

SUBJECT: State emergency management planning and initial disaster response

COMMITTEE: Defense and Veterans' Affairs — committee substitute recommended

VOTE: 9 ayes — Corte, Vaught, Chavez, Edwards, Farias, Maldonado, Ortiz,
Pickett, C. Turner

0 nays

WITNESSES: *(On original version:)*

For — *(Registered, but did not testify: John Burke, Texas Water Conservation Association; Mike Howe, Texas Section, American Water Works Association)*

Against — Bennett Sandlin, Texas Municipal League

On — Russell Lecklider, Department of Public Safety; *(Registered, but did not testify: Jack Colley, Department of Public Safety)*

BACKGROUND: Government Code, ch. 418 establishes state authority and responsibility concerning emergency management and response. Sec. 418.005 requires appointed public officials whose job duties or descriptions include emergency management or who play a role in emergency preparedness, response, or recovery to complete a three-hour training course provided or approved by the Governor's Division of Emergency Management (GDEM) within six months of taking office. Sec. 418.045 permits the GDEM to employ or contract with temporary personnel. Sec. 418.048 allows the GDEM to request, in the name of the governor, the suspension of the issuance of weather modification permits. Sec. 418.072 establishes the disaster emergency funding board. Sec. 418.172 allows state agencies to petition the funding board to purchase property damage insurance for the agencies' facilities.

Sec. 418.1015 designates the presiding officers of counties and incorporated cities or chief administrative officers of joint boards as emergency management directors and describes their duties. Sec. 418.107 permits political subdivisions to make appropriations for emergency management purposes and to organize emergency management service divisions. Sec. 418.108 establishes guidelines for the declaration of a local

disaster. Sec. 418.113 establishes an emergency management council to advise and assist in all matters relating to disaster mitigation, preparedness, response, and recovery. Sec. 418.117 considers a person who holds a license, certificate, permit, or other document evidencing a professional, mechanical, or other qualification and whose assistance during an emergency is requested by a local government entity to be licensed, certified, permitted, or otherwise documented in the city or county in which the service is provided for as long as the service is required.

Sec. 418.042 requires the GDEM to develop and keep current a comprehensive state emergency management plan, including provisions for disaster mitigation and response, the identification of particularly vulnerable areas, and the coordination of federal, state, and local emergency management activities.

DIGEST:

HB 1831 would modify and remove certain language from Government Code, ch. 418, and add a requirement that the GDEM develop an annex to the state emergency management plan that addresses initial response planning for providing services and supplies during the first 120 hours immediately following a disaster.

The emergency management plan annex would have to include provisions for:

- interagency coordination of response efforts and the rapid gross assessment of population support needs;
- the clearance of debris from major roadways;
- obtaining food, water, and ice through prearranged contracts, stockpiled supplies, or requests for federal assistance;
- arranging temporary distribution points for emergency supplies;
- providing basic medical support for disaster victims, including medical supplies and pharmaceuticals;
- the continued operation of fuel service; and
- dissemination of emergency information through the media.

The annex also would have to include plans for providing emergency power to restore or continue operations at critical water and wastewater facilities, including:

- the establishment of an online database of available portable emergency generators capable of providing backup power for the facilities;
- procedures for the maintenance, activation, transportation, and redeployment of available emergency generators;
- development of a standardized form for use by water and wastewater utility providers in maintaining data on the number and type of emergency generators required to power the facilities following a disaster, and
- procedures for water and wastewater utility providers to maintain a current list of generators available in surrounding areas through either mutual aid agreements or rent or lease from commercial firms.

The annex would be developed in cooperation with the emergency management council, local governments, regional entities, health and medical facilities, volunteer groups, the Federal Emergency Management Agency (FEMA) and other federal agencies, and private sector partners.

The bill also would extend the emergency management training course requirement to elected law enforcement officers or county judges who have supervisory or managerial responsibilities and whose job descriptions or duties include emergency management or who play a role in emergency preparedness, response, or recovery. It would apply only to officials elected or appointed after the bill's effective date.

The bill would prohibit an emergency management director who was exercising a power granted to the governor by declaration of a state of disaster from seizing or otherwise using state or federal resources without prior authorization from the governor or the state or a federal agency responsible for those resources.

The GDEM would be permitted to enroll, organize, train, and equip a cadre of disaster reservists to augment its staff temporarily. The reservists would have to have specialized skills in disaster recovery, hazard mitigation, community outreach, and public information, and on activation would be paid at a daily rate commensurate with their qualifications and experience.

The bill would repeal sec. 418.072 and abolish the disaster emergency funding board. It would make a conforming change to allow state agencies

to request funding from the Disaster Contingency Fund for purchasing property damage insurance.

The bill also would no longer require the heads of state agencies, boards, commissions, and organized volunteer groups to serve on the governor's Emergency Management Council, but instead would allow designated representatives of those groups to sit on the council. The Emergency Management Council would be given responsibility for identifying, mobilizing, and deploying state resources in response to disasters and other emergencies. It also would be responsible for informing local officials on activation of the Emergency Alert System. The bill would remove the council's responsibility for coordinating any emergency management service divisions organized by political subdivisions.

The bill also would expand the current license portability provision to include people acting at the request of state agencies.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 1831 would provide a necessary update to poorly-worded or outdated provisions of the emergency management section of the Government Code, such as the weather modification permits and emergency funding board provisions. The bills as substituted would address concerns about the training requirement for elected officials by limiting the training to law enforcement officials and county judges who normally would be engaged in emergency management activities.

The state emergency plan annex required by HB 1831 would help the GDEM coordinate among stakeholders to ensure an efficient and effective distribution of resources among those areas in critical need. By requiring the development of a post-disaster response plan before a disaster occurred, the bill would eliminate much of the confusion that has occurred in the past, such as after Hurricane Ike. It would give flexibility to critical water and wastewater facilities through mutual aid agreements. It also would help state and local emergency planners identify the needs of fuel stations and prevent public confusion about which stations were available for use.

The state emergency plan annex would address those areas recognized as needing improvement following Hurricane Ike. Hospitals and relief

worker housing were not included because the GDEM already does a good job in coordinating among those entities.

**OPPONENTS
SAY:**

While this bill would address many concerns with the immediate aftermath of a disaster, more could be done. A post-disaster emergency management plan also should include provisions for the coordination of temporary lodging and meals for volunteers and aid workers and for coordination between the GDEM and local hospitals for evacuation and relocation.

NOTES:

The committee substitute differs from the filed bill by requiring the development of post-disaster annex as part of the state's emergency management plan. It would restrict the elected officials who would have to receive training to law enforcement officers and county judges and replaced the requirement that the GDEM educate and train local officials on activation of the Emergency Alert System with a requirement that they inform local officials, rather than deleting the provision entirely. It also would include the governor in the list of officials from which emergency management directors would have to receive authorization in exercising powers granted to the governor during a declared emergency. Finally, it removed language contained in the filed bill that would have amended Health and Safety Code, sec. 771.051 requiring the Commission on State Emergency Communications to educate local officials on operation of the Emergency Alert System.

A similar bill, SB 1741 by Carona, was reported favorably as substituted by the Senate Transportation and Homeland Security Committee on April 14.