

By: Carona, Patrick

S.B. No. 12

A BILL TO BE ENTITLED

AN ACT

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

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

ARTICLE 1. GENERAL PROVISIONS

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

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

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

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

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

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

(4) verify that district employees have been trained

1 to respond to an emergency and determine the types of training, the
2 number of employees trained, and the person conducting the
3 training;

4 (5) verify that each campus in the district has
5 conducted mandatory emergency drills and exercises in accordance
6 with the plan and determine the frequency of the drills;

7 (6) verify that the district has established a plan
8 for responding to a train derailment if required under Subsection
9 (d);

10 (7) verify that the district has completed a security
11 audit under Subsection (b) and determine the date the audit was
12 conducted, the person conducting the audit, and the date the
13 district presented the results of the audit to the school board;

14 (8) verify that the district has addressed any
15 recommendations by the district's board of trustees for improvement
16 of the plan and determine the district's progress within the last 12
17 months; and

18 (9) verify that the district has established a visitor
19 policy and identify the provisions governing access to a district
20 building or other district property.

21 SECTION 1.02. Subdivision (1), Section 418.004, Government
22 Code, is amended to read as follows:

23 (1) "Disaster" means the occurrence or imminent threat
24 of widespread or severe damage, injury, or loss of life or property
25 resulting from any natural or man-made cause, including fire,
26 flood, earthquake, wind, storm, wave action, oil spill or other
27 water contamination, volcanic activity, epidemic, air

1 contamination, blight, drought, infestation, explosion, riot,
2 hostile military or paramilitary action, extreme heat, other public
3 calamity requiring emergency action, or energy emergency.

4 SECTION 1.03. Section 418.005, Government Code, is amended
5 by amending Subsections (a) and (b) and adding Subsection (h) to
6 read as follows:

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

11 (1) whose position description, job duties, or
12 assignment includes emergency management responsibilities; or

13 (2) who plays a role in emergency preparedness,
14 response, or recovery.

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

20 (1) takes the oath of office, if the person is required
21 to take an oath of office to assume the person's duties as a a [~~an~~
22 ~~appointed~~] public officer; or

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

26 (h) The Texas Engineering Extension Service of The Texas A&M
27 University System, with the direction, oversight, and approval of

1 the division, shall implement online courses and secure continuing
2 education credits for elected or appointed officials, volunteers,
3 or employees requested to attend training or required under
4 Subsection (b) to attend training. Training under this subsection
5 is optional for volunteers.

6 SECTION 1.04. Section 418.013, Government Code, is amended
7 by amending Subsection (b) and adding Subsection (d) to read as
8 follows:

9 (b) The emergency management council is composed of
10 representatives [~~the heads~~] of state agencies, boards, [~~and~~]
11 commissions, and [~~representatives of~~] organized volunteer groups
12 designated by the head of each entity.

13 (d) The emergency management council shall assist the
14 division in identifying, mobilizing, and deploying state resources
15 to respond to major emergencies and disasters throughout the state.

16 SECTION 1.05. Subsection (a), Section 418.042, Government
17 Code, is amended to read as follows:

18 (a) The division shall prepare and keep current a
19 comprehensive state emergency management plan. The plan may
20 include:

21 (1) provisions for prevention and minimization of
22 injury and damage caused by disaster;

23 (2) provisions for prompt and effective response to
24 disaster;

25 (3) provisions for emergency relief;

26 (4) provisions for energy emergencies;

27 (5) identification of areas particularly vulnerable

1 to disasters;

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

7 (7) provisions for assistance to local officials in
8 designing local emergency management plans;

9 (8) authorization and procedures for the erection or
10 other construction of temporary works designed to protect against
11 or mitigate danger, damage, or loss from flood, fire, or other
12 disaster;

13 (9) preparation and distribution to the appropriate
14 state and local officials of state catalogs of federal, state, and
15 private assistance programs;

16 (10) organization of manpower and channels of
17 assistance;

18 (11) coordination of federal, state, and local
19 emergency management activities;

20 (12) coordination of the state emergency management
21 plan with the emergency management plans of the federal government;

22 (13) coordination of federal and state energy
23 emergency plans;

24 (14) provisions for providing information to
25 [~~education and training of~~] local officials on activation of the
26 Emergency Alert System established under 47 C.F.R. Part 11; [~~and~~]

27 (15) a database of public facilities that may be used

1 under Section 418.017 to shelter individuals during a disaster,
2 including air-conditioned facilities for shelter during an extreme
3 heat disaster and fortified structures for shelter during a wind
4 disaster; and

5 (16) other necessary matters relating to disasters.

