

MINUTES
PUBLIC SAFETY COMMISSION
October 13, 2016
AUSTIN, TX

The Public Safety Commission met in Austin, Texas on October 13, 2016. 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 (0:00:08)

The meeting was called to order by Chairman Leon at 10:00 a.m. Proper notice had been posted.

APPROVAL OF MINUTES (0:00:42)

A motion was made by Commissioner Johnson, seconded by Commissioner Mach, approving the minutes from the August 24th and 25th, 2016 meetings. Motion passed unanimously.

PRESENTATIONS (0:02:19)

Service Awards

Ben Amoles – 30 years
Lillie Garcia – 30 years
Anita Minchew – 30 years
Leo Pena – 30 years
Stacy Williamson – 30 years
Kenneth Evans – 35 years
Carolyn Hernandez – 35 years
Joe Peters – 35 years
Victor Taylor – 35 years
Willie Adams – 40 years
Teodoso Cespedes – 40 years
Bonifacio Esquivel – 40 years
Taft Green – 40 years
Daniel Mateson – 40 years
Joseph Robinson – 40 years
Joe Haralson – 45 years

Lifesaving Award

Sergeant Brad Gibson
Trooper Robert Bowden
Trooper Mathew Ferguson

Purple Heart Award

Trooper Kimberly Ousman

(0:26:42) Break 10:27 – 10:41 a.m.

(0:26:50) Chairman Leon acknowledged the following individuals attending the meeting:

Libby Elliott – Governor's Office
Suzanne Mackowiak – Lieutenant Governor's Office
Brian Shoefelt – Rep Click's office
Hanna Bell – Rep White's office

PUBLIC COMMENT (0:28:11)**Sheila Hemphill (Policy Advisor) and Coleman Hemphill (Executive Director) – Texas Hemp Industries Association**

Ms. Hemphill made the following comments:

- She asserted that there is confusion regarding the compassionate use field that use to be 0.5% THC and at least 10% Cannabidiol and the 2014 Farm Bill that defined industrial hemp to be 0.3% or less.
- She asserted that CBD is a non-psychoactive molecule of the Cannabis Sativa L plant. She stated that a THC concentration level of 0.3% or less is considered industrial hemp and industrial hemp products are safe, legal and can be purchased on-line and are on shelves of hundreds of retail locations in Texas. She asserted that scientific reports show positive health benefits with no psychoactive attributes.
- They are pursuing upcoming legislation for more research and the ability for farmers to grow in Texas. Thirty-one states currently have legislation in place to grow commercial hemp.
- Five distinct products not defined as marijuana: seed, oil, resin, wooded chips and the sterilized seed
- In 2014, \$624 million in products were imported from Canada. If legislation passes and Texas farmers are able to grow this plant, it would revitalize the economy.
- Appreciate how DPS has handled this issue

Debbie Callahan (Driving Instructor) – Houston Area Driving Schools

- Impact Texas Teen program is amazing but it's lost its momentum
- Statewide Crisis: Young people are waiting until they are much older to get their driver license (25+ years of age) as they graduate from graduate school, they have to get a job and the current wait time to schedule a drive test at the Houston mega center is December 2, 2016 (2 months or later)

Mary Gregory – (Driving Instructor) – Gregory's Driving School

- Works mostly with adults who are in need of jobs and can't afford to wait three months to get a drive test in Laredo

AD Joe Peters stated they are currently working on this phase of third party testing for adults and are waiting for the vendor, Impact Texas Driver, to complete their programming. Do not have a definite date for rollout but hope to have it up by the end of the year.

DIRECTORS REPORT (0:45:35)

Director McCraw provided the following update:

- 10/4/16 – Testified before the Senate Criminal Justice Committee chaired by Senator John Whitmire and vice-chair Joan Huffman. Senator Royce West was also in attendance.
- Panel included representatives from two police officer unions (CLEAT and Houston PD), James Douglas (President of Houston Branch of NAACP), Bishop Richard James Dixon, Police Chief Art Acevedo (Austin PD) and Director McCraw
- Interim charge for discussion was to review law enforcement efforts and engage community leaders and increase their involvement in communities and racial profiling.
- Working with Senator West on his recommendation to update the Driver License Handbook to educate those individuals applying for a driver license on what they should expect and what they should do if stopped by a law enforcement officer.
- How does a citizen know where to issue a complaint? DPS web page has been revised. They can call, send a letter or email and we will initiate an internal investigation through the Office of Inspector General (instructions are on our web page as well). Senator West asked if it were possible to have a phone number at the bottom of each citation for complaints. We responded to that request immediately and should have that rolled out in our in-car computer system at 10:00 a.m. this morning. All citations now have a phone number at the bottom where you can call to voice a compliment or complaint.
- Commended for quick release of Sandra Bland video and prompt actions in the matter by Senator West.

