

**MINUTES  
PUBLIC SAFETY COMMISSION  
October 12, 2017  
AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on October 12, 2017. Attending the meeting were Chairman Steven Mach, Commissioners Manny Flores, Cynthia Leon, Jason Pulliam, and Randy Watson. A quorum was present at the meeting. DPS staff members and guests were also present.

**CALL TO ORDER** (0:00:12)

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

**APPROVAL OF MINUTES** (0:00:40)

**A motion was made by Commissioner Leon, seconded by Commissioner Watson, approving the minutes from the August 23<sup>rd</sup> Discharge Hearing and the Public Safety Commission meeting held August 24, 2017. Motion passed unanimously.**

Chairman Mach and the Commission thanked everyone for their response during Hurricane Harvey. "The community loves you, respects you, and they need you."

**PRESENTATIONS** (0:09:49)

**Service Awards**

- Angela Fischer – 30 years
- John Flores – 30 years
- Todd Hester – 30 years
- Naomi Neblett – 30 years
- Sherry Wimberly – 30 years
- Dorothy Porter-Campbell – 35 years
- Wanda Lynds – 50 years

**Lifesaving Award**

- Trooper Arturo Leal
- Trooper Alexiz Lopez
- Trooper Adam Madore
- Trooper Ernesto Mancillas

**Director's Award**

Jason Swindle  
P.J. Meitl, Assistant U.S. Attorney

**Director's Citation**

Lieutenant Eric Wilson, Criminal Investigations Division

**Unit Citation Award**

Recruiting Unit  
Driver License Division Resource Guide Team

(0:37:55) Break 10:38 – 10:47 a.m.

Chairman Mach acknowledged the following in attendance:

- Libby Elliott, Governor's Office
- Lauren Fleming, Lieutenant Governor's Office
- Julie Davis, Gregg Girvan, Erick Fajardo and Amy Trost – Sunset Commission
- Robert Paulson – Representative Holland's office

**PUBLIC COMMENT** (0:39:04)

- Kathy Mitchell, Texas Criminal Justice Coalition
- Submitted letter from Just Liberty
- Thanks DPS for data; and requests continued public dialogue

**DIRECTORS REPORT**

**D. Hurricane Harvey** (0:47:05)

Update provided by Nim Kidd and Tony Robinson, Region 6 Administrator for FEMA:

Hurricane Harvey statistics:

- TDEM started watching wave on August 11<sup>th</sup> in Africa
- landfall made on Friday, August 24<sup>th</sup>, @ 7:00 a.m.
- August 24<sup>th</sup> @ 7:00 a.m. State Operations Center is in full operation
- Governor declared 60 counties as disaster; President declared 53 of those counties
- DPS personnel: 300 TDEM/1,300 THP/84 Rangers
- recorded over 5,000 rescues and saves
- Trooper Trainees assisted at the George R. Brown Center
- Custodial staff assisted around the clock in keeping the SOC clean
- Texas Military Department activated 17,000+ personnel; 1,400 vehicles and over 100 boats

- Texas Parks and Wildlife Department assisted with over 400 personnel and over 11,000 rescues were reported
- 650 buses for evacuations
- 245 shelters during peak (34,000 evacuees)
- FEMA has processed over \$1 billion in individual aid assistance and over 450,000 payments
- 60,000 Texans are still in hotels today
- Debris removal estimated at 30 million cubic yards
- last 30 days, FEMA has pushed \$300 million to local governments to offset cost of response
- over 40 wastewater facilities were damaged; 61 drinking water systems out of service and 203 boil water notices issued
- 320,000 customers were without power at height of storm – all restored
- currently in the recovery phase – will take 6 – 8 years to rebuild
- \$18.5 billion estimated by FEMA for Harvey
- focus on picking up debris
- “Texas is a role model for the rest of the country”, as stated by FEMA
- Preparedness Message – “purchase flood insurance”

### C. Search, Rescue and Security Operations by the Numbers (1:11:02)

Director McCraw stated Aviation resources were instrumental during Harvey for physical surveillance.

