Chapter 258

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

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

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

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

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

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

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

Sec. 418.109. AUTHORITY TO RENDER MUTUAL AID ASSISTANCE.

SECTION 1.05. Subsection (d), Section 418.109, Government
S.B. No. 11

Code, is amended to read as follows:

(d) A local government entity or [municipality, county, emergency services district, fire protection agency, regional planning commission,] organized volunteer group[...or other emergency services entity] may provide mutual aid assistance on request from another local government entity or [municipality, county, emergency services district, fire protection agency, regional planning commission,] organized volunteer group[...or other emergency services entity]. The chief or highest ranking officer of the entity from which assistance is requested, with the approval and consent of the presiding officer of the governing body of that entity, may provide that assistance while acting in accordance with the policies, ordinances, and procedures established by the governing body of that entity [and consistent with any mutual aid plan developed by the emergency management council].

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

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

(b) A program developed under this section:

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

(2) must be consistent with the state emergency
SECTION 1.07. Chapter 418, Government Code, is amended by adding Subchapter E-1 to read as follows:

SUBCHAPTER E-1. TEXAS STATEWIDE MUTUAL AID SYSTEM

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

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

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

Sec. 418.112. ADMINISTRATION BY DIVISION. The division shall administer the system. In administering the system, the division shall encourage and assist political subdivisions in planning and implementing comprehensive all-hazards emergency management programs, including assisting political subdivisions to...
ensure that the local emergency management plan of each subdivision
adequately provides for the rendering and receipt of mutual aid.

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

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

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

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

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

(2) inform the public safety director of the Department of Public Safety of the State of Texas on all matters as
S.B. No. 11

requested by the public safety director.

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

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

(1) a political subdivision in the region;

(2) a political subdivision in another region; or

(3) this state.

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

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

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

Sec. 418.1151. ASSESSMENT OF ABILITY TO RENDER ASSISTANCE. (a) When contacted with a request for mutual aid assistance, a local government entity shall assess local resources to determine availability of personnel, equipment, and other assistance to respond to the request.

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

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

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

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

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

(4) unless otherwise agreed in advance, an emergency
S.B. No. 11

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

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

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

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

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

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

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

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

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

Sec. 418.116. RIGHTS AND PRIVILEGES. (a) A person
assigned, designated, or ordered to perform duties by the governing
body of the local government entity employing the person in
response to a request under the system is entitled to receive the
same wages, salary, pension, and other compensation and benefits,
including injury or death benefits, disability payments, and
workers' compensation benefits, for the performance of the duties under the system as though the services were rendered for the entity employing the person.

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

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

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

(b) The division may directly request the provision of mutual aid assistance from any local government entity participating in the system. If the division requests the
provision of assistance and the local government entity responds, the state shall reimburse the actual costs of providing assistance, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, incurred by the responding local government entity. The state shall pay reimbursements from available state money. If funds are made available from the disaster contingency fund, the division shall make reimbursement from the disaster contingency fund for eligible expenses to the extent that available state money is inadequate.

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

Sec. 418.1181. REIMBURSEMENT OF COSTS: REQUEST BY LOCAL GOVERNMENT ENTITY. (a) If a local government entity requests mutual aid assistance from another local government entity under the system, the requesting local government entity shall reimburse the actual costs of providing mutual aid assistance to the responding local government entity, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, incurred by the responding local government entity in response to a request for reimbursement.
S.B. No. 11

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

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

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

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

ARTICLE 2. AMATEUR RADIO OPERATORS

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

Sec. 661.919. AMATEUR RADIO OPERATORS. (a) A state employee who holds an amateur radio station license issued by the Federal Communications Commission may be granted leave not to
S.B. No. 11

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

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

(2) with the approval of the governor.

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

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

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

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

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

(b) With respect to the operation of an open-enrollment
charter school, any requirement in Chapter 551 or 552, Government
S.B. No. 11

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

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

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

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

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

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

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

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

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

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

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

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

(A) a juvenile court judge;

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

(C) an administrator of a public primary school;

(D) an administrator of a public secondary
school;

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

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

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

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

and

(I) two members of the public.

