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NOVEMBER 2001

TEXAS RESPONDS

Conference and

The Texas War Relief Package

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November 2001

Carole Keeton Rylander Texas Comptroller of Public Accounts

> TEXAS STATE DOCUMENT UNIVERSITY OF TEXAS PAN AMERICAN EDINBURG, TEXAS 78539-2999

Fellow Texans:

Texas faces many challenges that were unimaginable before the tragedies in New York City, Pennsylvania, and Washington, D.C. on September 11, 2001. We are now a nation at war against terrorism. Many of our family members, friends, and neighbors will be called to ensure our freedom and safety at home and abroad. Those of us on the home front are united with them in our thoughts and prayers.

As a mother and grandmother, I know the enormous battle we face against terrorism and the importance of this moment for our nation; and I understand the uncertainty and fears that families face when their loved ones are called to confront danger. We bear a crucial responsibility to support Texas men and women as they fight the nation's war on terrorism. Similarly, we owe all of our families protection and security through the operation of our emergency and public health services.

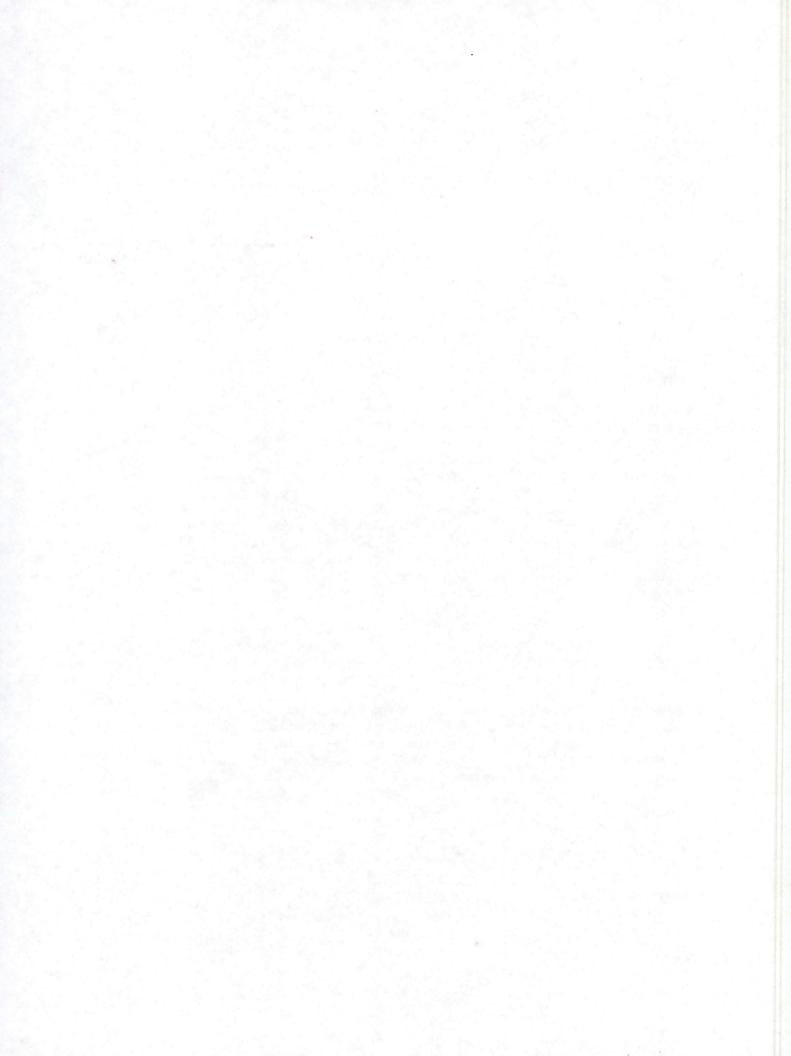
That is why I asked my staff to create this package of proposals of financial, educational, and personal assistance to our military, police officers, public safety, and emergency management personnel and their families, and proposals to enhance our readiness to deal with emergencies.

The Texas War Relief Package contains my plan of action to support the families and children of our Texas men and women in harm's way, plus other actions to strengthen our preparedness for disaster situations. I look forward to working with each of you, the members of the Texas Legislature, and Texans across the state to turn these proposals into reality. Thanks for all that you do for Texas.

Sincerely,

arde Keeton Rylander

Carole Keeton Rylander Texas Comptroller





The Texas War Relief Package



NOVEMBER 2001

CAROLE KEETON RYLANDER, TEXAS COMPTROLLER

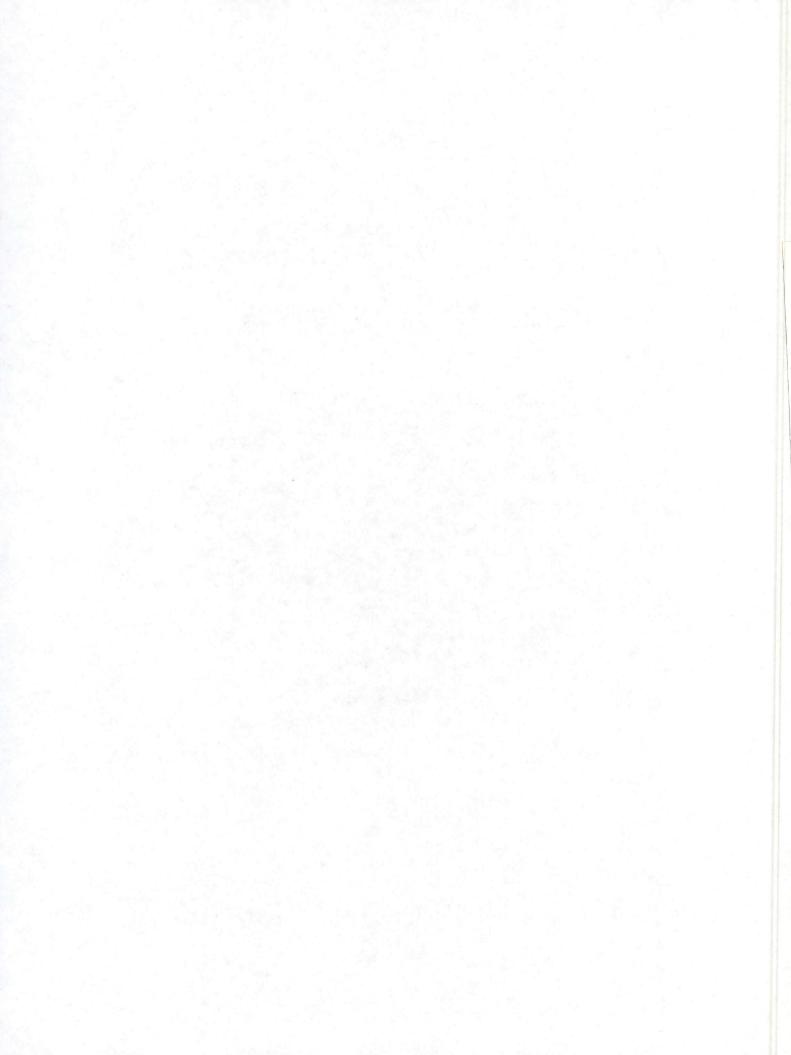


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• The Comptroller's office will develop longer leave with pay policies during extended periods of crisis for all disaster responders. The policies will be uniform for all disaster responders, including volunteer firefighters, Emergency Medical Technicians (EMTs), and Red Cross volunteers.	
• The Comptroller's office will develop consistent training leave policies for all responders.	
 The Comptroller's office will develop policies for paying for all or a portion of the training for volunteer firefighters, EMTs, and Red Cross Responders. Training may be counted as part of the agency-required training for personnel during a fiscal year. 	
• The Comptroller's office will recommend to the Texas Legislature any necessary changes in state law that would encourage the development and skills of disaster responders who are state employees and who contribute valuable assets to their agencies and communities. Other state agencies may use the new Comptroller's Office policies voluntarily.	. *
Emergency Management	
• The Emergency Management Council's and Governor's Task Force on Homeland Security's review of the state's Emergency Management Plan should include all recommendations necessary to ensure the state's capacity and flexibility to prevent, mitigate and respond immediately to disaster situations.	
• Texas should issue bonds to build or increase the security of critical transportation infrastructure required for military purposes, an to improve existing security at airports, coastal ports, other points of entry, major petrochemical facilities and other public infrastructure.	
• Texas should create a GIS database that contains all information that might be needed during a disaster.	
• The Governor's Division of Emergency Management should expand its current Web site to provide more information related to emergency planning and information during a crisis as well as develop a best practices database on emergency management.	
• Texas should bolster anti-terrorism capabilities by developing regional epidemic response teams in eight of the TDH's regional offices.	