Brief provided by Director McCraw and Chief Pilot, Billy Nabors:

- Aviation was positioned in Corpus Christi on Saturday, then Houston on Monday
- 5 helicopters w/hoists, 2 Pilatus, 2-3 non-hoist helicopters
- Monday thru Tuesday, up to 160 aircraft were in the air conducting rescue missions
- 500 hours dedicated to Harvey response
- Rangers and Tactical Unit used their high profile vehicles for rescues
- looting prevention operations were conducted on boats

### A. Case Update: Vanilla Ice (1:26:04)

Brief provided by Lieutenant Eric Wilson and P.J. Meitl, Assistant U.S. Attorney:

- two year case; initiated in February 2014; approved by DPS Criminal Investigations Division (CID) Garland
- Target: local Drug Trafficking Organizations and gang members whose violent criminal activities negatively impacted the community in which they reside
- Area of Activity: Dallas County, Texas
- Investigative Goal: identify and exploit local Drug Trafficking Organizations nexuses in an effort to combat violent crime caused by the drug trade and gang activity in Dallas County

- Investigative Techniques: cooperating individuals, undercover officers, controlled purchases, directed traffic stops, surveillance operations, electronic tracking devices, pen registers, and wire intercepts
- Participating Agencies: Texas DPS/CID & Dallas Police Department primaries, with assistance from the Garland Police Department Neighborhood Police Officer Unit; the Collin County Sheriff's Office; the Mesquite, Sherman, Denison and Sulphur Springs Police Departments and U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI)
- Case Statistics Summary:
  - >Federal Defendants: 89
  - >Methamphetamine Attributed to All Defendants: 956 Kilos (conservative street value of approximately \$10 million)
  - >Sentencing: Combined total of 1,070+ years in federal prison
  - >Firearms/Dangerous Weapons Seized: 88
  - >Number of Total Convictions: 736
  - >Number of Total Drug Offenses: 234
  - >Number of Total Violent Offenses: 76
  - >Number of Total Weapon Offenses: 36
  - >Number of Total Burglaries: 37
  - >Number of Total Homicides: 1
  - >Number of Total Sex/Child Offenses: 7
  - >Fifteen of the defendants were deemed 'career offenders' under the U.S. Sentencing Guidelines
  - >Some defendants had as many as 25 prior convictions; six of the 89 had no prior convictions.
  - >Key Critical Factors:
    - \*local partnerships
    - \*support from local chain of command
    - \*prosecutor

(1:46:30) Break 11:56 a.m. – 12:03 p.m.

B. Case Update: Forensic Art: Evidential Art and Facial Identification (1:47:26)

Brief provided Forensic Artists Jorge Molina and Suzanne Birdwell:

- Moved under Texas Rangers Division in 2000 with 2 personnel
- Forensic Art Genres and Techniques:
  - \*Age Progressed Images
  - \*Post Mortem Renderings (1,000 unidentified deceased victims)
  - \*Facial Reconstructions
  - \*Composite Drawings

\*Image Clarifications

- Sample of composite drawing case: 2012 Hays County Murder (attempted murder/sexual assault of teenage girl); Willie Griffin identified and arrested in Florida and received 6 consecutive life sentences; also linked thru DNA to another 2011 murder of a Travis County woman
- Three full-time forensic artists in Texas; DPS has 2 of them; all others are on a part-time basis

**NEW BUSINESS**

**A. Report and discussion regarding the Texas Crimes Against Children Center (TCACC) (2:05:34)**

Brief provided by Criminal Intelligence Analyst, Rebecca Butler:

- TCACC Criminal Intelligence Analysts primary area of focus:
  - >Being the subject matter expert in all data being collected (SB 742 – legislatively mandated and proactive collection by the Department) as part of the Crimes Against Children (CAC) Program.
  - >Conduct research and strategic crime analysis to identify crime patterns and trends in the overall CAC data collection.
  - >Identify tactics, techniques, and procedures utilized by individuals engaged in the abuse and exploitation of children.
  - >Provide analytical support to any law enforcement agency for investigative and intelligence leads, as it pertains to crimes against children.
  - >Act as a liaison with DPS as well as local and federal law enforcement agencies, Attorney General’s office and NGO’s.
- TCACC Criminal Intelligence Analyst:
  - >Crimes Against Children Suspicious Activity Reports (SARs)
  - >High Risk Missing Children Cases
  - >Interdiction for the Protection of Children Cases
  - >Attempted Child Abductions (ACA)
  - >Monitor Trends
  - >Major Case Support:
    - \*Sexual Exploitation of a Child, Possession of Child Pornography, Injury to a Child, etc.
  - >Operation Support:
    - \*CAC Patrol Operation
    - \*Child Abduction Response
    - \*Human Trafficking Operations
    - \*On-Site Operational Assistance (Online Solicitation Stings)
- Senate Bill 742 requires all local law enforcement agencies to report all of the following

to the Missing Persons Clearinghouse:

- >High Risk Missing Children

- >High Risk Missing – Foster Children

- >Attempted Child Abductions

- >High Risk Missing Children Key Facts:

- >2016 in Texas – 45,027 juveniles were reported missing (10% of national average)

- >1 in 5 runaways are likely to be victims of child sex trafficking

- >Runaway children are at higher risk of exploitation due to vulnerabilities

- Approximately 215 active High Risk Missing Children in Texas (assessment period 6/8/16 – 8/17/16)

- Cases belonged to 47 law enforcement agencies across Texas:

- >Austin Police Department – 36

- >Corpus Christi Police Department – 20

- >San Antonio Police Department – 19

- >Fort Worth Police Department – 17

- >Dallas Police Department – 10

- >All other agencies reported 10 or fewer cases

- Challenges:

- >Underreporting

- >Misinterpretation of the law

- >Lack of resources/man power for local agencies

- >Lack of training available

- >Collaborating with other disciplines

- Attempted Child Abductions Assessment:

- >190 Total Attempted Child Abductions reported from 2013 – 2016

- >22 Suspects identified (6 ultimately charged with Attempted Kidnapping; 2 of these suspects were Registered Sex Offenders with offenses against children)

- >Suspects used escalating tactics if they were unsuccessful

- Path Forward:

- >Continued education for law enforcement agencies

- >Increase agency participation in reporting

- >Increase suspect identifications

- >Produce a yearly threat assessment of Attempted Child Abductions to be disseminated statewide

## B. Discussion and possible action to approve Director's salary increase to amount authorized by 85<sup>th</sup> Legislature (2:19:30)

Discussion led by General Counsel Adkins:

- 84<sup>th</sup> Legislative Session set the director's salary not to exceed \$220,039

- 85<sup>th</sup> Legislative Session set the director's salary not to exceed \$232,969

-Appropriations Act requires approval by Board in an open meeting to change salary

**A motion was made by Commissioner Leon, seconded by Commissioner Flores, to increase the director's salary to \$232,969. Motion passed unanimously.**

C. Report, discussion, and possible action regarding staff response to Petition for Rulemaking submitted by "Just Liberty" (2:21:57)

Update provided by General Counsel Adkins:

- Individuals provided public comment during August meeting on issue of jailing motorists on non-jailable offenses
- Department responded to petition:
  - >Agrees that motorist should not be jailed for non-jailable offenses
  - >Data revealed that over 1 million traffic stops were conducted between 1/1/17 – 7/31/17; only 275 resulted in custody arrests
  - >We believe that number reflects that the current rule is working
  - >Of the 275 custody arrests, 229 were related to driver license offenses (including driving while license suspended)
  - >Proactive measures have been in place:
    - \*Videotape all traffic stops
    - \*Conduct periodic, random supervisory review of videos and are maintained for 90 days
    - \*Have independent Office of Inspector General (OIG) receive/review complaints. OIG conducted review of past five years of data to see if motorists were subject to unnecessary custodial arrests and none were found.
  - >Conclusion, DPS declined to amend current rule.

