

**PUBLIC SAFETY COMMISSION
MEETING MINUTES – November 17, 2011
Austin, TX**

The Public Safety Commission met in Austin, Texas on November 17, 2011. Attending the meeting were Chairman Allan Polunsky, Commissioners Carin Barth, Ada Brown, John Steen, and Cindy Leon. A quorum was present for the meeting. DPS staff members and guests were also present.

Call to order

The meeting was called to order by Chairman Polunsky at 9:08 a.m. Proper notice had been posted.

Approval of Minutes (00:41 - indicates time stamp from audio file)

A motion was made by Commissioner Steen seconded by Commissioner Leon approving the minutes as submitted for the October 18, 2011 meeting. Motion passed unanimously. Commissioner Brown abstained since she had been absent for that meeting.

Public Comment (01:18)

There were no public comments.

Director's Report (01:42)

Director McCraw discussed the Texas Highway Patrol and Motorcycle Unit. He reported on the patrol function in working from a goal directed strategic plan saying they have to consider performance measures. He presented a slide showing the strategic plan goals: Combating Crime and Terrorism, Enhance Public Safety, Emergency Management and Regulatory and Agency Services. He reported statistics toward these plan goals, the patrol functions and their performance measures from January 1, 2010 through October 31, 2011: THP Patrol hours = 2,054,806; CVE Patrol hours =834,626.50; High Threat Criminal Arrests=13,346; Terrorism Related Contacts = 137; Seizures – Marijuana=163699 lbs., Cocaine=2,438 lbs. lbs, heroin=296.8 lbs. Weapons=363, stolen vehicles = 1098, DWI arrests=23,086, accidents=281,869, Unsafe Commercial Vehicles Removed from the Road= 66,189, Unsafe CV Drivers removed from the road=12,301, local law enforcement assists=38,460 and Public Assists=41,519.

Director McCraw then reported on the newly introduced motorcycle patrols at the Capitol Region stating in the two months it had proven to be very successful. He stated the motorcycles get 31 mpg vs. the 7mpg on patrol vehicles. He presented a video showing the driving skills of the motorcycle Troopers.

Chairman Polunsky asked how the Director measured the success of the motorcycle program, stating that it was his understanding that they are almost exclusively performing traffic enforcement. Director McCraw agreed, but added they did it more efficiently and at a third of the cost. He said it was a good use of a state asset. Chairman Polunsky asked if that is a core responsibility of the DPS inside a city jurisdiction. Director McCraw said it is a shared jurisdiction that should not obfuscate our responsibility to protect Texans. Chairman Polunsky inquired about the safety aspects adding that he understood it had been decided not to use the

motorcycle patrols at night due to safety factors. He said most state police enforcements had phased out using motorcycles. Director McCraw explained the motorcycles were hard to see at night and for the Troopers safety he agreed with not using them at night at the Capitol Region. Chairman asked about the hazards of motorcycle use rather than patrol vehicles. Director McCraw responded by stating that before asking for this service to be expanded, he would provide statistics to the Commission with the pros and cons of the program. He anticipated that report would be sometime near the end of the year long lease. Chairman specified he wanted to be sure DPS was not redundant of what City of Austin police patrol cars do and that the appropriation of funds was not misused, should the program be presented for enhancement.

Commissioner Brown inquired about the concern that was addressed about the Troopers on the motorcycles at night. She asked if it was the safety or the type of motorcycle. Director McCraw clarified it was safety and not the operation of the type of motorcycles. Commissioner Steen addressed the appeal of the gasoline difference versus use of the patrol cars, yet expressed his concern also for the safety. He added he would be enlightened to know of other states use of motorcycles and safety statistics.

Commissioner Steen inquired about the use of tasers within the Department. Director McCraw explained that sometimes individuals, under the influence, want to fight and that presents a threat to the Trooper. He said when the Commission approved the use of tasers, the safety of use was examined and this technology was put into place. Commissioner Steen asked for statistics on the safety of tasers to date, be presented at the next meeting. Chairman stated he brought to the Directors attention the issues with the taser holsters and that issue had been addressed immediately. He felt they were on top of the use of this piece of equipment and from the field response, thought the tasers and use were very well received. Commissioner Steen clarified he wanted to look at the safety due to controversy about tasers in general.

