**BILL ANALYSIS**

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| Senate Research Center | S.B. 34 |
|  | By: Sparks |
|  | Water, Agriculture and Rural Affairs |
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|  | As Filed |

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

The 2024 Panhandle Wildfires, the largest in Texas history, burned over one million acres, destroying ranches, livestock, and homes. Over the past two decades, the magnitude and intensity of wildfires have been growing statewide, with longer fire seasons and increasingly destructive events. On May 1, 2024, the Texas House Investigative Committee on Panhandle Wildfires examined the factors contributing to the recent fires.

The committee highlighted challenges facing the Texas Rural Volunteer Fire Department (VFD) Assistance Program due to underfunding. With an annual cap of $30 million and grant requests often exceeding $43 million, the program faces a $22 million shortfall, leaving fire departments with only partial funding for critical equipment. Rising wildfire frequency is partially driven by factors like aging utility poles and safety lapses at oil and gas well sites, where exposed wiring and electrical equipment pose ignition risks. Among fires with identified causes, wildfires started by power lines have been among the most destructive in the region between 2000 and 2024, causing more than 1,300 fires that burned more than 1.4 million acres.

S.B. 34 aims to better prepare the state for ongoing wildfire threats through several key measures. It requires the Texas A&M Forest Service to create and maintain a statewide database of firefighting equipment, which will be accessible to all fire departments and updated annually. The bill also increases the funding cap for the Rural Volunteer Fire Department Assistance Fund from $30 million to $40 million, with 10 percent of the funds designated for high-risk wildfire areas. Additionally, an appointed Interoperability Council will develop a strategic plan to improve emergency communication equipment interoperability between local, state, and federal agencies. Lastly, the bill clarifies a memorandum of understanding that requires the Railroad Commission to notify the Public Utility Commission about concerning situations at energy and electricity facilities.

As proposed, S.B. 34 amends current law relating to the preparation, prevention, and mitigation of wildfires.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Division of Emergency Management in SECTION 5 (Section 421.131, Government Code) of this bill.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 418.004, Government Code, by adding Subdivision (15) to define "forest service."

SECTION 2. Amends Subchapter C, Chapter 418, Government Code, by adding Section 418.059, as follows:

Sec. 418.059. STATEWIDE DATABASE OF FIREFIGHTING EQUIPMENT. (a) Requires the Texas A&M Forest Service (forest service) to create and maintain a comprehensive database that shows in real time the statewide inventory of firefighting equipment that is available for use in responding to wildfires.

(b) Requires that the database:

(1) include a description of the type of firefighting equipment each fire department in the state has available for use in responding to wildfires;

(2) include contact information for the fire department that has the equipment;

(3) be searchable by location and equipment type; and

(4) be accessible by all fire departments in the state and allow each fire department to update the information in the database regarding the equipment the fire department has available.

(c) Requires the forest service to assist fire departments who choose to provide equipment information in updating the database annually or as soon as practicable after any change in the availability of the department's firefighting equipment. Requires that the service use an electronic notification system to remind departments, at least once each calendar year, to provide an update of their equipment availability.

(d) Defines "fire department."

SECTION 3. Amends Section 2007.002, Insurance Code, as follows:

Sec. 2007.002. ASSESSMENT. Requires the Comptroller of Public Accounts of the State of Texas to assess against all insurers to which Chapter 2007 (Assessment for Rural Fire Protection) applies amounts for each state fiscal year necessary, as determined by the commissioner of insurance, to collect the lesser of two amounts, including $40 million, rather than $30 million.

SECTION 4. Amends Section 614.102, Government Code, by adding Subsections (i) and (j), as follows:

(i) Provides that at least 10 percent of appropriations for a state fiscal year from the volunteer firefighter assistance fund is allocated for the purpose of providing assistance to volunteer fire departments in areas of the state defined by the service as high risk for large wildfires.

(j) Authorizes the remaining amount, if the amount of assistance requested in a state fiscal year by eligible departments described by Subsection (i) is less than the amount allocated under that subsection, to be used for other types of requests for assistance described by Subchapter G (Rural Volunteer Fire Department Assistance Program).

SECTION 5. Amends Chapter 421, Government Code, by adding Subchapter G, as follows:

SUBCHAPTER G. TEXAS INTEROPERABILITY COUNCIL

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 to develop and coordinate the planning and implementation of a statewide strategic plan for governing the interoperability of emergency communication equipment and infrastructure in this state.

(b) Provides that the council is composed of the chief of the Texas Department of Emergency Management (TDEM) and six members appointed as follows: two members appointed by the governor, two members appointed by the lieutenant governor, and two members appointed by the speaker of the house of representatives.

(c) 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.

(d) 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.

(e) Provides that the chief of TDEM 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. (a) Provides that Chapters 551 (Open Meetings) and 2001 (Administrative Procedure) do not apply to the council.

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

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 by January 1, 2026, to govern the interoperability of emergency communication equipment and infrastructure in this state.

(b) Requires that the strategic plan include certain plans and recommendations.

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

SECTION 6. Amends Section 91.019, Natural Resources Code, as follows:

Sec. 91.019. STANDARDS FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF ELECTRICAL POWER LINES. (a) Creates this subsection from existing text and makes no further changes.

(b) Requires the Railroad Commission of Texas (RRC), if, during an inspection of a well site or surface facility employed in operations incident to oil and gas development and production, RRC discovers a condition involving an electrical power line that does not meet the standards described by Subsection (a), to notify the Public Utility Commission of Texas (PUC). Requires RRC and the PUC, in collaboration, to resolve the condition, to:

(1) notify the applicable electric utility providing electric power to the well site or surface facility of the condition and require the electric utility to make a determination regarding whether electric power should be disconnected from the site or facility;

(2) request that the state fire marshal or a local government authority inspect the well site or surface facility and require the operator to mitigate any dangerous conditions identified by the state fire marshal or local government authority; or

(3) issue notice to the applicable electric utility to investigate the condition and disconnect electric service, if necessary.

SECTION 7. Requires the governor, lieutenant governor, and speaker of the house of representatives, 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) the governor is required to appoint two council members to a term expiring September 1, 2027;

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

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

SECTION 8. Makes application of Section 91.019, Natural Resources Code, as amended by this Act, prospective.

SECTION 9. Effective date: September 1, 2025.