

By: King

H.B. No. 2

A BILL TO BE ENTITLED

AN ACT

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

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 ordering an
autopsy;

(2) standards for identifying and documenting bodies;
and

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

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

1 (C) providing real-time status updates and
2 notifications for close relatives of a victim of a mass fatality
3 event.

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

9 SECTION 2. Section 411.1236, Government Code, is amended to
10 read as follows:

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

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

19 (2) an applicant for employment by or an employee of
20 the commission.

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

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

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

5 (b) The Texas Commission on Fire Protection may not release
6 or disclose to any person criminal history record information
7 obtained from the Federal Bureau of Investigation under Subsection
8 (a-1)(1). Criminal history record information obtained by the
9 Texas Commission on Fire Protection under Subsection (a-1)(2) ~~[(a)]~~
10 may not be released to any person or agency except on court order or
11 with the consent of the person who is the subject of the criminal
12 history record information, or as provided by Subsection (c).

13 (c) The Texas Commission on Fire Protection is not
14 prohibited from disclosing criminal history record information
15 obtained under Subsection (a-1)(2) in a criminal proceeding or in a
16 hearing conducted by the commission or by the State Office of
17 Administrative Hearings on behalf of the commission ~~[if the~~
18 ~~information is entered into evidence by the board in an~~
19 ~~administrative, civil, or criminal hearing under Chapter 419]~~.

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

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

25 Sec. 411.14104. ACCESS TO CRIMINAL HISTORY RECORD
26 INFORMATION: TEXAS DIVISION OF EMERGENCY MANAGEMENT. (a) The
27 Texas Division of Emergency Management is entitled to obtain

criminal history record information as provided by Subsection (b) that relates to a person who registers as a volunteer for governmental disaster response or recovery operations under Subchapter N, Chapter 418.

(b) Subject to Sections 411.087 and 418.485 and consistent with the public policy of this state, the Texas Division of Emergency Management is entitled to 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) Criminal history record information obtained by the Texas Division of Emergency Management under Subsection (b) 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) 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 4. Sections 418.005(a) and (b), Government Code, are amended to read as follows:

(a) This section applies only to:

(1) an elected law enforcement officer [~~or county judge,~~] or an appointed public officer of the state or of a

political subdivision, who has management or supervisory responsibilities and:

(A) whose position description, job duties, or assignment includes emergency management responsibilities; or

(B) who plays a role in emergency preparedness, response, or recovery; ~~and~~

(2) an emergency management coordinator designated under Section [418.1015\(c\)](#);

(3) a county judge;

(4) a sheriff; and

(5) a mayor of a municipality that is not covered by a county's hazard mitigation plan ~~[by the emergency management director of a county with a population of 500,000 or more]~~.

(b) Each person described by Subsection (a) shall complete a course of training provided or approved by the division of not less than 16 ~~[three]~~ hours regarding the responsibilities of state and local governments under this chapter every two years. The initial course of training must be completed not later than the 180th day after the date the person:

(1) takes the oath of office, if the person is required to take an oath of office to assume the person's duties as a public officer;

(2) otherwise assumes responsibilities as a public officer, if the person is not required to take an oath of office to assume the person's duties; or

(3) is designated as an emergency management coordinator under Section [418.1015\(c\)](#).

SECTION 5. 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) "Commission" means the Texas Commission on Fire Protection.

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

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

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

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

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

Sec. 418.453. DATABASE OF LICENSE HOLDERS. (a) The commission, in coordination with 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 commission 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 serve as an emergency management coordinator under Section 418.1015(c) for a period that exceeds six months beginning the day after the date on which the person was designated as an emergency management coordinator, 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 commission in a form and manner prescribed by the commission;

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

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

(b) The commission shall issue a bridge, basic,

1 intermediate, advanced, or master emergency manager license, as
2 appropriate, to an applicant who meets the eligibility requirements
3 prescribed by Subsection (a).

4 Sec. 418.457. EMERGENCY MANAGER LICENSES. (a) To be
5 eligible for a bridge emergency manager license, a person must
6 complete not less than 40 hours of training and instruction on
7 emergency management, which must consist of courses provided or
8 approved by division rule.

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

14 Sec. 418.458. INELIGIBILITY BASED ON CRIMINAL HISTORY. (a)
15 A person is not eligible for an emergency manager license if the
16 person has been convicted of or placed on deferred adjudication
17 community supervision for:

18 (1) a felony; or

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

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

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

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

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

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

15 Sec. 418.460. ALTERNATIVE QUALIFICATIONS. The division by
16 rule may allow an applicant for an emergency manager license to
17 credit military experience, professional experience, education, or
18 another certification toward the eligibility requirements of
19 Section 418.457, including an emergency management credential
20 issued by another state.

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

25 Sec. 418.462. EXPIRATION; CONTINUING EDUCATION; RENEWAL.

26 (a) An emergency manager license expires on the first anniversary
27 of the date the license is issued.

