

BILL ANALYSIS

C.S.H.B. 9

By: Flores

Defense Affairs and State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Shortly after September 11, 2001, Texas Governor Rick Perry announced the creation of the Texas Task Force on Homeland Security. The task force was comprised of several individuals appointed by the Governor to study and advise him on matters relating to homeland security, including emergency preparedness and response, facilitating coordination among agencies, and other related matters. The taskforce identified several issues that need to be addressed by State and local entities; however, the predominate theme of proposals revolved around communication and coordination.

C.S.H.B. 9 seeks to provide a more centralized communication and coordination effort out of the Governor's office. It tasks the Governor to develop a statewide homeland security strategy. C.S.H.B. 9 would create the Critical Infrastructure Protection Council (Council) to serve as the operational advisory group for homeland security at the state level and will be the center of coordinated and efficient flow of information, response, and recovery throughout the Governor's office and the various agencies involved.

C.S.H.B. 9 also creates the Texas Infrastructure Protection Communications Center (TIPCC) to serve as the primary point of planning, coordination and integration of government communications capabilities to ensure effective response in the event of a homeland security emergency.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Governor in SECTION 1 (Section 421.023 (b) , Government Code) of this bill.

ANALYSIS

SECTION 1.

GENERAL PROVISIONS

Defines "Agency," "Critical infrastructure," and "Homeland security activity."

Requires the governor to develop a statewide homeland security strategy that improves the state's ability to detect and deter threats to homeland security and to respond and recover from homeland security emergencies.

CRITICAL INFRASTRUCTURE PROTECTION COUNCIL

C.S.H.B. 9 establishes the Critical Infrastructure Protection Council as an advisory entity administered by the office of the Governor and sets forth the Council's composition and eligibility requirements.

C.S.H.B. 9 authorizes the governor to adopt rules as necessary for the operation of the Council. It requires the governor to designate the presiding officer of the Council and further requires that the council meet at the call of the governor and at least once each quarter in a calendar year. The Council would not be subject to the provisions regarding State Agency Advisory Committees in Chapter 2110, Government Code.

C.S.H.B. 9 requires the Council to advise the governor on the development and coordination of a statewide critical infrastructure protection strategy; the implementation of the governor's homeland security strategy by state and local agencies and provide specific suggestions for helping those agencies implement the strategy; and other matters related to the planning, development, coordination, and implementation of initiatives to promote the governor's homeland security strategy. The bill sets up annual reporting requirements for the Council.

CIVIL LIABILITY FOR ACTS OR OMISSIONS

The bill provides conditions under which an officer or employee of a state or local agency, or a volunteer, performing a homeland security activity is immune from civil liability.

The bill also provides that a state or local agency that furnishes a service related to a homeland security activity under an interlocal contract is immune from civil liability under certain conditions.

COOPERATION AND ASSISTANCE; FUNDING

Requires a state or local agency, and certain non-governmental entities that perform homeland security activities to cooperate with and assist the governor's office, the Critical Infrastructure Protection Council, the Texas Infrastructure Protection Communication Center, and the National Infrastructure Protection Center in the performance of their duties under this chapter and other state and federal law.

The bill requires the Governor's office to allocate available federal and state grants and other funding related to homeland security to state and local agencies that perform homeland security activities. The office of the Governor is also required to designate a single state agency to administer all grants and other funding to the state related to homeland security.

TEXAS INFRASTRUCTURE PROTECTION COMMUNICATIONS CENTER

The bill establishes the TIPCCC and sets forth its duties and responsibilities. The TIPCC is to serve as the state's primary entity for the planning, coordination, an integration of government communications capabilities to help implement the governor's homeland security strategy and ensure an effective response in the event of a homeland security emergency. The bill requires the Texas Department of Public Safety to provide facilities and administrative support for the Texas Infrastructure Protection Communications Center.

SECTION 2. SUPPLEMENTAL VOLUNTEER MILITARY FORCES.

The bill codifies the ability of the Supplemental Volunteer Military Forces to be used in homeland security and community service activities.

SECTION 3.

This SECTION amends the qualifications to be a member of the Texas State Guard to add that a person must be a citizen of the United States and a resident of this state for at least 180 days.

SECTION 4. TEXAS FIRST RESPONDERS DAY.

This SECTION designates September 11 as Texas First Responders Day and requires that it be observed by appropriate ceremonies in public schools and other places to honor Texas men and women who assist others in emergencies.

SECTION 5.

The bill requires the Governor to develop a statewide homeland security strategy not later than September 1, 2004.

The bill requires the head of each entity listed in Section 421.021, Government Code, as added by this Act, to appoint a representative to the Critical Infrastructure Protection Council not later than December 1, 2003.

The bill also requires the procedures required by Section 421.046, Government Code, as added by this Act, to be established not later than 90 days after the effective date of this Act.

SECTION 6. EFFECTIVE DATE: September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 9 modifies the original version of the bill in SECTION 1, SUBCHAPTER A, by stipulating that the Department of Public Safety is the repository of certain criminal intelligence information and is responsible for analyzing and disseminating that information.

C.S.H.B. 9 modifies the original version of the bill by removing the Commission on Law Enforcement Officer Standards and Education from the Critical Infrastructure Protection Council in SECTION 1, SUBCHAPTER B.

C.S.H.B. 9 modifies the original version of the bill by adding the Texas State Fire Marshall's Office to the Critical Infrastructure Protection Council in SECTION 1, SUBCHAPTER B.

C.S.H.B. 9 modifies the original version of the bill by removing the provision for the annual report published by the Critical Infrastructure Protection Council to be exempted from public disclosure in SECTION 1, SUBCHAPTER B.

C.S.H.B. 9 modifies the original version of the bill in SECTION 1 SUBCHAPTER C, by clarifying that immunity from civil liability does not apply to certain persons whose performance was negligent, or done with indifference or disregard for the safety of individuals.

C.S.H.B. 9 modifies the original version of the bill by adding "federal and state" between "available" and "grants" on page 9, line 3 of the original bill in SECTION 1, SUBCHAPTER D, clarifying types of grants.

C.S.H.B. 9 modifies the original version of the bill by adding a provision in SECTION 1, SUBCHAPTER D, Section 421.072 (a) that the office of the Governor shall designate the state administering agency for each grant given to the State of Texas.