

**MINUTES**  
**PUBLIC SAFETY COMMISSION**  
**May 17, 2012**  
**Austin, TX**

The Public Safety Commission met in Austin, Texas on May 17, 2012. Attending the meeting were Chairman Cynthia Leon, Commissioners Allan Polunsky, Carin Barth and John Steen. Commissioner Ada Brown was unable to attend. A quorum was present at the meeting. DPS staff members and guests were also present.

**Call to Order**

The meeting was called to order by Chairman Leon at 9:03 a.m. Proper notice had been posted.

**Discharge Appeal Hearing** (0:00:50 - indicates time stamp from audio)

Continuance of Discharge Appeal Hearing and possible action regarding DPS employee Michael Deck. **A motion was made by Commissioner Barth and seconded by Commissioner Steen to continue the hearing in June.**

**Approval of Minutes** (0:01:15)

**A motion was made by Commissioner Polunsky and seconded by Commissioner Barth approving the minutes as submitted for the April 20, 2012 meeting. Motion passed unanimously.**

**Public Comment** (0:01:37)

None

**Directors Report** (0:01:51)

**A. Presentation of Awards**

Purple Heart – Trooper Justin Duck

Unit Citation – Education, Training and Research Fitness Unit

Unit Citation – HP Sergeant Area 6B07 - Bastrop

**B. DPS Dash Boards**

Director McCraw introduced DPS dash boards and discussed how tracked data is used to reflect data points of various items throughout the Department. The dash boards are based on calendar year and provides transparency and key data points to accomplish the goals of the Department. The Operation Border Star dash board has many data elements that are currently available to the public on our website. The Drawbridge Project is showing an increase in detections and apprehensions. Chairman Leon recommended that data sources be added to the bottom of each dash board.

Director McCraw introduced the Enterprise dash board prepared by Policy, Projects and Portfolio Management. This dash board addresses high priority projects, displays project status and shows the different areas of the Department involved in each particular project.

Commissioner Steen recommended a condensed version of the dash boards be available to the legislators.

**C. Report regarding Director's testimony and committee meetings**

Director McCraw gave a brief overview of recent testimonies and committee hearings he has participated in over the last month. Topics included money laundering, human trafficking, border security, driver license and a Congressional hearing. During one of the hearings, Chairman Williams tasked DPS with coming up with Plan B for the next legislative session. Plan B will consist of increased hours for all driver license offices two days per week (8 a.m. – 7 p.m.) and Saturdays from 9 a.m. – 3 p.m. We will need to come up with the costs due to the requirements of staff, technology and capacity. Commissioner Barth asked if there were any DL office permit restrictions that would not allow for increased hours. A review will be made of all contracts.

Director McCraw reported that the concept of driver license test outsourcing was a topic presented to him by Chairman Phillips (Texas Transportation Committee) at one of the hearings. Director and Commissioners deliberated the idea and Deputy Director MacBride added that the Department currently has a focus group working on this particular issue.

**New Business (1:17:38)**

**A. Report, discussion and possible action regarding discharge appeal hearing process and scheduling**

Chairman Leon asked GC Phillip Adkins to submit draft recommendations during the June PSC meeting for proposed procedures and schedule to allow for a discharge appeal hearing day (3 hearings to be scheduled) aside from the regular PSC monthly meeting.

**C. Report, discussion and possible action regarding the Department's evaluation and discipline of DWI offenses for commissioned and non-commissioned personnel**

Colonel Baker reported DPS officers are expected to set an example and standards for others to follow and therefore have a zero tolerance for DWI. By TCLEOSE Administrative Rule, license holders convicted of a Class B misdemeanor will have their license suspended for a minimum term of 30 days or maximum not to exceed 10 years. By DPS Administrative Rule, officers refusing to submit to chemical test for DWI whose driver license is suspended cannot be eligible for Intoxilyzer Operation certification for 10 years. Non-commissioned employees are not held to the same higher standards as commissioned employees. Historically, they are suspended without pay for 3 – 5 days, depending on the circumstances. The Colorado State Patrol, along with DPS, is the only agency that terminates commissioned employees arrested for DWI.

Commissioner Steen suggested we consider implementing a stronger DWI policy for non-commissioned personnel. Inspector General Stuart Platt indicated there were 16 non-commissioned personnel involved in DWIs since 2008. There were 8 non-commissioned and 2 commissioned investigations this past year and 1 termination. Director McCraw will meet with executive staff and General Counsel on the topic.

Commissioner Barth asked Colonel Baker to report on laws relating to multiple convictions and removal of driver license.

