

**TDEM**

THE TEXAS A&M UNIVERSITY SYSTEM

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# Executive Guide

**FY 2023**

[www.tdem.texas.gov](http://www.tdem.texas.gov)

512-424-2208



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# LETTER FROM CHIEF KIDD



## W. Nim Kidd, MPA, CEM®

Chief, Texas Division of Emergency Management  
Vice Chancellor of Disaster and Emergency Services,  
The Texas A&M University System

Dear Partners in Emergency Management:

In the seven decades since its inception, the Texas Division of Emergency Management (TDEM) has assisted communities in preparing for, responding to, and recovering from man-made and natural disasters.

TDEM proudly leads the state's comprehensive, all-hazards emergency response and assists cities, counties, and state agencies in planning and implementing their emergency management programs. As part of this effort, TDEM has developed this Executive Guide as a resource for our partners who are tasked with providing for the safety and security of their respective communities.

In 2019, TDEM became a standalone state agency under The Texas A&M University System. Since its departure from the Texas Department of Public Safety, TDEM has responded to several major disasters facing the Lone Star State, including the COVID-19 pandemic, Winter Storm Uri, and multiple hurricanes. With an average of more than five federally-declared disasters occurring in Texas each year since 1953, TDEM continues to work alongside local, state, and federal partners to ensure Texans receive needed support.

It is important to remember that every disaster begins, ends, and is managed at the local level. It is at the local level that the greatest challenges are faced and the toughest decisions are made. TDEM encourages all emergency management partners to utilize the FY-2023 Executive Guide as a resource in preparing for, responding to, recovering from, and mitigating future disasters.

Thank you for your service to your community and the state of Texas.

A handwritten signature in blue ink that reads "W. Nim Kidd".

W. Nim Kidd, MPA, CEM®

# What is TDEM?

## TDEM'S Origin and Responsibility

The origin and responsibility of The Texas Division of Emergency Management (TDEM) is outlined in the [Chapter 418 of the Texas Government Code](#). TDEM coordinates the state emergency management program, which is intended to ensure the state and its local governments respond to and recover from emergencies and disasters, and implement plans and programs to help prevent or lessen the impact of emergencies and disasters.

TDEM implements programs to increase public awareness about threats and hazards, coordinates emergency planning, provides an extensive array of specialized training for emergency responders and local officials, and administers disaster recovery and hazard mitigation programs in the state of Texas.

## What is Emergency Management?

Emergency management is the organization and management of resources and responsibilities for dealing with all aspects of emergencies (preparedness, response, recovery, and mitigation). The goal of emergency management is to reduce the harmful effects of all hazards. Effective emergency management relies on the integration of emergency plans at all levels of government and non-government, including individuals and community organizations. In Texas, disasters begin, end, and are managed at the local level.

The overall goals of emergency management are to:

- Reduce loss of life
- Minimize property loss and damage to the environment
- Protect jurisdictions from all threats and hazards

A disaster is defined by [Texas Government Code Chapter 418.004](#), as an occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause.

Natural weather-related hazards include:

- Hurricanes, tropical storms and depressions
- Droughts
- Hailstorms
- Severe coastal flooding
- Riverine flooding
- Tornadoes
- Severe winds
- Wildfires
- Winter weather
- Lightning
- Extreme cold
- Extreme heat



# Local

## Local Authority

In Texas, mayors and county judges serve as emergency management directors, bearing the responsibility for maintaining an emergency management program within their respective jurisdictions ([Chapter 418 of the Texas Government Code](#)).

Local officials may appoint an emergency management coordinator ([Texas Government Code Chapter 418.1015](#)) 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 imminent threat.

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 disasters, local governments are expected to use their own resources first during response operations. If local resources and mutual aid are insufficient, state assistance may be requested.

The mayor or county judge has the legal authority to mandate the evacuation of areas within the government's jurisdiction that are at risk from, or have been impacted by a disaster.

### **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.



**Bexar County Courthouse  
San Antonio, Texas**

(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.

*\*This section of Local Government Code 352.051 refers to a local request to ban fireworks.*



**Items outside of a home in Houston devastated by Hurricane Harvey**

# Disaster Assistance Requests

At the outset of an incident or disaster, local officials should make contact with their local TDEM regional personnel and notify the Texas State Operations Center at 512-424-2208 as soon as possible. They can help navigate this process and answer any questions.

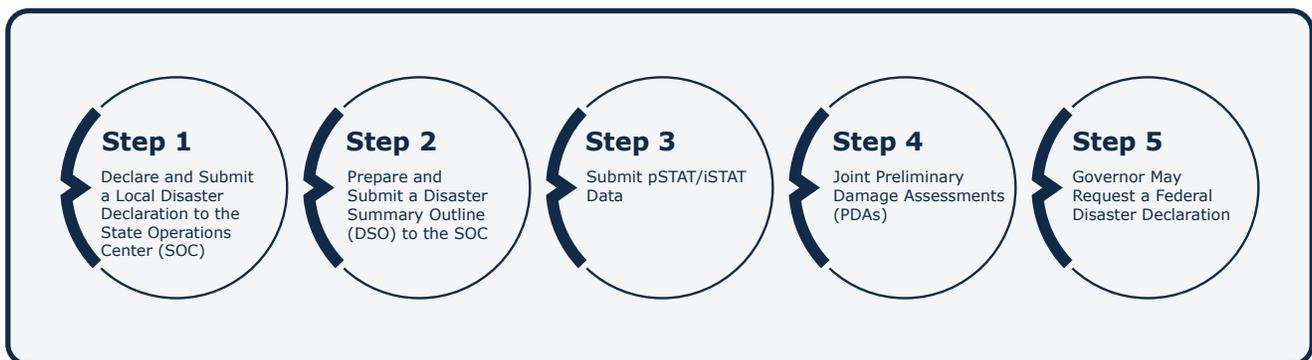
## Requests for Response Assistance - Coordination and Control

- 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.
- If local and mutual aid resources prove inadequate for coping with a disaster, the local government may request assistance from the state by submitting a resource request through the State of Texas Assistance Request (STAR) process: [star.tdem.texas.gov](http://star.tdem.texas.gov)
- Requests for recovery assistance must be made by the local chief elected official in writing to the governor of Texas through TDEM (submit request to the State Operations Center). 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.
- All local disaster operations will be directed by officials of local government.

*\*Please note that requests for immediate disaster assistance should be made through your local TDEM regional personnel.*

## Local Steps to Declare a Disaster and Federal Assistance Eligibility

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 (these actions may not always happen in this order):



## Step 1 - Declare and Submit a Local Disaster Declaration to the State Operations Center (SOC)

- The chief elected official of the jurisdiction may declare a local state of disaster requesting disaster recovery assistance. (sample declaration on page 8)
- A local state of disaster can be declared if a disaster has occurred or is imminent.
- A local declaration of disaster must be given general publicity and must be promptly filed with the city secretary or county clerk.
- Submit declaration via email: [soc@tdem.texas.gov](mailto:soc@tdem.texas.gov) or fax: (512) 424-7160. It is vital that this be done as early in the course of the emergency as possible. Please contact the local District Coordinator (list can be found on pages 37 and 38) or call the SOC (512) 424-2208 with any questions.

## Step 2 - Prepare and Submit a Disaster Summary Outline (DSO) to the SOC

- As soon as possible, all jurisdictional departments should begin gathering initial damage estimates. These figures do not need to be exact, but are necessary to complete the Disaster Summary Outline (DSO) as a basis for obtaining a presidential disaster declaration.
- DSOs should be submitted online at: <https://dso.soc.texas.gov/>
- An event-specific DSO pin number is needed. Please ask the local District Coordinator for the pin.
- If online DSO submission is not possible, submit via email: [soc@tdem.texas.gov](mailto:soc@tdem.texas.gov) or fax at (512) 424-7160.
- DSOs should be re-submitted as costs change or if estimates are refined.
- Please contact the local TDEM District Coordinator or SOC (512) 424-2208 with any questions.
- When in doubt, please submit a DSO. This helps the SOC understand the true scope of a disaster across multiple jurisdictions.

## Step 3 - Submit pSTAT/iSTAT Data

- The Public Assistance - State of Texas Assessment Tool (**pSTAT**) is a state-supported damage assessment tool used to assist local emergency management officials assess public infrastructure damages. This data, compiled and submitted by local officials via an online tool, provides necessary documentation to be used during the Preliminary Damage Assessment (PDA) process to determine whether the state of Texas and our communities meet federal thresholds for disaster assistance. This tool is available for use as a damage assessment tool on a disaster of any size.
- The Individual Assistance - State of Texas Assessment Tool (**iSTAT**) is a state-supported damage assessment tool used by impacted residents to assist state and local officials identify damage to private homes and businesses. This data, compiled and submitted by disaster survivors via an online tool, provides necessary documentation to be used during the PDA process to determine whether the state of Texas and our communities meet federal thresholds for disaster assistance, either through FEMA's Individual Assistance Program or the Small Business Administration's disaster assistance programs. This tool is available for use as a damage assessment tool on a disaster of any size.

## Step 4 - Joint Preliminary Damage Assessments (PDAs)

*\*Please note that there are two different Preliminary Damage Assessment (PDA) processes - one for Public Assistance (PA) and one for Individual Assistance (IA) - both are managed separately.*

- After DSO information is reviewed by the state, PDAs may be scheduled. These could be assessments with state and local officials or, if it is apparent that a presidential disaster declaration may be necessary to assist in the recovery of the impacted area, the state will work with Federal Emergency Management Agency (FEMA) to request a joint federal-state PDA.
- The purpose of a PDA is to verify and certify damages identified by local jurisdictions.
- The Texas Division of Emergency Management (TDEM) will coordinate with local jurisdictions to schedule PDAs (both PA and IA as needed).
- Local participation is important to accurately assess the impacts of the disaster.
- For example, IA PDAs should concentrate on those residential structures and/or businesses that are classified as major damage or destroyed, and uninsured.
- Jurisdictions should utilize the pSTAT, and disaster survivors should utilize the iSTAT, to provide detailed information such as estimates, locations, insurance information, and impacts to the community before and during the PDA process, so that TDEM has the latest and most updated information on hand.
- PDAs could include staff from the U.S. Small Business Administration, the Texas Department of Agriculture and others as needed to meet requirements of other grant or loan programs possibly available for disaster assistance (see page 28 for more information).

## Step 5 - Governor May Request a Federal Disaster Declaration

- If the disaster is of such magnitude that local and state resources are inadequate and areas cannot recover without federal assistance, the governor may request that the president of the United States federally declare the disaster.
- Based on the PDA results, TDEM will recommend the governor submit a federal declaration request through FEMA Region 6 to FEMA headquarters.
- PDA information, along with other supplemental supporting documentation, is included in the governor's request to show that supplemental federal assistance is necessary.
- The governor's request will be sent through the FEMA Region 6 regional administrator to the FEMA administrator in Washington D.C., who will review and make a recommendation to the president.
- After review, the state will receive notification of the assistance programs that have been made available.
- If the request for a federal declaration is denied, the state will have 30 days to appeal the denial.

## Emergency Declarations in Texas

In Texas, a state of emergency as outlined in Government Code Chapter 433 is different than declaring a disaster, as outlined in Government Code Chapter 418. An emergency declaration in Texas is also different than a federal emergency declaration and is limited in scope and only valid for 72 hours. (Please refer to the [Appendix I](#) for the full scope of declaring a state of emergency in Chapter 433).

# Sample Local Disaster Declaration

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]

# State

## Texas Emergency Management Council

Pursuant to provisions of the Texas Disaster Act, the governor established an Emergency Management Council, consisting of representatives of 36 state agencies and three volunteer groups, to advise and assist in all matters relating to disaster preparedness, response and recovery. During major emergencies and disasters, all or a portion of the Emergency Management Council convenes at the State Operations Center (SOC) to coordinate the use of state resources to respond to emergency situations and local requests for emergency assistance that cannot be resolved at the disaster district level.

### Executive Order No. GA-05

On December 13<sup>th</sup>, 2018, Governor Abbott issued Executive Order No. GA-05 relating to the Emergency Management Council. The Executive Order added several state higher education institutions, state agencies, and volunteer groups to the Emergency Management Council bringing the total number of agencies to 39 (See [Appendix J](#) for GA-05).

### Emergency Management Council Membership

- American Red Cross
- Public Utility Commission of Texas
- Railroad Commission of Texas \*
- State Comptroller of Public Accounts
- Texas A&M AgriLife Extension Service \*
- Texas A&M University System
- Texas A&M Engineering Extension Service \*
- Texas A&M Forest Service \*
- Texas Animal Health Commission \*
- Texas Commission on Environmental Quality \*
- Texas Commission on Fire Protection
- Texas Department of Agriculture \*
- Texas Department of Criminal Justice
- Texas Department of Family and Protective Services
- Texas Department of Housing and Community Affairs
- Texas Department of Information Resources
- Texas Department of Insurance
- Texas Department of Licensing and Regulation



- Texas Department of Motor Vehicles
- Texas Department of Public Safety \*
- Texas Department of State Health Services \*
- Texas Department of Transportation \*
- Texas Division of Emergency Management \*
- Texas Education Agency
- Texas Facilities Commission
- Texas General Land Office \*
- Texas Health and Human Services Commission
- Texas Military Department \*
- Texas Office of the Attorney General
- Texas Parks and Wildlife Department \*
- Texas State Auditor's Office
- Texas State University System
- Texas Tech University System
- Texas Voluntary Organizations Active in Disaster
- Texas Workforce Commission
- The Salvation Army
- University of Houston System
- University of North Texas System
- University of Texas System

*\*indicates member of the State Emergency Response Commission*

# Texas Emergency Management Council



# State Emergency Response Commission

The federal Emergency Planning and Community Right to Know Act (EPCRA) requires states to have a State Emergency Response Commission (SERC). Several member agencies of the Emergency Management Council make up the SERC. The SERC is responsible for implementing the EPCRA provisions within its state.

The SERC's duties include:

1. Establishing procedures for receiving and processing public requests for information collected under EPCRA.
2. Reviewing local emergency response plans.
3. Designating local emergency planning districts.
4. Appointing Local Emergency Planning Committees (LEPC) for each district.
5. Supervising the activities of the LEPC.

EPCRA created State Emergency Response Commissions (SERCs) to coordinate LEPC activity. EPCRA charged SERCs with four primary responsibilities in furtherance of coordinating LEPCs across the state:

1. Assist LEPCs in establishing emergency plans to protect the public from chemical accidents.
2. Assist LEPCs in establishing warning and evacuation procedures for the public.
3. Supplement the collection information used in the preparation of annual reports about the release of toxic chemicals.
4. Provide local governments and the public with information about hazardous chemicals and accidental releases in their communities.

The Texas SERC is charged with providing a means for Tier II/Superfund Amendments and Reauthorization Act (SARA) Title III facilities to provide information necessary to fulfill mandates regarding public information and emergency operations planning. As a member of the SERC and as a member of the Texas Emergency Management Council, notification provided to TCEQ satisfies requirements to notify the SERC.

## Plans

### Local Emergency Operations Plans

Each county shall maintain an emergency management program or participate in a local or inter-jurisdictional emergency management program that it has jurisdiction over, and serves the entire county or interjurisdictional area ([Texas Government Code Chapter 418.102](#)). 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 ([Texas Government Code Chapter 418.103](#)).

Each county and incorporated city in Texas shall maintain an emergency management agency or participate in a local or inter-jurisdictional emergency management agency ([TDEM External Operating Rule 1.1](#)). Jurisdictions must also prepare an Emergency Operations Plan (EOP) that follow the planning standards of the Texas Division of Emergency Management (TDEM). Each local and inter-jurisdictional emergency management agency has the following planning-related responsibilities ([TDEM External Operating Rule 2.2](#)):

- Prepare an EOP that includes the minimum content described in TDEM's planning standards.
- Obtain the signature(s) of the presiding officer(s) of the jurisdiction(s) on the plan.
- Review local and inter-jurisdictional plans annually. Plans must have been prepared or updated during the last five years to be considered current.
- Provide TDEM a copy of each plan and any changes made to the plan.

## Revision and Update Requirements

Local plans should be reviewed annually, or as necessary, to address significant changes in the jurisdiction that would impact the way plans are implemented. Plans should also be updated in response to new or revised planning mandates, exercise outcomes, or as needed after incidents or disasters.

TDEM provides plan templates and guidelines for each plan and annex. Questions about the templates or the submission process for local EOPs should be directed to the TDEM regional planner or other TDEM regional personnel.

## The State of Texas Emergency Management Plan Structure

The State of Texas Emergency Management Plan (State Plan) consists of a basic plan, functional annexes, and hazard annexes. The State Plan is updated on an ongoing basis with state planning partners and stakeholders, coordinated by TDEM, taking into account the needs of the community. The State Plan can be viewed by visiting: [www.tdem.texas.gov/preparedness/state-planning](http://www.tdem.texas.gov/preparedness/state-planning).

Texas' emergency management planning standards ensure common emergency functions are adequately addressed in local emergency plans. The plan promotes a common understanding of the fundamentals of planning and decision-making to help planners examine a hazard or threat, and produce integrated, coordinated and synchronized plans. The standards help state agencies, and local and regional governments in their efforts to develop and maintain viable, all-hazard emergency plans.

## Training

The TDEM Preparedness Section's Training Unit supports state preparedness by developing and improving the knowledge and performance capabilities of emergency management professionals, as well as elected officials and executives throughout Texas communities. TDEM staff and adjunct instructors provide more than 100,000 hours of instruction, and train more than 8,000 participants each year at facilities throughout the state. FEMA coordinates the Professional Development Series (PDS) and TDEM's Training Unit coordinates the Advanced Professional Series (APS) programs.

The TDEM Training Unit supports the goals of the state of Texas and the federal government by:

- Improving the competencies of all first responders from state, regional, local and tribal communities in emergency management.

TDEM and the Texas A&M Engineering Extension Service (TEEX), through partnership with the National Domestic Preparedness Consortium, instruct more than 40,000 students in Texas on an annual basis. Educational delivery systems include:

- Residential onsite training.
- Offsite delivery in partnership with emergency management training systems, colleges and universities.
- Technology-based mediums to conduct individual training courses for emergency management personnel across the nation.

The following state and federal websites provide emergency management training:

- TDEM Preparing Texas – The state coordinates training through [www.preparingtexas.org](http://www.preparingtexas.org). Students can search the TDEM catalog of over 1,000 courses both in, and out of the state.
- FEMA - Emergency Management Institute (EMI) – View Courses, schedules, programs and Independent Study Training available through EMI at [www.training.fema.gov/emi](http://www.training.fema.gov/emi)

## Exercise

The Preparedness Exercise Unit provides integrated emergency preparedness exercises and activities for local, regional, tribal, and state stakeholders.

Through Technical Support and Direct Services, assistance is provided upon request to guide the design, development, conduct, and evaluation of exercises of any type. Other services include assistance with real-world incident after-action documentation, facilitation, exercise-related training, and community outreach. By implementing the federal Homeland Security Exercise and Evaluation Program (HSEEP) guidance, exercises across the state aim to be hazard-driven and capability-focused. Implementing HSEEP best practices coupled with Continuous Improvement Planning (CIP) is leading to self-sustaining exercise program development in communities throughout the state of Texas.

The Exercise Unit collaborates with TDEM's Operational and Strategic Planning Units to assist in the development of training exercises that will test plans, policies, and procedures, and build response capabilities in preparation for emergencies and disasters. Exercise Coordinators work closely with TDEM's Regional and District Offices to ensure assistance is available when needed.

In coordination with the Training Unit, we offer HSEEP training throughout the state.

Requests for exercises should be made through the regional TDEM offices or by contacting [TDEM.Exercises@tdem.texas.gov](mailto:TDEM.Exercises@tdem.texas.gov).

## Response

### Disaster Districts

Disaster Districts are the state's regional emergency management boundaries. The boundaries of the districts coincide with the boundaries of state planning regions (Councils of Government/Regional Planning Commissions). Each Disaster District has a Disaster District Committee (DDC).

The 24 COGs are voluntary associations of local governments formed under Texas law. These associations deal with the problems and planning needs that cross boundaries of individual local governments or that require regional attention.

### Disaster District Committee (DDC)

As prescribed by [Chapter 418 of the Texas Government Code](#), a DDC consists of representatives of the state agencies, boards, commissions and organized volunteer groups with membership on the Emergency Management Council. The DDC chair is assisted by Emergency Management Council representatives assigned to that district, who provide guidance, counsel and administrative support as required. 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 DDC chairperson.

