

**MINUTES**  
**PUBLIC SAFETY COMMISSION**  
**July 15, 2010**  
**Austin, TX**

The Public Safety Commission met in Austin, Texas on July 15, 2010. Attending the meeting were Chairman Allan Polunsky, Commissioners Ada Brown, Carin Barth and C. Tom Clowe and John Steen. A quorum was present for the meeting. DPS staff members and guests were also present.

**Call to order**

The meeting was called to order by Chairman Polunsky at 10:32 a.m. All members were present. Proper notice had been posted.

**Approval of Minutes** (00:40 indicates time stamp from audio)

**A motion was made by Commissioner Steen and seconded by Commissioner Barth approving the minutes of the June 17, 2010 meeting with the addition, requested by Commissioner Steen, to note that he joined the June 17, 2010 meeting at the start of the Executive Session attending the full session. Motion carried unanimously.**

**Public Comment** (02:07)

Donald W. Dickson, Parker Law Firm had public comment regarding Trooper pay and benefits.

**Director's Report** (19:07)

The Director emphasized his weekly statewide report which highlights examples of the fine work being done by DPS Troopers. One instance, a seizure of over \$2M in cash found in an 18-wheeler that was stopped. Colonel McCraw provided additional information on a vehicle stopped July 14<sup>th</sup> in Laredo resulting in a seizure of over one thousand pounds of marijuana.

**New Business** (23:53)

Director McCraw followed his report introducing Mr. Bart Johnson, Principal Deputy Undersecretary for Intelligence and Analysis for the Department of Homeland Security. The Director then turned this portion of the meeting over to PDUSIA Johnson who attended to present certificates of appreciation to Patricia Nunez, a DPS supervisory intelligence analyst at the Texas Fusion Center and Lt. Mark Spangler, of the Austin Police Department, also the director for the Austin Regional Intelligence Center, for their support to the DHS in providing critical information about the incident and the man that crashed his plane into the IRS offices at the Echelon Building in northwest Austin. Chairman Polunsky thanked PDUSIA Johnson for taking the time to come to Austin and recognize these individuals. He referenced the fruits of their labors now being seen in the Fusion Center. He spoke for the entire Commission in thanking all for everything they do every day in their line of duty.

(31:12) A discharge appeal hearing regarding DPS employee Edwin K. Lang was conducted. **A motion was made by Commissioner Brown and seconded by Commissioner Steen affirming the Director's discharge of Mr. Lang. Commissioner's Barth and Clowe abstained from voting. Motion carried 3-0.**

(03:08:16) The Commission recessed for five minutes at 1:40 p.m.

(03:08:37) Commissioner Steen suggested looking into awards that are given at DPS based on numbers. He questioned if it was something DPS should be doing or incentivizing our Troopers in these ways. Colonel McCraw responded anyone who compromised their value for an award had no business with the Department of Public Safety. He added if someone deviated, quick and decisive action would be taken. He stated he would look at the awards for commissioned and non-commissioned levels. Commissioner

Steen then referenced concern about someone falsifying reports, yet not perhaps knowing about or finding these until someone tried for a promotion. The Director stated with the department policy of zero-tolerance he felt the case was made. He felt the department had outstanding supervisors but this issue would be addressed. Commissioner Clowe stated with regards to the Office of Audit and Inspection, he was glad Director Goodson was on board and that he may know measures to prevent anything such as falsifying reports occurring in the future, that it was a good practice to check.

#### Executive Session (03:17:24)

The Commission went 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; and ongoing criminal investigations. Executive Session began at 2:02 p.m. and ended at 3:30 p.m.

(03:17:58) The Public Safety Commission reconvened at 3:34 p.m. A quorum was present.