- Periodic and random reviews of trooper stop videos are conducted. Videos are secured and maintained for at least 90 days; unless a complaint is received then it's kept until conclusion of the investigation. If allegation involved racial profiling, video is maintained indefinitely.
- Moving forward with getting body cameras for commissioned personnel; need to make sure we get the right equipment. Can't afford to store video data on device; will need to be downloaded and stored by the sergeant.
- Compliments – letters addressed to the director are issued responses and copies are placed in the employee's permanent file. Citizen compliments are also posted in our weekly electronic publication, *DPS News*.
- Joint Committee on Border Security hearing schedule next week.
- Pilatus to be delivered in December and will be stationed in the Rio Grande Valley
- Residual Impacts:
 - *Decrease in the amount of smuggling between Ports of Entry
 - *Decrease in the amount of drugs being seized at the interior checkpoints
 - *Decrease in pursuits/bailouts in the interior counties
 - *Decrease in overall amount of drugs smuggled into Texas DPS
 - *Decrease in crime
 - *Increase in the amount of smuggling on the international bridges and adjoining areas

NEW BUSINESS

A. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:

1. Repeal and proposed new 37 TAC Section 15.7, concerning Occupational License (Essential Need) (1:24:00)
2. Amendments to 37 TAC Section 15.30, concerning Identification Certificates
3. Amendments to 37 TAC 15.36, concerning Applications for Duplicates and Corrections
4. Repeal and proposed new 37 TAC Section 15.59, concerning Alternate Methods for Driver License Transactions

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, to approve New Business, Items A1 - A4, to receive public comment. Motion passed unanimously.

5. Amendment to 37 TAC Section 23.5, concerning Vehicle Inspection Station and Vehicle Inspector Disqualifying Criminal Offenses (1:27:40)
6. Amendments to 37 TAC Chapter 12, concerning Compassionate-Use/Low-THC Cannabis Program

(a) Amendments to 37 TAC Sections 12.1 – 12.4, 12.7, 12.8 and proposed new Section 12.9, concerning General Provisions

(b) Amendments to 37 TAC Sections 12.11, 12.14, and 12.15, concerning Application and Renewal

(c) Amendments to 37 TAC Section 12.21 and Section 12.23, concerning Compliance and Enforcement

(d) Amendments to 37 TAC Section 12.31 – 12.34, concerning Security

(e) Amendments to 37 TAC Section 12.41 and Section 12.42, concerning Compassionate-Use Registry

A motion was made by Commissioner Mach, seconded by Commissioner Watson, to approve New Business, Items A5 – A6e, to receive public comment. Motion passed unanimously.

B. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)

To be discussed during Executive Session.

ONGOING BUSINESS

A. Report, discussion, and possible adoption of the following previously published rules:

1. Repeal of 37 TAC Chapter 13, Subchapters A – E and H – N and proposed new Subchapters A – D, concerning Controlled Substances Program (1:32:50) No comments.

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving adoption of Ongoing Business, Item A1. Motion passed unanimously.

2. Amendments to 37 TAC Section 23.41 and Section 23.42, concerning Vehicle Inspection Items, Procedures, and Requirements (1:34:09) No comments.

A motion was made by Commissioner Flores, seconded by Commissioner Watson, approving adoption of Ongoing Business, Item A2. Motion passed unanimously.

3. New 37 TAC Sections 27.171 – 27.174, concerning Criminal History Clearinghouse (1:35:07) No comments.

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving adoption of Ongoing Business, Item A3. Motion passed unanimously.

B. Update, report, discussion and possible action regarding recruitment (1:36:11)

AD Woodall provided an update on recruitment:

-Command College graduation is scheduled for 11/17/16 at 10:00 a.m.

-C-2016 School is currently doing driver training in Florence and will graduate on 12/16/16 – 116 recruits (28% attrition)

- D-2016 School currently at 141 recruits (11% attrition), graduation scheduled 2/24/17
- Actively recruiting for five recruit schools

C. 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 (1:38:48)

None.

D. 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 (1:39:00)

None.

