

## **BILL ANALYSIS**

C.S.S.B. 1572

By: Watson

Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties observe that the current duties of the Texas Fusion Center include promoting emergency preparedness, analyzing information and assessing threats, issuing public warnings relating to homeland security emergencies, and facilitating cooperative emergency response and recovery efforts in the event of such an emergency. C.S.S.B. 1572 seeks to introduce more uniformity, security, and consistency among fusion centers in Texas.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 6 of this bill.

### **ANALYSIS**

SECTION 1. Amends Section 421.001, Government Code, by adding Subdivisions (2-a), (4), and (5) to define "fusion center," "intelligence," and "recognized fusion center."

SECTION 2. Amends Section 421.002(b), Government Code, to require the governor's homeland security strategy to coordinate homeland security activities among and between local, state, and federal agencies and the private sector and to include specific plans for certain things, including directing the Texas Fusion Center (center), rather than the Texas Infrastructure Protection Communications Center, and giving the center certain forms of authority to implement the governor's homeland security strategy.

SECTION 3. Amends Section 421.071, Government Code, to make a conforming change.

SECTION 4. Amends the heading to Subchapter E, Chapter 421, Government Code, to read as follows:

#### **SUBCHAPTER E. TEXAS FUSION CENTER AND OTHER FUSION CENTERS OPERATING IN THIS STATE**

SECTION 5. Amends Sections 421.082(a) and (b), Government Code, as follows:

(a) Makes a conforming change.

(b) Provides that the center's duties include, among other certain things, making recommendations to DPS regarding the monitoring of fusion centers operating in this state and regarding the functions of the Texas Fusion Center Policy Council (policy council) created under Section 421.083.

SECTION 6. Amends Subchapter E, Chapter 421, Government Code, by adding Sections 421.083, 421.084, 421.085, and 421.086, as follows:

Sec. 421.083. TEXAS FUSION CENTER POLICY COUNCIL. (a) Requires DPS to create the policy council and the bylaws for the policy council to assist DPS in monitoring fusion center activities in this state.

(b) Provides that the policy council is composed of one executive representative from each recognized fusion center operating in this state.

(c) Requires the policy council to:

(1) develop and disseminate strategies to:

(A) facilitate the implementation of applicable federal standards and programs on a statewide basis by each fusion center operating in this state;

(B) expand and enhance the statewide intelligence capacity to reduce the threat of terrorism and criminal enterprises; and

(C) continuously review critical issues pertaining to homeland security activities;

(2) establish a privacy advisory group, with at least one member who is a privacy advocate, to advise the policy council and to meet at the direction of the policy council; and

(3) recommend best practices for each fusion center operating in this state, including:

(A) best practices to ensure that the center adheres to 28 C.F.R. Part 23 and any other state or federal law designed to protect privacy and the other legal rights of individuals; and

(B) best practices for the smooth exchange of information among all fusion centers operating in this state.

Sec. 421.084. FUSION CENTERS OPERATING IN THIS STATE: RULES AND MONITORING. (a) Requires DPS, after considering the recommendations of the center under Section 421.082(b)(4) and the policy council under Section 421.083(c)(3), to adopt rules to govern the operations of fusion centers in this state, including guidelines to:

(1) for any fusion center operating in this state, establish a common concept of operations to provide clear baseline standards for each aspect of the center's activities;

(2) inform and define the monitoring of those activities by the policy council; and

(3) ensure that any fusion center operating in this state adheres to state and federal laws designed to protect privacy and the other legal rights of individuals, including 28 C.F.R. Part 23 and any other law that provides clear standards for the treatment of intelligence or for the collection and storage of noncriminal information, personally identifiable information, or protected health information.

(b) Authorizes DPS to require that a fusion center audited under applicable DPS rules pay any costs incurred by the policy council in relation to the audit.

(c) Prohibits a member of the policy council from receiving compensation but entitles the member to reimbursement for the member's travel expenses as provided by Chapter 660 (Travel Expenses) and the General Appropriations Act.

(d) Prohibits a fusion center from receiving state grant money if the fusion center adopts a rule, order, ordinance, or policy under which the fusion center fails or refuses to comply with rules adopted by DPS under Subsection (a), beginning with the first state fiscal year occurring after the center adopts the rule, order, ordinance, or policy.

Sec. 421.085. REPORT. Requires the policy council annually to submit to the governor and to each house of the legislature a report that contains, with respect to the preceding year:

(1) the council's progress in developing and coordinating the statewide fusion effort and intelligence network described by the governor's homeland security strategy;

(2) the progress made by fusion centers operating in this state in meeting the fusion center guidelines developed under the Department of Homeland Security State, Local, and Regional Fusion Center Initiative established under 6 U.S.C. Section 124h; and

(3) a summary of fusion center audits or reviews conducted under applicable rules adopted by DPS.

SECTION 7. Effective date: upon passage, or if the Bill does not receive the necessary vote, September 1, 2011.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSSB 1572 removes SECTION 3 of the original bill in order to eliminate ambiguous wording to clarify some confusion about the meaning of the legislation; the substitute makes conforming changes.