

**MINUTES
PUBLIC SAFETY COMMISSION
October 18, 2006
Austin, Texas**

The Public Safety Commission met in Austin, Texas on October 18, 2006. Attending the meeting were Chairman Ernest Angelo, Jr., and Commissioner Louis E. Sturns.

DPS Staff members present:

Tommy Davis, Director
David McEathron, Assistant Director
Oscar Ybarra & Tom Haas, Accounting & Budget Control
Randy Elliston & Lamar Beckworth, Texas Highway Patrol
Kent Mawyer & Gary Stone, Criminal Law Enforcement
Burt Christian, Administration
Judy Brown, Greg Gloria & Bob Burroughs, Driver License
Ray Coffman, Texas Rangers
Farrell Walker & Jude Schexnyder, Office of Audit & Inspection
Russ Lecklider, Emergency Management Division
Mary Ann Courter, General Counsel
Ed Kelly & Bryan Lane, Information Management Service
Tela Mange, Public Information Office
David Outon, Internal Affairs
Janie Smith, Legislative Liaison Office
Dorothy Wright, Secretary

Guests present:

Mike Samulin, Private Security Board

The meeting was called to order by Chairman Angelo. Proper notice had been posted. Commissioner Angelo welcomed Louis Sturns as a new Commission member.

- I. **Minutes.** Upon motion by Commissioner Sturns and seconded by Commissioner Angelo, the minutes of the August 24, 2006 meeting were approved.
- II. **Public comment.** There was no public comment.
- III. **Budget matters.** Oscar Ybarra updated the Commission on the gasoline contingency request, preliminary budget hearings held and receipt of federal disaster monies.
 - A. **Acceptance of donation by Essence Group of a Leadership Challenge Program, Experiential Workshop for 10 DPS Employees, valued at \$5,000.00.** Mary Ann Courter briefed the Commission on the proposed gift. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo accepting the proposed donation.

- B. Acceptance of donation by Cross Timbers Narcotics Task Force of paper shredder and printer, valued at \$1,380.00**
- C. Acceptance of donation by Palo Pinto County District Attorney's Office of 5 shotguns, valued at \$4,775.00**
- D. Acceptance of donation by Criminal Information Sharing Alliance of computer equipment, valued at \$115,000.00**

Kent Mawyer briefed the Commission on the above proposed gifts. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo accepting these proposed donations.

- E. Approval of seized fund purchases.** Colonel Davis and the respective Division Chiefs briefed the Commission on the proposed purchases using seized funds. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo approving the attached seized fund purchases.

- IV. Audit & Inspection report.** Farrell Walker gave the audit & inspection report. There was some discussion on some follow-up audits and the upcoming peer review.

- A. Approval of FY2007-2011 Agency Strategic Plan.** Colonel McEathron briefed the Commission on the proposed agency strategic plan. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo approving the proposed FY2007-2011 Agency Strategic Plan.

- V. Division reports.** Burt Christian gave the Administration Division report, including an update on the livescan deployment and building projects. The Texas Highway Patrol Division report, was given by Randy Elliston. There was some discussion on the recent participation of the DPS Honor Guard in former Governor Ann Richards' funeral services, STEP projects and THP drug interdiction efforts. Judy Brown gave the Driver License Division report, including updates on the driver license reengineering project and image verification system, the recent CDL audit and identity theft investigations by the fraud unit. Chief Brown also gave an overview of the possible impact of the Real ID Act to the DPS Driver License/Identification process. The Driver Responsibility Program update was given by Judy Brown. Russ Lecklider gave the Emergency Management Division report. There was some discussion on recent flooding in El Paso and the Houston area and DPS disaster recovery. The Criminal Law Enforcement Division report, including an update on activities of the various services, was given by Kent Mawyer. Ray Coffman gave the Ranger Division report. The Information Management Service report was given by Ed Kelly.

- VI. For publication for public comment.**

- A. Proposed new Rule 4.71, 37 TAC Sec. 4.71, relating to Commercial Vehicle Regulations and Enforcement Procedures, and the establishment of the Advisory Oversight Community Outreach Committee.** Mary Ann Courter briefed the Commission on the proposed rule. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo approving the attached rule for publication for public comment.

VII. For adoption.

- A. Proposed repeal of Rule 35.76, 37 TAC Sec. 35.76, relating to Investigations by Security Department of Private Business, rendered invalid by statutory amendment, as published in 31 TexReg 6623, August 25, 2006**
- B. Proposed new Rule 35.242, 37 TAC Sec. 35.242, relating to Investigations Related to Unclaimed Property, addressing the regulation of Heirfinders, and other persons who engage in the business of recovering unclaimed or abandoned property, as published in 31 TexReg 6624, August 25, 2006**
- C. Proposed new Rule 35.52, 37 TAC Sec. 35.52, relating to Summary Action Following Convictions, clarifying the effect of convictions on proceedings under §1702.364 of the Occupations Code, as published in 31 TexReg 6623, August 25, 2006**
- D. Proposed amendment to Rule 35.93, 37 TAC Sec. 35.93, relating to Penalty Range, to change the title to Administrative Fine Schedule, and to clarify the scope of the fine schedule's application, as published in 31 TexReg 6624, August 25, 2006**

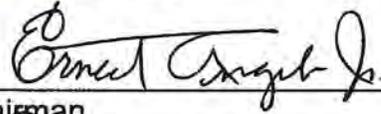
Burt Christian briefed the Commission on the above proposed repeal, new rules and amendment noting a change to Item B. Upon motion by Commissioner Sturns and seconded by Commissioner Angelo, the attached repeal, new rules and amendment were unanimously approved for final adoption with the noted change.

VIII. Consideration and approval of Advisory Oversight Community Outreach Committee members. Randy Elliston briefed the Commission on HB 925, 79th Regular Legislative Session, which set up this advisory committee. There was some discussion on the proposed committee members, chairman and term expiration. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo approving Pete Sepulveda, Jr., as chairman and Julie Ann Guerra-Ramirez, Jesse J. Medina, Mario Maldonado, Marga Lopez, Santos Pecina, Roy Gilyard, Tony Godinez and John Esparza as members of the Advisory Oversight Community Outreach Committee. See attached list for term expiration.

IX. Personnel matters, pending and contemplated litigation, ongoing criminal investigations, status of purchase of real property. The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.074, 551.072 & 411.0041 to discuss personnel matters; pending and contemplated litigation; status of purchase of real property; and ongoing criminal investigations. Upon reconvening Regular Session, Commissioner Angelo announced that the Commission had discussed personnel matters, pending litigation and ongoing criminal investigations. Special Ranger commissions had been considered for DPS retirees Linda Deaton, Richard Guzman, Bryon Prall and Hector Rodriguez and former Public Safety Commissioner Carlos H. Cascos had been considered as an Honorary Texas Ranger Captain. A motion was made by Commissioner Sturns and seconded by Commissioner Angelo approving the above named individuals as Special Rangers and naming Carlos H. Cascos an Honorary Texas Ranger Captain.

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

Read and approved this 15th day of November, 2006.



Chairman



Member

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

Date: 06/22/2006

Division/Service/Section making request:

TEXAS RANGER DIVISION

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

58 Nikon D70S digital camera with accessories

Describe Overall Impact of Request:

The requested equipment would greatly enhance the division's photographic capabilities and satisfy all commonly encountered crime scene photography needs. It would give field Rangers the ability to capture high resolution digital images of fingerprints/footprints, footwear patterns/impressions, tire tread patterns/impressions, and other pattern evidence for comparison in the crime laboratory. It would also allow Rangers to photograph evidence made visible under alternate light, fluorescing chemical reactions (luminol™, bluestar™, etc), limited lighting conditions, confined spaces, etc.

The division's ultimate objective is to issue a complete set of photography equipment to every Texas Ranger Sergeant, once he/she has successfully negotiated the aforementioned training program. This combination of proficiency and adequate equipment will empower field Rangers to accomplish advanced photographic techniques commensurate with the modern crime scene investigation.

Equipment Location:

Mark one -

Field

Headquarters

BOTH

Estimated Cost of this Request:

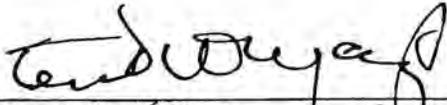
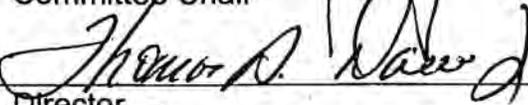
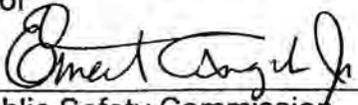
\$130,308

RECOMMENDATION OF COMMITTEE

APPROVED
NOT APPROVED

Fund No. _____
Budget No. _____
Control No. _____

Reason if NOT Approved:

	6.22.06
Committee Chair	Date
	10-13-06
Director	Date
	10-18-06
for Public Safety Commission	Date

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

Date: 06/22/2006

Division/Service/Section making request:

CRIMINAL LAW ENFORCEMENT, NARCOTICS SERVICE

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

Long-range camera system w/ wireless network

Describe Overall Impact of Request:

Technology refreshment and replacement in support of CLE covert investigations.

Equipment Location:

Mark one -

FIELD

Headquarters

Both

Estimated Cost of this Request:

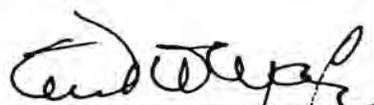
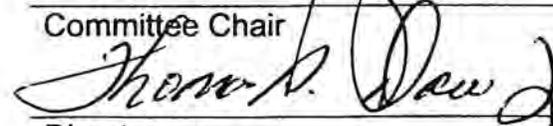
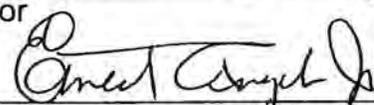
\$83,000

RECOMMENDATION OF COMMITTEE

APPROVED
NOT APPROVED

Fund No. _____
Budget No. _____
Control No. _____

Reason if NOT Approved:

	6-22-06
Committee Chair	Date
	10-13-06
Director	Date
	10-18-06
for Public Safety Commission	Date

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

Date: 06/22/2006

Division/Service/Section making request:

CRIMINAL LAW ENFORCEMENT DIVISION

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

Covert surveillance equipment

Describe Overall Impact of Request:

Technology refreshment and replacement in support of CLE covert investigations.

Equipment Location:

Mark one -

Field

Headquarters

BOTH

Estimated Cost of this Request:

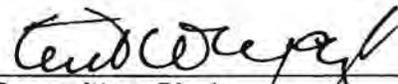
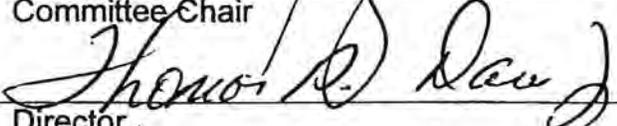
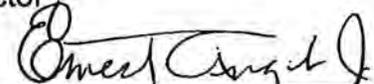
\$386,601

RECOMMENDATION OF COMMITTEE

APPROVED
NOT APPROVED

Fund No. _____
Budget No. _____
Control No. _____

Reason if NOT Approved:

	6.22.06
Committee Chair	Date
	10-13-06
Director	Date
	10-18-06
for Public Safety Commission	Date

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

Date: 06/22/2006

Division/Service/Section making request:

CRIMINAL LAW ENFORCEMENT DIVISION, NARCOTICS SERVICE, TECHNICAL UNIT

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

Upgrade of Intercept Equipment

Describe Overall Impact of Request:

The Technical Unit currently owns and utilizes two VoiceBox III data collection systems to intercept wire, oral or electronic communications. These systems were initially purchased in 1999 and have been purchased hardware and software upgrades annually. Between 1999 and 2005, the average cost to maintain these systems averaged \$115,000 annually. A new program is offered that combines support and maintenance with hardware and software upgrades. This plan provides complete replacement on all hardware components of the system at the start of the coverage and every four years thereafter, repair or replace warranty on all covered items, unlimited telephone support, and no charge software upgrades. The advantage of this plan is that the data collection system is always kept up-to-date at a predetermined price for four years.

