On the 18th day of June, 2009, the following meeting was held in Austin, Travis County, Texas.
APPEARANCES

COMMISSIONERS OF THE PUBLIC SAFETY COMMISSION:

Allan B Polunsky, Chair
Carin Marcy Barth
Ada Brown
John Steen

DIRECTOR'S STAFF OF THE DEPARTMENT OF PUBLIC SAFETY:

Colonel Lamar Beckworth, Director
Dorothy Wright, Executive Assistant
Stuart Platt, General Counsel
Duncan Fox, Deputy General Counsel
Michael Kelley, Legislative Liaison
CHAIRMAN POLUNSKY: Commissioner Barth?

MS. BARTH: Present.

CHAIRMAN POLUNSKY: Commissioner Brown?

MS. BROWN: Present.

CHAIRMAN POLUNSKY: Commissioner Clowe is absent. Commissioner Steen?

MR. STEEN: Present.

CHAIRMAN POLUNSKY: I am present. The Texas Department of Public Safety is called to order in accordance with Chapter 551 of the Texas Government Code, the Open Meetings act. A quorum of the Commission is present and the meeting is now declared open. It is 10:37 a.m.

The first item on the agenda is the approval of minutes for the Public Safety Commission on May 22nd, 2009.

MR. STEEN: Move adoption.

CHAIRMAN POLUNSKY: There is a motion for adoption made by Commissioner Steen. Is there a second to Mr. Steen's motion?

MS. BROWN: Second.

CHAIRMAN POLUNSKY: It's been seconded by Commissioner Brown.

Is there a discussion on the motion?

There is no discussion, all in favor
please say aye. Any against, no? Motion passes.

The next item on the agenda is public comment. Members of the public wishing to address the Commission are invited at this time to come forward and will be given a total of five minutes to make any comments, if they would like, to the Public Safety Commission.

Is there anyone here at this time who would like to address the Commission?

If you would, if you could please identify yourself and provide your address

MS. TRIPP: I have a handout if you don't mind, sir.

CHAIRMAN POLUNSKY: Sure.

MS. TRIPP: My name is Alice Tripp. I'm the legislative director and lobbyist for the Texas State Rifle Association. Thank you, Chairman Polunsky, and thank you, Commissioners.

CHAIRMAN POLUNSKY: Could you provide an address, please?

MS. TRIPP: Oh, I'm sorry. My address is 956 Stockade Ranch Road, Paige, Texas, 78659.

CHAIRMAN POLUNSKY: Thank you.

MS. TRIPP: The Texas State Rifle Association has been around 90 years. We're the NRA
state affiliates. My current president is a retired
DPS officer, Dan walker. He and his wife, Bridget,
were both DPS officers, so my association has a long
history of interaction with law enforcement. About
once a year, over the ten years that I've been doing
this, I end up having to be in touch with DPS and
generally with the legislature because of delays to
concealed handgun licenses, and I'm back. Usually the
delays have been, in past years, vacation time for
people in DPS, maternity leaves, a 911 spike when 911
occurred, but as we've gotten more and more licenses,
314,000, now we're into renewals, and the answer has
always been money, give us more money. Well, the
legislature, I believe, appropriated, when it's signed,
11 employees specific to concealed handgun licenses.
We urgently hope that those make the difference.

What I included in the handout has to do
with changes in statute, many that we've proposed from
the get-go that should possibly streamline the process.
You all allowed -- or the legislature passed doing away
with the TR100 Form, which came about out of the
legislative process and is a form with carbon paper, to
give you some idea how old the form is. I included a
sample of what the State of Utah does -- it's the
download of their website -- and the instructor has a
stamp similar to what a notary stamp is, so all those
are -- all the forms that Utah uses are free and
downloaded off the website. They don't have to be
printed; they don't have to be sent out; they don't
have to be numbered, and they're free to the
instructors.

I included a complaint, a recent
complaint -- I wouldn't include all the complaints I
have on my computer -- a recent complaint from a
delayed license who was concerned that I include his
complaint for fear that he would be blackballed. That
ends up being the kind of mentality when customer
service, their answers -- their questions aren't
answered, when you turn in a perfect package, your
fingerprints are good, your package is complete, and it
appears to go into a black hole and you can't get a
reply as to why your license is late.

I also included a rather bizarre
complaint from an instructor who ordered a large number
of TR100 forms on the Internet, paid for them by credit
card on the Internet. The TR100 Forms were delivered,
he held classes with those forms, and then a second
order of forms showed up on his door. He saw that it
was a duplicate order, he hadn't ordered them, so he
left them in the package. Someone from the Concealed
Handgun License Department eventually called him and wanted to know if he had gotten his order duplicated and he said yes, and he said, "In fact, I'll go ahead and pay for them if you want me to." And they said, "Oh, no, no, no, we need you to return the first order because we didn't send it out appropriately and all we can guess is that somehow those original numbers weren't written down." He said, "Well, I can't return the first order, I've already had classes and I've given some of them to my students." And they said, "Well, you have to return them and you can't use the second order until you pay for it," although he's already paid for the first order. And he said, "Okay, I'll try and work with you if you can work with me. So the students that I've given these first forms to, are their packages going to be delayed?" "Oh, yeah, yes, they'll be delayed." Through no fault of theirs and no fault of his.

And, by the way, that didn't happen to one instructor, it happened to a bunch of instructors. All on the same day, they had their form orders duplicated. So that's the kind of public relations stuff. And my association isn't a concealed handgun instructors association, I just -- I'm very easy to find, like some of you are, and I end up representing
the instructors and representing the individual handgun
licensees strictly because of what my job is and the
fact that I don't leave Texas, I'm here, unlike the NRA
lobbyists.

This legislative session saw some rather
unusual bills filed. Representative Farias filed a
bill that said if your license expired and you
submitted your renewal package in proper time and,
through no fault of your own, your license expired, it
was still going to be good because of the delays.
Well, that nearly passed. It was nearly amended to the
Sunset Bill, but it wasn't ultimately. It wasn't a
particularly good idea. Representative Flynn filed a
bill that was called The Perpetual Concealed Handgun
License, where you pay $300 and then someone did a
background check and you never had to do the process
again. Now, these were brought by them; they weren't
brought by my association. They were brought out of
frustration through the legislature. They're
out-of-the-box fixes. I mean, that's thinking out of
the box.

I hope that with more help and with
better organization, maybe doing away with some of
these forms like this thing with carbon paper that has
to be signed out and checked in and charged and all
that, that we ultimately -- oh, and now civilian employees can do some of this background checking, not just a uniformed employee, hoping that this does, in fact, streamline and gets to where, I don't want to ever come back because of delays, much less regularly.

That's all I have. Thank you.

CHAIRMAN POLUNSKY: Thank you, Ms. Tripp. Coincidentally, I had a discussion with Colonel Beckworth on this general topic yesterday. It is kind of an issue that certainly needs to be addressed. It's kind of a phenomenon that, at the same time as we influx in applications that have come in recently, that more or less parallels the great number of increased purchases of firearms in this country over the last several months, which is, in essence, from what I understand, overwhelming the system here.

Colonel Beckworth, could you just briefly respond? You may want to get into a more detailed response after this meeting, but I think you have some basic information that would be of interest.

MR. BECKWORTH: We realize the significance of the increase in the number of applications that we were receiving. We have several temporary employees trying to address the backlog. Normally there are about 64,000, 65,000 applications
processed annually, so far this year, we have approximately $48,000 applications in the process. We have a significant backlog. Yesterday we authorized and approved to hire 60 temporary employees to come on board July the 8th. When those employees come on board, we're going to go ahead and try to address that backlog by August the 31st. On the back side of that, we've asked the Highway Patrol to add additional troopers all over the state to do the background, and in addition to the background, we're asking them to go to the county clerk's office, the district clerk's office, the sheriff department and look for better ways to be able to track that information they need to complete the background. We believe this effort over the next 60 days will help us address the backlog.

We're going to try to put an automated system in place to address the issue; that's what we're trying to do.

MS. TRIPP: There's a family saying that all the horsepower in the world doesn't matter if you can't get it to the ground, so, you know, a spike is something that happens; if it stays up, it's no longer a spike. So I appreciate whatever you can do and we can support to get it to the ground so we don't have the delays. Thank you very much.

CHAIRMAN POLUNSKY: Thank you for being
here and we understand the issue.

Is there anybody else here this morning who would like to address the Public Safety Commission?

No one else? Thank you.

The next item, New Business: Discussion and possible action to acknowledge individuals who have served the Department in the 81st Legislative Session.

Chief Kelley.

MR. KELLEY: Colonel, if you could come down if you don't mind, and Mr. Chairman. I'm Chief Michael Kelley with the Government Relations Office.

What I'd like to do at this time is, there were certain individuals who assisted us during this recent legislative session who we felt went above and beyond the call of duty to help us with the statutory budgetary authority that we need in order to accomplish our mission, and we wanted to duly recognize them. One of the individuals we wanted to recognize today, Kyle Mitchell from the Governor's Office, will be here later, so if we could, later we'll get with him, but I'd like to call up some individuals based on the performance they did.

Sunset Review, which has lasted over the last two years and will continue during the next two years -- and we'll discuss that in a little while in my
presentation and explain what the role Sunset is going
to be after this session. I'd like to ask Amy Trost
with the Sunset Commission if she could come forward.
Ken Levine and Ken Martin with her staff luckily are on
vacation so they won't be here, but, Amy, would you
mind taking that to them and tell them that we very
much appreciate their help and support?

Next, Chris Steinbach, Chief of Staff
for Representative Lois Kolkhorst. She was the author
of House Bill 2730 of the Sunset Bill. He survived us
camping out at his office and worked very hard with us.
Athena Ponce, who is with Senator Hinojosa, and Athena
worked -- also let us camp out in her office and worked
really hard on helping on the Senate side and we really
appreciate her. Pete Winckler -- did he make it in?
We will draft him with Senator Hegar's office. Next,
working with us on our budget this year, Lori Gabbert
with the Legislative Budget Board, did an excellent job
of keeping us on our toes and keeping us informed, so
we'd like to recognize her at this time. Mike Meyer
with the Senate Finance Committee, who also worked very
closely with us before this session as well as during.
Kathy Panaszek, is she -- we'll recognize Kathy later,
but Kathy Panaszek with House Appropriations was very
helpful.
Now I'd like to also call up those officials who helped us on the bill that we requested, and they all work for the Senate Transportation and Homeland Security. If we could have -- I'd like to have all you guys come up because you were a great team: Adam Burkland, Erika Akpan, David Erinakes. And then Steven Polunsky, the Chief of Staff, or the director of the committee, could not be here, but we will send back a plaque for him, but we'd like you guys to come up. And we appreciate the assistance you provided in getting our bills drafted and prepared, so thank you.

And one last one we'd like to present. Colonel Beckworth, if you could help with this. Colonel, we've talked about this, Chairman Polunsky, we'd like to thank you on behalf of the employees of the agency for going above and beyond the call of duty this session. You used your political knowledge and your connections not only during the Sunset process to get us through it, but you spent an inordinate amount of time down there helping us to get the money we needed. You fought to the last day trying to get the pay raises for our peace officers that we know that they deserve and you tried to work hard for the employees' benefits, and so on behalf of our 8,000-plus
employees in the director's staff, the Administration, Criminal Law Enforcement, Driver's license, Emergency Management, Highway Patrol, and Rangers, we'd like to present this to you on behalf of all the employees.

CHAIRMAN POLUNSKY: Let me briefly state that I am deeply honored to have received this plaque. Without question, it is a very special moment for me, but I'll make a comment that was similar to the one I made at the Texas Ranger Foundation Dinner in Waco this past weekend, and that is that the totality of the effort that was put forth in the last session, my contribution was very, very small. It was our staff and our employees working with the people that have been recognized earlier this morning and the members of the legislature and everyone who was involved in the process.

As most of the people in this room know, the Department of Public Safety was the only state department or agency that was reauthorized this past session subject to Sunset Review, and I am not commenting on the other agencies, I'm sure at some point, they certainly will be -- most of them will be reauthorized, but I think there's a reason why DPS was successful in being reauthorized during the regular session, and that is because of, one, the unbelievable
effort that was put on by our people, led by Chief Kelley, who is an extraordinary person. Talk about somebody who was on call, or literally on site, 24/7, Michael was there, and he worked the Capitol and he worked the staffs and he interfaced with all the people who were involved in this process in a very professional manner representing the Department at the highest level we could ever hope for. Beyond that, his staff who supported him also provided excellent support and representation at the Capitol. It gave us the credibility that was necessary for us to gain the confidence of the state legislature and the various staffs that allowed us to move forward.

Certainly, our command structure led by Colonel Beckworth, and prior to Colonel Beckworth, Colonel Clark, and the various chiefs, all of the Chiefs and assistant chiefs, were very much involved in this process and were on call, came to the meetings, answered the questions, developed relationships, did everything that was necessary to show that DPS was committed to the change that we have advertised and we are going forward with and did everything humanly possible to raise DPS to the level that allowed us to be successful.

And I think, certainly, the fact that we
interacted so well with the Sunset staff, the Sunset Commission, and then the various members of the legislature and their staff members to show that we are committed to change, we are committed to making improvements and initiating reforms that will improve the Department from what I consider a very high level now but will be a level of unsurpassed leadership in this country when it's all said and done. The fact that we openly embraced the changes, went on record as saying that these changes would be implemented if they have not already been implemented, I think speaks very strongly of the direction the Department is headed. When you look at the whole Sunset process, which kind of began all this a couple of years ago now, I am proud to say that I don't think there's a state agency or department that has worked more closely with the Sunset staff and the Sunset Commission to work toward the changes and recommendations that were made in their assessment of the Department of Public Safety.

