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OPEN MEETING  
PUBLIC SAFETY COMMISSION  
JUNE 18TH, 2009

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

APPEARANCES

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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

1 CHAIRMAN POLUNSKY: Commissioner Barth?

2 MS. BARTH: Present.

3 CHAIRMAN POLUNSKY: Commissioner Brown?

4 MS. BROWN: Present.

5 CHAIRMAN POLUNSKY: Commissioner Clowe

6 is absent. Commissioner Steen?

7 MR. STEEN: Present.

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

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

17 MR. STEEN: Move adoption.

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

21 MS. BROWN: Second.

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

24 Is there a discussion on the motion?

25 There is no discussion, all in favor

1 please say aye. Any against, no? Motion passes.

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

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

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

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

14 CHAIRMAN POLUNSKY: Sure.

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

19 CHAIRMAN POLUNSKY: Could you provide an  
20 address, please?

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

23 CHAIRMAN POLUNSKY: Thank you.

24 MS. TRIPP: The Texas State Rifle  
25 Association has been around 90 years. We're the NRA

1 state affiliates. My current president is a retired  
2 DPS officer, Dan walker. He and his wife, Bridget,  
3 were both DPS officers, so my association has a long  
4 history of interaction with law enforcement. About  
5 once a year, over the ten years that I've been doing  
6 this, I end up having to be in touch with DPS and  
7 generally with the legislature because of delays to  
8 concealed handgun licenses, and I'm back. Usually the  
9 delays have been, in past years, vacation time for  
10 people in DPS, maternity leaves, a 911 spike when 911  
11 occurred, but as we've gotten more and more licenses,  
12 314,000, now we're into renewals, and the answer has  
13 always been money, give us more money. Well, the  
14 legislature, I believe, appropriated, when it's signed,  
15 11 employees specific to concealed handgun licenses.  
16 We urgently hope that those make the difference.

17           What I included in the handout has to do  
18 with changes in statute, many that we've proposed from  
19 the get-go that should possibly streamline the process.  
20 You all allowed -- or the legislature passed doing away  
21 with the TR100 Form, which came about out of the  
22 legislative process and is a form with carbon paper, to  
23 give you some idea how old the form is. I included a  
24 sample of what the State of Utah does -- it's the  
25 download of their website -- and the instructor has a

1 stamp similar to what a notary stamp is, so all those  
2 are -- all the forms that Utah uses are free and  
3 downloaded off the website. They don't have to be  
4 printed; they don't have to be sent out; they don't  
5 have to be numbered, and they're free to the  
6 instructors.

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

18 I also included a rather bizarre  
19 complaint from an instructor who ordered a large number  
20 of TR100 forms on the Internet, paid for them by credit  
21 card on the Internet. The TR100 Forms were delivered,  
22 he held classes with those forms, and then a second  
23 order of forms showed up on his door. He saw that it  
24 was a duplicate order, he hadn't ordered them, so he  
25 left them in the package. Someone from the Concealed

1 Handgun License Department eventually called him and  
2 wanted to know if he had gotten his order duplicated  
3 and he said yes, and he said, "In fact, I'll go ahead  
4 and pay for them if you want me to." And they said,  
5 "Oh, no, no, no, we need you to return the first order  
6 because we didn't send it out appropriately and all we  
7 can guess is that somehow those original numbers  
8 weren't written down." He said, "Well, I can't return  
9 the first order, I've already had classes and I've  
10 given some of them to my students." And they said,  
11 "Well, you have to return them and you can't use the  
12 second order until you pay for it," although he's  
13 already paid for the first order. And he said, "Okay,  
14 I'll try and work with you if you can work with me. So  
15 the students that I've given these first forms to, are  
16 their packages going to be delayed?" "Oh, yeah, yes,  
17 they'll be delayed." Through no fault of theirs and no  
18 fault of his.

19                   And, by the way, that didn't happen to  
20 one instructor, it happened to a bunch of instructors.  
21 All on the same day, they had their form orders  
22 duplicated. So that's the kind of public relations  
23 stuff. And my association isn't a concealed handgun  
24 instructors association, I just -- I'm very easy to  
25 find, like some of you are, and I end up representing

1 the instructors and representing the individual handgun  
2 licensees strictly because of what my job is and the  
3 fact that I don't leave Texas, I'm here, unlike the NRA  
4 lobbyists.

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

22 I hope that with more help and with  
23 better organization, maybe doing away with some of  
24 these forms like this thing with carbon paper that has  
25 to be signed out and checked in and charged and all



1 that, that we ultimately -- oh, and now civilian  
2 employees can do some of this background checking, not  
3 just a uniformed employee, hoping that this does, in  
4 fact, streamline and gets to where, I don't want to  
5 ever come back because of delays, much less regularly.

6 That's all I have. Thank you.

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

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

21 MR. BECKWORTH: We realize the  
22 significance of the increase in the number of  
23 applications that we were receiving. We have several  
24 temporary employees trying to address the backlog.  
25 Normally there are about 64,000, 65,000 applications

1 processed annually, so far this year, we have  
2 approximately \$48,000 applications in the process. We  
3 have a significant backlog. Yesterday we authorized  
4 and approved to hire 60 temporary employees to come on  
5 board July the 8th. When those employees come on  
6 board, we're going to go ahead and try to address that  
7 backlog by August the 31st. On the back side of that,  
8 we've asked the Highway Patrol to add additional  
9 troopers all over the state to do the background, and  
10 in addition to the background, we're asking them to go  
11 to the county clerk's office, the district clerk's  
12 office, the sheriff department and look for better ways  
13 to be able to track that information they need to  
14 complete the background. We believe this effort over  
15 the next 60 days will help us address the backlog.  
16 We're going to try to put an automated system in place  
17 to address the issue; that's what we're trying to do.

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

25 CHAIRMAN POLUNSKY: Thank you for being

1 here and we understand the issue.

2 Is there anybody else here this morning  
3 who would like to address the Public Safety Commission?  
4 No one else? Thank you.

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

8 Chief Kelley.

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

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

23 Sunset Review, which has lasted over the  
24 last two years and will continue during the next two  
25 years -- and we'll discuss that in a little while in my

1 presentation and explain what the role Sunset is going  
2 to be after this session. I'd like to ask Amy Trost  
3 with the Sunset Commission if she could come forward.  
4 Ken Levine and Ken Martin with her staff luckily are on  
5 vacation so they won't be here, but, Amy, would you  
6 mind taking that to them and tell them that we very  
7 much appreciate their help and support?

8           Next, Chris Steinbach, Chief of Staff  
9 for Representative Lois Kolkhorst. She was the author  
10 of House Bill 2730 of the Sunset Bill. He survived us  
11 camping out at his office and worked very hard with us.  
12 Athena Ponce, who is with Senator Hinojosa, and Athena  
13 worked -- also let us camp out in her office and worked  
14 really hard on helping on the Senate side and we really  
15 appreciate her. Pete Winckler -- did he make it in?  
16 We will draft him with Senator Hegar's office. Next,  
17 working with us on our budget this year, Lori Gabbert  
18 with the Legislative Budget Board, did an excellent job  
19 of keeping us on our toes and keeping us informed, so  
20 we'd like to recognize her at this time. Mike Meyer  
21 with the Senate Finance Committee, who also worked very  
22 closely with us before this session as well as during.  
23 Kathy Panaszek, is she -- we'll recognize Kathy later,  
24 but Kathy Panaszek with House Appropriations was very  
25 helpful.

1                   Now I'd like to also call up those  
2 officials who helped us on the bill that we requested,  
3 and they all work for the Senate Transportation and  
4 Homeland Security. If we could have -- I'd like to  
5 have all you guys come up because you were a great  
6 team: Adam Burkland, Erika Akpan, David Erinakes. And  
7 then Steven Polunsky, the Chief of Staff, or the  
8 director of the committee, could not be here, but we  
9 will send back a plaque for him, but we'd like you guys  
10 to come up. And we appreciate the assistance you  
11 provided in getting our bills drafted and prepared, so  
12 thank you.

13                   And one last one we'd like to present.  
14 Colonel Beckworth, if you could help with this.  
15 Colonel, we've talked about this, Chairman Polunsky,  
16 we'd like to thank you on behalf of the employees of  
17 the agency for going above and beyond the call of duty  
18 this session. You used your political knowledge and  
19 your connections not only during the Sunset process to  
20 get us through it, but you spent an inordinate amount  
21 of time down there helping us to get the money we  
22 needed. You fought to the last day trying to get the  
23 pay raises for our peace officers that we know that  
24 they deserve and you tried to work hard for the  
25 employees' benefits, and so on behalf of our 8,000-plus

1 employees in the director's staff, the Administration,  
2 Criminal Law Enforcement, Driver's license, Emergency  
3 Management, Highway Patrol, and Rangers, we'd like to  
4 present this to you on behalf of all the employees.

