

BILL ANALYSIS

Senate Research Center

H.B. 1831
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, appointed public officials with emergency management duties are required to obtain three hours of emergency management training. The State Emergency Management Council (EMC) is statutorily composed of heads of state agencies and organizations. Chapter 418 (Emergency Management), Government Code, describes the Governor's Division of Emergency Management's (division).

H.B. 1831 requires that elected law enforcement officers and county judges, as well as appointed state and local officials with management or supervisory duties related to emergency response receive emergency management training. The bill amends statute to allow representatives appointed by heads of state agencies and organizations to participate in the EMC, and designates EMC as the primary advisor to the division. The bill also requires the division to provide information to officials regarding the Emergency Alert System (EAS), obtain and train disaster reservists and that elected law enforcement officers and county judges, as well as appointed, state and local officials with management or supervisory duties related to emergency response receive emergency management training.

Additionally, H.B. 1831 the bill strikes statutory references to the Disaster Contingency Board and allow hospitals to request funding through the Disaster Contingency Fund; allows license portability to apply to state agency assistance request, as well as local request; strikes the requirement for the division to coordinate local emergency councils; allows local councils to manage their own finances for emergency management service divisions; and strikes the division's authority to suspend weather modification permits.

Furthermore, H.B. 1831 requires mortgage servicers, the last person to whom a mortgagor (home owner) has been instructed by the current mortgagee (lien holder) to send payments for the debt secured, to transfer disaster repair money in a timely manner; establishes an emergency response plan for the 120 hours immediately following a disaster; and prohibits local directors from seizing state or federal resources without prior approval.

H.B. 1831 relates to emergency management and disaster recovery.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 418.005(a) and (b), Government Code, as follows:

(a) Provides that this section applies only to an elected law enforcement officer or county judge or an appointed public officer of the state or of a political subdivision who has management or supervisory responsibilities.

(b) Requires each person described by Subsection (a) to complete a course of training provided or approved by the division of not less than three hours regarding the responsibilities of state and local governments under this chapter not later than the 180th day after the date the person:

(1) takes the oath of office, if the person is required to taken an oath of office to assume the person's duties as a public officer, rather than as an appointed public officer; or

(2) otherwise assumes responsibilities as a, rather than an appointed, public officer, if the person is not required to take an oath of office to assume the person's duties.

SECTION 2. Amends Section 418.013, Government Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Provides that the emergency management council (council) is composed of representatives, rather the heads, of state agencies, boards, commissions, and organized volunteer groups, rather than representatives of organized volunteer groups, designated by the head of each entity.

(d) Requires the council to assist the emergency management division of the office of the governor (division) in identifying, mobilizing, and deploying state resources to respond to major emergencies and disasters throughout the state.

SECTION 3. Amends Section 418.042(a), Government Code, to require the division to prepare and keep current a comprehensive state emergency management plan (plan). Authorizes the plan to include provisions for informing local officials, rather than education and training of, local officials on activation of the Emergency Alert System established under 47 C.F.R. Part 11.

SECTION 4. Amends Subchapter C, Chapter 418, Government Code, by adding Section 418.0425, as follows:

Sec. 418.0425. STATE EMERGENCY MANAGEMENT PLAN ANNEX. (a) Defines "critical water or wastewater facility."

(b) Requires the division, in cooperation with the council, local governments, regional entities, health and medical facilities, volunteer groups, private sector partners, the Federal Emergency Management Agency, and other federal agencies, to develop an annex to the state emergency management plan that addresses initial response planning for providing essential population support supplies, equipment, and services during the first 120 hours immediately following a disaster. Requires that the annex include:

- (1) provisions for interagency coordination of disaster response efforts;
- (2) provisions for the rapid gross assessment of population support needs;
- (3) plans for the clearance of debris from major roadways to facilitate emergency response operations and delivery of essential population support supplies and equipment;
- (4) methods to obtain food, water, and ice for disaster victims through prearranged contracts or suppliers, stockpiled supplies, or plans to request assistance from federal agencies, as appropriate;
- (5) guidelines for arranging temporary points of distribution for disaster relief supplies and standardized procedures for operating those distribution points;
- (6) methods for providing basic medical support for disaster victims, including medical supplies and pharmaceuticals;
- (7) provisions, developed in coordination with fuel suppliers and retailers, for the continued operation of service stations to provide fuel to disaster victims and emergency responders; and

(8) provisions for the dissemination of emergency information through the media to aid disaster victims.

