

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 5  
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Water & Rural Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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. 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.

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.

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.

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.

H.B. 5 amends current law relating to debris management and other disaster recovery efforts.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 418, Government Code, by adding Sections 418.054, 418.055, 418.056, and 418.057, as follows:

Sec. 418.054. CATASTROPHIC DEBRIS MANAGEMENT PLAN AND TRAINING.  
(a) Requires the Texas Division of Emergency Management (TDEM), in consultation with any other state agencies selected by TDEM, to develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster.

(b) Requires the plan to:

(1) provide a guide for clearance and disposal of debris caused by a disaster, including information on preparing for debris removal before a disaster; and

(2) include:

(A) provisions for the use of trench burners and air curtain incinerators of vegetative debris, including identifying sources of equipment for use immediately following a disaster; and

(B) procedures for:

(i) vegetative debris burning, including the role of the Texas Department of Transportation in debris removal;

(ii) the coordination of clearance and disposal of debris;

(iii) obtaining equipment necessary for use immediately following a disaster; and

(iv) the interaction between political subdivisions and state and federal agencies.

(c) 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.

Sec. 418.055. CONTRACTING FOR DEBRIS REMOVAL. (a) Requires TDEM, in consultation with the Federal Emergency Management Agency, to develop and publish a model contract for debris removal services to be used by political subdivisions following a disaster.

(b) Requires TDEM to consult with the comptroller of public accounts of the State of Texas (comptroller) to:

(1) establish appropriate contracting standards and contractor requirements to include in the model contract; and

(2) include a contract for debris removal services on the schedule of multiple award contracts developed under Subchapter I (Multiple Award Contract Schedule), Chapter 2155, or in another cooperative purchasing program administered by the comptroller.

Sec. 418.056. WET DEBRIS STUDY GROUP. (a) Defines "study group" for purposes of this section.

(b) Provides that the wet debris study group is established and composed of representatives of TDEM, any other state agencies selected by TDEM, and local and federal governmental entities.

(c) Provides that the chief of TDEM serves as chair of the study group.

(d) Requires the 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.

(e) Requires the study group, not later than November 1, 2020, to submit a report containing recommendations on the issues described by Subsection (d) to each member of the legislature.

(f) Provides that the study group is abolished and this section expires January 1, 2021.

Sec. 418.057. WORK GROUP ON LOCAL RESTRICTIONS THAT IMPEDE DISASTER RECOVERY EFFORTS. (a) Defines "work group" for purposes of this section.

(b) Provides that the work group is established and composed of representatives of TDEM, any other state agencies selected by TDEM, and local governmental entities.

(c) Provides that the chief of TDEM serves as chair of the work group.

(d) Requires the work group to conduct a study on local restrictions that impede disaster recovery efforts, including efforts to remove debris and erect short-term housing.

(e) Requires the study conducted under Subsection (d) to include:

(1) an overview 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 in this state; and

(2) recommendations for minimizing the effect of the official actions and requirements described by Subdivision (1) on state and federal disaster recovery efforts in this state.

(f) Requires the work group, not later than November 1, 2020, to submit a written report to the members of the legislature with the results of the study required under this section.

(g) Provides that this section expires and the work group is abolished January 1, 2021.

SECTION 2. Requires TDEM, not later than January 1, 2020, to develop the catastrophic debris management plan and model guide required by Section 418.054, Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2019.