**D. Report, discussion and possible action regarding the adoption of proposed new Private Security Rule: Rule 35.47, 37 TAC Sec. 35.47 concerning Residential Solicitation, as previously published in the Texas Register**

AD RenEarl Bowie requested adoption of proposed Private Security Rule concerning residential solicitation. **A motion was made by Commissioner Polunsky seconded by Commissioner Steen approving the adoption of proposed rule. Motion passed unanimously.**

**E. Report, discussion and possible action regarding the adoption of proposed amendments to Private Security Rules: Rules 35.63 and Rule 35.70, 37 TAC Sec. 35.63 and Sec. 35.70 concerning General Administration and Examinations; Rule 35.93, 37 TAC Sec. 35.93 concerning Penalty Range; Rule 35.221, 37 TAC Sec. 35.221 concerning Qualifications for Investigations Company License; and Rule 35.256, 37 TAC Sec. 35.256 concerning Application for a Training Instructor Approval, as previously published in the Texas Register**

AD RenEarl Bowie requested adoption of amendments to Private Security Rules concerning penalty range, qualifications for investigations company license and concerning application for a training instructor approval. **A motion was made by Commissioner Polunsky seconded by Commissioner Steen approving the amendments. Motion passed unanimously.**

**F. Report, discussion and possible action regarding criminal investigations as provided by Government Code 411.0041. This item may be presented in Executive Session.**  
Chairman Leon advised this item would be discussed during Executive Session.

**Executive Session (2:06:19)**

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; ongoing criminal investigations. Executive Session began at 11:36 a.m.

(2:06:24) The Public Safety Commission reconvened the open session at 1:35 p.m.

**Continue New Business** (2:07:00)

**B. Report, discussion and possible action regarding communications from Texas Facilities Commission regarding leasing practices**

Commissioner Barth requested assistance from GC Phill Adkins to generate response to the Texas Facilities Commission letter. She also requested AD Davio invite TFC and the developer (Barry Williamson) be present at the June meeting to provide an update on the Leon Valley driver license office.

**Ongoing Business** (2:08:26)

Report, discussion and possible action regarding the following:

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

Chairman Leon tabled this item for the June meeting when Commissioner Brown is present.

**B. 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, 411.006 and 411.0071**

Director McCraw presented the current DPS organizational structure at the request of Commissioner Barth. Commissioner Barth requested the current adopted organizational chart be included in each meeting's packet.

**C. Update, report, discussion and possible action on the presentation of the Office of Inspector General 2011 Annual Report of Operations and OIG resource allocations/regional assignments of personnel**

Chairman Leon tabled this item for the June meeting when Commissioner Brown is present.

**D. Report, discussion and possible action on Driver License monthly updates**

AD Driver License, Rebecca Davio, discussed the increased demand for driver licenses, being fully staffed at the Gessner location, decreased wait time in some offices down to 30 minutes compared to previous year, and an increase in driver license renewals. Incentives are in place to recognize driver license offices with a Regional Award.

**E. Report, discussion, and possible action regarding the adoption of proposed repeal and adoption of simultaneous proposal of new Driver License Rule: Rule 15.48, 37 TAC Sec. 15.48 concerning Selective Service Registration, as previously published in the Texas Register**

AD Davio reported there were no comments received on proposed rule concerning Selective Service Registration. **A motion was made by Commissioner Steen and seconded by Commissioner Polunsky to adopt the proposed rule. Motion passed unanimously.**

- F. Report, discussion, and possible action regarding the adoption of proposed new Driver License Rule: Rule 15.90, 37 TAC Sec. 15.90 concerning Deferral of Enforcement Actions for Victims of Identity Theft, as previously published in the Texas Register  
AD Davio reported there were no comments received on proposed rule concerning Deferral of Enforcement Actions for Victims of Identity Theft. **A motion was made by Commissioner Steen and seconded by Commissioner Polunsky to adopt the proposed rule. Motion passed unanimously.**
- G. Report, discussion, and possible action regarding the adoption of proposed new Commercial Driver License Rule: Rule 16.41, 37 TAC Sec. 16.41 concerning Medical Certificate Requirements, as previously published in the Texas Register  
AD Davio reported there were no comments received on proposed rule concerning Medical Certificate Requirements. **A motion was made by Commissioner Steen and seconded by Commissioner Polunsky to adopt the proposed rule. Motion passed unanimously.**
- H. Report, discussion and possible action on the Fiscal Year 2012 Operating Budget  
AD Finance, Denise Hudson, reported on the FY 2012 Operating Budget as having increased as a result of the change in the process of pre-encumbering items.
- I. Report, discussion and possible action regarding purchases using seized funds  
AD Hudson requested approval to increase the budget and spend \$47,500 on vehicle make ready. **A motion was made by Commissioner Polunsky and seconded by Commissioner Barth to increase budget request. Motion passed unanimously.**
- J. Update report, discussion and possible action regarding recruitment  
Director McCraw announced Deputy Assistant Director Frank Woodall as this year's recipient of the FBI-LEEDA (Law Enforcement Executive Development Association) Award of Excellence for his leadership contributions in the field of law enforcement.

