

**MINUTES**  
**PUBLIC SAFETY COMMISSION**  
**August 24, 2006**  
**Austin, Texas**

The Public Safety Commission met in Austin, Texas on August 24, 2006. Attending the meeting were Chairman Ernest Angelo, Jr., and Commissioner Carlos Cascos.

**DPS Staff members present:**

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

**Guests present:**

Jerry Tucker, Governor's Office  
Karen Housewright & Cathy Wise, Mothers Against Drunk Driving (MADD)  
Carlos Lopez & Caroline Love, Texas Department of Transportation (TxDOT)  
Kenneth Copeland, National Highway Traffic Safety Administration (NHTSA)  
Ray Hymel, Texas Public Employees Association (TPEA)  
Several members of the Korean American Association delegation

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

- I. **Minutes.** Upon motion by Commissioner Cascos and seconded by Commissioner Angelo, the minutes of the May 16, 2006 meeting were approved.
- II. **Public comment.** Helen Chang, president of the Korean American Association of Houston, addressed the Commission requesting they authorize publication of study materials and testing for driver licenses in the Korean language. Judy Brown responded on behalf of the Department and there was some discussion on this issue. Mr. Angelo stated that Chief Brown's office will work with the Korean delegation to attempt to resolve the problem.

Ray Hymel, Texas Public Employees Association, expressed appreciation to DPS and, in particular, Colonel Davis for his efforts in coordinating legislation with the various organizations and DPS. He also advised the Commission of Unsung Hero awards recently presented to some DPS employees.

- III. **National Highway Traffic Safety Administration Sobriety Checkpoints Presentation.** Carlos Lopez, TxDOT; Kenneth Copeland, NHTSA; and Cathy Wise, MADD, gave a presentation to the Commission requesting DPS support of possible legislation on sobriety checkpoints.
- IV. **Consideration and approval of Advisory Oversight Community Outreach Committee members.** Randy Elliston briefed the Commission on HB 925, 79<sup>th</sup> Regular Legislative Session, which set up this advisory committee. There was some discussion on the committee, proposed members and requirements of the committee. Rulemaking will be approved at a future Commission meeting. Commissioner Cascos made a motion approving Pete Sepulveda, Jr., Julie Ann Guerra-Ramirez, Jesse J. Medina, Mario Maldonado, Marga Lopez, Santos Pecina, Roy Gilyard and 2 yet unnamed representatives from the Customs Brokers or Truckers Association as members of the Advisory Oversight Community Outreach Committee and also moved that the Chairman be chosen from the above approved Committee members with residency midway between Brownsville and El Paso. The motion was seconded by Commissioner Angelo.
- V. **Budget matters.**
  - A. **Approval of FY2007 Operating Budget.** Oscar Ybarra gave an overview of the proposed FY2007 operating budget. A motion was made by Commissioner Cascos and seconded by Commissioner Angelo approving the proposed FY2007 operating budget.
  - B. **Approval of FY2008-2009 Legislative Appropriations Request.** Oscar Ybarra briefed the Commission on proposed funding, riders and FTE reductions in the Department's proposed FY2008-2009 legislative appropriations request. Colonel Davis presented the proposed exceptional items. There was some discussion on the proposals. Upon motion by Commissioner Cascos and seconded by Commissioner Angelo, the proposed FY2008-2009 legislative appropriations request was approved.
- VI. **Audit & Inspection report.** Farrell Walker gave the audit & inspection report.
  - A. **Approval of revised FY2006 Internal Audit Plan**
  - B. **Approval of FY2007 Internal Audit Plan**Farrell Walker briefed the Commission on the above audit plans. A motion was made by Commissioner Cascos and seconded by Commissioner Angelo approving the attached revised FY2006 and the FY2007 Internal Audit Plans.
- VII. **Division reports.** Burt Christian advised that the Director's Staff had won the Department's award for highest percentage of employee participation in the Governor's Texas Round-Up campaign. Chief Christian gave the Administration Division report, including an update on implementation of recommendations made by the Trooper Trainee Active Countermeasures Training Evaluation Committee. There was some discussion on deploying livescan devices to every county that does not currently have

