and new words to songs;

(iii) develop the voice including deep breathing for singing;

(iv) perform contrasts including high/low, up/down, fast/slow, loud/soft, same/different, long/short;

(v) recognize aurally the difference between melody and accompaniment, repeated sections, contrasting sections, and sections that return after a contrast;

(vi) sing individually; and

(vii) sing and identify simple music forms.

(B) Music listening. The student shall be provided opportunities to:

(i) recognize aurally high/low, fast/slow, loud/soft, up/down, long/short, smooth/jerky, mood, difference between melody and accompaniment, repeated sections, and contrasting sections;

(ii) hear music that tells a story;

(iii) recognize solo instruments by sound, sight, and categorize by families (woodwind, brass, strings, percussion); and

(iv) listen to and identify simple music forms.

(C) Responses to music through moving and playing. The student shall be provided opportunities to:

(i) perform gross motor movement to records and singing including locomotor and axial;

(ii) perform action songs;

(iii) move to express mood and meaning of the music including steady beat and body sounds;

(iv) perform singing games;

(v) accompany songs and records with body sounds and homemade or commercial rhythm and melody instruments; and

(vi) imitate and perform simple melodic and rhythmic patterns and rhythms including steady beat, rhythm of words, beat groupings of twos (march) and threes (waltz).

(3) Theatre arts.

(A) Expressive use of the body and voice. The student shall be provided opportunities to:

(i) develop body awareness and spatial perception using rhythmic and imitative movement, sensory awareness, and pantomime;

(ii) imitate sounds and dialogue; and

(iii) recall sensory and emotional experiences.

(B) Creative drama. The student shall be provided opportunities to dramatize literary selections using shadow play, pantomime, and imitative dialogue.

(C) Aesthetic growth through appreciation of theatrical events. The student shall be provided opportunities to view theatrical events emphasizing player-audience relationship and audience etiquette.

(e) Fine arts, grade four, shall include the following essential elements:

(1) Art.

(A) Awareness and sensitivity to natural and man-made environments. The student shall be provided opportunities to:

(i) discover, explore, and examine art elements including line, color, shape, texture, value, form, and space; and

(ii) understand formal structure in art including unity, emphasis, balance, variety, and pattern.

(B) Inventive and imaginative expression through art materials and tools. The student shall be provided opportunities to:

(i) express individual ideas, thoughts, and feelings in simple media including drawing, painting, printmaking, constructing and modeling three-dimensional forms, manipulating fibers, and exploring photographic imagery; and

(ii) experiment with art materials to understand properties and develop manipulative skills.

(C) Understanding and appreciation of self and others through art culture and heritage. The student shall be provided opportunities to:

(i) look at and talk about contemporary and past artworks including primary sources and art visuals; and

(ii) develop awareness of art careers.

(D) Aesthetic growth through visual discrimination and judgment. The student shall be provided opportunities to:

(i) explore, examine, and evaluate artwork of students and major artists, and home and community design; and

(ii) apply art knowledge and judgment through personal and home-related choices.

(2) Music. (Band, choral music, or orchestra may be offered in lieu of music.)

(A) Singing concepts and skills. The student shall be provided opportunities to:

(i) sing songs including total group singing of action, seasonal, patriotic, and popular songs and rounds;

(ii) create dramatizations, movements, new words to songs;

(iii) develop the voice including deep breathing for singing and clear diction;

(iv) perform contrasts including high/low, up/down, fast/slow, loud/soft, same/different, long/short;

(v) recognize aurally the difference between melody and accompaniment, repeated sections, contrasting sections, and sections that return after a contrast;

(vi) sing individually; and

(vii) sing and identify simple music forms.

(B) Music listening. The student shall be provided opportunities to:

(i) recognize aurally high/low, fast/slow, loud/soft, up/down, long/short, smooth/jerky, mood, difference between melody and accompaniment, repeated sections, contrasting sections, sections that return after a contrast;

(ii) hear music that tells a story;

(iii) recognize solo instruments by sound, sight, and categorize by families (woodwind, brass, strings, percussion);

(iv) hear music of other cultures; and

(v) listen to and identify simple music forms.

(C) Responses to music through moving and playing. The student shall be provided opportunities to:

(i) perform action songs;

(ii) move to express mood and meaning of the music including steady beat and body sounds;

(iii) play American folk games and perform ethnic dances;

(iv) accompany songs and records with body sounds and homemade or commercial rhythm and melody instruments;

(v) see, play, and sing simple melodic and rhythmic patterns, steady beat, beat groupings; and

(vi) recognize visually letter names of notes on treble staff.

(3) Theatre arts.

(A) Expressive use of the body and voice. The student shall be provided opportunities to:

(i) develop body awareness and spatial perception using rhythmic and imitative movement, sensory awareness, and pantomime;

(ii) express concepts using interpretive movement;

(iii) create original dialogue; and

(iv) recall sensory and emotional experiences.

(B) Creative drama. The student shall be provided opportunities to dramatize literary selections using shadow play, pantomime, imitative dialogue, improvisation, characterization, and puppetry.

(C) Aesthetic growth through appreciation of theatrical events. The student shall be provided opportunities to:

(i) view theatrical events emphasizing player-audience relationship, audience etiquette, and recognition of similarities and differences between television, film, and live theatre; and

(ii) participate in group planning for story dramatization incorporating analysis of character behavior, recognition of dramatic conflicts, and prediction of plot resolutions.

(f) Fine arts, grade five, shall include the following essential elements:

(1) Art.

(A) Awareness and sensitivity to natural and man-made environments. The student shall be provided opportunities to:

(i) discover, explore, examine, and apply art elements including line, color, shape, texture, value, form, and space; and

(ii) understand formal structure in art including unity, emphasis, balance, variety, pattern, and proportion.

(B) Inventive and imaginative expression through art materials and tools. The student shall be provided opportunities to:

(i) express individual ideas, thoughts, and feelings in simple media including drawing, painting, printmaking, constructing and modeling three-dimensional forms, manipulating fibers, and exploring photographic imagery; and

(ii) experiment with art materials to understand properties and develop manipulative skills.

(C) Understanding and appreciation of self and others through art culture and heritage. The student shall be provided opportunities to:

(i) look at and talk about contemporary and past artworks including primary sources and art visuals; and

(ii) develop awareness of art careers.

(D) Aesthetic growth through visual discrimination and judgment. The student shall be provided opportunities to:

(i) explore, examine, and evaluate artwork of students and major artists, and home and community design; and

(ii) apply art knowledge and judgment (person, home, and community).

(2) Music. (Band, choral music, or orchestra may be offered in lieu of music.)

(A) Singing concepts and skills. The student shall be provided opportunities to:

(i) sing songs including total group singing of action, seasonal, patriotic, and popular songs and rounds;

(ii) create dramatizations, movements, and new words to songs;

(iii) develop the voice including deep breathing for singing and clear diction;

(iv) perform contrasts including high/low, up/down, fast/slow, loud/soft, same/different, long/short;

(v) recognize aurally the difference between melody and accompaniment, repeated sections, contrasting sections, sections that return after a contrast;

(vi) sing individually; and

(vii) sing and identify simple music forms.

(B) Music listening. The student shall be provided opportunities to:

(i) recognize aurally high/low, fast/slow, loud/soft, up/down, long/short, smooth/jerky, mood, difference between melody and accompaniment, repeated sections, contrasting sections, sections that return after a contrast;

(ii) hear music that tells a story;

(iii) recognize solo instruments by sound, sight, and categorize by families (woodwind, brass, strings, percussion);

(iv) hear music of other cultures;

(v) hear American music including folk, spirituals, jazz, pop, country-western, serious composers; and

(vi) listen to and identify simple music forms.

(C) Responses to music through moving and playing. The student shall be provided opportunities to:

(i) move to express mood and meaning of the music including steady beat and body sounds;

(ii) perform American dances including round, line, and square;

(iii) play American folk instruments (guitar, ukulele, autoharp, etc.);

(iv) see, play, and sing simple melodic and rhythmic patterns, steady beat, beat groupings; and

(v) recognize visually letter names of notes on treble staff (A-G) and relationship of notes on staff (up, down, same).

(3) Theatre arts.

(A) Expressive use of the body and voice. The student shall be provided opportunities to:

(i) develop body awareness and spatial perception using rhythmic and imitative movement, sensory awareness, and pantomime;

(ii) express concepts using interpretive movement;

(iii) create original dialogue; and

(iv) utilize sensory and emotional recall in characterizations.

(B) Creative drama. The student shall be provided opportunities to dramatize literary selections and original stories using shadow play, pantomime, imitative dialogue, improvisation, characterization, and puppetry.

(C) Aesthetic growth through appreciation of theatrical events. The student shall be provided opportunities to:

(i) view theatrical events emphasizing player-audience relationship, audience etiquette, recognition of similarities and differences between television, film, and live theatre, and evaluation and aesthetic judgments; and

(ii) participate in group planning for story dramatization incorporating analysis of character behavior, recognition of dramatic conflicts, and prediction of plot resolutions.

(g) Fine arts, grade six. (When grade six is in a departmentalized middle school, students may elect any of the fine arts areas (art, music, theatre) to fulfill the fine arts requirement.) Fine arts, grade six, shall include the following essential elements:

(1) Art.

(A) Awareness and sensitivity to natural and man-made environments. The student shall be provided opportunities to:

(i) discover, explore, examine, and apply art elements including line, color, shape, texture, value, form, and space; and

(ii) organize, evaluate, and reorganize work in progress to gain further understanding of formal structuring including unity, emphasis, balance, variety, pattern, and proportion.

(B) Inventive and imaginative expression through art materials and tools. The student shall be provided opportunities to:

(i) express individual ideas, thoughts, and feelings in simple media including drawing, painting,

printmaking, constructing and modeling three-dimensional forms, manipulating fibers, and exploring photographic imagery; and

(ii) experiment with art materials to understand properties and develop manipulative skills.

(C) Understanding and appreciation of self and others through art culture and heritage. The student shall be provided opportunities to:

(i) look at and talk about contemporary and past artworks including primary sources and art visuals; and

(ii) develop awareness of art careers.

(D) Aesthetic growth through visual discrimination and judgment. The student shall be provided opportunities to:

(i) explore, examine, and evaluate artwork of students, major artists, and home and community design; and

(ii) apply art knowledge and judgment (person, home, and community).

(2) Music. (Band, choral music, or orchestra may be offered in lieu of music.)

(A) Singing concepts and skills. The student shall be provided opportunities to:

(i) sing songs including total group singing of action, seasonal, patriotic, and popular songs and rounds;

(ii) create dramatizations, movements, and new words to songs;

(iii) develop the voice including deep breathing for singing, and clear diction;

(iv) perform contrasts including high/low, up/down, fast/slow, loud/soft, same/different, long/short;

(v) recognize aurally the difference between melody and accompaniment, repeated sections, contrasting sections, sections that return after a contrast;

(vi) sing individually;

(vii) sing in small groups; and

(viii) sing and identify simple music forms.

(B) Music listening. The student shall be provided opportunities to:

(i) recognize aurally high/low, fast/slow, loud/soft, up/down, long/short, smooth/jerky, mood, difference between melody and accompaniment, repeated sections, contrasting sections, sections that return after a contrast;

(ii) hear music that tells a story;

(iii) recognize solo instruments by sounds, sight, and categorize by families (woodwind, brass, strings, percussion);

(iv) hear music of other cultures;

(v) hear American music including folk, spirituals; jazz, pop, country-western, serious composers;

(vi) hear music of other times in history including choral and instrumental; and

(vii) listen to and identify simple music forms.

(C) Responses to music through moving and playing. The student shall be provided opportunities to:

(i) move to express mood and meaning of the music including steady beat and body sounds;

(ii) perform folk dances of other countries;

(iii) play American folk instruments (guitar, ukulele, autoharp, etc.);

(iv) see, play, and sing simple melodic and rhythmic patterns, steady beat, beat groupings; and

(v) see, play, and sing letter names of notes on treble staff (A-G).

(3) Theatre arts.

(A) Expressive use of the body and voice. The student shall be provided opportunities to:

(i) develop body awareness and spatial perception using rhythmic and imitative movement, sensory awareness, and pantomime;

(ii) express concepts using interpretative movement;

(iii) create original dialogue; and

(iv) utilize sensory and emotional recall in characterizations.

(B) Creative drama. The student shall be provided opportunities to dramatize literary selections and original stories using shadow play, pantomime, imitative dialogue, improvisation, characterization, puppetry, and situation role-playing.

(C) Aesthetic growth through appreciation of theatrical events. The student shall be provided opportunities to:

(i) view theatrical events emphasizing player-audience relationship, audience etiquette, recognition of similarities and differences between television, film, and live theatre, and evaluation and aesthetic judgments; and

(ii) participate in group planning for story dramatization incorporating analysis of character behavior, recognition of dramatic conflicts, prediction of plot resolutions, and suggestions for alternative courses of action.

§75.28. Social Studies, Texas and United States History.

(a) Social studies, kindergarten. Social studies, kindergarten, shall include the following essential elements:

(1) Personal, social, and civic responsibilities. The student shall be provided opportunities to:

(A) recognize need to finish assigned tasks;

(B) discuss ways people can help each other;

(C) discuss socially acceptable and unacceptable behavior;

(D) practice rules of safety; and

(E) recognize safety symbols.

(2) The American economic system. The student shall be provided opportunities to:

(A) identify basic economic needs (food, clothing, shelter) of all people;

(B) understand the ways basic economic needs of family members are met; and

(C) identify property as "his/hers/mine/ours."

(3) Historical data about Texas, the United States, and the world. The student shall be provided opportunities to:

(A) identify important Texas and United States holidays; and

(B) recite national pledge of allegiance.

(4) Institutions and processes of local, state, national, and other political systems. The student shall be provided opportunities to:

- (A) know and observe classroom rules;
- (B) identify examples of right and wrong behavior; and
- (C) explain the need for rules.

(5) Local, state, national, and world geography.

The student shall be provided opportunities to:

- (A) know terms related to direction and location (up/down, left/right, near/far);
- (B) express relative sizes (large, small);
- (C) identify school and community by name;

and

(D) recognize that symbols and models (globes) represent real things.

(6) Psychological, sociological, and cultural factors affecting human behavior. The student shall be provided opportunities to:

(A) identify ways people learn from each other; and

(B) identify self by name, age, and birthdate.

(7) Social studies skills. The student shall be provided opportunities to predict consequences of behavior in a group.

(b) Social studies, grade one. Social studies, grade one, shall include the following essential elements:

(1) Personal, social, and civic responsibilities.

The student shall be provided opportunities to:

(A) identify positive traits of self and others;

(B) identify and accept one's classroom responsibilities;

(C) contribute to group activities;

(D) discuss positive traits of friendship;

(E) complete assigned tasks; and

(F) discuss actions as honest or dishonest, fair or unfair.

(2) The American economic system. The student shall be provided opportunities to:

(A) identify the kind of work that school personnel and family members do;

(B) distinguish between basic economic needs and wants;

(C) understand concept of scarcity; and

(D) recognize the necessity of making economic choices among alternatives.

(3) Historical data about Texas, the United States, and the world. The student shall be provided opportunities to:

(A) know patriotic customs of the state and nation;

(B) know state and national anthems;

(C) identify symbols of the state and nation;

(D) use terms concerning time (yesterday, today, tomorrow); and

(E) know days of the week and months of the year.

(4) Institutions and processes of local, state, national, and other political systems. The student shall be provided opportunities to:

(A) explain the need for rules at home and school;

(B) identify school and community rules (laws); and

(C) identify authority figures in school and community.

(5) Local, state, national, and world geography.

The student shall be provided opportunities to:

(A) know geographical location of home in relation to school and community;

(B) know geography of the school campus;

(C) know seasons of the year;

(D) identify state and nation by name;

(E) use simple classroom maps to locate information; and

(F) distinguish between land and water on maps and globes.

(6) Psychological, sociological, and cultural factors affecting human behavior. The student shall be provided opportunities to:

(A) describe how family members provide for each other's social needs; and

(B) describe similarities and differences among people.

(7) Social studies skills. The student shall be provided opportunities to:

(A) identify cause and effect relationships in the classroom and school; and

(B) discuss visuals (pictures, charts, graphs, tables).

(c) Social studies, grade two. Social studies, grade two, shall include the following essential elements:

(1) Personal, social, and civic responsibilities.

The student shall be provided opportunities to:

(A) explain acceptable ways of dealing with individual and group conflicts;

(B) accept responsibility for one's actions;

(C) volunteer for leadership activities; and

(D) follow standards of honesty and fairness.

(2) The American economic system. The student shall be provided opportunities to:

(A) distinguish between goods and services;

(B) describe how people depend on each other to supply economic goods and services;

(C) identify persons who provide goods and services to the community;

(D) distinguish between making (producing) and using (consuming) things; and

(E) identify the kinds of income people receive (wages, salaries, rent, profits).

(3) Historical data about Texas, the United States, and the world. The student shall be provided opportunities to:

(A) identify individuals of past and present significance to the community;

(B) know significance of major historical celebrations in the community; and

(C) explain symbolism of state and national flags.

(4) Institutions and processes of local, state, national, and other political systems. The student shall be provided opportunities to:

(A) identify some governmental services in the community;

(B) know who makes rules and laws in the community; and

(C) understand consequences for violating rules of the school.

(5) Local, state, national, and world geography. The student shall be provided opportunities to:

- (A) identify various types of transportation and communication;
- (B) identify local natural landforms;
- (C) note effects of seasonal change on the local environment;
- (D) make and use simple neighborhood maps;
- (E) interpret map keys and symbols;
- (F) know and use cardinal directions (north, south, east, west); and
- (G) locate one's community, Texas, and the United States on maps and globes.

(6) Psychological, sociological, and cultural factors affecting human behavior. The student shall be provided opportunities to:

- (A) identify several groups to which students belong;
- (B) describe family traditions and customs; and
- (C) know common responsibilities of family members in any culture.

(7) Social studies skills. The student shall be provided opportunities to:

- (A) differentiate between fact and fiction in historical contexts; and
- (B) make simple visuals (pictures, charts, graphs, tables).

(d) Social studies, grade three. Social studies, grade three, shall include the following essential elements:

(1) Personal, social, and civic responsibilities.

The student shall be provided opportunities to:

- (A) understand that individuals have the right to hold differing viewpoints;
- (B) identify students' responsibilities to the community and state; and
- (C) demonstrate respect for public and private property.

(2) The American economic system. The student shall be provided opportunities to:

- (A) describe ways a community satisfies needs for food, clothing, and shelter;
- (B) give examples of specialization and division of labor in a community;
- (C) give examples of public and private property; and
- (D) name economic resources located in and around the community.

(3) Historical data about Texas, the United States, and the world. The student shall be provided opportunities to:

- (A) describe some ways one's community has changed over time;
- (B) identify and know significance of historical landmarks in the community; and
- (C) know basic facts of the community's founding.

(4) Institutions and processes of local, state, national, and other political systems. The student shall be provided opportunities to:

- (A) know how community and state laws are enforced;

(B) identify basic functions of local and state government; and

(C) know consequences of violating laws of the community.

(5) Local, state, national, and world geography. The student shall be provided opportunities to:

- (A) know geographical location of community relative to state and nation;
- (B) describe the physical features of one's community;
- (C) describe how one's community is similar and different from other communities;
- (D) locate the continents and major bodies of water on maps and globes;
- (E) use intermediate directions (NW, SE, etc.) to interpret maps;
- (F) use scale to determine distance on a simple map;
- (G) locate points on a grid; and
- (H) use a compass rose to determine direction.

(6) Psychological, sociological, and cultural factors affecting human behavior. The student shall be provided opportunities to:

- (A) identify local traditions, customs, and folkways;
- (B) describe how individuals and families change over time; and
- (C) identify racial and ethnic contributions in the community and state.

(7) Social studies skills. The student shall be provided opportunities to:

- (A) identify multiple causes of events in communities, past and present; and
- (B) interpret legends or keys on visuals.

(e) Social studies, grade four. Social studies, grade four, shall include the following essential elements:

(1) Personal, social, and civic responsibilities. The student shall be provided opportunities to:

- (A) accept the responsibilities of membership in various groups;
- (B) support individuals' rights to have differing opinions; and
- (C) explain how groups influence individual behavior.

(2) The American economic system. The student shall be provided opportunities to:

- (A) explain the importance of economic interdependence within and among regions of Texas;
- (B) understand Texas' economic relationships to other states and to the world;
- (C) identify examples of the factors of production (land, labor, capital, enterprise); and
- (D) identify major economic resources of regions of Texas.

(3) Historical data about Texas, the United States, and the world. The student shall be provided opportunities to:

- (A) describe the influence of geography on the history of Texas;
- (B) know basic facts about the founding of Texas as a republic and a state; and
- (C) identify significant individuals and their contributions to Texas history.

(4) Institutions and processes of local, state, national, and other political systems. The student shall be provided opportunities to:

(A) distinguish among city, county, state, and nation; and

(B) identify executive, legislative, and judicial roles at local and state levels.

(5) Local, state, national, and world geography. The student shall be provided opportunities to:

(A) describe how the various geographical regions of Texas, the United States, and the world are similar and different;

(B) understand how people adapt to their physical environment;

(C) know how landforms and climate interact,

(D) describe landforms and climates of various regions of Texas;

(E) locate major geographical features of Texas on maps and globes;

(F) locate the prime meridian and equator on maps and globes;

(G) explain the purpose of latitude and longitude (parallels and meridians); and

(H) use latitude and longitude to locate places on a state map.

