

# PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to

submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

**Symbols in proposed rule text.** Proposed new language is indicated by underlined text. [~~Square brackets and strikethrough~~] indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

## TITLE 34. PUBLIC FINANCE

### PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

#### CHAPTER 20. STATEWIDE PROCUREMENT AND SUPPORT SERVICES

##### SUBCHAPTER D. SOCIO-ECONOMIC PROGRAM

#### DIVISION 2. ENVIRONMENT, ENERGY AND WATER EFFICIENCY, AND RENEWABLE ENERGY TECHNOLOGIES

##### 34 TAC §20.306

The Comptroller of Public Accounts proposes the repeal of §20.306, concerning preferences. In a separate proposal, the comptroller proposes a new §20.306, concerning preferences. The new rule will be more comprehensive, separating statutory preferences into several categories, and providing specific guidance on when and how they apply. The repeal is necessary to enable a more comprehensive rule to be adopted that provides better guidance on application.

No legislation was enacted within the last four years that provides the statutory authority for the repeal.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed repeal is in effect, the repeal: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rule's applicability; and will not positively or adversely affect this state's economy.

Mr. Reynolds also has determined that the proposed rule repeal would have no fiscal impact on the state government, units of local government, or individuals. The proposed repeal would benefit the public by facilitating the adoption of a new, comprehensive rule the comptroller intends to propose that would more clearly organize and clarify when and how statutory preferences apply in the procurement process. There would be no anticipated significant economic cost to the public. The proposed repeal would have no significant fiscal impact on small businesses or rural communities.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Gerard MacCrossan

P.O. Box 13528 Austin, Texas 78711 or to the email address: Gerard.MacCrossan@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the repeal in the *Texas Register*.

A public hearing will be held to receive comments on the proposed amendments. There is no physical location for this meeting. The meeting will be held at 10:00 a.m., Central Time, on Tuesday, June 23, 2026. To access the online public meeting by web browser, please enter the following URL into your browser: <https://txcpa.webex.com/txcpa/j.php?MTID=m40f87cd9e32600c619b8457e9a1f4fd5>. To join the meeting by computer or cell phone using the Webex app, use the access code 2493 365 0910 and password SPDRULES. Persons interested in providing comments at the public hearing may contact Mr. Gerard MacCrossan, Comptroller of Public Accounts, at Gerard.MacCrossan@cpa.texas.gov or by calling (512) 463-4468 by June 22, 2026.

The repeal is proposed under Government Code, §2155.0012, and §2158.0012 which authorize the comptroller to adopt rules to efficiently and effectively administer Government Code, Chapter 2155, and Chapter 2158; and under Health and Safety Code, §361.991(e), and §361.965 (e) which authorize the comptroller to adopt rules to implement Health and Safety Code, §361.991, and §361.965.

This repeal implements Government Code, §§2155.0012, and 2158.0012.

##### *§20.306. Preferences.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 28, 2026.

TRD-202602231

Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts

Earliest possible date of adoption: July 12, 2026

For further information, please call: (512) 475-2220

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DIVISION 2. ECONOMIC AND ENVIRONMENTAL PROCUREMENT PREFERENCES [ENVIRONMENT, ENERGY AND WATER EFFICIENCY, AND RENEWABLE ENERGY TECHNOLOGIES]

34 TAC §20.306, §20.307

The Comptroller of Public Accounts proposes a new §20.306, concerning preferences; and amendments to §20.307, concerning state agency procurements of recycled, remanufactured or environmentally sensitive commodities or services. The new §20.306, concerning preferences, will replace the current §20.306, concerning preferences, which the comptroller will propose for repeal in a separate proposal. In addition, the comptroller proposes to amend the title of 34 TAC Chapter 20, Subchapter D, Division 2, to "Economic and Environmental Procurement Preferences."

No legislation was enacted within the last four years that provides the statutory authority for the new section or for the amendments.

The comptroller amends the title of Division 2 to better represent its content. Division 2 includes geographical preferences, service-disabled veteran preferences, and others that are better described by the revised title.

New §20.306 replaces the current §20.306, concerning procurement preferences. The comptroller will simultaneously repeal the current version of §20.306, in a separate rulemaking. Both versions list preferences that are enacted in statute. Therefore, the substance of the proposed version is largely consistent with the current version.

New §20.306 clarifies the procurement preference rules. The section is structured to improve its style with the purpose of clarifying when and how statutory purchasing preferences should apply in the procurement process. The reorganization clarifies in which step of the procurement process agencies should account for a preference and how it will impact the procurement. The new section divides the preferences into categories which agencies shall take into consideration at different phases of the procurement lifecycle. It also provides a clear hierarchy among the preferences and provides that when planning to procure or purchase goods or services, state agencies shall consider the statutory preferences listed in the rule.

Paragraph (1) identifies specification preferences which shall be considered during needs assessment and specifications development. The specification preferences apply to: televisions; food for consumption in a public cafeteria; recycled, remanufactured, or environmentally sensitive products; paper; and American vehicles.

Paragraph (2) identifies pricing preferences which shall be considered during evaluation and best value determination. The pricing preferences apply to: rubberized asphalt paving material; services to be performed, in whole or in part, in a designated nonattainment area or an affected county; and items subject to reciprocal preferences among states, unless the contract will involve federal funds.

Paragraph (3) establishes the tie-bid preferences which shall be used to resolve ties between responses of equal cost and quality. The tie-bid preferences apply to: agricultural products; vegetation for landscaping purposes; motor oil and other automotive lubricants; computer equipment; creation or production of a commercial for an advertising campaign; products, workshops, organizations, or corporations whose primary purpose is training and employing persons with disabilities; goods and services produced in economically depressed or blighted areas; goods produced at a facility located on property for which the owner has received a certificate of completion under Health and Safety Code, §361.609; goods produced or offered by a Texas bidder, with first

preference given to a service-disabled veteran; and goods produced and grown in other states of United States.

The comptroller amends the title of §20.307 to "Recycled, Remanufactured and Environmentally Sensitive Commodities and Services."

The amendments to §20.307 update the designated environmentally sensitive items listed in the rule which agencies should prefer in a procurement. In compliance with Government Code, §2155.448, the comptroller revises the list of identified items, the purchasing goal, and the requirement for an agency to justify procurement of an identified item with specifications that do not meet the definition of recycled, remanufactured, or environmentally sensitive commodity or service.

The amendments update the list of designated recycled, remanufactured, and environmentally sensitive commodities to eliminate outdated goods that are no longer an item with market significance and to include items that are relatively significant in state purchasing. It also establishes environmentally sensitive standards that are commonly used in the marketplace, such as FSC-certified, in order to make it easier for agencies and vendors to comply. The amendments further provide clarity on the purchasing goals and on how a state agency should document its file. The amendments also allow a person designated by the state agency head executive to sign for the justification, contributing to the implementation and efficacy of Government Code, §2155.448.

Subsection (a) provides the items that the comptroller has identified as recycled, remanufactured, and environmentally sensitive commodities or services and for which statewide purchasing goals apply: re-refined motor oils and lubricants, paper products including copy paper, paper towels, toilet paper, paper packaging, coffee filters, air conditioning filters, recycled steel, and Energy Star labeled products for selected categories, to the extent the label is available.

The comptroller identified products for statewide purchasing goals by reviewing statutory preferences and seeking out market-recognized certifications. The categories were selected from among the goods Statewide Procurement Division has authority to procure.

Subsection (b) identifies the statewide purchasing goals state agencies should comply with.

A state agency shall purchase the commodities and services designated in subsection (a) to the greatest extent possible. The purpose of the goal is to convey the comptroller's guidance to maximize the purchasing of recycled, remanufactured and environmentally sensitive commodities while enabling agencies to consider their needs.

Subsection (c) establishes the requirements for a state agency to document its procurement file when purchasing a commodity or service designated in subsection (a) that does not meet the definition of a recycled, remanufactured or environmentally sensitive item.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed amendments and new rule are in effect, the rules: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rules'

applicability; and will not positively or adversely affect this state's economy.

Mr. Reynolds also has determined that the proposed amendments and new rule would have no fiscal impact on the state government, units of local government, or individuals. The proposed amendments and new rule would benefit the public by modernizing and clarifying the state's purchasing preference requirements, making it easier for agencies and vendors to comply with statutory preferences for recycled, remanufactured, and environmentally sensitive commodities in the procurement process. There would be no anticipated significant economic cost to the public. The proposed amendments and new rule would have no significant fiscal impact on small businesses or rural communities.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Gerard MacCrossan, P.O. Box 13528, Austin, Texas 78711 or to the email address: Gerard.MacCrossan@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held to receive comments on the proposed amendments. There is no physical location for this meeting. The meeting will be held at 10:00 a.m., Central Time, on Tuesday, June 23, 2026. To access the online public meeting by web browser, please enter the following URL into your browser: <https://txcpa.webex.com/txcpa/j.php?MTID=m40f87cd9e32600c619b8457e9a1f4fd5>. To join the meeting by computer or cell phone using the Webex app, use the access code 2493 365 0910 and password SPDRULES. Persons interested in providing comments at the public hearing may contact Mr. Gerard MacCrossan, Comptroller of Public Accounts, at Gerard.MacCrossan@cpa.texas.gov or by calling (512) 463-4468 by June 22, 2026.

The amendments and new section are proposed pursuant to Government Code, §§2155.0012, 2156.0012, and 2158.0012 which authorize the comptroller to adopt rules to efficiently and effectively administer Government Code, Chapter 2155, Chapter 2156, and Chapter 2158; and pursuant to §2155.132(d), which authorizes the comptroller to prescribe procedures for delegated purchases by rule; and pursuant to Health and Safety Code, §361.991(e), and §361.965(e) which authorize the comptroller to adopt rules to implement Health and Safety Code, §§361.991 and 361.965. The comptroller's authority to provide procedures for delegated purchases in Government Code, §2155.132(d) allows it to specify how and when agencies apply reciprocal purchasing preferences under Government Code, Chapter 2252, Subchapter A. Furthermore, the comptroller has implied authority to implement Government Code, Chapter 2252, Subchapter A in Government Code, §2252.003, which designates the comptroller as the agency responsible for publication of other states' laws on contracts, action necessary to implement Government Code, Chapter 2252, Subchapter A.

The new section and amendments implement Government Code, §§2151.004, 2155.0011, 2156.0011, and 2158.0011 which outline the general purchasing responsibility of the comptroller.

§20.306. Preferences.

When developing its procurement plan, conducting its needs assessment, or purchasing goods or services, a state agency shall consider the following statutory procurement preferences.

(1) Specification Preferences. During needs assessment and specifications development, a state agency shall use the following specifications, or document why the specification does not meet the agency's needs.

(A) When procuring televisions, a state agency shall specify a television manufacturer that complies with the recovery plan collection and recycling standards as determined by Health & Safety Code, §361.991, and 30 TAC Chapter 328, Subchapter J.

(B) When procuring food for consumption in a public cafeteria, a state agency shall specify foods of higher nutritional value without trans fatty acids, as provided in Government Code, §2155.452.

