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Pages 3057 - 3086

TEXAS REGISTER

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TEXAS DOCUMENTS

In This Issue...

Proposed rules by the Commission on Jail Standards concerning care and treatment of inmates

Proposed rule by the State Board of Registration for Professional Engineers on applications by non-residents

Adopted rule regarding examinations by the State Board of Registration for Professional Engineers



Office of the Secretary of State

NOTES ON THE ISSUE

The Commission on Jail Standards, established on April 22, 1975, is responsible for the creation and enforcement of standards for jail facilities, equipment, personnel, programs, and procedures. Until the creation of this agency, jail standards were governed by Article 5115, Vernon's Texas Civil Statutes, and enforcement was scattered among various agencies from commissioners' courts to the Texas Department of Health Resources. These rules concern prisoner care and treatment and are the second half of the rules proposed by the commission to establish uniform standards for jails. The commission's first group of proposed rules, published in the August 3 issue of the *Register* (Volume 1, Number 60), dealt with the physical standards for jails.

The Texas State Board of Registration for Professional Engineers, prompted by numerous requests for more lenient requirements for examinations, adopts an amendment to permit previously ineligible persons to take the examination. Until this rule was adopted, only those who held a degree from an institution accredited by the Engineers Council for Professional Development could take the examination. Because the council accredits no foreign institutions and only those domestic ones requesting accreditation consideration, those holding degrees from many institutions were unable to register in Texas. At the same time the board is proposing to change its rules concerning applications from non-residents. The proposed amendment would change the definition of resident to allow Texas students who plan to practice outside of the state more ease in obtaining registration from others states requiring the examination and having a reciprocal agreement with Texas.

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

Artwork Gary Thornton

TEXAS REGISTER

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Requests for Opinions

- 3060 *RQ-1487 (state employees)*
- 3060 *RQ-1488 (public school finance)*
- 3060 *RQ-1489 (arrest without warrant)*
- 3060 *RQ-1490 (child care)*
- 3060 *RQ-1491 (cooperative marketing)*

Opinions

- 3061 *H-885 (audit of tax assessor's records)*

Proposed Rules

Commission on Jail Standards

- 3062 *General*
- 3063 *Admissions of Inmates to County Jails*
- 3064 *Release of Inmates from County Jails*
- 3065 *County Jail Records and Procedures*
- 3065 *Classification and Separation of Prisoners*
- 3066 *Medical Services in County Jails*
- 3067 *Supervision of Inmates*
- 3068 *Clothing, Personal Hygiene, and Bedding in County Jails*
- 3068 *Sanitation in County Jails*
- 3069 *Food Service in County Jails*
- 3069 *Discipline in County Jails*
- 3070 *Recreation and Exercise in County Jails*
- 3070 *Education and Rehabilitation Programs for County Jails*
- 3071 *Inmate Work Assignments in County Jails*
- 3071 *Plans for Inmate Privileges in County Jails*
- 3071 *Female Inmates in County Jails*
- 3072 *Plans for Emergencies, Fire Prevention, Critical Articles in County Jails*
- 3072 *Compliance and Enforcement Rules*
- 3074 *Variance Procedure Rules*

State Board of Registration for Professional Engineers

- 3075 *Rules of Practice and Procedure*

Adopted Rules

State Board of Registration for Professional Engineers

- 3076 *Rules of Practice and Procedure*

Texas Rehabilitation Commission

- 3076 *Economic Need*

The Legislature

- 3077 *Senate*

Open Meetings

- 3078 *Texas Board of Architectural Examiners*
- 3078 *State Banking Board*
- 3078 *Comptroller of Public Accounts*
- 3079 *Texas Department of Corrections*
- 3079 *Finance Commission of Texas*
- 3079 *Texas Historical Commission*
- 3079 *University of Houston*
- 3080 *State Board of Insurance*
- 3080 *Commission on Jail Standards*
- 3080 *Texas Department of Mental Health and Mental Retardation*
- 3080 *Board of Nurse Examiners*
- 3081 *State Department of Public Welfare*
- 3081 *Railroad Commission of Texas*
- 3082 *School Land Board*
- 3082 *Texas State University System*
- 3082 *Veterans Land Board*
- 3082 *Texas Water Quality Board*
- 3083 *Texas Water Well Drillers Board*
- 3083 *Quasi-State Agencies*

In Addition

General Land Office

- 3084 *Meeting*

Office of State-Federal Relations

- 3084 *Meeting*
- 3084 *Meeting*

Elected Officials

- 3085 *Texas Congressional Delegation*

Requests for Opinion

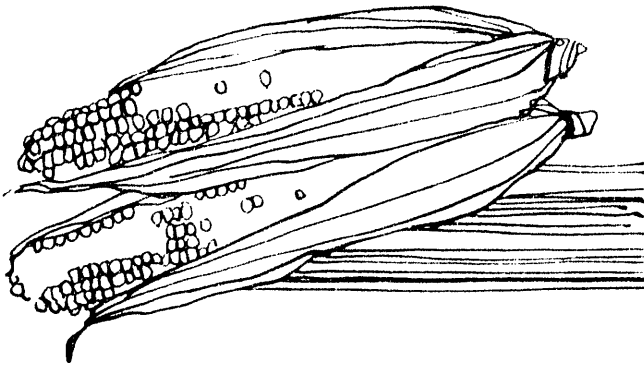
Summary of Request for Opinion RQ-1487

Request for opinion sent to Attorney General's Opinion Committee by W. J. Estelle, Jr., Director, Texas Department of Corrections, Huntsville.

Summary of Opinion: May the estate of a deceased employee be compensated for compensatory time?

Filed: October 20, 1976, 1:45 p.m.

Doc No. 765528



Summary of Request for Opinion RQ-1488

Request for opinion sent to Attorney General's Opinion Committee by Tom Massey, Special House Committee on Alternatives to Public School Financing, Austin.

Summary of Request: May revenues from occupation taxes be used for areas of public school finance other than the available school fund?

Filed: October 20, 1976, 1:45 p.m.

Doc No. 765529

Summary of Request for Opinion RQ-1489

Request for opinion sent to Attorney General's Opinion Committee by Gene Russell, Burnett County Attorney, Burnett.

Summary of Request: Does a sheriff or his deputy have authority to arrest without a warrant for an offense committed in his presence or within view, but outside the county, in the cases of (a) felony; (b) misdemeanor breach of peace; (c) other misdemeanor?

Filed: October 20, 1976, 1:46 p.m.

Doc No. 765530

Summary of Request for Opinion RQ-1490

Request for opinion sent to Attorney General's Opinion Committee by Raymond W. Vowell, State Department of Public Welfare, Austin.

Summary of Opinion: Does the Department of Public Welfare have the authority to inspect the records of children which are required to be maintained at licensed child care facilities by Article 695a-3, Texas Revised Civil Statutes Annotated, and applicable minimum standards?

Does Title 3, Section 51.14(b)(4), Texas Family Code, affect the authority of the Department of Public Welfare to inspect facility records as part of the licensing function?

If the answer to the previous question is affirmative, how can the department carry out its statutory licensing function with respect to such facilities?

Filed: October 21, 1976, 2:02 p.m.

Doc. No. 765544

Summary of Request for Opinion RQ-1491

Request for opinion sent to Attorney General's Opinion Committee by Oscar B. McInnis, Criminal District Attorney, County of Hidalgo, Edinburg.

Summary of Request: Are raw sugar, molasses, and bagasse in possession of a cooperative marketing association exempt from ad valorem taxation as farm products in hands of producer under Section 19, Article 8, Texas Constitution?

Issued in Austin, Texas, on October 18, 1976.

Doc. No. 765545

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

Filed: October 21, 1976, 2:02 p.m.

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

Opinions

Summary of Opinion H-885

Request from Ray D. Anderson, County Attorney, Terry County Courthouse, Brownfield, concerning whether an independent audit of the tax assessor's records must be made annually.

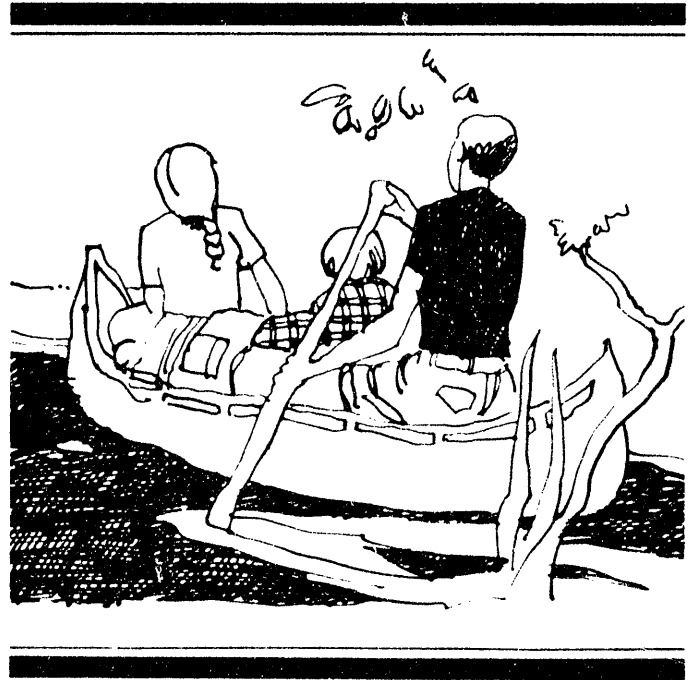
Summary of Opinion: Certain tax records may be, but are not required to be, temporarily removed from the tax assessor's office for an independent audit. The Commissioners Court of Terry County is not required to have an annual independent audit of the tax assessor's records.

Issued in Austin, Texas, on October 20, 1976.

Doc No. 765543 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: October 21, 1976, 2:01 p.m.

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



PROPOSED RULES

3062

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.

Commission on Jail Standards

The Texas Legislature created the Commission on Jail Standards in 1975 for the purpose of implementing a declared state policy that all county jail facilities in the state should conform to certain minimum standards of construction, maintenance, and operation. It is the duty of the commission to promulgate reasonable rules and procedures establishing minimum standards for:

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

The following proposed categories of rules, 217.01 and 217.09 through 217.26, deal with commission procedures and establishment of minimum standards for the operation of county jails; the custody, care, and treatment of prisoners; the number of jail supervisory personnel, programs, and services to meet the needs of county jail prisoners; and programs for rehabilitation, education, and recreation in county jails.

