

**PUBLIC SAFETY COMMISSION
MEETING MINUTES - July 21, 2011
Austin, TX**

The Public Safety Commission met in Austin, Texas on July 21, 2011. Attending the meeting were Chairman Allan Polunsky, Commissioners Ada Brown, Carin Barth, John Steen and Cindy Leon. A quorum was present for the meeting. DPS staff members and guests were also present.

Call to order

The meeting was called to order by Chairman Polunsky at 10:03 a.m. Proper notice had been posted.

Approval of Minutes (00:57 - indicates time stamp from audio file)

A motion was made by Commissioner Steen and seconded by Commissioner Barth approving the minutes as submitted for the June 16, 2011 meeting. Motion passed unanimously.

Director's Report (01:29:00)

Director Steven McCraw presented the following awards with summaries of actions for/to:

Director's Citation

Sergeant Kenneth Authier
Trooper James Thompson
Trooper Vernon Gaines

Director's Award

Tom Porter
Michele Rutherford
Kyle Wayne Evans
Baron Northington

Life Saving Awards

Trooper Todd Adkins
Sergeant Scotty Shiver

Medal of Merit

Trooper Patrick Hodgkiss

Purple Heart

Trooper Larry Michael Vaughn

Colonel Lamar Beckworth Deputy Director Law Enforcement and Captain Hank Whitman Texas Ranger announced unit citation awards for Aircraft and SWAT participants, who for their tireless and heroic actions during an intensive standoff in Odessa that resulted without any loss of life. **The unit members of the SWAT team were:** Lt. Cody Klaehn, Sgt. Chris Barclay, Sgt. Jeff Vajdos, Sgt. Gregg Castillo, Sgt. Kevin Allison, Sgt. Jorge Ortega, Sgt. David Armstrong, Sgt. Dennis Miller, Sgt. Andrew Martinez, Sgt. Travis Ballew, Lt. Justin Holdridge, Sgt. Phillip Gonzales, Sgt. Donald Jackson, Sgt. Donnie Bolton, Sgt. Benjamin Tristan and Sgt. William Lemmon.

The unit members of the Aircraft team were: Lt. Matt Ruff, Sgt. Pryor Templeton, Sgt. Zane Greenwood, Lt. Tony Ashley, TFO Derome West, Lt. Nathan Lashaway, Sgt. Lee Tarter, Sgt. Shon Parker, TFO Jimmy Morris, Sgt. Clay Shelton, Sgt. Gordon Wade and Sgt. Sean Davis.

Chairman Polunsky commented on how wonderful it was to recognize the commissioned officers and gave special thanks to the members of the public who put their lives on the line to help others. He said it spoke well for society and the Department of Public Safety. He added it was always nice to hear the stories, see the people involved and give them thanks.

Commissioner Steen advised that the regular business on the agenda would follow and the recipients and their family and friends could leave if they wished.

(35:29)

The Director continued his report providing status of the ongoing recruitment efforts. He stated the on-line application process, implemented in June, doubled the quantity of applications received in one month over the total amount received for all of last year. He provided figures supporting the number of vacant commissioned FTEs not funded stating the Department had to have money. The FY 2012/2013 target for recruit school graduates is 347. This would mean 6 schools would need to graduate 60. The next school begins August 17, 2011. Commissioner Steen asked the Director to cover the retire/rehire program. Director McCraw said 476 had been hired since the program had been implemented. The Director provided information on the focus areas in recruitment such as: US military personnel, increasing recruiters to sufficiently cover all US military installations in Texas and advertising plus the creation of Regional Recruit Prep Schools that will provide an orientation to prospective recruits and their family members regarding what to expect as a DPS Trooper. Commissioner Steen asked for an explanation of the 6.95% surcharge on salaries. Cheryl MacBride Deputy Director Services explained per every \$1K, 6.95% would be an equivalent paid per retire/rehire. Chairman Polunsky inquired why use commissioned resources to process background investigations since it was a duty not embraced by field resources. Director McCraw stated it may make sense to hire people to do these, but they would need to be trained and travel. He added these had been done for years by the Department since neighbors, employers, etc. in the area the recruit lived and worked were interviewed. Commissioner Steen asked if there had been any effort in concentrating on military police and if so what level of training would be required. Director McCraw said military police would still have to pass the TCLEOSE certification and go through the full academy training. Deputy Director Beckworth agreed and stated it was because the military requirements were different. He also stated that he agreed with using the Department's resources for the background investigations. He added that it made those individuals approach the investigation more seriously because they looked at it with an attitude of who they want sitting next to them in their patrol vehicle. Chairman Polunsky said another issue that comes to play in recruiting military to the Department and why they would not want to reduce the training time is because of the readjustment to policy and procedures. DPS techniques versus military are very different.

