

**PUBLIC SAFETY COMMISSION
MEETING MINUTES – October 18, 2011
Austin, TX**

The Public Safety Commission met in Austin, Texas on October 18, 2011. Attending the meeting were Chairman Allan Polunsky, Commissioners Carin Barth, John Steen, and Cindy Leon. Commissioner Ada Brown was absent. 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 9:42 a.m. Proper notice had been posted.

Approval of Minutes (01:55 - indicates time stamp from audio file)

A motion was made by Commissioner Barth seconded by Commissioner Leon approving the minutes as submitted for the September 27, 2011 meeting. Motion passed 3-1. Commissioner Steen abstained since he had been absent for that meeting.

Public Comment (02:50)

There were no public comments.

Director's Report (03:14)

Chairman Polunsky stated that Director McCraw was in San Antonio and the Director's Report would be deferred until later in the meeting.

New Business(03:31)

Discharge Appeal Hearing and possible action regarding DPS employee Juan Lozano.

Chairman Polunsky stated the court reporter was not present. Frank Menchaca, the attorney for Mr. Lozano, accepted going forward with the Commissions Liaison taping of the proceeding. The Department had no objection. After receiving evidence and hearing testimony, a motion was made by Commissioner Leon affirming the director's decision to discharge Juan Lozano. Motion died for lack of second. **A motion was made by Commissioner Barth seconded by Commissioner Steen to defer action until the next month's Public Safety Commission meeting. Motion passed 3-1.** Commissioner Steen confirmed with General Counsel Adkins that this matter could be discussed in Executive Session. Chairman Polunsky stated Mr. Menchaca would be informed of any future action. (02:11:00)

Director's Report (continued) (02:14:48)

Director McCraw introduced three FBI agents attending on behalf of Director Robert Mueller, Assistant Special Agent in Charge Michael H. Bonner, Supervisory Special Agent Mark Telle and Special Agent Christopher Petrowski. Assistant Special Agent in Charge Bonner presented a Certificate of Commendation to Texas Ranger Louis Owles for his role in an operation that saved the lives of three kidnapped victims. Ranger Owles received a standing ovation. Director McCraw thanked the FBI. Chairman Polunsky thanked the FBI for taking the time to attend the meeting and added how appreciative they were to be associated with the FBI.

Adjourn into Executive Session

The Commission adjourned 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 12:03 p.m.

(02:22:25)

The Public Safety Commission reconvened at 3:57 p.m. A quorum was present.

Ongoing Business

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

No discussion

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

No discussion

New Business

Report, discussion, and possible action by the Commission regarding the appointment of members to the Vehicle Inspection Advisory Committee under Transportation Code, section 548.006

AD RenEarl Bowie, Regulatory Services presented the bio for Gary Dolezal with a request to approve his appointment of being a member of the Vehicle Inspection Advisory Committee. **A motion was made by Commissioner Barth seconded by Commissioner Leon approving the appointment. Motion passed unanimously.**

Report, discussion and possible action regarding the adoption of proposed new Capitol Access Pass Rules: Rules 2.1 – 2.13, 37 TAC Secs. 2.1 – 2.13, concerning the establishment of rules for Capitol Access Pass

AD Ren Earl Bowie, Regulatory Services stated this rule had been posted for public comment; none pertaining to the application process was received and therefore requested approval of the rule. **A motion was made by Commissioner Steen seconded by Commission Leon approving the rule. Motion passed unanimously.** Commissioner Barth stated she appreciated the summaries that had been sent.

AD Bowie added that this item was the same as Ongoing Business item regarding HB2131.

Commissioner Leon asked if this would permit access through the same line as employees. AD Bowie stated it was the same line as the handgun line.

Commissioner Leon asked how many advisory committees in his area. AD Bowie stated two, the Vehicle Inspection Advisory Committee and the Private Security Bureau board.