(6) Psychological, sociological, and cultural factors affecting human behavior. The student shall be provided opportunities to:

(A) describe how traditions, customs, folkways, and religious beliefs differ among individuals and groups; and

(B) describe the influence of other cultures on Texas.

(7) Social studies skills. The student shall be provided opportunities to:

(A) distinguish between personal opinions and factual accounts of events in social studies materials; and

(B) interpret visuals (pictures, charts, graphs, tables).

(f) Social studies, grade five. Social studies, grade five, shall include the following essential elements:

(1) Personal, social, and civic responsibilities.

The student shall be provided opportunities to:

(A) identify traits of democratic leadership;

(B) respect right of others to behave in ways consistent with personal and societal value systems;

(C) follow standards of ethical and moral conduct; and

(D) identify basic civic values of American society.

(2) The American economic system. The student shall be provided opportunities to:

(A) describe economic activities in regions of the United States;

(B) explain why conservation of economic resources is important;

(C) describe how transportation and communications have contributed to economic interdependence within the United States;

(D) identify major economic resources of the United States; and

(E) explain how ways of work have changed over time.

(3) Historical data about Texas, the United States, and the world. The student shall be provided opportunities to:

(A) identify causes of historical events or actions in United States history;

(B) know significant American leaders and their contributions to American history; and

(C) describe major historical events in the development of the United States.

(4) Institutions and processes of local, state, national, and other political systems. The student shall be provided opportunities to:

(A) understand basic organization of the national government;

(B) identify major American political documents and their purposes;

(C) explain basic rights and responsibilities of American citizens; and

(D) identify major political parties and their symbols.

(5) Local, state, national, and world geography. The student shall be provided opportunities to:

(A) describe how the various geographic regions of the United States are similar and different;

(B) understand how people have adapted to and modified the physical environment of the United States;

(C) understand the geographic interrelatedness of the United States and adjacent countries;

(D) describe the landforms and climates of various regions of the United States;

(E) locate major geographical features of the United States on maps and globes;

(F) use latitude and longitude to determine directions and locations on a United States map; and

(G) use scale to determine distance within the United States.

(6) Psychological, sociological, and cultural factors affecting human behavior. The student shall be provided opportunities to:

(A) identify holidays and celebrations in the nation that are cultural-group related; and

(B) identify the contributions of various cultures to the American way of life (art, literature, music, etc.).

(7) Social studies skills. The student shall be provided opportunities to:

(A) sequence events on a timeline;

(B) locate information in reference works (atlas, almanac, encyclopedia, etc.);

(C) classify social studies materials as primary or secondary; and

(D) evaluate information from various social studies sources.

(g) Social studies, grade six. Social studies, grade six, shall include the following essential elements:

(1) Personal, social, and civic responsibilities. The student shall be provided opportunities to:

(A) explain the role of compromise as a method of resolving conflicts;

(B) support the principle of majority rule and minority rights; and

(C) respect individual's right to hold different political and religious beliefs.

(2) The American economic system. The student shall be provided opportunities to:

(A) explain the economic importance of various regions of the world;

(B) explain and give examples of economic interdependence among nations;

(C) recognize the value and dignity of work;

(D) describe characteristics of each type of major economic system (free enterprise market, command); and

(E) understand the role of competition in a market economy.

(3) Historical data about Texas, the United States, and the world. The student shall be provided opportunities to:

(A) identify contributions of various cultures, past and present, to world civilization;

(B) identify significant individuals and their contributions to world history;

(C) identify major world civilizations in history; and

(D) describe major events in world history.

(4) Institutions and processes of local, state, national, and other political systems. The student shall be provided opportunities to:

(A) identify contributions of other countries to the American political system; and

(B) describe the characteristics of each type of political system (rule by one, few, or many) in selected countries.

(5) Local, state, national, and world geography. The student shall be provided opportunities to:

(A) compare cultural regions of the world;

(B) describe population patterns of the world;

(C) describe the impact of physical features on selected cultures, past and present;

(D) locate and describe landforms and climates of various regions;

(E) describe how the geographic regions of the world are similar and different;

(F) recognize various types of map projections; and

(G) use latitude and longitude to determine directions and locations on a United States map.

(6) Psychological, sociological, and cultural factors affecting human behavior. The student shall be provided opportunities to:

(A) describe examples of cultural borrowing among societies;

(B) identify basic institutions common to all cultures; and

(C) describe how written and unwritten laws and rules (mores and customs) of a society affect individual and group behavior.

(7) Social studies skills. The student shall be provided opportunities to:

(A) make and interpret timelines;

(B) compare and contrast opposing viewpoints; and

(C) organize data to support or refute a viewpoint on a United States map.

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

Issued in Austin, Texas, on December 19, 1983.

TRD-831091E

Raymon L. Bynum
Commissioner of Education

Proposed date of adoption:

March 10, 1984

For further information, please call (512) 475-7077.

TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners

Chapter 195. Administrative Sanction Procedure

22 TAC §§195.1-195.4

The Texas State Board of Medical Examiners proposes amendments to §§195.1-195.4, concerning the administrative sanction procedure utilized by this agency. Certain "housekeeping" changes were felt to be necessary. These include updating references to statutes, as well as language changes to allow the chief executive officer of the agency or the secretary of the board to determine violations subject to an administrative sanction procedure. The proposed changes also set forth a procedure whereby the sanction interviews may be recorded and attended by district review members. Better interagency communication is another goal of the proposed changes.

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

No cost of compliance for small or large businesses is expected.

Jean Davis, technical program administrator, has determined that for each year of the first five years the rules as proposed are in effect there is no public benefit anticipated as a result of enforcing the rules as proposed. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711. A public hearing will be held on this proposed rule. Although no date has been set, it is expected to occur at some time between February 23-26, 1984.

The amendments are proposed under the Texas Medical Practice Act, Texas Civil Statutes, Article 4495b,

which provides the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

§195.1. Purpose. The purpose of these sections is to encourage the expeditious resolution or correction of medical practice activities resulting in a violation of the statutes or rules regulating a licensee of the board where the director of the investigation division and the secretary or chief executive officer of the board concur that the alleged violation is either minor in nature or subject to proper resolution by voluntary restriction or limitation of the authority to practice medicine by the licensee.

§195.2. Approval for Administrative Sanction. Upon completion of investigation by the Investigation Division, the director of the division shall evaluate the final investigation reports, and, if he determines that the alleged violations may be properly handled by the administrative sanction procedure, he shall present a summary of the investigation reports and his recommendation to the secretary or chief executive officer of the board. The secretary or chief executive officer of the board shall determine if the alleged violations are minor in nature or subject to proper resolution by voluntary restriction or limitation of the authority to practice medicine by the licensee, that the public health and welfare will not be adversely affected in any way by utilization of the administrative sanction procedure, that the public will be served by institution of the administrative sanction procedure in lieu of the disciplinary procedure by the full board following formal filing of complaint and public hearing thereon, and that the matter may be more expeditiously handled by the utilization of the administrative sanction procedure. The secretary or chief executive officer of the board shall approve the matter for administrative sanction and notify the licensee as set out in this chapter.

§195.3. Procedure. If the secretary or chief executive officer of the board approves administrative sanction hearing procedure for the resolution of alleged violations of Texas Civil Statutes, Article 4495b [4505, Article 4590-i,] or the rules of the board, the following procedure is to be followed.

(1) The secretary or chief executive officer will notify the licensee in writing of the time, date, and place of the administrative sanction hearing. Such notice shall provide sufficient time for the licensee to adequately prepare and arrange for appearance at the site of the hearing but shall not be less than 10 nor more than 40 days following receipt of the notice. Such letter of notification shall inform the licensee of the nature of the alleged violation, shall inform the licensee that he or she may be represented by counsel but need not be necessarily so represented, that the licensee may offer testimony or such witnesses as the licensee may desire, that the hearing will be before a hearings officer and one or more representatives of the board, and that the licensee may exercise his or her option to have the matter presented by formal complaint in a public hearing before the full Board of

Medical Examiners. A copy of the board rules relating to the administrative sanction hearing shall be enclosed with the notice of the hearing. Notice of the hearing, with enclosures, shall be sent by certified mail, return receipt requested, to the current address of the licensee on file with the Texas State Board of Medical Examiners.

(2) (No change.)

(3) The administrative sanction hearing will be conducted by a hearings officer who shall explain to the licensee and his or her counsel the provisions of these sections relating to the conduct of the hearing, shall swear each witness, question each witness, and afford all parties to the hearing the opportunity to make such statements as are material and relevant. The hearings officer may exclude irrelevant, immaterial, or unduly repetitious evidence. The chief executive officer may designate a member of the board or a member of a district review committee to serve as a board representative for the hearing.

(4) The hearings officer shall not require the parties to the hearing to offer proof of admissibility of documents and may receive and consider such statements as he or she deems relevant and material even though such testimony may be hearsay in nature.

(5) (No change.)

(6) Minutes of the hearing shall be taken by an employee of the board or, at the direction of the hearings officer, a recording of the testimony may be made in lieu of minutes [, but verbatim testimony shall not be taken]. The minutes or recording, or transcription thereof, shall be for the exclusive use of the board and shall not be made available to the licensee, his or her attorney, or any other person, unless such minutes, recording, or transcription is to be used in a subsequent disciplinary proceeding.

(7) The hearings officer shall exclude from the hearing room all persons except witnesses during their testimony, the licensee, his or her attorney, board members, district review committee members, and board employees.

(8) At the conclusion of the hearing, or as soon thereafter as is practicable, the hearings officer and the board representatives, if any, shall make findings of fact and conclusions of law which shall be recorded [in the minutes of the hearing] and shall make recommendations for resolution or correction of the matters found in violation of the Medical Practice Act, Texas Civil Statutes, Article 4495b [4590-i] or board rules. Such recommendations may include limitation or cancellation of the licensee's authority to practice medicine; limitation or cancellation of the licensee's authority to possess, prescribe, administer, or dispense drugs or medications; limitation or cancellation of hospital privileges; change or limitation of practice setting or practice organization; [the] requirement that the licensee submit to care, counseling, or treatment of physicians designated by the secretary or chief executive officer of the board as a condition for initial, continued, or renewal of license or other authorization to practice medicine; requirement that [require] the person [to] participate in a program of education or counseling prescribed by the secretary or chief executive officer or recommended by the hearings officer; and requirement that [require] the person [to] practice under

the direction of a physician designated by the secretary or chief executive officer of the board for a specified period of time.

(9) Following the presentation of recommendations by [of] the hearings officer, and with the advice of counsel if licensee is so represented at the hearing, licensee shall either reject or voluntarily accept the recommendations of the hearings officer. If the licensee accepts such recommendations, the licensee shall execute as soon thereafter as is practicable such letters, agreements, affidavits, or other documents as are necessary to effect the accomplishment of the voluntary acceptance of the recommendations. If the licensee rejects the recommendations of the hearings officer, the matter shall be automatically referred to the Investigation Division for appropriate action.

(10) Following acceptance of the recommendations presented by [of] the hearings officer and the execution of the necessary documents as provided in paragraph (9) of this section, a report of the hearing, [and] the findings made by the hearings officer, and representatives of the board, and the executed documents shall be submitted to the secretary or chief executive officer of the board who shall approve or disapprove the recommendations and actions taken pursuant to the administrative sanction hearing.

(11) If the secretary or chief executive officer approves the actions taken as a result of the hearing, such notifications as are required by Texas Civil Statutes, Article 4495b [4590-i, §2.10], and as agreed upon in the affidavit or other document executed by licensee shall be made.

(12) The secretary or chief executive officer, the hearings officer, the district review committee members, the board employees, and the board members shall not disclose the nature of the hearing or the results thereof except as required by Texas Civil Statutes, Article 4495b [4590-i, §2.10], these sections, or order of a court unless such disclosure is authorized by the licensee or his or her attorney; provided, however, that disclosure shall be made in accordance with the voluntary agreements or affidavits executed by licensee and shall [may] be made to other state or federal agencies requesting such information which have jurisdiction or authorization over aspects of medical practice covered by such limitations or restrictions voluntarily accepted by licensee.

§195.4. Approval by Secretary or Chief Executive Officer and Reporting to Board. Following recommendation by the hearings officer and upon presentation of a summary of the findings of the hearings officer and documents evidencing licensee's voluntary acceptance of the recommendations, the secretary or chief executive officer shall take the following actions:

(1) If the secretary or chief executive officer approves the recommendations of the hearing officer and the limitations or other restrictions, if any, voluntarily agreed upon by the licensee, the secretary or chief executive officer shall note his approval of such action and make a report at the next meeting of the board for its acceptance or rejection of the administrative sanction report or action concerning the licensee.

(2) The report of the secretary or chief executive officer to the board shall include the license number of

the physician, the city or county of the physician's practice, and a summary of the action taken and voluntary acceptance of limitation or restriction of license, if any. The report shall not include the name of the licensee.

(3) Upon presentation of the administrative sanction report to the board, the board shall approve or disapprove [of] the report. If the board approves the administrative sanction action, it shall be noted in the minutes of the board and [,] the investigation file, and the licensee shall be so notified.

(4) If the board fails to approve the administrative sanction action, such failure to approve shall be likewise noted, and the licensee shall be so informed, and the matter shall be referred to the Investigation Division for filing of formal complaint for disciplinary action before the board or other appropriate action. In such event, where voluntary limitation of practice notification has been made under the provisions of Texas Civil Statutes, Article 4495b [4590-i, §2.10], or in accordance with these sections, or in accordance with the voluntary agreement of the licensee, such additional notification indicating failure to approve the action by the board shall be promptly made.

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

Issued in Austin, Texas, on December 23, 1983.

TRD-8310941 A. Bryan Spires, Jr., M.D.
Executive Director
Texas State Board of Medical
Examiners

Earliest possible date of adoption:
February 3, 1984

For further information, please call (512) 452-1078.

TITLE 28. INSURANCE

Part I. State Board of Insurance

The following proposals submitted by the State Board of Insurance will be serialized beginning in the January 6, 1984, issue of the *Texas Register*. Proposed date of adoption for the documents is February 3, 1984.

Powers and Duties

Rules of Practice and Procedure

059.01.04.021, .059, .087, .088
(repeals)

Rules of Practice and Procedure before the State Board of Insurance

059.01.04.053, .054
(new)

Practice and Procedure before the State Fire Marshal

059.01.09.101-.120, .127-.142, .158-.160,
.166-.172, .178-.181, .187, .188
(repeals)

Surplus Lines Insurance

059.01.14.003, 007
(repeals)

059.01.14.006, .011, .012, 014, .015,
.018, .019, .021, .024, 025, .026,
.030-.032, .034-.036
(amendments)

General Provisions

**Disciplinary Hearings in Respect of Insurance
Agents**

059.21.01.002
(amendment)

Credit Insurance

Premium Refunds
059.53.10.005
(amendment)

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**
**Part IX. Commission on Jail
Standards**

A notice appeared in the December 30, 1983, issue of the *Texas Register* indicating that the following proposals would be serialized in this issue. Proposed date of adoption for the documents is January 30, 1984.

Chapter 253. Definitions
§253.1

(amendment)

Chapter 257. Construction Approval Rules

§257.10

(amendment)

Chapter 259. New Construction Rules

**§§259.25, 259.27, 259.28, 259.32-259.34,
259.38, 259.41-259.44, 259.53, 259.57,
259.58, 259.63-259.65, 259.67, 259.73,
259.77, 259.81, 259.84, 259.87, 259.90,
259.125, 259.127, 259.132-259.134,
259.138, 259.141, 259.142, 259.144,
259.153, 259.154, 259.159-259.162,
259.168, 259.172, 259.176, 259.179,
259.182, 259.185, 259.213, 259.220-
259.222, 259.226-259.230, 259.241,
259.252, 259.263, 259.265, and 259.268**
(amendments)

Chapter 261. Existing Construction Rules

**§§261.21-261.23, 261.30, 261.31, 261.33,
261.42, 261.43, 261.47, 261.52, 261.54,
261.56, 261.62, 261.73, 261.76, 261.79,
261.116, 261.121-261.123, 261.130,
261.131, 261.148-261.151, 261.153,
261.157, 261.168, 261.171, 261.174,
261.209-261.211, 261.216, 261.218,
261.219, 261.241, 261.252, 261.254,
and 261.357**
(amendments)

Chapter 263. Life Safety Rules

§263.52

(amendment)

Chapter 279. Sanitation in County Jails

§279.1

(amendment)

**Chapter 287. Education and Rehabilitation Program
for County Jails**

§287.1

(amendment)

Chapter 297. Compliance and Enforcement

§§297.6, 297.7, 297.9

(amendments)

Chapter 253. Definitions

37 TAC §253.1

The Commission on Jail Standards proposes an amendment to §253.1, concerning definitions of special purpose cells in county jails.

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

Mr. Viterna also has determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed. This represents a rule change that should improve internal jail management. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Robert O. Viterna, Executive Director, Commission on Jail Standards, P.O. Box 12985, Austin, Texas 78711, (512) 475-2716.

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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

Special purpose cells—Include detoxification cell, holding room or cell, separate cell, violent cell, and may include other cells, such as hospital accommodations, not defined as "inmate living area." **Cells specifically dedicated to trusty housing may be exempted from the requirement for safety vestibules, but not the requirement for day rooms.**

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310793

Mrs. William Cree

Chairman

Commission on Jail Standards

Earliest possible date of adoption

January 30, 1984

For further information, please call (512) 475-2716.

**Chapter 257. Construction Approval
Rules**

37 TAC §257.10

The Commission on Jail Standards proposes an amendment to §257.10, concerning effective date for rule changes.

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

Mr. Viterna also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is establishment of dates for the implementation of new rules. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Robert O. Viterna, Executive Director, Commission on Jail Standards, P.O. Box 12985, Austin, Texas 78711, (512) 475-2716.

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§257.10. Laws Applicable. Facilities constructed prior to subsequent amendments to these rules entailing changes, additions, or deletions to the structure or equipment therein shall not be required to meet the changes unless the change also establishes a date by which the change shall be effected. The facility shall conform to the building, safety, and health requirements of state and local authority. State standards for a facility which exceed those of the local authority shall take precedence. Where local building codes do not exist, standard or uniform building code will apply.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310794 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

Chapter 259. New Construction Rules

The Commission on Jail Standards proposes amendments to §§259.25, 259.27, 259.28, 259.32-259.34, 259.38, 259.41-259.44, 259.51, 259.57, 259.58, 259.63-259.65, 259.67, 259.73, 259.77, 259.81, 259.84, 259.87, and 259.90, concerning new jail design, construction, and furnishing requirements; §§259.125, 259.132-259.134, 259.138, 259.141, 259.142, 259.144, 259.148, 259.153, 259.154, 259.159-259.162, 259.168, 259.172, 259.176, 259.179, 259.182, and 259.185, concerning new lockup design, construction, and furnishing

requirements; and §§259.213, 259.220-259.222, 259.237, 259.241, 259.252, 259.263, 259.265, and 259.268, concerning new low-risk design, construction, and furnishing requirements.

Robert O. Viterna, executive director, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering §259.25 and §259.38. For §259.25, the effect on state government will be an estimated additional cost of \$4,000 each year in 1984-1988. There will be an estimated increase in revenue of \$4,000 each year in 1984-1988. There will be no effect on local government. For §259.38, there will be no effect on state government. For local government, there will be an estimated additional cost of \$3,500 each year in 1984-1988. There will be an estimated increase in revenue of \$3,500 each year in 1984-1988. There will be no fiscal implications for the other rules.

Mr. Viterna has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be provision of adequate space in county jails for DWI examinations for §259.25; provision of more flexibility in jail operation by insuring kitchen space is included during construction for §259.28; provision of adequate sanitary facilities as well as means to effect their daily maintenance for §259.38; assurance that laundry facilities are available within a jail for §259.43; clarification of the type of acceptable first aid kit that may be maintained for §259.44; a more secure jail through the prohibition of weapons from county jails for §259.51; clarification of the use of doors at safety vestibules and incorporation of the use of swinging doors for §259.58, a clarification and updating of terms used for §259.63; clarification of existing rules and provision for additional bed capacity within the jail for §259.64; clarification of the use and control of lights within the inmate living area for §259.67; an update of existing standards consistent with current technology for §259.73; inclusion of insect screens whereas it was previously permitted to use either insect or security screens for §259.77; clarification of the use of ceiling materials in county jails for §259.81, clarification of wording that is consistent with current practice for §259.84; greater latitude to the planners when developing a new facility for §259.87; provision of adequate space in county lockup facilities for DWI examinations for §259.125; provision of adequate sanitary facilities as well as means to effect their daily maintenance for §259.138; clarification of the type of acceptable first aid kit that may be maintained for §259.141; a more secure jail through the prohibition of weapons from county jails for §259.148; clarification of the use of doors at safety vestibules and incorporation of the use of swinging doors for §259.154; a clarification and updating of terms used for §259.159; clarification of existing rules and provisions for additional bed capacity within the jail for §259.160; clarification of the use and control of lights within the inmate living area for §259.162; an update of existing standards consistent with cur-

rent technology for §259.168; provision for the inclusion of insect screens whereas it was previously permitted to use either insect or security screens for §259.172; clarification of the use of ceiling materials in county jails for §259.176; clarification of wording that is consistent with current practice for §259.179; greater latitude to the planners when developing a new facility for §259.182; provision of adequate space in county low-risk facilities for DWI examinations for §259.213; provision of adequate sanitary facilities as well as means to effect their daily maintenance for §259.226; assurance that laundry facilities are available within a jail for §259.228; provision of additional guidance when planning exercise areas for county jails for §259.229, clarification of the type of acceptable first aid kit that may be maintained for §259.230; a more secure jail through the prohibition of weapons from county jails for §259.237, an update of existing standards consistent with current technology for §259.252; clarification of wording that is consistent with current practice for §259.263; and greater latitude to the planners when developing a new facility for §259.265. There is no public benefit anticipated for the other rules, as these contain administrative changes. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Robert O. Viterna, Executive Director, Commission on Jail Standards, P.O. Box 12985, Austin, Texas 78711, (512) 475-2716.

