

1-1 By: Janek, et al. S.B. No. 1818
1-2 (In the Senate - Filed March 29, 2005; April 4, 2005, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; May 6, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 6, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1818 By: Lindsay

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the improvement and coordination of statewide efforts
1-11 to detect, prepare for, and respond to certain emergencies.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 418.108, Government Code, is amended by
1-14 adding Subsections (f) and (g) to read as follows:

1-15 (f) Subject to the governor's homeland security strategy
1-16 developed under Chapter 421, the presiding officer of the governing
1-17 body of a political subdivision may order the evacuation of all or
1-18 part of the population from an area in the jurisdiction of the
1-19 political subdivision that is stricken with or threatened by a
1-20 disaster if the presiding officer considers the action necessary
1-21 for the preservation of life or other disaster mitigation,
1-22 response, or recovery.

1-23 (g) Subject to the governor's homeland security strategy
1-24 developed under Chapter 421, the presiding officer of the governing
1-25 body of a political subdivision may control ingress to and egress
1-26 from a disaster area in the political subdivision's jurisdiction
1-27 and the movement of persons and the occupancy of premises in a
1-28 disaster area in the political subdivision's jurisdiction.

1-29 SECTION 2. Chapter 418, Government Code, is amended by
1-30 adding Subchapter I to read as follows:

1-31 SUBCHAPTER I. CERTAIN DUTIES OF DIVISION AND OTHER ENTITIES
1-32 RELATED TO THE MANAGEMENT OF DISASTERS

1-33 Sec. 418.251. DIVISION DUTIES. The division shall:

1-34 (1) deploy incident management teams composed of first
1-35 responders who are trained in emergency management, including
1-36 hurricane emergency management, as needed to assist with mass
1-37 evacuations;

1-38 (2) conduct a study to determine the benefits, if any,
1-39 of preemptively deploying the teams to expand the range of response
1-40 and recovery services provided by the teams, and publish a report of
1-41 the study;

1-42 (3) develop and implement a media campaign, in
1-43 coordination with local government officials, to improve public
1-44 awareness of hurricanes, hurricane preparedness, available
1-45 resources, and hurricane evacuation routes in regions of this state
1-46 that are close to the Gulf of Mexico; and

1-47 (4) using existing funds, develop training exercises
1-48 with the Texas Department of Transportation that will allow the
1-49 division to evaluate traffic management in relation to the planned
1-50 regional mass evacuation routes developed by state and local
1-51 officials and ensure the adequacy of the evacuation plans.

1-52 Sec. 418.252. GOVERNOR'S OFFICE OF HOMELAND SECURITY. The
1-53 governor's office of homeland security shall:

1-54 (1) require local officials who are responsible for
1-55 emergency management planning to collaborate in the development of
1-56 regional mass evacuation plans that are fully compliant with the
1-57 framework developed by the National Incident Management System; and

1-58 (2) in coordination with the Texas Department of
1-59 Transportation, consult with local officials who are responsible
1-60 for emergency management planning to identify and upgrade hurricane
1-61 evacuation systems to make the systems compliant with systems
1-62 designed to respond to other homeland security emergencies.

1-63 Sec. 418.253. HEALTH AND HUMAN SERVICES COMMISSION.

2-1 (a) The Health and Human Services Commission, with the cooperation
2-2 of other health and human services agencies, including the
2-3 Department of State Health Services and the Department of Aging and
2-4 Disability Services, shall:

2-5 (1) encourage and assist local officials to identify
2-6 and maintain a list of persons with special needs, including
2-7 elderly persons and persons with disabilities, who may require
2-8 special assistance in the event of a catastrophic emergency; and

2-9 (2) develop a plan and coordinate with local officials
2-10 to provide improved emergency evacuation assistance to persons with
2-11 special needs, including persons who reside in or attend special
2-12 needs care facilities, such as intermediate care facilities, adult
2-13 day care facilities, nursing facilities, and assisted living
2-14 facilities.

2-15 (b) This section does not create a duty or cause of action.
2-16 Sec. 418.254. TEXAS DEPARTMENT OF TRANSPORTATION. The
2-17 Texas Department of Transportation shall:

2-18 (1) conduct a study of traffic at critical points on
2-19 regional mass evacuation routes, using existing real-time traffic
2-20 counter systems to simulate the flow of traffic during an emergency
2-21 evacuation; and

2-22 (2) using available funds, develop and implement a
2-23 plan to:

2-24 (A) elevate low-lying roadways and bridges that
2-25 are a part of planned regional mass evacuation routes on the state
2-26 highway system to reduce the likelihood of flooding;

2-27 (B) reopen closed roadways that are a part of
2-28 planned regional mass evacuation routes;

2-29 (C) widen narrow roadways that are a part of
2-30 planned regional mass evacuation routes to improve the flow of
2-31 traffic and enhance overall evacuation capability; and

2-32 (D) install signs along planned regional mass
2-33 evacuation routes that indicate the availability of emergency
2-34 shelters.

2-35 Sec. 418.255. DEPARTMENT OF PUBLIC SAFETY. The Department
2-36 of Public Safety shall:

2-37 (1) identify and designate regions of this state that
2-38 are close to the Gulf of Mexico as "hurricane evacuation areas";

2-39 (2) develop and implement a regional unified command
2-40 structure to plan for and conduct evacuations in hurricane
2-41 evacuation areas and to coordinate the hurricane preparedness and
2-42 response efforts of the designated hurricane evacuation areas in a
2-43 manner that complies with the National Incident Management System;
2-44 and

2-45 (3) develop and implement a program to provide
2-46 information to persons with special needs relating to hurricanes,
2-47 emergency preparedness, evacuations, and access to any available
2-48 resources that provide appropriate assistance and services.

2-49 SECTION 3. Not later than December 1, 2006, the Department
2-50 of Public Safety of the State of Texas shall report to the
2-51 legislature and the governor the department's progress in improving
2-52 and coordinating the hurricane planning and response efforts of
2-53 designated hurricane evacuation areas.

2-54 SECTION 4. This Act takes effect immediately if it receives
2-55 a vote of two-thirds of all the members elected to each house, as
2-56 provided by Section 39, Article III, Texas Constitution. If this
2-57 Act does not receive the vote necessary for immediate effect, this
2-58 Act takes effect September 1, 2005.

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