

SUBJECT: Funding an interoperable statewide emergency radio infrastructure

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 7 ayes — Merritt, Frost, Burnam, Driver, P. King, Rodriguez, Vo

0 nays

2 absent — Lewis, Mallory Caraway

WITNESSES: *(On original version:)*

For — Gary Chandler, Texas Department of Public Safety Officers Association; *(Registered, but did not testify: Hector Gonzalez, City of Laredo; Matt Phillips, Brazos River Authority)*

Against — Thomas Ratliff, Alltel, T-Mobile; Russell Sarazen, T-Mobile USA, Inc.; *(Registered, but did not testify: Velma Cruz, Sprint; Ron Hinkle, Verizon Wireless)*

On — Paul Mallet, Commission on State Emergency Communications; Joe Peters, Sheriff's Association of Texas, Texas Radio Coalition; Betty Voights, Capitol Area Council of Governments; *(Registered, but did not testify: Todd Early, Department of Public Safety)*

BACKGROUND: In 2005, the 79th Legislature required the Governor's Office to develop and administer a strategic plan to design and implement a statewide integrated public safety radio communications system.

In 2008, the Texas Radio Coalition (TxRC) provided recommendations so that Texas could meet Department of Homeland Security (DHS) standards for a statewide network of interoperable radio systems.

Local Government Code, sec. 133.102(a) requires payment of court costs of \$133 on conviction of a felony, \$83 on conviction of a Class A or Class B misdemeanor, and \$40 on conviction of a nonjailable misdemeanor offense. Local Government Code, sec. 133.102(f) requires the comptroller to allocate money received from these costs to be allocated on a basis of a specified percentage to various criminal justice programs.

DIGEST:

CSHB 2507 would amend Health and Safety Code, ch. 711 to create an interoperable statewide emergency radio infrastructure fund. It would amend Local Government Code, sec. 133.102 (e) to delete allocation of court cost funds for the fugitive apprehension and operator's and chauffeur's license accounts and allocate 23.23330 percent of the funds to the newly created emergency radio infrastructure account. The funds would be provided from court costs and interest collected money held in the account.

The fund could be used for:

- planning, development, provision, enhancement, or ongoing maintenance of an interoperable statewide emergency radio infrastructure;
- implementation of the state communications interoperability plan;
- development of a regional or state interoperable radio communications system; or
- grants to regional council of governments or state agencies requiring emergency radio communications infrastructure.

Funds in the account could not be allocated for purchase or maintenance of SDR radio subscriber equipment.

The bill would take effect September 1, 2009.

SUPPORTERS
SAY:

CSHB 2507 would provide a dedicated source of funding to develop, maintain, and replace interoperable communications systems for emergency first responders statewide and allow them to talk within and across agencies and jurisdictions. In Texas, several agencies, including DPS and other jurisdictions, were called out to help with evacuations in preparation for Hurricane Ike in September 2008. In September 2007, several law enforcement agencies participated in the border security effort for Operation Border Star. In both operations, law enforcement officers and other first responders were unable to communicate with each other, including among DPS troopers from different regions. Lack of communication can be a matter of life and death to first responders and citizens.

The bill would help provide for a unified approach to interoperability. Texas has several differing radio systems that are used by federal, state, and local emergency responders and law enforcement officials. These

overlapping systems fail to communicate with each other for several reasons, including frequency variations, age, incompatible vendor equipment, or simple lack of coordination among interested parties. Law enforcement and first responders cannot depend on the commercial systems used for cellular telephones that could become overloaded and unavailable in an emergency.

Development and maintenance of an interoperable communication system serves a law enforcement function and should be funded through court costs. This would be a readily available and reliable source of revenue as the Legislature considers other potential sources of funding.

**OPPONENTS
SAY:**

CSHB 2507 merely would shift the cost burden of the communications systems to the many law enforcement activities funded through the court cost fund. The bill would provide only \$44.6 million in yearly funding, which would be less than the \$60 million TxRC estimates would be needed for yearly maintenance and operation of the interoperable statewide emergency communication system.

NOTES:

HB 2507 as originally proposed would have funded the interoperable statewide emergency communication system through an additional fee, not to exceed 25 cents per month, on each landline and wireless telephone as part of 9-1-1 service fees and surcharges on intrastate long distance calls.

According to the fiscal note, the bill would have no net effect on the overall general revenue budget. However, expenditures for the operator's and chauffer's license fund would be reduced by \$21 million in fiscal 2010 and \$23 million in fiscal 2011, and the fugitive apprehension fund would be reduced by \$23.6 million in fiscal 2010 and by \$26 million in fiscal 2011.