MINUTES
PUBLIC SAFETY COMMISSION
September 28, 2004
Austin, Texas

The Public Safety Commission met in Austin, Texas on September 28, 2004. Attending the meeting were Chairman Colleen McHugh and Commissioners Robert Holt and Carlos Cascos.

DPS Staff members present:
Tommy Davis, Director
David McEathron, Assistant Director
Oscar Ybarra, Tom Meredith & Laura Font, Accounting & Budget Control
Randy Elliston & Lamar Beckworth, Highway Patrol Division
Gary Stone, Criminal Law Enforcement
Burt Christian and Valerie Fulmer, Administration
Judy Brown & Greg Gloria, Driver License
Farrell Walker & Jude Schnexyder, Audit & Inspection
Mary Ann Courter, General Counsel
Mary Lauderdale & Ed Kelly, Information Management Service
Tela Mange, Public Information
David Outon, Internal Affairs
Jack Reichert & Steve Powell, Aircraft
Rick Kautz, Information Resource
Michael Kelley, Legislative Liaison Office
Dorothy Wright, Secretary

Guests present:
C. D. Lipscomb
George Craig & Mike Samulin, Texas Private Security Board

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

I. **Minutes.** Upon motion by Commissioner Holt and seconded by Commissioner Cascos, the minutes of the August 6, 2004 meeting were approved.

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

III. **Discussion and possible action on delegation of certain rulemaking functions to the Private Security Board.** Valerie Fulmer briefed the Commission regarding the proposed process for expediting rules affecting Private Security Licensing. George Craig, Texas Private Security Board, advised he supported the recommendation. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the attached process was approved.

IV. **Discharge appeal hearing of DPS employee Kelvin Love.** Kelvin Love appeared before the Commission to appeal his discharge. He was represented by Attorney Don Dickson. DPS was represented by Phillip Adkins of the General Counsel's Office. Court reporter was Chris Carpenter of Esquire Deposition Services. Opening statements were made by both attorneys. All witnesses were sworn. Witnesses appearing for DPS were Captain Gene Tandy, Narcotics Service; Lieutenant Andy Pena, Internal Affairs; and Lieutenant Larry Allen, Texas Highway Patrol. DPS Exhibit #1 was submitted and accepted by the Commission. The only appellant witness was Kelvin Love. Appellant Exhibits #1, 2, 3, 4 & 5 were submitted and accepted by the Commission. Closing statements were made by both attorneys.

V. **Division reports.** Due to time constraints, no division reports were given. Burt Christian, Administration Division, advised the Commission there was no longer a backlog in issuing private security licenses.

VI. **Budget matters.** Oscar Ybarra gave the Accounting report.

A. **Acceptance of donation of Stalker DSR2X radar from Applied Concepts.** Randy Elliston briefed the Commission on the proposed radar donation from Applied Concepts. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the donation was accepted.

B. **Acceptance of donation of 2004 Chevrolet 2500 pickup from Leon Valley Police Department.** Gary Stone briefed the Commission on the proposed pickup donation from the Leon Valley Police Department. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the donation was accepted for use by the Narcotics Service.

C. **Acceptance of donation of photography & communications equipment & trailer from 33rd Judicial District.** Gary Stone briefed the Commission on the proposed donation from the 33rd Judicial District. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the donation was accepted for use by the Special Crimes Service.

VII. **Audit & Inspection Report.** Farrell Walker gave the Audit & Inspection report. He briefed the Commission on the proposed FY2005 Internal Audit Plan. Upon motion by Commissioner Holt and seconded by Commissioner Cascos, the attached FY2005 Internal Audit Plan was unanimously approved.

VIII. **For publication for public comment**

A. **Repeal of existing Rule 27.1, TAC Sec. 27.1; proposed New Rule 27.1, 37 TAC Sec. 27.1, relating to the rights of a person with criminal history information on file with the department to obtain a copy of that information.** Burt Christian briefed the Commission on the proposed repeal and new rule. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the attached repeal and new rule were unanimously approved for publication for public comment.

B. **Proposed amendments to Rules 31.1, 31.2, 31.6, 31.7, 31.10 & 31.12, 37 TAC Secs. 31.1, 31.2, 31.6, 31.7, 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 Cascos and seconded by Commissioner Holt, the attached amendments were unanimously approved for publication for public comment.