#### New Business, Cont.

AD Finance Cheryl MacBride reported on and read two resolutions for the record with regards to the \$10 million in bonds for repair and rehabilitation of buildings and facilities through the Texas Public Finance Authority, pursuant to the General Appropriations Act, Art. IX 17.11 and Article V (Department of Public Safety), Rider #57, 81<sup>st</sup> legislature, R. S. (2009) (Repair and Rehabilitation of Buildings and Facilities). **A motion was made by Commissioner Clowe and seconded by Commissioner Steen authorizing the request for financing and the execution and delivery of documents required to effect such financing. Motion carried unanimously.** (The full Resolution which was adopted and affirmed by majority vote of the Public Safety Commission this date is attached to these minutes.) Commissioner Barth stated since the information was in the Commissioner's binders it was unnecessary to read them aloud and asked AD MacBride to refer to the item. **A motion was made by Commissioner Barth and seconded by Commissioner Clowe declaring expectation to reimburse expenditures with proceeds of future debt. Motion carried unanimously.** (The full resolution which was adopted and affirmed by majority vote of the Public Safety Commission this date is attached to these minutes.) Commissioner Steen stated since the resolutions were on the screen he was comfortable with doing them that way in the future.

(03:26:41) AD Fulmer reported on the informational items of the new and renewed contracts on the renewal of blanket order for Tire Deflation Devices (Stop Tech Ltd.) and the new contract for LES, Crime Record Service Mobile Identification Project (NEC Technologies). It was stressed these contract new and renewal items would appear in New Business as informational, but leave the capability of taking action should the Commission members find an issue.

AD Simpson presented for Commission's acknowledgement the donation from Colorado County to the Department of: one 450' radio tower, including a communications shelter, built on Department-owned land in Colorado County for the purpose of providing radio operability and better radio coverage of Colorado County and the surrounding area in the total donation amount of \$783,919. **A motion was made by Commissioner Steen and seconded by Commissioner Brown acknowledging the acceptance of the donation. Motion carried unanimously.**

Deputy General Counsel Fox reported on the change to the Policies and Procedures for the Appeal of an Employment Discharge to Public Safety Commission to reflect the Commission Liaison as the appropriate contact for parties and legal representatives. **A motion was made by Commissioner Clowe and seconded by Commissioner Barth to accept the amendment. Motion carried unanimously.**

Chairman Polunsky reported on the vacancy in the Office of Inspector General. **A motion was made by Commissioner Steen and seconded by Commissioner Clowe naming Stuart Platt to fill the interim position of Inspector General. Motion carried unanimously.** Chairman stated Deputy General Counsel Fox would step in to perform functions of interim general counsel.

Chairman Polunsky stated General Platt should come to the next meeting prepared to report on the policies for OIG operational oversight pursuant to Government Code 411.244(d). During the interim the job would be posted nationwide and an ad would be placed with KornFerry, at no additional costs, to be overseen by Commissioner Barth, in locating a permanent Inspector, repeating the identical process as the last time.

(03:40:11) Deputy General Counsel Fox reported on the forensic services provided to outside agencies that it would be possible to request reimbursement. Chairman Polunsky asked Colonel McCraw to look into ways to recover these costs from other governmental agencies for these services without eliminating or diminishing the services to these outside agencies.

### **Ongoing Business** (03:43:25)

Commissioner Brown reported on the 28-day work week agenda item stating she was in the process of putting together her committee. She added this also applied to the Overtime and Compensatory Time policies item.

AD Drivers License, Rebecca Davio and Rebekah Hibbs presented the proposed Driver Responsibility Rule changes to 37 Texas Administrative Code, Section 15.163 pertaining to driver indigency, incentive and amnesty programs. They were requesting action to 1) withdraw the proposed Indigency program rule; 2) repeal of the existing Amnesty and Incentive rule and 3) requesting approval for publication of new Amnesty, Incentive and Indigency programs rule.

The *proposed amnesty program*: will apply to individuals who have been in default, and the Department will determine the time in default for each amnesty period; reduced amount will be 10 percent of total surcharges owed, not to exceed \$250; will rescind suspension for those who receive amnesty while payments are being made.

The *proposed indigency program*: will apply to individuals at or below 125 percent of poverty level or with a debt-to-income ratio of at least 50 percent using a sworn affidavit; reduced amount will be 10 percent of total surcharges owed, not to exceed \$250; will rescind suspension for those who receive indigency while payments are being made.

The *proposed incentive program*: individuals will pay a reduced amount if all three years are paid in full; reduced to 50 percent of what's owed if paid within 30 days after notice; reduced to 60 percent if paid within 60 days after notice; reduced to 70 percent if paid within 90 days after notice or reduced payments for continued compliance – first year, pay 100 percent; second year, reduced by 50 percent and third year, reduced by 75 percent.

