



Automobile Burglary & Theft Prevention Authority

Board Meeting Austin, Texas

May 23, 2018



AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

May 23, 2018 8:00 AM

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**AGENDA
BOARD MEETING
AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY
4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM
AUSTIN, TEXAS 78731
WEDNESDAY, MAY 23, 2018
8:00 A.M.**

All agenda items are subject to possible discussion, questions, consideration, and action by the Board of the Automobile Burglary and Theft Prevention Authority (Board). Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of their consideration by the Board. The Board reserves the right to discuss any items in executive session where authorized by the Open Meetings Act.

1. CALL TO ORDER

- A. Roll Call and Establishment of Quorum
- B. Approval of Transcripts as Minutes
 - Transcript from November 14, 2017
- C. Public Comment
- D. Comments from Chairman and Board Members
 - Commendations and Congratulations

BRIEFING AND ACTION ITEMS - Bryan Wilson (including Committee Chairs and designated staff)

2. Committee Report - Education and Legislative

- A. Discuss Sunset Report
- B. Consider and Adopt Outline for Strategic Plan
- C. Consider and Adopt Legislative Appropriation Request
 - 1. Request continued funding at current level
 - 2. Request funding through exceptional item request
- D. Consider and Adopt Legislative Change Recommendations

3. Committee Report - Grants Budget and Reporting

- A. Consider and Adopt Extension of FY18 and FY19 Grant Award Schedule
 - 1. Conditions and negotiations
 - 2. Discuss Unexpended Balance Authority provided by the LBB and Governor
- B. Rules-Adoption TAC rule 57.18
- C. Consider extension and budget for Interagency contracts
 - 1. TAMU
 - 2. CPA

4. Committee Report - Insurance and Collections

- A. Consider Actions on Insurance Refund Request
 - 1. Amica Property & Casualty Insurance Company
- B. Report on Previous Actions regarding TDI and Texas Comptroller
- C. Direct staff to establish workgroup with insurance stakeholders

5. Training - Motor Vehicle Theft Investigator training

- A. Authorization of travel and support funds
- B. Training at TAVTI conference

ABTPA DIRECTOR'S REPORTS - Bryan Wilson (including designated staff)

6. Report on ABTPA-related activities identified by the Director as noteworthy, which may include reports on:

- A. Budget
- B. Grant Activities and Analysis
- C. Grant Adjustments
- D. Educational Programs and Marketing
- E. Agency Operations
- F. Update on Grant Management and Tracking Systems (GMTS)

7. EXECUTIVE SESSION

The Board may enter into closed session under one or more of the following provisions of the Texas Open Meetings Act, Government Code, Chapter 551:

- A. Section 551.071** - Consultation with and advice from legal counsel regarding:
 - pending or contemplated litigation, or a settlement offer;
 - a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Government Code, Chapter 551; or
 - any item on this agenda.
- B. Section 551.074** - Personnel matters.
 - Discussion relating to the appointment, employment, evaluation, reassignment, duties, discipline, and dismissal of personnel.
- C. Section 551.089** - Security devices or security audits:
 - the deployment, or specific occasions for implementation, of security personnel or devices; or
 - a security audit.

8. Action Items from Executive Session

9. Public Comment

10. Adjournment

The Board will allow an open comment period to receive public comment on any agenda item or other matter that is under the jurisdiction of the Board. No action will be taken on matters that are not part of the agenda for the meeting. For subjects that are not otherwise part of the agenda for the meeting, Board members may respond in accordance with Government Code, Section 551.042 and consider the feasibility of placing the matter on the agenda for a future meeting.

Agenda items may be presented by the named presenter or other staff.

Pursuant to Sections 30.06 and 30.07, Penal Code (trespass by license holder with a concealed or openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun or a handgun that is carried openly.

Any individual with a disability who plans to attend this meeting and requires auxiliary aids or services should notify the department as far in advance as possible, but no less than two days in advance, so that appropriate arrangements can be made. Contact the Automobile Burglary and Theft Prevention Authority by telephone at (512) 465-1485.

I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements.

CERTIFYING OFFICIAL: David Richards, General Counsel, (512) 465-5665.



Board Agenda Item
Section 1. Call to Order

Part A. Roll Call

NOTES:

	Chief Carlos Garcia, Board Chairman Law Enforcement Representative – Port of Brownsville Police Department
	Major Wynn Reynolds – Designee, Ex Officio Member Law Enforcement Representative – Texas Department of Public Safety
	Mr. Tommy Hansen – Board Member Law Enforcement Representative – Galveston County Sheriff's Office
	Ms. Ashley Hunter – Board Member Insurance Representative – HM Risk Group
	Mr. Ken Ross – Board Member Insurance Representative – State Farm Insurance
	Ms. Linda Kinney – Board Member Consumer Representative – Hays County
	Mr. Armin Mizani – Board Member Consumer Representative – Mizani Law Firm



Board Agenda Item
Section 1. Call to Order

Part B. Approval of Transcript as Minutes

NOTES:

ABTPA staff emailed the November 14, 2017 Board Meeting Transcript to all Board Members on May 11, 2018 for review.



Board Agenda Item
Section 1. Call to Order

Part C. Public Comment



Board Agenda Item
Section 1. Call to Order

Part D. Comments from Chairman and Board Members
Commendations and Congratulations

Automobile Burglary and Theft Prevention Authority

May 23, 2018

Congratulations on Retirements

Harris County Sheriff's Auto Theft Unit

Milton "Red" Lehmann

38 Years of Service

Harris County Sheriff's Auto Theft Unit

Larry Stover

31 Years of Service

Dallas County Sheriff's North Texas Auto Theft Task Force

Lonnie Cole

32 Years of Service

Automobile Burglary and Theft Prevention Authority

May 23, 2018

Congratulations

The ABTPA Board and staff would like to congratulate the following task force staff on their retirement. Thank you for your dedication, hard work and the contributions you made to the Taskforces.

**Dallas County
Dallas County Sheriff's North Texas Auto Theft Task Force**

**Lonnie Cole
1985-2017**

Detective Lonnie Cole brought his investigation experience, specialized law enforcement skill sets and professionalism to the task force when he started in 2001. He demonstrated great initiative through his self-generated case work and the building of networks with informants and collaborations with local and national law enforcement. This helped the auto theft operation to realize great productivity in the prosecution of criminal elements in auto theft, cargo, and semi-tractor theft.

As a certified TCLEOSE Detective, Cole brought the Taskforce up to date on specialized and trending instructions on such topics as Covert Operations, Arrest Control Technique, Tactical Vehicle Take Down, Chemical Munition, Less Lethal, and High Risk Search and Seizures to help insure that team members are afforded the opportunity to become safer, stronger and more proficient. He had a positive impact on the operation indicated by number of arrests, case filings/clearings, and vehicle recovery rates. Detective Cole was nominated for the 2006 Steve Davenport Award.

He will be greatly missed by the task force and Sheriff's Department.

**Harris County
Harris County Sheriff's Auto Theft Unit**

**Milton "Red" Lehmann
1980-2018**

Milton "Red" Lehmann began his career with the Harris County Sheriff's Office on May 12, 1980. His first assignment was at the old 301 jail, working the evening shift in the Mental Health Section. In 1992, Red was transferred to the Patrol Division and assigned to District 4 in West Harris County.

In 1997, Red was awarded a 100 Club award for Life-Saving when he tackled an armed suspect attempting to shoot a female in a close quarter confrontation. Red remained in District 4 for nearly twenty years before transferring to his current position in Auto Theft in 2001.

Red has two daughters, two granddaughters, and one grandson. He is looking forward to retirement and spending time with his family.

**Larry Stover
1986-2017**

Deputy Stover began his career with the Harris County Sheriff's Department in September of 1986 as a jailer. Deputy Stover later went on to the HCSD Academy in 1988 where he graduated 3rd in his class in December of that year. After completing the academy, Deputy Stover went on to work the night shift at 1301 Franklin. During that time he carried out numerous tasks including, but not limited to, working the floors, transportation, booking and receiving, Master Control and outside patrol.

Deputy Stover did this until he took the patrol test. After passing, Stover was assigned to District 4 Patrol in 1991. While assigned to District 4, Deputy Stover became a Field Training Officer and trained numerous rookies for several more years.

In 1998 Deputy Stover transferred to the Harris County Organized Crime Narcotics

Task Force where he made one of the largest seizures of marijuana at that time. That seizure included just under 3000 lbs. of marijuana, an 18 wheeler, a Ford F350 Econoline Van, a new Chevrolet Suburban, 2 guns. State charges were filed on two suspects. After the charges were filed, the FEDS found out about the case and took over, charging the crooks federally rather than having the State handle it.

In 2001, after his time with the taskforce, he returned to Patrol in District 5 and worked there until 2007. At that time Deputy Stover transferred to the Internal Affairs Division and stayed until 2009.

Deputy Stover was notified of an opening in the Burglary of a Motor Vehicle unit of the Auto Theft Division and was asked if he was interested, which we can all see, it would appear he was. Now with 31 years of service and 88 points and some gray hair to prove it, Deputy Stover feels it's time for him to move on in his life and spend more quality time with his lovely wife Karen, doing whatever strikes their fancy.

Automobile Burglary and Theft Prevention Authority

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Commendations

Lt. Paul Heitzman

San Antonio Regional Auto Crimes Team (ReACT)

Lt. Heitzman served San Antonio and Bexar County in the ReACT Unit as a Sergeant from 2005 to 2010. He became the lieutenant of the unit in 2013. Lt. Heitzman has served on the ABTPA redesign team, as a mentor to other programs, and as a Motor Vehicle Investigator Training curriculum committee member. Lt. Heitzman has transferred to the Robbery Division as part of his career management. ABTPA is grateful to Lt. Heitzman for his service combatting motor vehicle crime in Texas.

Sergeant Sergio Perez

City of Brownsville

Sgt. Perez worked for the South Texas Automobile Theft Enforcement Task Force from May 2013 to October 2017. He was active participant in the ABTPA network and was a reliable source for information to ABTPA about border issues. Sgt. Perez was recently reassigned to the Narcotics Unit in his department. ABTPA is grateful to Sgt. Perez for his contributions and efforts to combat motor vehicle crime in Texas.

Deputy Chief Miguel Rodriguez Jr.

City of Laredo

Deputy Chief Miguel Rodriguez Jr. has served Laredo and surrounding areas in the Laredo Auto Theft Task Force from 2011 to present. He has been a strong advocate for the ABTPA network among his peers and around the state. Deputy Chief Rodriguez has testified about the effectiveness and importance of ABTPA before the Texas Legislature. He has always worked to promote regional and trans-Texas collaboration. Deputy Chief Rodriguez was recently promoted from Lieutenant in the Laredo Police Department. While he is still involved with the Auto Theft taskforce, ABTPA is grateful to Deputy Chief Rodriguez as he continues to combat motor vehicle crime in addition to fulfilling the responsibilities of his new role.



Board Agenda Item

Briefings and Action Items

Section 2. Committee Report – Education and Legislative

Part A. Discuss Sunset Report

Automobile Burglary and Theft Prevention Authority

May 23, 2018

Sunset Report Excerpts

Excerpt from Sunset Advisory Commission Staff Report pg10

- **Automobile Burglary and Theft Prevention Authority.** The Automobile Burglary and Theft Prevention Authority (ABTPA) has its own six-member, governor-appointed board and is administratively attached to and staffed by the department.⁵ The Legislature appropriates a portion of the \$2 fee assessed on consumer car insurance policies in Texas to the department to fund ABTPA and its grant program. The authority's board awards competitive grants annually to local law enforcement agencies or multi-jurisdictional task forces based on highest rates of automobile burglary and theft. The authority awarded a total of \$13,362,745 in grant funding to 24 law enforcement agencies and task forces for fiscal year 2017. Grant recipients primarily use the funds for officer positions to investigate motor vehicle burglary and theft, and must report performance indicators to the department, including stolen vehicles recovered, cases cleared, and persons arrested, as detailed in the table, *Automobile Burglary and Theft Prevention Authority Grant Performance Measures*.

**Automobile Burglary and Theft Prevention Authority
Grant Performance Measures – FY 2017**

Recovered Stolen Vehicles	11,172
Cleared Motor Vehicle Theft Cases	15,563
Persons Arrested for Motor Vehicle Theft	2,901
Cleared Burglary of a Motor Vehicle Cases	5,457
Persons Arrested for Motor Vehicle Burglary	1,487

Excerpt from Sunset Advisory Commission Staff Report pg26

- **Barriers to leveraging law enforcement.** The department struggles to engage law enforcement in investigations and prosecutions of motor vehicle fraud, which are primarily criminal in nature. Specifically, statutory barriers prevent the department from fully leveraging its existing relationships with local law enforcement agencies and task forces that receive grant funds through the Automobile Burglary and Theft Prevention Authority (ABTPA), as described in the textbox, *DMV's Relationship With ABTPA*.¹¹ State law requires local law enforcement agencies receiving ABTPA grant funds to use the funds for investigating theft or burglary of vehicles, not other types of motor vehicle crimes, such as odometer and title fraud.¹² For example, even though title fraud is commonly involved in automobile theft, under current law, the grantees cannot investigate those violations without risking grant funding.

DMV's Relationship With ABTPA

The Automobile Burglary and Theft Prevention Authority (ABTPA), which is administratively attached to the department, works to reduce automobile burglary and theft by awarding financial grants to local law enforcement agencies and multi-jurisdictional task forces. Through these grants, ABTPA has fostered a statewide cooperative network of law enforcement groups, prosecutors, insurance industry representatives, local tax assessor-collectors, and concerned citizens to combat vehicle burglary and theft through enforcement, prevention, public information, and education initiatives. In fiscal year 2017, ABTPA awarded about \$13.4 million in grants to 24 law enforcement agencies and task forces.

Automobile Burglary and Theft Prevention Authority

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ABTPA response through TxDMV to Sunset issue 2.6

2.6 Authorize ABTPA grant recipients to use funds to combat a broader range of motor vehicle crimes, such as title and odometer fraud, beyond just automobile burglary and theft.

This recommendation would authorize ABTPA grant recipients to use grant funds not just for vehicle burglary and theft, but also for other motor vehicle fraud-related crimes. This recommendation would also require ABTPA, in conjunction with the department, to develop updated performance measures for grants used to address these additional motor vehicle crimes. To draft this statutory change, the Texas Legislative Council should make necessary changes to codify laws for ABTPA, and clarify its mission and name to reflect the broader purpose of deterring motor vehicle crimes, including fraud. In conjunction with this recommendation, the department should provide training to its grant-funded auto theft task forces and then consider offering the training to other law enforcement agencies. Providing training would allow the department to share internally developed fraud investigation expertise and better leverage its existing law enforcement relationships to make its efforts to address fraud more effective.

