

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.

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

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

11 (b) The plan must:

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

15 (2) include:

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

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

22 (c) The division shall consult with the comptroller about
23 including a contract for debris removal services on the schedule of
24 multiple award contracts developed under Subchapter I, Chapter
25 2155, or in another cooperative purchasing program administered by
26 the comptroller.

27 (d) The Texas A&M Engineering Extension Service, in

1 coordination with the Texas Commission on Environmental Quality,
2 shall establish a training program for state agencies and political
3 subdivisions on the use of trench burners in debris removal.

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

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

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

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

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

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

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

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

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

27 Sec. 418.057. EMERGENCY MANAGEMENT WORK GROUP. (a) In

1 this section:

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

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

7 (b) The division shall establish a work group of persons
8 knowledgeable on emergency management to study and develop a
9 proposal for enhancing the training and credentialing of emergency
10 management directors, emergency management coordinators, and any
11 other emergency management personnel.

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

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

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

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

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

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

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

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

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

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

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

27 (f) The work group is abolished and this section expires

1 January 1, 2021.

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

4 SUBCHAPTER C-1. DISASTER RECOVERY LOAN PROGRAM

5 Sec. 418.061. DEFINITIONS. In this subchapter:

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

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

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

14 (1) the political subdivision:

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

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

20 (i) has submitted to the division, within
21 15 days of the date of its adoption by the governing body of the
22 political subdivision, the political subdivision's operating
23 budget for the most recent fiscal year; and

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

27 (2) an assessment of damages due to the disaster for

1 which the declaration was made has been conducted in the political
2 subdivision; and

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

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

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

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

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

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

22 (c) If the term of a loan from the account exceeds two years,
23 the state auditor shall, on the second anniversary of the date on
24 which the eligible political subdivision received the loan, conduct
25 a limited audit of the political subdivision to determine whether
26 the political subdivision has the ability to repay the loan under
27 the terms of the loan. The division may forgive a loan made to an

1 eligible political subdivision if the state auditor determines that
2 the political subdivision is unable to repay the loan. The state
3 auditor's participation under this subsection is subject to
4 approval by the legislative audit committee for inclusion in the
5 audit plan under Section 321.013(c).

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

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

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

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

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

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

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

25 (c) The account consists of:

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

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

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

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

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

11 SECTION 4. (a) In this section:

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

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

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

18 (1) a single intake form that would compile all
19 information needed to obtain disaster assistance from multiple
20 state and federal programs for an individual who needs assistance
21 as a result of a disaster; and

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

24 (c) The commission and the division shall coordinate with
25 the Federal Emergency Management Agency and other appropriate state
26 and federal agencies to conduct the study under Subsection (b) of
27 this section. The commission and the division must determine

1 whether the Federal Emergency Management Agency and other
2 appropriate state and federal agencies will accept the single
3 intake form.

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

9 (e) This section expires January 1, 2021.

10 SECTION 5. 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 418.055,
13 Government Code, as added by this Act.

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

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

President of the Senate

Speaker of the House

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.

Chief Clerk of the House

Approved:

Date

Governor