

**MINUTES  
PUBLIC SAFETY COMMISSION  
April 21, 2011  
Austin, TX**

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

**Call to order**

The meeting was called to order by Chairman Polunsky at 10:06 a.m. Proper notice had been posted.

**Approval of Minutes** (00: 43 - indicates time stamp from audio file)

**A motion was made by Commissioner Steen and seconded by Commissioner Leon approving the minutes as submitted for the March 24, 2011 meeting. Commissioner Brown requested one change. Commissioners Steen and Leon amended their motion accepting the minutes as corrected by Commissioner Brown. Motion passed unanimously.**

**Public Comment** (02:29)

There was no public comment.

**Director's Report** (02:48)

Director McCraw asked B. C. Lyons, on behalf of the DPS museum, to step up and accept a donation with him. He continued by introducing Charlie Rasner, FBI Austin, Sam Simon, a special agent with the FBI/Dallas office and his wife Mary Simon who were in attendance to make the presentation. They presented a painting done by Mrs. Simon, an artist that recreated a landscape scene where the two DPS Troopers were killed by Bonnie and Clyde. Mr. Simon stated he and Mrs. Simon wanted to present this donation to the DPS museum and had also donated a painting to the Garland District Office.

The Director then recognized Trooper Jose Mena, of El Campo, who had been recommended for a Trooper of the Year award. He was a finalist in the International Association of Chiefs of Police, State and Provincial Police Division. In patrolling Hwy. 59, Trooper Mena responded to an Amber alert where a two-year old child was abducted by her father after he had killed the mother and a fifteen year old step-daughter. Trooper Mena was able to locate the vehicle matching the description of the father's. As the father and child were about to exit the business Trooper Mena was able to approach the subject and place him in custody with no disturbance or harm to the child or the general public. The Director invited Trooper Mena to come forward. He was given a standing ovation from the audience. AD Baker, Texas Highway Patrol, presented Trooper Mena the Chiefs award in recognition of his actions. Commissioner Leon asked the Director to send a copy of the write up on Trooper Mena to the Commission members. Chairman Polunsky stated he was extremely impressed with Trooper Mena's actions and added this exemplified a heroic example of what the Department Troopers do and what makes it a tremendous agency. He then asked AD Ruocco if he still sat on the Board of Missing and Exploited Children. He stated whatever the procedure may be to qualify Trooper Mena for their annual national award that he would like to see that he was nominated for this type of recognition since it fell within the scope of their interest and what they were all about. Commissioner Brown said "there are times that as a Commissioner all you could say was wow – and all she could say is wow." She expressed how proud they were of Trooper Mena. Chairman Polunsky echoed how great it was to hear stories like this and meet people like Trooper Mena and made him proud to be associated with the Department of Public Safety.

The Director continued his report asking DD Beckworth to report on a recent idea put into place of having CID and Rangers who are involved in high profile case investigations come to Austin and brief the

Director. DD Beckworth added that the program had been implemented and it makes them all want to excel. The Director then introduced Trooper Adam Sweaney, also from El Campo, and provided the volumes of marijuana seizures he and his team, in working together, had made from semi-trucks on Hwy. 59 = 19,800 lbs. valued at \$12.2 million in 44 days. The Director asked Trooper Sweaney to come forward with his chain of command to be recognized. The Commission thanked each of them as the audience gave a standing ovation. Chairman Polunsky added that this was yet another great success story. He added it was good to have the individuals such as these be present at a Public Safety Commission meeting for recognition and see the heroes that are out there. Commissioner Leon asked if Trooper Sweaney trained on this type of seizure. The Director stated Trooper Sweaney previously worked in CVE and felt his experiences in that service helped train him in what to look for, and the type of questions to ask, but that he currently did not provide training. Commissioner Brown commented with two shining stars, both from the same location it spoke well of the leadership there.

