

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 12  
By: Carona  
Transportation & Homeland Security  
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Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas faces numerous emergency management concerns. The Division of Emergency Management of the Office of the Governor (GDEM) and state agencies have the task of collaborating and coordinating responsibilities during an emergency response. Many Texans would agree that the state has put forth significant efforts over the past disaster season and has made great strides in emergency management response. However, legislation is needed to address certain issues that affect the state's ability to provide emergency relief. These specific issues include evacuation and phased reentry, temporary home repairs, volunteer coordination and awareness, and agribusiness and public information awareness.

Current statute regarding emergency management is located in Chapter 418 (Emergency Management), Government Code. This chapter describes GDEM's mandatory responsibilities, such as determining available state resources in an emergency, assisting counties in emergency response, training county and municipal officials, and maintaining a registry of important facilities and equipment that may be used during an emergency. An enforcement mechanism does not exist for evacuation orders in the current statute. In addition, current law does not require implementation of a phased reentry plan into a declared disaster area. The Texas Department of Agriculture (TDA) is currently not required to prepare an emergency response plan for the agricultural community or business. Furthermore, agencies involved in emergency management are not currently required to disseminate information or report the effectiveness of their emergency response to the legislature.

C.S.S.B. 12 amends current law relating to authorization of county judges and mayors to have enforcement authority under a mandatory evacuation order. C.S.S.B. 12 requires agencies involved with emergency management to disseminate information about emergency preparedness and report annually to the legislature on emergency management activities. It also requires TDA to prepare an agriculture emergency response plan. C.S.S.B. 12 adds Sections 242.0395 (Registration With Texas Information and Referral Network) and 247.0275 (Registration With Texas Information and Referral Network) to the Health and Safety Code to require convalescent homes and assisted living facilities to register with the Texas Information and Referral Network and to inform residents and their families and guardians about evacuation assistance services.

C.S.S.B. 12 amends current statute relating to the requirement of appointed public officials with emergency management duties to obtain three hours of pertinent training and further defines GDEM's responsibilities and authorities, and other agencies roles in assisting GDEM, in responding to state emergencies. C.S.S.B. 12 repeals Chapter 2302 (Cogeneration), Government Code.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Public Utility Commission of Texas in SECTION 2.05, and to the Texas Funeral Service Commission in SECTION 3.02 (Section 695.003, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

#### ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. Amends Section 37.108, Education Code, by adding Subsection (c-1), to provide that any document or information collected during a security audit conducted under Subsection (b) (relating to a school district being required to conduct a security audit at certain times) is not subject to disclosure under Chapter 552 (Public Information), Government Code.

SECTION 1.02. Amends Section 418.004(1), Government Code, to redefine "disaster."

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

(a) Provides that this section applies only to an elected or appointed public officer of the state or of a political subdivision, rather than only an appointed public officer, who has management responsibilities or who plays a role in emergency preparedness, response, or recovery.

(b) Makes conforming changes.

(h) Requires the Texas Engineering Extension Service of The Texas A&M University System (TEEX), with the direction, oversight, and approval of the division of emergency management of the office of the governor (GDEM), to implement online courses and secure continuing education credits for elected or appointed officials, volunteers, or employees requested to attend training or required under Subsection (b) to attend training. Provides that training under this subsection is optional for volunteers.

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

(b) Sets forth the composition of the emergency management council (council).

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

SECTION 1.05. Amends Section 418.042(a), Government Code, to authorize the comprehensive state emergency management plan required to be maintained by GDEM to include provisions for providing information to, rather than education and training of, local officials on activation of the Emergency Alert System established under 47 C.F.R. Part 11; and a database of public facilities that are authorized to be used under Section 418.017 (Use of Public and Private Resources) 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. Makes nonsubstantive changes.

SECTION 1.06. Amends Subchapter C, Chapter 418, Government Code, by adding Section 418.0425, as follows:

Sec. 418.0425. STATE EMERGENCY MANAGEMENT PLAN ANNEX. Requires GDEM, in cooperation with the emergency management council, local governments, regional entities, health and medical facilities, volunteer groups, private sector partners, the Federal Emergency Management Agency (FEMA), and other federal agencies, to 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. Requires that the annex include certain plans, provisions, methods, and guidelines

SECTION 1.07. Amends Section 418.043, Government Code, as follows:

Sec. 418.043. OTHER POWERS AND DUTIES. Requires GDEM to follow certain procedures pertaining to emergency management, including developing a plan to raise public awareness and expand the capability of the information and referral network under Section 531.0312 (Texas Information and Referral Network); improving the integration of volunteer groups, including faith-based organizations, into emergency management plans; cooperating with FEMA to create uniform guidelines for acceptable home repairs

following disasters and promote public awareness of the guidelines; cooperating with state agencies to encourage the public to participate in volunteer emergency response teams and organizations that respond to disasters, and provide information on those programs in state disaster preparedness and educational materials and on Internet websites; and establishing a liability awareness program for volunteers, including medical professionals. Makes nonsubstantive changes.