As a side comment, the Sunset staff sometimes is viewed as the Internal Affairs Department of the state government and are sometimes not received as well as they might. I think that that was certainly not the case here. I think we had a very good relationship with them and it has shown, and I would
commit -- I think I'm speaking for the entire Public Safety Commission and our command and our 8,000 employees of the Department of Public Safety who are all exemplary people, who come to work every day, in many cases put their lives on the line for the public of the State of Texas, and in other areas work very, very hard for compensation that certainly isn't at the top of the pay scales of the world, come together collectively and make this Department what it is. So I would again commit that, going forward, DPS will make changes in reforms when necessary to improve the Department, but we will build on the tradition and the reputation and the many, many years that have been spent building the Department into what it is and has been up until now, and from now forward will make it even that much better. So I look forward to working with the members of the state legislature, the state itself, and I think this is just really the beginning of a very strong and close relationship that I think will be mutually beneficial for all parties going into the future, and I'm extremely excited about where DPS is going and where we will be six months, 12 months from now. I think we'll all be proud to be associated with this Department. I know that I am certainly proud to
sit in this chair for the time that I'll be able to sit
in this chair and be associated with people like you
all. So, anyway, thank you very much for everything
that you've done above and beyond the call of duty, and
it's just been a wonderful session for us and we should
all be very, very pleased. Thank you. Thank you very
much.

MR. STEEN: Mr. Chairman, I have a

comment. I think that it's great, Chief Kelley, that
you're complimenting everyone and handing out awards,
but I want to thank you for the great job you've done.
You're -- as far as what you do, you're as good as I've
ever seen. And I thought maybe you could take a moment
to talk about your staff that helped you.

MR. KELLEY: Sure. We've Jannie Smith,
who is our legislate liaison. She's been with me since
we started in 2000 together. She had been my assistant
and the two of us tried to handle both constituent
casework and working at the Capitol. Realizing that's
a little bit tough, we were graciously given a chance
to hire Ronda to come over and help us. Also, we have
Sarah Hendricks, who is back at the office now. She is
our constituent coordinator. She's the one that takes
the daily phone calls about when someone has an issue
that they want to resolve at the agency, she tries to
get a quick answer for them to assist.

These are the people who help me coordinate working on the legislative side, but let me also reconfirm that it's not us that's really the ones doing the work. We get the information from the lawmakers what they want and its the division chiefs who -- if they don't respond and give us the support, then nothing that we're working on matters. When we're down there negotiating in Sunset and working on issues, if we don't have the backing, if we can't have the commitment of the division chiefs that they're going to help support what we're down there saying, then nothing we say really matters, so it truly is a team effort. Even though we're the ones who are the face of the agency, we're proud to represent all these leaders here whenever we go down to the Capitol, so it really is a team effort.

MR. STEEN: I just want to thank you again, and I think you and your staff certainly deserve a round of applause.

CHAIRMAN POLUNSKY: Thank you. Right on, Commissioner Steen. I wouldn't be surprised to see Chief Kelley sitting over in the Governor's Mansion one day. He's got that drive.

Anything else? Okay. Thank y'all very
much. And thank you each and every one of you from
state government who took your time to be here this
morning so that we would have the opportunity to
recognize you. We appreciate your presence.

The next item is: Discussion and
possibles action to implement organizational change
discussed in the roundtable workshop on June 17th,
which was postponed. Since the workshop did not take
place, is there any discussion on this matter at this
time?

Let me just briefly explain where we are
on that. As you can see, Commissioner Clowe is not
present today. He had a medical procedure yesterday,
which I do not think was serious, I talked to him
Saturday in Waco a couple of times on the phone, but he
had a situation where he needed to go ahead and have it
done or have to wait a couple of months, so he made the
correct choice there. So he would not be able to
participate yesterday, and, of course, he's been very
much involved in that process.

Beyond that, we will most likely be
making a selection for a permanent director here in the
coming weeks, and it was my feeling that it would be in
the best interest of this process to have our permanent
director to be involved in this roundtable discussion,
or roundtable workshop, so that he or she could hear what needs to be addressed, hear the issues, and make recommendations, suggestions, and so on, so I thought it would be prudent to delay this workshop probably for a month, maybe six weeks, but we are still committed to conducting this workshop and it will take place sometime this summer. So just for the information of everybody out there, I've answered a couple of questions before the meeting as to what happened, but that's essentially what happened, so it was canceled at the last minute. I apologize if it inconvenienced anybody.

MR. STEEN: Mr. Chairman, before you move on, I concur 100 percent with that, that we should get the director on board and then have the workshop.

CHAIRMAN POLUNSKY: Thank you. We could set a new date at this time but I think it would be better just for us to get a feel for where we are with respect to the selection of the new director and we can have that addressed in the coming weeks, but I would anticipate that this workshop would be moved to late July, early August, is what I'm thinking at this point.

The next item: Report on Department asset forfeiture policy and procedure. Colonel Beckworth.
MR. BECKWORTH: Mr. Chairman,

Commissioners, two commission meetings ago, I provided you information in depth about or seized asset process and how the funds can be appropriately spent, so I would ask that any questions to that particular follow-up discussions that you might have. I also ask that you consider keeping this particular agenda item open. We have made some revisions to the current internal process that we have. That document is being processed through the division chiefs for approval. Once that document is approved by the division chiefs, we want to come back to this particular commission and make them aware of those changes in the process, so I would ask if it's possible we could keep this particular agenda item open.

CHAIRMAN POLUNSKY: Okay. Any discussion on that?

I concur with that, Colonel Beckworth, but I would like to make a comment, or my own thoughts. As you know, we were successful in receiving funding for 300 of the 450 black and whites that we requested as special -- or excuse me -- exceptional item request in our budget that was presented in the last session. I would ask -- and we've had some preliminary discussions on this, but I would ask that you take a
look at the possibility of funding those additional 150 black and whites possibly through asset forfeiture funds, if not, other revenue sources that might include federal stimulus money or other grant moneys that could help us get to that number that would allow us to have cars available for each and every one of our troopers out in the field.

MR. BECKWORTH: Yes, sir, I'll do that.

I'll follow up on that.

CHAIRMAN POLUNSKY: Thank you. Next item is: Discussion and possible action regarding pending litigation and appeal: DPS versus Cox Texas Newspapers and Hearst Newspapers.

MR. PLATT: Mr. Chairman, Stuart Platt, general counsel. There are three items under New Business that it's my recommendation we discuss them preliminarily in Executive Session and allow our office to give you legal advice and then return to address those issues in public session for whatever decisions need to be made. And that would be this item, 4D, regarding Cox Newspaper case; 4E, regarding potential for revising policy on sensitive personal information required by the Department; and also under G, one of the three contracts for review, we need to provide some legal advice in that regard, so I would ask and
recommend that those three matters be addressed in Executive Session. We have resources available to assist in providing the legal advice on those matters and then come back and return to address those issues.

CHAIRMAN POLUNSKY: I would agree with that. Any objection?

By the way, Mr. Platt, I don't think I specifically acknowledged the many hours that you put into the legislative session. Your contribution was measurable. You really stepped up to the plate on many, many items over there and I'd also like to publicly thank you at this time for what you did as well.

MR. PLATT: Thank you.

CHAIRMAN POLUNSKY: Next item:

Discussion and possible action to review and approve and revise policy for vendor responsibilities regarding sensitive personal information required by the Department. Mr. Platt.

MR. PLATT: And that's one of the items we would like to give you legal advice on and take up in Executive Session.

CHAIRMAN POLUNSKY: Okay. Objections?

Next item: Discussion and possible action regarding the Driver's License Division --
Driver Responsibility -- Vendor Management.

Commissioner Barth.

MS. BARTH: Mr. Chairman, Commissioners, I raised this issue with respect to an audit that was done from October 1, 2008 to January 31st, 2009, and my concern is the percentage of collection on -- it was a very large amount of money due to the State of Texas, and I've asked Mr. Walker and Chief Brown to talk a little bit about the percentage of collection and what perhaps we can do with respect to increasing that percentage and addressing maybe -- or give some recommendations perhaps to the vendor right now who was handling it. It seems to me that the target rate of 35 percent is awful low. What will this do to the State of Texas?

MS. JUDY BROWN: Judy Brown, Chief of the Driver's License Division. I also brought Rebecca Hibbs. She's the program manager over the Driver Responsibility Program and has been almost since its inception.

Realizing that, when you look at the statistical approach, 35, 36 percent versus the 60 percent that is not being collected, it does look like it's a significant amount not being collected. I will tell you that the contractor does everything that
we have asked him to do in the contract. This item is
an issue that has been addressed in repeated sessions
with the legislature, and what we have found through
our ongoing meetings with --

MR. STEEN: Chief, I'm sorry to
interrupt you. Help us with this. Give us a little
bit more context about what we're supposedly
collecting.

MS. JUDY BROWN: Okay. You have a
handout in there in your packets that's called The
Driver Responsibility Program Update. The Driver
Responsibility Program was a program that was initiated
to take certain violations, convictions for certain
violations, and put a fee amount on -- a surcharge
amount on that conviction that would allow the state to
collect additional moneys. On DWI convictions, it's
$1,000 every year for three years upon conviction of a
DWI; secondary DWIs are more than that; the no
insurance is $250 a year for three years upon
conviction of a no insurance, and they expand. And
then the most minimal of those is the point system for
obtaining too many tickets on your record, then you get
put into -- it's basically $100, $125 is what we see as
the typical fine on the point system.

The State mimicked this program after a
program in New Jersey. We put that contract out for
bid. We got a significant number of responses with
their competitive process and competitive evaluations,
and the vendor that is currently on contract was the
vendor that was selected at that time. In New Jersey,
as we mimicked the program after New Jersey, New
Jersey, in an effort to collect more fees, they do
liens on homes, they garnish wages, and they garnish
their state taxes from their citizens that are involved
in this program in an effort to collector their fees.
When we talked to the legislature about how our program
should compare with New Jersey, there was a very
defined sense that we would not garnish wages and we
would not become an aggressive collection agent, that
it needed to be a professional program, it needed to
represent the standards of the State and this agency,
and so when we went forward with that, we did not
expect to reach the New Jersey percentages because of
some of the more aggressive collection methods they
use, but I will tell you today that we collect almost
two percent more than New Jersey does even with their
aggressive collection methods.

To go back to where I was, over the last
two or three sessions, we have seen a number of efforts
to remove the Driver Responsibility Program completely
because of the constituent complaints that they get from people who are unable to pay. We have done -- the statute has changed to allow some incentive-type programs to be added, again, in an effort to reduce complaints, but at the same time, the projection from the legislatures don't decrease the income coming into the State. I will tell you by analysis -- and Rebecca can jump in and answer more detailed questions -- but I believe we've probably reached a saturation point.

Many of the people who do not pay are probably never going to pay.

MS. BARTH: Let me ask you this question: Especially under the intoxication, which, you know, may be a different -- I definitely have different views on different categories. We're collecting a third. It would seem to me that we could put something in there -- I mean, as far as I'm concerned, it should be punitive on the intoxication side and I feel very strongly about it, and so in terms of looking at the various categories, have we attempted to try and delineate between the categories at all in terms of going to the legislature or do we just kind of put it all in the pot as surcharges.

MS. HIBBS: They have put -- I'm sorry.

Rebecca Hibbs, Program Administrator for the Driver
Responsibility Program. 

During the last legislative session and even the ones prior to that, there were several bills that attempted to address different categories. We had a bill specifically that, this last year, related to points. We also had one related to intoxication. During the last two sessions, we have had some related specifically to no insurance. Unfortunately, none of those bills passed through the legislature seemingly due to the fact that they would have reduced the income that would have come into the state funds related to the collections.

MS. JUDY BROWN: You know, it's relative to the fine. If you owe $100, it's a whole lot easier to pay that $100 and keep your license going versus if you owe $1,000, and I think that's why we see the clear delineation in our ability to collect. Representative DeLacy was the one that initiated this legislation, and I would tell you that, during her term, we spent hours upon hours with her trying to figure out, how do you collect more and not increase your constituent complaints? That's a balance that really I think we've met, and I'm not sure --

MS. BARTH: So you think the mid thirties is about what we're going to expect on this
program?

MS. JUDY BROWN: We're seeing just a minor increase, but I really believe that we've reached the saturation point when you look at the type of -- the ability -- or the direction the legislature has asked us to go. You know, even in this last session, in our Sunset legislation, there was legislation put on Sunset that would say expand out the time that a person can pay to a longer time period. Well, as Rebecca went back through and looked at the potential loss in revenue on an annual basis, as soon as you catch that up at some point in time, that legislation was amended to say, well, don't do it until September of 11, which allows another legislature to look at that program.

MS. BROWN: Do we have a sense of -- it sounds like there's a serious concern, at least in the legislature, for consumer complaints. Do we have a sense of who is complaining? I mean, is it people on probation for DWI who don't want to cough up the money or are there general groups who are unhappy about this?

MS. JUDY BROWN: I will tell you, the legislation that was put in place last session that did the insensitive programs, I would expect that that will reduce a large volume of the complaints. Somebody who didn't have insurance and they went and got insurance
and now they keep having to pay that fee for three years, we've said, okay, if you go get insurance, then we'll give you some incentive to reduce your fee but you've got to maintain that insurance for three years.

I don't know, Rebecca, if we had -- other than the fact that the fee is considered exorbitant by those people who drive while they're intoxicated, and I agree with you, I think the intent was to put a penalty on that to try to reduce the number of those people who drive while intoxicated, but I don't -- I don't know that we've seen a whole lot of complaint other than the fee is high.

MS. BROWN: I just wanted to get a sense of, are these law-abiding citizens who are complaining or people who are, you know, facing the music for driving drunk or not having insurance or -- you know, I'd kind of expect criminals to complain. That's kind of how these things are going now. You know, if you like it, you'll going to keep doing it.

MR. STEEN: Chief, one of the problems we have is that we're kind of jumping right into a discussion and I'm trying to think of the people out here that are attending this meeting, so I'm going to ask you some questions. I know they're in the materials but they might not be obvious to, you know,
someone sitting out there attending the meeting.

But who is the vendor we're talking about?

MS. HIBBS: The vendor is Municipal Services Bureau acting as Hiba Corporation.

MR. STEEN: And tell me about them. And how are they compensated?

MS. HIBBS: They receive, under the contract, a service fee of four percent, which is on top of the surcharge that's assessed. In addition to that, they have some limited convenience fees that they can assess for either installment plans or individuals who make payments using alternate methods. So if they receive approximately six percent annually, the statute actually allows us to contract through the vendor for up to 30 percent, but we've limited that amount in order to increase the impact to the customer.

MR. STEEN: Another question, we're talking about collecting 35 percent, but would you quantify that? What are we talking about in terms of the amount?