Proposed Category 17.01 contains general provisions.

Proposed Categories 217.09 through 217.18 deal with various aspects of jail operations, including admission and release of inmates, record keeping, classification and separation of inmates, medical services, supervision of inmates, clothing, personal hygiene, bedding, sanitation, food service, and discipline in county jails.

Proposed Categories 217.19 through 217.22 deal with recreation and exercise, education and rehabilitation programs, and plans for inmate privileges in county jails.

Proposed Category 217.23 concerns female inmates.

Proposed Category 217.24 requires plans for emergencies, fire prevention, and critical articles.

Proposed Category 217.25 deals with compliance and enforcement, inspections, remedial orders, and hearings in contested matters.

Proposed Category 217.26 involves procedures to be followed in requested variances.

The commission proposes to hold hearings in connection with these proposed rules in Houston, McAllen, Lubbock, Fort Worth, and Tyler. The hearing dates 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 commission to schedule the hearings to begin no earlier than November 1, 1976, and conclude no later than Wednesday, November 24, 1976. Information and dates of hearings will be provided from the office of the Commission on Jail Standards to anyone submitting a written request for such information.

Following the hearings, the subcommittees on prisoner treatment and enforcement and variances will make recommendations to the full commission, which will then adopt final rules no sooner than 30 days after publication of these proposed rules. Such rules will take effect 20 days after their adoption.

Written statements from all interested citizens are sincerely solicited. All comments, whether general or specific, should be directed to Guy F. Van Cleave, Executive Director, Texas Commission on Jail Standards, P.O. Box 12985, Capitol Station, Austin, Texas 78711.

General 217.01.00

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

.001. Authority. Pursuant to the authority granted by the Commission on Jail Standards Act and the Administrative Procedure and Texas Register Act, the Commission on Jail Standards prescribes the following

rules and procedures regarding the implementation and administration of the Commission on Jail Standards Act, and the procedures and practice before the Commission on Jail Standards.

.002. *Objective.* The intent of the commission is to provide written rules reflecting minimum standards for the construction, equipment, maintenance, and operation of county jails; for the custody, care, and treatment of prisoners in county jails; and for programs of rehabilitation, education, and recreation in county jails; rules providing for the reasonable enforcement of such minimum standards; rules providing for consultation and technical assistance to local government officials with respect to county jails, including review and comment on plans for the construction and major modification or renovation of county jails; rules for regular inspections of county jails and reports from local government officials on the condition of each county jail; and rules of procedures and practices before the commission.

.003. *Severability.* If any provision of these rules be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of these rules are declared to be severable.

.004. *Forms.* The forms set forth in the appendix are regulatory standards adopted for the purpose of implementing the Commission on Jail Standards Act, are to be filed with the commission, and have the same force and effect as rules.

.005. *Scope of Rules.* The rules shall govern all minimum standards for county jails and their prisoners in the State of Texas, and the institution, conduct, and determination of all matters properly before the commission. They shall be reasonably enforced and shall not be construed to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the commission to enforce the substantive rights of any person.

.006. *Opinions and Advice.* Except as otherwise expressly stated herein, advice given, statements made, and opinions expressed orally or in writing by the staff or personnel of the commission in response to inquiries or otherwise shall not be considered regulatory standards of the commission and shall not be considered binding upon the commission in connection with any matter requiring the approval, consent, or adjudication of the commission.

.007. *Captions of Rules.* The captions of the rules are for convenience only. Should there be a conflict between the caption of a rule and the text of a rule, the text will control.

.008. *Precedent.* Because rules cannot adequately anticipate all potential specific factual situations and

circumstances presented for action, determination, or adjudication by the commission, the nature of the action taken with regard to any matter or the disposition of any matter pending before the commission is not necessarily of meaningful precedential value, and the commission shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it.

Issued in Austin, Texas, on October 22, 1976.

Doc. No. 765552 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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

Admission of Inmates to County Jails 217.09.00

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

.001. *Receiving.* The receiving officer should determine that each inmate is being committed by a duly authorized officer. If only one corrections officer is on duty, the delivery officer should stay until the inmate is locked into the facility.

.002. *Identification.* The identity of each inmate should be established through fingerprinting and photographing when appropriate.

.003. *Cooperation with Other Authority.* Copies of the fingerprints should be forwarded to the proper state and federal authorities.

.004. *Information about Inmate.* During the receiving procedure, information shall be obtained for the facility's records, including the following: name of inmate with aliases, description, sex, marital status, address, date of birth, offense charged, date of commitment and authority therefor, previous criminal record, name, address, and phone number of person to be contacted in event of emergency, the name of the delivery officer, and the arresting agency.

.005. *Inmate File.* An individual file on each inmate shall be established on intake. A copy of all documents that purport to legally authorize the inmate's commitment shall become a part of the inmate's record.

.006. *Observation during Holding.* Inmates confined in a holding cell awaiting processing, booking, classification, or who are under the influence of alcohol or other chemical substance and being held during the sobering process, shall be observed at frequent intervals by jail personnel.

.007. Bonding. Before classification and assignment to specific housing, the inmate shall be given the opportunity to secure his release utilizing the bonding procedures available in the county or district.

.008. Telephone Use. A telephone should be available within the security area of the detention facility. Immediately after a person is booked in and no later than four hours after his arrival at the facility, a person shall be permitted to make, at his own expense if able, in the presence of a public officer or employee, at least two telephone calls from the facility, completed to the person called, who may be his attorney, employer, a relative, or friend, a personal bond office representative, and/or a bail bondsman. A toll call must be made at the inmate's expense or on a "collect call" basis. Pay telephones may be used but an inmate should not be deprived of the right to make these telephone calls because of lack of funds. A facility may have a special line reserved for inmate use utilizing a staff member to place the call.

.009. Contacting Attorney. The inmate should be advised that he will be allowed to contact any attorney upon reasonable request.

.010. Inmate Property Checking. If an inmate is not going to be released, the receiving officer shall carefully record and store such of the inmate's property as is taken from him and issue the inmate a receipt, signed by the receiving officer and the inmate, to be kept in the inmate's file pending release.

.011. Search. All inmates upon admission shall be thoroughly searched for weapons and any contraband.

.012. Record of Injuries. A record of any injuries should be made immediately.

.013. Communicable Disease. Inmates suspected of having any type of communicable disease shall be isolated and immediate arrangements must be made for their transfer to a facility equipped to handle the suspected disease, unless the admitting facility can safely and effectively segregate and maintain a medically prescribed course of treatment.

.014. Health Tags. Any "health tags" which may identify the inmate as having heart trouble, diabetes, epilepsy, or other such chronic illnesses shall be noted and brought to the attention of the physician director.

.015. Shower. A shower and change of facility clothing should be given each inmate admitted; the inmate's shower upon admission should be supervised by a corrections officer to assure the inmate's cleanliness. Only females shall supervise female inmates. Only males shall supervise male inmates.

.016. Strip Search. Inmates should have a thorough strip search which should include a check for body vermin, cuts, bruises, needle scars, and other injuries. Only females shall conduct such a search of female inmates. Only males shall conduct such a search of male inmates.

.017. Bedding. On completion of the receiving procedure, the inmate shall be given clean bedding, towel, and other necessary toiletry items.

.018. Rules Posted. A copy of detention facility rules and regulations shall be posted or otherwise made available to each inmate in Spanish and English.

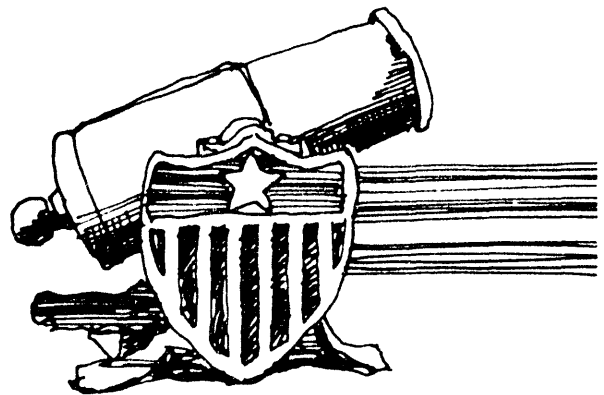
.019. Community Contact. An effort should be made to provide for liaison between inmates, their families, and other social service organizations and agencies, if available in the community.

Issued in Austin, Texas, on October 22, 1976.

Doc. No 765553 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption November 30, 1976

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



Release of Inmate from County Jails 217.10.00

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

.001. Identification. The releasing officer should determine inmate identity before discharge or release is effected.

.002. *Authorization.* The releasing officer should be certain that authorized release papers have been presented for the release of the inmate.

.003. *Search.* All inmates being discharged to other custody shall be searched.

.004. *Record.* A record should be kept of the release order and the time of release.

.005. *Property Return.* All inmates being released or discharged from the detention facility should sign a receipt for property returned. In the event an inmate refuses to sign the property return receipt, the releasing officer, with a witness present, should note the refusal and sign the receipt.

Issued in Austin, Texas, on October 22, 1976.

Doc. No. 765554 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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

County Jail Records and Procedures 217.11.00

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

.001. *Record System.* The sheriff shall establish a records system for the detention facility which includes:

(a) a daily record of the number of inmates in the detention facility;

(b) a record on each inmate including information obtained during admission, all classifications given him, personal property receipts, commitment instructions, transfer orders, release orders, date of booking and release, disciplinary actions, unusual occurrences, and any other information relating to the inmate's confinement;

(c) a record of receipts and expenditures of money for each inmate's account; and

(d) a separate written record of all incidents which result in physical harm, or serious threat of physical harm, to an employee or inmate of a facility, or other person. Such record shall include the names of the persons involved, a description of the incident, the actions taken, and the date and time of the occurrence. Such a written record shall be prepared and submitted to the sheriff within 24 hours of the event of an incident.

.002. *Fiscal.* Each sheriff should maintain fiscal records which will clearly indicate the costs for his facility. Such records should include feeding and clothing outlay and other program costs.

.003. *Continued Authority to Hold Inmates.* Each sheriff should develop a procedure to obtain all court orders relating to the continued custody and/or release of each inmate.

Issued in Austin, Texas, on October 22, 1976.