If approved, the programs would be phased in over several months. **A motion was made by Commissioner Clowe and seconded by Commissioner Steen to move for adoption for these changes. Motion carried unanimously.** The changes will be published for public comment in the Texas Register and then presented for adoption by the Commission at a later meeting. Commissioner Steen stressed his appreciation for the very well done presentation.

AD Finance MacBride reported on the 2010-11 Operating Budget emphasizing the 5 percent budget cuts. She pointed out the change in recruit schools which she is reserving money in seized funds should that need to be resorted in order to have the money. No action was necessary. Commissioner Steen asked if the \$2 million seized which the Director previously reported on would be going into the seized

funds account. The Director responded the process takes quite a bit of time, 4- 6 months, and while we would not obtain the full benefit of the amount, we should receive a portion.

Let the record reflect Commissioner Clowe left the meeting at 4:25 p.m.

Commissioner Steen stated we skipped over the update on the status of building safety and security at the DPS campus on North Lamar since it was discussed in Executive Session. He commented he wanted to express what a great job Commander Ortiz was doing on this matter and he appreciated his hard work. Chairman Polunsky concurred.

DAD HR, Jesse White presented the recruiting update. He reported the advanced school (6/27-8/13) had 40 accepted; and the 18 week school (7/18-11/19) had 50 accepted with 50 in process for 8/8-12/10 school; and 311 in process for future schools. Chairman Polunsky expressed his concern with the attrition rate in the abbreviated school since those individuals were in law enforcement in the state, why so few. DAD White stated the attrition was due to background investigations, passing polygraph, passing the written tests, those that did not show up plus other reasons. Captain Hester joined in the discussion stating some were due to the fact several were on paid leave from their previous job and the physical readiness testing was very intense. He said when they turned up for school they were ready day one, but could not keep up with the PRT. Chairman stated he thought a post-mortem should be conducted to see if worth continuing with the advanced school based on these findings. DAD White continued reporting on advertising stating that movie theater advertising, public service announcements and a recruiting video were in process. He showed the recent recruiting video produced by Buckaloo media which featured the variety of jobs DPS offers. Chairman suggested direct mailing the DVD's to a targeted audience. DAD White said the PIO office would be taking care of circulation of the recruit video via Twitter as well as looking into other means.

Barbara Hinesley, Committee Chairwoman for the Diamond Jubilee anniversary, reported on the 10-day countdown until the kick-off events. She updated the audience on the budget, contributors in kind, memorabilia – firearm and posters, and the July 25-August 6<sup>th</sup> Memorial ride. She provided specifics on the headquarter maps, exhibits, accommodations, emergency support and events. Each Commission member was provided a CD with the “DPS Story”, which will be shown at all of the DPS Diamond Jubilee events. Chairman commented on the great job Barbara had done. He then addressed the concern about the barbeque ticket sales and employees coming to the event. Barbara Hinesley stated Colonel Beckworth would be closing on that the following week.

Commissioner Barth wanted to discuss Driver License with regards to seventeen year olds having to come back for their drivers' license and how to get the word out. AD Davio said this could be changed. The phases start as early as fifteen and until restrictions go away at eighteen. AD Davio said they were looking at a variety of ways to advertise. By end of year the changes would take affect for those seventeen years of age. Commissioner Barth stated she felt the term should be extended from 6-8 years and use the internet to renew for these teenagers. She said at sixteen they must take a driver's test, with an appointment, and that message really needed to be advertised since it was a real issue. AD Davio stated she shared the goals. Commissioner Barth inquired if there was a 30-day reprieve for absolute license expiration upon your birth date. She said she thought we should look at a 30-day window. Chairman suggested Government Relations visit each Commissioner in their home town in order to put together a list of what needed to be addressed, such as these, with the Legislator's next session.

Director Audit and Inspection Steve Goodson, reported on the transformation of his office including organizing, staffing, inspection focus, transferring non-assurance and electronic audit work paper software obtained. He detailed the Texas State auditor's office activities including statewide single audit and follow-up on Sunset recommendations. Future endeavors will be the Driver License offices and audit planning. Commissioner Barth made a request of auditing the Highway Patrol reporting process as quickly as possible. Chairman stated Director Goodson was doing a good job.



