

1-1 By: Carona S.B. No. 12
1-2 (In the Senate - Filed March 11, 2009; March 13, 2009, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 14, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 14, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 12 By: Carona

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

1-10 relating to disaster preparedness and emergency management and to
1-11 certain vehicles used in emergencies; providing a penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 ARTICLE 1. GENERAL PROVISIONS

1-14 SECTION 1.01. Section 37.108, Education Code, is amended by
1-15 adding Subsection (c-1) to read as follows:

1-16 (c-1) Any document or information collected during a
1-17 security audit conducted under Subsection (b) is not subject to
1-18 disclosure under Chapter 552, Government Code.

1-19 SECTION 1.02. Subdivision (1), Section 418.004, Government
1-20 Code, is amended to read as follows:

1-21 (1) "Disaster" means the occurrence or imminent threat
1-22 of widespread or severe damage, injury, or loss of life or property
1-23 resulting from any natural or man-made cause, including fire,
1-24 flood, earthquake, wind, storm, wave action, oil spill or other
1-25 water contamination, volcanic activity, epidemic, air
1-26 contamination, blight, drought, infestation, explosion, riot,
1-27 hostile military or paramilitary action, extreme heat, other public
1-28 calamity requiring emergency action, or energy emergency.

1-29 SECTION 1.03. Section 418.005, Government Code, is amended
1-30 by amending Subsections (a) and (b) and adding Subsection (h) to
1-31 read as follows:

1-32 (a) This section applies only to an elected or appointed
1-33 public officer of the state or of a political subdivision who has
1-34 management or supervisory responsibilities and:

1-35 (1) whose position description, job duties, or
1-36 assignment includes emergency management responsibilities; or

1-37 (2) who plays a role in emergency preparedness,
1-38 response, or recovery.

1-39 (b) Each person described by Subsection (a) shall complete a
1-40 course of training provided or approved by the division of not less
1-41 than three hours regarding the responsibilities of state and local
1-42 governments under this chapter not later than the 180th day after
1-43 the date the person:

1-44 (1) takes the oath of office, if the person is required
1-45 to take an oath of office to assume the person's duties as a a [~~an~~
1-46 ~~appointed~~] public officer; or

1-47 (2) otherwise assumes responsibilities as a a [~~an~~
1-48 ~~appointed~~] public officer, if the person is not required to take an
1-49 oath of office to assume the person's duties.

1-50 (h) The Texas Engineering Extension Service of The Texas A&M
1-51 University System, with the direction, oversight, and approval of
1-52 the division, shall implement online courses and secure continuing
1-53 education credits for elected or appointed officials, volunteers,
1-54 or employees requested to attend training or required under
1-55 Subsection (b) to attend training. Training under this subsection
1-56 is optional for volunteers.

1-57 SECTION 1.04. Section 418.013, Government Code, is amended
1-58 by amending Subsection (b) and adding Subsection (d) to read as
1-59 follows:

1-60 (b) The emergency management council is composed of
1-61 representatives [~~the heads~~] of state agencies, boards, [~~and~~
1-62 ~~commissions,~~ and [~~representatives of~~] organized volunteer groups
1-63 designated by the head of each entity.

2-1 (d) The emergency management council shall assist the
2-2 division in identifying, mobilizing, and deploying state resources
2-3 to respond to major emergencies and disasters throughout the state.

2-4 SECTION 1.05. Subsection (a), Section 418.042, Government
2-5 Code, is amended to read as follows:

2-6 (a) The division shall prepare and keep current a
2-7 comprehensive state emergency management plan. The plan may
2-8 include:

2-9 (1) provisions for prevention and minimization of
2-10 injury and damage caused by disaster;

2-11 (2) provisions for prompt and effective response to
2-12 disaster;

2-13 (3) provisions for emergency relief;

2-14 (4) provisions for energy emergencies;

2-15 (5) identification of areas particularly vulnerable
2-16 to disasters;

2-17 (6) recommendations for zoning, building
2-18 restrictions, and other land-use controls, safety measures for
2-19 securing mobile homes or other nonpermanent or semipermanent
2-20 structures, and other preventive and preparedness measures
2-21 designed to eliminate or reduce disasters or their impact;

2-22 (7) provisions for assistance to local officials in
2-23 designing local emergency management plans;

2-24 (8) authorization and procedures for the erection or
2-25 other construction of temporary works designed to protect against
2-26 or mitigate danger, damage, or loss from flood, fire, or other
2-27 disaster;

2-28 (9) preparation and distribution to the appropriate
2-29 state and local officials of state catalogs of federal, state, and
2-30 private assistance programs;

2-31 (10) organization of manpower and channels of
2-32 assistance;

2-33 (11) coordination of federal, state, and local
2-34 emergency management activities;

2-35 (12) coordination of the state emergency management
2-36 plan with the emergency management plans of the federal government;

2-37 (13) coordination of federal and state energy
2-38 emergency plans;

2-39 (14) provisions for providing information to
2-40 [education and training of] local officials on activation of the
2-41 Emergency Alert System established under 47 C.F.R. Part 11; [and]

2-42 (15) a database of public facilities that may be used
2-43 under Section 418.017 to shelter individuals during a disaster,
2-44 including air-conditioned facilities for shelter during an extreme
2-45 heat disaster and fortified structures for shelter during a wind
2-46 disaster; and

2-47 (16) other necessary matters relating to disasters.

