**MINUTES**
**PUBLIC SAFETY COMMISSION**
**APRIL 17, 2013**
**AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on April 17, 2013. Attending the meeting were Chairman Cynthia Leon, Commissioners Ada Brown, Allan Polunsky and Randy Watson. Commissioner Carin Barth was not present at the time of roll call. A quorum was present at the meeting. DPS staff members and guests were also present.

**Call to Order** (0:00:01)
The meeting was called to order by Chairman Leon at 9:03 a.m. Proper notice had been posted.

**Approval of Minutes** (0:00:57)
**A motion was made by Commissioner Brown seconded by Commissioner Polunsky approving the minutes as submitted for February 14 and 15, 2013. Motion passed unanimously.**

**Public Comment** (0:01:41)
Hank Whitman – President, Texas Ranger Hall of Fame & Museum, informing the Public Safety Commission of its capital campaign for the bicentennial celebration of the Texas Ranger Hall of Fame & Museum to occur in less than 10 years. Byron Johnson, Director, provided a brief presentation regarding the Museum. Jack Dean and Co-Chair Ross Darden were also in attendance. Chairman Leon and Commissioner Watson voiced their support of the campaign.

(0:16:12) Commissioner Barth joined the meeting.

**Directors Report** (0:16:20)
A.Presentations
**William P. Clements Excellence Award** – presented by former Public Safety Commissioner Tom Clowe
Recipients for 2012 were Trooper Robert Ben Samuel Dollar (Commissioned) and Ramiro Valdez (Non-Commissioned).

**Javier Arana Top Trooper Award** – presented by Assistant Director Texas Highway Patrol, Chief Luis Gonzalez
Elizabeth Ann Barney and Grant S. Belvin

**Director's Citation**
Agent Mark V. Martinez

**Life Saving Awards**
Trooper Thomas Ladd
Trooper Jason A. Simental
Trooper Craig Price – retired, to be presented within the region
Trooper John Watson

**Director's Award**
Carmen DeLeon-Acosta
Eric Locke

**Service Awards**
Ann Marie Coomes – 30 years
Danny Joel Flowers – 30 years

At the request of Commissioner Brown, the Commission recognized the extraordinary work being performed by our polygraph examiners in the applicant vetting process as well as a recent child molestation cases:
Agent Bill Horton (Corpus Christi), Agent Billy McCloskey (Austin), Agent Aaron Davis (Houston) and Lieutenant Dennis Westerman (Austin)
Commissioner Brown thanked them for protecting the integrity of the DPS family.

**Public Comment** (1:00:10)
Gary Chandler (DPSOA) discussed SB 1459 relating to retirement changes authored by Senator Duncan – State Affairs.
Senator Duncan and Representative Callegari have solicited and obtained input from the Department on how these changes will affect law enforcement.

B.Legislative Update (01:18:10)
Director McCraw advised the Commission that he would have to leave the meeting at 12:30 to provide testimony at the House State Affairs hearing on driver license. Representatives Thompson and Fletcher are in support of the Schedule C raises as proposed in Item #1 of our Exceptional Items. The Senate supports the pay parity and 10% COLA; the House supports the pay parity but not the 10% COLA.

Our Subject Matter Experts (SME) are doing an exceptional job during this legislative session.

C.Trooper Activities/Officer Safety Video (1:23:30)
Director McCraw and Colonel Baker sought to find a way to explain, in a short period of time, what challenges our troopers face on a day-to-day basis for our Legislature. A video was created and has been shared with the entire DPS staff and members of the Legislature. Special thanks to Greg Moore for producing the video.

**New Business** (01:46:23)
A.Report by Administration and Finance Committee
Commissioner Barth provided the first report of the Administration and Finance Committee. Action items in the Committee report will be included in the PSC agenda for approval. The August PSC meeting will focus on presenting yearly contracts for approval and unforeseen needs will be presented as they occur.

Commissioner Brown recommended establishment of an Audit Committee. Audit falls under the Administration and Finance Committee and will remain there instead of establishing a sub-committee. Commissioner Brown will replace Commissioner Barth on the Regulatory and Driver License Committee.

