

MINUTES
PUBLIC SAFETY COMMISSION
AUGUST 14, 2014
AUSTIN, TX

The Public Safety Commission met in Austin, Texas on August 14, 2014. Attending the meeting were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores, Steven Mach and Randy Watson. A quorum was present at the meeting. DPS staff members and guests were also present.

CALL TO ORDER (0:00:06)

The meeting was called to order by Chairman Leon at 9:00 a.m. Proper notice had been posted.

APPROVAL OF MINUTES (0:00:46)

A motion was made by Commissioner Mach to approve the minutes from the June 11 and June 12 meetings. Commissioner Johnson offered an amendment to reflect she did not attend the April 10 meeting and therefore abstained from the vote to approve the April 10, 2014 minutes when those minutes were considered at the June meetings. Commissioner Mach accepted the amendment and the minutes were unanimously approved as amended.

PUBLIC COMMENT (0:01:44)

None

DIRECTORS REPORT (0:01:50)

A. Presentations

Director's Citation

Chief Kirby Dendy, Texas Rangers, longest serving commissioned officer without a break in service. Chief Dendy is retiring from the Department as of August 31, 2014.

Unit Citation

Tyler Crime Laboratory Drug Section and Evidence Receiving Section

Service Awards

Robert Bernard Jr. – 30 years

Rhonda Fleming – 30 years

Harry Hoelscher – 30 years

Leann Martin – 30 years
Bradley Newstrom – 30 years
Mike Rivard – 30 years
Gary Rozzell – 30 years
Stephen Steadman – 30 years
William Talamantez – 30 years
Teri Weissinger – 30 years
Kathy Blanck – 35 years
Arturo Lopez – 35 years
Arthur Barrera – 35 years
Wynonie Bell – 40 years
Gerald Bryant – 40 years
David Cramer – 40 years
Melinda Driskell – 40 years
Johnny Jackson – 40 years
Randolph Nixon Jr. – 40 years
Cheryl Page – 40 years
Johnny Prince – 40 years
Roy Duff – 45 years

The Commission and the Department recognized Cheryl MacBride, Deputy Director Services, for her outstanding service, leadership and retirement effective August 31, 2014.

Director's Citation

Trooper William Alston
Trooper Marco Caro

Director's Award

Michelle and Samuel Stamper

Director's Citation

Kathleen Murphy-Darveau

Director's Award

Nick Noy

Life Saving Award

Trooper Jason Busby

(0:48:40) Break 9:49 a.m. – 10:03 a.m.

The Commission recognized Pat Johnson, Deputy Assistant Director, Crime Laboratory, for his 42 years of service.

B. Legislative Testimony and Briefings (0:52:24)

Director McCraw provided an update on legislative testimony and briefings that can be found under the Government Relations division report.

C. Operation Strong Safety (0:52:50)

- Tasked by Speaker's Office to meet and brief every chair in the House on border security – all offices have been contacted
- On June 18, 2014, Governor/ Lieutenant Governor/Speaker issued a DPS directive to conduct a multi-agency surge operation in the Rio Grande Valley due to an influx of unaccompanied children and prevent continued smuggling between the Ports of Entry
- Surge operations began on 6/23/14 (5 days from date directive was issued)
- Authorization given to spend \$1.3 million per week for operations
- 25% reduction in undocumented aliens crossing into Hidalgo and Starr Counties during the second week

Chairman Leon acknowledged the following individuals who were present at the meeting:

Heather Hill – Governor's Office
Gretchen Grigsby – Senator Estes' office
Bill Wilson – Senator Van de Putte's office
Rachel Carrera - Legislative Budget Board

- Received letter from Jim Pitts on August 12, 2014 – directed by Jim Pitts and the Speaker of the House for a full strategic review of several agencies, including DPS, to increase budget transparency and hold interim budget hearings for a base budget review
- 219,000 illegal aliens apprehended to date for 2014
- AD Skylor Hearn will provide brief on criminal aliens for the October meeting
- Border Operation Security Assessment (BOSA) is a law enforcement sensitivity report that a collection of all border incidents from all agencies each day and provides a shared view of the threat and empowers use to see trends

NEW BUSINESS (1:18:30)

A. Report, discussion, and possible action on the AY2016-2017 Legislative Appropriations Request including Exceptional Items

AD Denise Hudson is seeking approval of the 2016-2017 Legislative Appropriations Request (LAR) and delegation of authority to the director to make conformity changes as directed by the Legislative Budget Board (LBB).

