

All Published Pre-filed Amendments for HB 1

King

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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

King

1 Amend H.B. No. 1 (house committee report) by striking all
2 below the enacting clause and substituting the following:

3 SECTION 1. Subchapter A, Chapter 27, Government Code, is
4 amended by adding Section 27.0055 to read as follows:

5 Sec. 27.0055. EDUCATIONAL REQUIREMENTS FOR CERTAIN
6 JUSTICES OF THE PEACE. (a) This section applies only to a justice
7 of the peace of a county not served by a medical examiner.

8 (b) The Department of State Health Services, in
9 collaboration with the Texas Division of Emergency Management,
10 shall develop a training program for justices of the peace on
11 managing mass fatality events. The training program must include:

12 (1) decision-making protocols for ordering an
13 autopsy;

14 (2) standards for identifying and documenting bodies;
15 and

16 (3) best practices on:
17 (A) collecting and reporting data regarding
18 missing persons;

19 (B) coordinating efforts with multiple
20 governmental agencies during mass fatality events; and

21 (C) providing real-time status updates and
22 notifications for close relatives of a victim of a mass fatality.

23 (c) For purposes of removal under Chapter 87, Local
24 Government Code, "incompetency" in the case of a justice of the
25 peace includes the failure of the justice to successfully complete
26 within one year after the date the justice is first elected the
27 training program developed under this section.

28 SECTION 2. Section 411.1236, Government Code, is amended to
29 read as follows:

1 Sec. 411.1236. ACCESS TO CRIMINAL HISTORY RECORD
2 INFORMATION: TEXAS COMMISSION ON FIRE PROTECTION. (a) The Texas
3 Commission on Fire Protection is entitled to obtain as provided by
4 Subsection (a-1) [~~from the department~~] criminal history record
5 information [~~maintained by the department~~] that relates to a person
6 who is:

7 (1) an applicant for or holder of a license issued
8 under Subchapter M, Chapter 418, or Chapter 419; or

9 (2) an applicant for employment by or an employee of
10 the commission.

11 (a-1) Subject to Sections 411.087 and 418.459 and
12 consistent with the public policy of this state, the Texas
13 Commission on Fire Protection is entitled to:

14 (1) obtain through the Federal Bureau of Investigation
15 criminal history record information maintained or indexed by that
16 bureau that pertains to an applicant for or holder of a license
17 issued under Subchapter M, Chapter 418; and

18 (2) obtain from the department or any other criminal
19 justice agency in this state criminal history record information
20 maintained by the department or that criminal justice agency that
21 relates to a person described by Subsection (a).

22 (b) The Texas Commission on Fire Protection may not release
23 or disclose to any person criminal history record information
24 obtained from the Federal Bureau of Investigation under Subsection
25 (a-1)(1). Criminal history record information obtained by the
26 Texas Commission on Fire Protection under Subsection (a-1)(2) [~~(a)~~]
27 may not be released to any person or agency except on court order or
28 with the consent of the person who is the subject of the criminal
29 history record information, or as provided by Subsection (c).

30 (c) The Texas Commission on Fire Protection is not
31 prohibited from disclosing criminal history record information

1 obtained under Subsection (a-1)(2) in a criminal proceeding or in a
2 hearing conducted by the commission or by the State Office of
3 Administrative Hearings on behalf of the commission [~~if the~~
4 ~~information is entered into evidence by the board in an~~
5 ~~administrative, civil, or criminal hearing under Chapter 419~~].

6 (d) The Texas Commission on Fire Protection shall destroy
7 criminal history record information that is obtained under this
8 section after the information is used for its authorized purpose.

9 SECTION 3. Subchapter F, Chapter 411, Government Code, is
10 amended by adding Section 411.14104 to read as follows:

11 Sec. 411.14104. ACCESS TO CRIMINAL HISTORY RECORD
12 INFORMATION: TEXAS DIVISION OF EMERGENCY MANAGEMENT. (a) The
13 Texas Division of Emergency Management is entitled to obtain
14 criminal history record information as provided by Subsection (b)
15 that relates to a person who registers as a volunteer for
16 governmental disaster response or recovery operations under
17 Subchapter N, Chapter 418.

18 (b) Subject to Sections 411.087 and 418.485 and consistent
19 with the public policy of this state, the Texas Division of
20 Emergency Management is entitled to obtain from the department or
21 any other criminal justice agency in this state criminal history
22 record information maintained by the department or that criminal
23 justice agency that relates to a person described by Subsection
24 (a).

