

By: Carona, et al.

S.B. No. 12

Substitute the following for S.B. No. 12:

By: Corte

C.S.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. (a)

9 In this section, "critical water or wastewater facility" means a
10 facility with:

11 (1) water supply, treatment, or distribution
12 equipment that is essential to maintain the minimum water pressure
13 requirements established by the governing body of a municipality or
14 the Texas Commission on Environmental Quality; or

15 (2) wastewater collection or treatment equipment that
16 is essential to prevent the discharge of untreated wastewater to
17 water in the state.

18 (b) The division, in cooperation with the emergency
19 management council, local governments, regional entities, health
20 and medical facilities, volunteer groups, private sector partners,
21 the Federal Emergency Management Agency, and other federal
22 agencies, shall develop an annex to the state emergency management
23 plan that addresses initial response planning for providing
24 essential population support supplies, equipment, and services
25 during the first five days immediately following a disaster. The
26 annex must include:

27 (1) plans to make fuel available to, maintain

1 continuing operations of, and assess the backup power available
2 for, all:

3 (A) hospitals;

4 (B) prisons;

5 (C) assisted living facilities licensed under
6 Chapter 247, Health and Safety Code;

7 (D) institutions licensed under Chapter 242,
8 Health and Safety Code; and

9 (E) other critical facilities determined by the
10 division;

11 (2) provisions for interagency coordination of
12 disaster response efforts;

13 (3) provisions for the rapid gross assessment of
14 population support needs;

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

18 (5) methods to obtain food, water, and ice for
19 disaster victims through prearranged contracts or suppliers,
20 stockpiled supplies, or plans to request assistance from federal
21 agencies, as appropriate;

22 (6) guidelines for arranging temporary points of
23 distribution for disaster relief supplies and standardized
24 procedures for operating those distribution points;

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

27 (8) provisions, developed in coordination with fuel

1 suppliers and retailers, for the continued operation of service
2 stations to provide fuel to disaster victims and emergency
3 responders; and

4 (9) provisions for the dissemination of emergency
5 information through the media to aid disaster victims.

6 (c) The division, in coordination with the Texas Commission
7 on Environmental Quality and electric, gas, water, and wastewater
8 utility providers, shall develop for inclusion in the annex to the
9 state emergency management plan provisions to provide emergency or
10 backup power to restore or continue the operation of critical water
11 or wastewater facilities following a disaster. The provisions must:

12 (1) establish an online resource database of available
13 emergency generators configured for transport that are capable of
14 providing backup power for critical water or wastewater facilities
15 following a disaster;

16 (2) include procedures for the maintenance,
17 activation, transportation, and redeployment of available
18 emergency generators;

19 (3) develop a standardized form for use by a water or
20 wastewater utility provider in developing and maintaining data on
21 the number and type of emergency generators required for the
22 operation of the provider's critical water or wastewater facilities
23 following a disaster; and

24 (4) include procedures for water or wastewater utility
25 providers to maintain a current list of generators available in
26 surrounding areas through mutual aid agreements and through
27 commercial firms offering generators for rent or lease.

1 SECTION 1.07. Section 418.043, Government Code, is amended
2 to read as follows:

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

4 (1) determine requirements of the state and its
5 political subdivisions for food, clothing, and other necessities in
6 event of a disaster;

7 (2) procure and position supplies, medicines,
8 materials, and equipment;

9 (3) adopt standards and requirements for local and
10 interjurisdictional emergency management plans;

11 (4) periodically review local and interjurisdictional
12 emergency management plans;

13 (5) coordinate deployment of mobile support units;

14 (6) establish and operate training programs and
15 programs of public information or assist political subdivisions and
16 emergency management agencies to establish and operate the
17 programs;

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

21 (8) plan and make arrangements for the availability
22 and use of any private facilities, services, and property and
23 provide for payment for use under terms and conditions agreed on if
24 the facilities are used and payment is necessary;

25 (9) establish a register of persons with types of
26 training and skills important in disaster mitigation,
27 preparedness, response, and recovery;

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

3 (11) assist political subdivisions in developing
4 plans for the humane evacuation, transport, and temporary
5 sheltering of service animals and household pets in a disaster;

