

**MINUTES**  
**PUBLIC SAFETY COMMISSION**  
**August 25, 2003**  
**Austin, Texas**

The Public Safety Commission met in Austin, Texas on August 25, 2003. Attending the meeting were Chairman Colleen McHugh and Commissioners Robert Holt and James B. Francis, Jr.

**DPS Staff members present:**

Tommy Davis, Director  
David McEathron, Assistant Director  
Tom Haas, Laura Font & Doug Noren, Accounting & Budget Control  
Lamar Beckworth, Bob Burroughs, Coy Clanton & Mark Rogers, Traffic Law Enforcement  
C. J. Havrda, Rangers  
Marshall Caskey, Ron Urbanovsky & David Griffith, Criminal Law Enforcement  
Burton Christian, Administration  
Judy Brown, Frank Elder & Angela Parker, Driver License  
Farrell Walker, Audit & Inspection  
Mary Ann Courter, General Counsel  
Mary Lauderdale & Ed Kelly, Information Management Service  
Tela Mange, Public Information  
David Outon, Internal Affairs  
Jack Reichert, Aircraft  
Andy Mokry & Tavia Wendlandt, Building Program  
Michael Kelley, Legislative Liaison  
Valerie Fulmer, Crime Records  
Dorothy Wright, Secretary

**Guests present:**

Marshall Kenderdine, House Appropriations Committee  
Tina Beck, Legislative Budget Board

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

- I. **Minutes.** Upon motion by Commissioner Francis and seconded by Commissioner Holt, the minutes of the July 15, 2003 meeting were approved.
- II. **Public comment.** There was no public comment.
- III. **Budget matters.** Tom Haas gave the budget report.
  - A. **Approval of FY2004 operating budget.** Tom Haas briefed the Commission on the proposed budget. Upon motion by Commissioner Holt and seconded by Commissioner Francis, the proposed FY2004 budget was unanimously approved. Commissioner McHugh thanked Tom Haas and other DPS staff for their hard work during the legislative session. There was some discussion on the budget reduction due to the retirement incentive.

**B. Acceptance of cargo tank from Plains Trucking Company.** Lamar Beckworth briefed the Commission on the proposed donation. Upon motion by Commissioner Francis and seconded by Commissioner Holt, the donation was accepted for use as a License & Weight training aid.

**C. Acceptance of computer equipment from Criminal Information Sharing Alliance.** Marshall Caskey briefed the Commission on the proposed donation. Upon motion by Commissioner Holt and seconded by Commissioner Francis, the donation was accepted for use by the Criminal Law Enforcement Division.

**IV. Audit & Inspection Report.** Farrell Walker gave the Audit & Inspection report.

**V. Division reports.** Burt Christian gave the Administration Division report. There was some discussion on CHL processing, Hurricane Claudette activities, the upcoming recruit graduation and the building program. Lamar Beckworth gave the Traffic Law Enforcement Division report. There was some discussion on the Click-It or Ticket press conference, Operation CARE, Hurricane Claudette activities by TLE personnel and TLE drug interdictions. The Driver License Division report was given by Judy Brown. There was some discussion on the field compliance unit pilot project and the e-commerce project. Marshall Caskey gave the Criminal Law Enforcement Division report. There was some discussion on the Computer Information Sharing Alliance and the CODIS/DNA backlog. David Griffith briefed the Commission on TRIP (Texas Recovery and Identification Program). Ron Urbanovsky briefed the Commission on Crime Lab emergency and proposed rules 28.121-28.132 regarding DPS accreditation of crime laboratories and other entities. There was some discussion on these rules which the Director has statutory authority to approve. The Ranger report was given by C. J. Havrda. Mary Lauderdale gave the Information Management Service report. Bob Burroughs gave an update on joint efforts between DPS and the Texas Commission on Environmental Quality (TCEQ) for implementation of the State's vehicle emissions inspection/maintenance program. Coy Clanton introduced Mark Rogers who updated the Commission on the border safety inspection stations. The Commission expressed their appreciation to Coy Clanton for the good work he has done for DPS and Texas and wished him well in his retirement.

