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TEXAS REGISTER

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TEXAS DOCUMENTS

In This Issue...

Proposed rules of the Texas Commission on Jail Standards

Employee-management relations rules proposed by the Merit System Council

Statewide Hunting, Fishing, and Trapping Proclamation proposed by the Texas Parks and Wildlife Department

Rules concerning manifest dangerousness adopted by the Texas Department of Mental Health and Mental Retardation

Tariffs and schedules rules adopted by the Railroad Commission of Texas



Office of the Secretary of State

NOTES ON THE ISSUE

In a second draft of proposed rules, the Commission on Jail Standards is outlining new standards for construction, renovation, and operation of county jails in Texas. Following the printing of the first proposals in the *Texas Register* and other publications, the rules were withdrawn for revisions after a tremendous response from interested citizens. The second group of rules reflects a broader cross-section of input and resolves many of the controversial sections proposed earlier, according to Hull Youngblood, vice-chairman of the commission. Hearings on the proposals will be held in five cities in Texas.

The State Department of Public Welfare has proposed procedures which delineate the agency's policies on rulemaking. Among the proposals is the petition for proposed rulemaking, which is a form used by any individual or group to submit a rule for the department's consideration.

The rights of state employees to join labor organizations and to present grievances to management is expressed in a proposed rule by the Merit System Council. The rule also reflects state law in prohibiting state employees from participating in strikes.

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

Artwork: Gary Thornton

TEXAS REGISTER



Mark White
Secretary of State

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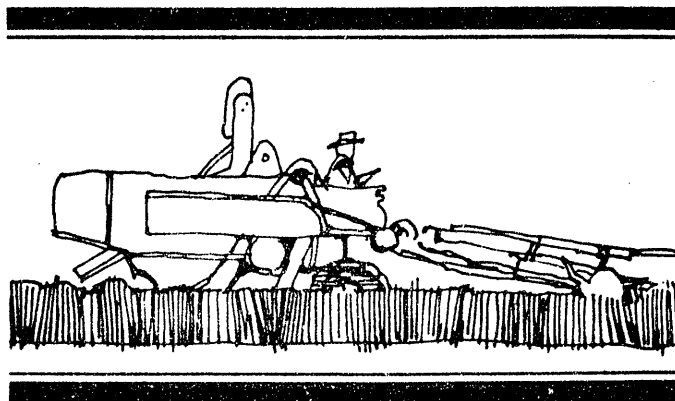
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Appointments Texas Historical Commission

Appointments made July 22, 1976, for a six-year term to expire January 1, 1981:

Cecil E. Burney
4895 Ocean Drive
Corpus Christi, Texas 78412

Mr. Burney is replacing Hollis H. Rankin, Jr., of McAllen, Hidalgo County, whose term expired.



Requests for Opinions

Summary of Request for Opinion

RQ-1434

Request for opinion sent to Attorney General's Opinion Committee by Lynn Nabers, State Representative, Austin.

Summary of Request: In reference to the constitutionality of the Texas Community Development Act of 1975, Article 1269 1-4, Vernon's Texas Civil Statutes, the House Committee on Welfare and Health asks:

1. Can a Texas municipality make direct loans or grants to private individuals for rehabilitation of privately owned buildings?

2. Can a Texas municipality that has adopted the provisions of the Texas Urban Renewal Law, Article 1269 1-3, make direct loans or grants to private individuals for rehabilitation of privately owned buildings located in urban renewal areas?

3. Can a Texas municipality that has adopted the provisions of the Texas Housing Authorities Law, Article 1269k, make direct loans or grants to private individuals for rehabilitation of privately owned buildings located in the municipality's area of operation?

Filed: July 27, 1976, 12:46 p.m.

Doc. No. 764000

Summary of Request for Opinion

RQ-1435

Request for opinion sent to the Attorney General's Opinion Committee by Henry Wade, Criminal District Attorney, Dallas County Government Center, Dallas.

Summary of Request: May a public housing authority organized under Article 1269k, Vernon's Texas Civil Statutes, finance a project by a deed of trust note bearing interest at more than eight percent per annum?

Issued in Austin, Texas, on June 30, 1976.

Doc. No. 764012 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: July 28, 1976, 8:48 a.m.

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

Opinions

Summary of Opinion H-851

Request for opinion from Joe Resweber, Harris County Attorney, Houston, concerning whether sheriff should bid for city or school district at tax foreclosure sale of realty.

Summary of Opinion: Where a city or school district taxing unit is the only judgment creditor, and no bids are received in the conduct of a sale of realty to satisfy its tax lien, and no request is made by the city or school district, the sheriff has no authority to bid the property off to the state or the judgment creditor taxing unit. Such taxing units are not liable for costs of the tax foreclosure sale.

Filed: July 26, 1976, 11:48 a.m.

Doc. No. 763973

Summary of Opinion H-852

Request from E. L. Short, Chairperson, Committee on Intergovernmental Affairs, House of Representatives, Austin, concerning the length of time required before an incorporated city may destroy the original paper public record after it has been microfilmed.

Summary of Opinion: A city ordinance passed pursuant to Article 6574c, Vernon's Texas Civil Statutes, may provide that, after microfilming, original public records may be destroyed when they are at least five years old. Article 6574c does not provide for the destruction of the microfilm records after five years.

Issued in Austin, Texas, on July 26, 1976.

Doc. No. 764018 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: July 28, 1976, 10:48 a.m.

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

PROPOSED RULES

2134

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

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

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

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

Texas Commission on Jail Standards

The Texas Commission on Jail Standards was created in 1975 by the Texas Legislature for the purpose of establishing and enforcing standards for the construction and operation of county jails in the State of Texas. The commission is required by law to promulgate reasonable rules and procedures establishing minimum standards for:

- (1) construction, equipment, maintenance, and operation of county jails;
- (2) the custody, care, and treatment of prisoners;
- (3) the number of jail supervisory personnel and programs and services to meet the needs of prisoners; and
- (4) programs of rehabilitation, education, and recreation in county jails.

The commission is also to review and comment on plans for construction and major modification of county jails as well as provide consultation and technical assistance to the counties. The commission has authority to inspect all county jails of the state and enforce all the above-listed commission rules. In general, the commission has two remedies available provided by statute.

First, it has the authority to close a county jail which does not comply with the standards of the commission, or second, the commission may force compliance by use of a court order.

The first proposed rules were published in the March 12, 1976, issue of the *Texas Register* (Volume 1, Number 20). In addition, reprints of the rules as published in the *Texas Register* were mailed to all persons who had indicated an interest by writing to the Jail Standards Commission. The proposed rules were also published in their entirety in the official magazine of the Texas Sheriffs Association. A complete reprint was also furnished to the Office of the Texas Association of Counties as well as corrections committee of the Texas Society of Architects. Written and verbal comment was received by the construction subcommittee from almost 200 separate sources in the state. This substantial input of information from interested citizens and professional people has been correlated into the new rules which follow. The rules published for comment in Volume 1, Number 20 of the *Texas Register* have been completely withdrawn and these rules which follow are the procedures for planning and building or renovating county jails, on which the commission will hold hearings in order to arrive at the final rules to be adopted.

The commission will hold hearings in Houston, Dallas, Amarillo, El Paso, and San Antonio. The date of the hearings will be set after publication of these proposed rules so as to give ample preparation time for all persons desiring to be heard. It is the plan of the subcommittee on construction standards to schedule the hearings to begin no earlier than September 8, 1976, and conclude no later than Friday, October 15, 1976. Information will be provided from the Jail Standards Commission office concerning the hearings and the dates of the hearings to anyone submitting a written request for such information. Other rules and procedures governing the hearings will be made available at the time the date and place of the hearings are announced.

Following the hearings, the construction subcommittee will report its recommendations to the full commission and the commission will then adopt the final rules which will take effect 20 days after the adoption.

Other standards will be promulgated by the commission for rulemaking procedures; rules for custody, care, and treatment of prisoners; rules for compliance and enforcement; rules for the granting of variances; and rules of practice in contested cases. As mentioned above, rules providing for variances from the following standards will be forthcoming.

Because capital spending to build or renovate jail facilities requires a long lead time for planning and accomplishment, the original rules were published March 12, 1976, and these proposed rules are being published

for the purpose of indicating commission rules and standards which may require some counties to accomplish renovation or new construction of county jails. It is also the desire of the commission to give as much notice as possible of the commission's objectives in order to help the counties plan for the necessary expenditures to make needed changes. Written statements from all interested citizens are sincerely solicited, and all comments, whether general or specific, should be directed to Guy F. Van Cleve, Executive Director, Jail Standards Commission of Texas, Subcommittee on Construction Standards, P.O. Box 12985, Capitol Station, Austin, Texas 78711.

Definitions 217.02.00

These rules are promulgated under the authority of Article 5115.1, Texas Civil Statutes.

.001. *Commission.* "Commission" means the Commission on Jail Standards.

.002. *Executive Director.* "Executive director" means the executive director of the Commission on Jail Standards.

.003. *Administrator.* "Administrator" is a sheriff, facility administrator, or other duly authorized person responsible for the operation of a facility.

.004. *Facility.* "Facility" means a jail or lockup, including buildings and site.

.005. *Jail.* "Jail" means a facility that is operated by or for a county government for the detention of persons charged with or convicted of criminal offenses.

.006. *Lockup.* "Lockup" means a facility operated by a county government for detention for no longer than 48 hours of persons charged with or convicted of criminal offenses.

.007. *Inmate.* "Inmate" means a person confined in a county jail or lockup.

.008. *Security Area.* "Security area" means a defined space whose physical boundaries have controlled ingress and egress.

.009. *Security Perimeter.* "Security perimeter" means the outer limits within the jail or lockup proper where personnel and equipment are used to prevent egress by inmates or ingress by unauthorized persons or contraband.

.010. *Inmate Living Area.* "Inmate living area" means an individual cell or room or groups of such cells or rooms which provide accommodations for sleeping, approved personal effects, and personal hygiene.

.011. *Day Room.* "Day room" means a secure area adjacent to the inmate living area, with controlled access from the inmate living area, to which inmates may be admitted for daytime activities such as dining, bathing, and selected recreation.

.012. *Holding Cell.* "Holding cell" means a cell used to hold one or more persons temporarily while awaiting processing, booking, court appearance, or discharge, or a cell or tank used to temporarily hold one or more persons until they can be moved to general housing areas.

.013. *Separation Cell.* "Separation cell" means a cell used for temporary housing of a person who requires protection or whose behavior requires close supervision.

.014. *Violent Cell.* "Violent cell" means a cell or room for temporary holding (not to exceed 24 hours) of a violent person, a person suspected of insanity, or one who is determined to inflict bodily harm to others or himself.

.015. *Capacity.* "Capacity" means the maximum number of persons the facility has been constructed to house overnight without the addition of extra beds.

.016. *Safety Corridor.* "Safety corridor" means a corridor between the perimeter walls of the cell block and the building walls for the purpose of providing a means for custodial personnel to inspect the inmate area from outside the cell blocks.

.017. *Inmate Corridor.* "Inmate corridor" means a secure corridor for the movement of inmates to and from functional areas, within the security perimeter.

.018. *Control Corridor.* "Control corridor" means a corridor in which control cabinets or remote control consoles are located for the purpose of unlocking, operating, and locking detention doors from a remote point outside the cell blocks.

.019. *Non-security Construction.* "Non-security construction" means construction that does not require the use of detention and/or security equipment, such as work-release dormitories or other similar rehabilitation centers located outside the jail security perimeter.

.020. *Detoxification Cell.* "Detoxification cell" means a cell used to temporarily hold one or more chemically impaired persons during the detoxification process until they can care for themselves and be moved to general housing areas.

.021. *Fire-Resistive.* "Fire-resistive" means a building complying with all requirements of Rule Category 217.08, titled *Life Safety Standards*.

.022. *High-Risk Inmates.* "High-risk inmates" are persons who cannot be allowed to mingle physically

with other inmates without direct supervision, normally because of assaultive and aggressive behavior or high escape risk.

.023. *Medium-Risk Inmates.* "Medium-risk inmates" are those persons requiring direct staff supervision but who will be allowed to participate in group activities.

.024. *Low-Risk Inmates.* "Low-risk inmates" are those inmates who are not considered dangerous or likely to escape.

.025. *Safety Vestibule.* "Safety vestibule" is a passage that creates security by the use of two doors and can be used to observe those who pass.

.026. *Sally Port.* "Sally port" is a drive-through made secure by electrically or manually operated doors for entrance and exit and is normally located adjacent to the facility intaking area.

.027. *Act or Commission on Jail Standards Act.* "Act" or "Commission on Jail Standards Act" means Articles 5115 (as amended) and 5115.1, Vernon's Annotated Civil Statutes; House Bill 272, Acts of the 64th Legislature, Regular Session, 1975.

.028. *Administrative Procedure Act.* The "Administrative Procedure and Texas Register Act" is Senate Bill 41, Acts of the 64th Legislature, Regular Session, 1975.

.029. *Contested Case.* "Contested case" is a proceeding, including but not limited to rulemaking and a hearing upon orders or actions of the commission, in which the legal rights, duties, or privileges of a party are to be determined by the commission after an opportunity for adjudicative hearing.

.030. *Party.* "Party" means each person or the commission named or admitted as a party.

.031. *Person.* "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than the commission.

.032. *Rule.* "Rule" means any commission statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the commission. The term includes the amendment or repeal of a prior rule but does not include statements concerning only the internal management or organization of the commission and not affecting private rights or procedures.

.033. *Terminology.* All of the terms used in these rules have the same meaning as defined in Section 2 of the Commission on Jail Standards Act. In addition, the commission may from time to time define and interpret certain terms, whether or not used in the act, insofar as

the definition and interpretation are not inconsistent with the purpose fairly intended by the policy and provisions of the act.

Issued in Houston, Texas, on July 16, 1976.

Doc. No. 764001 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: 30 days after hearings

For further information, please call (512) 475-2716.

Construction Approval Rules 217.04.00

These rules are promulgated under the authority of Article 5115.1, Texas Civil Statutes.

.001. *Initial Contact.* When the construction of the new facility or an addition to or the remodeling of an existing facility is being considered, the commissioners court or the administrator will notify the executive director and provide the executive director with an analysis of their needs and requirements of the project for review and opinion of concepts. When requested by the owner or administrator, the executive director will assist in making an initial analysis of owner needs and programming the requirements of the project.

.002. *Appointment of Architect.* All new construction or extensive remodeling of facilities shall be carried out under the terms of an agreement in the latest edition of AIA Document B141 entitled "Owner-Architect Agreement," issued by the American Institute of Architects, or other mutually agreeable contract entered into between the commissioners court and an architect or engineer licensed to practice in the State of Texas.

.003. *Information.* Information shall be furnished to the executive director or his authorized representative by the county commissioners or their representative during the planning and construction stages of any facility. The information shall include but not be limited to all data described in Rules 217.05.00.001-.004, and shall be submitted at each state of planning development as required in Rule 217.04.00.004, titled *Information Submissions*.

.004. Information Submissions. Complete and separate submittals of all information presented to the owners, including projected cost of construction and projected cost of operation, shall be made to the executive director in no less than five days after said submissions are made to the owner at the following states of planning:

(a) on completion of the schematic design phase at the time schematic design studies illustrating the scale and relationship of project components are submitted to the owner for approval;

(b) on completion of the design development stage when drawings and other documents to fix and describe the size and character of the entire project as to structural, mechanical, and electrical systems, life safety and detention locking systems, materials, cost estimates, and such other essentials as may be appropriate are submitted to the owner;

(c) on completion of all construction documents including drawings and specifications setting forth in detail requirements for the construction of the entire project including necessary bidding information and bidding forms and final cost estimates. These documents shall include the conditions of the construction contract or contracts and the form of agreement, preferably the latest edition of AIA construction contract documents, to be entered into between the owner and the contractor or contractors.

.005. Official Comments. Each time a submission is made, as required in Rule 217.04.00.004, proper notification shall be given to the executive director that the sheriff and commissioners have reviewed the information furnished. In the event any part of the information is objected to or disapproved by the sheriff, the administrator, or any of the commissioners, written notification of the objection and reasons therefor shall be given to the executive director at the time information is submitted as soon as practical after said objection is made public. Notification of approval and/or objections shall be made directly to the executive director by the owner.

.006. Approval. Within 10 days of receiving the contract documents as approved by the owner, the executive director or his representative will respond in writing with approval or disapproval of the building as providing suitable security, safety, segregation, health, and sanitation. If approval is not given, an explicit description of the items which are not approved shall be given by the executive director along with an explicit description of the remedy or remedies necessary. The executive director will end his reply directly to owner, administrator, and architect.

.007. Addendums and Changes. Copies of all proposed addendums prepared during the bidding phase and change orders prepared during the construction

phase shall be forwarded to the executive director prior to being issued. The executive director shall respond in writing with any concerns regarding addendum and convey his approval or disapproval promptly to architect not less than seven days prior to bid date. Modifications or changes required by owner, architect, or contractor during the construction phase must receive written approval by the executive director prior to the change order being issued. Emergency approval of addendum, modifications, or changes may be sought and obtained by telephone or telegraph from the executive director who will subsequently issue an answer in writing.

Issued in Houston, Texas, on July 16, 1976.

Doc. No. 764002 James Greenwood, III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: 30 days after hearings

For further information, please call (512) 475-2716.



New Construction Rules 217.05.00

These rules are promulgated under the authority of Article 5115.1, Texas Civil Statutes.

.001. Objectives. A clear definition of functions and objectives for the proposed addition, renovation, or new facility shall be provided and a written study shall be made of future needs and possible expansion of the facility.

