

By: Turner of Harris

H.B. No. 1710

Substitute the following for H.B. No. 1710:

By: Corte

C.S.H.B. No. 1710

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain facilities located in certain areas prone to severe weather to have an emergency preparedness plan for provision of emergency electrical power.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.098 to read as follows:

Sec. 531.098. EMERGENCY PREPAREDNESS PLAN FOR FACILITIES LOCATED IN AREAS PRONE TO SEVERE WEATHER. (a) For purposes of this section, "area prone to severe weather" means each county in this state that is located wholly or partly within 100 miles of the Gulf of Mexico.

(b) This section applies only to a facility located in an area prone to severe weather that is licensed by a health and human services agency and that serves elderly persons, persons who are ill, and persons with special needs.

(c) The executive commissioner by rule shall require a facility to which this section applies to annually adopt and submit to the commission for its approval an emergency preparedness plan that ensures that, in the event of a local power outage, the facility maintains the ability:

(1) to provide emergency electrical power; and

(2) to meet the basic needs of all persons receiving services at the facility.

1 (d) The commission shall review and approve or disapprove an
2 emergency preparedness plan submitted under Subsection (c) and
3 issue a notification of approval or a notification of the reasons
4 for disapproval of the plan.

5 (e) An emergency preparedness plan must demonstrate that
6 the facility possesses on the facility's premises an electrical
7 power generator or other emergency power source. The facility must
8 include with the plan a proposed schedule for the regular
9 servicing, testing, and operation of the electrical power generator
10 or other emergency power source that complies with commission
11 rules. A facility shall maintain a log of the regular servicing,
12 testing, and operation of the electrical power generator or other
13 emergency power source and shall submit a copy of the log to the
14 commission with its annual emergency preparedness plan. The
15 commission may inspect the log at any time before the facility
16 submits the log to the commission.

17 (f) The executive commissioner by rule shall prescribe
18 standards relating to the servicing, testing, and operation of an
19 electrical power generator or other emergency power source used in
20 the implementation of an emergency preparedness plan submitted
21 under Subsection (c).

22 SECTION 2. Not later than December 1, 2009, the executive
23 commissioner of the Health and Human Services Commission shall
24 adopt rules as required by Section 531.098, Government Code, as
25 added by this Act.

26 SECTION 3. A facility licensed by a health and human
27 services agency required to adopt and submit an emergency

1 preparedness plan under Section 531.098, Government Code, as added
2 by this Act, shall comply with rules adopted under that section not
3 later than January 31, 2010.

4 SECTION 4. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2009.