

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 4409  
By: Taylor et al. (Jackson, Mike)  
Transportation & Homeland Security  
5/22/2009  
Committee Report (Substituted)

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

C.S.H.B. 4409 relates to emergency preparation and management.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Governor's Division of Emergency Management in SECTION 2 (Section 418.043, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 (Section 418.043, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 418, Government Code, by adding Section 418.006, as follows:

Sec. 418.006. CIVIL LIABILITY. Provides that an officer or employee of a state or local agency, or a volunteer acting at the direction of an officer or employee of a state or local agency, is considered for purposes of Section 431.085 (Liability of Member) to be a member of the state military forces ordered into active service of the state by proper authority and is considered to be discharging a duty in that capacity if the person is performing an activity related to sheltering or housing individuals in connection with the evacuation of an area stricken or threatened by disaster.

SECTION 2. Amends Section 418.043, Government Code, as follows:

Sec. 418.043. OTHER POWERS AND DUTIES. Requires that the Governor's Division of Emergency Management (GDEM) to:

- (1)-(12) Makes no changes to these subdivisions;
- (13) Makes a nonsubstantive change;
- (14) Define "individuals with special needs" in the context of a disaster; and
- (15) Creates this subdivision from existing text. Makes a nonsubstantive change.

SECTION 3. Amends Subchapter F, Chapter 418, Government Code, by adding Section 418.126, as follows:

Sec. 418.126. PRE-EVENT DISASTER RESPONSE CONTRACTS. (a) Requires the General Land Office (GLO) to solicit proposals for and enter into one or more pre-event contracts that are authorized to be activated by GLO in the event of a weather-related disaster declaration to obtain services for debris removal from beaches as needed following the disaster.

- (b) Requires the Texas Department of Transportation (TxDOT) to solicit proposals for and enter into one or more pre-event contracts that are authorized to be activated by TxDOT in the event of a weather-related disaster declaration to

obtain services for debris removal from the state highway system as needed following the disaster.

(c) Requires the Texas Department of Housing and Community Affairs (TDHCA) to solicit proposals for and enter into one or more pre-event contracts that are authorized to be activated by TDHCA in the event of a weather-related disaster declaration to obtain temporary or emergency housing as needed following the disaster.

(d) Requires that services obtained under a pre-event contract under this section be paid for with money from the disaster contingency fund under Section 418.073 (Disaster Contingency Fund).

SECTION 4. Amends Subtitle G, Title 10, Government Code, by adding Chapter 2311, as follows:

CHAPTER 2311. ENERGY SECURITY TECHNOLOGIES FOR CRITICAL  
GOVERNMENTAL FACILITIES

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

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

SECTION 5. Requires the relevant state agencies, not later than January 1, 2010, to adopt the contracts required by Section 418.126, Government Code, as added by this Act.

SECTION 6. Effective date: September 1, 2009.