

MINUTES
PUBLIC SAFETY COMMISSION
April 23, 2004
Austin, Texas

The Public Safety Commission met in Austin, Texas on April 23, 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 Haas, Accounting & Budget Control
Randy Elliston, Lamar Beckworth, Bob Burroughs, Mark Rogers & John Nelson, Highway Patrol Division
Earl Pearson, Tony Leal & John Martin, Rangers
Marshall Caskey & Kent Mawyer, Criminal Law Enforcement
Lester Mills, Administration
Judy Brown & Greg Gloria, Driver License
Farrell Walker & Jude Schnexyder, 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
Michael Kelley, Legislative Liaison
Dorothy Wright, Secretary

Guests present:

Janna Burleson, Governor's Office
Marshall Kenderdine, House Appropriations Committee
George Craig & Mike Samulin, Texas Private Security Commission

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

- I. **Minutes.** Upon motion by Commissioner Holt and seconded by Commissioner Cascos, the minutes of the March 30, 2004 meeting were approved.
- II. **Public comment.** There was no public comment.
- III. **Budget matters.** Tom Haas briefed the Commission on budget matters. There was some discussion on the proposed exceptional items for the FY06-07 LAR.
 - A. **Acceptance of Wal-Mart gift certificates.** Marshall Caskey briefed the Commission on the proposed donation of 366 Wal-Mart gift certificates from the 33rd Judicial District Attorney's Office. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the donation was accepted for use by District VI Special Crimes.

- IV. Audit & Inspection Report.** Farrell Walker gave the Audit & Inspection report. Commissioner Cascos advised he had discussed some concerns reference an inspection report with Farrell Walker and those items will be addressed. Commissioner McHugh requested Commissioner Cascos, Colonel McEathron, Chief Courter and Chief Christian to work with Farrell Walker to examine the audit and inspection process and subsequent reporting.
- V. Division reports.** Lester Mills gave the Administration Division report. There was some discussion on fleet operation activities and building projects. Colonel Davis presented the Administration Division an award for the highest percentage of employee participation for the DPS in the Texas Round-Up. Randy Elliston gave the Texas Highway Patrol Division report. There was some discussion on traffic enforcement activities and canine and drug interdiction programs. The Driver License Division report was given by Judy Brown. There was some discussion on the ADLETS, DL reengineering and CRIS projects, DL on-line services and the Patriot Act program. Marshall Caskey gave the Criminal Law Enforcement Division report. There was some discussion on CODIS and DNA forensic case backlogs. The Ranger report, including an overview of the criminal investigative analysis process, was given by Earl Pearson and Ranger Sergeant John Martin. Mary Lauderdale gave the Information Management Service report. Bob Burroughs gave an update on joint efforts between DPS and the Texas Commission on Environmental Quality (TCEQ) for implementation of the State's vehicle emissions inspection/maintenance program. Mark Rogers updated the Commission on the border safety inspection stations.

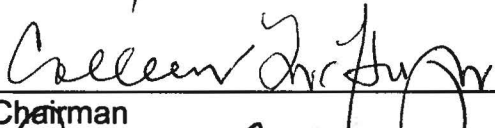
George Craig from the Board of Private Investigators stated he looked forward to working with the Public Safety Commission.

- VI. For final adoption**
- A. Proposed amendment to Rule 16.40, 37 TAC Sec. 16.40, relating to documents acceptable for proof of Social Security Number (SSN) when applying for a commercial driver license, as published in 29 TexReg 2260, March 5, 2004**
Mary Ann Courter briefed the Commission on the above proposed amendment. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the attached amendment was unanimously approved for final adoption.
- VII. 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 intent to discharge probationary employees and 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 and contemplated litigation and status of purchase of real property. Special Ranger commissions had been considered for DPS retirees Wilbert Kendricks, Timothy Pringle and Rosalio Zapata. Upon motion by Commissioner Holt and seconded by Commissioner Cascos, Special Ranger commissions were approved for the above named individuals. Upon

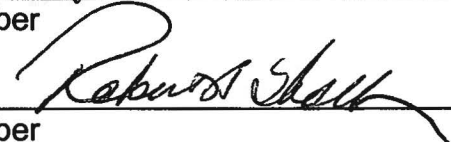
motion by Commissioner Cascos and seconded by Commissioner Holt, the Commission unanimously consented to the Director's discharge of probationary employees William Cashion and Bradley Vallet.

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

Read and approved this 26 day of May, 2004.


Chairman


Member


Member

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 23, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Commercial Drivers License
Title 37 T.A.C. Part I, Chapter 16
Subchapter B
Section Number 16.40

The Texas Department of Public Safety adopts an amendment to Section 16.40, concerning Application Requirements And Examinations, without changes to the proposed text as published in the March 5, 2004, issue of the Texas Register (29 TexReg 2260).

Amendment to the section is necessary in order for the department to inform the public of the procedures required of individuals to provide Social Security Number when applying for a commercial driver license. Recently, the department adopted amendments to Section 15.42, (relating to Social Security Number) clarifying what documents an applicant must present to provide as proof of their social security number when applying for a driver license. The department failed at that time to make a similar change to the Commercial Driver License section.

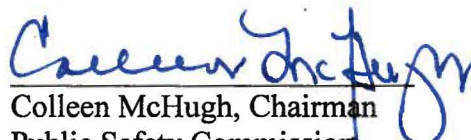
No comments were received regarding adoption of the amendment.

The amendment 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 department's work and Texas Transportation Code, Section 522.005.

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