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

17 As most of the people in this room know,  
18 the Department of Public Safety was the only state  
19 department or agency that was reauthorized this past  
20 session subject to Sunset Review, and I am not  
21 commenting on the other agencies, I'm sure at some  
22 point, they certainly will be -- most of them will be  
23 reauthorized, but I think there's a reason why DPS was  
24 successful in being reauthorized during the regular  
25 session, and that is because of, one, the unbelievable

1 effort that was put on by our people, led by Chief  
2 Kelley, who is an extraordinary person. Talk about  
3 somebody who was on call, or literally on site, 24/7,  
4 Michael was there, and he worked the Capitol and he  
5 worked the staffs and he interfaced with all the people  
6 who were involved in this process in a very  
7 professional manner representing the Department at the  
8 highest level we could ever hope for. Beyond that, his  
9 staff who supported him also provided excellent support  
10 and representation at the Capitol. It gave us the  
11 credibility that was necessary for us to gain the  
12 confidence of the state legislature and the various  
13 staffs that allowed us to move forward.

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

25 And I think, certainly, the fact that we

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

20 As a side comment, the Sunset staff  
21 sometimes is viewed as the Internal Affairs Department  
22 of the state government and are sometimes not received  
23 as well as they might. I think that that was certainly  
24 not the case here. I think we had a very good  
25 relationship with them and it has shown, and I would



1       commit -- I think I'm speaking for the entire Public  
2       Safety Commission and our command and our 8,000  
3       employees of the Department of Public Safety who are  
4       all exemplary people, who come to work every day, in  
5       many cases put their lives on the line for the public  
6       of the State of Texas, and in other areas work very,  
7       very hard for compensation that certainly isn't at the  
8       top of the pay scales of the world, come together  
9       collectively and make this Department what it is. So I  
10      would again commit that, going forward, DPS will make  
11      changes in reforms when necessary to improve the  
12      Department, but we will build on the tradition and the  
13      reputation and the many, many years that have been  
14      spent building the Department into what it is and has  
15      been up until now, and from now forward will make it  
16      even that much better.

17                        So I look forward to working with the  
18      members of the state legislature, the state itself, and  
19      I think this is just really the beginning of a very  
20      strong and close relationship that I think will be  
21      mutually beneficial for all parties going into the  
22      future, and I'm extremely excited about where DPS is  
23      going and where we will be six months, 12 months from  
24      now. I think we'll all be proud to be associated with  
25      this Department. I know that I am certainly proud to

1 sit in this chair for the time that I'll be able to sit  
2 in this chair and be associated with people like you  
3 all. So, anyway, thank you very much for everything  
4 that you've done above and beyond the call of duty, and  
5 it's just been a wonderful session for us and we should  
6 all be very, very pleased. Thank you. Thank you very  
7 much.

8 MR. STEEN: Mr. Chairman, I have a  
9 comment. I think that it's great, Chief Kelley, that  
10 you're complimenting everyone and handing out awards,  
11 but I want to thank you for the great job you've done.  
12 You're -- as far as what you do, you're as good as I've  
13 ever seen. And I thought maybe you could take a moment  
14 to talk about your staff that helped you.

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

1 get a quick answer for them to assist.

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

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

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

25                   Anything else? Okay. Thank y'all very

1 much. And thank you each and every one of you from  
2 state government who took your time to be here this  
3 morning so that we would have the opportunity to  
4 recognize you. We appreciate your presence.

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

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

21           Beyond that, we will most likely be  
22 making a selection for a permanent director here in the  
23 coming weeks, and it was my feeling that it would be in  
24 the best interest of this process to have our permanent  
25 director to be involved in this roundtable discussion,

1 or roundtable workshop, so that he or she could hear  
2 what needs to be addressed, hear the issues, and make  
3 recommendations, suggestions, and so on, so I thought  
4 it would be prudent to delay this workshop probably for  
5 a month, maybe six weeks, but we are still committed to  
6 conducting this workshop and it will take place  
7 sometime this summer. So just for the information of  
8 everybody out there, I've answered a couple of  
9 questions before the meeting as to what happened, but  
10 that's essentially what happened, so it was canceled at  
11 the last minute. I apologize if it inconvenienced  
12 anybody.

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

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

23 The next item: Report on Department  
24 asset forfeiture policy and procedure. Colonel  
25 Beckworth.

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

16                   CHAIRMAN POLUNSKY: Okay. Any  
17          discussion on that?

18                   I concur with that, Colonel Beckworth,  
19          but I would like to make a comment, or my own thoughts.  
20          As you know, we were successful in receiving funding  
21          for 300 of the 450 black and whites that we requested  
22          as special -- or excuse me -- exceptional item request  
23          in our budget that was presented in the last session.  
24          I would ask -- and we've had some preliminary  
25          discussions on this, but I would ask that you take a

1 look at the possibility of funding those additional 150  
2 black and whites possibly through asset forfeiture  
3 funds, if not, other revenue sources that might include  
4 federal stimulus money or other grant moneys that could  
5 help us get to that number that would allow us to have  
6 cars available for each and every one of our troopers  
7 out in the field.

8 MR. BECKWORTH: Yes, sir, I'll do that.  
9 I'll follow up on that.

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

14 MR. PLATT: Mr. Chairman, Stuart Platt,  
15 general counsel. There are three items under New  
16 Business that it's my recommendation we discuss them  
17 preliminarily in Executive Session and allow our office  
18 to give you legal advice and then return to address  
19 those issues in public session for whatever decisions  
20 need to be made. And that would be this item, 4D,  
21 regarding Cox Newspaper case; 4E, regarding potential  
22 for revising policy on sensitive personal information  
23 required by the Department; and also under G, one of  
24 the three contracts for review, we need to provide some  
25 legal advice in that regard, so I would ask and

1 recommend that those three matters be addressed in  
2 Executive Session. We have resources available to  
3 assist in providing the legal advice on those matters  
4 and then come back and return to address those issues.

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

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

14 MR. PLATT: Thank you.

15 CHAIRMAN POLUNSKY: Next item:  
16 Discussion and possible action to review and approve  
17 and revise policy for vendor responsibilities regarding  
18 sensitive personal information required by the  
19 Department. Mr. Platt.

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

23 CHAIRMAN POLUNSKY: Okay. Objections?

24 Next item: Discussion and possible  
25 action regarding the Driver's License Division --



1 Driver Responsibility -- Vendor Management.

2 Commissioner Barth.

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

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

21 Realizing that, when you look at the  
22 statistical approach, 35, 36 percent versus the  
23 60 percent that is not being collected, it does look  
24 like it's a significant amount not being collected. I  
25 will tell you that the contractor does everything that

1 we have asked him to do in the contract. This item is  
2 an issue that has been addressed in repeated sessions  
3 with the legislature, and what we have found through  
4 our ongoing meetings with --

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

9 MS. JUDY BROWN: Okay. You have a  
10 handout in there in your packets that's called The  
11 Driver Responsibility Program Update. The Driver  
12 Responsibility Program was a program that was initiated  
13 to take certain violations, convictions for certain  
14 violations, and put a fee amount on -- a surcharge  
15 amount on that conviction that would allow the state to  
16 collect additional moneys. On DWI convictions, it's  
17 \$1,000 every year for three years upon conviction of a  
18 DWI; secondary DWIs are more than that; the no  
19 insurance is \$250 a year for three years upon  
20 conviction of a no insurance, and they expand. And  
21 then the most minimal of those is the point system for  
22 obtaining too many tickets on your record, then you get  
23 put into -- it's basically \$100, \$125 is what we see as  
24 the typical fine on the point system.

25 The State mimicked this program after a

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

23 To go back to where I was, over the last  
24 two or three sessions, we have seen a number of efforts  
25 to remove the Driver Responsibility Program completely

1 because of the constituent complaints that they get  
2 from people who are unable to pay. We have done -- the  
3 statute has changed to allow some incentive-type  
4 programs to be added, again, in an effort to reduce  
5 complaints, but at the same time, the projection from  
6 the legislatures don't decrease the income coming into  
7 the State. I will tell you by analysis -- and Rebecca  
8 can jump in and answer more detailed questions -- but I  
9 believe we've probably reached a saturation point.  
10 Many of the people who do not pay are probably never  
11 going to pay.

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

24 MS. HIBBS: They have put -- I'm sorry.  
25 Rebecca Hibbs, Program Administrator for the Driver

1 Responsibility Program.

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

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

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

1 program?

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

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

21 MS. JUDY BROWN: I will tell you, the  
22 legislation that was put in place last session that did  
23 the insensitive programs, I would expect that that will  
24 reduce a large volume of the complaints. Somebody who  
25 didn't have insurance and they went and got insurance

1 and now they keep having to pay that fee for three  
2 years, we've said, okay, if you go get insurance, then  
3 we'll give you some incentive to reduce your fee but  
4 you've got to maintain that insurance for three years.

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

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

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

1 someone sitting out there attending the meeting.

2 But who is the vendor we're talking  
3 about?

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

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

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

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

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

25 MS. BARTH: How much?



1 MS. HIBBS: \$600 million.

2 MS. JUDY BROWN: We're collecting about  
3 \$4 million a week?

4 MS. HIBBS: We collect approximately  
5 between three and three and a half million a week.  
6 We've had some spikes where, this year we've seen over  
7 \$4 million collected weekly, but about the three to  
8 three and a half million is what we're seeing.

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

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

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

23 MR. POLUNSKY: 900 million?

24 MS. HIBBS: \$900 million, yes. I'm  
25 sorry.

1 MS. BARTH: And I'm not sure I  
2 understand the philosophy. If this is in the statute  
3 and people owe the money, why we would not pursue it  
4 like anyone else would in the private sector.