ABTPA Submitted Response:

TxDMV and ABTPA concur with the recommendation to change the statute to authorize ABTPA grant recipients to use funds to combat a broader range of motor vehicle crimes, such as title and odometer fraud, beyond just automobile burglary and theft. The ABTPA Board worked with Representative Lucio in HB3915 during the 85th Legislature to add the *"criminal violations of statutes listed in Section 1001.002(b), Transportation Code"* but the bill did not pass. ABTPA currently has six statutory areas of responsibility outlined in 4413(37) §8(a). If this statute is modified to include other motor vehicle crimes, then the ABTPA board will add these requirements to the programs but the level of accomplishment will be subject to the availability of grant funds appropriated.

May 9, 2018

Sunset Advisory Commission
P.O. Box 13066
Austin, TX 78711

Re: Sunset Review of the Texas Department of Motor Vehicles (TxDMV) / Texas Automobile Burglary and Theft Prevention Authority (ABTPA)

Dear Sunset Advisory Commission:

The NICB is a national, not-for-profit organization supported by more than 1,100 property and casualty insurance companies, including many who write business in Texas. Working with our member companies and law enforcement, we investigate organized criminal conspiracies dealing with insurance fraud and vehicle crime.

Because of our strong interest in preventing vehicle crime and thefts, we want to express our support for the Texas Automobile Burglary and Theft Prevention Authority (ABTPA) administrated by the TxDMV. However, after reviewing the Sunset Advisory Commission's staff report we noted the failure to address the inequitable funding of the ABTPA.

Funding for the ABTPA is provided through a \$2 fee charged on every automobile insurance policy issued in Texas. This fee is deposited into the General Revenue Fund and less than half approximately \$0.80 is appropriated to the ABTPA to fund grantees fighting vehicle crime in Texas. According to the most recent stats \$46.5 million was collected in 2017 and only \$14.9 was appropriated to the ABTPA.

Despite a statutory requirement that half of the funds collected be appropriated to the ABTPA, the amount collected has increased while the amount appropriated has remained the same or been reduced.

We urge you to protect the dedicated funding for the ABTPA and recommend the appropriate allocation of the funds needed to address the vehicle theft and crime problem in Texas. As an insurance industry representative, let me reaffirm NICB's commitment to the ABTPA and Texas law enforcement and to our combined mission of combating vehicle crime in the state of Texas.

Thank you for your consideration of our views. If you have any questions, please feel free to contact me at 847-544-7075 or via email at ahaskins@nicb.org

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Haskins". The signature is fluid and cursive, with the first name "Alan" being more prominent than the last name "Haskins".

Alan Haskins
Vice President, Government Affairs

Automobile Burglary and Theft Prevention Authority (ABTPA)

Division Director: Bryan Wilson
TxDMV Staff: 5 FTEs

ABTPA was created by the 72nd Texas legislature in 1991 to combat motor vehicle burglary and theft.

ABTPA has six statutory areas of responsibility outlined in Texas Revised Civil Statutes, Article 4413(37) §8(a) and works to prevent and reduce motor vehicle burglary and theft by 1) collecting a \$2 assessment on all motor vehicle insurance policies issued in Texas to fund activities; 2) providing grants to local law enforcement agencies to combat motor vehicle burglary and theft; and 3) educating consumers about effective prevention methods.

ABTPA Collections, Appropriations

Fiscal Year	Assessment Collected	Amount Appropriated	Difference to GR
2015	\$44,563,043	\$14,904,340	\$29,658,703
2016	\$46,068,858	\$14,920,849	\$31,148,009
2017	\$46,436,967	\$14,920,849	\$31,516,118
Total	\$137,068,868	\$44,746,038	\$92,322,830

The ABTPA Board of Directors is composed of six (6) gubernatorial appointees, as well as the Director of the Texas Department of Public Safety (DPS). With representatives from law enforcement, the insurance industry, and consumers, the members of the board include: Chief Carlos Garcia, Brownsville; Ms. Ashley Hunter, Austin; Mr. Ken Ross, La Marque; Lt. Tommy Hansen, Hitchcock; Ms. Linda Kinney, Dripping Springs; Mr. Armin Mizani, Keller; Major Wynn Reynolds, DPS.

A listing of the FY2018 ABTPA Grant Awards can be found on the next page. ABTPA awards grant funds on a reimbursement basis and administers the state resources according to the Uniform Grant Management Standards (UGMS). The reimbursements to grant recipients are only provided after ABTPA staff conducts thorough reviews of financial documents to determine whether expenditures were allowable.

Additionally, ABTPA grant recipients are required to document their activities by submitting quarterly progress reports. The ABTPA statute provides performance measures to monitor the effectiveness of the grant program. The progress reports are built around the statutory measures, tracking increases in the recovery of stolen vehicles, cleared cases, and persons arrested. The table below demonstrates improvements to the statutory performance measures reported between Fiscal Year (FY) 2017 and FY 2016:

Statutorily Required Performance Measures

Measures: Motor Vehicle Theft	FY 2016	FY 2017
Recovered Stolen Vehicles	10,185	10,732
Cleared Motor Vehicle Theft Cases	16,070	15,951
Persons Arrested - Motor Vehicle Theft	2,879	2,931
Measures: Burglary of a Motor Vehicle	FY 2016	FY 2017
Cleared Burglary of a Motor Vehicle Cases	4,709	5,801
Persons Arrested - Burglary of a Motor Vehicle	1,400	1,496

The Sunset Advisory Commission Staff Report included a recommendation to Authorize ABTPA grant recipients to use funds to “combat a broader range of motor vehicle crimes, such as title and odometer fraud, beyond just automobile burglary and theft.”

TxDMV and ABTPA concur with the recommendation to change the statute to authorize ABTPA grant recipients to use funds to combat a broader range of motor vehicle crimes, such as title and odometer fraud. The ABTPA Board worked with Representative Lucio in HB3915 during the 85th Legislature to add the “criminal violations of statutes listed in Section 1001.002(b), Transportation Code” but the bill did not pass. If this statute is modified to include other motor vehicle crimes, then the ABTPA board will add these requirements to the programs.



Automobile Burglary & Theft Prevention Authority

FY 2018 Grant Listing

Grant Number	Grantee	Program Name	<u>FY18 Award Amount</u>
608-18-2270100	City of Austin	Auto Theft Interdiction Project	\$430,685
608-18-1230100	City of Beaumont	Southeast Texas Auto Theft Task Force	\$528,714
608-18-0310100	City of Brownsville	South Texas Auto Theft Enforcement Task Force	\$924,350
608-18-0270000	Burnet County	Heart of Texas Auto Theft Task Force	\$276,734
608-18-1780200	City of Corpus Christi	Corpus Christi Auto Theft and Burglary Prevention	\$410,973
608-18-DPD0000	City of Dallas	Commercial Auto Theft Interdiction Squad	\$555,204
608-18-0570000	Dallas County	North Texas Auto Theft Task Force	\$840,697
608-18-1620100	City of Eagle Pass	Eagle Pass Auto Burglary & Theft Task Force	\$151,222
608-18-0710200	City of El Paso	Auto Burglary and Theft Prevention Task Force	\$929,465
608-18-0840000	Galveston County	Auto Crimes Task Force	\$469,183
608-18-1010000	Harris County	Harris County Auto Theft Unit	\$1,272,403
608-18-HPD0000	City of Houston	Houston Auto Crimes Task Force/26 (H.A.C.T.F./26)	\$809,496
608-18-2400100	City of Laredo	Auto Theft Task Force	\$637,768
608-18-1520000	Lubbock County	South Plains Auto Theft Task Force	\$404,523
608-18-2202000	City of Mansfield	Tri-County Auto Burglary and Theft Task Force	\$360,058
608-18-1700000	Montgomery County	Motor Vehicle Theft Salvage and Vehicle Arson Program	\$337,464
608-18-1390200	City of Paris	Northeast Texas Auto Theft Task Force	\$106,709
608-18-1011500	City of Pasadena	Auto Theft Prevention Program	\$76,000
608-18-1880000	Potter County	Panhandle Auto Theft Unit	\$361,705
608-18-SPD0000	City of San Antonio	Regional Auto Crimes Task Force	\$792,617
608-18-2120000	Smith County	East Texas Auto Theft Task Force	\$332,792
608-18-2200000	Tarrant County	Tarrant Regional Auto Crimes Task Force	\$1,145,500
608-18-2270000	Travis County	Sheriff's Combined Auto Theft Task Force	\$631,137
608-18-2350100	City of Victoria	Law Enforcement/Detection/Apprehension	<u>\$154,719</u>
Total ABTPA Grant Awards for Fiscal Year 2018			<u><u>\$12,940,118</u></u>



Board Agenda Item

Briefings and Action Items

Section 2. Committee Report – Education and Legislative

Part B. Consider and Adopt Outline for Strategic Plan

Automobile Burglary and Theft Prevention Authority

May 23, 2018

Strategic Planning Outline

- Promote the use of funds received by ABTPA as the most cost effective method for the State to enhance local law enforcement to combat multijurisdictional and complex motor vehicle related crimes, such as motor vehicle theft and burglary, and to reduce economic losses to the public.
- Expand law enforcement taskforces (number of officers, equipment and geographic coverage area) to ensure the entire state has access to highly specialized and trained auto-theft investigators to significantly reduce motor vehicle crime, disrupt criminal enterprises, improve responses to victims, and better serve the motoring public with required motor vehicle transaction services.
- Develop specialized funding programs to improve data analysis, technology driven investigation and dedicated prosecution of motor vehicle crimes in local communities in support of the ABTPA Taskforces, Texas Department of Motor Vehicles (TxDMV)-Compliance and Investigation Division, Local Tax Assessor and Collectors and Comptroller of Public Accounts.
- Educate the public on ways to prevent motor vehicle crime.

Note: The Sunset Advisory Commission Staff Report issued in April 2018 includes a recommendation to authorize ABTPA grant recipients to use funds to “combat a broader range of motor vehicle crimes, such as title and odometer fraud, beyond just automobile burglary and theft.” This could also include other motor vehicle crime such as insurance fraud, cargo theft, other types of vehicles, Vehicle Identification Number switching and cloning, etc. This sunset commission staff recommendation if adopted would also require ABTPA to develop updated performance measures for grants used to address added motor vehicle crimes.

2018 Plan

Topic 1 – Improve Law Enforcement Tactics

Add more trained and specialized motor vehicle crime investigators to combat economic losses in areas of Texas not currently served

Provide full-time specialized Criminal Intelligence Analysts for all regions

Provide funds for new Law Enforcement Technologists and specialized technology

Provide web based command and communication systems to improve collaboration, intelligence gathering, and data sharing among auto theft units and with state agencies

Provide for increased availability of VIN inspections to TxDMV and local TACs

Topic 2 – Prosecution

Provide funding for specialized motor vehicle crime prosecutors

Provide motor vehicle crime specific training to local prosecutors

Topic 3 - Inform Motor Vehicle Owners of Methods to Prevent Motor Vehicle Burglary or Theft.

Conduct education campaigns based on research and effectiveness

Provide improved coordination of education program and research efforts between insurance, law enforcement and the public

Topic 4- Provide Experimental Equipment to Assist Motor Vehicle Owners Prevent Motor Vehicle Burglary or Theft.

Purchase and distribute new technology such as immobilizer systems, tracking devices, and drone surveillance

Develop databases and technology to connect readings at inspection stations and toll systems to law enforcement stolen lists

Topic 5 - Prevent Stolen Motor Vehicles from Entering Mexico

Support local law enforcement efforts to host voluntary self-registration tracking or title management technology to prevent exit of vehicles from the US

Provide funds to expand law enforcement agencies intelligence sharing along US / Mexico border

Automobile Burglary and Theft Prevention Authority

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Additional Motor Vehicle Crime Law Enforcement Investigators

Funds to support up to Seventy (70) additional Motor Vehicle Crime Law Enforcement

Investigators – ABTPA requests funds to award grants for law enforcement agencies to hire up to seventy (70) additional full time Law Enforcement Investigators to combat motor vehicle crime including motor vehicle burglary and theft. The Request for Application (RFA) for grants would require local law enforcement agencies to create additional positions that provide specialized and trained motor vehicle burglary and theft investigator positions, dedicated to multijurisdictional motor vehicle crime taskforces. The existing investigators who are funded through the ABTPA grant program would train the new officers to develop the specialized skills required to be motor vehicle investigators in existing taskforces, expanded taskforces or new taskforces outside of current coverage areas, including: Abilene, Del Rio, Longview, Lufkin, Midland, Odessa, San Angelo, Sweetwater, Texarkana, and Wichita Falls.

All ABTPA investigators will be employed by local law enforcement agencies and will be certified peace officers. Local law enforcement agencies would be permitted to develop and request funding for a variety of position configurations as long as they meet the state's interest to reduce motor vehicle crime. These positions will participate in the ABTPA Taskforce network and may be either reactive (investigating cases presented) or proactive (investigations monitoring community vulnerabilities) ABTPA taskforce investigators.

If the Sunset Advisory Commission recommendations to broaden ABTPA's role to include other motor vehicle crime are passed by the Texas Legislature, then grant funded investigators will be authorized to pursue additional criminal activity that adversely impacts the State's interest but are currently not pursued by existing ABTPA Taskforces. The new investigators will be primarily dedicated to combating motor vehicle burglary and theft and will be able to better detect and apprehend the economic motor vehicle burglary and theft enterprises operating in Texas.

The request for seventy (70) officers is based on two factors: 1) the need to replenish existing taskforces which lost about 8.5% of officers as a result of stagnate and reduced appropriations; and 2) application of the current incidence of motor vehicle burglary and theft in areas of the state that are not served by any current taskforce. ABTPA estimates that the effective attrition rate of the motor vehicle crimes investigators is about thirty positions. Because of the significant increases in economic losses from motor vehicle burglary and theft, at least twenty-five officers need to be restored through funding. Local jurisdictions have increased their cash match where possible, but frustration with reduced state funding has reduced agencies willingness to continue to increase cash match.

Second, ABTPA reviewed the areas of the state not currently covered by law enforcement agencies in the grant program. The incidence of motor vehicle burglary and theft in these areas

would require that at least forty five (45) investigators be added to existing taskforces or that new taskforces be created to combat these crimes.

