

By: Corte

H.B. No. 1831

A BILL TO BE ENTITLED

AN ACT

relating to emergency management.

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 or 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 an appointed public officer, if the person is not required to take an oath of office to assume the person's duties.

SECTION 2. Section 418.013, Government Code, is amended by

1 amending Subsection (b) and adding Subsection (d) to read as
2 follows:

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

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

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

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

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

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

19 (3) provisions for emergency relief;

20 (4) provisions for energy emergencies;

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

23 (6) recommendations for zoning, building
24 restrictions, and other land-use controls, safety measures for
25 securing mobile homes or other nonpermanent or semipermanent
26 structures, and other preventive and preparedness measures
27 designed to eliminate or reduce disasters or their impact;

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

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

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

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

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

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

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

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

21 [~~(15)~~] other necessary matters relating to disasters.

22 SECTION 4. Section 418.045, Government Code, is amended to
23 read as follows:

24 Sec. 418.045. TEMPORARY PERSONNEL. (a) The division may
25 employ or contract with temporary personnel from funds appropriated
26 to the division, from federal funds, or from the disaster
27 contingency fund. The merit system does not apply to the temporary

1 or contract positions.

2 (b) The division may enroll, organize, train, and equip a
3 cadre of disaster reservists with specialized skills in disaster
4 recovery, hazard mitigation, community outreach, and public
5 information to temporarily augment its permanent staff. The
6 division may activate enrolled disaster reservists to support
7 recovery operations in the aftermath of a disaster or major
8 emergency and pay them at a daily rate commensurate with their
9 qualifications and experience. Chapter 654, Chapter 2254, and
10 Subtitle D, Title 10, do not apply in relation to a disaster
11 reservist under this subsection.

12 SECTION 5. Section 418.048, Government Code, is amended to
13 read as follows:

14 Sec. 418.048. MONITORING WEATHER[~~, SUSPENSION OF WEATHER~~
15 ~~MODIFICATION~~]. ~~[(a)]~~ The division shall keep continuously
16 apprised of weather conditions that present danger of climatic
17 activity, such as precipitation, severe enough to constitute a
18 disaster.

19 ~~[(b) If the division determines that precipitation that may~~
20 ~~result from weather modification operations, either by itself or in~~
21 ~~conjunction with other precipitation or climatic conditions or~~
22 ~~activity, would create or contribute to the severity of a disaster,~~
23 ~~it shall request in the name of the governor that the officer or~~
24 ~~agency empowered to issue permits for weather modification~~
25 ~~operations suspend the issuance of permits. On the governor's~~
26 ~~request, no permits may be issued until the division informs the~~
27 ~~officer or agency that the danger has passed.]~~

1 SECTION 6. Section 418.1015, Government Code, is amended by
2 adding Subsection (d) to read as follows:

3 (d) An emergency management director exercising under
4 Subsection (b) a power granted to the governor may not seize or use
5 state or federal resources without prior authorization from the
6 state or federal agency having responsibility for those resources.

7 SECTION 7. Section 418.107(b), Government Code, is amended
8 to read as follows:

9 (b) Political subdivisions may make agreements for the
10 purpose of organizing emergency management service divisions and
11 provide for a mutual method of financing the organization of units
12 on a basis satisfactory to the subdivisions. [~~The functioning of~~
13 ~~the units shall be coordinated by the emergency management~~
14 ~~council.~~]

15 SECTION 8. Section 418.108(d), Government Code, is amended
16 to read as follows:

17 (d) A declaration of local disaster activates the
18 appropriate recovery and rehabilitation aspects of all applicable
19 local or interjurisdictional emergency management plans and
20 authorizes the furnishing of aid and assistance under the
21 declaration. The appropriate preparedness and response aspects of
22 the plans are activated as provided in the plans and take effect
23 immediately after the local state of disaster is declared.

24 SECTION 9. Section 418.117, Government Code, is amended to
25 read as follows:

26 Sec. 418.117. LICENSE PORTABILITY. If the assistance of a
27 person who holds a license, certificate, permit, or other document

1 evidencing qualification in a professional, mechanical, or other
2 skill is requested by a state agency or local government entity
3 under the system, the person is considered licensed, certified,
4 permitted, or otherwise documented in the political subdivision in
5 which the service is provided as long as the service is required,
6 subject to any limitations imposed by the chief executive officer
7 or the governing body of the requesting state agency or local
8 government entity.

9 SECTION 10. Section 418.172(b), Government Code, is amended
10 to read as follows:

11 (b) If sufficient funds are not available for the required
12 insurance, an agency may request funding from [~~petition~~] the
13 disaster contingency fund [~~emergency funding board~~] to purchase the
14 insurance [~~on the agency's behalf. The board may spend money from~~
15 ~~that fund for that purpose~~].

16 SECTION 11. Section 771.051(a), Health and Safety Code, is
17 amended to read as follows:

18 (a) The commission is the state's authority on emergency
19 communications. The commission shall:

20 (1) administer the implementation of statewide 9-1-1
21 service and the telecommunications requirements for poison control
22 centers under Chapter 777;

23 (2) develop minimum performance standards for
24 equipment and operation of 9-1-1 service to be followed in
25 developing regional plans under Section 771.055, including
26 requirements that the plans provide for:

27 (A) automatic number identification by which the

1 telephone number of the caller is automatically identified at the
2 public safety answering point receiving the call; and

3 (B) other features the commission considers
4 appropriate;

5 (3) examine and approve or disapprove regional plans
6 as provided by Section 771.056;

7 (4) recommend minimum training standards, assist in
8 training, and provide assistance in the establishment and operation
9 of 9-1-1 service;

10 (5) allocate money to prepare and operate regional
11 plans as provided by Section 771.056;

12 (6) develop and provide public education materials and
13 training;

14 (7) plan, implement, operate, and maintain poison
15 control center databases and assist in planning, supporting, and
16 facilitating 9-1-1 databases, as needed;

17 (8) provide grants or contracts for services that
18 enhance the effectiveness of 9-1-1 service;

19 (9) coordinate emergency communications services and
20 providers;

21 (10) make reasonable efforts to gain voluntary
22 cooperation in the commission's activities of emergency
23 communications authorities and providers outside the commission's
24 jurisdiction, including:

25 (A) making joint communications to state and
26 federal regulators; and

27 (B) arranging cooperative purchases of equipment

1 or services; ~~and~~

2 (11) provide education for local officials on the
3 operation of the Emergency Alert System, including how to:

4 (A) access the system to issue warnings to the
5 public; and

6 (B) provide information about emergency
7 situations to the public; and

8 (12) accept, receive, and deposit in its account in
9 the general revenue fund gifts, grants, and royalties from public
10 and private entities. Gifts, grants, and royalties may be used for
11 the purposes of the commission.

12 SECTION 12. On the effective date of this Act, the disaster
13 emergency funding board is abolished.

14 SECTION 13. Section 418.072, Government Code, is repealed.

15 SECTION 14. The changes in law made by this Act by the
16 amendment of Section 418.005, Government Code, apply only to a
17 public officer elected or appointed on or after the effective date
18 of this Act. A public officer elected or appointed before the
19 effective date of this Act is governed by the law in effect
20 immediately before that date, and the former law is continued in
21 effect for that purpose.

22 SECTION 15. This Act takes effect September 1, 2009.