6 SECTION 1.06. Subchapter C, Chapter 418, Government Code,
7 is amended by adding Section 418.0425 to read as follows:

8 Sec. 418.0425. STATE EMERGENCY MANAGEMENT PLAN ANNEX. The
9 division, in cooperation with the emergency management council,
10 local governments, regional entities, health and medical
11 facilities, volunteer groups, private sector partners, the Federal
12 Emergency Management Agency, and other federal agencies, shall
13 develop an annex to the state emergency management plan that
14 addresses initial response planning for providing essential
15 population support supplies, equipment, and services during the
16 first five days immediately following a disaster. The annex must
17 include:

18 (1) plans to maintain fuel availability and continuity
19 of operations of all water, wastewater, hospital, and other
20 critical facilities, as determined by the division;

21 (2) provisions for interagency coordination of
22 disaster response efforts;

23 (3) provisions for the rapid gross assessment of
24 population support needs;

25 (4) plans for the clearance of debris from major
26 roadways to facilitate emergency response operations and delivery
27 of essential population support supplies and equipment;

1 (5) methods to obtain food, water, and ice for
2 disaster victims through prearranged contracts or suppliers,
3 stockpiled supplies, or plans to request assistance from federal
4 agencies, as appropriate;

5 (6) guidelines for arranging temporary points of
6 distribution for disaster relief supplies and standardized
7 procedures for operating those distribution points;

8 (7) methods for providing basic medical support for
9 disaster victims, including medical supplies and pharmaceuticals;

10 (8) provisions, developed in coordination with fuel
11 suppliers and retailers, for the continued operation of service
12 stations to provide fuel to disaster victims and emergency
13 responders;

14 (9) provisions for the dissemination of emergency
15 information through the media to aid disaster victims;

16 (10) provisions for providing backup power to restore
17 or continue operation of key water and wastewater facilities,
18 developed in coordination with water and wastewater utilities and
19 other agencies; and

20 (11) provisions for assessing the backup power
21 availability of hospitals and prisons and plans to ensure those
22 facilities have the fuel and supplies necessary to continue
23 operations.

24 SECTION 1.07. Section 418.043, Government Code, is amended
25 to read as follows:

26 Sec. 418.043. OTHER POWERS AND DUTIES. The division shall:

27 (1) determine requirements of the state and its

1 political subdivisions for food, clothing, and other necessities in
2 event of a disaster;

3 (2) procure and position supplies, medicines,
4 materials, and equipment;

5 (3) adopt standards and requirements for local and
6 interjurisdictional emergency management plans;

7 (4) periodically review local and interjurisdictional
8 emergency management plans;

9 (5) coordinate deployment of mobile support units;

10 (6) establish and operate training programs and
11 programs of public information or assist political subdivisions and
12 emergency management agencies to establish and operate the
13 programs;

14 (7) make surveys of public and private industries,
15 resources, and facilities in the state that are necessary to carry
16 out the purposes of this chapter;

17 (8) plan and make arrangements for the availability
18 and use of any private facilities, services, and property and
19 provide for payment for use under terms and conditions agreed on if
20 the facilities are used and payment is necessary;

21 (9) establish a register of persons with types of
22 training and skills important in disaster mitigation,
23 preparedness, response, and recovery;

24 (10) establish a register of mobile and construction
25 equipment and temporary housing available for use in a disaster;

26 (11) assist political subdivisions in developing
27 plans for the humane evacuation, transport, and temporary

1 sheltering of service animals and household pets in a disaster;

2 (12) prepare, for issuance by the governor, executive
3 orders and regulations necessary or appropriate in coping with
4 disasters;

5 (13) cooperate with the federal government and any
6 public or private agency or entity in achieving any purpose of this
7 chapter and in implementing programs for disaster mitigation,
8 preparation, response, and recovery; ~~and~~

9 (14) develop a plan to raise public awareness and
10 expand the capability of the information and referral network under
11 Section 531.0312;

12 (15) improve the integration of volunteer groups,
13 including faith-based organizations, into emergency management
14 plans;

15 (16) cooperate with the Federal Emergency Management
16 Agency to create uniform guidelines for acceptable home repairs
17 following disasters and promote public awareness of the guidelines;

18 (17) cooperate with state agencies to:

19 (A) encourage the public to participate in
20 volunteer emergency response teams and organizations that respond
21 to disasters; and

22 (B) provide information on those programs in
23 state disaster preparedness and educational materials and on
24 Internet websites;

25 (18) establish a liability awareness program for
26 volunteers, including medical professionals; and

27 (19) do other things necessary, incidental, or

1 appropriate for the implementation of this chapter.

2 SECTION 1.08. Section 418.045, Government Code, is amended
3 to read as follows:

4 Sec. 418.045. TEMPORARY PERSONNEL. (a) The division may
5 employ or contract with temporary personnel from funds appropriated
6 to the division, from federal funds, or from the disaster
7 contingency fund. The merit system does not apply to the temporary
8 or contract positions.

9 (b) The division may enroll, organize, train, and equip a
10 cadre of disaster reservists with specialized skills in disaster
11 recovery, hazard mitigation, community outreach, and public
12 information to temporarily augment its permanent staff. The
13 division may activate enrolled disaster reservists to support
14 recovery operations in the aftermath of a disaster or major
15 emergency and pay them at a daily rate commensurate with their
16 qualifications and experience. Chapter 654, Chapter 2254, and
17 Subtitle D, Title 10, do not apply in relation to a disaster
18 reservist under this subsection.

19 SECTION 1.09. Section 418.048, Government Code, is amended
20 to read as follows:

21 Sec. 418.048. MONITORING WEATHER~~[, SUSPENSION OF WEATHER~~
22 ~~MODIFICATION]~~. ~~[(a)]~~ The division shall keep continuously
23 apprised of weather conditions that present danger of climatic
24 activity, such as precipitation, severe enough to constitute a
25 disaster.

26 ~~[(b) If the division determines that precipitation that may~~
27 ~~result from weather modification operations, either by itself or in~~

1 ~~conjunction with other precipitation or climatic conditions or~~
2 ~~activity, would create or contribute to the severity of a disaster,~~
3 ~~it shall request in the name of the governor that the officer or~~
4 ~~agency empowered to issue permits for weather modification~~
5 ~~operations suspend the issuance of permits. On the governor's~~
6 ~~request, no permits may be issued until the division informs the~~
7 ~~officer or agency that the danger has passed.]~~

8 SECTION 1.10. Subchapter C, Chapter 418, Government Code,
9 is amended by adding Section 418.050 to read as follows:

10 Sec. 418.050. PHASED REENTRY PLAN. (a) The division shall
11 develop a phased reentry plan to govern the order in which
12 particular groups of people are allowed to reenter areas previously
13 evacuated because of a disaster or threat of disaster. The plan may
14 provide different reentry procedures for different types of
15 disasters.

16 (b) The phased reentry plan shall:

17 (1) recognize the role of local emergency management
18 directors in making all decisions regarding the timing and
19 implementation of reentry plans for a disaster; and

20 (2) provide local emergency management directors with
21 sufficient flexibility to adjust the plan as necessary to
22 accommodate the circumstances of a particular emergency.

23 (c) The phased reentry plan shall provide political
24 subdivisions with the authority to adopt, as a part of a local plan,
25 phased reentry provisions to govern the order in which particular
26 groups of people are allowed to reenter areas of the political
27 subdivision previously evacuated. In the event of a conflict, the

1 local phased reentry provisions prevail over the conflicting
2 provision of the state phased reentry plan.

3 (d) The division shall consider giving priority under the
4 phased reentry plan to public safety officials, utility employees,
5 amateur radio operators, public health officials, health care
6 professionals, health care delivery staff including contractors
7 necessary to restore health care facilities, judges and court
8 personnel, insurance claims adjusters, the media, and area
9 residents. The division shall consider preauthorizing insurance
10 claims adjusters to reenter evacuated areas as soon as practicable
11 to begin processing claims.

12 (e) The division, in consultation with representatives of
13 affected parties and local emergency management directors, shall
14 develop a reentry credentialing process. The division shall
15 include the credentialing process in the phased reentry plan. The
16 Department of Public Safety of the State of Texas shall provide
17 support for the credentialing process.

18 SECTION 1.11. Subchapter C, Chapter 418, Government Code,
19 is amended by adding Section 418.051 to read as follows:

20 Sec. 418.051. COMMUNICATIONS COORDINATION GROUP. (a) The
21 communications coordination group shall facilitate interagency
22 coordination and collaboration to provide efficient and effective
23 planning and execution of communications support to joint,
24 interagency, and intergovernmental task forces.

25 (b) At the direction of the division, the communications
26 coordination group shall assist with coordination and
27 collaboration during an emergency.

1 (c) The communications coordination group consists of
2 members selected by the division, including representatives of:

3 (1) the Texas military forces;

4 (2) the Department of Public Safety of the State of
5 Texas;

6 (3) the Federal Emergency Management Agency;

7 (4) federal agencies that comprise Emergency Support
8 Function No. 2;

9 (5) the telecommunications industry, including cable
10 service providers, as defined by Section 66.002, Utilities Code;

11 (6) electric utilities, as defined by Section 31.002,
12 Utilities Code;

13 (7) gas utilities, as defined by Sections 101.003 and
14 121.001, Utilities Code;

15 (8) the National Guard's Joint Continental United
16 States Communications Support Environment;

17 (9) the National Guard Bureau;

18 (10) amateur radio operator groups;

19 (11) the Texas Forest Service;

20 (12) the Texas Department of Transportation;

21 (13) the General Land Office;

22 (14) the Texas Engineering Extension Service of The
23 Texas A&M University System;

24 (15) the Public Utility Commission of Texas;

25 (16) the Railroad Commission of Texas;

26 (17) the Department of State Health Services;

27 (18) the judicial branch of state government;

1 (19) the Texas Association of Regional Councils;

2 (20) the United States Air Force Auxiliary Civil Air
3 Patrol, Texas Wing;

4 (21) each trauma service area regional advisory
5 council;

6 (22) state agencies, counties, and municipalities
7 affected by the emergency; and

8 (23) other agencies as determined by the division.