The ABTPA will establish appropriate local fiscal match conditions. The appropriation request would be for up to seventy Investigators at an estimated average salary of \$75,000/yr. plus fringe of 35% for a total of \$7,087,500 per year of the biennium. ABTPA requires a minimum cash match of 20% for all grant programs so the total state funds requested for these positions is \$5,670,000

Note: The Sunset Advisory Commission Staff Report issued in April 2018 includes a recommendation to authorize ABTPA grant recipients to use funds to “combat a broader range of motor vehicle crimes, such as title and odometer fraud, beyond just automobile burglary and theft.” This could also include other motor vehicle crime such as insurance fraud, cargo theft, other types of vehicles, Vehicle Identification Number switching and cloning, etc.

Automobile Burglary and Theft Prevention Authority

May 23, 2018

ABTPA Criminal Intelligence Analysts

Funds to support up to Seven (7) additional Criminal Intelligence Analysts – ABTPA requests funds to award grants for grant programs to hire up to seven (7) full time criminal intelligence analysts to combat motor vehicle burglary and theft. The Request for Application (RFA) for grants would require local communities to create positions that improve gathering, coordination and communication of intelligence across jurisdictions to detect and apprehend motor vehicle burglary and theft offenders. Local law enforcement would be permitted to develop a variety of position configurations as long as it meets the state's interest to reduce motor vehicle crime. Integrating analysts into existing taskforces or establishing new taskforces with an intelligence analyst component is a cornerstone of the ABTPA program to combat motor vehicle crime.

The law enforcement intelligence function currently envisioned by ABTPA will serve two broad purposes: 1) Combat criminal activity and 2) Provide intelligence to allocate limited resources. Tactical and Operational Intelligence will be used to enhance the criminal investigators currently working to combat and mitigate motor vehicle crime. The tactical element helps to address near-term threats while the operational intelligence is useful to develop and implement responses to longer-term threats. Intelligence to improve resource allocation provides information about the changing nature, the characteristics and methodologies of motor vehicle crime.

The Essential Duties for the ABTPA Criminal Intelligence Analysts will include, among others:

1. Provides analysis of data on events, activities and people to support investigators pursuing charges of alleged violations of laws related to motor vehicle burglary and theft. If the statute is modified to include the Sunset Advisory Commission staff recommendation then other motor vehicle crimes would be included; examples include odometer fraud, odometer tampering, skipped title assignments, title fraud, tampering with records, fake license plates, and cloned/stolen vehicles.
2. Conducts research and analysis of information and crime data obtained from law enforcement agencies to identify and evaluate patterns and trends using probability studies and complex statistical analyses.
3. Researches, analyzes, evaluates, and correlates data to determine source reliability, accuracy, and integrity.
4. Provides expertise to law enforcement and other government agencies in retrieving records and serves as a subject matter expert on motor vehicle crimes.
5. Develops procedures including data analysis and reporting protocols, document tracking, records management, and ensures confidential information, data, and documents are maintained accordingly.

The Criminal Intelligence Analysts positions will be employed by local law enforcement agencies. The analysts will be required to meet professional and law enforcement standards to be provided confidential access authorized by the local jurisdictions. The ABTPA will establish appropriate local fiscal match conditions. The appropriation request would be for up to seven analysts at an estimated average salary of \$60,000 per year, plus fringe of 35%. ABTPA requires a minimum cash match for all grant programs so the total state funds requested for these positions is \$453,600 per year of the biennium.

Automobile Burglary and Theft Prevention Authority

May 23, 2018

ABTPA Law Enforcement Technologists

Funds to support up to Seven (7) Law Enforcement Technologists – ABTPA requests funds to award grants for law enforcement agencies to hire up to seven (7) full time Law Enforcement Technologists (LETs) to combat motor vehicle crime including motor vehicle burglary and theft. The Request for Application (RFA) for grants would require local law enforcement agencies to create positions that provide specialized law enforcement positions to perform automobile cybersecurity, specialized motor vehicle crime intelligence gathering and exploration of new technologies used to track or interrupt criminal enterprise. The positions funded through the ABTPA grants would use the electronic interface of motor vehicles, infotainment systems and the Internet of Things (IoT) to identify manufactured vulnerabilities and to inform law enforcement. Some jurisdictions would be able to seek funding for data analytics and predictive analytics to expose fraud in all types of motor vehicle crimes. Additionally, some jurisdictions may develop forensic technology positions that identify methods to expose and stop organized criminal enterprise.

Local law enforcement would be permitted to develop a variety of position configurations as long as it meets the state's interest to reduce motor vehicle crime. These positions would be able to use technological advances to improve bait systems, tracking systems and surveillance systems to aid police and sheriff offices. Developing resources within Texas on the front end of new, emerging and disruptive technological changes occurring in the automobile industry will protect Texans and their property.

The LETs will be employed by local law enforcement agencies. The LETs be required to meet specialized technological education and law enforcement standards to be provided confidential access authorized by the local jurisdictions. The ABTPA will establish appropriate local fiscal match conditions. The appropriation request would be for up to seven Technologists at an estimated average salary of \$80,000 per year, plus fringe of 35%. ABTPA requires a minimum cash match for all grant programs so the total state funds requested for these positions is \$604,800 per year of the biennium.

Automobile Burglary and Theft Prevention Authority

May 23, 2018

ABTPA Specialized Motor Vehicle Crime Prosecutors

Funds to support up to Seven (7) Specialized Motor Vehicle Crime Prosecutors – ABTPA requests funds to award grants to hire up to seven fulltime local prosecutors dedicated to the prosecution of motor vehicle burglary and theft. The Request for Application for grants would be issued to allow county or district attorneys to apply as part of an ABTPA taskforce application or separate from any taskforce. The ABTPA board will likely give priority to taskforce affiliated applications. The prosecutors would focus on prosecuting motor vehicle burglary and theft. Funded prosecutors will consult with local law enforcement on methods to improve evidence collection, investigations, and case outcomes. Grant funded prosecutors may also train and consult with other prosecutors across the state. Multi-jurisdictional and transnational organized crime prosecution will be a priority. Grant conditions would provide that grant-funded prosecutor programs work to improve the ABTPA's statutory performance measures (i.e., arrests, recoveries, and cleared cases).

If the 86th Legislature follows the Sunset Advisory Commission staff recommendation to expand the statutory authority of the use of ABTPA grant funds, then prosecutors would be authorized to pursue a broad array of motor vehicle crimes. This expansion could include title and registration fraud, odometer fraud, insurance fraud, motor vehicle sales tax evasion, vehicle theft by fictitious identity and other related motor vehicle crime. The state providing funds to support focused cross-jurisdictional prosecution of motor vehicle crimes and could lead to better representation of the state's interest in motor vehicle crimes. Better and more frequent prosecution strengthens local communities, improves the confidence of people in their government, and acts as a deterrent against these crimes.

These positions would be employed in local prosecutor offices. The ABTPA will establish any local match conditions. The appropriation request would be for up to 7 prosecutors at an estimated average salary of \$100,000 plus fringe of 35%. ABTPA requires a minimum cash match for all grant programs so the total state funds requested for these positions is \$756,000 per year of the biennium.



Board Agenda Item

Briefings and Action Items

Section 2. Committee Report – Education and Legislative

Part C. Consider and Adopt Legislative Appropriation Request

1. Request continued funding at current level
2. Request funding through exceptional item request

Automobile Burglary and Theft Prevention Authority

May 23, 2018

FY20-21 Legislative Appropriation Request

Base Funding Request - Continue current funding							FY20	FY21
							\$12,836,878	\$12,836,878
Exceptional Item Request								
Strengthen Local Law Enforcement Programs	Estimated Base Salary	Fringe (35%)	Total	Full Time Employees	Estimated Amount	80% Funding		
Additional Motor Vehicle Crime Law Enforcement Investigators	\$75,000	\$26,250	\$101,250	70	\$7,087,500	\$5,670,000		
Criminal Intelligence Analysts	\$60,000	\$21,000	\$81,000	7	\$567,000	\$453,600		
Law Enforcement Technologists	\$80,000	\$28,000	\$108,000	7	\$756,000	\$604,800		
Specialized Motor Vehicle Crime Prosecutors	\$100,000	\$35,000	\$135,000	7	\$945,000	\$756,000		
Sub Total				91	\$9,355,500	\$7,484,400		
Lease Vehicles, Supplies, and basic operations (add 20%)					\$1,871,100	\$1,496,880		
Surveillance, Detection and Tracking Equipment for Law Enforcement					\$500,000.00	\$400,000.00		
Total Law Enforcement Investigation Arrest and Prosecution Request						\$9,381,280.00	\$9,381,280	\$9,381,280
Assist Communities and Motor Vehicle Owners								
						80% Funding		
Outreach and implement communication strategy with local law enforcement (Protect it, it Yours, Watch your car, Etc...)					\$500,000	\$400,000		
Crime Prevention for Experimental Purposes					\$500,000	\$400,000.0		
Total Assisting Communities and Motor Vehicle Owners Expenses						\$800,000	\$800,000	\$800,000
Total Exceptional Item Legislative Appropriation Request	ABTPA request is \$10.2 million per year and provides these estimates as a basis of cost. Actual numbers of positions, distribution of awards or use of funds are subject to appropriations and the grant applications received.					\$10,181,280	\$10,181,280	\$10,181,280
Total ABTPA Appropriation Request FY20-21							\$23,018,158	\$23,018,158
Estimated Revenue Collected							\$47,000,000	\$47,705,000
Auto Theft Fee Balance Remaining to GR							\$23,981,842	\$24,686,842
2016 Annual Loss from Motor Vehicle Theft and Burglary	\$995,600,930		Percent of Requested Funds to Loss		2.31%			
Total Registered Vehicles FY2017	24,527,939		Percent of Increased Requested Funds		1.02%			
Total Motor Vehicle Theft CY2016	68,523		Requested funds per registered vehicle		\$0.94			
Statewide Motor Vehicle Theft Rate per 100,000 Registered Vehicles	279.37		Request Funds per Stolen Vehicle		\$335.92			



Board Agenda Item

Briefings and Action Items

Section 2. Committee Report – Education and Legislative

Part D. Consider and Adopt Legislative Change Recommendations

Automobile Burglary and Theft Prevention Authority
May 23, 2018

Consider and Adopt Legislative Change Recommendations

Staff recommendation-propose TxDMV move forward with changes outlined in document below.

ABTPA-86a

VTCS 4413(37), Sec. 1(4)

Redefine "Director" from ED of TxDOT to Director of ABTPA

(Repeat 84th session ABTPA bill; HB 3915 (85R), failed. Listed in Sunset SER as a barrier/challenge to program performance)

Section 1(4), Article 4413(37), Revised Statutes, is amended to read as follows:

(4) "Director" means the ~~[executive]~~ director of the authority ~~[Texas Department of Transportation]~~.

ABTPA-86b

VTCS 4413(37), Sec 1(2), 6(j) & (k), 7(b), 8(a), & 11(a)

Allow ABTPA grantees to enforce TxDMV statutes & correct dueling sections & codification in TRC

(HB 3915 (85R), failed. Hinted at in Sunset SER as a barrier/challenge to program performance. Grantee enforcement is Sunset staff recommendation)

Section 1(2), Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, is reenacted to read as follows:

(2) "Economic motor vehicle theft" means motor vehicle burglary or theft committed for financial gain.

Sections 6(j) and (k), Article 4413(37), Revised Statutes, are amended to read as follows:

(j) The authority shall:

(1) develop and use standard performance measures for each category of grants provided by the authority in order to assess grantee success in achieving the purposes of this article; and

(2) ensure that grants are used to help increase:

(A) the recovery rate of stolen motor vehicles;

(B) the clearance rate of motor vehicle burglaries and thefts; ~~and~~

(C) the number of persons arrested for motor vehicle burglary and theft; ~~and~~

(D) the criminal enforcement of statutes listed in Section 1001.002(b),

Transportation Code.

(k) The authority shall allocate grant funds primarily based on the number of motor vehicles stolen in, ~~or~~ the motor vehicle burglary or theft rate across, or the need to reduce criminal violations of statutes listed in Section 1001.002(b), Transportation Code, throughout the state rather than based on geographic distribution.

Section 7(b), Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

(b) The plan of operation must include:

(1) an assessment of the scope of the problems of motor vehicle burglary or theft and economic motor vehicle theft, including particular areas of the state where the problems are greatest;

(2) an analysis of various methods of combating the problems of motor vehicle burglary or theft and economic motor vehicle theft;

(3) a plan for providing financial support to combat motor vehicle burglary or theft, ~~and~~ economic motor vehicle theft, and criminal violations of statutes listed in Section 1001.002(b), Transportation Code; and

(4) an estimate of the funds required to implement the plan of operation.

Section 8(a), Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

(a) Money appropriated to the department for authority purposes shall be used by the authority to pay the department for administrative costs and to achieve the purposes of this article, including:

(1) establishing and funding the motor vehicle registration program required by Section 9 of this article;

(2) providing financial support to law enforcement agencies for economic motor vehicle theft enforcement teams;

(3) providing financial support to law enforcement agencies, local prosecutors, judicial agencies, and neighborhood, community, business, and nonprofit organizations for programs designed to reduce the incidence of economic motor vehicle theft;

(4) conducting educational programs designed to inform motor vehicle owners of methods of preventing motor vehicle burglary or theft;

(5) providing equipment, for experimental purposes, to assist motor vehicle owners in preventing motor vehicle burglary or theft; ~~and~~

(6) establishing a uniform program to prevent stolen motor vehicles from entering Mexico; ~~and~~

(7) providing financial support to law enforcement agencies, local prosecutors, and judicial agencies for the criminal enforcement of statutes listed in Section 1001.002(b), Transportation Code.

Section 11(a), Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, is reenacted to read as follows:

(a) In this section, "motor vehicle theft rate" means the ratio of motor vehicle ~~burglaries~~(?) or thefts in this state to the number of motor vehicles in this state. The ratio shall be based on statistical information provided by the Department of Public Safety's uniform crime reporting division.

Title 70, Chapter 9, Article 4413(37) of Vernon's Civil Statutes is transferred, redesignated, retitled, and renumbered as appropriate as Title 7, Subtitle N, Chapter 1010 of the Transportation Code.