**VI. For publication for public comment.**

**A. Proposed amendments to Rules 6.1 & 6.2, 37 TAC Secs. 6.1 & 6.2, relating to the acceptance of approved credit cards for online applications for Licenses to Carry Handguns and changes to statute references**

**B. Proposed amendments to Rules 6.11, 6.13, 6.15, 6.16, 6.19 & 6.20, 37 TAC Secs. 6.11, 6.13, 6.15, 6.16, 6.19 & 6.20, relating to eligibility requirements and procedures to establish residency required by applicants to obtain Licenses to Carry Handguns**

**C. Proposed amendment to Rule 6.44, 37 TAC Sec. 6.44, relating to places prohibited by License Holders to Carry Handguns**

**D. Proposed amendment to Rule 6.63, 37 TAC Sec. 6.63, relating to a change in statutory reference to revocation of a License to Carry Handguns**

**E. Proposed amendments to Rules 6.71, 6.89 & 6.95, 37 TAC Secs. 6.71, 6.89 & 6.95, relating to use of videos for course instruction by Certified Handgun Instructors and expiration of Instruction Certification**

**F. Proposed repeal of Rules 6.117-6.119, 37 TAC Secs. 6.117-6.119, relating to reporting requirements for law enforcement agencies regarding Handgun Licensees**

Valerie Fulmer briefed the Commission on the proposed amendments and repeal. Upon motion by Commissioner Francis and seconded by Commissioner Holt, the attached amendments and repeal were unanimously approved for publication for public comment.

**G. Proposed amendments to Rules 15.1 & 15.5-15.7, 37 TAC Secs. 15.1 & 15.5-15.7, relating to requirements for Driver Licenses, instruction permits, motorcycle licenses and occupational licenses**

**H. Proposed amendment to Rule 15.21, 37 TAC Sec. 15.21, relating to Driver License application signature requirements**

**I. Proposed amendment to Rule 15.55, 37 TAC Sec. 15.55, relating to the acceptance of a motorcycle training course for the waiver of the motorcycle skills test**

Frank Elder briefed the Commission on the proposed amendments. Upon motion by Commissioner Holt and seconded by Commissioner Francis, the attached amendments were unanimously approved for publication for public comment.

**J. Proposed amendments to Rules 31.1-31.4, 31.6, 31.7, 31.9, 31.10 & 31.12, 37 TAC Secs. 31.1-31.4, 31.6, 31.7, 31.9, 31.10 & 31.12, relating to Standards for an Approved Motorcycle Operator Training Course.** Burt Christian briefed the Commission on the proposed amendments. Upon motion by Commissioner Francis and seconded by Commissioner Holt, the attached amendments were unanimously approved for publication for public comment.

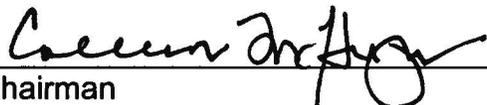
**VII. Approval of Resolution on DPS use of Master Lease Purchase Program funds administered by the Texas Public Finance Authority.** Mary Lauderdale briefed the Commission on the proposed resolution for use of funds for the final stage of reengineering projects for IMS that were appropriated for FY99. There was some discussion on the proposed resolution and procedure for funding. Upon motion by Commissioner Francis and seconded by Commissioner Holt, the attached Resolution was unanimously approved.

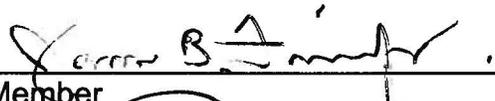
**VIII. Personnel matters; pending and contemplated litigation; ongoing criminal investigations; status of purchase of real property.** The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.074, 551.072 & 411.0041 to discuss personnel matters including Special Ranger and Special Texas Ranger commissions, pending and contemplated litigation, status of purchase of real property, and ongoing criminal investigations. Upon reconvening Regular Session, Commissioner McHugh announced that the Commission had discussed personnel matters, pending and contemplated litigation and ongoing criminal investigations. The Commission had considered Special Ranger commissions for DPS retirees Rick Andrews, Larry L. Benningfield, Coy W. Clanton, Gary B. Clark, Robert F. Collins, Russell L. Davis, John R. Fields, Joe R. Gonzales, Joe Gremillion, Bobby D. Harper, Danny L. Lewis, Robert L. Longoria, Thomas L. Mattern, Juan J. Navarro, James L. O'Shields, John M. Payne, Charles A. Richardson, Andres Rivas, Thomas J.