DAD Woodall reported the current number of recruits set to graduate June 22<sup>nd</sup> is 51. Interviews are currently scheduled over the next few weeks for the next recruit school, with an anticipated state date in July. Director McCraw indicated the vacant FTE count is presently 425.

- K. Report, discussion and possible action regarding Emergency Management's procurement status of RFP for audit services with respect to Federal monies for past grants  
AD Emergency Management, Nim Kidd, indicated there has been a reduction in backlog over the last two months and there are approximately 3,000 projects nearing audit status. All but two audits have come back under budget. Emergency Management is working with General Counsel to generate an RFP for contract monitoring.
- L. Report, discussion and possible action regarding Emergency Management disaster response contract services  
AD Kidd discussed emergency management disaster response contract services and system is in place using TPASS. It was determined by the Commission this agenda item can be removed from future agendas.

- M. Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office. Updates regarding status of Fuel Consumption, Training Academy and IT Contracting audits.**

Chief Auditor Steve Goodson discussed the findings of the fuel consumption audit. The initial conclusion is bulk tanks cost more than paying at the pump. The Department currently has 48 bulk facilities and the average monthly gas bill is \$1.6 million. Commissioner Barth requested Deputy Director MacBride evaluate the possibility of outsourcing bulk fuel and the benefits associated with it (i.e. reporting, accounting and handling of fuel).

- N. Review of pending contract/renewal/change order/awards from Contract Review Board**

1. **Donation of lease space (First State Bank of Woodson)**

AD Administration, Wayne Mueller, reported in March 2012, the Contract Review Board considered an office space donation to house two DPS officers. The Memorandum of Understanding was signed by the Director and is now being presented by AD Mueller for a motion to acknowledge. **A motion was made by Commissioner Polunsky and seconded by Commissioner Steen to acknowledge the donation. Motion passed unanimously.**

Commissioner Steen referred to pending office space in San Antonio that could potentially be lost due to the deferment of Ongoing Business, Item C. IG Stuart Platt responded that the Texas Department of Transportation had postponed the lease offer for four months and has extended the deadline for a response due tomorrow (May 18<sup>th</sup>). Director McCraw will contact Phil Wilson, TxDOT Director, to hold space until a vote can be taken.

- O. Report, discussion, and possible action on the adoption of proposed amendments to Texas Highway Patrol Rule: Rule 3.52, 37 TAC Sec. 3.52 concerning Police Traffic Supervision on Interstate Highways in Cities of Over 50,000 Population, as previously published in the Texas Register**

AD Texas Highway Patrol, Chief Luis Gonzalez, reported there were no comments received on proposed amendments concerning Police Traffic Supervision on Interstate Highways in Cities of Over 50,000 Population. **A motion was made by Commissioner Steen and seconded by Commissioner Polunsky approving the proposed amendment. Motion passed unanimously.**

- P. Update and legal advice regarding Texas Department of Public Safety Foundation**

Commissioner Polunsky reported there will be an organizational meeting immediately upon adjournment of the Public Safety Commission meeting. Director McCraw added that pending the Museum audit, there would be a transfer of funds from the Museum to the Foundation. One donation has been received to date and the donor requested we have a annual Employee Excellence Award to be given to one commissioner and one non-commissioned employee.

**Reports** (3:05:20)

- A. Commission member reports and discussion - None
- B. Finance Report - None
- C. Chief Auditors Office - None
- D. Division status reports on activities and action

AD Kidd reminded everyone that hurricane season begins on June 1<sup>st</sup> and Emergency Management has begun training in preparation for the upcoming season.

Commissioner Polunsky requested Interim AD Information Technology, Bryan Lane, provide an update on the division. AD Lane responded with current projects, strategies, goals and challenges for IT.

**Consent Items** (3:10:50)

- A. Discussion and possible action on the Director's action of discharging probationary employee Felix Volk
- B. 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: Tommy J. Salmon and Dawson L. Stubbs; Special Texas Ranger: None  
**A motion was made by Commissioner Steen and seconded by Commissioner Polunsky approving Consent Items A and B. Motion passed unanimously.**

**Items for Future Agenda**

- Ethics Policy
- Texas Facilities Commission and Developer Update
- OIG Personnel

**Date for Future Meeting**

A special meeting will take place on June 11, 2012 to review Exceptional Items. This meeting will be posted to the Texas Register.