.002. Analysis. An analysis of facility population trends over a period of not less than five years should be made to determine anticipated capacity of facility components. Data should include but not be limited to differentiation by age, sex, crime (classification), and status (sentenced, unsentenced, juvenile, adult, and other special problem categories).

.003. Unfinished Areas. Planning may provide for the construction of space for future expansion of inmate housing areas to increase the capacity of the jail. These areas may be constructed "shell only" for future installation of interior walls, equipment, and appurtenances. Such areas shall not in any way compromise the security of the total facility.

.004. Cost of Operation and Construction. An analysis of projected construction cost prepared by the architect and project cost of operation prepared by the architect under the direction of the administrator shall be submitted to the executive director each time information is submitted as required in Rule 217.04.00.004.

.005. Facilities. Jails shall be structurally sound and fire-resisting, and shall provide adequate security and safety facilities by having separate cells, compartments, dormitories, and day rooms of varying dimensions and capacities for inmates confined therein. Jails should also provide, in accordance with security and efficiency requirements, safety corridors, control corridors, safety vestibules, sallyports, utility spaces, and similar supporting facilities and equipment for safe, secure, and efficient operation of the jail.

.006. Space Allocation. Space shall be allocated for but not be limited to the following functions where required by the needs of the facility:

- (a) inmate reception;
- (b) shakedown;
- (c) inmate detention;
- (d) adequate segregation of inmates;
- (e) attorney interviews;
- (f) guard stations;
- (g) food service;
- (h) storage;
- (i) visiting;
- (j) booking;
- (k) identification;
- (l) interrogation;
- (m) show-up;
- (n) laundry;
- (o) inmate commissary;
- (p) inmate programming;
- (q) inmate activities;
- (r) counseling;
- (s) dressing in and out;
- (t) medical examination and treatment;
- (u) jail administrative office(s).

.007. Lockup Functions. Subdivisions (a) to (l) apply to jails and lockups; (m) to (u) apply to jails only.

.008. Separate Areas. A separate classification-diagnostic area and infirmary are desirable and should be provided when program determines their need.

.009. Site. The site shall be of sufficient size to provide for the immediate facility and a reasonable pro-

jected expansion. A buffer zone around the buildings is desirable.

.010. Local Requirements. The commissioners court or their representative shall see that adequate utilities are furnished to every detention facility.

.014. Inspections. Final inspection of the completed facility before acceptance by the owner shall be made by a team including the executive director or his designated representative, the architect, and a representative of the commissioner's court.

.015. Comment on Compliance. Within 10 calendar days after the final inspection, the executive director shall notify the owner whether or not the facility has met the standards and any granted variances. The guidelines for compliance shall be the adopted rules and regulations of the commission.

.016. Occupancy. The facility shall not be occupied until the owner has received written statement of compliance from the executive director.

.017. Laws Applicable. 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.

.018. Jail Operation Requirements. Unlike a state or federal prison where only sentenced and classified persons are received, processed, detained, and released on a scheduled basis, a county jail must be planned to receive unclassified persons, hold persons who are not tried or convicted, and allow for receiving, processing, and release of persons at all times. Design and construction of a jail must permit efficient and secure performance of this type of operation if the best interests of the community and the inmates are to be served.

.019. Jail Security Requirements. Jail security must be planned to deter and prevent escapes as well as protect inmates from one another and protect custodial personnel from inmates. Where jail security is desired, such as inside the security perimeter of the jail facility, it can usually be obtained most economically through the use of a special detention design for the building and installation of appropriate detention equipment to reduce the cost of daily operation and additional personnel. Where jail security, as defined above, is not required, normal control of persons using the building or area and normal protection of persons and property can usually be accomplished most economically by administrative procedures and conventional building design.

.020. Custodial Safety. The facility design and equipment shall provide all necessary custodial security and safety for staff and inmates.

.021. Facility Operation. The design shall provide

for the orderly flow of facility traffic through strategically located corridors, eliminating all unnecessary cross traffic and undesirable contacts between differently classified types of inmates. The design shall ensure the security and efficiency of the facility operations. In new construction, particular consideration should be given to the elimination of excessive operational costs through more efficient design of building and equipment.

.022. Special Security. A jail or lockup shall be designed and maintained as a special security unit. When built in conjunction with other governmental functions, the integrity of the security perimeter shall not be compromised.

.023. Fire-resistant. A jail or lockup shall be of fire-resistant construction and not attached to a building that is not fire-resistant.

.024. Vermin. Facility construction shall incorporate measures which protect against the entrance of vermin into the institution and the breeding or presence of vermin on the premises and retention of objectionable odors in living areas. Choice of materials and construction design shall contribute to satisfactory maintenance and housekeeping.

.025. Public Building. A jail of more than 20 inmate capacity shall not be located under, in, or on top of another building which has not been designed for security purposes. This does not preclude the redesign and renovation of existing structures, not originally built for security purposes.

.026. Location. Where practical, separate jail buildings should be in near proximity to, or connected to, local courtrooms by a secure means of pedestrian passage. This provision does not apply to non-security construction.

.027. Inmate Traffic. Movement of an inmate or detainee into and out of the jail shall be accomplished without exposing the individual to contact with the public, and shall avoid the use of public corridors, public elevators, and other areas frequented by the public. Where possible, the same security should be provided in the court building for movement of inmates to and from the court.

.028. Supervision Space. Space shall be provided on each floor of the facility for adequate supervision of inmates housed thereon.

.029. Administrative Space. The facility shall provide sufficient space for administrative and clerical personnel. Storage space for equipment and supplies shall be provided adequately to meet established and projected needs. These spaces shall be located outside the inmate-occupied area.

.030. Conference Area. A conference area shall be conveniently located for general use.

.031. Squad Rooms. Locker space, water closets, lavatories, showers, and dressing rooms should be provided for all uniformed personnel and, if provided, shall be located outside the inmate-occupied area.

.032. Public Areas. Public areas of the facility shall be located outside the inmate-occupied area.

.033. Public Access. Public access to the building shall be through a main entrance. The public shall not have uncontrolled access to inmate-occupied areas.

.034. Public Lobby. A public lobby or waiting area should provide for the comfort and convenience of the public, including sufficient seating, water closets, lavatories, drinking fountains, and public telephones.

.035. Public Lobby Location. A public lobby or waiting area shall be so situated that it does not interfere with general office routine.

.036. Visiting Areas. Visitor accommodations shall be provided inside the inmate occupied area within view of a control room or other guard station. The visiting area shall be designed to provide flexibility in the degree of physical security and supervision commensurate with security requirements of variously classified inmates.

.037. Separation of Inmates and Visitors. Visiting space shall be provided for cases where maximum supervision is required in which visitors can be kept physically separate from inmates at all times.

.038. Common Visiting Area. For all other cases, a common visiting area should be provided for visits from law enforcement officers, attorneys, clergy, and probation and parole officers.

.039. Vehicular Sallyport. A jail or lockup shall be so designed that inmates may board or disembark from a transportation vehicle inside a security sallyport located inside or abutting on the building. Space shall be sufficient to accommodate anticipated transportation vehicles, including buses, where applicable, and to ensure the adequate handling of inmates in the security sallyport. Supplies, materials, equipment, and vehicles shall not be stored in a security sallyport.

.040. Inmate Entrance. The inmate entrance shall be from the security sallyport through a safety vestibule into the processing area. This entrance shall allow for passage of a loaded ambulance cot between interlocking doors. The safety vestibule shall be designed and constructed to allow observation and identification of a person approaching the inmate entrance. Electronic surveillance equipment may be used.

.041. Weapon Storage. Separate secure storage space shall be provided for disposition of weapons at all entrances to all areas where the carrying of weapons is prohibited.

.042. Processing Areas. Jails and lockups shall have a processing area located inside the inmate-occupied area, but away from the inmate living area. The processing area shall be designed to readily permit the booking, shakedown, identification, and dressing of inmates.

.043. Holding. One or more holding cells shall be provided to temporarily detain inmates pending booking, court appearance, identification, housing assignment, or discharge.

.044. Processing Space. Space shall be provided for:

- (a) a thorough strip search of all inmates;
- (b) clothing inspection for contraband;
- (c) fumigation of clothing, if necessary;
- (d) shower;
- (e) delousing.

.045. Identification. Space shall be provided for photographing, finger-printing, and carrying out identification procedures for inmates.

.046. Storage Area Capacities. Storage areas based upon capacity shall be provided as follows:

- (a) for inmate property storage in jails: two cubic feet per inmate, excluding shelving, bins, and baskets. In lockups, adequate space for inmates' personal effects shall be provided;
- (b) for inmate uniforms, towels, bedding and linen: three cubic feet per inmate, excluding shelving, bins, and baskets;
- (c) for inmate mattresses: off-floor storage in the amount of 5-1/4 cubic feet per mattress for 25 percent of total beds;
- (d) for evidence: adequate and secure-storage of evidence shall be provided.

.047. Medical Supply Storage. Adequate secure storage for medical supplies and drugs shall be provided.

.048. Janitorial Storage Space. Adequate storage for janitorial and other supplies and adequate storage for equipment necessary to the operation of the jail shall be provided.

.049. Medical Space and Equipment. Space and equipment for medical examination, treatment, and convalescent care shall be provided in each jail, or a written program shall be established and implemented with a recognized community health care facility for inmates of the jail.

.050. Infirmary. The construction of an infirmary should be considered for a jail having capacity of 50 or

more whenever it is anticipated that:

(a) emergency services may have to be rendered frequently;

(b) there is a high frequency of cases where the jail physician deems it unnecessary to remove an inmate to an outside medical facility but where recuperative or convalescent care is required;

(c) convalescent care cannot be provided by utilization of vacant single cells or dormitory units.

.051. Infirmary Components. When an infirmary is constructed, the following components shall be included:

- (a) nurses station;
- (b) locked medication station with storage for individually filled prescriptions;
- (c) utility room with sink and storage for nourishments, linen, and equipment;
- (d) utility room with double tub sink and clinical service sink with flushing rim;
- (e) 80 square feet of floor space per bed; no more than four beds per ward;
- (f) 80 square feet of floor space for single-occupancy room or cell;
- (g) doors through which patients and equipment are to be moved, of adequate width to allow turning of wheeled chairs and tables normally used in medical facilities;
- (h) a lavatory with a gooseneck inlet and wrist controls accessible to each ward;
- (i) janitor closet;
- (j) additional elements as dictated by the health care program as required.

.052. 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 washer, extractor, and dryer.

.053. Laundry Equipment. Equipment shall be of quality and capacity to meet the need of the facility.

.054. Laundry Plumbing Facilities. A lavatory and water closet shall be provided in or in close proximity to the laundry.

.055. Commissary. Space appropriate to capacity of the jail should be provided for an inmate commissary.

.056. Arsenal. An arsenal and gun locker(s) for the issuance, storage, and care of weapons shall be provided outside the inmate-occupied areas and shall be secure from access by unauthorized persons.

.057. Guard Stations. Where more than 10 inmates are housed on one floor, a guard station shall be provided.

.058. Guard Station Security. Guard stations shall be protected so as to be inaccessible to unauthorized persons.

.059. Monitoring System. Security areas may have an electronic monitoring system built in so that activities can be checked and so an inmate can advise the officer of emergency needs.

.060. Television Monitoring. Where closed-circuit television is not included but is planned or anticipated, space and conduits should be provided so that the equipment can be installed without need for alteration of the physical plant.

.062. Communication. Two-way communication capability shall be provided between each remotely controlled primary security gate or door and its control point.

.063. Radio and Television. Outlets with locked coverplate for multi-channel radio or television hookup for educational and recreational purposes may be provided in an inmate-occupied area.

.064. Detoxification Cells. A jail or lockup shall provide one or more detoxification cells or drunk tanks which shall be designed for detention of persons during the detoxification process only. These cells shall include the following features and equipment:

(a) Seating. The cell or tank shall be equipped with a stationary bench approximately 1'6" wide, wall- or floor-mounted, and not more than 1'4" high.

(b) Floor drain. The cell or tank shall be provided with one or more vandal-proof flushing floor drains. The floor shall be properly pitched to drains, and drains shall have outside water shutoffs and controls.

(c) Cell size. The size of the cell or tank shall be determined by the anticipated maximum number of persons received at any one time. The cell or tank shall be at least 40 square feet in area.

(d) Maximum capacity. A detoxification cell or tank accommodating three or more persons shall have a minimum of 18 square feet of floor space per person. It shall not be constructed to hold more than 12 persons.

(e) Supervision. The cell shall be constructed to facilitate supervision of the cell area and to materially reduce noise.

.065. Holding Cells. A jail shall have one or more holding cells for temporary detention. Holding cells shall include the following features and equipment:

(a) Floor areas. Minimum floor area of a holding cell shall be 40 square feet (for single occupancy). For multiple occupancy, add a minimum of 18 square feet per additional person. The floor shall be constructed of material which is durable and easily cleaned.

(b) Seating. Seating shall be sufficient to provide not less than 24 linear inches per person at capacity.

(c) Plumbing. A vandal-resistant water closet, lavatory, and drinking fountain (angle-jet type) shall be provided for each 12 inmates or fraction thereof. Plumbing fixtures shall have outside water shutoffs and controls individually by cell. Permanent modesty panels shall be provided.

(d) Floor drains. A holding cell shall have one or more floor drains.

.066. Separation Cells. A jail shall have one or more single-occupancy separation cells to temporarily house selected inmates, which shall include the following features and equipment:

(a) Cell area. The cell shall be a minimum of 60 square feet in floor area.

(b) Plumbing facilities. The cell shall contain vandal-resistant water closet, lavatory, drinking fountain (angle-jet type), floor drain, and shower with outside water shutoff and controls.

(c) Cell furnishings. The cell shall have table, seat, shelf, clothes hooks, mirror, and bunk.

.067. Violent Cells. A jail shall have a single-occupancy room or cell for temporary holding (not to exceed 24 hours) of violent persons or persons suspected of insanity. Violent cells shall include the following features and equipment:

(a) Cell size. The room or cell shall have not less than 40 square feet of floor space and a ceiling height of not less than eight feet.

(b) Padding. Walls shall be padded to a height of not less than six feet and the floor shall be covered with a similar material to protect the inmate from self-injury.

(c) Furnishings. The cell shall be equipped with a hammock of an elastic or fibrous fabric designed to minimize its use to inflict self injury and a flushing-type floor drain with control outside the cell.

(d) Materials. The type and quality of materials used for padding and floor covering shall be designed to prevent self injury and have the capability of being sterilized and cleaned.

.068. Painting. Washable paint may be used for untiled walls and metal work. Light colors with occasional brights accents are desirable.

.069. Emergency Storage. Storage shall be provided for a litter stretcher and first aid equipment.

.070. Remote Controls for Dormitories, Day Rooms, and Safety Vestibules. All sliding doors for safety vestibules, dormitories, and day rooms shall be so arranged as to be locked, unlocked, opened to the full-open position, and closed by control means located outside of the safety vestibule or inmate housing unit.

.071. Exercise Area. A secure exercise area shall be provided in all jails.

.073. Outside Exercise Area Security. An outside exercise area shall be enclosed by a double security fence not less than 12 feet high. The outer perimeter shall be not less than six feet from the interior fence. Fencing shall be installed inside fence posts.

(a) Fencing shall be not larger than two-inch mesh and shall provide for visual surveillance and security against escape and passing of contraband.

(b) The footing of the fence shall be sufficiently secure to preclude tunneling or caching contraband at any point along the grade line of the fence.

(c) Other methods of securing outside exercise areas may be used if approved by the executive director.

.074. Multipurpose Rooms. A jail of more than 40 capacity shall have, in addition to any activity or day room area, one or more multipurpose rooms for group assembly of inmates. The multipurpose room may be used for religious services, education, group counseling, or other special uses.

.075. Kitchen. If food is to be prepared in a facility, a kitchen shall be provided. The kitchen shall be planned for efficient food preparation, receipt of supplies, and storage and removal of waste without affecting the security of the facility.

.076. Kitchen Location. The kitchen shall be designed and located in the facility so it will not be used as a passageway for non-food-handling staff or the public not associated with kitchen or food-handling assignments.

.077. Kitchen Operations. In designing a food preparation and service area, planning shall allow for the following operations: receiving, storage, processing, preparation, cooking and baking, serving, dishwashing, cleaning, menu preparation and record keeping, staff personal hygiene, and maintenance. The following kitchen facilities and features shall be provided:

(a) Issue areas. Issue areas for fresh, dry, and frozen foods shall be adjacent to the kitchen.

(b) Floor. The kitchen floor shall be properly pitched to one or more floor drains. The junction between floors and walls shall be covered. Walls and ceilings shall be finished with smooth, washable, light-colored surfaces.

(c) Ordinances. Kitchens shall comply with all state and local health ordinances.

(d) Light. Adequate natural or artificial light shall be provided on work surfaces in the kitchen where food is prepared and cooking and eating utensils are washed.

(e) Ventilation. Food service rooms shall be adequately ventilated to control disagreeable odors and moisture. Any opening to the outside shall be effectively screened and secured.

(f) Water. Adequate hot and cold running water under pressure shall be provided in the kitchen area. Hot water equipment shall be of sufficient size and capacity to meet the kitchen and other facility needs and consistent with public health standards.

(g) Storage. Adequate storage requirements for all kitchen operations and needs shall be provided.

.078. Dining Space. Provision may be made for group dining as well as segregated dining. Group dining should avoid concentrations of more than 24 inmates.