Chairman Polunsky took this opportunity to commend AD Kidd on the recent activity he participated in during Hurricane Alex and his stepping up and doing a good job so quickly upon arriving for his new position.

AD Simpson, Law Enforcement Support reported on two items: 1)US Homeland Security selected Texas Regional Planning process as template for the nations safety 2)SEARCH – non-profit membership made of the states for the states selected by the Governor - DPS' own Mike Lesko, DAD Crime Records, awarded as National Honorary.

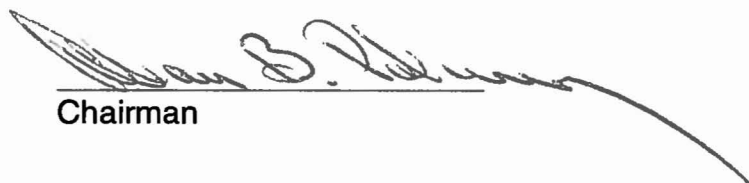
**(05:14:48) A motion was made by Commissioner Steen and seconded by Commissioner Barth to approve all IX. Consent Items A, B, C 1, 2, and D 1 and 2 as published be adopted. Motion carried unanimously.**

Commissioner Brown requested the 28-day work week and Overtime and Compensatory Time Policies be rolled into one item on the next agenda.

The next Public Safety Commission meeting date was discussed and once an open date was determined the Commission would be notified. Chairman stated the next meeting would start at 10:00 a.m. due to a discharge hearing being held. Commissioner Steen inquired about the special meeting being held to conduct the discharge appeal hearings. The Liaison responded it was due to cancellations by parties and short notice to notify in order to line up another hearing to be heard.

The meeting was adjourned at 5:34 p.m.

Read and approved this 19 day of August, 2010.

  
Chairman

IN THE MATTER OF

THE APPEAL OF DISCHARGE OF

EDWIN K. LANG

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BEFORE THE

PUBLIC SAFETY COMMISSION

IN AUSTIN, TRAVIS COUNTY, TX

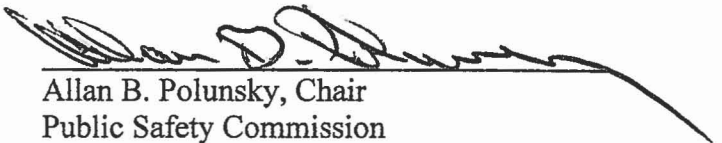
**ORDER**

BE IT REMEMBERED that the Public Safety Commission convened to hear the appeal of discharge of Edwin K. Lang, on the 15th day of July, 2010. Mr. Lang received adequate notice of the hearing on this matter and did appear in person and through counsel. Pursuant to §411.007, Government Code, the Commission proceeded to hear evidence in the above-captioned matter.

After reviewing all of the evidence presented at the hearing, the Commission finds that there is just cause to discharge Edwin K. Lang and affirms the Director's decision in this matter.

On motion of Commissioner Brown, seconded by Commissioner Steen, the discharge was affirmed.

ENTERED AND SIGNED on the 15<sup>th</sup> day of July, 2010.

  
Allan B. Polunsky, Chair  
Public Safety Commission

**A RESOLUTION  
AUTHORIZING A REQUEST FOR FINANCING  
AND THE EXECUTION AND DELIVERY OF DOCUMENTS  
REQUIRED TO EFFECT SUCH FINANCING**

**Whereas**, the Texas Public Finance Authority (the "Authority") is authorized to issue general obligation bonds to finance the cost of certain projects for the use and benefit of the Texas Department of Public Safety ("Agency") pursuant to Article III, Section 50-g, Texas Constitution; Chapter 1232, Texas Government Code, as amended; and General Appropriations Act, Article IX, section 17.11 and Article V (Department of Public Safety), Rider #57, 81<sup>st</sup> Legislature, R.S. (2009), (collectively, the "Authorizing Law").