(C) When recycled, remanufactured, or environmentally sensitive products, as designated in §20.307 of this title (relating to Recycled, Remanufactured and Environmentally Sensitive Commodities and Services), may meet an agency's need, the agency shall specify such products, unless it determines that the average price of such products exceeds the average price of comparable non-recycled products by more than 10%, as provided in Government Code, §2155.445.

(D) When procuring paper, a state agency shall specify paper containing the highest proportion of recycled fibers that it determines is available through normal commercial sources; and does not exceed the average price of comparable nonrecycled paper by more than 10%, as provided in Government Code, §2155.446.

(E) When procuring passenger vehicles or other ground transportation vehicles for general use, a state agency shall specify fuel-efficient vehicles assembled in the United States unless such requirement would have a significant detrimental effect on the vehicle use, as provided in Government Code, §2158.0031.

(2) Pricing preferences. During procurement evaluation, state agencies shall apply the following statutory preferences when determining best value.

(A) When procuring rubberized asphalt paving material, a state agency shall select material made from scrap tires by a facility in this state if it does not exceed the bid cost of alternative paving materials by more than 15%, in compliance with Government Code, §2155.443.

(B) When procuring services to be performed, in whole or in part, in a designated nonattainment area or an affected county, as those terms are defined by Health and Safety Code, §386.001, a state agency shall select a vendor that meets air quality standards if it does not exceed by 105% the cost of a vendor that does not meet or exceed air quality standards, in accordance with Government Code, §2155.451.

(C) When a state agency is evaluating bids by one or more resident bidders, defined as a bidder with its principal place of business in this state, against one or more nonresident bidders, state agencies shall apply a reciprocal preference as stated in Government Code, §2252.002, unless the contract will involve federal funds.

(3) Tie-bid preferences. During procurement evaluation, after applying pricing preferences in paragraph (2) of this subsection, state agencies shall resolve ties between responses of equal cost and quality by applying the following statutory preferences.

(A) When procuring agricultural products, as determined under Government Code, §2155.444, a state agency shall:

(i) give first preference to products grown in this state;

(ii) give second preference to products offered by Texas bidders, as defined in Government Code, §2155.444(c)(2); and

(iii) give preference to products produced or grown in other states of the United States over foreign products.

(B) When procuring vegetation for landscaping purposes, a state agency shall give preference to vegetation native to the region, in compliance with Government Code, §2155.444.

(C) When procuring motor oil and other automotive lubricants, a state agency shall give preference to products that contain at least 25% recycled oil, in accordance with Government Code, §2155.447.

(D) When procuring computer equipment, a state agency shall give preference to equipment made by a manufacturer that has a program to recycle the computer equipment of other manufacturers in accordance with Health and Safety Code, §361.965(d), in accordance with 1 TAC Chapter 217.

(E) When procuring the creation or production of a commercial for an advertising campaign, a state agency shall give preference to a Texas bidder, as determined in Government Code, §2155.444.

(F) A state agency shall give preference to products of workshops, organizations, or corporations whose primary purpose is training and employing persons with mental or physical disabilities, as specified in Government Code, §2155.441.

(G) A state agency shall give preference to goods and services produced in economically depressed or blighted areas as defined in Government Code, §2155.449.

(H) A state agency shall give preference to goods produced at a facility located on property for which the owner has received a certificate of completion under Health and Safety Code, §361.609 as determined by Government Code, §2155.450.

(I) In accordance with Government Code, §2155.444, a state agency shall:

(i) when a Texas bidder, as defined in Government Code, 2155.444(c)(2), is a responsive bidder:

(I) give first preference to goods produced or offered by, or services offered by, a Texas bidder that is owned by a service-disabled veteran who is a Texas resident;

(II) give second preference to goods produced or offered by, or services offered by, a Texas bidder; and

(ii) give preference to goods produced or grown in other states of the United States over foreign products.

§20.307. [State Agency Procurements of] Recycled, Remanufactured and [ø] Environmentally Sensitive Commodities and [ø] Services.

(a) Designated items. Pursuant to Government Code, §2155.448, the comptroller hereby designates the [The comptroller may designate as "First Choice" certain] recycled, remanufactured, and [ø] environmentally sensitive commodities and [ø] services to which the statewide purchasing goals in subsection (b) of this section apply.[-]

[(b)] [First Choice items are designated recycled, remanufactured, and environmentally sensitive commodities or services that state

agencies shall give a preference for when purchasing. These items include, but are not limited to:]

(1) re-refined motor oils and lubricants;

(2) paper products including copy paper, paper towels, toilet paper, paper packaging, coffee filters, air conditioning filters using a listed manufacturing process which shall be prioritized in the following order:

(A) post-consumer recycled paper;

(B) recovered recycled paper;

(C) Forestry Stewardship Council (FSC)-certified paper; and

(D) Sustainable Forestry Initiative (SFI).

(3) [(2)] recycled steel; and [content toilet paper;]

[(3) recycled content toilet seat covers and paper towels;]

[(4) recycled content printing, computer and copier paper, and business envelopes;]

[(5) recycled content plastic trash bags;]

[(6) recycled content plastic covered binders;]

[(7) recycled content recycling containers; and]

(4) [(8)] Energy Star labeled; [photocopiers.]

(A) appliances;

(B) commercial food service equipment;

(C) light bulbs and fixtures; and,

(D) electronics and office equipment including monitors, printers and other peripherals purchased to operate systems such as HVAC controls, garage lifts and equipment, mail systems, and lighting controls.

(b) Statewide purchasing goals. A state agency shall purchase the commodities and services designated in subsection (a) of this section to the greatest extent possible.

[(e) Commodities or services that are designated as First Choice items will be reflected in the State Procurement Manual. The State Procurement Manual will be revised as new commodities or services are designated as First Choice items.]

(c) [(d)] A state agency that intends to purchase a commodity or service that accomplishes the same purpose as a commodity or service designated in subsection (a) of this section [identified in Government Code, §2155.448(a)] that does not meet the definition of a recycled, remanufactured, or environmentally sensitive commodity or service [product or that is not remanufactured or environmentally sensitive] shall include with the procurement file a written justification signed by the executive head of the state agency or designee stating that the designated commodity or service does not meet its needs [the reasons for the determination that the commodity or service identified by the comptroller will not meet the requirements of the state agency].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 28, 2026.  
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## SUBCHAPTER E. SPECIAL CATEGORIES OF CONTRACTING

### DIVISION 3. STATE SUPPORT SERVICES - VEHICLE FLEET MANAGEMENT

#### 34 TAC §§20.431 - 20.437

The Comptroller of Public Accounts proposes amendments to §20.431, concerning definitions; §20.432, concerning office of vehicle fleet management; §20.434, concerning assignment and use of pooled vehicles; §20.435, concerning vehicle fleet management system; §20.436, concerning assistance to state agencies and school districts; and §20.437, concerning waiver of vehicles to meet required fleet percentages. The Comptroller of Public Accounts proposes a new §20.433, concerning state vehicle fleet management plan. The comptroller separately proposes to repeal the current §20.433, concerning state vehicle fleet management plan.

No legislation was enacted within the last four years that provides the statutory authority for the amendments. The amendments implement Senate Bill 1364, 89th Legislature, 2025, effective September 1, 2025.

The comptroller renames Title 34, Chapter 20, Subchapter E, Division 3. The new name, Vehicle Fleet Management, briefly and clearly identifies the subject matter of Division 3.

Throughout these amendments, the comptroller removes references to the Council on Competitive Government. The Council on Competitive Government has been abolished.

The comptroller amends §20.431 to remove definitions that are no longer needed. The terms "assigned vehicle," "capitalized value," "direct labor," "disposal date," "downtime," "field employee," "fleet officer," "gross vehicle weight," "indirect labor," "OVFM," "pooled vehicle," "state agency," "state employee," "transfer date," "vehicle fleet management system," and "vehicle inventory" either are not used in the revised rules, are defined elsewhere in the comptroller's rules, or do not require a definition.

The definitions in amended §20.431 apply to Chapter 20, Division 3 only. Definitions that apply to all of Chapter 20 are in §20.25 of this title.

The amended definition of "alternative fuel" in §20.431 includes biodiesel. Biodiesel is considered an alternative fuel under Government Code, §2158.004.

The comptroller amends §20.432 to simplify and update the description of the Office of Vehicle Fleet Management. The comptroller deletes subsection (b), which described the State Vehicle Fleet Management Plan, because the plan is thoroughly described in Government Code, §2171.104. The comptroller deletes subsection (c), which described vehicle maintenance services offered by the comptroller. Deleting subsection (c) will not prevent the comptroller from offering such services, because the authority for such services already exists in Government

Code, §2171.102. However, the comptroller does not currently perform vehicle maintenance services for other state agencies. The comptroller deletes subsection (d), which described the Vehicle Fleet Management System. The Vehicle Fleet Management System is fully described in §20.435. The comptroller deletes subsection (e), which describes a fleet maintenance conference sponsored by the comptroller. This elaboration of the comptroller's authority to educate and assist state agencies with fleet management no longer serves a purpose.

The comptroller proposes new §20.433 to simplify and update the description of the State Vehicle Fleet Management Plan. Because the State Fleet Vehicle Management Plan is a standalone document that is regularly updated and made available to the public, there is no need to describe the plan in comptroller rules. The comptroller separately proposes to repeal the current version of §20.433, because the extensive details it includes do not serve a purpose.

The comptroller amends §20.434, including its title, to remove references to the state agency motor pool. The comptroller does not operate a vehicle pool for use by other agencies and does not intend to do so in the future. The amended rule describes how the comptroller assigns vehicles to its own employees. Because comptroller policies regarding vehicle checkout and rotation procedures do not serve a purpose within the rule, they are deleted. Going forward, the comptroller will maintain such policies internally.

The comptroller amends §20.435 to remove unnecessary details regarding the Vehicle Fleet Management System. The amended rule provides that the comptroller will instruct agencies what information to submit to the system, when, and how. It requires each agency to designate an employee to be responsible for submitting the information. In order to allow the comptroller to adjust its instructions to agencies without additional rulemaking, the comptroller removes such details from the rule.

The comptroller amends §20.436 to more accurately reflect the scope and intent of the comptroller's assistance to state agencies and school districts regarding use of alternative fuels. The amended rule provides that the comptroller may provide assistance and informational materials regarding alternative fuels and conversion of vehicles to run on such fuels. Because the comptroller does not regularly sponsor fleet management conferences, identify vehicles for alternative fuel conversion, locate facilities to convert vehicles, or provide information to the Texas Commission on Environmental Quality, the rule no longer mentions those activities. Instead, the amended rule provides more generally that the comptroller may work with state agency fleet operators, vehicle manufacturers, vehicle converters, fuel distributors, and other entities.

The comptroller amends §20.437 to better align with Government Code, §2158.004. Subsection (a) states the current goal under §2158.004 for use of alternative fuels in most state agency fleets. Subsection (b) provides a simplified method to request a waiver of the goal from the comptroller, and gives the comptroller flexibility to request any information and consider any facts in deciding whether to grant the waiver. The comptroller deletes unnecessary details regarding the waiver process in subsection (b) and subsections (c)-(f). The comptroller deletes subsection (g) due to changes in law enacted in Senate Bill 1364, 89th Legislature, 2025, effective September 1, 2025. Because Senate Bill 1364 repealed Government Code §2158.003, subsection (g) no longer serves a continuing purpose.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed amendments, new rule, and rule repeal are in effect, the proposed amendments, new rule, and rule repeal will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rules' applicability; and will not positively or adversely affect this state's economy.

