

MEETING MINUTES
PUBLIC SAFETY COMMISSION
February 14, 2013
Austin, TX

The Public Safety Commission met in Austin, Texas on February 14, 2013. Attending the meeting were Chairman Cynthia Leon, Commissioners Carin Barth, Ada Brown, Allan Polunsky and Randy Watson. A quorum was present at the meeting. DPS staff members and guests were also present.

Call To Order (0:00:01)

The meeting was called to order by Chairman Leon at 9:05 a.m. Proper notice had been posted.

Chairman Leon introduced Randy Watson as the new Public Safety Commissioner. Watson was appointed by Governor Perry in December to replace John Steen, who was appointed Texas Secretary of State. He is the chairman and CEO of Justin Brands Inc., a division of Berkshire Hathaway. Commissioner Watson is president of the Justin Cowboy Crisis Fund, executive committee member of the Texas Future Farmers of America Foundation and Fort Worth Stock Show, and former vice chair of the Texas Ranger Association Foundation. He is a member of the Texas Association of Manufacturers, Texas Association of Business, University of Houston Letterman's Association, and Fort Worth Stock Show Calf Scramble Committee. Commissioner Watson is also past president of the Joshua Independent School District Board of Trustees; past board member of the Fort Worth Chamber of Commerce and Texas Commission on Law Enforcement Officer Standards and Education; and a lifetime member of the Houston Livestock Show and Rodeo. His term on the Public Safety Commission expires Jan. 1, 2018.

Today's agenda items will be changed due to staff attendance requirements at legislative hearings.

Approval of Minutes (0:06:16)

A motion was made by Commissioner Brown seconded by Commissioner Barth approving the minutes as submitted for the December 10, 2012. Motion passed unanimously.

Public Comment (0:07:07)

None

Directors Report (0:07:12)

A. Presentations

Colonel Baker presented a Unit Citation to the Crime Laboratory Combined DNA Index System (CODIS) Program. In November 2012, the program registered the 10,000th cold hit, ranking fourth among the states in the number of CODIS hits. Cold hits are unexpected matches between DNA and known criminal offenders with biological evidence from crime scenes. Since 1998, the DPS CODIS Lab has helped solve more than 640 homicides, 3,300 sexual assaults, 4,200 burglaries, 550 robberies and hundreds of other crimes in Texas and other states.

Reports (0:13:28)

D. Information Technology

AD Chris Sarandos provided an Information Technology Update as requested by the Commission during the last meeting.

-Realignment of leadership team, increased visibility of business investments and improved governance by hiring a Deputy Assistant Director of Governance:

Bryan Lane – Deputy CIO

David Palmer – DAD, Structure and Operations

Elaine Keith – DAD, Application Development

Enrique Gomez – DAD, Driver License Technical Support

Celina Wilson – DAD, Governance

Kimberly Deitz – Executive Assistant

-Introduce life cycle cost into business planning

-Increase service delivery capabilities by refining and updating Project Management, Business Analysis and Quality Assurance processes

-Modernizing network technology

-239 FTEs with an average of 9.4 years of state service (120 have 5 – 19 years of state service; 20 have 20-29 years of state service)

-Challenges:

Protecting agency information

Disaster recovery/data center

Governance (repeatable, transparent and measurable outcomes)

Personnel (salary, training, hiring and retention) (IT staff currently pay for their own certifications and upkeep)

Commissioner Barth inquired about staff augmentation – currently have 29 contractors on staff (August 2011 there were 107 contractors) and five staff augmentation contracts under the master DIR contract for \$5.3 million

Commissioner Barth requested an IT staff augmentation plan through the end of the year as an agenda item for the next PSC meeting as well as process developed for the Contract Review Process

Ongoing Business (1:09:20)

M.Review of pending contract/renewal/change order/awards from Contract Review Board

1.2013 Dodge Challenger (donation) – Highway Patrol

Donation is under \$45,000 and will be used for recruitment purposes. AD Mueller will have Regional Commander Duane Steen do an acknowledgement to the donor.

A motion was made by Commissioner Barth seconded by Commissioner Watson accepting the donation. Motion passed unanimously.