E. 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 (1:39:08)

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 (1:39:19)

A. Advice and consent regarding Director's determination that a certain probationary employee was found unsuitable for work during September 2016

B. Discussion and possible action on appointments of and renewals of Special Rangers and Special Texas Rangers pursuant to Government Code Chapter 411, Secs. 411.023 & 411.024: Special Rangers: Gary W. Cornett, Jamie R. Duke, Kevin L. Galyon, Robert J. Hawkins, Timothy B. Kelm, Enrique Muniz, Kenneth E. Musick, Johnny e. Prince, Ronald C. Richey, Gerald P. Salas; Special Texas Rangers: Ronald E. Duff and Leslie B. Long

C. Donations:

1. One (1) Percheron Horse, Duncan – Region 7, Capitol Complex

2. Use of Needmore Ranch – Ranger Company "D"

3. Use of Beaver Creek Ranch – Ranger Company "F"

4. Use of Kinsel Ranch – Regional Commanders

5. Additional donation items, as needed

Commissioner Mach noted that CRB has reclassified some items that have been received as donations (i.e. donations of use of ranches during continuous education and conferences).

A motion was made by Commissioner Johnson, seconded by Commissioner Mach, approving Consent Items A - C. Motion passed unanimously.

AD Arriaga presented a report outlining the donation process:

-If gift/donation is valued below \$500, proposal is presented to appropriate Assistant Director who verifies if the gift falls within acceptable guidelines. If it does, it will be accepted.

-If gift/donation is valued above \$500, proposal is presented to appropriate Assistant Director who verifies if the gift falls within acceptable guidelines. If it does, it is referred to the Donation Review Board to determine if it is in compliance with guidelines and capable of being accepted.

-Questions for Donations:

- *Fair Market Value of Gift

- *Cost Benefit Analysis of Acceptance of Gift

- *Description of the gift and how it advances a statutory purpose or mission of the agency

- *Description of any requests for consideration for giving the gift

- *Is the donor a previous, current or likely future vendor to the Department?

- *Is the donor subject to regulation by DPS?

- *Who is responsible for communicating with the donor?

- *Have we received previous gifts/donations from this person/organization?

ITEMS FOR FUTURE AGENDA (1:46:41)

DATE FOR FUTURE MEETING (1:46:57)

Any discharge hearings will be scheduled on December 14, 2016, and the regular Public Safety Commission meeting is scheduled for December 15, 2016. Recruit Graduation is scheduled December 16, 2016.

ADJOURN INTO EXECUTIVE SESSION

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 12:02 p.m.


(1:48:13) The Public Safety Commission reconvened in open session at 3:33 p.m. Commissioners present were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores, Steven Mach and Randy Watson.

ADJOURN

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

The meeting was adjourned at 3:35 p.m.

Read and approved this 15th day of December, 2016.


Chairman

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On October 13, 2016, 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 repeal of §13.1, concerning Definitions. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6946) and will not be republished.

The repeal of §13.1 is filed simultaneously with proposed new Chapter 13. This repeal, and the proposal of new Chapter 13, is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13. This also provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This repeal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, 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
Sections 13.21 – 13.27

The Texas Department of Public Safety (the department) adopts the proposed repeal of §§13.21 – 13.27, concerning Registration. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6951) and will not be republished.

The repeal of §§13.21 - 13.27 is filed simultaneously with proposed new Chapter 13. This repeal, and the proposal of new Chapter 13, is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13. This also provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This repeal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter C
Sections 13.41 – 13.58

The Texas Department of Public Safety (the department) adopts the proposed repeal of §§13.41 – 13.58, concerning Peyote. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6955) and will not be republished.

The repeal of §§13.41 - 13.58 is filed simultaneously with proposed new Chapter 13. This repeal, and the proposal of new Chapter 13, is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13. This also provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This repeal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, 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 – 13.83

The Texas Department of Public Safety (the department) adopts the proposed repeal of §§13.71 – 13.83, concerning Texas Prescription Program. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6957) and will not be republished.

The repeal of §§13.71 - 13.83 is filed simultaneously with proposed new Chapter 13. This repeal, and the proposal of new Chapter 13, is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13. This also provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This repeal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter E
Sections 13.101 – 13.117

The Texas Department of Public Safety (the department) adopts the proposed repeal of §§13.101 – 13.117, concerning Precursors and Apparatus. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6957) and will not be republished.

The repeal of §§13.101 - 13.117 is filed simultaneously with proposed new Chapter 13. This repeal, and the proposal of new Chapter 13, is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13. This also provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This repeal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, 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 proposed new §13.1, concerning Definitions. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6947) and will not be republished.

Proposed new §13.1 is filed simultaneously with the repeal of current §13.1. This proposal and the repeal of current §13.1 is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13, and provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, 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
Sections 13.11 – 13.25

The Texas Department of Public Safety (the department) adopts proposed new §§13.11 – 13.25, concerning Precursor Chemical Laboratory Apparatus (PCLA). This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6948) and will not be republished.

