

82nd LEGISLATIVE UPDATES

CHAPTER 418

Governor Perry signed a reenacted version of the Emergency Management Act, which makes a number of nonsubstantive changes to Chapter 418.

Section 418.042(a) requires TDEM to prepare and keep current an emergency management plan, which may include the following:

1. provisions for prevention and minimization of injury and damage caused by disaster;
2. provisions for prompt and effective response to disaster;
3. provisions for emergency relief;
4. provisions for emergency emergencies;
5. identification of areas particularly vulnerable to disasters;
6. recommendations for zoning, building restrictions,, and other land-use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
7. provisions for assistance to local officials in designing local emergency management plans;
8. authorization and procedures for the erection or other construction of temporary works designed to protect against danger, damage or loss from flood, fire or other disaster;
9. preparation and distribution to the appropriate state and local officials of state catalogs of federal, state, and private assistance programs;
10. organization of manpower and channels of assistance;
11. coordination of federal, state, and local emergency management activities;
12. coordination of the state emergency management plan with the emergency management plans of the federal government;
13. coordination of federal and state energy emergency plans;
14. provisions for providing to local officials on activation of the Emergency Alert System established under 47 C.F.R. Part 11;
15. a database of public facilities that may be used under Section 418.017 to shelter individuals during a disaster, including air conditioned facilities for shelter during an extreme heat disaster and fortified structures for shelter during a wind disaster;
16. provisions for quickly replenishing the food supplies of area food banks or food pantries following a disaster; and
17. other necessary matters relating to disasters.

Texas *Government Code* § 418.042(a),
Added by Acts 2011, 82nd leg., R.S., eff. Sept. 1, 2011.

The Legislature made similar nonsubstantive changes to Section 418.043, requiring TDEM to:

1. determine the requirements of the state and its political subdivisions for food, clothing and other necessities in the event of a disaster;
2. procure and position supplies, medicine, materials and equipment;
3. adopt standards and requirements for local and interjurisdictional emergency management plans;
4. periodically review local and interjurisdictional emergency management plans;
5. coordinate deployment of mobile support units;
6. establish and operate training programs and programs of public information or assist political subdivisions and emergency management agencies to establish and operate the programs;
7. make surveys of public and private industries, resources, and facilities in the state that are necessary to carry out the purposes of this chapter;
8. plan and make arrangements for the availability and use of any private facilities, services, and property and provide for payment for use under terms and conditions agreed on if the facilities are used and payment is necessary;
9. establish a register of persons with types of training and skills important in disaster mitigation, preparedness, response, and recovery;
10. establish a register of mobile and construction equipment and temporary housing available for use in the event of a disaster;
11. assist political subdivisions in developing plans for the humane evacuation, transport, and temporary sheltering of service animals and household pets in a disaster;
12. prepare, for issuance by the governor, executive orders and regulations necessary or appropriate for coping with disaster;
13. cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster mitigation, preparation, response, and recovery;
14. develop a plan to raise public awareness and expand the capability of the information and referral network under 531.0132;
15. improve the integration of volunteer groups, including faith-based groups, into emergency management plans;

16. cooperate with the Federal Emergency Management Agency to create uniform guidelines for acceptable home repairs following disasters and to promote awareness of those guidelines;
17. cooperate with state agencies to:
 - a. encourage the public to participate in volunteer emergency response teams and organizations that respond to disasters; and
 - b. provide information on those programs in state disaster preparedness and educational materials and on Internet websites;
18. establish a liability awareness program for volunteers, including medical professionals;
19. define “individuals with special needs” in the context of a disaster; and
20. do other things necessary, incidental or appropriate for the implementation of this chapter.

Texas *Government Code* § 418.043

Added by Acts 2011, 82nd leg., R.S., eff. Sept. 1, 2011.

Directions for Local Emergency Planners

House Bill 2608 amends Chapter 418 of the *Government Code* to require local emergency management plans to identify what requirements or procedures they must satisfy or implement to qualify for federal long-term recovery funding, prepare for long-term recovery, and any appropriate state or local resources available to assist the local agencies and officials in satisfying or implementing those requirements or procedures. *Texas Government Code* § 418.106.

It further amends 2305.531 of the *Government Code* to require the Department of Housing and Community Development or another state agency to develop a long-term recovery plan to administer money received for disaster recovery from the federal government or any other source, requires consultation with existing federal, state, and local entities. TDEM is not mentioned by name, but it is conceivable that TDEM could be called upon for input in development of the long-term recovery plan. This measure went into effect September 1, 2011.