one, the CHL issuance backlog and ongoing building projects. The Texas Highway Patrol Division report was given by Randy Elliston. There was some discussion on a recent trooper shooting and THP drug interdiction efforts. Judy Brown gave the Driver License Division report, including updates on the driver license reengineering project and driver responsibility program, the Real ID Act and the recent CDL audit. Jack Colley gave the Emergency Management Division report. There was some discussion on presidential declarations for flooding, heat and drought, and wildfires; Operation Rio Grande; and reimbursement for debris removal due to Hurricanes Katrina and Rita. The Criminal Law Enforcement Division report, including an update on activities of the various services and increased CODIS results, was given by Kent Mawyer. Ray Coffman gave the Ranger Division report. The Information Management Service report was given by Ed Kelly.

**VIII. For final adoption.**

**A. Proposed amendment to Rule 15.24, 37 TAC Sec. 15.24, relating to the identification of applicants for an original, renewal or duplicate driver license or identification certificate, as published in 31 TexReg 3845, May 12, 2006.**

**B. Proposed amendment to Rule 15.25, 37 TAC Sec. 15.25, relating to the address requirements for an original, renewal or duplicate driver license or identification certificate, as published in 31 TexReg 3846, May 12, 2006**

Mary Ann Courter briefed the Commission on the above proposed amendments. Upon motion by Commissioner Cascos and seconded by Commissioner Angelo, the attached orders and amendments were unanimously approved for final adoption.

**C. Proposed amendments to Rule 35.1, 37 TAC Sec. 35.1, relating to definitions clarifying issues of statutory application and construction concerning Private Security, as published in 31 TexReg 5575, July 14, 2006**

**D. Proposed amendments to Rule 35.34, 37 TAC Sec. 35.34, relating to Standards of Conduct of Private Security licensees, as published in 31 TexReg 1912, March 17, 2006**

**E. Proposed amendments to Rule 35.36, 37 TAC Sec. 35.36, relating to Consumer Information and Vehicle Signage of Private Security licensees, as published in 31 TexReg 5577, July 14, 2006**

**F. Proposed new Rule 35.41, 37 TAC Sec. 35.41, relating to Company Names as used by Private Security entities, as published in 31 TexReg 5577, July 14, 2006**

**G. Proposed amendments to Rule 35.91, 37 TAC Sec. 35.91, relating to Private Security Administrative Hearing Procedures, as published in 31 TexReg 5578, July 14, 2006**

**H. Proposed amendments to Rule 35.231, 37 TAC Sec. 35.231, relating to subscription fees for renewal of private security occupational licenses, as published in 31 TexReg 5578, July 14, 2006**

**I. Proposed amendments to Rule 35.232, 37 TAC Sec. 35.232, relating to subscription fees for original applications of private security licenses, as published in 31 TexReg 5579, July 14, 2006**

**J. Proposed amendments to Rule 35.291, 37 TAC Sec. 35.291, relating to Mandatory Continuing Education Courses for individuals with private security licenses, as published in 31 TexReg 5579, July 14, 2006**

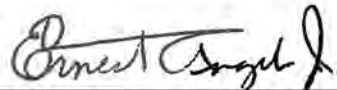


Mary Ann Courter advised the above Items C-J were published for public comment by the Private Security Board and now required Public Safety Commission approval for final adoption. Valerie Fulmer briefed the Commission on the above referenced proposed new rule and amendments. Upon motion by Commissioner Cascos and seconded by Commissioner Angelo, the attached orders, new rule and amendments were unanimously approved for final adoption.

