

**MINUTES**  
**PUBLIC SAFETY COMMISSION**  
**November 29, 2007**  
**Austin, Texas**

The Public Safety Commission met in Austin, Texas on November 29, 2007. Attending the meeting were Chairman Ernest Angelo, Jr., and Commissioners Allan Polunsky and Elizabeth Anderson.

**DPS Staff members present:**

Tommy Davis, Director  
David McEathron, Assistant Director  
Oscar Ybarra, Tom Haas & Lisa Duecker, Accounting & Budget Control  
Randy Elliston, Lamar Beckworth & Luis Gonzalez, Texas Highway Patrol  
Kent Mawyer & Gary Stone, Criminal Law Enforcement  
Burt Christian, David Gavin, Lester Mills & Valerie Fulmer, Administration  
Judy Brown & Greg Gloria, Driver License  
Ray Coffman & Jim Miller, Texas Rangers  
Farrell Walker & Jude Schexnyder, Office of Audit & Inspection  
Jack Colley, Emergency Management Division  
Mary Ann Courter, General Counsel  
James Brubaker, Bryan Lane & Tully Brown, Information Management Service  
Jack Reichert, Aircraft  
Michael Kelley, Legislative Liaison Office  
Kent Radney, Internal Affairs  
Tela Mange, Public Information Office  
Dorothy Wright, Secretary

**Guests present:**

Raymond White, attorney  
Mike Samulin, Private Security Commission  
Kyle Mitchell, Governor's Budget Office  
Lori Gabbert, Legislative Budget Board  
Amy Trost, Denise Brady & Ken Martin, Sunset Advisory Commission

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

**I. Approval of minutes.** Upon motion by Commissioner Polunsky and seconded by Commissioner Anderson, the minutes of the September 13, 2007 meeting were approved.

**II. Public comment.** There was no public comment.

Colonel Davis welcomed Elizabeth Anderson to the Commission. He presented Administration Chief Burton Christian with a Medal of Merit. Commissioners Angelo and Polunsky expressed their appreciation to Chief Christian for his continued dedication to the Department's efforts. Commissioner Angelo welcomed Commissioner Anderson to the Commission. She expressed her enthusiasm for working with DPS.

- III. Personnel matters; pending and contemplated litigation, including a briefing by outside counsel on DPS v. Abbott; ongoing criminal investigations; status of purchase of real property.** The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.072, 551.074 & 411.0041 to discuss personnel matters, including the Director's action of discharging probationary employee Tarachio Rembert; pending and contemplated litigation, including a briefing by outside counsel on DPS v. Abbott; status of purchase of real property; and ongoing criminal investigations. Upon reconvening Regular Session, a motion was made by Commissioner Anderson and seconded by Commissioner Polunsky affirming the Director's action of discharging probationary employee Tarachio Rembert. Upon motion by Commissioner Polunsky and seconded by Commissioner Anderson, Special Ranger commissions were unanimously approved for DPS retirees Bernd Figueroa, Johnny Frederick, Robert L. Longoria, James Sims Lucas, David Outon, David Rayner, Charles Dan Thomas, Michael R. Thomson, William D. Warren, Robert L. Wilkerson and John W. Williams and Special Texas Ranger commissions were approved for DPS retiree Cleatis Buckaloo and Jerry D. Allen of the National Insurance Crime Bureau. A motion was made by Commissioner Polunsky and seconded by Commissioner Anderson naming former Commissioner Louis Sturns as an Honorary Texas Ranger Captain.
- IV. Budget matters.** Oscar Ybarra gave the budget report.
- A. Approval of seized fund purchases.** Colonel Davis and the respective Division Chiefs briefed the Commission on the proposed seized fund purchases. Upon motion by Commissioner Anderson and seconded by Commissioner Polunsky, the attached seized fund purchases were unanimously approved.
- V. Land acquisitions and construction of buildings, facilities and an emergency vehicle operations course through the Texas Public Finance authority, pursuant to Approp. Act, Art. IX, §19.71, 80<sup>th</sup> Legislature, R.S. (2007).** Oscar Ybarra briefed the Commission on the process of requesting general obligation bonds from the Public Finance Authority for DPS facility construction in various areas of the state. There was some discussion on the process and construction timeline. Upon motion by Commissioner Polunsky and seconded by Commissioner Anderson, the attached resolutions pertaining to the bond request were unanimously approved.
- VI. Audit & Inspection report.** Farrell Walker gave the Audit & Inspection report.
- VII. Division reports.** Burt Christian gave the Administration Division report, including updates on the Department's ongoing Sunset review, livescan arrest reporting, CHL and Private Security license processing status, ongoing recruit schools and recruiting efforts, fleet vehicle production, physical readiness testing and building projects. David Gavin briefed the Commission on transition of the Texas Data Exchange(TDEx) to Crime Records. The Texas Highway Patrol Division report was given by Randy Elliston. There was some discussion on border inspection facility construction, national recognition of continued success in drug interdictions, STEP projects, and ongoing THP drug interdiction efforts. Judy Brown gave the Driver License Division report, including an update on the purchase of defibrillators for Driver License Offices, the Real ID Act and a recent CDL issuance incident. The Driver Responsibility Program update was given by Judy Brown. Jack Colley gave the Emergency Management Division report. There was

some discussion on ongoing disaster declarations and respective assistance, wildfire response preparations, Amber/Silver alerts and Operation Border Star. The Criminal Law Enforcement Division report was given by Kent Mawyer. Ray Coffman gave the Ranger Division report. James Brubaker gave the Information Management Service report, including an update on efforts to obtain a consultant study of the department's IT functions.