Director McCraw proceeded reporting on the IT Division and explained what a virus to the Department's computer system could do to the entire state. He outlined the progress IT had made since the Conflicker attack in 2009. He spoke about the recent exposure of personal information by the Comptroller's office. Prior to which, AD Doggett of IT had decided to encrypt DPS records before transferring the department's files and that decision by him protected 21 million records. He suggested at a later date AD Doggett would report with a full activity update on IT. The Director stated they had been invited to report recommendations to the Legislature of what they should be doing in IT about intrusions, viruses and threats such as these. Commissioner Barth said she applauded the Director and entire IT team on the efforts they had taken in protecting the mammoth databases with this sensitive information. Commissioner Steen had a question on encrypted email and sensitive information being sent through email, and asked what would be involved to encrypt email. AD Doggett stated purchasing certificates and tying to each account in order to encrypt email both within and outside the agency. He said the front end and annual costs associated with it were expensive. He said they were looking into that as well as the need to upgrade the exchange server with this upgrade. Commissioner Brown stated there was an exemption on criminal investigations. Chairman Polunsky stated he had been in the Governor's office at the time this became public and there was a strong feeling DPS information had been compromised. He said they found it was fine but added it was a very painful five hours until Director McCraw confirmed the DPS information had not been compromised in any manner. He added that in the four years he had been on the Commission that all in the IT Division were great success stories yet you did not see them until something like this took place, and commended AD Doggett and his staff for what was going on there.

The Director then reported on the current needs-based approach in recruiting which they felt was not working for the Department. He presented a slide showing the FTE vacancies and recruit school numbers which followed with a lengthy discussion on the recruit numbers. Commissioner Steen asked if there was anything in spring of 2003 that caused the dip in vacancies. Director McCraw stated a significant salary increase. DD Beckworth said you'd see a cycle such as this every three years – salary hike, three years later retirements. Commissioner Steen said he felt things could be done that were not and suggested talking to Oregon and Tennessee to consider options they used. The Director provided a list of changes implemented such as duty stations being assigned prior to recruit school, placing the entire physical fitness program on the website to help applicants prepare, implementing regional mentor programs for applicants and several other changes. Commissioner Steen suggested it may be a productive conversation and suggested that the counterpart of the DPS recruit school call their counterpart in Tennessee and Oregon to see what they are doing differently to achieve success. Commissioner Barth said they should also ask about how pay compared to law enforcement in their states such as displayed for Texas. Commissioner Barth stated the attrition going down was associated with the economy. Commissioner Leon asked about the information obtained from an exit interview. Chairman Polunsky said in the exit interview DPS should be asking why the individual was leaving and also where they were going. Chairman then asked if everyone in all the recruit schools graduated would they generate enough to fill every vacancy, as he did not feel they would. Captain Hester said there were currently 52 recruits in the present school. Commissioner Barth said that only if everything went great would the vacancies be filled in three years and she thought the total amount going into the school

needed to be increased. The Director stated they needed to increase the applicant pool. Captain Hester said there were currently 164 applicants. The Director said recruiting military worked for DPS yet other police departments were competing for them too. He added that DPS needed the fit of their discipline and integrity of those coming from the military. Commissioner Barth asked how many in the applicant process would walk through the door – Captain Hester said best case 65-70. Commissioner Steen asked of 300 vacancies if they were doing everything possible, despite salary being an issue. The Director confirmed a priority of the Commission was money - increases for Schedule C personnel. He added attrition was another thing. DD Beckworth said that the process was tough that the training was the hardest in the Nation, but DPS had to prepare them for the regimen, but key was money. Chairman said we did not want unqualified, or those that did not want to be a State Trooper – his concern was the input through the front door and asked how does DPS increase the number of recruits coming into the process even with the difficulties with respect to pay. The Director said one avenue may be through the retire/rehire program but that the Department would have to pay the 6.95% surcharge towards ERS. Chairman Polunsky said no one should take this personally it was not intended to do so, but the concern was how to plug the hole. Commissioner Leon offered to help in any way she could, and stated that having been a Blue and Gold Recruiting Officer during her service with the Navy she had some expertise in this area. Chairman said it was appropriate, and imperative for the Commission to have a more hands on relationship in what was going on. He stated he was reappointing Commissioner Brown to serve on a committee with Commissioner Leon, the Director, and those in recruiting to work to address the situation. Commissioner Steen asked to go back to the slide on compensation comparison and asked about the gaps. The Director said the gaps were between \$25-35,000. Commissioner Steen said this made him realize the challenge even more. He asked for clarification about the retire/rehire program. DD Beckworth explained DPS had to pay a 6.95% surcharge to ERS (normally matched by the State) to rehire those retired individuals if this process went into place. He added you gain their experience and qualifications though in those commissioned positions and that since that surcharge was put into place, DPS quit doing it. They felt it was going to be looked into in order to fill the vacancies.

