

1-1 By: Morrison, et al. (Senate Sponsor - Kolthorst) H.B. No. 2794  
 1-2 (In the Senate - Received from the House April 23, 2019;  
 1-3 April 24, 2019, read first time and referred to Committee on Water  
 1-4 & Rural Affairs; May 15, 2019, reported favorably by the following  
 1-5 vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the administration of emergency management in this  
 1-18 state.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 61.003(6), Education Code, is amended to  
 1-21 read as follows:

1-22 (6) "Other agency of higher education" means The  
 1-23 University of Texas System, System Administration; The University  
 1-24 of Texas at El Paso [~~Western University~~] Museum; The Texas A&M  
 1-25 University System, Administrative and General Offices; Texas A&M  
 1-26 AgriLife Research [~~Agricultural Experiment Station~~]; Texas A&M  
 1-27 AgriLife [~~Agricultural~~] Extension Service; Rodent and Predatory  
 1-28 Animal Control Service (a part of the Texas A&M AgriLife  
 1-29 [~~Agricultural~~] Extension Service); Texas A&M Engineering  
 1-30 Experiment Station (including the Texas A&M Transportation  
 1-31 Institute); Texas A&M Engineering Extension Service; Texas A&M  
 1-32 Forest Service; Texas Division of Emergency Management; Texas Tech  
 1-33 University Museum; Texas State University System, System  
 1-34 Administration; Sam Houston Memorial Museum; Panhandle-Plains  
 1-35 Historical Museum; Cotton Research Committee of Texas; Texas Water  
 1-36 Resources Institute [~~of Texas~~]; Texas A&M Veterinary Medical  
 1-37 Diagnostic Laboratory; and any other unit, division, institution,  
 1-38 or agency which shall be so designated by statute or which may be  
 1-39 established to operate as a component part of any public senior  
 1-40 college or university, or which may be so classified as provided in  
 1-41 this chapter.

1-42 SECTION 2. Section 88.001, Education Code, is amended to  
 1-43 read as follows:

1-44 Sec. 88.001. AGENCIES AND SERVICES. The agencies and  
 1-45 services of the Texas A&M [~~A & M~~] University System are:

1-46 (1) the Texas A&M Forest Service (see Subchapter B of  
 1-47 this chapter);

1-48 (2) [~~the~~] Texas A&M AgriLife Research [~~Agricultural~~  
 1-49 ~~Experiment Station~~] (see Subchapter C of this chapter);

1-50 (3) the Texas A&M AgriLife [~~Agricultural~~] Extension  
 1-51 Service, established by action of the board of directors;

1-52 (4) the Texas A&M Engineering Experiment Station,  
 1-53 established by action of the board of directors;

1-54 (5) the Texas A&M Engineering Extension Service,  
 1-55 established by action of the board of directors;

1-56 (6) the Texas Division of Emergency Management (see  
 1-57 Subchapter C, Chapter 418, Government Code); and

1-58 (7) [~~(6)~~] other agencies and services that may be  
 1-59 established by law or by action of the board of directors.

1-60 SECTION 3. Section 418.013(b), Government Code, is amended  
 1-61 to read as follows:

2-1 (b) The emergency management council is composed of  
 2-2 representatives of state agencies, boards, commissions, and  
 2-3 organized volunteer groups designated by the head of each entity.  
 2-4 At least once each biennium, the governor shall review the  
 2-5 composition of the council and, if necessary, update or expand the  
 2-6 participating entities.

2-7 SECTION 4. Section 418.041, Government Code, is amended to  
 2-8 read as follows:

2-9 Sec. 418.041. ORGANIZATION. (a) The Texas Division of  
 2-10 Emergency Management is a component [~~division~~] of The Texas A&M  
 2-11 University System [~~the department~~].

2-12 (b) The ~~division~~ is managed by a chief appointed by the  
 2-13 [~~public safety director of the department, with the approval of~~  
 2-14 ~~the~~] governor. The chief serves at the pleasure of the governor  
 2-15 [~~public safety director~~]. The chief must possess professional  
 2-16 training and knowledge consisting of not less than five years of  
 2-17 managerial or strategic planning experience in matters relating to  
 2-18 public safety, security, emergency services, and emergency  
 2-19 response.

2-20 (c) At least once every two months, the following shall meet  
 2-21 to coordinate efforts, prevent overlap of activities, and ensure  
 2-22 that the state's approach to emergency management and homeland  
 2-23 security is unified:

- 2-24 (1) a representative of the department;
- 2-25 (2) a representative of the division;
- 2-26 (3) [~~a representative of the governor's office of~~  
 2-27 ~~homeland security;~~
- 2-28 [~~(4)~~] the presiding officer of the Homeland Security  
 2-29 Council; and
- 2-30 (4) [~~(5)~~] a state agency representative from the  
 2-31 emergency management council, selected by the chair of the  
 2-32 emergency management council.

2-33 (d) The division shall employ other coordinating and  
 2-34 planning officers and other professional, technical, secretarial,  
 2-35 and clerical personnel necessary to the performance of its  
 2-36 functions.

2-37 (e) The division shall manage and staff the state operations  
 2-38 center under an agreement with the department.

