

By: Eiland, Guillen

H.B. No. 4102

A BILL TO BE ENTITLED

AN ACT

relating to the disaster contingency fund.

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 entity~~[,~~] or other eligible entity that participates in disaster recovery may request and receive funding from the disaster contingency fund to pay for~~[+~~

~~[(1) extraordinary] costs incurred in recovering from [implementing preventive measures taken before or during an emergency, and~~

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

(1) ~~[(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

(2) ~~[(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 Subsections (f), (g), and (h) to read as follows:

(f) A state or local government entity or other eligible entity that receives funding from the disaster contingency fund to

1 pay for costs associated with disaster recovery and that
2 subsequently receives reimbursement from the federal government,
3 an insurer, or another source for those same costs shall reimburse
4 the disaster contingency fund for the reimbursed amounts. In
5 developing rules and procedures under Subsection (d) the governor's
6 division of emergency management shall prescribe accounting and
7 other procedures necessary to efficiently and effectively
8 implement this subsection.

9 (g) Money in the disaster contingency fund may be used to
10 pay for a disaster risk financing instrument using a parametric
11 index based on affected population to leverage available funds and
12 receive proceeds greater than appropriated amounts to pay for
13 extraordinary expenses.

14 (h) Money in the disaster contingency fund may be used to
15 provide to a local government entity that is suffering financial
16 hardship as a result of a disaster declared under this chapter funds
17 for the purpose of:

18 (1) providing local matching funds for Federal
19 Emergency Management Agency qualifying projects; or

20 (2) preventing default on outstanding bonds or meeting
21 other financial requirements.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2009.