

- SUBJECT:** Studying, planning for debris removal following a disaster
- COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended
- VOTE:** 8 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang
0 nays
1 absent — Tinderholt
- WITNESSES:** For — (*Registered, but did not testify:* Jim Allison, County Judges and Commissioners Association of Texas; Priscilla Camacho, Dallas Regional Chamber; Trent Townsend, DRC Emergency Services; Tom Oney, Lower Colorado River Authority; Joel Romo, Nueces County; Russell Schaffner, Tarrant County; Aurora Flores, Texas Association of Counties; Pete Winckler, Texas Community Association Advocates; Gabriela Villareal, Texas Conference of Urban Counties; Kay Roach, Town of Woodsboro, Refugio County Texas; Augustus Campbell, West Houston Association)

Against — None

On — (*Registered, but did not testify:* Nim Kidd, Texas Division of Emergency Management and the Texas Emergency Management Council)
- DIGEST:** CSHB 5 would require the development of a debris management plan, create a model contract for debris removal services, and establish groups to study debris removal and other disaster recovery efforts.
- Catastrophic debris management plan.** The Texas Division of Emergency Management (TDEM) would be required to develop a catastrophic debris management plan and model guide for political subdivisions to use in the event of a disaster. The plan would:
- provide a guide for clearing and disposing of debris, including information on preparing for debris removal before a disaster;

- include provisions for the use of trench burners and air curtain incinerators of vegetative debris, including sources of equipment for use immediately following a disaster;
- include procedures for vegetative debris burning, including the role of the Texas Department of Transportation in debris removal; and
- include procedures for the coordination of debris clearance and disposal, obtaining necessary equipment immediately following a disaster, and the interaction between political subdivisions and state and federal agencies.

TDEM would have to develop the plan and model guide by January 1, 2020, in consultation with selected state agencies.

The Texas A&M Engineering Extension Service would have to establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal.

Contracting for debris removal. TDEM, in consultation with the Federal Emergency Management Agency, would have to develop and publish a model contract for debris removal services for political subdivisions to use following a disaster.

TDEM would have to consult with the comptroller 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 developed under state law or in another cooperative purchasing program administered by the comptroller.

Wet debris study group. CSHB 5 would establish a study group to study issues related to removal of wet debris, including best practices for clearing wet debris following a disaster and determining responsibility for that removal.

The wet debris study group would be chaired by the TDEM chief and composed of representatives of TDEM, selected state agencies, and local and federal governmental entities.

A report with recommendations on the studied issues would have to be submitted to the Legislature by November 1, 2020. The study group would be abolished on January 1, 2021.

Work group on local restrictions and disaster recovery efforts. The bill would establish a work group to study local restrictions that impede disaster recovery efforts, including efforts to remove debris and erect short-term housing.

The study would include an overview of and recommendations for minimizing the effects of official actions by governing bodies of political subdivisions and requirements imposed by deed restrictions or property owners' associations that impede state and federal disaster recovery efforts.

The work group would be chaired by the TDEM chief and composed of representatives of TDEM, selected state agencies, and local governmental entities.

The group would report results of the study to the Legislature by November 1, 2020. The work group would be abolished on January 1, 2021.

Effective date. The bill would take effect September 1, 2019.

SUPPORTERS
SAY:

C5HB 5 would address the debris management challenges that state and local governmental entities faced during the Hurricane Harvey recovery process. Massive quantities of debris piled up in front of houses after the storm, posing health and safety risks, and in some areas debris removal continued a year after the storm. This bill is necessary to ensure that local jurisdictions are better prepared to respond to and recover from future natural disasters.

Catastrophic debris management plan. Having a developed catastrophic debris management plan to be used by local jurisdictions

following a disaster would better position them to respond more quickly and would simplify the Federal Emergency Management Agency (FEMA) reimbursement process. Some jurisdictions had problems with logistics of pickup and disposal, the availability of necessary equipment, and interactions with state and federal agencies. The bill would ensure that lessons learned from the storm were documented and a plan was created to be implemented in future disasters.

Contracting for debris removal. By creating a model contract that incorporated essential requirements for local jurisdictions to use in contracting for services in response to a disaster, the bill would solve problems local jurisdictions had with contracting with haulers for debris removal and contractors not honoring contracts.

Wet debris study group. The bill would provide for a necessary study of the complex issue of wet debris removal. Responsibility for removing the debris depends on its location, whether near tidal influenced water, rivers and waterways, or other bodies of water. Multiple agencies and jurisdictions have responsibilities for these waters, making identifying the responsible party and applicable law difficult.

Work group on local restrictions and disaster recovery efforts. Given the experiences of homeowners and state and federal agencies, it is necessary to study and recommend ways to resolve the effects local restrictions have on disaster recovery efforts. Some homeowners had difficulty with debris removal, and FEMA and the General Land Office were prevented from locating short-term housing due to homeowners' associations (HOA) regulations, impeding recovery efforts. The work group would recommend ways to mitigate these challenges by considering input from all appropriate stakeholders. The bill would not preclude group members from soliciting input from private associations, including HOAs.

OPPONENTS
SAY:

CSHB 5 would not align with recommendations from the Governor's Commission to Rebuild Texas that private associations be included as members of the work group studying local restrictions and disaster recovery efforts. This could leave out important input from affected

parties, including HOAs.