

BILL ANALYSIS

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S.B. 1741
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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. Disaster mutual aid license portability provisions only apply to responders whose assistance is requested by local governments. The Division of Emergency Management in the Office of the Governor (GDEM) currently has the authority to suspend weather modification permits if the resulting precipitation will interfere with GDEM response activities.

As proposed, S.B. 1741 requires elected, as well as appointed, state and local officials with management or supervisory duties related to emergency response, to receive emergency management training and requires the Texas Engineering Extension Service to develop continuing education training. The bill authorizes representatives appointed by heads of state agencies and organizations to participate in EMC and designates EMC as the primary advisor to GDEM. S.B. 1741 requires GDEM to create a statewide emergency management plan and deletes existing text requiring GDEM's plan to include provisions for education and training of local officials on the activities of the Emergency Alert System. S.B. 1741 authorizes GDEM to enroll, organize, train, and equip a cadre of disaster reservists and to obtain and train these reservists without limitation of procurement laws. The bill deletes references to the disaster contingency fund emergency funding board, the requirement that the functioning of units be coordinated by EMC, and GDEM authority to suspend weather modification permits. S.B. 1741 authorizes GDEM to request state agencies to evaluate and report their disaster response.

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 Section 418.005, Government Code, by amending Subsections (a) and (b) and adding Subsection (h), as follows:

- (a) Provides that this section applies only to certain elected or 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 emergency management in the office of the governor (GDEM) 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 takes the oath of office, if the person is required to take an oath of office to assume the person's duties as a public officer, rather than as an appointed public officer, or otherwise assumes responsibilities as a public officer, rather than as an appointed public officer, if the person is not required to take an oath of office to assume the person's duties.
- (h) Requires the Texas Engineering Extension Service to develop continuing education credits for employee or volunteers required to attend a training course under Subsection (b).

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 (EMC) is composed of representatives of state agencies, boards, commissions, and organized volunteer groups designated by the head of each entity. Deletes existing text that provides that EMC is composed of the heads of state agencies, boards, and commissions and representatives of organized volunteer groups.

(d) Requires EMC to assist GDEM in identifying, mobilizing, and deploying state resources to respond to major emergencies and disasters throughout the state.

SECTION 3. Amends Section 418.042, Government Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Deletes existing text authorizing the comprehensive state emergency management plan GDEM is required to prepare and keep current to include provisions for education and training of local officials on activation of the Emergency Alert System established under 47 C.F.R. Part 11. Makes nonsubstantive changes.

(d) Requires GDEM, in coordination with the Department of State Health Services (DSHS), to include in the state emergency management plan provisions for assisting local shelter operations to develop medical special needs categories and meet the requirements of individuals with special needs and minimum standards for short-term and long-term shelter operations.

SECTION 4. Amends Section 418.043, Government Code, as follows:

Sec. 418.043. OTHER POWERS AND DUTIES. Requires GDEM to establish procedures for shelter operations to oversee and segregate populations, including sex offenders, that may pose a threat to residents; develop regional planning for health care surge capacity, including support for health care workers and volunteers, with the assistance of DSHS, health care facilities, county officials, and other appropriate entities; develop a plan to raise public awareness and expand the capability of the information and referral network under Section 531.0312; and report to the legislature GDEM's recommendations to improve the integration of faith-based organizations into emergency management plans. Makes nonsubstantive changes.

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

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

(b) Authorizes GDEM 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 GDEM 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. Deletes existing text requiring GDEM, if the GDEM 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, and prohibiting permits, on the governor's request, from being issued until GDEM informs the officer or agency that the danger has passed.

SECTION 7. Amends Subchapter D, Chapter 418, Government Code, by adding Section 418.075, as follows:

Sec. 418.075. REQUEST FOR FUNDS; HOSPITALS. Authorizes a hospital to request funding from the disaster contingency fund or through a mutual aid agreement with a political subdivision for deployment of hospital services, treatment of evacuees, and nonlocal emergency medical services in the event of a disaster.

SECTION 8. Amends Section 418.107(b), Government Code, to delete existing text requiring that the functioning of the units [relating to local emergency services division] be coordinated by EMC.

SECTION 9. Amends Section 418.117, Government Code, to provide that if the assistance of a qualified person who holds a license, certificate, permit, or other document evidencing qualifications 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 10. Amends Section 418.172(b), Government Code, to authorize an agency, if sufficient funds are not available for the required insurance to request funding from the disaster contingency fund to purchase the insurance, rather than petition the disaster emergency funding board to purchase the insurance on the agency's behalf. Deletes existing text that authorizes the board to spend money from that fund for that purpose.

SECTION 11. Amends Subchapter H, Chapter 418, Government Code, by adding Section 418.188, as follows:

Sec. 418.188. POSTDISASTER EVALUATION. Requires a state agency, political subdivision, or interjurisdictional agency, not later than the 30th day after the date a request is received from GDEM, to conduct an evaluation of the entity's response to a disaster, identify areas for improvement, and issue a report of the evaluation to GDEM.

SECTION 12. Amends Section 531.0312, Government Code, by adding Subsection (f), as follows:

(f) Requires a public or private entity serving persons who would require assistance in the event of a disaster evacuation, including a nursing home, assisted living center, or home health agency, to provide the Texas Information and Referral Network (network) with information about the number of persons served by the entity and the type of assistance required by those persons in the event of a disaster evacuation. Requires the entity to provide the information in a form determined by the executive commissioner of the Health and Human Services Commission and to update the information at least quarterly or as required by the network. Requires the network, on request, to provide the information collected under this subsection to a state or local emergency management official.

SECTION 13. Amends Section 771.051(a), Health and Safety Code, to require the Commission on State Emergency Communications to provide education for local officials on the operation of the Emergency Alert System, including how to access the system to issue warnings to the public and provide information about emergency situations to the public. Makes nonsubstantive changes.

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

SECTION 15. Provides that on the effective date of this Act, the disaster funding emergency board is abolished.

SECTION 16. Makes application of Section 418.005, Government Code, as added by this Act, prospective.

SECTION 17. Effective date: September 1, 2009.