

By: King

H.B. No. 3

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the interoperability of emergency communication  
3 equipment and infrastructure in this state, including the creation  
4 and operation of the Texas Interoperability Council, a grant  
5 program administered by the council, and the purchase of certain  
6 public safety radio communication systems.

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

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

10 SUBCHAPTER G. TEXAS INTEROPERABILITY COUNCIL; GRANT PROGRAM

11 Sec. 421.121. DEFINITIONS. In this subchapter:

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

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

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

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

21 (1) develop and coordinate the implementation of a  
22 statewide strategic plan for governing the interoperability of  
23 emergency communication equipment and infrastructure in this  
24 state, develop and implement, as advisable, emergency alert

1 systems, and incorporate as necessary communication technologies  
2 into the emergency communications network of this state; and

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

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

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

13 (b) The council is composed of the chief of the division and  
14 six members appointed by the governor.

15 (c) In making appointments under Subsection (b), the  
16 governor shall ensure that the council includes representation  
17 from:

18 (1) state and local emergency response agencies;  
19 (2) public safety communications professionals;  
20 (3) emergency communication districts created under  
21 Chapter 772, Health and Safety Code, including regional emergency  
22 communication districts;

23 (4) individuals with technical expertise in  
24 interoperable communications systems;

25 (5) the Texas Department of Transportation;

26 (6) the statewide interoperability coordinator or  
27 another representative of the Department of Public Safety;

1           (7) the Texas Military Department; and

2           (8) the office of the governor, including any division  
3 responsible for homeland security.

4           (d) Appointed council members serve staggered terms of six  
5 years, with the terms of two members expiring September 1 of each  
6 odd-numbered year.

7           (e) A majority of the voting members of the council  
8 constitutes a quorum to transact business. If a quorum is present,  
9 the council may act on any matter within the council's jurisdiction  
10 by a majority vote.

11           (f) The chief of the division serves as the council's  
12 presiding officer.

13           Sec. 421.123. MEETINGS. The council shall meet as often as  
14 necessary at the call of the presiding officer to perform the  
15 council's duties.

16           Sec. 421.124. APPLICABILITY OF OTHER LAW TO COUNCIL.  
17 Chapter 2001 does not apply to the council.

18           Sec. 421.1245. CERTAIN GRANT APPLICATIONS AND SECURITY  
19 INFORMATION: CLOSED MEETING. (a) The council may conduct a closed  
20 meeting in accordance with Subchapter E, Chapter 551, to deliberate  
21 or confer with one or more employees, consultants of the council, or  
22 legal counsel of the council to discuss:

23           (1) a grant application under Section 421.127 being  
24 considered by the council if, before conducting the closed meeting,  
25 a majority of the voting members of the council in an open meeting  
26 vote that deliberating or conferring in an open meeting would:

27           (A) reveal the grant applicant's confidential

1 information;

2 (B) reveal national security information or  
3 other sensitive security information of this state or a political  
4 subdivision of this state; or

5 (C) have a detrimental effect on the position of  
6 the council in negotiations with a grant applicant; or

7 (2) a matter related to the establishment of emergency  
8 management infrastructure, the purchase or use of emergency  
9 management equipment, or the training of emergency management  
10 personnel, if an open meeting would reveal national security  
11 information or other sensitive security information of this state  
12 or a political subdivision of this state.

13 (b) Notwithstanding any other law, the council may disclose  
14 a matter discussed under Subsection (a) with any state agency if the  
15 presiding officer of the council determines it necessary for the  
16 establishment of emergency management infrastructure, the purchase  
17 or use of emergency management equipment, or the training of  
18 emergency management personnel.

19 (c) Any vote or final action taken on a matter described by  
20 Subsection (a) must be conducted in an open meeting.

21 Sec. 421.1247. GRANT APPLICATION AND DOCUMENTATION  
22 CONFIDENTIAL. A grant application and related documentation under  
23 Section 421.127 is confidential and not subject to disclosure under  
24 Chapter 552.

25 Sec. 421.125. STRATEGIC PLAN. (a) The council, in  
26 collaboration with any state agency or private entity as the  
27 council determines appropriate, shall develop a statewide

1 strategic plan to govern the interoperability of emergency  
2 communication equipment and infrastructure in this state.

3 (b) The strategic plan must include:

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

8 (2) training programs necessary to ensure that state  
9 agencies and local governments have the skills and resources  
10 necessary to access and effectively use the emergency communication  
11 equipment and infrastructure available in this state;

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

16 (4) a plan to ensure that any new emergency  
17 communication equipment and infrastructure acquired or constructed  
18 under the plan can be adapted to or integrated with any existing  
19 emergency communication equipment and infrastructure.

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

22 (1) the use of outdoor warning sirens;

23 (2) implementing an emergency alert system that alerts  
24 the public of evacuation recommendations or orders related to  
25 floods, fires, and other disasters and that has the capability of  
26 alerting persons in an affected geographic area through messages  
27 sent to those persons' communication devices; and

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

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

9           Sec. 421.127. GRANT PROGRAM. (a) The council shall  
10 establish a grant program to provide grants to local governments  
11 for the purchase of emergency communication equipment and  
12 infrastructure, the construction of emergency communication  
13 infrastructure, and the expenses of training employees of the local  
14 government for the effective use of the equipment during an  
15 emergency.

