

## **BILL ANALYSIS**

H.B. 2  
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. 2 seeks to address those issues by providing for educational requirements for certain justices of the peace on managing mass fatality events, the revision of statutory provisions relating to required emergency management training for certain government officials, 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 Commission on Fire Protection and the Texas Division of Emergency Management in SECTION 5 of this bill.

### **ANALYSIS**

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

H.B. 2 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 ordering an autopsy;
- standards for identifying and documenting bodies; and
- best practices on collecting and reporting data regarding missing persons, coordinating efforts with multiple governmental agencies during mass fatality events, and providing real-time status updates and notifications for close relatives of a victim of a mass fatality event.

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 bill 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: TCFP**

H.B. 2 changes the provision entitling the Texas Commission on Fire Protection (TCFP) to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a person who is an applicant for or holder of a license issued by TCFP or an applicant for employment by or an employee of TCFP by revising and expanding that entitlement to establish that TCFP is entitled to do the following, subject to statutory provisions governing access to criminal history record information maintained by the FBI or local criminal justice agencies, subject to the subsequently described bill provisions authorizing TCFP to conduct a criminal history check on each person who applies for an emergency manager license under the bill's provisions, and consistent with the state's public policy:

- obtain through the FBI criminal history record information maintained or indexed by the FBI that pertains to an applicant for or holder of such an emergency manager license; and
- obtain from DPS or any other criminal justice agency in Texas criminal history record information maintained by DPS or that criminal justice agency that relates to one of the following persons:
  - an applicant for or holder of such an emergency manager license;
  - an applicant for or holder of a license issued by TCFP; or
  - an applicant for employment by or an employee of TCFP.

The bill prohibits TCFP from releasing or disclosing to any person the applicable criminal history record information obtained from the FBI with respect to an applicant for or holder of an emergency manager license and also does the following:

- expands the provision prohibiting criminal history record information obtained by TCFP from DPS from being released to any person or agency except on court order or with the consent of the person who is the subject of the criminal history record information to make that prohibition also applicable to criminal history record information obtained by TCFP from any criminal justice agency in Texas;
- removes the exception from the prohibition against TCFP releasing applicable criminal history record information obtained by TCFP from DPS if the information is entered into evidence in an administrative, civil, or criminal hearing under applicable state law regarding TCFP and establishes that TCFP instead is not prohibited from disclosing criminal history record information obtained from DPS or any other criminal justice agency in Texas in a criminal proceeding or in a hearing conducted by TCFP or by the State Office of Administrative Hearings on behalf of TCFP; and
- requires TCFP to destroy criminal history record information that is obtained under these bill provisions regarding TCFP access to criminal history record information after the information is used for its authorized purpose.

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

H.B. 2 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, registers as a volunteer for governmental disaster response or recovery operations. The bill entitles TDEM to obtain from DPS or any other criminal justice agency in Texas criminal history record information maintained by DPS or that criminal justice agency that relates to such a person, 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. The bill, as follows:

- prohibits criminal history record information obtained by TDEM 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; and

- requires TDEM to destroy criminal history record information that is obtained under these provisions after the information is used for its authorized purpose.

## **Emergency Management Training**

H.B. 2, for purposes of the Texas Disaster Act of 1975, requires a sheriff and the mayor of a municipality that is not covered by a county's hazard mitigation plan to complete the course of emergency management training provided by TDEM to certain governmental officials regarding the responsibilities of state and local governments under the act. The bill further revises the training requirement to do the following:

- clarify that a county judge is also required to complete such a course;
- make the requirement applicable to all emergency management coordinators designated under applicable state law by a county emergency management director by removing the specification in current law making that requirement applicable only with respect to a coordinator so designated in a county with a population of 500,000 or more;
- increase the duration of the required training course from not less than three hours to not less than 16 hours;
- establish that the required training course must be completed by the applicable officials every two years; and
- clarify that the deadline for an applicable official to complete the initial course of training is not later than the 180th day after the date the person, as applicable, takes the oath of office, assumes responsibilities as a public officer, or is designated as an emergency management coordinator.

The bill requires a person who, on the bill's effective date, is required to complete the emergency management training, as revised under these bill provisions, to complete that training not later than the 180th day after the bill's effective date.

## **Emergency Manager Licenses**

H.B. 2 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.

### Licensing Requirement

H.B. 2, effective January 1, 2027, prohibits a person from serving under the act as an emergency management coordinator for a period that exceeds six months beginning the day after the date on which the person was designated 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. 2 requires TCFP to administer and enforce the bill's provisions relating to emergency manager licenses and authorizes TCFP to adopt rules to implement those provisions. The bill requires TDEM to adopt rules regarding the minimum requirements for each type of emergency manager license and the minimum requirements for the continuing education necessary to renew an emergency manager license in order to implement those provisions. TCFP may adopt fees reasonable and necessary to cover the costs of administering those provisions.