New Jail Design, Construction, and Furnishing Requirements

37 TAC §259.25

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.25. Functions.

(a) Space shall be allocated for, but not limited to, the following functions:

(1)-(24) (No change.)

(25) videotaping and intoxicilizer programs if such are to be performed in the jail.

(b) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310795 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.27

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.27. *Processing Area.* Jails shall have a processing area located inside the security perimeter [inmate occupied area], but away from the inmate living areas and day rooms. The processing area shall be designed to readily permit the booking, shakedown, identification, and dressing of inmates. A telephone shall be available for detainees to make the constitutionally recognized phone calls. Processing areas should be provided with drinking fountains and water closets

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310796 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.28

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.28. *Kitchen.* [If food is to be prepared in the jail,] A kitchen shall be provided. The kitchen shall be planned for efficient food preparation and receipt of supplies and storage. It shall be planned for removal of waste and garbage without seriously compromising the security of the facility.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310797 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.32

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.32. *Commissary.* Space appropriate to capacity of the jail should be provided for an inmate commissary,

or a written program shall be established [for inmates to obtain supplies from nearby sources]. Reference should be made to Chapter 291 of this title (relating to Plans for Inmate Privileges in County Jails).

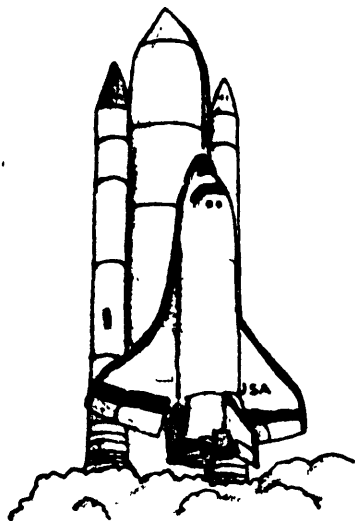
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 30, 1983

TRD-8310798 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.



37 TAC §259.33

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.33. *Storage Area Capacities* Storage areas based upon facility capacity shall be provided as follows:

- (1) for inmate property storage in jails, two cubic feet per inmate [excluding shelving, bins, and baskets];
- (2) for inmate uniforms, towels, bedding, and linen, three cubic feet per inmate [excluding shelving, bins, and baskets];
- (3)-(4) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310799 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.34

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.34. *Janitoria! Storage Space.* Adequate secured storage for janitorial and other supplies and adequate storage for equipment necessary to the operation of the jail shall be provided. **Sufficient broom and mop racks shall be provided.**

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310800 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
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For further information, please call (512) 475-2716.

37 TAC §259.38

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails

§259.38. *Public Areas.* Public areas of the facility shall be located outside the security perimeter. Public access to the building shall be through a main entrance. The public shall not have uncontrolled access to enter the security perimeter. A public lobby or waiting area with appropriate information signs should be provided for the comfort and convenience of the public, including sufficient seating, [water closets, lavatories,] drinking fountains, and public telephones. **Water closets and lavatories shall be provided. The rest rooms shall be provided with floor drain and hose bibb.** Provisions shall be made for handicapped visitors. **The public lobby location shall be so situated that it does not interfere with general office routine.**

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310801 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
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For further information, please call (512) 475-2716.

37 TAC §259.41

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Com-

mission on Jail Standards with the authority to promulgate rules affecting county jails

§259.41. Guard or Control Stations. A guard or control station shall be provided on each floor of the facility where 10 or more inmates will be housed overnight.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310802 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.42

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.42. Control [Guard] Station. Control [Guard] stations shall be locked and protected so as to be inaccessible to unauthorized persons. Where practical, a control [guard] station shall have a safe egress to a secure area.

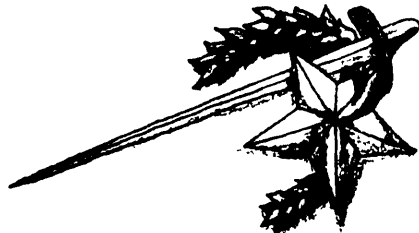
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 30, 1983.

TRD-8310803 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.



37 TAC §259.43

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.43. Laundry Facilities. A laundry [, or an acceptable laundry vendor contract, or both,] shall be maintained to provide clean clothing, bedding, and supplies.

Adequate separated space, commensurate with jail inmate capacity, shall be provided for soiled clothing storage, clean laundry storage, and laundry supply storage. Where applicable, space shall be provided for washers, extractors, and dryers. (Reference should be made to Chapter 277 of this title (relating to Clothing, Personal Hygiene, and Bedding in County Jails).) A water closet and lavatory should be provided nearby.

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310804 Mrs. William Cree
Chairman
Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.44

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.44. Emergency First Aid Storage. Storage shall be provided for a litter stretcher and first aid equipment. Litters and fresh first aid equipment shall be kept on hand at all times. Commercial or cabinet-type first aid kits, approved by a consulting physician, meet the requirements of this standard.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310805 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.51

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.51. Weapon Storage. Separate secure storage space shall be provided for disposition of weapons at all entrances to the security perimeter. Weapons (firearms, chemical agents, bludgeons, or electrical devices) shall not be permitted beyond the security perimeter except when required to meet emergencies relative to escapes, riots, assaults, fires, and rebellions, or other types of disturbance. Competent authority shall specifically authorize

weapons entry when deemed appropriate [to all areas where the carrying of weapons is prohibited].

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310923 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.57

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.57. Day Rooms. All inmate living areas except special purpose cells shall be provided with day rooms. Day rooms should be designed to accommodate not more than eight inmates, but shall not be designed to accommodate more than 24 inmates. It shall contain 40 square feet of clear floor space for one inmate plus 18 square feet of clear floor space for each additional inmate. Day rooms shall have a water closet and lavatory capable of providing drinking water available at all times for each group of eight inmates, or increment thereof, to be confined therein. A shower shall be available at all times for each group of 12 inmates, or increment thereof, to be confined therein. Each day room shall otherwise be suitably furnished with, but not limited to, the following: seating and tables to accommodate the number of inmates to be confined therein, and may provide for visiting facilities, dining facilities, and other activities. **A utility sink should be provided.** Sufficient lighting shall be provided for reading, recreation, shaving, and other similar activities. **Day rooms may be contiguous with inmate living areas. Convenient electrical receptacles shall be provided.**

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310807 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.58

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.58. Safety Vestibules. Safety vestibules shall be provided for each inmate living area and day room used for confinement of three or more inmates within the security perimeter.

- (1) (No change.)
- (2) [All] Doors shall be arranged to be locked[,] and unlocked [, opened, or closed] by control means located outside of the inmate living area and safety vestibule.
- (3) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310808 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.63

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.63. Detoxification Cells. A jail shall provide one or more detoxification single cells, multiple-occupancy cells, or dormitories which shall be designed for detention of persons during the detoxification process only. These cells shall include the following features and equipment.

- (1) (No change.)
- (2) **Plumbing** [Floor drain]. The detoxification cell shall be provided with one or more vandal-resistive flushing floor drains, or vandal-resistive water closet/lavatory/drinking fountain combinations with standard floor drains. The floor shall be properly pitched to drains, and **plumbing** [drains] shall have outside water shutoffs and controls.
- (3) **Cell size.** The size of the detoxification cell shall be determined by the anticipated maximum number of persons received at any one time. A detoxification cell shall not accommodate more than 12 persons and shall have a minimum of 40 square feet of [clear] floor space for one person plus 18 square feet of [clear] floor space per additional person.
- (4)-(5) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310809 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.64

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.64. Holding Rooms (or Cells).

(a) One or more holding rooms shall be provided to detain inmates pending booking, court appearance, identification, housing assignment, or discharge. Holding rooms shall include the following features and equipment:

(1) Floor areas. Minimum floor area of a holding room shall be 40 square feet (for single occupancy). For occupancy by more than one person, add a minimum of 18 square feet per additional person. The floor shall be constructed of material which is durable and easily cleaned. **Bunks(s) may be included in the holding cell.**

(2) Seating. Seating shall be sufficient to provide not less than 24 linear inches per person at capacity. **Seating elevation shall be normal seating height.**

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

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310810 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.65

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.65. Separation Cells. A jail shall have one or more single-occupancy separation cells to house selected inmates [for extended periods of time]. Separation cells shall include the following features and equipment:

(1)-(4) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310811 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.67

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Com-

mission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.67. Lighting. Lighting shall be provided to permit reading, shaving, and normal activities within the inmate living area. **Light controls and conduit shall be out of reach of inmates; however, lights used for reading, shaving, etc., may be controlled by inmates** [Light controls, conduit, and light fixtures shall be out of reach of inmates]. Light fixtures should be designed and constructed so as to permit servicing from outside the cell, dormitory, or day room. Light switches which cannot be controlled from outside the inmate area should be key-front type. Housing and control areas shall be variably illuminated at all times to permit continuous observation of inmates and to permit custodial personnel to perform necessary functions. Exteriors of buildings shall be lighted at night sufficiently to observe a person approaching the entrance.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310812 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.73

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.73. Hinges. Hinges for heavy duty detention doors shall be heavy-duty [ball-bearing] type designed especially for such doors.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310813 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.77

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.77. Windows and Screens. Operable windows shall be equipped with insect [and/or security] screens.

The security level of windows [window materials] in inmate occupied areas shall be equal to or greater than the perimeter walls of the inmate occupied area to which windows might provide ingress or egress. Windows and/or skylights should be provided.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310814 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.81

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.81. *Ceilings.* Ceilings shall [should] be constructed of material not easily damaged by vandalism.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310815 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.84

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.84. *[Drop] Extension Cords.* [Drop cords or] Extension cords shall not be permitted within the security perimeter. Appliances shall plug directly into a fixed wall receptacle.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310816 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.87

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.87. *Observation Panels.* When used, observation panels shall provide a clear opening of sufficient size to view the area [not less than five inches by eight inches] and be glazed with appropriate thickness security glass or equivalent. They should be provided with a shutter.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310817 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.90

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.90. *Emergency Electrical Power.* An emergency electrical power system for quick recovery to maintain essential services, security, and safety shall be provided to meet the life safety requirements. (Reference should be made to Chapter 263 of this title (relating to Life Safety Rules).) Such systems shall be tested operationally not less than weekly [monthly] and a record kept of this testing.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310818 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

New Lockup Design, Construction, and Furnishing Requirements

37 TAC §259.12E

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.125. Lockup Facilities.

(a) A lockup shall consist of one or more single cells and may include multiple-occupancy cells, or dormitories, for the temporary custody of inmates (not to exceed 72 hours) awaiting court appearance or transfer to jail. It shall be of a size sufficient to accommodate the needs of its daily operation. Food for inmates may be prepared in other than a lockup kitchen, but shall be in the amount prescribed by rules governing jails. Space shall be allocated for, but not limited to, the following functions:

(1)-(16) (No change.)

(17) videotaping and intoxicilizer programs, if such are to be performed in the jail.

(b) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310819 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.132

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.132. Commissary. Space appropriate to the capacity of the lockup should be provided for an inmate commissary, or a written program shall be established [for inmates to obtain supplies from a nearby store]. Reference should be made to Chapter 291 of this title (relating to Plans for Inmate Privileges in County Jails).

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310821 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.133

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.133. Storage Area Capacities. Storage areas based upon facility capacity shall be provided as follows:

(1) for inmate property storage in lockups, two cubic feet per inmate [excluding shelving, bins, and baskets].

(2) for inmate uniforms, towels, bedding, and linen, three cubic feet per inmate [excluding shelving, bins, and baskets].

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

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310822 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.134

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.134. Janitorial Storage Space. Adequate secured storage for janitorial and other supplies and adequate storage for equipment necessary to the operation of the lockup shall be provided. Sufficient broom and mop racks shall be provided.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310823 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
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For further information, please call (512) 475-2716.

37 TAC §259.138

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.138. Public Areas. Public areas of the facility shall be located outside the security perimeter. Public access to the building shall be through a main entrance. The public shall not have uncontrolled access to enter the security perimeter. A public lobby or waiting area with appropriate information signs should be provided for the comfort and convenience of the public, including sufficient seating, [water closets, lavatories,] drinking fountains, and public telephones. Water closets and lavatories shall be provided. The restrooms shall be provided with floor drain and hose bibb. Provisions shall be made for

handicapped visitors. The public lobby location shall be so situated that it does not interfere with general office routine.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310824 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.141

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.141. Guard or Control Stations. A guard or control station shall be provided on each floor of the facility where 10 or more inmates will be housed overnight.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310825 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.142

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.142. Control [Guard] Station Security. Control [Guard] stations shall be locked and protected so as to be inaccessible to unauthorized persons. Where practical, a control [guard] station should have a safe egress to a secure area.

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

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TRD-8310826 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
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For further information, please call (512) 475-2716.

37 TAC §259.144

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.144. Emergency First Aid Storage. Storage shall be provided for a litter stretcher and first aid equipment. Litters and fresh first aid equipment shall be on hand at all times. Commercial or cabinet-type first aid kits, approved by a consulting physician, meet the requirements of this standard.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310827 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.148

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.148. Weapon Storage. Separate secure storage space shall be provided for disposition of weapons at all entrances to the security perimeter. Weapons (firearms, chemical agents, bludgeons, or electrical devices) shall not be permitted beyond the security perimeter except when required to meet emergencies relative to escapes, riots, assaults, fires, and rebellions, or other types of disturbance. Competent authority shall specifically authorize weapons entry when deemed appropriate [all areas where the carrying of weapons is prohibited].

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

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TRD-8310924 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
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For further information, please call (512) 475-2716.

37 TAC §259.153

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.153. *Day Rooms.* Inmate living areas except special purpose cells may be provided with day rooms. Day rooms should be designed to accommodate not more than eight inmates, but shall not be designed to accommodate more than 24 inmates. It shall contain 40 square feet of clear floor space for one inmate plus 18 square feet of clear floor space for each additional inmate. Day rooms shall have a water closet and lavatory capable of providing drinking water available at all times for each group of eight inmates, or increment thereof, to be confined therein. A shower shall be available at all times for each group of 12 inmates, or increment thereof, to be confined therein. Each day room shall otherwise be suitably furnished with, but not limited to, the following: tables and seating to accommodate the number of inmates to be confined therein, and may provide for visiting facilities and other activities. **A utility sink should be provided.** Sufficient lighting shall be provided for reading, recreation, shaving, and other similar activities. **Day rooms may be contiguous with inmate living areas. Convenient electrical receptacles shall be provided.**

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310828 Mrs William Cree
 Chairman
 Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §259.154

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.154. *Safety Vestibules.* Safety vestibules shall be provided for each inmate living area and day room used for confinement of three or more inmates within the security perimeter.

(1) (No change.)

(2) [All] Doors shall be arranged to be locked [,] and unlocked [, opened, or closed] by control means located outside of the inmate living area and safety vestibule.

(3) (No change.)

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310829 Mrs William Cree
 Chairman
 Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716

37 TAC §259.159

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.159. *Detoxification Cells.* A lockup shall provide one or more detoxification single cells, multiple-occupancy cells, or dormitories which shall be designed for detention of persons during the detoxification process only. These cells shall include the following features and equipment:

(1) (No change.)

(2) **Plumbing** [Floor drain]. The detoxification cell shall be provided with one or more vandal-resistive flushing floor drains, or vandal-resistive water closet/lavatory/drinking fountain combinations with standard floor drains. The floor shall be properly pitched to drains, and **plumbing** [drains] shall have outside water shutoffs and controls.

(3) Cell size. The size of the detoxification cell shall be determined by the anticipated maximum number of persons received at any one time. A detoxification cell shall not accommodate more than 12 persons and shall have a minimum of 40 square feet of [clear] floor space for one person plus 18 square feet of [clear] floor space per additional person.

(4)-(5) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310830 Mrs William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption.
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For further information, please call (512) 475-2716.

37 TAC §259.160

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.160. *Holding Rooms (or Cells).*

(a). One or more holding rooms may be provided to detain inmates pending booking, court appearance, identification, housing assignment, or discharge. Holding rooms shall include the following features and equipment:

(1) Floor areas. Minimum floor area of a holding room shall be 40 square feet (for single occupancy). For occupancy by more than one person, add a minimum of 18 square feet per additional person. The floor shall be constructed of material which is durable and easily cleaned. **Bunk(s) may be included in the holding cell.**

(2) Seating. Seating shall be sufficient to provide not less than 24 linear inches per person at capacity. **Seating elevation shall be normal seating height.**

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

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

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TRD-8310831 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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37 TAC §259.161

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.161. Separation Cells. A lockup may have one or more single-occupancy separation cells to house selected inmates [for required periods of time]. Separation cells shall include the following features and equipment:

- (1)-(4) (No change.)

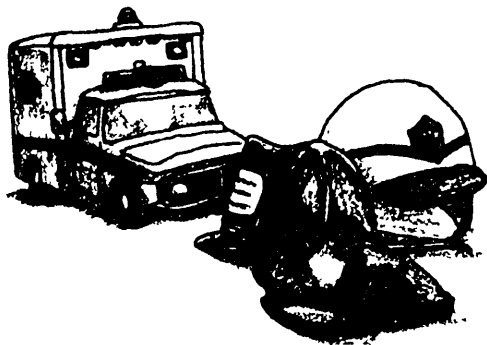
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 30, 1983

TRD-8310832 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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For further information, please call (512) 475-2716.



37 TAC §259.162

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.162. Lighting. Lighting shall be provided to permit reading, shaving, and normal activities within the in-

mate living area. **Light controls and conduit shall be out of reach of inmates. However, lights used for reading, shaving, etc. may be controlled by inmates.** [Light controls, conduit, and light fixtures shall be out of reach of inmates.] Light fixtures should be designed and constructed so as to permit servicing from outside the cell, dormitory, or day room. Receptacles which cannot be controlled from outside the inmate area should be key-front type. Housing and control areas shall be sufficiently illuminated at all times to permit continuous observation of inmates and to permit custodial personnel to perform necessary functions. Building entrances shall be lighted at night.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310833 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §259.168

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.168. Hinges. Hinges for heavy-duty detention doors shall be heavy-duty [ball-bearing] type designed especially for such doors.

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

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TRD-8310834 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §259.172

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.172. Windows and Screens. Operable windows shall be equipped with insect [and/or security] screens. The security level of windows [window materials] in inmate occupied areas shall be equal to or greater than the perimeter walls of the inmate occupied area to which win-

dows might provide ingress or egress. Windows and/or skylights should be provided.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310835 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §259.176

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.176. *Ceilings.* Ceilings shall [should] be constructed of material not easily damaged by vandalism.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310836 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
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For further information, please call (512) 475-2716.

37 TAC §259.179

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.179. *Extension [Drop] Cords.* [Drop cords or] Extension cords shall not be permitted within the security perimeter. Appliances shall plug directly into a fixed wall receptacle.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310837 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §259.182

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.182. *Observation Panels.* When used, observation panels shall provide a clear opening of sufficient size to view the area [not less than five inches by eight inches] and be glazed with appropriate thickness security glass or equivalent. They should be provided with a shutter.

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310838 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
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For further information, please call (512) 475-2716

37 TAC §259.185

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.185. *Emergency Electrical Power.* An emergency electrical power system for quick recovery to maintain essential services, security, and safety shall be provided to meet the life safety requirements (reference should all be made to Chapter 263 of this title (relating to Life Safety Rules)). Such a system shall be tested operationally not less than weekly [monthly] and a record kept of this testing.

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310839 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
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For further information, please call (512) 475-2716

New Low-Risk Design, Construction, and Furnishing Requirements

37 TAC §259.213

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.213. Low-Risk Facilities.

(a) A low-risk facility shall consist of single cells (rooms) or multiple occupancy cells (rooms) or dormitories for the custody of inmates who are considered to be dangerous or likely to escape and who may be involved in some type of "release" program. It shall be of sufficient size to accommodate the needs of its daily operation. Minimum dimensions are areas for housing and activity space shall be allocated for, but not limited to, the following functions:

(1)-(15) (No change.)

(16) videotaping and intoxicilizer programs, if such are to be performed in the jail.

(b) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310840 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §259.220

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.220. Commissary. Space appropriate to the capacity of the facility should be provided for an inmate commissary, or a written program shall be established [for inmates to obtain supplies from a nearby store]. Reference should be made to Chapter 291 of this title (relating to Plans for Inmate Privileges in County Jails).

