

TEXAS EMERGENCY MANAGEMENT  
**Executive Guide**

 ***FY 2019 Edition***



TEXAS DIVISION OF EMERGENCY MANAGEMENT



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***FY 2019 Edition***

Revised 10/16/2019



**W. NIM KIDD, MPA, CEM®**

CHIEF

TEXAS DIVISION OF EMERGENCY MANAGEMENT

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Dear Partners in Emergency Management:

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

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

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

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

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

Sincerely,



W. Nim Kidd, MPA, CEM®



# Emergency Management



## What is the difference between an emergency and a disaster?

As defined by the Federal Emergency Management Agency (FEMA), an **EMERGENCY** is any occasion or instance--such as a hurricane, tornado, storm, flood, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, fire, explosion, nuclear accident, or any other natural or man-made catastrophe--that warrants action to save lives and to protect property, public health, and safety

As defined in Texas Government Code Chapter 418.004, a **DISASTER** is the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, other public calamity requiring emergency action or emergency.

## What is emergency management?

Emergency management is the discipline of dealing with and avoiding risks, particularly those that have catastrophic consequences for communities, regions, or entire countries. It is the dynamic process of preparing for, mitigating, responding to and recovering from an emergency. Planning, though critical, is not the only component. Training, conducting drills, testing equipment and coordinating activities with communities are other important functions. Effective emergency management relies on the integration of emergency plans at all levels of government and non-government, including individuals and community organizations.

Throughout our nation's history, communities have always bonded together when disaster strikes. Emergency management simply creates a

framework to help communities reduce vulnerabilities to threats and hazards and cope with disasters.

Emergency management is an essential role of government. The Constitution tasks the states with responsibility for public health and safety—hence, they are responsible for public risks, while the federal government's ultimate obligation is to help when state, local, or individual entities are overwhelmed.

FEMA defines the overall goals of emergency management at all levels as:

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

## National Preparedness Goal

"A secure and resilient nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk."

These risks include events such as natural disasters, disease pandemics, chemical spills and other manmade hazards, terrorist attacks and cyberattacks.



## Emergency Management Mission Areas

The [National Preparedness Goal](#) identifies five mission areas, in which it groups 32 core capabilities (the distinct critical elements needed to achieve the goal). The 32 core capabilities identified in the National Preparedness Goal are intended to assist everyone who has a role in achieving all of the elements in the goal.

These capabilities are referenced in many national preparedness efforts, including the National Planning Frameworks. Some fall into only one mission area, while some others apply to several mission areas.

### Prevention

Prevention includes those capabilities necessary to avoid, prevent, or stop a threatened or actual act of terrorism. Unlike other mission areas, which are all-hazards by design, Prevention core capabilities are focused specifically on imminent terrorist threats, including ongoing attacks or stopping imminent follow-on attacks.

Prevention Core Capabilities:

- Planning
- Public Information and Warning
- Operational Coordination
- Forensics and Attribution

- Intelligence and Information Sharing
- Interdiction and Disruption
- Screening, Search, and Detection

### Protection

Protection includes the capabilities to safeguard the homeland against acts of terrorism and man-made or natural disasters. It focuses on actions to protect our people, our vital interests, and our way of life.

Protection Core Capabilities:

- Planning
- Public Information and Warning
- Operational Coordination
- Access Control and Identity Verification
- Cybersecurity
- Intelligence and Information Sharing
- Interdiction and Disruption
- Physical Protective Measures
- Risk Management for Protection Programs and Activities
- Screening, Search, and Detection
- Supply Chain Integrity and Security

## Mitigation

Mitigation includes those capabilities necessary to reduce loss of life and property by lessening the impact of disasters. It is focused on the premise that individuals, the private and nonprofit sectors, communities, critical infrastructure, and the nation as a whole are made more resilient when the consequences and impacts, the duration, and the financial and human costs to respond to and recover from adverse incidents are all reduced.

Mitigation Core Capabilities:

- Planning
- Public Information and Warning
- Operational Coordination
- Community Resilience
- Long-Term Vulnerability Reduction
- Risk and Disaster Resilience Assessment
- Threats and Hazards Identification

## Response

Response includes those capabilities necessary to save lives, protect property and the environment, and meet basic human needs after an incident has occurred. It is focused on ensuring that the nation is able to effectively respond to any threat or hazard, including those with cascading effects. Response emphasizes saving and sustaining lives, stabilizing the incident, rapidly meeting basic human needs, restoring basic services and technologies, restoring community functionality, providing universal accessibility, establishing a safe and secure environment, and supporting the transition to recovery.

Response Core Capabilities:

- Planning
- Public Information and Warning
- Operational Coordination
- Critical Transportation
- Environmental Response/Health and Safety
- Fatality Management Services
- Fire Management and Suppression
- Logistics and Supply Chain Management
- Infrastructure Systems

- Mass Care Services
- Mass Search and Rescue Operations
- On-Scene Security, Protection, and Law Enforcement
- Operational Communications
- Public Health, Healthcare, and Medical Services
- Situational Assessment

## Recovery

Recovery includes those capabilities necessary to assist communities affected by an incident to recover effectively. Support for recovery ensures a continuum of care for individuals to maintain and restore health, safety, independence and livelihoods, especially those who experience financial, emotional, and physical hardships. Successful recovery ensures that we emerge from any threat or hazard stronger and positioned to meet the needs of the future. Recovery capabilities support well-coordinated, transparent, and timely restoration, strengthening, and revitalization of infrastructure and housing; an economic base; health and social systems; and a revitalized cultural, historic, and environmental fabric.

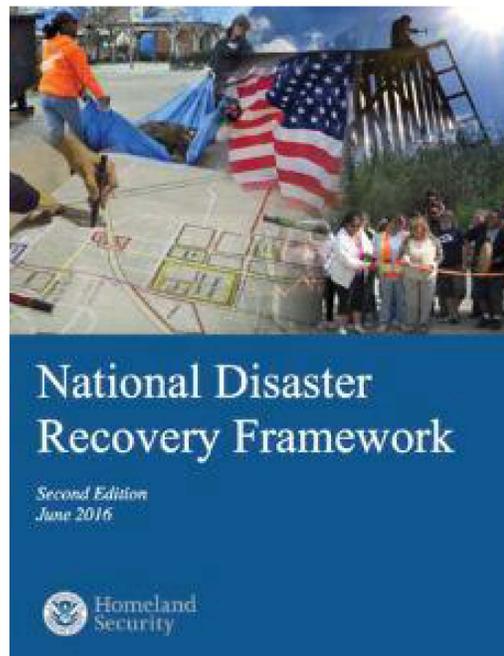
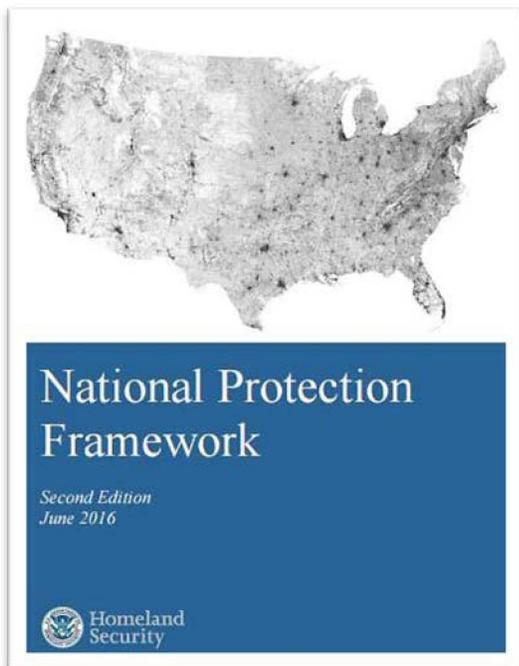
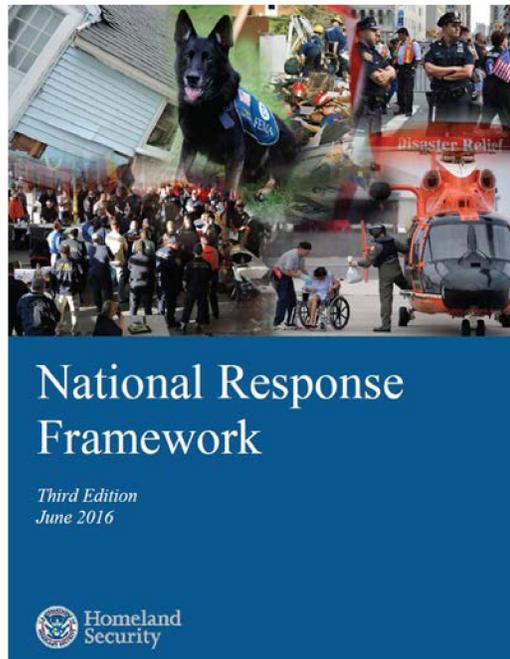
Recovery Core Capabilities:

- Planning
- Public Information and Warning
- Operational Coordination
- Economic Recovery
- Health and Social Services
- Housing
- Infrastructure Systems
- Natural and Cultural Resources

## National Planning Frameworks (NPF)

The National Planning Frameworks, one for each preparedness mission area, describe how the whole community works together to achieve the National Preparedness Goal. The goal is the cornerstone for the implementation of the National Preparedness System. The frameworks foster a shared understanding of our roles and responsibilities from the firehouse to the White House. They help us understand how we, as a nation, coordinate, share information and work together—which ultimately results in a more secure and resilient nation.

- [National Prevention Framework](#)
- [National Protection Framework](#)
- [National Mitigation Framework](#)
- [National Response Framework](#)
- [National Disaster Recovery Framework](#)



Local



## What do I need to know up front?

- 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 ([Texas Government Code Chapter 418.1015](#)).
- An emergency management director may designate a person to serve as emergency management coordinator ([Texas Government Code Chapter 418.1015](#)).
- A jurisdiction will notify TDEM of the person responsible for the emergency management program by submitting required TDEM form: [TDEM-147 \(Texas Administrative Code, Title 37, Chapter 7, Rule §7.3\)](#)
- 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 ([Texas Government Code Chapter 418.106](#)).
- Plans and annexes must be updated and submitted to TDEM every five years ([Texas Administrative Code, Title 37, Chapter 7, Rule §7.12](#)).

### Local Authority

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

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

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.

### Local Plans

Each county shall maintain an emergency management program or participate in a local or interjurisdictional emergency management program that 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.

Each incorporated city in Texas shall maintain an emergency management agency or participate in a local or interjurisdictional emergency management agency ([Texas Administrative Code, Title 37, Chapter 7, rule §7.1](#)). Jurisdictions must also prepare emergency operations plans (EOP) that follow TDEM's planning standards. Each local and interjurisdictional emergency management agency has the following planning-related responsibilities ([Texas Administrative Code, Title 37, Chapter 7, Rule §7.12](#)):

- 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.

- Local and interjurisdictional plans shall be reviewed annually and must have been prepared or updated during the last five years to be considered current.
- A copy of each plan and any changes will be provided to TDEM.

### **Revision and Update Requirements**

Local plans should be reviewed annually, or whenever necessary, to address significant changes in the jurisdiction that would affect 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.

## Disaster Assistance Requests

At the outset of an event or disaster, please make contact with the area TDEM district coordinator (list can be found on pages 43 to 49 of this document) as soon as possible. They can help navigate this process and answer any questions.

### Why declare a disaster?

The governor is granted the authority, by Texas Government Code Chapter 418, to declare a state-level disaster ([Texas Government Chapter 418.014](#)). At the local level, an emergency management chief serves as the governor's designated agent in the administration and supervision of duties under Chapter 418. An emergency management chief may exercise the powers granted to the governor under this chapter on an appropriate local scale ([Texas Government Code Chapter 418.1015](#)) and may declare a local state of disaster ([Texas Government Code Chapter 418.108](#)).

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

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

### Requests for Response Assistance - Coordination and Control

[Texas Administrative Code Title 37, Chapter 7](#) outlines the following in relation to 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 (Rule §7.23).
- Municipalities must request assistance from their county before requesting assistance from the state (Rule §7.23).
- 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 District Coordinator and/or the local Disaster District Committee (DDC) chairperson, who is the commanding officer of the Texas Highway Patrol district or sub-district in which the jurisdiction is located (Rule §7.24).
- 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 (Rule §7.41 and Rule §7.42).
- All local disaster operations will be directed by officials of local government (Rule §7.26).

***\*Please note that requests for immediate disaster assistance should be made through the district coordinator and/or DDC.***

## 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:

### Step 1 - Declare a local state of disaster and submit to the State Operations Center (SOC).

- The chief elected official of the jurisdiction must declare a local state of disaster ([sample declaration on page 14](#)) before requesting disaster recovery assistance.
- 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@dps.texas.gov](mailto:soc@dps.texas.gov) or fax: (512) 424-7160 as soon as possible. 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 42 to 47 of this document) or 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 need not be exact but are necessary to complete the DSO as a basis for obtaining a Presidential Disaster Declaration.
- DSOs should be submitted online at: <https://olympus.soc.texas.gov/Services/DSO/>
- An event-specific DSO pin number is needed. Please ask the local DC for the pin.
- If online DSO submission is not possible, submit via email: [soc@dps.texas.gov](mailto:soc@dps.texas.gov) or fax at (512) 424-7160.
- DSOs should be re-submitted as costs change or are better estimated.
- Please contact the local DC 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 – Preliminary Damage Assessments (PDAs)

***\*Please note that there are two different PDA processes – one for Public Assistance (PA) and one for Individual Assistance (IA) – both 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) Region 6 to request a joint federal, state PDA.
- 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.
- Jurisdictions will be requested to provide transportation for the PDA teams and a strategy for conducting the PDAs. For example, IA PDAs should concentrate on those residential structures and/or businesses that are classified as major damage or destroyed.
- Jurisdictions should provide detailed information such as estimates, locations and impacts to the community during the assessment.
- 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 pages 37-38 for more information).



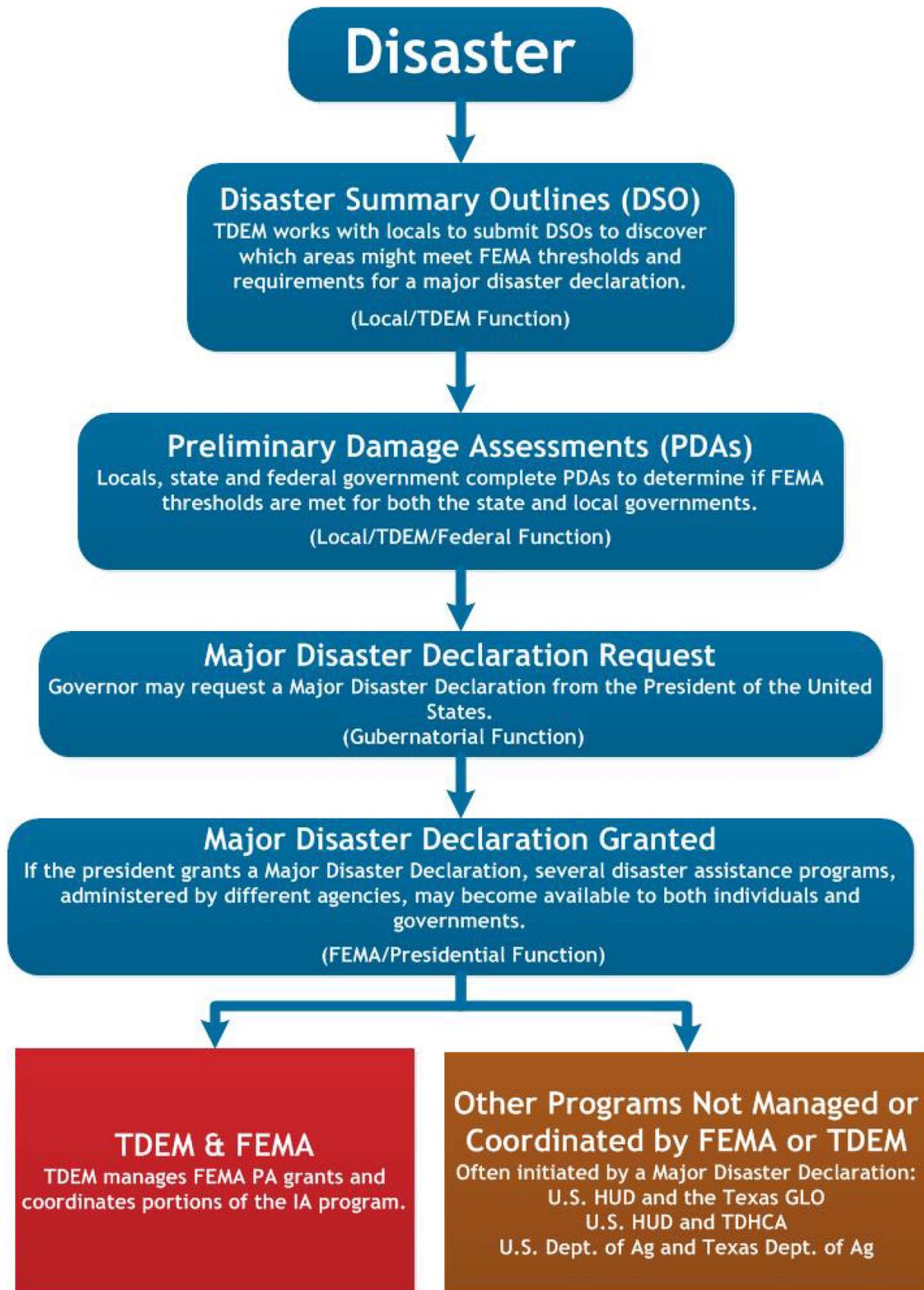
### Step 4 – Governor Requests a Federal Disaster Declaration

- 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 declare a federal disaster declaration.
- Based on the PDA results, TDEM will recommend the governor submit a federal declaration request through FEMA Region 6 to FEMA headquarters in Washington, D.C.
- 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 who will review and make a recommendation to the president.
- After review, the state will receive notification of what types of assistance programs have been made available.
- If the request for a federal declaration is denied, the state will have 30 days to appeal the denial.