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

1. Amendments to 37 TAC Section 6.1, concerning Definitions (2:32:10)
2. Amendments to 37 TAC Section 6.14 and Section 6.16, concerning Eligibility and Application Procedures for a License to Carry a Handgun
3. Amendments to 37 TAC Sections 6.32, 6.40, and 6.42, concerning Qualified Handgun Instructor License
4. Repeal of 37 TAC Section 6.39, concerning Prior Notice of Training Required
5. New 37 TAC Sections 6.81 - 6.92, concerning Approved Online Course Providers

**A motion was made by Commissioner Flores, seconded by Commissioner Watson, to approve New Business, Items D1-5, to receive public comment. Motion passed unanimously.**

6. Amendments to 37 TAC Section 15.44, concerning Driver License Photograph (2:35:02)

7. Amendments to 37 TAC Section 15.172, concerning Issuance by Counties and Municipalities

**A motion was made by Commissioner Watson, seconded by Commissioner Pulliam, to approve New Business, Items D6&7, to receive public comment. Motion passed unanimously.**

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

### **ONGOING BUSINESS**

A. Report, discussion, and possible action regarding Public Safety Commission advice and consent role under Texas Government Code 411.005(b) and Public Safety Commission role regarding management team positions under Texas Government Code 411.0071 (2:37:13)

General Counsel Adkins provided the following:

- Allows Commission to consider and give guidance regarding which positions it wants to give advice and consent on prior to position being filled.
- Currently two positions (Director and Deputy Director) statutorily require Commission approval.
- Regional Directors are not currently approved by the Commission.
- Options include: (Option 1) the Public Safety Commission will give approval through advice and consent for the positions of Deputy Director, Division Director (formerly Assistant Director), Regional Director (formerly Regional Commander), and General Counsel; or (Option 2) the Public Safety Commission will give approval through the advice and consent for the positions of Deputy Director, Division Director (formerly Assistant Director), Regional Director (formerly Regional Commander), General Counsel, Assistant Division Director (formerly Deputy Assistant Director), Chiefs of special sections, and Deputy General Counsel.

**A motion was made by Commissioner Leon, seconded by Commissioner Pulliam, to approve (Option 2) advice and consent of Director, Deputy Director, Division Director, Regional Director, Assistant Division Director, Chiefs of Special Sections, General Counsel and Deputy General Counsel. Motion passed unanimously.**

**A second motion was made by Commissioner Leon, seconded by Commissioner Pulliam, stating the Director has authority to appoint individuals to management team positions in an “acting” capacity pending approval by the Public Safety**

**Commission. During the temporary period prior to PSC consideration, the individual will have full authority of the position to which they were appointed and will be referred to as “acting” until approval is received. Motion passed unanimously.**

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

1. Amendments to 37 TAC Section 15.61, concerning Third Party Skills Testing (2:47:48)

No comments.

2. Amendments to 37 TAC Section 15.142, concerning Agreement to Monitor Certain Records and Purchase Driver Record Information

No comments.

**A motion was made by Commissioner Flores, seconded by Commissioner Pulliam, approving adoption of Ongoing Business, Items B1&2. Motion passed unanimously.**

3. Amendments to 37 TAC Section 23.41 and Section 23.42, concerning Vehicle Inspection Items, Procedure, and Requirements (2:49:51)

No comments.

4. Amendments to 37 TAC Section 36.16, concerning Renewal of Certificate of Registration

No comments.

5. Amendments to 37 TAC Section 36.31 and Section 36.36, concerning Practice by Certificate Holders and Reporting Requirements

No comments.

6. Amendments to 37 TAC Sections 36.52, 36.56, and 36.60, concerning Disciplinary Procedures and Administrative Procedures

No comments.

**A motion was made by Commissioner Flores, seconded by Commissioner Pulliam, approving adoption of Ongoing Business, Items B3-6. Motion passed unanimously.**

C. Update report, discussion and possible action regarding recruitment (2:51:04)

Update provided by Division Director Sonia Garcia:

-D-17 School currently has 99 trooper trainees and will graduate 12/22/17

-A-18 School begins 1/7/18; currently have 101 applicants (in various phases of hiring process)

-B-18 School begins 7/8/18; currently have 4,285 applications in screening process

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 (2:54:26)

Director McCraw is seeking advice and consent to move Amanda Arriaga from Division Director, Administration to Division Director, Driver License Division.

**A motion was made by Commissioner Leon, seconded by Commissioner Pulliam, approving advice and consent to move Amanda Arriaga from Division Director, Administration to Division Director, Driver License Division. Motion passed unanimously.**

Director McCraw is seeking advice and consent to promote Jessica Ballew to Division Director, Administration.

