

**MINUTES
PUBLIC SAFETY COMMISSION
February 13, 2020
AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on February 13, 2020. Attending the meeting were Chairman Steven Mach, Commissioners Nelda Blair, Steve Stodghill and Dale Wainwright. DPS staff members and guests were also present.

CALL TO ORDER (0:00:12)

The meeting was called to order by Chairman Mach at 9:00 a.m. Proper notice had been posted.

INVOCATION (0:00:25)

Invocation was given by Chaplain Ferman Carpenter.

PLEDGES (0:01:42)

Pledge of Allegiance to the US Flag and Pledge of Allegiance to the Texas Flag were led by Trooper Kelly Merker.

APPROVAL OF MINUTES (0:02:27)

A motion was made by Commissioner Stodghill, seconded by Chairman Mach, approving the minutes from the Public Safety Commission meeting held December 5, 2019. Motion passed unanimously.

PRESENTATIONS (0:02:51)

Former Commissioner Jason Pulliam was recognized and presented with a Directors Award for his service and dedication to the Texas Department of Public Safety and the state of Texas.

A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, naming Jason Pulliam as an Honorary Texas Ranger Captain. Motion passed unanimously.

Former Commissioner and Chairman Emeritus, A. Cynthia Leon, was recognized and presented with a Directors Award, a proclamation and gavel from Lieutenant Governor

Dan Patrick, a proclamation from Governor Greg Abbott and a hand-written note from former Governor Rick Perry for her service and dedication to the Texas Department of Public Safety and the State of Texas.

A motion was made by Commissioner Stodghill, seconded by Commissioner Blair, naming A. Cynthia Leon as an Honorary Texas Ranger Captain. Motion passed unanimously.

Katherine Cesinger was presented with a Directors Award for her service to the Department and the State of Texas.

Service Awards

Regina Kennedy – 30 years

Judy Vaculin – 30 years

Douglas Farber – 35 years

Harry Hoelscher – 35 years

Henry Sibley III – 35 years

Joe Keith Mitchel – 45 years

William P. Clements Excellence Award

Non-Commissioned: James Scoggins

Commissioned: Sergeant Oscar Villarreal

Lifesaving Award

Trooper Damian DeLeon

Trooper Kobe Huett

Trooper Francisco Rangel

Trooper Travis Payne

Sergeant Dina Ortiz

Corporal Rachael King

Trooper Germaine Gaspard

Trooper Oren Hennings

Trooper Adam Constancio

Trooper JohnHenry Bradshaw

Special Agent Nathaniel Taylor

Corporal David F. Stewart

Directors Award

Officer Caleb Wall – Atlanta Police Department

Howard Garcia

Fusion Center Award for Excellence in the Field of Maritime Domain Awareness
Senior Manager Kim Jones – accepted award on behalf of the Intelligence &
Counterterrorism Division

(0:57:03) Director McCraw acknowledged Representative Reggie Smith in attendance.

(1:00:34) Break 10:01 – 10:17 a.m.

PUBLIC COMMENT (1:00:49)

None

(1:01:04) Chairman Mach acknowledged the following in attendance:

Michael Hull – Office of the Governor

Suzanne Mackowiak and Aaron Moncibaiz – Lieutenant Governor's Office

Keifer O'Dell – Representative Gina Calanni's Office

DIRECTORS REPORT

B. Case Update: THP In-Service School Video (No Routine Day in the Life of a Trooper)

(1:01:36)

Acting Chief Hank Sibley presented a video presentation entitled, "No Routine Day in the Life of a Trooper" displaying the dangerous and critical incidents routinely encountered by our DPS Troopers. Chief Sibley stated there have been 66 incidents in the last four years of DPS vehicles being struck from behind while on the shoulder conducting a traffic stop – Move Over, Slow Down enforcement.

