

BOARD OF PUBLIC SAFETY
April 19, 2006
Atlanta, Georgia

MEMBERS PRESENT:

Vice-Chairman James E. Donald
Mr. Wayne Abernathy
Mr. Rooney L. Bowen, III
Chief Lou Dekmar
Sheriff Bruce Harris
Mr. Patrick Head
Chief Dwayne Orrick
Sheriff Jamil Saba
Sheriff Cullen Talton

MEMBERS ABSENT:

Governor Sonny Perdue
Mr. Bud Black
Mr. Dub Harper
Chief J. D. Rice

OTHERS PRESENT:

Mr. Joseph Drolet, Board Attorney
Ms. Laura Jones, Board Liaison
Colonel Bill Hitchens, Department of Public Safety
Lieutenant Colonel Arthur White, Department of Public Safety
Major Don Chastain, Department of Public Safety
Major Keith Sorrells, Department of Public Safety
Sgt. Mark McDonough, Department of Public Safety
Mr. Terry Landers, Department of Public Safety
Ms. Melissa Rodgers, Department of Public Safety
Ms. Chiquita T. Johnson, Department of Public Safety
Major Billy Boulware, MCCD, Department of Public Safety
Chief Mark McCleod, MCCD, Department of Public Safety
Director Vernon Keenan, Georgia Bureau of Investigation
Ms. Monica Mahone, Georgia Bureau of Investigation
Ms. Dawn Deidrich, Georgia Bureau of Investigation
Mr. Paul Heppner, Georgia Bureau of Investigation
Director Dale Mann, Georgia Public Safety Training Center
Mr. Richard Guerreiro, Georgia Public Safety Training Center
Mr. Paul Czachowski, Department of Corrections
Representative Burke Day
Judge Christopher Brasher, Fulton Superior Court
Captain Reuben McGee, Houston County Sheriff's Office

Vice-Chairman James Donald called the April Board meeting to order, welcoming Board members and visitors. Mr. Rooney L. Bowen, III introduced his son, Mr. Chandler Bowen; Sheriff Cullen Talton introduced Captain Reuben McGee from Sheriff Talton's office; and, Director Vernon Keenan introduced Ms. Monica Mahone. Each attendee introduced himself/herself.

Vice-Chairman Donald announced the Board had passed a Resolution to honor Judge Chris Brasher and the Board wanted to take the opportunity today to present the Resolution. Vice-Chairman Donald requested all the Board members to come forward and stand with Judge Brasher for pictures and the presentation. Judge Brasher is described as someone with a humble spirit and admirable qualities; of his ability to interpret the law and advise the Board members. Several Board members, along with Colonel Hitchens, Director Keenan, and Director Mann, gave their accolades and congratulations to Judge Brasher on his new appointment. Mr. Rooney L. Bowen read the Resolution, which was a small token of appreciation by the Board of Public Safety. Judge Brasher thanked the Board, stating that each monthly meeting had been a treat for him to spend time with friends who are here to make Georgia a safer place.

Vice-Chairman Donald called for a motion to approve the March Minutes, which was made by Mr. Rooney L. Bowen, III, seconded by Chief Lou Dekmar, and unanimously voted approval by the Board members.

DIRECTORS' REPORTS

Colonel Bill Hitchens, Georgia Department of Public Safety/State Patrol, thanked everyone for the many flowers and cards of condolences sent during the painful time; his mother recently passed away.

Colonel Hitchens began with reporting on legislation. House Bill 1209, which was signed yesterday by Governor Perdue, allows State Patrol to start a new motorcycle unit. The unit will deal with traffic primarily in downtown Atlanta; the motorcycles will be able to get in areas that are congested, due to traffic accidents or stalled vehicles. This will start out as a 10-man unit, primarily working during the rush hours in the Atlanta metro area. The funds derived from fines, which will be returned to Department of Public Safety, will be used specifically to keep the unit operating. After five years, the legislature will re-evaluate the operation to see if it is a viable program.

