

**MINUTES
PUBLIC SAFETY COMMISSION
August 6, 2004
Austin, Texas**

The Public Safety Commission met in Austin, Texas on August 6, 2004. Attending the meeting were Chairman Colleen McHugh and Commissioners Robert Holt and Carlos Cascos.

DPS Staff members present:

Tommy Davis, Director
David McEathron, Assistant Director
Tom Meredith & Laura Font, Accounting & Budget Control
Randy Elliston, Mark Rogers & David Palmer, Highway Patrol Division
Earl Pearson, Rangers
Kent Mawyer & Gary Stone, Criminal Law Enforcement
Burt Christian and Valerie Fulmer, Administration
Judy Brown & Greg Gloria, Driver License
Farrell Walker, Audit & Inspection
Mary Ann Courter, General Counsel
Mary Lauderdale & Ed Kelly, Information Management Service
Tela Mange, Public Information
David Outon, Internal Affairs
Jack Reichert, Aircraft
Rick Kautz, Information Resource
Janie Smith, Legislative Liaison Office
Dorothy Wright, Secretary

Guests present:

Alfonso Royal, Legislative Budget Board
Jim Hetchler, Texas Locksmith Assn.
George Craig & Mike Samulin, Texas Private Security Board
J. D. Benefer, TBFAA
Robert Coffman, American Fence Assn.
Naomi Angel & Don Moerbe, Automatic Door Mfg. Assn.

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

- I. **Minutes.** Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the minutes of the June 16, 2004 meeting were approved.
- II. **Public comment.** Naomi Angel, representing DESMA, IDA & AFA, addressed the Commission reference rulemaking authority for the Private Security Board.
- III. **Discussion and possible action on delegation of certain rulemaking functions to the Private Security Board and/or the DPS Director.** George Craig and Mike

Samulin of the Private Security Board addressed the Commission regarding the rulemaking process. There was some discussion on this matter.

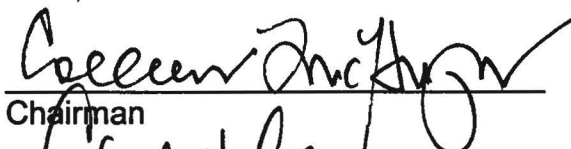

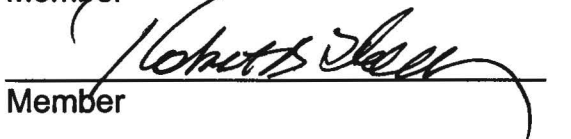
- IV. **Budget matters.** Colonel Davis introduced Oscar Ybarra as the new Chief of Accounting.
 - A. **Approval of FY 2005 operating budget.** Colonel Davis briefed the Commission on the proposed FY2005 operating budget. There was some discussion on this proposal. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the FY2005 operating budget as submitted was unanimously approved.
 - B. **FY2006-2007 Legislative Appropriation Request.** There was some discussion on the proposed LAR. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the FY2006-2007 Legislative Appropriation Request as submitted was unanimously approved.
- V. **Audit & Inspection Report.** Farrell Walker gave the Audit & Inspection report. He advised the Commission of some structure modifications pertaining to goals listed in the FY2005-2009 Strategic Plan that had been approved at the June 16th meeting.
- VI. **Division reports.** Burt Christian gave the Administration Division report. There was some discussion on the Private Security programs. J. D. Benefer, Burglar & Fire Alarm Assn., addressed the Commission concerning the backlog of private security applications. Randy Elliston gave the Texas Highway Patrol Division report. There was some discussion on recent commercial vehicle inspection and STEP programs and THP drug and criminal interdiction efforts. The Driver License Division report was given by Judy Brown. There was some discussion on the fraud unit and the DL Reengineering, CRIS, driver responsibility and field compliance projects. Kent Mawyer gave the Criminal Law Enforcement Division report. There was some discussion on ongoing activities of the various services. The Ranger report was given by Earl Pearson. Mary Lauderdale gave the Information Management Service report. Mark Rogers gave the Border Safety Inspection Station update. Commissioner McHugh announced this agenda item could be incorporated into the THP report for future meetings.
- VII. **For publication for public comment**
Proposed Rules 35.311 & 35.312, 37 TAC Secs. 35.311 & 35.312, relating to an exemption from licensing as a locksmith for owners and employees of retail establishments that sell or service mechanical security devices. Valerie Fulmer briefed the Commission on the proposed rules. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the attached rules were unanimously approved for publication for public comment.
- VIII. **For final adoption**
 - A. **Proposed amendments to Rule 4.37, 37 TAC Sec. 4.37, relating to Acceptance of Out-of-State Commercial Vehicle Inspection Certificate, as published in 29 TexReg 5892, June 18, 2004.** Mary Ann Courter briefed the Commission on the proposed amendments. Upon motion by Commissioner Holt and seconded by

Commissioner Cascos, the attached amendments were unanimously approved for final adoption.

- IX. Personnel matters, pending and contemplated litigation, ongoing criminal investigations, status of purchase of real property.** The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.074, 551.072 & 411.0041 to discuss personnel matters, including the Director's action of discharging probationary employees; Special Ranger and Special Texas Ranger commissions; pending and contemplated litigation; status of purchase of real property; and ongoing criminal investigations. Upon reconvening Regular Session, Commissioner McHugh announced that the Commission had discussed personnel matters, pending litigation and ongoing criminal investigations. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the Commission unanimously consented to the Director's discharge of probationary employees Dorothy Henson, Shaina Logan and Michael Bogue. Special Ranger commissions had been considered for DPS retirees Patrick Alexander, Phillip Boerjan, Hersel Brantley, Guy Marshall Caskey, Joseph P. Hamilton, David Griffith, James Lasater and Jay L. Moses and a Special Texas Ranger commission had been considered for DPS retiree Thomas Almond. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, Special Ranger and Special Texas Ranger commissions were approved for the above named individuals.

A motion was made by Commissioner Cascos and seconded by Commissioner Holt adjourning the meeting.

Read and approved this 28 day of September, 2004.


Chairman

Member

Member

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On August 6, 2004, 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 C
Section Number 4.37

The Texas Department of Public Safety adopts amendments to Section 4.37, concerning Acceptance of Out-of-State Commercial Vehicle Inspection Certificate, without changes to the proposed text as published in the June 18, 2004, issue of the Texas Register (29 TexReg 5892).

Amendments to the section are necessary in order to correct the name of the federal agency listed in the rule.

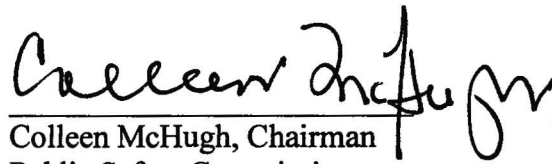
No comments were received regarding adoption of the amendments.

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 Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce the compulsory inspection of vehicles.

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.


Colleen McHugh, Chairman
Public Safety Commission