.079. Electrical Power and Lighting. Electrical installation shall meet the requirements set by the state or by any city, village, or township permitted by statute to adopt an ordinance providing standards for electrical work. In addition, a jail or lockup shall have:

(a) light controls, conduit, and lighting fixtures inaccessible to inmates;

(b) inmate living area interiors devoid of dark corners;

(c) lighted entrances and exterior sufficient to observe a person approaching the entrance and exterior perimeter during hours of darkness;

(d) appropriate electrical outlets where heated food carts are used;

(e) lighting of sufficient intensity to clearly illuminate cells and corridors for supervision purposes at all times and to permit an inmate to read in his cell.

.080. Emergency Electrical Power. An emergency electrical power facility for quick recovery to maintain essential services, security and safety should be provided. Emergency power shall supply electricity for entrance lighting, exit signs, guard and inmate corridors, fire alarm, electrically operated locks and gates, and the like to meet the fire safety requirements. Emergency power shall also provide electricity for a forced ventilation unit if operable windows are provided.

.081. Temperature Level. All mechanical equipment for heating, cooling, or air movement shall be designed to provide a temperature level between 65 degrees Fahrenheit and 88 degrees Fahrenheit in all occupied areas at all times. Mechanical equipment should be properly designed to offset rapid changes in temperature in communities where such changes are known to occur.

.082. Air Flow. Controlled ventilation shall be provided in all occupied areas. Outside air shall be provided at the rate of at least five cubic feet per minute per occupant.

.083. Plumbing and Drainage. Plumbing work shall meet the requirements of state and local commercial plumbing codes. Water closets, showers, and lavatories used by inmates shall be of vandal-resistant type. Both

hot and cold water shall be available to each cell. Hot water shall not exceed 110 degrees Fahrenheit at a lavatory or shower in the inmate living area. All plumbing to inmate areas shall have a quick shutoff valve or other approved means to prevent flooding.

.084. *Floor Drains.* Floor drains in inmate housing areas shall be located to reduce the incidence of malicious tampering and flooding. Where practical, a drain shall be located in security corridors and not inside cells or day rooms. Drain covers shall be securely anchored with vandal-proof screws to prevent inmates from using them as assault weapons.

.085. *Sinks.* Sufficient mop sinks with hot and cold water shall be located to reduce excessive passage back and forth through the security perimeter during performance of janitorial service. Janitor closets and similar areas shall be provided with a lockable door.

.086. *Access Doors.* Plumbing space, or any other mechanical space, shall have a lockable access door.

.087. *Hose Bibbs.* Hose bibbs shall be provided in plumbing access spaces or corridors out of reach of inmates.

.088. *Windows.* Windows in an inmate-occupied area shall be architecturally treated to preclude direct vision into an inmate-occupied area from the outside.

.089. *Emergency Ventilation.* A sufficient number of windows capable of being opened, or an emergency mechanical ventilation unit, shall be provided in order to allow for sufficient ventilation in case of a breakdown in the normal ventilation system or power failure.

.090. *Screens.* Operable windows in an inmate-occupied area shall be equipped with insect security screens.

.091. *Window Security.* Security level of window materials in inmate-occupied areas shall be equal to or greater than perimeter walls of the inmate-occupied area to which windows might provide ingress or egress. (See Rule 217.06.00.038 for description of windows for inmate housing areas.)

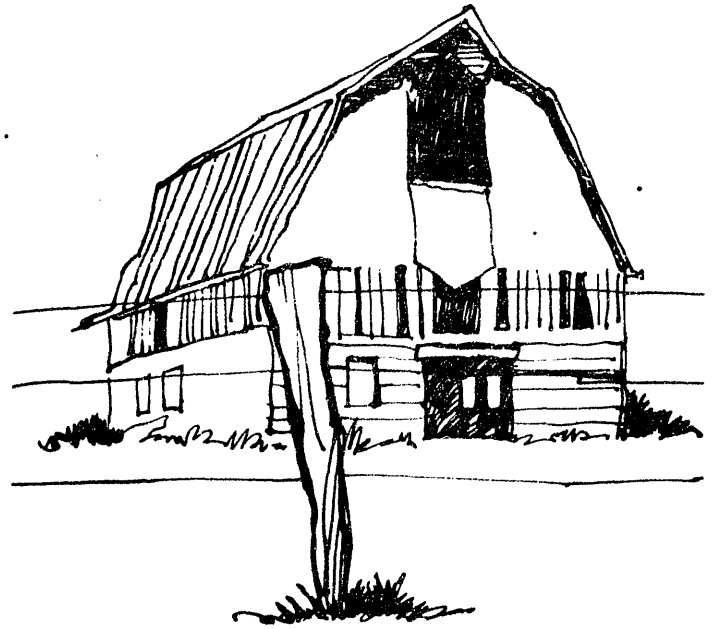
.092. *Window Area Requirements.* Windows and/or skylights should be provided in inmate living areas. Window area shall be commensurate with the architectural expression of the facility, its location, and other related factors.

Issued in Houston, Texas, on July 16, 1976.

Doc. No. 764003 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: 30 days after hearings

For further information, please call (512) 475-2716.



Inmate Housing Facilities 217.06.00

These rules are promulgated under the authority of Article 5115 1, Texas Civil Statutes.

.001. *Design Concepts.* Innovative architectural concepts are encouraged to reduce problems of security and maintenance while creating a practical, safe, and healthful environment for staff and inmates. Innovative design and construction of inmate housing areas and the use of detention equipment to reduce custodial personnel to a minimum are also encouraged.

.002. *Classification.* Safe and suitable jails shall provide adequate segregation facilities by having separate enclosures formed by solid masonry or by solid metal walls or solid walls of comparable material for segregation of different classifications of inmates, including but not limited to the following:

- (a) witnesses;
- (b) male felons;
- (c) male misdemeanants;
- (d) female felons;
- (e) female misdemeanants;
- (f) juvenile boys;
- (g) juvenile girls;
- (h) first offenders awaiting trial;
- (i) all other inmates awaiting trial;
- (j) inmates with communicable or contagious diseases;

(k) insane (may be temporarily held for a period not to exceed 24 hours);

(l) disruptive inmates.

.003. *Non-security Facilities.* All provisions of Rules 217.06.00.004-.053 shall not apply to non-security facilities.

.004. *Dimensions.* Cells, compartments, dormitories, and day rooms where inmates are confined shall be not less than eight feet high and not less than 5'6" wide from wall to wall.

.005. *Single Cells.* Single (one-person) cells or rooms shall contain not less than 40 square feet of floor space. Single cells should comprise at least 50 percent of the total inmate capacity of the jail but in no event shall comprise less than 30 percent of the total capacity.

.006. *Floor Space.* Cells, compartments, dormitories, and day rooms for accommodation of three or more inmates shall contain not less than 40 square feet for one inmate plus 18 square feet of floor space per each additional inmate.

.007. *Cell Capacity.* Multiple-occupancy cells, compartments, or dormitories should be designed to accommodate three to eight inmates, but in no event shall be designed to accommodate more than 24 inmates. Not more than 40 percent of the inmate capacity shall be housed in cells, compartments, or dormitories having a capacity of more than eight inmates.

.008. *Day Rooms.* All cells, compartments, and dormitories for sleeping purposes which accommodate three or more inmates shall be provided with day rooms. Day rooms should be designed to accommodate not more than eight inmates, but in no event shall be designed to accommodate more than 24 inmates.

.010. *Safety Vestibules.* Safety vestibules shall be provided each group of cells, compartments, dormitories, and cell blocks used for confinement of three or more inmates within the security perimeter.

(a) Safety vestibules shall have one or more interior doors and a main entrance door.

(b) All doors shall be arranged to be locked, unlocked, opened, or closed by control means located outside of the cell block and safety vestibule.

.011. *Corridor Width.* Inmate corridors and safety corridors shall be not less than four feet wide.

.012. *Safety Corridors.* Safety corridors shall be provided where necessary for the safety and protection of custodial personnel and for security such as:

(a) control and supervision of inmates;

(b) inspection of housing areas;

(c) control and protection of heating, ventilating, windows, louvers, and equipment;

(d) location of floor drains outside inmate housing areas;

(e) location and protection of lighting;

(f) location and protection of fire-fighting equipment.

.013. *Control Centers.* Control corridors and/or control centers for locating and protecting the controls for remote-operated doors may be provided where necessary. These corridors are also for the purpose of providing safety and protection to operators of the equipment and for preventing unauthorized access to door controls.

.014. *Emergency Operation of Cell Doors.* For emergency operation of all doors to cells in inmate living areas and to permit quick and orderly release of inmates in the event of electrical malfunction, fire, smoke, or other emergency, a manual means shall be provided outside the inmate living area for gang unlocking all cells doors. The manual means should also provide for moving sliding cells doors to the fully open position.

.015. *Intercom.* Provision shall be made for communication between inmates and custodial personnel at all times.

.016. *Construction Materials.* Inmate living areas shall be constructed of metal, masonry, or other comparable materials. The degree of inmate risk should determine the selection of appropriate materials.

.017. *Inmate Area Grating Construction.* Where grating perimeters enclosing inmate living areas are used, they shall be constructed of tool-resisting round vertical members and tool-resisting flat horizontal members. Horizontal members inside perimeters may be mild steel.

.018. *Grating Construction Outside Inmate Area.* Where grating construction is used outside inmate-occupied areas, either tool-resisting or mild steel vertical members may be used with mild steel horizontal members.

.019. *American Society for Testing and Materials (ASTM) Standards for Grating Construction.* Tool-resisting vertical members in grating construction shall comply with ASTM A627-68 and tool-resisting steel horizontal members shall comply with ASTM A629-68.

.020. *Plate and Concrete Construction.* Where tool-resisting plate for wall and ceiling construction is used, it shall be not less than 1/4-inch thick and shall comply with ASTM A628-68. In lieu of tool-resisting plate, 12-inch thick reinforced concrete may be substituted, or eight-inch thick reinforced concrete with tool-resisting vertical round bars embedded therein not more than six inches on centers.

.021. Concrete and Masonry Concrete Walls. Where concrete and masonry walls are used as tool-resisting walls for other than low-risk inmates, wall construction shall be not less than six inch thick reinforced concrete with tool-resisting vertical round bars, embedded therein, not more than six inches on centers.

.022. Tool-Resisting Round Bars. Tool-resisting round bars shall comply with ASTM A627-71. Where larger diameter bars are used they may be spaced farther apart than smaller diameter bars.

.023. Mild Steel Plate. Mild steel plate when used for wall and ceiling construction shall be not less than 3/16-inch thick and comply with ASTM A36-69.

.024. ASTM Standards Adopted by Reference. The commission adopts by reference the latest edition of the following standards of the American Society of Testing and Materials. Copies may be obtained from ASTM headquarters, 1916 Race Street, Philadelphia, Pennsylvania 19103, and reviewed at the offices of the *Texas Register*.

(a) ASTM A627-1968-- This specification covers requirements for three tests, describing minimum performance characteristics required for homogeneous tool-resisting steel bars of different diameters covered by this specification, which are: drop-weight test, cutting test, and deflection test.

(b) ASTM A628-1968-- This specification covers requirements for performance characteristics, including simulated service tests and testing equipment for determining the characteristics of composite tool-resisting plates.

(c) ASTM A629-1971-- This specification covers the requirements for performance characteristics, including simulated service tests and testing equipment for determining the characteristics of composite and homogeneous steel flat bars and shapes.

(d) ASTM A36-1969-- This specification covers carbon steel shapes, plates, and bars of structural quality for use in riveted, bolted, or welded construction of bridges and buildings, and for general structural purposes.

.025. Suitable Sanitation and Health. Safe and suitable jails shall provide adequate facilities for maintaining proper standards in sanitation and health, including but not limited to the following features and equipment:

(a) One-person cells. Each cell designed for one person shall be provided with a water closet, lavatory, drinking fountain, table, and seat. Water closet, lavatory, and drinking fountain may be omitted for low-risk inmates where free access to day rooms or group toilets are provided.

(b) Multiple-occupancy cells. Multiple-occupancy cells, compartments, or dormitories designed for the

confinement of three or more inmates shall be provided with a water closet, lavatory, and drinking fountain for each 12 inmates or fraction thereof to be confined therein. All such cells, compartments, and dormitories shall also be provided with one bunk not less than 2'3" wide and 6'3" long for each inmate confined there.

(c) Day rooms. Day rooms or group areas designed for the confinement of three or more inmates shall be provided with a water closet, lavatory, drinking fountain, and shower bath for each 12 inmates or fraction thereof to be confined therein.

(d) Furnishings. Additional furnishings may include shelves and clothes hooks for each inmate, tables and seats, lockers, mirrors (chrome-plated or stainless steel), detention-type electric light fixtures, detention-type heating and ventilating grilles, and shower stalls.

(e) Day room furnishings. Each day room or group space may otherwise be suitably furnished with, but not limited to: seats and tables to accommodate the number of inmates to be confined therein, visiting facilities, dining facilities, detention-type heating and ventilating grilles, and shelves and clothes hooks.

.027. Plate Doors. Plate doors, where used, shall be constructed of not less than 3/16-inch mild steel plate. Tool-resisting steel plate doors, where used, shall be constructed of 1/4-inch tool-resisting steel plate. Doors shall not reduce the security of the walls in which they are installed.

.028. Grating Doors. Grating doors shall be constructed of the same type grating as the grating walls in which they are installed. Grating doors installed in concrete or masonry walls shall be constructed of a type of grating that will not reduce the security of the walls in which they are installed.

.029. Hollow Metal Doors. Hollow metal doors shall be constructed of not less than 14 gauge steel in security areas; 18 gauge hollow metal doors may be used in non-security areas.

.030. Hardware. Detention-type doors shall be equipped with detention-type hardware and accessories.

.031. Bunks. Bunks shall be not less than 2'3" wide and 6'3" long. Bunks should be securely anchored and constructed of fireproof material. Where space is limited, combination hinged-type bunk, table, and seats may be provided.

.032. Tables and Benches. Tables and benches shall be constructed of materials to reduce maintenance. They shall be fireproof and securely anchored.

.033. Benches. Benches shall be not less than 1'6" wide, constructed of close grain wood or other approved material securely anchored to floor or wall surfaces.

- .034. *Shields.* Toilet and shower shields shall extend from about 15 inches above floor to a height of about 5'6" and shall be securely anchored to the floor, wall, and ceiling.
- .035. *Showers.* Shower stalls shall be not less than 2'6" square and approximately seven feet high, constructed of 3/16-inch mild steel plate, galvanized after fabrication, 11 gauge stainless steel, masonry, or other suitable material.
- .036. *Light Fixtures.* Electric light fixtures in cells, compartments, dormitories, and day rooms shall be detention-type. Design and construction of fixtures shall permit, where possible, servicing from exterior of cell, compartment, dormitory, or day room. Electrical receptacles should be key-front type where receptacle cannot be serviced from exterior of cell.
- .037. *Vent Grilles.* Vent grills in walls and ceilings of cells, compartments, dormitories, and day rooms shall be detention-type, constructed of tool-resisting steel grating or tool-resisting steel plate covered with not less than 10 gauge wire 3/8-inch mesh. Vent grilles shall be securely welded or riveted to steel plate construction and securely anchored where used in concrete or masonry construction.
- .038. *Window Guards.* Window guards shall be constructed of tool-resisting steel horizontal and vertical members complying with ASTM A627-68 and ASTM A629-68 or other approved materials or methods.
- .039. *Windows and Screens.* Detention windows and screens shall be constructed of aluminum or steel and shall conform with accepted standards of manufacturers of detention-type windows and screens. Window construction shall equal or exceed security level of adjacent wall construction and shall be securely anchored therein.
- .040. *Food Passes.* Food passes about 12 inches wide and 4-1/2 inches high shall be provided with hinged plate shutter constructed to form shelf in open position. Shutter to be framed to prevent passage of contraband and locked with detention-type deadlock. Food passes in grating construction shall have openings approximately 15 inches wide and 4-1/2 inches high.
- .041. *Observation Panels.* Observation panels shall provide a clear opening of not less than five inches wide and glazed with not less than 7/8-inch-thick bullet-resisting glass or polycarbonate equivalent.
- .042. *Speaking Devices.* Means shall be provided for audible communication between visitors and inmates, designed to prevent passage of contraband.
- .043. *Shutters.* Shutters provided for observation panels and/or speaking devices shall be of suitable size and type to provide function and security.
- .044. *Mirrors.* Mirrors shall be constructed of chrome-plated 20 gauge sheet steel, or bright stainless steel, or other approved material.
- .045. *Shelves.* Shelves shall be provided for each bunk in each cell.
- .046. *Key Cabinet.* Key cabinets shall be of standard sizes and constructed at suitable locations.
- .047. *Key Locks.* Where used, detention-type keyed locks shall be heavy duty, lever tumbler, manufactured especially for jail and prison use.
- .048. *Electro-mechanical Locks.* Electro-mechanical keyed locks, where required, shall be motor or solenoid type, providing electrical pushbutton unlocking by manual operation, and automatic mechanical deadlocking of door upon closing. Electric pushbutton control, indicator light, door position switch, and heavy-duty detention-type door closer shall be provided for all doors equipped with electro-mechanical locks.
- .049. *Keys.* Keys for detention-type locks shall be heavy duty and of a size as to prevent easy concealment and/or unauthorized duplication.
- .050. *Hinges.* Hinges for detention-type doors shall be heavy-duty ball-bearing hinges, designed especially for the detention-type doors on which hinges are to be installed.
- .051. *Hand Pulls.* Hand pulls shall be heavy-duty type, approximately seven inches in overall length and securely anchored to the door.
- .052. *Door Stops.* Door stops for plate and grating doors shall be 3/8-inch-thick steel bar stops, one near top and one near bottom of door. Hollow metal detention-type doors may be provided with dome-type floor-mounted bumper or wall-mounted bumper.
- .053. *Door Closers.* Door closers for all detention-type doors shall be heavy-duty types, designed for use on detention doors.
- .054. *Tests.* Laboratory tests, where required to meet ASTM standards, shall be provided to the owner by the manufacturer. Tests shall be made by an independent testing laboratory selected by the manufacturer and approved by the owner. All such tests shall be made in accordance with applicable ASTM standards adopted by reference in Rule 217.06.00.023.
- .055. *Installation.* The installer shall be entirely responsible for satisfactory installation of detention equipment.
- .056. *Maintenance Required.* Maintenance of detention equipment shall be accomplished by a designated experienced maintenance mechanic, or contracted for by the owner with a private agency under an acceptable vendor contract, or both, to maintain all detention

equipment in safe, secure, and fully operative condition at all times.