**A motion was made by Commissioner Watson, seconded by Commissioner Pulliam, approving advice and consent to promote Jessica Ballew to Division Director, Administration. Motion passed unanimously.**

Director McCraw is seeking advice and consent to promote Skylor Hearn to Deputy Director, Administration and Services.

**A motion was made by Commissioner Watson, seconded by Commissioner Pulliam, approving advice and consent to promote Skylor Hearn to Deputy Director, Administration and Services. Motion passed unanimously.**

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** (2:57:51)

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** (2:58:01)

A. 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: Warren Allen, Robert L. Bailey, Melvin W. Beighle, Gregory D. Bourland, Joe N. Bridges, Curtis L. Brown, Ricky L. Buckaloo, Stanley A. Carter, Patrick C. Davis, Richard R. Fernandez, Leonel V. Garcia, Robert L. Haiyasoso, Thomas M.

Harris, Bryan D. Henry, Thomas W. Jeanes, Darryl R. Jiral, Warren L. Kirkland, Todd K. Kresnik, Alberto Maldonado, Oscar O. Martinez, Bill J. McLean, Scott D. Nix, Terry W. Parker, Manuel Ponce, Andrew S. Priddy, Mike T. Rivard, William F. Rogillio Jr., Thomas J. Rosales, Joseph A. Sagnibene, Matthew W. Southall, Marvin J. Sparkman, Eddy A. Williams, Eric J. Williams, and Debra L. Zerda; Special Texas Rangers: Howard D. Henderson, Martin T. Hood, Frank J. Malinak III, Kevin D. Pullen, and Jeffery D. Robertson

B. Donations:

1. Equine Center – Time and services for the design, construction method, and operation of an equine center for mounted patrol at the Capitol – Administration Division
2. Use of Kinsel Ranch facilities for Regional Director's regular meeting – Texas Rangers
3. Additional donation items, as needed

Consent Item B2 is to be excluded, as it is no longer needed.

**A motion was made by Commissioner Leon, seconded by Commissioner Flores, approving Consent Items, with the exception of Item B2. Motion passed unanimously.**

**ITEMS FOR FUTURE AGENDA** (2:59:07)

None at this time.

**DATE FOR FUTURE MEETING** (2:59:12)

Any discharge hearings will be scheduled on December 20, 2017, and the regular Public Safety Commission meeting is scheduled for December 21, 2017.

**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 1:15 p.m.

(3:00:24) The Public Safety Commission reconvened in open session at 2:55 p.m. Commissioners present were Chairman Steven Mach, Commissioners Manny Flores, Cynthia Leon, Jason Pulliam and Randy Watson.

**ADJOURN**

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

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

Read and approved this 21<sup>st</sup> day of December, 2017.



\_\_\_\_\_  
Chairman

**TEXAS PUBLIC SAFETY COMMISSION**

**ORDER APPROVING SALARY INCREASE**

1. The Appropriations Act for 2018-2019, Article V-46, authorizes the Public Safety Commission to increase the salary of the Director of the Department of Public Safety to \$232,969 for each year of the biennium.
2. The Appropriations Act for 2018-2019, Article IX, Section 3.04(d) directs that any salary increase from appropriated funds within the limits provided by Section 3.04 and salary increases within the limit established under an agency's bill pattern must be: (1) in writing; (2) signed by the presiding officer of the governing board; (3) submitted to the Governor, the Legislative Budget Board and the Comptroller; and (4) approved by the governing board in a public meeting.
3. The Public Safety Commission met in public session on October 12, 2017 in a duly noticed public meeting and deliberated current circumstances and applicable law and concluded that it was appropriate to authorize the increase in salary for the Director to the full amount authorized by the Appropriations Act. The Commission further directed that the increase be reduced to writing as documented in this order, be signed by the presiding officer of the Public Safety Commission and submitted to the Governor, the Legislative Budget Board and the Comptroller as provided by law.

**IT IS THEREFORE ORDERED AND APPROVED** by the Public Safety Commission that the Director of the Department of Public Safety salary be increased to \$232,969 for each year of the 2018-2019 biennium effective September 1, 2017. The Commission further directs that this document be submitted to the Governor, the Legislative Budget Board and the Comptroller as notification as provided by the Appropriations Act.