• Texas should increase state and local health department microbiological and chemical laboratory capacity to detect and respond to bioterrorism and chemical terrorism
Texas should enhance infectious disease epidemiology and surveillance
• Texas should create an Office of the State Epidemiologist that would assist local governments and hospitals with enhancing their current emergency response plans to include bioterrorism preparedness
• Texas should expand the Health Alert Network program to more local health departments and train local health department staff to recognize and respond to bioterrorism
• In coordination with private non-profit blood donation centers and other stakeholders, Texas should expand the state's capacity to accept and manage blood donations during a crisis, including as a last resort the use of state facilities and staff
• TDH should build a ready and coordinated "just-in-time" blood donation supply through a coordinated educational campaign
• The retirement multiplier for DPS commissioned officers who retire with at least 30 years of service should be increased from 2.80 percent to 3.0 percent per year of service
• A Deferred Retirement Option Plan should be offered to DPS troopers who are eligible to retire and have at least 25 years of service credit in the Employees Retirement System of Texas
• DPS should develop a program of multiple incentives, including a bonus plan tied to years of service; provide hazardous duty pay, and develop a plan of stipends for special DPS trooper expertise, based on education, special expertise in languages, enforcement methods and other professional certifications
• Texas should offer training to teachers, school administrators, and students to provide immediate emergency medical assistance to those injured in emergencies
• School districts should develop new school safety plans or expand existing plans to include a response to domestic terrorism
The Texas School Safety Center at Southwest Texas State University should develop or contract for model school safety plans for small, medium and large size school districts
The Texas School Safety Center should expand its services to include planning for domestic terrorism
Texas should require local governments to develop a Risk and Needs Assessment Capability Plan with funding contingent on the development of such a plan
• Texas should create 10 HAZMAT/WMD (Hazardous Material/Weapons of Mass Destruction; Chemical, Biological, Radiological, Explosives, & Incendiaries) regional response teams that could be dispatched immediately to respond to a terrorist attack.
Texas should amend the Texas Constitution to allow the Legislature the flexibility to fund improved transportation safety from the State Highway Fund
• Texas should offer "United Americans" or "Land of the Free" license plates and dedicate revenue to disaster assistance and special program funding
• Texas should create new criminal offenses for terrorism, enhance penalties for terrorist acts and amend state law to allow the death penalty for criminals convicted of acts of terrorism
• Texas should initiate a series of measures to improve security in state facilities
• Texas should update state agency emergency evacuation plans for disabled employees
 The Comptroller's office will assist employers by placing information about emergency management planning and implementation along with appropriate links to organizations that can provide technical and financial support on its Window on State Government Web site.

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• The Comptroller will use videos and satellite feed from the Emergency Education Network (EENET) of the Federal Emergency Management Agency (FEMA) to train Comptroller employees for disaster response, risk assessment, and taxpayer assistance in emergencies.	
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Acknowledgements

Texas will support military families through "Texas Friends of Freedom."

COMMENTS:

- The Texas Friends of Freedom program will have three interconnected and coordinated parts: Adopt-a-Military Unit, Adopt-a-Family and Adopt-a-Grandparent.
- The program will match corporate sponsors to military units and volunteers with families of Texas military personnel.
- In Adopt-a-Military Unit, community organizations and the Texas Workforce Commission (TWC), in conjunction with local workforce development boards and chambers of commerce, will identify corporations who would sponsor military units.
- In Adopt-a-Family, community organizations will match volunteer families and individuals with families of soldiers and rescue workers. The volunteers will provide moral support and other assistance to families in Texas with spouses or parents stationed away from home or who have military reservists or rescue personnel called up for duty.
- The Adopt-a-Grandparent program will receive assistance from and coordinate with the Texas Department on Aging's programs, which provide comprehensive services, such as nutrition programs, in-home assistance, transportation and respite care to grandparents and senior citizens in every community in Texas.
- Texas will partner with the military and community-based organizations to establish the program.
- Participating organizations and state agencies will use existing programs and systems as much as possible.
- Texas needs this program because families of reservists are located across the state and not always near a military base. Military bases in Texas are hosts to families from across the nation, separated from their normal family support structure, and military families from Texas are located around the world.
- Spouses and children of Texas military men and women, rescue workers and terrorist victims could benefit from having emotional support from their community. The program could help to bind communities together.
- Military personnel stationed away from home will have better morale, knowing the support circle for their families had widened and that they have more people to lean on. Being able to focus on their mission could save lives.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation:

FISCAL IMPACT

Funding will be provided through grants and private donations.

- A. Texas should continue state-paid health insurance contributions for employees called to active military duty.
- B. The State Auditor's Office should review federal laws to determine if Texas is in compliance with laws established after the Gulf War, and other state benefit policies to determine if updates or policy interpretations are recommended.
- C. The Employees Retirement System should review federal laws regarding employee benefits to determine if Texas is in compliance.
- D. Texas should examine other benefit policies, such as retirement benefits, dental insurance, life insurance, disability insurance, or contributions to Health or Child Care Reimbursement Accounts to determine if changes should be made.
- E. Texas should determine if state agencies should pay the employee's share of health care contributions paid for family or spouse coverage.

COMMENTS:

• Insurance and retirement benefits paid by the state are suspended when a state employee is called to extended active duty from military reserve forces by the President. After using military leave or other leave allowed by law, the employee goes on leave without pay. When an employee goes on leave without pay, the state stops paying for the employee's health insurance and for any part of family or spouse insurance costs.

LEGISLATION REQUIRED

See Recommendations.

FISCAL IMPACT

There would be no additional costs to the General Revenue Fund or other funds to implement these recommendations. State agencies currently receive an appropriation for payment of employees' health insurance benefits. These funds are already appropriated and budgeted for all qualifying state employees. Some agencies, such as the Texas Department of Criminal Justice (TDCJ), may be disproportionately affected by this recommendation because they have large numbers of reservists. They may need to replace essential employees and may need additional appropriations or enhanced budget flexibility.

The Comptroller of Public Accounts and other interested state agencies will coordinate private sector donations of computers, wiring and Internet accounts to help children of military personnel stay in touch with parents on active duty.

COMMENTS:

- Students of absent military parents often exhibit stress-related behaviors such as low grades and absenteeism from school.
- Electronic mail (e-mail) can increase communications between active military personnel and their families.
- Most Texas school districts have some degree of Internet connectivity.
- The Comptroller and other interested state agencies will coordinate private sector donations of computers, wiring and Internet accounts to improve student access to the technology that will enable them to remain in contact with their absent military parents during the current war effort.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation.

RESOURCE REQUIREMENTS

The Comptroller and other interested parties can reassign existing personnel to coordinate volunteer donations of computers, wiring and Internet accounts from the private sector.

The Comptroller's office will allow its employees to earn compensatory time for assisting the families of reservists called up to active duty in completing their federal income tax returns through the IRS's Volunteer Income Tax Assistance program.

COMMENTS:

- In the past, groups of Comptroller employees have informally assisted families along the Border in completing their earned income tax credit forms.
- Comptroller employees with tax expertise will be allowed to earn comp time if they assist the families of soldiers called to active duty in completing their federal income tax returns. The IRS's Volunteer Income Tax Assistance (VITA) program helps persons in need of assistance with their tax returns and Comptroller employ-ees may participate in this program after receiving free IRS training.
- Comptroller employees will be allowed to assist the families of activated members of the military only if such assistance does not violate the agency's ethics policies.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation.

FISCAL IMPACT

This recommendation can be implemented with existing Comptroller resources. There will be no significant fiscal impact to the state.

Texas should declare September 11 a Day of Remembrance.

COMMENTS:

- The innocent American lives taken on September 11 and the heroes who fought to save them should be remembered. But more than memorializing these victims, the day should be set aside for Texans to renew their spirits, their patriotism and their will to combat terrorism wherever it appears.
- The Legislature routinely passes concurrent resolutions to commemorate special days of the year. These resolutions do not have the effect of law.
- The Legislature has the option to decide if state employees would be allowed to take paid or unpaid leave to observe all or part of the day. If no mention of time off is made in the resolution, none is given.
- In the event state employees were to be granted leave for the day, the time would be counted as an employee benefit.

LEGISLATION REQUIRED

A concurrent resolution passed by both houses of the Legislature is required to memorialize the day. If the Legislature were to formalize the ongoing observance of September 11 as a Day of Remembrance, Section 662.003 of the Texas Government Code must be amended to list it as an observed state holiday or optional holiday.

FISCAL IMPACT

This recommendation has no fiscal impact.

The Texas Tomorrow Fund, through its scholarship foundation, will raise contributions from individuals and corporations to provide tuition and required fees for children affected by the war effort.

COMMENTS:

- The Texas Legislature has included a scholarship component in the Texas Tomorrow Fund. The Texas Prepaid Tuition Scholarship Foundation administers a program of soliciting and dispensing funds for Tomorrow Fund contracts for scholarship purposes.
- The scholarship foundation represents an excellent vehicle for raising contributions from private corporations, individuals and other groups who want to support the war effort. Tuition contracts can be created for unnamed beneficiaries and the contracts can be awarded as the need arises.
- When a child is orphaned as a result of a terrorist attack or because of military action, the foundation will award a contract to that child. Such scholarships will be awarded to orphaned children of armed forces service members, law enforcement officers, firefighters and emergency medical personnel.
- If a child has a parent who receives a medical discharge from the military as a result of the war against terrorism, that child also will receive a scholarship.
- The Texas Prepaid Tuition Scholarship Foundation will raise funds for tuition contracts for children directly affected by the war effort. The Texas Veterans Commission will determine eligibility for the scholarships in the case of a child of a military service member.
- The state's Hazlewood Act provides a tuition exemption for the children of servicemen killed or disabled in the line of duty. However, benefits are reduced by the amount of any federal aid, such as Pell Grant or GI Bill, which the student receives to attend college. Because the GI Bill added significant educational assistance for dependents in 2000, children of servicemen killed or disabled in the war likely will not receive the Hazlewood exemption.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation.

FISCAL IMPACT

No state funds will be used to implement this recommendation. The foundation board will raise the funds needed to provide scholarships from private sources.

LEGISLATION REQUIRED

RECOMMENDATION

- A. Texas should modify the Texas Hazlewood Act to waive tuition and fees to the spouses of Texas servicemen killed in the line of duty during the "Enduring Freedom" campaign against terrorists.
- B. Texas should amend Texas Government Code §615.121, which authorizes tuition and/or fee waivers and reimbursement for the cost of textbooks to include the spouses and dependents of public safety officers killed in the "Noble Eagle" homeland defense campaign.

COMMENTS:

- The state waives tuition and/or certain fees at public Texas universities, health-related institutions, technical colleges and community colleges for eligible veterans and the dependents of military personnel, law enforcement officers and other public safety workers killed or injured in the line of duty and their children through a variety of programs.
- Spouses of members of the armed forces are not included in the Hazlewood Act and the spouses and dependents of public safety officers killed in the campaigns against terrorism should be eligible for the educational assistance granted under HB 877.

LEGISLATION REQUIRED

The Texas Education Code (Hazlewood Act §54.203) should be amended to include spouses of Armed Forces personnel killed during the "Enduring Freedom" campaign so they can be eligible for tuition and fees waivers. The Texas Government Code (§615.121)also should be amended to include the spouses and dependents of public safety officers killed in the "Noble Eagle" campaign.

FISCAL IMPACT

The Higher Education Coordinating Board estimates the average cost per student for free tuition, fees and books at a Texas public senior university was about \$8,200 in fiscal 2001. The Higher Education Coordinating Board estimates the average cost for free tuition, fees and books at a Texas community college is about \$1,555 and the annual tuition, fees and books cost at a Texas technical college is about \$1,431.

In fiscal 2000, 28 eligible orphans of the Armed Forces, Texas, Army, or National Guard servicemen who were killed in action, or died as a result of wounds received in action, received tuition and fees waivers totaling \$22,057, or about \$788 per student.

The cost to the General Revenue Fund to implement these recommendations cannot be estimated.

The Texas Education Agency should provide counseling resources for school districts on the state's education Web page.

COMMENTS:

- The assistance available to young children to cope with the events of September 11, 2001 will have long-lasting effects.
- Many states, including Connecticut, Georgia, Hawaii, Illinois, Iowa and Kansas, provided resources to local schools in the aftermath of September 11 so that these schools could address children's questions and concerns.
- Nationally and locally, many public and private organizations have provided linkages to counseling assistance and resources on their web sites.
- The Texas Education Agency (TEA) is the central focal point for public education in Texas.
- Educators should be able to look to TEA's web site for assistance and resources in coping with large-scale disasters.

LEGISLATION REQUIRED

The Texas Education Code should be amended to require TEA to provide updated counseling and crisis management resources on its Web page, and to use this Web page as a centralized information resource for educators in the event of a local, regional, statewide or national emergency.

FISCAL IMPACT

This recommendation could be implemented with existing resources.

Texas should increase the number of instructional staff at the Texas Engineering Extension Service's training program.

COMMENTS:

- For decades one of the largest providers of training in the country, the Texas Engineering Extension Service (TEEX), has developed a variety of public safety training programs, products and services.
- Many TEEX programs are designed to teach how to respond in emergency situations. Some of TEEX's programs are nationally recognized in terrorism response training circles.
- The U.S. Congress established the National Emergency Response and Rescue Training Center (NERRTC) in 1997 to become the nation's premiere training organization in the area of weapons of mass destruction. The Emergency Services Training Institute, a division of TEEX, provides training for NERRTC to emergency personnel around the country.
- Terrorism-related training courses are provided statewide to fire fighters and other emergency personnel, also known as emergency first responders.
- TEEX has the national reputation, technical competency and existing state delivery system to reach out and quickly implement terrorism and weapons of mass destruction response training to emergency personnel throughout the state. However, with a staff of only eight instructors, TEEX can respond to less than half of the training requests it receives.
- To satisfy all statewide training requests, the agency requires 12 additional instructors. With the additional qualified instructors, TEEX can begin delivering terrorism response training to Texas emergency personnel almost immediately.

LEGISLATION REQUIRED

The Legislature could provide additional funding for the Texas Engineering Extension Service, Article III, Higher Education under Goal A. Provide Training, Strategy A.1.1 Public Sector Training.

FISCAL IMPACT

The estimated cost to the General Revenue Fund to implement this proposal would be \$2.24 million in the first year and \$1.86 million in following years. This would provide 12 additional employees and the tools they would need to do their jobs. The General Revenue Fund would be the funding mechanism used to fill this need if federal funds are not identified, or if fees are not collected.

Texas state agencies and institutions of higher education whose employees are called to active military duty from Military Reserves or National Guard status should grant these employees a standard monthly emergency leave benefit to ensure these employees and their families do not suffer from a significant reduction in income while serving their country.

COMMENTS:

- State law provides for a paid leave of absence of up to 15 days per annual federal fiscal year for training and active duty purposes. State law also provides for an unpaid leave of absence for military reservists after the 15 days of paid leave have been exhausted. An employee also may use accrued vacation time after the 15 days of paid leave have been used.
- Some employers have pledged to make up the salary differential for their employees who are called to active duty. Dell Computer Corp. has announced plans to make up the pay difference for the estimated 100 Dell reservist and National Guard employees who may be called up. Plano-based EDS announced a similar plan. Both companies plan to pay the salary differential amounts for at least the first six months.
- State law provides administrative heads of agencies and institutions of higher education the authority to grant employees emergency leave after determining the absence is for good cause. Emergency leave, also known as administrative leave, is paid leave time for an employee. This authority can be used to grant an employee paid leave time sufficient to make up the difference between an employee's military pay and the employee's previous civilian salary.
- Based on a sample of state employee reservists called to active duty as of the date of this report, the estimated salary differential translates to approximately three working days each month. To simplify the administrative burden on agencies affected by this proposal, a standard emergency leave benefit of three days per month is recommended.

LEGISLATION REQUIRED

No legislation would be required to implement this recommendation.

FISCAL IMPACT

There would be no additional costs to the General Revenue Fund or other funds to implement these recommendations. State agencies currently receive an appropriation for payment of employees' salaries. These funds are already appropriated and budgeted for all qualifying state employees. Some agencies, such as the Texas Department of Criminal Justice (TDCJ), may be disproportionately affected by this recommendation because they have large numbers of reservists. They may need to replace essential employees and may need additional appropriations or enhanced budget flexibility.

Texas should allow additional \$20,000 property tax exemptions for reservists called to active duty.

COMMENTS:

- The Texas Legislature should grant a mandatory \$20,000 homestead exemption from school district property taxes for Texas military reservists called to active duty by the President.
- The exemption, which would be similar to the current mandatory exemption for disabled veterans, would expire when the individual is released from active duty.
- The state should hold school districts harmless for any property tax revenues lost to school districts as a result of the homestead exemption.

LEGISLATION REQUIRED

This recommendation will require a constitutional amendment to Article VIII, Section 2 and ratification by general election. The Legislature also must amend Chapter 11 of the Property Tax Code to implement the amendment.

FISCAL IMPACT

The cost to the General Revenue Fund to implement this proposal is estimated at \$775,000 per year following the exemption's implementation. This is the amount the state would provide to local school districts to make up for lost property tax revenue.

Texas should amend current state law to give franchise tax credits to telephone companies or other donor companies that provide a telephone calling card to the families of National Guard members and reservists called to active duty for the "Enduring Freedom" and homeland defense "Noble Eagle" campaigns against terrorism; and any future national emergency declared in accordance with federal law.

COMMENTS:

- Texas should issue a special service calling card to the families of Texas National Guard members and reservists called to active duty that will allow them to dial a specific number to speak with their loved ones for a certain amount of time per month.
- The service calling cards could be called "Enduring Freedom" for overseas calls, or "Noble Eagle" for domestic calls.
- The viability of the calling cards would depend on the communications infrastructure available in the area or the location of the person serving.
- The value of the service plan would be based on comparable service plans, but would not exceed a specific amount. The telephone service provider would be given a franchise tax credit for a portion of the value of the calling card.

LEGISLATION REQUIRED

Legislative action would be required to change the Tax Code to grant the tax credit and to set the amount of credit allowed.

