

SUBJECT: Funding an interoperable emergency radio infrastructure

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 8 ayes — S. Miller, Fletcher, Beck, Burnam, Driver, Flynn, Peña, Walle
0 nays
1 absent — Mallory Caraway

WITNESSES: For — Gary Chandler, Texas Department of Public Safety Association; Vernon Cook, Roberts County, PRPC, TAC; Joe Peters, Sheriffs' Association of Texas; Clay Taylor, Dept. of Public Safety Officers Association; (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; Randy Cain, Texas Fire Chiefs Association; Dana Chiodo, Technology Association of America; Aurora Flores, Texas Association of Counties; Jim Grace, Motorola; Roger Harmon, Johnson County; Donald Lee, Michael Vasquez, Texas Conference of Urban Counties; Shannon Ratliff, The Corporation for Texas Regionalism; Keith Williams, Harris Corp.)

Against — None

On — (*Registered, but did not testify*: Paul Mallett, Commission on State Emergency Communication; Mike Simpson, Department of Public Safety)

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

The Department of Public Safety (DPS) worked with TxRC during the interim to review and revise those recommendations. DPS has estimated that the total cost of the program would be \$813 million, with \$393 million provided in federal grants through 2015. The state's share would be \$420 million, or \$84 million a year for the next five years.

Local Government Code, sec. 133.102(a) requires the comptroller to allocate money received from certain court costs to various criminal justice programs, including the fugitive apprehension program.

DIGEST: HB 442 would create the emergency radio infrastructure account in the General Revenue Fund. It would amend Local Government Code, sec. 133.102(e) to delete allocation of court cost funds to the fugitive apprehension account and allocate about 12 percent of the funds to the newly created emergency radio infrastructure account. The funds would be provided from court costs and interest collected from money held in the account.

The account 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;
- grants to regional councils of governments or state agencies requiring emergency radio communications infrastructure; or
- other public safety purposes.

Funds in the account could not be used to purchase or maintain radio subscriber equipment.

The bill would take effect September 1, 2011.

**SUPPORTERS
SAY:**

HB 442 would provide a dedicated source of funding to develop, maintain, and replace interoperable communications systems for emergency first responders statewide, allowing them to communicate across agencies and jurisdictions. Multiple state and local emergency responders have recently been charged with containing wildfires throughout the state. Maintaining effective communication can be a matter of life and death to first responders and citizens. Seamless emergency communication networks also are necessary for hurricane evacuations and integrated border security operations.

The bill would help provide a unified approach to interoperability. Texas has several different 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. Some radio towers are more than 35 years old but remain

in use despite being deteriorated and obsolete. Law enforcement and first responders cannot depend on the commercial systems used for cellular telephones, which could become overloaded and unavailable in an emergency.

Development and maintenance of an interoperable communication system would serve 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.

Even though the funds available through fugitive apprehension would not cover the costs estimated in the TxRC and DPS reports, there would be additional costs for delaying this program another two years. TxRC already has increased its estimate of the funds needed for the program from its 2008 estimate.

HB 442 would redirect \$22.9 million expected from the fugitive apprehension account, which has been declared dormant, into an identifiable and needed purpose rather than hold that money for comptroller certification of the budget. There would be no net change in the overall biennial budget.

OPPONENTS
SAY:

HB 442 would provide only \$22.9 million in yearly funding, which would be significantly less than the \$84 million a year that DPS estimates would be needed to upgrade and modernize the emergency communications system.

NOTES:

According to the fiscal note, the fugitive apprehension account has lost its dedication and is considered a dormant account. The funds in the account have been transferred to general revenue, and the estimated \$22.9 million collected in future years would be deposited into the General Revenue Fund.