.057. *Approved Maintenance.* Maintenance shall be performed in accordance with methods approved by manufacturer or vendor of such equipment.

.058. *Inmate Maintenance Prohibited.* Maintenance of locking systems and other security detention devices shall not be performed by inmates.

Issued in Houston, Texas, on July 16, 1976.

Doc. No. 764004 James Greenwood III
Chairman ;
Commission on Jail Standards

Proposed Date of Adoption: 30 days after hearings

For further information, please call (512) 475-2716.

Existing Facilities Rules 217.07.00

These rules are promulgated under the authority of Article 5115.1, Texas Civil Statutes.

.001. *Jail Facilities.* A jail shall consist of cell blocks, office space for administrative personnel, areas designated as booking, identification, consultant and visitation, and, where applicable, space for kitchen storage facilities for fresh, dry, and frozen foods, and a general purpose room.

.002. *Lockup Facilities.* A lockup shall consist of one or more cells or dormitories for the temporary custody of inmates awaiting court appearance or transfer to jail. It shall be of a size sufficient to accommodate the needs of its daily operation and shall be attached to the principal administrative office of the administrator. Food for inmates may be prepared in other than a lockup kitchen, but shall be in the amount prescribed by rules governing jails.

.003. *Fire Resistive.* The facility shall be of fire-resistive construction.

.004. *Cell Area.* Single (one-person) cells shall have not less than 40 square feet of floor space and multiple-occupancy cells shall have not less than 18 square feet of floor space per inmate for three or more inmates.

.006. *Screens.* Cell block windows shall be equipped with insect or security screens.

.007. *Elevator.* A jail not located entirely on the ground floor shall have an elevator or passageway large enough to accommodate an ambulance cot.

.008. *Floor Drains.* Kitchens, corridors, dormitories, cell areas, drunk tanks, and padded cells shall have floor drains in good working condition.

.009. *Exercise Areas.* A jail housing inmates confined in excess of 30 days shall have an enclosed exercise area.

.010. *Fire Regulations.* The facility shall conform with the regulations of the state fire marshal.

.011. *Electrical Wiring.* Electrical wiring shall meet statutory inspection requirements.

.012. *Dropcords.* Dropcords or extension cords shall not be permitted in cell blocks.

.013. *Light Controls.* Light controls shall be out of reach of inmates.

.014. *Cell Block Lighting.* Cell block interiors shall be adequately lighted.

.015. *Exterior Lighting.* Exteriors of buildings shall be lighted at night.

.016. *Emergency Power.* Emergency electrical power facilities shall be provided.

.017. *Heating.* A heating unit shall keep areas of the jail that are in use at a minimum of 68 degrees Fahrenheit.

.018. *Ventilation.* Ventilation may be provided by windows, flues, or forced ventilation, and shall be adequate to maintain fresh air consistent with health requirements.

.019. *Plumbing.* Plumbing shall meet statutory inspection requirements and shall be in good operating condition. Plumbing fixtures in cell blocks shall be of a type designed for jail or prison use.

.020. *Segregation.* Adequate segregation facilities shall be provided by having separate enclosures formed by solid masonry or by solid mental walls or solid walls of comparable material for separating:

- (a) witnesses from all other classifications of inmates;
- (b) males from females;
- (c) juveniles from adults;
- (d) first offenders awaiting trial from all other classifications of convicted inmates;
- (e) inmates with communicable or contagious diseases from all other classifications of inmates; and
- (f) insane (may be temporarily held for a period not to exceed 24 hours) from all other classifications of inmates.

.021. *Ceiling Height.* Cells, compartments, dormitories, and day rooms where inmates are confined shall be not less than eight feet high.

.022. *Single Cells.* Single (one-person) cells or rooms shall contain not less than 40 square feet of floor space. Single cells shall comprise not less than 30 percent of the total inmate capacity of the facility.

.023. Multiple Occupancy. Cells, compartments, dormitories, and day rooms for the accommodation of more than one inmate shall contain not less than 18 square feet of floor space per inmate

(a) Multiple-occupancy cells shall be designed to accommodate from three to eight inmates.

(b) Dormitories shall be designed to accommodate not more than 24 inmates each.

.024. Dormitories. Not more than 40 percent of the total capacity of the facility shall be housed in dormitories.

.025. Day Rooms. Day rooms shall be provided for all cells, compartments, and dormitories for sleeping purposes which accommodate three or more inmates. Day rooms shall not accommodate more than 24 inmates.

.026. Plumbing Fixtures, Single-Occupancy Cells. Each cell designed for one inmate shall be provided with a water closet, lavatory, drinking fountain, table, and seat.

.027. Plumbing Fixtures, Multiple-Occupancy Cells. Each cell, compartment, or dormitory designed for three or more inmates shall be provided with one water closet, lavatory, and drinking fountain for each 12 inmates or fraction thereof to be confined therein.

.028. Plumbing Fixtures, Day Rooms. Each day room for the confinement of three or more inmates shall be provided with one water closet, lavatory, drinking fountain, and shower bath for each 12 inmates or fraction thereof to be confined therein. Day rooms shall be suitably furnished.

.029. Bunks Required. All cells, compartments, and dormitories shall be provided with one bunk, not less than 2'3" wide and 6'3" long, for each inmate confined therein.

.030. Safety Vestibules. The entrance and/or exit to each group of enclosures forming a cell block or group of cells and/or compartments used for the confinement of three or more persons shall be through a safety vestibule having one or more interior doors in addition to the main outside entrance door to the cell block, all arranged to be locked, unlocked, opened, or closed by control means located outside of the enclosure or cell block.

.031. Cell for Insane. For temporary holding (not to exceed 24 hours) of inmates suspected of insanity or who have been legally adjudged insane, there shall be provided a special enclosure or room not less than 40 square feet having a ceiling height of not less than eight feet above the floor. The floor and the walls of such enclosure shall be provided with a soft covering designed to protect a violent person from self-injury or

destruction. One hammock, not less than 2'3" wide and 6'3" long, made of elastic or fibrous material shall be provided in each such special enclosure.

.032. Maintenance. Maintenance of detention equipment shall be accomplished by a designated experienced maintenance mechanic, or contracted by the owner with a private agency under an acceptable vendor contract, or both, to maintain all detention equipment in safe, secure, and fully operative condition at all times.

.033. Approved Maintenance. Maintenance shall be performed in accordance with methods approved by manufacturer or vendor of such equipment.

.034. Inmate Maintenance Prohibited. Maintenance of locking systems and other security detention devices shall not be performed by inmates.

.035. Variances. In existing facilities where specific standards cannot be complied with because of alleged difficulty or undue hardship, exceptions to specific physical plant provisions of the standards may be made if the intent of the standards is met and the security or supervision of inmates, established programs, or the safe, healthful, efficient operation of the facility is not seriously affected. The procedure for requesting and granting variances shall be the same as that prescribed under Rule Category 217.03.

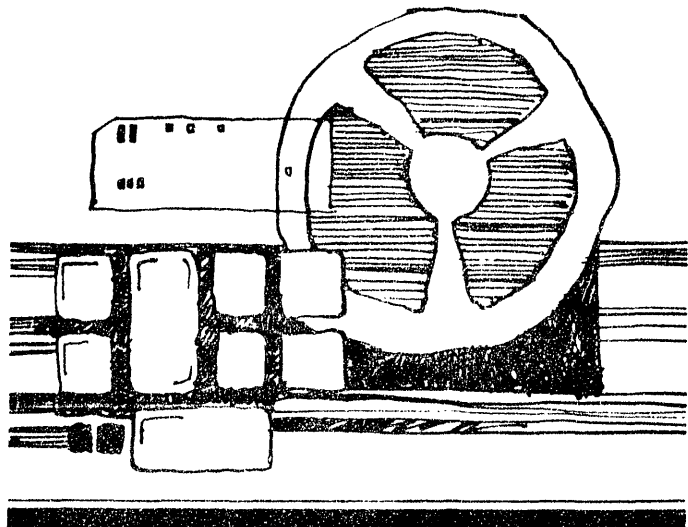
Issued in Houston, Texas, on July 16, 1976.

Doc. No. 764005

James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: 30 days after hearings

For further information, please call (512) 475-2716.



Life Safety Rules 217.08.00

These rules are promulgated under the authority of Article 5115.1, Texas Civil Statutes.

.001. *National Life Safety Code.* Where applicable, the requirements of the National Life Safety Code, as it relates particularly to penal institutions (Section 10-3), Classification of Occupancy (Section 4-1), and Hazard of Contents (Section 4-2), shall govern construction and use of jails and lockups.

.002. *Occupancy Classification.* Each area in a jail facility serves a definite and different purpose. There will be represented in most jails an example of nearly all occupancy type classifications. Exits and other life safety features shall be determined by the type of occupancy classification and the hazard of occupancy.

.003. *Building Classification.* All buildings and structures shall be classified using Section 4-1 of the National Life Safety Code as a guide, subject to the ruling of the executive director as to proper classification of any individual building or individual area within the jail.

.004. *Institutional Buildings.* Institutional buildings for purposes of life safety classification are those used principally for care of persons under security measures not under the occupants' control. In the National Life Safety Code, these buildings are identified as Group C, residential, restrained-care penal institutions, reformatories, and jails. Certain areas within these buildings must have special life safety provisions which are applicable to the care of persons suffering from physical or mental illness, disease, or infirmity.

.005. *Special Life Safety Provisions.* Special life safety provisions shall be provided for persons in a jail suffering from a physical or mental illness, disease, infirmity, or other convalescent disability. It will be assumed that such persons will be housed in the jail for only a short period of time and then transferred out of the classification of residential-restrained care to residential-custodial care institutions such as homes for the aged, mentally retarded care institutions, nursing homes, or detoxification facilities.

.006. *Hazard of Contents.* For purposes of this standard, the hazard of contents shall be the relative danger of smoke or gases generated by fire or heat, the relative danger of the start and spread of fire, the danger of explosion, the danger of any or all of these hazards in conjunction with a riot by a few persons, or other occurrence potentially endangering the lives and safety of the occupants of the jail building or detention areas with the jail.

.007. *Determination of Hazard of Contents.* Hazard of contents shall be determined by the executive direc-

tor on the basis of the character of contents and the processes or operations conducted in various areas of the jail. Where the flame spread rating or smoke or gas generating rating of the interior finish or other materials utilized in the building or structure are such as to involve a hazard greater than the hazard of contents, the greater degree of hazard shall govern. Where different degrees of hazard of contents exist in different parts of a jail, the most hazardous shall govern classification except insofar as hazardous areas are segregated or protected from other less hazardous areas.

.008. *Low-hazard Contents.* Low-hazard contents are those of such low combustability that no self-propagating fire therein can occur and that, consequently, the only probable danger requiring the use of emergency exits will be from panic, fumes, smoke, or fire from some external source.

.009. *Ordinary-hazard Contents.* Ordinary-hazard contents shall be classified as those which are liable to burn with moderate rapidity or to give off a considerable volume of smoke, from which neither poisonous fumes nor explosions are to be feared in case of fire.

.010. *High-hazard Contents.* High-hazard contents shall be classified as those which are liable to burn with extreme rapidity or from which poisonous fumes or explosions are to be feared in the event of fire. Any area which could be easily barracaded by a few inmates and subjected to the willful burning of ordinary-hazard contents shall be considered a high-hazard content area for purposes of this life safety standard.

.011. *Means of Egress.* Reliable means shall be provided to permit the prompt release of inmates confined in locked sections, spaces, or rooms in the event of fire or other emergency, regardless of the hazard of contents.

.012. *Hazardous Areas.* Every hazardous area shall be protected in accordance with Section 10-1371 of the National Life Safety Code. In any living area where the hazard of contents is classified as low, ordinary, or high, all doors to cells in inmate living areas shall be provided with a manual means operated from outside the living area to unlock all cell doors. The manual means should also move fully open and lock open all sliding cell doors.

.013. *Emergency Security Doors.* Emergency sliding security doors shall also be located at openings in inmate corridors and in outside walls so as to permit quick egress from an area assuming fire and dense smoke to be present.

.014. *Fire-Fighting Equipment.* Fire extinguishers as well as hoses and water supply shall be located so as to permit quick deployment to inmate living areas. All fire-fighting equipment shall be out of reach of inmates,

in safety corridors, or otherwise secured from unauthorized use or tampering.

.015. *Use of Hazardous Materials.* Construction materials as well as furnishings and fittings for all inmate housing areas shall consist of noncombustable or low-hazard materials only. Ordinary hazard contents and high-hazard contents, including but not limited to those materials capable of giving off a considerable volume of smoke, producing toxic smoke, or burning with extreme rapidity when subjected to fire or heat, will not be permitted in construction materials or furnishings in inmate housing areas.

.016. *Smoke and Fume Removal.* Provisions shall be made for high-velocity removal of smoke or fumes from each inmate living area. The hazard of contents and classification of each area of the jail will determine the degree of hazard and the removal methods necessary.

.017. *Security of Emergency Exits.* All emergency egress construction and procedures shall be planned to prevent escape of inmates during evacuation.

.018. *Maintenance of Life Safety Equipment.* All equipment intended for life safety use shall be regularly inspected and maintained by a designated experienced maintenance mechanic or contracted by the owner with a private agency under an acceptable vendor contract, or both, to maintain all life safety equipment in safe, secure, and fully operative condition at all times.

.019. *Control and Deterrence of Riots.* Provide protected vantage points affording access to areas of inmate living and day rooms, from which custodial personnel can act to quell riots and other disturbances.

.020. *Anchoring Furniture in Place.* Furniture in living areas and day room areas, such as tables, seats, benches, shelving, and free-standing bunks, shall be securely anchored in place to deter their use as instruments for injuring persons or inflicting damage to jail building and equipment in event of riot or disturbance.

.021. *Approval of Life Safety Provisions.* Life safety provisions complying with this standard shall be submitted with other new construction plans or renovation plans as required in Rule Category 217.04.

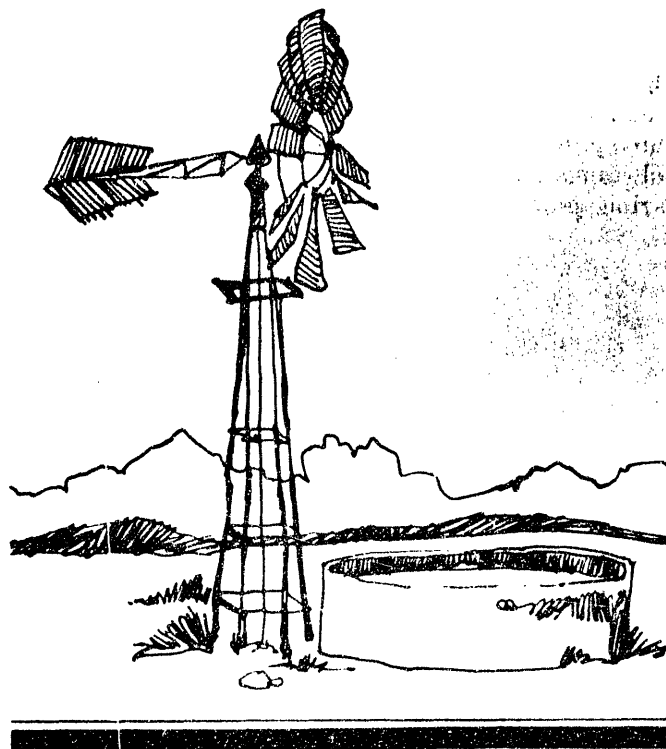
.022. *Variances.* The procedure for requesting and granting variances shall be the same as that prescribed under Rule Category 217.03.

Issued in Houston, Texas, on July 16, 1976.

Doc. No. 764006 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: 30 days after hearings

For further information, please call (512) 475-2716.



Merit System Council Regulation for a Merit System of Personnel Administration

Employee-Management Relations 339.01.00

The Merit System Council proposes to adopt a rule that would meet the requirements of the employee relations section of 45CFR70 *Standards for Merit System of Personnel Administration*. The need for this rule was determined by the U.S. Civil Service Commission. The proposed rule expresses in 339.01, Regulation for a Merit System of Personnel Administration, rights already accorded public employees by state law regarding the right to join labor organizations and to present grievances to management concerning wages, hours of work, or conditions of work. State law regarding strikes by public employees is also reflected in the rule. This rule is designated as Rule 339.01.00.022. Existing Rule 339.01.00.022 is redesignated as Rule 339.01.00.023 and retitled "Article XXIII-- Amendments," with no changes in text. Existing Rule 339.01.00.023 is redesignated as Rule 339.01.00.024 and retitled "Article XXIV-- Applicability," with no changes in text.

Those desiring to comment on this proposed rule should direct their comments in writing to the Merit System Council, P.O. Box 1389, Austin, Texas 78767.

This rule is proposed in compliance with 45CFR70 under federal statutory and regulatory provisions requiring the establishment and maintenance of personnel standards on a merit basis in the administration of various grant-in-aid programs.

.022. Article XXII-- Employee-Management Relations.

