

**MINUTES
PUBLIC SAFETY COMMISSION
May 16, 2006
Austin, Texas**

The Public Safety Commission met in Austin, Texas on May 16, 2006. Attending the meeting were Chairman Ernest Angelo, Jr., and Commissioner Carlos Cascos.

DPS Staff members present:

Tommy Davis, Director
David McEathron, Assistant Director
Oscar Ybarra & Tom Haas, Accounting & Budget Control
Randy Elliston & Lamar Beckworth, Texas Highway Patrol
Kent Mawyer, Gary Stone & James Brubaker, Criminal Law Enforcement
Miskey Micheletti, Photo Lab
Burt Christian, Administration
Judy Brown, Greg Gloria & Bob Burroughs, Driver License
Ray Coffman & Jim Miller, Texas Rangers
Farrell Walker & Monica Lopez, Office of Audit & Inspection
Jack Colley, Emergency Management Division
Mary Ann Courter, General Counsel
Ed Kelly & Bryan Lane, Information Management Service
Tela Mange, Public Information Office
Jack Reichert & Steve Powell, Aircraft
Janie Smith, Legislative Liaison Office
Dorothy Wright, Secretary

Guests present:

Mike McElhaney, Governor's Office

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

- I. **Minutes.** Upon motion by Commissioner Cascos and seconded by Commissioner Angelo, the minutes of the April 19, 2006 meeting were approved.
- II. **Public comment.** There was no public comment.
- III. **Budget matters.** Oscar Ybarra gave the budget report. There was some discussion on the LAR base reconciliation and increasing gas prices.
- IV. **Audit & Inspection report.** Farrell Walker gave the audit & inspection report.
- V. **Division reports.** Burt Christian gave the Administration Division report. There was some discussion on the 2006 fleet vehicle production and ongoing building projects. Also discussed was the recruit driver training program and continued/in-service driver training

and the status of the trooper trainee active countermeasures training evaluation committee report action items. The Texas Highway Patrol Division report was given by Randy Elliston. There was some discussion on a recent trooper fatality, the Texas Education Agency's driver training curriculum and vehicle searches. Judy Brown gave the Driver License Division report, including an update on ongoing projects and the Real ID Act. Bob Burroughs gave an update on the Driver Responsibility Program. Jack Colley gave the Emergency Management Division report. There was some discussion on wildfire response, preparation for hurricane season, the recent hurricane and border security exercises and the Governor's Evacuation Task Force recommendations. The Criminal Law Enforcement Division report, including an update on activities of the various services, was given by Kent Mawyer. Ray Coffman gave the Ranger Division report. The Information Management Service report was given by Ed Kelly.

VI. For final adoption.

A. Proposed new Rule 1.60, 37 TAC Sec. 1.60, relating to Public Information Policies and the release of investigative reports to parents or guardians of children alleged to have been abused or neglected, as published in 31 TexReg 1907, March 17, 2006.

B. Proposed amendment to Rule 4.36, 37 TAC Sec. 4.36, relating to Commercial Motor Vehicle Compulsory Inspection Program, as published in 31 TexReg 1908, March 17, 2006

C. Proposed new Rules 5.51-5.70, 37 TAC Secs. 5.51-5.70, relating to implementation of multi-county drug task forces, as published in 31 TexReg 1909, March 17, 2006

D. Proposed amendment to Rule 15.89, 37 TAC Sec. 15.89, relating to violations assessed points and surcharges under the Driver Responsibility Program, as published in 31 TexReg 1912, March 17, 2006

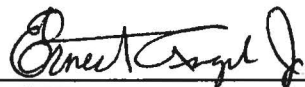
Mary Ann Courter briefed the Commission on the above referenced proposed new rules and amendments. Upon motion by Commissioner Cascos and seconded by Commissioner Angelo, the attached new rules and amendments were unanimously approved for final adoption.

VII. 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, 551.074, 551.072 & 411.0041 to discuss personnel matters, including the Director's action of discharging probationary employee Charles Wolfe; pending and contemplated litigation; status of purchase of real property; and ongoing criminal investigations. Upon reconvening Regular Session, Commissioner Angelo announced that the Commission had discussed personnel matters and ongoing criminal investigations. Upon motion by Commissioner Cascos and seconded by Commissioner Angelo, the Director's action of discharging probationary employee Charles Wolfe was affirmed (see attached Order). Special Ranger commissions had been considered for DPS retirees Yolanda Garza, Raul Garza, Howard Jake Smith and Christopher Watson and Special Texas Ranger commissions were considered for Ronald Boyter, Regis DeArza, Jackie Peoples and Alton Yeakley,

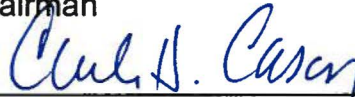
DPS retirees, and James Belt and Rolando Garcia of the Texas & Southwestern Cattle Raisers Association. A motion was made by Commissioner Cascos and seconded by Commissioner Angelo approving the above named individuals as Special Rangers and Special Texas Rangers respectively.

