TEXAS EMERGENCY MANAGEMENT

Executive Guide

FY 2016 Edition

(Includes FY 2017 County Thresholds)

TEXAS DEPARTMENT OF PUBLIC SAFETY
TEXAS DIVISION OF EMERGENCY MANAGEMENT

TABLE OF CONTENTS

1 **Disasters vs. Emergencies**

The National Response Framework
Emergency Management Cycle
- Mitigation
- Preparedness
- Response
- Recovery

3 **Emergency Support Functions (ESF)**
- The Focus Areas of ESFs

4 **Texas Emergency Management Planning**
- Local Plans
- Planning Standards, Documents and Guidelines
- Revision and Update Requirements

5 **Texas Preparedness Levels**

6 **Texas Emergency Management: Organizational Continuity**
- Local Authority
- District Coordinators
- Disaster District Committees (DDC)
- State Coordinators
- Texas Emergency Management Council
- Jack Colley State Operations Center (SOC)

9 **Emergency Operations**
- Level IV – Normal Conditions
- Level III – Increased Readiness – Watch Conditions
- Level II – High Readiness – Warning Conditions
- Level I – Maximum Readiness – Emergency Conditions

10 **Senior Executive Checklist**

11 **Disaster Declarations**
- Reasons for Declaring
- Effects of Declaring
- Declaration Process
- Sample Disaster Declaration
- Sample Request: Emergency Declarations to the Governor
- Presidential Declaration Process

15 **State and Federal Disaster Assistance**
- Types of Assistance
- Eligibility for Federal Assistance
- Procedures for Requesting Assistance

17 **Summary**

18 **Acknowledgments**

TABLE OF CONTENTS

APPENDIXES

19 Appendix A
State Regions Map
Texas Disaster District Map
Texas District Contacts
FEMA Public Assistance (PA) Threshold Amounts by County

31 Appendix B
Texas Government Code
Chapter 418. Emergency Management
83rd Legislative Updates

67 Appendix C
Texas Government Code
Chapter 421. Homeland Security

79 Appendix D
Texas Administrative Code
Title 37. Public Safety and Corrections

Noteworthy Statutes and Legislative Updates

87 Appendix E
Executive Orders of the Governor
RP8: Relating to the Governor's Task Force on Homeland Security
RP16: Relating to the Creation of the Statewide Texas Amber Alert Network
RP32: Relating to Emergency Management and Homeland Security.
RP40: Relating to the Designation of The National Incident Management System as the Incident Management System for the state of Texas.
RP57: Relating to Implementing Recommendations from the Governor's Task Force on Evacuation, Transportation, and Logistics.

TEXAS EMERGENCY MANAGEMENT

Executive Guide

Fiscal Year 2015 Edition

(Includes FY 2016 County Thresholds)

Revised 1/4/2016

W. NIM KIDD, CEM®
ASSISTANT DIRECTOR, TEXAS DEPARTMENT OF PUBLIC SAFETY
CHIEF, TEXAS DIVISION OF EMERGENCY MANAGEMENT

Dear Partners in Emergency Management:

No state is more diverse in its climate, geography, culture, industry, and commerce than Texas. As a native Texan, I have a special appreciation for this diversity. As an emergency manager, I also recognize the unique challenges this diversity presents in preparing for and responding to disasters and emergencies.

As a career firefighter and local emergency manager, I believe in and abide by the premise that every disaster is a local disaster. It is at the local level that the greatest challenges are faced and the toughest decisions are made, and I am grateful that you have chosen to assume this challenging but rewarding role.

The Texas Division of Emergency Management (TDEM) is charged with carrying out a comprehensive, all-hazards emergency management program for the state and for assisting cities, counties, and state agencies in planning and implementing their emergency management programs. As part of that effort, this guide has been developed as a resource for executives who are tasked with providing for the safety and security of their respective communities. It is my hope you find it to be a beneficial tool.

This guide represents a living document and resource. We look forward to your comments and suggestions for improvement to this document and our delivery of service to you, our customer.

Thank you for your service to your community and the state of Texas. Please contact TDEM to let us know how we may be of assistance to you.

Sincerely,

W. Nim Kidd, CEM®

DISASTERS VS. EMERGENCIES

An **EMERGENCY** is the occurrence or imminent threat of a condition, incident, or event that requires immediate response actions to save lives; prevent injuries; protect property, public health, the environment, and public safety; or to lessen or avert the threat of a disaster.

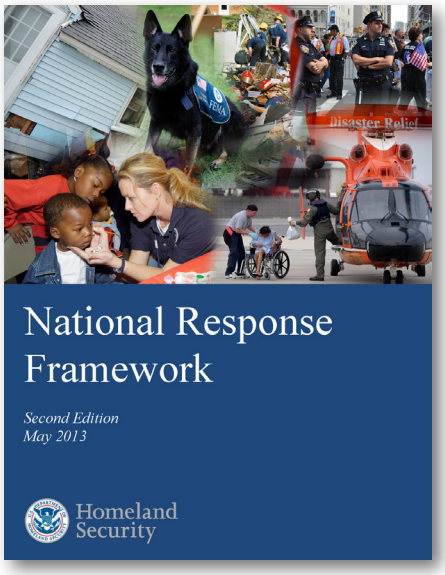
A **DISASTER** is the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, other public calamity requiring emergency action, or energy emergency.

THE NATIONAL RESPONSE FRAMEWORK*

The National Response Framework (NRF) guides how the nation conducts a national response—not just a federal response—to all-hazards incidents. The document is focused primarily on response, not on prevention, protection, or long-term recovery. The NRF integrates three key concepts:

- **IDENTIFIES RESPONSE DOCTRINE:** The National Incident Management System (NIMS) is an organizational system of positions, interactions, language, and processes and is well understood by the emergency management community at the local, state, and federal levels. It describes how first responders from different jurisdictions and disciplines can work together. It is flexible, scalable, and adaptable to the size and nature of the incident to organize at the right level—local, then state, then federal.
- **FOCUSES ON PREPAREDNESS:** Better than any predecessor document, the NRF defines and aligns the roles of individual citizens; the private sector; nongovernmental organizations; local elected or appointed officials (the county judge, the mayor or city manager with his or her local emergency manager and department and agency heads); the governor, with his or her state homeland security manager, state emergency manager and department and agency heads; and the federal government, starting with the president. It explains the roles of the Homeland Security Council, National Security Council, the Secretary of Homeland Security, the Attorney General, the Secretary of Defense, the Secretary of State, the Director of National Intelligence and all other departments and agencies. It describes these roles in a response framework that is always in effect, able to be partially or fully implemented as the incident requires, and without need for a formal trigger or permission to become involved.
- **GUIDES THE CONDUCT OF ALL-HAZARDS RESPONSE:** The NRF is not about bureaucracy or rigidity; it is about moving forward in organized partnerships with defined roles and responsibilities to contribute to an effective national response to incidents of all types.

**Information from FEMA Website. For detailed information, visit www.fema.gov/emergency/nrf.*



EMERGENCY MANAGEMENT CYCLE

Emergency management consists of systems, resources, and activities designed to assist a community in preventing, preparing for, responding to, recovering from and mitigating the effects of all hazards.

MITIGATION

Mitigation efforts include those that serve to reduce the occurrence of incidents or their impact. Natural disasters, for example, cannot be prevented. However, mitigation programs can reduce their severity, and well-organized and coordinated state and local homeland security and emergency management programs can help preserve life and protect property.

PREPAREDNESS

These activities are necessary to the extent that mitigation measures have not, or cannot, prevent disasters. In this phase, governments, organizations, and individuals develop plans to save lives and minimize disaster damage. Preparedness measures also enhance disaster response operations.

RESPONSE

Response activities follow an emergency or disaster. Generally, they are designed to provide emergency assistance to individuals. They also serve to reduce the probability of secondary damage and to speed recovery operations.

RECOVERY

Activities following or in conjunction with response that restore vital life-support systems to minimum operating standards and long-term activities that help return life to normal for individuals, businesses and infrastructure.

EMERGENCY SUPPORT FUNCTIONS (ESF)

The ESFs provide a structure for coordinating interagency support for a response to an incident. They are mechanisms for grouping functions most frequently used to provide support, both for declared disasters and emergencies under the Stafford Act.

THE FOCUS AREAS OF ESFs INCLUDE THE FOLLOWING:

ESF 1: Transportation

ESF 2: Communications

ESF 3: Public Works and Engineering

ESF 4: Firefighting

ESF 5: Emergency Management

ESF 6: Mass Care, Emergency Assistance, Housing and Human Services

ESF 7: Logistics Management & Resource Support

ESF 8: Public Health and Medical Services

ESF 9: Search & Rescue

ESF 10: Oil and Hazardous Materials Response

ESF 11: Agriculture and Natural Resources

ESF 12: Energy

ESF 13: Public Safety and Security

ESF 14: Long-Term Community Recovery

ESF 15: External Affairs

TEXAS EMERGENCY MANAGEMENT PLANNING

In planning for disasters and emergencies in Texas, emergency management professionals use a variation of the ESF concept through the development of functional annexes. The ESFs are woven into these annexes in an all-hazards approach that allows personnel and resources to be grouped according to specific functions and utilized within a variety of emergencies and disasters.

LOCAL PLANS

In accordance with Chapter 418 of the *Texas Government Code* and Title 37, Part 1, Chapter 7 of the *Texas Administrative Code*, Texas jurisdictions develop emergency operations plans that consist of a basic plan and functional annexes and appendices. The Basic Plan outlines a jurisdiction's approach to emergency operations, and provides general guidance for emergency management activities, including methods of mitigation, preparedness, response, and recovery. The plan describes the emergency response organization and assigns responsibilities for various emergency tasks. In accordance with Chapter 418, Section 173 of the *Texas Government Code*, "A state, local, or interjurisdictional emergency management plan may provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense."

The Basic Plan is intended to provide a framework for the specific functional annexes that describe in more detail who does what, when, and how. These annexes include Communications, Shelter and Mass Care, Radiological Protection, Firefighting, Law Enforcement, Health and Medical, Public Information, Hazardous Materials Response, Donations Management, and Terrorist Incident Response, to name a few. The Basic Plan and its annexes provide broad policy and procedural guidance for response agencies to use in preparing detailed plans and procedures. An important feature of this plan is that it addresses the provision of vital services for all types of emergencies.

In addition to maintaining compliance with state statutes, Texas jurisdictions develop and retain up-to-date Emergency Operations Plans in order to comply with certain grant funding requirements. TDEM maintains a preparedness profile for each participating jurisdiction that includes information pertaining to the jurisdiction's planning and training achievements. Preparedness-level categories include basic, intermediate, and advanced and are attained by developing and submitting the required plans and annexes, completing specific training, and submitting other supporting documentation for each level. (See Table 1 under Planning Documents on next page.)

PLANNING STANDARDS, DOCUMENTS AND GUIDELINES

TDEM provides templates, planning notes and a Planning Standards Checklist for each plan and annex. The documents are available on the Division's website at: www.txdps.state.tx.us/dem. Click on "Preparedness" under the "Division Info" tab.

Prior to developing or revising local plans and annexes, officials and executives are encouraged to reference the "TDEM-10: Local Emergency Management Planning Guide." Additionally, the Local and Regional Plans unit is available to answer questions and provide assistance. The Local and Regional Plans unit may be reached at 512-424-2450. The e-mail address for the Plans Unit is: TDEM.PLANS@dps.texas.gov.

REVISION AND UPDATE REQUIREMENTS

Plans and annexes must be updated every five years, and they must be revised in the interim if significant changes in the operational plans are implemented by the jurisdiction. Additionally, periodic planning mandates may create a need to revise the Basic Plan or its annexes.

TEXAS PREPAREDNESS LEVELS

Table 1 refers to the planning documents required to achieve each level of preparedness. A complete description of preparedness-level requirements is included in "TDEM-100: Preparedness Standards for Texas Emergency Management."

TABLE 1. REQUISITE PLANNING DOCUMENTS

BASIC PREPAREDNESS LEVEL:

Annex	Title	Annex	Title
BP	Basic Plan	M	Resource Management
A	Warning	N	Direction and Control
B	Communications	O	Human Services
C	Shelter and Mass Care	Q	Hazardous Materials and Oil Spill Response
E	Evacuation	V	Terrorist Incident Response
I	Public Information		

INTERMEDIATE PREPAREDNESS LEVEL - BASIC LEVEL REQUIREMENTS, PLUS:

Annex	Title	Annex	Title
D	Radiological Emergency Management	K	Public Works and Engineering
F	Firefighting	L	Utilities
G	Law Enforcement	R	Search and Rescue
H	Public Health and Medical Services	S	Transportation
J	Recovery		

ADVANCED PREPAREDNESS LEVEL - BASIC AND INTERMEDIATE LEVEL REQUIREMENTS, PLUS:

Annex	Title	Annex	Title
P	Hazard Mitigation	U	Legal
T	Donations Management		

TEXAS EMERGENCY MANAGEMENT: ORGANIZATIONAL CONTINUITY

Like many other states, Texas employs an emergency management structure that moves from the ground level upward to the state level, as required by the extent of the disaster. These entities stay in close contact with one another before, during and after a hazardous event.

LOCAL AUTHORITY

In Texas, in accordance with Chapter 418 of the *Texas Government Code* and Title 37, Part 1, Chapter 7 of the *Texas Administrative Code*, mayors and county judges serve as emergency management directors, bearing the responsibility for maintaining an emergency management program within their respective jurisdictions. In most jurisdictions, these officials appoint an emergency management coordinator to administer the program. The mayor and county judge are authorized by the Texas Disaster Act to declare a local disaster when conditions exist or when there is an immediate threat.

District and Regional Coordinators attend driver training at the DPS facility in Florence, Texas.

The mayor or county judge may declare a local disaster without the consent of the city council or county commissioners, respectively. However, the declaration may last no longer than seven days unless continued by the city council or county commissioners. During emergencies, local governments are expected to use their own resources first in a local response. If local resources are insufficient, state assistance may be requested.

DISTRICT COORDINATORS

TDEM district coordinators are the division's field response personnel stationed throughout the state. They have a dual role as they carry out emergency preparedness activities and also coordinate emergency response operations. In their preparedness role, they assist local officials in carrying out emergency planning, training, and exercises, and developing emergency teams and facilities. They also teach a wide variety of emergency management training courses. In their response role, they deploy to incident sites to assess damage, identify urgent needs, advise local officials regarding state assistance, and coordinate deployment of state emergency resources to assist local emergency responders. District coordinators are included in Appendix C.

DISASTER DISTRICT COMMITTEES (DDC)

As prescribed by Chapter 418 of the *Texas Government Code*, a disaster district committee consists of representatives of the state agencies, boards, commissions, and organized volunteer groups with membership on the Emergency Management Council. The Highway Patrol commanding officer of each district serves as chair of the Disaster District Committee and reports to the assistant director of the Texas Department of Public Safety (DPS) on matters relating to disasters and emergencies. The Disaster District Committee chair is assisted by the Council representatives assigned to that district, who provide guidance, counsel, and administrative support as required. The Disaster District Committee chair serves

as the authoritative liaison between the district's local officials and the Jack Colley State Operations Center (SOC) during large-scale disasters or emergencies. The Disaster District Chairs are listed in Appendix C.

STATE COORDINATORS

Within TDEM headquarters, state coordinators oversee the functions of Operations; Preparedness; Mitigation, Recovery and Fund Management; Management and Budget; Critical Information Systems, Emergency Medical Services, Life Safety and the State Operations Center Management Team. TDEM also has state coordinators assigned to the DPS regions, which encompass the Disaster Districts and the Capitol Area. These state coordinators oversee the team of district coordinators to provide support to local jurisdictions and officials as they prepare for and respond to disasters. These state coordinators are listed in Appendix C.

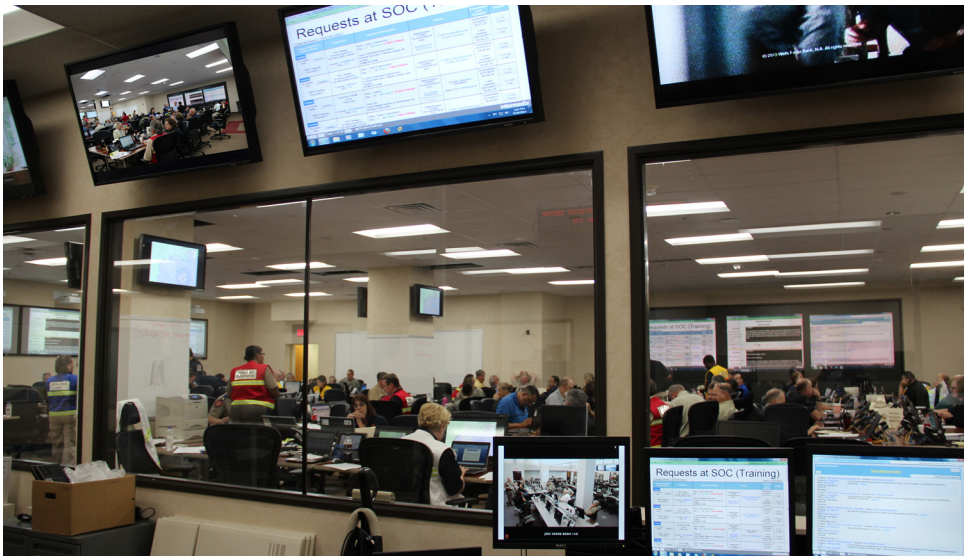
TEXAS EMERGENCY MANAGEMENT COUNCIL

The Texas Emergency Management Council, which is composed of state agencies, the American Red Cross (ARC), and the Salvation Army (SA), is established by state law to advise and assist the Governor in all matters relating to disaster mitigation, emergency preparedness, disaster response, and recovery.

During major emergencies, Council representatives convene at the Jack Colley State Operations Center (SOC) to provide advice on and assistance with response operations, and to coordinate the activation and deployment of state resources to respond to the emergency. Generally, state resources are deployed to assist local governments that have requested assistance because their own resources are expended during response. The Council is a group of agencies that have legal responsibility, expertise, or resources needed for a specific emergency response function. The following agencies have been appointed by the Governor to the Emergency Management Council.

Emergency Management Council Membership

- Adjutant General's Department
- American Red Cross
- Department of Information Resources
- General Land Office
- Texas Division of Emergency Management
- Texas Public Utility Commission
- Texas Railroad Commission
- The Salvation Army
- State Auditor's Office
- State Comptroller of Public Accounts
- Texas Animal Health Commission
- Texas Attorney General's Office
- Texas Procurement and Support Services
- Texas Commission on Environmental Quality
- Texas Commission on Fire Protection
- Texas Department of Agriculture
- Texas Department of Criminal Justice
- Texas Department of State Health Services
- Texas Department of Housing and Community Affairs
- Texas Health and Human Services Commission
- Texas Department of Insurance
- Texas Department of Aging and Disability Services
- Texas Department of Public Safety
- Texas Department of Transportation
- Texas Education Agency
- Texas Engineering Extension Service
- Texas Forest Service
- Texas Parks and Wildlife Department
- Texas Department of Assistive and Rehabilitative Services
- Texas Workforce Commission
- Texas Department of Family Protective Services
- Texas AgriLife Extension Service
- Texas Office of Court Administration



As seen from "The Bubble," members of the Emergency Management Council testing new systems at the newly renovated Jack Colley State Operations Center during a full-scale hurricane preparedness exercise.

JACK COLLEY STATE OPERATIONS CENTER

The Jack Colley State Operations Center (SOC) is operated by TDEM on a 24/7 basis and serves as the state warning point. It uses an extensive suite of communications to receive and disseminate warnings of threats to regional warning points and to state and local officials; monitors emergency situations throughout the state and provides information on these events to federal, state, and local officials; and coordinates state assistance to local governments that are responding to emergencies.

The SOC coordinates 3,000 to 4,000 incidents per year. As noted above, the state Emergency Management Council is convened at the SOC to carry out state response activities for major emergencies and disasters. The SOC serves as a coordination and communications hub, allowing personnel to gather, evaluate, and distribute critical information, and to respond in the event of a natural or human-made emergency or disaster. In June 2010 the Texas Public Safety Commission voted unanimously to name the State Operations Center in honor of Jack Colley, who served as DPS Assistant Director and Chief of the Texas Division of Emergency Management from July 2002 until his untimely death in May 2010.

EMERGENCY OPERATIONS

Many emergencies follow a recognizable build-up period during which actions can be taken to achieve a gradually increasing state of readiness. General actions to be taken at each level are outlined in the annexes to the Basic Plan, with more specific actions detailed in departmental standard procedures. The following readiness levels are used as a means of increasing the jurisdiction's readiness status.

LEVEL IV:

NORMAL CONDITIONS

Routine emergency incidents may occur. One or more departments or agencies respond to handle the incident and an incident command post may be established. Limited assistance may be requested from other jurisdictions pursuant to established inter-local agreements. The normal operations of government are not affected.

Typical Events: Daily emergency responses, high profile visitor(s), weather monitoring.

Typical Notification: Emergency management coordinator, fire departments/ EMS, law enforcement, public works.

LEVEL III:

INCREASED READINESS – WATCH CONDITIONS

Increased Readiness refers to a situation that presents a potential risk, but poses no immediate threat to life or property. Increased readiness actions may be appropriate when situations similar to the following occur:

Typical Events: Tropical weather system developing in area, escalating or immediate risk to impact area.

Typical Notification: Emergency management coordinator, fire departments/ EMS, law enforcement, public works and public information office.

LEVEL II:

HIGH READINESS – WARNING CONDITIONS

High Readiness refers to a situation with a significant potential and probability of causing loss of life or property. This condition will normally require some degree of warning to the public. Readiness actions may include continuous storm monitoring, identifying worst-case scenarios and potentials, increasing preparedness of personnel and equipment, updating evacuation checklists, verifying evacuation route status, and providing citizens with public information.

Typical Events: Tornado warning/sighting; flash flood warning.

Typical Notification: Mayor/city manager/ county judge, emergency management coordinator, fire departments/EMS, law enforcement, public works and public information office.

LEVEL I:

MAXIMUM READINESS – EMERGENCY CONDITIONS

Maximum Readiness refers to hazardous conditions that are actually/currently occurring to varying degrees. This condition denotes a greater sense of danger and urgency than associated with a "Watch" event. Actions could be generated by a severe weather warning issued by the National Weather Service combined with various factors making the event gravely critical.

Typical Events: Evacuation and sheltering for specific parts of the impact area; community-wide threats such as a large hazardous materials spill and widescale flooding.

Typical Notification: Mayor/city manager/ county judge, emergency management coordinator, fire departments/EMS, law enforcement, public works and public information office and other leadership will be notified and may be asked to be present at the Emergency Opertions Center (EOC).

SENIOR EXECUTIVE CHECKLIST

In the event a jurisdiction exceeds or expects to exceed its response capabilities during a major emergency or disaster, the following steps should be taken to obtain further assistance:

- ☐ Contact the local Office of Emergency Management.
- ☐ Activate any applicable mutual aid agreements.
- ☐ Notify the disaster district chairperson (DDC) for that district. If the DDC is unable to meet the local jurisdiction's needs, he/she will contact TDEM.
- ☐ The mayor or county judge should sign a statement declaring a local disaster and submit with a cover letter.
- ☐ The jurisdiction should prepare a cover letter to the Governor requesting disaster assistance from the state.
- ☐ The jurisdiction should begin to prepare the Disaster Summary Outline (DSO).
- ☐ As soon as possible, all jurisdictional departments should begin gathering initial damage estimates. These figures need not be exact, but are necessary to complete the DSO as a basis for obtaining a Presidential Disaster Declaration.
- ☐ The letter requesting state disaster assistance, the local proclamation of disaster, and the Disaster Summary Outline should be faxed to TDEM at 512-424-2444 within ten days from the date of the disaster.
- ☐ The state of Texas, if necessary, will contact the federal government for additional aid.
- ☐ The federal government will determine what type of declaration, if any, will be issued for the incident, based on losses documented in the DSO.
- ☐ If a Presidential Disaster Declaration is issued, FEMA and TDEM will establish a local disaster field office (DFO). Once the DFO has been established, FEMA and State personnel will request initial meetings with representatives of the most seriously affected departments and will require transportation and guidance to inspect damaged areas of the city.
- ☐ When a Presidential Disaster Declaration is issued, note which categories of Public Assistance (A-G) have been declared and if Individual and Household Program (IHP) Assistance has been included in the declaration.
- ☐ If the local jurisdiction is authorized for Individual and Household Program Assistance (IHP), FEMA and the state will establish disaster relief centers (DRCs) where citizens affected by the disaster may go to obtain further federal assistance after teleregistration through the 1-800-621-FEMA (3362), or TTY 1-800-462-7585 for the speech or hearing impaired.
- ☐ FEMA will ask for several preliminary informational meetings with representatives of the government entities and non-profit organizations eligible for public assistance (PA). It is essential that key department and elected leaders attend.
- ☐ FEMA will further call for a meeting with representatives from each entity eligible for PA. This meeting will explain the process for obtaining reimbursement under PA and answer questions about project eligibility. At this point, FEMA will assign a public assistance representative to work directly with the local jurisdiction. This representative will be available for further meetings with single departments or groups of departments and will assist with development of project worksheets.

DISASTER DECLARATIONS

REASONS FOR DECLARING

A local disaster may be declared for any of the following reasons:

- To exercise extraordinary powers;
- To formally implement provisions of emergency plans;
- To provide additional liability protection to government agencies and special or volunteer emergency workers;
- To formally request general assistance from the state and federal governments; and
- To activate preparedness, response, and recovery aspects of any and all applicable local emergency management plans.

EFFECTS OF DECLARING

- Economic stabilization measures such as price, wage, and rent controls;
- Curfews;
- Commandeering of facilities, equipment, materials, etc;
- Controlling access to specific geographical areas;
- Issuing time warrants for the payment of the cost of any equipment, construction, or improvements; and
- Suspension of selected codes and ordinances.

DECLARATION PROCESS

When the decision has been made to declare a local disaster, the following steps should be followed:

- Notify the emergency management director (mayor or county judge) of the need to declare a disaster;
- Complete and submit the Disaster Declaration form (see next page);
- If state or federal assistance is being requested, notify the Texas Chief of Emergency Management at 512-424-2208; and
- Notify the disaster district committee chair.

SAMPLE DISASTER DECLARATION
DECLARATION OF DISASTER

WHEREAS, the [COUNTY OF/CITY OF] on the [DAY] of [MONTH], [YEAR], has suffered widespread or severe damage, injury, or loss of life or property (or there is imminent threat of same) resulting from

[BRIEFLY DESCRIBE THE DISASTER SITUATION] and

WHEREAS, the [COUNTY JUDGE/MAYOR] of [JURISDICTION] has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property,

NOW, THEREFORE, BE IT PROCLAIMED BY THE [COUNTY JUDGE/MAYOR] OF [JURISDICTION]:

That a local state of disaster is hereby declared for [JURISDICTION] pursuant to §418.108(a) of the *Texas Government Code*.

Pursuant to §418.018(b) of the *Texas Government Code*, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the [CITY COUNCIL/COMMISSIONERS COURT] of [JURISDICTION].

Pursuant to §418.018(c) of the *Texas Government Code*, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the [CITY SECRETARY/COUNTY CLERK].

Pursuant to §418.018(d) of the *Texas Government Code*, this declaration of a local state of disaster activates the [COUNTY/CITY] emergency management plan.

That this proclamation shall take effect immediately from and after its issuance.

ORDERED this [DAY] of [MONTH], [YEAR].

_____

[COUNTY JUDGE/MAYOR]

SAMPLE REQUEST:
EMERGENCY DECLARATIONS TO THE GOVERNOR

The Honorable _____ Date: _____
Governor of Texas
c/o Chief
Texas Division of Emergency Management
P. O. Box 4087
Austin, Texas 78773-0001

Dear Governor _____ :

The [CITY/COUNTY] of [JURISDICTION], Texas is facing significant threats to life, health and property due to: [PROVIDE A DESCRIPTION OF THE THREAT AND THE AREA OR AREAS AFFECTED]. (Threats may include: riot or unlawful assembly of three or more persons acting together by use of force or violence; the existence of a clear and present danger of the use of violence; or a natural or man-made disaster. (For these threats, a disaster declaration may be more appropriate.))

The potential impact of this threat is: [PROVIDE AN ESTIMATE OF THE IMPACT ON PUBLIC HEALTH, SAFETY, AND PROPERTY IF THE THREAT IS NOT DEALT WITH].

I have determined that this incident is of such severity and magnitude that an effective response is beyond the capability of the local jurisdiction to control. Pursuant to §433.001 of the *Texas Government Code*, I am requesting that you declare a state of emergency for the state of Texas and issue appropriate directives to deal with the emergency; including: [INDICATE WHAT MEASURES THAT YOU WANT THE GOVERNOR TO TAKE].

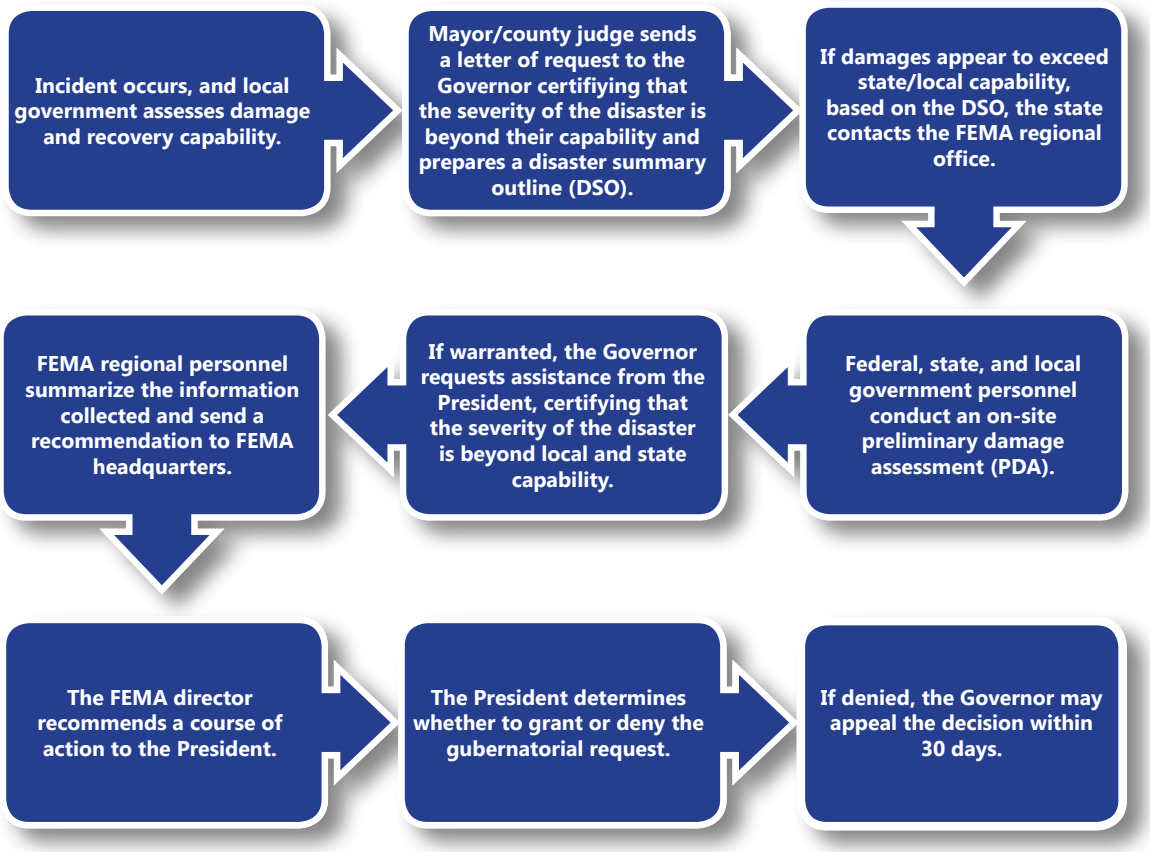
Furthermore, I am asking that successive proclamations be issued and remain in effect until the threat of loss of life, injury, or damage property is contained.

A timely response to this request would be appreciated.

_____
Signature

PRESIDENTIAL DECLARATION PROCESS

The Robert T. Stafford Disaster Relief and Emergency Assistance Act PL 93-288, as amended, authorizes the President to declare an emergency or major disaster in the state, if requested by the Governor, and to make federal assistance available to supplement state and local resources.



STATE AND FEDERAL DISASTER ASSISTANCE

TYPES OF ASSISTANCE

In the event of a disaster, assistance is available from both the state and federal governments. Assistance from the state of Texas is limited to in-kind assistance from individual agencies. The federal government may provide both in-kind and financial assistance. The federal government offers two general types of assistance: **Individual and Household Assistance and Public Assistance.**

Individual and Household Assistance*
This includes medical care and evacuation, emergency shelters, feeding and clothing, temporary housing, mortgage and rent assistance, job placement and unemployment assistance, property cleanup and repair and trauma counseling.

Public Assistance*
The objective of the Public Assistance Program is to provide assistance to states, local governments, and selected nonprofit organizations for the alleviation of suffering and hardship resulting from major disasters or emergencies declared by the president. It includes funding for:

- Category A: Debris removal
- Category B: Emergency Protective Services
- Category C: Road Systems
- Category D: Water Control Facilities
- Category E: Public Buildings and Equipment
- Category F: Public Facilities
- Category G: Parks, Recreational, and Other

State and federal assistance is not intended to fully compensate a community for losses but to supplement available resources and prevent conditions from which the community could not reasonably recover.

Hazard Mitigation Grant Program
In the event of a full federal disaster declaration, as opposed to an emergency declaration, the Hazard Mitigation Grant program (HMGP) becomes authorized. HMGP is a reimbursable 25/75 local/federal match program to fund projects that reduce or eliminate the requirement to respond. Common mitigation projects are flood-prone home buyouts, stream channelization projects, individual and community tornado safe rooms, warning systems, and emergency generators. The State will publish application deadlines in a statewide mailout and in the Texas Register. In order to receive mitigation grants, a community usually must be a participating member of the National Flood Insurance Program and have a State and Federally approved Local Mitigation Plan.

ELIGIBILITY FOR FEDERAL ASSISTANCE

The following are general requirements for eligibility for state and federal disaster assistance:

- Assistance is provided only to counties declared by the President to be disaster areas.
- Only uninsured losses are eligible.
- The community must have exhausted all available resources.
- The affected community must declare a state of local disaster.

**Information obtained from the FEMA Public Assistance Handbook*

PROCEDURES FOR REQUESTING ASSISTANCE

The following are general procedures for the mayor/county judge in requesting state or federal disaster assistance in the event of a largescale, widespread event.

- Formally declare a State of Local Disaster as described earlier in this document. It is vital that this be done as early in the course of the emergency as possible.
- Complete the petition to the Governor and deliver as described earlier in this chapter.
- Request the mayor, county judge or emergency management coordinator to complete a preliminary assessment of eligible damages to be attached to

the petition to the governor. Public statements concerning estimates of community damages should be avoided pending the completion of this assessment.

Damage Assessment

The following are the several steps in completing and submitting assessments of community damages:

- The local Office of Emergency Management, working in conjunction with other agencies, will conduct a preliminary damage assessment (PDA) as soon as conditions permit. A copy of this assessment will be attached to the request for state and federal assistance and forwarded to TDEM.
- The request for federal assistance will be forwarded by TDEM to the Region 6 office of the Federal Emergency Management Agency (FEMA) in Denton, Texas.
- The FEMA regional office will make an initial determination of whether the request for assistance appears to meet the qualifying criteria. If the initial criteria are met, FEMA and state representatives will meet with the local emergency management staff to conduct a more comprehensive damage assessment which is forwarded to FEMA headquarters in Washington, D.C.
- The FEMA director will then recommend to the president what type of declaration, if any, to make. The President may declare an "emergency" which authorizes limited federal assistance or a "major disaster" which authorizes broad federal assistance and relief funds.

The New London, Texas School on March 18, 1937.
Photo: Public Domain

SUMMARY

Throughout its history, Texas has endured scores of disasters and catastrophic incidents. The past century began with a devastating hurricane that all but erased the city of Galveston from the map and claimed more than 6,000 lives. The New London School explosion, thirty seven years later, deprived a community of the majority of a generation. The total loss of life and property from the 1947 Texas City explosions will never be known, although it has been described as the nation's worst industrial disaster.

The impact of these incidents will be long-felt; they have become poignant chapters in the history of the state. But they also serve as a testament to the enduring spirit of Texans, their resolve to overcome hardship, and their willingness to provide aid to a neighbor in need. These characteristics comprise the core doctrine of the emergency management profession.

Within the profession, Texas is widely known for its collective leadership and for a variety of progressive initiatives. Many of the now-common policies and practices of local, state, and federal agencies and organizations were first conceived and implemented in Texas. In many cases, these initiatives were spearheaded by local officials who had the insight, ingenuity and leadership skills necessary to transform a notion into a life-saving practice. Without exception, the most successful of these endeavors involved objective-based, collaborative efforts that ignored titles, departmental associations and jurisdictional boundaries, and instead focused on the preservation of lives and property.

The Texas Division of Emergency Management has had the privilege of supporting many such initiatives, and the Division's staff looks forward to a continued partnership with Texas executives and the communities they represent. These relationships serve as the foundational component of a safer, more resilient Texas.

ACKNOWLEDGMENTS

Significant portions of this guide were drawn from a publication of the San Antonio, Texas, Office of Emergency Management (SAOEM). The Texas Division of Emergency Management gratefully acknowledges the OEM staff for this contribution.

APPENDIX A
STATE REGIONS MAP

STATE DISASTER DISTRICT MAP

TEXAS DISTRICT CONTACTS

County	Region	Disaster District	Disaster District Chair City	Disaster District Chair Phone	TDEM District Coordinator City	TDEM District Coordinator Phone
Anderson	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Andrews	4	9	Midland	432-498-2141	Midland	432-416-0063
Angelina	2	14	Lufkin	936-699-7300	Lufkin	936-208-3270
Aransas	3	20	Corpus Christi	361-698-5613	Corpus Christi	361-438-5388
Archer	5	3	Wichita Falls	940-851-5521	Wichita Falls	940-882-4030
Armstrong	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Atascosa	6	18	San Antonio	210-531-2206	San Antonio	210-452-8860
Austin	2	16	Pierce	979-541-4509	Pierce	979-320-4362
Bailey	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Bandera	6	18	San Antonio	210-531-2206	San Antonio	210-452-8860
Bastrop	6	12	Austin	512-997-4101	Austin	512-848-1080
Baylor	5	3	Wichita Falls	940-851-5521	Wichita Falls	940-882-4030
Bee	3	20	Corpus Christi	361-698-5613	Corpus Christi	361-438-5388
Bell	6	23	Waco	254-759-7160	Waco	254-379-0087
Bexar	6	18	San Antonio	210-531-2206	ARCC/Bexar Co	210-559-3496
Blanco	6	12	Austin	512-997-4101	Austin	512-848-1080
Borden	4	9	Midland	432-498-2141	Midland	432-416-0063
Bosque	6	11	Waco	254-759-7160	Waco	254-379-0087
Bowie	1	5	Mount Pleasant	903-575-2192	Mount Pleasant	903-241-0555
Brazoria	2	16	Texas City	409-933-1111	Texas City	832-401-3467
Brazos	2	13	Bryan	979-776-3182	Bryan	979-412-0003
Brewster	4	8	El Paso	915-849-4000	El Paso	915-261-5289
Briscoe	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Brooks	3	20	Corpus Christi	361-698-5613	Corpus Christi	361-438-5388
Brown	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Burleson	2	13	Bryan	979-776-3182	Bryan	979-412-0003
Burnet	6	12	Austin	512-997-4101	Austin	512-848-1080
Caldwell	6	12	Austin	512-997-4101	Austin	512-848-1080
Calhoun	6	17	Victoria	361-578-3495	Victoria	361-788-3532
Callahan	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Cameron	3	21	Weslaco	956-565-7520	Weslaco	956-227-0696
Camp	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Capitol Complex	7	12	Austin	512-475-4821	Capitol District	512-917-8051
Carson	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Cass	1	5	Mount Pleasant	903-575-2192	Mount Pleasant	903-241-0555
Castro	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Chambers	2	16	Houston	281-517-1217	Houston	281-642-0312
Cherokee	1	6	Tyler	903-939-6031	Tyler	903-920-5838

TEXAS DISTRICT CONTACTS

County	Region	Disaster District	Disaster District Chair City	Disaster District Chair Phone	TDEM District Coordinator City	TDEM District Coordinator Phone
Childress	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Clay	5	3	Wichita Falls	940-851-5521	Wichita Falls	940-882-4030
Cochran	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Coke	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
Coleman	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Collin	1	4	Garland	214-861-2155	Garland	214-629-4271
Collingsworth	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Colorado	2	16	Pierce	979-541-4509	Pierce	979-320-4362
Comal	6	18	San Antonio	210-531-2206	San Antonio	210-452-8860
Comanche	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Concho	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
Cooke	1	22	Sherman	903-813-3442	Sherman	903-328-7504
Coryell	6	23	Waco	254-759-7160	Waco	254-379-0087
Cottle	5	3	Wichita Falls	940-851-5521	Wichita Falls	940-882-4030
Crane	4	9	Midland	432-498-2141	Fort Stockton	432-386-6737
Crockett	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
Crosby	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Culberson	4	8	El Paso	915-849-4000	El Paso	915-261-5289
Dallam	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Dallas	1	4	Garland	214-861-2155	Garland	214-629-4271
Dawson	4	9	Midland	432-498-2141	Midland	432-416-0063
Deaf Smith	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Delta	1	5	Mount Pleasant	903-575-2192	Mount Pleasant	903-241-0555
Denton	1	4	Hurst	817-299-1311	Hurst	940-452-7757
DeWitt	6	17	Victoria	361-578-3495	Victoria	361-788-3532
Dickens	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Dimmit	3	24	Del Rio	830-703-1208	Del Rio	830-776-8773
Donley	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Duval	3	20	Corpus Christi	361-698-5613	Corpus Christi	361-438-5388
Eastland	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Ector	4	9	Midland	432-498-2141	Midland	432-416-0063
Edwards	3	24	Del Rio	830-703-1208	Del Rio	830-776-8773
El Paso	4	8	El Paso	915-849-4000	El Paso	915-261-5289
Ellis	1	4	Garland	214-861-2155	Garland	214-629-4271
Erath	1	4	Hurst	817-299-1311	Hurst	940-452-7757
Falls	6	11	Waco	254-759-7160	Waco	254-379-0087
Fannin	1	22	Sherman	903-813-3442	Sherman	903-328-7504
Fayette	6	12	Austin	512-997-4101	Austin	512-848-1080

County	Region	Disaster District	Disaster District Chair City	Disaster District Chair Phone	TDEM District Coordinator City	TDEM District Coordinator Phone
Fisher	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Floyd	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Foard	5	3	Wichita Falls	940-851-5521	Wichita Falls	940-882-4030
Fort Bend	2	16	Pierce	979-541-4509	Pierce	979-320-4362
Franklin	1	5	Mount Pleasant	903-575-2192	Mount Pleasant	903-241-0555
Freestone	6	11	Waco	254-759-7160	Waco	254-379-0087
Frio	6	18	San Antonio	210-531-2206	San Antonio	210-452-8860
Gaines	4	9	Midland	432-498-2141	Midland	432-416-0063
Galveston	2	16	Texas City	409-933-1111	Texas City	832-401-3467
Garza	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Gillespie	6	18	San Antonio	210-531-2206	San Antonio	210-452-8860
Glasscock	4	9	Midland	432-498-2141	Midland	432-416-0063
Goliad	6	17	Victoria	361-578-3495	Victoria	361-788-3532
Gonzales	6	17	Victoria	361-578-3495	Victoria	361-788-3532
Gray	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Grayson	1	22	Sherman	903-813-3442	Sherman	903-328-7504
Gregg	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Grimes	2	13	Bryan	979-776-3182	Bryan	979-412-0003
Guadalupe	6	18	San Antonio	210-531-2206	San Antonio	210-452-8860
Hale	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Hall	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Hamilton	6	23	Waco	254-759-7160	Waco	254-379-0087
Hansford	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Hardeman	5	3	Wichita Falls	940-851-5521	Wichita Falls	940-882-4030
Hardin	2	15	Beaumont	409-924-5422	Beaumont	409-504-0390
Harris	2	16	Houston	281-517-1217	Houston	281-642-0312
Harrison	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Hartley	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Haskell	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Hays	6	12	Austin	512-997-4101	Austin	512-848-1080
Hemphill	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Henderson	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Hidalgo	3	21	Weslaco	956-565-7520	Weslaco	956-227-0696
Hill	6	11	Waco	254-759-7160	Waco	254-379-0087
Hockley	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Hood	1	4	Hurst	817-299-1311	Hurst	940-452-7757
Hopkins	1	5	Mount Pleasant	903-575-2192	Mount Pleasant	903-241-0555
Houston	2	14	Lufkin	936-699-7300	Lufkin	936-208-3270

TEXAS DISTRICT CONTACTS

County	Region	Disaster District	Disaster District Chair City	Disaster District Chair Phone	TDEM District Coordinator City	TDEM District Coordinator Phone
Howard	4	9	Midland	432-498-2141	Midland	432-416-0063
Hudspeth	4	8	El Paso	915-849-4000	El Paso	915-261-5289
Hunt	1	4	Garland	214-861-2155	Garland	214-629-4271
Hutchinson	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Irion	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
Jack	5	3	Wichita Falls	940-851-5521	Wichita Falls	940-882-4030
Jackson	6	17	Victoria	361-578-3495	Victoria	361-788-3532
Jasper	2	14	Lufkin	936-699-7300	Lufkin	936-208-3270
Jeff Davis	4	8	El Paso	915-849-4000	El Paso	915-261-5289
Jefferson	2	15	Beaumont	409-924-5422	Beaumont	409-504-0390
Jim Hogg	3	19	Laredo	956-728-2292	Laredo	956-489-7083
Jim Wells	3	20	Corpus Christi	361-698-5613	Corpus Christi	361-438-5388
Johnson	1	4	Hurst	817-299-1311	Hurst	940-452-7757
Jones	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Karnes	6	18	San Antonio	210-531-2206	San Antonio	210-559-3496
Kaufman	1	4	Garland	214-861-2155	Garland	214-629-4271
Kendall	6	18	San Antonio	210-531-2206	San Antonio	210-452-8860
Kenedy	3	20	Corpus Christi	361-698-5613	Corpus Christi	361-438-5388
Kent	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Kerr	6	18	San Antonio	210-531-2206	San Antonio	210-452-8860
Kimble	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
King	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Kinney	3	24	Del Rio	830-703-1208	Del Rio	830-776-8773
Kleberg	3	20	Corpus Christi	361-698-5613	Corpus Christi	361-438-5388
Knox	5	7	Abilene	325-795-4020	Abilene	806-407-7839
La Salle	3	24	Del Rio	830-703-1208	Del Rio	830-776-8773
Lamar	1	5	Mount Pleasant	903-575-2192	Mount Pleasant	903-241-0555
Lamb	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Lampasas	6	23	Waco	254-759-7160	Waco	254-379-0087
Lavaca	6	17	Victoria	361-578-3495	Victoria	361-788-3532
Lee	6	12	Austin	512-997-4101	Austin	512-848-1080
Leon	2	13	Bryan	979-776-3182	Bryan	979-412-0003
Liberty	2	16	Conroe	936-442-2807	Conroe	936-672-3827
Limestone	6	11	Waco	254-759-7160	Waco	254-379-0087
Lipscomb	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Live Oak	3	20	Corpus Christi	361-698-5613	Corpus Christi	361-438-5388
Llano	6	12	Austin	512-997-4101	Austin	512-848-1080
Loving	4	9	Midland	432-498-2141	Fort Stockton	432-386-6737

County	Region	Disaster District	Disaster District Chair City	Disaster District Chair Phone	TDEM District Coordinator City	TDEM District Coordinator Phone
Lubbock	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Lynn	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Madison	2	13	Bryan	979-776-3182	Bryan	979-412-0003
Marion	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Martin	4	9	Midland	432-498-2141	Midland	432-416-0063
Mason	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
Matagorda	2	16	Pierce	979-541-4509	Pierce	979-320-4362
Maverick	3	24	Del Rio	830-703-1208	Del Rio	830-776-8773
McCulloch	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
McLennan	6	11	Waco	254-759-7160	Waco	254-379-0087
McMullen	3	20	Corpus Christi	361-698-5613	Corpus Christi	361-438-5388
Medina	6	18	San Antonio	210-531-2206	San Antonio	210-452-8860
Menard	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
Midland	4	9	Midland	432-498-2141	Midland	432-416-0063
Milam	6	23	Waco	254-759-7160	Waco	254-379-0087
Mills	6	23	Waco	254-759-7160	Waco	254-379-0087
Mitchell	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Montague	5	3	Wichita Falls	940-851-5521	Wichita Falls	940-882-4030
Montgomery	2	16	Conroe	936-442-2807	Conroe	936-672-3827
Moore	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Morris	1	5	Mount Pleasant	903-575-2192	Mount Pleasant	903-241-0555
Motley	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Nacogdoches	2	14	Lufkin	936-699-7300	Lufkin	936-208-3270
Navarro	1	4	Garland	214-861-2155	Garland	214-629-4271
Newton	2	14	Lufkin	936-699-7300	Lufkin	936-208-3270
Nolan	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Nueces	3	20	Corpus Christi	361-698-5613	Corpus Christi	361-438-5388
Ochiltree	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Oldham	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Orange	2	15	Beaumont	409-924-5422	Beaumont	409-504-0390
Palo Pinto	1	4	Hurst	817-299-1311	Hurst	940-452-7757
Panola	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Parker	1	4	Hurst	817-299-1311	Hurst	940-452-7757
Parmer	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Pecos	4	9	Midland	432-498-2141	Fort Stockton	432-386-6737
Polk	2	14	Lufkin	936-699-7300	Lufkin	936-208-3270
Potter	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Presidio	4	8	El Paso	915-849-4000	El Paso	915-261-5289

TEXAS DISTRICT CONTACTS

County	Region	Disaster District	Disaster District Chair City	Disaster District Chair Phone	TDEM District Coordinator City	TDEM District Coordinator Phone
Rains	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Randall	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Reagan	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
Real	3	24	Del Rio	830-703-1208	Del Rio	830-776-8773
Red River	1	5	Mount Pleasant	903-575-2192	Mount Pleasant	903-241-0555
Reeves	4	9	Midland	432-498-2141	Fort Stockton	432-386-6737
Refugio	3	20	Corpus Christi	361-698-5613	Corpus Christi	361-438-5388
Roberts	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Robertson	2	13	Bryan	979-776-3182	Bryan	979-412-0003
Rockwall	1	4	Garland	214-861-2155	Garland	214-629-4271
Runnels	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Rusk	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Sabine	2	14	Lufkin	936-699-7300	Lufkin	936-208-3270
San Augustine	2	14	Lufkin	936-699-7300	Lufkin	936-208-3270
San Jacinto	2	14	Lufkin	936-699-7300	Lufkin	936-208-3270
San Patricio	3	20	Corpus Christi	361-698-5613	Corpus Christi	361-438-5388
San Saba	6	23	Waco	254-759-7160	Waco	254-379-0087
Schleicher	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
Scurry	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Shackelford	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Shelby	2	14	Lufkin	936-699-7300	Lufkin	936-208-3270
Sherman	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Smith	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Somervell	1	4	Hurst	817-299-1311	Hurst	940-452-7757
Starr	3	19	Laredo	956-728-2292	Laredo	956-489-7083
Stephens	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Sterling	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
Stonewall	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Sutton	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
Swisher	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Tarrant	1	4	Hurst	817-299-1311	Hurst	940-452-7757
Taylor	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Terrell	4	9	Midland	432-498-2141	Fort Stockton	432-386-6737
Terry	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Throckmorton	5	7	Abilene	325-795-4020	Abilene	806-407-7839
Titus	1	5	Mount Pleasant	903-575-2192	Mount Pleasant	903-241-0555
Tom Green	4	10	San Angelo	325-223-6811	San Angelo	325-513-2618
Travis	6	12	Austin	512-997-4101	Austin	512-848-1080

