August 9, 2012

Via Email

Daniel Collins
ACLU
dcollins@aclutx.org

RE: Public Information Request for Automatic License Plate Reader technology (PIR # 12-2501)

Mr. Collins:

The Department received your above-referenced request on July 30, 2012. Please find enclosed the only information the Department located in response to your request. These records are provided to you at no cost.

During the 82nd Texas Legislative Session, the Department was funded $1.5 million in Capital and $300,000 in Operating under Rider 41 for Automated License Plate Reader (ALPR) technology. The Department is currently studying available technology and assessing the agency’s mission and need for such technology. Policies and procedures for use of ALPR technology have not been developed and no procurements have been made at this time.

If you have any questions regarding this request, please submit them in writing via facsimile to (512) 424-5716, via email to OGC.Webmaster@dps.texas.gov, via mail to the address in the letterhead, or in person at our offices at 5805 N. Lamar Blvd. in Austin. Thank you.

Cordially,

Molly Cost
Assistant General Counsel
Texas Department of Public Safety  
Public Information Office  
Attn: Public Information Officer  
P O Box 4087  
Austin, Texas  78773-0001

July 30, 2012

Re:  Public Records Request / Automatic License Plate Readers

Via:  Electronic mail to pio@dps.texas.gov and registered mail

To Whom It May Concern:

This letter is a records request pursuant to the Public Information Act, Texas Gov’t Code, Chapter 552.001 et seq. from the American Civil Liberties Union of Texas. This request seeks records regarding automatic license plate readers (ALPRs). ALPRs are also sometimes referred to as Automatic Vehicle Identification, Car Plate Recognition or License Plate Recognition equipment and/or software. This records request uses “ALPR” in reference to any of this technology.

Records Requested

Please provide copies of the following records¹ created from January 1, 2006 to the present:

1. All records regarding your policies, practices and procedures for procuring and using ALPR technology, and for storing, accessing and sharing data obtained through ALPR technology.

2. All records regarding the procurement of ALPR technology, including
   a. sources of funds used to pay for ALPR technology;
   b. invoices for the purchase of ALPR technology;

¹ The term “records” as used in this request encompasses all records or communications in written or electronic form, including but not limited to correspondence, documents, data, videotapes, audio tapes, photographs, microfiches, microfilms, charts, DVDs, CDs, emails, facsimiles, telephone messages, logs, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules training manuals, other manuals, and studies.
c. local government approval for any ALPR purchase;
d. interactions with vendors, suppliers and potential suppliers of ALPR technology, including materials and fact sheets supplied by vendors describing their products.

3. All records regarding the use of ALPR technology, including
   a. what types of data are obtained;
   b. the number of license plates scanned and/or read in a given time period (day, month, year, etc.);
   c. the number of ALPR units or systems acquired;
   d. the number of vehicles equipped with ALPR technology;
   e. for stationary deployments, the number and physical location of ALPR units;
   f. the technical capabilities of the ALPR units.

4. All records regarding the storage of data obtained using ALPR technology, including
   a. what types of data are stored for any period longer than an hour;
   b. how long data is stored;
   c. when data must be discarded;
   d. how many individual license plate scan records your agency currently stores.

5. All records regarding access to ALPR data, including
   a. the legal justification required before an individual accesses ALPR data;
   b. purposes for which the data may be accessed;
   c. purposes for which the data may not be accessed;
   d. who may access the data, what procedures they must go through to obtain access, and who must authorize access;
   e. the existence or non-existence of a system that records who accesses the data and when the data is accessed.

6. All records regarding the sharing of data obtained through ALPR technology, including
   a. what type of data is shared;
   b. which databases your agency puts collected ALPR data into;
   c. third parties, governmental or private, that may access your agency's ALPR data, including what procedures third parties must go through in order to access the data and any restrictions placed on third parties regarding further sharing of your ALPR data;
   d. any agreements to share ALPR data with outside agencies, corporations or other entities.

7. All records regarding obtaining ALPR data from third parties, including which databases your agency can access.

8. All training materials used to instruct members of your agency in ALPR deployment, data management, or operation of automated records systems that contain ALPR data to which any member of your agency has access, including regional or shared ALPR databases.

We would appreciate the requested materials at your earliest convenience, and anticipate your
response on or before August 9, 2012. Materials may be produced on a rolling basis as they become available. We request that responses be in electronic format as much as possible. Materials may be sent by e-mail to dcollins@aclutx.org, by fax to (512) 478-7303, or by mail to P.O. Box 12905, Austin, TX 78711-2905. We are willing to pay the statutory fee for copying these materials. If the fee exceeds $40.00, please provide the written estimate of costs via fax or email.

Please feel free to contact me if you have any questions. I can be reached at by email at dcollins@aclutx.org or by telephone at (512) 478-7300 ext. 105. Thank you for your assistance in this matter.

Sincerely,

Daniel Collins
Method of Financing (Capital Budget):

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2012</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>GR Dedicated - Law Enforcement Officer Standards and Education Account No. 116</td>
<td>$286,212</td>
<td>$286,211</td>
</tr>
<tr>
<td>Total, Method of Financing</td>
<td>$286,212</td>
<td>$286,211</td>
</tr>
</tbody>
</table>

3. **Appropriation: Proficiency Certificate Fees.** The Commission on Law Enforcement Officer Standards and Education is hereby appropriated revenues collected for the processing of proficiency certificates pursuant to Occupations Code § 1701.154 (estimated to be $180,000 in fiscal year 2012 and $185,000 in fiscal year 2013 from Appropriated Receipts and included in the amounts appropriated above).

4. **Appropriation: Reinstatement Fees.** The Commission on Law Enforcement Officer Standards and Education is hereby appropriated fees collected to establish a person's eligibility to reinstate a license that has lapsed (estimated to be $100,000 in fiscal year 2012 and $96,000 in fiscal year 2013 from the GR-Dedicated Account No. 116 and included in the amounts appropriated above).

5. **Appropriation: State Flag Fund for Deceased Texas Peace Officers.** The Commission on Law Enforcement Officer Standards and Education is hereby appropriated all contributions and earned interest collected during the 2012-13 biennium and any unexpended and unencumbered balances from the biennium ending August 31, 2011, from the Texas Peace Officer Flag Account No. 5059 as provided by Occupations Code § 1701.161 and Government Code § 615.105 (estimated to be $2,000 in fiscal year 2012 and $2,000 in fiscal year 2013 and included in the amounts appropriated above). These appropriations are to be deposited in the state treasury to the credit of the GR-Dedicated Texas Peace Officer Flag Account No. 5059. These appropriations shall be used to provide state flags to families of deceased Texas peace officers pursuant to Occupations Code § 1701.161 and Government Code § 615.105. None of these appropriations shall be used by the commission for administration and support costs.

6. **Distance Learning Program.** From funds appropriated above, the Commission on Law Enforcement Officer Standards and Education shall continue to maintain, update, and upgrade its internet training system, the Distance Learning Program.

7. **Limitation on Employment.** None of the funds appropriated above shall be expended by the Commission on Law Enforcement Officer Standards and Education to employ anyone who, in the course of his official duties, conducts business with individuals, firms or educational institutions with which the employee has either a direct or indirect financial interest.

8. **Appropriation of Receipts.** Included in the amounts appropriated above to the Texas Commission on Law Enforcement Officers Standards and Education is revenue collected from intermediate, advanced, and master peace officer and jailer certifications in an amount not to exceed $286,212 in fiscal year 2012 and not to exceed $286,211 in fiscal year 2013 for the purpose of operating and maintaining the Police Officer Standards Education Internet Training (POSEIT).

### DEPARTMENT OF PUBLIC SAFETY

<table>
<thead>
<tr>
<th>Method of Financing</th>
<th>For the Years Ending</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>August 31, 2012</td>
</tr>
<tr>
<td>General Revenue Fund¹, ²</td>
<td>$65,209,870</td>
</tr>
<tr>
<td>GR Dedicated - Operators and Chauffeurs License Account No. 099</td>
<td>69,673,070</td>
</tr>
</tbody>
</table>

¹ Incorporates §53 of HB 4, 82nd Legislature, Regular Session, relating to the appropriation of unexpended general revenue balances for DPS from FY 2011 to FY 2012, resulting in an estimated increase in General Revenue Funds of $3,800,000 in FY 2012.

² Incorporates §30 of SB 2, 82nd Legislature, 1st Called Session, relating to the purchase of border security-related equipment, resulting in an increase in General Revenue Funds of $1,200,000 for the 2012-13 biennium.
DEPARTMENT OF PUBLIC SAFETY
(Continued)

Federal Funds 726,768,479 721,454,521

Other Funds
Appropriated Receipts 23,923,922 23,923,922
Interagency Contracts 2,659,102 2,659,102
Bond Proceeds - General Obligation Bonds 47,580,379 0
Criminal Justice Grants 237,259 237,259
State Highway Fund No. 006 526,334,581 534,679,104

Subtotal, Other Funds $ 600,735,243 $ 561,499,387

Total, Method of Financing $ 1,462,386,662 $ 1,390,192,848

Other Direct and Indirect Costs Appropriated Elsewhere in this Act $ 763,469 $ 814,043

This bill pattern represents an estimated 100%
of this agency’s estimated total availablefunds for the biennium.

Number of Full-Time-Equivalents (FTE):³,⁴ 8,911.8 9,160.8
Number of FTEs in Riders: 20.0 20.0

Schedule of Exempt Positions:
Director, Group 6 $162,000 $162,000

Items of Appropriation:
A. Goal: COMBAT CRIME AND TERRORISM
A.1.1. Strategy: ORGANIZED CRIME $ 67,323,190 $ 67,337,014
A.1.2. Strategy: CRIMINAL INTERDICTION $ 18,711,627 $ 13,399,672
A.1.3. Strategy: BORDER SECURITY $ 28,543,675 $ 11,593,005
A.1.4. Strategy: LOCAL BORDER SECURITY $ 27,665,351 $ 21,166,801
A.2.1. Strategy: COUNTERTERRORISM $ 459,481 $ 459,547
A.2.2. Strategy: INTELLIGENCE $ 7,636,219 $ 7,636,437
A.2.3. Strategy: SECURITY PROGRAMS $ 20,844,496 $ 17,048,847

Total, Goal A: COMBAT CRIME AND TERRORISM $ 190,362,340 $ 157,823,030

B. Goal: ENHANCE PUBLIC SAFETY
B.1.1. Strategy: TRAFFIC ENFORCEMENT $ 157,404,816 $ 157,448,712
B.1.2. Strategy: COMMERCIAL VEHICLE ENFORCEMENT $ 57,785,881 $ 57,797,133
B.2.1. Strategy: PUBLIC SAFETY COMMUNICATIONS $ 12,541,303 $ 12,541,300

Total, Goal B: ENHANCE PUBLIC SAFETY $ 227,732,000 $ 227,787,145

C. Goal: EMERGENCY MANAGEMENT
Emergency Management Training and Preparedness.
C.1.2. Strategy: RESPONSE COORDINATION $ 1,952,163 $ 1,952,163
Emergency and Disaster Response Coordination.
C.1.3. Strategy: RECOVERY AND MITIGATION $ 312,137,714 $ 312,923,714
Disaster Recovery and Hazard Mitigation.

Total, Goal C: EMERGENCY MANAGEMENT $ 688,241,243 $ 688,637,243

¹ Incorporates Article IX, §18.07, of this Act, relating to funding for drivers’ licensing processing and expanded electronic fingerprint capability, resulting in an increase in State Highway Funds of $27,731,124 and 112 FTEs in FY 2012 and $36,368,876 and 361 FTEs in FY 2013.
² Incorporates Article IX, §18.73, of this Act, due to the enactment of SB 662, 82nd Legislature, Regular Session, relating to the functions of the State Board of Examiners for Speech-Language Pathology and Audiology and funding to DPS to implement provisions of that legislation, resulting in an increase in State Highway Funds of $154,054 and 1.8 FTEs in FY 2012 and $131,797 and 1.8 FTEs in FY 2013.
³ Incorporates §30 of SB 2, 82nd Legislature, 1st Called Session, relating to the purchase of border security-related equipment, resulting in an increase in General Revenue Funds of $1,200,000 for the 2012-13 biennium.
⁴ Incorporates §53 of HB 4, 82nd Legislature, Regular Session, relating to the appropriation of unexpended general revenue balances for DPS from FY 2011 to FY 2012, resulting in an estimated increase in General Revenue Funds of $3,800,000 in FY 2012.
D. Goal: REGULATORY AND AGENCY SERVICES

