Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
April 3, 2002

EXECUTIVE ORDER
RP 12

Relating to Emergency Management.

WHEREAS, the Legislature of the State of Texas has enacted the Texas Disaster Act (the "Act") of 1975, Chapter 418 of the Texas Government Code to:

- Reduce the vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural or man-made catastrophes, riots, or hostile military or paramilitary actions;
- Prepare for prompt and efficient rescue, care, and treatment of persons victimized or threatened by disaster;
- Provide a setting conducive to the rapid and orderly restoration and rehabilitation of persons and property affected by disasters;
- Clarify and strengthen the roles of the Governor, state agencies, and local governments in the mitigation of, preparation for, response to, and recovery from disasters;
- Authorize and provide for cooperation and coordination of activities relating to mitigation, preparedness, response, and recovery by agencies and officers of this state, and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate;
- Provide a comprehensive emergency management system for Texas that is coordinated to make the best possible use of existing organizations and resources within government and industry, and which includes provisions for actions to be taken at all levels of government before, during, and after the onset of an emergency situation;
- Assist in the mitigation of disasters caused or aggravated by inadequate planning for and regulation of public and private facilities and land use; and
- Provide the authority and mechanism to respond to an energy emergency; and;

WHEREAS, the Governor is expressly authorized under Section 418.013 of the Act to establish by executive order an Emergency Management Council comprised of the heads of state agencies, boards, and commissions and...
representatives of organized volunteer groups to advise and assist the Governor in all matters relating to mitigation, preparedness, response, and recovery; and,

WHEREAS, a Division of Emergency Management is established in the Office of the Governor under Section 418.041 of the Act, and the Director of the Division of Emergency Management is to be appointed by and serve at the pleasure of the Governor; and,

WHEREAS, with the aid and assistance of the Emergency Management Council and Division of Emergency Management, the Governor may recommend that cities, counties, and other political subdivisions of the state undertake appropriate emergency management programs and assist and cooperate with those developed at the state level;

NOW, THEREFORE, I, Rick Perry, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following:

The Emergency Management Council (the "Council") shall be created and maintained. The Council shall be comprised of the heads of the following state agencies, boards, commissions, and organized volunteer groups or any successors to each of these entities:

- Adjutant General's Department
- American Red Cross
- Department of Information Resources
- General Land Office *
- Governor's Division of Emergency Management *
- Office of Rural Community Affairs
- Public Utility Commission of Texas
- Railroad Commission of Texas *
- Salvation Army, The
- State Aircraft Pooling Board
- State Auditor's Office
- State Comptroller of Public Accounts
- Texas Animal Health Commission
- Texas Attorney General's Office
- Texas Building and Procurement Commission
- Texas Commission on Fire Protection *
- Texas Department of Agriculture *
- Texas Department of Criminal Justice
- Texas Department of Economic Development
- Texas Department of Health *
- Texas Department of Housing and Community Affairs
- Texas Department of Human Services
The specific duties and responsibilities of each member of this group shall be as designated in the State Emergency Management Plan and Annexes thereto. Each member of the group may designate a staff member representative to the Council.

The Director of the Texas Department of Public Safety shall be designated to serve as Chair of the Council and as Director of the Division of Emergency Management (the "Director").

The Division of Emergency Management shall be designated as the agency to exercise the powers granted to me under the Act in the administration and supervision of the Act, including, but not limited to, the power to accept from the federal government, or any public or private agency or individual, any offer of services, equipment, supplies, materials, or funds as gifts, grants, or loans for the purposes of emergency services or disaster recovery, and may dispense such gifts, grants, or loans for the purposes for which they are made without further authorization other than as contained herein.

The Director shall establish emergency operation areas to be known as Disaster Districts which shall correspond to the boundaries of the Texas Highway Patrol Districts and Sub-Districts and shall establish in each a Disaster District Committee comprised of representatives of the state agencies, boards, commissions, and organized volunteer groups having membership on the Council. The Highway Patrol Commanding Officer of each Highway Patrol District or Sub-District shall serve as Chair of the Disaster District Committee and report to the Director on matters relating to disasters and emergencies. The Disaster District Committee Chair shall be assisted by the Council representatives assigned to that district, who shall provide guidance, counsel, and administrative support as required.

The Council is authorized to issue such directives as may be necessary to effectuate the purpose of the Act, and is further authorized and empowered to exercise the specific powers enumerated in the Act.

The State Emergency Response Commission shall be a standing element

| Texas Department of Insurance | Texas Forest Service |
| Texas Department of Mental Health and Mental Retardation | Texas Natural Resource Conservation Commission |
| Texas Department of Public Safety * | Texas Parks and Wildlife Department * |
| Texas Department of Transportation * | Texas Rehabilitation Commission |
| Texas Education Agency | Texas Workforce Commission |
| Texas Engineering Extension Service * |  |
of the Council in order to carry out certain state emergency planning, community right-to-know, and response functions relating to hazardous materials. The Commission shall be comprised of representatives named by the heads of the agencies and commissions marked with an asterisk (*) in the listing of the Council above. The State Coordinator, as appointed by the Director under Section 418.041 of the Act, shall chair the State Emergency Response Commission or designate a chair.

The mayor of each municipal corporation and the county judge of each county in the state shall be designated as the Emergency Management Director for each such political subdivision in accordance with Sections 418.102, 418.103, and 418.105 of the Act, and published rules of the Division of Emergency Management. These mayors and county judges shall serve as the Governor's designated agents in the administration and supervision of the Act, and may exercise the powers, on an appropriate local scale, granted the Governor therein. Each mayor and county judge may designate an Emergency Management Coordinator who shall serve as assistant to the presiding officer of the political subdivision for emergency management purposes when so designated.

Each political subdivision of the state, pursuant to Section 418.104, of the Act, is authorized to establish in the county in which they are sited, interjurisdictional agencies by intergovernmental agreement, supported as needed by local city ordinance or commissioner's court order, in cooperation and coordination with the Division of Emergency Management of the Governor's Office. In compliance with Section 418.101 of the Act, the presiding officer of each political subdivision shall promptly notify the Division of Emergency Management of the manner in which it is providing or securing an emergency management program and the person designated to head that program.

This executive order supersedes all previous executive orders on emergency management including Executive Order RP-01, and shall remain in effect until modified, amended, rescinded, or superseded by me or by a succeeding Governor.

Given under my hand this the 3rd day of April, 2002.

[Signature]

Governor

ATTESTED BY:

[Signature]

Secretary of State