MS. HIBBS: Right now, as of the end of May, we've collected over $600 million since the inception in September of 2000.

MS. BARTH: How much?
MS. HIBBS: $600 million.

MS. JUDY BROWN: We're collecting about $4 million a week?

MS. HIBBS: We collect approximately between three and three and a half million a week. We've had some spikes where, this year we've seen over $4 million collected weekly, but about the three to three and a half million is what we're seeing.

During the last fiscal year and fiscal year 2008, we collected about $167 million for that fiscal year and we anticipate collecting a little more than $170 million this year. We expected to plateau at this last fiscal year, so I don't know if we'll see any additional increases over the next years or if that will probably remain our approximate level.

MR. STEEN: So if we're looking on -- when I look at that, what we're leaving on the table, how much would that be per year?

MS. HIBBS: We, right now, have billed, I believe, one and half billion dollars, so we have approximately about $1 billion that's outstanding, a little less, about $900,000.

MR. POLUNSKY: 900 million?

MS. HIBBS: $900 million, yes. I'm sorry.
MS. BARTH: And I'm not sure I
understand the philosophy. If this is in the statute
and people owe the money, why we would not pursue it
like anyone else would in the private sector.

MS. JUDY BROWN: We are pursuing it.
We're sending notices of collection and we're making
phone calls, outbound phone calls, to collect, I mean,
reminders of collections, and suspending licenses. I
mean, beyond that, we don't have much more authority.

MS. BROWN: Well, of course, keep in
mind, Commissioner Steen, that, if we don't go after
someone civilly and put a lien -- you know, suspending
a license for someone who drives without a license is
not particularly punitive, you know. I think if
there's -- without saying they're pretty comfortable
driving without a license.

So it sounds like your hands are bound
because you're not getting the support for being
aggressive and taking a different approach. Is that
right?

MS. JUDY BROWN: The more aggressive we
get, the more people we probably have out there driving
without a license and it becomes a safety issue, or
driving without insurance, it is punitive measure for
those of us who have insurance, but --
MS. BARTH: I guess I'm not sure I follow that argument. The more aggressive we get, the more likely we have people driving without insurance? People who are driving without insurance drive without insurance whether we scream at them or not. I mean, you know, you wouldn't scream at me because I have insurance. Right?

MS. JUDY BROWN: Right.

MS. BARTH: So you have a person without insurance, it doesn't really -- I mean, screaming at them, does it really matter?

Q. (By Ms. Judy Brown) Well, it does if they choose not to ever go get insurance, and that's why we put the incentive program in there. If you get over the no insurance capacity, if you'll go get insurance, we'll reduce your surcharge but you have to prove to us you keep that insurance for that three-year period

MS. BARTH: Have we ever run the statistics of the number of people who take the incentive program and keep the insurance for three years.

MS. JUDY BROWN: We have just begun the incentive program and we have not had real statistics that would prove that out yet.
MS. BARTH: Okay.

MS. BROWN: That would be interesting.

MS. BARTH: I brought it to the Commission's attention because it's a lot of money out there, you know, annually. It's a lot of money, and if there were ways to, you know, improve the program, I think we should look into that.

MS. JUDY BROWN: Over the past three legislative sessions, I would say -- correct me if I'm wrong, but we've seen more legislation to take this program away than we've seen to make it stronger.

CHAIRMAN POLUNSKY: Right, but those attempts have been unsuccessful.

MS. JUDY BROWN: That's right, but it kind of gives us the feel of the direction of where the legislative intent is. There's a lot of those that are concerned with the complaints but, yet, there's -- you know, the overriding factor is that we are bringing $600 million into the State.

CHAIRMAN POLUNSKY: Well, has the comptroller sent any of those checks back?

MS. BROWN: And maybe we need to -- if what's motivating the decision of legislators to decide whether or not to aggressively pursue this, maybe we need to ask them to track people who call who are angry
because they've been hit by unlicensed and uninsured
drivers versus people who are angry that they have to
pay because they've been caught hitting you. I mean, I
would think, if I were an elected official, that one
group would have a whole lot more weight in my mind.

MR. STEEN: Chief, what's the division
of responsibility in terms of administrating this
between DPS and the vendor?

MS. JUDY BROWN: We administer the
contracts. We monitor statistically. We perform
audits on the contractor to ensure that collections are
made timely. I mean, we own the contract with the
vendor.

MR. STEEN: And have we been with this
particular vendor since the beginning of this program?

MS. JUDY BROWN: We have.

MR. STEEN: And in terms of the term,
what is the term of the contract?

MS. HIBBS: It will expire in September
of 2014. We've recently renewed it last year for a
five-year term.

MS. BROWN: If we wanted to pursue a
more aggressive approach, what would need to be done if
we decided we did want to garnish and liens?

MS. JUDY BROWN: What we'd have to do is
change the service level agreement with the vendor to
allow the vendor then to determine, is it an increase
in their percentage of their collection, which they've
got room to increase that obviously between the
percentage that they're charging and the 30 percent the
statute allows, but we could -- they're willing to do
anything that we ask them to do, it would just be a
change in service on our agreement.

MR. WALKER: Under the statute, we could
report to the credit bureaus failure to pay. Is that
right? And we could make -- that's one thing that
could be done right now. The other thing is that we --
I'm sorry, my name is Farrell Walker. I'm Director of
Audit and Inspection.

The other possibility that I believe is
available to us under the contract would be some
annoying automatic phone calls on a more regular basis.
They do call once a month as it is. Is that right?

MS. HIBBS: Yes, sir.

MR. WALKER: And then they get letters
periodically, and those aren't effective, so I'm not
sure if harassing phone calls are going to do much, but
those are the two things that we're not doing that we
could.

MS. BROWN: Well, and I guess I'm
unclear. From what you said earlier, it sounds like if we tweak our contract, then we can do whatever we want, obviously within the confines of the law. Is that right? So if we change our service agreement, then if we want to slap a lien on someone who has had six no insurance, we can do that.

MS. JUDY BROWN: I would think we need statutory authority to do the lien, but if we want to increase the number of phone calls, increase the number of letters --

MS. BROWN: I guess that's my question is, in order to change to a more aggressive policy, some of the things you were discussing earlier, we would need -- we're talking about needing more than just changing our contract?

MR. WALKER: Yes.

MS. BROWN: Okay. I get the distinction, then. So if we wanted to up the number of phone calls or letters, that's within our contract, but more than that, we're going outside that?

MR. WALKER: Yes.

MS. BROWN: Okay. Thank you.

CHAIRMAN POLUNSKY: Are there benchmarks in this contract? Are they required a certain -- to hit certain percentage levels of collection?
MS. HIBBS: No, sir, we do not have
those in the contract itself.

CHAIRMAN POLUNSKY: And what -- and how
was the decision made to renew their contract for five
years?

MS. JUDY BROWN: Based on performance,
if they're adequately performing.

CHAIRMAN POLUNSKY: But if they are no
benchmarks and there's no goals in place and so on, I
mean, how do you make that decision that they are
adequately performing?

MS. JUDY BROWN: We control the
benchmarks by what we allow them and don't allow them
to do. We can set benchmarks, but, again, this company
represents DPS when they make that phone call, and when
this program was implemented, the Public Safety
Commission at that point in time, which was several
years ago, didn't even want outbound phone calls made
because they didn't want to come across as a hard-core
collection agent. And we've made changes through --
administration changes and through Commission changes,
we control those changes through the vendor. Now, I'm
not sure that we could benchmark the amount they
collect without giving them the latitude to make the
changes in their collection methodologies.
MS. BROWN: Well, taking your logic from earlier, and you spoke of an incentive for people to go out and keep their insurance if we reduce something, and can't we take that same motivation and apply it to people collecting money? How can we motivate them? And we're using benchmarks, but how do we take that same mindset and give them an incentive to do a better job?

MS. HIBBS: I believe there are some things that we do right now from a program administrations perspective. For outbound collections as well as inbound telephone calls, we use standard customer service practices and ensure that they meet all of those. We look at their time period that they have, which is part of their service level agreement, for responding to the calls in an appropriate amount of time. From an outbound collections perspective, I've actually reviewed what is consistent within other collection agency practices as far as the percentage of right-party contacts that we're making.

MS. BROWN: Those sound like quality control issues to me.

MS. HIBBS: Yes.

MS. BROWN: But I'm not hearing incentives. And that's my question is, what are the
incentives?

MS. JUDY BROWN: You know, I think right now the incentive is the percentage that they get off the top.

MR. STEEN: Chief, do attorneys get involved in all of this in terms of representing these people who are being pursued?

MS. JUDY BROWN: From a perspective of representing the people being pursued, I think the attorneys come in when they're fighting the criminal or traffic convictions or those higher-level offenses, such as DWI.

MR. STEEN: The concern I have is that it just gets around that, you know, they're really not going to seek it too hard, if you just -- if you can take the phone calls and just ignore them. And I'm also troubled by that, instead of going after this like I think we should, that we get involved in sort of the nuances of what the legislature, you know, feels about this. It seems like -- my perspective would be we ought to pursue this pretty aggressively on behalf of the State until somebody tells us statutorily not to. You know, it's money that's owed the State that we ought to go after.

MS. JUDY BROWN: We can put forth a plan
to increase the phone calls and get the vendor to
provide us some additional ideas with regards to
increasing -- but basic trying to increase collections,
we've worked with them on a very, very regular basis to
discuss those things and to look at standards and to
look at what's being done in the market. You know,
understand that we suspend the license, and that's the
extent to which we have authority to do within the
current statute.

MR. STEEN: I don't understand the
reluctance to use the lien process. What's the problem
there?

MS. JUDY BROWN: That's a statutory
authority.

MR. STEEN: So we don't have the
authority?

MS. JUDY BROWN: We do not have the
authority to do liens, no. We have discussed that at
least in the first three sessions and that was not an
option for the legislature at that time, would not even
be discussed. And, again, when you compare our
percentage to New Jersey's and they have it, I guess I
question whether it's --

MS. BARTH: Well, I'd like to see the
particular line of surcharges that they're collecting
for. I mean, it really bothers me for it not to be especially punitive on intoxication.

    MS. JUDY BROWN: And you may have an idea, that if we only went with one of offenses, that we may get more ability to be more aggressive in that area.

    MR. STEEN: Mr. Walker, I want to clarify something with you, and I think you were being facetious, but when we call people, we're not going to make annoying calls or, quote, harassing calls? You used those words.

    MR. WALKER: I'm sorry.

    MR. STEEN: Yeah, I think we've got to be careful. I know you've used that in a lighthearted way, but we don't want the record to reflect that, that we're making any calls of that sort. Correct?

    MR. WALKER: That's correct. We could make more frequent calls, is what I said.

    MS. JUDY BROWN: We set the dialogue for those phone calls. We approve it and monitor it. I would encourage any of y'all that are interested, Rebecca will be glad to take you through a tour of that facility. It's literally about three blocks from here. And they have just been inspected and I've been through that facility and we'd be glad to take you through as
well.

MS. BARTH: Based on the inspection report, just sort of looking at the numbers, okay, you said, this fiscal year we expect to collect $200 million. Is that right?

MS. HIBBS: Approximately $170 million.

MS. BARTH: Okay, $170 million. That's an awful lot of money. That's 35 percent, you know, that's an awful lot -- of $600 million or something like that, that's a lot of money, the other $430 million sitting out there. That's just a lot of money for the State of Texas. We put a program in place and, you know, to me, the goal should be 100 percent collection, and I know that's not reasonable, but to have a 35 percent target is --

MS. BROWN: And it sounds like there's a very much a misplaced sympathy, in my opinion, in the legislature for people who are wrongdoers versus those who are injured by the drunkards.

CHAIRMAN POLUNSKY: There may be members of the legislature that have the sympathy here. I think that --

MS. BROWN: Or not kind of with the whole legislature.

CHAIRMAN POLUNSKY: Yeah, if the whole
legislature, or at least the majority of the legislature, felt that way, then this program would not be in existence.

Does this contract have a termination clause?

MS. HIBBS: Yes, sir, it does.

CHAIRMAN POLUNSKY: On what grounds?

MS. HIBBS: I believe, having viewed it recently, we have one for just cause and also one for statutory -- if the program were repealed, then we would obviously cease the contract.

MR. PLATT: We also have a termination provision as we do in most of our contracts.

CHAIRMAN POLUNSKY: So would 60, 90 days, 180 days, whatever notice, we can terminate?

MR. PLATT: Ninety days would be the point in time.

CHAIRMAN POLUNSKY: All right. I would like each commissioner to have a copy of that contract, and maybe an executive summary if it's voluminous.

When these -- let me ask you a question: Are letters sent to these individuals.

MS. JUDY BROWN: Several letters.

CHAIRMAN POLUNSKY: Excuse me?

MS. JUDY BROWN: Several letters.
CHAIRMAN POLUNSKY: And who sends these letters?

MS. JUDY BROWN: The vendor, MSB.

CHAIRMAN POLUNSKY: And on what letterhead?

MS. JUDY BROWN: Ours.

CHAIRMAN POLUNSKY: So that vendor is sending out letters that state Texas Department of Public Safety on the top?

MS. JUDY BROWN: That is correct.

CHAIRMAN POLUNSKY: Okay.

MR. STEEN: Mr. Chairman, that's a good question. Why is that?

MS. JUDY BROWN: They're an agent of the state, that's how we set the contract up, so that they would collect on the State's behalf.

MR. STEEN: It strikes me unusual that a private entity is communicating with people on our letterhead.

CHAIRMAN POLUNSKY: All right. It strikes me as unusual as well. Let me take a step further, though. Are there contracts of this nature that are in place for municipalities?

MS. HIBBS: Other than maybe for collections of outstanding fines, I believe. Is that
what you're referring to, sir? Yes, sir, as a matter of fact, there are, and our vendor is also one of the individuals who collects for the court fines. They have quite a few courts across the state that they collect for.

CHAIRMAN POLUNSKY: And when they send out letters, they're using Texas Department of Public Safety letterheads as well?

MS. HIBBS: No, sir.

CHAIRMAN POLUNSKY: Are you sure?

MS. HIBBS: I have not confirmed that. I can verify that for you, but I don't believe -- I believe they actually send them out on behalf of each individual court with that court's information.

CHAIRMAN POLUNSKY: Would you please look into that.

