

1-1 By: Corte, Edwards, Eiland H.B. No. 1831
1-2 (Senate Sponsor - Carona)
1-3 (In the Senate - Received from the House April 27, 2009;
1-4 May 1, 2009, read first time and referred to Committee on
1-5 Transportation and Homeland Security; May 20, 2009, reported
1-6 adversely, with favorable Committee Substitute by the following
1-7 vote: Yeas 7, Nays 0; May 20, 2009, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 1831 By: Carona

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to disaster preparedness and emergency management and to
1-12 certain vehicles used in emergencies; providing a penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 ARTICLE 1. GENERAL PROVISIONS

1-15 SECTION 1.01. Section 37.108, Education Code, is amended by
1-16 adding Subsections (c-1) and (c-2) to read as follows:

1-17 (c-1) Except as provided by Subsection (c-2), any document
1-18 or information collected during a security audit conducted under
1-19 Subsection (b) is not subject to disclosure under Chapter 552,
1-20 Government Code.

1-21 (c-2) A document relating to a school district's
1-22 multihazard emergency operation plan is subject to disclosure if
1-23 the document enables a person to:

1-24 (1) verify that the district has established a plan
1-25 and determine the agencies involved in the development of the plan
1-26 and the agencies coordinating with the district to respond to an
1-27 emergency, including local emergency services agencies, law
1-28 enforcement agencies, and fire departments;

1-29 (2) verify that the district's plan was reviewed
1-30 within the last 12 months and determine the specific review dates;

1-31 (3) verify that the plan addresses the four phases of
1-32 emergency management under Subsection (a);

1-33 (4) verify that district employees have been trained
1-34 to respond to an emergency and determine the types of training, the
1-35 number of employees trained, and the person conducting the
1-36 training;

1-37 (5) verify that each campus in the district has
1-38 conducted mandatory emergency drills and exercises in accordance
1-39 with the plan and determine the frequency of the drills;

1-40 (6) verify that the district has established a plan
1-41 for responding to a train derailment if required under Subsection
1-42 (d);

1-43 (7) verify that the district has completed a security
1-44 audit under Subsection (b) and determine the date the audit was
1-45 conducted, the person conducting the audit, and the date the
1-46 district presented the results of the audit to the school board;

1-47 (8) verify that the district has addressed any
1-48 recommendations by the district's board of trustees for improvement
1-49 of the plan and determine the district's progress within the last 12
1-50 months; and

1-51 (9) verify that the district has established a visitor
1-52 policy and identify the provisions governing access to a district
1-53 building or other district property.

1-54 SECTION 1.02. Subdivision (1), Section 418.004, Government
1-55 Code, is amended to read as follows:

1-56 (1) "Disaster" means the occurrence or imminent threat
1-57 of widespread or severe damage, injury, or loss of life or property
1-58 resulting from any natural or man-made cause, including fire,
1-59 flood, earthquake, wind, storm, wave action, oil spill or other
1-60 water contamination, volcanic activity, epidemic, air
1-61 contamination, blight, drought, infestation, explosion, riot,
1-62 hostile military or paramilitary action, extreme heat, other public
1-63 calamity requiring emergency action, or energy emergency.

2-1 SECTION 1.03. Section 418.005, Government Code, is amended
2-2 by amending Subsections (a) and (b) and adding Subsection (h) to
2-3 read as follows:

2-4 (a) This section applies only to an elected law enforcement
2-5 officer or county judge, or an appointed public officer of the state
2-6 or of a political subdivision, who has management or supervisory
2-7 responsibilities and:

2-8 (1) whose position description, job duties, or
2-9 assignment includes emergency management responsibilities; or

2-10 (2) who plays a role in emergency preparedness,
2-11 response, or recovery.

2-12 (b) Each person described by Subsection (a) shall complete a
2-13 course of training provided or approved by the division of not less
2-14 than three hours regarding the responsibilities of state and local
2-15 governments under this chapter not later than the 180th day after
2-16 the date the person:

2-17 (1) takes the oath of office, if the person is required
2-18 to take an oath of office to assume the person's duties as a a [~~an~~
2-19 ~~appointed~~] public officer; or

2-20 (2) otherwise assumes responsibilities as a [~~an~~
2-21 ~~appointed~~] public officer, if the person is not required to take an
2-22 oath of office to assume the person's duties.

2-23 (h) The Texas Engineering Extension Service of The Texas A&M
2-24 University System, with the direction, oversight, and approval of
2-25 the division, shall implement online courses and secure continuing
2-26 education credits for elected or appointed officials, volunteers,
2-27 or employees requested to attend training or required under
2-28 Subsection (b) to attend training. Training under this subsection
2-29 is optional for volunteers.

2-30 SECTION 1.04. Section 418.013, Government Code, is amended
2-31 by amending Subsection (b) and adding Subsection (d) to read as
2-32 follows:

2-33 (b) The emergency management council is composed of
2-34 representatives [~~the heads~~] of state agencies, boards, [~~and~~
2-35 ~~commissions,~~ and [~~representatives of~~] organized volunteer groups
2-36 designated by the head of each entity.

2-37 (d) The emergency management council shall assist the
2-38 division in identifying, mobilizing, and deploying state resources
2-39 to respond to major emergencies and disasters throughout the state.