### Assistant Chiefs (AC)

Assistant Chiefs are the highest ranking TDEM employee in their assigned regions. TDEM Assistant Chiefs supervise staff that are responsible for the mitigation, preparedness, response, and recovery operations within their specific region. Assistant Chiefs also work closely with senior level staff from other state agencies, VOADS, non-profit organizations, and the public and private sector to facilitate a coordinated pre and post disaster response. The TDEM Assistant Chiefs are listed on page 35.

## **Section Chiefs (SC)**

Section Chiefs assigned to each TDEM region assist the Assistant Chiefs in planning, directing, and managing the day-to-day activities of regional staff and coordination of the region's preparedness, response, recovery, and hazard mitigation programs and operations. These team members advise Assistant Chiefs on regional operations and make recommendations to ensure TDEM is well-represented in communities across the state. Section Chiefs collaborate with their regional counterparts to enhance emergency management programs. The TDEM Regional Section Chiefs are listed on page 35.

## **District Coordinators (DC)**

TDEM District Coordinators serve as local emergency management liaisons assigned to the state disaster districts. They work directly with local government officials, volunteer groups, and private sector partners to prevent, protect, mitigate, respond and recover from disaster. They also assist the disaster district chairperson in maintaining DDC operations facilities and assist during disaster activations. The TDEM District Coordinators are listed on page 37.

## **County Liaison Officers (CLO)**

TDEM has been expanding its field staff operations to support the continued growth across the state of Texas. This expansion is adding 100 new field response personnel, called County Liaison Officers (CLOs) across the state. CLOs increase TDEM's presence in Texas counties from 12 percent to over 53 percent, covering 137 of the 254 counties. The CLOs support and assist local officials in their assigned county and surrounding counties. They maintain appropriate communications to advise and provide technical assistance to local governments regarding emergency management programs.

## **Disaster Recovery Task Force (DRTF)**

The Disaster Recovery Task Force is a state resource that is comprised of TDEM staff and rostered local subject matter experts that can assist with Emergency Operations Center (EOC) support, as well as short-term and long-term recovery requests from other local jurisdictions. The locally-contracted DRTF members can serve as force multipliers, advisors, or technical specialists when deployed under the direction of TDEM, to support local entities through a variety of incidents and disasters.

DRTF was developed by the Texas Legislature following Hurricane Harvey to support jurisdictions that have been impacted by an emergency or disaster. The Disaster Recovery Task Force assists jurisdictions in the transition from the response phase into the recovery process, and then into long term recovery initiatives.

DRTF members have varied backgrounds and areas of expertise. Specialized staff within TDEM consist of recovery and finance coordinators, as well as community and infrastructure support, including mass care and voluntary organization coordination. The regional DRTF staff are listed on page 39.

## **Personal Identification Verification Interoperable (PIV-I) Cards**

TDEM maintains a First Responder Authentication Credential program to standardize and more easily recognize identification of disaster and emergency services personnel across the state. The Personal Identification Verification Interoperable (PIV-I) card system allows for fast, reliable, and accurate tracking of personnel in all phases of emergency management across sectors including local governments, state agencies, volunteers, and private sector partners. Jurisdictions interested in participating in the PIV-I card program may contact: [piv-i@tdem.texas.gov](mailto:piv-i@tdem.texas.gov).



*In June 2010, the Texas Public Safety Commission voted unanimously to name the SOC in honor of Jack Colley, who served as DPS Assistant Director and Chief of TDEM from July 2002 until his death in May 2010.*

## **Texas State Operations Center (SOC)**

The Texas State Operations Center is operated by TDEM 24 hours a day, 365 days a year, and serves as the state emergency warning point. The SOC uses an extensive suite of communications to receive and disseminate alerts of threats to regional warning points and to state and local officials. The SOC monitors emergency situations throughout the state and provides information on these incidents to local, state and federal officials.

The SOC monitors 3,000 to 4,000 incidents per year. The Emergency Management Council (EMC) convenes at the SOC to organize 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 to a natural or man-made emergency or disaster.

## Emergency Operations Readiness Levels

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 TDEM standard procedures. The following readiness levels are used as a means of increasing the jurisdiction's readiness status.

### Level IV- Normal Conditions

Daily Operations continues to conduct normal business and monitors the state for any developing threats. Local responders resolve local emergency incidents that might occur in their areas.

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

Typical Notification: TDEM staff, emergency management coordinators and directors, fire departments/EMS, law enforcement and public works.

### Level III- Increased Readiness

A higher than normal level of readiness is warranted because of increased vulnerability to a specific hazard. Advisory notifications are sent to the Emergency Management Council and appropriate officials, and agency representatives are briefed on anticipated risk situations and potential impacts. Coordination activities may increase.

Typical Events: Tropical weather system development, and escalating or immediate risk to impact area.

Typical Notification: TDEM staff, emergency management coordinators and directors, fire departments/EMS, and law enforcement.

### Level II- Escalated Response

The scope of an event has expanded beyond that which can be handled by local responders. Normal state and local government operations may be impaired. Daily Operations makes recommendations on a higher level of activation of the Emergency Management Council. Depending upon the incident or event; emergency facilities increase staffing, expand hours of operation and intensify coordination. Requests for mutual aid resources for assistance may be received and/or requested. Appropriate officials and agency representatives are briefed on the current situation and anticipated impacts.

Typical Events: Major tornado impacts, widespread flash flooding, major fire conditions, major medical emergencies and hurricane warnings.

Typical Notification: TDEM staff, mayor/city manager/county judge, emergency management coordinators, fire departments/EMS, law enforcement, Emergency Management Council agency representatives, public works and public information officers.

### Level I- Emergency Conditions

The scope of the incident has expanded beyond the response capability of local agencies. The SOC is staffed with representatives from the Emergency Management Council agencies and organizations, and remains operational for the duration of the incident. The SOC fulfills requests for assistance from local governments and may seek intrastate mutual aid and/or federal aid as needed.

Typical Events: Large scale evacuation and sheltering for specific parts of the impact area due to a major incident or hurricane response, community wide threats such as a large hazardous materials spill and wide scale flooding.

Typical Notification: Mayor/city manager/county judge, emergency management coordinators, fire departments/EMS, law enforcement, Emergency Management Council agency representatives, public works and public information officers.

## Emergency Support Functions (ESF)

Emergency Support Functions (ESF) 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.

ESF #	Focus	Texas Lead Agency
1	Transportation	Texas Department of Transportation
2	Communications	Texas Division of Emergency Management
3	Public Works and Engineering	Texas Engineering Extension Service
4	Firefighting	Texas A&M Forest Service
5	Emergency Management	Texas Division of Emergency Management
6	Mass Care	Texas Division of Emergency Management
7	Logistics and Resource Management	Texas Division of Emergency Management
8	Public Health and Medical Services	Texas Department of State Health Services
9	Search and Rescue	Texas A&M Engineering Extension Service
10	Oil and Hazardous Materials Response	Texas Commission on Environmental Quality
11	Agriculture and Natural Resources	Texas Animal Health Commission
12	Energy	Public Utility Commission of Texas
13	Public Safety and Security	Texas Department of Public Safety
14	Private Sector Coordination	Texas Division of Emergency Management
15	Public Information	Texas Division of Emergency Management
16	Recovery Operations	Texas Division of Emergency Management
17	Military Support	Texas Military Department
18	Higher Education Support	Texas Division of Emergency Management
19	Operations Technology	Texas Division of Emergency Management
20	Cyber Security	Department of Information Resources

# Recovery

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When Texans, communities, and businesses in the state are affected by a disaster, assistance may come in a variety of ways, including government and/or nonprofit, volunteer, and faith-based organizations. TDEM's Recovery personnel work closely with local jurisdictions, state agencies, and federal partners to ensure Texans successfully navigate recovery processes and become more resilient for future disasters.

## Recovery Operations

The TDEM Recovery Operations team bridges the gap between response and recovery when disasters strike Texas. Once response operations are ending, Recovery Operations coordinates the preliminary damage assessments with local jurisdictions and FEMA, prepares documents for major disaster declaration requests, and facilitates the implementation of federal grants from FEMA to long term disaster recovery and resiliency programs throughout the state.

## Public Assistance

Following a presidential disaster declaration, the TDEM Public Assistance team helps administer grants to state and local government organizations and certain private non-profit entities to assist them with the response to and recovery from disasters. The program aids with debris removal, emergency protective measures, and permanent repair, restoration, reconstruction, or replacement of eligible of public facilities and infrastructure damaged or destroyed in a disaster.

## Individual Assistance

The TDEM Individual Assistance team helps secure, coordinate, and manage programs that connect Texans, families and businesses in the state affected by a disaster with government and/or nonprofit, volunteer and faith-based organizations that may provide assistance after a disaster impacts a community.

## Other Needs Assistance

As part of FEMA's Individuals and Households Program, Other Needs Assistance (ONA) provides financial help after a disaster to cover necessary expenses and serious needs not paid by insurance or other sources. These needs may include transportation, moving and storage, childcare, medical and dental expenses, funeral assistance, and eligible items identified by the state to support survivor recovery. In Texas, the Texas Health and Human Services Commission helps to administer this program.

# Mitigation

## Hazard Mitigation Assistance Grant Programs

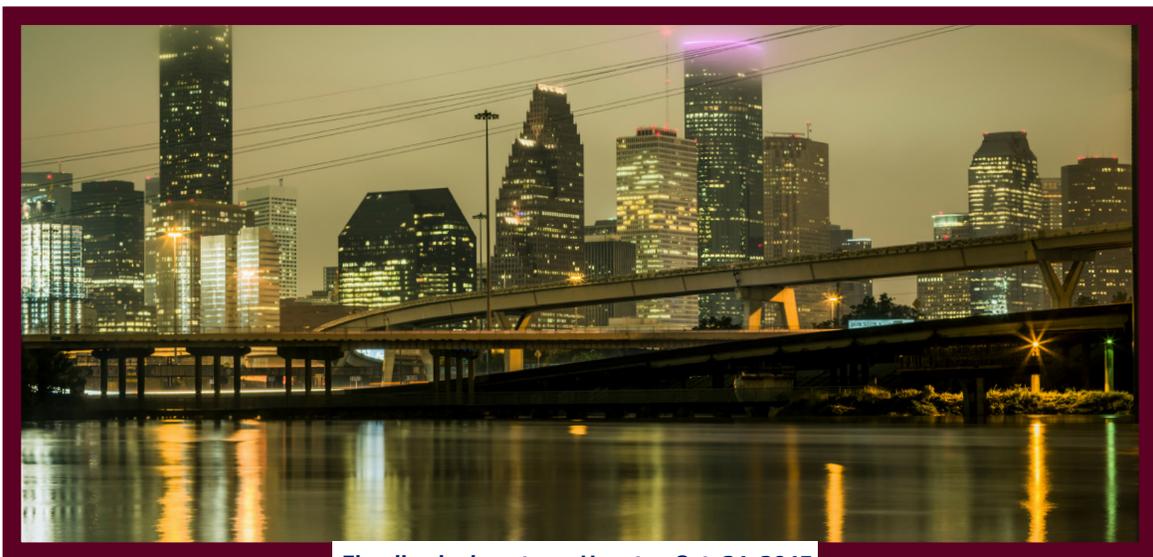
TDEM administers the FEMA Hazard Mitigation Grant Program (HMGP) and Building Resilient Infrastructure and Communities (BRIC) for the state of Texas. These programs provide an opportunity for governmental entities to apply for funding to assist in reducing or eliminating risk from the impacts of emergencies and disasters. In most cases, local jurisdictions pay for 25 percent of the project cost and 75 percent is paid by federal funding provided by FEMA and administered by TDEM.

Typical approved hazard mitigation projects include those that involve drainage related actions, hardening of infrastructure, and warning systems.

The first step for a community in accessing FEMA funding is to understand the natural hazards (e.g. flood, wind, fire) they face, along with community-specific vulnerabilities. TDEM supports this process by providing planning expertise and resources to help counties, cities, special districts, and others to develop a FEMA-approved local hazard mitigation plan. Beyond understanding the risks that a community faces, the local hazard mitigation plan identifies actions that the community can take to directly address those hazards and reduce vulnerability. Once a community has a FEMA-approved plan, it can apply for FEMA funding through TDEM.

TDEM collaborates very closely with the Texas General Land Office (GLO), the Texas Water Development Board (TWDB), and other state agencies to share hazard mitigation related grant and loan opportunities that may benefit Texas governmental entities. This collaboration enables funds and programs to be sequenced and layered to provide the best solution for our governmental partners while eliminating duplication of benefits or services. The Flood Information Clearinghouse, managed by TWDB, provides a single resource that lists available grant and funding opportunities from a variety of state agencies related to flood and hazard mitigation projects. The clearing house can be accessed at [www.texasfloodclearinghouse.org](http://www.texasfloodclearinghouse.org)

Information about FEMA approved local hazard mitigation plans and current funding opportunities are located on the TDEM webpage in the hazard mitigation section.



Flooding in downtown Houston Oct. 31, 2015



**FEMA**



## Declaration Types

There are two types of disaster declarations provided for in the Stafford Act, emergency declarations and major disaster declarations. Both declaration types authorize the president to provide supplemental federal disaster assistance. However, the events related to the two different types of declarations, scope and amount of assistance differ. FEMA has established a third type of declaration, Fire Management Assistance Grant (FMAG) declarations, through regulation. The FMAG declaration process differs significantly from the emergency and major disaster declaration processes (See page 28 for more information about FMAG).

## Major Disaster Declarations

The president can declare a major disaster for any natural event including a hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm or drought. The president can also declare a disaster for a fire or explosion if it has caused damage of such severity that it is beyond the combined capabilities of state and local governments to respond. A major disaster declaration provides a wide range of federal assistance programs for individuals and public infrastructure, including funds for both emergency and permanent work.

In order to be eligible for federal assistance, several requirements must be met. FEMA offers four types of assistance: Individual Assistance (IA), Public Assistance (PA), Hazard Mitigation Grant Program (HMGP) and Fire Management Assistance Grants (FMAG).

## What are the Requirements for a Major Disaster Declaration?

- The governor of Texas must issue a disaster declaration for affected areas.
- The state and each affected county must meet fiscal federal thresholds to be eligible for the FEMA PA grant program.
- The state must meet the FY 2023 cumulative federal threshold of \$51,587,544
- Each affected county must meet the FY 2023 federal threshold for their jurisdiction to be eligible.
- See page 27 for FY 2023 county/federal thresholds.
- While the FEMA IA program does not have fiscal federal thresholds, there are specific factors that influence the decision for an IA declaration (Please see [www.fema.gov/assistance/individual](http://www.fema.gov/assistance/individual)).
- The Fire Management Assistance Grant CY 2023 federal threshold is \$7,738,132 and is cumulative during the calendar year.
- In the governor's request for a federal disaster declaration, only counties that meet eligibility requirements will be included. As jurisdictions meet requirements, they can be subsequently added to the request up to 30 days.
- Texas must meet its federally required fiscal year threshold for any jurisdictions to be eligible for FEMA public assistance. If a county meets or surpasses their threshold but the state does not meet its threshold, the jurisdiction will not be eligible.

## Preliminary Damage Assessment (PDA)

If it is apparent that a presidential disaster declaration may be necessary to assist in the recovery of the impacted area, the state will contact FEMA Region 6 and request joint (local, federal, state) Preliminary Damage Assessments (PDA). Local damage assessment information is typically gathered after lifesaving and life sustaining needs have been addressed and serves as the foundation for actions and decisions made in later phases of the incident. The purpose of a PDA is to validate damages in disaster affected counties. Local government representatives are critical to effective joint PDA teams. Please note, "Joint PDAs" refer to those PDAs conducted by locals, the state, and FEMA. Public Assistance (PA) and Individual Assistance (IA) both require separate PDAs (see pages 23-27).

Generally, the PDA is completed prior to the submission of the governor's request for a major disaster declaration. However, when an obviously severe or catastrophic incident occurs, the governor's request may be submitted prior to completion of the PDA. In such circumstances the major disaster will generally be limited to PA Categories A and/or B (which may be further limited to direct federal assistance (DFA) and Hazard Mitigation assistance. For high-impact events where the level of damage to residences is empirically overwhelming, the declaration may also include the IA - Individuals and Households Program (IHP). Additional forms of assistance may be added at a later date, pending the completion of PDAs.

## Federal Emergency Declarations

*\*Please note a federal emergency declaration is different than a state of Texas emergency declaration. Please see Appendix I for information on state emergency declarations.*

The president can declare an emergency for any occasion or instance when the president determines federal assistance is needed. Emergency declarations supplement state and local government efforts in providing emergency services for the protection of lives, property, public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. In general, the total amount of assistance provided for a single emergency may not exceed \$5 million. Exceptions include, the need for continued emergency assistance is immediately required; there is a continuing and immediate risk to lives and property, public health or safety; and the necessary assistance will not otherwise be provided on a timely basis.

## Post Declaration Actions

**Add-ons:** The governor, or the governor's authorized representative (GAR), can request designation of additional counties and programs within 30 days of the declaration or the end of the incident period, whichever is later. The governor, or GAR, may submit an extension request within the 30-day period. Such a request must provide a valid reason supporting an extension.

**Cost Share Adjustments:** The authority to adjust the PA cost share resides with the president. FEMA will recommend an increase in the federal share to no more than 90 percent for PA when a disaster is so extraordinary that actual federal obligations under the Stafford Act, excluding administrative cost, meet or exceed a qualifying threshold. If warranted by the needs of the disaster, up to one hundred percent (100%) federal funding may be recommended for emergency work under Robert T. Stafford Disaster Relief and Emergency Assistance Act section 403 and section 407, including direct Federal assistance, for a limited period in the initial days of the disaster irrespective of the per capita impact.

All emergency and major disaster declarations are made solely at the discretion of the president of the United States. 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. The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121- 5207 (the Stafford Act) §401 states in part that: "All requests for a declaration by the president that a major disaster exists shall be made by the governor of the affected state." The determination of which programs are authorized is based on the types of assistance specified in the governor's request and the needs identified during joint (local, state and federal) PDAs.

# FEMA DISASTER ASSISTANCE PROGRAMS

## Individual Assistance: What is it?

When a major disaster occurs, this program provides money and services to people in federally-declared disaster areas whose property is damaged or destroyed and the losses are not covered by insurance. There are several Individual Assistance programs available:

- Mass Care and Emergency Assistance
- Crisis Counseling Assistance and Training Program
- Disaster Unemployment Assistance
- Disaster Legal Services
- Disaster Case Management
- Individuals and Households Program (IHP)

Additionally, IA provides a variety of support functions such as:

- Assists local jurisdictions with establishing and maintaining relationships among voluntary agencies active in response and recovery, coordinating with the Volunteer Organizations Active in Disasters (VOAD), providing guidance on donations management, and supporting nonprofit organizations that provide volunteers to affected jurisdictions.
- Conducts PDAs following a disaster to validate damages.
- Provides guidance to local officials in establishing disaster recovery centers (DRC) following a federal declaration to provide support and resources to the survivors of the disaster.
- Builds capacity and resiliency in local jurisdictions through the delivery of courses and workshops throughout Texas.



**Flood waters remain in neighborhoods located in North Raymondville, Texas.**

FEMA News Photo

## Eligibility

The factors considered when evaluating a governor's request for a major disaster declaration changed in June 2019. These rules were updated to meet requirements in the Sandy Recovery Improvement Act (SRIA).