Mr. Reynolds also has determined that the proposed amendments, new rule, and rule repeal would have no significant fiscal impact on the state government, units of local government, or individuals.

The proposed amendments, new rule, and rule repeal would benefit the public by improving the clarity and implementation of the sections by removing provisions that are no longer accurate, necessary, or relevant to the current agency operations and better align the sections with the governing statute. There would be no anticipated economic cost to the public. The proposed amendments, new rule, and rule repeal would have no significant fiscal impact on small businesses or rural communities.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Gerard MacCrossan, P.O. Box 13528, Austin, Texas 78711 or to the email address: Gerard.MacCrossan@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held to receive comments on the proposed amendments. There is no physical location for this meeting. The meeting will be held at 10:00 a.m., Central Time, on June 23rd, 2026. To access the online public meeting by web browser, please enter the following URL into your browser: <https://txcpa.webex.com/txcpa/j.php?MTID=m40f87cd9e32600c619b8457e9a1f4fd5>. To join the meeting by computer or cell phone using the Webex app, use the access code 2493 365 0910 and password SP-DRules. Persons interested in providing comments at the public hearing may contact Mr. Gerard MacCrossan, Comptroller of Public Accounts, at Gerard.MacCrossan@cpa.texas.gov or by calling (512) 463-4468 by June 22, 2026.

These amendments are proposed under Government Code, §2158.0012, which authorizes the comptroller to adopt rules to efficiently and effectively administer Chapter 2158, and Government Code, § 2171.002, which authorizes the comptroller to adopt rules to implement Chapter 2171.

These amendments implement Government Code, Chapter 2158 and Chapter 2171.

#### §20.431. Definitions.

The following words and terms, when used in this division [chapter], shall have the following meanings, unless the context clearly indicates otherwise.

(1) Alternative fuel--Compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, methanol (or M85), [or] ethanol (or E85), or biodiesel.

(2) Alternative fuel vehicle--A motor vehicle capable of using alternative fuel in the original equipment manufactured engine, or in a converted traditional gasoline or diesel engine.

[(3) Assigned vehicle--A state vehicle normally driven by the same employee or small specific group of employees.]

[(4) Capitalized value--The original cost of a vehicle, plus later adjustments for major additions or improvements.]

[(5) Direct labor--The cost of labor associated with repairing or servicing vehicles, whether performed by a contractor or state employee.]

[(6) Disposal date--The date on which a state vehicle is no longer included in a state agency's property inventory.]

[(7) Downtime--The total number of working hours a state vehicle, otherwise eligible for assignment, is out of service for repair or maintenance.]

[(8) Field employee--A state employee whose regular duties require work in locations other than agency headquarters or regional offices and who regularly require a vehicle for ongoing daily duties.]

[(9) Fleet officer--The individual designated by each state agency who is responsible for the timely and accurate submission of all required information utilized by the vehicle fleet management system.]

[(10) Gross vehicle weight (GVW)--The greatest weight of vehicle and load which the manufacturer recommends that a vehicle accommodate. The GVW includes the total weight of chassis, cab, body, special equipment, oil, water, gasoline, driver, and the maximum payload.]

[(11) Indirect labor--The labor cost of vehicle fleet related employees whose time cannot be identified with repairing or servicing individual vehicles.]

[(12) OVFM--The comptroller's office of vehicle fleet management.]

[(13) Pooled vehicle--A vehicle normally garaged in a central location for use by any authorized employee of the state agency.]

(3) [(14)] Special purpose vehicle (SPV)--A motor vehicle commercially designed to be used primarily for purposes other than to provide transportation service for personnel, supplies, or equipment.

[(15) State agency--]

[(A) any department, commission, board, office, council, or other agency in the executive branch of state government created by the constitution or by a statute of this state;]

[(B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of civil appeals, or the Texas Judicial Council; and]

[(C) an institution of higher education as defined in Education Code, §61.003.]

[(16) State employee--A person employed by a state agency; or an elected or appointed state official.]

(4) [(17)] State vehicle--Any state-owned vehicle which is propelled by a self-contained engine and is licensed to operate on public highways.

[(18) Transfer date--The date a vehicle is transferred from one state agency to another.]

[(19) Vehicle Fleet Management System--A computerized data retrieval system to assist each state agency in the management of its vehicle fleet.]

[(20) Vehicle inventory--A list of state agency vehicles by type and class which is utilized to determine their average cost of operation.]

§20.432. *Office of Vehicle Fleet Management.*

[(a)] Through the Office of Vehicle Fleet Management, the comptroller administers [the state vehicle fleet management program which consists of] the State Vehicle Fleet Management Plan and [a computerized] Vehicle Fleet Management System.

[(b)] The comptroller will implement and monitor, at the direction of the Council on Competitive Government (CCG), the State Vehicle Fleet Management Plan, approved and adopted by CCG. A current Plan is available for viewing at the comptroller's Website. The Plan delineates the responsibilities of each state agency, institution of higher education and OVFM to develop, implement, maintain, and monitor current vehicle fleet data as required by the Plan.]

[(c)] The comptroller may, for a fee, offer vehicle fleet maintenance services to all state agencies in Travis County on a full cost recovery basis. The services include preventive maintenance and routine mechanical repair work. The comptroller may negotiate contracts or service arrangements for major overhauls and extensive mechanical work.]

[(d)] The computerized Vehicle Fleet Management System is a database that contains information on vehicle inventories, maintenance and repair history, mileage, fuel usage, and expenses incurred for all state agencies.]

[(e)] The comptroller may sponsor an annual fleet management conference to consider:]

- [(1)] adjustments to the Vehicle Fleet Management System;]
- [(2)] current fleet management issues; and]
- [(3)] the improvement of fleet management expertise among state agencies.]

§20.433. *State Vehicle Fleet Management Plan.*

The State Vehicle Fleet Management Plan describes the responsibilities of a state agency at each phase of the fleet vehicle life cycle. It also describes the requirements to submit information to the Vehicle Fleet Management System.

§20.434. *Assignment [and Use] of State [Pooled] Vehicles.*

(a) Comptroller [Each vehicle in the comptroller's vehicle fleet pool, with the exception of] vehicles may be assigned to field employees and comptroller[, is assigned to the state agency motor pool and is available for checkout as needed. Some vehicles, because of mission critical status, may be permanently assigned to sub-pools within divisions and available only to employees within those] divisions. The comptroller may operate a motor pool of vehicles available for checkout to employees driving on agency business.

[(b)] Comptroller employees must present a valid Texas driver's license each time a pooled vehicle is checked out.]

[(c)] Pooled vehicle assignments will be made by designated comptroller personnel to ensure that all comptroller vehicles are used and rotated to balance mileage and time usage among all pooled vehicles.]

(b) [(d)] Pooled vehicles may only be assigned on a regular or daily basis to individual administrative or executive employees if

there is[, require] written documentation that the assignment is critical to comptroller's needs and mission of the agency. [Documentation for all assigned comptroller vehicles will be kept on file with designated comptroller personnel.]

§20.435. *Vehicle Fleet Management System.*

(a) The Vehicle Fleet Management System is the [responsibility of the Office of Vehicle Fleet Management. The comptroller maintains the main repository and] database for state agency fleets [all vehicle information submitted by each state agency in accordance with this subsection]. The comptroller shall instruct agencies what fleet vehicle information they must submit, how, and when. [is responsible for developing the form, format, and composition of all data submitted electronically or otherwise to the vehicle fleet management system to assure system continuity.]

(b) Each state agency shall designate a fleet officer who is responsible for [establishing, maintaining, and] submitting fleet vehicle information to the comptroller [on a monthly basis accurate vehicle information in the form and format established by the comptroller].

[(1)] Information to be recorded in each agency's fleet management system for submission to the comptroller's repository and database includes, but is not limited to:]

[(A)] acquisition date, vehicle make, model, type, class, year, gross vehicle weight rating, exempt license plate number, manufacturer, vehicle identification number, whether a special purpose vehicle, and whether a pool or assigned vehicle;]

[(B)] acquisition cost, capitalized value, repair and maintenance expenses, direct and indirect labor expense, replacement policy, current mileage, vehicle disposal date, and disposal price or salvage value;]

[(C)] type, and quantity of all fuels and lubricants used, including their cost and type, vehicle lifetime odometer reading, and miles traveled per month;]

[(D)] insurance and accident related expense;]

[(E)] downtime, transfer date, disposal date, and any other information necessary to compute the average cost of operation, per month, of the various classes and types of vehicles; and]

[(F)] vehicle location by city and county.]

[(2)] The Vehicle Fleet Management System maintained by the comptroller constitutes the primary instrument used to provide fleet management assistance. Fleet management reports detailing operating trends, cost analysis, and special exception reports listing agencies with unusually high operating expenses will be generated and made available to agency fleet officers.]

§20.436. *Assistance to State Agencies and School Districts.*

(a) The Office of Vehicle Fleet Management may assist with use of [of the comptroller facilitates, encourages, and expedites] alternative fuels [use] by state agencies and school districts.

(b) The Office of Vehicle Fleet Management may provide [of the comptroller provides] informational materials regarding alternative fuels[, presents state of the art data at fleet management conferences, provides state vehicle operational data, locates facilities to convert state vehicles to alternative fuels, helps identify vehicles that are appropriate for conversion,] and [provides] technical assistance related to vehicle conversion.

(c) To assist with vehicle conversion, the Office of Vehicle Fleet Management may work [of the comptroller works] with state agency fleet operators, vehicle manufacturers and converters, fuel distributors, and [any] other [necessary] entities.

{(d) The Office of Vehicle Fleet Management provides information to the Texas Commission on Environmental Quality for its determination of air quality benefits associated with the use of alternative fuels.}

*§20.437. Alternative Fuels Requirement [Waiver of Vehicles to Meet Required Fleet Percentages].*

(a) Under Government Code, §2158.004(a), any [Any] state agency operating a fleet of more than 15 motor vehicles, excluding law enforcement and emergency vehicles, shall have [a fleet percentage of] alternative fuel vehicles make up at least 50% [equal to or greater than 30%] of its [the] total fleet [number of such vehicles operated by September 1, 1994, and a percent equal to or greater than 50% by September 1, 1996].