Director McCraw continued his report introducing a new approach in physical readiness and recruit orientation being done at the front-end of training. He stated these would outline the steps to success and result in hopefully 100% graduating. He also said there were plans to put field mentors in place.

Chairman Polunsky asked what the vacancy numbers were. Director McCraw said right now the numbers were at 3572 internal cap with 35 actual vacancies. In one year biennium 360 with a net zero on the cap and he was prepared to go forward with that strategy. He said the intention was to start with 80 recruits per academy and graduate 60. Per DAD Woodall, going above 80 puts a strain on the resources. Chairman Polunsky agreed going forward six months with this approach, but added if the numbers did not show results, they would need to revisit. Chairman Polunsky asked if the problem could be resolved upon the intake with any other rigorous ways to separate the applicants who we feel are more likely to complete the program. DAD Woodall said once the recruit orientation and mentoring programs were in place he felt those would lower the attrition rate. Commissioner Barth inquired if numbers had been kept on the percentage of graduates who had prior military experience. DAD Woodall said it was 62%. Chairman Polunsky brought up letting candidates come in a week prior to see the program before they continued with training and wondered if this would make sense. DAD Woodall said with the number of applicants via the new online process they felt this would provide a larger applicant pool. Commissioner Steen asked if the mentoring program was in place in El Paso and what the problem was with implementing it statewide. DAD Woodall said only a pilot program was in place. Director McCraw said they would be implementing statewide, but it would take time. He continued stating with the expanded work week the paychecks would result in more pay through overtime.

Commissioner Leon thanked Commissioner Brown, AD Brown, DAD Woodall, Lt. Aguirre and Captain Hester for their time and efforts on the committee. She agreed to revisit all of the items discussed in six months to see how each was doing. She said she was very excited about the tremendous response to the online application process, the military recruiting, the orientation and mentoring programs. She mentioned they were also exploring rewarding those who recruit with financial incentives (savings bonds or time off) for Troopers recruiting Troopers. Chairman Polunsky thanked all for stepping up to what was his and Colonel McCraw's highest priority. He added he would keep this committee in place.

Commissioner Steen asked how long the Department had been dealing with the internal FTE cap concept. Director McCraw said it was the first time it was presented. Chairman Polunsky stated the operational set aside was not a way to address capacity in ten years. The Director said if gasoline went down the total could be adjusted. Commissioner Barth said the gasoline number moves a lot and she thought it would be this way a couple of years. Chairman Polunsky asked how confident the Director was with the numbers with respect to how the Department operated today versus 6-12 months from now. The Director responded he was confident and a year from now did not think this would be a problem.

Public Comment (01:33:50)

Scott Henson Grits for Breakfast blog writer commented on the recently passed House Bill 588. Mr. Henson stated that the legislation changed Section 708.157(b) of the Transportation Code from a grant of authority for the Department to establish an incentive program for allowing drivers to satisfy surcharges to mandating that the Department establish such a program.

Chairman Polunsky asked GC Phillip Adkins what took place last session regarding the legislation discussed by Mr. Hansen, GC Adkins stated that Mr. Henson had accurately described the legislative change in that "may" language in the statute had been changed to "shall." GC Adkins stated that this was one of many legislative directives that the Department would be required to implement as a result of the recent legislative session.

New Business (01:43:49)

Chairman Polunsky announced there would be a five minute break. The time was 11:45 a.m.

The Public Safety Commission reconvened at 11:59 a.m. A quorum was present.

(01:45:05) Discharge Appeal Hearing and possible action regarding DPS employee Reginald Norman

The Commission heard the discharge appeal of Reginald Norman. The Department was represented by Assistant General Counsel Janette Ansolabehere and Reginald Norman was represented by Attorney Richard Aman. After hearing the evidence, **a motion was made by Commissioner Brown seconded by Commissioner Barth to affirm the Director's decision to discharge Reginald Norman. Motion passed unanimously.**

Adjourn into Executive Session

The Commission went into Executive Session to discuss security issues, to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; and ongoing criminal investigations. Executive Session began at 2:02 p.m.