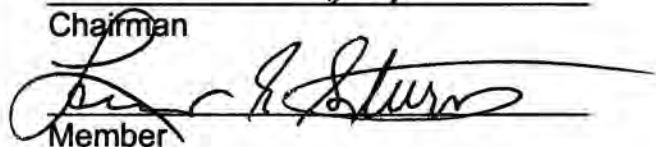
- IX. Personnel matters, pending and contemplated litigation, ongoing criminal investigations, status of purchase of real property.** The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.074, 551.072 & 411.0041 to discuss personnel matters, including the Director's action of discharging probationary employees Michele Nevels, Pamela White and Justin Lee; pending and contemplated litigation; status of purchase of real property; and ongoing criminal investigations. Upon reconvening Regular Session, Commissioner Angelo announced that the Commission had discussed personnel matters, pending litigation and ongoing criminal investigations. Upon motion by Commissioner Cascos and seconded by Commissioner Angelo, the Director's action of discharging probationary employees Michele Nevels, Pamela White and Justin Lee was affirmed (see attached Order). Special Ranger commissions had been considered for DPS retirees James Beck, Johnnie Behunko, Samuel Brakefield, Thomas Kidd, Clyde Joe Lozano, Steve Powell and Ted Purtle and a Special Texas Ranger commission was considered for DPS retiree Warren Yeager. A motion was made by Commissioner Cascos and seconded by Commissioner Angelo approving the above named individuals as Special Rangers and Special Texas Rangers respectively.

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

Read and approved this 18th day of October, 2006.



Chairman



Member

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 24, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Driver License Rules  
Title 37 T.A.C. Part I, Chapter 15  
Subchapter B  
Section Number 15.24

The Texas Department of Public Safety adopts amendments to Section 15.24, concerning the identification of applicants for an original, renewal or duplicate driver license or identification certificate, without changes to the proposed text as published in the May 12, 2006, issue of the Texas Register (31 TexReg 3845).

Adoption of amendments to Section 15.24 are necessary in order address the concerns of foreign students and foreign visiting workers who apply for a driver license or identification certificate and enable. Amendments to the section expand the types of documents that are acceptable as primary identification of an applicant without compromising the security of the driver or identification certificate and allow for a foreign student or worker to obtain a driver license or identification certificate with a foreign passport accompanied by an appropriate document issued by the United States Department of State and other verifiable documentation.

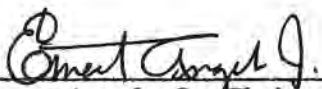
On May 23, 2006, the department held a public hearing to receive comments from all interested persons regarding adoption of the proposed amendments. No comments were received regarding adoption of the proposed amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, Section 521.005.

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.

  
Ernest Angelo, Jr., Chairman  
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 24, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

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

The Texas Department of Public Safety adopts amendments to Section 35.1, concerning Definitions, without changes to the proposed text as published in the July 14, 2006, issue of the Texas Register (31 TexReg 5575).

Adoption of the amendments to Section 35.1 is necessary in order for the department to clarify various issues of statutory application and construction.

The department accepted comment on the proposed rules through August 13, 2006. Written comments were submitted by Wayne Crook, Manager of VIP Security in Belton, Texas.

The substantive comments, as well as the department's responses thereto, are summarized below.

**COMMENT:** Regarding the proposed amendment to Section 35.1 Definitions, (5) "Convictions," Mr. Crook states that "Anything that does not show as a conviction on an individual's criminal history should not apply."

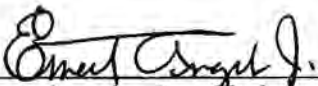
**RESPONSE:** The proposed amendment accurately reflects the statutory definition of conviction (as provided in Section 1702.371 of the Occupations Code), which includes judgments that have been set aside or judgments of community supervision that have been dismissed. Therefore, no change was made to the rule based on this comment.

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

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TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 24, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

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

The Texas Department of Public Safety adopts amendments to Section 35.34, concerning Standards of Conduct, with changes to the proposed text as published in the July 14, 2006, issue of the Texas Register (31 TexReg 5576) and will be republished.