County	Region	Disaster District	Disaster District Chair City	Disaster District Chair Phone	TDEM District Coordinator City	TDEM District Coordinator Phone
Trinity	2	14	Lufkin	936-699-7300	Lufkin	936-208-3270
Tyler	2	14	Lufkin	936-699-7300	Lufkin	936-208-3270
Upshur	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Upton	4	9	Midland	432-498-2141	Fort Stockton	432-386-6737
Uvalde	3	24	Del Rio	830-703-1208	Del Rio	830-776-8773
Val Verde	3	24	Del Rio	830-703-1208	Del Rio	830-776-8773
Van Zandt	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Victoria	6	17	Victoria	361-578-3495	Victoria	361-788-3532
Walker	2	16	Conroe	936-442-2807	Conroe	936-672-3827
Waller	2	16	Conroe	936-442-2807	Conroe	936-672-3827
Ward	4	9	Midland	432-498-2141	Fort Stockton	432-386-6737
Washington	2	13	Bryan	979-776-3182	Bryan	979-412-0003
Webb	3	19	Laredo	956-728-2292	Laredo	956-489-7083
Wharton	2	16	Pierce	979-541-4509	Pierce	979-320-4362
Wheeler	5	1	Amarillo	806-468-1310	Amarillo	806-316-7632
Wichita	5	3	Wichita Falls	940-851-5521	Wichita Falls	940-882-4030
Wilbarger	5	3	Wichita Falls	940-851-5521	Wichita Falls	940-882-4030
Willacy	3	21	Weslaco	956-565-7520	Weslaco	956-227-0696
Williamson	6	12	Austin	512-997-4101	Austin	512-848-1080
Wilson	6	18	San Antonio	210-531-2206	San Antonio	210-559-3496
Winkler	4	9	Midland	432-498-2141	Midland	432-416-0063
Wise	1	4	Hurst	817-299-1311	Hurst	940-452-7757
Wood	1	6	Tyler	903-939-6031	Tyler	903-920-5838
Yoakum	5	2	Lubbock	806-740-8990	Lubbock	806-548-4344
Young	5	3	Wichita Falls	940-851-5521	Wichita Falls	940-882-4030
Zapata	3	19	Laredo	956-728-2292	Laredo	956-489-7083
Zavala	3	24	Del Rio	830-703-1208	Del Rio	830-776-8773

FEMA PUBLIC ASSISTANCE THRESHOLD AMOUNTS BY COUNTY

County	Threshold	County	Threshold	County	Threshold
Anderson County	$211,033	Concho County	$14,754	Hale County	$130,946
Andrews County	$53,377	Cooke County	$138,758	Hall County	$12,104
Angelina County	$313,243	Coryell County	$272,151	Hamilton County	$30,746
Aransas County	$86,600	Cottle County	$5,433	Hansford County	$20,263
Archer County	$32,685	Crane County	$15,794	Hardeman County	$14,942
Armstrong County	$6,863	Crockett County	$13,426	Hardin County	$197,232
Atascosa County	$162,129	Crosby County	$21,873	Harris County	$14,773,777
Austin County	$102,585	Culberson	$8,657	Harrison County	$236,928
Bailey County	$25,866	County	$24,198	Hartley County	$21,884
Bandera County	$73,951	Dallas County	$8,548,982	Haskell County	$21,295
Bastrop County	$267,757	Dawson County	$49,937	Hays County	$567,156
Baylor County	$13,451	Deaf Smith County	$69,933	Hemphill County	$13,743
Bee County	$115,018	Delta County	$18,884	Henderson County	$283,501
Bell County	$1,119,948	Denton County	$2,392,037	Hidalgo County	$2,796,916
Bexar County	$6,190,331	DeWitt County	$72,550	Hill County	$126,671
Blanco County	$37,894	Dickens County	$8,823	Hockley County	$82,795
Borden County	$2,314	Dimmit County	$36,086	Hood County	$184,767
Bosque County	$65,745	Donley County	$13,274	Hopkins County	$126,931
Bowie County	$334,160	Duval County	$42,533	Houston County	$85,673
Brazoria County	$1,130,529	Eastland County	$67,085	Howard County	$126,393
Brazos County	$703,412	Ector County	$495,039	Hudspeth County	$12,548
Brewster County	$33,328	Edwards County	$7,227	Hunt County	$310,926
Briscoe County	$5,910	Ellis County	$540,092	Hutchinson County	$79,962
Brooks County	$26,075	El Paso County	$2,890,336	Irion County	$5,772
Brown County	$137,563	Erath County	$136,783	Jack County	$32,649
Burleson County	$62,045	Falls County	$64,496	Jackson County	$50,811
Burnet County	$154,328	Fannin County	$122,433	Jasper County	$128,913
Caldwell County	$137,418	Fayette County	$88,640	Jeff Davis County	$8,455
Calhoun County	$77,185	Fisher County	$14,346	Jefferson County	$910,706
Callahan County	$48,894	Floyd County	$23,270	Jim Hogg County	$19,133
Cameron County	$1,466,454	Foard County	$4,823	Jim Wells County	$147,425
Camp County	$44,768	Fort Bend County	$2,113,204	Johnson County	$544,872
Carson County	$22,317	Franklin County	$38,284	Jones County	$72,929
Cass County	$109,975	Freestone County	$71,536	Karnes County	$53,515
Castro County	$29,104	Frio County	$62,153	Kaufman County	$373,094
Chambers County	$126,697	Gaines County	$63,269	Kendall County	$120,610
Cherokee County	$183,550	Galveston County	$1,051,625	Kenedy County	$1,502
Childress County	$25,418	Garza County	$23,324	Kent County	$2,917
Clay County	$38,815	Gillespie County	$89,662	Kerr County	$179,146
Cochran County	$11,288	Glasscock County	$4,426	Kimble County	$16,631
Coke County	$11,985	Goliad County	$26,028	King County	$1,032
Coleman County	$32,111	Gonzales County	$71,503	Kinney County	$12,989
Collin County	$2,824,251	Gray County	$81,351	Kleberg County	$115,740
Collingsworth County	$11,036	Grayson County	$436,366	Knox County	$13,426
Colorado County	$75,355	Gregg County	$439,445	Lamar County	$179,753
Comal County	$391,584	Grimes County	$96,040	Lamb County	$50,457
Comanche County	$50,446	Guadalupe County	$474,834	Lampasas County	$71,034

County	Threshold	County	Threshold	County	Threshold
La Salle County	$24,858	Presidio County	$28,223	Walker County	$244,978
Lavaca County	$69,539	Rains County	$39,400	Waller County	$155,970
Lee County	$59,969	Randall County	$435,817	Ward County	$38,475
Leon County	$60,652	Reagan County	$12,155	Washington County	$121,722
Liberty County	$273,071	Real County	$11,945	Webb County	$903,597
Limestone County	$84,416	Red River County	$46,425	Wharton County	$149,021
Lipscomb County	$11,920	Reeves County	$49,757	Wheeler County	$19,530
Live Oak County	$41,627	Refugio County	$26,653	Wichita County	$474,715
Llano County	$69,677	Roberts County	$3,354	Wilbarger County	$48,861
Loving County	$296	Robertson County	$60,005	Willacy County	$79,904
Lubbock County	$1,006,580	Rockwall County	$282,797	Williamson County	$1,525,871
Lynn County	$21,353	Runnels County	$37,909	Wilson County	$154,934
McCulloch County	$29,902	Rusk County	$192,521	Winkler County	$25,667
McLennan County	$848,011	Sabine County	$39,111	Wise County	$213,448
McMullen County	$2,552	San Augustine	$32,003	Wood County	$151,490
Madison County	$49,327	San Jacinto County	$95,246	Yoakum County	$28,443
Marion County	$38,071	San Patricio County	$233,942	Young County	$66,966
Martin County	$17,324	San Saba County	$22,133	Zapata County	$50,605
Mason County	$14,483	Schleicher County	$12,494	Zavala County	$42,154
Matagorda County	$132,494	Scurry County	$61,085		
Maverick County	$195,871	Shackelford County	$12,195		
Medina County	$166,082	Shelby County	$91,867		
Menard County	$8,094	Sherman County	$10,953		
Midland County	$494,108	Smith County	$757,068		
Milam County	$89,373	Somervell County	$30,649		
Mills County	$17,186	Starr County	$220,094		
Mitchell County	$33,945	Stephens County	$34,764		
Montague County	$71,186	Sterling County	$4,126		
Montgomery County	$1,645,243	Stonewall County	$5,379		
Moore County	$79,073	Sutton County	$14,902		
Morris County	$46,692	Swisher County	$28,353		
Motley County	$4,368	Tarrant County	$6,530,613		
Nacogdoches	$232, 932	Taylor County	$474,737		
Navarro County	$172,323	Terrell County	$3,552		
Newton County	$52,146	Terry County	$45,670		
Nolan County	$54,930	Throckmorton	$5,924		
Nueces County	$1,228,205	Titus County	$116,726		
Ochiltree County	$36,905	Tom Green County	$397,909		
Oldham County	$7,408	Travis County	$3,697,600		
Orange County	$295,432	Trinity County	$52,652		
Palo Pinto County	$101,481	Tyler County	$78,575		
Panola County	$85,904	Upshur County	$141,905		
Parker County	$422,106	Upton County	$12,112		
Parmer County	$37,071	Uvalde County	$95,322		
Pecos County	$55,980	Val Verde County	$176,453		
Polk County	$163,941	Van Zandt County	$189,810		
Potter County	$437,074	Victoria County	$313,323		

*Each year the Consumer Price Index (CPI) is adjusted based on the current economic climate. This change in the CPI, in combination with the latest census, establishes the yearly thresholds for the various Federal Emergency Management Agency relief programs. The **FY 2017** cumulative threshold of **$35,958,152** must be met by state and local governments for the state to receive a Public Assistance declaration. After the state threshold is met, individual counties must qualify with their own met thresholds.*

Effective October 1, 2016

APPENDIX B

TEXAS GOVERNMENT CODE

TITLE 4. EXECUTIVE BRANCH

SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION

CHAPTER 418. EMERGENCY MANAGEMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 418.001. SHORT TITLE. This chapter may be cited as the Texas Disaster Act of 1975.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.002. PURPOSES. The purposes of this chapter are to:

(1) reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural or man-made catastrophes, riots, or hostile military or paramilitary action;

(2) prepare for prompt and efficient rescue, care, and treatment of persons victimized or threatened by disaster;

(3) provide a setting conducive to the rapid and orderly restoration and rehabilitation of persons and property affected by disasters;

(4) clarify and strengthen the roles of the governor, state agencies, the judicial branch of state government, and local governments in prevention of, preparation for, response to, and recovery from disasters;

(5) authorize and provide for cooperation in disaster mitigation, preparedness, response, and recovery;

(6) authorize and provide for coordination of activities relating to disaster mitigation, preparedness, response, and recovery by agencies and officers of this state, and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate;

(7) provide an emergency management system embodying all aspects of predisaster preparedness and postdisaster response;

(8) assist in mitigation of disasters caused or aggravated by inadequate planning for and regulation of public and private facilities and land use; and

(9) provide the authority and mechanism to respond to an energy emergency.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 1, eff. Sept. 1, 1997.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 5.03, eff. June 19, 2009.
Acts 2009, 81st Leg., R.S., Ch. 1281 (H.B. 1861), Sec. 3, eff. June 19, 2009.

Sec. 418.003. LIMITATIONS. This chapter does not:

(1) limit the governor's authority to apply for, administer, or expend any grant, gift, or payment in aid of disaster mitigation, preparedness, response, or recovery;

(2) interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(3) interfere with dissemination of news or comment on public affairs, but any communications facility or organization, including radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with a disaster or potential disaster;

(4) affect the jurisdiction or responsibilities of police forces, fire-fighting forces, units of the armed forces of the United States, or of any of their personnel

when on active duty, but state, local, and interjurisdictional emergency management plans shall place reliance on the forces available for performance of functions related to disasters;

(5) except as provided by Section 418.184, authorize the seizure or confiscation of any firearm or ammunition from an individual who is lawfully carrying or possessing the firearm or ammunition; or

(6) limit, modify, or abridge the authority of the governor to proclaim martial law or exercise any other powers vested in the governor under the constitution or laws of this state independent of or in conjunction with any provisions of this chapter.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 1, eff. Sept. 1, 1997. Amended by:

Acts 2007, 80th Leg., R.S., Ch. 18 (S.B. 112), Sec. 1, eff. April 27, 2007.

Sec. 418.004. DEFINITIONS. In this chapter:

(1) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, other public calamity requiring emergency action, or energy emergency.

(2) "Division" means the Texas Division of Emergency Management.

(3) "Energy emergency" means a temporary statewide, regional, or local shortage of petroleum, natural gas, or liquid fuel energy supplies that makes emergency measures necessary to reduce demand or allocate supply.

(4) "Interjurisdictional agency" means a disaster agency maintained by and serving more than one political subdivision.

(5) "Organized volunteer group" means an organization such as the American National Red Cross, the Salvation Army, the Civil Air Patrol, the Radio Amateur Civil Emergency Services, a volunteer fire department, a volunteer rescue squad, or other similar organization recognized by federal or state statute, regulation, or memorandum.

(6) "Political subdivision" means a county or incorporated city.

(6-a) "Public facility" has the meaning assigned by Section 102, Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5122).

(7) "Temporary housing" has the meaning assigned by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended.

(8) "Joint board" means a board created under Section 22.074, Transportation Code, whose constituent agencies are populous home-rule municipalities as defined by Section 22.071, Transportation Code.

(9) "Department" means the Department of Public Safety of the State of Texas.

(10) "Local government entity" means a county, incorporated city, independent school district, public junior college district, emergency services district, other special district, joint board, or other entity defined as a political subdivision under the laws of this state that maintains the capability to provide mutual aid.

(11) "Mutual aid" means a homeland security activity, as defined by Section 421.001, performed under the system or a written mutual aid agreement.

(12) "Requesting local government entity" means a local government entity requesting mutual aid assistance under the system.

(13) "Responding local government entity" means a local government entity providing mutual aid assistance in response to a request under the system.

(14) "System" means the Texas Statewide Mutual Aid System.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 497, Sec. 1, eff. June 12, 1995; Acts 1997, 75th Leg., ch. 992, Sec. 2, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 33, Sec. 1,

eff. May 14, 2003; Acts 2003, 78th Leg., ch. 72, Sec. 1, eff. May 16, 2003.
Amended by:
Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 6, eff. June 18, 2005.
Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.01, eff. June 6, 2007.
Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.08, eff. June 6, 2007.
Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.01, eff. June 15, 2007.
Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.08, eff. June 15, 2007.
Acts 2009, 81st Leg., R.S., Ch. 185 (H.B. 1998), Sec. 1, eff. September 1, 2009.
Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 2A.01, eff. September 1, 2009.
Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.01, eff. September 1, 2009.
Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 6.14, eff. September 1, 2009.

Sec. 418.005. EMERGENCY MANAGEMENT TRAINING. (a) This section applies only to an elected law enforcement officer or county judge, or an appointed public officer of the state or of a political subdivision, who has management or supervisory responsibilities and:

(1) whose position description, job duties, or assignment includes emergency management responsibilities; or

(2) who plays a role in emergency preparedness, response, or recovery.

(b) Each person described by Subsection (a) shall complete a course of training provided or approved by the division of not less than three hours regarding the responsibilities of state and local governments under this chapter not later than the 180th day after the date the person:

(1) takes the oath of office, if the person is required to take an oath of office to assume the person's duties as a public officer; or

(2) otherwise assumes responsibilities as a public officer, if the person is not required to take an oath of office to assume the person's duties.

(c) The division shall develop and provide a training course related to the emergency management responsibilities of state-level officers and a training course related to the emergency management responsibilities of officers of political subdivisions. The division shall ensure that the training courses satisfy the requirements of Subsection (b).

(d) The division may provide the training and may also approve any acceptable course of training offered by a governmental body or other entity. The division shall ensure that at least one course of training approved or provided by the division is available on videotape or a functionally similar and widely available medium at no cost.

(e) The division or other entity providing the training shall provide a certificate of course completion to public officers who complete the training required by this section. A public officer who completes the training required by this section shall maintain and make available for public inspection the record of the public officer's completion of the training.

(f) The failure of one or more public officers of the state or a political subdivision to complete the training required by this section does not affect the validity of an action taken by the state or the political subdivision.

(g) The hours spent in a training course required by Subsection (b) may be applied toward the continuing education requirements for county commissioners under Section 81.0025, Local Government Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 19.01, eff. September 1, 2007.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.02, eff. September 1, 2009.

Sec. 418.006. CIVIL LIABILITY. An officer or employee of a state or local agency, or a volunteer acting at the direction of an officer or employee of a state or local agency, is considered for purposes of Section 437.222 to be

a member of the Texas military forces ordered into active service of the state by proper authority and is considered to be discharging a duty in that capacity if the person is performing an activity related to sheltering or housing individuals in connection with the evacuation of an area stricken or threatened by disaster.

Added by Acts 2009, 81st Leg., R.S., Ch. 1408 (H.B. 4409), Sec. 1, eff. September 1, 2009.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 1217 (S.B. 1536), Sec. 3.06, eff. September 1, 2013.

SUBCHAPTER B. POWERS AND DUTIES OF GOVERNOR

Sec. 418.011. RESPONSIBILITY OF GOVERNOR. The governor is responsible for meeting:
(1) the dangers to the state and people presented by disasters; and
(2) disruptions to the state and people caused by energy emergencies.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.012. EXECUTIVE ORDERS. Under this chapter, the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.013. EMERGENCY MANAGEMENT COUNCIL. (a) The governor by executive order may establish an emergency management council to advise and assist the governor in all matters relating to disaster mitigation, preparedness, response, and recovery.
(b) The emergency management council is composed of representatives of state agencies, boards, commissions, and organized volunteer groups designated by the head of each entity.
(c) The emergency management council shall make recommendations to the Department of Public Safety as to which private emergency organizations, such as the American National Red Cross, the Salvation Army, Radio Amateur Civil Emergency Service, and other similar organizations with the capability to supplement the state's resources in disaster situations, should be authorized to operate certain vehicles as designated emergency vehicles in the case of a disaster.
(d) The emergency management council shall assist the division in identifying, mobilizing, and deploying state resources to respond to major emergencies and disasters throughout the state.
(e) The chief of the division shall establish a workgroup of appropriate emergency management council members, local government officials, and nonprofit organizations to determine if a uniform application form for assistance following a disaster may be developed for use by state agencies and by persons requesting assistance from state agencies. The workgroup shall report its findings, including recommendations for any necessary statutory changes, to the legislature before September 1, 2014. This subsection expires September 1, 2014.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 3, eff. Sept. 1, 1997.
Amended by:
Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 5.01, eff. September 1, 2007.
Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.03, eff. September 1, 2009.
Acts 2013, 83rd Leg., R.S., Ch. 735 (S.B. 171), Sec. 1, eff. June 14, 2013.

Sec. 418.014. DECLARATION OF STATE OF DISASTER. (a) The governor by executive order or proclamation may declare a state of disaster if the governor finds a disaster has occurred or that the occurrence or threat of disaster is imminent.
(b) Except as provided by Subsection (c), the state of disaster continues until the governor:

(1) finds that:

(A) the threat or danger has passed; or

(B) the disaster has been dealt with to the extent that emergency conditions no longer exist; and

(2) terminates the state of disaster by executive order.

(c) A state of disaster may not continue for more than 30 days unless renewed by the governor. The legislature by law may terminate a state of disaster at any time. On termination by the legislature, the governor shall issue an executive order ending the state of disaster.

(d) An executive order or proclamation issued under this section must include:

(1) a description of the nature of the disaster;

(2) a designation of the area threatened; and

(3) a description of the conditions that have brought the state of disaster about or made possible the termination of the state of disaster.

(e) An executive order or proclamation shall be disseminated promptly by means intended to bring its contents to the attention of the general public. An order or proclamation shall be filed promptly with the division, the secretary of state, and the county clerk or city secretary in each area to which it applies unless the circumstances attendant on the disaster prevent or impede the filing.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 2B.03, eff. September 1, 2009.

Sec. 418.015. EFFECT OF DISASTER DECLARATION. (a) An executive order or proclamation declaring a state of disaster:

(1) activates the disaster recovery and rehabilitation aspects of the state emergency management plan applicable to the area subject to the declaration; and

(2) authorizes the deployment and use of any forces to which the plan applies and the use or distribution of any supplies, equipment, and materials or facilities assembled, stockpiled, or arranged to be made available under this chapter or other law relating to disasters.

(b) The preparedness and response aspects of the state emergency management plan are activated as provided by that plan.

(c) During a state of disaster and the following recovery period, the governor is the commander in chief of state agencies, boards, and commissions having emergency responsibilities. To the greatest extent possible, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or plans, but this chapter does not restrict the governor's authority to do so by orders issued at the time of the disaster.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.016. SUSPENSION OF CERTAIN LAWS AND RULES. (a) The governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

(b) Upon declaration of a state of disaster, enforcement of the regulation of on-premise outdoor signs under Subchapter A, Chapter 216, Local Government Code, by a municipality that is located in a county within, or that is located in a county adjacent to a county within, the disaster area specified by the declaration is suspended to allow licensed or admitted insurance carriers or licensed agents acting on behalf of insurance carriers to erect temporary claims service signage for not more than 30 days or until the end of the declaration of disaster, whichever is earlier.

(c) A temporary claims service sign shall not:

(1) be larger than forty square feet in size;

(2) be more than five feet in height; and

(3) be placed in the right of way.

(d) At the end of the 30 days or the end of the declaration of disaster, whichever is earlier, the insurance carrier or its licensed agents must remove the temporary claims service signage that was erected.

(e) On request of a political subdivision, the governor may waive or suspend a deadline imposed by a statute or the orders or rules of a state agency on the political subdivision, including a deadline relating to a budget or ad valorem tax, if the waiver or suspension is reasonably necessary to cope with a disaster.

(f) The governor may suspend any of the following requirements in response to an emergency or disaster declaration of another jurisdiction if strict compliance with the requirement would prevent, hinder, or delay necessary action in assisting another state with coping with an emergency or disaster:

(1) a registration requirement in an agreement entered into under the International Registration Plan under Section 502.091, Transportation Code, to the extent authorized by federal law;

(2) a temporary registration permit requirement under Section 502.094, Transportation Code;

(3) a provision of Subtitle E, Title 7, Transportation Code, to the extent authorized by federal law;

(4) a motor carrier registration requirement under Chapter 643, Transportation Code;

(5) a registration requirement under Chapter 645, Transportation Code, to the extent authorized by federal law; or

(6) a fuel tax requirement under the International Fuel Tax Agreement described by 49 U.S.C. Section 31701 et seq., to the extent authorized by federal law.

(g) For the purposes of Subsection (f), "emergency or disaster declaration of another jurisdiction" means an emergency declaration, a major disaster declaration, a state of emergency declaration, a state of disaster declaration, or a similar declaration made by:

(1) the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.); or

(2) the governor of another state.

(h) To the extent federal law requires this state to issue a special permit under 23 U.S.C. Section 127 or an executive order, a suspension issued under Subsection (f) is a special permit or an executive order.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 990 (H.B. 3851), Sec. 1, eff. June 19, 2009.
Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.03a, eff. September 1, 2009.
Reenacted and amended by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 11.008, eff. September 1, 2011.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 3, eff. September 1, 2013.

Sec. 418.017. USE OF PUBLIC AND PRIVATE RESOURCES. (a) The governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster.

(b) The governor may temporarily reassign resources, personnel, or functions of state executive departments and agencies or their units for the purpose of performing or facilitating emergency services.

(c) The governor may commandeer or use any private property if the governor finds it necessary to cope with a disaster, subject to the compensation requirements of this chapter.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.018. MOVEMENT OF PEOPLE. (a) The governor may recommend the evacuation of all or part of the population from a stricken or threatened area in the state if the governor considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery.

(b) The governor may prescribe routes, modes of transportation, and destinations in connection with an evacuation.

(c) The governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.019. RESTRICTED SALE AND TRANSPORTATION OF MATERIALS. The governor may suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.0195. DISCONNECTION OF STATE COMPUTER NETWORKS. (a) This section applies only to a computer network used by:

(1) a state agency; or

(2) an entity other than a state agency receiving network security services from the Department of Information Resources under Section 2059.058.

(b) The governor may order the Department of Information Resources to disconnect a computer network from the Internet in the event of a substantial external threat to the computer network.

(c) The authority granted under this section is limited to Internet connectivity services provided exclusively to an entity described by Subsection (a).

Added by Acts 2011, 82nd Leg., R.S., Ch. 1310 (H.B. 3333), Sec. 1, eff. September 1, 2011.

Sec. 418.020. TEMPORARY HOUSING AND EMERGENCY SHELTER. (a) The governor may enter into purchase, lease, or other arrangements with an agency of the United States for temporary housing units to be occupied by disaster victims and may make units available to any political subdivision.

(b) The governor may assist a political subdivision that is the locus of temporary housing or emergency shelters for disaster victims to acquire sites necessary for temporary housing or emergency shelters and to do all things required to prepare the sites to receive and use temporary housing units or emergency shelters by:

(1) advancing or lending funds available to the governor from any appropriation made by the legislature or from any other source;

(2) allocating funds made available by a public or private agency; or

(3) becoming a copartner with the political subdivision for the execution and performance of any temporary housing or emergency shelter project for disaster victims.

(c) Under regulations prescribed by the governor, the governor may temporarily suspend or modify for a period of not more than 60 days any public health, safety, zoning, intrastate transportation, or other law or regulation if by proclamation the governor considers the suspension or modification essential to provide temporary housing or emergency shelter for disaster victims.

(d) Any political subdivision may temporarily or permanently acquire by lease, purchase, or other means sites required for installation of temporary housing units or emergency shelters for disaster victims and may enter into arrangements necessary to prepare or equip the sites to use the housing units or shelters, including arrangements for the purchase of temporary housing units or shelters and the payment of transportation charges.

(e) A political subdivision that is the locus of temporary housing or emergency shelters for persons moved or evacuated by recommendation or order of the governor may be assisted by any resource available to the state, including the disaster contingency fund, to ensure the political subdivision receives an advance or reimbursement:

(1) of all expenses, including lost revenue, incurred by the political subdivision associated with the use of public facilities for temporary housing or emergency shelters; and

(2) of the amounts paid for salaries and benefits of permanently employed, straight-time and regular-time personnel of the political subdivision who perform duties associated with the movement or evacuation of persons into, out of, or through the political subdivision.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 185 (H.B. 1998), Sec. 2, eff. September 1, 2009.