The second legislative item, House Bill 1192, concerns concealed compartments; the criminal investigative unit comes upon vehicles all the time where people have a concealed compartment and are trying to bring contraband in and out of the state. Now,

legislation has been passed in that violation of the law is a felony, with a sentence of one-to-two years in prison and a maximum fine of \$10,000.

Senate Bill 64, which is the blue light slick top legislation, became controversial when it went through the House but was passed. Up until 2001, there was no law how police vehicles had their blue lights mounted. Thereafter, every vehicle that was involved in traffic enforcement would have to have a blue light mounted on the roof and be equipped with an illuminating agency identifier. The legislation limits State Patrol to two slick top cars per patrol post; one for each county unit and one for each city unit.

Senate Bill 454 was a clean-up bill, assisting in colors of Department of Public Safety vehicles. With bringing in the Capitol Police and the Motor Carrier Compliance Division, it would have cost to repaint 350 vehicles with the State Patrol blue and gray colors. The legislation allows exempting those vehicles but placing the appropriate lettering on each vehicle.

Colonel Hitchens explained that the last piece of legislation was another clean-up bill. For years, State Patrol has had the authority to give retirees their badge and gun at the time of retirement. Neither Motor Carrier Compliance nor Capitol Police had that ability, until this legislation passed in both Houses. This bill is ready to be signed by Governor Perdue.

Director Vernon Keenan, Georgia Bureau of Investigation, reported that last week Governor Sonny Perdue joined the GBI for a practical exercise held at the Training Center. Mr. Rooney Bowen represented the Board at the exercise, along with Governor's senior staff. The scenario played out as an execution of an arrest warrant for two people operating a methamphetamine lab in a residence. After the two perpetrators were arrested, the lab response team went in to recover the evidence. Governor Perdue participated in the entire exercise with the agents. Governor Perdue used the opportunity of the practical exercise to announce the formation of the 15-agent Meth Force. With the assistance of Representative Burke Day, the General Assembly appropriated funding to GBI to hire 15 agents to work methamphetamine-related crimes. Governor Perdue had talked about the importance of enforcement of methamphetamine laws and the \$1 million that was appropriated for treatment of addicts. All law enforcement agencies know that the methamphetamine epidemic requires enforcement, prevention and treatment.

In reporting on the GBI budget, the agency is taking a reduction of \$198,000 in the Polygraph Unit. To describe the unit, the GBI does about 3,000 polygraph exams a year; of which 2,000 exams are pre-employment done for local law enforcement agencies and other state agencies. The remaining 1,000 polygraphs are done for regular investigative work. Budget reductions call for the GBI to continue providing the pre-employment

polygraph service but will have to charge a fee for that service. The GBI is in the process of calculating the cost; however, it may entail, when doing a pre-employment polygraph exam for a local agency, charging a fee. Director Keenan and staff are in the process of finalizing a letter, which will go out to all law enforcement agencies advising of the fee for service in pre-employment polygraphs. There will be no reduction in service provided on criminal polygraphs.

Director Keenan stated that he appreciates that the GBI received new funding to hire special agents. Director Keenan also thanked Representative Burke Day for his and other legislators' efforts in getting the additional funding for the GBI and other state level law enforcement agencies for the pay raise for employees. There have been problems with the pay associated with state level law enforcement agencies; however, the legislature has taken a very good step in providing the additional salaries. The state had been heading for a major problem in the retention of state level officers. Director Keenan noted how the legislature concentrated on pay raises for the working level people.

As for bad news, four DNA scientists have resigned from working in the State Crime Lab. These vacancies have an impact on the number of cases going through the Crime Lab. Director Keenan alerted the Governor's office on how this will affect the ability to work the DNA cases. Staff in the Crime Lab have worked very, very hard to eliminate the DNA backlog, and Director Keenan and staff are assessing how much damage this will be with the four scientists leaving employment. The GBI is moving forward to fill those four positions; the problem is that it takes 12 months to train a scientist. Director Keenan added that the state needs to be competitive with local governments and with surrounding states; because without a competitive salary, a state employee can leave and go to an agency for higher salary and for better benefits.