2-48 SECTION 1.06. Subchapter C, Chapter 418, Government Code,
2-49 is amended by adding Section 418.0425 to read as follows:

2-50 Sec. 418.0425. STATE EMERGENCY MANAGEMENT PLAN ANNEX. The
2-51 division, in cooperation with the emergency management council,
2-52 local governments, regional entities, health and medical
2-53 facilities, volunteer groups, private sector partners, the Federal
2-54 Emergency Management Agency, and other federal agencies, shall
2-55 develop an annex to the state emergency management plan that
2-56 addresses initial response planning for providing essential
2-57 population support supplies, equipment, and services during the
2-58 first five days immediately following a disaster. The annex must
2-59 include:

2-60 (1) plans to maintain fuel availability and continuity
2-61 of operations of all water, wastewater, hospital, and other
2-62 critical facilities, as determined by the division;

2-63 (2) provisions for interagency coordination of
2-64 disaster response efforts;

2-65 (3) provisions for the rapid gross assessment of
2-66 population support needs;

2-67 (4) plans for the clearance of debris from major
2-68 roadways to facilitate emergency response operations and delivery
2-69 of essential population support supplies and equipment;

- 3-1 (5) methods to obtain food, water, and ice for
- 3-2 disaster victims through prearranged contracts or suppliers,
- 3-3 stockpiled supplies, or plans to request assistance from federal
- 3-4 agencies, as appropriate;
- 3-5 (6) guidelines for arranging temporary points of
- 3-6 distribution for disaster relief supplies and standardized
- 3-7 procedures for operating those distribution points;
- 3-8 (7) methods for providing basic medical support for
- 3-9 disaster victims, including medical supplies and pharmaceuticals;
- 3-10 (8) provisions, developed in coordination with fuel
- 3-11 suppliers and retailers, for the continued operation of service
- 3-12 stations to provide fuel to disaster victims and emergency
- 3-13 responders;
- 3-14 (9) provisions for the dissemination of emergency
- 3-15 information through the media to aid disaster victims;
- 3-16 (10) provisions for providing backup power to restore
- 3-17 or continue operation of key water and wastewater facilities,
- 3-18 developed in coordination with water and wastewater utilities and
- 3-19 other agencies; and
- 3-20 (11) provisions for assessing the backup power
- 3-21 availability of hospitals and prisons and plans to ensure those
- 3-22 facilities have the fuel and supplies necessary to continue
- 3-23 operations.
- 3-24 SECTION 1.07. Section 418.043, Government Code, is amended
- 3-25 to read as follows:
- 3-26 Sec. 418.043. OTHER POWERS AND DUTIES. The division shall:
- 3-27 (1) determine requirements of the state and its
- 3-28 political subdivisions for food, clothing, and other necessities in
- 3-29 event of a disaster;
- 3-30 (2) procure and position supplies, medicines,
- 3-31 materials, and equipment;
- 3-32 (3) adopt standards and requirements for local and
- 3-33 interjurisdictional emergency management plans;
- 3-34 (4) periodically review local and interjurisdictional
- 3-35 emergency management plans;
- 3-36 (5) coordinate deployment of mobile support units;
- 3-37 (6) establish and operate training programs and
- 3-38 programs of public information or assist political subdivisions and
- 3-39 emergency management agencies to establish and operate the
- 3-40 programs;
- 3-41 (7) make surveys of public and private industries,
- 3-42 resources, and facilities in the state that are necessary to carry
- 3-43 out the purposes of this chapter;
- 3-44 (8) plan and make arrangements for the availability
- 3-45 and use of any private facilities, services, and property and
- 3-46 provide for payment for use under terms and conditions agreed on if
- 3-47 the facilities are used and payment is necessary;
- 3-48 (9) establish a register of persons with types of
- 3-49 training and skills important in disaster mitigation,
- 3-50 preparedness, response, and recovery;
- 3-51 (10) establish a register of mobile and construction
- 3-52 equipment and temporary housing available for use in a disaster;
- 3-53 (11) assist political subdivisions in developing
- 3-54 plans for the humane evacuation, transport, and temporary
- 3-55 sheltering of service animals and household pets in a disaster;
- 3-56 (12) prepare, for issuance by the governor, executive
- 3-57 orders and regulations necessary or appropriate in coping with
- 3-58 disasters;
- 3-59 (13) cooperate with the federal government and any
- 3-60 public or private agency or entity in achieving any purpose of this
- 3-61 chapter and in implementing programs for disaster mitigation,
- 3-62 preparation, response, and recovery; ~~and~~
- 3-63 (14) develop a plan to raise public awareness and
- 3-64 expand the capability of the information and referral network under
- 3-65 Section 531.0312;
- 3-66 (15) improve the integration of volunteer groups,
- 3-67 including faith-based organizations, into emergency management
- 3-68 plans;
- 3-69 (16) cooperate with the Federal Emergency Management

4-1 Agency to create uniform guidelines for acceptable home repairs
4-2 following disasters and promote public awareness of the guidelines;

4-3 (17) cooperate with state agencies to:

4-4 (A) encourage the public to participate in
4-5 volunteer emergency response teams and organizations that respond
4-6 to disasters; and

4-7 (B) provide information on those programs in
4-8 state disaster preparedness and educational materials and on
4-9 Internet websites;

4-10 (18) establish a liability awareness program for
4-11 volunteers, including medical professionals; and

4-12 (19) do other things necessary, incidental, or
4-13 appropriate for the implementation of this chapter.

4-14 SECTION 1.08. Section 418.045, Government Code, is amended
4-15 to read as follows:

4-16 Sec. 418.045. TEMPORARY PERSONNEL. (a) The division may
4-17 employ or contract with temporary personnel from funds appropriated
4-18 to the division, from federal funds, or from the disaster
4-19 contingency fund. The merit system does not apply to the temporary
4-20 or contract positions.

4-21 (b) The division may enroll, organize, train, and equip a
4-22 cadre of disaster reservists with specialized skills in disaster
4-23 recovery, hazard mitigation, community outreach, and public
4-24 information to temporarily augment its permanent staff. The
4-25 division may activate enrolled disaster reservists to support
4-26 recovery operations in the aftermath of a disaster or major
4-27 emergency and pay them at a daily rate commensurate with their
4-28 qualifications and experience. Chapter 654, Chapter 2254, and
4-29 Subtitle D, Title 10, do not apply in relation to a disaster
4-30 reservist under this subsection.

4-31 SECTION 1.09. Section 418.048, Government Code, is amended
4-32 to read as follows:

4-33 Sec. 418.048. MONITORING WEATHER[; ~~SUSPENSION OF WEATHER~~
4-34 ~~MODIFICATION~~]. [~~(a)~~] The division shall keep continuously
4-35 apprised of weather conditions that present danger of climatic
4-36 activity, such as precipitation, severe enough to constitute a
4-37 disaster.