2.In-Car Notebooks

Notification of entering into purchase of 356 laptops for THP in the amount of \$1.49 million (laptops are part of the four year refresh at a unit cost of \$4,200)

3.Professional services related to grant administration activities for federal disaster grant programs

Update provided on TDEM disaster service compliance contract - bid closed December 17, 2012, receiving 7 proposals (\$37 million). Authority Board approved on 1/18/13, Statement of Work completed 2/13/13. Financial Stability Review Team have presented written recommendations; negotiations to begin next week and is projected to be ready for signature by 3/22/13. AD Mueller ensured personnel are in place to enforce internal controls.

Directors Report (1:30:12)

A.Recent Legislative Testimony

-School Safety

-Homeland Security

-Senate Finance Committee

C.Border Operations Update

Director McCraw provided testimony at the following hearings:

- 1/28/13 Joint Hearing – Senate Agriculture, Rural Affairs & Homeland Security/Senate Committee on Education re: school safety
- 2/7/13 Senate Finance re: Article V – public safety & criminal justice
- 2/11/13 Senate Committee on Agriculture, Rural Affairs & Homeland Security re: organizational hearing

- 2/12/13 House Transportation Committee re: truck safety and oversight
- 2/13/13 Senate Transportation Committee re: driver license
- 2/13/13 Senate Finance re: Article IV & V Workgroup
- 2/14/13 House Appropriations Subcommittee re: Article IV & V
- 2/14/13 House Committee on Homeland Security and Public Safety re: DPS and TDEM

Director McCraw also met with the following legislators at their request:

- 12/12/12 Lieutenant Governor David Dewhurst
- 12/17/12 Representative Senfronia Thompson
- 1/29/13 Representative Debbie Riddle
- 1/30/13 Representative John Smithee
- 2/1/13 Representative David Simpson
- 2/4/13 Representative Byron Cook
- 2/6/13 Senator Robert Duncan
- 2/13/13 Representative Jose Menendez
- 2/13/13 Representatives Van Taylor and Linda Harper-Brown

New Business (1:43:12)

A.Report and discussion regarding State Intelligence Assessment

Director McCraw conducted a live TxMAP presentation. Seven categories of threat: 1) crime, 2) terrorism, 3) crashes, 4) public health, 5) industrial accidents, 6) natural disasters and 7) cyber.

Annual Gang Assessment should be published in 2 – 3 weeks.

B.Report, discussion and possible action on Education, Training and Research operational and organizational enhancement

DAD Woodall reported 79 employees in Education, Training and Research (Law Enforcement Education/Tactical Training Center/Employee Development/Public Education/Cafeteria). Leadership Development currently has no personnel but staff have been identified (1 Lieutenant, 2 Sergeants) have been identified to stand up the unit.

Once salary monies and FTEs are identified:

- Fitness/Well Unit would become a stand alone unit (1 Lieutenant/3 Sergeants)
- Occupant Safety would go under Public Education
- New Major position to be added to ETR salary budget
- Additional Captain position to be added to ETR salary budget
- DAD Woodall is confirmed as Assistant Director of the unit

Discussion took place on moving Cafeteria to another division. Commissioner Barth asked that we look into copyrighting the content of our training and selling it to other agencies.

A motion was made by Commissioner Polunsky seconded by Commissioner Watson approving the proposed operational and organizational enhancement for Education, Training and Research. Motion passed unanimously.

Executive Session (2:48:42)

The Commission adjourned into Executive Session to discuss security issues, to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; ongoing criminal investigations. Executive Session began at 11:57 a.m.

(2:49:39) The Public Safety Commission reconvened this open session at 3:33 p.m. Commissioners present were Chairman Leon, Commissioners Ada Brown, Carin Barth, Allan Polunsky and Randy Watson.

New Business (2:50:10)

E.Report, discussion, and possible action on the proposed reorganization of Chapter 13, Controlled Substances for publication to receive public comment, including: amendments to Rule 13.1, 37 TAC Sec. 13.1, repeal of Rules 13.2-13.11, 13.21-13.33, 13.71-13.99, and 13.131-13.137, 37 TAC Secs. 13.2-13.11, 13.21-13.33, 13.71-13.99, and 13.131-13.137, and new Rules 13.21-13.27 and 13.71-13.83, 37 TAC Secs. 13.21-13.27 and 13.71-13.83

A motion was made by Commissioner Brown seconded by Commissioner Polunsky approving the publication to receive public comment. Motion passed unanimously.