Director Keenan stated he is making a presentation to the District Attorneys' Association meeting about the status of the Crime Laboratory and will answer to issues relating to changes made and to the status of outsourcing cases. Director Keenan described that the backlog is projected to be eliminated by July; because of the combination of new positions appropriated by the Governor and legislature, funding of \$3 million for outsourcing cases, and a lot of hard work. There is the loss of significant GBI Crime Lab staff; but, the Crime Lab is on schedule to have the backlog eliminated. With all the cases that are outsourced, the Crime Lab does a 100% review of all the data. Director Keenan has budgeted within the outsourcing of funds to pay for expert testimony, which is a major concern of the District Attorneys. With outsourcing a drug test, it cost \$150 for the analysis of that test; but if bringing a scientist from a private laboratory to testify that is the cost of about \$1,500.00 a day. Director Keenan stated the costs of bringing a scientist in to testify are budgeted.

In follow-up to a request from last month's Board meeting, Director Keenan called on Ms. Dawn Deidrich to brief the Board members on a pending lawsuit relating to a blood alcohol analysis done by the Crime Lab.

Ms. Dawn Deidrich reported that the underlying issue that sparked the lawsuit of Kjellsen v. Mills are two incidents where samples were switched at the GBI. The first incident of sample switching was in October of 2000 and the second incident was in October of 2001. The samples that were involved were four cases of post-mortem samples. They were toxicology tests to determine the blood alcohol content in the blood specimen, which is a routine part of post-mortem examination. The switching that occurred in October of 2000 was attributed purely to human error. When it occurred a year later, extensive testing was done. It as determined that the instrument would cause samples to switch in some unique circumstances; with a combination of a run that had either ten or sixteen samples. Upon being found, the GBI contacted the manufacturer of the instrument, and, the manufacturer replaced all the boards in the instruments. A year later after an open records request had been submitted for that information, Director Keenan ordered an investigation be done and have it documented in an executive summary.

In June of 2003, an anti-litem notice was submitted by Mr. McDonald and Mr. Billy Spruell indicating their intent to sue concerning samples switched on their clients. In August of 2003, a lawsuit was filed on behalf of Kjellson, alleging that the GBI had covered up and had not provided information on the sample switching. The Kjellsen case was a DUI arrest in April 2000, with Mr. Kelson's blood alcohol report showing .10; at the time when DUI statute was .10. Attorney Spruell hired an expert, Dr. Woodford, to do an examination; thereby requiring GBI to re-run the sample. Ms. Deidrich noted that regulations state that samples are only to be turned over to recognized experts who have a lab; Dr. Woodford did not have a lab. Attorney Spruell obtained a court order to have the sample turned over to Dr. Woodford. At this time, a fourth test was run on the sample and the numbers are .0958, .0966, .0984, .0988. Additionally, the sample was sent to Tennessee Bureau of Investigation to obtain a completely neutral report as to what the sample was; wherein, TBI's report was .0955.

During the Kjellsen trial, Attorney Spruell moved for a directed verdict based on failure to inform about the subsequent tests. The GBI had done those tests to determine the status of the sample. The Judge granted the directed verdict; also, Kjellsen was acquitted by the jury on a second charge. Attorney Spruell filed another lawsuit alleging the GBI failed to turn over the exculpatory evidence on the subsequent tests. The GBI moved for summary judgment in District Court but was denied qualified immunity, based on arguments regarding constitutional violation. The District Court Judge's Order states that the scientists were not acting in their discretionary capacity. The GBI's brief is now filed with Eleventh Circuit Court of Appeals on the issue of qualified immunity.