4-38 [~~(b) If the division determines that precipitation that may~~
4-39 ~~result from weather modification operations, either by itself or in~~
4-40 ~~conjunction with other precipitation or climatic conditions or~~
4-41 ~~activity, would create or contribute to the severity of a disaster,~~
4-42 ~~it shall request in the name of the governor that the officer or~~
4-43 ~~agency empowered to issue permits for weather modification~~
4-44 ~~operations suspend the issuance of permits. On the governor's~~
4-45 ~~request, no permits may be issued until the division informs the~~
4-46 ~~officer or agency that the danger has passed.]~~

4-47 SECTION 1.10. Subchapter C, Chapter 418, Government Code,
4-48 is amended by adding Section 418.050 to read as follows:

4-49 Sec. 418.050. PHASED REENTRY PLAN. (a) The division shall
4-50 develop a phased reentry plan to govern the order in which
4-51 particular groups of people are allowed to reenter areas previously
4-52 evacuated because of a disaster or threat of disaster. The plan may
4-53 provide different reentry procedures for different types of
4-54 disasters.

4-55 (b) The phased reentry plan shall:

4-56 (1) recognize the role of local emergency management
4-57 directors in making all decisions regarding the timing and
4-58 implementation of reentry plans for a disaster; and

4-59 (2) provide local emergency management directors with
4-60 sufficient flexibility to adjust the plan as necessary to
4-61 accommodate the circumstances of a particular emergency.

4-62 (c) The phased reentry plan shall provide political
4-63 subdivisions with the authority to adopt, as a part of a local plan,
4-64 phased reentry provisions to govern the order in which particular
4-65 groups of people are allowed to reenter areas of the political
4-66 subdivision previously evacuated. In the event of a conflict, the
4-67 local phased reentry provisions prevail over the conflicting
4-68 provision of the state phased reentry plan.

4-69 (d) The division shall consider giving priority under the

5-1 phased reentry plan to public safety officials, utility employees,
 5-2 amateur radio operators, public health officials, health care
 5-3 professionals, judges and court personnel, insurance claims
 5-4 adjusters, the media, and area residents. The division shall
 5-5 consider preauthorizing insurance claims adjusters to reenter
 5-6 evacuated areas as soon as practicable to begin processing claims.

5-7 (e) The division, in consultation with representatives of
 5-8 affected parties and local emergency management directors, shall
 5-9 develop a reentry credentialing process. The division may include
 5-10 the credentialing process in the phased reentry plan or administer
 5-11 the credentialing process separately. The Department of Public
 5-12 Safety of the State of Texas shall provide support for the
 5-13 credentialing process.

5-14 SECTION 1.11. Subchapter C, Chapter 418, Government Code,
 5-15 is amended by adding Section 418.051 to read as follows:

5-16 Sec. 418.051. COMMUNICATIONS COORDINATION GROUP. (a) The
 5-17 communications coordination group shall facilitate interagency
 5-18 coordination and collaboration to provide efficient and effective
 5-19 planning and execution of communications support to joint,
 5-20 interagency, and intergovernmental task forces.

5-21 (b) At the direction of the division, the communications
 5-22 coordination group shall assist with coordination and
 5-23 collaboration during an emergency.

5-24 (c) The communications coordination group consists of
 5-25 members selected by the division, including representatives of:

5-26 (1) the Texas military forces;
 5-27 (2) the Department of Public Safety of the State of
 5-28 Texas;

5-29 (3) the Federal Emergency Management Agency;

5-30 (4) federal agencies that comprise Emergency Support
 5-31 Function No. 2;

5-32 (5) the telecommunications industry, including cable
 5-33 service providers, as defined by Section 66.002, Utilities Code;

5-34 (6) the National Guard's Joint Continental United
 5-35 States Communications Support Environment;

5-36 (7) the National Guard Bureau;

5-37 (8) amateur radio operator groups;

5-38 (9) the Texas Forest Service;

5-39 (10) the Texas Department of Transportation;

5-40 (11) the General Land Office;

5-41 (12) the Texas Engineering Extension Service of The
 5-42 Texas A&M University System;

5-43 (13) the Railroad Commission of Texas;

5-44 (14) the Department of State Health Services;

5-45 (15) the judicial branch of state government;

5-46 (16) the Texas Association of Regional Councils;

5-47 (17) the United States Air Force Auxiliary Civil Air
 5-48 Patrol, Texas Wing;

5-49 (18) state agencies, counties, and municipalities
 5-50 affected by the emergency; and

5-51 (19) other agencies as determined by the division.

5-52 SECTION 1.12. Subchapter D, Chapter 418, Government Code,
 5-53 is amended by adding Section 418.075 to read as follows:

5-54 Sec. 418.075. REQUEST FOR FUNDS; HOSPITALS. A public or
 5-55 not-for-profit hospital may request funding from the disaster
 5-56 contingency fund or through a mutual aid agreement with a political
 5-57 subdivision for deployment of hospital services, treatment of
 5-58 evacuees, and nonlocal emergency medical services in the event of a
 5-59 disaster.

5-60 SECTION 1.13. Subsection (b), Section 418.107, Government
 5-61 Code, is amended to read as follows:

5-62 (b) Political subdivisions may make agreements for the
 5-63 purpose of organizing emergency management service divisions and
 5-64 provide for a mutual method of financing the organization of units
 5-65 on a basis satisfactory to the subdivisions. [The functioning of
 5-66 the units shall be coordinated by the emergency management
 5-67 council.]

5-68 SECTION 1.14. Section 418.117, Government Code, is amended
 5-69 to read as follows:

6-1 Sec. 418.117. LICENSE PORTABILITY. If the assistance of a
6-2 person who holds a license, certificate, permit, or other document
6-3 evidencing qualification in a professional, mechanical, or other
6-4 skill is requested by a state agency or local government entity
6-5 under the system, the person is considered licensed, certified,
6-6 permitted, or otherwise documented in the political subdivision in
6-7 which the service is provided as long as the service is required,
6-8 subject to any limitations imposed by the chief executive officer
6-9 or the governing body of the requesting state agency or local
6-10 government entity.

6-11 SECTION 1.15. Subsection (b), Section 418.172, Government
6-12 Code, is amended to read as follows:

6-13 (b) If sufficient funds are not available for the required
6-14 insurance, an agency may request funding from [petition] the
6-15 disaster contingency fund [emergency funding board] to purchase the
6-16 insurance [on the agency's behalf. The board may spend money from
6-17 that fund for that purpose].

6-18 SECTION 1.16. Subchapter H, Chapter 418, Government Code,
6-19 is amended by adding Sections 418.185, 418.188, 418.1881, 418.1882,
6-20 418.189, 418.190, and 418.191 to read as follows:

6-21 Sec. 418.185. MANDATORY EVACUATION. (a) This section does
6-22 not apply to a person who is authorized to be in an evacuated area,
6-23 including a person who returns to the area under a phased reentry
6-24 plan or credentialing process under Section 418.050.

6-25 (b) A county judge or mayor of a municipality who orders the
6-26 evacuation of an area stricken or threatened by a disaster by order
6-27 may compel persons who remain in the evacuated area to leave and
6-28 authorize the use of reasonable force to remove persons from the
6-29 area.

6-30 (c) The governor and a county judge or mayor of a
6-31 municipality who orders the evacuation of an area stricken or
6-32 threatened by a disaster by a concurrent order may compel persons
6-33 who remain in the evacuated area to leave.

6-34 (d) A person is civilly liable to a governmental entity, or
6-35 a nonprofit agency cooperating with a governmental entity, that
6-36 conducts a rescue on the person's behalf for the cost of the rescue
6-37 effort if:

6-38 (1) the person knowingly ignored a mandatory
6-39 evacuation order under this section and:

6-40 (A) engaged in an activity or course of action
6-41 that a reasonable person would not have engaged in; or

6-42 (B) failed to take a course of action a
6-43 reasonable person would have taken;

6-44 (2) the person's actions under Subdivision (1) placed
6-45 the person or another person in danger; and

6-46 (3) a governmental rescue effort was undertaken on the
6-47 person's behalf.

6-48 (e) An officer or employee of the state or a political
6-49 subdivision who issues or is working to carry out a mandatory
6-50 evacuation order under this section is immune from civil liability
6-51 for any act or omission within the course and scope of the person's
6-52 authority under the order.

6-53 Sec. 418.188. POSTDISASTER EVALUATION. Not later than the
6-54 30th day after the date a request is received from the division, a
6-55 state agency, political subdivision, or interjurisdictional agency
6-56 shall conduct an evaluation of the entity's response to a disaster,
6-57 identify areas for improvement, and issue a report of the
6-58 evaluation to the division.

6-59 Sec. 418.1881. SHELTER OPERATIONS. The Department of State
6-60 Health Services shall develop, with the direction, oversight, and
6-61 approval of the division, an annex to the state emergency
6-62 management plan that includes provisions for:

6-63 (1) developing medical special needs categories;

6-64 (2) categorizing the requirements of individuals with
6-65 medical special needs; and

6-66 (3) establishing minimum health-related standards for
6-67 short-term and long-term shelter operations for shelters operated
6-68 with state funds or receiving state assistance.

6-69 Sec. 418.1882. PERSONNEL SURGE CAPACITY PLANNING. With the

7-1 direction, oversight, and approval of the division and the
 7-2 assistance of the Department of State Health Services, health care
 7-3 facilities, county officials, and other appropriate entities, each
 7-4 council of government, regional planning commission, or similar
 7-5 regional planning agency created under Chapter 391, Local
 7-6 Government Code, shall develop a regional plan for personnel surge
 7-7 capacity during disasters, including plans for providing lodging
 7-8 and meals for disaster relief workers and volunteers.

7-9 Sec. 418.189. DISASTER MANAGEMENT OUTREACH. A state agency
 7-10 involved in disaster management shall conduct outreach and
 7-11 disseminate information regarding disaster preparedness and
 7-12 recovery to the general public, including residents of affected
 7-13 areas, and issue an annual report to the legislature regarding
 7-14 those activities.

7-15 Sec. 418.190. AGRICULTURE EMERGENCY RESPONSE PLAN. (a) In
 7-16 coordination with the division, the Department of Agriculture and
 7-17 the Texas Animal Health Commission shall prepare and keep current
 7-18 an agriculture emergency response plan as an annex to the state
 7-19 emergency management plan. The plan must include provisions for:

7-20 (1) identifying and assessing necessary training,
 7-21 resource, and support requirements;

7-22 (2) providing information on recovery, relief, and
 7-23 assistance requirements following all types of disasters,
 7-24 including information on biological and radiological response; and

7-25 (3) all other information the Department of
 7-26 Agriculture and the Texas Animal Health Commission determine to be
 7-27 relevant to prepare for an all-hazards approach to agricultural
 7-28 disaster management.

7-29 (b) The Department of Agriculture and the Texas Animal
 7-30 Health Commission shall include the plan developed under Subsection
 7-31 (a) in an annual report to the legislature and the office of the
 7-32 governor.

7-33 Sec. 418.191. MEDICAL SPECIAL NEEDS VOLUNTEERS. (a) An
 7-34 entity responsible for the care of individuals with medical special
 7-35 needs shall develop and distribute information on volunteering in
 7-36 connection with a disaster.

7-37 (b) The division shall provide information to interested
 7-38 parties and the public regarding how volunteers can be identified
 7-39 and trained to help all groups of people, including those with
 7-40 medical special needs and those who are residents of assisted
 7-41 living facilities.

7-42 SECTION 1.17. Subchapter B, Chapter 242, Health and Safety
 7-43 Code, is amended by adding Section 242.0395 to read as follows:

7-44 Sec. 242.0395. REGISTRATION WITH TEXAS INFORMATION AND
 7-45 REFERRAL NETWORK. (a) An institution licensed under this chapter
 7-46 shall register with the Texas Information and Referral Network
 7-47 under Section 531.0312, Government Code, to assist the state in
 7-48 identifying persons needing assistance if an area is evacuated
 7-49 because of a disaster or other emergency.

7-50 (b) The institution is not required to identify individual
 7-51 residents who may require assistance in an evacuation or to
 7-52 register individual residents with the Texas Information and
 7-53 Referral Network for evacuation assistance.

7-54 (c) The institution shall notify each resident and the
 7-55 resident's next of kin or guardian regarding how to register for
 7-56 evacuation assistance with the Texas Information and Referral
 7-57 Network.

7-58 SECTION 1.18. Subchapter B, Chapter 247, Health and Safety
 7-59 Code, is amended by adding Section 247.0275 to read as follows:

7-60 Sec. 247.0275. REGISTRATION WITH TEXAS INFORMATION AND
 7-61 REFERRAL NETWORK. (a) An assisted living facility licensed under
 7-62 this chapter shall register with the Texas Information and Referral
 7-63 Network under Section 531.0312, Government Code, to assist the
 7-64 state in identifying persons needing assistance if an area is
 7-65 evacuated because of a disaster or other emergency.