D.1.1. Strategy: TRAINING ACADEMY AND DEVELOPMENT

D.1.2. Strategy: CRIME LABORATORY SERVICES

D.1.3. Strategy: CRIME RECORDS SERVICES

D.1.4. Strategy: VICTIM SERVICES

D.1.5. Strategy: FLEET OPERATIONS

D.2.1. Strategy: DRIVER LICENSE SERVICES

D.2.2. Strategy: DRIVING AND MOTOR VEHICLE SAFETY

D.3.1. Strategy: REGULATORY SERVICES ISSUANCE

D.3.2. Strategy: REGULATORY SERVICES COMPLIANCE

D.3.3. Strategy: REGULATORY SERVICES MODERNIZATION

D.4.1. Strategy: HEADQUARTERS ADMINISTRATION

D.4.2. Strategy: REGIONAL ADMINISTRATION

D.4.3. Strategy: INFORMATION TECHNOLOGY

D.4.4. Strategy: FINANCIAL MANAGEMENT

D.4.5. Strategy: HUMAN CAPITAL MANAGEMENT


Total, Goal D: REGULATORY AND AGENCY SERVICES

Grand Total, DEPARTMENT OF PUBLIC SAFETY

Object-of-Expense Informational Listing:

Salaries and Wages
Other Personnel Costs
Professional Fees and Services
Fuels and Lubricants
Consumable Supplies
Utilities
Travel
Rent - Building
Rent - Machine and Other
Debt Service
Other Operating Expense
Grants
Capital Expenditures

Total, Object-of-Expense Informational Listing

Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:

Employee Benefits
Retirement
Group Insurance
Social Security
Benefits Replacement

Subtotal, Employee Benefits

Debt Service
TFPA GO Bond Debt Service
Lease Payments

Subtotal, Debt Service

Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act

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1 Incorporates Article IX, §18.73, of this Act, due to the enactment of SB 662, 82nd Legislature, Regular Session, relating to the functions of the State Board of Examiners for Speech-Language Pathology and Audiology and funding to DPS to implement provisions of that legislation, resulting in an increase in State Highway Funds of $154,054 and 1.8 FTEs in FY 2012 and $131,797 and 1.8 FTEs in FY 2013.

2 Incorporates Article IX, §18.07, of this Act, relating to funding for drivers’ licensing processing and expanded electronic fingerprint capability, resulting in an increase in State Highway Funds of $27,731,124 and 112 FTEs in FY 2012 and $36,368,876 and 361 FTEs in FY 2013.
DEPARTMENT OF PUBLIC SAFETY
(Continued)

1. Performance Measure Targets. The following is a listing of the key performance target levels for the Department of Public Safety. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Department of Public Safety. In order to achieve the objectives and service standards established by this Act, the Department of Public Safety shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

<table>
<thead>
<tr>
<th>A. Goal: COMBAT CRIME AND TERRORISM</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Outcome (Results/Impact):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Terrorist Acts Committed within the State of Texas</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>A.1.2. Strategy: CRIMINAL INTERDICTION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Output (Volume):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Arrests for Narcotics Violations</td>
<td>1,500</td>
<td>1,500</td>
</tr>
<tr>
<td><strong>A.1.3. Strategy: BORDER SECURITY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Output (Volume):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Interagency Law Enforcement Operations Conducted in the Texas Border Region</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td><strong>A.3.1. Strategy: CRIMINAL INVESTIGATIONS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Output (Volume):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Arrests for Motor Vehicle Theft</td>
<td>600</td>
<td>575</td>
</tr>
<tr>
<td>Number of Criminal Investigation Division Arrests for Offenses other than Narcotics or Vehicle Theft Violations</td>
<td>1,050</td>
<td>1,050</td>
</tr>
<tr>
<td>Number of Arrests by Texas Rangers</td>
<td>2,400</td>
<td>2,400</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Goal: ENHANCE PUBLIC SAFETY</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Outcome (Results/Impact):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual Texas Highway Traffic Death Rate</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Percent of State &amp; Local Public Safety Agencies Transitioned to APCO Project 25 (P25) Voice Radio Digital Standard</td>
<td>25%</td>
<td>50%</td>
</tr>
<tr>
<td><strong>B.1.1. Strategy: TRAFFIC ENFORCEMENT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Output (Volume):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Traffic Law Violator Contacts</td>
<td>3,400,000</td>
<td>3,400,000</td>
</tr>
<tr>
<td>Number of Hours on Routine Patrol</td>
<td>1,414,580</td>
<td>1,414,580</td>
</tr>
<tr>
<td><strong>B.1.2. Strategy: COMMERCIAL VEHICLE ENFORCEMENT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Output (Volume):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Routine Patrol Hours per Commercial Vehicle Enforcement Trooper</td>
<td>470</td>
<td>470</td>
</tr>
<tr>
<td><strong>Efficiencies:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Commercial Traffic Law Violator Contacts</td>
<td>1,600,000</td>
<td>1,600,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Goal: EMERGENCY MANAGEMENT</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Outcome (Results/Impact):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent of Local Governments Achieving a Basic Level of Emergency Planning Preparedness</td>
<td>90%</td>
<td>90%</td>
</tr>
<tr>
<td>Number of Active Hazard Mitigation Projects Funded by Grants</td>
<td>240</td>
<td>180</td>
</tr>
<tr>
<td>Number of Active Disaster Recovery Projects Funded</td>
<td>4,200</td>
<td>4,000</td>
</tr>
<tr>
<td>Percentage of Local Governments Receiving State Response Assistance for Emergencies and Disasters</td>
<td>19%</td>
<td>19%</td>
</tr>
<tr>
<td><strong>C.1.2. Strategy: RESPONSE COORDINATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Output (Volume):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Emergency Incidents Coordinated</td>
<td>5,780</td>
<td>5,780</td>
</tr>
<tr>
<td><strong>C.1.3. Strategy: RECOVERY AND MITIGATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Output (Volume):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Counties Provided Disaster Financial Assistance</td>
<td>104</td>
<td>104</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D. Goal: REGULATORY AND AGENCY SERVICES</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Outcome (Results/Impact):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concealed Handguns: Percentage of Renewal Licenses Issued within 40 Days</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Concealed Handguns: Percentage of Original Licenses Issued Within 60 Days</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Percentage of Sex Offender Notifications Mailed within Ten Days</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Percentage of Court-Ordered Non-Disclosures Completed within Ten Business Days</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Percentage of Crime Laboratory Reporting Accuracy</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC SAFETY
(Continued)

Private Security: Percent of Private Security Bureau
Documented Complaints Resolved within Six Months 99% 99%
Private Security: Percent of Private Security Bureau
Licensees with No Recent Violations 99% 99%