25 (c) Criminal history record information obtained by the
26 Texas Division of Emergency Management under Subsection (b) may not
27 be released or disclosed to any person except on court order or as
28 provided by Subsection (d).

29 (d) The Texas Division of Emergency Management is not
30 prohibited from disclosing criminal history record information
31 obtained under Subsection (b) in a criminal proceeding.

1 (e) The Texas Division of Emergency Management shall
2 destroy criminal history record information that is obtained under
3 this section after the information is used for its authorized
4 purpose.

5 SECTION 4. Chapter 418, Government Code, is amended by
6 adding Subchapters M and N to read as follows:

7 SUBCHAPTER M. EMERGENCY MANAGER LICENSES

8 Sec. 418.451. DEFINITIONS. In this subchapter:

9 (1) "Commission" means the Texas Commission on Fire
10 Protection.

11 (2) "Emergency manager" means a person who holds an
12 emergency manager license under this subchapter.

13 (3) "Emergency manager license" means a license issued
14 under this subchapter and includes a bridge, basic, intermediate,
15 advanced, or master license.

16 Sec. 418.452. ADMINISTRATOR; RULES; FEES. (a) The
17 commission shall administer and enforce this subchapter.

18 (b) The commission may adopt rules to implement this
19 subchapter. The division shall adopt rules regarding the minimum
20 requirements for each type of license and the minimum requirements
21 for the continuing education necessary to renew an emergency
22 manager license in order to implement this subchapter.

23 (c) The commission may adopt fees reasonable and necessary
24 to cover the costs of administering this subchapter.

25 Sec. 418.453. DATABASE OF LICENSE HOLDERS. (a) The
26 commission, in coordination with the division, shall establish and
27 maintain records of each person who holds an emergency manager
28 license, including whether the license is valid and whether any
29 disciplinary proceeding is pending.

30 (b) The commission shall make the records under this section
31 available to an emergency management director or the director's

1 associated governmental entity on request.

2 Sec. 418.454. ADVISORY COMMITTEE. (a) The division may
3 establish an advisory committee to provide recommendations on the
4 implementation of this subchapter, including on the policies,
5 standards, and curriculum adopted under this subchapter.

6 (b) If established, the committee consists of nine members
7 appointed by the division chief or the chief's designee and must
8 contain at least one emergency manager and a representative of a
9 governmental entity that employs or is associated with an emergency
10 manager.

11 (c) Chapter 2110 does not apply to the advisory committee.

12 Sec. 418.455. LICENSING REQUIREMENT. A person may not
13 serve as an emergency management coordinator under Section
14 418.1015(c) for a period that exceeds six months beginning the day
15 after the date on which the person was designated as an emergency
16 management coordinator, unless the person holds an emergency
17 manager license.

18 Sec. 418.456. ELIGIBILITY FOR EMERGENCY MANAGER LICENSE;
19 ISSUANCE. (a) To be eligible for an emergency manager license, a
20 person must:

21 (1) submit an application to the commission in a form
22 and manner prescribed by the commission;

23 (2) demonstrate that the person meets eligibility
24 criteria under Section 418.457; and

25 (3) not be disqualified based on the person's criminal
26 history, as described by Section 418.458.

27 (b) The commission shall issue a bridge, basic,
28 intermediate, advanced, or master emergency manager license, as
29 appropriate, to an applicant who meets the eligibility requirements
30 prescribed by Subsection (a).

31 Sec. 418.457. EMERGENCY MANAGER LICENSES. (a) To be

1 eligible for a bridge emergency manager license, a person must
2 complete not less than 40 hours of training and instruction on
3 emergency management, which must consist of courses provided or
4 approved by division rule.

5 (b) The division by rule shall establish the minimum
6 eligibility requirements for basic, intermediate, advanced, and
7 master emergency manager licenses, including any minimum hours of
8 training and instruction or years of experience performing the
9 duties of an emergency management coordinator.

10 Sec. 418.458. INELIGIBILITY BASED ON CRIMINAL HISTORY. (a)
11 A person is not eligible for an emergency manager license if the
12 person has been convicted or placed on deferred adjudication
13 community supervision for:

14 (1) a felony; or

15 (2) any offense that directly relates to the duties
16 and responsibilities of an emergency management coordinator, as
17 determined by the commission.