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

Sec. 37.207. MODEL SAFETY AND SECURITY AUDIT PROCEDURE.

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

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

(2) reviewing each district audit, providing the
results of the review to the district, and making recommendations
for improvements based on the audit; and

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

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

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

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

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

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

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

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

(e) For purposes of Subsection (b)(2), the sudden
relocation of a large number of residents from the area of a
declared disaster to a governmental body's jurisdiction is
considered a reasonably unforeseeable situation for a reasonable
period immediately following the relocation. Notice of an
emergency meeting or supplemental notice of an emergency item added
to the agenda of a meeting to address a situation described by this
subsection must be given to members of the news media as provided by
Section 551.047 not later than one hour before the meeting.

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

Sec. 551.076. DELIBERATION REGARDING SECURITY DEVICES OR
SECURITY AUDITS; CLOSED MEETING. This chapter does not require a
governmental body to conduct an open meeting to deliberate:
(1) the deployment, or specific occasions for
implementation, of security personnel or devices; or
(2) a security audit.

ARTICLE 4. PROVISIONS RELATED TO TOLL ROADS

SECTION 4.01. Subsection (a), Section 228.054,
Transportation Code, is amended to read as follows:
(a) Except as provided by Subsection (e), the operator of a
vehicle, other than an authorized emergency vehicle, as defined by
Section 541.201, that is driven or towed through a toll collection
facility shall pay the proper toll. The exemption from payment of a
toll for an authorized emergency vehicle applies regardless of
whether the vehicle is:
(1) responding to an emergency;
(2) displaying a flashing light; or
(3) marked as an emergency vehicle.

SECTION 4.02. Section 284.070, Transportation Code, is
amended by adding Subsection (e) to read as follows:
(e) An authorized emergency vehicle, as defined by Section
S.B. No. 11

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

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

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

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

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

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

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

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

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

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

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

(1) "Toll project" means a toll project described by Section 201.001(b), regardless of whether the toll project is:
(A) a part of the state highway system; or
(B) subject to the jurisdiction of the department.

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

(A) the department under Chapter 227 or 228;
(B) a regional tollway authority under Chapter 366;
(C) a regional mobility authority under Chapter 370; or
(D) a county under Chapter 284.

(b) A toll project entity may not require a vehicle registered under Section 502.203 to pay a toll for the use of a toll project.
S.B. No. 11

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

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

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

ARTICLE 5. OPERATION OF DESIGNATED EMERGENCY VEHICLES

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

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

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

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

(b) A vehicle designated under Subsection (a) may be
operated by a designated organization as if the vehicle were an
authorized emergency vehicle under this subtitle if:

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

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

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

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

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

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

Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED.
A judge of competent jurisdiction may issue an order authorizing
interception of wire, oral, or electronic communications only if
the prosecutor applying for the order shows probable cause to
believe that the interception will provide evidence of the
commission of:

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

(2) a felony under:

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

(B) Section 485.033, Health and Safety Code; or
S.B. No. 11

(C) Chapter 483, Health and Safety Code; [□] [□]

(3) an offense under Section 20.03 or 20.04, Penal Code;

(4) an offense under Chapter 20A, Penal Code;

(5) an offense under Chapter 34, Penal Code, if the criminal activity giving rise to the proceeds involves the commission of an offense under Title 5, Penal Code, or an offense under federal law or the laws of another state containing elements that are substantially similar to the elements of an offense under Title 5; or

(6) an attempt, conspiracy, or solicitation to commit 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:

(1) provisions for prevention and minimization of injury and damage caused by disaster;

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

(3) provisions for emergency relief;

(4) provisions for energy emergencies;

(5) identification of areas particularly vulnerable to disasters;

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

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

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

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

(10) organization of manpower and channels of
assistance;

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

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

(13) coordination of federal and state energy
emergency plans; [and]

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

(15) other necessary matters relating to disasters.