SECTION 1.08. Amends Section 418.045, Government Code, as follows:

Sec. 418.045. TEMPORARY PERSONNEL. (a) Creates this subsection from existing text.

(b) Authorizes GDEM to 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. Authorizes GDEM to 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. Provides that Chapter 654 (Position Classification), Chapter 2254 (Professional and Consulting Services), and Subtitle D (State Purchasing and General Services), Title 10 (General Government), do not apply in relation to a disaster reservist under this subsection.

SECTION 1.09. Amends Section 418.048, Government Code, as follows:

Sec. 418.048. New heading: MONITORING WEATHER. Deletes existing text requiring GDEM, if it 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, to request in the name of the governor that the officer or agency empowered to issue permits for weather modification operations suspend the issuance of permits. Provides that, on the governor's request, no permits are authorized to be issued until GDEM informs the officer or agency that the danger has passed.

SECTION 1.10. Amends Subchapter C, Chapter 418, Government Code, by adding Section 418.050, as follows:

Sec. 418.050. PHASED REENTRY PLAN. (a) Requires GDEM to 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. Authorizes the plan to provide different reentry procedures for different types of disasters.

(b) Requires that the phased reentry plan recognize the role of local emergency management directors in making all decisions regarding the timing and implementation of reentry plans for a disaster, and provide local emergency management directors with sufficient flexibility to adjust the plan as necessary to accommodate the circumstances of a particular emergency.

(c) Requires that the phased reentry plan provide political subdivisions with the authority to adopt, as a part of a local plan, phased reentry provisions to govern the order in which particular groups of people are allowed to reenter areas of the political subdivision previously evacuated. Provides that in the event of a conflict, the local phased reentry provisions prevail over the conflicting provision of the state phased reentry plan.

(d) Requires GDEM to consider giving priority under the phased reentry plan to public safety officials, utility employees, amateur radio operators, public health officials, health care professionals, judges and court personnel, insurance claims adjusters, the media, and area residents. Requires GDEM to consider preauthorizing insurance claims adjusters to reenter evacuated areas as soon as practicable to begin processing claims.

(e) Requires GDEM, in consultation with representatives of affected parties and local emergency management directors, to develop a reentry credentialing process. Authorizes GDEM to include the credentialing process in the phased reentry plan or administer the credentialing process separately. Requires the Department of Public Safety of the State of Texas (DPS) to provide support for the credentialing process.

SECTION 1.11. Amends Subchapter C, Chapter 418, Government Code, by adding Section 418.051, as follows:

Sec. 418.051. COMMUNICATIONS COORDINATION GROUP. (a) Requires the communications coordination group (group) to facilitate interagency coordination and collaboration to provide efficient and effective planning and execution of communications support to joint, interagency, and intergovernmental task forces.

(b) Requires the group, at the direction of GDEM, to assist with coordination and collaboration during an emergency.

(c) Provides that the group consists of members selected by GDEM, including representatives of the Texas military forces; DPS; FEMA; federal agencies that comprise Emergency Support Function No. 2; the telecommunications industry, including cable service providers, as defined by Section 66.002, Utilities Code; the National Guard's Joint Continental United States Communications Support Environment; the National Guard Bureau; amateur radio operator groups; the Texas Forest Service; the Texas Department of Transportation; the General Land Office; TEEEX; the Railroad Commission of Texas; the Department of State Health Services (DSHS); the judicial branch of state government; the Texas Association of Regional Councils; the United States Air Force Auxiliary Civil Air Patrol, Texas Wing; state agencies, counties, and municipalities affected by the emergency; and other agencies as determined by GDEM.

SECTION 1.12. Amends Subchapter D, Chapter 418, Government Code, by adding Section 418.075, as follows:

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

SECTION 1.13. Amends Section 418.107(b), Government Code, to delete existing text requiring that the functioning of the units be coordinated by the council.