In addition to that action, Attorneys Spruell and McDonald filed another lawsuit, Catko v. Mills, which is a complaint alleging that Catko's sample was switched. The GBI has looked at the case file, and, there is no indication that this sample was switched. The attorneys for GBI have filed an action adding a third-party defendant; on the scientist who was involved in this allegation. Attorney Spruell has filed a Motion to Dismiss the third party complaint.

Following discussion and questions, Ms. Deidrich stated that the sample switching did involve toxicology cases on autopsies; however, the attorneys allege that there are other problematic issues based on that sample switching. Ms. Deidrich stated that as a result of this, Crime Lab procedures have changed concerning when re-testing occurs that the information will be disclosed. Ms. Deidrich finished with saying that she is optimistic that the GBI will prevail in both lawsuits.

Director Keenan concluded his presentation by saying that this is a perfect example when looking at complex issues in the Crime Lab, that it is necessary to have excellent scientists. One of the foundations of the criminal justice system in Georgia is the quality of work turned out by the State Crime Laboratory. To have quality work, there has to be resources in number and quality scientists.

Director Dale Mann, Georgia Public Safety Training Center, began with reporting that House Bill 1019 is awaiting the Governor's signature. This legislation concerns taser training. It is necessary to regulate standards for training and certification for taser, but it will be expensive and cannot be done under the existing budget. It was not funded out of this General Assembly session, but it could be funded next year.

Director Mann reported on Senate Bill 521, wherein it changes language that the Board of Public Safety be allowed to approve adding EMS to the list of people who could attend training at the Training Center. The EMS community receives training through Department of Technical and Adult Education and through the Department of Human Resources. The basic EMS training is done at technical school; 80% through HOPE grant funding. Senate Bill 521 has not yet been signed; if Governor Perdue signs the bill, there is no funding for the Training Center to hold EMS classes. Training is expensive because it involves many instructors.

Director Mann reported that the State Properties Commission will meet on April 26th to discuss transfer of two facilities from the Department of Corrections. The General Assembly gave funding of \$150,000 for one-time expenditure of start-up for the building located in Dalton. Director Mann reported that the Training Center is not going to request the facility in Dublin. Director Mann's purpose in obtaining facilities is for the Training Center to own regional academies; however, there is not a lot of support in

obtaining the building in Dublin. Director Mann will go back to advisory board in middle Georgia and come up with an alternate plan. In response to a question, Director Mann responded that he would work with State Properties Commission about the previous resolutions made by the Board of the transfer of the Dublin facility.

After a five minute recess, Vice-Chairman Donald called the meeting back to order.

FISCAL REPORTS

Mr. Terry Landers, Department of Public Safety, began with pointing out on the report, which was included in the notebook, that State Funds show an amount remaining; but, there is one quarter in the fiscal year with a greater than 25% of the funds still available. The agency is looking at what they need to do to make sure that the agency does not overspend but cover itself where it has needs. A couple of items are spent down pretty close; the agency will spend down the rest of the way the categories of Motor Vehicles and Equipment.

Ms. Monica Mahone, Georgia Bureau of Investigation, began with pointing out that overall State Funds are at 75%, which is three-quarters of the way into the fiscal year. The agency has nearly 25% remaining, which is in line with quarterly allotment spending. Ms. Mahone pointed out that under Vehicle purchases, the agency will be spending to replace some vehicles in Fleet that have gone over the 135,000 mile threshold. She pointed out that this budget does not reflect the Amended Budget, wherein the agency received \$155,000 for Workers' Comp increase in addition to replacing a boiler at a facility. When that budget is approved and the amended process is complete, that will be reflected in the budget.

Mr. Richard Guerreiro, Georgia Public Safety Training Center, reported that as far as State Funds, all three agencies, those being Training Center, Police Academy, and Fire Academy, are under. There are some areas of over expenditure; those areas are grants or grant-related. In the case of Police Academy, the over expenditures will be addressed by transfers. Under the Fire Academy, there are a couple of areas of over expenditures. All in all, the agency will get to the end of fiscal year with no problem; so, with the next quarterly report, everything will be in good shape.

