The Public Safety Commission met in Austin, Texas on January 10, 2007. Attending the meeting were Chairman Ernest Angelo, Jr., and Commissioner Louis E. Sturns.

DPS Staff members present:
Tommy Davis, Director
David McEathron, Assistant Director
Oscar Ybarra & Tom Haas, Accounting & Budget Control
Randy Elliston, Lamar Beckworth, Mark Rogers & Todd Early, Texas Highway Patrol
Kent Mawyer, Criminal Law Enforcement
Burt Christian & Valerie Fulmer, Administration
Judy Brown, Greg Gloria & Bob Burroughs, Driver License
Ray Coffman, Jim Miller & Gary DeLosSantos, Texas Rangers
Farrell Walker & Jude Schexnyder, Office of Audit & Inspection
Jack Colley, Emergency Management Division
Mary Ann Courter, General Counsel
Ed Kelly & Bryan Lane, Information Management Service
Tela Mange, Public Information Office
David Outon, Internal Affairs
Michael Kelley, Legislative Liaison Office
Dorothy Wright, Secretary

Guests present:
Mike Samulin, Private Security Bureau

The meeting was called to order by Chairman Angelo. Proper notice had been posted.

I. Minutes. Upon motion by Commissioner Sturns and seconded by Commissioner Angelo, the minutes of the November 15, 2006 meeting were approved.

II. Public comment. There was no public comment.

III. Discharge appeal hearing of DPS employee Debra Arntfield. The Chairman announced that the hearing had been postponed to a later date.

IV. Budget matters. Oscar Ybarra briefed the Commission on the DPS waiver request for capital and FTE limit reductions. There was some discussion on HUB percentages.
A. Acceptance of donation by Round Rock Police Department of night-vision device, valued at $10,000.00. Colonel Davis briefed the Commission on the proposed gift. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo accepting the proposed donation.
B. Acceptance of donation by San Antonio HIDTA of 2007 Ford truck, valued at $53,275.00. Kent Mawyer briefed the Commission on the proposed gift. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo accepting the proposed donation.

C. Approval of seized fund purchases. Colonel Davis briefed the Commission on the proposed purchases using seized funds. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo approving the attached seized fund purchases.

V. Audit & Inspection report. Farrell Walker gave the audit & inspection report.

VI. Division reports. Burt Christian gave the Administration Division report, including an update on livescan deployment, CHL processing backlog, upcoming recruit school, fleet vehicle production and the building program. The Texas Highway Patrol Division report was given by Randy Elliston. There was some discussion on a recent trooper injury, 2006 STEP results and ongoing THP drug and criminal interdiction efforts. Judy Brown gave the Driver License Division report, including an update on the driver license reengineering project, proposed legislation regarding driver license issues and the Real ID fiscal impact. The Driver Responsibility Program update was given by Judy Brown. The Emergency Management Division report, including an update of recent disaster declarations, ongoing drought operations, critical incident response training and Rio Grande operations, was given by Jack Colley. There was some discussion on the border security camera test project. The Criminal Law Enforcement Division report, including ongoing activities of the various services, was given by Kent Mawyer. Ray Coffman gave the Ranger Division report. The Information Management Service report was given by Ed Kelly.

VII. For publication for public comment.

A. Proposed amendment to Rule 16.100, 37 TAC Sec. 16.100, relating to Sanctions and Disqualifications to be reported on Commercial Driver Licenses as a result of traffic convictions. Bob Burroughs briefed the Commission on the proposed amendment. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo approving the attached amendment for publication for public comment.

VIII. For adoption.

A. Proposed new Rule 4.71, 37 TAC Sec. 4.71, relating to Commercial Vehicle Regulations and Enforcement Procedures, and the establishment of the Advisory Oversight Community Outreach Committee, as published in TexReg 9268, November 10, 2006. Mary Ann Courter briefed the Commission on the proposed new rule. Upon motion by Commissioner Sturns and seconded by Commissioner Angelo, the attached rule was unanimously approved for final adoption.

B. Discussion and possible action regarding the amendment of Rule Sec. 35.34, Standards of Conduct, as published in 31 TexReg 9270, November 10, 2006

C. Discussion and possible action regarding proposal for Rule 35.41, concerning
company names used by licensees, as published in 31 TexReg 9271, November 10, 2006

D. Discussion and possible action regarding the amendment of Rule 35.251, Application for Training School Approval, as published in 31 TexReg 9272, November 10, 2006

E. Discussion and possible action regarding the adoption of Rule Sec. 35.205, Records required on Commissioned Security Officers, as published in 31 TexReg 9272, November 10, 2006

Valerie Fulmer and Mike Samulin briefed the Commission on the proposed amendments and rules. Upon motion by Commissioner Stums and seconded by Commissioner Angelo, the attached amendments and rules were unanimously approved for final adoption.