There are six factors considered:

- State fiscal capacity and resource availability
- Uninsured home and personal property losses
- Disaster impacted population profile
- Impact to community infrastructure
- Casualties
- Disaster related unemployment

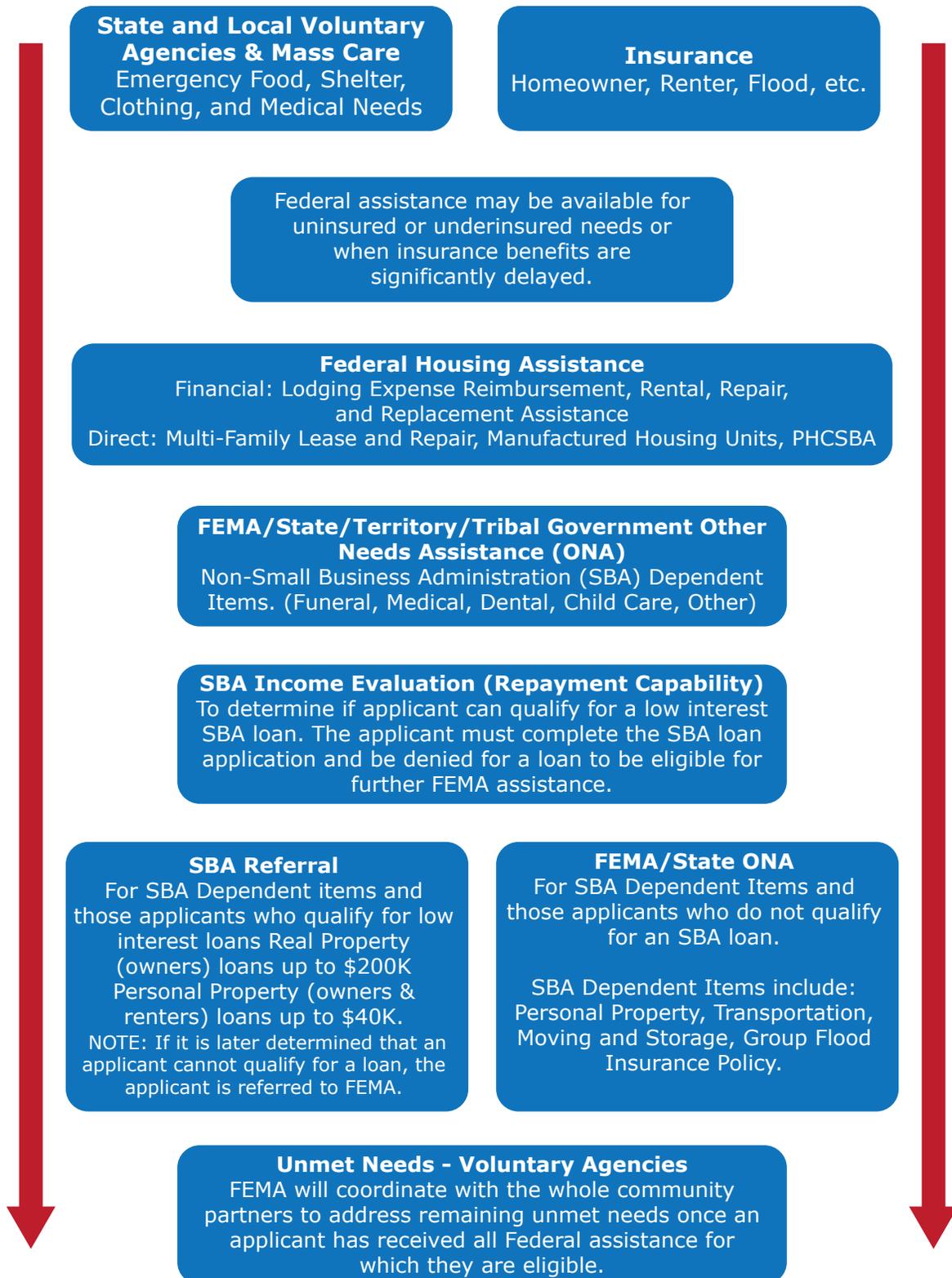
## Maximum Amount Allowable

The IHP financial assistance maximum award provided to eligible individuals or households under a single disaster is adjusted each fiscal year based on the Department of Labor Consumer Price Index. For 2023, the maximum amount of financial assistance through IHP is \$41,000 for housing assistance and \$41,000 for other needs assistance. FEMA bases the adjustment on an increase in the Consumer Price Index. Eligible individuals or households receiving IHP Assistance may not necessarily be awarded the maximum amount of financial assistance for their disaster-caused losses and usually only receive a fraction of that amount.

## IA Sequence of Delivery

The Stafford Act prohibits the duplication of federal benefits. Therefore, FEMA may not provide IHP Assistance when any other source has already provided assistance or when assistance is available from another program, insurance, or any other source. The sequence of delivery establishes the order in which disaster relief agencies and organizations provide assistance to disaster survivors. This is intended to prevent duplication of benefits, maximize available resources and coordinate efforts to help disaster survivors navigate the recovery process. The figure on the following page shows the sequence of delivery of IA after a disaster.

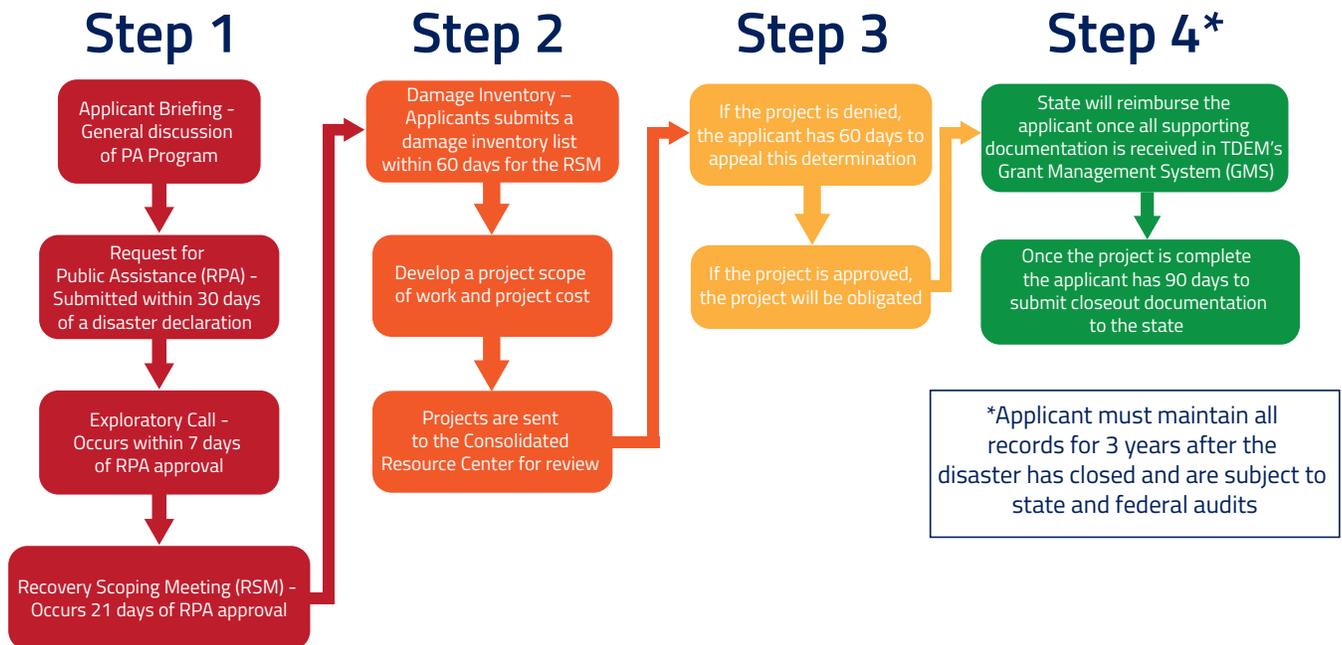
## IA Sequence of Delivery, cont.



## Public Assistance: What is it?

The Public Assistance (PA) program provides grants to state and local governments and certain nonprofit entities to assist them with the response to and recovery from disasters. Specifically, the program provides assistance for debris removal, emergency protective measures, and permanent restoration of public infrastructure. Categories of Public Assistance may include:

- Category A: Debris Removal
- Category B: Emergency Protective Measures
- Category C: Roads and Bridges
- Category D: Water Control Facilities
- Category E: Public Buildings and Equipment
- Category F: Utilities
- Category G: Parks, Recreational Facilities and Other Facilities



## Eligibility & Federal Thresholds

In order to be eligible for PA, two fiscal federal thresholds must be met. First, the state of Texas must have minimum costs of \$51,587,543.80 (adjusted annually). Second, each county must meet the individual FEMA PA county threshold amounts for FY 2023 county thresholds (see pages 30-33). If the state does not meet its threshold, counties are not be eligible for PA, even if one or more counties meet their thresholds.

Each year, the threshold for both the state and its counties are calculated by multiplying the population (as based on the most recent, official census) with the annual per capita impact indicator. The per capita impact indicator is adjusted based on the current economic climate. Thresholds can adjust annually at the end of the federal fiscal year (October of each year.)

### 2023 Federal Threshold

The 2020 U.S. Census Bureau population of Texas is 29,145,505.

The current state Consumer Price Index (CPI) is \$1.77.

The current county CPI is \$4.44.

#### State

Population x CPI = State Threshold

$29,145,505 \times \$1.77 = \$51,587,543.80$

#### County

County Population x \$4.44

## Small Project vs Large Project

Projects falling below a certain threshold are considered "small." The threshold is adjusted annually for inflation. For federal fiscal year 2023, the threshold is \$1,000,000. For small projects, payment of the federal share of the estimate is made upon approval of the project. The sub-recipient (local government, organization or group that received an award from the state) is required to notify the recipient (the state) of completion of the project.

For large projects, payment is made on the basis of actual costs determined after the project is completed; although interim payments may be made as necessary. Once FEMA obligates funds to the recipient, further management of the assistance, including disbursement to sub-recipients, is the responsibility of the recipient. FEMA will continue to monitor the recovery progress to ensure the timely delivery of eligible assistance and compliance with the law and regulations.

## Federal Cost Share

The assistance FEMA provides through its PA program is subject to a cost share. The federal share is not less than 75 percent of the eligible costs. The federal cost share can be increased from 75 percent to not more than 90 percent of the eligible cost of permanent work whenever a disaster is so extraordinary that actual federal obligations under the Stafford Act, excluding FEMA administrative cost, meet or exceed the 2022 Cost-Share Adjustment threshold of \$162 per capita of state population, adjusted annually for inflation using the Consumer Price Index for All Urban Consumers published annually by the Department of Labor. FEMA also considers the impact of major disaster declarations in the state during the preceding twelve-month period. If warranted by the needs of the disaster, FEMA can recommend up to 100 percent federal funding for emergency work including direct federal assistance, for a limited period in the initial days of the disaster regardless of the per capita impact.

## Hazard Mitigation Grant Program

Following a disaster declaration, the president may make Hazard Mitigation Grant Program (HMGP) funds available to the state and local governments. The purpose of HMGP is to help communities implement hazard mitigation measures following a major disaster declaration. HMGP is authorized under [Section 404 of the Stafford Act](#).

HMGP funds may be used for projects that will reduce or eliminate the losses from future disasters. Funds may be used to protect either public or private property or to purchase property that has been subjected to, or is in danger of, repetitive damage. In order to receive mitigation grants, a community must have a state and federally approved mitigation plan.

The funding available for HMGP is limited to 15 percent of the total cost of PA and IA for the disaster. FEMA can fund up to 75 percent of the eligible costs for projects while at least a 25 percent match must be met by cash and/or in-kind sources.

## Fire Management Assistance Grants

Fire Management Assistance Grants (FMAGs) are available to states and locals for the mitigation, management, and control of fires on publicly or privately owned forests or grasslands, which threaten such destruction as would constitute a major disaster. The fire management assistance declaration process is initiated when a state submits a request for assistance to the FEMA regional administrator at the time a "threat of major disaster" exists. The entire process is accomplished on an expedited basis and a FEMA decision is rendered in a matter of hours.

The FMAG program provides a 75 percent federal cost share and the state and local government pays the remaining 25 percent for actual costs. Before a grant can be awarded, the state must demonstrate that total eligible costs for the declared fire meet or exceed either the individual fire cost threshold, which applies to single fires, or the cumulative fire cost threshold, which recognizes numerous smaller fires burning throughout a state. The CY 2023 cumulative threshold is \$7,738,132 with the individual fire threshold at \$2,579,377.

## Other Disaster Assistance Programs

### SMALL BUSINESS ADMINISTRATION

The Small Business Administration (SBA) offers low-interest disaster loans to businesses of all sizes, most private nonprofit organizations, homeowners and renters.

- Businesses may borrow up to \$2,000,000 for any combination of property damage or economic injury.
- SBA offers low-interest working capital loans (called Economic Injury Disaster Loans) to small businesses, small agricultural cooperatives and most private, nonprofit organizations of any size having difficulty meeting obligations as a result of the disaster.
- Homeowners or renters may be referred to SBA for a disaster loan. SBA disaster loans are the primary source of money to pay for repair or replacement costs not fully covered by insurance or other compensation.
- Homeowners may borrow up to \$200,000 to repair or replace their primary residence.
- Homeowners and renters may borrow up to \$40,000 to replace personal property.

## **STATE URGENT NEED (SUN) FUND - TEXAS DEPARTMENT OF AGRICULTURE (TDA)**

TDA's SUN Fund provides financial assistance to communities impacted by disasters that are not eligible for federal disaster assistance. This will provide financial assistance to address disaster-related damage to public infrastructure and utilities, including repair, replacement and mitigation measures. This program prioritizes funding for drinking water systems, debris removal and other priorities designated by the Texas Commissioner of Agriculture. Requests for funding must be received within six months of a disaster declaration or request from the governor's authorized representative. The applicant must demonstrate that adequate local funds are not available. For SUN assistance, this generally means the applicant has less than six months of unencumbered general operations funds available in its balance as evidenced by the last available audit required by state statute, and funds from other state or federal sources are not available to completely address the problem. The maximum grant is \$500,000 for projects benefitting a single jurisdiction and \$1,000,000 for projects benefitting multiple communities. As a note, FEMA match funds are not an eligible activity under SUN funding.

## **COMMUNITY DEVELOPMENT BLOCK GRANTS - GENERAL LAND OFFICE**

After a presidential declaration, the United States Congress may appropriate Community Development Block Grants (CDBG) funding, managed by the General Land Office (GLO), as a supplemental (supplemental to the funds provided for the U.S. Housing and Urban Development [HUD] "Home" program) appropriation through HUD. CDBG-Disaster Recovery funding is provided to rebuild disaster affected areas and provide crucial seed money to start the recovery process. These are grants awarded to specific areas in specific disasters.

## **U.S. DEPARTMENT OF AGRICULTURE /NATURAL RESOURCES CONSERVATION SERVICE**

The U.S. Department of Agriculture's (USDA's) Natural Resources Conservation Service (NRCS) administers the Emergency Watershed Protection (EWP) Program, which responds to emergencies created by natural disasters. The program is designed to help people and conserve natural resources by relieving imminent hazards to life and property caused by floods, fires, windstorms and other natural occurrences.

NRCS may bear up to 75 percent of the construction cost of emergency measures. The remaining 25 percent must come from local sources and can be in the form of cash or in-kind services. Funding is subject to congressional approval.

## **HOUSING AND URBAN DEVELOPMENT HOME PROGRAM - TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

Through the Texas Department of Housing and Community Affairs (TDHCA), the Housing and Urban Development (HUD) Home program offers assistance for home repair, rehabilitation, reconstruction, homebuyer assistance and tenant-based rental assistance of homes affected by a disaster. Assisted homeowners must have earnings at or below 80 percent of the Area Median Family Income, as defined by HUD; must occupy the property as their principal residence; and must have been directly affected by the disaster.

## **TEXAS WATER DEVELOPMENT BOARD**

Texas Water Development Board (TWDB) offers loans and grants to political subdivisions of the state of Texas for evaluation of structural and nonstructural solutions to flooding problems. Upstream and/or downstream effects of proposed solutions must be considered in the planning process. The proposed planning must be regional in nature by considering the flood protection needs of the entire watershed.

# FEMA Public Assistance

FEMA Public Assistance Federal Threshold Amounts by County: (at \$4.77/Capita)

County	Census 2020 Population	FY 2023 Threshold
Anderson	57,922	\$ 257,173.68
Andrews	18,610	\$ 82,628.40
Angelina	86,395	\$ 383,593.80
Aransas	23,830	\$ 105,805.20
Archer	8,560	\$ 38,006.40
Armstrong	1,848	\$ 8,205.12
Atascosa	48,981	\$ 217,475.64
Austin	30,167	\$ 133,941.48
Bailey	6,904	\$ 30,653.76
Bandera	20,851	\$ 92,578.44
Bastrop	97,216	\$ 431,639.04
Baylor	3,465	\$ 15,384.60
Bee	31,047	\$ 137,848.68
Bell	370,647	\$ 1,645,672.68
Bexar	2,009,324	\$ 8,921,398.56
Blanco	11,374	\$ 50,500.56
Borden	631	\$ 2,801.64
Bosque	18,235	\$ 80,963.40
Bowie	92,893	\$ 412,444.92
Brazoria	372,031	\$ 1,651,817.64
Brazos	233,849	\$ 1,038,289.56
Brewster	9,546	\$ 42,384.24
Briscoe	1,435	\$ 6,371.40
Brooks	7,076	\$ 31,417.44
Brown	38,095	\$ 169,141.80
Burleson	17,642	\$ 78,330.48
Burnet	49,130	\$ 218,137.20
Caldwell	45,883	\$ 203,720.52
Calhoun	20,106	\$ 89,270.64

Callahan	13,708	\$ 60,863.52
Cameron	421,017	\$ 1,869,315.48
Camp	12,464	\$ 55,340.16
Carson	5,807	\$ 25,783.08
Cass	28,454	\$ 126,335.76
Castro	7,371	\$ 32,727.24
Chambers	46,571	\$ 206,775.24
Cherokee	50,412	\$ 223,829.28
Childress	6,664	\$ 29,588.16
Clay	10,218	\$ 45,367.92
Cochran	2,547	\$ 11,308.68
Coke	3,285	\$ 14,585.40
Coleman	7,684	\$ 34,116.96
Collin	1,064,465	\$ 4,726,224.60
Collingsworth	2,652	\$ 11,774.88
Colorado	20,557	\$ 91,273.08
Comal	161,501	\$ 717,064.44
Comanche	13,594	\$ 60,357.36
Concho	3,303	\$ 14,665.32
Cooke	41,668	\$ 185,005.92
Coryell	83,093	\$ 368,932.92
Cottle	1,380	\$ 6,127.20
Crane	4,675	\$ 20,757.00
Crockett	3,098	\$ 13,755.12
Crosby	5,133	\$ 22,790.52
Culberson	2,188	\$ 9,714.72
Dallam	7,115	\$ 31,590.60
Dallas	2,613,539	\$11,604,113.16
Dawson	12,456	\$ 55,304.64
Deaf Smith	18,583	\$ 82,508.52
Delta	5,230	\$ 23,221.20
Denton	906,422	\$ 4,024,513.68
DeWitt	19,824	\$ 88,018.56
Dickens	1,770	\$ 7,858.80

<b>Dimmit</b>	<b>8,615</b>	<b>\$ 38,250.60</b>
<b>Donley</b>	<b>3,258</b>	<b>\$ 14,465.52</b>
<b>Duval</b>	<b>9,831</b>	<b>\$ 43,649.64</b>
<b>Eastland</b>	<b>17,725</b>	<b>\$ 78,699.00</b>
<b>Ector</b>	<b>165,171</b>	<b>\$ 733,359.24</b>
<b>Edwards</b>	<b>1,422</b>	<b>\$ 6,313.68</b>
<b>El Paso</b>	<b>865,657</b>	<b>\$ 3,843,517.08</b>
<b>Ellis</b>	<b>192,455</b>	<b>\$ 854,500.20</b>
<b>Erath</b>	<b>42,545</b>	<b>\$ 188,899.80</b>
<b>Falls</b>	<b>16,968</b>	<b>\$ 75,337.92</b>
<b>Fannin</b>	<b>35,662</b>	<b>\$ 158,339.28</b>
<b>Fayette</b>	<b>24,435</b>	<b>\$ 108,491.40</b>
<b>Fisher</b>	<b>3,672</b>	<b>\$ 16,303.68</b>
<b>Floyd</b>	<b>5,402</b>	<b>\$ 23,984.88</b>
<b>Foard</b>	<b>1,095</b>	<b>\$ 4,861.80</b>
<b>Fort Bend</b>	<b>822,779</b>	<b>\$ 3,653,138.76</b>
<b>Franklin</b>	<b>10,359</b>	<b>\$ 45,993.96</b>
<b>Freestone</b>	<b>19,435</b>	<b>\$ 86,291.40</b>
<b>Frio</b>	<b>18,385</b>	<b>\$ 81,629.40</b>
<b>Gaines</b>	<b>21,598</b>	<b>\$ 95,895.12</b>
<b>Galveston</b>	<b>350,682</b>	<b>\$ 1,557,028.08</b>
<b>Garza</b>	<b>5,816</b>	<b>\$ 25,823.04</b>
<b>Gillespie</b>	<b>26,725</b>	<b>\$ 118,659.00</b>
<b>Glasscock</b>	<b>1,116</b>	<b>\$ 4,955.04</b>
<b>Goliad</b>	<b>7,012</b>	<b>\$ 31,133.28</b>
<b>Gonzales</b>	<b>19,653</b>	<b>\$ 87,259.32</b>
<b>Gray</b>	<b>21,227</b>	<b>\$ 94,247.88</b>
<b>Grayson</b>	<b>135,543</b>	<b>\$ 601,810.92</b>
<b>Gregg</b>	<b>124,239</b>	<b>\$ 551,621.16</b>
<b>Grimes</b>	<b>29,268</b>	<b>\$ 129,949.92</b>
<b>Guadalupe</b>	<b>172,706</b>	<b>\$ 766,814.64</b>
<b>Hale</b>	<b>32,522</b>	<b>\$ 144,397.68</b>
<b>Hall</b>	<b>2,825</b>	<b>\$ 12,543.00</b>
<b>Hamilton</b>	<b>8,222</b>	<b>\$ 36,505.68</b>