(b) Under Government Code, §2158.004(b), a [A] state agency may request [desiring] a waiver of Government Code, §2158.004(a) from the comptroller. Agencies may submit such requests using the contact information for the Office of Vehicle Fleet Management on the comptroller's website. Agencies shall provide any information requested by the comptroller to substantiate the basis for a waiver. [from subsection (a) of this section shall submit a certification to the Office of Vehicle Fleet Management of the comptroller that meets one or more of the following conditions:]

{(1) the vehicles will be operating primarily in an area in which neither the agency nor a supplier has or can reasonably be expected to establish a central refueling station for alternative fuels;}

{(2) the agency is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using an alternative fuel at a projected cost that is reasonably expected to result in no greater net costs than the continued use of traditional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied; or}

{(3) the agency is unable to acquire or be provided any alternative fuel vehicles or equipment necessary for such vehicles.}

{(e) The subsection (b) of this section certification must be sent to the Office of Vehicle Fleet Management of the comptroller and must be accompanied by the information described in either subsection (d) or (e) of this section.}

{(d) A subsection (b)(1) of this section certification shall also contain the:}

{(1) total number of vehicles in the fleet subject to these rules;}

{(2) total number of vehicles currently operating on an approved alternative fuel;}

{(3) percentage of the fleet subject to these rules that is impacted by the requested waiver;}

{(4) vehicle license plate number of each vehicle to be waived;}

{(5) city or town nearest to where each vehicle identified in paragraph (4) of this subsection is normally garaged;}

{(6) name of any alternative fuels vendor or supplier with a stationary supply of fuel within a 10-mile radius, or mobile fuel suppliers within a 30-mile radius of where each vehicle identified in paragraph (4) of this subsection is normally garaged; and}

{(7) correspondence or other documentation relevant to the request for waiver or reduction.}

{(e) A subsection (b)(2) of this section certification must be accompanied and supported by a state agency prepared cost benefit analysis for each alternative fuel which includes the following:}

{(1) total initial cost of providing the entire alternative fuel facility, or a portion thereof, including, but not limited to, the following (if the equipment is provided at no initial cost to the agency and the fuel vendor plans to recoup the initial cost through increased fuel costs, then only those items furnished by the agency such as land shall be included in the total initial cost):}

{(A) cost of land at current market value, on which to install any compressor station, tanks, and refueling facilities;}

{(B) cost of compressor and related facilities, including cost of providing operating power, if not already available at the site, any engineering work for site preparation;}

{(C) cost of refueling and related facilities, including fast and slow refueling stations, refueling tanks;}

{(D) cost of providing alternative fuel to the site such as gas pipeline;}

{(E) cost of engine conversion kits and fuel cylinders and/or tanks, including installation costs;}

{(F) cost of initial training and certification of mechanics, and training of drivers to operate alternative fuel vehicles, if required;}

{(G) cost of future major overhauls of the compressor system according to the compressor manufacturer's recommended major overhaul schedule (see paragraph (7) of this subsection);}

{(H) cost of future major overhauls or replacement of the refueling stations if the expected life is less than 30 years;}

{(I) costs of future replacement of fuel conversion kits (see paragraph (7) of this subsection); and}

{(J) any other costs or expenditures necessary to provide a complete, turnkey facility;}

{(2) total annual mileage expected for the vehicle fleet or for those vehicles covered by the cost study;}

{(3) total annual fuel savings calculated from the difference between the fuel costs using gasoline/diesel and using alternative fuel for the total annual mileage in paragraph (2) of this subsection;}

{(4) an estimate of any additional savings such as reduced maintenance costs (e.g., extended oil change intervals, longer spark plug life, and other savings in maintenance);}

{(5) an estimate of the total annual operating costs, including, but not limited to, the following:}

{(A) compressor and refueling station maintenance, not replacement cost or cost of major overhaul (see paragraph (1) of this subsection);}

{(B) cost of labor for removing, testing, and reinstalling alternative fuel cylinders/tanks for inspection and testing;}

{(C) cost of maintenance and repair of engine conversion kits;}

{(D) cost of testing fuel cylinders/tanks;}

{(E) cost of training additional mechanics and labor cost differential, if any, for mechanics and other personnel servicing alternative fuel equipment;}

[(F) cost of electrical power to operate the compressors and refueling stations; and]

[(G) other annual costs uniquely associated with the operation of the alternative fuel program;]

[(6) [determine the total annual savings from the difference between the total savings (sum of paragraphs (3) and (4) of this subsection); and the total annual operating costs, paragraph (5) of this subsection;]

[(7) estimate the expected life of the various components of the system. If accurate lifetimes are not available, the following shall be used:]

[(A) conversion kits = 15 years (if removed from old and reinstalled on new vehicles; if not reinstalled, use six years for conversion kits for automobiles and small buses, and 10 years for light and medium-duty trucks and large buses);]

[(B) fuel cylinders/tanks = 30 years (or less if lifetimes are not 30 years); and]

[(C) compressors = 30 years (or replacement at the time recommended by the compressor manufacturer for the third major overhaul. If not known or not listed by the manufacturer, use 10 years);]

[(8) determine the capitalized costs of the various components in subsection (e) of this section and then calculate the payback period by using the total capitalized costs; total annual savings; paragraph (6) of this subsection; and 10% cost of money (or the actual interest rate applicable at the time the calculation is made) in standard life cycle cost benefit analysis formulae; and]

[(9) the comptroller may assist state agencies and school districts in making these calculations.]

[(f) The director will review the request for waiver or reduction of the requirements of subsection (a) of this section and issue a written waiver or reduction to the state agency or school district. A waiver or reduction may be issued under this section for a period of up to two years, at the discretion of the director. A waiver will be granted on a certification under subsection (b)(2) of this section if the total capitalized cost, P, max. is more than 9.43 times the total annual savings, A, for an expected compressor or system lifetime of 30 years. If the compressor lifetime is less than 30 years, or if a compressor is not used, and the component in subsection (e)(1) of this section with the longest expected lifetime is less than 30 years, a waiver will be granted if the total capitalized costs are more than the following values (if other than 10% interest is used, adjust accordingly).]  
[Figure: 34 TAC § 20.437(f)]

[(g) The comptroller keeps these waivers for up to two years for use in waiving the purchasing restrictions for state agencies in §20.235 of this title (relating to Purchase of Motor Vehicles).]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 27, 2026.

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Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts

Earliest possible date of adoption: July 12, 2026

For further information, please call: (512) 475-2220

◆ ◆ ◆  
**34 TAC §§20.433, 20.438, 20.439**

The Comptroller of Public Accounts proposes the repeal of §20.433, concerning state vehicle fleet management plan, §20.438, concerning effect of waiver, and §20.439, concerning alternative fuel usage. No legislation was enacted within the last four years that provides the statutory authority for the repeals.

The comptroller repeals §20.433 because it contains unnecessary and obsolete details about the State Vehicle Management Plan. The comptroller no longer prepares the plan under the direction of the Council on Competitive Government, which has been abolished. Instead, the plan is produced under the comptroller's statutory authority, Government Code, §2171.104. Because the plan is publicly available, a rule describing it in detail serves no purpose. In a separate rulemaking, the comptroller proposes to adopt a more succinct and accurate rule about the State Vehicle Management Plan.

The comptroller repeals §20.438 because of changes in law enacted in Senate Bill 1364, 89th Legislature, 2025, effective September 1, 2025. Under §20.438, a waiver issued under §20.437 of this title was a sufficient basis to waive vehicle purchasing restrictions under Government Code, §2158.003. Because Senate Bill 1364 repealed Government Code, §2158.003, §20.438 does not serve a continuing purpose. (The comptroller also intends to repeal §20.235 of this title, which implemented Government Code, §2158.003.)

The comptroller repeals §20.439 so that it can address the use of alternative fuels through less prescriptive means. Eliminating the reporting requirements under this rule will free up state resources for other productive uses.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed rules repeal is in effect, the repeal: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rules' applicability; and will not positively or adversely affect this state's economy.

Mr. Reynolds also has determined that the proposed rules repeal would have no fiscal impact on the state government, units of local government, or individuals. The proposed rules repeal would benefit the public by removing provisions that are no longer accurate, necessary, or relevant to current agency operations. There would be no anticipated economic cost to the public. The proposed rules repeal would have no significant fiscal impact on small businesses or rural communities.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Gerard MacCrossan, P.O. Box 13528, Austin, Texas 78711 or to the email address: Gerard.MacCrossan@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held to receive comments on the proposed amendments. There is no physical location for this meeting. The meeting will be held at 10:00 a.m., Central Time, on June 23rd, 2026. To access the online public meeting by web browser, please enter the follow-

ing URL into your browser: <https://txcpa.webex.com/txcpa/j.php?MTID=m40f87cd9e32600c619b8457e9a1f4fd5>. To join the meeting by computer or cell phone using the Webex app, use the access code 2493 365 0910 and password SP-DRules. Persons interested in providing comments at the public hearing may contact Mr. Gerard MacCrossan, Comptroller of Public Accounts, at [Gerard.MacCrossan@cpa.texas.gov](mailto:Gerard.MacCrossan@cpa.texas.gov) or by calling (512) 463-4468 by June 22, 2026.

These repeals are proposed under Government Code, §2158.0012, which authorizes the comptroller to adopt rules to efficiently and effectively administer Chapter 2158, and Government Code, §2171.002, which authorizes the comptroller to adopt rules to implement Chapter 2171.

These repeals implement Government Code, Chapter 2158 and Chapter 2171.

§20.433. *State Vehicle Fleet Management Plan.*

§20.438. *Effect of Waiver.*

§20.439. *Alternative Fuel Usage.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts

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## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### PART 9. TEXAS COMMISSION ON JAIL STANDARDS

#### CHAPTER 251. GENERAL

##### 37 TAC §251.6

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §251.6 Complaints related to inmate complaints in county jail. The proposed rule adds language to 37 TAC §251.6 Complaints requiring that county jails provide an inmate handbook to the Guardian of an inmate under guardianship. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (ID-DAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved jail operations for those affected by a guardianship. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at [richard.morgan@tcjs.state.tx.us](mailto:richard.morgan@tcjs.state.tx.us).

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§251.6. *Complaints.*

(a) General. A complaint received by the commission concerning facilities under the commission's purview or the commission and/or its procedures or functions shall be investigated and resolved according to commission internal policies and procedures. All inspection reports, plan reviews and bills for services issued by the commission shall provide instructions for directing complaints to the commission regarding commission functions and procedures.

(b) Filing a Complaint. An individual who has a complaint about a facility under the commission's purview or the commission may file a complaint in any written format or use the commission's prescribed complaint form. The complaint form is available on the agency website and may be submitted electronically or may be obtained by contacting the commission through the agency website, telephone, fax, email, or written request.

(c) Jails shall include information regarding the procedure for filing a complaint, its investigation, and its resolution in the approved inmate handbook and shall display and maintain the information prominently throughout the jail in common areas and other areas frequented by jail inmates. Upon receipt of the Order Appointing Guardian, a Guardian shall be given an inmate handbook. The jail staff shall document in the inmate file the acceptance or refusal of the handbook by the Guardian.

(d) Public Disclosure. A complaint against a facility under the commission's purview or the commission will only be made available for public disclosure in accordance with Government Code Chapter 552.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 26, 2026.



## CHAPTER 253. DEFINITIONS

### 37 TAC §253.1

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §253.1 Definitions related to minimum jail standards. The proposed rule adds language to 37 TAC §253.1 that defines terms related to guardianship. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved jail operations for those affected by a guardianship. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

#### §253.1. Definitions.

The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Administrative Separation**--The assignment of an inmate to a special housing unit, usually a separation or single cell, when staff determines that such close custody is needed for the safety of inmates or staff, for the security of the facility, or to promote order in the facility.

