

**MINUTES**  
**PUBLIC SAFETY COMMISSION**  
**December 5, 2019**  
**AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on December 5, 2019. Attending the meeting were Chairman Steven Mach, Commissioners Cynthia Leon and Steve Stodghill. DPS staff members and guests were also present.

**CALL TO ORDER** (0:00:02)

The meeting was called to order by Chairman Mach at 10:00 a.m. Proper notice had been posted.

**INVOCATION** (0:00:31)

Invocation was given by Chaplain Ferman Carpenter.

**PLEDGES** (0:01:40)

Pledge of Allegiance to the US Flag and Pledge of Allegiance to the Texas Flag were led by Trooper Sara Booth.

**APPROVAL OF MINUTES** (0:02:24)

**A motion was made by Commissioner Leon, seconded by Commissioner Stodghill, approving the minutes from the discharge hearing held October 9, 2019, and the Public Safety Commission meeting held October 10, 2019. Motion passed unanimously.**

**PRESENTATIONS** (0:02:54)

**Service Awards**

Debbie Bage – 30 years

Ann Clark – 30 years

Ronald Joy Jr. – 30 years

**Director's Citation**

Special Agent Briscoe Davis

**Director's Award**

Officer Melissa Simpson – Bowie County Juvenile Probation

**Lifesaving Award**

Trooper Ricardo Vergara

Trooper Russell Gallo

Trooper Shane Moses

**2019 CVE Texas Challenge**

Inspector Jose Najera – Grand Champion and recipient of the Lieutenant Jaime Flores Memorial Award

**2019 International Association of Chiefs of Police Leadership in Homeland Security Award**

Analyst Kimberly Jones – accepted award on behalf of the Intelligence & Counterterrorism Division

**2019 Michael Schooler Critical Infrastructure Protection Award**

Clint Ladd

(0:20:54) Break 10:20 – 10:32 a.m.

**PUBLIC COMMENT** (0:21:04)

None

**DIRECTORS REPORT****A. Case Update: Interdiction and Protection of Children** (0:21:13)

Update provided by Captain Derek Prestridge:

-10 years of IPC

-Rescues 422

-Suspicious Activity Reports 1,398

-Students Trained (2 day class) 10,169

-States Who Received Training 27

-Students Certified - Train the Trainer 277

-TPWD Personnel Trained 141

-International Training:

\*RCMP – Canada

\*Interpol – France

\*Ontario Provincial Police, Canada

\*Durham Constabulary, England

\*Queensland Police, Australia

-Crimes Against Children Campaign Data Reporting (2 operations per year):

\*Number of Traffic Stops Conducted During the Operations 310,328

\*Number of Non-Traffic Contacts 17,130

\*Children Under Age of 16 Checked Through NCIC 3,287

\*Children 16 and 17 Checked Through NCIC 2,118

\*Children Rescued 42

\*Report of Abuse/Neglect Sent to Child Protective Services 219

\*Registered Sex Offenders Contacted 1,085

\*Number of Officers Assigned/Utilized 35,454

(0:45:25) Director McCraw provided a two-page document on Border Security Operations (CY2018 data). First page includes funding the state has invested; second page includes DPS activity along the border, crime reduction operations, and DPS activity statewide. This data will be added to our website.

(0:48:22) Chairman Mach acknowledged the following in attendance:

Michael Hull – Office of the Governor

Suzanne Mackowiak – Lieutenant Governor's Office

## **NEW BUSINESS**

### **A. Final Determination in Contested Cases (0:48:38)**

General Counsel Adkins provided background and the process of this and future contested cases:

-SB 616 states the Public Safety Commission makes the final determination in administrative cases.

