

1-1 By: Carona S.B. No. 11
1-2 (In the Senate - Filed March 7, 2007; March 12, 2007, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 12, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 April 12, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 11 By: Carona

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

1-10 relating to homeland security; providing penalties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 ARTICLE 1. CERTAIN DISASTER RESPONSE PROCEDURES FOR POLITICAL
1-13 SUBDIVISIONS

1-14 SECTION 1.01. Section 418.004, Government Code, is amended
1-15 by adding Subdivisions (10) through (14) to read as follows:

1-16 (10) "Local government entity" means a county,
1-17 incorporated city, independent school district, emergency services
1-18 district, other special district, joint board, or other entity
1-19 defined as a political subdivision under the laws of this state that
1-20 maintains the capability to provide mutual aid.

1-21 (11) "Mutual aid" means a homeland security activity,
1-22 as defined by Section 421.001, performed under the system or a
1-23 written mutual aid agreement.

1-24 (12) "Requesting local government entity" means a
1-25 local government entity requesting mutual aid assistance under the
1-26 system.

1-27 (13) "Responding local government entity" means a
1-28 local government entity providing mutual aid assistance in response
1-29 to a request under the system.

1-30 (14) "System" means the Texas Statewide Mutual Aid
1-31 System.

1-32 SECTION 1.02. Subchapter E, Chapter 418, Government Code,
1-33 is amended by adding Section 418.1015 to read as follows:

1-34 Sec. 418.1015. EMERGENCY MANAGEMENT DIRECTORS. (a) The
1-35 presiding officer of the governing body of an incorporated city or a
1-36 county or the chief administrative officer of a joint board is
1-37 designated as the emergency management director for the officer's
1-38 political subdivision.

1-39 (b) An emergency management director serves as the
1-40 governor's designated agent in the administration and supervision
1-41 of duties under this chapter. An emergency management director may
1-42 exercise the powers granted to the governor under this chapter on an
1-43 appropriate local scale.

1-44 (c) An emergency management director may designate a person
1-45 to serve as emergency management coordinator. The emergency
1-46 management coordinator shall serve as an assistant to the emergency
1-47 management director for emergency management purposes.

1-48 SECTION 1.03. Subsection (c), Section 418.107, Government
1-49 Code, is amended to read as follows:

1-50 (c) A local government entity [~~political subdivision or~~
1-51 ~~regional planning commission~~] may render mutual aid to other local
1-52 government entities [~~political subdivisions or regional planning~~
1-53 ~~commissions~~] under mutual aid agreements or the system.

1-54 SECTION 1.04. The heading to Section 418.109, Government
1-55 Code, is amended to read as follows:

1-56 Sec. 418.109. AUTHORITY TO RENDER MUTUAL AID ASSISTANCE.

1-57 SECTION 1.05. Subsection (d), Section 418.109, Government
1-58 Code, is amended to read as follows:

1-59 (d) A local government entity or [~~municipality, county,~~
1-60 ~~emergency services district, fire protection agency, regional~~
1-61 ~~planning commission,~~] organized volunteer group [~~, or other~~
1-62 ~~emergency services entity~~] may provide mutual aid assistance on
1-63 request from another local government entity or [~~municipality,~~

2-1 ~~county, emergency services district, fire protection agency,~~
2-2 ~~regional planning commission,] organized volunteer group[, or~~
2-3 ~~other emergency services entity].~~ The chief or highest ranking
2-4 officer of the entity from which assistance is requested, with the
2-5 approval and consent of the presiding officer of the governing body
2-6 of that entity, may provide that assistance while acting in
2-7 accordance with the policies, ordinances, and procedures
2-8 established by the governing body of that entity [~~and consistent~~
2-9 ~~with any mutual aid plans developed by the emergency management~~
2-10 ~~council].~~

2-11 SECTION 1.06. Section 418.110, Government Code, is amended
2-12 to read as follows:

2-13 Sec. 418.110. STATEWIDE MUTUAL AID PROGRAM FOR FIRE
2-14 EMERGENCIES. (a) The division, in consultation with state fire
2-15 protection agencies and the Texas Commission on Fire Protection,
2-16 may [shall] develop a statewide mutual aid program for fire
2-17 emergencies.

2-18 (b) A program developed under this section:
2-19 (1) does not alter the legal obligations of a
2-20 political subdivision participating in the system; and

2-21 (2) must be consistent with the state emergency
2-22 management plan.

2-23 SECTION 1.07. Chapter 418, Government Code, is amended by
2-24 adding Subchapter E-1 to read as follows:

2-25 SUBCHAPTER E-1. TEXAS STATEWIDE MUTUAL AID SYSTEM

2-26 Sec. 418.111. CREATION OF THE TEXAS STATEWIDE MUTUAL AID
2-27 SYSTEM. (a) The Texas Statewide Mutual Aid System is established
2-28 to provide integrated statewide mutual aid response capability
2-29 between local government entities without a written mutual aid
2-30 agreement.

2-31 (b) A request for mutual aid assistance between local
2-32 government entities is considered to be made under the system,
2-33 unless the requesting and responding entities are parties to a
2-34 written mutual aid agreement in effect when the request is made.

2-35 (c) This subchapter does not affect a written mutual aid
2-36 agreement between local government entities in effect on or before
2-37 the effective date of this subchapter or restrict the ability of
2-38 local government entities to enter into a written mutual aid
2-39 agreement as otherwise authorized by statute after the effective
2-40 date of this subchapter. If a request is made between local
2-41 government entities that are parties to a written mutual aid
2-42 agreement, the terms of that agreement control the rights and
2-43 obligations of the parties.

2-44 Sec. 418.112. ADMINISTRATION BY DIVISION. The division
2-45 shall administer the system. In administering the system, the
2-46 division shall encourage and assist political subdivisions in
2-47 planning and implementing comprehensive all-hazards emergency
2-48 management programs, including assisting political subdivisions to
2-49 ensure that the local emergency management plan of each subdivision
2-50 adequately provides for the rendering and receipt of mutual aid.