ABTPA-86c

TRC 201.805(a)

Remove ABTPA grants from TxDOT DISCOS reporting requirement

(HB 3915 (85R), failed. Listed in Sunset SER as a barrier/challenge to program performance)

Section 201.805(a), Transportation Code, is amended to read as follows:

(a) The department shall annually publish in appropriate media and on the department's Internet website in a format that allows the information to be read into a commercially available electronic database a statistical comparison of department districts and the following information, calculated on a per capita basis considering the most recent census data and listed for each county and for the state for each fiscal year:

- (1) the number of square miles;
- (2) the number of vehicles registered;
- (3) the population;
- (4) daily vehicle miles;
- (5) the number of centerline miles and lane miles;
- (6) construction, maintenance, and contracted routine and preventive maintenance expenditures;
- (7) combined construction, maintenance, and contracted routine and preventive maintenance expenditures;
- (8) the number of district and division office construction and maintenance employees;
- (9) information regarding grant programs, including:
 - (A) ~~[Automobile Theft Prevention Authority grants;~~
 - ~~[(B)]~~ Routine Airport Maintenance Program grants;
 - ~~(B)~~~~[(C)]~~ Public Transportation Grant Program grants;
 - ~~(C)~~~~[(D)]~~ Medical Transportation Program grants; and
 - ~~(D)~~~~[(E)]~~ aviation grants or aviation capital improvement grants;
- (10) approved State Infrastructure Bank loans;
- (11) Texas Traffic Safety Program grants and expenditures;
- (12) the dollar amount of any pass-through toll agreements;
- (13) the percentage of highway construction projects completed on time;
- (14) the percentage of highway construction projects that cost:
 - (A) more than the contract amount; and
 - (B) less than the contract amount; and
- (15) a description of real property acquired by the department through the exercise of eminent domain, including the acreage of the property and the location of the property.

ABTPA-86d

VTCS 4413(37), Sec. 10(e); TRC 1001.152 & 151

Create account within TxDMV fund for 50% ABTPA fee revenue

(ABTPA still to decide, but this approach will be to have just the appropriation be dedicated revenue to the subaccount. voted to recommend item to legislature. Legislator who authors the bill will decide what revenue amount to dedicate. Will have to be excluded from funds consolidation but should be no cost to GR. In 85(R), HB 652, SB 1321, & SB 1348, all failed)

Section 10(e), Article 4413(37), Revised Statutes, is amended to read as follows:

(e) ~~Fees [Fifty percent of each fee]~~ collected under Subsection (b) shall be deposited to the credit of the general revenue fund except that the comptroller shall provide for a portion of the fees to be deposited first to the credit of a subaccount in the Texas Department of Motor Vehicles fund in a total amount that is necessary to cover the total amount appropriated to the Texas Department of Motor Vehicles [may be appropriated only to the authority] for the purposes of this article.

Article 4413(37), Revised Statutes, is amended by adding Section 13 to read as follows:

Sec. 13. DEPOSIT AND APPROPRIATION OF REVENUE. All gifts, grants, and revenue as described by Section 10(e) collected or received by the authority shall be deposited to the credit of a subaccount in the Texas Department of Motor Vehicles fund and may be appropriated only to the department for purposes of the authority under this article.

Section 1001.152, Transportation Code, is amended to read as follows:

Sec. 1001.152. USE OF MONEY IN FUND. Money that is required to be deposited in the state treasury to the credit of the Texas Department of Motor Vehicles fund may be used by the department only:

(1) to support the department's operations and the administration and enforcement of the department's functions; ~~[or]~~

(2) to pay the accounting costs and related liabilities for the fund, including fringe benefits, workers' compensation, and unemployment compensation; or

(3) for purposes of the Automobile Burglary and Theft Prevention Authority under Section 13, Article 4413(37), Revised Statutes.

Repealer: Section 1001.151(c), Transportation Code, is repealed.



Board Agenda Item

Briefings and Action Items

Section 3. Committee Report – Grants, Budget and Reporting

Part A. Consider and Adopt Extension of FY18 and FY19 Grant Award Schedule

- 1. Conditions and Negotiations**
- 2. Discuss Unexpended Balance Authority provided by the
LBB and the Governor**

**Automobile Burglary and Theft Prevention Authority Meeting
May 23, 2018
FY18 Budget Summary and FY19 Budget Proposal**

Expenditure Category	FY 2018				FY 2019 Recommended Budget
	FY 2018 Budget	FY 2018 YTD Expenditures	Encumbered/Pr ojected	FY 2018 Estimated Balance	
Salaries and Wages	342,022	231,139	110,883	0	347,608
Other Personnel Costs	22,800	8,499	14,301	0	17,214
Professional Fees and Services	9,540	-	1,540	8,000	10,000
Consumable Supplies	2,500	747	875	878	2,500
Utilities	1,200	610	460	130	1,200
Travel	16,100	6,654	9,446	(0)	16,100
Rent - Building	2,102	-		2,102	2,346
Rent - Machine and Other	5,375	2,682	2,692	-	5,374
Other Operating Expenses	140,594	21,094	84,683	34,818	139,890
Grants	12,293,618	3,809,823	7,363,795	1,120,000	12,293,618
Total	12,835,851	4,081,248	7,588,675	1,165,928	12,835,851

June Grant Recommendation

FY 2018 Estimated Balance	\$	1,165,928
FY 2019 Grant Budget	\$	12,293,618
Total Available for Grants	\$	13,459,546

Staff Recommendation

Obligate all available FY2018 balances (1.16 million) for FY2019 grants.

Automobile Burglary and Theft Prevention Authority Meeting

May 23, 2018

FY 2019 Grant Award Recommendations

Grantee Name	Original 2018 Award Amount	Original 2018 Match Amount	Original 2018 Reimbursement Rate	Recommended 2019 Award Amount	Recommended 2019 Match Amount	Recommended 2019 Reimbursement Rate
City of Austin	\$430,685	\$194,716	68.87%	\$430,685	\$194,716	68.87%
City of Beaumont	\$528,714	\$351,632	60.06%	\$528,714	\$351,632	60.06%
City of Brownsville	\$924,350	\$933,990	50.47%	\$924,350	\$933,990	50.47%
Burnet County	\$276,734	\$122,778	69.27%	\$276,734	\$122,778	69.27%
City of Corpus Christi	\$410,973	\$675,542	37.82%	\$410,973	\$675,542	37.82%
City of Dallas	\$555,204	\$111,041	83.33%	\$555,204	\$111,041	83.33%
Dallas County	\$840,697	\$376,475	82.48%	\$840,697	\$376,475	82.48%
City of Eagle Pass	\$151,222	\$48,820	75.60%	\$151,222	\$48,820	75.60%
City of El Paso	\$929,465	\$374,643	71.27%	\$929,465	\$374,643	71.27%
Harris County	\$1,272,403	\$2,368,970	34.94%	\$1,272,403	\$2,368,970	34.94%
City of Houston	\$809,496	\$1,460,872	37.66%	\$809,496	\$1,460,872	37.66%
City of Laredo	\$637,768	\$369,345	63.33%	\$637,768	\$369,345	63.33%
Lubbock County	\$404,523	\$239,722	74.56%	\$404,523	\$239,722	74.56%
City of Mansfield	\$360,058	\$234,811	60.53%	\$360,058	\$234,811	60.53%
Montgomery County	\$337,464	\$246,393	65.75%	\$337,464	\$246,393	65.75%
City of Paris	\$106,709	\$40,101	72.68%	\$106,709	\$40,101	72.68%
City of Pasadena	\$76,000	\$515,000	12.86%	\$76,000	\$515,000	12.86%
Potter County	\$361,705	\$229,909	66.17%	\$361,705	\$229,909	66.17%
City of San Antonio	\$792,617	\$561,144	62.68%	\$792,617	\$561,144	62.68%
Smith County	\$332,792	\$182,303	86.33%	\$332,792	\$182,303	86.33%
Tarrant County	\$1,145,500	\$467,773	82.46%	\$1,145,500	\$467,773	82.46%
Travis County	\$631,137	\$388,111	61.92%	\$631,137	\$388,111	61.92%
City of Victoria	\$154,719	\$30,972	83.32%	\$154,719	\$30,972	83.32%
Galveston County	\$469,183	\$220,047	68.07%	\$469,183	\$220,047	68.07%
Total	\$12,940,118	\$10,745,110		\$12,940,118	\$10,745,110	

Staff Recommendation

- 1) Adopt FY19 schedule as presented;
- 2) Authorize ABTPA staff to negotiate category allocation of funds with grantees



February 16, 2018

Ursula Parks
Director
Legislative Budget Board
P.O. Box 12666
Capitol Station
Austin, Texas 78711

Dear Ms. Parks,

The Texas Department of Motor Vehicles (TxDMV) requests unexpended balance authority within the biennium in accordance with the provisions of Article IX, Section 14.05 of the General Appropriation Act on behalf of the Automobile Burglary and Theft Prevention Authority (ABTPA).

During the February 8, 2018 TxDMV Board meeting, the ABTPA request for the Board to make this written request for unexpended balance authority to the Legislative Budget Board was approved. The department requests the authority to transfer up to \$500,000 in unexpended and unobligated General Revenue balances in TxDMV Strategy B.2.1. (Automobile Theft Prevention) remaining as of August 31, 2018 for the same purposes for the fiscal year beginning September 1, 2018.

The carryforward funds would specifically be used for grants awarded to law enforcement taskforces across the state to investigate motor vehicle crimes including motor vehicle burglary and theft. The authorization of unexpended balance authority would provide ABTPA the flexibility to manage grant awards to ensure funds are awarded to law enforcement taskforces in order to meet its statutory mandate to reduce motor vehicle crime and address border security mandates added during the 85th Legislative session.

Attached is the request from the ABTPA Board to the TxDMV Board Chairman containing additional justification for the requested authority. If there are any questions or issues, do not hesitate to contact me, Bryan Wilson, ABTPA Director, or Linda Flores, Chief Financial Officer.

Sincerely,

Whitney Brewster
Executive Director

Attachments: ABTPA request to TxDMV Board

cc: Carlos L. Garcia, ABTPA Board Chair
Raymond Palacios, Jr. Chair, Texas Department of Motor Vehicles
Sarah Hicks, Director, Governor's Office Budget Division



LEGISLATIVE BUDGET BOARD

Robert E. Johnson Bldg.
1501 N. Congress Ave. - 5th Floor
Austin, TX 78701

512/463-1200
Fax: 512/475-2902
<http://www.lbb.state.tx.us>

March 22, 2018

Whitney Brewster
Executive Director
Texas Department of Motor Vehicles
4000 Jackson Avenue
Austin, Texas 78731

Dear Ms. Brewster:

Pursuant to Article IX, Section 14.05 Unexpended Balance Authority Between Fiscal Years within the Same Biennium, of the General Appropriations Act for the 2018–19 biennium, the Legislative Budget Board may consider agency requests to transfer any unexpended and unobligated balances remaining as of August 31, 2018, for the same purpose for the fiscal year beginning September 1, 2018.

In a letter dated February 16, 2018, the Texas Department of Motor Vehicles (TxDMV) requested authority to transfer up to \$500,000 in unexpended and unobligated General Revenue balances in Strategy B.2.1, Automobile Theft Prevention, from fiscal year 2018 to fiscal year 2019 to be used for Automobile Burglary and Theft Prevention Authority (ABTPA) grants to law enforcement taskforces. The LBB has reviewed TxDMV's request, and approves the request to transfer up to \$500,000 in unexpended balances in Strategy B.2.1, from fiscal year 2018 to fiscal year 2019 for the purpose of ABTPA grants.

If you need additional information regarding this matter, please contact Thomas Galvan at 512-463-1169 or Thomas.Galvan@lbb.texas.gov.

Sincerely,

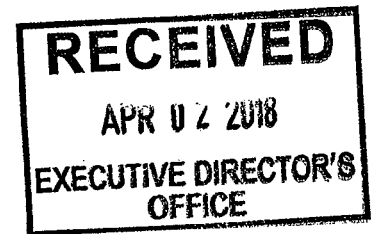
A handwritten signature in black ink, appearing to read "Ursula Parks", written over a horizontal line.

Ursula Parks
Director

/tg



GOVERNOR GREG ABBOTT



March 29, 2018

Whitney Brewster
Executive Director
Texas Department of Motor Vehicles
4000 Jackson Avenue
Austin, TX 78731

Dear Ms. Brewster:

In accordance with Article IX, Section 14.05, Unexpended Balance Authority Between Fiscal Years within the Same Biennium, of the General Appropriations Act for the 2018–19 biennium, your request dated February 16, 2018, to transfer up to \$500,000 in unexpended and unobligated General Revenue Balances remaining as of August 31, 2018, for the same purposes for the fiscal year beginning September 1, 2018, is approved.

This approval takes effect upon receipt of this letter due to concurrent approval made by the Legislative Budget Board in a letter dated March 22, 2018.

If you have any questions regarding this matter, please contact Fisher Reynolds at (512) 463-8966 or Fisher.Reynolds@gov.texas.gov.

Sincerely,

Sarah Hicks
Budget Director

sh/fr

cc: Carlos L. Garcia, ABTPA Board Chair
Raymond Palacios, Jr., Chair, Texas Department of Motor Vehicles
Ursula Parks, Director, Legislative Budget Board
Charlie Leal, Advisor, Governor's Policy Division



Board Agenda Item

Briefings and Action Items

Section 3. Committee Report – Grants, Budget and Reporting

Part B. Rules-Adoption TAC rule 57.18

Automobile Burglary and Theft Prevention Authority

May 23, 2018

Adoption of Rules under Title 43, Texas Administrative Code Chapter 57

TITLE 43 TRANSPORTATION

PART 3 AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

CHAPTER 57 AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

RULE §57.18 Grant Adjustments

(a) The grantee must secure prior written approval from the ABTPA director for any of the following:

- (1) changes in the need, objectives, approach, or geographical location of the grant;
- (2) transfers of funds among direct cost categories exceeding 5.0% of the total grant budget;
- (3) changes in overtime, confidential funds, the number of positions or job descriptions of personnel specified in the grant agreement;
- (4) changes in equipment amounts, types, or methods of acquisition;
- (5) out of state travel not specified in the grant agreement; or
- (6) other changes for which the grant agreement or uniform grant and contract management standards require prior approval.

(b) The grantee must provide written notification to the ABTPA director within five days from the date of any change in the program director, financial officer, or authorized official.