Ongoing Business (2:52:15)

H.Report, discussion, and possible action regarding the adoption of the proposed reorganization of Chapter 23, Vehicle Inspection, including: repeal of Rules 23.1-23.15, 23.18, 23.19, 23.21-23.29, 23.41, 23.42, 23.51-23.53, 23.61, 23.62, 23.71-23.81, and 23.93-23.97, 37 TAC Secs. 23.1-23.15, 23.18, 23.19, 23.21-23.29, 23.41, 23.42, 23.51-23.53, 23.61, 23.62, 23.71-23.81, and 23.93-23.97 and new Rules 23.1-23.6, 23.11-23.14, 23.21-23.30, 23.41, 23.42, 23.51-23.58, 23.61, and 23.62, 37 TAC Secs. 23.1-23.6, 23.11-23.14, 23.21-23.30, 23.41, 23.42, 23.51-23.58, 23.61, and 23.62, as previously published in the Texas Register

A motion was made by Commissioner Watson seconded by Commissioner Polunsky approving adoption of the proposed reorganization of Chapter 23, Vehicle Inspection. Motion passed unanimously.

Commissioner Barth asked if we are seeing a spike in concealed handgun license requests. AD Bowie responded there has been a spike and have instituted overtime to keep up with the influx (900 online applications per day vs 350 per day prior to Sandy Hook shooting). CHL's are currently at 33 days out the door.

I.Report, discussion, and possible action regarding the adoption of the proposed reorganization of Chapter 28, DNA, CODIS, Forensic Analysis, and Crime Laboratories, Subchapters K – M, concerning Biological Evidence, including: repeal of Rules 28.181-28.185, and 28.191, 37 TAC Secs. 28.181-28.185, and 28.191, and new Rules 28.181-28.183, 28.191-28.194, and 28.201, 37 TAC Secs. 28.181-28.183, 28.191-28.194, and 28.201, as previously published in the Texas Register

A motion was made by Commissioner Brown seconded by Commissioner Barth approving adoption of the proposed reorganization of Chapter 28, DNA, CODIS, Forensic Analysis and Crime Laboratories, Subchapters K – M, concerning Biological Evidence. Motion passed unanimously.

G.Report, discussion, and possible action regarding the adoption of proposed new Driver License Rule 15.171, 37 TAC Sec. 15.171, concerning Identifying Documents for Offenders/Memorandum of Understanding, as previously published in the Texas Register

A motion was made by Commissioner Polunsky seconded by Commissioner Watson approving adoption of proposed new Driver License rule concerning identifying documents for offenders/memorandum of understanding. Motion passed unanimously.

A.Report, discussion, and possible action on Driver License monthly updates

AD Davio reported a 31% decrease in wait times from December 2011 – December 2012. A 30% decrease was reported from January 2012 – January 2013 for the 59 busiest offices.

The Fort Worth Mega Center service time for January 13, 2013, was under 30 minutes. The Parent Taught Driver Education packet has been streamlined and can now be emailed with an estimated savings of \$20,000.

New Business (3:13:25)

D.Report, discussion and possible action on the AY 2014-15 Legislative Appropriations Request

Cal Vanderwal reported the House and Senate did not fund the Driver License Plan, reduced professional fees and fuel. Total reduction of \$8.3 million and 191.9 FTEs. House did not approve the Intelligence Strategy eliminating \$12.8 million and 143 FTEs. Total House reduction of \$20.9 million and 334.9 FTEs.

Ongoing Business (3:16:16)

B.Report, discussion and possible action on the Annual Year 2013 Operating Budget

- Maureen Coulehan report \$90 million remaining balance
- \$5 million of budget has been spent for Fuel

C.Report, discussion and possible action regarding purchases using seized funds

Sharon Flores and Billy Nabors are requesting \$600,000 for refurbishment of a Huey helicopter transferred to the Department in October 2012 thru the 1033 Program. Helicopter is currently at Fort Rucker and has 8,000 flight hours. Estimated 5 month project for refurbishment and helicopter would be placed in Austin and on the border.

Request for \$118,000 for a video camera system for the Tactical Marine Unit.

Request for \$603,931 for three station laser scanners for crime scene reconstruction to be used by the Texas Rangers. Includes service and warranty and a lease is not available.

Request for \$250,000 to lease space at the El Paso Port of Entry for Border Auto Theft.

Total cost for all four requests is \$1,571,931.