(a) Section 1-- Membership in labor organizations. All employees shall have the right to organize, join, or refrain from joining a labor organization. The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with one or more employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(b) Section 2-- Right to present grievances.

(1) All employees shall have the right to present grievances to the agency concerning their wages, hours of work, or conditions of work individually or through a representative that does not claim the right to strike.

(2) The agency will meet with employees or their designated representatives at reasonable times and places to hear their grievances concerning wages, hours of work, and conditions of work.

(3) Agreements under this section between the agency and employees or their designated representatives that would compromise other sections of this regulation are prohibited.

(c) Section 3-- Prohibition of Right to Strike. In accordance with state law, any employee who participates in a strike or organized work stoppage shall forfeit all civil service rights, re-employment rights, and any other rights, benefits, or privileges which he enjoys as a result of his employment or prior employment, providing, however, that the right of an individual to cease work shall not be abridged so long as the individual is not acting in concert with others in an organized work stoppage.

Issued in Austin, Texas, on July 23, 1976.

Doc. No. 763963 Leo F. Brockmann
Director
Merit System Council

Proposed Date of Adoption: September 2, 1976

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

Texas Parks and Wildlife Department

Wildlife

J. D. Murphree Wildlife Management Area 127.70.06.001

The Texas Parks and Wildlife Commission is proposing to repeal Rule 127.70.06.001, which adopts by reference Statewide Hunting, Fishing, and Trapping Proclamation No. 17, 1975-76.

The Texas Parks and Wildlife Commission is responsible for establishing seasons, bag limits, and means and methods for harvesting wildlife resources on its wildlife management areas under authority of Section 81.401-81.404, Parks and Wildlife Code. Rule 127.70.06.001 is being repealed in order to permit adoption of Rules 127.70.06.002-.060, which will constitute the updated Hunting, Fishing, and Trapping Proclamation No. 18, 1976-77.

Public comment on the repeal of Rule 127.70.06.001 is invited. Comments may be submitted by telephoning (512) 475-5899, or by writing John R. Jefferson, Regulatory Coordinator, Texas Parks and Wildlife Department, John H. Reagan Building, Austin, Texas 78701. Comments will be accepted until August 29, 1976.

The repeal of Rule 127.70.06.001 is proposed under authority of Sections 81.401-81.404, Texas Parks and Wildlife Code.

.001. J. D. Murphree Wildlife Management Area Hunting, Fishing, and Trapping Proclamation No. 17, 1975-76. The Texas Parks and Wildlife Department adopts the J. D. Murphree Wildlife Management Area Hunting, Fishing, and Trapping Proclamation No. 17, 1975-76, by reference. This proclamation regulates the periods of time, means and methods, and conditions for the taking of wildlife resources on the J. D. Murphree Wildlife Management Area in Jefferson County.

Issued in Austin, Texas, on July 23, 1976.

Doc. No. 763935 Perry V. Spalding
Administrative Assistant
Texas Parks and Wildlife
Department

Proposed Date of Adoption: September 2, 1976

For further information, please call (512) 475-5899.

127.70.06.002-.060

The Texas Parks and Wildlife Commission is proposing to adopt Rules 127.70.06.002-.060, which will constitute Statewide Hunting, Fishing, and Trapping Proclamation No. 18, 1976-77.

The Texas Parks and Wildlife Commission is responsible for establishing seasons, bag limits, and means and methods for harvesting wildlife resources on its wildlife management areas under authority of Sections 81.401-81.404, Parks and Wildlife Code. Rules 127.70.06.002-.060 are being adopted in order to update the proclamation for the 1976-77 hunting seasons. The proposed new proclamation will be the same as Rule 127.70.06.001 except for the changes listed below.

Public comment on the proposed adoption of Rules 127.70.06.002-.060 is invited. Comments may be submitted by telephoning (512) 475-5899, or by writing to John R. Jefferson, Regulatory Coordinator, Texas Parks and Wildlife Department, John H. Reagan Building, Austin, Texas 78701. Comments will be accepted until August 29, 1976.

The adoption of Rules 127.70.06.002-.060 is proposed under authority of Sections 81.401-81.404, Texas Parks and Wildlife Code.

Because the proposed proclamation, Rules 127.70.06.002-.060, will be the same as Rule 127.70.06.001, except for the changes listed below, and because of the length of the proposed rules, only a summary of the changes is set out herein. Copies of the complete text may be obtained from the Texas Parks and Wildlife Department. The text of Rule 127.70.06.001 being repealed with the following changes incorporated therein, will constitute the new rules:

.003. Authority (Section 1.02). This proclamation is issued pursuant to Sections 81.401-81.404, Parks and Wildlife Code.

.004. Effective Date (Section 1.03). This proclamation shall be effective on and after the first day of September, 1976, until amended, revoked, or modified.

.010. Definitions (Section 1.07). Change statutory citation in this section to new Parks and Wildlife Code citations; and in subsection (f), change "Wilson's snipe or jack snipe" to "common snipe or Wilson's snipe or jack snipe."

.018. Hunting from Vehicle (Section 2.03). Delete this section making it unlawful to hunt from motor-powered vehicle or boat and providing exception for incapacitated persons.

.039. Migratory Birds (Section 5.03). Change teal duck season dates to September 18 through September 26, 1976. The remainder of this rule, .039, pertaining to

open season and daily bag and possession limits on ducks, geese, and coots and other migratory birds, will be changed in accordance with federal guidelines to be forwarded to the states by the U.S. Fish and Wildlife Service on August 13, 1976. Copies of the complete text may be obtained from the Texas Parks and Wildlife Department at the above address after the guidelines have been received from the U.S. Fish and Wildlife Service.

.044.-.045. Muskrat, Mink, Other Fur-Bearing Animals (Section 6.02). Change citations to Section 72.002, Parks and Wildlife Code.

.051. Seasons (Section 7.02). Increase horsepower limitation on boats to 25.

.059. Penalties (Section 9.01). Change citation to Section 81.006, Parks and Wildlife Code.

Issued in Austin, Texas, on July 23, 1976.

Doc. No. 763959 Perry V. Spalding
 Administrative Assistant
 Texas Parks and Wildlife
 Department

Proposed Date of Adoption: September 2, 1976

For further information, please call (512) 475-5899.

Texas State Board of Examiners of Psychologists

Applications 400.02.00.018

Section 11 of the Psychologists' Certification and Licensing Act (Article 4512c, Revised Texas Civil Statutes) establishes the requirements to be met by an applicant seeking certification as a psychologist in the State of Texas. Subsection (a) of Section 11 states that the applicant must have received "a doctoral degree based on a program of studies whose content was primarily psychological . . . or its substantial equivalent in both subject matter and extent of training." The determination of what constitutes a degree that is the substantial equivalent of a degree from a department of psychology has been a difficult issue to resolve, given the variation in the programs of departments at universities in this and other states which offer degrees in fields related to psychology and the variation in individual degree curricula pursued by applicants for certification before this board. With the following proposed rule, the State Board of Examiners of Psy-

chologists is establishing a level of academic preparation in psychology which will be expected of all candidates applying for certification as psychologists under the "substantial equivalent" clause by requiring that the graduate training submitted in compliance with that clause include hours in psychology equaling at least 70 percent of the total graduate credit hours, as determined by the board.

Public comment on Proposed Rule 400.02.00.018 is invited. Persons should submit their comments in writing to Barry Read, Executive Secretary, Texas State Board of Examiners of Psychologists, 108 West 15th Street, Suite 103, Austin, Texas 78701.

This rule is promulgated under the authority of Article 4512c, Revised Texas Civil Statutes.

.018. *Substantial Evidence of a Degree that is Primarily Psychological.* Evidence of the substantial equivalent of a psychology degree will be that 70 percent or more of the graduate training of the applicant be in psychology.

Issued in Austin, Texas, on July 26, 1976.

Doc. No. 764024 Barry Read
Executive Secretary
Texas State Board of Examiners
of Psychologists

Proposed Date of Adoption: September 16-19, 1976

For further information, please call (512) 475-6983.

400.03.00.015

The Texas State Board of Examiners of Psychologists is proposing a rule setting out the procedures whereby a psychologist or the estate of a deceased psychologist may transfer the practice of the psychologist to another licensed psychologist. This rule includes provisions for the notification of the psychologist's patients or clients of the proposed transfer, for the referral of the patients or clients to another psychologist if the patient or client so elects, and for the disposition of files and financial matters. The purpose of this rule is to make this transfer of the practice occur in such a way as to cause a minimum of disruption in the relationship between the psychologist and the patient or client, to effect some continuity in this relationship, and to give the patient or client the alternative of making other arrangements if he or she wishes to do so.

Public comment on Proposed Rule 400.03.00.015 is invited. Persons should submit their comments in writing to Barry Read, Executive Secretary, Texas State Board of Examiners of Psychologists, 108 West 15th Street, Suite 103, Austin, Texas 78701.

This rule is promulgated under the authority of Article 4512c, Revised Texas Civil Statutes.

.015. *Disposition of Practice by a Psychologist or by the Estate of a Psychologist.* A psychologist or the estate of a psychologist has the right to sell a practice to another licensed psychologist. The psychologist or the administrator or executor of the estate should be informed that he or she is to notify the patients/clients that on a given date (reasonable time) the patient's/client's records will be transferred to the referent unless another referent has been named by the patient/client. The psychologist who assumes the practice may state his willingness to work with the patient/client and must offer to effect an appropriate referral in the event the patient/client wishes to see another professional. If the patient/client so elects, the psychologist who assumes the practice is obligated to forward the selling psychologist's or the deceased psychologist's file on the patient/client to the new referent. Arrangements regarding accounts receivable and other financial involvements of the practice being transferred must be resolved by negotiation.

Issued in Austin, Texas, on July 26, 1976.

Doc. No. 764025 Barry Read
Executive Secretary
Texas State Board of Examiners
of Psychologists

Proposed Date of Adoption: September 16-19, 1976

For further information, please call (512) 475-6983.

State Department of Public Welfare

Legal Services

Rulemaking Procedures 326.79.04

The Department of Public Welfare proposes the following rules, which delineate the department's policies on receiving petitions to consider new or amended rules, receiving public comment of published proposed rules, providing copies of proposed rules, and other related functions. The rules specify the ways in which the department proposes to fulfill some of its obligations under the Administrative Procedure and Texas Register Act. Because the law is quite specific about these functions, it has been possible for the department to meet its responsibilities without promulgating supplementary rules. These rules are proposed now to facilitate access to and use of the department's rulemaking system.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 270, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of the *Register*.

These rules are proposed under the authority of Articles 695c and 6252-13a, Texas Revised Civil Statutes.

.001. Petition for Proposed Rulemaking.

(a) Any individuals or groups, including department employees, wishing to submit a rule for consideration by the Department of Public Welfare (DPW) complete a Request for DPW Rulemaking. This form should be available in both the state office and local offices throughout the state. The petitioner attaches a copy of the proposed rule to the form and sends it to Systems and Procedures Bureau, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701.

(b) The Systems and Procedures Bureau notifies the petitioner, within 60 calendar days of the submission of his petition, of the department's decision. If approved, the petitioner is advised of the action to be taken to adopt the rule and, if disapproved, is advised of the reasons for disapproval.

.002. Advance Notice. When timely requests for advance notice of DPW's rulemaking proceedings are received, the Systems and Procedures Bureau will provide the requesting individuals with notice of the proposed rules at the same time that notice of the proposed rules is filed with the secretary of state. The requests for advance notice may be one-time requests specifying certain rules or may be ongoing requests for general categories of rules.

.003. Public Comment of Proposed Rules.

(a) Prior to the adoption of proposed rules, DPW provides all interested persons a reasonable opportunity to submit data, views, or arguments, either orally or in writing.

(b) Written comments will be submitted to Systems and Procedures Bureau, DPW, John H. Reagan Building, Austin, Texas 78701, during the 30 calendar day comment period specified by state law.

(c) If a public hearing has been scheduled on a proposed rule, individuals wishing to submit oral comment may appear at the hearing and testify. If no public hearing has been scheduled, oral comments will be accepted by the responsible program staff, and documented on the appropriate departmental form for consideration in preparing the proposed rule for adoption.

.004. Copies of Proposed Rules. Copies of proposed rules which have been submitted to the secretary of state by DPW will be provided at cost and in compliance with Rule 326.71.01.001. Requests are to be directed to Systems and Procedures Bureau, DPW, John H. Reagan Building, Austin, Texas 78701.

.005. Copies of Hearing Tapes. Copies of tape recordings of public hearings held on proposed rules will be provided in compliance with Rule 326.71.01.001 at a cost of \$2. Requests are to be directed to Systems and Procedures Bureau, DPW, John H. Reagan Building, Austin, Texas 78701.

Issued in Austin, Texas, on July 26, 1976.

Doc. No. 763975 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Proposed Date of Adoption: September 2, 1976

For further information, please call (512) 475-4601.

Texas Water Rights Commission

Appropriation of Water

Contractual Permit 129.02.50

The Texas Water Rights Commission is proposing to amend Rules 129.02.50.001-003 and to adopt Rules 129.02.50.004-009. This subcategory of rules establishes procedural and substantive requirements specifically applicable to applications for contractual permits.

The commission is also proposing to amend the opening paragraph of this subcategory in order to indicate that the statutory authority for the amendments and new rules is found not only in Section 6.055 of the Texas Water Code, but also in Sections 6.056 and 6.067.

The proposed amendment to Rule 129.02.50.001 would require each supplier of raw surface water under a contract to obtain a contractual permit from the commission. The effect of the amendment would be to bring before the commission, as applicant, the party most knowledgeable of current contractual water supply practices and most often affected by final decisions of the commission in connection with water supply contracts.

The proposed amendment to Rule 129.02.50.002 would exempt from the contractual permit requirement those contracts which call for the supply of water through a permitted pipeline system. The effect of the amendment would be to make the specific wording of the rule consistent with the commission's recent interpretation of Existing Rule 129.02.50.002.

The proposed amendment to Rule 129.02.50.003 clarifies commission requirements for the filing of an application for a contractual permit. The effect of the amendment is to clarify procedures to be followed and to advise the public of the required content of water supply contracts.

The proposed adoption of Rule 129.02.50.004 would require all holders of valid water rights who supply water under such rights to file copies of their water supply contracts. The effect of the rule is to bring to the commission's attention all water supply contracts so that the commission may exercise its supervisory authority over such contracts.

The proposed adoption of Rule 129.02.50.005 would require all holders of valid water rights who supply water under such rights to file copies of all amendments to their water supply contracts, thus supplementing the information provided when their original contracts are filed under Proposed Rule 129.02.50.004 above. The effect of the rule is to keep the commission informed of changes in existing contractual relationships.

The proposed adoption of Rule 129.02.50.006 would establish standards for the evaluation of future water supply contracts in the water rights adjudication hearings. The rule specifically does not affect the evaluation of water supply contracts which are already in effect. The effect of this rule is to clarify standards for the future while reserving for the water rights adjudication hearings the determination of proper standards to be applied under previously existing law.

The proposed adoption of Rule 129.02.50.007 would require the supplier of water to amend his water right under certain circumstances. The effect of the rule would be to require not only a contractual permit, but also an amendment to the supplier's water right in those instances where (1) a long term contract contemplates an appropriation which is at variance with the supplier's water right, and (2) the variance is of a type which has potential for harming any other existing water right.

The proposed adoption of Rule 129.02.50.008 would set forth the substantive considerations of the commission in reaching its final decision. The effect of the rule is to advise the public of the formulation of policy guidelines specifically applicable to contractual permit applications.

The proposed adoption of Rule 129.02.50.009 would clarify the status of contractual permits which have been previously issued and of applications received by the commission prior to the effective date of these amendments and new rules. The effect of the rule is to affirm the validity of previously issued contractual permits and to establish the principle that applications

received prior to the effective date of these proposed rule changes will be processed and considered under the rules which were in effect when the applications were received.

Public comment on the proposed amendments to Rules 129.02.50.001-.003 and the proposed adoption of Rules 129.02.50.004-.009 is invited. Comments may be submitted by writing to Ryan Petty, Legal Division, Texas Water Rights Commission, P.O. Box 13207, Capitol Station, Austin, Texas 78711.

Pursuant to Sections 6.055, 6.056, and 6.067 of the Texas Water Code, the Texas Water Rights Commission proposes to amend Rules 129.02.50.001-.003 and to adopt Rules 129.02.50.004-.009, as follows:

.001. General. In order for the commission to exercise effective supervision over use of state water, each supplier [to effectively exercise its right to continual supervision over all uses of state water, purchasers] of raw surface water possessed of valid water rights shall make application for a permit based upon each of its contractual arrangements with any purchaser [a supplier possessed with a valid water right]. The application shall be approved before deliveries under the supply contract may lawfully be made. This requirement is applicable to suppliers [purchasers] of raw water from either a water course or a reservoir. In cases where water is to be released from a reservoir for diversion downstream, no contractual permit will be granted unless the contractual arrangement between the supplier and the purchaser specifies which party shall bear transportation and evapotranspiration losses in the conveyance of the water downstream.

.002. Persons Receiving Water from Canal or Pipeline System. This section shall [Rule 129.02.50.001 does] not apply to persons supplying [receiving] water through [from] a permitted canal or pipeline system.

.003. Documents Needed to File. Application forms are available upon request from the commission.

(a) The application shall be accompanied by a vicinity map with sufficient information to enable the commission to locate the diversion site and place of use.

(b) The application shall be accompanied by a copy of the executed contract. The contract shall indicate the following:

(1) the cost of water to the applicant, expressed as a cost per unit of volume [measure];

(2) the effective date of the contract;

(3) the average or maximum quantity of water to be furnished one year, the total quantity to be [being] furnished; and,

(4) the contract shall specify that its effectiveness is dependent upon the issuance of a valid permit under this rule.