The Director outlined the need for 775 additional commissioned officers – 61 CID agents and 17 Texas Rangers. He added that the Department was being proactive in providing how many were needed and where they were needed.

The Director continued his report with an update on the wild land fires. He stated since the season began on November 15, 2010, 8,071 wild fires were responded to, burning more than 1.7 mil acres, destroying over 320 homes and threatening 9,100 more. He added two fire fighters lost their lives and 27 others injured; with no civilian fatalities.

Director McCraw then spoke about the continuing Driver License problems recently reported in the Dallas Morning News article. He noted more, longer transactions and call volume as the main problems. He added you can't go eleven years without hiring a driver license technician, that people make more than them though working at Wal-Mart. He stated they were asked by the Legislature what it would take to fix driver license he added they were looking at VOIP phones for small DL offices, hiring additional employees and adding 6 new Mega Centers in San Antonio, Austin, the Metroplex and three in Houston. Commissioner Barth said a driving test took 15 minutes and with only two Troopers at one of the offices in Houston you cannot schedule an appointment on-line so you have to make a second trip, which for a working parent was a 4 hour trip twice and there would be no way to move the number of students through. Commissioner Steen said the article said in Michigan they outsource the driving test. Director McCraw said State law in Texas would not allow outsourcing the test, that it was a safety issue. Commissioner Steen quoted the article stated 33 other states moved to an appointment-only test. Commissioner Barth said this was only going to get worse. Commissioner Steen asked AD Davio provide her opinion on this issue, considering the budget constraints. She responded that lots of different things were being considered such as accelerating the IT process and scheduling appointments via the website. Commissioner Leon asked that AD Davio get the numbers together on what other states were doing in outsourcing for the next go round of session. Commissioner Steen thanked AD Davio for all she and her staff were doing. Chairman Polunsky suggested closing or reducing the personnel at

underutilized DPS locations. AD Davio stated 80 offices process 85% of the transactions leaving 226 offices handling 15%. She further explained the mobile DL offices need revamping, but were being considered for servicing the rural and remote areas. Commissioner Steen said he felt like AD Davio had a good plan.

The Director finalized by reporting on the threat at the Texas/Mexico border, adding that only 6.5% of criminal activity along the border is estimated to be intercepted, according to DHS. He displayed slides showing the cartel presence in Texas and the cartel connections to gangs and breakdown of violence. Commissioner Steen stated the 6.5% figure was shocking. The Director said until the border is secure we would continue to see 93.5% getting by.

#### **New Business (02:11:12)**

Chairman Polunsky asked AD Davio, Driver License to report on the proposed amendments to Commercial Driver License Rules for publication. She explained the modifications to the rules were to stay in compliance with the Federal Motor Carriers Commercial Driver License rules concerning farm-related service industry waiver and tightening up the requirements for their driving records. The second amendment clarified if a driver was put out of service the requirements concerning Special Penalties pertaining to violations for drivers and employers. **A motion was made by Commissioner Steen seconded by Commissioner Barth to approve the proposed amendments as proposed by AD Davio. Motion passed unanimously.**

AD Fulmer, Administration reported on two contracts for information only. First was the mailing service for Driver License division and contract award for the new contract. Second was the public assistance grant compliance auditing services contract agreement. The vendor on the second contract came with a request to change the price significantly. Based on concerns of the contract review board this contract was going to be dispensed to several vendors. Since the DPS stamp of approval is on this it is an important issue. Commissioner Barth asked AD Goodson to go back and look at the payment schedule to date versus the contract since this caught her by surprise using the one vendor – she stated competition is healthy as well as having a couple of eyes on it. Chairman Polunsky stated he felt there was a good solution here, going forward we did not want to be making massive change orders to existing contracts, therefore he was glad they were going down this road. Commissioner Steen commented on Commissioner Barth's time, effort and expertise in overseeing this project and thanked her.

