

## BILL ANALYSIS

Senate Research Center

H.B. 4409  
By: Taylor et al. (Jackson, Mike)  
Transportation & Homeland Security  
5/18/2009  
Engrossed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4409 relates to emergency preparation and management.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Governor's Division of Emergency Management in SECTION 2 (Section 418.043, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 (Section 418.043, Government Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 418, Government Code, by adding Section 418.006, as follows:

Sec. 418.006. CIVIL LIABILITY. Provides that an officer or employee of a state or local agency, or a volunteer acting at the direction of an officer or employee of a state or local agency, is considered for purposes of Section 431.085 (Liability of Member) to be a member of the state military forces ordered into active service of the state by proper authority and is considered to be discharging a duty in that capacity if the person is performing an activity related to sheltering or housing individuals in connection with the evacuation of an area stricken or threatened by disaster.

SECTION 2. Amends Section 418.043, Government Code, as follows:

Sec. 418.043. OTHER POWERS AND DUTIES. Requires that the Governor's Division of Emergency Management (GDEM) to:

- (1)-(12) Makes no changes to this subdivisions;
- (13) Makes a nonsubstantive change;
- (14) Define "individuals with special needs" in the context of a disaster;
- (15) Creates this subsection from existing text. Makes a nonsubstantive change; and
- (16) in coordination with the Texas Commission on Environmental Quality (TCEQ), adopt rules to require a retail public utility that serves customers in a county any territory of which is located not more than 100 miles from the Gulf of Mexico to adopt and submit to TCEQ for its approval an emergency preparedness plan that ensures that, in the event of a local power outage during the next year, the retail public utility maintains the ability to provide water to the local distribution system with at least the minimum water pressure required under TCEQ rules and sewer services to all existing customers.
  - (A) Requires that an emergency preparedness plan provide for the maintenance of automatically starting auxiliary generators for that purpose. Requires the retail public utility, if a retail public utility's

emergency preparedness plan provides for the maintenance of automatically starting auxiliary generators, to include with the plan a proposed schedule for the regular servicing, testing, and operation of the generators that complies with TCEQ rules. Requires a retail public utility that maintains auxiliary generators to maintain a log of the regular servicing, testing, and operation of the generators and is required to submit a copy of the log to TCEQ with its yearly emergency preparedness plan. Authorizes TCEQ to inspect the log at any time before the retail public utility submits the log to TCEQ or the retail public utility's participation in a recognized statewide mutual aid program, if TCEQ finds that the utility's participation in the program will provide the utility with access to auxiliary generators and other necessary aid or equipment sufficient for the utility to restore service not later than the 36th hour after the hour the local power outage begins.

(B) Authorizes TCEQ to impose an administrative penalty on a person licensed under this chapter who violates this section or a rule or order adopted under this section. Requires TCEQ by rule to prescribe standards relating to the servicing, testing, and operation of auxiliary power generators used in the implementation of an emergency preparedness plan.

SECTION 3. Amends Subchapter F, Chapter 418, Government Code, by adding Section 418.126, as follows:

Sec. 418.126. PRE-EVENT DISASTER RESPONSE CONTRACTS. (a) Requires the General Land Office (GLO) to solicit proposals for and enter into one or more pre-event contracts that are authorized to be activated by GLO in the event of a weather-related disaster declaration to obtain services for debris removal from beaches as needed following the disaster.

(b) Requires the Texas Department of Transportation (TxDOT) to solicit proposals for and enter into one or more pre-event contracts that are authorized to be activated by TxDOT in the event of a weather-related disaster declaration to obtain services for debris removal from the state highway system as needed following the disaster.

(c) Requires the Texas Department of Housing and Community Affairs (TDHCA) to solicit proposals for and enter into one or more pre-event contracts that are authorized to be activated by TDHCA in the event of a weather-related disaster declaration to obtain temporary or emergency housing as needed following the disaster.

(d) Requires that services obtained under a pre-event contract under this section be paid for with money from the disaster contingency fund under Section 418.073 (Disaster Contingency Fund).

SECTION 4. Requires the relevant state agencies, not later than January 1, 2010, to adopt the contracts required by Section 418.126, Government Code, as added by this Act.

SECTION 5. Effective date: September 1, 2009.