## What are the requirements for a federal disaster declaration?

- The governor of Texas must issue a disaster declaration for affected areas.
- Both the state and each affected county must meet fiscal thresholds to be eligible for the FEMA PA grant program.
  - The state must meet the Fiscal Year (FY) 2020 threshold of \$38,472,708.
  - Each affected county must meet the current FY threshold for their jurisdiction to be eligible. See pages 50 - 51 for [FY 2020 county thresholds](#). *(Note: other disaster assistance programs listed on pages 37-38 could have different thresholds/requirements).*
- While the FEMA IA program does not have fiscal thresholds, there are guidelines for eligibility. Please see the federal section of this guide for more information about PA and IA.
- The Fire Management Assistance Grant Calendar Year (CY) 2019 threshold is \$5,770,906 and is cumulative during the calendar year.
- In the governor's request for a federal disaster declaration, only counties eligibility requirements will be included. As jurisdictions meet requirements, they can be added to the request after the fact.
- The state of Texas must meet its fiscal year threshold for any jurisdictions to be eligible for FEMA PA assistance. If a county meets or surpasses their threshold and the state does not meet its threshold, the jurisdiction will not be eligible





## 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]

NOTE: A sample disaster declaration is available at:

<http://www.dps.texas.gov/dem/Disaster/sampleDisasterDeclaration.pdf>

## Emergency Declarations in Texas

In Texas, as mandated by Texas Government Code [Chapter 433](#), the governor may proclaim a state of emergency and designate the area involved. The request must come from the chief executive officer or governing body of a county or municipality. Unlike a federal emergency declaration, a state emergency declaration is only used in the following situations:

- A riot or unlawful assembly by three or more persons acting together by use of force or violence
- Clear and present danger of the use of violence exists
- Natural or manmade disaster

While a natural or manmade disaster is one of these codified situations, the intent of an emergency declaration is to recognize the governor's power of action in the exercise of

police power of the state to provide adequate control over persons and conditions during periods of impending or actual public crisis or disaster. For most natural or man-made disasters, a disaster declaration is generally more appropriate.

A directive expires 72 hours after the time of proclamation of the state of emergency for which it was issued. The governor, by proclamation, may terminate or set a shorter period for a directive. The governor may also proclaim successive states of emergency in 72-hour periods, as necessary to protect health, life, and property in affected areas.

*Note: This is not the same as a federal emergency declaration. Please refer to page 30 for more information on federal emergency declarations.*



## Sample Emergency Declaration to the Governor

Date

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

Dear Governor \_\_\_\_\_ :

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

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

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

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

A timely response to this request would be appreciated.

\_\_\_\_\_  
Signature

State



# Texas Emergency Management Planning

## Local Planning Standards, Documents and Guidelines

Preparedness begins with planning. In planning for disasters and emergencies in Texas, emergency management professionals are directed by state and local laws, rules, policies and regulations. Planners also draw on emergency management doctrine and best practices from the FEMA.

guidelines for each plan and annex. These are currently available by contacting your TDEM district coordinator (list can be found on pages 42 to 47 of this document) or TDEM's Local and Regional Plans Unit. They are available to answer questions and provide assistance. The Local and Regional Plans Unit can be reached at 512-424-5059 or by email at [tdem.plans@dps.texas.gov](mailto:tdem.plans@dps.texas.gov).

TDEM provides plan document templates and

## The State Of Texas Emergency Management Plan Structure

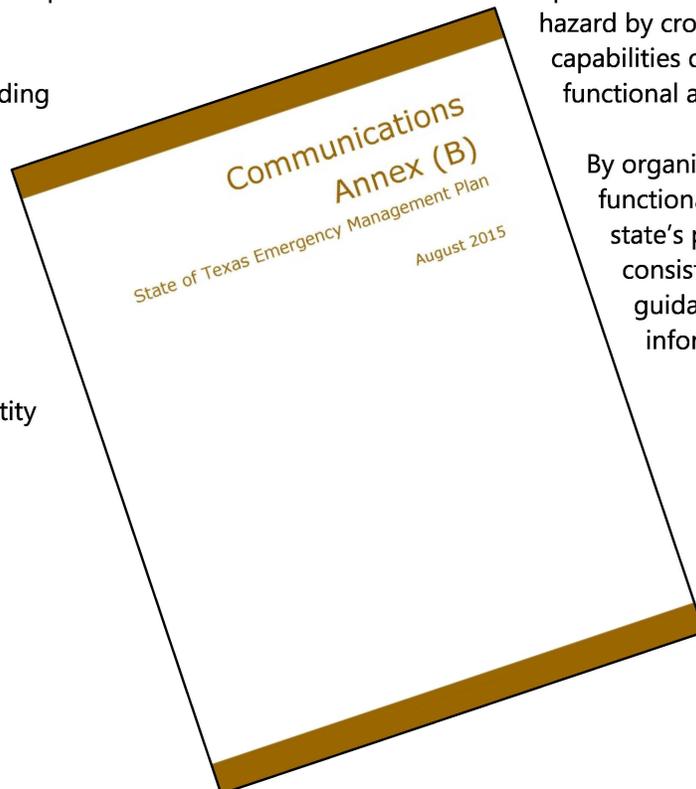
The State of Texas Emergency Management Plan explains the state's emergency operations capabilities, objectives and procedures. It also provides an all-hazard planning framework that informs local and regional emergency management plans.

entities' emergency operations capabilities. Functional annexes, which include emergency support functions (ESF) and support functions (SF), are not tied to one hazard but are designed to apply to any hazard.

The State of Texas Emergency Management Plan consists of a basic plan supported by functional and hazard-specific annexes.

Hazard annexes, on the other hand, outline the state's planned response to a specific type of hazard. These annexes define the hazard and explain the state's response to that hazard by cross-referencing specific capabilities described in the functional annexes.

Functional annexes outline how responding organizations work together to perform an emergency operations function, such as search and rescue. These annexes designate a lead entity and summarize all



By organizing annexes into functional or hazard annexes, the state's planning framework is consistent with federal guidance and critical information is easy to locate.

## EMERGENCY SUPPORT FUNCTIONS (ESF)

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

ESF #	Focus	Texas Lead Agency
1	Transportation	Texas Department of Transportation
2	Communications	Texas Department of Public Safety
3	Public Works and Engineering	Texas Department of Transportation
4	Firefighting	Texas A&M Forest Service
5	Emergency Management	Texas Division of Emergency Management
6	Mass Care, Emergency Assistance, Housing and Human Services	Texas Division of Emergency Management
7	Logistics Management and Resource Support	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 Department of Agriculture
12	Energy	Public Utility Commission of Texas
13	Public Safety and Security	Texas Department of Public Safety
15	External Affairs	Texas Department of Public Safety

Note: ESF 14 has been superseded in accordance with the National Disaster Recovery Network

### Training

The 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. The Training Unit also coordinates the state's Professional Development Series (PDS) and the Advanced Professional Series (APS) programs. Find more information at [www.preparingtexas.org](http://www.preparingtexas.org).



## Exercise

The Preparedness Section's Exercise Unit supports emergency preparedness at five levels: local, regional, tribal, state and federal.

Local jurisdictions and tribal governments can request technical assistance with designing, conducting and evaluating emergency exercises. In addition, the Exercise Unit collaborates with the Training Unit to provide Homeland Security Exercise and Evaluation Program (HSEEP) training across Texas. This program facilitates the development of local, tribal, regional and state agency exercise design capabilities that are self-sustaining and integrated with other preparedness initiatives.

The Exercise Unit also assists in testing and evaluating state plans, policies and procedures through progressive exercises following HSEEP guidelines. Further, as part of TDEM's administration of the federal Emergency Management Performance Grant (EMPG) program, the Exercise Unit reviews exercise documentation submitted by participating local jurisdictions to make sure EMPG exercise standards are being met. In addition, the Exercise Unit often participates in FEMA Region 6 interstate exercises or in national level exercises. The unit's exercise calendar is available on [www.preparingtexas.org](http://www.preparingtexas.org).

## Texas Emergency Management

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

### **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 Texas Highway Patrol (THP) commanding officer of each district serves as chair of the DDC and reports to the chief of the Texas Division of Emergency Management (TDEM) on matters relating to disasters and emergencies. The DDC chair is assisted by Emergency Management Council representatives assigned to that district.

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 DDC Chairperson. If the resources of a DDC are inadequate to provide the type or quantity of assistance that has been requested, the request for assistance is forwarded to the Jack Colley Texas State Operations Center for state-level action. DDCs are listed on page 43-49.

### **DISTRICT COORDINATORS (DCs)**

TDEM district coordinators serve as local emergency management/homeland security 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.

### **STATE COORDINATORS (SCs)**

Within TDEM, state coordinators oversee the functions of Operations; Preparedness; Recovery; Mitigation; Finance and Grants Management; Critical Information Systems; Emergency Medical Services; Life Safety; Regional Disaster Finance; and the State Management Team.

TDEM also has state coordinators assigned to the regions, which encompass the Disaster Districts and the Capitol Area. These state coordinators oversee the team of district coordinators to provide support to local jurisdictions and officials as they prepare for and respond to disasters.

## TEXAS EMERGENCY MANAGEMENT COUNCIL

The Texas Emergency Management Council is allowed for by state law and mandated by executive order to advise and assist the governor in all matters relating to disaster mitigation, emergency preparedness, disaster response and recovery.

During major emergencies, council representatives convene at the Jack Colley Texas State Operations Center to provide advice on and assistance with response operations and to coordinate the activation and deployment of state resources to respond to the emergency. Generally, state resources are deployed to assist local governments that have requested assistance because their own resources are expended during response.

The council is a group of agencies that have legal responsibility, expertise or resources needed for a specific emergency response function. The following agencies have been appointed by the governor to the Emergency Management Council.

### EMERGENCY MANAGEMENT COUNCIL MEMBERSHIP - GA-05

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

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

### 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). Under the Federal Emergency Planning and Community Right to Know Act, several member agencies of the Emergency Management Council together make up the SERC. The SERC is responsible for implementing the Emergency Planning and Community Right-to-Know Act provisions within its state. The SERC's duties include:

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

## JACK COLLEY TEXAS STATE OPERATIONS CENTER

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

The SOC coordinates 3,000 to 4,000 incidents per

year. As noted above, the state Emergency Management Council is convened at the SOC to carry out state response activities for major emergencies and disasters. The SOC serves as a coordination and communications hub, allowing personnel to gather, evaluate and distribute critical information and to respond in the event of a natural or man-made emergency or disaster. 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.

### Emergency Operations

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

#### Level IV – Normal Conditions

No significant emergency is present. Daily Operations continues to conduct normal business and monitors the state for any natural and technological threats. Local responders resolve emergency incidents that might occur in their areas.

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

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

#### Level III – Increased Readiness

A significant emergency has not yet occurred, but 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, escalating or immediate risk to impact area.

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

## Level II - Escalated Response Conditions

The scope of the emergency 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 emergency 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 impact, widespread flash flooding, major fire conditions, major medical emergencies and hurricane warnings.

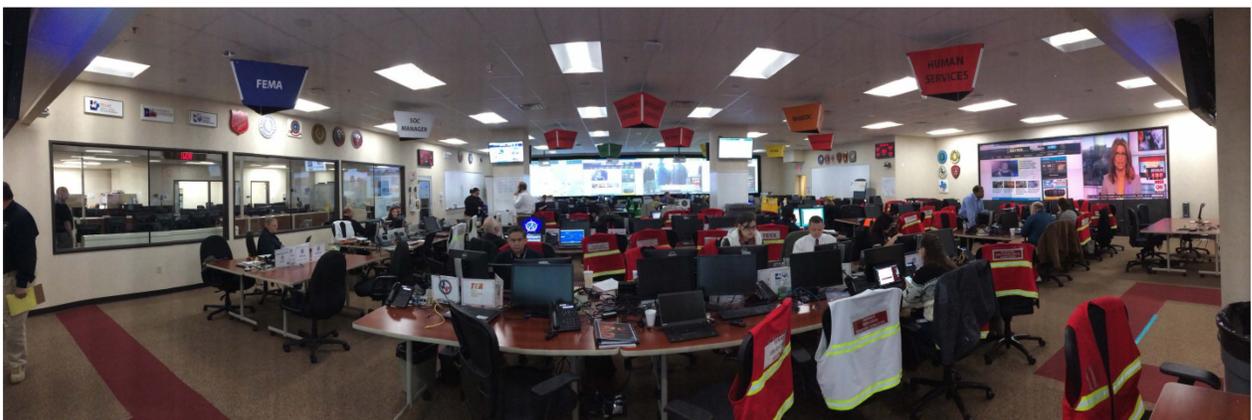
**Typical Notification:** TDEM staff, mayor/city manager/county judge, emergency management coordinators, fire departments/EMS, law enforcement, Emergency Management Council agency representatives, public works and public information offices.

## 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 offices.





**Federal**



## State and Federal Disaster Assistance

### THE DECLARATION PROCESS

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.

### PRELIMINARY DAMAGE ASSESSMENT

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) PDAs. 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. Local government representatives are critical to effective joint PDA teams. Please note that "joint PDAs" refer to those PDAs conducted by locals, the state and FEMA. PA and IA both require separate PDAs.

### 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

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."

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 event 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 IA. Additional forms of assistance may be added at a later date, pending the completion of PDAs.

amount of assistance differ. FEMA has established a third type of declaration, [Fire Management Assistance Grant \(FMAG\)](#) declarations, through regulation. That process differs significantly from the emergency and major disaster processes and will be discussed here as well.

## Emergency Declarations

***\*Please note a federal emergency declaration is different than a state of Texas emergency declaration. Please see page 15 for the definition of a state emergency declaration.***

The president can declare an emergency for any occasion or instance when the president determines federal assistance is needed.

## Pre-Disaster Emergency Declarations

A governor may request an emergency declaration in advance or anticipation of the imminent impact of an incident that threatens such destruction as could result in a major disaster. Such requests must meet all of the statutory and regulatory requirements for an emergency declaration request. Requests must demonstrate the existence of critical emergency protective measure needs prior to impact are beyond the capability of the state and affected local governments identify specific unmet

## 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

## 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

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. The total amount of assistance provided for a single emergency may not exceed \$5 million.

emergency needs that can be met through DFA. Such DFA may include, but is not limited to: personnel, equipment, supplies, and evacuation assistance. Pre-positioning of assets generally does not require a declaration. Assistance made available under a pre-disaster emergency declaration will typically be emergency protective measures (Category B), and direct federal assistance. FEMA may require damage assessments and/or verified cost estimates if additional types of assistance are requested.

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.

the PA cost share resides with the president. FEMA will recommend an increase in the federal share to not 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.

**Assistance Available under Major Disaster Declarations:** 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 the joint (local,

state and federal) PDA and subsequent PDAs.

## FEMA Disaster Assistance Programs

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

### PUBLIC ASSISTANCE

#### What is it?

The 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 infrastructure. Categories of Public Assistance may include:

- Category A: Debris removal
- Category B: Emergency Protective Services
- 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

#### How do we qualify?

In order to be eligible for PA, two fiscal thresholds must be met. First, the state of Texas must have expenses of a minimum of \$36,712,519.06. Second, each county must meet the individual FEMA PA county threshold amounts (see pages 50 and 51 for FY 2018 county thresholds). If the state does not meet its threshold, the state would not be eligible for PA even if one or more counties meet their thresholds.

#### How are the thresholds determined?

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 (currently the 2010 census), establishes the yearly thresholds for the various Federal Emergency Management Agency relief programs, and these are set based on the federal fiscal year cycle (1 October-30 September).

#### What is a small project versus a large project?

Projects falling below a certain threshold are considered "small." The threshold is adjusted annually for inflation. For federal fiscal year 2018, that threshold is \$125,500. 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.

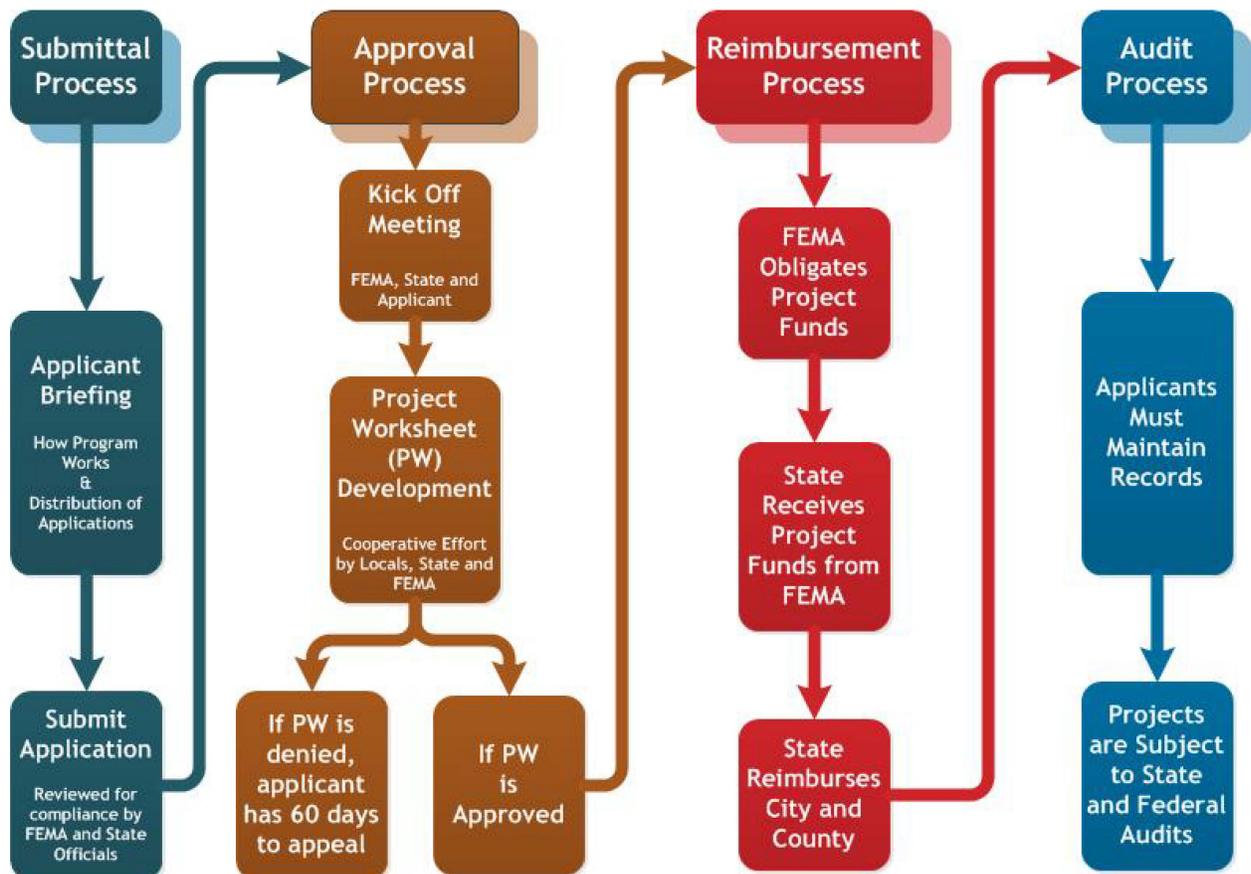
For large projects, payment is made on the basis of actual costs determined after the project is completed; although interim payments may be made as necessary. Once FEMA obligates funds to the recipient, further management of the assistance, including disbursement to sub-recipients, is the responsibility 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.

