**BILL ANALYSIS**

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| Senate Research Center | H.B. 3 |
|  | By: King et al. (Bettencourt) |
|  | Disaster Preparedness & Flooding, Select |
|  | 8/26/2025 |
|  | Engrossed |

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

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. 3 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 provides for a grant program for local governments to acquire communication equipment and construct communication infrastructure needed to connect to that network.

H.B. 3 amends current law relating to the interoperability of emergency communication equipment and infrastructure in this state, including the creation and operation of the Texas Interoperability Council, a grant program administered by the council, and the purchase of certain public safety radio communication systems.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Division of Emergency Management in SECTION 1 (Section 421.131, Government Code) of this bill.

Rulemaking authority is expressly granted to the governor in SECTION 2 (Section 271.909, Local Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Interoperability Council in SECTION 3 (Section 271.910, Local Government Code) of this bill.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 421, Government code, by adding Subchapter G, as follows:

SUBCHAPTER G. TEXAS INTEROPERABILITY COUNCIL; GRANT PROGRAM

Sec. 421.121. DEFINITIONS. Defines "council," "division," and "local government."

Sec. 421.122. TEXAS INTEROPERABILITY COUNCIL. (a) Provides that the Texas Interoperability Council (council) is established for certain purposes.

(b) Provides that the council is composed of the chief of the Texas Division of Emergency Management (chief; TDEM) and six members appointed by the governor.

(c) Requires the governor, in making appointments under Subsection (b), to ensure that the council includes representation from certain entities.

(d) Provides that appointed council members serve staggered terms of six years, with the terms of two members expiring September 1 of each odd-numbered year.

(e) Provides that a majority of the voting members of the council constitutes a quorum to transact business. Authorizes the council, if a quorum is present, to act on any matter within the council's jurisdiction by a majority vote.

(f) Provides that the chief serves as the council's presiding officer.

Sec. 421.123. MEETINGS. Requires the council to 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. Provides that Chapter 2001 (Administrative Procedure) does not apply to the council.

Sec. 421.1245. CERTAIN GRANT APPLICATIONS AND SECURITY INFORMATION: CLOSED MEETING. (a) Authorizes the council to conduct a closed meeting in accordance with Subchapter E (Procedures Related to Closed Meetings), Chapter 551 (Open Meetings), to deliberate or confer with one or more employees, consultants of the council, or legal counsel of the council to discuss certain matters.

(b) Authorizes the council, notwithstanding any other law, to disclose a matter discussed under Subsection (a) with any state agency if the presiding officer of the council determines it necessary for the establishment of emergency management infrastructure, the purchase or use of emergency management equipment, or the training of emergency management personnel.

(c) Requires that any vote or final action taken on a matter described by Subsection (a) be conducted in an open meeting.

Sec. 421.1247. GRANT APPLICATION AND DOCUMENTATION CONFIDENTIAL. Provides that a grant application and related documentation under Section 421.127 is confidential and not subject to disclosure under Chapter 552.

Sec. 421.125. STRATEGIC PLAN. (a) 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 this state.

(b) Requires that the strategic plan include certain provisions.

(c) Requires the council to consider including in the strategic plan under Subsection (b):

(1) the use of outdoor warning sirens;

(2) implementing an existing 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. Requires the council, in collaboration with state agencies as needed, to 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) 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.

(b) Requires an applicant, to be eligible for a grant under the grant program, 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.

(c) 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.

(d) Requires the council to enter into a contract that includes performance requirements with each grant recipient. Requires the council to monitor and enforce the terms of the contract.

(e) Authorizes the council to require as a condition of a grant awarded under this section that:

(1) 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;

(2) the recipient adopt standardized procedures for incident command or management; and

(3) the recipient be an alerting authority under the integrated public alert and warning system administered by the Federal Emergency Management Agency under 6 U.S.C. Sections 321o and 321o-1.

(f) Authorizes the council to delegate to a state agency the administration of the grant program.

Sec. 421.128. USES OF GRANT MONEY. Provides that money awarded under the grant program is authorized to be used only for certain purposes.

Sec. 421.129. GRANT PROGRAM FUNDING. Authorizes the council to use any available funds to implement the grant program.

Sec. 421.130. GIFTS, GRANTS, AND DONATIONS. Authorizes the council to accept gifts, grants, and donations from any source, including private and nonprofit organizations, for the purpose of implementing this subchapter.

Sec. 421.131. RULES. Authorizes TDEM to adopt rules to administer this subchapter.

SECTION 2. Amends Subchapter Z, Chapter 271, Local Government Code, by adding Section 271.909, as follows:

Sec. 271.909. GOVERNOR APPROVAL OF PURCHASES OF PUBLIC SAFETY RADIO COMMUNICATION SYSTEMS REQUIRED; EXPIRATION. (a) Defines "public safety radio communication system."

(b) Provides that this section does not apply to the purchase or use of a public safety radio communication system that complies with the Project 25 Compliance Assessment Program administered by the United States Department of Homeland Security.

(c) Requires the governor by rule to establish standards for determining whether the purchase and use of a public safety radio communication system by a political subdivision would materially impair interoperability among public safety radio communication systems used by other governmental entities in the region of the political subdivision proposing the purchase. Requires that the standards include minimum technical specifications that the system is required to meet, be based on the strategic plan designed and implemented under Section 421.096(1) (relating to requiring the Office of the Governor (governor's office) to develop and administer a strategic plan to design and implement a statewide integrated public safety radio communications system), Government Code, and contain limitations on the use of burdensome procedures to achieve interoperability among systems.

(d) Prohibits a political subdivision from purchasing a public safety radio communication system unless the governor reviews and approves the proposed purchase under this section.