IX. Personnel matters, pending and contemplated litigation, ongoing criminal investigations, status of purchase of real property. The Commission discussed future meeting dates and then went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.074, 551.072 & 411.0041 to discuss personnel matters; pending and contemplated litigation; status of purchase of real property; and ongoing criminal investigations. Upon reconvening Regular Session, Commissioner Angelo announced that the Commission had discussed procedures for discharge appeal hearings. A suggested change will be put on the agenda for consideration at the next meeting. Also discussed were personnel matters, pending litigation and ongoing criminal investigations. Special Texas Ranger commissions had been considered for DPS retirees Ricardo Alvarado, Warren Donaway, Foy Goldston, Marcial Gonzalez, Don Graham, Roberto Loza, Ronnie Porter, Mark Riordan, Joe Roberts and Michael Tandy and a Special Texas Ranger commission was considered for DPS retiree Billy D. Davis. Also considered was the renewal of all current Special Ranger and Special Texas Ranger commissions. Upon motion by Commissioner Stums and seconded by Commissioner Angelo, Special Ranger and Special Texas Ranger commissions were approved for the above named individuals respectively and all current Special Ranger and Special Texas Ranger commissions were renewed for a 2 year period beginning January 1, 2007. A list of the Special Ranger and Special Texas Rangers approved for renewal is attached.

There being no further business, the meeting was adjourned.

Read and approved this __________ day of __________, 2007.

[Signature]
Chairman

[Signature]
Member
Division/Service/Section making request:

Texas Highway Patrol Division

Description of Item(s) requested (attach request memo):
Communications Infrastructure to complete radio migration from analog to digital.

Describe Overall Impact of Request:
Funds are needed to complete the transition of radio system infrastructure from analog to digital to address communications and homeland security needs.

Equipment Location:
Mark one - Field Headquarters BOTH

Estimated Cost of this Request:
$1,602,787

RECOMMENDATION OF COMMITTEE

APPROVED

NOT APPROVED

Fund No. 222
Budget No. 51033
Control No. 06-021

Reason if NOT Approved:

Committee Chair
Date 12/27/06

Director
Date 1/03/07

for Public Safety Commission
Date 1/10/07

Revised 06/2006
Division/Service/Section making request:

TEXAS HIGHWAY PATROL DIVISION

Description of Item(s) requested (attach request memo):

60 Hz Cross Flow Beidner / 16 qt. Stainless Vessel

Describe Overall Impact of Request:

With the purchase of this type blender, the department would be able to build Psuedo Methamphetamine which would replace real methamphetamine issued to the canine handlers.

Equipment Location:

Mark one - FIELD Headquarters Both

Estimated Cost of this Request:

$10,153

RECOMMENDATION OF COMMITTEE

APPROVED

NOT APPROVED

Fund No. ____________

Budget No. ____________

Control No. ____________

Reason if NOT Approved:

__________________________

Committee Chair

__________________________

Date

__________________________

Director

__________________________

for Public Safety Commission

__________________________

Date

Revised 06/2006
TEXAS DEPARTMENT OF PUBLIC SAFETY
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT

Date: 12/27/2006

Division/Service/Section making request:
CRIMINAL LAW ENFORCEMENT, SPECIAL WEAPONS AND TACTICS TEAM

Description of Item(s) requested (attach request memo):
Universal Night Sight with Gen-3 Auto-Gated Image Tube Technology

Describe Overall Impact of Request:
Updated replacement of rifle scopes in support of surveillance and precision shooting.

Equipment Location:
Mark one - FIELD
Headquarters
Both

Estimated Cost of this Request:
$33,705

RECOMMENDATION OF COMMITTEE

APPROVED
NOT APPROVED

Fund No.
Budget No.
Control No.

Reason if NOT Approved:

Date 12-27-06

Committee Chair

Director

for Public Safety Commission

Date 1-03-07

Date 1/10/07

Revised 06/2006
TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On January 10, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Commercial Vehicle Regulations and Enforcement Procedures  
Title 37 T.A.C. Part I, Chapter 4  
Subchapter E  
Section Number 4.71

The Texas Department of Public Safety adopts new Subchapter E, Section 4.71, concerning the Advisory Oversight Community Outreach Committee, without changes to the proposed text as published in the November 10, 2006, issue of the Texas Register (31 TexReg 9268).

Adoption of new Section 4.71 is necessary in order to establish the Advisory Oversight Community Outreach Committee in accordance with House Bill 925 (79th Texas Legislature­Regular Session). The purpose of the Advisory Oversight Community Outreach Committee is to document to the Public Safety Commission trade-related incidents involving department personnel; to develop recommendations and strategies to improve community relations, department personnel conduct, and the truck inspection process at the ports-of-entry on the Texas-Mexico border; and to act as ombudsman between the department and the residents and communities in the Texas-Mexico border area and between the department and the department's personnel.