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

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

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

21 MS. JUDY BROWN: The more aggressive we  
22 get, the more people we probably have out there driving  
23 without a license and it becomes a safety issue, or  
24 driving without insurance, it is punitive measure for  
25 those of us who have insurance, but --

1 MS. BARTH: I guess I'm not sure I  
2 follow that argument. The more aggressive we get, the  
3 more likely we have people driving without insurance?  
4 People who are driving without insurance drive without  
5 insurance whether we scream at them or not. I mean,  
6 you know, you wouldn't scream at me because I have  
7 insurance. Right?

8 MS. JUDY BROWN: Right.

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

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

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

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

1 MS. BARTH: Okay.

2 MS. BROWN: That would be interesting.

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

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

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

14 MS. JUDY BROWN: That's right, but it  
15 kind of gives us the feel of the direction of where the  
16 legislative intent is. There's a lot of those that are  
17 concerned with the complaints but, yet, there's -- you  
18 know, the overriding factor is that we are bringing  
19 \$600 million into the State.

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

22 MS. BROWN: And maybe we need to -- if  
23 what's motivating the decision of legislators to decide  
24 whether or not to aggressively pursue this, maybe we  
25 need to ask them to track people who call who are angry

1 because they've been hit by unlicensed and uninsured  
2 drivers versus people who are angry that they have to  
3 pay because they've been caught hitting you. I mean, I  
4 would think, if I were an elected official, that one  
5 group would have a whole lot more weight in my mind.

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

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

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

16 MS. JUDY BROWN: We have.

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

19 MS. HIBBS: It will expire in September  
20 of 1014. We've recently renewed it last year for a  
21 five-year term.

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

25 MS. JUDY BROWN: What we'd have to do is

1 change the service level agreement with the vendor to  
2 allow the vendor then to determine, is it an increase  
3 in their percentage of their collection, which they've  
4 got room to increase that obviously between the  
5 percentage that they're charging and the 30 percent the  
6 statute allows, but we could -- they're willing to do  
7 anything that we ask them to do, it would just be a  
8 change in service on our agreement.

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

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

19 MS. HIBBS: Yes, sir.

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

25 MS. BROWN: Well, and I guess I'm

1 unclear. From what you said earlier, it sounds like if  
2 we tweak our contract, then we can do whatever we want,  
3 obviously within the confines of the law. Is that  
4 right? So if we change our service agreement, then if  
5 we want to slap a lien on someone who has had six no  
6 insurance, we can do that.

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

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

16 MR. WALKER: Yes.

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

21 MR. WALKER: Yes.

22 MS. BROWN: Okay. Thank you.

23 CHAIRMAN POLUNSKY: Are there benchmarks  
24 in this contract? Are they required a certain -- to  
25 hit certain percentage levels of collection?

1 MS. HIBBS: No, sir, we do not have  
2 those in the contract itself.

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

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

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

12 MS. JUDY BROWN: We control the  
13 benchmarks by what we allow them and don't allow them  
14 to do. We can set benchmarks, but, again, this company  
15 represents DPS when they make that phone call, and when  
16 this program was implemented, the Public Safety  
17 Commission at that point in time, which was several  
18 years ago, didn't even want outbound phone calls made  
19 because they didn't want to come across as a hard-core  
20 collection agent. And we've made changes through --  
21 administration changes and through Commission changes,  
22 we control those changes through the vendor. Now, I'm  
23 not sure that we could benchmark the amount they  
24 collect without giving them the latitude to make the  
25 changes in their collection methodologies.



1 MS. BROWN: Well, taking your logic from  
2 earlier, and you spoke of an incentive for people to go  
3 out and keep their insurance if we reduce something,  
4 and can't we take that same motivation and apply it to  
5 people collecting money? How can we motivate them?  
6 And we're using benchmarks, but how do we take that  
7 same mindset and give them an incentive to do a better  
8 job?

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

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

23 MS. HIBBS: Yes.

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

1 incentives?

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

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

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

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

25 MS. JUDY BROWN: We can put forth a plan

1 to increase the phone calls and get the vendor to  
2 provide us some additional ideas with regards to  
3 increasing -- but basic trying to increase collections,  
4 we've worked with them on a very, very regular basis to  
5 discuss those things and to look at standards and to  
6 look at what's being done in the market. You know,  
7 understand that we suspend the license, and that's the  
8 extent to which we have authority to do within the  
9 current statute.

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

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

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

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

24 MS. BARTH: Well, I'd like to see the  
25 particular line of surcharges that they're collecting

1 for. I mean, it really bothers me for it not to be  
2 especially punitive on intoxication.

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

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

12 MR. WALKER: I'm sorry.

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

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

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

1 well.

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

6 MS. HIBBS: Approximately \$170 million.

7 MS. BARTH: Okay, \$170 million. That's  
8 an awful lot of money. That's 35 percent, you know,  
9 that's an awful lot -- of \$600 million or something  
10 like that, that's a lot of money, the other  
11 \$430 million sitting out there. That's just a lot of  
12 money for the State of Texas. We put a program in  
13 place and, you know, to me, the goal should be  
14 100 percent collection, and I know that's not  
15 reasonable, but to have a 35 percent target is --

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

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

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

25 CHAIRMAN POLUNSKY: Yeah, if the whole

1 legislature, or at least the majority of the  
2 legislature, felt that way, then this program would not  
3 be in existence.

4 Does this contract have a termination  
5 clause?

6 MS. HIBBS: Yes, sir, it does.

7 CHAIRMAN POLUNSKY: On what grounds?

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

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

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

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

18 CHAIRMAN POLUNSKY: All right. I would  
19 like each commissioner to have a copy of that contract,  
20 and maybe an executive summary if it's voluminous.  
21 When these -- let me ask you a question: Are letters  
22 sent to these individuals.

23 MS. JUDY BROWN: Several letters.

24 CHAIRMAN POLUNSKY: Excuse me?

25 MS. JUDY BROWN: Several letters.

1                   CHAIRMAN POLUNSKY:  And who sends these  
2    letters?

3                   MS. JUDY BROWN:  The vendor, MSB.

4                   CHAIRMAN POLUNSKY:  And on what  
5    letterhead?

6                   MS. JUDY BROWN:  Ours.

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

10                  MS. JUDY BROWN:  That is correct.

11                  CHAIRMAN POLUNSKY:  Okay.

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

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

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

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

24                  MS. HIBBS:  Other than maybe for  
25    collections of outstanding fines, I believe.  Is that

1     what you're referring to, sir? Yes, sir, as a matter  
2     of fact, there are, and our vendor is also one of the  
3     individuals who collects for the court fines. They  
4     have quite a few courts across the state that they  
5     collect for.

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

9                   MS. HIBBS: No, sir.

10                  CHAIRMAN POLUNSKY: Are you sure?

11                  MS. HIBBS: I have not confirmed that.

12     I can verify that for you, but I don't believe -- I  
13     believe they actually send them out on behalf of each  
14     individual court with that court's information.

15                  CHAIRMAN POLUNSKY: Would you please  
16     look into that.

17                  MS. HIBBS: Certainly.

18                  CHAIRMAN POLUNSKY: I share Commissioner  
19     Barth's and I believe the other Commissioner's concern  
20     as well. I think that we should be very aggressive in  
21     this practice, certainly with respect to DWI's and  
22     serious violations, not that any violation is not  
23     serious. But I would I would like to say that I think  
24     this percentage of collection seems very low to me and  
25     I think that the problem with incentives and such is



1 that that percentage could be increased. I would not  
2 be concerned about members of the legislature who may  
3 have voiced or even introduced bills in prior  
4 legislative sessions that may have wanted to eliminate  
5 this process. This process is still the law of the  
6 State of Texas and I think that we should do everything  
7 within our power to enforce it to its most effective  
8 result, so I'd like to have a report on this in our  
9 next meeting and get some additional information and  
10 kick some ideas around as to how we can improve the  
11 system so the results would be better financially.

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

14 CHAIRMAN POLUNSKY: Does anybody object  
15 to that?

16 MS. BROWN: That's a good idea.

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

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

22 MS. JUDY BROWN: No.

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

25 MS. JUDY BROWN: If they're a qualified

1 servicing vendor through DIR, anybody could bid on it.

2 Again, we're going to go to --

3 MR. STEEN: So it's not limited to  
4 collection agencies?

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

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

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

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

24 CHAIRMAN POLUNSKY: Well, why don't you  
25 have representatives of that firm present at our July

1 meeting as well. I think we'd like to get into this.

2 MS. BARTH: Obviously I did.

3 CHAIRMAN POLUNSKY: Okay.

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

10 CHAIRMAN POLUNSKY: I agree. Thank you.

11 Next item: Review of pending contracts.  
12 Chief Ybarra.

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

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

21 You've been provided a list of three  
22 contracts that require review by the Public Safety  
23 Commission. Two of the pending contracts in the Public  
24 Safety Commission review list meet the criteria of  
25 Policy No. 1A2 of the Public Safety Commission

1 contracting policies which were adopted on  
2 October 16th, 2008. This policy states the criteria as  
3 any change order individually or a combination if other  
4 change orders that increase the original contract with  
5 commitment by 50 percent or more as long as the dollar  
6 amount of the change order or orders is \$100,000 or  
7 more.

