

## **BILL ANALYSIS**

Senate Research Center

S.B. 11  
By: Carona  
Transportation & Homeland Security  
10/12/2007  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The ability of the state to detect, deter, and respond to acts of terrorism, natural disasters, and violent criminal activity is essential to the safety and security of all Texans. There are many weaknesses in the state's ability to take the appropriate measures to mitigate these threats. S.B. 11 addresses these weaknesses.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 5.02 (Section 546.006, Transportation Code) and SECTION 21.01 (Section 521.032, Transportation Code) of this bill.

Rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 8.04 (Section 503.0626, Transportation Code), SECTION 8.06 (Sections 503.0631 and 503.0632, Transportation Code), and SECTION 8.11 of this bill.

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 12.02 (Sections 161.00705 and 161.00706, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the Texas Department of Health [Department of State Health Services] is modified in SECTION 12.03 (Section 161.007, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

[While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

#### **ARTICLE 1. CERTAIN DISASTER RESPONSE PROCEDURES FOR POLITICAL SUBDIVISIONS**

SECTION 1.01. Amends Section 418.004, Government Code, by adding Subdivisions (10) through (14) to define "local government entity," "mutual aid," "requesting local government entity," "responding local government entity," and "system."

SECTION 1.02. Amends Subchapter E, Chapter 418, Government Code, by adding Section 418.1015, as follows:

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

(b) Provides that a director serves as the governor's designated agent in the administration and supervision of duties under this chapter. Authorizes a director to exercise the powers granted to the governor under this chapter on an appropriate local scale.

(c) Authorizes a director to designate a person as emergency management coordinator (coordinator). Requires the coordinator to serve as an assistant to the director for emergency management purposes.

SECTION 1.03. Amends Section 418.107(c), Government Code, to authorize a local government entity, rather than a political subdivision or regional planning commission, to render mutual aid (aid) to other local government entities under aid agreements or the Texas Statewide Mutual Aid System (system). Makes conforming changes.

SECTION 1.04. Amends the heading of Section 418.109, Government Code, to read as follows:

Sec. 418.109. AUTHORITY TO RENDER MUTUAL AID ASSISTANCE.

SECTION 1.05. Amends Section 418.109(d), Government Code, to authorize a local government entity or volunteer group, rather than other local emergency service entities, to render aid to other local entities or volunteer groups on request. Deletes a requirement of the highest ranking officer of the entity from which assistance is requested to provide assistance in accordance with any aid plans developed by the emergency management council (council).

SECTION 1.06. Amends Section 418.110, Government Code, to authorize, rather than require, the division of emergency management in the office of the governor (division), in consultation with state fire protection agencies and the Texas Commission on Fire Protection, to develop a statewide aid program for fire emergencies. Provides that such a program does not alter the legal obligations of political subdivisions participating in the system and must be consistent with the state emergency management plan.

SECTION 1.07. Amends Chapter 418, Government Code, by adding Subchapter E-1, as follows:

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

Sec. 418.111. CREATION OF TEXAS STATEWIDE MUTUAL AID SYSTEM. (a) Establishes the system to provide integrated statewide aid response capacity between local government entities without a written aid agreement (agreement).

(b) Provides that an aid request is considered to be made under the system unless the requesting and responding entities are parties to an agreement in effect when the request is made.

(c) Provides that this subchapter does not affect an agreement between entities in effect on or before this subchapter's effective date or restrict entities in entering into an agreement as otherwise authorized by statute after this subchapter's effective date. Provides that, if a request is made between entities that are parties to an agreement, the terms of the agreement control the rights and obligations of the parties.

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

Sec. 418.113. DISASTER DISTRICTS. (a) Divides the state into disaster districts (districts) to engage in homeland security preparedness and response activities. Provides that the district boundaries coincide with the geographic boundaries of the state planning regions established by the governor under Chapter 391 (Regional Planning Commissions), Local Government Code.

(b) Establishes for each district a district committee composed of local representatives of state agencies, boards, and commissions and organized volunteer groups with representation on the emergency management council.

(c) Requires each district committee to coordinate with political subdivisions located in the district to ensure state and federal emergency assets are available as needed for the most efficient and effective response possible.

(d) Requires the public safety director of the Department of Public Safety (DPS) to appoint a commanding officer from the Texas Highway Patrol as chair of each district committee. Sets forth the required duties of the chair.

(e) Requires representatives of the emergency management council assigned to each district to assist and provide guidance, counsel, and administrative support to their respective committee chairs.

Sec. 418.114. PROCEDURES FOR MUTUAL AID. (a) Requires the political subdivisions in each state planning region established by the governor under Chapter 391, Local Government Code, to agree on procedures specifying how aid will be provided when requested from a political subdivision in the region or another region or from this state.

(b) Requires a copy of the procedures to be provided to the division and the district committee chair.

Sec. 418.115. REQUESTING AND PROVIDING MUTUAL AID ASSISTANCE. (a) Authorizes a request for aid assistance to be submitted verbally or in writing. Requires the request, if made verbally, to be confirmed in writing not later than the 30th day after the date the request was made.

(b) Authorizes the chief or highest ranking officer of a department or agency of a political subdivision to which a request is made, with the approval and consent of the presiding officer or officer's designee of the governing body of that subdivision, to provide the requested assistance in accordance with methods established by the political subdivision's governing body.

Sec. 418.1151. ASSESSMENT OF ABILITY TO RENDER ASSISTANCE. (a) Requires a local government entity to assess local resources to determine their availability to respond to an aid assistance request.

(b) Authorizes a responding local government entity to provide assistance to the extent it determines resources to be available. Provides that the entity is not required to provide assistance unless the entity determines that the entity has sufficient resources to provide assistance, based on current or anticipated events in its jurisdiction.

Sec. 418.1152. SUPERVISION AND CONTROL. Sets forth the requirements of the provided assistance and the entities involved.

Sec. 418.1153. DURATION OF AID. Sets forth the conditions under which the assistance ends.

Sec. 418.116. RIGHTS AND PRIVILEGES. (a) Entitles a person assigned, designated, or ordered to perform services by the governing body of a local government entity employing the person in response to a request under the system to the same compensation and benefits as though the services were rendered for that entity.

(b) Provides that the local government entity employing the person is responsible for the payment of compensation and benefits associated with the performance of services under the system.

Sec. 418.117. LICENSE PORTABILITY. Provides that a person, whose assistance is requested because the person holds a document evidencing qualification in a needed skill, is considered licensed, certified, permitted, or otherwise documented as such in the

political subdivision in which the service is provided for as long as necessary, subject to limitations imposed by the chief executive officer or governing body of the requesting local government entity.

Sec. 418.118. REIMBURSEMENT OF COSTS: STATE REQUEST OR FEDERAL DISASTER DECLARATION. (a) Requires the division to administer all requests for reimbursement for costs associated with providing assistance requested by the division in response to a disaster declaration by the president of the United States. Requires such a request to be made in accordance with division procedures.

(b) Authorizes the division to directly request the provision of aid assistance from any local government entity in the system. Requires the state, from available state money, to reimburse the costs of providing assistance requested by the division to which a local government entity responds, including costs for personnel, operation, maintenance, damaged equipment, medical expenses, food, lodging, and transportation incurred by the responding local government entity. Requires the division to make reimbursements from the disaster contingency fund for eligible expenses to the extent that available state money is inadequate, if funds are made available from the fund.