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

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TRD-8310841 Mrs. William Cree
Chairman
Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.221

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.221. Storage Area Capacities. Storage areas based upon facility capacity shall be provided as follows:

(1) for inmate property storage, four cubic feet per inmate, [excluding shelving, bins, and baskets] unless personal property will be maintained in another facility.

(2) for inmate uniforms, towels, bedding, and linen, three cubic feet per inmate [excluding shelving, bins, and baskets].

(3) (No change.)

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

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TRD-8310842 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.222

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.222. Janitorial Storage Space. Adequate secured storage for janitorial and other supplies and adequate storage for equipment necessary to the operation of the lockup shall be provided. **Sufficient broom and mop racks shall be provided.**

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310843 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §259.226

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.226. Public Areas. Public access to the building shall be through a main entrance. The public shall not have uncontrolled access to enter inmate areas. A public lobby or waiting area with appropriate information signs should be provided for the comfort and convenience of the public, including sufficient seating [water closets, lavatories], drinking fountains, and public telephones. **Water closets and lavatories shall be provided. The restrooms shall be provided with drain and hose bibb.** Provisions shall be made for handicapped visitors. **The**

public lobby location shall be so situated that it does not interfere with general office routine.

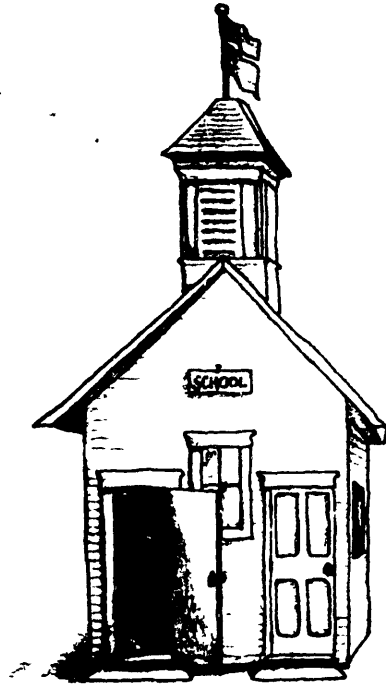
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on November 30, 1983

TRD-8310844 Mrs. William Cree
Chairman
Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.



37 TAC §259.227

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.227. Guard or Control Stations. A guard or control station shall be provided on each floor of the facility where 10 or more inmates will be housed overnight

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

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TRD-8310845 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §259.228

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.228. Laundry Facilities. A laundry [, or an acceptable laundry vendor contract, or both,] shall be maintained to provide clean clothing, bedding, and supplies. Adequate separated space, commensurate with jail inmate capacity, shall be provided for soiled clothing storage, clean laundry storage, and laundry supply storage. Where applicable, space shall be provided for washers, extractors, and dryers. (Reference should be made to Chapter 277 of this title (relating to Clothing, Personal Hygiene, and Bedding in County Jails).) A water closet/lavatory should be available at all times.

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

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TRD-8310846 Mrs. William Cree
Chairman
Commission on Jail Standards

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37 TAC §259.229

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.229. Exercise Area. An exercise area shall be provided. This may be a rooftop exercise area, an outside exercise area, or one included inside the facility. The area should contain at least 1,500 square feet of space.

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

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TRD-8310847 Mrs. William Cree
Chairman
Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.230

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.230. Emergency First Aid Storage. Storage shall be provided for a litter stretcher and first aid equipment. Litters and fresh first aid equipment shall be kept on hand at all times. **Commercial or cabinet-type first aid kits, approved by a consulting physician, meet the requirements of this standard.**

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

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TRD-8310848 Mrs. William Cree
Chairman
Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.237

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.237. Weapon Storage. Separate secure storage space shall be provided for disposition of weapons at all entrances to the security perimeter. **Weapons (firearms, chemical agents, bludgeons, or electrical devices) shall not be permitted beyond the security perimeter except when required to meet emergencies relative to escapes, riots, assaults, fires and rebellions, or other types of disturbance. Competent authority shall specifically authorize weapons entry when deemed appropriate [all areas where the carrying of weapons is prohibited].**

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310925 Mrs. William Cree
Chairman
Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716

37 TAC §259.241

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.241. Day Rooms. All inmate living areas shall be provided with day rooms. Day rooms should be designed to accommodate not more than eight inmates, but shall not be designed to accommodate more than 24 in-

mates. It shall contain 40 square feet of clear floor space for one inmate plus 18 square feet of clear floor space for each additional inmate. Day rooms shall have a water closet and lavatory capable of providing drinking water available at all times for each group of eight inmates, or increment thereof, to be confined therein. A shower shall be available at all times for each group of 12 inmates, or increment thereof, to be confined therein. Each day room shall otherwise be suitably furnished with, but not limited to, the following: seating and tables to accommodate the number of inmates to be confined therein, and may provide for visiting facilities, dining facilities, and other activities. **A utility sink should be provided. Sufficient lighting shall be provided for reading, shaving, recreation, and other similar activities. Day rooms may be contiguous with inmate living areas. Convenient electrical receptacles shall be provided.**

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310849 Mrs. William Cree
Chairman
Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.252

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.252. Hinges. Hinges for doors [need not be heavy-duty ball-bearing type but] shall be adequate for the weight of the door.

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

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TRD-8310850 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §259.263

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.263. Extension [Drop] Cords. [Drop cords or] Extension cords shall not be permitted within the facility. Appliances must plug directly into a fixed wall receptacle.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310851 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

made to Chapter 263 of this title (relating to Life Safety Rules)). Such systems shall be tested operationally weekly [monthly] and a record kept of this testing.

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310853 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.



Chapter 261. Existing Construction Rules

The Commission on Jail Standards proposes amendments to §§261.16, 261.21-261.23, 261.30, 261.31, 261.33, 261.40, 261.42, 261.47, 261.52-261.54, 261.56, 261.62, 261.73, 261.76, and 261.79, concerning existing jail design, construction, and furnishing requirements; 261.116, 261.121-261.123, 261.130, 261.131, 261.133, 261.137, 261.143, 261.148-261.151, 261.157, 261.168, 261.171, and 261.174, concerning existing lockup design, construction, and furnishing requirements; and 261.209-261.211, 261.216, 261.218, 261.219, 261.226, 261.241, 261.252, 261.254, and 261.357, concerning existing low-risk design, construction, and furnishing requirements.

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

Mr. Viterna also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is clarification of the type of acceptable first aid kit that may be maintained in §§261.33, 261.133, and 261.219; a more secure jail through the prohibition of weapons from county jails in §§261.40, 261.137, and 261.226; additional guidance when planning exercise areas for county jails in §261.42 and §261.218; clarification of the use of doors at safety vestibules and incorporate the use of swinging doors in §261.47 and §261.143; additional bed capacity within the jail in §261.53 and §261.149; clarification of the use and control of lights within the inmate living area in §261.56 and §261.151, and greater latitude to the planners when developing a new facility in §§261.76, 261.171, and 261.254. The other proposed amendments in this chapter are administrative in nature and will reflect no public benefit.

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

37 TAC §259.265

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.265. Observation Panels. When used, observation panels shall provide a clear opening of sufficient size to view the area [not less than five inches by eight inches] and be glazed with appropriate thickness security glass or equivalent.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310852 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §259.268

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.268. Emergency Electrical Power. An emergency electrical power system for quick recovery to maintain essential services, security, and safety shall be provided to meet the life safety requirements (reference should be

Comments on the proposal may be submitted to Robert O. Vterna, Executive Director, Commission on Jail Standards, P.O. Box 12985, Austin, Texas 78711, (512) 475-2716.

Existing Jail Design, Construction, and Furnishing Requirements

37 TAC §261.16

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.16. *Processing Area.* Jails shall have a processing area located inside the security perimeter [inmate occupied area], but away from the inmate living areas and day rooms. The processing area shall be designed to readily permit the booking, shakedown, identification, and dressing in and out of inmates. A telephone shall be available for detainees to make the constitutionally recognized phone calls. Processing areas should be provided with drinking fountains and water closets. Panels or partitions may be erected at the booking desk, counter, or area to insure privacy and increase separation of males, females, juveniles, and adults during a multiple booking operation.

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

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TRD-8310926 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.21

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.21. *Commissary.* Space appropriate to the capacity of the jail should be provided for an inmate commissary, or a written program shall be established [for inmates to obtain supplies from a nearby source]. Reference should be made to Chapter 291 of this title (relating to Plans for Inmate Privileges in County Jails).

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

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TRD-8310854 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.22

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.22. *Storage Area Capacities.* Storage areas based upon facility capacity should be provided as follows:

- (1) for inmate property storage in jails, two cubic feet per inmate [excluding shelving, bins, and baskets];
- (2) for inmate uniforms, towels, bedding, and linen, three cubic feet per inmate [excluding shelving, bins, and baskets];
- (3)-(4) (No change.)

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

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TRD-8310855 Mrs. William Cree
Chairman
Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.23

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.23. *Janitorial Storage Space.* Adequate secured storage for janitorial and other supplies and adequate storage for equipment necessary to the operation of the jail should be provided. **Sufficient broom and mop racks should be provided.**

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

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TRD-8310856 Mrs. William Cree
Chairman
Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.30

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.30. *Guard or Control Stations.* A guard or control station shall be provided on each floor of the facility where 10 or more inmates will be housed overnight.

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

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TRD-8310857 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.



37 TAC §261.31

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.31. *Control [Guard] Station Security.* Control [Guard] stations should be locked and protected so as to be inaccessible to unauthorized persons. Where practical, a control [guard] station should have a safe egress to a secure area.

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

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TRD-8310858 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
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For further information, please call (512) 475-2716.

37 TAC §261.33

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Com-

mission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.33. *Emergency First Aid Storage.* Storage shall be provided for a litter stretcher and first aid equipment. Litters and fresh first aid equipment shall be kept on hand at all times. **Commercial or cabinet-type first aid kits, approved by a consulting physician, meet the requirements of this standard.**

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310859 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.40

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.40. *Weapon Storage.* Separate secure storage space shall be provided for disposition of weapons at all entrances to the security perimeter. **Weapons (firearms, chemical agents, bludgeons, or electrical devices) shall not be permitted beyond the security perimeter except when required to meet emergencies relative to escapes, riots, assaults, fires, and rebellions, or other types of disturbance. Competent authority shall specifically authorize weapons entry when deemed appropriate [all areas where the carrying of weapons is prohibited].**

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

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TRD-8310927 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.42

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.42. *Exercise Area.* A secure exercise area shall be provided for all jails. This may be a rooftop exercise area, an outside exercise area, or one included inside the

jail. The area should contain at least 1,500 square feet of space.

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

Issued in Austin, Texas on November 30, 1983

TRD-8310860 Mrs William Cree
 Chairman
 Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.47

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.47. *Safety Vestibules.* Safety vestibules shall be provided for each inmate living area and day room used for confinement of three or more inmates within the security perimeter.

(1) (No change.)

(2) [All] Doors shall be arranged to be locked[,] and unlocked[, opened, or closed] by control means located outside of the inmate living area and safety vestibule.

(3) (No change.)

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

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TRD-8310862 Mrs William Cree
 Chairman
 Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.52

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.52. *Detoxification Cells.* A jail should provide one or more detoxification single cells, multiple-occupancy cells, or dormitories which shall be designed for detention of persons during the detoxification process only. These cells shall include the following features and equipment:

(1) (No change.)

(2) **Plumbing** [Floor drain]. The detoxification cell should be provided with one or more vandal-resistive

flushing floor drains, or vandal-resistive water closet/lavatory/drinking fountain combination with standard floor drains. The floor shall be properly pitched to drains and **plumbing** [drains] should have outside water shutoffs and controls.

(3)-(5) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310863 Mrs William Cree
 Chairman
 Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.53

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.53. *Holding Rooms (or Cells).* One or more holding rooms should be provided to temporarily detain inmates pending booking, court appearance, identification, housing assignment, or discharge. Holding rooms shall include the following features and equipment:

(1) Floor areas. Minimum floor area of a holding room shall be 40 square feet (for single occupancy). For occupancy by more than one person, add a minimum of 18 square feet per additional person. The floor shall be constructed of material which is durable and easily cleaned. **Bunk(s) may be included in the holding cell.**

(2) Seating. Seating shall be sufficient to provide not less than 24 linear inches per person at capacity. It shall be fire resistive and anchored securely to the floor. **Seating elevation shall be normal seating height.**

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

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310881 Mrs William Cree
 Chairman
 Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.54

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails

§261.54. *Separation Cells.* A jail may have one or more single-occupancy separation cells to house selected inmates [for extended periods of time]. Separation cells shall include the following features and equipment:

(1)-(4) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310864 Mrs. William Cree
Chairman
Commission on Jail Standards

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37 TAC §261.56

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.56. *Lighting.* Lighting shall be provided to permit reading, shaving, and normal activities within the inmate living area. **Light controls and conduit shall be out of reach of inmates. However, lights used for reading, shaving, etc., may be controlled by inmates.** [Light controls, conduit, and light fixtures shall be out of reach of inmates.] Light fixtures should be designed and constructed so as to permit servicing from outside the cell, dormitory, or day room. Light switches which cannot be controlled from outside the inmate area should be key front type. Housing and control areas shall be variably illuminated at all times to permit continuous observation of inmates and to permit custodial personnel to perform necessary functions. Exteriors of buildings shall be lighted at night sufficiently to observe a person approaching the entrance.

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

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TRD-8310865 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.62

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.62. *Hinges.* Hinges for heavy-duty detention doors shall be heavy-duty [ball-bearing] type designed especially for such doors.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310866 Mrs. William Cree
Chairman
Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.73

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.73. *Extension [Drop] Cords.* [Drop cords or] Extension cords shall not be permitted within the security perimeter. Appliances shall plug directly into a fixed receptacle.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310867 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.76

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.76. *Observation Panels.* When used, observation panels shall provide a clear opening of **sufficient size to view the area** [not less than five inches by eight inches] and be glazed with appropriate thickness security glass or equivalent. They should be provided with a shutter.

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

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TRD-8310868 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.79

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.79. Emergency Electrical Power. An emergency electrical power system for quick recovery to maintain essential services, security, and safety should be provided to meet the life safety requirements (reference should all be made to Chapter 263 of this title (relating to Life Safety Rules)). If installed, such systems shall be tested operationally not less than weekly [monthly] and a record kept of this testing.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310869 Mrs William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption.
January 30, 1984

For further information, please call (512) 475-2716.

**Existing Lockup Design, Construction,
and Furnishing Requirements**

37 TAC §261.116

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.116 Processing Areas. Lockups should have a processing area located inside the security perimeter [inmate occupied area], but away from the inmate living areas and day rooms. The processing area shall be designed to readily permit the booking, shakedown, identification, and dressing in and out of inmates. A telephone shall be available for detainees to make the constitutionally recognized phone calls. Processing areas should be provided with drinking fountains and water closets. Panels or partitions may be erected at the booking desk, counter, or area to insure privacy and increase separation of males, females, juveniles, and adults during a multiple booking operation.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310870 Mrs William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.121

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.121. Commissary. Space appropriate to the capacity of the lockup should be provided for an inmate commissary, or a written program shall be established [for inmates to obtain supplies from a nearby store]. Reference should be made to Chapter 291 of this title (relating to Plans for Inmate Privileges in County Jails).

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310871 Mrs William Cree
 Chairman
 Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.122

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.122. Storage Area Capacities. Storage areas based upon facility capacity should be provided as follows:

- (1) for inmate property storage in lockups, two cubic feet per inmate [excluding shelving, bins, and baskets];
- (2) for inmate uniforms, towels, bedding, and linen, three cubic feet per inmate [excluding shelving, bins, and baskets];
- (3)-(4) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310872 Mrs William Cree
 Chairman
 Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.123

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.123. Janitorial Storage Space Adequate secured storage for janitorial and other supplies and adequate storage for equipment necessary to the operation of the jail should be provided. **Sufficient broom and mop racks should be provided.**

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310873 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.130

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.130. Guard or Control Stations. A guard or control station shall be provided on each floor of the facility where 10 or more inmates will be housed overnight.

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

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TRD-8310874 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.131

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.131. Control [Guard] Station Security. Control [Guard] stations should be locked and protected so as to be inaccessible to unauthorized persons. Where practical, a control [guard] station should have a safe egress to a secure area.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310875 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.133

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.133. Emergency First Aid Storage. Storage shall be provided for a litter stretcher and first aid equipment. Litters and fresh first aid equipment shall be kept on hand at all times. **Commercial or cabinet-type first aid kits, approved by a consulting physician, meet the requirements of this standard.**

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310876 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.137

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.137. Weapon Storage. Separate secure storage space shall be provided for disposition of weapons at all entrances to the security perimeter. **Weapons (firearms, chemical agents, bludgeons, or electrical devices) shall not be permitted beyond the security perimeter except when required to meet emergencies relative to escapes, riots, assaults, fires, and rebellions, or other types of disturbance. Competent authority shall specifically authorize weapons entry when deemed appropriate [all areas where the carrying of weapons is prohibited].**

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310928 Mrs. William Cree
 Chairman
 Commission on Jail Standards

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For further information, please call (512) 475-2716

37 TAC §261.143

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.143. Safety Vestibules. Safety vestibules shall be provided for each inmate living area and day room used for confinement of three or more inmates within the security perimeter.

(1) (No change.)

(2) [All] Doors shall be arranged to be locked[,] and unlocked[, opened, or closed] by control means located outside of the inmate living area and safety vestibule.

(3) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310861 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.148

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.148. Detoxification Cells. A lockup should provide one or more detoxification single cells, multiple-occupancy cells, or dormitories which shall be designed for detention of persons during the detoxification process only. These cells shall include the following features and equipment:

(1) (No change.)

(2) **Plumbing** [Floor drain]. The detoxification cell should be provided with one or more vandal-resistive flushing floor drains, or vandal-resistive water closet/lavatory/drinking fountain combination with standard drains. The floor shall be properly pitched to drains and **plumbing** [drains] should have outside water shutoffs and controls.

(3) Cell size. The size of the detoxification cell shall be determined by the anticipated maximum number of persons received at any one time. A detoxification cell shall not accommodate more than 12 persons and shall have a minimum of 40 square feet of [clear] floor space for one person plus 18 square feet of [clear] floor space per additional person.

(4)-(5) (No change.)

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310877 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.149

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.149. Holding Rooms (or Cells). One or more holding rooms may be provided to temporarily detain inmates pending booking, court appearance, identification, housing assignment, or discharge. Holding rooms shall include the following features and equipment:

(1) Floor areas. Minimum floor area of a holding room shall be 40 square feet (for single occupancy). For occupancy by more than one person, add a minimum of 18 square feet per additional person. The floor shall be constructed of material which is durable and easily cleaned. **Bunk(s) may be included in the holding cell.**

(2) Seating. Seating shall be sufficient to provide not less than 24 linear inches per person at capacity. **Seating elevation shall be normal seating height.**

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

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

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TRD-8310878 Mrs. William Cree
Chairman
Commission on Jail Standards

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For further information, please call (512) 475-2716.

37 TAC §261.150

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.150. Separation Cells. A lockup may have one or more single-occupancy separation cells to house selected inmates [for required periods of time]. Separation cells shall include the following features and equipment:

(1)-(4) (No change.)

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310879 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.151

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Com-

mission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.151. Lighting. Lighting shall be provided to permit reading, shaving, and normal activities within the inmate living area. **Light controls and conduit shall be out of reach of inmates. However, lights used for reading, shaving, etc. may be controlled by inmates.** [Light controls, conduit, and light fixtures shall be out of reach of inmates.] Light fixtures should be designed and constructed so as to permit servicing from outside the cell, dormitory, or day room. Receptacles which cannot be controlled from outside the inmate area should be key-front type. Housing and control areas shall be sufficiently illuminated at all times to permit continuous observation of inmates and to permit custodial personnel to perform necessary functions. Building entrances shall be lighted at night.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310880 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.157

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.157. Hinges. Hinges for heavy-duty detention doors shall be heavy-duty [ball-bearing] type designed especially for such doors.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310882 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.168

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.168. Extension [Drop] Cords. [Drop cords or Extension cords shall not be permitted within the secur-

ity perimeter. Appliances shall plug directly into a fixed receptacle.

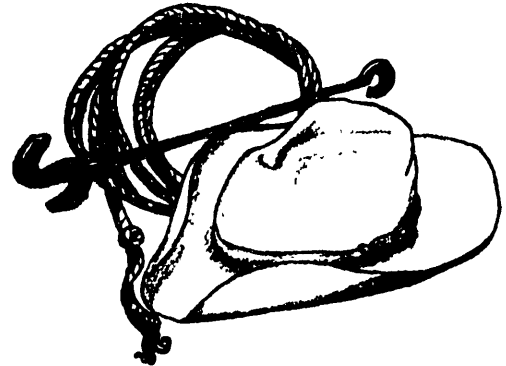
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 30, 1983.

TRD-8310883 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.



37 TAC §261.171

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.171. Observation Panels. When used, observation panels shall provide a clear opening of **sufficient size to view the area** [not less than five inches by eight inches] and be glazed with appropriate thickness security glass or equivalent. They should be provided with a shutter.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310884 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.174

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.174. Emergency Electrical Power. An emergency electrical power system for quick recovery to maintain

essential services, security, and safety should be provided to meet the life safety requirements (reference should all be made to Chapter 263 of this title (relating to Life Safety rules)) Such systems, if installed, shall be tested operationally not less than **weekly** [monthly] and a record kept of this testing.

