

BILL ANALYSIS

Senate Research Center

S.B. 799
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Business & Commerce
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the Texas General Land Office's post-Harvey report, Texas at Risk, the first recommendation made was the creation of a Business Advisory Council by the state. The goal of the council will be to serve as a conduit for private business expertise in natural disaster mitigation and recovery.

The Texas private sector has developed out of necessity a remarkable level of expertise in disaster recovery, mitigation, and resilience efforts. The private sector could add considerable value to state and local recovery managers if a formal mechanism could be created for seeking the input of the business community on disaster recovery, particularly on housing issues.

What the bill does:

Creates the Business Advisory Council by statute, provides for the appointment of members and the length of their terms, dictates how the council shall elect its president, and lays out the protocol for the council's annual report.

This Council is not to be a new state agency, nor is it to be authorized to spend money, write regulations, or implement programs.

Highlights:

Of the 12 councilmembers four shall be appointed by the governor, four by the lieutenant governor, and four by the speaker of the house of representatives.

The councilmembers shall be appointed to staggered four-year terms.

Councilmembers shall not be entitled to compensation, only reimbursement for travel expenses.

The council shall elect a president from among its members.

The council shall submit a report on its activities, advice, and proposed solutions to the Governor, the Lieutenant Governor, and the Speaker of the House. (Original Author's/Sponsor's Statement of Intent)

S.B. 799 amends current law relating to emergency management and disaster recovery.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is modified in SECTION 9 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.003(6), Education Code, as follows:

(6) Includes The University of Texas at El Paso Museum, Texas A&M AgriLife Research, Texas A&M AgriLife Extension Service, Texas A&M Engineering Experiment Station, Texas A&M Engineering Extension Service, Texas A&M Forest

Service, Texas Division of Emergency Management (TDEM), and Texas A&M Veterinary Medical Diagnostic Laboratory among the entities included in the definition of "other agency of higher education." Removes Texas Western University Museum, Texas Agricultural Experiment Station, and Texas A&M Agricultural Extension Service from the definition. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 88.001, Education Code, to include TDEM (see Subchapter C (Texas Division of Emergency Management), Chapter 418, Government Code) among the agencies and services of the Texas A&M University System, redesignate existing Subdivision (6) as Subdivision (7), and make conforming and nonsubstantive changes throughout.

SECTION 3. Amends Section 418.013(b), Government Code, to require the governor, at least once each biennium, to review the composition of the emergency management council and, if necessary, update or expand the participating entities.

SECTION 4. Amends Section 418.041, Government Code, as follows:

Sec. 418.041. ORGANIZATION. (a) Provides that TDEM is a component of The Texas A&M University System (TAMU System), rather than is a division of the Department of Public Safety of the State of Texas (DPS).

(b) Provides that TDEM is managed by a chief appointed by the governor, rather than managed by a chief appointed by the public safety director of DPS (director), with the approval of the governor. Provides that the chief serves at the pleasure of the governor, rather than at the pleasure of the director.

(c) Removes a representative of the governor's office of homeland security from the list of entities that are required to meet and coordinate certain efforts at least every two months and renumbers the list accordingly.

(d) Makes no changes to this subsection.

(e) Requires TDEM to manage and staff the state operations center under an agreement with DPS.

SECTION 5. Amends Section 418.050(c), Government Code, to make a nonsubstantive change.

SECTION 6. Amends Section 418.051(c), Government Code, to make nonsubstantive and conforming changes.

SECTION 7. Amends Subchapter C, Chapter 418, Government Code, by adding Sections 418.054, 418.055, and 418.056, as follows:

Sec. 418.054. BUSINESS ADVISORY COUNCIL. (a) Defines "advisory council."

(b) Establishes the business advisory council to provide advice and expertise on actions state and local governments can take to assist businesses in recovering from a disaster.

(c) Provides that the advisory council is composed of 12 members who represent business in this state appointed in a certain manner.

(d) Provides that the members of the advisory council serve staggered four-year terms.

(e) Entitles an advisory council member to reimbursement for travel expenses incurred by the member while conducting the business of the advisory council, but does not entitle a member to compensation.

(f) Requires the advisory council members to elect a presiding officer from among the members.

(g) Requires the advisory council to advise TDEM on policies, rules, and program operations to assist businesses in recovering from a disaster, advise TDEM on the state resources and services needed to assist businesses in recovering from a catastrophic loss of electric power, and propose solutions to address inefficiencies or problems in the state or local governmental disaster response with respect to impact on businesses and the economy.