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

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

24           That concludes my report, sir.

25           CHAIRMAN POLUNSKY: Thank you, Chief.

1 Discussion at least on the first two contracts?

2 MS. BARTH: Were those renewals or  
3 change orders.

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

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

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

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

13 MR. YBARRA: Renewals.

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

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

19 MS. BARTH: Thank you.

20 CHAIRMAN POLUNSKY: Further questions?

21 MR. STEEN: I have a general question  
22 about contracts, and maybe this is through Colonel  
23 Beckworth. And I need to look into this, I'd like to  
24 look at maybe a sample contract. But when we sign  
25 these major contracts, how many signatures are on there

1 that represent DPS? Is it just one or do we have  
2 signature blocks for people approving it, for example,  
3 the General Counsel's Office or Chief Ybarra?

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

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

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

21 MR. STEEN: I'd like to see an example  
22 of that. Part of what, you know, we were talking about  
23 with some of these contracts, I think I'd like the  
24 responsibility of it, that when people -- for example,  
25 if Counsel Platt is reviewing it or Mr. Fox on behalf

1 of -- that there's a signature block there that says  
2 "approved by the General Counsel's office."

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

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

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

14 MR. STEEN: Thank you very much.

15 CHAIRMAN POLUNSKY: Good recommendation.  
16 Any other questions? All right. We'll come back to  
17 the other one.

18 The Public Safety Commission will now go  
19 into closed session at this time pursuant to the Texas  
20 Open Meetings Act Chapter 551 to consider matters  
21 authorized to be considered in Executive Session under  
22 Government Code Sections 551.071, 072, 073, 074, 076,  
23 and Government Code Section 411.2041. The time is  
24 11:53 a.m.

25 (Executive Session)

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

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

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

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

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

23                   Upon giving legal advice to the  
24 Commission, what we will do is pursue some additional  
25 matters for the Commission and we will report back to



1 the Commission and provide additional information for  
2 next month's meeting, or at next month's meeting,  
3 regarding any additional actions taken. If for some  
4 reason action is required before that date, we will  
5 notify the Commission.

6 CHAIRMAN POLUNSKY: Any discussion?

7 Thank you, Mr. Platt.

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

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

16 Is that correct, Stuart?

17 MR. PLATT: Yes.

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

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

25 MS. BARTH: I make that motion.

1                   CHAIRMAN POLUNSKY: All right. There's  
2 a motion that's been made by Commissioner Barth. Is  
3 there a second to her motion?

4                   MS. BROWN: Second.

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

8                   MR. STEEN: Mr. Chairman?

9                   CHAIRMAN POLUNSKY: Yes, Mr. Steen.

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

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

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

23                  MR. STEEN: I think just for purposes of  
24 the public being here, maybe put it up on the screen so  
25 we can --

1                   CHAIRMAN POLUNSKY: Is that something  
2 that can be done expeditiously here?

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

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

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

11                  CHAIRMAN POLUNSKY: Is that acceptable?

12                  MS. BARTH: Fine.

13                  MS. BROWN: Fine.

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

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

23                  That would have been Commissioner Clowe.  
24 Since there was not a workshop yesterday, this is  
25 probably something that we don't need to address. Does

1 anyone disagree with that or have any comments?

2 All right. We'll move on from that.

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

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

1 those interviews at our July meeting, would make a  
2 selection at that time.

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

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

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

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

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

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

25 MR. WEISE: Jimmy Weise, IMS.

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

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

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

22                  CHAIRMAN POLUNSKY: Commissioner Barth?

23                  MS. BARTH: We had talked about outside  
24                  contractors for the rollout or for the additional  
25                  for -- to support and supplement. Do you have any

1 recommendation as to either one of them.

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

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

23 MS. BARTH: I guess what I'd like to see  
24 is a firm budget. How long would it take you to put  
25 that together?

1                   MR. WEISE: I can knock it out, you  
2 know, by mid next week. Basically what I need to do  
3 is, with the direction that we would use all  
4 contractors, we can -- you know, the thing that we're  
5 going to have to consider is that I won't be able to  
6 give you an exact penny on the car rentals, the fuel,  
7 you know, the per diem for all of them people.

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

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

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



1 MR. WEISE: Sure.

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

5 MS. BROWN: I concur.

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

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

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

16 MS. BARTH: That's fine.

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

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

22 MS. BARTH: Thank you.

23 CHAIRMAN POLUNSKY: Next item:

24 Discussion and possible action regarding the ongoing  
25 Sunset Review recommendations and other legislation

1 affecting the Department and the Public Safety  
2 Commission. Chief Kelley.

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

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

25 The total number of bills tracked this

1 session went up for us. We had over 1,200 new bills  
2 filed this session total, of which we were tracking  
3 1,102, that's a 289 increase, so you can see the volume  
4 of work went up because so many more bills were  
5 introduced this go around. And regardless if they were  
6 going to pass or not, if they were going to get a  
7 committee hearing or start moving, we still had to  
8 analyze and track and keep up where those were. And  
9 even more importantly it was important for us to keep  
10 up with any of those provisions that might get amended  
11 back onto other legislation, namely our Sunset Bill.

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

1 does not line item veto will become law since the  
2 governor does not have the pocket veto option.

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

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

25 The director of DPS, the option now is

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

20           The next provision requires that we will  
21 coordinate through the Emergency Management Division  
22 with TxDOT to ensure that, when we have evacuations,  
23 such as with hurricanes or from other disaster areas,  
24 that we utilize road signs to assist those travelers  
25 going to and from those disaster areas. Also, it

1 requires that we look at having some type of pilot  
2 program to produce credentials, so that, if an  
3 individual needs to go back into an affected area, they  
4 can prove that they truly do have a need to be there  
5 and are not going there to loot or cause trouble.

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

22 Next, some provisions regarding the  
23 Driver's License Office. We must provide customer  
24 service, culture diversity, and education on citizen  
25 documents. There was a concern with the new rule in

1 Driver's License about trying to determine who is  
2 eligible for a driver's license to make sure that these  
3 officials do know the difference between the different  
4 types of documents that are being presented and that  
5 they are very much aware of the different cultures of  
6 individuals that come to the office. Also required,  
7 after 2011, the Driver Responsibility Program, you can  
8 recognize indigency that's determined by a court in  
9 order to not to have to charge an individual with the  
10 driver responsibility fee that was discussed earlier.

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

23           Breath test operators and supervisors,  
24 they are no longer allowed to -- they're not going to  
25 be called up to ALR, Administrative License Revocation,

1 Hearings just by written response, they will actually  
2 have to be subpoenaed. The goal is to decrease the  
3 amount of times that a defense attorney will try and  
4 actually bring someone up and not use them just to see  
5 if they don't appear so they get the case thrown out.

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

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

18 MR. STEEN: Thank you.

19 MR. KELLEY: Okay. For concealed  
20 handgun license changes, the mandates that CHL's  
21 information -- CHL's instructor information must now be  
22 put on our website. The intent was to ensure that, if  
23 somebody wants to go take a class, that they can  
24 actually find some of the instructors. This does not  
25 allow us to suspend a concealed handgun license if



1 somebody does not -- if a CHL holder does not present  
2 their credentials to show their CHL holder during a  
3 traffic stop. Although, it is still a requirement of  
4 law, there's just no longer a penalty to stop that.  
5 This was a concern that Senator Whitmire brought up and  
6 that we believe will be studied in the interim, because  
7 there's a concern for peace officer safety as to  
8 whether or not some individual that's a CHL holder or  
9 just traveling should have a duty to tell a peace  
10 officer during a traffic stop that they do have a  
11 firearm in their vehicle, so we do believe that will be  
12 studied in the interim by the Senate Criminal Justice  
13 Committee.

14                   DPS must annotate on CHL licenses  
15 whether or not an individual is an instructor. This  
16 was to consolidate not having to have two separate type  
17 identities, that way they can use the same CHL  
18 identity. Also, a judge or a district attorney can  
19 establish their proficiency for a CHL as long as they  
20 meet the TCLEOSE requirements. A provision that  
21 assists our officers, the security officers, those are  
22 the ones who wear the brown uniforms that you see here  
23 on the complex and also at the Capitol, they were not  
24 allowed, just like the communications officials and the  
25 peace officers they work with, to get comp time for

1 working a -- when a holiday falls on a weekend. This  
2 was a separate bill that had been brought up by  
3 Representative Bolton. She met with us when the bill  
4 came before the House and asked our assistance. We  
5 offered to help her with this, which we had Region  
6 Seven assist as with this as well to help us get this  
7 through to the benefit of our security officers. So we  
8 not only work for our peace officers, we're also trying  
9 to assist those who work side by side with them.

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

22           As far as the Texas Pharmacy, working  
23 with them, Senator Williams had met with Colonel Clark  
24 and me to let us know he has a concern about the  
25 Pharmacy Board having direct access to the database

1 that our narcotics service puts together, so they  
2 wanted to -- he wants to look at instead of actually  
3 transferring a study during the interim, transferring  
4 that duty to the Pharmacy Board so that they can  
5 investigate whether or not there's any kind of doctor  
6 shopping or legal dispensing of prescriptions, but we  
7 would still have access to the database to be used in  
8 our drugs and narcotics investigations.

