

## **BILL ANALYSIS**

Senate Research Center  
86R5799 AAF-F

S.B. 537  
By: Kolkhorst  
Transportation  
3/4/2019  
As Filed

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

The Texas Department of Transportation (TxDOT) plays a vital role in responding to natural disasters in this state. Among other duties, TxDOT assists the public with getting out of harm's way and getting home safely. In addition, TxDOT performs repairs and debris removal to help stabilize an emergency or disaster situation.

During these situations, TxDOT staff is often required to respond to a disaster or emergency area and remain on site for extended periods of time to provide appropriate response services. TxDOT crews are often scheduled to provide a 24/7 support response, as conditions warrant, with 12-hour shift rotations. Often, TxDOT crews also pre-stage equipment and crews near the affected areas to expedite clean-up upon re-entry into the affected areas.

TxDOT does not have explicit statutory authority to purchase food and beverages for employees responding to emergency situations unless the governor has declared an emergency disaster, those employees are in the specified disaster areas, and the governor has waived the general prohibitions prohibiting such purchases by a state agency. This means that TxDOT cannot provide food or beverages for employees who are staged elsewhere in the state in the course of emergency work but are not working in an area where a disaster has been declared.

S.B. 537 would amend the Transportation Code to add TxDOT as a state agency authorized to use appropriated funds to purchase food and beverages for their employees who are activated to provide services in response to a disaster and are unable to leave or required to remain at their assignment areas due to the disaster. This proposed change would expressly permit TxDOT to expend funds for the safety and well-being of its employees deployed to assist in disaster responses. This change would also enhance employee safety, boost employee morale, keep employees available for immediate dispatch (if employees can eat at TxDOT offices, there will be less delay if they need to move out or respond), and will result in providing healthier food options for employees.

As proposed, S.B. 537 amends current law relating to the purchase of food and beverages by the Texas Department of Transportation for certain employees responding to emergencies or disasters.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter I, Chapter 201, Transportation Code, by adding Section 201.711, as follows:

Sec. 201.711. PURCHASE OF FOOD AND BEVERAGES FOR CERTAIN DEPARTMENT EMPLOYEES RESPONDING TO EMERGENCIES OR DISASTERS. Authorizes the Texas Department of Transportation (TxDOT), using appropriated funds, to purchase food and beverages for a TxDOT employee who is providing services in response to an emergency situation, an incident that endangers the health or safety of a

person, or disaster, and who is unable to leave or required to remain at the employee's assignment area due to the emergency situation, incident, or disaster.

SECTION 2. Effective date: upon passage or September 1, 2019.