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H.B. No. 1831

A BILL TO BE ENTITLED

AN ACT

relating to emergency management and disaster recovery.

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

SECTION 1. Sections 418.005(a) and (b), Government Code, are amended to read as follows:

(a) This section applies only to an elected law enforcement officer or county judge or an appointed public officer of the state or of a political subdivision who has management or supervisory responsibilities and:

(1) whose position description, job duties, or assignment includes emergency management responsibilities; or

(2) who plays a role in emergency preparedness, response, or recovery.

(b) Each person described by Subsection (a) shall complete a course of training provided or approved by the division 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:

(1) takes the oath of office, if the person is required to take an oath of office to assume the person's duties as a an ~~appointed~~ public officer; or

(2) otherwise assumes responsibilities as a a ~~an~~ ~~appointed~~ public officer, if the person is not required to take an oath of office to assume the person's duties.

1 SECTION 2. Section 418.013, Government Code, is amended by
2 amending Subsection (b) and adding Subsection (d) to read as
3 follows:

4 (b) The emergency management council is composed of
5 representatives [~~the heads~~] of state agencies, boards, [~~and~~]
6 commissions, and [~~representatives of~~] organized volunteer groups
7 designated by the head of each entity.

8 (d) The council shall assist the division in identifying,
9 mobilizing, and deploying state resources to respond to major
10 emergencies and disasters throughout the state.

11 SECTION 3. Section 418.042(a), Government Code, is amended
12 to read as follows:

13 (a) The division shall prepare and keep current a
14 comprehensive state emergency management plan. The plan may
15 include:

16 (1) provisions for prevention and minimization of
17 injury and damage caused by disaster;

18 (2) provisions for prompt and effective response to
19 disaster;

20 (3) provisions for emergency relief;

21 (4) provisions for energy emergencies;

22 (5) identification of areas particularly vulnerable
23 to disasters;

24 (6) recommendations for zoning, building
25 restrictions, and other land-use controls, safety measures for
26 securing mobile homes or other nonpermanent or semipermanent
27 structures, and other preventive and preparedness measures

1 designed to eliminate or reduce disasters or their impact;

2 (7) provisions for assistance to local officials in
3 designing local emergency management plans;

4 (8) authorization and procedures for the erection or
5 other construction of temporary works designed to protect against
6 or mitigate danger, damage, or loss from flood, fire, or other
7 disaster;

8 (9) preparation and distribution to the appropriate
9 state and local officials of state catalogs of federal, state, and
10 private assistance programs;

11 (10) organization of manpower and channels of
12 assistance;

13 (11) coordination of federal, state, and local
14 emergency management activities;

15 (12) coordination of the state emergency management
16 plan with the emergency management plans of the federal government;

17 (13) coordination of federal and state energy
18 emergency plans;

19 (14) provisions for informing [~~education and training~~
20 ~~of~~] local officials on activation of the Emergency Alert System
21 established under 47 C.F.R. Part 11; and

22 (15) other necessary matters relating to disasters.

23 SECTION 4. Subchapter C, Chapter 418, Government Code, is
24 amended by adding Section 418.0425 to read as follows:

25 Sec. 418.0425. STATE EMERGENCY MANAGEMENT PLAN ANNEX. (a)

26 In this section, "critical water or wastewater facility" means a
27 facility with:

1 (1) water supply, treatment, or distribution
2 equipment that is essential to maintain the minimum water pressure
3 requirements established by the governing body of a municipality or
4 the Texas Commission on Environmental Quality; or

5 (2) wastewater collection or treatment equipment that
6 is essential to prevent the discharge of untreated wastewater to
7 water in the state.

8 (b) The division, in cooperation with the emergency
9 management council, local governments, regional entities, health
10 and medical facilities, volunteer groups, private sector partners,
11 the Federal Emergency Management Agency, and other federal
12 agencies, shall develop an annex to the state emergency management
13 plan that addresses initial response planning for providing
14 essential population support supplies, equipment, and services
15 during the first 120 hours immediately following a disaster. The
16 annex must include:

17 (1) provisions for interagency coordination of
18 disaster response efforts;

19 (2) provisions for the rapid gross assessment of
20 population support needs;

21 (3) plans for the clearance of debris from major
22 roadways to facilitate emergency response operations and delivery
23 of essential population support supplies and equipment;

24 (4) methods to obtain food, water, and ice for
25 disaster victims through prearranged contracts or suppliers,
26 stockpiled supplies, or plans to request assistance from federal
27 agencies, as appropriate;

1 (5) guidelines for arranging temporary points of
2 distribution for disaster relief supplies and standardized
3 procedures for operating those distribution points;

4 (6) methods for providing basic medical support for
5 disaster victims, including medical supplies and pharmaceuticals;

6 (7) provisions, developed in coordination with fuel
7 suppliers and retailers, for the continued operation of service
8 stations to provide fuel to disaster victims and emergency
9 responders; and

10 (8) provisions for the dissemination of emergency
11 information through the media to aid disaster victims.

12 (c) The division, in coordination with the Texas Commission
13 on Environmental Quality and electric, gas, water, and wastewater
14 utility providers, shall develop for inclusion in the annex to the
15 state emergency management plan provisions to provide emergency
16 power to restore or continue the operation of critical water or
17 wastewater facilities following a disaster. The provisions must:

18 (1) establish an online resource database of available
19 emergency generators configured for transport that are capable of
20 providing backup power for critical water or wastewater facilities
21 following a disaster;

22 (2) include procedures for the maintenance,
23 activation, transportation, and redeployment of available
24 emergency generators;

25 (3) develop a standardized form for use by a water or
26 wastewater utility provider in developing and maintaining data on
27 the number and type of emergency generators required for the

1 operation of the provider's critical water or wastewater facilities
2 following a disaster; and

3 (4) include procedures for water or wastewater utility
4 providers to maintain a current list of generators available in
5 surrounding areas through mutual aid agreements and through
6 commercial firms offering generators for rent or lease.