**VIII. For publication for public comment**

- A. Proposed new Rule 1.42, 37 TAC Sec. 1.42, relating to Veteran's Preference Grievance Procedure.** Mary Ann Courter briefed the Commission on the proposed new rule. Upon motion by Commissioner Anderson and seconded by Commissioner Polunsky, the attached proposed new rule was unanimously approved for publication for public comment.
- B. Proposed repeal of Rule 1.231, 37 TAC Sec. 1.231; proposed new Rule 1.231, 37 TAC Sec. 1.231, relating to procedures for vendor protests of procurements.** Mary Ann Courter briefed the Commission on the proposed repeal and new rule. There was some discussion on the proposal. Upon motion by Commissioner Polunsky and seconded by Commissioner Anderson, the attached proposed repeal and new rule were unanimously approved for publication for public comment.
- C. Proposed repeal of Rules 5.1 & 5.2, 37 TAC Secs. 5.1 & 5.2; proposed new Rules 5.1 & 5.2, 37 TAC Sec. 5.1 & 5.2, relating to chapter definitions and clarification of department policy regarding criminal investigations**
- D. Proposed amendments to Rules 5.11-5.16, 37 TAC Secs. 5.11-5.16, relating to reporting property crimes against the elderly**
- E. Proposed amendments to Rules 5.31-5.34, 5.36 & 5.38, 37 TAC Secs. 5.31-5.34, 5.36 & 5.38, relating to threats against peace officers**
- F. Proposed repeal of Rules 5.52-5.70, 37 TAC Secs. 5.52-5.70; proposed amendment to Rule 5.51, 37 TAC Sec. 5.51; proposed new Rules 5.52-5.71, 37 TAC Secs. 5.52-5.71, relating to Multicounty Drug Task Forces**  
Gary Stone briefed the Commission on the proposed amendments, repeal and new rules. Upon motion by Commissioner Anderson and seconded by Commissioner Polunsky, the attached proposed amendments, repeals and new rules were unanimously approved for publication for public comment.
- G. Proposed amendment to Rule 15.162, 37 TAC Sec. 15.162, relating to accepting installment payments for surcharges required under the Driver Responsibility Program**
- H. Proposed new Rule 15.163, 37 TAC Sec. 15.163, relating to amnesty, incentive and indigency programs for the Driver Responsibility Program allowing individuals to receive a reduction in surcharge assessments based upon compliance with law**  
Judy Brown briefed the Commission on the proposed amendment and new rule. Upon motion by Commissioner Polunsky and seconded by Commissioner Anderson, the attached proposed amendment and new rule were unanimously approved for publication for public comment.
- I. Proposed amendments to Rules 17.2-17.4, 17.6, 17.9, 17.11, 17.12 & 17.16, 37 TAC Secs. 17.2-17.4, 17.6, 17.9, 17.11, 17.12 & 17.16, relating to Administrative License Revocation.** Judy Brown briefed the Commission on the proposed

amendments. Upon motion by Commissioner Anderson and seconded by Commissioner Polunsky, the attached proposed amendments were unanimously approved for publication for public comment.

- J. Proposed amendments to Rules 23.201-23.206, 23.208, 23.210 & 23.213, 37 TAC Secs. 23.201-23.206, 23.208, 23.210 & 23.213, relating to the Vehicle Emissions Inspection and Maintenance Advisory Committee.** Major Luis Gonzalez briefed the Commission on the proposed amendments. Upon motion by Commissioner Anderson and seconded by Commissioner Polunsky, the attached proposed amendments were unanimously approved for publication for public comment.

**IX. For final adoption**

- A. Proposed repeal of Rule 1.125, 37 TAC Sec. 1.125, relating to fees for copies of accident records, as published in 32 TexReg 7004, October 5, 2007**
- B. Proposed repeal of Rule 1.127, 37 TAC Sec. 1.127, relating to fees for search for records, as published in 32 TexReg 7004, October 5, 2007**
- C. Proposed amendments to Rules 3.1-3.9, 37 TAC Secs. 3.1-3.9, relating to updating the term "accident" to "crash", referencing a statute correctly, and changing the name of the division within the department responsible for investigating and reporting crashes, as published in 32 TexReg 7005, October 5, 2007**
- D. Proposed repeal of Rule 3.10, 37 TAC Sec. 3.10, relating to the discontinuation of the billing for services process for the DWI accident response cost recovery, as published in 32 TexReg 7007, October 5, 2007**
- E. Proposed amendment to Rule 3.52, 37 TAC Sec. 3.52, relating to changing division name from Traffic Law Enforcement to Texas Highway Patrol, as published in 32 TexReg 7007, October 5, 2007**
- F. Proposed amendment to Rule 3.144, 37 TAC Sec. 3.144, relating to the correct name of the state agency the department is required to notify in case of an emergency evacuation, as published in 32 TexReg 7008, October 5, 2007**
- G. Proposed amendments to Rules 7.1-7.3, 37 TAC Secs. 7.1-7.3, relating to the role of emergency management coordinators and notification requirements of emergency management programs and officials, as published in 32 TexReg 5648, August 31, 2007**
- H. Proposed amendments to Rules 7.11-7.13, 37 TAC Secs. 7.11-7.13, relating to state approval requirements for local/interjurisdictional emergency management plans and city/county eligibility requirements for certain federal assistance programs, as published in 32 TexReg 5649, August 31, 2007**
- I. Repeal of existing Rules 7.23, 7.28 & 7.29, 37 TAC Secs. 7.23, 7.28 & 7.29, relating to a local government's responsibility to use its own resources, responsibility for evacuees, and its emergency powers, as published in 32 TexReg 5650, August 31, 2007**
- J. Proposed amendments to Rules 7.21, 7.24, 7.26 & 7.27, 37 TAC Secs. 7.21, 7.24, 7.26 & 7.27; proposed new Rule 7.23, 37 TAC Sec. 7.23, relating to the effect of a local disaster declaration, the point of contact for state assistance, responsibilities during multi-agency response, and local government authority for mandatory evacuations in a disaster. Adds new rule relating to local government's responsibility to use its own and/or mutual aid resources first**



and to request assistance from the county before the state, as published in 32 TexReg 5650, August 31, 2007

- K. Repeal of existing Rules 7.43 & 7.44, 37 TAC Secs. 7.43 & 7.44, relating to information needed for a disaster declaration and a description of the magnitude of the disaster, as published in 32 TexReg 5652, August 31, 2007
- L. Proposed amendments to Rules 7.41 & 7.42, 37 TAC Secs. 7.41 & 7.42; proposed new Rules 7.43-7.45, 37 TAC Secs. 7.43-7.45, relating to a local disaster declaration before a request for disaster recovery assistance and procedures for requesting recovery assistance. Adds new rules relating to materials to accompany a request for assistance and/or state disaster declaration, the process after a request has been submitted to the state, and what happens after a local government requests assistance from the state, as published in 32 TexReg 5651, August 31, 2007

Mary Ann Courter briefed the Commission on the proposed amendments, repeals and new rules. Upon motion by Commissioner Polunsky and seconded by Commissioner Anderson, the attached amendments, repeals and rules were approved for final adoption.

