

By: Phelan

H.B. No. 5

A BILL TO BE ENTITLED

AN ACT

relating to debris management and other disaster recovery efforts.

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

SECTION 1. 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. CATASTROPHIC DEBRIS MANAGEMENT PLAN AND TRAINING. (a) The division, in consultation with the Texas A&M AgriLife Extension Service, 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) procedures for:

(i) vegetative debris burning, including the role of the Texas Department of Transportation in debris removal;

1 (ii) the coordination of clearance and
2 disposal of debris;

3 (iii) obtaining equipment necessary for use
4 immediately following a disaster; and

5 (iv) the interaction between political
6 subdivisions and state and federal agencies.

7 (c) The Texas A&M Engineering Extension Service shall
8 establish a training program for state agencies and political
9 subdivisions on the use of trench burners in debris removal.

10 Sec. 418.055. CONTRACTING FOR DEBRIS REMOVAL. (a) The
11 division, in consultation with the Federal Emergency Management
12 Agency, shall develop and publish a model contract for debris
13 removal services to be used by political subdivisions following a
14 disaster.

15 (b) The division shall consult with the comptroller to:

16 (1) establish appropriate contracting standards and
17 contractor requirements to include in the model contract; and

18 (2) include a contract for debris removal services on
19 the schedule of multiple award contracts developed under Subchapter
20 I, Chapter 2155, or in another cooperative purchasing program
21 administered by the comptroller.

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

25 (b) The wet debris study group is established and composed
26 of representatives of local, state, and federal governmental
27 entities who are appointed by the lieutenant governor and speaker

1 of the house of representatives.

2 (c) The study group shall study issues related to removal of
3 wet debris, including best practices for clearing wet debris
4 following a disaster and determining responsibility for that
5 removal.

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

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

11 Sec. 418.057. WORK GROUP ON LOCAL RESTRICTIONS THAT IMPEDE
12 DISASTER RECOVERY EFFORTS. (a) In this section, "work group" means
13 the work group established under this section.

14 (b) The work group is established and composed of
15 representatives of local, state, and federal governmental entities
16 and private entities who are appointed by the lieutenant governor
17 and the speaker of the house of representatives.

18 (c) The work group shall conduct a study on local
19 restrictions that impede disaster recovery efforts, including
20 efforts to remove debris and erect short-term housing.

21 (d) The study conducted under Subsection (c) must include:

22 (1) an overview of official actions by governing
23 bodies of political subdivisions and requirements imposed by deed
24 restrictions or property owners' associations that impede state and
25 federal disaster recovery efforts in this state; and

26 (2) recommendations for minimizing the effect of the
27 official actions and requirements described by Subdivision (1) on

1 state and federal disaster recovery efforts in this state,
2 including recommendations relating to gubernatorial authority to
3 suspend certain local requirements after a disaster for a limited
4 period.

5 (e) Not later than November 1, 2020, the work group shall
6 submit a written report to the members of the legislature with the
7 results of the study required under this section.

8 (f) This section expires and the work group is abolished
9 January 1, 2021.

10 SECTION 2. Not later than January 1, 2020, the Texas
11 Division of Emergency Management shall develop the catastrophic
12 debris management plan and model guide required by Section 418.054,
13 Government Code, as added by this Act.

14 SECTION 3. This Act takes effect September 1, 2019.