

BILL ANALYSIS

H.B. 2
By: King
Disaster Preparedness & Flooding, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In April 2024, the Investigative Committee on the Panhandle Wildfires heard three days of testimony regarding the more than one million acres that burned in the Texas Panhandle. Multiple witnesses testified that one of the biggest issues facing the first responders in the Smokehouse Creek Fire was a lack of interoperable communications, which led to additional resources being left on the sidelines and delays in direction from leadership and contributed to the largest wildfire in Texas history. Additionally, the Select Committee on Disaster Preparedness & Flooding heard similar testimony regarding the lack of interoperability during the July Hill Country floods. H.B. 2 seeks to address the inability of first responders to communicate with outside departments and facilitate interoperable communications between first responders by creating the Texas Interoperability Council, which is charged with developing and coordinating the implementation of a statewide strategic plan for the interoperability of emergency communication equipment and infrastructure for first responders in Texas and, as advisable, emergency alert systems. The bill also charges the council with incorporating necessary communication technologies into the state's emergency communications network and creates a grant program for local governments to acquire communication equipment and construct communication infrastructure needed to connect to that network.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Division of Emergency Management in SECTION 1 of this bill.

ANALYSIS

H.B. 2 amends the Government Code to establish the Texas Interoperability Council for the following purposes:

- to develop and coordinate the implementation of a statewide strategic plan for governing the interoperability of emergency communication equipment and infrastructure in Texas;
- to develop and implement, as advisable, emergency alert systems and incorporate as necessary communication technologies into the state's emergency communications network; and
- to administer a grant program to assist local governments with the following:
 - acquiring emergency communication equipment that is interoperable with other emergency communication equipment and infrastructure in Texas; and
 - constructing additional emergency communication infrastructure to ensure that Texas first responders have access to equipment and infrastructure that is

interoperable to the extent necessary to effectively communicate during an emergency.

The bill defines "local government" as a municipality, a county, a special district or authority, or any other political subdivision of the state.

H.B. 2 sets out the composition of the council to include the chief of the Texas Division of Emergency Management (TDEM), who serves as the council's presiding officer, and six members appointed as follows:

- two members appointed by the governor;
- two members appointed by the lieutenant governor; and
- two members appointed by the speaker of the house of representatives.

The bill establishes that the appointed council members serve staggered six-year terms, with the terms of two members expiring September 1 of each odd-numbered year. The bill establishes that a majority of the voting members of the council constitutes a quorum to transact business and, if such a quorum is present, authorizes the council to act on any matter within the council's jurisdiction by a majority vote. The bill requires the council to meet as often as necessary at the call of the presiding officer to perform the council's duties, exempts the council from applicability of state open meetings law and the Administrative Procedure Act, and excepts information held by the council from required public disclosure under state public information law.

H.B. 2 requires the council, in collaboration with any state agency or private entity as the council determines appropriate, to develop a statewide strategic plan to govern the interoperability of emergency communication equipment and infrastructure in Texas. The bill requires the strategic plan to include the following:

- a plan for the construction of communication infrastructure necessary to ensure effective emergency communications among first responders in Texas, including the acquisition of land as necessary for construction;
- training programs necessary to ensure that state agencies and local governments have the skills and resources necessary to access and effectively use the emergency communication equipment and infrastructure available in Texas;
- a plan to ensure that first responders throughout Texas are equipped with emergency communication equipment that is interoperable with other emergency communication equipment in Texas; and
- a plan to ensure that any new emergency communication equipment and infrastructure acquired or constructed under the plan can be adapted to or integrated with any existing emergency communication equipment and infrastructure.

The bill requires the council to consider including the following in the strategic plan:

- the use of outdoor warning sirens;
- implementing an emergency alert system that alerts the public of evacuation recommendations or orders related to floods, fires, and other disasters and that has the capability of alerting persons in an affected geographic area through messages sent to those persons' communication devices; and
- the use of broadband service as part of the state's emergency communications network.

The bill requires the council, in collaboration with state agencies as needed, to implement the strategic plan and coordinate the state's emergency communications network to ensure interoperability for first responders.

H.B. 2 requires the council to establish a grant program to provide grants to local governments for the purchase of emergency communication equipment and infrastructure, the construction of emergency communication infrastructure, and the expenses of training employees of the local government for the effective use of the equipment during an emergency. The bill does the following regarding the grant program's administration:

- requires an applicant, in order to be eligible for such a grant, to be a local government, submit a proposal to the council, and comply with the rules established by the council for the administration of the grant program;
- requires the council to establish procedures to administer the grant program, including eligibility criteria for a grant recipient, guidelines relating to grant amounts, and procedures for submitting and evaluating proposals;
- requires the council to enter into a contract that includes performance requirements with each grant recipient and to monitor and enforce the terms of the contract;
- authorizes the council to require as a condition of an awarded grant that the officers or employees of the recipient successfully complete one or more training programs, as determined by the council, which may include incident command system training, and that the recipient adopt standardized procedures for incident command or management; and
- authorizes the council to delegate the administration of the grant program to a state agency.

H.B. 2 authorizes money awarded under the grant program to be used only to do the following:

- purchase emergency communication equipment, including radios, spare parts, and accessories, for use by first responders that is interoperable with the other emergency communication equipment and infrastructure in Texas or enables interoperability;
- construct emergency communication infrastructure, including radio towers, that is interoperable with the other emergency communication equipment and infrastructure in Texas or enables interoperability, including the acquisition of land necessary for the construction;
- cover the cost of adapting existing emergency communication equipment or infrastructure to, or otherwise integrating the equipment or infrastructure with, new emergency communication equipment purchased or infrastructure constructed;
- cover the operational or maintenance cost of the purchased, constructed, or adapted equipment or infrastructure, as applicable; or
- cover the cost of providing to first responders, or having first responders attend, training on the effective use of such equipment and infrastructure.

The bill authorizes the council to use any available funds to implement the grant program and to accept gifts, grants, and donations from any source, including private and nonprofit organizations, for the purpose of implementing the bill's provisions. The bill authorizes TDEM to adopt rules to administer the bill's provisions.

H.B. 2 requires the governor, lieutenant governor, and speaker of the house of representatives, as soon as practicable after the bill's effective date, to each appoint two council members to terms expiring September 1 of 2027, 2029, and 2031, respectively.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.