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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 *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 *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.