MS. HIBBS: Certainly.

CHAIRMAN POLUNSKY: I share Commissioner Barth's and I believe the other Commissioner's concern as well. I think that we should be very aggressive in this practice, certainly with respect to DWI's and serious violations, not that any violation is not serious. But I would I would like to say that I think this percentage of collection seems very low to me and I think that the problem with incentives and such is
that that percentage could be increased. I would not be concerned about members of the legislature who may have voiced or even introduced bills in prior legislative sessions that may have wanted to eliminate this process. This process is still the law of the State of Texas and I think that we should do everything within our power to enforce it to its most effective result, so I'd like to have a report on this in our next meeting and get some additional information and kick some ideas around as to how we can improve the system so the results would be better financially.

MS. JUDY BROWN: We'd be glad to do that.

CHAIRMAN POLUNSKY: Does anybody object to that?

MS. BROWN: That's a good idea.

MR. STEEN: I agree, Mr. Chairman, I have a question.

When you put it out and you had people send in proposals, were there any law firms that were interested in that?

MS. JUDY BROWN: No.

MR. STEEN: Is there a reason a law firm couldn't take this on?

MS. JUDY BROWN: If they're a qualified
servicing vendor through DIR, anybody could bid on it.

Again, we're going to go to --

MR. STEEN: So it's not limited to

collection agencies?

MS. JUDY BROWN: I would tell you that,
in any bid evaluation for a collections process, that
we're going to look to their expertise in that area,
but it is not limited at all to those other than the
standards that DIR sets for people allowed to bid on a
process like this.

CHAIRMAN POLUNSKY: When this contract
was extended to 2013, who made that decision? Was that
made by the division or did that come before us? I
don't remember it coming before us, but it may have.
Tell me.

MS. HIBBS: Through the normal process.
I believe it went up through the colonel's office in
accounting and the Office of General Counsel and I
believe it was also reviewed by the Attorney General's
Office as part of our contract.

MS. JUDY BROWN: They are required to
bring all contracts before the Commission. I'd have to
go back and look.

CHAIRMAN POLUNSKY: Well, why don't you
have representatives of that firm present at our July
meeting as well. I think we'd like to get into this.

MS. BARTH: Obviously I did.

CHAIRMAN POLUNSKY: Okay.

MR. STEEN: Mr. Chairman, I'd like to thank Commissioner Barth for bringing this to our attention in the way she has. And also, Mr. Walker, thank you. I think this is pretty important and, considering the amount of money involved, something that we should be involved in.

CHAIRMAN POLUNSKY: I agree. Thank you.

Next item: Review of pending contracts.

Chief Ybarra.

MR. PLATT: Mr. Chairman, I'll also note that Mr. Ybarra and I have discussed one of these three contracts is one we would need to make some legal recommendations to the Commission in Executive Session, and he and I have discussed it and he will elaborate for me.

MR. YBARRA: Hi, Mr. Chairman, Commissioners. Oscar Ybarra, Chief of Finance.

You've been provided a list of three contracts that require review by the Public Safety Commission. Two of the pending contracts in the Public Safety Commission review list meet the criteria of Policy No. 1A2 of the Public Safety Commission.
contracting policies which were adopted on October 16th, 2008. This policy states the criteria as any change order individually or a combination if other change orders that increase the original contract with commitment by 50 percent or more as long as the dollar amount of the change order or orders is $100,000 or more.

The first one is renewal of a blanket order for Stop Stick Tire Deflation System Devices. The estimated renewal cost is $121,329. The project director for this contract is Justin Crane with the Texas High Patrol Division. If there are any questions, Mr. Crane is available.

The second one is renewal of a software development, maintenance and support contract for non-IMS support of Highway Patrol information system applications. Renewal cost is $750,000. The project director for this contract is Todd Ode [phonetic] with the Highway Patrol Division. He's available if you have any questions. The third item Mr. Platt referred to earlier, I will not order that one until after the Commission has had a chance to review this particular contract.

That concludes my report, sir.

CHAIRMAN POLUNSKY: Thank you, Chief.
Discussion at least on the first two contracts?

MS. BARTH: Were those renewals or change orders.

MR. YBARRA: Renewals and change orders are looked at pretty much the same way. I can tell you they are.

MS. BARTH: I look at renewals and change orders as different.

MR. YBARRA: When we meet the criteria of $100,000, we'll get them the same way.

MS. BARTH: Okay. Okay. But are they renewals or change orders?

MR. YBARRA: Renewals.

MS. BARTH: Okay. Thank you. Has there been any concern with the vendors, any voice concerns?

MR. YBARRA: I'm not aware of any, ma'am, but I would defer to the department directors to answer that question.

MS. BARTH: Thank you.

CHAIRMAN POLUNSKY: Further questions?

MR. STEEN: I have a general question about contracts, and maybe this is through Colonel Beckworth. And I need to look into this, I'd like to look at maybe a sample contract. But when we sign these major contracts, how many signatures are on there
that represent DPS? Is it just one or do we have
signature blocks for people approving it, for example,
the General Counsel's Office or Chief Ybarra?

MR. BECKWORTH: No. There's a process
that each particular contract has to go through. There
is a grant coordinator that's looking over the
particular document to ensure that all the details are
included. It will then go to the legal department to
make sure that all the legalities are there. It will
also go to accounting to make sure that accounting can
ensure that the dollars and all the issues are there.
Then it will go to the assistant director of the agency
and the director of the agency for approval. That's
the process it goes through, virtually every one of
them.

MR. STEEN: But, Colonel, when it's
actually signed, is it then just one signature?

MR. BECKWORTH: No, sir. There's
several signatures signed by each one of those entities
I just identified.

MR. STEEN: I'd like to see an example
of that. Part of what, you know, we were talking about
with some of these contracts, I think I'd like the
responsibility of it, that when people -- for example,
if Counsel Platt is reviewing it or Mr. Fox on behalf
of -- that there's a signature block there that says
"approved by the General Counsel's office."

MR. BECKWORTH: I'll provide a copy of
that document.

MR. STEEN: Mr. Chairman, but the idea
is that when we have questions about these contracts
that were done, you know, to have names on there where
there are people that -- instead of someone saying,
"Well, of course it was approved by the General
Counsel's Office or Chief Ybarra," or whatever, so
would you provide me with a sample of what you're
talking about?

MR. BECKWORTH: Yes, sir, I'll do that.

MR. STEEN: Thank you very much.

CHAIRMAN POLUNSKY: Good recommendation.

Any other questions? All right. We'll come back to
the other one.

The Public Safety Commission will now go
into closed session at this time pursuant to the Texas
Open Meetings Act Chapter 551 to consider matters
authorized to be considered in Executive Session under
Government Code Sections 551.071, 072, 073, 074, 076,
and Government Code Section 411.2041. The time is
11:53 a.m.

(Executive Session)
CHAIRMAN POLUNSKY: The Public Safety Commission is now reconvened and a quorum is present in Open Session. The time is 2:37 p.m.

Before we go back to the agenda, I would like to once again call on Michael Kelley. We were unable to address or make a presentation this morning and we now are able to do so, so Michael.

MR. KELLEY: Again, Michael Kelley, Chief of Government Relations. This morning we had some officials here and one of the ones that we wanted to recognize was not available, now he is. Kyle Mitchell, would you please come forward. We appreciate your assistance out of the governor's office in both budget and policy and wanted to duly recognize you for the assistance you provide our agency, so thank you very much.

CHAIRMAN POLUNSKY: All right. We're going to return to item 4D: Discussion and possible action regarding pending litigation and appeal, DPS versus Cox Texas Newspapers and Hearst Newspapers.

MR. PLATT: Mr. Chairman, Stuart Platt on behalf of the Office of Attorney Counsel.

Upon giving legal advice to the Commission, what we will do is pursue some additional matters for the Commission and we will report back to
the Commission and provide additional information for
next month's meeting, or at next month's meeting,
regarding any additional actions taken. If for some
reason action is required before that date, we will
notify the Commission.

CHAIRMAN POLUNSKY: Any discussion?

Thank you, Mr. Platt.

Mr. Ybarra, do we need to come back to
anything with you or did we -- Review of pending
contracts?

MR. YBARRA: Oscar Ybarra, Chief of
Finance. It depends on what action you were going
consider regarding the policy that had been proposed.
If you are willing to move forward, then I would
identify this contract officially for you to review.

Is that correct, Stuart?

MR. PLATT: Yes.

MS. BARTH: Do you want me to make a
motion to approve?

MR. PLATT: Yes. Under 4E, a motion
to -- for the policy regarding vendor responsibilities
regarding sensitive personal information acquired by
the Department, a motion to adopt a policy as a part of
your packet would be appropriate, Commissioner Barth.

MS. BARTH: I make that motion.
CHAIRMAN POLUNSKY: All right. There's a motion that's been made by Commissioner Barth. Is there a second to her motion?

MS. BROWN: Second.

CHAIRMAN POLUNSKY: It's been seconded by Commissioner Brown. Is there a discussion? There is no discussion --

MR. STEEN: Mr. Chairman?

CHAIRMAN POLUNSKY: Yes, Mr. Steen.

MR. STEEN: It's quite a long motion. It's the one that's in our packet. It seems like that we ought to do something, put it up on the screen or something, instead of adopting a motion that people don't particularly know about or -- I think there's an opportunity, I guess, to see it in the minutes. Or how do you recommend that we handle that?

MR. PLATT: We can certainly attach it to the minutes, we can publish it as a policy of the Commission after the meeting, but it's a part of each of your packets.

CHAIRMAN POLUNSKY: Is that sufficient or do you want something on the screen.

MR. STEEN: I think just for purposes of the public being here, maybe put it up on the screen so we can --
CHAIRMAN POLUNSKY: Is that something that can be done expeditiously here?

MR. YBARRA: Yeah, we can come back to that and put it on.

CHAIRMAN POLUNSKY: All right. Can we defer action on this motion?

MR. PLATT: We'll defer action on the motion, if you choose, and then we'll come back to that after we've had a chance to put the technology on the screen.

CHAIRMAN POLUNSKY: Is that acceptable?

MS. BARTH: Fine.

MS. BROWN: Fine.

CHAIRMAN POLUNSKY: All right. We'll come back to that.

All right. We'll move on to ongoing business: Reports, discussion, deliberation, and possible action regarding the following: Procurement of a project management contract to implement organizational changes and planning regarding the development and administration of the project management plan for reorganization.

That would have been Commissioner Clowe.

Since there was not a workshop yesterday, this is probably something that we don't need to address. Does
anyone disagree with that or have any comments?

All right. We'll move on from that.

Executive search firm services for executive director and management positions, interview processes for those positions, status report on the search, and possible action regarding the employment of management position candidates.

That also would have been Commissioner Clowe. He's not here. Let me just make a public statement on where I think we are with respect to this particular item. I believe that I speak for the Commission, but we can certainly discuss this matter or this issue further, but it is, I believe, the intention of the Commission that our committee that is comprised of Commissioner Clowe and Commissioner Barth will be meeting with our search firm, Korn/Ferry in Dallas. Our search firm will provide these two commissioners a list of individuals who they would recommend as candidates for the position of director. Commissioner Barth and Commissioner Clowe will conduct interviews in Dallas, or wherever is appropriate, and cull that list down to a smaller list and that list would be brought back to the full Commission for interviews by all of us at most likely the July meeting, and it is very likely that the Commission, after making -- or conducting
those interviews at our July meeting, would make a
selection at that time.

I think that's pretty much what we're on track on or for. Do any of y'all have anything that you'd like to add to that or comments that you'd like to make?

MR. PLATT: Mr. Chairman, there had been some discussion that, in order to be prepared on that matter, that perhaps the Commission would delegate to you the responsibility to coordinate with our office a contract to do the background investigation for that individual. I don't know if you want a motion in that regard from the Commission or not.

CHAIRMAN POLUNSKY: Well, we can do that, but we can probably do that in July.

MR. PLATT: Okay, that's fine. I'll go ahead and get everything ready and we'll be prepared to look at that.

CHAIRMAN POLUNSKY: Okay. The next item on the agenda is the implementation of driver's license reengineering, new driver's license system, and options regarding implementation. Chief Brown.

MS. JUDY BROWN: Chief Brown, Driver's License Division Chief.

MR. WEISE: Jimmy Weise, IMS.
MS. JUDY BROWN: We have four offices on our new driver's license system. The Capitol office is live and running, the North Lamar Office, the Dennison Office, and then the Garland Office as our first installation. We continue to work through some of the difficulties that are resulting from the Conflickter Virus. The most common of those being the requirement to do a new imagine for the computers as we roll out the rest of the state. We're testing that imagine now. Once we get through a successful testing of that, then we will be able to supply that imagine to Dell and they will then image the remaining 1,404 systems that we have to roll out to the state. We are going live in Waco and Bryan this week and next week --

MR. WEISE: Tonight is Waco and Bryan; next week will be in Houston.

MS. JUDY BROWN: And that will cover the pilot offices. It was our intent from the very beginning to get these pilot offices up and let them run all about 30 days and then begin to roll the system out statewide.

CHAIRMAN POLUNSKY: Commissioner Barth?

MS. BARTH: We had talked about outside contractors for the rollout or for the additional for -- to support and supplement. Do you have any
recommendation as to either one of them.

MR. WEISE: Well, I mean, we've looked at three different options, one where we would use strictly a -- well, regardless of the option, we would have the L1 Company and they were going to supply people to install their own equipment. And then option one was all IMS with them; the other option was IMS and contractors; and third option was all contractors being managed by L1, since all of their equipment has to interface to the workstation, and that way, we would have -- basically one group responsible for that we could hold accountable to get these things up and running and we could pretty much demand a little bit more of a quicker schedule out of them. And that's basically what we're recommending, is to do full contracting. In the original deal or contract, we had money allocated for the rollout and basically we're asking for an additional $50,000 just for contingency to complete the rollout.

MS. JUDY BROWN: And that $50,000 exists in the base budget that was allocated for the DIR budget.

MS. BARTH: I guess what I'd like to see is a firm budget. How long would it take you to put that together?
MR. WEISE: I can knock it out, you know, by mid next week. Basically what I need to do is, with the direction that we would use all contractors, we can -- you know, the thing that we're going to have to consider is that I won't be able to give you an exact penny on the car rentals, the fuel, you know, the per diem for all of them people.

