

By: Corte

H.B. No. 3115

Substitute the following for H.B. No. 3115:

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C.S.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; and

13 (3) for [~~one representative of~~] each of the following
14 sectors of the state [~~entities~~], one representative of a state or
15 local agency and one representative of a private organization or
16 entity, each appointed by the governor [~~single statewide elected or~~
17 ~~appointed governing officer or administrative head of the entity~~]:

18 (A) agriculture [~~(1) Department of~~
19 ~~Agriculture~~];

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

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

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

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

26 (F) information resources [~~(6) Department of~~
27 ~~Information Resources~~];

1 (G) law enforcement [~~(7) Department of Public~~
2 ~~Safety of the State of Texas~~];

3 (H) emergency management and first responders
4 [~~(8) division of emergency management of the office of the~~
5 ~~governor~~];

6 (I) ports and maritime industries [~~(9) Texas~~
7 ~~National Guard~~];

8 (J) environment and water [~~(10) Texas~~
9 ~~Commission on Environmental Quality~~];

10 (K) transportation [~~(11) Railroad Commission of~~
11 ~~Texas~~]; and

12 (L) border issues [~~(12) Texas Strategic~~
13 ~~Military Planning Commission; and~~

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

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

21 (c) A member of the council serves at the will of the
22 governor. [~~At the request of the governor, an appointing authority~~
23 ~~under this section shall appoint a different member.~~]

24 (d) An officer or employee of a state or local agency who
25 serves as a member of the council or a special advisory committee
26 under this subchapter shall perform the duties required by the
27 council or special advisory committee as an additional duty of the

1 member's office or employment without additional compensation. The
2 officer or employee may receive reimbursement for expenses incurred
3 in performing those duties, if any, only from the state or local
4 agency for which the person is an officer or employee in accordance
5 with the policies and procedures of the state or local agency.

6 SECTION 3. Section 421.022, Government Code, is amended to
7 read as follows:

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

17 SECTION 4. Section 421.024, Government Code, is amended to
18 read as follows:

19 Sec. 421.024. DUTIES. The council shall advise the
20 governor on:

21 (1) the development and coordination of a statewide
22 critical infrastructure protection strategy;

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

27 (3) specific priorities related to the governor's

1 homeland security strategy that the council determines to be of
2 significant importance to the statewide security of critical
3 infrastructure; and

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

7 SECTION 5. Section 421.026, Government Code, is amended to
8 read as follows:

9 Sec. 421.026. REPORT. The council shall annually submit to
10 the governor, the lieutenant governor, and the speaker of the house
11 of representatives a report stating:

12 (1) the council's progress in developing and
13 coordinating a statewide critical infrastructure protection
14 strategy;

15 (2) the status and funding of state programs designed
16 to detect and deter homeland security emergencies, including the
17 status and funding of counterterrorism efforts;

18 (3) recommendations on actions to reduce threats to
19 homeland security, including threats related to terrorism, with
20 priority given to recommendations regarding any security threats
21 that the council determines should be addressed by this state in the
22 immediate future; [and]

23 (4) recommendations for improving the alert,
24 response, and recovery capabilities of state and local agencies;
25 and

26 (5) in detail, the manner in which money spent on
27 homeland security activities from available sources of homeland

1 security funding is improving the overall security of each sector
2 of the state listed in Section 421.021(a)(3).

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

5 (a) The office of the governor shall:

6 (1) allocate available federal and state grants and
7 other funding related to homeland security to state and local
8 agencies, defense base development authorities created under
9 Chapter 379B, Local Government Code, and private entities that
10 perform homeland security activities;

11 (2) periodically review the grants and other funding
12 for appropriateness and compliance; ~~and~~

13 (3) designate state administering agencies to
14 administer all grants and other funding to the state related to
15 homeland security; and

16 (4) in cooperation with the state and local agencies,
17 defense base development authorities, and private entities that
18 receive grants and other funding related to homeland security,
19 periodically perform threat risk penetration tests or other
20 exercises on certain facilities that are determined by the
21 governor, after consultation with the Critical Infrastructure
22 Protection Council, to represent a significant threat risk to
23 statewide critical infrastructure in order to:

24 (A) measure the effectiveness of the homeland
25 security grants and other funding; and

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

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

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

7 (2) any expenditures made using the funding;

8 (3) any programs developed or implemented using the
9 funding; and

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

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

18 (b) A member of the Critical Infrastructure Protection
19 Council serving on the effective date of this Act continues to serve
20 until the governor makes the appointments as required by Section
21 421.021, Government Code, as amended by this Act.

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