-Private Security, Vehicle Inspection, Metals Recycling, Ignition Inter Lock Device Vendors, Capitol Access Pass, and Compassionate Use Programs are all administered through the Regulatory Services Division (RSD):

\*Issue/Deny Licenses

\*Suspend/Revoke Licenses

\*Contested Cases are referred to the State Office of Administrative Hearings (SOAH)

\*Administrative Law Judges (ALJ) issues Proposal For Decision (PFD)

\*Public Safety Commission (PSC) issues final determination on PFD

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

**A motion was made by Commissioner Leon, seconded by Commissioner Stodghill, to adopt the Proposal for Decision issued in SOAH Docket No. 405-19-5566 PSB – Theodore Bernard Berry. Motion passed unanimously.**

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 (1:02:13)
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

**A motion was made by Commissioner Stodghill, seconded by Commissioner Leon, approving New Business, Items B1 – B6, for publication to receive public comment. Motion passed unanimously.**

7. Amendments to 37 TAC Section 15.6, concerning Motorcycle License (1:06:43)
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

**A motion was made by Commissioner Stodghill, seconded by Commissioner Leon, approving New Business, Items B7 – B9, for publication to receive public comment. Motion passed unanimously.**

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

## **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 (1:08:50)

No comments.

**A motion was made by Commissioner Stodghill, seconded by Commissioner Leon, adopting Ongoing Business, Item A1. Motion passes unanimously.**

Chief Jessica Ballew reported that Lisa Maldonado, Procurement and Contract Services Director, is being sworn in today as the President of the Texas Association of Public Purchasers.

2. Amendments to 37 TAC Section 15.30, concerning Identification Certificates

(1:11:11)

Feedback received from the Texas Department of Transportation; General Counsel recommends to withdraw rule at this time.

**A motion was made by Commissioner Leon, seconded by Commissioner Stodghill, to withdraw Ongoing Business, Item A2. Motion passes unanimously.**

3. Amendments to 37 TAC Section 15.49, concerning Proof of Domicile (1:17:37)

No comments.

4. Amendments to 37 TAC Section 16.7, concerning Proof of Domicile

No comments.

6. Amendments to 37 TAC Section 15.89, concerning Moving Violations

No comments.

7. Amendment to 37 TAC Section 16.1, concerning General Requirements

No comments.

**A motion was made by Commissioner Stodghill, seconded by Commissioner Leon, adopting Ongoing Business, Items A3, A4, A6, and A7. Motion passes unanimously.**

5. Repeal of 37 TAC Sections 15.161 – 15.168, concerning Driver Responsibility Program (1:21:19)

No comments.

**A motion was made by Commissioner Leon, seconded by Commissioner Stodghill, adopting Ongoing Business, Item A5. Motion passes unanimously.**

8. New 37 TAC Section 16.68, concerning Eligibility for Reinstatement After Lifetime Disqualification (1:22:13)

No comments.

**A motion was made by Commissioner Leon, seconded by Commissioner Stodghill, adopting Ongoing Business, Item A8. Motion passes unanimously.**

9. Amendments to 37 TAC Sections 35.1 – 35.7, concerning General Provisions (1:24:05)

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

Received 13 comments collectively; reviewed and no additional changes needed.

**A motion was made by Commissioner Leon, seconded by Commissioner Stodghill, adopting Ongoing Business, Items A9 – A24. Motion passes unanimously.**

B. Report, discussion, update and possible action regarding Driver License Action Plan (1:31:00)

Update provided by Chief Amanda Arriaga:

- As of 11/1/19, 1,232 conditional job offers have been made and 418 vacancies remain.
- Third Party Study awarded to the University of Texas at Austin:
  - \*Draft to DPS due 6/1/20
  - \*Report to Legislature due 9/1/20
- As of 11/18/19, over 25,000 drive tests conducted through the Class C Drive Test Task Force.
- As of 11/1/19, 15,998,299 REAL ID ACT compliant cards have been issued.

C. Report, discussion, and update regarding Mass Casualty Attacks including progress on Executive Order GA-07 issued September 5, 2019 (1:35:40)

Brief update provided by Director McCraw:

- DPS Response to Governor Greg Abbott's Directives and Executive Orders handout was distributed to the commissioners. To be placed on DPS website.
- Participated on panel during the Senate Select Committee on Mass Violence and Community Safety hearing on December 4<sup>th</sup>. Focus on fusion centers; accessing and processing suspicious activity reports; and working with social media on timeliness of information is critical.

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 (1:48:19)

Director McCraw announced Chief Ron Joy's retirement.

E. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session)

To be discussed during Executive Session.

## **REPORTS** (1:51:24)

None.

## **CONSENT ITEMS** (1:51:47)

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

**A motion was made by Commissioner Leon, seconded by Commissioner Stodghill, approving Consent Items, Items A – C3. Motion passed unanimously.**

**ITEMS FOR FUTURE AGENDA** (1:52:41)

None at this time.

**DATE FOR FUTURE MEETING** (1:52:49)

Any discharge hearings will be scheduled on February 12, 2020, and the regular Public Safety Commission meeting is scheduled for February 13, 2020. At this time, we are anticipating two discharge hearings on February 12<sup>th</sup>.

**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; ongoing criminal investigations. Executive Session began at 12:04 p.m.

(1:53:43) The Public Safety Commission reconvened in open session at 2:02 p.m. Commissioners present were Chairman Steven Mach, Commissioners Cynthia Leon and Steve Stodghill.

**ADJOURN**

**A motion was made by Commissioner Stodghill, seconded by Commissioner Leon, to adjourn the meeting. Motion passed unanimously.**

The meeting was adjourned at 2:02 p.m.

Read and approved this 15<sup>th</sup> day of February, 2020.



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Chairman



DOCKET NO. 405-19-5566.PSB

TEXAS DEPARTMENT OF PUBLIC	§	BEFORE THE
SAFETY – PUBLIC SAFETY COMMISSION	§	
	§	STATE OF TEXAS
VS.	§	
	§	
THEODORE BERRY, APPLICANT	§	PUBLIC SAFETY COMMISSION

**FINAL ORDER**

On December 5, 2019, the Public Safety Commission held a public meeting and considered the Proposal for Decision issued in the above referenced case by the Administrative Law Judge (ALJ) of the State Office of Administrative Hearings. For purposes of this Order, the Commission adopts the findings of fact and conclusions of law reflected in the Proposal for Decision.

The Commission, after review and due consideration of the Proposal for Decision, accepts the recommendation of the ALJ that Theodore Berry's application for registration as a commissioned security officer be denied.

IT IS THEREFORE ORDERED that the application for registration as a commissioned security officer of THEODORE BERRY is hereby finally DENIED.

SIGNED this 5<sup>th</sup> day of December, 2019.



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Steven P. Mach, Chairman, Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration  
Title 37 T.A.C. Part I, Chapter 1  
Subchapter U  
Section 1.264

The Texas Department of Public Safety (the department) adopts amendments to §1.264, concerning Procedures for Vendor Protests of Procurements. This rule is adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6296) and will not be republished.

The amendments to this rule are necessary to change the title of assistant director to chief and administration division to Infrastructure Operation. These amendments will help reduce vendor confusion during the vendor protest process by updating the rule to reflect organizational changes.

No comments were received regarding the adoption of this rule.

This proposal is adopted pursuant to Texas Government Code, §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, §2161.003.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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 15.49

The Texas Department of Public Safety (the department) adopts amendments to §15.49, concerning Proof of Domicile. This rule is adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6299) and will not be republished.

The amendments are necessary because the 86th Texas Legislature enacted HB123 which exempts certain homeless youth from the standard proof of domicile requirements. This amendment also updates the acceptable documentation for demonstrating proof of domicile during the driver license application process.

No comments were received regarding the adoption of this rule.

This proposal is adopted pursuant to Texas Government Code, §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, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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 16.7

The Texas Department of Public Safety (the department) adopts amendments to §16.7, concerning Proof of Domicile. This rule is adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6304) and will not be republished.

The amendments to this rule are necessary to update and clarify the acceptable documentation for demonstrating proof of domicile during the driver license application process.

No comments were received regarding the adoption of this rule.

This proposal is adopted pursuant to Texas Government Code, §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, §522.005, which authorizes the department to adopt rules necessary to administer Chapter 522 of the Texas Transportation Code.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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 15.89

The Texas Department of Public Safety (the department) adopts amendments to §15.89, concerning Moving Violations. This rule is adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6301) and will not be republished.

The amendments to §15.89 fulfill the requirement of House Bill 2048 enacted by the 86th Texas Legislature. This bill repeals the Driver Responsibility Program, eliminating the need for the points information previously included on the moving violations graphic and references to the program in the rule. Additionally, House Bill 2048 adds Texas Transportation Code, §542.304, which requires the department to designate by rule the offenses that constitute a moving violation of the traffic law. The graphic in this section has been updated to include these offenses.