- Prioritization of Exceptional Items (EI) and directed by the LBB for an agency budget reduction schedule to show how agency would reduce the General Revenue budget by 10%

- Exceptional Items request is for \$786 million, adding 1,241.7 FTEs

- Exceptional Items prioritization:

1. Operation Strong Safety
2. Operation Rescue
3. Operation Save Texas Lives
4. Driver License – Expanded Rural and High Volume Areas
5. Protect State Highway Infrastructure
6. Cyber Security
7. Texas Anti-Gang Initiative
8. Facilities
9. Reducing Licensing Delivery Time
10. Law Enforcement – State and Local Training
11. Centralized Accounting and Payroll/Personnel System

A motion was made by Commissioner Mach seconded by Commissioner Johnson approving the 2016-2017 Legislative Appropriations Request including Exceptional Items. Motion passed unanimously.

A motion was made by Commissioner Flores seconded by Commissioner Watson authorizing the director to make conforming changes as we move forward in the process as directed by the LBB to the LAR and EI process. Any changes will be presented to the Public Safety Commission as redline. Motion passed unanimously.

B. Report, discussion, and possible action on SUV Patrol Fleet (1:28:12)

AD Luis Gonzalez and Major William Diggs provided a brief on Dodge Chargers vs Chevrolet Tahoes

- Study conducted by University at Buffalo's Center for Transportation Injury Research:

 - *Risk of death is 24 times greater in a passenger car than SUV

 - *Head-on crashes are 7.6 times greater in a passenger car than SUV (higher and heavier is safer)

- National Center for Statistics and Analysis-National Highway Traffic Safety Administration (June 2011):

*Fatal first-event rollovers were reduced by 56% in cars and 74% in light trucks and vans (LTVs)

*Fatal impacts with fixed subjects were reduced by 47% in cars and 45% in LTVs

-Cost comparison: Chevy Tahoe – purchase cost per mile \$.3526 cents @ 110,000 miles / Dodge Charger – purchase cost per mile \$.3531 cents @ 90,000 miles

-Current THP fleet is 1,548 patrol sedans and 668 patrol Tahoe's

-Since 2000, DPS has lost 11 troopers in the line of duty, 8 involved in traffic crashes while operating a patrol car sedan

Commissioner Watson would like to see more hands-free features for troopers in their vehicles.

C. Report, discussion, and possible action on Trooper Demonstration of Tough Book (1:45:13)

AD Gonzalez and Major Diggs reported that Trooper John Watson (Kerrville) would be providing the Tough Book demonstration.

Commissioners took a brief break to go outside and see a demonstration of the Dodge Charger, Chevrolet Tahoe and the Tough Tablet 11:02 a.m. – 11:28 a.m.

D. Report, discussion, and possible action on the Texas Public Safety Broadband Program (1:49:08)

AD Skylor Hearn and DAD Todd Early briefed on the Broadband Program:

-911 Commission started after the tragic event of 9/11/01

-Nationwide broadband network dedicated to public safety

-FirstNet created in February 2012 - \$7 billion reserved for build out of network nationwide (commercial carriers use \$80 billion to build their networks)

-First operational PSLTE System in the world was built in Harris County

-Texas is 1 of 5 early-builder jurisdictions moving forward (Texas, New Mexico, New Jersey, Colorado, and California)

-Spectrum Manager Lease Agreement (93 total sites in Harris County / 1 site Kyle Field / 1 mobile site)