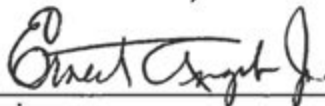
- M. Proposed amendments to Rule 35.257, 37 TAC Sec. 35.257, relating to training courses for security and personal protection officers, as published in 32 TexReg 4948, August 10, 2007. Valerie Fulmer briefed the Commission on the proposed amendments. Upon motion by Commissioner Anderson and seconded by Commissioner Polunsky, the attach amendments were approved for final adoption.

- X. Appointment of members of advisory committee relating to the operation of the vehicle inspection program. Luis Gonzalez briefed the Commission on the advisory committee and the need to appoint members. The Commission requested the Texas Highway Patrol staff to recommend specific individuals for the committee at a future meeting.

- XI. Ongoing Criminal Investigations. The Commission went into Executive Session to discuss ongoing criminal investigations and then reconvened Regular Session.

There being no further business, the meeting was adjourned.

Read and approved this 16th day of January, 2008.



Chairman



Member



Member



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Director's Staff/Information Management Service/TLETS

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

Equipment for Sergeant Area Upgrades

Description of Overall Impact of Request:

There are 94 remote locations using VPN tunnels to connect networks to DPS  
headquarters. During a recent penetration test by DIR, all of the sites using VPN  
tunnels were flagged as potential security risks due to split tunneling. The FBI has  
mandated that split tunnels are in violation of CJIS security policy and must not be used.

Equipment Location: ☐ Headquarters ☒ Field ☐ Headquarters and Field

Estimated Cost of this Request: .....\$355,540.00

**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

Fund No. \_\_\_\_\_

Budget No. \_\_\_\_\_

Control No. \_\_\_\_\_

☐ NOT APPROVED due to:

Committee Chair:

Date:

11.20.07

Director:

Date:

11-29-07

for Public Safety Commission:

Date:

11/29/07

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Texas Highway Patrol/Dive Team

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

Dive Team Equipment Replacement

Description of Overall Impact of Request:

Purchase includes rescue wetsuits, helmets, vests, 200' lines and storage bags; and scuba kits that will replace original equipment. Also included are Mustang Suits which serve as a flotation device and cold weather gear. These items are being requested for officer safety.

Equipment Location:    ☐ Headquarters    ☐ Field    ☒ Headquarters and Field

Estimated Cost of this Request: .....\$31,027.00

**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

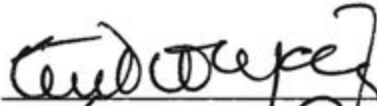
Fund No. \_\_\_\_\_

Budget No. \_\_\_\_\_

Control No. \_\_\_\_\_

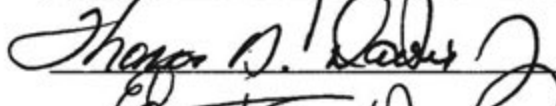
☐ NOT APPROVED due to:

Committee Chair:



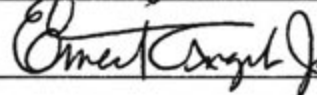
Date: 11-20-07

Director:



Date: 11-29-07

for Public Safety Commission:



Date: 11-29-07



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Texas Highway Patrol

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

MSA Millennium CBRN and CBA.RCA Gas Mask Canisters

Description of Overall Impact of Request:

Current WMD equipment does not meet NIOSH standards for deployment in a WMD environment. The purchase of the CBRN canister would meet the standard. The CBA.RCA canisters would replace those that expired prior to a recall cutoff date.

Equipment Location: ☐ Headquarters ☐ Field ☒ Headquarters and Field

Estimated Cost of this Request: ..... \$110,556.00

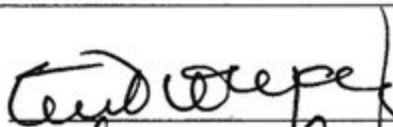
**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

Fund No. \_\_\_\_\_  
Budget No. \_\_\_\_\_  
Control No. \_\_\_\_\_

☐ NOT APPROVED due to:

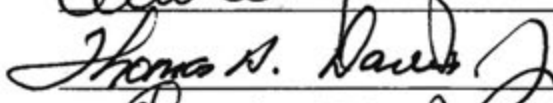
Committee Chair:



Date:

11-20-07

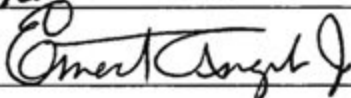
Director:



Date:

11-29-07

for Public Safety Commission:



Date:

11-29-07

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Criminal Law Enforcement/Narcotics Service/Technical Unit

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

Harris Cellular Tracking Equipment Package

Description of Overall Impact of Request:

This equipment will enable tracking and locating cellular phones. This will be beneficial in kidnapping/abduction investigations, locating missing persons, and the location and apprehension of fugitives. Because of cost, few agencies in Texas have the ability to track cellular phones. This purchase will enable the Department to assist other agencies that are unable to obtain this technology.

Equipment Location: ☐ Headquarters ☐ Field ☒ Headquarters and Field

Estimated Cost of this Request: ..... \$298,290.00

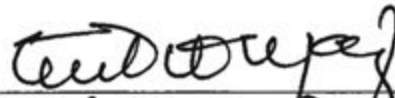
**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

Fund No. \_\_\_\_\_  
Budget No. \_\_\_\_\_  
Control No. \_\_\_\_\_

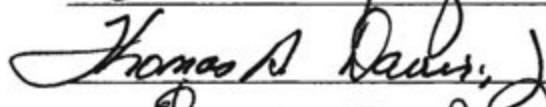
☐ NOT APPROVED due to:

Committee Chair:



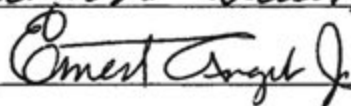
Date: 11-20-07

Director:



Date: 11-29-07

for Public Safety Commission:



Date: 11-29-07

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Driver License/Field Service

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

Surveillance Camera Systems

Description of Overall Impact of Request:

The DL Field Service is a primary line of defense against terrorism and identity theft.  
Internal fraud continues to be a major concern which potentially contributes or supports  
other criminal activity. Digital surveillance video systems are a proven asset in  
preventing such activity.

