

By: Morales Shaw

H.B. No. 2858

A BILL TO BE ENTITLED

AN ACT

relating to state and local government disaster preparedness.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 418.054(a), Government Code, is amended to read as follows:

(a) The division shall develop a model guide for local officials regarding disaster response and recovery. The guide must provide a comprehensive approach to disaster recovery by local officials and include information on:

(1) contracting for debris removal;

(2) obtaining federal disaster funding;

(3) coordinating the availability and construction of short-term and long-term housing; ~~and~~

(4) obtaining assistance from local, state, and federal volunteer organizations; and

(5) planning practices for developing and reviewing local and interjurisdictional emergency management plans under Section 418.106 to ensure:

(A) the needs of the community's vulnerable populations, including persons with disabilities, persons who are homeless, and low-income households, are accurately identified;

(B) the emergency management plans address the needs identified under Paragraph (A); and

(C) the community resources that vulnerable

1 populations rely on remain available during a disaster.

2 SECTION 2. Section 418.106(b), Government Code, is amended  
3 to read as follows:

4 (b) The plan must provide for:

5 (1) wage, price, and rent controls and other economic  
6 stabilization methods in the event of a disaster; ~~and~~

7 (2) curfews, blockades, and limitations on utility use  
8 in an area affected by a disaster, rules governing entrance to and  
9 exit from the affected area, and other security measures;

10 (3) integrated and inclusive operations specific to  
11 individuals with disabilities to afford those individuals an  
12 equitable opportunity to benefit from all disaster response and  
13 recovery measures, programs, services, and activities;

14 (4) the increase in the capabilities of local  
15 emergency shelters in the provision of shelter and care for  
16 individuals with disabilities during a disaster;

17 (5) wellness checks for individuals with disabilities  
18 in the manner provided by Subchapter J, Chapter 418, Government  
19 Code, as added by Chapter 863 (S.B. 968), Acts of the 87th  
20 Legislature, Regular Session, 2021;

21 (6) the establishment of minimum health-related  
22 standards for short-term and long-term shelter operations for  
23 shelters operated with state funds or receiving state assistance;

24 (7) an emergency notification system that notifies  
25 individuals with disabilities of a disaster or emergency and of any  
26 actions the individuals should take to prepare for or respond to the  
27 disaster or emergency;

1           (8) personnel surge capacity during a disaster,  
2 including plans for providing lodging and meals for disaster relief  
3 workers and volunteers; and

4           (9) horizontal integration of emergency preparedness  
5 and response plans required for licensed facilities and providers  
6 serving individuals with disabilities.

7           SECTION 3. Section 418.186(a), Government Code, is amended  
8 to read as follows:

9           (a) The Department of State Health Services shall establish  
10 a program designed to educate the citizens of this state on disaster  
11 and emergency preparedness, response, and recovery. Before  
12 establishing the program, the department must collaborate with  
13 local authorities to prevent state efforts that are duplicative of  
14 local efforts. The program must address:

15                 (1) types of disasters or other emergencies;

16                 (2) the appropriate response to each type of disaster  
17 or emergency, including options for evacuation and shelter;

18                 (3) how to prepare for each type of disaster or  
19 emergency;

20                 (4) the impact of each type of disaster or emergency on  
21 citizens requiring medical assistance or other care;

22                 (5) ways to respond in a disaster or emergency or to  
23 assist the victims of a disaster or emergency; ~~and~~

24                 (6) resources and supplies for disaster or emergency  
25 recovery; and

26                 (7) the resources, services, and programs that are  
27 available to address the needs of persons with disabilities during

1 a disaster or other emergency.

2 SECTION 4. Section 418.1882, Government Code, is amended by  
3 amending Subsection (a) and adding Subsection (a-1) to read as  
4 follows:

5 (a) With the direction, oversight, and approval of the  
6 division and the assistance of the Department of State Health  
7 Services, health care facilities, county officials, trauma service  
8 area regional advisory councils, and other appropriate entities,  
9 each council of government, regional planning commission, or  
10 similar regional planning agency created under Chapter 391, Local  
11 Government Code, shall, as part of a crisis standards of care plan,  
12 develop a regional plan for personnel surge capacity during  
13 disasters, including plans for providing lodging and meals for  
14 disaster relief workers and volunteers.