#### **Executive Session (02:29:14)**

The Commission went into Executive Session to discuss security issues, to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; and ongoing criminal investigations. Executive Session began at 12:36 p.m. and ended at 2:39 p.m.

The Public Safety Commission reconvened at 2:39 p.m. A quorum was present.

#### **Ongoing Business (02:30:13)**

Commissioner Brown reported on the 28-day work cycle and overtime and compensatory time policy stating that she and her committee were committed to working on this issue yet the prudent thing to do would be to wait until Session had concluded. Many of the conclusions could be determined by the outcome of Session and they may need to reassess the options at that time.

General Platt, Office of Inspector General reported the latest update on the Legislative initiatives for modification of the provisions of Government Code 411.244 stating the house bill moved out of committee favorably and would go to the Senate week after next.

AD Hudson, Finance reported on the FY2011 Operating Budget presenting an agency budget available of \$14.4 million with a \$4.5 million reserve for potential gasoline escalation and \$1.5 million in funds utilized to cover grant expenditures resulting in a balance of \$7.4 million. Chairman Polunsky asked if DPS was paying the pump price. AD Hudson said about 20 cents less. He asked if possible to hedge on this and purchase future gasoline. She responded it was not feasible. Commissioner Barth asked about storing more, such as tank storage. DD MacBride said they had some but could look at adding to them. Commissioner Steen asked for clarification that DPS would be short \$4.5 million based on this current gasoline price spike. The Director previously suggested curtailing mileage, but for now he stated they were moving money from other areas to continue purchasing fuel. AD Hudson brought to their attention that with the \$4.5 million reserve, for potential gasoline escalation, the budget projected \$7.4 million remaining. Colonel Beckworth stated they were aware and since they had been in this predicament before, each division would need to set aside 2% of their funds to help in the fuel escalation. They must look for ways to save, but to weaken law enforcement efforts, was not an option, it was critical to protect the citizens of Texas.

AD Hudson provided the slide showing the FTE count with a total of 299 Commissioned vacancies. She proceeded reporting on the federal seized funds available cash balance of \$7.6 million. The Director reported there is legislation pending that would provide the Department with 40% of the state's share of seized funds (with a 40/30/30% split of funds coming back to the state from the Feds).

AD Hudson presented the current side-by-side comparison of HB 1 and SB 1 and pointed out the major highlights. Chairman Polunsky stated this was the big one and what the DPS staff was working on around the clock. He stated the team DPS had at the Capitol was distinguishing themselves in this process. Chairman added DPS was received very well at the Capitol.

(02:56:17) Chairman Polunsky commented on the Foundation that currently exists to benefit the Texas Department of Public Safety and their families. He stated there was discussion about bringing Commissioner Clowe onto their Board since they subsequently changed, with respect to the governance of that foundation, and the PSC members were removed from the Board of Directors, without notice. Chairman Polunsky added they hoped this fixed the problem.

Director McCraw commented they were taking a close look at the gift/ethics policy and reporting requirements and had submitted a draft of a revised policy and were awaiting feedback prior to placing on the agenda for approval next month. Commissioner Steen asked how it was provided. The Director responded he sent it by email to them.