(2) **Allied Health Personnel**--Licensed health professionals that are involved with the delivery of health-related services pertaining to the identification, evaluation, and prevention of diseases and disorders; dietary and nutrition services; and rehabilitation and health systems management.

(3) **Capacity**--The number of inmates a facility is authorized by the commission to house, excluding holding, detoxification, and violent cells.

(4) **Commission**--Texas Commission on Jail Standards.

(5) **Control Area**--The area inside the security perimeter to which inmates have only controlled access.

(6) **Control Room**--A secured, enclosed room which contains facility door controls, intercom panels and/or fire alarm panels.

(7) **Correctional Facility**--A facility operated by a county, a municipality, or a private vendor for the confinement of a person arrested for, charged with, or convicted of a criminal offense. May be referred to as "facility".

(8) **County Jail**--A facility operated by or for a county for the confinement of persons accused or convicted of an offense. May be referred to as a "jail" or "facility".

(9) **Day Room**--A space within or adjacent to single cells, multiple occupancy cells, and dormitories specifically for inmate day time activities.

(10) **Detoxification Cell**--A cell designed for the temporary holding of intoxicated persons.

(11) **Direct Supervision**--An inmate supervision management style in which a jailer(s) are stationed inside a housing unit 24 hours per day.

(12) **Disabled**--Persons who have a physical or mental impairment that substantially limits 1 or more of the major life activities of such individuals.

(13) **Dormitory**--A cell designed to accommodate 9 to 48 inmates.

(14) **"Guardianship Database Query" (GDQ)**--a database maintained by the Office of Court Administration, accessed via TLETS terminal, used to confirm the guardianship status Guardian upon receipt of verified guardianship documentation.

(15) **Guardian** is defined by 1002.012 of the Texas Estates Code as a guardian under Subchapter D, Chapter 1101; a successor guardian; or a temporary guardian. Except as expressly provided otherwise, "guardian" includes: the guardian of the estate of an incapacitated person; and the guardian of the person of an incapacitated person.

(16) **"Ward"** means a person for whom a guardian has been appointed. (Texas Estates Code 1002.030)

(17) **"Letters of Guardianship"** means a certificate issued under 1106.001(a) of the Texas Estates Code.

(18) **[(14)] Existing Facility**--A maximum security, lockup, or minimum security facility that was being operated as such on December 23, 1976.

(19) [(15)] Jailer Station--A designated space from which a jailer performs his/her functions.

(20) [(16)] High Risk--High-risk cells consist of areas where observation of 30 minutes or less is required.

(21) [(17)] Holding Cell--A cell designed for the temporary holding of inmates not to exceed 48 hours.

(22) [(18)] Inmate Housing Area--Cells and day rooms where inmates are assigned.

(23) [(19)] Inmate Occupied Area--Any area in the facility normally occupied by inmates.

(24) [(20)] Jailer--A person appointed or employed as a county jailer, under the provisions of Local Government Code §85.005; Government Code §511.0092; Occupations Code §1701.001(2).

(25) [(21)] May--Permissive or optional.

(26) [(22)] Multiple Occupancy Cell--A cell designed to accommodate two to eight inmates.

(27) [(23)] Owner--A county commissioner's court, municipality, or private vendor who holds title to a facility.

(28) [(24)] Safety Vestibule--An enclosed space, served by at least two doors, that serves as a passageway between two areas.

(29) [(25)] Sally Port--A secured space inside or abutting a facility for vehicles to deliver or pick up inmates or goods.

(30) [(26)] Security Perimeter--The outer limits of the facility where construction prevents egress by inmates or ingress by unauthorized persons or contraband.

(31) [(27)] Separation Cell--A special purpose cell designed to accommodate 1 inmate. The cell minimally contains 1 bunk, mirror, toilet, lavatory, shower, table, and seat. This cell is used to house inmates requiring protection or whose behavior requires close supervision.

(32) [(28)] Shall--Mandatory and required for compliance.

(33) [(29)] Sheriff/Operator--County sheriff, jail administrator, or a person authorized to act with their authority.

(34) [(30)] Should--Recommended but not required for compliance.

(35) [(31)] Single Cell--A cell designed to accommodate 1 inmate. The cell minimally contains 1 bunk, toilet, lavatory, table and seat.

(36) [(32)] Small Jail--A facility with a capacity of less than 50 inmates.

(37) [(33)] Special Purpose Cell--Detoxification cell, holding cell, separation cell, violent cell, negative pressure cell and medical cells. These cells are not required to be provided with day rooms or safety vestibules.

(38) [(34)] System--A combination of all facilities creating a functional unit.

(39) [(35)] Violent Cell--A single occupancy padded cell for the temporary holding of inmates harmful to themselves and or others.

(40) [(36)] Ward--An infirmary area holding a number of inmates.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 26, 2026.

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Ricky Armstrong

Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



## CHAPTER 259. NEW CONSTRUCTION RULES

### SUBCHAPTER B. NEW MAXIMUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

#### 37 TAC §259.132

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §259.132 Exercise Areas regarding construction standards in county jails. The proposed rule adds language to 37 TAC §259.132 Exercise Areas to be clearer. This language is proposed following a recommendation by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, Executive Director, has determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be ensured compliance with new construction standards. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There are no additional costs incurred by those regulated by this rule because this rule is already in effect in other parts of TAC.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.132. *Exercise Areas.*

One or more secure exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas shall be available for use during inclement weather, and they should be covered with a security enclosure. Where outdoor exercise areas are not provided, facility design shall ensure access to sunlight. A toilet and drinking fountain shall be readily available. Exercise areas shall meet minimum size requirements: facilities under 100 inmates, 800 square feet; larger facilities, 15 square feet per inmate, but not less than 1,000 square feet per area; multiple-inmate segregation areas, 15 square feet per inmate, but not less than 500 square feet per area; and single-inmate segregation areas, 200 square feet. Each direct supervision housing area shall have an exercise area nearby, which should be adjacent to the housing area. [One or more secure exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas shall be provided for exercise during inclement weather. Outdoor exercise areas should be covered with a security enclosure. Where outdoor exercise areas are not provided, facility design shall provide for access to sunlight. A toilet and drinking fountain shall be readily available. Exercise areas for facilities of less than 100 inmates based on design capacity shall not be less than 800 square feet. Exercise areas for larger facilities shall provide 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 1000 square feet for each exercise area. Exercise areas serving multiple inmates housed in segregation shall provide 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 500 square feet for each exercise area. Individual recreation areas serving a single inmate in segregation shall provide no less than 200 square feet for each exercise area. Each direct supervision housing area shall have an exercise area within close proximity, which should be adjacent to the housing area.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Ricky Armstrong  
Executive Director

Texas Commission on Jail Standards

Earliest possible date of adoption: July 12, 2026

For further information, please call: (512) 850-9668



## CHAPTER 265. ADMISSION

### 37 TAC §265.4

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §265.4 Inmate Files related to information retained in inmate files at county jails. The proposed rule adds language to 37 Texas Administrative Code §265.4 that requires certain actions and documents to be retained during intake for those affected by a guardianship. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then

evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved jail operations for those affected by a guardianship. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rule's applicability. The rule does not affect the state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§265.4. *Inmate Files.*

(a) Upon intake, a file on each inmate shall be established. The file shall include:

(1) for inmates who have been appointed a Guardian, the following information:

(A) the information contained in the Guardianship Database Query (GDQ) return, under Texas Government Code 155.153;

(B) documentation showing that the court with jurisdiction over the guardianship has been notified pursuant to Texas Code of Criminal Procedure 15.171(b);

(C) documentation showing that the Guardian has been notified of the incarceration; and

(D) the Order Appointing Guardian along with current letters of guardianship or documentation that the Order and current letters have been requested from the court with jurisdiction of the guardianship.

(2) [(4)] name of inmate with aliases;

(3) [(2)] description;

- (4) [(3)] gender;
- (5) [(4)] marital status;
- (6) [(5)] address;
- (7) [(6)] date of birth;
- (8) [(7)] offense charged;
- (9) [(8)] date of commitment;
- (10) [(9)] previous criminal record;
- (11) [(10)] record of injuries;
- (12) [(11)] inmate property inventory;
- (13) [(12)] disabilities warranting special accessibility consideration;
- (14) [(13)] name, address, and phone number of person to be contacted in event of emergency;
- (15) [(14)] the name of the delivering officer, and the arresting agency;
- (16) [(15)] documents that purport to legally authorize the inmate's commitment; [-]
- (17) documentation showing whether the Guardian refuses or accepts the inmate handbook.

(b) Upon intake, a medical record shall be established and shall be kept separate.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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 Ricky Armstrong  
 Executive Director  
 Texas Commission on Jail Standards  
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 For further information, please call: (512) 850-9668



### 37 TAC §265.5

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §265.5 Health Tags related to medical and health documentation at county jails. The proposed rule adds language to 37 TAC §265.5 that requires certain documentation regarding health tags and inmates affected by guardianship. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved jail operations for those affected by a guardianship. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

#### §265.5. Health Tags.

"Health tags" which may identify the inmate as having special medical or mental health needs, or a Guardian, shall be noted in the inmate's medical record and brought to the attention of health personnel and/or the supervisor on duty in writing.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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 Ricky Armstrong  
 Executive Director  
 Texas Commission on Jail Standards  
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 For further information, please call: (512) 850-9668



### 37 TAC §265.7

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §265.7 Telephone Use related to the use of telephones in county jail by inmates affected by guardianship. The proposed rule adds language to 37 TAC §265.7 that requires the county jail to attempt to facilitate communication between a ward and their guardian. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, Executive Director, has determined that there will be no fiscal implications for state or local government as a re-

sult of enforcing this rule for the first five-year period. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved jail operations for those affected by a guardianship. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There will not be an effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

*§265.7. Telephone Use.*

A telephone shall be available for inmates' use within the processing area. The facility shall allow reasonable access to a written or electronic contact list that is in the inmate's communication with the Guardian.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Ricky Armstrong  
Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



## CHAPTER 267. RELEASE

### 37 TAC §267.7

The Texas Commission on Jail Standards (TCJS) proposes a new rule, §267.7 Release of Ward related to the release of someone under guardianship from a county jail. The proposed rule adds language to 37 TAC Chapter 267 as §267.7, that specifies

the steps required to take when releasing a ward of a guardian from county jail. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this new rule, for public comment, to the Commission.

Ricky Armstrong, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this new rule will be improved jail operations for those affected by a guardianship. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed new rule.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This new rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

*§267.7. Release of Ward.*

(a) For inmates who have a guardian of the person, whose court order gives the Guardian of the person the power to determine residence, and/or to physical possession of the ward, the jail staff shall make reasonable efforts to coordinate the release with the Guardian. The inmate shall be released into the custody of the Guardian or to a person or facility authorized by the Guardian. The releasing officer shall document and maintain a record of the individual or facility assuming custody of the inmate.