### What is the cost share?

The federal share of assistance is not less than 75 percent of the eligible cost. The recipient determines how the non-federal share (up to 25 percent) is split with the sub-recipients (eligible applicants). The 25 percent cost share, in some cases, can be reduced through in-kind, volunteer or donated labor, supplies, equipment or material.

### The Public Assistance Process in Four Steps

The following graphic shows the PA process after a major disaster declaration is granted from the president.



## INDIVIDUAL ASSISTANCE

### What is it?

When a major disaster occurs, this program provides money and service to people in federally declared areas whose property is damaged or destroyed and the losses are not covered by insurance. Assistance available may include:

- Individuals and Households Program (IHP)
- Crisis Counseling Program
- Disaster Case Management
- Disaster Unemployment Assistance
- Disaster Legal Services
- Disaster Supplemental Nutrition Assistance Program
- Transitional Shelter Assistance (TSA)
- Direct Housing

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

- Assists local jurisdictions with establishing disaster-based donation centers, volunteer reception centers and long-term recovery committees.
- Conducts PDAs following a disaster to validate damages.
- Provides guidance to local officials in establishing disaster recovery centers (DRCs) 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.

### How do we qualify?

The 44 Code of Federal Regulation (CFR) 206.48 discusses the factors considered when evaluating a request for a major disaster declaration. Unlike PA, there are no established thresholds, but there are guidelines used to establish IA eligibility. These guidelines include:

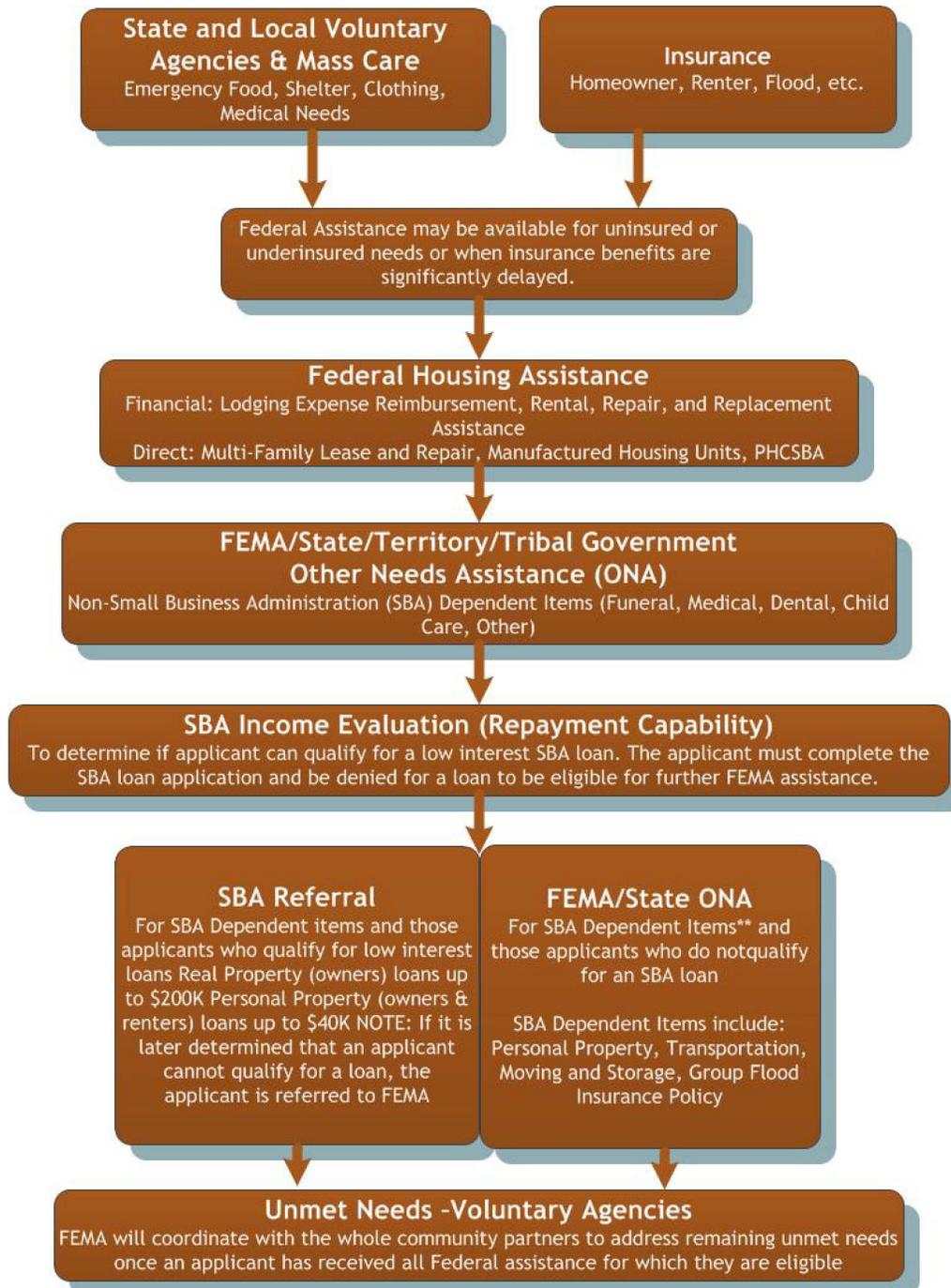
- Concentration of damage
- Trauma
- Special populations
- Volunteer agency assistance available
- Insurance coverage in force
- Damaged residences – severity and number

### What is the maximum amount allowable?

Up to \$34,000 is available in financial help (adjusted each year), although some forms of IHP assistance have limits. This full amount cannot be assumed, however. Typical grants run a fraction of that amount. Also note that flood insurance may be required.

## 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 below shows the sequence of delivery of IA after a disaster.



## 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.

The funding available for HMGP is limited to 15 percent of the total Public and Individual Assistance available 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.

In order to receive mitigation grants, a community usually must be a participating member of the National Flood Insurance Program and have a state and federally-approved local mitigation plan.

## Fire Management Assistance Grants (FMAGs)

Fire Management Assistance is 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, a 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 2019 FMAG threshold in Texas is \$5,506,878. The FMAG threshold is published on a calendar year cycle.



## Other Disaster Assistance Programs

### SMALL BUSINESS ADMINISTRATION (SBA)

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

- Businesses may borrow up to \$2 million 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 businesses engaged in aquaculture and most private nonprofit organizations of all sizes 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.

### RURAL COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG) - TEXAS DEPARTMENT OF AGRICULTURE (TDA)

#### Disaster Relief Assistance

Assistance through TDA is available for the restoration of basic human needs such as water and sewer facilities, housing and roads in relief of disaster situations where either the governor has proclaimed a state disaster declaration or the president has issued a federal disaster declaration.

#### Urgent Need Requirements

Available for activities that will restore water or sewer infrastructure where sudden failure has resulted in death, illness, injury or poses an imminent threat to life or health within the affected applicant's jurisdiction.

Both TDA programs are for non-entitlement counties predominately rural in nature and generally have fewer than 200,000 persons in the non-entitlement cities and unincorporated areas located in the county.

### COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG) - GENERAL LAND OFFICE (GLO)

After a presidential declaration, the United States Congress may appropriate CDBG funding, managed by [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 and recover in the affected disaster areas. These are grants awarded to specific areas in specific disasters.

### USDA/NATURAL RESOURCES CONSERVATION SERVICE

The U.S. Department of Agriculture's (USDA) 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 (HUD) HOME PROGRAM - TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA)**

Through TDHCA, the 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 (TWDB)**

[TWDB](#) offers 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. The proposed planning must be regional in nature by considering the flood protection needs of the entire watershed.

## **EMERGENCY SUPPORT FUNCTIONS (ESF)**

As with the state level, ESFs provide a structure for coordinating federal 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.

<b>ESF #</b>	<b>Focus</b>	<b>Federal Lead Agency</b>
1	Transportation	DOT
2	Communications	DHS/FEMA
3	Public Works and Engineering	DHS/FEMA
4	Firefighting	USDA/FS
5	Emergency Management	DHS/FEMA
6	Mass Care, Emergency Assistance, Housing and Human Services	DHS/FEMA
7	Logistics Management and Resource Support	DHS/FEMA
8	Public Health and Medical Services	HHS
9	Search and Rescue	DOD/DOI
10	Oil and Hazardous Materials Response	DHS/USCG
11	Agriculture and Natural Resources	USDA/DOI
12	Energy	DOE
13	Public Safety and Security	DOJ
15	External Affairs	DHS/FEMA

**Note: ESF 14 has been superseded in accordance with the National Disaster Recovery Network**



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

## **SUMMARY**

Throughout its history, Texas has endured scores of disasters and catastrophic incidents. The past century began with a devastating hurricane that all but erased the city of Galveston from the map and claimed more than 8,000 lives. In the New London School explosion 37 years later, a majority of a generation was lost. The total loss of life and property from the 1947 Texas City explosions will never be known, although it has been described as the nation's worst industrial disaster. Most recently, Texas has dealt with historic floods across the state, a fertilizer plant explosion in the city of West and massive wildfires causing loss of life and millions of dollars in destruction.

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

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

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

## **ACKNOWLEDGMENTS**

Significant portions of this guide were drawn from a publication of the San Antonio, Texas, Office of Emergency Management (SAOEM) and FEMA Region 6. TDEM gratefully acknowledges FEMA and SAOEM staff for this contribution.



# APPENDIX A STATE REGIONS MAP





## APPENDIX C TEXAS DISTRICT CONTACTS

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

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

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

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

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

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

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

**APPENDIX D  
FEMA PUBLIC ASSISTANCE  
THRESHOLD AMOUNTS BY COUNTY**

COUNTY	FY2020 THRESHOLD	Collin	\$3,004,189	Gillespie	\$95,374
Anderson	\$224,479	Collingsworth	\$11,739	Glasscock	\$4,708
Andrews	\$56,778	Colorado	\$80,156	Goliad	\$27,686
Angelina	\$333,201	Comal	\$416,532	Gonzales	\$76,059
Aransas	\$88,927	Comanche	\$53,660	Gray	\$86,534
Archer	\$34,767	Concho	\$15,694	Grayson	\$464,168
Armstrong	\$7,300	Cooke	\$147,598	Gregg	\$467,443
Atascosa	\$172,458	Coryell	\$289,490	Grimes	\$102,159
Austin	\$109,121	Cottle	\$5,779	Guadalupe	\$505,087
Bailey	\$27,514	Crane	\$16,800	Hale	\$139,288
Bandera	\$78,662	Crockett	\$14,281	Hall	\$12,876
Bastrop	\$284,817	Crosby	\$23,267	Hamilton	\$32,705
Baylor	\$14,308	Culberson	\$9,208	Hansford	\$21,554
Bee	\$122,346	Dallam	\$25,740	Hardeman	\$15,894
Bell	\$1,191,302	Dallas	\$9,093,654	Hardin	\$209,798
Bexar	\$6,585,728	Dawson	\$53,119	Harris	\$15,715,043
Blanco	\$40,308	Deaf Smith	\$74,388	Harrison	\$252,023
Borden	\$2,461	Delta	\$20,087	Hartley	\$23,278
Bosque	\$69,934	Denton	\$2,544,438	Haskell	\$22,652
Bowie	\$355,450	DeWitt	\$77,172	Hays	\$603,291
Brazoria	\$1,202,557	Dickens	\$9,385	Hemphill	\$14,619
Brazos	\$748,228	Dimmit	\$38,385	Henderson	\$301,563
Brewster	\$35,451	Donley	\$14,120	Hidalgo	\$2,975,113
Briscoe	\$6,286	Duval	\$45,243	Hill	\$134,742
Brooks	\$27,736	Eastland	\$71,359	Hockley	\$88,070
Brown	\$146,327	Ector	\$526,579	Hood	\$196,539
Burleson	\$65,998	Edwards	\$7,688	Hopkins	\$135,018
Burnet	\$164,160	El Paso	\$3,074,484	Houston	\$91,131
Caldwell	\$146,173	Ellis	\$574,502	Howard	\$134,446
Calhoun	\$82,103	Erath	\$145,498	Hudspeth	\$13,348
Callahan	\$52,009	Falls	\$68,605	Hunt	\$330,735
Cameron	\$1,559,885	Fannin	\$130,234	Hutchinson	\$85,056
Camp	\$47,620	Fayette	\$94,287	Irion	\$6,140
Carson	\$23,739	Fisher	\$15,260	Jack	\$34,729
Cass	\$116,982	Floyd	\$24,753	Jackson	\$54,048
Castro	\$30,958	Foard	\$5,130	Jasper	\$137,126
Chambers	\$134,769	Fort Bend	\$2,247,840	Jeff Davis	\$8,993
Cherokee	\$195,245	Franklin	\$40,723	Jefferson	\$968,728
Childress	\$27,037	Freestone	\$76,093	Jim Hogg	\$20,352
Clay	\$41,288	Frio	\$66,113	Jim Wells	\$156,818
Cochran	\$12,008	Gaines	\$67,300	Johnson	\$579,587
Coke	\$12,749	Galveston	\$1,118,627	Jones	\$77,576
Coleman	\$34,157	Garza	\$24,810	Kames	\$56,924

Kaufman	\$396,864	Newton	\$55,469	Terry	\$48,580
Kendall	\$128,294	Nolan	\$58,429	Throckmorton	\$6,301
Kenedy	\$1,597	Nueces	\$1,306,456	Titus	\$124,163
Kent	\$3,103	Ochiltree	\$39,256	Tom Green	\$423,260
Kerr	\$190,560	Oldham	\$7,880	Travis	\$3,933,181
Kimble	\$17,691	Orange	\$314,254	Trinity	\$56,006
King	\$1,098	Palo Pinto	\$107,946	Tyler	\$83,581
Kinney	\$13,816	Panola	\$91,377	Upshur	\$150,947
Kleberg	\$123,114	Parker	\$449,000	Upton	\$12,883
Knox	\$14,281	Parmer	\$39,433	Uvalde	\$101,395
La Salle	\$26,442	Pecos	\$59,547	Val Verde	\$187,695
Lamar	\$191,205	Polk	\$174,386	Van Zandt	\$201,903
Lamb	\$53,672	Potter	\$464,920	Victoria	\$333,285
Lampasas	\$75,560	Presidio	\$30,021	Walker	\$260,586
Lavaca	\$73,970	Rains	\$41,910	Waller	\$165,907
Lee	\$63,790	Randall	\$463,584	Ward	\$40,927
Leon	\$64,516	Reagan	\$12,929	Washington	\$129,447
Liberty	\$290,469	Real	\$12,707	Webb	\$961,167
Limestone	\$89,795	Red River	\$49,382	Wharton	\$158,515
Lipscomb	\$12,680	Reeves	\$52,927	Wheeler	\$20,774
Live Oak	\$44,279	Refugio	\$28,351	Wichita	\$504,960
Llano	\$74,116	Roberts	\$3,567	Wilbarger	\$51,974
Loving	\$315	Robertson	\$63,828	Willacy	\$84,995
Lubbock	\$1,070,711	Rockwall	\$300,814	Williamson	\$1,623,087
Lynn	\$22,714	Runnels	\$40,324	Wilson	\$164,805
Madison	\$52,470	Rusk	\$204,787	Winkler	\$27,302
Marion	\$40,497	Sabine	\$41,603	Wise	\$227,048
Martin	\$18,428	San Augustine	\$34,042	Wood	\$161,142
Mason	\$15,406	San Jacinto	\$101,315	Yoakum	\$30,255
Matagorda	\$140,936	San Patricio	\$248,847	Young	\$71,232
Maverick	\$208,351	San Saba	\$23,543	Zapata	\$53,829
McCulloch	\$31,807	Schleicher	\$13,290	Zavala	\$44,840
McLennan	\$902,039	Scurry	\$64,977	Each year the Consumer Price Index (CPI) is adjusted based on the current economic climate. This change in the CPI, in combination with the latest census, establishes the yearly thresholds for the various Federal Emergency Management Agency relief programs. The <b>FY 2020</b> cumulative threshold of <b>\$38,472,708</b> must be met by state and local governments for the state to receive a Public Assistance declaration. After the state threshold is met, individual counties must qualify with their own met thresholds.	
McMullen	\$2,715	Shackelford	\$12,972		
Medina	\$176,663	Shelby	\$97,720		
Menard	\$8,609	Sherman	\$11,651		
Midland	\$525,588	Smith	\$805,302		
Milam	\$95,067	Somervell	\$32,602		
Mills	\$18,954	Starr	\$234,117		
Mitchell	\$36,108	Stephens	\$36,979		
Montague	\$75,721	Sterling	\$4,389		
Montgomery	\$1,750,065	Stonewall	\$5,722		
Moore	\$84,111	Sutton	\$15,852		
Morris	\$49,667	Swisher	\$30,159		
Motley	\$4,646	Tarrant	\$6,946,691		
Nacogdoches	\$247,772	Taylor	\$504,983		
Navarro	\$183,302	Terrell	\$3,779		



## APPENDIX E

### TEXAS GOVERNMENT CODE

#### TITLE 4. EXECUTIVE BRANCH

#### SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION

#### CHAPTER 418. EMERGENCY MANAGEMENT

#### SUBCHAPTER A. GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

the state and its political subdivisions may participate;

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

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

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

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 5.03, eff. June 19, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1281 (H.B. 1861), Sec. 3, eff. June 19, 2009.