E. Report and discussion of DPS Mobile Application (2:06:15)

AD Skylor Hearn and AD Bryan Lane provided an update on the DPS Mobile Application

-Featured News

-Fugitives (Featured/Most Wanted/Still Wanted/Captured)

-Sex Offender Registry (Location/Search/Near Me/Saved)

-Human Trafficking (Overview/Indicators/Reports/Near Me)

- Suspicious Activity Report (iWatch Texas Program)
- Anticipated release to be in a week or so once Apple approves

F. Advice and consent regarding Assistant Director Information Technology – Chief Information Officer pursuant to Government Code 411.005 (2:16:26)

DD Cheryl MacBride is seeking advice and consent to name Jon Percy as the new Chief Information Officer. Mr. Percy currently works in the Intelligence & Counterterrorism Division as their Chief Technology Officer. Mr. Percy has over 25 years experience in the information technology field and has an Engineering degree from Cal Poly State.

Bryan Lane was recognized for his service as interim Chief Information Officer.

A motion was made by Commissioner Flores seconded by Commissioner Mach to approve the advice and consent of Jon Percy as the Chief Information Officer. Motion passed unanimously.

G. Advice and consent regarding Assistant Director Texas Rangers pursuant to Government Code 411.005 (2:20:45)

Director McCraw is seeking advice and consent to name Randy Prince as Assistant Director of the Texas Rangers.

A motion was made by Commissioner Watson seconded by Commissioner Flores to approve the advice and consent of Randy Prince as the Assistant Director of the Texas Rangers. Motion passed unanimously.

Bryant Wells was recognized for his outstanding job as the interim Assistant Director of the Texas Rangers.

H. Report, discussion, and possible action regarding live video and video archive availability of Public Safety Commission Meetings (2:24:08)

Chairman Leon would like to revisit the possibility of live streaming video of the Public Safety Commission meetings. Commissioners Flores and Johnson are in support of live streaming. Commissioner Mach would like to review the practicality and costs involved. The primary focus of the assessment is the ability to live stream video and cost effectiveness of video teleconference capabilities for the commissioners offsite.

Bryan Lane reported an assessment was conducted over a year ago with a cost of \$48,000. He was tasked with providing an update for live stream video and video teleconference capabilities along with costs for discussion at the next meeting.

I. Report, discussion, and possible action on proposals for publication to receive public comment:

1. Amendments to 37 TAC Section 19.1 and Section 19.2, repeal of 37 TAC Sections 19.3 – 19.8, and proposed new 37 TAC Sections 19.3 – 19.7, concerning Breath Alcohol Testing Regulations (2:34:58)

A motion was made by Commissioner Mach and seconded by Commissioner Johnson approving amendments, repeal and proposed rules concerning Breath Alcohol Testing Regulations for publication to receive public comment. Motion passed unanimously.

2. Amendments to 37 TAC Section 23.41, concerning Passenger (Non-Commercial) Vehicle Inspection Items (2:36:37)

A motion was made by Commissioner Watson seconded by Commissioner Mach approving Rule 23.41 for publication to receive public comment. Motion passed unanimously.

3. Amendments to 37 TAC Sections 31.1 – 31.12, concerning Standards for an Approved Motorcycle Operator Training Course (2:37:55)

A motion was made by Commissioner Johnson seconded by Commissioner Flores approving Rules 31.1 – 31.12 for publication to receive public comment. Motion passed unanimously.

ONGOING BUSINESS (2:40:15)

A. 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

-Catherine Melvin, Deputy, represented the Chief Auditor for the CAO report.

-Three reports have been issued since the June 2014 meeting:

*Spring 2014 Follow-up on Open Audit Issues

*Performance Measures

*Texas Administrative Code (TAC) 202 Annual Information Security Compliance Audit - Confidential

-Chairman Leon announced the retirement of Steve Goodson as of August 31, 2014.