(03:49:01) The Public Safety Commission reconvened at 3:31p.m. A quorum was present.

New Business (cont.)

Update report, discussion and possible action on Municipal Services Bureau (MSB) collection status

AD Rebecca Davio Driver License addressed the driver responsibility program and how collections by the contractor, Municipal Services Bureau (MSB) were going. She provided a brief background of the program. She stated the performance measures showed the vendor was meeting, and in some areas

exceeding all performance measures. The eight performance measures are: 1) remittance of funds collected, which MSB has done 100% of the time; 2) processing of payments received, which MSB missed only one time and they were assessed a \$1500 penalty; 3) customer service staffing and 4) call response which MSB met 100% of the time; 5) initial notice mailing, which MSB missed only one time and they were assessed a \$1500 penalty; 6) suspension notice mailing, MSB met the criteria with only one occasion where they did not and a \$1500 penalty for the one day out of compliance was charged; 7) account status reporting, which was never a problem with MSB; and 8) inbound correspondence, which MSB met. Commissioner Steen asked if these were self-reporting. AD Davio stated MSB must provide summary reports to the DL division. Commissioner Steen asked how we would know their performance was compliant. AD Davio stated the Comptroller's office provided reports on collections and payments which was a measurable way of knowing MSB was doing their job. She added MSB must also scan dated letters and responses as proof of activity. MSB's overall industry standard surcharge collection rate for Texas is currently 40% on the DRP program. AD Davio stated that debt collection standards range from 20-30% in the collection industry. AD Davio provided details on the amnesty and indigency programs, the collection factors and practices. The monies collected are split 50% to the trauma hospitals and 50% to the General Revenue Fund. MSB is paid 4% for their service and fees are paid through the customer billings. Chairman Polunsky asked where the outbound collection calls originated. AD Davio responded from the Austin office. She presented the approved letterhead used by MSB which included the MSB logo and DPS seal. Commissioner Barth said this was exactly what she wanted to see. Chairman Polunsky asked to quantify the amount of revenue generated for MSB 2003-2008. AD Davio stated she would need to report back since she did not have that cumulative information, but from 2007 to current around \$60 million on the \$800 million collected, averaging approximately \$10 million per year. Chairman Polunsky clarified the contract was entered into in 2004 and renewed in 2008 and asked how it was renewed. Chairman Polunsky asked who renewed the contract in 2008— the division, the department, the Public Safety Commission or all of the above. AD Valerie Brown said it probably went through the division. Commissioner Steen stated since it occurred before AD Davio joined, that this was part of the reason the contract review committee was created. Commissioner Barth stated yes it was. Chairman Polunsky stated the contract amount would be of an amount today where the Commission had to approve. He asked if this contract could be terminated, with proper notice, and rebid. General Counsel Adkins said yes and the terms were a 90 day notice option. Commissioner Steen stated this was a very good presentation and asked for AD Davio's thoughts on the program. AD Davio said since the collection rate was higher than other states, and that since this type of collection was extra challenging, she felt comfortable continuing the contract. She stated MSB was good to work with. Chairman Polunsky thanked her for the report.

(04:18:49) Report, discussion and possible action on the commercial vehicle weigh station process

AD David Baker reported on this item at the request of Commissioner Brown. Commissioner Brown said she had come upon a weigh station process on a recent trip near Dallas and she pulled in to observe the sophisticated and impressive collaboration. She added since she felt it to be very fascinating she thought an overview at the meeting would be good. AD Baker said this program was to ensure safe operation of commercial motor vehicles and what Commissioner Brown observed was Operation Thunder. He reported on the regulations and state laws and what was determined during a safety inspection and methods of enforcement. He provided a list of levels of a CMV inspection. There are 103 statewide designated inspection locations including ports of entry; 56 locations with in-ground scales and 47 locations with in-ground scales excluding ports of entry. AD Baker presented slides showing pictures of the many vehicle safety related violations such as: broken suspension cracked rim, defective brake chamber, defective tire, broken leaf spring, defective slack adjuster, broken trailer frame, marking violations, overweight and oversize violations, plus looking beyond the stop - with large drug seizures as a final result. Commissioner Steen asked if the trucks were coming into Texas from Mexico. AD Baker stated it had not yet been started because tariffs were being reviewed, but when it did start they would make sure the vehicles are safe. Chairman Polunsky inquired about the quantity of tire tread on the highways. AD Baker said it was a violation to run a recapped tire on commercial vehicle tires. Commissioner Steen thanked Commissioner Brown for requesting the presentation and AD Baker for the interesting presentation. He also expressed his thanks to AD Baker and the Highway Patrol for saving the lives of Texans through this process.