(c) Requires the division, if federal money is available to fund the costs of aid assistance requested by the division, to claim the eligible costs of the responding local government entity on the division's grant application and disburse the federal share of the money to the responding local government entity, with sufficient state funds to cover the assistance costs incurred by the entity.

Sec. 418.1181. REIMBURSEMENT OF COSTS: REQUEST BY LOCAL GOVERNMENT ENTITY. (a) Requires a requesting local government entity to reimburse the costs of providing assistance to the responding entity, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation incurred by the responding entity in response to a request for reimbursement.

(b) Requires the requesting local government entity to pay the reimbursement from available funds and, if federal money is available to fund the costs of aid assistance requested by the entity, to claim the eligible costs of the responding local government entity on the requesting entity's subgrant application and disburse the federal share of the money to the responding local government entity, with sufficient state funds to cover the assistance costs incurred by the entity.

SECTION 1.08. Repealer: Sections 418.004(9) (definition of "regional planning commission") and 418.109(a), (b), and (c) (Mutual Aid), Government Code.

SECTION 1.09. Effective date of this article: upon passage or September 1, 2007.

## ARTICLE 2. AMATEUR RADIO OPERATIONS

SECTION 2.01. Amends Subchapter Z, Chapter 661, Government Code, by adding Section 661.919, as follows:

Sec. 661.919. AMATEUR RADIO OPERATORS. (a) Authorizes a state employee holding an amateur radio station license (operator) issued by the Federal Communications Commission to be granted leave to participate in specialized disaster relief services with conditions set forth in this subsection.

(b) Prohibits the number of operators eligible for leave under this section from exceeding 350 state employees at any one time during a state fiscal year. Requires the division to coordinate the establishment and maintenance of the eligible employee list.

SECTION 2.02. Amends Section 37.082(c), Education Code, to provide that the term “paging device” does not include an amateur radio operator under the control of an operator who holds an amateur radio station license issued by the Federal Communications Commission.

**ARTICLE 3. CERTAIN OPEN MEETINGS PROVISIONS RELATED TO SCHOOLS  
AND GOVERNMENTAL BODIES; TEXAS SCHOOL SAFETY CENTER**

SECTION 3.01. Amends Section 12.1051(b), Education Code, to apply, as previously provided for in this subsection, any laws that concern open meetings or the availability of information to open-enrollment charter schools.

SECTION 3.02. Amends Section 37.108(c), Education Code, to require a school district to report the results of the security audit of the district’s facilities conducted under Subsection (b) to the Texas School Safety Center (center) in the manner required by the center, in addition to the district’s board of trustees.

SECTION 3.03. Amends Section 37.203(a), Education Code, to change the reference authorizing the now-defunct Department of Mental Health and Mental Retardation to a seat on the board of directors of the center to authorize that seat to the Department of State Health Services. Provides that the board of directors is also composed of the commissioner of higher education or the commissioner's designee.

SECTION 3.04. Amends Section 37.207, Education Code, as follows:

Sec. 37.207. MODEL SAFETY AND SECURITY AUDIT PROCEDURE. (a) Creates this subsection from existing text.

(b) Requires each school district to report the results of its audits to the center in the manner required by the center.

SECTION 3.05. Amends Subchapter G, Chapter 37, Education Code, by adding Section 37.213, as follows:

Sec. 37.213. INSTITUTIONS OF HIGHER EDUCATION. (a) Defines "institution of higher education."

(b) Authorizes an institution of higher education to use any appropriate model plan developed by the center under Section 37.205(4).

(c) Authorizes the center to provide an institution of higher education with on-site technical assistance and safety training.

(d) Authorizes the center to charge a fee to an institution of higher education for assistance and training provided under Subsection (c).

SECTION 3.06. Amends Section 551.045, Government Code, by adding Subsection (e), as follows:

(e) Provides that, for purposes of Subsection (b)(2), the sudden relocation of a large number of residents from the area of a declared disaster to a governmental body's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. Requires notice of an emergency meeting or supplemental notice of an emergency item added to the agenda of a meeting to address a situation described by this subsection to be given to members of the news media as provided by Section 551.047 not later than one hour before the meeting.

SECTION 3.07. Amends Section 551.076, Government Code, as follows:

Sec. 551.076. New heading: DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING. Provides that this chapter (Open Meetings) does not require a governmental body to conduct an open meeting to deliberate

the deployment, or specific occasions for implementation, of security personnel or devices or a security audit.

#### ARTICLE 4. PROVISIONS RELATED TO TOLL ROADS

SECTION 4.01. Amends Section 228.054(a), Transportation Code, as follows:

(a) Makes a reference to the definition of an "authorized emergency vehicle" as defined by Section 541.201. Provides that the exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is responding to an emergency, displaying a flashing light, or marked as an emergency vehicle.

SECTION 4.02. Amends Section 284.070, Transportation Code, by adding Subsection (e), to make conforming changes.

SECTION 4.03. Amends Section 366.178(a), Transportation Code, as follows:

(a) Requires a motor vehicle other than an authorized emergency vehicle, as defined by Section 541.201, rather than a police or emergency vehicle, that passes through a toll collection facility, whether driven or towed, to pay the proper toll. Makes conforming changes.

SECTION 4.04. Amends Section 370.177(a), Transportation Code, to make conforming changes.

SECTION 4.05. Amends Subtitle G, Title 6, Transportation Code, by adding Chapter 371, as follows:

##### CHAPTER 371. PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF TOLL PROJECT

Sec. 371.001. VEHICLES USED BY NONPROFIT DISASTER RELIEF ORGANIZATIONS. (a) Defines "toll project" and "toll project entity."

(b) Prohibits a toll project entity from requiring a vehicle registered under Section 502.203 (Vehicles Used by Nonprofit Disaster Relief Organizations) to pay a toll for the use of a toll project.

SECTION 4.06. Amends Section 541.201, Transportation Code, by adding Subdivision (13-a) to define "police vehicle."

SECTION 4.07. Repealer: Section 228.058(d) (which prohibits automated enforcement technology from being used to prosecute an offense except in certain cases), Transportation Code.

#### ARTICLE 5. OPERATION OF DESIGNATED EMERGENCY VEHICLES

SECTION 5.01. Amends Section 418.013, Government Code, by adding Subsection (c), to require the council to make recommendations to DPS as to which private emergency organizations, such as the American National Red Cross, the Salvation Army, Radio Amateur Civil Emergency Services, and other similar organizations capable of supplementing the state's resources in a disaster, should be authorized to operate certain vehicles as designated emergency vehicles in the case of a disaster.

SECTION 5.02. Amends Subchapter A, Chapter 546, Transportation Code, by adding Section 546.006, as follows:

Sec. 546.006. DESIGNATED EMERGENCY VEHICLE DURING DECLARED DISASTERS. (a) Requires DPS to designate which organizations and vehicles are authorized to be operated as emergency vehicles during a declared disaster based on the recommendations made under Section 418.013(c), Government Code.

(b) Authorizes a vehicle designated under Subsection (a) to be operated by a designated organization as an authorized emergency vehicle under this subtitle (Rules of the Road) if it meets certain conditions set forth in this subsection.

(c) Requires DPS to adopt rules as necessary to implement this section.

## ARTICLE 6. INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS

SECTION 6.01. Amends Section 4, Article 18.20, Code of Criminal Procedure, as follows:

Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED. Authorizes a judge to issue an order authorizing the interception of wire, oral, or electronic communications (wiretap) only if the prosecutor shows probable cause to believe that the interception will provide evidence of the commission of certain offenses.