2-51 Sec. 418.113. DISASTER DISTRICTS. (a) This state is
2-52 divided into disaster districts to engage in homeland security
2-53 preparedness and response activities. The boundaries of the
2-54 disaster districts coincide with the geographic boundaries of the
2-55 state planning regions established by the governor under Chapter
2-56 391, Local Government Code.

2-57 (b) A disaster district committee is established for each
2-58 disaster district. Each committee is composed of local
2-59 representatives of the state agencies, boards, and commissions and
2-60 organized volunteer groups with representation on the emergency
2-61 management council.

2-62 (c) Each disaster district committee shall coordinate with
2-63 political subdivisions located in the disaster district to ensure
2-64 that state and federal emergency assets are made available as
2-65 needed to provide the most efficient and effective response
2-66 possible.

2-67 (d) The public safety director of the Department of Public
2-68 Safety of the State of Texas shall appoint a commanding officer from
2-69 the Texas Highway Patrol to serve as chair of each disaster district

3-1 committee. The chair shall:

3-2 (1) inform the state Director of Homeland Security on
 3-3 all matters relating to disasters and emergencies as requested by
 3-4 the state Director of Homeland Security; and

3-5 (2) inform the public safety director of the
 3-6 Department of Public Safety of the State of Texas on all matters as
 3-7 requested by the public safety director.

3-8 (e) Representatives of the emergency management council
 3-9 assigned to each district shall assist the chair of their disaster
 3-10 district committee and provide guidance, counsel, and
 3-11 administrative support as required.

3-12 Sec. 418.114. PROCEDURES FOR MUTUAL AID. (a) The
 3-13 political subdivisions in each state planning region established by
 3-14 the governor under Chapter 391, Local Government Code, shall agree
 3-15 on procedures that specify the manner in which mutual aid will be
 3-16 provided in response to a request from a political subdivision in
 3-17 the district or another district or from this state.

3-18 (b) A copy of the procedures must be provided to the
 3-19 division and the disaster district committee chair.

3-20 Sec. 418.115. REQUESTING AND PROVIDING MUTUAL AID
 3-21 ASSISTANCE. (a) A request for mutual aid assistance may be
 3-22 submitted verbally or in writing. If a request is submitted
 3-23 verbally, it must be confirmed in writing not later than the 30th
 3-24 day after the date the request was made.

3-25 (b) If a request for mutual aid assistance is made to a
 3-26 department or agency of a political subdivision, the chief or
 3-27 highest ranking officer of the department or agency, with the
 3-28 approval and consent of the presiding officer of the governing body
 3-29 of the political subdivision or that officer's designee, may
 3-30 provide the requested assistance in accordance with the policies,
 3-31 ordinances, and procedures established by the governing body of the
 3-32 political subdivision.

3-33 Sec. 418.1151. ASSESSMENT OF ABILITY TO RENDER ASSISTANCE.
 3-34 (a) When contacted with a request for mutual aid assistance, a
 3-35 local government entity shall assess local resources to determine
 3-36 availability of personnel, equipment, and other assistance to
 3-37 respond to the request.

3-38 (b) A responding local government entity may provide
 3-39 assistance to the extent personnel, equipment, and resources are
 3-40 determined to be available. A local government entity is not
 3-41 required to provide mutual aid assistance unless the entity
 3-42 determines that the entity has sufficient resources to provide
 3-43 assistance, based on current or anticipated events in its
 3-44 jurisdiction.

3-45 Sec. 418.1152. SUPERVISION AND CONTROL. When providing
 3-46 mutual aid assistance under the system:

3-47 (1) the response effort must be organized and function
 3-48 in accordance with the National Incident Management System
 3-49 guidelines;

3-50 (2) the personnel, equipment, and resources of a
 3-51 responding local government entity being used in the response
 3-52 effort are under the operational control of the requesting local
 3-53 government entity unless otherwise agreed;

3-54 (3) direct supervision and control of personnel,
 3-55 equipment, and resources and personnel accountability remain the
 3-56 responsibility of the designated supervisory personnel of the
 3-57 responding local government entity;

3-58 (4) unless otherwise agreed in advance, an emergency
 3-59 medical service organization providing assistance under the system
 3-60 shall use the medical protocols authorized by the organization's
 3-61 medical director;

3-62 (5) the designated supervisory personnel of the
 3-63 responding local government entity shall:

3-64 (A) maintain daily personnel time records,
 3-65 material records, and a log of equipment hours;

3-66 (B) be responsible for the operation and
 3-67 maintenance of the equipment and other resources furnished by the
 3-68 responding local government entity; and

3-69 (C) report work progress to the requesting local

4-1 government entity; and

4-2 (6) the responding local government entity's personnel
4-3 and other resources are subject to recall at any time, subject to
4-4 reasonable notice to the requesting local government entity.

4-5 Sec. 418.1153. DURATION OF AID. The provision of mutual aid
4-6 assistance under the system may continue until:

4-7 (1) the services of the responding local government
4-8 entity are no longer required; or

4-9 (2) the responding local government entity determines
4-10 that further assistance should not be provided.

4-11 Sec. 418.116. RIGHTS AND PRIVILEGES. (a) A person
4-12 assigned, designated, or ordered to perform duties by the governing
4-13 body of the local government entity employing the person in
4-14 response to a request under the system is entitled to receive the
4-15 same wages, salary, pension, and other compensation and benefits,
4-16 including injury or death benefits, disability payments, and
4-17 workers' compensation benefits, for the performance of the duties
4-18 under the system as though the services were rendered for the entity
4-19 employing the person.