C. **Proposed amendments to Rules 33.1-33.5, 37 TAC Secs. 33.1-33.5, relating to All-Terrain Vehicle Operator Education and Certification Program.** Burt Christian briefed the Commission on the proposed amendments citing a correction on a typographical error. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the attached amendments with the correction were unanimously approved for publication for public comment.

IX. **For final adoption**

A. **Proposed amendment to Rule 1.52, 37 TAC Sec. 1.52, relating to release of information in criminal investigations, as published in 29 TexReg 6582, July 9, 2004.** Mary Ann Courter briefed the Commission on the proposed amendment. Upon motion by Commissioner Holt and seconded by Commissioner Cascos, the attached amendment was unanimously approved for final adoption.

B. **Proposed Rules 35.1, 35.11-35.14, 35.31-35.40, 35.51, 35.61-35.75, 35.91-35.96, 35.111-35.117, 35.131, 35.141-35.146, 35.161-35.163, 35.171, 35.172, 35.181-35.186, 35.201-35.205, 35.221, 35.222, 35.231, 35.232, 35.241, 35.251-35.268, 35.281, 35.291 & 35.301, 37 TAC Secs. 35.1, 35.11-35.14, 35.31-35.40, 35.51, 35.61-35.75, 35.91-35.96, 35.111-35.117, 35.131, 35.141-35.146, 35.161-35.163, 35.171, 35.172, 35.181-35.186, 35.201-35.205, 35.221, 35.222, 35.231, 35.232, 35.241, 35.251-35.268, 35.281, 35.291 & 35.301, relating to implementation of the transfer of the Texas Private Security Board to DPS, as published in 29 TexReg 6583-6605, July 9, 2004**

C. **Proposed repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapters 421-437, 440-442 & 449, Sections 421.1, 422.1-422.4, 423.1-423.3, 424.1-424.12, 425.1, 425.33, 426.1-426.15, 427.1-427.6, 428.1-428.7, 429.1. 430.1-430.6, 430.55, 431.1-431.3, 432.1, 432.2, 433.1-433.6, 434.1-434.5, 435.1, 435.2, 436.1, 437.1, 440.1, 440.2, 440.4-440.19, 441.1, 442.1 & 449.1, relating to implementation of the transfer of the Texas Private Security Board to DPS, as published in 29 TexReg 6505-6518, July 9, 2004**

D. **Proposed Rules 35.311 & 35.312, 37 TAC Secs. 35.311 & 35.312, relating to an exemption from licensing as a locksmith for owners and employees of retail establishments that sell or service mechanical security devices, as published in 29 TexReg 8257, August 27, 2004**

Valerie Fulmer briefed the Commission on the proposed rules and repeal. Upon motion by Commissioner Cascos and seconded by Commissioner Holt, the attached rules and repeal were unanimously approved for final adoption.

X. **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

employee Kelvin Love; 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 litigation and ongoing criminal investigations. Special Ranger commissions had been considered for DPS retirees James Burson, John Byork, Jack Chrane and Kenneth Harrison and a Special Texas Ranger commission had been considered for Chad Barfknecht. Upon motion by Commissioner Holt and seconded by Commissioner Cascos, Special Ranger and Special Texas Ranger commissions were approved for the above named individuals.

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

Read and approved this 27 day of October, 2004.

Chairman

Member

Member

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Supchapter D
Section Number 1.52

The Texas Department of Public Safety adopts amendments to Section 1.52, concerning Release of Information in Criminal Investigations, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6582).

Amendments to the section are necessary due to a name change/reorganization of a major division within the department and the reassignment of certain duties.

No comments were received regarding adoption of the amendments.

The amendments are proposed pursuant to Texas Government Code, Section 411.004(3) and Section 411.006(4), which provides the Public Safety Commission with the authority to adopt rules necessary for carrying out the department's work. The Director, subject to the approval of the Commission, shall have the authority to adopt rules 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.

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, 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 Numbers 35.1, 35.11-35.14, 35.31-35.40, 35.51, 35.61-35.75, 35.91-35.96, 35.111-35.117, 35.131, 35.141-35.146, 35.161-35.163, 35.171, 35.172, 35.181-35.186, 35.201-35.205, 35.221, 35.222, 35.231, 35.232, 35.241, 35.251-35.268, 35.281, 35.291 and 35.301

The Texas Department of Public Safety (DPS) adopts new Chapter 35, Sections 35.1, 35.11-35.14, 35.31-35.40, 35.51, 35.61-35.75, 35.91-35.96, 35.111-35.117, 35.131, 35.141-35.146, 35.161-35.163, 35.171, 35.172, 35.181-35.186, 35.201-35.205, 35.221, 35.222, 35.241, 35.251-35.268, 35.281, 35.291, and 35.301, concerning Private Security, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6583-6605). Section 35.231 and Section 35.232 are adopted with changes and will be republished.

Adoption of the new sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the DPS as provided by Tex. H.B. 28, 78th Leg., 3rd C.S. (2003). The new sections promulgate the rules and regulations of the Texas Private Security Board under the Texas Administrative Code part that is dedicated to the DPS.

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code. The new rules as adopted are substantially the same as the rules provided in Title 22. However, the new rules substitute statutorily repealed terms such as "Private Security Commission" with the new references to the "Private Security Board." Other terms have also been changed to conform the rules to the new law. Also, the new rules do not include redundant or obsolete provisions that were contained in Title 22 but are also contained in other parts of DPS regulations contained in Title 37. Examples of provisions that will not be readopted are provisions for rulemaking and petitioning for rulemaking. Finally, the new rules provide for adoption of certain fees in order to implement TexasOnline requirements.

In the new chapter: Section 35.1, Definitions, provides definitions for the new rules. Section 35.11, Fraudulent Application Prohibited, explains that fraudulent applications are government documents and that a fraudulent application is a criminal offense. Section 35.12, Permitting or Allowing Violations, prohibits any person who has applied for or been issued a license, registration, security officer commission, instructor approval, school approval, or letter of authority, from knowingly permitting or allowing any person to violate a provision of the Act, rule, or any criminal statute. Section 35.13, Return of Equipment, provides for licensees to immediately surrender equipment owned by the employer. Section 35.14, Good Standing, provides that no license registration, security officer commission or school approval shall be issued or renewed unless the licensee, registrant or commissioned security officer is in good standing with the board,

nd explains what constitutes "good standing." Section 35.31, Complaint Limitation, provides for the limitation of complaints. The board shall not accept a complaint against a licensee or an employee if the complaint is filed more than two years after the alleged violation date, except in matters that relate to conviction for a Class B offense or greater or a material misstatement in an application. Section 35.32, Date of Licensing, Certification or Acknowledgement, provides that if an application or written notification is required, the date of licensing, certification, or acknowledgment by the board will be either the receipt date or the date the complete application or written notification is accepted for processing, whichever is later. Section 35.33, Certificate of Installation, provides an interpretation of "exterior structure opening" and provides that any alarm system company may issue a certificate of installation pursuant to 1702.065 Occupations Code. Section 35.34, Standards of Conduct, provides the required standards of conduct for licensees under the rules and regulations. Includes a new requirement that licensees shall not use the DPS seal to advertise or publicize a commercial undertaking. Section 35.35, Standards of Service, explains the standards of required service for a licensee. Section 35.36, Consumer Information, explains the requirements for consumer information. Section 35.37, Information Shown in Advertisements, identifies the information that must be included in licensee advertisements. Section 35.38, Standards of Reports, explains that a client is entitled to receive a written report of services furnished and explains the requirements for that report. Section 35.39, Uniform Requirements, explains the requirements for uniforms and related information. Section 35.40, Confidential Information, explains that certain information held by a licensee, registrant or commissioned security officer is confidential and explains the circumstances of release and applicability. Section 35.51, Stay of Summary Suspension, explains the procedure to obtain a stay of a summary suspension. Section 35.61, Written Examination, provides that manager and supervisor applicants must pass a written examination administered by the board as well as requirements for the examination. Section 35.62, Reexamination Fee, provides for a reexamination fee. Section 35.63, Photographs, explains the requirements for photographs required by the Act. Section 35.64, Fingerprint Cards, explains requirements for fingerprint cards. Section 35.65, Assumed Name Requirements, explains the requirements for doing business under an assumed name. Section 35.66, Verification of Corporations, explains the requirements for applicant corporations. Section 35.67, Assignment under Class, explains that when a Class A license or a Class B license is assigned to a Class C license, a fee in the amount of the difference in the cost of the licenses shall be paid to upgrade the license; that there shall be no refund when a Class C license is assigned to a Class A or Class B license; and this fee is in addition to the regular assignment of a license fee. Section 35.68, Procedure for Termination of License or Branch Officer License, explains termination procedures for certain licenses. Section 35.69, Assignment to Spouse or Heirs, explains the procedure for a license to be transferred to a spouse or heir. Section 35.70, Fees, explains certain requirements regarding submission of fees to the board. Section 35.71, Operation without Manager, explains that when a qualified manager or supervisor of a license has terminated his position, and the board has been timely notified of the termination in writing within 14 days of the termination, the business shall be operated by an owner, officer, partner or shareholder. The section also explains that no license shall be operated without a manager for a period exceeding 60 days after the date of the previous manager's termination. Section 35.72, Fingerprint Submission, explains the requirements for applicants to submit fingerprint information. Section 35.73, Change of Expiration Date of License, explains the procedure for changing the expiration date of a license. Section 35.74, Reapplication after Revocation, provides that an applicant who has had a license or registration revoked by the board is not eligible to re-apply for any license or registration issued under this Act unless the fifth anniversary of any such revocation has occurred. Section 35.75, Private Security Consultant, explains the requirements for registration as a Private Security Consultant. Section 35.91, Administrative Hearing Procedures, explains that hearings and appeal procedures related to all administrative hearings conducted by the board are governed by Government Code, Chapter 2001. Section 35.92, Service

of Notice in Non-Rulemaking Proceedings, explains the service procedure for non-rulemaking proceedings. Section 35.93, Penalty Range, explains that the board shall develop, utilize, and publish guidelines for administrative penalties and ranges of violations of the Act and these rules. Section 35.94, Default Judgments, provides that in cases brought before SOAH in the event that the respondent is adjudged to be in violation of the Private Security Act or these rules, the board has the authority to assess, in addition to the penalty imposed, costs of the administrative hearing. Section 35.95, Trial on the Merits, provides that in cases brought before SOAH, in the event that the respondent is adjudicated to be in violation of the Private Security Act or these rules after a trial on the merits, the board has authority to assess in addition to the penalty imposed, the actual costs of the administrative hearing and explains what constitutes "costs". Section 35.96, Appeal, provides that the costs of transcribing the testimony and preparing the record for an appeal by judicial review shall be paid by the respondent. Section 35.111, Escort License Required, explains certain requirements for uniformed escort duty. The new rule also clarifies that certain funeral escort services are not covered by this subchapter. Section 35.112, Approved Uniforms, provides that the uniform, badge and shoulder patch worn by an escort service shall be approved by the board during the application process and that no uniform, badge, or shoulder-patch other that those approved by the board shall be worn. Section 35.113, Insurance, explains insurance policy requirements. Section 35.114, Driver License Required, explains the requirement for uniformed employees to hold a driver license. Section 35.115, Restrictions on Lights, explains restrictions on use of emergency lights. Section 35.116, Arrest for Conviction of Driving While Intoxicated, provides that any applicant or registrant may not be assigned to or be employed by a motorcycle escort service if that individual has been convicted of Driving While Intoxicated (DWI) during the five years preceding licensure or application to become licensed and also provides that any registrant or licensee who is arrested for DWI shall be subject to immediate summary suspension. Section 35.117, Police Officers May Furnish Escorts, provides that the rules do not prohibit regularly employed officers of the state or any political subdivision of the state from furnishing uniformed motorcycle escort services. Section 35.131, Welfare Requirements, explains regulatory requirements for guard dog companies. Section 35.141, Requirements for Issuance of a Security Officer Commission by the Board, explains minimum training and color photograph requirements for issuance of a security officer commission. Section 35.142, Application for a Security Officer Commission, explains the application requirements for a security officer commission. Section 35.143, Drug Testing Required for Commissioned Security Officers, provides details regarding the drug testing requirement for commissioned security officers. Section 35.144, Violations by Commissioned Security Officers, identifies specific prohibitions for commissioned security officers. Section 35.145, Carrying of a Security Officer Commission, explains the requirements for carrying a commission. Section 35.146, Renewal of Security Officer Commission, provides that the renewal period for security officer commissions shall be the calendar month prior to the expiration of the security officer commission. Section 35.161, Requirements for Issuance of a Personal Protection Authorization, explains application and requirements for issuance and transfer of a personal protection authorization. Section 35.162, Requirements for Personal Protection Officer Employer, identifies requirements for personal protection officer employers. Section 35.163, Violations of the Act by Personal Protection Officers, identifies specific prohibited conduct. Section 35.171, Requirements for Issuance of a Private Business of Authority, explains the procedure for the security department of a private business to obtain and hold a letter of authority. Section 35.172, Requirements for Issuance of a Governmental Letter of Authority, explains the procedure for a government entity to obtain and hold a letter of authority. Section 35.181, Employment Requirements, explains additional requirements for a licensee and the licensee's employer. Section 35.182, Fingerprints, provides additional detail regarding the submission of fingerprints by an applicant. Section 35.183, Exhibit Pocket Card, explains the requirement to carry and present a registration pocket card. Section 35.184, Licensed Company Responsible for the Registration of Employees,

xplains that it shall be the responsibility of the licensed company to register all employees required to register under the Act, with the board. Section 35.185, Registration Deadline, provides that any person required to be registered with the board must have their application on file with the board within 14 days after commencing employment. Failure to comply may, at the discretion of the manager, result in denial of the application. Section 35.186, Registration Applications, explains registration application requirements. Section 35.201, Employee Records, provides that licensed companies shall keep records of all registered or commissioned employees. Section 35.202, Location of Records, explains where records shall be maintained. Section 35.203, Records to be Available for Inspection, provides that all records required to be kept under the provisions of the Act and these rules shall be made available for inspection by bureau staff during normal business hours. Section 35.204, Pre-Employment Check, provides that an employer of a commissioned officer shall exercise due diligence in ensuring that an applicant's qualifications meet the provisions of Section 1702.113 of the Act, prior to duty assignment. Section 35.205, Records Required on Commissioned Security Officers, explains that the employer of a commissioned security officer shall maintain current records on all persons issued a security officer commission for board inspection and explains what those records shall contain. Section 35.221, General Reciprocity, explains procedures and requirements for general reciprocal licensing. Section 35.222, Limited Reciprocity, provides for a limited reciprocal agreement with another state in certain circumstances. Section 35.231, Subscription Fees, provides for the payment of certain fees. Section 35.232, Subscription Fees for Original Applications, provides for the payment of certain fees. Section 35.241, Business Evaluation Service, provides that Chapter 1703 does not apply to certain services. Section 35.251, Application for a Training School Approval, identifies requirements for application for a training school approval. Section 35.252, Attendance, Progress, and Completion Records Required, identifies standards for training schools. Section 35.253, Board Refusal of Certificate of Completion, identifies circumstances where the board may refuse to issue a certificate of completion. Section 35.254, Withdrawal of Training School Approval, provides that the board may withdraw approval of a training school upon evidence the school has operated in violation of the Act or the rules. Section 35.255, Notification of Denial or Withdrawal of a Letter of Approval, provides for issuance of notification of a denial of approval for a training school. Section 35.256, Application for a Training Instructor Letter of Approval, provides details regarding the application for a training instructor letter of approval. Section 35.257, Training Courses, provides details regarding required training. Section 35.258, Firearm Courses, provides details regarding required firearm training qualification. Section 35.259, Shotgun Training, provides details regarding satisfactory completion of shotgun training requirements. Section 35.260, Shotgun Training Requirements, provides the standards for the course of fire for shotgun training. Section 35.261, Training School and Instructor Approval, provides that approval as a security officer training school and/or instructor shall be considered a license with respect to suspension, revocation or denial. Section 35.262, Security Officer Training Manual and Examination, provides details regarding training and testing. Section 35.263, Alarm Installer and Alarm Systems Salesperson Training and Testing/Application for Alarm Training Program Approval, explains the application process for alarm installation and related approvals. Section 35.264, Attendance, Progress and Completion Records Required, provides detail regarding the requirements for a board approved alarm training program. Section 35.265, Alarm Systems Installer or Alarm Systems Salesperson, provides details regarding issuance of a certificate of completion to an alarm system salesperson. Section 35.266, Records Required on Manager, provides details regarding requirements for each board approved alarm training program. Section 35.267, Statutory or Rules Violations, provides that a certificate of completion for an alarm training program may be denied, withdrawn, suspended, or revoked. Section 35.268, Certificate of Completion, identifies requirements for a certificate of completion. Section 35.281, Training, provides details regarding the courses of instruction for and the instructor approvals. Section 35.291, Continuing Education Courses, provides details regarding