B. Update, report, discussion, and possible action regarding recruitment (2:41:50)

AD Woodall provided the following update:

-Distracted Driver Pilot Class (consisting of 12 students) will be held on September 20, 2014 in Florence

- As of 7/13/14, 154 recruits were invited (148 accepted / 146 reported on the first day with 70 parents / 129 passed testing) and we currently have 111
- Most common response for leaving recruit school is "it wasn't what I was looking for" or "it's not for me"
- Duty assignments will be issued next week
- A-2015 Class applications close on 9/1/14 – 2,400 applications received so far (800 more applications this year than last)
- Testing for A-2015 Class applicants to be completed by 9/17/14

C. Report, discussion, and possible adoption of the following previously published rules: (2:47:37)

1. Amendments to 37 TAC Section 1.41, concerning Americans with Disabilities Act Grievance Procedures – no comments
2. Repeal of 37 TAC Section 1.60, concerning Alleged Abuse or Neglect Investigations – no comments
3. Repeal of 37 TAC Section 1.121, concerning Laboratory Fees – no comments
4. Repeal of 37 TAC Section 1.123, concerning Motor Carrier Lease Fees – no comments
5. Repeal of 37 TAC Section 1.124, concerning Safety Responsibility Bureau Fees – no comments
6. Amendments to 37 TAC Section 1.131, concerning Fee for National Driver Register (NDR) Search – no comments
7. Amendments to 37 TAC Section 15.84, concerning Hearing – no comments
8. Amendments to 37 TAC Section 15.89, concerning Moving Violations – no comments
9. Amendments to 37 TAC Section 13.1, concerning Definitions, Section 13.23 and Section 13.25, concerning Registration, and Sections 13.71, 13.72, and 13.82 concerning Texas Prescription Program – comments received, delegation authority from 3 to 4; Walgreen and HEB submitted comments but had nothing to do with regulation

A motion was made by Commissioner Mach and seconded by Commissioner Johnson to adopt rules and repeals of Ongoing Business, Item C, 1 thru 9. Motion passed unanimously.

D. Report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure approval of personnel placements and salaries pursuant to Government Code Chapter 411, Secs. 411.005, 411.006 and 411.0071 (2:56:22)

Director McCraw proposed a reorganization of the DPS organizational structure reflecting Cheryl MacBride's retirement:

1. Services functions will be consolidated under Robert Bodisch as the Deputy Director, Homeland Security and Services. We can always move back to three deputy directors, if needed.
2. Cyber Security will be taken out of Information Technology and placed under Robert Bodisch as best practice

A motion was made by Commissioner Watson seconded by Commissioner Flores approving both changes to the DPS organizational structure. Motion passed unanimously.

E. Report, discussion, and possible action regarding the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team (3:00:45)

- Selection process will begin for a new Chief Auditor
- Chairman Leon and Commissioner Mach will post the position and review all applications and select top candidates for interviews
- Commissioner Watson requested DPS executive staff be included in the interview process for top candidates

A motion was made by Commissioner Johnson seconded by Commissioner Flores approving the process to select top candidate for Chief Auditor position. Motion passed unanimously.

A second motion was made by Commissioner Mach seconded by Commissioner Johnson appointing Catherine Melvin as the interim Chief Auditor with a commensurate pay increase during the period of time she is serving as interim. Motion passed unanimously.

F. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)
To be discussed during Executive Session.