FISCAL IMPACT

Assuming that a calling card would cost about \$300 annually, or \$25 monthly, and assuming that the state of Texas were to grant a tax credit of \$0.50 cents on every \$1.00 spent by the donor company for this program, the estimated cost to the General Revenue Fund to implement this proposal would be \$371,000 per year.

Texas should expand the current state tax holiday to cover all items priced under \$100, purchased by family members of active military personnel during the tax holiday period.

COMMENTS:

- The current three-day sales tax holiday, which occurs during the first weekend in August, exempts most clothing and footwear priced under \$100 from the sales and use tax.
- The sales tax holiday for military personnel would occur at the same time as the current sales tax holiday but would be expanded to apply to all items priced under \$100 purchased by family members of active military personnel.
- Family members would have to present valid military identification verifying the status of the military personnel in order to receive the exemption during the holiday period.

LEGISLATION REQUIRED

Chapter 151 of the Tax Code would be amended to create the expanded sales tax holiday.

FISCAL IMPACT

Assuming the expanded holiday would be implemented by the 78th Legislature and would occur in August 2003, the estimated cost to implement this proposal would be \$3,144,000 to the General Revenue Fund and \$6,000 to the State Highway Fund per year. There also would be a cost of \$870,000 per year to units of local governments.

Texas should provide tuition exemptions for police officers enrolled in criminal science courses at state institutions of higher education.

COMMENTS:

- Section 54.208 of the Texas Education Code provides tuition exemptions for paid firefighters enrolled in fire science courses in state institutions of higher education.
- Due to advances in police work, the exemption should be extended to peace officers enrolled in criminal science courses.
- While the role of a police officer has become more specialized, the educational opportunities for police officers have not kept up with these changes.
- Counter-terrorism efforts add to the importance of crime fighting education and expertise.
- Many police departments consider college degrees a major factor when promoting officers.

LEGISLATION REQUIRED

The Texas Legislature would have to add a tuition exemption for peace officers enrolled in criminal science courses at state institutions of higher education to the Texas Education Code to implement this recommendation. Tuition exemptions would cover courses related to peace officer duties as determined by the Texas Higher Education Coordinating Board. School fees, except for lab fees, would not be exempted.

FISCAL IMPACT

Based on current numbers, such as tuition costs and the number of licensed peace officers, it would cost \$757,000 in General Revenue funds each year to implement this recommendation.

The fiscal impact estimates that 5.3 percent of Texas' licensed peace officers would each take \$217 in exemptions each per year. That is the same percentage of firefighters who took the exemption in 2000, and the same amount of exemptions per firefighter for the year.

Texas should reimburse state sales taxes paid by police officers, Emergency Medical Services personnel, firefighters and public safety officials who reach into their own pockets to pay for certain equipment.

COMMENTS:

- Many of the roughly 66,000 licensed peace officers in the State of Texas must personally purchase a portion of their equipment with their own funds.
- This equipment can include uniforms, weapons, leather and protective gear, and ammunition.
- The amount of equipment purchased by a peace officer depends on an individual police department's requirements.
- The dollar amounts of such items can be sizable. For instance, a Glock 22, 40 caliber handgun costs SAPD about \$400, while a uniform consisting of pants and a shirt costs close to \$100. An officer's leather gear, consisting of a belt, holster and keepers, costs roughly \$230. A Kevlar "bullet proof" vest costs the SAPD \$425, while an AR-15 assault rifle can be as much as \$700.
- While not all peace officers across the state must purchase all of this equipment out of their own pockets, many do purchase a portion of such items.

LEGISLATION REQUIRED

The Legislature should amend state law to provide a state sales tax reimbursement for peace officers who purchase equipment necessary to perform their duties. Reimbursement should be limited to the state sales tax on the first \$1,000 of items purchased per year. Additionally, the items must be required or approved purchases.

FISCAL IMPACT

The estimated cost to the General Revenue Fund to implement this proposal would be \$8,451,000 per year.

The fiscal impact is a function of 65,857 licensed peace officers, 48,078 Emergency Medical Services personnel and 21,275 certified firefighters receiving a reimbursement of the 6.25% state sales tax on \$1,000 per year.

Texas should use the Crime Victims' Compensation Fund for victims of terrorism.

COMMENTS:

- The Texas Crime Victims' Compensation Fund (the Fund) is available to aid those affected by terrorist attacks.
- The Fund only takes effect when all other avenues of compensation have been exhausted and the victim has completed and been approved by the application process.
- To qualify for compensation, an individual must be a U.S. resident who is the victim of a crime committed in Texas, or the individual must be a Texas resident in another state or country that does not have crime victims' compensation benefits for which the victim would be eligible.
- Terrorism qualifies as a crime covered by the Fund since such acts constitute criminally injurious conduct as defined by article 56.32 of the Texas Code of Criminal Procedure.
- As of August 31, 2001, the Fund held approximately \$287 million.
- In 2002, the Fund will dispense about \$130 million, both to various state agencies, groups and crime victims. That same year roughly \$87 million will go into the Fund from several sources including court fees and restitution.
- In 2003, the Fund will dispense \$137 million and gain roughly \$86 million.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation.

FISCAL IMPACT

This recommendation will have no significant fiscal impact to the state.

Texas should promote the employment of dependents of military reservists who are called to serve during the war effort.

COMMENTS:

- The Texas Workforce Commission (TWC), in conjunction with local workforce development boards and local chambers of commerce, has the ability, the tools and the duty to promote the availability of jobs in Texas.
- The agency also assists targeted populations in receiving employment.
- The potential exists for the state to provide assistance in finding employment for unemployed spouses of reservists called away from home.
- This effort could include TWC reaching out to private sector employers to determine those that would be open to providing priority hiring status to spouses of reservists and emergency personnel who are called away from home to serve their country in this time of war. Once determined, a list of these employers and their job openings could be made publicly available and qualified applicants could respond appropriately and at their own discretion.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation.

FISCAL IMPACT

This recommendation would have no significant fiscal impact on the state.

Texas should use prison labor for relief items.

COMMENTS:

- Inmates in the Texas prison system can manufacture items such as blankets and uniforms, as well as to refurbish military buses and trucks, for the war relief effort on a need-only basis.
- With prototypes or patterns, Texas Department of Criminal Justice (TDCJ) industries can quickly and efficiently add new production methods.
- TDCJ aided the Red Cross during Hurricane Alicia and has assisted the National Guard in the past as well.
- There are currently about 7,500 inmates participating in TDCJ's Texas Correctional Industries, with the availability of tens of thousands more inmates available for work.
- Inmates could receive valuable job skills which they could use once released from TDCJ and reduce recidivism numbers.
- Taxpayers would see their tax dollars spent more efficiently by saving the government money on production costs.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation.

FISCAL IMPACT

This recommendation would have no significant impact on the state.

Texas should exempt sales of U.S. flags, the Texas flag and the P.O.W.-M.I.A. flag from the sales tax.

COMMENTS:

- Exempting the sale of these flags from the state sales tax would encourage people to remember the victims of terrorism, support the United States as it confronts this evil threat, and stand by our troops at home and abroad.
- The loss of revenue from this exemption would be minimal.
- All three flags already have special statutory recognition, since a federal statute authorizes the United States flag, a Texas statute adopts the Texas flag, and both federal and Texas statutes prescribe certain uses of the P.O.W./M.I.A. flag.
- Other states exempt the sale of flags from their sales taxes.
- Some states exempt only the sales of the U.S. flag, some exempt the federal and state flag, and other exempt the U.S., state, and P.O.W./M.I.A. flag.
- Some states exempt the sale of flags only under conditions specified in their statutes, such as sale by veterans' organizations or by units of government.

LEGISLATION REQUIRED

Enactment would require an amendment to the Tax Code to add a section similar to those found in Tax Code, §§ 151.312 to 151.318, stating that "United States flags, Texas flags, and P.O.W./M.I.A. flags are exempted from the taxes imposed by this Chapter."

FISCAL IMPACT

The estimated cost to the General Revenue Fund to implement this proposal would be \$50,000 per year.

The Texas Workforce Commission (TWC) should expand its current child care plan to include a priority focus on child care and funding strategies for children of active military personnel, emergency workers and victims' families.

COMMENTS:

- Quality, affordable child care is a challenge for many families, particularly those experiencing the absence or loss of a loved one due to war or disaster.
- A quality child care program can cost from \$5,000 to \$8,300 per year, yet reservists called to active duty may find themselves earning only a small percentage of their peacetime wages.
- Many child care programs funded by the TWC currently have a waiting list for services.

• The federal Military Child Care Act was designed to improve child care options for military families, but covers only children younger than school age and those in

- child development centers.
- The TWC coordinates state and federal funds for child care and manages the state's child care plan.
- The TWC should develop a coordinated approach to child care for military personnel, emergency workers' and victims families and place a priority on these families.

LEGISLATION REQUIRED

Legislation is needed to require the TWC to develop child care options for children of active military personnel, emergency workers and victims' families during periods of war.

FISCAL IMPACT

The estimated amount of state and federal funds which might be available for this effort cannot be estimated.

Texas should allow the families of reservists who have been called to active duty to enter state parks free of charge.

