88R4259 MCK-F

By:  Morales Shaw, et al. H.B. No. 2858

A BILL TO BE ENTITLED

AN ACT

relating to state and local government disaster preparedness.

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

SECTION 1.  Section 418.054(a), Government Code, is amended to read as follows:

(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; and

(5)  planning practices for developing and reviewing local and interjurisdictional emergency management plans under Section 418.106 to ensure:

(A)  the needs of the community's vulnerable populations, including persons with disabilities, persons who are homeless, and low-income households, are accurately identified;

(B)  the emergency management plans address the needs identified under Paragraph (A); and

(C)  the community resources that vulnerable populations rely on remain available during a disaster.

SECTION 2.  Section 418.106(b), Government Code, is amended to read as follows:

(b)  The plan must provide for:

(1)  wage, price, and rent controls and other economic stabilization methods in the event of a disaster; [~~and~~]

(2)  curfews, blockades, and limitations on utility use in an area affected by a disaster, rules governing entrance to and exit from the affected area, and other security measures;

(3)  integrated and inclusive operations specific to individuals with disabilities to afford those individuals an equitable opportunity to benefit from all disaster response and recovery measures, programs, services, and activities;

(4)  the increase in the capabilities of local emergency shelters in the provision of shelter and care for individuals with disabilities during a disaster;

(5)  wellness checks for individuals with disabilities in the manner provided by Subchapter J, Chapter 418, Government Code, as added by Chapter 863 (S.B. 968), Acts of the 87th Legislature, Regular Session, 2021;

(6)  the establishment of minimum health-related standards for short-term and long-term shelter operations for shelters operated with state funds or receiving state assistance;

(7)  an emergency notification system that notifies individuals with disabilities of a disaster or emergency and of any actions the individuals should take to prepare for or respond to the disaster or emergency;

(8)  personnel surge capacity during a disaster, including plans for providing lodging and meals for disaster relief workers and volunteers; and

(9)  horizontal integration of emergency preparedness and response plans required for licensed facilities and providers serving individuals with disabilities.

SECTION 3.  Section 418.186(a), Government Code, is amended to read as follows:

(a)  The Department of State Health Services shall establish a program designed to educate the citizens of this state on disaster and emergency preparedness, response, and recovery. Before establishing the program, the department must collaborate with local authorities to prevent state efforts that are duplicative of local efforts. The program must address:

(1)  types of disasters or other emergencies;

(2)  the appropriate response to each type of disaster or emergency, including options for evacuation and shelter;

(3)  how to prepare for each type of disaster or emergency;

(4)  the impact of each type of disaster or emergency on citizens requiring medical assistance or other care;

(5)  ways to respond in a disaster or emergency or to assist the victims of a disaster or emergency; [~~and~~]

(6)  resources and supplies for disaster or emergency recovery; and

(7)  the resources, services, and programs that are available to address the needs of persons with disabilities during a disaster or other emergency.

SECTION 4.  Section 418.1882, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  With the direction, oversight, and approval of the division and the assistance of the Department of State Health Services, health care facilities, county officials, trauma service area regional advisory councils, and other appropriate entities, each council of government, regional planning commission, or similar regional planning agency created under Chapter 391, Local Government Code, shall, as part of a crisis standards of care plan, develop a regional plan for personnel surge capacity during disasters, including plans for providing lodging and meals for disaster relief workers and volunteers.

(a-1)  The Department of State Health Services Preparedness Coordinating Council shall create a framework and provide guidance for the development of crisis standards of care plans. In developing the crisis standards of care framework, the council shall consult with the Department of State Health Services, health care facilities, county officials, trauma service area regional advisory councils, and each council of government, regional planning commission, or similar regional planning agency created under Chapter 391, Local Government Code.

SECTION 5.  Section 418.192(c), Government Code, is amended to read as follows:

(c)  The emergency notification system for which a contract is entered into under Subsection (b) must rely on a dynamic information database that:

(1)  is capable of simultaneous transmission of emergency messages to all recipients through at least two industry-standard gateways to one or more telephones or electronic devices owned by a recipient in a manner that does not negatively impact the existing communications infrastructure;

(2)  allows the public service provider to:

(A)  store prewritten emergency messages in the dynamic information database for subsequent use; [~~and~~]

(B)  generate emergency messages in real time based on provider inputs; and

(C)  send emergency messages in both audio and visual formats;

(3)  allows a recipient to select the language in which the recipient would prefer to receive messages;

(4)  transmits the message in the recipient's language of choice to that recipient;

(5)  converts text messages to sound files and transmits those sound files to the appropriate device;

(6)  assigns recipients to priority groups for notification;

(7)  allows for the collection and verification of responses by recipients of emergency messages; and

(8)  reads or receives alerts from a commercial mobile alert system established by the Federal Communications Commission or complies with standards adopted for a commercial mobile alert system established by the Federal Communications Commission.

SECTION 6.  Section 421.002(b), Government Code, is amended to read as follows:

(b)  The governor's homeland security strategy shall coordinate homeland security activities among and between local, state, and federal agencies and the private sector and must include specific plans for:

(1)  intelligence gathering and analysis;

(2)  information sharing;

(3)  reducing the state's vulnerability to homeland security emergencies;

(4)  protecting critical infrastructure;

(5)  protecting the state's international border, ports, and airports;

(6)  detecting, deterring, and defending against terrorism, including cyber-terrorism and biological, chemical, and nuclear terrorism;

(7)  positioning equipment, technology, and personnel to improve the state's ability to respond to a homeland security emergency;

(8)  directing the Texas Fusion Center and giving the center certain forms of authority to implement the governor's homeland security strategy; [~~and~~]

(9)  using technological resources to:

(A)  facilitate the interoperability of government technological resources, including data, networks, and applications;

(B)  coordinate the warning and alert systems of state and local agencies;

(C)  incorporate multidisciplinary approaches to homeland security; and

(D)  improve the security of governmental and private sector information technology and information resources; and

(10)  building community resilience and reducing long-term vulnerability for persons with disabilities by implementing inclusive disaster and emergency planning practices at all levels of government.

SECTION 7.  Section 81.0813(d), Health and Safety Code, is amended to read as follows:

(d)  A declaration or order issued under this section must include:

(1)  a description of the nature of the disaster or emergency;

(2)  a designation of the area threatened by the disaster or emergency;

(3)  a description of the condition that created the disaster or emergency; [~~and~~]

(4)  the threshold event for implementing crisis standards of care; and

(5)  if applicable:

(A)  the reason for renewing the disaster or emergency; or

(B)  the reason for terminating the disaster or emergency.

SECTION 8.  This Act takes effect September 1, 2023.