D.1.1. Strategy: TRAINING ACADEMY AND DEVELOPMENT
Output (Volume):
Number of Students Attending Training 9,300 9,300
Number of Courses Taught 260 260
Number of Student Contact Hours 474,059 474,059

D.1.2. Strategy: CRIME LABORATORY SERVICES
Output (Volume):
Number of Breath Alcohol Tests Supervised 44,000 44,000
Number of Drug Cases Completed 50,000 50,000
Efficiencies:
Average Cost of Supervising a Breath Alcohol Test 58.77 58.77

D.2.1. Strategy: DRIVER LICENSE SERVICES
Output (Volume):
Number of Total Examinations Administered 5,716,447 5,716,447

D.3.1. Strategy: REGULATORY SERVICES ISSUANCE
Output (Volume):
Number of Original Handgun Licenses Issued 114,804 126,284
Number of Renewal Handgun Licenses Issued 31,895 49,419
Efficiencies:
Private Security: Average Licensing Cost Per Individual License Issued 2 2
Private Security: Number of New Licenses and Registrations Issued 38,235 38,741

D.3.2. Strategy: REGULATORY SERVICES COMPLIANCE
Output (Volume):
Private Security: Number of Investigations Conducted 5,738 5,738
Narcotics Regulation: Number of Controlled Substance Prescriptions Processed 41,718,752 42,970,315
Efficiencies:
Private Security: Average Cost Per Disciplinary Action 184 184

D.3.3. Strategy: REGULATORY SERVICES MODERNIZATION
Efficiencies:
Private Security: Average Time for Case Resolution 93.5 93.5

2. Capital Budget. The capital budget authority provided below in paragraphs a, b, c, d, e and h is specific to the Department of Public Safety and exclusive of the Texas Division of Emergency Management. The capital budget authority provided below in paragraphs f and g is specific to the Texas Division of Emergency Management and exclusive of the remainder of the Department of Public Safety. None of the funds appropriated above to the Department of Public Safety and the Texas Division of Emergency Management may be expended for capital budget items except as listed below. The transfer authority provided under Article IX, § 14.03 of this Act for the Department of Public Safety shall be limited to paragraphs a, b, c, d, e and h, listed below. The transfer authority provided under Article IX, § 14.03 of this Act for the Texas Division of Emergency Management shall be limited to paragraphs f and g listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to Government Code § 1232.103.

<table>
<thead>
<tr>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Construction of Buildings and Facilities</td>
<td></td>
</tr>
<tr>
<td>(1) Lubbock and Weslaco Regional Offices &amp; Crime Labs; Rio Grande City Office; Crime Lab Expansions; and Emergency Vehicle Operations Course</td>
<td>$36,280,994</td>
</tr>
<tr>
<td>(2) Laredo Crime Lab</td>
<td>5,575,000</td>
</tr>
<tr>
<td>Total, Construction of Buildings and Facilities</td>
<td>$41,855,994</td>
</tr>
<tr>
<td>b. Repair or Rehabilitation of Buildings and Facilities</td>
<td></td>
</tr>
<tr>
<td>(1) Deferred Maintenance and Repair</td>
<td>5,724,385</td>
</tr>
</tbody>
</table>
c. Acquisition of Information Resource Technologies
(1) NCIC/TLETS Upgrade - Lease Payments (MLPP) 1998-99 403,813 224,137
(2) Copier Capital Lease 994,128 994,128
(3) CVE Information Technology Purchases 934,350 934,350
(4) Federal Criminal Justice Grant Project 925,000 925,000
(5) Driver's License Process Improvement Plan 1,413,252 0

Total, Acquisition of Information Resource Technologies $ 4,670,543 $ 3,077,615

d. Transportation Items
(1) Vehicles (approximately 880) 12,974,241 12,974,239

e. Acquisition of Capital Equipment and Items
(1) Vehicle Light Bars 352,638 352,637
(2) Radios 1,569,474 1,569,470
(3) DNA/CODIS Analysis Project 786,000 0

Total, Acquisition of Capital Equipment and Items $ 2,708,112 $ 1,922,107

f. Emergency Management: Acquisition of Information Resource Technologies
(1) SOC Enhancement 400,000 0
(2) Disaster District EOC Refresh 1,050,000 1,050,000
(3) SNETS Computer Refresh 310,000 0
(4) SNETS Replacement Parts 300,000 0
(5) Land Mobile Satellite Units 155,000 0

Total, Emergency Management: Acquisition of Information Resource Technologies $ 2,215,000 $ 1,050,000

g. Emergency Management: Acquisition of Capital Equipment and Items
(1) TDEM Warehouse Equipment 123,066 0

h. Border Security: Acquisition of Capital Equipment and Items
(1) Border Security Vehicles (approximately 326) 5,700,444 5,700,444
(2) IT and Crime Records 11,768,707 11,768,708
(3) High Altitude Surveillance Aircraft 6,283,000 0
(4) Fiber Optic Scopes 1,960,000 0
(5) Video Communications Downlink 375,000 0
(6) Southbound Checkpoints 1,500,000 0
(7) Case Management IT Tool 4,000,000 0
(8) IT Link Analysis 1,417,000 0
(9) Joint Operations & Intelligence Centers 3,917,000 0
(10) Tactical Vessels & Weaponry 1,066,667 0

Total, Border Security: Acquisition of Capital Equipment and Items $ 37,987,818 $ 17,469,152

Total, Capital Budget $ 108,259,159 $ 36,493,113

Method of Financing (Capital Budget):
General Revenue Fund $ 19,671,415 $ 219,414
Federal Funds 5,988,416 3,914,350

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9 Incorporates Article IX, §18.07, of this Act, relating to additional capital budget authority for Drivers’ License Improvement Plan, resulting in an increase in capital budget authority of $1,413,252 in FY 2012.
10 Incorporates §30 of SB 2, 82nd Legislature, 1st Called Session, relating to additional capital budget authority for the purchase of border security-related equipment, resulting in an increase in capital budget authority of $1,066,667 in FY 2012.
DEPARTMENT OF PUBLIC SAFETY
(Continued)

Other Funds
State Highway Fund No. 006 35,018,949 32,359,349
Bond Proceeds - General Obligation Bonds 47,580,379 UB
Subtotal, Other Funds $ 82,599,328 $ 32,359,349
Total, Method of Financing $ 108,359,158 $ 36,493,113

3. Marked Vehicles. None of the funds appropriated above may be expended for the salaries of personnel operating motor vehicles used to stop and actually arrest offenders of highway speed laws unless such vehicles are black, white, or a combination thereof and plainly marked with the department's insignia.