No comments were received regarding the adoption of this rule.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code; and §542.304 which requires the department to designate by rule the offenses involving the operation of a motor vehicle that constitute a moving violation of traffic law.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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 16.1

The Texas Department of Public Safety (the department) adopts amendments to §16.1, concerning General Requirements. This rule is adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6303) and will not be republished.

The Driver License Division conducts a periodic review of the Federal Motor Carrier Safety Regulations, Title 49, Code of Federal Regulations (CFR), Part 383 relating to Commercial Driver License (CDL) Enforcement, for purposes of ensuring Texas Administrative Rules comply with current federal CDL regulations. Texas' most recent review and adoption of 49 C.F.R. Part 383 was May 1, 2018. This rule proposal will adopt 49 C.F.R. Part 383 as enacted through May 1, 2019. The amendment to this rule is necessary to comply with the Code of Federal Regulations governing the issuance of commercial driver licenses.

No comments were received regarding the adoption of this rule.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Transportation Code, §522.005, which authorizes the department to adopt rules necessary to administer Chapter 522 of the Texas Transportation Code.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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  
Sections 15.161 – 15.168

The Texas Department of Public Safety (the department) adopts the repeal of §§15.161 – 15.168, concerning Driver Responsibility Program. These repeals are adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6302) and will not be republished.

The repeal of these rules is necessary to inform the public of the elimination of the Driver Responsibility Program, which was repealed by the 86th Texas Legislature's enactment of House Bill 2048.

No comments were received regarding the adoption of these repeals.

These repeals are adopted pursuant to Texas Government Code, §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, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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 C  
Section 16.68

The Texas Department of Public Safety (the department) adopts new §16.68, concerning Eligibility For Reinstatement After Lifetime Disqualification. This rule is adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6306) and will not be republished.

Texas Transportation Code, §522.082 allows the department to adopt a rule establishing a procedure for reinstatement of the person's commercial driver license (CDL) whose license was disqualified for life under Texas Transportation Code, §522.081(d)(1). This new rule is intended to inform eligible persons of this procedure.

No comments were received regarding the adoption of this rule.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Transportation Code, §522.005, which authorizes the department to adopt rules necessary to administer Chapter 522 of the Texas Transportation Code; Texas Transportation Code, §522.082, which allows the department to adopt rules for reinstatement of a CDL after lifetime disqualification.

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.



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Steven P. Mach, Chairman  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter A  
Sections 35.1 – 35.7

The Texas Department of Public Safety (the department) adopts amendments to §§35.1 – 35.7, concerning General Provisions. These rules are adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6306) and will not be republished.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act). Additional changes to §35.4 are intended to implement 86th Legislative Session's House Bill 1342 which amended Occupations Code, §§53.021, 53.022, and 53.023. Other rule changes simplify the rules or enhance the department's regulatory oversight of the Private Security Program.

The department accepted comments on the proposed amendments through November 25, 2019. Written comments were submitted by Mr. David Shafer of Shafer Investigations, Ms. Tatiana Pino, Attorney for the Institute for Justice, Mr. Bobby R. Key, Assistant Manager for Security with Texas Facilities, and John C. Helweg, as President and on behalf of the Texas Burglar and Firearm Alarm Association. No changes were made based on the comments received by the department. Included in the comments received by the department were items interpreted as requests for information or clarification, not as rule comments. These items will be addressed by either direct correspondence or website communications. Substantive comments received, as well as the department's responses, thereto, are summarized below:

COMMENT: Regarding §35.2(a), Mr. Shafer suggested the department add the words "under which the license is registered."

RESPONSE: Individual licenses are not "registered" with employers under the Private Security Act. Moreover, the statute adequately addresses the requirement that employers notify the department of the employment relationship (Occupations Code, §1702.234). No changes were made based on the comments received by the department.

COMMENT: Regarding §35.3, Mr. Shafer suggested pre-employment background checks should be mandatory under all circumstances.

RESPONSE: The comment is outside the scope of the proposed rule amendments. The proposals do not relate to the circumstances under which pre-employment background checks are required. In addition, Mr. Shafer provides no argument to support his proposal and provides no guidance as to the meaning of "all circumstances." No changes were made based on the comments received by the department.

COMMENT: Regarding §35.4, Ms. Pino with the Institute for Justice submitted comments in support of the proposed changes. With respect to the proposed changes to §35.4(c), specifically, the Institute for Justice approves of the narrowing of the offense of disorderly conduct to specific offenses applicable to specific licenses, and requests the department consider similar changes to the remaining disqualifying offenses.

RESPONSE: The department carefully considered this issue prior to submission of this rule and determined the changes should be limited to the offense of disorderly conduct. However, the department will continue to evaluate this issue, and consider further changes in the future. No changes were made based on the comments received by the department.

COMMENT: Regarding §35.4(c)(6), Mr. Key suggests removing the references to ‘license holders’ from the proposed amendments to subparagraph (A) and subparagraph (F), arguing the disqualifiers only apply to applicants and not to current license holders.

RESPONSE: Pursuant to Occupations Code, §1702.364, the disqualifying offenses *do* apply to current license holders and may be grounds for summary suspension or revocation. Moreover, this is reflected in current §35.4 and the proposal would not alter it. No changes were made based on the comments received by the department.

COMMENT: Regarding §35.4(f) and §35.4(k), Mr. Helweg objects to the removal of these provisions, stating “We do not want to hire felons or Class A offenders even if the offense does not relate.”

RESPONSE: The removal of these provisions is required by 86th Legislative Session's House Bill 1342 which amended Occupations Code, §§53.021, 53.022, and 53.023. No changes were made based on the comments received by the department.

COMMENT: Regarding §35.4(g), Mr. Key argues certain Class B misdemeanor offenses should be disqualifying for longer than the proposed two years.

RESPONSE: The proposal reflects the department’s interest in ensuring the criminal history disqualifiers are the least restrictive possible, and, specifically, that the level of offense more reasonably relates to the period of disqualification. This interest is reflected in the Sunset Commission’s decisions and directives to the department, as well as in the Governor’s recent letter to the state’s occupational licensing agencies. No changes were made based on the comments received by the department.

COMMENT: Regarding §35.5(c), Mr. Helweg objects to the removal of this provision, stating “Now the company has no means to terminate should an employee commit an offense and not tell us – exposes the company to HUGE liability.”

RESPONSE: The department considers this provision unnecessary in light of improvements in the electronic reporting of criminal histories. The current provision is also overly broad, as it applies to offenses that are not themselves disqualifying. No changes were made based on the comments received by the department.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's

work; Texas Occupations Code, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702; and Texas Occupations Code, §§53.021, 53.022, and 53.023.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter A  
Section 35.10 and Section 35.11

The Texas Department of Public Safety (the department) adopts the repeal of §35.10 and 35.11, concerning General Provisions. These repeals are adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6311) and will not be republished.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act). Specifically, the bill repeals Chapter 1702's provisions regulating private security sales persons and guard dog trainers, thus necessitating the repeal of rules relating to these licensees.

No comments were received regarding the adoption of these repeals.

These repeals are adopted pursuant to Texas Government Code, §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, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter B  
Sections 35.21, 35.22, 35.24 – 35.26, 35.28 – 35.31

The Texas Department of Public Safety (the department) adopts amendments to §§35.21, 35.22, 35.24 – 35.26, 35.28, and 35.29 and new §35.30 and §35.31, concerning Registration and Licensing. These rules are adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6311) and will not be republished.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act). The change to §35.25 is necessitated by House Bill 3609. Other rule changes simplify the rules or enhance the department's regulatory oversight of the Private Security Program. Additionally, the subchapter title is changing from "Registration and Licensing" to "Licensing."

No comments were received regarding the adoption of these rules.

This proposal is adopted pursuant to Texas Government Code, §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, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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

The Texas Department of Public Safety (the department) adopts new §35.41 and amendments to §35.42 and §35.43, concerning Manager Standards. These rules are adopted with a change to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6314) and will be republished. A grammatical error was corrected in §35.41(c) by adding “an” prior to individual in the first sentence.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act). Other rule changes simplify the rules or enhance the department's regulatory oversight of the Private Security Program. Additionally, the subchapter title is changing from Manager Standards to Company Representative.

