

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009


Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1831 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

  
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Sen. Carona

  
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Sen. Ellis

\_\_\_\_\_  
Sen. Nichols


  
\_\_\_\_\_

Sen. Whitmire

  
\_\_\_\_\_

On the part of the Senate

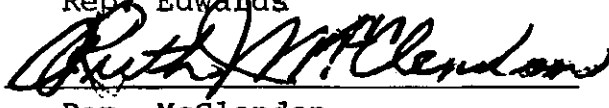
Sen. Williams

  
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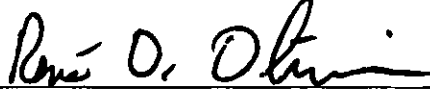
Rep. Cortez

  
\_\_\_\_\_

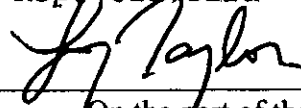
Rep. Edwards

  
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Rep. McClendon

  
\_\_\_\_\_

Rep. Oliveira

  
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On the part of the House

Rep. Taylor

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 1831

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to disaster preparedness and emergency management and to  
3 certain vehicles used in emergencies; providing a penalty.

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

5 ARTICLE 1. GENERAL PROVISIONS

6 SECTION 1.01. Section 418.004(1), Government Code, is  
7 amended to read as follows:

8 (1) "Disaster" means the occurrence or imminent threat  
9 of widespread or severe damage, injury, or loss of life or property  
10 resulting from any natural or man-made cause, including fire,  
11 flood, earthquake, wind, storm, wave action, oil spill or other  
12 water contamination, volcanic activity, epidemic, air  
13 contamination, blight, drought, infestation, explosion, riot,  
14 hostile military or paramilitary action, extreme heat, other public  
15 calamity requiring emergency action, or energy emergency.

16 SECTION 1.02. Sections 418.005(a) and (b), Government Code,  
17 are amended to read as follows:

18 (a) This section applies only to an elected law enforcement  
19 officer or county judge, or an appointed public officer of the state  
20 or of a political subdivision, who has management or supervisory  
21 responsibilities and:

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

24 (2) who plays a role in emergency preparedness,

1 response, or recovery.

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

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

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

13 SECTION 1.03. Section 418.013, Government Code, is amended  
14 by amending Subsection (b) and adding Subsection (d) to read as  
15 follows:

16 (b) The emergency management council is composed of  
17 representatives [~~the heads~~] of state agencies, boards, [~~and~~]  
18 commissions, and [~~representatives of~~] organized volunteer groups  
19 designated by the head of each entity.

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

23 ~~SECTION 1.04. Section 418.042(a), Government Code, is~~  
24 ~~amended to read as follows:~~

25 ~~(a) The division shall prepare and keep current a~~  
26 ~~comprehensive state emergency management plan. The plan may~~  
27 ~~include:~~

**ADOPTED**

FLOOR AMENDMENT NO. 6

MAY 23 2008

BY: Mario Allegretti

SECTION 1.03a. Section 418.016, Government Code, is amended to read as follows:

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

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

(b) Upon declaration of a state of disaster, enforcement of the regulation of on-premise outdoor signs under Subchapter A, Chapter 216, Local Government Code, by a municipality that is located in a county within, or that is located in a county adjacent to a county within, the disaster area specified by the declaration is suspended to allow licensed or admitted insurance carriers or licensed agents acting on behalf of insurance carriers to erect temporary claims service signage for not more than 60 days or until the end of the declaration of disaster, whichever is earlier.

(c) A temporary claims service sign shall not:

(1) be larger than forty square feet in size, and;

(2) be more than five feet in height, and;

(3) be placed in the right of way.

(4) At the end of the 30 days or the end of the declaration of disaster, whichever is earlier, the insurance carrier or its licensed agents must remove the temporary claims service signage that was erected.

SECTION 1.04. Section 418.042(a), Government Code, is amended to read as follows:

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

- 1 (1) provisions for prevention and minimization of  
2 injury and damage caused by disaster;
- 3 (2) provisions for prompt and effective response to  
4 disaster;
- 5 (3) provisions for emergency relief;
- 6 (4) provisions for energy emergencies;
- 7 (5) identification of areas particularly vulnerable  
8 to disasters;
- 9 (6) recommendations for zoning, building  
10 restrictions, and other land-use controls, safety measures for  
11 securing mobile homes or other nonpermanent or semipermanent  
12 structures, and other preventive and preparedness measures  
13 designed to eliminate or reduce disasters or their impact;
- 14 (7) provisions for assistance to local officials in  
15 designing local emergency management plans;
- 16 (8) authorization and procedures for the erection or  
17 other construction of temporary works designed to protect against  
18 or mitigate danger, damage, or loss from flood, fire, or other  
19 disaster;
- 20 (9) preparation and distribution to the appropriate  
21 state and local officials of state catalogs of federal, state, and  
22 private assistance programs;
- 23 (10) organization of manpower and channels of  
24 assistance;
- 25 (11) coordination of federal, state, and local  
26 emergency management activities;
- 27 (12) coordination of the state emergency management

1 plan with the emergency management plans of the federal government;

2 (13) coordination of federal and state energy  
3 emergency plans;

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

7 (15) a database of public facilities that may be used  
8 under Section 418.017 to shelter individuals during a disaster,  
9 including air-conditioned facilities for shelter during an extreme  
10 heat disaster and fortified structures for shelter during a wind  
11 disaster; and

12 (16) other necessary matters relating to disasters.

13 SECTION 1.05. Subchapter C, Chapter 418, Government Code,  
14 is amended by adding Section 418.0425 to read as follows:

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

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

22 (2) wastewater collection or treatment equipment that  
23 is essential to prevent the discharge of untreated wastewater to  
24 water in the state.

25 (b) The division, in cooperation with the emergency  
26 management council, local governments, regional entities, health  
27 and medical facilities, volunteer groups, private sector partners,

1 the Federal Emergency Management Agency, and other federal  
2 agencies, shall develop an annex to the state emergency management  
3 plan that addresses initial response planning for providing  
4 essential population support supplies, equipment, and services  
5 during the first five days immediately following a disaster. The  
6 annex must include:

7           (1) plans to make fuel available to, maintain  
8 continuing operations of, and assess the backup power available  
9 for, all:

10                   (A) hospitals;

11                   (B) prisons;

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

14                   (D) institutions licensed under Chapter 242,  
15 Health and Safety Code; and

16                   (E) other critical facilities determined by the  
17 division;

18           (2) provisions for interagency coordination of  
19 disaster response efforts;

20           (3) provisions for the rapid gross assessment of  
21 population support needs;

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

25           (5) methods to obtain food, water, and ice for  
26 disaster victims through prearranged contracts or suppliers,  
27 stockpiled supplies, or plans to request assistance from federal

1 agencies, as appropriate;

2 (6) guidelines for arranging temporary points of  
3 distribution for disaster relief supplies and standardized  
4 procedures for operating those distribution points;

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

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

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

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

19 (1) establish an online resource database of available  
20 emergency generators configured for transport that are capable of  
21 providing backup power for critical water or wastewater facilities  
22 following a disaster;

23 (2) include procedures for the maintenance,  
24 activation, transportation, and redeployment of available  
25 emergency generators;

26 (3) develop a standardized form for use by a water or  
27 wastewater utility provider in developing and maintaining data on



1 the number and type of emergency generators required for the  
2 operation of the provider's critical water or wastewater facilities  
3 following a disaster; and

4 (4) include procedures for water or wastewater utility  
5 providers to maintain a current list of generators available in  
6 surrounding areas through mutual aid agreements, recognized and  
7 coordinated statewide mutual aid programs, and through commercial  
8 firms offering generators for rent or lease.

9 SECTION 1.06. Section 418.043, Government Code, is amended  
10 to read as follows:

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

12 (1) determine requirements of the state and its  
13 political subdivisions for food, clothing, and other necessities in  
14 event of a disaster;

15 (2) procure and position supplies, medicines,  
16 materials, and equipment;

17 (3) adopt standards and requirements for local and  
18 interjurisdictional emergency management plans;

19 (4) periodically review local and interjurisdictional  
20 emergency management plans;

21 (5) coordinate deployment of mobile support units;

22 (6) establish and operate training programs and  
23 programs of public information or assist political subdivisions and  
24 emergency management agencies to establish and operate the  
25 programs;

26 (7) make surveys of public and private industries,  
27 resources, and facilities in the state that are necessary to carry

1 out the purposes of this chapter;

2 (8) plan and make arrangements for the availability  
3 and use of any private facilities, services, and property and  
4 provide for payment for use under terms and conditions agreed on if  
5 the facilities are used and payment is necessary;

6 (9) establish a register of persons with types of  
7 training and skills important in disaster mitigation,  
8 preparedness, response, and recovery;

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

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

14 (12) prepare, for issuance by the governor, executive  
15 orders and regulations necessary or appropriate in coping with  
16 disasters;

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

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

24 (15) improve the integration of volunteer groups,  
25 including faith-based organizations, into emergency management  
26 plans;

27 (16) cooperate with the Federal Emergency Management

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

3 (17) cooperate with state agencies to:

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

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

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

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

14 SECTION 1.07. Section 418.045, Government Code, is amended  
15 to read as follows:

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

21 (b) The division may enroll, organize, train, and equip a  
22 cadre of disaster reservists with specialized skills in disaster  
23 recovery, hazard mitigation, community outreach, and public  
24 information to temporarily augment its permanent staff. The  
25 division may activate enrolled disaster reservists to support  
26 recovery operations in the aftermath of a disaster or major  
27 emergency and pay them at a daily rate commensurate with their

1 qualifications and experience. Chapter 654, Chapter 2254, and  
2 Subtitle D, Title 10, do not apply in relation to a disaster  
3 reservist under this subsection.

4 SECTION 1.08. Section 418.048, Government Code, is amended  
5 to read as follows:

6 Sec. 418.048. MONITORING WEATHER[~~-, SUSPENSION OF WEATHER~~  
7 ~~MODIFICATION)]. [(a)] The division shall keep continuously  
8 apprised of weather conditions that present danger of climatic  
9 activity, such as precipitation, severe enough to constitute a  
10 disaster.~~

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

20 SECTION 1.09. Subchapter C, Chapter 418, Government Code,  
21 is amended by adding Section 418.050 to read as follows:

22 Sec. 418.050. PHASED REENTRY PLAN. (a) The division shall  
23 develop a phased reentry plan to govern the order in which  
24 particular groups of people are allowed to reenter areas previously  
25 evacuated because of a disaster or threat of disaster. The plan may  
26 provide different reentry procedures for different types of  
27 disasters.

1        (b) The phased reentry plan shall:

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

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

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

14        SECTION 1.10. Subchapter C, Chapter 418, Government Code,  
15 is amended by adding Section 418.051 to read as follows:

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

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

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

26                (1) the Texas military forces;

27                (2) the Department of Public Safety of the State of

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

1 council;

2 (22) state agencies, counties, and municipalities  
3 affected by the emergency, including 9-1-1 agencies; and

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

5 SECTION 1.11. Section 418.1015, Government Code, is amended  
6 by adding Subsection (d) to read as follows:

7 (d) A person, other than an emergency management director  
8 exercising under Subsection (b) a power granted to the governor,  
9 may not seize state or federal resources without prior  
10 authorization from the division or the state or federal agency  
11 having responsibility for those resources.

12 SECTION 1.12. Section 418.107(b), Government Code, is  
13 amended to read as follows:

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

20 SECTION 1.13. Section 418.108(d), Government Code, is  
21 amended to read as follows:

22 (d) A declaration of local disaster activates the  
23 appropriate recovery and rehabilitation aspects of all applicable  
24 local or interjurisdictional emergency management plans and  
25 authorizes the furnishing of aid and assistance under the  
26 declaration. The appropriate preparedness and response aspects of  
27 the plans are activated as provided in the plans and take effect

1 immediately after the local state of disaster is declared.

2 SECTION 1.14. Section 418.117, Government Code, is amended  
3 to read as follows:

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

14 SECTION 1.15. Section 418.172(b), Government Code, is  
15 amended to read as follows:

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

21 SECTION 1.16. Subchapter H, Chapter 418, Government Code,  
22 is amended by adding Sections 418.185, 418.186, 418.188, 418.1881,  
23 418.1882, 418.190, and 418.191 to read as follows:

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



1        (b) A county judge or mayor of a municipality who orders the  
2 evacuation of an area stricken or threatened by a disaster by order  
3 may compel persons who remain in the evacuated area to leave and  
4 authorize the use of reasonable force to remove persons from the  
5 area.

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

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

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

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

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

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

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

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

1 authority under the order.

2 Sec. 418.186. DISASTER AND EMERGENCY EDUCATION. (a) The  
3 Department of State Health Services shall establish a program  
4 designed to educate the citizens of this state on disaster and  
5 emergency preparedness, response, and recovery. Before  
6 establishing the program, the department must collaborate with  
7 local authorities to prevent state efforts that are duplicative of  
8 local efforts. The program must address:

9 (1) types of disasters or other emergencies;

10 (2) the appropriate response to each type of disaster  
11 or emergency, including options for evacuation and shelter;

12 (3) how to prepare for each type of disaster or  
13 emergency;

14 (4) the impact of each type of disaster or emergency on  
15 citizens requiring medical assistance or other care;

16 (5) ways to respond in a disaster or emergency or to  
17 assist the victims of a disaster or emergency; and

18 (6) resources and supplies for disaster or emergency  
19 recovery.

20 (b) The executive commissioner of the Health and Human  
21 Services Commission, in cooperation with the governor, shall adopt  
22 rules to create and administer a disaster and emergency education  
23 program established under this section.

24 Sec. 418.188. POSTDISASTER EVALUATION. Not later than the  
25 90th day after the date a request is received from the division, a  
26 state agency, political subdivision, or interjurisdictional agency  
27 shall conduct an evaluation of the entity's response to a disaster,

1 identify areas for improvement, and issue a report of the  
2 evaluation to the division.

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

7 (1) developing medical special needs categories;

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

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

13 Sec. 418.1882. PERSONNEL SURGE CAPACITY PLANNING.

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

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

1 planning process.

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

7 (1) identifying and assessing necessary training,  
8 resource, and support requirements;

9 (2) providing information on recovery, relief, and  
10 assistance requirements following all types of disasters,  
11 including information on biological and radiological response; and

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

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

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

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

1 living facilities.

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

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

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

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

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

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

26 (b) The assisted living facility is not required to identify  
27 individual residents who may require assistance in an evacuation or

1 to register individual residents with the Texas Information and  
2 Referral Network for evacuation assistance.

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

7 SECTION 1.19. Subchapter B, Chapter 207, Labor Code, is  
8 amended by adding Section 207.0212 to read as follows:

9 Sec. 207.0212. ELIGIBILITY OF CERTAIN PERSONS UNEMPLOYED  
10 BECAUSE OF DISASTER. (a) In this section, "disaster unemployment  
11 assistance benefits" means benefits authorized under Section 410,  
12 Robert T. Stafford Disaster Relief and Emergency Assistance Act (42  
13 U.S.C. Section 5177), and rules adopted under that section.

14 (b) Notwithstanding Section 207.021, the governor, by  
15 executive order, may suspend the waiting period requirement imposed  
16 under Section 207.021(a)(7) to authorize an individual to receive  
17 benefits for that waiting period if the individual:

18 (1) is unemployed as a direct result of a natural  
19 disaster that results in a disaster declaration by the president of  
20 the United States under the Robert T. Stafford Disaster Relief and  
21 Emergency Assistance Act (42 U.S.C. Section 5121 et seq.);

22 (2) is otherwise eligible for unemployment  
23 compensation benefits under this subtitle; and

24 (3) is not receiving disaster unemployment assistance  
25 benefits for the period included in that waiting period.