4. Aviator Reimbursement. From the amounts appropriated above, an amount not to exceed $10,000 each fiscal year of the biennium may be used for reimbursement of costs related to aviator assistance to state agencies, such as search and rescue or disaster-related functions. Reimbursements may include actual costs of aircraft operation including fuel, oil, maintenance, and routine costs incurred by trained and certified private volunteer aviators using privately owned aircraft in state-authorized flight operations and training exercises associated with disaster-related activities. The reimbursement shall not exceed the rate approved by the state per flying hour, when such aircraft costs are not reimbursable by other governmental agencies in accordance with Chapter 418, Government Code.

5. Disposition of Seized Funds. The Department of Public Safety is hereby directed to deposit all funds currently held, or obtained in the future pursuant to seizure actions or judicial forfeiture, according to rules and procedures developed by the Comptroller of Public Accounts. The department shall cooperate with the Comptroller of Public Accounts in developing agreements and procedures for the deposit of seized state funds in accounts in the State Treasury.

6. Controlled Substances. Included in the amounts appropriated above in Strategy A.1.1, Organized Crime, is $7.05 million in fiscal year 2012 and $7.05 million in fiscal year 2013 from Federal Funds. All revenues in excess of these amounts collected under federal forfeiture programs are hereby appropriated to the Department of Public Safety to be used for law enforcement purposes (estimated to be $0). Any funds unexpended at the close of each fiscal year are appropriated for the following year. Funding priority shall be given to the purchase of new equipment for field employees.

7. Witness Fees. From the appropriations made herein, the Department of Public Safety may pay the witness fees and travel expenses of out-of-state witnesses, subject to the advance, written approval of the District Attorney for the county having venue over the law violation under investigation.

8. Purchase of Evidence. From the amounts appropriated above to the Department of Public Safety, an amount not to exceed one million dollars ($1,000,000) each fiscal year of the biennium, exclusive of amounts forfeited to the Department of Public Safety by any court of competent jurisdiction and amounts received from the United States government derived from the forfeiture of monies and property, is hereby designated for the purchase of evidence and/or information and surveillance expenses deemed necessary by the Department of Public Safety; and accountability for expenditures as set forth above shall be governed by such rules and regulations as the director of the Department of Public Safety may recommend and are subject to audit by the State Auditor. Such amounts may be maintained in cash to facilitate the purchase of evidence, information, and/or surveillance expense.

9. Seized Assets Report. The Department of Public Safety shall file with the Governor and the Legislative Budget Board, no later than the first Friday of October of each year, a report disclosing information on seized/forfeited assets. The report shall contain a summary of receipts, disbursements, and fund balances for the fiscal year derived from both federal and state sources and supporting detail. The detail information shall, at a minimum, include the following:

a. Regarding receipts: the court in which the case was adjudicated, the nature of the assets, the value of the assets, and the specific, intended use of the assets; and

b. Regarding disbursements: the departmental control number, the departmental category, the division making the request, the specific item and amount requested, the amount the department approved, and the actual amount expended per item.
DEPARTMENT OF PUBLIC SAFETY
(Continued)

10. **Academy Costs.** The Department of Public Safety (DPS) may charge employees and students of the DPS Academy for tuition, lodging, and meals at such prices as to recover actual costs. Such funds as received are hereby appropriated to cover the expenses entailed in providing such students and employees their lodging, meals, incidental expenses, and to pay visiting instructors.

11. **Medical and Funeral Costs.** Funds appropriated above may be expended for drugs, medical, hospital, laboratory, and funeral costs of law enforcement employees or other employees performing duties involving unusual risk when injury or death occurs in the performance of such duties. Funds appropriated above shall not be expended for drugs, medical, hospital, laboratory, or funeral costs of employees who are not actively engaged in the performance of law enforcement or other hazardous duties or for law enforcement employees when injury or death occurs in the performance of clerical or office duties as distinguished from law enforcement or other duties involving unusual risk. Funds appropriated above may also be expended for physical examinations and testing when such examinations and tests are a condition of employment or exposure to infectious diseases or hazardous materials occurs in the line of duty.

12. **Authorization of Funeral Travel Reimbursement.** The Department of Public Safety may reimburse a commissioned peace officer or communications officer in its employ the costs for lodging, transportation, and meals, in accordance with Article IX travel regulations of this Act, when such travel is for the purpose of representing the department at the funeral of a fallen peace officer. The reimbursement authorized by this provision applies to out-of-state, as well as, in-state travel. The department may provide reimbursement for only a small delegation to any single out-of-state funeral.

13. **Moving Expenses.** Notwithstanding any other provision of this Act, and with the approval of the Director, the department may use appropriated funds to pay the reasonable, necessary, and resulting costs of moving the household goods and effects of a commissioned peace officer employed by the department who is transferred from one designated headquarters to another so long as the department determines that the best interests of the State will be served by such transfer.

14. **Travel for Security Personnel.** Notwithstanding other provisions of this Act, commissioned Department of Public Safety personnel when transporting and providing security for the Governor or Governor-elect and his or her spouse and immediate family; other members of the executive, legislative, and judicial branches of state government; and visiting government officials travelling in Texas when assigned, shall be reimbursed for their actual meals, lodging, and incidental expenses when on official travel in or out of the state.

15. **Historical Museum.** The Department of Public Safety is authorized to allow the Department of Public Safety Historical Museum to utilize department property for the purpose of a historical museum. No state funds are appropriated for this purpose.

16. **Polygraph Examinations.** None of the funds appropriated to the Department of Public Safety may be expended for polygraph testing of commissioned law enforcement officers of the Department of Public Safety, unless requested by the officer.

17. **Supply and Inventory Cost Allocation.** The Department of Public Safety is hereby authorized to establish a supply and inventory cost pool to which appropriations may be transferred from any strategy item. These transfers shall be restricted to the purchase of supplies and inventory items. Expenditures from the cost pool shall be allocated back to the applicable strategies of the Department of Public Safety within 30 days following the close of each fiscal quarter.

18. **Stranded Motorist Assistance.** The Department of Public Safety is designated as the lead state agency to help motorists whose vehicles are disabled on state and federal roads. The department shall use funds appropriated by this Act to obtain the cooperation of all relevant state agencies, especially the Texas Department of Transportation, and coordinate its efforts with all local law enforcement agencies and interested private businesses. As part of this initiative, the Department of Public Safety shall establish and publicize a toll free number and a universal distress signal for motorists that are in need of assistance.