**Adjourn Into Executive Session** (2:05:36)
The Commission adjourned into Executive Session to discuss security issues, to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; ongoing criminal investigations. Executive Session began at 11:08 a.m.

(2:07:09) The Public Safety Commission reconvened this open session at 2:25 p.m. Commissioners present were Chairman Leon, Commissioners Ada Brown, Carin Barth, Allan Polunsky and Randy Watson.

**New Business**
A.Report by Administration and Finance Committee Cont'd
Commissioner Barth reported the IT Augmentation budget was reviewed and AD Sarandos will present a report during the August PSC meeting.

The Operating Budget and Purchases Using Seized Funds data will be placed in the binders but will not be listed as an Ongoing Business item since they are reviewed by the Administration and Finance Committee.

**New Business** (2:12:53)

B.Review and discuss division of management responsibilities as required by Government Code 411.0042

General Counsel Adkins provided information on the Public Safety Commission's general duties, powers and statutory responsibilities at the request of Commissioner Watson. Chairman Leon would like to hold a work session for the PSC to review the duties. Date will be selected based upon everyone's availability.

C.Report and discussion regarding Use of Force Policy

General Counsel Adkins presented revisions made to the Use of Force Policy regarding discharging firearms at vehicles, from aircraft and from the Tactical Marine Unit.

D.Discussion and possible action regarding revision to Chief Auditor's Office Charter

Commissioner Barth requested a review of THP operations and review of Watch Guard videos in the field. Chief Auditor's Office and the Leadership & Operational Review Unit will coordinate efforts. Chairman Leon would like to focus on financial versus policy compliance.

Steve Goodson presented the CAO Charter (last reviewed/approved two years ago) adding training to advisory service.

**A motion was made by Commissioner Barth seconded by Commissioner Watson approving the CAO Charter. Motion passed unanimously.**

E.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.Proposed amendments to Texas Highway Patrol Rule 3.57, 37 TAC 3.57, concerning Traffic Warrant Service

2.Proposed repeal of Texas Highway Patrol Rule 3.28, 37 TAC Section 3.28 concerning Citation Disposition Receipt Program and Texas Highway Patrol Rule 3.61, 37 TAC Section 3.61 concerning Safety Responsibility Activities

**A motion was made by Commissioner Polunsky seconded by Commissioner Brown approving proposed amendments to Texas Highway Patrol Rule 3.57, 3.28 and 3.61 for publication. Motion passed unanimously.**

Commissioner Polunsky requested subject matter experts (from the appropriate division) attend discharge hearings to serve as technical resources.

3.Proposed amendments to Breath Alcohol Testing Rules 19.1, 19.2, and 19.4 – 19.6, 37 TAC Section 19.1, 19.2, and 19.4 – 19.6 concerning Breath Alcohol Testing Regulations

**A motion was made by Commissioner Brown seconded by Commissioner Barth approving amendments to Breath Alcohol Testing Rules. Motion passed unanimously.**

4.Proposed repeal of Bicycles – Use and Safety Rules 32.1 – 32.3, 37 TAC Secs. 32.1 – 32.3 concerning Bicycles – Use and Safety

**A motion was made by Commissioner Brown seconded by Commissioner Watson approving publication of repeal of Bicycles – Use and Safety Rules. Motion passed unanimously.**

F.Report,discussion, and possible action on proposed reorganization of Chapter 36, Metals Registration for publication to receive public comment, including: amendments to Rules 36.1 – 36.7, 36.9 – 36.14, 36.17, and 36.18, 37 TAC Secs. 36.1 – 36.7, 36.9 – 36.14, 36.17, and 36.18, repeal of Rules 36.15, 36.16, 36.19 – 36.21, 37 TAC Secs. 36.15, 36.16, 36.19 – 36.21, and new Rules 36.15, 36.16, 36.19 – 36.24, 37 TAC Secs. 36.15, 36.16, 36.19 – 36.24

