

SENATE AMENDMENTS

2nd Printing

By: Hancock, et al.

H.B. No. 1471

A BILL TO BE ENTITLED

AN ACT

1
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 SECTION 1. Subchapter E, Chapter 418, Government Code, is
6 amended by adding Sections 418.111 and 418.112 to read as follows:

7 Sec. 418.111. EXPEDITED RESOURCE SHARING. (a) In this
8 section, "local entity" means a political subdivision or regional
9 planning commission.

10 (b) A local entity may designate by majority vote of its
11 governing body an individual authorized to approve resource sharing
12 agreements under this section.

13 (c) A local entity may share its resources with another
14 local entity, regardless of the process required for sharing
15 resources under an emergency management plan or program or local
16 law, only if authorized by an individual designated under
17 Subsection (b) for the sharing entity's governing body and:

18 (1) the governor has declared a state of disaster as
19 provided by Section 418.014 in an area located wholly or partly in
20 the boundaries of the local entity with which the resources are
21 shared; or

22 (2) the individuals designated under Subsection (b)
23 for the governing bodies of both local entities enter into an
24 agreement to share the resources.

1 Sec. 418.112. COVERAGE FOR BORROWED EQUIPMENT. (a) A
2 political subdivision that borrows equipment or other property from
3 another political subdivision as authorized by this subchapter
4 shall obtain, if requested by the lending political subdivision,
5 appropriate coverage for the borrowed property for the period
6 during which the property is borrowed.

7 (b) In this section, "appropriate coverage" means:

8 (1) insurance coverage obtained as a rider or
9 endorsement to an insurance policy or through a separate insurance
10 policy; or

11 (2) property coverage obtained through an interlocal
12 agreement.

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

ADOPTED

MAY 17 2007

Atty Gen
Secretary of the Senate

Hancock/

By:

Jim Brimer

H.B. No. 1471

Substitute the following for H.B. No. 1471:

By: Brimer

C.S. H.B. No. 1471

A BILL TO BE ENTITLED

AN ACT

1
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 by
8 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
13 that maintains the capability to provide mutual aid.

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

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

20 (13) "Responding local government entity" means a local
21 government entity providing mutual aid assistance in response to a

1 request under the system.

2 (14) "System" means the Texas Statewide Mutual Aid
3 System.

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

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

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

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

20 SECTION 1.03. Subsection (c), Section 418.107, Government
21 Code, is amended to read as follows:

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

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

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

4 SECTION 1.05. Subsection (d), Section 418.109, Government
5 Code, is amended to read as follows:

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

20 SECTION 1.06. Section 418.110, Government Code, is amended to
21 read as follows:

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

1 emergencies.

2 (b) A program developed under this section:

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

5 (2) must be consistent with the state emergency
6 management plan.

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

9 SUBCHAPTER E-1. TEXAS STATEWIDE MUTUAL AID SYSTEM

10 Sec. 418.111. CREATION OF THE TEXAS STATEWIDE MUTUAL AID
11 SYSTEM. (a) The Texas Statewide Mutual Aid System is established
12 to provide integrated statewide mutual aid response capability
13 between local government entities without a written mutual aid
14 agreement.

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

19 (c) This subchapter does not affect a written mutual aid
20 agreement between local government entities in effect on or before
21 the effective date of this subchapter or restrict the ability of
22 local government entities to enter into a written mutual aid
23 agreement as otherwise authorized by statute after the effective
24 date of this subchapter. If a request is made between local
25 government entities that are parties to a written mutual aid

1 agreement, the terms of that agreement control the rights and
2 obligations of the parties.

3 Sec. 418.112. ADMINISTRATION BY DIVISION. The division shall
4 administer the system. In administering the system, the division
5 shall encourage and assist political subdivisions in planning and
6 implementing comprehensive all-hazards emergency management
7 programs, including assisting political subdivisions to ensure that
8 the local emergency management plan of each subdivision adequately
9 provides for the rendering and receipt of mutual aid.

10 Sec. 418.113. DISASTER DISTRICTS. (a) This state is divided
11 into disaster districts to engage in homeland security preparedness
12 and response activities. The boundaries of the disaster districts
13 coincide with the geographic boundaries of the state planning
14 regions established by the governor under Chapter 391, Local
15 Government Code.

16 (b) A disaster district committee is established for each
17 disaster district. Each committee is composed of local
18 representatives of the state agencies, boards, and commissions and
19 organized volunteer groups with representation on the emergency
20 management council.

21 (c) Each disaster district committee shall coordinate with
22 political subdivisions located in the disaster district to ensure
23 that state and federal emergency assets are made available as
24 needed to provide the most efficient and effective response
25 possible.