A motion was made by Commissioner Cascos and seconded by Commissioner Angelo adjourning the meeting.

Read and approved this 24th day of August, 2006.



Chairman



Member

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On May 16, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Supchapter D
Section Number 1.60

The Texas Department of Public Safety adopts new Section 1.60, concerning Public Information Policies, without changes to the proposed text as published in the March 17, 2006, issue of the Texas Register (31 TexReg 1907).

Department of Public Safety officers are occasionally called upon to conduct investigations of possible child abuse which nearly always involve allegations against someone who is not a parent or guardian of the alleged victim. Chapter 261 of the Family Code makes investigations of alleged child abuse or neglect confidential and prohibits the release of both the investigation report and any evidence developed during the investigation to any person if the agency conducting the investigation has not adopted a rule governing release of its report and investigation materials. Thus, in some instances, DPS has been prohibited from releasing the results of an investigation to the parent(s) of a child who was allegedly abused by a third person. Adoption of the new section is necessary in order to permit DPS to provide investigation reports and other materials to parents when doing so would not jeopardize the child or any pending criminal case.

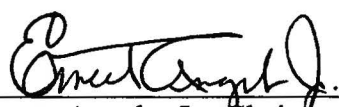
No comments were received regarding adoption of the new section.

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 Family Code, Section 261.201(a).

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

7/1/06

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On May 16, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Commercial Vehicle Regulations and Enforcement Procedures
Title 37 T.A.C. Part I, Chapter 4
Subchapter C
Section Number 4.36

The Texas Department of Public Safety adopts amendments to Chapter 4, Subchapter C, Section 4.36, concerning Commercial Motor Vehicle Compulsory Inspection Program, without changes to the proposed text as published in the March 17, 2006, issue of the Texas Register (31 TexReg 1908).

Adoption of the amendments to Section 4.36 delete current subsection (g)(6) and are necessary in order to require that certain commercial vehicles transporting passengers and registered in this state must pass an annual inspection of all safety equipment in accordance with recent changes to the Federal Motor Carrier Safety Regulations.

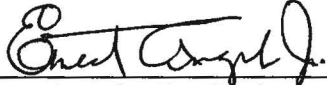
No comments were received regarding adoption of the amendments.

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 548.002, which authorizes the department to adopt rules to administer and enforce the compulsory inspection of vehicles.

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

7/10/11

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On May 16, 2006, 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 - 5.70

The Texas Department of Public Safety (DPS) adopts new Subchapter D, Sections 5.51-5.70, relating to the implementation of multicounty drug task forces, without changes to the proposed text as published in the March 17, 2006, issue of the Texas Register (31 TexReg 1909).

Adoption of the new sections is necessary in order to promulgate the policies and procedures of DPS governing the statewide coordination of multicounty drug task forces. The new sections are necessary as a result of the passage of Texas H.B. 1239, Acts 2005, 79th Leg., R.S., ch. 556, Sections 1-4.

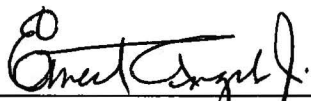
No timely comments were received regarding adoption of the new sections.

The new sections are adopted pursuant to 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

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On May 16, 2006, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Supchapter D
Section Number 15.89

The Texas Department of Public Safety adopts amendments to Section 15.89, concerning Driver Improvement, without changes to the proposed text as published in the March 17, 2006, issue of the Texas Register (31 TexReg 1912).

Adoption of the amendments to Section 15.89 are necessary in order to clarify that all endorsement violations, including a Commercial Driver License (CDL) endorsement violation, will be assessed a specific surcharge and not assessed points under the Driver Responsibility Program. Additionally, adoption of the amendments will remove superfluous language from the list that makes reference to four non-traffic violations. Finally, adoption of the amendments is necessary in light of the passage of House Bill 183 during the 79th Legislature, Regular Session. House Bill 183 amended Texas Transportation Code, Section 708.052 to make an offense under Section 545.412, relating to child safety seats, a moving violation of traffic law and subject to a surcharge.

Chapter 708 of the Transportation Code grants the department the authority to adopt rules to implement the Driver Responsibility Program (DRP). This program was initially created during the 78th Legislative Session (2003) and requires the department to assess fees based on an individual's driver history. DRP has two major components, a point system and a conviction surcharge system. The point system is based on the accumulation of Class C traffic offenses. An individual receives two points for each traffic conviction and three points if the offense resulted in a crash. The conviction surcharge system is based on a one-time conviction of certain more serious traffic offenses. The program requires the individual to pay the fee, ranging from \$100 to \$2000 every year for three years.

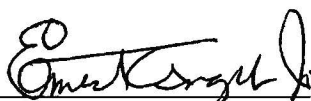
No comments were received regarding adoption of the amendments.

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

7/11/06