15 (a-1) The Department of State Health Services Preparedness  
16 Coordinating Council shall create a framework and provide guidance  
17 for the development of crisis standards of care plans. In  
18 developing the crisis standards of care framework, the council  
19 shall consult with the Department of State Health Services, health  
20 care facilities, county officials, trauma service area regional  
21 advisory councils, and each council of government, regional  
22 planning commission, or similar regional planning agency created  
23 under Chapter 391, Local Government Code.

24 SECTION 5. Section 418.192(c), Government Code, is amended  
25 to read as follows:

26 (c) The emergency notification system for which a contract  
27 is entered into under Subsection (b) must rely on a dynamic

1 information database that:

2 (1) is capable of simultaneous transmission of  
3 emergency messages to all recipients through at least two  
4 industry-standard gateways to one or more telephones or electronic  
5 devices owned by a recipient in a manner that does not negatively  
6 impact the existing communications infrastructure;

7 (2) allows the public service provider to:

8 (A) store prewritten emergency messages in the  
9 dynamic information database for subsequent use; ~~and~~

10 (B) generate emergency messages in real time  
11 based on provider inputs; and

12 (C) send emergency messages in both audio and  
13 visual formats;

14 (3) allows a recipient to select the language in which  
15 the recipient would prefer to receive messages;

16 (4) transmits the message in the recipient's language  
17 of choice to that recipient;

18 (5) converts text messages to sound files and  
19 transmits those sound files to the appropriate device;

20 (6) assigns recipients to priority groups for  
21 notification;

22 (7) allows for the collection and verification of  
23 responses by recipients of emergency messages; and

24 (8) reads or receives alerts from a commercial mobile  
25 alert system established by the Federal Communications Commission  
26 or complies with standards adopted for a commercial mobile alert  
27 system established by the Federal Communications Commission.

1 SECTION 6. Section 421.002(b), Government Code, is amended  
2 to read as follows:

3 (b) The governor's homeland security strategy shall  
4 coordinate homeland security activities among and between local,  
5 state, and federal agencies and the private sector and must include  
6 specific plans for:

7 (1) intelligence gathering and analysis;

8 (2) information sharing;

9 (3) reducing the state's vulnerability to homeland  
10 security emergencies;

11 (4) protecting critical infrastructure;

12 (5) protecting the state's international border,  
13 ports, and airports;

14 (6) detecting, deterring, and defending against  
15 terrorism, including cyber-terrorism and biological, chemical, and  
16 nuclear terrorism;

17 (7) positioning equipment, technology, and personnel  
18 to improve the state's ability to respond to a homeland security  
19 emergency;

20 (8) directing the Texas Fusion Center and giving the  
21 center certain forms of authority to implement the governor's  
22 homeland security strategy; ~~and~~

23 (9) using technological resources to:

24 (A) facilitate the interoperability of  
25 government technological resources, including data, networks, and  
26 applications;

27 (B) coordinate the warning and alert systems of

1 state and local agencies;

2 (C) incorporate multidisciplinary approaches to  
3 homeland security; and

4 (D) improve the security of governmental and  
5 private sector information technology and information resources;  
6 and

7 (10) building community resilience and reducing  
8 long-term vulnerability for persons with disabilities by  
9 implementing inclusive disaster and emergency planning practices  
10 at all levels of government.

11 SECTION 7. Section 81.0813(d), Health and Safety Code, is  
12 amended to read as follows:

13 (d) A declaration or order issued under this section must  
14 include:

15 (1) a description of the nature of the disaster or  
16 emergency;

17 (2) a designation of the area threatened by the  
18 disaster or emergency;

19 (3) a description of the condition that created the  
20 disaster or emergency; ~~and~~

21 (4) the threshold event for implementing crisis  
22 standards of care; and

23 (5) if applicable:

24 (A) the reason for renewing the disaster or  
25 emergency; or

26 (B) the reason for terminating the disaster or  
27 emergency.

1 SECTION 8. This Act takes effect September 1, 2023.