

AN ACT

relating to homeland security and protection of the public, including protections against human trafficking; providing penalties.

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

ARTICLE 1. CERTAIN DISASTER RESPONSE PROCEDURES FOR POLITICAL SUBDIVISIONS

SECTION 1.01. Section 418.004, Government Code, is amended by adding Subdivisions (10) through (14) to read as follows:

(10) "Local government entity" means a county, incorporated city, independent school 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.

(11) "Mutual aid" means a homeland security activity, as defined by Section 421.001, performed under the system or a written mutual aid agreement.

(12) "Requesting local government entity" means a local government entity requesting mutual aid assistance under the system.

(13) "Responding local government entity" means a local government entity providing mutual aid assistance in response to a request under the system.

(14) "System" means the Texas Statewide Mutual Aid

1 System.

2 SECTION 1.02. Subchapter E, Chapter 418, Government Code,
3 is amended by adding Section 418.1015 to read as follows:

4 Sec. 418.1015. EMERGENCY MANAGEMENT DIRECTORS. (a) The
5 presiding officer of the governing body of an incorporated city or a
6 county or the chief administrative officer of a joint board is
7 designated as the emergency management director for the officer's
8 political subdivision.

9 (b) An emergency management director serves as the
10 governor's designated agent in the administration and supervision
11 of duties under this chapter. An emergency management director may
12 exercise the powers granted to the governor under this chapter on an
13 appropriate local scale.

14 (c) An emergency management director may designate a person
15 to serve as emergency management coordinator. The emergency
16 management coordinator shall serve as an assistant to the emergency
17 management director for emergency management purposes.

18 SECTION 1.03. Subsection (c), Section 418.107, Government
19 Code, is amended to read as follows:

20 (c) A local government entity [~~political subdivision or~~
21 ~~regional planning commission~~] may render mutual aid to other local
22 government entities [~~political subdivisions or regional planning~~
23 ~~commissions~~] under mutual aid agreements or the system.

24 SECTION 1.04. The heading to Section 418.109, Government
25 Code, is amended to read as follows:

26 Sec. 418.109. AUTHORITY TO RENDER MUTUAL AID ASSISTANCE.

27 SECTION 1.05. Subsection (d), Section 418.109, Government

1 Code, is amended to read as follows:

2 (d) A local government entity or [~~municipality, county,~~
3 ~~emergency services district, fire protection agency, regional~~
4 ~~planning commission,~~] organized volunteer group[~~, or other~~
5 ~~emergency services entity~~] may provide mutual aid assistance on
6 request from another local government entity or [~~municipality,~~
7 ~~county, emergency services district, fire protection agency,~~
8 ~~regional planning commission,~~] organized volunteer group[~~, or~~
9 ~~other emergency services entity~~]. The chief or highest ranking
10 officer of the entity from which assistance is requested, with the
11 approval and consent of the presiding officer of the governing body
12 of that entity, may provide that assistance while acting in
13 accordance with the policies, ordinances, and procedures
14 established by the governing body of that entity [~~and consistent~~
15 ~~with any mutual aid plans developed by the emergency management~~
16 ~~council~~].

17 SECTION 1.06. Section 418.110, Government Code, is amended
18 to read as follows:

19 Sec. 418.110. STATEWIDE MUTUAL AID PROGRAM FOR FIRE
20 EMERGENCIES. (a) The division, in consultation with state fire
21 protection agencies and the Texas Commission on Fire Protection,
22 may [~~shall~~] develop a statewide mutual aid program for fire
23 emergencies.

24 (b) A program developed under this section:

25 (1) does not alter the legal obligations of a
26 political subdivision participating in the system; and

27 (2) must be consistent with the state emergency

1/22/08

1 management plan.

2 SECTION 1.07. Chapter 418, Government Code, is amended by
3 adding Subchapter E-1 to read as follows:

4 SUBCHAPTER E-1. TEXAS STATEWIDE MUTUAL AID SYSTEM

5 Sec. 418.111. CREATION OF THE TEXAS STATEWIDE MUTUAL AID
6 SYSTEM. (a) The Texas Statewide Mutual Aid System is established
7 to provide integrated statewide mutual aid response capability
8 between local government entities without a written mutual aid
9 agreement.

10 (b) A request for mutual aid assistance between local
11 government entities is considered to be made under the system,
12 unless the requesting and responding entities are parties to a
13 written mutual aid agreement in effect when the request is made.

14 (c) This subchapter does not affect a written mutual aid
15 agreement between local government entities in effect on or before
16 the effective date of this subchapter or restrict the ability of
17 local government entities to enter into a written mutual aid
18 agreement as otherwise authorized by statute after the effective
19 date of this subchapter. If a request is made between local
20 government entities that are parties to a written mutual aid
21 agreement, the terms of that agreement control the rights and
22 obligations of the parties.

23 Sec. 418.112. ADMINISTRATION BY DIVISION. The division
24 shall administer the system. In administering the system, the
25 division shall encourage and assist political subdivisions in
26 planning and implementing comprehensive all-hazards emergency
27 management programs, including assisting political subdivisions to

1 ensure that the local emergency management plan of each subdivision
2 adequately provides for the rendering and receipt of mutual aid.

3 Sec. 418.113. DISASTER DISTRICTS. (a) This state is
4 divided into disaster districts to engage in homeland security
5 preparedness and response activities. The boundaries of the
6 disaster districts coincide with the geographic boundaries of the
7 state planning regions established by the governor under Chapter
8 391, Local Government Code.

9 (b) A disaster district committee is established for each
10 disaster district. Each committee is composed of local
11 representatives of the state agencies, boards, and commissions and
12 organized volunteer groups with representation on the emergency
13 management council.

14 (c) Each disaster district committee shall coordinate with
15 political subdivisions located in the disaster district to ensure
16 that state and federal emergency assets are made available as
17 needed to provide the most efficient and effective response
18 possible.

19 (d) The public safety director of the Department of Public
20 Safety of the State of Texas shall appoint a commanding officer from
21 the Texas Highway Patrol to serve as chair of each disaster district
22 committee. The chair shall:

23 (1) inform the state Director of Homeland Security on
24 all matters relating to disasters and emergencies as requested by
25 the state Director of Homeland Security; and

26 (2) inform the public safety director of the
27 Department of Public Safety of the State of Texas on all matters as

1 requested by the public safety director.

2 (e) Representatives of the emergency management council
3 assigned to each district shall assist the chair of their disaster
4 district committee and provide guidance, counsel, and
5 administrative support as required.

6 Sec. 418.114. PROCEDURES FOR MUTUAL AID. (a) The
7 political subdivisions in each state planning region established by
8 the governor under Chapter 391, Local Government Code, shall agree
9 on procedures that specify the manner in which mutual aid will be
10 provided in response to a request from:

- 11 (1) a political subdivision in the region;
12 (2) a political subdivision in another region; or
13 (3) this state.

14 (b) A copy of the procedures must be provided to the
15 division and the disaster district committee chair.

16 Sec. 418.115. REQUESTING AND PROVIDING MUTUAL AID
17 ASSISTANCE. (a) A request for mutual aid assistance may be
18 submitted verbally or in writing. If a request is submitted
19 verbally, it must be confirmed in writing not later than the 30th
20 day after the date the request was made.

21 (b) If a request for mutual aid assistance is made to a
22 department or agency of a political subdivision, the chief or
23 highest ranking officer of the department or agency, with the
24 approval and consent of the presiding officer of the governing body
25 of the political subdivision or that officer's designee, may
26 provide the requested assistance in accordance with the policies,
27 ordinances, and procedures established by the governing body of the

1 political subdivision.

2 Sec. 418.1151. ASSESSMENT OF ABILITY TO RENDER ASSISTANCE.

3 (a) When contacted with a request for mutual aid assistance, a
4 local government entity shall assess local resources to determine
5 availability of personnel, equipment, and other assistance to
6 respond to the request.

7 (b) A responding local government entity may provide
8 assistance to the extent personnel, equipment, and resources are
9 determined to be available. A local government entity is not
10 required to provide mutual aid assistance unless the entity
11 determines that the entity has sufficient resources to provide
12 assistance, based on current or anticipated events in its
13 jurisdiction.

14 Sec. 418.1152. SUPERVISION AND CONTROL. When providing
15 mutual aid assistance under the system:

16 (1) the response effort must be organized and function
17 in accordance with the National Incident Management System
18 guidelines;

19 (2) the personnel, equipment, and resources of a
20 responding local government entity being used in the response
21 effort are under the operational control of the requesting local
22 government entity unless otherwise agreed;

23 (3) direct supervision and control of personnel,
24 equipment, and resources and personnel accountability remain the
25 responsibility of the designated supervisory personnel of the
26 responding local government entity;

27 (4) unless otherwise agreed in advance, an emergency

1 medical service organization providing assistance under the system
2 shall use the medical protocols authorized by the organization's
3 medical director;

4 (5) the designated supervisory personnel of the
5 responding local government entity shall:

6 (A) maintain daily personnel time records,
7 material records, and a log of equipment hours;

8 (B) be responsible for the operation and
9 maintenance of the equipment and other resources furnished by the
10 responding local government entity; and

11 (C) report work progress to the requesting local
12 government entity; and

13 (6) the responding local government entity's personnel
14 and other resources are subject to recall at any time, subject to
15 reasonable notice to the requesting local government entity.

16 Sec. 418.1153. DURATION OF AID. The provision of mutual aid
17 assistance under the system may continue until:

18 (1) the services of the responding local government
19 entity are no longer required; or

20 (2) the responding local government entity determines
21 that further assistance should not be provided.

22 Sec. 418.116. RIGHTS AND PRIVILEGES. (a) A person
23 assigned, designated, or ordered to perform duties by the governing
24 body of the local government entity employing the person in
25 response to a request under the system is entitled to receive the
26 same wages, salary, pension, and other compensation and benefits,
27 including injury or death benefits, disability payments, and

1 workers' compensation benefits, for the performance of the duties
2 under the system as though the services were rendered for the entity
3 employing the person.

4 (b) The local government entity employing the person is
5 responsible for the payment of wages, salary, pension, and other
6 compensation and benefits associated with the performance of duties
7 under the system.

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

17 Sec. 418.118. REIMBURSEMENT OF COSTS: STATE REQUEST OR
18 FEDERAL DISASTER DECLARATION. (a) The division shall administer
19 all requests for reimbursement for costs associated with providing
20 mutual aid assistance in response to a request made by the division
21 for an incident resulting in the issuance of a disaster declaration
22 by the president of the United States. A request for reimbursement
23 made to the division must be made in accordance with procedures
24 developed by the division.

25 (b) The division may directly request the provision of
26 mutual aid assistance from any local government entity
27 participating in the system. If the division requests the

1 provision of assistance and the local government entity responds,
2 the state shall reimburse the actual costs of providing assistance,
3 including costs for personnel, operation and maintenance of
4 equipment, damaged equipment, food, lodging, and transportation,
5 incurred by the responding local government entity. The state
6 shall pay reimbursements from available state money. If funds are
7 made available from the disaster contingency fund, the division
8 shall make reimbursement from the disaster contingency fund for
9 eligible expenses to the extent that available state money is
10 inadequate.

11 (c) If federal money is available to pay costs associated
12 with the provision of mutual aid assistance in response to a request
13 made by the division, the division shall make the claim for the
14 eligible costs of the responding local government entity on the
15 division's grant application and shall disburse the federal share
16 of the money to the responding local government entity, with
17 sufficient state funds to cover the actual costs incurred by the
18 responding local government entity in providing the assistance.

19 Sec. 418.1181. REIMBURSEMENT OF COSTS: REQUEST BY LOCAL
20 GOVERNMENT ENTITY. (a) If a local government entity requests
21 mutual aid assistance from another local government entity under
22 the system, the requesting local government entity shall reimburse
23 the actual costs of providing mutual aid assistance to the
24 responding local government entity, including costs for personnel,
25 operation and maintenance of equipment, damaged equipment, food,
26 lodging, and transportation, incurred by the responding local
27 government entity in response to a request for reimbursement.

1 Local government entities with a mutual aid agreement when the
2 request for mutual aid assistance is made are subject to the
3 agreement's terms of reimbursement, as provided by Section 418.111.

4 (b) The requesting local government entity shall pay the
5 reimbursement from available funds. If federal money is available
6 to pay costs associated with the provision of mutual aid
7 assistance, the requesting local government entity shall make the
8 claim for the eligible costs of the responding local government
9 entity on the requesting entity's subgrant application and shall
10 disburse the federal share of the money to the responding local
11 government entity, with sufficient local funds to cover the actual
12 costs of the responding local government entity in providing
13 assistance.

14 SECTION 1.08. Subdivision (9), Section 418.004, and
15 Subsections (a), (b), and (c), Section 418.109, Government Code,
16 are repealed.

17 SECTION 1.09. This article takes effect immediately if this
18 Act receives a vote of two-thirds of all the members elected to each
19 house, as provided by Section 39, Article III, Texas Constitution.
20 If this Act does not receive the vote necessary for immediate
21 effect, this article takes effect September 1, 2007.

22 ARTICLE 2. AMATEUR RADIO OPERATORS

23 SECTION 2.01. Subchapter Z, Chapter 661, Government Code,
24 is amended by adding Section 661.919 to read as follows:

25 Sec. 661.919. AMATEUR RADIO OPERATORS. (a) A state
26 employee who holds an amateur radio station license issued by the
27 Federal Communications Commission may be granted leave not to

1 exceed 10 days each fiscal year to participate in specialized
2 disaster relief services without a deduction in salary or loss of
3 vacation time, sick leave, earned overtime credit, or state
4 compensatory time if the leave is taken:

5 (1) with the authorization of the employee's
6 supervisor; and

7 (2) with the approval of the governor.

8 (b) The number of amateur radio operators who are eligible
9 for leave under this section may not exceed 350 state employees at
10 any one time during a state fiscal year. The division of emergency
11 management in the governor's office shall coordinate the
12 establishment and maintenance of the list of eligible employees.

13 SECTION 2.02. Subsection (c), Section 37.082, Education
14 Code, is amended to read as follows:

15 (c) In this section, "paging device" means a
16 telecommunications device that emits an audible signal, vibrates,
17 displays a message, or otherwise summons or delivers a
18 communication to the possessor. The term does not include an
19 amateur radio under the control of an operator who holds an amateur
20 radio station license issued by the Federal Communications
21 Commission.

22 ARTICLE 3. CERTAIN OPEN MEETINGS PROVISIONS RELATED TO SCHOOLS AND
23 GOVERNMENTAL BODIES; TEXAS SCHOOL SAFETY CENTER

24 SECTION 3.01. Subsection (b), Section 12.1051, Education
25 Code, is amended to read as follows:

26 (b) With respect to the operation of an open-enrollment
27 charter school, any requirement in Chapter 551 or 552, Government

1 Code, or another law that concerns open meetings or the
2 availability of information, that applies to a school district, the
3 board of trustees of a school district, or public school students
4 applies to an open-enrollment charter school, the governing body of
5 a charter holder, the governing body of an open-enrollment charter
6 school, or students attending an open-enrollment charter school.

7 SECTION 3.02. Subsection (c), Section 37.108, Education
8 Code, is amended to read as follows:

9 (c) A school district shall report the results of the
10 security audit conducted under Subsection (b) to the district's
11 board of trustees and, in the manner required by the Texas School
12 Safety Center, to the Texas School Safety Center.

13 SECTION 3.03. Subsection (a), Section 37.203, Education
14 Code, is amended to read as follows:

15 (a) The center is advised by a board of directors composed
16 of:

17 (1) the attorney general, or the attorney general's
18 designee;

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

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

22 (4) the executive director of the Texas Youth
23 Commission, or the executive director's designee;

24 (5) the commissioner of the [~~Texas~~] Department of
25 State [~~Mental~~] Health Services [~~and Mental Retardation~~], or the
26 commissioner's designee; [~~and~~]

27 (6) the commissioner of higher education, or the

1 commissioner's designee; and

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

4 (A) a juvenile court judge;

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

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

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

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

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

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

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

19 (I) two members of the public.

20 SECTION 3.04. Section 37.207, Education Code, is amended to
21 read as follows:

22 Sec. 37.207. MODEL SAFETY AND SECURITY AUDIT PROCEDURE.

23 (a) The center shall develop a model safety and security audit
24 procedure for use by school districts that includes:

25 (1) providing each district with guidelines and a
26 training video showing proper audit procedures;

27 (2) reviewing each district audit, providing the

1 results of the review to the district, and making recommendations
2 for improvements based on the audit; and

3 (3) incorporating the findings of district audits in a
4 statewide report on school safety made available by the center to
5 the public.

6 (b) Each school district shall report the results of its
7 audits to the center in the manner required by the center.

8 SECTION 3.05. Subchapter G, Chapter 37, Education Code, is
9 amended by adding Section 37.213 to read as follows:

10 Sec. 37.213. INSTITUTIONS OF HIGHER EDUCATION. (a) In
11 this section, "institution of higher education" has the meaning
12 assigned by Section 61.003.

13 (b) An institution of higher education may use any
14 appropriate model plan developed by the center under Section
15 37.205(4).

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

18 (d) The center may charge a fee to an institution of higher
19 education for assistance and training provided under Subsection
20 (c).

21 SECTION 3.06. Section 551.045, Government Code, is amended
22 by adding Subsection (e) to read as follows:

23 (e) For purposes of Subsection (b)(2), the sudden
24 relocation of a large number of residents from the area of a
25 declared disaster to a governmental body's jurisdiction is
26 considered a reasonably unforeseeable situation for a reasonable
27 period immediately following the relocation. Notice of an

1 emergency meeting or supplemental notice of an emergency item added
2 to the agenda of a meeting to address a situation described by this
3 subsection must be given to members of the news media as provided by
4 Section 551.047 not later than one hour before the meeting.

5 SECTION 3.07. Section 551.076, Government Code, is amended
6 to read as follows:

7 Sec. 551.076. DELIBERATION REGARDING SECURITY DEVICES OR
8 SECURITY AUDITS; CLOSED MEETING. This chapter does not require a
9 governmental body to conduct an open meeting to deliberate:

- 10 (1) the deployment, or specific occasions for
11 implementation, of security personnel or devices; or
12 (2) a security audit.

13 ARTICLE 4. PROVISIONS RELATED TO TOLL ROADS

14 SECTION 4.01. Subsection (a), Section 228.054,
15 Transportation Code, is amended to read as follows:

16 (a) Except as provided by Subsection (e), the operator of a
17 vehicle, other than an authorized emergency vehicle, as defined by
18 Section 541.201, that is driven or towed through a toll collection
19 facility shall pay the proper toll. The exemption from payment of a
20 toll for an authorized emergency vehicle applies regardless of
21 whether the vehicle is:

- 22 (1) responding to an emergency;
23 (2) displaying a flashing light; or
24 (3) marked as an emergency vehicle.

25 SECTION 4.02. Section 284.070, Transportation Code, is
26 amended by adding Subsection (e) to read as follows:

27 (e) An authorized emergency vehicle, as defined by Section

1 541.201, is exempt from payment of a toll imposed under this chapter
2 regardless of whether the vehicle is:

- 3 (1) responding to an emergency;
4 (2) displaying a flashing light; or
5 (3) marked as an emergency vehicle.

6 SECTION 4.03. Subsection (a), Section 366.178,
7 Transportation Code, is amended to read as follows:

8 (a) A motor vehicle other than an authorized emergency
9 vehicle, as defined by Section 541.201, [~~a police or emergency~~
10 vehicle] that passes through a toll collection facility, whether
11 driven or towed, shall pay the proper toll. The exemption from
12 payment of a toll for an authorized emergency vehicle applies
13 regardless of whether the vehicle is:

- 14 (1) responding to an emergency;
15 (2) displaying a flashing light; or
16 (3) marked as a police or emergency vehicle.

17 SECTION 4.04. Subsection (a), Section 370.177,
18 Transportation Code, is amended to read as follows:

19 (a) Except as provided by Subsection (a-1), the operator of
20 a vehicle, other than an authorized emergency vehicle as defined by
21 Section 541.201, that is driven or towed through a toll collection
22 facility of a turnpike project shall pay the proper toll. The
23 operator of a vehicle who drives or tows a vehicle through a toll
24 collection facility and does not pay the proper toll commits an
25 offense. An offense under this subsection is a misdemeanor
26 punishable by a fine not to exceed \$250. The exemption from payment
27 of a toll for an authorized emergency vehicle applies regardless of

1 whether the vehicle is:

- 2 (1) responding to an emergency;
- 3 (2) displaying a flashing light; or
- 4 (3) marked as an emergency vehicle.

5 SECTION 4.05. Subtitle G, Title 6, Transportation Code, is
6 amended by adding Chapter 371 to read as follows:

7 CHAPTER 371. PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF TOLL
8 PROJECT

9 Sec. 371.001. VEHICLES USED BY NONPROFIT DISASTER RELIEF
10 ORGANIZATIONS. (a) In this section:

11 (1) "Toll project" means a toll project described by
12 Section 201.001(b), regardless of whether the toll project is:

- 13 (A) a part of the state highway system; or
- 14 (B) subject to the jurisdiction of the
15 department.

16 (2) "Toll project entity" means an entity authorized
17 by law to acquire, design, construct, finance, operate, and
18 maintain a toll project, including:

- 19 (A) the department under Chapter 227 or 228;
- 20 (B) a regional tollway authority under Chapter
21 366;
- 22 (C) a regional mobility authority under Chapter
23 370; or
- 24 (D) a county under Chapter 284.

25 (b) A toll project entity may not require a vehicle
26 registered under Section 502.203 to pay a toll for the use of a toll
27 project.

1 SECTION 4.06. Section 541.201, Transportation Code, is
2 amended by adding Subdivision (13-a) to read as follows:

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

7 SECTION 4.07. Subsection (d), Section 228.058,
8 Transportation Code, is repealed.

9 ARTICLE 5. OPERATION OF DESIGNATED EMERGENCY VEHICLES

10 SECTION 5.01. Section 418.013, Government Code, is amended
11 by adding Subsection (c) to read as follows:

12 (c) The emergency management council shall make
13 recommendations to the Department of Public Safety as to which
14 private emergency organizations, such as the American National Red
15 Cross, the Salvation Army, Radio Amateur Civil Emergency Service,
16 and other similar organizations with the capability to supplement
17 the state's resources in disaster situations, should be authorized
18 to operate certain vehicles as designated emergency vehicles in the
19 case of a disaster.

20 SECTION 5.02. Subchapter A, Chapter 546, Transportation
21 Code, is amended by adding Section 546.006 to read as follows:

22 Sec. 546.006. DESIGNATED EMERGENCY VEHICLE DURING DECLARED
23 DISASTERS. (a) From recommendations made under Section
24 418.013(c), Government Code, the department shall designate which
25 vehicles may be operated by which designated organizations as
26 emergency vehicles during declared disasters.

27 (b) A vehicle designated under Subsection (a) may be

1 operated by a designated organization as if the vehicle were an
2 authorized emergency vehicle under this subtitle if:

3 (1) the governor declares a state of disaster under
4 Section 418.014, Government Code;

5 (2) the department requests assistance from the
6 designated organization; and

7 (3) the vehicle is operated by the designated
8 organization or a member of the designated organization in response
9 to the state of disaster.

10 (c) The department shall adopt rules as necessary to
11 implement this section.

12 ARTICLE 6. INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC
13 COMMUNICATIONS

14 SECTION 6.01. Section 4, Article 18.20, Code of Criminal
15 Procedure, is amended to read as follows:

16 Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED.

17 A judge of competent jurisdiction may issue an order authorizing
18 interception of wire, oral, or electronic communications only if
19 the prosecutor applying for the order shows probable cause to
20 believe that the interception will provide evidence of the
21 commission of:

22 (1) a felony under Section 19.02, 19.03, or 43.26,
23 Penal Code;

24 (2) a felony under:

25 (A) Chapter 481, Health and Safety Code, other
26 than felony possession of marihuana;

27 (B) Section 485.033, Health and Safety Code; or

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- 1 (C) Chapter 483, Health and Safety Code; [~~or~~]
- 2 (3) an offense under Section 20.03 or 20.04, Penal
- 3 Code;
- 4 (4) an offense under Chapter 20A, Penal Code;
- 5 (5) an offense under Chapter 34, Penal Code, if the
- 6 criminal activity giving rise to the proceeds involves the
- 7 commission of an offense under Title 5, Penal Code, or an offense
- 8 under federal law or the laws of another state containing elements
- 9 that are substantially similar to the elements of an offense under
- 10 Title 5; or
- 11 (6) an attempt, conspiracy, or solicitation to commit
- 12 an offense listed in this section.

ARTICLE 7. EMERGENCY ALERT SYSTEM

SECTION 7.01. 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:

- 19 (1) provisions for prevention and minimization of
- 20 injury and damage caused by disaster;
- 21 (2) provisions for prompt and effective response to
- 22 disaster;
- 23 (3) provisions for emergency relief;
- 24 (4) provisions for energy emergencies;
- 25 (5) identification of areas particularly vulnerable
- 26 to disasters;
- 27 (6) recommendations for zoning, building

1 restrictions, and other land-use controls, safety measures for
2 securing mobile homes or other nonpermanent or semipermanent
3 structures, and other preventive and preparedness measures
4 designed to eliminate or reduce disasters or their impact;

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

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

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

14 (10) organization of manpower and channels of
15 assistance;

16 (11) coordination of federal, state, and local
17 emergency management activities;

18 (12) coordination of the state emergency management
19 plan with the emergency management plans of the federal government;

20 (13) coordination of federal and state energy
21 emergency plans; ~~and~~

22 (14) provisions for education and training of local
23 officials on activation of the Emergency Alert System established
24 under 47 C.F.R. Part 11; and

25 (15) other necessary matters relating to disasters.

26 ARTICLE 8. TEMPORARY CARDBOARD TAGS ON VEHICLES

27 SECTION 8.01. Section 503.005, Transportation Code, is

1 amended by adding Subsections (c) and (d) to read as follows:

2 (c) A dealer who submits information to the database under
3 Section 503.0631 satisfies the requirement for the dealer to notify
4 the department of the sale or transfer of a motor vehicle, trailer,
5 or semitrailer under this section.

6 (d) The notice required under this section is in addition to
7 the application for vehicle registration and certificate of title a
8 dealer is required to submit under Section 501.0234.

9 SECTION 8.02. Subsection (d), Section 503.062,
10 Transportation Code, is amended to read as follows:

11 (d) The department may not issue a dealer temporary
12 cardboard tag or contract for the issuance of a dealer temporary
13 cardboard tag but shall prescribe:

14 (1) the specifications, form, and color of a dealer
15 temporary cardboard tag; ~~and~~

16 (2) procedures for a dealer to generate a
17 vehicle-specific number using the database developed under Section
18 503.0626 and assign it to each tag;

19 (3) procedures to clearly display the
20 vehicle-specific number on the tag; and

21 (4) the period for which a tag may be used for or by a
22 charitable organization.

23 SECTION 8.03. Subsection (e), Section 503.0625,
24 Transportation Code, is amended to read as follows:

25 (e) The department may not issue a converter temporary
26 cardboard tag or contract for the issuance of a converter temporary
27 cardboard tag but shall prescribe:

1 (1) the specifications, form, and color of a converter
2 temporary cardboard tag;

3 (2) procedures for a converter to generate a
4 vehicle-specific number using the database developed under Section
5 503.0626 and assign it to each tag; and

6 (3) procedures to clearly display the
7 vehicle-specific number on the tag.

8 SECTION 8.04. Subchapter C, Chapter 503, Transportation
9 Code, is amended by adding Section 503.0626 to read as follows:

10 Sec. 503.0626. DEALER'S AND CONVERTER'S TEMPORARY TAG
11 DATABASE. (a) The department shall develop and maintain a secure,
12 real-time database of information on vehicles to which dealers and
13 converters have affixed temporary cardboard tags. The database
14 shall be managed by the vehicle titles and registration division of
15 the department.

16 (b) The database must allow law enforcement agencies to use
17 the vehicle-specific number assigned to and displayed on the tag as
18 required by Section 503.062(d) or Section 503.0625(e) to obtain
19 information about the dealer or converter that owns the vehicle.

20 (c) Before a dealer's or converter's temporary cardboard tag
21 may be displayed on a vehicle, the dealer or converter must enter
22 into the database through the Internet information on the vehicle
23 and information about the dealer or converter as prescribed by the
24 department. The department may not deny access to the database to
25 any dealer who holds a general distinguishing number issued under
26 this chapter or who is licensed under Chapter 2301, Occupations
27 Code, or to any converter licensed under Chapter 2301, Occupations

1 Code.

2 (d) The department shall adopt rules and prescribe
3 procedures as necessary to implement this section.

4 SECTION 8.05. Section 503.063, Transportation Code, is
5 amended by amending Subsections (a), (e), and (f) and adding
6 Subsections (g) and (h) to read as follows:

7 (a) Except as provided by this section, a dealer shall [~~may~~]
8 issue to a person who buys a [~~an unregistered~~] vehicle one temporary
9 cardboard buyer's tag for the vehicle.

10 (e) The department may not issue a buyer's tag or contract
11 for the issuance of a buyer's tag but shall prescribe:

12 (1) the specifications, color, and form of a buyer's
13 tag; and

14 (2) procedures for a dealer to:

15 (A) generate a vehicle-specific number using the
16 database developed under Section 503.0631 and assign it to each
17 tag;

18 (B) generate a vehicle-specific number using the
19 database developed under Section 503.0631 for future use for when a
20 dealer is unable to access the Internet at the time of sale; and

21 (C) clearly display the vehicle-specific number
22 on the tag.

23 (f) The department shall ensure that a dealer may generate
24 in advance a sufficient amount of vehicle-specific numbers under
25 Subsection (e)(2)(B) in order to continue selling vehicles for a
26 period of up to one week in which a dealer is unable to access the
27 Internet due to an emergency. The department shall establish an

1 expedited procedure to allow affected dealers to apply for
2 additional vehicle-specific numbers so they may remain in business
3 during an emergency.

4 (g) Using the same vehicle-specific number generated under
5 Subsection (e)(2)(A), a [A] dealer may issue an additional
6 temporary cardboard buyer's tag to a person after the expiration of
7 20 working [21] days after the issue of a temporary cardboard
8 buyer's tag, and the person may operate the vehicle for which the
9 tag was issued on the additional temporary cardboard buyer's tag if
10 the dealer has been unable to obtain on behalf of the vehicle's
11 owner the necessary documents to obtain permanent metal license
12 plates because the documents are in the possession of a lienholder
13 who has not complied with the terms of Section 501.115(a) [~~of this~~
14 code]. An additional tag issued under the terms of this subsection
15 is valid for a maximum of 20 working [21] days after the date of
16 issue.

17 (h) For each buyer's temporary cardboard tag other than an
18 additional temporary cardboard buyer's tag under Subsection (g), a
19 dealer shall charge the buyer a registration fee of not more than \$5
20 as prescribed by the department to be sent to the comptroller for
21 deposit to the credit of the state highway fund.

22 SECTION 8.06. Subchapter C, Chapter 503, Transportation
23 Code, is amended by adding Sections 503.0631 and 503.0632 to read as
24 follows:

25 Sec. 503.0631. BUYER'S TEMPORARY TAG DATABASE. (a) The
26 department shall develop and maintain a secure, real-time database
27 of information on persons to whom temporary buyer's tags are issued

1 that may be used by a law enforcement agency in the same manner that
2 the agency uses vehicle registration information. The database
3 shall be managed by the vehicle titles and registration division of
4 the department.

5 (b) The database must allow law enforcement agencies to use
6 a vehicle-specific number assigned to and displayed on the tag as
7 required by Section 503.063(e)(2) to obtain information about the
8 person to whom the tag was issued.

9 (c) Except as provided by Subsection (d), before a buyer's
10 temporary cardboard tag may be displayed on a vehicle, a dealer must
11 enter into the database through the Internet information about the
12 buyer of the vehicle for which the tag was issued as prescribed by
13 the department and generate a vehicle-specific number for the tag
14 as required by Section 503.063(e). The department may not deny
15 access to the database to any dealer who holds a general
16 distinguishing number issued under this chapter or who is licensed
17 under Chapter 2301, Occupations Code.

18 (d) A dealer shall obtain 24-hour Internet access at its
19 place of business, but if the dealer is unable to access the
20 Internet at the time of the sale of a vehicle, the dealer shall
21 complete and sign a form, as prescribed by the department, that
22 states the dealer has Internet access, but was unable to access the
23 Internet at the time of sale. The buyer shall keep the original
24 copy of the form in the vehicle until the vehicle is registered to
25 the buyer. Not later than the next business day after the time of
26 sale, the dealer shall submit the information required under
27 Subsection (c).

1 (e) The department shall adopt rules and prescribe
2 procedures as necessary to implement this section.

3 (f) The dealer may charge a reasonable fee not to exceed \$20
4 for costs associated with complying with this section.

5 Sec. 503.0632. NOTICE TO BUYER. (a) Each dealer shall
6 provide a one-page written notice to a buyer that explains:

7 (1) the requirements of the law regarding a buyer's
8 temporary cardboard tag;

9 (2) any criminal penalties relating to a buyer's
10 temporary cardboard tag;

11 (3) any action the buyer is required to take
12 concerning a buyer's temporary cardboard tag; and

13 (4) any other information related to the process of
14 purchasing and registering a vehicle as prescribed by the
15 department.

16 (b) The dealer shall require the buyer to sign a statement
17 indicating the buyer received the notice under this section.

18 (c) The department shall adopt rules to:

19 (1) prescribe the specifications and form of the
20 written notice and statement used under this section; and

21 (2) establish a procedure to determine dealer
22 compliance with this section.

23 SECTION 8.07. The heading to Section 503.067,
24 Transportation Code, is amended to read as follows:

25 Sec. 503.067. UNAUTHORIZED REPRODUCTION, PURCHASE, USE, OR
26 SALE OF TEMPORARY CARDBOARD TAGS.

27 SECTION 8.08. Section 503.067, Transportation Code, is

1 amended by amending Subsection (a) and adding Subsections (c) and
2 (d) to read as follows:

3 (a) A person [~~other than a dealer~~] may not produce or
4 reproduce a [~~buyer's or dealer's~~] temporary cardboard tag or an item
5 represented to be a temporary cardboard tag for the purpose of
6 distributing the tag to someone other than a dealer or converter.

7 (c) A person other than a dealer or converter may not
8 purchase a temporary cardboard tag.

9 (d) A person may not sell or distribute a temporary
10 cardboard tag or an item represented to be a temporary cardboard tag
11 unless the person is:

12 (1) a dealer issuing the tag in connection with the
13 sale of a vehicle; or

14 (2) a printer or distributor engaged in the business
15 of selling temporary cardboard tags solely for uses authorized
16 under this chapter.

17 SECTION 8.09. Section 503.094, Transportation Code, is
18 amended by amending Subsection (b) and adding Subsection (d) to
19 read as follows:

20 (b) Except as otherwise provided by this section, an [A]
21 offense under this section is a misdemeanor punishable by a fine of
22 not less than \$50 or more than \$5,000.

23 (d) An offense involving a violation of:

24 (1) Section 503.067(b) or (c) is a Class C
25 misdemeanor;

26 (2) Section 503.067(d) is a Class A misdemeanor;

27 (3) Section 503.067(a) is a state jail felony; and

1 (4) Section 503.067(b), (c), or (d) is a state jail
2 felony if the person who committed the offense criminally conspired
3 to engage in organized criminal activity.

4 SECTION 8.10. Subsection (a), Section 2301.651,
5 Occupations Code, is amended to read as follows:

6 (a) The board may deny an application for a license, revoke
7 or suspend a license, place on probation a person whose license has
8 been suspended, or reprimand a license holder if the applicant or
9 license holder:

10 (1) is unfit under standards described in this chapter
11 or board rules;

12 (2) makes a material misrepresentation in any
13 application or other information filed under this chapter or board
14 rules;

15 (3) violates this chapter or a board rule or order;

16 (4) violates any law relating to the sale,
17 distribution, financing, or insuring of motor vehicles;

18 (5) fails to maintain the qualifications for a
19 license;

20 (6) wilfully defrauds a purchaser; ~~or~~

21 (7) fails to fulfill a written agreement with a retail
22 purchaser of a motor vehicle; or

23 (8) violates the requirements of Section 503.0631,
24 Transportation Code.

25 SECTION 8.11. (a) As soon as practicable after the
26 effective date of this Act, the Texas Department of Transportation
27 shall adopt rules to implement Sections 503.0626 and 503.0631,

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1 Transportation Code, as added by this article.

2 (b) The Texas Department of Transportation may not enforce
3 Section 503.0626 or 503.0631, Transportation Code, as added by this
4 article, until the rules adopted under Subsection (a) of this
5 section take effect and the databases are operational and available
6 to dealers with a general distinguishing number or a converter's
7 license issued under Chapter 2301, Occupations Code.

8 SECTION 8.12. The changes in law made by this article to
9 Sections 503.067 and 503.094, Transportation Code, apply to an
10 offense committed on or after the effective date of this Act. An
11 offense committed before the effective date of this Act is governed
12 by the law in effect when the offense was committed, and the former
13 law is continued in effect for that purpose. For purposes of this
14 section, an offense was committed before the effective date of this
15 Act if any element of the offense was committed before that date.

16 ARTICLE 9. INFORMATION PROVIDED BY CRITICAL INFRASTRUCTURE
17 ENTITIES

18 SECTION 9.01. Subchapter B, Chapter 21, Property Code, is
19 amended by adding Section 21.024 to read as follows:

20 Sec. 21.024. PRODUCTION OF INFORMATION BY CERTAIN ENTITIES
21 CONSIDERED TO BE CRITICAL INFRASTRUCTURE. (a) A utility, a common
22 carrier, or a transporter of oil, gas, or the products of oil or gas
23 is considered to be within the definition of critical
24 infrastructure under Section 421.001, Government Code.
25 Notwithstanding any other law, an entity which is considered
26 critical infrastructure and which is authorized by law to take
27 private property through the use of eminent domain is required to

1 produce information as provided by this section if the information
2 is requested by a person who owns property that is the subject of a
3 proposed or existing eminent domain proceeding, but only if the
4 information is related to the taking of the person's private
5 property by the entity through the use of eminent domain.