New Business (48:48)

Discharge appeal hearing of DPS employee Gilbert Ruiz Mr. Ruiz counsel requested and was granted a continuance. His hearing was moved to the end of the list.

Deliberation, discussion and possible action, including a final decision, on the discharge appeal of Juan Lozano

A motion was made by Commissioner Barth seconded by Commissioner Leon affirming the Director's discharge of Juan Lozano. Motion passed with four sustaining the discharge and one abstaining. Commissioner Brown abstained since she had not attended the meeting at which this hearing was conducted.

Adjourn into Executive Session (50:51)

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; and ongoing criminal investigations. Executive Session began at 10:00 a.m.

(51:43) The Public Safety Commission reconvened the open session at 2:43 p.m. A quorum was present. Commissioner Barth left the meeting.

Ongoing Business

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, 411.005 and 411.0071
 Director McCraw reported on a revision to the organization structure. This addition would be a TDY function that serves across the state working with the various agencies at a very high level providing leadership in investigating cartel and international gangs. It would also support the Texas Ranger investigations. He stated this project manager position would report directly to Deputy Director David Baker, be temporary, and need to be in place for up to at least one year. **A motion was made by Commissioner Steen seconded by Commissioner Brown approving a revision, adding one position, to the organization structure. Motion passed unanimously.**

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

Director McCraw requested the advice and consent of the Commission to assign Billy Fulton, Commander of Region Five to the newly added position. **A motion was made by Commissioner Steen seconded by Commissioner Brown approving the selection of Commander Fulton to the new position. Motion passed unanimously.**

Director McCraw reported this would leave a vacancy in the Region Five Commander role and requested the advice and consent of the Commission to have Major Randy Prince named as the replacement Commander of Region Five. **A motion was made by Commissioner Brown seconded by Commissioner Leon approving Randy Prince being named as Commander of Region Five. Motion passed unanimously.** Mr. Prince was present and addressed the Commission and audience. He stated after 23 years of services with the department, he never envisioned stepping outside of the Ranger Department. He added he understood the responsibility and this role and he would strive to achieve the goals of the Department, and accepted the challenge. Chairman wished him luck in his new position. The audience applauded Mr. Prince.

Update report, discussion and possible action regarding the status of building safety and security at the DPS campus on North Lamar

This item was discussed in Executive Session

Status Report and discussion regarding HB 2131 the development of rules for eligibility, application, approval, issuance, and renewal for a Capitol Access Card.

General Counsel Adkins reported the rules were in effect this month and they did not see anything further necessary. This item will be removed from the agenda.

(01:01:26) Report, discussion and possible action on the Fiscal Year 2012 Operating Budget
 AD Hudson Finance presented slides with the new format for presenting the operating budget. This ongoing the report would be divided into three reports: Operations, Federal Funds and Rider 2. AD Hudson presented slides on each report and explained the categories in each. The remaining internal operating budget balance is \$373,838,963, which includes both the Federal funds and IAC; and the Rider 2 capital budget.

The current FTE commissioned vacancies total 378 including the current academy troopers

enrolled and scheduled to graduate. Commissioner Steen inquired how escalating gasoline prices were dealt with. AD Hudson said they monitor ongoing and budget at \$3.54 per gallon, making the adjustments as needed.

Report, discussion and possible action regarding purchases using seized funds

AD Hudson reported there was one proposed project. This project was reviewed by the Department of Justice who determined, after review, that use of seized funds was an authorized use for this project. The project proposes use of \$4.5 million dollars of seized funds to construct a headquarters security barrier. Commissioner Steen asked for information with regard to frequency of when the seized funds were added. AD Hudson responded the transfers varied and were not received on any particular day or time during the month.

