

By: Corte

H.B. No. 3115

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain homeland security activities, including the
3 operation of the Critical Infrastructure Protection Council by the
4 office of the governor.

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

6 SECTION 1. Section 421.002(b), Government Code, is amended
7 to read as follows:

8 (b) The governor's homeland security strategy shall
9 coordinate homeland security activities among and between local,
10 state, and federal agencies and the private sector and must include
11 specific plans for:

12 (1) intelligence gathering and analysis;

13 (2) information sharing;

14 (3) reducing the state's vulnerability to homeland
15 security emergencies;

16 (4) protecting critical infrastructure;

17 (5) protecting the state's international border,
18 ports, and airports;

19 (6) detecting, deterring, and defending against
20 terrorism, including cyber-terrorism and biological, chemical, and
21 nuclear terrorism;

22 (7) positioning equipment, technology, and personnel
23 to improve the state's ability to respond to a homeland security
24 emergency, including the:

1 (A) assessment of regional and statewide
2 emergency response plans and establishment of criteria for
3 coordinating emergency response systems and processes to improve
4 regional and statewide communication and responses to homeland
5 security emergencies;

6 (B) development of a command, mobilization, and
7 logistics process for the deployment of local, state, and federal
8 first responders, private sector emergency response providers, and
9 critical infrastructure experts determined by the governor to be
10 essential to the command function; and

11 (C) establishment of plans for the potential use
12 of additional response resources from the private sector as a
13 source of equipment, supplies, or qualified personnel to augment or
14 maximize the use of state, local, and regional response
15 capabilities, including pre-positioning response equipment and
16 contracting in advance for response services if the office of the
17 governor determines that this would provide the best value to
18 local, regional, or statewide response capabilities;

19 (8) directing the Texas Infrastructure Protection
20 Communications Center and giving the center certain forms of
21 authority to implement the governor's homeland security strategy;
22 and

23 (9) using technological resources to:

24 (A) facilitate the interoperability of
25 government technological resources, including data, networks, and
26 applications;

27 (B) coordinate the warning and alert systems of

1 state and local agencies;

2 (C) incorporate multidisciplinary approaches to
3 homeland security; and

4 (D) improve the security of governmental and
5 private sector information technology and information resources.

6 SECTION 2. Section 421.021, Government Code, is amended to
7 read as follows:

8 Sec. 421.021. MEMBERSHIP. (a) The Critical Infrastructure
9 Protection Council is composed of:

10 (1) the governor or the governor's designee;

11 (2) one representative of the Texas National Guard,
12 appointed by the governor;

13 (3) for each of the following sectors of the state, one
14 representative of a state agency, one county-level representative,
15 one municipal-level representative, and one representative of a
16 private organization or entity, each appointed by the governor:

17 (A) law enforcement;

18 (B) emergency management;

19 (C) first responders; and

20 (D) firefighters; and

21 (4) for ~~[one representative of]~~ each of the following
22 sectors of the state ~~[entities]~~, one representative of a state or
23 local agency and one representative of a private organization or
24 entity, each appointed by the governor ~~[single statewide elected or~~
25 ~~appointed governing officer or administrative head of the entity]:~~

26 (A) agriculture ~~[(1) Department of~~

27 Agriculture];

1 (B) finance [~~(2) office of the attorney~~
2 ~~general~~];

3 (C) energy [~~(3) General Land Office~~];

4 (D) commercial and governmental facilities
5 [~~(4) Public Utility Commission of Texas~~];

6 (E) health [~~(5) Texas Department of Health~~];

7 (F) information resources [~~(6) Department of~~
8 ~~Information Resources~~];

9 (G) ports and maritime industries
10 [~~(7) Department of Public Safety of the State of Texas~~];

11 (H) environment and water [~~(8) division of~~
12 ~~emergency management of the office of the governor~~];

13 (I) transportation [~~(9) Texas National Guard~~];

14 and

15 (J) border issues [~~(10) Texas Commission on~~
16 ~~Environmental Quality~~];

17 [~~(11) Railroad Commission of Texas~~];

18 [~~(12) Texas Strategic Military Planning Commission~~];

19 and

20 [~~(13) Texas Department of Transportation~~].

21 (b) To be eligible for appointment as a member of the
22 council, a person must demonstrate experience in the sector that
23 the person is under consideration to represent and be directly
24 involved in related [~~the~~] policies, programs, or funding activities
25 [~~of the appointing agency, office, or division~~] that are relevant
26 to homeland security or infrastructure protection.

27 (c) A member of the council serves at the will of the

1 governor. [~~At the request of the governor, an appointing authority~~
2 ~~under this section shall appoint a different member.~~]

3 (d) An officer or employee of a state or local agency who
4 serves as a member of the council or a special advisory committee
5 under this subchapter shall perform the duties required by the
6 council or special advisory committee as an additional duty of the
7 member's office or employment without additional compensation. The
8 officer or employee may receive reimbursement for expenses incurred
9 in performing those duties, if any, only from the state or local
10 agency for which the person is an officer or employee in accordance
11 with the policies and procedures of the state or local agency.