6 (b) An entity described by Subsection (a) is required under
7 this section only to produce information relating to the
8 condemnation of the specific property owned by the requestor as
9 described in the request. A request under this section must contain
10 sufficient details to allow the entity to identify the specific
11 tract of land in relation to which the information is sought.

12 (c) The entity shall respond to a request in accordance with
13 the Texas Rules of Civil Procedure as if the request was made in a
14 matter pending before a state district court.

15 (d) Exceptions to disclosure provided by this chapter and
16 the Texas Rules of Civil Procedure apply to the disclosure of
17 information under this section.

18 (e) Jurisdiction to enforce the provisions of this section
19 resides in:

20 (1) the court in which the condemnation was initiated;

21 or

22 (2) if the condemnation proceeding has not been

23 initiated:

24 (A) a court that would have jurisdiction over a
25 proceeding to condemn the requestor's property; or

26 (B) a court in the county in which the entity has
27 its principal place of business that has jurisdiction over

1 condemnation proceedings under this chapter.

2 (f) If the entity refuses to produce information requested
3 in accordance with this section and the court determines the
4 refusal violates this section, the court may award the requestor's
5 reasonable attorney's fees incurred to compel the production of the
6 information.

7 (g) If an entity that received a request in accordance with
8 this section does not produce the requested information on or
9 before the 30th day after the request is made, the attorney general
10 may file an action in a court described by Subsection (e) to enforce
11 this section on the request of the person who made the request for
12 the information. If the court determines that the failure to
13 produce the information is a violation of this section, the court
14 may award the attorney general's reasonable expenses incurred to
15 compel the production of the information.

16 (h) If the attorney general files an action under Subsection
17 (g), the person who requested that the attorney general file the
18 action may not file a private action to enforce this section with
19 respect to the same request for information.

20 (i) Section 552.0037, Government Code, does not apply in
21 relation to those entities described in Subsection (a).

22 ARTICLE 10. LEAVE OF ABSENCE FOR URBAN SEARCH AND RESCUE TEAMS

23 SECTION 10.01. Section 431.005, Government Code, is amended
24 to read as follows:

25 Sec. 431.005. LEAVE OF ABSENCE FOR PUBLIC OFFICERS AND
26 EMPLOYEES. (a) Except as provided by Subsection (b), a person who
27 is an officer or employee of the state, a municipality, a county, or

1 another political subdivision of the state and who is a member of
2 the state military forces, ~~or~~ a reserve component of the armed
3 forces, or a member of a state or federally authorized Urban Search
4 and Rescue Team is entitled to a paid leave of absence from the
5 person's duties on a day on which the person is engaged in
6 authorized training or duty ordered or authorized by proper
7 authority for not more than 15 workdays in a federal fiscal year.
8 During a leave of absence the person may not be subjected to loss of
9 time, efficiency rating, personal time, sick leave, or vacation
10 time.

11 (b) A member of the legislature is entitled to pay for all
12 days that the member is absent from a session of the legislature and
13 engaged in training and duty as provided by Subsection (a).

14 (c) A state employee who is a member of the state military
15 forces, ~~or~~ a reserve component of the armed forces, or a member of
16 a state or federally authorized Urban Search and Rescue Team and who
17 is ordered to duty by proper authority is entitled, when relieved
18 from duty, to be restored to the position that the employee held
19 when ordered to duty.

20 ARTICLE 11. LICENSE PLATES FOR THE MILITARY

21 SECTION 11.01. Subchapter D, Chapter 504, Transportation
22 Code, is amended by adding Section 504.3011 to read as follows:

23 Sec. 504.3011. DESIGN OF CERTAIN LICENSE PLATES FOR THE
24 MILITARY. (a) License plates issued under Section 504.303 must at
25 a minimum bear a color depiction of the emblem of the appropriate
26 branch of the United States armed forces.

27 (b) License plates issued under Section 504.308(a) or

1 504.315(e), (f), or (g) must at a minimum bear a color depiction of
2 the appropriate medal.

3 (c) The department shall design license plates to which this
4 section applies in consultation with veterans organizations.

5 ARTICLE 12. IMMUNIZATION RECORDS OF FIRST RESPONDERS AND RECORDS
6 OBTAINED DURING CERTAIN DISASTERS

7 SECTION 12.01. Section 161.0001, Health and Safety Code, is
8 amended by amending Subdivision (1) and adding Subdivisions (1-a)
9 and (1-b) to read as follows:

10 (1) "Data elements" means the information:

11 (A) a health care provider who administers a
12 vaccine is required to record in a medical record under 42 U.S.C.
13 Section 300aa-25, as amended, including:

14 (i) [~~A~~] the date the vaccine is
15 administered;

16 (ii) [~~B~~] the vaccine manufacturer and lot
17 number of the vaccine;

18 (iii) any adverse or unexpected events for
19 a vaccine; and

20 (iv) [~~C~~] the name, the address, and if
21 appropriate, the title of the health care provider administering
22 the vaccine; and

23 (B) specified in rules adopted to implement
24 Section 161.00705.

25 (1-a) "First responder" has the meaning assigned by
26 Section 421.095, Government Code.

27 (1-b) "Immediate family member" means the parent,

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1 spouse, child, or sibling of a person who resides in the same
2 household as the person.

3 SECTION 12.02. Subchapter A, Chapter 161, Health and Safety
4 Code, is amended by adding Sections 161.00705, 161.00706, and
5 161.00707 to read as follows:

6 Sec. 161.00705. RECORDING ADMINISTRATION OF IMMUNIZATION
7 AND MEDICATION FOR DISASTERS AND EMERGENCIES. (a) The department
8 shall maintain a registry of persons who receive an immunization,
9 antiviral, and other medication administered to prepare for a
10 potential disaster, public health emergency, terrorist attack,
11 hostile military or paramilitary action, or extraordinary law
12 enforcement emergency or in response to a declared disaster, public
13 health emergency, terrorist attack, hostile military or
14 paramilitary action, or extraordinary law enforcement emergency. A
15 health care provider who administers an immunization, antiviral, or
16 other medication shall provide the data elements to the department.

17 (b) The department shall maintain the registry as part of
18 the immunization registry required by Section 161.007.

19 (c) The department shall track adverse reactions to an
20 immunization, antiviral, and other medication administered to
21 prepare for a potential disaster, public health emergency,
22 terrorist attack, hostile military or paramilitary action, or
23 extraordinary law enforcement emergency or in response to a
24 declared disaster, public health emergency, terrorist attack,
25 hostile military or paramilitary action, or extraordinary law
26 enforcement emergency. A health care provider who administers an
27 immunization, antiviral, or other medication may provide data

1 related to adverse reactions to the department.

2 (d) Sections 161.007, 161.0071, 161.0072, and 161.0074
3 apply to the data elements submitted to the department under this
4 section, unless a provision in those sections conflicts with a
5 requirement in this section.

6 (e) The executive commissioner of the Health and Human
7 Services Commission by rule shall determine the period during which
8 the information collected under this section must remain in the
9 immunization registry following the end of the disaster, public
10 health emergency, terrorist attack, hostile military or
11 paramilitary action, or extraordinary law enforcement emergency.

12 (f) Unless an individual or, if a child, the child's parent,
13 managing conservator, or guardian consents in writing to continued
14 inclusion of the child's or other individual's information in the
15 registry, the department shall remove the immunization records
16 collected under this section from the registry on expiration of the
17 period prescribed under Subsection (e).

18 (g) The immunization information of a child or other
19 individual received by the department under this section, including
20 individually identifiable information, may be released only:

21 (1) on consent of the individual or, if a child, the
22 child's parent, managing conservator, or guardian; or

23 (2) to a state agency or health care provider
24 consistent with the purposes of this subchapter or the purposes of
25 aiding or coordinating communicable disease prevention and control
26 efforts during a declared disaster, public health emergency,
27 terrorist attack, hostile military or paramilitary action, or

1 extraordinary law enforcement emergency.

2 (h) The report required under Section 161.0074 must also
3 include the number of complaints received by the department related
4 to the department's failure to remove information from the registry
5 as required by Subsection (f).

6 (1) The executive commissioner of the Health and Human
7 Services Commission shall adopt rules necessary to implement this
8 section.

9 Sec. 161.00706. FIRST RESPONDER IMMUNIZATION INFORMATION.

10 (a) A person 18 years of age or older who is a first responder or an
11 immediate family member of a first responder may:

12 (1) request that a health care provider who
13 administers an immunization to the person provide data elements
14 regarding the immunization to the department for inclusion in the
15 immunization registry; or

16 (2) provide the person's immunization history directly
17 to the department for inclusion in the immunization registry.

18 (b) A health care provider, on receipt of a request under
19 Subsection (a)(1), shall submit the data elements to the department
20 in a format prescribed by the department. The department shall
21 verify the person's request before including the information in the
22 immunization registry.

23 (c) The executive commissioner of the Health and Human
24 Services Commission shall:

25 (1) develop rules to ensure that immunization history
26 submitted under Subsection (a)(2) is medically verified
27 immunization information;

1 (2) develop guidelines for use by the department in
2 informing first responders about the registry; and

3 (3) adopt rules necessary for the implementation of
4 this section.

5 (d) A person's immunization history or data received by the
6 department under this section may be released only on consent of the
7 person or to any health care provider licensed or otherwise
8 authorized to administer vaccines.

9 (e) A person whose immunization records are included in the
10 immunization registry as authorized by this section may request in
11 writing that the department remove that information from the
12 registry. Not later than the 10th day after receiving a request
13 under this subsection, the department shall remove the person's
14 immunization records from the registry.

15 (f) The report required under Section 161.0074 must also
16 include the number of complaints received by the department related
17 to the department's failure to comply with requests for removal of
18 information from the registry under Subsection (e).

19 Sec. 161.00707. INFORMATION AND EDUCATION FOR FIRST
20 RESPONDERS. The department shall develop a program for informing
21 first responders about the immunization registry and educating
22 first responders about the benefits of being included in the
23 immunization registry, including:

24 (1) ensuring that first responders receive necessary
25 immunizations to prevent the spread of communicable diseases to
26 which a first responder may be exposed during a public health
27 emergency, declared disaster, terrorist attack, hostile military

1 or paramilitary action, or extraordinary law enforcement
2 emergency; and

3 (2) preventing duplication of vaccinations.

4 SECTION 12.03. Section 161.007, Health and Safety Code, is
5 amended by amending Subsections (a), (b), and (j) and adding
6 Subsection (b-1) to read as follows:

7 (a) The department, for the primary purpose [~~purposes~~] of
8 establishing and maintaining a single repository of accurate,
9 complete, and current immunization records to be used in aiding,
10 coordinating, and promoting efficient and cost-effective childhood
11 communicable disease prevention and control efforts, shall
12 establish and maintain an [~~a childhood~~] immunization registry. The
13 department by rule shall develop guidelines to:

14 (1) protect the confidentiality of patients in
15 accordance with Section 159.002, Occupations Code;

16 (2) inform a parent, managing conservator, or guardian
17 of each patient younger than 18 years of age about the registry;

18 (3) require the written consent of a parent, managing
19 conservator, or guardian of a patient younger than 18 years of age
20 before any information relating to the patient is included in the
21 registry; [~~and~~]

22 (4) permit a parent, managing conservator, or guardian
23 of a patient younger than 18 years of age to withdraw consent for
24 the patient to be included in the registry; and

25 (5) determine the process by which consent is
26 verified, including affirmation by a health care provider, birth
27 registrar, regional health information exchange, or local

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1 immunization registry that consent has been obtained.

2 (b) The [~~childhood~~] immunization registry must contain
3 information on the immunization history that is obtained by the
4 department under:

5 (1) this section of each person who is younger than 18
6 years of age and for whom consent has been obtained in accordance
7 with guidelines adopted under Subsection (a);

8 (2) Section 161.00705 of persons immunized to prepare
9 for or in response to a declared disaster, public health emergency,
10 terrorist attack, hostile military or paramilitary action, or
11 extraordinary law enforcement emergency; and

12 (3) Section 161.00706 of first responders or their
13 immediate family members.

14 (b-1) The department shall remove from the registry
15 information for any person for whom consent has been withdrawn. The
16 department may not retain individually identifiable information
17 about any person:

18 (1) for whom consent has been withdrawn;

19 (2) for whom a consent for continued inclusion in the
20 registry following the end of the declared disaster, public health
21 emergency, terrorist attack, hostile military or paramilitary
22 action, or extraordinary law enforcement emergency has not been
23 received under Section 161.00705(f); or

24 (3) for whom a request to be removed from the registry
25 has been received under Section 161.00706(e).