The next Public Safety Commission meeting is scheduled for June 21, 2012 starting at 9:00 a.m. in Austin, Texas and will include a discharge appeal hearing for Michael Deck.

Chairman Leon acknowledged the attendance of Tom Clowe, previous Commissioner, at today's meeting and thanked him for his participation in the Public Safety Foundation.

**Adjourn** (3:16:07)

The meeting was adjourned at 2:44 p.m.

Read and approved this 21<sup>st</sup> day of June, 2012.

  
Chairman

IN THE MATTER OF  
THE APPEAL OF DISCHARGE OF  
MICHAEL DECK

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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 Michael Deck, on the 17th day of May, 2012. Mr. Deck received adequate notice of the hearing on this matter and did appear in person and through counsel. Therefore, pursuant to §411.007, Government Code, the Commission proceeded to hear evidence in the above-captioned matter.

On motion of Commissioner Polunsky, seconded by Commissioner Steen, the discharge was set aside.

ENTERED AND SIGNED on the 17<sup>th</sup> day of May, 2012.



A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On May 17, 2012, 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 B  
Section 15.48

The Texas Department of Public Safety (the department) adopts new Section 15.48, concerning Selective Service Registration. This section is adopted without changes to the proposed text as published in the March 2, 2012 issue of the *Texas Register* (37 TexReg 1470) and will not be republished.

The 82nd Texas Legislature enacted Senate Bill 132, which amended Texas Transportation Code, Section 521.147. This section requires the department to submit the necessary information to the United States Selective Service System for the registration of male applicants for driver licenses or identification certificate who are at least 18 but less than 26 years of age. Prior to this statutory change, registration was optional for these applicants. The new law also changes the requirements for the information the department provides to applicants. This rule is necessary to inform the public that Selective Service registration is required for affected applicants.

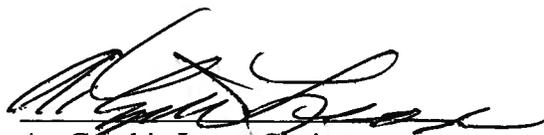
No comments were received regarding the adoption of this new section.

This 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 Transportation Code, Section 521.147, which authorizes the department to submit selective service registration information to the United States Selective Service System for male applicants who are a least 18 but less than 26 years of age.

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.



A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On May 17, 2012, 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 D  
Section 15.90

The Texas Department of Public Safety (the department) adopts new Section 15.90, concerning Deferral of Enforcement Actions for Victims of Identify Theft. This section is adopted without changes to the proposed text as published in the March 2, 2012 issue of the *Texas Register* (37 TexReg 1471) and will not be republished.

This new rule is necessary to enact the 82nd Legislature, House Bill 2256 which created Texas Government Code, Section 411.0206. This section requires the department to remove any mandatory suspension or revocation applied to a person's driving privilege if that person presents acceptable evidence of identity theft that resulted in the suspension or revocation. With this adopted rule, the department will also remove any resulting administrative enforcement action(s) and fee(s) related to that identity theft.

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

This 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 Government Code, Section 411.0206.

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.



A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On May 17, 2012, 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 B  
Section 16.41

The Texas Department of Public Safety (the department) adopts new Section 16.41, concerning Medical Certificate Requirements. This section is adopted without changes to the proposed text as published in the March 2, 2012 issue of the *Texas Register* (37 TexReg 1472) and will not be republished.

This new section is necessary to implement new federal rules governing commercial drivers as authorized by Texas Transportation Code, Section 522.005.

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

This 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 Transportation Code, Section 522.005 which authorizes the department to adopt rules necessary to carry out Chapter 522.

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.

  
A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On May 17, 2012, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Texas Highway Patrol  
Title 37 T.A.C. Part I, Chapter 3  
Subchapter D  
Section 3.52

The Texas Department of Public Safety (the department) adopts amendments to Section 3.52, concerning Police Traffic Supervision on Interstate Highways in Cities of Over 50,000 Population. This section is adopted without changes to the proposed text as published in the April 6, 2012 issue of the *Texas Register* (37 TexReg 2344) and will not be republished.

Amendments to Section 3.52 are necessary to reflect the current enforcement needs to detect, deter, and apprehend violators using the interstate system. This revision allows the flexibility and discretion of officers to enforce violations on all areas of the interstate system.