9 SECTION 1.12. Subchapter D, Chapter 418, Government Code,
10 is amended by adding Section 418.075 to read as follows:

11 Sec. 418.075. REQUEST FOR FUNDS; HOSPITALS. A public or
12 not-for-profit hospital may request funding from the disaster
13 contingency fund or through a mutual aid agreement with a political
14 subdivision for deployment of hospital services, treatment of
15 evacuees, and nonlocal emergency medical services in the event of a
16 disaster.

17 SECTION 1.13. Subsection (b), Section 418.107, Government
18 Code, is amended to read as follows:

19 (b) Political subdivisions may make agreements for the
20 purpose of organizing emergency management service divisions and
21 provide for a mutual method of financing the organization of units
22 on a basis satisfactory to the subdivisions. [~~The functioning of~~
23 ~~the units shall be coordinated by the emergency management~~
24 ~~council.~~]

25 SECTION 1.14. Section 418.117, Government Code, is amended
26 to read as follows:

27 Sec. 418.117. LICENSE PORTABILITY. If the assistance of a

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

10 SECTION 1.15. Subsection (b), Section 418.172, Government
11 Code, is amended to read as follows:

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

17 SECTION 1.16. Subchapter H, Chapter 418, Government Code,
18 is amended by adding Sections 418.185, 418.188, 418.1881, 418.1882,
19 418.189, 418.190, and 418.191 to read as follows:

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

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

1 area.

2 (c) The governor and a county judge or mayor of a
3 municipality who orders the evacuation of an area stricken or
4 threatened by a disaster by a concurrent order may compel persons
5 who remain in the evacuated area to leave.

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

10 (1) the person knowingly ignored a mandatory
11 evacuation order under this section and:

12 (A) engaged in an activity or course of action
13 that a reasonable person would not have engaged in; or

14 (B) failed to take a course of action a
15 reasonable person would have taken;

16 (2) the person's actions under Subdivision (1) placed
17 the person or another person in danger; and

18 (3) a governmental rescue effort was undertaken on the
19 person's behalf.

20 (e) An officer or employee of the state or a political
21 subdivision who issues or is working to carry out a mandatory
22 evacuation order under this section is immune from civil liability
23 for any act or omission within the course and scope of the person's
24 authority under the order.

25 Sec. 418.188. POSTDISASTER EVALUATION. Not later than the
26 90th day after the date a request is received from the division, a
27 state agency, political subdivision, or interjurisdictional agency

1 shall conduct an evaluation of the entity's response to a disaster,
2 identify areas for improvement, and issue a report of the
3 evaluation to the division.

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

8 (1) developing medical special needs categories;

9 (2) categorizing the requirements of individuals with
10 medical special needs; and

11 (3) establishing minimum health-related standards for
12 short-term and long-term shelter operations for shelters operated
13 with state funds or receiving state assistance.

14 Sec. 418.1882. PERSONNEL SURGE CAPACITY PLANNING.

15 (a) With the direction, oversight, and approval of the division
16 and the assistance of the Department of State Health Services,
17 health care facilities, county officials, trauma service area
18 regional advisory councils, and other appropriate entities, each
19 council of government, regional planning commission, or similar
20 regional planning agency created under Chapter 391, Local
21 Government Code, shall develop a regional plan for personnel surge
22 capacity during disasters, including plans for providing lodging
23 and meals for disaster relief workers and volunteers.

24 (b) Entities developing regional plans for personnel surge
25 capacity with regard to lodging shall consult with representatives
26 of emergency responders, infrastructure and utility repair
27 personnel, and other representatives of agencies, entities, or

1 businesses determined by the division to be essential to the
2 planning process.

3 Sec. 418.189. DISASTER MANAGEMENT OUTREACH. A state agency
4 involved in disaster management shall conduct outreach and
5 disseminate information regarding disaster preparedness and
6 recovery to the general public, including residents of affected
7 areas, and issue an annual report to the legislature regarding
8 those activities.