AD Hudson provided a summary of the \$200 million obligation bond project. She presented a slide that outlined the planned expenditures and resulting balance. Chairman Polunsky asked that AD Hudson send Commissioner Barth a summary of where they were on this and see if it was to be added to the next agenda after her review and future discussion.

Update Report, discussion and possible action regarding recruitment

Captain Hester, Education and Training reported there were currently 58 recruits in the Academy.

He stated current applicants totaling 43 accepted conditional job offers and were undergoing testing. Once the quantity is at 50 they will determine the date to start the next training academy. 742 are in various stages of the application and screening process.

Captain Hester continued his report showing slide presentations of the billboards installed in six locations within the state. These are located at I-10 in Chambers County, near Del Rio on Hwy. 277, near El Paso on I-10, near San Antonio on I-35, in Amarillo on I-30 and near Kingsville on Hwy 77. Chairman Polunsky inquired why a billboard was not placed near Fort Hood/Killeen. Captain Hester explained that DPS was on base two to three times each month at Fort Hood and they have a very good working relationship with them and the exposure was adequate in that area. The other billboards were placed in the areas where there are the most vacancies and hard to fill locations, near military installations.

Report, discussion and possible action regarding Continuity Plan at the Department of Public Safety

AD Nim Kidd, Emergency Management had nothing to report in open session.

Follow-up report, discussion and possible action regarding creation of a foundation to benefit the Texas Department of Public Safety

(01:21:50) Chairman Polunsky reported this item was discussed during Executive Session and asked General Counsel Adkins to provide the update. General Counsel Adkins reported that a non-profit organization had been registered with the Secretary of State with the name "The Department of Public Safety Foundation." It was established on November 10, 2011. The current board consists of Chairman Polunsky, Ada Brown, and Tom Clowe. Chairman Polunsky expressed the purpose of this Foundation would be to advance the mission of DPS. They expect it to benefit DPS employees and families, and perhaps use some towards DPS projects, similar to the Department of Parks and Wildlife foundation.

Follow-up report, discussion and possible action on the Department of Public Safety ethics

policy and reporting requirements

This item was deferred to the December meeting.

Status report, discussion and possible action on TxDOT median dividers and effectiveness in deterring vehicles crossing over and law enforcement turn around areas

(01:24:08) AD Luis Gonzalez, Highway Patrol reported that eleven new median dividers had been installed bringing the total installed to 86 out of 241. He had no schedule for the remaining median installation since DPS works with Texas Department of Transportation and it depended on their turn around.

Status report, discussion and possible action on Department generators – specifically conversion updates with electrical companies around the state

AD Nim Kidd, Emergency Management, reported that DPS has moved to the top of major utility provider lists around the state. Should they have to shed more load however, DPS could be affected. He stated they are working with Facilities in adding generators for backup on a planned priority basis.

Report, discussion, and possible action regarding the adoption of proposed amendments to Driver License Rule: Rule 15.24, 37 TAC Sec. 15.24 concerning Identification of ApplicantsReport, discussion, and possible action regarding the adoption of proposed repeal of Driver License Rule: Rule 15.171, 37 TAC Sec. 15.171 concerning Issuance of Driver Licenses and Identification Certificates to Non-citizens

(01:27:41) AD Rebecca Davio, Driver License reported on the two items above stating they were up for final adoption. She stated these were originally proposed in September, posted with no comments received and requested action to approve. **A motion was made by Commissioner Steen seconded by Commissioner Leon adopting these two rules as presented. Motion passed unanimously.**

Report, discussion and possible action regarding the adoption of proposed new Driver License Rules: Rules 15.181 – 15.185, 37 TAC Secs. 15.181 – 15.185 concerning Election Identification Certificate

AD Rebecca Davio reported on the comments received on this rule since its introduction in September. **A motion was made by Commissioner Steen seconded by Commissioner Leon adopting the rule as presented. Motion passed unanimously.**

AD Davio continued with her general monthly report update stating that they exceeded the 14 day goal of mailing out new driver licenses and they are currently sending them out in 6-8 days. She reported on the on-line scheduling for driving tests pilot at five locations stating it was a huge success, reducing lines and traffic congestion. There were some issues to resolve prior to rollout. She provided a brief report on the mega centers and provided a planned floor plan.

