

MINUTES
PUBLIC SAFETY COMMISSION
February 12, 2008
Austin, Texas

The Public Safety Commission met in Austin, Texas on February 12, 2008. Attending the meeting were Chairman Ernest Angelo, Jr., and Commissioners Allan Polunsky and Elizabeth Anderson.

DPS staff members present:

Tommy Davis, Director
David McEathron, Assistant Director
Oscar Ybarra & Tom Haas, Accounting & Budget Control
Randy Elliston, Lamar Beckworth, Michael Wilson & Luis Gonzalez, Texas Highway Patrol
Kent Mawyer & Gary Stone, Criminal Law Enforcement
Burt Christian, David Gavin & Lester Mills, Administration
Judy Brown, Bob Burroughs & Greg Gloria, Driver License
Jim Miller, Texas Rangers
Farrell Walker & Jude Schexnyder, Office of Audit & Inspection
Jack Colley, Emergency Management Division
Mary Ann Courter, General Counsel
James Brubaker, Bryan Lane & Tully Brown, Information Management Service
Michael Kelley, Legislative Liaison
Kent Radney, Internal Affairs
Tela Mange, Public Information Office
Dorothy Wright, Secretary

Guests present:

Lori Gabbert, Legislative Budget Board
Steve Hopson, Sunset Advisory Commission
Kyle Mitchell, Governor's Office

Guests present for the discharge appeal hearing:

Major Stan Clark, Captain Audra Livingston, Lieutenant Tim Smith & Sergeant Kevin Huggins, Texas Highway Patrol
Joe Rochelle
Jim Rochelle
Krista Rochelle
Joe J. Murray
Brenda Rochelle
Cathy Smith
Michael Smith
Coy Lorange
Donald Dickson, attorney
John Mercy, attorney

The meeting was called to order by Chairman Angelo. Proper notice had been posted.

- I. **Approval of minutes.** Upon motion by Commissioner Polunsky and seconded by Commissioner Anderson, the minutes of the January 16, 2008 meeting were approved.

II. Public comment. There was no public comment.

III. Discharge appeal hearing of DPS employee Joe Rochelle. For the benefit of the new Commissioner, Mary Ann Courter gave a general overview of the discharge appeal process.

Joe Rochelle appeared before the Commission to appeal his discharge. He was represented by attorneys Donald Dickson & John Mercy. DPS was represented by Janette Ansolabehere. Court reporter was Shana Wise of Esquire Deposition Services. All witnesses were sworn. Neither side invoked the rule so all witnesses were allowed to remain in the room. Witnesses appearing for DPS were Lieutenant Timothy Smith, Sergeant Kevin Huggins and Major Stan Clark, Texas Highway Patrol. DPS Exhibits #1, 2 and 3 were submitted and accepted by the Commission. Witnesses appearing for appellant were Coy Lorange, Joe Murray and Joe Rochelle. Appellant Exhibits #1, 2, 3 & 4 were submitted and accepted by the Commission. Closing statements were made by Ms. Ansolabehere & Mr. Dickson.

IV. Personnel matters, pending and contemplated litigation, ongoing criminal investigations, status of purchase of real property. The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.072, 551.074 & 411.0041 to discuss personnel matters, pending and contemplated litigation, status of purchase of real property and ongoing criminal investigations. Regular Session was reconvened.

V. Budget matters. Oscar Ybarra gave the budget report, updating the Commissioners on a pending request for financing to the Public Finance Authority.

VI. Audit & Inspection report. Farrell Walker gave the Audit & Inspection report.

VII. Division reports. Burt Christian gave the Administration Division report. There was some discussion on projected vacancies due to retirements and resignations. David Gavin updated the Commission on TDEX and the SB 9 implementation on fingerprinting. There was some discussion on TDEX funding, building projects and physical readiness testing. The Texas Highway Patrol Division report was given by Randy Elliston. There was some discussion on enhanced border operations and the Border Star program. Judy Brown gave the Driver License Division report, including an update on modifications to add issuance of a temporary driving permit through online renewal, the Real ID Act and the enhanced driver license. The Driver Responsibility Program update was given by Judy Brown. Jack Colley gave the Emergency Management Division report. There was some discussion on the ongoing wildfire situation, disaster declarations, and the disbursement of funds for Operation Border Star. The Criminal Law Enforcement Division report was given by Kent Mawyer. Jim Miller gave the Ranger Division report. James Brubaker gave the Information Management Service report, including an update on the department's assessment of its IT functions.

