By:  Morrison, et al. (Senate Sponsor - Kolkhorst) H.B. No. 2794

(In the Senate - Received from the House April 23, 2019; April 24, 2019, read first time and referred to Committee on Water & Rural Affairs; May 15, 2019, reported favorably by the following vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Perry           X

Creighton       X

Alvarado        X

Johnson         X

Kolkhorst       X

Rodríguez       X

Taylor          X

A BILL TO BE ENTITLED

AN ACT

relating to the administration of emergency management in this state.

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

SECTION 1.  Section 61.003(6), Education Code, is amended to read as follows:

(6)  "Other agency of higher education" means The University of Texas System, System Administration; The University of Texas at El Paso [~~Western University~~] Museum; The Texas A&M University System, Administrative and General Offices; Texas A&M AgriLife Research [~~Agricultural Experiment Station~~]; Texas A&M AgriLife [~~Agricultural~~] Extension Service; Rodent and Predatory Animal Control Service (a part of the Texas A&M AgriLife [~~Agricultural~~] Extension Service); Texas A&M Engineering Experiment Station (including the Texas A&M Transportation Institute); Texas A&M Engineering Extension Service; Texas A&M Forest Service; Texas Division of Emergency Management; Texas Tech University Museum; Texas State University System, System Administration; Sam Houston Memorial Museum; Panhandle-Plains Historical Museum; Cotton Research Committee of Texas; Texas Water Resources Institute [~~of Texas~~]; Texas A&M Veterinary Medical Diagnostic Laboratory; and any other unit, division, institution, or agency which shall be so designated by statute or which may be established to operate as a component part of any public senior college or university, or which may be so classified as provided in this chapter.

SECTION 2.  Section 88.001, Education Code, is amended to read as follows:

Sec. 88.001.  AGENCIES AND SERVICES. The agencies and services of the Texas A&M [~~A & M~~] University System are:

(1)  the Texas A&M Forest Service (see Subchapter B of this chapter);

(2)  [~~the~~] Texas A&M AgriLife Research [~~Agricultural Experiment Station~~] (see Subchapter C of this chapter);

(3)  the Texas A&M AgriLife [~~Agricultural~~] Extension Service, established by action of the board of directors;

(4)  the Texas A&M Engineering Experiment Station, established by action of the board of directors;

(5)  the Texas A&M Engineering Extension Service, established by action of the board of directors;

(6)  the Texas Division of Emergency Management (see Subchapter C, Chapter 418, Government Code); and

(7) [~~(6)~~]  other agencies and services that may be established by law or by action of the board of directors.

SECTION 3.  Section 418.013(b), Government Code, is amended to read as follows:

(b)  The emergency management council is composed of representatives of state agencies, boards, commissions, and organized volunteer groups designated by the head of each entity. At least once each biennium, the governor shall review the composition of the council and, if necessary, update or expand the participating entities.

SECTION 4.  Section 418.041, Government Code, is amended to read as follows:

Sec. 418.041.  ORGANIZATION. (a) The Texas Division of Emergency Management is a component [~~division~~] of The Texas A&M University System [~~the department~~].

(b)  The division is managed by a chief appointed by the [~~public safety director of the department, with the approval of the~~] governor. The chief serves at the pleasure of the governor [~~public safety director~~]. The chief must possess professional training and knowledge consisting of not less than five years of managerial or strategic planning experience in matters relating to public safety, security, emergency services, and emergency response.

(c)  At least once every two months, the following shall meet to coordinate efforts, prevent overlap of activities, and ensure that the state's approach to emergency management and homeland security is unified:

(1)  a representative of the department;

(2)  a representative of the division;

(3)  [~~a representative of the governor's office of homeland security;~~

[~~(4)~~]  the presiding officer of the Homeland Security Council; and

(4) [~~(5)~~]  a state agency representative from the emergency management council, selected by the chair of the emergency management council.

(d)  The division shall employ other coordinating and planning officers and other professional, technical, secretarial, and clerical personnel necessary to the performance of its functions.

(e)  The division shall manage and staff the state operations center under an agreement with the department.

SECTION 5.  Section 418.050(c), Government Code, is amended to read as follows:

(c)  The division, in consultation with representatives of affected parties and local emergency management directors, shall develop a reentry credentialing process. The division shall include the credentialing process in the phased reentry plan. The department [~~Department of Public Safety of the State of Texas~~] shall provide support for the credentialing process.

SECTION 6.  Section 418.051(c), Government Code, is amended to read as follows:

(c)  The communications coordination group consists of members selected by the division, including representatives of:

(1)  the Texas military forces;

(2)  the department [~~Department of Public Safety of the State of Texas~~];

(3)  the Federal Emergency Management Agency;

(4)  federal agencies that comprise Emergency Support Function No. 2;

(5)  the telecommunications industry, including cable service providers, as defined by Section 66.002, Utilities Code;

(6)  electric utilities, as defined by Section 31.002, Utilities Code;

(7)  gas utilities, as defined by Sections 101.003 and 121.001, Utilities Code;

(8)  the National Guard's Joint Continental United States Communications Support Environment;

(9)  the National Guard Bureau;

(10)  amateur radio operator groups;

(11)  the Texas A&M Forest Service;

(12)  the Texas Department of Transportation;

(13)  the General Land Office;

(14)  the Texas A&M Engineering Extension Service [~~of The Texas A&M University System~~];

(15)  the Public Utility Commission of Texas;

(16)  the Railroad Commission of Texas;

(17)  the Department of State Health Services;

(18)  the judicial branch of state government;

(19)  the Texas Association of Regional Councils;

(20)  the United States Air Force Auxiliary Civil Air Patrol, Texas Wing;

(21)  each trauma service area regional advisory council;

(22)  state agencies, counties, and municipalities affected by the emergency, including 9-1-1 agencies; and

(23)  other agencies as determined by the division.

SECTION 7.  (a)  On September 1, 2019:

(1)  the administration of the Texas Division of Emergency Management shall be transferred from the Department of Public Safety of the State of Texas to The Texas A&M University System;

(2)  all rules, policies, procedures, and decisions of the Department of Public Safety of the State of Texas relating to the administration of the Texas Division of Emergency Management are continued in effect as rules, policies, procedures, and decisions of The Texas A&M University System until superseded by a rule or other appropriate action by The Texas A&M University System;

(3)  an employee of the Texas Division of Emergency Management as operated by the Department of Public Safety of the State of Texas becomes an employee of the Texas Division of Emergency Management under The Texas A&M University System;

(4)  a reference in law or administrative rule to the Department of Public Safety of the State of Texas relating to the administration of the Texas Division of Emergency Management means The Texas A&M University System; and

(5)  the Department of Public Safety of the State of Texas is responsible for the employer contribution for the cost of retiree insurance for employees of the Texas Division of Emergency Management who retire from the division before September 1, 2019.

(b)  Not later than June 1, 2019, the Department of Public Safety of the State of Texas and The Texas A&M University System shall enter into a memorandum of understanding relating to the transfer of the administration of the Texas Division of Emergency Management from the Department of Public Safety of the State of Texas to The Texas A&M University System as provided by this Act. The memorandum must 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 the Texas Division of Emergency Management from the Department of Public Safety of the State of Texas to The Texas A&M University System;

(2)  measures to ensure against any unnecessary disruption to the operation of the Texas Division of Emergency Management during the transfer process; and

(3)  a provision that the terms of any memorandum of understanding entered into previously by the governor, The Texas A&M University System, the Department of Public Safety of the State of Texas, and the Texas Division of Emergency Management and related to the transfer remain in effect until the transfer is completed.

SECTION 8.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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