The department accepted comments on the proposed amendments through November 25, 2019. Written comments were submitted by Mr. David Shafer of Shafer Investigations, Mr. Bobby R. Key, Assistant Manager for Security with Texas Facilities, and John C. Helweg, as President and on behalf of the Texas Burglar and Firearm Alarm Association. No changes were made based on the comments received by the department. Included in the comments received by the department were items interpreted as requests for information or clarification, not as rule comments. These items will be addressed by either direct correspondence or website communications. Substantive comments received, as well as the department's responses, thereto, are summarized below:

COMENT: Regarding §35.41(c), Mr. Shafer suggested this subsection should specifically include "investigations" in addition to security.

RESPONSE: The comment appears to refer to the use of the term ‘security’ in the phrase “security-related aspects of the business.” In this context, ‘security’ refers to all services regulated under the Private Security Act. Adding ‘investigations’ would therefore be redundant. No changes were made based on the comments received by the department.

COMENT: Regarding §35.41(c), Mr. Shafer also suggested the company representative should be required to reside in the State of Texas.

RESPONSE: Mr. Shafer provides no argument to support the imposition of what could be a significant burden on out of state licensees. No changes were made based on the comments received by the department.

COMMENT: Regarding §35.5(c), Mr. Helweg expresses concerns that a non-profit company would not have an “officer, shareholder, or partner” who could serve as the company representative, and asks that the rule be amended to allow management or a board to appoint the company representative.

RESPONSE: Under the scenario described, the department would generally interpret a “director” over security as an “officer who is to oversee the security-related aspects of the business” and therefore as qualified to be appointed the company representative. No changes were made based on the comments received by the department.

COMMENT: Regarding §35.43, Mr. Key questions the proposed removal of language from subsection (a) and subsection (b) regarding regulation of managers.

RESPONSE: The proposed rule is consistent with the statutory changes affected by Senate Bill 616, deregulating company managers. The department believes it is appropriate to strike this section as it would impose requirements that are no longer statutorily authorized. No changes were made based on the comments received by the department.

This proposal is adopted pursuant to Texas Government Code, §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, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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 35.41

The Texas Department of Public Safety (the department) adopts the repeal of §35.41, concerning Manager Standards. This repeal is adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6314) and will not be republished.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act). Specifically, the bill repeals Chapter 1702's provisions regulating managers of private security companies, thus necessitating the repeal of rules relating to these licensees.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, §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, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, the Public Safety Commission (the commission) by majority vote approved rules concerning:

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

The Texas Department of Public Safety (the department) adopts amendments to §35.52, concerning Administrative Penalties. This rule is adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6316) and will not be republished.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act). Other changes simplify the rule or enhance the department's regulatory oversight of the Private Security Program.

The department accepted comments on the proposed amendments through November 25, 2019. Written comments were submitted by Mr. David Shafer of Shafer Investigations, Ms. Tatiana Pino, Attorney for the Institute for Justice, Mr. Bobby R. Key, Assistant Manager for Security with Texas Facilities, and John C. Helweg, as President and on behalf of the Texas Burglar and Firearm Alarm Association. No changes were made based on the comments received by the department. Included in the comments received by the department were items interpreted as requests for information or clarification, not as rule comments. These items will be addressed by either direct correspondence or website communications. Substantive comments received, as well as the department's responses, thereto, are summarized below:

COMMENT: Regarding §35.52, Mr. Helweg suggests "The fines should include something about performing regulated services without a license."

RESPONSE: Administrative fines can only be imposed on those who are licensed. The department only has jurisdiction to fine an entity in those cases in which the licensee remains potentially within the scope of the department's administrative authority. For example, the proposed fine schedule includes violations for operating while suspended or expired, operating outside the scope of license, and failing to license an employee. No changes were made based on the comments received by the department.

This proposal is adopted pursuant to Texas Government Code, §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, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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 35.62

The Texas Department of Public Safety (the department) adopts new §35.62, concerning Preliminary Hearing; Settlement Conference. This rule is adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6317) and will not be republished.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act).

No comments were received regarding the adoption of this rule.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; §411.506, which authorizes the commission to adopt rules establishing procedures for the informal resolution of complaints filed against private security licensees; and Texas Occupations Code, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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  
Sections 35.62 – 35.65

The Texas Department of Public Safety (the department) adopts the repeal of §§35.62 – 35.65, concerning Administrative Hearings. These repeals are adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6317) and will not be republished.

