



Texas Administrative Code

Title 37



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