MS. BARTH: We're continuing to move along while you're putting that together. Is that right? There's no delay?

MR. WEISE: Well, the only problem that I have is that I can't get a firm delivery date from Dell until we can figure out the install site or, because if we're going to do it, let's say, in less than six weeks, if that's our target, then we can probably retain the equipment at each individual site for that amount of time versus if it was going to be a lengthy duration, having the risk of that equipment being there for four to six months and it still being there when you show up I consider a pretty high risk, plus a lot of the offices don't have that kind of staging area.

MS. BARTH: So do you think you could put a proposal together in a week, so we're talking about a week delay if we went this way. Is that right?
MR. WEISE: Sure.

MS. BARTH: I'd like to see that before I would be comfortable. I don't know about the rest of the Commissioners.

MS. BROWN: I concur.

CHAIRMAN POLUNSKY: Can you get us that information by mid next week?

MR. WEISE: We'll do our best. I just need to get to the L1 contractors and then the ARC, which would be the local DIR firm that would be supplying the contractors, I need to get them involved is the first thing and then we move from there.

CHAIRMAN POLUNSKY: All right. So would you like us to delegate this authority to you as far as this additional --

MS. BARTH: That's fine.

CHAIRMAN POLUNSKY: Any objection to that? All right. Well, Commissioner Barth will have the authority to go ahead and approve that contract as soon as that information is provided to her next week.

MS. JUDY BROWN: We'll get it to you.

MS. BARTH: Thank you.

CHAIRMAN POLUNSKY: Next item:

Discussion and possible action regarding the ongoing Sunset Review recommendations and other legislation
affecting the Department and the Public Safety Commission. Chief Kelley.

MR. KELLEY: Mr. Chairman, Commissioners, and Colonel Beckworth, Michael Kelley, Chief of Government Relations. I'm going to provide you an update today on the bills that we've tracked this legislative session. Look at the fiscal notes we've prepared, the Sunset Bill itself, the main provisions that were included in this now voluminous bill, including bills that we've requested, DPS requested bills that were not included in Sunset and they also go over where we are in constituent casework.

This is a view of the total amount of bills that were tracked by each one of the divisions. This is with some of them where you had overlap where some bills were tracked by multiple divisions. Each division did a really good job of keeping up and providing background on each one of the bills. I appreciate the Office of General Counsel helping me coordinate this effort to make sure we stayed on top of that and provided a good analysis and also feeding information back to my office and to Chief Platt to make sure we knew when there was a problem so we could get down to the Capitol and fix that.

The total number of bills tracked this
session went up for us. We had over 1,200 new bills filed this session total, of which we were tracking 1,102, that's a 289 increase, so you can see the volume of work went up because so many more bills were introduced this go around. And regardless if they were going to pass or not, if they were going to get a committee hearing or start moving, we still had to analyze and track and keep up where those were. And even more importantly it was important for us to keep up with any of those provisions that might get amended back onto other legislation, namely our Sunset Bill.

Of the bills that we tracked, 33 percent passed to engrossment. We've got 16 percent are enrolled, and so far three percent have been signed by the governor. As a reminder, on Sunday is the deadline for the post to German vetoes that the governor can kill bills after the session has ended. Once there was less than ten days left in the legislative session, the governor did not have to sign or veto bills until 20 days after the session is complete, so therefore, the post to German deadline is Sunday, and it's at that point that we will know which bills he has either signed to become law, which as part of the appropriation Act, he could have either signed, vetoed, or line item vetoed any numbers, in which items that he
does not line item veto will become law since the
governor does not have the pocket veto option.

Fiscal notes, we prepared 613 total
fiscal notes. We figured out about 40 percent of those
are going to have some kind of impact. Again, very
important that we monitor and work with the Legislative
Budget Board, the Governor's Office, the Budget
Planning and Policy, and lawmakers to let them know
when there was a problem, such as an unfunded mandate
or that we would need money, so this was a very
important role that was played this session, to keep up
with what money would be needed to implement these
bills. And, again, you see that's a 30 percent
increase over the last session based on the fact that
there were so many bills filed.

Next, I'm going to go over some of the
main provisions in House Bill 2730, that's the DPS
Sunset Bill. First, we were continued until 2015.
There had been discussion over a six or 12 year
continuation. It was determined that six years, since
we're a large agency with so many changes, would be
sufficient time, but, yet, also they didn't want to
wait twelve for us to come back and show what we've
been doing.

The director of DPS, the option now is
that they do not -- that they have to just to be a
citizen of Texas; they can also be a citizen of the
United States. The Emergency Management Chief is now
required to have five years professional training and
knowledge regarding public safety, security, and
emergency services. The Governor's Division of
Emergency Management now becomes the Texas Division of
Emergency Management and Statute, and the director will
be named by -- the division chief will be named by the
director of DPS with the approval of the governor.
Also required for Emergency Management, these officials
will have to meet at least once every two months, a DPS
representative, Emergency Management Division rep,
Governor's Office of Homeland Security rep, presiding
office of the Homeland Security Counsel, and an
Emergency Management counsel representative. Their
goal is to coordinate Emergency Management and Homeland
Security initiatives, and, again, they must meet at
least once every two months.

The next provision requires that we will
coordinate through the Emergency Management Division
with TxDOT to ensure that, when we have evacuations,
such as with hurricanes or from other disaster areas,
that we utilize road signs to assist those travelers
going to and from those disaster areas. Also, it
requires that we look at having some type of pilot
program to produce credentials, so that, if an
individual needs to go back into an affected area, they
can prove that they truly do have a need to be there
and are not going there to loot or cause trouble.

A provision that is new for our agency
will be the Office of Inspector General. The Internal
Affairs will be called the Office of Inspector General.
They will be responsible to review, investigate, and
oversee the criminal investigations of any activity by
any employee of DPS that they deem necessary to
investigate. Note that the OIG will delegate criminal
investigations to the Rangers and Criminal Law
Enforcement, so the Rangers will take primary role to
investigate criminal activity, but if it is involving
the Ranger Division, the Criminal Law Enforcement will
take over the activity, but at no time is the Office of
Inspector General ever to relinquish control over
making sure that that investigation is ongoing, and
they will report directly to you as the Public Safety
Commission.

Next, some provisions regarding the
Driver's License Office. We must provide customer
service, culture diversity, and education on citizen
documents. There was a concern with the new rule in
Driver's License about trying to determine who is eligible for a driver's license to make sure that these officials do know the difference between the different types of documents that are being presented and that they are very much aware of the different cultures of individuals that come to the office. Also required, after 2011, the Driver Responsibility Program, you can recognize indigency that's determined by a court in order to not to have to charge an individual with the driver responsibility fee that was discussed earlier.

The Vehicle Inspection Advisory Committee will have to now meet at least quarterly instead of at least annually, as they did before. This consists of private groups, private citizens, and some of the industry's representatives that do vehicle emissions testing that will meet with DPS to give input and feedback on that program. The Office of the Vehicle Inspection Program cannot be led anymore by a commissioned officer, it must be a civilian-run program. And I know there's interviews already ongoing coming up that will be for that position and it will be a civilian that will be leading it.

Breath test operators and supervisors, they are no longer allowed to -- they're not going to be called up to ALR, Administrative License Revocation,
Hearings just by written response, they will actually have to be subpoenaed. The goal is to decrease the amount of times that a defense attorney will try and actually bring someone up and not use them just to see if they don't appear so they get the case thrown out.

MR. STEEN: Chief, before you go on, on the Office of the Vehicle Inspections Program, what's behind that, not allowing a commissioned piece officer to serve as program director?

MR. KELLEY: It was the same goal as having a civilian-led, civilian-model, business-model for the Driver's License Division. There was a concern about that they needed a peace officer to be in charge of that program, that a peace officer would be better served doing other items, that this is more of a customer service item that a civilian ought to be running, so it was along that same vein.

MR. STEEN: Thank you.

MR. KELLEY: Okay. For concealed handgun license changes, the mandates that CHL's information -- CHL's instructor information must now be put on our website. The intent was to ensure that, if somebody wants to go take a class, that they can actually find some of the instructors. This does not allow us to suspend a concealed handgun license if
somebody does not -- if a CHL holder does not present their credentials to show their CHL holder during a traffic stop. Although, it is still a requirement of law, there's just no longer a penalty to stop that. This was a concern that Senator Whitmire brought up and that we believe will be studied in the interim, because there's a concern for peace officer safety as to whether or not some individual that's a CHL holder or just traveling should have a duty to tell a peace officer during a traffic stop that they do have a firearm in their vehicle, so we do believe that will be studied in the interim by the Senate Criminal Justice Committee.

DPS must annotate on CHL licenses whether or not an individual is an instructor. This was to consolidate not having to have two separate type identities, that way they can use the same CHL identity. Also, a judge or a district attorney can establish their proficiency for a CHL as long as they meet the TCLEOSE requirements. A provision that assists our officers, the security officers, those are the ones who wear the brown uniforms that you see here on the complex and also at the Capitol, they were not allowed, just like the communications officials and the peace officers they work with, to get comp time for
working a -- when a holiday falls on a weekend. This was a separate bill that had been brought up by Representative Bolton. She met with us when the bill came before the House and asked our assistance. We offered to help her with this, which we had Region Seven assist as well to help us get this through to the benefit of our security officers. So we not only work for our peace officers, we're also trying to assist those who work side by side with them.

The physical fitness standard, we must include in there individual fitness goals regarding age and gender. We already do have that incorporated but, for whatever reason, there was a need to see that in statute to ensure that we always keep that in mind. I do know also that changes that several law makers have wanted got included with, there's supposed to be some kind of reward system, an incentive to stay on the health program, stay healthy, so those that are doing the physical fitness standards or staying healthy could possibly earn time off or some other benefit to encourage them to continue to do well on the program.

As far as the Texas Pharmacy, working with them, Senator Williams had met with Colonel Clark and me to let us know he has a concern about the Pharmacy Board having direct access to the database
that our narcotics service puts together, so they
wanted to -- he wants to look at instead of actually
transferring a study during the interim, transferring
that duty to the Pharmacy Board so that they can
investigate whether or not there's any kind of doctor
shopping or legal dispensing of prescriptions, but we
would still have access to the database to be used in
our drugs and narcotics investigations.

The Private Security Commission, as part
of the Sunset Review, was renamed as the Private
Security Board. That was the bulk of the bill itself,
is actually going through and doing a cleanup to show
that they will no longer have their own separate Sunset
date; they are not fully enrolled into the DPS as part
of the agency. That was something they started in
2003, they came over in 2004 and has fully codified
that change.

In the Private Security Act, we had a
concern -- and this was being addressed in House Bill
1244 by Representative Driver. We were not a party to
this legislation because we're actually under suit
right now. There's a lawsuit filed against us saying
that we're not supposed to enforce the Private Security
Act with regard to computer repairs, so we did not get
involved in this, but Representative Driver was
concerned, since he had brought the legislation, that
we need to narrow down and say that, if you're a
computer repair person who is only doing repairs and
not doing any kind of forensic work for a court, then
you do not have to be licensed under the act, so we're
hoping that will get rid of the litigation that we're
under at this time.

The next provision allows the DPS
Officers Association and the Texas State Troopers
Association to pool leaves so that their individuals
that come here to represent them as an employee group
can have time off without having to use their own time
to be able to represent the interests of those groups
for the Public Safety Commission and State lawmakers.

CHAIRMAN POLUNSKY: Chief, could you --
there is a component part of that that requires that
the Public Safety Commission promulgate rules.

MR. KELLEY: Yes, sir, that's correct.

CHAIRMAN POLUNSKY: So could you get a
little into that?

MR. KELLEY: Sure. There was a question
about how do we implement this program and how do we
make sure that it's done in a way that's fair and does
not take away from the officer taking off and being
able to do their normal jobs. The DPS OA approached us
with this idea and asked our opinion on it, met with Chair Polunsky and myself, and they agreed that they would narrow it down to 480 total hours that an individual could get over a year, that the director would have the final say over who would be approved but that the Commission would create rules to implement that program. TSTA, then, was able to include itself in that by amending the language, and so we will now need to have -- and we're working with Chief Platt. Him and his attorneys are looking at all these provisions to come back with you to say, these are the items this will require rules. That's one of those that you'll have to determine what's going to be the policy to allow these officials to take off to come up here to represent their employee group.

MR. PLATT: Mr. Chairman, along that vein since it's been touched on, what our office has done in coordination with Chief Kelley is, we've divided up among the lawyers every single piece of legislation that passed that affects DPS in some fashion. We're looking for any action required, including rule making by the Commission, any other action required, teaching responsibilities, and then we put that together, we coordinate with his office, and then we send it to the various divisions for review,
and then we'll come to the Commission with proposed rules for consideration at that point in time.

CHAIRMAN POLUNSKY: Thank you.

MR. KELLEY: The next provision deals with private vendors performing criminal background checks. This had originally been a provision that was going to be enacted outright. There was a concern about its implementation, so it turned into an interim study that we'll have to actually look at what's the feasibility of adding more than just Dell One Identity Solutions as a vendor to do the background checks.

Next, commercial buses that are registered in Texas, they do not have to actually have a Texas State sticker on it; they can actually use other stickers from other states as long as they're under federal compliance.

And then the last slide deals with -- as far as the Sunset Bill, by December 1st of 2010, the Sunset Advisory Commission will have to come back and complete a report stating where is DPS as far as implementing the Gardner IT Study, the Driver's License Civilian Business Model. And Amy Trost let me know today, the way this is going to work, in November -- and that's 2010, so we really won't see Sunset until the end of this interim period. Sunset will send us a
letter what will state, "Here are the provisions that -- changes that were required in the Sunset Bill 2730. Please provide us an update as to where you are on their implementation." We will then respond kind of like we did with our self-review -- self-evaluation reviews initially to Sunset to tell them, "Here's where we are on all the changes, with particular attention to the Gardner IT Study and the Driver's License Civilian Model. They will then present that to the legislature, and any follow up, cleanup of the DPS Sunset will happen during the session based on their report back to the legislature.