DONATIONS

Mr. Terry Landers, Department of Public Safety, requested approval of the following donations:

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One Stalker DSR Radar	\$ 3,000	Mayor Adolph McLendon City of Richland
Three Kodak Digital Cameras Z700 and 1 Kodak Digital Printer Dock	\$ 741.00	Rincon Wal-Mart
Twelve Garmin DPS Quest Street Navigators	\$ 4,308.00	Decatur County Board of Commissioners
One Stalker Dual Radar Unit	\$ 1,961.00	Climax City Council
One Stalker DSR 2X Radar Unit	\$ 2,695.00	Laurens County Board of Commissioners
Three Golden Eagle Radar Units and One Pro Laser III Unit	\$ 9,332.50	Sheriff Charles Chapman Sheriff of Banks County
Cash Donation For One 20" LCD Television And Receiver Box Also, 13 Jump Boxes	\$ 1,000.00	Wal-Mart Foundation
Cash for Meals For Rain Delay of AMS Detail	\$ 2,520.00	Atlanta Motor Speedway
Two MPH BEE III Radars Ka Band Dual Antenna Radar Unit	\$ 4,706.00	Sheriff Scott Berry Oconee County Sheriff
Four Stalker DSR 2X Radars	\$10,840.00	Sheriff Bill Masee Baldwin County Sheriff
One Stalker DSR 2X Radar	\$ 2,710.00	Sheriff Thomas Smith Washington County Sheriff

Mr. Wayne Abernathy made the motion to accept the donations, which was seconded by Sheriff Bruce Harris, and unanimously approved by the Board members.

RULES

Ms. Chiquita Johnson, Department of Public Safety, requested approval of final adoption of several Rules. The Rules were initially adopted by the Board of Public Safety in December, 2005; subsequently, the department has held a time period for public comment and hearing. With no response, the Department of Drivers Services adopted the drivers license rules. The Rules requested for final adoption are the Rules that were initially adopted at the December, 2005 meeting, as follows:

Rule 570-1-.05, relating to contested cases under the Administrative Procedure Act. On page two of the rule, the deletion is for administrative suspension or revocation of drivers licenses; also deleting the license for Driver Training Schools and Instructors; and for Limited Permits. The only administrative hearings, thereby, offered by the Department will be License for Dealers In Pistols and Short Barreled Firearms cases. The authority for this rule change is contained in O.C.G.A. § 50-13-16 and § 50-13-41.

Rule 570-1-.05, relating to review of actions that are not contested cases under the Administrative Procedure Act, was repealed. The authority for this rule is contained in O.C.G.A. Chapter 43-16 and § 50-13-41.

Rule 570-1-.07, relating to Refund of Fees Received By The Department, subsection (a) has been deleted as to the Definition of Reinstatement Fees, Lapse Fees and Application Fees, due to the fact that all of these fees relate to drivers license issues. The authority for this rule is contained in O.C.G.A. Chapter 40-5-4 and § 33-34-13.

Rule 570-3-.01, relating to Organization of Drivers Services Section of the Department of Public Safety, has been repealed. The authority for the rule is contained in O.C.G.A. Chapter 40-16 and Chapter 43-15.