REPORTS (3:08:27)

A. Commission member reports and discussion - none

B. Finance Report - none

C. Chief Auditors Office - none

D. Division status reports on activities and action

- AD Peters reported 277 Electronic Identification Cards have been issued to date

-DD MacBride and AD Hudson reported the E-Procurement System is scheduled to be implemented on 9/2/14

CONSENT ITEMS (3:11:38)

A. Discussion and possible action on the Director's action of discharging probationary employee: Bryan Gault

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: Greg J. Gloria, Joe R. Gonzales, John F. Hart Jr., Jason R. McMurray, Nolan G. Metz, Juan J. Navarro, Donnie G. Rannefeld, George E. Rhyne and Robert A. Rhynsbarger; Special Texas Rangers: Kenneth R. Parks

C. Donations:

1. Additional donation items, as needed

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

ITEMS FOR FUTURE AGENDA (3:12:04)

-AD Skylor Hearn briefing on criminal aliens

-Bryan Lane to provide update on live stream video costs

-Demonstration of E-Procurement System

DATE FOR FUTURE MEETING (3:12:33)

Discharge hearings will be scheduled on October 15, 2014, and the regular Public Safety Commission meeting is scheduled for October 15, 2014.

ADJOURN INTO EXECUTIVE SESSION (3:12:48)

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 12:53 p.m.

(3:13:21) The Public Safety Commission reconvened this open session at 3:18 p.m. Commissioners present were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores, Steven Mach and Randy Watson.

ADJOURN (3:13:38)

A motion was made by Commissioner Flores seconded by Commissioner Mach to adjourn the meeting. Motion passed unanimously.

The meeting was adjourned at 3:18 p.m.

Read and approved this 16th day of October, 2014.



Chairman

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On August 14, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter C
Section 1.41

The Texas Department of Public Safety (the department) adopts proposed amendments to Section 1.41, concerning Americans with Disabilities Act Grievance Procedures. This section is adopted without changes to the proposed text as published in the July 4, 2014 issue of the *Texas Register* (39 TexReg 5119) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this chapter and determined an update to this rule was necessary to reflect current department policy and state and federal law. Additional nonsubstantive changes were made to update department titles.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, Section 411.006(4), which authorizes the director to adopt rules, subject to commission approval, considered necessary for the control of the department, and Section 2001.039, which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

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 August 14, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter D
Section 1.60

The Texas Department of Public Safety (the department) adopts the repeal of Section 1.60, concerning Alleged Abuse or Neglect Investigations. This section is adopted without changes to the proposed text as published in the July 4, 2014 issue of the *Texas Register* (39 TexReg 5120) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this subchapter and determined the repeal of this section is necessary to delete language that is duplicative of language already contained within Texas Family Code, Chapter 261.

No comments were received regarding this proposed repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.006(4), which authorizes the director to adopt rules, subject to commission approval, considered necessary for the control of the department, and Section 2001.039, which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

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 August 14, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter I
Section 1.121

The Texas Department of Public Safety (the department) adopts the repeal of Section 1.121, concerning Laboratory Fees. This section is adopted without changes to the proposed text as published in the July 4, 2014 issue of the *Texas Register* (39 TexReg 5121) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this section and determined the reason for initially adopting this rule no longer exists. The repeal of this section is necessary to delete obsolete language that no longer reflects current statute and practice.

No comments were received regarding this proposed repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.006(4), which authorizes the director to adopt rules, subject to commission approval, considered necessary for the control of the department, and Section 2001.039, which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

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 August 14, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter I
Section 1.123

The Texas Department of Public Safety (the department) adopts the repeal of Section 1.123, concerning Motor Carrier Lease Fees. This section is adopted without changes to the proposed text as published in the July 4, 2014 issue of the *Texas Register* (39 TexReg 5122) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this section and determined the reason for initially adopting this rule no longer exists. The repeal of this section is necessary to delete obsolete language that no longer reflects current statute and practice.

No comments were received regarding this proposed repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.006(4), which authorizes the director to adopt rules, subject to commission approval, considered necessary for the control of the department, and Section 2001.039, which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

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 August 14, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter I
Section 1.124

The Texas Department of Public Safety (the department) adopts the repeal of Section 1.124, concerning Safety Responsibility Bureau Fees. This section is adopted without changes to the proposed text as published in the July 4, 2014 issue of the *Texas Register* (39 TexReg 5122) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this section and determined the reason for initially adopting this rule no longer exists. The repeal of this section is necessary to delete obsolete language that no longer reflects current statute and practice.

