BILL ANALYSIS

Senate Research Center

H.B. 99
By: Gray (Armbrister)
Finance
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Enrolled

DIGEST

Currently, funds in the disaster contingency fund must be reappropriated each biennium, and there is no self-funding mechanism to perpetuate revenue into the fund without prior appropriation of additional funds, or from a previous unexpended balance. The devastating natural disasters that have occurred in Texas coupled with shortfalls in federal funding meant that Texas does not have adequate funding to match federal aid, help pay for disaster management during non-presidential declarations, and provide loans and assistance to local communities and state agencies. This bill will provide regulations regarding funding and operation of certain emergency management and disaster relief programs.

PURPOSE

As enrolled, H.B. 99 provides regulations regarding funding and operation of certain emergency management and disaster relief programs.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 418.004(1), Government Code, to redefine "disaster."

SECTION 2. Amends Section 418.021, Government Code, as follows:

> Sec. 418.021. New heading: FEDERAL AID. Authorizes the governor, on the governor's determination that a situation is of such severity and magnitude that an effective response is beyond the capabilities of the state and the affected political subdivision and that federal assistance is necessary, to request federal assistance for certain purposes. Deletes existing text regarding federal monetary assistance.

SECTION 3. Amends Section 418.022, Government Code, as follows:

> Sec. 418.022. New heading: AID FOR INDIVIDUALS AND FAMILIES. Authorizes the governor, under certain circumstances, to make grants to meet disaster-related necessary expenses or other serious need of individuals or families adversely affected by the disaster. Provides that a grant under this subsection is limited to financial assistance for certain items and may not exceed $5,000 per individual or family. Authorizes the governor to reduce or withdraw assistance under this subsection if the grants are not used within a period established by the governor. Makes nonsubstantive changes.

SECTION 4. Amends Section 418.023, Government Code, by adding Subsection (e), to authorize the governor, under certain circumstances, to provide funds under Section 418.073 to a political subdivision for expenses incurred by the political subdivision in the clearance, removal, and disposal of debris.

SECTION 5. Amends Chapter 418B, Government Code, by adding Sections 418.0231 and 418.0232, as follows:

Sec. 418.0231. ASSISTANCE FOR REPAIR OR REPLACEMENT OF HIGHWAYS OR STREETS; WATER CONTROL STRUCTURES. Sets forth regulations regarding funds for repair or replacement of highways or streets, and water control structures.

Sec. 418.0232. HAZARD MITIGATION ASSISTANCE. Sets forth regulations regarding funds for hazard mitigation.

SECTION 6. Amends Section 418.024, Government Code, to make conforming changes.

SECTION 7. Amends Section 418.045, Government Code, to authorize the division of emergency management in the office of the governor (division) to hire on a contract basis temporary personnel. Makes a conforming change.

SECTION 8. Amends Chapter 418D, Government Code, by amending Section 418.073 and adding Section 418.0731, as follows:

Sec. 418.073. New heading: DISASTER MANAGEMENT FUND. Provides that the disaster management fund, rather than the disaster contingency fund, is a trust fund established in the Texas Treasury Safekeeping Trust Company, and shall be administered by that company as provided by Chapter 404G. Sets forth monies of which the fund consists. Authorizes the governor, under certain circumstances, to make funds available from the disaster management fund to provide money for emergency management and disaster relief programs the costs of which exceed the funds regularly appropriated to state and local agencies. Makes conforming changes.

Sec. 418.0731. USE OF FUND. Sets forth regulations regarding the use of the disaster management fund.

SECTION 9. Amends Title I(J), Article 1446c-0, V.T.C.S., by adding Section 1.3531, as follows:

Sec. 1.3531. ASSESSMENT FOR DISASTER RELIEF. Sets forth regulations regarding an assessment for disaster relief. Provides that this section expires September 1, 2000.

SECTION 10. Amends Section 1.354(a), Article 1466c-0, V.T.C.S., to require the comptroller to collect and pay into the general revenue fund all fees, penalties, and interest paid under the provisions of certain sections of this Act; and to pay into the disaster management fund the additional assessment imposed under Section 1.3531 of this Act, and all fees, penalties, and interest related to that assessment. Makes conforming changes.

SECTION 11. Provides that on the effective date of this Act, the disaster contingency account is abolished, and the comptroller shall transfer any unencumbered credit in that account to the disaster management fund established as a trust fund in the Texas Treasury Safekeeping Trust Company, as provided under Section 418.073, Government Code, as amended by this Act.

SECTION 12. Emergency clause.
Effective date: upon passage.