Equipment Location: ☐ Headquarters ☒ Field ☐ Headquarters and Field

Estimated Cost of this Request: ..... \$500,000.00

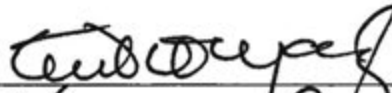
**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

Fund No. \_\_\_\_\_  
Budget No. \_\_\_\_\_  
Control No. \_\_\_\_\_

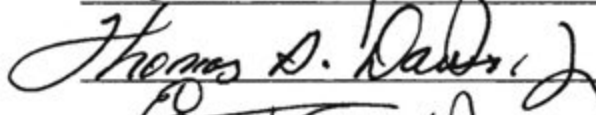
☐ NOT APPROVED due to:

Committee Chair:



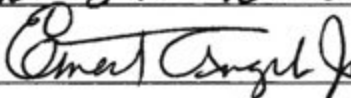
Date: 11-20-07

Director:



Date: 11-29-07

for Public Safety Commission:



Date: 11-29-07

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Administration/Staff Support Service/Fleet Operations

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

AeroFlex IFT 2975 Service Monitors

Description of Overall Impact of Request:

These electronic test units are utilized to diagnose and troubleshoot problems in digital and analog communication equipment. This equipment is critical as the agency is rapidly transitioning to a VHF narrow-band digital communication system. Without access to this equipment, complete repairs in digital mode cannot be completed unless traveling to headquarters or another region that has the monitor. Three are requested to cover the state.

Equipment Location: ☐ Headquarters ☒ Field ☐ Headquarters and Field

Estimated Cost of this Request: ..... \$99,804.00

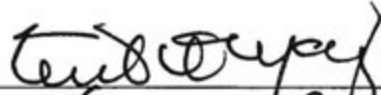
**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

Fund No. \_\_\_\_\_  
Budget No. \_\_\_\_\_  
Control No. \_\_\_\_\_

☐ NOT APPROVED due to:

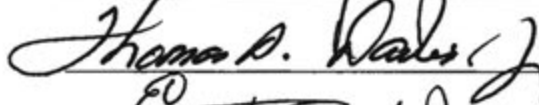
Committee Chair:



Date:

11.20.07

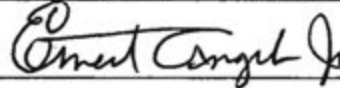
Director:



Date:

11-28-07

for Public Safety Commission:



Date:

11-29-07



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Administration/Staff Support Service/Fleet Operations

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

Anritsu S332D Site Master - RF Cable Sweep Spectrum Analyzer

Description of Overall Impact of Request:

This equipment is sued to measure resistance and troubleshoot the coax, antennas, grounding, and other components used in radio communication tower installations. Technicians are able to conduct more precise and indepth testing at a communication site to ensure accurate diagnosis and repair thereby reducing the need for travel to a location.

Equipment Location: ☐ Headquarters ☐ Field ☒ Headquarters and Field

Estimated Cost of this Request: ..... \$96,520.00

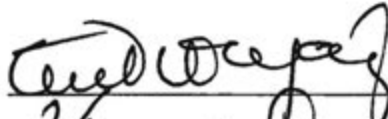
**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

Fund No. \_\_\_\_\_  
Budget No. \_\_\_\_\_  
Control No. \_\_\_\_\_

☐ NOT APPROVED due to:

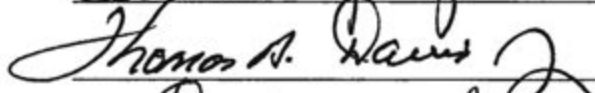
Committee Chair:



Date:

11-20-07

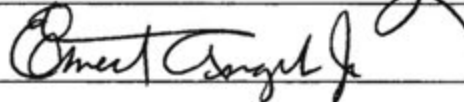
Director:



Date:

11-29-07

for Public Safety Commission:



Date:

11-29-07

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Administration/Staff Support Service/General Services Bureau

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

Mitsubishi SDP Eco 1630-IIIIR Polyester Silver Digiplate Processor

Description of Overall Impact of Request:

This equipment replaces the processor purchased in 2000 which handles 80% of the current print jobs received at the Print Shop. There are difficulties obtaining film for the current imagesetter and delays of approximately 60 days to receive the film.

Equipment Location:    ☒ Headquarters    ☐ Field    ☐ Headquarters and Field

Estimated Cost of this Request: .....\$41,000.00

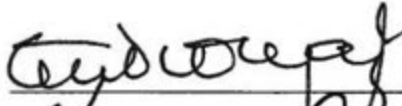
**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

Fund No. \_\_\_\_\_  
Budget No. \_\_\_\_\_  
Control No. \_\_\_\_\_

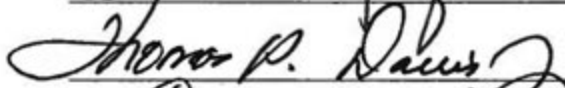
☐ NOT APPROVED due to:

Committee Chair:



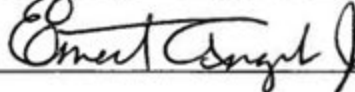
Date: 11-20-07

Director:



Date: 11-29-07

for Public Safety Commission:



Date: 11-29-07

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

11/13/07

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

Firearms Training Systems

Description of Overall Impact of Request:

The current systems installed at the DPS Firearms Range are over 10 years old and  
outdated. One of the three systems is not operational. The new systems will ensure  
that the officer gets the most realistic scenarios, incorporated with the newest  
technology on the market and further the goal of providing the officer with the tactical  
edge when needing it most.

Equipment Location: ☐ Headquarters ☒ Field ☐ Headquarters and Field

Estimated Cost of this Request: .....\$258,899.00

**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

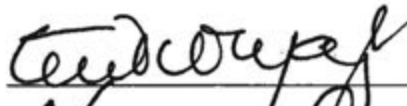
Fund No. \_\_\_\_\_

Budget No. \_\_\_\_\_

Control No. \_\_\_\_\_

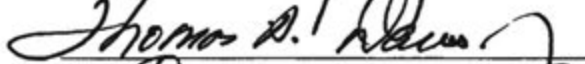
☐ NOT APPROVED due to:

Committee Chair:



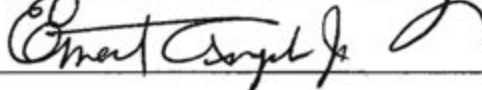
Date: 11-20-07

Director:



Date: 11-29-07

for Public Safety Commission:



Date: 11-29-07

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Criminal Law Enforcement Division/Narcotics Service/CITEC Unit

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

CITEC equipment

Description of Overall Impact of Request:

Forensic Data Extraction System provides data from cell phones in formats compatible with other CLE services for de-confliction, analysis, legal service, and other investigative purposes. Laptop computers will provide portable workstations to conduct forensic and cybercrime investigations. An Optical Data Archive System will be used to create and store permanent archives of evidence obtained during computer crime investigations.

