

SENATE AMENDMENTS

2nd Printing

By: Branch

H.B. No. 88

A BILL TO BE ENTITLED

AN ACT

relating to the evacuation and sheltering of service animals and household pets in a disaster.

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

SECTION 1. Section 418.043, Government Code, is amended to read as follows:

Sec. 418.043. OTHER POWERS AND DUTIES. The division shall:

(1) determine requirements of the state and its political subdivisions for food, clothing, and other necessities in event of a disaster;

(2) procure and position supplies, medicines, materials, and equipment;

(3) adopt standards and requirements for local and interjurisdictional emergency management plans;

(4) periodically review local and interjurisdictional emergency management plans;

(5) coordinate deployment of mobile support units;

(6) establish and operate training programs and programs of public information or assist political subdivisions and emergency management agencies to establish and operate the programs;

(7) make surveys of public and private industries, resources, and facilities in the state that are necessary to carry out the purposes of this chapter;

1 (8) plan and make arrangements for the availability
2 and use of any private facilities, services, and property and
3 provide for payment for use under terms and conditions agreed on if
4 the facilities are used and payment is necessary;

5 (9) establish a register of persons with types of
6 training and skills important in disaster mitigation,
7 preparedness, response, and recovery;

8 (10) establish a register of mobile and construction
9 equipment and temporary housing available for use in a disaster;

10 (11) assist political subdivisions in developing
11 plans for the humane evacuation, transport, and temporary
12 sheltering of service animals and household pets in a disaster;

13 (12) prepare, for issuance by the governor, executive
14 orders and regulations necessary or appropriate in coping with
15 disasters;

16 (13) [~~(12)~~] cooperate with the federal government and
17 any public or private agency or entity in achieving any purpose of
18 this chapter and in implementing programs for disaster mitigation,
19 preparation, response, and recovery; and

20 (14) [~~(13)~~] do other things necessary, incidental, or
21 appropriate for the implementation of this chapter.

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2007.

FLOOR AMENDMENT NO. 1

BY: J. J. Niny

1 Amend H.B. No. 88 (Senate committee printing page 1, between
2 lines 11 and 12) by inserting the following appropriately numbered
3 Section and renumbering subsequent Sections accordingly:

4 SECTION _____. This Act shall be known as Simba's Law.

ADOPTED

MAY 11 2007

Letay Spaul
Secretary of the Senate

Floor Amendment No. 2

By: Brunner

Amend Floor Amendment No. 1 (Hinojosa) to H.B. 88 as follows:

Between "Simba's" and "Law" (page 1, line 4) insert the following:

", Chaba's, Dudley's, Bruiser's, Grace's, Caracticus's, Striper's, Sadie's, Matilda's, Bea's, Chihuahua's, Susie's, YoYo's, Skylar's, Cleo's, SFB's, Watch Bear's, Baxter's, Maggie's, Muffin's, Prince's, Boomer's, Hobo's, Emma's, Barcly's, Ralph's, Hershey's, Piper's, Emily's, Lucy's, Chula's, and Ramsey's"

ADOPTED

MAY 11 2007


Secretary of the Senate

ADOPTED

MAY 11 2007

Lotay Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 3

BY: *Ladislav*

1 Amend H.B. 88 (Committee Printing) by adding a new
2 appropriately numbered Subsection and renumbering subsequent
3 subsections accordingly:

4 () priority efforts and assistance shall be afforded to
5 appropriately documented Mexican Chihuahua breed canines.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 4, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB88 by Branch (Relating to the evacuation and sheltering of service animals and household pets in a disaster.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

This bill would amend the Government Code as it relates to the evacuation and sheltering of service animals and household pets in a disaster.

Section 1 of the bill amends Government Code, Section 418.043, which would require the Department of Public Safety's (DPS) Division of Emergency Management to assist political subdivisions in developing plans for the humane evacuation, transport, and temporary sheltering of service animals and household pets in a disaster. The bill would take effect immediately if two-thirds of the House of Representatives and Senate members vote to enact the legislation. If it does not receive the vote necessary for immediate impact, the bill would take effect on September 1, 2007.

DPS anticipates no significant fiscal impact to the agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, ES, GG, LG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 3, 2007

TO: Honorable Frank Corte, Jr., Chair, House Committee on Defense Affairs & State-Federal Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB88** by Branch (Relating to the evacuation and sheltering of service animals and household pets in a disaster.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

This bill would amend the Government Code as it relates to the evacuation and sheltering of service animals and household pets in a disaster.

Section 1 of the bill amends Government Code, Section 418.043, which would require the Department of Public Safety's (DPS) Division of Emergency Management to assist political subdivisions in developing plans for the humane evacuation, transport, and temporary sheltering of service animals and household pets in a disaster. The bill would take effect immediately if two-thirds of the House of Representatives and Senate members vote to enact the legislation. If it does not receive the vote necessary for immediate impact, the bill would take effect on September 1, 2007.

