

**MINUTES  
PUBLIC SAFETY COMMISSION  
AUGUST 15, 2013  
AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on August 15, 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** (0:00:06)

The meeting was called to order by Chairman Leon at 9:02 a.m. Proper notice had been posted.

**Approval of Minutes** (0:00:52)

**A motion was made by Commissioner Watson seconded by Commissioner Polunsky approving the minutes as submitted for June 3 and 4, 2013. Motion passed unanimously.**

**Director's Report** (0:01:29)

**A. Presentations**

**Director's Citation**

Trooper Frank Casares

Trooper Janell Roy

**Life Saving Award**

Sergeant Scott Hamilton

Sergeant Matthew Laselva

**Memorial Cross**

Trooper Sammy Long – presented to his wife, Martha Long

**Director's Award**

Kerr County Deputy Alex Monroe

**Certificate of Appreciation**

William "Austin" Banks

**Service Awards**

Donald Van Zandt – 45 years  
Charlene Cain – 40 years  
Gary Gilbert – 40 years  
John D. Reed – 40 years  
Angie Stabeno – 40 years  
Charles Longfellow – 40 years  
Margaret Morgan – 40 years  
Jesus Alatorre – 35 years  
Colonel David Baker – 35 years  
Ronald Kulak – 35 years  
Kenneth Pittman – 35 years  
Frank Woodall – 35 years  
Eduardo Longoria – 30 years

(0:40:06) The Commission adjourned for a small break at 9:42 a.m. before continuing with the agenda. The Commission reconvened at 9:53 a.m.

**Public Comment** (0:40:36)

Percy Richardson – Texas Committee for Employer Support of the Guard and Reserve (ESGR) presented the Department with an Above and Beyond Award for being nominated for the Secretary of Defense Employer Support Freedom Award for 2013. In addition, a Patriot Award was also presented to Wade Parks for his efforts.

The following individuals provided public comment regarding the private security 5-day rule, fingerprinting and Morpho Trust:

Howard Johnson – Howard Johnson Company and Private Security Board Vice Chair  
Mark Smith – Private Security Board Secretary  
Mike Samulin – Texas Burglar and Fire Alarm Association Liaison  
George Craig – Private Security, Corpus Christi  
Pete LaBonte – Private Security Licensee, San Antonio  
Samuel Shotts – Security Company Owner, Flower Mound  
Susan Griswold – Security Contractor, Houston

Commissioner Barth commented she had met with Howard Johnson and Mark Smith and has spent a considerable amount of time on this issue and is aware there is a problem with the contract. She feels comfortable with our current system being used in vetting backgrounds. In 2013, we have had 652 applications denied due to criminal backgrounds.

## **New Business** (1:42:39)

### **D.Report, discussion and possible action on Private Security regulatory oversight**

- Director McCraw advises that the number one complaint is electronic fingerprints.
- The current contract is due to expire next year (August 2014).
- 90% of the population is covered within 50 miles.
- The need to improve the refund process was just brought to our attention and will be addressed.
- Eliminate the 5-day grace period for submitting application to DPS and go with electronic prints.
- FBI is working on a national Wrap Back but it is currently not in place.
- DPS is not currently charging the private security the \$50 recovery fee but will begin charging the \$31.50 fee and \$5.00 per card issuance.

### **M.Report, discussion, and possible action on the proposed repeal of Private Security Rule for publication to receive public comment: 37 TAC Section 35.185, concerning Registration Deadline**

General Counsel Adkins requested to publish the rule to receive public comment. The proposed rule is needed to bring Private Security administrative rules into compliance with statute.

**A motion was made by Commissioner Barth seconded by Commissioner Brown approving proposed repeal of Private Security Rule 35.185 to receive public comment. Motion passed unanimously.**

Chairman Leon requested staff review documents received during public comment.