2-40 SECTION 1.05. Subsection (a), Section 418.042, Government
2-41 Code, is amended to read as follows:

2-42 (a) The division shall prepare and keep current a
2-43 comprehensive state emergency management plan. The plan may
2-44 include:

2-45 (1) provisions for prevention and minimization of
2-46 injury and damage caused by disaster;

2-47 (2) provisions for prompt and effective response to
2-48 disaster;

2-49 (3) provisions for emergency relief;

2-50 (4) provisions for energy emergencies;

2-51 (5) identification of areas particularly vulnerable
2-52 to disasters;

2-53 (6) recommendations for zoning, building
2-54 restrictions, and other land-use controls, safety measures for
2-55 securing mobile homes or other nonpermanent or semipermanent
2-56 structures, and other preventive and preparedness measures
2-57 designed to eliminate or reduce disasters or their impact;

2-58 (7) provisions for assistance to local officials in
2-59 designing local emergency management plans;

2-60 (8) authorization and procedures for the erection or
2-61 other construction of temporary works designed to protect against
2-62 or mitigate danger, damage, or loss from flood, fire, or other
2-63 disaster;

2-64 (9) preparation and distribution to the appropriate
2-65 state and local officials of state catalogs of federal, state, and
2-66 private assistance programs;

2-67 (10) organization of manpower and channels of
2-68 assistance;

2-69 (11) coordination of federal, state, and local

3-1 emergency management activities;
 3-2 (12) coordination of the state emergency management
 3-3 plan with the emergency management plans of the federal government;
 3-4 (13) coordination of federal and state energy
 3-5 emergency plans;
 3-6 (14) provisions for providing information to
 3-7 ~~[education and training of]~~ local officials on activation of the
 3-8 Emergency Alert System established under 47 C.F.R. Part 11; ~~[and]~~
 3-9 (15) a database of public facilities that may be used
 3-10 under Section 418.017 to shelter individuals during a disaster,
 3-11 including air-conditioned facilities for shelter during an extreme
 3-12 heat disaster and fortified structures for shelter during a wind
 3-13 disaster; and

3-14 (16) other necessary matters relating to disasters.

3-15 SECTION 1.06. Subchapter C, Chapter 418, Government Code,
 3-16 is amended by adding Section 418.0425 to read as follows:

3-17 Sec. 418.0425. STATE EMERGENCY MANAGEMENT PLAN ANNEX. (a)
 3-18 In this section, "critical water or wastewater facility" means a
 3-19 facility with:

3-20 (1) water supply, treatment, or distribution
 3-21 equipment that is essential to maintain the minimum water pressure
 3-22 requirements established by the governing body of a municipality or
 3-23 the Texas Commission on Environmental Quality; or

3-24 (2) wastewater collection or treatment equipment that
 3-25 is essential to prevent the discharge of untreated wastewater to
 3-26 water in the state.

3-27 (b) The division, in cooperation with the emergency
 3-28 management council, local governments, regional entities, health
 3-29 and medical facilities, volunteer groups, private sector partners,
 3-30 the Federal Emergency Management Agency, and other federal
 3-31 agencies, shall develop an annex to the state emergency management
 3-32 plan that addresses initial response planning for providing
 3-33 essential population support supplies, equipment, and services
 3-34 during the first five days immediately following a disaster. The
 3-35 annex must include:

3-36 (1) plans to make fuel available to, maintain
 3-37 continuing operations of, and assess the backup power available
 3-38 for, all:

- 3-39 (A) hospitals;
- 3-40 (B) prisons;
- 3-41 (C) assisted living facilities licensed under
 3-42 Chapter 247, Health and Safety Code;
- 3-43 (D) institutions licensed under Chapter 242,
 3-44 Health and Safety Code; and
- 3-45 (E) other critical facilities determined by the
 3-46 division;

3-47 (2) provisions for interagency coordination of
 3-48 disaster response efforts;

3-49 (3) provisions for the rapid gross assessment of
 3-50 population support needs;

3-51 (4) plans for the clearance of debris from major
 3-52 roadways to facilitate emergency response operations and delivery
 3-53 of essential population support supplies and equipment;

3-54 (5) methods to obtain food, water, and ice for
 3-55 disaster victims through prearranged contracts or suppliers,
 3-56 stockpiled supplies, or plans to request assistance from federal
 3-57 agencies, as appropriate;

3-58 (6) guidelines for arranging temporary points of
 3-59 distribution for disaster relief supplies and standardized
 3-60 procedures for operating those distribution points;

3-61 (7) methods for providing basic medical support for
 3-62 disaster victims, including medical supplies and pharmaceuticals;

3-63 (8) provisions, developed in coordination with fuel
 3-64 suppliers and retailers, for the continued operation of service
 3-65 stations to provide fuel to disaster victims and emergency
 3-66 responders; and

3-67 (9) provisions for the dissemination of emergency
 3-68 information through the media to aid disaster victims.

3-69 (c) The division, in coordination with the Texas Commission

4-1 on Environmental Quality and electric, gas, water, and wastewater
4-2 utility providers, shall develop for inclusion in the annex to the
4-3 state emergency management plan provisions to provide emergency or
4-4 backup power to restore or continue the operation of critical water
4-5 or wastewater facilities following a disaster. The provisions must:
4-6 (1) establish an online resource database of available
4-7 emergency generators configured for transport that are capable of
4-8 providing backup power for critical water or wastewater facilities
4-9 following a disaster;
4-10 (2) include procedures for the maintenance,
4-11 activation, transportation, and redeployment of available
4-12 emergency generators;
4-13 (3) develop a standardized form for use by a water or
4-14 wastewater utility provider in developing and maintaining data on
4-15 the number and type of emergency generators required for the
4-16 operation of the provider's critical water or wastewater facilities
4-17 following a disaster; and
4-18 (4) include procedures for water or wastewater utility
4-19 providers to maintain a current list of generators available in
4-20 surrounding areas through mutual aid agreements and through
4-21 commercial firms offering generators for rent or lease.
4-22 SECTION 1.07. Section 418.043, Government Code, is amended
4-23 to read as follows:
4-24 Sec. 418.043. OTHER POWERS AND DUTIES. The division shall:
4-25 (1) determine requirements of the state and its
4-26 political subdivisions for food, clothing, and other necessities in
4-27 event of a disaster;
4-28 (2) procure and position supplies, medicines,
4-29 materials, and equipment;
4-30 (3) adopt standards and requirements for local and
4-31 interjurisdictional emergency management plans;
4-32 (4) periodically review local and interjurisdictional
4-33 emergency management plans;
4-34 (5) coordinate deployment of mobile support units;
4-35 (6) establish and operate training programs and
4-36 programs of public information or assist political subdivisions and
4-37 emergency management agencies to establish and operate the
4-38 programs;
4-39 (7) make surveys of public and private industries,
4-40 resources, and facilities in the state that are necessary to carry
4-41 out the purposes of this chapter;
4-42 (8) plan and make arrangements for the availability
4-43 and use of any private facilities, services, and property and
4-44 provide for payment for use under terms and conditions agreed on if
4-45 the facilities are used and payment is necessary;
4-46 (9) establish a register of persons with types of
4-47 training and skills important in disaster mitigation,
4-48 preparedness, response, and recovery;
4-49 (10) establish a register of mobile and construction
4-50 equipment and temporary housing available for use in a disaster;
4-51 (11) assist political subdivisions in developing
4-52 plans for the humane evacuation, transport, and temporary
4-53 sheltering of service animals and household pets in a disaster;
4-54 (12) prepare, for issuance by the governor, executive
4-55 orders and regulations necessary or appropriate in coping with
4-56 disasters;
4-57 (13) cooperate with the federal government and any
4-58 public or private agency or entity in achieving any purpose of this
4-59 chapter and in implementing programs for disaster mitigation,
4-60 preparation, response, and recovery; ~~and~~
4-61 (14) develop a plan to raise public awareness and
4-62 expand the capability of the information and referral network under
4-63 Section 531.0312;
4-64 (15) improve the integration of volunteer groups,
4-65 including faith-based organizations, into emergency management
4-66 plans;
4-67 (16) cooperate with the Federal Emergency Management
4-68 Agency to create uniform guidelines for acceptable home repairs
4-69 following disasters and promote public awareness of the guidelines;

5-1 (17) cooperate with state agencies to:
 5-2 (A) encourage the public to participate in
 5-3 volunteer emergency response teams and organizations that respond
 5-4 to disasters; and

5-5 (B) provide information on those programs in
 5-6 state disaster preparedness and educational materials and on
 5-7 Internet websites;

5-8 (18) establish a liability awareness program for
 5-9 volunteers, including medical professionals; and

5-10 (19) do other things necessary, incidental, or
 5-11 appropriate for the implementation of this chapter.

5-12 SECTION 1.08. Section 418.045, Government Code, is amended
 5-13 to read as follows:

5-14 Sec. 418.045. TEMPORARY PERSONNEL. (a) The division may
 5-15 employ or contract with temporary personnel from funds appropriated
 5-16 to the division, from federal funds, or from the disaster
 5-17 contingency fund. The merit system does not apply to the temporary
 5-18 or contract positions.

5-19 (b) The division may enroll, organize, train, and equip a
 5-20 cadre of disaster reservists with specialized skills in disaster
 5-21 recovery, hazard mitigation, community outreach, and public
 5-22 information to temporarily augment its permanent staff. The
 5-23 division may activate enrolled disaster reservists to support
 5-24 recovery operations in the aftermath of a disaster or major
 5-25 emergency and pay them at a daily rate commensurate with their
 5-26 qualifications and experience. Chapter 654, Chapter 2254, and
 5-27 Subtitle D, Title 10, do not apply in relation to a disaster
 5-28 reservist under this subsection.

5-29 SECTION 1.09. Section 418.048, Government Code, is amended
 5-30 to read as follows:

5-31 Sec. 418.048. MONITORING WEATHER[; ~~SUSPENSION OF WEATHER~~
 5-32 ~~MODIFICATION~~]. [(a)] The division shall keep continuously
 5-33 apprised of weather conditions that present danger of climatic
 5-34 activity, such as precipitation, severe enough to constitute a
 5-35 disaster.

5-36 [~~(b) If the division determines that precipitation that may~~
 5-37 ~~result from weather modification operations, either by itself or in~~
 5-38 ~~conjunction with other precipitation or climatic conditions or~~
 5-39 ~~activity, would create or contribute to the severity of a disaster,~~
 5-40 ~~it shall request in the name of the governor that the officer or~~
 5-41 ~~agency empowered to issue permits for weather modification~~
 5-42 ~~operations suspend the issuance of permits. On the governor's~~
 5-43 ~~request, no permits may be issued until the division informs the~~
 5-44 ~~officer or agency that the danger has passed.]~~

5-45 SECTION 1.10. Subchapter C, Chapter 418, Government Code,
 5-46 is amended by adding Section 418.050 to read as follows:

5-47 Sec. 418.050. PHASED REENTRY PLAN. (a) The division shall
 5-48 develop a phased reentry plan to govern the order in which
 5-49 particular groups of people are allowed to reenter areas previously
 5-50 evacuated because of a disaster or threat of disaster. The plan may
 5-51 provide different reentry procedures for different types of
 5-52 disasters.

5-53 (b) The phased reentry plan shall:

5-54 (1) recognize the role of local emergency management
 5-55 directors in making decisions regarding the timing and
 5-56 implementation of reentry plans for a disaster; and

5-57 (2) provide local emergency management directors with
 5-58 sufficient flexibility to adjust the plan as necessary to
 5-59 accommodate the circumstances of a particular emergency.

5-60 (c) The division, in consultation with representatives of
 5-61 affected parties and local emergency management directors, shall
 5-62 develop a reentry credentialing process. The division shall
 5-63 include the credentialing process in the phased reentry plan. The
 5-64 Department of Public Safety of the State of Texas shall provide
 5-65 support for the credentialing process.

5-66 SECTION 1.11. Subchapter C, Chapter 418, Government Code,
 5-67 is amended by adding Section 418.051 to read as follows:

5-68 Sec. 418.051. COMMUNICATIONS COORDINATION GROUP. (a) The
 5-69 communications coordination group shall facilitate interagency

6-1 coordination and collaboration to provide efficient and effective
 6-2 planning and execution of communications support to joint,
 6-3 interagency, and intergovernmental task forces.

6-4 (b) At the direction of the division, the communications
 6-5 coordination group shall assist with coordination and
 6-6 collaboration during an emergency.

6-7 (c) The communications coordination group consists of
 6-8 members selected by the division, including representatives of:

- 6-9 (1) the Texas military forces;
- 6-10 (2) the Department of Public Safety of the State of
 6-11 Texas;
- 6-12 (3) the Federal Emergency Management Agency;
- 6-13 (4) federal agencies that comprise Emergency Support
 6-14 Function No. 2;
- 6-15 (5) the telecommunications industry, including cable
 6-16 service providers, as defined by Section 66.002, Utilities Code;
- 6-17 (6) electric utilities, as defined by Section 31.002,
 6-18 Utilities Code;
- 6-19 (7) gas utilities, as defined by Sections 101.003 and
 6-20 121.001, Utilities Code;
- 6-21 (8) the National Guard's Joint Continental United
 6-22 States Communications Support Environment;
- 6-23 (9) the National Guard Bureau;
- 6-24 (10) amateur radio operator groups;
- 6-25 (11) the Texas Forest Service;
- 6-26 (12) the Texas Department of Transportation;
- 6-27 (13) the General Land Office;
- 6-28 (14) the Texas Engineering Extension Service of The
 6-29 Texas A&M University System;
- 6-30 (15) the Public Utility Commission of Texas;
- 6-31 (16) the Railroad Commission of Texas;
- 6-32 (17) the Department of State Health Services;
- 6-33 (18) the judicial branch of state government;
- 6-34 (19) the Texas Association of Regional Councils;
- 6-35 (20) the United States Air Force Auxiliary Civil Air
 6-36 Patrol, Texas Wing;
- 6-37 (21) each trauma service area regional advisory
 6-38 council;
- 6-39 (22) state agencies, counties, and municipalities
 6-40 affected by the emergency; and
- 6-41 (23) other agencies as determined by the division.

6-42 SECTION 1.12. Section 418.1015, Government Code, is amended
 6-43 by adding Subsection (d) to read as follows:

6-44 (d) A person, other than an emergency management director
 6-45 exercising under Subsection (b) a power granted to the governor,
 6-46 may not seize state or federal resources without prior
 6-47 authorization from the division or the state or federal agency
 6-48 having responsibility for those resources.

6-49 SECTION 1.13. Subsection (b), Section 418.107, Government
 6-50 Code, is amended to read as follows:

6-51 (b) Political subdivisions may make agreements for the
 6-52 purpose of organizing emergency management service divisions and
 6-53 provide for a mutual method of financing the organization of units
 6-54 on a basis satisfactory to the subdivisions. ~~[The functioning of~~
 6-55 ~~the units shall be coordinated by the emergency management~~
 6-56 ~~council.]~~

6-57 SECTION 1.14. Subsection (d), Section 418.108, Government
 6-58 Code, is amended to read as follows:

6-59 (d) A declaration of local disaster activates the
 6-60 appropriate recovery and rehabilitation aspects of all applicable
 6-61 local or interjurisdictional emergency management plans and
 6-62 authorizes the furnishing of aid and assistance under the
 6-63 declaration. The appropriate preparedness and response aspects of
 6-64 the plans are activated as provided in the plans and take effect
 6-65 immediately after the local state of disaster is declared.

6-66 SECTION 1.15. Section 418.117, Government Code, is amended
 6-67 to read as follows:

6-68 Sec. 418.117. LICENSE PORTABILITY. If the assistance of a
 6-69 person who holds a license, certificate, permit, or other document

7-1 evidencing qualification in a professional, mechanical, or other
 7-2 skill is requested by a state agency or local government entity
 7-3 under the system, the person is considered licensed, certified,
 7-4 permitted, or otherwise documented in the political subdivision in
 7-5 which the service is provided as long as the service is required,
 7-6 subject to any limitations imposed by the chief executive officer
 7-7 or the governing body of the requesting state agency or local
 7-8 government entity.

7-9 SECTION 1.16. Subsection (b), Section 418.172, Government
 7-10 Code, is amended to read as follows:

7-11 (b) If sufficient funds are not available for the required
 7-12 insurance, an agency may request funding from [petition] the
 7-13 disaster contingency fund [emergency funding board] to purchase the
 7-14 insurance [on the agency's behalf. The board may spend money from
 7-15 that fund for that purpose].

7-16 SECTION 1.17. Subchapter H, Chapter 418, Government Code,
 7-17 is amended by adding Sections 418.185, 418.188, 418.1881, 418.1882,
 7-18 418.190, and 418.191 to read as follows:

7-19 Sec. 418.185. MANDATORY EVACUATION. (a) This section does
 7-20 not apply to a person who is authorized to be in an evacuated area,
 7-21 including a person who returns to the area under a phased reentry
 7-22 plan or credentialing process under Section 418.050.