A. Case Update: THP Shooting Incident (1:14:23)

Update provided by Texas Ranger Chad Matlock:

- Case pertained to an officer involved shooting in Dallas County on August 17, 2019
- Video displays the professionalism of our troopers
- Troopers Joshua Engleman and Robert Litvin (working Operation D Town) conducted a traffic stop for failure to signal a left turn (Shaston Lamar Hodge)
- Pursuit ensues, leading to Hodge's grandmother's residence; Hodge exits the vehicle firing shots at the troopers
- Lifesaving efforts immediately take place by Troopers Engleman and Litvin on Hodge
- Hodge is pronounced dead at the hospital
- Dallas District Attorney's office stated it was the most professional police shooting they've seen in their tenure.

NEW BUSINESS

A. Report, discussion and possible action on the Health, Wellness, and Physical Fitness Policy – 2019 Fall Testing Cycle Report (1:25:29)

Update provided by Captain Greg Davis and Michael Harper:

- 99.7% of agency in compliance (68.2% of agency achieved score of 80% or higher)
- Five testing options for the Physical Fitness Testing (minimum requirement is 70%):
 - *500m Row Test – pass rate 99.6% - 1,883 participants
 - *4 minute Row Test – pass rate 99.8% - 1,259 participants
 - *Combat Fitness Test – pass rate 100% - 379 participants
 - *2,000m Row Test – pass rate 100% - 396 participants
 - *Standard PRT – pass rate 100% - 146 participants
- 4,063 participants (3,769 Males - 94 Females)
- 69 Exempt Waivers (55 Males – 14 Females)
- Command Presence Requirements – three pathways (waist circumference; height and weight; and percent body fat) to compliance (94.8% of agency in compliance)
- Fitness Improvement Plans have already been initiated
- Spring 2020 evaluation period will continue to provide an additional 2% allowance above policy requirements
- Agency lost 9,266 pounds of bodyweight from Fall 2018 to Fall 2019 in those who tested in both periods

B. Final Determination in Contested Cases – consideration and possible action on Proposal for Decision: (1:36:35)

- 1. SOAH Docket No. 405-19-5823.PSB – Michael Walter Viator;**
- 2. SOAH Docket No. 405-20-0541.MVI – Fouad Mohammad Bdeir;**
- 3. SOAH Docket No. 405-19-6538. MVI – Raul Montalvo Eguia**

A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, to adopt the Proposals for Decision issued in SOAH Docket No. 405-19-5823 PSB – Michael Walter Viator, SOAH Docket No. 405-20-0541 MVI – Fouad Mohammad Bdeir, and SOAH Docket No. 405-19-6538 MVI – Raul Montalvo Eguia. Motion passed unanimously.

C. Update on License to Carry (LTC) Checker Initiative (1:38:34)

Update provided by Chief Wayne Mueller:

- Over 1.4 million Texans have License To Carry (LTC)
- LTC acts as an alternative permit to the Brady Check
- Approximately 3,000 actions occur each year suspending or revoking an LTC due to criminal action or placed on a Medical Advisory Board
- 75% (5,100) fail to render their LTC when a suspension/revocation occurs; thus, they

- could continue using their card since the face of the card shows it hasn't expired
- On November 15, 2019, DPS implemented an online LTC Alternative Permit Check Search on the DPS website as well as an Interactive Voice Response (IVR) phone search
- Federal Firearms Licensees (FFL) can now check the validity of the LTC from our website or by phone by entering the identification number on the LTC
- In 2019, 15,547 online and 87 IVR searches were conducted
- YTD 2020, 13,769 online and 44 IVR searches have been conducted
- New 2020 design of the LTC to be released by the end of the month

D. Report, discussion, and possible action regarding the appointment of a member of the Vehicle Inspection Advisory Committee as authorized under TRC 548.006 (1:50:11)
 Robert Raymond Ferré Jr. was nominated for the At Large position on the Vehicle Inspection Advisory Committee.

A motion was made by Commissioner Blair, seconded by Commissioner Stodghill appointing Robert Raymond Ferré Jr. to the Vehicle Inspection Advisory Committee for the At Large position. Motion passed unanimously.

E. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (1:53:58)

1. Amendments to 37 TAC Section 10.4 and new Section 10.5 and Section 10.6, concerning General Provisions
2. Amendments to 37 TAC Sections 10.11, 10.13, 10.14, and new Section 10.17, concerning Vendor Authorization
3. Amendments to 37 TAC Section 10.32, concerning Denial of Request for Approval; Revocation of Device Approval
4. Amendments to 37 TAC Sections 23.1, 23.3, 23.5, and 23.6, concerning Vehicle Inspection and Vehicle Inspector Certification
5. Amendments to 37 TAC Sections 23.12 – 23.14, concerning General Vehicle Inspection Station Requirements
6. Amendments to 37 TAC Section 23.51 and Section 23.55, concerning Vehicle Emissions Inspection and Maintenance Program
7. Repeal of 37 TAC Section 23.56, concerning Waiver for Low Volume Emission Inspection Stations
8. Amendments to 37 TAC Section 23.62 and Section 23.63, concerning Violations and Administrative Penalties
9. Amendments to 37 TAC Section 36.1, concerning Definitions
10. Amendments to 37 TAC Section 36.11, concerning Application for Certificate of Registration

11. Amendments to 37 TAC Section 36.34 and Section 36.36, concerning Practice by Certificate Holders and Reporting Requirements

12. Amendments to 37 TAC Sections 36.51, 36.53, 36.55, and 36.56, and new Section 36.57, concerning Disciplinary Procedures and Administrative Procedures

13. Repeal of 37 TAC Section 36.57 – 36.59, concerning Disciplinary Procedures and Administrative Procedures

A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, approving New Business, Items E1 – E13, for publication to receive public comment. Motion passed unanimously.

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

ONGOING BUSINESS

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

1. Amendments to 37 TAC Section 2.8, concerning Expiration (2:03:57)

No comments.

2. Amendments to 37 TAC Section 6.13, concerning Photographs

No comments.

3. Amendments to 37 TAC Section 13.1, concerning Definitions

No comments.

4. Repeal of 37 TAC Sections 13.11, 13.12, 13.14, 13.15, 13.20, and 13.22, concerning Precursor Chemical Laboratory Apparatus (PCLA)

No comments.

5. Amendments to 37 TAC Sections 13.13, 13.16, 13.19, 13.21, and 13.23, concerning Precursor Chemical and Laboratory Apparatus (PCLA)

No comments.

6. Repeal of 37 TAC Sections 13.31 – 13.44, concerning Peyote Distributors

No comments.

A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, adopting Ongoing Business, Items A1 – A6. Motion passes unanimously.

7. Amendments to 37 TAC Section 15.6, concerning Motorcycle License (2:07:19)

No comments.

8. Amendments to 37 TAC Section 15.27, concerning Signature by Parent or Guardian for a Driver License

No comments.

9. Amendments to 37 TAC Section 15.55, concerning Waiver of Knowledge and/or Skills Tests

No comments.

A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, adopting Ongoing Business, Items A7 – A9. Motion passes unanimously.

B. Report, discussion, update and possible action regarding Driver License Action Plan (2:08:58)

Update provided by Acting Chief Sheri Gipson:

- As of 2/1/20, 956 hired and 272 vacancies remain
- Since 2/1/20, 2,212 positions filled
- As of 2/1/20, over 36,000 drive tests have been conducted through the Class C Drive Test Task Force
- As of 2/1/20, over 17 million REAL ID ACT compliant cards have been issued

C. Report, discussion, and update regarding Mass Casualty Attacks including progress on Executive Order GA-07 issued September 5, 2019 (2:12:20)

Brief update provided by Director McCraw:

- DPS Response to Governor Greg Abbott's Directives and Executive Orders handout was distributed to the commissioners.
- The Texas Domestic Terrorism Threat Assessment and Assessing the Mass Attacks Threat to Texas reports have been completed (classified/unclassified versions)

D. Report, discussion, and possible action regarding the modification of the DPS organizational structure and the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team (2:14:08)

Director McCraw sought advice and consent for the following promotions:

- Due to Lt. Colonel Skylor Hearn retiring at the end of February, recommend Jeoff Williams (Regional Director, North Texas Region) to serve as the Deputy Director of Law Enforcement Services.

