

**SUBJECT:** Requiring local emergency plans to include manmade disasters

**COMMITTEE:** Public Health — favorable, with amendment

**VOTE:** 7 ayes — Gray, Coleman, Capelo, Glaze, Longoria, Uresti, Wohlgemuth  
0 nays  
2 absent — Delisi, Maxey

**SENATE VOTE:** On final passage, March 15 — 30-0

**WITNESSES:** For — *Registered but did not testify:* Terry Boucher, Texas Osteopathic Medical Association  
  
Against — None  
  
On — Dennis Perrotta, Texas Department of Health; *Registered but did not testify:* Max Burke, Vector Research

**BACKGROUND:** Government Code, sec. 418.106, directs local entities to prepare and keep current an emergency management plan for its area. The plan must include economic stabilization plans and security measures in the event of a disaster. A local entity also must prepare and distribute a written statement of responsibilities for all groups involved and a list of all resources.

**DIGEST:** SB 94, as amended, would direct local entities to address manmade disasters in their emergency management plans. These disasters would include natural, technological, and manmade hazards, including acts or threatened acts of terrorism involving conventional weapons, nuclear devices, chemical agents, or biological agents. A local entity could consult with the Texas Department of Health (TDH) on the plans for a response to nuclear devices or materials and biological agents.  
  
The new emergency management plans would have to meet the same standards as the current plans do, but they would not be subject to public information (open records) laws under Government Code, sec. 552.021.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS  
SAY:**

SB 94 would ensure that local government plans cover terroristic threats. Under current law, local government plans cover natural disasters to ensure that each area of the state would operate in a coordinated manner in the event of a disaster. These plans should include manmade disasters so that the state could respond to threats in an adequate, appropriate, and effective manner.

Manmade disasters are common enough to warrant inclusion in the local government plans. These disasters could range from domestic terrorism to livestock-borne diseases such as foot and mouth disease. Because Texas is a large and diverse state, it needs to be prepared to handle many different types of disasters.

**OPPONENTS  
SAY:**

SB 94 would require local governments to address something that is TDH's responsibility. TDH oversees the local plans and could add manmade disasters to the list of contingencies that the plans should cover. The Legislature should refrain from micromanaging and unnecessarily burdening local governments and should allow TDH to implement planning as it finds necessary.

**NOTES:**

The House Public Health Committee amended the Senate engrossed version of SB 94 by adding the provision that would exempt bioterrorism response planning documents from public information requirements.