ARTICLE 8. TEMPORARY CARDBOARD TAGS ON VEHICLES

SECTION 8.01. Section 503.005, Transportation Code, is
amended by adding Subsections (c) and (d) to read as follows:

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

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

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

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

(1) the specifications, form, and color of a dealer temporary cardboard tag; [and]

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

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

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

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

(e) The department may not issue a converter temporary cardboard tag or contract for the issuance of a converter temporary cardboard tag but shall prescribe
S.B. No. 11

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

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

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

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

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

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

(c) Before a dealer's or converter's temporary cardboard tag
may be displayed on a vehicle, the dealer or converter must enter
into the database through the Internet information on the vehicle
and information about the dealer or converter as prescribed by the
department. The department may not deny access to the database to
any dealer who holds a general distinguishing number issued under
this chapter or who is licensed under Chapter 2301, Occupations
Code, or to any converter licensed under Chapter 2301, Occupations
(d) The department shall adopt rules and prescribe procedures as necessary to implement this section.

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

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

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

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

(2) procedures for a dealer to:

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

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

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

(f) The department shall ensure that a dealer may generate in advance a sufficient amount of vehicle-specific numbers under Subsection (e)(2)(B) in order to continue selling vehicles for a period of up to one week in which a dealer is unable to access the Internet due to an emergency. The department shall establish an
S.B. No. 11

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

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

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

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

Sec. 503.0631. BUYER'S TEMPORARY TAG DATABASE. (a) The department shall develop and maintain a secure, real-time database of information on persons to whom temporary buyer's tags are issued
that may be used by a law enforcement agency in the same manner that
the agency uses vehicle registration information. The database
shall be managed by the vehicle titles and registration division of
the department.

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

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

(d) A dealer shall obtain 24-hour Internet access at its
place of business, but if the dealer is unable to access the
Internet at the time of the sale of a vehicle, the dealer shall
complete and sign a form, as prescribed by the department, that
states the dealer has Internet access, but was unable to access the
Internet at the time of sale. The buyer shall keep the original
copy of the form in the vehicle until the vehicle is registered to
the buyer. Not later than the next business day after the time of
sale, the dealer shall submit the information required under
Subsection (c).
(e) The department shall adopt rules and prescribe procedures as necessary to implement this section.

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

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

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

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

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

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

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

(c) The department shall adopt rules to:

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

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

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

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

SECTION 8.08. Section 503.067, Transportation Code, is
amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

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

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

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

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

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

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

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

(d) An offense involving a violation of:

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

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

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

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

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

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

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

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

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

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

(6) wilfully defrauds a purchaser; [*]

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

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

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

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

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

ARTICLE 9. INFORMATION PROVIDED BY CRITICAL INFRASTRUCTURE ENTITIES

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

Sec. 21.024. PRODUCTION OF INFORMATION BY CERTAIN ENTITIES

CONSIDERED TO BE CRITICAL INFRASTRUCTURE. (a) A utility, a common carrier, or a transporter of oil, gas, or the products of oil or gas is considered to be within the definition of critical infrastructure under Section 421.001, Government Code. Notwithstanding any other law, an entity which is considered critical infrastructure and which is authorized by law to take private property through the use of eminent domain is required to
produce information as provided by this section if the information
is requested by a person who owns property that is the subject of a
proposed or existing eminent domain proceeding, but only if the
information is related to the taking of the person's private
property by the entity through the use of eminent domain.

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

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

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

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

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

(2) if the condemnation proceeding has not been
initiated:

(A) a court that would have jurisdiction over a
proceeding to condemn the requestor's property; or
(B) a court in the county in which the entity has
its principal place of business that has jurisdiction over
condemnation proceedings under this chapter.

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

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

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

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

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

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

Sec. 431.005. LEAVE OF ABSENCE FOR PUBLIC OFFICERS AND
EMPLOYEES. (a) Except as provided by Subsection (b), a person who
is an officer or employee of the state, a municipality, a county, or
S.B. No. 11

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

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

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

ARTICLE 11. LICENSE PLATES FOR THE MILITARY

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

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

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

34
S.B. No. 11

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

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

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

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

(1) "Data elements" means the information:

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

(i) [4A+] the date the vaccine is administered;

(ii) [4B+] the vaccine manufacturer and lot number of the vaccine;

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

(iv) [4C+] the name, the address, and if appropriate, the title of the health care provider administering the vaccine; and

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

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

(1-b) "Immediate family member" means the parent,
S.B. No. 11

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

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

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

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

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

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

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

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

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

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

(2) to a state agency or health care provider consistent with the purposes of this subchapter or the purposes of aiding or coordinating communicable disease prevention and control efforts during a declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or
extraordinary law enforcement emergency.
(h) The report required under Section 161.0074 must also include the number of complaints received by the department related to the department's failure to remove information from the registry as required by Subsection (f).

(i) The executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement this section.
Sec. 161.00706. FIRST RESPONDER IMMUNIZATION INFORMATION.
(a) A person 18 years of age or older who is a first responder or an immediate family member of a first responder may:
(1) request that a health care provider who administers an immunization to the person provide data elements regarding the immunization to the department for inclusion in the immunization registry; or
(2) provide the person's immunization history directly to the department for inclusion in the immunization registry.
(b) A health care provider, on receipt of a request under Subsection (a)(1), shall submit the data elements to the department in a format prescribed by the department. The department shall verify the person's request before including the information in the immunization registry.
(c) The executive commissioner of the Health and Human Services Commission shall:
(1) develop rules to ensure that immunization history submitted under Subsection (a)(2) is medically verified immunization information;
(2) develop guidelines for use by the department in
informing first responders about the registry; and

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

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

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

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

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

(1) ensuring that first responders receive necessary
immunizations to prevent the spread of communicable diseases to
which a first responder may be exposed during a public health
emergency, declared disaster, terrorist attack, hostile military
S.B. No. 11

or paramilitary action, or extraordinary law enforcement
emergency; and

(2) preventing duplication of vaccinations.

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

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

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

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

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

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

(5) determine the process by which consent is
verified, including affirmation by a health care provider, birth
registrar, regional health information exchange, or local
immunization registry that consent has been obtained.

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

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

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

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

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

(1) for whom consent has been withdrawn;

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

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

(j) Except as provided by Sections 161.00705, 161.00706,
and [Section] 161.008, information obtained by the department for
the immunization registry is confidential and may be disclosed only
with the written consent of the individual or, if a child, the
child's parent, managing conservator, or guardian.

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

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

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

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

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

(1) a payor;
(2) a health care provider who administers
immunizations; and

(3) an employee of the department.

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

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

(1) negligently releases or discloses immunization
registry information in violation of Section 161.007, 161.0071,
161.0073, or 161.008;

(2) fails to exclude a child's immunization
information in violation of Section 161.0071; [●●]

(3) fails to remove a person's immunization
information in violation of Section 161.00705 or 161.00706; or

(4) negligently uses information in the immunization
registry to solicit new patients or clients or for other purposes
that are not associated with immunization or quality-of-care
purposes, unless authorized under this section.

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

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

SECTION 12.08. Subsection (a), Section 161.0105, Health and
Safety Code, is amended to read as follows:
(a) A health care provider who acts in compliance with Sections 161.007, 161.00705, 161.00706, and 161.008 and any rules adopted under those sections is not civilly or criminally liable for furnishing the information required under those sections. This subsection does not apply to criminal liability established under Section 161.009.

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

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

ARTICLE 13. HIGH PRIORITY ACTIVITY FUNDS

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

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

(1) shall pay all costs relating to the municipality’s or county’s enforcement;
(2) may not be considered, in the context of a federal
grant related to this chapter:

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

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

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

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

ARTICLE 14. DISEASE MANAGEMENT

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

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

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

(k) If the department or a health authority has reasonable
cause to believe that a group of five or more individuals has been
exposed to or infected with a communicable disease, the department
or health authority may order the members of the group to implement
control measures that are reasonable and necessary to prevent the
introduction, transmission, and spread of the disease in this
state. If the department or health authority adopts control
measures under this subsection, each member of the group is subject
to the requirements of this section.