No comments were received regarding adoption of the new section.

The new section 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 departments work; and Texas Government Code, Section 411.0197(a), which authorizes the Public Safety Commission to adopt rules for the implementation and operation of the Advisory Oversight Community Outreach Committee.

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.

Ernest Angelo, Jr., Chairman
Public Safety Commission
TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On January 10, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter C
Section Number 35.34

The Texas Department of Public Safety adopts amendments to Section 35.34, concerning Standards of Conduct, without changes to the proposed text as published in the November 10, 2006, issue of the Texas Register (31 TexReg 9270).

Adoption of the amendments to Section 35.34 are necessary in order to delete current subsection (a) which the department believes needlessly involves the Private Security Bureau in contractual disputes between licensees and clients; reformats the remaining sections and add a new subsection (n) which provides for additional standards of conduct for regulated businesses.

No comments were received regarding adoption of the 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 Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this 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, Section 2001.033.

Ernest Angelo, Jr., Chairman
Public Safety Commission
TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On January 10, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter C
Section Number 35.41

The Texas Department of Public Safety adopts amendments to Section 35.41, concerning Company Name Selection, without changes to the proposed text as published in the November 10, 2006, issue of the Texas Register (31 TexReg 9271).

Adoption of the amendments to Section 35.41 are necessary in order to add new subsections (b) and (c) which clarify the criteria used by the Bureau in evaluating company name requests and to reduce the confusion that occurs when substantially similar company names are used by unrelated entities. In addition, the title of the section has also been changed.

No comments were received regarding adoption of the 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 Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this 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, Section 2001.033.

[Signature]
Ernest Angelo, Jr., Chairman
Public Safety Commission
TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On January 10, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter M
Section Number 35.205

The Texas Department of Public Safety adopts amendments to Section 35.205, concerning Records Required on Commissioned Security Officers, without changes to the proposed text as published in the November 10, 2006, issue of the Texas Register (31 TexReg 9272).

Adoption of the amendments to Section 35.205 are necessary in order to shift the burden from the employer to the officer/employee, to ensure the accuracy of the employer’s record of the officer’s current residence. The amendment acknowledges that employers do not have independent information on their employees in this regard and must rely on what the employee provides to them.

No comments were received regarding adoption of the 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 Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this 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, Section 2001.033.

[Signature]
Ernest Angelo, Jr., Chairman
Public Safety Commission
TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On January 10, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter Q
Section Number 35.251

The Texas Department of Public Safety adopts amendments to Section 35.251, concerning Application for a Training School Approval, without changes to the proposed text as published in the November 10, 2006, issue of the Texas Register (31 TexReg 9272).

Adoption of the amendments to Section 35.251 subsection (c) are necessary in order to update the cross-references that appear in the rule. This is a non-substantive change.

No comments were received regarding adoption of the 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 Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this 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, Section 2001.033.

Ernest Angelo, Jr., Chairman
Public Safety Commission
COMPANY SPECIAL RANGERS
JANUARY 2007

TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION
Andrews, Jack D.
Baros, Gary W.
Barfknecht, Chad E.
Belt, James L.
Bohannon, Jackie D.
Bradshaw, John P
Brittain, Howard D.
Chambers, Kenneth L.
Clark, Robin E.
Dickson, William J.
Dumas, Hal C.
Eggleston, Benjamin O.
Foreman, Eddie R.
Garcia, Rolando
Gray, Larry M.
Hartmann, Max M.
Hutchison, Douglas E.
Johnson, Tommy Ray
Mast, James B.
McKinney, Troy Jay
Miniard, Kenneth M.
Roberts, Joseph B.
Roberts, Thomas R.
Thompson, Alan D.
Upchurch, Bobby J.
Williamson, Scott L.

NATIONAL INSURANCE CRIME BUREAU
Betts, Donald E.
Campbell, Louis A.
Niblett, Ray H.
Norris, Jay E.
Reed, Tommy W.
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Buckner, Demus Lindel
Burch, Benjamin Lee
Burger, Richard Dale
Burleson, Forrest L
Burleson, John Dolan
Burleyson, James Lee
Bums, Johnny Burl
Bums, Jackie L
Burnup, George W
Burr, Donald Buchanan
Busby, Paul Eguene
Bush, Donnie E
Butler, Wesley Noble
Butler, Lonzo N
Bynum, Tony R
Byork, John Douglas
Byrd, Jerry W
Byrne, Jerry Douglas
Cagle, Melvin Douglas
Callender, Alan Wayne
Campbell, Gene Karon
Campbell, Michael Leroy
Campbell, Richard L
Cannon, Thomas Floyd
Cano, Israel
Cantu, Mauricio
Cantu, John
Cardwell, Gary M
Carey, Charles William
Carroll, Albert Dan
Carroll, Billy G
Carter, Walter Eugene
Carter, William Perry
Carter, Steven Blake
Carter, Tommy Joe
Casarez, Arturo
Case, Johnie Wayne
Caskey, Guy Marshall
Castaneda, Robert L
Casteel, Bruce M
Cawthon, Vernon James
Chastain, J D
Cheek Jr, Ralph C
Chrane, Jack R
Cizek, John Jacob
Clanton, Coy W
Clark, Bob Louis
Clark, William Terrel
Clark, Gary B
Claxton, Don Marshall
Cleckler, Homer D
Clickard, Martin Edward
Cody, William Alfred
Cofer, John Paul
Cohn, Ernest Dwain
Collins, Don Walton
Collins, Robert F
Collins, Donald Lee
Comstock, Arthur Lee
Comte, Delbert Lee
Connally, Seaborn Eastland
Connell, Bobby Glenn
Conner, George Felix
Conway, Jerry N
Cook, Maurice C
Cornelius Jr, Bert
Counts, Bobby Jack
Court, Ted Bailey
Covington, Ira Chester
Cox, Franklin Dwain
Crane, Beal Timmons
Crayton, Daniel Perry
Creech, Kenneth Paul
Crenwelge, Archie Dean
Crites, J Wesley
Cromer, Jerry Ray
Crook, Bily Earl
Cross, Richard D
Crossley, C Kenneth
Crossley, James F
Crownover, Jack Royce
Crump, Michael G
Cuellar, Adolfo
Cummings, Fred L
Cunningham, John Wesley
Curtis, Jack Lee
Dallas, Frank T
Davenport, Billy Jim
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Davis, David T
Davis, Joe Bailey
Davis, Lonnie R
Davis, Russell L
de Leon, Eliseo
Dean, Jack O'Day
DeArza, Regis
Deaton, Linda F
Deaton Jr, Wendell S
Degner, Walter R
Demuth, Eugene
Dendy, John Wallace
Dew, Wilson Thuman
Dickey, Billy Ray
Dietz, Marvin O
Dillard, Joseph R
Dismukes, Kenneth Brian
Dittlinger, Robert Kenneth
Ditto, Danny M
Dobecka, Marvin Frank
Dodge, David Granville
Dolive, Don E
Donaldson, Larry D
Dorbandt, Charles C
Dorrough, Rhudolph Lafon
Douglas, Yolanda
Downs, James Alvin
Downs, Jack P
Dracoulis, Kenneth Alan
Drake, Lawrence A
Drake, Grant L
Drake, Clarence E
Driskill, Joe E
Drumheller, Douglas N
Duderstadt, Kenneth P
Duggan, Dan W
Dunham, Howard L
Dunlap, James Eugene
Dunn, Grady Michael
Eason, Robert Lee
Edmiston, Jerry Howard
Edwards, Randy
Eeds II, Walter C
Elizondo, George

Elliott, Horace Weldon
Elliott, Glenn
Ener, John Michael
Engelke, Larry James
England, James Richard
English, Louie Mack
Ennis, Billy B
Eriksen, Stuart Franklin
Escaname, Rogelio
Escobar, Rodolfo C
Espinoza, Michael A
Etie, William Lee
Eubanks, Andrew M
Eubanks, Jr., Welford M
Evans, Cornell A
Everett, Don Neal
Farmer, Jerry D
Faulkner, Elzie Hays
Favor, Robert Charles
Ferguson, Jack Wayland
Ferguson, John Davis
Fife, James Lee
Finstad, Ray Carroll
Fischer, Carl David
Fisher, Paul Wright
Fisher, Albert W
Fitts, Jerry Lynn
Fleming, Bobby W
Fleming, Charles K
Fletcher, Harold Gene
Ford, Billy Gene
Ford, Charles C
Fore, Jodie W
Forsberg, Gordon R
Foster, Joseph Brantley
Foster, L J
Franco, Leo
Franklin, Charles Ray
Franzetti, Gary Wayne
French, Joe Elton
Fuller, Herbert L
Fuller, Odis Dean
Garcia, Enrique V
Garner, Ray Charles
Retiree Special Rangers/Special Texas Rangers
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Garrett, Kenneth Glenn
Garrett, James V
Garza, Jose M
Garza, Raul
Garza, Jesse J
Gates, Charles Henry
Geiser, Paul M
Gerth, William Raymond
Gilbreath, James Byron
Gillespie, Jimmie Lee
Gilmore, Randol
Ginn, Ellis Eugene
Gonzales, Alfred Duran
Gonzales, Joe R
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