

By: Gallegos

S.B. No. 1583

A BILL TO BE ENTITLED

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AN ACT

relating to the prompt and efficient response to flooding and evacuations.

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

SECTION 1. Chapter 418, Government Code, is amended by adding Subsection 418.004(10), (11), (12), (13), and (14) to read as follows:

Section 418.004. DEFINITIONS. In this chapter:

(10) "Fund" means the Disaster or Emergency Humanitarian Contingency Fund whose stated purpose for the Disaster or Emergency Humanitarian Contingency Fund is to provide immediate relief to persons during Flooding and Evacuations for short term shelter, food, clothing, and fuel and or transportation expenses. Funds as appropriated, awarded, granted, or otherwise obtained, would be used to provide relief to those persons needing immediate assistance that cannot wait for assistance or reimbursement from the Federal Emergency Management Administration, Red Cross, and other Volunteer Organizations Active in Disasters.

(11) "Subcommittee" means the Senate Subcommittee on Flooding and Evacuation to the Senate Committee on Inter-Governmental Affairs.

(12) "Chairman" means the person appointed by the Lieutenant Governor to chair the Senate Subcommittee on Flooding

1 and Evacuations.

2 (13) "Executive Director" means the person appointed  
3 by the Chairman of the Senate Subcommittee on Flooding and  
4 Evacuations.

5 (14) "Ambus" means a motor vehicle owned and operated  
6 by an independent school district and that is readily convertible  
7 from carrying ambulatory passengers in conventional seats to the  
8 removal of seats and the ability to carry non-ambulatory passengers  
9 in liters.

10 SECTION 2. Section 418.013, Government Code, is amended by  
11 adding Subsection (c) to read as follows:

12 (c) The Executive Director of the Senate Subcommittee on  
13 Flooding and Evacuation shall be a member of the Emergency  
14 Management Council.

15 Section 418.014, Government Code, is amended by adding  
16 Subsection (f) and Subsection (g) to read as follows:

17 (f) The Subcommittee after thirty days may suspend the  
18 Governors Declaration of Disaster pending review by the  
19 legislature.

20 (g) Within thirty days of the end of the State's response to  
21 a disaster there shall be three panels formed to conduct hearings  
22 and make recommendations based on the lessons learned from the most  
23 recent flooding and or evacuation operation. The panels shall be  
24 headed by the governor, lieutenant governor, and a citizens panel.  
25 The recommendations, if any, made by the panels shall be conveyed to  
26 the governor, lieutenant governor, the speaker of the house, and  
27 the chair of the Senate Subcommittee on Flooding and Evacuations.

1 The legislature may consider any recommendation made by a panel at  
2 any time the Legislature is in session.

3 SECTION 3. Section 418, Government Code, is amended by  
4 adding subsection 418.075 and 418.076 to read as follows:

5 Section 418.075. DISASTER OR EMERGENCY HUMANITARIAN  
6 CONTINGENCY FUND. (a) The disaster or emergency humanitarian  
7 contingency fund consists of money appropriated, awards of federal  
8 grants, and awards of private grants or gifted to the fund.

9 (b) If the chairman finds that the demands placed on funds  
10 regularly appropriated to state and local agencies for humanitarian  
11 relief during flooding and or evacuations are unreasonably great  
12 for coping with a particular disaster, the chairman with the  
13 concurrence of the subcommittee may make funds available from the  
14 fund. It is the intent of the legislature that first recourse is to  
15 the funds regularly appropriated to state and local agencies.

16 Section 418.076. ACCEPTANCE AND ALLOCATION OF GIFTS AND  
17 GRANTS. (a) If the federal government, another public or private  
18 agency, or an individual offers to the state or through the state to  
19 a political subdivision services, equipment, supplies, materials,  
20 or funds as a gift, grant, or loan for purposes of humanitarian  
21 emergency services or disaster recovery, the lieutenant governor or  
22 the presiding officer of the governing body of the political  
23 subdivision may accept the offer on behalf of the state or political  
24 subdivision, as applicable.

25 (b) If a gift, grant, or loan is accepted by the state, the  
26 lieutenant governor or the chairman may dispense the gift, grant,  
27 or loan directly to accomplish the purpose for which it was made or

1 may allocate and transfer to a political subdivision services,  
2 equipment, supplies, materials, or funds in the amount the  
3 lieutenant governor or a lieutenant governor designee may  
4 determine.

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

13 (d) If the funds are to be used for purchase of equipment,  
14 supplies, or commodities of any kind, a purchasing bid may not be  
15 obtained and the purchases may be approved by any other agency.

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

20 (f) A member or members of the State Volunteer Organizations  
21 Active in Disasters or other organizations recognized by the  
22 subcommittee may accept and use all services, equipment, supplies,  
23 materials, and funds to the full extent authorized by the agreement  
24 under which they are received by the state or political  
25 subdivision.