7-23 (b) A county judge or mayor of a municipality who orders the
 7-24 evacuation of an area stricken or threatened by a disaster by order
 7-25 may compel persons who remain in the evacuated area to leave and
 7-26 authorize the use of reasonable force to remove persons from the
 7-27 area.

7-28 (c) The governor and a county judge or mayor of a
 7-29 municipality who orders the evacuation of an area stricken or
 7-30 threatened by a disaster by a concurrent order may compel persons
 7-31 who remain in the evacuated area to leave.

7-32 (d) A person is civilly liable to a governmental entity, or
 7-33 a nonprofit agency cooperating with a governmental entity, that
 7-34 conducts a rescue on the person's behalf for the cost of the rescue
 7-35 effort if:

7-36 (1) the person knowingly ignored a mandatory
 7-37 evacuation order under this section and:

7-38 (A) engaged in an activity or course of action
 7-39 that a reasonable person would not have engaged in; or

7-40 (B) failed to take a course of action a
 7-41 reasonable person would have taken;

7-42 (2) the person's actions under Subdivision (1) placed
 7-43 the person or another person in danger; and

7-44 (3) a governmental rescue effort was undertaken on the
 7-45 person's behalf.

7-46 (e) An officer or employee of the state or a political
 7-47 subdivision who issues or is working to carry out a mandatory
 7-48 evacuation order under this section is immune from civil liability
 7-49 for any act or omission within the course and scope of the person's
 7-50 authority under the order.

7-51 Sec. 418.188. POSTDISASTER EVALUATION. Not later than the
 7-52 90th day after the date a request is received from the division, a
 7-53 state agency, political subdivision, or interjurisdictional agency
 7-54 shall conduct an evaluation of the entity's response to a disaster,
 7-55 identify areas for improvement, and issue a report of the
 7-56 evaluation to the division.

7-57 Sec. 418.1881. SHELTER OPERATIONS. The Department of State
 7-58 Health Services shall develop, with the direction, oversight, and
 7-59 approval of the division, an annex to the state emergency
 7-60 management plan that includes provisions for:

7-61 (1) developing medical special needs categories;

7-62 (2) categorizing the requirements of individuals with
 7-63 medical special needs; and

7-64 (3) establishing minimum health-related standards for
 7-65 short-term and long-term shelter operations for shelters operated
 7-66 with state funds or receiving state assistance.

7-67 Sec. 418.1882. PERSONNEL SURGE CAPACITY PLANNING.
 7-68 (a) With the direction, oversight, and approval of the division
 7-69 and the assistance of the Department of State Health Services,

8-1 health care facilities, county officials, trauma service area
 8-2 regional advisory councils, and other appropriate entities, each
 8-3 council of government, regional planning commission, or similar
 8-4 regional planning agency created under Chapter 391, Local
 8-5 Government Code, shall develop a regional plan for personnel surge
 8-6 capacity during disasters, including plans for providing lodging
 8-7 and meals for disaster relief workers and volunteers.

8-8 (b) Entities developing regional plans for personnel surge
 8-9 capacity with regard to lodging shall consult with representatives
 8-10 of emergency responders, infrastructure and utility repair
 8-11 personnel, and other representatives of agencies, entities, or
 8-12 businesses determined by the division to be essential to the
 8-13 planning process.

8-14 Sec. 418.190. AGRICULTURE EMERGENCY RESPONSE PLAN. (a) In
 8-15 coordination with the division, the Department of Agriculture and
 8-16 the Texas Animal Health Commission shall prepare and keep current
 8-17 an agriculture emergency response plan as an annex to the state
 8-18 emergency management plan. The plan must include provisions for:

8-19 (1) identifying and assessing necessary training,
 8-20 resource, and support requirements;

8-21 (2) providing information on recovery, relief, and
 8-22 assistance requirements following all types of disasters,
 8-23 including information on biological and radiological response; and

8-24 (3) all other information the Department of
 8-25 Agriculture and the Texas Animal Health Commission determine to be
 8-26 relevant to prepare for an all-hazards approach to agricultural
 8-27 disaster management.

8-28 (b) The Department of Agriculture and the Texas Animal
 8-29 Health Commission shall include the plan developed under Subsection
 8-30 (a) in an annual report to the legislature and the office of the
 8-31 governor.

8-32 Sec. 418.191. MEDICAL SPECIAL NEEDS VOLUNTEERS. (a) An
 8-33 entity responsible for the care of individuals with medical special
 8-34 needs shall develop and distribute information on volunteering in
 8-35 connection with a disaster.

8-36 (b) The division shall provide information to interested
 8-37 parties and the public regarding how volunteers can be identified
 8-38 and trained to help all groups of people, including those with
 8-39 medical special needs and those who are residents of assisted
 8-40 living facilities.

8-41 SECTION 1.18. Subchapter B, Chapter 242, Health and Safety
 8-42 Code, is amended by adding Section 242.0395 to read as follows:

8-43 Sec. 242.0395. REGISTRATION WITH TEXAS INFORMATION AND
 8-44 REFERRAL NETWORK. (a) An institution licensed under this chapter
 8-45 shall register with the Texas Information and Referral Network
 8-46 under Section 531.0312, Government Code, to assist the state in
 8-47 identifying persons needing assistance if an area is evacuated
 8-48 because of a disaster or other emergency.

8-49 (b) The institution is not required to identify individual
 8-50 residents who may require assistance in an evacuation or to
 8-51 register individual residents with the Texas Information and
 8-52 Referral Network for evacuation assistance.

8-53 (c) The institution shall notify each resident and the
 8-54 resident's next of kin or guardian regarding how to register for
 8-55 evacuation assistance with the Texas Information and Referral
 8-56 Network.

