

1 AN ACT

2 relating to resource sharing among certain political subdivisions,
3 including regional planning commissions, during a disaster.

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

5 ARTICLE 1. CERTAIN DISASTER RESPONSE PROCEDURES FOR POLITICAL
6 SUBDIVISIONS

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

9 (10) "Local government entity" means a county,
10 incorporated city, independent school district, emergency services
11 district, other special district, joint board, or other entity
12 defined as a political subdivision under the laws of this state that
13 maintains the capability to provide mutual aid.

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

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

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

23 (14) "System" means the Texas Statewide Mutual Aid
24 System.

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

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

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

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

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

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

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

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

26 SECTION 1.05. Section 418.109(d), Government Code, is
27 amended to read as follows:

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

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

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

23 (b) A program developed under this section:

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

26 (2) must be consistent with the state emergency
27 management plan.

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

3 SUBCHAPTER E-1. TEXAS STATEWIDE MUTUAL AID SYSTEM

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

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

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

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

1 adequately provides for the rendering and receipt of mutual aid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (4) unless otherwise agreed in advance, an emergency
27 medical service organization providing assistance under the system

1 shall use the medical protocols authorized by the organization's
2 medical director;

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

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

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

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

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

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

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

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

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

1 under the system as though the services were rendered for the entity
2 employing the person.

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

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

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

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

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

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

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

1 request for mutual aid assistance is made are subject to the
2 agreement's terms of reimbursement, as provided by Section 418.111.

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

13 SECTION 1.08. Section 418.004(9) and Sections 418.109(a),
14 (b), and (c), Government Code, are repealed.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 1471 was passed by the House on April 19, 2007, by the following vote: Yeas 142, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1471 on May 22, 2007, by the following vote: Yeas 136, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1471 was passed by the Senate, with amendments, on May 17, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor