

BILL ANALYSIS

Senate Research Center
86R18364 AAF-D

C.S.S.B. 6
By: Kolkhorst et al.
Water & Rural Affairs
3/12/2019
Committee Report (Substituted)

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 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, 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. The division 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)

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

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 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, 418.057, and 418.058, 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 the Emergency Management Council (EMC), the Texas A&M AgriLife Extension Service, the Texas A&M Engineering Extension Service, the Texas Commission on Environmental Quality (TCEQ), the Texas Department of Transportation, the comptroller of public accounts of the State of Texas (comptroller), and political subdivisions, 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 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 include a model contract for use in procuring debris removal services following a disaster.

(c) Requires TDEM to consult with the 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 TCEQ, to establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal.

Sec. 418.056. DISASTER RECOVERY TASK FORCE. (a) Requires TDEM to develop a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters by providing specialized assistance for communities and individuals to address financial issues, available federal assistance programs, and recovery and resiliency planning to speed recovery efforts at the local level.

(b) Authorizes the disaster recovery task force to include the use of resources of the Texas A&M University System, including the Texas A&M AgriLife Extension Service, the Texas A&M Engineering Extension Service, and the Texas A&M Forest Service, other appropriate state agencies, and organized volunteer groups.

(c) Requires the disaster recovery task force to develop procedures for preparing and issuing a report listing each project related to a disaster that qualifies for federal assistance. Requires a report to be submitted to the appropriate federal agencies as soon as practicable after any disaster.

(d) Requires the disaster recovery task force, once each quarter, to brief members of the legislature, legislative staff, and state agency personnel on the response and recovery efforts for previous disasters and any preparation or planning for potential future hazards, threats, or disasters.

Sec. 418.057. WET DEBRIS STUDY GROUP. (a) Defines "study group."

(b) Provides that the wet debris study group is established and consists of the following members:

(1) each member of EMC;

(2) representatives from river authorities appointed by the governor;

(3) environmental experts appointed by the governor; and

(4) a representative from the Texas Historical Commission appointed by the governor.

(c) 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 the creation of maintenance programs for bodies of water in this state, issues related to the clearance of wet debris on private property following a disaster, and potential sources of funding for the clearance of wet debris following a disaster.

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

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

Sec. 418.058. EMERGENCY MANAGEMENT WORK GROUP. (a) Defines "emergency management director," "emergency management coordinator," and "work group."

(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 and emergency management coordinators.

(c) Requires the work group, as part of the study and proposal under Subsection (b), to assess the training and credentials necessary for emergency management directors and emergency management coordinators to effectively oversee the response to and recovery from a disaster and to 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 implement incentives for emergency management directors, emergency management coordinators, and any other emergency management personnel to complete additional training and continuing education; and

(4) proposals for paying the cost for training for emergency management director 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. 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 4. Effective date: September 1, 2019.