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S.B. No. 1461

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the disaster reconstruction
3 coordination office within the governor's office; creating the
4 disaster contingency account.

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

6 SECTION 1. Subtitle B, Title 4, Government Code, is amended
7 by adding Chapter 423 to read as follows:

8 CHAPTER 423. DISASTER RECONSTRUCTION COORDINATION OFFICE

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 423.001. DEFINITIONS. In this chapter:

11 (1) "Conservator" means a conservator appointed under
12 Subchapter D.

13 (2) "Disaster" has the meaning assigned by Section
14 418.004.

15 (3) "Executive director" means the executive director
16 of the office.

17 (4) "Office" means the disaster reconstruction
18 coordination office established under this chapter.

19 Sec. 423.002. DISASTER RECONSTRUCTION COORDINATION OFFICE.
20 The disaster reconstruction coordination office is an office within
21 the office of the governor.

22 Sec. 423.003. SUNSET PROVISION. The disaster
23 reconstruction coordination office is subject to Chapter 325 (Texas
24 Sunset Act). Unless continued in existence as provided by that

1 chapter, the office is abolished and this chapter expires September
2 1, 2021.

3 [Sections 423.004-423.050 reserved for expansion]

4 SUBCHAPTER B. ADMINISTRATION

5 Sec. 423.051. EXECUTIVE DIRECTOR. (a) The governor shall
6 appoint an executive director of the office.

7 (b) The executive director must have:

8 (1) experience in the administration of a state or
9 federal program; and

10 (2) demonstrated executive and organizational
11 abilities.

12 (c) The executive director serves at the pleasure of the
13 governor.

14 Sec. 423.052. GENERAL DUTIES OF EXECUTIVE DIRECTOR. (a)
15 The executive director, under the direction of the governor, shall
16 manage the affairs of the office, including:

17 (1) establishing office policy;

18 (2) implementing legislation that affects the office;

19 (3) reviewing and commenting on the office's budget;

20 (4) conducting investigations and studies, as
21 appropriate;

22 (5) acting as ombudsman for governmental agencies
23 involved in reconstruction following a disaster in this state; and

24 (6) developing long-range plans for the future goals
25 and needs of the office.

26 (b) The executive director may adopt rules as necessary to
27 implement this chapter.

1 Sec. 423.053. STATE RECONSTRUCTION PLAN. The executive
2 director shall examine state and federal programs relating to
3 reconstruction following a disaster, including housing and
4 infrastructure programs, to:

5 (1) identify best practices for reconstruction
6 following a disaster;

7 (2) develop a coordinated state reconstruction plan
8 that implements best practices identified under Subdivision (1);
9 and

10 (3) work with federal, state, and local governmental
11 entities to:

12 (A) resolve infrastructure, capacity, and
13 statutory problems that inhibit the use of reconstruction resources
14 following a disaster; and

15 (B) reduce inhibitive regulations by improving
16 communication and cooperation between those governmental entities.

17 Sec. 423.054. GIFTS, GRANTS, AND DONATIONS. In addition to
18 money appropriated to the office, the executive director may
19 solicit, accept, and receive a gift, grant, donation, or other
20 thing of value from any public or private source for purposes of
21 this chapter.

22 Sec. 423.055. ANNUAL REPORT. The executive director
23 annually shall prepare and submit a report to the governor
24 regarding the office's activities.

25 Sec. 423.056. AGENCY LIAISONS. (a) The heads of each of the
26 following state agencies shall designate an officer or employee of
27 the agency who is a deputy executive director or person of

1 equivalent or higher authority at the agency to serve as the
2 agency's liaison to the office:

- 3 (1) the Texas Department of Rural Affairs;
- 4 (2) the Texas Water Development Board;
- 5 (3) the Texas Commission on Environmental Quality;
- 6 (4) the Texas Department of Housing and Community
7 Affairs;
- 8 (5) the Health and Human Services Commission;
- 9 (6) the Parks and Wildlife Department;
- 10 (7) the Texas Department of Transportation;
- 11 (8) the Department of Public Safety of the State of
12 Texas;
- 13 (9) the office of the secretary of state;
- 14 (10) the Department of Agriculture;
- 15 (11) the office of the comptroller; and
- 16 (12) the Texas Division of Emergency Management.

17 (b) This section does not authorize the creation of a new
18 position at a state agency.

19 (c) An agency liaison shall advise the executive director
20 and make recommendations regarding disaster reconstruction across
21 the different regions of this state.

22 [Sections 423.057-423.100 reserved for expansion]

23 SUBCHAPTER C. TASK FORCE

24 Sec. 423.101. ESTABLISHMENT OF TASK FORCE. (a) The
25 executive director shall appoint a task force composed of the
26 following members:

- 27 (1) at least one representative from each state

1 agency, represented by an agency liaison under Section 423.056, who
2 is a deputy executive director or person of equivalent or higher
3 authority at the agency;

4 (2) two representatives of organizations that
5 represent the interests of communities that have been impacted by a
6 disaster in the five years prior to the date the appointment is
7 made;

8 (3) two county officials from coastal counties;

9 (4) one member of a council of government that serves
10 predominantly a rural region of this state;

11 (5) one member of a council of government that serves
12 predominantly a metropolitan region of this state;

13 (6) two officials from small municipalities in this
14 state; and

15 (7) two board members of nonprofit or community
16 development organizations in this state.