Doc No 765555 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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

Classification and Separation of Prisoners 217.12.00

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

.001. *Inmate Safety.* A person arrested shall be confined or separated in a facility in the following manner:

(a) prior to and during processing into a facility, arrested persons shall be under direct staff supervision;

(b) following processing, housing separation shall be provided to assure the health and safety of each detained; and

(c) a person confined to a detoxification cell shall be moved to a general housing area as soon as he can properly care for himself.

.002. *Classification Plan.* Each sheriff shall develop and implement a written classification plan which shall contain provisions for the following:

(a) the separation and assignment of inmates to living areas and activities after considering the following factors: sex; age; criminal sophistication; seriousness of crime charges; assaultive, nonassaultive or passive tendencies; history of mental illness; evidence of suicidal tendencies; all other criteria such as will provide for the safety of the prisoners and staff;

(b) an appeal of one's classification to the sheriff;

(c) a periodic review of inmates' classifications;

(d) the maintenance of records of inmates' classifications, appeals, reviews, and disposition;

(e) the separation of witnesses not charged with crime from all other inmates;

(f) the separation of male inmates from the sight and sound of female inmates;

(g) the separation of juveniles (if detained in facility) from the sight and sound of adult inmates;

(h) the separation of inmates with communicable or contagious diseases from all other inmates;

(i) the separate housing of persons suspected of insanity or who have been legally adjudged insane, and persons who have demonstrated homicidal tendencies and who must be restrained from committing acts of

violence against other persons, which persons shall be kept under continuous observation;

(j) the separation of inmates awaiting trial from those who have been convicted; and

(k) the separation of inmates sentenced to work release or weekend detention programs or inmates who are trustees.

.003. Cell Assignment. The number and capacity of cells or rooms in a facility shall be designed and constructed so that the mandatory separation provisions of Article 5115, Texas Civil Statutes and the facility's inmate classification plan can be complied with.

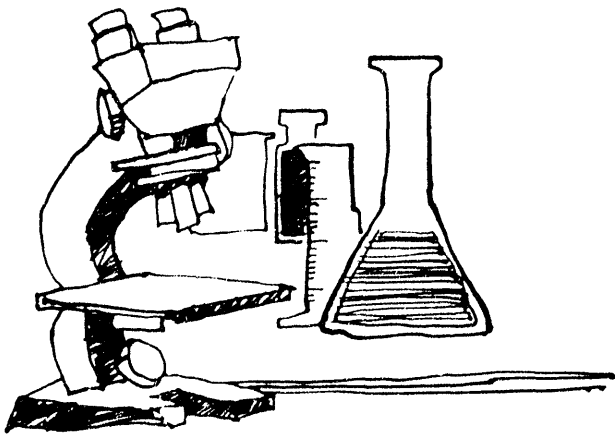
.004. Responsibility, Records. The sheriff or his designee should be responsible for the cell assignment of new inmates following classification and all information concerning classification and cell assignment shall be kept in the inmate's records.

Issued in Austin, Texas, on October 22, 1976.

Doc. No 765556 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption November 30, 1976

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



Medical Services in County Jails 217.13.00

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

.001. Medical Services to be Provided. The commissioners court of each county shall provide such medical

services as the circumstances and locality of the detention facility permit, which may include, but shall not be limited to, the services of a licensed physician, the services of professional and allied health personnel, and hospital or similar services. When possible, the commissioners court shall provide the services of a licensed physician who shall assume the responsibility as the director of medical services for the quality and availability of all medical services provided to jail inmates, and such physician may be the county health officer.

.002. Medical Services Plan. Each detention facility shall have a plan to obtain medical and dental services when they are needed and upon an emergency basis, at any hour, day, or night. The plan shall provide that the maintenance of secure custody is not jeopardized while such services are rendered. Such plan shall include:

(a) procedures for regular sick calls;

(b) procedures for referral for medical services and, when necessary, procedures for efficient and prompt care for acute and emergency situations;

(c) procedures for chronic care, long-term care, and convalescent care;

(d) procedures for the control of the disbursement of prescriptions, medications, syringes, needles, housekeeping supplies, aerosol containers, etc., all of which items shall be inventoried and stored under maximum security conditions; all medications shall be distributed by an appropriate person having instructions from a physician and the sheriff, and no inmate shall ever be permitted access to the medical and pharmaceutical inventory storage area; and

(e) procedures for preserving the right to bodily integrity of all inmates, including but not limited to, the observation of community informed consent standards for treatments and procedures (in the case of minors, the informed consent of a parent, guardian, or legal custodian, when required, shall be sufficient); all examinations, treatments, and other procedures shall be performed in a dignified manner and place.

.003. Medical Instructions. All instructions of physicians and professional and allied health personnel shall be followed.

.004. Medical Records. Such medical services plan shall include procedures for the maintenance of a separate medical record on each inmate, which record shall include a medical screening procedure administered upon the admission of the inmate to a detention facility and should cover (but not be limited to) the following items:

(a) a medical screening by health personnel or by a trained booking officer who shall record the pertinent information in the separate medical record;

(b) history (past history, review of organ systems);

- (c) current illnesses, including medications taken, special diets, therapy;
- (d) behavioral observation, including state of consciousness and mental status;
- (e) inventory of body deformities, trauma markings, bruises, lesions, ease of movement, etc;
- (f) markings, condition of body orifices;
- (g) presence of lice and vermin; and
- (h) disposition/referral:
 - (1) assignment;
 - (2) referral for further evaluation or treatment; and
 - (3) medical isolations.

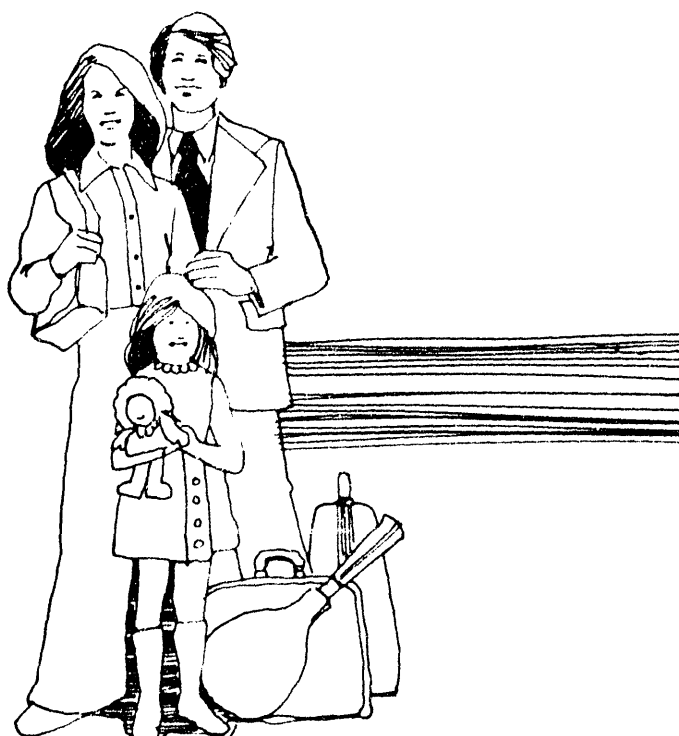
Such separate medical record shall be supplemented from time to time and shall reflect all subsequent findings, diagnoses, treatment, disposition, dispensation of medications, and the name of any other institution to which the inmate was released and to which a copy of the medical record was forwarded.

Issued in Austin, Texas, on October 22, 1976.

Doc. No. 765557 James Greenwood III
 Chairman
 Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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



Supervision of Inmates 217.14.00

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

.001. Regular Observation by Corrections Officers. All detention facilities shall have an established procedure for visual observation of all inmates by corrections officers, either in person or by a monitoring system, with audio capability at least once every hour and on a more frequent basis in high-risk areas and in areas where inmates who are known to be potentially suicidal, mentally ill, or who have demonstrated bizarre behavior are confined. As an alternative to this required constant observation, a detention facility shall have a continuously operating means of communication with a corrections officer (by electrical intercommunication system, buzzer, alarm, or similar device) available to each inmate on a 24-hour basis for the purpose of notifying such corrections officer of emergencies, illnesses, personal attack, etc. There must be a means for such corrections officer to respond immediately to such notification.

.002. Census. Inmates shall be physically counted by a corrections officer at frequent and regular intervals.

.003. Supervisory Personnel. Areas housing high-risk inmates shall be supervised by at least one corrections officer for every 20 or less inmates. Areas housing medium or low-risk inmates shall be supervised by at least one corrections officer for every 50 or less inmates.

.004. Searches to Reduce and Eliminate Contraband. For the protection of corrections personnel and inmates:

- (a) any items brought into the detention facility by anyone shall be searched for contraband;
- (b) any inmate who leaves the security perimeter of the facility shall be thoroughly searched for contraband before re-entering the security perimeter;
- (c) there should be regular and irregular searches of the entire facility area for contraband which should be noted in a permanent facility record; and
- (d) searches for contraband should be timed so that they cannot be anticipated by the inmates.

Issued in Austin, Texas, on October 22, 1976.

Doc. No. 765558 James Greenwood III
 Chairman
 Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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

Clothing, Personal Hygiene, and Bedding in County Jails 217.15.00

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

.001. *Inmate Clothing.* Standard detention facility clothing shall be issued to all inmates held over 48 hours (the inmates' personal clothing may be substituted for institutional clothing when adequate and if this does not work an undue hardship on the facility laundry or other procedures).

.002. *Laundrying.* A change or laundrying of clothing shall be furnished at least once a week unless work, climatic conditions, illness, or other factors necessitate more frequent exchange to assure cleanliness.

.003. *Personal Clothing.* If the standard institutional clothing is issued, all inmate personal clothing shall be cleaned or disinfected and stored.

.004. *Personal Hygiene.* Inmates held over 72 hours who are unable to supply themselves with personal care items, either because of indigency or the absence of an inmate canteen, shall be issued the following:

- (a) toothbrush;
- (b) dentifrice;
- (c) soap;
- (d) comb;
- (e) shaving implements.

.005. *Toilet Paper.* Toilet paper shall be available, and drinking cups should be on hand, unless lavatories in the cells are provided with drinking fountains.

.006. *Showers.* Each inmate shall be given the opportunity to shower at least every other day or more often if possible. Inmates on work assignments and those making court appearances shall be given an opportunity to shower daily. Inmates should be required to shower and wash their hair at least every other day.