RULE §57.18 Grant Adjustments

(a) The grantee must secure prior written approval from the ABTPA director for any of the following:

- (1) changes in the need, objectives, approach, or geographical location of the grant;
- (2) changes in the number of positions or job descriptions of personnel specified in the grant agreement;
- (3) transfers of funds among direct cost categories exceeding 5.0% of the total grant budget;
- (4) changes in equipment or other controlled assets amounts, types, or methods of acquisition;
- (5) use of confidential funds not specified in the grant agreement
- (6) use of program income for reasonable and necessary expenses of over \$1000 or more
- (7) changes in overtime or out-of-state travel of \$1000 or more
- (8) other changes for which the grant agreement or uniform grant and contract management standards require prior approval.

(b) The grantee must provide updates in the on-line system or written notification to the ABTPA director within five days from the date of any change in the program director, financial officer, or authorized official.

Staff recommendation-approve adoption of rules under Title 43, the Texas Administrative Code, Chapter 57.

The proposal was published in the Texas Register on December 15, 2017. The comment period closed on January 15, 2018. No comments were received.



Board Agenda Item

Briefings and Action Items

Section 3. Committee Report – Grants, Budget and Reporting

Part C. Consider extension and budget for Interagency contracts

1. TAMU
2. CPA

Automobile Burglary and Theft Prevention Authority

May 23, 2018

FY 19 Interagency Contract Extensions

Agency	Description of services	Staff Recommended Contract Amount
Texas A & M University	<ul style="list-style-type: none">• Create and maintain the Grant Management and Tracking System.• Multiyear contract with deliverables tracked and verified throughout process.• FY19 is for maintenance and operations.• Maintained on TAMU server.	\$25,000
Texas Comptroller of Public Accounts	<ul style="list-style-type: none">• Collects the motor vehicle fees assessed against TX licensed property and casualty insurers writing policies covering motor vehicles.• Retains and maintains fee assessment information in CPA database.• Produces the assessment forms and mails/emails them to insurers in January and June.• Identifies and reports to ABTPA insurers who fail to file the fee assessment or fail to render payment.	\$10,000 per fiscal year, contract is biennial at \$20,000

Staff Recommendation – Authorize ABTPA director to:

- 1) Approve extension and budget of TAMU contract;
- 2) Approve extension and budget of CPA contract.



Board Agenda Item

Briefings and Action Items

Section 4. Committee Report – Insurance and Collections

Part A. Consider Actions on Insurance Refund Request

1. Amica Property & Casualty Insurance Company

Automobile Burglary and Theft Prevention Authority

May 23, 2018

Staff Recommendations for Insurance Refunds

Amica Property and Casualty Company

Amica submitted a request for a duplicate payment on March 26th, 2018. Payment was duplicate of another submission by Amica Mutual Insurance Company.

ABTPA Staff reviewed the documentation provided and confirmed the duplicate payment with the Texas Comptroller of Public Account's office.

Staff Recommendation-approval of the refund request in the amount of \$180,566.

March 19, 2018

Corporate Office

One Hundred Amica Way
Lincoln, Rhode Island 02865-1156
Mail: PO Box 6008, Providence, RI 02940-6008
800-65-Amica (26422)
Amica.com

Automobile Burglary and Theft Prevention Authority
c/o Texas Department of Motor Vehicles
4000 Jackson Avenue
Austin, TX 78731-6007

Gentlemen:

We are submitting the required documentation and requesting a refund of assessment fees for Amica Property and Casualty Insurance Company (Tax ID 32059255870) for the reporting period December 31, 2017. We discovered that we inadvertently reported the incorrect total number of motor vehicle years for the period July 1 – December 31 in Section II of the Automobile Theft Prevention Assessment. The amount we originally reported was 93,784, which represented the amount for Amica Mutual Insurance Company (Tax ID 10503483447), which is accurately reported on the Amica Mutual Insurance Company Automobile Theft Prevention Assessment. The amount that should have been reported for Amica Property and Casualty Insurance Company is 3,501. We respectfully request a refund for the overpayment amount of \$180,566.

Enclosed are the following reports as requested:

1. Written explanation (above) for the submission request of funds being refunded.
2. Texas Automobile Burglary & Theft Prevention Authority Assessment Fees Refund Claim.
3. Amica Property and Casualty Insurance Company Automobile Theft Prevention Assessment Report and Documentation of Payment.
4. Amica Mutual Insurance Company Automobile Theft Prevention Assessment Report and Documentation of Payment.
5. Amica Property and Casualty Insurance Company Amended Texas Automobile Burglary and Theft Prevention Authority Assessment Return.

Very truly yours,

Albert S. Cardente
Tax Manager
Amica Property & Casualty Insurance Company



ASC: mas
Enclosures



Texas Automobile Burglary & Theft Prevention Authority Assessment Fees Refund Claim

Company Name: Amica Property and Casualty Insurance Company Date: 3/19/2018
Address: PO Box 6008 TDI License number 32059255870
City & State: Providence, RI Zip: 02940-6008
Company Contact Person Albert S. Cardente Contact Phone Number (800) 242-6422
Contact Email address acardente@amica.com
Requesting refund for reporting period(s): 12-31-2017
Please circle: 1st Semi-Annual Payment **2nd Semi-Annual Payment**
Amount of refund requested: \$ 180,566.00

In compliance with ABTPA rule, Title 43 Administrative Texas Code §57.51, the authority will utilize the information submitted below to assist in making a determination and recommendation for refunding assessment fees.

Please complete required data for determination of correct amount of refund from the Automobile Burglary & Theft Prevention Authority (ABTPA) Assessment fees. Once completed, please forward to the ABTPA.

Summary Information for Issued Policies					
Policy Term	Number of Policies Written	Number of Actual Vehicles on Policies	Original Amount	Amended Amount	Refund Amount Requested
1 Year	<u>1,796</u>	<u>3,501</u>	<u>\$189,886.00</u>	<u>\$9,320.00</u>	<u>\$180,566.00</u>
6 Months	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
30 Day	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total Amount of Assessment Fees			<u>\$189,886.00</u>	<u>\$9,320.00</u>	<u>\$180,566.00</u>

Along with this form attach:

- 1) Written explanation for the submission request of funds being refunded.
- 2) A copy of the original filing(s).
- 3) Documentation of payment (s).
- 4) A signed copy of the amended return filed with the Texas Comptroller of Public Accounts.

By submitting this application I certify that I have been designated by my corporation as the authorized official to apply for refunds of the ABTPA fee, from The State of Texas. The statements herein are true, complete, and accurate to the best of my knowledge. I am aware that under the Texas Penal Code § 37.10 any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties.

Albert S. Cardente
Company official's signature

3/19/18
Date

Automobile Theft Prevention Assessment

Original Return for period ending 12/31/2017

Confirmation: You Have Filed Successfully

Please do NOT send a paper return.

Print this page for your records.

Reference Number: 5418061001

Date and Time of Filing: 02/23/2018 12:34:06 PM

Taxpayer ID: 32059255870

Taxpayer Name: AMICA PROPERTY AND CASUALTY INSURANCE COMPANY

Taxpayer Address: PO BOX 6008 PROVIDENCE , RI 02940 - 6008

Entered by: Albert S Cardente

Email Address: acardente@amica.com

Telephone Number: (800) 652-6422 23904

IP Address: 4.79.1.1

Return Summary	Entries	Assessment Rate	Assessment Due
SECTION I & II			
Total number of motor vehicle years for the period January 1 - June 30	1,159	x 2.0000	2,318.00
Total number of motor vehicle years for the period July 1 - December 31	93,784	x 2.0000	187,568.00
SECTION III -- YEARLY TOTAL			
Total number of motor vehicle years for the calendar year.	94,943		
Total Assessment Due			189,886.00

Total Assessment Due 189,886.00

Prior Payments - 2,318.00

Balance Due = 187,568.00

Pending Payments - 0.00

Total Amount Due and Payable = 187,568.00

Payment Summary

Amount to Pay: \$187,568.00

Electronic Check: \$187,568.00

Payment Reference Number: 5418061000

Trace Number: 29811196

Type of Bank Account: CHECKING

Accountholder Name: Amica Mutual Insurance Company

Bank Routing Number: 11075150

Bank Account Number: *****4953

Payment Effective Date: 02/26/2018

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03/19/2018 08:39:20 AM

You are logged in as:
Taxpayer
32059255870 AMICA PROPERTY AND CASUALTY INSURANCE COMPANY PO BOX 6008 PROVIDENCE, RI 02940-6008
User Identification
Albert S Cardente acardente@amica.com (800) 652-6422 23904 4.79.1.1

Automobile Theft Prevention Assessment

Summary Original Return for Period Ending Dec 31, 2017 (2017)

Return Summary	Entries	Assessment Rate	Assessment Due
SECTION I & II			
Total number of motor vehicle years for the period January 1 - June 30	1,159	x 2.0000	2,318.00
Total number of motor vehicle years for the period July 1 - December 31	93,784	x 2.0000	187,568.00
SECTION III -- YEARLY TOTAL			
Total number of motor vehicle years for the calendar year.	94,943		
Total Assessment Due			189,886.00

Total Assessment Due 189,886.00

Prior Payments - 189,886.00

Balance Due = 0.00

Pending Payments - 0.00

Total Amount Due and Payable = 0.00

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AMICA P & C COMPANY
TEXAS MOTOR VEHICLE ASSESSMENT
07/01/2017 THRU 12/31/2017

Tax ID 32059255870

CAR
COUNT

NEW BUSINESS 3,009

RENEWALS 389

FLAT CANCELLATIONS 91CR

ADDITIONS 194

NET WRITTEN 3,501



Automobile Theft Prevention Assessment

View Transaction History

03/19/2018 08:38:07 AM

You are logged in as:
Taxpayer
32059255870 AMICA PROPERTY AND CASUALTY INSURANCE COMPANY PO BOX 6008 PROVIDENCE, RI 02940-6008
User Identification
Albert S Cardente acardente@amica.com (800) 652-6422 23904 4.79.1.1

Transaction Type	Date and Time	Reference Number	Period	End Date	Amount	Status
Original Return	02/23/18 12:34:06	5418061001	2017	12/31/2017	\$189,886.00	Processed
Payment	02/23/18 12:34:05	5418061000	2017	12/31/2017	\$187,568.00	Processed
Original Return	02/14/17 09:39:12	4517040268	2016	12/31/2016	\$.00	Processed
Original Return	10/27/16 01:03:19	30116059348	2015	12/31/2015	\$.00	Processed

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upst

FOR ACCOUNTING DEPARTMENT USE ONLY									
ADDRESS	VENDOR #			DISTRIBUTION OF INVOICE					
AMOUNT	W	A	VEND. SEQ.	A/C NO.	DP.	ST.	EXP. GRP.	Prd	NAME
187,568.00 ✓				247010					sum
									EXPLANATION
									BRANCH

187,568.00 130225

AMICA MUTUAL INSURANCE COMPANY
ELECTRONIC PAYMENT NOTIFICATION

682028

4083

Date:

2/26/2018

Amount:

\$187,568.00

Payable to:

State Comptroller

2/26/2018 FEB 26 2018

Transmission:

Wire ☐

ACH Payment ☒

Other

Street/PO Box: PO Box 149356

City/State/Zip: Austin, TX 78714-9356

In Payment of

Invoice#:

Account #:

Reference #:

other:

2017 Automobile Theft Prevention Authority Assessment due 3/1/18

Approved by:

al

Electronic Record Number:

E32342

Requested by:

Michelle St Germain

Date Recorded:



Automobile Theft Prevention Assessment

Summary Original Return for Period Ending Dec 31, 2017 (2017)

03/19/2018 08:45:14 AM

You are logged in as:
Taxpayer
10503483447 AMICA MUTUAL INSURANCE CO 100 AMICA WAY ATTN: ALBERT CARBENTE LINCOLN, RI 02865-1156
User Identification
Albert S Cardente acardente@amica.com (800) 652-6422 23904 4.79.1.1

Return Summary	Entries	Assessment Rate	Assessment Due
SECTION I & II			
Total number of motor vehicle years for the period January 1 - June 30	94,668	x 2.0000	189,336.00
Total number of motor vehicle years for the period July 1 - December 31	93,784	x 2.0000	187,568.00
SECTION III -- YEARLY TOTAL			
Total number of motor vehicle years for the calendar year.	188,452		
Total Assessment Due			376,904.00

Total Assessment Due 376,904.00

Prior Payments - 376,904.00

Balance Due = 0.00

Pending Payments - 0.00

Total Amount Due and Payable = 0.00

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AMICA MUTUAL INSURANCE COMPANY
TEXAS MOTOR VEHICLE ASSESSMENT
07/01/2017 THRU 12/31/2017

Tax ID 10503483447

	CAR COUNT
NEW BUSINESS	3,836
RENEWALS	82,971
FLAT CANCELLATIONS	3,000CR
ADDITIONS	9,977
NET WRITTEN	93,784



Automobile Theft Prevention Assessment

View Transaction History

03/19/2018 08:45:32 AM

You are logged in as:
Taxpayer
10503483447 AMICA MUTUAL INSURANCE CO 100 AMICA WAY ATTN: ALBERT CARBENTE LINCOLN, RI 02865-1156
User Identification
Albert S Cardente acardente@amica.com (800) 652-6422 23904 4.79.1.1

Transaction Type	Date and Time	Reference Number	Period	End Date	Amount	Status
Original Return	02/16/18 12:45:29	4718074886	2017	12/31/2017	\$376,904.00	Processed
Original Return	02/10/17 09:22:11	4117040146	2016	12/31/2016	\$367,504.00	Processed
Original Return	02/16/16 03:06:45	4716108173	2015	12/31/2015	\$327,088.00	Processed
Original Return	02/13/15 12:43:31	4415059774	2014	12/31/2014	\$289,860.00	Processed
Original Return	02/13/14 01:05:33	4414067531	2013	12/31/2013	\$262,118.00	Processed
Original Return	02/19/13 02:57:24	5013115245	2012	12/31/2012	\$253,088.00	Processed
Original Return	02/16/12 09:53:53	4712035779	2011	12/31/2011	\$165,564.00	Processed
Original Return	02/23/11 08:30:58	5411108789	2010	12/31/2010	\$123,036.00	Processed
Original Return	02/06/10 06:45:48	3710015063	2009	12/31/2009	\$106,169.00	Processed

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4/2/18

FOR ACCOUNTING DEPARTMENT USE ONLY										
ADDRESS	VENDOR #			DISTRIBUTION OF INVOICE						
AMOUNT	W	A	VEND. SEQ.	A/C NO.	DP.	ST.	EXP. GRP.	Prd	NAME	
187,568.00 ✓				130225 ✓					sum	
									EXPLANATION	
									BRANCH	

682606
6683

AMICA MUTUAL INSURANCE COMPANY
ELECTRONIC PAYMENT NOTIFICATION
MAR 01 2018
3/5/2018

Date: 3/1/18
Amount: \$187,568.00 ✓
Payable to: Texas State Comptroller

Transmission: Wire ☐ ACH Payment ☒ Other _____

Street/PO Box: PO Box 149356
City/State/Zip: Austin, TX 78714-9356
In Payment of Invoice#: _____ Account #: _____ Reference #: _____
other: 2017 Automobile Theft Prevention Authority Assessment due 3/1/18 ✓

Approved by: al
Requested by: Samantha Markinac ✓

Electronic Record Number: E32373
Date Recorded: _____

AMENDED

b.