The repeal of these rules is necessary to reorganize the rules; the affected rules are being repealed and replaced, without substantive changes.

No comments were received regarding the adoption of these repeals.

These repeals are adopted pursuant to Texas Government Code, §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, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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 35.91 – 35.93

The Texas Department of Public Safety (the department) adopts amendments to §§35.91 – 35.93, concerning Personal Protection Officers. These rules are adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6318) and will not be republished.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act).

No comments were received regarding the adoption of these rules.

This proposal is adopted pursuant to Texas Government Code, §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, §1702.061(a) and §1702.204(b), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter H  
Section 35.101 and Section 35.102

The Texas Department of Public Safety (the department) adopts amendments to §35.101 and §35.102, concerning Security Department of Private Businesses and Political Subdivisions. These rules are adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6320) and will not be republished.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act). Additionally, the title of this subchapter is changing from Letter of Authority to Security Department of Private Businesses and Political Subdivisions.

The department accepted comments on the proposed amendments through November 25, 2019. Written comments were submitted by Mr. Bobby R. Key, Assistant Manager for Security with Texas Facilities. No changes were made based on the comments received by the department. Included in the comments received by the department were items interpreted as requests for information or clarification, not as rule comments. These items will be addressed by either direct correspondence or website communications. Substantive comments received, as well as the department's responses, thereto, are summarized below:

COMMENT: Regarding §35.101, Mr. Key questions the proposed removal of subsection (d) relating to regulation of managers and requirements placed on Letters of Authority.

RESPONSE: The proposed rule is consistent with the statutory changes affected by Senate Bill 616, eliminating manager and Letter of Authority licenses. The department believes it is appropriate to strike this section as it would impose requirements that are no longer statutorily authorized. No changes were made based on the comments received by the department.

COMMENT: Regarding §35.102, Mr. Key questions the proposed removal of subsection (c) relating to regulation of managers and requirements placed on Letters of Authority.

RESPONSE: The proposed rule is consistent with the statutory changes affected by Senate Bill 616 eliminating manager and Letter of Authority licenses. The department believes it is appropriate to strike this section as it would impose requirements that are no longer statutorily authorized. No changes were made based on the comments received by the department.

This proposal is adopted pursuant to Texas Government Code, §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, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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 35.111 and Section 35.112

The Texas Department of Public Safety (the department) adopts amendments to §35.111 and §35.112, concerning Company Records. These rules are adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6321) and will not be republished.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act). Additionally, the title of this subchapter is changing from Letter of Authority to Security Department of Private Businesses and Political Subdivisions.

No comments were received regarding the adoption of these rules.

This proposal is adopted pursuant to Texas Government Code, §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, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter J  
Sections 35.121 – 35.123

The Texas Department of Public Safety (the department) adopts amendments to §§35.121 – 35.123, concerning Special Company License Qualifications. These rules are adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6322) and will not be republished.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act).

The department accepted comments on the proposed amendments through November 25, 2019. Written comments were submitted by Mr. David Shafer of Shafer Investigations. Substantive comments received, as well as the department's responses, thereto, are summarized below:

COMMENT: Regarding §35.121(a)(5), Mr. Shafer suggested the alternative educational qualification reflected in paragraph (5) should be removed entirely, stating "PDI and related courses have been a blight on the industry and harmful to clients."

RESPONSE: The comment is outside the scope of the proposed rule amendment. The proposal is limited to the substitution of the term 'company representative' for that of 'manager,' as required by Senate Bill 616; it does not affect the substance of the rule's requirements. No changes were made based on the comments received by the department.

This proposal is adopted pursuant to Texas Government Code, §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, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter K  
Section 35.131 and Section 35.132

The Texas Department of Public Safety (the department) adopts amendments to §35.131 and §35.132, concerning Fees. These rules are adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6323) and will not be republished.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act). Section 35.131 is amended to remove the specific fee for fingerprint background checks. These fees are determined by state law and federal regulations that may be subject to change as those state and federal provisions are amended.

No comments were received regarding the adoption of these rules.