<b>Hansford</b>	<b>5,285</b>	<b>\$ 23,465.40</b>
<b>Hardeman</b>	<b>3,549</b>	<b>\$ 15,757.56</b>
<b>Hardin</b>	<b>56,231</b>	<b>\$ 249,665.64</b>
<b>Harris</b>	<b>4,731,145</b>	<b>\$21,006,283.80</b>
<b>Harrison</b>	<b>68,839</b>	<b>\$ 305,645.16</b>
<b>Hartley</b>	<b>5,382</b>	<b>\$ 23,896.08</b>
<b>Haskell</b>	<b>5,416</b>	<b>\$ 24,047.04</b>
<b>Hays</b>	<b>241,067</b>	<b>\$ 1,070,337.48</b>
<b>Hemphill</b>	<b>3,382</b>	<b>\$ 15,016.08</b>
<b>Henderson</b>	<b>82,150</b>	<b>\$ 364,746.00</b>
<b>Hidalgo</b>	<b>870,781</b>	<b>\$ 3,866,267.64</b>
<b>Hill</b>	<b>35,874</b>	<b>\$ 159,280.56</b>
<b>Hockley</b>	<b>21,537</b>	<b>\$ 95,624.28</b>
<b>Hood</b>	<b>61,598</b>	<b>\$ 273,495.12</b>
<b>Hopkins</b>	<b>36,787</b>	<b>\$ 163,334.28</b>
<b>Houston</b>	<b>22,066</b>	<b>\$ 97,973.04</b>
<b>Howard</b>	<b>34,860</b>	<b>\$ 154,778.40</b>
<b>Hudspeth</b>	<b>3,202</b>	<b>\$ 14,216.88</b>
<b>Hunt</b>	<b>99,956</b>	<b>\$ 443,804.64</b>
<b>Hutchinson</b>	<b>20,617</b>	<b>\$ 91,539.48</b>
<b>Irion</b>	<b>1,513</b>	<b>\$ 6,717.72</b>
<b>Jack</b>	<b>8,472</b>	<b>\$ 37,615.68</b>
<b>Jackson</b>	<b>14,988</b>	<b>\$ 66,546.72</b>
<b>Jasper</b>	<b>32,980</b>	<b>\$ 146,431.20</b>
<b>Jeff Davis</b>	<b>1,996</b>	<b>\$ 8,862.24</b>
<b>Jefferson</b>	<b>256,526</b>	<b>\$ 1,138,975.44</b>
<b>Jim Hogg</b>	<b>4,838</b>	<b>\$ 21,480.72</b>
<b>Jim Wells</b>	<b>38,891</b>	<b>\$ 172,676.04</b>
<b>Johnson</b>	<b>179,927</b>	<b>\$ 798,875.88</b>
<b>Jones</b>	<b>19,663</b>	<b>\$ 87,303.72</b>
<b>Karnes</b>	<b>14,710</b>	<b>\$ 65,312.40</b>
<b>Kaufman</b>	<b>145,310</b>	<b>\$ 645,176.40</b>
<b>Kendall</b>	<b>44,279</b>	<b>\$ 196,598.76</b>
<b>Kenedy</b>	<b>350</b>	<b>\$ 1,554.00</b>

Kent	753	\$ 3,343.32
Kerr	52,598	\$ 233,535.12
Kimble	4,286	\$ 19,029.84
King	265	\$ 1,176.60
Kinney	3,129	\$ 13,892.76
Kleberg	31,040	\$ 137,817.60
Knox	3,353	\$ 14,887.32
La Salle	6,664	\$ 29,588.16
Lamar	50,088	\$ 222,390.72
Lamb	13,045	\$ 57,919.80
Lampasas	21,627	\$ 96,023.88
Lavaca	20,337	\$ 90,296.28
Lee	17,478	\$ 77,602.32
Leon	15,719	\$ 69,792.36
Liberty	91,628	\$ 406,828.32
Limestone	22,146	\$ 98,328.24
Lipscomb	3,059	\$ 13,581.96
Live Oak	11,335	\$ 50,327.40
Llano	21,243	\$ 94,318.92
Loving	64	\$ 284.16
Lubbock	310,639	\$ 1,379,237.16
Lynn	5,596	\$ 24,846.24
Madison	13,455	\$ 59,740.20
Marion	9,725	\$ 43,179.00
Martin	5,237	\$ 23,252.28
Mason	3,953	\$ 17,551.32
Matagorda	36,255	\$ 160,972.20
Maverick	57,887	\$ 257,018.28
McCulloch	7,630	\$ 33,877.20
McLennan	260,579	\$ 1,156,970.76
McMullen	600	\$ 2,664.00
Medina	50,748	\$ 225,321.12
Menard	1,962	\$ 8,711.28

Midland	169,983	\$ 754,724.52
Milam	24,754	\$ 109,907.76
Mills	4,456	\$ 19,784.64
Mitchell	8,990	\$ 39,915.60
Montague	19,965	\$ 88,644.60
Montgomery	620,443	\$ 2,754,766.92
Moore	21,358	\$ 94,829.52
Morris	11,973	\$ 53,160.12
Motley	1,063	\$ 4,719.72
Nacogdoches	64,653	\$ 287,059.32
Navarro	52,624	\$ 233,650.56
Newton	12,217	\$ 54,243.48
Nolan	14,738	\$ 65,436.72
Nueces	353,178	\$ 1,568,110.32
Ochiltree	10,015	\$ 44,466.60
Oldham	1,758	\$ 7,805.52
Orange	84,808	\$ 376,547.52
Palo Pinto	28,409	\$ 126,135.96
Panola	22,491	\$ 99,860.04
Parker	148,222	\$ 658,105.68
Parmer	9,869	\$ 43,818.36
Pecos	15,193	\$ 67,456.92
Polk	50,123	\$ 222,546.12
Potter	118,525	\$ 526,251.00
Presidio	6,131	\$ 27,221.64
Rains	12,164	\$ 54,008.16
Randall	140,753	\$ 624,943.32
Reagan	3,385	\$ 15,029.40
Real	2,758	\$ 12,245.52
Red River	11,587	\$ 51,446.28
Reeves	14,748	\$ 65,481.12
Refugio	6,741	\$ 29,930.04

Roberts	827	\$ 3,671.88
Robertson	16,757	\$ 74,401.08
Rockwall	107,819	\$ 478,716.36
Runnels	9,900	\$ 43,956.00
Rusk	52,214	\$ 231,830.16
Sabine	9,894	\$ 43,929.36
San Augustine	7,918	\$ 35,155.92
San Jacinto	27,402	\$ 121,664.88
San Patricio	68,755	\$ 305,272.20
San Saba	5,730	\$ 25,441.20
Schleicher	2,451	\$ 10,882.44
Scurry	16,932	\$ 75,178.08
Shackelford	3,105	\$ 13,786.20
Shelby	24,022	\$ 106,657.68
Sherman	2,782	\$ 12,352.08
Smith	233,479	\$ 1,036,646.76
Somervell	9,205	\$ 40,870.20
Starr	65,920	\$ 292,684.80
Stephens	9,101	\$ 40,408.44
Sterling	1,372	\$ 6,091.68
Stonewall	1,245	\$ 5,527.80
Sutton	3,372	\$ 14,971.68
Swisher	6,971	\$ 30,951.24
Tarrant	2,110,640	\$ 9,371,241.60
Taylor	143,208	\$ 635,843.52
Terrell	760	\$ 3,374.40
Terry	11,831	\$ 52,529.64
Throckmorton	1,440	\$ 6,393.60
Titus	31,247	\$ 138,736.68
Tom Green	120,003	\$ 532,813.32
Travis	1,290,188	\$ 5,728,434.72
Trinity	13,602	\$ 60,392.88
Tyler	19,798	\$ 87,903.12

Upshur	40,892	\$ 181,560.48
Upton	3,308	\$ 14,687.52
Uvalde	24,564	\$ 109,064.16
Val Verde	47,586	\$ 211,281.84
Van Zandt	59,541	\$ 264,362.04
Victoria	91,319	\$ 405,456.36
Walker	76,400	\$ 339,216.00
Waller	56,794	\$ 252,165.36
Ward	11,644	\$ 51,699.36
Washington	35,805	\$ 158,974.20
Webb	267,114	\$ 1,185,986.16
Wharton	41,570	\$ 184,570.80
Wheeler	4,990	\$ 22,155.60
Wichita	129,350	\$ 574,314.00
Wilbarger	12,887	\$ 57,218.28
Willacy	20,164	\$ 89,528.16
Williamson	609,017	\$ 2,704,035.48
Wilson	49,753	\$ 220,903.32
Winkler	7,791	\$ 34,592.04
Wise	68,632	\$ 304,726.08
Wood	44,843	\$ 199,102.92
Yoakum	7,694	\$ 34,161.36
Young	17,867	\$ 79,329.48
Zapata	13,889	\$ 61,667.16
Zavala	9,670	\$ 42,934.80

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 various Federal Emergency Management Agency relief programs. The **FY 2023** cumulative threshold of \$51,587,544 must be met by state and local governments for the state to receive a federal Public Assistance declaration. After the state threshold is met, individual counties must qualify by meeting their own threshold as indicated on this chart. The thresholds for the Fire Management Assistance Grant (FMAG) program in CY 2023 are: Individual threshold \$2,579,377 and cumulative threshold \$7,738,132.



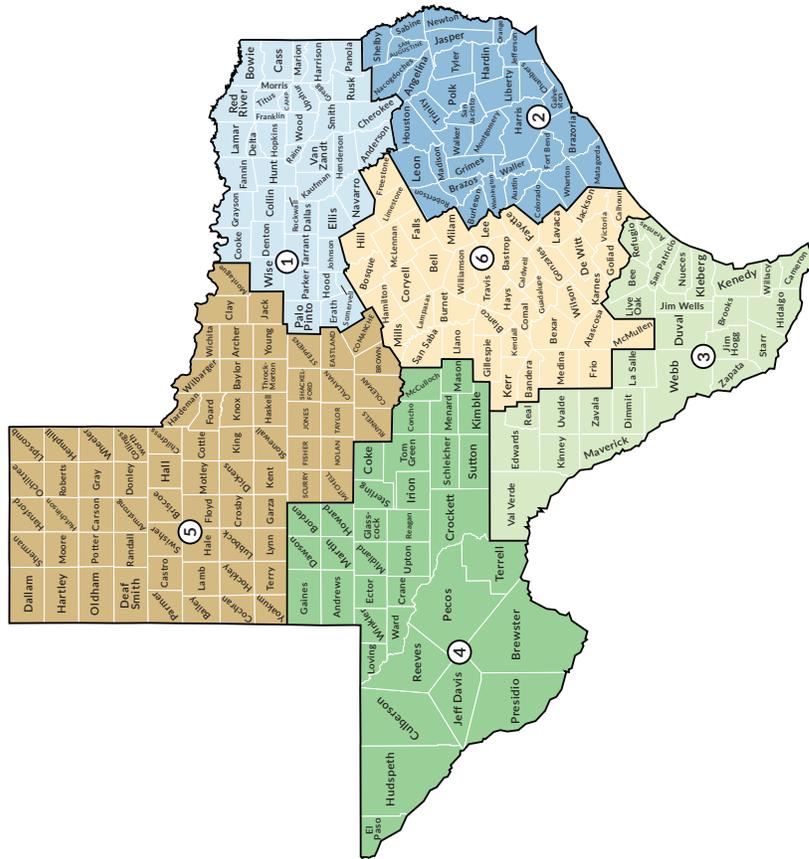
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# Appendix A

## Regional Assistant Chief & Section Chief Map

# Texas Division of Emergency Management (TDEM) Assistant Chief/Section Chief Region Map



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# Appendix B

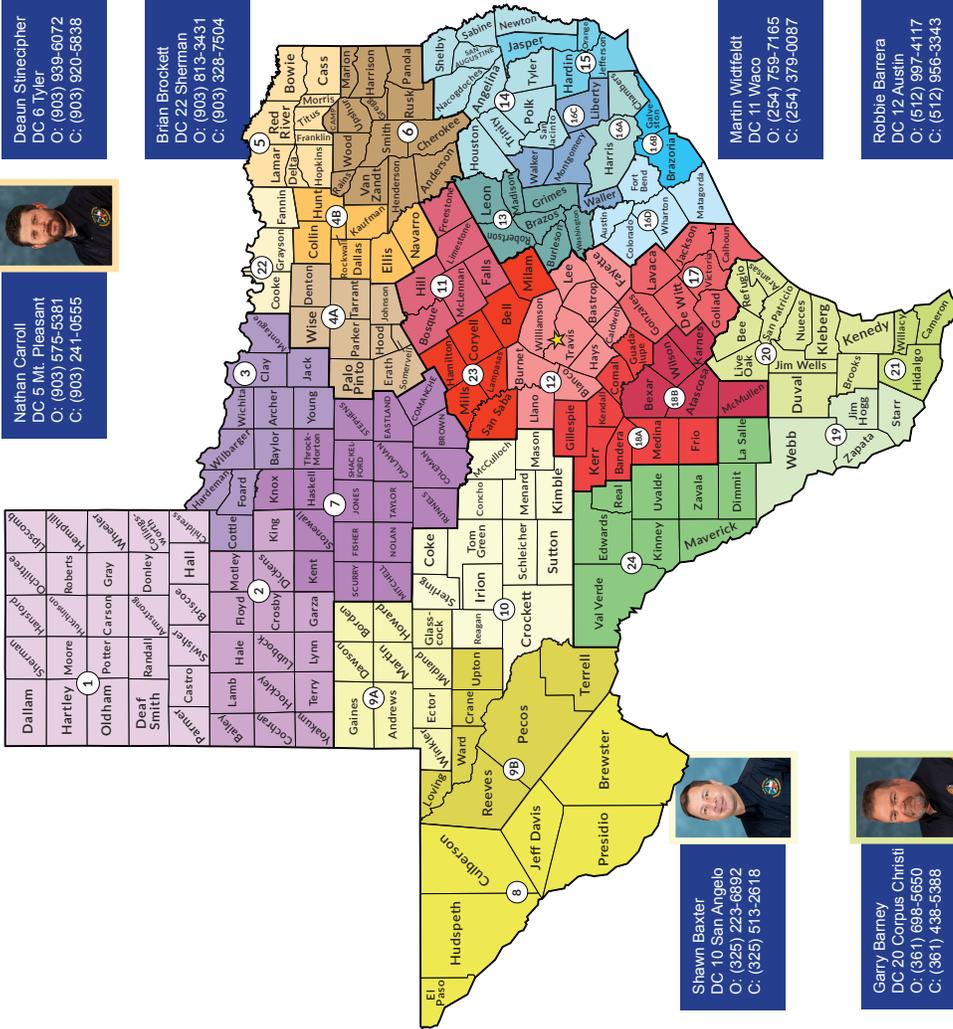
## Regional Assistant Chief & Section Chief Contacts

<b>Region 1</b>		<b>Cell Number</b>
<b>Assistant Chief</b>	<b>Kevin Starbuck</b>	<b>469-451-0267</b>
<b>Section Chief</b>	<b>Paul Gunnels</b> (Preparedness & Response)	<b>903-253-1501</b>
<b>Section Chief</b>	<b>Andrea Sanders</b> (Recovery & Mitigation)	<b>737-247-8531</b>
<b>Region 2</b>		
<b>Assistant Chief</b>	<b>Shaun Miller</b>	<b>346-314-3416</b>
<b>Section Chief</b>	<b>Carman Apple</b> (Preparedness & Response)	<b>409-504-0390</b>
<b>Section Chief</b>	<b>Michelle Ellis</b> (Recovery & Mitigation)	<b>512-952-9061</b>
<b>Region 3</b>		
<b>Assistant Chief</b>	<b>Tony Pena</b>	<b>956-270-0728</b>
<b>Section Chief</b>	<b>Michael Bradberry</b> (Preparedness & Response)	<b>956-229-9738</b>
<b>Section Chief</b>	<b>John O'Valle</b> (Recovery & Mitigation)	<b>956-227-0696</b>
<b>Region 4</b>		
<b>Assistant Chief</b>	<b>David Marquez</b>	<b>915-726-5078</b>
<b>Section Chief</b>	<b>James "Guy" Duncan</b> (Preparedness & Response)	<b>979-218-2404</b>
<b>Section Chief</b>	<b>Ismael Castro</b> (Recovery & Mitigation)	<b>915-234-3513</b>
<b>Region 5</b>		
<b>Assistant Chief</b>	<b>Brandi Ashby</b>	<b>806-517-0581</b>
<b>Section Chief</b>	<b>Jon Reese</b> (Preparedness & Response)	<b>940-217-9825</b>
<b>Section Chief</b>	<b>Erica McDowell</b> (Recovery & Mitigation)	<b>806-548-4344</b>
<b>Region 6</b>		
<b>Assistant Chief</b>	<b>Jay Hall</b>	<b>409-284-9381</b>
<b>Section Chief</b>	<b>Darren Brinkkoetter</b> (Preparedness & Response)	<b>210-262-2895</b>
<b>Section Chief</b>	<b>Bruce Clements</b> (Recovery & Mitigation)	<b>512-431-7449</b>

# Appendix C

## State Disaster District & District Coordinator Map





Dallam	Sherman	Hartford	Kempnill
Hartley Moore	Robertson	Roberts	Michelson
Oldham	Potter	Carson	Gray
Deaf Smith	Randall	Donley	Winkler
Parmer	Castro	Swisher	Brace
Bailey	Lamb	Hale	Floyd
Cochran	Lubbock	Crosby	Motley
Yakima	Terry	Lynn	Garza
Gaines	Andrews	Edson	Borden
Andrews	Midland	Marshall	McClain
Ector	Ward	Crane	Union
Winkler	Reeves	Jeff Davis	Pecos
Blanco	Hudspeth	Terrell	Brewster
El Paso	Culberson	Presidio	Brewster



**Joseph Minshew**  
DC 1 Amarillo  
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C: (806) 316-7632



**Bill Durham**  
DC 2 Lubbock  
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C: (806) 392-4232



**Regan Reser**  
DC 3 Wichita Falls  
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**Al Talavera**  
DC 8 El Paso  
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C: (915) 261-5289



**Dudley Speed**  
DC 9A Midland  
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C: (432) 416-0063



**Shelly Cleveland**  
DC 9B Ft. Stockton  
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C: (432) 386-6737



**Bill Davis**  
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C: (956) 532-3768



**Robert Alvarez**  
DC 21 Weslaco  
O: (956) 565-7121  
C: (956) 351-8193



**Greg Goetsch**  
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C: (806) 407-7839



**Shawn Baxter**  
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C: (325) 513-2618



**Garry Barney**  
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C: (361) 438-5388



**Fernando Perez**  
DC 24 Del Rio  
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C: (830) 776-8773



**David Shaw**  
DC 23 Killeen  
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C: (254) 432-9827



**Ernie Paiz**  
DC 17 Victoria  
O: (361) 578-3435  
C: (361) 788-3532



**Robbie Barrera**  
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C: (512) 956-3343



**Summer Ray**  
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C: (210) 452-8860



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C: (903) 241-0555



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C: (254) 379-0087



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C: (361) 788-3532



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C: (214) 629-4271



**Deann Stinecoper**  
DC 6 Tyler  
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C: (903) 920-5938



**Brian Brockett**  
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C: (903) 328-7504



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**Jon Clingman**  
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C: (936) 208-3270