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310885 Mrs William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption.
January 30, 1984

For further information, please call (512) 475-2716.

Existing Low-Risk Design, Construction, and Furnishing Requirements

37 TAC §261.209

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.209. *Commissary.* Space appropriate to the capacity of the facility should be provided for an inmate commissary, or a written program shall be established [for inmates to obtain supplies from a nearby source]. Reference should be made to Chapter 291 of this title (relating to Plans for Inmate Privileges in County Jails).

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310886 Mrs William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716

37 TAC §261.210

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.210 *Storage Area Capacities.* Storage areas used upon facility capacity should be provided as follows:

(1) For inmate property storage, four cubic feet per inmate [excluding shelving, bins, and baskets] unless personal property will be maintained in another facility.

(2) For inmate uniforms, towels, bedding, and linen, three cubic feet per inmate [excluding shelving, bins, and baskets].

(3) (No change.)

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310887 Mrs William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.211

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.211. *Janitorial Storage Space.* Adequate secured storage for janitorial and other supplies and adequate storage for equipment necessary to the operation of the jail should be provided. **Sufficient broom and mop racks should be provided.**

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

Issued in Austin, Texas on November 30, 1983.

TRD-8310888 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.216

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.216. *Guard or Control Stations.* A guard or control station shall be provided on each floor of the facility where 10 or more inmates will be housed overnight.

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310889 Mrs William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.218

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.218. Exercise Area. A secure exercise area shall be provided. This may be a rooftop exercise area, an outside exercise area, or one included inside the facility. The area should contain at least 1,500 square feet of space. Outdoor exercise areas should be covered with expanded metal or some type of netting to prevent introduction of weapons/contraband. A water closet and drinking fountain should be readily available.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310890 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.219

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.219. Emergency First Aid Storage. Storage shall be provided for a litter stretcher and first aid equipment. Litters and fresh first aid equipment shall be kept on hand at all times. Commercial or cabinet-type first aid kits, approved by a consulting physician, meet the requirements of this standard.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310891 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.226

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.226. Weapon Storage. Separate secure storage space shall be provided for disposition of weapons at all

entrances to the security perimeter. Weapons (firearms, chemical agents, bludgeons, or electrical devices) shall not be permitted beyond the security perimeter except when required to meet emergencies relative to escapes, riots, assaults, fires, and rebellions, or other types of disturbance. Competent authority shall specifically authorize weapons entry when deemed appropriate [all areas where the carrying of weapons is prohibited].

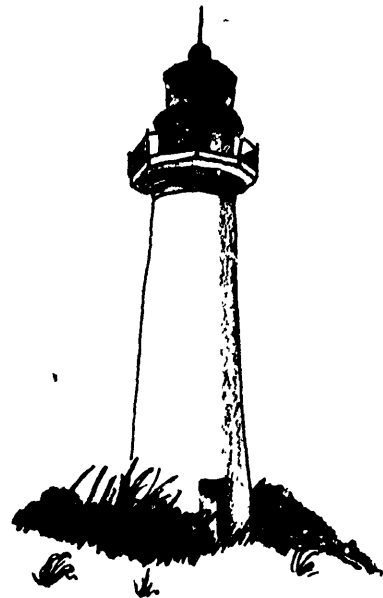
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 30, 1983.

TRD-8310929 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.



37 TAC §261.241

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.241. Hinges. Hinges for doors [need not be heavy-duty ball-bearing type but] shall be adequate for the weight of the door.

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310894 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716

37 TAC §261.252

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.252. Extension [Drop] Cords. [Drop cords or] Extension cords shall not be permitted within the facility. Appliances shall plug directly into a fixed receptacle.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310895 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.254

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.254. Observation Panels. When used, observation panels shall provide a clear opening of sufficient size to view the area [not less than five inches by eight inches] and be glazed with appropriate thickness security glass or equivalent.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310896 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

37 TAC §261.257

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§261.257. Emergency Electrical Power. An emergency electrical power system for quick recovery to maintain essential services, security, and safety should be provided to meet the life safety requirements (reference should be made to Chapter 263 of this title (relating to Life Safety Rules)). Such systems shall be tested operationally not

less than weekly [monthly] and a record kept of this testing.

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310897 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

**Chapter 263. Life Safety Rules
Life Safety and Emergency Equipment**

37 TAC §263.52

The Commission on Jail Standards proposes an amendment to §263.52, concerning the use of key override for power-operated doors.

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

Mr. Viterna also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clarification of the requirement for key-operated capability at power-operated doors. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Robert O. Viterna, Executive Director, P.O. Box 12985, Austin, Texas 78711, (512) 475-2716.

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§263.52. Manual Release of Doors. Power-operated doors shall be of type that can be key operated [opened manually]. Reference should be made to §259.60 of this title (relating to Emergency Operation of Doors).

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310898 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.



Chapter 279. Sanitation in County Jails

37 TAC §279.1

The Commission on Jail Standards proposes an amendment to §279.1, concerning tests required for water, sewer, and food preparation areas in county jails.

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

Mr. Viterna also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clarification of the existing requirement for testing water, sewer, and food preparation areas. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Comments on the proposal may be submitted to Robert O Viterna, Executive Director, P.O. Box 12985, Austin, Texas 78711, (512) 475-2716.

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115 1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails

§279.1. Sanitation Plan. A facility shall have and implement a written plan, approved by the commission, for the maintenance of an acceptable level of cleanliness and sanitation throughout the facility. Such plan shall provide for:

- (1) (No change)

(2) **water and sewage systems not part of a city system and food preparation areas shall be inspected at least annually by health authorities** [regular tests and inspections of water and sewage systems and food preparation areas maintained by the facility];

- (3)-(8) (No change)

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

Issued in Austin, Texas, on November 30, 1983

TRD-8310899 Mrs William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption:
January 30, 1984

For further information, please call (512) 475-2716.

Chapter 287. Education and Rehabilitation Programs for County Jails

37 TAC §287.1

The Commission on Jail Standards proposes amendments to §287.1, concerning the implementation of an education program for inmates in county jails.

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

Mr. Viterna also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clarification of the existing requirement for education programs within the county jail. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Robert O Viterna, Executive Director, P.O. Box 12985, Austin, Texas 78711, (512) 475-2716

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115 1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails

§287.1. Education and Rehabilitation Plan. Each detention facility shall have and implement a **written** plan approved by the commission for inmate rehabilitation and education, which plan shall make maximum feasible use of the resources available in and to the community in which the detention facility is located. The plan may include programs for voluntary participation by inmates such as the following:

- (1) (No change.)

(2) participating in an academic, library, reading, counseling, therapy, and/or training programs where feasible and where community resources are available.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310900 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption.
January 30, 1984

For further information, please call (512) 475-2716.

Chapter 297. Compliance and Enforcement

37 TAC §§297.6, 297.7, 297.9

The Commission on Jail Standards proposes amendments to §297.6, concerning the procedures for transfer of prisoners when a remedial order is issued, and §297.7, concerning procedures for enforcing an violation of minimum jail standards, and proposes new §297.9, concerning contracts with private organizations for the confinement of low-risk inmates.

Robert O. Viterna, executive director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering §297.6 or §297.7. There will be fiscal implications as a result of enforcing or administering the new §297.9. The effect on state government will be an estimated additional cost of \$30,000 in 1984 and 1985, \$35,000 in 1986 and 1987, and \$40,000 in 1988. There is no anticipated effect on local government.

Mr. Viterna also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is implementation of legislative changes in §297.6 and §297.7. New §297.9 will allow counties with over-crowded facilities to contract with private firms for the incarceration of low-risk inmates. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Robert O. Viterna, Executive Director, P.O. Box 12985, Austin, Texas 78711, (512) 475-2716.

The amendments and new section are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§297.6. Remedial Order by Commission.

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

(c) If a remedial order is issued, the commission shall furnish the sheriff with a list of qualified detention centers to which the prisoners may be transferred for their confinement. The sheriff of the county in which the non-complying jail is situated shall immediately transfer the number of prisoners necessary to bring the jail into compliance to a detention facility that agrees to accept the prisoners. The agreement shall be in writing and shall be signed by the sheriff of the county transferring the prisoners and the sheriff of the county receiving the prisoners. A county transferring prisoners under this subsection shall immediately remove the prisoners from the receiving facility if the sheriff of the receiving county requests their removal [The county responsible for the noncomplying jail shall bear the cost of transportation and maintenance of prisoners transferred from a noncomplying jail by order of the commission. The costs of transportation and maintenance shall be determined by the commission and shall be paid into the treasury of the entity operating the detention facility to which the prisoners are transferred].

(d) The county responsible for the noncomplying jail shall bear the liability for and the cost of transportation and maintenance of prisoners transferred to or from a noncomplying jail by order of the commission. The costs of transportation and maintenance shall be determined by agreement between the participating counties and shall be paid into the treasury of the entity operating the detention facility to which the prisoners are transferred.

§297.7. Other Commission Remedies. In addition to or in lieu of [the above-described] remedial order remedies, the commission may institute an action in its own name to enforce or enjoin the violation of its order, rules, or procedures, or of Texas Civil Statutes, Article 5115, as amended. An action brought pursuant to this section is in addition to any other action, proceeding, or remedy provided by law, and may be brought in a district court of Travis County, Texas. A suit brought under this section shall be given preferential setting and shall be tried by the court, without a jury, unless the county requests a jury, in accordance with Texas Civil Statutes, Article 5115.1, §11(f). The commission shall be represented by the attorney general in such actions.

§297.9. Contracts with Private Sector for Detention Facilities. The commissioners court of a county may contract with a private organization for the purpose of placing low-risk county inmates in a detention facility operated by the organization. Such facilities shall be inspected by the Commission on Jail Standards and comply with the requirements of these standards.

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

Issued in Austin, Texas, on November 30, 1983.

TRD-8310901 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption.
January 30, 1984

For further information, please call (512) 475-2716

Withdrawn Rules

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is generally effective immediately upon filing.

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

**TITLE 16. ECONOMIC
REGULATION
Part IV. Texas Department of
Labor and Standards
Chapter 61. Labor/Licensing and
Enforcement
Subchapter A. Boxing
16 TAC §61.8**

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed repeal of §61.8 submitted by the Texas Department of Labor and Standards has been automatically withdrawn, ef-

fective December 28, 1983. The notice of repeal appeared in the June 24, 1983, issue of the *Texas Register* (8 TexReg 2166).

TRD-8310981
Filed December 28, 1983

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §61.8 submitted by the Texas Department of Labor and Standards has been automatically withdrawn, effective December 28, 1983. The proposed new section appeared in the June 24, 1983, issue of the *Texas Register* (8 TexReg 2167).

TRD-8310982
Filed December 28, 1983

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

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

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

Adopted Rules

TITLE 10. COMMUNITY DEVELOPMENT

Part 1. Texas Department of Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

10 TAC §§9.101-9.105

The Texas Department of Community Affairs (TDCA) adopts new §§9.101, 9.104, and 9.105, with changes to the proposed text published in the November 18, 1983, issue of the *Texas Register* (8 TexReg 4788). Section 9.102 and 9.103 are adopted without changes and will not be republished.

The new sections concern the allocation of Community Development Block Grant (CDBG) nonentitlement area funds under the Texas Community Development Program (TCDP). The new sections establish the standards and procedures by which a portion of federal fiscal year 1983 CDBG nonentitlement area funds will be allocated by program categories to eligible units of general local government in Texas.

The new sections pertain to units of general local government that are eligible to receive funding under the TCDP. The new sections cover application requirements, regional review committees, citizen participation requirements, ineligible activities, the appeals process, the funding cycle, selection procedures, and selection criteria.

The TDCA received several comments from organizations concerning the new sections. The organizations making comments were neither for nor against the adoption of the rules but offered recommendations for changes to the new sections. The TDCA's decisions concerning incorporation of such recommendations are stated in the discussion of each comment. Comments were received on the following sections.

In §9.101(a), concerning definitions and abbreviations, CAUSE, Inc., recommended that the terms "poverty," "unemployed," and "underemployed" be defined. The TDCA concurs that such definitions are desirable and has revised the section accordingly.

In §9.101(b), concerning overview, CAUSE, Inc., also recommended that applicants that have received recent CDBG or TCDP funds should be penalized in the selection process by receiving negative points. The TDCA does not consider the award of penalty points to be consistent with the first year of the State of Texas' administration of CDBG nonentitlement area funds but will consider such a penalty for inclusion in the selection process for subsequent years.

In §9.101(f)(1) and (2), concerning citizen participation, the Central Texas Council of Governments recommended that paragraph (1) be rewritten to clarify that two public hearings are required. The TDCA concurs and has revised this paragraph accordingly.

The Central Texas Council of Governments recommended that only 72 hours' prior notice of the public hearings should be required as only 72 hours' prior notice is required by the Texas Open Meetings Act. The seven-day prior notice requirement of §9.101(f)(2) is

not related to any additional requirement imposed under the Texas Open Meetings Act. Rather, the requirement of §9.101(f)(2) that notice be published at least seven days before each public hearing is designed to provide greater participation in the hearings.

The Central Texas Council of Governments recommended that the requirement that the published notices of the public hearings be printed in both English and Spanish should be rewritten to allow local governments the discretion to print the notices in both languages as needed. The TDCA concurs and has revised the section accordingly.

In §9.104(a), concerning the Community Development Planning/Capacity Building Fund, the City of Sweetwater recommended that units of general local government that are current contractors under the Community Development Project Fund should be eligible to apply for a contract under the Community Development Planning/Capacity Building Fund if the proposed planning/capacity building project is not within the same program category (e.g., housing rehabilitation, wastewater collection, and streets and drainage) for which the unit of general local government is receiving funding under the Community Development Project Fund. The TDCA has revised the section to the extent that a unit of general local government which is currently receiving funding under the Community Development Project Fund may submit an application under §9.104 if the proposed planning/capacity building project is related to economic development and could not be considered for funding under the Community Development Project Fund.

The TDCA does not consider it appropriate to fully concur with the City of Sweetwater's recommendation, as Community Development Project Fund contractors receive funds for administration which may be used to plan for related community development needs and activities.

In §9.105(a)(2), concerning Emergency/Discretionary Fund, several commenters recommended that the proposed §9.105(a)(2) be rewritten to allow for funding of broader categories of unique and innovative projects, aside from those directed at special population groups. The TDCA concurs and has revised the section accordingly.

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

§9.101 General Provisions

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

(1) Applicant—A unit of general local government which is preparing to submit or has submitted an application for Texas Community Development funds to the TDCA.

(2) Application—A written request for Texas Community Development Program funds in the format required by the TDCA.

(3) Community development block grant nonentitlement area funds—The funds awarded to the State of Texas pursuant to the Housing and Community Development Act of 1974, Title I, 42 United States Code §5304 *et seq.* and the regulations promulgated thereunder in 24 Code of Federal Regulations Part 570 (47 FedReg 15290 (April 8, 1982).)

(4) Community—A unit of general local government.

(5) Contract—A written agreement, including all amendments thereto, executed by the TDCA and contractor which is funded with community development block grant nonentitlement area funds.

(6) Contractor—A unit of general local government with which the TDCA has executed a contract.

(7) Designated community development area—An area that is identified in a local or regional community development plan or in which previous community development activities (particularly those funded with community development block grant dollars) have occurred. The designated area may be an entire political subdivision.

(8) Local government—A unit of general local government.

(9) Low and moderate income person—A member of a family which earns less than 80% of the state median family income for nonentitlement areas.

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

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

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

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

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

(15) TDCA—Texas Department of Community Affairs.

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

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

(18) Unit of general local government—Any incorporated municipality or county in Texas which is not participating or designated as eligible to participate in the entitlement portion of the community development block grant.

(b) Overview. Federal fiscal year 1983 community development block grant nonentitlement area funds will be distributed by the Texas Community Development Program to eligible units of general local government in the following program areas:

(1) community development project fund,

- (2) economic development project fund,
 - (3) planning/capacity building fund,
 - (4) emergency/discretionary fund
- (c) Types of applications
- (1) Single jurisdiction applications. An applicant may submit one application per Texas community development Program fund, as outlined in subsection (b) of this section on its own behalf
 - (2) County "on behalf of" applications. County governments eligible under the Texas Community Development Program may submit applications on behalf of other eligible communities within their respective jurisdictions with the following restrictions
 - (A) Counties may submit only one "on behalf of" application per community per program year.
 - (B) Any community which elects to participate through the county may not submit any other application for that year
 - (C) "On behalf of" applications must be based on an explicit written agreement entered into between the community and the county.
 - (D) Counties that are awarded "on behalf of" contracts will be the responsible agents for financial compliance and program performance
 - (3) Joint applications. Joint applications will be accepted from two or more units of general local government if the application clearly demonstrates that the proposed activities will mutually benefit the residents of the communities applying for funds. However, any community participating in a joint application may not submit a single jurisdiction application or be represented by a county as part of an "on behalf of" application for funding under the project fund for which the joint application was submitted. One of the participating communities must be primarily accountable to the TDCA for financial and compliance program performance. A joint application may not exceed the contract amount ceilings for its project category
- (d) Regional review committees
- (1) Composition. There is a regional Community Development Review Committee in each of the 24 state planning regions. Each committee consists of at least 12 members appointed by the governor. Composition of each regional committee reflects geographic diversity within the region, difference in population among eligible localities, and types of government (general law cities, home rule cities, and counties). The chairman of the committee is also appointed by the governor. Members of the committee will serve one-year terms
 - (2) Role. The regional review committee may review any application within its region for funding under the community development project fund and economic development project fund. Comments, recommendations, and rankings are then sent to the TDCA and the state Community Development Review Committee. Regional review committees are especially encouraged to rank projects seeking funding under the community development project fund. Regional review committees may elect to utilize staff of regional planning commissions to assist with project review responsibilities
 - (e) Ineligible activities. Any type of activity not described or referred to in the federal Housing and Community Development Act of 1974, §5305(a) (42 United

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

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

- (1) hold at least one public hearing prior to preparing its application and at least one public hearing prior to submitting its completed application to the TDCA; and
- (2) publish notice of each hearing in the nonlegal section of a newspaper having general circulation in the municipality or county at least seven days prior to each scheduled hearing. The published notice must include the date, time, and location of each hearing and the topics to be considered at each hearing. The published notice must be printed in both English and Spanish at the discretion of the unit of general local government as appropriate.

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

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

(A) Misplacement of an application. All or a portion of an application is lost, misfiled, or otherwise misplaced by TDCA staff, resulting in unequal consideration of the applicant's proposal

(B) Mathematical error. In rating the application, the score on any selection criteria is incorrectly computed by TDCA due to human or computer error.

(C) Other procedural error. The application is not processed by the TDCA in accordance with the application and selection procedures set forth in this subchapter.

(2) The appeal must be submitted in writing to the Texas Community Development Program/TDCA no later than 30 days after the date the announcement of contract awards is published in the *Texas Register*. The TDCA staff will evaluate the appeal and present a recommendation to the State Review Committee for review and comment. A final recommendation will be presented to the executive director of the TDCA. The decision of the executive director of the TDCA is final.

(3) In the event the appeal is sustained and the corrected scores would have resulted in project funding, the application will be approved and funded out of the emergency/discretionary fund (See §9.105 of this title (relating to Emergency/Discretionary Fund)). If the appeal is rejected, the TDCA will notify the applicant of its decision, including the basis for rejection, before the 31st day after the date the appeal is received by the TDCA.

§9 104 *Community Development Planning Capacity Building Fund*

(a) *General provisions* This fund is intended to provide an opportunity for units of general local government to prepare comprehensive community development plans, develop strategies, assess needs, and build or improve local capacity to undertake future community development projects or to prepare other needed planning elements. Eligible units of general local government are to be the direct recipients of planning contracts. Units of general local government may submit one application for planning funds each quarter. A community which is currently receiving funding under the Community Development Project Fund may only submit an application under this section if the proposed planning/capacity building project is related to economic development and could not be considered for funding under the Community Development Project Fund.

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

- (1) second quarter: December 1, 1983,
- (2) third quarter: March 1, 1984,
- (3) fourth quarter: June 1, 1984.

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

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

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

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

(4) The TDCA generates scores on selection criteria related to community distress, benefits to low and moderate income persons, and minority hiring and contracting. Scores on the factors in these three categories

are derived either from standardized data from the Census Bureau or other state/federal sources or from information provided by the applicant. The TDCA will ask the regional review committees to review these figures for accuracy. The community with the highest score for each factor within the region will receive the maximum number of points for that factor. Other applicants within the same region will receive the points proportional to their score on that factor compared to the community with the highest score. For example, Community A has the highest unemployment rate in the region (15%). Therefore, Community A receives the maximum number of points on that factor (20 points). Community B, in the same region, has an unemployment rate of 7.5%. The number of points given to Community B is figured as follows: the unemployment rate in B is divided by the unemployment rate in A, and that figure is multiplied by the maximum number of points. The resulting figure is the number of points awarded on that factor. In this example, 7.5 divided by 15 and multiplied by 20 equals 10. Therefore, on the factor related to unemployment rate, Community B would receive 10 points. The scores and points generated by the TDCA will be provided to each of the regional review committees for projects submitted by jurisdictions within their region.

(5) Technical Review Committee generates scores on factors related to project design. Each applicant will be asked to provide specific information about the need for planning and capacity building, present and past efforts, and what elements will be included in the proposed planning/capacity building activities. This information plus comments from the regional review committees will be used by the Technical Review Committee to generate scores on these factors.