A motion was made by Commissioner Polunsky seconded by Commissioner Watson approving the four purchases with seized funds. Motion passed unanimously.

D.Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office. Updates regarding status of recent CAO activity

Approval requested for resources to complete the Performance Measures Quarterly Reviews and Federal Grant Compliance Testing and Assistance projects.

A motion was made by Commissioner Barth seconded by Commissioner Brown approving the request for resources. Motion passed unanimously.

Four reports have been completed since December 10, 2012:

- FY2013 Self Assessment
- Driver License Lawful Presence
- Quality Assurance Review of the Texas Department of Agriculture
- Semi-Annual Follow-Up Report on Open Audit Issues

Commissioner Barth asked to have the Chief Auditor's report moved toward the top of the agenda for future meetings.

E.Update report, discussion and possible action regarding recruitment

- 127 reported to Recruit School on January 21, 2013 and as of today there are 114
- 20 recruits were unable to meet PRT requirements and retested on 1/28/13 – 122 out of 127 applicants met all requirements
- 27% did not get their choice of duty stations
- Graduation is scheduled for July 3, 2013
- B2013 Class begins on July 15, 2013, and currently working on 1,216 applications with a target of 120 recruits

F.Report, discussion, and possible action regarding the adoption of proposed amendment to School Bus Safety Standards Rule 14.52, 37 TAC Sec. 14.52, concerning School Bus Safety Standards, as previously published in the Texas Register

-No public comments received.

A motion was made by Commissioner Watson seconded by Commissioner Brown approving adoption of proposed amendment. Motion passed unanimously.

New Business (3:51:45)

F.Discussion and possible action to approve a grant application to the Texas Department of Transportation for the Texas Traffic Safety Grant Agreement for Fiscal Year 2014

A motion was made by Commissioner Brown seconded by Commissioner Barth approving grant application. Motion passed by Commission with the exception of Commissioner Polunsky who was out of the room at the time of vote.

Reports (3:53:16)

A.Commission member reports and discussion – none

B.Finance Report – none

C.Chief Auditors Office – none

D.Division status reports on activities and action - none

Consent Items (3:53:55)

A.Discussion and possible action on the Director's action of discharging probationary employees Marilyn Berges, Carolyn McGee, and Winston Esteves

B.Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code Chapter 411, Secs. 411.023 & 411.024: Special Rangers: Harley Alex Bartee, Larry L. Benningfield, Michael Troy Caley, Ricardo D. Campos, Ruben Cano Jr., Jose R. Castro, Herbert W. City, Mark D. Collins, Jimmy D. Cook, Michael E. Compton, Adrian M. Cortez, Bradley J. Dossey, James D. Estes, Terry D. Field, James R. Fincher, Antonio R. Gonzalez, Lynn Holland Jr., Dudley Ivie, Danny W. Knauth, Gene P. LeBlanc, David S. Lee, Thomas H. Lowry, Donald L. Martin, David V. Martinez, Leonard R. Olson, J.D. Phipps, Oscar Salinas, Antonio Sanchez, James R. Stewart, Robert C.

Strickland, Steven G. Sullivan, John A. Waight, Michael S. Weber, Robert L. White, Special Texas Rangers: Coy L. Smith, Jimmie D. Kaelin Jr., David T. Rainwater, Milton T. Wright; and Special Ranger applicant from the Texas Southwestern Cattle Raisers Association: Ronald B. Hunt

A motion was made by Commissioner Barth seconded by Commissioner Watson approving Consent Items A and B. Motion passed unanimously.

Items for Future Agenda (3:54:42)

- Commissioner Barth asked to table New Business, Item C until Director McCraw is back next month
- Contract Review Board and IT Staff Augmentation Plan through end of year – Commissioner Barth
- Move Chief Auditor's Office up on the agenda under Ongoing Business – Commissioner Barth
- ALERT – Commissioner Brown (regular agenda or Executive Session)

Date for Future Meetings (3:57:20)

Discussion took place on having monthly vs bi-monthly meetings. Advisory committees were established:

Law Enforcement & Law Enforcement Support – Commissioners Brown and Watson
Administration & Finance – Commissioners Barth and Polunsky
Regulatory & Driver License – Commissioners Barth and Polunsky

Point person will be assigned to each committee to develop monthly reports between PSC meetings for distribution. Commissioner Barth requested a monthly package on off months in the form of a dashboard from every division.