**Whereas**, the Agency desires and intends to request the Authority to finance the cost of the projects as permitted by the Authorizing Law; and

**Whereas**, the Agency recognizes that in order to finance the cost of the projects, the Authority may issue short term obligations, general obligation bonds, either or both ("Obligations") in an aggregate principal amount sufficient to finance project costs in the estimated amount of \$10,000,000, plus the costs of issuance and related administrative costs, if any, which will be determined at the time of issuance; and

**Whereas**, the attached form components of a Request for Financing (the "Request for Financing"), from the Agency to the Authority, which include a detailed description of the projects to be financed for the Agency<sup>1</sup> ("Projects" herein) and a proposed expenditure schedule, are presently before the Texas Public Safety Commission.

**NOW THEREFORE BE IT RESOLVED** by the Texas Public Safety Commission that:

Section 1. The purpose of the financing is to provide funds sufficient to complete the Projects, and the financing thereof is appropriate at this time. Accordingly, the execution and delivery of the Request for Financing to the Authority pursuant to the Authorizing Law is hereby ratified, approved, and confirmed.

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<sup>1</sup> The Agency has attached a List of Projects, a Description of Projects, and an Estimated Monthly Expenditure Schedule for projects that are estimated to cost a total of \$9,997,469. However, the Agency has also attached a List of Additional Projects, to which the Agency intends to apply bond proceeds if there is a balance of bond proceeds after completion of the List of Projects. Any reference to Projects herein includes the List of Projects, as well as the List of Additional Projects. To the extent the bond proceeds are not sufficient to cover the costs of all of the Projects, the Agency will prioritize the remaining projects and search for other authorized funding to complete the remaining projects.

Section 2. The Director of the Agency and his designees are hereby authorized, empowered, and directed to:

- a. sign and deliver any and all documents necessary or desirable to effect the financing and provide the Projects, which documents may include, but are not limited to, a Memorandum of Understanding and a Financing Agreement ("Agreement") between the Agency and the Authority;
- b. cooperate with the Authority and its consultants to prepare an Official Statement in connection with the sale of the Obligations; and
- c. take any other action necessary to assist in such sale.

Section 3. All actions not inconsistent with provisions of this Resolution heretofore taken by the Agency, its officers, employees, agents, or consultants, directed toward the financing of the Projects and the issuance of the Obligations, are hereby ratified, approved, and confirmed.

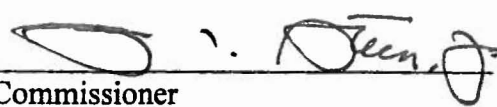
Section 4. The officers and employees of the Agency shall take all action in conformity with the Authorizing Law to effect the issuance of the Obligations and complete the Projects as provided in the Agreement and to take all action necessary or desirable or in conformity with the Authorizing Law for carrying out, giving effect to, and consummating the transactions contemplated by the Memorandum of Understanding, the Agreement, the Obligations, and the Request for Financing, including without limitation, the execution and delivery of any closing documents in connection with the closing of the Obligations.

Section 5. This Resolution was adopted at a meeting open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

Adopted by the affirmative vote of a majority of the Texas Public Safety Commission present and voting on this 15<sup>th</sup> day of July, 2010, in Travis County, Texas.

  
Chairman

Attested:

  
Commissioner



**RESOLUTION DECLARING EXPECTATION TO REIMBURSE  
EXPENDITURES WITH PROCEEDS OF FUTURE DEBT**

**Whereas**, the Texas Department of Public Safety (the "Agency") intends to make a capital expenditure of approximately \$10,000,000 for the repair and rehabilitation of Agency buildings and facilities as authorized by General Appropriations Act, Art. IX, §17.11 and Article V (Department of Public Safety), Rider #57, 81<sup>st</sup> Legislature, R.S. (2009) (the "Projects"), which are to be funded in part with proceeds of bonds to be issued by the Texas Public Finance Authority (the "Authority") as authorized by Texas Government Code, Chapter 1232, as amended; and

**Whereas**, the Agency intends to expend an amount not to exceed \$1,000,000 (the "Expenditure") for some of the costs for the Projects<sup>1</sup> as described in the attached detailed description of the Projects and the proposed budget for the Projects; and currently desires and intends the Expenditure to be reimbursed from proceeds of bonds to be issued by the Authority for the Projects; and

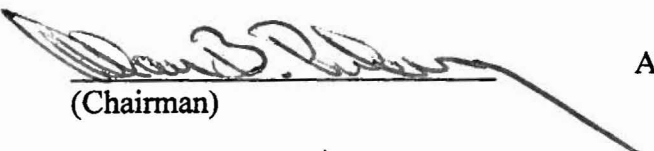
**Whereas**, the Agency and the Authority desire to preserve the ability to reimburse the Expenditure with proceeds of tax-exempt obligations;

**NOW THEREFORE, THE TEXAS PUBLIC SAFETY COMMISSION HEREBY RESOLVES** that it reasonably expects and intends to reimburse the Expenditure with the proceeds of tax-exempt obligations to be issued hereafter by the Authority, and this Resolution shall constitute a declaration of official intent under applicable federal tax regulations.