---

**Steven P. Mach, Chairman**  
**Public Safety Commission**

**DATE SIGNED:** 10/12/17

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 12, 2017, 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 C  
Section 15.61

The Texas Department of Public Safety (the department) adopts amendments to §15.61, concerning Third Party Skills Testing. This rule is adopted without changes to the proposed text as published in the September 8, 2017 issue of the *Texas Register* (42 TexReg 4585) and will not be republished.

Texas Transportation Code, §521.165 authorizes the department to permit third parties to administer the skills test for a driver license on the department's behalf. The amendments update language to reflect the change in driver education program administration from Texas Education Agency (TEA) to the Texas Department of Licensing and Regulation (TDLR). The amendments also reduce the amount of time an authorized organization or instructor must have been licensed in order to participate in the Third Party Skills Testing (TPST) program and clarify that qualifying successor in interest ownership changes will not prevent program participation.

No comments were received regarding the adoption of this rule.

This rule 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, §521.165, which authorizes the department to delegate skills testing to other entities.

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.



---

Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 12, 2017, 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 I  
Section 15.142

The Texas Department of Public Safety (the department) adopts amendments to §15.142, concerning Agreement to Monitor Certain Records and Purchase Driver Record Information. This rule is adopted without changes to the proposed text as published in the September 8, 2017 issue of the *Texas Register* (42 TexReg 4586) and will not be republished.

These amendments are necessary to conform to changes made by the 85th Legislative Session, HB 1699 to Texas Transportation Code, §521.062 regarding program qualifications.

No comments were received regarding the adoption of this rule.

This rule 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, §521.062, which authorizes the department to conduct a pilot program to provide driver record monitoring services.

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.



---

Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 12, 2017, 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 amendments to §23.41 and §23.42, concerning Vehicle Inspection Items, Procedures, and Requirements. These rules are adopted without changes to the proposed text as published in the September 8, 2017 issue of the *Texas Register* (42 TexReg 4587) and will not be republished.

The amendments reflect changes to the attached graphics necessitated by 85th Legislative Session, S.B. 1001. The bill raises the inspection exemption weight limit for trailers from 4,500 pounds to 7,500 pounds, requiring amendment to the attached graphics' inspection guidelines. The proposed amendments also include general updates and additional cleanup of language required by Transportation Code, Chapter 548.

No comments were received regarding the adoption of these rules.

These rules are 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.

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.



---

Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 12, 2017, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Metals Recycling Entities  
Title 37 T.A.C. Part I, Chapter 36  
Subchapter B  
Section 36.16

The Texas Department of Public Safety (the department) adopts amendments to §36.16, concerning Renewal of Certificate of Registration. This rule is adopted without changes to the proposed text as published in the September 8, 2017 issue of the *Texas Register* (42 TexReg 4589) and will not be republished.

This amendment is necessary to clarify the authority of the department to deny an application for renewal if the applicant is found to have been operating with an expired certificate of registration.

No comments were received regarding the adoption of this rule.

This rule 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 Occupations Code, §1956.013, which authorizes the commission to adopt rules to administer Chapter 1956.

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.



---

Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 12, 2017, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Metals Recycling Entities  
Title 37 T.A.C. Part I, Chapter 36  
Subchapter C  
Section 36.31 and Section 36.36

The Texas Department of Public Safety (the department) adopts amendments to §36.31 and §36.36, concerning Practice by Certificate Holders and Reporting Requirements. These rules are adopted without changes to the proposed text as published in the September 8, 2017 issue of the *Texas Register* (42 TexReg 4589) and will not be republished.

These amendments are necessary to implement the requirements of 85th Legislative Session, S.B. 208.

No comments were received regarding the adoption of these rules.

These rules are 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 Occupations Code, §1956.013, which authorizes the commission to adopt rules to administer Chapter 1956.

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.



---

Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On October 12, 2017, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Metals Recycling Entities  
Title 37 T.A.C. Part I, Chapter 36  
Subchapter E  
Sections 36.52, 36.56, and 36.60

The Texas Department of Public Safety (the department) adopts amendments to §§36.52, 36.56, and 36.60, concerning Disciplinary Procedures and Administrative Procedures. These rules are adopted without changes to the proposed text as published in the September 8, 2017 issue of the *Texas Register* (42 TexReg 4590) and will not be republished.