Sec. 418.021. FEDERAL AID FOR LOCAL GOVERNMENT. (a) On the governor's determination that a local government of the state has suffered or will suffer a substantial loss of tax and other revenue from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, the governor may apply to the federal government on behalf of the local government for a loan and may receive and disburse the proceeds of an approved loan to the local government.

(b) The governor may determine the amount needed by a local government to restore or resume its governmental functions and certify that amount to the federal government. The amount sought for the local government may not exceed 25 percent of the annual operating budget of the local government for the fiscal year in which the major disaster occurs.

(c) The governor may recommend to the federal government, based on the governor's review, the cancellation of all or part of repayment if in the first three full fiscal years following the major disaster the revenues of the local government are insufficient to meet its operating expenses, including additional disaster-related expenses of a municipal operation character.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.022. AID FOR INDIVIDUALS. (a) On the governor's determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster that cannot be otherwise adequately met from other means of assistance, the governor may accept a grant by the federal government to fund the financial assistance, subject to the terms and conditions imposed on the grant. The governor may agree with the federal government or any officer or agency of the United States pledging the state to participate in funding not more than 25 percent of the financial assistance.

(b) The governor may make financial grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster that cannot otherwise adequately be met from other means of assistance. The grants may not exceed an aggregate amount in excess of that established by federal statute for an individual or family in any single major disaster declared by the president of the United States.

(c) The governor may designate in the state emergency management plan the Department of Human Services or another state agency to carry out the functions of providing financial aid to individuals or families qualified for disaster relief. The designated agency may employ temporary personnel for those functions to be paid from funds appropriated to the agency, from federal funds, or from the disaster contingency fund. The merit system does not apply to the temporary positions. The governor may allocate funds appropriated under this chapter to implement the purposes of this chapter.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.023. CLEARANCE OF DEBRIS. (a) Through the use of any state agency or instrumentality, the governor, acting through members of the Emergency Management Council, may clear or remove debris or wreckage from public or private land or water if it threatens public health or safety or public or private property in a state of disaster declared by the governor or major disaster declared by the president of the United States.

(b) The governor may accept funds from the federal government and use the funds to make grants to a local government for the purpose of removing debris or wreckage from public or private land or water.

(c) Debris or wreckage may not be removed from public or private property until the affected local government, corporation, organization, or individual presents to the governor or member of the Emergency Management Council an unconditional authorization for removal. Debris or wreckage may not be removed from private property until the state is indemnified against any claim arising from removal. In instances where it is not practical and further delay would create a greater risk to public health or safety, the governor, acting through the Emergency Management Council, may remove debris or wreckage from public or private property without an unconditional authorization or indemnification.

(d) If the governor provides for clearance of debris or wreckage under this chapter, state employees or other individuals acting by authority of the governor may enter on private land or water to perform tasks necessary to the removal or clearance operation. Except in cases of wilful misconduct, gross negligence, or bad faith, a state employee or agent performing his duties while complying with orders of the governor issued under this chapter is not liable for the death of or injury to a person or for damage to property.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 4, eff. Sept. 1, 1997.

Sec. 418.024. RULES. The governor may adopt rules necessary for carrying out the purposes of this chapter, including rules on:

(1) standards of eligibility for persons applying for benefits;

(2) procedures for applying for benefits;

(3) procedures for the administration, investigation, filing, and approval of applications for benefits;

(4) procedures for the formation of local or statewide boards to pass on applications for benefits; and

(5) procedures for appeals of decisions relating to applications for benefits.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER C. TEXAS DIVISION OF EMERGENCY MANAGEMENT

Sec. 418.041. ORGANIZATION. (a) The Texas Division of Emergency Management is a division of the department.

(b) The division is managed by a chief appointed by the public safety director of the department, with the approval of the governor. The chief serves at the pleasure of the public safety director. The chief must possess professional training and knowledge consisting of not less than five years of managerial or strategic planning experience in matters relating to public safety, security, emergency services, and emergency response.

(c) At least once every two months, the following shall meet to coordinate efforts, prevent overlap of activities, and ensure that the state's approach to emergency management and homeland security is unified:

(1) a representative of the department;

(2) a representative of the division;

(3) a representative of the governor's office of homeland security;

(4) the presiding officer of the Homeland Security Council; and

(5) a state agency representative from the emergency management council, selected by the chair of the emergency management council.

(d) The division shall employ other coordinating and planning officers and other professional, technical, secretarial, and clerical personnel necessary to the performance of its functions.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 2A.02, eff. September 1, 2009.

Sec. 418.042. STATE EMERGENCY MANAGEMENT PLAN.

(a) The division shall prepare and keep current a comprehensive state emergency management plan. The plan may include:

(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 energy 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 or mitigate 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 information 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.

(b) In preparing and revising the state emergency management plan, the division shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic organizations, volunteer organizations, and community leaders.

(c) All or part of the state emergency management plan may be incorporated into regulations of the division or executive orders that have the force and effect of law.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 7.01, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 365 (H.B. 1326), Sec. 1, eff. June 19, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.04, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 11.009, eff. September 1, 2011.

Sec. 418.0425. STATE EMERGENCY MANAGEMENT PLAN ANNEX. (a) In this section, "critical water or wastewater facility" means a facility with:

(1) water supply, treatment, or distribution equipment that is essential to maintain the minimum water pressure requirements established by the governing body of a municipality or the Texas Commission on Environmental Quality; or

(2) wastewater collection or treatment equipment that is essential to prevent the discharge of untreated wastewater to water in the state.

(b) The division, in cooperation with the emergency management council, local governments, regional entities, health and medical facilities, volunteer groups, private sector partners, the Federal Emergency Management Agency, and other federal agencies, shall develop an annex to the state emergency management plan that addresses initial response planning for providing essential population support supplies, equipment, and services during the first five days immediately following a disaster. The annex must include:

(1) plans to make fuel available to, maintain continuing operations of, and assess the backup power available for, all:

(A) hospitals;

(B) prisons;

(C) assisted living facilities licensed under Chapter 247, Health and Safety Code;

(D) institutions licensed under Chapter 242, Health and Safety Code; and

(E) other critical facilities determined by the division;

(2) provisions for interagency coordination of disaster response efforts;

(3) provisions for the rapid gross assessment of population support needs;

(4) plans for the clearance of debris from major roadways to facilitate emergency response operations and delivery of essential population support supplies and equipment;

(5) methods to obtain food, water, and ice for disaster victims through prearranged contracts or suppliers, stockpiled supplies, or plans to request assistance from federal agencies, as appropriate;

(6) guidelines for arranging temporary points of distribution for disaster relief supplies and standardized procedures for operating those distribution points;

(7) methods for providing basic medical support for disaster victims, including medical supplies and pharmaceuticals;

(8) provisions, developed in coordination with fuel suppliers and retailers, for the continued operation of service stations to provide fuel to disaster victims and emergency responders; and

(9) provisions for the dissemination of emergency information through the media to aid disaster victims.

(c) The division, in coordination with the Texas Commission on Environmental Quality and electric, gas, water, and wastewater utility providers, shall develop for inclusion in the annex to the state emergency management plan provisions to provide emergency or backup power to restore or continue the operation of critical water or wastewater facilities following a disaster. The provisions must:

(1) establish an online resource database of available emergency generators configured for transport that are capable of providing backup power for critical water or wastewater facilities following a disaster;

(2) include procedures for the maintenance, activation, transportation, and redeployment of available emergency generators;

(3) develop a standardized form for use by a water or wastewater utility provider in developing and maintaining data on the number and type of emergency generators required for the operation of the provider's critical water or wastewater facilities following a disaster; and

(4) include procedures for water or wastewater utility providers to maintain a current list of generators available in surrounding areas through mutual aid agreements, recognized and coordinated statewide mutual aid programs, and through commercial firms offering generators for rent or lease.

Added by Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.05, eff. September 1, 2009.

Sec. 418.043. OTHER POWERS AND DUTIES. The division shall:

(1) determine requirements of the state and its political subdivisions for food, clothing, and other necessities in event of a disaster;

(2) procure and position supplies, medicines, 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 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 in coping with disasters;

(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 Section 531.0312;

(15) improve the integration of volunteer groups, including faith-based organizations, into emergency management plans;

(16) cooperate with the Federal Emergency Management Agency to create uniform guidelines for acceptable home repairs following disasters and promote public awareness of the 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.

Reenacted and amended by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 11.010, eff. September 1, 2011.

Sec. 418.044. ASSISTANCE IN DEVELOPMENT OF LOCAL PLANS. (a) The division shall take an integral part in the development and revision of local and interjurisdictional emergency management plans. For that purpose, the division shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions and emergency management agencies. Those personnel shall consult with the subdivisions and agencies on a regularly scheduled basis and shall make field reviews of the areas, circumstances, and conditions to which particular local and interjurisdictional emergency management plans apply and may suggest revisions.

(b) The division shall encourage local and interjurisdictional agencies to seek advice from local government, business, labor, industry, agriculture, civic organizations, volunteer organizations, and community leaders.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 6, eff. Sept. 1, 1997.

Sec. 418.045. TEMPORARY PERSONNEL. (a) The division may employ or contract with temporary personnel from funds appropriated to the division, from federal funds, or from the disaster contingency fund. The merit system does not apply to the temporary or contract positions.

(b) The division may enroll, organize, train, and equip a cadre of disaster reservists with specialized skills in disaster recovery, hazard mitigation, community outreach, and public information to temporarily augment its permanent staff. The division may activate enrolled disaster reservists to support recovery operations in the aftermath of a disaster or major emergency and pay them at a daily rate commensurate with their qualifications and experience. Chapter 654, Chapter 2254, and Subtitle D, Title 10, do not apply in relation to a disaster reservist under this subsection.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 7, eff. Sept. 1, 1997.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.07, eff. September 1, 2009.

Sec. 418.046. ASSISTANCE TO AVIATORS. (a) The division may provide assistance to private aviators, including partial reimbursement for funds expended, to meet the actual costs of aircraft operation in performing search, rescue, or disaster-related functions requested by the governor or the governor's designee.

(b) Any reimbursement must be limited to the actual cost of aircraft operation not reimbursable from other sources.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.0461. ASSISTANCE TO CIVIL AIR PATROL. The division may provide financial assistance to the Civil Air Patrol, Texas Wing, to support the wing's disaster-related activities that assist the state and state agencies and the wing's training and exercises associated with those activities.

Added by Acts 1995, 74th Leg., ch. 889, Sec. 1, eff. Aug. 28, 1995.

Sec. 418.047. COMMUNICATIONS. (a) In cooperation with other state agencies, the division shall ascertain what means exist for rapid and efficient communication in times of disaster.

(a-1) The division shall coordinate with the Texas Department of Transportation to establish additional methods for disseminating emergency public service messages to motorists, including:

(1) severe weather advisories;

(2) AMBER alerts under Subchapter L, Chapter 411; and

(3) silver alerts under Subchapter M, Chapter 411.

(b) The division shall consider the desirability of supplementing the communication resources or integrating them into a state or state-federal telecommunication or other communication system or network.

(c) In studying the character and feasibility of any system or its parts, the division shall evaluate the possibility of its multipurpose use for general state and local governmental purposes.

(d) The division shall make recommendations to the governor as appropriate.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 8.01, eff. September 1, 2009.

Sec. 418.048. MONITORING WEATHER. The division shall keep continuously apprised of weather conditions that present danger of climatic activity, such as precipitation, severe enough to constitute a disaster.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.08, eff. September 1, 2009.

Sec. 418.050. PHASED REENTRY PLAN. (a) The division shall develop a phased reentry plan to govern the order in which particular groups of people are allowed to reenter areas previously evacuated because of a disaster or threat of disaster. The plan may provide different reentry procedures for different types of disasters.

(b) The phased reentry plan shall:

(1) recognize the role of local emergency management directors in making decisions regarding the timing and implementation of reentry plans for a disaster; and

(2) provide local emergency management directors with sufficient flexibility to adjust the plan as necessary to accommodate the circumstances of a particular emergency.

(c) The division, in consultation with representatives of affected parties and local emergency management directors, shall develop a reentry credentialing process. The division shall include the credentialing process in the phased reentry plan. The Department of Public Safety of the State of Texas shall provide support for the credentialing process.

Added by Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.09, eff. September 1, 2009.

Sec. 418.0501. REENTRY CREDENTIALING PILOT PROGRAM. (a) The division shall consider implementing a pilot program for a reentry credentialing process for reentry into areas previously evacuated because of a disaster or threat of disaster.

Added by Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 2B.051, eff. September 1, 2009.
Redesignated from Government Code, Section 418.050 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 27.001(16), eff. September 1, 2011.

Sec. 418.051. COMMUNICATIONS COORDINATION GROUP. (a) The communications coordination group shall facilitate interagency coordination and collaboration to provide efficient and effective planning and execution of communications support to joint, interagency, and intergovernmental task forces.

(b) At the direction of the division, the communications coordination group shall assist with coordination and collaboration during an emergency.

(c) The communications coordination group consists of members selected by the division, including representatives of:

(1) the Texas military forces;

(2) the Department of Public Safety of the State of Texas;

(3) the Federal Emergency Management Agency;

(4) federal agencies that comprise Emergency Support Function No. 2;

(5) the telecommunications industry, including cable service providers, as defined by Section 66.002, Utilities Code;

(6) electric utilities, as defined by Section 31.002, Utilities Code;

(7) gas utilities, as defined by Sections 101.003 and 121.001, Utilities Code;

(8) the National Guard's Joint Continental United States Communications Support Environment;

(9) the National Guard Bureau;

(10) amateur radio operator groups;

(11) the Texas Forest Service;

(12) the Texas Department of Transportation;

(13) the General Land Office;

(14) the Texas Engineering Extension Service of The Texas A&M University System;

(15) the Public Utility Commission of Texas;

(16) the Railroad Commission of Texas;

(17) the Department of State Health Services;

(18) the judicial branch of state government;

(19) the Texas Association of Regional Councils;

(20) the United States Air Force Auxiliary Civil Air Patrol, Texas Wing;

(21) each trauma service area regional advisory council;

(22) state agencies, counties, and municipalities affected by the emergency, including 9-1-1 agencies; and

(23) other agencies as determined by the division.

Added by Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.10, eff. September 1, 2009.

SUBCHAPTER D. FINANCE

Sec. 418.071. STATE POLICY. It is the intent of the legislature and the policy of the state that funds to meet disaster emergencies always be available.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.073. DISASTER CONTINGENCY FUND. (a) The disaster contingency fund consists of money appropriated to the fund.

(b) It is the intent of the legislature that in responding to an emergency or disaster, the first recourse of state and local agencies should be to the funds regularly appropriated to those agencies.

Text of subsection as added by Acts 2007, 80th Leg., R.S., Ch. 992 (S.B. 1339), Sec. 1

(c) The purposes for which money in the disaster contingency fund may be used include making funds available to a state or local agency that will use the funds to provide assistance to producers of agricultural products affected by or recovering from a disaster caused by severe drought, wildfire, flood, storm, or hurricane. In this subsection, "agricultural products" includes:

(1) horticultural, viticultural, forestry, dairy, livestock, poultry, and bee products, including products of exotic livestock as defined by Section 161.001, Agriculture Code; and

(2) any farm or ranch product, including a product produced by aquaculture as defined by Section 134.001, Agriculture Code.

Text of subsection as added by Acts 2007, 80th Leg., R.S., Ch. 1250 (H.B. 2694), Sec. 1, and amended by Acts 2009, 81st Leg., R.S., Ch. 1006 (H.B. 4102), Sec. 1

(c) A state or local government entity that participates in disaster preparation or disaster recovery may request and receive funding from the disaster contingency fund to pay for costs incurred by the state or local government entity in preparing for or recovering from a disaster.

(d) The division shall administer the disaster contingency fund and shall develop and implement rules and procedures for providing emergency assistance from the fund. The division shall annually report to the speaker of the house of representatives and the lieutenant governor expenditures from the fund, the overall status of the fund, and any changes to rules and procedures regarding the fund.

(f) A state or local government entity or other eligible entity that receives funding from the disaster contingency fund to pay for costs associated with disaster recovery and that subsequently receives reimbursement from the federal government, an insurer, or another source for those same costs shall reimburse the disaster contingency fund for the reimbursed amounts. In developing rules and procedures under Subsection (d) the governor's division of emergency management shall prescribe accounting and other procedures necessary to efficiently and effectively implement this subsection.

(g) Money in the disaster contingency fund may be used to pay for a disaster risk financing instrument using a parametric index based on affected population to leverage available funds and receive proceeds greater than appropriated amounts to pay for extraordinary expenses.

(h) Money in the disaster contingency fund may be used to provide to a local government entity that is suffering financial hardship as a result of a disaster declared

under this chapter funds for the purpose of providing local matching funds for Federal Emergency Management Agency qualifying projects.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.
Amended by:
Acts 2007, 80th Leg., R.S., Ch. 992 (S.B. 1339), Sec. 1, eff. June 15, 2007.
Acts 2007, 80th Leg., R.S., Ch. 1250 (H.B. 2694), Sec. 1, eff. June 15, 2007.
Acts 2009, 81st Leg., R.S., Ch. 1006 (H.B. 4102), Sec. 1, eff. June 19, 2009.
Acts 2009, 81st Leg., R.S., Ch. 1006 (H.B. 4102), Sec. 2, eff. June 19, 2009.
Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 2B.05, eff. September 1, 2009.

Sec. 418.074. ACCEPTANCE AND ALLOCATION OF GIFTS AND GRANTS. (a) If the federal government, another public or private agency, or an individual offers to the state or through the state to a political subdivision services, equipment, supplies, materials, or funds as a gift, grant, or loan for purposes of emergency services or disaster recovery, the governor (if required by the donor) or the presiding officer of the governing body of the political subdivision may accept the offer on behalf of the state or political subdivision, as applicable.

(b) If a gift, grant, or loan is accepted by the state, the governor, or the emergency management council or chief of the division if designated by the governor, may dispense the gift, grant, or loan directly to accomplish the purpose for which it was made or may allocate and transfer to a political subdivision services, equipment, supplies, materials, or funds in the amount the governor or the governor's designee may determine.

(c) Funds received by the state shall be placed in one or more special funds and shall be disbursed by warrants issued by the comptroller on order of the governor or the governor's designee. The governor shall name the designee in a written agreement accepting the funds or in a written authorization filed with the secretary of state. On receipt of an order for disbursement, the comptroller shall issue a warrant without delay.

(d) If the funds are to be used for purchase of equipment, supplies, or commodities of any kind, it is not necessary that bids be obtained or that the purchases be approved by any other agency.

(e) A political subdivision may accept and use all services, equipment, supplies, materials, and funds to the full extent authorized by the agreement under which they are received by the state or political subdivision.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 2A.04, eff. September 1, 2009.

SUBCHAPTER E. LOCAL AND INTERJURISDICTIONAL EMERGENCY MANAGEMENT

Sec. 418.101. ALL POLITICAL SUBDIVISIONS SERVED. (a) Each political subdivision is within the jurisdiction of and served by the division and by a local or interjurisdictional agency responsible for disaster preparedness and coordination of response.

(b) The presiding officer of the governing body of each political subdivision shall notify the division of the manner in which the political subdivision is providing or securing an emergency management program, identify the person who heads the agency responsible for the program, and furnish additional pertinent information that the division requires. The person so designated shall accomplish training prescribed by the division.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 9, eff. Sept. 1, 1997.

Sec. 418.1015. EMERGENCY MANAGEMENT DIRECTORS. (a) The presiding officer of the governing body of an incorporated city or a county or the chief

administrative officer of a joint board is designated as the emergency management director for the officer's political subdivision.

(b) An emergency management director serves as the governor's designated agent in the administration and supervision of duties under this chapter. An emergency management director may exercise the powers granted to the governor under this chapter on an appropriate local scale.

(c) An emergency management director may designate a person to serve as emergency management coordinator. The emergency management coordinator shall serve as an assistant to the emergency management director for emergency management purposes.

(d) A person, other than an emergency management director exercising under Subsection (b) a power granted to the governor, may not seize state or federal resources without prior authorization from the division or the state or federal agency having responsibility for those resources.

Added by Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.02, eff. June 15, 2007. Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.11, eff. September 1, 2009.

Sec. 418.102. COUNTY PROGRAMS. (a) Each county shall maintain an emergency management program or participate in a local or interjurisdictional emergency management program that, except as otherwise provided by this chapter, has jurisdiction over and serves the entire county or interjurisdictional area.

(b) The county program is the first channel through which a municipal corporation or a joint board shall request assistance when its resources are exceeded. Requests that exceed the county capability shall be forwarded to the state as prescribed in the state emergency management plan.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 10, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 33, Sec. 2, eff. May 14, 2003.

Sec. 418.103. MUNICIPAL PROGRAMS. (a) The governor shall determine which municipal corporations need emergency management programs of their own and shall recommend that they be established and maintained. The governor shall make the determinations on the basis of the municipality's disaster vulnerability and capability of response related to population size and concentration.

(b) The emergency management program of a county must be coordinated with the emergency management programs of municipalities situated in the county but does not apply in a municipality having its own emergency management program.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.104. INTERJURISDICTIONAL PROGRAMS. The governor may recommend that a political subdivision establish and maintain a program and form an interjurisdictional agency jointly with one or more other political subdivisions if the governor finds that the establishment and maintenance of a joint program or participation in it is made necessary by circumstances or conditions that make it unusually difficult to provide disaster mitigation, preparedness, response, or recovery services under other provisions of this chapter.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 10, eff. Sept. 1, 1997.

Sec. 418.105. LIAISON OFFICERS. (a) Each city that does not have a program and has not made arrangements to secure or participate in the services of an existing program shall designate a liaison officer to facilitate the cooperation and protection of the city in the work of disaster mitigation, preparedness, response, and recovery.

(b) Each county shall provide an office and a liaison officer to coordinate with state and federal emergency management personnel concerning disaster mitigation, preparedness, response, and recovery

activities under other provisions of this chapter.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 10, eff. Sept. 1, 1997.

Sec. 418.106. LOCAL AND INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLANS. (a) Each local and interjurisdictional agency shall prepare and keep current an emergency management plan for its area providing for disaster mitigation, preparedness, response, and recovery.

(b) The plan must provide for:

(1) wage, price, and rent controls and other economic stabilization methods in the event of a disaster; and

(2) curfews, blockades, and limitations on utility use in an area affected by a disaster, rules governing entrance to and exit from the affected area, and other security measures.

(c) The local or interjurisdictional emergency management agency shall prepare in written form and distribute to all appropriate officials a clear and complete statement of the disaster responsibilities of all local agencies and officials and of the disaster channels of assistance.

(d) Each local or interjurisdictional agency shall conduct at least one public meeting each calendar year to exchange information about its emergency management plan. Each agency shall provide written notice of the date, time, and location of the meeting, not later than the fifth day before the meeting, to the pipeline safety section of the gas services division of the Railroad Commission of Texas.

(e) An emergency management plan of an agency is excepted from the requirements of Subsection (d) if:

(1) the emergency management plan contains sensitive information relating to critical infrastructures or facilities; and

(2) the safety or security of those infrastructures or facilities could be jeopardized by disclosure of the emergency management plan.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 11, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 557, Sec. 1, eff. Sept. 1, 2003.

Sec. 418.107. LOCAL FINANCE. (a) A political subdivision may make appropriations for emergency management services as provided by law for making appropriations for ordinary expenses.

(b) Political subdivisions may make agreements for the purpose of organizing emergency management service divisions and provide for a mutual method of financing the organization of units on a basis satisfactory to the subdivisions.

(c) A local government entity may render mutual aid to other local government entities under mutual aid agreements or the system.

(d) A political subdivision may issue time warrants for the payment of the cost of any equipment, construction, acquisition, or any improvements for carrying out this chapter. The warrants shall be issued in accordance with Chapter 252, Local Government Code, in the case of a municipality, or Subchapter C, Chapter 262, Local Government Code, in the case of a county. Time warrants issued for financing permanent construction or improvement for emergency management purposes are subject to the right of the voters to require a referendum vote under Section 252.045 or 262.029, Local Government Code, as applicable.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 1064, Sec. 30, eff. Sept. 1, 1999. Amended by:

Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 7, eff. June 18, 2005.

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.03, eff. June 6, 2007.

Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.03, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.12, eff. September 1, 2009.

Sec. 418.1075. SUSPENSION OF DEADLINES IMPOSED BY LOCAL LAW. (a) Notwithstanding any other law, a deadline imposed by local law on a political subdivision, including a deadline relating to a budget or ad valorem tax, is suspended if:

(1) the territory of the political subdivision is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and

(2) the presiding officer of the political subdivision or, if there is no presiding officer, the political subdivision's governing body, proclaims the political subdivision is unable to comply with the requirement because of the disaster.

(b) The presiding officer of the political subdivision or, if there is no presiding officer, the political subdivision's governing body, may issue an order ending the suspension of a deadline under this section. A deadline may not be suspended for more than 30 days after the date the presiding officer or governing body, as appropriate, makes the proclamation described by Subsection (a)(2).

Added by Acts 2009, 81st Leg., R.S., Ch. 990 (H.B. 3851), Sec. 2, eff. June 19, 2009.

Sec. 418.108. DECLARATION OF LOCAL DISASTER. (a) Except as provided by Subsection (e), the presiding officer of the governing body of a political subdivision may declare a local state of disaster.

(b) A declaration of local disaster may not be continued or renewed for a period of more than seven days except with the consent of the governing body of the political subdivision or the joint board as provided by Subsection (e), as applicable.

(c) An order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the city secretary, the county clerk, or the joint board's official records, as applicable.

(d) A declaration of local disaster activates the appropriate recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. The appropriate preparedness and response aspects of the plans are activated as provided in the plans and take effect immediately after the local state of disaster is declared.

(e) The chief administrative officer of a joint board has exclusive authority to declare that a local state of disaster exists within the boundaries of an airport operated or controlled by the joint board, regardless of whether the airport is located in or outside the boundaries of a political subdivision.

(f) The county judge or the mayor of a municipality may order the evacuation of all or part of the population from a stricken or threatened area under the jurisdiction and authority of the county judge or mayor if the county judge or mayor considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery.