26 (j) Except as provided by Sections 161.00705, 161.00706,
27 and [Section] 161.008, information obtained by the department for

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1 the immunization registry is confidential and may be disclosed only
2 with the written consent of the individual or, if a child, the
3 child's parent, managing conservator, or guardian.

4 SECTION 12.04. Subsections (a) and (c), Section 161.0073,
5 Health and Safety Code, are amended to read as follows:

6 (a) Except as provided by Section 161.00705, [~~The~~]
7 information that individually identifies a child or other
8 individual that is received by the department for the immunization
9 registry is confidential and may be used by the department for
10 registry purposes only.

11 (c) A person required to report information to the
12 department for registry purposes or authorized to receive
13 information from the registry may not disclose the individually
14 identifiable information of a child or other individual to any
15 other person without written consent of the individual or, if a
16 child, the parent, managing conservator, or guardian of the child,
17 except as provided by Chapter 159, Occupations Code, or Section
18 602.053, Insurance Code.

19 SECTION 12.05. Section 161.0075, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 161.0075. IMMUNITY FROM LIABILITY. Except as provided
22 by Section 161.009, the following persons subject to this
23 subchapter that act in compliance with Sections 161.007, 161.00705,
24 161.00706, 161.0071, 161.0073, 161.0074, and 161.008 are not
25 civilly or criminally liable for furnishing the information
26 required under this subchapter:

- 27 (1) a payor;

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- 1 (2) a health care provider who administers
- 2 immunizations; and
- 3 (3) an employee of the department.

4 SECTION 12.06. Subsection (a), Section 161.009, Health and
5 Safety Code, is amended to read as follows:

- 6 (a) A person commits an offense if the person:
 - 7 (1) negligently releases or discloses immunization
 - 8 registry information in violation of Section 161.007, 161.0071,
 - 9 161.0073, or 161.008;
 - 10 (2) fails to exclude a child's immunization
 - 11 information in violation of Section 161.0071; [~~or~~]
 - 12 (3) fails to remove a person's immunization
 - 13 information in violation of Section 161.00705 or 161.00706; or
 - 14 (4) negligently uses information in the immunization
 - 15 registry to solicit new patients or clients or for other purposes
 - 16 that are not associated with immunization or quality-of-care
 - 17 purposes, unless authorized under this section.

18 SECTION 12.07. Subchapter A, Chapter 161, Health and Safety
19 Code, is amended by adding Section 161.0102 to read as follows:

20 Sec. 161.0102. DISASTER PREPARATION. The department shall
21 consult with public health departments and appropriate health care
22 providers to identify adult immunizations that may be necessary to
23 respond to or prepare for a disaster or public health emergency,
24 terrorist attack, hostile military or paramilitary action, or
25 extraordinary law enforcement emergency.

26 SECTION 12.08. Subsection (a), Section 161.0105, Health and
27 Safety Code, is amended to read as follows:

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1 (a) A health care provider who acts in compliance with
2 Sections 161.007, 161.00705, 161.00706, and 161.008 and any rules
3 adopted under those sections is not civilly or criminally liable
4 for furnishing the information required under those sections. This
5 subsection does not apply to criminal liability established under
6 Section 161.009.

7 SECTION 12.09. As soon as practicable after the effective
8 date of this Act, the executive commissioner of the Health and Human
9 Services Commission shall adopt the rules required under Sections
10 161.00705 and 161.00706, Health and Safety Code, as added by this
11 article.

12 SECTION 12.10. The change in law made by this article to
13 Section 161.009, Health and Safety Code, applies only to an offense
14 committed on or after the effective date of this Act. An offense
15 committed before the effective date of this Act is covered by the
16 law in effect when the offense was committed, and the former law is
17 continued in effect for that purpose. For the purposes of this
18 section, an offense was committed before the effective date of this
19 Act if any element of the offense was committed before that date.

20 ARTICLE 13. HIGH PRIORITY ACTIVITY FUNDS

21 SECTION 13.01. Section 644.102, Transportation Code, is
22 amended by amending Subsection (b) and adding Subsection (b-1) to
23 read as follows:

24 (b) A municipality or county that engages in enforcement
25 under this chapter:

26 (1) shall pay all costs relating to the municipality's
27 or county's enforcement;

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1 (2) may not be considered, in the context of a federal
2 grant related to this chapter:

3 (A) a party to a federal grant agreement, except
4 as provided by Subsection (b-1); or

5 (B) a grantee under a federal grant to the
6 department; and

7 (3) must comply with the standards established under
8 Subsection (a).

9 (b-1) Subsection (b) does not prohibit a municipality or
10 county from receiving High Priority Activity Funds provided under
11 the federal Motor Carrier Safety Assistance Program.

12 ARTICLE 14. DISEASE MANAGEMENT

13 SECTION 14.01. Section 81.082, Health and Safety Code, is
14 amended by adding Subsection (c-1) to read as follows:

15 (c-1) A health authority may designate health care
16 facilities within the health authority's jurisdiction that are
17 capable of providing services for the examination, observation,
18 quarantine, isolation, treatment, or imposition of control
19 measures during a public health disaster or during an area
20 quarantine under Section 81.085. A health authority may not
21 designate a nursing home or other institution licensed under
22 Chapter 242.

23 SECTION 14.02. Section 81.083, Health and Safety Code, is
24 amended by adding Subsections (k) and (l) to read as follows:

25 (k) If the department or a health authority has reasonable
26 cause to believe that a group of five or more individuals has been
27 exposed to or infected with a communicable disease, the department

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1 or health authority may order the members of the group to implement
2 control measures that are reasonable and necessary to prevent the
3 introduction, transmission, and spread of the disease in this
4 state. If the department or health authority adopts control
5 measures under this subsection, each member of the group is subject
6 to the requirements of this section.

7 (1) An order under Subsection (k) must be in writing and be
8 delivered personally or by registered or certified mail to each
9 member of the group, or the member's parent, legal guardian, or
10 managing conservator if the member is a minor. If the name,
11 address, and county of residence of any member of the group is
12 unknown at the time the order is issued, the department or health
13 authority must publish notice in a newspaper of general circulation
14 in the county that includes the area of the suspected exposure and
15 any other county in which the department or health authority
16 suspects a member of the group resides. The notice must contain the
17 following information:

18 (1) that the department or health authority has
19 reasonable cause to believe that a group of individuals is ill with,
20 has been exposed to, or is the carrier of a communicable disease;

21 (2) the suspected time and place of exposure to the
22 disease;

23 (3) a copy of any orders under Subsection (k);

24 (4) instructions to an individual to provide the
25 individual's name, address, and county of residence to the
26 department or health authority if the individual knows or
27 reasonably suspects that the individual was at the place of the

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1 suspected exposure at the time of the suspected exposure;
2 (5) that the department or health authority may
3 request that an application for court orders under Subchapter G be
4 filed for the group, if applicable; and
5 (6) that a criminal penalty applies to an individual
6 who:
7 (A) is a member of the group; and
8 (B) knowingly refuses to perform or allow the
9 performance of the control measures in the order.

10 SECTION 14.03. Section 81.151, Health and Safety Code, is
11 amended by adding Subsection (e) to read as follows:

12 (e) A single application may be filed for a group if:
13 (1) the department or health authority reasonably
14 suspects that a group of five or more persons has been exposed to or
15 infected with a communicable disease; and
16 (2) each person in the group meets the criteria of this
17 chapter for court orders for the management of a person with a
18 communicable disease.

19 SECTION 14.04. Subchapter G, Chapter 81, Health and Safety
20 Code, is amended by adding Section 81.1511 to read as follows:

21 Sec. 81.1511. APPLICABILITY OF SUBCHAPTER TO GROUP. To the
22 extent possible, and except as otherwise provided, if a group
23 application is filed under Section 81.151(e), the provisions of
24 this subchapter apply to the group in the same manner as they apply
25 to an individual, except that:

26 (1) except as provided by Subdivision (2), any
27 statement or determination regarding the conduct or status of a

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1 person must be made in regard to the majority of the members of the
2 group;

3 (2) any finding or statement related to compliance
4 with orders under Section 81.083 must be made for the entire group;

5 (3) any notice required to be provided to a person
6 must:

7 (A) in addition to being sent to each individual
8 in the group for whom the department or health authority has an
9 address, be published in a newspaper of general circulation in the
10 county that includes the area of the suspected contamination and
11 any other county in which the department or health authority
12 suspects a member of the group resides;

13 (B) state that the group is appointed an attorney
14 but that a member of the group is entitled to the member's own
15 attorney on request; and

16 (C) include instructions for any person who
17 reasonably suspects that the person was at the place of the
18 suspected exposure at the time of the suspected exposure to provide
19 the person's name, address, and county of residence to the
20 department or health authority; and

21 (4) an affidavit of medical evaluation for the group
22 may be based on evaluation of one or more members of the group if the
23 physician reasonably believes that the condition of the individual
24 or individuals represents the condition of the majority of the
25 members of the group.

26 SECTION 14.05. Section 81.152, Health and Safety Code, is
27 amended by adding Subsection (d) to read as follows:

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1 (d) A group application must contain the following
2 information according to the applicant's information and belief:

3 (1) a description of the group and the location where
4 the members of the group may be found;

5 (2) a narrative of how the group has been exposed or
6 infected;

7 (3) an estimate of how many persons are included in the
8 group;

9 (4) to the extent known, a list containing the name,
10 address, and county of residence in this state of each member of the
11 group;

12 (5) if the applicant is unable to obtain the name and
13 address of each member of the group:

14 (A) a statement that the applicant has sought
15 each of the unknown names and addresses; and

16 (B) the reason that the names and addresses are
17 unavailable; and

18 (6) a statement, to be included only in an application
19 for inpatient treatment, that the members of the group fail or
20 refuse to comply with written orders of the department or health
21 authority under Section 81.083, if applicable.

22 SECTION 14.06. Subchapter G, Chapter 81, Health and Safety
23 Code, is amended by adding Section 81.1531 to read as follows:

24 Sec. 81.1531. APPOINTMENT OF ATTORNEY FOR GROUP. (a) A
25 judge shall appoint an attorney to represent a group identified in a
26 group application under Section 81.151(e) and shall appoint an
27 attorney for each person who is listed in the application if

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1 requested by a person in the group who does not have an attorney.

2 (b) To the extent possible, the provisions of this chapter
3 that apply to an individual's attorney apply to a group's attorney.

4 SECTION 14.07. Subsection (a), Section 81.159, Health and
5 Safety Code, is amended to read as follows:

6 (a) The commissioner shall designate health care facilities
7 throughout the state that are capable of providing services for the
8 examination, observation, isolation, or treatment of persons
9 having or suspected of having a communicable disease. However, the
10 commissioner may not designate:

11 (1) a nursing home or custodial care home required to
12 be licensed under Chapter 242; or

13 (2) an intermediate care facility for the mentally
14 retarded required to be licensed under Chapter 252.

15 SECTION 14.08. Section 81.162, Health and Safety Code, is
16 amended by adding Subsections (f) and (g) to read as follows:

17 (f) Notwithstanding Section 81.161 or Subsection (c), a
18 judge or magistrate may issue a temporary protective custody order
19 before the filing of an application for a court order for the
20 management of a person with a communicable disease under Section
21 81.151 if:

22 (1) the judge or magistrate takes testimony that an
23 application under Section 81.151, together with a motion for
24 protective custody under Section 81.161, will be filed with the
25 court on the next business day; and

26 (2) the judge or magistrate determines based on
27 evidence taken under Subsection (d) that there is probable cause to

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1 believe that the person presents a substantial risk of serious harm
2 to himself or others to the extent that the person cannot be at
3 liberty pending the filing of the application and motion.

4 (g) A temporary protective custody order issued under
5 Subsection (f) may continue only until 4 p.m. on the first business
6 day after the date the order is issued unless the application for a
7 court order for the management of a person with a communicable
8 disease and a motion for protective custody, as described by
9 Subsection (f)(1), are filed at or before that time. If the
10 application and motion are filed at or before 4 p.m. on the first
11 business day after the date the order is issued, the temporary
12 protective custody order may continue for the period reasonably
13 necessary for the court to rule on the motion for protective
14 custody.

15 SECTION 14.09. Subsections (b) and (d), Section 81.165,
16 Health and Safety Code, are amended to read as follows:

17 (b) The hearing must be held not later than 72 hours after
18 the time that the person was detained under the protective custody
19 order. If the period ends on a Saturday, Sunday, or legal holiday,
20 the hearing must be held on the next day that is not a Saturday,
21 Sunday, or legal holiday. The judge or magistrate may postpone the
22 hearing for an additional 24 hours if the judge or magistrate
23 declares that an extreme emergency exists because of extremely
24 hazardous weather conditions that threaten the safety of the person
25 or another essential party to the hearing. If the area in which the
26 person is found, or the area where the hearing will be held, is
27 under a public health disaster, the judge or magistrate may

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1 postpone the hearing until the period of disaster is ended.