.007. *Compelling Showers, Haircuts.* Whenever clearly justified for health or sanitary reasons, the sheriff may require a shower and/or haircut. Haircuts by reasonably skilled persons should be available on a voluntary basis to all inmates, sentenced and unsentenced.

.008. *Bedding and Linens.* Upon admission, a standard issue of bedding and linens to each inmate to be detained overnight shall include, but shall not be limited to, the following (freshly laundered and sanitized):

- (a) one clean, safe, serviceable mattress;
- (b) one clean sheet or clean mattress cover;

- (c) appropriate towel; and
- (d) one blanket, or more depending upon climatic conditions.

.009. *Laundrying of Bedding.* Washable items such as sheets, towels, and mattress covers shall be exchanged for clean replacements at least once each week, or more often if necessary. Blankets shall be laundered or dry cleaned at least every three months or more often if necessary.

.010. *Mattresses.* Mattresses should be removed to storage from unoccupied beds and should be sanitized before reissue. In the absence of sanitizing equipment, the mattress shall at least be swept and aired for a reasonable period of time, then sprayed with a disinfectant.

Issued in Austin, Texas, on October 22, 1976.

Doc No 765559 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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

Sanitation in County Jails 217.16.00

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

.001. *Sanitation Plan.* A facility shall have a written plan for the maintenance of an acceptable level of cleanliness and sanitation throughout the facility. Such plan shall provide for:

(a) a regular daily schedule for the work and inspections necessary to keep the facility clean, which schedule shall be assigned and supervised by correction officers (and not by inmates) who have the responsibility for keeping the facility clean and making regular sanitation inspections;

(b) regular tests and inspections of water and sewage systems and food preparation areas maintained by the facility;

(c) adequate and safe cleaning equipment;

(d) water-tight garbage containers with tight-fitting covers;

(e) the maintenance of toilets, wash basins, sinks, and other equipment in the cells or living quarters in good working order; and the maintenance of all counters, shelves, tables, equipment, and utensils with which food or drink comes into contact in a clean condition and in good repair;

(f) clean washing aids, such as brushes, dish cloths, and other hand aids used in dishwashing operations and for no other purpose;

(g) a well ventilated place for storing and drying mops and other cleaning tools;

(h) the continuous compliance of the water system and sewage system with the minimum requirements for such public systems.

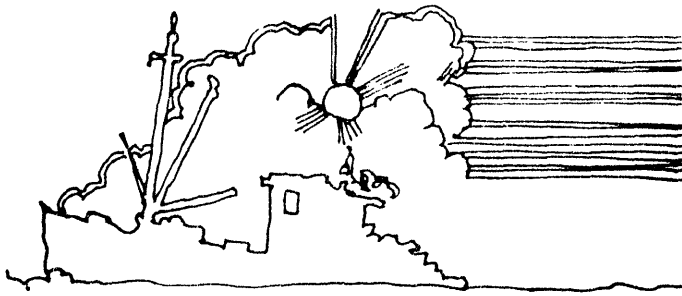
.002. *Specificity.* Such plan shall specify how and by whom the foregoing provisions are to be met.

Issued in Austin, Texas, on October 22, 1976.

Doc. No. 765560 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption November 30, 1976

For further information please call (512) 475-2716



Food Service in County Jails 217.17.00

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

.001. *Frequency of Meals.* In a lockup, food shall be served a minimum of two times in any 24-hour period; provided that any person being held for more than 24 hours is served three meals in the 24-hour period after the first 24 hours. In jails, food shall be served three times in any 24-hour period. If more than 12 hours pass between three meals, supplemental food must be served.

.002. *Dining/Day Rooms for Meals.* Meals should not be served in cells but in dining rooms or day rooms. Menus should be planned to provide a variety of foods. Inmates should not be allowed to store food in their cells or day rooms. All quarters should be kept free of all unnecessary articles which might attract vermin.

.003. *Balanced Diet.* A balanced diet shall be served to inmates.

.004. *Special Diets.* Special physician prescribed diets for inmates shall be followed closely.

.005. *Staff Supervision.* Food shall be served only under the immediate supervision of a staff member, and care shall be taken that hot foods are served reasonably warm and that cold foods are served reasonably cold.

.006. *Outside Food Preparation.* Jails without kitchen facilities shall obtain prepared foods from sources which are approved either by the local health officer of the Food and Drug Division of the Texas Department of Health Resources. The transfer of such food to the jail facility shall be in a manner to prevent contamination or adulteration.

Issued in Austin, Texas, on October 22, 1976.

Doc No 765561 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption November 30, 1976

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

Discipline in County Jails 217.18.00

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

.001. *Inmate Discipline Plan.* Every sheriff shall have a written plan for inmate disciplinary procedures prescribing rules governing inmate conduct and staff handling of inmate discipline problems. The plan and rules shall be available for commission review and approval, and shall:

(a) comply with applicable state and federal law concerning administrative disciplinary procedures for inmates;

(b) provide for uniform application of disciplinary rules among all inmates and for maintaining as part of the inmates' records all discipline, investigation, and punishment (except informal verbal handling by staff or minor acts of nonconformance or minor rule violations);

(c) provide for reasonable forms of discipline directly related to the condition of the inmates and the severity of the infraction such as:

- (1) loss of privileges;
- (2) assignment of extra work;
- (3) removal from work details;
- (4) forfeiture of "good time" credit earned;
- (5) solitary confinement; and
- (6) filing formal charges;

(d) prohibit:

(1) deviation from normal feeding procedures as a disciplinary sanction;

(2) corporal punishment, meaning punishment inflicted directly on the inmate's body;

(3) administration of any form of disciplinary action by inmates;

(4) solitary confinement for more than 15 consecutive days without a finding on a new charge of a subsequent violation of the facility rules and regulations; provided that during solitary confinement, inmates, at intervals of three days or less, shall be removed from their cell, receive a health screening and a shower, and be afforded the opportunity to attend to other personal hygiene matters;

(5) a deprivation of clothing or bedding (excepting those inmates who destroy bedding or clothing; and a decision to deprive such inmates of such articles shall be reviewed not less than every 24 hours);

(6) the use of a violent cell for disciplinary purposes;

(7) the deprivation of items necessary to maintain an acceptable level of personal hygiene;

(8) the deprivation of correspondence privileges for longer than 72 hours without the review and approval of the sheriff or his designee (in no case shall the correspondence privilege with any member of the State Bar, holder of public office, the courts, the sheriff, or the Commission on Jail Standards be suspended);

(e) provide for the designation of one or more disciplinary officers who will act promptly on all charges of violation of facility rules by inmates, and who shall have investigative and punitive powers. Staff disciplinary officers shall not participate in a disciplinary review if they are involved in the charges as complainant;

(f) provide that minor acts of nonconformance or minor violations of institution rules may be handled informally by any staff member by counseling or advising the inmate of expected conduct;

(g) provide for the maintenance of a record of reported major violations or repetitive minor acts of nonconformance, which record shall contain a description of the infraction and names of investigating officers and witnesses;

(h) provide an opportunity for the inmate to be informed of the charges made against him, to appear and speak on his own behalf, and to present witnesses before the imposition of solitary confinement or loss of good time;

(i) provide that the sheriff and the inmate shall be advised of the action to be taken by the disciplinary officer.

Issued in Austin, Texas, on October 22, 1976.

Doc. No. 765562 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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

Recreation and Exercise in County Jails 217.19.00

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

.001. *Physical Exercise.* Each inmate shall be allowed one hour of physical exercise or recreation at least three days per week, outdoors if weather and facilities permit.

.002. *Day Rooms.* Where feasible, a day room should be provided for reading, writing, or other indoor activities. Recreation diversions such as arts, crafts, cards, dominoes, checkers, chess, and similar diversions should be considered as possible recreational activities. A television and radio may be made available for day room viewing and listening.

.003. *Volunteers.* Volunteers may be utilized in conjunction with recreational and exercise activities.

Issued in Austin, Texas, on October 22, 1976.

Doc. No. 765563 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

For further information, please call (512) 475-2176.

Education and Rehabilitation Programs for County Jails 217.20.00

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

.001. *Education and Rehabilitation Plan.* Each detention facility shall have and implement a plan approved by the commission for inmate rehabilitation and education, which plan shall make maximum feasible use of the resources available in and to the community in which the detention facility is located. The plan may include programs for voluntary participation by inmates such as the following:

- (a) testing and counseling in connection with:
 - (1) alcohol or other drug abuse problems;
 - (2) vocational rehabilitation;
 - (3) academic and vocational aptitudes and goals;
 - (4) job placement;
 - (5) family problems; and
 - (6) personal psychological or psychiatric problems.
- (b) participating in an academic, library, reading, counseling, therapy, and/or training program.

.002. Criteria, Eligibility. Reasonable criteria for eligibility shall be established, and an inmate may be excluded or removed from any class for failure to abide by facility rules and regulations.

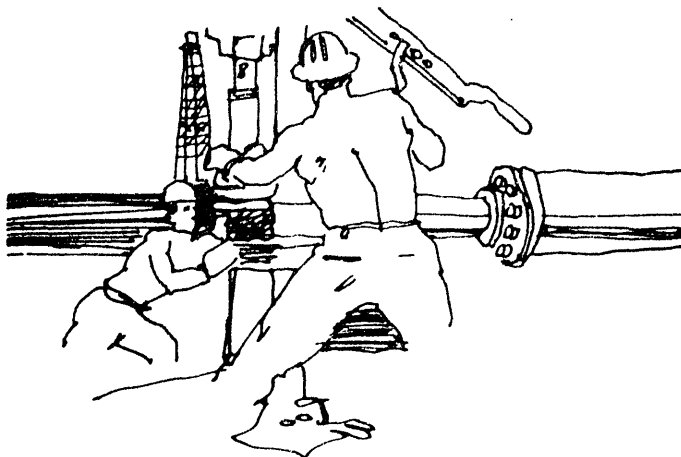
.003. Continuity. If possible, the plan should be devised so that an inmate may continue the program upon release from the facility or when transferred to the Texas Department of Corrections.

Issued in Austin, Texas, on October 22, 1976.

Doc. No. 765564 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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



Inmate Work Assignments in County Jails 217.21.00

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

.001. Work. All work assignments should be consistent with real work (not make-work).