**Michael Rowell**  
DC 15 Beaumont  
O: (409) 924-5455  
C: (409) 273-2733



**Mike Jones**  
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C: (832) 401-3467



**Ron Walker**  
DC 16C Conroe  
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C: (936) 672-3827



**Edward Norman**  
DC 16D Rosenberg  
O: (281) 633-4827  
C: (979) 320-4362



**Porch Gonzales**  
DC 13 Bryan  
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C: (979) 412-0003



**Brent Weaver**  
Capitol District  
O: (512) 936-3566  
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**Tony Gross**  
DC 18B San Antonio  
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C: (210) 559-3496

# Appendix D

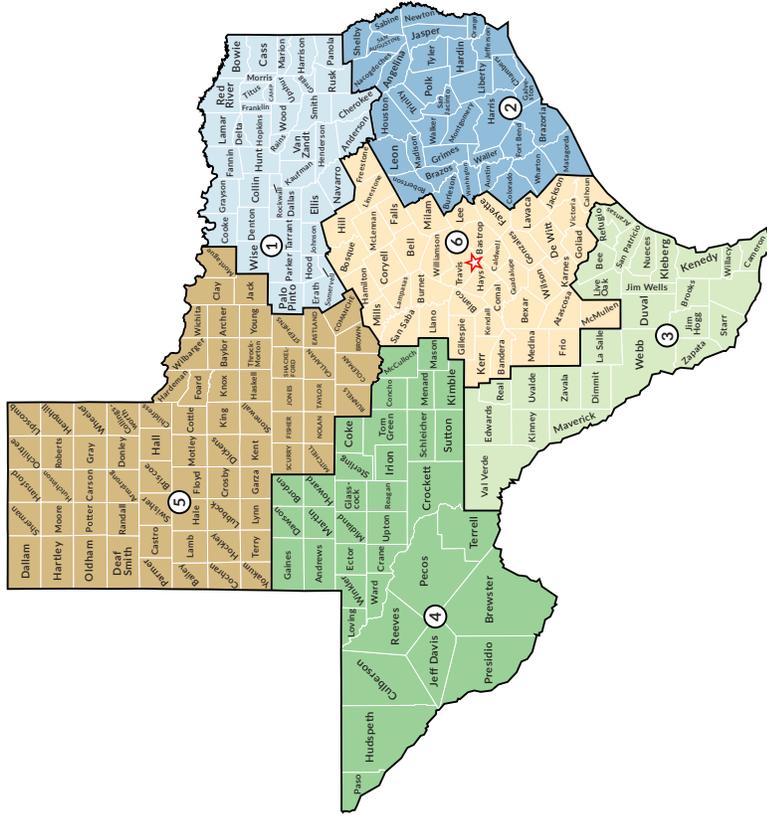
## TDEM District Coordinator Contacts

District Area	District Coordinator	Email
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DC 5 Mt Pleasant	Nathan Carroll	Nathan.Carroll@tdem.texas.gov
DC 6 Tyler	Deaun Stinecipher	Deaun.Stinecipher@tdem.texas.gov
DC 7 Abilene	Greg Goettsch	Greg.Goettsch@tdem.texas.gov
DC 8 El Paso	Al Talavera	Al.Talavera@tdem.texas.gov
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DC 9B Ft Stockton	Shelly Cleveland	Shelly.Cleveland@tdem.texas.gov
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DC 13 Bryan	Ponch Gonzales	Ponch.Gonzales@tdem.texas.gov
DC 14 Lufkin	Jon Clingaman	Jon.Clingaman@tdem.texas.gov
DC 15 Beaumont	Michael Rowell	Michael.Rowell@tdem.texas.gov
DC 16A Houston		
DC 16B Texas City	Mike Jones	Mike.Jones@tdem.texas.gov
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DC 18B San Antonio	Tony Gross	Tony.Gross@tdem.texas.gov
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DC 20 Corpus Christi	Garry Barney	Garry.Barney@tdem.texas.gov
DC 21 Weslaco	Robert Alvarez	Robert.Alvarez@tdem.texas.gov
DC 22 Sherman	Brian Brockett	Brian.Brockett@tdem.texas.gov
DC 23 Killeen	David Shaw	David.Shaw@tdem.texas.gov
DC 24 Del Rio	Fernando Perez	Fernando.Perez@tdem.texas.gov

# Appendix E

## DRTF Map

# DISASTER RECOVERY TASK FORCE (DRTF)



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# Appendix F

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# Appendix G

## 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;

(9) encourage state agencies, local governments, nongovernmental organizations, private entities, and individuals to adopt the goals of the strategic plan of the Federal Emergency Management Agency for preparing for, responding to, and recovering from a disaster that emphasize cooperation among federal agencies, state agencies, local governments, nongovernmental organizations, private entities, and individuals in each activity or project undertaken to ensure that this state is prepared to effectively respond to and recover from a disaster; and

(10) 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.

Acts 2019, 86th Leg., R.S., Ch. 286 (H.B. 2340), Sec. 1, eff. September 1, 2019.

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;

(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; or

(7) authorize any person to prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range, as defined by Section 250.001, Local Government Code, in connection with a disaster.

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.

Acts 2021, 87th Leg., R.S., Ch. 998 (H.B. 150), Sec. 1, eff. September 1, 2021.

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, cybersecurity event, 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.

Acts 2019, 86th Leg., R.S., Ch. 509 (S.B. 64), Sec. 2, eff. September 1, 2019.

Sec. 418.005. EMERGENCY MANAGEMENT TRAINING. (a) This section applies only to:

(1) 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:

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

(B) who plays a role in emergency preparedness, response, or recovery; and

(2) an emergency management coordinator designated under Section 418.1015(c) by the emergency management director of a county with a population of 500,000 or more.

(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;

(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; or

(3) is designated as an emergency management coordinator under Section 418.1015(c).

(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 and emergency management coordinators of political subdivisions. The division shall ensure that the training courses satisfy the requirements of Subsection (b).

(c-1) The training course provided under this section related to the emergency management responsibilities of officers of political subdivisions must include training based on the disaster response guide as required by Section 418.054(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 a person who completes the training required by this section. A person who completes the training required by this section shall maintain and make available for public inspection the record of the person'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.

Acts 2019, 86th Leg., R.S., Ch. 946 (S.B. 6), Sec. 1, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1018 (H.B. 6), Sec. 1, eff. September 1, 2019.

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. 418.0125. LIMITATIONS ON MEDICAL PROCEDURES. (a) In this section, "nonelective medical procedure" means a medical procedure, including a surgery, a physical exam, a diagnostic test, a screening, the performance of a laboratory test, and the collection of a specimen to perform a laboratory test, that if not performed within a reasonable time may, as determined in good faith by a patient's physician, result in:

- (1) the patient's loss of life; or
- (2) a deterioration, complication, or progression of the patient's current or potential medical condition or disorder, including a physical condition or mental disorder.

(b) The Texas Medical Board during a declared state of disaster may not issue an order or adopt a regulation that limits or prohibits a nonelective medical procedure.

(c) The Texas Medical Board during a declared state of disaster may issue an order or adopt a regulation imposing a temporary limitation or prohibition on a medical procedure other than a nonelective medical procedure only if the limitation or prohibition

is reasonably necessary to conserve resources for nonelective medical procedures or resources needed for disaster response. An order issued or regulation adopted under this subsection may not continue for more than 15 days unless renewed by the board.

(d) A person subject to an order issued or regulation adopted under this section who in good faith acts or fails to act in accordance with that order or regulation is not civilly or criminally liable and is not subject to disciplinary action for that act or failure to act.

(e) The immunity provided by Subsection (d) is in addition to any other immunity or limitation of liability provided by law.

(f) Notwithstanding any other law, this section does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides the basis for a cause of action for an act or omission under this section.

Added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 1, eff. June 16, 2021.

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. At least once each biennium, the governor shall review the composition of the council and, if necessary, update or expand the participating entities.

(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.

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.

Acts 2019, 86th Leg., R.S., Ch. 602 (S.B. 799), Sec. 3, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 852 (H.B. 2794), Sec. 3, eff. June 10, 2019.

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. 418.0155. SUSPENSION LIST. (a) The governor's office, using existing resources, shall compile and maintain a comprehensive list of regulatory statutes and rules that may require suspension during a disaster.

(b) On request by the governor's office, a state agency that would be impacted by the suspension of a statute or rule on the list compiled under Subsection (a) shall review the list for accuracy and shall advise the governor's office regarding any statutes or rules that should be added to the list.

Added by Acts 2019, 86th Leg., R.S., Ch. 945 (H.B. 7), Sec. 1, eff. September 1, 2019.

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, explosives, and combustibles, other than explosives or combustibles that are components of firearm ammunition.

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

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 998 (H.B. 1500), Sec. 2, eff. September 1, 2021.

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.

Sec. 418.025. LIMITED PURPOSE DECLARATION. (a) If the governor determines that a disaster can be adequately addressed without invoking all the powers and duties provided by this subchapter, the governor may, by proclamation or executive order, issue a limited purpose disaster

declaration invoking only the authority provided by Sections 418.016(a) and (e).

(b) A declaration made under this section is subject to Section 418.014.

Added by Acts 2015, 84th Leg., R.S., Ch. 959 (S.B. 1465), Sec. 1, eff. June 18, 2015.

Sec. 418.026. GRANTS FOR DISASTER RESPONSE BY NONPROFIT FOOD BANKS.

(a) In this section, "nonprofit food bank" means a nonprofit organization that solicits, warehouses, and redistributes edible food to agencies that feed needy families and individuals.

(b) Using money available for the purpose, the office of the governor shall establish a program to provide grants to nonprofit organizations in this state for distribution to nonprofit food banks to build the capacity of the nonprofit food banks to respond to disasters.

(c) To be eligible to receive a grant under this section, a nonprofit organization must:

(1) have at least five years of experience coordinating a statewide network of nonprofit food banks and charitable organizations that distribute food to needy or low income individuals during disasters; and

(2) be a member of the Texas Voluntary Organizations Active in Disaster.

(d) Grant money awarded under this section may be used only to reimburse a nonprofit food bank for all or part of the costs incurred by the nonprofit food bank as a result of:

(1) maintaining an inventory of emergency food boxes in preparation for a disaster;

(2) purchasing, storing, and transporting food for distribution during a disaster; and

(3) purchasing capital equipment necessary to operate during a disaster, including back-up generators, mobile food pantries, trucks, meal preparation units, forklifts, technology, and other equipment.

(e) The office of the governor shall establish procedures to administer the grant program, including a procedure for the submission of a proposal and a procedure to be used by the office to evaluate a proposal.

(f) The office of the governor shall enter into a contract that includes performance requirements with each grant recipient. The office shall monitor and enforce the terms of the contract. The contract must authorize the office to recoup grant money from a grant recipient for failure of the grant recipient to comply with the terms of the contract.

(g) The office of the governor may solicit and accept gifts, grants, and donations from any source for the purpose of awarding grants under this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 1299 (H.B. 3668), Sec. 1, eff. September 1, 2019.

### **SUBCHAPTER C. TEXAS DIVISION OF EMERGENCY MANAGEMENT**

Sec. 418.041. ORGANIZATION. (a) The Texas Division of Emergency Management is a component of The Texas A&M University System.

(b) The division is managed by a chief appointed by the governor. The chief serves at the pleasure of the governor. 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) the presiding officer of the Homeland Security Council; and
- (4) 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.

(e) The division shall manage and staff the state operations center under an agreement with the department.

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.

Acts 2019, 86th Leg., R.S., Ch. 602 (S.B. 799), Sec. 4, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 852 (H.B. 2794), Sec. 4, eff. June 10, 2019.

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;

(17) provisions for protecting public health; and

(18) 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.

Acts 2021, 87th Leg., R.S., Ch. 889 (S.B. 1780), Sec. 3, eff. September 1, 2021.

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;

(20) establish and operate, subject to the availability of funds, a search and rescue task force in each field response region established by the division to assist in search, rescue, and recovery efforts before, during, and after a natural or man-made disaster; and

(21) 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.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 959 (S.B. 1465), Sec. 2, eff. June 18, 2015.

Sec. 418.0435. PERSONAL PROTECTIVE EQUIPMENT CONTRACTS. (a) The division shall enter into a contract with a manufacturer or wholesale distributor of personal protective equipment that guarantees a set amount and stocked supply of the equipment for use during a public health disaster declared under Section 81.0813, Health and Safety Code.

(b) The division may purchase personal protective equipment under a contract described by Subsection (a) only if the division determines the state's supply of personal protective equipment will be insufficient based on an evaluation of the personal protective equipment:

(1) held in reserve in this state; and

(2) supplied by or expected to be supplied by the federal government.

(c) The division shall pursue all available federal funding to cover the costs of personal protective equipment purchased under a contract described by Subsection (a).

(d) In entering into a contract under Subsection (a), the division shall ensure that the manufacturer is located in the United States to the extent practicable.

Added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 2, eff. June 16, 2021.

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; DISASTER PREPAREDNESS EDUCATION. (a) The division shall keep continuously apprised of weather conditions that present danger of climatic activity, such as precipitation, severe enough to constitute a disaster.

(b) The division shall create a list of suggested actions for state agencies and the public to take to prepare for winter storms, organized by severity of storm based on the National Weather Service Winter Storm Severity Index.

(c) The division shall develop disaster preparedness educational materials that include instructions for preparing a disaster kit containing supplies most needed in a disaster or emergency, such as water, nonperishable food, medical supplies, flashlights, and other essential items, to assist families and businesses in adequately preparing for winter storms, hurricanes, floods, drought, fires, and other potential disasters.

(d) The division shall post on the division's Internet website and distribute to local governments and businesses the educational materials and instructions developed under Subsection (c).

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.

Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 2, eff. June 8, 2021.

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 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.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 602 (S.B. 799), Sec. 5, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 852 (H.B. 2794), Sec. 5, eff. June 10, 2019.

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;
- (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 A&M Forest Service;
- (12) the Texas Department of Transportation;
- (13) the General Land Office;
- (14) the Texas A&M Engineering Extension Service;
- (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.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 602 (S.B. 799), Sec. 6, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 852 (H.B. 2794), Sec. 6, eff. June 10, 2019.

Sec. 418.052. USE OF FUNDS TO SUPPORT CERTAIN PERSONS. The division may use appropriated funds to purchase food and beverages for a person who is:

- (1) activated to provide services in response to an emergency situation, an incident, or a disaster; and
- (2) unable to leave or required to remain at the person's assignment area due to the emergency situation, incident, or disaster.

Added by Acts 2015, 84th Leg., R.S., Ch. 267 (H.B. 120), Sec. 1, eff. June 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 308 (S.B. 854), Sec. 1, eff. May 29, 2017.

Sec. 418.053. EMERGENCY SERVICES DISTRICT PROGRAM. (a) The division shall serve as a resource to provide interested rural communities with:

- (1) general information about emergency services districts; and
- (2) information and training related to the establishment of an emergency services district.

(b) The division may:

- (1) provide to fire departments in rural areas information relating to assistance programs offered to rural volunteer firefighters, including the federal Staffing for Adequate Fire and Emergency Response grant program to help fire departments increase staffing and deployment capabilities; and
- (2) provide to rural homeowners information relating to the benefits of volunteer fire departments, including a reduction in homeowners insurance risk ratings, lower

homeowners insurance rates, and better fire protection.

Added by Acts 2005, 79th Leg., Ch. 634 (H.B. 2619), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 560 (S.B. 1440), Sec. 2, eff. June 16, 2007.

Renumbered from Government Code, Section 487.060 by Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 17.001(29), eff. September 1, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 112 (H.B. 1918), Sec. 30, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 148 (H.B. 1493), Sec. 7, eff. September 1, 2013.

Transferred, redesignated and amended from Government Code, Section 487.061 by Acts 2017, 85th Leg., R.S., Ch. 1019 (H.B. 1510), Sec. 1, eff. September 1, 2017.

Sec. 418.054. DISASTER RESPONSE GUIDE.

(a) The division shall develop a model guide for local officials regarding disaster response and recovery. The guide must provide a comprehensive approach to disaster recovery by local officials and include information on:

- (1) contracting for debris removal;
- (2) obtaining federal disaster funding;
- (3) coordinating the availability and construction of short-term and long-term housing; and
- (4) obtaining assistance from local, state, and federal volunteer organizations.

(b) The division, in coordination with the Texas A&M AgriLife Extension Service and the Texas A&M Engineering Extension Service, shall provide training based on the disaster response guide as a part of the emergency management training course provided under Section 418.005.

Added by Acts 2019, 86th Leg., R.S., Ch. 946 (S.B. 6), Sec. 2, eff. September 1, 2019.

Sec. 418.0541. CATASTROPHIC DEBRIS MANAGEMENT PLAN AND TRAINING.

(a) The division, in consultation with any other state agencies selected by the division, shall develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster.

(b) The plan must:

(1) provide a guide for clearance and disposal of debris caused by a disaster, including information on preparing for debris removal before a disaster; and

(2) include:

(A) provisions for the use of trench burners and air curtain incinerators of vegetative debris, including identifying sources of equipment for use immediately following a disaster; and

(B) contracting standards and a model contract for use in procuring debris removal services following a disaster.

(c) The division shall consult with the comptroller about including a contract for debris removal services on the schedule of multiple award contracts developed under Subchapter I, Chapter 2155, or in another cooperative purchasing program administered by the comptroller.

(d) The Texas A&M Engineering Extension Service, in coordination with the Texas Commission on Environmental Quality, shall establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal.

Added by Acts 2019, 86th Leg., R.S., Ch. 946 (S.B. 6), Sec. 2, eff. September 1, 2019.

Redesignated from Government Code, Section 418.055 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(23), eff. September 1, 2021.

Sec. 418.0542. CATASTROPHIC DEBRIS MANAGEMENT PLAN AND TRAINING. (a) The division, in consultation with any other state agencies selected by the division, shall develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster.

(b) The plan must:

(1) provide a guide for clearance and disposal of debris caused by a disaster, including information on preparing for debris removal before a disaster; and

(2) include:

(A) provisions for the use of trench burners and air curtain incinerators of vegetative debris, including identifying sources of equipment for use immediately following a disaster; and

(B) procedures for:

(i) vegetative debris burning, including the role of the Texas Department of Transportation in debris removal;

(ii) the coordination of clearance and disposal of debris;

(iii) obtaining equipment necessary for use immediately following a disaster; and

(iv) the interaction between political subdivisions and state and federal agencies.

(c) The Texas A&M Engineering Extension Service shall establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal.

Added by Acts 2019, 86th Leg., R.S., Ch. 703 (H.B. 5), Sec. 1, eff. September 1, 2019.

Redesignated from Government Code, Section 418.054 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(18), eff. September 1, 2021.

Sec. 418.0543. CONTRACTING FOR DEBRIS REMOVAL. (a) The division, in consultation with the Federal Emergency Management Agency, shall develop and publish a model contract for debris removal services to be used by political subdivisions following a disaster.

(b) The division shall consult with the comptroller to:

(1) establish appropriate contracting standards and contractor requirements to include in the model contract; and

(2) include a contract for debris removal services on the schedule of multiple award contracts developed under Subchapter I, Chapter 2155, or in another cooperative purchasing program administered by the comptroller.

Added by Acts 2019, 86th Leg., R.S., Ch. 703 (H.B. 5), Sec. 1, eff. September 1, 2019.

Redesignated from Government Code, Section 418.055 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(18), eff. September 1, 2021.

Sec. 418.0544. DISASTER PREPARATION CONTRACTS. (a) The division, in consultation with other state agencies the division considers appropriate, shall develop a plan to assist political subdivisions of this state with executing contracts for services that political subdivisions are likely to need following a disaster. The plan must include:

(1) training on the benefits to a political subdivision from executing disaster preparation contracts in advance of a disaster;

(2) recommendations on the services political subdivisions are likely to need following a disaster, including debris management and infrastructure repair; and

(3) assistance to political subdivisions with finding persons capable of providing the services described by Subdivision (2) and executing contracts with those persons in advance of a disaster.

(b) The division shall consult with the comptroller regarding including a contract for services a political subdivision is likely to need following a disaster, including debris management and infrastructure repair, on the schedule of multiple award contracts developed under Subchapter I, Chapter 2155, or as part of another cooperative purchasing program administered by the comptroller.

Added by Acts 2019, 86th Leg., R.S., Ch. 945 (H.B. 7), Sec. 2, eff. September 1, 2019.

Redesignated from Government Code, Section 418.054 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(16), eff. September 1, 2021.

Sec. 418.0545. DISASTER CASE MANAGEMENT SYSTEM. (a) The division shall, subject to the availability of funds, contract with a vendor to develop and maintain an electronic disaster case management system.