2 (d) The person and his attorney shall have an opportunity at
3 the hearing to appear and present evidence to challenge the
4 allegation that the person presents a substantial risk of serious
5 harm to himself or others. If the health authority advises the
6 court that the person must remain in isolation or quarantine and
7 that exposure to the judge, jurors, or the public would jeopardize
8 the health and safety of those persons and the public health, a
9 magistrate or a master may order that a person entitled to a hearing
10 for a protective custody order may not appear in person and may
11 appear only by teleconference or another means the magistrate or
12 master finds appropriate to allow the person to speak, to interact
13 with witnesses, and to confer with the person's attorney.

14 SECTION 14.10. Subsections (b) and (c), Section 81.167,
15 Health and Safety Code, are amended to read as follows:

16 (b) A person under a protective custody order shall be
17 detained in an appropriate inpatient health facility that has been
18 designated by the commissioner or by a health authority and
19 selected by the health authority under Section 81.159.

20 (c) A person under a protective custody order may be
21 detained in a nonmedical facility used to detain persons who are
22 charged with or convicted of a crime only with the consent of the
23 medical director of the facility and only if the facility has
24 respiratory isolation capability for airborne communicable
25 diseases. The person may not be detained in a nonmedical facility
26 under this subsection for longer than 72 hours, excluding
27 Saturdays, Sundays, legal holidays, [~~and~~] the period prescribed by

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1 Section 81.165(b) for an extreme weather emergency, and the
2 duration of a public health disaster. The person must be isolated
3 from any person who is charged with or convicted of a crime.

4 SECTION 14.11. Subsection (c), Section 81.168, Health and
5 Safety Code, is amended to read as follows:

6 (c) The head of a facility shall discharge a person held
7 under a protective custody order if:

8 (1) the head of the facility does not receive notice
9 within 72 hours after detention begins, excluding Saturdays,
10 Sundays, legal holidays, [~~and~~] the period prescribed by Section
11 81.165(b) for an extreme weather emergency, and the duration of a
12 public health disaster, that a probable cause hearing was held and
13 the person's continued detention was authorized;

14 (2) a final court order for the management of a person
15 with a communicable disease has not been entered within the time
16 prescribed by Section 81.154; or

17 (3) the health authority or commissioner determines
18 that the person no longer meets the criteria for protective custody
19 prescribed by Section 81.162.

20 SECTION 14.12. Section 81.169, Health and Safety Code, is
21 amended by adding Subsection (1) to read as follows:

22 (1) Notwithstanding Subsection (d), if the health authority
23 advises the court that the person must remain in isolation or
24 quarantine and that exposure to the judge, jurors, or the public
25 would jeopardize the health and safety of those persons and the
26 public health, a judge may order that a person entitled to a hearing
27 may not appear in person and may appear only by teleconference or

1 another means that the judge finds appropriate to allow the person
2 to speak, to interact with witnesses, and to confer with the
3 person's attorney.

4 SECTION 14.13. Section 81.176, Health and Safety Code, is
5 amended to read as follows:

6 Sec. 81.176. DESIGNATION OF FACILITY. In a court order for
7 the temporary or extended management of a person with a
8 communicable disease specifying inpatient care, the court shall
9 commit the person to a health care facility designated by the
10 commissioner or a health authority in accordance with Section
11 81.159.

12 SECTION 14.14. Section 81.177, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 81.177. COMMITMENT TO PRIVATE FACILITY. (a) The
15 court may order a person committed to a private health care facility
16 at no expense to the state if the court receives:

17 (1) an application signed by the person or the person's
18 guardian or next friend requesting that the person be placed in a
19 designated private health care facility at the person's or
20 applicant's expense; and

21 (2) a written agreement from the head of the private
22 health care facility to admit the person and to accept
23 responsibility for the person in accordance with this chapter.

24 (b) Consistent with Subsection (a), the court may order a
25 person committed to a private health care facility at no expense to
26 the state, a county, a municipality, or a hospital district if:

27 (1) a state of disaster or a public health disaster has

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1 been declared or an area quarantine is imposed under Section
2 81.085;

3 (2) the health care facility is located within the
4 disaster area or area quarantine, as applicable; and

5 (3) the judge determines that there is no public
6 health care facility within the disaster area or area quarantine,
7 as applicable, that has appropriate facilities and the capacity
8 available to receive and treat the person.

9 (c) Nothing in this section prevents a health care facility
10 that accepts a person under this section from pursuing
11 reimbursement from any appropriate source, such as a third-party
12 public or private payor or disaster relief fund.

13 ARTICLE 15. CERTAIN MUTUAL ASSISTANCE AGREEMENTS

14 SECTION 15.01. Section 51.212, Education Code, is amended
15 to read as follows:

16 Sec. 51.212. PEACE [~~SECURITY~~] OFFICERS AT PRIVATE
17 INSTITUTIONS. (a) The governing boards of private institutions of
18 higher education, including private junior colleges, are
19 authorized to employ and commission peace officers [~~campus security~~
20 ~~personnel~~] for the purpose of enforcing:

21 (1) state law [~~the law of this state~~] on the campuses
22 of private institutions of higher education; and

23 (2) state and local law, including applicable
24 municipal ordinances, at other locations, as permitted by
25 Subsection (b) or Section 51.2125.

26 (b) Any officer commissioned under the provisions of this
27 section is vested with all the powers, privileges, and immunities

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1 of peace officers if the officer:

2 (1) is [~~while~~] on the property under the control and
3 jurisdiction of the respective private institution of higher
4 education or is otherwise performing [~~in the performance of his~~
5 ~~assigned~~] duties assigned to the officer by the institution,
6 regardless of whether the officer is on property under the control
7 and jurisdiction of the institution, but provided these duties are
8 consistent with the educational mission of the institution and are
9 being performed within a county in which the institution has land;
10 or

11 (2) to the extent authorized by Section 51.2125, is:

12 (A) requested by another law enforcement agency
13 to provide assistance in enforcing state or local law, including a
14 municipal ordinance, and is acting in response to that request; or

15 (B) otherwise assisting another law enforcement
16 agency in enforcing a law described by Paragraph (A).

17 (c) Any officer assigned to duty and commissioned shall take
18 and file the oath required of peace officers, and shall execute and
19 file a good and sufficient bond in the sum of \$1,000, payable to the
20 governor, with two or more good and sufficient sureties,
21 conditioned that the officer [~~he~~] will fairly, impartially, and
22 faithfully perform the duties as may be required of the officer
23 [~~him~~] by law. The bond may be sued on from time to time in the name
24 of the person injured until the whole amount is recovered.

25 (d) [~~(b)~~] The governing boards of private institutions of
26 higher education are authorized to hire and pay on a regular basis
27 peace [~~law-enforcement~~] officers commissioned by an incorporated

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1 city. The officers shall be under the supervision of the hiring
2 institution, but shall be subject to dismissal and disciplinary
3 action by the city. An incorporated city is authorized to contract
4 with a private institution of higher education for the use and
5 employment of its commissioned officers in any manner agreed to,
6 provided that there is no expense incurred by the city.

7 (e) [~~(e)~~] In this section, "private institution of higher
8 education" means a private or independent institution of higher
9 education as defined [~~has the meaning assigned~~] by Section 61.003
10 [~~61.003(15) of this code~~].

11 SECTION 15.02. Subchapter E, Chapter 51, Education Code, is
12 amended by adding Sections 51.2125 and 51.2126 to read as follows:

13 Sec. 51.2125. PRIVATE INSTITUTIONS: AUTHORITY TO ENTER
14 INTO MUTUAL ASSISTANCE AGREEMENT. (a) This section applies only
15 to a private institution of higher education that has a fall head
16 count enrollment of more than 10,000 students and that has under its
17 control and jurisdiction property that is contiguous to, or located
18 in any part within the boundaries of, a municipality with a
19 population of more than one million. For purposes of this section,
20 a private institution of higher education is a private or
21 independent institution of higher education as defined by Section
22 61.003.

23 (b) In addition to exercising the authority provided under
24 Section 51.212(d), the governing board of a private institution of
25 higher education to which this section applies and the governing
26 body of each municipality, regardless of the municipality's
27 population, that is contiguous to, or the boundaries of which

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1 contain any part of, property under the control and jurisdiction of
2 the private institution of higher education may enter into a
3 written mutual assistance agreement in which peace officers
4 commissioned by the institution or the applicable municipality
5 serve the public interest by assisting, without any form of
6 additional compensation or other financial benefit, the peace
7 officers of the other party to the agreement in enforcing state or
8 local law, including applicable municipal ordinances. The
9 agreement must be reviewed at least annually by the institution and
10 the municipality and may be modified at that time by a written
11 agreement signed by each party. The agreement may be terminated at
12 any time by a party to the agreement on the provision of reasonable
13 notice to the other party to the agreement.

14 (c) A mutual assistance agreement authorized by this
15 section may designate the geographic area in which the campus peace
16 officers are authorized to provide assistance to the peace officers
17 of the municipality, except that if the agreement is entered into
18 with a municipality with a population of more than one million, the
19 designated geographic area consists of each of the election
20 districts of the municipality's governing body that contains any
21 part of the campus of the institution and each of the election
22 districts of the governing body that is contiguous to another
23 municipality that contains any part of the campus of the
24 institution.

25 (d) This section does not affect a municipality's duty to
26 provide law enforcement services to any location within the
27 boundaries of the municipality.

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1 (e) A peace officer providing assistance under a mutual
2 assistance agreement authorized by this section may make arrests
3 and exercise all other authority given to peace officers under
4 other state law. The municipal law enforcement agency has
5 exclusive authority to supervise any campus peace officer operating
6 under the agreement to assist the peace officers of the
7 municipality. A municipal peace officer operating under the
8 agreement to assist the campus peace officers remains under the
9 supervision of the municipal law enforcement agency.

10 (f) In the same manner and to the same extent as a
11 municipality is liable for an act or omission of a peace officer
12 employed by the municipality, a private institution of higher
13 education is liable for an act or omission of a campus peace officer
14 operating under a mutual assistance agreement authorized by this
15 section at a location other than property under the control and
16 jurisdiction of the institution.

17 (g) This section does not limit the authority of a campus
18 peace officer to make a warrantless arrest outside the officer's
19 jurisdiction as described by Article 14.03(d), Code of Criminal
20 Procedure.

21 Sec. 51.2126. APPEAL BY CAMPUS PEACE OFFICER OF
22 DISCIPLINARY ACTION OR PROMOTIONAL BYPASS RELATED TO PROVISION OF
23 ASSISTANCE UNDER MUTUAL ASSISTANCE AGREEMENT. (a) A campus peace
24 officer acting under a mutual assistance agreement authorized by
25 Section 51.2125 who is demoted, suspended, or terminated by the
26 applicable private institution of higher education or who
27 experiences a promotional bypass by the institution may elect to

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1 appeal the institution's action to an independent third party
2 hearing examiner under this section.

3 (b) To elect to appeal to an independent third party hearing
4 examiner under this section, the campus peace officer must submit
5 to the head of the institution's law enforcement agency not later
6 than the 30th day after the date of the action being appealed a
7 written request stating the officer's decision to appeal to such a
8 hearing examiner.

9 (c) The hearing examiner's decision is final and binding on
10 all parties. If a campus peace officer elects to appeal the
11 institution's action to an independent third party hearing examiner
12 under this section, the officer or institution may appeal the
13 examiner's decision to a district court only as provided by
14 Subsection (j).

15 (d) If a campus peace officer elects to appeal to a hearing
16 examiner, the officer and the head of the institution's law
17 enforcement agency or their designees shall attempt to agree on the
18 selection of an impartial hearing examiner. If the parties do not
19 agree on the selection of a hearing examiner before the 10th day
20 after the date the appeal is filed, the parties immediately shall
21 request a list of seven qualified neutral arbitrators from the
22 American Arbitration Association or the Federal Mediation and
23 Conciliation Service, or their successors in function. The officer
24 and the agency head or their designees may agree on one of the seven
25 neutral arbitrators on the list. If the parties do not agree before
26 the fifth business day after the date the parties receive the list,
27 the parties or their designees shall alternate striking a name from

1 the list, and the single name remaining after all other names have
2 been struck is selected as the hearing examiner. The parties or
3 their designees shall agree on a date for the hearing.

4 (e) The appeal hearing must begin as soon as an appearance
5 by the hearing examiner can be scheduled. If the hearing examiner
6 cannot begin the hearing before the 45th day after the date of
7 selection, the campus peace officer may, within 48 hours after
8 learning of that fact, call for the selection of a new hearing
9 examiner using the procedure prescribed by Subsection (d).