## ARTICLE 7. EMERGENCY ALERT SYSTEM

SECTION 7.01. Amends Section 418.042(a), Government Code, to authorize the state emergency management plan to include provisions for the education and training of local officials on activation of the Emergency Alert System established under 47 C.F.R. Part 11, in addition to certain other items as set forth in this subsection. Makes conforming changes.

## ARTICLE 8. TEMPORARY CARDBOARD TAGS ON VEHICLES

SECTION 8.01. Amends Section 503.005, Transportation Code, by adding Subsections (c) and (d), as follows:

(c) Provides that a dealer who submits information to the database under Section 503.0631 satisfies the requirement for a dealer to notify the Texas Department of Transportation (TxDOT) of the sale or transfer of a motor vehicle, trailer, or semitrailer under this section (Notice of Sale or Transfer).

(d) Provides that the notice required under this section is in addition to the application for vehicle registration and certificate of title a dealer is required to submit under Section 501.0234.

SECTION 8.02. Amends Section 503.062(d), Transportation Code, to require TxDOT to prescribe procedures for a dealer to generate a vehicle-specific number (number) using the database developed under Section 503.0626 and assign the number to each temporary cardboard buyer's tag (tag) and procedures to clearly display such a number, in addition to other items set forth in this subsection. Makes conforming changes.

SECTION 8.03. Amends Section 503.0625(e), Transportation Code, to make conforming changes.

SECTION 8.04. Amends Subchapter C, Chapter 503, Transportation Code, by adding Section 503.0626, as follows:

Sec. 503.0626. DEALER'S AND CONVERTER'S TEMPORARY TAG DATABASE.

(a) Requires TxDOT to develop and maintain a secure, real-time database of information on vehicles to which dealers and converters have affixed tags, to be managed by the vehicle titles and registration division of TxDOT.

(b) Requires the database to allow law enforcement agencies to use the number assigned to and displayed on the tag as required by Section 503.062(d) or 503.0625(e) to obtain information about the dealer or converter that owns the vehicle.

(c) Requires the dealer or converter to enter into the database, through the Internet, information on the vehicle and information about the dealer or converter

as prescribed by TxDOT before a tag is authorized to be displayed on the vehicle. Prohibits TxDOT from denying access to the database to any dealer who holds a general distinguishing number issued under this chapter (Dealer's and Manufacturer's Vehicle License Plates) or a dealer or converter licensed under Chapter 2301 (Sale or Lease of Motor Vehicles), Occupations Code.

(d) Requires TxDOT to adopt rules and prescribe procedures necessary to implement this section.

SECTION 8.05. Amends Section 503.063, Transportation Code, by amending Subsections (a), (e), and (f), and adding Subsections (g) and (h), as follows:

(a) Requires a dealer to issue to a person who buys a vehicle one tag for the vehicle.

(e) Requires TxDOT to prescribe procedures for a dealer to take certain actions set forth in this subsection related to the generation and display of a number on the tag.

(f) Requires TxDOT to ensure that a dealer may generate in advance a sufficient amount of numbers under Subsection (e)(2)(B) (numbers generated for use when the Internet is inaccessible) in order to continue selling vehicles for a period of up to one week in which the dealer is unable to access the Internet due to an emergency. Requires TxDOT to establish an expedited procedure to allow affected dealers to apply for additional numbers so they may remain in business during an emergency.

(g) Redesignated from existing Subsection (f). Authorizes a dealer to issue an additional tag to a person, using the same number generated under Subsection (e)(2)(A) (a number generated using the database), after the expiration of 20 working days after the tags' initial issuance and the person to operate the vehicle with the tag if the dealer is unable to obtain the necessary documents for permanent metal license plates because the documents are in the possession of a lienholder not in compliance with certain law. Makes a conforming change.

(h) Requires a dealer to charge the buyer a registration fee of not more than \$5 for each tag other than an additional tag under Subsection (g), as prescribed by TxDOT to be sent to the comptroller for deposit to the credit of the state highway fund.

SECTION 8.06. Amends Subchapter C, Chapter 503, Transportation Code, by adding Sections 503.0631 and 503.0632, as follows:

Sec. 503.0631. BUYER'S TEMPORARY TAG DATABASE. (a) Requires TxDOT to develop and maintain a secure, real-time database of information on persons to whom temporary buyer's tags are issued that may be used by a law enforcement agency in the same manner that the agency uses vehicle registration information, to be managed by the vehicles titles and registration division of TxDOT.

(b) Requires the database to allow law enforcement agencies to use a number assigned to and displayed on the tag as required by Section 503.063(e)(2) to obtain information about the person to whom the tag was issued.

(c) Requires the dealer to enter into the database, through the Internet, information about the buyer of the vehicle for which the tag was issued as prescribed by TxDOT and generate a vehicle-specific number for the tag as required by Section 503.063(e) before a tag is authorized to be displayed on the vehicle, except as provided by Subsection (d). Prohibits TxDOT from denying access to the database to any dealer who holds a general distinguishing number issued under this chapter or who is licensed under Chapter 2301, Occupations Code.

(d) Requires a dealer to obtain 24-hour Internet access at its place of business. Requires a dealer, if unable to access the Internet at the time of the sale of the vehicle, to complete and sign a form, as prescribed by TxDOT, that states the



dealer has Internet access but was unable to access the Internet at the time of the sale. Requires the buyer to keep the original copy of the form in the vehicle until the vehicle is registered to the buyer. Requires the dealer to submit the information required under Subsection (c) not later than the next business day after the time of the sale.

(e) Requires TxDOT to adopt rules and prescribe procedures necessary to implement this section.

(f) Authorizes the dealer to charge a reasonable fee not to exceed \$20 for costs associated with complying with this section.

Sec. 503.0632. NOTICE TO BUYER. (a) Requires each dealer to provide a one-page written notice to a buyer explaining certain items set forth in this subsection.

(b) Requires the dealer to require the buyer to sign a statement indicating the buyer received notice under this section.

(c) Requires TxDOT to adopt rules regarding the notice as set forth in this subsection.

SECTION 8.07. Amends the heading of Section 503.067, Transportation Code, to read as follows:

Sec. 503.067. UNAUTHORIZED REPRODUCTION, PURCHASE, USE, OR SALE OF TEMPORARY CARDBOARD TAGS.

SECTION 8.08. Amends Section 503.067, Transportation Code, by amending Subsection (a) and adding Subsections (c) and (d), as follows:

(a) Prohibits a person from producing or reproducing a tag or an item represented to be a tag for the purpose of distributing the tag to someone other than a dealer or converter.

(c) Prohibits a person other than a dealer or converter from purchasing a tag.

(d) Prohibits a person from selling or distributing a tag or an item represented to be a tag unless the person is a certain person set forth in this subsection.

SECTION 8.09. Amends Section 503.094, Transportation Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Makes a conforming change.

(d) Set forth certain penalties for offenses under certain sections.

SECTION 8.10. Amends Section 2301.651(a), Occupations Code, to authorize the director of the Motor Vehicle Division of TxDOT to deny an application for a license, revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder if the applicant or license holder violates the requirements of Section 503.0631, Transportation Code.

SECTION 8.11. (a) Requires TxDOT to adopt rules implementing Sections 503.0626 and 503.0631, Transportation Code, as added by this article, as soon as practicable after the effective date of this Act.