26 SECTION 1.20. Sections 541.201(1) and (13-a),  
27 Transportation Code, are amended to read as follows:

1 (1) "Authorized emergency vehicle" means:

2 (A) a fire department or police vehicle;

3 (B) a public or private ambulance operated by a  
4 person who has been issued a license by the Texas Department of  
5 Health;

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

9 (D) a private vehicle of a volunteer firefighter  
10 or a certified emergency medical services employee or volunteer  
11 when responding to a fire alarm or medical emergency;

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

18 (F) a vehicle of a blood bank or tissue bank,  
19 accredited or approved under the laws of this state or the United  
20 States, when making emergency deliveries of blood, drugs,  
21 medicines, or organs; or

22 (G) a vehicle used for law enforcement purposes  
23 that is owned or leased by a federal governmental entity.

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

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

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

5           (C) is:

6           (i) a private vehicle owned or leased by the  
7 peace officer; and

8           (ii) approved for use for law enforcement  
9 purposes by the head of the law enforcement agency that employs the  
10 peace officer, or by that person's designee, provided that use of  
11 the private vehicle must, if applicable, comply with any rule  
12 adopted by the commissioners court of a county under Section  
13 170.001, Local Government Code, and that the private vehicle may  
14 not be considered an authorized emergency vehicle for exemption  
15 purposes under Section 228.054, 284.070, 366.178, or 370.177,  
16 Transportation Code, unless the vehicle is marked.

17           SECTION 1.21. Section 545.421(b), Transportation Code, is  
18 amended to read as follows:

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

26           SECTION 1.22. Section 418.072, Government Code, is  
27 repealed.



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

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

11           SECTION 1.25. The change in law made by Section 207.0212,  
12 Labor Code, as added by this Act, applies only to a claim for  
13 unemployment compensation benefits that is filed with the Texas  
14 Workforce Commission on or after the effective date of this Act. A  
15 claim filed before that date is governed by the law in effect on the  
16 date the claim was filed, and the former law is continued in effect  
17 for that purpose.

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

27           (b) Subsection (a) of this section takes effect immediately

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

6 ARTICLE 2. EMERGENCY ELECTRICAL POWER

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

9 CHAPTER 2311. ENERGY SECURITY TECHNOLOGIES FOR CRITICAL  
10 GOVERNMENTAL FACILITIES

11 Sec. 2311.001. DEFINITIONS. In this chapter:

12 (1) "Combined heating and power system" means a system  
13 that:

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

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

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

20 (D) has an overall efficiency of energy use that  
21 exceeds 60 percent.

22 (2) "Critical governmental facility" means a building  
23 owned by the state or a political subdivision of the state that is  
24 expected to:

25 (A) be continuously occupied;

26 (B) maintain operations for at least 6,000 hours  
27 each year;

1                    (C) have a peak electricity demand exceeding 500  
2 kilowatts; and

3                    (D) serve a critical public health or public  
4 safety function during a natural disaster or other emergency  
5 situation that may result in a widespread power outage, including  
6 a:

- 7                    (i) command and control center;
- 8                    (ii) shelter;
- 9                    (iii) prison or jail;
- 10                   (iv) police or fire station;
- 11                   (v) communications or data center;
- 12                   (vi) water or wastewater facility;
- 13                   (vii) hazardous waste storage facility;
- 14                   (viii) biological research facility;
- 15                   (ix) hospital; or
- 16                   (x) food preparation or food storage  
17 facility.

18                   Sec. 2311.002. COMBINED HEATING AND POWER SYSTEMS. When  
19 constructing or extensively renovating a critical governmental  
20 facility or replacing major heating, ventilation, and  
21 air-conditioning equipment for a critical governmental facility,  
22 the entity with charge and control of the facility shall evaluate  
23 whether equipping the facility with a combined heating and power  
24 system would result in expected energy savings that would exceed  
25 the expected costs of purchasing, operating, and maintaining the  
26 system over a 20-year period. Notwithstanding Chapter 2302, the  
27 entity may equip the facility with a combined heating and power

1 system if the expected energy savings exceed the expected costs.

2 SECTION 2.02. Subchapter D, Chapter 38, Utilities Code, is  
3 amended by adding Section 38.073 to read as follows:

4 Sec. 38.073. AUTHORITY OF COMMISSION DURING AN EMERGENCY.

5 (a) On a declaration of a natural disaster or other emergency by  
6 the governor, the commission may require an electric utility,  
7 municipally owned utility, electric cooperative, qualifying  
8 facility, power generation company, exempt wholesale generator, or  
9 power marketer to sell electricity to an electric utility,  
10 municipally owned utility, or electric cooperative that is unable  
11 to supply power to meet customer demand due to the natural disaster  
12 or other emergency. Any plant, property, equipment, or other items  
13 used to receive or deliver electricity under this subsection are  
14 used and useful in delivering service to the public, and the  
15 commission shall allow timely recovery for the costs of those  
16 items. The commission may order an electric utility, municipally  
17 owned utility, or electric cooperative to provide interconnection  
18 service to another electric utility, municipally owned utility, or  
19 electric cooperative to facilitate a sale of electricity under this  
20 section. If the commission does not order the sale of electricity  
21 during a declared emergency as described by this subsection, the  
22 commission shall promptly submit to the legislature a report  
23 describing the reasons why the commission did not make that order.

24 (b) If an entity receives electricity under Subsection (a),  
25 the receiving entity shall reimburse the supplying entity for the  
26 actual cost of providing the electricity. The entity receiving the  
27 electricity is responsible for any transmission and distribution

1 service charges specifically incurred in relation to providing the  
2 electricity.

3 (c) An entity that pays for electricity received under  
4 Subsection (b) and that is regulated by the commission may fully  
5 recover the cost of the electricity in a timely manner by:

6 (1) including the cost in the entity's fuel cost under  
7 Section 36.203; or

8 (2) notwithstanding Section 36.201, imposing a  
9 different surcharge.

10 SECTION 2.03. 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 2.04. (a) Not later than November 1, 2009, the  
26 Public Utility Commission of Texas shall conduct and complete a  
27 study to evaluate:

1 (1) the locations in this state that are most likely to  
2 experience a natural disaster or other emergency;

3 (2) the ability of each entity described by Subsection  
4 (a), Section 38.073, Utilities Code, as added by this Act, to comply  
5 with that section in the event of a natural disaster or other  
6 emergency;

7 (3) any steps an entity described by Subsection (a),  
8 Section 38.073, Utilities Code, as added by this Act, should take to  
9 prepare to comply with that section; and

10 (4) the potential for distributed generation,  
11 including renewable power with battery backup and combined heat and  
12 power systems, to strengthen reliability of electric service during  
13 a natural disaster or other emergency.

14 (b) An entity described by Subsection (a), Section 38.073,  
15 Utilities Code, as added by this Act, shall comply with any order  
16 issued by the Public Utility Commission of Texas under that  
17 subsection while the study required by Subsection (a) of this  
18 section is conducted.

19 (c) The Public Utility Commission of Texas shall prepare a  
20 report based on the study conducted under Subsection (a) of this  
21 section. The report must include any recommendations the  
22 commission considers advisable in relation to the implementation of  
23 and compliance with Section 38.073, Utilities Code, as added by  
24 this Act. The commission may include the report in the report  
25 required by Section 31.003, Utilities Code.

26 SECTION 2.05. The Public Utility Commission of Texas shall  
27 adopt rules consistent with Subchapter E, Chapter 38, Utilities

1 Code, as added by this Act, not later than October 1, 2009.

2 ARTICLE 3. HEALTH AND SAFETY PROVISIONS

3 SECTION 3.01. Subtitle F, Title 2, Health and Safety Code,  
4 is amended by adding Chapter 123 to read as follows:

5 CHAPTER 123. PUBLIC HEALTH EXTENSION SERVICE PILOT PROGRAM

6 Sec. 123.001. DEFINITIONS. In this chapter:

7 (1) "Department" means the Department of State Health  
8 Services; and

9 (2) "Program" means the public health extension  
10 service pilot program established under this chapter.

11 Sec. 123.002. PROGRAM ESTABLISHED; PURPOSES. (a) The  
12 department shall establish a public health extension service pilot  
13 program in Health Service Region 11, a region of the state that may  
14 be particularly vulnerable to biosecurity threats, disaster, and  
15 other emergencies.

16 (b) The purpose of the program is to support local public  
17 health and medical infrastructure, promote disease control and  
18 medical preparedness, and enhance biosecurity, including detection  
19 of dangerous biologic agents, availability of pathology services,  
20 and management of hazardous materials.

21 Sec. 123.003. RULES. The executive commissioner of the  
22 Health and Human Services Commission may adopt rules for the  
23 implementation and administration of the program.

24 Sec. 123.004. PROGRAM ADMINISTRATION. The department may  
25 contract with The Texas A&M University System or The University of  
26 Texas System or both to implement or administer the program.

27 Sec. 123.005. PROGRAM OBJECTIVES. Through the program, the

1 department may implement projects and systems to accomplish the  
2 purposes of the program described by Section 123.002, and may:

3 (1) provide support for regional disaster medical  
4 assistance teams and tactical medical operations incident  
5 management teams;

6 (2) establish a disaster training and exercise  
7 program;

8 (3) establish and equip caches of necessary medical  
9 supplies and equipment for use in disasters and other emergencies;

10 (4) establish a regionally based system of emergency  
11 medical logistics management to support state and federal emergency  
12 management authorities, including local patient triage sites and  
13 local emergency medical operations; and

14 (5) establish a regionally based system to provide  
15 technical assistance for disaster mitigation and recovery.

16 Sec. 123.006. REPORT. Not later than December 1, 2010, the  
17 department shall report to the governor, lieutenant governor, and  
18 speaker of the house of representatives on the program, including  
19 recommendations for continuing and expanding the program to other  
20 regions of the state.

21 Sec. 123.007. EXPIRATION. This chapter expires and the  
22 program is abolished September 2, 2011.

23 SECTION 3.02. Section 251.012, Health and Safety Code, is  
24 amended to read as follows:

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



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

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

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

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

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

14           SECTION 3.03. Subtitle B, Title 8, Health and Safety Code,  
15 is amended by adding Chapter 695 to read as follows:

16                    CHAPTER 695. IN-CASKET IDENTIFICATION

17                    Sec. 695.001. DEFINITIONS. In this chapter:

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

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

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

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

1 SECTION 3.03a. Subchapter D, Chapter 771, Health and  
2 Safety Code, is amended by adding Section 771.0712 to read as  
3 follows:

4 Sec. 771.0712. PREPAID 9-1-1 EMERGENCY SERVICE FEE. (a)  
5 To ensure that all 9-1-1 agencies under Section 418.051,  
6 Government Code are adequately funded, beginning on June 1,  
7 2010, a prepaid wireless 9-1-1 emergency services fee of two  
8 percent of the purchase price of each prepaid wireless  
9 telecommunications service purchased by any method, shall be  
10 collected by the seller from the consumer at the time of each  
11 retail transaction of prepaid wireless telecommunications  
12 service occurring in this state and remitted to the comptroller  
13 consistent with Chapter 151, Tax Code, and distributed  
14 consistent with the procedures in place for the emergency  
15 services fee in Section 771.0711, Health and Safety Code. A  
16 seller may deduct and retain two percent of prepaid wireless 9-  
17 1-1 emergency services fees that it collects under this section  
18 to offset its costs in administering this fee.

19 (b) The comptroller shall adopt rules to implement this  
20 section by June 1, 2010.

1 SECTION 3.04. The change in law made by this Act by the  
2 amendment of Section 251.012, Health and Safety Code, applies only  
3 to dialysis services provided on or after the effective date of this  
4 Act. Dialysis services provided before the effective date of this  
5 Act are covered by the law in effect immediately before that date,  
6 and the former law is continued in effect for that purpose.

7 ARTICLE 4. PROVISIONS RELATED TO CERTAIN PUBLIC EMPLOYEES

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

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

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

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

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

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

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

18        (b) Notwithstanding any other provision of this chapter or  
19 the General Appropriations Act, a state employee who is emergency  
20 services personnel and who is deployed to a temporary duty station  
21 to conduct emergency or disaster response activities is entitled to  
22 reimbursement for the actual expense of lodging when there is no  
23 room available at the state rate within reasonable proximity to the  
24 employee's temporary duty station.

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

27        (1-a) "First responder" means:

1                   (A) any federal, state, local, or private  
2 personnel who may respond to a disaster, including:  
3                   (i) public health and public safety  
4 personnel;  
5                   (ii) commissioned law enforcement  
6 personnel;  
7                   (iii) fire protection personnel, including  
8 volunteer firefighters;  
9                   (iv) emergency medical services personnel,  
10 including hospital emergency facility staff;  
11                   (v) a member of the National Guard;  
12                   (vi) a member of the Texas State Guard; or  
13                   (vii) any other worker who responds to a  
14 disaster in the worker's scope of employment; or  
15                   (B) any related personnel that provide support  
16 services during the prevention, response, and recovery phases of a  
17 disaster [~~has the meaning assigned by Section 421.095, Government~~  
18 ~~Code~~].

19                   ARTICLE 5. JUDICIAL PREPAREDNESS

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

22                   Sec. 22.0035. MODIFICATION OR SUSPENSION OF CERTAIN  
23 PROVISIONS RELATING TO COURT PROCEEDINGS AFFECTED BY DISASTER. (a)  
24 In this section, "disaster" has the meaning assigned by Section  
25 418.004.

26                   (b) Notwithstanding any other statute, the supreme court  
27 may modify or suspend procedures for the conduct of any court

1 proceeding affected by a disaster during the pendency of a disaster  
2 declared by the governor. An order under this section may not  
3 extend for more than 30 days from the date the order was signed  
4 unless renewed by the supreme court.

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

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

11 (e) If a disaster prevents the court of criminal appeals  
12 from acting under Subsection (d), the presiding judge of the court  
13 of criminal appeals may act on behalf of the supreme court under  
14 Subsection (b).

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

17 (c) The rules may provide for:

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

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

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

26 SECTION 5.03. Section 418.002, Government Code, is amended  
27 to read as follows:

1           Sec. 418.002. PURPOSES. The purposes of this chapter are  
2 to:

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

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

9           (3) provide a setting conducive to the rapid and  
10 orderly restoration and rehabilitation of persons and property  
11 affected by disasters;

12           (4) clarify and strengthen the roles of the governor,  
13 state agencies, the judicial branch of state government, and local  
14 governments in prevention of, preparation for, response to, and  
15 recovery from disasters;

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

18           (6) authorize and provide for coordination of  
19 activities relating to disaster mitigation, preparedness,  
20 response, and recovery by agencies and officers of this state, and  
21 similar state-local, interstate, federal-state, and foreign  
22 activities in which the state and its political subdivisions may  
23 participate;

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

26           (8) assist in mitigation of disasters caused or  
27 aggravated by inadequate planning for and regulation of public and

1 private facilities and land use; and

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

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

9 ARTICLE 6. EDUCATION PROVISIONS

10 SECTION 6.01. The heading to Section 37.108, Education  
11 Code, is amended to read as follows:

12 Sec. 37.108. MULTHAZARD EMERGENCY OPERATIONS PLAN; SAFETY  
13 AND SECURITY AUDIT.

14 SECTION 6.02. Section 37.108, Education Code, is amended by  
15 amending Subsections (a), (b), and (c) and adding Subsections (c-1)  
16 and (c-2) to read as follows:

17 (a) Each school district or public junior college district  
18 shall adopt and implement a multihazard emergency operations plan  
19 for use in the district's facilities [~~district schools~~]. The plan  
20 must address mitigation, preparedness, response, and recovery as  
21 defined by the commissioner of education or commissioner of higher  
22 education in conjunction with the governor's office of homeland  
23 security. The plan must provide for:

24 (1) district employee training in responding to an  
25 emergency;

26 (2) if the plan applies to a school district,  
27 mandatory school drills and exercises to prepare district students



1 and employees for responding to an emergency;

2 (3) measures to ensure coordination with the  
3 Department of State Health Services and local emergency management  
4 agencies, law enforcement, health departments, and fire  
5 departments in the event of an emergency; and

6 (4) the implementation of a safety and security audit  
7 as required by Subsection (b).

