

**AGENDA**  
**Public Safety Commission Meeting**  
**December 5, 2019, 10:00 a.m.**  
**6100 Guadalupe, Building E**  
**Austin, TX 78752**

The Public Safety Commission will convene as posted to consider and take formal action, if necessary, on the following agenda items:

**I. CALL TO ORDER**

**II. INVOCATION**

**III. PLEDGES**

**IV. APPROVAL OF MINUTES**

**V. PRESENTATIONS**

**VI. PUBLIC COMMENT**

*(Members of the public wishing to address the Commission are subject to a time limit of 5 minutes and must complete a Public Comment Registration Card located at the entry. Should a member of the public bring an item to the Commission for which the subject was not posted on the agenda of the meeting, state law provides that the Commission may receive the information but cannot act upon it at the meeting. The Commission may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion.)*

**VII. DIRECTORS REPORT**

**A.** Case Update: Interdiction and Protection of Children

**VIII. NEW BUSINESS**

**A.** Final Determination in Contested Cases

1. Consideration and possible action on Proposal for Decision issued in SOAH Docket No. 405-19-5566 PSB – Theodore Bernard Berry

**B.** Report, discussion, and possible action on the following rule proposals for publication to receive public comment:

1. Amendments to 37 TAC Section 2.8, concerning Expiration

2. Amendments to 37 TAC Section 6.13, concerning Photographs

3. Amendments to 37 TAC Section 13.1, concerning Definitions
4. Repeal of 37 TAC Sections 13.11, 13.12, 13.14, 13.15, 13.20, and 13.22, concerning Precursor Chemical Laboratory Apparatus (PCLA)
5. Amendments to 37 TAC Sections 13.13, 13.16, 13.19, 13.21, and 13.23, concerning Precursor Chemical and Laboratory Apparatus (PCLA)
6. Repeal of 37 TAC Sections 13.31 – 13.44, concerning Peyote Distributors
7. Amendments to 37 TAC Section 15.6, concerning Motorcycle License
8. Amendments to 37 TAC Section 15.27, concerning Signature by Parent or Guardian for a Driver License
9. Amendments to 37 TAC Section 15.55, concerning Waiver of Knowledge and/or Skills Tests

**C. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)**

**IX. ONGOING BUSINESS**

**A. Report, discussion and possible adoption of the following previously published rules:**

1. Amendments to 37 TAC Section 1.264, concerning Procedures for Vendor Protests of Procurements
2. Amendments to 37 TAC Section 15.30, concerning Identification Certificates
3. Amendments to 37 TAC Section 15.49, concerning Proof of Domicile
4. Amendments to 37 TAC Section 16.7, concerning Proof of Domicile
5. Repeal of 37 TAC Sections 15.161 – 15.168, concerning Driver Responsibility Program
6. Amendments to 37 TAC Section 15.89, concerning Moving Violations
7. Amendment to 37 TAC Section 16.1, concerning General Requirements
8. New 37 TAC Section 16.68, concerning Eligibility for Reinstatement After Lifetime Disqualification
9. Amendments to 37 TAC Sections 35.1 – 35.7, concerning General Provisions
10. Repeal of 37 TAC Section 35.10 and Section 35.11, concerning General Provisions
11. Amendments to 37 TAC Sections 35.21, 35.22, 35.24, 35.25, 35.26, 35.28, and 35.29 and new 37 TAC Section 35.30 and Section 35.31, concerning Registration and Licensing
12. Repeal of 37 TAC Section 35.41, concerning Manager Standards
13. New 37 TAC Section 35.41 and Amendments to 37 TAC Section 35.42 and Section 35.43, concerning Company Representative
14. Amendments to 37 TAC Section 35.52 concerning Administrative Penalties
15. Repeal of 37 TAC Sections 35.62 – 35.65, concerning Administrative Hearings
16. New 37 TAC Section 35.62, concerning Preliminary Hearing; Settlement Conference