1 (b) The commission shall renew an emergency manager license
2 if an emergency manager:

3 (1) completes not less than 16 hours of continuing
4 education on emergency management provided or approved by division
5 rule; and

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

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

10 Sec. 418.463. DENIAL; SUSPENSION; REVOCATION. (a) The
11 commission may deny the issuance or renewal of an emergency manager
12 license or suspend or revoke an emergency manager license if a
13 person violates this subchapter or any rule adopted by the division
14 or commission under this subchapter, including being disqualified
15 based on the person's criminal history.

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

18 SUBCHAPTER N. STATEWIDE VOLUNTEER MANAGEMENT SYSTEM

19 Sec. 418.481. DEFINITIONS. In this subchapter:

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

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

26 Sec. 418.482. ESTABLISHMENT OF SYSTEM. The division shall
27 establish and maintain a statewide volunteer registration and

1 management database to register, credential, and manage
2 individuals who volunteer to assist in disaster response or
3 recovery operations at the direction and under the supervision of a
4 state agency or local government.

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

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

15 Sec. 418.484. USE OF SYSTEM REQUIRED; LIMITATIONS ON
16 REQUIRED REGISTRATION. (a) In this section:

17 (1) "Community organization active in disaster" is a
18 nonprofit organization that regularly engages in disaster response
19 and recovery operations and regularly prepares for those
20 operations.

21 (2) "Spontaneous volunteer" means an individual who:
22 (A) volunteers to assist in disaster response or
23 recovery; and
24 (B) is not affiliated with voluntary
25 organizations active in disaster or any community organization
26 active in disaster or with a governmental entity.

27 (3) "Voluntary organizations active in disaster" is a

1 network of nonprofit organizations that coordinate to provide
2 disaster response or recovery services and may include community
3 organizations active in disaster.

4 (b) The division and each state agency and local government
5 that deploys volunteers in disaster response or recovery operations
6 shall use the volunteer management system to:

7 (1) credential and deploy the volunteers;

8 (2) report in the system volunteer activity and
9 requests for assistance during periods when a disaster declaration
10 is in effect; and

11 (3) coordinate volunteer programs by local
12 governments to ensure the programs align with state standards and
13 requirements.

14 (c) Before the division, a state agency, or a local
15 government deploys a spontaneous volunteer to assist in disaster
16 response or recovery operations, the division, state agency, or
17 local government, as applicable, must ensure the spontaneous
18 volunteer is registered with the volunteer management system. An
19 individual who volunteers and is affiliated with a community
20 organization active in disaster or a member or affiliate
21 organization of voluntary organizations active in disaster may not
22 be required to register with the voluntary management system before
23 deployment.

24 (d) The division may waive, wholly or partly, any
25 requirement of this section as necessary to facilitate an urgent
26 response to a disaster.

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

1 The division may conduct a criminal history check, based on the
2 criminal history record information maintained by the department or
3 any other criminal justice agency in this state, on each person who
4 applies to register as a volunteer under this subchapter.

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

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

12 (1) registration and renewal requirements for
13 volunteer registrations;

14 (2) training and credentialing requirements for
15 particular disaster response or recovery operations that involve
16 specialized training or experience;

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

19 (4) protocols for deploying volunteers and reporting
20 incidents.

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

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

25 Sec. 418.489. AGREEMENTS. The division may enter into an
26 agreement with any public or private entity to support volunteer
27 mobilization efforts.

1 Sec. 418.490. PROPERTY RIGHTS PROTECTED. Nothing in this
2 subchapter may be construed as prohibiting a real property owner
3 from:

4 (1) consenting to allowing a volunteer onto the
5 owner's property; or

6 (2) accepting assistance from the volunteer.

7 SECTION 6. Subtitle A, Title 8, Health and Safety Code, is
8 amended by adding Chapter 675 to read as follows:

9 CHAPTER 675. MASS FATALITY OPERATIONS

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

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

13 (a) The department, in collaboration with the Texas Division of
14 Emergency Management, shall establish a mass fatality operations
15 rapid response team that immediately on the occurrence of a mass
16 fatality event assesses the geographic area where the event
17 occurred for the purposes of:

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

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

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

27 Sec. 675.003. INTEGRATION OF MASS FATALITY OPERATIONS

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

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

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

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

25 (b) The system must be capable of:

26 (1) assigning unique case numbers and incident
27 tagging;

1 (2) tracking the chain-of-custody for a human body and
2 associated personal effects; and

3 (3) storing in an easily retrievable manner
4 documentation of an autopsy and identification and release of a
5 human body.

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

11 SECTION 8. A person who, on the effective date of this Act,
12 is required to complete the training required by Section 418.005,
13 Government Code, as amended by this Act, shall complete that
14 training not later than the 180th day after the effective date of
15 this Act.

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

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