(b) The system developed under Subsection (a) may be used for case management during and after a disaster by persons selected by the division, including:

- (1) a person affected by a disaster;
- (2) a municipality or county affected by a disaster;
- (3) the Health and Human Services Commission;
- (4) the General Land Office;
- (5) the Department of State Health Services;
- (6) the Texas Department of Motor Vehicles;
- (7) the Texas Workforce Commission;
- (8) the Texas Department of Insurance;
- (9) the Department of Agriculture;
- (10) appropriate federal agencies; and
- (11) any other appropriate entity.

(c) The system developed under Subsection (a) may include the capability for a person affected by a disaster to apply for assistance from multiple sources. The system must allow the person to control which other users of the system have access to information submitted by the person to the system.

(d) Information collected or maintained by the system developed under Subsection (a) that could identify a person affected by a disaster is confidential and not subject to disclosure under Chapter 552. The information may be disclosed to a governmental body described by Subsection (b) for the purpose of disaster relief or recovery.

(e) The division shall adopt rules necessary to implement this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 1065 (H.B. 1307), Sec. 1, eff. September 1, 2019.

Redesignated from Government Code, Section 418.054 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(17), eff. September 1, 2021.

Sec. 418.0546. EMERGENCY PLAN FOR SPECIALTY CARE POPULATIONS. The division, in consultation with the Department of State Health Services and local governmental entities that have established emergency management plans, shall develop a plan to increase the capabilities of local emergency shelters in the provision of shelter and care for specialty care populations during a disaster.

Added by Acts 2019, 86th Leg., R.S., Ch. 614 (S.B. 982), Sec. 1, eff. September 1, 2019.

Redesignated from Government Code, Section 418.054 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(19), eff. September 1, 2021.

Sec. 418.0547. ACCESS TO LOCAL VOLUNTEER NETWORKS; VOLUNTEER MOBILE MEDICAL UNITS. (a) The division, in consultation with the Department of State Health Services, shall increase awareness of and encourage local government emergency response teams to utilize services provided by local volunteer networks, including the Medical Reserve Corps, that are available in the area to respond during a disaster or emergency.

(b) The division shall develop a plan to create and manage state-controlled volunteer mobile medical units in each public health region to assist counties that lack access to a volunteer network described by Subsection (a).

(c) The Department of State Health Services shall collaborate with local medical organizations that represent licensed physicians who practice in a county or public health region to:

- (1) ensure the physicians are informed about local government emergency response teams and those teams are aware of physician resources in the county or region, as applicable;

(2) compile and maintain a list of physicians in the county or region and the contact information for the physicians;

(3) provide up-to-date information about resources for physicians regarding disaster planning, including continuing medical education;

(4) promote the Texas Disaster Volunteer Registry and the Emergency System for Advance Registration of Volunteer Health Professionals;

(5) consider incentives to assist with recruiting physician volunteers; and

(6) encourage physicians and health professionals to advocate for disaster planning measures in health care facilities.

Added by Acts 2019, 86th Leg., R.S., Ch. 614 (S.B. 982), Sec. 1, eff. September 1, 2019.

Redesignated from Government Code, Section 418.055 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(19), eff. September 1, 2021.

Sec. 418.0548. COMMUNICATIONS IMMEDIATELY FOLLOWING A DISASTER. The division, in collaboration with other appropriate entities selected by the division, shall to the extent practicable include private wireless communication, Internet, and cable service providers in the disaster planning process and determine the availability of the providers' portable satellite communications equipment and portable mobile telephone towers to assist in response and recovery immediately following disasters.

Added by Acts 2019, 86th Leg., R.S., Ch. 285 (H.B. 2320), Sec. 1, eff. September 1, 2019.

Redesignated from Government Code, Section 418.054 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(20), eff. September 1, 2021.

Sec. 418.0549. HARDENING OF UTILITY FACILITIES AND CRITICAL INFRASTRUCTURE. (a) In this section, "critical infrastructure" includes hospitals and fire stations.

(b) The division shall identify methods for hardening utility facilities and critical infrastructure in order to maintain operations

of essential services during disasters.

(c) The division shall, in collaboration with the Texas Commission on Environmental Quality, the Railroad Commission of Texas, and any other state agencies selected by the division:

(1) determine methods for effectively reducing risks and impacts on utility facilities and critical infrastructure from a disaster; and

(2) encourage public and private entities that are responsible for utility facilities and critical infrastructure to implement the methods determined under Subdivision (1).

(d) This section does not apply to a utility facility owned or controlled by a utility regulated by the Public Utility Commission of Texas.

Added by Acts 2019, 86th Leg., R.S., Ch. 285 (H.B. 2320), Sec. 1, eff. September 1, 2019.

Redesignated from Government Code, Section 418.055 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(20), eff. September 1, 2021.

Sec. 418.055. INFORMATION SHARING WORK GROUP. (a) In this section, "work group" means the work group established under this section.

(b) The division shall establish a work group of state agencies involved in disaster management. The work group consists of members appointed by the chief of the division who represent:

(1) the comptroller's office;

(2) the Department of State Health Services;

(3) the Texas Department of Transportation;

(4) the General Land Office;

(5) the Health and Human Services Commission;

(6) institutions of higher education; and

(7) to the extent practicable, appropriate federal agencies.

(c) The work group shall develop recommendations for improving the manner in which electronic information is stored by and shared among state agencies and between state agencies and federal agencies to improve the capacity of the agencies to:

- (1) respond to a disaster; and
- (2) coordinate the agencies' responses to a disaster.
- (d) Not later than November 1 of each even-numbered year, the work group shall submit the group's recommendations to the governor.

Added by Acts 2019, 86th Leg., R.S., Ch. 286 (H.B. 2340), Sec. 2, eff. September 1, 2019.

Sec. 418.0551. PERMITTING TASK FORCE.

(a) The division shall form a task force with representatives from the General Land Office, Texas Commission on Environmental Quality, Parks and Wildlife Department, Texas Water Development Board, Texas A&M AgriLife Extension Service, Department of State Health Services, Public Utility Commission of Texas, and Texas Historical Commission to be activated if a state of disaster is declared under Section 418.014 because of weather conditions to expedite:

- (1) environmental permitting; and
- (2) access to funds from federal disaster relief programs following the disaster.
- (b) The task force formed under this section shall develop recommendations for expediting the evaluation of environmental permits during disaster recovery in order for local entities to demonstrate compliance with regulations and access federal disaster relief programs and funding.
- (c) In performing its duties under this section, the task force may use resources of agencies participating in the task force.

Added by Acts 2019, 86th Leg., R.S., Ch. 286 (H.B. 2340), Sec. 3, eff. September 1, 2019.

Redesignated from Government Code, Section 418.056 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(24), eff. September 1, 2021.

Sec. 418.0552. BUSINESS ADVISORY COUNCIL. (a) In this section, "advisory council" means the business advisory council established under this section.

(b) The business advisory council is established to provide advice and expertise on actions state and local governments can

take to assist businesses in recovering from a disaster.

(c) The advisory council is composed of 12 members who represent business in this state appointed as follows:

- (1) four members appointed by the governor;
- (2) four members appointed by the lieutenant governor; and
- (3) four members appointed by the speaker of the house of representatives.

(d) Members of the advisory council serve staggered four-year terms.

(e) An advisory council member is not entitled to compensation but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the advisory council.

(f) The advisory council members shall elect a presiding officer from among the members.

(g) The advisory council shall:

- (1) advise the division on policies, rules, and program operations to assist businesses in recovering from a disaster;
- (2) advise the division on the state resources and services needed to assist businesses in recovering from a catastrophic loss of electric power; and
- (3) propose solutions to address inefficiencies or problems in the state or local governmental disaster response with respect to impact on businesses and the economy.

(h) The advisory council shall meet at the times and locations determined by the presiding officer, not to exceed four meetings each year.

(i) Not later than November 1 of each even-numbered year, the advisory council shall submit a report on the advisory council's activities, advice, and proposed solutions to the division, the governor, the lieutenant governor, and the speaker of the house of representatives.

(j) The division shall provide administrative support to the advisory council.

(k) Chapter 2110 does not apply to the advisory council.

Added by Acts 2019, 86th Leg., R.S., Ch. 602 (S.B. 799), Sec. 7, eff. September 1, 2019.

Redesignated from Government Code, Section 418.054 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(22), eff. September 1, 2021.

Sec. 418.0553. DISASTER RECOVERY TASK FORCE. (a) The division shall develop a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters by providing specialized assistance for communities and individuals to address financial issues, available federal assistance programs, and recovery and resiliency planning to speed recovery efforts at the local level.

(b) The disaster recovery task force may include and use the resources of:

- (1) any appropriate state agencies, including institutions of higher education; and
- (2) organized volunteer groups.

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

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

Added by Acts 2019, 86th Leg., R.S., Ch. 602 (S.B. 799), Sec. 7, eff. September 1, 2019.

Redesignated from Government Code, Section 418.056 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(22), eff. September 1, 2021.

Sec. 418.0554. COORDINATING 9-1-1 TEXT MESSAGE CAPABILITY. The division, in consultation with the Texas A&M AgriLife Extension Service, shall coordinate state and local government efforts to make 9-1-1

emergency service capable of receiving text messages from a cellular telephone or other wireless communication device.

Added by Acts 2019, 86th Leg., R.S., Ch. 1116 (H.B. 2325), Sec. 1, eff. September 1, 2019.

Redesignated from Government Code, Section 418.054 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(21), eff. September 1, 2021.

Sec. 418.0555. SOCIAL MEDIA USE DURING AND AFTER DISASTERS. The division, in consultation with any state agency or private entity the division determines is appropriate, shall develop standards for the use of social media as a communication tool by governmental entities during and after a disaster. The standards must:

- (1) require state agencies, political subdivisions, first responders, and volunteers that use social media during and after a disaster to post consistent and clear information;
- (2) optimize the effectiveness of social media use during and after a disaster; and
- (3) require that certain official social media accounts be used during and after a disaster only for providing credible sources of information.

Added by Acts 2019, 86th Leg., R.S., Ch. 1116 (H.B. 2325), Sec. 1, eff. September 1, 2019.

Redesignated from Government Code, Section 418.055 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(21), eff. September 1, 2021.

Sec. 418.056. DISASTER MOBILE APPLICATION. (a) The division shall develop a mobile application for wireless communication devices to communicate critical information during a disaster directly to disaster victims and first responders.

(b) The mobile application may provide information on:

- (1) road and weather conditions during a disaster; and
- (2) disaster response and recovery activities.

Added by Acts 2019, 86th Leg., R.S., Ch. 1116 (H.B. 2325), Sec. 1, eff. September 1, 2019.

Sec. 418.057. DISASTER WEB PORTAL. The division shall develop a comprehensive disaster web portal. The web portal must:

- (1) provide disaster information to the public, including information on programs and services available to disaster victims and funding for and expenditures of disaster assistance programs;
- (2) include information on disaster response and recovery activities; and
- (3) provide information on obtaining assistance from the Federal Emergency Management Agency, state agencies, organized volunteer groups, and any other entities providing disaster assistance.

Added by Acts 2019, 86th Leg., R.S., Ch. 1116 (H.B. 2325), Sec. 1, eff. September 1, 2019.

Sec. 418.058. USE OF DATA ANALYTICS IN DISASTER MANAGEMENT. To the extent feasible, the division shall use data analytics software to integrate data from federal, state, local, and nongovernmental sources to more effectively manage disaster response and recovery.

Added by Acts 2019, 86th Leg., R.S., Ch. 1116 (H.B. 2325), Sec. 1, eff. September 1, 2019.

## **SUBCHAPTER C-1. DISASTER RECOVERY LOAN PROGRAM**

Sec. 418.061. DEFINITIONS. In this subchapter:

- (1) "Account" means the disaster recovery loan account created under Section 418.066.
- (2) "Eligible political subdivision" means a county, municipality, or school district that meets the qualifications prescribed by Section 418.062.

Added by Acts 2019, 86th Leg., R.S., Ch. 946 (S.B. 6), Sec. 3, eff. September 1, 2019.

Sec. 418.062. ELIGIBILITY FOR LOAN. A political subdivision may apply to the division for a loan under this subchapter if:

- (1) the political subdivision:
  - (A) is located wholly or partly in an area declared to be a disaster area by the governor or the president of the United States; and
  - (B) before applying to the division for a loan under this subchapter:
    - (i) has submitted to the division, within 15 days of the date of its adoption by the governing body of the political subdivision, the political subdivision's operating budget for the most recent fiscal year; and
    - (ii) has submitted an application for a loan from the Federal Emergency Management Agency's community disaster loan program;
- (2) an assessment of damages due to the disaster for which the declaration was made has been conducted in the political subdivision; and
- (3) the division, in consultation with the Federal Emergency Management Agency, determines that the estimated cost to rebuild the political subdivision's infrastructure damaged in the disaster is greater than 50 percent of the political subdivision's total revenue for the current year as shown in the most recent operating budget of the political subdivision submitted to the division under this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 946 (S.B. 6), Sec. 3, eff. September 1, 2019.

Sec. 418.063. DISASTER RECOVERY LOAN PROGRAM. The division by rule shall establish a loan program to use money from the account to provide short-term loans for disaster recovery projects to eligible political subdivisions.

Added by Acts 2019, 86th Leg., R.S., Ch. 946 (S.B. 6), Sec. 3, eff. September 1, 2019.

Sec. 418.064. LOANS. (a) A loan made from the account must be subject to the following conditions:

(1) the loan must be made at or below market interest rates for a term not to exceed 10 years; and

(2) the loan proceeds must be expended by the eligible political subdivision solely for disaster recovery projects.

(b) The comptroller shall credit to the account all principal and interest payments on a loan from the account.

(c) If the term of a loan from the account exceeds two years, the state auditor shall, on the second anniversary of the date on which the eligible political subdivision received the loan, conduct a limited audit of the political subdivision to determine whether the political subdivision has the ability to repay the loan under the terms of the loan. The division may forgive a loan made to an eligible political subdivision if the state auditor determines that the political subdivision is unable to repay the loan. The state auditor's participation under this subsection is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c).

Added by Acts 2019, 86th Leg., R.S., Ch. 946 (S.B. 6), Sec. 3, eff. September 1, 2019.

Sec. 418.065. APPLICATION FOR LOAN. The division shall develop and implement an application process for a loan under this subchapter. At a minimum, the application must include:

(1) a description of the disaster recovery project for which the applicant is requesting the loan;

(2) an estimate of the total cost of the project;

(3) a statement of the amount of federal money that the applicant will receive for the project, or, if that information is not available on the date the applicant submits the application, an estimate of the amount of that money; and

(4) evidence that the applicant has staff, policies, and procedures in place adequate to complete the project.

Added by Acts 2019, 86th Leg., R.S., Ch. 946 (S.B. 6), Sec. 3, eff. September 1, 2019.

Sec. 418.066. CREATION OF ACCOUNT. (a) The disaster recovery loan account is created as an account in the general revenue fund with the comptroller, to be administered by the division.

(b) Money in the account may be used only to provide short-term loans to eligible political subdivisions in the manner provided by this subchapter.

(c) The account consists of:

(1) money appropriated, credited, or transferred to the account by the legislature;

(2) money received by the comptroller for the repayment of a loan made from the account;

(3) gifts or grants contributed to the account; and

(4) interest earned on deposits and investments of the account.

Added by Acts 2019, 86th Leg., R.S., Ch. 946 (S.B. 6), Sec. 3, eff. September 1, 2019.

Sec. 418.067. RULES. The division shall adopt rules to implement and administer this subchapter. The rules adopted by the division to implement this subchapter must include the development of a form on which a political subdivision may electronically submit its budget to the division.

Added by Acts 2019, 86th Leg., R.S., Ch. 946 (S.B. 6), Sec. 3, eff. September 1, 2019.

## **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.

(a-1) An emergency management program required by Subsection (a) and maintained by a county, or in which a county participates, must provide for catastrophic debris management.

(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.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1018 (H.B. 6), Sec. 3, eff. September 1, 2019.

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. 418.1085. LIMITATIONS ON CONSTRUCTION AND RELATED SERVICES. The presiding officer of the governing body of a political subdivision may not issue an order during a declared state of disaster or local disaster to address a pandemic disaster that would limit or prohibit:

(1) housing and commercial construction activities, including related activities involving the sale, transportation, and installation of manufactured homes;

(2) the provision of governmental services for title searches, notary services, and recording services in support of mortgages and real estate services and transactions;

(3) residential and commercial real estate services, including settlement services; or

(4) essential maintenance, manufacturing, design, operation, inspection, security, and construction services for essential products, services, and supply chain relief efforts.

Added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 3, eff. June 16, 2021.

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. 418.125. DISASTER PREPAREDNESS COMMUNITY OUTREACH. To the extent practicable, the following entities shall conduct community outreach, including public awareness campaigns, and education activities on disaster preparedness each year:

- (1) municipalities and counties;
- (2) the department, including the division;
- (3) the Texas Education Agency;
- (4) the office of the comptroller;
- (5) the Texas Department of Insurance;
- (6) the Texas Department of Transportation;
- (7) the Texas Department of Housing and Community Affairs;
- (8) the Health and Human Services Commission; and
- (9) the Department of State Health Services.

Added by Acts 2019, 86th Leg., R.S., Ch. 1116 (H.B. 2325), Sec. 2, eff. September 1, 2019.

Redesignated from Government Code, Section 418.127 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(25), eff. September 1, 2021.

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.

Sec. 418.127. HURRICANE PREPAREDNESS. The governor shall issue a proclamation each year before hurricane season instructing:

(1) individuals, including residential and commercial property owners, to prepare their property and communities for the upcoming hurricane season;

(2) state agencies to review and update their hurricane preparedness plans; and

(3) the following entities, to the extent practicable, to conduct community outreach and education activities on hurricane preparedness between May 25 and May 31 of each year:

(A) municipalities and counties;

(B) the division;

(C) the Texas Education Agency;

(D) the office of the comptroller;

(E) the Texas Department of Insurance; and

(F) the Department of State Health Services.

Added by Acts 2019, 86th Leg., R.S., Ch. 575 (S.B. 285), Sec. 1, eff. September 1, 2019.

Sec. 418.128. STATE AGENCY HURRICANE PREPAREDNESS. (a) Not later than the 30th day after the date the governor issues a proclamation under Section 418.127, the governor, in consultation with the division and each appropriate state agency as determined by the governor, shall publish on the office of the governor's Internet website a report on the preparedness of state agencies for hurricane response. The report must include:

(1) a list of each state agency involved in this state's response to a hurricane;

(2) contact information for each state agency in the event of a hurricane, including the name, e-mail address, and telephone number of the officer or employee who manages the state agency's response to a hurricane; and

(3) whether the officer or employee under Subdivision (2) has completed the emergency management training course described by Section 418.005.

(b) Notwithstanding any other law, the governor may, by executive order, take any action necessary to ensure each state agency listed under Subsection (a)(1) is able to respond to a hurricane. An executive order issued under this subsection must be published in the Texas Register and expires on the last day of the first regular session of the legislature to convene after the date the order is issued unless the governor specifies an earlier expiration date in the order.

(c) In this section, "response" includes any activity related to the prevention or discovery of, response to, or recovery from a hurricane.

Added by Acts 2019, 86th Leg., R.S., Ch. 575 (S.B. 285), Sec. 1, eff. September 1, 2019.

Sec. 418.129. HOUSING ASSISTANCE INFORMATION. The General Land Office shall conduct a public information campaign each year before and during hurricane season to provide local officials and the public with information regarding housing assistance that may be available under state and federal law in the event of a major hurricane or flooding event, including information about types of assistance unavailable under that law.

Added by Acts 2019, 86th Leg., R.S., Ch. 575 (S.B. 285), Sec. 1, eff. September 1, 2019.

### **SUBCHAPTER F-1. DISASTER HOUSING RECOVERY**

Sec. 418.131. DEFINITIONS. In this subchapter:

- (1) "Center" means the Hazard Reduction and Recovery Center at Texas A&M University.
- (2) "Local government" means a county, municipality, or council of government that has jurisdiction in a first tier coastal county, as defined by Section 2210.003, Insurance Code.
- (3) "Plan" means a local housing recovery plan developed under Section 418.133.

Added by Acts 2019, 86th Leg., R.S., Ch. 576 (S.B. 289), Sec. 2, eff. September 1, 2019.

Sec. 418.132. DUTIES OF GENERAL LAND OFFICE OR DESIGNATED STATE AGENCY. (a) Unless the governor designates a state agency under Subsection (d), the General Land Office shall receive and administer federal and state funds appropriated for long-term disaster recovery.

