

BILL ANALYSIS

S.B. 1376
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Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that, following each disaster that Texas has faced over the last decade, clear issues in disaster recovery have emerged, such as the length of time taken to rebuild single-family homes assisted through locally administered state-coordinated programs, limited funds, and the lack of coordination of natural disaster reconstruction among state agencies. S.B. 1376 seeks to build on the lessons learned over the past decade of disaster reconstruction and improve publicly administered disaster recovery programs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the General Land Office in SECTION 1 of this bill.

ANALYSIS

S.B. 1376 amends the Government Code to require the General Land Office (GLO) to receive and administer federal and state funds appropriated for long-term natural disaster recovery. The bill requires the GLO to collaborate with the Texas Division of Emergency Management and the Federal Emergency Management Agency (FEMA) to secure reimbursement for housing needs in areas affected by natural disasters, to seek prior approval from FEMA and the U.S. Department of Housing and Urban Development for the immediate post-disaster implementation of local housing recovery plans accepted by the GLO and approved by the governor under the bill's provisions, and to maintain a division with adequate staffing and other administrative support to carry out the GLO's duties relating to long-term natural disaster recovery. The bill authorizes the GLO to adopt rules as necessary to implement the GLO's duties under the bill's provisions. The bill authorizes the governor to designate a state agency to be responsible for long-term natural disaster recovery instead of the GLO. The bill specifies that if the governor designates such an alternate state agency, a reference to the GLO in the bill means that designated state agency.

S.B. 1376 authorizes a local government to develop and adopt a local housing recovery plan to provide for the rapid and efficient construction of permanent replacement housing following a natural disaster. The bill requires a local government, in developing the plan, to seek input from stakeholders in the community and neighboring local governments. The bill authorizes a local government to submit such a plan to the Hazard Reduction and Recovery Center at Texas A&M University for certification.

S.B. 1376 requires the center to review and certify local housing recovery plans submitted to the center by local governments and to establish criteria for certifying a plan. The bill sets out the

criteria for the certification of a plan by the center. The bill requires the center, if the center determines that a plan does not meet the prescribed criteria, to identify the plan's deficiencies and assist the local government in revising the plan to meet the criteria. The bill requires the center to provide training to local governments and community-based organizations on developing a plan. The bill requires a local government that submits a plan to the center for certification to designate at least one representative to attend the center's training and sets out the information that the training is required to include. The bill requires the center to create and maintain mapping and data resources related to natural disaster recovery and planning, including the Texas Coastal Communities Planning Atlas. The bill requires the center to assist a local government on request in identifying areas that are vulnerable to natural disasters and to provide recommendations to the Texas Department of Insurance regarding the development of policies, procedures, and education programs to enable the quick and efficient reporting and settling of housing claims related to natural disasters. The bill authorizes the center to seek and accept gifts, grants, donations, and other funds to assist the center in fulfilling its duties with respect to the review and certification of plans.

S.B. 1376 requires the center to submit to the GLO a local housing recovery plan certified by the center and requires the GLO to review the plan and consult with the center and the local government about any potential improvements the GLO may identify. The bill requires the GLO, in reviewing the plan, to give deference to the local government regarding matters in the local government's discretion. The bill requires the GLO, on completion of the review, to accept the plan unless the GLO determines that the plan does not satisfy the certification criteria, provide for the rapid and efficient construction of permanent replacement housing, or comply with applicable state and federal law.

S.B. 1376 requires the GLO to submit to the governor for approval or rejection a local housing recovery plan that the GLO accepts. The bill requires the governor, if the governor rejects a plan, to provide a written explanation of the reasons for the rejection. The bill authorizes a local government, in consultation with the center and the GLO, to revise a plan rejected by the governor and resubmit the plan to the governor for approval. The bill establishes that a plan approved by the governor is valid for four years and may be implemented during that period without further approval if a natural disaster occurs. The bill authorizes the plan, in accordance with rules adopted by the GLO, on or before expiration, to be reviewed by the center and the GLO, updated if necessary, and resubmitted to the governor for approval or rejection.

EFFECTIVE DATE

September 1, 2015.