4-20 (b) The local government entity employing the person is
4-21 responsible for the payment of wages, salary, pension, and other
4-22 compensation and benefits associated with the performance of duties
4-23 under the system.

4-24 Sec. 418.117. LICENSE PORTABILITY. If the assistance of a
4-25 person who holds a license, certificate, permit, or other document
4-26 evidencing qualification in a professional, mechanical, or other
4-27 skill is requested by a local government entity under the system,
4-28 the person is considered licensed, certified, permitted, or
4-29 otherwise documented in the political subdivision in which the
4-30 service is provided as long as the service is required, subject to
4-31 any limitations imposed by the chief executive officer or the
4-32 governing body of the requesting local government entity.

4-33 Sec. 418.118. REIMBURSEMENT OF COSTS: STATE REQUEST OR
4-34 FEDERAL DISASTER DECLARATION. (a) The division shall administer
4-35 all requests for reimbursement for costs associated with providing
4-36 mutual aid assistance in response to a request made by the division
4-37 for an incident resulting in the issuance of a disaster declaration
4-38 by the president of the United States. A request for reimbursement
4-39 made to the division must be made in accordance with procedures
4-40 developed by the division.

4-41 (b) The division may directly request the provision of
4-42 mutual aid assistance from any local government entity
4-43 participating in the system. If the division requests the
4-44 provision of assistance and the local government entity responds,
4-45 the state shall reimburse the actual costs of providing assistance,
4-46 including costs for personnel, operation and maintenance of
4-47 equipment, damaged equipment, food, lodging, and transportation,
4-48 incurred by the responding local government entity. The state
4-49 shall pay reimbursements from available state money. If funds are
4-50 made available from the disaster contingency fund, the division
4-51 shall make reimbursement from the disaster contingency fund for
4-52 eligible expenses to the extent that available state money is
4-53 inadequate.

4-54 (c) If federal money is available to pay costs associated
4-55 with the provision of mutual aid assistance in response to a request
4-56 made by the division, the division shall make the claim for the
4-57 eligible costs of the responding local government entity on the
4-58 division's grant application and shall disburse the federal share
4-59 of the money to the responding local government entity, with
4-60 sufficient state funds to cover the actual costs incurred by the
4-61 responding local government entity in providing the assistance.

4-62 Sec. 418.1181. REIMBURSEMENT OF COSTS: REQUEST BY LOCAL
4-63 GOVERNMENT ENTITY. (a) If a local government entity requests
4-64 mutual aid assistance from another local government entity under
4-65 the system, the requesting local government entity shall reimburse
4-66 the actual costs of providing mutual aid assistance to the
4-67 responding local government entity, including costs for personnel,
4-68 operation and maintenance of equipment, damaged equipment, food,
4-69 lodging, and transportation, incurred by the responding local

5-1 government entity in response to a request for reimbursement.
5-2 Local government entities with a mutual aid agreement when the
5-3 request for mutual aid assistance is made are subject to the
5-4 agreement's terms of reimbursement, as provided by Section 418.111.

5-5 (b) The requesting local government entity shall pay the
5-6 reimbursement from available funds. If federal money is available
5-7 to pay costs associated with the provision of mutual aid
5-8 assistance, the requesting local government entity shall make the
5-9 claim for the eligible costs of the responding local government
5-10 entity on the requesting entity's subgrant application and shall
5-11 disburse the federal share of the money to the responding local
5-12 government entity, with sufficient local funds to cover the actual
5-13 costs of the responding local government entity in providing
5-14 assistance.

5-15 SECTION 1.08. Subdivision (9), Section 418.004, and
5-16 Subsections (a), (b), and (c), Section 418.109, Government Code,
5-17 are repealed.

5-18 SECTION 1.09. This article takes effect immediately if this
5-19 Act receives a vote of two-thirds of all the members elected to each
5-20 house, as provided by Section 39, Article III, Texas Constitution.
5-21 If this Act does not receive the vote necessary for immediate
5-22 effect, this article takes effect September 1, 2007.

5-23 ARTICLE 2. PREPAID MOBILE TELEPHONES

5-24 SECTION 2.01. Title 4, Business & Commerce Code, is amended
5-25 by adding Chapter 51 to read as follows:

5-26 CHAPTER 51. SALE OF MOBILE TELEPHONES

5-27 Sec. 51.01. DEFINITIONS. In this chapter:

5-28 (1) "Activation" means the process after which a
5-29 mobile telephone is capable of making and receiving a call.

5-30 (2) "Business establishment" includes an online
5-31 vendor.

5-32 (3) "Mobile telephone" includes a cellular telephone
5-33 or similar wireless communication device that can be used as a
5-34 telephone and for which a monthly bill is received. The term does
5-35 not include an amateur radio.

5-36 (4) "Prepaid mobile telephone" means a mobile
5-37 telephone for which access to a wireless communication service is
5-38 not under a term contract and for which a monthly bill is not
5-39 received. The term does not include an amateur radio.

5-40 (5) "Valid identifying information" includes a credit
5-41 card or debit card.

5-42 Sec. 51.02. RESTRICTION ON SALE OF PREPAID MOBILE
5-43 TELEPHONE. A business establishment that sells a prepaid mobile
5-44 telephone may not sell a person more than five prepaid mobile
5-45 telephones from the establishment during a single transaction,
5-46 unless the customer provides proof of:

5-47 (1) nonprofit status; or

5-48 (2) employment by a governmental entity or political
5-49 subdivision.

5-50 Sec. 51.03. CERTAIN INFORMATION REQUIRED; OFFENSE. (a) A
5-51 purchaser of a prepaid mobile telephone must provide the wireless
5-52 service provider or other business establishment activating the
5-53 prepaid mobile telephone with:

5-54 (1) the information necessary to make the record
5-55 required by Section 51.04; and

5-56 (2) valid identifying information.