7-66 (b) The assisted living facility is not required to identify
 7-67 individual residents who may require assistance in an evacuation or
 7-68 to register individual residents with the Texas Information and
 7-69 Referral Network for evacuation assistance.

8-1 (c) The assisted living facility shall notify each resident
 8-2 and the resident's next of kin or guardian regarding how to register
 8-3 for evacuation assistance with the Texas Information and Referral
 8-4 Network.

8-5 SECTION 1.19. Subdivisions (1) and (13-a), Section 541.201,
 8-6 Transportation Code, are amended to read as follows:

8-7 (1) "Authorized emergency vehicle" means:
 8-8 (A) a fire department or police vehicle;
 8-9 (B) a public or private ambulance operated by a
 8-10 person who has been issued a license by the Texas Department of
 8-11 Health;

8-12 (C) a municipal department or public service
 8-13 corporation emergency vehicle that has been designated or
 8-14 authorized by the governing body of a municipality;

8-15 (D) a private vehicle of a volunteer firefighter
 8-16 or a certified emergency medical services employee or volunteer
 8-17 when responding to a fire alarm or medical emergency;

8-18 (E) an industrial emergency response vehicle,
 8-19 including an industrial ambulance, when responding to an emergency,
 8-20 but only if the vehicle is operated in compliance with criteria in
 8-21 effect September 1, 1989, and established by the predecessor of the
 8-22 Texas Industrial Emergency Services Board of the State Firemen's
 8-23 and Fire Marshals' Association of Texas; ~~[or]~~

8-24 (F) a vehicle of a blood bank or tissue bank,
 8-25 accredited or approved under the laws of this state or the United
 8-26 States, when making emergency deliveries of blood, drugs,
 8-27 medicines, or organs; or

8-28 (G) a vehicle used for law enforcement purposes
 8-29 that is owned or leased by a federal governmental entity.

8-30 (13-a) "Police vehicle" means a vehicle ~~[of a~~
 8-31 ~~governmental entity primarily]~~ used by a peace officer, as defined
 8-32 by Article 2.12, Code of Criminal Procedure, for law enforcement
 8-33 purposes that:

8-34 (A) is owned or leased by a governmental entity;

8-35 (B) is owned or leased by the police department
 8-36 of a private institution of higher education that commissions peace
 8-37 officers under Section 51.212, Education Code; or

8-38 (C) is:
 8-39 (i) a private vehicle owned or leased by the
 8-40 peace officer; and

8-41 (ii) approved for use for law enforcement
 8-42 purposes by the head of the law enforcement agency that employs the
 8-43 peace officer, or by that person's designee.

8-44 SECTION 1.20. Subsection (b), Section 545.421,
 8-45 Transportation Code, is amended to read as follows:

8-46 (b) A signal under this section that is given by a police
 8-47 officer pursuing a vehicle may be by hand, voice, emergency light,
 8-48 or siren. The officer giving the signal must be in uniform and
 8-49 prominently display the officer's badge of office. The officer's
 8-50 vehicle must bear the insignia of a law enforcement agency,
 8-51 regardless of whether the vehicle displays an emergency light [be
 8-52 appropriately marked as an official police vehicle].

8-53 SECTION 1.21. Section 418.072, Government Code, is
 8-54 repealed.

8-55 SECTION 1.22. On the effective date of this Act, the
 8-56 disaster emergency funding board is abolished.

8-57 SECTION 1.23. The changes in law made by this Act by the
 8-58 amendment of Section 418.005, Government Code, apply only to a
 8-59 public officer elected or appointed on or after the effective date
 8-60 of this Act. A public officer elected or appointed before the
 8-61 effective date of this Act is governed by the law in effect
 8-62 immediately before that date, and the former law is continued in
 8-63 effect for that purpose.

8-64 SECTION 1.24. Subsection (c-1), Section 37.108, Education
 8-65 Code, as added by this Act, applies only to a request for documents
 8-66 or information that is received by a school district on or after the
 8-67 effective date of this Act. A request for documents or information
 8-68 that was received before the effective date of this Act is governed
 8-69 by the law in effect on the date the request was received, and the

9-1 former law is continued in effect for that purpose.

9-2 SECTION 1.25. (a) Not later than the 30th day after the
9-3 effective date of this section, the division of emergency
9-4 management in the office of the governor shall issue a report to the
9-5 legislature regarding the implementation of medical special needs
9-6 plans in connection with Hurricane Ike, including identification,
9-7 evacuation, transportation, shelter, care, and reentry during the
9-8 period ending on the 30th day after the conclusion of the disaster.
9-9 The Department of State Health Services shall cooperate in the
9-10 preparation of the report.

9-11 (b) Subsection (a) of this section takes effect immediately
9-12 if this Act receives a vote of two-thirds of all the members elected
9-13 to each house, as provided by Section 39, Article III, Texas
9-14 Constitution. If this Act does not receive the vote necessary for
9-15 immediate effect, Subsection (a) of this section takes effect
9-16 September 1, 2009.

9-17 ARTICLE 2. EMERGENCY ELECTRICAL POWER

9-18 SECTION 2.01. Subtitle G, Title 10, Government Code, is
9-19 amended by adding Chapter 2311 to read as follows:

9-20 CHAPTER 2311. ENERGY SECURITY TECHNOLOGIES FOR CRITICAL
9-21 GOVERNMENTAL FACILITIES

9-22 Sec. 2311.001. DEFINITIONS. In this chapter:

9-23 (1) "Combined heating and power system" means a system
9-24 that:

- 9-25 (A) is located on the site of a facility;
- 9-26 (B) is the primary source of both electricity and
9-27 thermal energy for the facility;
- 9-28 (C) can provide all of the electricity needed to
9-29 power the facility's critical emergency operations for at least 14
9-30 days; and
- 9-31 (D) has an overall efficiency of energy use that
9-32 exceeds 60 percent.

