

BILL ANALYSIS

H.B. 2694
By: Hamilton
Defense Affairs & State-Federal Relations
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Governor's Division of Emergency Management (GDEM) monitors and coordinates the state response to approximately 6,000 emergency incidents per year. The vast majority are handled by local emergency response units without state assistance. According to GDEM, about ten to 15 incidents per year involve substantial property damage and/or casualties and are considered major. Local officials typically declare a local state of disaster and request assistance from the state. GDEM deploys its disaster recovery staff to work with local governments on damage assessments. Of those major incidents, approximately 1.7 per year qualify for federal disaster declarations, which typically require damages of approximately \$22 million dollars (\$1 per state resident). A Federal disaster declaration activates a wide variety of federal disaster recovery programs, with the Federal Emergency Management Agency (FEMA) picking up the cost of most preventative and response activities and recovery programs. For the remaining incidents, local governments and state agencies end up paying the costs of response to these incidents and to repair the damage caused by them. Many local governments and some state agencies do not have the funds to pay for both unexpected response costs and repairs.

HB 2694 amends the Government Code to provide that state agencies, local governments, and other eligible entities may request funding to pay for expenses incurred in implementing preventative measures and in repairing damage suffered during a major incident for which the federal government has not issued an emergency or disaster declaration.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Governor's Division of Emergency Management in SECTION 1 [Section 418.073(d), Government Code] of this bill.

ANALYSIS

HB 2694 amends the Government Code to state that it is the intent of the legislature that in responding to an emergency or disaster, the first recourse of state and local agencies should be their own regularly appropriated funds. It provides that state agencies, local governments, or other eligible entities may request funding from the disaster contingency fund to pay for extraordinary costs incurred in implementing preventative measures taken before or during an emergency and costs incurred in repairing damage suffered during a disaster for which the presiding officer of a municipal or county government has declared a local state of disaster, also, the governor has declared a state of disaster and the federal government has not issued an emergency or disaster declaration for the affected area that would activate federal emergency assistance.

HB 2694 requires that the Governor's Division of Emergency Management administer the disaster contingency fund and develop and implement rules and procedures for providing emergency assistance from the fund.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.