

BILL ANALYSIS

C.S.H.B. 4409
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Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The House Select Committee on Hurricane Ike Devastation traveled the Texas coastline during the 2009 legislative interim to hear both invited and public testimony regarding the preparation, stabilization, and response of relief efforts. This bill directly addresses testimony presented to the committee.

C.S.H.B. 4409 provides a waiver of liability for an officer, employee, or volunteer of a state or local agency similar to that of a member of state military forces; requires the division of emergency management in the office of the governor to define "individuals with special needs" in the context of a disaster; requires certain agencies to solicit proposals for and enter into one or more pre-event contracts that may be activated to obtain services for debris removal and the provision of temporary shelter or housing in the event of a weather-related disaster declaration; and requires money in the disaster contingency fund to be used for services obtained under a pre-event contract.

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. 4409 amends the Government Code to provide for 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, to be considered a member of state military forces ordered into active service of the state by proper authority and discharging a duty in that capacity for the purposes of provisions excluding such members from civil liability for an act performed in the discharge of duty, 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.

C.S.H.B. 4409 requires the division of emergency management in the office of the governor to define "individuals with special needs" in the context of a disaster.

C.S.H.B. 4409 requires the General Land Office to solicit proposals for and enter into one or more pre-event disaster response contracts that may be activated by the office in the event of a weather-related disaster declaration to obtain services for debris removal from beaches as needed following the disaster. The bill requires the Texas Department of Transportation (TxDOT) to solicit proposals for and enter into one or more pre-event contracts that may be activated by TxDOT to obtain services for debris removal from the state highway system as needed following the disaster. The bill requires the Texas Department of Housing and Community Affairs (TDHCA) to solicit proposals for and enter into one or more pre-event contracts that may be activated by TDHCA to obtain temporary or emergency housing as needed following the disaster. The bill requires services obtained under a pre-event contract to be paid for with money from the disaster contingency fund. The bill requires the relevant state agencies to adopt the

required contracts not later than January 1, 2010.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4409 differs from the original by requiring relevant state agencies to solicit proposals for and enter into one or more pre-event disaster response contracts for specific services that may be activated by the agency in the event of a weather-related disaster declaration, rather than to contract for those services following a weather-related disaster as in the original. The substitute differs from the original by requiring services obtained under a pre-event contract to be paid for with money from the disaster contingency fund, whereas the original authorizes money in the disaster contingency fund to be used to pay for contract services.