

BILL ANALYSIS

C.S.H.B. 3943

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Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, there is no requirement that elected and appointed officers attend trainings to prepare for local or state emergencies. In the wake of disasters such as Hurricane Katrina, elected and appointed officers should receive this valuable training to assist them in their leadership roles, especially during an emergency or disaster.

C.S.H.B. 3943 requires each elected or appointed officer of the state or a political subdivision, whose duties include emergency management responsibilities, to take an emergency preparedness class within 180 days after taking the oath of office.

RULEMAKING AUTHORITY

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

ANALYSIS

CSSB 3943 amends the Government Code by adding a requirement that each elected or appointed public officer of the state or a political subdivision whose duties include emergency management responsibilities or who plays a role in emergency preparedness, response, or recovery to complete an emergency preparedness course of not less than three (3) hours in length within 180 days of taking the oath of office. It also requires the Division of Emergency Management to develop and provide a training course related to the respective emergency management responsibilities of state-level officers and officers of political subdivisions, that satisfies the requirements of the statute. It allows the Division to either provide the training, or approve an acceptable course offered by another governmental body or other entity, and it must make the course available for wide dissemination at no cost.

CSSB 3943 requires the division or entity providing the training to provide a certificate of course completion, and that the certificate of completion must be maintained and made available for public inspection. It also clarifies that the failure of one or more public officers of the state or political subdivisions of the state to complete the training does not affect the validity of an action taken by the state or the political subdivision. It includes a provision that county commissioners may apply the hours spent in the training course towards their continuing education requirements. It also requires that each public officer who has taken the oath of office for a state or local government office prior to January 1, 2008 and is required to complete a course of training under this bill, must complete the required training not later than January 1, 2009.

EFFECTIVE DATE

This Act takes effect September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

Instead of requiring each elected or appointed public officer of the state or political subdivision to complete the training course as in HB 3943, CSHB 3943 makes the course a requirement only for those officers whose duties include emergency management responsibilities or if they play a role in emergency preparedness, response or recovery. CSHB 3943 also reduces the length of the required training course to no more than three (3) hours instead of HB 3943's required course length of not less than five (5) hours. CSHB 3943 extends the time limit an officer has to comply with the training requirement from completing it within 90 days after assuming responsibilities of the office, to 180 days after taking the oath.

The substitute requires the Division of Emergency Management to develop and provide a training course that satisfies the requirements of the bill and that is relevant to the respective duties of the state-level

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officers and officers of a political subdivision, whereas HB 3943 required the Division to make sure the training is made available.

CSHB 3943 also changes terminology, striking the term "official(s)" (as used in the introduced version) and replacing it with the term "officer(s)." The substitute makes this conforming change throughout.

The substitute allows the county commissioners to apply the hours spent in the training course towards their continuing education requirements.

CSHB 3943 requires that each public officer who has taken the oath of office for state or local government before January 1, 2008 and who is required to complete the training must do so not later than January 1, 2009, while the introduced version requires that each elected or appointed public official of the state or a political subdivision of the state who has taken the oath of office or otherwise assumed the person's responsibilities before January 1, 2008 to complete the requisite training course no later than January 1, 2009.

CSHB 3943 stipulates that this Act takes effect on September 1, 2007, whereas the introduced version stipulates that the Act take effect on January 1, 2008.