10 (f) In a hearing conducted under this section, the hearing
11 examiner has the same duties and powers that a civil service
12 commission has in conducting a hearing or hearing an appeal under
13 Chapter 143, Local Government Code, including the right to issue
14 subpoenas. The hearing examiner may:

15 (1) order that the campus peace officer be reinstated
16 to the same position or status in which the officer was employed
17 immediately before the demotion, suspension, or termination or, in
18 the case of a promotional bypass, to the position or status with
19 respect to which the officer experienced the bypass; and

20 (2) award the officer lost wages and any other
21 compensation lost as a result of the disciplinary action or
22 promotional bypass, as applicable.

23 (g) In a hearing conducted under this section, the parties
24 may agree to an expedited hearing procedure. Unless otherwise
25 agreed by the parties, in an expedited procedure the hearing
26 examiner shall issue a decision on the appeal not later than the
27 10th day after the date the hearing is completed.

1 (h) In an appeal that does not involve an expedited hearing
2 procedure, the hearing examiner shall make a reasonable effort to
3 issue a decision on the appeal not later than the 30th day after the
4 later of the date the hearing is completed or the briefs are filed.
5 The hearing examiner's inability to meet the time requirements
6 imposed by this section does not affect the hearing examiner's
7 jurisdiction, the validity of the disciplinary action or
8 promotional bypass, or the hearing examiner's final decision.

9 (i) The hearing examiner's fees and expenses shall be paid
10 in equal amounts by the parties. The costs of a witness shall be
11 paid by the party who calls the witness.

12 (j) A district court may hear an appeal of a hearing
13 examiner's decision only on the grounds that the hearing examiner
14 was without jurisdiction or exceeded the examiner's jurisdiction or
15 that the decision was procured by fraud, collusion, or other
16 unlawful means. An appeal must be brought in the district court
17 having jurisdiction in the municipality in which the institution is
18 located.

19 ARTICLE 16. TRAFFICKING OF PERSONS

20 SECTION 16.01. Section 20A.01, Penal Code, is amended to
21 read as follows:

22 Sec. 20A.01. DEFINITIONS. In this chapter:

23 (1) "Forced labor or services" means labor or
24 services, including conduct that constitutes an offense under
25 Section 43.02, that are performed or provided by another person and
26 obtained through an actor's:

27 (A) causing or threatening to cause bodily injury

1 to the person or another person or otherwise causing the person
2 performing or providing labor or services to believe that the
3 person or another person will suffer bodily injury;

4 (B) restraining or threatening to restrain the
5 person or another person in a manner described by Section 20.01(1)
6 or causing the person performing or providing labor or services to
7 believe that the person or another person will be restrained; [✗]

8 (C) knowingly destroying, concealing, removing,
9 confiscating, or withholding from the person or another person, or
10 threatening to destroy, conceal, remove, confiscate, or withhold
11 from the person or another person, the person's actual or
12 purported:

13 (i) government records;

14 (ii) identifying information; or

15 (iii) personal property;

16 (D) threatening the person with abuse of the law
17 or the legal process in relation to the person or another person;

18 (E) threatening to report the person or another
19 person to immigration officials or other law enforcement officials
20 or otherwise blackmailing or extorting the person or another
21 person;

22 (F) exerting financial control over the person or
23 another person by placing the person or another person under the
24 actor's control as security for a debt to the extent that:

25 (1) the value of the services provided by
26 the person or another person as reasonably assessed is not applied
27 toward the liquidation of the debt;

1 (i1) the duration of the services provided
2 by the person or another person is not limited and the nature of the
3 services provided by the person or another person is not defined; or

4 (111) the principal amount of the debt does
5 not reasonably reflect the value of the items or services for which
6 the debt was incurred; or

7 (G) using any scheme, plan, or pattern intended
8 to cause the person to believe that the person or another person
9 will be subjected to serious harm or restraint if the person does
10 not perform or provide the labor or services.

11 (2) "Traffic" means to transport, ~~[another person or~~
12 ~~to]~~ entice, recruit, harbor, provide, or otherwise obtain another
13 person by any means ~~[for transport by deception, coercion, or~~
14 ~~force].~~

15 SECTION 16.02. Subsections (a) and (b), Section 20A.02,
16 Penal Code, are amended to read as follows:

17 (a) A person commits an offense if the person:

18 (1) knowingly traffics another person with the intent
19 or knowledge that the trafficked person will engage in[+

20 ~~[(1)]~~ forced labor or services; or

21 (2) intentionally or knowingly benefits from
22 participating in a venture that involves an activity described by
23 Subdivision (1), including by receiving labor or services the
24 person knows are forced labor or services ~~[conduct that constitutes~~
25 ~~an offense under Chapter 43].~~

26 (b) Except as otherwise provided by this subsection, an
27 offense under this section is a felony of the second degree. An

1 offense under this section is a felony of the first degree if:

2 (1) the applicable conduct constitutes an offense
3 under Section 43.02 [~~offense is committed under Subsection (a)(2)~~]
4 and the person who is trafficked is younger than 18 [~~14~~] years of
5 age at the time of the offense; or

6 (2) the commission of the offense results in the death
7 of the person who is trafficked.

8 SECTION 16.03. Section 125.002, Civil Practice and Remedies
9 Code, is amended by adding Subsection (f-1) to read as follows:

10 (f-1) If the defendant required to execute the bond is a
11 hotel, motel, or similar establishment that rents overnight lodging
12 to the public and the alleged common nuisance is under Section
13 125.0015(a)(6) or (7), the bond must also be conditioned that the
14 defendant will, in each of the defendant's lodging units on the
15 premises that are the subject of the suit, post in a conspicuous
16 place near the room rate information required to be posted under
17 Section 2155.001, Occupations Code, an operating toll-free
18 telephone number of a nationally recognized information and
19 referral hotline for victims of human trafficking.

20 SECTION 16.04. Section 125.045, Civil Practice and Remedies
21 Code, is amended by adding Subsection (a-1) to read as follows:

22 (a-1) If the defendant required to execute the bond is a
23 hotel, motel, or similar establishment that rents overnight lodging
24 to the public and the alleged common nuisance is under Section
25 125.0015(a)(6) or (7), the bond must also be conditioned that the
26 defendant will, in each of the defendant's lodging units on the
27 premises that are the subject of the suit, post in a conspicuous

1 place near the room rate information required to be posted under
2 Section 2155.001, Occupations Code, an operating toll-free
3 telephone number of a nationally recognized information and
4 referral hotline for victims of human trafficking.

5 SECTION 16.05. (a) Not later than September 1, 2008, the
6 attorney general, in consultation with the Health and Human
7 Services Commission, shall prepare and issue a report:

8 (1) outlining how existing laws and rules concerning
9 victims and witnesses address or fail to address the needs of
10 victims of human trafficking; and

11 (2) recommending areas of improvement and
12 modifications in existing laws and rules.

13 (b) Not later than September 1, 2008, the Health and Human
14 Services Commission, in consultation with the attorney general,
15 shall prepare and issue a report:

16 (1) outlining how existing social service programs
17 address or fail to address the needs of victims of human
18 trafficking;

19 (2) with respect to those needs, outlining the
20 interplay of existing social service programs with federally funded
21 victim service programs; and

22 (3) recommending areas of improvement and
23 modifications in existing social service programs.

24 SECTION 16.06. Sections 20A.01 and 20A.02, Penal Code, as
25 amended by this article apply only to an offense committed on or
26 after the effective date of this article. An offense committed
27 before the effective date of this article is governed by the law in

1 effect when the offense was committed, and the former law is
2 continued in effect for that purpose. For purposes of this section,
3 an offense is committed before the effective date of this article if
4 any element of the offense occurs before the effective date.

5 SECTION 16.07. Subsection (f-1), Section 125.002, and
6 Subsection (a-1), Section 125.045, Civil Practice and Remedies
7 Code, as added by this article, apply only to a suit filed on or
8 after the effective date of this article. A suit filed before the
9 effective date of this article is governed by the law in effect
10 immediately before that date, and that law is continued in effect
11 for that purpose.

12 ARTICLE 17. REGULATION OF FIREWORKS IN DISASTER DECLARATION

13 SECTION 17.01. Section 418.108, Government Code, is amended
14 to read as follows:

15 Sec. 418.108. DECLARATION OF LOCAL DISASTER. (a) Except
16 as provided by Subsection (e), the presiding officer of the
17 governing body of a political subdivision may declare a local state
18 of disaster.

19 (b) A declaration of local disaster may not be continued or
20 renewed for a period of more than seven days except with the consent
21 of the governing body of the political subdivision or the joint
22 board as provided by Subsection (e), as applicable.

23 (c) An order or proclamation declaring, continuing, or
24 terminating a local state of disaster shall be given prompt and
25 general publicity and shall be filed promptly with the city
26 secretary, the county clerk, or the joint board's official records,
27 as applicable.

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

8 (e) The chief administrative officer of a joint board has
9 exclusive authority to declare that a local state of disaster
10 exists within the boundaries of an airport operated or controlled
11 by the joint board, regardless of whether the airport is located in
12 or outside the boundaries of a political subdivision.

13 (f) The county judge or the mayor of a municipality may
14 order the evacuation of all or part of the population from a
15 stricken or threatened area under the jurisdiction and authority of
16 the county judge or mayor if the county judge or mayor considers the
17 action necessary for the preservation of life or other disaster
18 mitigation, response, or recovery.

19 (g) The county judge or the mayor of a municipality may
20 control ingress to and egress from a disaster area under the
21 jurisdiction and authority of the county judge or mayor and control
22 the movement of persons and the occupancy of premises in that area.

23 (h) For purposes of Subsections (f) and (g):

24 (1) the jurisdiction and authority of the county judge
25 includes the incorporated and unincorporated areas of the county;
26 and

27 (2) to the extent of a conflict between decisions of

1 the county judge and the mayor, the decision of the county judge
2 prevails.

3 (i) A declaration under this section may include a
4 restriction that exceeds a restriction authorized by Section
5 352.051, Local Government Code. A restriction that exceeds a
6 restriction authorized by Section 352.051, Local Government Code,
7 is effective only:

8 (1) for 60 hours unless extended by the governor; and

9 (2) if the county judge requests the governor to grant
10 an extension of the restriction.

11 ARTICLE 18. MISCELLANEOUS PROVISIONS RELATING TO HOMELAND SECURITY
12 AND BORDER SECURITY

13 SECTION 18.01. Subchapter A, Chapter 421, Government Code,
14 is amended by adding Section 421.0025 to read as follows:

15 Sec. 421.0025. BORDER SECURITY COUNCIL. (a) The Border
16 Security Council consists of members appointed by the governor.

17 (a-1) At least one-third of the members appointed under
18 Subsection (a) must be residents of the Texas-Mexico border region,
19 as defined by Section 2056.002.

20 (b) The Border Security Council shall develop and recommend
21 to the office of the governor performance standards, reporting
22 requirements, audit methods, and other procedures to ensure that
23 funds allocated by the office of the governor for purposes related
24 to security at or near this state's international border are used
25 properly and that the recipients of the funds are accountable for
26 the proper use of the funds.

27 (c) The Border Security Council shall advise the office of

1 the governor regarding the allocation of funds by the office for
2 purposes related to security at or near this state's international
3 border. Recommendations relating to the allocation of those funds
4 must be made by a majority of the members of the council.

5 (d) The governor shall designate one member of the Border
6 Security Council as the chair. The chair shall arrange meetings of
7 the Border Security Council at times determined by the members of
8 the council.

9 (e) The meetings of the Border Security Council are subject
10 to the requirements of Chapter 551 to the same extent as similar
11 meetings of the Public Safety Commission. The plans and
12 recommendations of the Border Security Council are subject to the
13 requirements of Chapter 552 to the same extent as similar plans and
14 recommendations of the Department of Public Safety of the State of
15 Texas.

16 (f) Service on the Border Security Council by a state
17 officer or employee or by an officer or employee of a local
18 government is an additional duty of the member's office or
19 employment.

20 SECTION 18.02. The heading to Subchapter E, Chapter 421,
21 Government Code, is amended to read as follows:

22 SUBCHAPTER E. TEXAS FUSION [~~INFRASTRUCTURE PROTECTION~~
23 ~~COMMUNICATIONS~~] CENTER

24 SECTION 18.03. Section 421.081, Government Code, is amended
25 to read as follows:

26 Sec. 421.081. FACILITIES AND ADMINISTRATIVE SUPPORT. The
27 Department of Public Safety of the State of Texas shall provide

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1 facilities and administrative support for the Texas Fusion
2 [~~Infrastructure Protection Communications~~] Center.

3 SECTION 18.04. Subchapter H, Chapter 2155, Government Code,
4 is amended by adding Section 2155.452 to read as follows:

5 Sec. 2155.452. CERTAIN CONTRACTS FOR HOMELAND SECURITY OR
6 LAW ENFORCEMENT TECHNOLOGY. A state governmental entity that
7 issues a request for proposals for technological products or
8 services for homeland security or law enforcement purposes must
9 allow a business entity to substitute the qualifications of its
10 executive officers or managers for the qualifications required of
11 the business entity in the request for proposals.