(c) Fees: \$25 filing fee plus \$1 per page recording fee.

(d) Notice and hearing. *Notice shall be provided to the parties to the contract pursuant to Section 6, Article 6252-13a. Upon filing of the application, the commission shall consider whether additional notice and hearing is required based on the particular facts of the application. In the event additional notice is required, all costs shall be assessed against applicant.* [No mailed notice is required. However, should the commission find that the application warrants public hearing, notice of the application and the hearing date thereon will be sent by first-class mail to each record claimant or appropriator of water below the point of diversion who would be affected by the applicant's withdrawals. In the case of the release of state water from storage for diversion downstream, notice shall be given only to intervening diverters of record.]

(e) Action of the commission. The commission may grant or deny, in whole or in part, the application. Any permit issued will be recorded in the office of the commission and a certified copy of same transmitted to the applicant.

.004. *Existing Unpermitted Supply Contracts.* Within 90 days of the effective date of this rule, all holders of valid water rights supplying raw water under such rights pursuant to a contract shall file with the commission a true copy of each contract.

.005. *Amendments to Raw Water Supply Contracts.* Copies of all changes, renewals, alterations, cancellations, or amendments to raw water supply contracts shall be submitted to the commission within 10 days of their execution.

.006 *No Perfection of Right to be Recognized Unless Permitted.*

(a) No raw water supplied under a contract will be deemed to be in perfection of the supplier's appropriate right under which the water is supplied unless such contract is approved by the commission.

(b) Nothing herein shall be construed as ratification or recognition of the perfection of rights previously exercised in a manner not in compliance with subcategory 129.02.50 of these rules.

.007. *Amendment to Supplier's Water Right Required.* If the contract contemplates a change in the purpose of use of the supplier's water right, or other change in his right which has potential for harming any other existing water right, the contractual permit shall, if issued, be limited to a period not exceeding five years from date of issuance, subject to extensions of time approved by the commission. The above time limitation does not apply if the supplier obtains an amendment of his water right authorizing appropriations consistent with the contract.

.008. *Action of the Commission.*

(a) The commission shall approve the application and issue the permit, in whole or in part, only if it determines that:

(1) the supplier is possessed of sufficient water under the appropriate right designated in the contract;

(2) the applicant has met the requirements of this section;

(3) the proposed sale is not detrimental to the public welfare; and

(4) the proposed sale will not impair existing water rights.

(b) Any permit issued will be recorded in the office of the commission and a certified copy of same transmitted to the parties to the contract.

.009. *Effect on Existing Contractual Permits and Application.* Nothing contained in Rules 129.02.50.001-.008 shall be construed to invalidate contractual permits issued prior to the effective date of those rules. Applications received by the commission prior to the effective date of Rules 129.02.50.001-.008 shall be considered under the rules which were in effect when the applications were received.

Issued in Austin, Texas, on July 26, 1976.

Doc. No. 764008 Robert E. Schneider
Executive Director
Texas Water Rights Commission

Proposed Date of Adoption: September 2, 1976

For further information, please call (512) 475-2711.



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

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

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

State Board of Control Centralized Services Division

Interagency Cooperation Contracts 028.14.03

Under the authority of Article 4413(32), Vernon's Texas Civil Statutes, the Texas State Board of Control has amended Subsection (1) of Rule 028.14.03.667(a) to read as follows:

.667. Submission of Vouchers for Reimbursement.

(a)(1) Salaries and/or wages that are to be reimbursed for performance of a contract shall be listed in detail by each employee's name, and amount of salary and/or wages to be charged against the contract. Only employees used in the performance of the contract can be so listed.

Issued in Austin, Texas, on July 26, 1976.

Doc. No. 763999 Homer A. Foerster
 Executive Director
 State Board of Control

Effective Date: August 16, 1976

For further information, please call (512) 475-5966.

Texas Department of Labor and Standards

Mobile Home Division

Standards and Requirements 063.55.02

The Texas Department of Labor and Standards amends Rule 063.55.02.001 under the authority of Article 5221f, Texas Civil Statutes, to read as follows:

.001. Texas Mobile Home Standards Code. Effective June 15, 1976, the standards for the installation of plumbing, heating, and electrical systems and for the construction of mobile homes shall be the mobile home construction and safety standards, as published in the *Federal Register* on December 18, 1975, and as amended along with interpretative bulletins, as published in the *Federal Register* on May 11, 1976.

Issued in Austin, Texas, on July 25, 1976.

Doc. No. 763961 Jackie W. St. Clair
 Commissioner
 Texas Department of Labor and
 Standards

Effective Date: June 15, 1976

For further information, please call (512) 475-5712.



Texas Department of Mental Health and Mental Retardation

Rules of the Commissioner of MH/MR Affecting Client (Patient) Care

Employment of Independent Contractors (Consultants) 302.04.01

The Texas Department of Mental Health and Mental Retardation has adopted Rule 302.04.01.004 with no changes in the proposed text.

The Texas Department of Mental Health and Mental Retardation, under the authority of Article 5547-202, Section 2.11(b), Texas Civil Statutes, has adopted Rule 302.04.01.004 to read as follows:

.004. Employment of an Independent Contractor (Consultant). No independent contractor (consultant) will be employed by any facility of this department without written approval by the head of the facility prior to the rendition of any services. Such approval shall be evidenced by "Contract for Consultant Services" (Texas Department of Mental Health and Mental Retardation Form P-11, as revised May 28, 1976, illustrated by Exhibit A) which is attached to and made a part of these rules, between this department, acting through its individual facility, and the independent contractor (consultant). The "Contract for Consultant Services" is to be signed by the head of the facility employing such consultant. In the case of the central office, the commissioner will sign the contract, and it will be forwarded to the Chief of Budgets and Finance. This contract responsibility may not be delegated without written approval of the commissioner. All existing arrangements through which independent contractors (consultants) are providing services to a facility of this department will, as soon as possible, be reduced to writing on Form P-11 (Revised May 28, 1976).

Issued in Austin, Texas, on July 26, 1976.

Doc. No. 763981 Kenneth D. Gaver, M.D.
Commissioner
Texas Department of Mental
Health and Mental Retardation

Effective Date: August 15, 1976

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

Review Boards (Rusk State Hospital Maximum Security Unit) for Making a Determination of Manifest Dangerousness 302.04.10

The Texas Department of Mental Health and Mental Retardation, by authority of Article 5547-202, Section 2.11(b), Texas Civil Statutes, has adopted Rules 302.04.10.001, 302.04.10.003-.008, 302.04.10.010, and 302.04.10.018-.040 to read as follows:

.001. Purpose. The purpose of these rules is as follows:

- (1) to establish review boards at Rusk State Hospital to determine whether a patient is manifestly dangerous;
- (2) to prescribe procedures for the functions of review boards;
- (3) to clarify the responsibilities of review boards and of the Superintendent of Rusk State Hospital;
- (4) to provide for the appointment of members to review boards; and
- (5) to enumerate the rights of patients with respect to actions of review boards.

.003. Statement of Philosophy.

(a) Review boards are established to determine whether patients civilly committed to the Maximum Security Unit of Rusk State Hospital are manifestly dangerous in accordance with the provisions of Articles 46.02 and 46.03, Texas Code of Criminal Procedure.

(b) The department asserts that such a determination may best be made by qualified teams of professional personnel who do not have direct responsibility for the diagnosis, care, treatment, or disposition of such patients.

.004. Definitions. In these rules:

- (1) "Department" means the Texas Department of Mental Health and Mental Retardation.
- (2) "Superintendent" means the Superintendent of Rusk State Hospital.
- (3) "Review Board" means a board established pursuant to Rule .005 of these rules.
- (4) "Patient" means any person committed to Rusk State Hospital as a result of proceedings initiated pursuant to the provisions of Section 6(a), Article 46.02, or Section 4(a), Article 46.03, Texas Code of Criminal Procedure.
- (5) "Commissioner" means the Commissioner of the Texas Department of Mental Health and Mental Retardation.
- (6) "Deputy Commissioner" means the Deputy Commissioner for Mental Health Services or the

Deputy Commissioner for Mental Retardation Services of the Texas Department of Mental Health and Mental Retardation.

(7) "Patient's counsel" means a lawyer retained by the patient or appointed by a court of appropriate jurisdiction.

(8) "Chairperson" means the individual so designated in the appointment of that individual to serve as a member of a review board.

.005. Appointment of Review Boards; Replacement of Members Unable to Serve; Appointment of New Members.

(a) One or more review boards at Rusk State Hospital shall be appointed by the commissioner. Each board shall consist of seven members. The commissioner shall appoint the chairperson of each board.

(b) If at any time a member of a review board is unable for any reason to serve as a member, the commissioner shall appoint a replacement. Notice of such appointment will be by letter to the superintendent, the chairperson of the review board, the deputy commissioners, and the new members.

(c) The commissioner shall from time to time replace members or the chairperson of a review board with new members. Notice of such appointment will be in the form of a letter to the member, the new member, the superintendent, the chairperson, and the deputy commissioners.

.006. Meetings and Minutes of the Review Board.

(a) A review board shall convene on a working Monday of each month or at such other times as may be determined by the chairperson.

(b) The superintendent shall provide the chairperson with a list of patients to be considered by the review board and the approximate dates on which the board should meet. The superintendent may request a meeting of a review board by so notifying the chairperson.

(c) All meetings of a review board shall be in the facilities of Rusk State Hospital.

(d) The chairperson of a review board shall provide that minutes will be kept of all meetings of the review board. The minutes of each meeting shall record at least the following information:

- (1) place, date, and time of meeting;
- (2) members of the review board present;
- (3) names and case numbers of all patients reviewed by the review board;
- (4) all decisions by the review board as to whether or not each patient is determined to be or not to be manifestly dangerous; and
- (5) any other actions and recommendations of the review board.

(e) A copy of all minutes of the review board shall be:

- (1) maintained by the chairperson as a permanent file;
- (2) provided to the superintendent;
- (3) provided to the appropriate deputy commissioners; and
- (4) provided to the chief of legal services of the department.

.007. Determination of Standards as to Manifest Dangerousness.

(a) Review boards shall develop and specify the standards used in their determination of manifest dangerousness and may revise the standards from time to time. A copy of the standards shall be maintained by the chairperson and copies shall be furnished to:

- (1) each member of the review board;
- (2) the superintendent;
- (3) the commissioner;
- (4) both deputy commissioners; and
- (5) the chief of legal services of the department.

(b) The deputy commissioner for Mental Health Services shall, from time to time, provide to review boards reports of scientific research or scientific literature which will provide information useful to the board in specifying standards as to manifest dangerousness.

.008. Information and Records to be Furnished Review Boards by the Superintendent. The superintendent shall provide all necessary information and records regarding the patient to the review board including:

- (1) name of patient, date of admission, and age;
- (2) date and full description of alleged criminal offense;
- (3) complete hospital social history;
- (4) all psychological test materials and findings;
- (5) observational reports of nursing service, security guards, and other staff members;
- (6) physical and neurologic examination, including electroencephalogram, laboratory, and roentgenologic reports;
- (7) mental status at admission and as last recorded; and
- (8) current chemotherapy.

.010. Advice from a Review Board as to Matters Other Than Manifest Dangerousness. A review board may provide advice and recommendations as to matters other than manifest dangerousness with respect to persons under commitment in the Maximum Security Unit of Rusk State Hospital when such advice and recommendations relate to the past or future manifest dangerousness of a patient, to the patient's mental status, or to the need for a subsequent hearing.

.018. Filing of Papers.

(a) Any instrument, document, or paper of any kind which is required or authorized by these rules to be filed with a review board or with the chairperson of a review board may be filed (1) with the Superintendent of Rusk State Hospital, or (2) with the commissioner.

(b) Upon receipt of any instrument, document, or other paper filed in accordance with subsection (a) of this rule, the superintendent or commissioner shall immediately forward the instrument, document, or other paper to the chairperson.

.019. Procedure for the Determination of Manifest Dangerousness by a Review Board.

(a) A review board shall review the information available on each patient and shall conduct a hearing to determine whether the patient is "manifestly dangerous" as required by Section 6(b), Article 46.02, and Section 4(b), Article 46.03, Texas Code of Criminal Procedure.

(b) A review board shall, before rendering its decision, conduct a personal interview of each patient in such manner as shall be determined by the review board.

(c) No members of the staff of Rusk State Hospital shall be present during the hearing unless requested by a review board or as required by Rule .032(d) of these rules.

(d) No member of the staff of Rusk State Hospital shall be present during the interview of the patient unless requested by a review board or as required by Rule .032(d) of these rules.

(e) A review board shall determine whether or not each patient is manifestly dangerous and shall prepare a written decision specifying the reason for the determination and the elements of the standards referenced in Rule .007, subsection (a), of these rules on which the determination was based. The written decision by a review board shall comply in all respects with Rule .035 of these rules.

(f) The written report of each decision of a review board shall be filed in the permanent clinical record of the patient. A copy of the decision shall also be sent to the commissioner; provided, however, that all such decisions furnished the commissioner shall have deleted therefrom any and all words and figures which would directly or indirectly reveal the identity of the patient; provided further, however, that the institutional case number of the patient is not to be deemed as directly or indirectly identifying the identity of the patient. Upon receipt of a copy of such a decision, the commissioner shall inspect the decision, and, if he is satisfied that the patient's identity is not revealed thereby, he shall file and index the decision for public inspection as required by the Administrative Procedure and Texas Register Act, Article 6252-13a, Vernon's Annotated Civil Statutes.

(g) In the event that any decision of a review board is not unanimous, any member of the review board may prepare a written dissent, stating the reason for such dissent. Such dissent shall also be filed in the patient's permanent clinical record and a copy shall be provided to the superintendent and the chairperson. A copy of the written dissent shall also be sent to the commissioner and also shall have deleted therefrom all patient identifying information as is provided for with reference to the decision in subsection (f) of this rule.

(h) A review board shall conduct new hearings on patients at intervals required or authorized by Rule .035 of these rules.

.020. Computation of Time; Extensions.

(a) In computing any period of time prescribed or allowed by these rules, by order of a review board, or by any applicable statute, the period shall begin on the day after the act, event, or default in controversy and conclude on the last day of such computed period, unless it be a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

(b) Unless otherwise provided by statute or by these rules the time for the doing of any act under these rules may be extended by order of a review board upon written motion duly filed with it prior to the expiration of the applicable period of time for the doing of the same, showing that there is good cause for such extension of time and that the need therefor is not caused by the neglect, indifference, or lack of diligence of the movant. A copy of any such motion shall be served upon all other parties of record to the proceedings contemporaneously with the filing thereof.

.021. Motions. Any motion relating to a proceeding before a review board shall, unless made during a hearing, be written and shall set forth the relief sought and the specific reasons and grounds therefor. If based upon matters which do not appear of record, it shall be supported by affidavit. Any motion not made during a hearing shall be filed with the chairperson of the review board, who shall act upon the motion at the earliest practicable time.

.022. Notice of Hearing; Waiver of Notice.

(a) Hearings shall be held by a review board after reasonable notice to the patient of not less than 10 days prior to the date of the hearing.

(b) The notice requirement of subsection (a) of this rule may be waived in writing by the patient.

(c) The notice of hearing, the written waiver of notice of hearing, or both, shall be filed in the patient's clinical records.

(d) The form to be used by a review board for notice of the hearing and for waiver of notice by the patient is attached to these rules as Exhibit A.

.023. *Depositions.* The taking and use of depositions in any proceeding shall be governed by Section 14 of the Administrative Procedure and Texas Register Act, Article 6252-13a, Vernon's Annotated Civil Statutes.

.024. *Subpoenas.*

(a) Following written request by a party or on its own motion, subpoenas for the attendance of a witness from any place in the State of Texas at a hearing in a pending proceeding may be issued by a review board.

(b) Motions for subpoenas to compel the production of books, papers, accounts, documents, or other physical things shall be addressed to a review board, shall be verified and shall specify as nearly as may be the books, papers, accounts, or documents desired and the material and relevant facts to be proved by them. If the matter sought is relevant, material, and necessary and will not result in harassment, imposition, or undue inconvenience or expense to the party to be required to produce the same, a review board may issue a subpoena, compelling production of books, papers, accounts, documents, or other physical things as deemed necessary. Such subpoenas may also be issued by a review board upon its own motion.

(c) Subpoenas issued pursuant to subsections (a) and (b) of this rule shall be issued only after a showing of good cause and deposit of sums sufficient to insure payment of expenses incident to the subpoenas. Service of subpoenas and payment of witness fees shall be made in the manner prescribed in the Administrative Procedure and Texas Register Act, Article 6252-13a, Vernon's Annotated Civil Statutes.

.025. *Prepared Testimony.* In all contested cases and after service of copies upon all parties of record at such time as may be designated by a review board, the prepared testimony of a witness upon direct examination, either in narrative or question-and-answer form, may be incorporated in the record as if read or received as an exhibit, upon the witness' being sworn and identifying the same. Such witness shall be subject to cross-examination and the prepared testimony shall be subject to a motion to strike in whole or in part.

.026. *Conduct and Decorum.* Every party, witness, attorney, or other representative shall comport himself in all proceedings governed by these rules with proper dignity, courtesy, and respect for the department, the review board, and members of the review board. Disorderly conduct will not be tolerated. Attorneys and other representatives of parties shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the State Bar of Texas.

.027. *Rules of Evidence.* In all hearings before a review board, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury civil cases in the district

courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. A review board shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, if a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

.028. *Documentary Evidence and Official Notice.*

(a) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. On request, parties shall be given an opportunity to compare the copy with the original. When numerous documents are offered, a review board may limit those admitted to a number which are typical and representative, and may, in its discretion, require the abstracting of the relevant data from the documents and the presentation of the abstracts in the form of an exhibit; provided, however, that before making such requirement, a review board shall require that all parties of record or their representatives be given the right to examine the documents from which such abstracts were made.