19. **Criminal History Checks to Specified Licensing Agencies.** The Department of Public Safety shall provide to the agencies listed in § 60.061, Code of Criminal Procedure, a system for checking at least annually, but not more than quarterly, or as otherwise provided by § 60.061, the existing licensees of these agencies against information in criminal history files. The Department of Public Safety may not charge or assess a fee to an agency providing information to the department that is in excess of the actual direct cost incurred by the department.
20. Parking Violation Revenues. All revenue received from parking violations under Government Code § 411.067 shall be deposited to the General Revenue Fund.

21. Contingency Appropriation Reduction. The funds appropriated above to the department are hereby reduced by an equal amount from the General Revenue Fund, State Highway Fund 006, or a combination of the two funds in the event the Department of Public Safety spends any funds not authorized by the General Appropriations Act, any provision within this Act which places a limitation on expenditures, or an affirmative action by the Legislature.

22. Appropriation Transfers. Notwithstanding any other provision of this bill, the Department of Public Safety may not transfer funds between items of appropriation in excess of 25 percent and shall provide 45-days notification to the Governor and the Legislative Budget Board any time the department plans to transfer an amount of $100,000 or more between items of appropriation. No later than the first Friday of October of each year, the department shall report to the Governor and the Legislative Budget Board the total number and amount of transfers during the previous fiscal year. The report shall include the amount transferred, the strategies involved, and justification for the transfer. In addition, the Department of Public Safety is hereby prohibited from transferring any and all appropriations from Strategy A.3.1, Criminal Investigations, into any other strategies without consent of the Governor and the Legislative Budget Board.

23. Appropriation: Automobile Emission Inspections. Included in amounts appropriated above in Strategy D.3.2, Regulatory Services Compliance, is $7,353,749 in fiscal year 2012 (General Revenue - Dedicated Operators and Chauffeurs License Account No. 099) and $7,353,749 in fiscal year 2013 (General Revenue - Dedicated Operators and Chauffeurs License Account No. 099) for the operation of the vehicle emissions inspection and maintenance program pursuant to § 382.202, Health and Safety Code.

If additional counties are brought into the vehicle emissions inspection and maintenance program, 80 percent of revenues generated from the vehicle emissions and inspections fee in excess of the Comptroller's Biennial Revenue Estimate in each fiscal year 2012 and 2013 and deposited into the General Revenue Fund are hereby appropriated to the agency for the purpose of developing, administering, evaluating, and maintaining the vehicle emissions inspection and maintenance program in the additional counties.

24. Recruit Schools. Recruits participating in the recruit school of the Department of Public Safety shall not be counted toward the limit on the number of full-time-equivalent positions (FTEs) for the agency until their graduation. Upon graduation, the additional officers shall not cause the department to exceed the department's limit on FTEs. The number of participants in the recruit schools shall be included in all required reports concerning FTEs and vacancies, but the recruits shall be reported as a separate total from the agency's other FTEs.

25. Reporting Procedure for Land Acquisition and Construction Projects. The Department of Public Safety shall report to the Governor, the House Appropriations Committee, the Senate Finance Committee, and the Legislative Budget Board if a department project managed by the Texas Facilities Commission and funded through appropriations by the Legislature lags six months or more behind the project's original timeline and/or exceeds the original budget by more than 25 percent. Reports should not include delays or cost overruns caused by acts of nature or other factors outside the control of the Texas Facilities Commission.

26. Hardship Stations. Out of funds appropriated above, the Department of Public Safety is authorized to designate 40 hardship stations across the state based on excessive vacancies in the Texas Highway Patrol Division. The department shall provide incentives to commissioned peace officers accepting positions at these posts.

27. Contingency Personnel, DNA Analyses. Contingent on the receipt of federal funds for DNA analyses or DNA backlog elimination purposes in an amount sufficient to cover the costs related to the additional personnel authorized by this rider, the "Number of Full-Time-Equivalents (FTE)" figure indicated above is hereby increased by 12 each fiscal year. Seven of these authorized FTEs are to be assigned to the department's primary DNA facility, while the remaining five are to be assigned to field laboratories.

28. Authorized Trooper Strength. From funds appropriated, the Department of Public Safety shall maintain the number of highway patrol trooper positions at no less than 2,149.
29. **Contingency Personnel, North Texas Tollway Authority Contract.** The department is authorized 33 highway patrol service positions contingent upon continuing an interlocal cooperation contract with the North Texas Tollway Authority to police the Dallas North Tollway Systems. The "Number of Full-Time-Equivalents (FTE)" figure indicated above is hereby increased by eight each fiscal year. The eight FTEs authorized by this rider may not be added until the department reaches the number of troopers patrolling Texas highways in accordance with the goals as outlined in Rider Number 28, Authorized Trooper Strength.

The contract shall include salaries, retirement, group insurance, auto operation costs, operational expenses, and amortization of equipment, including, but not limited to, vehicles. The expenses to be covered must also include expenses related to radio communications, office space and furniture, printing, postage, personnel moving expenses, telephone services, patrol car equipment, and secretarial and clerical services. Upon termination of the contract, the department must notify the Governor, Legislative Budget Board, and the State Auditor's Office of the termination and phase out the additional FTEs.

30. **Interagency Contract for Legal Services.** Out of funds appropriated above, $1.3 million for the 2012-13 biennium is for an interagency contract with the Office of the Attorney General for legal services provided by the Office of the Attorney General to the Department of Public Safety. Any interagency contract funded by appropriated funds may not exceed reasonable attorney fees for similar legal services in the private sector, shall not jeopardize the ability of the Department of Public Safety to carry out its legislative mandates, and shall not affect the budget for the Department of Public Safety such that employees must be terminated in order to pay the amount of the interagency contract.

31. **Appropriations Limited to Revenue Collections.** Fees and other miscellaneous revenues as authorized and generated by the Private Security Bureau of the Department of Public Safety shall cover, at a minimum, the cost of the appropriations for the 2012-13 biennium made above in Strategies D.3.1. ($2,210,218), D.3.2. ($4,826,528), and D.3.3. ($398,269), as well as the "other direct and indirect costs" indicated above (the amounts are solely related to the Private Security Bureau). In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above in Strategies D.3.1, D.3.2, and D.3.3, to be within the amount of revenue expected to be available.