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

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

- 22                   (1) eligibility criteria for a grant recipient;  
23                   (2) guidelines relating to grant amounts; and  
24                   (3) procedures for submitting and evaluating  
25 proposals.

26           (d) The council shall enter into a contract that includes  
27 performance requirements with each grant recipient. The council

1 shall monitor and enforce the terms of the contract.

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

4 (1) the officers or employees of the recipient  
5 successfully complete one or more training programs, as determined  
6 by the council, which may include incident command system training;  
7 and

8 (2) the recipient adopt standardized procedures for  
9 incident command or management.

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

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

14 (1) purchase emergency communication equipment,  
15 including radios, spare parts, and accessories, for use by first  
16 responders that is interoperable with the other emergency  
17 communication equipment and infrastructure in this state or enables  
18 interoperability;

19 (2) construct emergency communication infrastructure,  
20 including radio towers, that is interoperable with the other  
21 emergency communication equipment and infrastructure in this state  
22 or enables interoperability, including the acquisition of land  
23 necessary for the construction;

24 (3) cover the cost of adapting existing emergency  
25 communication equipment or infrastructure to, or otherwise  
26 integrating the equipment or infrastructure with, new emergency  
27 communication equipment purchased or infrastructure constructed;

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

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

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

10           Sec. 421.130. GIFTS, GRANTS, AND DONATIONS. The council  
11 may accept gifts, grants, and donations from any source, including  
12 private and nonprofit organizations, for the purpose of  
13 implementing this subchapter.

14           Sec. 421.131. RULES. The division may adopt rules to  
15 administer this subchapter.

16           SECTION 2. Subchapter [Z](#), Chapter [271](#), Local Government  
17 Code, is amended by adding Section 271.909 to read as follows:

18           Sec. 271.909. GOVERNOR APPROVAL OF PURCHASES OF PUBLIC  
19 SAFETY RADIO COMMUNICATION SYSTEMS REQUIRED; EXPIRATION. (a) In  
20 this section, "public safety radio communication system" means a  
21 radio communication system, including infrastructure, equipment,  
22 software, and other similar products as the governor determines  
23 necessary, that is used by a governmental entity in public safety  
24 operations, such as law enforcement, fire protection, emergency  
25 medical services, and disaster response and recovery.

26           (b) The governor by rule shall establish standards for  
27 determining whether the purchase and use of a public safety radio



1 communication system by a political subdivision would materially  
2 impair interoperability among public safety radio communication  
3 systems used by other governmental entities in the region of the  
4 political subdivision proposing the purchase. The standards must:

5 (1) include minimum technical specifications that the  
6 system must meet;

7 (2) be based on the strategic plan designed and  
8 implemented under Section 421.096(1), Government Code; and

9 (3) contain limitations on the use of burdensome  
10 procedures to achieve interoperability among systems.

11 (c) A political subdivision may not purchase a public safety  
12 radio communication system unless the governor reviews and approves  
13 the proposed purchase under this section.

14 (d) In the form and manner prescribed by the governor by  
15 rule, a political subdivision may request that the governor conduct  
16 a review of a proposed purchase of a public safety radio  
17 communication system under this section.

18 (e) The governor shall conduct a review requested under  
19 Subsection (d) and, not later than the 90th day after the date on  
20 which the governor received the request, shall in writing:

21 (1) approve the request;

22 (2) summarily deny the request; or

23 (3) do all of the following:

24 (A) conditionally deny the request;

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

27 (C) provide corrective measures by which the

1 political subdivision may alter the proposal in order to obtain  
2 approval under this section.

3 (f) The governor shall approve a proposed purchase reviewed  
4 under this section only if the proposed purchase and use of the  
5 system does not materially impair the interoperability among public  
6 safety radio communication systems used by other governmental  
7 entities in the region of the political subdivision proposing the  
8 purchase, in accordance with the standards established under  
9 Subsection (b). The governor shall deny as provided by Subsection  
10 (e)(2) or (3) a proposed purchase reviewed under this section if the  
11 proposed purchase and use of the public safety radio communication  
12 system materially impairs the interoperability among public safety  
13 radio communication systems used by other governmental entities in  
14 the region of the political subdivision proposing the purchase.

15 (g) After a summary denial under Subsection (e)(2), a  
16 political subdivision may request the governor to, and if requested  
17 the governor shall, specify in writing the deficient standards and  
18 provide corrective measures, as described by Subsections (e)(3)(B)  
19 and (C).

20 (h) The governor shall by rule provide procedures for  
21 appealing a denial under Subsection (e).

22 (i) This section expires January 1, 2027.

23 SECTION 3. Effective January 1, 2027, Subchapter **Z**, Chapter  
24 **271**, Local Government Code, is amended by adding Section 271.910 to  
25 read as follows:

26 Sec. 271.910. COUNCIL APPROVAL OF PURCHASES OF PUBLIC  
27 SAFETY RADIO COMMUNICATION SYSTEMS REQUIRED. (a) In this section:

1           (1) "Council" means the Texas Interoperability  
2 Council established under Subchapter G, Chapter 421, Government  
3 Code.