9-33 (2) "Critical governmental facility" means a building
9-34 owned by the state or a political subdivision of the state that is
9-35 expected to:

- 9-36 (A) be continuously occupied;
- 9-37 (B) maintain operations for at least 6,000 hours
9-38 each year;
- 9-39 (C) have a peak electricity demand exceeding 500
9-40 kilowatts; and
- 9-41 (D) serve a critical public health or public
9-42 safety function during a natural disaster or other emergency
9-43 situation that may result in a widespread power outage, including
9-44 a:

- 9-45 (i) command and control center;
- 9-46 (ii) shelter;
- 9-47 (iii) prison or jail;
- 9-48 (iv) police or fire station;
- 9-49 (v) communications or data center;
- 9-50 (vi) water or wastewater facility;
- 9-51 (vii) hazardous waste storage facility;
- 9-52 (viii) biological research facility;
- 9-53 (ix) hospital; or
- 9-54 (x) food preparation or food storage
9-55 facility.

9-56 Sec. 2311.002. COMBINED HEATING AND POWER SYSTEMS. When
9-57 constructing or extensively renovating a critical governmental
9-58 facility or replacing major heating, ventilation, and
9-59 air-conditioning equipment for a critical governmental facility,
9-60 the entity with charge and control of the facility shall evaluate
9-61 whether equipping the facility with a combined heating and power
9-62 system would result in expected energy savings that would exceed
9-63 the expected costs of purchasing, operating, and maintaining the
9-64 system over a 20-year period. The entity may equip the facility
9-65 with a combined heating and power system if the expected energy
9-66 savings exceed the expected costs.

9-67 SECTION 2.02. Chapter 38, Utilities Code, is amended by
9-68 adding Subchapter E to read as follows:

9-

10-1 SUBCHAPTER E. INFRASTRUCTURE IMPROVEMENT AND MAINTENANCE PLAN

10-2 Sec. 38.101. PLAN FOR INFRASTRUCTURE IMPROVEMENT AND
 10-3 MAINTENANCE. (a) Not later than January 1, 2010, each electric
 10-4 utility shall file with the commission a plan for infrastructure
 10-5 improvement and maintenance that cost-effectively minimizes the
 10-6 utility's risk of experiencing an extended power outage during
 10-7 severe weather.

10-8 (b) The commission shall prescribe the details required to
 10-9 be included in each electric utility's plan submitted under
 10-10 Subsection (a), based on:

10-11 (1) the utility's susceptibility to specific types of
 10-12 severe weather likely to occur in the utility's service area;

10-13 (2) the age of the utility's infrastructure;

10-14 (3) the utility's history of extended power outages
 10-15 caused by severe weather; and

10-16 (4) the potential improvements in preparation and
 10-17 response that are available to the utility.

10-18 (c) At a minimum, the commission shall require that each
 10-19 utility's plan submitted under Subsection (a) include:

10-20 (1) an established vegetation management cycle for the
 10-21 clearing of trees, tree limbs, and other vegetative growth from
 10-22 utility line easements and utility structures;

10-23 (2) a customer outreach program that educates property
 10-24 owners on proper vegetation management near electric utility
 10-25 structures;

10-26 (3) a program for the inspection of transmission
 10-27 structures;

10-28 (4) a system for identifying areas that are
 10-29 susceptible to damage during severe weather and modifying
 10-30 transmission structures in those areas, including identifying and
 10-31 replacing wooden poles in those areas with poles made of more
 10-32 durable materials;

10-33 (5) a system for designating high-load transmission
 10-34 and distribution areas and identifying potential improvements to
 10-35 infrastructure to prevent damage during severe weather;

10-36 (6) a system for determining the cost-effectiveness of
 10-37 placing future electricity lines underground;

10-38 (7) a plan that allows for or requires the expansion or
 10-39 installation of underground utility infrastructure to be
 10-40 coordinated with the repair, expansion, or installation activities
 10-41 of other owners of underground facilities, including
 10-42 municipalities, gas utilities, and pipeline companies;

10-43 (8) a plan for the use of distributed generation
 10-44 technologies and advanced meter technologies that prevent, detect,
 10-45 and report the failure of grid facilities and assist in the repair
 10-46 of those facilities;

10-47 (9) a priority plan for the restoration of critical
 10-48 facilities in areas that are particularly prone to severe weather,
 10-49 including:

10-50 (A) facilities belonging to emergency response
 10-51 providers;

10-52 (B) hospitals;

10-53 (C) water and wastewater treatment facilities;

10-54 and

10-55 (D) municipal service facilities; and

10-56 (10) a plan to inform state and local officials of an
 10-57 extended power outage, the utility's restoration efforts, and the
 10-58 expected duration and severity of the outage.

10-59 (d) For each specific program or project included in a plan
 10-60 submitted under Subsection (a), the electric utility shall include
 10-61 sufficient detail to allow the commission to accept, modify, or
 10-62 reject an individual program or project based on whether the
 10-63 demonstrable benefits to customers exceed the costs.

10-64 Sec. 38.102. APPROVAL OF PLAN; HEARING. (a) On the filing
 10-65 of a plan under Section 38.101, the commission shall provide notice
 10-66 to interested parties and an opportunity for a hearing.

10-67 (b) The commission shall review and approve a new plan or an
 10-68 updated plan not later than the 90th day after the date the
 10-69 commission provides the notice required by Subsection (a), unless a

11-1 request for a hearing is filed before the end of that period.

11-2 (c) If a request for a hearing is filed within the period
11-3 prescribed by Subsection (b), the commission shall hold a hearing
11-4 on the plan and shall issue an order approving the plan, approving
11-5 the plan with modifications, or rejecting the entire plan, not
11-6 later than the 150th day after the date the plan is filed.

11-7 (d) If the commission rejects an electric utility's plan for
11-8 infrastructure improvement and maintenance, or approves the plan
11-9 with modifications, the commission shall include in the order a
11-10 detailed explanation of the reasons the plan was rejected or
11-11 modified. If the commission rejects an electric utility's plan,
11-12 the electric utility shall file a new plan and seek commission
11-13 approval of the new plan.

11-14 (e) The commission's approval of a plan, or approval of a
11-15 plan with modifications, does not:

11-16 (1) preclude the electric utility from filing a new
11-17 plan before the utility is required to update an approved plan under
11-18 Section 38.103; or

11-19 (2) affect the duty of the electric utility to prove in
11-20 a ratemaking proceeding that expenditures made pursuant to the plan
11-21 were reasonable, necessary, and prudently incurred.