VIII. For publication for public comment

A. Proposed amendments to Rule 15.24, 37 TAC Sec. 15.24, regarding Identification of Applicants for a Driver License or Identification Certificate.

Judy Brown briefed the Commission on the proposed amendments. Upon motion by Commissioner Anderson and seconded by Commissioner Polunsky, the attached amendments were unanimously approved for publication for public comment.

- B. Proposed amendments to Rule 15.25, 37 TAC Sec. 15.25, regarding the Address of Applicants for an Original, Renewal or Duplicate Driver License or Identification Certificate.** Judy Brown briefed the Commission on the proposed amendments. Upon motion by Commissioner Polunsky and seconded by Commissioner Anderson, the attached proposed amendments were unanimously approved for publication for public comment.

IX. For final adoption

- A. Proposed repeal of Rule 1.231, 37 TAC Sec. 1.231; proposed new Rule 1.231, 37 TAC Sec. 1.231, relating to procedures for vendor protests of procurements, as published in 32 TexReg 9284, December 14, 2007**
- B. Proposed new Rule 1.42, 37 TAC Sec. 1.42, relating to Veteran's Preference Grievance Procedure, as published in 32 TexReg 9283, December 14, 2007**
- C. Proposed repeal of Rules 5.1 & 5.2, 37 TAC Sec. 5.1 & 5.2; proposed new Rules 5.1 & 5.2, 37 TAC Secs. 5.1 & 5.2, relating to chapter definitions and clarification of department policy regarding criminal investigations, as published in 32 TexReg 9286, December 14, 2007**
- D. Proposed amendments to Rules 5.11-5.16, 37 TAC Secs. 5.11-5.16, relating to reporting property crimes against the elderly, as published in 32 TexReg 9287, December 14, 2007**
- E. Proposed amendments to Rules 5.31-5.34, 5.36 & 5.38, 37 TAC Secs. 5.31-5.34, 5.36 & 5.38, relating to threats against peace officers, as published in 32 TexReg 9289, December 14, 2007**
- F. Proposed repeal of Rules 5.52-5.70, 37 TAC Secs. 5.52-5.70; proposed amendment to Rule 5.51, 37 TAC Sec. 5.51; proposed new Rules 5.52-5.71, 37 TAC Secs. 5.52-5.71, relating to Multicounty Drug Task Forces, as published in 32 TexReg 9291 and 9295, December 14, 2007**
- G. Proposed amendment to Rule 15.162, 37 TAC Sec. 15.162, relating to accepting installment payments for surcharges required under the Driver Responsibility Program, as published in 32 TexReg 9295, December 14, 2007**
- H. Proposed new Rule 15.163, 37 TAC Sec. 15.163, relating to amnesty, incentive and indigency programs for the Driver Responsibility Program allowing individuals to receive a reduction in surcharge assessments based upon compliance with law, as published in 32 TexReg 9297, December 14, 2007**
- I. Proposed amendments to Rules 17.2-17.4, 17.6, 17.9, 17.11, 17.12 & 17.16, 37 TAC Secs. 17.2-17.4, 17.6, 17.9, 17.11, 17.12 & 17.16, relating to Administrative License Revocation, as published in 32 TexReg 9297, December 14, 2007**
- J. Proposed amendments to Rules 23.201-23.206, 23.208, 23.210 & 23.213, 37 TAC Secs. 23.201-23.206, 23.208, 23.210 & 23.213, relating to Vehicle Emissions Inspection and Maintenance Advisory Committee, as published in 32 TexReg 9299, December 14, 2007**

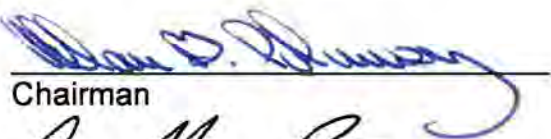
Mary Ann Courter briefed the Commission on the proposed repeals, amendments and new rules. Upon motion by Commissioner Polunsky and seconded by

Commissioner Anderson, the attached repeals, amendments and new rules were approved for final adoption.

