

**BILL ANALYSIS**

H.B. 1  
By: King  
Disaster Preparedness & Flooding, Select  
Committee Report (Unamended)

**BACKGROUND AND PURPOSE**

The bill author has informed the House Select Committee on Disaster Preparedness & Flooding of the need for improvements in the way the state and local governments respond to disasters, including the need for better training, coordination, and management. The historic flooding in Central Texas in July 2025 has highlighted that need, which has also been emphasized in the committee's recent hearings. H.B. 1 seeks to address those issues by providing for educational requirements for certain justices of the peace on managing mass fatality events, the licensing of emergency management coordinators of certain political subdivisions, the establishment of a statewide volunteer management system, and, among other provisions regarding mass fatality operations, the creation of a mass fatality operations rapid response team and a centralized mass fatality data management system.

**CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

**RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Division of Emergency Management in SECTION 3 of this bill.

**ANALYSIS**

H.B. 1 amends the Government Code and Health and Safety Code to implement provisions relating to disaster response and preparedness, including required training for certain justices of the peace, required emergency manager licenses, a statewide volunteer management system, and a mass fatality operations rapid response team.

**Educational Requirements for Certain Justices of the Peace**

H.B. 1 amends the Government Code to require the Department of State Health Services (DSHS), in collaboration with the Texas Division of Emergency Management (TDEM), to develop a training program on managing mass fatality events for justices of the peace of counties not served by a medical examiner. The training program must include the following:

- decision-making protocols for autopsy referrals;
- standards for identifying and documenting bodies; and
- best practices on collecting and reporting data regarding missing persons and coordinating efforts with multiple governmental agencies during mass fatality events.

The bill establishes that, for purposes of removing a justice of the peace from office under applicable state law governing the removal of county officers, "incompetency" includes the failure of the justice to successfully complete within one year after the date the justice is first elected the training program developed under these provisions. A justice of the peace who holds office on the

bill's effective date is not subject to removal for failure to successfully complete the required training program until December 1, 2026.

### **Access to Criminal History Record Information: TDEM**

H.B. 1 entitles TDEM to obtain criminal history record information that relates to a person who, under the subsequently described bill provisions amending the Texas Disaster Act of 1975, applies for an emergency manager license or registers as a volunteer for governmental disaster response or recovery operations. Subject to statutory provisions governing access to criminal history record information maintained by the FBI or local criminal justice agencies, subject to the bill's provisions authorizing TDEM to conduct a criminal history check on such a person, and consistent with the state's public policy, TDEM is entitled to do the following with respect to criminal history record information that relates to such a person:

- obtain through the FBI such criminal history record information maintained or indexed by the FBI; and
- obtain from the Department of Public Safety (DPS) or any other criminal justice agency in Texas such criminal history record information maintained by DPS or that criminal justice agency.

The bill prohibits TDEM from releasing or disclosing to any person criminal history record information obtained from the FBI under these provisions. The bill also prohibits criminal history record information obtained by TDEM from DPS or any other criminal justice agency in Texas under these provisions from being released or disclosed to any person except on court order but establishes that TDEM is not prohibited from disclosing this information in a criminal proceeding. The bill requires TDEM to destroy criminal history record information that is obtained under these provisions after the information is used for its authorized purpose.

### **Emergency Manager Licenses**

H.B. 1 establishes an emergency manager license and, accordingly, creates a framework in the Texas Disaster Act of 1975 for the licensure of emergency management coordinators, applicable to an emergency management coordinator designated by the emergency management director of an incorporated city or a county or of a joint board of a county or municipal airport, as currently authorized by the act, to serve as an assistant to the director for emergency management purposes. These licensing provisions take effect January 1, 2027.

#### Licensing Requirement

H.B. 1 prohibits a person from being designated under the act as an emergency management coordinator by the applicable emergency management director unless the person holds an emergency manager license issued under these bill provisions.

#### Administrator; Rules; Fees

H.B. 1 requires TDEM to administer and enforce the bill's provisions relating to emergency manager licenses. The bill authorizes TDEM to do the following:

- adopt rules to implement those provisions; and
- adopt fees reasonable and necessary to cover the costs of administering those provisions.

#### Database of License Holders

H.B. 1 requires TDEM to establish and maintain records of each person who holds an emergency manager license, including whether the license is valid and whether any disciplinary proceeding is pending. The bill requires TDEM to make these records available to an emergency management director or the director's associated governmental entity on request.

### Advisory Committee

H.B. 1 authorizes TDEM to establish an advisory committee to provide recommendations on the implementation of these bill provisions, including on the policies, standards, and curriculum adopted under these provisions. If established, the committee consists of nine members appointed by the TDEM chief or the chief's designee and must contain at least one emergency manager and a representative of a governmental entity that employs or is associated with an emergency manager. The bill exempts the advisory committee from state law governing state agency advisory committees.

### Eligibility for Emergency Manager License; Issuance

H.B. 1 establishes that, to be eligible for an emergency manager license, a person must, as follows:

- submit an application to TDEM in a form and manner prescribed by TDEM;
- demonstrate that the person meets the eligibility criteria for a basic, intermediate, or advanced emergency manager license as provided under these bill provisions; and
- not be disqualified under Occupations Code provisions requiring a license holder's license to be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.

The bill requires TDEM to issue a basic, intermediate, or advanced emergency manager license, as appropriate, to an applicant who meets these eligibility requirements.

### Eligibility for Basic, Intermediate, and Advanced Emergency Manager Licenses

H.B. 1 establishes the following eligibility requirements for basic, intermediate, and advanced emergency manager licenses:

- to be eligible for a basic emergency manager license, a person must complete not less than 40 hours of training and instruction on emergency management, which must consist of courses provided or approved by TDEM;
- to be eligible for an intermediate emergency manager license, a person must:
  - have at least five years of experience in a position the duties of which primarily or substantially involved emergency management; and
  - complete not less than 200 hours of training and instruction on emergency management, which must consist of courses provided or approved by TDEM; and
- to be eligible for an advanced emergency manager license, a person must:
  - have at least 10 years of experience in a position the duties of which primarily or substantially involved emergency management; and
  - complete not less than 400 hours of training and instruction on emergency management, which must consist of courses provided or approved by TDEM.

### Authority to Conduct Criminal History Check

H.B. 1 authorizes TDEM to conduct a criminal history check, including a check of any criminal history record information maintained by the FBI, in the manner provided by applicable state law, on each person who applies for an emergency manager license. The bill authorizes TDEM, for purposes of conducting the criminal history check, to require an applicant to submit a complete and legible set of fingerprints, on a form prescribed by TDEM, to TDEM or to DPS for the purpose of obtaining criminal history record information from DPS and the FBI. TDEM may require the applicant to pay a fee to cover any costs associated with conducting a criminal history check under these provisions.

### Alternative Qualifications

H.B. 1 authorizes TDEM by rule to allow an applicant for an emergency manager license to credit military experience, professional experience, education, or another certification toward the

eligibility requirements for a basic, intermediate, or advanced emergency manager license, including an emergency management credential issued by another state.

#### Provision or Approval of Training Required

H.B. 1 requires TDEM to provide or approve training, instruction, and courses sufficient to enable a person to meet the licensing and continuing education requirements under the bill's provisions relating to emergency manager licenses.

#### Expiration; Continuing Education; Renewal

H.B. 1 establishes that an emergency manager license expires on the first anniversary of the date the license is issued. The bill requires TDEM to renew an emergency manager license if an emergency manager does the following:

- completes not less than eight hours of continuing education on emergency management provided or approved by TDEM; and
- submits an application for renewal to TDEM on a form and in a manner prescribed by TDEM.

The bill authorizes TDEM by rule to adopt a system under which licenses expire on various dates during the year.

#### Denial; Suspension; Revocation

H.B. 1 authorizes TDEM to deny a license or renewal application or suspend or revoke a license if a person violates the bill's provisions relating to emergency manager licenses or any rule adopted by TDEM under those provisions. A proceeding under these provisions is a contested case under the Administrative Procedure Act.

### **Statewide Volunteer Management System**

#### Establishment of System and System Requirements

H.B. 1 amends the act to also require TDEM to establish and maintain an online statewide volunteer registration and management database to register, credential, and manage individuals who volunteer to assist in disaster response or recovery operations at the direction and under the supervision of a state agency or a local government, defined by the bill as a municipality, a county, a special district or authority, or any other political subdivision of the state. The volunteer management system must, as follows:

- be made available online;
- be maintained and updated regularly with a roster of available volunteers;
- be capable of making and coordinating volunteer assignments among state, regional, and local governmental entities; and
- document the supervision of volunteers and the resources available and necessary to support the volunteers.