9 Sec. 418.190. AGRICULTURE EMERGENCY RESPONSE PLAN. (a) In
10 coordination with the division, the Department of Agriculture and
11 the Texas Animal Health Commission shall prepare and keep current
12 an agriculture emergency response plan as an annex to the state
13 emergency management plan. The plan must include provisions for:

14 (1) identifying and assessing necessary training,
15 resource, and support requirements;

16 (2) providing information on recovery, relief, and
17 assistance requirements following all types of disasters,
18 including information on biological and radiological response; and

19 (3) all other information the Department of
20 Agriculture and the Texas Animal Health Commission determine to be
21 relevant to prepare for an all-hazards approach to agricultural
22 disaster management.

23 (b) The Department of Agriculture and the Texas Animal
24 Health Commission shall include the plan developed under Subsection
25 (a) in an annual report to the legislature and the office of the
26 governor.

27 Sec. 418.191. MEDICAL SPECIAL NEEDS VOLUNTEERS. (a) An

1 entity responsible for the care of individuals with medical special
2 needs shall develop and distribute information on volunteering in
3 connection with a disaster.

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

9 SECTION 1.17. Subchapter B, Chapter 242, Health and Safety
10 Code, is amended by adding Section 242.0395 to read as follows:

11 Sec. 242.0395. REGISTRATION WITH TEXAS INFORMATION AND
12 REFERRAL NETWORK. (a) An institution licensed under this chapter
13 shall register with the Texas Information and Referral Network
14 under Section 531.0312, Government Code, to assist the state in
15 identifying persons needing assistance if an area is evacuated
16 because of a disaster or other emergency.

17 (b) The institution is not required to identify individual
18 residents who may require assistance in an evacuation or to
19 register individual residents with the Texas Information and
20 Referral Network for evacuation assistance.

21 (c) The institution shall notify each resident and the
22 resident's next of kin or guardian regarding how to register for
23 evacuation assistance with the Texas Information and Referral
24 Network.

25 SECTION 1.18. Subchapter B, Chapter 247, Health and Safety
26 Code, is amended by adding Section 247.0275 to read as follows:

27 Sec. 247.0275. REGISTRATION WITH TEXAS INFORMATION AND

1 REFERRAL NETWORK. (a) An assisted living facility licensed under
2 this chapter shall register with the Texas Information and Referral
3 Network under Section 531.0312, Government Code, to assist the
4 state in identifying persons needing assistance if an area is
5 evacuated because of a disaster or other emergency.

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

10 (c) The assisted living facility shall notify each resident
11 and the resident's next of kin or guardian regarding how to register
12 for evacuation assistance with the Texas Information and Referral
13 Network.

14 SECTION 1.19. Subdivisions (1) and (13-a), Section 541.201,
15 Transportation Code, are amended to read as follows:

16 (1) "Authorized emergency vehicle" means:

17 (A) a fire department or police vehicle;

18 (B) a public or private ambulance operated by a
19 person who has been issued a license by the Texas Department of
20 Health;

21 (C) a municipal department or public service
22 corporation emergency vehicle that has been designated or
23 authorized by the governing body of a municipality;

24 (D) a private vehicle of a volunteer firefighter
25 or a certified emergency medical services employee or volunteer
26 when responding to a fire alarm or medical emergency;

27 (E) an industrial emergency response vehicle,

1 including an industrial ambulance, when responding to an emergency,
2 but only if the vehicle is operated in compliance with criteria in
3 effect September 1, 1989, and established by the predecessor of the
4 Texas Industrial Emergency Services Board of the State Firemen's
5 and Fire Marshals' Association of Texas; ~~[or]~~

6 (F) a vehicle of a blood bank or tissue bank,
7 accredited or approved under the laws of this state or the United
8 States, when making emergency deliveries of blood, drugs,
9 medicines, or organs;

10 (G) a vehicle used for law enforcement purposes
11 that is owned or leased by a federal governmental entity; or

12 (H) a vehicle operated by an employee of a
13 district attorney's office, county attorney's office, or medical
14 examiner's office that:

15 (i) is registered to the appropriate office
16 and authorized by that office for use in performing the official
17 duties of the office; or

18 (ii) is a private vehicle of an employee of
19 the appropriate office for which the person has received written
20 authority from that office to use the vehicle in performing
21 official duties.

22 (13-a) "Police vehicle" means a vehicle ~~[of a~~
23 ~~governmental entity primarily]~~ used by a peace officer, as defined
24 by Article 2.12, Code of Criminal Procedure, for law enforcement
25 purposes that:

26 (A) is owned or leased by a governmental entity;

27 (B) is owned or leased by the police department

1 of a private institution of higher education that commissions peace
2 officers under Section 51.212, Education Code; or

3 (C) is:

4 (i) a private vehicle owned or leased by the
5 peace officer; and

6 (ii) approved for use for law enforcement
7 purposes by the head of the law enforcement agency that employs the
8 peace officer, or by that person's designee, provided that use of
9 the private vehicle must, if applicable, comply with any rule
10 adopted by the commissioners court of a county under Section
11 170.001, Local Government Code.