(g) The county judge or the mayor of a municipality may control ingress to and egress from a disaster area under the jurisdiction and authority of the county judge or mayor and control the movement of persons and the occupancy of premises in that area.

(h) For purposes of Subsections (f) and (g):

(1) the jurisdiction and authority of the county judge includes the incorporated and unincorporated areas of the county; and

(2) to the extent of a conflict between decisions of the county judge and the mayor, the decision of the county judge prevails.

(i) A declaration under this section may include a restriction that exceeds a restriction authorized by Section 352.051, Local Government Code. A restriction that exceeds a restriction authorized by Section 352.051, Local Government Code, is effective only:

(1) for 60 hours unless extended by the governor; and

(2) if the county judge requests the governor to grant an extension of the restriction.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 2003, 78th

Leg., ch. 33, Sec. 3, eff. May 14, 2003.
Amended by:
Acts 2005, 79th Leg., Ch. 274 (H.B. 3111), Sec. 1, eff. June 9, 2005.
Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 17.01, eff. September 1, 2007.
Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.13, eff. September 1, 2009.

Sec. 418.109. AUTHORITY TO RENDER MUTUAL AID ASSISTANCE. (a) Repealed by Acts 2007, 80th Leg., R.S., Ch. 865, Sec. 1.08, eff. June 15, 2007.
(b) Repealed by Acts 2007, 80th Leg., R.S., Ch. 865, Sec. 1.08, eff. June 15, 2007.
(c) Repealed by Acts 2007, 80th Leg., R.S., Ch. 865, Sec. 1.08, eff. June 15, 2007.
(d) A local government entity or organized volunteer group may provide mutual aid assistance on request from another local government entity or organized volunteer group. The chief or highest ranking officer of the entity from which assistance is requested, with the approval and consent of the presiding officer of the governing body of that entity, may provide that assistance while acting in accordance with the policies, ordinances, and procedures established by the governing body of that entity.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 497, Sec. 2, eff. June 12, 1995; Acts 2003, 78th Leg., ch. 1204, Sec. 2.002, eff. Sept. 1, 2003.
Amended by:
Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 8, eff. June 18, 2005.
Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.04, eff. June 6, 2007.
Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.05, eff. June 6, 2007.
Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.08, eff. June 6, 2007.
Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.04, eff. June 15, 2007.
Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.05, eff. June 15, 2007.
Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.08, eff. June 15, 2007.

Sec. 418.110. STATEWIDE MUTUAL AID PROGRAM FOR FIRE EMERGENCIES. (a) The division, in consultation with state fire protection agencies and the Texas Commission on Fire Protection, may develop a statewide mutual aid program for fire emergencies.
(b) A program developed under this section:
(1) does not alter the legal obligations of a political subdivision participating in the system; and
(2) must be consistent with the state emergency management plan.

Added by Acts 1997, 75th Leg., ch. 1172, Sec. 5.01, eff. Sept. 1, 1997.
Amended by:
Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.06, eff. June 15, 2007.

Sec. 418.1101. PLAN FOR CONTINUITY OF FUNCTIONS. (a) The governing body of a political subdivision may at any time adopt a plan for the continuity of functions of the political subdivision to be carried out during a disaster declared as provided by law by the president of the United States or the governor or during another catastrophic event.
(b) The plan may provide for:
(1) delegating any administrative duty of the governing body of the political subdivision or any official or employee of the political subdivision to another appropriate person;
(2) establishing orders of succession for performing essential functions of the political subdivision; and
(3) establishing meeting procedures for the governing body of the political subdivision.
(c) The plan may not provide for the delegation of a duty that the governing body or official is required to perform by the Texas Constitution.

Added by Acts 2007, 80th Leg., R.S., Ch. 338 (S.B. 61), Sec. 1, eff. June 15, 2007.
Renumbered from Government Code, Section 418.111 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(26), eff. September 1, 2009.

Sec. 418.1102. EXCEPTION TO QUORUM REQUIREMENTS. (a) This section applies to a local governmental entity created and operating under the laws of this state, including a political subdivision, school district, or special district or authority.

(b) Notwithstanding any other law, a quorum is not required for the governing body of a local governmental entity to act if:

(1) the entity's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and

(2) a majority of the members of the governing body are unable to be present at a meeting of the governing body as a result of the disaster.

Added by Acts 2007, 80th Leg., R.S., Ch. 338 (S.B. 61), Sec. 1, eff. June 15, 2007.
Renumbered from Government Code, Section 418.112 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(27), eff. September 1, 2009.

SUBCHAPTER E-1. TEXAS STATEWIDE MUTUAL AID SYSTEM

Sec. 418.111. CREATION OF THE TEXAS STATEWIDE MUTUAL AID SYSTEM. (a) The Texas Statewide Mutual Aid System is established to provide integrated statewide mutual aid response capability between local government entities without a written mutual aid agreement.

(b) A request for mutual aid assistance between local government entities is considered to be made under the system, unless the requesting and responding entities are parties to a written mutual aid agreement in effect when the request is made.

(c) This subchapter does not affect a written mutual aid agreement between local government entities in effect on or before the effective date of this subchapter or restrict the ability of local government entities to enter into a written mutual aid agreement as otherwise authorized by statute after the effective date of this subchapter. If a request is made between local government entities that are parties to a written mutual aid agreement, the terms of that agreement control the rights and obligations of the parties.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.07, eff. June 6, 2007.
Added by Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.07, eff. June 15, 2007.

Sec. 418.112. ADMINISTRATION BY DIVISION. The division shall administer the system. In administering the system, the division shall encourage and assist political subdivisions in planning and implementing comprehensive all-hazards emergency management programs, including assisting political subdivisions to ensure that the local emergency management plan of each subdivision adequately provides for the rendering and receipt of mutual aid.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.07, eff. June 6, 2007.
Added by Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.07, eff. June 15, 2007.

Sec. 418.113. DISASTER DISTRICTS. (a) This state is divided into disaster districts to engage in homeland security preparedness and response activities. The boundaries of the disaster districts coincide with the geographic boundaries of the state planning regions established by the governor under Chapter 391, Local Government Code.

(b) A disaster district committee is established for each disaster district. Each committee is composed of local representatives of the state agencies, boards, and commissions and organized volunteer groups with representation on the emergency management council.

(c) Each disaster district committee shall coordinate with political subdivisions located in the disaster district to ensure that state and federal emergency assets are made available as needed to provide the most efficient and effective response possible.

(d) The public safety director of the Department of Public Safety of the State of Texas shall appoint a commanding officer

from the Texas Highway Patrol to serve as chair of each disaster district committee. The chair shall:

(1) inform the state Director of Homeland Security on all matters relating to disasters and emergencies as requested by the state Director of Homeland Security; and

(2) inform the public safety director of the Department of Public Safety of the State of Texas on all matters as requested by the public safety director.

(e) Representatives of the emergency management council assigned to each district shall assist the chair of their disaster district committee and provide guidance, counsel, and administrative support as required.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.07, eff. June 6, 2007.
Added by Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.07, eff. June 15, 2007.

Sec. 418.115. REQUESTING AND PROVIDING MUTUAL AID ASSISTANCE. (a) A request for mutual aid assistance may be submitted verbally or in writing. If a request is submitted verbally, it must be confirmed in writing.

(b) If a request for mutual aid assistance is made to a department or agency of a political subdivision, the chief or highest ranking officer of the department or agency, with the approval and consent of the presiding officer of the governing body of the political subdivision or that officer's designee, may provide the requested assistance in accordance with the policies, ordinances, and procedures established by the governing body of the political subdivision.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.07, eff. June 6, 2007.
Added by Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.07, eff. June 15, 2007.
Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 708 (H.B. 3178), Sec. 1, eff. June 14, 2013.

Sec. 418.1151. ASSESSMENT OF ABILITY TO RENDER ASSISTANCE. (a) When contacted with a request for mutual aid assistance, a local government entity shall assess local resources to determine availability of personnel, equipment, and other assistance to respond to the request.

(b) A responding local government entity may provide assistance to the extent personnel, equipment, and resources are determined to be available. A local government entity is not required to provide mutual aid assistance unless the entity determines that the entity has sufficient resources to provide assistance, based on current or anticipated events in its jurisdiction.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.07, eff. June 6, 2007.
Added by Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.07, eff. June 15, 2007.

Sec. 418.1152. SUPERVISION AND CONTROL. When providing mutual aid assistance under the system:

(1) the response effort must be organized and function in accordance with the National Incident Management System guidelines;

(2) the personnel, equipment, and resources of a responding local government entity being used in the response effort are under the operational control of the requesting local government entity unless otherwise agreed;

(3) direct supervision and control of personnel, equipment, and resources and personnel accountability remain the responsibility of the designated supervisory personnel of the responding local government entity;

(4) unless otherwise agreed in advance, an emergency medical service organization providing assistance under the system shall use the medical protocols authorized by the organization's medical director;

(5) the designated supervisory personnel of the responding local government entity shall:

(A) maintain daily personnel time records, material records, and a log of equipment hours;

(B) be responsible for the operation and maintenance of the equipment and other resources furnished by the responding local government entity; and

(C) report work progress to the requesting local government entity; and

(6) the responding local government entity's personnel and other resources are subject to recall at any time, subject to reasonable notice to the requesting local government entity.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.07, eff. June 6, 2007.
Added by Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.07, eff. June 15, 2007.

Sec. 418.1153. DURATION OF AID. The provision of mutual aid assistance under the system may continue until:

(1) the services of the responding local government entity are no longer required; or

(2) the responding local government entity determines that further assistance should not be provided.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.07, eff. June 6, 2007.
Added by Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.07, eff. June 15, 2007.

Sec. 418.116. RIGHTS AND PRIVILEGES. (a) A person assigned, designated, or ordered to perform duties by the governing body of the local government entity employing the person in response to a request under the system is entitled to receive the same wages, salary, pension, and other compensation and benefits, including injury or death benefits, disability payments, and workers' compensation benefits, for the performance of the duties under the system as though the services were rendered for the entity employing the person.

(b) The local government entity employing the person is responsible for the payment of wages, salary, pension, and other compensation and benefits associated with the performance of duties under the system.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.07, eff. June 6, 2007.
Added by Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.07, eff. June 15, 2007.

Sec. 418.117. LICENSE PORTABILITY. If the assistance of a person who holds a license, certificate, permit, or other document evidencing qualification in a professional, mechanical, or other skill is requested by a state agency or local government entity under the system, the person is considered licensed, certified, permitted, or otherwise documented in the political subdivision in which the service is provided as long as the service is required, subject to any limitations imposed by the chief executive officer or the governing body of the requesting state agency or local government entity.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.07, eff. June 6, 2007.
Added by Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.07, eff. June 15, 2007.
Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.14, eff. September 1, 2009.

Sec. 418.118. REIMBURSEMENT OF COSTS: STATE REQUEST OR FEDERAL DISASTER DECLARATION. (a) The division shall administer all requests for reimbursement for costs associated with providing mutual aid assistance in response to a request made by the division for an incident resulting in the issuance of a disaster declaration by the president of the United States. A request for reimbursement made to the division must be made in accordance with procedures developed by the division.

(b) The division may directly request the provision of mutual aid assistance from any local government entity participating in the system. If the division requests the provision of assistance and the local government entity responds, the state shall reimburse the actual costs of providing assistance, including costs for personnel, operation and maintenance of equipment,

damaged equipment, food, lodging, and transportation, incurred by the responding local government entity. The state shall pay reimbursements from available state money. If funds are made available from the disaster contingency fund, the division shall make reimbursement from the disaster contingency fund for eligible expenses to the extent that available state money is inadequate.

(c) If federal money is available to pay costs associated with the provision of mutual aid assistance in response to a request made by the division, the division shall make the claim for the eligible costs of the responding local government entity on the division's grant application and shall disburse the federal share of the money to the responding local government entity, with sufficient state funds to cover the actual costs incurred by the responding local government entity in providing the assistance.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.07, eff. June 6, 2007.
Added by Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.07, eff. June 15, 2007.

Sec. 418.1181. REIMBURSEMENT OF COSTS: REQUEST BY LOCAL GOVERNMENT ENTITY. (a) If a local government entity requests mutual aid assistance from another local government entity under the system that requires a response that exceeds 12 consecutive hours, the requesting local government entity shall reimburse the actual costs of providing mutual aid assistance to the responding local government entity, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, incurred by the responding local government entity in response to a request for reimbursement. Local government entities with a mutual aid agreement when the request for mutual aid assistance is made are subject to the agreement's terms of reimbursement, as provided by Section 418.111.

(b) The requesting local government entity shall pay the reimbursement from available funds. If federal money is available to pay costs associated with the provision of mutual aid assistance, the requesting local government entity shall make the claim for the eligible costs of the responding local government entity on the requesting entity's subgrant application and shall disburse the federal share of the money to the responding local government entity, with sufficient local funds to cover the actual costs of the responding local government entity in providing assistance.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.07, eff. June 6, 2007.
Added by Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.07, eff. June 15, 2007.
Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 708 (H.B. 3178), Sec. 2, eff. June 14, 2013.

SUBCHAPTER F. DISASTER MITIGATION

Sec. 418.121. DUTY OF GOVERNOR. (a) In addition to disaster mitigation measures included in the state, local, and interjurisdictional emergency management plans, the governor shall as a continuing duty consider steps that could be taken to mitigate the harmful consequences of disasters.

(b) At the direction of the governor and pursuant to any other authority and competence a state agency may have, a state agency shall study matters related to disaster mitigation. This includes agencies charged with responsibility in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land use planning, and construction standards.

(c) The governor shall from time to time make recommendations to the legislature, local governments, and other appropriate public and private entities as may facilitate measures to mitigate the harmful consequences of disasters.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 13, eff. Sept. 1, 1997.

Sec. 418.122. STATE STUDY OF LAND USE AND CONSTRUCTION STANDARDS. (a) The Texas Natural Resource Conservation Commission and other state agencies, in conjunction with the division, shall keep land uses and construction of structures and other facilities under continuing study and shall identify areas that are particularly susceptible to severe land shifting, subsidence, flooding, or other catastrophes.

(b) The studies shall concentrate on means of reducing or avoiding the dangers and consequences of a catastrophe.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 11.08, eff. Sept. 1, 1995.

Sec. 418.123. RECOMMENDATIONS FOR CHANGES IN LAND USE OR CONSTRUCTION STANDARDS. (a) The division shall recommend to the governor the changes it considers essential if the division believes, on the basis of the studies under Section 418.122 or other competent evidence that:

(1) an area is susceptible to a disaster of catastrophic proportions without adequate warning;

(2) existing building standards and land-use controls in that area are inadequate and could add substantially to the magnitude of the disaster; and

(3) changes in zoning regulations, other land-use regulations, or building requirements are essential to further the purposes of this subchapter.

(b) The governor shall review the recommendations. If after public hearing the governor finds the changes are essential, the governor shall make appropriate recommendations to the agencies or local governments with jurisdiction over the area and subject matter.

(c) If no action or insufficient action pursuant to the governor's recommendations is taken within the time specified by the governor, the governor shall inform the legislature and request legislative action appropriate to mitigate the impact of the disaster.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.124. SUSPENSION OF LAND USE OR CONSTRUCTION STANDARDS. (a) When the governor makes recommendations under Section 418.123, the governor may suspend the standard or control found to be inadequate to protect the public safety and by rule may place a new standard or control in effect.

(b) The new standard or control remains in effect until rejected by concurrent resolution of both houses of the legislature or amended by the governor.

(c) During the time the new standard or control is in effect, it shall be administered and given effect by all appropriate regulatory agencies of the state and of the local governments to which it applies.

(d) The governor's action under this section is subject to judicial review but is not subject to temporary stay pending litigation.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.126. PRE-EVENT DISASTER RESPONSE CONTRACTS. (a) The General Land Office shall solicit proposals for and enter into one or more pre-event contracts that may be activated by the office in the event of a weather-related disaster declaration to obtain services for debris removal from beaches as needed following the disaster.

(b) The Texas Department of Transportation shall solicit proposals for and enter into one or more pre-event contracts that may be activated by the department in the event of a weather-related disaster declaration to obtain services for debris removal from the state highway system as needed following the disaster.

(c) The Texas Department of Housing and Community Affairs shall solicit proposals for and enter into one or more pre-event contracts that may be activated by the department in the event of a weather-related disaster declaration to

obtain temporary or emergency housing as needed following the disaster.

(d) Services obtained under a pre-event contract under this section may be paid for with money from the disaster contingency fund under Section 418.073.

Added by Acts 2009, 81st Leg., R.S., Ch. 1408 (H.B. 4409), Sec. 3, eff. September 1, 2009.

SUBCHAPTER G. CITIZEN DUTIES AND CLAIMS FOR COMPENSATION

Sec. 418.151. CITIZEN DUTIES. (a) Each person in this state shall conduct himself and keep and manage his affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the state and the public successfully to manage emergencies. This obligation includes appropriate personal service and use or restriction on the use of property in time of disaster.

(b) This chapter neither increases nor decreases these obligations but recognizes their existence under the constitution and statutes of this state and the common law.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.152. COMPENSATION FOR SERVICES AND PROPERTY. (a) Services or the taking or use of property shall be compensated only to the extent that:

(1) the obligations recognized in this chapter are exceeded in a particular case; and

(2) the claimant may not be considered to have volunteered services or property without compensation.

(b) Personal services may not be compensated by the state or a subdivision or agency of the state except under statute or ordinance.

(c) Compensation for property may be made only if the property was commandeered or otherwise used in coping with a disaster and its use or destruction was ordered by the governor or a member of the disaster forces of this state.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.153. COMPENSATION CLAIMS. (a) A person claiming compensation for the use, damage, loss, or destruction of property under this chapter shall file a claim for compensation with the division in the form and manner required by the division.

(b) Unless the amount of compensation on account of property damage, loss, or destruction is agreed on between the claimant and the division, the amount of compensation is computed in the same manner as compensation due for taking of property under the condemnation laws of this state.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.154. CERTAIN CLAIMS EXCLUDED. This subchapter does not apply to or authorize compensation for:

(1) the destruction or damaging of standing timber or other property in order to provide a firebreak;

(2) the release of water or breach of impoundments in order to reduce pressure or other danger from actual or threatened flood; or

(3) contravention of Article I, Section 17, of the Texas Constitution or statutes pertaining to that section.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER H. MISCELLANEOUS PROVISIONS

Sec. 418.171. QUALIFICATIONS FOR RENDERING AID. A person who holds a license, certificate, or other permit issued by a state or political subdivision of any state evidencing the meeting of qualifications for professional, mechanical, or other skills may render aid involving the skill in this state to meet an emergency or disaster. This state shall give due consideration to the license, certificate, or other permit.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.172. INSURANCE COVERAGE. (a) Property damage insurance covering state facilities may be purchased by agencies of the state if necessary to qualify for federal disaster assistance funds.

(b) If sufficient funds are not available for the required insurance, an agency may request funding from the disaster contingency fund to purchase the insurance.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.15, eff. September 1, 2009.

Sec. 418.173. PENALTY FOR VIOLATION OF EMERGENCY MANAGEMENT PLAN. (a) A state, local, or interjurisdictional emergency management plan may provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense.

(b) The plan may prescribe a punishment for the offense but may not prescribe a fine that exceeds $1,000 or confinement in jail for a term that exceeds 180 days.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 418.174. PERSONAL LIABILITY EXEMPTION OF MEMBER OF EMERGENCY PLANNING COUNCIL OR LOCAL EMERGENCY PLANNING COMMITTEE. A member of the emergency management council established under Section 418.013 or of a local emergency planning committee established to develop an emergency management program in accordance with Subchapter E of this chapter is not personally liable for civil damages for an action arising from the performance of the person's duties on the council or committee.

Added by Acts 1989, 71st Leg., ch. 851, Sec. 1, eff. Aug. 28, 1989.

Sec. 418.175. CERTAIN INFORMATION CONFIDENTIAL. (a) Information that relates to physically or mentally disabled individuals or other individuals with special needs and that is maintained for purposes of emergency management or disaster planning is confidential.

(b) This section applies to information in the possession of any person, including:

(1) the state, an agency of the state, a political subdivision, or an agency of a political subdivision; or

(2) an electric, telecommunications, gas, or water utility.

Added by Acts 1999, 76th Leg., ch. 778, Sec. 1, eff. June 18, 1999. Amended by Acts 2003, 78th Leg., ch. 1312, Sec. 2, eff. June 21, 2003.

Sec. 418.176. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO EMERGENCY RESPONSE PROVIDERS. (a) Information is confidential if the information is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and:

(1) relates to the staffing requirements of an emergency response provider, including a law enforcement agency, a fire-fighting agency, or an emergency services agency;

(2) relates to a tactical plan of the provider; or

(3) consists of a list or compilation of pager or telephone numbers, including mobile and cellular telephone numbers, of the provider.

(b) In this section and Sections 418.177-418.183, "governmental entity" includes the governing body of a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 3, eff. June 21, 2003.

Sec. 418.177. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO RISK OR VULNERABILITY ASSESSMENT. Information is confidential if the information:

(1) is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity; and

(2) relates to an assessment by or for a governmental entity, or an assessment that is maintained by a governmental entity, of the risk or vulnerability of persons or property, including critical infrastructure, to an act of terrorism or related criminal activity.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 3, eff. June 21, 2003.

Sec. 418.178. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO CONSTRUCTION OR ASSEMBLY OF WEAPONS. (a) In this section, "explosive weapon" has the meaning assigned by Section 46.01, Penal Code.

(b) Information is confidential if it is information collected, assembled, or maintained by or for a governmental entity and:

(1) is more than likely to assist in the construction or assembly of an explosive weapon or a chemical, biological, radiological, or nuclear weapon of mass destruction; or

(2) indicates the specific location of:

(A) a chemical, biological agent, toxin, or radioactive material that is more than likely to be used in the construction or assembly of such a weapon; or

(B) unpublished information relating to a potential vaccine or to a device that detects biological agents or toxins.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 3, eff. June 21, 2003.

Sec. 418.179. CONFIDENTIALITY OF CERTAIN ENCRYPTION CODES AND SECURITY KEYS FOR COMMUNICATIONS SYSTEM. (a) Information is confidential if the information:

(1) is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity; and

(2) relates to the details of the encryption codes or security keys for a public communications system.

(b) This section does not prohibit a governmental entity from making available, at cost, to bona fide local news media, for the purpose of monitoring emergency communications of public interest, the communications terminals used in the entity's trunked communications system that have encryption codes installed.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 3, eff. June 21, 2003.

Sec. 418.180. CONFIDENTIALITY OF CERTAIN INFORMATION PREPARED FOR UNITED STATES. Information, other than financial information, in the possession of a governmental entity is confidential if the information:

(1) is part of a report to an agency of the United States;

(2) relates to an act of terrorism or related criminal activity; and

(3) is specifically required to be kept confidential:

(A) under Section 552.101 because of a federal statute or regulation;

(B) to participate in a state-federal information sharing agreement; or

(C) to obtain federal funding.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 3, eff. June 21, 2003.

Sec. 418.181. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO CRITICAL INFRASTRUCTURE. Those documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical

details of particular vulnerabilities of critical infrastructure to an act of terrorism.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 3, eff. June 21, 2003.

Sec. 418.182. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO SECURITY SYSTEMS. (a) Except as provided by Subsections (b) and (c), information, including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential.

(b) Financial information in the possession of a governmental entity that relates to the expenditure of funds by a governmental entity for a security system is public information that is not excepted from required disclosure under Chapter 552.

(c) Information in the possession of a governmental entity that relates to the location of a security camera in a private office at a state agency, including an institution of higher education, as defined by Section 61.003, Education Code, is public information and is not excepted from required disclosure under Chapter 552 unless the security camera:

(1) is located in an individual personal residence for which the state provides security; or

(2) is in use for surveillance in an active criminal investigation.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 3, eff. June 21, 2003.

Sec. 418.183. DISCLOSURE OF CERTAIN CONFIDENTIAL INFORMATION. (a) This section applies only to information that is confidential under Sections 418.175-418.182.

(b) At any time during a state of disaster, the executive or administrative head of the governmental entity may voluntarily disclose or otherwise make available all or part of the confidential information to another person or another entity if the executive or administrative head believes that the other person or entity has a legitimate need for the information.

(c) The executive or administrative head of a port, port authority, or navigation district created or operating under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, may voluntarily disclose or otherwise make available all or part of the confidential information to another person if the information:

(1) is shared in connection with a security network or committee, including a federal or state security committee or task force;

(2) consists of data, video, or other information on an information-sharing device that is shared with a security network; or

(3) is shared with an emergency operations center.

(d) The disclosure or making available of confidential information by a hospital district to a national accreditation body does not waive or affect the confidentiality of the information.

(e) The disclosure or making available of confidential information under Subsection (b) or (c) does not waive or affect the confidentiality of the information.

(f) A governmental body subject to Chapter 551 is not required to conduct an open meeting to deliberate information to which this section applies. Notwithstanding Section 551.103(a), the governmental body must make a tape recording of the proceedings of a closed meeting to deliberate the information.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 3, eff. June 21, 2003.

Sec. 418.184. FIREARMS. (a) A peace officer who is acting in the lawful execution of the officer's official duties during a state of disaster may disarm an individual if the officer reasonably believes it is immediately necessary for the protection of the officer or another individual.

(b) The peace officer shall return a firearm and any ammunition to an individual disarmed under Subsection (a) before ceasing to detain the individual unless the officer:

(1) arrests the individual for engaging in criminal activity; or

(2) seizes the firearm as evidence in a criminal investigation.

Added by Acts 2007, 80th Leg., R.S., Ch. 18 (S.B. 112), Sec. 2, eff. April 27, 2007.

Sec. 418.185. MANDATORY EVACUATION. (a) This section does not apply to a person who is authorized to be in an evacuated area, including a person who returns to the area under a phased reentry plan or credentialing process under Section 418.050.

(b) A county judge or mayor of a municipality who orders the evacuation of an area stricken or threatened by a disaster by order may compel persons who remain in the evacuated area to leave and authorize the use of reasonable force to remove persons from the area.

(c) The governor and a county judge or mayor of a municipality who orders the evacuation of an area stricken or threatened by a disaster by a concurrent order may compel persons who remain in the evacuated area to leave.

(d) A person is civilly liable to a governmental entity, or a nonprofit agency cooperating with a governmental entity, that conducts a rescue on the person's behalf for the cost of the rescue effort if:

(1) the person knowingly ignored a mandatory evacuation order under this section and:

(A) engaged in an activity or course of action that a reasonable person would not have engaged in; or

(B) failed to take a course of action a reasonable person would have taken;

(2) the person's actions under Subdivision (1) placed the person or another person in danger; and

(3) a governmental rescue effort was undertaken on the person's behalf.

(e) An officer or employee of the state or a political subdivision who issues or is working to carry out a mandatory evacuation order under this section is immune from civil liability for any act or omission within the course and scope of the person's authority under the order.

Added by Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.16, eff. September 1, 2009.

Sec. 418.186. DISASTER AND EMERGENCY EDUCATION. (a) The Department of State Health Services shall establish a program designed to educate the citizens of this state on disaster and emergency preparedness, response, and recovery. Before establishing the program, the department must collaborate with local authorities to prevent state efforts that are duplicative of local efforts. The program must address:

(1) types of disasters or other emergencies;

(2) the appropriate response to each type of disaster or emergency, including options for evacuation and shelter;

(3) how to prepare for each type of disaster or emergency;

(4) the impact of each type of disaster or emergency on citizens requiring medical assistance or other care;

(5) ways to respond in a disaster or emergency or to assist the victims of a disaster or emergency; and

(6) resources and supplies for disaster or emergency recovery.

(b) The executive commissioner of the Health and Human Services Commission, in cooperation with the governor, shall adopt rules to create and administer a disaster and emergency education program established under this section.

Added by Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.16, eff. September 1, 2009.

Sec. 418.188. POSTDISASTER EVALUATION. Not later than the 90th day after the date a request is received from the division, a state agency, political subdivision, or interjurisdictional agency shall conduct an evaluation of the entity's response to a disaster, identify areas for improvement,

and issue a report of the evaluation to the division.

Added by Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.16, eff. September 1, 2009.

Sec. 418.1881. SHELTER OPERATIONS. The Department of State Health Services shall develop, with the direction, oversight, and approval of the division, an annex to the state emergency management plan that includes provisions for:

(1) developing medical special needs categories;

(2) categorizing the requirements of individuals with medical special needs; and

(3) establishing minimum health-related standards for short-term and long-term shelter operations for shelters operated with state funds or receiving state assistance.

Added by Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.16, eff. September 1, 2009.

Sec. 418.1882. PERSONNEL SURGE CAPACITY PLANNING. (a) With the direction, oversight, and approval of the division and the assistance of the Department of State Health Services, health care facilities, county officials, trauma service area regional advisory councils, and other appropriate entities, each council of government, regional planning commission, or similar regional planning agency created under Chapter 391, Local Government Code, shall develop a regional plan for personnel surge capacity during disasters, including plans for providing lodging and meals for disaster relief workers and volunteers.

(b) Entities developing regional plans for personnel surge capacity with regard to lodging shall consult with representatives of emergency responders, infrastructure and utility repair personnel, and other representatives of agencies, entities, or businesses determined by the division to be essential to the planning process.

Added by Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.16, eff. September 1, 2009.

Sec. 418.190. AGRICULTURE EMERGENCY RESPONSE PLAN. (a) In coordination with the division, the Department of Agriculture and the Texas Animal Health Commission shall prepare and keep current an agriculture emergency response plan as an annex to the state emergency management plan. The plan must include provisions for:

(1) identifying and assessing necessary training, resource, and support requirements;

(2) providing information on recovery, relief, and assistance requirements following all types of disasters, including information on biological and radiological response; and

(3) all other information the Department of Agriculture and the Texas Animal Health Commission determine to be relevant to prepare for an all-hazards approach to agricultural disaster management.

(b) The Department of Agriculture and the Texas Animal Health Commission shall include the plan developed under Subsection (a) in an annual report to the legislature and the office of the governor.

Added by Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.16, eff. September 1, 2009.

Sec. 418.191. MEDICAL SPECIAL NEEDS VOLUNTEERS. (a) An entity responsible for the care of individuals with medical special needs shall develop and distribute information on volunteering in connection with a disaster.

(b) The division shall provide information to interested parties and the public regarding how volunteers can be identified and trained to help all groups of people, including those with medical special needs and those who are residents of assisted living facilities.

Added by Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.16, eff. September 1, 2009.

Sec. 418.192. COMMUNICATIONS BY PUBLIC SERVICE PROVIDERS DURING DISASTERS AND EMERGENCIES. (a) In this section:

(1) "Emergency" means a temporary, sudden, and unforeseen occurrence that requires action by a public service provider to correct the occurrence, inform others of the occurrence, protect lives or property, or temporarily reduce demand for or allocate supply of the provider's products or services to ensure public safety or preserve the integrity of service delivery mechanisms.

(2) "Public service provider" means any person or entity that provides essential products or services to the public that are regulated under the Natural Resources Code, Utilities Code, or Water Code, including:

(A) common carriers under Section 111.002, Natural Resources Code;

(B) telecommunications providers as defined by Section 51.002, Utilities Code; and

(C) any other person or entity providing or producing heat, light, power, or water.

(b) A public service provider may enter into a contract for an emergency notification system described by this section for use in informing the provider's customers, governmental entities, and other affected persons regarding:

(1) notice of a disaster or emergency; and

(2) any actions a recipient is required to take during a disaster or emergency.

(c) The emergency notification system for which a contract is entered into under Subsection (b) must rely on a dynamic information database that:

(1) is capable of simultaneous transmission of emergency messages to all recipients through at least two industry-standard gateways to one or more telephones or electronic devices owned by a recipient in a manner that does not negatively impact the existing communications infrastructure;

(2) allows the public service provider to:

(A) store prewritten emergency messages in the dynamic information database for subsequent use; and

(B) generate emergency messages in real time based on provider inputs;

(3) allows a recipient to select the language in which the recipient would prefer to receive messages;

(4) transmits the message in the recipient's language of choice to that recipient;

(5) converts text messages to sound files and transmits those sound files to the appropriate device;

(6) assigns recipients to priority groups for notification;

(7) allows for the collection and verification of responses by recipients of emergency messages; and

(8) reads or receives alerts from a commercial mobile alert system established by the Federal Communications Commission or complies with standards adopted for a commercial mobile alert system established by the Federal Communications Commission.

(d) The dynamic information database must comply with:

(1) the Telecommunications Service Priority program established by the Federal Communications Commission; and

(2) the Federal Information Processing Standard 140-2 governing compliant cryptographic modules for encryption and security issued by the National Institute of Standards and Technology.

(e) Before sending a notice described by Subsection (b), a public service provider must:

(1) provide a copy of the notice to the emergency management director designated under Section 418.1015, for each political subdivision for which the public service provider provides services at the time of the notice; and

(2) during a disaster declared by the governor or United States government,

obtain approval of the notice from the emergency management director designated under Section 418.1015, for each political subdivision for which the public service provider provides services during the disaster.

(f) A customer of a public service provider may decline to receive the notices described by Subsection (b) by providing written notice of that decision to the public service provider.

(g) A public service provider shall cooperate with emergency management officials of each political subdivision in which the public service provider provides services to survey the number of notification systems in place.

(h) The requirements of this section do not apply to:

(1) a public service provider serving 250,000 or fewer customers; or

(2) an emergency notification system that is in use by a public service provider on June 1, 2011.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1068 (S.B. 924), Sec. 3(a), eff. June 17, 2011.
Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1052 (H.B. 3096), Sec. 1, eff. June 14, 2013.

LEGISLATIVE UPDATES. CHAPTER 418

83RD LEGISLATIVE UPDATES. CHAPTER 418

HB 3178 repeals Section 418.114 of the Government Code related to requiring certain political subdivisions to agree on procedures that specify the manner in which mutual aid will be provided. The bill would amend the Government Code to remove the time requirement for a request for mutual aid to be submitted in writing. The bill would also require cost reimbursements to all respondents to requests for mutual aid in cases where the duration of the assistance exceeds 12 consecutive hours.

SB 171 amends the Government Code to require the chief of the TDEM to establish a workgroup of appropriate emergency management council members, local government officials, and nonprofit organizations to determine if a uniform application form for assistance following a disaster may be developed for use by state agencies and by persons requesting assistance from state agencies.

SB 171 amends Section 418.013, Government Code, by adding Subsection (e) that requires the chief of the Texas Division of Emergency Management to establish a workgroup of appropriate emergency management council members, local government officials, and nonprofit organizations to determine if a uniform application form for assistance following a disaster may be developed for use by state agencies and by persons requesting assistance from state agencies. Requires the workgroup to report its findings, including recommendations for any necessary statutory changes, to the legislature before September 1, 2014. Provides that this subsection expires September 1, 2014.

The 81st Legislature in 2009 passed HB 3097 by McClendon, et al. to create the Texas Department of Motor Vehicles (TxDMV) as a state agency separate from the Texas Department of Transportation (TxDOT).

HB 2741 amends Section 418.016, Government Code and allows the governor to suspend the provisions of any state regulatory statute if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

SB 223 designates certain vehicles of TDEM as authorized emergency vehicles.

HB 3096 amends Section 418.192(h), Government Code relating to an exemption from the use of an emergency notification system by certain public service providers.

Emergency notification systems are used by public entities to provide information to the public regarding events ranging from flood warnings to notices that water will be turned off for a few hours for maintenance work.

Current law places requirements on what public service providers must have in their emergency notification systems. Public service providers are defined as entities providing essential products or services to the public that are regulated under the Natural Resources, Utilities, and Water Codes, including common carriers, telecommunications providers, and other entities providing or producing heat, light, power, or water.

The bill exempts providers serving 250,000 or fewer customers from the extensive regulations, while leaving in place the more complex system requirements for larger public service providers.

SB 1393. The US DHS establishes the framework for the development of state and local homeland security plans, and each state is responsible for creating a plan to address that state's unique homeland security environment. This bill creates a more generic reference to federal guidance to avoid the perception that the state is basing its plans on outdated documents, as the name of the prevailing document has changed several times.

The current guiding document, the National Preparedness Goal, contains five mission areas: prevention, protection, mitigation, response, and recovery. The five key mission areas are generally accepted across the nation for purposes of homeland security and emergency management, and will likely continue to be incorporated into future federal guidance documents.

The bill streamlines the state's application process for United States Department of Homeland Security grants by aligning the state's strategic planning efforts with current federal guidance, ensuring that each priority action item falls under one of the five mission areas.

APPENDIX C

TEXAS GOVERNMENT CODE

TITLE 4. EXECUTIVE BRANCH

SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION

CHAPTER 421. HOMELAND SECURITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 421.001. DEFINITIONS. In this chapter:

(1) "Agency" means any governmental entity.

(2) "Critical infrastructure" includes all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation.

(2-a) "Fusion center" means a state or regional multidisciplinary collaborative effort of two or more agencies that combine resources, expertise, and intelligence and other information with the goal of maximizing the ability of those agencies to detect, prevent, and respond to criminal activities or to otherwise engage in homeland security activities.

(3) "Homeland security activity" means any activity related to the prevention or discovery of, response to, or recovery from a terrorist attack, natural or man-made disaster, hostile military or paramilitary action, or extraordinary law enforcement emergency.

(4) "Intelligence" means the product of systematic gathering, evaluation, and synthesis of raw data on individuals or activities suspected of being, or known to be, criminal in nature.

(5) "Recognized fusion center" means a fusion center operating in this state that has been recognized by the director of Texas Homeland Security as meeting the fusion center mission identified in the governor's homeland security strategy and in the Department of Homeland Security State, Local, and Regional Fusion Center Initiative established under 6 U.S.C. Section 124h.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.
Amended by:
Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 1, eff. June 17, 2011.

Sec. 421.002. HOMELAND SECURITY STRATEGY. (a) The governor shall direct homeland security in this state and shall develop a statewide homeland security strategy that improves the state's ability to:

(1) protect against homeland security threats and hazards;

(2) respond to homeland security emergencies;

(3) recover from homeland security emergencies;

(4) mitigate the loss of life and property by lessening the impact of future disasters; and

(5) prevent significant criminal and terrorist attacks.

(b) The governor's homeland security strategy shall coordinate homeland security activities among and between local, state, and federal agencies and the private sector and must include specific plans for:

(1) intelligence gathering and analysis;

(2) information sharing;

(3) reducing the state's vulnerability to homeland security emergencies;

(4) protecting critical infrastructure;

(5) protecting the state's international border, ports, and airports;

(6) detecting, deterring, and defending against terrorism, including cyber-terrorism and biological, chemical, and nuclear terrorism;

(7) positioning equipment, technology, and personnel to improve the state's ability to respond to a homeland security emergency;

(8) directing the Texas Fusion Center and giving the center certain forms of authority to implement the governor's homeland security strategy; and

(9) using technological resources to:

(A) facilitate the interoperability of government technological resources, including data, networks, and applications;

(B) coordinate the warning and alert systems of state and local agencies;

(C) incorporate multidisciplinary approaches to homeland security; and

(D) improve the security of governmental and private sector information technology and information resources.

(c) The governor's homeland security strategy must complement and operate in coordination with federal strategic guidance on homeland security.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.
Amended by:
Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 2, eff. June 17, 2011.
Acts 2013, 83rd Leg., R.S., Ch. 616 (S.B. 1393), Sec. 1, eff. June 14, 2013.

Sec. 421.0025. BORDER SECURITY COUNCIL. (a) The Border Security Council consists of members appointed by the governor.

(a-1) At least one-third of the members appointed under Subsection (a) must be residents of the Texas-Mexico border region, as defined by Section 2056.002.

(b) The Border Security Council shall develop and recommend to the office of the governor performance standards, reporting requirements, audit methods, and other procedures to ensure that funds allocated by the office of the governor for purposes related to security at or near this state's international border are used properly and that the recipients of the funds are accountable for the proper use of the funds.

(c) The Border Security Council shall advise the office of the governor regarding the allocation of funds by the office for purposes related to security at or near this state's international border. Recommendations relating to the allocation of those funds must be made by a majority of the members of the council.

(d) The governor shall designate one member of the Border Security Council as the chair. The chair shall arrange meetings of the Border Security Council at times determined by the members of the council.

(e) The meetings of the Border Security Council are subject to the requirements of Chapter 551 to the same extent as similar meetings of the Public Safety Commission. The plans and recommendations of the Border Security Council are subject to the requirements of Chapter 552 to the same extent as similar plans and recommendations of the Department of Public Safety of the State of Texas.

(f) Service on the Border Security Council by a state officer or employee or by an officer or employee of a local government is an additional duty of the member's office or employment.

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 18.01, eff. September 1, 2007.

Sec. 421.003. CRIMINAL INTELLIGENCE INFORMATION. The Department of Public Safety of the State of Texas is:

(1) the repository in this state for the collection of multijurisdictional criminal intelligence information that is about terrorist activities or otherwise related to homeland security activities; and

(2) the state agency that has primary responsibility to analyze and disseminate that information.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.

Sec. 421.004. PROVISIONS GOVERNING MOBILE TRACKING DEVICES. In the event of a conflict between Section 14, Article 18.21, Code of Criminal Procedure, and this chapter or a rule adopted under this chapter, Section 14, Article 18.21, Code of Criminal Procedure, controls.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.

SUBCHAPTER B. HOMELAND SECURITY COUNCIL

Sec. 421.021. MEMBERSHIP.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.26

(a) The Homeland Security Council is composed of the governor or the governor's designee, the speaker of the house of representatives or the speaker's designee, the lieutenant governor or the lieutenant governor's designee, and one representative of each of the following entities, appointed by the single statewide elected or appointed governing officer, administrative head, or chair, as appropriate, of the entity:

(1) Department of Agriculture;
(2) office of the attorney general;
(3) General Land Office;
(4) Public Utility Commission of Texas;
(5) Department of State Health Services;
(6) Department of Information Resources;
(7) Department of Public Safety of the State of Texas;
(8) Texas Division of Emergency Management;
(9) adjutant general's department;
(10) Texas Commission on Environmental Quality;
(11) Railroad Commission of Texas;
(12) Texas Strategic Military Planning Commission;
(13) Texas Department of Transportation;
(14) Commission on State Emergency Communications;
(15) Office of State-Federal Relations;
(16) secretary of state;
(17) Senate Committee on Agriculture, Rural Affairs and Homeland Security;
(18) House Committee on Defense and Veterans' Affairs;
(19) Texas Animal Health Commission;
(20) Texas Association of Regional Councils;
(21) Texas Commission on Law Enforcement;
(22) state fire marshal's office;
(23) Texas Education Agency;
(24) Texas Commission on Fire Protection;
(25) Parks and Wildlife Department;
(26) Texas Forest Service; and
(27) Texas Water Development Board.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 616 (S.B. 1393), Sec. 2

(a) The Homeland Security Council is composed of the governor or the governor's designee, the speaker of the house of representatives or the speaker's designee, the lieutenant governor or the lieutenant governor's designee, and one representative of each of the following entities, appointed by the single statewide elected or appointed governing officer, administrative head, or chair, as appropriate, of the entity:

(1) Department of Agriculture;
(2) office of the attorney general;
(3) General Land Office;
(4) Public Utility Commission of Texas;
(5) Department of State Health Services;
(6) Department of Information Resources;
(7) Department of Public Safety of the State of Texas;
(8) Texas Division of Emergency Management;
(9) adjutant general's department;
(10) Texas Commission on Environmental Quality;
(11) Railroad Commission of Texas;
(12) Texas Military Preparedness Commission;
(13) Texas Department of Transportation;
(14) Commission on State Emergency Communications;
(15) Office of State-Federal Relations;

(16) secretary of state;
(17) the committee of the senate having jurisdiction over homeland security;
(18) the committee of the house of representatives having jurisdiction over homeland security;
(19) Texas Animal Health Commission;
(20) Texas Association of Regional Councils;
(21) Texas Commission on Law Enforcement Officer Standards and Education;
(22) state fire marshal's office;
(23) Texas Education Agency;
(24) Texas Commission on Fire Protection;
(25) Parks and Wildlife Department;
(26) Texas A&M Forest Service; and
(27) Texas Water Development Board.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 1217 (S.B. 1536), Sec. 2.03

(a) The Homeland Security Council is composed of the governor or the governor's designee, the speaker of the house of representatives or the speaker's designee, the lieutenant governor or the lieutenant governor's designee, and one representative of each of the following entities, appointed by the single statewide elected or appointed governing officer, administrative head, or chair, as appropriate, of the entity:
(1) Department of Agriculture;
(2) office of the attorney general;
(3) General Land Office;
(4) Public Utility Commission of Texas;
(5) Department of State Health Services;
(6) Department of Information Resources;
(7) Department of Public Safety of the State of Texas;
(8) Texas Division of Emergency Management;
(9) Texas Military Department;
(10) Texas Commission on Environmental Quality;
(11) Railroad Commission of Texas;
(12) Texas Military Preparedness Commission;
(13) Texas Department of Transportation;
(14) Commission on State Emergency Communications;
(15) Office of State-Federal Relations;
(16) secretary of state;
(17) Senate Committee on Veterans Affairs and Military Installations;
(18) Senate Committee on Agriculture, Rural Affairs and Homeland Security;
(19) House Committee on Defense and Veterans' Affairs;
(20) House Committee on Homeland Security and Public Safety;
(21) Texas Animal Health Commission;
(22) Texas Commission on Law Enforcement Officer Standards and Education;
(23) state fire marshal's office;
(24) Texas Education Agency;
(25) Texas Commission on Fire Protection;
(26) Parks and Wildlife Department;
(27) Texas A&M Forest Service; and
(28) Texas Water Development Board.

(b) To be eligible for appointment as a member of the council, a person must be directly involved in policies, programs, or funding activities that are relevant to homeland security or infrastructure protection.

(c) A member of the council serves at the will of the governor. At the request of the governor, an appointing authority under this section shall appoint a different member.

(d) An officer or employee of a state or local agency who serves as a member of the council or a special advisory committee under this subchapter shall perform the duties required by the council or special advisory committee as an additional duty of the member's office or employment.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.

Amended by:
Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 10, eff. June 18, 2005.
Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 2B.06, eff. September 1, 2009.
Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.26, eff. May 18, 2013.
Acts 2013, 83rd Leg., R.S., Ch. 616 (S.B. 1393), Sec. 2, eff. June 14, 2013.
Acts 2013, 83rd Leg., R.S., Ch. 1217 (S.B. 1536), Sec. 2.03, eff. September 1, 2013.

Sec. 421.022. REIMBURSEMENT OF EXPENSES. A member of the council may not receive additional compensation for service on the council but is entitled to reimbursement of reasonable expenses incurred in direct performance of official duties, including travel expenses incurred by the member while conducting the business of the council, subject to any applicable limitation on reimbursement provided by general law or the General Appropriations Act.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.

Sec. 421.023. ADMINISTRATION. (a) The council is an advisory entity administered by the office of the governor.
(b) The governor may adopt rules as necessary for the operation of the council.
(c) The governor shall designate the presiding officer of the council.
(d) The council shall meet at the call of the governor and shall meet at least once each quarter in a calendar year.
(e) The council is not subject to Chapter 2110.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.

Sec. 421.024. DUTIES. The council shall advise the governor on:
(1) the implementation of the governor's homeland security strategy by state and local agencies and provide specific suggestions for helping those agencies implement the strategy; and
(2) other matters related to the planning, development, coordination, and implementation of initiatives to promote the governor's homeland security strategy.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 1208 (S.B. 1394), Sec. 1, eff. June 14, 2013.

Sec. 421.025. SPECIAL ADVISORY COMMITTEES. (a) The governor may appoint one or more special advisory committees composed of representatives from state or local agencies or nongovernmental entities not represented on the council.
(b) The governor shall determine the number of members and qualifications for membership on a special advisory committee under this section.
(c) A special advisory committee under this section shall assist the council in performing its duties.
(d) A special advisory committee under this section is subject to Chapter 2110, except that Section 2110.002 does not apply.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.

Sec. 421.026. REPORT. The council shall annually submit to the governor a report stating:
(1) the status and funding of state programs designed to detect and deter homeland security emergencies, including the status and funding of counterterrorism efforts;
(2) recommendations on actions to reduce threats to homeland security, including threats related to terrorism; and
(3) recommendations for improving the alert, response, and recovery capabilities of state and local agencies.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 1208 (S.B. 1394), Sec. 2, eff. June 14, 2013.

SUBCHAPTER B-1. PERMANENT SPECIAL ADVISORY COMMITTEES

Sec. 421.041. FIRST RESPONDER ADVISORY COUNCIL. (a) The First Responder Advisory Council is a permanent special advisory committee created to advise the governor or the governor's designee on homeland security issues relevant to first responders, radio interoperability, the integration of statewide exercises for hazards, and the related use of available funding.

(b) The council is composed of:

(1) one representative for each of the following sectors of the state, appointed by the governor or the governor's designee:

(A) law enforcement;

(B) firefighters;

(C) private first responders; and

(D) emergency medical services; and

(2) other members, as determined by the governor or the governor's designee.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 11, eff. June 18, 2005.

Sec. 421.042. PRIVATE SECTOR ADVISORY COUNCIL. (a) The Private Sector Advisory Council is a permanent special advisory committee created to advise the governor or the governor's designee on homeland security issues relevant to the private sector.

(b) The council is composed of:

(1) one representative of a private organization or entity for each of the following sectors of the state, each appointed by the governor or the governor's designee:

(A) agriculture and food;

(B) banking and finance;

(C) chemicals and hazardous materials;

(D) the defense industry;

(E) energy;

(F) emergency services;

(G) information technology;

(H) telecommunications;

(I) postal and shipping;

(J) public health;

(K) transportation;

(L) ports and waterways; and

(M) national monuments and icons; and

(2) other members, as determined by the governor or the governor's designee.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 11, eff. June 18, 2005.

Sec. 421.043. ELIGIBILITY. (a) To be eligible for appointment as a member of a permanent special advisory committee created under this subchapter, a person must demonstrate experience in the sector that the person is under consideration to represent and be directly involved in related policies, programs, or funding activities that are relevant to homeland security or infrastructure protection.

(b) Each member of a permanent special advisory committee created under this subchapter serves at the will of the governor.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 11, eff. June 18, 2005.

Sec. 421.044. COMPENSATION AND REIMBURSEMENT OF EXPENSES PROHIBITED. A person who is a member of a permanent special advisory committee created under this subchapter is not entitled to receive compensation from this state for service on the committee or travel expenses incurred by the person while conducting the business of the committee.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 11, eff. June 18, 2005.

Sec. 421.045. DUTIES. Each permanent special advisory committee created under this subchapter shall advise the governor on:

(1) the implementation of the governor's homeland security strategy by state and local agencies and provide specific suggestions for helping those agencies implement the strategy;

(2) specific priorities related to the governor's homeland security strategy

that the committee determines to be of significant importance to the statewide security of critical infrastructure; and

(3) other matters related to the planning, development, coordination, and implementation of initiatives to promote the governor's homeland security strategy.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 11, eff. June 18, 2005.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 1208 (S.B. 1394), Sec. 3, eff. June 14, 2013.

SUBCHAPTER C. CIVIL LIABILITY FOR ACTS OR OMISSIONS

Sec. 421.061. CIVIL LIABILITY. (a) An officer or employee of a state or local agency performing a homeland security activity or a volunteer performing a homeland security activity at the request or under the direction of an officer or employee of a state or local agency is considered for purposes of Section 437.222 to be a member of the Texas military forces ordered into active service of the state by proper authority and is considered to be discharging a duty in that capacity if:

(1) the officer, employee, or volunteer is performing the homeland security activity under procedures prescribed or circumstances described for the purpose of this section in the governor's homeland security strategy;

(2) in the case of a volunteer, the volunteer is acting within the course and scope of the request or direction of the officer or employee of the state or local agency; and

(3) in the case of an officer or employee of a state or local agency, the officer or employee is acting within the course and scope of the person's authority.

(b) A person described by Subsection (a) is not immune from civil liability under Section 437.222 for damages resulting from the performance of a homeland security activity if, under the circumstances, the person's performance of the homeland security activity was wilfully or wantonly negligent or done with conscious indifference or reckless disregard for the safety of persons this chapter is intended to protect.

(c) This section does not make a person a member of the state military forces for any other purpose, including for purposes of the application of the Uniform Code of Military Justice.