**A motion was made by Commissioner Watson seconded by Commissioner Polunsky approving publication to receive public comment for proposed reorganization of Chapter 36, Metals Registration. Motion passed unanimously.**

**Ongoing Business** (2:50:00)

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

Six audits were concluded since the last PSC meeting (2/14/13):

-Accounts Payable
-Texas Prescription Program
-Driver License Compliance
-Weapons & Munitions Storage, Security & Accountability
-Identity & Access Management
-Fleet Operations Bureau Operational Review

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

$8 million remains in the budget

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

No requests at this time. Currently have $9 million in unobligated funds.

D.Update report, discussion and possible action regarding recruitment

Current stats for B school:

-110 recruits – currently in firearms training
-412 waiting for testing (written, math and physical fitness)
-36 polygraph
-28 oral boards
-29 background investigations
-Next school will begin 7/14/13
-Fast Track – new program implemented that requires you to pass testing in the field; upon passing testing, you are scheduled to come to Austin for three days to complete polygraph, assessment board, conditional job offer, medical/psychological screening and back to the field for background. This process has taken 4 – 6 weeks in the past and has now been

downsized to three days. We are able to process as many as 40 applicants per week thru Fast Track.

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

-TDEM contracts – monitoring of grant funds for federal compliance, 7 bids and 4 contracts to be issued for a total of $25 million (no minimum, as needed contracts) over a period of 4 ½ years, if needed. The PSC requests a standardized report that the Allocation of Work be met on a bi-monthly or quarterly basis for all contracts.

-Staff Augmentation (Network Engineers) – six contracts modified to add hours under Driver License for remainder of fiscal year ($90 – average hourly wage)

-Staff Augmentation (Service Management – AT&T, vendor) maintenance and service for network, routers and server for 212 offices in the state at a cost of $2.1 million

- Radios – purchase of 337 units at cost of $3 million

-Cisco Telephones – 6,500 phones to complete the VOIP phone system at cost of $2.8 million

-Fingerprint, Photo and Signature contract – between Driver License and Law Enforcement Services – Commissioner Barth requested to review contract since work may be scheduled to begin prior to June PSC meeting

F.Report, discussion, and possible action regarding the adoption of the proposed reorganization of Chapter 13, Controlled Substances, including: amendments to Rule 13.1, 37 TAC Sec. 13.1, repeal of Rules 13.2 – 13.11, 13.21 – 13.33, 13.71 – 13.99, and 13.131 – 13.137, 37 TAC Secs. 13.2 – 13.11, 13.21 – 13.33, 13.71 – 13.99, and 13.131 – 13.137, and new Rules 13.21 – 13.27 and 13.71 – 13.83, 37 TAC Secs 13.21 – 13.27 and 13.71 – 13.83, as previously published in the Texas Register

**A motion was made by Commissioner Watson seconded by Commissioner Brown approving the adoption of the proposed reorganization of Chapter 13, Controlled Substances. Motion passed unanimously.**

G.Report, discussion, and possible action by the Commission regarding modification and transformations 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

None

H.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

None

**Reports** (4:06:15)

A.Commission member reports and discussion - none

B.Finance Report - none

C.Chief Auditors Office - none

D.Division status reports on activities and action

-Commissioner Barth complimented the Rosenberg Driver License office during a recent trip

**Consent Items** (4:10:15)
A.Discussion and possible action on the Director's action of discharging probationary employees: Mary Allen, Carolyn Madere and Robert McIntyre
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: Miguel J. Cordero, Kenny J. Foster, Karl R. Holloway, Walter F. Kennedy, Kennis Miles Jr., David Page, John C. Reed Jr., Maria T. Sigur, Michael B. Wilson and Donald J. Druesedow; Special Texas Rangers: None; Special Ranger Applicant from the National Insurance Crime Bureau: Kelly D. Hughes
**A motion was made by Commissioner Brown seconded by Commissioner Watson approving Consent Items A and B. Motion passed unanimously.**

**Items For Future Agenda** (4:10:55)
Chairman Leon – Expanded Enforcement Pay and procedures for discharge hearings (subject matter experts)
Commissioner Barth – Performance Appraisal Plan (how are unscheduled evaluations incorporated into our program)

**Date For Future Meeting** (4:12:03)
Discharge hearing is scheduled for June 3, 2013, and regular Public Safety Commission meeting to be held June 4, 2013.