Reports

Commission member reports and discussion - None

Finance Report - None

Chief Auditors Office Report

AD Steve Goodson, Chief Auditor's Office, reported on two reports submitted. The first was the statutorily required annual report outlining the work CAO accomplished in FY 2011. The next was the travel reimbursement audit. This most significant issue in this report related to partial per diem reimbursement. The audit resulted in management eliminating partial per diem all together. This has a projected five-year savings of \$2.5 million. AD Goodson noted that with the travel reimbursement audit, the CAO is introducing a new report format that provides the most significant information at the very front, yet still maintains the more detailed issues and management responses for those readers that prefer more information.

Division status reports on activities and action –

Stuart Platt, Office of Inspector General reported on trends stating the OIG office is currently building the framework for an annual report. He added he hoped to report on these trends in January or February when the annual report was completed. He informed that they had seen a drop in secondary employment and associated issues. General Platt informed the Commission he had joined the American Office of Inspector General as a member and future training opportunities.

Chairman Polunsky stated he asked Director McCraw to have Major Rhonda Fleming, EEO present at the meeting to provide information on investigations. Major Fleming explained EEO had received complaints of investigations taking too long. She informed they had cut out one step in the process, which was having the Inspector General office investigate and review files, adding she would be doing these assignments directly. She felt sure this would improve the delays and General Platt, OIG confirmed. General Platt stated they had tried to help out since March, 2011 in the investigations, but felt that EEO could take care of this going forward.

Consent Items (02:14:12)

Discussion and possible action on the Director's action of discharging probationary employees Tracie Freeman and Christiana Cairnes

Commissioner Brown made a motion to approve the discharges as proposed.

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 Ranger: Alfred E. Banks, Merle M. Collins, Walter H. Peterson, David L. Thompson Special Texas Ranger: Robert V. Hunter

Discussion and possible action regarding the adoption of the proposed repeal to Crime Records Rule: Rule 27.31, 37 TAC Sec. 27.31, concerning Registration of Tattoo Marks

Report, discussion and possible action on STEP Grant application. The STEP Grant application requires "a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application"

Commissioner Steen asked that all future Consent Items appear on the screen. He stated normally consent items were approved as a whole. Based on this, Commissioner Brown withdrew her previous motion. Chairman Polunsky proposed someone provide a motion for all consent items. **A motion was made by Commissioner Brown seconded by Commissioner Steen approving all Consent Items A-D. Motion passed unanimously.**

Items for Future Agenda

There were no additional items requested for the future agenda.

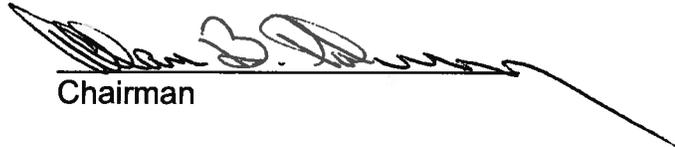
Date for Future Meeting

The next Public Safety Commission meeting is scheduled for December 13, 2011.

Adjourn

The meeting was adjourned at 3:58 p.m.

Read and approved this 13th day of December, 2011.



Chairman

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 17, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter B
Section 15.24

The Texas Department of Public Safety (the department) adopts amendments to Section 15.24, concerning Identification of Applicants. This section is adopted without changes to the proposed text as published in the October 14, 2011 issue of the *Texas Register* (36 TexReg 6871) and will not be republished.