AD Baker continued reporting on the ongoing business agenda item: Status report, discussion and possible action on TxDOT median dividers and effectiveness in deterring vehicles crossing over and law enforcement turn around areas.

He stated the number had not changed from last month. 243 requested 71 installed. He added that communication with TxDOT continued. He said his Captain in Amarillo informed him that TxDOT had 37 crossovers recently installed on I-40, which was a good sign.

Report, discussion and possible action regarding HB 2131 the development of rules for eligibility, application, approval, issuance and renewal for a Capitol Access Card

Commander Ortiz provided information on where the Department is to date with implementing the Capitol Access card which will provide expedited access to the Capitol via an access card. This item was not up for consideration today. He provided an overview of the bill. He reported that the process will be similar to CHL holders, their application and approval program. They have had several meetings and are formulating rules and how they will apply and the standard operation procedures and costs as well as stakeholder affects. Once rules are ready they will go to the Commission for approval to post and present for public comment.

Report, discussion and possible action on the proposed external quality assessment team identified to review the Chief Auditor's Office

AD Goodson, Chief Auditor's office reported on the individuals identified to serve on the external quality assessment team. He stated Commissioner Barth had reviewed the team and added one additional individual she worked with for multiple years. **A motion was made by Commissioner Steen seconded by Commissioner Barth for approval of the individuals as presented. Motion passed unanimously.**

(04:39:38) CA Steve Goodson reported on a contract audit with Horne & Associates and the four recommendations. Commissioner Barth questioned the Executive Summary item of paying an order without receiving a final report and without issuing a Purchase Order Change Notice. Chief Kidd confirmed it had been a mistake on their part and would not happen again.

Report, discussion and possible action on proposed amendments to Texas Highway Patrol Rule for publication: Rule 3.22, 37 TAC Sec. 3.22 concerning Written Warnings **A motion was made by Commissioner Barth seconded by Commissioner Leon approving the proposed amendments to update the rule to reflect the department's revised enforcement policy and publish the rule for comment on seat belt enforcement. Motion passed unanimously.**

Commissioner Steen requested future rules be presented on the screen for the public to view.

Ongoing Business (04:47:49)

Reports, discussion and possible action regarding the following:

Committee report and discussion on 28-day work cycle and possible reconfiguration thereof to the Overtime and Compensatory Time policy as presently set out

Commissioner Brown stated her committee and Colonel Beckworth had come up with proposed changes to the overtime and compensatory time policy. She said employees did not like the 28-day work cycle idea and there was a dislike for compensatory time versus overtime pay. Colonel Beckworth said the original rules were adopted in 1980 since there was not enough money to pay overtime. Recent Legislature provided funding for commissioned officers on Schedule C to work overtime in order to increase law enforcement coverage and capabilities with the current manpower. Five additional hours per week may be worked. The overtime project is not an entitlement. Employees must work over 30 hours during a week to be eligible for overtime compensation. The compensation will be 1 ½ hours of overtime pay for each hour worked in excess of 40 hours per week. If funds are not available, compensatory time may be given. Participation is voluntary, but employees will be required to designate

their choice of participation prior to September 1st. If they do not choose to participate in the overtime project they will be compensated at 1 ½ hours of compensatory time earned for the first 3 hours worked in excess of 40 hours worked and compensated at 1 ½ hours of overtime pay for each hour worked in excess of 43 hours each week. Colonel Beckworth explained the application for rank. He stated the hours funded during this overtime project will be monitored at all levels and in all divisions to insure that employees remain productive so that the goals of this project can be met. Slides were presented on how the overtime worksheet would look as well as the overtime payment authorization. He stressed that comp time must be used within a 12 month period or it would be lost and displayed the slides showing how comp time earned was to be reported and comp time was earned at one hour worked equated to one hour of compensatory time earned. Commissioner Brown stated this provided more flexibility. Chairman Polunsky asked if this would equate to a 15% pay raise and Colonel Beckworth stated it would. Commissioner Brown asked the Commissioners to approve the proposed changes as presented. Commissioner Steen asked if this was the first time this had been rolled out. Colonel Beckworth said they had been having meetings and met with the stakeholders. Commissioner Steen asked if this item should be deferred for action to next month since it was the first time it was being presented. Chairman Polunsky stated all involved and waiting for this to take place were aware of the proposed changes and anxious for it to be adopted since it had been in development for a couple of years. Commissioner Steen asked what harm to wait one month to approve considering the amount of work into it in the two years. Director McCraw interjected that the commissioned personnel had to be re-schooled and processed through the ETA system plus it needed to align with the fiscal year payroll. Commissioner Steen asked about the fiscal impact. Director McCraw replied there was none. Chairman Polunsky said these funds had been appropriated specifically for this. He briefly commented that along with all the individuals involved in effectuating a package that we were able to come up with and get passed this Legislative Session he saw no negative impact whatsoever in moving forward with the program. It was going to provide a pay raise to commissioned officers up through Lieutenants and with the current economic times, compared to other state police departments being forced to have layoffs, there was nothing like this program. He said this was unprecedented when other agencies had to fire commissioned employees and we were the only department that came out of this legislative session with a plan for our people to receive raises.

He added he thought this was wonderful and told Director McCraw without his innovative thinking and tenacious work and all he had done, this would not have happened and the people owed him a debt of gratitude and thanks since he was the guy who made this work. Commissioner Brown added that she seconded the Chairman's comments. Chairman Polunsky said this was the second anniversary of hiring Director McCraw and it was the smartest thing the Commission ever did – he said he was the best thing that had happened. Commissioner Brown stated the Troopers had the Director to thank for making this vision happen that he was on board with this program since the first day he joined. Chairman Polunsky continued by thanking Commissioner Brown and her committee for all the thankless hours she had put into this long standing project, it had now all fallen into place and was a happy ending – she set the stage and distinguished herself. Colonel Beckworth thanked Commissioner Brown and all that had worked on the committee. He added the Director had done an exceptional job on this project. Chairman as well thanked all on the committee and Colonel Beckworth for everything they did. **A motion was made by Commissioner Brown seconded by Commissioner Steen approving the program. Motion was passed unanimously.**

(05:24:00)

Report, discussion and possible action regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team

and

Report, discussion and possible action by the Commission regarding modification and transformation of the DPS organizational structure approval of personnel placements and salaries pursuant to Government Code chapter 411, Secs. 411.005, 411.005 and 411.0071

Director McCraw asked for advice and consent to combine the Government Affairs and Public Information office to become the Public Affairs and Policy division with Amanda Arriaga reporting as Chief directly to him. He continued with a proposal for Mike Simpson to be promoted to the Chief of Radio Interoperability Infrastructure for the State of Texas under the Homeland Security branch. Commissioner Brown added she had been continually impressed with Mike Simpson. A slide was presented showing the requested changes. **A motion was made by Commissioner Steen seconded by Commissioner Brown approving the proposed promotions and changes to the organization chart. Motion passed unanimously.**

Director McCraw continued with a request for advice and consent of the Commission to place Regional Commander of Region 4 in El Paso, Skylor Hearn, in the vacated position as Assistant Director of Law Enforcement Support division. **A motion was made by Commissioner Steen seconded by Commissioner Brown approving the change. Motion passed unanimously.**

The Director then proposed Amanda Arriaga to serve as the Chief of the Public Affairs and Policy division reporting to him. **A motion was made by Commissioner Barth and seconded by Commissioner Leon approving this change. Motion passed unanimously.**

(05:32:06)

Report, discussion and possible action on the Fiscal Year 2011 Operating Budget

AD Denise Hudson, Finance provided the FY2012-13 Legislative appropriations request that reflected a starting base budget of \$2.7 billion but with the 4% reduction in LBB the base adjusted budget was \$2.6 billion (\$105 million short of request). She outlined the LAR requested items, what was appropriated and what was not funded totaling \$82.6 million. She highlighted the "must fund" items they are short for the biennium which totaled \$31 million, \$15.6 million for 2012.

She stated for the FY2011 operating budget they were now entering the fourth quarter, and estimate an ending balance of \$3.3 million.

Report, discussion and possible action regarding purchases using seized funds

AD Denise Hudson concluded with the seized funds report that reflected no changes and resulted in a \$7.6 million balance.

Chairman Polunsky added all-in-all compared to other state agencies, nobody did better than DPS.

Update report, discussion and possible action regarding recruitment

This item was discussed earlier during the Directors Report portion of the agenda.

Report, discussion and possible action regarding Continuity Plan at the Department of Public Safety

No discussion

Follow-up report, discussion and possible action regarding creation of a foundation to benefit the Texas Department of Public Safety

No discussion

Follow-up report, discussion and possible action on the Department of Public Safety ethics policy and reporting requirements

Director McCraw reported that two versions were previously offered for adoption. Commissioner Steen requested a continuance of one month to August in order to work with Commissioner Brown on the policy further, and stated due to the late hour of the meeting, he would like to defer this item. Director McCraw agreed.

Report, discussion and possible action on North Texas Toll Authority contract including ensuring the Department is receiving full compensation for service provided.

Chairman Polunsky confirmed with CA Steve Goodson he would report on this in August and nothing needed to be discussed at this meeting.

Status report, discussion and possible action on Department generators – specifically conversation updates with electrical companies around the state

AD Nim Kidd, Emergency Management and Sandra Fulenwider, Administration reported that they had been in communication with the electrical companies. They said each assured DPS would be placed on their Tier 1 lists but this would not guarantee there would be no outages rather puts DPS on a priority list. Ms. Fulenwider said they are looking at generators for use in critical areas. Commissioner Barth inquired if they received anything in writing from Austin electric company. Ms. Fulenwider stated they should by September. Commissioner Barth asked about shedding loads, and AD Kidd said they would know more in September if on the Tier 1 list.

Report, discussion, and possible action regarding the adoption of proposed amendments to Commercial Driver License Rules: Rule 16.13, 37 TAC Sec. 16.13 concerning Farm-Related Service Industry Waiver and Rule 16.105, 37 TAC Sec. 16.105 concerning Special Penalties Pertaining to Violation of Out-of-Service Orders and Railroad Grade Crossing Violations for Drivers and Employers

These CDL rule modifications initially were proposed April 2011 and are required for compliance with Federal Motor Carrier Safety Administration audit findings. No comments were received when posted. **A motion was made by Commissioner Steen seconded by Commissioner Barth approving the rules for adoption. Motion passed unanimously.**

(05:49:05) Reports

Commission member reports and discussion

There were no Commission member reports.

Division status reports on activities and action

Commissioner Brown commented on the great job by CID and THP in the arrest of Robert Garcia, one of the Texas 10 Most Wanted Sex Offenders. She also stated what a good job CID performed in the arrest of another Texas 10 Most Wanted Sex Offender, Antonio Garcia.

Consent Items

Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code chapter 411, Secs. 411.023 & 411.024: Special Ranger: Johnny R. Barboza, Richard H. Barnes, Arturo Cardona, Bradford L. Crook, Enrique Espinoza, David L. Martin, Phillip A. Martin, Stephen G. Martin, Charlie J. Morgan, Donald L. Smith, Steven B. Talkington, Gordon L. Wade; Special Texas Ranger: James R. Huggins

A motion was made by Commissioner Steen seconded by Commissioner Barth approving the consent item on the appointments of Special Rangers and Special Texas Rangers as set out. Motion passed unanimously.

Items for Future Agenda

The FY2012-13 Operating Budget was requested to be placed on the August 2011 agenda by Director McCraw.

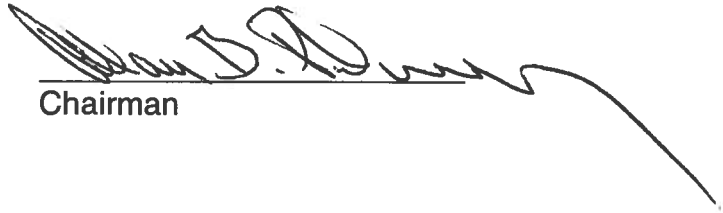
Date for Future Meeting

The next meeting of the Public Safety Commission was tentatively scheduled for August 25, 2011. A discharge appeal hearing will be scheduled.

Adjourn

(05:53:25) The meeting was adjourned at 5:36 p.m.

Read and approved this 25th day of August, 2011.

A handwritten signature in black ink, appearing to read "W. D. ...", written over a horizontal line. The signature is stylized and extends to the right with a long, sweeping tail.