SECTION 1.14. Amends Section 418.117, Government Code, as follows:

Sec. 418.117. LICENSE PORTABILITY. Provides that 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 1.15. Amends Section 418.172(b), Government Code, to authorize an agency, if sufficient funds are not available for the required insurance, to request funding from the disaster contingency fund to purchase the insurance, rather than authorize an agency to petition the disaster emergency funding board (board) to purchase the insurance on the agency's behalf. Deletes existing text authorizing the board to spend money from that fund for that purpose.

SECTION 3. Amends Subchapter H, Chapter 418, Government Code, by adding Sections 418.185, 418.188, 418.1881, 418.1882, 418.189, 418.190, and 418.191, as follows:

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

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

(c) Authorizes 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 to compel persons who remain in the evacuated area to leave.

(d) Provides that a person is civilly liable to a governmental entity, or a nonprofit agency cooperating with a governmental entity, that conducts a rescue on a person's behalf for the cost of the rescue effort if the person knowingly ignored a mandatory evacuation order under this section and engaged in an activity or course of action that a reasonable person would not have engaged in, or failed to take a course of action a reasonable person would have taken; the person's actions under this subsection placed the person or another person in danger; and a governmental rescue effort was undertaken on the person's behalf.

(e) Provides that an officer or employee of the state or a political subdivision who issues or is working to carry out a 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. Requires a state agency, political subdivision, or interjurisdictional agency, not later than the 30th day after the date a request is received from GDEM, to conduct an evaluation of the entity's response to a disaster, identify areas for improvement, and issue a report of the evaluation to GDEM.

Sec. 418.1881. SHELTER OPERATIONS. Requires DSHS, with the direction, oversight, and approval of GDEM, to develop an annex to the state emergency management plan that includes provisions for developing medical special needs categories, categorizing the requirements of individuals with medical special needs, and 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. Requires health care facilities, county officials, and other appropriate entities, each council of government, regional planning commission, or similar regional planning agency created under Chapter 391 (Regional Planning Commissions), Local Government Code, with the direction, oversight, and approval of GDEM and the assistance of DSHS, to develop a regional plan for personnel surge capacity during disasters, including plans for providing lodging and meals for disaster relief workers and volunteers.

Sec. 418.189. DISASTER MANAGEMENT OUTREACH. Requires a state agency involved in disaster management to conduct outreach and disseminate information regarding disaster preparedness and recovery to the general public, including residents of affected areas, and issue an annual report to the legislature regarding those activities.

Sec. 418.190. AGRICULTURE EMERGENCY RESPONSE PLAN. (a) Requires the Texas Department of Agriculture (TDA) and the Texas Animal Health Commission (TAHC), in conjunction with GDEM, to prepare and keep current an agriculture emergency response plan as an annex to the state emergency management plan. Requires the plan to include provisions for identifying and assessing necessary training, resource, and support requirements; and providing information on recovery, relief, and assistance requirements following all types of disasters, including information on biological and

radiological response; and all other information TDA and TAHC determine to be relevant to prepare for an all-hazards approach to agricultural disaster management.

(b) Requires TDA and TAHC to 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) Requires an entity responsible for the care of individuals with medical special needs to develop and distribute information on volunteering in connection with a disaster.

(b) Requires GDEM to 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 1.17. Amends Subchapter B, Chapter 242, Health and Safety Code, by adding Section 242.0395, as follows:

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

(b) Provides that the institution is not required to identify individual residents who may require assistance in an evacuation or to register individual residents with the network for evacuation assistance.

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

SECTION 1.18. Amends Subchapter B, Chapter 247, Health and Safety Code, by adding Section 247.0275, as follows:

Sec. 247.0275. REGISTRATION WITH TEXAS INFORMATION AND REFERRAL NETWORK. (a) Requires an assisted living facility licensed under this chapter to register with the 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) Provides that 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 network for evacuation assistance.

(c) Requires the assisted living facility to notify each resident and the resident's next of kin or guardian regarding how to register for evacuation assistance with the network.

SECTION 1.19. Amends Sections 541.201(1) and (13-a), Transportation Code, to redefine "authorized emergency vehicle" and "police vehicle."

SECTION 1.20. Amends Section 545.421(b), Transportation Code, to require that the officer's vehicle bear the insignia of a law enforcement agency, regardless of whether the vehicle displays an emergency light, rather than be appropriately marked as an official police vehicle.

SECTION 1.21. Repealer: Section 418.072 (Disaster Emergency Funding Board), Government Code.

SECTION 1.22. Provides that on the effective date of this Act, the disaster emergency funding board is abolished.

SECTION 1.23. Makes application of Section 418.005, Government Code, as amended by this Act, prospective.

SECTION 1.24. Makes application of Section 37.108(c-1), Education Code, as added by this Act, prospective.