(b) Prohibits TxDOT from enforcing Sections 503.0626 and 503.0631, Transportation Code, as added by this article, until the rules adopted under Subsection (a) of this section take effect and the databases are operational and available to dealers with a general distinguishing number or a converter's license issued under Chapter 2301, Occupations Code.

SECTION 8.12. Makes application of the changes to Sections 503.067 and 503.094, Transportation Code, made by this article, prospective.

## ARTICLE 9. INFORMATION PROVIDED BY CRITICAL INFRASTRUCTURE ENTITIES

SECTION 9.01. Amends Subchapter B, Chapter 21, Property Code, by adding Section 21.024, as follows:

Sec. 21.024. PRODUCTION OF INFORMATION BY CERTAIN ENTITIES CONSIDERED TO BE CRITICAL INFRASTRUCTURE. (a) Provides that a utility, a common carrier, or a transporter of oil, gas, or the products of oil or gas is considered to be within the definition of critical infrastructure under Section 421.001, Government Code. Provides that, notwithstanding any other law, an entity which is considered critical infrastructure and which is authorized by law to take private property through the use of eminent domain is required to produce information as provided by this section if the information is requested by a person who owns property that is the subject of a proposed or existing eminent domain proceeding, but only if the information is related to the taking of the person's private property by the entity through the use of eminent domain.

(b) Provides that an entity described by Subsection (a) is required under this section only to produce information relating to the condemnation of the specific property owned by the requestor as described in the request. Requires a request under this section to contain sufficient details to allow the entity to identify the specific tract of land in relation to which the information is sought.

(c) Requires the entity to respond to a request in accordance with the Texas Rules of Civil Procedure as if the request was made in a matter pending before a state district court.

(d) Provides that exceptions to disclosure provided by this chapter and the Texas Rules of Civil Procedure apply to the disclosure of information under this section.

(e) Provides that jurisdiction to enforce the provisions of this section resides in certain courts depending on whether the condemnation proceeding has been initiated.

(f) Authorizes the court to award the requestor's reasonable attorney's fees incurred to compel the production of the information if the entity refuses to produce information requested in accordance with this section and the court determines the refusal violates this section.

(g) Authorizes the attorney general to file an action in a court described by Subsection (e) to enforce this section on the request of the person who made the request for the information if an entity that received a request in accordance with this section does not produce the requested information on or before the 30th day after the request is made. Authorizes the court to award the attorney general's reasonable expenses incurred to compel the production of the information if the court determines that the failure to produce the information is a violation of this section.

(h) Prohibits the person who requested that the attorney general file the action from filing a private action to enforce this section with respect to the same request for information if the attorney general files an action under Subsection (g).

(i) Provides that Section 552.0037, Government Code, does not apply in relation to those entities described in Subsection (a).

## ARTICLE 10. LEAVE OF ABSENCE FOR URBAN SEARCH AND RESCUE TEAMS

SECTION 10.01. Amends Section 431.005, Government Code, to add a member of a state or federally authorized Urban Search and Rescue Team to the list of individuals who are entitled to

a paid leave of absence under certain conditions and entitled to being restored to the position the employee held when ordered to duty.

## ARTICLE 11. LICENSE PLATES FOR THE MILITARY

SECTION 11.01. Amends Subchapter D, Chapter 504, Transportation Code, by adding Section 504.3011, as follows:

Sec. 504.3011. DESIGN OF CERTAIN LICENSE PLATES FOR THE MILITARY. (a) Requires license plates issued under Section 504.303 (Members or Former Members of United States Armed Forces) at a minimum, to bear a color depiction of the emblem of the appropriate branch of the United States armed forces.

(b) Requires license plates issued under Section 504.308(a) or 504.315(e), (f), or (g) at a minimum, to bear a color depiction of the appropriate medal.

(c) Requires TxDOT to design license plates to which this section applies in consultation with veterans organizations.

## ARTICLE 12. IMMUNIZATION RECORDS OF FIRST RESPONDERS AND RECORDS OBTAINED DURING CERTAIN DISASTERS

[While the statutory reference in this article is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

SECTION 12.01. Amends Section 161.0001, Health and Safety Code, by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to redefine "data elements" and to define "first responder" and "immediate family member."

SECTION 12.02. Amends Subchapter A, Chapter 161, Health and Safety Code, by adding Sections 161.00705, 161.00706, and 161.00707, as follows:

Sec. 161.00705. RECORDING ADMINISTRATION OF IMMUNIZATION AND MEDICATION FOR DISASTERS AND EMERGENCIES. (a) Requires the Texas Department of Health (TDH) to maintain a registry of persons who receive an immunization, antiviral, and other medication administered to prepare for certain disasters or emergencies. Requires a health care provider who administers an immunization, antiviral, or other medication to provide the data elements to TDH.

(b) Requires TDH to maintain the registry as part of the immunization registry required by Section 161.007.

(c) Requires TDH to track adverse reactions to an immunization, antiviral, and other medication administered to prepare for certain disasters or immunizations. Authorizes a health care provider who administers an immunization, antiviral, or other medication to provide data related to adverse reactions to TDH.

(d) Provides that Sections 161.007, 161.0071, 161.0072, and 161.0074 apply to the data elements submitted to TDH under this section, unless a provision in those sections conflict with a requirement in this section.

(e) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) by rule to determine the period during which the information collected under this section is required to remain in the registry following the end of certain disasters or emergencies.

(f) Requires TDH to remove the immunization records collected under this section from the registry on expiration of the period prescribed under Subsection (e), unless an individual or if a child, the child's parent, managing conservator, or

guardian consents in writing to the continued inclusion of the child's or other individual information in the registry.

(g) Authorizes the immunization information of a child or other individual received by TDH under this section to be released only on consent of certain individuals, or to a state agency or health care provider consistent with the purposes of this subchapter or the purposes of aiding or coordinating communicable disease prevention and control efforts during certain disasters or emergencies.

(h) Requires the report required under Section 161.0074 (Report to Legislature) to also include the number of complaints received by TDH related to the department's failure to remove information from the registry as required by Subsection (f).

(i) Requires the executive commissioner to adopt rules necessary to implement this section.

Sec. 161.00706. FIRST RESPONDER IMMUNIZATION INFORMATION. (a) Authorizes a person 18 years of age or older who is a first responder or an immediate family member of a first responder to request that a provider who administers an immunization to the person provide data elements regarding the immunization to TDH for inclusion in the registry, or to provide the person's immunization history directly to the department for inclusion in the registry.

(b) Requires a provider, on receipt of a request under Subsection (a)(1), to submit the data elements to the department in a format prescribed by TDH. Requires TDH to verify the person's request before including the information in the registry.

(c) Requires the executive commissioner to develop rules to ensure that immunization history submitted under Subsection (a)(2) is medically verified immunization information; develop guidelines for use by TDH in informing first responders about the registry; and adopt rules for the implementation of this section.

(d) Authorizes a person's immunization history or data received by TDH under this section to be released only on consent of the person or to any provider licensed or otherwise authorized to administer vaccines.

(e) Authorizes a person whose immunization records are included in the registry as authorized by this section to request in writing that TDH remove that information from the registry. Requires TDH, not later than the 10th day after receiving a request under this subsection, to remove the person's immunization records from the registry.

(f) Requires the report required under Section 161.0074 to also include the number of complaints received by TDH related to its failure to comply with requests for removal of information from the registry under Subsection (e).

Sec. 161.00707. INFORMATION AND EDUCATION FOR FIRST RESPONDERS. Requires TDH to develop a program for informing first responders about the immunization registry and educating first responders about specific benefits of being included in the immunization registry.

