

BILL ANALYSIS

Senate Research Center
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H.B. 2794
By: Morrison et al. (Kolkhorst)
Water & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Governor's Commission to Rebuild Texas, established after Hurricane Harvey, recommended the unification of certain emergency management functions within the state. It has been noted that, in light of this recommendation, a memorandum of understanding has been executed by the Department of Public Safety and The Texas A&M University System providing for the administration of the Texas Division of Emergency Management (TDEM) by the system. H.B. 2794 seeks to provide legislative approval for this transfer and to align certain statutes to reflect the reorganization.

H.B. 2794 transfers the administration of TDEM from the Department of Public Safety of the State of Texas (DPS) to The Texas A&M University System on September 1, 2019. The bill, on that date:

- provides for the continuance of all DPS rules, policies, procedures, and decisions relating to the administration of TDEM;
- makes an employee of TDEM as operated by DPS a TDEM employee under the university system;
- establishes that a reference in law or administrative rule to DPS relating to the administration of TDEM means the university system; and
- makes DPS responsible for the employer contribution for the cost of retiree insurance for employees who retire from TDEM before the transfer date.

H.B. 2794 requires DPS and the university system, not later than June 1, 2019, to enter into a memorandum of understanding relating to the transfer of TDEM and sets out the required contents of the memorandum. H.B. 2794 amends the Government Code to require the governor, at least once each biennium, to review the composition of the emergency management council established under the Texas Disaster Act of 1975 and, if necessary, update or expand the participating entities. The bill makes the governor the sole entity responsible for appointing the chief who manages TDEM and removes a representative of the governor's office of homeland security from the list of persons required to routinely meet to coordinate efforts, prevent overlap of activities, and ensure that the state's approach to emergency management and homeland security is unified. The bill requires TDEM to manage and staff the state operations center under an agreement with DPS. H.B. 2794 amends the Education Code to make nonsubstantive and conforming changes.

H.B. 2794 amends current law relating to the administration of emergency management in this state.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.003(6), Education Code, as follows:

- (6) Redefines "other agency of higher education" to include The University of Texas at El Paso Museum, The Texas A&M AgriLife Research; the Rodent and

Predatory Animal Control Service (a part of the Texas A&M AgriLife Extension Service); the Texas A&M Engineering Experiment Station (including the Texas A&M Transportation Institute); the Texas A&M Engineering Extension Service; the Texas A&M Forest Service; the Texas Division of Emergency Management (TDEM); the Texas Water Resources Institute; and the Texas A&M Veterinary Medical Diagnostic Laboratory, among other entities of higher education.

SECTION 2. Amends Section 88.001, Education Code, as follows:

Sec. 88.001. AGENCIES AND SERVICES. Provides that the agencies and services of the Texas A&M University System (TAMU System) are:

- (1) the Texas A&M Forest Service;
- (2)–(5) makes conforming changes to these subdivisions;
- (6) TDEM; and
- (7) redesignates existing Subdivision (6) as this subdivision.

SECTION 3. Amends Section 418.013(b), Government Code, to require the governor, at least once each biennium, to review the composition of the council and, if necessary, update or expand the participating entities.

SECTION 4. Amends Section 418.041, Government Code, as follows:

- (a) Provides that TDEM is a component of the TAMU System, rather than a division of the Department of Public Safety of the State of Texas (DPS).
- (b) Provides that TDEM is managed by a chief appointed by the governor, rather than by public safety director of DPS with the approval of the governor. Provides that the chief serves at the pleasure of the governor, rather than the public safety director.
- (c) Requires the following, at least once every two months, to meet to coordinate efforts, prevent overlap of activities, and ensure that the state's approach to emergency management and homeland security is unified:
 - (1)–(2) makes no changes to this subdivision;
 - (3) deletes text relating to a representative of the governor's office of homeland security and redesignates existing text in Subdivision (4) as Subdivision (3); and
 - (4) redesignates existing Subdivision (5) as this subdivision.
- (d) Makes no changes to this subsection.
- (e) Requires TDEM to manage and staff the state operations center under an agreement with DPS.

SECTION 5. Amends Section 418.050(c), Government Code, to make a nonsubstantive change:

SECTION 6. Amends Section 418.051(c), Government Code, to make nonsubstantive and conforming changes.

SECTION 7. (a) Provides that on September 1, 2019:

- (1) the administration of TDEM is required to be transferred from DPS to the TAMU System;
- (2) all rules, policies, procedures, and decisions of DPS relating to the administration of TDEM are continued in effect as rules, policies, procedures, and decisions of the TAMU System until superseded by a rule or other appropriate action by the TAMU System;

- (3) an employee of TDEM as operated by DPS becomes an employee of TDEM under the TAMU System;
- (4) a reference in law or administrative rule to DPS relating to the administration of TDEM means the TAMU System; and
- (5) DPS is responsible for the employer contribution for the cost of retiree insurance for employees of TDEM who retire from the division before September 1, 2019.

(b) Requires DPS and the TAMU System, not later than June 1, 2019, to enter into a memorandum of understanding relating to the transfer of the administration of TDEM from DPS to the TAMU System as provided by this Act. Requires the memorandum to include:

- (1) a timetable and specific steps and methods for the transfer on September 1, 2019, of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, and unspent and unobligated appropriations and other funds relating to the administration of TDEM from DPS to the TAMU System;
- (2) measures to ensure against any unnecessary disruption to the operation of TDEM during the transfer process; and
- (3) a provision that the terms of any memorandum of understanding entered into previously by the governor, the TAMU System, DPS, and TDEM and related to the transfer remain in effect until the transfer is completed.

SECTION 8. Effective date: upon passage or September 1, 2019.