(b) Official notice may be taken of all facts judicially cognizable. In addition, notice may be taken of generally recognized facts within the area of the department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The special skills or knowledge of the department and its staff may be utilized in evaluating the evidence.

.029. *Formal Exceptions.* Formal exceptions to rulings of a review board during a hearing shall be unnecessary. It shall be sufficient that the party at the time any ruling is made or sought shall have made known to the review board the action which he desires.

.030. *Limitations on Number of Witnesses.* A review board shall have the right in any proceeding to limit the number of witnesses whose testimony is merely cumulative.

.031. *Offer of Proof.* When testimony is excluded by ruling of a review board, the party offering such evidence shall be permitted to make an offer of proof by dictating or submitting in writing the substance of the proposed testimony prior to the conclusion of the hearing, and such offer of proof shall be sufficient to preserve the point for review by the department. The

review board members may ask such questions of the witness as they deem necessary to satisfy themselves that the witness would testify as represented in the offer of proof. An alleged error in sustaining an objection to questions asked on cross-examination may be preserved without an offer of proof.

.032. Right to Present Evidence and Argument; Swearing of Witnesses and Testimony Under Oath; Right to Cross-Examination; Assistance of Counsel.

(a) The patient and his representative, if any, shall be afforded the opportunity to respond and present evidence and argument on all issues involved.

(b) In connection with any hearing or proceeding held before a review board, the review board may swear witnesses and take their testimony under oath.

(c) In any hearing or proceeding held before a review board, a party may conduct cross-examinations required for a full and true disclosure of the facts.

(d) In any hearing or proceeding held before a review board, all parties are entitled to the assistance of their counsel before the review board; provided, however, that such assistance of counsel may be expressly waived. If the patient is not represented by counsel, the superintendent may appoint a layperson on the staff of Rusk State Hospital not directly connected with the Maximum Security Unit to assist the patient at the hearing in the interest of justice. At the request of the patient, the superintendent shall appoint such lay-representative.

.033. Ex Parte Consultations. Unless required for the disposition of *ex parte* matters authorized by law, members of a review board assigned to render a decision or to make findings of fact and conclusions of law in a hearing before a review board may not communicate, directly or indirectly, in connection with any issue of fact or law with any party or his representative, except on notice and opportunity for all parties to participate.

.034. Effects of Review Board Decisions. The determination of manifest dangerousness by a review board shall be final as provided in Rule .035 of these rules.

.035. Final Decisions and Orders; Request for Rehearing by Superintendent; Request for New Hearing by Superintendent or by Patient; Motions for Rehearing.

(a) A final decision must include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by mail of any decision or order. On written request, a copy of the decision shall be provided to the patient and to his counsel of record, if any.

(b) A decision is final, in the absence of a timely motion for rehearing, on the expiration of the period for filing a motion for rehearing, and is final and appealable on the date of rendition of the order overruling the motion for rehearing, or on the date the motion is overruled by operation of law. If a review board finds that an imminent peril to the public health, safety, or welfare requires immediate effect of a final decision or order in the case, it shall recite the finding in the decision or order as well as the fact that the decision or order is final and effective on the date rendered, in which event the decision or order is final and appealable on the date rendered and no motion for rehearing is required as a prerequisite for appeal.

(c) The final decision or order must be rendered within 60 days after the date the hearing is finally closed.

(d) In the event the superintendent disagrees with the decision of a review board, he may petition the appropriate deputy commissioner for a rehearing. The deputy commissioner may, after a review of the decision, order a rehearing by the review board.

(e) The superintendent may request a new hearing by a review board at any time, provided that the superintendent has cause to believe that a change in the patient's condition is sufficient to warrant a new hearing.

(f) The patient may request a new hearing by a review board and shall be afforded a new hearing upon a showing of good cause therefor.

(g) A review board may grant a new hearing at any time upon request of the superintendent or upon its own motion.

(h) Except as provided in subsection (c) of this rule, a motion for rehearing is a prerequisite to an appeal. A motion for rehearing must be filed within 15 days after the date of rendition of a final decision or order. Replies to a motion for rehearing must be filed with the chairperson of a review board within 25 days after the date of rendition of the final decision or order, and the chairperson's action on the motion must be taken within 45 days after the date of rendition of the final decision or order. If the chairperson's action is not taken within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date of rendition of the final decision or order. The chairperson may by written order extend the period of time for filing the motions and replies and taking action thereon, except that an extension may not extend the period for department action beyond 90 days after the date of rendition of the final decision or order. In the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order, or in the absence of a fixed date, 90 days after the date of the final decision or order.

(i) The parties may by agreement with a review board provide for a modification of the times provided in this section.

.036. The Record.

(a) The record in a case before a review board shall include:

- (1) all pleadings, motions, and intermediate rulings;
- (2) evidence received or considered;
- (3) a statement of matters officially noticed;
- (4) questions and offers of proof, objections, and rulings on them;
- (5) proposed findings and exceptions;
- (6) any decision, opinion, or report by the review board at the hearing; and
- (7) all staff memoranda or data submitted to or considered by the members of the review board who are involved in making the decision.

(b) Findings of fact shall be based exclusively on the evidence presented and matters officially noticed.

.037. Transportation of Review Board Members. The commissioner shall make available to the members of a review board transportation by the department's airplane, upon request of the chairperson, whenever practicable.

.038. Distribution.

(a) These rules shall be distributed to all members of the Texas Board of Mental Health and Mental Retardation; assistant commissioners, deputy commissioners, directors, and section chiefs of central office; superintendents and directors of all department facilities; and members of review boards.

(b) The Superintendent of Rusk State Hospital shall be responsible for the distribution of copies of these rules to all appropriate staff members of Rusk State Hospital. The superintendent shall be responsible for ensuring that these rules shall be explained and copies made available upon request to all staff members of the Maximum Security Unit of Rusk State Hospital.

(c) A copy of these rules shall be provided upon request to a patient subject to the provisions of these rules and to a patient's counsel.

.039. References. Reference is made to the following statutes:

- (1) Article 46.02, Texas Code of Criminal Procedure;
- (2) Article 46.03, Texas Code of Criminal Procedure;
- (3) Article 6252-13a, Vernon's Annotated Civil Statutes.

.040. Effective Date.

(a) Rules .001-.017 of these rules concerning review boards (Rusk State Hospital Maximum Security

Unit) for making a determination of manifest dangerousness were effective on December 22, 1975.

(b) Rules .018-.040 are effective upon the filing of those rules as emergency rules with the *Texas Register* of the Office of the Secretary of State.

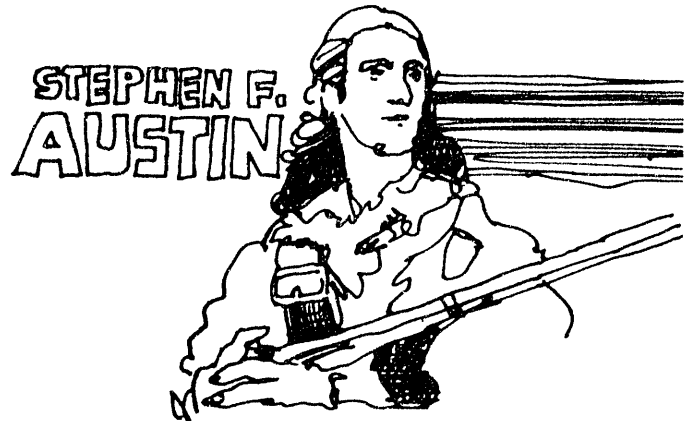
(c) Upon the effective date of these rules, Interim Administrative Order 20 and all other instructions on this subject, written or verbal, are rescinded.

Issued in Austin, Texas, on June 23, 1976.

Doc. No. 763951 Kenneth D. Gaver, M.D.
 Commissioner
 Texas Department of Mental
 Health and Mental Retardation

Effective Date: August 12, 1976

For further information, please call (512) 474-3761.



State Department of Public Welfare

Food Stamps

Support Documents 326.15.99.001

The Department of Public Welfare repeals Rule 326.15.99.001, which adopted by reference the rules in *Federal Register* Document No. 75-32367. This document has been replaced by new federal regulations which became effective July 1, 1976. The department has adopted by reference the new federal regulations under Rule 326.15.99.002.

This repeal is adopted under the authority of Article 695c, Texas Civil Statutes, effective July 1, 1976, pursuant to federal requirements.

Issued in Austin, Texas, on July 23, 1976.

Doc. No. 763964 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Effective Date: July 1, 1976

For further information, please call (512) 475-4601.

326.15.99.002

The Department of Public Welfare adopts the following rule by reference. *Federal Register* Document No. 76-19088, which appears at pages 27365-27371 of Volume 41, Number 129, and which amends 7 Code of Federal Regulations Part 271, sets forth maximum income eligibility standards and basis of issuance tables for the Food Stamp Program to be effective on July 1, 1976. With this adoption the maximum allowable net income for a one-person non-public assistance food stamp household is increased from \$215 to \$245 and that allowed for a two-person household is changed from \$307 to \$322. At this time these are the only two changes to the income eligibility standards. The standards for all other size households remain unchanged.

This rule is adopted under the authority of Article 695c, Texas Civil Statutes, effective July 1, 1976, pursuant to federal requirements.

.002. *Federal Register Documents No. 76-19088.*
 The Department of Public Welfare adopts by reference the food stamp rules and appendix contained in *Federal Register* Document No. 76-19088, which appears at pages 27365-27371 of Volume 41, Number 129, and which amends 7 Code of Federal Regulations Part 271.

Issued in Austin, Texas, on July 23, 1976.

Doc. No. 763960 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Effective Date: July 1, 1976

For further information, please call (512) 475-4601.

Railroad Commission of Texas

Transportation Division

Tariffs and Schedules 051.03.08.006

Under the authority of Section 4(a) of Article 911b, Texas Civil Statutes, the Railroad Commission of Texas has amended Regulation 051.03.08.006 by adding an exception to Section (B)(2) to read as follows:

.006. *Weights to be Used in Assessing Freight Charges.*

(B)(2) All shipments shall be weighed at point of origin if practical to do so; otherwise, at destination or at a point within five miles of the most direct route available for truck travel between point of origin and destination, if scales are available. Exception-- in the assessment of charges based on rates published in RCT Motor Freight Commodity Tariff No. 29 series for the transportation of peanuts, where the shipment is at the direction or under the control of a federal or state governmental body requiring visual certification of weighings by its agents or representatives, either origin or destination weight will govern, depending upon the location of the governmental agent or representative. The carrier shall place on the carrier's bill of lading the location of the governmental agent or representative.

Issued in Austin, Texas, on July 23, 1976.

Doc. No. 763942 James H. Cowden, Director
 Transportation Division
 Railroad Commission of Texas

Effective Date: August 12, 1976

For further information, please call (512) 475-3207.

051.03.08.006

Under the authority of Section 4(a) of Article 911b, Texas Civil Statutes, the Railroad Commission of Texas has amended Regulation 051.03.08.006 by adding exceptions to Section (B)(3) to read as follows:

.006. *Weights to be used in Assessing Freight Charges.*

Exception (1): Carriers operating under Sand and Gravel Motor Carriers Association, Inc., Motor Freight Commodity Tariff No. 2 Series shall obtain tare weights

for each vehicle daily prior to performing any transportation services. The tare weights so obtained shall be used on all loads handled for the same shipper during the day on which such tare weights are so obtained. When loads are handled on one day for more than one shipper, a separate tare weight for each vehicle shall be obtained prior to the performance of transportation services for each such shipper.

Exception (2): Carriers operating under Motor Freight Commodity Tariff No. 24 Series, Item 309(B), shall obtain tare weights for each vehicle as provided in Exception (1) above.

Issued in Austin, Texas, on July 23, 1976.

Doc. No. 763941 James H. Cowden, Director
Transportation Division
Railroad Commission of Texas

Effective Date: August 12, 1976

For further information, please call (512) 475-3207.

Railroad Commission) used in the performance of accessorial services under tariff provisions. Each list shall be maintained for the time period provided in Regulation 051.03.04.003.

(G) No motor vehicle may be used under accessorial tariff provisions unless:

(1) the motor vehicle has a current Railroad Commission cab card and identification plate; or

(2) the motor vehicle is on the list which must be maintained by motor carriers on all equipment and vehicles having a tonnage rating, lifting capacity, drawbar rating, etc. used in accessorial services under tariff provisions.

Issued in Austin, Texas, on July 23, 1976.

Doc. No. 763943 James H. Cowden, Director
Transportation Division
Railroad Commission of Texas

Effective Date: August 12 1976

For further information, please call (512) 475-3207.

Equipment: Identification and Reports

051.03.09.001

Under the authority of Section 4(a) of Article 911a and Section 16(e) of Article 911b, Texas Civil Statutes, the Railroad Commission of Texas has amended Regulation 051.03.09.001, Sections (A) and (G) to read as follows:

.001. Identification Cards and Plates.

(A) On or before July 1 of each year, each motor carrier and each motor bus company shall file with the commission, separately for each certificate or permit under which it operates, in the form prescribed by the director, an equipment report signed by the owner (if a sole proprietorship), a partner (if a partnership), or an officer (if a corporation), accompanied by a cashier's check or certified check or money order payable to the state treasurer covering the payments prescribed in subsections (B) and (C) of this regulation. The equipment report shall include an application for the issuance of an identification card and an identification plate for each motor vehicle to be operated during the 12-month period beginning on the next following September.

All motor carriers and motor bus companies shall maintain at their principal office a current list of all motor vehicles registered with the Railroad Commission. All motor carriers must include on their lists the tonnage rating of each vehicle registered with the commission. All motor carriers shall maintain a current list of all equipment and vehicles having a tonnage rating, lifting capacity, drawbar rating, etc. (not registered with the

051.03.09.002

Under the authority of Section 4(a) of Article 911a and Section 16(e) of Article 911b, Texas Civil Statutes, the Railroad Commission of Texas has amended Regulation 051.03.09.002 by adding language to Section (B) to read as follows:

.002. Current Identification Cards and Plates Required.

(B) More than one set of intrastate identification cards and plates may be issued for one motor vehicle under different certificates and permits when the certificates and permits under which the motor vehicle is sought to be registered are owned by separate legal entities under common ownership or the certificates and permits are acquired by a lease approved by the commission and are under common control. Motor vehicles may not be registered under more than three certificates and/or permits at any time.

Issued in Austin, Texas, on July 23, 1976.

Doc. No. 763944 James H. Cowden, Director
Transportation Division
Railroad Commission of Texas

Effective Date: August 12, 1976

For further information, please call (512) 475-3207.

Specialized Motor Carriers of Mobile Homes 051.03.19

Under the authority of Section 4(a) of Article 911b, Texas Civil Statutes, the Railroad Commission of Texas has amended Regulation 051.03.19.001 to read as follows:

.001. *Definition.* For the purpose of interpreting the provisions of this Part 19, a specialized motor carrier of mobile homes is a carrier holding certificates or permits authorizing the transportation of new or used mobile homes, house trailers, cabin trailers, or bungalow trailers.

A specialized carrier of mobile homes may enter into a contract with an owner-operator of a motor vehicle or a commission agent to represent the carrier on intrastate transportation at locations other than a company-owned terminal as provided:

(A) a copy of the contract has been filed with the director of transportation prior to commencing operations under the contract;

(B) the contract must provide the address where the base of operations will be conducted;

(C) the carrier maintains records in his principal office of all services performed by the owner-operator or commission agent on vehicles registered with this commission;

(D) all advertisement, written or otherwise, must be in the carrier's certificated name;

(E) every owner-operator or commission agent shall keep a copy of all shipments and services which he negotiates or handles for at least two years after date of the shipment or service;

(F) each carrier who has an owner-operator or commission agent to represent them in an area shall require the owner-operator or commission agent to keep copies of the carrier's tariff in his office, open to public inspection;

(G) each carrier shall be responsible for the acts, delinquencies, omissions, and conduct of each of his owner-operators or commission agents during the period of the contract;

(H) the carrier must notify the director of transportation in writing within five days of the effective date of all terminated contracts.

Issued in Austin, Texas, on July 23, 1976.

Doc. No. 763945

James H. Cowden, Director
Transportation Division
Railroad Commission of Texas

Effective Date: August 12, 1976

For further information, please call (512) 475-3207.

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

Texas Department of Community Affairs

Meeting

A meeting of the Advisory Council of the Texas Department of Community Affairs will be held on Thursday, August 12, 1976, 10 a.m., at 210 Barton Springs Road, Austin, to consider a review of the department's third quarter activities and a discussion of the department's planned fourth quarter activities and FY 1976 activities.

Additional information may be obtained from Tom Laramey, P.O. Box 13166, Austin, Texas 78711, telephone (512) 475-6903.

Filed: July 28, 1976, 3:59 p.m.

Doc. No. 764027

Texas Education Agency

Meeting

A meeting of the Teachers' Professional Practices Commission of the Texas Education Agency will be held on Friday, August 6, 1976, at the Texas Education Agency, 201 East 11th Street Austin. The meeting immediately follows a private hearing of the commission, as authorized by Section 13.213, Texas Education Code, to begin at 9 a.m. Miscellaneous operational considerations will be discussed.

Additional information may be obtained from Thomas E. Anderson, Jr., 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-6836.

Filed: July 27, 1976, 9:10 a.m.

Doc. No. 763983

Employees Retirement System

Meeting

A meeting of the Group Insurance Advisory Committee of the Employees Retirement System will be held on Tuesday, August 10, 1976, 10 a.m., at 1800 San Jacinto, Austin, to review contracts; to discuss supplemental coverages; to review enrollment activities; and to plan committee activities for remainder of this fiscal year.