### **A.Discussion and possible action to approve Director salary increase to amount authorized by 83<sup>rd</sup> Legislature**

- General Counsel Adkins requested motion to raise the director's salary to \$183,498 as approved by the 83<sup>rd</sup> Legislature and the governing board must approve the salary increase.
- Director McCraw recommended adjusting his increase to comply with Schedule C (½ effective 9/13 and ½ effective 9/14).

### **B.Report, discussion and possible action on potential salary structure of senior management team**

- Director McCraw recommended salary adjustments for the Deputy Directors, Assistant Directors, Regional Commanders and Deputy Assistant Directors to comply with Schedule C distribution.

**A motion was made by Commissioner Watson seconded by Commissioner Polunsky approving the director's salary increase to \$183,498 effective September 1, 2013. Motion passed unanimously.**

**A motion was made by Commissioner Polunsky seconded by Commissioner Watson approving the proposed salary structure for the Deputy Directors, Assistant Directors, Regional Commanders and Deputy Assistant Directors effective September 1, 2013. Motion passed unanimously.**

C. Advise and consent on Driver License Division Assistant Director

-Director McCraw sought advise and consent to approve Joe Peters as the new Driver License Division Assistant Director.

**A motion was made by Commissioner Watson seconded by Commissioner Brown approving Joe Peters as the new Driver License Division Assistant Director. Motion passed unanimously.**

Director McCraw announced the appointment of Kent Radney to lead the DPS Application Project.

The Texas Rangers and IT were awarded the Excellence Award for Innovative Use of Technology and Collaboration in State Agencies and Higher Education for Operation Drawbridge.

Law Enforcement Services was awarded the Award of Excellence for Innovative Use of Technology and Collaboration for the Gateway Network Project with Harris County for the Broadband Network LTE.

E. Report, discussion and possible action on PSC Contract Review Policy, Contract Review Board and potential initiation of Justification Review Team

-AD Arriaga and Pam Smith (General Counsel) proposed a new contract process to expand the authority of the Contract Review Board to conduct reviews at initiation and prior to execution. This dual process will provide the Public Safety Commission with more timely information about the agency's proposed and awarded contracts.

**A motion was made by Commissioner Barth seconded by Commissioner Brown approving the new Contract Review policy and Contract Review Board. Motion passed unanimously.**

F. Report, discussion and possible action to authorize the Director to execute a deed conveying 0.147 acres of real property for highway purposes near the city of Big Spring, Texas to the Department of Transportation under the authority of Transportation Code, Section 203.055

AD Arriaga advises TxDOT plans to expand the right of way along I-20 in Big Spring which will require the acquisition of a small portion of DPS frontage property. The



appraised value of the land is \$9,050, which TxDOT has offered for the property. Funds will go into General Revenue.

**A motion was made by Commissioner Brown seconded by Commissioner Polunsky authorizing the director to execute the deed for land in Big Spring. Motion passed unanimously.**

G.Report, discussion and possible action on Deferred Maintenance Program for the repair and rehabilitation of DPS building and facilities including the following action items:

1.Adoption of a resolution authorizing a request for financing to be submitted to the Texas Public Finance Authority to finance the costs of projects;

2.Adoption of a resolution declaring the expectation to reimburse expenditures from proceeds of bonds to be issued by the Texas Public Finance Authority

-A Facility Condition Assessment was performed by Parsons in 2010 for all DPS owned facilities.

-Parsons study provided information to determine, quantify and prioritize deferred maintenance costs.

-As of 2010, \$190M in deferred maintenance was identified.

-83<sup>rd</sup> Legislature provided two types of funding for deferred maintenance:

-GAA Rider 45 - \$17M from General Revenue/Fund 6 (2 yr expiration). LBB requires a plan be submitted by 10/1/13 for approval before funds can be expended.

-General Obligation Bonds - \$15M (2 yr expiration) – Texas Public Finance Authority requires finance agreements, expenditure plans for Board approval before drawdown.

**A motion was made by Commissioner Brown seconded by Commissioner Watson approving the adoption of both resolutions. Motion passed unanimously.**

H.Report, discussion and possible action of IT Division Staff Augmentation Plan for FY2014

-AD Sarandos and DAD Celina Wilson reported it will take \$6.2M for a full year request for current staff.