Texas Automobile Burglary and Theft Prevention Authority Assessment Report

A report must be filed even if no assessment is due.

a. T Code ■ **76100**

c. Taxpayer number

■ **32059255870**

d. Filing period

YEAR ENDING 12-31-2017

e.

■ **17**

f. Due date

03-01-2018

g. Taxpayer name and tax report mailing address (Make any necessary name or address changes below.)

**AMICA PROPERTY AND CASUALTY INSURANCE COMPANY
PO BOX 6008
PROVIDENCE, RI 02940-6008**

h. IMPORTANT

Blacken this box if your mailing address has changed. Show changes beside the preprinted information. → 1. ☐

i.

■

j.

■

Instructions for Computing the Automobile Burglary and Theft Prevention Authority Assessment

Vernon's Civil Statutes, Title 70, Chapter 9, Article 4413(37), Section 10, requires each licensed insurer that issues any form of motor vehicle insurance to pay an assessment to the Automobile Burglary and Theft Prevention Authority (ABTPA). The Comptroller's office collects the assessment on behalf of the Automobile Burglary and Theft Prevention Authority.

WHO MUST FILE

All licensed property and casualty insurance companies, including interinsurance or reciprocal exchanges, mutual companies, mutual associations, Mexican Casualty Companies, Lloyd's plans or risk retention groups writing any form of motor vehicle insurance in this state as defined in Article 5.01(e), Insurance Code, are required to compute and pay the assessment.

(Instructions continued on back.)

SECTION I - FIRST PERIOD (See instructions on back.)	Motor Vehicle Years (whole numbers only)	Assessment Rate	Assessment Due
A. Total number of motor vehicle years for the period Jan. 1 - June 30	■ 1,159	X \$2.00 = A. ■	\$ 2,318.00
SECTION II - SECOND PERIOD (See instructions on back.)			
B. Total number of motor vehicle years for the period July 1 - Dec. 31	■ 3,501	X \$2.00 = B. ■	\$ 7,002.00
SECTION III - SUMMARY			
1. Total assessment due for the year (Add Items A and B)	1. ■		\$ 9,320.00
2. Semi-annual payment made for assessment period Jan. 1 through June 30	2. ■		\$ 2,318.00
Payment made with original return 2/8/2018			\$187,568.00
3. TOTAL AMOUNT DUE AND PAYABLE (Item 1 minus Item 2)	3. ■		(180,566.00)
k. ■		l. ■	

Taxpayer name

AMICA PROPERTY AND CASUALTY INSURANCE COMPANY

■ T Code

■ Taxpayer number

■ Period

76020

32059255870

I declare the information in this document and all attachments is true and correct to the best of my knowledge and belief.

sign here Authorized agent

Albert S. Cardente

Preparer's name (Type or print)

Albert S. Cardente

Daytime phone (Area code & number) **(800)652-6422 23904**

Date **3/8/2018**

Make the amount in Item 3 payable to
STATE COMPTROLLER

Mail to COMPTROLLER OF PUBLIC ACCOUNTS
P.O. Box 149356
Austin, TX 78714-9356

You have certain rights under Chapters 552 and 559, Government Code, to review, request and correct information we have on file about you. Contact us at the address or phone number listed on this form.

111 A



Board Agenda Item

Briefings and Action Items

Section 4. Committee Report – Insurance and Collections

Part B. Report on Previous Actions regarding TDI and Texas Comptroller

Automobile Burglary and Theft Prevention Authority

May 23, 2018

Report on Previous Actions regarding TDI and Texas Comptroller

Texas Department of Insurance

During the November 14, 2017 meeting, the Board approved ABTPA staff to go forward with the following actions regarding Texas Department of Insurance (TDI):

- A. Request guidance from TDI on how to proceed with Non-responsive & Non-paying insurers.
- B. Request TDI for clarification of Insurance types exempt from ABTPA Fee.
- C. Request TDI determine whether they feel statistically low paying entities may owe additional ABTPA Fee.

Staff sent these requests to TDI in response to the board's request. The ABTPA Staff followed up with TDI last on April 23rd, TDI indicated they are close, but they have not yet completed the request.

Texas Comptroller

ABTPA staff has sent out letters to insurance companies designated by the Texas Comptroller as either non-filers and/or non-payers for 2015. Any further action taken against those companies who have either not responded to the letters or claimed an exemption to paying the fee is dependent on the responses from TDI outlined above.

The Insurance Collections and Refund Committee recommended that staff move forward on sending letters to the insurance companies designated as non-filers for 2016. The Comptroller is in the process of sending ABTPA an updated list for 2016.



Board Agenda Item

Briefings and Action Items

Section 4. Committee Report – Insurance and Collections

Part C. Direct staff to establish workgroup with insurance stakeholders

May 23, 2018

Direct staff to establish workgroup with insurance stakeholders

During the November 14, 2017 board meeting four rules were proposed for amending and one new rule was proposed to the Texas Administrative Code (TAC). The TAC rules were sent out for comment after the meeting. The only response received was from the Insurance Council of Texas (ICT) who requested a public hearing. As the agency is undergoing the Sunset review, staff recommends allowing the rule proposals to expire and not take any action at this time.

1. Allow rules to expire
2. Move forward after Sunset review process complete
3. Establish workgroup with insurance stakeholders to discuss TAC rules and possible amendments.

THOMPSON COE

Thompson, Coe, Cousins & Irons, L.L.P.
Attorneys and Counselors

Jay A. Thompson
Direct Dial: (512) 703-5060
jthompson@thompsoncoe.com

Austin
Dallas
Houston
Los Angeles
New Orleans
Saint Paul

January 12, 2018

Mr. David Richards, General Counsel
Automobile Burglary and Theft Prevention Authority
4000 Jackson Avenue
Austin, Texas 78731

Sent via email to: rules@txdmv.gov

Re: Proposed Rule Amendments, CHAPTER 57. AUTOMOBILE BURGLARY
AND THEFT PREVENTION AUTHORITY, 43 TAC §§57.18, 57.48 - 57.52

Dear Mr. Richards:

These comments are submitted on behalf of our client, the Insurance Council of Texas (ICT), a property and casualty insurance trade association representing the interests of nearly 500 insurers who do business in Texas. Request is also made for a public hearing on these proposed rules pursuant to Section 2001.029 of the Government Code.

The following specific comments are submitted:

1. Amendment to §57.48(a)(1). This proposed amendment proposes to amend the rule to reference "two semi-annual reporting periods", which appears to be based on the statutory requirement in Article 4413(37)§10(b)(1)&(2). A strict reading of the rule though would make it appear that the full \$2 fee is payable for policies during the two reporting periods. ICT respectfully believes this is contrary to the statutory requirements in Article 4413(37)§10, which requires the fee to be based on "**Motor vehicle years of insurance**", and is defined as the total number of years or portions of **years** during which a motor vehicle is covered by insurance.

The fee of \$2 for each **motor vehicle year** is paid on March 1 for policies issued between July 1 and December 31 and paid on September 1 of each year for policies issued between January 1 and June 30 of each year. The rule as worded makes it appear that the \$2 fee must be paid on each motor vehicle during for each semi-annual period as opposed to an annual period. This directly conflicts with the requirement that the fee of \$2 be based on motor vehicle years. This distinction is important because most companies issue motor vehicle policies for a 6 month term. Thus, a fee of \$1 would be due on the initial policy and another fee of \$1 would be due at renewal. This would equal then the \$2 fee per "motor vehicle year" as defined in the statute. ICT suggests that this section be reworded to conform to the statutory requirements. Several members have also raised issues about the possible need to clarify how "added vehicles" should

be handled under this statute. For example, an individual may purchase an additional vehicle that is added to a policy at the end of a six month policy period. The fee for this vehicle would normally be collected on the existing policy and again at renewal even though this vehicle would not have been covered for a full year. There are no rules and guidance for collecting this fee on some type of pro rata basis in order to comply with the statutory requirement that the fee be based on a "motor vehicle year". This is not an easy solution because of programming issues and long-standing methods where companies have attempted to comply. It is ICT's understanding that some companies collect the fee for each vehicle as if the fee is fully earned at the time the coverage is added and have not pro-rated this at all. Some clarification may be necessary on the issue of mid-term changes to a policy where vehicles are either added or deleted. Because this fee is essentially a tax, a strict construction of the statute is required. ICT would suggest that a working group be established to review possible solutions to the issue of mid-term changes to policies where vehicles are covered for less than a full year.

2. Amendment to §57.48(a)(2). The proposed amendment to this section use the term "motor vehicle insurance" and delete the words "coverage for a motor vehicle". Again, this amendment is confusing and appears to contradict terms used in the statute if read in conjunction with the amendment discussed above. The statute is clear that it imposes a fee, or tax, based on motor vehicles years. The statute specifically refers to "years or portions of years during which a **motor vehicle is covered** by insurance. As will be discussed in other amendments to subsection (4), reference to only motor vehicle insurance may ignore this important statutory distinction. Insurers understand that the statute requires the collection of the fee for motor vehicles covered during the applicable periods and each insurer must collect the fee. Insureds that change insurers during one of the two semi-annual periods would have to pay the fee twice because each insurer would collect the fee. ICT suggests that this change may not be needed at this time.

3. Amendment to §57.48(a)(4). This change deletes certain types of coverages from the tax requirements. Several insurers have commented on these deletions.

First, non-resident or non-owner policies are issued to individuals who need liability insurance to comply with the Financial Responsible Laws in Tex. Govt. Code, Ch. 601. Financial responsibility, as required in Chapter 601 of the Transportation Code, is aimed at both the owner of a vehicle as well as an operator. "Owner" is defined to mean a person that owns legal title or the purchaser or a lessee of a motor vehicle. See, TEX. TRANS. CODE §601.002(9). Thus, it should be clear that this type of motor vehicle insurance policy would cover or mention a specific motor vehicle. Under the act, the Department may accept evidence of financial responsibility from an owner for another person if the operator is either employed by the owner or is a member of the owner's immediate family or household. See, TEX. TRANS. CODE §601.054.

The type of policy for a named non-owner policy was designed for individuals that do not own a vehicle and is referred to in the Financial Responsibility Laws as an Operator Policy. There are separate requirements for an Owner's Policy than from an Operator's Policy. Typically, there is no vehicle identified in an operator's or non-owner policy and the individual is covered for liability when driving any vehicle. As discussed above, the fee is based on years

in which a "motor vehicle is covered". This explains why these type of policies were exempted under the current rule and why this exemption should continue. ICT recommends that this exception to be deleted in the rule as proposed.

The second type of coverage is "mechanical breakdown" coverage. This coverage is generally understood to be a type of warranty product that has not been regulated as "motor vehicle insurance" under Article 5.01 of the Insurance Code. Maintaining this exception provided clarity to both insurers and regulators who collect this fee. ICT recommends this not be deleted as proposed.

The last type of coverage is garage liability policies. Again, there is no specific vehicle that is covered under this type of policy. This is a type of commercial automobile insurance that may be a type regulated by the Department of Insurance but was never considered to be a type product where a "motor vehicle was covered." Instead, this is a liability policy that covers garages for their liability as a bailee when they are repairing a vehicle. Another example would be valet parking services that covers their liability when parking vehicles owned by others. It should be clear these were never intended to be subject to this fee because of the difficulty in calculating a fee based on coverage by Motor vehicle years. ICT recommends this not be deleted as proposed.

Without waiving any argument that these proposed changes in this section contradict the statutory provisions in Article 4413(37), if the recommended changes in this section are intended to add these types of policies to the fee, companies will need additional time to implement these changes because there could be considerable time and expenses in re-programming computer systems to account for these changes.

4. Amendment to Sec. 57.50 9 (c)(d). This proposed amendment changes the ability of ABTPA to charge for audits from "unfounded" claims for refunds to "inaccurate". This could be a significant change and allow ABTPA to find minor or technical changes to a refund request where the audit costs could always exceed a valid refund. ICT has found no provision in either Article 4413(37) or the tax code that allows these charges for audits or offsets based on an inaccurate audit. The distinction between an "unfounded" and "inaccurate" refund claim is significant and should be maintained. Subsection (d) should not be adopted.

Please contact me if you have questions or need additional information on these comments.

Sincerely,



Jay A. Thompson

Cc: Albert Betts, Exec. Dir. , ICT

(4) Provide clear communication and reporting systems through which forensic analysts may report to management non-conformances in the quality system and other adverse events, such as an unintended mistake or a breach of ethical, legal, scientific standards, or questionable conduct.

(5) Make timely and full disclosure to the Texas Forensic Science Commission of any non-conformance that may rise to the level of professional negligence or professional misconduct.

(6) Provide copies of all substantive communications with the laboratory's national accrediting body to the Commission.

(7) For any laboratory that performs forensic analysis on behalf of the State of Texas, develop and follow a written forensic disclosure compliance policy for the purpose of ensuring the laboratory's compliance with article 39.14 of the Texas Code of Criminal Procedure.

(8) Ensure the laboratory's forensic disclosure policy provides clear instructions for identifying and disclosing any exculpatory, impeachment, or mitigating document, item, or information in the possession, custody, or control of the laboratory. The policy should explicitly address how to inform potentially affected recipients of any non-conformances or breaches of law or ethical standards that may adversely affect either a current case or a previously issued report or testimony.

(9) Inform all forensic analysts working on behalf of the laboratory that they may report allegations of professional negligence or professional misconduct to the Texas Forensic Science Commission without fear of adverse employment consequences.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 28, 2017.

TRD-201704843

Leigh Savage

Associate General Counsel

Texas Forensic Science Commission

Earliest possible date of adoption: January 14, 2018

For further information, please call: (512) 936-0661



TITLE 43. TRANSPORTATION

PART 3. AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

CHAPTER 57. AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

43 TAC §§57.18, 57.48 - 57.52

The Automobile Burglary and Theft Prevention Authority (ABTPA) proposes amendments to §57.18, Grant Adjustments; §57.48, Motor Vehicle Years of Insurance Calculations; §57.49, Audit; §57.50, Report to Department of Insurance, and §57.51, Refund Determinations. The ABTPA also proposes new §57.52, Correction of Administrative Posting or Data Entry Errors.

