

BILL ANALYSIS

C.S.S.B. 6
By: Kolkhorst
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Hurricane Harvey was a massively devastating storm that revealed several deficiencies in the preparedness and response plans of state and local governments. Following the hurricane, the governor established the Governor's Commission to Rebuild Texas, which issued a report on the state response to the disaster that included certain recommendations to better prepare the state to withstand future disasters. C.S.S.B. 6 seeks to act on several of the recommendations contained in that report.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 6 amends the Government Code to require the Texas Division of Emergency Management (TDEM) to develop a model guide for local officials regarding disaster response and recovery that provides a comprehensive approach to disaster recovery by local officials and includes information on the following:

- contracting for debris removal;
- obtaining federal disaster funding;
- coordinating the availability and construction of short-term and long-term housing; and
- obtaining assistance from local, state, and federal volunteer organizations.

C.S.S.B. 6 requires TDEM, in coordination with the Texas A&M AgriLife Extension Service and the Texas A&M Engineering Extension Service, to provide training based on that model guide as a part of the emergency management training course provided under the Texas Disaster Act of 1975 and requires the training course provided under that act relating to the emergency management responsibilities of officers of political subdivisions to include training based on that model guide.

C.S.S.B. 6 requires TDEM, not later than January 1, 2020, and in consultation with any other state agencies selected by TDEM, to develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster. The bill sets out the required components of the plan and requires TDEM to consult with the comptroller of public accounts about including a contract for debris removal services on the schedule of multiple award

contracts or in another cooperative purchasing program administered by the comptroller. The bill requires the Texas A&M Engineering Extension Service, in coordination with the Texas Commission on Environmental Quality, to establish a training program for applicable state agencies and political subdivisions on the use of trench burners in debris removal.

C.S.S.B. 6 establishes the wet debris study group to study issues related to preventing the creation of wet debris and best practices for clearing wet debris following a disaster, including certain specified issues. The bill provides for the composition of the study group, requires the chief of TDEM to serve as chair of the study group, and requires the study group, not later than November 1, 2020, to submit a report containing recommendations on the issues studied to each member of the legislature. The study group is abolished and these provisions expire January 1, 2021.

C.S.S.B. 6 requires TDEM to establish a work group of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors, emergency management coordinators, and any other emergency management personnel. The bill sets out certain duties of the work group and requires the work group, not later than November 1, 2020, to submit the proposal to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature. The work group is abolished and these provisions expire January 1, 2021.

C.S.S.B. 6 requires the Health and Human Services Commission (HHSC) and TDEM to conduct a study to determine the feasibility of developing the following:

- a single intake form that would compile all information needed to obtain disaster assistance from multiple state and federal programs for an individual who needs assistance as a result of a disaster; and
- an automated intake system for collecting such information.

C.S.S.B. 6 requires HHSC and TDEM to coordinate with FEMA and other appropriate state and federal agencies to conduct the feasibility study and requires HHSC and TDEM to determine whether FEMA and those agencies will accept the single intake form. The bill requires HHSC and TDEM, not later than September 1, 2020, to prepare and submit a written report to the legislature containing the findings of the feasibility study and any recommendations to the legislature. These provisions expire January 1, 2021.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 6 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute revises the entities with whom TDEM is required to consult in developing the catastrophic debris management plan and model guide by:

- removing the specification that such consultation is with the Emergency Management Council, the Texas A&M AgriLife Extension Service, the Texas A&M Engineering Extension Service, the Texas Commission on Environmental Quality, the Texas Department of Transportation, the comptroller, and political subdivisions; and
- specifying that the consultation is instead with any other state agencies selected by TDEM.

The substitute includes information on preparing for debris removal before a disaster among the required components of the catastrophic debris management plan, with respect to the plan's requisite guide for clearance and disposal of debris caused by a disaster.

The substitute revises the composition of the wet debris study group by:

- removing the specification that such members of the study group are each member of the Emergency Management Council, representatives from river authorities appointed by the governor, environmental experts appointed by the governor, and a representative from the Texas Historical Commission appointed by the governor; and
- specifying that the study group is composed instead of representatives of TDEM, any other state agencies selected by TDEM, and local and federal governmental entities.

The substitute includes a requirement that the chief of TDEM serve as chair of the study group.

The substitute does the following with respect to the emergency management work group:

- requires the study and proposal from the work group to provide also for the enhancement of the training and credentialing of any other emergency management personnel in addition to emergency management directors and emergency management coordinators;
- requires the work group to review training courses that are required for emergency management directors, emergency management coordinators, and any other emergency management personnel in Texas on September 1, 2019; and
- includes a consideration of whether to include in any recommended emergency management training information on disaster finance, damage assessment, disaster contracting, debris management, and the skills needed to participate in federal emergency management programs among the considerations the work group is required to make in conducting a certain assessment.