-\$1.8M in funded mandates and \$4.2M in unfunded mandates.

**A motion was made by Commissioner Barth seconded by Commissioner Watson approving the IT Staff Augmentation Plan for FY2014. Motion passed unanimously.**

I.Report, discussion and possible action on Government Relations update

-Candace Nolte reported the conclusion of three Special Sessions and the forming of a new joint committee for HB1 (uses for the state highway fund).

-Recognition of legislative staffers in attendance: Heather Hill, Governor's Office; Kimberly Schmidt and Bob Reese, Lieutenant Governor's Office; Chelsea Overbeck, Senate Finance; Randy Vaughn, House Appropriations, John Wielmaker, Legislative Budget Board and Gretch Essell from Senator Estes' office.

J.Report, discussion and possible action regarding the proposed FY2014 Audit Plan

-Chief Auditor Goodson introduced Catherine Melvin as the new audit manager. Ms. Melvin comes to us from the Texas Lottery Commission.

-Proposal of the FY2014 audit plan consists of 22 project areas, resources reserved for 3 special requests with a focus on financial, federal grant compliance and information technology.

-CAO staff currently consists of 22 FTEs with 2 ½ openings. Chairman Leon has approved filling two positions.

**A motion was made by Commissioner Watson seconded by Commissioner Barth approving the proposed FY2014 Audit Plan. Motion passed unanimously.**

Ongoing Business (3:19:25)

B.Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office

-Nine projects have been completed since June 2013 resulting in five reports:

- Crime Laboratories
- Selected Performance Measures
- Privacy and Protection of Sensitive or Confidential Information
- Data Integrity in the Sex Offender Registry & TxGang Databases
- Division, Regional, and Headquarters Administrative Reviews: Five Projects

New Business (3:20:50)

K.Report, discussion and possible action on the Office of Inspector General

-Inspector General Fleming reported that Chapter 18.25 and Chapter 7A have been revised.

-Reorganization of OIG will consist of 2 Captains and 13 Lieutenants (previously had 4 Captains and a Deputy Inspector General)

-Currently takes 50 days to complete investigations and six months from open/close an OIG investigation

-Under the revision of Chapter 7A, it now takes (on average) 28 days to complete investigations and three months from open/close an OIG investigation

-IG Fleming asked for consent to take the Houston vacancy and make a 3<sup>rd</sup> Captain (3 Captains/12 Lieutenants/IG)

**A motion was made by Commissioner Brown seconded by Commissioner Watson approving the reorganization and taking Houston vacancy and making a third captain position. Motion passed unanimously.**

L.Report, discussion and possible action on Vehicle Inspection Advisory Committee Membership

-AD Bowie is seeking approval for the three current members of the committee to be reappointed: Gary Ray Dolezal, Navin Bhatia and Roy Baird. Term is for three years with no term limitations.

**A motion was made by Commissioner Polunsky seconded by Commissioner Barth approving the reappointments to the Vehicle Inspection Advisory Committee. Motion passed unanimously.**

N.Report, discussion, and possible action on proposals made pursuant to Government Code, Section 2001.039, Agency Review of Existing Rules for publication to receive public comment:

1.Repeal of Criminal Law Enforcement Rule, 37 TAC Sections 5.51 – 5.71, concerning Multicounty Drug Task Forces

-AD Ruocco advised that repeal is needed since Multicounty Drug Task Forces no longer exists.

**A motion was made by Commissioner Brown seconded by Commissioner Watson approving Repeal of Criminal Law Enforcement Rule, Section 5.51 – 5.71 for publication. Motion passed unanimously.**

2.Amendments to Public Safety Communications Rules, 37 TAC Sections 9.1 – 9.3, concerning Disaster Communications

-AD Kidd advised that the only amendments had to do with name changes and acronym updates.