(b) If jail staff are unable to contact a guardian of the person with the power described above, after three documented attempts, or if the Guardian refuses to take custody of the inmate, jail staff shall notify the court with jurisdiction over the guardianship of the inability to coordinate the inmate's release to the Guardian.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Ricky Armstrong

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For further information, please call: (512) 850-9668



## CHAPTER 273. HEALTH SERVICES

### 37 TAC §273.2

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §273.2 Health Services Plan related to inmates under guardianship. The proposed rule adds language to 37 TAC §273.2 requiring a county jail to include provisions in their health services plan for inmates with a guardian with medical decision-making authority. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved jail operations for those affected by a guardianship. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§273.2. *Health Services Plan.*

Each facility shall have and implement a written plan, approved by the Commission, for inmate medical, mental, and dental services. The plan shall:

- (1) provide procedures for regularly scheduled sick calls;
- (2) provide procedures for referral for medical, mental, and dental services;
- (3) provide procedures for efficient and prompt care for acute and emergency situations;
- (4) provide procedures for long-term, convalescent, and care necessary for disabled inmates;
- (5) provide procedures for medical, to include obstetrical and gynecological care, mental, nutritional requirements, special housing and appropriate work assignments and the documented use of restraints during labor, delivery and recovery for known pregnant inmates. A sheriff/operator shall notify the commission of any changes in policies and procedures in the provision of health care to pregnant prisoners. A sheriff/operator shall notify the commission of any changes in policies and procedures in the placement of a pregnant prisoner in administrative separation. As soon as practicable after receiving a report of a miscarriage or physical or sexual assault of a pregnant inmate while in the custody of a county jail, the sheriff shall ensure that an obstetrician or gynecologist and a mental health professional promptly:
  - (A) review the health care services provided to the prisoner; and
  - (B) order additional health care services, including obstetrical and gynecological services and mental health services, as appropriate.
- (6) provide procedures for the control, distribution, secured storage, inventory, and disposal of prescriptions, syringes, needles, and hazardous waste containers;
- (7) provide procedures for the distribution of prescriptions in accordance with written instructions from a physician by an appropriate person designated by the sheriff/operator;
- (8) provide procedures for the control, distribution, and secured storage of over-the-counter medications;
- (9) provide procedures for the rights of inmates to refuse health care in accordance with informed consent standards for certain treatments and procedures (in the case of minors, the informed consent of a parent, guardian, or legal custodian, when required, shall be sufficient);
- (10) provide procedures for all examinations, treatments, and other procedures to be performed in a reasonable and dignified manner and place;
- (11) provide that adequate first aid equipment and patient evacuation equipment be on hand at all times;
- (12) provide procedures that shall require that a qualified medical professional shall review as soon as possible any prescription medication an inmate is taking when the inmate is taken into custody. These procedures shall include providing each prescription medication that a qualified medical professional or mental health professional determines is necessary for the care, treatment, or stabilization of an inmate with mental illness;
- (13) provide procedures that shall give inmates the ability to access a mental health professional at the jail or through a telemental health service 24 hours a day and approved by the Commission by August 31, 2020. If a mental health professional is not present at the county jail at the time or available by telemental health services, then

require the jail to provide the inmate access to, at a minimum, a qualified mental health professional (as defined by 25 TAC §412.303(48)) within a reasonable time;

(14) provide procedures that shall give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional and approved by the Commission by August 31, 2020; [and]

(15) provide procedures to train staff to identify when a pregnant inmate is in labor and provide access to appropriate care. Inmates shall be promptly transported to a local hospital when they state that they are in labor or are determined by a person at the level of emergency medical technician or above to be in labor and; [-]

(16) provide procedures for a guardian of the person, who has medical decision-making authority, to have access to the Ward's jail medical records and to make medical decisions for the Ward.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 26, 2026.

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Ricky Armstrong

Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



### 37 TAC §273.9

The Texas Commission on Jail Standards (TCJS) proposes a new rule, §273.9 Guardianship related to jail operations regarding an inmate under guardianship. The proposed rule adds language to 37 Texas Administrative Code 273 as §273.9 specifying steps a county jail must take regarding guardianships. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (ID-DAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved jail operations for those affected by a guardianship. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rule's applicability. The rule does not affect the state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This new rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule does not affect other rules or statutes.

#### §273.9. Guardianship.

Order appointing Guardian shall be obtained for review of what powers and authority the Guardian obtains and what, if any, rights are retained by the Ward. Said Orders shall be obtained by the jail staff from the Court with jurisdiction over the guardianship or from the Guardian.

(1) Guardian Notification and Consent - for an inmate who has a guardian of the person with legal authority to make medical decisions for the inmate the medical provider shall:

(A) Notify and see consent from a Guardian who has the authority to make medical decisions for the Ward, for all medical decisions other than emergency care pursuant to Texas Health and Safety Code Section 773.008;

(B) Contact the Guardian and request medical history;  
and

(C) Document in the medical record all decisions regarding medical treatment, consent, refusal and Guardian communication regarding the same.

(2) Access to Medical Records - Guardian of the person with the power to review or take possession of medical records shall have access to the inmate's medical records.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 26, 2026.

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Ricky Armstrong

Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



## CHAPTER 281. FOOD SERVICE

### 37 TAC §281.5

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §281.5 Staff Supervision regarding the requirement that food be prepared under the supervision of a food pro-

tection manager in county jails. The proposed rule adds language to 37 TAC §281.5 Staff Supervision that matches 25 TAC §228.31 Certified Food Protection Manager and Food Handler Requirements. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period. There is no expected impact on costs or revenue to state and local governments, and there is no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be ensured compliance with retail food establishment administrative rules. There will not be an effect on small businesses, microbusinesses, rural communities or persons. There are no additional costs incurred by those regulated by this rule because this rule is already in effect in other parts of TAC.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect will not create or eliminate a government program or existing employee positions. The rule will not increase or decrease the future legislative appropriations for the agency, or fees paid to the agency. The rule updates TAC to match other rules. The rule does not increase or decrease the number of individuals subject to the rule. The rule does not affect the state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

*§281.5. Staff Supervision.*

Food shall be prepared under the supervision of a staff member or contract employee who possesses a food protection manager during all hours of operations in accordance with 25 Texas Administrative Code (TAC) §228.31(b) [handler license in accordance with 25 Texas Administrative Code (TAC) §228.31(d)] with a copy available for review. All food employees, except for the certified food protection manager, shall successfully complete an accredited food handler training course within 30 days of employment in accordance with 25 TAC §228.31(c). Food shall be served under the immediate supervision of a staff member. Care shall be taken that hot foods are served reasonably warm and that cold foods are served reasonably cold.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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TRD-202602200

Ricky Armstrong  
Executive Director  
Texas Commission on Jail Standards  
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For further information, please call: (512) 850-9668

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**PART 15. TEXAS FORENSIC SCIENCE COMMISSION**

**CHAPTER 651. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES**  
**SUBCHAPTER C. FORENSIC ANALYST LICENSING PROGRAM**

**37 TAC §651.207**

The Texas Forensic Science Commission (Commission) proposes an amendment to §651.207, Forensic Analyst and Forensic Technician Licensing Requirements, Including Initial License Term and Fee, Minimum Education and Coursework, General Forensic Examination, Proficiency Monitoring, and Mandatory Legal and Professional Responsibility Training, to reduce the amount of work experience required for a firearms/toolmarks analyst or technician to obtain a waiver of certain minimum education or specific coursework requirements for licensure. This amendment reflects feedback from firearms/toolmarks forensic practitioners and laboratory managers in Texas, who indicate that three years of relevant training and experience is sufficient to address any gaps in formal education or coursework and to ensure that applicants possess the necessary knowledge to qualify for licensure as a firearms/toolmarks analyst or technician.

Reasoned Justification for Rule. This amendment is necessary to ensure that the Commission's licensing requirements accurately reflect current training practices and workforce realities within the firearms/toolmarks discipline. The Commission received feedback from firearms/toolmarks forensic practitioners and laboratory managers indicating that three years of relevant training and experience in an accredited laboratory is sufficient to address any gaps in formal education or specific coursework and to ensure competency in the discipline. These stakeholders explained that firearms/toolmarks training programs are comprehensive, highly specialized, and closely supervised, enabling individuals to acquire the necessary knowledge and skills within a three-year period. Reducing the required years of experience in this limited context maintains public safety and professional standards while promoting consistency, fairness, and efficiency in the licensing process. The proposed amendment allows the Commission to continue ensuring that licensed firearms/toolmarks analysts and technicians are qualified and competent, while recognizing equivalent, discipline-specific experience that adequately substitutes for formal education and specific college courses.

Fiscal Note. Leigh M. Tomlin, Associate General Counsel of the Commission, has determined that for each year of the first five years the proposed amendments are in effect, there will be no fiscal impact on state or local governments, as a result of the administration of the proposal.

Local Employment Impact Statement. Pursuant to Texas Government Code §2001.022, the proposed amendments have minimal to no effect on local economy.

Public Benefit. Ms. Tomlin has also determined that for each year of the first five years the amendments are in effect, the anticipated public benefit is assurance that the Commission's licensing requirements accurately reflect current training practices and workforce realities within the firearms/toolmarks discipline.

Fiscal Impact on Small and Micro-businesses and Rural Communities. There is no adverse economic effect anticipated for small businesses, micro-businesses, or rural communities, as a result of implementing the proposed amendments. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

Takings Impact Assessment. Ms. Tomlin has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

Government Growth Impact Statement. Ms. Tomlin has determined that for the first five-year period, implementation of the proposed amendments will not have a government growth impact as described in Title 34, Part 1, Texas Administrative Code §11.1. Pursuant to the analysis required by Government Code §2001.221(b) the proposed amendments: (1) do not create a government program; (2) do not create new employee positions; (3) do not increase or decrease future legislative appropriations to OCA or the Commission; (4) do not require a fee; (5) do not create a new regulation; (6) do not expand, limit, or repeal an existing regulation; (7) do not increase or decrease the number of individuals subject to regulation; and (8) have minimal to no effect on the State's economy.

Environmental Rule Analysis. The Commission has determined that the proposed amendments are not brought with specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Commission asserts that the proposed amendments are not a "major environmental rule," as defined in Government Code §2001.0225. As a result, the Commission asserts the preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

Request for Public Comment. The Commission invites comments on the proposal from any member of the public. Please submit comments to Leigh M. Tomlin, 1701 North Congress Avenue, Suite 6-107, Austin, Texas 78701 or leigh@fsc.texas.gov. Comments must be received by July 13, 2026 to be considered by the Commission.

Statutory Authority. The rules are proposed under the Commission's general rulemaking authority provided in Code of Criminal Procedure, Article 38.01 §3-a and its authority to establish the qualifications for a forensic analyst license under §4-a(d).

Cross reference to statute. The proposal affects Texas Administrative Code §651.207.

*§651.207. Forensic Analyst and Forensic Technician Licensing Requirements, Including Initial License Term and Fee, Minimum Education and Coursework, General Forensic Examination, Proficiency Monitoring, and Mandatory Legal and Professional Responsibility Training.*

(a) Issuance. The Commission may issue an individual's Forensic Analyst or Forensic Technician License under this section.

(b) License Term. A Forensic Analyst or Forensic Technician license holder must renew the license holder's license after the initial date of issuance, every two years on the day before the issuance of the initial license with the exception of §651.208(b) of this subchapter (relating to Renewal Term).

