

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1741
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, appointed public officials with emergency management duties are required to obtain three hours of emergency management training. The State Emergency Management Council (EMC) is statutorily composed of heads of state agencies and organizations. Disaster mutual aid license portability provisions only apply to responders whose assistance is requested by local governments. The Division of Emergency Management in the Office of the Governor (GDEM) currently has the authority to suspend weather modification permits if the resulting precipitation will interfere with GDEM response activities.

C.S.S.B. 1741 amends current law relating to emergency management.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 418.005, Government Code, by amending Subsections (a) and (b) and adding Subsection (h), as follows:

(a) Provides that this section applies only to a certain elected or appointed public officer of the state or of a political subdivision who has management or supervisory responsibilities.

(b) Requires each person described by Subsection (a) to complete a course of training provided or approved by the division of emergency management in the office of the governor (GDEM) of not less than three hours regarding the responsibilities of state and local governments under this chapter not later than the 180th day after the date the person takes the oath of office, if the person is required to take an oath of office to assume the person's duties as a public officer, rather than as an appointed public officer, or otherwise assumes responsibilities as a public officer, rather than as an appointed public officer, if the person is not required to take an oath of office to assume the person's duties.

(h) Requires the Texas Engineering Extension Service, with the direction, oversight, and approval of GDEM, to implement online courses and secure continuing education credits for elected or appointed officials, volunteers, or employees requested to attend training or required under Subsection(b) to attend training. Provides that training under this subsection is optional for volunteers.

SECTION 2. Amends Section 418.013, Government Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Provides that the emergency management council (EMC) is composed of representatives of state agencies, boards, commissions, and organized volunteer groups designated by the head of each entity. Deletes existing text that provides that EMC is composed of the heads of state agencies, boards, and commissions and representatives of organized volunteer groups.

(d) Requires EMC to assist GDEM in identifying, mobilizing, and deploying state resources to respond to major emergencies and disasters throughout the state.

SECTION 3. Amends Section 418.042, Government Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires GDEM to prepare and keep current a comprehensive state emergency management plan. Authorizes the plan to include provisions for providing information to local officials, rather than provisions for education and training of local officials, on activation of the Emergency Alert System established under 47 C.F.R. Part 11. Makes nonsubstantive changes.

SECTION 4. Amends Section 418.043, Government Code, as follows:

Sec. 418.043. OTHER POWERS AND DUTIES. Requires GDEM to develop a plan to raise public awareness and expand the capability of the information and referral network under Section 531.0312; and improve the integration of volunteer groups, including faith-based organizations, into emergency management plans. Makes nonsubstantive changes.

SECTION 5. Amends Section 418.045, Government Code, as follows:

Sec. 418.045. TEMPORARY PERSONNEL. (a) Creates this subsection from existing text.

(b) Authorizes GDEM 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. Authorizes GDEM 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. Provides that Chapter 654 (Position Classification), Chapter 2254 (Professional and Consulting Services), and Subtitle D (State Purchasing and General Services), Title 10 (General Government), do not apply in relation to a disaster reservist under this subsection.

SECTION 6. Amends Section 418.048, Government Code, as follows:

Sec. 418.048. New heading: MONITORING WEATHER. Deletes existing text requiring GDEM, if the GDEM determines that precipitation that may result from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, to request in the name of the governor that the officer or agency empowered to issue permits for weather modification operations suspend the issuance of permits, and prohibiting permits, on the governor's request, from being issued until GDEM informs the officer or agency that the danger has passed.

SECTION 7. Amends Subchapter D, Chapter 418, Government Code, by adding Section 418.075, as follows:

Sec. 418.075. REQUEST FOR FUNDS; HOSPITALS. Authorizes a hospital to request funding from the disaster contingency fund or through a mutual aid agreement with a political subdivision for deployment of hospital services, treatment of evacuees, and nonlocal emergency medical services in the event of a disaster.

SECTION 8. Amends Section 418.107(b), Government Code, to delete existing text requiring that the functioning of the units [relating to local emergency services division] be coordinated by EMC.

SECTION 9. Amends Section 418.117, Government Code, to provide that if the assistance of a qualified person who holds a license, certificate, permit, or other document evidencing qualifications in a professional, mechanical, or other skill is requested by a state agency or local

government entity under the system, the person is considered licensed, certified, permitted, or otherwise documented in the political subdivision in which the service is provided as long as the service is required, subject to any limitations imposed by the chief executive officer or the governing body of the requesting state agency or local government entity.

SECTION 10. Amends Section 418.172(b), Government Code, to authorize an agency, if sufficient funds are not available for the required insurance to request funding from the disaster contingency fund to purchase the insurance, rather than petition the disaster emergency funding board to purchase the insurance on the agency's behalf. Deletes existing text that authorizes the board to spend money from that fund for that purpose.

SECTION 11. Amends Subchapter H, Chapter 418, Government Code, by adding Section 418.188, as follows:

Sec. 418.188. **POSTDISASTER EVALUATION.** Requires a state agency, political subdivision, or interjurisdictional agency, not later than the 30th day after the date a request is received from GDEM, to conduct an evaluation of the entity's response to a disaster, identify areas for improvement, and issue a report of the evaluation to GDEM.

Sec. 418.1881. **SHELTER OPERATIONS.** Requires the Department of State Health Services (DSHS) to develop, with the direction, oversight, and approval of GDEM, an annex to the state emergency management plan that includes provisions for developing medical special needs categories; categorizing the requirements of individuals with special needs; and establishing minimum health-related standards for short-term and long-term shelter operations for shelters operated with state funds or receiving state assistance.

Sec. 418.1882. **PERSONNEL SURGE CAPACITY PLANNING.** Requires each council of government, regional planning commission, or similar regional planning agency created under Chapter 391 (Regional Planning Commissions), Local Government Code, with the direction, oversight, and approval of GDEM and the assistance of DSHS, health care facilities, county officials, and other appropriate entities, to develop a regional plan for personnel surge capacity during disasters, including plans for lodging and meals for disaster relief workers and volunteers.

SECTION 12. Repealer: Section 418.072 (Disaster Emergency Funding Board), Government Code.

SECTION 13. Provides that on the effective date of this Act, the disaster funding emergency board is abolished.

SECTION 14. Makes application of Section 418.005, Government Code, as added by this Act, prospective.

SECTION 15. Effective date: September 1, 2009.