17 (b) In making appointments, the executive director shall
18 ensure that different geographic regions of this state are fairly
19 represented.

20 (c) The members of the task force serve at the pleasure of
21 the executive director.

22 (d) The executive director shall serve as the presiding
23 officer of the task force.

24 (e) Chapter 2110 does not apply to the task force.

25 Sec. 423.102. DUTIES OF TASK FORCE. The task force shall:

26 (1) advise the executive director and make
27 recommendations regarding reconstruction following a disaster

1 across the different regions of this state; and

2 (2) assist the executive director in developing the
3 state reconstruction plan required by Section 423.053.

4 [Sections 423.103-423.150 reserved for expansion]

5 SUBCHAPTER D. NATURAL DISASTER RECOVERY CONSERVATORSHIP

6 Sec. 423.151. DEFINITION. In this subchapter, "state
7 agency" has the meaning assigned by Section 2104.001.

8 Sec. 423.152. APPOINTMENT OF CONSERVATOR. (a) For the
9 purpose of efficiently and effectively administering state or
10 federal emergency funds in response to a disaster, the governor,
11 with the advice and consent of the senate and in the manner
12 described by Subchapter B, Chapter 2104, may appoint a conservator
13 of a state agency that has been charged by the governor with the
14 administration of state or federal disaster recovery funds at any
15 time during the seven years prior to the appointment of the
16 conservator.

17 (b) The governor may appoint the executive director to serve
18 as a conservator under this subchapter.

19 Sec. 423.153. GENERAL POWERS AND DUTIES OF CONSERVATOR.

20 (a) In addition to the powers of a conservator under Section
21 2104.023, a conservator shall assume the powers and duties of the
22 officers responsible for policy direction of the state agency
23 subject to the conservatorship, to the extent that those powers and
24 duties relate to the administration of emergency funds following a
25 disaster.

26 (b) Subject to Subsection (d), the conservator may direct
27 the use of funds from the disaster contingency account established

1 under Subchapter E and any other available funding sources to
2 reconstruction efforts of the state agency subject to the
3 conservatorship.

4 (c) The conservator may not use more than 20 percent of the
5 total amount of funds available in the disaster contingency account
6 for reconstruction efforts in response to a single declared
7 disaster.

8 (d) The conservator may adopt and enforce rules as necessary
9 to administer the conservatorship for which the conservator is
10 appointed.

11 Sec. 423.154. REPORT BY CONSERVATOR. (a) A conservator
12 shall report to the governor on the conservatorship not later than
13 the 60th day after the date on which the governor appoints the
14 conservator and at the end of each subsequent 60-day period until
15 the conservatorship is dissolved.

16 (b) A report under this section must include:

17 (1) all measures taken to ensure the efficient and
18 effective use of resources directed toward reconstruction in
19 response to the disaster for which the conservator was appointed;
20 and

21 (2) an estimate of the progress the conservator has
22 made in completing reconstruction efforts at the state agency
23 subject to the conservatorship.

24 Sec. 423.155. DURATION OF CONSERVATORSHIP. (a) A
25 conservatorship begins on the date that the governor appoints the
26 conservator.

27 (b) A conservatorship continues in effect until the earlier

1 of:

2 (1) the governor's termination of the state of
3 disaster under Section 418.014; or

4 (2) the conservator's finding that reconstruction
5 efforts following the disaster are completed at the agency subject
6 to the conservatorship.

7 [Sections 423.156-423.200 reserved for expansion]

8 SUBCHAPTER E. DISASTER CONTINGENCY ACCOUNT

9 Sec. 423.201. DISASTER CONTINGENCY ACCOUNT. (a) The
10 disaster contingency account is created in the general revenue
11 fund.

12 (b) The account is composed of:

13 (1) legislative appropriations;

14 (2) gifts, grants, donations, and matching funds
15 received under Section 423.054; and

16 (3) other money required by law to be deposited in the
17 account.

18 (c) Income from the account shall be credited to the
19 account. Sections 403.095 and 404.071 do not apply to the account.

20 (d) The legislature may appropriate money from the disaster
21 contingency account created under Subsection (a) only for purposes
22 authorized under this chapter.

23 SECTION 2. (a) The governor shall appoint the executive
24 director of the disaster reconstruction coordination office as
25 required by Section 423.051, Government Code, as added by this Act,
26 not later than October 1, 2011.

27 (b) Not later than January 1, 2012:

1 (1) the executive director of the disaster
2 reconstruction coordination office shall appoint the members of the
3 task force as required by Section 423.101, Government Code, as
4 added by this Act; and

5 (2) the heads of each of the state agencies listed in
6 Section 423.056, Government Code, as added by this Act, shall
7 designate agency liaisons as required by that section.

8 (c) The executive director of the disaster reconstruction
9 coordination office shall submit the initial report required by
10 Section 423.055, Government Code, as added by this Act, not later
11 than September 1, 2012.

12 SECTION 3. Notwithstanding Section 4 of this Act, the
13 governor may appoint a conservator under Subchapter D, Chapter 423,
14 Government Code, as added by this Act, for purposes of
15 reconstruction related to a natural disaster that occurred on or
16 after September 1, 2004.

17 SECTION 4. This Act takes effect September 1, 2011.