

By: McLaughlin

H.B. No. 69

A BILL TO BE ENTITLED

AN ACT

relating to creating the Texas Flash Flood Alley 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 FLASH FLOOD ALLEY INTEROPERABILITY COUNCIL;

GRANT PROGRAM

Sec. 421.121. DEFINITIONS. In this subchapter:

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

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

(3) "First responder" means:

(A) a peace officer, as defined by Section 1701.001, Occupations Code;

(B) fire protection personnel, as defined by Section 419.021, Government Code; and

(C) an individual certified as emergency medical services personnel by the Department of State Health Services under Chapter 773, Health and Safety Code.

(4) "Local government" means a municipality, a county, a special district or authority, or any other political subdivision of this state that is located, wholly or partly, in or adjacent to

1 the geographic area known as the Balcones Fault Zone.

2 Sec. 421.122. TEXAS FLASH FLOOD ALLEY INTEROPERABILITY
3 COUNCIL. (a) The Texas Flash Flood Alley Interoperability Council
4 is established to:

5 (1) develop and coordinate the implementation of a
6 strategic plan for governing the interoperability of emergency
7 communication equipment and infrastructure in the Balcones Fault
8 Zone, develop and implement, as advisable, emergency alert systems,
9 and incorporate as necessary communication technologies into the
10 emergency communications network in the Balcones Fault Zone;

11 (2) develop and coordinate, in consultation with the
12 Texas Division of Emergency Management, the implementation of a
13 cohesive emergency management plan for responding to major flooding
14 events in the Balcones Fault Zone, including guidelines on
15 cooperation among first responders when responding to those events;
16 and

17 (3) administer a grant program to assist local
18 governments with acquiring emergency communication equipment that
19 is interoperable with other emergency communication equipment and
20 infrastructure in the Balcones Fault Zone and with constructing
21 additional emergency communication infrastructure to ensure that
22 the first responders of local governments have access to equipment
23 and infrastructure that is interoperable to the extent necessary to
24 effectively communicate during an emergency.

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

27 (1) two members appointed by the governor;

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

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

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

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

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

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

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

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

21 Sec. 421.125. STRATEGIC PLAN. (a) The council, in
22 collaboration with any state agency or private entity as the
23 council determines appropriate, shall develop a strategic plan to
24 govern:

25 (1) the interoperability of emergency communication
26 equipment and infrastructure in the Balcones Fault Zone; and

27 (2) cooperation among the first responders of local

1 governments when responding to a major flooding event in the
2 Balcones Fault Zone.

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, including the acquisition
7 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 the Balcones Fault Zone are equipped with emergency communication
14 equipment that is interoperable with other emergency communication
15 equipment in this state;

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 (5) a plan for testing, as practicable, the
21 functionality and interoperability of emergency communication
22 equipment under circumstances that simulate a disaster response,
23 including a response to a major flooding event; and

24 (6) a plan to encourage cooperation among local
25 governments and the first responders of those local governments
26 that are responsible for responding to disasters, including major
27 flooding events.

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

3 (1) the use of outdoor warning sirens;

4 (2) implementing an emergency alert system that alerts
5 the public of evacuation recommendations or orders related to
6 floods and other disasters and that has the capability of alerting
7 persons in an affected geographic area through messages sent to
8 those persons' communication devices; and

9 (3) the use of broadband service as part of the
10 emergency communications network in the Balcones Fault Zone.

11 Sec. 421.126. IMPLEMENTATION OF PLAN; NETWORK
12 COORDINATION. The council, in collaboration with state agencies as
13 needed, shall implement the strategic plan developed under Section
14 421.125 and coordinate the emergency communications network of this
15 state to ensure interoperability for first responders.

16 Sec. 421.127. GRANT PROGRAM. (a) The council shall
17 establish a grant program to provide grants to local governments
18 for the purchase of emergency communication equipment and
19 infrastructure, the construction of emergency communication
20 infrastructure, and the expenses of training employees of the local
21 government for the effective use of the equipment during an
22 emergency.

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

27 (c) The council shall establish procedures to administer

the grant program, including:

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

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

(e) The council shall require as a condition of a grant awarded under this section that the emergency management director, or an officer with equivalent duties, annually organize a meeting with the first responders of nearby local governments and a representative of the division regarding the grant recipient's emergency management plan. The meeting must include a discussion and analysis of the logistics of implementing the grant recipient's emergency management plan during a major flooding event and other disasters and implementing the plan in areas especially vulnerable to adverse weather conditions. The meeting organized under this subsection is not subject to Chapter 551, and the information obtained or discussed during the meeting is excepted from required public disclosure under Chapter 552.

(f) The council may 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;
- and

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

3 (g) The council may delegate to a state agency the
4 administration of the grant program.

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

7 (1) purchase emergency communication equipment,
8 including radios, spare parts, and accessories, for use by first
9 responders that is interoperable with the other emergency
10 communication equipment and infrastructure in this state or enables
11 interoperability;

12 (2) construct emergency communication infrastructure,
13 including radio towers, that is interoperable with the other
14 emergency communication equipment and infrastructure in this state
15 or enables interoperability, including the acquisition of land
16 necessary for the construction;

17 (3) cover the cost of adapting existing emergency
18 communication equipment or infrastructure to, or otherwise
19 integrating the equipment or infrastructure with, new emergency
20 communication equipment purchased or infrastructure constructed;

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

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

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

3 Sec. 421.130. GIFTS, GRANTS, AND DONATIONS. The council
4 may accept gifts, grants, and donations from any source, including
5 private and nonprofit organizations, for the purpose of
6 implementing this subchapter.

7 Sec. 421.131. RULES. The division may adopt rules to
8 administer this subchapter.

9 SECTION 2. As soon as practicable after the effective date
10 of this Act, the governor, lieutenant governor, and speaker of the
11 house of representatives shall appoint members to the Texas Flash
12 Flood Alley Interoperability Council, as required by Section
13 421.122, Government Code, as added by this Act, in the manner
14 required by that section, as follows:

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

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

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

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