

By: Williams

S.B. No. 927

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain disaster response procedures for political
3 subdivisions.

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

5 SECTION 1. Section 418.004, Government Code, is amended by
6 adding Subdivisions (10) through (14) to read as follows:

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

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

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

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

21 (14) "System" means the Texas Statewide Mutual Aid
22 System.

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

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

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

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

15 SECTION 3. Section 418.107(c), Government Code, is amended
16 to read as follows:

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

21 SECTION 4. The heading to Section 418.109, Government Code,
22 is amended to read as follows:

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

24 SECTION 5. Section 418.109(d), Government Code, is amended
25 to read as follows:

26 (d) A local government entity or [~~municipality, county,~~
27 ~~emergency services district, fire protection agency, regional~~

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

14 SECTION 6. Section 418.110, Government Code, is amended to
15 read as follows:

16 Sec. 418.110. STATEWIDE MUTUAL AID PROGRAM FOR FIRE
17 EMERGENCIES. (a) Representatives of statewide associations of
18 fire service personnel [~~The division~~], in consultation with the
19 division and the Texas Commission on Fire Protection, may [~~shall~~]
20 develop a statewide mutual aid program for fire emergencies that
21 provides for a coordinated deployment of response assets and
22 personnel by the associations' members.

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 7. 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 boundaries of the geographic
6 state planning regions determined by the governor.

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

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

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

21 (1) report to the State Director of Homeland Security
22 on matters relating to disasters and emergencies; and

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

26 (e) Representatives of the emergency management council
27 assigned to each district shall assist the chair of their disaster

1 district committee and provide guidance, counsel, and
2 administrative support as required.

3 Sec. 418.114. PROCEDURES FOR MUTUAL AID. (a) The political
4 subdivisions in each disaster district may agree on procedures that
5 specify the manner in which mutual aid will be provided in response
6 to a request from a political subdivision in the district or another
7 district or from this state.

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

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

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

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

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

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

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

13 (2) the personnel, equipment, and resources of a
14 responding local government entity are under the operational
15 control of the requesting local government entity unless otherwise
16 agreed;

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

21 (4) unless otherwise agreed in advance, an emergency
22 medical service organization providing assistance under the system
23 shall use the medical protocols authorized by the organization's
24 medical director;

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

27 (A) maintain daily personnel time records,

1 material records, and a log of equipment hours;

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

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

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

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

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

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

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

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

1 under the system.

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

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

19 (b) The division may directly request the provision of
20 mutual aid assistance from any local government entity
21 participating in the system. If the division requests the
22 provision of assistance, the state shall reimburse the actual costs
23 of providing assistance, including costs for personnel, operation
24 and maintenance of equipment, damaged equipment, medical expenses,
25 food, lodging, and transportation, incurred by the responding local
26 government entity. The state shall pay reimbursements from
27 available state money. If the governor finds that the demands

1 placed on money regularly appropriated to state and local agencies
2 are unreasonably great for coping with a particular disaster under
3 Section 418.073, and has made money available from the disaster
4 contingency fund, the division shall make reimbursement from the
5 disaster contingency fund to the extent that available state money
6 is inadequate.

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

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

25 (b) The requesting local government entity shall pay the
26 reimbursement from available funds. If federal money is available
27 to pay costs associated with the provision of mutual aid

1 assistance, the requesting local government entity shall make the
2 claim for the eligible costs of the responding local government
3 entity on the requesting entity's subgrant application and shall
4 disburse the federal share of the money to the responding local
5 government entity, with sufficient state funds to cover the actual
6 costs of the responding local government entity in providing
7 assistance.

8 SECTION 8. Sections 418.004(9) and 418.109(a), (b), and
9 (c), Government Code, are repealed.

10 SECTION 9. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2007.