These amendments are necessary because certain provisions of Senate Bill 1 of the 82nd Legislature, 2011, First Called Session, supersede the provisions of this rule. Additionally, these rule changes are in response to the department's recently completed agreement with the U.S. Citizenship and Immigration Services for access to its database to confirm the immigration status of driver license and identification card applicants. This agreement will allow the department to independently verify the documents issued by federal immigration authorities and presented by applicants to obtain a Texas driver license or identification card. Currently, applicants who presented a document issued by U.S. Citizenship and Immigration Services for a foreign passport, U.S. visa, and form I-94 with a fixed duration needed to present a document or form I-94 that was issued for a period of at least one year and had at least six months of validity remaining at the time of application for a Texas driver license or identification card in order to be accepted by the department. The independent verification eliminates the need for the federal immigration documentation presented by an applicant to be issued for one year and have at least six months of validity remaining.

Additional amendments were necessary to reflect that name changes have occurred and will continue to occur for the federal agencies responsible for immigration. This rule is also amended to reflect that certain groups of individuals may not be required to obtain or present a U.S. visa in order to enter the United States. For these individuals, this rule is amended to allow the department to waive the U.S. visa requirement found in paragraph (1)(F) and (1)(G).

No comments were received regarding the adoption of these amendments.

These amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, Section 521.005, which authorizes the department to adopt rules necessary to administer Chapter 521.

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.


Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 17, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

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

The Texas Department of Public Safety (the department) adopts the repeal of Section 15.171, concerning Issuance of Driver Licenses and Identification Certificates to Non-citizens. This repeal is adopted without changes to the proposed text as published in the October 14, 2011 issue of the *Texas Register* (36 TexReg 6872) and will not be republished.

The repeal of Section 15.171 is necessary because certain provisions of Senate Bill 1 of the 82nd Legislature, 2011, First Called Session, supersede this rule.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, Section 521.005, which authorizes the department to adopt rules necessary to administer Chapter 521.

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.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 17, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter L
Sections 15.181 – 15.185

The Texas Department of Public Safety (the department) adopts new Sections 15.181 – 15.185, concerning Election Identification Certificate. These new sections are adopted with changes to the proposed text as published in the October 14, 2011 issue of the *Texas Register* (36 TexReg 6873) and will be republished.

The 82nd Texas Legislature enacted Transportation Code, Chapter 521A, which requires the department to issue election identification certificates. These rules are necessary to inform the public of what will be required of applicants for issuance of an election identification certificate and allow the public to have a role in establishing the process.

The department accepted comment on the proposed rules through November 14, 2011. Written comments were submitted by Senator Leticia Van de Putte, R. Ph. and Karen Nicholson representing League of Women Voters of Texas (LWV). Changes were made to proposed new Section 15.182 based on the comments received by the department. Substantive comments received, as well as the department's responses, thereto, are summarized below:

COMMENT: Regarding Section 15.181(d)(1), (2), (4) and (5), LWV recommended amending the requirement that an applicant who holds a driver license, election identification certificate, personal identification certificate, U.S. passport, or concealed handgun license that expired no earlier than 60 days before the date of application, by adding 30 days to allow additional processing time for processing for an expired document. The comments further state that the rules need to clarify the time it will take to process an election identification certificate and whether a receipt issued at application will be accepted at the polls.

RESPONSE: The department disagrees with these recommendations. The Secretary of State determines what documents will be accepted at the polls and has informed the department that the receipt issued upon application will be accepted in the same manner as a driver license, election identification certificate, or personal identification certificate as long as the photo is included. Additionally, since the receipt will be accepted and local elections do not always fall on uniform election dates; the department determined wording should mirror that in the statute.

COMMENT: Regarding Section 15.182(2), LWV recommended allowing all photo IDs qualified under SB14 and all primary identification accepted for a driver license or personal identification certificate as primary identification for an election identification certificate. LWV asserted that only allowing a driver license or personal identification certificate that has expired for at least 60 days and no more than two years is unnecessarily limiting.

RESPONSE: The department disagrees with this recommendation. The other documents allowed for primary identification are also acceptable for voting purposes or are accepted only for persons who are

not U.S. citizens. Persons who hold acceptable documents for voting and non-citizens are not eligible for an election identification certificate.