18 (b) The commission, in consultation with the division, may
19 adopt rules specifying offenses, other than those described by
20 Subsection (a), a conviction or placement on deferred adjudication
21 community supervision for which would disqualify a person as not
22 eligible for an emergency manager license.

23 Sec. 418.459. AUTHORITY TO CONDUCT CRIMINAL HISTORY CHECK.

24 (a) The commission may conduct a criminal history check, including
25 a check of any criminal history record information maintained by
26 the Federal Bureau of Investigation, in the manner provided by
27 Subchapter F, Chapter 411, on each person who applies for an
28 emergency manager license.

29 (b) For purposes of conducting the criminal history check,
30 the commission may require an applicant to submit a complete and
31 legible set of fingerprints, on a form prescribed by the

1 commission, to the commission or to the department for the purpose
2 of obtaining criminal history record information from the
3 department and the Federal Bureau of Investigation.

4 (c) The commission may require the applicant to pay a fee to
5 cover any costs associated with conducting a criminal history check
6 under this section.

7 Sec. 418.460. ALTERNATIVE QUALIFICATIONS. The division by
8 rule may allow an applicant for an emergency manager license to
9 credit military experience, professional experience, education, or
10 another certification toward the eligibility requirements of
11 Section 418.457, including an emergency management credential
12 issued by another state.

13 Sec. 418.461. PROVISION OR APPROVAL OF TRAINING REQUIRED.
14 The division shall provide or approve training, instruction, and
15 courses sufficient to enable a person to meet the licensing and
16 continuing education requirements under this subchapter.

17 Sec. 418.462. EXPIRATION; CONTINUING EDUCATION; RENEWAL.
18 (a) An emergency manager license expires on the first anniversary
19 of the date the license is issued.

20 (b) The commission shall renew an emergency manager license
21 if an emergency manager:

22 (1) completes not less than 16 hours of continuing
23 education on emergency management provided or approved by division
24 rule; and

25 (2) submits an application for renewal to the
26 commission on a form and in a manner prescribed by the commission.

27 (c) The commission by rule may adopt a system under which
28 licenses expire on various dates during the year.

29 Sec. 418.463. DENIAL; SUSPENSION; REVOCATION. (a) The
30 commission may deny the issuance or renewal of an emergency manager
31 license or suspend or revoke an emergency manager license if a

1 person violates this subchapter or any rule adopted by the division
2 or commission under this subchapter, including being disqualified
3 based on the person's criminal history.

4 (b) A proceeding under this section is a contested case
5 under Chapter 2001.

6 SUBCHAPTER N. STATEWIDE VOLUNTEER MANAGEMENT SYSTEM

7 Sec. 418.481. DEFINITIONS. In this subchapter:

8 (1) "Local government" means a municipality, a county,
9 a special district or authority, or any other political subdivision
10 of this state.

11 (2) "Volunteer management system" means the online
12 volunteer registration and management database established under
13 this subchapter.

14 Sec. 418.482. ESTABLISHMENT OF SYSTEM. The division shall
15 establish and maintain a statewide volunteer registration and
16 management database to register, credential, and manage
17 individuals who volunteer to assist in disaster response or
18 recovery operations at the direction and under the supervision of a
19 state agency or local government.

20 Sec. 418.483. SYSTEM REQUIREMENTS. The volunteer
21 management system must:

22 (1) be made available online;
23 (2) be maintained and updated regularly with a roster
24 of available volunteers;

25 (3) be capable of making and coordinating volunteer
26 assignments among state, regional, and local governmental
27 entities; and

28 (4) document the supervision of volunteers and the
29 resources available and necessary to support the volunteers.

30 Sec. 418.484. USE OF SYSTEM REQUIRED. (a) The division and
31 each state agency and local government that deploys volunteers in

1 disaster response or recovery operations shall use the volunteer
2 management system to:

- 3 (1) credential and deploy the volunteers;
- 4 (2) report in the system volunteer activity and
5 requests for assistance during periods when a disaster declaration
6 is in effect; and
- 7 (3) coordinate volunteer programs by local
8 governments to ensure the programs align with state standards and
9 requirements.

10 (b) The division may waive, wholly or partly, the
11 requirements of Subsection (a) as necessary to facilitate an urgent
12 response to a disaster.

13 Sec. 418.485. AUTHORITY TO CONDUCT CRIMINAL HISTORY CHECK.

14 (a) The division may conduct a criminal history check, based on the
15 criminal history record information maintained by the department or
16 any other criminal justice agency in this state, on each person who
17 applies to register as a volunteer under this subchapter.