(h) Requires the advisory council to meet at the times and locations determined by the presiding officer, not to exceed four meetings each year.

(i) Requires the advisory council, not later than November 1 of each even-numbered year, to submit a report on the advisory council's activities, advice, and proposed solutions to TDEM, the governor, the lieutenant governor, and the speaker of the house of representatives.

(j) Requires TDEM to provide administrative support to the advisory council.

(k) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the advisory council.

Sec. 418.055. WET DEBRIS WORK GROUP. (a) Defines "wet debris" and "work group" for purposes of this section.

(b) Provides that the wet debris work group is established and composed of representatives of TDEM, any other state agencies selected by TDEM, and local and federal governmental entities.

(c) Provides that the chief of TDEM serves as chair of the work group.

(d) Requires the work group to conduct a study to:

(1) identify wet debris removal categories for bodies of water in the state and the applicable laws for each category, current jurisdictions of local, state, federal, and private entities responsible for wet debris removal, including any concurrent, joint, or overlapping roles and responsibilities of those entities, funding sources applicable to each wet debris removal category, and issues that impede wet debris removal; and

(2) provide recommendations for minimizing impediments to wet debris removal, clarifying local, state, federal, and private entities' roles and responsibilities for wet debris removal, and educating interested persons on the results of the study described by this subsection.

(e) Requires the work group, not later than November 1, 2020, to submit a report containing the results of the study described by Subsection (d) to each member of the legislature.

(f) Provides that the work group is abolished and this section expires January 1, 2021.

Sec. 418.056. DISASTER RECOVERY TASK FORCE. (a) Requires TDEM to develop a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters by providing specialized assistance for communities and individuals to address financial issues, available federal assistance programs, and recovery and resiliency planning to speed recovery efforts at the local level.

(b) Authorizes the disaster recovery task force to include and use the resources of any appropriate state agencies, including institutions of higher education, and organized volunteer groups.

(c) Requires the disaster recovery task force to develop procedures for preparing and issuing a report listing each project related to a disaster that qualifies for federal assistance. Requires a report to be submitted to the appropriate federal agencies as soon as practicable after any disaster.

(d) Requires the disaster recovery task force, once each quarter, to brief members of the legislature, legislative staff, and state agency personnel on the response and recovery efforts for previous disasters and any preparation or planning for potential future hazards, threats, or disasters.

SECTION 8. Requires the governor, lieutenant governor, and speaker of the house of representatives, as soon as practicable after the effective date of this Act, to appoint members to the business advisory council, as required by Section 418.054, Government Code, as added by this Act, as follows:

(1) requires the governor to appoint two members to terms expiring February 1, 2021, one member to a term expiring February 1, 2022, and one member to a term expiring February 1, 2023;

(2) requires the lieutenant governor to appoint one member to a term expiring February 1, 2021, two members to terms expiring February 1, 2022, and one member to a term expiring February 1, 2023; and

(3) requires the speaker of the house of representatives to appoint one member to a term expiring February 1, 2021, one member to a term expiring February 1, 2022, and two members to terms expiring February 1, 2023.

SECTION 9. (a) Provides that, on September 1, 2019:

(1) the administration of TDEM is required to be transferred from DPS to TAMU System;

(2) all rules, policies, procedures, and decisions of DPS relating to the administration of TDEM are continued in effect as rules, policies, procedures, and decisions of the TAMU System until superseded by a rule or other appropriate action by the TAMU System;

(3) an employee of TDEM as operated by DPS becomes an employee of TDEM under the TAMU System;

(4) a reference in law or administrative rule to DPS relating to the administration of TDEM means the TAMU System; and

(5) DPS is responsible for the employer contribution for the cost of retiree insurance for employees of TDEM who retire from TDEM before September 1, 2019.

(b) Requires DPS and the TAMU System, not later than June 1, 2019, to enter into a memorandum of understanding relating to the transfer of the administration of TDEM from DPS to the TAMU System as provided by this Act. Requires the memorandum to include:

(1) a timetable and specific steps and methods for the transfer on September 1, 2019, of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, and unspent and unobligated appropriations and other funds relating to the administration of TDEM from DPS to the TAMU System;

(2) measures to ensure against any unnecessary disruption to the operation of TDEM during the transfer process; and

(3) a provision that the terms of any memorandum of understanding entered into previously by the governor, the TAMU System, DPS, and TDEM and related to the transfer remain in effect until the transfer is completed.

SECTION 10. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2019.

(b) Effective date, Sections 1, 2, 3, 4, 5, 6, and 9 of this Act: upon passage or September 1, 2019.