

By: Branch

H.B. No. 88

A BILL TO BE ENTITLED

AN ACT

relating to the evacuation and sheltering of service animals and household pets in a disaster.

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

SECTION 1. Section 418.043, Government Code, is amended to read as follows:

Sec. 418.043. OTHER POWERS AND DUTIES. The division shall:

(1) determine requirements of the state and its political subdivisions for food, clothing, and other necessities in event of a disaster;

(2) procure and position supplies, medicines, materials, and equipment;

(3) adopt standards and requirements for local and interjurisdictional emergency management plans;

(4) periodically review local and interjurisdictional emergency management plans;

(5) coordinate deployment of mobile support units;

(6) establish and operate training programs and programs of public information or assist political subdivisions and emergency management agencies to establish and operate the programs;

(7) make surveys of public and private industries, resources, and facilities in the state that are necessary to carry out the purposes of this chapter;

1           (8) plan and make arrangements for the availability  
2 and use of any private facilities, services, and property and  
3 provide for payment for use under terms and conditions agreed on if  
4 the facilities are used and payment is necessary;

5           (9) establish a register of persons with types of  
6 training and skills important in disaster mitigation,  
7 preparedness, response, and recovery;

8           (10) establish a register of mobile and construction  
9 equipment and temporary housing available for use in a disaster;

10           (11) develop plans for the humane evacuation,  
11 transport, and temporary sheltering of service animals and  
12 household pets in a disaster as required by Subchapter I and in  
13 compliance with any applicable federal law;

14           (12) prepare, for issuance by the governor, executive  
15 orders and regulations necessary or appropriate in coping with  
16 disasters;

17           (13) [~~(12)~~] cooperate with the federal government and  
18 any public or private agency or entity in achieving any purpose of  
19 this chapter and in implementing programs for disaster mitigation,  
20 preparation, response, and recovery; and

21           (14) [~~(13)~~] do other things necessary, incidental, or  
22 appropriate for the implementation of this chapter.

23           SECTION 2. Chapter 418, Government Code, is amended by  
24 adding Subchapter I to read as follows:

25                               SUBCHAPTER I. ANIMALS

26           Sec. 418.201. DEFINITIONS. In this subchapter:

27           (1) "Household pet" means a domesticated cat or dog or

1 other animal normally maintained in the home or on the property of  
2 either the owner or the caretaker of the animal. The term does not  
3 include livestock as defined by Section 1.003, Agriculture Code.

4 (2) "Service animal" has the meaning assigned for the  
5 purposes of the Americans with Disabilities Act of 1990 (42 U.S.C.  
6 Section 12101 et seq.).

7 Sec. 418.202. EVACUATION OF SERVICE ANIMALS. Plans  
8 developed under Section 418.043(11) must require that:

9 (1) a person with a disability who uses a service  
10 animal be evacuated, transported, and sheltered with that service  
11 animal; and

12 (2) all shelters be informed of the obligation to  
13 provide shelter to both the person and the person's service animal.

14 Sec. 418.203. EVACUATION OF HOUSEHOLD PETS. (a) Plans  
15 developed under Section 418.043(11) must permit:

16 (1) the simultaneous evacuation of a household pet and  
17 the pet's owner or caretaker, if the evacuation can be made without  
18 endangering human life; and

19 (2) the transportation of a household pet using public  
20 transportation if:

21 (A) the pet is safely and securely confined in a  
22 cage or carrier designed for pet transport; and

23 (B) transportation of the pet will not endanger  
24 human life.

25 (b) The division shall coordinate the establishment of an  
26 identification system to enable the owner or caretaker of a  
27 household pet who is separated from the pet during a disaster

1 evacuation to locate and reclaim the pet.

2           SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2007.