SECTION 12.03. Amends Section 161.007, Health and Safety Code, by amending Subsections (a), (b), and (j) and adding Subsection (b-1), as follows:

(a) Requires TDH, for the primary purpose, rather than for purposes, of establishing and maintaining a single repository of accurate, complete, and current immunization records to be used in aiding coordinating, and promoting efficient and cost-effective childhood

communicable disease prevention and control efforts, to establish and maintain an, rather than a childhood, immunization registry. Amends existing text relating to which individuals TDH by rule is required to develop guidelines to inform about the registry, to include the guardian of each patient younger than 18 years of age, rather than each patient. Requires TDH by rule to develop guidelines to determine the process by which consent is verified, including affirmation by a health care provider, birth registrar, regional health information exchange, or local immunization registry that consent has been obtained. Makes conforming changes.

(b) Requires that the registry contain information on the immunization history that is obtained by TDH under Section 161.00705 of persons immunized to prepare for or in response to certain disasters or emergencies and Section 161.00706 of first responders or their immediate family members. Makes conforming changes.

(b-1) Prohibits TDH from retaining individually identifiable information about any person for whom a consent for continued inclusion in the registry following the end of the specific disaster or emergency has not been received under Section 161.00705(f) or for whom a request to be removed from the registry has been received under Section 161.00706(e).

(j) Includes Sections 161.00705 and 161.00706 among the exceptions to this subsection. Authorizes information obtained by TDH to be disclosed only with the written consent of the individual or, if a child, the child's parent, managing conservator, or guardian.

SECTION 12.04. Amends Sections 161.0073(a) and (c), Health and Safety Code, as follows:

(a) Provides that Section 161.00705 is an exception to this subsection. Provides that this subsection concerns information that individually identifies a child or other individual, rather than only a child, that is received by TDH for the registry.

(c) Makes conforming changes.

SECTION 12.05. Amends Section 161.00705, Health and Safety Code, as follows:

Sec. 161.0075. IMMUNITY FROM LIABILITY. Includes Sections 161.00705 and 161.00706 among the sections under which persons subject to this subchapter who act in compliance with said sections, except as provided by Section 161.009, are not civilly or criminally liable for furnishing the information required under this subchapter.

SECTION 12.06. Amends Section 161.009(a), Health and Safety Code, to provide that a person commits an offense if the person fails to remove a person's immunization information in violation of Section 161.00705 or 161.00706. Makes a conforming change.

SECTION 12.07. Amends Subchapter A, Chapter 161, Health and Safety Code, by adding Section 161.0102, as follows:

Sec. 161.0102. DISASTER PREPARATION. Requires TDH to consult with public health departments and appropriate health care providers to identify adult immunizations that may be necessary to respond to or prepare for certain disasters or emergencies.

SECTION 12.08. Amends 161.0105(a), Health and Safety Code, to provide that a health care provider who acts in compliance with Sections 161.007, 161.00705, 161.00706, and 161.008 and any rules adopted under those sections is not civilly or criminally liable for furnishing the information required under those sections. Provides that this section does not apply to criminal liability established under Section 161.009.

SECTION 12.09. Requires the executive commissioner to, as soon as practicable after the effective date of this Act, adopt the rules required under Sections 161.00705 and 161.00706, Health and Safety Code, as added by this article.

SECTION 12.10. Makes application of the changes in law made by this article to Section 161.009, Health and Safety Code, prospective. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

#### ARTICLE 13. HIGH PRIORITY ACTIVITY FUNDS

SECTION 13.01. Amends Section 644.102, Transportation Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Prohibits a municipality or county that engages in enforcement under this chapter (Commercial Motor Vehicle Safety Standards) from being considered, in the context of a federal grant related to this chapter, a party to a federal grant agreement, except as provided by Subsection (b-1)

(b-1) Provides that Subsection (b) does not prohibit a municipality or county from receiving High Priority Activity Funds provide under the federal Motor Carrier Safety Assistance Program.

#### ARTICLE 14. DISEASE MANAGEMENT

SECTION 14.01. Amends Section 81.082, Health and Safety Code, by adding Subsection (c-1), to authorize a health authority to designate health care facilities within jurisdiction that are capable of providing certain services during a public health disaster or during an area quarantine under Section 81.085 (Area Quarantine; Criminal Penalty). Prohibits a health authority from designating a nursing home or other institution licensed under Chapter 242 (Convalescent And Nursing Homes And Related Institutions).

SECTION 14.02. Amends Section 81.083, Health and Safety Code, by adding Subsections (k) and (l), as follows:

(k) Authorizes TDH or a health authority, if there is reasonable cause to believe that a group of five or more individuals has been exposed to or infected with a communicable disease, to order the members of the group to implement measures that are reasonable and necessary to prevent the introduction, transmission, and spread of the disease in Texas. Provides that each member of the group is subject to the requirements of this section if TDH or the health authority adopts control measures under this subsection.

(l) Requires an order under Subsection (k) to be in writing and be delivered personally or by registered or certified mail to each member of the group, or the member's parent, legal guardian, or managing conservator if the member is a minor. Requires TDH to publish notice in a newspaper of general circulation in any county that includes the area of suspected exposure or where a group member resides if the name, address, and county of residence of any group member is unknown at the time the order is issued. Sets forth the information required to be included on the notice.

SECTION 14.03. Amends Section 81.151, Health and Safety Code, by adding Subsection (e), to authorize a single application to be filed for a group if certain criteria is met.

SECTION 14.04. Amends Subchapter G, Chapter 81, Health and Safety Code, by adding Section 81.1511, as follows:

Sec. 81.1511. **APPLICABILITY OF SUBCHAPTER TO GROUP.** Provides that the provisions of this subchapter apply to a group in the same manner as they apply to an individual with certain exceptions, to the extent possible, and except as otherwise provided, if a group application is filed under Section 81.151(e).

SECTION 14.05. Amends Section 81.152, Health and Safety Code, by adding Subsection (d), to require a group application to contain certain information according to the applicant's information and belief.

SECTION 14.06. Amends Subchapter G, Chapter 81, Health and Safety Code, by adding Section 81.1531, as follows:

Sec. 81.1531. APPOINTMENT OF ATTORNEY FOR GROUP. (a) Requires a judge to appoint an attorney to represent a group identified in a group application under Section 81.151(e) and to appoint an attorney for each person who is listed in the application if requested by a person in the group who does not have an attorney.

(b) Provides that the provisions of this chapter that apply to an individual's attorney apply to a group's attorney.

SECTION 14.07. Amends Section 81.159(a), Health and Safety Code, to prohibit the commissioner of public health (commissioner) from designating certain health care facilities, including certain nursing homes or custodial care homes or an intermediate care facility for the mentally retarded required to be licensed under Chapter 252 (Intermediate Care Facilities For The Mentally Retarded), as capable of providing specific services for persons having or suspected of having a communicable disease.

SECTION 14.08. Amends Section 81.162, Health and Safety Code, by adding Subsections (f) and (g), as follows:

(f) Authorizes a judge or magistrate to issue a temporary protective custody order under certain circumstances before the filing of an application for a court order for the management of a person with a communicable disease under Section 81.151 (Application for Court Order), notwithstanding Section 81.161 (Motion for Order of Protective Custody) or Subsection (c) (relating to the judge's or magistrate's determination whether a person meets certain criteria).