This proposal is adopted pursuant to Texas Government Code, §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, §1702.061(a) and §1702.062(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, 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  
Sections 35.141 - 35.143, 35.145, and 35.147

The Texas Department of Public Safety (the department) adopts amendments to §§35.141 - 35.143, 35.145, and 35.147, concerning Training. These rules are adopted with changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6324) and will be republished. Language in §35.142(d) was updated to reflect the elimination of Letters of Authority pursuant to the 86<sup>th</sup> Legislative Session, Senate Bill 616 and correct a typographical error §35.143(d)(2).

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act). Other rule changes simplify the rules or enhance the department's regulatory oversight of the Private Security Program.

No comments were received regarding the adoption of these rules.

This proposal is adopted pursuant to Texas Government Code, §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, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter M  
Section 35.161 and Section 35.162

The Texas Department of Public Safety (the department) adopts amendments to §35.161 and §35.162, concerning Continuing Education. These rules are adopted without changes to the proposed text as published in the October 25, 2019 issue of the *Texas Register* (44 TexReg 6328) and will not be republished.

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act).

The department accepted comments on the proposed amendments through November 25, 2019. Written comments were submitted by Mr. David Shafer of Shafer Investigations, Ms. Tatiana Pino, Attorney for the Institute for Justice, Mr. Bobby R. Key, Assistant Manager for Security with Texas Facilities, and John C. Helweg, as President and on behalf of the Texas Burglar and Firearm Alarm Association. No changes were made based on the comments received by the department. Included in the comments received by the department were items interpreted as requests for information or clarification, not as rule comments. These items will be addressed by either direct correspondence or website communications. Substantive comments received, as well as the department's responses, thereto, are summarized below:

COMMENT: Regarding §35.161, Mr. Helweg states "We would like to keep the option to substitute legislative and code update classes for ethics once it's been taken one time for company owners and representatives."

RESPONSE: The referenced option currently applies only to the qualified managers, and Senate Bill 616 eliminated the license for those individuals. For this reason the related rule language is being repealed. The comment proposes a modification to current rule that should properly be the subject of deliberation and consideration by the Private Security Advisory Committee and other industry representatives. The department will take the proposal under consideration for possible future action. However, at this time no changes were made based on the comments received by the department.

This proposal is adopted pursuant to Texas Government Code, §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, §1702.061(a) and §1702.309(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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 handwritten signature in black ink, appearing to read "S. Mach", is positioned above a horizontal line.

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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 5, 2019, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter O  
Sections 35.181, 35.182, and 35.184

The Texas Department of Public Safety (the department) adopts amendments to §§35.181, 35.182, and 35.184, concerning Military Service Members, Military Veterans, and Military Spouses - Special Conditions. These rules are adopted without changes to the proposed text as published in the online database in the October 25, 2019 issue of the *Texas Register* (TRD-201903728) and published in the November 29, 2019 issue of the *Texas Register* (44 TexReg 7364) and will not be republished.

Please note, due to an error by the *Texas Register*, this proposal was inadvertently omitted from the printed version of the October 25, 2019, issue. However, it was included in the online database as part of the October 25, 2019, issue. As a result of the error, the proposal was reprinted in its entirety in the November 29, 2019 issue *Texas Register* (44 TexReg 7364).

These rule changes implement the 86th Legislative Session's Senate Bill 616, which amends Chapter 1702, Occupations Code (the Private Security Act).

No comments were received regarding the adoption of these rules.

This proposal is adopted pursuant to Texas Government Code, §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, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

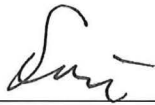


**SPECIAL RANGER /  
SPECIAL TEXAS RANGER APPLICANTS  
December 5, 2019**

**Special Ranger Applicants:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Fisher, Jeffrey L.	AOD	Austin	08/31/2019	21	
Klekar, Clarence J.	ETR	Austin	08/31/2013	20	
LaRocca III, Victor J.	AOD	San Antonio	10/31/2019	23	
McAdams, Steven D.	CID	San Antonio	08/31/2019	29	
Moore, Steven W.	THP	Columbus	06/30/2019	23	
Nichols, Bobby D.	THP	Garland	07/31/2019	28	
Reed, Jr., John C.	THP	Queen City	07/31/2002	23	
Robbins, Jason E.	THP	San Marcos	08/31/2019	21	
Roberts, Jr., John D.	SES	Killeen	08/31/2019	25	

Approved by the Public Safety Commission on:



Date: 12/5/19