- (b) The General Land Office shall:
- (1) collaborate with the Texas Division of Emergency Management and the Federal Emergency Management Agency, as appropriate, on plans developed under Section 418.133;
  - (2) seek prior approval from the Federal Emergency Management Agency and the United States Department of Housing and Urban Development for the immediate post-disaster implementation of local housing recovery plans accepted by the General Land Office under Section 418.135; and

(3) maintain a division with adequate staffing and other administrative support to review plans developed under Section 418.133.

(c) The General Land Office may adopt rules as necessary to implement the General Land Office's duties under this subchapter.

(d) The governor may designate a state agency to be responsible for long-term disaster recovery under this subchapter instead of the General Land Office. If the governor designates a state agency under this subsection, a reference to the General Land Office in this subchapter means the designated state agency.

Added by Acts 2019, 86th Leg., R.S., Ch. 576 (S.B. 289), Sec. 2, eff. September 1, 2019.

Sec. 418.133. LOCAL HOUSING RECOVERY PLAN. (a) A local government may develop and adopt a local housing recovery plan to provide for the rapid and efficient construction of permanent replacement housing following a disaster.

(b) In developing the plan, a local government shall seek input from:

- (1) stakeholders in the community, including residents, local businesses, and community-based organizations; and
- (2) neighboring local governments.

(c) A local government may submit a plan developed and adopted under Subsection (a) to the center for certification.

Added by Acts 2019, 86th Leg., R.S., Ch. 576 (S.B. 289), Sec. 2, eff. September 1, 2019.

Sec. 418.134. DUTIES OF HAZARD REDUCTION AND RECOVERY CENTER; PLAN CRITERIA AND CERTIFICATION. (a) The center shall review and certify plans submitted to the center by local governments.

(b) The center shall establish criteria for certifying a plan. The center may not certify a plan unless the plan:

- (1) identifies areas in the local government's boundaries that are vulnerable to disasters;
- (2) identifies sources of post-disaster housing assistance and recovery funds;

(3) provides procedures for rapidly responding to a disaster, including procedures for:

(A) assessing and reporting housing damage, disaggregated by insured and uninsured losses, to the governor;

(B) providing fair and efficient access to disaster recovery assistance for residents;

(C) determining residents' eligibility for disaster recovery assistance;

(D) educating residents about the rebuilding process and providing outreach and case management services; and

(E) prequalifying and training local professionals needed for disaster recovery;

(4) allows for the temporary waiver or modification of an existing local code, ordinance, or regulation on an emergency basis that may apply in the event of a disaster declaration in order to expedite the process of providing temporary housing or rebuilding residential structures for persons displaced by a disaster;

(5) provides procedures to encourage residents to rebuild outside of the vulnerable areas identified under Subdivision (1);

(6) provides procedures to maximize the use of local businesses, contractors, and supplies to rebuild to the extent possible;

(7) provides procedures to maximize cost efficiency;

(8) provides for the provision of:

(A) temporary housing to displaced residents as soon as possible after the disaster, with a goal of providing the housing within six months following the disaster; and

(B) permanent replacement housing to displaced residents as soon as possible after the disaster, with a goal of providing the housing within three years following the disaster;

(9) specifies whether the local government that submitted the plan or the General Land Office, as determined by the General Land Office, will administer disaster rebuilding activities under the plan;

(10) provides a procedure through which the local government that submits the plan

is required to, between every four to seven years:

(A) review the plan to ensure continued local community support;

(B) provide the center with, as necessary, revisions to the plan based on the review conducted under Paragraph (A); and

(C) provide the center with a resolution or proclamation adopted by the local government that certifies continued local community support for the plan; and

(11) complies with applicable state and federal law.

(c) If the center determines that a plan does not meet the criteria prescribed by Subsection (b), the center shall identify the plan's deficiencies and assist the local government in revising the plan to meet the criteria.

(d) The center shall provide training to local governments and community-based organizations on developing a plan. A local government that submits a plan to the center for certification under this section shall designate at least one representative to attend the center's training. The training must include information relating to:

(1) previous experiences with housing recovery from disasters;

(2) best practices for achieving rapid and efficient construction of permanent replacement housing;

(3) federal and state laws and regulations on disaster recovery;

(4) methods for identifying and planning for vulnerable areas and populations before a disaster; and

(5) cost-effective land use and building practices.

(e) The center shall create and maintain mapping and data resources related to disaster recovery and planning, including the Texas Coastal Communities Planning Atlas.

(f) The center shall assist a local government on request in identifying areas that are vulnerable to disasters.

(g) The center shall provide recommendations to the Texas Department of Insurance regarding the development of

policies, procedures, and education programs to enable the quick and efficient reporting and settling of housing claims related to disasters.

(h) The center may seek and accept gifts, grants, donations, and other funds to assist the center in fulfilling its duties under this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 576 (S.B. 289), Sec. 2, eff. September 1, 2019.

#### Sec. 418.135. REVIEW OF LOCAL HOUSING RECOVERY PLAN BY GENERAL LAND OFFICE.

(a) The center shall submit to the General Land Office a plan certified by the center under Section 418.134.

(b) The General Land Office shall review the plan and consult with the center and the local government about any potential improvements the General Land Office may identify. In reviewing the plan, the General Land Office shall give deference to the local government regarding matters in the local government's discretion.

(c) On completion of the review, the General Land Office shall accept the plan unless the General Land Office determines that the plan does not:

(1) satisfy the criteria for a certified plan under Section 418.134(b);

(2) provide for the rapid and efficient construction of permanent replacement housing; or

(3) comply with applicable state and federal law.

(d) If the General Land Office rejects a plan under this section, the General Land Office may require the local government to revise and resubmit the plan.

(e) At any point after the General Land Office accepts a plan under this section, the General Land Office may withdraw acceptance of the plan and require the plan to be revised and resubmitted for acceptance or rejection under this section.

(f) The General Land Office may limit the number of plans it reviews annually under this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 576 (S.B. 289), Sec. 2, eff. September 1, 2019.

Sec. 418.136. EFFECT OF ACCEPTANCE. (a) A plan accepted by the General Land Office under Section 418.135 is valid for four years and may be implemented during that period without further acceptance if a disaster occurs.

(b) In accordance with rules adopted by the General Land Office, on or before expiration, the plan may be reviewed by the center and the General Land Office, updated if necessary, and resubmitted to the General Land Office for acceptance or rejection.

Added by Acts 2019, 86th Leg., R.S., Ch. 576 (S.B. 289), Sec. 2, eff. September 1, 2019.

### **SUBCHAPTER F-2. DISASTER ISSUES AFFECTING PERSONS WHO ARE ELDERLY AND PERSONS WITH DISABILITIES**

Sec. 418.141. DEFINITIONS. In this subchapter:

(1) "Disability" means, with respect to an individual, a mental or physical impairment that substantially limits at least one major life activity of that individual.

(2) "Task force" means the task force established under Section 418.142.

Added by Acts 2019, 86th Leg., R.S., Ch. 614 (S.B. 982), Sec. 2, eff. September 1, 2019.

Redesignated by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(26), eff. September 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.002(5), eff. September 1, 2021.

Sec. 418.142. ESTABLISHMENT; PURPOSE. The task force on disaster issues affecting persons who are elderly and persons with disabilities is established to study methods to more effectively:

(1) assist persons who are elderly and persons with disabilities during a disaster or emergency evacuation; and

(2) accommodate persons who are elderly and persons with disabilities in emergency shelters.

Added by Acts 2019, 86th Leg., R.S., Ch. 614 (S.B. 982), Sec. 2, eff. September 1, 2019.

Redesignated by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(26), eff. September 1, 2021.

Sec. 418.143. COMPOSITION. (a) The task force is composed of 11 members appointed by the governor, including:

- (1) three members who are first responders;
- (2) one member who represents municipalities;
- (3) one member who represents counties; and
- (4) six members who represent persons with disabilities.

(b) A majority of the members appointed to the task force must be persons with disabilities or guardians of children with disabilities.

(c) Members serve staggered six-year terms with the terms of three or four members expiring February 1 of each odd-numbered year.

(d) The governor shall designate one member of the task force to serve as the presiding officer of the task force. The presiding officer serves in that capacity at the pleasure of the governor.

Added by Acts 2019, 86th Leg., R.S., Ch. 614 (S.B. 982), Sec. 2, eff. September 1, 2019.

Redesignated by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(26), eff. September 1, 2021.

## **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. 418.1861. DISEASE PREVENTION INFORMATION SYSTEM. (a) The Department of State Health Services, using existing resources, shall develop and implement a disease prevention information system for dissemination of immunization information during a declared state of disaster or local state of disaster.

(b) During a declared state of disaster or local state of disaster, the Department of State Health Services shall ensure that educational materials regarding immunizations are available to local health authorities in this state for distribution to:

(1) public and private schools;

(2) child-care facilities as defined by Section 42.002, Human Resources Code;

(3) community centers offering youth services and programs;

(4) community centers offering services and programs to vulnerable populations, including communities of color, low-income individuals, and elderly individuals;

(5) local health care providers; and

(6) veterans homes as defined by Section 164.002, Natural Resources Code.

(c) The educational materials must include:

(1) the most recent immunization schedules by age as recommended by the Centers for

Disease Control and Prevention; and

(2) locations, if any, of local health care providers that offer immunizations.

Added by Acts 2021, 87th Leg., R.S., Ch. 549 (S.B. 239), Sec. 1, eff. September 1, 2021.

Added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 4, eff. June 16, 2021.

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.

Sec. 418.193. PURCHASE OF INFORMATION TECHNOLOGY COMMODITY ITEMS FOR DISASTER PURPOSES. A public safety entity, as defined by 47 U.S.C. Section 1401, or a county hospital, public hospital, or hospital district may purchase commodity items through the Department of Information Resources in accordance with Section 2157.068 if the public safety entity, hospital, or hospital district finds that the purchase of those commodity items will assist the public

safety entity, hospital, or hospital district in providing disaster education or preparing for a disaster.

Added by Acts 2019, 86th Leg., R.S., Ch. 1116 (H.B. 2325), Sec. 3, eff. September 1, 2019.

Sec. 418.194. CONTRACTS WITH CERTAIN ENTITIES FOR DISASTER PURPOSES. (a) In this section, "consolidated telecommunications system" has the meaning assigned by Section 2170.001(a).

(b) A public safety entity, as defined by 47 U.S.C. Section 1401, or a governmental entity of another state may contract with the Department of Information Resources for use of the consolidated telecommunications system in accordance with Section 2170.004 if the public safety entity or governmental entity finds that the use of the consolidated telecommunications system will assist the entity in providing disaster education or preparing for a disaster.

Added by Acts 2019, 86th Leg., R.S., Ch. 1116 (H.B. 2325), Sec. 3, eff. September 1, 2019.

Sec. 418.195. ATTORNEY GENERAL AS LEGAL ADVISOR ON ISSUES RELATED TO DECLARED DISASTER. (a) This section applies only during a declared state of disaster under Section 418.014 and the 90-day period following the expiration or termination of the disaster declaration.

(b) The attorney general may provide legal counsel to a political subdivision subject to a declared state of disaster under Section 418.014 on issues related to disaster mitigation, preparedness, response, and recovery applicable to the area subject to the disaster declaration.

(c) A request for counsel under this section may be submitted only by:

(1) the emergency management director designated under Section 418.1015 for the political subdivision;

(2) the county judge or a commissioner of a county subject to the declaration; or

(3) the mayor of a municipality subject to the declaration.

Added by Acts 2019, 86th Leg., R.S., Ch. 70 (S.B. 416), Sec. 1, eff. May 20, 2019.

Redesignated from Government Code, Section 418.193 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(27), eff. September 1, 2021.

For expiration of this subchapter, see Section 418.261.

## **SUBCHAPTER I. TASK FORCE ON FAITH-BASED DISASTER RESPONSE**

Sec. 418.251. DEFINITIONS. In this subchapter:

(1) "Chief" means the chief of the division appointed under Section 418.041.

(2) "Task force" means the task force on faith-based disaster response established under this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 1179 (H.B. 3616), Sec. 1, eff. June 14, 2019.

Sec. 418.252. ESTABLISHMENT. The task force on faith-based disaster response is established to assist the division by studying the participation of faith-based organizations in disaster response.

Added by Acts 2019, 86th Leg., R.S., Ch. 1179 (H.B. 3616), Sec. 1, eff. June 14, 2019.

Sec. 418.253. MEMBERSHIP. (a) The task force is composed of representatives of faith-based organizations active in disaster response appointed by the chief.

(b) The chief shall determine the number of members of the task force to ensure effective representation of faith-based organizations active in disaster response.

Added by Acts 2019, 86th Leg., R.S., Ch. 1179 (H.B. 3616), Sec. 1, eff. June 14, 2019.

Sec. 418.254. OFFICERS. (a) The chief is designated as the interim presiding officer for purposes of calling and conducting the initial meeting of the task force.

(b) The task force:

(1) shall at its initial meeting select a presiding officer from among its members for the purpose of calling and conducting meetings; and

(2) may select an assistant presiding officer and secretary from among its members.

Added by Acts 2019, 86th Leg., R.S., Ch. 1179 (H.B. 3616), Sec. 1, eff. June 14, 2019.

Sec. 418.255. COMPENSATION; REIMBURSEMENT. A member of the task force is not entitled to compensation or reimbursement of expenses for service on the task force.

Added by Acts 2019, 86th Leg., R.S., Ch. 1179 (H.B. 3616), Sec. 1, eff. June 14, 2019.

Sec. 418.256. MEETINGS. (a) After its initial meeting, the task force shall meet at least twice each year at a time and place determined by the presiding officer.

(b) The task force may meet at other times the task force considers appropriate. The presiding officer may call a meeting on the officer's own motion.

(c) The task force may meet by teleconference.

Added by Acts 2019, 86th Leg., R.S., Ch. 1179 (H.B. 3616), Sec. 1, eff. June 14, 2019.

Sec. 418.257. ADMINISTRATIVE SUPPORT. The division shall provide administrative support to the task force.

Added by Acts 2019, 86th Leg., R.S., Ch. 1179 (H.B. 3616), Sec. 1, eff. June 14, 2019.

Sec. 418.258. DUTIES OF TASK FORCE. The task force shall:

(1) develop and implement a plan for improving data collection regarding faith-

based organizations that participate in disaster response;

(2) develop best practices for communicating, cooperating, and collaborating with faith-based organizations to strengthen disaster response in this state;

(3) identify and address inefficiencies in disaster response provided by the state and faith-based organizations; and

(4) identify and address gaps in state services that could be provided by faith-based organizations.

Added by Acts 2019, 86th Leg., R.S., Ch. 1179 (H.B. 3616), Sec. 1, eff. June 14, 2019.

Sec. 418.259. REPORT. Not later than December 1, 2020, the task force shall submit to the governor and the legislature a report of the task force's activities conducted under Section 418.258 and any recommendations for legislative or other action.

Added by Acts 2019, 86th Leg., R.S., Ch. 1179 (H.B. 3616), Sec. 1, eff. June 14, 2019.

Sec. 418.260. GIFTS AND GRANTS. The task force may solicit and accept gifts and grants from any source to be used to carry out a function of the task force.

Added by Acts 2019, 86th Leg., R.S., Ch. 1179 (H.B. 3616), Sec. 1, eff. June 14, 2019.

Sec. 418.261. EXPIRATION. The task force is abolished and this subchapter expires September 1, 2021.

Added by Acts 2019, 86th Leg., R.S., Ch. 1179 (H.B. 3616), Sec. 1, eff. June 14, 2019.

Subchapter J, consisting of Secs. 418.301 to 418.310, was added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 3.

For another Subchapter J, consisting of Secs. 418.301 to 418.307, added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 5, see Sec. 418.301 et seq., post.

**SUBCHAPTER J. TEXAS ENERGY RELIABILITY COUNCIL**

Sec. 418.301. DEFINITIONS. In this subchapter:

- (1) "Chief" means the division's chief.
- (2) "Council" means the Texas Energy Reliability Council.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 3, eff. June 8, 2021.

Sec. 418.302. COUNCIL ESTABLISHED.

(a) The Texas Energy Reliability Council is established to:

- (1) ensure that the energy and electric industries in this state meet high priority human needs and address critical infrastructure concerns; and
  - (2) enhance coordination and communication in the energy and electric industries in this state.
- (b) Chapter 2110 does not apply to the council.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 3, eff. June 8, 2021.

Sec. 418.303. MEMBERSHIP. (a) The council is composed of:

- (1) the chairman of the Railroad Commission of Texas;
- (2) the presiding officer of the Public Utility Commission of Texas;
- (3) the chief executive of the Office of Public Utility Counsel;
- (4) the presiding officer of the Texas Commission on Environmental Quality;
- (5) the chair of the Texas Transportation Commission;
- (6) a person to represent the independent organization certified under Section 39.151, Utilities Code, for the ERCOT power region, appointed by the governor;
- (7) the chief;

(8) five persons to represent participants in the natural gas supply chain in this state, appointed by the Railroad Commission of Texas to represent as many types of participants as possible;

(9) five persons to represent the electric industry, appointed by the Public Utility Commission of Texas, including:

(A) one person to represent entities that provide dispatchable electric energy to the power grid in this state;

(B) one person to represent transmission and distribution utilities, as defined by Section 31.002, Utilities Code;

(C) one person to represent retail electric providers, as defined by Section 31.002, Utilities Code;

(D) one person to represent municipally owned utilities, as defined by Section 11.003, Utilities Code; and

(E) one person to represent electric cooperatives;

(10) three persons to represent energy sectors not otherwise represented on the council, appointed by the Public Utility Commission of Texas; and

(11) five persons to represent industrial concerns, appointed by the governor, including:

(A) one person to represent motor fuel producers; and

(B) one person to represent chemical manufacturers.

(b) A member of the council described by Subsection (a)(1), (2), (3), (4), (5), (6), or (7) may designate a person from the member's agency to represent the member in any meeting.

(c) The council may request that a person collaborate with the council to achieve the purposes described by Section 418.302.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 3, eff. June 8, 2021.

Sec. 418.304. OFFICERS. (a) The chief shall serve as presiding officer of the council.

(b) The council may select an assistant presiding officer and secretary from among its members.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 3, eff. June 8, 2021.

Sec. 418.305. COMPENSATION; REIMBURSEMENT. A member of the council is not entitled to compensation or reimbursement of expenses for service on the council.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 3, eff. June 8, 2021.

Sec. 418.306. MEETINGS. (a) After its initial meeting, the council shall meet at least twice each year at a time and place determined by the chief.

(b) The council may meet at other times the council considers appropriate. The presiding officer may call a meeting on the officer's own motion.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 3, eff. June 8, 2021.

Sec. 418.307. ADMINISTRATIVE SUPPORT. The division shall provide administrative support to the council.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 3, eff. June 8, 2021.

Sec. 418.308. GENERAL DUTIES OF COUNCIL. (a) The council shall foster communication and planning to ensure preparedness for making available and delivering energy and electricity in this state to ensure that high priority human needs are met and critical infrastructure needs are addressed.

(b) The council shall foster communication and coordination between the energy and electric industries in this state.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 3, eff. June 8, 2021.

Sec. 418.309. INFORMATION. (a) In this section:

(1) "Gas provider" means:

(A) a natural gas pipeline facility operator;

(B) an operator of a natural gas well; or

(C) an entity that produces, treats, processes, pressurizes, stores, or transports natural gas in this state or otherwise participates in the natural gas supply chain in this state.

(2) "Public utility" means an entity that generates, transmits, or distributes electric energy to the public, including an electric cooperative, an electric utility, a municipally owned utility, or a river authority.

(b) A public utility or gas provider shall provide to the council any information related to a disaster requested by the council. Information obtained by the council under this subsection is confidential and not subject to disclosure by the council if the information is critical energy infrastructure information as defined by the independent organization certified under Section 39.151, Utilities Code, for the ERCOT power region or federal law.

(c) Except as provided by Subsection (d), the meetings of the council and information obtained or created by the council are not subject to the requirements of Chapter 551 or 552.

(d) Information written, produced, collected, assembled, or maintained under law or in connection with the transaction of official business by the council or an officer or employee of the council is subject to Section 552.008 in the same manner as public information.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 3, eff. June 8, 2021.

Sec. 418.310. REPORT. (a) Not later than November 1 of each even-numbered year, the council shall submit to the legislature a report on the reliability and stability of the electricity supply chain in this state.