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

5 (1) inform the state Director of Homeland Security on
6 all matters relating to disasters and emergencies as requested by
7 the state Director of Homeland Security; and

8 (2) inform the public safety director of the Department
9 of Public Safety of the State of Texas on all matters as requested
10 by the public safety director.

11 (e) Representatives of the emergency management council
12 assigned to each district shall assist the chair of their disaster
13 district committee and provide guidance, counsel, and
14 administrative support as required.

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

20 (1) a political subdivision in the region;

21 (2) a political subdivision in another region; or

22 (3) this state.

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

25 Sec. 418.115. REQUESTING AND PROVIDING MUTUAL AID ASSISTANCE.

1 (a) A request for mutual aid assistance may be submitted verbally
2 or in writing. If a request is submitted verbally, it must be
3 confirmed in writing not later than the 30th day after the date the
4 request was made.

5 (b) If a request for mutual aid assistance is made to a
6 department or agency of a political subdivision, the chief or
7 highest ranking officer of the department or agency, with the
8 approval and consent of the presiding officer of the governing body
9 of the political subdivision or that officer's designee, may
10 provide the requested assistance in accordance with the policies,
11 ordinances, and procedures established by the governing body of the
12 political subdivision.

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

14 (a) When contacted with a request for mutual aid assistance, a
15 local government entity shall assess local resources to determine
16 availability of personnel, equipment, and other assistance to
17 respond to the request.

18 (b) A responding local government entity may provide
19 assistance to the extent personnel, equipment, and resources are
20 determined to be available. A local government entity is not
21 required to provide mutual aid assistance unless the entity
22 determines that the entity has sufficient resources to provide
23 assistance, based on current or anticipated events in its
24 jurisdiction.

25 Sec. 418.1152. SUPERVISION AND CONTROL. When providing

1 mutual aid assistance under the system:

2 (1) the response effort must be organized and function
3 in accordance with the National Incident Management System
4 guidelines;

5 (2) the personnel, equipment, and resources of a
6 responding local government entity being used in the response
7 effort are under the operational control of the requesting local
8 government entity unless otherwise agreed;

9 (3) direct supervision and control of personnel,
10 equipment, and resources and personnel accountability remain the
11 responsibility of the designated supervisory personnel of the
12 responding local government entity;

13 (4) unless otherwise agreed in advance, an emergency
14 medical service organization providing assistance under the system
15 shall use the medical protocols authorized by the organization's
16 medical director;

17 (5) the designated supervisory personnel of the
18 responding local government entity shall:

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

21 (B) be responsible for the operation and
22 maintenance of the equipment and other resources furnished by the
23 responding local government entity; and

24 (C) report work progress to the requesting local
25 government entity; and

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

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

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

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

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

19 (b) The local government entity employing the person is
20 responsible for the payment of wages, salary, pension, and other
21 compensation and benefits associated with the performance of duties
22 under the system.

23 Sec. 418.117. LICENSE PORTABILITY. If the assistance of a
24 person who holds a license, certificate, permit, or other document
25 evidencing qualification in a professional, mechanical, or other

1 skill is requested by a local government entity under the system,
2 the person is considered licensed, certified, permitted, or
3 otherwise documented in the political subdivision in which the
4 service is provided as long as the service is required, subject to
5 any limitations imposed by the chief executive officer or the
6 governing body of the requesting local government entity.

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

15 (b) The division may directly request the provision of mutual
16 aid assistance from any local government entity participating in
17 the system. If the division requests the provision of assistance
18 and the local government entity responds, the state shall reimburse
19 the actual costs of providing assistance, including costs for
20 personnel, operation and maintenance of equipment, damaged
21 equipment, food, lodging, and transportation, incurred by the
22 responding local government entity. The state shall pay
23 reimbursements from available state money. If funds are made
24 available from the disaster contingency fund, the division shall
25 make reimbursement from the disaster contingency fund for eligible

1 expenses to the extent that available state money is inadequate.

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

10 Sec. 418.1181. REIMBURSEMENT OF COSTS: REQUEST BY LOCAL
11 GOVERNMENT ENTITY. (a) If a local government entity requests
12 mutual aid assistance from another local government entity under
13 the system, the requesting local government entity shall reimburse
14 the actual costs of providing mutual aid assistance to the
15 responding local government entity, including costs for personnel,
16 operation and maintenance of equipment, damaged equipment, food,
17 lodging, and transportation, incurred by the responding local
18 government entity in response to a request for reimbursement.
19 Local government entities with a mutual aid agreement when the
20 request for mutual aid assistance is made are subject to the
21 agreement's terms of reimbursement, as provided by Section 418.111.

