

1-1 By: Phelan, et al. (Senate Sponsor - Kolkhorst) H.B. No. 5
 1-2 (In the Senate - Received from the House April 11, 2019;
 1-3 April 16, 2019, read first time and referred to Committee on Water
 1-4 & Rural Affairs; May 15, 2019, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to debris management and other disaster recovery efforts.
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. Subchapter C, Chapter 418, Government Code, is
 1-20 amended by adding Sections 418.054, 418.055, 418.056, and 418.057
 1-21 to read as follows:
 1-22 Sec. 418.054. CATASTROPHIC DEBRIS MANAGEMENT PLAN AND
 1-23 TRAINING. (a) The division, in consultation with any other state
 1-24 agencies selected by the division, shall develop a catastrophic
 1-25 debris management plan and model guide for use by political
 1-26 subdivisions in the event of a disaster.
 1-27 (b) The plan must:
 1-28 (1) provide a guide for clearance and disposal of
 1-29 debris caused by a disaster, including information on preparing for
 1-30 debris removal before a disaster; and
 1-31 (2) include:
 1-32 (A) provisions for the use of trench burners and
 1-33 air curtain incinerators of vegetative debris, including
 1-34 identifying sources of equipment for use immediately following a
 1-35 disaster; and
 1-36 (B) procedures for:
 1-37 (i) vegetative debris burning, including
 1-38 the role of the Texas Department of Transportation in debris
 1-39 removal;
 1-40 (ii) the coordination of clearance and
 1-41 disposal of debris;
 1-42 (iii) obtaining equipment necessary for use
 1-43 immediately following a disaster; and
 1-44 (iv) the interaction between political
 1-45 subdivisions and state and federal agencies.
 1-46 (c) The Texas A&M Engineering Extension Service shall
 1-47 establish a training program for state agencies and political
 1-48 subdivisions on the use of trench burners in debris removal.
 1-49 Sec. 418.055. CONTRACTING FOR DEBRIS REMOVAL. (a) The
 1-50 division, in consultation with the Federal Emergency Management
 1-51 Agency, shall develop and publish a model contract for debris
 1-52 removal services to be used by political subdivisions following a
 1-53 disaster.
 1-54 (b) The division shall consult with the comptroller to:
 1-55 (1) establish appropriate contracting standards and
 1-56 contractor requirements to include in the model contract; and
 1-57 (2) include a contract for debris removal services on
 1-58 the schedule of multiple award contracts developed under Subchapter
 1-59 I, Chapter 2155, or in another cooperative purchasing program
 1-60 administered by the comptroller.
 1-61 Sec. 418.056. WET DEBRIS STUDY GROUP. (a) In this section,

2-1 "study group" means the wet debris study group established under
2-2 this section.

2-3 (b) The wet debris study group is established and composed
2-4 of representatives of the division, any other state agencies
2-5 selected by the division, and local and federal governmental
2-6 entities.

2-7 (c) The chief of the division serves as chair of the study
2-8 group.

2-9 (d) The study group shall study issues related to removal of
2-10 wet debris, including best practices for clearing wet debris
2-11 following a disaster and determining responsibility for that
2-12 removal.

2-13 (e) Not later than November 1, 2020, the study group shall
2-14 submit a report containing recommendations on the issues described
2-15 by Subsection (d) to each member of the legislature.

2-16 (f) The study group is abolished and this section expires
2-17 January 1, 2021.

2-18 Sec. 418.057. WORK GROUP ON LOCAL RESTRICTIONS THAT IMPEDE
2-19 DISASTER RECOVERY EFFORTS. (a) In this section, "work group" means
2-20 the work group established under this section.

2-21 (b) The work group is established and composed of
2-22 representatives of the division, any other state agencies selected
2-23 by the division, and local governmental entities.

2-24 (c) The chief of the division serves as chair of the work
2-25 group.

2-26 (d) The work group shall conduct a study on local
2-27 restrictions that impede disaster recovery efforts, including
2-28 efforts to remove debris and erect short-term housing.

2-29 (e) The study conducted under Subsection (d) must include:

2-30 (1) an overview of official actions by governing
2-31 bodies of political subdivisions and requirements imposed by deed
2-32 restrictions or property owners' associations that impede state and
2-33 federal disaster recovery efforts in this state; and

2-34 (2) recommendations for minimizing the effect of the
2-35 official actions and requirements described by Subdivision (1) on
2-36 state and federal disaster recovery efforts in this state.

2-37 (f) Not later than November 1, 2020, the work group shall
2-38 submit a written report to the members of the legislature with the
2-39 results of the study required under this section.

2-40 (g) This section expires and the work group is abolished
2-41 January 1, 2021.

2-42 SECTION 2. Not later than January 1, 2020, the Texas
2-43 Division of Emergency Management shall develop the catastrophic
2-44 debris management plan and model guide required by Section 418.054,
2-45 Government Code, as added by this Act.

2-46 SECTION 3. This Act takes effect September 1, 2019.

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