

AN ACT

relating to emergency management and disaster recovery.

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

1 this chapter.

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

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

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

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

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

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

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

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

18 (7) [~~(6)~~] other agencies and services that may be
19 established by law or by action of the board of directors.

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

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

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

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

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

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

18 (1) a representative of the department;

19 (2) a representative of the division;

20 (3) [~~a representative of the governor's office of~~
21 ~~homeland security,~~

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

24 (4) (4) [~~(5)~~] a state agency representative from the
25 emergency management council, selected by the chair of the
26 emergency management council.

27 (d) The division shall employ other coordinating and

1 planning officers and other professional, technical, secretarial,
2 and clerical personnel necessary to the performance of its
3 functions.

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

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

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

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

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

- 18 (1) the Texas military forces;
- 19 (2) the department [~~Department of Public Safety of the~~
20 ~~State of Texas~~];
- 21 (3) the Federal Emergency Management Agency;
- 22 (4) federal agencies that comprise Emergency Support
23 Function No. 2;
- 24 (5) the telecommunications industry, including cable
25 service providers, as defined by Section 66.002, Utilities Code;
- 26 (6) electric utilities, as defined by Section 31.002,
27 Utilities Code;

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

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

5 (9) the National Guard Bureau;

6 (10) amateur radio operator groups;

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

8 (12) the Texas Department of Transportation;

9 (13) the General Land Office;

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

12 (15) the Public Utility Commission of Texas;

13 (16) the Railroad Commission of Texas;

14 (17) the Department of State Health Services;

15 (18) the judicial branch of state government;

16 (19) the Texas Association of Regional Councils;

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

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

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

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

24 SECTION 7. Subchapter C, Chapter 418, Government Code, is
25 amended by adding Sections 418.054, 418.055, and 418.056 to read as
26 follows:

27 Sec. 418.054. BUSINESS ADVISORY COUNCIL. (a) In this

1 section, "advisory council" means the business advisory council
2 established under this section.

3 (b) The business advisory council is established to provide
4 advice and expertise on actions state and local governments can
5 take to assist businesses in recovering from a disaster.

6 (c) The advisory council is composed of 12 members who
7 represent business in this state appointed as follows:

8 (1) four members appointed by the governor;

9 (2) four members appointed by the lieutenant governor;

10 and

11 (3) four members appointed by the speaker of the house
12 of representatives.

13 (d) Members of the advisory council serve staggered
14 four-year terms.

15 (e) An advisory council member is not entitled to
16 compensation but is entitled to reimbursement for travel expenses
17 incurred by the member while conducting the business of the
18 advisory council.

19 (f) The advisory council members shall elect a presiding
20 officer from among the members.

21 (g) The advisory council shall:

22 (1) advise the division on policies, rules, and
23 program operations to assist businesses in recovering from a
24 disaster;

25 (2) advise the division on the state resources and
26 services needed to assist businesses in recovering from a
27 catastrophic loss of electric power; and

1 (3) propose solutions to address inefficiencies or
2 problems in the state or local governmental disaster response with
3 respect to impact on businesses and the economy.

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

7 (i) Not later than November 1 of each even-numbered year,
8 the advisory council shall submit a report on the advisory
9 council's activities, advice, and proposed solutions to the
10 division, the governor, the lieutenant governor, and the speaker of
11 the house of representatives.

12 (j) The division shall provide administrative support to
13 the advisory council.

14 (k) Chapter 2110 does not apply to the advisory council.

15 Sec. 418.055. WET DEBRIS WORK GROUP. (a) In this section:

16 (1) "Wet debris" means natural or man-made debris
17 located in bodies of water, including lakes, rivers, streams, bays,
18 bayous, wetlands, and tidal areas, that results from a disaster.

19 (2) "Work group" means the wet debris work group
20 established under this section.

21 (b) The wet debris work group is established and composed of
22 representatives of the division, any other state agencies selected
23 by the division, and local and federal governmental entities.

24 (c) The chief of the division serves as chair of the work
25 group.

26 (d) The work group shall conduct a study to:

27 (1) identify:

1 (A) wet debris removal categories for bodies of
2 water in the state and the applicable laws for each category;

3 (B) current jurisdictions of local, state,
4 federal, and private entities responsible for wet debris removal,
5 including any concurrent, joint, or overlapping roles and
6 responsibilities of those entities;

7 (C) funding sources applicable to each wet debris
8 removal category; and

9 (D) issues that impede wet debris removal; and

10 (2) provide recommendations for:

11 (A) minimizing impediments to wet debris
12 removal;

13 (B) clarifying local, state, federal, and
14 private entities' roles and responsibilities for wet debris
15 removal; and

16 (C) educating interested persons on the results
17 of the study described by this subsection.

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

21 (f) The work group is abolished and this section expires
22 January 1, 2021.

23 Sec. 418.056. DISASTER RECOVERY TASK FORCE. (a) The
24 division shall develop a disaster recovery task force to operate
25 throughout the long-term recovery period following natural and
26 man-made disasters by providing specialized assistance for
27 communities and individuals to address financial issues, available

1 federal assistance programs, and recovery and resiliency planning
2 to speed recovery efforts at the local level.

3 (b) The disaster recovery task force may include and use the
4 resources of:

5 (1) any appropriate state agencies, including
6 institutions of higher education; and

7 (2) organized volunteer groups.

8 (c) The disaster recovery task force shall develop
9 procedures for preparing and issuing a report listing each project
10 related to a disaster that qualifies for federal assistance. A
11 report must be submitted to the appropriate federal agencies as
12 soon as practicable after any disaster.

13 (d) Once each quarter, the disaster recovery task force
14 shall brief members of the legislature, legislative staff, and
15 state agency personnel on the response and recovery efforts for
16 previous disasters and any preparation or planning for potential
17 future hazards, threats, or disasters.

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

23 (1) the governor shall appoint two members to terms
24 expiring February 1, 2021, one member to a term expiring February 1,
25 2022, and one member to a term expiring February 1, 2023;

26 (2) the lieutenant governor shall appoint one member
27 to a term expiring February 1, 2021, two members to terms expiring

1 February 1, 2022, and one member to a term expiring February 1,
2 2023; and

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

7 SECTION 9. (a) On September 1, 2019:

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

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

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

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

27 (5) the Department of Public Safety of the State of

1 Texas is responsible for the employer contribution for the cost of
2 retiree insurance for employees of the Texas Division of Emergency
3 Management who retire from the division before September 1, 2019.

4 (b) Not later than June 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 September 1, 2019, 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 10. (a) Except as provided by Subsection (b) of

1 this section, this Act takes effect September 1, 2019.

2 (b) Sections 1, 2, 3, 4, 5, 6, and 9 of this Act take effect
3 immediately if this Act receives a vote of two-thirds of all the
4 members elected to each house, as provided by Section 39, Article
5 III, Texas Constitution. If this Act does not receive the vote
6 necessary for immediate effect, Sections 1, 2, 3, 4, 5, 6, and 9 of
7 this Act take effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 799 passed the Senate on April 17, 2019, by the following vote: Yeas 31, Nays 0; May 23, 2019, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 23, 2019, House granted request of the Senate; May 26, 2019, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 799 passed the House, with amendments, on May 22, 2019, by the following vote: Yeas 140, Nays 3, two present not voting; May 23, 2019, House granted request of the Senate for appointment of Conference Committee; May 26, 2019, House adopted Conference Committee Report by the following vote: Yeas 145, Nays 1, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor