

By: Eiland

H.B. No. 3856

A BILL TO BE ENTITLED

AN ACT

relating to the state's current and future response to disasters and to preparations for disasters; making an appropriation for the purpose of providing disaster relief.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 418.073(c), Government Code, as added by Chapter 1250 (H.B. 2694), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(c) A state or ~~[agency,~~ local government~~[, or other eligible]~~ entity that participates in disaster preparation or disaster recovery may request and receive funding from the disaster contingency fund to pay for~~+~~

~~[(1) extraordinary]~~ costs incurred by the state or local government entity in preparing for or recovering from ~~[implementing preventive measures taken before or during an emergency, and~~

~~[(2) costs incurred in repairing damage suffered during]~~ a disaster ~~[for which+~~

~~[(A) the presiding officer of a municipal or county government has declared a local state of disaster for affected areas within the jurisdiction of the municipality or county, and~~

~~[(B) the governor has also declared a state of disaster for the affected county or counties].~~

SECTION 2. Section 418.073, Government Code, is amended by adding Subsection (f) to read as follows:

(f) A state or local government entity that receives funding from the disaster contingency fund to pay for costs associated with disaster preparation or disaster recovery and that subsequently receives reimbursement from the federal government for those same costs shall reimburse the disaster contingency fund for the federally reimbursed amounts. In developing rules and procedures under Subsection (d) the governor's division of emergency management shall prescribe accounting and other procedures necessary to efficiently and effectively implement this subsection.

SECTION 3. (a) An amount not to exceed \$100 million is appropriated out of the economic stabilization fund for transfer to the disaster contingency fund and is appropriated for expenditure out of the disaster contingency fund to the trustee programs within the office of the governor for the two-year period beginning on the effective date of this Act for the purpose of providing disaster relief. Money may not be transferred out of the economic stabilization fund or expended from the disaster contingency fund under this section without the prior written approval of the Legislative Budget Board given in response to a request for that approval from the office of the governor.

(b) The amounts appropriated by Subsection (a) of this section may be transferred to the disaster contingency fund and expended out of the disaster contingency fund only serially as conditions warrant. The Legislative Budget Board may not approve at

1 any one time a transfer or expenditure under this section in an
2 amount that exceeds \$25 million, but the board may concurrently
3 approve under this section the transfer of an amount out of the
4 economic stabilization fund and the expenditure out of the disaster
5 contingency fund of all or part of that amount.

6 SECTION 4. Section 3 of this Act takes effect only if this
7 Act receives a two-thirds vote of the members present in each house
8 as required by Section 49-g, Article III, Texas Constitution.

9 SECTION 5. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, then
13 except as otherwise provided by this Act, this Act takes effect on
14 the 91st day after the last day of the legislative session.