6 (12) prepare, for issuance by the governor, executive
7 orders and regulations necessary or appropriate in coping with
8 disasters;

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

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

16 (15) improve the integration of volunteer groups,
17 including faith-based organizations, into emergency management
18 plans;

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

22 (17) cooperate with state agencies to:

23 (A) encourage the public to participate in
24 volunteer emergency response teams and organizations that respond
25 to disasters; and

26 (B) provide information on those programs in
27 state disaster preparedness and educational materials and on

1 Internet websites;

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

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

6 SECTION 1.08. Section 418.045, Government Code, is amended
7 to read as follows:

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

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

23 SECTION 1.09. Section 418.048, Government Code, is amended
24 to read as follows:

25 Sec. 418.048. MONITORING WEATHER[, ~~SUSPENSION OF WEATHER~~
26 ~~MODIFICATION~~]. [~~(a)~~] The division shall keep continuously
27 apprised of weather conditions that present danger of climatic

1 activity, such as precipitation, severe enough to constitute a
2 disaster.

3 ~~[(b) If the division determines that precipitation that may
4 result from weather modification operations, either by itself or in
5 conjunction with other precipitation or climatic conditions or
6 activity, would create or contribute to the severity of a disaster,
7 it shall request in the name of the governor that the officer or
8 agency empowered to issue permits for weather modification
9 operations suspend the issuance of permits. On the governor's
10 request, no permits may be issued until the division informs the
11 officer or agency that the danger has passed.]~~

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

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

20 (b) The phased reentry plan shall:

21 (1) recognize the role of local emergency management
22 directors in making decisions regarding the timing and
23 implementation of reentry plans for a disaster; and

24 (2) provide local emergency management directors with
25 sufficient flexibility to adjust the plan as necessary to
26 accommodate the circumstances of a particular emergency.

27 (c) The division, in consultation with representatives of

1 affected parties and local emergency management directors, shall
2 develop a reentry credentialing process. The division shall
3 include the credentialing process in the phased reentry plan. The
4 Department of Public Safety of the State of Texas shall provide
5 support for the credentialing process.

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

8 Sec. 418.051. COMMUNICATIONS COORDINATION GROUP. (a) The
9 communications coordination group shall facilitate interagency
10 coordination and collaboration to provide efficient and effective
11 planning and execution of communications support to joint,
12 interagency, and intergovernmental task forces.

13 (b) At the direction of the division, the communications
14 coordination group shall assist with coordination and
15 collaboration during an emergency.

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

18 (1) the Texas military forces;

19 (2) the Department of Public Safety of the State of
20 Texas;

21 (3) the Federal Emergency Management Agency;

22 (4) federal agencies that comprise Emergency Support
23 Function No. 2;

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

26 (6) electric utilities, as defined by Section 31.002,
27 Utilities Code;

- 1 (7) gas utilities, as defined by Sections 101.003 and
2 121.001, Utilities Code;
- 3 (8) the National Guard's Joint Continental United
4 States Communications Support Environment;
- 5 (9) the National Guard Bureau;
- 6 (10) amateur radio operator groups;
- 7 (11) the Texas Forest Service;
- 8 (12) the Texas Department of Transportation;
- 9 (13) the General Land Office;
- 10 (14) the Texas Engineering Extension Service of The
11 Texas A&M University System;
- 12 (15) the Public Utility Commission of Texas;
- 13 (16) the Railroad Commission of Texas;
- 14 (17) the Department of State Health Services;
- 15 (18) the judicial branch of state government;
- 16 (19) the Texas Association of Regional Councils;
- 17 (20) the United States Air Force Auxiliary Civil Air
18 Patrol, Texas Wing;
- 19 (21) each trauma service area regional advisory
20 council;
- 21 (22) state agencies, counties, and municipalities
22 affected by the emergency; and
- 23 (23) other agencies as determined by the division.

24 SECTION 1.12. Section 418.1015, Government Code, is amended
25 by adding Subsection (d) to read as follows:

26 (d) A person, other than an emergency management director
27 exercising under Subsection (b) a power granted to the governor,

1 may not seize state or federal resources without prior
2 authorization from the division or the state or federal agency
3 having responsibility for those resources.