Commission acknowledged Tom Clowe in the audience and asked for an update on the Foundation. Mr. Clowe reported they are moving forward with 501(c) status.

Adjourn (4:23:50)

The meeting was adjourned at 5:07 p.m.

Read and approved this 17th day of April, 2013.


Chairman

IN THE MATTER OF § BEFORE THE

THE DISCHARGE OF § PUBLIC SAFETY COMMISSION

PROBATIONARY EMPLOYEES § IN AUSTIN, TRAVIS COUNTY, TX

Advice and Consent

In accordance with Government Code Section 411.007(f), the Director found that the following named probationary employees were unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to discharge these employees:

Employee Name	Employee Title/Division	Date of Discharge
Marilyn Berges	Administrative Assistant II/Driver License	12/04/12
Carolyn McGee	Investigator II/Highway Patrol	01/08/13
Winston Esteves	Customer Service Representative/Driver License	01/31/13

Approved: _____

A. Cynthia Leon, Chair
Public Safety Commission
Date: February 14, 2013

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
February 14, 2013

Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Bartee, Harley Alex	THP	HP/Cuero	08/31/02	23 years	
Benningfield, Larry L.	CID	Midland	08/31/03	19 years	
Caley, Michael Troy	CID	Hurst	11/30/04	25 years	
Campos, Ricardo D.	CID	Midland	08/31/12	25 years	
Cano, Jr., Ruben	THP	Eagle Pass	08/31/04	30 years	
Castro, Jose R.	DL	Houston	08/31/02	23 years	
City, Herbert W.	CID	Midland	08/31/12	30 years	
Collins, Mark D.	CID	Denton	06/30/12	25 years	
Cook, Jimmy D.	THP	HP/Cross Plains	08/31/07	22 years	
Compton, Michael E.	THP	HP/Gainesville	08/31/95	26 years	
Cortez, Adrian M.	CID	Houston	08/31/12	27 years	
Dossey, Bradley J.	CID	Conroe	08/31/12	30 years	
Estes, James D.	THP	HP/Atlanta	11/30/99	25 years	
Field, Terry D.	CID	Bryan	12/31/12	25 years	
Fincher, James R.	THP	HP/Texarkana	05/31/00	30 years	
Gonzalez, Antonio R.	CID	Weslaco	09/30/12	31 years	
Holland, Jr., Lynn	THP	HP/Pampa	08/31/11	26 years	
Ivie, Dudley	THP	CVE/Gainesville	09/30/00	23 years	
Knauth, Danny W.	DDS	Austin	08/31/12	31 years	
LeBlanc, Gene P.	THP	CVE/Anahuac	08/31/12	23 years	
Lee, David S.	THP	CVE/Sulphur Springs	08/31/12	25 years	
Lowry, Thomas H.	DL	Lake Worth	01/31/00	29 years	
Martin, Donald L.	CID	Childress	09/30/09	28 years	
Martinez, David V.	CID	Midland	08/31/12	22 years	
Olson, Leonard R.	THP	HP/Temple	01/31/12	26 years	
Phipps, J.D.	THP	Marlin	02/06/72	19 years	
Salinas, Oscar	THP	McAllen	08/31/03	22 years	
Sanchez, Antonio	CID	Harlingen	12/31/12	25 years	
Stewart, James R.	CID	Garland	08/31/12	28 years	
Strickland, Robert C.	OIG	Tyler	08/31/12	30 years	
Sullivan, Steven G.	THP	Houston	08/31/12	30 years	
Waight, John A.	CID	Mineral Wells	08/31/12	27 years	
Weber, Michael S.	CID	Houston	08/31/12	27 years	
White, Robert L.	THP	HP/Garland	08/31/12	28 years	

Special Texas Ranger Applicant:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Smith, Coy L.	Ranger	Uvalde	08/31/12	35 years	
Kaelin, Jr., Jimmie D.	Ranger	Victoria	10/31/12	24 years	
Rainwater, David T.	Ranger	Houston	12/31/12	23 years	
Wright, Milton T.	Ranger	Richmond	08/31/95	33 years	

Special Ranger Applicant from the Texas and Southwestern Cattle Raisers Association:

Name
Hunt, Ronald B.