4           (2) "Public safety radio communication system" means a  
5 radio communication system, including infrastructure, equipment,  
6 software, and other similar products as the council determines  
7 necessary, that is used by a governmental entity in public safety  
8 operations, such as law enforcement, fire protection, emergency  
9 medical services, and disaster response and recovery.

10          (b) The council by rule shall establish standards for  
11 determining whether the purchase and use of a public safety radio  
12 communication system by a political subdivision would materially  
13 impair interoperability among public safety radio communication  
14 systems used by other governmental entities in the region of the  
15 political subdivision proposing the purchase. The standards must:

16           (1) include minimum technical specifications that the  
17 system must meet;

18           (2) be based on the strategic plan designed and  
19 implemented under Section 421.096(1), Government Code; and

20           (3) contain limitations on the use of burdensome  
21 procedures to achieve interoperability among systems.

22          (c) A political subdivision may not purchase a public safety  
23 radio communication system unless the council reviews and approves  
24 the proposed purchase under this section.

25          (d) In the form and manner prescribed by the council by  
26 rule, a political subdivision may request that the council conduct  
27 a review of a proposed purchase of a public safety radio

1 communication system under this section.

2 (e) The council shall conduct a review requested under  
3 Subsection (d) and, not later than the 90th day after the date on  
4 which the council received the request, shall in writing:

5 (1) approve the request;

6 (2) summarily deny the request; or

7 (3) do all of the following:

8 (A) conditionally deny the request;

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

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

14 (f) The council shall approve a proposed purchase reviewed  
15 under this section only if the proposed purchase and use of the  
16 system does not materially impair the interoperability among public  
17 safety radio communication systems used by other governmental  
18 entities in the region of the political subdivision proposing the  
19 purchase, in accordance with the standards established under  
20 Subsection (b). The council shall deny as provided by Subsection  
21 (e)(2) or (3) a proposed purchase reviewed under this section if the  
22 proposed purchase and use of the public safety radio communication  
23 system materially impairs the interoperability among public safety  
24 radio communication systems used by other governmental entities in  
25 the region of the political subdivision proposing the purchase.

26 (g) After a summary denial under Subsection (e)(2), a  
27 political subdivision may request the council to, and if requested

1 the council shall, specify in writing the deficient standards and  
2 provide corrective measures, as described by Subsections (e)(3)(B)  
3 and (C).

4 (h) The council shall by rule provide procedures for  
5 appealing a denial under Subsection (e).

6 SECTION 4. As soon as practicable after the effective date  
7 of this Act, the governor shall appoint members to the Texas  
8 Interoperability Council, as required by Section 421.122,  
9 Government Code, as added by this Act, in the manner required by  
10 that section, as follows:

11 (1) two council members to a term expiring September  
12 1, 2027;

13 (2) two council members to a term expiring September  
14 1, 2029; and

15 (3) two council members to a term expiring September  
16 1, 2031.

17 SECTION 5. Not later than January 1, 2026, the governor  
18 shall adopt the rules required by Section 271.909, Local Government  
19 Code, as added by this Act.

20 SECTION 6. Section 271.909, Local Government Code, as added  
21 by this Act, applies only to the purchase of a public safety radio  
22 communication system by a political subdivision that occurs on or  
23 after January 1, 2026.

24 SECTION 7. Section 271.910, Local Government Code, as added  
25 by this Act, applies only to the purchase of a public safety radio  
26 communication system by a political subdivision that occurs on or  
27 after January 1, 2027.

1 SECTION 8. (a) In this section:

2 (1) "Council" means the Texas Interoperability  
3 Council established under Subchapter G, Chapter 421, Government  
4 Code, as added by this Act.

5 (2) "Program" means the program of reviewing purchases  
6 of political subdivisions under Section 271.909, Local Government  
7 Code, as added by this Act.

8 (b) Not later than December 1, 2026, the governor and the  
9 council shall enter into a memorandum of understanding to transfer  
10 on January 1, 2027, from the governor to the council all powers,  
11 duties, and functions of the governor's office related to the  
12 program, including, as necessary, any employee positions,  
13 equipment, facilities, contracts, and appropriated money  
14 associated with the program.

15 (c) On January 1, 2027, a rule, form, policy, procedure, or  
16 decision of the governor's office related to a power, duty, or  
17 function of the program continues in effect as a rule, form, policy,  
18 procedure, or decision of the council and remains in effect until  
19 amended or replaced by the council. Notwithstanding any other law,  
20 beginning September 1, 2026, the council may propose rules, forms,  
21 policies, and procedures related to the program to be transferred  
22 to the council under this Act.

23 SECTION 9. Except as otherwise provided by this Act, this  
24 Act takes effect immediately if it receives a vote of two-thirds of  
25 all the members elected to each house, as provided by Section 39,  
26 Article III, Texas Constitution. If this Act does not receive the  
27 vote necessary for immediate effect, this Act takes effect on the

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1 91st day after the last day of the legislative session.