Equipment Location: ☐ Headquarters ☐ Field ☒ Headquarters and Field

Estimated Cost of this Request: .....\$90,800.00

**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

Fund No. \_\_\_\_\_  
Budget No. \_\_\_\_\_  
Control No. \_\_\_\_\_

☐ NOT APPROVED due to:

Committee Chair:

*[Signature]*

Date:

11.20.07

Director:

*[Signature]*

Date:

11-29-07

for Public Safety Commission:

*[Signature]*

Date:

11-29-07



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Criminal Law Enforcement/SWAT Team

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

LENCO "BearCat" emergency response/rescue vehicle

Description of Overall Impact of Request:

To replace existing emergency response/rescue vehicle that are ineffective in today's emergency environments, constantly in state of repair, costly to maintain, and unreliable due to age and maintenance concerns. A new vehicle will increase the Team's capabilities and enhance safety.

Equipment Location:    ☐ Headquarters    ☒ Field    ☐ Headquarters and Field

Estimated Cost of this Request: ..... \$252,650.00

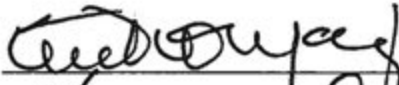
**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

Fund No. \_\_\_\_\_  
Budget No. \_\_\_\_\_  
Control No. \_\_\_\_\_

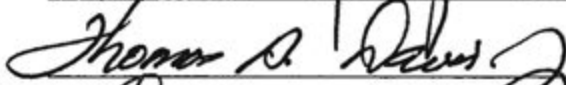
☐ NOT APPROVED due to:

Committee Chair:



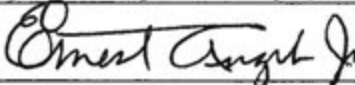
Date: 11.20.07

Director:



Date: 11-29-07

for Public Safety Commission:



Date: 11-29-07

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Criminal Law Enforcement Division

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

Aerial Surveillance equipment

Description of Overall Impact of Request:

The aerial surveillance system is needed for covert surveillance of ongoing criminal investigations, border security, accident reconstruction and standoff viewing of hazardous material scenes.

Equipment Location:    ☐ Headquarters    ☐ Field    ☒ Headquarters and Field

Estimated Cost of this Request: ..... \$298,000.00

**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

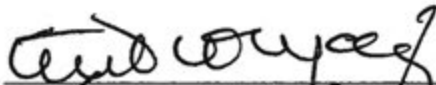
Fund No. \_\_\_\_\_

Budget No. \_\_\_\_\_

Control No. \_\_\_\_\_

☐ NOT APPROVED due to:

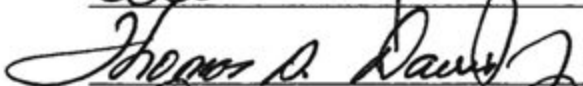
Committee Chair:



Date:

11-20-07

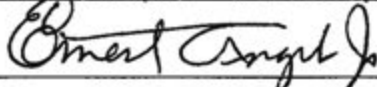
Director:



Date:

11-29-07

for Public Safety Commission:



Date:

11-29-07

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Criminal Law Enforcement Division/Narcotics Service

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

CLE Surveillance equipment

Description of Overall Impact of Request:

Covert body worn audio/video recorder will be used during undercover operations and in fixed surveillance installations. An Wireless Remove Interface System (WRIS), IP-link and repeater are requested to allow remote monitoring which is a safety factor in undercover operations.

Equipment Location:    ☐ Headquarters    ☒ Field    ☐ Headquarters and Field

Estimated Cost of this Request: .....\$74,700.00

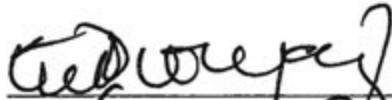
**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

Fund No. \_\_\_\_\_  
Budget No. \_\_\_\_\_  
Control No. \_\_\_\_\_

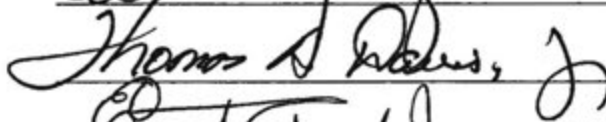
☐ NOT APPROVED due to:

Committee Chair:



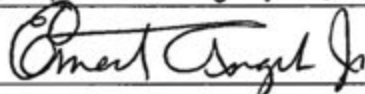
Date: 11.20.07

Director:



Date: 11-29-07

for Public Safety Commission:



Date: 11-29-07

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Criminal Law Enforcement/Narcotics Service

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

Recon Scout Remote Control Camera Vehicle System

Description of Overall Impact of Request:

The Recon Scout is a camera installed in a remote control robot. This system would be deployed during hostage/barricade situations to enable officers to gather information prior to entering hostile environments. Once deployed, its movement is controlled at a distance using hand-held control unit and immediate live video transmitting begins.

Equipment Location:    ☐ Headquarters    ☐ Field    ☒ Headquarters and Field

Estimated Cost of this Request: ..... \$10,300.00

**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

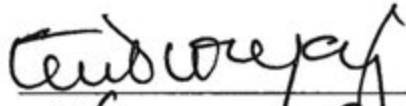
Fund No. \_\_\_\_\_

Budget No. \_\_\_\_\_

Control No. \_\_\_\_\_

☐ NOT APPROVED due to:

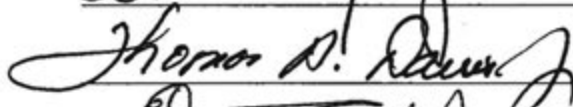
Committee Chair:



Date:

11.20.07

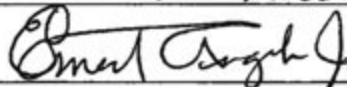
Director:



Date:

11-29-07

for Public Safety Commission:



Date:

11-29-07



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Criminal Law Enforcement/Narcotics Service

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

18 Thermal Eye x200xp Camera Kit 5

Description of Overall Impact of Request:

The Thermal Eye Camera is a monocular device that gives the operator a "night vision" capability that registers the heat signature of objects. This device can be used for target detection, search and rescue, and covert surveillance operations at night or during low light/visibility situations.

Equipment Location: ☐ Headquarters ☒ Field ☐ Headquarters and Field

Estimated Cost of this Request: .....\$141,485.00

**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

Fund No. \_\_\_\_\_  
Budget No. \_\_\_\_\_  
Control No. \_\_\_\_\_

☐ NOT APPROVED due to:

Committee Chair:

Tim Wray

Date:

11-20-07

Director:

Thomas D. Bauer, Jr.

Date:

11-29-07

for Public Safety Commission:

Ernest Knight Jr.