Approved by the Public Safety Commission:


Chairman

Date 2/14/13

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

School Bus Safety Standards
Title 37 T.A.C. Part I, Chapter 14
Subchapter D
Section 14.52

The Texas Department of Public Safety (the department) adopts the amendment to Section 14.52, concerning Texas School Bus Specifications. This section is adopted without changes to the proposed text as published in the November 9, 2012 issue of the *Texas Register* (37 TexReg 8933) and will not be republished.

The amendment to Section 14.52 is necessary to update the rule to reflect the 2013 Texas School Bus Specifications as the current publication.

No comments were received regarding the adoption of this amendment.

This amendment is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Education Code, Section 34.002, which authorizes the department to adopt safety standards for school buses; Texas Transportation Code, Section 547.102, which authorizes the department to adopt standards and specifications for school bus equipment; and Texas Transportation Code, Section 547.7015, which authorizes the department to adopt rules governing the design, color, lighting, and other equipment, construction, and operation of a school bus for the transportation of schoolchildren.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter K
Section 15.171

The Texas Department of Public Safety (the department) adopts new Section 15.171, concerning Identifying Document for Offenders/Memorandum of Understanding. This section is adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10125) and will not be republished.

New Section 15.171 is necessary to adopt a memorandum of understanding with the Texas Department of Criminal Justice (TDCJ) and Department of State Health Services (DSHS) for the issuance of personal identification certificates to inmates preparing for release.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Section 501.0165(c) which authorizes the department by rule to adopt a memorandum of understanding with TDCJ and DSHS for the issuance of personal identification certificates to inmates preparing for release.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter A
Sections 23.1 – 23.15, 23.18 and 23.19

The Texas Department of Public Safety (the department) adopts the repeal of Sections 23.1 – 23.15, 23.18, and 23.19, concerning Vehicle Inspection Station Licensing. This repeal is adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10126) and will not be republished.

The repeal of this subchapter is necessary to enable the proposal of a new Subchapter A for the purpose of reorganizing and consolidating the rules governing license processing and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter B
Sections 23.21 – 23.29

The Texas Department of Public Safety (the department) adopts the repeal of Sections 23.21 – 23.29, concerning General Inspection Requirements. This repeal is adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10127) and will not be republished.

The repeal of this subchapter is necessary to enable the proposal of a new Subchapter B for the purpose of reorganizing and consolidating the rules governing license processing and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter C
Section 23.41 and Section 23.42

The Texas Department of Public Safety (the department) adopts the repeal of Section 23.41 and Section 23.42, concerning Inspection Items, Procedures, and Requirements. This repeal is adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10128) and will not be republished.

The repeal of this subchapter is necessary to enable the proposal of a new Subchapter C for the purpose of reorganizing and consolidating the rules governing license processing and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter D
Sections 23.51 – 23.53

The Texas Department of Public Safety (the department) adopts the repeal of Sections 23.51 – 23.53, concerning Vehicle Inspection Records. This repeal is adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10128) and will not be republished.

The repeal of this subchapter is necessary to enable the proposal of a new Subchapter D for the purpose of reorganizing and consolidating the rules governing license processing and to generally improve the clarity of the related rules.


No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

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A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter E
Section 23.61 and Section 23.62

The Texas Department of Public Safety (the department) adopts the repeal of Section 23.61 and Section 23.62, concerning Certification of Inspectors. This repeal is adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10129) and will not be republished.

The repeal of this subchapter is necessary to enable the proposal of a new Subchapter E for the purpose of reorganizing and consolidating the rules governing license processing and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter F
Sections 23.71 – 23.81

The Texas Department of Public Safety (the department) adopts the repeal of Sections 23.71 – 23.81, concerning Vehicle Inspection Station Operation. This repeal is adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10130) and will not be republished.

The repeal of this subchapter is necessary to enable the proposal of a new Subchapter F for the purpose of reorganizing and consolidating the rules governing license processing and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter G
Sections 23.93 - 23.97

The Texas Department of Public Safety (the department) adopts the repeal of Sections 23.93 – 23.97, concerning Vehicle Emissions Inspection and Maintenance Program. This repeal is adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10130) and will not be republished.

The repeal of this subchapter is necessary to enable the proposal of a new Subchapter E for the purpose of reorganizing and consolidating the rules governing license processing and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter A
Sections 23.1 - 23.6

The Texas Department of Public Safety (the department) adopts proposed new Sections 23.1 – 23.6, concerning Vehicle Inspection Station and Vehicle Inspector Certification. These sections are adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10131) and will not be republished.

