

By: Carona

S.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to emergency management.

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

SECTION 1. 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;

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

(5) coordinate deployment of mobile support units;

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

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

(8) plan and make arrangements for the availability

1 and use of any private facilities, services, and property and
2 provide for payment for use under terms and conditions agreed on if
3 the facilities are used and payment is necessary;

4 (9) establish a register of persons with types of
5 training and skills important in disaster mitigation,
6 preparedness, response, and recovery;

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

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

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

15 (13) cooperate with the federal government and any
16 public or private agency or entity in achieving any purpose of this
17 chapter and in implementing programs for disaster mitigation,
18 preparation, response, and recovery; ~~and~~

19 (14) cooperate with the Federal Emergency Management
20 Agency to create uniform guidelines for acceptable home repairs
21 following disasters and promote public awareness of the guidelines;

22 (15) cooperate with state agencies to include
23 information on volunteering during a disaster in all state disaster
24 preparation information resources, including Internet websites;

25 (16) establish a liability awareness program for
26 volunteers, including medical professionals; and

27 (17) do other things necessary, incidental, or

1 appropriate for the implementation of this chapter.

2 SECTION 2. Subchapter C, Chapter 418, Government Code, is
3 amended by adding Section 418.050 to read as follows:

4 Sec. 418.050. PHASED REENTRY PLAN. (a) The division shall
5 develop a phased reentry plan to govern the order in which
6 particular groups of people are allowed to reenter areas previously
7 evacuated because of a disaster or threat of disaster. The plan may
8 provide different reentry procedures for different types of
9 disasters.

10 (b) The division shall consider giving priority under the
11 phased reentry plan to public safety officials, utility employees,
12 insurance claims adjusters, the media, and area residents. The
13 division shall consider preauthorizing insurance claims adjusters
14 to reenter evacuated areas as soon as practicable to begin
15 processing claims.

16 (c) The division, in consultation with representatives of
17 affected industries, shall develop a reentry credentialing
18 process. The division may include the credentialing process in the
19 phased reentry plan or administer the credentialing process
20 separately.

21 SECTION 3. Subchapter H, Chapter 418, Government Code, is
22 amended by adding Sections 418.185, 418.189, 418.190, and 418.191
23 to read as follows:

24 Sec. 418.185. MANDATORY EVACUATION. (a) This section does
25 not apply to a person who is authorized to be in an evacuated area,
26 including a person who returns to the area under a phased reentry
27 plan or reentry credentialing process under Section 418.050.

1 (b) A county judge or mayor of a municipality who orders the
2 evacuation of an area stricken or threatened by a disaster by order
3 may compel persons who remain in the evacuated area to leave and
4 authorize the use of reasonable force to remove persons from the
5 area.

6 (c) The governor and a county judge or mayor of a
7 municipality who orders the evacuation of an area stricken or
8 threatened by a disaster by a concurrent order may compel persons
9 who remain in the evacuated area to leave and authorize the use of
10 reasonable force to remove persons from the area.

11 (d) A person is civilly liable to a governmental entity, or
12 a nonprofit agency cooperating with a governmental entity, that
13 conducts a rescue on the person's behalf for the cost of the rescue
14 effort if:

15 (1) the person knowingly ignored a mandatory
16 evacuation order under this section and:

17 (A) engaged in an activity or course of action
18 that a reasonable person would not have engaged in; or

19 (B) failed to take a course of action a
20 reasonable person would have taken;

21 (2) the person's actions under Subdivision (1) placed
22 the person or another person in danger; and

23 (3) a governmental rescue effort was undertaken on the
24 person's behalf.

25 Sec. 418.189. DISASTER MANAGEMENT OUTREACH. A state agency
26 involved in disaster management shall conduct outreach and
27 disseminate information regarding disaster preparedness and

1 recovery to the general public, including residents of affected
2 areas, and issue an annual report to the legislature regarding
3 those activities.

4 Sec. 418.190. AGRICULTURE EMERGENCY RESPONSE PLAN. (a)

5 The Department of Agriculture shall prepare and keep current an
6 agriculture emergency response plan. The plan must include
7 provisions for:

8 (1) identifying and assessing necessary training; and

9 (2) providing information on recovery, relief, and
10 assistance following a disaster.

11 (b) The Department of Agriculture shall include the plan
12 developed under Subsection (a) in an annual report to the
13 legislature.

14 Sec. 418.191. MEDICAL SPECIAL NEEDS VOLUNTEERS. (a) An

15 entity responsible for the care of individuals with special needs
16 shall develop and distribute information on volunteering in
17 connection with a disaster.

18 (b) The division shall provide information to interested
19 parties and the public regarding how volunteers can be identified
20 and trained to help all groups of people, including those with
21 special needs and those who are residents of assisted living
22 facilities.

23 SECTION 4. Subchapter B, Chapter 242, Health and Safety
24 Code, is amended by adding Section 242.0395 to read as follows:

25 Sec. 242.0395. REGISTRATION WITH TEXAS INFORMATION AND

26 REFERRAL NETWORK. (a) An institution licensed under this chapter
27 shall register with the Texas Information and Referral Network

1 under Section 531.0312, Government Code, to assist the state in
2 identifying persons needing assistance evacuating in a disaster or
3 other emergency.

4 (b) The institution is not required to identify individual
5 residents who may require assistance in evacuating in an emergency
6 or to register individual residents with the Texas Information and
7 Referral Network for evacuation assistance.

8 (c) The institution shall notify each resident and the
9 resident's next of kin or guardian regarding how to register for
10 evacuation assistance with the Texas Information and Referral
11 Network.

12 SECTION 5. Subchapter B, Chapter 247, Health and Safety
13 Code, is amended by adding Section 247.0275 to read as follows:

14 Sec. 247.0275. REGISTRATION WITH TEXAS INFORMATION AND
15 REFERRAL NETWORK. (a) An assisted living facility licensed under
16 this chapter shall register with the Texas Information and Referral
17 Network under Section 531.0312, Government Code, to assist the
18 state in identifying persons needing assistance evacuating in a
19 disaster or other emergency.

20 (b) The assisted living facility is not required to identify
21 individual residents who may require assistance in evacuating in an
22 emergency or to register individual residents with the Texas
23 Information and Referral Network for evacuation assistance.

24 (c) The assisted living facility shall notify each resident
25 and the resident's next of kin or guardian regarding how to register
26 for evacuation assistance with the Texas Information and Referral
27 Network.

1 SECTION 6. Not later than the 30th day after the effective
2 date of this section, the division of emergency management in the
3 office of the governor shall issue a report to the legislature
4 regarding the implementation of medical special needs plans in
5 connection with Hurricane Ike, including identification,
6 evacuation, transportation, shelter, care, and reentry during the
7 period ending on the 30th day after the conclusion of the disaster.
8 The Department of State Health Services shall cooperate in the
9 preparation of the report.

10 SECTION 7. (a) Except as provided by Subsection (b) of this
11 section, this Act takes effect September 1, 2009.

12 (b) Section 6 of this Act takes effect immediately if this
13 Act receives a vote of two-thirds of all the members elected to each
14 house, as provided by Section 39, Article III, Texas Constitution.
15 If this Act does not receive the vote necessary for immediate
16 effect, Section 6 of this Act takes effect September 1, 2009.