8 (b) At least once every three years, each [a] school  
9 district or public junior college district shall conduct a safety  
10 and security audit of the district's facilities. To the extent  
11 possible, a district shall follow safety and security audit  
12 procedures developed by the Texas School Safety Center or a  
13 comparable public or private entity.

14 (c) A school district or public junior college district  
15 shall report the results of the safety and security audit conducted  
16 under Subsection (b) to the district's board of trustees and, in the  
17 manner required by the Texas School Safety Center, to the Texas  
18 School Safety Center.

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

23 (c-2) A document relating to a school district's or public  
24 junior college district's multihazard emergency operations plan is  
25 subject to disclosure if the document enables a person to:

26 (1) verify that the district has established a plan  
27 and determine the agencies involved in the development of the plan

1 and the agencies coordinating with the district to respond to an  
2 emergency, including the Department of State Health Services, local  
3 emergency services agencies, law enforcement agencies, health  
4 departments, and fire departments;

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

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

9 (4) verify that district employees have been trained  
10 to respond to an emergency and determine the types of training, the  
11 number of employees trained, and the person conducting the  
12 training;

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

16 (6) if the district is a school district, verify that  
17 the district has established a plan for responding to a train  
18 derailment if required under Subsection (d);

19 (7) verify that the district has completed a safety  
20 and security audit under Subsection (b) and determine the date the  
21 audit was conducted, the person conducting the audit, and the date  
22 the district presented the results of the audit to the district's  
23 board of trustees;

24 (8) verify that the district has addressed any  
25 recommendations by the district's board of trustees for improvement  
26 of the plan and determine the district's progress within the last 12  
27 months; and

1           (9) if the district is a school district, verify that  
2 the district has established a visitor policy and identify the  
3 provisions governing access to a district building or other  
4 district property.

5           SECTION 6.03. Subchapter D, Chapter 37, Education Code, is  
6 amended by adding Section 37.109 to read as follows:

7           Sec. 37.109. SCHOOL SAFETY AND SECURITY COMMITTEE. (a) In  
8 accordance with guidelines established by the Texas School Safety  
9 Center, each school district shall establish a school safety and  
10 security committee.

11           (b) The committee shall:

12           (1) participate on behalf of the district in  
13 developing and implementing emergency plans consistent with the  
14 district multihazard emergency operations plan required by Section  
15 37.108(a) to ensure that the plans reflect specific campus,  
16 facility, or support services needs;

17           (2) provide the district with any campus, facility, or  
18 support services information required in connection with a safety  
19 and security audit required by Section 37.108(b), a safety and  
20 security audit report required by Section 37.108(c), or another  
21 report required to be submitted by the district to the Texas School  
22 Safety Center; and

23           (3) review each report required to be submitted by the  
24 district to the Texas School Safety Center to ensure that the report  
25 contains accurate and complete information regarding each campus,  
26 facility, or support service in accordance with criteria  
27 established by the center.

1 SECTION 6.04. Section 37.202, Education Code, is amended to  
2 read as follows:

3 Sec. 37.202. PURPOSE. The purpose of the center is to serve  
4 as:

5 (1) a central location for school safety and security  
6 information, including research, training, and technical  
7 assistance related to successful school safety and security  
8 programs; ~~and~~

9 (2) a central registry of persons providing school  
10 safety and security consulting services in the state; and

11 (3) a resource for the prevention of youth violence  
12 and the promotion of safety in the state.

13 SECTION 6.05. Section 37.203(a), Education Code, as amended  
14 by Chapters 258 (S.B. 11) and 263 (S.B. 103), Acts of the 80th  
15 Legislature, Regular Session, 2007, is reenacted to read as  
16 follows:

17 (a) The center is advised by a board of directors composed  
18 of:

19 (1) the attorney general, or the attorney general's  
20 designee;

21 (2) the commissioner, or the commissioner's designee;

22 (3) the executive director of the Texas Juvenile  
23 Probation Commission, or the executive director's designee;

24 (4) the executive commissioner of the Texas Youth  
25 Commission, or the executive commissioner's designee;

26 (5) the commissioner of the Department of State Health  
27 Services, or the commissioner's designee;

1           (6) the commissioner of higher education, or the  
2 commissioner's designee; and

3           (7) the following members appointed by the governor  
4 with the advice and consent of the senate:

5                   (A) a juvenile court judge;

6                   (B) a member of a school district's board of  
7 trustees;

8                   (C) an administrator of a public primary school;

9                   (D) an administrator of a public secondary  
10 school;

11                   (E) a member of the state parent-teacher  
12 association;

13                   (F) a teacher from a public primary or secondary  
14 school;

15                   (G) a public school superintendent who is a  
16 member of the Texas Association of School Administrators;

17                   (H) a school district police officer or a peace  
18 officer whose primary duty consists of working in a public school;  
19 and

20                   (I) two members of the public.

21           SECTION 6.06. Section 37.203(b), Education Code, is amended  
22 to read as follows:

23           (b) Members of the board appointed under Subsection (a)(7)  
24 [~~(a)(6)~~] serve staggered two-year terms, with the terms of the  
25 members described by Subsections (a)(7)(A)-(E) [~~(a)(6)(A)-(E)~~]  
26 expiring on February 1 of each odd-numbered year and the terms of  
27 the members described by Subsections (a)(7)(F)-(I) [~~(a)(6)(F)-(I)~~]

1 expiring on February 1 of each even-numbered year. A member may  
2 serve more than one term.

3 SECTION 6.07. Section 37.207(a), Education Code, is amended  
4 to read as follows:

5 (a) The center shall develop a model safety and security  
6 audit procedure for use by school districts and public junior  
7 college districts that includes:

8 (1) providing each district with guidelines [~~and a~~  
9 ~~training video~~] showing proper audit procedures;

10 (2) reviewing elements of each district audit[~~,~~  
11 ~~providing the results of the review to the district,~~] and making  
12 recommendations for improvements in the state based on that review  
13 [~~the audit~~]; and

14 (3) incorporating the findings of district audits in a  
15 statewide report on school safety and security made available by  
16 the center to the public.

17 SECTION 6.08. Section 37.209, Education Code, is amended to  
18 read as follows:

19 Sec. 37.209. CENTER WEBSITE. The center shall develop and  
20 maintain an interactive Internet website that includes:

21 (1) quarterly news updates related to school safety  
22 and security and violence prevention;

23 (2) school crime data;

24 (3) a schedule of training and special events; and

25 (4) a list of persons who [~~approved by the board to~~]  
26 provide school safety or security consulting services in this state  
27 and are registered in accordance with Section 37.2091

1 [~~presentations~~].

2 SECTION 6.09. Subchapter G, Chapter 37, Education Code, is  
3 amended by adding Sections 37.2091 and 37.2121 to read as follows:

4 Sec. 37.2091. REGISTRY OF PERSONS PROVIDING SCHOOL SAFETY  
5 OR SECURITY CONSULTING SERVICES. (a) In this section, "school  
6 safety or security consulting services" includes any service  
7 provided to a school district, institution of higher education,  
8 district facility, or campus by a person consisting of advice,  
9 information, recommendations, data collection, or safety and  
10 security audit services relevant to school safety and security,  
11 regardless of whether the person is paid for those services.

12 (b) The center shall establish a registry of persons  
13 providing school safety or security consulting services in this  
14 state.

15 (c) Each person providing school safety or security  
16 consulting services in this state shall register with the center in  
17 accordance with requirements established by the center. The  
18 requirements must include provisions requiring a person  
19 registering with the center to provide information regarding:

20 (1) the person's background, education, and experience  
21 that are relevant to the person's ability to provide knowledgeable  
22 and effective school safety or security consulting services; and

23 (2) any complaints or pending litigation relating to  
24 the person's provision of school safety or security consulting  
25 services.

26 (d) The registry is intended to serve only as an  
27 informational resource for school districts and institutions of

1 higher education. The inclusion of a person in the registry is not  
2 an indication of the person's qualifications or ability to provide  
3 school safety or security consulting services or that the center  
4 endorses the person's school safety or security consulting  
5 services.

6 (e) The center shall include information regarding the  
7 registry, including the number of persons registered and the  
8 general degree of school safety or security experience possessed by  
9 those persons, in the biennial report required by Section 37.216.

10 Sec. 37.2121. MEMORANDA OF UNDERSTANDING AND MUTUAL AID  
11 AGREEMENTS. (a) The center shall identify and inform school  
12 districts of the types of entities, including local and regional  
13 authorities, other school districts, and emergency first  
14 responders, with whom school districts should customarily make  
15 efforts to enter into memoranda of understanding or mutual aid  
16 agreements addressing issues that affect school safety and  
17 security.

18 (b) The center shall develop guidelines regarding memoranda  
19 of understanding and mutual aid agreements between school districts  
20 and the entities identified in accordance with Subsection (a). The  
21 guidelines:

22 (1) must include descriptions of the provisions that  
23 should customarily be included in each memorandum or agreement with  
24 a particular type of entity;

25 (2) may include sample language for those provisions;  
26 and

27 (3) must be consistent with the Texas Statewide Mutual



1 Aid System established under Subchapter E-1, Chapter 418,  
2 Government Code.

3 (c) The center shall encourage school districts to enter  
4 into memoranda of understanding and mutual aid agreements with  
5 entities identified in accordance with Subsection (a) that comply  
6 with the guidelines developed under Subsection (b).

7 (d) Each school district that enters into a memorandum of  
8 understanding or mutual aid agreement addressing issues that affect  
9 school safety and security shall, at the center's request, provide  
10 the following information to the center:

11 (1) the name of each entity with which the school  
12 district has entered into a memorandum of understanding or mutual  
13 aid agreement;

14 (2) the effective date of each memorandum or  
15 agreement; and

16 (3) a summary of each memorandum or agreement.

17 (e) The center shall include information regarding the  
18 center's efforts under this section in the report required by  
19 Section 37.216.

20 SECTION 6.10. Section 37.213, Education Code, is amended to  
21 read as follows:

22 Sec. 37.213. PUBLIC JUNIOR COLLEGES [~~INSTITUTIONS OF HIGHER~~  
23 ~~EDUCATION~~]. (a) In this section, "public junior college"  
24 [~~"institution of higher education"~~] has the meaning assigned by  
25 Section 61.003.

26 (b) The center shall research best practices regarding  
27 emergency preparedness of public junior colleges and serve as a

1 clearinghouse for that information.

2 (c) The center shall provide public junior colleges with  
3 training, technical assistance, and published guidelines or  
4 templates, as appropriate, in the following areas:

5 (1) multihazard emergency operations plan  
6 development;

7 (2) drill and exercise development and  
8 implementation;

9 (3) mutual aid agreements;

10 (4) identification of equipment and funds that may be  
11 used by public junior colleges in an emergency; and

12 (5) reporting in accordance with 20 U.S.C. Section  
13 1092(f) [~~An institution of higher education may use any appropriate~~  
14 model plan developed by the center under Section 37.205(4)].

15 ~~[(c) The center may provide an institution of higher~~  
16 ~~education with on-site technical assistance and safety training.~~

17 ~~[(d) The center may charge a fee to an institution of higher~~  
18 ~~education for assistance and training provided under Subsection~~  
19 ~~(e)].~~

20 SECTION 6.11. Section 37.216, Education Code, is amended to  
21 read as follows:

22 Sec. 37.216. BIENNIAL [~~ANNUAL~~] REPORT. (a) Not later than  
23 January [~~September~~] 1 of each odd-numbered year, the board shall  
24 provide a report to the governor, the legislature, the State Board  
25 of Education, and the agency.

26 (b) The biennial [~~annual~~] report must include any findings  
27 made by the center regarding school safety and security and the

1 center's functions, budget information, and strategic planning  
2 initiatives of the center.

3 SECTION 6.12. Subchapter G, Chapter 37, Education Code, is  
4 amended by adding Section 37.2161 to read as follows:

5 Sec. 37.2161. SCHOOL SAFETY AND SECURITY PROGRESS REPORT.

6 (a) The center shall periodically provide a school safety and  
7 security progress report to the governor, the legislature, the  
8 State Board of Education, and the agency that contains current  
9 information regarding school safety and security in the school  
10 districts and public junior college districts of this state based  
11 on:

12 (1) elements of each district's multihazard emergency  
13 operations plan required by Section 37.108(a);

14 (2) elements of each district's safety and security  
15 audit required by Section 37.108(b); and

16 (3) any other report required to be submitted to the  
17 center.

18 (b) The center shall establish guidelines regarding the  
19 specific information to be included in the report required by this  
20 section.

21 (c) The center may provide the report required by this  
22 section in conjunction with the report required by Section 37.216.

23 SECTION 6.13. Subchapter E, Chapter 51, Education Code, is  
24 amended by adding Section 51.217 to read as follows:

25 Sec. 51.217. MULTHAZARD EMERGENCY OPERATIONS PLAN; SAFETY  
26 AND SECURITY AUDIT. (a) In this section, "institution" means a  
27 general academic teaching institution, a medical and dental unit,

1 or other agency of higher education, as those terms are defined by  
2 Section 61.003.

3 (b) An institution shall adopt and implement a multihazard  
4 emergency operations plan for use at the institution. The plan must  
5 address mitigation, preparedness, response, and recovery. The plan  
6 must provide for:

7 (1) employee training in responding to an emergency;

8 (2) mandatory drills to prepare students, faculty, and  
9 employees for responding to an emergency;

10 (3) measures to ensure coordination with the  
11 Department of State Health Services, local emergency management  
12 agencies, law enforcement, health departments, and fire  
13 departments in the event of an emergency; and

14 (4) the implementation of a safety and security audit  
15 as required by Subsection (c).

16 (c) At least once every three years, an institution shall  
17 conduct a safety and security audit of the institution's  
18 facilities. To the extent possible, an institution shall follow  
19 safety and security audit procedures developed in consultation with  
20 the division of emergency management of the office of the governor.

21 (d) An institution shall report the results of the safety  
22 and security audit conducted under Subsection (c) to the  
23 institution's board of regents and the division of emergency  
24 management of the office of the governor.

25 (e) Except as provided by Subsection (f), any document or  
26 information collected, developed, or produced during a safety and  
27 security audit conducted under Subsection (c) is not subject to

1 disclosure under Chapter 552, Government Code.

2 (f) A document relating to an institution's multihazard  
3 emergency operations plan is subject to disclosure if the document  
4 enables a person to:

5 (1) verify that the institution has established a plan  
6 and determine the agencies involved in the development of the plan  
7 and the agencies coordinating with the institution to respond to an  
8 emergency, including the Department of State Health Services, local  
9 emergency services agencies, law enforcement agencies, health  
10 departments, and fire departments;

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

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

15 (4) verify that institution employees have been  
16 trained to respond to an emergency and determine the types of  
17 training, the number of employees trained, and the person  
18 conducting the training;

19 (5) verify that each campus has conducted mandatory  
20 emergency drills and exercises in accordance with the plan and  
21 determine the frequency of the drills;

22 (6) verify that the institution has completed a safety  
23 and security audit under Subsection (c) and determine the date the  
24 audit was conducted, the person conducting the audit, and the date  
25 the institution presented the results of the audit to the board of  
26 regents; and

27 (7) verify that the institution has addressed any

recommendations by the board of regents for improvement of the plan and determine the institution's progress within the last 12 months.