Sec. 418.003. LIMITATIONS. This chapter does not:

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

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

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

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

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

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

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

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

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

Sec. 418.004. DEFINITIONS. In this chapter:

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

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

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

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

(5) "Organized volunteer group" means an organization such as the American National Red Cross, the Salvation

Army, the Civil Air Patrol, the Radio Amateur Civil Emergency Services, a volunteer fire department, a volunteer rescue squad or other similar organization recognized by federal or state statute, regulation or memorandum.

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

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

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

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

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

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

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

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

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

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

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

eff. May 14, 2003; Acts 2003, 78th Leg., ch. 72, Sec. 1, eff. May 16, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 6, eff. June 18, 2005.

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.01, eff. June 6, 2007.

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.08, eff. June 6, 2007.

Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.01, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.08, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 185 (H.B. 1998), Sec. 1, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 2A.01, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.01, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 6.14, eff. September 1, 2009.

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

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

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

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

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

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

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

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

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

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

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

Added by Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 19.01, eff. September 1, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.02, eff. September 1, 2009.

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

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

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1217 (S.B. 1536), Sec. 3.06, eff. September 1, 2013.

#### SUBCHAPTER B. POWERS AND DUTIES OF GOVERNOR

Sec. 418.011. RESPONSIBILITY OF GOVERNOR. The governor is responsible for meeting:

- (1) the dangers to the state and people presented by disasters; and
- (2) disruptions to the state and people caused by energy emergencies.

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

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

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

Sec. 418.013. EMERGENCY MANAGEMENT COUNCIL. (a) The governor by executive order may establish an emergency management council to advise and assist the governor in all matters relating to disaster mitigation, preparedness, response and recovery.

(b) The emergency management council is composed of representatives of state agencies, boards, commissions and organized volunteer groups designated by the head of each entity.

(c) The emergency management council shall make recommendations to the Department of Public Safety as to which private emergency organizations, such as the American National Red Cross, the Salvation Army, Radio Amateur Civil Emergency Service and other similar organizations with the capability to supplement the state's resources in disaster situations, should be authorized to operate certain vehicles as designated emergency vehicles in the case of a disaster.

(d) The emergency management council shall assist the division in identifying, mobilizing and deploying state resources to respond to major emergencies and disasters throughout the state.

(e) The chief of the division shall establish a workgroup of appropriate emergency management council members, local government officials and nonprofit organizations to determine if a uniform application form for assistance following a disaster may be developed for use by state agencies and by persons requesting assistance from state agencies. The workgroup shall report its findings, including recommendations for any necessary statutory changes, to the legislature before September 1, 2014. This subsection expires September 1, 2014.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 3, eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 5.01, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.03, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 735 (S.B. 171), Sec. 1, eff. June 14, 2013.

Sec. 418.014. DECLARATION OF STATE OF DISASTER. (a) The governor by executive order or proclamation may declare a state of disaster if the governor finds a disaster has occurred or that the occurrence or threat of disaster is imminent.

(b) Except as provided by Subsection (c), the state of disaster continues until the governor:

(1) finds that:  
(A) the threat or danger has passed; or

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

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

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

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

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

(2) a designation of the area threatened; and

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

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

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 2B.03, eff. September 1, 2009.

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

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

(2) authorizes the deployment and use of any forces to which the plan applies and the use or distribution of any

supplies, equipment and materials or facilities assembled, stockpiled or arranged to be made available under this chapter or other law relating to disasters.

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

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

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

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

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

(c) A temporary claims service sign shall not:

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

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

(3) be placed in the right of way.

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

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

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

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

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

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

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

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

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

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

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

(2) the governor of another state.

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

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 990 (H.B. 3851), Sec. 1, eff. June 19, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.03a, eff. September 1, 2009.

Reenacted and amended by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 11.8, eff. September 1, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 3, eff. September 1, 2013.

#### Sec. 418.017. USE OF PUBLIC AND PRIVATE RESOURCES.

(a) The governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster.

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

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

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

#### Sec. 418.018. MOVEMENT OF PEOPLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 185 (H.B. 1998), Sec. 2, eff. September 1, 2009.

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

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

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

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

Sec. 418.022. AID FOR INDIVIDUALS. (a) On the governor's determination that financial assistance is essential to meet disaster-related necessary expenses or

serious needs of individuals or families adversely affected by a major disaster that cannot be otherwise adequately met from other means of assistance, the governor may accept a grant by the federal government to fund the financial assistance, subject to the terms and conditions imposed on the grant. The governor may agree with the federal government or any officer or agency of the United States pledging the state to participate in funding not more than 25 percent of the financial assistance.

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

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

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

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

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

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

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

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

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

- (1) standards of eligibility for persons applying for benefits;
- (2) procedures for applying for benefits;
- (3) procedures for the administration, investigation, filing and approval of applications for benefits;
- (4) procedures for the formation

of local or statewide boards to pass on applications for benefits; and

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

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

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.

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

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

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

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

- (1) a representative of the department;
- (2) a representative of the division;

- (3) a representative of the governor's office of homeland security;
- (4) the presiding officer of the Homeland Security Council; and
- (5) a state agency representative from the emergency management council, selected by the chair of the emergency management council.

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

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

Amended by:

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

Sec. 418.042. STATE EMERGENCY MANAGEMENT PLAN.

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

- (1) provisions for prevention and minimization of injury and damage caused by disaster;
- (2) provisions for prompt and effective response to disaster;
- (3) provisions for emergency relief;
- (4) provisions for energy emergencies;
- (5) identification of areas particularly vulnerable to disasters;
- (6) recommendations for zoning, building restrictions and other land-use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
- (7) provisions for assistance to local officials in designing local emergency management plans;
- (8) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, fire or other disaster;

(9) preparation and distribution to the appropriate state and local officials of state catalogs of federal, state and private assistance programs;

- (10) organization of manpower and channels of assistance;
- (11) coordination of federal, state and local emergency management activities;
- (12) coordination of the state emergency management plan with the emergency management plans of the federal government;

(13) coordination of federal and state energy emergency plans;

(14) provisions for providing information to local officials on activation of the Emergency Alert System established under 47 C.F.R. Part 11;

(15) a database of public facilities that may be used under Section 418.017 to shelter individuals during a disaster, including air-conditioned facilities for shelter during an extreme heat disaster and fortified structures for shelter during a wind disaster;

(16) provisions for quickly replenishing the food supplies of area food banks or food pantries following a disaster; and

(17) other necessary matters relating to disasters.

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

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

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

Amended by:

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

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

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

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

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

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

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

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

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

(A) hospitals;

(B) prisons;

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

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

(E) other critical facilities determined by the division;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) procure and position supplies, medicines, materials and equipment;

(3) adopt standards and requirements for local and interjurisdictional emergency management plans;

(4) periodically review local and interjurisdictional emergency management plans;

(5) coordinate deployment of mobile support units;

(6) establish and operate training programs and programs of public information or assist political subdivisions and emergency management agencies to establish and operate the programs;

(7) make surveys of public and private industries, resources and facilities in the state that are necessary to carry out the purposes of this chapter;

(8) plan and make arrangements for the availability and use of any private facilities, services and property and provide for payment for use under terms and conditions agreed on if the facilities are used and payment is necessary;

(9) establish a register of persons with types of training and skills important in disaster mitigation, preparedness, response and recovery;

(10) establish a register of mobile and construction equipment and temporary housing available for use in a disaster;

(11) assist political subdivisions in developing plans for the humane evacuation, transport and temporary sheltering of service animals and household pets in a disaster;

(12) prepare, for issuance by the governor, executive orders and regulations necessary or appropriate in coping with disasters;

(13) cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster mitigation, preparation, response and recovery;

(14) develop a plan to raise

public awareness and expand the capability of the information and referral network under Section 531.0312;

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

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

(17) cooperate with state agencies to:

(A) encourage the public to participate in volunteer emergency response teams and organizations that respond to disasters; and

(B) provide information on those programs in state disaster preparedness and educational materials and on Internet websites;

(18) establish a liability awareness program for volunteers, including medical professionals;

(19) define "individuals with special needs" in the context of a disaster; and

(20) 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. 418.044. ASSISTANCE IN DEVELOPMENT OF LOCAL PLANS. (a) The division shall take an integral part in the development and revision of local and interjurisdictional emergency management

plans. For that purpose, the division shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions and emergency management agencies. Those personnel shall consult with the subdivisions and agencies on a regularly scheduled basis and shall make field reviews of the areas, circumstances and conditions to which particular local and interjurisdictional emergency management plans apply and may suggest revisions.

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

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

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

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

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 992, Sec. 7, eff. Sept. 1, 1997. Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.07, eff. September 1, 2009.

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

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

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

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

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

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

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

(1) severe weather advisories;

(2) AMBER alerts under

Subchapter L, Chapter 411; and

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

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

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

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

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 8.01, eff. September 1, 2009.

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

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

Amended by:

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

Sec. 418.050. PHASED REENTRY PLAN.

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

(b) The phased reentry plan shall:

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

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

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

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

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

Added by Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 2B.051, eff. September 1, 2009.

Redesignated from Government Code, Section 418.050 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 27.001(16), eff. September 1, 2011.

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

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

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

(1) the Texas military forces;

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

(3) the Federal Emergency Management Agency;

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

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

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

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

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

(9) the National Guard Bureau;  
 (10) amateur radio operator groups;  
 (11) the Texas Forest Service;  
 (12) the Texas Department of Transportation;  
 (13) the General Land Office;  
 (14) the Texas Engineering Extension Service of The Texas A&M University System;  
 (15) the Public Utility Commission of Texas;  
 (16) the Railroad Commission of Texas;  
 (17) the Department of State Health Services;  
 (18) the judicial branch of state government;  
 (19) the Texas Association of Regional Councils;  
 (20) the United States Air Force Auxiliary Civil Air Patrol, Texas Wing;  
 (21) each trauma service area regional advisory council;  
 (22) state agencies, counties and municipalities affected by the emergency, including 9-1-1 agencies; and  
 (23) other agencies as determined by the division.

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

Sec. 418.052. USE OF FUNDS TO SUPPORT CERTAIN DIVISION PERSONNEL. The division may use appropriated funds to purchase food and beverages for division personnel who are:

- (1) activated to provide services in response to a disaster; and
- (2) unable to leave or required to remain at their assignment areas due to the disaster

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

#### SUBCHAPTER D. FINANCE

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

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

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

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

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

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

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

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

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

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

(d) The division shall administer the disaster contingency fund and shall develop and implement rules and procedures for providing emergency assistance from the

fund. The division shall annually report to the speaker of the house of representatives and the lieutenant governor expenditures from the fund, the overall status of the fund and any changes to rules and procedures regarding the fund.

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

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

(h) Money in the disaster contingency fund may be used to provide to a local government entity that is suffering financial hardship as a result of a disaster declared under this chapter funds for the purpose of providing local matching funds for Federal Emergency Management Agency qualifying projects.

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

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 992 (S.B. 1339), Sec. 1, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1250 (H.B. 2694), Sec. 1, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1006 (H.B. 4102), Sec. 1, eff. June 19, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1006 (H.B. 4102), Sec. 2, eff. June 19, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 2B.05, eff. September 1, 2009.

#### Sec. 418.074. ACCEPTANCE AND ALLOCATION OF GIFTS AND GRANTS.

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

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

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

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

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

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 2A.04, eff. September 1, 2009.

SUBCHAPTER E. LOCAL AND  
INTERJURISDICTIONAL EMERGENCY  
MANAGEMENT

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

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

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

Sec. 418.1015. EMERGENCY  
MANAGEMENT DIRECTORS. (a) The  
presiding officer of the governing body of  
an incorporated city or a county or the chief  
administrative officer of a joint board is  
designated as the emergency management  
director for the officer's political subdivision.

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

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

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

the division or the state or federal agency  
having responsibility for those resources.

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

Amended by:

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

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

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

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

Sec. 418.103. MUNICIPAL PROGRAMS.

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

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

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

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

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

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

(b) Each county shall provide an office and a liaison officer to coordinate with state and federal emergency management personnel concerning disaster mitigation, preparedness, response and recovery activities under other provisions of this chapter.

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

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

(b) The plan must provide for:

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

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

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

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

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

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

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

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

Sec. 418.107. LOCAL FINANCE.

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

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

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

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

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

Amended by:

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

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

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

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

#### Sec. 418.1075. SUSPENSION OF DEADLINES IMPOSED BY LOCAL LAW.

(a) Notwithstanding any other law, a deadline imposed by local law on a political subdivision, including a deadline relating to a budget or ad valorem tax, is suspended if:

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

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

(b) The presiding officer of the political subdivision or, if there is no presiding officer, the political subdivision's governing body, may issue an order ending the suspension of a deadline under this section. A deadline may not be suspended

for more than 30 days after the date the presiding officer or governing body, as appropriate, makes the proclamation described by Subsection (a)(2).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 2003, 78th Leg., ch. 33, Sec. 3, eff. May 14, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 274 (H.B. 3111), Sec. 1, eff. June 9, 2005.

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 17.01, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.13, eff. September 1, 2009.

Sec. 418.109. AUTHORITY TO RENDER MUTUAL AID ASSISTANCE. (a) Repealed by Acts 2007, 80th Leg., R.S., Ch. 865, Sec. 1.08, eff. June 15, 2007.

(b) Repealed by Acts 2007, 80th Leg., R.S., Ch. 865, Sec. 1.08, eff. June 15, 2007.

(c) Repealed by Acts 2007, 80th Leg., R.S., Ch. 865, Sec. 1.08, eff. June 15, 2007.

(d) A local government entity or organized volunteer group may provide mutual aid assistance on request from

another local government entity or organized volunteer group. The chief or highest ranking officer of the entity from which assistance is requested, with the approval and consent of the presiding officer of the governing body of that entity, may provide that assistance while acting in accordance with the policies ordinances and procedures established by the governing body of that entity.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 497, Sec. 2, eff. June 12, 1995; Acts 2003, 78th Leg., ch. 1204, Sec. 2.002, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 8, eff. June 18, 2005.

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.04, eff. June 6, 2007.

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.05, eff. June 6, 2007.

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 1.08, eff. June 6, 2007.

Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.04, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.05, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.08, eff. June 15, 2007.

Sec. 418.110. STATEWIDE MUTUAL AID PROGRAM FOR FIRE EMERGENCIES.

(a) The division, in consultation with state fire protection agencies and the Texas Commission on Fire Protection, may develop a statewide mutual aid program for fire emergencies.

(b) A program developed under this section:

(1) does not alter the legal obligations of a political subdivision participating in the system; and

(2) must be consistent with the state emergency management plan.

Added by Acts 1997, 75th Leg., ch. 1172, Sec. 5.01, eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 865 (H.B. 1471), Sec. 1.06, eff. June 15, 2007.

Sec. 418.1101. PLAN FOR CONTINUITY OF FUNCTIONS. (a) The governing body of a political subdivision may at any time adopt a plan for the continuity of functions of the political subdivision to be carried out during a disaster declared as provided by law by the president of the United States or the governor or during another catastrophic event.

(b) The plan may provide for:

(1) delegating any administrative duty of the governing body of the political subdivision or any official or employee of the political subdivision to another appropriate person;

(2) establishing orders of succession for performing essential functions of the political subdivision; and

(3) establishing meeting procedures for the governing body of the political subdivision.

(c) The plan may not provide for the delegation of a duty that the governing body or official is required to perform by the Texas Constitution.

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

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

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

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

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

Added by Acts 2007, 80th Leg., R.S., Ch. 338 (S.B. 61), Sec. 1, eff. June 15, 2007.

Renumbered from Government Code, Section 418.112 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(27), eff. September 1, 2009.

#### SUBCHAPTER E-1. TEXAS STATEWIDE MUTUAL AID SYSTEM

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

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

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

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

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

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

(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.

(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.

(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.

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

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

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

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

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

Amended by:

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

## SUBCHAPTER F. DISASTER MITIGATION

### Sec. 418.121. DUTY OF GOVERNOR.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 418.124. SUSPENSION OF LAND USE OR CONSTRUCTION STANDARDS.

(a) When the governor makes recommendations under Section 418.123, the governor may suspend the standard or control found to be inadequate to protect the public safety and by rule may place a new standard or control in effect.

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

(c) During the time the new standard or control is in effect, it shall be administered and given effect by all

appropriate regulatory agencies of the state and of the local governments to which it applies.

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

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

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

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

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

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

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

#### SUBCHAPTER G. CITIZEN DUTIES AND CLAIMS FOR COMPENSATION

Sec. 418.151. CITIZEN DUTIES. (a) Each person in this state shall conduct himself and keep and manage his affairs and property in ways that will reasonably assist and will not unreasonably detract

from the ability of the state and the public successfully to manage emergencies. This obligation includes appropriate personal service and use or restriction on the use of property in time of disaster.

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

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

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

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

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

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

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

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

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

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

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

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

- (1) the destruction or damaging of standing timber or other property in order to provide a firebreak;
- (2) the release of water or breach of impoundments in order to reduce pressure or other danger from actual or threatened flood; or
- (3) contravention of Article I, Section 17, of the Texas Constitution or statutes pertaining to that section.

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

#### SUBCHAPTER H. MISCELLANEOUS PROVISIONS

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

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

Sec. 418.172. INSURANCE COVERAGE.