8-57 SECTION 1.19. Subchapter B, Chapter 247, Health and Safety
 8-58 Code, is amended by adding Section 247.0275 to read as follows:

8-59 Sec. 247.0275. REGISTRATION WITH TEXAS INFORMATION AND
 8-60 REFERRAL NETWORK. (a) An assisted living facility licensed under
 8-61 this chapter shall register with the Texas Information and Referral
 8-62 Network under Section 531.0312, Government Code, to assist the
 8-63 state in identifying persons needing assistance if an area is
 8-64 evacuated because of a disaster or other emergency.

8-65 (b) The assisted living facility is not required to identify
 8-66 individual residents who may require assistance in an evacuation or
 8-67 to register individual residents with the Texas Information and
 8-68 Referral Network for evacuation assistance.

8-69 (c) The assisted living facility shall notify each resident

9-1 and the resident's next of kin or guardian regarding how to register
9-2 for evacuation assistance with the Texas Information and Referral
9-3 Network.

9-4 SECTION 1.20. Subdivisions (1) and (13-a), Section 541.201,
9-5 Transportation Code, are amended to read as follows:

9-6 (1) "Authorized emergency vehicle" means:
9-7 (A) a fire department or police vehicle;
9-8 (B) a public or private ambulance operated by a
9-9 person who has been issued a license by the Texas Department of
9-10 Health;

9-11 (C) a municipal department or public service
9-12 corporation emergency vehicle that has been designated or
9-13 authorized by the governing body of a municipality;

9-14 (D) a private vehicle of a volunteer firefighter
9-15 or a certified emergency medical services employee or volunteer
9-16 when responding to a fire alarm or medical emergency;

9-17 (E) an industrial emergency response vehicle,
9-18 including an industrial ambulance, when responding to an emergency,
9-19 but only if the vehicle is operated in compliance with criteria in
9-20 effect September 1, 1989, and established by the predecessor of the
9-21 Texas Industrial Emergency Services Board of the State Firemen's
9-22 and Fire Marshals' Association of Texas; [~~or~~]

9-23 (F) a vehicle of a blood bank or tissue bank,
9-24 accredited or approved under the laws of this state or the United
9-25 States, when making emergency deliveries of blood, drugs,
9-26 medicines, or organs; or

9-27 (G) a vehicle used for law enforcement purposes
9-28 that is owned or leased by a federal governmental entity.

9-29 (13-a) "Police vehicle" means a vehicle [~~of a~~
9-30 ~~governmental entity primarily~~] used by a peace officer, as defined
9-31 by Article 2.12, Code of Criminal Procedure, for law enforcement
9-32 purposes that:

9-33 (A) is owned or leased by a governmental entity;

9-34 (B) is owned or leased by the police department
9-35 of a private institution of higher education that commissions peace
9-36 officers under Section 51.212, Education Code; or

9-37 (C) is:
9-38 (i) a private vehicle owned or leased by the
9-39 peace officer; and

9-40 (ii) approved for use for law enforcement
9-41 purposes by the head of the law enforcement agency that employs the
9-42 peace officer, or by that person's designee, provided that use of
9-43 the private vehicle must, if applicable, comply with any rule
9-44 adopted by the commissioners court of a county under Section
9-45 170.001, Local Government Code.

9-46 SECTION 1.21. Subsection (b), Section 545.421,
9-47 Transportation Code, is amended to read as follows:

9-48 (b) A signal under this section that is given by a police
9-49 officer pursuing a vehicle may be by hand, voice, emergency light,
9-50 or siren. The officer giving the signal must be in uniform and
9-51 prominently display the officer's badge of office. The officer's
9-52 vehicle must bear the insignia of a law enforcement agency,
9-53 regardless of whether the vehicle displays an emergency light [~~be~~
9-54 appropriately marked as an official police vehicle].

9-55 SECTION 1.22. Section 418.072, Government Code, is
9-56 repealed.

9-57 SECTION 1.23. On the effective date of this Act, the
9-58 disaster emergency funding board is abolished.

9-59 SECTION 1.24. The changes in law made by this Act by the
9-60 amendment of Section 418.005, Government Code, apply only to a law
9-61 enforcement officer or county judge elected or public officer
9-62 appointed on or after the effective date of this Act. A law
9-63 enforcement officer or county judge elected or public officer
9-64 appointed before the effective date of this Act is governed by the
9-65 law in effect immediately before that date, and the former law is
9-66 continued in effect for that purpose.

9-67 SECTION 1.25. Subsections (c-1) and (c-2), Section 37.108,
9-68 Education Code, as added by this Act, apply only to a request for
9-69 documents or information that is received by a school district on or

10-1 after the effective date of this Act. A request for documents or
10-2 information that was received before the effective date of this Act
10-3 is governed by the law in effect on the date the request was
10-4 received, and the former law is continued in effect for that
10-5 purpose.

10-6 SECTION 1.26. (a) Not later than the 30th day after the
10-7 effective date of this section, the division of emergency
10-8 management in the office of the governor shall issue a report to the
10-9 legislature regarding the implementation of medical special needs
10-10 plans in connection with Hurricane Ike, including identification,
10-11 evacuation, transportation, shelter, care, and reentry during the
10-12 period ending on the 30th day after the conclusion of the disaster.
10-13 The Department of State Health Services shall cooperate in the
10-14 preparation of the report.

10-15 (b) Subsection (a) of this section takes effect immediately
10-16 if this Act receives a vote of two-thirds of all the members elected
10-17 to each house, as provided by Section 39, Article III, Texas
10-18 Constitution. If this Act does not receive the vote necessary for
10-19 immediate effect, Subsection (a) of this section takes effect
10-20 September 1, 2009.

