

BILL ANALYSIS

Senate Research Center

H.B. 3074
By: Gray (Armbrister)
State Affairs
5-13-97
Engrossed

DIGEST

The Texas Disaster Act of 1975 was approved in 1975. Since that time there have been numerous terminology changes as well as procedural modifications. This bill revises and updates the provisions of the Texas Disaster Act of 1975.

PURPOSE

As proposed, H.B. 3074 sets forth provisions regarding the mitigation of, preparedness for, response to, and recovery from disasters.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 418.002, Government Code, as follows:

Sec. 418.002. PURPOSES. Provides that the purposes of this chapter are to authorize and provide for cooperation in disaster mitigation, rather than prevention, preparedness, response, and recovery. Makes conforming changes.

Sec. 418.003. LIMITATIONS. Makes a conforming change.

SECTION 2. Amends Section 418.004(7), Government Code, to redefine "temporary housing."

SECTION 3. Amends Section 418.013(a), Government Code, to authorize the governor by executive order to establish an emergency management council to advise and assist the governor in all matters relating to disaster mitigation, preparedness, response, and recover, rather than emergency services, energy emergencies, and disaster recovery.

SECTION 4. Amends Sections 418.023(a) and (c), Government Code, to authorize the governor, acting through members of the Emergency Management Council, to clear or remove debris or wreckage from public or private land under certain conditions. Authorizes the governor, acting through the members of the Emergency Management Council, to remove debris or wreckage from public or private property without and unconditional authorization or indemnification under certain conditions.

SECTION 5. Amends Section 418.043, Government Code, to require the division of emergency management in the office of the governor (division) to coordinate deployment of mobile support unit, rather than provide for mobile support units. and establish and operate training programs and programs of public information or assist political subdivisions and emergency management agencies, rather than disaster agencies, to establish and operate the programs. Makes conforming changes.

SECTION 6. Amends Section 418.044(a), Government Code, to make a conforming change.

SECTION 7. Amends Section 418.045, Government Code, to authorize the division to employ or contract with temporary personnel from certain funds.

SECTION 8. Amends Section 418.072, Government Code, to provide that the commissioner of insurance, rather than the chairman of the State Board of Insurance, is a member of the disaster emergency funding board.

SECTION 9. Amends Section 418.101(b), Government Code, to require the person designated to head an emergency management program to accomplish training prescribed by the division.

SECTION 10. Amends Sections 418.102, 418.104, and 418.105, Government Code, as follows:

Sec. 418.102. COUNTY PROGRAMS. Requires the county program to be the first channel through which a municipal corporation shall request assistance when its resources are exceeded. Requires requests that exceed the county capability to be forwarded to the state as prescribed in the state emergency management plan.

Sec. 418.104. INTERJURISDICTIONAL PROGRAMS. Makes a conforming change.

Sec. 418.105. LIAISON OFFICERS. Makes conforming changes.

SECTION 11. Amends Sections 418.106(a) and (c), Government Code, to make conforming changes.

SECTION 12. Amends Chapter 418F, Government Code, as follows:

SUBCHAPTER F. New heading: DISASTER MITIGATION

SECTION 13. Amends Section 418.121, Government Code, to make conforming changes.

SECTION 14. Emergency clause.
Effective date: 90 days after adjournment.