

By: King

H.B. No. 1

A BILL TO BE ENTITLED

AN ACT

relating to disaster response and preparedness, including required training for justices of the peace and responding to mass fatality events; requiring a license; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

(1) decision-making protocols for autopsy referrals;

(2) standards for identifying and documenting bodies;

and

(3) best practices on:

(A) collecting and reporting data regarding missing persons; and

(B) coordinating efforts with multiple governmental agencies during mass fatality events.

(c) For purposes of removal under Chapter 87, Local Government Code, "incompetency" in the case of a justice of the

peace 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 this section.

SECTION 2. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.14104 to read as follows:

Sec. 411.14104. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DIVISION OF EMERGENCY MANAGEMENT. (a) The Texas Division of Emergency Management is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

(1) applies for an emergency manager license under Subchapter M, Chapter 418; or

(2) registers as a volunteer for governmental disaster response or recovery operations under Subchapter N, Chapter 418.

(b) Subject to Sections 411.087, 418.460, and 418.485 and consistent with the public policy of this state, the Texas Division of Emergency Management is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that relates to a person described by Subsection (a); and

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

(c) The Texas Division of Emergency Management may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under

Subsection (b)(1). Criminal history record information obtained by the Texas Division of Emergency Management under Subsection (b)(2) may not be released or disclosed to any person except on court order or as provided by Subsection (d).

(d) The Texas Division of Emergency Management is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding.

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

SECTION 3. Chapter 418, Government Code, is amended by adding Subchapters M and N to read as follows:

SUBCHAPTER M. EMERGENCY MANAGER LICENSES

Sec. 418.451. DEFINITIONS. In this subchapter:

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

(2) "Emergency manager license" means a license issued under this subchapter and includes a basic, intermediate, or advanced license.

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

(b) The division may adopt rules to implement this subchapter.

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

Sec. 418.453. DATABASE OF LICENSE HOLDERS. (a) The

division shall 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.

(b) The division shall make the records under this section available to an emergency management director or the director's associated governmental entity on request.

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

(b) If established, the committee consists of nine members appointed by the division 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.

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

Sec. 418.455. LICENSING REQUIREMENT. A person may not be designated as an emergency management coordinator under Section 418.1015(c) unless the person holds an emergency manager license.

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

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

(2) demonstrate that the person meets eligibility criteria under Section 418.457, 418.458, or 418.459; and

(3) not be disqualified under Section 53.021(b),

Occupations Code.

(b) The division shall issue a basic, intermediate, or advanced emergency manager license, as appropriate, to an applicant who meets the eligibility requirements prescribed by Subsection (a).

Sec. 418.457. BASIC EMERGENCY MANAGER LICENSE. 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 the division.

Sec. 418.458. INTERMEDIATE EMERGENCY MANAGER LICENSE. To be eligible for an intermediate emergency manager license, a person must:

(1) have at least five years of experience in a position the duties of which primarily or substantially involved emergency management; and

(2) complete not less than 200 hours of training and instruction on emergency management, which must consist of courses provided or approved by the division.

Sec. 418.459. ADVANCED EMERGENCY MANAGER LICENSE. To be eligible for an advanced emergency manager license, a person must:

(1) have at least 10 years of experience in a position the duties of which primarily or substantially involved emergency management; and

(2) complete not less than 400 hours of training and instruction on emergency management, which must consist of courses provided or approved by the division.

Sec. 418.460. AUTHORITY TO CONDUCT CRIMINAL HISTORY CHECK.

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

(b) For purposes of conducting the criminal history check, the division may require an applicant to submit a complete and legible set of fingerprints, on a form prescribed by the division, to the division or to the department for the purpose of obtaining criminal history record information from the department and the Federal Bureau of Investigation.

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

Sec. 418.461. ALTERNATIVE QUALIFICATIONS. The division by rule may allow an applicant for an emergency manager license to credit military experience, professional experience, education, or another certification toward the eligibility requirements of Section 418.457, 418.458, or 418.459, including an emergency management credential issued by another state.

Sec. 418.462. PROVISION OR APPROVAL OF TRAINING REQUIRED. The division shall provide or approve training, instruction, and courses sufficient to enable a person to meet the licensing and continuing education requirements under this subchapter.

Sec. 418.463. EXPIRATION; CONTINUING EDUCATION; RENEWAL.

(a) An emergency manager license expires on the first anniversary

of the date the license is issued.

(b) The division shall renew an emergency manager license if an emergency manager:

(1) completes not less than eight hours of continuing education on emergency management provided or approved by the division; and

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

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

Sec. 418.464. DENIAL; SUSPENSION; REVOCATION. (a) The division may deny a license or renewal application or suspend or revoke a license if a person violates this subchapter or any rule adopted by the division under this subchapter.

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

SUBCHAPTER N. STATEWIDE VOLUNTEER MANAGEMENT SYSTEM

Sec. 418.481. DEFINITIONS. In this subchapter:

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

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

Sec. 418.482. ESTABLISHMENT OF SYSTEM. The division shall establish and maintain a statewide volunteer registration and management database to register, credential, and manage

1 individuals who volunteer to assist in disaster response or
2 recovery operations at the direction and under the supervision of a
3 state agency or local government.