10-21 ARTICLE 2. EMERGENCY ELECTRICAL POWER

10-22 SECTION 2.01. Chapter 38, Utilities Code, is amended by
10-23 adding Subchapter E to read as follows:

10-24 SUBCHAPTER E. INFRASTRUCTURE IMPROVEMENT AND MAINTENANCE REPORT

10-25 Sec. 38.101. REPORT ON INFRASTRUCTURE IMPROVEMENT AND
10-26 MAINTENANCE. (a) Not later than May 1 of each year, each electric
10-27 utility shall submit to the commission a report describing the
10-28 utility's activities related to:

10-29 (1) identifying areas that are susceptible to damage
10-30 during severe weather and hardening transmission and distribution
10-31 facilities in those areas;

10-32 (2) vegetation management; and

10-33 (3) inspecting distribution poles.

10-34 (b) Each electric utility shall include in a report required
10-35 under Subsection (a) a summary of the utility's activities related
10-36 to preparing for emergency operations.

10-37 SECTION 2.02. The Public Utility Commission of Texas shall
10-38 adopt rules consistent with Subchapter E, Chapter 38, Utilities
10-39 Code, as added by this Act, not later than October 1, 2009.

10-40 ARTICLE 3. HEALTH AND SAFETY PROVISIONS

10-41 SECTION 3.01. Section 251.012, Health and Safety Code, is
10-42 amended to read as follows:

10-43 Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The
10-44 following facilities are not required to be licensed under this
10-45 chapter:

10-46 (1) a home and community support services agency
10-47 licensed under Chapter 142 with a home dialysis designation;

10-48 (2) a hospital licensed under Chapter 241 that
10-49 provides dialysis only to:

10-50 (A) individuals receiving inpatient services
10-51 from the hospital; or

10-52 (B) individuals receiving outpatient services
10-53 due to a disaster declared by the governor or a federal disaster
10-54 declared by the president of the United States occurring in this
10-55 state or another state during the term of the disaster declaration;
10-56 or

10-57 (3) the office of a physician unless the office is used
10-58 primarily as an end stage renal disease facility.

10-59 SECTION 3.02. Subtitle B, Title 8, Health and Safety Code,
10-60 is amended by adding Chapter 695 to read as follows:

10-61 CHAPTER 695. IN-CASKET IDENTIFICATION

10-62 Sec. 695.001. DEFINITIONS. In this chapter:

10-63 (1) "Casket" means a container used to hold the
10-64 remains of a deceased person.

10-65 (2) "Commission" means the Texas Funeral Service
10-66 Commission.

10-67 Sec. 695.002. IDENTIFICATION OF DECEASED PERSON. The
10-68 commission shall ensure a casket contains identification of the
10-69 deceased person, including the person's name, date of birth, and

11-1 date of death.

11-2 Sec. 695.003. RULES. The commission may adopt rules to
 11-3 enforce this chapter.

11-4 SECTION 3.03. The change in law made by this Act by the
 11-5 amendment of Section 251.012, Health and Safety Code, applies only
 11-6 to dialysis services provided on or after the effective date of this
 11-7 Act. Dialysis services provided before the effective date of this
 11-8 Act are covered by the law in effect immediately before that date,
 11-9 and the former law is continued in effect for that purpose.

11-10 ARTICLE 4. PROVISIONS RELATED TO CERTAIN PUBLIC EMPLOYEES

11-11 SECTION 4.01. Subchapter B, Chapter 659, Government Code,
 11-12 is amended by adding Section 659.025 to read as follows:

11-13 Sec. 659.025. USE OF COMPENSATORY TIME BY CERTAIN EMERGENCY
 11-14 SERVICES PERSONNEL; OPTIONAL OVERTIME PAYMENT. (a) In this
 11-15 section, "emergency services personnel" includes firefighters,
 11-16 police officers and other peace officers, emergency medical
 11-17 technicians, emergency management personnel, and other individuals
 11-18 who are required, in the course and scope of their employment, to
 11-19 provide services for the benefit of the general public during
 11-20 emergency situations.

11-21 (b) This section applies only to a state employee who is
 11-22 emergency services personnel, who is not subject to the overtime
 11-23 provisions of the federal Fair Labor Standards Act of 1938 (29
 11-24 U.S.C. Section 201 et seq.), and who is not an employee of the
 11-25 legislature, including an employee of the lieutenant governor or of
 11-26 a legislative agency.

11-27 (c) Notwithstanding Section 659.016 or any other law, an
 11-28 employee to whom this section applies may be allowed to take
 11-29 compensatory time off during the 18-month period following the end
 11-30 of the workweek in which the compensatory time was accrued.

11-31 (d) Notwithstanding Section 659.016 or any other law, the
 11-32 administrative head of a state agency that employs an employee to
 11-33 whom this section applies may pay the employee overtime at the
 11-34 employee's regular hourly salary rate for all or part of the hours
 11-35 of compensatory time off accrued by the employee during a declared
 11-36 disaster in the preceding 18-month period. The administrative head
 11-37 shall reduce the employee's compensatory time balance by one hour
 11-38 for each hour the employee is paid overtime under this section.

11-39 SECTION 4.02. Subchapter H, Chapter 660, Government Code,
 11-40 is amended by adding Section 660.209 to read as follows:

11-41 Sec. 660.209. STATE EMERGENCY SERVICES PERSONNEL. (a) In
 11-42 this section, "emergency services personnel" includes
 11-43 firefighters, police officers and other peace officers, emergency
 11-44 medical technicians, emergency management personnel, and other
 11-45 individuals who are required, in the course and scope of their
 11-46 employment, to provide services for the benefit of the general
 11-47 public during emergency situations.