Be It Further Resolved that a copy of this resolution will be included in the minutes of the Texas Public Safety Commission meeting.

This Resolution will be made available for public inspection at the Authority's office at 300 W. 15<sup>th</sup> Street, Suite 411, Austin, Texas, and at the Agency's Finance office at 5805 North Lamar Boulevard, Austin, Texas.

Adopted by the affirmative vote of a majority of the Texas Public Safety Commission present and voting on this 15<sup>th</sup> day of July, 2010, in Travis County, Texas.

  
(Chairman)

Attested:   
(Commissioner)

<sup>1</sup> The Agency has attached a List of Projects, a Description of Projects, and an Estimated Monthly Expenditure Schedule for projects that are estimated to cost a total of \$9,997,469. However, the Agency has also attached a List of Additional Projects, to which the Agency intends to apply bond proceeds if there is a balance of bond proceeds after completion of the List of Projects. Any reference to Projects herein includes the List of Projects, as well as the List of Additional Projects. To the extent the bond proceeds are not sufficient to cover the costs of all of the Projects, the Agency will prioritize the remaining projects and search for other authorized funding to complete the remaining projects.

IN THE MATTER OF                       §             BEFORE THE

THE DISCHARGE OF                      §             PUBLIC SAFETY COMMISSION

PROBATIONARY EMPLOYEES           §             IN AUSTIN, TRAVIS COUNTY, TX

## **Advice and Consent**

In accordance with Government Code Section 411.007(f), the Director found that the following named probationary employees were unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to the discharge of this employee:

Employee Name	Employee Title/Division	Date of Discharge
Dwayne Shorter	Customer Service Rep./Regulatory Services	06/15/10
Jessica Cardenas	Driver License Summer Employee/Driver License	06/22/10
Belinda Franklin	Driver License Examiner/Driver License	06/23/10

Approved:

  
Allan B. Polunsky, Chairman  
Public Safety Commission

Public Safety Commission

Date: July 15, 2010

## SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS

### Special Ranger Applicants

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Brannon, John M.	Aircraft	Austin	05/31/2010	30 years	
Covington, Ira C.	Highway Patrol	HP/Mt. Pleasant	9/30/1993	23 years	
Fain, John C.	CID	Conroe	4/30/2010	21 years	
Jackson, Martin L.	Aircraft	Austin	5/31/2010	25 years	
Lopez, Juan A.	Highway Patrol	CVE/Plainview	5/24/2010	23 years	
Severn, Walter M.	CID	Garland	9/30/1993	30 years	
Spjut, Swen E.	CID	Conroe	4/30/2010	28 years	
Smith, Joel A.	Highway Patrol	CVE/Garland	4/30/2010	27 years	
Story, Larry D.	Highway Patrol	Highway Patrol	4/30/2010	35 years	

No Special Texas Ranger applicants.

Approved by the Public Safety Commission on: 7-15-2010

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On July 15, 2010, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter A  
Section 35.1

The Texas Department of Public Safety (the department) adopts amendments to Section 35.1, concerning Definitions without changes to the proposed text as published in the May 21, 2010 issue of the *Texas Register* (35 TexReg 3960).

The amendments are necessary to clarify the meaning of the statutory phrase "television camera or still camera system" occurring in Texas Occupations Code, Section 1702.002(1)(C). This amendment provides guidance to the Private Security Board's investigators, staff, and the security industry regarding the scope of the licensing requirements for those who sell or install such systems.

No comments were received regarding the adoption of these amendments.

The amendments are adopted under 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.