17. Amendments to 37 TAC Sections 35.91 – 35.93, concerning Personal Protection Officers
  18. Amendments to 37 TAC Section 35.101 and Section 35.102, concerning Letter of Authority
  19. Amendments to 37 TAC Section 35.111 and Section 35.112, concerning Company Records
  20. Amendments to 37 TAC Sections 35.121 – 35.123, concerning Special Company License Qualifications
  21. Amendments to 37 TAC Section 35.131 and Section 35.132, concerning Fees
  22. Amendments to 37 TAC Sections 35.141 – 35.143, 35.145, and 35.147, concerning Training
  23. Amendments to 37 TAC Section 35.161 and Section 35.162, concerning Continuing Education
  24. Amendments to 37 TAC Sections 35.181, 35.182, and 35.184, concerning Military Service Members, Military Veterans, and Military Spouses – Special Conditions
- B.** Report, discussion, update and possible action regarding Driver License Action Plan
  - C.** Report, discussion, and update regarding Mass Casualty Attacks including progress on Executive Order GA-07 issued September 5, 2019
  - D.** Report, discussion, and possible action regarding the modification of the DPS organizational structure and the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team
  - E.** Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)

**X. REPORTS**

- A.** Commission member reports and discussion
- B.** Finance Report
- C.** Chief Auditors Office
- D.** Division status reports on activities and action

**XI. CONSENT ITEMS**

*All of the following items may be enacted with one motion. These items are typically self-explanatory or have been previously considered by the Commission. There will be no separate discussion of these items unless a commissioner so requests.*

- A.** Advice and consent regarding director's determination that a certain probationary employee was found unsuitable for work during October 2019.

**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 Rangers: Jeffrey L. Fisher, Clarence J. Klekar, Victor J. LaRocca III, Steven D. McAdams, Steven W. Moore, Bobby D. Nichols, John C. Reed, Jr., Jason E. Robbins, and John D. Roberts, Jr.

**C.** Donations:

1. Texas Highway Patrol – donation of two Smart TVs, two pistols, and eight Yeti Tumblers for the Javier Arana Jr. Trooper Competition by Texas DPS Officers Association
2. SWAT – donation of two training seats to attend Night Vision Goggle Operators training by Emerging Tactical Solutions and 1 Minute
3. Texas Ranger “Company D” – use of Needmore Ranch for law enforcement training purposes
4. Additional donation items, as needed

**XII. ITEMS FOR FUTURE AGENDA**

**XIII. DATE FOR FUTURE MEETING**

Any discharge hearings will be scheduled on February 12, 2020, and the regular Public Safety Commission meeting is scheduled for February 13, 2020.

**XIV. ADJOURN INTO EXECUTIVE SESSION**

(If required) 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

**XV. ADJOURN**

The Commission may take items out of the order in which they are posted on this agenda. Also, an item that has been adopted, passed upon, delayed or tabled for a later meeting may be considered or reconsidered at the same meeting.

The Public Safety Commission may meet and discuss in Executive Session and have action taken in an Open Meeting where required on the following items:

Government Code Sec. 551.071 Consultation and deliberation with legal counsel about pending or contemplated litigation or a settlement offer, or on a matter where the Commissioners seek the advice of their attorney as privileged communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, and to discuss the Open Meetings Act and the Administrative Procedures Act with their attorney

Government Code Sec. 551.074 Appointment, employment, evaluation, reassignment, duties, discipline or dismissal of director, assistant director, and persons appointed to management team positions pursuant to Govt. Code Sec. 411.0071

Government Code Sec. 551.076 Deliberations about security audits, security devices, including deployment and implementation of security personnel and devices

Government Code Chapter 411, Sec. 411.0041 Ongoing criminal investigations

Government Code Sec. 551.072 Deliberation of the purchase, exchange, lease, or value of real property, if deliberation in an open meeting would have a detrimental effect on the position of the government body in negotiations with a third person

Government Code Sec. 551.073 Deliberation of a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person