

1-1 By: Carona S.B. No. 1741
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 14, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 14, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1741 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to emergency management.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 418.005, Government Code, is amended by
1-13 amending Subsections (a) and (b) and adding Subsection (h) to read
1-14 as follows:

1-15 (a) This section applies only to an elected or appointed
1-16 public officer of the state or of a political subdivision who has
1-17 management or supervisory responsibilities and:

1-18 (1) whose position description, job duties, or
1-19 assignment includes emergency management responsibilities; or

1-20 (2) who plays a role in emergency preparedness,
1-21 response, or recovery.

1-22 (b) Each person described by Subsection (a) shall complete a
1-23 course of training provided or approved by the division of not less
1-24 than three hours regarding the responsibilities of state and local
1-25 governments under this chapter not later than the 180th day after
1-26 the date the person:

1-27 (1) takes the oath of office, if the person is required
1-28 to take an oath of office to assume the person's duties as a a [~~an~~
1-29 ~~appointed~~] public officer; or

1-30 (2) otherwise assumes responsibilities as a a [~~an~~
1-31 ~~appointed~~] public officer, if the person is not required to take an
1-32 oath of office to assume the person's duties.

1-33 (h) The Texas Engineering Extension Service, with the
1-34 direction, oversight, and approval of the division, shall implement
1-35 online courses and secure continuing education credits for elected
1-36 or appointed officials, volunteers, or employees requested to
1-37 attend training or required under Subsection (b) to attend
1-38 training. Training under this subsection is optional for
1-39 volunteers.

1-40 SECTION 2. Section 418.013, Government Code, is amended by
1-41 amending Subsection (b) and adding Subsection (d) to read as
1-42 follows:

1-43 (b) The emergency management council is composed of
1-44 representatives [~~the heads~~] of state agencies, boards, [~~and~~
1-45 ~~commissions,~~ and [~~representatives of~~] organized volunteer groups
1-46 designated by the head of each entity.

1-47 (d) The council shall assist the division in identifying,
1-48 mobilizing, and deploying state resources to respond to major
1-49 emergencies and disasters throughout the state.

1-50 SECTION 3. Subsection (a), Section 418.042, Government
1-51 Code, is amended to read as follows:

1-52 (a) The division shall prepare and keep current a
1-53 comprehensive state emergency management plan. The plan may
1-54 include:

1-55 (1) provisions for prevention and minimization of
1-56 injury and damage caused by disaster;

1-57 (2) provisions for prompt and effective response to
1-58 disaster;

1-59 (3) provisions for emergency relief;

1-60 (4) provisions for energy emergencies;

1-61 (5) identification of areas particularly vulnerable
1-62 to disasters;

1-63 (6) recommendations for zoning, building

2-1 restrictions, and other land-use controls, safety measures for
 2-2 securing mobile homes or other nonpermanent or semipermanent
 2-3 structures, and other preventive and preparedness measures
 2-4 designed to eliminate or reduce disasters or their impact;
 2-5 (7) provisions for assistance to local officials in
 2-6 designing local emergency management plans;
 2-7 (8) authorization and procedures for the erection or
 2-8 other construction of temporary works designed to protect against
 2-9 or mitigate danger, damage, or loss from flood, fire, or other
 2-10 disaster;
 2-11 (9) preparation and distribution to the appropriate
 2-12 state and local officials of state catalogs of federal, state, and
 2-13 private assistance programs;
 2-14 (10) organization of manpower and channels of
 2-15 assistance;
 2-16 (11) coordination of federal, state, and local
 2-17 emergency management activities;
 2-18 (12) coordination of the state emergency management
 2-19 plan with the emergency management plans of the federal government;
 2-20 (13) coordination of federal and state energy
 2-21 emergency plans;
 2-22 (14) provisions for providing information to
 2-23 ~~[education and training of]~~ local officials on activation of the
 2-24 Emergency Alert System established under 47 C.F.R. Part 11; and
 2-25 (15) other necessary matters relating to disasters.
 2-26 SECTION 4. Section 418.043, Government Code, is amended to
 2-27 read as follows:
 2-28 Sec. 418.043. OTHER POWERS AND DUTIES. The division shall:
 2-29 (1) determine requirements of the state and its
 2-30 political subdivisions for food, clothing, and other necessities in
 2-31 event of a disaster;
 2-32 (2) procure and position supplies, medicines,
 2-33 materials, and equipment;
 2-34 (3) adopt standards and requirements for local and
 2-35 interjurisdictional emergency management plans;
 2-36 (4) periodically review local and interjurisdictional
 2-37 emergency management plans;
 2-38 (5) coordinate deployment of mobile support units;
 2-39 (6) establish and operate training programs and
 2-40 programs of public information or assist political subdivisions and
 2-41 emergency management agencies to establish and operate the
 2-42 programs;
 2-43 (7) make surveys of public and private industries,
 2-44 resources, and facilities in the state that are necessary to carry
 2-45 out the purposes of this chapter;
 2-46 (8) plan and make arrangements for the availability
 2-47 and use of any private facilities, services, and property and
 2-48 provide for payment for use under terms and conditions agreed on if
 2-49 the facilities are used and payment is necessary;
 2-50 (9) establish a register of persons with types of
 2-51 training and skills important in disaster mitigation,
 2-52 preparedness, response, and recovery;
 2-53 (10) establish a register of mobile and construction
 2-54 equipment and temporary housing available for use in a disaster;
 2-55 (11) assist political subdivisions in developing
 2-56 plans for the humane evacuation, transport, and temporary
 2-57 sheltering of service animals and household pets in a disaster;
 2-58 (12) prepare, for issuance by the governor, executive
 2-59 orders and regulations necessary or appropriate in coping with
 2-60 disasters;
 2-61 (13) cooperate with the federal government and any
 2-62 public or private agency or entity in achieving any purpose of this
 2-63 chapter and in implementing programs for disaster mitigation,
 2-64 preparation, response, and recovery; ~~and~~
 2-65 (14) develop a plan to raise public awareness and
 2-66 expand the capability of the information and referral network under
 2-67 Section 531.0312;
 2-68 (15) improve the integration of volunteer groups,
 2-69 including faith-based organizations, into emergency management

3-1 plans; and
 3-2 (16) do other things necessary, incidental, or
 3-3 appropriate for the implementation of this chapter.

3-4 SECTION 5. Section 418.045, Government Code, is amended to
 3-5 read as follows:

3-6 Sec. 418.045. TEMPORARY PERSONNEL. (a) The division may
 3-7 employ or contract with temporary personnel from funds appropriated
 3-8 to the division, from federal funds, or from the disaster
 3-9 contingency fund. The merit system does not apply to the temporary
 3-10 or contract positions.

3-11 (b) The division may enroll, organize, train, and equip a
 3-12 cadre of disaster reservists with specialized skills in disaster
 3-13 recovery, hazard mitigation, community outreach, and public
 3-14 information to temporarily augment its permanent staff. The
 3-15 division may activate enrolled disaster reservists to support
 3-16 recovery operations in the aftermath of a disaster or major
 3-17 emergency and pay them at a daily rate commensurate with their
 3-18 qualifications and experience. Chapter 654, Chapter 2254, and
 3-19 Subtitle D, Title 10, do not apply in relation to a disaster
 3-20 reservist under this subsection.

3-21 SECTION 6. Section 418.048, Government Code, is amended to
 3-22 read as follows:

3-23 Sec. 418.048. MONITORING WEATHER~~[, SUSPENSION OF WEATHER~~
 3-24 ~~MODIFICATION]~~. [~~a~~] The division shall keep continuously
 3-25 apprised of weather conditions that present danger of climatic
 3-26 activity, such as precipitation, severe enough to constitute a
 3-27 disaster.

3-28 [~~b~~ ~~If the division determines that precipitation that may~~
 3-29 ~~result from weather modification operations, either by itself or in~~
 3-30 ~~conjunction with other precipitation or climatic conditions or~~
 3-31 ~~activity, would create or contribute to the severity of a disaster,~~
 3-32 ~~it shall request in the name of the governor that the officer or~~
 3-33 ~~agency empowered to issue permits for weather modification~~
 3-34 ~~operations suspend the issuance of permits. On the governor's~~
 3-35 ~~request, no permits may be issued until the division informs the~~
 3-36 ~~officer or agency that the danger has passed.]~~

3-37 SECTION 7. Subchapter D, Chapter 418, Government Code, is
 3-38 amended by adding Section 418.075 to read as follows:

3-39 Sec. 418.075. REQUEST FOR FUNDS; HOSPITALS. A hospital may
 3-40 request funding from the disaster contingency fund or through a
 3-41 mutual aid agreement with a political subdivision for deployment of
 3-42 hospital services, treatment of evacuees, and nonlocal emergency
 3-43 medical services in the event of a disaster.

