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H.B. No. 2794

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

1 college or university, or which may be so classified as provided in
2 this chapter.

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

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

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

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

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

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

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

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

19 (7) [~~(6)~~] other agencies and services that may be
20 established by law or by action of the board of directors.

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

23 (b) The emergency management council is composed of
24 representatives of state agencies, boards, commissions, and
25 organized volunteer groups designated by the head of each entity.

26 At least once each biennium, the governor shall review the
27 composition of the council and, if necessary, update or expand the

1 participating entities.

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

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

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

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

- 19 (1) a representative of the department;
20 (2) a representative of the division;
21 (3) [~~a representative of the governor's office of~~
22 ~~homeland security,~~

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

25 (4) [~~(5)~~] a state agency representative from the
26 emergency management council, selected by the chair of the
27 emergency management council.

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

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

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

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

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

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

19 (1) the Texas military forces;
20 (2) the department [~~Department of Public Safety of the~~
21 ~~State of Texas~~];

22 (3) the Federal Emergency Management Agency;

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

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

27 (6) electric utilities, as defined by Section 31.002,

1 Utilities Code;

2 (7) gas utilities, as defined by Sections 101.003 and
3 121.001, Utilities Code;

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

6 (9) the National Guard Bureau;

7 (10) amateur radio operator groups;

8 (11) the Texas A&M Forest Service;

9 (12) the Texas Department of Transportation;

10 (13) the General Land Office;

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

13 (15) the Public Utility Commission of Texas;

14 (16) the Railroad Commission of Texas;

15 (17) the Department of State Health Services;

16 (18) the judicial branch of state government;

17 (19) the Texas Association of Regional Councils;

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

20 (21) each trauma service area regional advisory
21 council;

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

24 (23) other agencies as determined by the division.

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

26 (1) the administration of the Texas Division of
27 Emergency Management shall be transferred from the Department of

1 Public Safety of the State of Texas to The Texas A&M University
2 System;

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

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

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

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

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

1 The memorandum must include:

2 (1) a timetable and specific steps and methods for the
3 transfer on September 1, 2019, of all powers, duties, obligations,
4 rights, contracts, leases, records, real or personal property, and
5 unspent and unobligated appropriations and other funds relating to
6 the administration of the Texas Division of Emergency Management
7 from the Department of Public Safety of the State of Texas to The
8 Texas A&M University System;

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

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

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