S.B. No. 6

AN ACT

relating to emergency and disaster management, response, and recovery.

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

SECTION 1.  Section 418.005, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1)  The training course provided under this section related to the emergency management responsibilities of officers of political subdivisions must include training based on the disaster response guide as required by Section 418.054(b).

SECTION 2.  Subchapter C, Chapter 418, Government Code, is amended by adding Sections 418.054, 418.055, 418.056, and 418.057 to read as follows:

Sec. 418.054.  DISASTER RESPONSE GUIDE. (a)  The division shall develop a model guide for local officials regarding disaster response and recovery. The guide must provide a comprehensive approach to disaster recovery by local officials and include information on:

(1)  contracting for debris removal;

(2)  obtaining federal disaster funding;

(3)  coordinating the availability and construction of short-term and long-term housing; and

(4)  obtaining assistance from local, state, and federal volunteer organizations.

(b)  The division, in coordination with the Texas A&M AgriLife Extension Service and the Texas A&M Engineering Extension Service, shall provide training based on the disaster response guide as a part of the emergency management training course provided under Section 418.005.

Sec. 418.055.  CATASTROPHIC DEBRIS MANAGEMENT PLAN AND TRAINING. (a)  The division, in consultation with any other state agencies selected by the division, shall develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster.

(b)  The plan must:

(1)   provide a guide for clearance and disposal of debris caused by a disaster, including information on preparing for debris removal before a disaster; and

(2)  include:

(A)  provisions for the use of trench burners and air curtain incinerators of vegetative debris, including identifying sources of equipment for use immediately following a disaster; and

(B)  contracting standards and a model contract for use in procuring debris removal services following a disaster.

(c)  The division shall consult with the comptroller about including a contract for debris removal services on the schedule of multiple award contracts developed under Subchapter I, Chapter 2155, or in another cooperative purchasing program administered by the comptroller.

(d)  The Texas A&M Engineering Extension Service, in coordination with the Texas Commission on Environmental Quality, shall establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal.

Sec. 418.056.  WET DEBRIS STUDY GROUP. (a)  In this section, "study group" means the wet debris study group established under this section.

(b)  The wet debris study group is established and composed of representatives of the division, any other state agencies selected by the division, and local and federal governmental entities.

(c)  The chief of the division serves as chair of the study group.

(d)  The study group shall study issues related to preventing the creation of wet debris and best practices for clearing wet debris following a disaster, including:

(1)  the creation of maintenance programs for bodies of water in this state;

(2)  issues related to the clearance of wet debris on private property following a disaster; and

(3)  potential sources of funding for the clearance of wet debris following a disaster.

(e)  Not later than November 1, 2020, the study group shall submit a report containing recommendations on the issues described by Subsection (d) to each member of the legislature.

(f)  The study group is abolished and this section expires January 1, 2021.

Sec. 418.057.  EMERGENCY MANAGEMENT WORK GROUP. (a)  In this section:

(1)  "Emergency management director" and "emergency management coordinator" mean the director and coordinator, respectively, designated under Section 418.1015.

(2)  "Work group" means the work group established under this section.

(b)  The division shall 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.

(c)  As part of the study and proposal under Subsection (b), the work group shall:

(1)  assess the training and credentials necessary for emergency management directors, emergency management coordinators, and any other emergency management personnel to effectively oversee the response to and recovery from a disaster;

(2)  review training courses that are required for emergency management directors, emergency management coordinators, and any other emergency management personnel in this state on September 1, 2019; and

(3)  consult with institutions of higher education as defined by Section 61.003, Education Code, on the development of degree programs in emergency management in addition to the programs that exist in this state on September 1, 2019.

(d)  In conducting the assessment required by Subsection (c)(1), the work group shall consider:

(1)  whether the differences in geography, population, and critical infrastructure between emergency management directors' or emergency management coordinators' jurisdictions warrant different levels of training and credentialing;

(2)  whether the legislature should enact laws requiring an emergency management director or emergency management coordinator to participate in emergency management training and credentialing before overseeing the response to and recovery from a disaster;

(3)  whether to include in any recommended emergency management training under Subdivision (2) information on disaster finance, damage assessment, disaster contracting, debris management, and the skills needed to participate in federal emergency management programs;

(4)  whether to implement incentives for emergency management directors, emergency management coordinators, and any other emergency management personnel to complete additional training and continuing education; and

(5)  proposals for paying the cost for training for emergency management directors and emergency management coordinators that is more rigorous than the training required by law for the directors and coordinators on September 1, 2019.

(e)  Not later than November 1, 2020, the work group shall submit the proposal required under this section to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature.

(f)  The work group is abolished and this section expires January 1, 2021.

SECTION 3.  Chapter 418, Government Code, is amended by adding Subchapter C-1 to read as follows:

SUBCHAPTER C-1. DISASTER RECOVERY LOAN PROGRAM

Sec. 418.061.  DEFINITIONS. In this subchapter:

(1)  "Account" means the disaster recovery loan account created under Section 418.066.