(02:59:46) AD Baker, Highway Patrol reported that the District HP Captains and TxDOT highway district engineer were in communication on if the cross-over's were in the right areas – some increased and some decreased. As a result of the communications, last month there were a total of 256 with 52 completed; this month there are 266 with 71 completed (26%). Commissioner Leon asked if there was a schedule for the balance to be completed. AD Baker stated they would be completed as soon as possible since there was engineering and a cost of approximately \$20K per cross-over to be considered. AD Baker assured the Commission he would continue to provide an update. Commissioner Steen asked if there was still difficulty getting this accomplished and AD Baker stated he thought some erroneous information had been passed along initially and they were having no problems with district engineers implementing this. Chairman Polunsky inquired if there were any Liaison between DPS and TxDOT to discuss these types of issues prior to new construction or rebuilding. AD Baker responded that TxDOT reached out to DPS and someone was involved with their construction/redesign process. Chairman also inquired about highway weigh stations stating expenditures were pretty spartan. He further stated he had been told overhead protection was requested and not provided, and asked if TxDOT could participate in this. AD Baker said this involved a lot of money, he did not know if TxDOT had the money. Chairman Polunsky stated he felt it in the best interest of TxDOT, comparing the money spent on some of the new rest stops. He added that these weigh stations should have better weather protection, overhead protection, and maintenance to make them useful and enhance the ability in performing functions.

(03:11:02)Commissioner Steen inquired about the project to reduce the number of errors in crash reports and when and why the reports stopped. AD Baker said it stopped about a year ago. Director McCraw added they stopped after they demonstrated there was not a problem. He added that what had been being reported were the numbers of errors on crash reports before submitted to TxDOT. He said DPS was well below the state in errors on crash reports. The Director stated it was discussed and resolved that DPS was not out of compliance; they were in compliance and would no longer be doing the report.

AD Davio reported on the adoption of proposed amendments to Driver License Rule concerning the removal of the inclusion of future surcharges in the Amnesty and Indigency Programs. She stated while three separate programs they were presented as one small change to the rule. Only 15% opted to apply for the amnesty program. The surcharges ranged from \$100/year to \$2000/year. Commissioner Steen inquired about the \$7 million collected and asked if that figure was net of the 4% paid to MSB, AD Davio said the figure did not include the MSB service charge. At the end of the month the indigency program would be kicked off. This would reduce fees to 10% or a maximum of \$500. AD Davio requested final adoption of the amendments to the rule. **A motion was made by Commissioner Leon and seconded by Commissioner Barth to adopt the amendments as presented. Motion passed unanimously.**

Chairman Polunsky moved to the consent items. Commissioner Brown commented she had reviewed the Private Security rules extensively and was comfortable with them. She summarized they were housekeeping rules, and she would continue however to work on the prohibition of violent offenders which these rules did not involve. **A motion was made by Commissioner Brown and seconded by Commissioner Barth to approve all of the consent items as presented. Motion passed unanimously.**

There were no Commission member reports.

There were no additional division reports.

Commissioner Barth complimented Chief Kidd, Emergency Management for the glowing reports she heard on the way he handled the wildfire reports. Chairman Polunsky agreed, stating that he would also like to thank Nim Kidd for a job well done in this very serious situation.

Commissioner Brown stated “good job” to Mark Doggett in IT.

Commissioner Brown then commented on Law Enforcement Support – “what have you gotten us for free!” AD Simpson responded they were working on a broadband planning project launching a new process with a \$1.5 million grant to help in the process. He added they had been holding off on the report he had promised until more details were available. She continued with reading one of the binder reports on a 21 year old cold murder case. A Forensic Scientist from the Lubbock Crime Lab testified on this case in March 2011 resulting in the suspect being found guilty of capital murder and given an automatic life sentence, based on the crime lab findings. She added this was impressive and to congratulate the team. DAD Pat Johnson said the current backlog was down to 90 days.

Commissioner Brown had a comment for Bob Bullock of the Texas Rangers – a quick brag on the investigation of an 11 month old child who sustained a broken femur whose parents confessed to the Ranger in the investigation. Commissioner Brown stated what a great job of investigation the Rangers did on this care.

Chairman Polunsky wrapped up the meeting commenting on a nice retirement ceremony that had been held in honor of Tony Leal at the Lt. Governor’s reception room. He stated it was attended by many including Tony’s parents, wife, children, representatives and senators and said it was very nice. He said Tony was appreciative of this and well deserving. Chairman stated he was honored to be able to attend the event.

There were no future agenda items requested.

The next meeting of the Public Safety Commission will be decided and posted. Chairman added that at the next meeting the event renaming the State Operations Center in honor of Jack Colley.