5-57 (b) A purchaser who provides false or misleading
5-58 information when providing information required under this section
5-59 commits an offense. An offense under this subsection is a Class A
5-60 misdemeanor. If conduct constituting an offense under this
5-61 subsection also constitutes an offense under another law, the actor
5-62 may be prosecuted under this subsection, the other law, or both.

5-63 (c) A wireless service provider or other business
5-64 establishment is not liable for the validity or authenticity of the
5-65 information collected under this section.

5-66 Sec. 51.04. PREREQUISITES TO ACTIVATION OF PREPAID MOBILE
5-67 TELEPHONE. Before completing an activation of a prepaid mobile
5-68 telephone, a business establishment that engages in those
5-69 activations shall make a record of the activation, including the

6-1 name and one of the following of the person activating the
6-2 telephone:

- 6-3 (1) address;
- 6-4 (2) date of birth; or
- 6-5 (3) social security number.

6-6 Sec. 51.05. MAINTENANCE OF RECORDS. Unless otherwise
6-7 provided by federal law, a business establishment that activates a
6-8 mobile telephone shall maintain all records made under Section
6-9 51.04 and corresponding information received under Section 51.03 in
6-10 a secure location. The establishment shall maintain each record
6-11 until at least the first anniversary of the date the record is made
6-12 or the date the information is received.

6-13 Sec. 51.06. CIVIL PENALTY. (a) A business establishment
6-14 that violates this chapter is subject to a civil penalty of \$1,000
6-15 for each violation.

6-16 (b) The attorney general may bring suit to recover a civil
6-17 penalty under this chapter.

6-18 ARTICLE 3. AMATEUR RADIO OPERATORS

6-19 SECTION 3.01. Subchapter Z, Chapter 661, Government Code,
6-20 is amended by adding Section 661.919 to read as follows:

6-21 Sec. 661.919. AMATEUR RADIO OPERATORS. (a) A state
6-22 employee who holds an amateur radio station license issued by the
6-23 Federal Communications Commission may be granted leave not to
6-24 exceed 10 days each fiscal year to participate in specialized
6-25 disaster relief services without a deduction in salary or loss of
6-26 vacation time, sick leave, earned overtime credit, or state
6-27 compensatory time if the leave is taken:

- 6-28 (1) with the authorization of the employee's
6-29 supervisor; and
- 6-30 (2) with the approval of the governor.

6-31 (b) The number of amateur radio operators who are eligible
6-32 for leave under this section may not exceed 350 state employees at
6-33 any one time during a state fiscal year. The division of emergency
6-34 management in the governor's office shall coordinate the
6-35 establishment and maintenance of the list of eligible employees.

6-36 SECTION 3.02. Subsection (c), Section 37.082, Education
6-37 Code, is amended to read as follows:

6-38 (c) In this section, "paging device" means a
6-39 telecommunications device that emits an audible signal, vibrates,
6-40 displays a message, or otherwise summons or delivers a
6-41 communication to the possessor. The term does not include an
6-42 amateur radio under the control of an operator who holds an amateur
6-43 radio station license issued by the Federal Communications
6-44 Commission.

6-45 ARTICLE 4. CERTAIN OPEN MEETINGS PROVISIONS RELATED TO SCHOOLS AND
6-46 GOVERNMENTAL BODIES; TEXAS SCHOOL SAFETY CENTER

6-47 SECTION 4.01. Subsection (b), Section 12.1051, Education
6-48 Code, is amended to read as follows:

6-49 (b) With respect to the operation of an open-enrollment
6-50 charter school, any requirement in Chapter 551 or 552, Government
6-51 Code, or another law that concerns open meetings or the
6-52 availability of information, that applies to a school district, the
6-53 board of trustees of a school district, or public school students
6-54 applies to an open-enrollment charter school, the governing body of
6-55 a charter holder, the governing body of an open-enrollment charter
6-56 school, or students attending an open-enrollment charter school.

6-57 SECTION 4.02. Subsection (c), Section 37.108, Education
6-58 Code, is amended to read as follows:

6-59 (c) A school district shall report the results of the
6-60 security audit conducted under Subsection (b) to the district's
6-61 board of trustees and, in the manner required by the Texas School
6-62 Safety Center, to the Texas School Safety Center.

6-63 SECTION 4.03. Subsection (a), Section 37.203, Education
6-64 Code, is amended to read as follows:

- 6-65 (a) The center is advised by a board of directors composed
6-66 of:
 - 6-67 (1) the attorney general, or the attorney general's
6-68 designee;
 - 6-69 (2) the commissioner, or the commissioner's designee;

7-1 (3) the executive director of the Texas Juvenile
7-2 Probation Commission, or the executive director's designee;

7-3 (4) the executive director of the Texas Youth
7-4 Commission, or the executive director's designee;

7-5 (5) the commissioner of the ~~[Texas]~~ Department of
7-6 State [Mental] Health Services [and Mental Retardation], or the
7-7 commissioner's designee; and

7-8 (6) the following members appointed by the governor
7-9 with the advice and consent of the senate:

7-10 (A) a juvenile court judge;
7-11 (B) a member of a school district's board of
7-12 trustees;

7-13 (C) an administrator of a public primary school;
7-14 (D) an administrator of a public secondary
7-15 school;

7-16 (E) a member of the state parent-teacher
7-17 association;

7-18 (F) a teacher from a public primary or secondary
7-19 school;

7-20 (G) a public school superintendent who is a
7-21 member of the Texas Association of School Administrators;

7-22 (H) a school district police officer or a peace
7-23 officer whose primary duty consists of working in a public school;
7-24 and

7-25 (I) two members of the public.

