

By: Taylor, Eiland

H.B. No. 4409

A BILL TO BE ENTITLED

AN ACT

relating to emergency preparation and management.

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

SECTION 1. Subchapter A, Chapter 418, Government Code, is amended by adding Section 418.006 to read as follows:

Sec. 418.006. CIVIL LIABILITY. 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 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. Section 418.043, Government Code, is amended to read as follows:

Sec. 418.043. OTHER POWERS AND DUTIES. The division shall:

(1) determine requirements of the state and its political subdivisions for food, clothing, and other necessities in event of a disaster;

(2) procure and position supplies, medicines, materials, and equipment;

(3) adopt standards and requirements for local and interjurisdictional emergency management plans;

1 (4) periodically review local and interjurisdictional
2 emergency management plans;

3 (5) coordinate deployment of mobile support units;

4 (6) establish and operate training programs and
5 programs of public information or assist political subdivisions and
6 emergency management agencies to establish and operate the
7 programs;

8 (7) make surveys of public and private industries,
9 resources, and facilities in the state that are necessary to carry
10 out the purposes of this chapter;

11 (8) plan and make arrangements for the availability
12 and use of any private facilities, services, and property and
13 provide for payment for use under terms and conditions agreed on if
14 the facilities are used and payment is necessary;

15 (9) establish a register of persons with types of
16 training and skills important in disaster mitigation,
17 preparedness, response, and recovery;

18 (10) establish a register of mobile and construction
19 equipment and temporary housing available for use in a disaster;

20 (11) assist political subdivisions in developing
21 plans for the humane evacuation, transport, and temporary
22 sheltering of service animals and household pets in a disaster;

23 (12) prepare, for issuance by the governor, executive
24 orders and regulations necessary or appropriate in coping with
25 disasters;

26 (13) cooperate with the federal government and any
27 public or private agency or entity in achieving any purpose of this

1 chapter and in implementing programs for disaster mitigation,
2 preparation, response, and recovery; ~~and~~

3 (14) define "individuals with special needs" in the
4 context of a disaster;

5 (15) do other things necessary, incidental, or
6 appropriate for the implementation of this chapter; and

7 (16) in coordination with the Texas Commission on
8 Environmental Quality, adopt rules to require a retail public
9 utility that serves customers in a county any territory of which is
10 located not more than 100 miles from the Gulf of Mexico to adopt and
11 submit to the commission for its approval an emergency preparedness
12 plan that ensures that, in the event of a local power outage during
13 the next year, the retail public utility maintains the ability to
14 provide water to the local distribution system with at least the
15 minimum water pressure required under commission rules and sewer
16 services to all existing customers.

17 (A) An emergency preparedness plan must provide
18 for:

19 (i) the maintenance of automatically
20 starting auxiliary generators for that purpose. If a retail public
21 utility's emergency preparedness plan provides for the maintenance
22 of automatically starting auxiliary generators, the retail public
23 utility must include with the plan a proposed schedule for the
24 regular servicing, testing, and operation of the generators that
25 complies with commission rules. A retail public utility that
26 maintains auxiliary generators shall maintain a log of the regular
27 servicing, testing, and operation of the generators and shall

1 submit a copy of the log to the commission with its yearly emergency
2 preparedness plan. The commission may inspect the log at any time
3 before the retail public utility submits the log to the commission;
4 or

5 (ii) the retail public utility's
6 participation in a recognized statewide mutual aid program, if the
7 commission finds that the utility's participation in the program
8 will provide the utility with access to auxiliary generators and
9 other necessary aid or equipment sufficient for the utility to
10 restore service not later than the 36th hour after the hour the
11 local power outage begins.

12 (B) The commission may impose an administrative
13 penalty on a person licensed under this chapter who violates this
14 section or a rule or order adopted under this section. The
15 commission by rule shall prescribe standards relating to the
16 servicing, testing, and operation of auxiliary power generators
17 used in the implementation of an emergency preparedness plan.

18 SECTION 3. Subchapter F, Chapter 418, Government Code, is
19 amended by adding Section 418.126 to read as follows:

20 Sec. 418.126. PRE-EVENT DISASTER RESPONSE CONTRACTS. (a)
21 The General Land Office shall solicit proposals for and enter into
22 one or more pre-event contracts that may be activated by the office
23 in the event of a weather-related disaster declaration to obtain
24 services for debris removal from beaches as needed following the
25 disaster.

26 (b) The Texas Department of Transportation shall solicit
27 proposals for and enter into one or more pre-event contracts that

1 may be activated by the department in the event of a weather-related
2 disaster declaration to obtain services for debris removal from the
3 state highway system as needed following the disaster.

4 (c) The Texas Department of Housing and Community Affairs
5 shall solicit proposals for and enter into one or more pre-event
6 contracts that may be activated by the department in the event of a
7 weather-related disaster declaration to obtain temporary or
8 emergency housing as needed following the disaster.

9 (d) Services obtained under a pre-event contract under this
10 section shall be paid for with money from the disaster contingency
11 fund under Section 418.073.

12 SECTION 4. Not later than January 1, 2010, the relevant
13 state agencies shall adopt the contracts required by Section
14 418.126, Government Code, as added by this Act.

15 SECTION 5. This Act takes effect September 1, 2009.