3-44 SECTION 8. Subsection (b), Section 418.107, Government
 3-45 Code, is amended to read as follows:

3-46 (b) Political subdivisions may make agreements for the
 3-47 purpose of organizing emergency management service divisions and
 3-48 provide for a mutual method of financing the organization of units
 3-49 on a basis satisfactory to the subdivisions. [~~The functioning of~~
 3-50 ~~the units shall be coordinated by the emergency management~~
 3-51 ~~council.]~~

3-52 SECTION 9. Section 418.117, Government Code, is amended to
 3-53 read as follows:

3-54 Sec. 418.117. LICENSE PORTABILITY. If the assistance of a
 3-55 person who holds a license, certificate, permit, or other document
 3-56 evidencing qualification in a professional, mechanical, or other
 3-57 skill is requested by a state agency or local government entity
 3-58 under the system, the person is considered licensed, certified,
 3-59 permitted, or otherwise documented in the political subdivision in
 3-60 which the service is provided as long as the service is required,
 3-61 subject to any limitations imposed by the chief executive officer
 3-62 or the governing body of the requesting state agency or local
 3-63 government entity.

3-64 SECTION 10. Subsection (b), Section 418.172, Government
 3-65 Code, is amended to read as follows:

3-66 (b) If sufficient funds are not available for the required
 3-67 insurance, an agency may request funding from [~~petition~~] the
 3-68 disaster contingency fund [~~emergency funding board~~] to purchase the
 3-69 insurance [~~on the agency's behalf. The board may spend money from~~

4-1 ~~that fund for that purpose].~~

4-2 SECTION 11. Subchapter H, Chapter 418, Government Code, is
4-3 amended by adding Sections 418.188, 418.1881, and 418.1882 to read
4-4 as follows:

4-5 Sec. 418.188. POSTDISASTER EVALUATION. Not later than the
4-6 30th day after the date a request is received from the division, a
4-7 state agency, political subdivision, or interjurisdictional agency
4-8 shall conduct an evaluation of the entity's response to a disaster,
4-9 identify areas for improvement, and issue a report of the
4-10 evaluation to the division.

4-11 Sec. 418.1881. SHELTER OPERATIONS. The Department of State
4-12 Health Services shall develop, with the direction, oversight, and
4-13 approval of the division, an annex to the state emergency
4-14 management plan that includes provisions for:

4-15 (1) developing medical special needs categories;

4-16 (2) categorizing the requirements of individuals with
4-17 medical special needs; and

4-18 (3) establishing minimum health-related standards for
4-19 short-term and long-term shelter operations for shelters operated
4-20 with state funds or receiving state assistance.

4-21 Sec. 418.1882. PERSONNEL SURGE CAPACITY PLANNING. With the
4-22 direction, oversight, and approval of the division and the
4-23 assistance of the Department of State Health Services, health care
4-24 facilities, county officials, and other appropriate entities, each
4-25 council of government, regional planning commission, or similar
4-26 regional planning agency created under Chapter 391, Local
4-27 Government Code, shall develop a regional plan for personnel surge
4-28 capacity during disasters, including plans for providing lodging
4-29 and meals for disaster relief workers and volunteers.

4-30 SECTION 12. Section 418.072, Government Code, is repealed.

4-31 SECTION 13. On the effective date of this Act, the disaster
4-32 emergency funding board is abolished.

4-33 SECTION 14. The changes in law made by this Act by the
4-34 amendment of Section 418.005, Government Code, apply only to a
4-35 public officer elected or appointed on or after the effective date
4-36 of this Act. A public officer elected or appointed before the
4-37 effective date of this Act is governed by the law in effect
4-38 immediately before that date, and the former law is continued in
4-39 effect for that purpose.

4-40 SECTION 15. This Act takes effect September 1, 2009.

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