9           The Private Security Commission, as part  
10 of the Sunset Review, was renamed as the Private  
11 Security Board. That was the bulk of the bill itself,  
12 is actually going through and doing a cleanup to show  
13 that they will no longer have their own separate Sunset  
14 date; they are not fully enrolled into the DPS as part  
15 of the agency. That was something they started in  
16 2003, they came over in 2004 and has fully codified  
17 that change.

18           In the Private Security Act, we had a  
19 concern -- and this was being addressed in House Bill  
20 1244 by Representative Driver. We were not a party to  
21 this legislation because we're actually under suit  
22 right now. There's a lawsuit filed against us saying  
23 that we're not supposed to enforce the Private Security  
24 Act with regard to computer repairs, so we did not get  
25 involved in this, but Representative Driver was

1 concerned, since he had brought the legislation, that  
2 we need to narrow down and say that, if you're a  
3 computer repair person who is only doing repairs and  
4 not doing any kind of forensic work for a court, then  
5 you do not have to be licensed under the act, so we're  
6 hoping that will get rid of the litigation that we're  
7 under at this time.

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

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

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

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

21           MR. KELLEY: Sure. There was a question  
22 about how do we implement this program and how do we  
23 make sure that it's done in a way that's fair and does  
24 not take away from the officer taking off and being  
25 able to do their normal jobs. The DPS OA approached us

1 with this idea and asked our opinion on it, met with  
2 Chair Polunsky and myself, and they agreed that they  
3 would narrow it down to 480 total hours that an  
4 individual could get over a year, that the director  
5 would have the final say over who would be approved but  
6 that the Commission would create rules to implement  
7 that program. TSTA, then, was able to include itself  
8 in that by amending the language, and so we will now  
9 need to have -- and we're working with Chief Platt.  
10 Him and his attorneys are looking at all these  
11 provisions to come back with you to say, these are the  
12 items this will require rules. That's one of those  
13 that you'll have to determine what's going to be the  
14 policy to allow these officials to take off to come up  
15 here to represent their employee group.

16 MR. PLATT: Mr. Chairman, along that  
17 vein since it's been touched on, what our office has  
18 done in coordination with Chief Kelley is, we've  
19 divided up among the lawyers every single piece of  
20 legislation that passed that affects DPS in some  
21 fashion. We're looking for any action required,  
22 including rule making by the Commission, any other  
23 action required, teaching responsibilities, and then we  
24 put that together, we coordinate with his office, and  
25 then we send it to the various divisions for review,

1 and then we'll come to the Commission with proposed  
2 rules for consideration at that point in time.

3 CHAIRMAN POLUNSKY: Thank you.

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

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

17 And then the last slide deals with -- as  
18 far as the Sunset Bill, by December 1st of 2010, the  
19 Sunset Advisory Commission will have to come back and  
20 complete a report stating where is DPS as far as  
21 implementing the Gardner IT Study, the Driver's License  
22 Civilian Business Model. And Amy Trost let me know  
23 today, the way this is going to work, in November --  
24 and that's 2010, so we really won't see Sunset until  
25 the end of this interim period. Sunset will send us a

1 letter what will state, "Here are the provisions  
2 that -- changes that were required in the Sunset Bill  
3 2730. Please provide us an update as to where you are  
4 on their implementation." We will then respond kind of  
5 like we did with our self-review -- self-evaluation  
6 reviews initially to Sunset to tell them, "Here's where  
7 we are on all the changes, with particular attention to  
8 the Gardner IT Study and the Driver's License Civilian  
9 Model. They will then present that to the legislature,  
10 and any follow up, cleanup of the DPS Sunset will  
11 happen during the session based on their report back to  
12 the legislature.

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

23           Okay. There were 15 total bills that we  
24 asked for out of a list of 36 total that we actually  
25 got rolled into the DPS Sunset Bill. It was actually

1 fortunate for us to have a Sunset Bill this session,  
2 because with so many bills dying over in the House, we  
3 had a vehicle to get some of this language into the  
4 Sunset Bill itself. Again, you approved these changes  
5 in October, we then worked with the divisions to go  
6 forth and asked lawmakers to carry these bills, so  
7 these next three slides show bills that -- this shows  
8 the different bills that were rolled in based on the  
9 next -- the bill that you had seen those Friday updates  
10 about bills requested by DPS. Other bills requested  
11 that are still pending, many of them have been sent to  
12 the Governor, some of them signed, and so the next  
13 couple of slides show you which ones have passed, which  
14 ones did not pass.

15                   Next, I wanted to give you an update. I  
16 let you know one of the key roles that my office plays  
17 is as an ombudsman between the legislature and the  
18 divisions here at DPS, and I wanted to give you a  
19 snapshot of the casework that we work on that -- I  
20 mentioned Sarah Hendricks in my office, that she's  
21 there right now taking those calls. We actually have  
22 an e-mail address now set up, [legislativeliason@TXDPS](mailto:legislativeliason@TXDPS),  
23 that we can get information about constituent concerns.  
24 If you'll look, the two slides -- you can go to the  
25 next -- combined, you'll see that the total amount of



1 casework where we are, and the two bulk issues that  
2 continue are driver's license inquiries and concealed  
3 handgun license inquiries. We do get other inquiries  
4 about policy, others about law that we do answer. This  
5 only reflects those that take some action by the  
6 divisions, whereby, we needed to write it up and ask  
7 for action by a division.

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

23 So that hits all the bills tracked by  
24 DPS, the fiscal notes, our Sunset Bill, the requested  
25 bills, and then the constituent casework. I'd be glad

1 to answer any of your questions.

2 CHAIRMAN POLUNSKY: I have a quick  
3 question for you.

4 MR. KELLEY: Yes, sir.

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

8 MR. KELLEY: Yes, sir.

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

14 MR. BECKWORTH: Yes, sir, that's  
15 correct. I would like to state that we have asked our  
16 general counsel to take information that was drafted  
17 from House Bill 2730 related to the physical readiness  
18 testing and job test simulation and also information in  
19 Article V, which stipulates that all commissioned  
20 personnel who receive funds from Schedule C are  
21 required, prior to getting a promotion or a pay raise,  
22 they have to complete the PRT or the job test  
23 simulation. I'm preparing a document for PRO to work  
24 on that we're going to send out to explain all the  
25 aspects of this and what our committee that we have

1 formulated by Chief Valerie Fulmer is working on next  
2 week to try to come up with a plan going forward, but  
3 the bottom line is, it did not take away that  
4 requirement that's set up in Article V. It did not  
5 take away Subsection B of the bill that stipulates that  
6 the agency still has the ability to terminate employees  
7 for not completing the physical readiness test, so we  
8 want our employees to fully understand that those  
9 things are still in place. We're going to work to  
10 address the age and gender component and we're going to  
11 address the issue related to an incentive for being in  
12 the program, and that incentive looks like a wellness  
13 program that we're trying to establish. So I want to  
14 make note of those issues, that we're working on that.  
15 We're going to try to get this information out late  
16 this afternoon to the field so they fully understand  
17 that they need to still work towards completing the  
18 requirements for the physical fitness test. There's  
19 approximately 1,500 commissioned officers who have not  
20 completed the 100 percent requirement of the physical  
21 readiness test. To those people, salary issues are  
22 coming up with challenges, so we're going to encourage  
23 all our people to get on board to do what they need to  
24 do to fulfill that requirement. Thank you, Mr.  
25 Chairman.

1                   CHAIRMAN POLUNSKY: I think that  
2 clarifies that. Any questions beyond that for Chief  
3 Kelley?

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

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

20                  The CHL questions is mostly about the  
21 backlog. They want to know, "I applied, it's been 60;  
22 days, is something wrong, did they not receive my  
23 packet," and there's a concern, and so we've seen that,  
24 and so we've been able to then send a request over to  
25 the Administration Division, have them find out where

1 that file is in the process, and then get back with the  
2 constituent and the staff member who called to let them  
3 know where it is in the process and, if possible, go  
4 ahead and expedite since they've inquired.

5 As far as the driver's license  
6 inquiries, those tend to be, if an individual -- we'll  
7 get some of them where an individual is about to go fly  
8 out, they need to go see -- they're on business or go  
9 see family members, they've lost their driver's  
10 license, "Can you help expedite getting a license," and  
11 we'll either do that to have one pulled or get a  
12 dossier, something that can be used by Transportation  
13 Security Administration. Some individuals, it may be  
14 that they want to take Defensive Driving and they  
15 waited until the last minute and they need their  
16 driving record right away, luckily, because we have an  
17 online system, we're seeing fewer of those. But you've  
18 also got questions about, you know, they've applied for  
19 their license -- and I know lately the question is --  
20 because the system is -- the new system is taking  
21 awhile and they're used to getting their license within  
22 two weeks when they apply, there's a concern that, if  
23 they didn't get it within two weeks, something must be  
24 wrong. They're still in the queue, they'll be within  
25 the 45 day window, but we're having to explain the

1 difference between what was happening before and what's  
2 happening now and make sure they understand it. So  
3 it's a variety of different questions we get, but a lot  
4 of it has to do with how quickly a license is being  
5 produced.

