

1-1 By: Eiland, Guillen (Senate Sponsor - Carona) H.B. No. 4102
1-2 (In the Senate - Received from the House May 1, 2009;
1-3 May 6, 2009, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 18, 2009, reported
1-5 favorably by the following vote: Yeas 7, Nays 0; May 18, 2009, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the disaster contingency fund.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 418.073(c), Government Code, as added by
1-12 Chapter 1250 (H.B. 2694), Acts of the 80th Legislature, Regular
1-13 Session, 2007, is amended to read as follows:

1-14 (c) A state or ~~[agency,]~~ local government entity~~[,]~~ or other
1-15 eligible entity that participates in disaster recovery may request
1-16 and receive funding from the disaster contingency fund to pay for~~[+]~~
1-17 ~~[(1) extraordinary] costs incurred in recovering from~~
1-18 ~~[implementing preventive measures taken before or during an~~
1-19 ~~emergency; and~~

1-20 ~~[(2) costs incurred in repairing damage suffered~~
1-21 ~~during] a disaster for which:~~

1-22 (1) ~~[(A)]~~ the presiding officer of a municipal or
1-23 county government has declared a local state of disaster for
1-24 affected areas within the jurisdiction of the municipality or
1-25 county; and

1-26 (2) ~~[(B)]~~ the governor has also declared a state of
1-27 disaster for the affected county or counties.

1-28 SECTION 2. Section 418.073, Government Code, is amended by
1-29 adding Subsections (f), (g), and (h) to read as follows:

1-30 (f) A state or local government entity or other eligible
1-31 entity that receives funding from the disaster contingency fund to
1-32 pay for costs associated with disaster recovery and that
1-33 subsequently receives reimbursement from the federal government,
1-34 an insurer, or another source for those same costs shall reimburse
1-35 the disaster contingency fund for the reimbursed amounts. In
1-36 developing rules and procedures under Subsection (d) the governor's
1-37 division of emergency management shall prescribe accounting and
1-38 other procedures necessary to efficiently and effectively
1-39 implement this subsection.

1-40 (g) Money in the disaster contingency fund may be used to
1-41 pay for a disaster risk financing instrument using a parametric
1-42 index based on affected population to leverage available funds and
1-43 receive proceeds greater than appropriated amounts to pay for
1-44 extraordinary expenses.

1-45 (h) Money in the disaster contingency fund may be used to
1-46 provide to a local government entity that is suffering financial
1-47 hardship as a result of a disaster declared under this chapter funds
1-48 for the purpose of:

1-49 (1) providing local matching funds for Federal
1-50 Emergency Management Agency qualifying projects; or

1-51 (2) preventing default on outstanding bonds or meeting
1-52 other financial requirements.

1-53 SECTION 3. This Act takes effect immediately if it receives
1-54 a vote of two-thirds of all the members elected to each house, as
1-55 provided by Section 39, Article III, Texas Constitution. If this
1-56 Act does not receive the vote necessary for immediate effect, this
1-57 Act takes effect September 1, 2009.

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