11-22 (f) An expenditure made by an electric utility pursuant to a
11-23 plan filed under this section may be recovered by the utility in a
11-24 ratemaking proceeding under Chapter 36.

11-25 Sec. 38.103. RENEWAL AND REVIEW OF PLAN. (a) An electric
11-26 utility that files a plan for infrastructure improvement and
11-27 maintenance required by Section 38.101 shall:

11-28 (1) as required by the commission, file with the
11-29 commission a report detailing the status of the programs and
11-30 projects detailed in the plan; and

11-31 (2) file an updated plan with the commission every six
11-32 years for the commission's approval.

11-33 (b) To prepare an electric utility for future severe
11-34 weather, the commission may evaluate the effectiveness of an
11-35 electric utility's plan for infrastructure improvement and
11-36 maintenance after each occurrence of severe weather that affects
11-37 the utility's service area.

11-38 SECTION 2.03. Chapter 2302, Government Code, is repealed.

11-39 SECTION 2.04. Chapter 2311, Government Code, as added by
11-40 this Act, applies only to the construction or renovation of a
11-41 building or the replacement of equipment for a building for which
11-42 the contract is entered into on or after September 1, 2009.

11-43 SECTION 2.05. (a) The Public Utility Commission of Texas
11-44 shall adopt rules consistent with Subchapter E, Chapter 38,
11-45 Utilities Code, as added by this Act, not later than October 1,
11-46 2009.

11-47 (b) Not later than January 1, 2010, each electric utility
11-48 shall file with the Public Utility Commission of Texas a proposed
11-49 plan for infrastructure and improvement as required by Subchapter
11-50 E, Chapter 38, Utilities Code, as added by this Act.

11-51 ARTICLE 3. HEALTH AND SAFETY PROVISIONS

11-52 SECTION 3.01. Section 251.012, Health and Safety Code, is
11-53 amended to read as follows:

11-54 Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The
11-55 following facilities are not required to be licensed under this
11-56 chapter:

11-57 (1) a home and community support services agency
11-58 licensed under Chapter 142 with a home dialysis designation;

11-59 (2) a hospital licensed under Chapter 241 that
11-60 provides dialysis only to:

11-61 (A) individuals receiving inpatient services
11-62 from the hospital; or

11-63 (B) individuals receiving outpatient services
11-64 due to a disaster declared by the governor or a federal disaster
11-65 declared by the president of the United States occurring in this
11-66 state or another state during the term of the disaster declaration;
11-67 or

11-68 (3) the office of a physician unless the office is used
11-69 primarily as an end stage renal disease facility.

12-1 SECTION 3.02. Subtitle B, Title 8, Health and Safety Code,
12-2 is amended by adding Chapter 695 to read as follows:

12-3 CHAPTER 695. IN-CASKET IDENTIFICATION

12-4 Sec. 695.001. DEFINITIONS. In this chapter:

12-5 (1) "Casket" means a container used to hold the
12-6 remains of a deceased person.

12-7 (2) "Commission" means the Texas Funeral Service
12-8 Commission.

12-9 Sec. 695.002. IDENTIFICATION OF DECEASED PERSON. The
12-10 commission shall ensure a casket contains identification of the
12-11 deceased person, including the person's name, date of birth, and
12-12 date of death.

12-13 Sec. 695.003. RULES. The commission may adopt rules to
12-14 enforce this chapter.

12-15 SECTION 3.03. The change in law made by this Act by the
12-16 amendment of Section 251.012, Health and Safety Code, applies only
12-17 to dialysis services provided on or after the effective date of this
12-18 Act. Dialysis services provided before the effective date of this
12-19 Act are covered by the law in effect immediately before that date,
12-20 and the former law is continued in effect for that purpose.

12-21 ARTICLE 4. PROVISIONS RELATED TO CERTAIN PUBLIC EMPLOYEES

12-22 SECTION 4.01. Section 431.082, Government Code, is amended
12-23 by adding Subsection (d) to read as follows:

12-24 (d) A member of the Texas State Guard called to state active
12-25 duty is a temporary employee of the state while on state active
12-26 duty. The adjutant general shall pay members of the Texas State
12-27 Guard called to state active duty according to the General
12-28 Appropriations Act. If the length of state active duty exceeds 45
12-29 consecutive days, the adjutant general may pay the members of the
12-30 Texas State Guard called to state active duty up to 140 percent of
12-31 the amount authorized in the General Appropriations Act.

12-32 SECTION 4.02. Subchapter B, Chapter 659, Government Code,
12-33 is amended by adding Section 659.025 to read as follows:

12-34 Sec. 659.025. USE OF COMPENSATORY TIME BY CERTAIN EMERGENCY
12-35 SERVICES PERSONNEL; OPTIONAL OVERTIME PAYMENT. (a) In this
12-36 section, "emergency services personnel" includes firefighters,
12-37 police officers and other peace officers, emergency medical
12-38 technicians, emergency management personnel, and other individuals
12-39 who are required, in the course and scope of their employment, to
12-40 provide services for the benefit of the general public during
12-41 emergency situations.

12-42 (b) This section applies only to a state employee who is
12-43 emergency services personnel, who is not subject to the overtime
12-44 provisions of the federal Fair Labor Standards Act of 1938 (29
12-45 U.S.C. Section 201 et seq.), and who is not an employee of the
12-46 legislature, including an employee of the lieutenant governor or of
12-47 a legislative agency.

12-48 (c) Notwithstanding Section 659.016 or any other law, an
12-49 employee to whom this section applies may be allowed to take
12-50 compensatory time off during the 18-month period following the end
12-51 of the workweek in which the compensatory time was accrued.

12-52 (d) Notwithstanding Section 659.016 or any other law, the
12-53 administrative head of a state agency that employs an employee to
12-54 whom this section applies may pay the employee overtime at the
12-55 employee's regular hourly salary rate for all or part of the hours
12-56 of compensatory time off accrued by the employee during a declared
12-57 disaster in the preceding 18-month period. The administrative head
12-58 shall reduce the employee's compensatory time balance by one hour
12-59 for each hour the employee is paid overtime under this section.