.002. Voluntary. Inmates who have not been convicted may not be required to participate in a work program, but may be required to keep their immediate living area clean.

.003. Maximum Hours. Inmates should not be required to work more than 48 hours per week, except in an emergency.

.004. Outside Security Perimeter. Only inmates classified in a trusty status should be assigned to work outside the security perimeter.

.005. Non-Exclusivity. This provision is not intended to limit in any way the utilization of work-release, work-furlough, or other programs affording inmates work or employment opportunities outside the facility.

Issued in Austin, Texas, on October 22, 1976.

Doc. No. 765565 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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

Plans for Inmate Privileges in County Jails 217.22.00

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

.001. Plan. Each detention facility shall have reasonable rules and regulations approved by the commission governing the availability and manner of use of inmate privileges in the following areas:

- (a) telephone privileges;
- (b) correspondence privileges;
- (c) commissary privileges;
- (d) visitation privileges; and
- (e) religious service privileges.

Issued in Austin, Texas, on October 22, 1976.

Doc. No. 765566 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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

Female Inmates in County Jails 217.23.00

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

.001. Plan for Processing Female Inmates. Every detention facility shall have a written plan for processing and supervising female inmates. The plan shall be available to the commission for review and approval, and shall provide for the following:

- (a) the presence or availability upon short notice of part-time or fulltime female staff members;
- (b) except in emergency, the presence of a female staff member when:

(1) a female inmate is admitted and processed into a facility;

(2) the cell of a female inmate is entered.

(c) the same training, qualifications, and certifications for female jail personnel as for male jail personnel;

(d) the same classification, separation, and housing process as provided for male prisoners;

(e) an opportunity to participate in all inmate programs;

(f) an adequate supply of toiletries, personal hygiene equipment, and other similar materials;

(g) that any woman inmate shall, upon her request, be allowed to continue to use medications related to menstrual cycle.

Issued in Austin, Texas, on October 22, 1976.

Doc. No 765567 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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



Plans for Emergencies, Fire Prevention, Critical Articles in County Jails 217.24.00

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

.001. *Emergency Plan.* The sheriff shall, by June 30, 1977, formulate a comprehensive written plan to meet emergencies relative to escapes, riots, assaults, fires, rebellions, and any other type of major disaster or disturbance. Such plan should:

(a) outline the responsibilities of detention facility staff, evacuation procedures, and subsequent disposition of the inmates once removed from the detention facility;

(b) provide:

(1) that emergency exit doors be clearly marked;

(2) the location of the keys which open these doors;

(3) that all detention facility staff should be trained to handle any fire emergency.

.002. *Fire Prevention Planning.* The sheriff shall have a written plan for fire suppression and prevention after consultation with the local fire department or the Office of the State Fire Marshal. The plan should include regular inspections.

.003. *Keys.* Detention facility keys should be stored in a secure key locker when not in use and a record should be kept of all keys, in storage or use. There should be at least two sets of detention facility keys, one set to use and the other kept for use in the event of an emergency.

.004. *Gun Lockers.* A container capable of being locked should be provided outside the security area for separate storage of officers' weapons.

.005. *Master Keys.* If master keys capable of opening locks on each floor of a facility are not available for use in emergency situations, then a device capable of releasing all locks must be available.

Issued in Austin, Texas, on October 22, 1976.

Doc. No 765568 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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

Compliance and Enforcement Rules 217.25.00

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

.001. *Regular Local Inspections.* The commissioners' court and sheriff of each county, during intervals of at least four months and at least two times each year, shall visit and inspect each jail within their respective jurisdiction, shall inquire into the security, control, conditions, and compliance with the rules of the commission, and shall report to the commission annually by September 1 of each year on the form contained in the appendix to these rules the conditions in each county jail within their jurisdiction.

.002. Regular Commission Inspections. The executive director or his authorized representatives, from time to time not less than once each year for the express purpose of determining the care, conditions, and standards provided for inmates confined in jails, shall visit and inspect each county jail within this state, shall inquire into each jail's security, control, conditions, and compliance with the established minimum standards for jails, and shall within 30 days of each visit and inspection report the results thereof to the commissioners' court and sheriff responsible for such jail, and to the commission on the form prescribed by the commission contained in the appendix to these rules.

.003. Right to Visit and Inspect. The sheriff of jails at any reasonable time shall admit the executive director, the commission members and their authorized representatives, or either of them, into any and all parts of any county jail facility; exhibit to them, upon request, all the books, records, data, documents, and accounts pertaining to any county jail or to the inmates confined therein; and assist such persons by all means at their disposal to enable them to perform the functions, powers, and duties of their office. The above authorized persons shall have the right and authority to examine, under oath, any of the officials of the jail or inmates therein. In the exercise of its functions, powers, and duties, the commission may issue subpoenas and subpoenas *duces tecum* to compel the attendance of witnesses and the production of books, records, and documents, administer oaths, and take testimony concerning all matters within its jurisdiction.

.004. Review and Notice of Noncompliance with Minimum Standards. The commission, upon receipt of the visitation and inspection reports provided in sections A and B hereof, shall review the same and shall forthwith issue a Notice of Noncompliance to the responsible sheriff and the commissioners' court of each instance in which such jail fails to comply with the minimum standards established under Articles 5115 and 5115.1, Vernon's Annotated Civil Statutes, and the rules of the commission. The Notice of Noncompliance shall provide a reasonable time, not to exceed one year, within which appropriate corrective measures shall be completed. A copy of such Notice of Noncompliance shall be delivered to the governor.

.005. Enforcement of Minimum Standards; Remedial Orders. Upon receipt from the commission of a Notice of Noncompliance of their county jail with the established minimum jail standards, the responsible sheriff and commissioners' court shall initiate appropriate corrective measures within the time prescribed by the commission in its notice (which shall not exceed 30 days) and shall complete the same within a reasonable time (not to exceed one year) as prescribed by the Notice of Noncompliance. If the responsible

sheriff and commissioners' court receiving a Notice of Noncompliance fail to initiate corrective measures or to complete the corrective measures within the time prescribed, the commission may issue a remedial order declaring that the jail in question or any portion thereof be closed, that further confinement of inmates or classifications of inmates in the noncomplying jail or any portion thereof be prohibited, or that all or any number of the inmates then confined be transferred to and maintained in another designated jail or detention facility, or any combination of such remedies. Such remedial order shall be in writing and shall specifically identify each minimum standard with which the jail has failed to comply. The remedial order shall be delivered by certified or registered mail or by personal service to the responsible sheriff and commissioners' court. Such remedial order shall become final and effective 15 days after receipt thereof by either the responsible sheriff or commissioners' court; provided, however, that in the event of a hearing of such remedial order as hereinafter prescribed is requested, the enforcement of the remedial order shall be stayed until such time as the commission has rendered its decision following its hearing thereon.

In addition to the foregoing, the commission, upon good cause therefor and in lieu of closing a jail, may at any time institute an action in its own name to enforce or enjoin the violation of established minimum jail standards, its order, rules, or procedures, or of Articles 5115 and 5115.1, Vernon's Annotated Civil Statutes. Any such action shall be cumulative of and in addition to other remedies provided by law, and shall be brought in a district court of Travis County as provided in Section 11(F), Article 5115.1, Vernon's Annotated Civil Statutes. The commission shall be represented by the attorney general in such actions.

.006. Request for Hearing.

(a) Any sheriff or commissioners' court disagreeing with any remedial order or action on an application for variance of the commission, within 15 days after the date thereof, may request a hearing upon any matter of fact or law with which he or the court disagrees.

(b) The request for hearing shall be effective if deposited in the United States mail within 15 days from the date of the remedial order or action on application for variance, or if it is otherwise received by the commission within such 15-day time period. The request for hearing shall be directed to the chairman of the commission and shall contain the following statements:

(1) the legal authority and jurisdiction under which the hearing should be held;

(2) the particular statutes, sections of statutes, and rules involved;

(3) a short, plain recital of the errors of fact or law for which review is sought, stating in detail the

facts justifying the amendment or reversal of the order or action of the commission;

(4) the name and address of the person or representative to whom notices or other written communications shall be directed, and the name and address of the person or representative who will appear at the hearing and the name and address of the person or persons on whose behalf he will appear.

(c) While sections (a) and (b) of this rule will be reasonably construed, a request for hearing, if not made in the time and manner herein provided, shall be deemed waived, and in such event, the remedial order or action on application for variance of the commission shall become final.

(d) Upon the receipt of a timely request for hearing, the commission shall conduct a hearing in accordance with its rules of practice in contested cases.

(e) Following the hearing, the commission shall render its decision either by stating the same in the record or otherwise in writing. The decision may approve the remedial order or action on the application for variance in its entirety, may alter or amend the same in whole or in part, or, if clearly justified by the facts and circumstances, may grant a reasonable variance from the minimum standards for county jails, or any combination of the above.

Issued in Austin, Texas, on October 22, 1976.

Doc. No. 765569 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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



Variance Procedure Rules 217.26.00

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

.001. Policy. Articles 5115 and 5115.1, Vernon's Annotated Civil Statutes, and these rules prescribe minimum standards for the construction, equipment, maintenance, operation, personnel, programs, and services of county jails and for the custody, care, and treatment of inmates of county jails. They are in the public interest of the State of Texas and should in all instances be reasonably enforced by the commission.

.002. Filing, Showing. Should a county jail not be in strict compliance with state statutes or these rules, if clearly justified by the facts and circumstances, the sheriff or commissioners' court having jurisdiction of a noncomplying jail may file with the commission an Application for Variance, and upon a showing of good cause and clear justification therein for such non-compliance, the commission may grant a reasonable variance, except that no variance may be granted to permit unhealthy, unsanitary, or unsafe conditions.

.003. Contents. An Application for Variance must include:

(a) the name and address of the sheriff and county judge having jurisdiction of the noncomplying jail;

(b) the specific statutes, sections of statutes, and rules with which the county jail is not in strict compliance;

(c) the specific manner in which the county jail is not in strict compliance;

(d) a detailed statement of efforts expended to bring the county jail into strict compliance;

(e) documented statements of projected costs to bring the county jail into strict compliance;

(f) an estimate of the time required to bring the county jail into strict compliance and the bases of such estimate;

(g) a statement of the effect of such non-compliance upon jail operations and upon the custody, security, care, and supervision of the inmates therein;

(h) a statement of the nature of the variance requested and length of time for which it is requested; and

(i) any additional statements, documentation, or evidence demonstrating a clear justification for the requested variance.