Adoption of the amendments to Section 35.34 is necessary in order to encourage licensees full cooperation with the department's investigators and to provide guidelines for appropriate conduct on the part of licensees.

The department accepted comment on the proposed rules through August 13, 2006. Written comments were submitted by Wayne Crook, Manager of VIP Security in Belton, Texas.

The substantive comments, as well as the department's responses thereto, are summarized below.

**COMMENT:** Regarding Section 35.34, Standards of Conduct, Mr. Crook quotes the proposed amendment:

(m) No licensee shall engage in conduct while that would constitute a Class C misdemeanor or higher offense under any Texas statute, ...

Mr. Crook states that "This is an incomplete sentence. Probably it should read:

(m) No licensee shall engage in conduct while performing one's duties under the Act that would constitute a Class C misdemeanor or higher offense under any Texas statute, ...

**RESPONSE:** In the proposed amendment, the word "while" should have been struck-through, to indicate its proposed deletion. This change has been made, and the suggested "incompleteness" to the sentence has been addressed. With respect to Mr. Crook's suggested language, "while performing one's duties under the Act," the proposed amendment reflects substantially the same qualification. The proposed language addresses conduct "arising from or in any way related to the performance of one's duties or one's employment under the Act, or at any time while wearing a uniform associated with one's employment under the Act or while otherwise representing oneself as acting within the scope of one's duties or employment under the Act." Therefore, the change proposed by Mr. Crook is superfluous, and no change was made to the rule based on this comment.

**COMMENT:** Following up on his previous comment to Section 35.34, Standards of Conduct, Mr. Crook states that "Even if that correctly states the intended change, J-walking or a 10 m.p.h. over speeding ticket would put your registration at risk. I think this is a bad rule."

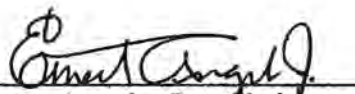
**RESPONSE:** The department agrees that relatively minor infractions may put a registration at risk, in those cases in which the criminal charges are based on conduct that arises from the performance of one's regulated activities. That is the intent of the proposed amendment, and no change was made to the rule based on this comment.

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

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TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 24, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter C  
Section Number 35.36

The Texas Department of Public Safety adopts amendments to Section 35.36, concerning Consumer Information, without changes to the proposed text as published in the July 14, 2006, issue of the Texas Register (31 TexReg 5577).

Adoption of the amendments to Section 35.36 is necessary in order to enhance the requirements related to the provision of consumer complaint information. In addition, the title of the section has been amended.

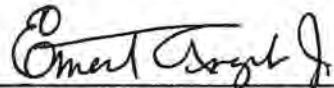
The department accepted comment on the proposed rules through August 13, 2006. No comments were received regarding adoption of the amendments.

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

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TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 24, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

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

The Texas Department of Public Safety adopts new Section 35.41, concerning Company Names, without changes to the proposed text as published in the July 14, 2006, issue of the Texas Register (31 TexReg 5577).

Adoption of the new section is necessary in order for the department to provide guidelines to staff and the public regarding appropriate names for licensed companies, consistent with the statutory prohibitions against representation of a relationship with law enforcement.

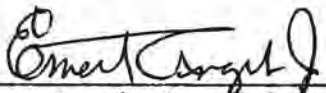
The department accepted comment on the proposed rules through August 13, 2006. No comments were received regarding adoption of the new section.

The new section is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the 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

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TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 24, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter F  
Section Number 35.91

The Texas Department of Public Safety adopts amendments to Section 35.91, concerning Administrative Hearing Procedures, with changes to the proposed text as published in the July 14, 2006, issue of the Texas Register (31 TexReg 5578).

The change to the Section is a correction to the statutory citation due to a typographical error.

Adoption of the amendments to Section 35.91 are necessary in order to clarify the application of the Administrative Procedures Act to the hearings procedures provided in Chapter 1702 of the Occupations Code.