(02:27:09)

Discussion and possible action to authorize the Director to execute a deed conveying 0.0156 acres of real property for highway purposes in Rosenberg to the Department of Transportation under the authority of Transportation Code, Section 203.055

AD Brown, Administration reported on the real property showing pictures of the portion in discussion for authorization. **A motion was made by Commissioner Steen seconded by Commissioner Leon approving a resolution authorizing the execution of the deed. Motion passed unanimously.**

Briefing on the "Texas Science and Engineering Festival"

AD Rebecca Davio and DAD Enrique Gomez, Driver License presented a report on this festival. DPS participated in 2010. The 2011 festival will be held this year on November 5-6, 2011 at the Austin Convention Center and DPS will participate again. Chairman Polunsky thanked DAD Gomez and stated they were happy to have him as part of the family.

Report, discussion and possible action regarding the adoption of amendments to Commercial Driver License Rule: Rule 16.2, 37 TAC 16.2, concerning Commercial Motor Vehicles and Licensing Definitions

AD Davio stated this rule was to maintain compliance with federal commercial driver license rules. She requested the adoption of the proposed rule. **A motion was made by Commissioner Barth seconded by Commissioner Leon to adopt the rule. Motion passed unanimously.**

Update report, discussion and possible action regarding the status of building safety and security at the DPS campus on North Lamar

This item was updated in Executive Session.

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

AD Hudson, Finance reported the agency budget available as of August 31, 2011 was \$8,771,113. Funds available after contingencies were \$4,038,020. The Agency funds utilized for grant expenditures were \$2,723,971. The FTE commissioned vacancies totaled 368.

Report, discussion and possible action regarding purchases using seized funds

AD Hudson stated there were no requests for funds this period and the funds available for distribution after remaining budget and reserve totaled \$8,727,980.

Update report, discussion and possible action regarding recruitment

DAD Woodall, Education and Training stated 60 recruits of the original 74 remained in the training academy. He provided a breakdown of the current applicants in process.

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

No discussion.

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

No discussion.

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

Commissioner Steen requested this item be deferred until the November Public Safety Commission meeting.

Status report, discussion and possible action on TxDOT median dividers and effectiveness in deterring vehicles crossing over and law enforcement turn around areas.

AD Gonzalez reported there were no updates since the information provided at the last meeting.

Follow up report, discussion and possible action on Chief Auditors Office Open Issues – aging and corrective action.

AD Goodson, Chief Auditors Office reported the open audit issue follow up had been completed. As a result, 130 out of 257 open issues were completed leaving 112 in process.

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

AD Nim Kidd, Emergency Management reported utility providers had DPS on Tier 1 for most DPS facilities. He stated Lufkin, San Antonio and Abilene were working on installing transfer switches.

Reports

Commission member reports and discussion - None

Finance Report - None

Chief Auditors Office Report - None

Division status reports on activities and action –

AD Brown, Administration provided photos of the new Weslaco Regional Command Center. Move-in is expected November 1. Chairman Polunsky asked if the building was authorized with bond funds. AD Brown confirmed and stated \$40.6 million went towards the entire project. The contractor portion was \$25 million, \$15 million towards design and furnishings and the land was donated by Weslaco Economic Development Corporation. There had been a \$9 million savings, held in reserve, from the land being donated rather than having to purchase that would go to cost overrun or other offices. Chairman Polunsky inquired about the land swap. AD Brown stated the original land the Regional office was on was donated with a reverter clause to go back to the city. The City donated the land and DPS returned the original land. The value of the donated land was worth more than the original land, yet it has the current DPS building on it.

General Platt, Office of Inspector General reported on one personnel change in the Office of Inspector General. Captain Michael Bradberry was promoted and transferred to El Paso, Texas Highway Patrol. Captain Phillip Ayala, from Administration, will be his replacement.

Commissioner Barth asked about the feedback from the Houston legislators on the Rosenberg mega center location. Director McCraw stated seventy-eight were contacted, two responded with concerns about the location not being accessible by mass transit. One was State Representative Lon Burnam and the other was Senator Mario Gallegos, Jr. Director McCraw stated he spoke with Senator Whitmire who had similar feedback.

There were no further division reports.