(e) Authorizes a political subdivision, in the form and manner prescribed by the governor by rule, to request that the governor conduct a review of a proposed purchase of a public safety radio communication system under this section.

(f) Requires the governor to conduct a review requested under Subsection (e) and, not later than the 90th day after the date on which the governor received the request, in writing:

(1) approve the request;

(2) summarily deny the request; or

(3) do all of the following:

(A) conditionally deny the request;

(B) specify the deficient standards and other criteria on which the denial was based; and

(C) provide corrective measures by which the political subdivision may alter the proposal in order to obtain approval under this section.

(g) Requires the governor to approve a proposed purchase reviewed under this section only if the proposed purchase and use of the system does not materially impair the interoperability among public safety radio communication systems used by other governmental entities in the region of the political subdivision proposing the purchase, in accordance with the standards established under Subsection (c). Requires the governor to deny as provided by Subsection (f)(2) or (3) a proposed purchase reviewed under this section if the proposed purchase and use of the public safety radio communication system materially impairs the interoperability among public safety radio communication systems used by other governmental entities in the region of the political subdivision proposing the purchase.

(h) Provides that, after a summary denial under Subsection (f)(2), a political subdivision is authorized to request the governor to, and if requested the governor is required to, specify in writing the deficient standards and provide corrective measures, as described by Subsections (f)(3)(B) and (C).

(i) Requires the governor by rule to provide procedures for appealing a denial under Subsection (f).

(j) Provides that this section expires January 1, 2027.

SECTION 3. Amends Subchapter Z, Chapter 271, Local Government Code, effective January 1, 2027, by adding Section 271.910, as follows:

Sec. 271.910. COUNCIL APPROVAL OF PURCHASES OF PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEMS REQUIRED. (a) Defines "council" and "public safety radio communication system."

(b) Provides that this section does not apply to the purchase or use of a public safety radio communication system that complies with the Project 25 Compliance Assessment Program administered by the United States Department of Homeland Security.

(c) Requires the council by rule to establish standards for determining whether the purchase and use of a public safety radio communication system by a political subdivision would materially impair interoperability among public safety radio communication systems used by other governmental entities in the region of the political subdivision proposing the purchase. Requires that the standards include minimum technical specifications that the system is required to meet, be based on the strategic plan designed and implemented under Section 421.096(1), Government Code, and contain limitations on the use of burdensome procedures to achieve interoperability among systems.

(d) Prohibits a political subdivision from purchasing a public safety radio communication system unless the council reviews and approves the proposed purchase under this section.

(e) Authorizes a political subdivision, in the form and manner prescribed by the council by rule, to request that the council conduct a review of a proposed purchase of a public safety radio communication system under this section.

(f) Requires the council to conduct a review requested under Subsection (e) and, not later than the 90th day after the date on which the council received the request, in writing:

(1) approve the request;

(2) summarily deny the request; or

(3) do all of the following:

(A) conditionally deny the request;

(B) specify the deficient standards and other criteria on which the denial was based; and

(C) provide corrective measures by which the political subdivision may alter the proposal in order to obtain approval under this section.

(g) Requires the council to approve a proposed purchase reviewed under this section only if the proposed purchase and use of the system does not materially impair the interoperability among public safety radio communication systems used by other governmental entities in the region of the political subdivision proposing the purchase, in accordance with the standards established under Subsection (c). Requires the council to deny as provided by Subsection (f)(2) or (3) a proposed purchase reviewed under this section if the proposed purchase and use of the public safety radio communication system materially impairs the interoperability among public safety radio communication systems used by other governmental entities in the region of the political subdivision proposing the purchase.

(h) Provides that, after a summary denial under Subsection (f)(2), a political subdivision is authorized to request the council to, and if requested the council is required to, specify in writing the deficient standards and provide corrective measures, as described by Subsections (f)(3)(B) and (C).

(i) Requires the council by rule to provide procedures for appealing a denial under Subsection (f).

SECTION 4. Requires the governor, as soon as practicable after the effective date of this Act, to appoint members to the council, as required by Section 421.122, Government Code, as added by this Act, in the manner required by that section, as follows:

(1) two council members to a term expiring September 1, 2027;

(2) two council members to a term expiring September 1, 2029; and

(3) two council members to a term expiring September 1, 2031.

SECTION 5. Requires the governor, not later than January 1, 2026, to adopt the rules required by Section 271.909, Local Government Code, as added by this Act.

SECTION 6. Makes application of Section 271.909, Local Government Code, as added by this Act, prospective to January 1, 2026.

SECTION 7. Makes application of Section 271.910, Local Government Code, as added by this Act, prospective to January 1, 2027.

SECTION 8. (a) Defines "council" and "program."

(b) Requires the governor and the council, not later than December 1, 2026, to into a memorandum of understanding to transfer on January 1, 2027, from the governor to the council all powers, duties, and functions of the governor's office related to the program of reviewing purchases of political subdivisions (program) under Section 271.909, Local Government Code, including, as necessary, any employee positions, equipment, facilities, contracts, and appropriated money associated with the program.

(c) Provides that, on January 1, 2027, a rule, form, policy, procedure, or decision of the governor's office related to a power, duty, or function of the program continues in effect as a rule, form, policy, procedure, or decision of the council and remains in effect until amended or replaced by the council. Authorizes the council, notwithstanding any other law, beginning September 1, 2026, to propose rules, forms, policies, and procedures related to the program to be transferred to the council under this Act.

SECTION 9. Effective date, except as otherwise provided by this Act: upon passage or the 91st day after the last day of the legislative session.