18 (b) The division may require the applicant to pay a fee to
19 cover any costs associated with conducting a criminal history check
20 under this section.

21 Sec. 418.486. INELIGIBILITY TO REGISTER BASED ON CRIMINAL
22 HISTORY. The division may adopt rules for the denial of a person's
23 application to register in the volunteer management system based on
24 the person's criminal history and for purposes of ensuring public
25 safety and operational integrity.

26 Sec. 418.487. RULES. The division shall adopt rules for
27 implementing this subchapter, including:

- 28 (1) registration and renewal requirements for
29 volunteer registrations;
- 30 (2) training and credentialing requirements for
31 particular disaster response or recovery operations that involve

1 specialized training or experience;

2 (3) procedures for conducting a criminal history check
3 under Section 418.485; and

4 (4) protocols for deploying volunteers and reporting
5 incidents.

6 Sec. 418.488. FUNDS; GIFTS, GRANTS, AND DONATIONS. (a) The
7 division may use any available funds to implement this subchapter.

8 (b) The division may seek and accept gifts, grants, and
9 donations to implement this subchapter.

10 Sec. 418.489. AGREEMENTS. The division may enter into an
11 agreement with any public or private entity to support volunteer
12 mobilization efforts.

13 SECTION 5. Subtitle A, Title 8, Health and Safety Code, is
14 amended by adding Chapter 675 to read as follows:

15 CHAPTER 675. MASS FATALITY OPERATIONS

16 Sec. 675.001. DEFINITION. In this chapter, "department"
17 means the Department of State Health Services.

18 Sec. 675.002. MASS FATALITY OPERATIONS RAPID RESPONSE TEAM.

19 (a) The department, in collaboration with the Texas Division of
20 Emergency Management, shall establish a mass fatality operations
21 rapid response team that immediately on the occurrence of a mass
22 fatality event assesses the geographic area where the event
23 occurred for the purpose of:

24 (1) providing information regarding the mass fatality
25 event to public officials and employees who are conducting disaster
26 response or recovery operations, including justices of the peace,
27 emergency management directors and coordinators, and incident
28 commanders; and

29 (2) facilitating early and appropriate activation of
30 mass fatality management resources.

31 (b) The team required by Subsection (a) may be established

1 by interlocal contract.

2 Sec. 675.003. INTEGRATION OF MASS FATALITY OPERATIONS
3 RESPONSE TEAM WITH SEARCH AND RESCUE OR RECOVERY OPERATIONS. Each
4 recognized search and rescue organization or recovery team, law
5 enforcement agency, fire department, including a volunteer fire
6 department, and emergency medical services provider shall
7 coordinate the efforts of the entity with the appropriate mass
8 fatality operations response team when deploying in response to a
9 mass fatality event for the purpose of ensuring coordination during
10 the recovery of human bodies and the use of proper documentation,
11 including chain-of-custody documentation.

12 Sec. 675.004. INTEGRATION OF MASS FATALITY OPERATIONS
13 RESPONSE TEAM WITH FAMILY ASSISTANCE CENTERS. (a) In this section,
14 "family assistance center" is a facility established by a state
15 agency or local government following a mass fatality event to
16 coordinate the provision of support services and basic assistance
17 to individuals impacted by the mass fatality event, especially
18 close relatives of a victim of the event.

19 (b) A state agency or local government that establishes a
20 family assistance center following a mass fatality event shall
21 coordinate efforts to provide services at the center with the
22 appropriate mass fatality operations response team.

23 Sec. 675.005. MASS FATALITY DATA MANAGEMENT SYSTEM. (a)
24 The department shall develop and maintain a centralized fatality
25 tracking system for use when deploying a mass fatality operations
26 response team.

27 (b) The system must be capable of:

28 (1) assigning unique case number and incident tagging;
29 (2) tracking the chain-of-custody for a body and
30 associated personal effects; and

31 (3) storing in an easily retrievable manner

1 documentation of an autopsy and identification and release of a
2 body.

3 SECTION 6. A justice of the peace who holds office on the
4 effective date of this Act is not subject to removal as described by
5 Section 27.0055, Government Code, as added by this Act, for failure
6 to successfully complete the required training program until
7 December 1, 2026.

8 SECTION 7. (a) Except as otherwise provided by this Act,
9 this Act takes effect on the 91st day after the last day of the
10 legislative session.

11 (b) Section 418.455, Government Code, as added by this Act,
12 takes effect January 1, 2027.