ontinuing education. Section 35.301, Manager, provides explanation regarding the board's determinations regarding delegated authority for the manager.

The department received one comment regarding Section 35.231 and Section 35.232. The comment was received from the TexasOnline Authority (TA). TA's comment as well as the department's response thereto is summarized below.

COMMENT: The TexasOnline Authority (TA) requested changes to proposed rules 35.231 and 35.232 to clarify the difference between company and individual license fees and to bring the fees in line with the amounts approved by the TA. The TA commented that distinguishing between company and individual license fees is important because company licenses are renewed each year while individual licenses are renewed every two years.

RESPONSE: The department agrees with the comment made by TA and has made the necessary changes to Section 35.231 and Section 35.232 based on this comment. The fees included in the proposed rules were based on earlier estimates and differ from the fees finally approved by the TA. The department also agrees that it would provide clarification to the regulated industry to differentiate between the company and individual license fees.

The 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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter U
Section Numbers 35.311 and 35.312

The Texas Department of Public Safety adopts new Subchapter U, Section 35.311 and Section 35.312, concerning Locksmith, without changes to the proposed text as published in the August 27, 2004, issue of the Texas Register (29 TexReg 8257).

Adoption of the sections is necessary due to the passage of amendments to Texas Occupations Code, Chapter 1702, by Tex. S.B. 1252, 78th Leg., R.S. (2003).

New Section 35.311 provides an exemption from licensing as a locksmith or locksmith company for owners and employees of retail establishments, open to the public, that sell mechanical security devices and servicing of the product, as well as those that duplicate keys in the establishment, that are sold by the retail establishment.

New Section 35.312 provides a definition of "mechanical security devices" as that term applies to the proposed exemption from licensing as a locksmith or locksmith company for retail establishments that sell or service mechanical security devices.

No comments were received regarding adoption of the new sections.

The 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 Occupations Code, Section 1702.005.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Definitions
Title 22 T.A.C. Part 20, Chapter 421
Section Number 421.1

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 421, Section 421.1, concerning Definitions, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6505).

Repeal of the section is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Prohibitions
Title 22 T.A.C. Part 20, Chapter 422
Section Numbers 422.1 – 422.4

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 422, Sections 422.1-422.4, concerning Prohibitions, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6506).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Rule Making Procedures
Title 22 T.A.C. Part 20, Chapter 423
Section Numbers 423.1 – 423.3

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 423, Sections 423.1-423.3, concerning Rule Making Procedures, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6506).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Standards
Title 22 T.A.C. Part 20, Chapter 424
Section Numbers 424.1 – 424.12

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 424, Sections 424.1-424.12, concerning Standards, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6507).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Summary Suspension
Title 22 T.A.C. Part 20, Chapter 425
Section Numbers 425.1, 425.33

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 425, Section 425.1 and 425.33, concerning Summary Suspension, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6508).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

General Administration and Examination
Title 22 T.A.C. Part 20, Chapter 426
Section Numbers 426.1 - 426.15

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 426, Sections 426.1-426.15, concerning General Administration and Examination, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6508).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Administrative Hearings
Title 22 T.A.C. Part 20, Chapter 427
Section Numbers 427.1 - 427.6

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 427, Sections 427.1-427.6, concerning Administrative Hearings, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6509).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Uniformed Motorcycle Escort Service
Title 22 T.A.C. Part 20, Chapter 428
Section Numbers 428.1 - 428.7

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 428, Sections 428.1-428.7, concerning Uniformed Motorcycle Escort Service, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6510).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Guard Dogs
Title 22 T.A.C. Part 20, Chapter 429
Section Number 429.1

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 429, Section 429.1, concerning Guard Dogs, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6510).