22 (b) The requesting local government entity shall pay the
23 reimbursement from available funds. If federal money is available
24 to pay costs associated with the provision of mutual aid
25 assistance, the requesting local government entity shall make the

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

7 SECTION 1.08. Subdivision (9), Section 418.004, and
8 Subsections (a), (b), and (c), Section 418.109, Government Code,
9 are repealed.

10 SECTION 1.09. This Act takes effect immediately if this Act
11 receives a vote of two-thirds of all the members elected to each
12 house, as provided by Section 39, Article III, Texas Constitution.

13 If this Act does not receive the vote necessary for immediate
14 effect, this article takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 9, 2007

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

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

IN RE: HB1471 by Hancock (Relating to resource sharing among certain political subdivisions, including regional planning commissions, during a disaster.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require the Emergency Management Division (EMD) within the Texas Department of Public Safety (DPS) to administer the Texas Statewide Mutual Aid System (system). In administering the system, the bill requires the EMD to assist political subdivisions in planning and implementing comprehensive all-hazards emergency management programs, including assisting political subdivisions to ensure that the local emergency management plan of each subdivision adequately provides for the rendering and receipt of mutual aid. The bill also would require the EMD to administer all requests for reimbursement for costs associated with providing mutual aid assistance in response to a request made by the state for an incident resulting in the issuance of a federal disaster declaration. The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on September 1, 2007.

This analysis assumes the costs and duties associated with implementing the emergency management provisions of the bill could be absorbed within DPS' current appropriations and, therefore, would not result in a significant fiscal impact to the state.

Local Government Impact

The fiscal impact would vary by political subdivision depending on the provisions of an agreement, resources shared, the length of time the resources are shared, whether a lending entity requests the borrowing entity provide coverage for the borrowed items, and if so the cost of that coverage. However, it is anticipated that the sharing and providing coverage for borrowed resources would cost less than having to buy needed items in an emergency situation.

Source Agencies:

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 8, 2007

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

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

IN RE: HB1471 by Hancock (Relating to resource sharing among certain political subdivisions, including regional planning commissions, during a disaster.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize a local entity to share its resources with another local entity regardless of the process required for sharing resources under an emergency management plan or program or local law in certain disaster circumstances and if the designated individual for both local entities enter into an agreement to share resources. A political subdivision that borrows equipment or other property as authorized in those circumstances would be required to obtain appropriate coverage for the borrowed property for the period in which it is borrowed if requested by the lending political subdivision. Coverage could include insurance coverage obtained as a rider or endorsement to an insurance policy or through a separate insurance policy or obtained through an interlocal agreement.

Local Government Impact

The fiscal impact would vary by political subdivision depending on the provisions of an agreement, resources shared, the length of time the resources are shared, whether a lending entity requests the borrowing entity provide coverage for the borrowed items, and if so the cost of that coverage. However, it is anticipated that the sharing and providing coverage for borrowed resources would cost less than having to buy needed items in an emergency situation.

Source Agencies:

LBB Staff: JOB, KJG, CL, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 3, 2007

TO: Honorable Tracy King, Chair, House Committee on Border & International Affairs

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

IN RE: HB1471 by Hancock (Relating to resource sharing among certain political subdivisions, including regional planning commissions, during a disaster.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize a local entity to share its resources with another local entity regardless of the process required for sharing resources under an emergency management plan or program in certain disaster circumstances. A political subdivision that borrows equipment or other property as authorized in those circumstances would be required to obtain appropriate coverage for the borrowed property for the period in which it is borrowed if requested by the lending political subdivision. Coverage could include insurance coverage obtained as a rider or endorsement to an insurance policy or through a separate insurance policy or obtained through an interlocal agreement.

Local Government Impact

The fiscal impact would vary by political subdivision depending on the resources shared, the length of time the resources are shared, whether a lending entity requests the borrowing entity provide coverage for the borrowed items, and if so the cost of that coverage. However, it is anticipated that the sharing and providing coverage for borrowed resources would cost less than having to buy needed items in an emergency situation.

Source Agencies:

LBB Staff: JOB, CL, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 22, 2007

TO: Honorable Tracy King, Chair, House Committee on Border & International Affairs

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

IN RE: HB1471 by Hancock (Relating to resource sharing among certain political subdivisions, including regional planning commissions, during a disaster.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize a local entity to share its resources with another local entity regardless of the process required for sharing resources under an emergency management plan or program in certain disaster circumstances. A political subdivision that borrows equipment or other insured property as authorized in those circumstances would be required to obtain appropriate insurance coverage for the borrowed property for the period in which it is borrowed.

Local Government Impact

The fiscal impact would vary by political subdivision depending on the resources shared, the length of time the resources are shared, and the cost of insuring borrowed items. However, it is anticipated that the sharing and insuring of borrowed resources would cost less than having to buy needed items in an emergency situation.

Source Agencies:

LBB Staff: JOB, CL, DB