COMMENT: Regarding Section 15.182(3), LWV recommended allowing more types of secondary identification than U.S. birth certificates, certificates of birth abroad, or specific court orders, stating that persons who cannot afford to secure certified documents or for whom no birth certificate is available may not be able to provide documents to meet the requirements. LWV also noted that old citizenship documents might not contain photographs so some naturalized citizens may not have acceptable voting documents and the rule does not accommodate them.

RESPONSE: The department disagrees with part of this recommendation. Expanding the list of acceptable secondary documents to include those that are not issued by a verifiable governmental source opens the process up to a greater fraud potential. The department agrees with the recommendation to include citizenship documents without photographs. To accommodate naturalized citizens with older documents, the department changed the wording in Section 15.182(2) to add citizenship certificates or certificates of naturalization without photographs.

COMMENT: Regarding Section 15.182(4), Senator Van de Putte recommended including the VA card on the supporting documents list. LWV recommended that the list of supporting documents should be as broad as that for securing a driver license or personal identification certificate. LWV also stated that the rules should include all acceptable documents and not include the statement that the list is not all-inclusive.

RESPONSE: The department agrees with this recommendation. Fifteen additional documents accepted for driver license and identification cards were added to Section 15.82(4)(M)-(BB) the list including the Veteran's Administration (VA) card. The statement that this list is not all inclusive was deleted from Section 15.182(4).

COMMENT: Regarding Section 15.183(a)(1)(A), LWV recommended making the wording of this section gender-neutral and allowing the name to be the same as the name used for voter registration.

RESPONSE: The department disagrees with these recommendations. The reference to married women is specific while the statement that the section applies to both sexes refers to the use of previously documented names. This section of the rule is the same as that used for issuance of a driver license or personal identification certificate as allowed under the law. Election workers have the ability and guidance from the Secretary of State to determine if the name on the voter list and the presented identification are similar.

COMMENT: Regarding the location of driver license offices, Senator Van de Putte, raises concerns that citizens will have to travel outside of their home counties to obtain an election identification certificate. She also recommends that all communications regarding the election identification certificate issuance be in English, Spanish, and any other language necessary to reach minority voters.

RESPONSE: The department does not take a position on these comments as they go beyond the scope of rulemaking.

Additionally, the department changed the text of Section 15.182(4)(D) from “vehicle title” to “Texas vehicle or boat title or registration” for the purposes of clarity.

These sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, Chapter 521A, which authorizes the department to issue no-cost election identification certificate to eligible applicants.

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.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 17, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Crime Records
Title 37 T.A.C. Part I, Chapter 27
Subchapter C
Section 27.31

The Texas Department of Public Safety (the department) adopts the repeal of Section 27.31, concerning Registration of Tattoo Marks. This repeal is adopted without changes to the proposed text as published in the October 14, 2011 issue of the *Texas Register* (36 TexReg 6875) and will not be republished.

The proposed repeal is necessary because Subchapter E, Chapter 144, Agriculture Code, Registration of Animal Tattoo Marks was repealed by the 82nd Legislature and registration of animal tattoo marks by the department is no longer authorized by statute.

No comments were received regarding the adoption of this repeal.

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

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

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

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Allan B. Polunsky, Chair
Public Safety Commission

**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
November 2011**

Special Ranger Applicants

| Name | Division | Service/Station | Retire Date | Years of Service | Approved |
|---------------------|-----------------|------------------------|--------------------|-------------------------|-----------------|
| Banks, Alfred E. | DL | Hurst | 08/31/2003 | 29 years | |
| Collins, Merle M. | THP | HP/Sherman | 08/31/2011 | 26 years | |
| Peterson, Walter H. | THP | HP/Waco | 08/31/2011 | 32 years | |
| Thompson, David L. | THP | HP/Garland | 08/01/1995 | 23 years | |

Special Texas Ranger Applicant:

| Name | Division | Service/Station | Retire Date | Years of Service | Approved |
|-------------------|-----------------|------------------------|--------------------|-------------------------|-----------------|
| Hunter, Robert V. | Ranger | Laredo | 09/30/2011 | 24 years | |

Approved by the Public Safety Commission on: *November 17, 2011*