12-60 SECTION 4.03. Subchapter H, Chapter 660, Government Code,
12-61 is amended by adding Section 660.209 to read as follows:

12-62 Sec. 660.209. STATE EMERGENCY SERVICES PERSONNEL. (a) In
12-63 this section, "emergency services personnel" includes
12-64 firefighters, police officers and other peace officers, emergency
12-65 medical technicians, emergency management personnel, and other
12-66 individuals who are required, in the course and scope of their
12-67 employment, to provide services for the benefit of the general
12-68 public during emergency situations.

12-69 (b) Notwithstanding any other provision of this chapter or

13-1 the General Appropriations Act, a state employee who is emergency
13-2 services personnel and who is deployed to a temporary duty station
13-3 to conduct emergency or disaster response activities is entitled to
13-4 reimbursement for the actual expense of lodging when there is no
13-5 room available at the state rate within reasonable proximity to the
13-6 employee's temporary duty station.

13-7 SECTION 4.04. Subdivision (1-a), Section 161.0001, Health
13-8 and Safety Code, is amended to read as follows:

13-9 (1-a) "First responder" means:

13-10 (A) any federal, state, local, or private
13-11 personnel who may respond to a disaster, including:

13-12 (i) public health and public safety
13-13 personnel;

13-14 (ii) commissioned law enforcement
13-15 personnel;

13-16 (iii) fire protection personnel, including
13-17 volunteer firefighters;

13-18 (iv) emergency medical services personnel,
13-19 including hospital emergency facility staff;

13-20 (v) a member of the National Guard;

13-21 (vi) a member of the Texas State Guard; or

13-22 (vii) any other worker who responds to a
13-23 disaster in the worker's scope of employment; or

13-24 (B) any related personnel that provide support
13-25 services during the prevention, response, and recovery phases of a
13-26 disaster [~~has the meaning assigned by Section 421.095, Government~~
13-27 ~~Code~~].

13-28 ARTICLE 5. JUDICIAL PREPAREDNESS

13-29 SECTION 5.01. Subsection (c), Section 74.093, Government
13-30 Code, is amended to read as follows:

13-31 (c) The rules may provide for:

13-32 (1) the selection and authority of a presiding judge
13-33 of the courts giving preference to a specified class of cases, such
13-34 as civil, criminal, juvenile, or family law cases; [~~and~~]

13-35 (2) a coordinated response for the transaction of
13-36 essential judicial functions in the event of a disaster; and

13-37 (3) any other matter necessary to carry out this
13-38 chapter or to improve the administration and management of the
13-39 court system and its auxiliary services.

13-40 SECTION 5.02. Section 418.002, Government Code, is amended
13-41 to read as follows:

13-42 Sec. 418.002. PURPOSES. The purposes of this chapter are
13-43 to:

13-44 (1) reduce vulnerability of people and communities of
13-45 this state to damage, injury, and loss of life and property
13-46 resulting from natural or man-made catastrophes, riots, or hostile
13-47 military or paramilitary action;

13-48 (2) prepare for prompt and efficient rescue, care, and
13-49 treatment of persons victimized or threatened by disaster;

13-50 (3) provide a setting conducive to the rapid and
13-51 orderly restoration and rehabilitation of persons and property
13-52 affected by disasters;

13-53 (4) clarify and strengthen the roles of the governor,
13-54 state agencies, the judicial branch of state government, and local
13-55 governments in prevention of, preparation for, response to, and
13-56 recovery from disasters;

13-57 (5) authorize and provide for cooperation in disaster
13-58 mitigation, preparedness, response, and recovery;

13-59 (6) authorize and provide for coordination of
13-60 activities relating to disaster mitigation, preparedness,
13-61 response, and recovery by agencies and officers of this state, and
13-62 similar state-local, interstate, federal-state, and foreign
13-63 activities in which the state and its political subdivisions may
13-64 participate;

13-65 (7) provide an emergency management system embodying
13-66 all aspects of predisaster preparedness and postdisaster response;

13-67 (8) assist in mitigation of disasters caused or
13-68 aggravated by inadequate planning for and regulation of public and
13-69 private facilities and land use; and

14-1 (9) provide the authority and mechanism to respond to
14-2 an energy emergency.

14-3 SECTION 5.03. Section 418.016, Government Code, is amended
14-4 to read as follows:

14-5 Sec. 418.016. SUSPENSION OF PROCEDURAL LAWS AND RULES.

14-6 (a) The governor may suspend the provisions of any regulatory
14-7 statute prescribing the procedures for conduct of state business or
14-8 the orders or rules of a state agency if strict compliance with the
14-9 provisions, orders, or rules would in any way prevent, hinder, or
14-10 delay necessary action in coping with a disaster.

14-11 (b) Notwithstanding any other law, the supreme court, by
14-12 rule or order, or on a case-by-case basis, may exercise the court's
14-13 inherent authority, with or without the consent of the parties, to
14-14 suspend procedures for the conduct of any court proceeding affected
14-15 by a disaster. The supreme court may:

14-16 (1) provide abatements and stays;

14-17 (2) toll or modify other filings and service
14-18 deadlines;

14-19 (3) provide for hearings or trials at locations other
14-20 than the county of suit;

14-21 (4) provide for courts of appeal to accept filings and
14-22 hear arguments in remote courthouses; and

14-23 (5) provide for alternative notice requirements.

14-24 (c) If a disaster prevents the supreme court from acting
14-25 under Subsection (b), the court of criminal appeals may act on
14-26 behalf of the supreme court. If the disaster prevents both the
14-27 supreme court and the court of criminal appeals from acting under
14-28 Subsection (b), the chief justice of the supreme court and the
14-29 presiding judge of the court of criminal appeals may act on behalf
14-30 of the judicial branch of state government.

14-31 SECTION 5.04. Subsection (b), Section 418.042, Government
14-32 Code, is amended to read as follows:

14-33 (b) In preparing and revising the state emergency
14-34 management plan, the division shall seek the advice and assistance
14-35 of local government, the judicial branch of state government,
14-36 business, labor, industry, agriculture, civic organizations,
14-37 volunteer organizations, and community leaders.

14-38 ARTICLE 6. EFFECTIVE DATE

14-39 SECTION 6.01. Except as otherwise provided by this Act,
14-40 this Act takes effect September 1, 2009.

14-41 * * * * *