

BILL ANALYSIS

Senate Research Center

H.B. 442
By: Guillen et al. (Williams)
Transportation & Homeland Security
5/13/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is concern that current statute does not adequately address the establishment of an emergency radio infrastructure account to be used for various state homeland security-related purposes. H.B. 442 intends to establish an emergency radio infrastructure account to be used to fund the planning, development, provision, enhancement, and maintenance of an interoperable statewide emergency radio infrastructure or for another public safety purpose.

H.B. 442 amends current law relating to the establishment of an emergency radio infrastructure account.

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. Amends Chapter 441, Government Code, by adding Subchapter N, as follows:

SUBCHAPTER N. INTEROPERABLE STATEWIDE EMERGENCY RADIO INFRASTRUCTURE

Sec. 411.401. DEFINITION. Defines, in this subchapter, "emergency radio infrastructure."

Sec. 411.402. USE OF REVENUE. (a) Authorizes fees collected under Section 133.102(e)(11), Local Government Code, to only:

- (1) be used for the planning, development, provision, enhancement, or ongoing maintenance of an interoperable statewide emergency radio infrastructure;
- (2) be used in accordance with the statewide integrated public safety radio communications plan developed under Subchapter F (Governor's Interoperable Radio Communications Program), Chapter 421 (Homeland Security);
- (3) be used for the development of a regional or state interoperable radio communication system;
- (4) be distributed as grants by the Department of Public Safety of the State of Texas (DPS) to regional councils of government that have entered into interlocal agreements authorized under state law; and state agencies requiring emergency radio infrastructure; or
- (5) be used for other public safety purposes.

(b) Prohibits fees collected and distributed as provided by this subchapter from being used to purchase or maintain radio subscriber equipment.

Sec. 411.403 EMERGENCY RADIO INFRASTRUCTURE ACCOUNT. (a) Provides that the emergency radio infrastructure account is an account in the general revenue fund.

(b) Provides that the account consists of:

(1) fees deposited in the account as provided by Section 133.102(e)(11), Local Government Code; and

(2) notwithstanding Section 404.071 (Disposition of Interest on Investments), all interest attributable to money held in the account.

(c) Authorizes money in the account be appropriated to DPS for the purposes described by Section 411.402.

(d) Provides that Section 403.095 (Use of Dedicated Revenue) does not apply to the account.

SECTION 2. Amends Section 133.102(e), Local Government Code, as follows:

(e) Requires the comptroller of public accounts to allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have receive if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1)-(5) Makes no changes to these subdivisions;

(16) comprehensive rehabilitation 9.8218 percent, rather than 5.3218 percent;

(7)-(10) Makes no changes to these subdivisions;

(11) emergency radio infrastructure account 5.5904 percent, rather than fugitive apprehension account 12.0904 percent;

(12)-(13) Makes no changes to these subdivisions; and

(14) fair defense account 8.0143 percent, rather than 6.0143 percent.

SECTION 2. Effective date: September 1, 2011.