(c) Application. Before being issued a Forensic Analyst or Forensic Technician License, an applicant must:

(1) demonstrate that he or she meets the definition of Forensic Analyst or Forensic Technician set forth in this subchapter;

(2) complete and submit to the Commission a current Forensic Analyst or Forensic Technician License Application form;

(3) pay the required fee(s) as applicable:

(A) Initial Application fee of \$220 for Analysts and \$150 for Technicians/Screeners;

(B) Biennial renewal fee of \$200 for Analyst and \$130 for Technicians/Screeners;

(C) Pro-rated Fees for Certain License Renewals. This subsection applies to licensees initially licensed before January 1, 2024, who are renewing on or before December 31, 2026. Application fee of \$220 for Analysts and \$150 for Technicians for the twenty-four months of the Initial License Term. If the Analyst or Technician's renewed license term under §651.208(b) of this subchapter exceeds twenty-four months, the Analyst or Technician shall pay an additional prorated amount of \$8.33 per month (for Analysts) and \$5.42 per month (for Technicians) for each month exceeding two years. If the Analyst or Technician's Initial License Term under §651.208(b) of this subchapter is less than twenty-four months, the Analyst or Technician shall pay a prorated amount of \$8.33 per month (for Analysts) and \$5.42 per month (for Technicians) for each month in the Initial License Term;

(D) Provisional License fee of \$110 for Analysts and \$75 for Technicians; An applicant who is granted a provisional license and has paid the required fee will not be required to pay an additional initial application fee if the provisional status is removed within one year of the date the provisional license is granted;

(E) License Reinstatement fee of \$220;

(F) De Minimis License fee of \$200 per ten (10) licenses;

(G) Uncommon Forensic Analysis License fee of \$200 per ten (10) licenses; and/or

(H) Special Exam Fee of \$50 for General Forensic Analyst Licensing Exam, required only if testing beyond the three initial attempts or voluntarily taking the exam under the Unaccredited Forensic Discipline Exception described in subsection (g)(5)(C) of this section;

(4) provide accurate and current address and employment information to the Commission and update the Commission within five (5) business days of any change in address or change of employment. Licensees are required to provide a home address, email address, and employer name and address on an application for a license. If a forensic analyst or forensic technician departs employment, experiences a gap in employment, is no longer actively performing casework, or temporarily assumes non-forensic analysis, administrative duties from an accredited laboratory, or has ninety (90) days or less to reinstate an expired license pursuant to §651.209(a) of this subchapter (relating to Forensic Analyst and Forensic Technician License Expiration), the li-

licensee's status is deemed inactive and will be designated as inactive in the Commission's online database of licensees, until such time that the licensee notifies the Commission of their employment by an accredited laboratory as a forensic analyst or forensic technician, or has a change in job duties requiring the licensee to resume active casework; and

(5) provide documentation that he or she has satisfied all applicable requirements set forth under this section.

(d) Minimum Education Requirements.

(1) Seized Drugs Analyst. An applicant for a Forensic Analyst License in seized drugs must have a baccalaureate or advanced degree in chemical, physical, biological science, chemical engineering or forensic science from an accredited university.

(2) Seized Drugs Technician. An applicant for a Forensic Analyst License limited to the seized drug technician category must have a minimum of an associate's degree or equivalent.

(3) Toxicology (Toxicology Analyst (Alcohol Only, Non-interpretive), Toxicology Analyst (General, Non-interpretive), Toxicology Analyst (Interpretive)). An applicant for a Forensic Analyst License in toxicology must have a baccalaureate or advanced degree in a chemical, physical, biological science, chemical engineering or forensic science from an accredited university.

(4) Toxicology Technician. An applicant for a Forensic Analyst License limited to the toxicology technician category must have a minimum of an associate's degree or equivalent.

(5) Forensic Biology (DNA Analyst, Forensic Biology Screener, Nucleic Acids other than Human DNA Analyst, Forensic Biology Technician). An applicant for any category of forensic biology license must have a baccalaureate or advanced degree in a chemical, physical, biological science or forensic science from an accredited university.

(6) Firearm/Toolmark Analyst. An applicant for a Forensic Analyst License in firearm/toolmark analysis must have a baccalaureate or advanced degree in a chemical, physical, biological science, engineering or forensic science from an accredited university.

(7) Firearm/Toolmark Technician. An applicant for a Forensic Analyst License limited to firearm/toolmark technician must have a minimum of a high school diploma or equivalent degree.

(8) Materials (Trace) Analyst. An applicant for a Forensic Analyst License in materials (trace) must have a baccalaureate or advanced degree in a chemical, physical, biological science, chemical engineering or forensic science from an accredited university. A Materials (Trace) Analyst performing only impression evidence analyses must have a minimum of a high school diploma or equivalent degree.

(9) Materials (Trace) Technician. An applicant for a Forensic Analyst License limited to materials (trace) technician must have a minimum of a high school diploma or equivalent degree.

(10) Foreign/Non-U.S. degrees. The Commission shall recognize equivalent foreign, non-U.S. baccalaureate or advanced degrees. The Commission reserves the right to charge licensees a reasonable fee for credential evaluation services to assess how a particular foreign degree compares to a similar degree in the United States. The Commission may accept a previously obtained credential evaluation report from an applicant or licensee in fulfillment of the degree comparison assessment.

(11) If an applicant does not meet the minimum education qualifications outlined in this section, the procedure in subsection (f) or (j) of this section applies.

(e) Specific Coursework Requirements.

(1) Seized Drugs Analyst. An applicant for a Forensic Analyst License in seized drugs must have a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework from an accredited university. In addition to the chemistry coursework, an applicant must also have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission.

(2) Toxicology. An applicant for a Forensic Analyst License in toxicology must fulfill required courses as appropriate to the analyst's role and training program as described in the categories below:

(A) Toxicology Analyst (Alcohol Only, Non-interpretive). A toxicology analyst who conducts, directs or reviews the alcohol analysis of forensic toxicology samples, evaluates data, reaches conclusions and may sign a report for court or investigative purposes, but does not provide interpretive opinions regarding human performance must complete a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework from an accredited university.

(B) Toxicology Analyst (General, Non-interpretive). A toxicology analyst who conducts, directs or reviews the analysis of forensic toxicology samples, evaluates data, reaches conclusions and may sign a report for court or investigative purposes, but does not provide interpretive opinions regarding human performance, must complete a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework that includes organic chemistry and two three-semester credit hour (or equivalent) college-level courses in analytical chemistry and/or interpretive science courses that may include Analytical Chemistry, Chemical Informatics, Instrumental Analysis, Mass Spectrometry, Quantitative Analysis, Separation Science, Spectroscopic Analysis, Biochemistry, Drug Metabolism, Forensic Toxicology, Medicinal Chemistry, Pharmacology, Physiology, or Toxicology.

(C) Toxicology Analyst (Interpretive). A toxicology analyst who conducts, directs or reviews the analysis of forensic toxicology samples, evaluates data, reaches conclusions, signs reports, and/or provides interpretive opinions regarding human performance related to the results of toxicological tests (alcohol and general) for court or investigative purposes must complete a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework that includes organic chemistry, one three-semester credit hour (or equivalent) course in college-level analytical chemistry (Analytical Chemistry, Chemical Informatics, Instrumental Analysis, Mass Spectrometry, Quantitative Analysis, Separation Science or Spectroscopic Analysis) and one three-semester credit hour (or equivalent) college-level courses in interpretive science. (Biochemistry, Drug Metabolism, Forensic Toxicology, Medicinal Chemistry, Pharmacology, Physiology, or Toxicology).

(D) An applicant for a toxicology license for any of the categories outlined in subparagraphs (A) - (C) of this paragraph must have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission.

(3) DNA Analyst. An applicant for a Forensic Analyst License in DNA analysis must demonstrate he/she has fulfilled the specific coursework requirements of the Federal Bureau of Investigation's Quality Assurance Standards for Forensic DNA Testing Laboratories effective at the time of the individual's application. An applicant must also have a three-semester credit hour (or equivalent) college-level sta-

tistics course from an accredited university or a program approved by the Commission.

(4) Firearm/Toolmark Analyst. An applicant must have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission. No other specific college-level coursework is required.

(5) Materials (Trace) Analyst. An applicant for a Forensic Analyst License in materials (trace) for one or more of the chemical analysis categories of analysis (chemical determination, physical/chemical comparison, gunshot residue analysis, and fire debris and explosives analysis) must have a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework from an accredited university. In addition to chemistry coursework for the chemical analysis categories, all materials (trace) license applicants must also have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission. An applicant for a Forensic Analyst License in materials (trace) limited to impression evidence is not required to fulfill any specific college-level coursework requirements other than the statistics requirement.

(6) Exemptions from specific coursework requirements. The following categories of licenses are exempted from coursework requirements:

(A) An applicant for the technician license category of any forensic discipline set forth in this subchapter is not required to fulfill any specific college-level coursework requirements.

(B) An applicant for a Forensic Analyst License limited to forensic biology screening, nucleic acids other than human DNA and/or Forensic Biology Technician is not required to fulfill the Federal Bureau of Investigation's Quality Assurance Standards for Forensic DNA Testing or any other specific college-level coursework requirements.

(f) Requirements Specific to Forensic Science Degree Programs. For a forensic science degree to meet the Minimum Education Requirements set forth in this section, the forensic science degree program must be either accredited by the Forensic Science Education Programs Accreditation Commission (FEPAC) or if not accredited by FEPAC, it must meet the minimum curriculum requirements pertaining to natural science core courses and specialized science courses set forth in the FEPAC Accreditation Standards.

(g) Waiver of Specific Coursework Requirements and/or Minimum Education Requirements for Lateral Hires, Promoting Analysts and Current Employees. Specific coursework requirements and minimum education requirements are considered an integral part of the licensing process; all applicants are expected to meet the requirements of the forensic discipline(s) for which they are applying or to offer sufficient evidence of their qualifications as described below in the absence of specific coursework requirements or minimum education requirements. The Commission Director or Designee may waive one or more of the specific coursework requirements or minimum education requirements outlined in this section for an applicant who:

(1) has five or more years of credible experience in an accredited laboratory in the forensic discipline for which he or she seeks licensure or three or more years of credible experience in an accredited laboratory in the firearms/toolmarks discipline and is applying for a firearms/toolmarks analyst or technician license; or

(2) is certified by one or more of the following nationally recognized certification bodies in the forensic discipline for which he or she seeks licensure;

- (A) The American Board of Forensic Toxicology;
- (B) The American Board of Clinical Chemistry;
- (C) The American Board of Criminalistics;
- (D) The International Association for Identification; or
- (E) The Association of Firearm and Toolmark Examiners; and

(3) provides written documentation of laboratory-sponsored training in the subject matter areas addressed by the specific coursework requirements.

(4) An applicant must request a waiver of specific coursework requirements and/or minimum education requirements at the time the application is filed.

(5) An applicant requesting a waiver from specific coursework requirements and/or minimum education requirements shall file any additional information needed to substantiate the eligibility for the waiver with the application. The Commission Director or Designee shall review all elements of the application to evaluate waiver request(s) and shall grant a waiver(s) to qualified applicants.

(h) General Forensic Analyst Licensing Exam Requirement.