(6) Once the Technical Review Committee has scored the project design factors, those points are added to the scores from the other three criteria categories. The projects are then ranked based on the total score for each application.

(7) After the TDCA makes a determination of the applicant's ability to manage the planning/capacity building project, recommendations for project selection are presented to the state review committee. The committee may accept the TDCA staff recommendations as presented or prepare additional comments and alternatives.

(8) Project recommendations are then submitted to the executive director of the TDCA with any additional information that may have been provided by the regional review committees, state review committee, or other parties involved in the selection process.

(9) The TDCA executive director submits a final set of recommendations for project awards to the governor for final review and announcement of the contract awards. Any comments provided by the state review committee will accompany the executive director's recommendations.

(10) Upon the announcement of contract awards by the governor, the TDCA staff will begin working with recipients to execute the contract agreements. While the award must be based on the information provided in the application, the TDCA may negotiate any element of the contract agreement with the recipient as long as the con-

tract amount is not increased and the level of benefits described in the application is not decreased

(d) Selection criteria. The following is an outline of the selection criteria to be used by the TDCA, the Technical Review Committee, and the state review committee for selection of the projects under the planning/capacity building fund. Criteria under project design are, by necessity, speculative in nature. For example, the applicant will be judged on the problems that will be addressed through the planning/capacity building effort instead of a discreet activity that resolves a problem. As a result of the speculative nature of the need for planning/capacity building and the proposed effort, the weights for project design criteria have been significantly reduced. Benefit to low and moderate income individuals can only be measured in terms of potential benefit. For example, if a community applies for funds to execute a housing needs study and develop a strategy for housing rehabilitation, points will be awarded for low and moderate income benefits based on the number of persons who potentially would benefit if the project was in fact carried out in the identified project area. 800 points are available

(1) Community distress (Total—200 points)	
(A) Personal income	
(i) Number of persons living in poverty	20
(ii) Percentage of persons living in poverty	20
(iii) Per capita income	10
(B) Housing characteristics	
(i) Number of units lacking some or all plumbing facilities	25
(ii) Percentage of units lacking some or all plumbing facilities	25
(C) Local fiscal condition—Per capita assessed tax base	50
(D) Business climate.	
(i) Unemployment rate for last calendar quarter for which final figures are available	25
(ii) Percentage increase/decrease in sales tax over past two years	25
(2) Benefit to low and moderate income persons (Total—200 points).	
(A) Percentage of funds that directly benefit low and moderate income persons	75
(B) Number of low and moderate income persons benefiting from the project	75
(C) Number of low and moderate income persons benefiting from the project divided by total number of persons benefiting from the project	75
(D) Number of low and moderate income persons benefiting from the service/facility divided by total number of low and moderate income persons requiring service/facility	75
(3) Program design (Total—200 points).	
(A) Need for planning/capacity building	100
(i) Increase/decrease in community growth	
(ii) Problem(s) to be addressed through contract activities.	
(iii) Existing planning capacity	
(iv) Past planning efforts.	
(B) Proposed effort	100

- (i) Extent to which project will identify present conditions and needs
- (ii) Extent to which project will develop local policy/planning/management capacity.
- (iii) Extent to which project will identify short-term and long-term objectives.
- (iv) Extent to which project will produce a strategy to address goals and objectives
- (v) Extent to which the project will draw on existing local, regional, and state plans
- (vi) Extent to which recommendations from past planning effort have been implemented

(C) Thresholds (No points) Ability of the applicant to administer the planning/capacity building project

(4) Other (Total—100 points)

(A) Minority employment—percentage of minorities presently employed by the locality divided by percentage of minorities within the local population 50

(B) Minority contracting—Dollar awards to minorities for all public projects during the past year divided by total dollar awards for same period . 50

§9.105. Emergency/Discretionary Fund

(a) General provisions Assistance under this fund will be available to eligible applicants in three categories. Any project activities funded through the emergency/discretionary fund must be eligible under the Housing and Community Development Act, Title I. The three categories are.

(1) alleviation of an emergency situation To receive emergency assistance under this program category, the situation to be addressed with Texas Community Development Program funds must be both unanticipated and beyond the control of the local government. For example, the collapse of a municipal water distribution system due to lack of regular maintenance would not qualify. If the same situation was caused by a tornado or flood, the community could apply for emergency funds. Additionally, in emergency situations the Texas Community Development Program dollars are to be viewed as gap financing or funds of last resort. In other words, the community may only apply to the TDCA for funding of those activities for which assistance from other sources is not available

(2) unique or innovative approaches for addressing local needs, including, but not limited to, the elderly, the handicapped, and American Indians Under this category, the applicant must demonstrate that the project, by its design requirements, would not qualify or rank well under any of the other program funds. For example, a project that took advantage of a unique development opportunity that fell outside of the regular annual competition for community development projects fund awards would be considered as eligible for funding under the emergency/discretionary fund

(3) sustained appeals under §9.101(g) of this title (relating to General Provisions)

(b) Funding cycle Funds for emergency/discretionary projects will be awarded throughout the program year in response to emergency situations and unique/innovative proposals. There is no application deadline.

(c) Selection procedures Emergency/discretionary grants will be awarded based on recommendations from a five-member Technical Review Committee and the state review committee. The Technical Review Committee will consist of program or division directors selected by the executive director of the TDCA from within the TDCA or other appropriate state agencies (e.g., the Division of Emergency Management within the Texas Department of Public Safety). The application and selection procedures consist of the following steps.

(1) A mayor or county judge may petition the TDCA for funding under the emergency/discretionary fund program when the local government determines that it qualifies as the result of an emergency situation or has developed a unique/innovative project to address the needs of a special population group. The petition, in the form of a resolution by the local government body, must be accompanied by documentation of the emergency situation or the needs of the special population group. Examples of documentation are a letter from the Texas Department of Health or a designation by the Division of Emergency Management of the Texas Department of Public Safety. No formal application will be required for units of general local government seeking assistance under this fund.

(2) Based on information provided by the local government, TDCA staff will make a recommendation to the executive director of the TDCA on eligibility for funding under the emergency/discretionary fund. The staff may request clarification or additional information from the applying local government. If the petition is rejected, notice of the rejection and the reason for the rejection will be provided to the local government within 10 working days of the receipt of the petition.

(3) The TDCA staff is assigned to work with the local government to negotiate project activities, the budget, and the implementation schedule. The local government must prepare a preliminary work program listing each activity to be undertaken with Texas Community Development Program funds and the relation of that activity to other efforts to address the emergency/discretionary situation, a project schedule, and a preliminary budget. Each resulting element of the negotiations process will be presented to the Technical Review Committee for review and comment. Guidance by the Technical Review Committee may lead to the renegotiation of any element. Additionally, the applicant must provide a management plan for operation and maintenance of the proposed project.

(4) Following the negotiations between the TDCA and the local government, the TDCA staff will prepare a contract recommendation for review and comment by the state review committee. The recommendation will be accompanied by any comments provided as a result of the regional review and comment process or from other interested parties.

(5) Project recommendations are then submitted to the executive director of the TDCA with any additional information that may have been provided by the Technical Review Committee, state review committee, or other parties involved in the selection process.

(6) Executive director of the TDCA submits recommendations for project awards to the governor for

final review and announcement of contracts. Any comments provided by the state review committee will accompany the executive director's recommendations.

(7) Upon announcement of the contract awards by the governor, TDCA staff will work with the recipients to execute the contract agreements.

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

Issued in Austin, Texas, on December 21, 1983

TRD-8310921

Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Effective date January 24, 1984

Proposal publication date November 18, 1983

For further information, please call (512) 443-4100,
ext. 210.



**TITLE 13. CULTURAL
RESOURCES
Part II. Texas Historical
Commission
Chapter 13. Historical Marker Policies
13 TAC §13.11**

The Texas Historical Commission adopts an amendment to §13.11, without changes to the proposed text published in the September 2, 1983, issue of the *Texas Register* (8 TexReg 3389).

The commission has adopted this rule to standardize its procedure in reviewing building marker applications.

The adopted rule will promote a clearer understanding of the process for reviewing marker applications for the Recorded Texas Historic Landmark designation and will help upgrade the building marker program to reflect the cultural, ethnic, and historical diversity of the state better. It will have no economic effect on individuals who are required to comply with the rule.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6145, §12, which provide the Texas Historical Commission with the authority to promulgate rules and regulations and to give direction and coordination to the State Historical Marker Program

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

Issued in Austin, Texas, on December 22, 1983

TRD-8310951 Curtis Tunnell
Executive Director
Texas Historical Commission

Effective date January 18, 1984
Proposal publication date September 2, 1983
For further information, please call (512) 475-3092.

**TITLE 16. ECONOMIC
REGULATION
Part I. Railroad Commission of
Texas**

**Chapter 3. Oil and Gas Division
Conservation Rules and Regulations**

16 TAC §3.74

The Railroad Commission of Texas adopts new §3.74, with changes to the proposed text published in the October 28, 1983, issue of the *Texas Register* (8 Tex-Reg 4459)

The adoption of this rule satisfies the Texas Natural Resources Code, §92.004 (Senate Bill 946, effective August 29, 1983), which requires that the Railroad Commission of Texas adopt rules governing the contents of an application for a qualified subdivision under Chapter 92

The Texas Natural Resources Code, Chapter 92, allows surface owners in certain qualifying counties to submit plats to the Railroad Commission of Texas designating operational sites and easements for mineral development on tracts they own. Once the commission has held a hearing and approved the plat, the mineral owner is restricted to the designated operational sites and easements for all subsequent mineral development

Changes have been made from the proposed text of the rule to clarify the meaning of words used

Written comments of the rule were received from 11 companies and/or individuals

None of the 11 commenters expressed specific support for or opposition to the proposed rule generally. They chose, instead, to comment on specific provisions of the bill

The companies, individuals, or associations who filed comments on the proposed rule were Gulf Oil Cor-

poration, Amerada Hess Corporation, Stephen Soffer, William J. Philbin, Nielson Enterprises, Texas Oil and Gas Company, Ensearch Exploration, Inc., Energy Reserve Group, Tenneco Oil Company, Forney Oil Corporation, and the Texas Independent Producers and Royalty Owners Association

One organization proposed three changes in wording to clarify the intent of the rule. All three changes have been implemented. Subsection (b) of the rule states in part that surface owners "may restrict" use of the surface by the mineral owners. The type of restriction contemplated was not specifically mentioned in the proposed version of subsection (b). For clarity, there is now a specific reference in subsection (b) to the other sections which define the type of restrictions a surface owner imposes by invoking this law.

Subsection (f) had stated that directional drilling is permissible "only to the extent that the operations do not interfere with the use of the surface" outside the operations site. The commenter noted that read literally, this subsection would prohibit any interference, however slight, including noise or unsightliness. The section now prohibits unreasonable interference with the use of the surface outside the operations site.

Subsection (h) had provided that surface owners may amend or replat the qualified subdivision without commission approval as long as the change did not alter or diminish an operations site or appurtenant road or pipeline easement. In response to a commenter's concerns, this subsection now also prohibits any change which alters the usefulness of an operations site without commission approval, a concept implied though not specifically stated in the proposed text.

In addition, the rule now restates the general procedural rule that the applicant carry the burden of proof.

Another commenter noted that applicants under the rule may tend to provide only the statutory minimum of two operational sites per 160 acres. He suggested that the rule be altered to require at least one site for every 40 acres. This suggestion was rejected because it would impair the flexibility of the commission in assessing the actual number of sites necessary in a given situation and might, in some cases, result in the establishment of more operational sites than necessary to fully recover the minerals.

Other suggested changes were rejected because they either conflict with the governing statute or because they raise issues better dealt with on a case-by-case basis. These suggestions include a requirement that the applicant supply an affidavit swearing that he has made a good faith effort to reach an agreement with the mineral owner, a provision permitting directional drilling from an operations site to a bottomhole location outside of the subdivision, a provision for approval of preliminary plats as opposed to final plats, and a provision dealing with mineral owners who cannot be located.

One commenter objected to the proposed definition of minerals for purposes of the rule. The commission

has defined minerals under the rule as oil and gas. The commenter alleges that this definition is unduly restrictive and will cause the rule to fail to fully implement Chapter 92. The commission's decision to define minerals as oil and gas is based on the clear implication in the statute that the minerals which the legislature intended to affect by this legislation are oil and gas. The references to operations sites, pipeline easements, wells, and wellbores make this intent clear. In addition, the act cannot be practically applied to coal and other minerals recovered through strip mining. The designation of specific, unobtrusive operations sites is not consistent with the directive to allow for full development of the underlying minerals when minerals is read to include minerals which can only be recovered by strip mining.

An addition to subsection (c)(4) clarifies the dimensions of the prefiled plat.

Lastly, changes in subsections (c)(3) and (d) make it clear that minerals owners whose minerals are presently under lease are not excluded from participation in hearings under Chapter 92.

This new section is adopted under the authority of the Texas Natural Resources Code, §92.004, which directs the Railroad Commission of Texas to adopt rules governing applications under Chapter 92.

§3.74. Commission Approval of Plats for Mineral Development.

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

- (1) Minerals—Oil and/or gas.
- (2) Operations site—A surface area of two or more acres that an owner of a possessory mineral interest may use to explore for and produce minerals, which is located in whole or in part within a qualified subdivision, and designated on the subdivision plat.
- (3) Possessory mineral interest—A mineral interest that includes the right to use the land surface for exploration and production of minerals.
- (4) Qualified subdivision—A tract of land not more than 160 acres

(A) that is located in a county having a population in excess of 400,000 or in a county having a population in excess of 140,000 that borders a county having a population in excess of 400,000;

(B) that has been subdivided in a manner authorized by law by the surface owners for residential, commercial, or industrial use, and

(C) that contains two or more operations sites and provisions for road and pipeline easements to allow use of the operations sites.

(b) As provided in subsections (e) and (f) of this section, the surface owners of a parcel of land may restrict use of the surface by the possessory mineral owners if the tract is a qualified subdivision and if a plat of the subdivision has been approved by the Railroad Commission after notice and hearing and filed with the clerk of the county in which the qualified subdivision is to be located.

(c) An application for a hearing under this rule must be made in writing and mailed or delivered to the general counsel of the Oil and Gas Division. The application must include:

- (1) a jurisdictional statement setting out the facts stated in subsection (a)(4)(A) and (B) of this section;
- (2) a statement that the applicant has authority to represent and represents all surface owners of land contained in the proposed qualified subdivision;
- (3) the names and addresses of all owners of possessory mineral interests and all mineral lessors of land contained in the proposed qualified subdivision;
- (4) a plat of the proposed subdivision showing proposed operations sites, road easements, and pipeline easements and a legible copy thereof no larger than 8½ inches by 14 inches.
- (5) a concise description of mineral development in the area, including the number of oil and/or gas wells within a 2.5 mile radius of the proposed qualified subdivision and the depths from which they produce;
- (6) a list of all the Railroad Commission designated oil and/or gas fields, if any, which underlie the proposed qualified subdivision, including the spacing and density requirements. If no Railroad Commission designated fields underlie the qualified subdivision, the application should so state.

(d) The Railroad Commission will, on notice to the applicant and owners of possessory mineral interests and mineral lessors of land contained in the proposed qualified subdivision, hold a hearing on the application to determine the adequacy of the number and location of operations sites and road and pipeline easements. At the hearing on the application, evidence may be presented by the applicant and the owners of possessory mineral interests and mineral lessors. The applicant must carry the burden of proof. After considering the evidence, the commission may approve, reject, or amend the application to ensure that the mineral resources of the subdivision may be fully and effectively developed.

(e) An owner of a possessory mineral interest within a Railroad Commission approved qualified subdivision may use only the surface contained in designated operations sites for exploration, development, and production of minerals and only the designated easements as necessary to adequately use the operations sites.

(f) The owner of the possessory mineral interest may drill wells or extend well bores from an operations site or from a site outside of the qualified subdivision to bottomhole locations vertically beneath the surface of parts of the qualified subdivision other than the operations sites. Such drilling is subject to other applicable commission rules and regulations, and is permissible only to the extent that the operations do not unreasonably interfere with the use of the surface of the qualified subdivision outside the operations site.

(g) Subsections (e) and (f) of this section cease to apply to a subdivision if, by the third anniversary of the date on which the order of the commission becomes final,

- (1) the surface owner has not commenced actual construction of roads or utilities within the qualified subdivision; and
- (2) a lot within the qualified subdivision has not been sold to a third party.

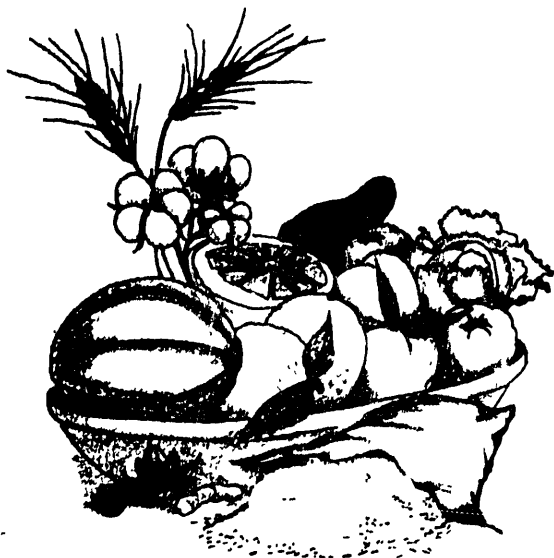
(h) All or any portion of a qualified subdivision may be amended, replatted, or abandoned by the surface owner. An amendment or replat, however, may not alter, diminish, or impair the usefulness of an operations site or appurtenant road or pipeline easement unless the amendment or replat is approved by the commission. Railroad Commission approval of a replat or amendment may be administratively granted by the director of the Oil and Gas Division, or his delegate, upon submission of items required in subsection (c) of this section and after notice and opportunity for hearing has been afforded to all possessory mineral interest owners and mineral lessors of land contained within the original and/or replatted or amended qualified subdivision.

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

Issued in Austin, Texas, on December 19, 1983

TRD-8310792 Mack Wallace, Chairman
Buddy Temple and Jim Nugent,
Commissioners
Railroad Commission of Texas

Effective date: January 13, 1984
Proposal publication date: October 28, 1983
For further information, please call (512) 445-1186.



TITLE 28. INSURANCE Part I. State Board of Insurance

The following adoptions submitted by the State Board of Insurance will be serialized beginning in the January 6, 1984, issue of the *Texas Register*. Effective date for the documents is January 13, 1984

Powers and Duties
Examination Expenses and Assessments
059 01 16 003
(new)

Taxes and Fees
059.04 01 002
(new)

The following adoption submitted by the State Board of Insurance will be serialized beginning in

the January 6, 1984, issue of the *Texas Register*. Effective date for the document is January 17, 1984.

Powers and Duties
Examination and Corporate Custodian and Tax
059 01 15 201, 206, 207, 209, 214,
216, 217, 220
amendments)

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part XIV. Texas Board of Irrigators Chapter 431. Standards of Conduct Subchapter A. Licensed Irrigator Standards

31 TAC §431.1

The Texas Board of Irrigators adopts an amendment to §431.1, without changes to the proposed text published in the June 28, 1983, issue of the *Texas Register* (8 TexReg 2244).

The rule as previously promulgated required licensed irrigators to sign a copy of the standards of conduct and return the signed standards to the board. The rule created additional expenses and labor for the board's administrative staff that were not anticipated because of the preparation of new copies of the standards, the mailing of the copies, and the filing of the copies on their return. The board therefore wishes to adopt this new rule to alleviate the additional burden placed on administrative staff by the old rule.

The rule provides that licensees are deemed to have notice of the standards of conduct. Licensees will no longer be required to sign a copy of the rules and return the signed copy to the board. This will lessen the burden placed on administrative staff by the previous rule.

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 8751, §7, which provides the Texas Board of Irrigators with the authority to adopt rules governing the conduct of its business and to adopt standards governing revocation of certificates of registration and connections to public or private water supplies by a licensed irrigator or installer.

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

Issued in Austin, Texas, on December 27, 1983.

TRD-8310948 Joyce Watson
Executive Secretary
Texas Board of Irrigators

Effective date: January 17, 1984
Proposal publication date: June 28, 1983
For further information, please call (512) 475-8161

TITLE 37. PUBLIC SAFETY, AND
CORRECTIONS

Part I. Texas Department of Public
Safety

Chapter 15. Driver's License Rules
Examination Requirements

37 TAC §15.59

The Texas Department of Public Safety (DPS) adopts amendments to §15.59, with changes to the proposed text published in the October 7, 1983, issue of the *Texas Register* (8 TexReg 3972).

The eligible applicants for renewal will not have to appear at a driver's license station and wait in line to have their driver's license renewed. In addition, this procedure will reduce the work load in driver's license offices, thus those persons who must personally appear should be served more expeditiously.

This rule provides that certain individual licensed drivers may renew their driver's license by mail, providing their record does not reflect a conviction for a moving traffic violation within the four years preceding the date of application for renewal. The definition for a moving traffic law violation and exceptions are established. This rule further specifies conditions when a driver will not receive an invitation to renew by mail for reasons other than traffic record. Procedures are established for eligible drivers to complete the renewal by mail process.