Chairman Leon announced that the Texas Senate has confirmed the appointments of Commissioner Brown and Commissioner Watson until 2018.

**Adjourn** (4:13:37)
The meeting was adjourned at 4:31 p.m.

Read and approved this 4th day of June, 2013.

Chairman

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| 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 |
|---|---|---|
| Mary Allen | Custodian/Administration | 03/18/13 |
| Carolyn Madere | Customer Service Representative/Driver License | 03/18/13 |
| Robert McIntyre | Contract Specialist IV/Administration | 04/01/13 |

Approved:

A. Cynthia Leon, Chair
Public Safety Commission
Date: April 17, 2013

**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS**
**April 17, 2013**

**Special Ranger Applicants:**

| Name | Division | Service/Station | Retire Date | Years of Service | Approved |
|---|---|---|---|---|---|
| Cordero, Miguel J. | CID | Ft. Stockton | 12/31/08 | 26 years | |
| Foster, Kenny J. | OIG | Hurst | 12/31/12 | 26 years | |
| Holloway, Karl R. | THP | Paducah | 02/28/13 | 26 years | |
| Kennedy, Walter F. | THP | San Antonio | 10/31/94 | 26 years | |
| Miles, Jr., Kennis | CVE | Garland | 02/28/11 | 29 years | |
| Page, David | CID | Tyler | 03/31/11 | 24 years | |
| Reed, Jr., John C. | CVE | Queen City | 07/31/02 | 22 years | |
| Sigur, Maria T. | THP | Corpus Christi | 09/30/08 | 26 years | |
| Wilson, Michael B. | THP | Houston | 11/30/09 | 22 years | |
| Druesedow, Donald J. | CID | Corpus Christi | 02/28/13 | 25 years | |

**Special Texas Ranger Applicant:**

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

**Special Ranger Applicant from the National Insurance Crime Bureau:**

| Name |
|---|
| Hughes, Kelly D. |

Approved by the Public Safety Commission on:

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 17, 2013, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter F
Sections 13.131 – 13.137

The Texas Department of Public Safety (the department) adopts the repeal of Sections 13.131 – 13.137, concerning Application. This repeal is adopted without changes to the proposed text as published in the March 8, 2013 issue of the *Texas Register* (38 TexReg 1670) and will not be republished.

The repeal of this subchapter is necessary to reorganize and consolidate the rules governing the application requirements and procedures for registration under the Controlled Substances Act, Texas Health and Safety Code Chapter 481 and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of this repeal.

The 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 Health and Safety Code, Section 481.003, which authorizes the department to adopt rules to enforce Chapter 481 of the Texas 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 April 17, 2013, 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 new Sections 13.71 – 13.83, concerning Texas Prescription Program. These new sections are adopted without changes to the proposed text as published in the March 8, 2013 issue of the *Texas Register* (38 TexReg 1667) and will not be republished.

The proposed new Subchapter D is necessary to reorganize and consolidate the rules governing the Texas Prescription Program's reporting requirements and procedures and to generally improve the clarity of the related rules.

The department accepted comment on the proposed rules through April 8, 2013. Written comments were submitted by Mary Staples representing National Association of Chain Drug Stores (NACDS). Changes were made to proposed new Section 13.75 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 13.75(3), NACDS recommends the department either eliminate the requirement to report the department's "designated placeholder" for schedule II electronic prescriptions or waive the requirement to report this particular data element until twelve months after the department provides pharmacies with the appropriate default value to report for this purpose.