Consent Items (03:05:07)

- A. Report, discussion and possible action regarding the adoption of proposed amendments to Private Security Rules: Rules 35.41, 35.43, and 35.46, 37 TAC Secs. 35.41, 35.43, and 35.46, concerning Standards; Rule 35.141, 37 TAC Sec. 35.141, concerning Requirements for Issuance of a Security Officer Commission by the Board; Rule 35.251, 37 TAC Sec. 35.251, concerning Training Requirements; Rule 35.281, 37 TAC Sec. 35.281, concerning Training – Personal Protection Officers; Rule 35.291 and Rule 35.292, 37 TAC Secs. 35.291 and 35.292, concerning Continuing
- B. Report, discussion and possible action regarding the adoption of the proposed repeal of Private Security Rules: Rule 35.33, 37 TAC Sec. 35.33, concerning Certificate of Installation; Rules 35.111 – 35.117, 37 TAC Sec. 35.111 – 35.117, concerning Uniformed Motorcycle Escort Service; Rule 35.241, 37 TAC Sec. 35.241, concerning Business Evaluation Service
- C. Report, discussion and possible action regarding the adoption of proposed new Private Security Rules: Rules 35.321 – 35.323, 37 TAC Secs. 35.321 – 35.323, concerning Active Military and Spouses – Special Conditions
- D. Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code chapter 411, Secs. 411.023 & 411.024: Special Ranger: Jorge L. Aguilar, Donald W. Cameron, Patrick A. Brennan, Michael W. Glenn, Charles W. Goforth, James L. Johnson, and Thomas R. Wilemon. Special Texas Ranger: none
- E. Acknowledgement of acceptance of travel and training donated by Oracle Systems to Information Technology management as authorized under Government Code Chapter 575

A motion was made by Commissioner Barth seconded by Commissioner Leon approving all Consent Items A-E. Motion passed unanimously.

Items for Future Agenda

Commissioner Barth requested DL mega center progress be continued on the agenda.

Date for Future Meeting

The next meeting of the Public Safety Commission scheduled for November 17, 2011. A discharge appeal hearing will be scheduled with a start time of 9:00 a.m. The Commission members discussed a separate day for conducting several discharge appeal hearings. GC Adkins stated six were pending. Chairman Polunsky said he would discuss further with GC Adkins to determine if that would be necessary.

Adjourn

The meeting was adjourned at 4:45 p.m.

Read and approved this 17th day of November, 2011.


Chairman

IN THE MATTER OF
THE APPEAL OF DISCHARGE OF
JUAN LOZANO

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

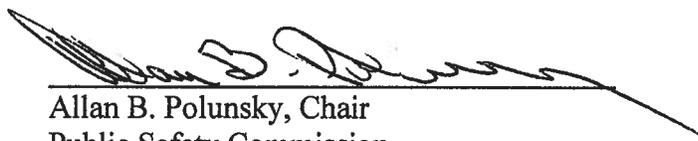
ORDER

BE IT REMEMBERED that the Public Safety Commission convened to hear the appeal of discharge of Juan Lozano, on the 18th day of October, 2011. Mr. Lozano received adequate notice of the hearing on this matter and did appear in person and through counsel. Pursuant to §411.007, Government Code, the Commission proceeded to hear evidence in the above-captioned matter.

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

On motion of Commissioner Barth, seconded by Commissioner Leon, the discharge was affirmed.

ENTERED AND SIGNED on the 17th day of November, 2011.


Allan B. Polunsky, Chair
Public Safety Commission

**RESOLUTION BY THE PUBLIC SAFETY COMMISSION
OF THE STATE OF TEXAS**

WHEREAS, 0.0156 of an acre of real property, located at 5505 Avenue N, Rosenberg, Texas, is currently deeded to the State of Texas for the use and benefit of the Texas Department of Public Safety ("TXDPS");

WHEREAS, the Texas Department of Transportation ("TXDOT") has requested to purchase fee simple title to the Property for state highway purposes in exchange for consideration of \$7,780;

WHEREAS, the authority for TXDOT to acquire state agency real property and for a state agency to convey real property to TXDOT is found in Chapter 203 of the Texas Transportation Code, Subchapter D;

