

## **BILL ANALYSIS**

Senate Research Center

S.B. 6  
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Water & Rural Affairs  
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Enrolled

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

The proposed legislation consists of three components that are based on recommendations in the Rebuild Texas Commission's report on Hurricane Harvey. This legislation is designed to provide local governments with the resources they need to effectively prepare for and recover from disasters. It is based on input from local officials, businesses, and agencies who lived through the storm.

1. Disaster response model guide and training: the bill instructs the Texas Division of Emergency Management (TDEM) to create a model guide for local officials on disaster response and recovery designed to reduce confusion and delay after an event. The guide will contain provisions related to:
  - the debris management plan (see below);
  - obtaining federal disaster funding;
  - coordinating the availability of long-term and short-term housing; and
  - obtaining assistance with VOADs;
  - The bill instructs TDEM to include this guide in the disaster training it already provides to political subdivisions.
2. Debris management and disposal: the bill contains several provisions related to the disposal and management of debris following a disaster. They include:
  - requiring TDEM to develop a catastrophic debris management plan and model guide for political subdivisions, including provisions on the use of trench burners and air curtain incinerators;
  - providing contracting standards and model contracts, developed along with the comptroller of public accounts of the State of Texas, for procuring debris removal services;
  - establishing a debris burning training program; and
  - creating a wet debris study group to study how to prevent wet debris and the best practices for clearing wet debris after an event.
3. Emergency credentialing work group: finally, the bill directs TDEM to establish a work group to study and develop a proposal for training and credentialing emergency management directors. TDEM would coordinate with institutions of higher education in the state to develop credentialing and training programs while considering a variety of factors, including the geography, population, infrastructure, and resources associated with a particular region. (Original Author's/Sponsor's Statement of Intent)

S.B. 6 amends current law relating to emergency and disaster management, response, and recovery.

## **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Division of Emergency Management in SECTION 3 (Sections 418.063 and 418.067, Government Code) of this bill.

## **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 418.005, Government Code, by adding Subsection (c-1) to require the training course provided under this section (Emergency Management Training) related to the emergency management responsibilities of officers of political subdivisions to include training based on the disaster response guide as required by Section 418.054(b).

SECTION 2. Amends Subchapter C, Chapter 418, Government Code, by adding Sections 418.054, 418.055, 418.056, and 418.057, as follows:

Sec. 481.054. DISASTER RESPONSE GUIDE. (a) Requires the Texas Division of Emergency Management (TDEM) to develop a model guide for local officials regarding disaster response and recovery. Requires the guide to provide a comprehensive approach to disaster recovery by local officials and include information on contracting for debris removal, obtaining federal disaster funding, coordinating the availability and construction of short-term and long-term housing, and obtaining assistance from local, state, and federal volunteer organizations.

(b) Requires TDEM, in coordination with the Texas A&M AgriLife Extension Service and the Texas A&M Engineering Extension Service, to provide training based on the disaster response guide as part of the emergency management training course provided under Section 418.005.

Sec. 418.055. CATASTROPHIC DEBRIS MANAGEMENT PLAN AND TRAINING. (a) Requires 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 provide a guide for clearance and disposal of debris caused by a disaster, including information on preparing for debris removal before a disaster, and to include 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 contracting standards and a model contract for use in procuring debris removal services following a disaster.

(c) Requires TDEM to consult with the Office of the Comptroller of Public Accounts of the State of Texas (comptroller) about including 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.

(d) Requires the Texas A&M Engineering Extension Service, in coordination with the Texas Commission on Environmental Quality, to establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal.

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 preventing the creation of wet debris and best practices for clearing wet debris following a disaster, including:

(1) the creation of maintenance programs for bodies of water in this state;

(2) issues related to the clearance of wet debris on private property following a disaster; and

(3) potential sources of funding for the clearance of wet debris following a disaster.

(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. EMERGENCY MANAGEMENT WORK GROUP. (a) Defines "work group," "emergency management director" (director), and "emergency management coordinator" (coordinator) for purposes of this section.

(b) Requires TDEM to establish a work group of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors, emergency management coordinators, and any other emergency management personnel.

(c) Requires the work group, as part of the study and proposal under Subsection (b), to:

(1) assess the training and credentials necessary for emergency management directors, emergency management coordinators, and any other emergency management personnel to effectively oversee the response to and recovery from a disaster;

(2) review training courses that are required for emergency management directors, emergency management coordinators, and any other emergency management personnel in this state on September 1, 2019; and

(3) consult with institutions of higher education as defined by Section 61.003 (Definitions), Education Code, on the development of degree programs in emergency management in addition to the programs that exist in this state on September 1, 2019.

(d) Requires the work group, in conducting the assessment required by Subsection (c)(1), to consider:

(1) whether the differences in geography, population, and critical infrastructure between emergency management directors' or emergency management coordinators' jurisdictions warrant different levels of training and credentialing;

(2) whether the legislature should enact laws requiring an emergency management director or emergency management coordinator to participate in emergency management training and credentialing before overseeing the response to and recovery from a disaster;

(3) whether to include in any recommended emergency management training under Subdivision (2) information on disaster finance, damage assessment, disaster contracting, debris management, and the skills needed to participate in federal emergency management programs;

(4) whether to implement incentives for emergency management directors, emergency management coordinators, and any other emergency management personnel to complete additional training and continuing education; and

(5) proposals for paying the cost for training for emergency management directors and emergency management coordinators that is more rigorous than the training required by law for the directors and coordinators on September 1, 2019.

(e) Requires the work group, not later than November 1, 2020, to submit the proposal required under this section to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature.

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

SECTION 3. Amends Chapter 418, Government Code, by adding Subchapter C-1, as follows:

#### SUBCHAPTER C-1. DISASTER RECOVERY LOAN PROGRAM

Sec. 418.061. DEFINITIONS. Defines "account" as the disaster recovery loan account created under Section 418.066 and defines "eligible political subdivision" for purposes of this subchapter.

Sec. 418.062. ELIGIBILITY FOR LOAN. Authorizes a political subdivision to apply to TDEM for a loan under this subchapter if:

(1) the political subdivision:

(A) is located wholly or partly in an area declared to be a disaster area by the governor or the president of the United States; and

(B) before applying to TDEM for a loan under this subchapter:

(i) has submitted to TDEM, within 15 days of the date of its adoption by the governing body of the political subdivision, the political subdivision's operating budget for the most recent fiscal year; and

(ii) has submitted an application for a loan from the Federal Emergency Management Agency's (FEMA) community disaster loan program;

(2) an assessment of damages due to the disaster for which the declaration was made has been conducted in the political subdivision; and

(3) TDEM, in consultation with FEMA, determines that the estimated cost to rebuild the political subdivision's infrastructure damaged in the disaster is greater than 50 percent of the political subdivision's total revenue for the current year as shown in the most recent operating budget of the political subdivision submitted to TDEM under this section.

Sec. 418.063. DISASTER RECOVERY LOAN PROGRAM. Requires TDEM by rule to establish a loan program to use money from the account to provide short-term loans for disaster recovery projects to eligible political subdivisions.

Sec. 418.064. LOANS. (a) Requires a loan made from the account to be subject to the following conditions:

(1) the loan must be made at or below market interest rates for a term not to exceed 10 years; and

(2) the loan proceeds must be expended by the eligible political subdivision solely for disaster recovery projects.

(b) Requires the comptroller to credit to the account all principal and interest payments on a loan from the account.

(c) Requires the state auditor, if the term of a loan from the account exceeds two years, to, on the second anniversary of the date on which the eligible political subdivision received the loan, conduct a limited audit of the political subdivision to determine whether the political subdivision has the ability to repay the loan under the terms of the loan. Authorizes TDEM to forgive a loan made to an eligible political subdivision if the state auditor determines that the political subdivision is unable to repay the loan. Provides that the state auditor's participation under this subsection is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c) (relating to requiring the State Auditor to recommend the audit plan for the state for each year to the legislative audit committee).

Sec. 418.065. APPLICATION FOR LOAN. Requires TDEM to develop and implement an application process for a loan under this subchapter. Requires the application, at a minimum, to include:

(1) a description of the disaster recovery project for which the applicant is requesting the loan;

(2) an estimate of the total cost of the project;

(3) a statement of the amount of federal money that the applicant will receive for the project, or, if that information is not available on the date the applicant submits the application, an estimate of the amount of that money; and

(4) evidence that the applicant has staff, policies, and procedures in place adequate to complete the project.

Sec. 418.066. CREATION OF ACCOUNT. (a) Provides that the disaster recovery loan account is created as an account in the general revenue fund with the comptroller, to be administered by TDEM.

(b) Authorizes money in the account to be used only to provide short-term loans to eligible political subdivisions in the manner provided by this subchapter.

(c) Provides that the account consists of:

(1) money appropriated, credited, or transferred to the account by the legislature;

(2) money received by the comptroller for the repayment of a loan made from the account;

(3) gifts or grants contributed to the account; and

(4) interest earned on deposits and investments of the account.

Sec. 418.067. RULES. Requires TDEM to adopt rules to implement and administer this subchapter. Requires the rules adopted by TDEM to implement this subchapter to include the development of a form on which a political subdivision may electronically submit its budget to TDEM.

SECTION 4. (a) Defines "commission" as the Health and Human Services Commission (HHSC) and defines "division" as TDEM for purposes of this section.

(b) Requires HHSC and TDEM to conduct a study to determine the feasibility of developing:

(1) a single intake form that would compile all information needed to obtain disaster assistance from multiple state and federal programs for an individual who needs assistance as a result of a disaster; and

(2) an automated intake system for collecting the information.

(c) Requires HHSC and TDEM to coordinate with FEMA and other appropriate state and federal agencies to conduct the study under Subsection (b) of this section. Requires HHSC and TDEM to determine whether FEMA and other appropriate state and federal agencies will accept the single intake form.

(d) Requires HHSC and TDEM, not later than September 1, 2020, to prepare and submit a written report to the legislature containing the findings of the study conducted under Subsection (b) of this section and any recommendations to the legislature.

(e) Provides that this section expires January 1, 2021.

SECTION 5. Requires TDEM, not later than January 1, 2020, to develop the catastrophic debris management plan and model guide required by Section 418.055, Government Code, as added by this Act.

SECTION 6. Requires TDEM to implement Subchapter C-1, Chapter 418, Government Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, TDEM, if the legislature does not appropriate money specifically for that purpose, to implement that subchapter using other appropriations available for that purpose.

SECTION 7. Effective date: September 1, 2019.