You can expect that our oversight committees as well, including the Senate Transportation, Homeland Security Committee, Senate Criminal Justice, the House Transportation, and the House Public Safety Committee will be looking at our agency and its implementation to be able to talk about what implementation is going on, what new laws do we need in order to make sure they're implemented properly, and what may have been implemented that was not correct that we want to clean up.

Okay. There were 15 total bills that we asked for out of a list of 36 total that we actually got rolled into the DPS Sunset Bill. It was actually
fortunate for us to have a Sunset Bill this session, because with so many bills dying over in the House, we had a vehicle to get some of this language into the Sunset Bill itself. Again, you approved these changes in October, we then worked with the divisions to go forth and asked lawmakers to carry these bills, so these next three slides show bills that -- this shows the different bills that were rolled in based on the next -- the bill that you had seen those Friday updates about bills requested by DPS. Other bills requested that are still pending, many of them have been sent to the Governor, some of them signed, and so the next couple of slides show you which ones have passed, which ones did not pass.

Next, I wanted to give you an update. I let you know one of the key roles that my office plays is as an ombudsman between the legislature and the divisions here at DPS, and I wanted to give you a snapshot of the casework that we work on that -- I mentioned Sarah Hendricks in my office, that she's there right now taking those calls. We actually have an e-mail address now set up, legislativeliason@TXDPS, that we can get information about constituent concerns. If you'll look, the two slides -- you can go to the next -- combined, you'll see that the total amount of
casework where we are, and the two bulk issues that continue are driver's license inquiries and concealed handgun license inquiries. We do get other inquiries about policy, others about law that we do answer. This only reflects those that take some action by the divisions, whereby, we needed to write it up and ask for action by a division.

But as you'll note, the two mains entries that keep coming up are CHL and DL, and during the Sunset review when we were meeting with lawmakers and working on the Sunset Bill, that issue was brought up, and I know Colonel Beckworth is working to address those two issues. And I think it's really important we recognize these constituent calls reflect that there is a concern that lawmakers are hearing from their voters and that this is -- I just wanted to give you an idea of what are the calls we're receiving and keep you posted on what we're hearing because that's the perception down at the Capitol as to whether or not we're doing a good job on those issues. But, again, as colonel Beckworth had stated earlier, we do have a plan of action to try and address some of these issues.

So that hits all the bills tracked by DPS, the fiscal notes, our Sunset Bill, the requested bills, and then the constituent casework. I'd be glad
to answer any of your questions.

CHAIRMAN POLUNSKY: I have a quick question for you.

MR. KELLEY: Yes, sir.

CHAIRMAN POLUNSKY: I think it would be appropriate for some clarification on page nine where you are referencing the physical fitness standards.

MR. KELLEY: Yes, sir.

CHAIRMAN POLUNSKY: And this may be something that Colonel Beckworth may be addressing later, or could at this point, I don't know, but I think there's some confusion as to what this amendment did or did not do.

MR. BECKWORTH: Yes, sir, that's correct. I would like to state that we have asked our general counsel to take information that was drafted from House Bill 2730 related to the physical readiness testing and job test simulation and also information in Article V, which stipulates that all commissioned personnel who receive funds from Schedule C are required, prior to getting a promotion or a pay raise, they have to complete the PRT or the job test simulation. I'm preparing a document for PRO to work on that we're going to send out to explain all the aspects of this and what our committee that we have
formulated by Chief Valerie Fulmer is working on next week to try to come up with a plan going forward, but the bottom line is, it did not take away that requirement that's set up in Article V. It did not take away Subsection B of the bill that stipulates that the agency still has the ability to terminate employees for not completing the physical readiness test, so we want our employees to fully understand that those things are still in place. We're going to work to address the age and gender component and we're going to address the issue related to an incentive for being in the program, and that incentive looks like a wellness program that we're trying to establish. So I want to make note of those issues, that we're working on that. We're going to try to get this information out late this afternoon to the field so they fully understand that they need to still work towards completing the requirements for the physical fitness test. There's approximately 1,500 commissioned officers who have not completed the 100 percent requirement of the physical readiness test. To those people, salary issues are coming up with challenges, so we're going to encourage all our people to get on board to do what they need to do to fulfill that requirement. Thank you, Mr. Chairman.
CHAIRMAN POLUNSKY: I think that clarifies that. Any questions beyond that for Chief Kelley?

MR. STEEN: Chief, on page 16 on that constituent casework, thank you for presenting that graphing. You're showing that a good number of the inquiries relate to driver's license and concealed handgun licenses, and would you go into that a little bit more, what the nature of those inquiries are?

MR. KELLEY: Sure. Understanding that that's where our -- that's the area that you're going to get the most constituents wanting to call, because if they can't get a driver's license or they can't get their concealed handgun license, they're likely going to call a lawmaker. So we do get other calls other than these other issues, but considering that's a licensing function, that's where you're going to get most of your customer calls and that's why those two stand out.

The CHL questions is mostly about the backlog. They want to know, "I applied, it's been 60; days, is something wrong, did they not receive my packet," and there's a concern, and so we've seen that, and so we've been able to then send a request over to the Administration Division, have them find out where
that file is in the process, and then get back with the
constituent and the staff member who called to let them
know where it is in the process and, if possible, go
ahead and expedite since they've inquired.

As far as the driver's license
inquiries, those tend to be, if an individual -- we'll
get some of them where an individual is about to go fly
out, they need to go see -- they're on business or go
see family members, they've lost their driver's
license, "Can you help expedite getting a license," and
we'll either do that to have one pulled or get a
dossier, something that can be used by Transportation
Security Administration. Some individuals, it may be
that they want to take Defensive Driving and they
waited until the last minute and they need their
driving record right away, luckily, because we have an
online system, we're seeing fewer of those. But you've
also got questions about, you know, they've applied for
their license -- and I know lately the question is --
because the system is -- the new system is taking
awhile and they're used to getting their license within
two weeks when they apply, there's a concern that, if
they didn't get it within two weeks, something must be
wrong. They're still in the queue, they'll be within
the 45 day window, but we're having to explain the
difference between what was happening before and what's happening now and make sure they understand it. So it's a variety of different questions we get, but a lot of it has to do with how quickly a license is being produced.

Other type license questions we might get include private security. You may have a security company that has applied or maybe they have an individual and they want to know, "Look, I'm ready for this guy to go to work, can you make sure his paperwork gets in there?" Again, we have no problem calling the Administration Division and trying to expedite that and then let the lawmaker know that's what we're working on.

MR. STEEN: Thank you.

CHAIRMAN POLUNSKY: All right. Thank you very much, Chief.

Update, report, discussion, and possible action to develop an approach for transforming the administration of the Driver's License Division to a civilian model. Chief Brown. Chief Burroughs.

MR. BURROUGHS: Yes, sir. Bob Burroughs, Assistant chief of the Driver's License Division. Commissioners, back in the April meeting, you approved a transfer policy for the commissioned
officers from Driver's License to begin transferring to the Highway Patrol and to the Criminal Law Enforcement Division. That transfer process was posted on May the 1st, and the individuals -- the selected individuals have been notified of what their positions will be in the future and when we were able to move those individuals over to either the Highway Patrol or over to the Criminal Law Enforcement. Several of our existing supervisor personnel took advantage of those positions and are now -- are basically out of jeopardy of where they job is.

Now, the backfill behind them, in the last week, we've posted 29 positions at the manager, assistant manager, and first line supervisor levels across the state to begin building a side-by-side management structure that can begin taking over and learning the driver's license process for people both from within the agency and from outside the agency. As those folks are selected through the normal selection process, they can then also be trained by the existing commissioned officers who have been doing the job for many years. So that process is ongoing and those positions -- the last of those positions closed today and some of the interviews will start next week.

We've got a training program developed
for these new individuals and new managers coming into
the Driver's License Division, a, really, four, 40-hour
modules to familiarize them with the management
processes at the agency with the technical supervisory
processes of the division and with just general
supervisory and management knowledge. So that's where
we stand today.

The first class is scheduled for the
27th of July, so it's our intent to have these first 29
individuals hired and on board sometime through the
month of July so they can begin going through that
training. As we -- I'm sure we have a couple of years
as people leave that we'll look at the other positions
in the future and start obviously growing this from
the -- as the supervisors -- as the commissioned ranks
leave, the supervisors and the noncommissioned ranks
that are hired will be hired and trained up.

CHAIRMAN POLUNSKY: Are there questions?
Thank you.

Discussion and possible action regarding
review and reconsideration of physical readiness
standards for commissioned officers of the Department.
Chief Fulmer.

MS. FULMER: I'm Valerie Fulmer, Chief
of the Administration Division. The PRT Committee
continues to meet. We have a meeting scheduled for
next Tuesday and, on the agenda, we're going to discuss
the statutory changes that Colonel Beckworth just
referred to and how they affect the PRT and how they
don't affect the PRT as the case may be. Someone from
the General Counsel's Office will be there to outline
the statutory changes and what they mean because the
language itself is confusing to a lot of people.

The other thing we're going to be
discussing is possible incentives. This is something
that actually was on our agenda before the statutory
changes. We put out a survey to all commissioned
officers last month and received a good number of
responses and had a lot of questions regarding
different types of incentives, so the working group is
going to take a look at the survey and make our own
recommendations, so we will probably have some
recommendations to bring either in July or the August
meeting.

That's all I have on that unless you
have questions.

CHAIRMAN POLUNSKY: No questions? Next
item: Discussion and possible action regarding
security measures for the Department.

MS. FULMER: We discussed in Executive
Session some of the initial recommendations after the security assessment. As I mentioned, they'll be putting out a final report in several months, but there are actions that we can take that we discussed during the Executive Session if that's what the Commission wishes.

CHAIRMAN POLUNSKY: I believe that the Commission does, in fact, wish that you go forward.

MS. FULMER: Okay, great. Thanks.

CHAIRMAN POLUNSKY: Discussion and possible action regarding the procurement of an Information Management Intrusion Detection System.

Chief Lane.

MR. LANE: Brian Lane, Chief IMS. Good afternoon, Mr. Chairman. We continue to work with and engage with the Texas Department of Information Resources on their efforts to establish a contracting vehicle with AT&T for the Intrusion Protection Systems. They are in the middle of that process and are just working through the challenges of developing a contract and contract management at this point. I do not have any TA from Mr. Bill Perez from the DIR. They have delivered one very high-level draft contract approximately ten days ago, and it's my understanding from Mr. Perez' call late Friday afternoon that that
has changed significantly, so as soon as they lock down
the next draft, I will have that for you. That's all I
have.

CHAIRMAN POLUNSKY: Thank you, Chief.

Questions on that particular issue?

MS. BARTH: I do.

CHAIRMAN POLUNSKY: Yes.

MS. BARTH: I would like us to put a
stub contract which would have effectively started
April 15th, when we had the Conflickter, when it came
in, for six months, which would take us to October, to
put that contract in place for the Intrusion Prevention
Devices we have today. Okay?

MR. LANE: Yes, ma'am.

MS. BARTH: I'd like us to directly
contract with AT&T and just get that done.

MR. LANE: Yes, ma'am.

MS. BARTH: All right. I mean, that is
my recommendation with respect to the tipping point
devices and what we have, to get that in place.
Because we have now just gone back and forth and we've
got DIR involved in this, and I appreciate all of their
help, but I'd like to have something in place.

MR. LANE: Yes, ma'am. I'll make a call
to AT&T.
CHAIRMAN POLUNSKY: Mr. Platt, does that require formal action or is this sufficient?

MR. PLATT: I think it would probably be wise to have a motion in that regard given the fact that we have some specific policies on acquisition of --

MS. BARTH: We have those devices right now.

MR. PLATT: Right, we do.

MS. BARTH: Okay. I mean, under -- we have those devices how?

MR. LANE: They were given under -- to help us get out of the Conflickter Virus issue that we were having back in April, so those are deployed on our network today.

MS. BARTH: Right. But we haven't formalized --

MR. LANE: No, ma'am, we have not formalized anything. It was out of the good will of the vendor to provide those to us.

MR. PLATT: I think it would be wise to document the Commission's desire to enter into an agreement since it involves Information Management Department business.

CHAIRMAN POLUNSKY: Would you like to
make a motion?

MS. BARTH: I'll make that motion.

MR. STEEN: Second.

CHAIRMAN POLUNSKY: It has been moved that a contract with AT&T be entered into for a six-month period retroactive to April --

MS. BARTH: What was that? The first?

MR. LANE: I believe it was April 12th, sir, but to the moment they were deployed, can we --

CHAIRMAN POLUNSKY: Going forward six months?

MR. LANE: Yes, sir.

CHAIRMAN POLUNSKY: Is that --

MS. BARTH: Directly contracted?

MR. LANE: Yes, ma'am.

MS. BARTH: And how long will it take you to get that in place?

MR. LANE: We will begin immediately to work on that, Commissioner. It's dependent upon AT&T's ability to respond.

MS. BARTH: Do we have like a contract that we can work with with AT&T that we could put a task under it or something?

MR. PLATT: I don't know that we have an -- I mean, do we have an existing contract with AT&T
we can piggyback onto? I don't think we do. We'll have to research it.

MS. BARTH: I just don't want to see in October that we're still talking about the contract. I mean, these guys have stepped up to the plate, I think we need to put a contract in place. That's all I have.

CHAIRMAN POLUNSKY: Okay. We've got a motion and second on this? Mr. Steen? Discussion?

If there's no discussion, all in favor please say aye. Any against, no? Motion passes.

The next item: Report, discussion, and possible action regarding the after action report on computer virus containment. Chief Lane.

MR. LANE: Mr. Chairman, we covered the report last month regarding after action as we addressed the Conflickter Virus. I have nothing further to add to that report, but I'd be happy to answer any questions you may have.

CHAIRMAN POLUNSKY: Are there questions?

Thank you.

MR. LANE: Thank you.

MR. FOX: Mr. Chairman, we do have -- as far as Item 40, we do have the item ready for the screen to put on there the policy dealing with critical sensitive information for vendors.
We have a statement of the policies involved. This is the background information dealing with action going to Item 4E. This is dealing with the revised policy for vendor responsibilities. Just for your information, Duncan Fox with the Office of General Counsel. I've also made copies of the proposed policy and the background information available to the public and we are circulating copies of this because it is kind of a lengthy document. The general proposal of the background information is that we have -- in July, August of 2008, we imposed, through the Commission, a new requirement for vendors, that they provide us with a note -- that we require all vendors who are going to be interacting with personal sensitive information as defined in the policy, that they provide notification in the event of an identity breach to the public and the members who are affected by that breach.