Further information may be obtained from Everett L. Anschutz, P.O. Box 12337, Austin, Texas 78711, telephone (512) 476-6431.

Filed: July 28, 1976, 9:40 a.m.

Doc. No. 764014

Executive and Legislative Budget Offices

Amendment to Agenda

The agenda for a hearing of the Executive and Legislative Budget Offices to be held Tuesday through Thursday, August 3-5, 1976, 9 a.m. each day, at the Texas A&M University campus, College Station, has been amended to include budget hearings for the A&M University System. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: July 28, 1976, 9:40 a.m.

Doc. No. 764013

Office of the Governor

Meeting

A meeting of the 208 Management Committee of the Governor's Special Advisor on Natural Resources will be held on Tuesday, August 3, 1976, 10:30 a.m., in Room 513, Stephen F. Austin Building, Austin. The committee will discuss the status of Basin Committee nominations; 208 funding; and EPA evaluation of the 208 Program.

Additional information may be obtained from Dick Lewis, P.O. Box 13006, Capitol Station, Austin, Texas 78711, telephone (512) 475-7876.

Filed: July 26, 1976, 2:43 p.m.

Doc. No. 763977

Texas Health Facilities Commission

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Health Facilities Commission held on Thursday, July 29, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to include consideration of two applications for declaratory rulings and one application for amendment to declaratory ruling.

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

Filed: July 28, 1976, 11:14 a.m.

Doc. No. 764021-764022

Meeting

A meeting of the Texas Health Facilities Commission will be held on Tuesday, August 3, 1976, 2 p.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin. The commission will consider the repeal of existing interim permanent rules and the adoption of permanent rules. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: July 26, 1976, 4:22 p.m.

Doc. No. 763982

Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, August 5, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to consider applications for certificates of need, declaratory rulings, exemption certificates, and administrative orders. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: July 28, 1976, 11:15 a.m.

Doc. No. 764023

State Board of Insurance

Hearing

A hearing by the commissioner's hearing section of the State Board of Insurance will be held on Thursday, August 5, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of American National Insurance Company, Galveston, for approval of transaction with affiliate under articles 21.49-1 and 1.29.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: July 27, 1976, 11:31 a.m.

Doc. No. 763987

Hearing

A hearing by the commissioner's hearing section of the State Board of Insurance will be held on Friday, August 6, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of North Suburban, Inc., Chicago, Illinois, for revocation of non-resident insurance agent's license.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: July 27, 1976 11:32 a.m.

Doc. No. 763988

Hearing

A hearing by the commissioner's hearing section of the State Board of Insurance will be held on Monday, August 9, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of Milton Bowers, Houston, for solicitor's license.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: July 27, 1976, 11:32 a.m.
Doc. No. 763989

Hearing

A hearing by the commissioner's hearing section of the State Board of Insurance will be held on Wednesday, August 11, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of United Services Life Insurance Company, Washington, D.C., for approval of acquisition of Empire General Life Insurance Company, Dallas, under Section 5, Articles 21.49-1 and 1.29.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: July 27, 1976, 11:32 a.m.
Doc. No. 763990

Hearing

A hearing by the commissioner's hearing section of the State Board of Insurance will be held on Wednesday, August 11, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application for approval of reinsurance agreement between James J. Robinson Burial Association (in conservatorship), Columbus, and Regal Life of America Insurance Company, San Antonio.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: July 27, 1976, 11:32 a.m.
Doc. No. 763991

State Board of Morticians Meeting

A meeting of the State Board of Morticians will be held on Wednesday, August 11, 1976, 9 a.m., at 1513 South Interstate 35, Austin, to discuss licenses by reciprocity; apprenticeships; reinstatement of licenses; and other items of business. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from James W. McCammon, 1513 South Interstate 35, Austin, Texas 78741, telephone (512) 442-6721.

Filed: July 27, 1976, 11:33 a.m.
Doc. No. 763997



Board of Pardons and Paroles

Meeting

A meeting of the Board of Pardons and Paroles will be held Monday through Friday, August 9-13, 1976, 9 a.m. daily, at 711 Stephen F. Austin Building, Austin. The board will convene to review cases of inmates for parole consideration, to act on emergency reprieve requests and other acts of executive clemency, and to review reports regarding persons on parole.

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

Filed: July 28, 1976, 8:42 a.m.
Doc. No. 764011

Texas Parks and Wildlife Department

Emergency Meeting

An emergency addition was made to the agenda of the meeting of the Parks and Wildlife Commission of the Texas Parks and Wildlife Department held Friday, July 30, 1976, 9 a.m., in Room 105, John H. Reagan Building, 15th and Congress, Austin. The addition was made to include items 9, 10, and 11 respectively: the acquisition project of Purdis Creek Site in Henderson and Van Zandt counties; the acquisition project of Hubbard Creek site in Stevens County; and the acquisition project of Hale Ranch project, additional 808 acres, in Fort Bend County.

Additional information may be obtained from Perry Spalding, Texas Parks and Wildlife Department, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-3074.

Filed: July 27, 1976, 9:28 a.m.
Doc. No. 763984

Texas Private Employment Agency Regulatory Board

Emergency Hearing

An emergency hearing by the Committee On Nurses Registries, Babysitting Services, and Talent Agencies of the Texas Private Employment Agency Regulatory Board was held on Friday, July 30, 1976, 9 a.m. in Room 117, Sam Houston Building, Austin, to take public testimony on proposed rules and regulations for nurses registries, babysitter registries, and talent and modeling agencies

Additional information may be obtained from Larry E. Kosta, P.O. Box 12157, Austin, Texas 78711, telephone (512) 475-7026.

Filed: July 26, 1976, 1:52 p.m.
Doc. No. 763976

Public Utility Commission of Texas

Meeting

A meeting of the Public Utility Commission of Texas will be held on Thursday, August 12, 1976, 10 a.m., at Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider the purchase of Warren Telephone Company's Warren Exchange and Wildwood Exchange by Southwestern Bell Telephone Company.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: July 26, 1976, 3:40 p.m.
Doc. No. 763979

Meeting

A meeting of the Public Utility Commission of Texas will be held on Monday, August 16, 1976, 10 a.m., at Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider applications for certificates of convenience and necessity concerning the entire State of Texas

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: July 27, 1976, 11:34 a.m.
Doc. No. 764007

Meeting

A meeting of the Public Utility Commission of Texas will be held on Monday, August 16, 1976, 10 a.m., at Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider applications from water utilities concerning the counties of Henderson, Hunt, and Kaufman.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: July 28, 1976, 8:33 a.m.
Doc. No. 764009

Texas Surplus Property Agency

Meeting

A meeting of the Governing Board of the Texas Surplus Property Agency will be held on Friday, August 6, 1976, 10 a.m., at the conference room, Tarrant County Junior College, 1400 Electric Service Building, Fort Worth, to discuss the proposed budget for Fiscal Year 1976-77; the acquisition of land at Lubbock and Fort Worth; and Christmas holidays.

Additional information may be obtained from Ray Underwood, P.O. Box 8120, Wainwright Station, San Antonio, Texas 78208, telephone (512) 661-2381.

Filed: July 27, 1976, 10:51 a.m.

Doc. No. 763985

Advisory Council for Technical-Vocational Education in Texas

Meeting

A meeting of the Advisory Council for Technical-Vocational Education in Texas will be held on Tuesday and Wednesday, August 24-25, 1976, 1:30 p.m. each day, in the Tiara Room of the Austin Hilton Inn, Austin. The agenda for August 24 includes an update on guidance services by Dr. Jim Clark; reports of council committees: the Industry/Education Committee by Dr. Milton Schiller, the Steering Committee by Bill Elkins, and the Governor's Conference Committee by David Pickett; special reports; the seventh annual report to the State Board of Education; and the report of the executive director by Alton D. Ice. The August 25 agenda includes a panel discussion on the "Impact of Vocational Education for the Handicapped and Its Implications for the Future."

Additional information may be obtained by contacting the council office at P.O. Box 1886, Austin, Texas 78767, telephone (512) 475-2046.

Filed: July 26, 1976, 3:40 p.m.

Doc. No. 763980

Texas Eastern University Meeting

A meeting of the Board of Regents of Texas Eastern University will be held on Wednesday, August 4, 1976, 3 p.m., at 3900 University Boulevard, Tyler. Committee meetings will be held at 2 p.m. The subjects to be considered are reports from standing committees to include approval of interagency cooperation contracts, personnel, health and physical education facilities, Phase I construction, architectural services, contract change, president's report and recommendations including traffic, parking and safety regulations, student insurance and any business concerning the affairs of Texas Eastern University.

Additional information may be obtained from Dr. James H. Stewart, Jr., 3900 University Boulevard, Tyler, Texas 75701, telephone (214) 566-1471.

Filed: July 28, 1976, 10:36

Doc. No. 764017

Texas State Technical Institute

Meeting

A meeting of the Board of Regents of the Texas State Technical Institute will be held on Sunday and Monday, August 8 and 9, 1976, 2 p.m. on Sunday and 9 a.m. on Monday, at Mid-Continent Campus, Amarillo, to discuss the Mid-Continent Campus report; reports of standing policy committees; and other items of business. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Theodore A. Talbot, Texas State Technical Institute, Waco, Texas 76705, telephone (817) 799-3611.

Filed: July 27, 1976, 11:34 a.m.

Doc. No. 763998

Texas Water Quality Board

Emergency Addition to Agenda

The agenda of a meeting of Texas Water Quality Board scheduled for Thursday and Friday, July 29 and 30, 1976, 9 a.m. each day, at Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, was amended to include a discussion of a suit filed by the Clear Creek Basin Authority against the City of Houston, and of the

compliance status of Gulf Water Benefaction Company, Harris County, Permit 11255-01. Enforcement Order 75-18 and Temporary Enforcement Order 76-7E for the City of Rio Hondo were deleted from the agenda.

Additional information may be obtained from Michael W. McKinney, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-6497.

Filed: July 28, 1976, 10:15 a.m.

Doc. No. 764015

Quasi-State Agencies

Meetings Filed July 26, 1976

The Education Service Center Region VI, Board of Directors, will meet at the Ramada Inn, College Station, on August 5, 1976, at 5 p.m. Further information may be obtained from M. W. Schlotter, P.O. Box 2201, Sam Houston Station, Huntsville 77341, telephone (713) 295-9161.

The Houston-Galveston Area Council, Projects Review Committee, will meet at 3701 West Alabama, Houston, on August 3, 1976, at 9:30 a.m. Further information may be obtained from Stevie Walters, 3701 West Alabama, Houston, Texas 77027, telephone (713) 627-3200.

Doc. No. 763978

Meetings Filed July 27, 1976

The Alamo Area Council of Governments, Executive Committee, met at 532 Three Americas Building, San Antonio, on July 28, 1976, at 1:30 p.m. Further information may be obtained from Al J. Notzon III, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

The Panhandle Regional Planning Commission, Panhandle Emergency Medical Services System, Inc., will meet at North Plains Hospital, Borger, on August 5, 1976, at 7 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

The Permian Basin Regional Planning Commission, General Assembly, met at the Pecos County Exhibition Building, Ft. Stockton, on July 28, 1976, at noon. Further information may be obtained from Ernie Crawford, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

The Permian Basin Regional Planning Commission, Board of Directors, met at the Pecos County Exhibition Building, Ft. Stockton, on July 28, 1976 at 3 p.m. Further information may be obtained from Ernie Crawford, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

The San Jacinto River Authority, Board of Directors, met at the Conference Room, Lake Conroe Office, Highway 105 West, Conroe, on July 29, 1976 at 10 a.m. Further information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77302, telephone (713) 588-1111.

Doc. No. 763986

Meetings Filed July 28, 1976

The Trinity River Authority of Texas, Administrative Committee, will meet at the Southern Division Office, Huntsville, on August 5, 1976, at 1 p.m. Further information may be obtained from William J. Philbin, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

The Trinity River Authority of Texas, Utility Services Committee, will meet at the Southern Division Office, Huntsville, on September 2, 1976, at 1 p.m. Further information may be obtained from William J. Philbin, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

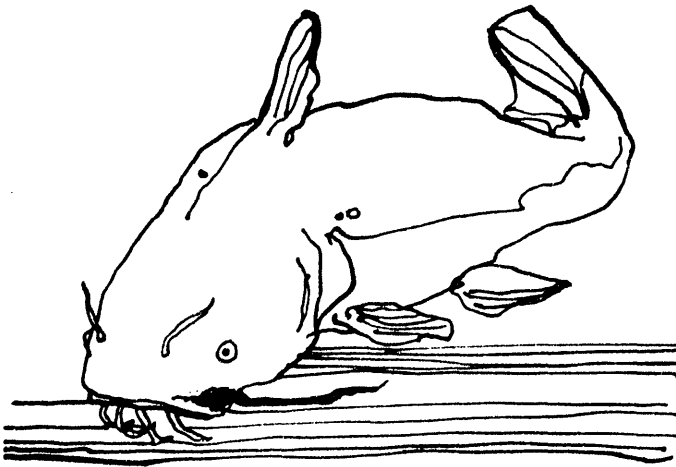
Doc. No. 764016

Meetings Filed July 29, 1976

The Red River Authority of Texas, Board of Directors, will meet at the Bounty Room, Tradewinds Motel, 1212 Broad, Wichita Falls, on August 5, 1976, at 10 a.m. Further information may be obtained from Fred Parkey, 302 Hamilton Building, Wichita Falls, Texas, telephone (817) 723-8697

The South Texas Health Systems Agency will meet at the Holiday Inn, Highway 77 By-Pass, Kingsville, on August 7, 1976, at 11 a.m. Further information may be obtained from Richard Kull, P.O. Box 6609, Corpus Christi, Texas 78411.

Doc. No. 764036



Texas Health Facilities Commission

Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, or administrative orders received during the period of July 13-19, 1976, and others not previously posted.

Should any person wish to contest the application for a declaratory ruling, exemption certificate, or administrative order, that person must file a notice of intent to contest the application with the chairman of the commission within 12 days after the enclosed listing is published. The first day for calculating this 12-day period is the first calendar day following the dating of the publishing. The 12th day will expire at 5 p.m. on the 12th consecutive day after said publishing if the 12th day is a working day. If the 12th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. When notice of intent to contest is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing notice of intent to contest.

The contents and form of a notice of intent to contest an application for an exemption certificate, declaratory ruling, or administrative order must meet the minimum criteria set out in Rule 315.07.01.001(a)(4). Failure of a contesting party to supply the minimum necessary information in the correct form by the 12th day will result in a defective notice of intent to contest, and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. Regardless of whether or not an application is formally contested, it will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02, 3.03, or 6.02 of Article 4418(h), Vernon's Annotated Texas Statutes, and Rules 315.07.01.001, 315.07.03.001, and 315.07.06.001.

In the following notice, the applicant is listed first, the file number second, and the relief sought and project description third. EC indicates exemption certificate; DR indicates declaratory ruling; AO indicates administrative order.

Cosby-Germany Hospital, Grand Saline
AH76-0719-017

EC-- Modification of existing facility in order to correct life-safety code deficiencies

Daniel Jarvis Home Health Agency, Bryan
AS76-0715-025

EC-- Relocation of facility headquarters

Genoveva Gonzales Memorial Geriatrics Center, San Antonio

AS76-0714-009

DR-- Establishment of a gerontological research, development, and educational center

Child Health Center at the University of Texas Medical Branch at Galveston, Galveston

AH76-0715-017

DR-- Construction and operation of state-owned pediatric referral center

John Sealy Hospital North and South Addition at the University of Texas Medical Branch at Galveston, Galveston

AH76-0715-019

DR-- Construction and equipment of additions to state-owned general referral hospital

Crosbyton Clinic Hospital, Crosbyton

AH76-0714-002

EC-- Lease or purchase of blood gas machine and minor respiratory therapy equipment

Stanford Convalescent Center, Inc., Fort Worth

AN76-0715-002

DR-- Re-license of 31 nursing home beds at Stanford Convalescent Center in Fort Worth

American Care Centers, Inc., for unnamed nursing home facility, Kilgore

AN76-0713-010

DR-- Relocation of site for construction of 150-bed nursing home as approved under THFC Exemption Certificate AN75-0911-034 to a site outside the Kilgore city limits

Canton Retirement Inn, Canton

AN76-0713-012

EC-- Reclassification of 42-bed ICF-III nursing home to an ICF-MR V facility

South Plains Dialysis Center, Lubbock

AO76-0719-011

EC-- Purchase of eight artificial kidney machines and recliner chairs, increasing the total hemodialysis stations to 20 stations

Cartwheel Lodge Nursing Home, Wharton

AN76-0719-014

EC/DR-- Reclassification of 50-ICF-Skilled nursing home beds to ICF-MR VI

Issued in Austin, Texas, on July 21, 1976.

Doc. No. 763901

Michael R. Sharp
General Counsel
Texas Health Facilities
Commission

Filed: July 21, 1976, 11:31 a.m.

For further information, please call (512) 475-6940.

Texas Water Quality Board

Correction of Error

Due to a typographical error, the proposed rules for private sewage facility regulations for Possum Kingdom Lake published in the *Texas Register* (Proposed Rules 150.12.23.001-.015) stated a public hearing will be held on Saturday, August 4, 1976, at 10 a.m. in the Possum Kingdom Lions Club Community Center, one-half mile south of Park Road 36 next to Possum Kingdom Air Strip in Palo Pinto County. This date should have been Saturday, August 14, 1976, at 10 a.m. All other information as to the location of the hearing was correct.

Filed: July 28, 1976

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