SECTION 1.25. (a) Requires GDEM, not later than the 30th day after the effective date of this section, to 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. Requires DSHS to cooperate in the preparation of the report.

(b) Effective date, Subsection (a) of this section: upon passage or September 1, 2009.

## ARTICLE 2. EMERGENCY ELECTRICAL POWER

SECTION 2.01. Amends Subtitle G, Title 10, Government Code, by adding Chapter 2311, as follows:

### CHAPTER 2311. ENERGY SECURITY TECHNOLOGIES FOR CRITICAL GOVERNMENTAL FACILITIES

Sec. 2311.001. DEFINITIONS. Defines "combined heating and power system" and "critical governmental facility."

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

SECTION 2.02. Amends Chapter 38, Utilities Code, by adding Subchapter E, as follows:

### SUBCHAPTER E. INFRASTRUCTURE IMPROVEMENT AND MAINTENANCE PLAN

Sec. 38.101. PLAN FOR INFRASTRUCTURE IMPROVEMENT AND MAINTENANCE. (a) Requires each electric utility, not later than January 1, 2010, to file with the Public Utility Commission of Texas (PUC) a plan for infrastructure improvement and maintenance that cost-effectively minimizes the utility's risk of experiencing an extended power outage during severe weather.

(b) Requires PUC to prescribe the details required to be included in each electric utility's plan submitted under Subsection (a), based on the utility's susceptibility to specific types of severe weather likely to occur in the utility's service area, the age of the utility's infrastructure, the utility's history of extended power outages caused by severe weather, and the potential improvements in preparation and response that are available to the utility.

(c) Requires PUC, at a minimum, to require that each utility's plan submitted under Subsection (a) include certain elements.

(d) Requires the utility, for each certain program or project included in a plan submitted under Subsection (a), to include sufficient detail to allow PUC to accept, modify, or reject an individual program or project based on whether the demonstrable benefits to customers exceed the costs.

Sec. 38.102. APPROVAL OF PLAN; HEARING. (a) Requires PUC, on the filing of a plan under Section 38.101, to provide notice to interested parties and an opportunity for a hearing.

(b) Requires PUC to review and approve a new plan or an updated plan not later than the 90th day after the date PUC provides the notice required by Subsection (a), unless a request for a hearing is filed before the end of that period.

(c) Requires PUC, if a request for a hearing is filed within the period prescribed by Subsection (b), to hold a hearing on the plan and to issue an order approving the plan, approving the plan with modifications, or rejecting the entire plan, not later than the 150th day after the date the plan is filed.

(d) Requires PUC, if PUC rejects an electric utility's plan for infrastructure improvement and maintenance, or approves the plan with modifications, to include in the order a detailed explanation of the reasons the plan was rejected or modified. Requires the electric utility, if PUC rejects an electric utility's plan, to file a new plan and seek PUC approval of the new plan.

(e) Provides that PUC's approval of a plan, or approval of a plan with modifications, does not preclude the electric utility from filing a new plan before the utility is required to update an approved plan under Section 38.103; or affect the duty of the electric utility to prove in a ratemaking proceeding that expenditures made pursuant to the plan were reasonable, necessary, and prudently incurred.

(f) Authorizes an expenditure made by an electric utility pursuant to a plan filed under this section to be recovered by the utility in a ratemaking proceeding under Chapter 36 (Rates).

Sec. 38.103. RENEWAL AND REVIEW OF PLAN. (a) Requires an electric utility that files a plan for infrastructure improvement and maintenance required by Section 38.101 to, as required by PUC, file with PUC a report detailing the status of the programs and projects detailed in the plan, and file an updated plan with PUC every six years for PUC's approval.

(b) Authorizes PUC, to prepare an electric utility for future severe weather, to evaluate the effectiveness of an electric utility's plan for infrastructure improvement and maintenance after each occurrence of severe weather that affects the utility's service area.

SECTION 2.03. Repealer: Chapter 2302 (Cogeneration), Government Code.

SECTION 2.04. Makes application of Chapter 2311, Government Code, as added by this Act, prospective to September 1, 2009.

SECTION 2.05. (a) Requires PUC to adopt rules consistent with Subchapter E, Chapter 38, Utilities Code, as added by this Act, not later than October 1, 2009.

(b) Requires each electric utility, not later than January 1, 2010, to file with PUC a proposed plan for infrastructure and improvement as required by Subchapter E, Chapter 38, Utilities Code, as added by this Act.