(d) This section does not affect the application of Section 437.222 on its own terms to a person who is a member of the Texas military forces ordered into active service of the state by proper authority under other law.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 1217 (S.B. 1536), Sec. 3.07, eff. September 1, 2013.

Sec. 421.062. LIABILITY UNDER INTERLOCAL CONTRACT. (a) In this section, "interlocal contract" has the meaning assigned by Section 791.003.

(b) A state or local agency that furnishes a service related to a homeland security activity under an interlocal contract is immune from civil liability for any act or omission resulting in death, damage, or injury while acting under the interlocal contract if:

(1) the interlocal contract expressly states that the furnishing state or local agency is not responsible for any civil liability that arises from the furnishing of a service under the contract; and

(2) the state or local agency committed the act or omission while acting in good faith and in the course and scope of its functions to provide a service related to a homeland security activity.

(c) This section may not be interpreted as a waiver of any immunity that might exist in the absence of an interlocal contract or a provision in an interlocal contract as set forth in Subsection (b).

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.

SUBCHAPTER D. COOPERATION AND ASSISTANCE; FUNDING

Sec. 421.071. COOPERATION AND ASSISTANCE. A state or local agency that performs a homeland security activity or a nongovernmental entity that contracts with a state or local agency to perform a homeland security activity shall cooperate with and assist the office of the governor, the Homeland Security Council, the Texas Fusion Center, and the National Infrastructure Protection Center in the performance of their duties under this chapter and other state or federal law.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.
Amended by:
Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 12, eff. June 18, 2005.
Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 3, eff. June 17, 2011.

Sec. 421.072. FUNDING. (a) The office of the governor shall:

(1) allocate available federal and state grants and other funding related to homeland security to state and local agencies and defense base development authorities created under Chapter 379B, Local Government Code, that perform homeland security activities;

(2) periodically review the grants and other funding for appropriateness and compliance;

(3) designate state administering agencies to administer all grants and other funding to the state related to homeland security; and

(4) measure the effectiveness of the homeland security grants and other funding.

(b) State and local agencies that perform homeland security activities shall inform the office of the governor about any actions taken relating to requests for revenue, grants, or other funding for homeland security activities or initiatives.

(c) A state or local agency or defense base development authority that receives a grant or other funding related to homeland security must provide an annual report to the office of the governor detailing:

(1) the compliance of the agency or authority with the state homeland security strategy;

(2) any expenditures made using the funding;

(3) any programs developed or implemented using the funding; and

(4) the manner in which any expenditures made or programs developed or implemented have improved the ability of the agency or authority to detect, deter, respond to, and recover from a terrorist attack.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.
Amended by:
Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 13, eff. June 18, 2005.

SUBCHAPTER E. TEXAS FUSION CENTER AND OTHER FUSION CENTERS OPERATING IN THIS STATE

Sec. 421.081. FACILITIES AND ADMINISTRATIVE SUPPORT. The Department of Public Safety of the State of Texas shall provide facilities and administrative support for the Texas Fusion Center.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.
Amended by:
Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 18.03, eff. September 1, 2007.

Sec. 421.082. POWERS AND DUTIES. (a) The Texas Fusion Center shall serve as the state's primary entity for the planning, coordination, and integration of government communications capabilities to help implement the governor's homeland security strategy and ensure an effective response in the event of a homeland security emergency.

(b) The center's duties include:

(1) promotion of emergency preparedness;

(2) receipt and analysis of information, assessment of threats, and issuance of public warnings related to homeland security emergencies;

(3) authorization and facilitation of cooperative efforts related to emergency response and recovery efforts in the event of a homeland security emergency; and

(4) making recommendations to the Department of Public Safety regarding the monitoring of fusion centers operating in this state and regarding the functions of the Texas Fusion Center Policy Council created under Section 421.083.

(c) In performing its duties under this section, the center shall aim to:

(1) reduce the vulnerability of at-risk or targeted entities to homeland security emergencies; and

(2) prevent or minimize damage, injury, loss of life, and loss of property in the event of a homeland security emergency.

(d) The center shall perform its duties under circumstances prescribed by and as directed by the governor's homeland security strategy.

(e) The gang section of the center shall annually submit to the governor and the legislature a report assessing the threat posed statewide by criminal street gangs. The report must include identification of:

(1) law enforcement strategies that have been proven effective in deterring gang-related crime; and

(2) gang involvement in trafficking of persons.

(f) On request, the office of the attorney general, the Department of Public Safety, the Texas Department of Criminal Justice, other law enforcement agencies, and juvenile justice agencies of this state shall provide to the gang section of the center information relating to criminal street gangs, gang-related crime, and gang involvement in trafficking of persons.

(g) Any information received by the center under this section that is stored, combined with other information, analyzed, or disseminated is subject to the rules governing criminal intelligence in 28 C.F.R. Part 23.

Added by Acts 2003, 78th Leg., ch. 1312, Sec. 1, eff. June 21, 2003.
Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1350 (S.B. 379), Sec. 1, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 5, eff. June 17, 2011.

Sec. 421.083. TEXAS FUSION CENTER POLICY COUNCIL. (a) The Department of Public Safety shall create the Texas Fusion Center Policy Council and the bylaws for the council to assist the department in monitoring fusion center activities in this state.

(b) The policy council is composed of one executive representative from each recognized fusion center operating in this state.

(c) The policy council shall:

(1) develop and disseminate strategies to:

(A) facilitate the implementation of applicable federal standards and programs on a statewide basis by each fusion center operating in this state;

(B) expand and enhance the statewide intelligence capacity to reduce the threat of terrorism and criminal enterprises; and

(C) continuously review critical issues pertaining to homeland security activities;

(2) establish a privacy advisory group, with at least one member who is a privacy advocate, to advise the policy council and to meet at the direction of the policy council; and

(3) recommend best practices for each fusion center operating in this state, including:

(A) best practices to ensure that the center adheres to 28 C.F.R. Part 23 and any other federal or state law designed to protect privacy and the other legal rights of individuals; and

(B) best practices for the smooth exchange of information among all fusion centers operating in this state.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 6, eff. June 17, 2011.

Sec. 421.084. FUSION CENTERS OPERATING IN THIS STATE: RULES AND MONITORING. (a) After considering the recommendations of the Texas Fusion Center under Section 421.082(b)(4) and the Texas Fusion Center Policy Council under Section 421.083(c)(3), the Department of

Public Safety shall adopt rules to govern the operations of fusion centers in this state, including guidelines to:

(1) for any fusion center operating in this state, establish a common concept of operations to provide clear baseline standards for each aspect of the center's activities;

(2) inform and define the monitoring of those activities by the Texas Fusion Center Policy Council; and

(3) ensure that any fusion center operating in this state adheres to federal and state laws designed to protect privacy and the other legal rights of individuals, including 28 C.F.R. Part 23 and any other law that provides clear standards for the treatment of intelligence or for the collection and storage of noncriminal information, personally identifiable information, or protected health information.

(b) The Department of Public Safety may require that a fusion center audited under applicable department rules pay any costs incurred by the policy council in relation to the audit.

(c) A member of the policy council may not receive compensation but is entitled to reimbursement for the member's travel expenses as provided by Chapter 660 and the General Appropriations Act.

(d) A fusion center may not receive state grant money if the center adopts a rule, order, ordinance, or policy under which the center fails or refuses to comply with rules adopted by the Department of Public Safety under Subsection (a), beginning with the first state fiscal year occurring after the center adopts the rule, order, ordinance, or policy.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 6, eff. June 17, 2011.

Sec. 421.085. PRIVACY POLICY REQUIRED. (a) Each fusion center operating in this state shall adopt a privacy policy providing at a minimum that, with respect to an individual or organization, the fusion center:

(1) will not seek, collect, or retain information that is based solely on any of the following factors, as applicable to that individual or organization:

(A) religious, political, or social views or activities;

(B) participation in a particular organization or event; or

(C) race, ethnicity, citizenship, place of origin, age, disability, gender, or sexual orientation; and

(2) will take steps to ensure that any agency that submits information to the fusion center does not submit information based solely on a factor described by Subdivision (1).

(b) In a criminal investigation, a factor described by Subsection (a)(1) may not alone give rise to reasonable suspicion. However, a factor described by Subsection (a)(1) may be used in connection with a specific description of a suspect in the investigation.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 6, eff. June 17, 2011.

Sec. 421.086. REPORT. The Texas Fusion Center Policy Council annually shall submit to the governor and to each house of the legislature a report that contains, with respect to the preceding year:

(1) the council's progress in developing and coordinating the statewide fusion effort and intelligence network described by the governor's homeland security strategy;

(2) the progress made by fusion centers operating in this state in meeting the fusion center guidelines developed under the Department of Homeland Security State, Local, and Regional Fusion Center Initiative established under 6 U.S.C. Section 124h; and

(3) a summary of fusion center audits or reviews conducted under applicable rules adopted by the Department of Public Safety.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 6, eff. June 17, 2011.

SUBCHAPTER F. GOVERNOR'S INTEROPERABLE RADIO COMMUNICATIONS PROGRAM

Sec. 421.095. DEFINITIONS. In this subchapter:

(1) "First responder" means a public safety employee or volunteer whose duties include responding rapidly to an emergency. The term includes:

(A) a peace officer whose duties include responding rapidly to an emergency;

(B) fire protection personnel under Section 419.021;

(C) a volunteer firefighter who is:

(i) certified by the Texas Commission on Fire Protection or by the State Firemen's and Fire Marshalls' Association of Texas; or

(ii) a member of an organized volunteer fire-fighting unit as described by Section 615.003; and

(D) an individual certified as emergency medical services personnel by the Department of State Health Services.

(2) "Infrastructure equipment" means the underlying permanent equipment required to establish interoperable communication between radio systems used by local, state, and federal agencies and first responders.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 14, eff. June 18, 2005.

Sec. 421.096. INTEROPERABILITY OF RADIO SYSTEMS. The office of the governor shall:

(1) develop and administer a strategic plan to design and implement a statewide integrated public safety radio communications system that promotes interoperability within and between local, state, and federal agencies and first responders;

(2) develop and administer a plan in accordance with Subdivision (1) to purchase infrastructure equipment for state and local agencies and first responders;

(3) advise representatives of entities in this state that are involved in homeland security activities with respect to interoperability; and

(4) use appropriated money, including money from relevant federal homeland security grants, for the purposes of designing, implementing, and maintaining a statewide integrated public safety radio communications system.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 14, eff. June 18, 2005.

Sec. 421.097. ASSISTANCE. The office of the governor may consult with a representative of an entity described by Section 421.096(3) to obtain assistance or information necessary for the performance of any duty under this subchapter.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 14, eff. June 18, 2005.

Sec. 421.098. REPORT. Not later than September 1 of each year, the office of the governor shall provide to the legislature a report on the status of its duties under this subchapter.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 14, eff. June 18, 2005.

SUBCHAPTER Z. MISCELLANEOUS

Sec. 421.901. INTEROPERABILITY OF CRITICAL INFORMATION SYSTEMS. The office of the governor shall develop a plan for appropriate entities to use information systems that:

(1) employ underlying computer equipment and software required to establish interoperable communication between computer systems used by local, state, and federal agencies and first responders; and

(2) provide a single point of entry to disseminate information, applications, processes, and communications.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 15, eff. June 18, 2005.

APPENDIX D

TEXAS ADMINISTRATIVE CODE

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 7. DIVISION OF EMERGENCY MANAGEMENT

SUBCHAPTER A. EMERGENCY MANAGEMENT PROGRAM REQUIREMENTS

RULE §7.1. Emergency Management Organization Required
Each county and incorporated city in Texas shall maintain an emergency management agency or participate in a local or interjurisdictional emergency management agency.

Source Note: The provisions of this §7.1 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4540; amended to be effective December 20, 2007, 32 TexReg 9355

RULE §7.2 Responsibilities of the Chief Elected Official
The mayor of each municipal corporation and the county judge of each county are designated as the emergency management director for their respective jurisdictions. The mayor and county judge may each designate an emergency management coordinator who shall serve as an assistant to the presiding officer of the political subdivision for emergency management purposes when so designated.

Source Note: The provisions of this §7.2 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4540; amended to be effective March 14, 1999, 24 TexReg 1635; amended to be effective December 20, 2007, 32 TexReg 9355

RULE §7.3 Notification Required
The presiding officer of each political subdivision of the state shall notify the Governor's Division of Emergency Management of the manner in which the political subdivision is providing or securing an emergency management program and the person designated to head that program. Notification should be made using form DEM-147 (Emergency Management Director/Coordinator Appointment), which is available from the division's web site (http://www.txdps.state.tx.us/dem/pages/index.htm) and from its Regional Liaison Officers stationed around the State.

Source Note: The provisions of this §7.3 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 1 TexReg 1254; amended to be effective March 14, 1999, 24 TexReg 1635; amended to be effective December 20, 2007, 32 TexReg 9355

SUBCHAPTER B
EMERGENCY MANAGEMENT PLANNING AND
PREPLANNING REQUIREMENTS

RULE §7.11 State Plan Required
The Division of Emergency Management of the Texas Department of Public Safety shall prepare and maintain a state emergency management plan. This plan is on file at the division's office, 5805 North Lamar, Austin, Texas, and with each member agency of the Emergency Management Council. A copy of the plan is posted on the division's web site (http://www.txdps.state.tx.us/dem/pages/index.htm).

Source Note: The provisions of this §7.11 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4540; amended to be effective December 20, 2007, 32 TexReg 9355

RULE §7.12 Local Planning Required
Each local and interjurisdictional emergency management agency shall prepare, keep

current, and distribute to appropriate officials a local or interjurisdictional emergency management plan that includes the minimum content specified by the Division of Emergency Management in its local emergency planning standards and has been signed by the presiding officer(s) of the jurisdiction(s) for which it was prepared. Local and interjurisdictional plans shall be reviewed annually and must have been prepared or updated during the last five (5) years to be considered current. A copy of each plan and any changes to it will be provided to the Division.

Source Note: The provisions of this §7.12 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4540; amended to be effective June 18, 2003, 28 TexReg 4561; amended to be effective December 20, 2007, 32 TexReg 9355

RULE §7.13 Eligibility for Federal Incentive Programs Described

(a) The Division of Emergency Management administers certain federal assistance programs authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended, and other statutes. To participate in these programs, a city or county must meet, as a minimum, the following basic eligibility requirements:

(1) Have a local emergency management agency legally established by city ordinance or commissioner's court order or participate in an interjurisdictional emergency agency established by joint resolution of the participating local government.

(2) Have a local or interjurisdictional emergency management plan that meets state planning standards for minimum content and is current.

(3) Have formally adopted and be implementing the National Incident Management System (NIMS) as its incident management system.

(4) Submit an acceptable project narrative or work plan and budget for eligible activities.

(b) Many grants have more specific eligibility requirements and additional terms and conditions.

Source Note: The provisions of this §7.13 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4540; amended to be effective March 14, 1999, 24 TexReg 1636; amended to be effective June 18, 2003, 28 TexReg 4561; amended to be effective December 20, 2007, 32 TexReg 9355

SUBCHAPTER C.
EMERGENCY MANAGEMENT OPERATIONS

RULE §7.21 Declaration of a State of Disaster and Effects of a Declaration

The presiding officer of a political subdivision may declare a local State of Disaster if a disaster has occurred or is imminent. A disaster declaration activates the response provisions of the local emergency plan, if that has not been previously accomplished, and also activates recovery provisions of the plan. Such a declaration can be sustained for a maximum of seven days, unless extended by the governing body of the political subdivision.

Source Note: The provisions of this §7.21 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4541; amended to be effective December 20, 2007, 32 TexReg 9356

RULE §7.22 State of Disaster Publicized

A local declaration of disaster must be given general publicity and shall be promptly filed with the city secretary or county clerk.

Source Note: The provisions of this §7.22 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4541

RULE §7.23 Local Government's Responsibility

In responding to emergencies and disasters, a local government is expected to use its own resources and the resources available to it through mutual aid agreements before requesting assistance from the state. Municipalities must request assistance from their county before requesting assistance from the state.

Source Note: The provisions of this §7.23 adopted to be effective December 20, 2007, 32 TexReg 9356

RULE §7.24 Requesting State Assistance
If local and mutual aid resources prove inadequate for coping with a disaster, the local government may request assistance from the state by contacting the local Disaster District Committee Chairperson, who is the commanding officer of the Texas Highway Patrol district or sub-district in which the jurisdiction is located.

Source Note: The provisions of this §7.24 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4541; amended to be effective December 20, 2007, 32 TexReg 9356

RULE §7.25 Request from Chief Elected Official Required
Requests for assistance must be made by the chief elected official of the city or county or by another official specifically authorized by them.

Source Note: The provisions of this §7.25 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4541; amended to be effective March 14, 1999, 24 TexReg 1636

RULE §7.26 Local Government Control Affirmed
All local disaster operations will be directed by officials of local government. Organized state and federal response teams and teams from other local governments and response organizations providing mutual aid will normally work under their existing supervisors, who will take their mission assignments from the local incident commander.

Source Note: The provisions of this §7.26 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4541; amended to be effective December 20, 2007, 32 TexReg 9356

RULE §7.27 Protective Action Recommendations for the Public
The decision to recommend that the public take shelter, evacuate, or relocate rests solely with the Governor and with the officials of local government. The chief elected official of a local government has the legal authority to order the evacuation of areas within the government's jurisdiction that are at risk from or have been impacted by a disaster.

Source Note: The provisions of this §7.27 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4541; amended to be effective March 14, 1999, 24 TexReg 1636; amended to be effective June 18, 2003, 28 TexReg 4562; amended to be effective December 20, 2007, 32 TexReg 9356

SUBCHAPTER D.
RECOVERY AND REHABILITATION REQUIREMENTS

RULE §7.41 Initiation of Requests for Recovery Assistance
Requests for state or federal recovery assistance must be initiated by local government. The chief elected official of the jurisdiction must have declared a local State of Disaster before requesting disaster recovery assistance.

Source Note: The provisions of this §7.41 adopted to be effective January 1, 1976; amended to be effective December 20, 2007, 32 TexReg 9356

RULE §7.42 Written Request Required
Requests for recovery assistance and/or a state disaster declaration by the Governor must be made by the local chief elected official in writing to the Governor of Texas through the Division of Emergency Management. The request must indicate that the disaster is of such magnitude that local resources are inadequate to deal with it and the affected locality cannot recover without state and/or federal assistance. Request should be transmitted to the Division by facsimile or courier.

Source Note: The provisions of this §7.42 adopted to be effective January 1, 1976; amended to be effective March 14, 1999, 24 TexReg 1636; amended to be effective December 20, 2007, 32 TexReg 9356

RULE §7.43 Supporting Information for a Request for Assistance
The following should be attached to requests for assistance and/or for a state disaster declaration by the Governor.

(1) An estimate of the extent of damage sustained to public and private property, including homes and business and data on the number of people who are deceased, injured, or displaced. The Damage Summary Outline (form DEM-93), available from the Division of Emergency Management field staff and posted on the division's web site (http://www.txdps.state.tx.us/dem/pages/index/htm), should be used for this purpose.

(2) A copy of the local disaster declaration issued for the disaster.

Source Note: The provisions of this §7.43 adopted to be effective December 20, 2007, 32 TexReg 9356

RULE §7.44 Joint Damage Assessments
When a local government has requested state or federal disaster recovery assistance and/or a state disaster declaration, state and, where appropriate, federal emergency management officials will normally deploy to the affected area to conduct a joint damage assessment with local officials that will be used in developing state and federal disaster recovery program recommendations. Local governments are expected to make available personnel who are knowledgeable about the damages suffered by the community to participate in this effort.

Source Note: The provisions of this §7.44 adopted to be effective December 20, 2007, 32 TexReg 9356

RULE §7.45 State and Federal Disaster or Emergency Declarations

(a) After consultation with appropriate emergency management officials, the Governor may issue a state disaster declaration for a local, regional, or statewide emergency situation.

(b) The Governor may also request a federal major disaster or emergency declaration for the emergency situation, which would, if approved, activate certain federal disaster relief and recovery programs.

Source Note: The provisions of this §7.45 adopted to be effective December 20, 2007, 32 TexReg 9356

NOTEWORTHY STATUTES AND LEGISLATIVE UPDATES

TEXAS AGRICULTURE CODE

The Texas Department of Agriculture is to notify Texas Division of Emergency Management (TDEM) of each quarantine it adopts and then cooperate fully with TDEM in implementing any necessary safeguards to control any pest or disease. Texas Agriculture Code § 12.0012 (Vernon's 2011).

Added by Acts 2003, 78th Leg., R.S. Ch. 1107, Sec 1, eff. June 20, 2003.

Amended by:
Acts 2009, 81st Leg., R.S., ch. 1146, Sec. 2B.01, eff. September 1, 2000.

The Agriculture Commission may disclose to state emergency management officials otherwise confidential information regarding diseased livestock necessary for emergency management purposes. Texas Agriculture Code §161.056 (Vernon's 2011). Added by Acts 1995, 74th leg., ch. 554, Sec. 18, eff. Sept. 1, 1995. Renumbered from Agriculture Code Sec. 161.054 by Acts 1997, 75th Leg., ch. 165, sec. 31.01(2), eff. Sept. 1, 1997.

Amended by:
Acts 2005, 79th Leg., Ch. 203, Sec. 1, eff. September 1, 2005.

TEXAS EDUCATION CODE

Institutions of higher education, including medical and dental schools, are to develop multihazard emergency plans and conduct drills. At least once every three years, these plans are to undergo a safety and security audit using safety and security audit procedures developed in consultation with TDEM. The results of the audit are to be provided to the Universities' Boards of Regents and to TDEM. Texas Education Code § 51.217 (Vernon's 2011).

Added by Acts 2009, 81st Leg., R.S., Ch. 1280, Sec. 6.13, eff. September 1, 2009.

Wildfires
"Wildfire" means any fire occurring on wildland or in a place where urban areas and rural areas meet. The term does not include a fire that constitutes controlled burning within the meaning of Section 28.01, Penal Code.

Amended by:
Acts 2011, 82nd Leg., R. S. eff. Sept. 1, 2011.

The Statewide Fire Coordinator Center is to have a direct liaison with the State Emergency Operations Center. Texas Education Code § 88.118,

Added by Acts 1993, 73rd Leg., ch. 209, Sec. 2, eff. May 19, 1993.

During the 82nd Session, the Texas Legislature enacted a measure allowing the Texas Forest Service to mobilize an Incident Management Team under the direction of TDEM to provide support for state, disaster district, or local jurisdiction operations. This was signed by Governor Perry and took effect September 1, 2011. The Education Code also was amended to require the Statewide Fire Coordination Center to provide continuous dispatching services for wildland fire control with the coordination function including a direct liaison with the State Emergency Operations Center. Texas Education Code §§ 88.122-125.

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

Texas Task Force - Workers' Compensation
When activated, Texas Task Force 1 members are to be covered by Workers' Compensation Insurance. TDEM is to reimburse the State Office of Risk Management for any benefits paid at the beginning of the next state fiscal year after the benefits are paid. Texas Education Code §88.303 (Vernon's 2011),

Added by Acts 2003, 78th Leg., ch. 644, Sec. 1, eff., June 20, 2003.

Amended by:
Acts 2009, 81st Leg., R.S., ch. 1146, Sec. 2B.02, eff. September 1, 2009.

Amateur Radio Operators
TDEM's responsibility to compile a list of state employees eligible for paid administrative leave to participate in disaster relief by virtue of their possession of an amateur radio station license is set forth in the Government Code. Texas Government Code § 661.919 (Vernon's 2011).

Added by Acts 2007, 80th Leg., R.S., Ch. 258, Sec. 2.01, eff. September 1, 2007.

Amended by:
Acts 2009, 81st Leg., R.S., ch. 1146, Sec. 2b.08, eff. September 1, 2009.

American Red Cross Volunteers
TDEM is responsible for maintaining a database of state employees who are certified disaster service volunteers of the American Red Cross, who are eligible for paid administrative leave from their state jobs, with the permission of their supervisors and the approval of the Governor, in the event of an emergency or disaster. Texas Government Code §661.907 (Vernon's 2011).

Added by Acts 1999, 76th Leg., ch. 278, Sec. 19, eff. Sept. 1, 1999.

Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1146, Sec. 2B.07, eff. September 1, 2009.

Texas' participation in the Emergency Management Assistance Compact (EMAC), the interstate agreement signed by all fifty states, as well as the District of Columbia, Puerto Rico, and the Virgin Islands, is codified in Section 778 of the Government Code. Texas Government Code, CH. 778.

Extension of the Amber Alert
During the 82nd Legislature, House Bill 1075 amended Chapter 411 of the Texas Government Code to include people with intellectual disabilities, which are defined as significantly subaverage general intellectual functioning that is concurrent with deficits in adaptive behavior and originates during the developmental period. This term includes a pervasive developmental disorder, which is defined as one meeting the criteria set out in the American Psychiatric Association's, Diagnostic and Statistical Manual of Mental Disorders (DSM). The measure took effect September 1, 2011. Texas Government Code § 411.351.

Added by Acts 82nd Leg., R.S.

Liaison with Faith- and Community-Based Organizations
House Bill 1965 amended Chapter 535 of the Texas Government Code by requiring state agencies, including the Texas Department of Public Safety (DPS), although not necessarily TDEM, to send a representative to serve as liaison with faith- and community-based organizations. Not later than December 1 of each year, this interagency group is to submit to the legislature a report describing the goals, activities, and progress of the group. Texas Government Code § 535.051.

Tort Protection for Local Partners
Senate Bill 1560 amended the Civil Practice and Remedies Code to extend tort claims protection to local emergency management or homeland security operations formed and operated as a state resource in accordance with statewide homeland security strategy and which are responsive to TDEM in carrying out an all-hazards emergency management program under Chapter 418. Texas Civil Practice and Remedies Code § 101.001. This measure also took effect September 1, 2011.

TEXAS LABOR CODE

Workers Compensation Coverage
The Labor Code clarifies that someone who is not otherwise covered by workers compensation but who is injured while performing volunteer services during disaster relief or in scheduled emergency response training under the direction of an officer or employee of the State of Texas is covered by workers compensation in such circumstances. Texas Labor Code § 501.026 (Vernon's 2011).

Added by Acts 1999, 76th Leg., ch. 985, Sec. 1, Eff. June 18, 1999.

