

BILL ANALYSIS

C.S.S.B. 1673
By: Lucio
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties suggest that in recent years the state has struggled to react and respond to natural disasters. C.S.S.B. 1673 seeks to build on lessons learned over the past few years with regard to natural disaster response and recovery by setting out provisions relating to natural disaster housing recovery.

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 General Land Office in SECTION 1 of this bill.

ANALYSIS

C.S.S.B. 1673 amends the Government Code to require the General Land Office (GLO), unless the governor designates a state agency as provided by the bill, to receive and administer federal and state funds appropriated for long-term natural disaster recovery. The bill authorizes the GLO to collaborate with the Texas Division of Emergency Management and the Federal Emergency Management Agency to secure reimbursement for housing needs in areas affected by natural disasters, seek prior approval from the Federal Emergency Management Agency and the U.S. Department of Housing and Urban Development for the immediate post-disaster implementation of local housing recovery plans approved by the governor under the bill's provisions, and maintain a division with adequate staffing and other administrative support to carry out the GLO's duties relating to long-term natural disaster recovery. The bill authorizes the GLO to adopt rules as necessary to implement the GLO's duties under the bill's provisions. The bill authorizes the governor to designate a state agency to be responsible for long-term natural disaster recovery under the bill's provisions instead of the GLO and specifies that if the governor designates a state agency a reference to the GLO in the bill means the designated state agency.

C.S.S.B. 1673 authorizes a local government that is a county, municipality, or council of government to develop and adopt a local housing recovery plan to provide for the rapid and efficient construction of permanent replacement housing following a natural disaster. The bill requires a local government, in developing the plan, to seek input from stakeholders in the community and neighboring local governments. The bill authorizes a local government to submit a plan to the Hazard Reduction and Recovery Center at Texas A&M University for certification. The bill requires the center to review and certify plans submitted to the center by local governments, requires the center to establish criteria for certifying a plan, and prohibits the center from certifying a plan unless the plan meets certain criteria specified by the bill. If the center determines that a plan does not meet applicable criteria, the bill requires the center to

identify the plan's deficiencies and assist the local government in revising the plan to meet the criteria. The bill requires the center to provide training to local governments and community-based organizations on developing a plan. The bill requires a local government that submits a plan to the center for certification to designate at least one representative to attend the center's training and requires the training to include specified information.

C.S.S.B. 1673 requires the center to create and maintain mapping and data resources related to natural disaster recovery and planning and assist a local government on request in identifying areas that are vulnerable to natural disasters. The bill requires the center to provide recommendations to the Texas Department of Insurance regarding the development of policies, procedures, and education programs to enable the quick and efficient reporting and settling of housing claims related to natural disasters. The bill authorizes the center to seek and accept gifts, grants, donations, and other funds to assist the center in fulfilling its applicable duties under the bill.

C.S.S.B. 1673 authorizes the center to submit to the GLO a plan certified by the center and authorizes the GLO to review a submitted plan and consult with the center and the local government about any potential improvements the GLO may identify. The bill requires the GLO, in reviewing the plan, to give deference to the local government regarding matters in the local government's discretion. The bill authorizes the GLO, on completion of the review, if applicable, to accept the plan, but prohibits the GLO from accepting a plan if the GLO determines that the plan does not satisfy applicable criteria for a certified plan, provide for the rapid and efficient construction of permanent replacement housing, or comply with applicable state and federal law. The bill authorizes the GLO to submit to the governor for approval or rejection a plan that the GLO accepts. The bill requires the governor, if the governor rejects a plan, to provide a written explanation of the reasons for the rejection. The bill authorizes a local government, in consultation with the center and the GLO, to revise a plan rejected by the governor and resubmit the plan to the governor for approval.

C.S.S.B. 1673 makes a plan approved by the governor valid for four years and authorizes the plan to be implemented during that period without further approval if a natural disaster occurs. The bill authorizes the plan, in accordance with rules adopted by the GLO, on or before expiration, to be reviewed by the center and the GLO, updated if necessary, and resubmitted to the governor for approval or rejection.

C.S.S.B. 1673 takes effect only if a specific appropriation for the implementation of the bill is provided in a general appropriations act of the 85th Legislature. If the legislature does not appropriate money specifically for the purpose of implementing the bill, the bill has no effect.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1673 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 418, Government Code, is amended by adding Subchapter F-1 to read as follows:

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SUBCHAPTER F-1. NATURAL

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DISASTER HOUSING RECOVERY

Sec. 418.131. DEFINITIONS.

Sec. 418.132. DUTIES OF GENERAL LAND OFFICE OR DESIGNATED STATE AGENCY. (a) Unless the governor designates a state agency under Subsection (d), the General Land Office shall receive and administer federal and state funds appropriated for long-term natural disaster recovery.

(b) The General Land Office shall:

(1) collaborate with the Texas Division of Emergency Management and the Federal Emergency Management Agency to secure reimbursement for housing needs in areas affected by natural disasters;

(2) seek prior approval from the Federal Emergency Management Agency and the United States Department of Housing and Urban Development for the immediate post-disaster implementation of local housing recovery plans approved by the governor under Section 418.136; and

(3) maintain a division with adequate staffing and other administrative support to carry out the General Land Office's duties relating to long-term natural disaster recovery.

(c) The General Land Office may adopt rules as necessary to implement the General Land Office's duties under this subchapter.

(d) The governor may designate a state agency to be responsible for long-term natural disaster recovery under this subchapter instead of the General Land Office. If the governor designates a state agency under this subsection, a reference to the General Land Office in this subchapter means the designated state agency.

Sec. 418.133. LOCAL HOUSING RECOVERY PLAN.

Sec. 418.134. DUTIES OF HAZARD REDUCTION AND RECOVERY CENTER; PLAN CRITERIA AND CERTIFICATION.

Sec. 418.135. REVIEW OF LOCAL HOUSING RECOVERY PLAN BY GENERAL LAND OFFICE. (a) The center shall submit to the General Land Office a plan certified by the center under

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(b) The General Land Office may:

(1) collaborate with the Texas Division of Emergency Management and the Federal Emergency Management Agency to secure reimbursement for housing needs in areas affected by natural disasters;

(2) seek prior approval from the Federal Emergency Management Agency and the United States Department of Housing and Urban Development for the immediate post-disaster implementation of local housing recovery plans approved by the governor under Section 418.136; and

(3) maintain a division with adequate staffing and other administrative support to carry out the General Land Office's duties relating to long-term natural disaster recovery.

(c) The General Land Office may adopt rules as necessary to implement the General Land Office's duties under this subchapter.

(d) The governor may designate a state agency to be responsible for long-term natural disaster recovery under this subchapter instead of the General Land Office. If the governor designates a state agency under this subsection, a reference to the General Land Office in this subchapter means the designated state agency.

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Sec. 418.135. REVIEW OF LOCAL HOUSING RECOVERY PLAN BY GENERAL LAND OFFICE. (a) The center may submit to the General Land Office a plan certified by the center under

Section 418.134.

(b) The General Land Office shall review the plan and consult with the center and the local government about any potential improvements the General Land Office may identify. In reviewing the plan, the General Land Office shall give deference to the local government regarding matters in the local government's discretion.

(c) On completion of the review, the General Land Office shall accept the plan unless the General Land Office determines that the plan does not:

- (1) satisfy the criteria for a certified plan under Section 418.134(b);
- (2) provide for the rapid and efficient construction of permanent replacement housing; or
- (3) comply with applicable state and federal law.

Sec. 418.136. APPROVAL BY GOVERNOR. (a) The General Land Office shall submit to the governor for approval or rejection a plan that the General Land Office accepts under Section 418.135.

(b) If the governor rejects a plan, the governor must provide a written explanation of the reasons for the rejection.

(c) A local government, in consultation with the center and the General Land Office, may revise a plan rejected by the governor under this section and resubmit the plan to the governor for approval.

Sec. 418.137. EFFECT OF APPROVAL.

SECTION 2. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

SECTION 3. This Act takes effect September 1, 2017.

Section 418.134.

(b) If the center submits to the General Land Office a plan under Subsection (a), the General Land Office may review the plan and consult with the center and the local government about any potential improvements the General Land Office may identify. In reviewing the plan, the General Land Office shall give deference to the local government regarding matters in the local government's discretion.

(c) On completion of the review, if applicable, the General Land Office may accept the plan. The General Land Office may not accept a plan if the General Land Office determines that the plan does not:

- (1) satisfy the criteria for a certified plan under Section 418.134(b);
- (2) provide for the rapid and efficient construction of permanent replacement housing; or
- (3) comply with applicable state and federal law.

Sec. 418.136. APPROVAL BY GOVERNOR. (a) The General Land Office may submit to the governor for approval or rejection a plan that the General Land Office accepts under Section 418.135.

(b) If the governor rejects a plan, the governor must provide a written explanation of the reasons for the rejection.

(c) A local government, in consultation with the center and the General Land Office, may revise a plan rejected by the governor under this section and resubmit the plan to the governor for approval.

Sec. 418.137. EFFECT OF APPROVAL.

SECTION 2. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature. If the legislature does not appropriate money specifically for the purpose of implementing this Act, this Act has no effect.

SECTION 3. Same as engrossed version.