Date:

11-29-07

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE  
COMMITTEE ACTION REPORT**

Date: 11/13/07

Division/Service/Section requesting funds:

Criminal Law Enforcement/SWAT

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

Ford F650 truck

Description of Overall Impact of Request:

To replace the current 1999 Chevrolet 6500 truck serving as the SWAT team equipment truck. The current truck is gas powered and does not effectively or efficiently allow for adequate response. Storage space is at capacity and weight limits are at a maximum. The new vehicle will be used as the team's equipment transport. Increased specifications will allow for more effective and efficient response and within weight limits as required by law.

Equipment Location:    ☐ Headquarters    ☒ Field    ☐ Headquarters and Field

Estimated Cost of this Request: ..... \$55,990.00

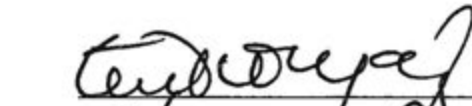
**RECOMMENDATION OF COMMITTEE:**

☒ APPROVED

Fund No. \_\_\_\_\_  
Budget No. \_\_\_\_\_  
Control No. \_\_\_\_\_


☐ NOT APPROVED due to:

Committee Chair:



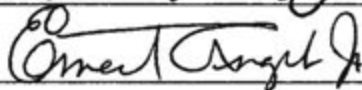
Date: 11.20.07

Director:



Date: 11-29-07

for Public Safety Commission:



Date: 11-29-07

**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 HB 1, Article IX, pages IX-92 through IX-93, section 19.71, Acts, 80<sup>th</sup> Legislature, R.S. (2007), (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 \$200,000,000, plus the costs of issuance and related administrative costs, if any, which will be determined at the time of issuance; and

**Whereas**, the attached Request for Financing (the "Request for Financing"), from the Agency to the Authority, which includes a detailed description of the projects to be financed for the Agency ("Projects" herein) and a proposed expenditure schedule, is 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.

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 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

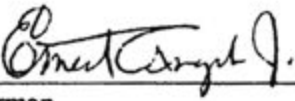
- c. take any other action necessary to assist in such sale.

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, is 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 29th day of November 2007, in Travis County, Texas.

  
Chairman

Attested:   
Commissioner

*Remainder of page intentionally left blank*



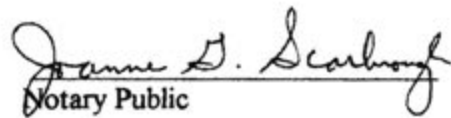
**Certification**

I, Mary Ann Courter, hereby certify that the foregoing Resolution is a true, correct and complete copy of the Resolution adopted by the Texas Public Safety Commission on the 24 day of November, 2007, in Travis County, Texas.

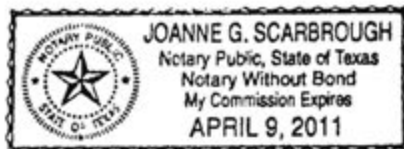


Signature  
General Counsel  
Texas Department of Public Safety

SWORN AND SUBSCRIBED TO before me this 29th day of November 2007, in Travis County, Texas.



Notary Public



**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 \$209,144,806<sup>1</sup> for land acquisitions and construction of buildings, facilities and an emergency vehicle operations course (projects to include the Abilene Crime Lab Expansion, the Austin Crime Lab Expansion, the Corpus Christi Crime Lab, the El Paso Crime Lab, the Emergency Vehicle Operations Course in Florence, the Houston Crime Lab Expansion, the Hidalgo County Regional Office, the Lubbock Regional Office, the Rio Grande City New Area Office and the Tyler Crime Lab Expansion as authorized by Appropriations Act, Art. IX, §19.71, 80<sup>th</sup> Legislature, R.S. (2007)) (the "Project"), which is 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 \$10,000,000 (the "Expenditure") for Project costs such as construction, engineering, telecommunications, fixtures, furniture, equipment, construction contingency, land acquisition, design professional fees, surveying, geotechnical, site improvements, construction material testing, HVAC test and balance testing, procurement and contract administration; currently desires and intends the Expenditure to be reimbursed from proceeds of bonds to be issued by the Authority for the Project; and

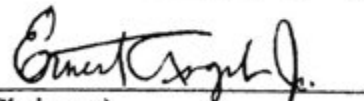
**Whereas**, the Agency and the Authority desire to preserve the ability to reimburse the Expenditure with proceeds of tax-exempt obligations;

**NOW THEREFORE, THE AGENCY 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.

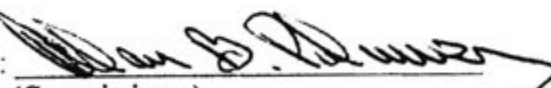
Be It Further Resolved that a copy of this resolution will be included in the minutes of the Texas Public Safety Commission meeting.

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 Executive Director's 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 24<sup>th</sup> day of November, 2007, in Travis County, Texas.

  
(Chairman)

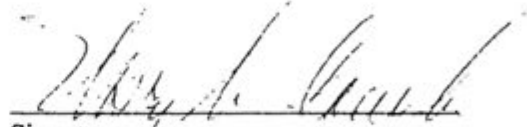
Attested:

  
(Commissioner)

<sup>1</sup> Although the Agency estimates the total Project costs to be approximately \$209,144,806, the Agency only intends to seek reimbursement for up to \$10,000,000 from proceeds of bonds issued by the Authority. The Agency will fund the Project, using up to \$200,000,000 (including the \$10,000,000 in reimbursements) from proceeds of bonds issued by the Authority and using other funding methods to fund the balance.

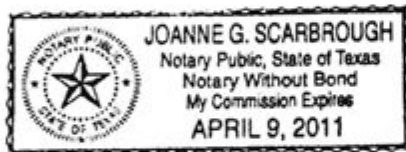
**Certification**

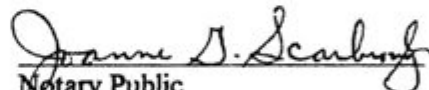
I, Mary Ann Courter, hereby certify that the foregoing Resolution is a true, correct, and complete copy of the Resolution adopted by the Texas Public Safety Commission on this 29<sup>th</sup> day of November, 2007, in Travis County, Texas.

  
Signature

General Counsel  
Title

SWORN AND SUBSCRIBED TO before me this 29<sup>th</sup> day of November, 2007.



  
Notary Public

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On November 29, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Organization And Administration  
Title 37 T.A.C. Part I, Chapter 1  
Subchapter I  
Section Number 1.125

The Texas Department of Public Safety adopts the repeal of Section 1.125, concerning Accident Records Bureau Fees, without changes to the proposed text as published in the October 5, 2007, issue of the *Texas Register* (32 TexReg 7004).

Adoption of the repeal is necessary due to the transfer of the powers and duties for accident records from the Texas Department of Public Safety to the Texas Department of Transportation.

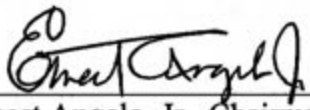
No comments were received regarding adoption of the repeal.

The repeal 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 S.B. 766, Acts 2007, 80th Leg., R.S.

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 November 29, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Organization And Administration  
Title 37 T.A.C. Part I, Chapter 1  
Subchapter I  
Section Number 1.127

The Texas Department of Public Safety adopts the repeal of Section 1.127, concerning Fees for Search for Record, without changes to the proposed text as published in the October 5, 2007, issue of the *Texas Register* (32 TexReg 7004).

Adoption of the repeal is necessary due to the section having been superseded by the Public Information Act.

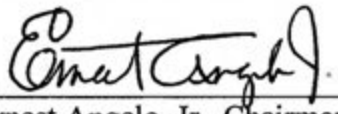
No comments were received regarding adoption of the repeal.

The repeal 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.

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 November 29, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Texas Highway Patrol  
Title 37 T.A.C. Part I, Chapter 3  
Subchapter A  
Section Numbers 3.1 – 3.9

The Texas Department of Public Safety adopts amendments to Sections 3.1 – 3.9, concerning Crash Investigations, without changes to the proposed text as published in the October 5, 2007, issue of the *Texas Register* (32 TexReg 7005).

Adoption of the amendments to the title and sections of subchapter A are necessary in order to update terminology. Due to a nationwide industry standard, the word "accident" is changed to "crash." Additional amendments to the sections are necessary in order to correct a reference to statute and to change the name of the division within the department responsible for investigating and reporting crashes.

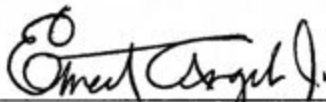
No comments were received regarding adoption of the amendments.

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 Government Code, Section 411.006(4), which provides the director with the authority to adopt rules, subject to commission approval, considered necessary for the control of the department.

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 November 29, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Texas Highway Patrol  
Title 37 T.A.C. Part I, Chapter 3  
Subchapter A  
Section Number 3.10

The Texas Department of Public Safety adopts the repeal of Section 3.10, concerning DWI Accident Response Cost Recovery – Billing for Services, without changes to the proposed text as published in the October 5, 2007, issue of the *Texas Register* (32 TexReg 7007).

Adoption of the repeal is necessary because the department has discontinued the Billing for Services process.

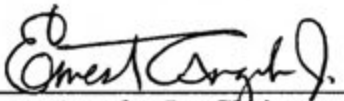
No comments were received regarding adoption of the repeal.

The repeal 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 Government Code, Section 411.006(4), which provides the director with the authority to adopt rules, subject to commission approval, considered necessary for the control of the department.

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 November 29, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Texas Highway Patrol  
Title 37 T.A.C. Part I, Chapter 3  
Subchapter D  
Section Number 3.52

The Texas Department of Public Safety adopts an amendment to Section 3.52, concerning Police Traffic Supervision on Interstate Highways in Cities of Over 50,000 Population, without changes to the proposed text as published in the October 5, 2007, issue of the *Texas Register* (32 TexReg 7007).

Adoption of the amendment to Section 3.52 is necessary in order to change the name of the division responsible for police traffic supervision from Traffic Law Enforcement division to Texas Highway Patrol division due to some reorganization with the department.

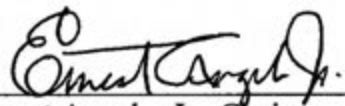
No comments were received regarding adoption of the amendment.

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 Government Code, Section 411.006(4), which provides the director with the authority to adopt rules, subject to commission approval, considered necessary for the control of the department.

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 November 29, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Texas Highway Patrol  
Title 37 T.A.C. Part I, Chapter 3  
Subchapter J  
Section Number 3.144

The Texas Department of Public Safety adopts amendments to Section 3.144, concerning Emergency Evacuations, without changes to the proposed text as published in the October 5, 2007, issue of the *Texas Register* (32 TexReg 7008).

Adoption of the amendments to Section 3.144 is necessary in order to correct an error in the title of the section and to correct the name of the state agency which the department is required to notify in case of an evacuation.

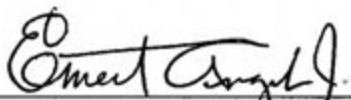
No comments were received regarding adoption of the amendments.

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; Texas Government Code, Section 411.006(4), which provides the director with the authority to adopt rules, subject to commission approval, considered necessary for the control of the department; and Texas Government Code, Section 411.062, which authorizes the department to adopt rules relating to the security of persons and property within the Capitol Complex.

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 November 29, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Division Of Emergency Management  
Title 37 T.A.C. Part I, Chapter 7  
Subchapter A  
Section Numbers 7.1 – 7.3

The Texas Department of Public Safety adopts amendments to Subchapter A, Sections 7.1 – 7.3, concerning Emergency Management Program Requirements, without changes to the proposed text as published in the August 31, 2007, issue of the *Texas Register* (32 TexReg 5648).

Adoption of amendments to Section 7.1 is necessary in order to change the title of the section to better clarify the subject of the rule.

Adoption of amendments to Section 7.2 is necessary in order to add language from Texas Government Code, Chapter 418 outlining the role of emergency management coordinators.

Adoption of amendments to Section 7.3 is necessary in order to explain the preferred method for jurisdictions to notify EMD about its emergency management program and the officials responsible for the program.

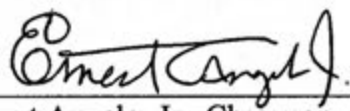
No comments were received regarding adoption of the amendments.

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 Government Code, Section 418.024, and Section 418.042.

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 November 29, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Division Of Emergency Management  
Title 37 T.A.C. Part I, Chapter 7  
Subchapter B  
Section Numbers 7.11 – 7.13

The Texas Department of Public Safety adopts amendments to Subchapter B, Sections 7.11 – 7.13, concerning Emergency Management Planning And Preplanning Requirements, without changes to the proposed text as published in the August 31, 2007, issue of the *Texas Register* (32 TexReg 5649).