Amended by:
Acts 2005, 79th Leg., Ch. 265, Se. 3.290, eff. September 1, 2005.

TEXAS WATER CODE

Utility Preparedness

TDEM is to act as a repository for emergency management plans for various utility companies. Specifically, public utility companies which have more than one customer are to provide TDEM a copy of the utility's emergency preparedness plan, as well as notification that the utility's plan has been approved by the Public Utility Commission (PUC). Texas Water Code § 13.1395 (Vernon's 2011). Added by Acts 2009, 81st leg., R.S. Ch. 1349, Sec. 1, eff. June 19, 2009. Moreover, each utility company that has water and wastewater facilities that qualify for critical load status under PUC rules must provide to TDEM emergency contact information, including names and telephone numbers for primary and secondary points of contact, as well as the mailing address for the utility company. Texas Water Code § 13.1396 (Vernon's 2011).

Added by Acts 2009, 81st leg., R.S. Ch. 1349, Sec. 1, eff. June 19, 2009.

Drought Preparedness

In addition to duties as head of TDEM, the Division director is also the State's Drought Manager, charged with managing and coordinating the drought response portion of the State's water plan. Texas Water Code § 16.055 (Vernon's 2011). Amended by Acts 1077, 65th Leg., p. 2207, ch. 870, Sec. 1, eff. Sept. 1, 1977; Acts 1997, 75th Leg., ch. 1010, Sec. 1.02, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 979, sec. 7, eff. June 18, 1999; Acts 1999, 76th Leg., ch. 1273, Sec. 1, eff. Sept 1, 1999.

Amended by:
Acts 2009, 81st leg., R.S., Ch. 1146, Sec. 2B.10, eff. September 1, 2009.

The State's Drought Manager presides over the Drought Preparedness Council and is responsible for advising the Governor on drought conditions and briefing the Legislature on drought conditions no later than January 15 of each odd-numbered year. Id. The Drought Preparedness Council must also prepare a Drought Preparedness Plan, aimed at mitigating the effects of drought, which is a document separate and apart from the state's water plan. Texas Water Code § 16.0551 (Vernon's 2011).

Added by Acts 1999, 76th Leg., ch. 979, Sec. 8, eff. June 18, 1999.

VERNON'S CIVIL STATUTES

Railroad companies transporting hazardous materials are to use TDEM as a clearinghouse for information. The railroad companies are to provide TDEM the locations of all rail lines and branch lines, information on the types and amounts of all hazardous materials transported, contact information for railroad personnel, as well as contact information for railroad personnel designed to handle hazardous material incidents. Vernon's Civil Statutes Annotated. Art. 6419c. TDEM, in turn, is responsible for providing this information to the appropriate local emergency management officials on a yearly basis.

APPENDIX E
EXECUTIVE ORDERS OF THE GOVERNOR

RP8 - RELATING TO THE GOVERNOR'S TASK FORCE ON HOMELAND SECURITY

BY THE
GOVERNOR OF THE STATE OF TEXAS
Executive Department
Austin, Texas
October 1, 2001

WHEREAS, recent terrorist attacks on our nation have threatened the peace and security of the people living in our state and have demonstrated the need for a rapid response to terrorist threats and acts; and

WHEREAS, one of the primary duties of government is to provide for the safety of its people and to ensure an awareness of the measures in place for their continued protection; and

WHEREAS, there exists an immediate need for assessing the current state of readiness by state and local entities to respond to possible threats and acts of violence, including the ability to aid victims and their families.

NOW, THEREFORE, I, Rick Perry, Governor of the State of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following:

1. Creation of Task Force. A Governor's Task Force on Homeland Security (the "Task Force") is hereby created to advise the Governor on matters related to homeland security.

2. Composition and Terms. The Task Force shall consist of members appointed by the Governor.

The Governor will appoint one member to serve as chair and one member to serve as vice-chair.

The Governor may fill any vacancy that may occur and may any appoint other voting or ex officio, non-voting members as needed.

Any state or local officers or employees appointed to serve on the Task Force shall do so in addition to the regular duties of their respective office or position.

All appointees serve at the pleasure of the Governor.

3. Duties. The Task Force through its advisory efforts shall:

(a) provide assurance to Texas citizens of state and local preparedness to respond to terrorist threats and acts, both foreign and domestic;

(b) assess the current state of readiness by state and local entities to efficiently respond to terrorist threats and acts and effectively provide victim assistance; and

(c) develop and present recommendations, including fiscal impact assessments, to the Governor on how to enhance the ability of Texas to detect and deter acts of terrorism and coordinate state response to any terrorist attacks.

4. Coordination. The Task Force through its advisory efforts shall coordinate with national, state, and local entities and communicate with neighboring states and Mexico to address similar issues.

5. Report. The Task Force shall make regular reports to the Governor.

6. Meetings. Subject to the approval of the Governor, the Task Force shall meet at times and locations determined by the chair.

7. Administrative Support. The Office of the Governor and other appropriate state agencies shall provide administrative support for the Task Force.

8. Budget. The chair shall develop and submit a proposed budget to the Governor for approval.

9. Other Provisions. The Task Force shall adhere to guidelines and procedures prescribed by the Office of the Governor. All members of the Task Force shall serve without compensation. Necessary expenses may be reimbursed when such expenses are incurred in direct performance of official duties of the Task Force.

10. Effective Date. This order shall take effect immediately.

This executive order supersedes all previous orders and shall remain in effect and in full force until modified, amended, rescinded, or superseded by me or by a succeeding Governor.

Given under my hand this the 1st day of October, 2001.

RICK PERRY (Signature)
Governor

ATTESTED BY:
GEOFFREY S. CONNOR (Signature)
Assistant Secretary of State

RP16 - RELATING TO THE CREATION OF THE STATEWIDE TEXAS AMBER ALERT NETWORK

BY THE
GOVERNOR OF THE STATE OF TEXAS
Executive Department
Austin, Texas
August 12, 2002

WHEREAS, the State of Texas recognizes a need for a statewide approach to the rapid apprehension of criminals who would kidnap and otherwise harm the children of Texas; and

WHEREAS, a partnership between law enforcement, the media, and state and local authorities has been beneficial in thwarting the kidnapping and abduction of young children; and

WHEREAS, experts agree that the successful resolution of child abduction cases is aided by the rapid distribution of information concerning the details of the abduction and a description of the child and the abductor; and

WHEREAS, the "Amber Plan" has been effective in the swift apprehension of kidnappers and others who would harm the children of Texas; and

WHEREAS, the Amber Plan was created in 1996 in the Dallas-Fort Worth area after 9-year-old Amber Hagerman disappeared from her Arlington neighborhood while riding her bicycle; and

WHEREAS, a number of regional child abduction alert systems exist in a handful of urban Texas communities, yet no coordinated, statewide system exists; and

WHEREAS, Texas broadcast stations participate in the federal Emergency Alert System, which was created to disseminate emergency alert messages; and

WHEREAS, Marc Klaas has been instrumental in the creation of a nationwide, web-based program that further enhances law enforcement agencies' and broadcast stations' ability to rapidly disseminate information about abducted children and their suspected kidnappers through e-mails, faxes, and phone calls; and

WHEREAS, the Texas Department of Transportation has a network of electronic highway signs capable of flashing alerts about abducted children, thereby expanding the number of individuals helping search for them;

NOW, THEREFORE, I, Rick Perry, Governor of the State of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following:

1. Creation. The Statewide Texas Amber Alert Network (the "Amber Network") is hereby created. The Amber Network is a cooperative effort of the Office of the Governor, the Department of Public Safety, the Department of Transportation, the Texas Association of Broadcasters, various

business and private sector concerns, law enforcement agencies, state and local entities, and the public in the state of Texas.

2. Purpose. The Amber Network is a coordinated emergency alert program that will distribute information about abducted children. It will serve as an early warning system available for use by law enforcement to alert the public when a child has been kidnapped and the police believe the child is in danger. The Amber Network will rely on the cooperation of public and private agencies across the state to provide immediate communication from law enforcement agencies to the public when a report of child abduction has been confirmed. The Amber Network will rely on the eyes and ears of the public during an alert.

3. Activation. In order to activate the Amber Network, the following criteria must be met:

The abducted child must be 17 years of age or younger;
The local law enforcement agency must believe that the child has been abducted, that is, unwillingly taken from their environment without permission from the child's parent or legal guardian;
The local law enforcement agency must believe that the missing child is in immediate danger of serious bodily harm or death;
The local law enforcement agency must confirm that an investigation has taken place that verifies the abduction and has eliminated alternative explanations for the missing child; and
Sufficient information is available to disseminate to the public that could assist in locating the child, the suspect, or the vehicle used by in the abduction.

4. Administration. The director of the Texas Department of Public Safety (the "director") shall act as the statewide coordinator of the Amber Network. The director will adopt necessary guidelines and issue proper directives to see that the Amber Network is properly implemented statewide. The director may modify the criteria for implementation and activation of the Amber Network if necessary. These guidelines and directives should include the design and printing of forms and documents for local law enforcement agencies to notify the Department of Public Safety of the need to activate the Amber Network. These guidelines should also include instructions on deactivation of the Amber Network once the abduction has been resolved or ended. The director is authorized to enter into agreements with state and local entities as well as with private entities to carry out the coordination and implementation of this plan.

5. Law enforcement agencies. To activate the Amber Network, a state, local, or federal law enforcement agency must verify that the proper criteria has been met to activate the plan. Once that verification has occurred, the law enforcement agency must immediately contact the Texas Department of Public Safety and supply the necessary information on forms proscribed by the director.

6. Broadcasters. Broadcast facilities across the state are encouraged to participate in the Statewide Texas Amber Alert Network through the existing Emergency Alert System (EAS). The Emergency Alert System should disseminate important information over radio and television stations concerning the abducted child. Primary and secondary broadcast stations in the appropriate area will receive notice directly from the Department of Public Safety concerning activation of the Amber Network.

7. State Agencies. All agencies of the State of Texas are hereby directed to cooperate with and assist in the development, implementation, and operation of the Statewide Texas Amber Alert Network. The Texas Department of Transportation shall develop an information activation program for the existing system of Dynamic Message Signs located across the state. Other state agencies with employees in the field shall consider the feasibility of developing a plan for providing their officers, investigators, or employees with information once the Amber Network has been activated.

8. Public. Attentive observation and watchful skills of the public are a key to making the Amber Network successful. After an alert has been issued, the public is encouraged to "be-on-the-lookout" for the child, the alleged abductor, or the alleged abductor's vehicle and to report any information to the issuing law enforcement agency immediately.

9. Termination. Any activation of the Amber Network may be cancelled by the reporting law enforcement agency or by the director of the Department of Public Safety acting as the statewide coordinator of the plan.

This order is effective immediately and shall remain in effect and in full force until modified, amended, rescinded, or superseded by me or by a succeeding Governor.

Given under my hand this the 12th day of August, 2002.

RICK PERRY (Signature)
Governor

ATTESTED BY:
GWYNN SHEA (Signature)
Secretary of State

RP32 - RELATING TO EMERGENCY MANAGEMENT AND HOMELAND SECURITY.

BY THE
GOVERNOR OF THE STATE OF TEXAS
Executive Department
Austin, Texas
January 28, 2004

WHEREAS, the State of Texas recognizes the responsibility of the state to pursue a coordinated and integrated approach to safeguard its citizens and subsequently the infrastructure upon which they rely; and

WHEREAS, the attacks of September 11, 2001, and subsequent terrorist acts constitute a continuing threat to our homeland security and infrastructure; and

WHEREAS, there is a need for a coordinated effort to protect the people and the infrastructure of Texas and to respond to man-made or natural disasters that may occur in this state; and

WHEREAS, the Legislature of the State of Texas has enacted the Texas Disaster Act (the "Act") of 1975, Chapter 418 of the Texas Government Code to:

Reduce the vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural or man-made catastrophes, riots, or hostile military or paramilitary actions;
Prepare for prompt and efficient rescue, care, and treatment of persons victimized or threatened by disaster;
Provide a setting conducive to the rapid and orderly restoration and rehabilitation of persons and property affected by disasters;
Clarify and strengthen the roles of the Governor, state agencies, and local governments in the mitigation of, preparation for, response to, and recovery from disasters;
Authorize and provide for cooperation and coordination of activities relating to mitigation, preparedness, response, and recovery by agencies and officers of this state, and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate;
Provide a comprehensive emergency management system for Texas that is coordinated to make the best possible use of existing organizations and resources within government and industry, and which includes provisions for actions to be taken at all levels of government before, during, and after the onset of an emergency situation;
Assist in the mitigation of disasters caused or aggravated by inadequate planning for and regulation of public and private facilities and land use; and
Provide the authority and mechanism to respond to an energy emergency; and;

WHEREAS, the Governor is expressly authorized under Section 418.013 of the Act to establish by executive order an

Emergency Management Council consisting of the heads of state agencies, boards, and commissions and representatives of organized volunteer groups to advise and assist the Governor in all matters relating to mitigation, preparedness, response, and recovery; and,

WHEREAS, a Division of Emergency Management is established in the Office of the Governor under Section 418.041 of the Act, and the Director of the Governor's Division of Emergency Management is to be appointed by and serve at the pleasure of the Governor; and,

WHEREAS, with the aid and assistance of the Emergency Management Council and Division of Emergency Management, the Governor may recommend that cities, counties, and other political subdivisions of the state undertake appropriate emergency management programs and assist and cooperate with those developed at the state level;

NOW, THEREFORE, I, Rick Perry, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following:

The Emergency Management Council (the "Council") shall be created and maintained.

The Council shall consist of the heads of the following state agencies, boards, and commissions, or their successors and the heads of the following volunteer groups:

Adjutant General's Department
American Red Cross
Department of Information Resources
General Land Office*
Governor's Division of Emergency Management*
Office of Rural Community Affairs
Public Utility Commission of Texas
Railroad Commission of Texas*
Salvation Army
State Auditor's Office
State Comptroller of Public Accounts
Texas Animal Health Commission
Texas Attorney General's Office
Texas Building and Procurement Commission
Texas Commission on Environmental Quality*
Texas Commission on Fire Protection*
Texas Department of Aging and Disability Services
Texas Department of Agriculture*
Texas Department of Assisted and Rehabilitative Services
Texas Department of Criminal Justice
Texas Department of Health*
Texas Department of Housing and Community Affairs
Texas Department of Human Services
Texas Department of Insurance
Texas Department of Mental Health and Mental Retardation
Texas Department of Protective and Family Services
Texas Department of Public Safety*
Texas Department of State Health Services
Texas Department of Transportation*
Texas Education Agency
Texas Engineering Extension Service*
Texas Forest Service
Texas Parks and Wildlife Department*
Texas Rehabilitation Commission
Texas Workforce Commission

* (indicates member of the State Emergency Response Commission)

The specific duties and responsibilities of each member of this group shall be as designated in the State Emergency Management Plan and Annexes thereto. Each member of the group may designate a staff member representative to the Council.

The Director of the Governor's Office of Homeland Security shall be designated to serve as Chair of the Council and as Director of the Governor's Division of Emergency Management (the "Director").

The director shall advise the governor, lieutenant governor, and the speaker of the house of representatives on critical matters relating to homeland security and man-made or natural disasters that may occur in this state.

The Governor's Division of Emergency Management shall be designated as the agency to exercise the powers granted to me under the Act in the administration and supervision of the Act, including, but not limited to, the power to accept from the federal government, or any public or private agency or individual, any offer of services, equipment, supplies, materials, or funds as gifts, grants, or loans for the purposes of emergency services or disaster recovery, and may dispense such gifts, grants, or loans for the purposes for which they are made without further authorization other than as contained herein.

Personnel of the Governor's Division of Emergency Management have the rights and obligations under Department of Public Safety statutes, rules, and policies.

The Director shall establish emergency operation areas to be known as Disaster Districts which shall correspond to the boundaries of the Texas Highway Patrol Districts and Sub-Districts and shall establish in each a Disaster District Committee consisting of representatives of the state agencies, boards, commissions, and organized volunteer groups having membership on the Council. The Highway Patrol commanding officer of each Highway Patrol District or Sub-District shall serve as chair of the Disaster District Committee and report to the director of the Office of Homeland Security on matters relating to disasters and emergencies. The Disaster District Committee chair shall be assisted by the Council representatives assigned to that district, who shall provide guidance, counsel, and administrative support as required. The Disaster District Committee chair shall keep the Director of the Department of Public Safety appraised on all matters as requested by the Director of the Department of Safety.

The Council is authorized to issue such directives as may be necessary to effectuate the purpose of the Act, and is further authorized and empowered to exercise the specific powers enumerated in the Act.

The State Emergency Response Commission shall be a standing element of the Council in order to carry out certain state emergency planning, community right-to-know, and response functions relating to hazardous materials. The Commission shall consist of representatives named by the heads of the agencies and commissions marked with an asterisk (*) in the listing of the Council above. The State Coordinator, as appointed by the Director under Section 418.041 of the Act, shall chair the State Emergency Response Commission or designate a chair.

The mayor of each municipal corporation and the county judge of each county in the state shall be designated as the Emergency Management Director for each such political subdivision in accordance with Sections 418.102, 418.103, and 418.105 of the Act, and published rules of the Division of Emergency Management. These mayors and county judges shall serve as the Governor's designated agents in the administration and supervision of the Act, and may exercise the powers, on an appropriate local scale, granted the Governor therein. Each mayor and county judge may designate an Emergency Management Coordinator who shall serve as assistant to the presiding officer of the political subdivision for emergency management purposes when so designated.

Each political subdivision of the state, pursuant to Section 418.104, of the Act, is authorized to establish in the county in which they are sited, inter-jurisdictional agencies by intergovernmental agreement, supported as needed by local city ordinance or commissioner's court order, in cooperation and coordination with the Division of Emergency Management of the Governor's Office. In compliance with Section 418.101 of the Act, the presiding officer of each political subdivision shall promptly notify the Governor's Division of Emergency Management of the manner in which it is providing or securing an emergency management program and the person designated to head that program.

This executive order supersedes all previous executive orders on emergency management, including Executive Orders

RP-01 and RP-12, and shall remain in effect until modified, amended, rescinded, or superseded by me or by a succeeding Governor.

Given under my hand this the 28th day of January, 2004.

RICK PERRY (Signature)
Governor

ATTESTED BY:
GEOFFREY S. CONNOR (Signature)
Secretary of State

RP40 - RELATING TO THE DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM AS THE INCIDENT MANAGEMENT SYSTEM FOR THE STATE OF TEXAS.

BY THE
GOVERNOR OF THE STATE OF TEXAS
Executive Department
Austin, Texas
February 23, 2005

WHEREAS, the President of the United States has issued Homeland Security Directive No. 5 that directs the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (N.I.M.S.), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive N.I.M.S.; and

WHEREAS, it is necessary and desirable that all Federal, State, local, and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management, it is critical that Federal, State, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the N.I.M.S. standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of N.I.M.S. are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

NOW, THEREFORE, I, Rick Perry, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas as the Chief Executive Officer, do hereby order the following:

The National Incident Management System (N.I.M.S.) is hereby declared the State standard for incident management.

This executive order supersedes all previous orders on this matter that are in conflict or inconsistent with its terms and this order shall remain in effect and in full force until modified, amended, rescinded, or superseded by me or by a succeeding Governor.

Given under my hand this the 23rd day of February, 2005.

RICK PERRY (Signature)
Governor

ATTESTED BY:
GEOFFREY S. CONNOR (Signature)
Secretary of State

RP57 - RELATING TO IMPLEMENTING RECOMMENDATIONS FROM THE GOVERNOR'S TASK FORCE ON EVACUATION, TRANSPORTATION, AND LOGISTICS.

BY THE
GOVERNOR OF THE STATE OF TEXAS
Executive Department
Austin, Texas
March 21, 2006

WHEREAS, the Governor's Task Force on Evacuation, Transportation and Logistics was appointed to document the lessons learned from the Hurricane Rita evacuation, identify key challenges of urban area mass evacuations in Texas, and recommend improvements to state, regional, and local evacuation planning and execution; and

WHEREAS, the Task Force conducted public hearings across Texas to gather and document input from stakeholders to develop recommendations; and

WHEREAS, on February 14, 2006, the Task Force issued a final report containing recommendations to improve the State's ability to plan and execute mass evacuations in the five key areas: command, control, and communications; evacuation of people with special needs; fuel availability; traffic flow; and public awareness;

NOW THEREFORE, I, Rick Perry, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following:

1. Direction and oversight. The State Director of Homeland Security shall ensure this executive order is carried out in a manner consistent with the report and recommendations of the Task Force.

2. Command, control, and communications. To improve command, control, and communications during mass evacuations, the Emergency Management Directors (County Judges and Mayors) within each of the state's 24 Councils of Government shall establish a Regional Unified Command Structure (RUCS), and appoint a single Incident Commander for the Regional Unified Command Structure. Each Regional Unified Command Structure will be responsible for preparing for and responding to catastrophic events within the region. Each Incident Commander will be the operational commander within the region during a disaster response, including a mass evacuation. An Incident Commander will serve a term of not less than one year. The Governor's Division of Emergency Management shall oversee the implementation of the Regional Unified Command Structure throughout the state. Each Regional Unified Command Structure shall be established no later than April 18, 2006, and the composition of regional unified command, to include the name and qualifications of the Incident Commander, shall be provided to the Governor's Division of Emergency Management no later than April 20, 2006. The Texas Department of Public Safety shall provide to each Regional Unified Command Structure a senior-level commissioned officer with appropriate staff to represent the State as each Regional Unified Command Structure prepares for and responds to a catastrophic event within the region.

The Texas Department of Public Safety shall assume responsibility for command, control, and communications, as well as other operational tasks as directed by the Governor, during evacuations and other disaster response operations that involve multiple Regional Unified Command Structures.

The Governor's Division of Emergency Management shall create eight Regional Response Teams (RRT) to support multi-jurisdictional operations during catastrophic events.

The Governor's Division of Emergency Management shall develop a statewide hurricane evacuation and shelter plan to save lives and reduce the vulnerability of Texans in the event of disasters.

The Governor's Division of Emergency Management shall oversee the implementation of regional response and evacuation plans throughout the state.

The Governor's Division of Emergency Management shall coordinate with independent school districts and public colleges, universities and university systems to provide transportation assets and facilities to enable the execution of state and local evacuation and shelter plans.

The Governor's Division of Emergency Management shall develop policies and procedures to reimburse school districts and public colleges, universities and university systems for evacuation, shelter, or transportation-related expenses in the event that the Texas Legislature or United States Congress designates funding for this purpose.

The Governor's Division of Emergency Management shall direct an annual hurricane evacuation exercise to test the readiness of state and local evacuation and sheltering plans in the event of a disaster.

3. Evacuation of people with special needs. To ensure the safe and efficient evacuation of Texans with special needs in the event of a disaster, I hereby direct the Governor's Division of Emergency Management to coordinate with the Department of State Health Services, the Department of Aging and Disability Services, the Governor's Committee on People with Disabilities, and other appropriate state agencies to define the term "special needs," and develop a statewide evacuation and shelter plan for persons with special needs.

The Governor's Division of Emergency Management shall coordinate with the Department of State Health Services, the Department of Aging and Disability Services, the Governor's Committee on Persons with Disabilities, other appropriate state agencies, local governments, and appropriate stakeholder groups to develop criteria for evacuation plans for all special needs facilities, to include both licensed and unlicensed facilities.

The Governor's Division of Emergency Management shall ensure local jurisdictions and Regional Unified Command Structures approve evacuation plans maintained by special needs facilities.

The Governor's Division of Emergency Management shall develop and implement a statewide database to assist in the evacuation of the special needs population, with coastal jurisdictions as a priority. RUCS shall be responsible for collecting and providing information for the statewide database.

The Governor's Division of Emergency Management shall develop and implement a plan to address the evacuation and sheltering needs of individuals with companion animals.

4. Fuel availability and distribution. To improve fuel availability and distribution during a mass evacuation, I do hereby direct the Texas Department of Transportation to coordinate with the Texas Oil and Gas Association and other industry partners to develop a plan to address fuel availability along major evacuation routes and establish a fuel operations function in the State Operations Center to coordinate the distribution of fuel prior to and during evacuations.

The Governor's Division of Emergency Management shall work with local officials to ensure locally developed evacuation plans address fuel availability during an evacuation.

The Governor's Division of Emergency Management shall establish procedures

to distribute fuel in a prioritized manner during an emergency.

The Governor's Division of Emergency Management shall develop policies and procedures to reimburse local governments and other support entities for evacuation-related fuel costs in the event that the Texas Legislature or United States Congress designates funding for this purpose.

5. Traffic control and management. To improve traffic control and management during a mass evacuation, I do hereby direct the Texas Department of Public Safety to assume traffic management authority over designated evacuation routes during multi-jurisdictional evacuations in order to move large populations and heavy traffic in a highly-coordinated manner.

The Texas Department of Transportation shall coordinate with the Texas Department of Public Safety to develop contra-flow plans for major hurricane evacuation routes as identified by the Task Force on Evacuation, Transportation and Logistics.

The Texas Department of Transportation shall implement short and long-term solutions to reduce congestion on the one-lane section of U.S. Highway 290 at Brenham, Texas, during an evacuation.

The Texas Department of Transportation shall prioritize for implementation the infrastructure projects recommended in the March 2005 Report to the Governor on Texas Hurricane Preparedness, which address obstructions on evacuation routes during mass evacuations.

The Texas Department of Public Safety shall coordinate with the Department of Homeland Security and the United States Customs and Border Patrol to expedite the flow of traffic through checkpoints on major hurricane evacuation routes and assist in developing traffic management plans to accommodate increased volume at checkpoints during evacuations.

6. Public awareness. To increase public awareness, I do hereby direct the Public Utility Commission to work with utility companies that are regulated by the Commission and serve counties in hurricane evacuation zones to include hurricane preparedness and evacuation-related public awareness information in monthly billing statements prior to and during the hurricane season each year.

This executive order supersedes all previous orders in conflict or inconsistent with its terms and shall remain in effect and in full force until it expires by statute or it is modified, amended, rescinded, or superseded by me or by a succeeding governor.

Given under my hand this the 21st day of March, 2006.

RICK PERRY (Signature)
Governor

ATTESTED BY:
ROGER WILLIAMS (Signature)
Secretary of State

NOTES

NOTES