EXPLANATION OF PROPOSED AMENDMENTS AND NEW SECTION

Amendments to §57.18 are proposed to add language to further clarify the types of grant adjustments which require grantees to secure the prior written approval of the ABTPA Director.

Amendments to §57.48(a)(1), (a)(2) and (a)(3) are proposed to add language to clarify that there are two semi-annual reporting periods in which the \$2 fee is payable; to add a definition for "motor vehicle insurance" and to be consistent with statutory definitions; and to clarify that each insurer is responsible for paying the fee when more than one insurer provides motor vehicle insurance during the two semi-annual reporting periods.

Amendments to §57.48(a)(4) are proposed to remove the exceptions to the payment of the \$2 insurance policy fee effective January 1, 2019.

Amendments to §57.49 are proposed to clarify that all insurers that are subject to the payment of the \$2 fee shall make available to auditors or ABTPA staff their books and records. Proposed amendments also add new §57.49(d) specifying that charges for any audit shall be deducted from the refund due if the claim for the refund is determined to be inaccurate by the ABTPA Board.

Proposed amendments to §57.50 add language clarifying that the insurer is one that is licensed in Texas to sell motor vehicle insurance, and that the ABTPA shall file a report with the Department of Insurance that provides the names of insurers that failed to pay the fee.

Amendments to §57.51 add language to clarify that insurers seeking a determination of the sufficiency or a refund of a semi-annual payment shall submit an amended report and a written claim for a refund for each reporting period not later than four years after the date the semi-annual payment was made. Subsection (b) clarifies that where an insurer fails to provide the requested information or provides an incomplete response to the ABTPA regarding a claim for a refund, the refund shall be denied in whole or in part. Amendments to subsection (e) are proposed to require the ABTPA to provide an amended report to the Comptroller of Public Accounts regarding refunds for each semi-annual reporting period considered by the ABTPA board.

The ABTPA also proposes new §57.52, Correction of Administrative Posting or Data Entry Errors. The Comptroller of Public Accounts is the fiscal officer for the state. If in the normal processing of tax payments and fee assessments the Comptroller detects, becomes aware of, or is notified of an error in the account number or misapplied funds that impact the ABTPA Fund account, the Comptroller is to administratively correct the error without board approval. Additionally, the ABTPA shall be notified of the corrections or changes when the Comptroller provides its reports and collection summaries each year.

Finally, proposed amendments correct the cite to the Texas Revised Civil Statutes, Article 4413(37) throughout.

FISCAL NOTE

Linda M. Flores, Chief Financial Officer, has determined that for each of the first five years the amendments and new section as proposed are in effect, there will be no fiscal implications for state or local governments as a result of enforcing or administering the proposed amendments and new section.

Bryan Wilson, Director of ABTPA, has certified that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the amendments and new section.

PUBLIC BENEFIT AND COST

Mr. Wilson has also determined that for each year of the first five years the amendments and new section are in effect, the public benefit anticipated as a result of enforcing or administering the amendments will be requiring greater accountability by insurers who are required under the statute to pay the fee; by clarifying the requirements for insurers to obtain a refund; and clarifying and streamlining the duties of the ABTPA in considering refund claims by insurers, and in filing required reports. There are no anticipated economic costs for persons required to comply with the proposed amendments and new section. There will be no adverse economic effect on small businesses, micro-businesses, or rural communities.

TAKINGS IMPACT ASSESSMENT

The ABTPA has determined that this proposal affects no private real property interests and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action, and so does not constitute a taking or require a takings impact assessment under the Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT

The ABTPA has determined that during the first five years the proposed amendments and new section are in effect, no government program would be created or eliminated. Implementation of the proposed amendments and new section would not require the creation of new employee positions or elimination of existing employee positions. Implementation would not require an increase or decrease in future legislative appropriations to the ABTPA or an increase or decrease of fees paid to the ABTPA. Additionally, the proposed amendments and new section do not create a new regulation, or expand, limit, or repeal an existing regulation. The proposed amendments and new section do not affect the number of individuals subject to the rule's applicability and will not affect this state's economy.

SUBMITTAL OF COMMENTS

Written comments on the proposed amendments and new section may be submitted to David Richards, General Counsel, Automobile Burglary and Theft Prevention Authority, 4000 Jackson Avenue, Austin, Texas 78731 or by email to rules@txdmv.gov. The deadline for receipt of comments is 5:00 p.m. on January 15, 2018.

STATUTORY AUTHORITY

The amendments and new section are proposed under Texas Revised Civil Statutes, Article 4413(37), §6(a), which provides the Board of the Automobile Burglary and Theft Prevention Authority with the authority to adopt rules that are necessary and appropriate to implement the powers and the duties of the ABTPA.

CROSS REFERENCE TO STATUTE

Texas Revised Civil Statutes, Article 4413(37).

§57.18. *Grant Adjustments.*

(a) The grantee must secure prior written approval from the ABTPA director for any of the following:

- (1) changes in the need, objectives, approach, or geographical location of the grant;
- (2) changes in the number of positions or job descriptions of personnel specified in the grant agreement;

(3) [(2)] transfers of funds among direct cost categories exceeding 5.0% of the total grant budget;

[(3) changes in overtime, confidential funds, the number of positions or job descriptions of personnel specified in the grant agreement;]

(4) changes in equipment or other controlled assets amounts, types, or methods of acquisition;

(5) use of confidential [out-of-state travel] funds not specified in the grant agreement; [or]

(6) use of program income for reasonable and necessary expenses of over \$1000 or more;

(7) changes in overtime or out-of-state travel of \$1000 or more; or

(8) [(6)] other changes for which the grant agreement or uniform grant and contract management standards require prior approval.

(b) The grantee must provide updates in the on-line system or written notification to the ABTPA director within five days from the date of any change in the program director, financial officer, or authorized official.

§57.48. *Motor Vehicle Years of Insurance Calculations.*

(a) Each insurer, in calculating the fees established by Texas Revised Civil Statutes, Article 4413(37), §10, shall comply with the following guidelines:

(1) The single statutory fee of \$2 is payable on each motor vehicle for which the insurer provides [insurantee] coverage during the two semi-annual reporting periods [calendar year] regardless of the number of policy renewals; and

(2) When more than one insurer provides motor vehicle insurance [coverage for a motor vehicle] during the two semi-annual reporting periods [calendar year], each insurer shall pay the statutory fee for that vehicle.

(3) "Motor vehicle insurance" [as referred to in Texas Civil Statutes, Article 4413(37), §1(5);] means motor vehicle insurance as defined by the Insurance Code, Article 5.01(e). This definition shall be used when calculating the fees under this section.

(4) All motor vehicle or automobile insurance policies as defined by Insurance Code, Article 5.01(e), covering a motor vehicle shall be assessed the \$2 fee [except mechanical breakdown policies, garage liability policies, nonresident policies and policies providing only non-ownership or hired auto coverages].

(b) The Texas Automobile Burglary and Theft Prevention Authority Assessment Report form and Instructions for the Computation of the Automobile Burglary and Theft Prevention Authority Assessment of the Comptroller of Public Accounts are adopted by reference. The form and instructions are available from the Comptroller of Public Accounts, Tax Administration, [P.O. Box 149356,] Austin, Texas [78714-9356]. Each insurer shall use this form and follow these instructions when reporting assessment information to the Comptroller.

§57.49. *Audit.*

(a) The ABTPA may employ or retain the services of auditors for the purpose of assisting the ABTPA to determine an insurer's compliance with the requirements of Texas Revised Civil Statutes, Article 4413(37), §10.

(b) All insurers subject to Texas Revised Civil Statutes, Article 4413(37), §10, shall make their books and records reflecting motor ve-

hicle years of insurance available to the auditors or ABTPA staff upon request during normal business hours.

(c) The ABTPA may assess charges for the audit to insurance companies in cases where the companies' assertion of Refund Due is [was] determined to be inaccurate [unfounded].

(d) The charges for the audit shall be deducted from the refund due if the claim for the refund is determined to be inaccurate by the ABTPA Board.

§57.50. Report to Department of Insurance.

If the ABTPA determines that an insurer failed to pay or [intentionally] underpaid the fee required by Texas Revised Civil Statutes, Article 4413(37), §10, the ABTPA shall notify the Department of Insurance of the failure to pay [with the request that the department revoke the insurer's certificate of authority].

§57.51. Refund Determinations.

(a) An insurer that seeks a determination of the sufficiency or a refund of a semi-annual payment must submit [file] an amended report [for each period] and [submit] a written claim for a refund for each reporting period to the ABTPA director or the ABTPA board for a determination or a refund not later than four years after the date the semi-annual payment was made to the state comptroller.

(b) The director or the ABTPA board designee shall review the claim and obtain from the insurer any additional information~~;~~ [if any;] that may be necessary or helpful to assist in the ABTPA determination. If an insurer fails [refuses] to provide the requested information or provides an incomplete response, the refund shall be denied in whole or in part.

(c) The director or the ABTPA board designee is authorized to employ or retain the services of a third party, such as the state comptroller, to assist in the refund determination. The director or the designee shall prepare a written report to the ABTPA board based on the director's or the designee's review and shall contain findings, conclusions, and a recommendation.

(d) The ABTPA shall base its determination on the documentary evidence considered by the director and [or] the board designee. The ABTPA decision shall be based on a majority vote of the board. The ABTPA decision is final and is not subject to judicial review.

(e) Upon determining that an insurer is entitled to a refund, the ABTPA shall notify the comptroller and request the comptroller to draw warrants for the purpose of refunding overpayments. The ABTPA shall provide an amended report to the Comptroller of Public Accounts regarding refunds for each semi-annual reporting period considered by the ABTPA board.

§57.52. Correction of Administrative Posting or Data Entry Errors.

(a) When the Comptroller, while in the normal processing of reports and payments detects, becomes aware of, or is notified of an error involving a taxpayer number or misapplied funds which are not refunds pursuant to Texas Revised Civil Statutes Article 4413(37) §6A, the Comptroller shall administratively correct such error.

(b) The ABTPA shall be notified of the corrections or changes when the Comptroller provides its reports and collection summaries each year.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 4, 2017.

TRD-201704915

David Richards

General Counsel

Automobile Burglary and Theft Prevention Authority

Earliest possible date of adoption: January 14, 2018

For further information, please call: (512) 465-5665

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Board Agenda Item

Briefings and Action Items

Section 5. Training-Motor Vehicle Theft Investigator training

Part A. Authorization of travel and support funds

Automobile Burglary and Theft Prevention Authority

May 23, 2018

Motor Vehicle Theft Investigator Training Update, Including Authorization of Travel and Support Funds

- Staff Recommendation: Authorize ABTPA staff to use up to \$15,000 for FY19 to support the Motor Vehicle Theft Investigator Training for instructor travel, copying, printing and other supplies.

ABTPA has conducted one Motor Vehicle Burglary and Theft Investigator Training in fiscal year 2018. Two more are scheduled, in June and August. In the November 14, 2017 meeting the board authorized ABTPA staff to use up to \$15,000 to support the training for instructor travel and supplies.

Fiscal year 2018 expenditures:

Travel for 3 instructors: \$ 1,328.00

Estimated cost of remaining travel: \$8,000

Supplies: \$1,450.00

Projected FY18 total: \$10,778.00



Board Agenda Item

Briefings and Action Items

Section 5. Training-Motor Vehicle Theft Investigator training

Part B. Training at TAVTI Conference

Automobile Burglary and Theft Prevention Authority
May 23, 2018

Intermediate Motor Vehicle Theft Investigator Training at TAVTI Conference

The annual TAVTI training seminar is being held October 23-October 26, 2018 in Galveston, TX. TAVTI proposed conducting a separate track and hosting the Intermediate Motor Vehicle Burglary and Theft Investigator training. The training will be held October 22–October 25. In order for a student to register for the course they will need to register for the TAVTI conference and pay the \$200.00 registration fee. The Houston PD will support the off-site practical portion of the event

The conference fee will allow registered attendees to attend all other TAVTI vendor displays and other events held after hours and will include their membership to TAVTI/IAATI for the 2019 year.



Board Agenda Item

ABTPA Director's Reports

Section 6. Report on ABPTA-related activities identified by the Director as noteworthy, which may include reports on:

Part 1. Budget

Part 2. Grant Activities and Analysis

Part 3. Grant Adjustments

Part 4. Educational Programs and Marketing

Part 5. Agency Operations

Part 6. Update on Grant Management and Tracking System

Automobile Burglary and Theft Prevention Authority AY 2018 as of 5/10/18

ABTPA Category	Adjusted Budget	Expenditures	Projected Obligations and Encumbrances	Available Budget	% Available Budget
Advertising and Promotion	\$ 26,064	\$ 5,643	\$ -	\$ 20,421	78.4%
All Other Operating	\$ 70,847	\$ 20,266	\$ 25,916	\$ 24,665	34.8%
Consumable Supplies	\$ 2,500	\$ 733	\$ 89	\$ 1,678	67.1%
Grants	\$ 12,293,618	\$ 3,809,823	\$ 7,363,795	\$ 1,120,000	9.1%
Professional Fees & Services	\$ 76,900	\$ 711	\$ 15,762	\$ 60,427	78.6%
Salaries and Personnel Costs	\$ 350,849	\$ 236,655	\$ -	\$ 114,194	32.5%
Travel	\$ 16,100	\$ 6,654	\$ -	\$ 9,446	58.7%
Grand Total	\$ 12,836,878	\$ 4,080,485	\$ 7,405,561	\$ 1,350,832	10.52%

Automobile Burglary and Theft Prevention Authority AY 2017 as of 5/09/18

ABTPA Category	Adjusted Budget	Expenditures	Projected Obligations and Encumbrances	Available Budget	% Available Budget
Advertising and Promotion	\$ 52,507	\$ 52,507	\$ -	\$ -	0.0%
All Other Operating	\$ 104,801	\$ 92,716	\$ 605	\$ 11,480	11.0%
Consumable Supplies	\$ 1,096	\$ 1,095	\$ -	\$ 1	0.1%
Grants	\$ 14,313,387	\$ 14,212,380	\$ 101,007	\$ -	0.0%
Professional Fees & Services	\$ 73,101	\$ 66,674	\$ -	\$ 6,427	8.8%
Salaries and Personnel Costs	\$ 361,450	\$ 360,268	\$ -	\$ 1,182	0.3%
Travel	\$ 14,507	\$ 13,919	\$ -	\$ 588	4.1%
Grand Total	\$ 14,920,849.00	\$ 14,799,559.64	\$ 101,612.14	\$ 19,677.22	0.13%