12 SECTION 18.05. Subsection (c), Article 61.02, Code of
13 Criminal Procedure, is amended to read as follows:

14 (c) Criminal information collected under this chapter
15 relating to a criminal street gang must:

16 (1) be relevant to the identification of an
17 organization that is reasonably suspected of involvement in
18 criminal activity; and

19 (2) consist of:

20 (A) a judgment under any law that includes, as a
21 finding or as an element of a criminal offense, participation in a
22 criminal street gang;

23 (B) a self-admission by the individual of
24 criminal street gang membership that is made during a judicial
25 proceeding; or

26 (C) any two of the following:

27 (1) [~~A~~] a self-admission by the

1 individual of criminal street gang membership that is not made
2 during a judicial proceeding;

3 (11) [~~(B)~~] an identification of the
4 individual as a criminal street gang member by a reliable informant
5 or other individual;

6 (111) [~~(C)~~] a corroborated identification
7 of the individual as a criminal street gang member by an informant
8 or other individual of unknown reliability;

9 (1v) [~~(D)~~] evidence that the individual
10 frequents a documented area of a criminal street gang and[~~(7)~~]
11 associates with known criminal street gang members;

12 (v) evidence that the individual [~~(7) and~~]
13 uses, in more than an incidental manner, criminal street gang
14 dress, hand signals, tattoos, or symbols, including expressions of
15 letters, numbers, words, or marks, regardless of the format or
16 medium in which the symbols are displayed, that are associated with
17 a criminal street gang that operates in an area frequented by the
18 individual and described by Subparagraph (1v); or

19 (v1) [~~(E)~~] evidence that the individual has
20 been arrested or taken into custody with known criminal street gang
21 members for an offense or conduct consistent with criminal street
22 gang activity.

23 SECTION 18.06. Subsection (c), Article 61.06, Code of
24 Criminal Procedure, is amended to read as follows:

25 (c) In determining whether information is required to be
26 removed from an intelligence database under Subsection (b), the
27 three-year period does not include any period during which the

1 individual who is the subject of the information is:

2 (1) confined in a correctional facility operated by or
3 under contract with the [institutional division or the state jail
4 division of the] Texas Department of Criminal Justice;

5 (2) committed to a secure correctional facility
6 operated by or under contract with the Texas Youth Commission, as
7 defined by Section 51.02, Family Code; or

8 (3) confined in a county jail or a facility operated by
9 a juvenile board in lieu of being confined in a correctional
10 facility operated by or under contract with the Texas Department of
11 Criminal Justice or being committed to a secure correctional
12 facility operated by or under contract with the Texas Youth
13 Commission.

14 SECTION 18.07. Chapter 61, Code of Criminal Procedure, is
15 amended by adding Article 61.075 to read as follows:

16 Art. 61.075. RIGHT TO REQUEST EXISTENCE OF CRIMINAL
17 INFORMATION. (a) A person or the parent or guardian of a child may
18 request a law enforcement agency to determine whether the agency
19 has collected or is maintaining, under criteria established under
20 Article 61.02(c), criminal information relating solely to the
21 person or child. The law enforcement agency shall respond to the
22 request not later than the 10th business day after the date the
23 agency receives the request.

24 (b) Before responding to a request under Subsection (a), a
25 law enforcement agency may require reasonable written verification
26 of the identity of the person making the request and the
27 relationship between the parent or guardian and the child, if

1 applicable, including written verification of an address, date of
2 birth, driver's license number, state identification card number,
3 or social security number.

4 ARTICLE 19. EMERGENCY MANAGEMENT TRAINING

5 SECTION 19.01. Subchapter A, Chapter 418, Government Code,
6 is amended by adding Section 418.005 to read as follows:

7 Sec. 418.005. EMERGENCY MANAGEMENT TRAINING. (a) This
8 section applies only to an appointed public officer:

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

11 (2) who plays a role in emergency preparedness,
12 response, or recovery.

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

18 (1) takes the oath of office, if the person is required
19 to take an oath of office to assume the person's duties as an
20 appointed public officer; or

21 (2) otherwise assumes responsibilities as an
22 appointed public officer, if the person is not required to take an
23 oath of office to assume the person's duties.

24 (c) The division shall develop and provide a training course
25 related to the emergency management responsibilities of
26 state-level officers and a training course related to the emergency
27 management responsibilities of officers of political subdivisions.

1 The division shall ensure that the training courses satisfy the
2 requirements of Subsection (b).

3 (d) The division may provide the training and may also
4 approve any acceptable course of training offered by a governmental
5 body or other entity. The division shall ensure that at least one
6 course of training approved or provided by the division is
7 available on videotape or a functionally similar and widely
8 available medium at no cost.

9 (e) The division or other entity providing the training
10 shall provide a certificate of course completion to public officers
11 who complete the training required by this section. A public
12 officer who completes the training required by this section shall
13 maintain and make available for public inspection the record of the
14 public officer's completion of the training.

15 (f) The failure of one or more public officers of the state
16 or a political subdivision to complete the training required by
17 this section does not affect the validity of an action taken by the
18 state or the political subdivision.

19 (g) The hours spent in a training course required by
20 Subsection (b) may be applied toward the continuing education
21 requirements for county commissioners under Section 81.0025, Local
22 Government Code.

23 SECTION 19.02. Not later than January 1, 2009, each public
24 officer who has taken the oath of office for a state or local
25 government office before January 1, 2008, and who is required to
26 complete a course of training under Section 418.005, Government
27 Code, as added by this article, must complete the training.

ARTICLE 20. PUBLIC SAFETY AGENCIES

SECTION 20.01. Subsections (b), (c), and (d), Section 411.003, Government Code, are amended to read as follows:

(b) The commission is composed of five [~~three~~] citizens of this state appointed by the governor with the advice and consent of the senate. Members must be selected because of their peculiar qualifications for the position and must reflect the diverse geographic regions and population groups of this state. Appointments to the commission shall be made without regard to race, color, disability, sex, religion, age, or national origin. In making an appointment the governor shall consider, among other things, the person's knowledge of laws, experience in the enforcement of law, honesty, integrity, education, training, and executive ability.

(c) Members serve staggered six-year terms with the terms [~~term~~] of either one or two members [~~member~~] expiring January 1 of each even-numbered year.

(d) The governor shall designate one member of the commission as chairman of the commission to serve in that capacity at the pleasure of the governor. The commission shall meet at the times and places specified by commission rule or at the call of the chairman [~~or any two members~~]. The chairman shall oversee the preparation of an agenda for each meeting and ensure that a copy is provided to each member at least seven days before the meeting.

SECTION 20.02. Promptly after this article takes effect, the governor shall appoint two additional members to the Public Safety Commission. Of those members, the governor shall designate

1 one to serve a term expiring January 1, 2010, and one to serve a term
2 expiring January 1, 2012.

3 ARTICLE 21. ENHANCED DRIVER'S LICENSE OR PERSONAL
4 IDENTIFICATION CERTIFICATE

5 SECTION 21.01. Subchapter B, Chapter 521, Transportation
6 Code, is amended by adding Section 521.032 to read as follows:

7 Sec. 521.032. ENHANCED DRIVER'S LICENSE OR PERSONAL
8 IDENTIFICATION CERTIFICATE. (a) The department may issue an
9 enhanced driver's license or personal identification certificate
10 for the purposes of crossing the border between this state and
11 Mexico to an applicant who provides the department with proof of
12 United States citizenship, identity, and state residency. If the
13 department issues an enhanced driver's license or personal
14 identification certificate, the department shall continue to issue
15 a standard driver's license and personal identification
16 certificate and offer each applicant the option of receiving the
17 standard or enhanced driver's license or personal identification
18 certificate.

19 (b) The department shall implement a one-to-many biometric
20 matching system for the enhanced driver's license or personal
21 identification certificate. An applicant for an enhanced driver's
22 license or personal identification certificate must submit a
23 biometric identifier as designated by the department, which,
24 notwithstanding any other law, may be used only to verify the
25 identity of the applicant for purposes relating to implementation
26 of the border crossing initiative established by this section. An
27 applicant must sign a declaration acknowledging the applicant's

1 understanding of the one-to-many biometric match.

2 (c) The enhanced driver's license or personal
3 identification certificate must include reasonable security
4 measures to protect the privacy of the license or certificate
5 holders, including reasonable safeguards to protect against the
6 unauthorized disclosure of information about the holders. If the
7 enhanced driver's license or personal identification certificate
8 includes a radio frequency identification chip or similar
9 technology, the department shall ensure that the technology is
10 encrypted or otherwise secure from unauthorized information
11 access.

12 (d) The requirements of this section are in addition to any
13 other requirements imposed on applicants for a driver's license or
14 personal identification certificate. The department shall adopt
15 rules necessary to implement this section. The department shall
16 periodically review technological innovations related to the
17 security of driver's licenses and personal identification
18 certificates and amend the rules as appropriate, consistent with
19 this section, to protect the privacy of driver's license and
20 personal identification certificate holders.

21 (e) The department may set a fee for issuance of an enhanced
22 driver's license or personal identification certificate in a
23 reasonable amount necessary to implement and administer this
24 section.

25 (f) The department may enter into a memorandum of
26 understanding with any federal agency for the purposes of
27 facilitating the crossing of the border between this state and

1 Mexico. The department may enter into an agreement with Mexico, to
2 the extent permitted by federal law, to implement a border crossing
3 initiative authorized by this section. The department shall
4 implement a statewide education campaign to educate residents of
5 this state about the border crossing initiative. The campaign must
6 include information on:

7 (1) the forms of travel for which the existing and
8 enhanced driver's license and personal identification certificate
9 can be used; and

10 (2) relevant dates for implementation of laws that
11 affect identification requirements at the border with Mexico.

12 (g) A person may not sell or otherwise disclose biometric
13 information accessed from an enhanced driver's license or any
14 information from an enhanced driver's license radio frequency
15 identification chip or similar technology to another person or an
16 affiliate of the person. This subsection does not apply to a
17 financial institution described by Section 521.126(e).

18 ARTICLE 22. EFFECTIVE DATE

19 SECTION 22.01. Except as otherwise provided by this Act,
20 this Act takes effect September 1, 2007.

S.B. No. 11

David Swihurst
President of the Senate

Jim Caddick
Speaker of the House

I hereby certify that S.B. No. 11 passed the Senate on April 18, 2007, by the following vote: Yeas 31, Nays 0; May 25, 2007, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2007, House granted request of the Senate; May 27, 2007, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

Datsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 11 passed the House, with amendments, on May 23, 2007, by the following vote: Yeas 146, Nays 1, one present not voting; May 26, 2007, House granted request of the Senate for appointment of Conference Committee; May 28, 2007, House adopted Conference Committee Report by the following vote: Yeas 139, Nays 1, three present not voting.

Robert Haney
Chief Clerk of the House

Approved:

6 JUN 07
Date
RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:30 p.m. O'CLOCK
JUN 06 2007

Roger Whinnis

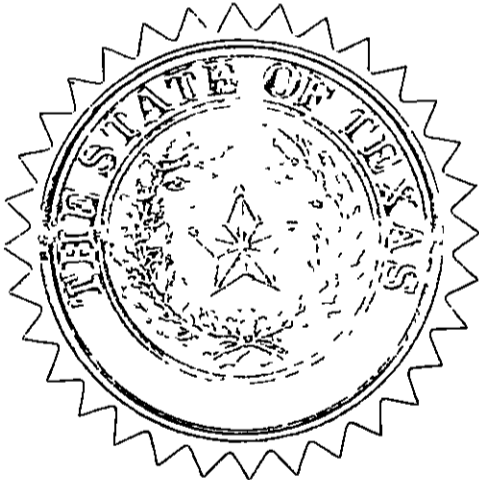


OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR
MESSAGE

Today, I am pleased to sign Senate Bill No 11 into law, further distinguishing Texas as the national leader in homeland and border security measures. This bill creates the Border Security Council, which will assist in the allocation of border security dollars, and establishes procedures for first responders to work together to provide mutual aid in times of an emergency. The bill also expands the ability of law enforcement agencies to use wiretapping to detect and deter serious crimes.

Although I am signing this bill, it is important to point out the provision in Senate Bill No 11 which allows the Department of Public Safety to create an enhanced driver's license to cross the Texas/Mexico border. This provision conflicts with current federal law which states that a United States passport must be used to cross international borders. While frequent travelers to Mexico argue that the use of a passport creates an unnecessary burden, this is not a decision to be made at the state level.

Therefore, I am requesting an opinion from the Attorney General's office to clarify this issue for the state.



IN TESTIMONY WHEREOF, I
have signed my name officially
and caused the Seal of the State
to be affixed hereto at Austin,
this 6th day of June, 2007

Rick Perry
RICK PERRY
Governor of Texas

ATTESTED BY

Roger Williams
ROGER WILLIAMS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:30pm O'CLOCK
JUN 06 2007