.004. Burden. The burden of showing a clear justification for a variance shall be upon the party filing an Application for Variance. An Application for Variance will not be granted if it reasonably appears to the commission that the variance requested would permit or create unhealthy, unsanitary, or unsafe conditions or otherwise jeopardize the security or supervision

of inmates or the programs and services required by law.

.005. Determination, Notice. The commission shall consider each Application for Variance and shall enter its order granting or denying the application in whole or in part. Notice of the order of the commission shall be mailed by certified or registered mail or delivered in person to the sheriff and the county judge named in the Application for Variance.

.006. Request for Hearing. Any sheriff or commissioners' court disagreeing with an order or action of the commission upon any Application for Variance may, within 15 days of the date of such order or action, file a request for hearing in accordance with the provisions of Rule 217.12.00.006 above.

Issued in Austin, Texas, on October 22, 1976.

Doc. No. 765570 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption: November 30, 1976

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

State Board of Registration for Professional Engineers

Rules of Practice and Procedure

Application for Registration 383.01.03

The Texas State Board of Registration for Professional Engineers is proposing to amend Rule 383.01.03.006, concerning application for registration. An addition to subparagraph (a) would permit a greater number of persons to be eligible to make application for registration as a professional engineer in Texas.

Public comment on the proposed addition to Rule 383.01.03.006 is invited. Comments may be submitted by telephoning the executive director, Donald C. Klein, P.E., at (512) 475-3141, or by writing to him at Room 200, Reagan Building, 1400 Congress, Austin, Texas 78701.

This rule is proposed under the authority of Section 8, Article 3271a, Vernon's Annotated Texas Statutes.

.006. Applications for Registration from Non-Residents. In general, applicants not residents of Texas must apply under the provisions of Section 21 of the act. To be eligible under Section 21, the applicant must be registered in the state in which he is practicing, or formerly practiced, and the applicant must have met the requirements for registration under Section 12, Subsection (a) or (b) of the act, at the time he was granted original registration. If the applicant is currently registered in the state of his residence but registration was granted under requirements less than those specified in Section 12, Subsection (a) or (b) of the act, and subsequent to his original registration he has acquired the minimum requirements, he may apply under Section 12, Subsection (a) or (b), whichever is appropriate.

(a) Non-Texas residents who have accredited engineering degrees from Texas colleges or universities, or are employees of a Texas-based company, or move from Texas after initiating an application for registration, *or who have taken and passed the Principles and Practice Examination under Rule .07.002* may apply for an original registration in this state.

(b) If an application be based on reciprocity provisions of the act, the executive director shall secure complete information as to the basis for the issuance of the certificate to determine the conformity with requirements set forth in Section 21 of the act.

Issued in Austin, Texas, on October 13, 1976.

Doc. No. 765549 Donald G. Klein, P.E.
Executive Director
State Board of Registration
for Professional Engineers

Proposed Date of Adoption: January 1, 1977

For further information, please call (512) 475-3141.

ADOPTED RULES

3076

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 Registration for Professional Engineers

Rules of Practice and Procedure

Examinations 383.01.07

Under the authority of Section 8, Article 3271a, Vernon's Annotated Texas Statutes, the Texas State Board of Registration for Professional Engineers has amended Rule 383.01.07.002 by the addition to subparagraph (a).

.002. Examinations for Record Purposes. The following will apply for persons requesting examination for record purposes:

(a) Any student currently enrolled in or having graduated from an engineering curriculum approved by the board may take the Fundamentals of Engineering Examination for record purposes. Such student or graduate, after passing the Fundamentals of Engineering Examination, may take the Principles and Practice of Engineering Examination whenever he or she feels qualified to pass it. Any person holding a four-year bachelor of science degree in engineering, master of science degree in engineering, or doctor of philosophy degree in engineering which is not approved by the board, according to the provisions of board Rule 383.01.06.001, may take the Fundamentals of

Engineering Examination for record purposes. Such person, after passing the Fundamentals of Engineering Examination, may take the Principles and Practice of Engineering Examination whenever he or she feels qualified to pass it.

Issued in Austin, Texas, on October 13, 1976.

Doc. No 765550 Donald C. Klein, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Effective Date: November 11, 1976

For further information, please call (512) 475-3141.

Texas Rehabilitation Commission

Economic Need 382.04.00

This rule is promulgated under the authority of Section 30.13 and 30.17, Chapter 30, Education Code, Vernon's Texas Codes Annotated, as amended.

.001. Basic Criteria.

(a) The purpose of the economic need criteria is to determine the portion of service cost, if any, to be paid by the client. The commission does not consider economic need as a requirement for eligibility for rehabilitation services; however, the commission does consider economic need as to the purchase of certain services.

(b) The commission does not consider the client's economic need for determining his participation in the cost of:

- (1) evaluation of rehabilitation potential, including diagnostic and related services;
- (2) counseling, guidance, referral; and
- (3) placement services.

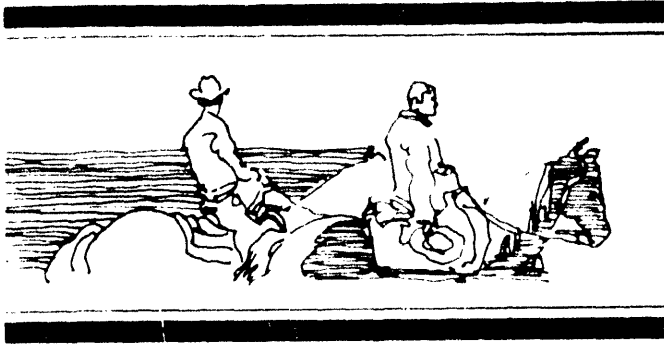
Issued in Austin, Texas, on October 1, 1976.

Doc. No. 765547 Vernon H. Newman, Attorney
Office of General
Counsel
Texas Rehabilitation
Commission

Effective Date: October 1, 1976

For further information, please call (512) 475-8192.

Interim legislative committee hearings now being conducted before the January legislative session are subject to frequent changes in agendas and meeting cancellations. The meetings listed below may or may not have been altered on momentary notice. For current information relating to these meetings, telephone the House Committee Clerks' Office at (512) 475-2213 for interim house committee meetings. For information concerning interim senate committee meetings, telephone the Research Director of the Senate at (512) 475-5818. Telephone numbers for each committee appear with each notice for persons desiring further specific information.



Senate

Meetings Filed October 22, 1976

Policy and Structure Committee, Senate Reception Committee Room, on October 29, 1976, at 8:30 a.m. Telephone (512) 475-3535.

Sub-Committee on Consumer Affairs, Lieutenant Governor's Committee Room, on October 29, 1976, at 9 a.m. Telephone (512) 475-3758.

CURE-Citizens United for Rehabilitation of Errants, Senate Reception Committee Room, on October 30, 1976, at 9 a.m.

Legislative Council Committee on Property Tax, Senate Finance Committee Room 301, on October 30, 1976, at 10 a.m. Telephone (512) 475-4293.

Legislative Council Committee on Property Tax, Senate Finance Committee Room 301, on October 31, 1976, at 10 a.m. Telephone (512) 475-4293.

Texans for Equitable Taxation, Lieutenant Governor's Committee Room, on November 1, 1976, at 3:30 p.m.

Doc No 765581

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 Board of Architectural Examiners

Meeting

A meeting of the Texas Board of Architectural Examiners will be held at 3:30 p.m., Friday and 9 a.m., Saturday, November 5 and 6, 1976, in the Fairmont Hotel, Dallas. The agenda includes examinations, reciprocal registrations, reinstatement of Texas registrations, violations, and other business that may come before the board. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Philip D. Creer, 1411 West Avenue, Austin, Texas 78701, telephone (512) 475-2629.

Filed October 21, 1976, 4:05 p.m.

Doc No. 765546

State Banking Board Emergency Addition to Agenda

An emergency addition was made to the agenda of a State Banking Board meeting to be held on Friday, October 29, 1976, 10 a.m., at 2601 North Lamar, Austin. The addition was made to include a motion for rehearing on the Texas American Bank in Plano.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed October 25, 1976, 10:45 a.m.

Doc No. 765594

Comptroller of Public Accounts

Hearings

Hearings by the Texas Tax Forum, comprising the Comptroller's Office, House Committee on Ways and Means, and Members of Texas Senate, will be held October 22 through December 10, 1976, at the following times and places.

November 8, 10 a.m.: Chamber of Commerce, 1 Civic Center Plaza, El Paso

November 9, 9 a.m.: City Commission Chamber, 509 East 7th, Amarillo

November 9, 2 p.m.: City Council Chamber, 916 Texas Avenue, Lubbock

November 10, 9 a.m.: Room 214, Ector County Courthouse, 300 North Grant, Odessa

November 10, 2 p.m.: Room 203, Houston Hart University Center, Angelo State University, San Angelo

December 6, 10 a.m.: Karcher Hall, SMU Law School, Hillcrest at Daniel, Dallas

December 7, 9 a.m.: City Hall Auditorium, West Ferguson at North Bonner, Tyler

December 7, 2 p.m.: City Council Room, Memorial Auditorium, 1300 7th Street, Wichita Falls

December 8, 9 a.m.: City Hall Council Room, First at Franklin, Waco

December 9, 10 a.m.: Old Supreme Court Room, State Capitol, Austin

The purpose of the meetings is to ascertain publicly the ideas, sentiments, and desires of the people of Texas concerning the possible revision and/or simplification of present tax laws and their administration, and requirements for compliance by the taxpayer.

Additional information may be obtained from Tom Henderson, Office of the Comptroller, LBJ State Office Building, Austin, Texas 78701, telephone (512) 475-3825.

Filed September 13, 1976, 11:41 a.m.

