

By: Carona

S.B. No. 1741

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 418.005, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (h) 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 a ~~an~~ ~~appointed~~ public officer, if the person is not required to take an oath of office to assume the person's duties.

1       (h) The Texas Engineering Extension Service, with the  
2 direction, oversight, and approval of the division, shall implement  
3 online courses and secure continuing education credits for elected  
4 or appointed officials, volunteers, or employees requested to  
5 attend training or required under Subsection (b) to attend  
6 training. Training under this subsection is optional for  
7 volunteers.

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

11       (b) The emergency management council is composed of  
12 representatives [the heads] of state agencies, boards, [and]  
13 commissions, and [representatives of] organized volunteer groups  
14 designated by the head of each entity.

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

18       SECTION 3. Subsection (a), Section 418.042, Government  
19 Code, is amended to read as follows:

20       (a) The division shall prepare and keep current a  
21 comprehensive state emergency management plan. The plan may  
22 include:

23               (1) provisions for prevention and minimization of  
24 injury and damage caused by disaster;

25               (2) provisions for prompt and effective response to  
26 disaster;

27               (3) provisions for emergency relief;

- 1           (4) provisions for energy emergencies;
- 2           (5) identification of areas particularly vulnerable  
3 to disasters;
- 4           (6) recommendations for zoning, building  
5 restrictions, and other land-use controls, safety measures for  
6 securing mobile homes or other nonpermanent or semipermanent  
7 structures, and other preventive and preparedness measures  
8 designed to eliminate or reduce disasters or their impact;
- 9           (7) provisions for assistance to local officials in  
10 designing local emergency management plans;
- 11          (8) authorization and procedures for the erection or  
12 other construction of temporary works designed to protect against  
13 or mitigate danger, damage, or loss from flood, fire, or other  
14 disaster;
- 15          (9) preparation and distribution to the appropriate  
16 state and local officials of state catalogs of federal, state, and  
17 private assistance programs;
- 18          (10) organization of manpower and channels of  
19 assistance;
- 20          (11) coordination of federal, state, and local  
21 emergency management activities;
- 22          (12) coordination of the state emergency management  
23 plan with the emergency management plans of the federal government;
- 24          (13) coordination of federal and state energy  
25 emergency plans;
- 26          (14) provisions for providing information to  
27 [~~education and training of~~] local officials on activation of the

1 Emergency Alert System established under 47 C.F.R. Part 11; and

2 (15) other necessary matters relating to disasters.

3 SECTION 4. Section 418.043, Government Code, is amended to  
4 read as follows:

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

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

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

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

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

15 (5) coordinate deployment of mobile support units;

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

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

23 (8) plan and make arrangements for the availability  
24 and use of any private facilities, services, and property and  
25 provide for payment for use under terms and conditions agreed on if  
26 the facilities are used and payment is necessary;

27 (9) establish a register of persons with types of

1 training and skills important in disaster mitigation,  
2 preparedness, response, and recovery;

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

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

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

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

15 (14) develop a plan to raise public awareness and  
16 expand the capability of the information and referral network under  
17 Section 531.0312;

18 (15) improve the integration of volunteer groups,  
19 including faith-based organizations, into emergency management  
20 plans; and

21 (16) do other things necessary, incidental, or  
22 appropriate for the implementation of this chapter.

23 SECTION 5. Section 418.045, Government Code, is amended to  
24 read as follows:

25 Sec. 418.045. TEMPORARY PERSONNEL. (a) The division may  
26 employ or contract with temporary personnel from funds appropriated  
27 to the division, from federal funds, or from the disaster

1 contingency fund. The merit system does not apply to the temporary  
2 or contract positions.

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

13 SECTION 6. Section 418.048, Government Code, is amended to  
14 read as follows:

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

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

1 ~~officer or agency that the danger has passed.]~~

2 SECTION 7. Subchapter D, Chapter 418, Government Code, is  
3 amended by adding Section 418.075 to read as follows:

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

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

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

17 SECTION 9. Section 418.117, Government Code, is amended to  
18 read as follows:

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

1 government entity.

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

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

9 SECTION 11. Subchapter H, Chapter 418, Government Code, is  
10 amended by adding Sections 418.188, 418.1881, and 418.1882 to read  
11 as follows:

12 Sec. 418.188. POSTDISASTER EVALUATION. Not later than the  
13 30th day after the date a request is received from the division, a  
14 state agency, political subdivision, or interjurisdictional agency  
15 shall conduct an evaluation of the entity's response to a disaster,  
16 identify areas for improvement, and issue a report of the  
17 evaluation to the division.

18 Sec. 418.1881. SHELTER OPERATIONS. The Department of State  
19 Health Services shall develop, with the direction, oversight, and  
20 approval of the division, an annex to the state emergency  
21 management plan that includes provisions for:

- 22 (1) developing medical special needs categories;  
23 (2) categorizing the requirements of individuals with  
24 medical special needs; and  
25 (3) establishing minimum health-related standards for  
26 short-term and long-term shelter operations for shelters operated  
27 with state funds or receiving state assistance.



1       Sec. 418.1882. PERSONNEL SURGE CAPACITY PLANNING. With the  
2 direction, oversight, and approval of the division and the  
3 assistance of the Department of State Health Services, health care  
4 facilities, county officials, and other appropriate entities, each  
5 council of government, regional planning commission, or similar  
6 regional planning agency created under Chapter 391, Local  
7 Government Code, shall develop a regional plan for personnel surge  
8 capacity during disasters, including plans for providing lodging  
9 and meals for disaster relief workers and volunteers.

10       SECTION 12. Section 418.072, Government Code, is repealed.

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

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

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