January 28, 2004

The Honorable Geoffrey S. Connor
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Mr. Secretary:

Pursuant to his powers as the chief executive officer and governor of the State of Texas, Rick Perry has issued the following order:


The official copy of this order is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd
Attachment

JAN 28 2004
Secretary of State
Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
January 28, 2004

EXECUTIVE ORDER
RP 32


WHEREAS, the State of Texas recognizes the responsibility of the state to pursue a coordinated and integrated approach to safeguard its citizens and subsequently the infrastructure upon which they rely; and

WHEREAS, the attacks of September 11, 2001, and subsequent terrorist acts constitute a continuing threat to our homeland security and infrastructure; and

WHEREAS, there is a need for a coordinated effort to protect the people and the infrastructure of Texas and to respond to man-made or natural disasters that may occur in this state; and

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 consisting 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 Governor's 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 consist of the heads of the following state agencies, boards, and commissions, or their successors and the heads of the following volunteer groups:

• 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
• State Auditor's Office
• State Comptroller of Public Accounts
• Texas Animal Health Commission
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 Governor's Office of Homeland Security shall be designated to serve as Chair of the Council and as Director of the Governor's Division of Emergency Management (the "Director").

The director shall advise the governor, lieutenant governor, and the speaker of the house of representatives on critical matters relating to homeland security.
security and man-made or natural disasters that may occur in this state.

The Governor's 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.

Personnel of the Governor's Division of Emergency Management have the rights and obligations under Department of Public Safety statutes, rules, and policies.

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 consisting 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 of the Office of Homeland Security 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 Disaster District Committee chair shall keep the Director of the Department of Public Safety apprised on all matters as requested by the Director of the Department of Safety.

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 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 consist 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, inter-jurisdictional 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 Governor's 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 Orders RP-01 and RP-12, and shall remain in effect until modified, amended, rescinded, or superseded by me or by a succeeding Governor.

Given under my hand this the 28th day of January, 2004.

RICK PERRY
Governor

ATTESTED BY:

GEOFFREY S. CONNOR
Secretary of State