

## **BILL ANALYSIS**

C.S.H.B. 2794  
By: Morrison  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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 by the system. C.S.H.B. 2794 seeks to provide legislative approval for this transfer and to align certain statutes to reflect the reorganization.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2794 transfers the administration of the Texas Division of Emergency Management (TDEM) from the Department of Public Safety (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.

C.S.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.

C.S.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.

C.S.H.B. 2794 amends the Education Code to make nonsubstantive and conforming changes.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2794 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes from January 1, 2020, to September 1, 2019, the date on which the administration of TDEM is transferred. The substitute changes from October 1, 2019, to June 1, 2019, the deadline for entering into the memorandum of understanding.

The substitute does not include provisions that:

- provide for the continuance of all plans and benefits related to a transferred TDEM employee;
- make a transferred TDEM employee eligible to transfer service credit between the Employees Retirement System of Texas and the Teacher Retirement System of Texas without regard to the years of service credit held in either system; and
- make a transferred TDEM employee eligible to participate in the group benefits program under the Texas Employees Group Benefits Act effective on the date of transfer without a waiting period.

The substitute includes a provision making DPS responsible for the employer contribution for the cost of retiree insurance for TDEM employees who retire before the transfer date.

The substitute changes the bill's effective date to provide for immediate effect if the bill receives the necessary vote.