Comments were received and a public hearing was held on December 2, 1983. As a result, comments were received relating to three major areas, all of which concerned persons who should not be eligible to participate in a driver's license renewal by mail program, i.e., individuals with medical conditions which affect their visual and physical ability to safely operate a motor vehicle, those persons under 25 years of age who otherwise would be eligible to participate in a driver's license renewal by mail, and those persons over 55 years of age who otherwise would be eligible to participate in a driver's license renewal by mail.

All comments received indicated support for the concept of the program, and each of them sought more stringent limitations to be imposed on those persons eligible to participate in the driver's license renewal by mail program. The following made comments: Dr. Otto Lippman, Dr. Jerry S. Lehmann, Sam V. Stone, Dr. Jose San Martin III, Fred Niemann, Jr., Dr. Thomas G. Glass, Jr., Dr. Milton V. Davis, Dr. Rodolfo E. Marggo, Dr. David S. Dow, and Ernest A. Owens, Jr.

The language contained in the proposed rule, subsection (d)(5), is amended for adoption to address the concerns raised in the comments and to clarify the department's intentions in promulgating this rule. The concerns voiced with regard to licensed drivers, age 25 and under and 55 and over, are not supported by the statistical data available to the department. There is no basis upon which to exclude these individuals for driver's license mail renewal because there is no

evidence that either group has a disproportionately significant impact on traffic safety because of their vision. To exclude these individuals from this program merely because of their age would be discriminatory. Based on all the evidence available to the department, there is no basis to believe that age is a valid criteria for exclusion of individuals from this program.

The amendments are adopted under Texas Civil Statutes, Article 6687b, §18(c)-(g), as amended, which authorize the Texas Department of Public Safety to prescribe procedures for renewing drivers' licenses.

§15.59. *Renewal Test.*

(a) A standard vision test is administered to all persons applying for renewal of a Texas driver's license. In addition, other tests as prescribed by law may be administered.

(b) Provided certain conditions are met by a licensee, the department will issue invitations to renew driver's license by mail, and in these cases the aforementioned tests are waived.

(c) Renewals by mail will only be accepted from those licensees who receive an invitation and only on the form provided in the invitation. This invitation to renew by mail will not be extended to eligible licensees for any two consecutive renewal periods.

(d) The following licensees will not be considered eligible to renew their license by mail.

(1) any licensee whose driving record as maintained by the department reflects a conviction for a moving traffic law violation or a conviction for an offense described by Texas Civil Statutes, Article 6687b, §24, within four years preceding the date of application for renewal. A moving traffic law violation for the purposes of this rule is defined as any act committed in connection with the operation of a motor vehicle on a public street or highway and is prohibited by state law or city ordinance, except equipment violations of a nonhazardous nature; length, width, weight, and height violations; motor carrier violations, lease law violations; registration law violations, evidence of liability insurance law violations; parking or standing violations of a nonhazardous nature, and violations of the laws governing the transportation of hazardous material.

(2) holders of a provisional or occupational license.

(3) licensees whose driver's license reflects a restriction to driving with telescopic lens or telescopic aids.

(4) licensees whose record, as maintained by the department, reflects that they are holders of more than one type of license.

(5) licensees whose driver's license reflects restrictions because of driving ability or a medical condition that requires a periodic review for such conditions, including any medical or physical condition that may result in progressive deterioration of licensee's ability to safely operate a motor vehicle.

(6) any licensee whose license is suspended, canceled, revoked, or denied.

(7) any licensee that to the best of department's knowledge has an outstanding warrant or *capias* on a case filed by a DPS officer.

(e) For those licensees deemed eligible and upon receipt of the proper application and fee, the department will issue and mail to the licensee an extension certificate, which extends the validity of such license for the period indicated on the certificate. This certificate, to be valid, must be presented and carried with the last Texas photograph driver's license issued to the licensee that bears the same name, license number, and signature

(f) The department may reject any application for mail renewal and require a personal appearance at a drivers license office if it has information that the applicant has misrepresented eligibility for licensing in any manner, including medical and vision conditions

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

Issued in Austin, Texas, on December 23, 1983

TRD-8310908 James B Adams
 Director
 Texas Department of Public
 Safety

Effective date January 13, 1984
Proposal publication date October 7, 1983
For further information, please call (512) 465-2000.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 85. General Licensing Procedures

The Texas Department of Human Resources adopts new §§85 2037-85.2039 and §§85.3071-85 3073, without changes to the proposed text published in the September 6, 1983, issue of the *Texas Register* (8 TexReg 3495)

Senate Bill 256, 68th Legislature, 1983, authorizes the Licensing Division to place a child-care facility on probation rather than suspend or revoke its license. Children may remain in care while a facility is on probation. The legal base for the policy about probation is the Human Resources Code, §42 071(c). The code states that the division may place a facility on probation for a definite period not to extend beyond the expiration date of the license rather than suspend or revoke the license. The division may revoke the license of the facility during the probationary period if the facility does not meet the conditions of probation.

The new rules address reasons for probation, notification of noncompliance with the conditions of probation, and extending the probationary period

No comments were received regarding adoption of the new sections.

Based on Senate Bill 256 and the Human Resources Code, the department adopted emergency rules concerning probation effective August 29, 1983.

Subchapter J. Day-Care Licensing Procedures

40 TAC §§85.2037-85.2039

The new sections are adopted under the Human Resources Code, Title 2, Chapter 42, which authorizes the department to regulate child-care facilities.

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

Issued in Austin, Texas, on December 27, 1983

TRD-8310914 Marlin W Johnston
 Commissioner
 Texas Department of Human
 Resources

Effective date January 24, 1984
Proposal publication date September 6, 1983
For further information, please call (512) 441-3355,
ext.2037

Subchapter EE. Agency and Institutional Licensing Procedures

40 TAC §§85 3071-85.3073

The new sections are adopted under the Human Resources Code, Title 2, Chapter 42, which authorizes the department to regulate child-care facilities.

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

Issued in Austin, Texas, on December 27, 1983

TRD-8310915 Marlin W Johnston
 Commissioner
 Texas Department of Human
 Resources

Effective date January 24, 1984
Proposal publication date September 6, 1983
For further information, please call (512) 441 3355,
ext. 2037

Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

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

Texas Department on Aging

Tuesday, January 10, 1984, 6:30 p.m. The State Citizens Advisory Council of the Texas Department on Aging will meet in the Wyndham Hotel Meeting Room, 4140 Governor's Row, Austin. Items on the agenda include introduction of new members and appointees, approval of the November 16, 1983, minutes, remarks by the acting executive director, the Housing Committee report, and a report of the Senate Interim Committee on Hunger and Nutrition.

Contact: Joe Hopson, P.O. Box 12786, Austin, Texas 78711, (512) 475-2717.

Filed: December 28, 1983, 4:05 p.m.
TRD-8310980

Texas Department of Agriculture

Friday, January 6, 1984, 10 a.m. The Agricultural Development Board of the Texas Department of Agriculture will meet in Room 930A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will discuss the progress and promotion of the bond

program and congressional efforts to limit the use of revenue bonds.

Contact: Patrick D. Redman, P.O. Box 12847, Austin, Texas 78711, (512) 475-6346.

Filed: December 29, 1983, 9:06 a.m.
TRD-8310983

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

Tuesday, January 24, 1984, 10 a.m. The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet in the conference room, Suite 400, 314 West 11th Street, Austin. Items on the agenda include an introduction of visitors and approval of the minutes—Austin Scott, an update of rules changed by the *Texas Register*—Ray Vaughn, and new products or services and price revisions—Lyndal Remmert.

Contact: Austin Scott, P.O. Box 64420, Dallas, Texas 75206, (214) 821-2377

Filed: December 27, 1983, 2:25 p.m.
TRD-8310945

Texas Department of Corrections

Sunday, January 8, 1984, 6 p.m. The Board of the Texas Department of Corrections will meet in Room 103, Administration Building, 815 Eleventh Street, Huntsville. According to the agenda, the board will meet in executive session.

Contact: D. V. McKaskle, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: December 28, 1983, 12:51 p.m.
TRD-8310966

Monday, January 9, 1984, 8 a.m. The Board of the Texas Department of Corrections will meet in Room 103, Administration Building, 815 Eleventh Street, Huntsville. According to the agenda summary, the board will consider items including inmate affairs, medical, personnel, business, legislation, agriculture, construction, industries, legal, management services, miscellaneous, and the Windham School System. The board will also meet in executive session.

Contact: D. V. McKaskle, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: December 28, 1983, 12:52 p.m.
TRD-8310967

Texas Employment Commission

Wednesday, January 4, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes, internal procedures of the Office of Commission Appeals, action on higher level appeals in unemployment compensation cases on Docket 1, and setting the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

Filed: December 27, 1983, 4 p.m.
TRD-8310947

Texas Health Facilities Commission

Thursday, January 5, 1984, 1:30 p.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificate of Need

Cross Timbers Community Hospital,

Fort Worth

AH83-0415-354

San Antonio Community Hospital

AH83-0426-406

Santa Rosa Medical Center for Saint

Rose Catholic Hospital, San Antonio

AH83-0127-074

Notice of Intent to Acquire Existing Health Care Facilities

Jewell Enterprises, Inc., a Texas general partnership, Arlington

AN83-1005-198

Stonebrook Properties, Inc., Arlington

AN83-1005-195

Larry S. Parker, Tyler

AN83-1101-241

First Care, Inc., a Texas corporation,

Tyler

AN83-1101-242

Larry S. Parker and C. R. DeHaven,

Tyler

AN83-1101-243

First Care, Inc., a Texas corporation,

Tyler

AN83-1101-244

Larry S. Parker, Tyler

AN83-1101-245

First Care, Inc., a Texas corporation,

Tyler

AN83-1101-246

Tamara D. Hall, Mesquite

AN83-1102-283

Clear Lake Hospital, Webster

AN80-1010-003A(111583)

Motion for Rehearing

Humble Skilled Care Facility, Humble

AN83-0518-510

Contact: John R. Neel, P.O. Box 50049,

Austin, Texas 78763, (512) 475-6940.

Filed: December 28, 1983, 9:42 a.m.

TRD-8310956

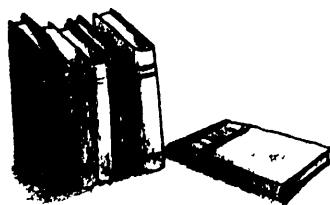
Texas Historical Commission

Sunday, January 22, 1984, 10 a.m. The Field and Museum Services Department of the Texas Historical Commission will meet at the Carrington-Covert House Library, 1511 Colorado, Austin. According to the agenda, the department will review museum grant applications.

Contact: Cindy Sherrell-Leo, 1511 Colorado, Austin, Texas, (512) 475-3092.

Filed: December 28, 1983, 3:25 p.m.

TRD-8310974



Task Force on Indigent Health Care

Tuesday, January 10, 1984, 2 p.m. The Task Force on Indigent Health Care will meet in Rooms 1 and 2, Laredo Civic Center, Laredo. According to the agenda, the task force will receive testimony concerning eligibility, services, administration, and financing of indigent health care. Testimony will be received from 2-7 p.m. concerning problems in the Laredo area.

Contact: Shanna Igo or Bryan Sperry, P.O. Box 12068, Austin, Texas 78711, (512) 475-1051.

Filed: December 28, 1983, 11:30 a.m.

TRD-8310958

Tuesday, January 17, 1984, 9 a.m. The Task Force on Indigent Health Care will meet in the River Room, San Antonio Convention Center, San Antonio. According to

the agenda, the task force will receive testimony concerning eligibility, services, administration, and financing of indigent health care. Testimony will be received from 9 a.m. -noon and 2-7 p.m. concerning problems in the San Antonio area.

Contact: Shanna Igo or Bryan Sperry, P.O. Box 12068, Austin, Texas 78711, (512) 475-1051.

Filed: December 28, 1983, 11:29 a.m.

TRD-8310959

Friday, January 27, 1984, 9 a.m. The Task Force on Indigent Health Care will meet in Room 2.102, Joe C. Thompson Center, Austin. Items on the agenda include registration of task force members, public hearing reports, subcommittee structure, a guest speaker from California on other state approaches to indigent health care, and primary care panel.

Contact: Shanna Igo or Bryan Sperry, P.O. Box 12068, Austin, Texas 78711, (512) 475-1051.

Filed: December 28, 1983, 11:30 a.m.

TRD-8310960

Thursday, February 9, 1984, 2 p.m. The Task Force on Indigent Health Care will meet in the Memorial Coliseum and Exposition Hall, 402 South Shoreline, Corpus Christi. According to the agenda, the task force will receive testimony concerning eligibility, services, administration, and financing of indigent health care. Testimony will be received from 2-7 p.m. concerning problems in the Corpus Christi area.

Contact: Shanna Igo or Bryan Sperry, P.O. Box 12068, Austin, Texas 78711, (512) 475-1051.

Filed: December 28, 1983, 11:30 a.m.

TRD-8310961

Thursday, February 23, 1984, 2 p.m. The Task Force on Indigent Health Care will meet in the King-Seabrook Chapel, Huston-Tillotson College, Austin. According to the agenda, the task force will receive testimony concerning eligibility, services, administration, and financing of indigent health care. Testimony will be received from 2-7 p.m. concerning problems in the Austin area.

Contact: Shanna Igo or Bryan Sperry, P.O. Box 12068, Austin, Texas 78711, (512) 475-1051

Filed: December 28, 1983, 11 30 a.m.

TRD-8310962

Thursday, March 8, 1984, 2 p.m. The Task Force on Indigent Health Care will meet in

the Texas Tech Medical School Auditorium, 4800 Alberta, El Paso. According to the agenda, the task force will receive testimony concerning eligibility, services, administration, and financing of indigent health care. Testimony will be received from 2-7 p.m. concerning problems in the Laredo area.

Contact: Shanna Igo or Bryan Sperry, P.O. Box 12068, Austin, Texas 78711, (512) 475-1051

Filed: December 28, 1983, 11:30 a.m.
TRD-8310963

Monday, March 26, 1984, 2 p.m. The Task Force on Indigent Health Care will meet in the Terrace A Room, College Center Building, University of Houston Campus Downtown, Houston. According to the agenda, the task force will receive testimony concerning eligibility, services, administration, and financing of indigent health care. Testimony will be received from 2-7 p.m. concerning problems in the Houston area.

Contact: Shanna Igo or Bryan Sperry, P.O. Box 12068, Austin, Texas 78711, (512) 475-1051

Filed: December 28, 1983, 11:30 a.m.
TRD-8310964

Tuesday, April 3, 1984, 2 p.m. The Task Force on Indigent Health Care will meet in the City Council Chambers, Abilene City Hall, Abilene. According to the agenda, the task force will receive testimony concerning eligibility, services, administration, and financing of indigent health care. Testimony will be received from 2-7 p.m. concerning problems in the Abilene area.

Contact: Shanna Igo or Bryan Sperry, P.O. Box 12068, Austin, Texas 78711, (512) 475-1051

Filed: December 28, 1983, 11:29 a.m.
TRD-8310965

State Board of Insurance

Friday, January 6, 1984, 1:30 p.m. The State Board of Insurance will meet in Room 142, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will conduct a hearing to consider emergency rules concerning forms and instructions for 1983 tax returns and requirements and instructions to the Texas Catastrophe Property Insurance Association; proposing an amendment to Rule 059.21.49.006; and indicated property insurance rate changes resulting from any action taken concerning

the proposed Texas Townhouse Program, from the December 20, 1983, meeting.

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

Filed: December 28, 1983, 3:31 p.m.
TRD-8310976

Lamar University

Monday, January 9, 1984, 9 a.m. The Board of Regents of Lamar University will meet in the Plummer Administration Building, main campus, Beaumont. According to the agenda, the board will review bids received for projects and interview prospective architects for university projects. The board also will meet in executive session.

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

Filed: December 27, 1983, 2:25 p.m.
TRD-8310942

Texas State Library and Archives Commission

Tuesday, January 10, 1984, 2 p.m. The Records Management and Preservation Advisory Committee of the Texas State Library and Archives Commission will meet in the Lorenzo de Zavala Archives and Library Building, 12th and Brazos Streets, Austin. Items on the agenda include approval of the November 29, 1983, minutes; a training presentation of the State Archives Program; and other business.

Contact: M Allen Naff, 1811 Airport Boulevard, Austin, Texas 78721, (512) 475-0851.

Filed: December 28, 1983, 8:55 a.m.
TRD-8310952

Board of Pardons and Paroles

Monday-Friday, January 9-13, 1984, 9 a.m. daily. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will review cases of inmates for parole consideration, act on requests for executive clemency; review and act upon reports regarding administrative releasees; review procedures affecting the daily operation of staff, consider and act regarding needed administrative rule changes; take action upon

gubernatorial directives; take action concerning certifying and contracting with community residential facilities; and consider and act in personnel matters.

Contact: John W. Byrd, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2716.

Filed: December 27, 1983, 10:57 a.m.
TRD-8310931



Public Utility Commission of Texas

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

Tuesday, January 3, 1984, 10 a.m. An emergency prehearing conference in Docket 5537—inquiry into the operations of Atlantis Utility Company. The emergency status is necessary because the water supplier is planning to discontinue water service to the utility which is the applicant.

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

Filed: December 27, 1983, 4:25 p.m.
TRD-8310949

Wednesday, January 4, 1984, 1 p.m. A prehearing conference in Docket 5509—application of Palo Pinto Water Supply Corporation for an amended certificate of convenience and necessity within Palo Pinto County.

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

Filed: December 27, 1983, 4:25 p.m.
TRD-8310950

Friday, January 6, 1984, 10 a.m. A prehearing conference in Docket 5540—application of AT&T Communications of the Southwest, Inc., for authority to change rates.

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

Filed: December 28, 1983, 2:09 p.m.
TRD-8310968

Tuesday, January 17, 1984, 10 a.m. A pre-hearing conference in Docket 5485—application of Mustang Telephone Company for authority to change rates.

Contact: Rhonda Colbert Ryan, 7600 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 27, 1983, 2:24 p.m.
TRD-8310944

State Committee of Examiners for Speech-Language Pathology and Audiology

Tuesday, January 10, 1984, 9:30 a.m. The State Committee of Examiners for Speech-Language Pathology and Audiology will meet in Room T-407, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider approval of the December 7, 1983, minutes; reports from working committee coordinators relating to specific chapters of the suggested rules; matters relating to licensure and regulation of speech-language pathologists and audiologists; matters relating to submission of proposed rules to the Texas Board of Health; and setting the next meeting date.

Contact: June Robertson, 1100 West 49th Street, Austin, Texas, (512) 458-7531.

Filed: December 27, 1983, 2:26 p.m.
TRD-8310943

Boards for Lease of State-Owned Lands

Thursday, January 5, 1984, 10 a.m. and 1:30 p.m. respectively. The Board for Lease of Texas Department of Mental Health and Mental Retardation and the Board for Lease of Texas School for the Blind of the Boards for Lease of State-Owned Lands will meet at the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the minutes of the previous board meeting and consideration and approval of nominations, terms, conditions, and procedures for the April 3, 1984, oil, gas, and other minerals lease sale.

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

Filed: December 28, 1983, 3:40 p.m.
TRD-8310978, 8310977

Structural Pest Control Board

The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. Dates, times, and agendas follow.

Thursday, January 12, 1984, 8:30 a.m. The board will consider approval of the November 2, 1983, November 3, 1983, and December 5, 1983, minutes; a hearing procedures discussion; Kenneth L. Young, doing business as B.J.'s Pest Control; appearing before the board at the board's request; the executive director's report; and a board agency operations review concerning board functions, budget, personnel, policies, and procedures.

Friday, January 13, 1984, 8:30 a.m. According to the agenda summary, the board will review and discuss proposed regulation changes; consider final approval of all proposed regulation changes, a request for rehearing from Harry Newton, doing business as Terminix International, and miscellaneous matters; and set the date of the next board meeting.

Contact: David A. Ivie, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78752, (512) 835-4066.

Filed: December 28, 1983, 2:08 p.m.
TRD-8310969, 8310970

Texas Water Commission

Tuesday, January 17, 1984, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider Application 3834A of Johnny W. Jones and Don E. Stone to amend Permit 3547, Matagorda County, Brazos-Colorado Coastal Basin, and Application 4389 of Fort Clark Springs Association, Inc., for §11.121 permit to use water impounded for recreational purposes in Kinney County, Rio Grande Basin.

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

Filed: December 29, 1983, 9:40 a.m.
TRD-8310984

Friday, February 24, 1984, 10 a.m. According to the agenda, the commission will consider Application 4414 of Julia Holub, Evelyn Holub Hill, La Verne Holub Sonnenburg, Elaine Holub Cook, Katherine Everling, and Barbara Ann Davidson in

care of Julia Holub seeking a permit to divert and use 25 acre-feet of water per annum from Hardeman Slough, tributary of Caney Creek, tributary of East Matagorda Bay, Brazos-Colorado Coastal Basin, for irrigation purposes in Matagorda County.

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

Filed: December 28, 1983, 9:58 a.m.
TRD-8310957

Regional Agencies

Meetings Filed December 27

The Bell County Appraisal District will meet in the commissioners courtroom, second floor, Bell County Courthouse, Belton, on January 18, 1984, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on January 3-6, 9-13, 16-20, and 23-27, 1984, at 9 a.m. daily. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511

The Dawson County Central Appraisal District, Board of Directors, will meet at the Pheasant Restaurant, 611 North Dallas Avenue, Lamesa, on January 3, 1984, at noon. Information may be obtained from Jim Warren, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060

The Fannin County Appraisal District, Board of Directors, will meet at the Peeler Building, 401 North Main, Bonham, on January 3, 1984, at 5:30 p.m. Information may be obtained from Joe Hart, 401 North Main, Peeler Building, Bonham, Texas 75418, (214) 583-9546

The Hays County Central Appraisal District, Board of Directors, will meet on the first floor, Courthouse Annex, San Marcos, on January 9, 1984, at 2 p.m. Information may be obtained from Lynnell Sedlar, Courthouse Annex, First Floor, San Marcos, Texas 78666, (512) 396-4777.

The Hockley County Appraisal District, Board of Directors, will meet at 913 Austin Street, Levelland, on January 3, 1984, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

Texas Register

The Houston-Galveston Area Council, will meet at 3701 West Alabama, Houston on January 10, 1984, at 3 p.m. Information may be obtained from Jim Robertson, 3701 West Alabama, Houston, Texas 77027, (713) 627-3200.

The Lamar County Appraisal District, Board of Directors, will meet at 1523 Lamar Avenue, Paris, on January 3, 1984, at 4 p.m. Information may be obtained from L. F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Leon County Central Appraisal District, Board of Directors, will meet in the Leon County Courtroom, Centerville, on January 9, 1984, at 6:30 p.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Swisher County Appraisal District, will meet at the central office, 130 North Arm-

strong, Tulia, on January 4, 1984, at 8:30 a.m. Information may be obtained from Jerry Reynolds, 130 North Armstrong, Tulia, Texas 79088, (806) 995-3015.

The Wise County Appraisal District, Appraisal Review Board, met at 206 South State, Decatur, on December 29, 1983, at 9 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

The Wood County Appraisal District, Appraisal Review Board, held a rescheduled emergency meeting in the conference room, 217 North Main, Quitman, on December 29, 1983, at 9 a.m. The meeting was originally scheduled for December 22, 1983. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946.

TRD-8310930

Meeting Filed December 28

The Hunt County Tax Appraisal District, Board of Directors, will meet in the board room, 4815-B King Street, Greenville, on January 5, 1984, at 7 p.m. Information may be obtained from Henry J. Popp or Jeanne Penney, 4815-B King Street, Greenville, Texas 75401, (214) 454-3510.

TRD-8310979

Meeting Filed December 29

The Dallas County Appraisal District, Board of Directors, will meet at 2601 Live Oak, Dallas, on January 4, 1984, at 7:30 a.m. Information may be obtained from Shirley Lensky, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480.

TRD-8310985

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner), notices of rate ceilings (filed by the consumer credit commissioner), changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner), and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission)

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board), applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission), applications for waste disposal permits (filed by the Texas Water Commission), and notices of public hearing

In Addition

Texas Department of Community Affairs Extensions of Deadlines

In the December 13, 1983, issue of the *Texas Register* (8 TexReg 5195), the Texas Department of Community Affairs (TDCA) published a consultant proposal request for the evaluation of worker adjustment demonstration projects funded under Title III of the Job Training Partnership Act (JTPA). The deadline for the submission of proposals, as set out in that notice, has been extended to 5 p.m. on January 16, 1984. Proposals will be considered on time and acceptable if received at the TDCA by Monday, January 16, 1984, and are acceptable after this date only if postmarked no later than January 13, 1984. Only the proposal deadline has been extended; no other instructions or provisions of the consultant proposal request are changed or in any way effected by this notice of extension. For further information please contact Dr. Christopher T. King, Texas Department of Community Affairs, Training and Employment Development Division, 2015 IH 35 South, Austin, Texas 78711, or P.O. Box 13166, Austin, Texas 78711, (512) 443-4100, ext. 270.

Issued in Austin, Texas, on December 27, 1983

TRD-8310953 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed December 28, 1983
For further information, please call (512) 443-4100,
ext. 270/247.

In the December 13, 1983, issue of the *Texas Register* (8 TexReg 5196), the Texas Department of Community Affairs (TDCA) published a request for program proposals to operate three worker adjustment demonstration projects from selected service delivery areas in Texas. These

projects will be funded under Title III of the Job Training Partnership Act (JTPA). The deadline for the submission of proposals, as set out in that notice, has been extended to 5 p.m. on January 16, 1984. Proposals will be considered on time and acceptable if received at the TDCA by Monday, January 16, 1984, and are acceptable after this date only if postmarked no later than January 13, 1984. Only the proposal deadline has been extended; no other instruction or provisions of the request for proposals are changed or in any way effected by this notice. For further information please contact Dr. Christopher T. King, Texas Department of Community Affairs, Training and Employment Development Division, 2015 IH 35 South, Austin, Texas 78711, or P.O. Box 13166, Austin, Texas 78711, (512) 443-4100, ext. 270.

Issued in Austin, Texas, on December 27, 1983

TRD-8310954 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed December 28, 1983
For further information, please call (512) 443-4100,
ext. 270



Comptroller of Public Accounts Decision 13,163

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas

78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. A taxpayer, in the business of profit utility company, contended that it was municipally owned and thus eligible for a refund of gross receipts tax as well as an exemption from future taxes. The comptroller ruled in the taxpayer's favor, finding that two municipalities operated and retained beneficial ownership of the taxpayer, thus satisfying the Texas Tax Code, §182.026. Although the statute's requirement of ownership by a municipality usually connotes legal ownership, the taxpayer had no legal owners since it issued no stock. Furthermore, courts have equated beneficial ownership with legal ownership in determining tax exemptions turning on issues of public ownership. *Galveston Wharf Company v. Galveston*, 63 Tex. 14, 24 (1884). *Texas Turnpike Company v. Dallas County*, 271 S.W.2d 400, 403 (Tex. 1954).

Issued in Austin, Texas, on December 23, 1983

TRD-8310774 Bob Bullock
Comptroller of Public Accounts

Filed: December 23, 1983

For further information, please call (512) 475-1938.

Decision 13,333

For copies of the following opinion, contact **Bob Bullock**, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. The taxpayer, a nonprofit utility company, contended that it was municipally owned and thus eligible for a refund of gross receipts tax paid repairs, because it charged its customers a lump-sum price for labor and parts and was therefore considered a consumer of the parts under the Texas Tax Code, §151.056(a). The taxpayer argued that since the home state of the customers taxed the entire lump-sum price, any tax applied by Texas would place an undue burden on interstate commerce. The comptroller disagreed, pointing out that two separate, albeit related, transactions would be subject to tax, rather than a single transaction being taxed twice.

Issued in Austin, Texas, on December 23, 1983

TRD-8310775 Bob Bullock
Comptroller of Public Accounts

Filed: December 23, 1983

For further information, please call (512) 475-1938.

Office of Consumer Credit Commissioner Rate Ceilings

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

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 01/02/84-01/08/84	18.25%	18.25%
Monthly Rate—Article 1.04(c) ⁽¹⁾ 01/01/84-01/31/84	18.31%	18.31%
Standard Quarterly Rate—Article 1.04(a)(2) 01/01/84-03/31/84	18.00%	18.00%
Retail Credit Card Quarterly Rate—Article 1.11 ⁽³⁾ 01/01/84-03/31/84	18.00%	N/A
Lender Credit Card Quarterly Rate—Article 15.02(d) ⁽³⁾ 01/01/84-03/31/84	17.92%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 01/01/84-03/31/84	18.00%	18.00%
Retail Credit Card Annual Rate—Article 1.11 ⁽³⁾ 01/01/84-03/31/84	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 01/01/84-03/31/84	18.00%	N/A
Judgment Rate—Article 1.05, §2 01/01/84-01/31/84	10.00%	10.00%

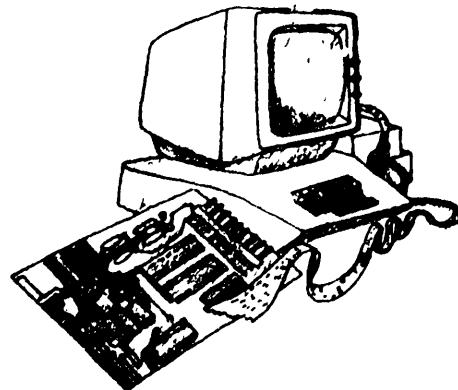
- (1) For variable rate commercial transactions only
- (2) Only for open end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial investment, or other similar purpose

Issued in Austin, Texas, on December 28, 1983

TRD-8310955 Sam Kelly
Consumer Credit Commissioner

Filed: December 28, 1983

For further information, please call (512) 475-2111



Texas Department of Human Resources Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (TDHR) invites all interested parties to submit offers to perform consulting services for the Texas Refugee Resettlement Program. Any consultant interested in providing these services may obtain information by contacting John Townsend, Mail Code 000-B, Texas Department of Human Resources, P. O. Box 2960, Austin, Texas 78769, (512) 441-3355, ext 2055. Closing date for receipt of offers is February 5, 1984. The award of the contract for consulting services will be based on the expertise of the consultant and reasonableness of cost. This contract will be a continuation of a previous project, and award will be made to the consultant that previously performed the services unless a better offer is submitted.

Issued in Austin, Texas, on December 27, 1983.

TRD-8310913 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Filed: December 27, 1983
For further information, please call (512) 441-3355, ext. 2037

Texas Savings and Loan Department Application for a Branch Office and Hearing Thereon

Application has been made to the savings and loan commissioner of Texas by First Texas Savings Association, Dallas, Dallas County, for approval to establish a branch office at Louetta and Kuykendahl, Spring, Harris County. A hearing on the application is set for 9 a.m. on January 5, 1984, in the offices of the Savings and Loan Department of Texas, 1004 Lavaca, Austin. This is a continuance on the hearing of October 3, 1983, at which time the parties appeared and stated their positions. The nature and purpose of this hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which record the commissioner shall determine whether to grant or deny the application, and may be continued from day to day at the same location if not concluded on the day the hearing commences.

This application is filed and hearing held pursuant to authority and jurisdiction granted by Texas Civil Statutes, Article 852a, §2.13 and §11.11. The particular rules involved are 7 TAC §§51.1-51.13, 53.3, and 53.4. Such rules are on file with the *Texas Register*, Office of the Secretary of State, or may be seen at the department's offices.

The applicant association asserts that operation of the proposed branch office will not unduly harm any other association operating in the vicinity; that there is a public need for the proposed branch office; that the volume of business in the community in which the proposed branch office will operate is such as to yield a profit to the association in a reasonable time, and certain other assertions per 7 TAC §53.3 and §53.4.

Issued in Austin, Texas, on December 23, 1983

TRD-8310909 Russell R. Oliver
General Counsel
Texas Savings and Loan Department

Filed: December 23, 1983
For further information, please call (512) 475-7991.

Application For Change of Name and Hearing Thereon

An application has been filed with the savings and loan commissioner of Texas by Elgin Savings and Loan Association, Elgin, Bastrop County, for change of name to Remington Savings Association.

A hearing on this application is set for 10 a.m. on January 2, 1984, in the offices of the Savings and Loan Department, 1004 Lavaca, Austin. This application is filed and hearing is held pursuant to authority and jurisdiction granted by Texas Civil Statutes, Article 852a, §§2.12, 2.13, and 11.11.

The applicant association asserts that no other association authorized to do business in this state has the name sought, nor is the proposed name so similar to any other as to be calculated to deceive.

Anyone desiring to protest this application may do so by writing the commissioner at P.O. Box 1089, Austin, Texas 78767, and by appearing at the scheduled hearing at 10 a.m. on January 2, 1984.

If no protest is registered prior to or at the time the application is called, hearing may be dispensed with; if protest is registered, and existing when called, hearing on the application will be continued to a later date at the same location for the purpose of receiving testimony and evidence from the parties and to accumulate a record of pertinent information and data in support of the application and in opposition to the application.

Issued in Austin, Texas, on December 9, 1983

TRD-8310912 Russell R. Oliver
General Counsel
Texas Savings and Loan Department

Filed: December 23, 1983
For further information, please call (512) 475-7991.

Applications To Establish Branch Offices and Hearings Thereon

Notice is hereby given to all (approved) savings and loan associations operating in Texas that the following applications to establish and operate branch offices have been filed with the savings and loan commissioner of Texas. These applications have been filed pursuant to authority and jurisdiction granted by Texas Civil Statutes, Article 852a, and are scheduled for hearing Monday, January 2, 1984, at 10 a m , in the offices of the Savings and Loan Department, 1004 Lavaca, Austin. The particular sections of the statute involved are §2.13 and §11.11. The particular rules involved are 7 TAC §§51.1-51.13, 53.3, and 53.4. Such rules are on file with the *Texas Register*, Office of the Secretary of State, or may be seen at the department's offices.

The applicant associations each assert that operation of the proposed branch office will not unduly harm any other association operating in the vicinity, that there is a public need for the proposed branch office, that the volume of business in the community in which the proposed branch office will operate is such as to yield a profit to the association in a reasonable time, and certain other assertions per 7 TAC §53.3 and §53.4.

Anyone desiring to protest any one or more of the following applications may do so by writing the commissioner at P O Box 1089, Austin, Texas 78767, and so indicating and by appearing at 10 a m on Monday, January 2, 1984, in the department's offices and voicing protest when the application is called. If no protest is registered prior to or at the time the application is called, hearing on the application may be dispensed with, if protest is registered and existing when the application is called, hearing on the application will be continued to a later date to receive testimony and evidence from the parties and to accumulate a record of pertinent information and data in support of the application and in protest to the application. The applicants for branch offices and the proposed locations are as follows:

- Docket # Application
- 227-83 Western Savings Association (Gatesville) for 1900 North Loop West, Houston, Harris County,
 - 243-83 Western Savings Association (Gatesville) for 11950 Airline Drive, Houston, Harris County,
 - 249-83 Sunbelt Savings Association of Texas (Stephenville) for southeast corner of Highway 67 and Nolan River Road, Cleburne, Johnson County,
 - 250-83 Sunbelt Savings Association of Texas (Stephenville) for southwest corner of Parkcrest and Northland, Austin, Travis County,
 - 251-83 Texoma Savings Association (Sherman) for 102 Second Street, Celina, Collin County;

260-83 San Antonio Savings Association (San Antonio) for Floresville Plaza Shopping Center #7, Floresville, Wilson County;

Issued in Austin, Texas, on December 9, 1983

TRD-8310910 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed, December 23, 1983

For further information, please call (512) 475-7991.

Applications to Relocate Offices and Hearing Thereon

Notice is hereby given to all approved savings and loan associations operating in Texas that the following applications to relocate offices have been filed with the savings and loan commissioner of Texas and are scheduled for hearing at 10 a m on January 2, 1984, in the offices of the Savings and Loan Department of Texas, 1004 Lavaca, Austin. The applications are filed and hearing held pursuant to authority and jurisdiction granted by Texas Civil Statutes, Article 852a, §2.13 and §11.11. The particular rules involved are 7 TAC §57.1 and §57.2. Such rules are on file with the *Texas Register*, Office of the Secretary of State.

The applicant association asserts that the operation to be relocated will not unduly harm any other association operating in the community and that the population within the community to be served by the relocated office affords a reasonable promise of adequate support.

Anyone desiring to protest one or more of the following applications may do so by writing the commissioner at P O Box 1089, Austin, Texas 78767, and so indicating and be appearing at 10 a m , January 2, 1984, in the department's offices and voicing protest when the application is called. If no protest is registered prior to or at the time the application is called, hearing on the application may be dispensed with, if protest is registered and existing when the application is called, hearing on the application will be continued to a later date, at the same location, for the purpose of receiving testimony and evidence from the parties and to accumulate a record of pertinent information and data in support of the application and in protest to the application. The applications to relocate offices are as follows:

- 262-83 Northpark Savings Association (Dallas) to move a home office from 9100 North Central Expressway, Dallas, Dallas County, to 275 West Campbell Road, Richardson, Dallas County,
- 262-83 Northpark Savings Association (Dallas) to move a branch office from 275 West Campbell Road, Richardson, Dallas County, to 9100 North Central Expressway, Dallas, Dallas County,
- 264-83 Central Plains Savings Association (Tulsa) to move a branch office from Bridge Street and

Country Club Lane, Fort Worth, Tarrant County, to 200 North Maxwell, Tulia, Swisher County

Issued in Austin, Texas, on December 9, 1983

TRD-8310911 Russell R. Oliver
 General Counsel
 Texas Savings and Loan
 Department

Filed December 23, 1983

For further information, please call (512) 475-7991.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of December 19-23, 1983

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request, and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P O Box 13087, Austin, Texas 78711, (512) 475-2678

Listed is the name of the applicant and the city in which each facility is located, type of facility; location of the facility; permit number, and type of application—new permit, amendment, or renewal

Period of December 19-23, 1983

City of Driscoll, wastewater treatment plant, approximately 2,400 feet northeast of the intersection of FM Road 665 with U.S. Highway 77 and approximately 2,600 feet southeast of the U.S. Highway 77 crossing over Petronilla Creek within Nueces County, 11541-01, renewal

City of Waskom, wastewater treatment plant; approximately ¼ mile east of Magnolia Road at a point 100 yards from the southeast corner of the city limits of Waskom, in Harrison County; 10378-01, renewal

Aldine Independent School District, Houston; wastewater treatment plant, on the school property at 14910 Aldine Westfield Road in Houston, Harris County; 12070-01; renewal

Affiliated Capital Corporation, Houston; wastewater treatment plant; approximately 4,000 feet northeast of the intersection of Barker-Cypress Road and Clay Road, approximately 8,000 feet northwest of Lakeside Airport in Harris County; 12841-01, new permit

Crosby Country Oaks, Inc., Houston, sewage treatment plant; on Dallas Road, approximately 1,000 feet north of the intersection of Dallas Road and Foley Road in Harris County; 12855-01; new permit

City of Justin; wastewater treatment plant; near the north bank of Trail Creek approximately 700 feet east of FM Road 156, in the southeast section of the City of Justin, Denton County; 11312-01, renewal

City of Marlin, wastewater treatment plant, approximately three miles southwest of the City of Marlin near the east bank of the Brazos River in Falls County; 10110-01, renewal

City of Fairfield, wastewater treatment plant, approximately 4,000 feet north of the intersection of U.S. Highway 84 and FM Road 488, approximately 5,000 feet northeast of the intersection of U.S. Highway 75 and U.S. Highway 84 in Freestone County, 10168-01; renewal

Philip J. Tremont and Clyde J. Porterfield, Bryan, sewage treatment plant, approximately five miles southwest of the City of Bryan and approximately 2.5 miles southwest of the intersection of FM Road 2818 and FM Road 1688 in Brazos County, 11778-01; amendment

Texas Southwest Development Corporation, Houston; wastewater treatment system, approximately 1.5 miles north of the intersection of Barker-Cypress Road and Clay Road, approximately one mile southwest of the intersection of Gummert Road and Barker Cypress Road, within the boundary of Harris County Municipal District 167 in Harris County, 12834, new permit

U.S. Department of the Air Force, Air Force Military Training Center, Lackland Air Force Base, wastewater treatment plant, approximately ½ mile west of Dwyer Road on Service Road 11 at Lackland Air Force Basin Annex, Bexar County, 12033-01, renewal

Emile Jamail Properties, Inc., Austin, wastewater treatment plant, 3,000 feet northeast of the intersection of FM Road 620 and U.S. Highway 183 in Williamson County, 12840-01, new permit

James Gay, Houston, wastewater treatment plant, approximately 1,800 feet south of FM Road 1488 and approximately 700 feet east of FM Road 1978 in Montgomery County, 12862-01, new permit

City of Newton, wastewater treatment plant, north of Caney Creek, approximately 7,000 feet southeast of the intersection of McMahon Street and Davidson Road within the City of Newton, Newton County; 10233-03, renewal

City of Nocona, wastewater treatment plant, the north side of Locust Street, approximately 0.75 mile northwest of the intersection of U.S. Highway 82, State Highway 175, and FM Road 103 in Montague County; 10355-02; renewal

City of Nocona; wastewater treatment plant, approximately 0.3 mile east of State Highway 175 (Montague Street), approximately 0.7 mile south of the intersection of U.S. Highway 82 and State Highway 175 (Montague Street) in the City of Nocona, Montague County; 10355-03; renewal

Clayton K. Drager, Kingwood; sewage treatment plant; on the north side of Northpark Drive, approximately 400 feet east of the H.E. & W.T. (Southern Pacific) Railroad in Montgomery County; 12844-01; new permit

Don A. Hall, doing business as Holiday Mobile Home Park, Houston; sewage treatment plant; south of Greens Bayou, approximately one mile north of the intersection of North Belt and IH 45 (12816 North Freeway) in Harris County; 10985-01; amendment

Issued in Austin, Texas, on December 23, 1983

TRD-8310922 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: December 27, 1983

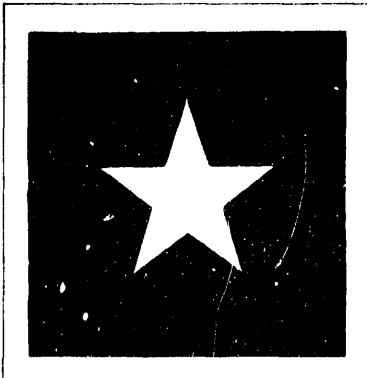
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