12 SECTION 1.20. Subsection (b), Section 545.421,
13 Transportation Code, is amended to read as follows:

14 (b) A signal under this section that is given by a police
15 officer pursuing a vehicle may be by hand, voice, emergency light,
16 or siren. The officer giving the signal must be in uniform and
17 prominently display the officer's badge of office. The officer's
18 vehicle must bear the insignia of a law enforcement agency,
19 regardless of whether the vehicle displays an emergency light [~~be~~
20 ~~appropriately marked as an official police vehicle~~].

21 SECTION 1.21. Section 418.072, Government Code, is
22 repealed.

23 SECTION 1.22. On the effective date of this Act, the
24 disaster emergency funding board is abolished.

25 SECTION 1.23. The changes in law made by this Act by the
26 amendment of Section 418.005, Government Code, apply only to a law
27 enforcement officer or county judge elected or public officer

1 appointed on or after the effective date of this Act. A law
2 enforcement officer or county judge elected or public officer
3 appointed before the effective date of this Act is governed by the
4 law in effect immediately before that date, and the former law is
5 continued in effect for that purpose.

6 SECTION 1.24. Subsections (c-1) and (c-2), Section 37.108,
7 Education Code, as added by this Act, apply only to a request for
8 documents or information that is received by a school district on or
9 after the effective date of this Act. A request for documents or
10 information that was received before the effective date of this Act
11 is governed by the law in effect on the date the request was
12 received, and the former law is continued in effect for that
13 purpose.

14 SECTION 1.25. (a) Not later than the 30th day after the
15 effective date of this section, the division of emergency
16 management in the office of the governor shall issue a report to the
17 legislature regarding the implementation of medical special needs
18 plans in connection with Hurricane Ike, including identification,
19 evacuation, transportation, shelter, care, and reentry during the
20 period ending on the 30th day after the conclusion of the disaster.
21 The Department of State Health Services shall cooperate in the
22 preparation of the report.

23 (b) Subsection (a) of this section takes effect immediately
24 if this Act receives a vote of two-thirds of all the members elected
25 to each house, as provided by Section 39, Article III, Texas
26 Constitution. If this Act does not receive the vote necessary for
27 immediate effect, Subsection (a) of this section takes effect

1 September 1, 2009.

2 ARTICLE 2. EMERGENCY ELECTRICAL POWER

3 SECTION 2.01. Subtitle G, Title 10, Government Code, is
4 amended by adding Chapter 2311 to read as follows:

5 CHAPTER 2311. ENERGY SECURITY TECHNOLOGIES FOR CRITICAL
6 GOVERNMENTAL FACILITIES

7 Sec. 2311.001. DEFINITIONS. In this chapter:

8 (1) "Combined heating and power system" means a system
9 that:

10 (A) is located on the site of a facility;

11 (B) is the primary source of both electricity and
12 thermal energy for the facility;

13 (C) can provide all of the electricity needed to
14 power the facility's critical emergency operations for at least 14
15 days; and

16 (D) has an overall efficiency of energy use that
17 exceeds 60 percent.

18 (2) "Critical governmental facility" means a building
19 owned by the state or a political subdivision of the state that is
20 expected to:

21 (A) be continuously occupied;

22 (B) maintain operations for at least 6,000 hours
23 each year;

24 (C) have a peak electricity demand exceeding 500
25 kilowatts; and

26 (D) serve a critical public health or public
27 safety function during a natural disaster or other emergency

1 situation that may result in a widespread power outage, including

2 a:

3 (i) command and control center;

4 (ii) shelter;

5 (iii) prison or jail;

6 (iv) police or fire station;

7 (v) communications or data center;

8 (vi) water or wastewater facility;

9 (vii) hazardous waste storage facility;

10 (viii) biological research facility;

11 (ix) hospital; or

12 (x) food preparation or food storage

13 facility.

14 Sec. 2311.002. COMBINED HEATING AND POWER SYSTEMS. When
15 constructing or extensively renovating a critical governmental
16 facility or replacing major heating, ventilation, and
17 air-conditioning equipment for a critical governmental facility,
18 the entity with charge and control of the facility shall evaluate
19 whether equipping the facility with a combined heating and power
20 system would result in expected energy savings that would exceed
21 the expected costs of purchasing, operating, and maintaining the
22 system over a 20-year period. The entity may equip the facility
23 with a combined heating and power system if the expected energy
24 savings exceed the expected costs.

