

By: Morrison

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 January 1, 2020:

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, and all  
14 plans and benefits related to that employee are continued in effect  
15 and without interruption; and

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

20           (b) For purposes of Subsection (a) of this section, an  
21 employee described by that subsection is:

22           (1) eligible to transfer service credit between the  
23 Employees Retirement System of Texas and the Teacher Retirement  
24 System of Texas, as provided by Chapter 805, Government Code,  
25 without regard to the years of service credit held in either system;  
26 and

27           (2) eligible to participate in the group benefits

1 program under Chapter 1551, Insurance Code, effective on the date  
2 of transfer and is not subject to the waiting period under Section  
3 1551.1055, Insurance Code.

4 (c) Not later than October 1, 2019, the Department of Public  
5 Safety of the State of Texas and The Texas A&M University System  
6 shall enter into a memorandum of understanding relating to the  
7 transfer of the administration of the Texas Division of Emergency  
8 Management from the Department of Public Safety of the State of  
9 Texas to The Texas A&M University System as provided by this Act.  
10 The memorandum must include:

11 (1) a timetable and specific steps and methods for the  
12 transfer on January 1, 2020, of all powers, duties, obligations,  
13 rights, contracts, leases, records, real or personal property, and  
14 unspent and unobligated appropriations and other funds relating to  
15 the administration of the Texas Division of Emergency Management  
16 from the Department of Public Safety of the State of Texas to The  
17 Texas A&M University System;

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

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

27 SECTION 8. This Act takes effect September 1, 2019.