Rule 570-3-.03, relating to Motorcycle and Motor Drive Cycle: Examination, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.04, relating to Licenses Restricted As To Use For Physical Impairment, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.05, relating to Reciprocity For Valid Licenses Issued Elsewhere, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.06, relating to Eye Examination, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.07, relating to Knowledge Tests, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.08, relating to Oral Examination of Illiterates, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.09, relating to Sequences For Prerequisites To Driving Demonstration, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.10, relating to Driving Ability Demonstration, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.11, relating to Condition Of Test Vehicle, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.12, relating to Re-Examination Upon Failure, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.16, relating to Eligibility For Veterans, Honorary or Distinctive Drivers License, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.17, relating to When Licenses Are Renewable, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.18, relating to License Renewal Self-Examination, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.19, relating to Sex Change On License, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.20, relating to New Resident Licensing Requirements, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.21, relating to Purged Or Expired License, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.22, relating to Inmate Drivers Certificate, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.23, relating to Extension Of 30-Day Permit and 180-Day Permit, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.24, relating to Distinctive Driver's License For Persons Under Age 21, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.25, relating to Disposition Of DUI Citation, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.26, relating to 120-Day Limited Permit Application, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.27, relating to Application For Personal Identification Cards, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.28, relating to One Year Limited Permit Application, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.29, relating to Ninety Day Limited Permit, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.30, relating to Retention of Driver Licenses That Have Been Suspended, Revoked, or Canceled has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.31, relating to Return of Driver Licenses, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.32, relating to Name On License Or Identification Card, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-3-.33, relating to Classes Of License, has been repealed under the authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-6-.12, relating to Suspension of License For Failure To Appear To Respond To A Citation To Appear Before A Court of Competent Jurisdiction, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-15-.01, relating to Drivers License As Bail In Traffic Violation Arrests, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-15-.02, relating to Suspension of Operating Privilege For Failure To Respond To Citation, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-15-.03, relating to Forms, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-16-.01, relating to Scope of Regulation, manufacturer certification, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-17-.01, relating to Purpose of the Drivers License Advisory Board, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-17-.02, relating to Alterations of Consciousness, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-17-.03, relating to Cardiovascular Function, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-17-.04, relating to Hearing, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-17-.05, relating to Mental Condition, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-17-.06, relating to Musculoskeletal Performance, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-17-.07, relating to Respiratory Function, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-17-.08, relating to Vision, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-17-.09, relating to Incapacitated Drivers, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-17-.10, relating to Applicants Physical and Mental Condition, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-18-.04, relating to Provision Of Information To Insurers For Claims Investigation Activities, Antifraud Activities, Rating, Or Underwriting, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-18-.06, relating to Fee For Limited Rating Information, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-18-.08, relating to Cancellation Of Insurance Policy, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-18-.09, Notification of Cancellation Form, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-18-.10, relating to Sixty One Day Policy, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-18-.11, relating to Procedure For Amending Cancellations, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-18-.12, relating to Reinstatement Procedures For Insurance Suspensions, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-18-.13, relating to Reinstatement Procedures For Suspensions Based On Second or Subsequent Convictions For No Proof Of Insurance, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-19-.01, relating to Rule Providing For Use of Form DPS 32, Uniform Traffic Citation, Summons, Accusation, 180-Day Temporary Driving Permit, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-19-.02, relating to Numbering and Accountability For Form DPS 32, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-19-.03, relating to Proof Of Service When License Displayed In Lieu Of Bail, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-23-.01, relating to Scope, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-23-.02, relating to Course Content, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-23-.03, relating to Materials, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-23-.04, relating to Certificates, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-23-.05, relating to Instructor Requirements, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-23-.06 relating to Scheduling, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-23-.07, relating to Effective Dates, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-23-.08, relating to Alternative Courses, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-23-.09, relating to Testing, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-23-.10, relating to Test Score, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-23-.11, relating to Oral Test, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.01, relating to Applications for Commercial Driver's License, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.02, relating to Commercial Driver's License Exemptions, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.03, relating to Affidavit For Changes On CDL, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.04, relating to Minimum Physical Requirements Required To Obtain A Commercial Driver's License, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.05, relating to Exemptions From Medical Requirements, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.06, relating to Driver Qualifications, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.07, relating to Suspensions, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.08, relating to Failures Written/Skills Test, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.09, relating to Knowledge Test and Endorsement Tests, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.10, relating to Vehicle Requirements Commercial Driver's License Skills Test, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.11, relating to Skills Test Disqualifications, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.12, relating to Skills Test For Commercial Driver's License, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.13, relating to Third Party Tester Program, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.14, relating to Commercial Driver Out Of Service Notification, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-25-.15, relating to Disqualification From Driving A Commercial Motor Vehicle, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-26-.01, relating to Applications for restricted Commercial Drivers License, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-26-.02, relating to Affidavit For Changes On Restricted CDL, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-26-.03, relating to Minimum Physical Requirements Required To Obtain A Restricted Commercial Driver's License, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-26-.04, relating to Driver Qualifications, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-26-.05, relating to Suspensions, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-27-.01, relating to Organization of provider center, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-27-.02, relating to Duties and Responsibilities, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-27-.03, relating to Definitions, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-27-.04, relating to Provider Center Certification, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-27-.05, relating to Device Certification, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-27-.06, relating to Responsibilities Of Manufacturer Of Ignition Interlock Device, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-27-.08, relating to Departmental Authority Under Title 42, Chapter 8, Article 7 and Rules and Regulations Of This Chapter, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-27-.09, relating to Hearing Procedures, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-28-.01, relating to Organization of Safety Responsibility Unit, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-28-.02, relating to Vehicle Driver Without Owner's Permission, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-28-.03, relating to Departmental Hearings, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-28-.04, relating to Contents Of Demand For Security Under Safety Responsibility Act, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-28-.05, relating to Security, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-28-.05, relating to Disbursement Of Security Based On Unsatisfied Judgment, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Rule 570-28-.07, relating to Forms Issued Under Security Responsibility Involving Accidents, has been repealed under authority of O.C.G.A. Chapter 40-16 and Chapter 43-16.