4 Sec. 418.483. SYSTEM REQUIREMENTS. The volunteer
5 management system must:

- 6 (1) be made available online;
- 7 (2) be maintained and updated regularly with a roster
8 of available volunteers;
- 9 (3) be capable of making and coordinating volunteer
10 assignments among state, regional, and local governmental
11 entities; and
- 12 (4) document the supervision of volunteers and the
13 resources available and necessary to support the volunteers.

14 Sec. 418.484. USE OF SYSTEM REQUIRED. The division and each
15 state agency and local government that deploys volunteers in
16 disaster response or recovery operations shall use the volunteer
17 management system to:

- 18 (1) credential and deploy the volunteers;
- 19 (2) report in the system volunteer activity and
20 requests for assistance during periods when a disaster declaration
21 is in effect; and
- 22 (3) coordinate volunteer programs by local
23 governments to ensure the programs align with state standards and
24 requirements.

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

26 (a) The division may conduct a criminal history check, including a
27 check of any criminal history record information maintained by the

1 Federal Bureau of Investigation, in the manner provided by
2 Subchapter F, Chapter 411, on each person who applies to register as
3 a volunteer under this subchapter.

4 (b) For purposes of conducting the criminal history check,
5 the division may require an applicant to submit a complete and
6 legible set of fingerprints, on a form prescribed by the division,
7 to the division or to the department for the purpose of obtaining
8 criminal history record information from the department and the
9 Federal Bureau of Investigation.

10 (c) The division may require the applicant to pay a fee to
11 cover any costs associated with conducting a criminal history check
12 under this section.

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

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

20 (1) registration and renewal requirements for
21 volunteer registrations;

22 (2) training and credentialing requirements for
23 particular disaster response or recovery operations that involve
24 specialized training or experience;

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

27 (4) protocols for deploying volunteers and reporting

1 incidents.

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

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

6 Sec. 418.489. AGREEMENTS. The division may enter into an
7 agreement with any public or private entity to support volunteer
8 mobilization efforts.

9 SECTION 4. Chapter 1001, Health and Safety Code, is amended
10 by adding Subchapter M to read as follows:

11 SUBCHAPTER M. MASS FATALITY OPERATIONS

12 Sec. 1001.301. MASS FATALITY OPERATIONS RAPID RESPONSE
13 TEAM. (a) The department, in collaboration with the regional
14 advisory council of each trauma service area and the Texas Division
15 of Emergency Management, shall establish a mass fatality operations
16 rapid response team that immediately on the occurrence of a mass
17 fatality event assesses the geographic area where the event
18 occurred for the purpose of:

19 (1) providing information regarding the mass fatality
20 event to public officials and employees who are conducting disaster
21 response or recovery operations, including justices of the peace,
22 emergency management directors and coordinators, and incident
23 commanders; and

24 (2) facilitating early and appropriate activation of
25 mass fatality management resources.

26 (b) The team required by Subsection (a) may be established
27 by interlocal contract.

1 Sec. 1001.302. INTEGRATION OF MASS FATALITY OPERATIONS
2 RESPONSE TEAM WITH SEARCH AND RESCUE OR RECOVERY OPERATIONS. Each
3 recognized search and rescue organization or recovery team, law
4 enforcement agency, fire department, including a volunteer fire
5 department, and emergency medical services provider shall
6 coordinate the efforts of the entity with the appropriate mass
7 fatality operations response team when deploying in response to a
8 mass fatality event for the purpose of ensuring coordination during
9 the recovery of human bodies and the use of proper documentation,
10 including chain-of-custody documentation.

11 Sec. 1001.303. INTEGRATION OF MASS FATALITY OPERATIONS
12 RESPONSE TEAM WITH FAMILY ASSISTANCE CENTERS. (a) In this section,
13 "family assistance center" is a facility established by a state
14 agency or local government following a mass fatality event to
15 coordinate the provision of support services and basic assistance
16 to individuals impacted by the mass fatality event, especially
17 close relatives of a victim of the event.

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

22 Sec. 1001.304. COMMUNICATIONS PLAN. The department shall
23 develop and make available to state agencies and local governments
24 that respond to mass fatality events a communications plan that:

25 (1) includes best practices on communicating with the
26 public and the media following a mass fatality event;

27 (2) ensures consistency in communications among state

1 agencies and local governments; and

2 (3) provides content and strategies for communicating
3 the medicolegal process of recovering bodies after a mass fatality
4 event.

5 Sec. 1001.305. MASS FATALITY DATA MANAGEMENT SYSTEM. (a)
6 The department shall develop and maintain a centralized fatality
7 tracking system for use when deploying a mass fatality operations
8 response team.

9 (b) The system must be capable of:

10 (1) assigning unique case number and incident tagging;
11 (2) tracking the chain-of-custody for a body and
12 associated personal effects;
13 (3) storing in an easily retrievable manner
14 documentation of an autopsy and identification and release of a
15 body; and
16 (4) providing real-time status updates and
17 notifications for close relatives of a victim of a mass fatality.

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

23 SECTION 6. (a) Except as otherwise provided by this Act,
24 this Act takes effect on the 91st day after the last day of the
25 legislative session.

26 (b) Subchapter M, Chapter 418, Government Code, as added by
27 this Act, takes effect January 1, 2027.