

Texas Metals Advisory Committee

MINUTES

Tuesday, August 4th, 2015

DPS Regional Office, 350 West Interstate 30, Garland, TX 75043

Members Present: Committee Chairman Arnold Gachman, Major Jay Alexander, Jeff Marin, David Landry, Jim Winkle

Members Present via Conference Call: Tom Baker, Jesse Fite, Jim Shapiro, Geanna Tubbs

Member Absent: Daniel Garcia

Chairman Gachman called the meeting to order at 10:06 am. Major Alexander began by discussing the amendment to the Administrative Rules to accommodate the City of Dallas and MREs located in that area a waiver for the first 2 year time period after the Administrative Rules from HB2187 go into effect.

AGENDA ITEMS

- I. Administrative Rules:** Discussion of proposed administrative rules began with Major Alexander explaining to the committee the waiver that has been granted to MREs in the City of Dallas concerning the issuance of Cash Transaction Cards. Any MRE in that municipality with a valid Cash Transaction Card issued before 8/30/15 will be valid for 2 years from the date of issuance, and will not be required to issue a new card until the current card expires. Small changes have been made to the definition of “military service member” in the Administrative Rules to mimic changes made to government code concerning benefits given to service members. In Forms (§36.4), two different forms are made mandatory: the bill of sale and the cash transaction card form. DPS was granted authority to create forms necessary to provide oversight for the Metals program. A bill of sale form was created for MREs to use, however it is not necessary that MREs use the DPS form. If an MRE wishes to use their own form, they will be required to send that form to DPS for pre-approval before they use it. If the form submitted contains adequate information, it will be approved and placed into the MREs file to be viewed in the event of a company inspection. Tom Baker requested clarification on what form needed to be sent in for approval. Major Alexander clarified, and also provided more information on the approval process. Concern was expressed by a few committee members who felt like this issue had not been discussed, that they were unaware that DPS would need pre-approval for the bill of sale. Major Alexander assured the committee that DPS would accommodate the MREs as much as possible, but that this issue had already been discussed and resolved previously. A cash transaction card form was also created by DPS, with the same stipulation as the bill of sale; that the MRE could choose to use their own form, as long as it was sent to DPS for pre-approval. In Renewal of Certificate of Registration (§36.16d), provision was added that MREs must complete training in order to complete the renewal process. A disclaimer was added that this may be waived for future renewals if no significant changes to law have taken place. Jim Shapiro asked what kind of training would be required by the MRE. Major Alexander replied that it would be a 1-2 hour on-line training module that would help address key issues seen by both the metals industry and law enforcement. Geanna

Tubbs had previously asked if other employees of the MRE would be allowed to take the training, Major Alexander responded that yes they would be allowed to take the training. No provision was added for that in the Administrative Rules because legal staff felt that it was not necessary to add. Chairman Gachman asked if the training would be tracked by DPS. Nick Rozumny responded that yes, the information would be linked to the TOM database, that DPS would be required to track the training because it would be required for new registration and renewal purposes. (§36.37) Cash Transaction Card – Requirements added that the MRE must include the facility name and the registration numbers on the Cash Transaction Card. MREs with multiple facilities and registration numbers can put them all on one card. The question was raised concerning whether black and white photos would suffice if the electronic copy being kept was in color. Major Alexander responded that no, the Administrative Rule dictates that the photo needs to be in color, no exceptions to that would be granted.

II. HB 2187 Reference Guide & FAQs: DPS devised documents to answer questions being asked concerning how the implementation of HB 2187 will impact MREs. This information has been sent to the committee, as well as to all MREs. The information will continue to be sent to all MREs every Monday through the end of August, to ensure that MREs have plenty of opportunities to view the information.

III. Batteries: Discussion to decide how to report transactions involving batteries: either by count or by weight. Jesse Fite from Houston PD recommended batteries brought in by individuals be tracked by count for metals theft tracking purposes. Batteries brought in by commercial businesses could be reported by the pound. Jim Shapiro expressed concern that the MREs are unable to accurately identify the type of battery being brought in to be sold. Nick Rozumny let the committee know that photographs would be taken and posted to the website in order to help MREs identify the types of batteries that could potentially brought in. Major Alexander made mention that the process of reporting battery transactions should be kept as simple as possible until the program reaches the point where it needs to become a more in-depth process. A small number of categories is sufficient for tracking purposes at this point. A tentative decision was made to report batteries in four (4) separate categories: specialized, lead acid, commercial grade lead acid and spiral cell. Batteries being sold in quantities of twenty-five (25) or less need to be counted individually, while transactions of twenty-six (26) or more could be reported by the pound. The committee agreed to discuss the issue at length later in the week, and possibly change that reporting requirement.

IV. New Appointments to the Texas Metals Advisory Committee: Additions to the committee should be complete by the end of August. One industry member needs to be added, as well as two sheriffs. A replacement is also being considered for one of the law enforcement representatives of a city with a population of 200,000-500,000 due to lack of participation in committee meetings and other activities. The committee will be notified as soon as new appointments to the advisory committee by the DPS Director are finalized.

V. Metals Recycler Training Program Development Team: As part of the fulfillment of the new Administrative Rule being proposed requiring MREs to complete a training program

before being issued a license, DPS is working on a training module for both law enforcement and MREs. DPS asked the committee for recommendations for individuals to appoint to a development team to work on the training. Tom Baker was recommended as the main representative of the metals industry, and will also work with Arnold Gachman, Jim Shapiro and Geanna Tubbs. All law enforcement representatives will also take part in the development process. DPS has agreed to assist Time Warner Cable with training they are developing for law enforcement, Mike Ashlock from Time Warner Cable has been appointed to serve on the development team. Communications to Time Warner Cable will also be sent to Jeff Marin. Further information will be sent to the advisory committee, as well as all members of the training development team as more information becomes available.

VI. Other Items: None noted.

Meeting adjourned by Chairman Arnold Gachman at 12:40 pm.