### Database of License Holders

H.B. 2 requires TCFP, in coordination with 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 TCFP to make these records available to an emergency management director or the director's associated governmental entity on request.

#### Advisory Committee

H.B. 2 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. 2 establishes that, to be eligible for an emergency manager license, a person must, as follows:

- submit an application to TCFP in a form and manner prescribed by TCFP;
- demonstrate that the person meets the eligibility criteria for an emergency manager license as provided under these bill provisions; and
- not be disqualified based on the person's criminal history, as provided by the subsequently described bill provisions relating to ineligibility for an emergency manager license based on criminal history.

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

#### Emergency Manager Licenses

H.B. 2 establishes that, to be eligible for a bridge 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 rule. The bill requires TDEM by rule to establish the minimum eligibility requirements for basic, intermediate, advanced, and master emergency manager licenses, including any minimum hours of training and instruction or years of experience performing the duties of an emergency management coordinator.

#### Ineligibility Based on Criminal History

H.B. 2 makes a person ineligible for an emergency manager license if the person has been convicted of or placed on deferred adjudication community supervision for a felony or any offense that directly relates to the duties and responsibilities of an emergency management coordinator, as determined by TCFP. The bill authorizes TCFP, in consultation with TDEM, to adopt rules specifying offenses, other than those described by these provisions, a conviction or placement on deferred adjudication community supervision for which would disqualify a person as not eligible for an emergency manager license.

#### Authority to Conduct Criminal History Check

H.B. 2 authorizes TCFP 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 regarding such information, on each person who applies for an emergency manager license. The bill authorizes TCFP, 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 TCFP, to TCFP or to DPS for the purpose of obtaining criminal history record information from DPS and the FBI. TCFP 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. 2 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 an emergency manager license, including an emergency management credential issued by another state.

### Provision or Approval of Training Required

H.B. 2 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. 2 establishes that an emergency manager license expires on the first anniversary of the date the license is issued. The bill requires TCFP to renew an emergency manager license if an emergency manager does the following:

- completes not less than 16 hours of continuing education on emergency management provided or approved by TDEM rule; and
- submits an application for renewal to TCFP on a form and in a manner prescribed by TCFP.

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

### Denial; Suspension; Revocation

H.B. 2 authorizes TCFP to deny the issuance or renewal of an emergency manager license 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 or TCFP under those provisions, including being disqualified based on the person's criminal history. 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. 2 also amends the act to 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; Limitations on Required Registration

H.B. 2 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.

Before TDEM, a state agency, or a local government deploys a spontaneous volunteer to assist in disaster response or recovery operations, TDEM, the state agency, or the local government, as applicable, must ensure the spontaneous volunteer is registered with the volunteer management system. The bill establishes that an individual who volunteers and is affiliated with a community organization active in disaster or a member or affiliate organization of voluntary organizations active in disaster may not be required to register with the voluntary management system before deployment. The bill authorizes TDEM to waive, wholly or partly, any of these requirements as necessary to facilitate an urgent response to a disaster. For purposes of these requirements, the bill defines the following terms:

- "community organization active in disaster" as a nonprofit organization that regularly engages in disaster response and recovery operations and regularly prepares for those operations;
- "spontaneous volunteer" as an individual who volunteers to assist in disaster response or recovery and is not affiliated with voluntary organizations active in disaster or any community organization active in disaster or with a governmental entity; and
- "voluntary organizations active in disaster" as a network of nonprofit organizations that coordinate to provide disaster response or recovery services, including community organizations active in disaster.

#### Authority to Conduct Criminal History Check

H.B. 2 authorizes TDEM to conduct a criminal history check, based on the criminal history record information maintained by DPS or any other criminal justice agency in Texas, on each person who applies to register as a volunteer under these provisions.

#### Ineligibility to Register Based on Criminal History

H.B. 2 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. 2 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. 2 authorizes TDEM to use any available funds and to seek and accept gifts, grants, and donations to implement these provisions.

#### Agreements

H.B. 2 authorizes TDEM to enter into an agreement with any public or private entity to support volunteer mobilization efforts.

## Property Rights Protected

H.B. 2 establishes that nothing in these provisions may be construed as prohibiting a real property owner from consenting to allowing a volunteer onto the owner's property or accepting assistance from the volunteer.

## **Mass Fatality Operations**

### Mass Fatality Operations Rapid Response Team

H.B. 2 amends the Health and Safety Code to require DSHS, in collaboration with 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 purposes of the following:

- providing 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
- facilitating 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. 2 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. 2 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.

### Mass Fatality Data Management System

H.B. 2 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 numbers and incident tagging;
- tracking the chain-of-custody for a human body and associated personal effects; and
- storing in an easily retrievable manner documentation of an autopsy and identification and release of a body.

## **EFFECTIVE DATE**

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