SECTION 6.13a, Chapter 111, Education Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. UNIVERSITY OF HOUSTON HURRICANE CENTER FOR INNOVATIVE TECHNOLOGY

Sec. 111.121. DEFINITIONS. In this subchapter:

(1) "Board" means the board of regents of the University of Houston System.

(2) "Center" means the University of Houston Hurricane Center for Innovative Technology (UHC-IT) established under this subchapter.

Sec. 111.122. ESTABLISHMENT. (a) The University of Houston Hurricane Center for Innovative Technology is established at the University of Houston.

(b) The organization, control, and management of the center are vested in the board.

(c) The center shall be hosted by the university's College of Engineering. Participation in the center's activities shall be open to any faculty member of the university who is an active researcher in the field of materials, nanotechnology, structural engineering, designing of structures, or sensor technology, or in another relevant field as determined by the university.

Sec. 111.123. PURPOSE. The center is created to:

(1) promote interdisciplinary research, education, and training for the development of state-of-the-art products, materials, systems, and technologies designed to mitigate the wind, and asserted structural damages in the built environment and offshore structures caused by hurricanes in the Gulf Coast region; and

(2) develop protocols for the fast and efficient recovery of the public and private sectors, including utilities, hospitals, petrochemical industries, offshore platforms, and municipalities and other local communities following a hurricane.

Sec. 111.124. POWERS AND DUTIES. The center shall:

(1) collaborate with appropriate federal, state, and

local agencies and private business or nonprofit entities as necessary to coordinate efforts after a hurricane in the Gulf Coast region;

(2) develop smart materials and devices for use in hurricane protection and mitigation systems for structural monitoring;

(3) develop anchor systems for window and door screens, dwellings and other buildings, pipelines, and other onshore and offshore structures to withstand hurricane wind damage;

(4) develop test facilities for evaluating the performance of new products, materials, or techniques designed to protect against hurricane wind damage;

(5) develop specifications and standards for products used for protecting against hurricane wind damage;

(6) design buildings, houses, and other structures to withstand hurricane wind damage; and

(9) provide hurricane-related educational programs, seminars, conferences, and workshops to the community designed to ensure safety, minimize loss of life, and mitigate the destruction of property associated with hurricane wind damage.

Sec. 111.125. COLLABORATION WITH OTHER ENTITIES. The University of Houston shall encourage public and private entities to participate in or support the operation of the center and may enter into an agreement with any public or private entity for that purpose. An agreement may allow the center to provide information, services, or other assistance to an entity in exchange for the entity's participation or support.

Sec. 111.126. GIFTS AND GRANTS. The board may solicit, accept, and administer gifts and grants from any public or private source and use existing resources for the purposes of the center. State funding is not available unless the legislature makes specific appropriation for this purpose.

Sec. 111.127. PERSONNEL. The board may employ personnel for the center as necessary.

1 [REDACTED]

2 [REDACTED]

3 SECTION 6.14. Section 418.004(10), Government Code, is  
4 amended to read as follows:

5 (10) "Local government entity" means a county,  
6 incorporated city, independent school district, public junior  
7 college district, emergency services district, other special  
8 district, joint board, or other entity defined as a political  
9 subdivision under the laws of this state that maintains the  
10 capability to provide mutual aid.

11 SECTION 6.15. Section 37.210, Education Code, is repealed.

12 SECTION 6.16. Sections 37.108(c-1) and (c-2), and Sections  
13 51.217(d) and (e), Education Code, as added by this article, apply  
14 only to a request for documents or information that is received on  
15 or after the effective date of this article. A request for  
16 documents or information that was received before the effective  
17 date of this article is governed by the law in effect on the date the  
18 request was received, and the former law is continued in effect for  
19 that purpose.

20 SECTION 6.17. A person providing school safety or security  
21 consulting services in this state shall comply with Section  
22 37.2091, Education Code, as added by this article, not later than  
23 January 1, 2010.

24 SECTION 6.18. This article does not make an appropriation.  
25 A provision in this article that creates a new governmental  
26 program, creates a new entitlement, or imposes a new duty on a  
27 governmental entity is not mandatory during a fiscal period for



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1 which the legislature has not made a specific appropriation to  
2 implement the provision.

3 SECTION 6.19. This article takes effect September 1, 2009.

4 ARTICLE 7. EFFECTIVE DATE

5 SECTION 7.01. Except as otherwise provided by this Act,  
6 this Act takes effect September 1, 2009.

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No equivalent provision.

ARTICLE 1. GENERAL PROVISIONS

ARTICLE 1. Same as Senate version.

No equivalent provision.

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

Same as House version.

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

(5) verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance

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with the plan and determine the frequency of the drills;  
(6) verify that the district has established a plan for responding to a train derailment if required under Subsection (d);  
(7) verify that the district has completed a security audit under Subsection (b) and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the school board;  
(8) verify that the district has addressed any recommendations by the district's board of trustees for improvement of the plan and determine the district's progress within the last 12 months; and  
(9) verify that the district has established a visitor policy and identify the provisions governing access to a district building or other district property.

No equivalent provision.

SECTION 1.02. Subdivision (1), Section 418.004, Government Code, is amended to read as follows:  
(1) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, other public calamity requiring emergency action, or energy emergency.

SECTION 1.01. Same as Senate version.

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SECTION 1. Sections 418.005(a) and (b), Government Code, are amended to read as follows:

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

- (1) whose position description, job duties, or assignment includes emergency management responsibilities; or
- (2) who plays a role in emergency preparedness, response, or recovery.

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

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

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

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

- (1) whose position description, job duties, or assignment includes emergency management responsibilities; or
- (2) who plays a role in emergency preparedness, response, or recovery.

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

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

(h) The Texas Engineering Extension Service of The Texas A&M University System, with the direction, oversight, and approval of the division, shall implement online courses and secure continuing education credits

SECTION 1.02. Same as House version.

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for elected or appointed officials, volunteers, or employees requested to attend training or required under Subsection (b) to attend training. Training under this subsection is optional for volunteers.

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

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

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

No equivalent provision.

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

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

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

No equivalent provision.

SECTION 1.03. Same as Senate version.

SECTION 1.03a. Sec. 418.016. SUSPENSION OF PROCEDURAL LAWS AND RULES. (a) The governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

(b) Upon declaration of a state of disaster, enforcement of the regulation of on-premise outdoor signs under

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Subchapter A, Chapter 216, Local Government Code, by a municipality that is located in a county within, or that is located in a county adjacent to a county within, the disaster area specified by the declaration is suspended to allow licensed or admitted insurance carriers or licensed agents acting on behalf of insurance carriers to erect temporary claims service signage for not more than 30 days or until the end of the declaration of disaster, whichever is earlier.

(c) A temporary claims service sign shall not;

(1) be larger than forty square feet in size,

and;

(2) be more than five feet in height, and;

(3) be placed in the right of way.

(4) At the end of the 30 days or the end of the declaration of disaster, whichever is earlier, the insurance carrier or its licensed agents must remove the temporary claims service signage that was erected.

No equivalent provision.

SECTION \_\_. Sec. 418.016. SUSPENSION OF PROCEDURAL LAWS AND RULES.

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

(b) Upon declaration of a state of disaster, enforcement

Same as House version.

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of the regulation of on-premise outdoor signs under Subchapter A, Chapter 216, Local Government Code, by a municipality that is located in a county within, or that is located in a county adjacent to a county within, the disaster area specified by the declaration is suspended to allow licensed or admitted insurance carriers or licensed agents acting on behalf of insurance carriers to erect temporary claims service signage for not more than 60 days or until the end of the declaration of disaster, whichever is earlier.

(c) A temporary claims service sign shall not:

(1) be larger than forty square feet in size, and;

(2) be more than five feet in height, and;

(3) be placed in the right of way.

(4) At the end of the 30 days or the end of the declaration of disaster, whichever is earlier, the insurance carrier or its licensed agents must remove the temporary claims service signage that was erected.

SECTION 3. Section 418.042(a), Government Code, is amended to read as follows:

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

- (1) provisions for prevention and minimization of injury and damage caused by disaster;
- (2) provisions for prompt and effective response to disaster;

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

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

- (1) provisions for prevention and minimization of injury and damage caused by disaster;
- (2) provisions for prompt and effective response to disaster;

SECTION 1.04. Same as Senate version.

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- (3) provisions for emergency relief;
- (4) provisions for energy emergencies;
- (5) identification of areas particularly vulnerable to disasters;
- (6) recommendations for zoning, building restrictions, and other land-use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures, and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
- (7) provisions for assistance to local officials in designing local emergency management plans;
- (8) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, fire, or other disaster;
- (9) preparation and distribution to the appropriate state and local officials of state catalogs of federal, state, and private assistance programs;
- (10) organization of manpower and channels of assistance;
- (11) coordination of federal, state, and local emergency management activities;
- (12) coordination of the state emergency management plan with the emergency management plans of the federal government;
- (13) coordination of federal and state energy emergency plans;
- (14) provisions for informing [~~education and training of~~]

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- (3) provisions for emergency relief;
- (4) provisions for energy emergencies;
- (5) identification of areas particularly vulnerable to disasters;
- (6) recommendations for zoning, building restrictions, and other land-use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures, and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
- (7) provisions for assistance to local officials in designing local emergency management plans;
- (8) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, fire, or other disaster;
- (9) preparation and distribution to the appropriate state and local officials of state catalogs of federal, state, and private assistance programs;
- (10) organization of manpower and channels of assistance;
- (11) coordination of federal, state, and local emergency management activities;
- (12) coordination of the state emergency management plan with the emergency management plans of the federal government;
- (13) coordination of federal and state energy emergency plans;
- (14) provisions for providing information to [~~education~~]

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local officials on activation of the Emergency Alert System established under 47 C.F.R. Part 11; and

(15) other necessary matters relating to disasters.

SECTION 4. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.0425 to read as follows:

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

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

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

(b) The division, in cooperation with the emergency management council, local governments, regional entities, health and medical facilities, volunteer groups,

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~~and training of~~ local officials on activation of the Emergency Alert System established under 47 C.F.R. Part 11; ~~and~~

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

(16) other necessary matters relating to disasters.

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

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

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

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

(b) The division, in cooperation with the emergency management council, local governments, regional entities, health and medical facilities, volunteer groups,

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SECTION 1.05. Same as Senate version, except as follows:

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private sector partners, the Federal Emergency Management Agency, and other federal agencies, shall develop an annex to the state emergency management plan that addresses initial response planning for providing essential population support supplies, equipment, and services during the first 120 hours immediately following a disaster. The annex must include:

- (1) provisions for interagency coordination of disaster response efforts;
- (2) provisions for the rapid gross assessment of population support needs;
- (3) plans for the clearance of debris from major roadways to facilitate emergency response operations and delivery of essential population support supplies and equipment;
- (4) methods to obtain food, water, and ice for disaster victims through prearranged contracts or suppliers, stockpiled supplies, or plans to request assistance from

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private sector partners, the Federal Emergency Management Agency, and other federal agencies, shall develop an annex to the state emergency management plan that addresses initial response planning for providing essential population support supplies, equipment, and services during the first five days immediately following a disaster. The annex must include:

- (1) plans to make fuel available to, maintain continuing operations of, and assess the backup power available for, all:
  - (A) hospitals;
  - (B) prisons;
  - (C) assisted living facilities licensed under Chapter 247, Health and Safety Code;
  - (D) institutions licensed under Chapter 242, Health and Safety Code; and
  - (E) other critical facilities determined by the division;
- (2) provisions for interagency coordination of disaster response efforts;
- (3) provisions for the rapid gross assessment of population support needs;
- (4) plans for the clearance of debris from major roadways to facilitate emergency response operations and delivery of essential population support supplies and equipment;
- (5) methods to obtain food, water, and ice for disaster victims through prearranged contracts or suppliers, stockpiled supplies, or plans to request assistance from

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federal agencies, as appropriate:

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

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

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

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

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

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

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

(3) develop a standardized form for use by a water or

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federal agencies, as appropriate:

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

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

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

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

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

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

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

(3) develop a standardized form for use by a water or

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wastewater utility provider in developing and maintaining data on the number and type of emergency generators required for the operation of the provider's critical water or wastewater facilities following a disaster; and

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

No equivalent provision.

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wastewater utility provider in developing and maintaining data on the number and type of emergency generators required for the operation of the provider's critical water or wastewater facilities following a disaster; and

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

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

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

- (1) determine requirements of the state and its political subdivisions for food, clothing, and other necessities in event of a disaster;
- (2) procure and position supplies, medicines, materials, and equipment;
- (3) adopt standards and requirements for local and interjurisdictional emergency management plans;
- (4) periodically review local and interjurisdictional emergency management plans;
- (5) coordinate deployment of mobile support units;
- (6) establish and operate training programs and

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(4) include procedures for water or wastewater utility providers to maintain a current list of generators available in surrounding areas through mutual aid agreements, *recognized and coordinated statewide mutual aid programs*, and through commercial firms offering generators for rent or lease.

SECTION 1.06. Same as Senate version.

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programs of public information or assist political subdivisions and emergency management agencies to establish and operate the programs;

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

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

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

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

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

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

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

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

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

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

(17) cooperate with state agencies to:

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

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

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

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

SECTION 5. Section 418.045, Government Code, is amended to read as follows:

Sec. 418.045. TEMPORARY PERSONNEL. (a) The division may employ or contract with temporary personnel from funds appropriated to the division, from federal funds, or from the disaster contingency fund.

SECTION 1.08. Same as House version.

SECTION 1.07. Same as House version.

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The merit system does not apply to the temporary or contract positions.

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

SECTION 6. Section 418.048, Government Code, is amended to read as follows:

Sec. 418.048. MONITORING WEATHER[; ~~SUSPENSION OF WEATHER MODIFICATION~~].

[(a)] The division shall keep continuously apprised of weather conditions that present danger of climatic activity, such as precipitation, severe enough to constitute a disaster.

[(b) ~~If the division determines that precipitation that may result from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, it shall request in the name of the governor that the officer or agency empowered to~~

SECTION 1.09. Same as House version.

SECTION 1.08. Same as House version.

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~~issue permits for weather modification operations suspend the issuance of permits. On the governor's request, no permits may be issued until the division informs the officer or agency that the danger has passed.]~~

No equivalent provision.

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

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

(b) The phased reentry plan shall:

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

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

(c) The division, in consultation with representatives of affected parties and local emergency management directors, shall develop a reentry credentialing process. The division shall include the credentialing process in the phased reentry plan. The Department of Public

SECTION 1.09. Same as Senate version.



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Safety of the State of Texas shall provide support for the credentialing process.

No equivalent provision.

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

Sec. 418.051. COMMUNICATIONS

COORDINATION GROUP. (a) The communications coordination group shall facilitate interagency coordination and collaboration to provide efficient and effective planning and execution of communications support to joint, interagency, and intergovernmental task forces.

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

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

- (1) the Texas military forces;
- (2) the Department of Public Safety of the State of Texas;
- (3) the Federal Emergency Management Agency;
- (4) federal agencies that comprise Emergency Support Function No. 2;
- (5) the telecommunications industry, including cable service providers, as defined by Section 66.002, Utilities Code;

SECTION 1.10. Same as Senate version, except as follows:

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

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- (6) electric utilities, as defined by Section 31.002, Utilities Code;
- (7) gas utilities, as defined by Sections 101.003 and 121.001, Utilities Code;
- (8) the National Guard's Joint Continental United States Communications Support Environment;
- (9) the National Guard Bureau;
- (10) amateur radio operator groups;
- (11) the Texas Forest Service;
- (12) the Texas Department of Transportation;
- (13) the General Land Office;
- (14) the Texas Engineering Extension Service of The Texas A&M University System;
- (15) the Public Utility Commission of Texas;
- (16) the Railroad Commission of Texas;
- (17) the Department of State Health Services;
- (18) the judicial branch of state government;
- (19) the Texas Association of Regional Councils;
- (20) the United States Air Force Auxiliary Civil Air Patrol, Texas Wing;
- (21) each trauma service area regional advisory council;
- (22) state agencies, counties, and municipalities affected by the emergency; and
- (23) other agencies as determined by the division.