Doc No. 764806

Texas Department of Corrections

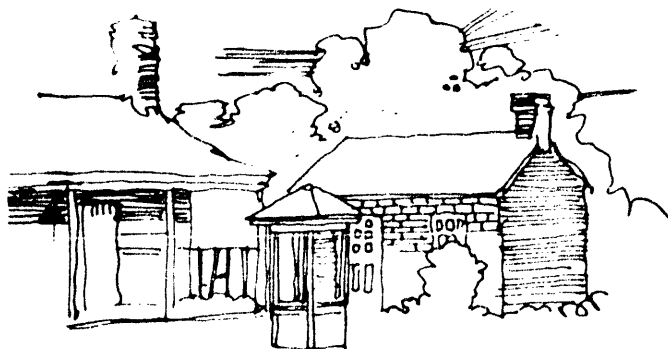
Meeting

A meeting of the Texas Board of Corrections of the Texas Department of Corrections will be held on Monday, November 8, 1976, 8 a.m., at the Rice Rittenhouse Hotel, Main at Texas, Houston. The agenda includes reports on inmate affairs, personnel, business and budget, legislation, agriculture, construction, industries, legal concerns, the Division of Research and Development; and the Windham School District. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, telephone (713) 295-6371, extension 259.

Filed October 25, 1976, 9:38 a.m.

Doc No 765592



Finance Commission of Texas

Meeting

A meeting of the Savings and Loan Section of the Finance Commission of Texas will be held on Thursday, November 4, 1976, 10 a.m., at 1004 Lavaca Street, Austin, to review rules and regulations; renew legislation; and discuss the proposed budget.

Additional information may be obtained from W. Sale Lewis, 1004 Lavaca Street, Austin, Texas 78701, telephone (512) 475-7991.

Filed: October 22, 1976, 3:05 p.m.

Doc No. 765576

Texas Historical Commission

Emergency Meeting

An emergency meeting of the Texas Historical Commission will be held on Friday, October 29, 1976, 8 a.m., in the Palm Room, Galvez Hotel, 2024 Seawall Boulevard, Galveston. The commission will consider approval and designation of official Texas Historical Markers; the financial report; the chairman's report; the executive director's report; the Legislative Committee report; committees; and other reports. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Truett Latimer, 1511 Colorado, Austin, Texas 78701, telephone (512) 475-3092.

Filed October 25, 1976, 8:57 a.m.

Doc No 765589

University of Houston Meeting

A meeting of the Board of Regents of the University of Houston will be held on Thursday, November 4, 1976, 2 p.m., in 220 E. Cullen Building, University of Houston, Houston. The agenda includes approval of personnel recommendations; approval of the faculty load report for all campuses; approval of valedictorian scholarships; and approval of a resolution authorizing Riverside National Bank as a depository for the University of Houston Student Activities Account and a bank depository agreement. The board will also hear reports of the Investment Committee, the Building Committee, and on grants and gifts. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Philip G. Hoffman, University of Houston, Houston, Texas 77004, telephone (713) 748-6050.

Filed October 25, 1976, 11:24 a.m.

Doc. No 765598

State Board of Insurance Meeting

A meeting of the State Board of Insurance will be held on Wednesday, November 3, 1976, 10 a.m., in Room 408, 1110 San Jacinto, Austin, to discuss the reorganization of the Examination Division.

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

Filed: October 25, 1976, 9:37 a.m.

Doc. No. 765590

Meeting

A meeting of the State Board of Insurance will be held on Wednesday, November 3, 1976, 2 p.m., in Room 408, 1110 San Jacinto, Austin, to consider the commissioner's report.

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

Filed: October 25, 1976, 9:38 a.m.

Doc. No. 765591

Commission on Jail Standards Meeting

A meeting of the Commission on Jail Standards will be held on Thursday, November 4, 1976, 9 a.m., at the St. Anthony Hotel, 300 East Travis, San Antonio. The commission will hold a subcommittee meeting on the completion of the minimum construction standards.

Additional information may be obtained from Guy Van Cleave, P.O. Box 12985, Austin, Texas 78711, telephone (512) 475-2716.

Filed: October 22, 1976, 11:43 a.m.

Doc. No. 765571

Texas Department of Mental Health and Mental Retardation Meeting

Meeting

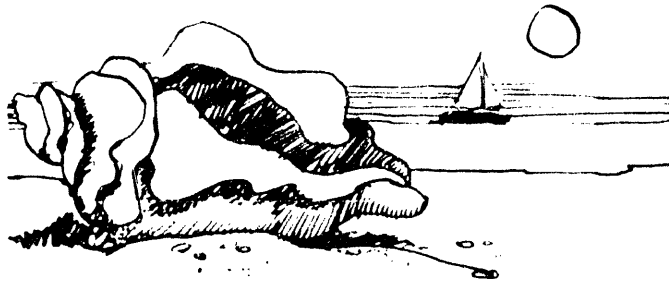
A meeting of the Planning Council for Developmental Disabilities of the Texas Department of Mental Health and Mental Retardation will be held at 8:30 a.m., Thursday and Friday, November 4 and 5, 1976, at the Chariot Inn Motor Hotel, 7300 North Interregional, Austin.

The agenda includes adoption of rules relating to the administration of the developmental disabilities program; approval of the state plan; review of the Department of Health, Education, and Welfare Regional Technical Assistance Project; the DD State Technical Assistance Project; and review of grant applications.

Additional information may be obtained from Jack Leath, P.O. Box 12668, Austin, Texas 78711, telephone (512) 454-3761.

Filed: October 22, 1976 1:45 p.m.

Doc. No. 765575



Board of Nurse Examiners Hearing

A hearing by the Board of Nurse Examiners will be held on Tuesday, November 16, 1976, 2:30 p.m., in the 1st floor conference room, Chevy Chase II, 7600 Chevy Chase Drive, Austin, to receive testimony regarding the proposed change of Rule 388.03.00.014, Curriculum.

Additional information may be obtained from Margaret L. Rowland, Suite 502, 7600 Chevy Chase, Austin, Texas 78752, telephone (512) 451-0201.

Filed: October 22, 1976, 4:23 p.m.

Doc. No. 765578

State Department of Public Welfare

Meeting

A meeting of the State Advisory Committee on Child Care Facilities of the State Department of Public Welfare will be held at 9 a.m., Monday and Tuesday, November 8 and 9, 1976. The committee will meet in the Red Baron Room, Ramada Inn South, 1001 South Interregional, Austin, to consider the licensing handbook; issues of discipline and foster care; the status report on a facility serving mentally retarded children, and miscellaneous committee business.

Additional information may be obtained from Mike Rollins, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-7046.

Filed October 22, 1976, 10:43 a.m.

Doc No 765548

Railroad Commission of Texas

Meeting

A meeting of the Transportation Division of the Railroad Commission of Texas will be held on Monday, November 1, 1976, 9 a.m., in the E. O. Thompson Building, 10th and Colorado Streets, Austin, to consider various applications. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Meiling Newman, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-3207.

Filed October 22, 1976, 1:37 p.m.

Doc No 765572

Addition to Agenda

An addition is being made to the agenda of a meeting of the Oil and Gas Division of the Railroad Commission of Texas to be held on Monday, November 1, 1976, 9 a.m., in the E. O. Thompson Building, 10th and Colorado Streets, Austin, to include three additional applications. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from A. H. Barbeck, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-3003.

Filed October 22, 1976, 1:37 p.m.

Doc No 765573

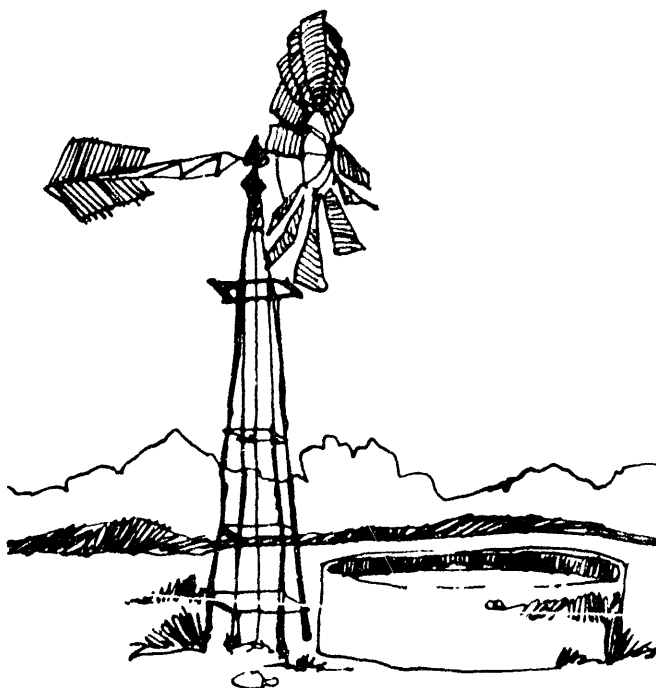
Hearing

A hearing by the Oil and Gas Division of the Railroad Commission of Texas will be held on Monday, November 8, 1976, 9 a.m., in the E. O. Thompson Building, 10th and Colorado Streets, Austin, to consider applications for hearings and administrative action. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from A. H. Barbeck, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-3003.

Filed October 22, 1976, 1:37 p.m.

Doc No. 765574



School Land Board Meeting

A meeting of the School Land Board will be held on Tuesday, November 2, 1976, 10 a.m., in Room 831 of the Stephen F. Austin Building, 1700 North Congress, Austin. The agenda includes consideration of applications and a report to the board concerning the planning program by John Macklin.

Additional information may be obtained from H. E. White, School Land Board, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-6491.

Filed October 25, 1976, 11 05 a.m.
Doc No 765596

Texas State University System Meeting

A meeting of the Board of Regents of the Texas State University System will be held on Thursday and Friday, November 4 and 5, 1976, 2 p.m., in the library, Sul Ross State University, Alpine. The board will consider general business; reports to the board; and miscellaneous items. The board will meet in executive session to discuss legal and personnel matters.

Additional information may be obtained from Gary L. Whittle, 505 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-3876.

