

By: Turner of Harris

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 emergency generators.

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. RULES AND PROVISION RELATING TO FACILITIES LOCATED IN AREAS PRONE TO SEVERE WEATHER. (a) The executive commissioner shall adopt rules defining areas in this state that are prone to severe weather as each coastal county and any other county in which a state of disaster has been declared by an executive order or proclamation under Chapter 418, Government Code, issued on or after January 1, 2003. The executive commissioner shall update the rules as necessary.

(b) The executive commissioner may require 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 to have an emergency generator located on the premises to provide emergency electrical power.

SECTION 2. Section 242.037, Health and Safety Code, is amended by adding Subsection (j) to read as follows:

(j) The minimum standards adopted by the executive commissioner of the Health and Human Services Commission under this

1 section must require that each institution located in an area prone
2 to severe weather under rules adopted by the executive commissioner
3 of the Health and Human Services Commission under Section 531.098,
4 Government Code, provide emergency electrical power with an
5 emergency generator located on the premises.

6 SECTION 3. Section 247.026, Health and Safety Code, is
7 amended by adding Subsection (j) to read as follows:

8 (j) The minimum standards adopted by the executive
9 commissioner of the Health and Human Services Commission under this
10 section must require that each assisted living facility located in
11 an area prone to severe weather under rules adopted by the executive
12 commissioner of the Health and Human Services Commission under
13 Section 531.098, Government Code, provide emergency electrical
14 power with an emergency generator located on the premises.

15 SECTION 4. Section 248.026, Health and Safety Code, is
16 amended by adding Subsection (c) to read as follows:

17 (c) The minimum standards adopted by the executive
18 commissioner of the Health and Human Services Commission under this
19 section must require that each special care facility located in an
20 area prone to severe weather under rules adopted by the executive
21 commissioner of the Health and Human Services Commission under
22 Section 531.098, Government Code, provide emergency electrical
23 power with an emergency generator located on the premises.

24 SECTION 5. Not later than January 1, 2010, the executive
25 commissioner of the Health and Human Services Commission shall
26 adopt:

27 (1) the rules required by Section 531.098, Government

1 Code, as added by this Act; and

2 (2) the standards required by Sections 242.037(j),
3 247.026(j), and 248.026(c), Health and Safety Code, as added by
4 this Act.

5 SECTION 6. This Act takes effect September 1, 2009.