7-26 SECTION 4.04. Section 37.207, Education Code, is amended to
7-27 read as follows:

7-28 Sec. 37.207. MODEL SAFETY AND SECURITY AUDIT PROCEDURE.
7-29 (a) The center shall develop a model safety and security audit
7-30 procedure for use by school districts that includes:

7-31 (1) providing each district with guidelines and a
7-32 training video showing proper audit procedures;

7-33 (2) reviewing each district audit, providing the
7-34 results of the review to the district, and making recommendations
7-35 for improvements based on the audit; and

7-36 (3) incorporating the findings of district audits in a
7-37 statewide report on school safety made available by the center to
7-38 the public.

7-39 (b) Each school district shall report the results of its
7-40 audits to the center in the manner required by the center.

7-41 SECTION 4.05. Section 551.076, Government Code, is amended
7-42 to read as follows:

7-43 Sec. 551.076. DELIBERATION REGARDING SECURITY DEVICES,
7-44 SECURITY AUDITS, OR EMERGENCY OPERATIONS PLANS; CLOSED MEETING.
7-45 This chapter does not require a governmental body to conduct an open
7-46 meeting to deliberate:

7-47 (1) the deployment, or specific occasions for
7-48 implementation, of security personnel or devices;

7-49 (2) a security audit; or

7-50 (3) an emergency operations plan.

7-51 ARTICLE 5. PROVISIONS RELATED TO TOLL ROADS
7-52 SECTION 5.01. Subtitle G, Title 6, Transportation Code, is
7-53 amended by adding Chapter 371 to read as follows:

7-54 CHAPTER 371. PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF TOLL
7-55 PROJECT

7-56 Sec. 371.001. VEHICLES USED BY NONPROFIT DISASTER RELIEF
7-57 ORGANIZATIONS. (a) In this section:

7-58 (1) "Toll project" means a toll project described by
7-59 Section 201.001(b), regardless of whether the toll project is:

7-60 (A) a part of the state highway system; or
7-61 (B) subject to the jurisdiction of the

7-62 department.

7-63 (2) "Toll project entity" means an entity authorized
7-64 by law to acquire, design, construct, finance, operate, and
7-65 maintain a toll project, including:

7-66 (A) the department under Chapter 227 or 228;

7-67 (B) a regional tollway authority under Chapter

7-68 366;

7-69 (C) a regional mobility authority under Chapter

8-1 370; or
8-2 (D) a county under Chapter 284.
8-3 (b) A toll project entity may not require a vehicle
8-4 registered under Section 502.203 to pay a toll for the use of a toll
8-5 project.
8-6 SECTION 5.02. Subsection (d), Section 228.058,
8-7 Transportation Code, is repealed.
8-8 ARTICLE 6. OPERATION OF DESIGNATED EMERGENCY VEHICLES
8-9 SECTION 6.01. Section 418.013, Government Code, is amended
8-10 by adding Subsection (c) to read as follows:
8-11 (c) The emergency management council shall make
8-12 recommendations to the Department of Public Safety as to which
8-13 private emergency organizations, such as the American National Red
8-14 Cross, the Salvation Army, Radio Amateur Civil Emergency Service,
8-15 and other similar organizations with the capability to supplement
8-16 the state's resources in disaster situations, should be authorized
8-17 to operate certain vehicles as designated emergency vehicles in the
8-18 case of a disaster.
8-19 SECTION 6.02. Subchapter A, Chapter 546, Transportation
8-20 Code, is amended by adding Section 546.006 to read as follows:
8-21 Sec. 546.006. DESIGNATED EMERGENCY VEHICLE DURING DECLARED
8-22 DISASTERS. (a) From recommendations made under Section
8-23 418.013(c), Government Code, the department shall designate which
8-24 vehicles may be operated by which designated organizations as
8-25 emergency vehicles during declared disasters.
8-26 (b) A vehicle designated under Subsection (a) may be
8-27 operated by a designated organization as if the vehicle were an
8-28 authorized emergency vehicle under this subtitle if:
8-29 (1) the governor declares a state of disaster under
8-30 Section 418.014, Government Code;
8-31 (2) the department requests assistance from the
8-32 designated organization; and
8-33 (3) the vehicle is operated by the designated
8-34 organization or a member of the designated organization in response
8-35 to the state of disaster.
8-36 (c) The department shall adopt rules as necessary to
8-37 implement this section.
8-38 ARTICLE 7. INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC
8-39 COMMUNICATIONS
8-40 SECTION 7.01. Article 18.20, Code of Criminal Procedure, is
8-41 amended by amending Section 4 and adding Section 9A to read as
8-42 follows:
8-43 Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED.
8-44 A judge of competent jurisdiction may issue an order authorizing
8-45 interception of wire, oral, or electronic communications only if
8-46 the prosecutor applying for the order shows probable cause to
8-47 believe that the interception will provide evidence of the
8-48 commission of:
8-49 (1) a felony under Section 19.02, 19.03, or 43.26,
8-50 Penal Code;
8-51 (2) a felony under:
8-52 (A) Chapter 481, Health and Safety Code, other
8-53 than felony possession of marihuana;
8-54 (B) Section 485.033, Health and Safety Code; or
8-55 (C) Chapter 483, Health and Safety Code; [~~or~~]
8-56 (3) an offense under Chapter 20, 20A, or 34, Penal
8-57 Code; or
8-58 (4) an attempt, conspiracy, or solicitation to commit
8-59 an offense listed in this section.
8-60 Sec. 9A. INTERCEPTION ORDER FOR COMMUNICATION BY SPECIFIED
8-61 PERSON. (a) Notwithstanding Section 8(a)(2)(B), an application
8-62 for an order authorizing the interception of a wire, oral, or
8-63 electronic communication is not required to contain a particular
8-64 description of the nature and location of the facilities from which
8-65 or the place where the communication is to be intercepted if a judge
8-66 of competent jurisdiction determines the person whose
8-67 communications are to be intercepted is likely to circumvent the
8-68 order by changing communication devices repeatedly or there are
8-69 exigent circumstances requiring that the order:

9-1 (1) apply to any communication by the person whose
9-2 communications are to be intercepted; and

9-3 (2) not be limited to a specific facility or place.