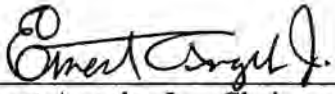
The department accepted comment on the proposed rules through August 13, 2006. No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
Ernest Angelo, Jr., Chairman  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 24, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter O  
Section Number 35.231

The Texas Department of Public Safety adopts amendments to Section 35.231, concerning Fees, without changes to the proposed text as published in the July 14, 2006, issue of the Texas Register (31 TexReg 5578).

Adoption of the amendments to Section 35.231 is necessary in order for the department to adjust the fees required for renewal applications.

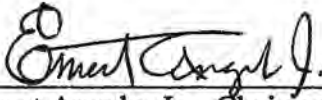
The department accepted comment on the proposed rules through August 13, 2006. No comments were received regarding adoption of the amendments.

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.

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Ernest Angelo, Jr., Chairman  
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 24, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter O  
Section Number 35.232

The Texas Department of Public Safety adopts amendments to Section 35.232, concerning Fees, without changes to the proposed text as published in the July 14, 2006, issue of the Texas Register (31 TexReg 5579).

Adoption of the amendments to Section 35.232 is necessary in order for the department to adjust the fees required for original applications.

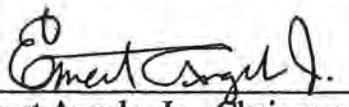
The department accepted comment on the proposed rules through August 13, 2006. No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
Ernest Angelo, Jr., Chairman  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 24, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

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

The Texas Department of Public Safety adopts amendments to Section 35.291, concerning Mandatory Continuing Education Courses, with changes to the proposed text as published in the July 14, 2006, issue of the Texas Register (31 TexReg 5579) and will be republished.

Adoption of the amendments to Section 35.291 is necessary in order to enhance the continuing education requirements for individuals licensed under Chapter 1702 of the Occupations Code.

The department accepted comment on the proposed rules through August 13, 2006. Written comments were submitted by Wayne Crook, Manager of VIP Security in Belton, Texas.

The substantive comments, as well as the department's responses thereto, are summarized below.

**COMMENT:** Regarding Section 35.291, Mandatory Continuing Education Courses, Mr. Crook points out that a subsequent paragraph of the rule should be amended in order to be consistent with the proposed amendment. The proposed amendment changes the requirement of twenty class room hours to sixteen hours. As Mr. Crook notes, paragraph (9) also has a reference to twenty hours:

(9) Any person licensed as an alarm systems installer or alarm systems salesperson who fails to complete 20 hours (*should read sixteen (16) hours*...)of training...

**RESPONSE:** The Department agrees with the comment. Paragraph (9) should be amended in order to be consistent with the proposed amendment to paragraph (8). In order to correct this inadvertent omission, the department offers the following amendment to paragraph (9) of Section 35.291:

(9) Any person licensed as an alarm systems installer or alarm systems salesperson who fails to complete 16[20] hours of training during the 24 months of initial licensure or who fails to complete 8 hours of continuing education during any subsequent licensing period is not eligible to make new or renewal application until such time as all training requirements for the previous license period have been satisfied

**COMMENT:** In an additional comment regarding Section 35.291, Mandatory Continuing Education Courses, Mr. Crook states as follows:

"By Rule or legislative change, this Level I requirement will be changed to either a requirement of initial registration or be required within 12 months of initial registration. Either way, establishing this proposed rule change is simply a waste of good paper and will simply cause confusion for the qualified managers who must administer this rule."

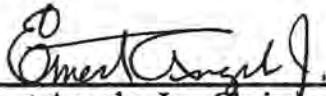
**DEPARTMENT RESPONSE:** The department is unaware of any future changes in the Level I requirements, as suggested by Mr. Crook. Moreover, the proposed amendment was requested by members of the industry, who noted that a two-day (sixteen hour) course was less costly and more convenient than the three-day course necessitated by the twenty-hour requirement. Therefore, no change was made to the rule based on this comment.

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.

  
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Ernest Angelo, Jr., Chairman  
Public Safety Commission