32. **Appropriations Limited to Revenue Collections; Driver Responsibility Program.** Included in the amounts appropriated above in Strategy D.4.3, Information Technology (pursuant to §780.002, Health and Safety Code) is $932,028 in fiscal year 2012 and $932,026 in fiscal year 2013 from the General Revenue Fund for the administration of the driver responsibility program.

Also included in the amounts appropriated above in Strategy D.2.2, Driving and Motor Vehicle Safety (pursuant to §708.155, Transportation Code), are amounts collected in excess of surcharge amounts of the driver responsibility program as vendor base compensation and related costs for the collection of the surcharges. These amounts are estimated to be $11,434,337 in fiscal year 2012 and $11,432,837 in fiscal year 2013 from the General Revenue Fund. All funds collected for vendor base compensation and related costs shall be processed in accordance with procedures established by the Comptroller of Public Accounts. The amount of vendor compensation shall not exceed rates specified in statute.

33. **Staffing Patterns - Private Security Bureau.** From funds appropriated above, the Private Security Bureau of the Department of Public Safety shall achieve greater compliance with the Private Security Act by strategically locating its investigators across the state to maximize the use of Department of Public Safety regional offices, minimize travel related costs, and support/represent a significant number of companies and persons regulated in the region. None of the funds appropriated above shall be expended to maintain or support offices that are located in the homes of any employees.

34. **Appropriation Transfers Between Fiscal Years - Gasoline Contingency.** In addition to the transfer authority provided elsewhere in this Act, the Department of Public Safety (DPS) may transfer appropriations from the State Highway Fund No. 006 for fiscal year 2013 to fiscal year 2012, subject to the following conditions provided by this section:

a. Transfers under this section may be requested only if the average price per gallon of gasoline paid by the agency during the first six months of fiscal year 2012 exceeds $3.19 per gallon.
b. A request to transfer appropriations for fiscal year 2013 to fiscal year 2012 shall be submitted in writing to the Governor and the Legislative Budget Board. The request shall include a justification for the amount of funds to be transferred based on an estimate of the total gallons of gasoline consumed by the agency in a year and the average price per gallon paid over $3.19 per gallon during the first six months of fiscal year 2012.

c. A transfer authorized by this section must receive the prior approval of the Governor and the Legislative Budget Board.

d. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.

35. **Estimates of Future Federal Funds.** The Department of Public Safety (DPS) shall include estimates of future federal funding and 100 percent federally funded full-time-equivalents in the agency’s Legislative Appropriations Request (LAR) based on historical amounts for all non-disaster related federal funds unless there is a specific indication that a federally funded project will be added, eliminated, or changed significantly. As part of the agency submission of the LAR, DPS shall notify the Governor and the Legislative Budget Board in writing of any such indication of federal funding changes including the Catalog of Federal Domestic Assistance number, the anticipated amount of the change, and the cause of the change.

36. **Appropriation: Unexpended Balances Bond Proceeds.** Included in the amounts appropriated above are unexpended and unobligated balances of general obligation bond proceeds that have been approved under the provisions of Article IX, Section 17.11 of Senate Bill 1, Eighty-first Legislature, Regular Session, 2009, remaining as of August 31, 2011, (estimated to be $11,299,385), for maintenance and repair of existing facilities ($5,724,385) and to construct, equip, and operate a crime lab in Laredo ($5,575,000), for the 2012-13 biennium in Strategy D.4.6, Facilities Management.

Also included in the amounts appropriated above are unexpended and unobligated balances of general obligation bond proceeds that have been approved under the provisions of Article IX, Sections 19.70 and 19.71 of House Bill 1, Eightieth Legislature, Regular Session, 2007, remaining as of August 31, 2011, (estimated to be $36,280,994), for previously approved construction of additional facilities and shall not be used for new construction of additional facilities, for the 2012-13 biennium in Strategy D.4.6, Facilities Management.

All projects funded herein with general obligation bond proceeds are subject to approval by the Legislative Budget Board prior to the issuance of the bond proceeds by the Texas Public Finance Authority. Any unexpended balances in general obligation bond proceeds described herein and remaining as of August 31, 2012, are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2012.

37. **Physical Fitness Standards.** Out of funds appropriated above, the Department of Public Safety shall develop criteria that include physical fitness and appearance standards that must be met prior to any commissioned peace officer receiving a pay increase or promotion as authorized by Article IX, Section 2.01, Schedule C Classification Salary Schedule of this Act.

38. **Estimates of Future Criminal Justice Grants.** The Department of Public Safety (DPS) shall include estimates of future criminal justice grants in the agency’s Legislative Appropriations Request (LAR) based on historical amounts unless there is a specific indication that the amount of criminal justice grants will change significantly.
39. Border Security. From funds appropriated above in A.1.3, Border Security, the Department of Public Safety shall use $27,343,675 in fiscal year 2012 and $11,593,005 in fiscal year 2013 for enhanced border security operations including salaries, training, operating costs, and equipment for:
   a. Highway Patrol staff including commissioned officers;
   b. Criminal Investigations staff including commissioned officers;
   c. Texas Rangers; and
   d. Aircraft Operations staff including commissioned officers.

40. Databases and Clearinghouses Related to Missing Persons and Children. From funds appropriated above in Strategy A.2.2, Intelligence, the Department of Public Safety (DPS) shall use $1,096,628 in fiscal year 2012 and $1,096,628 in fiscal year 2013 for the administration and support of the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database and the Missing Children and Missing Persons Information Clearinghouse established under the Code of Criminal Procedure, Chapter 63. The "Number of Full-Time-Equivalents" indicated above includes 3 FTEs in both fiscal years for the administration and support of the programs. DPS shall use $825,000 per fiscal year to make interagency contract payments to the University of North Texas Health Science Center at Fort Worth to administer the Missing Persons DNA Database. DPS shall use $271,628 per fiscal year to pay department expenses associated with the Missing Persons DNA Database and the administration of the Missing Children and Missing Persons Information Clearinghouse.

41. Local Border Security. From funds appropriated above in Strategy A.1.4, Local Border Security, the Texas Rangers Division within the Department of Public Safety (DPS) shall use $27,665,351 in fiscal year 2012 and $21,166,801 in fiscal year 2013 for the following border security expenditures:
   a. fund DPS troopers along the border;
   b. fund Texas Ranger positions;
   c. overtime and operational costs for increased patrol and investigative capacity for certified peace officers (DPS, Texas Parks and Wildlife Department, and local) following the DPS overtime policy; and operational costs, per diem, and travel expenses for Texas Military Forces;
   d. the operations of the Border Operations Center and the Joint Operations and Intelligence Centers; and
   e. the operations of the Rio Grande Valley Border Security and Technology Training Center.

