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et al.

H.B. No. 2

A BILL TO BE ENTITLED

AN ACT

relating to the creation and operation of the Texas
Interoperability Council and a grant program administered by the
council.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 421, Government Code, is amended by
adding Subchapter G to read as follows:

SUBCHAPTER G. TEXAS INTEROPERABILITY COUNCIL; GRANT PROGRAM

Sec. 421.121. DEFINITIONS. In this subchapter:

(1) "Council" means the Texas Interoperability
Council established under this subchapter.

(2) "Division" means the Texas Division of Emergency
Management.

(3) "Local government" means a municipality, a county,
a special district or authority, or any other political subdivision
of this state.

Sec. 421.122. TEXAS INTEROPERABILITY COUNCIL. (a) The
Texas Interoperability Council is established to:

(1) develop and coordinate the implementation of a
statewide strategic plan for governing the interoperability of
emergency communication equipment and infrastructure in this
state, develop and implement, as advisable, emergency alert
systems, and incorporate as necessary communication technologies
into the emergency communications network of this state; and

1 (2) administer a grant program to assist local
2 governments with:

3 (A) acquiring emergency communication equipment
4 that is interoperable with other emergency communication equipment
5 and infrastructure in this state; and

6 (B) constructing additional emergency
7 communication infrastructure to ensure that the first responders of
8 this state have access to equipment and infrastructure that is
9 interoperable to the extent necessary to effectively communicate
10 during an emergency.

11 (b) The council is composed of the chief of the division and
12 six members appointed as follows:

13 (1) two members appointed by the governor;

14 (2) two members appointed by the lieutenant governor;
15 and

16 (3) two members appointed by the speaker of the house
17 of representatives.

18 (c) Appointed council members serve staggered terms of six
19 years, with the terms of two members expiring September 1 of each
20 odd-numbered year.

21 (d) A majority of the voting members of the council
22 constitutes a quorum to transact business. If a quorum is present,
23 the council may act on any matter within the council's jurisdiction
24 by a majority vote.

25 (e) The chief of the division serves as the council's
26 presiding officer.

27 Sec. 421.123. MEETINGS. The council shall meet as often as

necessary at the call of the presiding officer to perform the council's duties.

Sec. 421.124. APPLICABILITY OF OTHER LAW TO COUNCIL. (a) Chapters 551 and 2001 do not apply to the council.

(b) Information held by the council is excepted from required public disclosure under Chapter 552.

Sec. 421.125. STRATEGIC PLAN. (a) The council, in collaboration with any state agency or private entity as the council determines appropriate, shall develop a statewide strategic plan to govern the interoperability of emergency communication equipment and infrastructure in this state.

(b) The strategic plan must include:

(1) a plan for the construction of communication infrastructure necessary to ensure effective emergency communications among first responders in this state, including the acquisition of land as necessary for construction;

(2) 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 this state;

(3) a plan to ensure that first responders throughout this state are equipped with emergency communication equipment that is interoperable with other emergency communication equipment in this state; and

(4) 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.

(c) The council shall consider including in the strategic plan under Subsection (b):

(1) the use of outdoor warning sirens;

(2) 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

(3) the use of broadband service as part of the emergency communications network of this state.

Sec. 421.126. IMPLEMENTATION OF PLAN; NETWORK COORDINATION. The council, in collaboration with state agencies as needed, shall implement the statewide strategic plan developed under Section 421.125 and coordinate the emergency communications network of this state to ensure interoperability for first responders.

Sec. 421.127. GRANT PROGRAM. (a) The council shall 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.

(b) To be eligible for a grant under the grant program, an applicant must be a local government, submit a proposal to the council, and comply with the rules established by the council for

1 the administration of the grant program.

2 (c) The council shall establish procedures to administer
3 the grant program, including:

4 (1) eligibility criteria for a grant recipient;

5 (2) guidelines relating to grant amounts; and

6 (3) procedures for submitting and evaluating
7 proposals.

8 (d) The council shall enter into a contract that includes
9 performance requirements with each grant recipient. The council
10 shall monitor and enforce the terms of the contract.

11 (e) The council may require as a condition of a grant
12 awarded under this section that:

13 (1) the officers or employees of the recipient
14 successfully complete one or more training programs, as determined
15 by the council, which may include incident command system training;
16 and

17 (2) the recipient adopt standardized procedures for
18 incident command or management.

19 (f) The council may delegate to a state agency the
20 administration of the grant program.

21 Sec. 421.128. USES OF GRANT MONEY. Money awarded under the
22 grant program may be used only to:

23 (1) purchase emergency communication equipment,
24 including radios, spare parts, and accessories, for use by first
25 responders that is interoperable with the other emergency
26 communication equipment and infrastructure in this state or enables
27 interoperability;

1 (2) construct emergency communication infrastructure,
2 including radio towers, that is interoperable with the other
3 emergency communication equipment and infrastructure in this state
4 or enables interoperability, including the acquisition of land
5 necessary for the construction;

6 (3) cover the cost of adapting existing emergency
7 communication equipment or infrastructure to, or otherwise
8 integrating the equipment or infrastructure with, new emergency
9 communication equipment purchased or infrastructure constructed;

10 (4) cover the operational or maintenance cost of the
11 equipment or infrastructure described by Subdivision (1), (2), or
12 (3); or

13 (5) cover the cost of providing to first responders,
14 or having first responders attend, training on the effective use of
15 the equipment and infrastructure described by Subdivisions (1),
16 (2), and (3).

17 Sec. 421.129. GRANT PROGRAM FUNDING. The council may use
18 any available funds to implement the grant program.

19 Sec. 421.130. GIFTS, GRANTS, AND DONATIONS. The council
20 may accept gifts, grants, and donations from any source, including
21 private and nonprofit organizations, for the purpose of
22 implementing this subchapter.

23 Sec. 421.131. RULES. The division may adopt rules to
24 administer this subchapter.

25 SECTION 2. As soon as practicable after the effective date
26 of this Act, the governor, lieutenant governor, and speaker of the
27 house of representatives shall appoint members to the Texas

1 Interoperability Council, as required by Section 421.122,
2 Government Code, as added by this Act, in the manner required by
3 that section, as follows:

4 (1) the governor shall appoint two council members to
5 a term expiring September 1, 2027;

6 (2) the lieutenant governor shall appoint two council
7 members to a term expiring September 1, 2029; and

8 (3) the speaker of the house of representatives shall
9 appoint two council members to a term expiring September 1, 2031.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect on the 91st day after the last day of the
15 legislative session.