

By: Kuempel

H.B. No. 2650

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a council to oversee the implementation of statewide integrated public safety wireless communications systems for state agencies for public safety and homeland security purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Sections 411.0105 and 411.0106 to read as follows:

Sec. 411.0105. PUBLIC SAFETY WIRELESS COMMUNICATIONS COUNCIL. (a) In this section, "public safety spectrum" means any radio frequency spectrum administered under Part 90 of the Federal Communications Commission Regulations for operation of interoperable and general-use radio communications systems for public safety purposes in the state.

(b) In this section, "infrastructure equipment" means the underlying permanent equipment required for wireless communications systems designed to facilitate public safety wireless communications interoperability.

(c) The Public Safety Wireless Communications Council is composed of the administrative head of each of the following entities or that person's designee.

(1) the department;

(2) Texas Department of Transportation;

- (3) Texas Department of Criminal Justice;
- (4) Parks and Wildlife Department;
- (5) Texas Forest Service;
- (6) Texas Youth Commission;
- (7) Texas Alcoholic Beverage Commission; and
- (8) Sheriff's Association of Texas.

(d) The Council Shall:

(1) advise the department in the development and administration of a strategic plan to implement statewide integrated public safety wireless communications systems for state agencies and other state public safety entities which are members of the entities referenced under subdivision (6) that promotes interoperability and other shared uses of the public safety spectrum within and between local, state, and federal agencies and that is consistent with the regulations and decisions of the Federal Communications Commission;

(2) develop a model memorandum of understanding that sets forth the general terms of agreement for interoperability and other shared uses of the public safety spectrum and infrastructure between a state agency and a local or federal agency;

(3) research and identify the wireless communications equipment necessary to facilitate interoperability and other shared uses of the public safety spectrum within and between local, state, and federal agencies;

(4) research and identify state agencies that need new or upgraded wireless communications equipment to be capable of participating in interoperability and other shared uses of the

1 public safety spectrum within and between local, state, and federal  
2 agencies;

3 (5) advise the department in the development and  
4 administration of a program to purchase wireless communications  
5 equipment for state agencies in compliance with the strategic plan  
6 developed under (d)(1); and

7 (6) assist representatives of the following entities  
8 in developing specific agreements for interoperability and other  
9 shared uses of the public safety spectrum between local state and  
10 federal agencies that operate wireless systems on the public safety  
11 spectrum and that have the capability for interoperability or other  
12 shared uses:

13 (A) the Texas Police Chiefs Association;

14 (B) the Texas Fire Chief's Association;

15 (C) the Texas Association of Counties;

16 (D) the Texas Municipal League; and

17 (E) the State Firemen & Fire Marshall's  
18 Association.

19 (7) oversee the design and implementation of statewide  
20 integrated public safety wireless communications systems as  
21 identified in the strategic plan required in Subsection (d)(1).

22 (8) use state funds and federal funds received from  
23 the federal government for homeland security and appropriated in  
24 the General Appropriations Act for the design, implementation, and  
25 maintenance of statewide integrated public safety wireless  
26 communications systems.

27 (e) To obtain assistance or information necessary for the

1 performance of duties under this section, the council may consult  
2 with a representatives as listed in Subsection (d)(6).

3 (f) Not later than September 1 of each year, the council  
4 shall provide to the legislature a report on the status of its  
5 duties under this section.

6 (g) Not later than September 1, 2004, the council shall  
7 provide a report to the legislature detailing the steps necessary  
8 and the projected costs for implementing and maintaining statewide  
9 integrated public safety wireless communications systems as  
10 identified in the strategic plan required in Subsection (d)(1).

11 (h) The council shall oversee the design, implementation  
12 and maintenance of statewide integrated public safety wireless  
13 communications systems as identified in the strategic plan required  
14 in Subsection (d)(1).

15 (i) The administration, staffing and reporting requirements  
16 of the council shall be the responsibility of the department

17 (j) The council is subject to chapter 2110, except that  
18 Section 2110.002 does not apply.

19 SECTION 2. The Public Safety Wireless Communications  
20 Council created by Section 411.0105, Government Code, as added by  
21 this act:

22 (1) shall hold its first meeting in accordance with  
23 that section not later than December 1, 2003; and

24 (2) Shall provide to the legislature its first report  
25 on the progress of its duties and functions under that section not  
26 later than September 1, 2004.

27 SECTION 4. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2003.