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

15 MR. STEEN: Thank you.

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

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

22 MR. BURROUGHS: Yes, sir. Bob  
23 Burroughs, Assistant chief of the Driver's License  
24 Division. Commissioners, back in the April meeting,  
25 you approved a transfer policy for the commissioned

1 officers from Driver's License to begin transferring to  
2 the Highway Patrol and to the Criminal Law Enforcement  
3 Division. That transfer process was posted on May the  
4 1st, and the individuals -- the selected individuals  
5 have been notified of what their positions will be in  
6 the future and when we were able to move those  
7 individuals over to either the Highway Patrol or over  
8 to the Criminal Law Enforcement. Several of our  
9 existing supervisor personnel took advantage of those  
10 positions and are now -- are basically out of jeopardy  
11 of where they job is.

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

25 We've got a training program developed

1 for these new individuals and new managers coming into  
2 the Driver's License Division, a, really, four, 40-hour  
3 modules to familiarize them with the management  
4 processes at the agency with the technical supervisory  
5 processes of the division and with just general  
6 supervisory and management knowledge. So that's where  
7 we stand today.

8 The first class is scheduled for the  
9 27th of July, so it's our intent to have these first 29  
10 individuals hired and on board sometime through the  
11 month of July so they can begin going through that  
12 training. As we -- I'm sure we have a couple of years  
13 as people leave that we'll look at the other positions  
14 in the future and start obviously growing this from  
15 the -- as the supervisors -- as the commissioned ranks  
16 leave, the supervisors and the noncommissioned ranks  
17 that are hired will be hired and trained up.

18 CHAIRMAN POLUNSKY: Are there questions?  
19 Thank you.

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

24 MS. FULMER: I'm Valerie Fulmer, Chief  
25 of the Administration Division. The PRT Committee



1 continues to meet. We have a meeting scheduled for  
2 next Tuesday and, on the agenda, we're going to discuss  
3 the statutory changes that Colonel Beckworth just  
4 referred to and how they affect the PRT and how they  
5 don't affect the PRT as the case may be. Someone from  
6 the General Counsel's Office will be there to outline  
7 the statutory changes and what they mean because the  
8 language itself is confusing to a lot of people.

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

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

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

25 MS. FULMER: We discussed in Executive

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

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

9 MS. FULMER: Okay, great. Thanks.

10 CHAIRMAN POLUNSKY: Discussion and  
11 possible action regarding the procurement of an  
12 Information Management Intrusion Detection System.  
13 Chief Lane.

14 MR. LANE: Brian Lane, Chief IMS. Good  
15 afternoon, Mr. Chairman. We continue to work with and  
16 engage with the Texas Department of Information  
17 Resources on their efforts to establish a contracting  
18 vehicle with AT&T for the Intrusion Protection Systems.  
19 They are in the middle of that process and are just  
20 working through the challenges of developing a contract  
21 and contract management at this point. I do not have  
22 any TA from Mr. Bill Perez from the DIR. They have  
23 delivered one very high-level draft contract  
24 approximately ten days ago, and it's my understanding  
25 from Mr. Perez' call late Friday afternoon that that

1 has changed significantly, so as soon as they lock down  
2 the next draft, I will have that for you. That's all I  
3 have.

4 CHAIRMAN POLUNSKY: Thank you, Chief.  
5 Questions on that particular issue?

6 MS. BARTH: I do.

7 CHAIRMAN POLUNSKY: Yes.

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

14 MR. LANE: Yes, ma'am.

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

17 MR. LANE: Yes, ma'am.

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

24 MR. LANE: Yes, ma'am. I'll make a call  
25 to AT&T.

1                   CHAIRMAN POLUNSKY: Mr. Platt, does that  
2                   require formal action or is this sufficient?

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

7                   MS. BARTH: We have those devices right  
8                   now.

9                   MR. PLATT: Right, we do.

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

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

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

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

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

25                  CHAIRMAN POLUNSKY: Would you like to

1       make a motion?

2                   MS. BARTH:  I'll make that motion.

3                   MR. STEEN:  Second.

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

7                   MS. BARTH:  What was that?  The first?

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

10                  CHAIRMAN POLUNSKY:  Going forward six  
11       months?

12                  MR. LANE:  Yes, sir.

13                  CHAIRMAN POLUNSKY:  Is that --

14                  MS. BARTH:  Directly contracted?

15                  MR. LANE:  Yes, ma'am.

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

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

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

24                  MR. PLATT:  I don't know that we have  
25       an -- I mean, do we have an existing contract with AT&T

1 we can piggyback onto? I don't think we do. We'll  
2 have to research it.

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

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

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

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

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

19 CHAIRMAN POLUNSKY: Are there questions?  
20 Thank you.

21 MR. LANE: Thank you.

22 MR. FOX: Mr. Chairman, we do have -- as  
23 far as Item 40, we do have the item ready for the  
24 screen to put on there the policy dealing with critical  
25 sensitive information for vendors.

1                   We have a statement of the policies  
2                   involved. This is the background information dealing  
3                   with action going to Item 4E. This is dealing with the  
4                   revised policy for vendor responsibilities. Just for  
5                   your information, Duncan Fox with the Office of General  
6                   Counsel. I've also made copies of the proposed policy  
7                   and the background information available to the public  
8                   and we are circulating copies of this because it is  
9                   kind of a lengthy document. The general proposal of  
10                  the background information is that we have -- in July,  
11                  August of 2008, we imposed, through the Commission, a  
12                  new requirement for vendors, that they provide us with  
13                  a note -- that we require all vendors who are going to  
14                  be interacting with personal sensitive information as  
15                  defined in the policy, that they provide notification  
16                  in the event of an identity breach to the public and  
17                  the members who are affected by that breach.

18                  In addition, we have always required  
19                  that the vendor provide the affective persons with  
20                  credit monitoring services for 12 months and also  
21                  require that the vendor provide call center support for  
22                  the affected persons for 30 days. This requirement has  
23                  been a bit of a challenge working with vendors and we  
24                  are looking to revise the policy where we will require,  
25                  rather than all three of those items, just that we have

1 a notification requirement to the public, that a vendor  
2 has to, in the event of an identity breach, notify the  
3 members of the public who are affected by that. And  
4 then the other two provisions, which we have, in the  
5 past, required as a mandatory requirement, that we use  
6 those on a case-by-case basis depending upon the  
7 particular contract. This is desired by a number of  
8 our management personnel who have found it very  
9 difficult to negotiate contracts because of the  
10 prohibitive cost in some cases for this. And we also  
11 think that we can address this and we can protect the  
12 public with some proactive steps through designing our  
13 specifications as we put them out to require vendors to  
14 provide us with their individual plans for management  
15 sensitive personal information that we can review and  
16 approve and also use additional criteria in our  
17 enhancement provisions, which are provided and listed  
18 in the attachment.

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

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

25 MR. FOX: That does.



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

7                   MR. FOX: That's correct. If a vendor  
8 was going -- for example, doing a crime records project  
9 for us, they would have access perhaps to customer  
10 data, our customer -- our individual members of the  
11 public, their social security numbers, identifiers,  
12 this kind of information that you as a member of the  
13 public have either been required to provide to us or we  
14 have gathered, and we're going to have a database that  
15 may do some sort of activity with that, and we have to  
16 use vendors to do some sort of computer programming.  
17 We require them right now obviously to do nondisclosure  
18 agreements and intense confidentiality requirements to  
19 put them through, but at the same time, we do realize  
20 that it is the nature of managing and working with data  
21 that data can be breached either through programmers  
22 who have information on laptops or other kinds of  
23 circumstances where there are incidents that will  
24 happen, so we want to have a strategy to deal with the  
25 situation where we've had a breach, where they have

1 failed to comply with the nondisclosure agreement to  
2 ensure that there's not disclosure through inadvertence  
3 on negligence and that we would have standards to deal  
4 with it. So this just deals specifically the  
5 requirement on the notification.

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

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

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

23 MS. BARTH: Oscar Ybarra, Chief of  
24 Finance. Referring back to Item 4G, a contract for  
25 review by the Commission. This particular contract is

1 a Deliverable Based Information Technology Services  
2 contract, Crime Record Service invoices, and fee  
3 reconciliations project. The project director is  
4 Desaray Taylor with Crime Record Services. If you have  
5 any questions regarding this contract. I submit it for  
6 your review.

7 CHAIRMAN POLUNSKY: Are there any  
8 questions?

9 Mr. Platt, action item here? No?

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

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

17 Budget matters.

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

1 the Supplemental Appropriations bill House Bill 45H6.  
2 Our agency is broken down into six goals and that's how  
3 we're going to present that information today.

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

15 And Goal B, Driver's License Division.  
16 This is a point three percent increase. This  
17 particular item was -- this particular goal was  
18 increased based on revenue estimates changing from one  
19 biennium to the next regarding the Driver  
20 Responsibility Program.

21 Goal C, Criminal Law Enforcement, a  
22 5.4 percent increase, approximately twelve and a half  
23 million dollars. This particular goal was affected by  
24 the additional personnel provided by an exceptional  
25 item; crime lab operating dollars for Laredo; the

1 Schedule C pay raise; a couple of contingency  
2 appropriations, which I'll mention a little bit later  
3 in my report; and some border dollars for gang  
4 intelligence.