26 SECTION 4. Section 418, Government Code, is amended by  
27 adding Subsection 418.184 to read as follows:

1           OVERSIGHT OF FLOODING AND EVACUATIONS OPERATIONS. (a) The  
2 subcommittee shall provide oversight of flooding and evacuation  
3 operations until the emergency or disaster declaration:

4                   (1) Ceases by operation of law, or

5                   (2) Rescinded by the governor

6           (b) The subcommittee shall employ a full time executive  
7 director named by the Subcommittee chair with the following  
8 qualifications:

9                   (1) Must be a subject matter expert of emergency and  
10 disaster operations;

11                   (2) Have a college degree in emergency management,  
12 public policy, law or a related field;

13                   (3) Must have minimum five years experience in  
14 emergency management or first responder experience;

15                   (4) Must have completed the Federal Emergency  
16 Management Administration, Professional Development Series;

17                   (5) Must be able to obtain within one year of  
18 employment Certified Emergency Manager from the International  
19 Association of Emergency Managers or the Texas Certified Emergency  
20 Manager from the Emergency Management Association of Texas;

21                   (6) Serves at the discretion of the Chair of the  
22 Sub-committee; and

23                   (7) Their remuneration would be within the range of  
24 the Director of the Governors Division of Emergency Management and  
25 Texas Homeland Security Chief.

26           SECTION 5. Section 418, Government Code, is amended by  
27 adding Subsection 418.185 to read as follows:

1       INDIVIDUAL LIABILITY FOR REFUSAL TO COMPLY WITH AN ORDER OR  
2 RECOMMENDATION TO EVACUATE. The State of Texas or any political  
3 subdivision thereof shall not be liable for injuries, death or  
4 damages by any person who refuses to follow an evacuation order or  
5 recommendation to evacuate, or who chooses not to evacuate when a  
6 reasonable and prudent person in the same or similar circumstances  
7 would.

8       SECTION 6. Section 418, Government Code, is amended by  
9 adding Subsection 418.186 to read as follows:

10       SCHOOL BUSES CONVERTED TO AMBUSES. (a) An independent  
11 school district in the State of Texas shall be required to maintain  
12 at least one-fourth of their bus fleets as ambulances. To achieve this  
13 goal a school district is authorized to convert or retrofit their  
14 existing school bus fleets. One-fourth of all new buses purchased  
15 shall have the ability to remove seats and carry non-ambulatory  
16 passengers in liters.

17       (b) Funds for retrofit or conversions of school buses shall  
18 be made available from direct appropriations, or grant funds  
19 awarded for that purpose.

20       SECTION 7. Section 418, Government Code, is amended by  
21 adding Subsection 418.187 to read as follows:

22       EXEMPTIONS FROM LIABILITY. An independent school district in  
23 the State of Texas shall not be liable for tort claims arising from  
24 the use of their property, including but not limited to motor  
25 vehicles and structures when used in evacuations and or sheltering,  
26 during a declared disaster or under an emergency order issued by the  
27 governor, a mayor, county judge or chief official of a special

1 jurisdiction or independent school district in which or some part  
2 of the school district is located.

3 SECTION 8. Section 418, Government Code, is amended by  
4 adding Subsection 418.188 to read as follows:

5 DISPATCH AND CONTROL OF BUSES DURING EVACUATIONS. All  
6 transportation assets for evacuation provided by or contracted by  
7 the State of Texas to a county with a population of 3.3 million or  
8 more shall be placed under the dispatch and control of the county  
9 judge or a designee of the county judge.

10 SECTION 9. Section 418, Government Code, is amended by  
11 adding Subsection 418.189 to read as follows:

12 CREDENTIALING AND RE-ENTRY PROGRAM. (a) The Executive  
13 Director shall establish a credentialing and re-entry  
14 identification program to allow essential personnel to ingress to  
15 and egress from an area subject to control under § 418.108(g)  
16 Government Code, as soon as practicable and before the general  
17 public, when authorized by the county judge of the disaster area.

18 (b) The Texas Department of Public Safety shall transmit to  
19 all law enforcement agencies in the State of Texas the facsimile of  
20 the approved credential for those persons authorized for ingress  
21 and egress before the general public.

22 (c) The Texas Department of Public Safety shall assist those  
23 persons authorized and credentialed for ingress and egress before  
24 the general public in passing through road blocks established by  
25 all law enforcement agencies in Texas.

26 SECTION 10. This Act takes effect immediately if it  
27 receives a vote of two-thirds of all the members elected to each

1 house, as provided by Section 39, Article III, Texas Constitution.  
2 If this Act does not receive the vote necessary for immediate  
3 effect, this Act takes effect September 1, 2007.