- (22) state agencies, counties, and municipalities affected by the emergency, *including 9-1-1 agencies*; and
- (23) other agencies as determined by the division.

SECTION 7. Section 418.1015, Government Code, is

SECTION 1.12. Section 418.1015, Government Code, is

SECTION 1.11. Same as Senate version.

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amended by adding Subsection (d) to read as follows:

(d) An emergency management director exercising under Subsection (b) a power granted to the governor may not seize or use state or federal resources without prior authorization from the governor or the state or federal agency having responsibility for those resources.

SECTION 8. Section 418.107(b), Government Code, is amended to read as follows:

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

SECTION 9. Section 418.108(d), Government Code, is amended to read as follows:

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

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amended by adding Subsection (d) to read as follows:

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

SECTION 1.13. Same as House version.

SECTION 1.14. Same as House version.

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SECTION 1.12. Same as House version.

SECTION 1.13. Same as House version.

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SECTION 10. Section 418.117, Government Code, is amended to read as follows:

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

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

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

SECTION 12. Title 5, Finance Code, is amended by adding Chapter 397 to read as follows:

CHAPTER 397. MORTGAGE SERVICERS

SECTION 1.15. Same as House version.

SECTION 1.14. Same as House version.

SECTION 1.16. Same as House version.

SECTION 1.15. Same as House version.

No equivalent provision.

Same as Senate version.

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Sec. 397.001. DEFINITIONS. In this chapter, "mortgage servicer" and "mortgagee" have the meanings assigned by Section 51.0001, Property Code.

Sec. 397.002. INTEREST ON DISASTER REPAIR MONEY HELD BY MORTGAGE SERVICER. (a) A mortgage servicer holding money for more than 10 business days that is received from an insurance provider for repairs to a mortgagee's property following a disaster declared under Section 418.014, Government Code, shall pay interest to the mortgagee.

(b) For purposes of interest payments, the interest shall accrue from the time a mortgage servicer receives the money from an insurance provider.

(c) The interest rate that applies for the first 10 days after the money is received must be not less than the rate that the mortgage servicer receives on money held in the account in which the mortgage servicer held the money received from the insurance provider.

(d) The interest rate that applies after the 10th day is the minimum rate described by Subsection (c) plus two percent a year.

No equivalent provision.

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

Sec. 418.185. MANDATORY EVACUATION. (a) This section does not apply to a person who is authorized

SECTION 1.16. Same as Senate version.

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to be in an evacuated area, including a person who returns to the area under a phased reentry plan or credentialing process under Section 418.050.

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

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

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

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

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

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

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

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

(e) An officer or employee of the state or a political subdivision who issues or is working to carry out a

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mandatory evacuation order under this section is immune from civil liability for any act or omission within the course and scope of the person's authority under the order.

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

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

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

Sec. 418.1882. PERSONNEL SURGE CAPACITY PLANNING. (a) With the direction, oversight, and approval of the division and the assistance of the Department of State Health Services, health care facilities, county officials, trauma service area regional advisory councils, and other appropriate entities, each council of government, regional planning commission, or

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similar regional planning agency created under Chapter 391, Local Government Code, shall develop a regional plan for personnel surge capacity during disasters, including plans for providing lodging and meals for disaster relief workers and volunteers.

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

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

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

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

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

(b) The Department of Agriculture and the Texas



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Animal Health Commission shall include the plan developed under Subsection (a) in an annual report to the legislature and the office of the governor.

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

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

SECTION 1.07. Sec. 418.186. DISASTER AND EMERGENCY EDUCATION. (a) The Department of State Health Services shall establish a program designed to educate the citizens of this state on disaster and emergency preparedness, response, and recovery. Before establishing the program, the department must collaborate with local authorities to prevent state efforts that are duplicative of local efforts. The program must address:

- (1) types of disasters or other emergencies;
- (2) the appropriate response to each type of disaster or emergency, including options for evacuation and shelter;
- (3) how to prepare for each type of disaster or emergency;
- (4) the impact of each type of disaster or emergency on citizens requiring medical assistance or other care;

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(5) ways to respond in a disaster or emergency or to assist the victims of a disaster or emergency; and

(6) resources and supplies for disaster or emergency recovery.

(b) The executive commissioner of the Health and Human Services Commission, in cooperation with the governor, shall adopt rules to create and administer a disaster and emergency education program established under this section.

No equivalent provision.

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

Sec. 242.0395. REGISTRATION WITH TEXAS INFORMATION AND REFERRAL NETWORK. (a)

An institution licensed under this chapter shall register with the Texas Information and Referral Network under Section 531.0312, Government Code, to assist the state in identifying persons needing assistance if an area is evacuated because of a disaster or other emergency.

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

(c) The institution shall notify each resident and the resident's next of kin or guardian regarding how to register for evacuation assistance with the Texas

SECTION 1.17. Same as Senate version.

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Information and Referral Network.

No equivalent provision.

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

Sec. 247.0275. REGISTRATION WITH TEXAS INFORMATION AND REFERRAL NETWORK. (a)

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

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

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

SECTION 1.18. Same as Senate version.

No equivalent provision.

SECTION 1.\_\_\_\_. Subchapter B, Chapter 207, Labor Code, is amended by adding Section 207.0212 to read as follows:

Sec. 207.0212. ELIGIBILITY OF CERTAIN

SECTION 1.19. Same as Senate version.

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PERSONS UNEMPLOYED BECAUSE OF DISASTER. (a) In this section, "disaster unemployment assistance benefits" means benefits authorized under Section 410, Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5177), and rules adopted under that section.  
(b) Notwithstanding Section 207.021, the governor, by executive order, may suspend the waiting period requirement imposed under Section 207.021(a)(7) to authorize an individual to receive benefits for that waiting period if the individual:  
(1) is unemployed as a direct result of a natural disaster that results in a disaster declaration by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.);  
(2) is otherwise eligible for unemployment compensation benefits under this subtitle; and  
(3) is not receiving disaster unemployment assistance benefits for the period included in that waiting period.

No equivalent provision.

SECTION 1.20. Subdivisions (1) and (13-a), Section 541.201, Transportation Code, are amended to read as follows:  
(1) "Authorized emergency vehicle" means:  
(A) a fire department or police vehicle;  
(B) a public or private ambulance operated by a person who has been issued a license by the Texas Department

SECTION 1.20. Same as Senate version, except as follows:

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of Health;

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

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

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

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

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

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

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

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

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(C) is:

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

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

(ii) approved for use for law enforcement purposes by the head of the law enforcement agency that employs the peace officer, or by that person's designee, provided that use of the private vehicle must, if applicable, comply with any rule adopted by the commissioners court of a county under Section 170.001, Local Government Code, and that the private vehicle may not be considered an authorized emergency vehicle for exemption purposes under Section 228.054, 284.070, 366.178, or 370.177, Transportation Code, unless the vehicle is marked.

No equivalent provision.

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

(b) A signal under this section that is given by a police officer pursuing a vehicle may be by hand, voice, emergency light, or siren. The officer giving the signal

SECTION 1.21. Same as Senate version.

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must be in uniform and prominently display the officer's badge of office. The officer's vehicle must bear the insignia of a law enforcement agency, regardless of whether the vehicle displays an emergency light [~~be appropriately marked as an official police vehicle~~].

SECTION 13. On the effective date of this Act, the disaster emergency funding board is abolished.

SECTION 1.23. Same as House version.

SECTION 1.23. Same as House version.

SECTION 14. Section 418.072, Government Code, is repealed.

SECTION 1.22. Same as House version.

SECTION 1.22. Same as House version.

SECTION 15. The changes in law made by this Act by the amendment of Section 418.005, Government Code, apply only to a public officer elected or appointed on or after the effective date of this Act. A public officer elected or appointed before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

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

SECTION 1.24. Same as House version.

No equivalent provision.

SECTION 1.25.

SECTION 1.25. Same as Senate version, except as follows:

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

*The change in law made by Section 207.0212, Labor Code, as added by this Act, applies only to a claim for unemployment compensation benefits that is filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before that date is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.*

No equivalent provision.

SECTION 1.26.

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

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

SECTION 1.26. Same as Senate version, except as follows:

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

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



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2009.

2009.

No equivalent provision.

ARTICLE 2. EMERGENCY ELECTRICAL POWER

ARTICLE 2. Same as Senate version.

No equivalent provision.

No equivalent provision.

SECTION 2.01. Subtitle G, Title 10, Government Code, is amended by adding Chapter 2311 to read as follows:  
CHAPTER 2311. ENERGY SECURITY TECHNOLOGIES FOR CRITICAL GOVERNMENTAL FACILITIES.

Sec. 2311.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

(A) be continuously occupied;

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

(C) have a peak electricity demand exceeding 500

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kilowatts; and

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

- (i) command and control center;
- (ii) shelter;
- (iii) prison or jail;
- (iv) police or fire station;
- (v) communications or data center;
- (vi) water or wastewater facility;
- (vii) hazardous waste storage facility;
- (viii) biological research facility;
- (ix) hospital; or
- (x) food preparation or food storage facility.

Sec. 2311.002. COMBINED HEATING AND POWER SYSTEMS. When constructing or extensively renovating a critical governmental facility or replacing major heating, ventilation, and air-conditioning equipment for a critical governmental facility, the entity with charge and control of the facility shall evaluate whether equipping the facility with a combined heating and power system would result in expected energy savings that would exceed the expected costs of purchasing, operating, and maintaining the system over a 20-year period. Notwithstanding Chapter 2302, the entity may equip the facility with a combined heating and power system if the expected energy savings exceed the expected costs.

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No equivalent provision.

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SECTION \_\_. Subchapter D, Chapter 38, Utilities Code, is amended by adding Section 38.073 to read as follows:  
Sec. 38.073. AUTHORITY OF COMMISSION DURING AN EMERGENCY. (a) On a declaration of a natural disaster or other emergency by the governor, the commission may require an electric utility, municipally owned utility, electric cooperative, qualifying facility, power generation company, exempt wholesale generator, or power marketer to sell electricity to an electric utility, municipally owned utility, or electric cooperative that is unable to supply power to meet customer demand due to the natural disaster or other emergency. Any plant, property, equipment, or other items used to receive or deliver electricity under this subsection are used and useful in delivering service to the public, and the commission shall allow timely recovery for the costs of those items. The commission may order an electric utility, municipally owned utility, or electric cooperative to provide interconnection service to another electric utility, municipally owned utility, or electric cooperative to facilitate a sale of electricity under this section. If the commission does not order the sale of electricity during a declared emergency as described by this subsection, the commission shall promptly submit to the legislature a report describing the reasons why the commission did not make that order.  
(b) If an entity receives electricity under Subsection (a), the receiving entity shall reimburse the supplying entity for the actual cost of providing the electricity. The entity

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SECTION 2.02. Same as Senate version.

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receiving the electricity is responsible for any transmission and distribution service charges specifically incurred in relation to providing the electricity.

(c) An entity that pays for electricity received under Subsection (b) and that is regulated by the commission may fully recover the cost of the electricity in a timely manner by:

(1) including the cost in the entity's fuel cost under Section 36.203; or

(2) notwithstanding Section 36.201, imposing a different surcharge.

No equivalent provision.

No equivalent provision.

SECTION 2.03. Chapter 38, Utilities Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. INFRASTRUCTURE IMPROVEMENT AND MAINTENANCE REPORT

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

- (1) identifying areas that are susceptible to damage during severe weather and hardening transmission and distribution facilities in those areas;
- (2) vegetation management; and
- (3) inspecting distribution poles.

(b) Each electric utility shall include in a report required under Subsection (a) a summary of the utility's activities

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No equivalent provision.

SECTION \_\_\_\_ (a) Not later than November 1, 2009, the Public Utility Commission of Texas shall conduct and complete a study to evaluate:

- (1) the locations in this state that are most likely to experience a natural disaster or other emergency;
  - (2) the ability of each entity described by Subsection (a), Section 38.073, Utilities Code, as added by this Act, to comply with that section in the event of a natural disaster or other emergency;
  - (3) any steps an entity described by Subsection (a), Section 38.073, Utilities Code, as added by this Act, should take to prepare to comply with that section; and
  - (4) the potential for distributed generation, including renewable power with battery backup and combined heat and power systems, to strengthen reliability of electric service during a natural disaster or other emergency.
- (b) An entity described by Subsection (a), Section 38.073, Utilities Code, as added by this Act, shall comply with any order issued by the Public Utility Commission of Texas under that subsection while the study required by Subsection (a) of this section is conducted.
- (c) The Public Utility Commission of Texas shall prepare a report based on the study conducted under Subsection (a) of this section. The report must include any recommendations the commission considers advisable in relation to the implementation of and

related to preparing for emergency operations.

SECTION 2.04. Same as Senate version.

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compliance with Section 38.073, Utilities Code, as added by this Act. The commission may include the report in the report required by Section 31.003, Utilities Code.

No equivalent provision.

SECTION 2.01. Chapter 38, Utilities Code, is amended by adding Subchapter E to read as follows:  
SUBCHAPTER E. INFRASTRUCTURE IMPROVEMENT AND MAINTENANCE REPORT  
Sec. 38.101. REPORT ON INFRASTRUCTURE IMPROVEMENT AND MAINTENANCE. (a) Not later than May 1 of each year, each electric utility shall submit to the commission a report describing the utility's activities related to:  
(1) identifying areas that are susceptible to damage during severe weather and hardening transmission and distribution facilities in those areas;  
(2) vegetation management; and  
(3) inspecting distribution poles.  
(b) Each electric utility shall include in a report required under Subsection (a) a summary of the utility's activities related to preparing for emergency operations.

Same as House version.

No equivalent provision.

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

SECTION 2.05. Same as Senate version.

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No equivalent provision.

**ARTICLE 3. HEALTH AND SAFETY PROVISIONS**

ARTICLE 3. Same as Senate version.

No equivalent provision.

**SECTION \_\_.** Section 81.046, Health and Safety Code, is amended by amending Subsections (a), (c), and (f) and adding Subsection (g) to read as follows:

No equivalent provision.

(a) Reports, records, and information received from any source, including from a federal agency or from another state, furnished to a public health district, a health authority, a local health department, or the department that relate to cases or suspected cases of diseases or health conditions are confidential and may be used only for the purposes of this chapter.

(c) Medical or epidemiological information may be released:

(1) for statistical purposes if released in a manner that prevents the identification of any person;

(2) with the consent of each person identified in the information;

(3) to medical personnel treating the individual, appropriate state agencies in this state or another state, a health authority or local health department in this state or another state, or federal, county, or [and] district courts to comply with this chapter and related rules relating to the control and treatment of communicable diseases and health conditions or under another state or federal law that expressly authorizes the disclosure of this information;

(4) to appropriate federal agencies, such as the Centers

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for Disease Control and Prevention of the United States Public Health Service, but the information must be limited to the name, address, sex, race, and occupation of the patient, the date of disease onset, the probable source of infection, and other requested information relating to the case or suspected case of a communicable disease or health condition; or

(5) to medical personnel to the extent necessary in a medical emergency to protect the health or life of the person identified in the information.