The new subchapter is necessary to reorganize and consolidate the rules governing vehicle inspection station and vehicle inspector certification process and generally improve the clarity of the related rules.

No comments were received regarding the adoption of these new sections.

These sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter B
Sections 23.11 – 23.14

The Texas Department of Public Safety (the department) adopts proposed new Sections 23.11 – 23.14, concerning General Vehicle Inspection Station Requirements. These sections are adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10135) and will not be republished.

The new subchapter is necessary to reorganize and consolidate the rules governing inspection station facilities, equipment, and the conduct of inspectors and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of these new sections.

These sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter C
Sections 23.21 - 23.30

The Texas Department of Public Safety (the department) adopts proposed new Sections 23.21 – 23.30, concerning Vehicle Inspection Station Operation. These sections are adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10137) and will not be republished.

The new subchapter is necessary to reorganize and consolidate the rules governing inspection station operations and to generally improve the clarity of the related rules.

The department accepted comment on the proposed new rules through January 28, 2013. Written comments were submitted by Elizabeth Gardner representing Texas Automobile Dealers Association. No changes were made to the proposed new subchapter based on the comments received by the department. Substantive comments received, as well as the department's responses, thereto, are summarized below:

COMMENT: Section 23.28, Vehicle Inspection Fees, does not address the issue of advertising inspection fees.

RESPONSE: The department advises that advertising the inspection fee in conjunction with other products or services will no longer be a violation of the rules, so long as the advertisements comply with the new provision prohibiting misleading or deceptive advertising. See proposed new Section 23.28(d).

COMMENT: Previously a dealer could not advertise "free inspection" with any other goods or services. May a dealer now advertise "free inspection" with other goods or services? For instance, a free inspection with an oil change.

RESPONSE: The department's rules no longer prohibit this practice.

COMMENT: Regarding current Section 23.73(b)(4), may the fee or a portion of the fee be waived or deferred provided advance payment for certificates has been made to the department?

RESPONSE: Current Section 23.73(b)(4) has been repealed. New provision Section 23.26(a) requires payment at the time of ordering or billing.

These sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter D
Section 23.41 and Section 23.42

The Texas Department of Public Safety (the department) adopts the proposed new Section 23.41 and Section 23.42, concerning Vehicle Inspection Items, Procedures, and Requirements. These sections are adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10139) and will not be republished.

The new subchapter is necessary to reorganize and consolidate the rules governing the required inspection items and the required procedures for their inspection and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of these new sections.

These sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter E
Sections 23.51 – 23.58

The Texas Department of Public Safety (the department) adopts proposed new Sections 23.51 – 23.58, concerning Vehicle Emissions Inspection and Maintenance Program. These sections are adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10140) and will not be republished.

The new subchapter is necessary to reorganize and consolidate the rules governing the Vehicle Emissions Inspection and Maintenance Program and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of these new sections.

These sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter F
Section 23.61 and Section 23.62

The Texas Department of Public Safety (the department) adopts the proposed new Section 23.61 and Section 23.62, concerning Violations and Administrative Penalties. These sections are adopted without changes to the proposed text as published in the December 28, 2012 issue of the *Texas Register* (37 TexReg 10145) and will not be republished.

The new subchapter is necessary to reorganize and consolidate the rules governing violations of inspection requirements and the related administrative penalties and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of these new sections.

These sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Texas Department of Public Safety to adopt rules to enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

DNA, CODIS, Forensic Analysis, and Crime Laboratories
Title 37 T.A.C. Part I, Chapter 28
Subchapter K
Sections 28.181 – 28.185

The Texas Department of Public Safety (the department) adopts the repeals of Sections 28.181 – 28.185, concerning Preservation of Biological Evidence. These sections are adopted without changes to the proposed text as published in the November 9, 2012 issue of the *Texas Register* (37 TexReg 8934) and will not be republished.

The repeal of these sections is necessitated by amendments made to Code of Criminal Procedure, Article 38.43 by 82nd Legislature, 2011, SB 1616.

No comments were received regarding the adoption of these repeals.