In addition, we have always required that the vendor provide the affective persons with credit monitoring services for 12 months and also require that the vendor provide call center support for the affected persons for 30 days. This requirement has been a bit of a challenge working with vendors and we are looking to revise the policy where we will require, rather than all three of those items, just that we have
a notification requirement to the public, that a vendor
has to, in the event of an identity breach, notify the
members of the public who are affected by that. And
then the other two provisions, which we have, in the
past, required as a mandatory requirement, that we use
those on a case-by-case basis depending upon the
particular contract. This is desired by a number of
our management personnel who have found it very
difficult to negotiate contracts because of the
prohibitive cost in some cases for this. And we also
think that we can address this and we can protect the
public with some proactive steps through designing our
specifications as we put them out to require vendors to
provide us with their individual plans for management
sensitive personal information that we can review and
approve and also use additional criteria in our
enhancement provisions, which are provided and listed
in the attachment.

So that's the background on this
particular item that we would like to have the
Commission approve.

CHAIRMAN POLUNSKY: And that essentially
sets out the motion that Commissioner Barth made
earlier?

MR. FOX: That does.
MR. STEEN: Mr. Fox, just to be clear, this has to do with -- you know, we were talking about sensitive personal information, but nothing that is involved with this is -- you know, it's about those provisions -- I mean, about vendors that have that kind of information.

MR. FOX: That's correct. If a vendor was going -- for example, doing a crime records project for us, they would have access perhaps to customer data, our customer -- our individual members of the public, their social security numbers, identifiers, this kind of information that you as a member of the public have either been required to provide to us or we have gathered, and we're going to have a database that may do some sort of activity with that, and we have to use vendors to do some sort of computer programming. We require them right now obviously to do nondisclosure agreements and intense confidentiality requirements to put them through, but at the same time, we do realize that it is the nature of managing and working with data that data can be breached either through programmers who have information on laptops or other kinds of circumstances where there are incidents that will happen, so we want to have a strategy to deal with the situation where we've had a breach, where they have
failed to comply with the nondisclosure agreement to ensure that there's not disclosure through inadvertence on negligence and that we would have standards to deal with it. So this just deals specifically the requirement on the notification.

Now, we do -- as I said earlier, apart from the policy, the department management is developing standards to identify in our specifications that, when we're procuring that vendor, that they're going to identify to us how they're going to deal with breaches, and at the same time, we want to look carefully at our contracts and make sure that they are -- that any vendor has a financial incentive to make sure that they will protect the data, because we understand that that is a critical component any time that a vendor is going to have access to this sensitive personal information.

MR. POLUNSKY: Thank you very much. And that's all the questions?

The question has been called, all in favor, please say aye. Any against, no. Motion passes. Thank you.

MS. BARTH: Oscar Ybarra, Chief of Finance. Referring back to Item 4G, a contract for review by the Commission. This particular contract is
a Deliverable Based Information Technology Services contract, Crime Record Service invoices, and fee reconciliations project. The project director is Desaray Taylor with Crime Record Services. If you have any questions regarding this contract. I submit it for your review.

CHAIRMAN POLUNSKY: Are there any questions?

Mr. Platt, action item here? No?

MR. PLATT: I'm not sure there's a requirement. I think it's just a consent item, information review by the Commission.

CHAIRMAN POLUNSKY: Okay. Moving onto Reports, Commission member reports. Are there any commission members who have a report or any discussion at this time?

Budget matters.

MR. YBARRA: Oscar Ybarra, Chief of finance. Mr. Chairman, Commissioners, at the last Commission meeting, accounting and budget control identified the exceptional items that have been adopted by the 81st Legislative Session. What I'm going to provide you today is how some of those items are being placed in some of our divisions, and the appropriations are made through Committee Substitute Senate Bill 1 and
the Supplemental Appropriations bill House Bill 45H6.

Our agency is broken down into six goals and that's how we're going to present that information today.

The first goal is Goal A, Texas Highway Patrol. The way this is laid out is, we've identified the increase of funding and the percentage change in these particular goals and identified some of the items that affected these particular goals. For example, in the Highway Patrol, you had Schedule C pay raises; you had the additional patrol vehicles that you mentioned earlier, Mr. Chairman, 300 vehicles, approximately $18 million; and some dollars transferring some of the management, commissioned officer from the Driver's License Division to Highway Patrol.

And Goal B, Driver's License Division.

This is a point three percent increase. This particular item was -- this particular goal was increased based on revenue estimates changing from one biennium to the next regarding the Driver Responsibility Program.

Goal C, Criminal Law Enforcement, a 5.4 percent increase, approximately twelve and a half million dollars. This particular goal was affected by the additional personnel provided by an exceptional item; crime lab operating dollars for Laredo; the
Schedule C pay raise; a couple of contingency appropriations, which I'll mention a little bit later in my report; and some border dollars for gang intelligence.

Goal D, Emergency Management. This is a 1.9 percent reduction, or $6.4 million. The majority for this reduction was, in our current base, we had border dollars appropriated in two rises, in Article V and Article IX, for the Division of Emergency Management, which were appropriated for locals for overtime and operating expenses. The legislature chose to re-allocate some of the funds to other agencies, for example, the Governor's Office, TDCJ, Parks and Wildlife, to name most of those, so that's why you see a reduction. They took some of those base dollars and re-allocated them to agencies rather than those locals, so that's the majority for the reason of these particular reductions.

Goal E, Regulatory Programs. You're going to see a 12.6 percent increase here for additional personnel. We have some Schedule C personnel on this particular goal so you see an increase due to that also.

Goal F, here's where you're going to identify your Information Management Services,
Accounting and Budget Control, General Counsel, Building Program, Crime Record Services. You see that 23.5 percent increase? The majority of that has to do with two major items: $44 million for our information technology that was provided by the legislature and another twelve and a half million for TDex for the operating dollars of that particular database. There's some other items here that we've identified, but that's the majority.

Overall, the agency identifies an 8.8 percent increase in their appropriation from 2009 to fiscal year ten and 11, $144 million and some change there. You'll see an increase of -- this number will change from 355 to 350. The number of FTE's particular were two contingency appropriations that were not enrolled, and I'll identify those here a little bit later. We had 80 commissioned officers and 270 additional noncommissioned personnel added to this next coming biennium.

Contingency riders. House Bill 3594 by Represent McReynolds, this provides two additional FTE's and $1 million related to the preservation of evidence that contains biological materials, and this is for the crime lab.

Senate Bill 727 by Senator Patrick
provides six FTE's and approximately $3.8 million to
the crime labs relating to the creation of DNA records
for the DNA database system for certain felony offense
and establishes fees.

House Bill 2248, this is one of those
bills by Representative Turner that didn't get
enrolled, so this particular contingency appropriation
will not be effecting these next items. The same thing
goes for Senate Bill 81 by Senator Nelson, this
particular item is also not enrolled.

There was also a --

MR. STEEN: Chief, go back to that,
what's your comment that it was not --

MR. YBARRA: It was not passed by the
legislature, so because it didn't pass, that
appropriation will never take place because that
particular bill did not go through.

Supplement Appropriations Bill, House
Bill 4586 by Pitts and Eiland, provided additional
appropriations for the agency, specifically in the
Division of Emergency Management, almost $3 million to
enhance the capability of the State to plan and
coordinate emergency preparedness, emergency response,
and disaster recovery. Also in Division of Emergency
Management, it provides 29 FTE's, a little over a
million and a half dollars, to enhance the capability
of the State Operations Center and to fund FTE's.
Also, this bill provides almost $3.4 million for the
reclassification of police communication operators and
supervisors at the Bureau of Law Enforcement
Communications and Technology. It also provides
$350,000 for the reclassification of positions for the
forensic scientists in the Forensic Breath Laboratory
Services. This bill also reduces our appropriation
specifically in more security for the Regional Center
for Operations and Intelligence in Laredo by five and a
half million dollars. The bill also provided a
one-time payment to noncommissioned personnel of $800,
which is payable in August of 2009.

As far as full-time employees, a little
breakdown here to identify some of the areas, but we
added additional personnel this last session. You'll
see the additional personnel provided by the
legislature, which includes nine FTE's. Some of those
FTE's are going to be for the driving track, those
commissioned officers for training out there at the
driving track; 66 noncommissioned FTE's, we were
talking about earlier, there was comments about adding
11 employees for the regulatory programs, part of that
is in there. There's some accountants. There are some
building program personnel, which makes up that number. The other large impact will be DL Civilian Management of 160 FTE's. That's a conversion from a commissioned to a non-commissioned environment. There's also 66 FTE's for border security. 56 of those commissioned officers would be in the Highway Patrol and ten would be for the Texas Rangers.

That concludes my report, sir. I'll be glad to answer any questions if you have any.

MR. POLUNSKY: Questions for Chief Ybarra? Thank you, sir.

Audit and Inspection. Mr. Walker.

MR. WALKER: Farrell Walker, Director of Audit and Inspection. My report included two follow-up audit projects that were completed that indicated a number of recommendations have been implemented and several were ongoing. However, the ones that remain ongoing, I expect to be completed, according to management representations, by the end of this summer, so action is being taken and will be completed shortly.

Our report also includes several field inspection and headquarters inspection reports, one of which we reviewed briefly this morning in connection with the Driver Responsibility Program. Those reports, with the exception of the Driver Responsibility Program...
and Vehicle Inspection Records Service, include recommendations for improvements. Many of those deal with administrative matters, but you'll notice several recommendations in connection with Entrust and Property, which seems to be an ongoing issue with us, but we have seen the divisions take action to improve compliance, so hopefully we'll see that drop off before too many more iterations of our cycle.

In connection with the Deloitte Project that's been ongoing for six weeks now, I expect to get a draft report today and we'll be working with management to get their responses in the next week or two and have a final report that I'll share with the Commission at that time and will be available at the next Commission meeting.

With that, I'll conclude my report unless you have questions.

CHAIRMAN POLUNSKY: Are there questions?

Thank you, Mr. Walker.

MR. WALKER: Thank you.

CHAIRMAN POLUNSKY: Division status reports on activities and actions taken.

Administration. Chief Fulmer.

MS. FULMER: You have my report. Two things that I'd like to mention that are not in the
report: Our recruiters actually went to Michigan in June. The report says that they're going to Michigan; they did go to Michigan, and actually received 56 applications that day on commissioned officers, so that was a fruitful trip.

In addition, the emergency vehicles track, the skills test portion of it, just this week we went out and inspected it and actually approved substantial completion for it, so we should be able to use the skill test portion fairly soon.

That's all I've got unless you have questions.


MR. RUOCCHO: Good afternoon. Tom Ruocco, Criminal Law Enforcement Chief. You have my report. There's just one thing I wanted to bring up. The last two Commission meetings, we've recognized the achievements of personnel in the Department regarding the recovery of kidnapped children, and while they're very desirable and they're great accomplishments, our job didn't stop there, and I think the best way to keep our children safe is to identify and prosecute the offenders, and with that I wanted to bring up a couple of follow-ups.
This follow up commenced in 2008 where three children were kidnapped out of Lubbock, Texas, and were recovered, and when they were recovered, they were digging a hole and told by the offender that they were looking for money at the time of the recovery. We're happen to report that that person was convicted on three counts of kidnapping in federal court.

Also, our Corpus database has about 400 DNA profiles right now. This month we had 117 hits against state offenders, 37 of which were for sexual assault, so I think that that's -- that falls into, we're happy to announce that we'll have groundbreaking on the new lab here in July and we're hoping to expect the same results in the Houston and Tyler lab and hoping to move into the Garland lab later this month.

That's all I've got unless you have any questions.

CHAIRMAN POLUNSKY: Questions? Thank you, Chief Ruocco.

Emergency management. Chief Colley.

MR. COLLEY: Jack Colley, Chief of Emergency Management Division. Mr. Chairman, Commissioners, our main effort right now is the hurricanes and severe weather preparedness; we're putting a lot of effort into that. We've conducted
over 32 exercises, conferences, whatever. We'll finish up this week with a major state exercise. Next week -- we've met with about 150 county judges and mayors at a summit two weeks ago in which we went through a rehearsal, if you will, this season. It was productive in doing that.

We've got about ten major initiatives that we're putting in this year; I just want to briefly share with you one of them if my assistant chief can operate that. His job is dependant on it. Certainly his vacation is dependant on it.

(laughter)

MR. COLLEY: We have about ten initiatives, and one of them is, we've created this year -- you've heard a lot about re-entry operations and those kinds of things, the legislature gave me about 35 tasks, directed tasks, for that. One of them is to conduct re-entry operations, and to that end, we didn't wait for the legislature, we've already began that. Next slide. What we've done is created four task forces; we call it three lights and a heavy. There will be a task force in Dallas called Task Force Dallas, Task Force Waco, Task Force Austin, and then we call Task Force Texas, which will be in San Antonio. Each one of the light task forces will have about 250
1 to 300 personnel. Each one will be totally
2 self-contained, have a 250-person responder shelter and
3 a 250-person victim shelter. It will also have a
4 communication package, and this is unique, it comes
5 from other parts of the State. These task forces will
6 be stood about at 85 -- that's 96, so that's 96 hours
7 prior to the arrival of tropical storm winds. We're
8 pretty excited about this and that we have prepared for
9 this and going through the process.
10
11 What it relates to DPS is, each one of
12 those task forces will be commanded by a Department of
13 Public Safety Highway Patrol lieutenant or captain, so
14 it will be a big responsibility for them as they put
15 those together. Next week we have a major rehearsal on
16 this. July the 21st through the 23rd, we're actually
17 going to do what we call a Mobex; we're going to stand
18 them up and bring them together in these areas. In
19 August we're going to do the same thing with Task Force
20 Texas. Task Force Texas will be a much larger task
21 force. It will have a 500-responder group and a
22 500-victim shelter tent, and a 500-victim shelter tent,
23 along with all the support that would go along with
24 that. It will also have the credentialing capability
25 you heard mentioned about being able to get on the task
26 to do that, so we've worked out all those procedures to
be able to credential people as they go in. The Department of Public Safety will be responsible for security, not only this task force, but the intent is, as soon as it's safe to move into an area, the Department will move in with this task force and it will provide the security for the impacted area. It takes away a lot of the lessons learned from Ike.