- (a) Property damage insurance covering state facilities may be purchased by agencies of the state if necessary to qualify for federal disaster assistance funds.
- (b) If sufficient funds are not available for the required insurance, an agency may request funding from the disaster contingency fund to purchase the insurance.

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

Acts 2009, 81st Leg., R.S., Ch. 1280 (H.B. 1831), Sec. 1.15, eff. September 1, 2009.

Sec. 418.173. PENALTY FOR VIOLATION OF EMERGENCY MANAGEMENT PLAN.

(a) A state, local or interjurisdictional emergency management plan may provide that failure to comply with the plan or with a rule order or ordinance adopted under the plan is an offense.

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

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

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

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

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

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

- (1) the state, an agency of the state, a political subdivision or an agency of a political subdivision; or
- (2) an electric, telecommunications, gas or water utility.

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

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

- (1) relates to the staffing requirements of an emergency response provider, including a law enforcement agency, a fire-fighting agency or an emergency services agency;
- (2) relates to a tactical plan of the provider; or
- (3) consists of a list or compilation of pager or telephone numbers, including mobile and cellular telephone numbers, of the provider.

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

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

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

- (1) is collected, assembled or maintained by or for a governmental entity for the purpose of preventing, detecting or investigating an act of terrorism or related criminal activity; and
- (2) relates to an assessment by or for a governmental entity or an assessment that is maintained by a governmental entity, of the risk or vulnerability of persons or property, including critical infrastructure, to an act of terrorism or related criminal activity.

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

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

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

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

(2) indicates the specific location of:

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

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

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

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

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

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

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

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

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

- (1) is part of a report to an agency of the United States;
- (2) relates to an act of terrorism or related criminal activity; and
- (3) is specifically required to be kept confidential:
  - (A) under Section 552.101 because of a federal statute or regulation;
  - (B) to participate in a state-federal information sharing agreement; or
  - (C) to obtain federal funding.

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

Sec. 418.181. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO CRITICAL INFRASTRUCTURE. Those documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.

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

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

(b) Financial information in the possession of a governmental entity that relates to the expenditure of funds by a governmental entity for a security system is

public information that is not excepted from required disclosure under Chapter 552.

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

- (1) is located in an individual personal residence for which the state provides security; or
- (2) is in use for surveillance in an active criminal investigation.

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

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

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

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

- (1) is shared in connection with a security network or committee, including a federal or state security committee or task force;
- (2) consists of data, video or other information on an information-sharing device that is shared with a security network; or
- (3) is shared with an emergency operations center.

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

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

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

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

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

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

- (1) arrests the individual for engaging in criminal activity; or
- (2) seizes the firearm as evidence in a criminal investigation.

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

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

(b) A county judge or mayor of a municipality who orders the evacuation of an area stricken or threatened by a disaster

by order may compel persons who remain in the evacuated area to leave and authorize the use of reasonable force to remove persons from the area.

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

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

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

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

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

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

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

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

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

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

(1) types of disasters or other emergencies;

- (2) the appropriate response to each type of disaster or emergency, including options for evacuation and shelter;
  - (3) how to prepare for each type of disaster or emergency;
  - (4) the impact of each type of disaster or emergency on citizens requiring medical assistance or other care;
  - (5) ways to respond in a disaster or emergency or to assist the victims of a disaster or emergency; and
  - (6) resources and supplies for disaster or emergency recovery.
- (b) The executive commissioner of the Health and Human Services Commission, in cooperation with the governor, shall adopt rules to create and administer a disaster and emergency education program established under this section.

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

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

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

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

- (1) developing medical special needs categories;
- (2) categorizing the requirements of individuals with medical special needs; and
- (3) establishing minimum health-related standards for short-term and long-term shelter operations for shelters

operated with state funds or receiving state assistance.

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

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

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

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

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

- (1) identifying and assessing necessary training, resource and support requirements;
- (2) providing information on recovery, relief and assistance requirements following all types of disasters, including information on biological and radiological response; and

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

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

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

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

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

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

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

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

(2) "Public service provider" means any person or entity that provides essential products or services to the public that are regulated under the Natural

Resources Code, Utilities Code or Water Code, including:

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

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

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

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

(1) notice of a disaster or emergency; and

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

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

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

(2) allows the public service provider to:

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

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

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

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

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

(6) assigns recipients to priority groups for notification;

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

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

(d) The dynamic information database must comply with:

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

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

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

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

(2) during a disaster declared by the governor or United States government, obtain approval of the notice from the emergency management director designated under Section 418.1015, for each political subdivision for which the public service provider provides services during the disaster.

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

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

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

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

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

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

Amended by:

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



## APPENDIX F

### TEXAS GOVERNMENT CODE

#### TITLE 4. EXECUTIVE BRANCH

#### SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION

#### CHAPTER 421. HOMELAND SECURITY

#### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 421.001. DEFINITIONS. In this chapter:

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

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

(3) "Homeland security activity" means any activity related to the prevention or discovery of, response to or recovery from

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

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

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

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

(c) The Border Security Council shall advise the office of the governor regarding the allocation of funds by the

office for purposes related to security at or near this state's international border. Recommendations relating to the allocation of those funds must be made by a majority of the members of the council.

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

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

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

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

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

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

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

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

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

Added by Acts 2003, 78th Leg., ch. 1312,

Sec. 1, eff. June 21, 2003.

## SUBCHAPTER B. HOMELAND SECURITY COUNCIL

### Sec. 421.021. MEMBERSHIP.

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

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

- (1) Department of Agriculture;
- (2) office of the attorney general;
- (3) General Land Office;
- (4) Public Utility Commission of Texas;
- (5) Department of State Health Services;
- (6) Department of Information Resources;
- (7) Department of Public Safety of the State of Texas;
- (8) Texas Division of Emergency Management;
- (9) adjutant general's department;
- (10) Texas Commission on Environmental Quality;
- (11) Railroad Commission of Texas;
- (12) Texas Strategic Military Planning Commission;
- (13) Texas Department of Transportation;
- (14) Commission on State Emergency Communications;
- (15) Office of State-Federal Relations;
- (16) secretary of state;
- (17) Senate Committee on Agriculture, Rural Affairs and Homeland Security;
- (18) House Committee on Defense

and Veterans' Affairs;

- (19) Texas Animal Health Commission;
- (20) Texas Association of Regional Councils;
- (21) Texas Commission on Law Enforcement;
- (22) state fire marshal's office;
- (23) Texas Education Agency;
- (24) Texas Commission on Fire Protection;
- (25) Parks and Wildlife Department;
- (26) Texas Forest Service; and
- (27) Texas Water Development Board.

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

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

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

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

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

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

- (1) Department of Agriculture;
- (2) office of the attorney general;
- (3) General Land Office;
- (4) Public Utility Commission of Texas;
- (5) Department of State Health Services;
- (6) Department of Information Resources;
- (7) Department of Public Safety of the State of Texas;
- (8) Texas Division of Emergency

Management;  
(9) Texas Military Department;  
(10) Texas Commission on Environmental Quality;  
(11) Railroad Commission of Texas;  
(12) Texas Military Preparedness Commission;  
(13) Texas Department of Transportation;  
(14) Commission on State Emergency Communications;  
(15) Office of State-Federal Relations;  
(16) secretary of state;  
(17) Senate Committee on Veterans Affairs and Military Installations;  
(18) Senate Committee on Agriculture, Rural Affairs and Homeland Security;  
(19) House Committee on Defense and Veterans' Affairs;  
(20) House Committee on Homeland Security and Public Safety;  
(21) Texas Animal Health Commission;  
(22) Texas Commission on Law Enforcement Officer Standards and Education;  
(23) state fire marshal's office;  
(24) Texas Education Agency;  
(25) Texas Commission on Fire Protection;  
(26) Parks and Wildlife Department;  
(27) Texas A&M Forest Service; and  
(28) Texas Water Development Board.

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

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

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

Added by Acts 2003, 78th Leg., ch. 1312,

Sec. 1, eff. June 21, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1337 (S.B. 9),  
Sec. 10, eff. June 18, 2005.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B.  
2730), Sec. 2B.06, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B.  
686), Sec. 2.26, eff. May 18, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 616 (S.B.  
1393), Sec. 2, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1217 (S.B.  
1536), Sec. 2.03, eff. September 1, 2013.

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

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

#### Sec. 421.023. ADMINISTRATION.

(a) The council is an advisory entity administered by the office of the governor.

(b) The governor may adopt rules as necessary for the operation of the council.

(c) The governor shall designate the presiding officer of the council.

(d) The council shall meet at the call of the governor and shall meet at least once each quarter in a calendar year.

(e) The council is not subject to Chapter 2110.

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

Sec. 421.024. DUTIES. The council shall advise the governor on:

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

agencies implement the strategy; and

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

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1208 (S.B.  
1394), Sec. 1, eff. June 14, 2013.

#### Sec. 421.025. SPECIAL ADVISORY COMMITTEES.

(a) The governor may appoint one or more special advisory committees composed of representatives from state or local agencies or nongovernmental entities not represented on the council.

(b) The governor shall determine the number of members and qualifications for membership on a special advisory committee under this section.

(c) A special advisory committee under this section shall assist the council in performing its duties.

(d) A special advisory committee under this section is subject to Chapter 2110, except that Section 2110.002 does not apply.

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

Sec. 421.026. REPORT. The council shall annually submit to the governor a report stating:

(1) the status and funding of state programs designed to detect and deter homeland security emergencies, including the status and funding of counterterrorism efforts;

(2) recommendations on actions to reduce threats to homeland security, including threats related to terrorism; and

(3) recommendations for improving the alert, response and recovery capabilities of state and local agencies.

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1208 (S.B. 1394), Sec. 2, eff. June 14, 2013.

#### SUBCHAPTER B-1. PERMANENT SPECIAL ADVISORY COMMITTEES

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

(b) The council is composed of:

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

- (A) law enforcement;
- (B) firefighters;
- (C) private first responders; and
- (D) emergency medical

services; and

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

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

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

(b) The council is composed of:

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

- (A) agriculture and food;
- (B) banking and finance;
- (C) chemicals and hazardous materials;
- (D) the defense industry;
- (E) energy;
- (F) emergency services;
- (G) information technology;

- (H) telecommunications;
- (I) postal and shipping;
- (J) public health;
- (K) transportation;
- (L) ports and waterways; and
- (M) national monuments and

icons; and

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

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

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

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

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

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

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

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

(1) the implementation of the governor's homeland security strategy by state and local agencies and provide

specific suggestions for helping those agencies implement the strategy;

(2) specific priorities related to the governor's homeland security strategy that the committee determines to be of significant importance to the statewide security of critical infrastructure; and

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

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1208 (S.B. 1394), Sec. 3, eff. June 14, 2013.

#### SUBCHAPTER C. CIVIL LIABILITY FOR ACTS OR OMISSIONS

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

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

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

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

(b) A person described by Subsection (a) is not immune from civil liability under Section 437.222 for damages resulting from the performance of a homeland security activity if, under the circumstances, the

person's performance of the homeland security activity was wilfully or wantonly negligent or done with conscious indifference or reckless disregard for the safety of persons this chapter is intended to protect.

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

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

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1217 (S.B. 1536), Sec. 3.07, eff. September 1, 2013.

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

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

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

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

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

Added by Acts 2003, 78th Leg., ch. 1312,

Sec. 1, eff. June 21, 2003.

#### SUBCHAPTER D. COOPERATION AND ASSISTANCE; FUNDING

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

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

Amended by:

Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 12, eff. June 18, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 3, eff. June 17, 2011.

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

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

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

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

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

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

(c) A state or local agency or defense base development authority that receives a

grant or other funding related to homeland security must provide an annual report to the office of the governor detailing:

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

(2) any expenditures made using the funding;

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

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

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

Amended by:

Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 13, eff. June 18, 2005.

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

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

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

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 18.03, eff. September 1, 2007.

Sec. 421.082. POWERS AND DUTIES.

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

(b) The center's duties include:

(1) promotion of emergency preparedness;

(2) receipt and analysis of

information, assessment of threats and issuance of public warnings related to homeland security emergencies;

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

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

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

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

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

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

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

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

(2) gang involvement in trafficking of persons.

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

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

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

Amended by:

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

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

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

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

(c) The policy council shall:

(1) develop and disseminate strategies to:

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

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

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

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

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

(A) best practices to ensure that the center adheres to 28 C.F.R. Part 23 and any other federal or state law designed to protect privacy and the other legal rights of individuals; and

(B) best practices for the smooth exchange of information among all fusion centers operating in this state.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 6, eff. June 17, 2011.

Sec. 421.084. FUSION CENTERS OPERATING IN THIS STATE: RULES AND MONITORING. (a) After considering the recommendations of the Texas Fusion Center under Section 421.082(b)(4) and the Texas Fusion Center Policy Council under Section 421.083(c)(3), the Department of Public Safety shall adopt rules to govern the operations of fusion centers in this state, including guidelines to:

(1) for any fusion center operating in this state, establish a common concept of operations to provide clear baseline standards for each aspect of the center's activities;

(2) inform and define the monitoring of those activities by the Texas Fusion Center Policy Council; and

(3) ensure that any fusion center operating in this state adheres to federal and state laws designed to protect privacy and the other legal rights of individuals, including 28 C.F.R. Part 23 and any other law that provides clear standards for the treatment of intelligence or for the collection and storage of noncriminal information, personally identifiable information or protected health information.

(b) The Department of Public Safety may require that a fusion center audited under applicable department rules pay any costs incurred by the policy council in relation to the audit.

(c) A member of the policy council may not receive compensation but is entitled to reimbursement for the member's travel expenses as provided by Chapter 660 and the General Appropriations Act.

(d) A fusion center may not receive state grant money if the center adopts a rule order ordinance or policy under which the center fails or refuses to comply with rules adopted by the Department of Public Safety under Subsection (a), beginning with the first state fiscal year occurring after the center adopts the rule order ordinance or policy.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 6, eff. June 17, 2011.

Sec. 421.085. PRIVACY POLICY REQUIRED. (a) Each fusion center operating in this state shall adopt a privacy policy providing at a minimum that, with respect to an individual or organization, the fusion center:

(1) will not seek, collect or retain information that is based solely on any of the following factors, as applicable to that individual or organization:

(A) religious, political or social views or activities;

(B) participation in a particular organization or event; or

(C) race, ethnicity, citizenship, place of origin, age, disability, gender or sexual orientation; and

(2) will take steps to ensure that any agency that submits information to the fusion center does not submit information based solely on a factor described by Subdivision (1).

(b) In a criminal investigation, a factor described by Subsection (a)(1) may not alone give rise to reasonable suspicion. However, a factor described by Subsection (a)(1) may be used in connection with a specific description of a suspect in the investigation.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 6, eff. June 17, 2011.

Sec. 421.086. REPORT. The Texas Fusion Center Policy Council annually shall submit to the governor and to each house of the legislature a report that contains, with respect to the preceding year:

(1) the council's progress in developing and coordinating the statewide fusion effort and intelligence network described by the governor's homeland security strategy;

(2) the progress made by fusion centers operating in this state in meeting the fusion center guidelines developed under the Department of Homeland Security State, Local and Regional Fusion Center Initiative established under 6 U.S.C. Section 124h; and

(3) a summary of fusion center audits or reviews conducted under applicable rules adopted by the Department of Public Safety.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1178 (H.B. 3324), Sec. 6, eff. June 17, 2011.

SUBCHAPTER F. GOVERNOR'S  
INTEROPERABLE RADIO  
COMMUNICATIONS PROGRAM

Sec. 421.095. DEFINITIONS. In this subchapter:

(1) "First responder" means a public safety employee or volunteer whose duties include responding rapidly to an emergency. The term includes:

(A) a peace officer whose duties include responding rapidly to an emergency;

(B) fire protection personnel under Section 419.021;

(C) a volunteer firefighter who is:

(i) certified by the Texas Commission on Fire Protection or by the State Firemen's and Fire Marshalls' Association of Texas; or

(ii) a member of an organized volunteer fire-fighting unit as described by Section 615.003; and

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

(2) "Infrastructure equipment" means the underlying permanent equipment required to establish interoperable communication between radio systems used by local, state and federal agencies and first responders.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 14, eff. June 18, 2005.

Sec. 421.096. INTEROPERABILITY OF RADIO SYSTEMS. The office of the governor shall:

(1) develop and administer a strategic plan to design and implement a statewide integrated public safety radio communications system that promotes interoperability within and between local, state and federal agencies and first responders;

(2) develop and administer a plan in accordance with Subdivision (1) to purchase infrastructure equipment for state and local agencies and first responders;

(3) advise representatives of entities in this state that are involved in homeland security activities with respect to interoperability; and

(4) use appropriated money, including money from relevant federal homeland security grants, for the purposes of designing, implementing and maintaining a statewide integrated public safety radio communications system.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 14, eff. June 18, 2005.

Sec. 421.097. ASSISTANCE. The office of the governor may consult with a representative of an entity described by Section 421.096(3) to obtain assistance or information necessary for the performance of any duty under this subchapter.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 14, eff. June 18, 2005.

Sec. 421.098. REPORT. Not later than September 1 of each year, the office of the governor shall provide to the legislature a report on the status of its duties under this subchapter.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 14, eff. June 18, 2005.

SUBCHAPTER Z. MISCELLANEOUS

Sec. 421.901. INTEROPERABILITY OF CRITICAL INFORMATION SYSTEMS. The office of the governor shall develop a plan for appropriate entities to use information systems that:

(1) employ underlying computer equipment and software required to establish interoperable communication between computer systems used by local, state and federal agencies and first responders; and

(2) provide a single point of entry to disseminate information, applications, processes and communications.

Added by Acts 2005, 79th Leg., Ch. 1337 (S.B. 9), Sec. 15, eff. June 18, 2005.

## LEGISLATIVE UPDATES. CHAPTER 418 & 421

### 84TH LEGISLATIVE UPDATES. CHAPTER 418 & 421

**HB 120** amends Subchapter C, Chapter 418, Government Code by adding Section 418.052 allowing TDEM to use appropriated funds to purchase food and beverages for Division of Emergency Management personnel who are activated to provide services in response to a disaster and unable to leave or required to remain at their assignment areas due to the disaster.