5 Goal D, Emergency Management. This is a  
6 1.9 percent reduction, or \$6.4 million. The majority  
7 for this reduction was, in our current base, we had  
8 border dollars appropriated in two rises, in Article V  
9 and Article IX, for the Division of Emergency  
10 Management, which were appropriated for locals for  
11 overtime and operating expenses. The legislature chose  
12 to re-allocate some of the funds to other agencies, for  
13 example, the Governor's Office, TDCJ, Parks and  
14 Wildlife, to name most of those, so that's why you see  
15 a reduction. They took some of those base dollars and  
16 re-allocated them to agencies rather than those locals,  
17 so that's the majority for the reason of these  
18 particular reductions.

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

24 Goal F, here's where you're going to  
25 identify your Information Management Services,

1 Accounting and Budget Control, General Counsel,  
2 Building Program, Crime Record Services. You see that  
3 23.5 percent increase? The majority of that has to do  
4 with two major items: \$44 million for our information  
5 technology that was provided by the legislature and  
6 another twelve and a half million for TDex for the  
7 operating dollars of that particular database. There's  
8 some other items here that we've identified, but that's  
9 the majority.

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

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

25 Senate Bill 727 by Senator Patrick

1 provides six FTE's and approximately \$3.8 million to  
2 the crime labs relating to the creation of DNA records  
3 for the DNA database system for certain felony offense  
4 and establishes fees.

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

11 There was also a --

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

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

18 Supplement Appropriations Bill, House  
19 Bill 4586 by Pitts and Eiland, provided additional  
20 appropriations for the agency, specifically in the  
21 Division of Emergency Management, almost \$3 million to  
22 enhance the capability of the State to plan and  
23 coordinate emergency preparedness, emergency response,  
24 and disaster recovery. Also in Division of Emergency  
25 Management, it provides 29 FTE's, a little over a

1 million and a half dollars, to enhance the capability  
2 of the State Operations Center and to fund FTE's.  
3 Also, this bill provides almost \$3.4 million for the  
4 reclassification of police communication operators and  
5 supervisors at the Bureau of Law Enforcement  
6 Communications and Technology. It also provides  
7 \$350,000 for the reclassification of positions for the  
8 forensic scientists in the Forensic Breath Laboratory  
9 Services. This bill also reduces our appropriation  
10 specifically in more security for the Regional Center  
11 for Operations and Intelligence in Laredo by five and a  
12 half million dollars. The bill also provided a  
13 one-time payment to noncommissioned personnel of \$800,  
14 which is payable in August of 2009.

15           As far as full-time employees, a little  
16 breakdown here to identify some of the areas, but we  
17 added additional personnel this last session. You'll  
18 see the additional personnel provided by the  
19 legislature, which includes nine FTE's. Some of those  
20 FTE's are going to be for the driving track, those  
21 commissioned officers for training out there at the  
22 driving track; 66 noncommissioned FTE's, we were  
23 talking about earlier, there was comments about adding  
24 11 employees for the regulatory programs, part of that  
25 is in there. There's some accountants. There are some



1 building program personnel, which makes up that number.  
2 The other large impact will be DL Civilian Management  
3 of 160 FTE's. That's a conversion from a commissioned  
4 to a non-commission environment. There's also 66 FTE's  
5 for border security. 56 of those commissioned officers  
6 would be in the Highway Patrol and ten would be for the  
7 Texas Rangers.

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

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

12 Audit and Inspection. Mr. Walker.

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

21 Our report also includes several field  
22 inspection and headquarters inspection reports, one of  
23 which we reviewed briefly this morning in connection  
24 with the Driver Responsibility Program. Those reports,  
25 with the exception of the Driver Responsibility Program

1 and Vehicle Inspection Records Service, include  
2 recommendations for improvements. Many of those deal  
3 with administrative matters, but you'll notice several  
4 recommendations in connection with Entrust and  
5 Property, which seems to be an ongoing issue with us,  
6 but we have seen the divisions take action to improve  
7 compliance, so hopefully we'll see that drop off before  
8 too many more iterations of our cycle.

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

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

18 CHAIRMAN POLUNSKY: Are there questions?

19 Thank you, Mr. Walker.

20 MR. WALKER: Thank you.

21 CHAIRMAN POLUNSKY: Division status  
22 reports on activities and actions taken.  
23 Administration. Chief Fulmer.

24 MS. FULMER: You have my report. Two  
25 things that I'd like to mention that are not in the

1 report: Our recruiters actually went to Michigan in  
2 June. The report says that they're going to Michigan;  
3 they did go to Michigan, and actually received 56  
4 applications that day on commissioned officers, so that  
5 was a fruitful trip.

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

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

13 CHAIRMAN POLUNSKY: Thank you. Criminal  
14 Law Enforcement. Chief Ruocco.

15 MR. RUOCCO: Good afternoon. Tom  
16 Ruocco, Criminal Law Enforcement Chief. You have my  
17 report. There's just one thing I wanted to bring up.  
18 The last two Commission meetings, we've recognized the  
19 achievements of personnel in the Department regarding  
20 the recovery of kidnapped children, and while they're  
21 very desirable and they're great accomplishments, our  
22 job didn't stop there, and I think the best way to keep  
23 our children safe is to identify and prosecute the  
24 offenders, and with that I wanted to bring up a couple  
25 of follow-ups.

1                   This follow up commenced in 2008 where  
2                   three children were kidnapped out of Lubbock, Texas,  
3                   and were recovered, and when they were recovered, they  
4                   were digging a hole and told by the offender that they  
5                   were looking for money at the time of the recovery.  
6                   We're happen to report that that person was convicted  
7                   on three counts of kidnapping in federal court.

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

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

18                  CHAIRMAN POLUNSKY: Questions? Thank  
19                  you, Chief Ruocco.

20                  Emergency management. Chief Colley.

21                  MR. COLLEY: Jack Colley, Chief of  
22                  Emergency Management Division. Mr. Chairman,  
23                  Commissioners, our main effort right now is the  
24                  hurricanes and severe weather preparedness; we're  
25                  putting a lot of effort into that. We've conducted

1 over 32 exercises, conferences, whatever. We'll finish  
2 up this week with a major state exercise. Next week --  
3 we've met with about 150 county judges and mayors at a  
4 summit two weeks ago in which we went through a  
5 rehearsal, if you will, this season. It was productive  
6 in doing that.

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

12 (laughter)

13 MR. COLLEY: We have about ten  
14 initiatives, and one of them is, we've created this  
15 year -- you've heard a lot about re-entry operations  
16 and those kinds of things, the legislature gave me  
17 about 35 tasks, directed tasks, for that. One of them  
18 is to conduct re-entry operations, and to that end, we  
19 didn't wait for the legislature, we've already began  
20 that. Next slide. What we've done is created four  
21 task forces; we call it three lights and a heavy.  
22 There will be a task force in Dallas called Task Force  
23 Dallas, Task Force Waco, Task Force Austin, and then we  
24 call Task Force Texas, which will be in San Antonio.  
25 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 What it relates to DPS is, each one of  
11 those task forces will be commanded by a Department of  
12 Public Safety Highway Patrol lieutenant or captain, so  
13 it will be a big responsibility for them as they put  
14 those together. Next week we have a major rehearsal on  
15 this. July the 21st through the 23rd, we're actually  
16 going to do what we call a Mobex; we're going to stand  
17 them up and bring them together in these areas. In  
18 August we're going to do the same thing with Task Force  
19 Texas. Task Force Texas will be a much larger task  
20 force. It will have a 500-responder group and a  
21 500-victim shelter tent, and a 500-victim shelter tent,  
22 along with all the support that would go along with  
23 that. It will also have the credentialing capability  
24 you heard mentioned about being able to get on the task  
25 to do that, so we've worked out all those procedures to

1 be able to credential people as they go in. The  
2 Department of Public Safety will be responsible for  
3 security, not only this task force, but the intent is,  
4 as soon as it's safe to move into an area, the  
5 Department will move in with this task force and it  
6 will provide the security for the impacted area. It  
7 takes away a lot of the lessons learned from Ike.

8           Obviously, we're very satisfied with the  
9 legislature, the Division of Emergency Management. You  
10 can tell from the shuffle of the money, but what does  
11 it really mean to us? We got 29 FTE's. We got a  
12 \$62 million disaster contingency fund that we'll be  
13 responsible for, which is absolutely outstanding in  
14 this time, and the ability to access another \$100  
15 million going through some procedures, so that makes a  
16 major difference going into this year. The impact on  
17 the Department is, the Department won't have to be  
18 disaster dependent upon it, which it has done in the  
19 past. That's a major, major thing for us.

20           We also got authorization for two  
21 resource staging areas. We already had those two, just  
22 codified it in legislation. It allows us to spend up  
23 to \$3.5 million for that, and we can do that out of  
24 federal funds. We'll establish one in Lufkin and one  
25 in San Antonio. We have about \$10.5 million worth of

1 inventory in those now and we'll be able to increase  
2 that now and partner that with FEMA, so we're very  
3 fortunate to get that. The other thing that the  
4 legislature gave us, of course, is a comp time,  
5 overtime bill, which is a very significant piece not  
6 just for my employees but all Department -- well, I  
7 guess it's for all the State employees, and that is to  
8 be able to, at the director's authority, convert comp  
9 time to overtime during a declared governor's disaster.  
10 It also lifts the hotel and motel cap from \$85 to a day  
11 to whatever it needed in a disaster area. That's  
12 taking care of our people and we're very satisfied with  
13 that.