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

6 (b) Political subdivisions may make agreements for the
7 purpose of organizing emergency management service divisions and
8 provide for a mutual method of financing the organization of units
9 on a basis satisfactory to the subdivisions. [~~The functioning of~~
10 ~~the units shall be coordinated by the emergency management~~
11 ~~council.~~]

12 SECTION 1.14. Subsection (d), Section 418.108, Government
13 Code, is amended to read as follows:

14 (d) A declaration of local disaster activates the
15 appropriate recovery and rehabilitation aspects of all applicable
16 local or interjurisdictional emergency management plans and
17 authorizes the furnishing of aid and assistance under the
18 declaration. The appropriate preparedness and response aspects of
19 the plans are activated as provided in the plans and take effect
20 immediately after the local state of disaster is declared.

21 SECTION 1.15. Section 418.117, Government Code, is amended
22 to read as follows:

23 Sec. 418.117. LICENSE PORTABILITY. If the assistance of a
24 person who holds a license, certificate, permit, or other document
25 evidencing qualification in a professional, mechanical, or other
26 skill is requested by a state agency or local government entity
27 under the system, the person is considered licensed, certified,

1 permitted, or otherwise documented in the political subdivision in
2 which the service is provided as long as the service is required,
3 subject to any limitations imposed by the chief executive officer
4 or the governing body of the requesting state agency or local
5 government entity.

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

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

13 SECTION 1.17. Subchapter H, Chapter 418, Government Code,
14 is amended by adding Sections 418.185, 418.188, 418.1881, 418.1882,
15 418.190, and 418.191 to read as follows:

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

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

25 (c) The governor and a county judge or mayor of a
26 municipality who orders the evacuation of an area stricken or
27 threatened by a disaster by a concurrent order may compel persons

1 who remain in the evacuated area to leave.

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

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

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

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

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

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

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

21 Sec. 418.188. POSTDISASTER EVALUATION. Not later than the
22 90th day after the date a request is received from the division, a
23 state agency, political subdivision, or interjurisdictional agency
24 shall conduct an evaluation of the entity's response to a disaster,
25 identify areas for improvement, and issue a report of the
26 evaluation to the division.

27 Sec. 418.1881. SHELTER OPERATIONS. The Department of State

1 Health Services shall develop, with the direction, oversight, and
2 approval of the division, an annex to the state emergency
3 management plan that includes provisions for:

- 4 (1) developing medical special needs categories;
5 (2) categorizing the requirements of individuals with
6 medical special needs; and
7 (3) establishing minimum health-related standards for
8 short-term and long-term shelter operations for shelters operated
9 with state funds or receiving state assistance.

10 Sec. 418.1882. PERSONNEL SURGE CAPACITY PLANNING.

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

20 (b) Entities developing regional plans for personnel surge
21 capacity with regard to lodging shall consult with representatives
22 of emergency responders, infrastructure and utility repair
23 personnel, and other representatives of agencies, entities, or
24 businesses determined by the division to be essential to the
25 planning process.

26 Sec. 418.190. AGRICULTURE EMERGENCY RESPONSE PLAN. (a) In
27 coordination with the division, the Department of Agriculture and

1 the Texas Animal Health Commission shall prepare and keep current
2 an agriculture emergency response plan as an annex to the state
3 emergency management plan. The plan must include provisions for:

4 (1) identifying and assessing necessary training,
5 resource, and support requirements;

6 (2) providing information on recovery, relief, and
7 assistance requirements following all types of disasters,
8 including information on biological and radiological response; and

9 (3) all other information the Department of
10 Agriculture and the Texas Animal Health Commission determine to be
11 relevant to prepare for an all-hazards approach to agricultural
12 disaster management.

13 (b) The Department of Agriculture and the Texas Animal
14 Health Commission shall include the plan developed under Subsection
15 (a) in an annual report to the legislature and the office of the
16 governor.