RESPONSE: The department disagrees with these recommendations. The submission of the data element at issue is a requirement of the department's prescription database software application. Waiver or elimination of the requirement would cause the system to reject the electronic submission, resulting in additional administrative burdens on the dispenser and the need for manual processing by the department. In addition, no specific data element has been established at this time. It is the department's intent to establish a "placeholder" value that will have minimal or no impact on the dispenser.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Health and Safety Code, Section 481.003, which authorizes the department to adopt rules to enforce Chapter 481 of the Texas 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 April 17, 2013, 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 – 13.99

The Texas Department of Public Safety (the department) adopts the repeal of Sections 13.71 – 13.99, concerning Texas Prescription Program. This repeal is adopted without changes to the proposed text as published in the March 8, 2013 issue of the *Texas Register* (38 TexReg 1666) and will not be republished.

The repeal of this subchapter is necessary to reorganize and consolidate the rules governing the Texas Prescription Program's reporting requirements and procedures and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of this repeal.

The 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 Health and Safety Code, Section 481.003, which authorizes the department to adopt rules to enforce Chapter 481 of the Texas 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 April 17, 2013, 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 new Sections 13.21 – 13.27, concerning Registration. These new sections are adopted with changes to the proposed text as published in the March 8, 2013 issue of the *Texas Register* (38 TexReg 1664) and will be republished.

The proposed new Subchapter B is necessary to reorganize and consolidate the rules governing registration requirements and procedures and to generally improve the clarity of the related rules.

The department accepted comment on the proposed rules through April 8, 2013. Written comments were submitted by Katherine Thomas, Executive Director of the Texas Board of Nursing, and by Lynda Woolbert, Regulatory Consultant for the Coalition for Nurses in Advanced Practice. Changes were made to proposed new Section 13.27 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 13.27(e), both Ms. Thomas and Ms. Woolbert commented on certain inconsistencies between the language in this subsection and the statutory provisions of Texas Occupations Code, Section 157.054, relating to the delegation of authority to prescribe controlled substances.

RESPONSE: The department agrees with these comments and has revised the proposal accordingly, deleting text in Section 13.27(e) to remove inconsistencies with statute.

COMMENT: Regarding Section 13.27 generally, Ms. Woolbert commented on the proposal's use of the term "supervising physician" and proposed the substitution of the term "delegating physician" throughout the section to be consistent with Texas Medical Board rules.

RESPONSE: The department agrees with this recommendation and has revised the proposal accordingly.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Health and Safety Code, Section 481.003, which authorizes the department to adopt rules to enforce Chapter 481 of the Texas 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 April 17, 2013, 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 – 13.33

The Texas Department of Public Safety (the department) adopts the repeal of Sections 13.21 – 13.33, concerning Registration. This repeal is adopted without changes to the proposed text as published in the March 8, 2013 issue of the *Texas Register* (38 TexReg 1663) and will not be republished.

The repeal of this subchapter is necessary to reorganize and consolidate the rules governing registration requirements and procedures, and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of this repeal.

The 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 Health and Safety Code, Section 481.003, which authorizes the department to adopt rules to enforce Chapter 481 of the Texas 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 April 17, 2013, 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
Sections 13.2 – 13.11

The Texas Department of Public Safety (the department) adopts the repeal of Sections 13.2 – 13.11, concerning General Provisions. This repeal is adopted without changes to the proposed text as published in the March 8, 2013 issue of the *Texas Register* (38 TexReg 1662) and will not be republished.

The repeal is necessary to reorganize and consolidate the rules governing definitions and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of this repeal.

The 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 Health and Safety Code, Section 481.003, which authorizes the department to adopt rules to enforce Chapter 481 of the Texas 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 April 17, 2013, 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 amendments to Section 13.1, concerning Definitions. These amendments are adopted without changes to the proposed text as published in the March 8, 2013 issue of the *Texas Register* (38 TexReg 1661) and will not be republished.

The amendments are necessary to reorganize and consolidate the rules governing definitions and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of these amendments.

The 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 Health and Safety Code, Section 481.003, which authorizes the department to adopt rules to enforce Chapter 481 of the Texas 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