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.

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.



A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On May 17, 2012, 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 35.47

The Texas Department of Public Safety (the department) adopts new Section 35.47, concerning Residential Solicitation. This section is adopted without changes to the proposed text as published in the April 6, 2012 issue of the *Texas Register* (37 TexReg 2344) and will not be republished.

This rule is necessary to provide assurance to the public and to local law enforcement that those who engage in residential solicitation of private security services are properly licensed with the department.

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

This 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.



A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On May 17, 2012, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter E  
Section 35.63 and Section 35.70

The Texas Department of Public Safety (the department) adopts amendments to Section 35.63 and Section 35.70, concerning General Administration and Examinations. These sections are adopted without changes to the proposed text as published in the April 6, 2012 issue of the *Texas Register* (37 TexReg 2345) and will not be republished.

Amendments to Section 35.63 are necessary to render the requirements for photographs required with an application for a private security license consistent with those of the Concealed Handgun Licensing Program, and specifically to authorize the use of driver license photographs when possible. Amendments to Section 35.70 are necessary to modify the fee structure to address the additional costs associated with the production of a new, hard plastic license.

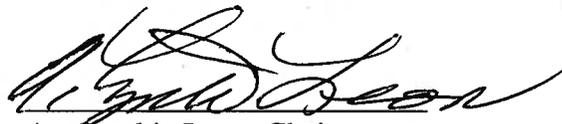
No comments were received regarding the adoption of these amendments.

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; Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter; and Texas Occupations Code, Section 1702.062, which authorizes the department to establish licensing fees by rule.

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.



A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On May 17, 2012, the Public Safety Commission (the commission) by majority vote approved rules concerning:

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

The Texas Department of Public Safety (the department) adopts amendments to Section 35.93, concerning Penalty Range. This section is adopted without changes to the proposed text as published in the April 6, 2012 issue of the *Texas Register* (37 TexReg 2347) and will not be republished.

These amendments are necessary to add fines to the board's rule-based standardized penalty schedule for the violation of the board's proposed new Section 35.47, relating to Residential Solicitation. This rule also provides guidance to the Private Security Bureau staff and the regulated industry regarding the fine associated with violations of the new rule.

No comments were received regarding the adoption of these amendments.

These amendments are proposed pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter; and Texas Occupations Code, Section 1702.402(c), which authorizes the department to adopt a rule-based standardized penalty schedule.

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.



A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On May 17, 2012, 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 35.221

The Texas Department of Public Safety (the department) adopts amendments to Section 35.221, concerning Qualifications for Investigations Company License. This section is adopted without changes to the proposed text as published in the April 6, 2012 issue of the *Texas Register* (37 TexReg 2347) and will not be republished.

These amendments are necessary to remove the requirement that training courses be taught in a "face to face classroom" environment, thus permitting online instruction.

No comments were received regarding the adoption of these amendments.

These amendments are proposed 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.

  
A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On May 17, 2012, 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 35.256

The Texas Department of Public Safety (the department) adopts amendments to Section 35.256, concerning Application for a Training Instructor Approval. This section is adopted without changes to the proposed text as published in the April 6, 2012 issue of the *Texas Register* (37 TexReg 2348) and will not be republished.

The amendments are necessary to clarify the number of hours of instruction required for approval as a private security training instructor, and to recognize the certification as a concealed handgun license instructor as evidence of qualification as such private security training instructor.

No comments were received regarding the adoption of these amendments.

These amendments are proposed 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.



A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On May 17, 2012, 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 B  
Section 15.48

The Texas Department of Public Safety (the department) adopts the repeal of Section 15.48, concerning Optional Selective Service Registration. The repeal of this section is adopted without changes to the proposed text as published in the March 2, 2012 issue of the *Texas Register* (37 TexReg 1470) and will not be republished.

The repeal of this section is adopted simultaneously with new Section 15.48 and is necessary to inform the public that Selective Service registration is required for affected applicants.

No comments were received regarding the adoption of this 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 Transportation Code, Section 521.147, which authorizes the department to submit selective service registration information to the United States Selective Service System for male applicants who are at least 18 but less than 26 years of age.

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.



A. Cynthia Leon, Chair  
Public Safety Commission



**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS  
May 2012**

**Special Ranger Applicants:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Salmon, Tommy J.	THP	CVE/Big Spring	02/29/12	24 years	✓
Stubbs, Dawson L.	CID	CID/Amarillo	08/31/00	27 years	✓

**Special Texas Ranger Applicant:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved

Approved by the Public Safety Commission



Date 5/17/12