

## **BILL ANALYSIS**

Senate Research Center

S.B. 9  
By: Staples  
Transportation & Homeland Security  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The ability of the state to detect, deter, and respond to acts of terrorism is essential for the safety and security of all Texans.

As proposed, S.B. 9 provides for improvement in the areas of agro-terrorism, mutual aid, first responder radio communications interoperability in the state, the Health Alert Network, public drinking water security, and protection of critical infrastructure.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 9 (Section 12.0128, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 71.0081, Agriculture Code, by adding Subsection (c-1) to authorize the Texas Department of Agriculture to execute agreements with corporations or other private concerns to provide goods or services to establish checkpoints or conduct inspections.

SECTION 2. Amends Section 418.004, Government Code, by adding Subdivision (9) to define "regional planning commission."

SECTION 3. Amends Section 418.107(c), Government Code, to authorize a political subdivision or a regional planning commission, rather than a political subdivision, to render aid to other political subdivisions or regional planning commissions, rather than to other subdivisions, under mutual aid agreements.

SECTION 4. Amends Section 418.109(d), Government Code, to add a regional planning commission to the entities authorized to provide mutual aid assistance on request from certain entities. Makes a conforming change.

SECTION 5. Amends the heading to Subchapter B, Chapter 421, Government Code, to read as follows:

#### **SUBCHAPTER B. HOMELAND SECURITY COUNCIL**

SECTION 6. Amends Section 421.021(a), Government Code, to describe the composition of the Homeland Security Council, rather than the Critical Infrastructure Protection Council. Adds representatives from certain additional entities to the council. Makes nonsubstantive changes.

SECTION 7. Amends Section 421.071, Government Code, to make a conforming change.

SECTION 8. Amends Chapter 421, Government Code, by adding Subchapter F, as follows:

#### **SUBCHAPTER F. GOVERNOR'S INTEROPERABLE RADIO COMMUNICATIONS PROGRAM**

Sec. 421.095. DEFINITIONS. Defines "first responder" and "infrastructure equipment."

Sec. 421.096. INTEROPERABILITY OF RADIO SYSTEMS. Requires the office of the governor to develop and administer a plan to design and implement a statewide integrated public safety radio communications system that promotes interoperability within and between certain entities; to develop and administer a plan to purchase infrastructure equipment for state and local agencies and first responders; advise representatives of entities involved in homeland security activities; and use appropriated money for the purposes of designing, implementing, and maintaining a statewide integrated public safety radio communications system.

Sec. 421.097. ASSISTANCE. Authorizes the office of the governor to consult with a representative of an entity involved in homeland security activities to obtain assistance or information necessary for the performance of any duty under this subchapter.

Sec. 421.098. REPORT. Requires the office of the governor, not later than September 1 of each year, to provide to the legislature a report on the status of its duties under this subchapter.

SECTION 9. Amends Subchapter B, Chapter 12, Health and Safety Code, by adding Section 12.0128, as follows:

Sec. 12.0128. HEALTH ALERT NETWORK. Requires the executive commissioner of the Health and Human Services Commission to adopt rules requiring the Department of State Health Services to include certain healthcare related entities in the department's Texas Health Alert Network to the extent federal funds for bioterrorism preparedness are available for that purpose.

SECTION 10. Amends Section 341.033, Health and Safety Code, by adding Subsection (i) to require certain persons in charge of a public water supply that furnishes water for public or private use to maintain internal procedures to notify the Texas Commission on Environmental Quality immediately of certain events at the water supply system that may negatively impact the production of safe and adequate drinking water.

SECTION 11. Amends Section 30.05(b), Penal Code, by adding Subdivision (7) to define "critical infrastructure facility."

SECTION 12. Amends Section 30.05, Penal Code, by amending Subsection (d) and adding Subsection (g), as follows:

(d) Creates an exception to the provision that a criminal trespass is a Class B misdemeanor by making a criminal trespass on or in a critical infrastructure facility a Class A misdemeanor.

(g) Authorizes the defendant, at the punishment stage of a trial in which the attorney representing the state seeks increased punishment for criminal trespass because it was on or in a critical infrastructure facility, to raise the issue as to whether the defendant entered or remained on or in a critical infrastructure facility as part of a lawful assembly or peaceful and orderly petition for the redress of grievances. Provides that if the defendant proves the issue in the affirmative by a preponderance of the evidence, the increase in punishment does not apply.

SECTION 13. Repealer: Section 411.0105 (Public Safety Radio Communications Council), Government Code.

SECTION 14. Abolishes the Public Safety Radio Communications Council (council) on the effective date of this Act. Provides that on the effective date of this Act the governor replaces the council as the entity responsible for oversight of a program related to interoperability of radio communications, all property that relates to the council becomes the property of the office of the governor, and certain funds appropriated for the council are transferred to the office of the governor.

SECTION 15. Makes application of the change in law to Section 30.05, Penal Code, prospective to September 1, 2005.

SECTION 16. Effective date: upon passage or September 1, 2005.