Rosales, Howard R. Ross, Richard W. Shea, Danny W. Smith, Bob E. Spraggins, James R. Stinnett, Robert B. Stinson, Jimmy C. Towe, James E. Vance and Robert G. White and Special Texas Ranger commissions for DPS retirees Norris L. Akin, Teddy W. Poling and Joseph T. Sanders. Upon motion by Commissioner Holt and seconded by Commissioner Francis, Special Ranger and Special Texas Ranger commissions were respectively approved for the above named individuals.

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

Read and approved this 24 day of September, 2003.

  
Chairman

  
Member

  
Member

**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 bonds or other obligations to finance the cost of certain projects ("Projects") for the use and benefit of the Texas Department of Public Safety (the "Agency") pursuant to Chapter 1232, Texas Government Code, as amended and Article III, Section 50-f, Texas Constitution; Chapter 411, Texas Government Code; and H.B. 1, Article V, pages V-46 through V-47, Rider #1, Acts, 78<sup>th</sup> Legislature, R.S., 2003 (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, or both ("Obligations") in an aggregate principle amount not to exceed \$6,959,226.00 with the costs of issuance and other ancillary costs to be determined at the time of issuance.

**NOW THEREFORE BE IT RESOLVED** by the Public Safety Commission for the State of Texas (the "Commission") that:

Section 1. The Commission hereby ratifies and confirms that the purpose of the financing is to make lease-purchase payments to the Authority pursuant to Section 1232.103, Texas Government Code, and the Master Lease Purchase Program for the 1998-99 NCIC/TLETS Upgrade, and that financing thereof is appropriate at this time.

Section 2. The Commission hereby empowers, authorizes and directs the Executive Director of the Agency, or his designee, for and on behalf of the Commission and the Agency, to negotiate, date, sign, and otherwise execute (i) the Request for Financing to the Authority for the Project (the "Request for Financing"); (ii) a Memorandum of Understanding (the "Memorandum of Understanding") between the Authority and the Agency and to deliver the Memorandum of Understanding; (iii) a financing Agreement (the "Agreement") between the Authority and the Agency, and to deliver the Agreement; and (iv) such other Documents (the "Other Documents") as are necessary or desirable to effect the issuance of the Obligations, provide the Projects, and to deliver such Other Documents.

Upon execution by both the parties thereto and delivery thereof, the Memorandum of Understanding, the Agreement, and the Other Documents shall be binding upon the Authority and the Agency in accordance with the terms and provisions thereof.

Section 3. The Agency recognizes that the Authority will proceed to issue the Obligations to provide the requested financing.

Section 4. The Executive Director or the Chief Financial Officer of the Agency is hereby authorized to cooperate with the Authority, and its consultants, to prepare an Official Statement in connection with the sale of the Obligations and to take any other action necessary to assist in such sale.

Section 5. All actions not inconsistent with provisions of this Resolution heretofore taken by the Agency, the Executive Director or the Chief Financial Officer thereof and the other officers of, or consultants to the Agency, directed toward the financing of the Projects and the issuance of the Obligations, are hereby ratified, approved and confirmed.

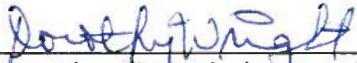
Section 6. The officers of the Agency and the Executive Director or Chief Financial Officer thereof shall take all action in conformity with the Authorizing Law to effect the issuance of the Obligations and complete the Projects as provided in the Agreement and to take all action necessary or desirable 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 7. If any section, paragraph, clause, or provision of this Resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining portions of this Resolution.

Section 8. 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.

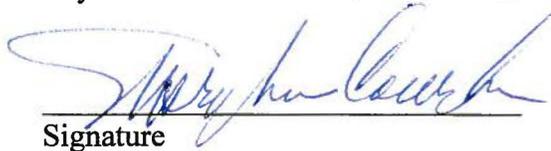
Adopted by the affirmative vote of a majority of the Commission present and voting on this 25 day of August, 2003, in Travis County, Texas.

  
Chairman, Public Safety Commission

Attested:   
(Secretary or other Commission member)

**Certification**

I, Mary Ann Courter, hereby certify that the foregoing Resolution is a true, correct and complete copy of the Resolution adopted by the Public Safety Commission for the State of Texas on this 26<sup>th</sup> day of August, 2003.

  
Signature

General Counsel  
Title

SWORN AND SUBSCRIBED TO before me this 26<sup>th</sup> day of August, 2003.

  
Notary Public