9-4 (b) A judge who makes a determination under Subsection (a)
9-5 is not required to include in the order a description of the nature
9-6 or location of the communications facility from which or the place
9-7 where authority to intercept is granted, as required by Section
9-8 9(b)(2). As an alternative to including that description, the
9-9 judge may authorize the interception of any communication made by a
9-10 specified person while the person is present in the geographic
9-11 jurisdiction of the court.

9-12 (c) This section does not place any additional legal
9-13 obligation on a wire or electronic communications provider to
9-14 identify or locate a person whose communications are to be
9-15 intercepted.

9-16 SECTION 7.02. The change in law made by this article applies
9-17 only to an application for an order authorizing the interception of
9-18 a wire, oral, or electronic communication that is submitted on or
9-19 after the effective date of this article. An application that was
9-20 submitted before the effective date of this article is covered by
9-21 the law in effect on the date the application was submitted, and the
9-22 former law is continued in effect for that purpose.

9-23 ARTICLE 8. PUNISHMENT FOR THE OFFENSE OF BURGLARY OF A VEHICLE

9-24 SECTION 8.01. Subsection (d), Section 30.04, Penal Code, is
9-25 amended to read as follows:

9-26 (d) An offense under this section is a [~~Class A misdemeanor~~
9-27 ~~unless the vehicle or part of the vehicle broken into or entered is~~
9-28 ~~a rail car, in which event the offense is a]~~ state jail felony.

9-29 SECTION 8.02. The change in law made by this article applies
9-30 only to an offense committed on or after the effective date of this
9-31 Act. An offense committed before the effective date of this Act is
9-32 covered by the law in effect when the offense was committed, and the
9-33 former law is continued in effect for that purpose. For the
9-34 purposes of this section, an offense was committed before the
9-35 effective date of this Act if any element of the offense was
9-36 committed before that date.

9-37 ARTICLE 9. EMERGENCY ALERT SYSTEM

9-38 SECTION 9.01. Subsection (a), Section 418.042, Government
9-39 Code, is amended to read as follows:

9-40 (a) The division shall prepare and keep current a
9-41 comprehensive state emergency management plan. The plan may
9-42 include:

9-43 (1) provisions for prevention and minimization of
9-44 injury and damage caused by disaster;

9-45 (2) provisions for prompt and effective response to
9-46 disaster;

9-47 (3) provisions for emergency relief;

9-48 (4) provisions for energy emergencies;

9-49 (5) identification of areas particularly vulnerable
9-50 to disasters;

9-51 (6) recommendations for zoning, building
9-52 restrictions, and other land-use controls, safety measures for
9-53 securing mobile homes or other nonpermanent or semipermanent
9-54 structures, and other preventive and preparedness measures
9-55 designed to eliminate or reduce disasters or their impact;

9-56 (7) provisions for assistance to local officials in
9-57 designing local emergency management plans;

9-58 (8) authorization and procedures for the erection or
9-59 other construction of temporary works designed to protect against
9-60 or mitigate danger, damage, or loss from flood, fire, or other
9-61 disaster;

9-62 (9) preparation and distribution to the appropriate
9-63 state and local officials of state catalogs of federal, state, and
9-64 private assistance programs;

9-65 (10) organization of manpower and channels of
9-66 assistance;

9-67 (11) coordination of federal, state, and local
9-68 emergency management activities;

9-69 (12) coordination of the state emergency management

10-1 plan with the emergency management plans of the federal government;
 10-2 (13) coordination of federal and state energy
 10-3 emergency plans; ~~and~~

10-4 (14) provisions for education and training of local
 10-5 officials on activation of the Emergency Alert System established
 10-6 under 47 C.F.R. Part 11; and

10-7 (15) other necessary matters relating to disasters.

10-8 ARTICLE 10. TEMPORARY CARDBOARD TAGS ON VEHICLES

10-9 SECTION 10.01. Section 503.005, Transportation Code, is
 10-10 amended by adding Subsections (c) and (d) to read as follows:

10-11 (c) A dealer who submits information to the database under
 10-12 Section 503.0631 satisfies the requirement for the dealer to notify
 10-13 the department of the sale or transfer of a motor vehicle, trailer,
 10-14 or semitrailer under this section.

10-15 (d) The notice required under this section is in addition to
 10-16 the application for vehicle registration and certificate of title a
 10-17 dealer is required to submit under Section 501.0234.

10-18 SECTION 10.02. Subsection (d), Section 503.062,
 10-19 Transportation Code, is amended to read as follows:

10-20 (d) The department may not issue a dealer temporary
 10-21 cardboard tag or contract for the issuance of a dealer temporary
 10-22 cardboard tag but shall prescribe:

10-23 (1) the specifications, form, and color of a dealer
 10-24 temporary cardboard tag; ~~and~~

10-25 (2) procedures for a dealer to generate a
 10-26 vehicle-specific number using the database developed under Section
 10-27 503.0626 and assign it to each tag;

10-28 (3) procedures to clearly display the
 10-29 vehicle-specific number on the tag; and

10-30 (4) the period for which a tag may be used for or by a
 10-31 charitable organization.

10-32 SECTION 10.03. Subsection (e), Section 503.0625,
 10-33 Transportation Code, is amended to read as follows:

10-34 (e) The department may not issue a converter temporary
 10-35 cardboard tag or contract for the issuance of a converter temporary
 10-36 cardboard tag but shall prescribe:

10-37 (1) the specifications, form, and color of a converter
 10-38 temporary cardboard tag;

10-39 (2) procedures for a converter to generate a
 10-40 vehicle-specific number using the database developed under Section
 10-41 503.0626 and assign it to each tag; and

10-42 (3) procedures to clearly display the
 10-43 vehicle-specific number on the tag.