**HB 2827** amends current law in section 421.001 (3), Government Code relating to the definition of homeland security activity. This amendment expands the definition of "homeland security activity" to include activities relating to fire or medical emergencies. Inclusion of such emergencies in that definition is necessary to ensure that federal disaster relief may be sought for the provision of fire or medical emergency services.

**SB 1465** amends Subchapter B, Chapter 418, Government Code by adding Section 418.025 giving the governor of the State of Texas the authority to declare a state of disaster. Disaster declarations under this statute allow the governor to control access to certain areas of the state, designate evacuation routes and commandeer private property if the governor finds it necessary to do so in order to deal with the disaster. It is not necessary in most situations to issue a full disaster declaration as described in Chapter 418. The purpose of SB 1465 is to create a limited purpose disaster declaration which the governor can utilize in the case of a non-statewide emergency. Under a limited purpose disaster declaration the governor will retain the ability to suspend state agency rules in order to facilitate expedient state action as well as respond to local requests for assistance.

## APPENDIX G

### TEXAS ADMINISTRATIVE CODE

#### TITLE 37. PUBLIC SAFETY AND CORRECTIONS

#### PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

#### CHAPTER 7. DIVISION OF EMERGENCY MANAGEMENT

#### SUBCHAPTER A. EMERGENCY MANAGEMENT PROGRAM REQUIREMENTS

**RULE §7.1. Emergency Management Organization Required**  
Each county and incorporated city in Texas shall maintain an emergency management agency or participate in a local or interjurisdictional emergency management agency.

Source Note: The provisions of this §7.1 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4540; amended to be effective December 20, 2007, 32 TexReg 9355

**RULE §7.2 Responsibilities of the Chief Elected Official**  
The mayor of each municipal corporation and the county judge of each county are designated as the emergency management director for their respective jurisdictions. The mayor and county judge may each designate an emergency management coordinator who shall serve as an assistant to the presiding officer of the political subdivision for emergency management purposes when so designated.

Source Note: The provisions of this §7.2 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4540; amended to be effective March 14, 1999, 24 TexReg 1635; amended to be effective December 20, 2007, 32 TexReg 9355

**RULE §7.3 Notification Required**  
The presiding officer of each political subdivision of the state shall notify the Governor's Division of Emergency Management of the manner in which the political subdivision is providing or securing an emergency management program and the person designated to head that program. Notification should be made using form DEM-147 (Emergency Management Director/Coordinator Appointment), which ([www.dps.texas.gov/internetForms/Forms/TDEM-147.pdf](http://www.dps.texas.gov/internetForms/Forms/TDEM-147.pdf)) and from its Regional Liaison Officers stationed around the State.

Source Note: The provisions of this §7.3 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 1 TexReg 1254; amended to be effective March 14, 1999, 24 TexReg 1635; amended to be effective December 20, 2007, 32 TexReg 9355; amended to be effective September 8, 2013, 38 TexReg 5739

#### SUBCHAPTER B. EMERGENCY MANAGEMENT PLANNING AND PREPLANNING REQUIREMENTS

**RULE §7.11 State Plan Required**  
The Division of Emergency Management of the Texas Department of Public Safety shall prepare and maintain a state emergency management plan. This plan is on file at the division's office, 5805 North Lamar, Austin, Texas and with each member agency of the Emergency Management Council. A copy of the plan is posted on the division's web site ([www.dps.texas.gov/dem/downloadableforms.htm#stateplan](http://www.dps.texas.gov/dem/downloadableforms.htm#stateplan)).

Source Note: The provisions of this §7.11 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4540; amended to be effective December 20, 2007, 32 TexReg 9355; amended to be effective September 8, 2013, 38 TexReg 5739

**RULE §7.12 Local Planning Required**  
Each local and interjurisdictional emergency management agency shall prepare, keep current and distribute to appropriate officials a local or interjurisdictional emergency management plan that includes the minimum content specified by the 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.

Source Note: The provisions of this §7.12 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4540; amended to be effective June 18, 2003, 28 TexReg 4561; amended to be effective December 20, 2007, 32 TexReg 9355; amended to be effective September 8, 2013, 38 TexReg 5739

**RULE §7.13 Eligibility for Federal Incentive Programs Described**

(a) 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 following basic eligibility requirements of this subsection:

(1) Have a local emergency management agency legally established by city ordinance or commissioner's court order or participate in an interjurisdictional emergency agency established by joint resolution of the participating local government.

(2) Have a local or interjurisdictional emergency management plan that meets state planning standards for minimum content and is current.

(3) Have formally adopted and be implementing the National Incident Management System (NIMS) as its incident management system.

(4) Submit an acceptable project narrative or work plan and budget for

eligible activities.

(b) Many grants have more specific eligibility requirements and additional terms and conditions.

Source Note: The provisions of this §7.13 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4540; amended to be effective March 14, 1999, 24 TexReg 1636; amended to be effective June 18, 2003, 28 TexReg 4561; amended to be effective December 20, 2007, 32 TexReg 9355; amended to be effective September 8, 2013, 38 TexReg 5739

**SUBCHAPTER C.  
EMERGENCY MANAGEMENT OPERATIONS**

**RULE §7.21 Declaration of a State of Disaster and Effects of a Declaration**

The presiding officer of a political subdivision may declare a local State of Disaster if a disaster has occurred or is imminent. A disaster declaration activates the response provisions of the local emergency plan, if that has not been previously accomplished and also activates recovery provisions of the plan. Such a declaration can be sustained for a maximum of seven days, unless extended by the governing body of the political subdivision.

Source Note: The provisions of this §7.21 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4541; amended to be effective December 20, 2007, 32 TexReg 9356

**RULE §7.22 State of Disaster Publicized**  
A local declaration of disaster must be given general publicity and shall be promptly filed with the city secretary or county clerk.

Source Note: The provisions of this §7.22 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4541

**RULE §7.23 Local Government's Responsibility**

In responding to emergencies and disasters, a local government is expected to use its

own resources and the resources available to it through mutual aid agreements before requesting assistance from the state. Municipalities must request assistance from their county before requesting assistance from the state.

Source Note: The provisions of this §7.23 adopted to be effective December 20, 2007, 32 TexReg 9356

**RULE §7.24 Requesting State Assistance**  
If local and mutual aid resources prove inadequate for coping with a disaster, the local government may request assistance from the state by contacting the local Disaster District Committee Chairperson, who is the commanding officer of the Texas Highway Patrol district or sub-district in which the jurisdiction is located.

Source Note: The provisions of this §7.24 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4541; amended to be effective December 20, 2007, 32 TexReg 9356

**RULE §7.25 Request from Chief Elected Official Required**  
Requests for assistance must be made by the chief elected official of the city or county or by another official specifically authorized by them.

Source Note: The provisions of this §7.25 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4541; amended to be effective March 14, 1999, 24 TexReg 1636

**RULE §7.26 Local Government Control Affirmed**  
All local disaster operations will be directed by officials of local government. Organized state and federal response teams and teams from other local governments and response organizations providing mutual aid will normally work under their existing supervisors, who will take their mission assignments from the local incident commander.

Source Note: The provisions of this §7.26 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4541; amended to be effective December 20, 2007, 32 TexReg 9356

**RULE §7.27 Protective Action Recommendations for the Public**  
The decision to recommend that the public take shelter, evacuate or relocate rests solely with the Governor and with the officials of local government. The chief elected official of a local government has the legal authority to order the evacuation of areas within the government's jurisdiction that are at risk from or have been impacted by a disaster.

Source Note: The provisions of this §7.27 adopted to be effective January 1, 1976; amended to be effective December 22, 1982, 6 TexReg 4541; amended to be effective March 14, 1999, 24 TexReg 1636; amended to be effective June 18, 2003, 28 TexReg 4562; amended to be effective December 20, 2007, 32 TexReg 9356

#### SUBCHAPTER D. RECOVERY AND REHABILITATION REQUIREMENTS

**RULE §7.41 Initiation of Requests for Recovery Assistance**  
Requests for state or federal recovery assistance must be initiated by local government. The chief elected official of the jurisdiction must have declared a local State of Disaster before requesting disaster recovery assistance.

Source Note: The provisions of this §7.41 adopted to be effective January 1, 1976; amended to be effective December 20, 2007, 32 TexReg 9356

**RULE §7.42 Written Request Required**  
Requests for recovery assistance and/or a state disaster declaration by the Governor must be made by the local chief elected official in writing to the Governor of Texas through the 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. Request may be transmitted to the Division by facsimile or e-mail.

Source Note: The provisions of this §7.42 adopted to be effective January 1, 1976; amended to be effective March 14, 1999, 24 TexReg 1636; amended to be effective December 20, 2007, 32 TexReg 9356; 32 TexReg 9356; amended to be effective September 8, 2013, 38 TexReg 5740

**RULE §7.43 Supporting Information for a Request for Assistance**  
The documents listed in this section must be attached to requests for assistance and/or for a state disaster declaration by the Governor.

(1) An estimate of the extent of damage sustained to public and private property, including homes and business and data on the number of people who are deceased, injured or displaced. The Damage Summary Outline (form DEM-93), available from the Texas Division of Emergency Management field staff and posted on the division's web site ([www.dps.texas.gov/InternetForms/Forms/TDEM-93.pdf](http://www.dps.texas.gov/InternetForms/Forms/TDEM-93.pdf)), should be used for this purpose. the local disaster declaration issued for the disaster.

Source Note: The provisions of this §7.43 adopted to be effective December 20, 2007, 32 TexReg 9356; amended to be effective September 8, 2013, 38 TexReg 5740

**RULE §7.44 Joint Damage Assessments**  
When a local government has requested state or federal disaster recovery assistance and/or a state disaster declaration, state and, where appropriate, federal emergency management officials will normally deploy to the affected area to conduct a joint damage assessment with local officials that will be used in developing state and federal disaster recovery program recommendations. Local governments are expected to make available personnel who are knowledgeable about the damages suffered by the community to participate in

this effort.

Source Note: The provisions of this §7.44 adopted to be effective December 20, 2007, 32 TexReg 9356

**RULE §7.45 State and Federal Disaster or Emergency Declarations**

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

(b) The Governor may also request a federal major disaster or emergency declaration for the emergency situation, which would, if approved, activate certain federal disaster relief and recovery programs.

Source Note: The provisions of this §7.45 adopted to be effective December 20, 2007, 32 TexReg 9356

## NOTEWORTHY STATUTES AND LEGISLATIVE UPDATES

### HEALTH AND SAFETY CODE

Sec. 505.0061. REPORTING FOR FACILITIES STORING AMMONIUM NITRATE USED IN FERTILIZER. (a) In this section, "ammonium nitrate" and "ammonium nitrate storage facility" have the meanings assigned by Section 63.151, Agriculture Code.

(b) As soon as practicable but not later than 72 hours after the commission receives a tier two form reporting the presence of ammonium nitrate at an ammonium nitrate storage facility, the commission shall furnish a copy of the form to the state fire marshal and the Texas Division of Emergency Management. The state fire marshal shall furnish a copy of the form to the chief of the fire department having jurisdiction over the facility. The Texas Division of Emergency Management shall furnish a copy of the form to the appropriate local emergency planning committee.

(c) The operator of an ammonium nitrate storage facility shall file:

(1) a tier two form with the commission not later than 72 hours after the operator:

(A) begins operation; or

(B) has a reportable addition, at the appropriate threshold, of previously unreported ammonium nitrate; and

(2) an updated tier two form not later than 72 hours after the operator has a change in the chemical weight range, as listed in 40 C.F.R. Part 370, of previously reported ammonium nitrate.

Chapter 778A.001

Section 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply and to the extent any terms or provisions of this compact conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual practicing

in the remote state in response to such declaration.

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 81.003 (1-a) "Emergency response employee or volunteer" means an individual acting in the course and scope of employment or service as a volunteer as emergency medical service personnel, a peace officer, a detention officer, a county jailer or a fire fighter.

(1-b) "Designated infection control officer" means the person serving as an entity's designated infection control officer under Section 81.012.

Sec. 81.012. DESIGNATED INFECTION CONTROL OFFICER. (a) An entity that employs or uses the services of an emergency response employee or volunteer shall nominate a designated infection control officer and an alternate designated infection control officer to:

(1) receive notification of a potential exposure to a reportable disease from a health care facility;

(2) notify the appropriate health care providers of a potential exposure to a reportable disease;

(3) act as a liaison between the entity's emergency response employees or volunteers who may have been exposed to a reportable disease during the course and scope of employment or service as a volunteer and the destination hospital of the patient who was the source of the potential exposure;

(4) investigate and evaluate an exposure incident,

using current evidence-based information on the possible risks of communicable disease presented by the exposure incident; and

(5) monitor all follow-up treatment provided to the affected emergency response employee or volunteer, in accordance with applicable federal, state and local law.

(b) The executive commissioner by rule shall prescribe the qualifications required

for a person to be eligible to be designated as an infection control officer under this section. The qualifications must include a requirement that the person be trained as a health care provider or have training in the control of infectious and communicable diseases.

(c) The entity that employs or uses the services of an emergency response employee or volunteer is responsible for notifying the local health authorities or local health care facilities, according to any local rules or procedures, that the entity has a designated infection control officer or alternate designated infection control officer.

Sec. 81.013. CONSIDERATION OF FEDERAL LAW AND REGULATIONS. The executive commissioner shall review the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub. L. No. 111-87) or any successor law and any regulations adopted under the law and determine whether adopting by rule any part of the federal law or regulations is in the best interest of the state to further achieve the purposes of this chapter. If the executive commissioner determines that adopting the federal law or regulations is in the best interest of the state to further achieve the purposes of this chapter, the executive commissioner may by rule adopt all or a part of the federal law or regulations.

#### SUBCHAPTER J. TASK FORCE ON INFECTIOUS DISEASE PREPAREDNESS AND RESPONSE

Sec. 81.401. DEFINITION. In this subchapter, "task force" means the Task Force on Infectious Disease Preparedness and Response.

Sec. 81.402. PURPOSE AND FINDINGS. The legislature finds that:

- (1) infectious diseases are responsible for more deaths worldwide than any other single cause;
- (2) the State of Texas has a responsibility to safeguard and protect the health and well-being of its citizens from the spread of infectious diseases;

(3) on September 30, 2014, the first case of Ebola diagnosed in the United States occurred in Dallas, Texas;

(4) addressing infectious diseases requires the coordination and cooperation of multiple governmental entities at the local, state and federal levels;

(5) public health and medical preparedness and response guidelines are crucial to protect the safety and welfare of our citizens; and

(6) Texas has nationally recognized infectious disease experts and other highly trained professionals across the state with the experience needed to minimize any potential risk to the people of Texas.

Sec. 81.403. TASK FORCE; DUTIES. (a) The Task Force on Infectious Disease Preparedness and Response is created as an advisory panel to the governor.

(b) The task force shall:

(1) provide expert, evidence-based assessments, protocols and recommendations related to state responses to infectious diseases, including Ebola; and

(2) serve as a reliable and transparent source of information and education for Texas leadership and citizens.

Sec. 81.404. APPOINTMENT OF MEMBERS; TERMS. (a) The governor may appoint members of the task force as necessary, including members from relevant state agencies, members with expertise in infectious diseases and other issues involved in the prevention of the spread of infectious diseases and members from institutions of higher education in this state. The governor shall appoint to the task force:

(1) at least one member who is a county judge of a county with a population of less than 100,000;

(2) at least one member who is a county judge of a county with a population of 100,000 or more;

(3) at least one member who is a representative of a local health authority serving a rural area;

(4) at least one member who is a representative of a local health authority serving an urban area;

(5) at least one member who is a licensed nurse; and

(6) at least one member who is emergency medical services personnel, as defined by Section 773.003.

(b) The governor shall appoint a director of the task force from among the members of the task force.

(c) The governor may fill any vacancy that occurs on the task force and may appoint additional members as needed.

(d) Members of the task force serve at the pleasure of the governor.

(e) A state or local employee appointed to the task force shall perform any duties required by the task force in addition to the regular duties of the employee.

Sec. 81.405. REPORTS. The task force may make written reports on its findings and recommendations, including legislative recommendations, to the governor and legislature.

Sec. 81.406. MEETINGS. (a) The task force shall meet at times and locations as determined by the director of the task force.

(b) The task force may meet telephonically in accordance with Section 551.125(b)(3), Government Code.

(c) The task force may hold public hearings to gather information. The task force shall endeavor to meet in various parts of the state to encourage local input.

(d) Notwithstanding Section 551.144, Government Code or any other law, the task force may hold a closed meeting to discuss matters that are confidential by state or federal law or to ensure public security or law enforcement needs. A closed meeting held as provided by this subsection must be held as otherwise provided by Chapter 551 of the *Government Code*.

Sec. 81.407. ADMINISTRATIVE SUPPORT. State agencies with members on the task force shall provide administrative support for the task force.

Sec. 81.408. REIMBURSEMENT. Task force members serve without compensation and are not entitled to reimbursement for travel expenses.

Sec. 81.409. INFECTIOUS DISEASE EMERGENCY PREPAREDNESS FACILITIES AT HEALTH CARE-RELATED INSTITUTIONS. (a) The commission may enter into contracts or agreements to assist in the establishment of infectious disease emergency preparedness facilities at health care-related institutions in this state. The contracts or agreements may provide for payment by the commission to develop and equip infectious disease emergency preparedness facilities at health care-related institutions in this state, as well as for materials, equipment, services or other items the commission considers necessary to implement this section. This section expires September 1, 2017.

## TEXAS LABOR CODE

Sec. 412.054 CONTINUITY OF OPERATIONS PLAN. (a) Each state agency shall work with the office to develop an agency-level continuity of operations plan that outlines procedures to keep the agency operational in case of disruptions to production, finance, administration or other essential operations. The plan must include detailed information regarding resumption of essential services after a catastrophe, including:

- (1) coordination with public authorities;
- (2) management of media;
- (3) customer service delivery;
- (4) assessing immediate financial and operational needs; and
- (5) other services as determined by the office.