- X. **Personnel matters, pending and contemplated litigation, ongoing criminal investigations, status of purchase of real property.** A motion was made by Commissioner Polunsky and seconded by Commissioner Anderson upholding the Director's action of discharging Joe Rochelle. Motion passed unanimously. Upon motion by Commissioner Anderson and seconded by Commissioner Polunsky, the Director's action of discharging probationary employee Rachelle Styes was unanimously affirmed. Upon motion by Commissioner Anderson and seconded by Commissioner Polunsky, Special Ranger commissions were unanimously approved for DPS retirees Jim Cass, Dan Easterwood, Michael Hobson and Russell Metcalf.

There being no further business, the meeting was adjourned.

Read and approved this 11th day of March, 2008.



Chairman



Member



Member



Member

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Organization And Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter R
Section Number 1.231

The Texas Department of Public Safety adopts the repeal of Section 1.231, concerning Protest/Dispute Resolution/Hearings, without changes to the proposed text as published in the December 14, 2007 issue of the *Texas Register* (32 TexReg 9284).

Adoption of the repeal is necessary due to substantial changes being made and is being filed simultaneously with the adoption of a new Section 1.231 which is necessary in order to comply with Section 2155.076 of the Government Code regarding consistent rules and document retention.


No comments were received regarding adoption of the 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 Government Code, Section 2155.076.

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.


Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Organization And Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter R
Section Number 1.231

The Texas Department of Public Safety adopts new Section 1.231, concerning Procedures For Vendor Protests Of Procurements, without changes to the proposed text as published in the December 14, 2007, issue of the *Texas Register* (32 Tex 9284).

Adoption of new Section 1.231 is necessary in order to promulgate policy to comply with Section 2155.076 of the Government Code regarding consistent rules and document retention. The adoption of new Section 1.231 is being filed simultaneously with the adoption for repeal of current Section 1.231.

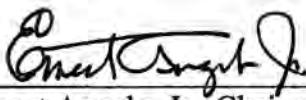
No comments were received regarding adoption of the new section.

The 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 2155.076.

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.


Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Organization And Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter C
Section Number 1.42

The Texas Department of Public Safety adopts new Section 1.42, concerning Veteran's Preference Grievance Procedure, without changes to the proposed text as published in the December 14, 2007, issue of the *Texas Register* (32 TexReg 9283).

Adoption of new Section 1.42 is necessary due to the passage of H.B. 1275, Acts 2007, 80th Leg., R.S., codified in Chapter 657, Government Code, Section 657.010. This new law allows for an individual entitled to a veteran's employment preference and who is aggrieved by a decision of a public entity to appeal the decision to the governing body. New Section 1.42 provides a procedure by which the department can adequately address the grievant's concerns within the time limits imposed by the statute.

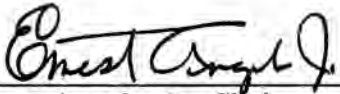
No comments were received regarding adoption of the new section.

The 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 657.010.

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.


Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Criminal Law Enforcement
Title 37 T.A.C. Part I, Chapter 5
Subchapter A
Section Number 5.1 and Section Number 5.2

The Texas Department of Public Safety adopts the repeal of Section 5.1 and Section 5.2, concerning Investigation, without changes to the proposed text as published in the December 14, 2007, issue of the *Texas Register* (32 TexReg 9285).

Adoption of the repeal of Section 5.1 and Section 5.2 is necessary in order to simultaneously adopt a new Section 5.1 and Section 5.2 which will promulgate department policy regarding criminal investigations.

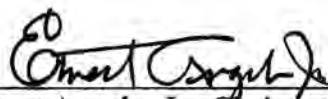
No comments were received regarding adoption of the repeal.

The repeals are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Government Code, Section 411.0096.

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.


Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Criminal Law Enforcement
Title 37 T.A.C. Part I, Chapter 5
Subchapter A
Section Number 5.1 and Section Number 5.2

The Texas Department of Public Safety adopts new Section 5.1 and Section 5.2, concerning General Provisions, without changes to the proposed text as published in the December 14, 2007, issue of the *Texas Register* (32 TexReg 9286).

Adoption of new Section 5.1 and Section 5.2 is necessary in order to promulgate department policy regarding criminal investigations. In addition, the title of the subchapter has been changed. The new sections are filed simultaneously with the adoption for repeal of current Section 5.1 and Section 5.2.

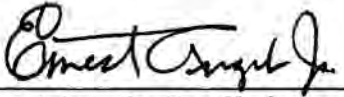
No comments were received regarding adoption of the new sections.