COMMENTS:

- The Texas Parks and Wildlife Department (TPWD) could waive the park entrance fee for the families of military reservists who have been called to active duty during the recent crisis. Reservists' families would be entitled to enter the park free.
- TPWD could develop strategies to offset lost fee revenue. TPWD could establish a fund drive allowing park visitors to make donations to cover the cost of offering the free park entrance to reservists' families. Many of the state parks also have "friends of the park" associations that could solicit donations to offset these costs.

LEGISLATION REQUIRED

Under current law, TPWD has the authority to set park entrance fees and waive entrance fees. However, the Legislature could make the entrance waiver for reservists' families a requirement by statute.

FISCAL IMPACT

The annual revenue loss to the State Parks Account in the General Revenue Fund for this recommendation is \$29,000.

The Comptroller's office will publicize various tax breaks and Comptroller services already available that may be of interest to the public as it copes with disasters.

COMMENTS:

- The Texas Tax Code includes several tax breaks for taxpayers affected by disasters. These tax breaks include deadline extensions for tax returns and exemptions from sales tax for the cost of the labor to repair damaged property, including appliances, office equipment, furniture, warehouses, office buildings, and stores that are damaged during a declared disaster.
- Texans can purchase items tax-free if they want to donate these items to the Red Cross, Salvation Army, churches, schools and other exempt organizations for use in aiding families of armed services personnel on active duty or to aid victims or families of victims of the conflict.
- The Comptroller's office will work closely with retailers to have exemption certificates available upon request for use by taxpayers who want to contribute to the Red Cross and other efforts.
- Taxable services, such as security and investigation services, data processing services and insurance services performed in Texas but that are intended to provide help to victims, to assist in rescue efforts, or aid investigations of terrorist attacks in New York, Washington, Pennsylvania and elsewhere are not taxable because the benefit of those services is outside the state of Texas.
- The Comptroller's office has the authority to grant an extension of up to 90 days to file tax returns when an area has been declared a disaster area.
- Comptroller field offices are ready to assist in preparation of most state tax reports for armed services personnel (or their families or authorized representatives).
- Texas citizens have the ability to receive a prorated motor vehicle registration fee credit if the motor vehicle is destroyed and cannot operate on a public highway.
- The Comptroller's office will place notices on the Comptroller web page, in Sales Tax Update and in returns that assist with preparation on tax returns. Information regarding available services should be provided through the toll-free number, 1-800-252-5555.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation.

FISCAL IMPACT

This recommendation will have no significant fiscal impact on the state. No additional resources are required.

- A. The Comptroller's office will develop longer leave with pay policies during extended periods of crisis for all disaster responders. The policies will be uniform for all disaster responders, including volunteer firefighters, Emergency Medical Technicians (EMTs), and Red Cross volunteers.
- B. The Comptroller's office will develop consistent training leave policies for all responders.
- C. The Comptroller's office will develop policies for paying for all or a portion of the training for volunteer firefighters, EMTs, and Red Cross Responders. Training may be counted as part of the agency-required training for personnel during a fiscal year.
- D. The Comptroller's office will recommend to the Texas Legislature any necessary changes in state law that would encourage the development and skills of disaster responders who are state employees and who contribute valuable assets to their agencies and communities. Other state agencies may use the new Comptroller's Office policies voluntarily.

COMMENTS:

- Emergency Medical Technicians (EMTs), and volunteer firefighters who are called to duty during working hours are granted emergency leave at the discretion of the Deputy Comptroller.
- The Comptroller's office and other state agencies currently have statutory authority to extend emergency leave to their own employees for good cause, and can exercise this authority to grant longer leave policies for all disaster responders during extended periods of crisis.
- Leave and training policies for Red Cross disaster responders are not consistent with policies for other emergency workers.

LEGISLATION REQUIRED

None, except that legislation would be required to make the policies uniform for all agencies.

FISCAL IMPACT

Existing staff would enroll in training for disaster responders. State agencies already are appropriated funding for staff training purposes, and a small portion of this funding could be used to pay for necessary training for disaster responders. The skills developed during training and the service offered by disaster responders to their agencies and communities are a valuable asset to state government.

The Emergency Management Council's and Governor's Task Force on Homeland Security's review of the state's Emergency Management Plan should include all recommendations necessary to ensure the state's capacity and flexibility to prevent, mitigate and respond immediately to disaster situations.

COMMENTS:

- The Governor's Emergency Management Council is responsible for the state's Emergency Management Plan. The Governor also recently appointed a 21-member Task Force on Homeland Security to coordinate with the new federal Homeland Security Office. This task force includes members of the Legislature, experts, local authorities and state agencies. Both the council and the task force have been reviewing the plan in light of the events of September 11.
- The state should focus on assessing and prioritizing the risks of terrorist, biological and chemical attacks on state and local infrastructure and that infrastructure's recovery capabilities.
- Infrastructure to be studied should include ports, shipping waterways, critical roadways and bridges, petrochemical plants and pipelines, power generation facilities, municipal water systems, communication systems, food supply and distribution systems, public arenas and government buildings.
- The state should address the prevention, mitigation and response capabilities by all levels of government, military units, and professional or volunteer associations or agencies to a terrorist attack.
- State and local authorities should review and revise their evacuation plans and consult with businesses that are at risk of attack. The state should ensure business input to the state's Task Force on Homeland Security.
- The state should develop additional secure laboratories capable of isolating, testing and identifying organisms such as anthrax, plague and smallpox.
- The availability and viability of emergency water and power supplies should be reviewed.
- The state should develop a comprehensive list of assets available to assist in mitigating national and state emergencies and disasters, take measures to protect these assets and develop alternatives should these assets become unusable.

LEGISLATION REQUIRED

No legislation is required to develop these recommendations. However, to the extent additional authority or funds will be needed to accomplish the goals of these recommendations, some legislation may be required.

FISCAL IMPACT

The fiscal impact for this recommendation cannot be estimated.

Texas should issue bonds to build or increase the security of critical transportation infrastructure required for military purposes, and to improve existing security at airports, coastal ports, other points of entry, major petrochemical facilities and other public infrastructure.

COMMENTS:

- The Texas Constitution, Article 3, Sec. 49 (a)(2) authorizes the state to create debt "to repel invasion, suppress insurrection, or defend the State in war."
- The State of Texas is now required to defend itself from the threat of terrorist attack at airports, coastal ports, other points of entry and at major petrochemical and nuclear facilities across the state. Moreover, critical water, transportation and other public infrastructure will need improved security to enable military movements and protect citizens.
- The Texas Constitution, Article 3, Sec. 49-j limits total state debt to 5 percent of an amount based on the preceding 3 years' average annual general revenues. Only debt backed by the general revenue fund is included in the debt calculation.
- The Texas Bond Review Board estimates the debt level as of the end of fiscal 2000 was 2.03 percent. Assuming the full value of all bonds approved in the November 2001 elections is issued, the Board estimates that another \$6.6 billion would be available for future bond proposals before the state reached the 5 percent cap.

LEGISLATION REQUIRED

Enabling legislation would be required to address the amount of bonds to be issued. That amount should be based on a critical needs assessment performed by the Governor's Task Force on Homeland Security, the Texas Department of Public Safety's Division of Emergency Management, the Infrastructure Task Force as recommended by the Comptroller, or all three. Bonds should be issued by the Texas Public Finance Authority (TPFA) and administration of the loan program should reside with the governor as chief executive of the state.

The legislation should consider allowing a portion of the bonds to be issued in small denominations to allow all Texans to purchase them at the state's financial institutions or through payroll deduction plans offered by Texas employers.

The legislation should specify that bond proceeds may be loaned to political subdivisions to pay for improved security measures that are not eligible for federal funding. Loan repayment would provide some revenue to the state to offset bond costs.

FISCAL IMPACT

The estimated cost to the General Revenue Fund to implement this proposal cannot be determined at this time without specific legislation.

Texas should create a GIS database that contains all information that might be needed during a disaster.

COMMENTS:

- Geographic information systems (GIS) consist of tools which can analyze, store, manipulate, and display geographically referenced information, i.e. data identified according to their locations.
- GIS played an important role in emergency response in New York after the World Trade Center bombings.
- The consensus among GIS staff working in the New York disaster was that data collection was the biggest challenge. GIS is widely used in New York, but determining which agency had the most current information, gathering data and verifying it proved to be difficult.
- In Texas, GIS is coordinated in Texas by the Texas Geographic Information Council (TGIC), a data coordination and planning group made up of forty-one state agencies, universities, and local or regional government associations.
- There is no single entity that stores all of the data collected, nor do all members of TGIC have databases.
- To better plan and respond to disasters in Texas, the Governor's Division of Emergency Management should apply for an Emergency Management Performance Grant from Federal Emergency Management Agency to expand its GIS resources.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation.

FISCAL IMPACT

The estimated increase in Federal Funds to implement this proposal would be \$260,000 for FY2003 and \$228,000 for each following year. The state would have to apply to the federal government during FY 2002 for grant money distributed during FY2003. It would increase full-time employees at the Governor's Division of Emergency Management by four.