No comments were received regarding this proposed repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.006(4), which authorizes the director to adopt rules, subject to commission approval, considered necessary for the control of the department, and Section 2001.039, which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

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 August 14, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter I
Section 1.131

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 1.131, concerning Fee for National Driver Register (NDR) Search. This section is adopted without changes to the proposed text as published in the July 4, 2014 issue of the *Texas Register* (39 TexReg 5123) and will not be republished. The public benefit statement for the preamble of this rule proposal was inaccurate. The anticipated public benefit for each year of the first five-year period this rule is in effect will be more accurate and understandable rules explaining the National Driver Register Search.

Pursuant to Government Code, Section 2001.039, the department reviewed this chapter and determined an update to this rule was necessary to reflect current requirements as determined by Texas Transportation Code, Section 521.056. This rule amendment updates and clarifies language for easier understanding and removes obsolete statutory references.

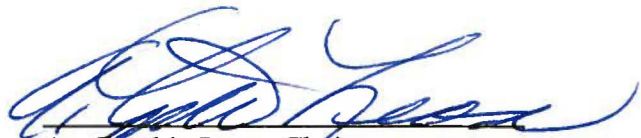
No comments were received regarding the adoption of this proposal.

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; Section 2001.039, which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section; and Texas Transportation Code, Section 521.056, which authorizes the department by rule to establish a reasonable fee for this service.

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 '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 August 14, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter A
Section 13.1

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 13.1, concerning Definitions. This section is adopted without changes to the proposed text as published in the July 4, 2014 issue of the *Texas Register* (39 TexReg 5124) and will not be republished.

These amendments are intended to eliminate unnecessary rule-based definitions of terms defined elsewhere in statute. In particular, the 83rd Texas Legislature's amendments to Chapter 481 of the Health and Safety Code through Senate Bill 1643 created a statutory definition of "freestanding emergency clinic," thus rendering the rule-based definition redundant.

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 Texas Health and Safety Code, Section 481.003, which authorizes the Public Safety Commission to adopt rules to administer and enforce Chapter 481 of the Health and Safety Code.

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 August 14, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter B
Section 13.23 and Section 13.25

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 13.23 and Section 13.25, concerning Registration. This section is adopted without changes to the proposed text as published in the July 4, 2014 issue of the *Texas Register* (39 TexReg 5125) and will not be republished.

These amendments are intended to assist with implementation of the 83rd Texas Legislature's amendments to Chapter 481 of the Health and Safety Code through House Bill 1803, which affect the process by which physicians may renew their controlled substance registrations.

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 Texas Health and Safety Code, Section 481.003, which authorizes the Public Safety Commission to adopt rules to administer and enforce Chapter 481 of the Health and Safety Code.

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 August 14, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter D
Sections 13.71, 13.72, and 13.82

The Texas Department of Public Safety (the department) adopts the proposed amendments to Sections 13.71, 13.72, and 13.82, concerning Texas Prescription Program. Section 13.71 and Section 13.72 are adopted without changes to the proposed text as published in the July 4, 2014 issue of the *Texas Register* (39 TexReg 5126) and will not be republished. Section 13.82 is adopted with changes to the proposed text and will be republished.

These amendments are intended to assist with implementation of the 83rd Texas Legislature's amendments to Chapter 481 of the Health and Safety Code through House Bill 1803, Senate Bill 406, and Senate Bill 1643. Respectively, these bills affect the process by which physicians may renew their controlled substance registrations; the delegation of prescriptive authority by physicians to advanced practice registered nurses or physician assistant; and the delegation of authority to access the DPS prescription database by practitioners or pharmacists to nurses or pharmacy technicians.

The department received comments from Ms. Mary Staples, on behalf of the National Association of Chain Drug Stores, and Mr. Doug Ream, on behalf of H-E-B Pharmacy. Both asked that the proposed number of pharmacy technicians to whom a pharmacist may delegate the authority to access the department's prescription drug database be increased from three to four. The department agrees with this suggestion and has amended the proposal accordingly.