A motion was made by Commissioner Stodghill, seconded by Commissioner Wainwright approving Jeoff Williams as the Deputy Director of Law Enforcement Services. Motion passed unanimously.

- Due to Chief Ron Joy retiring at end of February, recommend Dwight Mathis (Regional Director, Capitol Region) to serve as Chief of the Texas Highway Patrol Division.

A motion was made by Commissioner Wainwright, seconded by Commissioner Blair approving Dwight Mathis as Chief of the Texas Highway Patrol Division. Motion passed unanimously.

-Amanda Arriaga will serve as a member of the Director's Staff; no motion required.

-Recommend Sheri Gipson (Assistant Chief, Driver License Division) be promoted to Chief of the Driver License Division.

A motion was made by Commissioner Stodghill, seconded by Commissioner Wainwright approving Sheri Gipson as Chief of the Driver License Division. Motion passed unanimously.

-Recommend Hank Sibley (Acting Chief, Texas Highway Patrol) to serve as the Regional Director of the North Texas Region.

A motion was made by Commissioner Blair, seconded by Commissioner Wainwright approving Hank Sibley as Regional Director of the North Texas Region. Motion passed unanimously.

-Recommend David Cabrera (Major, Intelligence and Counterterrorism Division) to serve as Regional Director of the Capitol Region.

A motion was made by Commissioner Stodghill, seconded by Commissioner Blair approving David Cabrera as Regional Director of the Capitol Region. Motion passed unanimously.

-Recommend Kevin Cooper (Office Chief of Government Relations) to also serve as Office Chief of Media and Communications upon the departure of Katherine Cesinger at the end of February.

A motion was made by Commissioner Blair, seconded by Commissioner Stodghill approving Kevin Cooper to serve as Office Chief over Government Relations and Media and Communications. Motion passed unanimously.

-Recommend Mimzie Dennis to serve as the Assistant Chief of the Driver License Division replacing Sheri Gipson who was promoted to Chief of the Driver License Division.

A motion was made by Commissioner Stodghill, seconded by Commissioner Wainwright approving Mimzie Dennis to serve as Assistant Chief of the Driver License Division. Motion passed unanimously.

E. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session)

To be discussed during Executive Session.

REPORTS (2:24:57)

None.

CONSENT ITEMS (2:25:19)

A. Advice and consent regarding director's determination that certain probationary employees were found unsuitable for work during December 2019

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: Laurance P. Adams, Sr., Jay C. Alexander, Robbie L. Barrera, Kenneth E. Bratton, Shannon M. Cloe, Chad S. Estes, Louis Lopez II, Donald R. Lundy, Joseph M. Marino, and Mark S. Phillips; Special Texas Rangers: Eustacio Galvan, Skylor D. Hearn, and Joel D. Kite; and National Insurance Crime Bureau Special Ranger: James A. Vignali, Jr.

C. Donations:

1. South Texas Region SRT and SOG Operations – use of La Copa Ranch for lodging and training purposes

2. Additional donation items, as needed

A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, approving Consent Items, Items A – C1. Motion passed unanimously.

ITEMS FOR FUTURE AGENDA (2:26:00)

None at this time.

DATE FOR FUTURE MEETING (2:26:10)

No discharge hearings are scheduled, and the regular Public Safety Commission meeting is scheduled for April 17, 2020.

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 11:40 a.m.

(2:26:49) The Public Safety Commission reconvened in open session at 1:58 p.m. Commissioners present were Chairman Steven Mach, Commissioners Nelda Blair, Steve Stodghill and Dale Wainwright.

(2:27:00) Chairman Mach entertained a motion to appoint someone to serve as the PSC Liaison to the Contract Review Board.

A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill appointing Commissioner Blair to serve as the PSC Liaison for the Contract Review Board until the August 2020 PSC meeting. Motion passed unanimously.

ADJOURN

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

The meeting was adjourned at 1:59 p.m.

Read and approved this 23rd day of April, 2020.

Steven P. Mach
Chairman

DOCKET NO. 405-19-6778.PSB

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| TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION | § | BEFORE THE |
| | § | |
| VS. | § | STATE OF TEXAS |
| | § | |
| MICHAEL WALTER VIATOR, APPLICANT | § | PUBLIC SAFETY COMMISSION |

FINAL ORDER

On February 13, 2020, the Public Safety Commission held a public meeting and considered the Proposal for Decision issued in the above referenced case by the Administrative Law Judge (ALJ) of the State Office of Administrative Hearings. For purposes of this Order, the Commission adopts the findings of fact and conclusions of law reflected in the Proposal for Decision.

The Commission, after review and due consideration of the Proposal for Decision, accepts the recommendation of the ALJ that Michael Viator’s application for a license as an alarm systems installer be denied.

IT IS THEREFORE ORDERED that the application for a license as an alarm systems installer of MICHAEL VIATOR is hereby finally DENIED.

SIGNED this 13th day of February, 2020.



Steven P. Mach, Chairman
Public Safety Commission

DOCKET NO. 405-20-0541.MVI

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| TEXAS DEPARTMENT OF PUBLIC SAFETY – PUBLIC SAFETY COMMISSION | § | BEFORE THE |
| | § | |
| | § | STATE OF TEXAS |
| VS. | § | |
| | § | |
| FOUAD MOHAMMAD BDEIR, RESPONDENT | § | PUBLIC SAFETY COMMISSION |

FINAL ORDER

On February 13, 2020, the Public Safety Commission held a public meeting and considered the Proposal for Decision issued in the above referenced case by the Administrative Law Judge (ALJ) of the State Office of Administrative Hearings. For purposes of this Order, the Commission adopts the findings of fact and conclusions of law reflected in the Proposal for Decision.

The Commission, after review and due consideration of the Proposal for Decision, accepts the recommendation of the ALJ that Fouad Mohammad Bdeir’s vehicle inspector certification should be suspended for 12 months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector for FOUAD MOHAMMAD BDEIR is hereby SUSPENDED for 12 months.

SIGNED this 13th day of February, 2020.

Steven P. Mach, Chairman
Public Safety Commission

DOCKET NO. 405-19-6538.MVI

TEXAS DEPARTMENT OF PUBLIC
SAFETY – PUBLIC SAFETY COMMISSION

VS.

RAUL MONTALVO EGUIA,
RESPONDENT

§
§
§
§
§

BEFORE THE

STATE OF TEXAS

PUBLIC SAFETY COMMISSION

FINAL ORDER

On February 13, 2020, the Public Safety Commission held a public meeting and considered the Proposal for Decision issued in the above referenced case by the Administrative Law Judge (ALJ) of the State Office of Administrative Hearings. For purposes of this Order, the Commission adopts the findings of fact and conclusions of law reflected in the Proposal for Decision.

The Commission, after review and due consideration of the Proposal for Decision, accepts the recommendation of the ALJ that Raul Montalvo Eguia's vehicle inspector certification should be suspended for six months.

IT IS THEREFORE ORDERED that the certification as a vehicle inspector for RAUL MONTALVO EGUIA is hereby SUSPENDED for six months.

SIGNED this 13th day of February, 2020.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 13, 2020, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Capitol Access Pass
Title 37 T.A.C. Part I, Chapter 2
Section 2.8

The Texas Department of Public Safety (the department) adopts amendments to §2.8, concerning Expiration. This rule is adopted without changes to the proposed text as published in the December 20, 2019 issue of the *Texas Register* (44 TexReg 7857) and will not be republished.