(g) Authorizes a temporary protective custody order issued under Subsection (f) to continue only until 4 p.m. on the first business day after the date the order is issued unless the application for the court order for the management of a person with a communicable disease and a motion for protective custody, as described by Subsection (f)(1), are filed at or before that time. Authorizes the temporary protective custody order to continue for the period reasonably necessary for the court to rule on the motion for protective custody if the application and motion are filed at or before 4 p.m. on the first business day after the date the order is issued.

SECTION 14.09. Amends Sections 81.165(b) and (d), Health and Safety Code, as follows:

(b) Authorizes the judge or magistrate to postpone a hearing if the area in which the person is found, or the area where the hearing will be held, is under a public health disaster until the period of disaster is ended.

(d) Authorizes the magistrate or master to order that a person entitled to a hearing for a protective custody order is prohibited to appear in person and is only authorized to appear by teleconference or another means to allow the person to speak, to interact with witnesses, and to confer with the person's attorney, if the health advisory advises the court that the person is required to remain in isolation or quarantine and that exposure to the judge, jurors, or the public would jeopardize the health and safety of those persons and the public health.

SECTION 14.10. Amends Sections 81.167(b) and (c), Health and Safety Code, as follows:

(b) Requires a person under a protective custody order to be detained in an appropriate inpatient health facility that has been designated by the commissioner or by a health authority and selected by the health authority under Section 81.159.

(c) Prohibits a person from being detained in a nonmedical facility under this subsection for longer than 72 hours, except under certain circumstances, including the duration of a public health disaster.

SECTION 14.11 Amends Section 81.168(c), Health and Safety Code, to make a conforming change.

SECTION 14.12. Amends Section 81.169, Health and Safety Code, by adding Subsection (i), as follows:

(i) Authorizes a judge to order that a person entitled to a hearing is prohibited to appear in person and is only authorized to appear by teleconference or another means that the judge finds appropriate to allow the person to speak, to interact with witnesses, and to confer with the person's attorney if the health authority advises the court that the person is required to remain in isolation or quarantine and that exposure to the judge, jurors, or the public would jeopardize the health and safety of those persons and the public health, notwithstanding Subsection (d).

SECTION 14.13. Amends Section 81.176, Health and Safety Code, to make a conforming change.

SECTION 14.14. Amends Section 81.177, Health and Safety Code, as follows:

Sec. 81.177. COMMITMENT TO PRIVATE FACILITY. (a) Creates this subsection from existing text.

(b) Authorizes the court, consistent with Subsection (a), to order a person committed to a private health care facility at no expense to the state, a county, a municipality, or a hospital district during certain circumstances.

(c) Provides that nothing in this section prevents a health care facility that accepts a person under this section from pursuing reimbursement from any appropriate source, such as a third-party public or private payor or disaster relief fund.

#### ARTICLE 15. CERTAIN MUTUAL ASSISTANCE AGREEMENTS

SECTION 15.01. Amends Section 51.212, Education Code, as follows:

Sec. 51.212. New heading: PEACE OFFICERS AT PRIVATE INSTITUTIONS. (a) Authorizes the governing boards (boards) of private institutions of higher education (private institutions), including private junior colleges, to employ and commission peace officers, rather than campus security personnel, for the purpose of enforcing state law on their campuses and state and local law, including applicable municipal ordinances, at other locations, as permitted by Subsection (b) or Section 51.2125. Makes conforming and nonsubstantive changes.

(b) Provides that any peace officer commissioned under the provisions of this section is vested with all the powers, privileges, and immunities of peace officers if the officer is on the property under the control and jurisdiction of the respective private institution of higher education or is otherwise performing duties assigned to the officer by the institution, regardless of whether the officer is on property under the control and jurisdiction of the institution, but provided these duties are consistent with the educational mission of the institution and are being performed within a county in which the institution has land, or, to the extent authorized by Section 51.2125, is assisting another law enforcement agency as set forth in this subsection. Makes conforming changes.

(c) Creates this subsection from existing text of Subsection (a). Makes nonsubstantive changes.

(d) Redesignated from existing text of Subsection (b). Makes a nonsubstantive change.

(e) Redesignated from existing text of Subsection (c). Redefines "private institution of higher education."



SECTION 15.02. Amends Subchapter E, Chapter 51, Education Code, by adding Sections 51.2125 and 51.2126, as follows:

Sec. 51.2125. PRIVATE INSTITUTIONS: AUTHORITY TO ENTER INTO MUTUAL ASSISTANCE AGREEMENT. (a) Provides that this section applies only to a private institution of higher education, as defined by Section 61.003, that has a fall head count enrollment of more than 10,000 students and that has under its control and jurisdiction property that is contiguous to, or located in any part within the boundaries of, a municipality with a population of more than one million. Provides that for the purposes of this section, a private institution of higher education is a private or independent institution of higher education as defined by Section 61.003 (Definitions).

(b) Authorizes the board to which this section applies, in addition to exercising the authority provided under Section 51.212(d), if the applicable private institution has under its control and jurisdiction property that is contiguous to, or located in any part within the boundaries of a municipality with a population of more than one million, and the governing body of each municipality, regardless of its population, that is contiguous to or the boundaries of which contain any part of property under the control and jurisdiction of the private institution, to enter into a written mutual assistance agreement (agreement) in which peace officers commissioned by the institution or the applicable municipality serve the public interest by assisting, without any form of additional compensation or other financial benefit, the officers of the other party to the agreement in enforcing state or local law, including applicable municipal ordinances. Requires the agreement to be reviewed at least annually by the institution and the municipality and authorizes it to be modified at that time by a written agreement signed by each party. Authorizes the agreement to be terminated at any time by a party to the agreement on the provision of reasonable notice to the other party to the agreement.

(c) Authorizes an agreement authorized by this section to designate the geographic area in which the campus peace officers are authorized to provide assistance to the officers of the municipality, except that if the agreement is entered into with a municipality with a population of more than one million, the designated geographic area consists of each of the election districts of the municipality's governing body that contains any part of the campus of the institution and each of the election districts of the governing body that is contiguous to another municipality that contains any part of the campus of the institution.

(d) Provides that this section does not affect a municipality's duty to provide law enforcement services to any location within the boundaries of the municipality.

(e) Authorizes a peace officer providing assistance under an agreement authorized by this section to make arrests and exercise all other authority given to peace officers under other state law. Provides that the municipal law enforcement agency (municipal agency) has exclusive authority to supervise any campus peace officer operating under the agreement to assist the peace officers of the municipality. Provides that a municipal peace officer operating under the agreement to assist the campus peace officers remains under the supervision of the municipal agency.

(f) Provides that a private institution is liable for an act or omission of a campus peace officer operating under an agreement authorized by this section at a location other than property under the control and jurisdiction of the institution in the same manner and to the same extent as a municipality is liable for an act or omission of a peace officer employed by the municipality.

(g) Provides that this section does not limit the authority of a campus peace officer to make a warrantless arrest outside the officer's jurisdiction as described by Article 14.03(d), Code of Criminal Procedure.

Sec. 51.2126. APPEAL BY CAMPUS PEACE OFFICER OF DISCIPLINARY ACTION OR PROMOTIONAL BYPASS RELATED TO PROVISION OF ASSISTANCE UNDER MUTUAL ASSISTANCE AGREEMENT. (a) Authorizes a campus peace officer acting under an agreement authorized by Section 51.2125 who is demoted, suspended, or terminated by the applicable private institution or who experiences a promotional bypass by the institution to elect to appeal the institution's action to an independent third party hearing examiner (examiner) under this section.