The new sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Government Code, Section 411.0096.

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.


Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Criminal Law Enforcement
Title 37 T.A.C. Part I, Chapter 5
Subchapter B
Section Numbers 5.11 – 5.16

The Texas Department of Public Safety adopts amendments to Sections 5.11 – 5.16, concerning Reporting Property Crimes Against The Elderly, without changes to the proposed text as published in the December 14, 2007, issue of the *Texas Register* (32 TexReg 9287).

Adoption of amendments to the sections is necessary in order to update the unit responsible for maintaining records, to update the definitions section, and to make other nonsubstantive changes necessary in order for the sections to read better.

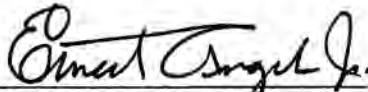
No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Government Code, Section 411.051(c), which provides that the director of the department shall adopt rules, subject to commission approval, to prescribe the form, manner and regular intervals at which a law enforcement agency reports to the department an investigation of certain property crimes committed against the elderly.

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.


Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Criminal Law Enforcement
Title 37 T.A.C. Part I, Chapter 5
Subchapter C
Section Numbers 5.31 – 5.34, 5.36, 5.38

The Texas Department of Public Safety adopts amendments to Sections 5.31 – 5.34, 5.36, and 5.38, concerning Threats Against Peace Officer, without changes to the proposed text as published in the December 14, 2007, issue of the *Texas Register* (32 TexReg 9289).

Adoption of amendments to the sections is necessary in order to update the definitions section, and to make other nonsubstantive changes necessary in order for the sections to read better.

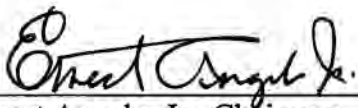
No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Government Code, Section 411.048 (e) and (i), which provide that the director of the department shall adopt rules, subject to commission approval, to prescribe the form and manner to be used by a criminal justice agency reporting to the department its determination of a serious threat against a peace officer, to prescribe how an agency may use information disseminated to it by the department, and to require compliance with general federal intelligence guidelines.

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.


Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Criminal Law Enforcement
Title 37 T.A.C. Part I, Chapter 5
Subchapter D
Section Numbers 5.52 – 5.70

The Texas Department of Public Safety adopts the repeal of Sections 5.52 – 5.70, concerning Multicounty Drug Task Forces, without changes to the proposed text as published in the December 14, 2007, issue of the *Texas Register* (32 TexReg 9291).

Adoption of repeal of the sections is necessary due to the addition of a new Section 5.52 and the renumbering of the remaining sections. Adoption of the repeals is filed simultaneously with an adoption for new renumbered sections.

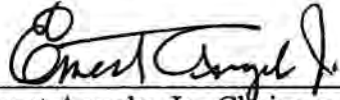
No comments were received regarding adoption of the repeal.

The repeals are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Government Code, Section 411.0097, which requires the department to establish policies and procedures for multicounty drug task forces, provides the authority to ensure compliance, and the authority to evaluate each multicounty drug force with respect to whether the task force complies with state and federal requirements including policies and procedures established by the department and demonstrates effective performance outcomes; and Texas Local Government Code, Section 362.004, which provides that the department confirm the strategic need for the task force and the composition of the task force and that the force comply with the policies and procedures established for the operation of the multicounty drug task force.

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.


Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Criminal Law Enforcement
Title 37 T.A.C. Part I, Chapter 5
Subchapter D
Section Numbers 5.51 – 5.71

The Texas Department of Public Safety adopts an amendment to Section 5.51, and new Sections 5.52 – 5.71, concerning Multicounty Drug Task Forces, without changes to the proposed text as published in the December 14, 2007, issue of the *Texas Register* (32 TexReg 9295).

Adoption of amendments to Section 5.51 is necessary in order to update the definitions section. Adoption of new Sections 5.52 – 5.70 is necessary in order to promulgate policy regarding the coordination of drug law enforcement efforts. This adoption is filed simultaneously with an adoption for repeal of current Sections 5.52 – 5.70.

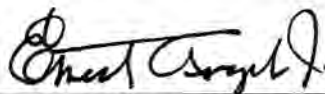
No comments were received regarding adoption of the amendment or the new sections.