This rule change is necessary to implement Senate Bill 616, 86th Legislative Session, which requires the Capitol Access Pass expire no later than the second anniversary of the date it was issued.

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; Texas Government Code, §411.0625(c), which authorizes the department to adopt rules to administer the Capitol Access Pass program; and Texas Government Code, §411.511, which authorizes the Public Safety Commission to establish by rule the expiration dates for the various licenses governed by Texas Government Code, Chapter 411, Subchapter Q.

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, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 13, 2020, the Public Safety Commission (the commission) by majority vote approved rules concerning:

License to Carry Handguns
Title 37 T.A.C. Part I, Chapter 6
Subchapter B
Section 6.13

The Texas Department of Public Safety (the department) adopts amendments to §6.13, concerning Photographs. This rule is adopted without changes to the proposed text as published in the December 20, 2019 issue of the *Texas Register* (44 TexReg 7857) and will not be republished.

These amendments are necessary to implement the 86th Texas Legislature, House Bill 4195. This bill removes the statutory requirement of a color photograph as part of the application for a license to carry a handgun. Therefore, corresponding references within the rule on application requirements have been removed.

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 Government Code, §411.179, which authorizes the department to adopt rules to establish the form of the license.

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, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 13, 2020, 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 §13.1, concerning Definitions. This rule is adopted without changes to the proposed text as published in the December 20, 2019 issue of the *Texas Register* (44 TexReg 7858) and will not be republished.

These amendments are necessary to implement Senate Bill 616, 86th Texas Legislature. This bill repeals the Health and Safety Code provision requiring distributors and recipients of chemical precursors and laboratory apparatus obtain permits issued by the department. However, the bill leaves in place certain record keeping and reporting requirements for those who use precursor chemicals or laboratory apparatus, and the authority for audits and the inspection of records.

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; Texas Health and Safety Code, §481.003, which authorizes the director to adopt rules to administer and enforce the chapter.

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, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 13, 2020, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Controlled Substances
Title 37 T.A.C. Part I, Chapter 13
Subchapter B
Sections 13.11, 13.12, 13.14, 13.15, 13.20, and 13.22

The Texas Department of Public Safety (the department) adopts the repeal of §§13.11, 13.12, 13.14, 13.15, 13.20, and 13.22, concerning Precursor Chemical Laboratory Apparatus (PCLA). These repeals are adopted without changes to the proposed text as published in the December 20, 2019 issue of the *Texas Register* (44 TexReg 7859) and will not be republished.

The 86th Legislative Session, Senate Bill 616 repealed the Health and Safety Code provisions requiring distributors and recipients of chemical precursors and laboratory apparatus obtain permits issued by the department, therefore these rules are obsolete.

No comments were received regarding the adoption of these repeals.

These repeals 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 Health and Safety Code, §481.003, which authorizes the director to adopt rules to administer and enforce the chapter.

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, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 13, 2020, 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 13.13, 13.16, 13.19, 13.21, and 13.23

The Texas Department of Public Safety (the department) adopts amendments to §§13.13, 13.16, 13.19, 13.21, and 13.23, concerning Precursor Chemical and Laboratory Apparatus (PCLA). These rules are adopted without changes to the proposed text as published in the December 20, 2019 issue of the *Texas Register* (44 TexReg 7860) and will not be republished.

These amendments are necessary to implement Senate Bill 616, 86th Texas Legislature. This bill repeals the Health and Safety Code provision requiring distributors and recipients of chemical precursors and laboratory apparatus obtain permits issued by the department. However, the bill leaves in place certain record keeping and reporting requirements for those who use precursor chemicals or laboratory apparatus, and the authority for audits and the inspection of records.

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 Health and Safety Code, §481.003, which authorizes the director to adopt rules to administer and enforce the chapter.

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, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 13, 2020, the Public Safety Commission (the commission) by majority vote approved rules concerning:

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

The Texas Department of Public Safety (the department) adopts the repeal of §§13.31 - 13.44, concerning Peyote Distributors. These repeals are adopted without changes to the proposed text as published in the December 20, 2019 issue of the *Texas Register* (44 TexReg 7862) and will not be republished.

