

BILL ANALYSIS

Senate Research Center

H.B. 3115
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Transportation & Homeland Security
5/19/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

To protect critical infrastructure, the 78th Legislature, Regular Session, 2003, enacted H.B. 9 which created the Critical Infrastructure Protection Council (CIPC). CIPC consists of state agency representatives that advise the governor on the critical infrastructure protection strategy for the state's homeland security strategy.

H.B. 3115 addresses the state's ability to detect, deter, and respond to homeland security issues. It changes the composition of CIPC to be made up of different public and private infrastructure sectors within the state. H.B. 3115 also includes additional responsibilities and reporting requirements for CIPC.

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 Section 421.002(b), Government Code, as follows:

(b) Requires 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 positioning equipment, technology, and personnel to improve the state's ability to respond to a homeland security emergency, including certain plans and activities.

SECTION 2. Amends Section 421.021, Government Code, as follows:

Sec. 421.021. MEMBERSHIP. (a) Provides that the Critical Infrastructure Protection Council (council) is composed of certain state officials.

(b) Requires a person, to be eligible for appointment as a member of the council, to demonstrate experience in the sector that the person is under consideration to represent and be directly involved in related policies, programs, or funding activities, rather than of the appointing agency, office, or division, that are relevant to homeland security or infrastructure protection.

(c) Provides that a member of the council serves at the will of the governor. Deletes existing text relating to a request by the governor that an appointing authority appoint a different member.

(d) Requires an officer or employee of a state or local agency who serves as a member of the council or a special advisory committee under this subchapter to perform the duties required by the council or special advisory committee as an additional duty of the member's office or employment without additional compensation. Authorizes the officer or employee to receive reimbursement for expenses incurred in performing those duties, if any, only from the state or local agency for which the person is an officer or employee in accordance with the policies and procedures of the state or local agency.

SECTION 3. Amends Section 421.022, Government Code, as follows:

Sec. 421.022. COMPENSATION AND REIMBURSEMENT OF EXPENSES PROHIBITED. Prohibits a member of the council from receiving compensation for service on the council. Prohibits the member from being reimbursed for travel expenses incurred by the member while conducting the business of the council, except as provided by Section 421.021(d). Deletes existing text relating to reimbursements of reasonable expenses incurred in direct performance of official duties and any applicable limitation on reimbursement provided by general law or the General Appropriations Act.

SECTION 4. Amends Section 421.024, Government Code, as follows:

Sec. 421.024. DUTIES. Requires the council to advise the governor on certain matters relating to the governor's homeland security strategy.

SECTION 5. Amends Section 421.026, Government Code, as follows:

Sec. 421.026. REPORT. Requires the council to annually submit to certain state elected officials a report stating certain information relating to homeland security.

SECTION 6. Amends Sections 421.072(a) and (c), Government Code, as follows:

(a) Requires the office of the governor to take certain actions relating to the implementation of the governor's homeland security strategy.

(c) Requires a state or local agency, defense base development authority, or private entity that receives a grant or other funding related to homeland security to provide an annual report to the office of the governor detailing certain information.

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

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

SECTION 8. Effective date: upon passage or September 1, 2005.