Adoption of amendments to Section 7.11 is necessary in order to provide information on the easiest method for reviewing a copy of the state emergency management plan.

Adoption of amendments to Section 7.12 is necessary in order to indicate that there are state standards for both the content and currency of local emergency management plans.

Adoption of amendments to Section 7.13 is necessary in order to reformat the section to add provisions for interjurisdictional emergency management programs authorized by Chapter 418 of the Government Code, to provide more detailed information on planning requirements, to add NIMS compliance required by the Department of Homeland Security for virtually all grants, and to update the description of documents required for grants.

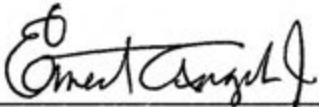
No comments were received regarding adoption of the amendments.

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 Government Code, Section 418.024 and Section 418.042.

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 November 29, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Division Of Emergency Management  
Title 37 T.A.C. Part I, Chapter 7  
Subchapter C  
Section Numbers 7.21, 7.23, 7.24, 7.26, 7.27

The Texas Department of Public Safety adopts amendments to Subchapter C, Sections 7.21, 7.24, 7.26, 7.27, and new Section 7.23, concerning Emergency Management Operations, without changes to the proposed text as published in the August 31, 2007, issue of the *Texas Register* (32 TexReg 5650).

Adoption of amendments to Section 7.21 is necessary in order to change the title of the section and to explain the purpose of a disaster declaration.

Adoption of amendments to Section 7.24 is necessary in order to indicate who a local official should call for help.

Adoption of amendments to Section 7.26 is necessary in order to clarify responsibilities during multi-agency response operations.

Adoption of amendments to Section 7.27 is necessary in order to add mandatory evacuation authority given to mayors and county judges during the 79th Legislative Session.

Adoption of new Section 7.23 is filed simultaneously with the repeal of current Section 7.23 and is necessary in order to add the requirement to call on resources available through mutual aid and the requirement in Chapter 418 of the Government Code that cities request assistance from their county before requesting state assistance.

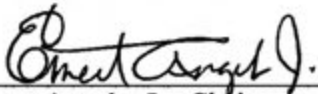
No comments were received regarding adoption of the amendments and new section.

The amendments and new section 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 Government Code, Section 418.024, and Section 418.042.

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 November 29, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Division Of Emergency Management  
Title 37 T.A.C. Part I, Chapter 7  
Subchapter C  
Section Numbers 7.23, 7.28, 7.29

The Texas Department of Public Safety adopts the repeal of Subchapter C, Sections 7.23, 7.28, and 7.29, concerning Emergency Management Operations, without changes to the proposed text as published in the August 31, 2007, issue of the *Texas Register* (32 TexReg 5650).

Adoption of the repeal of Section 7.23 is necessary as the department is simultaneously adopting a new Section 7.23 which adds the requirement to call on resources available through mutual aid and the requirement in Government Code, Chapter 418 that cities request assistance from their county before requesting state assistance.

Adoption of the repeal of Section 7.28 is necessary because there is no legal authority for this rule.

Adoption of the repeal of Section 7.29 is necessary as these powers are already addressed in Section 7.21 of this title (relating to Declaration of a State of Disaster and Effects of a Declaration).

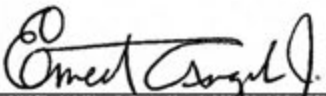
No comments were received regarding adoption of the repeals.

The repeals 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 Government Code, Section 418.024, and Section 418.042.

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 November 29, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Division Of Emergency Management  
Title 37 T.A.C. Part I, Chapter 7  
Subchapter D  
Section Numbers 7.43, 7.44

The Texas Department of Public Safety adopts the repeal of Subchapter D, Section 7.43, and Section 7.44, concerning Recovery And Rehabilitation Requirements, without changes to the proposed text as published in the August 31, 2007, issue of the *Texas Register* (32 TexReg 5652).

Adoption of the repeal of Section 7.43 is necessary in order to simultaneously adopt a new Section 7.43 which describes the specific materials that should accompany a request for assistance and or state disaster declaration and where to get them.

Adoption of the repeal of Section 7.44 is necessary in order to simultaneously adopt a new Section 7.44 which explains what happens after a request for assistance or state disaster declaration has been submitted to the state.

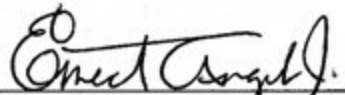
No comments were received regarding adoption of the repeals.

The repeals 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 Government Code, Section 418.024, and Section 418.042.

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 November 29, 2007, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Division Of Emergency Management  
Title 37 T.A.C. Part I, Chapter 7  
Subchapter D  
Section Numbers 7.41 – 7.45

The Texas Department of Public Safety adopts amendments to Subchapter D, Section 7.41, Section 7.42, and new Sections 7.43 – 7.45, concerning Recovery And Rehabilitation Requirements, without changes to the proposed text as published in the August 31, 2007, issue of the *Texas Register* (32 TexReg 5651).

Adoption of amendments to Section 7.41 is necessary in order to change the name of the title and to require the chief elected official of the jurisdiction to have declared a local State of Disaster before requesting disaster recovery assistance.

Adoption of amendments to Section 7.42 is necessary in order to combine the procedures for requesting recovery assistance with the existing text of current Section 7.44, which is being simultaneously repealed.

Adoption of new Section 7.43 is necessary in order to describe the specific materials that should accompany a request for assistance and or state disaster declaration and where to get them. Adoption of new Section 7.43 is filed simultaneously with the repeal of current Section 7.43.

Adoption of new Section 7.44 is necessary in order to explain what happens after a request for assistance or state disaster declaration has been submitted to the state. Adoption of new Section 7.44 is filed simultaneously with the repeal of current Section 7.44.

Adoption of new Section 7.45 is necessary in order to explain what eventually happens after local governments request assistance from the state.


No comments were received regarding adoption of the amendments and new sections.

The amendments and new sections 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 Government Code, Section 418.024, and Section 418.042.

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 November 29, 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 35.257

The Texas Department of Public Safety adopts amendments to Section 35.257, concerning Training Courses, without changes to the proposed text as published in the August 10, 2007, issue of the *Texas Register* (32 TexReg 4948).

Adoption of the amendments to Section 35.257 are necessary in order to eliminate the current requirement that all individuals regulated by the Private Security Board complete certain security officer training, by requiring such training only of security officers and personal protection officers.

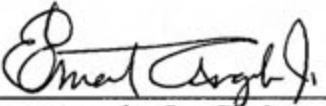
No comments were received regarding adoption of the amendments.

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