Equipment Location:

Mark one -

Field

Headquarters

BOTH

Estimated Cost of this Request:

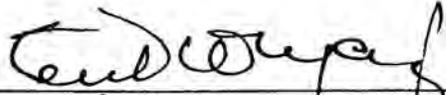
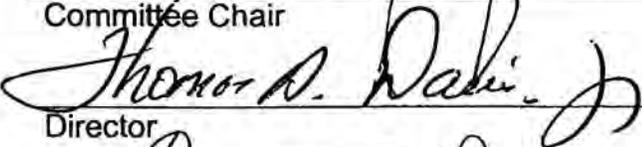
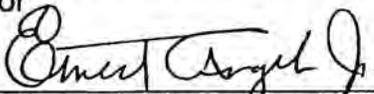
\$82,252 annually / \$329,008 for four years

RECOMMENDATION OF COMMITTEE

APPROVED
NOT APPROVED

Fund No. _____
Budget No. _____
Control No. _____

Reason if NOT Approved:

	6.22.06
Committee Chair	Date
	10-13-06
Director	Date
	10-18-06
for Public Safety Commission	Date

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On October 18, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter E
Section Number 35.76

The Texas Department of Public Safety adopts the repeal of Section 35.76, concerning Investigations by Security Department of Private Businesses, without changes to the proposed text as published in the August 25, 2006, issue of the Texas Register (31 TexReg 6623).

Repeal of the section is necessary as the statutory provision on which it was based, and which it was intended to clarify, has been repealed (subsection "e" of Section 1702.323 of the Occupations Code).

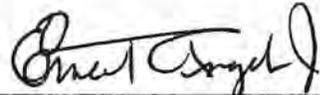
No comments were received regarding adoption of the repeal.

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; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

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

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

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



Ernest Angelo, Jr., Chairman
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On October 18, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter P
Section Number 35.242

The Texas Department of Public Safety adopts new Section 35.242, concerning Miscellaneous Regulated Businesses, with changes to the proposed text as published in the August 25, 2006, issue of the Texas Register (31 TexReg 6624) and will be republished.

The change to the section adds an additional class of license (Class C) required of those persons who engage in the business of recovering unclaimed or abandoned property. This change is based on discussions with industry representatives.

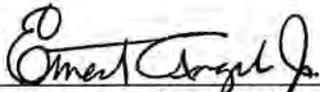
Adoption of the new section is necessary in order to clarify the application of Chapter 1702 of the Occupations Code to those individuals who engage in the business of the retrieval of lost or unclaimed property through the use of non-public information. In addition, the title of the subchapter is also changed in order to more accurately describe the rules within that subchapter.

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

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

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

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


Ernest Angelo, Jr., Chairman
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On October 18, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter D
Section Number 35.52

The Texas Department of Public Safety adopts new Section 35.52, concerning Summary Action Following Convictions, without changes to the proposed text as published in the August 25, 2006, issue of the Texas Register (31 TexReg 6623).

Adoption of the new section is necessary in order to clarify the board's authority to act summarily when notified of a conviction.

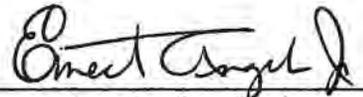
No comments were received regarding adoption of the new section.

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

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

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

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



Ernest Angelo, Jr., Chairman
Public Safety Commission

5/10/06

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On October 18, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter F
Section Number 35.93

The Texas Department of Public Safety adopts an amendment to Section 35.93, concerning Penalty Range, without changes to the proposed text as published in the August 25, 2006, issue of the Texas Register (31 TexReg 6624).

Adoption of the amendment to Section 35.93 is necessary in order to clarify the scope of the fee schedule's application.

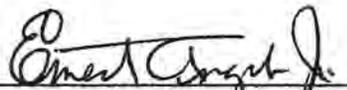
No comments were received regarding adoption of the amendment.

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

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

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

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


Ernest Angelo, Jr., Chairman
Public Safety Commission