### ARTICLE 3. HEALTH AND SAFETY PROVISIONS

SECTION 3.01. Amends Section 251.012, Health and Safety Code, as follows:

Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. Creates Subdivision (A) from existing text. Provides that a hospital licensed under Chapter 241 (Hospitals) that provides dialysis only to 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 are not required to be licensed under this chapter.

SECTION 3.02. Amends Subtitle B, Title 8, Health and Safety Code, by adding Chapter 695, as follows:

#### CHAPTER 695. IN-CASKET IDENTIFICATION

Sec. 695.001. DEFINITIONS. Defines "casket" and "commission."

Sec. 695.002. IDENTIFICATION OF DECEASED PERSON. Requires the Texas Funeral Service Commission (TFSC) to 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. Authorizes TFSC to adopt rules to enforce this chapter.

SECTION 3.03. Makes application of Section 251.012, Health and Safety Code, as amended by this Act, prospective.

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

SECTION 4.01. Amends Section 431.082, Government Code, by adding Subsection (d), as follows:

(d) Provides that a member of the Texas State Guard called to state active duty is a temporary employee of the state while on state active duty. Requires the adjutant general to pay members of the Texas State Guard called to state active duty according to the General Appropriations Act. Authorizes the adjutant general, if the length of state active duty exceeds 45 consecutive days, to pay the members of the Texas State Guard called to state active duty up to 140 percent of the amount authorized in the General Appropriations Act.

SECTION 4.02. Amends Subchapter B, Chapter 659, Government Code, by adding Section 659.025, as follows:

Sec. 659.025. USE OF COMPENSATORY TIME BY CERTAIN EMERGENCY SERVICES PERSONNEL; OPTIONAL OVERTIME PAYMENT. (a) Defines "emergency services personnel."

(b) Provides that 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.

(c) Authorizes an employee to whom this section applies, notwithstanding Section 659.016 (Overtime Compensation for Employees Not Subject to Fair Labor Standards Act; Reductions in Pay) or any other law, to 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) Authorizes the administrative head of a state agency that employs an employee to whom this section applies, notwithstanding Section 659.016 or any other law, to 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. Requires the administrative head to reduce the employee's compensatory time balance by one hour for each hour the employee is paid overtime under this section.

SECTION 4.03. Amends Subchapter H, Chapter 660, Government Code, by adding Section 660.209, as follows:

Sec. 660.209. STATE EMERGENCY SERVICES PERSONNEL. (a) Defines "emergency services personnel."

(b) Entitles a state employee who is emergency services personnel and who is deployed to a temporary duty station to conduct emergency or disaster response activities, notwithstanding any other provision of this chapter or the General Appropriations Act, 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.

SECTION 4.04. Amends Section 161.0001(1-a), Health and Safety Code, to redefine "first responder."

#### ARTICLE 5. JUDICIAL PREPAREDNESS

SECTION 5.01. Amends Section 74.093(c), Government Code, to authorize the rules to provide for a coordinated response for the transaction of essential judicial functions in the event of a disaster. Creates Subsection (3) from existing text. Makes a nonsubstantive change.

SECTION 5.02. Amends Section 418.002, Government Code, to include among the purposes of this chapter to clarify and strengthen the roles of the judicial branch of state government in prevention of, preparation for, response to, and recovery from disasters.

SECTION 5.03. Amends Section 418.016, Government Code, as follows:

Sec. 418.016. SUSPENSION OF PROCEDURAL LAWS AND RULES. (a) Creates this subsection from existing text.

(b) Authorizes the supreme court, notwithstanding any other law, by rule or order, or on a case-by-case basis, to exercise the court's inherent authority, with or without the consent of the parties, to suspend procedures for the conduct of any court proceeding affected by a disaster. Authorizes the supreme court to provide abatements and stays, toll or modify other filings and service deadlines, provide for hearings or trials at locations other than the county of suit, provide for courts of appeal to accept filings and hear arguments in remote courthouses, and provide for alternative notice requirements.

(c) Authorizes the court of criminal appeals, if a disaster prevents the supreme court from acting under Subsection (b), to act on behalf of the supreme court. Authorizes the chief justice of the supreme court and the presiding judge of the court of criminal appeals, if the disaster prevents both the supreme court and the court of criminal appeals from acting under Subsection (b), to act on behalf of the judicial branch of state government.

SECTION 5.04. Amends Section 418.042(b), Government Code, to require GDEM, in preparing and revising the state emergency management plan, to seek the advice and assistance of local government, the judicial branch of state government, business, labor, industry, agriculture, civic organizations, volunteer organizations, and community leaders.

#### ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Effective date, except as otherwise provided by this Act: September 1, 2009.