**A motion was made by Commissioner Watson seconded by Commissioner Brown approving Amendments to Public Safety Communications Sections 9.1 – 9.3 for publication. Motion passed unanimously.**

AD Kidd and his wife were recently appointed to the FEMA National Advisory Council.

**Ongoing Business** (3:34:34)

E.Report, discussion, and possible adoption of proposals made pursuant to Government Code, Section 2001.039, Agency Review of Existing Rules as previously published:

1.Amendments to Chapter 7, 37 TAC Sections 7.31, 7.11 – 7.13, 7.42, and 7.43, concerning Texas Division of Emergency Management

-AD Kidd advised no public comments were received.

**A motion was made by Commissioner Barth seconded by Commissioner Brown adopting amendments to Chapter 7, Sections 7.31, 7.11 – 7.13, 7.42 and 7.43. Motion passed unanimously.**

**Adjourn Into Executive Session** (3:35:45)

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 12:48 p.m.

(3:36:30) The Public Safety Commission reconvened this open session at 2:15 p.m. Commissioners present were Chairman Leon, Commissioners Carin Barth, Ada Brown, Allan Polunsky and Randy Watson.

**Ongoing Business** (3:36:48)

**A.Report, discussion and possible action on the Annual Year 2014 Operating Budget including Federal Seized Funds**

-AD Hudson is seeking approval of the 2014 budget.

-Action Item – solo contracts were pulled together under Enterprise Contracts as a pooled cost item (i.e. utilities, rent, etc.). Divisions also provided detailed plans on how they intend to spend money.

-Added \$67M Exceptional Items (new salary increases are not included and will be added monthly)

-\$1.4B budget /9,165 FTEs

-Federal Seized Funds - \$3.2M for new purchase of a new aircraft, \$1M for training and aircraft parts, THP In Car Videos, \$450,000 Ranger equipment, \$300,000 seized funds database and SWAT equipment for a total of \$11M

**A motion was made by Commissioner Brown seconded by Commissioner Barth adopting the AY 2014 Operating Budget. Motion passed unanimously.**

**Reports** (3:43:39)

**B.Finance Report**

AD Hudson reported on Unappropriated Collections Revenue.

**Ongoing Business** (3:44:43)

**C.Update report, discussion and possible action regarding recruitment**

-AD Woodall reported we had 136 recruits for the B13 recruit school that began July 14, 2013

-124 reported for testing, 2 were unable to meet needs, leaving a total of 122

-To date, 14 recruits have left the program (11 reported they were not mentally and physically ready)

-1,892 applicant have applied for the A14 recruit school which will begin January 2014 (1,080 are currently in testing)

-Currently working with Austin Police Department on fitness standards of training and training and recruitment of females and minorities.

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

**1.IBM – TLETS Upgrade – Information Technology**

**2.Motorola Portable Radios – Law Enforcement Support**

**3.TrapWire – Intelligence and Counter Terrorism**

**4.Municipal Services Bureau (Driver Responsibility Program) modification – Driver License Division**

**5.Cisco Telecommunication Equipment – Information Technology**

**6.Application Development and Maintenance – Law Enforcement Support and Regulatory Services Division**

**7.Additional Contract Review Board items, as needed**

Commissioner Barth commented that the Driver Responsibility Program is asking for a 16 month extension and believes it can and should be done quicker. Efforts will be made to complete within 6 months versus 16 months.

**E.Report, discussion, and possible adoption of proposals made pursuant to Government Code, Section 2001.039, Agency Review of Existing Rules as previously published:**

**2.Amendments to Chapter 21, 37 TAC Section 21.5 and Section 21.9, concerning Equipment and Vehicle Safety Standards**

AD Gonzalez reported no public comment was received.

**A motion was made by Commissioner Brown seconded by Commissioner Polunsky adopting amendments to Chapter 21, Section 21.5 and 21.9 concerning Equipment and Vehicle Safety Standards. Motion passed unanimously.**

**3.Amendments to Chapter 28, 37 TAC Sections 28.1, 28.7, 28.24, 28.61 – 28.67, 28.109, 28.128, and 28.130, concerning DNA, CODIS, Forensic Analysis, and Crime Laboratories**

AD Hearn reported no public comment was received.