Out of funds appropriated, on or before December 15th of each year, the Department of Public Safety shall submit a report to the Legislative Budget Board and the Governor's Office on the expenditure of funds provided to local law enforcement agencies.

Prior to the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall be notified. As soon as possible after the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall receive written notification on the operational plans.

Any unexpended balances from appropriations listed above that are remaining as of August 31, 2012 are hereby appropriated for the fiscal year beginning September 1, 2012 for the same purpose(s).
42. **State Disaster Resource Support and Staging Sites.** From funds appropriated above in Goal C, Emergency Management, the Texas Division of Emergency Management is authorized to spend no more than $1,008,000 in fiscal year 2012 and $1,008,000 in fiscal year 2013 for the operation of no more than two state disaster resource support and staging sites. Funds used under this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

43. **Texas Data Exchange.** It is the intent of the Legislature that $12,447,104 appropriated to the Department of Public Safety in Strategy D.1.3, Crime Records Services, for the Texas Data Exchange (TDEx) in the 2012-13 biennium shall be used to fund support fees, deployment of TDEx adapters, and ongoing operation expenses, including the renewal of the TDEx enterprise license.

44. **TexasOnline.** Included in the amounts appropriated above in Strategy D.4.3, Information Technology, is $356,000 in fiscal year 2012 and $356,000 in fiscal year 2013 out of Appropriated Receipts generated by TexasOnline for the 2012-13 biennium for the continued operation of TexasOnline.

45. **Estimates of Future Appropriated Receipts.** The Department of Public Safety (DPS) shall include estimates of future appropriated receipts in the agency's Legislative Appropriations Request (LAR) based on historical amounts unless there is a specific indication that the amount of appropriated receipts will change significantly.

46. **Border Auto Theft Information Center.** From funds appropriated above, the Department of Public Safety shall: (1) apply for Federal Funds to administer the Border Auto Theft Information Center; (2) before December 31 of each fiscal year provide a report to the Legislative Budget Board regarding the current status of the federal grant application and use of funds. Federal Funds received for the purpose of administering and operating the Border Auto Theft Information Center are hereby appropriated to the Department of Public Safety.

47. **Capital Budget Expenditures from Federal Awards.** To comply with the legislative intent to maximize the use of federal funds and to fulfill grant requirements for the receipt and expenditure of federal funds, the Department of Public Safety (DPS) is hereby exempt from the capital budget rider provisions contained in Article IX of this Act when gifts, grants, inter-local funds and federal funds are received in excess of the amount identified in the agency's capital rider and such funds are designated by the donor, grantee, state entity or federal agency solely for construction projects or purchases of specific capital items. Amounts expended from these funding sources shall not count towards the limitations imposed by capital budget provisions elsewhere in this Act. DPS shall notify the Legislative Budget Board and the Governor upon receipt of such funds, of the amount received and the items to be purchased as approved by the donor, grantee, state entity or federal agency. It is the intent of the legislature that the expenditure of funds pursuant to this rider not create an ongoing operating cost.

48. **Cash Flow Contingency for Federal Funds.** Contingent upon the receipt of federal funds and the approval of the Legislative Budget Board and the Governor's Office, the Department of Public Safety may temporarily utilize additional general revenue funds, pending receipt of federal reimbursement, in an amount not to exceed $20,000,000 in each fiscal year of the biennium. The request to access the additional funds by the department shall include justification for the additional funds. The general revenue amounts utilized above the department's general revenue method of finance must be repaid upon receipt of federal reimbursement and shall be utilized only for the purpose of temporary cash flow needs. At the end of each fiscal year, the $20,000,000 must be repaid by November 30 of the following fiscal year. These transfers and repayments shall be credited to the fiscal year being reimbursed and shall be in accordance with procedures established by the Comptroller of Public Accounts.

49. **Unexpended Balances Within the Biennium.** Any unexpended balances as of August 31, 2012, in appropriations made to the Department of Public Safety are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2012.

50. **Contingency Appropriation for Concealed Handgun Applications.** Included in the General Revenue amounts appropriated above in Strategy D.3.1, Regulatory Services Issuance, is an amount not to exceed $499,176 in fiscal year 2012 and an amount not to exceed $499,176 in fiscal year 2013, contingent upon certification by the Comptroller of Public Accounts of the number of concealed handgun applications received by the Department of Public Safety and the additional revenue generated above the Comptroller of Public Accounts’ Biennial Revenue Estimate for the...
2012-13 biennium. The Comptroller shall base the contingency appropriation on $54,71 for each concealed handgun application received each fiscal year above 90,875 applications to cover operating costs created by an increase in the number of applications received.


a. A commissioned officer who received a $1,200 clothing allowance pursuant to the General Appropriations Act during the 2010-11 biennium shall receive a $1,200 clothing allowance in the 2012-13 biennium.

b. A commissioned officer who received a $500 cleaning allowance pursuant to the General Appropriations Act for the 2010-11 biennium shall receive a $500 cleaning allowance in the 2012-13 biennium irrespective of promotion to any rank.

c. No person shall receive a $1,200 clothing allowance unless eligible in subsection (a).

d. An individual who is newly hired or newly commissioned after September 1, 1997, is eligible to receive a $500 cleaning allowance.

e. All noncommissioned personnel required to wear uniforms are entitled to a $500 cleaning allowance.

YOUTH COMMISSION\textsuperscript{1}

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<thead>
<tr>
<th>Method of Financing:</th>
<th>For the Years Ending</th>
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<tbody>
<tr>
<td>General Revenue Fund\textsuperscript{2}</td>
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<td>Interagency Contracts - Transfer from Foundation School Fund No. 193</td>
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<td>Subtotal, Other Funds</td>
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<td>Total, Method of Financing</td>
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This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.

Number of Full-Time-Equivalents (FTE): 3,070.6 0.0

Schedule of Exempt Positions:

- Executive Director, Group 6: $160,000 $0

\textsuperscript{1} The passage of SB 653, 82\textsuperscript{nd} Legislature, Regular Session, abolishes the Texas Youth Commission on December 1, 2011. All of its remaining funds, property, and capital budget authority will transfer to the Juvenile Justice Department. Funding is adjusted to reflect one-half of total appropriations for FY2012.

\textsuperscript{2} Incorporates Article IX, §17.01, of this Act, resulting in reductions in appropriations and capital budget authority for data center services, in the amount of $105,889 in General Revenue Funds in FY2012.