

BILL ANALYSIS

C.S.H.B. 3115

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

BACKGROUND AND PURPOSE

The Critical Infrastructure Protection Council was formally set up in Statute as a Council to advise the Governor on the development and coordination of a statewide critical infrastructure protection strategy, the implementation of the strategy and other homeland security matters. The Office of the Governor is then tasked with developing a statewide homeland security strategy and its implementation. The Governor is also tasked with allocating federal and state homeland security grant funds through the State Administering Agency.

The CIPC is currently made up of State agency appointees of the Governor; however, the vast majority of the "critical infrastructure" in the State is in the private sector, including port industries, stadiums, buildings, power plants, etc... There is, however, no formal representation by any of these industries as part of the CIPC to advise the Governor on a strategy on how to protect this infrastructure.

CSHB 3115 overhauls the makeup of the CIPC allowing it to have representation of the public and private sectors. The new makeup would be based on various infrastructure sectors from which members of the CIPC would be appointed by the Governor. Furthermore, the bill requires a report of prioritization of risks to the State and it requires reporting by the CIPC and other entities of how homeland security money is being spent and how the expenditures are improving the overall security of that sector or entity.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1 calls for the Governor's Homeland Security strategy to address regional and statewide emergency response plans to ensure that communication and coordination are improved. It also requires the strategy to establish plans for the potential use of additional response resources from the private sector to augment public sector equipment, supplies or personnel.

SECTION 2 overhauls the membership of the Critical Infrastructure Protection Council (CIPC) making it a sector-based appointment Council. In addition to the Governor, or his designee, and a representative from the Texas National Guard, a member from the public and private sectors are to be appointed by the Governor from each of 12 industry sectors listed in this SECTION. A member of the CIPC must demonstrate experience in the sector that the person represents.

SECTION 3 changes current law to prohibit reimbursement or compensation for their service on the CIPC, except as stated in SECTION 2. SECTION 2 allows a person to receive reimbursement for their services on the CIPC from the State or local agency for which they work.

SECTION 4 adds to the duties of the CIPC to advise the Governor on specific priorities of the Homeland Security Strategy.

SECTION 5 addresses the requirement to report to the Governor, adding that the report is also to be given to the Lt. Governor and the Speaker of the House. The bill adds that, in the report, the CIPC shall prioritize threats risk recommendations. It also requires the CIPC to report in detail how homeland security money is improving the overall security of each sector of the State listed in SECTION 2.

SECTION 6 requires that State, Local and private entities that receive a grant, or other homeland security funding shall report the expenditures made with the money, programs developed or implemented by the funding and how these expenditures have improved the ability to detect, deter, respond to and recover from a terrorist attack. This SECTION also requires the Governor to periodically to perform threat risk penetration tests or other exercises on certain high risk facilities to measure the effectiveness of the homeland security grants and other funding and to identify enhancements that can be made.

SECTION 7 requires the Governor to make new appointments to the CIPC by December 1, 2005 and current members of the CIPC continue to serve until the Governor makes the new appointments.

EFFECTIVE DATE

If this bill does not receive the necessary votes for immediate effect, this Act takes affect on September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

A new SECTION 1 is added to the Substitute requiring the homeland security strategy to assess regional plans, to develop a command, mobilization and logistics process for deployment of response efforts and to establish plans for the use of private sector resources.

SECTION 6 is changed to allow defense base development authorities to receive homeland security funds. The SECTION also requires the Governor to perform certain exercises to measure the effectiveness of homeland security money that has been given to entities and to identify potential enhancements.