Chapter 570-30, relating to Public School Bus Inspections. Rule 570-30-.01 relates to Responsibility For Program, Rule 570-30-.02 contains Definitions, Rule 570-30-.03 relates to Fees, 570-30-.04 relates to Expiration Period Of Inspection Sticker, Rule 570-30-.05 relates to Purchase Of Bus, Rule 570-30-.06 relates to Inspection Sticker Location, Rule 570-30-.07 relates to Completion of Inspection Sticker, Rule 570-30-.08 relates to Inspection Report, Rule 570-30-.09 relates to Minimum Requirement for Inspection, Rule 570-30-.10 relates to Body of Vehicle, Rule 570-30-.11 relates to Violation Of Law And/Or Rule The Penalty Therefor, Rule 570-30-.12 relates to Daily Inspection By Operator. The authority for this chapter is O.C.G.A. 40-8-220.

Rule 570-31 of Department of Public Safety contains the creation of Motor Carrier Compliance Division of Public Safety. The authority for this Rule is contained in O.C.G.A. Title 32, Chapter 1 et seq., 35-2-100 and 35-2-101.

Chief Lou Dekmar made a motion for final adoption of the above-stated Rules, which was seconded by Mr. Rooney L. Bowen, III, and unanimously voted approval by the Board members.

There being no Administrative/Emergency Issues, the Vice-Chairman moved on to Old or New Business.

OLD OR NEW BUSINESS

Vice-Chairman Donald invited Representative Burke Day to address the Board of Public Safety.

Representative Burke Day began with thanking the Board for allowing this impromptu opportunity to address the Board. In looking around the room, Representative Day pointed out several people who had helped him get better acquainted with the real issues that are out there. Representative Day shared several things that happened during the legislature. He stated that he was taken aback, after getting this teeth into the job, about how far backwards the state is in case of emergency situations. He stated he is deeply concerned about the state policy insofar as laying down the tracks where homeland security is concerned. Some of the things that his Committee will do this summer is set up three study committees; the first one to look at state law enforcement pay scales. The first study committee will look at comparing State Patrol, GBI and others to their equivalents in other states. Historically, the legislature has a soft place in their hearts for law enforcement, but they never pay for it. He stated he hopes the legislature will be increasingly sensitive to getting the pay disparity worked down. The second study committee will involve the issue of bird flu. Representative Day stated it is very

