

Emergency Management. Local Finance.

Government Code: Title 4: Executive Branch:

Sub-Title B: Law Enforcement & Public Protection.

Chapter 418: Emergency Management. Sub-Chapter D. Finance.

2019 Texas Statutes:

<https://law.justia.com/codes/texas/2019/government-code/title-4/subtitle-b/chapter-418/subchapter-d/>

Sec. 418.071. State Policy.

It is the intent of the legislature and the policy of the state that funds to meet disaster emergencies always be available.

Sec. 418.073. Disaster Contingency Fund.

(a) The disaster contingency fund consists of money appropriated to the fund.

(b) **It is the intent of the legislature that in responding to an emergency or disaster, the first recourse of state and local agencies should be to the funds regularly appropriated to those agencies.**

(c) The purposes for which money in the disaster contingency fund may be used include making funds available to a state or local agency that will use the funds **to provide assistance to producers of agricultural products** affected by or recovering from a disaster caused by severe drought, wildfire, flood, storm, or hurricane. In this subsection, "**agricultural products**" includes:

(1) horticultural, viticultural, forestry, dairy, livestock, poultry, and bee products, including products of exotic livestock as defined by Section 161.001, Agriculture Code; and

(2) **any farm or ranch product**, including a product produced by aquaculture as defined by Section 134.001, Agriculture Code.

(c) (redundant?) A state or local government entity that participates in disaster preparation or disaster recovery **may request and receive funding from the disaster contingency fund** to pay for costs incurred by the state or local government entity in preparing for or recovering from a disaster.

(d) The division shall administer the disaster contingency fund and shall develop and implement rules and procedures for providing emergency assistance from the fund. **The division shall annually report to the speaker of the house of representatives and the lieutenant governor expenditures from the fund, the overall status of the fund, and any changes to rules and procedures regarding the fund.**

(f) A state or local government entity or other eligible entity that receives funding from the disaster contingency fund to pay for costs associated with disaster recovery and that subsequently receives reimbursement from the federal government, an insurer, or another source for those same costs shall reimburse the disaster contingency fund for the reimbursed amounts. In developing rules and procedures under Subsection (d) the governor's division of emergency management shall prescribe accounting and other procedures necessary to efficiently and effectively implement this subsection.

(g) Money in the disaster contingency fund may be used to pay for a disaster risk financing instrument using a parametric index based on affected population to leverage available funds and receive proceeds greater than appropriated amounts to pay for extraordinary expenses.

(h) Money in the disaster contingency fund may be used to provide to a local government entity that is suffering financial hardship as a result of a disaster declared under this chapter funds for the purpose of providing local matching funds for Federal Emergency Management Agency qualifying projects.

Sec. 418.074. Acceptance & Allocation of Gifts & Grants.

(a) If the federal government, another public or private agency, or an individual offers to the state or through the state to a political subdivision services, equipment, supplies, materials, or funds as a gift, grant, or loan for purposes of emergency services or disaster recovery, the governor (if required by the donor) or the presiding officer of the governing body of the political subdivision may accept the offer on behalf of the state or political subdivision, as applicable.

(b) If a gift, grant, or loan is accepted by the state, the governor, or the emergency management council or chief of the division if designated by the governor, may dispense the gift, grant, or loan directly to accomplish the purpose for which it was made or may allocate and transfer to a political subdivision services, equipment, supplies, materials, or funds in the amount the governor or the governor's designee may determine.

(c) Funds received by the state shall be placed in one or more special funds and shall be disbursed by warrants issued by the comptroller on order of the governor or the governor's designee. The governor shall name the designee in a written agreement accepting the funds or in a written authorization filed with the secretary of state. On receipt of an order for disbursement, the comptroller shall issue a warrant without delay.

(d) If the funds are to be used for purchase of equipment, supplies, or commodities of any kind, it is not necessary that bids be obtained or that the purchases be approved by any other agency.

(e) A political subdivision may accept and use all services, equipment, supplies, materials, and funds to the full extent authorized by the agreement under which they are received by the state or political subdivision.