(b) Requires the campus peace officer, to elect to appeal to an examiner under this section, to submit to the head of the institution's law enforcement agency a written request stating the officer's decision to appeal to such an examiner not later than the 30<sup>th</sup> day after the date of the action being appealed.

(c) Provides that the examiner's decision is final and binding on all parties. Authorizes the peace officer or institution, if the officer elects to appeal the institution's action to an examiner under this section, to appeal the examiner's decision to a district court only as provided by Subsection (j).

(d) Requires the peace officer and the head of the institution's law enforcement agency or their designees, if a campus peace officer elects to appeal to an examiner, to attempt to agree on the selection of an impartial examiner. Requires the parties, if they do not agree on the selection of an examiner before the 10<sup>th</sup> day after the date the appeal is filed, immediately to request a list of seven qualified neutral arbitrators from the American Arbitration Association or the Federal Mediation and Conciliation Service, or their successors in function. Authorizes the officer and the agency head or their designees to agree on one of the seven neutral arbitrators on the list. Requires the parties or their designees, if the parties do not agree before the fifth business day after the date the parties receive the list, to alternate striking a name from the list, and the single name remaining after all other names have been struck is selected as the examiner. Requires the parties or their designees to agree on a date for the hearing.

(e) Requires the appeal hearing to begin as soon as an appearance by the examiner can be scheduled. Authorizes the campus peace officer, if the examiner cannot begin the hearing before the 45<sup>th</sup> day after the date of selection, to call for the selection of a new examiner using the procedure prescribed by Subsection (d) within 48 hours after learning of that fact.

(f) Provides that, in a hearing conducted under this section, the examiner has the same duties and powers that a civil service commission has in conducting a hearing or hearing an appeal under Chapter 143 (Municipal Civil Service for Firefighters and Police Officers), Local Government Code, including the right to issue subpoenas. Authorizes the examiner to take certain actions set forth in this subsection related to remedying the grievance of the peace officer.

(g) Authorizes the parties to agree to an expedited hearing procedure in a hearing conducted under this section. Requires the examiner, in an expedited procedure, to issue a decision on the appeal not later than the 10<sup>th</sup> day after the date the hearing is completed unless otherwise agreed by the parties.

(h) Requires the examiner, in an appeal that does not involve an expedited hearing procedure, to make a reasonable effort to issue a decision on the appeal not later than the 30<sup>th</sup> day after the later of the date the hearing is completed or the briefs are filed. Provides that the examiner's inability to meet the time requirements imposed by this section does not affect the examiner's jurisdiction, the validity of the disciplinary action or promotional bypass, or the examiner's final decision.

(i) Requires the examiner's fees and expenses to be paid in equal amounts by the parties, and the costs of a witness to be paid by the party who calls the witness.

(j) Authorizes a district court to hear an appeal of a examiner's decision only on the grounds that the examiner was without jurisdiction or exceeded the examiner's jurisdiction or that the decision was procured by fraud, collusion, or other unlawful means. Requires an appeal to be brought in the district court having jurisdiction in the municipality in which the institution is located.

## ARTICLE 16. TRAFFICKING OF PERSONS

SECTION 16.01. Amends Section 20A.01, Penal Code, to redefine "forced labor or services" and "traffic."

SECTION 16.02. Amends Sections 20A.02(a) and (b), Penal Code, as follows:

(a) Provides that a person commits an offense if the person knowingly traffics another person with the intent or knowledge that the trafficked person will engage in forced labor or services. Provides that a person commits an offense if the person intentionally or knowingly benefits from participating in a venture that involves an activity described by this subsection, including by receiving labor or services the person knows are forced labor or services, rather than conduct that constitutes an offense under Chapter 43 (Public Indecency).

(b) Provides that, except as otherwise provided by this subsection, an offense under this section (Trafficking of Persons) is a second degree felony. Provides that an offense under this section is a first degree felony under certain conditions, including if the applicable conduct constitutes an offense under Section 43.02 (Prostitution), rather under Subsection (a)(2), and the person who is trafficked is younger than 18 years of age, rather than younger than 14 years of age.

SECTION 16.03. Amends Section 125.002, Civil Practice and Remedies Code, by adding Subsection (f-1), as follows:

(f-1) Requires the bond, if the defendant required to execute the bond is a hotel, motel, or similar establishment that rents overnight lodging to the public and the alleged common nuisance is under Section 125.0015(a)(6) or (7), to also be conditioned that the defendant will, in each of the defendant's lodging units on the premises that are the subject of the suit, post in a conspicuous place near the room rate information required to be posted under Section 2155.001 (Room Rate Information), Occupations Code, an operating toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

SECTION 16.04. Amends Section 125.045, Civil Practice and Remedies Code, by adding Subsection (a-1), as follows:

(a-1) Requires the bond, if the defendant required to execute the bond is a hotel, motel, or similar establishment that rents overnight lodging to the public and the alleged common nuisance is under Section 125.0015(a)(6) or (7), to also be conditioned that the defendant will, in each of the defendant's lodging units on the premises that are the subject of the suit, post in a conspicuous place near the room rate information required to be posted under Section 2155.001, Occupations Code, an operating toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

SECTION 16.05. (a) Requires the attorney general, not later than September 1, 2008 and in consultation with the Health and Human Services Commission (HHSC), to prepare and issue a report containing certain information.

(b) Requires HHSC, not later than September 1, 2008 and in consultation with the attorney general, to prepare and issue a report containing certain information.

SECTION 16.06. Makes application of Sections 20A.01 and 20A.02, Penal Code, as amended by this article, prospective.

SECTION 16.07. Makes application of Section 125.002(f-1) and 125.045(a), Civil Practice and Remedies Code, as added by this article, prospective.

## ARTICLE 17. REGULATION OF FIREWORKS IN DISASTER DECLARATION

SECTION 17.01. Amends Section 418.08, Government Code, as follows:

Sec. 418.108. DECLARATION OF LOCAL DISASTER. (a)-(c) Makes no changes to these subsections.

(d) Provides that the preparedness and response aspects of the emergency management plans and take effect immediately after the local state of disaster is declared.

(e)-(h) Makes no changes to these subsections.

(i) Authorizes a declaration under this section to include a restriction that exceeds a restriction authorized by Section 352.051, Local Government Code. Provides that a restriction that exceeds a restriction authorized by Section 352.051, Local Government Code, is effective only for 60 hours unless extended by the governor and if the county judge requests the governor to grant an extension of the restriction.

## ARTICLE 18. MISCELLANEOUS PROVISIONS RELATING TO HOMELAND SECURITY AND BORDER SECURITY

SECTION 18.01. Amends Subchapter A, Chapter 421, Government Code, by adding Section 421.0025, as follows:

Sec. 421.0025. BORDER SECURITY COUNCIL. (a) Provides that the Border Security Council (council) consists of members appointed by the governor.

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

(b) Requires the council to develop and recommend to the governor's office performance standards, reporting requirements, audit methods, and other procedures to ensure that funds allocated by the governor's office 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 their proper usage.

(c) Requires the council to advise the governor's office regarding the allocation of funds by the office for purposes related to security at or near this state's international border. Requires recommendations relating to the allocation of those funds to be made by a majority of council members.

(d) Requires the governor to designate one member of the council as the chair. Requires the chair to arrange council meetings at times determined by council members.