WHEREAS, Texas Transportation Code, Section 203.055 authorizes a state agency to convey to TXDOT real property that may be necessary to accomplish TXDOT's purposes—on terms the state agency determines to be reasonable and fair and without advertisement or other action, other than the regular and formal action of the agency concerned;

WHEREAS, Texas Transportation Code, Section 203.058 requires that TXDOT adequately compensate a state agency for real property acquired by TXDOT under Subchapter D; and

WHEREAS, an independent, certified appraiser has appraised the value of the Property at \$7,780, which is equal to the consideration offered by TXDOT;

BE IT RESOLVED BY THE PUBLIC SAFETY COMMISSION OF THE STATE OF TEXAS:

That the conveyance of the Property by TXDPS to TXDOT is hereby approved.

That the Director of Public Safety is hereby authorized to execute all necessary documents and instruments to effectuate the conveyance of the Property to TXDOT.

This resolution was considered and approved by a majority of the members of the Public Safety

Commission of the State of Texas at its Open Meeting held on the 18th day of

October, 2011, 2011, in Travis County, Texas.


Chairman of the Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On October 18, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Capitol Access Pass
Title 37 T.A.C. Part I, Chapter 2
Sections 2.1 – 2.13

The Texas Department of Public Safety (the department) adopts new Sections 2.1 – 2.13, concerning Capitol Access Pass. These sections are adopted without changes to the proposed text as published in the September 9, 2011 issue of the *Texas Register* (36 TexReg 5795) and will not be republished.

These new sections are necessary to comply with the requirements of House Bill 2131, 82nd Legislature, to be codified at Government Code, Section 411.0625. This bill requires that the department adopt rules establishing a procedure by which a resident of the state may apply for and be issued a Capitol access pass that allows a person to enter the Capitol building and the Capitol Extension, including any public space in the Capitol or Capitol Extension, in the same manner as the department currently allows entry to a person who presents a concealed handgun license (CHL) issued under Government Code, Chapter 411, Subchapter H.

The department accepted comment on the proposed rules through October 10, 2011. Written comments were submitted by Suzii Paynter representing Christian Life Commission; Walt Baum representing Association of Electric Companies of Texas; Harvey Kronberg representing Quorum Report and Texas Energy Report; Mike Peterson representing AT&T Texas; Ken Whalen representing Texas Daily Newspaper Association; Susan Patten representing Time Warner Cable; Kirby Brown representing Texas Wildlife Association; Perla Cavazos representing Texas Legal Services Center; Bill Hammond representing Texas Association of Business; Steve Bresnen, Amy Bresnen, and Glenn Deshields representing Steve Bresnen & Associates; and Jack Gullahorn representing the Professional Advocacy Association of Texas.

The substantive comments, as well as the department's responses thereto, are summarized below:

COMMENT: The department received comments from 13 individuals representing eleven different companies requesting access to the Capitol be offered through the Capitol Extension entrances/elevators and through the Capitol drive entrances and tunnels from the Sam Houston, Johnson, and Supreme Court buildings.

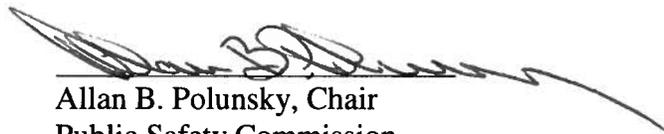
RESPONSE: These comments concern a matter of policy unrelated to the proposed administrative rules. Pursuant to HB 2131, the access afforded to pass-holders is to be the same as that which is afforded to CHL holders. The manner and degree of access afforded to CHL holders is within the discretion of the department, and is not affected by the proposed Capitol Access Pass administrative rules. The department therefore will make no changes to the rules as proposed in response to these comments.

These 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 Government Code, Section 411.0625, which mandates that the department adopt rules to administer that section.

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 October 18, 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 V
Sections 35.321 – 35.323

The Texas Department of Public Safety (the department) adopts new Sections 35.321 - 35.323, concerning Active Military and Spouses – Special Conditions. These sections are adopted without changes to the proposed text as published in the September 2, 2011 issue of the *Texas Register* (36 TexReg 5652) and will not be republished.