important that the legislature know what the state is up against. One of the goals is to educate the legislature about the needs, dealing with bird flu and other emergencies. The third study committee will focus on the issue of mandating training for local mayors, councils, commissions and others so that they will be aware of how to respond to state emergencies. Representative Day, in explaining what bills had passed, stated that House Bill 81 provides for firefighters and law enforcement personnel, if killed in line of duty, allowing the spouse to not pay property state, local, or school tax on their home. House Bill 1335 allows P.O.S.T. and local law enforcement agencies to use GCIC to conduct background checks. Representative Day expressed his support in training and in raising the standards for those in public service. He stated his role is almost the same type of job as law enforcement officers; he expects no less and looks at those that are public servants serving other people. He doesn't believe that the bar could be raised high enough; lowering the bar will not solve anything. Representative Day stated he will continue raising the bar, keep pay scales realistic and fair, and getting the state united more with emergency preparedness. Representative Day closed with thanking the agencies for their hard work and enjoy working with them.

Chief Dwayne Orrick requested an opportunity to express his appreciation to State Patrol. He recently attended an event by Mothers Against Drunk Driving program, wherein they recognized the Trooper Of The Year and Post Of The Year. In looking at the number of cases these troopers are handling, they do a phenomenal job. Those people need to be recognized and to hold them as a model for others. Also, Chief Orrick, on behalf of City of Cordele and Crisp County, thanked State Patrol, GBI, Motor Carrier personnel for their assistance in working an event during Easter weekend; the agencies provided manpower in controlling the crowd and made a safe response to two small incidents.

Vice-Chairman James Donald shared several things that happened in the Georgia Department of Corrections; things that impact other agencies. The Department of Corrections will be relocating at Forsyth, Georgia which will bode well for county and local communities. Corrections will be able to start doing its training at the new location; there is a 200-man training class every month which squeezes space out of the Training Center. By moving the training classes, it will take pressure off the Training Center and allow space for other agencies. Vice-Chairman reported that \$7.5 million has been funded for the abatement piece, but, some of Corrections might move into some of the dormitories a little sooner than what was projected. The Department's budget has been funded \$48 million to obtain 4,400 new beds, which is good news for sheriffs and other law enforcement. This will allow bringing down the jail backlog to about 732 in the county jails. Since November, Corrections has taken 2,000 county inmates and placed them in the prison system. On May 8, Vice-Chairman Donald will accompany Governor Perdue to attend the grand-openings of four new state-of-the-art facilities; those facilities being Turner County, Wilkes County, Lamar County, and Appling County. Also, the facility at Pelham will be opened. Vice-Chairman Donald reported that he has instituted

a quarterly report, which will be given to the sheriffs statewide, and will explain what is being done about the backlog situation. The Crime Victims' Week is April 23 – 29, as proclaimed by Governor Perdue. With a final note, Vice-Chairman Donald stated that Colonel Hitchens, Director Keenan, and Director Mann are part of a cluster group that has been established to meet monthly and discuss law enforcement issues. The group meets to work closer together in terms of improving law enforcement and safety throughout the communities.

It was announced that the Board members, along with state officers and constitutional officers, are required to file a Personal Disclosure Form. A form to complete the information was given to each Board member.

Vice-Chairman Donald handed out the following committee assignments to the Board members.

Department of Public Safety/Georgia State Patrol

Mr. Pat Head, Chair
Sheriff Bruce Harris
Mr. Wayne Abernathy
Mr. Rooney L. Bowen, III

Georgia Bureau of Investigation

Mr. Dub Harper, Chair
Chief J. D. Rice
Mr. Bud Black
Chief Lou Dekmar

Georgia Public Safety Training Center

Sheriff Jamil Saba, Chair
Chief Dwayne Orrick
Sheriff Cullen Talton

Mr. Rooney L. Bowen, III stated that the Training Center Committee might want to hold a meeting concerning the issue of Nominations For Memorial Wall. Vice-Chairman Donald requested Sheriff Saba hold a committee meeting prior to the May Board meeting.

There being no further business, the meeting was adjourned.

Rooney L. Bowen, III