

By: Corte

H.B. No. 3115

A BILL TO BE ENTITLED

AN ACT

1
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 421.021, 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];~~

- 1 (E) health [~~(5) Texas Department of Health~~];
2 (F) information resources [~~(6) Department of~~
3 ~~Information Resources~~];
4 (G) law enforcement [~~(7) Department of Public~~
5 ~~Safety of the State of Texas~~];
6 (H) emergency management and first responders
7 [~~(8) division of emergency management of the office of the~~
8 ~~governor~~];
9 (I) ports and maritime industries [~~(9) Texas~~
10 ~~National Guard~~];
11 (J) environment and water [~~(10) Texas~~
12 ~~Commission on Environmental Quality~~];
13 (K) transportation [~~(11) Railroad Commission of~~
14 ~~Texas~~]; and
15 (L) border issues [~~(12) Texas Strategic~~
16 ~~Military Planning Commission~~; and
17 [~~(13) Texas Department of Transportation~~].

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

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

27 (d) An officer or employee of a state or local agency who

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

9 SECTION 2. Section 421.022, Government Code, is amended to
10 read as follows:

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

21 SECTION 3. Section 421.024, Government Code, is amended to
22 read as follows:

23 Sec. 421.024. DUTIES. The council shall advise the
24 governor on:

25 (1) the development and coordination of a statewide
26 critical infrastructure protection strategy;

27 (2) the implementation of the governor's homeland

1 security strategy by state and local agencies and provide specific
2 suggestions for helping those agencies implement the strategy;
3 [~~and~~]

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

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

11 SECTION 4. Section 421.026, Government Code, is amended to
12 read as follows:

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

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

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

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

27 (4) recommendations for improving the alert,

1 response, and recovery capabilities of state and local agencies;
2 and

3 (5) in detail, the manner in which money spent on
4 homeland security activities from available sources of homeland
5 security funding is improving the overall security of each sector
6 of the state listed in Section 421.021(a)(3).

7 SECTION 5. Sections 421.072(a) and (c), Government Code,
8 are amended to read as follows:

9 (a) The office of the governor shall:

10 (1) allocate available federal and state grants and
11 other funding related to homeland security to state and local
12 agencies and private entities that perform homeland security
13 activities;

14 (2) periodically review the grants and other funding
15 for appropriateness and compliance; and

16 (3) designate state administering agencies to
17 administer all grants and other funding to the state related to
18 homeland security.

19 (c) A state or local agency or private entity that receives
20 a grant or other funding related to homeland security must provide
21 an annual report to the office of the governor detailing:

22 (1) the [~~agency's~~] compliance of the agency or entity
23 with the state homeland security strategy;

24 (2) any expenditures made using the funding;

25 (3) any programs developed or implemented using the
26 funding; and

27 (4) the manner in which any expenditures made or

1 programs developed or implemented have improved the ability of the
2 agency or entity to detect, deter, respond to, and recover from a
3 terrorist attack.

4 SECTION 6. (a) The governor shall make all required
5 appointments to the Critical Infrastructure Protection Council, in
6 accordance with Section 421.021, Government Code, as amended by
7 this Act, not later than December 1, 2005.

8 (b) A member of the Critical Infrastructure Protection
9 Council serving on the effective date of this Act continues to serve
10 until the governor makes the appointments as required by Section
11 421.021, Government Code, as amended by this Act.

12 SECTION 7. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2005.