The Governor's Division of Emergency Management should expand its current Web site to provide more information related to emergency planning and information during a crisis as well as develop a best practices database on emergency management.

COMMENTS:

- When a disaster strikes, citizens need information, but are not always sure where to find it. Texans need a single source of information to reduce confusion and increase access to information and services before, during and after a disaster.
- The Governor's Division of Emergency Management (DEM) currently has a Web site that provides some information on emergency planning http://www.txdps.state.tx.us/dem/, and has added some information on domestic terrorism.
- This Web site should be expanded to include information on finding missing people, locating hospitals, benefits and assistance, potential scams, fraud and travel. It should include information on various sources of aid, including federal, state or local governments or relief organizations. The Web site should also include check-lists for various entities such as schools, businesses, state agencies or local governments for readiness and recovery under disaster conditions.
- In coordination with the Department of Information Resources, DEM should establish a front-page link on TexasOnline for emergency response and notification.
- The Governor's Division of Emergency Management should establish and maintain a database of best practices that can be accessed through the Web site and used by schools, local governments and businesses to share ideas on emergency management.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation.

FISCAL IMPACT

This recommendation has no significant fiscal impact to the state.

- A. Texas should bolster anti-terrorism capabilities by developing regional epidemic response teams in eight of the TDH's regional offices.
- B. Texas should increase state and local health department microbiological and chemical laboratory capacity to detect and respond to bioterrorism and chemical terrorism.
- C. Texas should enhance infectious disease epidemiology and surveillance.
- D. Texas should create an Office of the State Epidemiologist that would assist local governments and hospitals with enhancing their current emergency response plans to include bioterrorism preparedness.
- E. Texas should expand the Health Alert Network program to more local health departments and train local health department staff to recognize and respond to bioterrorism.

COMMENTS:

- In Texas, the resources that are available for routine surveillance would be overwhelmed and quickly exhausted in the event of a bioterrorist event.
- No one can predict how effectively the public health infrastructure in Texas or the nation would respond to bioterrorist attacks.
- The resources needed to build effective epidemic response capabilities can also serve other very useful long-term public health goals such as monitoring regular biological threats like West Nile Fever and Bovine Spongiform Endephalopathy (Mad Cow Disease)—all diseases that could significantly harm public health and the economy.
- Texas needs more than a modest bioterrorism defense. Rapid response to epidemics can save millions of dollars. As epidemics grow, the costs—both human and economic—grow exponentially.

LEGISLATION REQUIRED

The Legislature and/or the Legislative Budget Board (LBB) would allocate funds as described below.

FISCAL IMPACT

The estimated cost to implement this proposal would be about \$7.3 million in the first year and \$4.8 million thereafter. An additional 59 full-time employees would be added to the department. Any available federal money should be sought for this effort.

The LBB could use its budget execution authority to move \$7.3 million from other agencies to fund the recommended increases in public health spending.

- A. In coordination with private non-profit blood donation centers and other stakeholders, Texas should expand the state's capacity to accept and manage blood donations during a crisis, including as a last resort the use of state facilities and staff.
- B. TDH should build a ready and coordinated "just-in-time" blood donation supply through a coordinated educational campaign.

COMMENTS:

- The Texas Emergency Management Plan requires the Texas Department of Health (TDH) to manage the blood supply during an emergency or crisis. In past emergencies, TDH has coordinated with private blood banks to perform this function.
- In light of terrorism events that may include bodily harm from non-infectious agents, an enhanced emergency plan, coordinated with all stakeholders, could address increasing blood supply and donation capacity through private Texas blood centers and their affiliated network across the nation, as well as creating safe auxiliary blood donation sites and staffing through public and private facilities and organizations.
- Blood products have relatively short shelf lives, and donors are limited to donating every 56 days so once they have given that donor is not available for a repeat donation for some time. Spacing of donations is important to maintaining an appropriate blood supply.
- Media coverage has a dramatic impact on the timing of blood donations. The TDH could monitor the blood supply levels across the state and coordinate the media message with all stakeholders.
- Regular blood supply donors now consist of only about five percent of the population. A more extensive list of regular donors would allow more easily for the management of donations. The TDH, in coordination with other stakeholders, could promote higher numbers of donors through public service announcements that emphasize all Texans' responsibility during emergencies.
- The number of committed state employee blood donors could be increased through a statewide drive.

LEGISLATION REQUIRED

No legislation would be required to implement these recommendations.

FISCAL IMPACT

The Health and Human Services Commission will need to shift resources to enhance the Texas Department of Health's ability to handle its emergency management responsibilities related to blood supply. The Texas Department of Health will need two additional staff positions to recruit, manage and coordinate a group of all appropriate stakeholders in blood supply operations and appropriate media campaign funding. For staff positions at \$50,000 each in salary, this would require a shift of \$100,000 for salaries and benefits of approximately \$28,000.

- A. The retirement multiplier for the Texas Department of Public Safety (DPS) commissioned officers who retire with at least 30 years of service should be increased from 2.80 percent to 3.0 percent per year of service; or
- B. A Deferred Retirement Option Plan should be offered to DPS troopers who are eligible to retire and have at least 25 years of service credit in the Employees Retirement System of Texas, or
- C. DPS should develop a program of multiple incentives, including a bonus plan tied to years of service; provide hazardous duty pay, and develop a plan of stipends for special DPS trooper expertise, based on education, special expertise in languages, enforcement methods and other professional certifications.

COMMENTS

- According to the DPS, within the next 15 months 350 troopers are expected to retire. These troopers are important to the safety of the state because they have the most experience in intelligence gathering and criminal investigations.
- A law enforcement or custodial officer is eligible to retire and receive a standard retirement annuity with full benefits at age 50 after 20 years of service. A higher benefit factor might reduce the number of officers retiring.
- A Deferred Retirement Option Plan (DROP) allows an employee during their later working years to accumulate funds in a special account for distribution at retirement in exchange for a reduced monthly benefit for life.
- A major advantage for the employer is that DROPs often are implemented at no additional cost to the employer. A possible disadvantage for the employer is that a DROP would not achieve the desired retirement pattern.
- A program of multiple incentives could induce commissioned officers to stay.

LEGISLATION REQUIRED

The Texas Government Code §814.07 and §814.08 should be amended to increase the multiplier for certain officers in the Law Enforcement and Custodial Officers Supplemental Retirement program or include a deferred optional retirement program benefit for certain Department of Public Safety troopers. The Texas Government Code §659 should be amended to include incentive pay for DPS troopers.

FISCAL IMPACT

The cost of recommendations A and B cannot be estimated without an actuarial analysis. The cost of recommendation C cannot be estimated.

Texas should offer training to teachers, school administrators, and students to provide immediate emergency medical assistance to those injured in emergencies.

COMMENTS:

- The events of September 11 have highlighted the need for better emergency planning in schools for external threats that could be much larger in scale than most recent school violence.
- Improved emergency planning requires more training in disaster response and emergency medical assistance. The number of people trained in CPR and basic first aid varies by district and campus. To increase the number of well trained staff in Texas school districts, the state should establish a statewide emergency medical training network for schools through the state's regional education service centers and the T-STAR network.
- T-STAR is a satellite network that allows school districts to receive educational programs at no charge for using the system, although some program providers may charge a fee. The programming provided varies widely and several programs are offered each afternoon during the school week.
- Use of the T-STAR network is not limited to school districts. Local communities are allowed access to the satellite system.
- Training videos on disaster response and basic first aid are available from the Red Cross for a minimal fee. Disaster preparedness experts who are able to teach classes are also available at the University of Texas, Texas A&M and the National Guard. These videos and classes could be broadcast for free over the T-STAR network to local school districts for training.
- The Texas Education Agency should also work with the Governor's Division of Emergency Management to apply for federal emergency management funds to be distributed to the regional Education Service Centers to coordinate CPR classes that require personal interaction for quality training.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation.

FISCAL IMPACT

There would be no significant cost to the state to provide training over the T-STAR network. The satellite network is already established and provided to school districts for free and the video costs would be nominal.

The estimated cost of providing CPR and basic first aid training cannot be estimated, because it is an optional training and demand is unknown. The Federal Emergency Management Agency provides grants to state and local governments, and the President's \$40 billion relief package may provide some funding.

- A. School districts should develop new school safety plans or expand existing plans to include a response to domestic terrorism.
- B. The Texas School Safety Center at Southwest Texas State University should develop or contract for model school safety plans for small, medium and large size school districts.
- C. The Texas School Safety Center should expand its services to include planning for domestic terrorism.

COMMENTS:

- The national tragedies on September 11, 2001 require a change in the manner that school administrators define and plan for school safety.
- Texas law does not require school districts to develop a school safety plan, although many schools may have a safety or crisis management plan in place.
- The Texas School Safety Center at Southwest Texas State University was established in state law to provide training and technical assistance for the prevention of school violence on Texas campuses.