17 Sec. 418.191. MEDICAL SPECIAL NEEDS VOLUNTEERS. (a) An
18 entity responsible for the care of individuals with medical special
19 needs shall develop and distribute information on volunteering in
20 connection with a disaster.

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

26 SECTION 1.18. Subchapter B, Chapter 242, Health and Safety
27 Code, is amended by adding Section 242.0395 to read as follows:

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

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

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

15 SECTION 1.19. Subchapter B, Chapter 247, Health and Safety
16 Code, is amended by adding Section 247.0275 to read as follows:

17 Sec. 247.0275. REGISTRATION WITH TEXAS INFORMATION AND
18 REFERRAL NETWORK. (a) An assisted living facility licensed under
19 this chapter shall register with the Texas Information and Referral
20 Network under Section 531.0312, Government Code, to assist the
21 state in identifying persons needing assistance if an area is
22 evacuated because of a disaster or other emergency.

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

27 (c) The assisted living facility shall notify each resident

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

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

6 (1) "Authorized emergency vehicle" means:

7 (A) a fire department or police vehicle;

8 (B) a public or private ambulance operated by a
9 person who has been issued a license by the Texas Department of
10 Health;

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

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

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

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

27 (G) a vehicle used for law enforcement purposes

1 that is owned or leased by a federal governmental entity.

2 (13-a) "Police vehicle" means a vehicle [~~of a~~
3 ~~governmental entity primarily~~] used by a peace officer, as defined
4 by Article 2.12, Code of Criminal Procedure, for law enforcement
5 purposes that:

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

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

10 (C) is:

11 (i) a private vehicle owned or leased by the
12 peace officer; and

13 (ii) approved for use for law enforcement
14 purposes by the head of the law enforcement agency that employs the
15 peace officer, or by that person's designee, provided that use of
16 the private vehicle must, if applicable, comply with any rule
17 adopted by the commissioners court of a county under Section
18 170.001, Local Government Code.

19 SECTION 1.21. Subsection (b), Section 545.421,
20 Transportation Code, is amended to read as follows:

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

1 SECTION 1.22. Section 418.072, Government Code, is
2 repealed.

3 SECTION 1.23. On the effective date of this Act, the
4 disaster emergency funding board is abolished.

5 SECTION 1.24. The changes in law made by this Act by the
6 amendment of Section 418.005, Government Code, apply only to a law
7 enforcement officer or county judge elected or public officer
8 appointed on or after the effective date of this Act. A law
9 enforcement officer or county judge elected or public officer
10 appointed before the effective date of this Act is governed by the
11 law in effect immediately before that date, and the former law is
12 continued in effect for that purpose.

13 SECTION 1.25. Subsections (c-1) and (c-2), Section 37.108,
14 Education Code, as added by this Act, apply only to a request for
15 documents or information that is received by a school district on or
16 after the effective date of this Act. A request for documents or
17 information that was received before the effective date of this Act
18 is governed by the law in effect on the date the request was
19 received, and the former law is continued in effect for that
20 purpose.

21 SECTION 1.26. (a) Not later than the 30th day after the
22 effective date of this section, the division of emergency
23 management in the office of the governor shall issue a report to the
24 legislature regarding the implementation of medical special needs
25 plans in connection with Hurricane Ike, including identification,
26 evacuation, transportation, shelter, care, and reentry during the
27 period ending on the 30th day after the conclusion of the disaster.

1 The Department of State Health Services shall cooperate in the
2 preparation of the report.

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

9 ARTICLE 2. EMERGENCY ELECTRICAL POWER

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

12 SUBCHAPTER E. INFRASTRUCTURE IMPROVEMENT AND MAINTENANCE REPORT

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

17 (1) identifying areas that are susceptible to damage
18 during severe weather and hardening transmission and distribution
19 facilities in those areas;

20 (2) vegetation management; and

21 (3) inspecting distribution poles.

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

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

ARTICLE 3. HEALTH AND SAFETY PROVISIONS

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

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

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

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

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

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

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

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

CHAPTER 695. IN-CASKET IDENTIFICATION

Sec. 695.001. DEFINITIONS. In this chapter:

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

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

1 Sec. 695.002. IDENTIFICATION OF DECEASED PERSON. The
2 commission shall ensure a casket contains identification of the
3 deceased person, including the person's name, date of birth, and
4 date of death.