These repeals are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Section 411.053(b), which states the department shall adopt rules relating to the delivery, cataloging, and preservation of evidence stored under this section; Texas Code of Criminal Procedure, Article 38.43(g), which requires the department to adopt standards and rules, consistent with best practices, relating to a person described by Subsection (b), that specify the manner of collection, storage, preservation, and retrieval of biological evidence; and Article 38.43(f), which provides that the department shall adopt standards and rules authorizing a county with a population less than 100,000 to ensure the preservation of biological evidence by promptly delivering the evidence to the department for storage in accordance with Section 411.053, Government Code, and department rules.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

DNA, CODIS, Forensic Analysis, and Crime Laboratories
Title 37 T.A.C. Part I, Chapter 28
Subchapter L
Section 28.191

The Texas Department of Public Safety (the department) adopts the repeals of Section 28.191, concerning Sexual Assault Evidence in Cases Without Law Enforcement Reporting. This section is adopted without changes to the proposed text as published in the November 9, 2012 issue of the *Texas Register* (37 TexReg 8935) and will not be republished.

The repeal of this section is necessitated by amendments made to Code of Criminal Procedure, Article 38.43 by 82nd Legislature, 2011, SB 1616.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

A handwritten signature in blue ink, appearing to read "A. Cynthia Leon", is written over a horizontal line.

A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

DNA, CODIS, Forensic Analysis, and Crime Laboratories
Title 37 T.A.C. Part I, Chapter 28
Subchapter K
Sections 28.181 – 28.183

The Texas Department of Public Safety (the department) adopts the proposed new Sections 28.181 – 28.183, concerning Collection, Storage, Preservation, and Retrieval of Biological Evidence. These sections are adopted without changes to the proposed text as published in the November 9, 2012 issue of the *Texas Register* (37 TexReg 8935) and will not be republished.

These rules are required by 82nd Legislature, 2011, SB 1616 which amended Texas Code of Criminal Procedure, Article 38.43. Article 38.43(g), requires the department to adopt standards and rules, consistent with best practices, relating to a person described by subsection (b), that specify the manner of collection, storage, preservation, and retrieval of biological evidence.

No comments were received regarding the adoption of these new sections.

These sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Code of Criminal Procedure, Article 38.43(g), which requires the department to adopt standards and rules, consistent with best practices, relating to a person described by Subsection (b), that specify the manner of collection, storage, preservation, and retrieval of biological evidence.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

DNA, CODIS, Forensic Analysis, and Crime Laboratories
Title 37 T.A.C. Part I, Chapter 28
Subchapter L
Sections 28.191 – 28.194

The Texas Department of Public Safety (the department) adopts the proposed new Sections 28.191 – 28.194, concerning Cataloging, Delivery, and Disposition of Biological Evidence – County With Population Less Than 100,000. These sections are adopted without changes to the proposed text as published in the November 9, 2012 issue of the *Texas Register* (37 TexReg 8936) and will not be republished.

These rules are adopted pursuant to Government Code, Section 411.053(b) and 82nd Legislature, 2011, SB 1616, which amended Code of Criminal Procedure, Article 38.43. Article 38.43(f) provides that the department shall adopt standards and rules authorizing a county with a population less than 100,000 to ensure the preservation of biological evidence by promptly delivering the evidence to the department for storage in accordance with Government Code, Section 411.053, and department rules.

No comments were received regarding the adoption of these new sections.

These sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Section 411.053(b), which states the department shall adopt rules relating to the delivery, cataloging, and preservation of evidence stored under this section; Texas Code of Criminal Procedure, Article 38.43(f), which provides that the department shall adopt standards and rules authorizing a county with a population less than 100,000 to ensure the preservation of biological evidence by promptly delivering the evidence to the department for storage in accordance with Section 411.053, Government Code, and department rules.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 14, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

DNA, CODIS, Forensic Analysis, and Crime Laboratories
Title 37 T.A.C. Part I, Chapter 28
Subchapter M
Section 28.201

The Texas Department of Public Safety (the department) adopts proposed new Section 28.201, concerning Sexual Assault Evidence in Cases Without Law Enforcement Reporting. This section is adopted without changes to the proposed text as published in the November 9, 2012 issue of the *Texas Register* (37 TexReg 8937) and will not be republished.

New Section 28.201 was previously Section 28.191. The only change to the text is an update to the department's website.

No comments were received regarding the adoption of this new section.

This section is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

A handwritten signature in blue ink, appearing to read 'A. Cynthia Leon', is written over a horizontal line.

A. Cynthia Leon, Chair
Public Safety Commission