

BILL ANALYSIS

C.S.S.B. 9
By: Staples
Defense Affairs and State-Federal Relations
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The ability of the state to detect, deter, and respond to acts of terrorism is essential for the safety and security of all Texans.

C.S.S.B. 9 provides for improvement in the areas of agro-terrorism, mutual aid, first responder radio and computer communications interoperability in the state, the Health Alert Network, public drinking water security, and protection of critical infrastructure.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1 requires the Texas Department of Agriculture (TDA) with assistance from the Texas Animal Health Commission (TAHC) to pursue a policy to ensure the State against shipments dangerous plant and animal pests and diseases.

SECTION 2 and 4 authorize the TDA and the TAHC, respectively, to enter into agreements with corporations or other private entities to provide goods or services to establish and operate checkpoints or conduct inspections.

SECTION 3 requires the TDA and the TAHC to jointly conduct road station and interstate shipment inspections throughout the State to guard against the potentially dangerous shipments.

SECTIONS 5, 6 and 7 authorize regional planning commissions to render aid and provide mutual aid assistance to other political subdivisions or regional planning commissions.

SECTIONS 8 and 9 amend the composition of the Critical Infrastructure Protection Council and change its name to the Homeland Security Council. The bill adds representatives from certain additional entities to the Council.

SECTION 11 establishes the GOVERNOR'S INTEROPERABLE RADIO COMMUNICATIONS PROGRAM which requires the office of the governor to develop and administer a plan to design and implement a statewide integrated public safety radio communications system that promotes interoperability within and between certain entities; to develop and administer a plan to purchase infrastructure equipment for state and local agencies and first responders; advise representatives of entities involved in homeland security activities; and use appropriated money for the purposes of designing, implementing, and maintaining a statewide integrated public safety radio communications system.

SECTION 12 requires the Governor to develop a plan for use of information systems to establish interoperable communication between computer systems of various state, local, federal agencies and first responders.

SECTION 13 establishes a method for entities to assign responsibility for civil liability in a contract for certain services in agreements between these entities.

SECTION 14 requires the Texas Department of Health to include certain healthcare related entities in the department's Texas Health Alert Network to the extent federal funds for bioterrorism preparedness are available for that purpose.

SECTION 15 requires certain persons in charge of a public water supply and wastewater systems to maintain internal procedures to notify the Texas Commission on Environmental Quality immediately of certain events at the water supply system or wastewater system that may negatively impact the production of safe and adequate drinking water.

SECTION 16 defines a Critical Infrastructure facility in the Penal Code and SECTION 17, the penalty for criminal trespassing on or in a critical infrastructure facility is added to be a Class A misdemeanor. The SECTION also allows for a defense to the prosecution in certain cases.

SECTION 18 and 19 abolish the Public Safety Radio Communications Council and puts the responsibility into the office of the Governor.

SECTION 20 sets a timeline for agency/entity heads to appoint a representative to the Homeland Security Council.

SECTION 21 and 22 are conforming administrative directives.

EFFECTIVE DATE

Unless the bill receives the necessary votes for immediate effect, the Act takes effect on September 1, 2005.

COMPARISON OF ENGROSSED VERSION TO SUBSTITUTE

The Substitute version of the bill is a Legislative Council Version and therefore conforming statutory and Section changes were made throughout the bill.

The Substitute version removed language about the Governor developing and implementing a plan for interoperable computer communications systems from the Section on interoperable Radio communications and instead put it into a new Section.

The Substitute version struck the language in SECTION 12 of the Engrossed version and replaced language to provide for the ability to contract for certain civil liability for interlocal agreements.

The Substitute version changed SECTION 14 of the Engrossed version to require heads of wastewater systems to also maintain internal procedures to notify the Texas Commission on Environmental Quality of any negative impact on the production or delivery of safe and adequate drinking water in certain circumstances.

The Substitute added various facilities to the list of critical infrastructure facilities for purposes of the Penal Code in SECTION 15 of the Engrossed version.

SECTION 9 of the Substitute takes out the Texas Department of Insurance from the CIPC additions and adds the state fire marshal's office instead.