Chairman

IN THE MATTER OF
THE APPEAL OF DISCHARGE OF
REGINALD NORMAN

§
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BEFORE THE
PUBLIC SAFETY COMMISSION
IN AUSTIN, TRAVIS COUNTY, TX

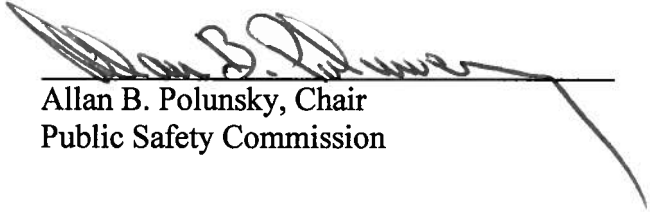
ORDER

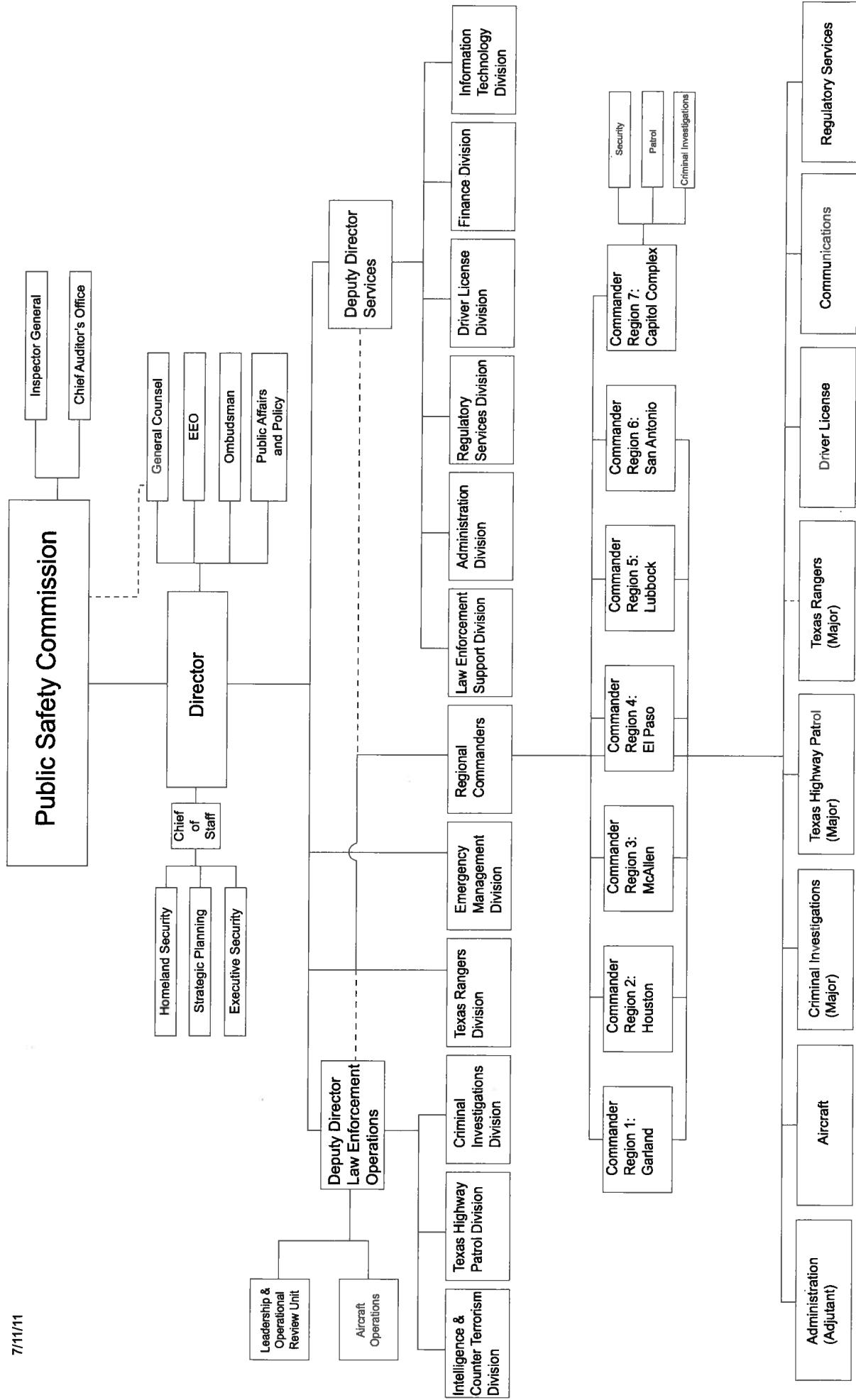
BE IT REMEMBERED that the Public Safety Commission convened to hear the appeal of discharge of Reginald Norman, on the 21st day of July, 2011. Mr. Norman received adequate notice of the hearing on this matter and did appear in person and through counsel. Pursuant to §411.007, Government Code, the Commission proceeded to hear evidence in the above-captioned matter.