LEGISLATION REQUIRED

The Texas Education Code, Chapter 37, should be amended require school districts to develop school safety plans that address internal and external threats to security and require the Texas School Safety Center to develop or contract for model school safety plans for small, medium and large size school districts. Chapter 37, Subchapter G of the Texas Education Code should be amended to expand the services of the Texas School Safety Center at Southwest Texas State University to include planning for domestic terrorism.

FISCAL IMPACT

The estimated increase in General Revenue funds for model school safety plans is a one-time cost of \$100,000, to be used by the Texas School Safety Center to develop or contract for the development of model school safety plans for small, medium and large size school districts.

The estimated increase in General Revenue to expand the services of the Texas School Safety Center is \$125,000 per year. It is estimated that these funds will include an increase of two full-time employees.

LEGISLATION REQUIRED

RECOMMENDATIONS

- A. Texas should require local governments to develop a Risk and Needs Assessment Capability Plan with funding contingent on the development of such a plan.
- B. Texas should create 10 HAZMAT/WMD (Hazardous Material/Weapons of Mass Destruction; Chemical, Biological, Radiological, Explosives, & Incendiaries) regional response teams that could be dispatched immediately to respond to a terrorist attack.

COMMENTS:

- The state administrative agency for Texas is the National Emergency Response and Rescue Training Center (NERRTC), which operates under the auspices of the Texas Engineering and Extension Service (TEEX), Texas A&M University. TEEX distributed a Texas Tool Kit to 1,433 political subdivisions, which contained a Risk Assessment, and Capability and Needs document. Of the 1,433 political subdivisions in the state, approximately 456 (68% of the population) have responded to the Risk Assessment and 90 have responded to the Capability and Needs documents.
- Texas should create 10 HAZMAT regional response teams trained to the WMD level, which means the state is prepared to handle weapons of mass destruction. Each team would be made up of volunteers who reside in each region, with the required skills and backgrounds.
- The equipment for each team could be stored at a secure facility in the region. The recommendation for 10 HAZMAT/WMD teams is based on a 100-mile radius of where each equipment cache will be stored. This arrangement would mean that it would take no more than three hours to reach any disaster whether caused by accident or by terrorism. The 10 regions cover the entire state.

LEGISLATION REQUIRED

Amend Chapter §418.101 of the Texas Government Code to require all local governments to develop a Risk and Needs Assessment Capability Plan and to submit the plan to the Texas Engineering Extension Service so that Texas can develop a statewide domestic preparedness strategy.

FISCAL IMPACT

Requiring a Risk and Needs Assessment Capability Plan would have no fiscal impact on state or local governments because the plans could be completed with existing resources.

The estimated cost to the General Revenue Fund to implement 10 HAZMAT/WMD regional response teams would be \$8,160,000 for fiscal 2004 and \$956,000 for each following year. Four full-time employees would be required.

Texas should amend the Texas Constitution to allow the Legislature the flexibility to fund improved transportation safety from the State Highway Fund.

COMMENTS:

- Current state law limits Legislative spending of the highway portion of fuel tax revenue and motor vehicle registration fees to specific activities related to highways.
- Texas uses transportation revenue for highway transportation safety purposes, such as funding the Texas Department of Public Safety (DPS) to patrol highways and license drivers.
- There are 28 commercial airports in the state, including major hubs in Dallas/Fort Worth, Houston, San Antonio and El Paso. There are also 286 general aviation airports. There are more than 10,000 miles of railroad line. Along the coast, there are 12 deep-draft ports and another 15 shallow-draft ports. There are 23 international bridges along the Texas-Mexico Border. All of which may need increased security.
- State agencies have not detailed any estimates of increased security costs and the Governor's Task Force on Homeland Defense has made no recommendations regarding funding needs, but there may be greatly increased funding needed for transportation safety in the future. One possible funding need might be increasing the number of Department of Public Safety troopers and having them perform duties other than highway patrol.

LEGISLATION REQUIRED

Article 8, Section 7-a and Article 8, Section 7-b of the Texas Constitution should be amended to allow the Legislature to appropriate state transportation funds to improve transportation safety on transportation infrastructure other than highways.

FISCAL IMPACT

The amounts that agencies such as TxDOT, DPS or other agencies might request to meet increased demands or for new programs suggested by the Governor's Task Force on Homeland Defense cannot be estimated.

Of 7,246 employee positions at DPS, 1,873 are dedicated to highway patrol. According to DPS, each additional trooper would cost \$117,500 including money for training, vehicles, travel, salary and other expenses. Adding another 500 troopers would cost \$58.7 million or about 1 percent of the State Highway Fund's annual \$5.4 billion in revenue. However, there would be no net cost to the State Highway Fund since funding would only be shifted to new priority projects.

Texas should offer "United Americans" or "Land of the Free" license plates and dedicate revenue to disaster assistance and special program funding.

COMMENTS:

- The Texas Department of Transportation (TxDOT) provides Texans with the choice of more than 100 different special license plates if they do not want standard license plates.
- A division of TxDOT called the Special Plates Branch of the Vehicle Titles and Registration Division (VTR) processes applications, determines whether a person or organization meets the qualifications and issues the license plates.
- TxDOT uses the following categories: exempt, military and prestige. The prestige plates cover numerous categories like universities, the arts and conservation.
- Fees for each of the specialty plates are set by statute in addition to the normal registration process and range widely with \$30 as the most commonly charged fee. Often a part of each fee (usually \$5) is retained by TxDOT to cover the cost of producing and issuing the license plate. TxDOT also has a special provision that requires a deposit of \$15,000 for each new specialty plate that covers up-front production costs.
- The fees from the sale of specialty license plates are dedicated to the project or organization promoting the plate.
- The only advertising TxDOT does for the specialty plates is a small insert placed in license plate renewal notices sent in the mail. The "United Americans/Land of the Free" plate could be advertised more widely, possibly using a special mail insert, posters in assessor-collector's offices and other locations, special service announcements and other public relations campaigns.
- Texas should dedicate the "United Americans/Land of the Free" licenses plate revenue to a special fund for relief efforts such as Texas Tomorrow Fund scholarships provided to children of military and civilian personnel killed or injured in the nation's war on terrorism or in disaster responses. The revenue also could be used for special counseling for families of victims and other needs identified by the Legislature.

LEGISLATION REQUIRED

Texas law would need to be changed to authorize the specialty plate, dedicate the revenue to a special fund for disaster and war projects, exempt this plate from the \$15,000 up-front collection by TxDOT for its costs, and authorize advertising of the plates.

FISCAL IMPACT

If the average revenue per plate was \$25 and the state sold half as many "United Americans/Land of the Free" plates as it sold Commission for the Arts plates, the estimated gain to a dedicated account in the General Revenue Fund would be about \$210,000. This includes a six-month start-up period, allowing four months of revenue in the first year of sales. Advertising costs would come from existing budgets. The Highway Fund would get about \$52,500 each year, after the initial start-up period.

Texas should create new criminal offenses for terrorism, enhance penalties for terrorist acts and amend state law to allow the death penalty for criminals convicted of acts of terrorism.

COMMENTS:

- There is no crime of terrorism, as such, in the Texas Penal Code. The Penal Code does define the crime of "terroristic threat". However, this definition fails to capture the scale of terrorism as seen in the events of September 11.
- The penalties for terroristic threats in Texas are relatively minor; they constitute misdemeanors unless the threat is made to cause impairment or interruption of public communications, public transportation, public water, gas or power supply or other public service, in which case it is a felony.
- Should events similar to those that occurred in New York on September 11 occur in Texas, the state needs to have appropriate penalties available. The Texas Penal Code would have to be amended to adequately address the definition of terrorism and its related penalties.
- The Penal Code's list of aggravated circumstances does not include terrorism. However, many successfully executed acts of terror could result in the death of more than one person during the "same criminal transaction," as specified by the Texas capital murder statute. This provision would still leave some murders committed as part of a scheme of terrorism outside the capital murder statute. The only way to ensure that acts of terrorism resulting in death are included in the statute is to include terrorism specifically.

LEGISLATION REQUIRED

The Texas Penal Code should be revised to define terrorism and what constitutes "accomplice" conduct with respect to terrorism, to define murder in connection with terrorism as capital murder, to address the offense of hindering prosecution of terrorists, and to enhance penalties for those violations of the Penal Code committed as acts of terrorism or as part of a scheme of terrorism.

FISCAL IMPACT

The increased cost to the state cannot be estimated. It should be noted that one of the purposes of criminal law, as well as increased penalties, is to deter crime. The deterrence effect is also impossible to estimate.

Texas should initiate a series of measures to improve security in state facilities.