(2)  "Eligible political subdivision" means a county, municipality, or school district that meets the qualifications prescribed by Section 418.062.

Sec. 418.062.  ELIGIBILITY FOR LOAN. A political subdivision may apply to the division for a loan under this subchapter if:

(1)  the political subdivision:

(A)  is located wholly or partly in an area declared to be a disaster area by the governor or the president of the United States; and

(B)  before applying to the division for a loan under this subchapter:

(i)  has submitted to the division, within 15 days of the date of its adoption by the governing body of the political subdivision, the political subdivision's operating budget for the most recent fiscal year; and

(ii)  has submitted an application for a loan from the Federal Emergency Management Agency's community disaster loan program;

(2)  an assessment of damages due to the disaster for which the declaration was made has been conducted in the political subdivision; and

(3)  the division, in consultation with the Federal Emergency Management Agency, determines that the estimated cost to rebuild the political subdivision's infrastructure damaged in the disaster is greater than 50 percent of the political subdivision's total revenue for the current year as shown in the most recent operating budget of the political subdivision submitted to the division under this section.

Sec. 418.063.  DISASTER RECOVERY LOAN PROGRAM. The division by rule shall establish a loan program to use money from the account to provide short-term loans for disaster recovery projects to eligible political subdivisions.

Sec. 418.064.  LOANS. (a)  A loan made from the account must be subject to the following conditions:

(1)  the loan must be made at or below market interest rates for a term not to exceed 10 years; and

(2)  the loan proceeds must be expended by the eligible political subdivision solely for disaster recovery projects.

(b)  The comptroller shall credit to the account all principal and interest payments on a loan from the account.

(c)  If the term of a loan from the account exceeds two years, the state auditor shall, on the second anniversary of the date on which the eligible political subdivision received the loan, conduct a limited audit of the political subdivision to determine whether the political subdivision has the ability to repay the loan under the terms of the loan. The division may forgive a loan made to an eligible political subdivision if the state auditor determines that the political subdivision is unable to repay the loan. The state auditor's participation under this subsection is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c).

Sec. 418.065.  APPLICATION FOR LOAN. The division shall develop and implement an application process for a loan under this subchapter. At a minimum, the application must include:

(1)  a description of the disaster recovery project for which the applicant is requesting the loan;

(2)  an estimate of the total cost of the project;

(3)  a statement of the amount of federal money that the applicant will receive for the project, or, if that information is not available on the date the applicant submits the application, an estimate of the amount of that money; and

(4)  evidence that the applicant has staff, policies, and procedures in place adequate to complete the project.

Sec. 418.066.  CREATION OF ACCOUNT. (a)  The disaster recovery loan account is created as an account in the general revenue fund with the comptroller, to be administered by the division.

(b)  Money in the account may be used only to provide short-term loans to eligible political subdivisions in the manner provided by this subchapter.

(c)  The account consists of:

(1)  money appropriated, credited, or transferred to the account by the legislature;

(2)  money received by the comptroller for the repayment of a loan made from the account;

(3)  gifts or grants contributed to the account; and

(4)  interest earned on deposits and investments of the account.

Sec. 418.067.  RULES. The division shall adopt rules to implement and administer this subchapter. The rules adopted by the division to implement this subchapter must include the development of a form on which a political subdivision may electronically submit its budget to the division.

SECTION 4.  (a)  In this section:

(1)  "Commission" means the Health and Human Services Commission.

(2)  "Division" means the Texas Division of Emergency Management.

(b)  The commission and the division shall conduct a study to determine the feasibility of developing:

(1)  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

(2)  an automated intake system for collecting the information.

(c)  The commission and the division shall coordinate with the Federal Emergency Management Agency and other appropriate state and federal agencies to conduct the study under Subsection (b) of this section. The commission and the division must determine whether the Federal Emergency Management Agency and other appropriate state and federal agencies will accept the single intake form.

(d)  Not later than September 1, 2020, the commission and the division shall prepare and submit a written report to the legislature containing the findings of the study conducted under Subsection (b) of this section and any recommendations to the legislature.

(e)  This section expires January 1, 2021.

SECTION 5.  Not later than January 1, 2020, the Texas Division of Emergency Management shall develop the catastrophic debris management plan and model guide required by Section 418.055, Government Code, as added by this Act.

SECTION 6.  The Texas Division of Emergency Management is required to implement Subchapter C-1, Chapter 418, Government Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the division may, but is not required to, implement that subchapter using other appropriations available for that purpose.

SECTION 7.  This Act takes effect September 1, 2019.

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I hereby certify that S.B. No. 6 passed the Senate on March 20, 2019, by the following vote:  Yeas 31, Nays 0; May 24, 2019, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 24, 2019, House granted request of the Senate; May 26, 2019, Senate adopted Conference Committee Report by the following vote:  Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 6 passed the House, with amendments, on May 22, 2019, by the following vote:  Yeas 144, Nays 0, two present not voting; May 24, 2019, House granted request of the Senate for appointment of Conference Committee; May 26, 2019, House adopted Conference Committee Report by the following vote:  Yeas 143, Nays 0, two present not voting.

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Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_            Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor