

BILL ANALYSIS

C.S.H.B. 5
By: Phelan
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Hurricane Harvey was a massively devastating storm, and state and local governmental entities have faced numerous challenges in the recovery process. Due to debris management planning that at times proved to be inadequate, debris disposal continued long after the storm in a number of the hardest-hit areas of Texas. C.S.H.B. 5 seeks to ensure that local jurisdictions are better prepared to respond to and recover from natural disasters like Hurricane Harvey in the future by providing for the development of a catastrophic debris management plan and related training and setting out other provisions relating to disaster recovery efforts.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 5 amends the Government Code to require the Texas Division of Emergency Management (TDEM), in consultation with any other state agencies selected by TDEM and not later than January 1, 2020, to develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster. The bill sets out the required components of the plan and requires the Texas A&M Engineering Extension Service to establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal. The bill requires TDEM, in consultation with FEMA, to develop and publish a model contract for debris removal services to be used by political subdivisions following a disaster. The bill requires TDEM to consult with the comptroller of public accounts to establish appropriate contracting standards and contractor requirements for the model contract and include a contract for debris removal services on the schedule of multiple award contracts or in another cooperative purchasing program administered by the comptroller.

C.S.H.B. 5 establishes the wet debris study group, of which the chief of TDEM is the chair, to study issues related to removal of wet debris. The bill sets out the study group's composition and requires the study group to submit a report containing recommendations on those issues to each member of the legislature not later than November 1, 2020. These provisions expire and the study group is abolished January 1, 2021.

C.S.H.B. 5 establishes a work group, of which the chief of TDEM is the chair, to study local restrictions that impede disaster recovery efforts. The bill sets out the work group's composition and the required contents of the study and requires the work group to submit a written report to

the members of the legislature with the study results not later than November 1, 2020. These provisions expire and the work group is abolished January 1, 2021.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 5 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include the requirement that TDEM consult with the Texas A&M AgriLife Extension Services in developing the catastrophic debris management plan and model guide but provides for TDEM instead to consult with any state agencies selected by TDEM.

The substitute revises the composition of the wet debris study group and the work group on local restrictions that impede disaster recovery efforts. The substitute includes provisions making the chief of TDEM chair of both the study group and the work group.

The substitute does not include a provision requiring the study conducted by the work group to include recommendations relating to gubernatorial authority to suspend certain local requirements after a disaster for a limited period.