  
Allan B. Polunsky, Chair  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On July 15, 2010, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter E  
Section 35.70

The Texas Department of Public Safety (the department) adopts amendments to Section 35.70, concerning Fees without changes to the proposed text as published in the May 21, 2010 issue of the *Texas Register* (35 TexReg 3962).

In compliance with the 81st Legislature's amendment of Texas Occupations Code, Section 1702.062, the adoption of this rule provides guidance to Private Security Bureau staff, the regulated industry, and prospective applicants regarding the fees charged for the various services provided by the department under the Private Security Act (Texas Occupations Code, Chapter 1702).

No comments were received regarding the adoption of these amendments.

The amendments are adopted under 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.

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Allan B. Polunsky, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On July 15, 2010, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter E  
Section 35.76

The Texas Department of Public Safety (the department) adopts amendments to Section 35.76, concerning Electronic Access Control Device Company License without changes to the proposed text as published in the May 21, 2010 issue of the *Texas Register* (35 TexReg 3963).

The 81st Legislature's amendment of Section 1702.103 of the Texas Occupations Code eliminated the license classification previously associated with the license for Electronic Access Control Device companies (Class "D"), but failed to make a corresponding change to the definition of a "Security Services Contractor" (defined in Section 1702.102 of the Texas Occupations Code). As a result, there is no statutory classification for an Electronic Access Control Device company license.

However, Section 1702.103(e) grants to the Private Security Board the authority to establish new classifications by rule. This new section establishes such licenses as within the Class B classification, i.e., as Security Services Contractors. The adoption of this section will address the results of a legislative drafting error, simplify the administration of the licensing process, and enhance administrative efficiency.

No comments were received regarding the adoption of these amendments.

The amendments are adopted under 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.

  
Allan B. Polunsky, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On July 15, 2010, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter M  
Section 35.203

The Texas Department of Public Safety (the department) adopts amendments to Section 35.203, concerning Records to be Available for Inspection without changes to the proposed text as published in the May 21, 2010 issue of the *Texas Register* (35 TexReg 3963).

The adoption of the amendments is necessary in order to articulate the department's current policy regarding records inspections of licensed companies, and specifically to clarify the circumstances under which electronic records are adequate.

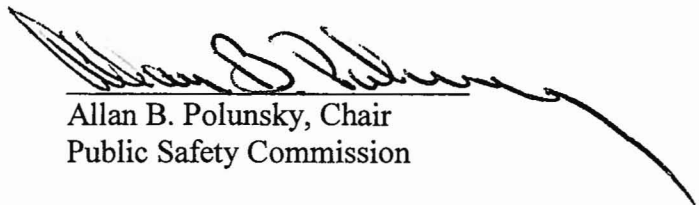
No comments were received regarding the adoption of these amendments.

The amendments are adopted under 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.



Allan B. Polunsky, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On July 15, 2010, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter S  
Section 35.291

The Texas Department of Public Safety (the department) adopts amendments to Section 35.291, concerning Mandatory Continuing Education Courses Company without changes to the proposed text as published in the May 21, 2010 issue of the *Texas Register* (35 TexReg 3965).

The adoption of the amendments is necessary in order to modify the continuing education requirement for licensed locksmiths.

No comments were received regarding the adoption of these amendments.

The amendments are adopted under 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.

  
Allan B. Polunsky, Chair  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On July 15, 2010, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter N  
Section 35.221

The Texas Department of Public Safety (the department) adopts new Section 35.221, concerning Investigations Company without changes to the proposed text as published in the May 21, 2010 issue of the *Texas Register* (35 TexReg 3964).

The new section is necessary in order to establish the qualifications for a license as a private investigator, as authorized by Texas Occupations Code, Section 1702.104.

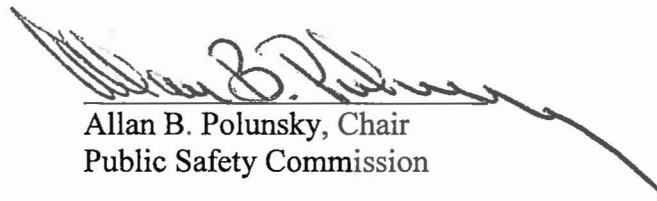
No comments were received regarding the adoption of this new section.

This section is adopted under 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.

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Allan B. Polunsky, Chair  
Public Safety Commission