(c) Requires the division, in coordination with the Texas Commission on Environmental Quality and electric, gas, water, and wastewater utility providers, to develop for inclusion in the annex to the state emergency management plan provisions to provide emergency power to restore or continue the operation of critical water or wastewater facilities following a disaster. Requires that the provisions:

(1) establish an online resource database of available emergency generators configured for transport that are capable of providing backup power for critical water or wastewater facilities following a disaster;

(2) include procedures for the maintenance, activation, transportation, and redeployment of available emergency generators;

(3) develop a standardized form for use by a water or wastewater utility provider in developing and maintaining data on the number and type of emergency generators required for the operation of the provider's critical water or wastewater facilities following a disaster; and

(4) include procedures for water or wastewater utility providers to maintain a current list of generators available in surrounding areas through mutual aid agreements and through commercial firms offering generators for rent or lease.

SECTION 5. Amends Section 418.045, Government Code, as follows:

Sec. 418.045. TEMPORARY PERSONNEL. (a) Creates this subsection from existing text.

(b) Authorizes the division to enroll, organize, train, and equip a cadre of disaster reservists with specialized skills in disaster recovery, hazard mitigation, community outreach, and public information to temporarily augment its permanent staff. Authorizes the division to activate enrolled disaster reservists to support recovery operations in the aftermath of a disaster or major emergency and pay them at a daily rate commensurate with their qualifications and experience. Provides that Chapter 654 (Position Classification), Chapter 2254 (Professional and Consulting Services), and Subtitle D (State Purchasing and General Services), Title 10 (General Government), do not apply in relation to a disaster reservist under this subsection.

SECTION 6. Amends Section 418.048, Government Code, as follows:

Sec. 418.048. New heading: MONITORING WEATHER. Requires the division to keep continuously apprised of weather conditions that present danger of climatic activity, such as precipitation, severe enough to constitute a disaster. Deletes existing text requiring the division, if the division determines that precipitation that may result from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, to request in the name of the governor that the officer or agency empowered to issue permits for weather modification operations suspend the issuance of permits; prohibits permits, on the governor's request, from being issued until the division informs the officer or agency that the danger has passed.

SECTION 7. Amends Section 418.1015, Government Code, by adding Subsection (d), to prohibit an emergency management director exercising under Subsection (b) (relating to an emergency management director serving as the governor's designated agent) a power granted to

the governor from seizing or using state or federal resources without prior authorization from the governor or the state or federal agency having responsibility for those resources.

SECTION 8. Amends Section 418.107(b), Government Code, to authorize political subdivisions to make agreements for the purpose of organizing emergency management service divisions and provide for a mutual method of financing the organization of units on a basis satisfactory to the subdivisions. Deletes existing text requiring that the functioning of the units be coordinated by the council.

SECTION 9. Amends Section 418.108(d), Government Code, to provide that a declaration of local disaster activates the appropriate recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. Makes a conforming change.

SECTION 10. Amends Section 418.117, Government Code, to provide that if the assistance of a person who holds a license, certificate, permit, or other document evidencing qualification in a professional, mechanical, or other skill is requested by a state agency or local government entity under the system, the person is considered licensed, certified, permitted, or otherwise documented in the political subdivision in which the service is provided as long as the service is required, subject to any limitations imposed by the chief executive officer or the governing body of the requesting state agency or local government entity.

SECTION 11. Amends Section 418.172(b), to authorize an agency, if sufficient funds are not available for the required insurance, to request funding from the disaster contingency fund, rather than petition the disaster emergency funding board (board), to purchase the insurance, rather than on the agency's half. Deletes existing text authorizing the board to spend money from that fund for that purpose.

SECTION 12. Amends Title 5, Finance Code, by adding Chapter 397, as follows:

CHAPTER 397. MORTGAGE SERVICERS

Sec. 397.001. DEFINITIONS. Defines "mortgage servicer" and "mortgagee."

Sec. 397.002. INTEREST ON DISASTER REPAIR MONEY HELD BY MORTGAGE SERVICER. (a) Requires a mortgage servicer holding money for more than 10 business days that is received from an insurance provider for repairs to a mortgagee's property following a disaster declared under Section 418.014 (Declaration of State of Disaster), Government Code, to pay interest to the mortgagee.

(b) Requires that the interest, for purposes of interest payments, accrue from the time a mortgage servicer receives the money from an insurance provider.

(c) Requires that the interest rate that applies for the first 10 days after the money is received be not less than the rate that the mortgage servicer receives on money held in the account in which the mortgage servicer held the money received from the insurance provider.

(d) Provides that the interest rate that applies after the 10th day is the minimum rate described by Subsection (c) plus two percent a year.

SECTION 13. Provides that on the effective date of this Act, the disaster emergency funding board is abolished.

SECTION. 14. Repealer: Section 418.072 (Disaster Emergency Funding Board), Government Code.

SECTION 15. Makes application of this Act prospective.

SECTION 16. Effective date: September 1, 2009.