(f) Reports, records, and information relating to cases or suspected cases of diseases or health conditions may be released to the extent necessary during a public health disaster to law enforcement personnel solely for the purpose of protecting the health or life of the person identified in the report, record, or information. Only the minimum necessary information may be released under this subsection, as determined by the health authority, the local health department, or the department.

(g) A judge of a county or district court may issue a protective order or take other action to limit disclosure of medical or epidemiological information obtained under this section before that information is entered into evidence or otherwise disclosed in a court proceeding.

No equivalent provision.

SECTION \_\_. Section 81.103, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (k) to read as follows:

No equivalent provision.



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- (b) A test result may be released to:
- (1) the department under this chapter;
  - (2) a local health authority if reporting is required under this chapter;
  - (3) the Centers for Disease Control and Prevention of the United States Public Health Service if reporting is required by federal law or regulation;
  - (4) the physician or other person authorized by law who ordered the test;
  - (5) a physician, nurse, or other health care personnel who have a legitimate need to know the test result in order to provide for their protection and to provide for the patient's health and welfare;
  - (6) the person tested or a person legally authorized to consent to the test on the person's behalf;
  - (7) the spouse of the person tested if the person tests positive for AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS;
  - (8) a person authorized to receive test results under Article 21.31, Code of Criminal Procedure, concerning a person who is tested as required or authorized under that article; ~~and~~
  - (9) a person exposed to HIV infection as provided by Section 81.050; and
  - (10) a county or district court to comply with this chapter or rules relating to the control and treatment of communicable diseases and health conditions.
- (k) A judge of a county or district court may issue a

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protective order or take other action to limit disclosure of a test result obtained under this section before that information is entered into evidence or otherwise released in a court proceeding.

No equivalent provision.

SECTION \_\_. Subtitle F, Title 2, Health and Safety Code, is amended by adding Chapter 123 to read as follows:

CHAPTER 123. PUBLIC HEALTH EXTENSION SERVICE PILOT PROGRAM

Sec. 123.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of State Health Services; and

(2) "Program" means the public health extension service pilot program established under this chapter.

Sec. 123.002. PROGRAM ESTABLISHED: PURPOSES. (a) The department shall establish a public health extension service pilot program in Health Service Region 11, a region of the state that may be particularly vulnerable to biosecurity threats, disaster, and other emergencies.

(b) The purpose of the program is to support local public health and medical infrastructure, promote disease control and medical preparedness, and enhance biosecurity, including detection of dangerous biologic agents, availability of pathology services, and management of hazardous materials.

Sec. 123.003. RULES. The executive commissioner of

SECTION 3.01. Same as Senate version.

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the Health and Human Services Commission may adopt rules for the implementation and administration of the program.

Sec. 123.004. PROGRAM ADMINISTRATION. The department may contract with The Texas A&M University System or The University of Texas System or both to implement or administer the program.

Sec. 123.005. PROGRAM OBJECTIVES. Through the program, the department may implement projects and systems to accomplish the purposes of the program described by Section 123.002, and may:

(1) provide support for regional disaster medical assistance teams and tactical medical operations incident management teams;

(2) establish a disaster training and exercise program;

(3) establish and equip caches of necessary medical supplies and equipment for use in disasters and other emergencies;

(4) establish a regionally based system of emergency medical logistics management to support state and federal emergency management authorities, including local patient triage sites and local emergency medical operations; and

(5) establish a regionally based system to provide technical assistance for disaster mitigation and recovery.

Sec. 123.006. REPORT. Not later than December 1, 2010, the department shall report to the governor, lieutenant governor, and speaker of the house of representatives on the program, including

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recommendations for continuing and expanding the program to other regions of the state.

Sec. 123.007. EXPIRATION. This chapter expires and the program is abolished September 2, 2011.

No equivalent provision.

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. Same as Senate version.

No equivalent provision.

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

SECTION 3.03. Same as Senate version.

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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.**

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

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

SECTION 3.03a. Subchapter D, Chapter 771, Health and Safety Code, is amended by adding Section 771.0712 to read as follows:

**Sec. 771.0712. PREPAID 9-1-1 EMERGENCY SERVICE FEE. (a) To ensure that all 9-1-1 agencies under Section 418.051, Government Code are adequately funded, beginning on June 1, 2010, a prepaid wireless 9-1-1 emergency services fee of two percent of the purchase price of each prepaid wireless telecommunications service purchased by any method, shall be collected by the seller from the consumer at the time of each retail transaction of prepaid wireless telecommunications service occurring in this state and remitted to the comptroller consistent with Chapter 151,**

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No equivalent provision.

SECTION \_\_. Subdivision (12), Section 771.001, Health and Safety Code, is amended to read as follows:  
(12) "Wireless service provider" means a provider of commercial mobile service under Section 332(d), Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq.), Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993 (Pub. L. No. 103-66), and includes a provider of wireless two-way communication service, radio-telephone communications related to cellular telephone service, network radio access lines or the equivalent, and personal communication service. The term does not include a provider of:  
(A) a service whose users do not have access to 9-1-1 service;  
(B) a communication channel used only for data transmission;  
(C) a wireless roaming service or other nonlocal radio access line service; ~~or~~  
(D) a private telecommunications service; or

Tax Code, and distributed consistent with the procedures in place for the emergency services fee in Section 771.0711, Health and Safety Code. A seller may deduct and retain two percent of prepaid wireless 9-1-1 emergency services fees that it collects under this section to offset its costs in administering this fee.

(b) The comptroller shall adopt rules to implement this section by June 1, 2010.

Same as House version.

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(E) a prepaid wireless telecommunications service, as defined by Section 771.081, only to the extent of the sale or provision of the service.

No equivalent provision.

SECTION \_\_. Section 771.032, Health and Safety Code, is amended to read as follows:

Same as House version.

Sec. 771.032. APPLICATION OF SUNSET ACT. (a) The Commission on State Emergency Communications is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2011.

(b) As part of the Sunset Advisory Commission's review under Subsection (a), the Sunset Advisory Commission, in its report to the 82nd Legislature, shall include:

(1) the effect of the prepaid wireless 9-1-1 emergency services fee on revenues collected and the extent to which those revenues increased or decreased total revenues attributable to wireless telecommunications services; and

(2) whether the total of all revenues received from 9-1-1 services fees adequately fund public safety in this state at the time the review is conducted and whether the 9-1-1 services fees will continue to adequately fund public safety in future years.

No equivalent provision.

SECTION \_\_. Subsection (d), Section 771.056, Health

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and Safety Code, is amended to read as follows:

(d) If the commission approves the plan, it shall allocate to the region from the money collected under Sections 771.071, 771.0711, ~~[and]~~ 771.072, and 771.082 and appropriated to the commission the amount that the commission considers appropriate to operate 9-1-1 service in the region according to the plan and contracts executed under Section 771.078.

No equivalent provision.

SECTION \_\_. Section 771.075, Health and Safety Code, is amended to read as follows:

Sec. 771.075. USE OF REVENUE. Except as provided by Section 771.0751, 771.0753, 771.072(e), 771.072(f), ~~[or]~~ 771.073(e), or 771.082(g), fees and surcharges collected under this subchapter and Subchapter D-1 may be used only for planning, development, provision, and enhancement of the effectiveness of 9-1-1 service as approved by the commission.

Same as House version.

No equivalent provision.

SECTION \_\_. Subchapter D, Chapter 771, Health and Safety Code, is amended by adding Section 771.0753 to read as follows:

Sec. 771.0753. USE OF PREPAID WIRELESS 9-1-1 EMERGENCY SERVICES FEE IN CERTAIN COUNTIES. (a) This section applies only to the use of fees and surcharges collected under Subchapter D-1 in:  
(1) the county that has the highest population within a

Same as House version.



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region subject to Subchapter D-1; or  
(2) a county subject to Subchapter D-1 with a population of at least 700,000.  
(b) In addition to use authorized or required by this subchapter, fees collected under Subchapter D-1 may be used for any costs considered necessary by the commission and attributable to:  
(1) designing a 9-1-1 system; or  
(2) obtaining and maintaining equipment and personnel necessary to establish and operate:  
(A) a public safety answering point and related operations; or  
(B) other related answering points and operations.

No equivalent provision.

SECTION \_\_. Subsections (a), (d), and (e), Section 771.077, Health and Safety Code, are amended to read as follows:

(a) The comptroller may establish collection procedures to collect past due amounts and may recover the costs of collection from a service provider or business service user that fails to timely deliver the fees and the equalization surcharge to the comptroller. Subtitles A and B, Title 2, Tax Code, apply to the administration and collection of amounts by the comptroller under this subchapter. Section 771.084 applies to the administration and collection of amounts by the comptroller under Subchapter D-1.  
(d) The comptroller shall:

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- (1) remit to the commission money collected under this section for fees provided by Section 771.0711 and associated late penalties;
  - (2) deposit to the 9-1-1 services fee account any money collected under this section for fees provided by Section 771.071 and associated late penalties; ~~and~~
  - (3) deposit to the account as authorized by Section 771.072 any money collected under this section for fees provided by Section 771.072 and associated late penalties; and
  - (4) remit to the commission any money collected under this section for fees provided by Section 771.082 and associated late penalties.
- (e) The commission shall:
- (1) deposit or distribute the money remitted under Subsection (d)(1) as Section 771.0711 provides for fees received under that section; ~~and~~
  - (2) distribute the money remitted under Subsection (d)(2) and appropriated to the commission under contracts as provided by Section 771.078(b)(1); and
  - (3) deposit or distribute the money remitted under Subchapter D-1 as Section 771.082 provides for fees received under that section.

No equivalent provision.

SECTION \_\_. Subsection (b), Section 771.078, Health and Safety Code, is amended to read as follows:  
(b) In making contracts under this section, the commission shall ensure that each regional planning

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commission receives money for 9-1-1 service in three [two] separately computed amounts as provided by this subsection. The commission must provide each regional planning commission with:

(1) an amount of money equal to the total of the revenue from the emergency service fees collected under Section 771.071 that is deposited in the treasury and appropriated to the commission multiplied by a fraction, the numerator of which is the amount of those fees collected from the region and the denominator of which is the total amount of those fees collected in this state; ~~and~~

(2) an amount of money equal to the total of the revenue from the emergency service fee for wireless telecommunications connections under Section 771.0711 that is deposited in the treasury and appropriated to the commission multiplied by a fraction, the numerator of which is the population of the region and the denominator of which is the population of this state; and

(3) an amount of money equal to the total of the revenue from the prepaid wireless 9-1-1 emergency services fee under Section 771.082 that is deposited in the treasury and appropriated to the commission multiplied by a fraction, the numerator of which is the population of the region and the denominator of which is the population of this state.

No equivalent provision.

SECTION \_\_. Subsection (b), Section 771.079, Health and Safety Code, is amended to read as follows:

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- (b) The account consists of:
- (1) fees deposited in the fund as provided by Sections 771.071, ~~[and] 771.0711, and 771.082;~~ and
  - (2) notwithstanding Section 404.071, Government Code, all interest attributable to money held in the account.

No equivalent provision.

SECTION \_\_. Chapter 771, Health and Safety Code, is amended by adding Subchapter D-1 to read as follows:  
SUBCHAPTER D-1. PREPAID WIRELESS 9-1-1 EMERGENCY SERVICES FEE

Same as House version.

Sec. 771.081. DEFINITIONS. In this subchapter:

- (1) "Consumer" means a person who purchases prepaid wireless telecommunications service in a retail transaction.
- (2) "Prepaid wireless 9-1-1 emergency services fee" means the fee a seller collects from a consumer in the amount required under Section 771.082.
- (3) "Prepaid wireless telecommunications service" means a wireless telecommunications service that allows a caller to access 9-1-1 emergency communications services that is paid for in advance at the time of purchase and that is sold:
  - (A) in predetermined units or dollars, the number of which declines with use in a known amount; or
  - (B) on a time period basis.
- (4) "Retail transaction" means an individual purchase of a prepaid wireless telecommunications service from a seller for any purpose other than resale.

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(5) "Seller" means a person who sells prepaid wireless telecommunications service to any person. The term includes "seller" and "retailer" as defined by Section 151.008, Tax Code.

(6) "Wireless telecommunications service" means commercial mobile radio service as defined by 47 C.F.R. Section 20.3.

Sec. 771.082. PREPAID WIRELESS 9-1-1 EMERGENCY SERVICES FEE. (a) A prepaid wireless 9-1-1 emergency services fee shall be collected by the seller from the consumer at the time of and with respect to each retail transaction of prepaid wireless telecommunications service occurring in this state. The amount of the prepaid wireless 9-1-1 emergency services fee shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer by the seller.

(b) The prepaid wireless 9-1-1 emergency services fee is two percent of the cost of each prepaid wireless telecommunications service purchased, regardless of whether the service was purchased in person, by telephone, through the Internet, or by any other method. Each service purchased is a separate item for purposes of calculating a fee under this subsection.

(c) For purposes of Subsection (a), a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state. Any other

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retail transaction, including a transaction over the Internet or via telecommunications service, shall be treated as occurring in this state for purposes of Subsection (a) if the transaction would be treated as occurring in this state under Section 151.061, Tax Code.

(d) The prepaid wireless 9-1-1 emergency services fee is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless service fees that the seller collects from consumers as provided by Section 771.084, including all such charges that the seller is deemed to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(e) The fee imposed under this subchapter is in addition to the taxes imposed under Chapter 151, Tax Code.

(f) The amount of the prepaid wireless 9-1-1 emergency services fee that is collected by a seller from a consumer, whether or not such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

(g) A seller may deduct and retain two percent of prepaid wireless 9-1-1 emergency services fees that it collects to offset its costs in administering the collection and remittance of this fee.

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Sec. 771.083. EXCEPTIONS TO APPLICABILITY OF CHAPTER AND LIMITATIONS OF LIABILITY. (a)

The comptroller shall establish procedures for a seller to document that a sale is not a retail transaction under this subchapter. The procedures shall substantially conform to procedures for documenting a sale for resale under Chapter 151, Tax Code.

(b) A provider or seller of prepaid wireless telecommunications service is not liable for damages to any person resulting from or incurred in connection with the provision of, or the failure to provide, 9-1-1 emergency service, or for identifying or failing to identify the telephone number, address, location, or name associated with any person or device that is accessing or attempting to access 9-1-1 emergency service, unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence, recklessness, or intentional misconduct.

(c) A provider or seller of prepaid wireless telecommunications service is not liable for damages to any person resulting from or incurred in connection with the provision of any lawful assistance to any investigative or law enforcement officer of the United States, this or any other state, or any political subdivision of this or any other state in connection with any lawful investigation or other law enforcement activity by such investigative or law enforcement officer unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence, recklessness, or intentional

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misconduct.

(d) Information that a provider or seller of prepaid wireless telecommunications service is required to furnish to a governmental entity in providing or selling 9-1-1 emergency service is confidential and exempt from disclosure under Chapter 552, Government Code. A provider or seller of prepaid wireless telecommunications service is not liable to any person who uses a 9-1-1 emergency service created under this chapter for the release of information furnished by the provider or seller of prepaid wireless telecommunications service in providing or selling 9-1-1 emergency service. Information that is confidential under this section may be released only for budgetary calculation purposes and only in aggregate form so that no provider-specific or seller-specific information may be extrapolated.

(e) In addition to the exemption from liability provided by Subsections (b), (c), and (d), each provider and seller of prepaid wireless telecommunications service is entitled to any other exemption from liability under this chapter, if any, that is provided to wireless service providers.