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

On motion of Commissioner Ada Brown, seconded by Commissioner Carin Barth, the discharge was affirmed.

ENTERED AND SIGNED on the 21st day of July, 2011.


Allan B. Polunsky, Chair
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On July 21, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Commercial Driver License
Title 37 T.A.C. Part I, Chapter 16
Subchapter D
Section 16.105

The Texas Department of Public Safety (the department) adopts amendments to Section 16.105, concerning Special Penalties Pertaining to Violation of Out-of-Service Orders and Railroad Grade Crossing Violations for Drivers and Employers. This section is adopted without changes to the proposed text as published in the May 13, 2011 issue of the *Texas Register* (36 TexReg 3072) and will not be republished.

Amendments to this section address Federal Motor Carrier Safety Administration (FMCSA) findings during the 2009 review of the Texas' Commercial Driver License (CDL) program. These amendments further align Chapter 16 rules to previously existing statutory requirements governing CDL issuance processes where FMCSA determined the statute and/or rule was not clear enough for enforcement purposes.

No comments were received regarding the adoption of these amendments.

These 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 522.005, which authorizes the department to adopt rules necessary to carry out this chapter and the federal act.

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

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

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



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On July 21, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Commercial Driver License
Title 37 T.A.C. Part I, Chapter 16
Subchapter A
Section 16.13

The Texas Department of Public Safety (the department) adopts amendments to Section 16.13, concerning Farm-Related Service Industry Waiver. This section is adopted without changes to the proposed text as published in the May 13, 2011 issue of the *Texas Register* (36 TexReg 3071) and will not be republished.

Amendments to this section address Federal Motor Carrier Safety Administration (FMCSA) findings during the 2009 review of the Texas' Commercial Driver License (CDL) program. These amendments further align Chapter 16 rules to previously existing statutory requirements governing CDL issuance processes where FMCSA determined the statute and/or rule was not clear enough for enforcement purposes.

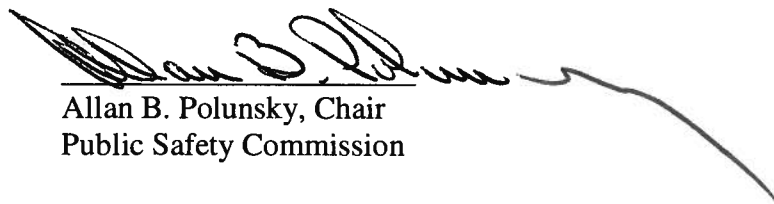
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Allan B. Polunsky, Chair
Public Safety Commission

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS

Special Ranger Applicants

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Barboza, Johnny R.	CID	McAllen	05/31/2011	24 years	
Barnes, Richard H.	THP	CVE/Amarillo	08/31/2002	29 years	
Cardona, Arturo	THP	HP/San Antonio	06/03/2011	23 years	
Crook, Bradford L.	THP	HP/Waco	07/31/2002	29 years	
Espinoza, Enrique	CID	McAllen	04/30/2011	33 years	
Martin, David L.	THP	CVE/Nacogdoches	4/30/2011	27 years	
Martin, Phillip A.	THP	HP/Greenville	12/31/1999	27 years	
Martin, Stephen G.	Texas & Southwestern Cattle Raisers Assn				
Morgan, Charlie J.	THP	SES/Waco	07/31/2002	20 years	
Smith, Donald L.	THP	CVE/Liberty	04/30/2011	24 years	
Talkington, Steven B.	CID	Amarillo	04/30/2011	30 years	
Wade, Gordon L.	Aircraft	Amarillo	01/31/2011	21 years	

Special Texas Ranger Applicant

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Huggins, James R.	Texas Rangers	Centerville	05/31/2011	28 years	Steen <i>Baerly</i>

Steen

Approved by the Public Safety Commission on: *July 21, 2011*