**A motion was made by Commissioner Polunsky seconded by Commissioner Barth adopting amendments to Chapter 28, Sections 28.1, 28.7, 28.24, 28.61 – 28.67, 28.109, 28.128, and 28.130, concerning DNA, CODIS, Forensic Analysis, and Crime Laboratories. Motion passed unanimously.**

F.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

Director McCraw reported that the Homeland Security box has been eliminated and responsibilities placed back under Chief of Staff and a box has been added for Education, Training and Research.

**Reports** (4:07:40)

A.Commission member reports and discussion - none

C.Chief Auditors Office - none

D.Division status reports on activities and action - none

Driver License – Joe Peters there have been 74 inquiries and 7 election identification certificates issued

**Consent Items** (4:08:44)

A.Discussion and possible action on the Director's action of discharging probationary employees: Chinonye Okere, Jo Anna Landry, Ricardo Ibarra, Eugene Washington, Mustafa Alkaraoui, Heneritta Brown, Christopher Nolan and Gary Anderson

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: Liovijildo Arrieta, Ralph E. Billings, Lewis A. Hodges, Huey Sigers Jr., Robert B. Stinson, Larry D. Watson, Arthur R. Williams, Eric J. Williams, Hector Rocha Luevano and David Charles Sandlin

C.Donations

1. (2) Horses and Stable Property Donation – Region 7 – Capitol Complex

2. Lenco Bear Cat Armored Vehicle Donation – Texas Rangers

3. Integrated Armor Donation of Humvee – Texas Rangers

**A motion was made by Commissioner Polunsky seconded by Commissioner Watson adopting Consent Items A, B, and C. Motion passed unanimously.**

**Items for Future Agenda** (4:15:47)

None at this time.


**Date for Future Meeting** (4:16:09)

Discharge hearings will be held on October 16, 2013, and the Public Safety Commission meeting will be held October 17, 2013.

**Adjourn** (4:16:27)

The meeting was adjourned at 2:55 p.m.

Read and approved this 17<sup>th</sup> day of October, 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 |
|-------------------|---|-------------------|
| Chinonye Okere    | Customer Service Representative/Driver License        | 06/04/13          |
| Jo Anna Landry    | Customer Service Representative/Driver License        | 06/05/13          |
| Ricardo Ibarra    | Probationary Trooper/Highway Patrol                   | 06/11/13          |
| Eugene Washington | Monitoring Compliance Specialist/Chief of Staff       | 06/25/13          |
| Mustafa Alkaraoi  | Trooper Trainee Intern/Education, Training & Research | 06/28/13          |
| Heneritta Brown   | Customer Service Representative/Driver License        | 07/19/13          |
| Gary Anderson     | Custodian/Administration                              | 07/23/13          |
| Christopher Nolan | Customer Support Specialist/Driver License            | 07/31/13          |

Approved:

A. Cynthia Leon, Chair  
Public Safety Commission

Date: August 15, 2013



**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS****August 15, 2013****Special Ranger Applicants:**

| <b>Name</b>         | <b>Division</b> | <b>Service/Station</b> | <b>Retire Date</b> | <b>Years of Service</b> | <b>Approved</b> |
|---------------------|-----------------|------------------------|--------------------|-------------------------|-----------------|
| Arrieta, Liovijildo | THP             | Midland                | 08/31/07           | 24 years                |                 |
| Billings, Ralph E.  | THP             | Fairfield              | 10/31/99           | 26 years                |                 |
| Hodges, Lewis A.    | CID             | Bryan                  | 05/31/13           | 25 years                |                 |
| Luevano, Hector R.  | THP             | CVE/Uvalde             | 08/31/10           | 28 years                |                 |
| Sandlin, David C.   | THP             | Houston                | 06/30/09           | 29 years                |                 |
| Sigers, Jr., Huey   | THP             | HP/Anahuac             | 04/25/00           | 26 years                |                 |
| Stinson, Robert B.  | CID             | Texarkana              | 08/31/03           | 26 years                |                 |
| Watson, Larry D.    | THP             | Dallas                 | 02/28/01           | 20 years                |                 |
| Williams, Arthur R. | THP             | HP/Houston             | 05/31/13           | 22 years                |                 |
| Williams, Eric J.   | CID             | Houston                | 05/31/13           | 24 years                |                 |