10-44 SECTION 10.04. Subchapter C, Chapter 503, Transportation
 10-45 Code, is amended by adding Section 503.0626 to read as follows:

10-46 Sec. 503.0626. DEALER'S AND CONVERTER'S TEMPORARY TAG
 10-47 DATABASE. (a) The department shall develop and maintain a secure,
 10-48 real-time database of information on vehicles to which dealers and
 10-49 converters have affixed temporary cardboard tags. The database
 10-50 shall be managed by the vehicle titles and registration division of
 10-51 the department.

10-52 (b) The database must allow law enforcement agencies to use
 10-53 the vehicle-specific number assigned to and displayed on the tag as
 10-54 required by Section 503.062(d) or Section 503.0625(e) to obtain
 10-55 information about the dealer or converter that owns the vehicle.

10-56 (c) Before a dealer's or converter's temporary cardboard tag
 10-57 may be displayed on a vehicle, the dealer or converter must enter
 10-58 into the database through the Internet information on the vehicle
 10-59 and information about the dealer or converter as prescribed by the
 10-60 department. The department may not deny access to the database to
 10-61 any dealer who holds a general distinguishing number issued under
 10-62 this chapter or who is licensed under Chapter 2301, Occupations
 10-63 Code, or to any converter licensed under Chapter 2301, Occupations
 10-64 Code.

10-65 (d) The department shall adopt rules and prescribe
 10-66 procedures as necessary to implement this section.

10-67 SECTION 10.05. Section 503.063, Transportation Code, is
 10-68 amended by amending Subsections (a), (e), and (f) and adding
 10-69 Subsections (g) and (h) to read as follows:

11-1 (a) Except as provided by this section, a dealer shall ~~may~~
 11-2 issue to a person who buys a ~~an unregistered~~ vehicle one temporary
 11-3 cardboard buyer's tag for the vehicle.

11-4 (e) The department may not issue a buyer's tag or contract
 11-5 for the issuance of a buyer's tag but shall prescribe:

11-6 (1) the specifications, color, and form of a buyer's
 11-7 tag; and

11-8 (2) procedures for a dealer to:

11-9 (A) generate a vehicle-specific number using the
 11-10 database developed under Section 503.0631 and assign it to each
 11-11 tag;

11-12 (B) generate a vehicle-specific number using the
 11-13 database developed under Section 503.0631 for future use for when a
 11-14 dealer is unable to access the Internet at the time of sale; and

11-15 (C) clearly display the vehicle-specific number
 11-16 on the tag.

11-17 (f) The department shall ensure that a dealer may generate
 11-18 in advance a sufficient amount of vehicle-specific numbers under
 11-19 Subsection (e)(2)(B) in order to continue selling vehicles for a
 11-20 period of up to one week in which a dealer is unable to access the
 11-21 Internet due to an emergency. The department shall establish an
 11-22 expedited procedure to allow affected dealers to apply for
 11-23 additional vehicle-specific numbers so they may remain in business
 11-24 during an emergency.

11-25 (g) Using the same vehicle-specific number generated under
 11-26 Subsection (e)(2)(A), a ~~A~~ dealer may issue an additional
 11-27 temporary cardboard buyer's tag to a person after the expiration of
 11-28 20 working ~~21~~ days after the issue of a temporary cardboard
 11-29 buyer's tag, and the person may operate the vehicle for which the
 11-30 tag was issued on the additional temporary cardboard buyer's tag if
 11-31 the dealer has been unable to obtain on behalf of the vehicle's
 11-32 owner the necessary documents to obtain permanent metal license
 11-33 plates because the documents are in the possession of a lienholder
 11-34 who has not complied with the terms of Section 501.115(a) ~~[of this~~
 11-35 code]. An additional tag issued under the terms of this subsection
 11-36 is valid for a maximum of 20 working ~~21~~ days after the date of
 11-37 issue.

11-38 (h) For each buyer's temporary cardboard tag other than an
 11-39 additional temporary cardboard buyer's tag under Subsection (g), a
 11-40 dealer shall charge the buyer a registration fee of not more than \$5
 11-41 as prescribed by the department to be sent to the comptroller for
 11-42 deposit to the credit of the state highway fund.

11-43 SECTION 10.06. Subchapter C, Chapter 503, Transportation
 11-44 Code, is amended by adding Sections 503.0631 and 503.0632 to read as
 11-45 follows:

11-46 Sec. 503.0631. BUYER'S TEMPORARY TAG DATABASE. (a) The
 11-47 department shall develop and maintain a secure, real-time database
 11-48 of information on persons to whom temporary buyer's tags are issued
 11-49 that may be used by a law enforcement agency in the same manner that
 11-50 the agency uses vehicle registration information. The database
 11-51 shall be managed by the vehicle titles and registration division of
 11-52 the department.

11-53 (b) The database must allow law enforcement agencies to use
 11-54 a vehicle-specific number assigned to and displayed on the tag as
 11-55 required by Section 503.063(e)(2) to obtain information about the
 11-56 person to whom the tag was issued.

11-57 (c) Except as provided by Subsection (d), before a buyer's
 11-58 temporary cardboard tag may be displayed on a vehicle, a dealer must
 11-59 enter into the database through the Internet information about the
 11-60 buyer of the vehicle for which the tag was issued as prescribed by
 11-61 the department and generate a vehicle-specific number for the tag
 11-62 as required by Section 503.063(e). The department may not deny
 11-63 access to the database to any dealer who holds a general
 11-64 distinguishing number issued under this chapter or who is licensed
 11-65 under Chapter 2301, Occupations Code.