Obviously, we're very satisfied with the legislature, the Division of Emergency Management. You can tell from the shuffle of the money, but what does it really mean to us? We got 29 FTE's. We got a $62 million disaster contingency fund that we'll be responsible for, which is absolutely outstanding in this time, and the ability to access another $100 million going through some procedures, so that makes a major difference going into this year. The impact on the Department is, the Department won't have to be disaster dependent upon it, which it has done in the past. That's a major, major thing for us.

We also got authorization for two resource staging areas. We already had those two, just codified it in legislation. It allows us to spend up to $3.5 million for that, and we can do that out of federal funds. We'll establish one in Lufkin and one in San Antonio. We have about $10.5 million worth of
inventory in those now and we'll be able to increase
that now and partner that with FEMA, so we're very
fortunate to get that. The other thing that the
legislature gave us, of course, is a comp time,
overtime bill, which is a very significant piece not
just for my employees but all Department -- well, I
guess it's for all the State employees, and that is to
be able to, at the director's authority, convert comp
time to overtime during a declared governor's disaster.
It also lifts the hotel and motel cap from $85 to a day
to whatever it needed in a disaster area. That's
taking care of our people and we're very satisfied with
that.

The other thing the legislature gave
us -- there's no free lunch -- is about 35 major tasks
for the Emergency Management Division to accomplish.
We're going through the bill now, but those are things
we will have to do in any number of bills that relates
to what we do both directly and indirectly. The other
operation, of course, Operation Border Star is ongoing
every day. The funding for that is -- it is sufficient
for what we want to do going into this year. We're
still sorting out those things and what's provided in
funding by stimulus package and what's being funded by
appropriations, and we're working with the Governor's
Office on that.

Lastly, in the end of July, we'll conduct a major exercise here in Texas, the 27th of July, called NLE09, National Level Exercise 09. It is a major exercise for the Department of Homeland Security that focuses on prevention and protection, not response, and it will have a large piece in it for information sharing and those kinds of things.

That completes my report, Mr. Chairman, subject to your questions.

CHAIRMAN POLUNSKY: Thank you, Chief.

Questions?

MR. STEEN: Chief, you said you got how much for disaster contingency funds?

MR. COLLEY: $62 million.

MR. STEEN: And tell me how that operates.

MR. COLLEY: The Governor and the Trusted Program put in the legislature that I have to write the -- I will be the one who will administer that and I have to develop the procedures for that, in other words, to access it. It's there for preparedness. Preparedness means, for example, Commissioner, the governor directs us to pre-position resources based on risk not on occurrence, so that allows us to bring up
buses and ambulances and aircraft and people prior to
an event occurring. That costs money. At the same
time, our jurisdictions do the same thing. So this is
the first time we've ever had that capability. We
usually had to wait for reimbursement from FEMA ma or
wait for other sources to do that. This makes a big
difference, and it makes a big difference in our
sheltering communities. The economic turn, you know,
has made a big impact now on our communities that host
our evacuees. The simple fact is, you know, it is what
it is, so cash flows are not out there anymore, cash
reserves are not there anymore. Texas is a zero
deficit State; that means you can't spend money you
don't have. So it all relates now on an impact on a --
and not just the hurricane, it has to do with all
events we have now, wildfires especially. So this
contingency fund gives us a big plus. The governor
worked hard to get this and that will make an impact on
our ability for communities to respond without that
thing hanging over them about dollars and working
through that. It allows the State to do what we ought
to do, so we're very fortunate in getting that this
year.

MR. STEEN: Thank you.

CHAIRMAN POLUNSKY: Thank you, Chief
Colley, and welcome to the Department.

MR. COLLEY: I have an opinion on that if you want it.

(Laughter)

CHAIRMAN POLUNSKY: Not really.

Texas Highway Patrol. Chief Baker.

MR. BAKER: Good afternoon, Mr. Chairman, Commissioners, Colonel. You have my report. I'll briefly talk to you about our monthly crash activity report. We continue to see a reduction in the errors. However the increase for April was pretty minimal, it was .8 percent. A decrease is better than an increase.

A couple of things that I would like to bring to your attention occurred this month. June 2nd, 3rd, and 4th, Texas participated in Road Check 2009 with other state police agencies in the nation and Mexico and Canada, and during that three-day period, we inspected 7,316 commercial vehicles. We placed 1,636 of the vehicles out of service and 202 drivers out of service during that period for pretty serious violations. There were -- we encountered drivers who under the influence of alcohol during these road checks. This is a program that's advertised significantly, and you would think truck drivers would
know at least during that time frame to refrain from drinking any alcoholic beverages during their road trips.

Another incident or event was Texas Challenge 2009. Annually our CV personnel participates in Challenge competitions in each region of the state. These competitions involve inspecting vehicles for federal motor carrier safety and hazardous material regulations. They take written tests, they do interviews with judges, and our -- each winner from each region goes to College Station for the big event, and our grand champion for this event was Trooper Brad Gibson from Big Spring and the runnerup was a compliance review investigator, Steve Sheets [phonetic], from El Paso. The winner of this competition goes to -- I believe it's Philadelphia this year for the national challenge competition where they will complete with other state police agencies.

The last thing I would like to bring to your attention -- it kind of highlights the use of our in-car system and our communication service -- Trooper James Harden was on routine patrol on June the 2nd and stopped a vehicle for a very minor traffic violation. He checked out the vehicle via the in-car computer and the police communications operator on the inside ran
the tag and it came back with a hit that the driver was wanted for aiding an escapee, and the dispatcher contacted the trooper and advised him of this information and said that she may possibly be accompanied by the escapee and the dispatcher gave the name to the trooper. There was a male passenger in the vehicle and he was asked to be identified and, of course, immediately he gave a false name. We were able to contact Mississippi Department of Corrections and they e-mailed the photograph to our communications facility, our communications facility e-mailed the photograph directly to the trooper there on the roadside, and within just a matter of minutes, we had an escapee from Mississippi positively identified. And that's just -- the technology did not exist until recently and it's great. Our troopers love that in-car system. We'll continue to see positive results from that equipment.

And with that, I'll close and be happy to entertain any questions that you may ask.

CHAIRMAN POLUNSKY: Thank you, Chief.

Driver's License. Chief Brown.

MS. JUDY BROWN: I don't have anything to add to my report unless you have questions.

CHAIRMAN POLUNSKY: Well, yeah I do.
MS. JUDY BROWN: Judy Brown, Chief of Driver's License Division.

CHAIRMAN POLUNSKY: I would like to make note of the fact for those who are not aware of it that Chief Brown has announced her retirement from the Department Public Safety Commission after 33 years or 32 years?

MS. JUDY BROWN: 31 and a half.

CHAIRMAN POLUNSKY: And that's a long time. As far as the Public Safety Commission is concerned, we would like to thank you sincerely for your many, many years of service to the Department and to the State of Texas. You've done an excellent job and we very much thank you for everything that you've done. We wish you good luck in whatever endeavor that you are next going to take on. I'm sure that you will be quite successful at that. If you have any words, I would invite you to take the opportunity.

MS. JUDY BROWN: I have an interesting opportunity. I've had a very nice career here. I have enjoyed 99.9 percent of it. I have other opportunities that will utilize my expertise and allow me to work from my back porch, so I am ready to move on and take on a second career, probably not as long as 32 years, but gives me an opportunity to do some other things.
CHAIRMAN POLUNSKY: Well, again, thank you. Thank you, Chief, for everything that you have done. We appreciate it.

MR. BECKWORTH: I would like to make a comment to Chief Brown. Many of you may not know this, but Chief Brown is heavily involved in the Amber Association. That's a program that's established all over the nation for law enforcement and it's very important for the Driver's License Division, and she is on the board and one of most significant individuals as it relates to driver's licenses across the nation. She is the Chair on that particular board and has done an exceptional job. And by being in that arena, she has brought to this agency a lot of the information going forward for our Driver's License Program, and I want to personally thank you for all the work you've done there and I wish you the very best in your future endeavors. With that, we're going to give you a round of applause. Thank you very much.

CHAIRMAN POLUNSKY: Texas Rangers Division, Representative from GQ.

(Laughter)

MR. LEAL: You have my report. One I'm going to point out, and the other one, I'm going to chastised for not putting up there, which I forgot
about, but I will have it up there next time.

The one out of -- that's here in Medina County, that's another -- these companies now seem to be completing with each other, and I know I've been pointing these out for about two or three months, but this is another 1994 murder involving two people out of San Antonio, another real cold case. I call them that because there's two kinds, the kind you get a DNA hit on and you go pick them up and put them in jail. This is another 1994 -- these people left -- were reported missing out of San Antonio, a male and female, but the Cold Case Squad Rangers out of San Antonio reopened, and, along with the FBI and the sheriff's department, were able to locate these bodies buried on a ranch in Medina County and were able to make arrests on -- which is going to tie it to some organized crimes activity out of San Antonio, which we, in turn, passed on to the CLE Division to work on.

The other thing I wanted to point out is, right beneath that, in the Eckert County, those arrows in that car, it looks the same on both sides, those are all bullet holes, and that was tied to some guys that came here from Mexico thinking they were really bad, and the guys from Eckert County were a little bit badder.
MS. BROWN: Those aren't like shotgun shells, are they? I mean, that's like a --

MR. LEAL: No. These were fully automatic assault rifles. The two guys in the Escalade came to collect some money and stayed here with us and we were able to arrest five people in that murder along with CLE and local authorities, and it's a long story, but that was a significant case, getting five separate drug dealers out of Eckert County.

MS. BROWN: Well, I guess, with guys that have fully automatic weapons, it's probably not their first rodeo.

MR. LEAL: Right, exactly.

That's all I have. The rest of it's pretty routine murders and mayhem.

MS. BROWN: Just another day in the life of a Ranger.

CHAIRMAN POLUNSKY: Are there questions for Chief Leal?

MS. BROWN: I would like to give a little praise to the Rangers for investigating what looked to be like the natural death of a child and turned out to be, unfortunately, a child that was probably sexually assaulted and then killed. That's got to be a tough task to just deal with emotionally
and certainly very hard to prove up forensically, so I think that's really neat that you guys are going back and looking at that. That's a real injustice.

MR. LEAL: Thank you.

CHAIRMAN POLUNSKY: Thank you, Chief.

MR. LEAL: Yes, sir.

CHAIRMAN POLUNSKY: IMS. Chief Lane.

MR. LANE: Good afternoon again. Brian Lane, Chief of IMS. Mr. Chairman, Commissioners, I have nothing else to add to my report other than we are preparing for, we hope, a very timely start for our Chief Information Officer. The team is excited.

There's a lot of energy within not only IMS but I think the entire agency as we move forward with a significant budget for the first time in our history. We're pulling together documentation around procurement, project management, and other DIR specific needs that he or she will need to have that information on on how they execute business within State government. We've got that pulled together and ready to execute with that as soon as they walk in the door with hope of getting the ground running on day one and seeing where we are in 30, 90, 60 days as well as toward the end of the year, so we're exciting; we're looking for to it.

Thank you for the work that you've done. Thank you for
the opportunity for me to go through that process as well, and we're ready, so as soon as we can get this individual on board, we are all fired up and ready for it to happen, so thank you. I have nothing further.

CHAIRMAN POLUNSKY: Thank you for your comments, Chief Lane, and let me thank you for everything that you've done up until now. You've had a very challenging situation that you stepped into and put a lot of hours into it and a lot of sweat and blood and so on and stepped up to it. We appreciate it.

MR. LANE: Thank you, sir. This agency is -- I think it's not only I, but most the employees, it's the agency; it's what we stand for; it's what we do every day, so thank you.

CHAIRMAN POLUNSKY: Thank you. Colonel Beckworth.

MR. BECKWORTH: Yes. Mr. Chairman, with that being said, I'd like to announce the hiring of a CIO for the agency. We've identified an individual by the name of Brad Rable. I would have liked for Mr. Rable to have been today; however, he is out of state. He will start work affective the 29th of this month. He brings a lot of energy to the table. For the last ten years, he has been the vice-president of USAA, a Fortune 500 Financial Service out of San Antonio. He
has extreme knowledge, energy, and a strong leadership
in the IT arena, and I am excited about this image
ability that he will bring. Along with Brian Lane's
efforts, I think we are headed in the right direction
in our IT arena and I think this is going to be a great
addition to our team. So I wanted to make that
announcement. Thank you, sir.

CHAIRMAN POLUNSKY: Great. I would
second that. I'm very excited about the opportunity of
having Mr. Rable join the Department and I think he
will be a great asset to DPS and IMS and we'll build on
what Brian and his people have done and with Brian
going forward. Thank you.

Concent items. Does anybody want to
pull any of these items out for individual discussion?

MR. STEEN: Colonel Beckworth, is there
anything that we ought to be particularly concerned
about?

MR. BECKWORTH: No, sir, Commissioner,
everything is good in those items.

MR. STEEN: Okay. I'll move approval.

MS. BROWN: I'll second.

CHAIRMAN POLUNSKY: All right. It's
been moved by Commissioner Steen and seconded by
Commissioner Brown that the consent items be approved
as set out by the agenda.

Any discussion? All in favor, please say aye. Any against, no. Motion passes.

Does anybody have anything that they would like to discuss for a future agenda item?

Including the next agenda?

The next meeting, anybody have any problem with the 16th of July for our next meeting?

MR. STEEN: Something is coming to mind, but I can't remember what it is, so I'm fine with that right now.

CHAIRMAN POLUNSKY: Okay. Well, if something does, just call Linda and we'll address it, but as of right now, it will be the 16th of July.

Anything else?

The public Safety Commission is now adjourned. The time is 4:15 p.m.
I, Kim Furr, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of my stenographic notes taken in the above-captioned cause at the Texas Public Safety Commission meeting in Austin, Texas.

Witness my hand this 15th day of July, 2009.

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Kim Furr, CSR, RPR
CSR No. 6997, Expires 12/31/09
Integrity Legal Support Solutions
Firm Registration No. 528
114 West 7th Street, Suite 240
Austin, Texas 78701
(512) 320-8690
(512) 320-8692 (Fax)