(03:37:20) The meeting was adjourned at 3:47 p.m.

Read and approved this 16<sup>th</sup> day of May, 2011.



Chairman

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

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

Driver License Rules  
Title 37 T.A.C. Part I, Chapter 15  
Subchapter J  
Section 15.163

The Texas Department of Public Safety (the department) adopts amendments to Section 15.163, concerning Amnesty, Incentive and Indigency Programs. This section is adopted without changes to the proposed text as published in the December 24, 2010 issue of the *Texas Register* (35 TexReg 11558).

Adoption of amendments to Section 15.163 is necessary to remove the inclusion of future surcharges in the Amnesty and Indigency Programs. The department has determined that the inclusion of future surcharges in these programs would require extensive computer programming that would delay the current implementation strategy. Removal of future surcharges from the Amnesty and Indigency Programs, allowed implementation of the Amnesty Program on January 17, 2011 and implementation of the Indigency Program is scheduled to begin in April 2011. Additional information regarding the department's Driver Responsibility Surcharge Program is available online at [www.txsurchargeonline.com](http://www.txsurchargeonline.com) or by telephone at 1-877-207-3170.

No comments were received regarding the adoption of these amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Transportation Code, Section 708.157(a), which authorizes the department to establish a periodic amnesty program for holders of a driver's license on which a surcharge has been assessed for certain offenses; and Texas Transportation Code, Section 708.157(c), which requires the department to establish an indigency program for holders of a driver's license on which a surcharge has been assessed for certain offenses.

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

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

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



Allan B. Polunsky, Chair  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

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

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter C  
Section 35.35

The Texas Department of Public Safety (the department) adopts amendments to Section 35.35, concerning Standards of Service. This section is adopted without changes to the proposed text as published in the March 18, 2011 issue of the *Texas Register* (36 TexReg 1796).

These amendments are necessary to comply with statutory requirements of Texas Occupations Code, Section 1702.288(e).

No comments were received regarding the adoption of these amendments.

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

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

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

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



Allan B. Polunsky, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

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

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

The Texas Department of Public Safety (the department) adopts amendments to Section 35.311, concerning Exemptions. This section is adopted without changes to the proposed text as published in the March 18, 2011 issue of the *Texas Register* (36 TexReg 1799).

The amendments to this rule are intended to clarify the scope of the statutory exemption for those involved in the repossession of property who perform locksmith services, and who would otherwise be regulated under the Private Security Act. The need for such a rule was recognized by the Office of the Attorney General, in Attorney General Opinion No. GA-0275.

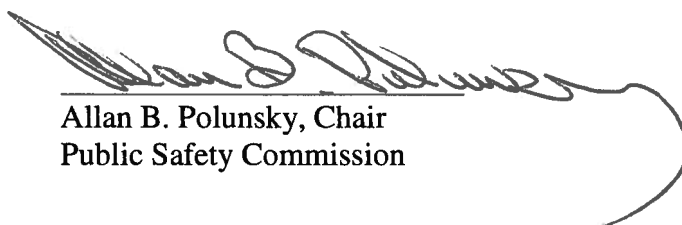
No comments were received regarding the adoption of these amendments.

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

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Allan B. Polunsky, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

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

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter L  
Section 35.187

The Texas Department of Public Safety (the department) adopts new Section 35.187, concerning Renewal Applications. This section is adopted without changes to the proposed text as published in the March 18, 2011 issue of the *Texas Register* (36 TexReg 1797).

This new rule is intended to clarify and articulate the Private Security Board's current interpretation of the Texas Occupations Code, Chapter 1702's requirements relating to renewal applications and clarifies for renewal applicants and department staff, the documents necessary for application. The rule also authorizes the submission of electronic fingerprints, the use of proof of identification issued by other states, and requires documentation of work authorization from non-resident alien applicants.

No comments were received regarding the adoption of this new rule.

This new rule 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.



Allan B. Polunsky, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

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

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter N  
Section 35.222

The Texas Department of Public Safety (the department) adopts new Section 35.222, concerning Qualifications for Locksmith Company License. This section is adopted without changes to the proposed text as published in the March 18, 2011 issue of the *Texas Register* (36 TexReg 1798).