2-39 SECTION 5. Section 418.050(c), Government Code, is amended  
 2-40 to read as follows:

2-41 (c) The division, in consultation with representatives of  
 2-42 affected parties and local emergency management directors, shall  
 2-43 develop a reentry credentialing process. The division shall  
 2-44 include the credentialing process in the phased reentry plan. The  
 2-45 department [~~Department of Public Safety of the State of Texas~~]  
 2-46 shall provide support for the credentialing process.

2-47 SECTION 6. Section 418.051(c), Government Code, is amended  
 2-48 to read as follows:

2-49 (c) The communications coordination group consists of  
 2-50 members selected by the division, including representatives of:

- 2-51 (1) the Texas military forces;
- 2-52 (2) the department [~~Department of Public Safety of the~~  
 2-53 ~~State of Texas~~];
- 2-54 (3) the Federal Emergency Management Agency;
- 2-55 (4) federal agencies that comprise Emergency Support  
 2-56 Function No. 2;
- 2-57 (5) the telecommunications industry, including cable  
 2-58 service providers, as defined by Section 66.002, Utilities Code;
- 2-59 (6) electric utilities, as defined by Section 31.002,  
 2-60 Utilities Code;
- 2-61 (7) gas utilities, as defined by Sections 101.003 and  
 2-62 121.001, Utilities Code;
- 2-63 (8) the National Guard's Joint Continental United  
 2-64 States Communications Support Environment;
- 2-65 (9) the National Guard Bureau;
- 2-66 (10) amateur radio operator groups;
- 2-67 (11) the Texas A&M Forest Service;
- 2-68 (12) the Texas Department of Transportation;
- 2-69 (13) the General Land Office;

- 3-1 (14) the Texas A&M Engineering Extension Service [~~of~~
- 3-2 ~~The Texas A&M University System~~];
- 3-3 (15) the Public Utility Commission of Texas;
- 3-4 (16) the Railroad Commission of Texas;
- 3-5 (17) the Department of State Health Services;
- 3-6 (18) the judicial branch of state government;
- 3-7 (19) the Texas Association of Regional Councils;
- 3-8 (20) the United States Air Force Auxiliary Civil Air
- 3-9 Patrol, Texas Wing;
- 3-10 (21) each trauma service area regional advisory
- 3-11 council;
- 3-12 (22) state agencies, counties, and municipalities
- 3-13 affected by the emergency, including 9-1-1 agencies; and
- 3-14 (23) other agencies as determined by the division.

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

3-16 (1) the administration of the Texas Division of  
3-17 Emergency Management shall be transferred from the Department of  
3-18 Public Safety of the State of Texas to The Texas A&M University  
3-19 System;

3-20 (2) all rules, policies, procedures, and decisions of  
3-21 the Department of Public Safety of the State of Texas relating to  
3-22 the administration of the Texas Division of Emergency Management  
3-23 are continued in effect as rules, policies, procedures, and  
3-24 decisions of The Texas A&M University System until superseded by a  
3-25 rule or other appropriate action by The Texas A&M University  
3-26 System;

3-27 (3) an employee of the Texas Division of Emergency  
3-28 Management as operated by the Department of Public Safety of the  
3-29 State of Texas becomes an employee of the Texas Division of  
3-30 Emergency Management under The Texas A&M University System;

3-31 (4) a reference in law or administrative rule to the  
3-32 Department of Public Safety of the State of Texas relating to the  
3-33 administration of the Texas Division of Emergency Management means  
3-34 The Texas A&M University System; and

3-35 (5) the Department of Public Safety of the State of  
3-36 Texas is responsible for the employer contribution for the cost of  
3-37 retiree insurance for employees of the Texas Division of Emergency  
3-38 Management who retire from the division before September 1, 2019.

3-39 (b) Not later than June 1, 2019, the Department of Public  
3-40 Safety of the State of Texas and The Texas A&M University System  
3-41 shall enter into a memorandum of understanding relating to the  
3-42 transfer of the administration of the Texas Division of Emergency  
3-43 Management from the Department of Public Safety of the State of  
3-44 Texas to The Texas A&M University System as provided by this Act.  
3-45 The memorandum must include:

3-46 (1) a timetable and specific steps and methods for the  
3-47 transfer on September 1, 2019, of all powers, duties, obligations,  
3-48 rights, contracts, leases, records, real or personal property, and  
3-49 unspent and unobligated appropriations and other funds relating to  
3-50 the administration of the Texas Division of Emergency Management  
3-51 from the Department of Public Safety of the State of Texas to The  
3-52 Texas A&M University System;

3-53 (2) measures to ensure against any unnecessary  
3-54 disruption to the operation of the Texas Division of Emergency  
3-55 Management during the transfer process; and

3-56 (3) a provision that the terms of any memorandum of  
3-57 understanding entered into previously by the governor, The Texas  
3-58 A&M University System, the Department of Public Safety of the State  
3-59 of Texas, and the Texas Division of Emergency Management and  
3-60 related to the transfer remain in effect until the transfer is  
3-61 completed.

3-62 SECTION 8. This Act takes effect immediately if it receives  
3-63 a vote of two-thirds of all the members elected to each house, as  
3-64 provided by Section 39, Article III, Texas Constitution. If this  
3-65 Act does not receive the vote necessary for immediate effect, this  
3-66 Act takes effect September 1, 2019.

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