

## **BILL ANALYSIS**

C.S.H.B. 1831  
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Defense & Veterans' Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The ability of the state to detect, deter, and respond to manmade and natural disasters is essential to the safety and security of Texans. The Texas Disaster Act of 1975 sought to reduce vulnerability, prepare for prompt and efficient response, and authorize and provide for cooperation in disaster mitigation, preparedness, and response and recovery, among other objectives, but the statute is currently in need of some clarification and clean-up.

C.S.H.B. 1831 clarifies provisions in the Texas Disaster Act of 1975 with respect to emergency management training, the emergency management council, the state emergency management plan, the use of temporary personnel, monitoring weather and suspension of weather modification, the use of state or federal resources by emergency management directors, local financing, declaration of local disaster, and license portability. The bill abolishes the disaster emergency funding board.

### **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. 1831 amends the Government Code to make provisions relating to emergency management training requirements applicable to an elected law enforcement officer or county judge, in addition to an appointed public officer, and specifies that such an officer is an officer of the state or of a political subdivision who has management or supervisory responsibilities, in addition to existing criteria. The bill provides that the emergency management council is composed of representatives of state agencies, boards, commissions, and organized volunteer groups designated by the head of each entity, rather than of the heads of state agencies, boards, and commissions and representatives of organized volunteer groups.

C.S.H.B. 1831 requires the council to assist the division of emergency management in the office of the governor in identifying, mobilizing, and deploying state resources to respond to major emergencies and disasters throughout Texas.

C.S.H.B. 1831 authorizes the comprehensive state emergency management plan prepared by the division to include provisions for informing, rather than educating and training, local officials on activation of the Emergency Alert System.

C.S.H.B. 1831 requires the division, in cooperation with the emergency management council, local governments, regional entities, health and medical facilities, volunteer groups, private sector partners, the Federal Emergency Management Agency, and other federal agencies, to develop an annex to the state emergency management plan that addresses initial response planning for providing essential population support supplies, equipment, and services during the first 120 hours immediately following a disaster, and sets forth general requirements for the

annex. The bill requires the division, in coordination with the Texas Commission on Environmental Quality and electric, gas, water, and wastewater utility providers, to develop for inclusion in the annex provisions to provide emergency power to restore or continue the operation of critical water or wastewater facilities following a disaster, and sets forth general requirements for these provisions. The bill defines "critical water or wastewater facility" for the purposes of the state emergency management plan annex.

C.S.H.B. 1831 authorizes the division to enroll, organize, train, and equip a cadre of disaster reservists with specialized skills in disaster recovery, hazard mitigation, community outreach, and public information to temporarily augment its permanent staff, and to activate enrolled disaster reservists to support recovery operations in the aftermath of a disaster or major emergency and pay them at a daily rate commensurate with their qualifications and experience. The bill exempts these disaster reservists from the Position Classification Act, the Professional Services Procurement Act, and the State Purchasing and General Services Act. The bill removes a provision that requires the division to request in the name of the governor that an officer or agency empowered to issue permits for weather modification operations suspend the issuance of permits if the division determines that certain weather modification activities would create or contribute to the severity of a disaster, and, on the governor's request, prohibits permits from being issued until the division informs the officer or agency that the danger has passed.

C.S.H.B. 1831 prohibits an emergency management director exercising a power granted to the governor from seizing or using state or federal resources without prior authorization from the governor or the state or federal agency having responsibility for those resources. The bill removes the requirement that the council coordinate the functioning of emergency management service divisions organized by political subdivisions.

C.S.H.B. 1831 includes a state agency, in addition to a local government entity, as an acceptable requestor of a licensed skilled professional in provisions related to license portability. The bill abolishes the disaster emergency funding board effective on the effective date of the bill, and authorizes a state agency to request funding from the disaster contingency fund, rather than the disaster emergency funding board, to purchase property damage insurance covering state facilities if sufficient funds are not available.

C.S.H.B. 1831 repeals Section 418.072, Government Code.

#### **EFFECTIVE DATE**

September 1, 2009.

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

C.S.H.B. 1831 specifies that provisions relating to emergency management training requirements are applicable to an elected law enforcement officer or county judge, rather than an elected public officer as in the original.

C.S.H.B. 1831 retains a statutory provision struck in the original authorizing the comprehensive state emergency management plan to include provisions for informing, rather than educating and training, local officials on activation of the Emergency Alert System, and removes a provision from the original that amends the Health and Safety Code to require the Commission on State Emergency Communications to provide education for local officials on the operation of the Emergency Alert System.

C.S.H.B. 1831 adds a provision not in the original requiring the division, in cooperation with certain other entities, to develop an annex to the state emergency management plan that addresses initial response planning during the first 120 hours immediately following a disaster, and to include in the annex provisions that provide emergency power to restore or continue the

operation of critical water or wastewater facilities following a disaster.

C.S.H.B. 1831 differs from the original by prohibiting an emergency management director from seizing or using state or federal resources without proper authorization from the governor or the state or federal agency having responsibility for those resources, whereas the original did not include the governor.