Repeal of the section is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Commissioned Security Officers
Title 22 T.A.C. Part 20, Chapter 430
Section Numbers 430.1 – 430.6, 430.55

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 430, Sections 430.1-430.6 and 430.55, concerning Commissioned Security Officers, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6511).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Personal Protection Officers
Title 22 T.A.C. Part 20, Chapter 431
Section Numbers 431.1 – 431.3

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 431, Sections 431.1-431.3, concerning Personal Protection Officers, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6512).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Letters of Authority
Title 22 T.A.C. Part 20, Chapter 432
Section Numbers 432.1 and 432.2

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 432, Section 432.1 and Section 432.2, concerning Letters of Authority, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6512).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

General Registration Requirements
Title 22 T.A.C. Part 20, Chapter 433
Section Numbers 433.1 - 433.6

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 433, Sections 433.1-433.6, concerning General Registration Requirements, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6513).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Company Records
Title 22 T.A.C. Part 20, Chapter 434
Section Numbers 434.1 - 434.5

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 434, Sections 434.1-434.5, concerning Company Records, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6513).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Reciprocity
Title 22 T.A.C. Part 20, Chapter 435
Section Numbers 435.1 and 435.2

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 435, Section 435.1 and Section 435.2, concerning Reciprocity, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6514).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Subscription Fees
Title 22 T.A.C. Part 20, Chapter 436
Section Number 436.1

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 436, Section 436.1, concerning Subscription Fees, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6515).

Repeal of the section is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Business Evaluation Service
Title 22 T.A.C. Part 20, Chapter 437
Section Number 437.1

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 437, Section 437.1, concerning Business Evaluation Service, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6515).

Repeal of the section is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Training
Title 22 T.A.C. Part 20, Chapter 440
Section Numbers 440.1, 440.2, 440.4 – 440.19

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 440, Sections 440.1, 440.2, and 440.4-440.19, concerning Training, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6516).

Repeal of the sections is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Personal Protection Officers Training
Title 22 T.A.C. Part 20, Chapter 441
Section Number 441.1

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 441, Section 441.1, concerning Personal Protection Officers Training, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6517).

Repeal of the section is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Continuing Education
Title 22 T.A.C. Part 20, Chapter 442
Section Number 442.1

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 442, Section 442.1, concerning Continuing Education, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6517).

Repeal of the section is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 28, 2004, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Delegation of Authority
Title 22 T.A.C. Part 20, Chapter 449
Section Number 449.1

The Texas Department of Public Safety adopts the repeal of Title 22, Examining Boards, Part 20, Texas Commission on Private Security, Chapter 449, Section 449.1, concerning Delegation of Authority, without changes to the proposed text as published in the July 9, 2004, issue of the Texas Register (29 TexReg 6518).

Repeal of the section is necessary in order to implement the transfer of administration of the Texas Private Security Board to the Texas Department of Public Safety (DPS) as provided by Tex. H.B. 28, 78th Leg., 3rd Called Session (2003).

House Bill 28 provides that DPS shall administer the private security law through the Texas Private Security Board. In order to assume administration responsibilities, DPS is transferring the administrative regulations for private security from the current location in Title 22 of the Texas Administrative Code to the rules section of DPS contained in Title 37 of the Texas Administrative Code.

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; Texas Occupations Code, Section 1702.005, which provides that the department shall administer Chapter 1702 through the Texas Private Security Board; Texas Occupations Code, Section 1702.061, which provides for the adoption of rules and general policies; Texas Occupations Code, Section 1702.062, which provides that reasonable and necessary fees may be established by rule to produce sufficient revenue to administer the chapter; and Tex. H.B. 1, 78th Leg., R.S. (2003), art. VIII, Section 4 and art. IX, Section 11.20.

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

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

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

Colleen McHugh, Chairman
Public Safety Commission