(1) Exam Requirement. An applicant for a Forensic Analyst License must pass the General Forensic Analyst Licensing Exam administered by the Commission.

(A) An applicant is required to take and pass the General Forensic Analyst Licensing Exam one time.

(B) An applicant may take the General Forensic Analyst Licensing Exam no more than three times. If an applicant fails the General Forensic Analyst Licensing Exam or the Modified General Forensic Analyst Licensing Exam three times, the applicant has thirty (30) days from the date the applicant receives notice of the failure to request special dispensation from the Commission as described in subparagraph (C) of this paragraph. Where special dispensation is granted, the applicant has 90 days from the date he or she receives notice the request for exam is granted to successfully complete the exam requirement. However, for good cause shown, the Commission or its Designee at its discretion may waive this limitation.

(C) Requests for Exam. If an applicant fails the General Forensic Analyst Licensing Exam or Modified General Forensic Analyst Licensing Exam three times, the applicant must request in writing special dispensation from the Commission to take the exam more than three times. Applicants may submit a letter of support from their laboratory director or licensing representative and any other supporting documentation supplemental to the written request.

(D) If an applicant sits for the General Forensic Analyst Licensing Exam or the Modified General Forensic Analyst Licensing Exam more than three times, the applicant must pay a \$50 exam fee each additional time the applicant sits for the exam beyond the three initial attempts.

(E) Expiration of Provisional License if Special Dispensation Exam Unsuccessful. If the 90-day period during which special dispensation is granted expires before the applicant successfully completes the exam requirement, the applicant's provisional license expires.

(2) Modified General Forensic Analyst Licensing Exam. Technicians in any discipline set forth in this subchapter may fulfill the General Forensic Analyst Licensing Exam requirement by taking a modified exam administered by the Commission.

(3) Examination Requirements for Promoting Technicians. If a technician passes the modified General Forensic Analyst Licensing Exam and later seeks a full Forensic Analyst License, the applicant must complete the portions of the General Forensic Analyst Exam that were not tested on the modified exam.

(4) Credit for Pilot Exam. If an individual passes the Pilot General Forensic Analyst Licensing Exam, regardless of his or her eligibility status for a Forensic Analyst License at the time the exam is taken, the candidate has fulfilled the General Forensic Analyst Licensing Exam Requirement of this section should he or she later become subject to the licensing requirements and eligible for a Forensic Analyst License.

(5) Eligibility for General Forensic Analyst Licensing Exam and Modified General Forensic Analyst Licensing Exam.

(A) Candidates for the General Forensic Analyst Licensing Exam and Modified General Forensic Analyst Licensing Exam must be employees of a crime laboratory accredited under Texas law or employed by an agency rendering them eligible for a voluntary license under §651.222 (*Voluntary Forensic Analyst Licensing Requirements Including Eligibility, License Term, Fee, and Procedure for Denial of Initial Application or Renewal Application and Reconsideration*) of this subchapter to be eligible to take the exam.

(B) Student Examinee Exception. A student is eligible for the General Forensic Analyst Licensing Exam one time if the student:

(i) is currently enrolled in an accredited university as defined in §651.202 of this subchapter (relating to Definitions);

(ii) has completed sufficient coursework to be within 24 semester hours of completing the requirements for graduation at the accredited university at which the student is enrolled; and

(iii) designates an official university representative who will proctor and administer the exam at the university for the student.

(C) Crime Laboratory Management and Unaccredited Forensic Discipline Exception. An Employee of a crime laboratory accredited under Texas law who is either part of the crime laboratory's administration or management team or authorized for independent casework in a forensic discipline listed below is eligible for the General Forensic Analyst Licensing Exam and Modified General Forensic Analyst Licensing Exam:

- (i) forensic anthropology;
- (ii) the location, identification, collection or preservation of physical evidence at a crime scene;
- (iii) crime scene reconstruction;
- (iv) latent print processing or examination;
- (v) digital evidence (including computer forensics, audio, or imaging);
- (vi) breath specimen testing under Transportation Code, Chapter 724, limited to analysts who perform breath alcohol calibrations; and
- (vii) document examination, including document authentication, physical comparison, and product determination.

(i) Proficiency Monitoring Requirement.

(1) An applicant must demonstrate participation in the employing laboratory's process for intra-laboratory comparison, inter-laboratory comparison, proficiency testing, or observation-based perfor-

mance monitoring requirements in compliance with and on the timeline set forth by the laboratory's accrediting body's proficiency monitoring requirements as applicable to the Forensic Analyst or Forensic Technician's specific forensic discipline and job duties.

(2) A signed certification by the laboratory's authorized representative that the applicant has satisfied the applicable proficiency monitoring requirements, including any intra-laboratory comparison, inter-laboratory comparison, proficiency testing, or observation-based performance monitoring requirements of the laboratory's accrediting body as of the date of the analyst's application, must be provided on the Proficiency Monitoring Certification form provided by the Commission. The licensee's authorized representative must designate the specific forensic discipline in which the Forensic Analyst or Forensic Technician actively performs forensic casework or is currently authorized to perform supervised or independent casework by the laboratory or employing entity.

(j) Mandatory Legal and Professional Responsibility Course:

(1) All Forensic Analyst and Forensic Technician License applicants must complete the current Commission-sponsored mandatory legal and professional responsibility update at the time of their application or demonstrate that they have taken the training within the 12-month period preceding the date of their application.

(2) Mandatory legal and professional responsibility training topics may include training on current and past criminal forensic legal issues, professional responsibility and human factors, courtroom testimony, disclosure and discovery requirements under state and federal law, and other relevant topics as designated by the Commission.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 28, 2026.

TRD-202602228

Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission

Earliest possible date of adoption: July 12, 2026

For further information, please call: (512) 784-0037



## SUBCHAPTER D. PROCEDURE FOR PROCESSING COMPLAINTS AND LABORATORY SELF-DISCLOSURES

### 37 TAC §651.307

The Texas Forensic Science Commission (Commission) proposes an amendment to §651.307, Investigative Panels, to change the section title from "Investigative Panels" to "Investigative Procedures" to more accurately reflect that investigations may be conducted by either an investigative panel or Commission staff.

Reasoned Justification for Rule. The Commission proposes an amendment to §651.307 to change the section title from "Investigative Panels" to "Investigative Procedures." The amendment is necessary to accurately reflect the scope of investigative authority provided in the rule, which permits the Commission to conduct investigations either through the appointment of an investigative panel or by directing Commission staff to conduct an investigation. The current section title is confusing because it

suggests that investigations may only be conducted by investigative panels. Renaming the section improves clarity and consistency within the rules and ensures the title accurately reflects existing investigative practices authorized by the Commission.

**Fiscal Note.** Leigh M. Tomlin, Associate General Counsel of the Commission, has determined that for each year of the first five years the proposed amendments are in effect, there will be no fiscal impact on state or local governments, as a result of the administration of the proposal.

**Local Employment Impact Statement.** Pursuant to Texas Government Code §2001.022, the proposed amendments have minimal to no effect on local economy.

**Public Benefit.** Ms. Tomlin has also determined that for each year of the first five years the amendments are in effect, the anticipated public benefit is improved clarity and consistency within the rules and assurance that the title and text of the rule accurately reflect existing investigative practices authorized by the Commission.

**Fiscal Impact on Small and Micro-businesses and Rural Communities.** There is no adverse economic effect anticipated for small businesses, micro-businesses, or rural communities, as a result of implementing the proposed amendments. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

**Takings Impact Assessment.** Ms. Tomlin has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

**Government Growth Impact Statement.** Ms. Tomlin has determined that for the first five-year period, implementation of the proposed amendments will not have a government growth impact as described in Title 34, Part 1, Texas Administrative Code §11.1. Pursuant to the analysis required by Government Code § 2001.221(b) the proposed amendments: (1) do not create a government program; (2) do not create new employee positions; (3) do not increase or decrease future legislative appropriations to OCA or the Commission; (4) do not require a fee; (5) do not create a new regulation; (6) do not expand, limit, or repeal an existing regulation; (7) do not increase or decrease the number of individuals subject to regulation; and (8) have minimal to no effect on the State's economy.

**Environmental Rule Analysis.** The Commission has determined that the proposed amendments are not brought with specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Commission asserts that the proposed amendments are not a "major environmental rule," as defined in Government Code §2001.0225. As a result, the Commission asserts the preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

**Request for Public Comment.** The Commission invites comments on the proposal from any member of the public. Please submit comments to Leigh M. Tomlin, 1701 North Congress Avenue, Suite 6-107, Austin, Texas 78701 or leigh@fsc.texas.gov. Comments must be received by July 13, 2026 to be considered by the Commission.

**Statutory Authority.** The rule is proposed under the Commission's general rulemaking authority provided in Code of Criminal

Procedure, Article 38.01 § 3-a and its authority to investigate and regulate crime laboratories and forensic analysts under Article 38.01 §§ 4, 4-a, and 4-d.

Cross reference to statute. The proposal affects Texas Administrative Code §651.307.

*§651.307. Investigative Procedures [Panels].*

(a) Investigative Panel [procedure]. After the Commission votes to conduct an investigation, for complex investigations, the Commission's presiding officer may nominate at least three members of the Commission to an Investigation Panel ("Panel") subject to the approval of a majority of a quorum of Commissioners.

(b) Panel investigation. For investigations in which a Panel is created, the Panel initially must specify the focus of the investigation, communicate with the entities or individuals involved in the investigation, and collect any appropriate records. The Panel also may initiate contact with any governmental agency, individual, or entity to inquire about assistance in a full investigation. The Panel may:

- (1) collect and review appropriate documents as necessary;
- (2) conduct interviews with appropriate individuals;
- (3) issue notification of results or refer the case to a governmental or other relevant agency or accrediting body, pursuant to a written communication, memorandum of understanding, or other appropriate agreement between the agencies;
- (4) contract with a subject matter expert if needed; or
- (5) take such other action as appropriate.

(c) All Panel meetings must be held in in-person meetings or by videoconference, in accordance with the Texas Open Meetings Act.

(d) Investigations Facilitated by Staff. For investigations in which an Investigative Panel is deemed unnecessary, the Commission must instruct staff to conduct the investigation, which must include the same activities described in §651.307(b).

(e) Referral of investigative cases to the Office of Capital and Forensic Writs. The Commission may review and refer cases that are the subject of an investigation under §651.301(a) or (b) of this subchapter to the Office of Capital and Forensic Writs in accordance with Section 78.054(b), Government Code.

(1) General procedure for referral to the Office of Capital and Forensic Writs. A majority of a quorum of Commissioners may recommend referral of a case accepted for investigation by the Commission under §651.301(a) or (b) of this subchapter (relating to Purpose) to the Office of Capital and Forensic Writs.

(2) Written referral and corresponding documents. The Commission Presiding Officer or Designee must provide each recommended case referral in writing, including all documents in the Commission's possession related to the case and any investigative report issued, to the Office of Capital and Forensic Writs Director or Designee for determination regarding potential legal representation no later than ten (10) business days from the date the Commission recommends referral.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Leigh Tomlin  
Associate General Counsel  
Texas Forensic Science Commission  
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For further information, please call: (512) 936-0661