#### Use of System Required

H.B. 1 requires TDEM and each state agency and local government that deploys volunteers in disaster response or recovery operations to use the volunteer management system to do the following:

- credential and deploy the volunteers;
- report in the system volunteer activity and requests for assistance during periods when a disaster declaration is in effect; and
- coordinate volunteer programs by local governments to ensure the programs align with state standards and requirements.

### Authority to Conduct Criminal History Check

H.B. 1 authorizes TDEM to conduct a criminal history check, including a check of any criminal history record information maintained by the FBI, in the manner provided by applicable state law, on each person who applies to register as a volunteer under these provisions. The bill authorizes TDEM, for purposes of conducting the criminal history check, to require an applicant to submit a complete and legible set of fingerprints, on a form prescribed by TDEM, to TDEM or to DPS for the purpose of obtaining criminal history record information from DPS and the FBI. TDEM may require the applicant to pay a fee to cover any costs associated with conducting a criminal history check under these provisions.

### Ineligibility to Register Based on Criminal History

H.B. 1 authorizes TDEM to adopt rules for the denial of a person's application to register in the volunteer management system based on the person's criminal history and for purposes of ensuring public safety and operational integrity.

### Rules

H.B. 1 requires TDEM to adopt rules for implementing these provisions, including:

- registration and renewal requirements for volunteer registrations;
- training and credentialing requirements for particular disaster response or recovery operations that involve specialized training or experience;
- procedures for conducting a criminal history check under these provisions; and
- protocols for deploying volunteers and reporting incidents.

### Funds; Gifts, Grants, and Donations

H.B. 1 authorizes TDEM to use any available funds and to seek and accept gifts, grants, and donations to implement these provisions.

### Agreements

H.B. 1 authorizes TDEM to enter into an agreement with any public or private entity to support volunteer mobilization efforts.

## **Mass Fatality Operations**

### Mass Fatality Operations Rapid Response Team

H.B. 1 amends the Health and Safety Code to require DSHS, in collaboration with the regional advisory council of each trauma service area and TDEM, to establish a mass fatality operations rapid response team that immediately on the occurrence of a mass fatality event assesses the geographic area where the event occurred for the following purposes:

- to provide information regarding the mass fatality event to public officials and employees who are conducting disaster response or recovery operations, including justices of the peace, emergency management directors and coordinators, and incident commanders; and
- to facilitate early and appropriate activation of mass fatality management resources.

The mass fatality operations rapid response team may be established by interlocal contract.

### Integration of Mass Fatality Operations Rapid Response Team With Search and Rescue or Recovery Operations

H.B. 1 requires each recognized search and rescue organization or recovery team, law enforcement agency, fire department, including a volunteer fire department, and emergency medical services provider to coordinate the efforts of the entity with the appropriate mass fatality operations

response team when deploying in response to a mass fatality event for the purpose of ensuring coordination during the recovery of human bodies and the use of proper documentation, including chain-of-custody documentation.

#### Integration of Mass Fatality Operations Response Team With Family Assistance Centers

H.B. 1 requires a state agency or local government that establishes a family assistance center following a mass fatality event to coordinate efforts to provide services at the center with the appropriate mass fatality operations response team. For these purposes, the bill defines "family assistance center" as a facility established by a state agency or local government following a mass fatality event to coordinate the provision of support services and basic assistance to individuals impacted by the mass fatality event, especially close relatives of a victim of the event.

#### Communications Plan

H.B. 1 requires DSHS to develop and make available to state agencies and local governments that respond to mass fatality events a communications plan that does the following:

- includes best practices on communicating with the public and the media following a mass fatality event;
- ensures consistency in communications among state agencies and local governments; and
- provides content and strategies for communicating the medicolegal process of recovering bodies after a mass fatality event.

#### Mass Fatality Data Management System

H.B. 1 requires DSHS to develop and maintain a centralized fatality tracking system for use when deploying a mass fatality operations response team. The system must be capable of the following:

- assigning unique case number and incident tagging;
- tracking the chain-of-custody for a body and associated personal effects;
- storing in an easily retrievable manner documentation of an autopsy and identification and release of a body; and
- providing real-time status updates and notifications for close relatives of a victim of a mass fatality.

#### **EFFECTIVE DATE**

Except as otherwise provided, the 91st day after the last day of the legislative session.