Proposed new §§13.11 - 13.25 is filed simultaneously with the repeal of current Subchapter B, concerning Registration. This proposal, and the repeal of current Subchapter B, is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13, and provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter C
Sections 13.31 – 13.44

The Texas Department of Public Safety (the department) adopts proposed new §§13.41 – 13.44, concerning Peyote Distributors. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6952) and will not be republished.

Proposed new §§13.31 - 13.44 is filed simultaneously with the repeal of current Subchapter C, concerning Peyote. This proposal, and the repeal of current Subchapter C, is necessary in part to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13, and provides an opportunity to consolidate and update the administrative rules of the Peyote Distributor Registration program. Specifically, proposed §13.43, relating to Exemption from Penalty for Failure to Renew in Timely Manner, and proposed §13.44, relating to Extension of License Renewal Deadlines for Military Members, are necessary to implement the requirements of Occupations Code, Chapter 55 as amended by Senate Bill 1307, 84th Legislative Session. This bill requires the creation of exemptions and extensions for occupational license applications and renewals for military service members, military veterans, and military spouses.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, Texas Health and Safety Code, §481.003, which authorizes the Public Safety Commission to adopt rules to administer and enforce Chapter 481 of the Health and Safety Code, and Occupations Code, §55.02 which authorizes a state agency that issues a license to adopt rules to exempt an individual who holds a license issued by the agency from an increased fee or other penalty imposed by the agency for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the agency that the individual failed to renew the license in a timely manner because the individual was serving as a military service member.

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 October 13, 2016, 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
Section 13.51

The Texas Department of Public Safety (the department) adopts proposed new §13.51, concerning Ephedrine, Pseudoephedrine, and Norpseudoephedrine. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6956) and will not be republished.

Proposed new §13.51 is filed simultaneously with the repeal of current Subchapter E, concerning Precursors and Apparatus, within which current §13.112, concerning Ephedrine, Pseudoephedrine, and Norpseudoephedrine, appears. This proposal, and the repeal of current Subchapter E, is being proposed in conjunction with the repeal and amendment of significant portions of Chapter 13 necessitated by the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The need to amend significant portions of Chapter 13 provides an opportunity to update the administrative rule relating to Ephedrine, Pseudoephedrine, and Norpseudoephedrine.

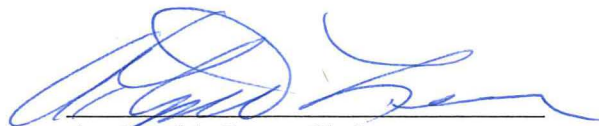
No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter H
Sections 13.181 – 13.187

The Texas Department of Public Safety (the department) adopts the proposed repeal of §§13.181 – 13.187, concerning Security. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6958) and will not be republished.

The repeal of §§13.181 - 13.187 is filed simultaneously with proposed new Chapter 13. This repeal, and the proposal of new Chapter 13, is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13. This also provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This repeal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter I
Sections 13.201 – 13.209

The Texas Department of Public Safety (the department) adopts the proposed repeal of §§13.201 – 13.209, concerning Record Keeping. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6959) and will not be republished.

The repeal of §§13.201 - 13.209 is filed simultaneously with proposed new Chapter 13. This repeal, and the proposal of new Chapter 13, is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13. This also provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This repeal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter J
Sections 13.221 – 13.224

The Texas Department of Public Safety (the department) adopts the proposed repeal of §§13.221 – 13.224, concerning Inventory. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6960) and will not be republished.

The repeal of §§13.221 - 13.224 is filed simultaneously with proposed new Chapter 13. This repeal, and the proposal of new Chapter 13, is necessary to implement Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13. This also provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This repeal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter K
Sections 13.231 – 13.237

The Texas Department of Public Safety (the department) adopts the proposed repeal of §§13.231 – 13.237, concerning Inspection. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6960) and will not be republished.

The repeal of §§13.231 - 13.237 is filed simultaneously with proposed new Chapter 13. This repeal, and the proposal of new Chapter 13, is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13. This also provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This repeal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter L
Sections 13.251 – 13.254

The Texas Department of Public Safety (the department) adopts the proposed repeal of §§13.251 – 13.254, concerning Reporting Discrepancy, Loss, Theft, or Diversion. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6961) and will not be republished.

The repeal of §§13.251 - 13.254 is filed simultaneously with proposed new Chapter 13. This repeal, and the proposal of new Chapter 13, is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13. This also provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This repeal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter M
Sections 13.271 – 13.278

The Texas Department of Public Safety (the department) adopts the proposed repeal of §§13.271 – 13.278, concerning Denial, Revocation, and Related Disciplinary Action. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6962) and will not be republished.

The repeal of §§13.271 - 13.278 is filed simultaneously with proposed new Chapter 13. This repeal, and the proposal of new Chapter 13, is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13. This also provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This repeal is adopted pursuant to Texas Government Code, §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, §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 October 13, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter N
Sections 13.301 – 13.305

The Texas Department of Public Safety (the department) adopts the proposed repeal of §§13.301 – 13.305, concerning Administrative Penalties and Hearings. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6962) and will not be republished.

The repeal of §§13.301 - 13.305 is filed simultaneously with proposed new Chapter 13. This repeal, and the proposal of new Chapter 13, is necessary to implement the requirements of Texas Health and Safety Code, Chapter 481 as amended by Senate Bill 195, 84th Legislative Session. The bill eliminates the Controlled Substance Registration program and transfers the Prescription Drug Monitoring program to the Texas Board of Pharmacy. The bill thus necessitates the repeal of significant portions of Chapter 13. This also provides an opportunity to consolidate and update the administrative rules of the two remaining programs, the Precursor Chemical and Laboratory Apparatus permitting program and the Peyote Distributor Registration program.

No comments were received regarding the adoption of this proposal.

This repeal is adopted pursuant to Texas Government Code, §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, §481.003, which authorizes the Public Safety Commission to adopt rules to administer and enforce Chapter 481 of the Health and Safety Code.

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 October 13, 2016, 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 proposed amendments to §23.41 and §23.42, concerning Vehicle Inspection Items, Procedures, and Requirements. The department initially published proposed amendments to §23.41 and §23.42 in the July 1, 2016 issue of the *Texas Register* (41 TexReg 4785). In response to errors noted by department staff, the department withdrew the July 1st proposal and republished proposed amendments to §23.41 and §23.42 in the August 12, 2016 issue of the *Texas Register* ((41 TexReg 5964). This proposal is adopted without changes to the proposed text as published in the August 12, 2016 issue of the *Texas Register* (41 TexReg 5964) and will not be republished.

The amendments reflect changes to the attached graphics, including the addition of the center mounted brake light as a required component of the vehicle inspection procedure for stop lamps, along with general updates relating to the vehicle inspection program required by Transportations Code, Chapter 548.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, §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, §548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

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 October 13, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Crime Records
Title 37 T.A.C. Part I, Chapter 27
Subchapter M
Sections 27.171 – 27.174

The Texas Department of Public Safety (the department) adopts proposed new §§27.171 – 27.174, concerning Criminal History Clearinghouse. This proposal is adopted without changes to the proposed text as published in the September 9, 2016 issue of the *Texas Register* (41 TexReg 6963) and will not be republished.

The department is responsible for establishing and maintaining an electronic clearinghouse and subscription service to provide Texas and Federal Bureau of Investigation (FBI) criminal history record information to authorized entities. The department is the record creation point for the computerized criminal history system maintained by the state and is the control terminal for entry of records, in accordance with federal law, rule and policy, into the federal records systems maintained by the FBI. Due to changes in the FBI subscription service, the department is required to have rules to clarify the process for obtaining criminal history record information from the department and the FBI. The department has authority under Texas Government Code, §411.042(g)(6) to establish rules as necessary to establish guidelines for the department's criminal history clearinghouse established under Texas Government Code, §411.0845.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, §411.004(3) which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; §411.042(g)(6), which authorizes the department to adopt reasonable rules relating to a system for providing criminal history record information through the criminal history clearinghouse under §411.0845.

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
October 13, 2016



Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Cornett, Gary W.	THP	Corpus Christi	08/16/2016	32 years	
Duke, Jamie R.	THP	Abilene	08/31/2006	28 years	
Galyon, Kevin L.	THP	Bonham	08/31/2016	26 years	
Hawkins, Robert J.	CID	Austin	07/31/2016	25 years	
Kelm, Timothy B.	THP	Waco	08/31/2016	31 years	
Muniz, Enrique	CID	Houston	07/31/2016	28 years	
Musick, Kenneth E.	THP	Austin	08/31/2016	26 years	
Prince, Johnny E.	Aviation	Houston	02/29/2004	22 years	
Richey, Ronald C.	CID	Garland	08/31/2016	29 years	
Salas, Gerald P.	THP	Brownwood	08/31/2016	31 years	

Special Texas Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Duff, Ronald E.	Texas Ranger	Conroe	08/31/2016	26 years	
Long, Leslie B.	Texas Ranger	El Paso	04/30/2013	24 years	

Approved by the Public Safety Commission on:

Date: 10/13/16