These amendments are necessary to implement the requirements of the 85th Legislative Session, SB 208, which expand the conduct for which the department may impose an administrative penalty against a person and require the department adopt by rule a standardized penalty schedule.

No comments were received regarding the adoption of these rules.

These rules are 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 Occupations Code, §1956.013, which authorizes the commission to adopt rules to administer Chapter 1956, and Texas Occupations Code, §1956.041, which requires that the commission adopt rules establishing a standardized penalty schedule for certain violations of the statute or rules.

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.



---

Steven P. Mach, Chairman  
Public Safety Commission

**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS**  
**October 12, 2017**



**Special Ranger Applicants:**

<b>Name</b>	<b>Division</b>	<b>Service/Station</b>	<b>Retire Date</b>	<b>Years of Service</b>	<b>Approved</b>
Allen, Warren	THP	Austin	08/31/2017	26	
Bailey, Robert L.	THP	Austin	08/31/2017	22	
Beighle, Melvin W.	THP	Amarillo	08/31/2002	23	
Bourland, Gregory D.	Aviation	Austin	03/31/2010	25	
Bridges, Joe N.	THP	Texas City	03/31/2017	27	
Brown, Curtis L.	HS&S	Austin	08/31/2017	28	
Buckaloo, Ricky L.	THP	Devine	08/31/2017	22	
Carter, Stanley A.	THP	Mineral Wells	08/31/2017	30	
Davis, Patrick C.	THP	Gonzales	08/31/2017	30	
Fernandez, Richard R.	CID	Del Rio	08/31/2008	26	
Garcia, Leonel V.	ETR	Florence	08/31/2017	22	
Haiyasoso, Robert L.	THP	Seguin	08/31/2017	34	
Harris, Thomas M.	THP	Austin	08/31/2017	24	
Henry, Bryan D.	THP	Lufkin	08/31/2017	27	
Jeanes, Thomas W.	THP	San Augustine	11/11/1999	24	
Jiral, Darryl R.	THP	San Marcos	08/31/2017	32	
Kirkland, Warren L.	CID	Lufkin	07/31/2017	26	
Kresnik, Todd K.	CID	Garland	08/31/2017	30	
Maldonado, Alberto	CID	Weslaco	08/31/2017	27	
Martinez, Oscar O.	THP	San Antonio	08/31/2017	29	
McLean, Bill J.	THP	Austin	08/31/2017	26	
Nix, Scott D.	THP	Temple	08/31/2017	29	
Parker, Terry W.	THP	Georgetown	08/31/2017	19	
Ponce, Manuel	THP	Austin	08/31/2017	30	
Priddy, Andrew S.	CID	Alice	08/31/2017	27	
Rivard, Mike T.	THP	Palestine	08/31/2017	32	
Rogillio, Jr. William F.	THP	Buffalo	06/30/2005	24	
Rosales, Thomas J.	CID	McAllen	08/31/2003	26	
Sagnibene, Joseph A.	CID	Garland	09/30/2013	25	
Southall, Matthew W.	THP	Hallettsville	08/31/2017	30	
Sparkman, Marvin J.	THP	Waco	08/31/2107	27	
Williams, Eddy A.	THP	Longview	08/31/2003	27	
Williams, Eric J.	CID	Houston	05/31/2013	24	
Zerda, Debra L.	THP	San Antonio	08/31/2017	23	

**Special Texas Ranger Applicants:**

<b>Name</b>	<b>Division</b>	<b>Service/Station</b>	<b>Retire Date</b>	<b>Years of Service</b>	<b>Approved</b>
Henderson, Howard D.	Ranger	Austin - HQ	04/30/2014	29	
Hood, Martin T.	Ranger	Hereford	08/31/2017	30	
Malinak III, Frank J.	Ranger	Austin - HQ	08/31/2017	32	
Pullen, Kevin D.	Ranger	Huntsville	04/30/2013	24	
Robertson, Jeffery D.	Ranger	Austin - HQ	08/31/2017	27	

Approved by the Public Safety Commission on:



Date: 10/12/17