

## **BILL ANALYSIS**

C.S.S.B. 34  
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State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

On May 1, 2024, the Texas House Investigative Committee on Panhandle Wildfires published its interim report regarding the 2024 panhandle wildfires, which were the largest in Texas history and burned over one million acres, destroying ranches, livestock, and homes. According to the report, over the past two decades, the magnitude and intensity of wildfires have been growing statewide, with longer fire seasons and increasingly destructive events. The investigative committee examined the factors contributing to the recent fires and highlighted challenges facing the Texas Rural Volunteer Fire Department Assistance Program due to underfunding. The investigative committee reported that, 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. The investigative committee reported that 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, and that 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. C.S.S.B. 34 aims to better prepare the state for ongoing wildfire threats through several key measures by requiring 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. The bill clarifies a memorandum of understanding that requires the Railroad Commission of Texas to notify the Public Utility Commission of Texas about concerning situations at energy and electricity facilities.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 34 requires the Texas A&M Forest Service and West Texas A&M University to jointly conduct a study to determine the status and condition of fuel loading in wildfire risk zones in Texas and the corresponding risk of wildfire to the residents, homes, businesses, and ecology of Texas. The bill requires the forest service and the university to do the following in conducting the study:

- establish wildfire risk zones based on fuel loading, defined by the bill as the amount of combustible material in a defined space expressed quantitatively in terms of weight of fuel per unit area, and the risk of wildfire to the residents, homes, businesses, and ecology of Texas within geographic areas defined by the forest service; and
- solicit and consider information from the Department of Public Safety, the Department of Agriculture, including the Prescribed Burning Board, the Texas Division of Emergency Management, the Parks and Wildlife Department, the Texas Commission on Environmental Quality, the State Soil and Water Conservation Board, the comptroller of public accounts, and other natural resource representatives as necessary.

The bill requires the study to do the following:

- for each wildfire risk zone, consider the following:
  - the risk that fuel loading poses;
  - the projected loss of life, property, and natural resources should a wildfire occur in the zone;
  - the financial impact of costs associated with reconstruction in the zone after a wildfire, potential loss of production in the natural resource and agricultural industries in the zone after a wildfire, and fuel loading mitigation and asset hardening in the zone; and
  - whether the money invested in fuel loading mitigation in the zone exceeds or is less than the value of property protected by the investment and the amount of the excess or shortage;
- assess the overall economic benefits to Texas of prescribed burning, fuel loading control for wildfire prevention, and public investment in fuel loading reduction projects; and
- recommend changes to existing law to ensure that public and private natural resource managers have the authority and ability to appropriately mitigate fuel loading risks in each established risk zone.

C.S.S.B. 34 requires the forest service and the university to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the legislature with primary jurisdiction over the forest service or university or another state agency from which information is solicited under these provisions a written report that includes a summary of the study and any legislative recommendations based on the study not later than December 1, 2026. These provisions relating to the study expire May 1, 2027.

C.S.S.B. 34 amends the Education Code to require the Texas A&M Forest Service to create and maintain a comprehensive database that shows in real time the statewide inventory of firefighting equipment available for use in responding to wildfires that must do the following:

- include a description of the type of firefighting equipment each fire department in Texas has available for use in responding to wildfires;
- include contact information for the fire department with the equipment;
- be searchable by location and equipment type; and
- be accessible by all fire departments in Texas and allow each fire department to update the database information regarding the fire department's available equipment.

The bill requires the forest service to establish and maintain an electronic system to at least annually notify a fire department that provides the department's firefighting equipment information to the database of the requirement to update the information in the database and to assist a fire department that provides the department's firefighting equipment information to the database in updating the database annually or as soon as practicable after any change in equipment availability.

C.S.S.B. 34 amends the Government Code to establish that at least 10 percent of appropriations for a state fiscal year from the volunteer fire department assistance fund for the purpose of providing assistance to volunteer fire departments under the rural volunteer fire department assistance program is allocated for volunteer fire departments located in areas of Texas the forest service determines are at high risk for large wildfires. If the amount of assistance requested in a

state fiscal year is less than the amount allocated for such purposes, the remainder may be used for other types of assistance requests.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 34 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute omits the following provisions of the engrossed that amended the Insurance Code and Natural Resources Code:

- the provision which, under the statutory requirement for the comptroller to assess against all applicable insurers for rural fire protection amounts for each state fiscal year necessary, as determined by the commissioner of insurance, to collect the lesser of the applicable appropriation from the volunteer fire department assistance fund account for that state fiscal year or \$30 million, changed the applicable amount from \$30 million to \$40 million;
- the requirement for an operator to construct, operate, and maintain an electrical power line serving a well site or other surface facility employed in operations incident to oil and gas development and production in accordance with, for an applicable utility that is engaged in the maintenance of an electric transmission and distribution system, relevant rules adopted by the Public Utility Commission of Texas (PUC);
- the requirement for 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 or on the receipt of a written notice submitted by a landowner or lessee, the RRC discovers a condition involving an electrical power line, pole, or other related electrical equipment that does not meet the required standards and poses a risk of causing a fire or injury to a person, to notify the PUC and the operator not later than three days after the date the RRC discovers or receives notice of the condition;
- a provision that required the notice by the RRC to include a description of the condition and, if the condition was discovered at a well site, whether the well is abandoned;
- the requirement for the RRC and the PUC, in collaboration, to take the following actions to resolve the condition not later than 10 days after the date the RRC notifies the PUC:
  - notify the landowner of the property of the conditions and the actions taken by the RRC and the PUC to resolve the condition; and
  - request that the state fire marshal or a local government authority inspect the condition at 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 request that the electric utility providing electric power to the well site or surface facility investigate the condition and disconnect electric power at the point of common coupling meter point, if necessary;
- the requirement for an electric utility, if the electric power to a well site or surface facility is disconnected by the electric utility in response to such a request, to restore electric power to the site or facility on receipt of a notice by the RRC that the condition is resolved; and
- a provision establishing that the Natural Resources Code provisions relating to standards for construction, operation, and maintenance of electrical power lines apply only to an inspection that occurred on or after the bill's effective date.