

1-1 By: Taylor, Eiland (Senate Sponsor - Jackson) H.B. No. 4409
1-2 (In the Senate - Received from the House May 7, 2009;
1-3 May 8, 2009, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 23, 2009, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 7, Nays 0; May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 4409 By: Wentworth

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

1-10 relating to emergency preparation and management.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Subchapter A, Chapter 418, Government Code, is
1-13 amended by adding Section 418.006 to read as follows:
1-14 Sec. 418.006. CIVIL LIABILITY. An officer or employee of a
1-15 state or local agency, or a volunteer acting at the direction of an
1-16 officer or employee of a state or local agency, is considered for
1-17 purposes of Section 431.085 to be a member of the state military
1-18 forces ordered into active service of the state by proper authority
1-19 and is considered to be discharging a duty in that capacity if the
1-20 person is performing an activity related to sheltering or housing
1-21 individuals in connection with the evacuation of an area stricken
1-22 or threatened by disaster.
1-23 SECTION 2. Section 418.043, Government Code, is amended to
1-24 read as follows:
1-25 Sec. 418.043. OTHER POWERS AND DUTIES. The division shall:
1-26 (1) determine requirements of the state and its
1-27 political subdivisions for food, clothing, and other necessities in
1-28 event of a disaster;
1-29 (2) procure and position supplies, medicines,
1-30 materials, and equipment;
1-31 (3) adopt standards and requirements for local and
1-32 interjurisdictional emergency management plans;
1-33 (4) periodically review local and interjurisdictional
1-34 emergency management plans;
1-35 (5) coordinate deployment of mobile support units;
1-36 (6) establish and operate training programs and
1-37 programs of public information or assist political subdivisions and
1-38 emergency management agencies to establish and operate the
1-39 programs;
1-40 (7) make surveys of public and private industries,
1-41 resources, and facilities in the state that are necessary to carry
1-42 out the purposes of this chapter;
1-43 (8) plan and make arrangements for the availability
1-44 and use of any private facilities, services, and property and
1-45 provide for payment for use under terms and conditions agreed on if
1-46 the facilities are used and payment is necessary;
1-47 (9) establish a register of persons with types of
1-48 training and skills important in disaster mitigation,
1-49 preparedness, response, and recovery;
1-50 (10) establish a register of mobile and construction
1-51 equipment and temporary housing available for use in a disaster;
1-52 (11) assist political subdivisions in developing
1-53 plans for the humane evacuation, transport, and temporary
1-54 sheltering of service animals and household pets in a disaster;
1-55 (12) prepare, for issuance by the governor, executive
1-56 orders and regulations necessary or appropriate in coping with
1-57 disasters;
1-58 (13) cooperate with the federal government and any
1-59 public or private agency or entity in achieving any purpose of this
1-60 chapter and in implementing programs for disaster mitigation,
1-61 preparation, response, and recovery; ~~and~~
1-62 (14) define "individuals with special needs" in the
1-63 context of a disaster; and

2-1 (15) do other things necessary, incidental, or
2-2 appropriate for the implementation of this chapter.

2-3 SECTION 3. Subchapter F, Chapter 418, Government Code, is
2-4 amended by adding Section 418.126 to read as follows:

2-5 Sec. 418.126. PRE-EVENT DISASTER RESPONSE CONTRACTS. (a)
2-6 The General Land Office shall solicit proposals for and enter into
2-7 one or more pre-event contracts that may be activated by the office
2-8 in the event of a weather-related disaster declaration to obtain
2-9 services for debris removal from beaches as needed following the
2-10 disaster.

2-11 (b) The Texas Department of Transportation shall solicit
2-12 proposals for and enter into one or more pre-event contracts that
2-13 may be activated by the department in the event of a weather-related
2-14 disaster declaration to obtain services for debris removal from the
2-15 state highway system as needed following the disaster.

2-16 (c) The Texas Department of Housing and Community Affairs
2-17 shall solicit proposals for and enter into one or more pre-event
2-18 contracts that may be activated by the department in the event of a
2-19 weather-related disaster declaration to obtain temporary or
2-20 emergency housing as needed following the disaster.

2-21 (d) Services obtained under a pre-event contract under this
2-22 section may be paid for with money from the disaster contingency
2-23 fund under Section 418.073.

2-24 SECTION 4. Subtitle G, Title 10, Government Code, is
2-25 amended by adding Chapter 2311 to read as follows:

2-26 CHAPTER 2311. ENERGY SECURITY TECHNOLOGIES FOR CRITICAL
2-27 GOVERNMENTAL FACILITIES

2-28 Sec. 2311.001. DEFINITIONS. In this chapter:

2-29 (1) "Combined heating and power system" means a system
2-30 that:

2-31 (A) is located on the site of a facility;
2-32 (B) is the primary source of both electricity and
2-33 thermal energy for the facility;

2-34 (C) can provide all of the electricity needed to
2-35 power the facility's critical emergency operations for at least 14
2-36 days; and

2-37 (D) has an overall efficiency of energy use that
2-38 exceeds 60 percent.

2-39 (2) "Critical governmental facility" means a building
2-40 owned by the state or a political subdivision of the state that is
2-41 expected to:

2-42 (A) be continuously occupied;
2-43 (B) maintain operations for at least 6,000 hours
2-44 each year;

2-45 (C) have a peak electricity demand exceeding 500
2-46 kilowatts; and

2-47 (D) serve a critical public health or public
2-48 safety function during a natural disaster or other emergency
2-49 situation that may result in a widespread power outage, including
2-50 a:

2-51 (i) command and control center;

2-52 (ii) shelter;

2-53 (iii) prison or jail;

2-54 (iv) police or fire station;

2-55 (v) communications or data center;

2-56 (vi) water or wastewater facility;

2-57 (vii) hazardous waste storage facility;

2-58 (viii) biological research facility;

2-59 (ix) hospital; or

2-60 (x) food preparation or food storage
2-61 facility.

2-62 Sec. 2311.002. COMBINED HEATING AND POWER SYSTEMS. When
2-63 constructing or extensively renovating a critical governmental
2-64 facility or replacing major heating, ventilation, and
2-65 air-conditioning equipment for a critical governmental facility,
2-66 the entity with charge and control of the facility shall evaluate
2-67 whether equipping the facility with a combined heating and power
2-68 system would result in expected energy savings that would exceed
2-69 the expected costs of purchasing, operating, and maintaining the

3-1 system over a 20-year period. The entity may equip the facility
3-2 with a combined heating and power system if the expected energy
3-3 savings exceed the expected costs.

3-4 SECTION 5. Not later than January 1, 2010, the relevant
3-5 state agencies shall adopt the contracts required by Section
3-6 418.126, Government Code, as added by this Act.

3-7 SECTION 6. This Act takes effect September 1, 2009.

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