DPS anticipates no significant fiscal impact to the agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ES, GG, LG

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 5, 2007

TO: Honorable Frank Corte, Jr., Chair, House Committee on Defense Affairs & State-Federal Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB88** by Branch (Relating to the evacuation and sheltering of service animals and household pets in a disaster.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB88, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>STATE HIGHWAY FUND</i> 6	Change in Number of State Employees from FY 2007
2008	(\$886,050)	2.0
2009	(\$885,087)	2.0
2010	(\$1,140,087)	2.0
2011	(\$885,087)	2.0
2012	(\$885,087)	2.0

Fiscal Analysis

This bill would amend the Government Code as it relates to the evacuation and sheltering of service animals and household pets in a disaster.

Section 1 of the bill amends Government Code, Section 418.043, which would require the Department of Public Safety's (DPS) Division of Emergency Management to develop plans for the humane evacuation, transport, and temporary sheltering of service animals and household pets in a disaster in compliance with Government Code, Section 418.201 and any applicable federal law.

Section 2 of the bill adds Government Code, Section 418.201, Subchapter I, Animals, which further defines the terms "household pet" and "service animal". The bill adds Government Code, Section

418.202, Evacuation of Service Animals, which would require a person with a disability who uses a service animal be evacuated, transported, and sheltered with that service animal and that all shelters be informed of their obligation to provide shelter to both the person and the person's service animal. The bill adds Government Code, Section 418.203, Evacuation of Household Pets, which permits the simultaneous evacuation of a household pet and the pet's owner or caretaker, if the evacuation can be made without endangering human life. The bill permits the transportation of a household pet using public transportation if the pet is safely and securely confined in a pet transport cage or carrier and if the transportation of the pet would not endanger human life. The bill also states DPS' Division of Emergency Management shall coordinate the establishment of an identification system to enable the owner or caretaker of a household pet who is separated from owner during a disaster evacuation to locate and reclaim the pet. The bill would take effect on September 1, 2007.

Methodology

Under the provisions of the bill, the Department of Public Safety's (DPS), Division of Emergency Management would be required to develop plans for the humane evacuation, transport, and temporary sheltering of service animals and household pets in a disaster. DPS is currently receiving a federal grant that provides funding for the Special Needs Evacuation and Animal Tracking System which pays for equipment, computer software, and contract services for technical support. The grant is scheduled to expire at the end of fiscal year 2007. The agency estimates for fiscal years 2008 through 2012 are based on operating expenses that are expected after the federal grant expires in fiscal year 2007.

Based on the anticipated planning and coordination workload required by the bill, DPS estimates they would need 2 additional Emergency Planners at classification I/II under the B-9/B-11 salary group at \$36,057 per person per year, for a total yearly salaries of \$92,215 when benefits are included (2 FTEs X 36,057 + benefits = 92,215). With career progression, the cost would increase to \$104,454 in fiscal years 2009-2012. The additional FTEs would be required to travel to coordinate program activities with state and local governments and included in the estimated cost are estimated travel cost of \$11,500 per person per year for a total of \$23,000 in fiscal years 2008-2012 (\$11,500 X 2 FTEs). DPS states that professional services, other operating expenses, consumable equipment, and training costs required by the bill are an additional \$203,636 in fiscal year 2008 and \$197,170 in fiscal years 2009-2012.

Technology

The technology costs estimated to comply with the development of an emergency management tracking system to assist the humane evacuation, transport, and temporary sheltering of service animals and household pets in a disaster include computer hardware, on-site computer technicians, database maintenance, and Radio Frequency Identification Device (RFID) equipment. In fiscal year 2009, the enterprise agreements costs would decrease. In fiscal year 2010, RFID lease activation fees will need to be paid at activation. In fiscal years 2011 and 2012, the technology impact will be the same as FY 2009. DPS states the revised technology cost estimates are: \$566,899 in fiscal year 2008, \$560,463 in fiscal year 2009, \$815,463 in fiscal year 2010, and \$560,463 in fiscal years 2011 and 2012.

Local Government Impact

There would be some costs to localities to evacuate and shelter service animals and household pets during a disaster, but it would depend on the frequency and nature of disasters in a community and the number of animals needing to be evacuated. The state would assist local governments if they do not have the required resources to do the job and have requested state support.

Source Agencies: 405 Department of Public Safety, 301 Office of the Governor, 477 Commission on State Emergency Communications, 537 State Health Services, Department of

LBB Staff: JOB, MS, LG, KJG, ES, VDS, GG