5 Sec. 695.003. RULES. The commission may adopt rules to
6 enforce this chapter.

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

13 ARTICLE 4. PROVISIONS RELATED TO CERTAIN PUBLIC EMPLOYEES

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

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

24 (b) This section applies only to a state employee who is
25 emergency services personnel, who is not subject to the overtime
26 provisions of the federal Fair Labor Standards Act of 1938 (29
27 U.S.C. Section 201 et seq.), and who is not an employee of the

1 legislature, including an employee of the lieutenant governor or of
2 a legislative agency.

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

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

15 SECTION 4.02. Subchapter H, Chapter 660, Government Code,
16 is amended by adding Section 660.209 to read as follows:

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

24 (b) Notwithstanding any other provision of this chapter or
25 the General Appropriations Act, a state employee who is emergency
26 services personnel and who is deployed to a temporary duty station
27 to conduct emergency or disaster response activities is entitled to

1 reimbursement for the actual expense of lodging when there is no
2 room available at the state rate within reasonable proximity to the
3 employee's temporary duty station.

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

6 (1-a) "First responder" means:

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

9 (i) public health and public safety
10 personnel;

11 (ii) commissioned law enforcement
12 personnel;

13 (iii) fire protection personnel, including
14 volunteer firefighters;

15 (iv) emergency medical services personnel,
16 including hospital emergency facility staff;

17 (v) a member of the National Guard;

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

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

21 (B) any related personnel that provide support
22 services during the prevention, response, and recovery phases of a
23 disaster [~~has the meaning assigned by Section 421.095, Government~~
24 ~~Code~~].

25 ARTICLE 5. JUDICIAL PREPAREDNESS

26 SECTION 5.01. Subchapter A, Chapter 22, Government Code, is
27 amended by adding Section 22.0035 to read as follows:

1 Sec. 22.0035. MODIFICATION OR SUSPENSION OF CERTAIN
2 PROVISIONS RELATING TO COURT PROCEEDINGS AFFECTED BY DISASTER. (a)
3 In this section, "disaster" has the meaning assigned by Section
4 418.004.

5 (b) Notwithstanding any other statute, the supreme court
6 may modify or suspend procedures for the conduct of any court
7 proceeding affected by a disaster during the pendency of a disaster
8 declared by the governor. An order under this section may not
9 extend for more than 30 days from the date the order was signed
10 unless renewed by the supreme court.

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

14 (d) If a disaster prevents the chief justice from acting
15 under Subsection (c), the court of criminal appeals may act on
16 behalf of the supreme court under Subsection (b).

17 (e) If a disaster prevents the court of criminal appeals
18 from acting under Subsection (d), the presiding judge of the court
19 of criminal appeals may act on behalf of the supreme court under
20 Subsection (b).

21 SECTION 5.02. Section 74.093(c), Government Code, is
22 amended to read as follows:

23 (c) The rules may provide for:

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

27 (2) a coordinated response for the transaction of

1 essential judicial functions in the event of a disaster; and

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

5 SECTION 5.03. Section 418.002, Government Code, is amended
6 to read as follows:

7 Sec. 418.002. PURPOSES. The purposes of this chapter are
8 to:

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

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

15 (3) provide a setting conducive to the rapid and
16 orderly restoration and rehabilitation of persons and property
17 affected by disasters;

18 (4) clarify and strengthen the roles of the governor,
19 state agencies, the judicial branch of state government, and local
20 governments in prevention of, preparation for, response to, and
21 recovery from disasters;

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

24 (6) authorize and provide for coordination of
25 activities relating to disaster mitigation, preparedness,
26 response, and recovery by agencies and officers of this state, and
27 similar state-local, interstate, federal-state, and foreign

1 activities in which the state and its political subdivisions may
2 participate;

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

5 (8) assist in mitigation of disasters caused or
6 aggravated by inadequate planning for and regulation of public and
7 private facilities and land use; and

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

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

15 ARTICLE 6. EFFECTIVE DATE

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