By: King H.B. No. 1243

A BILL TO BE ENTITLED

AN ACT

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.

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 INTEROPERABILITY COUNCIL; GRANT PROGRAM

Sec. 421.121. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

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

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

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

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

(1) state and local emergency response agencies;

(2) public safety communications professionals;

(3) emergency communication districts created under Chapter 772, Health and Safety Code, including regional emergency communication districts;

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

(5) the Texas Department of Transportation;

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

(7) the Texas Military Department; and

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

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

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

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

Sec. 421.123. MEETINGS. The council shall 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. Chapter 2001 does not apply to the council.

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

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

(A) reveal the grant applicant's confidential

information;

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

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

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

(b) Notwithstanding any other law, the council may 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) Any vote or final action taken on a matter described by Subsection (a) must be conducted in an open meeting.

Sec. 421.1247. GRANT APPLICATION AND DOCUMENTATION CONFIDENTIAL. 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) The council, in collaboration with any state agency or private entity as the council determines appropriate, shall develop a statewide

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

(b) The strategic plan must include:

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

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

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

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

(c) The council shall 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. The council, in collaboration with state agencies as needed, shall 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) The council shall 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) To be eligible for a grant under the grant program, an applicant must 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) 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 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;

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

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

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

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

(3) cover the cost of adapting existing emergency

communication equipment or infrastructure to, or otherwise integrating the equipment or infrastructure with, new emergency communication equipment purchased or infrastructure constructed;

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

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

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

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

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

SECTION 2. Subchapter Z, Chapter 271, Local Government Code, is amended by adding Section 271.909 to read as follows:

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

medical services, and disaster response and recovery.

(b) 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) The governor by rule shall 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. The standards must:

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

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

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

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

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

(f) The governor shall conduct a review requested under Subsection (e) and, not later than the 90th day after the date on which the governor received the request, shall 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) The governor shall 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). The governor shall 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) After a summary denial under Subsection (f)(2), a political subdivision may request the governor to, and if requested the governor shall, specify in writing the deficient standards and provide corrective measures, as described by Subsections (f)(3)(B) and (C).

(i) The governor shall by rule provide procedures for

appealing a denial under Subsection (f).

(j) This section expires January 1, 2029.

SECTION 3. Effective January 1, 2029, Subchapter Z, Chapter 271, Local Government Code, is amended by adding Section 271.910 to read as follows:

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

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

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

(b) 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) The council by rule shall 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. The standards must:

(1) include minimum technical specifications that the

system must meet;

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

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

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

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

(f) The council shall conduct a review requested under Subsection (e) and, not later than the 90th day after the date on which the council received the request, shall 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) The council shall 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). The council shall 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) After a summary denial under Subsection (f)(2), a political subdivision may request the council to, and if requested the council shall, specify in writing the deficient standards and provide corrective measures, as described by Subsections (f)(3)(B) and (C).

(i) The council shall by rule provide procedures for appealing a denial under Subsection (f).

SECTION 4. As soon as practicable after the effective date of this Act, the governor shall appoint members to the Texas Interoperability 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, 2029;

(2) two council members to a term expiring September 1, 2031; and

(3) two council members to a term expiring September 1, 2033.

SECTION 5. Not later than January 1, 2028, the governor shall adopt the rules required by Section 271.909, Local Government Code, as added by this Act.

SECTION 6. (a) In this section:

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

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

(b) Not later than December 1, 2028, the governor and the council shall enter into a memorandum of understanding to transfer on January 1, 2029, from the governor to the council all powers, duties, and functions of the governor's office related to the program, including, as necessary, any employee positions, equipment, facilities, contracts, and appropriated money associated with the program.

(c) On January 1, 2029, 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. Notwithstanding any other law, beginning September 1, 2028, the council may propose rules, forms, policies, and procedures related to the program to be transferred to the council under this Act.

SECTION 7. Except as otherwise provided by this Act, this Act takes effect immediately if it receives a vote of two-thirds of

all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.