

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 23, 2009

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB12 by Carona (Relating to emergency management.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend sections of the Government Code and the Health and Safety Code for certain agencies and institutions regarding emergency management planning and coordination. SECTION 1 of the bill would add additional powers and duties of the Governor's Division of Emergency Management (GDEM). The bill would require GDEM to cooperate with the Federal Emergency Management Agency (FEMA) to create and publicize uniform guidelines for home repairs following disasters. The bill also would require GDEM to establish a liability awareness program for volunteers and to coordinate with state agencies to include information on volunteering during a disaster in all state disaster preparation resources. The bill would require GDEM to develop a phased re-entry plan to govern the order in which particular groups of people are allowed to return to evacuated areas, as well as a re-entry credentialing process.

SECTION 3 of the bill would allow a county judge or mayor of a municipality or the governor by concurrent order to compel persons who remain in an evacuated area to leave and authorize the use of reasonable force to remove persons from the area. The bill would establish that a person who remains in an evacuated area and engages in certain activities is civilly liable to a governmental activity or a cooperating nonprofit agency that conducts a rescue on the person's behalf for the cost of the rescue activity. The bill would require a state agency involved in disaster management to conduct outreach and disseminate information regarding disaster preparedness and recovery to the general public and issue an annual report to the legislature regarding those activities. The bill would also require the Texas Department of Agriculture to prepare an agriculture emergency response plan and submit it annually to the legislature. Additionally, the bill would require that entities responsible for the care of individuals with special needs develop and distribute information on volunteering in connection with a disaster.

SECTION 4 of the bill would require that an institution licensed under Subchapter B, Chapter 242 register with the Texas Information and Referral Network (TIRN) under Section 531.0312, Government Code, to assist the state in identifying persons needing assistance evacuating in a disaster or other emergency. The institution would be required to notify each resident and the resident's next of kin or guardian regarding how to register for evacuation assistance with the TIRN.

SECTION 5 of the bill would require that an assisted living facility licensed under Subchapter B, Chapter 247 register with the TIRN under Section 531.0312, Government Code, to assist the state in identifying persons needing assistance evacuating in a disaster or other emergency. The assisted living facility would be required to notify each resident and the resident's next of kin or guardian regarding how to register for evacuation assistance with the TIRN.

SECTION 6 of the bill would require GDEM, in cooperation with the Department of State Health Services, to issue a report to the legislature not later than the 30th day after the effective date of the bill, regarding the implementation of medical special needs plans in connection with Hurricane Ike.

The bill would take effect September 1, 2009, with the exception of SECTION 6, which would take effect immediately if the bill receives a vote of two-thirds of all the members elected to each house. If the bill does not receive the vote necessary for immediate effect, SECTION 6 would take effect September 1, 2009.

The Office of the Governor and the Department of Aging and Disability Services anticipate no significant fiscal impacts to their agencies. The Texas Department of Agriculture states they currently have an emergency response plan and they anticipate no significant fiscal impact to the agency. The Department of Public Safety (DPS) states the responder credential requirement could have a significant fiscal impact depending on the type of credentialing solution that is selected for implementation. This analysis assumes no significant fiscal impact to DPS.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office of the Governor, 405 Department of Public Safety, 539 Aging and Disability Services, Department of, 551 Department of Agriculture

LBB Staff: JOB, KJG, GG, LG, TP, MWU