(b) continuity of operations plan that meets the requirements of this section must be

submitted by each state agency that is:

- (1) involved in the delivery of emergency services as a member of the governor 's Emergency Management Council;
- (2) part of the State Data Center program; or
- (3) subject to this chapter or Chapter 501.

(c) Except as otherwise provided by this section, the following information is confidential and is exempt from disclosure under Chapter 552, Government Code:

(1) a continuity of operations plan developed under this section; and

(2) any records written, produced, collected, assembled or maintained as part of the development or review of a continuity of operations plan under this section.

(d) Forms, standards and other instructional, informational or planning materials adopted by the office to provide guidance or assistance to a state agency in developing a continuity of operations plan under this section are public information subject to disclosure under Chapter 552, Government Code.

(e) state agency may disclose or make available information that is confidential under this section to another state agency, a governmental body or a federal agency.

(f) Disclosing information to another state agency, a governmental body or a federal agency under this section does not waive or affect the confidentiality of that information.

Sec. 411.386. NOTIFICATION TO DEPARTMENT OF MISSING SENIOR CITIZEN.

(a) A local law enforcement agency may notify the department if the agency:

(1) receives notice of a missing senior citizen;

(2) verifies that at the time the senior citizen is reported missing:

(A) the person reported missing is 65 years of age or older;

(B) the senior citizen's location is unknown; and

(C) the senior citizen has an impaired mental condition; and

(3) determines that the senior citizen's disappearance poses a credible threat to the senior citizen's health and safety.

(b) The local law enforcement agency shall:

(1) require the family or legal guardian of the missing senior citizen to provide documentation of the senior citizen's impaired mental condition to verify the condition as required by Subsection (a) (2)(C); and

(2) as soon as practicable, determine whether the senior citizen's

disappearance poses a credible threat to the senior citizen's health and safety for purposes of Subsection (a)(3).

## CIVIL PRACTICE AND REMEDIES CODE

### Sec. 153.004. PRESCRIBED BURNING IN STATE OF EMERGENCY OR DISASTER.

A certified and insured prescribed burn manager or the members of a prescribed burning organization may conduct a burn in a county in which a state of emergency or state of disaster has been declared by the governor or the president of the United States, unless the declaration expressly prohibits all outdoor burning.

SECTION 2. Chapter 79, Civil Practice and Remedies Code, is amended by adding Section 79.004 to read as follows:

Sec. 79.004. LIABILITY FOR TRAINING EXERCISES. Except in a case of reckless conduct or intentional, willful or wanton misconduct, a person who is immune from civil liability for an act or omission that occurs in giving care, assistance or advice with respect to the management of an incident to which this chapter applies is immune from civil liability for an act or omission that occurs during the execution of a training exercise intended to prepare the person to give that care, assistance or advice.

H.B. 6 Act

SECTION 20. FLOODPLAIN PLANNING, MANAGEMENT and EDUCATION. On September 1, 2015, the floodplain management account created by Section 16.3161, Water Code, as enacted by Section 7, Chapter 1323 (S.B. 1436), Acts of the 80th Legislature, Regular Session, 2007, is re-created by this Act as a special fund in the state treasury outside the general revenue fund and all revenue dedicated for deposit to the credit of the floodplain management account by a provision of Chapter 1323 (S.B. 1436), Acts of the 80th Legislature, Regular Session, 2007, is rededicated by this Act for that purpose, except that revenue deposited to the floodplain management account may be transferred to the Disaster

Contingency Fund No. 453 to be used for extraordinary costs associated with flood risk analysis, planning and public education. On September 1, 2015, the comptroller of public accounts shall transfer all revenue estimated to be collected for deposit to the credit of the floodplain management account in the 2016-2017 biennium to the Disaster Contingency Fund No. 453. Section 2 of this Act does not apply to the floodplain management account as re-created by this Act or a dedication of revenue to the account or fund as dedicated or rededicated by this Act.

## **BUSINESS AND COMMERCE CODE**

### **CHAPTER 112. FACILITATING BUSINESS RAPID RESPONSE TO STATE DECLARED DISASTERS ACT**

Sec. 112.001. SHORT TITLE. This chapter may be cited as the Facilitating Business Rapid Response to State Declared Disasters Act.

Sec. 112.002. LEGISLATIVE FINDINGS. The legislature finds that:

(1) during times of storm, flood, fire, earthquake, hurricane or other disaster or emergency, many Texas businesses bring in resources and personnel from other states on a temporary basis to expedite the often enormous and overwhelming tasks of cleaning up, restoring and repairing damaged buildings, equipment and property and deploying and building new replacement facilities in the state;

(2) accomplishing those tasks may necessitate out-of-state businesses, including out-of-state affiliates of Texas businesses, bringing into Texas resources, property and personnel that previously had no connection to Texas to perform business activities in Texas, including repairing, renovating, installing and building, for extended periods of time;

(3) during those periods of time, out-of-state businesses and employees performing business activities in Texas on a temporary basis solely for the purpose of helping the state recover from a disaster or emergency should not be burdened by any requirements that the out-of-state

businesses or employees pay taxes as a result of performing those activities; and

(4) to ensure that out-of-state businesses may focus on quickly responding to the needs of Texas and its citizens during a disaster or emergency, it is appropriate for the legislature to provide that those businesses and their employees are not subject to certain state and local registration and licensing requirements and taxes for performing business activities before, during and after the disaster or emergency to repair and restore devastating damage to critical property and infrastructure in the state.

Sec. 112.003. DEFINITIONS. In this chapter:

(1) "Affiliate" means a member of a combined group as that term is described by Section 171.1014, Tax Code.

(2) "Critical infrastructure" means equipment and property that is owned or used by a telecommunications provider or cable operator or for communications networks, electric generation, electric transmission and distribution systems, natural gas and natural gas liquids gathering, processing and storage, transmission and distribution systems and water pipelines and related support facilities, equipment and property that serve multiple persons, including buildings, offices, structures, lines, poles and pipes.

(3) "Declared state disaster or emergency" means a disaster or emergency event that occurs in this state and:

(A) in response to which the governor issues an executive order or proclamation declaring a state of disaster or a state of emergency; or

(B) that the president of the United States declares a major disaster or emergency.

(4) "Disaster- or emergency-related work" means repairing, renovating, installing, building, rendering services or performing other business activities relating to the repair or replacement of critical infrastructure that has been damaged, impaired or destroyed by a declared state disaster or emergency.

(5) "Disaster response period" means:

(A) the period that:  
(i) begins on the 10th day before the date of the earliest event establishing a declared state disaster or emergency by the issuance of an executive order or proclamation by the governor or a declaration of the president of the United States; and  
(ii) ends on the earlier of the 120th day after the start date or the 60th day after the ending date of the disaster or emergency period established by the executive order or proclamation or declaration or on a later date as determined by an executive order or proclamation by the governor; or

(B) the period that, with respect to an out-of-state business entity described by this paragraph:

(i) begins on the date that the out-of-state business entity enters this state in good faith under a mutual assistance agreement and in anticipation of a state disaster or emergency, regardless of whether a state disaster or emergency is actually declared; and

(ii) ends on the earlier of the date that the work is concluded or the seventh day after the out-of-state business entity enters this state.

(6) "In-state business entity" means a domestic entity or foreign entity that is authorized to transact business in this state immediately before a disaster response period.

(7) "Mutual assistance agreement" means an agreement to which one or more business entities are parties and under which a public utility, municipally owned utility or joint agency owning, operating or owning and operating critical infrastructure used for electric generation, transmission or distribution in this state may request that an out-of-state business entity perform work in this state in anticipation of a state disaster or emergency.

(8) "Out-of-state business entity" means a foreign entity that enters this state at the request of an in-state business entity under a mutual assistance agreement or is an affiliate of an in-state business entity and:

(A) that:

(i) except with respect to the performance of disaster- or emergency-

related work:

(a) has no physical presence in this state and is not authorized to transact business in this state immediately before a disaster response period; and

(b) is not registered with the secretary of state to transact business in this state, does not file a tax report with this state or a political subdivision of this state and does not have a nexus with this state for the purpose of taxation during the tax year immediately preceding the disaster response period; and

(ii) enters this state at the request of an in-state business entity, the state or a political subdivision of this state to perform disaster- or emergency-related work in this state during the disaster response period; or

(B) that performs work in this state under a mutual assistance agreement.

(9) "Out-of-state employee" means an employee who enters this state to perform disaster- or emergency-related work during a disaster response period. The term does not include a security guard or other employee whose primary function is to provide security services or an employee whose primary function is to install or repair heating or cooling equipment.

Sec. 112.004. EXEMPTION OF OUT-OF-STATE BUSINESS ENTITY FROM CERTAIN OBLIGATIONS DURING DISASTER RESPONSE PERIOD. Notwithstanding any other law and except as provided by Section 112.006, an out-of-state business entity whose transaction of business in this state is limited to the performance of disaster- or emergency-related work during a disaster response period is not required to:

(1) register with the secretary of state;

(2) file a tax report with or pay taxes or fees to this state or a political subdivision of this state;

(3) pay an ad valorem tax or use tax on equipment that is brought into the state by the entity, used only by the entity to perform disaster- or emergency-related work during the disaster response period and removed from the state by the entity following the disaster response period;

(4) comply with state or local business licensing or registration

requirements; or

(5) comply with state or local occupational licensing requirements or related fees.

Sec. 112.005. EXEMPTION OF OUT-OF-STATE EMPLOYEE FROM CERTAIN OBLIGATIONS DURING DISASTER RESPONSE PERIOD. Notwithstanding any other law and except as provided by Section 112.006, an out-of-state employee whose only employment in this state is for the performance of disaster- or emergency-related work during a disaster response period is not required to:

(1) file a tax report with or pay taxes or fees to this state or a political subdivision of this state; or

(2) comply with state or local occupational licensing requirements or related fees, if the employee is in substantial compliance with applicable occupational licensing requirements in the employee's state of residence or principal employment.

Sec. 112.006. TRANSACTION TAXES AND FEES. An out-of-state business entity whose transaction of business in this state is limited to the performance of disaster- or emergency-related work during a disaster response period or an out-of-state employee whose only employment in this state is for the performance of disaster- or emergency-related work during a disaster response period is subject to a transaction tax or fee, including a motor fuels tax, sales or use tax, hotel occupancy tax and the tax imposed on the rental of a motor vehicle, that is imposed in this state, unless the entity or employee is otherwise exempt from the tax or fee.

Sec. 112.007. NOTIFICATION PROCEDURES.

(a) If requested by the secretary of state, an out-of-state business entity shall provide to the secretary of state a statement that the entity came to this state for the purpose of performing disaster- or emergency-related work during a disaster response period and that includes:

(1) the entity's name;

(2) the entity's jurisdiction of formation;

(3) the address of the principal

office of the entity;

(4) the entity's federal tax identification number;

(5) the date that the entity entered the state; and

(6) contact information for the entity.

(b) If requested by the secretary of state, an in-state business entity shall provide to the secretary of state, along with the in-state business entity's contact information, the information listed in Subsection (a) for any affiliate of the in-state business entity that entered the state as an out-of-state business entity.

(c) The secretary of state shall keep records of and make available to the public any statements or information provided to the secretary of state under this section.

Sec. 112.008. OBLIGATIONS OF OUT-OF-STATE BUSINESS ENTITIES AND EMPLOYEES AFTER DISASTER RESPONSE PERIOD. An out-of-state business entity or out-of-state employee who remains in this state after a disaster response period is not entitled to any exemptions from obligations provided by this chapter.

Sec. 112.009. REGULATIONS. The secretary of state shall adopt regulations, including developing any necessary forms or processes, to implement this chapter.

SECTION 2. (a) Subchapter B, Chapter 151, Tax Code, is amended by adding Section 151.0241 to read as follows:

Sec. 151.0241. PERSONS PERFORMING DISASTER- OR EMERGENCY-RELATED WORK. (a) In this section, "disaster- or emergency-related work," "disaster response period," and "out-of-state business entity" have the meanings assigned by Section 112.003, Business & Commerce Code.

(b) An out-of-state business entity is not engaged in business in this state for purposes of Sections 151.107 and 151.403 or any other provision of this chapter applicable to a person engaged in business in this state if the entity's physical presence in this state is solely from the entity's performance of disaster- or emergency-related work during a disaster response period.

## APPENDIX H EXECUTIVE ORDERS OF THE GOVERNOR

### RP8 - RELATING TO THE GOVERNOR'S TASK FORCE ON HOMELAND SECURITY

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

Executive Department  
Austin, Texas  
October 1, 2001

WHEREAS, recent terrorist attacks on our nation have threatened the peace and security of the people living in our state and have demonstrated the need for a rapid response to terrorist threats and acts; and

WHEREAS, one of the primary duties of government is to provide for the safety of its people and to ensure an awareness of the measures in place for their continued protection; and

WHEREAS, there exists an immediate need for assessing the current state of readiness by state and local entities to respond to possible threats and acts of violence, including the ability to aid victims and their families.

NOW, THEREFORE, I, Rick Perry, Governor of the State of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following:

1. Creation of Task Force. A Governor's Task Force on Homeland Security (the "Task Force") is hereby created to advise the Governor on matters related to homeland security.

2. Composition and Terms. The Task Force shall consist of members appointed by the Governor.

The Governor will appoint one member to serve as chair and one member to serve as vice-chair.

The Governor may fill any vacancy that may occur and may appoint other voting or ex officio, non-voting members as needed.

Any state or local officers or employees appointed to serve on the Task Force shall do so in addition to the regular duties of their respective office or position.

All appointees serve at the pleasure of the Governor.

3. Duties. The Task Force through its advisory efforts shall:

(a) provide assurance to Texas citizens of state and local preparedness to respond to terrorist threats and acts, both foreign and domestic;

(b) assess the current state of readiness by state and local entities to efficiently respond to terrorist threats and acts and effectively provide victim assistance; and

(c) develop and present recommendations, including fiscal impact assessments, to the Governor on how to enhance the ability of Texas to detect and deter acts of terrorism and coordinate state response to any terrorist attacks.

4. Coordination. The Task Force through its advisory efforts shall coordinate with national, state and local entities and communicate with neighboring states and Mexico to address similar issues.

5. Report. The Task Force shall make regular reports to the Governor.

6. Meetings. Subject to the approval of the Governor, the Task Force shall meet at times and locations determined by the chair.

7. Administrative Support. The Office of the Governor and other appropriate state agencies shall provide administrative support for the Task Force.

8. Budget. The chair shall develop and submit a proposed budget to the Governor for approval.

9. Other Provisions. The Task Force shall adhere to guidelines and procedures prescribed by the Office of the Governor. All members of the Task Force shall serve without compensation. Necessary expenses may be reimbursed when such expenses are incurred in direct performance of official duties of the Task Force.

10. Effective Date. This order shall take effect immediately.

This executive order supersedes all previous orders and shall remain in effect and in full force until modified, amended, rescinded or superseded by me or by a succeeding Governor.

Given under my hand this the 1st day of October, 2001.

RICK PERRY (Signature)  
Governor

ATTESTED BY:  
GEOFFREY S. CONNOR (Signature)  
Assistant Secretary of State

**RP16 - RELATING TO THE CREATION OF THE STATEWIDE TEXAS AMBER ALERT NETWORK**

**BY THE GOVERNOR OF THE STATE OF TEXAS**  
Executive Department  
Austin, Texas  
August 12, 2002

WHEREAS, the State of Texas recognizes a need for a statewide approach to the rapid apprehension of criminals who would kidnap and otherwise harm the children of Texas; and

WHEREAS, a partnership between law enforcement, the media and state and local authorities has been beneficial in thwarting the kidnapping and abduction of young children; and

WHEREAS, experts agree that the successful resolution of child abduction cases is aided by the rapid distribution of information

concerning the details of the abduction and a description of the child and the abductor; and

WHEREAS, the "Amber Plan" has been effective in the swift apprehension of kidnapers and others who would harm the children of Texas; and

WHEREAS, the Amber Plan was created in 1996 in the Dallas-Fort Worth area after 9-year-old Amber Hagerman disappeared from her Arlington neighborhood while riding her bicycle; and

WHEREAS, a number of regional child abduction alert systems exist in a handful of urban Texas communities, yet no coordinated, statewide system exists; and

WHEREAS, Texas broadcast stations participate in the federal Emergency Alert System, which was created to disseminate emergency alert messages; and

WHEREAS, Marc Klaas has been instrumental in the creation of a nationwide, web-based program that further enhances law enforcement agencies' and broadcast stations' ability to rapidly disseminate information about abducted children and their suspected kidnapers through e-mails, faxes and phone calls; and

WHEREAS, the Texas Department of Transportation has a network of electronic highway signs capable of flashing alerts about abducted children, thereby expanding the number of individuals helping search for them;

NOW, THEREFORE, I, Rick Perry, Governor of the State of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following:

1. Creation. The Statewide Texas Amber Alert Network (the "Amber Network") is hereby created. The Amber Network is a cooperative effort of the Office of the Governor, the Department of Public Safety, the Department of Transportation, the Texas Association of Broadcasters, various

business and private sector concerns, law enforcement agencies, state and local entities and the public in the state of Texas.

2. Purpose. The Amber Network is a coordinated emergency alert program that will distribute information about abducted children. It will serve as an early warning system available for use by law enforcement to alert the public when a child has been kidnapped and the police believe the child is in danger. The Amber Network will rely on the cooperation of public and private agencies across the state to provide immediate communication from law enforcement agencies to the public when a report of child abduction has been confirmed. The Amber Network will rely on the eyes and ears of the public during an alert.

3. Activation. In order to activate the Amber Network, the following criteria must be met:

The abducted child must be 17 years of age or younger;  
The local law enforcement agency must believe that the child has been abducted, that is, unwillingly taken from their environment without permission from the child's parent or legal guardian;  
The local law enforcement agency must believe that the missing child is in immediate danger of serious bodily harm or death;  
The local law enforcement agency must confirm that an investigation has taken place that verifies the abduction and has eliminated alternative explanations for the missing child; and  
Sufficient information is available to disseminate to the public that could assist in locating the child, the suspect or the vehicle used by in the abduction.