Automobile Burglary and Theft Prevention Authority

May 23, 2018

Summary of Statewide Statutory Requirements Reported by Grant Recipients

FY 2018

September 1, 2017 – February 28, 2018

Activity	FY 2017	FY 2018	Percentage Increase/Decrease
Recovered Stolen Vehicle	5241	5912	12.80%
Cleared Motor Vehicle Theft Cases	8143	7783	-4.42%
Persons Arrested Motor Vehicle Theft	1503	1536	2.2%
Activity	FY 2017	FY 2018	Percentage Increase
Cleared Motor Vehicle Burglary Cases	3035	1723	-43.23%
Arrested Burglary of a Motor Vehicle	730	487	-33.29%

Automobile Burglary and Theft Prevention Authority

May 23, 2018

Grant Adjustment Report

Grant Program	Adjustment Type	Description	Budget Adjustment Total	Approval Date	Denial Date
Travis County	Budget	Move Program Income for Travel & Supplies	\$14,500	10/16/2017	
City of Beaumont	Program	Notification change in agency participation in the program for FY18		12/11/2017	
City of Mansfield	Budget	Move funds from Professional/Contract Services to Supplies and DOE	\$10,712	12/12/2017	
Travis County	Budget	Move program income funds	\$30,000	12/19/2017	
Galveston County	Program	Notification change in agency participation in the program for FY18		1/8/2018	
Burnet County	Program	Project Manager retirement notification. No adjustment required.			1/9/2018
City of Pasadena	Budget	Retirement of Investigator notification. No adjustment required.	\$9,375		1/22/2018
Travis County	Program	Requested to allot personnel funds to go to Guadalupe County to cover the costs for a partial agent.		2/21/2018	
City of Austin	Program	Request program adjustment without funds available in the specific category. (See approved request on 3/21/2018.)			2/22/2018
Harris County	Budget	Request to expend Travel Funds for Out-of-State law enforcement training & move funds from Travel to Supplies	\$3,790	2/22/2018	
City of Mansfield	Program	Scope Adjustment		2/26/2018	
Lubbock County	Budget	Move Program Income funds to Equipment (purchase of 2017 Dodge SSV)	\$27,159	2/27/2018	
San Antonio	Budget	Request to use Program Income for purchase of LPR equipment	\$21,945	3/19/2018	
City of Austin	Program/Budget	Request to utilize grant funds for ABTPA LE training for new Sgt.	\$2,000	3/21/2018	
Travis County	Program/Budget	Request authorization to send 5 agents for out-of-state LE training	\$7,000	3/23/2018	

Automobile Burglary and Theft Prevention Authority

May 23, 2018

Draft Proclamation Language

WHEREAS, motorists and businesses in Texas sustained nearly \$1 billion in losses due to motor vehicle burglary and theft in 2017; and,

WHEREAS, according to many law enforcement authorities, July and August are the months when motorists are at the greatest risk of having their car stolen; and

WHEREAS, unlocked vehicles, keys left in or near vehicles, and valuables left in full view contribute to a large percentage of motor vehicle burglaries and theft throughout the state;

WHEREAS, the Texas Automobile Burglary and Theft Prevention Authority (ABTPA) was created by the Texas Legislature to combat motor vehicle burglary and theft;

NOW, THEREFORE, Chief Carlos Garcia, Chair of the Texas Automobile Burglary and Theft Prevention Authority, join with the members of the ABTPA Board of Directors to proclaim July 2018 as

WATCH YOUR CAR MONTH

Motorists throughout the state of Texas are encouraged to take the necessary steps and precautions to reduce motor vehicle burglaries and thefts throughout the state.

Automobile Burglary and Theft Prevention Authority
May 23, 2018

Texas Police Chief Association (TPCA) Conference

ABTPA Board Chairman, Chief Carlos Garcia, Bryan Wilson and Dominic Gonzales set up an ABTPA booth at the TPCA conference in Galveston, Texas March 27 and March 28. Chief Garcia attended the conference but also came by the booth to visit with chiefs. Galveston County taskforce commander Hal Barrow and crime analyst Gina Doolittle also came to the conference to talk about ABTPA with the chiefs. ABTPA used this opportunity to meet with police chiefs from across Texas and to inform them of our collections, funding, programs, prevention material and the training that ABTPA coordinates with local taskforces. Many chiefs expressed concern over the increases in motor vehicle burglary and theft in their communities. Many communicated how they could really use support for more officers and equipment to combat these crimes. Over 150 Chiefs of Police contact information will be included in our ABTPA communications.





Audit of TxDMV's Social Media Governance April 13, 2018

Objectives, Scope, and Methodology

- Final Objectives
 - To determine whether the Department has established a social media governance structure designed to protect the Department's brand
- Sub-Objectives
 - Does the Department have
 - defined data classification and retention period requirements applicable to social media activity?
 - have defined policies and procedures governing official and personal social media usage by employees?
 - have defined social media roles and responsibilities for staff assigned to manage official social media accounts?
 - consider internal and external impact of its social media usage?
 - monitor its social media for security and access management and its social media usage and presence?
- Audit Scope
 - The project scope is defined as TxDMV social media governance processes for Facebook and Twitter activity between October 1, 2017 and March 30, 2018.
 - Project scope selected based on availability of historical Facebook and Twitter data.
- Methodology
 - Interviews with division social media users and division directors, division and department policy review – including Information Security and Human Resources - to determine maturity of best practices implemented among divisions utilizing social media.
 - Best practice areas will be defined based on DIR Social Media Resource Guide (February 2013) and the ISACA Social Media Audit and Assurance Program.
 - "ISACA (www.isaca.org) is a leading global provider of knowledge, certifications, community, advocacy and education on information systems (IS) assurance and security, enterprise governance and management of IT, and IT-related risk and compliance."
 - "The audit/assurance programs have been developed in alignment with the ISACA COBIT framework—specifically COBIT 4.1—using generally applicable and accepted good practices. They reflect ITAF (IT Assurance Framework) sections 3400—IT Management Processes, 3600—IT Audit and Assurance Processes, and 3800—IT Audit and Assurance Management."
 - Analysis of Facebook and Twitter historical analytic data to develop a summary of return on investment of the Department's social media activity based on social media measures – Impressions, Retweets, Engagement Follows, etc.

Initial Concerns

- Social media profile security settings vary among divisions
- The Department may not be meeting the Facebook terms and conditions as each person moderating a page must have their own personal Facebook account.

Timeframes

- Fieldwork Dates
 - Active fieldwork 4/16/2018 – 5/4/2018
 - Fieldwork results conference 5/7/2018
- Report Dates
 - Draft report to Divisions 5/21/2018
 - Management Responses due 6/5/2018
 - Draft Report to Exec Office 6/8/2018
 - Draft Report to Board 6/20/2018
 - Final Report Issued 7/6/2018

Information and Sample Request

- IAD project team will need to the downloaded Facebook Insights and Twitter Analytic data in cooperation with division users.

Administrative Issues

- Communication
- Frequency of Communication
 - Project updates will be sent out to management by the project manager every two weeks.
 - IAD Director will provide periodic updates at the Executive Team meeting.
- Information Systems (if access is needed)
 - None requested

Questions/Comments

- Does the Department utilize promoted (paid) content on any of its official pages?
- Does the Department consult with OGC prior to activating a social media account or platform?
- How many divisions utilize Hootsuite?
 - What version of Hootsuite is the Department utilizing?
 - What functionality of Hootsuite does the Department utilize?
- Is the Department currently aware of any spoof TxDMV social media accounts?

Automobile Burglary and Theft Prevention Authority

May 23, 2018

Agency Operations

1) Activity and Funds Report

The FY17 Activity and Funds Report was delivered to the Lieutenant Governor and Speaker of the House on March 30 in advance of the April 1 required by statute.

2) Border Security Report

The ABTPA first border security report was sent by TxDMV to the LBB on March 30. For the six month period ABTPA paid to grantees \$210,034 of FY18 funds. In the first quarter many grantees were paid out of the FY17 funds that the ABTPA board obligated to the continuing grant programs. This additional new requirement to submit border security reports came out of the 85th Legislative Session. TxDMV reports on the funds provided every six months and ABTPA submits border/port designated grantee performance results annually. An in person meeting was held on April 5 to go over the report. The LBB is reviewing our data and may make additional requests or issue clarifications. What ABTPA funded officers do does not entirely mesh with other border security reporters.

3) Grant Award information request

The Legislative Budget Board (LBB) notified ABTPA that they are currently conducting research on administration of state grants awarded to local law enforcement agencies. They requested information in regards to the ABTPA grant program and grant funding for the last 7 years. They specifically requested information about award amounts, grant adjustment information and expenditure reports. The information was sent to them March 30. An in person meeting with them was held on April 5 to go over the information request.

4) 68-A/Vin Inspection Survey

A survey was sent to the grantees regarding 68-A and VIN inspections. This allowed ABTPA to get a better understanding of the process. An overview of the survey is included.

Border Security Reporting Template

Agency Code: 608		Agency Name: Department of Motor Vehicles		Prepared By:		Reporting Period: September 2017-February 2018			
Category:	Grants	Subcategory:	Local Law Enforcement		SBP Program:	Automobile Burglary and Theft Prevention			
Strategy (e.g. A.1.1)	OOE/MOF Code	Agency Division		Appropriated	Budgeted	Expended in Border Counties	Direct Support for Border Security Activities Expended in Non-Border Counties	Expended in Non-Border Counties	Total Expended
B.2.1	4000-Grants	Automobile Burglary and Theft Prevention Authority		\$2,300,000	\$5,250,017	\$210,034		\$0	\$210,034
									\$0
									\$0
									\$0
									\$0
									\$0
									\$0
									\$0
Total, Objects of Expense				\$2,300,000	\$5,250,017	\$210,034	\$0	\$0	\$210,034
B.2.1	1-General Revenue Fund	Automobile Burglary and Theft Prevention Authority		\$2,300,000	\$5,250,017	\$210,034		\$0	\$210,034
									\$0
									\$0
									\$0
									\$0
									\$0
									\$0
Total, Method of Financing				\$2,300,000	\$5,250,017	\$210,034	\$0	\$0	\$210,034

check	\$0	\$0	\$0	\$0	\$0	\$0
Number of Positions (FTE)						
Subcategory Definition:						
<p>A grant is a financial award given by a state agency to an eligible grantee. They are not expected to be repaid by the recipient and do not include technical assistance or other forms of financial assistance such as a loan or loan guarantee.</p> <p>The Automobile Burglary and Theft Prevention Authority provides grants to local law enforcement agencies (task forces) to fund initiatives to reduce incidences of motor vehicle theft and burglary.</p>						
Agency Notes:						
Appropriation Authority:						
<p>Article IX, Sec. 17.07 Border Security - Informational Listing. Included elsewhere in this Act is \$800.0 million in border security funding for the 2018-2019 biennium. The following is an informational list of the amounts appropriated elsewhere in this Act for border security to the Department of Public Safety, Trusteed Programs Within the Office of the Governor, the Parks and Wildlife Department, the Alcoholic Beverage Commission, the Department of Criminal Justice, the Commission on Law Enforcement, the Office of the Attorney General, the Soil and Water Conservation Board, and the Department of Motor Vehicles.</p> <p>Department of Motor Vehicles Automobile Burglary and Theft Prevention Authority Grants (ABTPA) \$5.6 <i>The appropriated amount for ABTPA is \$5.6 million for the FY18-FY19 biennial total. In accordance with Appropriations Act, Article IX, Section 4.02 Grants, the ABTPA distributes grants on a reimbursement basis. For FY18 ABTPA designated specific grant funded Law Enforcement Agencies that operate along to Texas Border with Mexico (City of Brownsville, City of Eagle Pass, City of El Paso, City of Laredo,) and in the Texas Seaports (City of Beaumont, City of Corpus Christi, Galveston County, Harris County, City of Houston, City of Pasadena, City of Victoria) as "border/port security grants."</i></p>						
External/Internal Factors Impacting Subcategory:						

Automobile Burglary and Theft Prevention Authority

May 23, 2018

68-A Inspection/VIN Verification Survey

ABTPA sent out a survey after our April 18 grantee webinar where questions were asked regarding the 68A inspections and VIN verifications. We received responses from all 24 grantees.

Major Findings

- ALL ABTPA Taskforces perform 68-A Inspections and most do not charge a fee.
- Taskforces are called daily to provide this service.
- They often try to schedule appointments.
- They often make arrangements to help people by conducting the inspections in various locations.
- Most taskforces rely regularly and often on NICB managed databases to perform their work.
- Most taskforces rely on technology (OBD readers) as a check for their inspections.
- There is broad variance in the number of points used to determine vehicle identity. Almost one-half of the agencies do not have a minimum standard.
- Some taskforces have limitations on the when they will conduct inspections.

Automobile Burglary and Theft Prevention Authority
May 23, 2018

Update on Grant Management and Tracking Systems

Through the contract with Texas A&M the Grant Management and Tracking System (GMTS) is still under development. We have six deliverables due this year and three of them have been completed at a cost of \$19,000. The remaining three deliverables are in progress and deliverables 3 and 4, dealing with inventory, are near completion. Once the FY18 deliverables are completed, the contract goes into the maintenance and operations phase.

	Description	Deliverable	Amount	Deliverable approved
1	Create pages for on-line entry of expenditure report data to replace Excel version	Ability to report expenditure data by grantees	\$10,000	2/28/18
2	Create status report and summary reports for progress and expenditure reports	Ability to view on-line the status of progress and expenditure reports	\$3,000	4/20/18
3	Create pages for entry and updating of inventory information to replace spreadsheet	Ability to add and edit inventory	\$6,000	In progress
4	Create on-line reports for inventory reporting	Ability to review inventory report	\$2,000	In progress
5	Create an on-line Grant Adjustments and Request for Approval page	Ability to request grant adjustments and request for approval	\$6,000	3/6/18
6	Compliance Section with ability to record on-site visits and audits. Ability to upload and store documents related to the audits.	Ability to add site-visits and audits an upload related documents	\$8,000	In progress
	Includes basic on-going support, bug resolutions and maintenance			
	FY2018 Total		\$35,000	



NEVER UNLOCKED. NOTHING IN VIEW.

Auto Burglary & Theft Prevention Authority