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

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

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

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

(4) instructions to an individual to provide the
individual's name, address, and county of residence to the
department or health authority if the individual knows or
reasonably suspects that the individual was at the place of the
suspected exposure at the time of the suspected exposure;

(5) that the department or health authority may
request that an application for court orders under Subchapter G be
filed for the group, if applicable; and

(6) that a criminal penalty applies to an individual
who:

(A) is a member of the group; and

(B) knowingly refuses to perform or allow the
performance of the control measures in the order.

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

(e) A single application may be filed for a group if:

(1) the department or health authority reasonably
suspects that a group of five or more persons has been exposed to or
infected with a communicable disease; and

(2) each person in the group meets the criteria of this
chapter for court orders for the management of a person with a
communicable disease.

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

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

(1) except as provided by Subdivision (2), any
statement or determination regarding the conduct or status of a
person must be made in regard to the majority of the members of the
group;

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

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

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

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

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

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

SECTION 14.05. Section 81.152, Health and Safety Code, is
amended by adding Subsection (d) to read as follows:
S.B. No. 11

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

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

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

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

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

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

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

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

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

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

Sec. 81.1531. APPOINTMENT OF ATTORNEY FOR GROUP. (a) A judge shall appoint an attorney to represent a group identified in a group application under Section 81.151(e) and shall appoint an attorney for each person who is listed in the application if
requested by a person in the group who does not have an attorney.

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

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

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

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

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

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

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

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

(2) the judge or magistrate determines based on evidence taken under Subsection (d) that there is probable cause to
believe that the person presents a substantial risk of serious harm
to himself or others to the extent that the person cannot be at
liberty pending the filing of the application and motion.

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

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

(b) The hearing must be held not later than 72 hours after
the time that the person was detained under the protective custody
order. If the period ends on a Saturday, Sunday, or legal holiday,
the hearing must be held on the next day that is not a Saturday,
Sunday, or legal holiday. The judge or magistrate may postpone the
hearing for an additional 24 hours if the judge or magistrate
declares that an extreme emergency exists because of extremely
hazardous weather conditions that threaten the safety of the person
or another essential party to the hearing. If the area in which the
person is found, or the area where the hearing will be held, is
under a public health disaster, the judge or magistrate may
S.B. No. 11

postpone the hearing until the period of disaster is ended.

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

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

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

(c) A person under a protective custody order may be detained in a nonmedical facility used to detain persons who are charged with or convicted of a crime only with the consent of the medical director of the facility and only if the facility has respiratory isolation capability for airborne communicable diseases. The person may not be detained in a nonmedical facility under this subsection for longer than 72 hours, excluding Saturdays, Sundays, legal holidays, [and] the period prescribed by
S.B. No. 11

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

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

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

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

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

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

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

(d) Notwithstanding Subsection (d), if the health authority advises the court that the person must remain in isolation or quarantine and that exposure to the judge, jurors, or the public would jeopardize the health and safety of those persons and the public health, a judge may order that a person entitled to a hearing may not appear in person and may appear only by teleconference or
another means that the judge finds appropriate to allow the person
to speak, to interact with witnesses, and to confer with the
person's attorney.

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

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

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

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

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

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

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

(1) a state of disaster or a public health disaster has
been declared or an area quarantine is imposed under Section 81.085;

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

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

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

ARTICLE 15. CERTAIN MUTUAL ASSISTANCE AGREEMENTS

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

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

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

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

(b) Any officer commissioned under the provisions of this section is vested with all the powers, privileges, and immunities
of peace officers if the officer:

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

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

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

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

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

(d) [as amended] The governing boards of private institutions of higher education are authorized to hire and pay on a regular basis peace [law-enforcement] officers commissioned by an incorporated
city. The officers shall be under the supervision of the hiring 
institution, but shall be subject to dismissal and disciplinary 
action by the city. An incorporated city is authorized to contract 
with a private institution of higher education for the use and 
employment of its commissioned officers in any manner agreed to, 
provided that there is no expense incurred by the city.