(b) The report must include recommendations on methods to strengthen the electricity supply chain in this state and

to decrease the frequency of extended power outages caused by a disaster in this state.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 3, eff. June 8, 2021.

Subchapter J, consisting of Secs. 418.301 to 418.307, was added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 5.

For another Subchapter J, consisting of Secs. 418.301 to 418.310, added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 3, see Sec. 418.301 et seq., post.

### **SUBCHAPTER J. WELLNESS CHECKS FOR MEDICALLY FRAGILE INDIVIDUALS DURING CERTAIN EMERGENCIES**

Sec. 418.301. DEFINITIONS. In this subchapter:

- (1) "Commission" means the Health and Human Services Commission.
- (2) "Department" means the Department of State Health Services.
- (3) "Emergency assistance registry" means the registry maintained by the division that provides local emergency planners and emergency responders with additional information on the needs of certain individuals in their communities.
- (4) "First responder" means any federal, state, or local personnel who may respond to a disaster, including:
  - (A) public health and public safety personnel;
  - (B) commissioned law enforcement personnel;
  - (C) fire protection personnel, including volunteer firefighters;
  - (D) emergency medical services personnel, including hospital emergency facility staff;
  - (E) a member of the National Guard; or
  - (F) a member of the Texas State Guard.
- (5) "Medically fragile individual" means any individual who, during a time of disaster or emergency, would be particularly vulnerable because of a medical condition, including individuals:

(A) with Alzheimer's disease and other related disorders;

(B) receiving dialysis services;

(C) who are diagnosed with a debilitating chronic illness;

(D) who are dependent on oxygen treatment; and

(E) who have medical conditions that require 24-hour supervision from a skilled nurse.

Added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 5, eff. June 16, 2021.

Sec. 418.302. MEDICALLY FRAGILE INDIVIDUAL DESIGNATION. The division shall develop a process for designating individuals who are included in the emergency assistance registry as medically fragile for the purposes of this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 5, eff. June 16, 2021.

Sec. 418.303. EMERGENCY ASSISTANCE REGISTRY ACCESS. The division shall authorize the following persons to access the emergency assistance registry to assist medically fragile individuals during an event described by Section 418.305:

- (1) the commission;
- (2) the department;
- (3) first responders;
- (4) local governments; and
- (5) local health departments.

Added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 5, eff. June 16, 2021.

Sec. 418.304. REQUIRED WELLNESS CHECK. The division shall collaborate with the persons authorized to access the emergency assistance registry under Section 418.303 and with applicable municipalities and counties to ensure that a wellness check is conducted on each medically fragile individual listed in the emergency assistance registry and located in an area that experiences an event described by Section 418.305 to ensure the individual has:

- (1) continuity of care; and
- (2) the ability to continue using electrically powered medical equipment, if applicable.

Added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 5, eff. June 16, 2021.

Sec. 418.305. EVENTS REQUIRING WELLNESS CHECKS. (a) The division, in collaboration with the commission and the department, shall adopt rules regarding which events require a wellness check, including:

- (1) an extended power, water, or gas outage;
- (2) a state of disaster declared under this chapter; or
- (3) any other event considered necessary by the commission, the department, or the division.

(b) If more than one disaster is declared for the same event, or the same event qualifies as an event requiring a wellness check for multiple reasons under Subsection (a), only one wellness check is required to be conducted under this subchapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 5, eff. June 16, 2021.

Sec. 418.306. REQUIREMENTS FOR WELLNESS CHECK. (a) The division, in collaboration with the commission and the department, by rule shall develop minimum standards for conducting wellness checks. Each county and municipality shall adopt procedures for conducting wellness checks in compliance with the minimum standards.

(b) A wellness check on a medically fragile individual under this subchapter must:

- (1) include:
  - (A) an automated telephone call and text to the individual;
  - (B) a personalized telephone call to the individual; and
  - (C) if the individual is unresponsive to a telephone call under Paragraph (B), an in-person wellness check; and

(2) be conducted in accordance with the minimum standards prescribed by division

rule and the procedures of the applicable county or municipality.

(c) A wellness check must be conducted as soon as practicable but not later than 24 hours after the event requiring a wellness check occurs.

Added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 5, eff. June 16, 2021.

Sec. 418.307. RULES. The division, in collaboration with the commission and the department, shall adopt rules to implement this subchapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 5, eff. June 16, 2021.

# Appendix H

## 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) a terrorist attack;
  - (B) a natural or man-made disaster;
  - (C) a hostile military or paramilitary action;
  - (D) an extraordinary law enforcement emergency; or
  - (E) a fire or medical emergency requiring resources beyond the capabilities of a local jurisdiction.
- (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.

Acts 2015, 84th Leg., R.S., Ch. 798 (H.B. [2827](#)), Sec. 1, eff. June 17, 2015.

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. 421.003. 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 Subchapter E, Chapter [18B](#), Code of Criminal Procedure, and this chapter or a rule adopted under this chapter, Subchapter E, Chapter [18B](#), Code of Criminal Procedure, controls.

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

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1058 (H.B. [2931](#)), Sec. 3.09, eff. January 1, 2019.

## **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](#);

(D) an individual certified as emergency medical services personnel by the Department of State Health Services;

(E) an emergency response operator or emergency services dispatcher who provides communication support services for an agency by responding to requests for assistance in emergencies; and

(F) other emergency response personnel employed by an agency.

(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.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 757 (H.B. 1090), Sec. 1, eff. September 1, 2019.

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.

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# Appendix I

## GOVERNMENT CODE

### TITLE 4. EXECUTIVE BRANCH

#### SUBTITLE C. STATE MILITARY FORCES AND VETERANS

##### CHAPTER 433. STATE OF EMERGENCY

Sec. 433.001. PROCLAMATION OF STATE OF EMERGENCY. On application of the chief executive officer or governing body of a county or municipality during an emergency, the governor may proclaim a state of emergency and designate the area involved. For the purposes of this section an emergency exists in the following situations:

- (1) a riot or unlawful assembly by three or more persons acting together by use of force or violence;
- (2) if a clear and present danger of the use of violence exists; or
- (3) a natural or man-made disaster.

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

Sec. 433.002. ISSUANCE OF DIRECTIVES.

(a) After a state of emergency is proclaimed, the governor may issue reasonable directives calculated to control effectively and terminate the emergency and protect life and property. Before a directive takes effect, reasonable notice must be given in a newspaper of general circulation in the affected area, through television or radio serving the affected area, or by circulating notices or posting signs at conspicuous places in the affected area.

(b) The directive may provide for:

- (1) control of public and private transportation in the affected area;
- (2) designation of specific zones in the affected area in which, if necessary, the use and occupancy of buildings and vehicles may be controlled;
- (3) control of the movement of persons;
- (4) control of places of amusement or assembly;
- (5) establishment of curfews;

(6) control of the sale, transportation, and use of alcoholic beverages; and

(7) control of the storage, use, and transportation of explosives or flammable materials considered dangerous to public safety, other than explosives or flammable materials that are components of firearm ammunition.

(c) A directive takes effect according to its terms, but not before notice is given as required by Subsection (a). The governor may amend, modify, or rescind a directive in a manner similar to adoption of a directive during the state of emergency.

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

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 18 (S.B. [112](#)), Sec. 3, eff. April 27, 2007.

Acts 2021, 87th Leg., R.S., Ch. 998 (H.B. [1500](#)), Sec. 3, eff. September 1, 2021.

Sec. 433.003. DURATION OF STATE OF EMERGENCY. (a) Except as provided by Subsection (b), a directive expires 72 hours after the time of proclamation of the state of emergency for which it was issued.

(b) The governor by proclamation may terminate or set a shorter period for a directive. The governor may proclaim successive states of emergency, each not exceeding 72 hours, as necessary to protect health, life, and property in the affected area, and may extend a directive from one state of emergency to the next.

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

Sec. 433.004. DUTIES OF LAW

ENFORCEMENT AGENCY. (a) During a state of emergency, each law enforcement agency in the state shall cooperate in the manner the governor or the governor's designated representative requests and shall allow the use of the agency's equipment and facilities as the governor or the governor's designated representative requires, except that if the agency is not located within the affected area, the use may not substantially interfere with the normal duties of the agency.

(b) A county or municipal law enforcement agency shall notify the director of the Department of Public Safety if the agency receives notice of a threatened or actual disturbance indicating the possibility of serious domestic violence.

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

Sec. 433.0045. FIREARMS. (a) A directive issued under this chapter may not:

(1) authorize the seizure or confiscation of any firearm or ammunition from an individual who is lawfully carrying or possessing the firearm or ammunition; or

(2) prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range, as defined by Section [250.001](#), Local Government Code, in connection with a state of emergency.

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

(c) The peace officer shall return a firearm and any ammunition to an individual disarmed under Subsection (b) 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. 4, eff. April 27, 2007.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 998 (H.B. [1500](#)), Sec. 4, eff. September 1, 2021.

Sec. 433.005. CALLING OF STATE MILITARY FORCES. (a) The chief executive officer or governing body of a county or municipality may request the governor to provide state military forces to aid in controlling conditions in the county or municipality that the officer or governing body believes cannot be controlled by the local law enforcement

agencies alone. On receiving the request, the governor may order a commander of a unit of the state military forces to appear at a time and place the governor directs to aid the civil authorities.

(b) After the forces have appeared at the appointed place, the commanding officer shall obey and execute the general instructions of the civil authorities charged by law with the suppression of riot, the preservation of public peace, and the protection of life and property. The instructions must be in writing, except that if written instructions are impracticable, the instructions may be given verbally in the presence of two or more credible witnesses. The commanding officer shall exercise his discretion as to the proper method of practically accomplishing the instructions.

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

Sec. 433.006. VIOLATIONS. (a) A person who violates this chapter or a directive issued under this chapter commits an offense. An offense under this subsection is a misdemeanor punishable by a fine of not more than \$200, confinement for not more than 60 days, or both.

(b) A temporary restraining order or temporary or permanent injunction may be issued to prevent violation of this chapter or a directive issued under this chapter as provided by the Texas Rules of Civil Procedure and applicable law.

(c) The governor may institute an action under this section in any court of competent jurisdiction in the state.

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

Sec. 433.007. CONSTRUCTION OF CHAPTER. This chapter shall be construed broadly to effect its intent to recognize the governor's broad power of action in the exercise of the police power of the state to provide adequate control over persons and conditions during periods of impending or actual public crisis or disaster and to provide means for local governments to protect lives and property and maintain the operation of government.

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

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# Appendix J

## Executive Orders of the Governor

### GA05 - Relating to Emergency Management of Natural and Human-Caused Events, Emergencies, and Disasters.

#### BY THE GOVERNOR OF THE STATE OF TEXAS

WHEREAS, natural and human-caused events, emergencies, and disasters constitute a continuing threat to the State of Texas; and

WHEREAS, Texas needs a coordinated and integrated approach to protect its citizens, and the infrastructure on which they rely, in the event of a natural or human-caused event, emergency, or disaster; and

WHEREAS, this coordinated effort must properly mitigate, prepare for, respond to, and recover from any event, emergency, or disaster that may occur in this state; and

WHEREAS, the Texas Disaster Act of 1975, Texas Government Code, Chapter 418 (the "Act"), was enacted to:

- (1) reduce the vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural or human-caused disasters, 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 the prevention of, preparation for, response to, and recovery from events, emergencies, and 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 pre disaster preparedness and post-disaster response;

(8) assist in the 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; and

WHEREAS, the Act makes the governor responsible for meeting the dangers to the state and people presented by disasters, and for meeting disruptions to the state and people caused by energy emergencies; and

WHEREAS, the Act authorizes the governor to issue

executive orders that have the force and effect of law, including the power to delegate or assign by prior arrangement, to the greatest extent possible, command authority over state agencies, boards, and commissions having emergency responsibilities; and

WHEREAS, the Act creates the Texas Division of Emergency Management (the "Division") to advise and assist the governor and coordinate the state emergency management program; and

WHEREAS, the Act authorizes the governor to establish an Emergency Management Council to advise and assist the governor in all matters relating to disaster mitigation, preparedness, response, and recovery;

NOW, THEREFORE, I, Greg Abbott, 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 following state agencies, boards, and commissions, and the following volunteer groups, or the successors of each of these entities:

American Red Cross  
 Public Utility Commission of Texas  
 Railroad Commission of Texas \*  
 State Comptroller of Public Accounts  
 Texas A&M AgriLife Extension Service \*  
 Texas A&M University System  
 Texas A&M Engineering Extension Service \*  
 Texas A&M Forest Service \*  
 Texas Animal Health Commission \*  
 Texas Commission on Environmental Quality \*  
 Texas Commission on Fire Protection  
 Texas Department of Agriculture \*  
 Texas Department of Criminal Justice  
 Texas Department of Family and Protective Services  
 Texas Department of Housing and Community Affairs  
 Texas Department of Information Resources  
 Texas Department of Insurance Texas  
 Department of Licensing and Regulation  
 Texas Department of Motor Vehicles Texas  
 Department of Public Safety \*  
 Texas Department of State Health Services\*  
 Texas Department of Transportation \*  
 Texas Division of Emergency Management \*  
 Texas Education Agency Texas Facilities  
 Commission  
 Texas General Land Office \*  
 Texas Health and Human Services Commission  
 Texas Military Department\*  
 Texas Office of the Attorney General  
 Texas Parks and Wildlife Department \*  
 Texas State Auditor's Office  
 Texas State University System  
 Texas Tech University System

Texas Voluntary Organizations Active in Disaster  
 Texas Workforce Commission  
 The Salvation Army  
 University of Houston System  
 University of North Texas System  
 University of Texas System

*\*(indicates member of the State Emergency Response Commission)*

The Chief of the Division, or in the event of a vacancy, the person assigned to perform the duties and responsibilities of the Chief of the Division on an interim basis, shall serve as the Chair of the Council (the "Chair").

The specific duties and responsibilities of each member of the Council shall be as designated in the State Emergency Management Plan and Annexes thereto, which are prepared, developed, and maintained by the Division as directed by the Act. The head of each member shall designate one or more representatives to the Council, as requested by the Chair. The Chair also may, upon approval of the Office of the Governor, request services from other relevant state agencies on matters relating to the Council.

The Chair, after consultation with the Council and other relevant state agencies, shall advise the governor, the lieutenant governor, and the speaker of the house of representatives on critical matters relating to emergency management for natural and human-caused events, emergencies, and disasters that may occur in this state.

The Chair is designated the right to exercise, after consultation with the Council and upon approval of the Office of the Governor, 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, organization, or individual, any offer of services, equipment, supplies, materials, or funds as gifts, grants, or loans for the purposes of emergency services and disaster preparedness, response, recovery, or mitigation efforts, and may dispense such gifts, grants, or loans for the purposes for which they are made without further authorization other than as contained herein. The Chair, after consultation with the Council and upon approval of the Office of the Governor, 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 (SERC) shall be a standing element of the Council, and shall carry out those duties assigned to it by the governor or the Chair. The SERC 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 Chair shall chair the SERC or designate a chair from amongst its members.

In compliance with Texas Government Code, Section 418.101, the presiding officer of each political subdivision shall promptly notify the Chair of the manner in which it is providing or securing an emergency management program, and of the person designated to head that program, by February 1 of each year. Within 30 days of any change of elected or appointed officials, the presiding officer shall notify the Chair of such change.

Pursuant to the Act and this executive order, the governor retains and may exercise the authority to modify the emergency management duties and capabilities of those state agencies with emergency-related responsibilities, including, but not limited to, the transfer, sharing, or coordination of personnel and equipment between agencies.

This executive order supersedes all previous orders on the matters of emergency management for natural and human-caused events, emergencies, and disasters that are in conflict or inconsistent with its terms, including Executive Order RP-32, and this order shall remain in effect and in full force until modified, amended, rescinded, or superseded by me or by a succeeding governor.

## APPENDIX K

### **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

# APPENDIX L

## External Operating Rule

Approved September 1, 2019

Next Scheduled Review: September 1, 2024

### Rule Summary

- Texas Government Code Chapter 418 establishes the system of Emergency Management in Texas.
- This rule provides the general requirements for the implementation of Emergency Management operations.
- The provisions of this rule were previously provided for in Texas Administrative Code Chapter 7.

### Rule

#### 1. Emergency Management Program Requirements

##### 1.1 Emergency Management Organization Required

1.1.1 Each county and incorporated city in Texas shall maintain an emergency management agency or participate in a local or interjurisdictional emergency management agency.

##### 1.2 Responsibilities of the Chief Elected Official

1.2.1 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.

##### 1.3 Notification Required

1.4 The presiding officer of each political subdivision of the state shall notify the Texas 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 TDEM-147 (Emergency Management Director/Coordinator Notification), which is available from the division's website <http://www.txdps.state.tx.us/internetForms/Forms/TDEM-147.pdf>) and from its State and District Coordinators stationed around the State.

#### 2. Emergency Management Planning and Preplanning Requirements

##### 2.1 State Plan Required

2.1.1 The Texas 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 Blvd., Austin, Texas, and with each member agency of the Emergency Management Council. A copy of the plan is posted on the division's website (<http://www.txdps.state.tx.us/dem/downloadableforms.htm#stateplan>).

##### 2.2 Local Planning Required

2.2.1 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 Texas 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.

##### 2.3 Eligibility for Federal Incentive Programs Described

2.3.1 The Texas 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 basic eligibility requirements of this subsection:

- a) 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.
- b) Have a local or interjurisdictional emergency management plan that meets state planning standards for minimum content and is current.
- c) Have formally adopted and be implementing the National Incident Management System (NIMS) as its incident management system.
- d) Submit an acceptable project narrative or work plan and budget for eligible activities.

2.3.2 Many grants have more specific eligibility requirements and additional terms and conditions.

### 3. Emergency Management Operations

#### 3.1 Declaration of a State of Disaster and Effects of a Declaration

3.1.1 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.

#### 3.2 State of Disaster Publicized

3.2.1 A local declaration of disaster must be given general publicity and shall be promptly filed with the city secretary or county clerk.

#### 3.3 Local Government's Responsibility

3.3.1 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.

### 3.4 Requesting State Assistance

3.4.1 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.

#### 3.5 Request from Chief Elected Official Required

3.5.1 Requests for assistance must be made by the chief elected official of the city or county or by another official specifically authorized by them.

#### 3.6 Local Government Control Affirmed

3.6.1 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.

#### 3.7 Protective Action Recommendations for the Public

3.7.1 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.

### 4. Recovery and Rehabilitation Requirements

#### 4.1 Initiation of Requests for Recovery Assistance

4.1.1 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.

#### 4.2 Written Request Required

4.2.1 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 Texas 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. Requests may be transmitted to the division by facsimile or e-mail.

#### 4.3 Supporting Information for a Request for Assistance

4.3.1 The documents listed in this section must be attached to requests for assistance and/or for a state disaster declaration by the Governor.

a) 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 Disaster Summary Outline (form TDEM-93), available from the Texas Division of Emergency Management field staff and posted on the division's website (<http://www.txdps.state.tx.us/InternetForms/Forms/TDEM-93.pdf>), should be used for this purpose.

b) A copy of the local disaster declaration issued for the disaster.

#### 4.4 Joint Damage Assessments

4.4.1 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.

#### 4.5 State and Federal Disaster or Emergency Declarations

4.5.1 After consultation with appropriate emergency management officials, the Governor may issue a state disaster declaration for a local, regional, or statewide emergency situation.

4.5.2 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.

## **Related Statutes, Policies, or Requirements (Required)**

- Texas Government Code Chapter 418

## **Contact Office (Required)**

- Texas Division of Emergency Management  
Office of the Chief Operating Officer
- (512) 424-5353

\_\_\_\_\_ 's TDEM Contacts  
(jurisdiction)

Region: \_\_\_\_ Assistant Chief: \_\_\_\_\_

Preparedness/Response Section Chief: \_\_\_\_\_

Recovery/Mitigation Section Chief: \_\_\_\_\_

District: \_\_\_\_ Coordinator: \_\_\_\_\_

County Liaison Officer (if applicable): \_\_\_\_\_

Disaster Recovery Task Force: \_\_\_\_\_

Regional Disaster Finance Coordinator: \_\_\_\_\_

Regional Hazard Mitigation Coordinator: \_\_\_\_\_

Regional Planner: \_\_\_\_\_

Notes:

State Operations Center Contacts (24/7):  
SOC Email: soc@tdem.texas.gov  
SOC Phone: 512-424-2208  
SOC Fax: 512-424-7160