These new sections became necessary when Senate Bill 1733, 82nd Legislative Session amended Texas Occupations Code, Chapter 55. The amendments to the statute require rules that relate to provisions for the renewal of private security licenses to those who have served in the military and for issuance of such licenses to spouses of active duty military, under certain circumstances.

No comments were received regarding the adoption of these new sections.

These 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 1702.061(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 October 18, 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 S
Section 35.291 and Section 35.292

The Texas Department of Public Safety (the department) adopts amendments to Section 35.291 and Section 35.292, concerning Continuing Education. These sections are adopted without changes to the proposed text as published in the September 2, 2011 issue of the *Texas Register* (36 TexReg 5650) and will not be republished.

These amendments are necessary to enhance and clarify the requirements for private security continuing education courses.

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.

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.

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Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On October 18, 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 R
Section 35.281

The Texas Department of Public Safety (the department) adopts an amendment to Section 35.281, concerning Training – Personal Protection Officers. This section is adopted without changes to the proposed text as published in the September 2, 2011 issue of the *Texas Register* (36 TexReg 5650) and will not be republished.

This amendment is necessary to eliminate the outdated requirement that a personal protection officer training school obtain training video tapes from the Private Security Board (or the department).

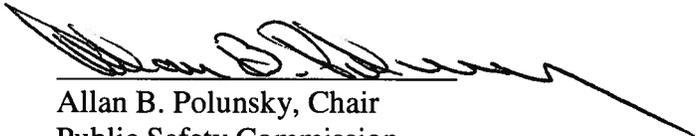
No comments were received regarding the adoption of this amendment.

This 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.

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Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On October 18, 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 Q
Section 35.251

The Texas Department of Public Safety (the department) adopts amendments to Section 35.251, concerning Training Requirements. This section is adopted without changes to the proposed text as published in the September 2, 2011 issue of the *Texas Register* (36 TexReg 5649) and will not be republished.

These amendments are necessary to enhance the training requirements for security and personal protection officer applicants by specifying the required number of training hours and providing additional substance to the material requirements.

No comments were received regarding the amendments to this section.

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.

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 October 18, 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 P
Section 35.241

The Texas Department of Public Safety (the department) adopts the repeal of Section 35.241, concerning Business Evaluation Service. This section is repealed without changes to the proposed text as published in the September 2, 2011 issue of the *Texas Register* (36 TexReg 5648) and will not be republished.

This repeal is necessary to eliminate an unnecessary rule that purports to create an exemption from the Private Security Act (Chapter 1702, Occupations Code) for certain types of investigations. Section 35.241 conflicts with the Act's definition of investigative services. In conjunction with the repeal of this rule, the department amends the title of Subchapter P, in a manner that reflects the content of the remaining rule within the subchapter, Section 35.242, concerning Investigations Related to Unclaimed Property.

No comments were received regarding the repeal of this section.

This 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.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On October 18, 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 I
Section 35.141

The Texas Department of Public Safety (the department) adopts an amendment to Section 35.141, concerning Requirements for Issuance of a Security Officer Commission by the Board. This section is adopted without changes to the proposed text as published in the September 2, 2011 issue of the *Texas Register* (36 TexReg 5647) and will not be republished.

This amendment is necessary to enhance the training requirements for applicants by increasing the required number of training hours from 30 hours to 40 hours.

No comments were received regarding the adoption of this amendment.

This 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.


Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On October 18, 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 G
Sections 35.111 – 35.117

The Texas Department of Public Safety (the department) adopts the repeal of Sections 35.111 – 35.117, concerning Uniformed Motorcycle Escort Service. The repeal of these sections are adopted without changes to the proposed text as published in the September 2, 2011 issue of the *Texas Register* (36 TexReg 5647) and will not be republished.

These repeals are necessary to eliminate a set of rules purporting to regulate an activity determined by the Office of the Attorney General (Opinion GA-0008) to be outside the scope of the Private Security Act (Texas Occupations Code, Chapter 1702).