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



1 Office on that.

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

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

11                   CHAIRMAN POLUNSKY: Thank you, Chief.  
12 Questions?

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

15                   MR. COLLEY: \$62 million.

16                   MR. STEEN: And tell me how that  
17 operates.

18                   MR. COLLEY: The Governor and the  
19 Trusted Program put in the legislature that I have to  
20 write the -- I will be the one who will administer that  
21 and I have to develop the procedures for that, in other  
22 words, to access it. It's there for preparedness.  
23 Preparedness means, for example, Commissioner, the  
24 governor directs us to pre-position resources based on  
25 risk not on occurrence, so that allows us to bring up

1 buses and ambulances and aircraft and people prior to  
2 an event occurring. That costs money. At the same  
3 time, our jurisdictions do the same thing. So this is  
4 the first time we've ever had that capability. We  
5 usually had to wait for reimbursement from FEMA ma or  
6 wait for other sources to do that. This makes a big  
7 difference, and it makes a big difference in our  
8 sheltering communities. The economic turn, you know,  
9 has made a big impact now on our communities that host  
10 our evacuees. The simple fact is, you know, it is what  
11 it is, so cash flows are not out there anymore, cash  
12 reserves are not there anymore. Texas is a zero  
13 deficit State; that means you can't spend money you  
14 don't have. So it all relates now on an impact on a --  
15 and not just the hurricane, it has to do with all  
16 events we have now, wildfires especially. So this  
17 contingency fund gives us a big plus. The governor  
18 worked hard to get this and that will make an impact on  
19 our ability for communities to respond without that  
20 thing hanging over them about dollars and working  
21 through that. It allows the State to do what we ought  
22 to do, so we're very fortunate in getting that this  
23 year.

24 MR. STEEN: Thank you.

25 CHAIRMAN POLUNSKY: Thank you, Chief

1 Colley, and welcome to the Department.

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

4 (Laughter)

5 CHAIRMAN POLUNSKY: Not really.

6 Texas Highway Patrol. Chief Baker.

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

14 A couple of things that I would like to  
15 bring to your attention occurred this month. June 2nd,  
16 3rd, and 4th, Texas participated in Road Check 2009  
17 with other state police agencies in the nation and  
18 Mexico and Canada, and during that three-day period, we  
19 inspected 7,316 commercial vehicles. We placed 1,636  
20 of the vehicles out of service and 202 drivers out of  
21 service during that period for pretty serious  
22 violations. There were -- we encountered drivers who  
23 under the influence of alcohol during these road  
24 checks. This is a program that's advertised  
25 significantly, and you would think truck drivers would

1 know at least during that time frame to refrain from  
2 drinking any alcoholic beverages during their road  
3 trips.

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

19 The last thing I would like to bring to  
20 your attention -- it kind of highlights the use of our  
21 in-car system and our communication service -- Trooper  
22 James Harden was on routine patrol on June the 2nd and  
23 stopped a vehicle for a very minor traffic violation.  
24 He checked out the vehicle via the in-car computer and  
25 the police communications operator on the inside ran

1 the tag and it came back with a hit that the driver was  
2 wanted for aiding an escapee, and the dispatcher  
3 contacted the trooper and advised him of this  
4 information and said that she may possibly be  
5 accompanied by the escapee and the dispatcher gave the  
6 name to the trooper. There was a male passenger in the  
7 vehicle and he was asked to be identified and, of  
8 course, immediately he gave a false name. We were able  
9 to contact Mississippi Department of Corrections and  
10 they e-mailed the photograph to our communications  
11 facility, our communications facility e-mailed the  
12 photograph directly to the trooper there on the  
13 roadside, and within just a matter of minutes, we had  
14 an escapee from Mississippi positively identified. And  
15 that's just -- the technology did not exist until  
16 recently and it's great. Our troopers love that in-car  
17 system. We'll continue to see positive results from  
18 that equipment.

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

21 CHAIRMAN POLUNSKY: Thank you, Chief.

22 Driver's License. Chief Brown.

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

25 CHAIRMAN POLUNSKY: Well, yeah I do.

1 MS. JUDY BROWN: Judy Brown, Chief of  
2 Driver's License Division.

3 CHAIRMAN POLUNSKY: I would like to make  
4 note of the fact for those who are not aware of it that  
5 Chief Brown has announced her retirement from the  
6 Department Public Safety Commission after 33 years or  
7 32 years?

8 MS. JUDY BROWN: 31 and a half.

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

19 MS. JUDY BROWN: I have an interesting  
20 opportunity. I've had a very nice career here. I have  
21 enjoyed 99.9 percent of it. I have other opportunities  
22 that will utilize my expertise and allow me to work  
23 from my back porch, so I am ready to move on and take  
24 on a second career, probably not as long as 32 years,  
25 but gives me an opportunity to do some other things.

1                   CHAIRMAN POLUNSKY: Well, again, thank  
2 you. Thank you, Chief, for everything that you have  
3 done. We appreciate it.

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

20                   CHAIRMAN POLUNSKY: Texas Rangers  
21 Division, Representative from GQ.

22                   (Laughter)

23                   MR. LEAL: You have my report. One I'm  
24 going to point out, and the other one, I'm going to  
25 chastised for not putting up there, which I forgot

1 about, but I will have it up there next time.

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

19           The other thing I wanted to point out  
20 is, right beneath that, in the Eckert County, those  
21 arrows in that car, it looks the same on both sides,  
22 those are all bullet holes, and that was tied to some  
23 guys that came here from Mexico thinking they were  
24 really bad, and the guys from Eckert County were a  
25 little bit badder.



1 MS. BROWN: Those aren't like shotgun  
2 shells, are they? I mean, that's like a --

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

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

13 MR. LEAL: Right, exactly.

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

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

18 CHAIRMAN POLUNSKY: Are there questions  
19 for Chief Leal?

20 MS. BROWN: I would like to give a  
21 little praise to the Rangers for investigating what  
22 looked to be like the natural death of a child and  
23 turned out to be, unfortunately, a child that was  
24 probably sexually assaulted and then killed. That's  
25 got to be a tough task to just deal with emotionally

1 and certainly very hard to prove up forensically, so I  
2 think that's really neat that you guys are going back  
3 and looking at that. That's a real injustice.

4 MR. LEAL: Thank you.

5 CHAIRMAN POLUNSKY: Thank you, Chief.

6 MR. LEAL: Yes, sir.

7 CHAIRMAN POLUNSKY: IMS. Chief Lane.

8 MR. LANE: Good afternoon again. Brian  
9 Lane, Chief of IMS. Mr. Chairman, Commissioners, I  
10 have nothing else to add to my report other than we are  
11 preparing for, we hope, a very timely start for our  
12 Chief Information Officer. The team is excited.  
13 There's a lot of energy within not only IMS but I think  
14 the entire agency as we move forward with a significant  
15 budget for the first time in our history. We're  
16 pulling together documentation around procurement,  
17 project management, and other DIR specific needs that  
18 he or she will need to have that information on on how  
19 they execute business within State government. We've  
20 got that pulled together and ready to execute with that  
21 as soon as they walk in the door with hope of getting  
22 the ground running on day one and seeing where we are  
23 in 30, 90, 60 days as well as toward the end of the  
24 year, so we're exciting; we're looking for to it.  
25 Thank you for the work that you've done. Thank you for

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

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

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

15 CHAIRMAN POLUNSKY: Thank you. Colonel  
16 Beckworth.

17 MR. BECKWORTH: Yes. Mr. Chairman, with  
18 that being said, I'd like to announce the hiring of a  
19 CIO for the agency. We've identified an individual by  
20 the name of Brad Rable. I would have liked for Mr.  
21 Rable to have been today; however, he is out of state.  
22 He will start work affective the 29th of this month.  
23 He brings a lot of energy to the table. For the last  
24 ten years, he has been the vice-president of USAA, a  
25 Fortune 500 Financial Service out of San Antonio. He

1 has extreme knowledge, energy, and a strong leadership  
2 in the IT arena, and I am excited about this image  
3 ability that he will bring. Along with Brian Lane's  
4 efforts, I think we are headed in the right direction  
5 in our IT arena and I think this is going to be a great  
6 addition to our team. So I wanted to make that  
7 announcement. Thank you, sir.

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

14 Consent items. Does anybody want to  
15 pull any of these items out for individual discussion?

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

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

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

22 MS. BROWN: I'll second.

23 CHAIRMAN POLUNSKY: All right. It's  
24 been moved by Commissioner Steen and seconded by  
25 Commissioner Brown that the consent items be approved

1 as set out by the agenda.

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

4 Does anybody have anything that they  
5 would like to discuss for a future agenda item?  
6 Including the next agenda?

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

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

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

15 Anything else?

16 The public Safety Commission is now  
17 adjourned. The time is 4:15 p.m.

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1 THE STATE OF TEXAS )

2 COUNTY OF TRAVIS )

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5 I, Kim Furr, Certified Shorthand Reporter in and  
6 for the State of Texas, do hereby certify that the  
7 above and foregoing contains a true and correct  
8 transcription of my stenographic notes taken in the  
9 above-captioned cause at the Texas Public Safety  
10 Commission meeting in Austin, Texas.

11

12

13 Witness my hand this 15th day of July,  
14 2009.

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Kim Furr, CSR, RPR

18

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