This new rule is intended to articulate the Private Security Board's guidelines relating to the experience requirements for licensure as a locksmith company, as authorized by Texas Occupations Code, Section 1702.115.

No comments were received regarding the adoption of this new rule.

This new rule 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.



Allan B. Polunsky, Chair  
Public Safety Commission

**Public Safety Commission Meeting**  
**April 21, 2011**  
**Consent Agenda Item**  
**DPS Victim Services Grant Re-application Summary**

**Grant Name:** Other Victim Assistance Grant (OVAG)

**Funding Source:** Texas-Office of the Attorney General

**Funding Cycle:** 2 year funding cycle (2012 and 2013)

**Total Request:** \$399,848 (\$199,924 per year)

**DPS Contact:** Melissa Atwood, Victim Services Director

The DPS Victim Services program has been receiving this funding through the Office of Attorney General (OAG) for 9 years. The OAG requires that an agency's governing body support the application for funds and that a Public Safety Commission designee, Director McCraw, signs the Resolution of Governing Body document.

This grant funds 50% of the personnel/fringe costs for 6 of the DPS Regional Counselors who are located in Houston, Beaumont, El Paso, Midland, Waco and Austin. The funding allows the counselors to provide state mandated victim assistance, comprehensive direct victim services and victim related training to law enforcement.

The grant budget also includes funding for travel expenses for direct victim services and professional development training costs.

**BUDGET**

	FY 2012	FY 2013
Personnel/fringe	\$194,719.00	\$194,719.00
Direct Victim Service Travel	\$ 800.00	\$1,000.00
Training funds (registration/travel)	\$4,405.00	\$4,205.00

## ATTACHMENT B—REQUIRED

REQUIRED TO BE SUBMITTED WITH THE APPLICATION BY 5:00 P.M. CST APRIL 1, 2011. IF THE TIMING OF THE APPLICATION DUE DATE AND REQUIREMENTS OF THE OPEN MEETINGS ACT OR OTHER REQUIREMENTS PREVENTS THE GOVERNING BODY FROM REVIEWING AND APPROVING THE RESOLUTION, THEN IT MAY BE SUBMITTED TO THE OAG AFTER THE DUE DATE.

### RESOLUTION OF GOVERNING BODY

LEGAL NAME OF APPLICANT: Texas Department of Public Safety

UNIQUE APPLICATION NUMBER (if applicable): O0048-12-1251

*Be it known as follows:*

WHEREAS, the Texas Department of Public Safety, [Name of Applicant] has applied or wishes to apply to the Office of the Attorney General, (OAG) Crime Victim Services Division for the following grant program (check one):

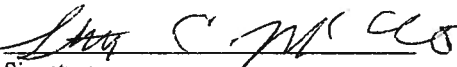
- Other Victim Assistance Grant (OVAG)
- Victim Coordinator and Liaison Grant (VCLG)
- Sexual Assault Prevention and Crisis Services (SAPCS) – State Funds
- Sexual Assault Prevention and Crisis Services (SAPCS) – Federal Funds

WHEREAS, the Public Safety Commission,  
[Name of Governing Body of Applicant, such as City Council, County Commissioners' Court or Board of Directors], has considered and supports the Application filed or to be filed with the OAG;

WHEREAS, the Texas Department of Public Safety, [Name of Applicant] has designated or wishes to designate the following individual as the "Authorized Official" who is given or has been given the power to apply for, accept, reject, alter, or terminate that certain grant with the OAG, Crime Victim Services Division as well as given the authority to sign all grant adjustment requests, inventory reports, progress reports and financial reports or any other official documents related to the grant on behalf of the grantee:

Name of Person Designated as "Authorized Official": Steven C. McCraw  
Position Title: Director

NOW THEREFORE, BE IT RESOLVED that this governing body approves the submission of the Application to the OAG, Crime Victim Services Division as well as the designation of the Authorized Official.

  
Signature Steven McCraw  
Printed Name

4/21/2011  
Date