(e) Provides that council meetings are subject to the requirements of Chapter 551 (Open Meetings) to the same extent as similar meetings of the Public Safety Commission. Provides that the council's plans and recommendations are subject

to the requirements of Chapter 552 (Public Information) to the same extent as similar plans and recommendations of DPS.

(f) Provides that council service 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.

SECTION 18.02. Amends the heading to Subchapter E, Chapter 421, Government Code, to read as follows:

#### SUBCHAPTER E. TEXAS FUSION CENTER

SECTION 18.03. Amends Section 421.081, Government Code, to require DPS to provide facilities and administrative support for the Texas Fusion Center, rather than the Texas Infrastructure Protection Communications Center.

SECTION 18.04. Amends Subchapter H, Chapter 2155, Government Code, by adding Section 2155.452, as follows:

Sec. 2155.452. CERTAIN CONTRACTS FOR HOMELAND SECURITY OR LAW ENFORCEMENT TECHNOLOGY. Requires an entity that issues a request for proposals for technological products or services for homeland security or law enforcement purposes to allow a business entity to substitute the qualifications of its executive officers or managers for the qualifications required of the business entity in the request for proposals.

SECTION 18.05. Amends Article 61.02(c), Code of Criminal Procedure, to require criminal information collected under this chapter relating to a criminal street gang to consist of a judgment under any law that includes, as a finding or as an element of a criminal offense, participation in a criminal street gang; a self-admission by the individual of criminal street gang membership that is made during a judicial proceeding; or a self-admission by the individual of criminal street gang membership that is not made during a judicial proceeding, evidence that the individual uses, in more than an incidental manner, certain criminal street indicators, or a combination of certain other factors previously set forth in this subsection. Makes conforming changes.

SECTION 18.06. Amends Article 61.06(c), Code of Criminal Procedure, to provide that, in determining whether information is required to be removed from an intelligence database under Subsection (b) (requiring such information to be removed after three years if certain conditions are met), the three-year period does not include any period during which the individual who is the subject of the information is confined in a correctional facility operated by or under contract with the Texas Department of Criminal Justice, committed to a secure correctional facility operated by or under contract with the Texas Youth Commission, as defined by Section 51.02, Family Code, or confined in a county jail or a facility operated by a juvenile board in lieu of being confined in the above facilities. Makes conforming changes.

SECTION 18.07. Amends Chapter 61, Code of Criminal Procedure, by adding Article 61.075, as follows:

Art. 61.075. RIGHT TO REQUEST EXISTENCE OF CRIMINAL INFORMATION.

(a) Authorizes a person or the parent or guardian of a child to request a law enforcement agency to determine whether the agency has collected or is maintaining, under criteria established under Article 61.02(c), criminal information relating solely to the person or child. Requires the agency to respond to the request not later than the 10<sup>th</sup> business day after the date it receives the request.

(b) Authorizes a law enforcement agency, before responding to a request under Subsection (a), to require reasonable written verification of the identity of the person making the request and the relationship between the parent or guardian and the child, if applicable, including written verification of an address, date of birth,

driver's license number, state identification card number, or Social Security number.

## ARTICLE 19. EMERGENCY MANAGEMENT TRAINING

SECTION 19.01. Amends Subchapter A, Chapter 418, Government Code, by adding Section 418.005, as follows:

Sec. 418.005. EMERGENCY MANAGEMENT TRAINING. (a) Provides that this section applies only to an appointed public officer whose position description, job duties, or assignment includes emergency management responsibilities or who plays a role in emergency preparedness, response, or recovery.

(b) Requires each person described by Subsection (a) to 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 a certain date.

(c) Requires the division to 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. Requires the division to ensure that the training courses satisfy the requirements of Subsection (b).

(d) Authorizes the division to provide the training and to also approve any acceptable course of training offered by a governmental body or other entity. Requires the division or provided by the division is available on videotape or a functionally similar and widely available medium at no cost.

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

(f) Provides that 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) Authorizes the hours spent in a training course required by Subsection (b) to be applied toward the continuing education requirements for county commissioners under Section 81.0025, Local Government Code.

SECTION 19.02. Requires that, not later than January 1, 2009, each public officer who has taken the oath of office for a state or local government office before January 1, 2008, and who is required to complete a course of training under Section 418.005, Government Code, as added by this article, to complete the training.

## ARTICLE 20. PUBLIC SAFETY AGENCIES

SECTION 20.01. Amends Sections 411.003(b), (c), and (d), Government Code, as follows:

(b) Provides that the Public Safety Commission (commission) is composed of five, rather than three, Texas citizens appointed by the governor. Requires members to reflect the diverse geographic regions and population groups of Texas.

(c) Provides that members serve staggered six-year terms with the terms of either one or two members expiring January 1 of each even-numbered year.

(d) Requires the chairman of the commission to oversee the preparation of an agenda for each meeting and ensure that a copy is provided to each member at least seven days before the meeting.

SECTION 20.02. Requires the governor, promptly after this article takes effect, to appoint two additional members to the commission. Requires the governor to designate, of those members, one to serve a term expiring January 1, 2010, and one to serve a term expiring January 1, 2012.

## ARTICLE 21. ENHANCED DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE

SECTION 21.01. Amends Subchapter B, Chapter 521, Transportation Code, by adding Section 521.032, as follows:

Sec. 521.032. ENHANCED DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. (a) Authorizes the Department of Public Safety (DPS) to issue an enhanced driver's license or personal identification certificate (certificate) for purposes of crossing the border between Texas and Mexico to an applicant who provides DPS with proof of United States citizenship, identity, and state residency. Requires DPS, upon issuance of such a driver's license or certificate, to continue to issue standard driver's licenses and certificates and to offer each applicant the option of receiving the standard or enhanced driver's license or certificate.

(b) Requires DPS to implement a one-to-many biometric matching system for the enhanced driver's license or certificate. Requires an applicant for the enhanced driver's license or certificate to submit a biometric identifier as designated by DPS which, notwithstanding any other law, may only be used to verify the identity of the applicant for purposes relating to implementation of the border crossing initiative (initiative) established by this section. Requires an applicant to sign a declaration acknowledging the applicant's understanding of the biometric match.

(c) Requires the enhanced driver's license or certificate to include certain reasonable security measures to protect the privacy of the license or certificate holder. Requires DPS to ensure that any radio frequency identification chip used in enhanced driver's licenses and certificates is encrypted or otherwise secure from unauthorized access.

(d) Provides that the requirements of this section are in addition to any other requirements imposed on driver's license or certificate applicants. Requires DPS to adopt rules necessary to implement this section. Requires DPS to periodically review technological innovation related to the security of driver's licenses and certificates and to amend rules as consistent with certain goals.

(e) Authorizes DPS to set a fee for issuance of an enhanced driver's license or certificate in a reasonable amount necessary to fund the implementation and administration of this section.

(f) Authorizes DPS to enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between Texas and Mexico. Authorizes DPS to enter into an agreement with Mexico to implement an initiative authorized by this section, to the extent permitted by federal law. Requires DPS to implement a statewide education campaign to educate residents of this state about the initiative. Sets forth certain information required to be included in the campaign.

(g) Prohibits a person from selling or otherwise disclosing biometric information accessed from an enhanced driver's license radio frequency identification chip or similar technology to another person or an affiliate of the person. Provides that this subsection does not apply to a financial institution described by Section 521.126(e).

## ARTICLE 22. EFFECTIVE DATE

SECTION 22.01. Effective date, except as otherwise provided by this Act: September 1, 2007.