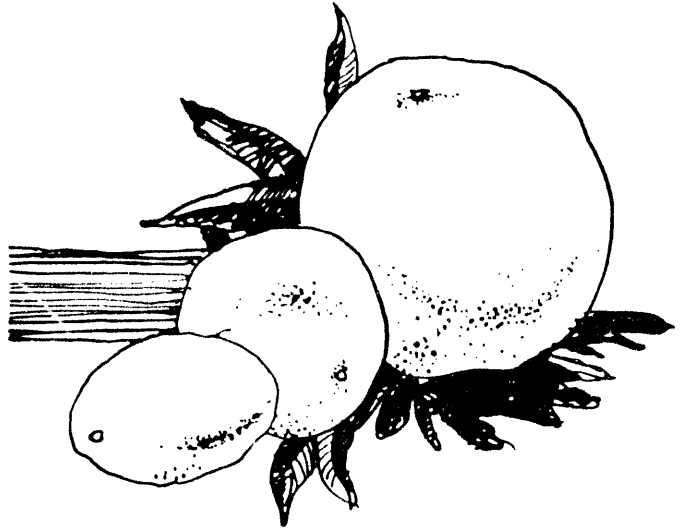
Filed October 22 1976 4 24 p.m.
Doc No 765579

Veterans Land Board Meeting

A meeting of the Veterans Land Board will be held on Tuesday, November 9, 1976, 2 p.m., in Room 831, Stephen F. Austin Building, 1700 North Congress, Austin, to consider a report of the executive secretary and to draw names for the application list.

Additional information may be obtained from Richard Keahey, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3766.

Filed October 22, 1976, 4 28 p.m.
Doc No 765580



Texas Water Quality Board Hearing

A hearing by the Enforcement Division of the Texas Water Quality Board will be held on Tuesday, November 23, 1976, 10 a.m., in the District Courtroom of the Angelina County Courthouse, Lufkin Avenue and Frank Street, Lufkin. The division will explore the status of the City of Lufkin's compliance with the terms and conditions of Permit No. 10214. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Lee H. Mathews, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7861.

Filed October 25, 1976, 9 39 a.m.
Doc No 765593

Texas Water Well Drillers Board

Meeting

A meeting of the Texas Water Well Drillers Board will be held on Tuesday, November 2, 1976, 9:30 a.m., in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin. The agenda includes certification of new applicants for registration; a report on registration of new drillers; a report on the investigator's activities; and consideration of complaints and violations of the Water Well Drillers Act.

Additional information may be obtained from Fred Osborne, Ground Water Division, Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Texas 78711, telephone (512) 475-3787.

Filed October 25, 1976, 11 02 a m

Doc No 765597

Meetings Filed October 25, 1976

The Education Service Center Region VIII, Board of Directors, met at the Black Angus Ranch Restaurant, 203 West First, Mount Pleasant, on October 28, 1976, at 6:30 p.m. Further information may be obtained from Thomas Carney, Education Service Center Region VIII, Mount Pleasant, Texas 75455, telephone (214) 572-6676.

The Houston-Galveston Area Council, Projects Review Committee, will meet at 3701 West Alabama, Houston, on November 2, 1976, at 9:30 a.m. Further information may be obtained from Stevie Walters, 3701 West Alabama, Houston, Texas 77027, telephone (713) 627-3200.

The Panhandle Regional Planning Commission, Board of Directors, met in the conference room of the Amarillo Building, Third and Polk Streets, Amarillo, on October 28, 1976, at 1:30 p.m. Further information may be obtained from George Louder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381

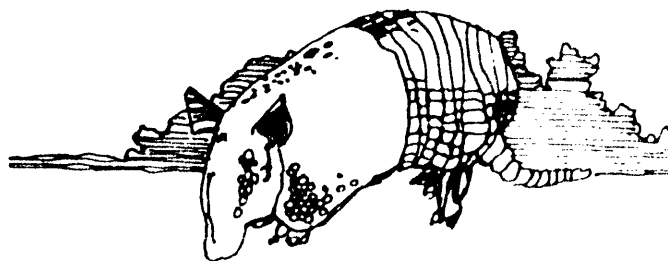
Doc No 765595

Quasi-State Agencies

Meetings Filed October 22, 1976

The Lower Rio Grande Valley Development Council, Board of Directors, met at the San Benito City Hall, 485 North Sam Houston, San Benito, on October 28, 1976, at 2 p.m. Further information may be obtained from Robert A. Chandler, Suite 207, First National Bank Building, McAllen, Texas 78501, telephone (512) 682-3481.

Doc No 765551



General Land Office

Meeting

A meeting of the Advisory Committee of the Texas Coastal Management Program of the General Land Office will be held on Friday, October 29, 1976, 9 a.m., in Room 747B of the Host International Hotel at the Houston Intercontinental Airport, Houston. The Advisory Committee will consider the outline of the legislation needed to implement the program's recommendations.

Additional information may be obtained from Gary Catron, Texas Coastal Management Program, General Land Office, Austin, Texas 78701, telephone (512) 475-6902.

Filed October 21, 1976, 2 01 p.m.

Doc. No 765542

Office of State-Federal Relations

Meeting

Small Business Administration

The San Antonio District Advisory Council to the Small Business Administration will hold a public meeting at 9 a.m., Friday, November 21, 1976, in the meeting room, Sunday House Motor Inn, 2124 Sidney Baker (IH 10 at Highway 16), in Kerrville, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

Further information may be obtained from James S. Reed, U.S. Small Business Administration, Federal Building, Room A-513, 727 East Durango, San Antonio, Texas 78206, telephone (512) 229-6268.

Issued in Austin, Texas, on October 14, 1976.

Doc. No 765526 Dennis Thomas
Associate Director
Office of State-Federal
Relations

Filed: October 20, 1976, 1 46 p.m.

For further information, please call (512) 475-7805.

Meeting

Small Business Administration

The Lower Rio Grande Valley District Advisory Council to the Small Business Administration will hold a public meeting at 9:30 a.m., Tuesday, November 16, 1976, at Pan American University, Edinburg, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

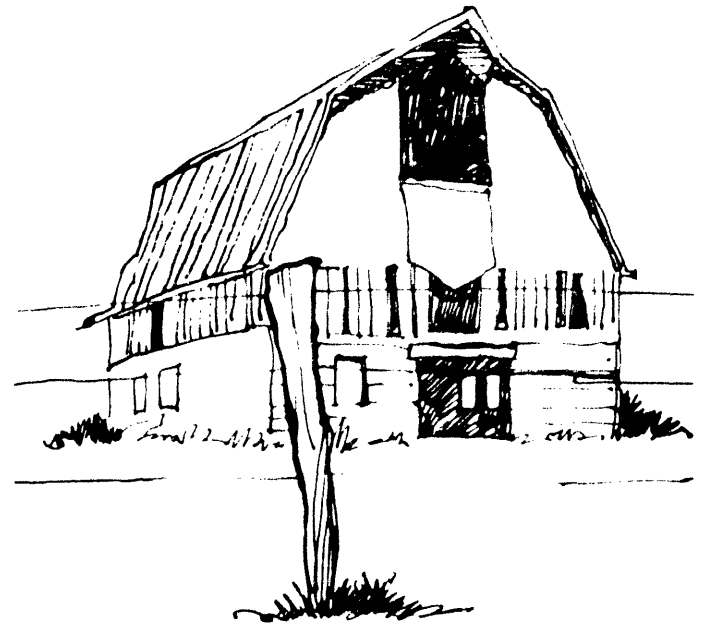
Further information may be obtained from James R. Woodall, U.S. Small Business Administration, 222 East Van Buren, Harlingen, Texas 78550, telephone (512) 734-4533.

Issued in Austin, Texas, on October 14, 1976.

Doc No 765527 Dennis Thomas
Associate Director
Office of State-Federal
Relations

Filed October 20, 1976, 1 46 p.m.

For further information, please call (512) 475-7805



Texas Congressional Delegation

Members representing Texas in the United States House of Representatives and Senate appear in the listing below. The names are accompanied by the hometowns and the mailing addresses of the Washington, D.C. offices of each.

U.S. Representatives

Sam B. Hall, Jr.
District 1
Marshall
1009 Longworth House Office Building
Washington, D.C. 20515

Charles Wilson
District 2
Lufkin
1504 Longworth House Office Building
Washington, D.C. 20515

James Collins
District 3
Dallas
2419 Sam Rayburn House Office Building
Washington, D.C. 20515

Ray Roberts
District 4
McKinney
2455 Rayburn House Office Building
Washington, D.C. 20515

Alan Steelman
District 5
Dallas
437 Cannon House Office Building
Washington, D.C. 20515

Olin E. Teague
District 6
Bryan
2311 Rayburn House Office Building
Washington, D.C. 20515

William "Bill" Archer
District 7
Houston
1924 Longworth House Office Building
Washington, D.C. 20515

Bob Eckhardt
District 8
Houston
1741 Longworth House Office Building
Washington, D.C. 20515

Jack Brooks
District 9
Beaumont
2239 Rayburn House Office Building
Washington, D.C. 20515

J. J. "Jake" Pickle
District 10
Austin
231 Cannon House Office Building
Washington, D.C. 20515

W. R. "Bob" Poage
District 11
Waco
2107 Longworth House Office Building
Washington, D.C. 20515

James C. "Jim" Wright
District 12
Fort Worth
2459 Rayburn House Office Building
Washington, D.C. 20515

Jack Hightower
District 13
Vernon
1315 Longworth House Office Building
Washington, D.C. 20515

John Young
District 14
Corpus Christi
2204 Rayburn House Office Building
Washington, D.C. 20515

E. "Kika" de la Garza
District 15
Mission
1434 Longworth House Office Building
Washington, D.C. 20515

Richard C. "Dick" White
District 16
El Paso
2423 Rayburn House Office Building
Washington, D.C. 20515

Omar Burleson
District 17
Anson
2369 Rayburn House Office Building
Washington, D.C. 20515

Barbara Jordan
District 18
Houston
1534 Longworth House Office Building
Washington, D.C. 20515

George H. Mahon
District 19
Lubbock
2314 Rayburn House Office Building
Washington, D.C. 20515

Henry B. Gonzalez
District 20
San Antonio
2312 Rayburn House Office Building
Washington, D.C. 20515

Robert Krueger
District 21
New Braunfels
512 Cannon House Office Building
Washington, D.C. 20515

Ron Paul
District 22
Lake Jackson
1724 Longworth House Office Building
Washington, D.C. 20515

Abraham "Chick" Kazen
District 23
Laredo
1514 Longworth House Office Building
Washington, D.C. 20515

Dale Milford
District 24
Grand Prairie
430 Cannon House Office Building
Washington, D.C. 20515

U.S. Senators

John Tower
Wichita Falls
142 Russell Senate Office Building
Washington, D.C. 20510

Lloyd M. Bentsen
Brazoria County
240 Russell Senate Office Building
Washington, D.C. 20510