Additional comments were made by Ms. Staples and Mr. Ream relating to the desirability of an online process for the delegation or rescission of authority to access the DPS prescription database by practitioners or pharmacists to nurses or pharmacy technicians. The department agrees that such an online process is desirable and is working to develop the necessary software interface. The rules will be amended in the future, upon development of the online process.

Mr. Ream asked that the department clarify proposed Section 13.82(f)'s reference to "administrative action against the registration of the delegating ... pharmacist," as registrations are held by pharmacies rather than pharmacists. The department agrees that clarification is necessary and has amended the proposal to refer generally to the "responsible registrant."

Mr. Ream also asked that the department amend Section 13.72(a)(1) to permit advanced practice registered nurses or physician assistants to submit electronic prescriptions. The department agrees with the comment and is working to develop the necessary software interface. The rules will be amended in the future, upon development of the online process.

Both parties offered proposals relating to matters of policy or legislative action which do not relate to the rule proposals. The department will address these issues with Ms. Staples and Mr. Ream directly.

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 Texas Health and Safety Code, Section 481.003, which authorizes the Public Safety Commission to adopt rules to administer and enforce Chapter 481 of the Health and Safety Code.

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 August 14, 2014, 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 D
Section 15.84

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 15.84, concerning Hearing. This section is adopted without changes to the proposed text as published in the July 4, 2014 issue of the *Texas Register* (39 TexReg 5128) and will not be republished.

These amendments will allow hearings for non-Texas residents to be set in the county of their last known Texas residence address. Section 15.82 and Section 15.83 provide that upon notification of the department's determination of suspension, disqualification or revocation, a licensee may request a hearing. Section 15.84 prescribes specific procedures for a requested hearing.

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, Texas Transportation Code, Section 521.005, which authorizes the department to adopt rules to administer Chapter 521 of the Transportation Code, and Section 521.291, which authorizes the department to adopt rules relating to license suspensions and revocations.

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 August 14, 2014, 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 D
Section 15.89

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 15.89, concerning Moving Violations. This section is adopted without changes to the proposed text as published in the July 4, 2014 issue of the *Texas Register* (39 TexReg 5128) and will not be republished.

These amendments are necessary to incorporate new moving violations that result in a driver being assigned points under the Driver Responsibility Program, as defined by Texas Transportation Code, Section 708.052. Texas Code of Criminal Procedure, §102.022 requires Texas state and local courts to assess a fine of ten cents for any moving violation conviction as defined by Texas Transportation Code, Section 708.052. Section 15.89 was originally adopted June 22, 2004 to provide a definition of a moving violation. This rule also integrated a list of moving violations assigned points under the Driver Responsibility Program.

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 Texas Transportation Code, Section 708.052(c), which authorizes the department to adopt rules designating offenses that constitute a moving violation of the traffic law.

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

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
August 14, 2014



Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Gloria, Greg J.	DDS	Austin	05/31/14	35 years	
Gonzales, Joe R.	CID	San Antonio	09/01/03	25 years	
Hart, Jr., John F.	CID	Houston	05/31/14	26 years	
McMurray, Jason R.	CID	Tyler	05/31/14	25 years	
Metz, Nolan G.	PSC	Austin	03/31/04	22 years	
Navarro, Juan J.	CID	San Antonio	08/31/03	21 years	
Rannefeld, Donnie G.	THP	Sweetwater	09/30/93	26 years	
Rhyne, George E.	CID	Houston	01/31/14	29 years	
Rhynsbarger, Robert A.	Aircraft	San Antonio	08/31/07	26 years	

Special Texas Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Parks, Kenneth R.	Texas Rangers	Beaumont	05/31/14	29 years	

Approved by the Public Safety Commission:

A. Cynthia Jean

Date:

3/14/14