4. Administration. The director of the Texas Department of Public Safety (the "director") shall act as the statewide coordinator of the Amber Network. The director will adopt necessary guidelines and issue proper directives to see that the Amber Network is properly implemented statewide. The director may modify the criteria for implementation and activation of the Amber

Network if necessary. These guidelines and directives should include the design and printing of forms and documents for local law enforcement agencies to notify the Department of Public Safety of the need to activate the Amber Network. These guidelines should also include instructions on deactivation of the Amber Network once the abduction has been resolved or ended. The director is authorized to enter into agreements with state and local entities as well as with private entities to carry out the coordination and implementation of this plan.

5. Law enforcement agencies. To activate the Amber Network, a state, local or federal law enforcement agency must verify that the proper criteria has been met to activate the plan. Once that verification has occurred, the law enforcement agency must immediately contact the Texas Department of Public Safety and supply the necessary information on forms proscribed by the director.

6. Broadcasters. Broadcast facilities across the state are encouraged to participate in the Statewide Texas Amber Alert Network through the existing Emergency Alert System (EAS). The Emergency Alert System should disseminate important information over radio and television stations concerning the abducted child. Primary and secondary broadcast stations in the appropriate area will receive notice directly from the Department of Public Safety concerning activation of the Amber Network.

7. State Agencies. All agencies of the State of Texas are hereby directed to cooperate with and assist in the development, implementation and operation of the Statewide Texas Amber Alert Network. The Texas Department of Transportation shall develop an information activation program for the existing system of Dynamic Message Signs located across the state. Other state agencies with employees in the field shall consider the feasibility of developing a plan for providing their officers, investigators or employees with information once the Amber Network has been activated.

8. Public. Attentive observation and watchful skills of the public are a key to making the Amber Network successful. After an alert has been issued, the public is encouraged to “be-on-the-lookout” for the child, the alleged abductor or the alleged abductor’s vehicle and to report any information to the issuing law enforcement agency immediately.

9. Termination. Any activation of the Amber Network may be cancelled by the reporting law enforcement agency or by the director of the Department of Public Safety acting as the statewide coordinator of the plan.

This order is effective immediately and shall remain in effect and in full force until modified, amended, rescinded or superseded by me or by a succeeding Governor.

Given under my hand this the 12th day of August, 2002.

RICK PERRY (Signature)  
Governor

ATTESTED BY:  
GWYNN SHEA (Signature)  
Secretary of State

**RP32 - RELATING TO EMERGENCY  
MANAGEMENT AND HOMELAND  
SECURITY.**

**BY THE  
GOVERNOR OF THE STATE OF TEXAS**

Executive Department  
Austin, Texas  
January 28, 2004

WHEREAS, the State of Texas recognizes the responsibility of the state to pursue a coordinated and integrated approach to safeguard its citizens and subsequently the infrastructure upon which they rely; and

WHEREAS, the attacks of September 11, 2001 and subsequent terrorist acts constitute a continuing threat to our homeland security and infrastructure; and

WHEREAS, there is a need for a coordinated effort to protect the people and the infrastructure of Texas and to respond to man-made or natural disasters that may occur in this state; and

WHEREAS, the Legislature of the State of Texas has enacted the Texas Disaster Act (the “Act”) of 1975, Chapter 418 of the Texas Government Code to:

Reduce the vulnerability of people and communities of this state to damage, injury and loss of life and property resulting from natural or man-made catastrophes, riots or hostile military or paramilitary actions;  
Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster;

Provide a setting conducive to the rapid and orderly restoration and rehabilitation of persons and property affected by disasters;  
Clarify and strengthen the roles of the Governor, state agencies and local governments in the mitigation of, preparation for, response to and recovery from disasters;

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

Provide a comprehensive emergency management system for Texas that is coordinated to make the best possible use of existing organizations and resources within government and industry and which includes provisions for actions to be taken at all levels of government before, during and after the onset of an emergency situation;

Assist in the mitigation of disasters caused or aggravated by inadequate planning for and regulation of public and private facilities and land use; and

Provide the authority and mechanism to respond to an energy emergency; and;

WHEREAS, the Governor is expressly authorized under Section 418.013 of the Act to establish by executive order an

Emergency Management Council consisting of the heads of state agencies, boards and commissions and representatives of organized volunteer groups to advise and assist the Governor in all matters relating to mitigation, preparedness, response and recovery; and,

WHEREAS, a Division of Emergency Management is established in the Office of the Governor under Section 418.041 of the Act and the Director of the Governor's Division of Emergency Management is to be appointed by and serve at the pleasure of the Governor; and,

WHEREAS, with the aid and assistance of the Emergency Management Council and Division of Emergency Management, the Governor may recommend that cities, counties and other political subdivisions of the state undertake appropriate emergency management programs and assist and cooperate with those developed at the state level;

NOW, THEREFORE, I, Rick Perry, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following:

The Emergency Management Council (the "Council") shall be created and maintained.

The Council shall consist of the heads of the following state agencies, boards and commissions or their successors and the heads of the following volunteer groups:

Adjutant General's Department  
American Red Cross  
Department of Information Resources  
General Land Office\*  
Governor's Division of Emergency Management\*  
Office of Rural Community Affairs  
Public Utility Commission of Texas  
Railroad Commission of Texas\*  
Salvation Army  
State Auditor's Office  
State Comptroller of Public Accounts  
Texas Animal Health Commission  
Texas Attorney General's Office

Texas Building and Procurement Commission  
Texas Commission on Environmental Quality\*  
Texas Commission on Fire Protection\*  
Texas Department of Aging and Disability Services  
Texas Department of Agriculture\*  
Texas Department of Assisted and Rehabilitative Services  
Texas Department of Criminal Justice  
Texas Department of Health\*  
Texas Department of Housing and Community Affairs  
Texas Department of Human Services  
Texas Department of Insurance  
Texas Department of Mental Health and Mental Retardation  
Texas Department of Protective and Family Services  
Texas Department of Public Safety\*  
Texas Department of State Health Services  
Texas Department of Transportation\*  
Texas Education Agency  
Texas Engineering Extension Service\*  
Texas Forest Service  
Texas Parks and Wildlife Department\*  
Texas Rehabilitation Commission  
Texas Workforce Commission  
\* (indicates member of the State Emergency Response Commission)

The specific duties and responsibilities of each member of this group shall be as designated in the State Emergency Management Plan and Annexes thereto. Each member of the group may designate a staff member representative to the Council.

The Director of the Governor's Office of Homeland Security shall be designated to serve as Chair of the Council and as Director of the Governor's Division of Emergency Management (the "Director").

The director shall advise the governor, lieutenant governor and the speaker of the house of representatives on critical matters relating to homeland security and man-made or natural disasters that may occur in this state.

The Governor's Division of Emergency Management shall be designated as the agency to exercise the powers granted to me under the Act in the administration and supervision of the Act, including, but not limited to, the power to accept from the federal government or any public or private agency or individual, any offer of services, equipment, supplies, materials or funds as gifts, grants or loans for the purposes of emergency services or disaster recovery and may dispense such gifts, grants or loans for the purposes for which they are made without further authorization other than as contained herein.

Personnel of the Governor's Division of Emergency Management have the rights and obligations under Department of Public Safety statutes, rules and policies.

The Director shall establish emergency operation areas to be known as Disaster Districts which shall correspond to the boundaries of the Texas Highway Patrol Districts and Sub-Districts and shall establish in each a Disaster District Committee consisting of representatives of the state agencies, boards, commissions and organized volunteer groups having membership on the Council. The Highway Patrol commanding officer of each Highway Patrol District or Sub-District shall serve as chair of the Disaster District Committee and report to the director of the Office of Homeland Security on matters relating to disasters and emergencies. The Disaster District Committee chair shall be assisted by the Council representatives assigned to that district, who shall provide guidance, counsel and administrative support as required. The Disaster District Committee chair shall keep the Director of the Department of Public Safety apprised on all matters as requested by the Director of the Department of Safety.

The Council is authorized to issue such directives as may be necessary to effectuate the purpose of the Act and is further authorized and empowered to exercise the specific powers enumerated in the Act.

The State Emergency Response Commission shall be a standing element of the Council in order to carry out certain state

emergency planning, community right-to-know and response functions relating to hazardous materials. The Commission shall consist of representatives named by the heads of the agencies and commissions marked with an asterisk (\*) in the listing of the Council above. The State Coordinator, as appointed by the Director under Section 418.041 of the Act, shall chair the State Emergency Response Commission or designate a chair.

The mayor of each municipal corporation and the county judge of each county in the state shall be designated as the Emergency Management Director for each such political subdivision in accordance with Sections 418.102, 418.103 and 418.105 of the Act and published rules of the Division of Emergency Management. These mayors and county judges shall serve as the Governor's designated agents in the administration and supervision of the Act and may exercise the powers, on an appropriate local scale, granted the Governor therein. Each mayor and county judge may designate an Emergency Management Coordinator who shall serve as assistant to the presiding officer of the political subdivision for emergency management purposes when so designated.

Each political subdivision of the state, pursuant to Section 418.104, of the Act, is authorized to establish in the county in which they are sited, inter-jurisdictional agencies by intergovernmental agreement, supported as needed by local city ordinance or commissioner's court order, in cooperation and coordination with the Division of Emergency Management of the Governor's Office. In compliance with Section 418.101 of the Act, the presiding officer of each political subdivision shall promptly notify the Governor's Division of Emergency Management of the manner in which it is providing or securing an emergency management program and the person designated to head that program.

This executive order supersedes all previous executive orders on emergency management, including Executive Orders RP-01 and RP-12 and shall remain in

effect until modified, amended, rescinded or superseded by me or by a succeeding Governor.

Given under my hand this the 28th day of January, 2004.

RICK PERRY (Signature)  
Governor

ATTESTED BY:  
GEOFFREY S. CONNOR (Signature)  
Secretary of State

**RP40 - RELATING TO THE DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM AS THE INCIDENT MANAGEMENT SYSTEM FOR THE STATE OF TEXAS.**

**BY THE GOVERNOR OF THE STATE OF TEXAS**

Executive Department  
Austin, Texas  
February 23, 2005

WHEREAS, the President of the United States has issued Homeland Security Directive No. 5 that directs the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (N.I.M.S.), which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, local and tribal homeland security partners has been and will continue to be, vital to the development, effective implementation and utilization of a comprehensive N.I.M.S.; and

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient

and effective incident management, it is critical that Federal, State, local and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management and designated incident facilities during emergencies or disasters; and

WHEREAS, the N.I.M.S. standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety and streamline incident management processes; and

WHEREAS, the Incident Command System components of N.I.M.S. are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

NOW, THEREFORE, I, Rick Perry, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas as the Chief Executive Officer, do hereby order the following:

The National Incident Management System (N.I.M.S.) is hereby declared the State standard for incident management.

This executive order supersedes all previous orders on this matter that are in conflict or inconsistent with its terms and this order shall remain in effect and in full force until modified, amended, rescinded or superseded by me or by a succeeding Governor.

Given under my hand this the 23rd day of

February, 2005.

RICK PERRY (Signature)  
Governor

ATTESTED BY:  
GEOFFREY S. CONNOR (Signature)  
Secretary of State

**RP57 - RELATING TO IMPLEMENTING  
RECOMMENDATIONS FROM THE  
GOVERNOR'S TASK FORCE ON  
EVACUATION, TRANSPORTATION and  
LOGISTICS.**

**BY THE  
GOVERNOR OF THE STATE OF TEXAS**

Executive Department  
Austin, Texas  
March 21, 2006

WHEREAS, the Governor's Task Force on Evacuation, Transportation and Logistics was appointed to document the lessons learned from the Hurricane Rita evacuation, identify key challenges of urban area mass evacuations in Texas and recommend improvements to state, regional and local evacuation planning and execution; and

WHEREAS, the Task Force conducted public hearings across Texas to gather and document input from stakeholders to develop recommendations; and

WHEREAS, on February 14, 2006, the Task Force issued a final report containing recommendations to improve the State's ability to plan and execute mass evacuations in the five key areas: command, control and communications; evacuation of people with special needs; fuel availability; traffic flow; and public awareness;

NOW THEREFORE, I, Rick Perry, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following:

1. Direction and oversight. The State

Director of Homeland Security shall ensure this executive order is carried out in a manner consistent with the report and recommendations of the Task Force.

2. Command, control and communications. To improve command, control and communications during mass evacuations, the Emergency Management Directors (County Judges and Mayors) within each of the state's 24 Councils of Government shall establish a Regional Unified Command Structure (RUCS) and appoint a single Incident Commander for the Regional Unified Command Structure. Each Regional Unified Command Structure will be responsible for preparing for and responding to catastrophic events within the region. Each Incident Commander will be the operational commander within the region during a disaster response, including a mass evacuation. An Incident Commander will serve a term of not less than one year. The Governor's Division of Emergency Management shall oversee the implementation of the Regional Unified Command Structure throughout the state. Each Regional Unified Command Structure shall be established no later than April 18, 2006 and the composition of regional unified command, to include the name and qualifications of the Incident Commander, shall be provided to the Governor's Division of Emergency Management no later than April 20, 2006. The Texas Department of Public Safety shall provide to each Regional Unified Command Structure a senior-level commissioned officer with appropriate staff to represent the State as each Regional Unified Command Structure prepares for and responds to a catastrophic event within the region.

The Texas Department of Public Safety shall assume responsibility for command, control and communications, as well as other operational tasks as directed by the Governor, during evacuations and other disaster response operations that involve multiple Regional Unified Command Structures.

The Governor's Division of Emergency

Management shall create eight Regional Response Teams (RRT) to support multi-jurisdictional operations during catastrophic events.

The Governor's Division of Emergency Management shall develop a statewide hurricane evacuation and shelter plan to save lives and reduce the vulnerability of Texans in the event of disasters.

The Governor's Division of Emergency Management shall oversee the implementation of regional response and evacuation plans throughout the state.

The Governor's Division of Emergency Management shall coordinate with independent school districts and public colleges, universities and university systems to provide transportation assets and facilities to enable the execution of state and local evacuation and shelter plans.

The Governor's Division of Emergency Management shall develop policies and procedures to reimburse school districts and public colleges, universities and university systems for evacuation, shelter or transportation-related expenses in the event that the Texas Legislature or United States Congress designates funding for this purpose.

The Governor's Division of Emergency Management shall direct an annual hurricane evacuation exercise to test the readiness of state and local evacuation and sheltering plans in the event of a disaster.

3. Evacuation of people with special needs. To ensure the safe and efficient evacuation of Texans with special needs in the event of a disaster, I hereby direct the Governor's Division of Emergency Management to coordinate with the Department of State Health Services, the Department of Aging and Disability Services, the Governor's Committee on People with Disabilities and other appropriate state agencies to define the term "special needs," and develop a statewide evacuation and shelter plan for persons with special needs.

The Governor's Division of Emergency

Management shall coordinate with the Department of State Health Services, the Department of Aging and Disability Services, the Governor's Committee on Persons with Disabilities, other appropriate state agencies, local governments and appropriate stakeholder groups to develop criteria for evacuation plans for all special needs facilities, to include both licensed and unlicensed facilities.

The Governor's Division of Emergency Management shall ensure local jurisdictions and Regional Unified Command Structures approve evacuation plans maintained by special needs facilities.

The Governor's Division of Emergency Management shall develop and implement a statewide database to assist in the evacuation of the special needs population, with coastal jurisdictions as a priority. RUCS shall be responsible for collecting and providing information for the statewide database.

The Governor's Division of Emergency Management shall develop and implement a plan to address the evacuation and sheltering needs of individuals with companion animals.

4. Fuel availability and distribution. To improve fuel availability and distribution during a mass evacuation, I do hereby direct the Texas Department of Transportation to coordinate with the Texas Oil and Gas Association and other industry partners to develop a plan to address fuel availability along major evacuation routes and establish a fuel operations function in the State Operations Center to coordinate the distribution of fuel prior to and during evacuations.

The Governor's Division of Emergency Management shall work with local officials to ensure locally developed evacuation plans address fuel availability during an evacuation.

The Governor's Division of Emergency Management shall establish procedures to distribute fuel in a prioritized manner

during an emergency.

The Governor's Division of Emergency Management shall develop policies and procedures to reimburse local governments and other support entities for evacuation-related fuel costs in the event that the Texas Legislature or United States Congress designates funding for this purpose.

5. Traffic control and management. To improve traffic control and management during a mass evacuation, I do hereby direct the Texas Department of Public Safety to assume traffic management authority over designated evacuation routes during multi-jurisdictional evacuations in order to move large populations and heavy traffic in a highly-coordinated manner.

The Texas Department of Transportation shall coordinate with the Texas Department of Public Safety to develop contra-flow plans for major hurricane evacuation routes as identified by the Task Force on Evacuation, Transportation and Logistics.

The Texas Department of Transportation shall implement short and long-term solutions to reduce congestion on the one-lane section of U.S. Highway 290 at Brenham, Texas, during an evacuation.

The Texas Department of Transportation shall prioritize for implementation the infrastructure projects recommended in the March 2005 Report to the Governor on Texas Hurricane Preparedness, which address obstructions on evacuation routes during mass evacuations.

The Texas Department of Public Safety shall coordinate with the Department of Homeland Security and the United States Customs and Border Patrol to expedite the flow of traffic through checkpoints on major hurricane evacuation routes and assist in developing traffic management plans to accommodate increased volume at checkpoints during evacuations.

6. Public awareness. To increase public awareness, I do hereby direct the Public Utility Commission to work with utility

companies that are regulated by the Commission and serve counties in hurricane evacuation zones to include hurricane preparedness and evacuation-related public awareness information in monthly billing statements prior to and during the hurricane season each year.

This executive order supersedes all previous orders in conflict or inconsistent with its terms and shall remain in effect and in full force until it expires by statute or it is modified, amended, rescinded or superseded by me or by a succeeding governor.

Given under my hand this the 21st day of March, 2006.

RICK PERRY (Signature)  
Governor

ATTESTED BY:  
ROGER WILLIAMS (Signature)  
Secretary of State

## **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.