25 SECTION 2.02. Chapter 38, Utilities Code, is amended by
26 adding Subchapter E to read as follows:

1 SUBCHAPTER E. INFRASTRUCTURE IMPROVEMENT AND MAINTENANCE REPORT

2 Sec. 38.101. REPORT ON INFRASTRUCTURE IMPROVEMENT AND
3 MAINTENANCE. (a) Not later than May 1 of each year, each electric
4 utility shall submit to the commission a report describing the
5 utility's activities related to:

6 (1) identifying areas that are susceptible to damage
7 during severe weather and hardening transmission and distribution
8 facilities in those areas;

9 (2) vegetation management; and

10 (3) inspecting wooden distribution poles.

11 (b) Each electric utility shall include in a report required
12 under Subsection (a) a summary of the utility's activities related
13 to preparing for emergency operations.

14 SECTION 2.03. Chapter 2302, Government Code, is repealed.

15 SECTION 2.04. Chapter 2311, Government Code, as added by
16 this Act, applies only to the construction or renovation of a
17 building or the replacement of equipment for a building for which
18 the contract is entered into on or after September 1, 2009.

19 SECTION 2.05. The Public Utility Commission of Texas shall
20 adopt rules consistent with Subchapter E, Chapter 38, Utilities
21 Code, as added by this Act, not later than October 1, 2009.

22 ARTICLE 3. HEALTH AND SAFETY PROVISIONS

23 SECTION 3.01. Section 251.012, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The
26 following facilities are not required to be licensed under this
27 chapter:

1 (1) a home and community support services agency
2 licensed under Chapter 142 with a home dialysis designation;

3 (2) a hospital licensed under Chapter 241 that
4 provides dialysis only to:

5 (A) individuals receiving inpatient services
6 from the hospital; or

7 (B) individuals receiving outpatient services
8 due to a disaster declared by the governor or a federal disaster
9 declared by the president of the United States occurring in this
10 state or another state during the term of the disaster declaration;

11 or

12 (3) the office of a physician unless the office is used
13 primarily as an end stage renal disease facility.

14 SECTION 3.02. Subtitle B, Title 8, Health and Safety Code,
15 is amended by adding Chapter 695 to read as follows:

16 CHAPTER 695. IN-CASKET IDENTIFICATION

17 Sec. 695.001. DEFINITIONS. In this chapter:

18 (1) "Casket" means a container used to hold the
19 remains of a deceased person.

20 (2) "Commission" means the Texas Funeral Service
21 Commission.

22 Sec. 695.002. IDENTIFICATION OF DECEASED PERSON. The
23 commission shall ensure a casket contains identification of the
24 deceased person, including the person's name, date of birth, and
25 date of death.

26 Sec. 695.003. RULES. The commission may adopt rules to
27 enforce this chapter.

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

7 ARTICLE 4. PROVISIONS RELATED TO CERTAIN PUBLIC EMPLOYEES

8 SECTION 4.01. Section 431.082, Government Code, is amended
9 by adding Subsection (d) to read as follows:

10 (d) A member of the Texas State Guard called to state active
11 duty is a temporary employee of the state while on state active
12 duty. The adjutant general shall pay members of the Texas State
13 Guard called to state active duty according to the General
14 Appropriations Act. If the length of state active duty exceeds 45
15 consecutive days, the adjutant general may pay the members of the
16 Texas State Guard called to state active duty up to 140 percent of
17 the amount authorized in the General Appropriations Act.

18 SECTION 4.02. Subchapter B, Chapter 659, Government Code,
19 is amended by adding Section 659.025 to read as follows:

20 Sec. 659.025. USE OF COMPENSATORY TIME BY CERTAIN EMERGENCY
21 SERVICES PERSONNEL; OPTIONAL OVERTIME PAYMENT. (a) In this
22 section, "emergency services personnel" includes firefighters,
23 police officers and other peace officers, emergency medical
24 technicians, emergency management personnel, and other individuals
25 who are required, in the course and scope of their employment, to
26 provide services for the benefit of the general public during
27 emergency situations.

1 (b) This section applies only to a state employee who is
2 emergency services personnel, who is not subject to the overtime
3 provisions of the federal Fair Labor Standards Act of 1938 (29
4 U.S.C. Section 201 et seq.), and who is not an employee of the
5 legislature, including an employee of the lieutenant governor or of
6 a legislative agency.

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

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

19 SECTION 4.03. Subchapter H, Chapter 660, Government Code,
20 is amended by adding Section 660.209 to read as follows:

21 Sec. 660.209. STATE EMERGENCY SERVICES PERSONNEL. (a) In
22 this section, "emergency services personnel" includes
23 firefighters, police officers and other peace officers, emergency
24 medical technicians, emergency management personnel, and other
25 individuals who are required, in the course and scope of their
26 employment, to provide services for the benefit of the general
27 public during emergency situations.

1 (b) Notwithstanding any other provision of this chapter or
2 the General Appropriations Act, a state employee who is emergency
3 services personnel and who is deployed to a temporary duty station
4 to conduct emergency or disaster response activities is entitled to
5 reimbursement for the actual expense of lodging when there is no
6 room available at the state rate within reasonable proximity to the
7 employee's temporary duty station.