7 SECTION 5. Section 418.045, Government Code, is amended to
8 read as follows:

9 Sec. 418.045. TEMPORARY PERSONNEL. (a) The division may
10 employ or contract with temporary personnel from funds appropriated
11 to the division, from federal funds, or from the disaster
12 contingency fund. The merit system does not apply to the temporary
13 or contract positions.

14 (b) The division may enroll, organize, train, and equip a
15 cadre of disaster reservists with specialized skills in disaster
16 recovery, hazard mitigation, community outreach, and public
17 information to temporarily augment its permanent staff. The
18 division may activate enrolled disaster reservists to support
19 recovery operations in the aftermath of a disaster or major
20 emergency and pay them at a daily rate commensurate with their
21 qualifications and experience. Chapter 654, Chapter 2254, and
22 Subtitle D, Title 10, do not apply in relation to a disaster
23 reservist under this subsection.

24 SECTION 6. Section 418.048, Government Code, is amended to
25 read as follows:

26 Sec. 418.048. MONITORING WEATHER [~~, SUSPENSION OF WEATHER~~
27 ~~MODIFICATION~~]. [~~(a)~~] The division shall keep continuously

1 apprised of weather conditions that present danger of climatic
2 activity, such as precipitation, severe enough to constitute a
3 disaster.

4 ~~[(b) If the division determines that precipitation that may
5 result from weather modification operations, either by itself or in
6 conjunction with other precipitation or climatic conditions or
7 activity, would create or contribute to the severity of a disaster,
8 it shall request in the name of the governor that the officer or
9 agency empowered to issue permits for weather modification
10 operations suspend the issuance of permits. On the governor's
11 request, no permits may be issued until the division informs the
12 officer or agency that the danger has passed.]~~

13 SECTION 7. Section 418.1015, Government Code, is amended by
14 adding Subsection (d) to read as follows:

15 (d) An emergency management director exercising under
16 Subsection (b) a power granted to the governor may not seize or use
17 state or federal resources without prior authorization from the
18 governor or the state or federal agency having responsibility for
19 those resources.

20 SECTION 8. Section 418.107(b), Government Code, is amended
21 to read as follows:

22 (b) Political subdivisions may make agreements for the
23 purpose of organizing emergency management service divisions and
24 provide for a mutual method of financing the organization of units
25 on a basis satisfactory to the subdivisions. ~~[The functioning of
26 the units shall be coordinated by the emergency management
27 council.]~~

1 SECTION 9. Section 418.108(d), Government Code, is amended
2 to read as follows:

3 (d) A declaration of local disaster activates the
4 appropriate recovery and rehabilitation aspects of all applicable
5 local or interjurisdictional emergency management plans and
6 authorizes the furnishing of aid and assistance under the
7 declaration. The appropriate preparedness and response aspects of
8 the plans are activated as provided in the plans and take effect
9 immediately after the local state of disaster is declared.

10 SECTION 10. Section 418.117, Government Code, is amended to
11 read as follows:

12 Sec. 418.117. LICENSE PORTABILITY. If the assistance of a
13 person who holds a license, certificate, permit, or other document
14 evidencing qualification in a professional, mechanical, or other
15 skill is requested by a state agency or local government entity
16 under the system, the person is considered licensed, certified,
17 permitted, or otherwise documented in the political subdivision in
18 which the service is provided as long as the service is required,
19 subject to any limitations imposed by the chief executive officer
20 or the governing body of the requesting state agency or local
21 government entity.

22 SECTION 11. Section 418.172(b), Government Code, is amended
23 to read as follows:

24 (b) If sufficient funds are not available for the required
25 insurance, an agency may request funding from [~~petition~~] the
26 disaster contingency fund [~~emergency funding board~~] to purchase the
27 insurance [~~on the agency's behalf. The board may spend money from~~

1 ~~that fund for that purpose].~~

2 SECTION 12. Title 5, Finance Code, is amended by adding
3 Chapter 397 to read as follows:

4 CHAPTER 397. MORTGAGE SERVICERS

5 Sec. 397.001. DEFINITIONS. In this chapter, "mortgage
6 servicer" and "mortgagee" have the meanings assigned by Section
7 51.0001, Property Code.

8 Sec. 397.002. INTEREST ON DISASTER REPAIR MONEY HELD BY
9 MORTGAGE SERVICER. (a) A mortgage servicer holding money for more
10 than 10 business days that is received from an insurance provider
11 for repairs to a mortgagee's property following a disaster declared
12 under Section 418.014, Government Code, shall pay interest to the
13 mortgagee.

14 (b) For purposes of interest payments, the interest shall
15 accrue from the time a mortgage servicer receives the money from an
16 insurance provider.

17 (c) The interest rate that applies for the first 10 days
18 after the money is received must be not less than the rate that the
19 mortgage servicer receives on money held in the account in which the
20 mortgage servicer held the money received from the insurance
21 provider.

22 (d) The interest rate that applies after the 10th day is the
23 minimum rate described by Subsection (c) plus two percent a year.

24 SECTION 13. On the effective date of this Act, the disaster
25 emergency funding board is abolished.

26 SECTION 14. Section 418.072, Government Code, is repealed.

27 SECTION 15. The changes in law made by this Act by the

1 amendment of Section 418.005, Government Code, apply only to a
2 public officer elected or appointed on or after the effective date
3 of this Act. A public officer elected or appointed before the
4 effective date of this Act is governed by the law in effect
5 immediately before that date, and the former law is continued in
6 effect for that purpose.

7 SECTION 16. This Act takes effect September 1, 2009.