(e) [467] In this section, "private institution of higher 
education" means a private or independent institution of higher 
education as defined [has the meaning assigned] by Section 61.003 
[61.003(15) of this code].

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

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

(b) In addition to exercising the authority provided under 
Section 51.212(d), the governing board of a private institution of 
higher education to which this section applies and the governing 
body of each municipality, regardless of the municipality's 
population, that is contiguous to, or the boundaries of which
contain any part of, property under the control and jurisdiction of the private institution of higher education may enter into a written mutual assistance agreement in which peace officers commissioned by the institution or the applicable municipality serve the public interest by assisting, without any form of additional compensation or other financial benefit, the peace officers of the other party to the agreement in enforcing state or local law, including applicable municipal ordinances. The agreement must be reviewed at least annually by the institution and the municipality and may be modified at that time by a written agreement signed by each party. The agreement may be terminated at any time by a party to the agreement on the provision of reasonable notice to the other party to the agreement.

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

(d) This section does not affect a municipality's duty to provide law enforcement services to any location within the boundaries of the municipality.
(e) A peace officer providing assistance under a mutual assistance agreement authorized by this section may make arrests and exercise all other authority given to peace officers under other state law. The municipal law enforcement agency has exclusive authority to supervise any campus peace officer operating under the agreement to assist the peace officers of the municipality. A municipal peace officer operating under the agreement to assist the campus peace officers remains under the supervision of the municipal law enforcement agency.

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

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

Sec. 51.2126. APPEAL BY CAMPUS PEACE OFFICER OF DISCIPLINARY ACTION OR PROMOTIONAL BYPASS RELATED TO PROVISION OF ASSISTANCE UNDER MUTUAL ASSISTANCE AGREEMENT. (a) A campus peace officer acting under a mutual assistance agreement authorized by Section 51.2125 who is demoted, suspended, or terminated by the applicable private institution of higher education or who experiences a promotional bypass by the institution may elect to
appeal the institution's action to an independent third party hearing examiner under this section.

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

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

(d) If a campus peace officer elects to appeal to a hearing examiner, the officer and the head of the institution's law enforcement agency or their designees shall attempt to agree on the selection of an impartial hearing examiner. If the parties do not agree on the selection of a hearing examiner before the 10th day after the date the appeal is filed, the parties immediately shall request a list of seven qualified neutral arbitrators from the American Arbitration Association or the Federal Mediation and Conciliation Service, or their successors in function. The officer and the agency head or their designees may agree on one of the seven neutral arbitrators on the list. If the parties do not agree before the fifth business day after the date the parties receive the list, the parties or their designees shall alternate striking a name from
S.B. No. 11

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

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

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

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

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

(g) In a hearing conducted under this section, the parties
may agree to an expedited hearing procedure. Unless otherwise
agreed by the parties, in an expedited procedure the hearing
examiner shall issue a decision on the appeal not later than the
10th day after the date the hearing is completed.
S.B. No. 11

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

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

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

ARTICLE 16. TRAFFICKING OF PERSONS

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

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

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

(A) causing or threatening to cause bodily injury
to the person or another person or otherwise causing the person
performing or providing labor or services to believe that the
person or another person will suffer bodily injury;

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

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

(i) government records;

(ii) identifying information; or

(iii) personal property;

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

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

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

(1) the value of the services provided by
the person or another person as reasonably assessed is not applied
toward the liquidation of the debt;
S.B. No. 11

(ii) the duration of the services provided
by the person or another person is not limited and the nature of the
services provided by the person or another person is not defined; or

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

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

(2) "Traffic" means to transport, entice, recruit, harbor, provide, or otherwise obtain another
person by any means for transport by deception, coercion, or
force.

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

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

(1) knowingly traffics another person with the intent
or knowledge that the trafficked person will engage in
forced labor or services; or

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

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

(1) the applicable conduct constitutes an offense under Section 43.02 and the person who is trafficked is younger than 18 years of age at the time of the offense; or

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 16.06. Sections 20A.01 and 20A.02, Penal Code, as
amended by this article apply only to an offense committed on or
after the effective date of this article. An offense committed
before the effective date of this article is governed by the law in
effect when the offense was committed, and the former law is
continued in effect for that purpose. For purposes of this section,
an offense is committed before the effective date of this article if
any element of the offense occurs before the effective date.