Sec. 771.084. APPLICATION OF PROVISIONS OF TAX CODE. Except as otherwise provided by this subchapter:

(1) the fee imposed by this subchapter is administered, imposed, collected, and enforced in the same manner as a tax under Chapter 151, Tax Code, is administered,



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imposed, collected, and enforced; and  
(2) the provisions applicable to the sales tax imposed under Subchapter C, Chapter 151, Tax Code, apply to the fee imposed by this subchapter.  
Sec. 771.085. ALLOCATION OF FEE. (a) After deducting an amount not greater than 10 percent of collected charges, as determined under Subsection (c), the comptroller shall deposit the money from the fees imposed by this subchapter, other than penalties and interest, to the credit of the 9-1-1 services fee account in the general revenue fund. Until deposited to the credit of the 9-1-1 services fee account as required by Subsection (b), money the comptroller collects under this subchapter remains in a trust fund with the state treasury.  
(b) Money collected under this subchapter may be used only for services related to 9-1-1 and emergency services, including automatic number identification and automatic location information services. Not later than the 15th day after the last day of the month in which the money is collected, the commission shall distribute to each emergency communication district that does not participate in the state system a portion of the money that bears the same proportion to the total amount collected that the population in the area served by the district bears to the population of the state. The remaining money collected under this subchapter shall be deposited to the 9-1-1 services fee account in the general revenue fund.  
(c) The commission shall annually determine by rule the percentage of collected charges, not to exceed 10

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percent, that under Subsection (a) shall be deducted by the comptroller and allocated as if collected under Section 771.072.

Sec. 771.086. EXCLUSIVITY AND APPLICABILITY OF PREPAID WIRELESS 9-1-1 EMERGENCY SERVICES FEE. (a) The prepaid wireless emergency services fee shall be the only 9-1-1 funding obligation imposed with respect to prepaid wireless telecommunications service in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for 9-1-1 funding purposes, or any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

(b) The emergency service fee for wireless telecommunications connections under Section 771.0711 applies to wireless telecommunications service that is not subject to the prepaid wireless 9-1-1 emergency services fee under this subchapter.

No equivalent provision.

SECTION \_\_. This Act takes effect January 1, 2010.

Same as House version.

No equivalent provision.

SECTION 3.03. The change in law made by this Act by the amendment of Section 251.012, Health and Safety Code, applies only to dialysis services provided on or after the effective date of this Act. Dialysis services

SECTION 3.04. Same as Senate version.

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provided before the effective date of this Act are covered by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

No equivalent provision.

**ARTICLE 4. PROVISIONS RELATED TO CERTAIN PUBLIC EMPLOYEES**

ARTICLE 4. Same as Senate version.

No equivalent provision.

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

SECTION 4.01. Same as Senate version.

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

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

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

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

No equivalent provision.

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

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

(b) Notwithstanding any other provision of this chapter

SECTION 4.02. Same as Senate version.

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

No equivalent provision.

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

Same as House version.

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

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

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No equivalent provision.

SECTION 4.03. Subdivision (1-a), Section 161.0001, Health and Safety Code, is amended to read as follows:  
(1-a) "First responder" means:  
(A) any federal, state, local, or private personnel who may respond to a disaster, including:  
(i) public health and public safety personnel;  
(ii) commissioned law enforcement personnel;  
(iii) fire protection personnel, including volunteer firefighters;  
(iv) emergency medical services personnel, including hospital emergency facility staff;  
(v) a member of the National Guard;  
(vi) a member of the Texas State Guard; or  
(vii) any other worker who responds to a disaster in the worker's scope of employment; or  
(B) any related personnel that provide support services during the prevention, response, and recovery phases of a disaster [has the meaning assigned by Section 421.095, Government Code].

SECTION 4.03. Same as Senate version.

No equivalent provision.

ARTICLE 5. JUDICIAL PREPAREDNESS

ARTICLE 5. Same as Senate version.

No equivalent provision.

SECTION 5.01. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.0035 to read as follows:  
Sec. 22.0035. MODIFICATION OR SUSPENSION OF CERTAIN PROVISIONS RELATING TO COURT

SECTION 5.01. Same as Senate version.

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PROCEEDINGS AFFECTED BY DISASTER. (a) In this section, "disaster" has the meaning assigned by Section 418.004.

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

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

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

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

No equivalent provision.

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

(c) The rules may provide for:

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

SECTION 5.02. Same as Senate version.

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[and]

- (2) a coordinated response for the transaction of essential judicial functions in the event of a disaster; and
- (3) any other matter necessary to carry out this chapter or to improve the administration and management of the court system and its auxiliary services.

No equivalent provision.

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

SECTION 5.03. Same as Senate version.

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

- (1) reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural or man-made catastrophes, riots, or hostile military or paramilitary action;
- (2) prepare for prompt and efficient rescue, care, and treatment of persons victimized or threatened by disaster;
- (3) provide a setting conducive to the rapid and orderly restoration and rehabilitation of persons and property affected by disasters;
- (4) clarify and strengthen the roles of the governor, state agencies, the judicial branch of state government, and local governments in prevention of, preparation for, response to, and recovery from disasters;
- (5) authorize and provide for cooperation in disaster mitigation, preparedness, response, and recovery;
- (6) authorize and provide for coordination of activities relating to disaster mitigation, preparedness, response,



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and recovery by agencies and officers of this state, and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate;

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

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

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

No equivalent provision.

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

SECTION 5.04. Same as Senate version.

No equivalent provision.

No equivalent provision.

ARTICLE 6. EDUCATION PROVISIONS

No equivalent provision.

No equivalent provision.

SECTION 6.01. The heading to Section 37.108, Education Code, is amended to read as follows:  
Sec. 37.108. MULTHAZARD EMERGENCY  
OPERATIONS PLAN; SAFETY AND SECURITY  
AUDIT.

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No equivalent provision.

No equivalent provision.

SECTION 6.02. Section 37.108, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (c-1) and (c-2) to read as follows:

(a) Each school district or public junior college district shall adopt and implement a multihazard emergency operations plan for use in the district's facilities [district schools]. The plan must address mitigation, preparedness, response, and recovery as defined by the commissioner of education or commissioner of higher education in conjunction with the governor's office of homeland security. The plan must provide for:

- (1) district employee training in responding to an emergency;
- (2) if the plan applies to a school district, mandatory school drills and exercises to prepare district students and employees for responding to an emergency;
- (3) measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency; and
- (4) the implementation of a safety and security audit as required by Subsection (b).

(b) At least once every three years, each [a] school district or public junior college district shall conduct a safety and security audit of the district's facilities. To the extent possible, a district shall follow safety and security

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audit procedures developed by the Texas School Safety Center or a comparable public or private entity.

(c) A school district or public junior college district shall report the results of the safety and security audit conducted under Subsection (b) to the district's board of trustees and, in the manner required by the Texas School Safety Center, to the Texas School Safety Center.

(c-1) Except as provided by Subsection (c-2), any document or information collected, developed, or produced during a safety and 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 or public junior college district's multihazard emergency operations 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 the Department of State Health Services, local emergency services agencies, law enforcement agencies, health departments, 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 to respond to an emergency and determine the types of

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training, the number of employees trained, and the person conducting the training;

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

(6) if the district is a school district, verify that the district has established a plan for responding to a train derailment if required under Subsection (d);

(7) verify that the district has completed a safety and security audit under Subsection (b) and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the district's board of trustees;

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

(9) if the district is a school district, verify that the district has established a visitor policy and identify the provisions governing access to a district building or other district property.

No equivalent provision.

No equivalent provision.

SECTION 6.03. Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.109 to read as follows:

Sec. 37.109. SCHOOL SAFETY AND SECURITY COMMITTEE. (a) In accordance with guidelines

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established by the Texas School Safety Center, each school district shall establish a school safety and security committee.

(b) The committee shall:

(1) participate on behalf of the district in developing and implementing emergency plans consistent with the district multihazard emergency operations plan required by Section 37.108(a) to ensure that the plans reflect specific campus, facility, or support services needs;

(2) provide the district with any campus, facility, or support services information required in connection with a safety and security audit required by Section 37.108(b), a safety and security audit report required by Section 37.108(c), or another report required to be submitted by the district to the Texas School Safety Center; and

(3) review each report required to be submitted by the district to the Texas School Safety Center to ensure that the report contains accurate and complete information regarding each campus, facility, or support service in accordance with criteria established by the center.

No equivalent provision.

No equivalent provision.

SECTION 6.04. Section 37.202, Education Code, is amended to read as follows:

Sec. 37.202. PURPOSE. The purpose of the center is to serve as:

(1) a central location for school safety and security information, including research, training, and technical assistance related to successful school safety and security programs; [and]

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No equivalent provision.

No equivalent provision.

(2) a central registry of persons providing school safety and security consulting services in the state; and  
(3) a resource for the prevention of youth violence and the promotion of safety in the state.

SECTION 6.05. Section 37.203(a), Education Code, as amended by Chapters 258 (S.B. 11) and 263 (S.B. 103), Acts of the 80th Legislature, Regular Session, 2007, is reenacted to read as follows:

(a) The center is advised by a board of directors composed of:

(1) the attorney general, or the attorney general's designee;

(2) the commissioner, or the commissioner's designee;

(3) the executive director of the Texas Juvenile Probation Commission, or the executive director's designee;

(4) the executive commissioner of the Texas Youth Commission, or the executive commissioner's designee;

(5) the commissioner of the Department of State Health Services, or the commissioner's designee;

(6) the commissioner of higher education, or the commissioner's designee; and

(7) the following members appointed by the governor with the advice and consent of the senate:

(A) a juvenile court judge;

(B) a member of a school district's board of trustees;

(C) an administrator of a public primary school;

(D) an administrator of a public secondary school;

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No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

- (E) a member of the state parent-teacher association;
- (F) a teacher from a public primary or secondary school;
- (G) a public school superintendent who is a member of the Texas Association of School Administrators;
- (H) a school district police officer or a peace officer whose primary duty consists of working in a public school; and
- (I) two members of the public.

SECTION 6.06. Section 37.203(b), Education Code, is amended to read as follows:

(b) Members of the board appointed under Subsection (a)(7) [(a)(6)] serve staggered two-year terms, with the terms of the members described by Subsections (a)(7)(A)-(E) [(a)(6)(A)-(E)] expiring on February 1 of each odd-numbered year and the terms of the members described by Subsections (a)(7)(F)-(I) [(a)(6)(F)-(I)] expiring on February 1 of each even-numbered year. A member may serve more than one term.

SECTION 6.07. Section 37.207(a), Education Code, is amended to read as follows:

(a) The center shall develop a model safety and security audit procedure for use by school districts and public junior college districts that includes:

- (1) providing each district with guidelines [and a training video] showing proper audit procedures;
- (2) reviewing elements of each district audit[, providing the results of the review to the district,] and making

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No equivalent provision.

No equivalent provision.

recommendations for improvements in the state based on that review [the audit]; and  
(3) incorporating the findings of district audits in a statewide report on school safety and security made available by the center to the public.

SECTION 6.08. Section 37.209, Education Code, is amended to read as follows:

Sec. 37.209. CENTER WEBSITE. The center shall develop and maintain an interactive Internet website that includes:

(1) quarterly news updates related to school safety and security and violence prevention;

(2) school crime data;

(3) a schedule of training and special events; and

(4) a list of persons who [approved by the board to] provide school safety or security consulting services in this state and are registered in accordance with Section 37.2091 [presentations].

No equivalent provision.

No equivalent provision.

SECTION 6.09. Subchapter G, Chapter 37, Education Code, is amended by adding Sections 37.2091 and 37.2121 to read as follows:

Sec. 37.2091. REGISTRY OF PERSONS PROVIDING SCHOOL SAFETY OR SECURITY CONSULTING SERVICES. (a) In this section, "school safety or security consulting services" includes any service provided to a school district, institution of higher education, district facility, or campus by a person



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consisting of advice, information, recommendations, data collection, or safety and security audit services relevant to school safety and security, regardless of whether the person is paid for those services.

(b) The center shall establish a registry of persons providing school safety or security consulting services in this state.

(c) Each person providing school safety or security consulting services in this state shall register with the center in accordance with requirements established by the center. The requirements must include provisions requiring a person registering with the center to provide information regarding:

(1) the person's background, education, and experience that are relevant to the person's ability to provide knowledgeable and effective school safety or security consulting services; and

(2) any complaints or pending litigation relating to the person's provision of school safety or security consulting services.

(d) The registry is intended to serve only as an informational resource for school districts and institutions of higher education. The inclusion of a person in the registry is not an indication of the person's qualifications or ability to provide school safety or security consulting services or that the center endorses the person's school safety or security consulting services.

(e) The center shall include information regarding the registry, including the number of persons registered and

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the general degree of school safety or security experience possessed by those persons, in the biennial report required by Section 37.216.

Sec. 37.2121. MEMORANDA OF UNDERSTANDING AND MUTUAL AID AGREEMENTS. (a) The center shall identify and inform school districts of the types of entities, including local and regional authorities, other school districts, and emergency first responders, with whom school districts should customarily make efforts to enter into memoranda of understanding or mutual aid agreements addressing issues that affect school safety and security.

(b) . The center shall develop guidelines regarding memoranda of understanding and mutual aid agreements between school districts and the entities identified in accordance with Subsection (a). The guidelines:

(1) must include descriptions of the provisions that should customarily be included in each memorandum or agreement with a particular type of entity;

(2) may include sample language for those provisions; and

(3) must be consistent with the Texas Statewide Mutual Aid System established under Subchapter E-1, Chapter 418, Government Code.

(c) The center shall encourage school districts to enter into memoranda of understanding and mutual aid agreements with entities identified in accordance with Subsection (a) that comply with the guidelines developed under Subsection (b).

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No equivalent provision.

No equivalent provision.

(d) Each school district that enters into a memorandum of understanding or mutual aid agreement addressing issues that affect school safety and security shall, at the center's request, provide the following information to the center:

(1) the name of each entity with which the school district has entered into a memorandum of understanding or mutual aid agreement;

(2) the effective date of each memorandum or agreement; and

(3) a summary of each memorandum or agreement.

(e) The center shall include information regarding the center's efforts under this section in the report required by Section 37.216.

SECTION 6.10. Section 37.213, Education Code, is amended to read as follows:

Sec. 37.213. PUBLIC JUNIOR COLLEGES [INSTITUTIONS OF HIGHER EDUCATION]. (a) In this section, "public junior college" ["institution of higher education"] has the meaning assigned by Section 61.003.

(b) The center shall research best practices regarding emergency preparedness of public junior colleges and serve as a clearinghouse for that information.

(c) The center shall provide public junior colleges with training, technical assistance, and published guidelines or templates, as appropriate, in the following areas:

(1) multihazard emergency operations plan

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development;

(2) drill and exercise development and implementation;

(3) mutual aid agreements;

(4) identification of equipment and funds that may be used by public junior colleges in an emergency; and

(5) reporting in accordance with 20 U.S.C. Section 1092(f) [An institution of higher education may use any appropriate model plan developed by the center under Section 37.205(4)].

[(c) The center may provide an institution of higher education with on-site technical assistance and safety training.

[(d) The center may charge a fee to an institution of higher education for assistance and training provided under Subsection (c)].

No equivalent provision.

No equivalent provision.

SECTION 6.11. Section 37.216, Education Code, is amended to read as follows:

Sec. 37.216. BIENNIAL [ANNUAL] REPORT. (a) Not later than January [September] 1 of each odd-numbered year, the board shall provide a report to the governor, the legislature, the State Board of Education, and the agency.

(b) The biennial [annual] report must include any findings made by the center regarding school safety and security and the center's functions, budget information, and strategic planning initiatives of the center.

No equivalent provision.

No equivalent provision.

SECTION 6.12. Subchapter G, Chapter 37, Education

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Code, is amended by adding Section 37.2161 to read as follows:

Sec. 37.2161. SCHOOL SAFETY AND SECURITY PROGRESS REPORT. (a) The center shall periodically provide a school safety and security progress report to the governor, the legislature, the State Board of Education, and the agency that contains current information regarding school safety and security in the school districts and public junior college districts of this state based on:

- (1) elements of each district's multihazard emergency operations plan required by Section 37.108(a);
- (2) elements of each district's safety and security audit required by Section 37.108(b); and
- (3) any other report required to be submitted to the center.

(b) The center shall establish guidelines regarding the specific information to be included in the report required by this section.

(c) The center may provide the report required by this section in conjunction with the report required by Section 37.216.

SECTION 6.13. Subchapter E, Chapter 51, Education Code, is amended by adding Section 51.217 to read as follows:

Sec. 51.217. MULTIHAZARD EMERGENCY

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OPERATIONS PLAN; SAFETY AND SECURITY AUDIT. (a) In this section, "institution" means a general academic teaching institution, a medical and dental unit, or other agency of higher education, as those terms are defined by Section 61.003.

(b) An institution shall adopt and implement a multihazard emergency operations plan for use at the institution. The plan must address mitigation, preparedness, response, and recovery. The plan must provide for:

(1) employee training in responding to an emergency;

(2) mandatory drills to prepare students, faculty, and employees for responding to an emergency;

(3) measures to ensure coordination with the Department of State Health Services, local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency; and

(4) the implementation of a safety and security audit as required by Subsection (c).

(c) At least once every three years, an institution shall conduct a safety and security audit of the institution's facilities. To the extent possible, an institution shall follow safety and security audit procedures developed in consultation with the division of emergency management of the office of the governor.

(d) An institution shall report the results of the safety and security audit conducted under Subsection (c) to the institution's board of regents and the division of

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emergency management of the office of the governor.

(e) Except as provided by Subsection (f), any document or information collected, developed, or produced during a safety and security audit conducted under Subsection (c) is not subject to disclosure under Chapter 552, Government Code.

(f) A document relating to an institution's multihazard emergency operations plan is subject to disclosure if the document enables a person to:

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

(2) verify that the institution'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 (b);

(4) verify that institution employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;

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

(6) verify that the institution has completed a safety and

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No equivalent provision.

No equivalent provision.

security audit under Subsection (c) and determine the date the audit was conducted, the person conducting the audit, and the date the institution presented the results of the audit to the board of regents; and  
(7) verify that the institution has addressed any recommendations by the board of regents for improvement of the plan and determine the institution's progress within the last 12 months.

SECTION 6.13a. Chapter 111, Education Code, is amended by adding Subchapter I to read as follows:  
SUBCHAPTER I. UNIVERSITY OF HOUSTON HURRICANE CENTER FOR INNOVATIVE TECHNOLOGY

Sec. 111.121. DEFINITIONS. In this subchapter:

(1) "Board" means the board of regents of the University of Houston System.

(2) "Center" means the University of Houston Hurricane Center for Innovative Technology (UHC-IT) established under this subchapter.

Sec. 111.122. ESTABLISHMENT. (a) The University of Houston Hurricane Center for Innovative Technology is established at the University of Houston.

(b) The organization, control, and management of the center are vested in the board.

(c) The center shall be hosted by the university's College of Engineering. Participation in the center's activities shall be open to any faculty member of the university who is an active researcher in the field of



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materials, nanotechnology, structural engineering, designing of structures, or sensor technology, or in another relevant field as determined by the university.

Sec. 111.123. PURPOSE. The center is created to:

(1) promote interdisciplinary research, education, and training for the development of state-of-the-art products, materials, systems, and technologies designed to mitigate the wind, and asserted structural damages in the built environment and offshore structures caused by hurricanes in the Gulf Coast region; and

(2) develop protocols for the fast and efficient recovery of the public and private sectors, including utilities, hospitals, petrochemical industries, offshore platforms, and municipalities and other local communities following a hurricane.

Sec. 111.124. POWERS AND DUTIES. The center shall:

(1) collaborate with appropriate federal, state, and local agencies and private business or nonprofit entities as necessary to coordinate efforts after a hurricane in the Gulf Coast region;

(2) develop smart materials and devices for use in hurricane protection and mitigation systems for structural monitoring;

(3) develop anchor systems for window and door screens, dwellings and other buildings, pipelines, and other onshore and offshore structures to withstand hurricane wind damage;

(4) develop test facilities for evaluating the performance

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of new products, materials, or techniques designed to protect against hurricane wind damage;

(5) develop specifications and standards for products used for protecting against hurricane wind damage;

(6) design buildings, houses, and other structures to withstand hurricane wind damage; and (9) provide hurricane-related educational programs, seminars, conferences, and workshops to the community designed to ensure safety, minimize loss of life, and mitigate the destruction of property associated with hurricane wind damage.

Sec. 111.125. COLLABORATION WITH OTHER ENTITIES. The University of Houston shall encourage public and private entities to participate in or support the operation of the center and may enter into an agreement with any public or private entity for that purpose. An agreement may allow the center to provide information, services, or other assistance to an entity in exchange for the entity's participation or support.

Sec. 111.126. GIFTS AND GRANTS. The board may solicit, accept, and administer gifts and grants from any public or private source and use existing resources for the purposes of the center. State funding is not available unless the legislature makes specific appropriation for this purpose.

Sec. 111.127. PERSONNEL. The board may employ personnel for the center as necessary.

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No equivalent provision.

No equivalent provision.

SECTION 6.14. Section 418.004(10), Government Code, is amended to read as follows:  
(10) "Local government entity" means a county, incorporated city, independent school district, public junior college district, emergency services district, other special district, joint board, or other entity defined as a political subdivision under the laws of this state that maintains the capability to provide mutual aid.

No equivalent provision.

No equivalent provision.

SECTION 6.15. Section 37.210, Education Code, is repealed.

No equivalent provision.

No equivalent provision.

SECTION 6.16. Sections 37.108(c-1) and (c-2), and Sections 51.217(d) and (e), Education Code, as added by this article, apply only to a request for documents or information that is received on or after the effective date of this article. A request for documents or information that was received before the effective date of this article is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

No equivalent provision.

No equivalent provision.

SECTION 6.17. A person providing school safety or security consulting services in this state shall comply with Section 37.2091, Education Code, as added by this article, not later than January 1, 2010.

No equivalent provision.

No equivalent provision.

SECTION 6.18. This article does not make an appropriation. A provision in this article that creates a

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No equivalent provision.

No equivalent provision.

new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION 6.19. This article takes effect September 1, 2009.

No equivalent provision.

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

CHAPTER 2311. ENERGY SECURITY  
TECHNOLOGIES FOR CRITICAL  
GOVERNMENTAL FACILITIES

Sec. 2311.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

(A) be continuously occupied;

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

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

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

(i) command and control center;

(ii) shelter;

(iii) prison or jail;

(iv) police or fire station;

(v) communications or data center;

(vi) water or wastewater facility;

(vii) hazardous waste storage facility;

(viii) biological research facility;

(ix) hospital; or

(x) food preparation or food storage facility.

Sec. 2311.002. COMBINED HEATING AND POWER SYSTEMS. When constructing or extensively renovating a critical governmental facility or replacing major heating, ventilation, and air-conditioning equipment for a critical governmental facility, the entity with charge and control of the facility shall evaluate whether equipping the facility with a combined heating and power system would result in expected energy savings that would exceed the expected costs of purchasing, operating, and maintaining the system over a 20-year period. Notwithstanding Chapter 2302, the entity

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may equip the facility with a combined heating and power system if the expected energy savings exceed the expected costs.

No equivalent provision.

SECTION \_\_. Chapter 342, Local Government Code, is amended by adding Subchapter Z to read as follows:  
SUBCHAPTER Z. MISCELLANEOUS PROVISIONS  
Sec. 342.901. TRANSPORT OF FIREWORKS. The transport of fireworks in unopened and original packaging may not be prohibited or regulated.

Same as House version.

No equivalent provision.

ARTICLE \_\_. EMERGENCY WATER SERVICE

Same as House version.

No equivalent provision.

SECTION \_\_.01. Subchapter E, Chapter 13, Water Code, is amended by adding Sections 13.1395 and 13.1396 to read as follows:  
Sec. 13.1395. STANDARDS OF EMERGENCY OPERATIONS. (a) In this section:  
(1) "Affected utility" means a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service to more than one customer:  
(A) in a county with a population of 3.3 million or more;  
or  
(B) in a county with a population of 400,000 or more adjacent to a county with a population of 3.3 million or

Same as House version.

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more.

(2) "Emergency operations" means the operation of a water system during an extended power outage at a minimum water pressure of 35 pounds per square inch.

(3) "Extended power outage" means a power outage lasting for more than 24 hours.

(b) An affected utility shall:

(1) ensure the emergency operation of its water system during an extended power outage as soon as safe and practicable following the occurrence of a natural disaster; and

(2) adopt and submit to the commission for its approval an emergency preparedness plan that demonstrates the utility's ability to provide emergency operations.

(c) The commission shall review an emergency preparedness plan submitted under Subsection (b). If the commission determines that the plan is not acceptable, the commission shall recommend changes to the plan. The commission must make its recommendations on or before the 90th day after the commission receives the plan. In accordance with commission rules, an emergency preparedness plan shall provide for one of the following:

(1) the maintenance of automatically starting auxiliary generators;

(2) the sharing of auxiliary generator capacity with one or more affected utilities;

(3) the negotiation of leasing and contracting agreements, including emergency mutual aid agreements

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with other retail public utilities, exempt utilities, or providers or conveyors of potable or raw water service, if the agreements provide for coordination with the division of emergency management in the governor's office;

(4) the use of portable generators capable of serving multiple facilities equipped with quick-connect systems;

(5) the use of on-site electrical generation or distributed generation facilities;

(6) hardening the electric transmission and distribution system serving the water system;

(7) for existing facilities, the maintenance of direct engine or right angle drives; or

(8) any other alternative determined by the commission to be acceptable.

(d) Each affected utility that supplies, provides, or conveys surface water shall include in its emergency preparedness plan under Subsection (b) provisions for the actual installation and maintenance of automatically starting auxiliary generators or distributive generation facilities for each raw water intake pump station, water treatment plant, pump station, and pressure facility necessary to provide water to its wholesale customers.

(e) The commission shall adopt rules to implement this section as an alternative to any rule requiring elevated storage.

(f) The commission shall provide an affected utility with access to the commission's financial, managerial, and technical contractors to assist the utility in complying with the applicable emergency preparedness plan



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submission deadline.

(g) The commission by rule shall create an emergency preparedness plan template for use by an affected utility when submitting a plan under this section. The emergency preparedness plan template shall contain:

(1) a list and explanation of the preparations an affected utility may make under Subsection (c) for the commission to approve the utility's emergency preparedness plan; and

(2) a list of all commission rules and standards pertaining to emergency preparedness plans.

(h) An emergency generator used as part of an approved emergency preparedness plan under Subsection (c) must be operated and maintained according to the manufacturer's specifications.

(i) The commission shall inspect each utility to ensure that the utility complies with the approved plan.

(j) The commission may grant a waiver of the requirements of this section to an affected utility if the commission determines that compliance with this section will cause a significant financial burden on customers of the affected utility.

(k) An affected utility may adopt and enforce limitations on water use while the utility is providing emergency operations.

(l) Except as specifically required by this section, information provided by an affected utility under this section is confidential and is not subject to disclosure under Chapter 552, Government Code.

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Sec. 13.1396. COORDINATION OF EMERGENCY OPERATIONS. (a) In this section:

(1) "Affected utility" has the meaning assigned by Section 13.1395.

(2) "County judge" means a county judge or the person designated by a county judge.

(3) "Electric utility" means the electric transmission and distribution utility providing electric service to the water and wastewater facilities of an affected utility.

(4) "Retail electric provider" has the meaning assigned by Section 31.002, Utilities Code.

(b) An affected utility shall submit to the county judge, the office of emergency management of each county in which the utility has more than one customer, the Public Utility Commission of Texas, and the office of emergency management of the governor, a copy of:

(1) the affected utility's emergency preparedness plan approved under Section 13.1395; and

(2) the commission's notification to the affected utility that the plan is accepted.

(c) Each affected utility shall submit to the county judge and the office of emergency management of each county in which the utility has water and wastewater facilities that qualify for critical load status under rules adopted by the Public Utility Commission of Texas, and to the Public Utility Commission of Texas and the division of emergency management of the governor:

(1) information identifying the location and providing a general description of all water and wastewater facilities

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that qualify for critical load status; and  
(2) emergency contact information for the affected utility, including:  
(A) the person who will serve as a point of contact and the person's telephone number;  
(B) the person who will serve as an alternative point of contact and the person's telephone number; and  
(C) the affected utility's mailing address.  
(d) An affected utility shall immediately update the information provided under Subsection (c) as changes to the information occur.  
(e) Not later than February 1 of each year, the county judge of each county that receives the information required by Subsections (c) and (d) shall:  
(1) submit the information for each affected utility to each retail electric provider that sells electric power to an affected utility and each electric utility that provides transmission and distribution service to an affected utility; and  
(2) in cooperation with the affected utility, submit for each affected utility any forms reasonably required by an electric utility or retail electric provider for determining critical load status, including a critical care eligibility determination form or similar form.  
(f) Not later than May 1 of each year, each electric utility and each retail electric provider shall determine whether the facilities of the affected utility qualify for critical load status under rules adopted by the Public Utility Commission of Texas.

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(g) If an electric utility determines that an affected utility's facilities do not qualify for critical load status, the electric utility and the retail electric provider, not later than the 30th day after the date the electric utility or retail electric provider receives the information required by Subsections (c) and (d), shall provide a detailed explanation of the electric utility's determination to each county judge that submitted the information.

No equivalent provision.

SECTION \_\_.02. (a) Not later than December 1, 2009, the Texas Commission on Environmental Quality shall adopt standards as required by Section 13.1395, Water Code, as added by this article. As part of the rulemaking process, the commission shall conduct at least two public hearings in Harris County. The commission shall issue a report to the governor, lieutenant governor, and speaker of the house of representatives if the commission is unable to adopt the standards by the time provided by this subsection.

Same as House version.

(b) Not later than November 1, 2009, each affected utility shall submit the information required by Section 13.1396, Water Code, as added by this article, to:

- (1) each appropriate county judge and office of emergency management;
- (2) the Public Utility Commission of Texas; and
- (3) the office of emergency management of the governor.

(c) Not later than March 1, 2010, each affected utility

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shall submit to the Texas Commission on Environmental Quality the emergency preparedness plan required by Section 13.1395, Water Code, as added by this article.

(d) Not later than July 1, 2010, each affected utility shall implement the emergency preparedness plan approved by the Texas Commission on Environmental Quality under Section 13.1395, Water Code, as added by this article.

No equivalent provision.

**ARTICLE 6. EFFECTIVE DATE**

Same as House version.

No equivalent provision.

SECTION 6.\_\_\_\_. The change in law made by SECTION 1.\_\_\_\_ of this Act applies only to a claim for unemployment compensation benefits that is filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before that date is governed by the law in effect on the date that the claim was filed, and the former law is continued in effect for that purpose.

Same as House version.

No equivalent provision.

No equivalent provision.

**ARTICLE 7. EFFECTIVE DATE**

SECTION 16. This Act takes effect September 1, 2009.

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

SECTION 7.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2009.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 30, 2009**

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate**  
**Honorable Joe Straus, Speaker of the House, House of Representatives**

**FROM: John S. O'Brien, Director, Legislative Budget Board**

**IN RE: HB1831 by Corte (Relating to disaster preparedness and emergency management and to certain vehicles used in emergencies; providing a penalty.), Conference Committee Report**

**The fiscal implications of the bill cannot be determined at this time.**

**Local Government Impact**

The fiscal implications of the bill cannot be determined at this time.

**Source Agencies:**

**LBB Staff: JOB, KJG**