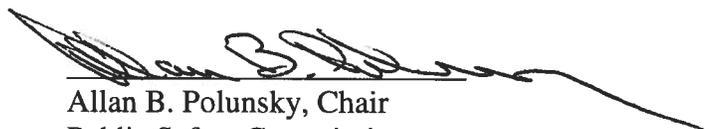
No comments were received regarding the adoption of these repeals.

These 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 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 October 18, 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
Sections 35.41, 35.43, and 35.46

The Texas Department of Public Safety (the department) adopts amendments to Sections 35.41, 35.43, and 35.46, concerning Standards. The amendments to these sections are adopted without changes to the proposed text as published in the September 2, 2011 issue of the *Texas Register* (36 TexReg 5645) and will not be republished.

Amendments to Section 35.41, relating to Company Name Selection, are necessary to remove subsection (b) and subsection (c) which require the department to make determinations regarding the similarity of proposed names with those of existing licensees, and to disapprove those proposed names that are similar to the names of current licensees. The removal of these subsections is intended to eliminate the department's involvement in the choice of company names.

Amendments to Section 35.43, relating to Military Discharges, are necessary to conform the guidelines in Section 35.43 to those being proposed in amendments to Section 35.46. Amendments to Section 35.43 provide guidance to the Private Security Bureau (the bureau) staff, the regulated industry, and prospective applicants regarding the nature of the discharges considered by the Private Security Board (the board) to be disqualifying for purposes of licensure under the Private Security Act (the Act) (Texas Occupations Code, Chapter 1702).

Amendments to Section 35.46, relating to Guidelines for Disqualifying Convictions, are necessary to enhance the guidelines relating to disqualifying criminal offense, by providing for the permanent disqualification of certain violent criminals. Amendments to Section 35.46 also provide clarification of the existing guidelines to the bureau staff, the regulated industry, and prospective applicants regarding the criminal offense considered by the board to be related to the various regulated security fields, for purposes of licensure under the Act.

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.

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 October 18, 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 35.33

The Texas Department of Public Safety (the department) adopts the repeal of Section 35.33, concerning Certificate of Installation. The repeal of this section is adopted without changes to the proposed text as published in the September 2, 2011 issue of the *Texas Register* (36 TexReg 5644) and will not be republished.

The repeal of Section 35.33 is necessary because the rule clarified an obligation of alarm installers arising from the Texas Insurance Code. However, the statutory provision giving rise to this rule has been repealed and the rule now serves no purpose.

No comments were received regarding the adoption of this repeal.

This 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.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On October 18, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Commercial Driver License
Title 37 T.A.C. Part I, Chapter 16
Subchapter A
Section 16.2

The Texas Department of Public Safety (the department) adopts amendments to Section 16.2, concerning Commercial Motor Vehicles. This section is adopted without changes to the proposed text as published in the September 9, 2011 issue of the *Texas Register* (36 TexReg 5797) and will not be republished.

Amendments to Section 16.2 are necessary to comply with Federal Rules specific to commercial driver licensing.

No comments were received regarding the adoption of these amendments.

These amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Transportation Code, Section 522.005, which authorizes the department to adopt rules necessary to carry out Chapter 522 and the federal act and to maintain compliance with Code of Federal Regulations, Title 49, Part 383 and Part 384.

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

**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
October 2011**

Special Ranger Applicants

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Aguilar, Jorge L.	CID	San Antonio	08/31/2011	29 years	
Cameron, Donald W.	THP	HP/Amarillo	08/31/2011	33 years	
Brennan, Patrick A.	CID	San Antonio	08/31/2011	24 years	
Glenn, Michael W.	THP	CVE/Midland	08/31/2011	26 years	
Goforth, Charles W.	CID	Austin	06/30/1993	22 years	
Johnson, James L.	THP	HP/Palestine	08/31/2011	31 years	
Wilemon, Thomas R.	THP	HP/Daingerfield	08/31/2011	26 years	

There are no Special Texas Ranger Applicants

Approved by the Public Safety Commission on: *October 18, 2011*

A handwritten signature in black ink, appearing to read "David D. ...", is written across the page.