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

ARTICLE 17. REGULATION OF FIREWORKS IN DISASTER DECLARATION

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

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

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

(c) An order or proclamation declaring, continuing, or
terminating a local state of disaster shall be given prompt and
general publicity and shall be filed promptly with the city
secretary, the county clerk, or the joint board's official records,
as applicable.
(d) A declaration of local disaster activates the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. The preparedness and response aspects of the plans are activated as provided in the plans and take effect immediately after the local state of disaster is declared.

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

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

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

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

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

(2) to the extent of a conflict between decisions of
the county judge and the mayor, the decision of the county judge prevails.

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

1. for 60 hours unless extended by the governor; and
2. if the county judge requests the governor to grant an extension of the restriction.

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

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

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

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

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

(c) The Border Security Council shall advise the office of
the governor regarding the allocation of funds by the office for
purposes related to security at or near this state's international
border. Recommendations relating to the allocation of those funds
must be made by a majority of the members of the council.

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

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

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

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

SUBCHAPTER E. TEXAS FUSION [INFRASTRUCTURE PROTECTION
COMMUNICATIONS] CENTER

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

Sec. 421.081. FACILITIES AND ADMINISTRATIVE SUPPORT. The
Department of Public Safety of the State of Texas shall provide
facilities and administrative support for the Texas Fusion
[Infrastructure Protection Communications] Center.

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

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

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

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

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

(2) consist of:

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

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

(C) any two of the following:

(1) [44] a self-admission by the
individual of criminal street gang membership that is not made
during a judicial proceeding;

(11) [46+] an identification of the
individual as a criminal street gang member by a reliable informant
or other individual;

(111) [46+] a corroborated identification
of the individual as a criminal street gang member by an informant
or other individual of unknown reliability;

(iv) [46+] evidence that the individual
frequents a documented area of a criminal street gang and
associates with known criminal street gang members;

(v) evidence that the individual
uses, in more than an incidental manner, criminal street gang
dress, hand signals, tattoos, or symbols, including expressions of
letters, numbers, words, or marks, regardless of the format or
medium in which the symbols are displayed, that are associated with
a criminal street gang that operates in an area frequented by the
individual and described by Subparagraph (iv); or

(vi) [46+] evidence that the individual has
been arrested or taken into custody with known criminal street gang
members for an offense or conduct consistent with criminal street
gang activity.

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

(c) In determining whether information is required to be
removed from an intelligence database under Subsection (b), the
three-year period does not include any period during which the
individual who is the subject of the information is:

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

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

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

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

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

(b) Before responding to a request under Subsection (a), a law enforcement agency may require reasonable written verification of the identity of the person making the request and the relationship between the parent or guardian and the child, if
S.B. No. 11

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

ARTICLE 19. EMERGENCY MANAGEMENT TRAINING

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

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

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

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

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

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

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

(c) The division shall develop and provide a training course
related to the emergency management responsibilities of
state-level officers and a training course related to the emergency
management responsibilities of officers of political subdivisions.
The division shall ensure that the training courses satisfy the requirements of Subsection (b).

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

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

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

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

SECTION 19.02. Not later than January 1, 2009, each public officer who has taken the oath of office for a state or local government office before January 1, 2008, and who is required to complete a course of training under Section 418.005, Government 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
one to serve a term expiring January 1, 2010, and one to serve a term 
expiring January 1, 2012.

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

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

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

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

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

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

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

(f) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between this state and
S.B. No. 11

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

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

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

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

ARTICLE 22. EFFECTIVE DATE

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

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.

Approved:

[Signature]

Governor

Date: 6 JUN 07

Filed in the Office of the Secretary of State 4:30 p.m. 6 June 2007
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
Governor of Texas

ATTESTED BY

Roger Williams
Secretary of State

Filed in the office of the Secretary of State at 4:00 p.m. O’clock, Jun 06, 2007.