COMMENTS:

- The terrorist attacks on September 11 targeted both public and private facilities. Since disrupting state government operations may be a potential terrorist goal in the future, state government should take a long-range look at the security of state facilities. However, state government can take several steps immediately to reduce risks from terrorist attack.
- The Department of Public Safety, Texas Building and Procurement Commission and state agencies should jointly conduct an immediate assessment of the security risks at state facilities, including access to state buildings for customer services purposes. State agencies may be able to restrict access to certain floors of multi-story buildings, provide limited access to parking alongside state facilities, and institute a badge system for employees, contractors or visitors.
- Furthermore, training could improve the ability of state employees to identify or respond to terrorist attacks. Simple measures like providing instructions on addressing security risks and responding to attacks could be circulated or could be included in more extensive training as part of the curricula applicable to state employees' continuing education requirements.
- Finally, each state agency should initiate an assessment of long-range security needs for its legislative appropriations request (LAR). State agencies should identify security risks on state facilities that can be addressed in the regular budget process. These could include issues such as installing security devices (e.g., metal detectors, video cameras on hallways, magnetic card enabled doors), having fewer entries but adding a guard at doorways, and armed guards for critical building sections. This could also include the expense for the logistics of permanently moving state employees around to reduce access to specific parts of the agency, such as moving all customer services to the ground floor of multi-story building.

LEGISLATION REQUIRED

No legislation required.

FISCAL IMPACT

State agencies should be able to conduct the immediate assessment within their current budgets. The fiscal impact of measures to improve security cannot be estimated since the measures would be determined on an agency-by-agency basis. For example, the Comptroller's office has decided to install seven additional video cameras in the LBJ state office building and also issue badges for all its employees. The cameras will cost an estimated \$15,000 and badges will cost \$1,500.

Texas should update state agency emergency evacuation plans for disabled employees.

COMMENTS:

- The National Fire Protection Association recommends that each state agency have a fire or emergency evacuation plan for disabled employees, but many of these plans may be outdated and inadequate.
- According to the Texas State Fire Marshall's office, there is no standard fire or emergency evacuation plan for disabled employees in state agencies because each agency's building location is configured differently.
- Agency evacuation coordinators are responsible for developing an evacuation plan.
- The Comptroller's office uses directives from the State Office of Risk Management to assist the agency's Additional Duty Safety Officers (ADSOs) in evacuating persons with disabilities.
- One problem that arises for state agencies is how to identify disabled employees.
- The Americans With Disabilities Act (ADA) has confidentiality restrictions that prohibit identifying disabled employees if they do not volunteer this information.
- State agencies, especially those in older buildings, should use a new plan to thoroughly evaluate evacuation plans for disabled employees.
- Schools should focus on children in special education and children with disabilities.
- One important ingredient for any emergency evacuation plan is to establish clear-cut lines of authority and responsibility for persons to make decisions.
- Existing resources may be used for the evaluation, but state legislation, bonds or appropriations may be needed for building improvements.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation.

FISCAL IMPACT

Updating evacuation plans for disabled state employees and students can be done with existing resources. Resources would be available from the Texas State Fire Marshall's office, disability interest groups and the federal government.

The Comptroller's office will assist employers by placing information about emergency management planning and implementation along with appropriate links to organizations that can provide technical and financial support on its Window on State Government Web site.

COMMENTS:

- Employers across the nation are facing challenges assisting employees, reestablishing business operations and managing day-to-day workplace issues following natural and man-made disasters.
- Businesses are grappling with such difficult issues as crisis planning and management, contingency planning for technology and key business operations and strategies for providing emotional support for employees.
- The best way to limit the impact of a disaster is to have a plan in place for how to deal with one. With a relatively small investment of time and money now, businesses es could prevent severe damage and disruption of life and business.
- A number of organizations have information available that could be useful to businesses interested in emergency planning. The Federal Emergency Management Agency has a "Checklist" to help businesses create a business recovery manual; the Governor's Division of Emergency Management at the Texas Department of Public Safety administers a program of Comprehensive Emergency Management; and the United States Small Business Administration's Disaster Assistance Division assists individuals and businesses harmed by a manmade or natural disaster.
- While the entities above and many others are providing some information to assist businesses with emergency and continuity planning, no one entity has pulled together a comprehensive list of business-focused resources.
- The Web site will link to available resources through federal and state agencies, business associations and universities. The Federal Emergency Management Agency, the U.S. Small Business Administration and the Governor's Division of Emergency Management, at a minimum, should help provide content support.

LEGISLATION REQUIRED

No legislation is required to implement this recommendation.

FISCAL IMPACT

The Web enhancements for the Window on State Government can be completed with existing resources. Partnering organizations and associations will provide support to the extent possible without additional resources.

The Comptroller will use videos and satellite feed from the Emergency Education Network (EENET) of the Federal Emergency Management Agency (FEMA) to train Comptroller employees for disaster response, risk assessment, and taxpayer assistance in emergencies.

COMMENTS:

- The Federal Emergency Management Agency (FEMA) offers video and satellitebroadcast training programs. The training points out exemplary programs and tools for emergency responders, local officials, homeowners and businesses to minimize future disaster losses, as well as how to respond to a wide range of disasters.
- Comptroller's office employees will take relevant courses so they can learn to plan for disaster situations in central or field offices. Courses may also help Comptroller employees to advise local governments and taxpayers to make the necessary preparations for disaster recovery. The employees could aid local officials and businesses that encounter disasters affecting tax collection or related business and government activities.

LEGISLATION REQUIRED

No legislation is required.

FISCAL IMPACT

Satellite programming is open and in the public domain, so no additional costs would be encountered. The Comptroller's office will need to identify existing satellite resources in other agencies, universities and statewide offices, and make arrangements for staff to attend the broadcasts.

There are no tuition fees for satellite courses. Satellite receivers in state agencies, Public Broadcasting System television stations, community colleges and universities may receive the video feed. This enables the training to be available to Comptroller field offices without travel. Since there is no copyright on these training courses the programs may be recorded, copied and shared with others. Comptroller employees will receive credit hours for required agency training.

IMMEDIATE ACTION

RECOMMENDATION

Texas telemedicine providers and others with electronic networks across the state, such as the Texas Education Agency, should work together to develop disaster plans using telemedicine and incorporate these plans in the Texas Telemedicine/Telehealth Master Plan and, as appropriate, in the state's Emergency Management Plan.

COMMENTS:

• The Texas Telemedicine/Telehealth State Plan Workgroup should develop emergency plans for using telemedicine during disasters. Texas' medical schools and other medical sites can redirect the use of equipment to provide expert consultation to remote areas affected by a disaster. After meeting immediate needs, mental health authorities can use the equipment to deliver mental health services to victims, disaster responders or families, or in training for emergency responses.

LEGISLATION REQUIRED

No legislation is required.

FISCAL IMPACT

This recommendation would have no significant fiscal impact on the state. Existing telemedicine sites will be used to provide telemedicine services.

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For more det	tail on the Texa	s War Relief Packa	ige go to http://www	v.window.	state.tx.us/wrp/

Military Family Assistance Websites

The official website of the U.S. Department of Defense, DefenseLINK, has a family section (http://www.defenselink.mil/sites/f.html#family) that links to all of the family websites for the service branches of the military. These websites have valuable advice concerning the effects of deployment on families and how to find help. Many of these websites also link to state and local government and community non-profit assistance sites. The websites listed on DefenseLINK include:

- www.afcrossroads.com The Air Force family website
 - www.hqda.army.mil/acsimweb/family/family.htm The Army Family Liaison Office, "FLO"
 - http://www.lifelines2000.org/home.asp Navy Lifelines Services Network Navy family support
 - http://www.usmc-mccs.org Marine Corps Community Services providing support to Marines and their families worldwide.
 - http://military-childrenandyouth.calib.com Military Family Resource Center
 - http://mfrc.calib.com/snn Special Needs Network Offers support for Department of Defense and military families who have members with special health or education needs
 - http://www.tricare.osd.mil Tricare Military Health System
 - http://www.militaryacclimate.com Provides assistance in the logistics of relocating.
 - http://dticaw.dtic.mil/mapsite Military Assistance Program provides information and interactive resources to assist military families in relocating, money management and job search at a new location.
 - http://dticaw.dtic.mil/mtom Military Teens on the Move assists teens with relocating
 - http://www.defenselink.mil/sites/c.html#civjobs Links to 16 websites with civilian job opportunities in the military and federal government, including http://dticaw.dtic.mil/mapsite/jobs.html especially for military family members
 - http://www.commissaries.com Defense Commissary Agency (DeCA) website provides assistance in making the most out of the military commissary benefit
 - http://dticaw.dtic.mil/prhome/das_mcfp.html Deputy Assistant Secretary of Defense for Military Community and Family Policy

http://www.defenselink.mil/other_info/education.html - Provides links to education websites for military families, including

http://www.voled.doded.mil, a popular voluntary education program from the Department of Defense, and http://198.3.128.64/edugate (EDUGATE), a gateway to science, mathematics and engineering educational opportunities sponsored by the Department of Defense.

http://www.defenselink.mil/sites/t.html#transition - Links to sites that can assist military families in transition.

http://fcs.tamu.edu/fcshighlights/military/2000/military.htm - Texas A&M University, Texas Cooperative Extension, Family and Consumer Sciences Military Program at Ft. Bliss and Ft. Hood

http://www.tvc.state.tx.us - Texas Veteran's Commission – links to military sites that can assist families

http://www.redcross.org - American Red Cross – provides emergency communications and assistance to military families

http://www.uwtexas.org - United Ways of Texas – local United Ways of Texas provide assistance to families through community organizations

Acknowledgments

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