11-66 (d) A dealer shall obtain 24-hour Internet access at its
 11-67 place of business, but if the dealer is unable to access the
 11-68 Internet at the time of the sale of a vehicle, the dealer shall
 11-69 complete and sign a form, as prescribed by the department, that

12-1 states the dealer has Internet access, but was unable to access the
 12-2 Internet at the time of sale. The buyer shall keep the original
 12-3 copy of the form in the vehicle until the vehicle is registered to
 12-4 the buyer. Not later than the next business day after the time of
 12-5 sale, the dealer shall submit the information required under
 12-6 Subsection (c).

12-7 (e) The department shall adopt rules and prescribe
 12-8 procedures as necessary to implement this section.

12-9 Sec. 503.0632. NOTICE TO BUYER. (a) Each dealer shall
 12-10 provide a one-page written notice to a buyer that explains:

12-11 (1) the requirements of the law regarding a buyer's
 12-12 temporary cardboard tag;

12-13 (2) any criminal penalties relating to a buyer's
 12-14 temporary cardboard tag;

12-15 (3) any action the buyer is required to take
 12-16 concerning a buyer's temporary cardboard tag; and

12-17 (4) any other information related to the process of
 12-18 purchasing and registering a vehicle as prescribed by the
 12-19 department.

12-20 (b) The dealer shall require the buyer to sign a statement
 12-21 indicating the buyer received the notice under this section.

12-22 (c) The department shall adopt rules to:

12-23 (1) prescribe the specifications and form of the
 12-24 written notice and statement used under this section; and

12-25 (2) establish a procedure to determine dealer
 12-26 compliance with this section.

12-27 SECTION 10.07. The heading to Section 503.067,
 12-28 Transportation Code, is amended to read as follows:

12-29 Sec. 503.067. UNAUTHORIZED REPRODUCTION, PURCHASE, USE, OR
 12-30 SALE OF TEMPORARY CARDBOARD TAGS.

12-31 SECTION 10.08. Section 503.067, Transportation Code, is
 12-32 amended by amending Subsection (a) and adding Subsections (c) and
 12-33 (d) to read as follows:

12-34 (a) A person [~~other than a dealer~~] may not produce or
 12-35 reproduce a [~~buyer's or dealer's~~] temporary cardboard tag or an item
 12-36 represented to be a temporary cardboard tag for the purpose of
 12-37 distributing the tag to someone other than a dealer or converter.

12-38 (c) A person other than a dealer or converter may not
 12-39 purchase a temporary cardboard tag.

12-40 (d) A person may not sell or distribute a temporary
 12-41 cardboard tag or an item represented to be a temporary cardboard tag
 12-42 unless the person is:

12-43 (1) a dealer issuing the tag in connection with the
 12-44 sale of a vehicle; or

12-45 (2) a printer or distributor engaged in the business
 12-46 of selling temporary cardboard tags solely for uses authorized
 12-47 under this chapter.

12-48 SECTION 10.09. Section 503.094, Transportation Code, is
 12-49 amended by amending Subsection (b) and adding Subsection (d) to
 12-50 read as follows:

12-51 (b) Except as otherwise provided by this section, an [An]
 12-52 offense under this section is a misdemeanor punishable by a fine of
 12-53 not less than \$50 or more than \$5,000.

12-54 (d) An offense involving a violation of:

12-55 (1) Section 503.067(b) or (c) is a Class C
 12-56 misdemeanor;

12-57 (2) Section 503.067(d) is a Class A misdemeanor;

12-58 (3) Section 503.067(a) is a state jail felony; and

12-59 (4) Section 503.067(b), (c), or (d) is a state jail
 12-60 felony if the person who committed the offense criminally conspired
 12-61 to engage in organized criminal activity.

12-62 SECTION 10.10. Subsection (a), Section 2301.651,
 12-63 Occupations Code, is amended to read as follows:

12-64 (a) The board may deny an application for a license, revoke
 12-65 or suspend a license, place on probation a person whose license has
 12-66 been suspended, or reprimand a license holder if the applicant or
 12-67 license holder:

12-68 (1) is unfit under standards described in this chapter
 12-69 or board rules;

13-1 (2) makes a material misrepresentation in any
13-2 application or other information filed under this chapter or board
13-3 rules;

13-4 (3) violates this chapter or a board rule or order;

13-5 (4) violates any law relating to the sale,
13-6 distribution, financing, or insuring of motor vehicles;

13-7 (5) fails to maintain the qualifications for a
13-8 license;

13-9 (6) wilfully defrauds a purchaser; [~~or~~]

13-10 (7) fails to fulfill a written agreement with a retail
13-11 purchaser of a motor vehicle; or

13-12 (8) violates the requirements of Section 503.0631,
13-13 Transportation Code.

13-14 SECTION 10.11. (a) As soon as practicable after the
13-15 effective date of this Act, the Texas Department of Transportation
13-16 shall adopt rules to implement Sections 503.0626 and 503.0631,
13-17 Transportation Code, as added by this article.

13-18 (b) The Texas Department of Transportation may not enforce
13-19 Section 503.0626 or 503.0631, Transportation Code, as added by this
13-20 article, until the rules adopted under Subsection (a) of this
13-21 section take effect and the databases are operational and available
13-22 to dealers with a general distinguishing number or a converter's
13-23 license issued under Chapter 2301, Occupations Code.

13-24 SECTION 10.12. The changes in law made by this article to
13-25 Sections 503.067 and 503.094, Transportation Code, apply to an
13-26 offense committed on or after the effective date of this Act. An
13-27 offense committed before the effective date of this Act is governed
13-28 by the law in effect when the offense was committed, and the former
13-29 law is continued in effect for that purpose. For purposes of this
13-30 section, an offense was committed before the effective date of this
13-31 Act if any element of the offense was committed before that date.

13-32 ARTICLE 11. EFFECTIVE DATE

13-33 SECTION 11.01. Except as otherwise provided by this Act,
13-34 this Act takes effect September 1, 2007.

13-35 * * * * *