**Special Texas Ranger Applicant:**

| <b>Name</b> | <b>Division</b> | <b>Service/Station</b> | <b>Retire Date</b> | <b>Years of Service</b> | <b>Approved</b> |
|-------------|-----------------|------------------------|--------------------|-------------------------|-----------------|
| None        |                 |                        |                    |                         |                 |
|             |                 |                        |                    |                         |                 |

Approved by the Public Safety Commission on: 8/15/13  
Chairman

**RESOLUTION BY THE PUBLIC SAFETY COMMISSION  
OF THE STATE OF TEXAS**

WHEREAS, 0.147 of an acre of real property, located at Southside of Interstate Highway 20, just west of the Big Spring Airpark and Industrial Park, in Howard County, Texas ("Property") is currently deeded to the State of Texas for the use and benefit of the Texas Department of Public Safety ("TXDPS");

WHEREAS, the Texas Department of Transportation ("TXDOT") has requested to purchase fee simple title to the Property for state highway purposes in exchange for consideration of \$9,050;

WHEREAS, the authority for TXDOT to acquire state agency real property and for a state agency to convey real property to TXDOT is found in Chapter 203 of the Texas Transportation Code, Subchapter D;

WHEREAS, Texas Transportation Code, Section 203.055 authorizes a state agency to convey to TXDOT real property that may be necessary to accomplish TXDOT's purposes—on terms the state agency determines to be reasonable and fair and without advertisement or other action, other than the regular and formal action of the agency concerned;

WHEREAS, Texas Transportation Code, Section 203.058 requires that TXDOT adequately compensate a state agency for real property acquired by TXDOT under Subchapter D; and

WHEREAS, an independent, certified appraiser has appraised the value of the Property at \$9,050 which is equal to the consideration offered by TXDOT;

**BE IT RESOLVED BY THE PUBLIC SAFETY COMMISSION OF THE STATE OF TEXAS:**

That the conveyance of the Property by TXDPS to TXDOT is hereby approved.

That the Director of TXDPS is hereby authorized to execute all necessary documents and instruments to effectuate the conveyance of the Property to TXDOT.

This resolution was considered and approved by a majority of the members of the Public Safety Commission of the State of Texas at its Open Meeting held on the 15th day of August, 2013, in Travis County, Texas.

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

A. Cynthia Leon, Chair of the Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 15, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Texas Division of Emergency Management  
Title 37 T.A.C. Part I, Chapter 7  
Subchapter A  
Section 7.3

The Texas Department of Public Safety (the department) adopts amendments to Section 7.3, concerning Notification Required. These amendments are adopted without changes to the proposed text as published in the June 21, 2013 issue of the *Texas Register* (38 TexReg 3889) 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 a current website address and update titles. The title of the chapter has also been updated to be consistent with the name of the division in Government Code, Section 418.005(2).

No comments were received regarding the adoption of these amendments.

This adoption is made 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 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 15, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Texas Division of Emergency Management  
Title 37 T.A.C. Part I, Chapter 7  
Subchapter B  
Sections 7.11 – 7.13

The Texas Department of Public Safety (the department) adopts amendments to Sections 7.11 – 7.13, concerning Emergency Management Planning and Preplanning Requirements. These amendments are adopted without changes to the proposed text as published in the June 21, 2013 issue of the *Texas Register* (38 TexReg 3890) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this chapter and determined an update to these rules was necessary to reflect a current website address and update titles. The title of the chapter has also been updated to be consistent with the name of the division in Government Code, Section 418.005(2).