8 SECTION 4.04. Subdivision (1-a), Section 161.0001, Health
9 and Safety Code, is amended to read as follows:

10 (1-a) "First responder" means:

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

13 (i) public health and public safety
14 personnel;

15 (ii) commissioned law enforcement
16 personnel;

17 (iii) fire protection personnel, including
18 volunteer firefighters;

19 (iv) emergency medical services personnel,
20 including hospital emergency facility staff;

21 (v) a member of the National Guard;

22 (vi) a member of the Texas State Guard; or

23 (vii) any other worker who responds to a
24 disaster in the worker's scope of employment; or

25 (B) any related personnel that provide support
26 services during the prevention, response, and recovery phases of a
27 disaster [~~has the meaning assigned by Section 421.095, Government~~

1 ~~Code~~].

2 ARTICLE 5. JUDICIAL PREPAREDNESS

3 SECTION 5.01. Subsection (c), Section 74.093, Government
4 Code, is amended to read as follows:

5 (c) The rules may provide for:

6 (1) the selection and authority of a presiding judge
7 of the courts giving preference to a specified class of cases, such
8 as civil, criminal, juvenile, or family law cases; ~~and~~

9 (2) a coordinated response for the transaction of
10 essential judicial functions in the event of a disaster; and

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

14 SECTION 5.02. Section 418.002, Government Code, is amended
15 to read as follows:

16 Sec. 418.002. PURPOSES. The purposes of this chapter are
17 to:

18 (1) reduce vulnerability of people and communities of
19 this state to damage, injury, and loss of life and property
20 resulting from natural or man-made catastrophes, riots, or hostile
21 military or paramilitary action;

22 (2) prepare for prompt and efficient rescue, care, and
23 treatment of persons victimized or threatened by disaster;

24 (3) provide a setting conducive to the rapid and
25 orderly restoration and rehabilitation of persons and property
26 affected by disasters;

27 (4) clarify and strengthen the roles of the governor,

1 state agencies, the judicial branch of state government, and local
2 governments in prevention of, preparation for, response to, and
3 recovery from disasters;

4 (5) authorize and provide for cooperation in disaster
5 mitigation, preparedness, response, and recovery;

6 (6) authorize and provide for coordination of
7 activities relating to disaster mitigation, preparedness,
8 response, and recovery by agencies and officers of this state, and
9 similar state-local, interstate, federal-state, and foreign
10 activities in which the state and its political subdivisions may
11 participate;

12 (7) provide an emergency management system embodying
13 all aspects of predisaster preparedness and postdisaster response;

14 (8) assist in mitigation of disasters caused or
15 aggravated by inadequate planning for and regulation of public and
16 private facilities and land use; and

17 (9) provide the authority and mechanism to respond to
18 an energy emergency.

19 SECTION 5.03. Section 418.016, Government Code, is amended
20 to read as follows:

21 Sec. 418.016. SUSPENSION OF PROCEDURAL LAWS AND RULES.

22 (a) The governor may suspend the provisions of any regulatory
23 statute prescribing the procedures for conduct of state business or
24 the orders or rules of a state agency if strict compliance with the
25 provisions, orders, or rules would in any way prevent, hinder, or
26 delay necessary action in coping with a disaster.

27 (b) Notwithstanding any other law, the supreme court, by

1 rule or order, or on a case-by-case basis, may exercise the court's
2 inherent authority, with the consent of the parties, to suspend
3 procedures for the conduct of any court proceeding affected by a
4 disaster. The supreme court may:

5 (1) provide abatements and stays;

6 (2) toll or modify other filings and service
7 deadlines;

8 (3) provide for hearings or trials at locations other
9 than the county of suit;

10 (4) provide for courts of appeal to accept filings and
11 hear arguments in remote courthouses; and

12 (5) provide for alternative notice requirements.

13 (c) If a disaster prevents the supreme court from acting
14 under Subsection (b), the court of criminal appeals may act on
15 behalf of the supreme court. If the disaster prevents both the
16 supreme court and the court of criminal appeals from acting under
17 Subsection (b), the chief justice of the supreme court and the
18 presiding judge of the court of criminal appeals may act on behalf
19 of the judicial branch of state government.

20 SECTION 5.04. Subsection (b), Section 418.042, Government
21 Code, is amended to read as follows:

22 (b) In preparing and revising the state emergency
23 management plan, the division shall seek the advice and assistance
24 of local government, the judicial branch of state government,
25 business, labor, industry, agriculture, civic organizations,
26 volunteer organizations, and community leaders.

1 ARTICLE 6. EFFECTIVE DATE

2 SECTION 6.01. Except as otherwise provided by this Act,
3 this Act takes effect September 1, 2009.