11-48 (b) Notwithstanding any other provision of this chapter or
 11-49 the General Appropriations Act, a state employee who is emergency
 11-50 services personnel and who is deployed to a temporary duty station
 11-51 to conduct emergency or disaster response activities is entitled to
 11-52 reimbursement for the actual expense of lodging when there is no
 11-53 room available at the state rate within reasonable proximity to the
 11-54 employee's temporary duty station.

11-55 SECTION 4.03. Subdivision (1-a), Section 161.0001, Health
 11-56 and Safety Code, is amended to read as follows:

11-57 (1-a) "First responder" means:

11-58 (A) any federal, state, local, or private
 11-59 personnel who may respond to a disaster, including:

11-60 (i) public health and public safety
 11-61 personnel;

11-62 (ii) commissioned law enforcement
 11-63 personnel;

11-64 (iii) fire protection personnel, including
 11-65 volunteer firefighters;

11-66 (iv) emergency medical services personnel,
 11-67 including hospital emergency facility staff;

11-68 (v) a member of the National Guard;

11-69 (vi) a member of the Texas State Guard; or

12-1 (vii) any other worker who responds to a
12-2 disaster in the worker's scope of employment; or
12-3 (B) any related personnel that provide support
12-4 services during the prevention, response, and recovery phases of a
12-5 disaster [has the meaning assigned by Section 421.095, Government
12-6 Code].

12-7 ARTICLE 5. JUDICIAL PREPAREDNESS

12-8 SECTION 5.01. Subchapter A, Chapter 22, Government Code, is
12-9 amended by adding Section 22.0035 to read as follows:

12-10 Sec. 22.0035. MODIFICATION OR SUSPENSION OF CERTAIN
12-11 PROVISIONS RELATING TO COURT PROCEEDINGS AFFECTED BY DISASTER. (a)
12-12 In this section, "disaster" has the meaning assigned by Section
12-13 418.004.

12-14 (b) Notwithstanding any other statute, the supreme court
12-15 may modify or suspend procedures for the conduct of any court
12-16 proceeding affected by a disaster during the pendency of a disaster
12-17 declared by the governor. An order under this section may not
12-18 extend for more than 30 days from the date the order was signed
12-19 unless renewed by the supreme court.

12-20 (c) If a disaster prevents the supreme court from acting
12-21 under Subsection (b), the chief justice of the supreme court may act
12-22 on behalf of the supreme court under that subsection.

12-23 (d) If a disaster prevents the chief justice from acting
12-24 under Subsection (c), the court of criminal appeals may act on
12-25 behalf of the supreme court under Subsection (b).

12-26 (e) If a disaster prevents the court of criminal appeals
12-27 from acting under Subsection (d), the presiding judge of the court
12-28 of criminal appeals may act on behalf of the supreme court under
12-29 Subsection (b).

12-30 SECTION 5.02. Section 74.093(c), Government Code, is
12-31 amended to read as follows:

12-32 (c) The rules may provide for:

12-33 (1) the selection and authority of a presiding judge
12-34 of the courts giving preference to a specified class of cases, such
12-35 as civil, criminal, juvenile, or family law cases; ~~and~~

12-36 (2) a coordinated response for the transaction of
12-37 essential judicial functions in the event of a disaster; and

12-38 (3) any other matter necessary to carry out this
12-39 chapter or to improve the administration and management of the
12-40 court system and its auxiliary services.

12-41 SECTION 5.03. Section 418.002, Government Code, is amended
12-42 to read as follows:

12-43 Sec. 418.002. PURPOSES. The purposes of this chapter are
12-44 to:

12-45 (1) reduce vulnerability of people and communities of
12-46 this state to damage, injury, and loss of life and property
12-47 resulting from natural or man-made catastrophes, riots, or hostile
12-48 military or paramilitary action;

12-49 (2) prepare for prompt and efficient rescue, care, and
12-50 treatment of persons victimized or threatened by disaster;

12-51 (3) provide a setting conducive to the rapid and
12-52 orderly restoration and rehabilitation of persons and property
12-53 affected by disasters;

12-54 (4) clarify and strengthen the roles of the governor,
12-55 state agencies, the judicial branch of state government, and local
12-56 governments in prevention of, preparation for, response to, and
12-57 recovery from disasters;

12-58 (5) authorize and provide for cooperation in disaster
12-59 mitigation, preparedness, response, and recovery;

12-60 (6) authorize and provide for coordination of
12-61 activities relating to disaster mitigation, preparedness,
12-62 response, and recovery by agencies and officers of this state, and
12-63 similar state-local, interstate, federal-state, and foreign
12-64 activities in which the state and its political subdivisions may
12-65 participate;

12-66 (7) provide an emergency management system embodying
12-67 all aspects of pre-disaster preparedness and post-disaster response;

12-68 (8) assist in mitigation of disasters caused or
12-69 aggravated by inadequate planning for and regulation of public and

13-1 private facilities and land use; and
13-2 (9) provide the authority and mechanism to respond to
13-3 an energy emergency.

13-4 SECTION 5.04. This article takes effect immediately if this
13-5 Act receives a vote of two-thirds of all the members elected to each
13-6 house, as provided by Section 39, Article III, Texas Constitution.
13-7 If this Act does not receive the vote necessary for immediate
13-8 effect, this article takes effect September 1, 2009.

13-9 ARTICLE 6. EFFECTIVE DATE

13-10 SECTION 6.01. Except as otherwise provided by this Act,
13-11 this Act takes effect September 1, 2009.

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