No comments were received regarding the adoption of these amendments.

This adoption is made 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 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 15, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Texas Division of Emergency Management  
Title 37 T.A.C. Part I, Chapter 7  
Subchapter D  
Section 7.42 and Section 7.43

The Texas Department of Public Safety (the department) adopts amendments to Section 7.42 and Section 7.43, concerning Recovery and Rehabilitation Requirements. These amendments are adopted without changes to the proposed text as published in the June 21, 2013 issue of the *Texas Register* (38 TexReg 3891) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this chapter and determined an update to this subchapter was necessary to reflect a current website address and update titles. The title of the chapter has also been updated to be consistent with the name of the division in Government Code, Section 418.005(2).

No comments were received regarding the adoption of these amendments.

This adoption is made 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 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 15, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Equipment and Vehicle Safety Standards  
Title 37 T.A.C. Part I, Chapter 21  
Section 21.5 and Section 21.9

The Texas Department of Public Safety (the department) adopts amendments to Section 21.5 and Section 21.9, concerning Equipment and Vehicle Safety Standards. These amendments are adopted without changes to the proposed text as published in the June 21, 2013 issue of the *Texas Register* (38 TexReg 3892) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this chapter and determined an update to these rules was necessary to update a title and correct typographical errors.

No comments were received regarding the adoption of these amendments.

This adoption is made 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 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 15, 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 A  
Section 28.1 and Section 28.7

The Texas Department of Public Safety (the department) adopts amendments to Section 28.1 and Section 28.7, concerning Definitions and General CODIS Provisions. These amendments are adopted without changes to the proposed text as published in the June 21, 2013 issue of the *Texas Register* (38 TexReg 3893) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this chapter and determined an update to these rules was necessary to reflect current website, e-mail, and physical mailing addresses and to remove names of state agencies no longer in existence.

No comments were received regarding the adoption of these amendments.

This adoption is made 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 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 15, 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 B  
Section 28.24

The Texas Department of Public Safety (the department) adopts amendments to Section 28.24, concerning DNA Records Access. These amendments are adopted without changes to the proposed text as published in the June 21, 2013 issue of the *Texas Register* (38 TexReg 3894) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this chapter and determined an update to these rules was necessary to reflect current website, e-mail, and physical mailing addresses and to remove names of state agencies no longer in existence.

No comments were received regarding the adoption of these amendments.

This adoption is made 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 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 15, 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 D  
Sections 28.61 – 28.67

The Texas Department of Public Safety (the department) adopts amendments to Sections 28.61 – 28.67, concerning CODIS Responsibilities of the Texas Juvenile Justice Department. These amendments are adopted without changes to the proposed text as published in the June 21, 2013 issue of the *Texas Register* (38 TexReg 3895) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this chapter and determined an update to these rules was necessary to change the name of the Texas Youth Commission (TYC) to the Texas Juvenile Justice Department (TJJD) pursuant to 82nd Texas Legislature, SB 653, which transferred the operations of TYC to TJJD on December 1, 2011.

No comments were received regarding the adoption of these amendments.

This adoption is made 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 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 15, 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 G  
Section 28.109

The Texas Department of Public Safety (the department) adopts amendments to Section 28.109, concerning CODIS Communications. These amendments are adopted without changes to the proposed text as published in the June 21, 2013 issue of the *Texas Register* (38 TexReg 3896) 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 website and e-mail addresses.

No comments were received regarding the adoption of these amendments.

This adoption is made 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 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 15, 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 H  
Section 28.128 and Section 28.130

The Texas Department of Public Safety (the department) adopts amendments to Section 28.128 and Section 28.130, concerning Database Records. These amendments are adopted without changes to the proposed text as published in the June 21, 2013 issue of the *Texas Register* (38 TexReg 3896) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this chapter and determined an update to these rules was necessary to reflect current website and e-mail addresses and update a state agency name.

No comments were received regarding the adoption of these amendments.

This adoption is made 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 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