12 SECTION 3. Section 421.022, Government Code, is amended to
13 read as follows:

14 Sec. 421.022. COMPENSATION AND REIMBURSEMENT OF EXPENSES
15 PROHIBITED. A member of the council may not receive [~~additional~~]
16 compensation for service on the council. Except as provided by
17 Section 421.021(d), the member may not be reimbursed for [~~but is~~
18 ~~entitled to reimbursement of reasonable expenses incurred in direct~~
19 ~~performance of official duties, including]~~ travel expenses
20 incurred by the member while conducting the business of the
21 council[, ~~subject to any applicable limitation on reimbursement~~
22 ~~provided by general law or the General Appropriations Act].~~

23 SECTION 4. Section 421.024, Government Code, is amended to
24 read as follows:

25 Sec. 421.024. DUTIES. The council shall advise the
26 governor on:

27 (1) the development and coordination of a statewide

1 critical infrastructure protection strategy;

2 (2) the implementation of the governor's homeland
3 security strategy by state and local agencies and provide specific
4 suggestions for helping those agencies implement the strategy;
5 [~~and~~]

6 (3) specific priorities related to the governor's
7 homeland security strategy that the council determines to be of
8 significant importance to the statewide security of critical
9 infrastructure; and

10 (4) other matters related to the planning,
11 development, coordination, and implementation of initiatives to
12 promote the governor's homeland security strategy.

13 SECTION 5. Section 421.026, Government Code, is amended to
14 read as follows:

15 Sec. 421.026. REPORT. The council shall annually submit to
16 the governor, the lieutenant governor, and the speaker of the house
17 of representatives a report stating:

18 (1) the council's progress in developing and
19 coordinating a statewide critical infrastructure protection
20 strategy;

21 (2) the status and funding of state programs designed
22 to detect and deter homeland security emergencies, including the
23 status and funding of counterterrorism efforts;

24 (3) recommendations on actions to reduce threats to
25 homeland security, including threats related to terrorism, with
26 priority given to recommendations regarding any security threats
27 that the council determines should be addressed by this state in the

1 immediate future; [~~and~~]

2 (4) recommendations for improving the alert,
3 response, and recovery capabilities of state and local agencies;
4 and

5 (5) in detail, the manner in which money spent on
6 homeland security activities from available sources of homeland
7 security funding is improving the overall security of each sector
8 of the state listed in Section 421.021(a).

9 SECTION 6. Sections 421.072(a) and (c), Government Code,
10 are amended to read as follows:

11 (a) The office of the governor shall:

12 (1) allocate available federal and state grants and
13 other funding related to homeland security to state and local
14 agencies, defense base development authorities created under
15 Chapter 379B, Local Government Code, and private entities that
16 perform homeland security activities;

17 (2) periodically review the grants and other funding
18 for appropriateness and compliance; [~~and~~]

19 (3) designate state administering agencies to
20 administer all grants and other funding to the state related to
21 homeland security; and

22 (4) in cooperation with the state and local agencies,
23 defense base development authorities, and private entities that
24 receive grants and other funding related to homeland security,
25 periodically perform threat risk penetration tests or other
26 exercises on certain facilities that are determined by the
27 governor, after consultation with the Critical Infrastructure

1 Protection Council, to represent a significant threat risk to
2 statewide critical infrastructure in order to:

3 (A) measure the effectiveness of the homeland
4 security grants and other funding; and

5 (B) identify specific enhancements that need to
6 be made with respect to security, emergency response, and recovery.

7 (c) A state or local agency, defense base development
8 authority, or private entity that receives a grant or other funding
9 related to homeland security must provide an annual report to the
10 office of the governor detailing:

11 (1) the [~~agency's~~] compliance of the agency,
12 authority, or entity with the state homeland security strategy;

13 (2) any expenditures made using the funding;

14 (3) any programs developed or implemented using the
15 funding; and

16 (4) the manner in which any expenditures made or
17 programs developed or implemented have improved the ability of the
18 agency, authority, or entity to detect, deter, respond to, and
19 recover from a terrorist attack.

20 SECTION 7. (a) The governor shall make all required
21 appointments to the Critical Infrastructure Protection Council, in
22 accordance with Section 421.021, Government Code, as amended by
23 this Act, not later than December 1, 2005.

24 (b) A member of the Critical Infrastructure Protection
25 Council serving on the effective date of this Act continues to serve
26 until the governor makes the appointments as required by Section
27 421.021, Government Code, as amended by this Act.

1 SECTION 8. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.