

By: Louderback

H.B. No. 287

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the governor over certain interoperable communications system procurements by a political subdivision.

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

SECTION 1. The heading to Subchapter F, Chapter 421, Government Code, is amended to read as follows:

SUBCHAPTER F. GOVERNOR POWERS AND RESPONSIBILITIES RELATED TO INTEROPERABLE COMMUNICATIONS [~~GOVERNOR'S INTEROPERABLE RADIO COMMUNICATIONS PROGRAM~~]

SECTION 2. Sec. 421.096, Government Code, is amended to read as follows:

Sec. 421.096. INTEROPERABILITY OF RADIO SYSTEMS. The office of the governor shall:

(1) develop and administer a strategic plan to design and implement a statewide integrated public safety radio communications system that promotes interoperability within and between local, state, and federal agencies and first responders;

(2) develop and administer a plan in accordance with Subdivision (1) to purchase infrastructure equipment for state and local agencies and first responders;

(3) advise representatives of entities in this state that are involved in homeland security activities with respect to interoperability; ~~and~~

1 (4) implement procurement standards and procedures
2 required by Sec. 421.0965; and

3 (5) [~~(4)~~] use appropriated money, including money from
4 relevant federal homeland security grants, for the purposes of
5 designing, implementing, and maintaining a statewide integrated
6 public safety radio communications system.

7 SECTION 3. Subchapter F, Chapter 421, Government Code, is
8 amended by adding Sec. 421.0965 to read as follows:

9 Sec. 421.0965. GOVERNOR INTEROPERABILITY REVIEW OF LOCAL
10 PROCUREMENT. (a) A political subdivision of this state may not
11 obligate funds or enter into a contract for the acquisition of a
12 public safety radio communications system, including
13 infrastructure, equipment, or software, unless the proposed
14 acquisition is submitted to the office of the governor for an
15 interoperability review under this section.

16 (b) The office of the governor shall review each proposed
17 procurement of communications system to determine:

18 (1) whether the proposal implements recommendations
19 described by Sec. 421.096 to promote interoperability;

20 (2) whether the proposal materially impairs
21 interoperability with adjacent or regional public safety
22 communications systems; and

23 (3) whether the proposed procurement meets the
24 technical standards necessary to ensure interoperability with
25 adjacent or regional public safety communications systems.

26 (c) The office of the governor shall issue a determination
27 to a political subdivision not later than 90 days whether the

proposed acquisition is:

(1) approved;

(2) denied; or

(3) temporarily suspended subject to remediation under Subsection (e).

(d) If the office of the governor determines that the proposed system would materially impair interoperability, the governor shall issue a written determination prohibiting the political subdivision from proceeding with the procurement.

(e) If the office of the governor determines that a proposed procurement may impact regional interoperability, the governor may temporarily suspend the procurement. A temporary suspension under this section must:

(1) specify reasons and criteria used for the suspension determination; and

(2) provide for specific remediation measures to correct deficiencies.

(f) The office of the governor shall provide procedures for appeal of a determination under Subsection (c)(2) or (3).

(g) The office of the governor shall adopt rules necessary to implement this section. Rules adopted under this section must establish:

(1) processes for submitting proposed procurements for review;

(2) criteria for evaluating impacts to adjacent or regional interoperability;

(3) remediation measures required by Sec.

1 421.0965(c)(3); and

2 (4) procedures for appeal of a determination.

3 SECTION 4. Not later than August 1, 2026, the governor shall
4 adopt rules required by Sec. 421.0965, Government Code.

5 SECTION 5. This Act applies only to a procurement initiated
6 on or after the effective date of this Act.

7 SECTION 6. This Act takes effect on the 91st day after the
8 last day of the legislative session.