These rule changes are necessary to implement Senate Bill 616, 86th Legislative Session. Senate Bill 616 repeals the Health and Safety Code provision requiring peyote distributors register with the department.

No comments were received regarding the adoption of these repeals.

These repeals 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 Health and Safety Code, §481.003, which authorizes the director to adopt rules to administer and enforce the chapter.

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, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 13, 2020, 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 A
Section 15.6

The Texas Department of Public Safety (the department) adopts amendments to §15.6, concerning Motorcycle License. This rule is adopted without changes to the proposed text as published in the December 20, 2019 issue of the *Texas Register* (44 TexReg 7863) and will not be republished.

The 86th Texas Legislature enacted House Bill 3171, which repealed Texas Transportation Code, §521.225 requiring a restricted Class M license to operate a moped and redefined a motor-driven cycle as a motorcycle. This rule amendment removes references to moped licenses and motor-driven cycles.

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, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation 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, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 13, 2020, 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 15.27

The Texas Department of Public Safety (the department) adopts amendments to §15.27, concerning Signature by Parent or Guardian for a Driver License. This rule is adopted without changes to the proposed text as published in the December 20, 2019 issue of the *Texas Register* (44 TexReg 7864) and will not be republished.

These amendments are necessary because the 86th Texas Legislature enacted House Bill 2551, which added an agent with power of attorney for the parent to the persons authorized to sign for minor's driver license.

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, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation 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, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 13, 2020, 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 15.55

The Texas Department of Public Safety (the department) adopts the amendments to §15.55, concerning Waiver of Knowledge and/or Skills Tests. This rule is adopted without changes to the proposed text as published in the December 20, 2019 issue of the *Texas Register* (44 TexReg 7865) and will not be republished.

The amendment is necessary because the 86th Texas Legislature enacted House Bill 3171, which repeals the requirement for a Class M license restricted to moped operation.

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, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation 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, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

**SPECIAL RANGER /
SPECIAL TEXAS RANGER APPLICANTS
February 13, 2020**

Special Ranger Applicants:

| Name | Division | Service/Station | Retire Date | Years of Service | Approved |
|-------------------------|----------|-----------------|-------------|------------------|----------|
| Adams, Sr., Laurance P. | THP | San Antonio | 11/30/2019 | 22 | |
| Alexander, Jay C. | RSD | Austin | 12/31/2019 | 21 | |
| Barrera, Robbie L. | THP | Austin | 11/30/2019 | 25 | |
| Bratton, Kenneth E. | THP | Stephenville | 08/31/2019 | 29 | |
| Cloe, Shannon M. | THP | Temple | 11/30/2019 | 24 | |
| Estes, Chad S. | THP | Austin-Capitol | 10/31/2019 | 23 | |
| Lopez II, Louis | THP | Abilene | 11/29/2019 | 32 | |
| Lundy, Donald R. | THP | Georgetown | 8/31/2019 | 29 | |
| Marino, Joseph M. | CID | Houston | 12/31/2019 | 21 | |
| Phillips, Mark S. | OIG | Houston | 11/30/2019 | 21 | |

Special Texas Ranger Applicants:

| Name | Division | Service/Station | Retire Date | Years of Service | Approved |
|------------------|----------|-----------------|-------------|------------------|----------|
| Galvan, Eustacio | TRD | Hereford | 11/30/2019 | 19 | |
| Hearn, Skylor D. | LES | Austin-HQ | 2/29/2020 | 25 | |
| Kite, Joel D. | TRD | San Antonio | 08/31/2019 | 21 | |

National Insurance Crime Bureau Special Ranger Applicant:

| Name | Approved |
|------------------------|----------|
| Vignali, Jr., James A. | |

Approved by the Public Safety Commission on: _____



Date: 2/13/2020