The amendment and new sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Government Code, Section 411.0097, which requires the department to establish policies and procedures for multicounty drug task forces, provides the authority to ensure compliance, and the authority to evaluate each multicounty drug force with respect to whether the task force complies with state and federal requirements including policies and procedures established by the department and demonstrates effective performance outcomes; and Texas Local Government Code, Section 362.004, which provides that the department confirm the strategic need for the task force and the composition of the task force and that the force comply with the policies and procedures established for the operation of the multicounty drug task force.

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.



Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter J
Section Number 15.162

The Texas Department of Public Safety adopts amendments to Section 15.162, concerning Installment Agreements, without changes to the proposed text as published in the December 14, 2007, issue of the *Texas Register* (32 TexReg 9295).

Adoption of the amendments to Section 15.162 are necessary because effective September 1, 2007, Texas Transportation Code, Chapter 708, Section 708.153 amended the Driver Responsibility law to allow the department the ability to reinstate installment payments for a person who has previously defaulted on the installment plan.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, Section 708.002.

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.



Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

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

The Texas Department of Public Safety adopts new Section 15.163, concerning Amnesty, Incentive and Indigency Programs, without changes to the proposed text as published in the December 14, 2007, issue of the *Texas Register* (32 TexReg 9297).

Adoption of new Section 15.163 is necessary because effective September 1, 2007, Texas Transportation Code, Chapter 708, Section 708.157 amended the Driver Responsibility law to allow the department the ability to establish amnesty, incentive and indigency programs. The new section promulgates policy regarding the Amnesty, Incentive and Indigency Program.


No comments were received regarding adoption of the new section.

The 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 708.157.

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.



Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Administrative License Revocation
Title 37 T.A.C. Part I, Chapter 17
Subchapter A
Section Numbers 17.2 – 17.4, 17.6, 17.9, 17.11, 17.12, 17.16

The Texas Department of Public Safety adopts amendments to Sections 17.2 – 17.4, 17.6, 17.9, 17.11, 17.12, and 17.16, concerning Administrative License Revocation, without changes to the proposed text as published in the December 14, 2007, issue of the *Texas Register* (32 TexReg 9297).

Adoption of the amendments to the sections is necessary in order to more accurately reflect current policies and procedures due to statutory requirements.

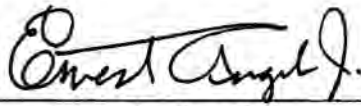
No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, Section 524.002 and Section 724.003, which provide that the department may adopt rules to administer those chapters.

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.


Ernest Angelo, Jr., Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter I
Section Numbers 23.201 – 23.206, 23.208, 23.210, 23.213

The Texas Department of Public Safety adopts amendments to Sections 23.201 – 23.206, 23.208, 23.210, and 23.213, concerning the Vehicle Emissions Inspection and Maintenance Advisory Committee, without changes to the proposed text as published in the December 14, 2007, issue of the *Texas Register* (32 TexReg 9299).

Adoption of the amendments to the sections is necessary in order to reflect changes to Texas Transportation Code, Section 548.006 made by H.B. 2565 (80th Texas Legislature – Regular Session), which established an Advisory Committee to advise the department on administrative rules, make recommendations, and perform other advisory functions as requested, relating to the operation of the vehicle emissions testing program under Transportation Code, Chapter 548, Subchapter F.

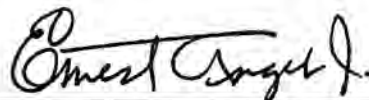
No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, Section 548.

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.



Ernest Angelo, Jr., Chairman
Public Safety Commission

IN THE MATTER OF
THE APPEAL OF DISCHARGE OF
JOE ROCHELLE

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§
§
§
§

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

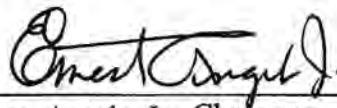
ORDER

BE IT REMEMBERED that the Public Safety Commission convened to hear the appeal of discharge of Joe Rochelle, on the 12th day of February, 2008. Mr. Rochelle received adequate notice of the hearing on this matter and did appear in person and through counsel. Pursuant to §411.007, Government Code, the Commission proceeded to hear evidence in the above-captioned matter.

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

On motion of Comm. Polunsky, seconded by Comm. Anderson, the discharge was affirmed.

ENTERED AND SIGNED on the 12th day of February, 2008.



Ernest Angelo, Jr., Chairman
Public Safety Commission