

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: McCall

H.B. No. 1998

A BILL TO BE ENTITLED

AN ACT

relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims.

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

SECTION 1. Section 418.004, Government Code, is amended by adding Subdivision (6-a) to read as follows:

(6-a) "Public facility" has the meaning assigned by Section 102, Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5122).

SECTION 2. Section 418.020, Government Code, is amended to read as follows:

Sec. 418.020. TEMPORARY HOUSING AND EMERGENCY SHELTER. (a) The governor may enter into purchase, lease, or other arrangements with an agency of the United States for temporary housing units to be occupied by disaster victims and may make units available to any political subdivision.

(b) The governor may assist a political subdivision that is the locus of temporary housing or emergency shelters for disaster victims to acquire sites necessary for temporary housing or emergency shelters and to do all things required to prepare the sites to receive and use temporary housing units or emergency shelters by:

(1) advancing or lending funds available to the governor from any appropriation made by the legislature or from any

1 other source;

2 (2) allocating funds made available by a public or  
3 private agency; or

4 (3) becoming a copartner with the political  
5 subdivision for the execution and performance of any temporary  
6 housing or emergency shelter project for disaster victims.

7 (c) Under regulations prescribed by the governor, the  
8 governor may temporarily suspend or modify for a period of not more  
9 than 60 days any public health, safety, zoning, intrastate  
10 transportation, or other law or regulation if by proclamation the  
11 governor considers the suspension or modification essential to  
12 provide temporary housing or emergency shelter for disaster  
13 victims.

14 (d) Any political subdivision may temporarily or  
15 permanently acquire by lease, purchase, or other means sites  
16 required for installation of temporary housing units or emergency  
17 shelters for disaster victims and may enter into arrangements  
18 necessary to prepare or equip the sites to use the housing units or  
19 shelters, including arrangements for the purchase of temporary  
20 housing units or shelters and the payment of transportation  
21 charges.

22 (e) A political subdivision that is the locus of temporary  
23 housing or emergency shelters for persons moved or evacuated by  
24 recommendation or order of the governor shall be assisted by any  
25 resource available to the state to ensure the political subdivision  
26 receives an advance or reimbursement:

27 (1) of all expenses, excluding lost revenue, incurred

1 by the political subdivision associated with the use of public  
2 facilities for temporary housing or emergency shelters; and  
3 (2) of the amounts paid for salaries and benefits of  
4 permanently employed, straight-time and regular-time personnel of  
5 the political subdivision who perform duties associated with the  
6 movement or evacuation of persons into, out of, or through the  
7 political subdivision.

8 SECTION 3. This Act takes effect September 1, 2009.

ADOPTED

MAY 14 2009

*Atty Gen*  
Secretary of the Senate

*Mario Gallego Jr*

By: \_\_\_\_\_

H.B. No. 1998

Substitute the following for H.B. No. 1998:

By: *Mario Gallego Jr*

C.S. H.B. No. 1998

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14 with an agency of the United States for temporary housing units to  
15 be occupied by disaster victims and may make units available to any  
16 political subdivision.

17 (b) The governor may assist a political subdivision that is  
18 the locus of temporary housing or emergency shelters for disaster  
19 victims to acquire sites necessary for temporary housing or  
20 emergency shelters and to do all things required to prepare the  
21 sites to receive and use temporary housing units or emergency  
22 shelters by:

23 (1) advancing or lending funds available to the  
24 governor from any appropriation made by the legislature or from any

1 other source;

2 (2) allocating funds made available by a public or  
3 private agency; or

4 (3) becoming a copartner with the political  
5 subdivision for the execution and performance of any temporary  
6 housing or emergency shelter project for disaster victims.

7 (c) Under regulations prescribed by the governor, the  
8 governor may temporarily suspend or modify for a period of not more  
9 than 60 days any public health, safety, zoning, intrastate  
10 transportation, or other law or regulation if by proclamation the  
11 governor considers the suspension or modification essential to  
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14 (d) Any political subdivision may temporarily or  
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17 shelters for disaster victims and may enter into arrangements  
18 necessary to prepare or equip the sites to use the housing units or  
19 shelters, including arrangements for the purchase of temporary  
20 housing units or shelters and the payment of transportation  
21 charges.

22 (e) A political subdivision that is the locus of temporary  
23 housing or emergency shelters for persons moved or evacuated by  
24 recommendation or order of the governor may be assisted by any  
25 resource available to the state, including the disaster contingency  
26 fund, to ensure the political subdivision receives an advance or  
27 reimbursement:

1           (1) of all expenses, including lost revenue, incurred  
2 by the political subdivision associated with the use of public  
3 facilities for temporary housing or emergency shelters; and  
4           (2) of the amounts paid for salaries and benefits of  
5 permanently employed, straight-time and regular-time personnel of  
6 the political subdivision who perform duties associated with the  
7 movement or evacuation of persons into, out of, or through the  
8 political subdivision.

9           SECTION 3. This Act takes effect September 1, 2009.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 14, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB1998** by McCall (Relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims.), **As Passed 2nd House**

Due to the unknown size, duration, and location of any future disaster, there would be an indeterminate cost to the state.

The bill would allow the state to reimburse a city or county that provides temporary housing or emergency shelters during an emergency or disaster declared by the Governor. The bill provides reimbursable costs are all expenses, including lost revenue, associated with the use of public facilities for temporary housing or emergency shelters, and salaries and benefits of city/county personnel performing duties associated with the evacuation of persons during an emergency or disaster. Although the bill is permissive, it is assumed that the state would provide reimbursements.

Currently, during a federally declared disaster, the Federal Emergency Management Agency (FEMA) reimburses local entities for costs associated with the operation of emergency shelters, including overtime for government employees, shelter security, food, water, and basic medical care. However, FEMA does not reimburse for regular-time salaries or lost revenue for facilities used as emergency shelters.

Currently, there are no comprehensive estimates of lost revenues and regular-time salary costs associated with previous disasters for cities and counties in Texas. In addition, the nature of future disasters (size, duration, and location) is unknown. As a result, the fiscal impact to the state cannot be determined.

**Local Government Impact**

The bill would amend the Government Code adding emergency shelters to those items a political subdivision is required to provide to disaster victims during a declared emergency. The bill would allow a political subdivision that provides the main temporary housing or emergency shelters for persons evacuated by order of the Governor to receive reimbursement for expenses incurred, excluding lost revenue, and salaries and benefits of permanent employees who assist with the evacuation.

The number and amount of distributions to an eligible local government from resources available to the state would depend on the amount of available funds, the number of declared disasters in the state in any given fiscal year, and the number of applications for assistance made to the state.

**Source Agencies:** 301 Office of the Governor, 405 Department of Public Safety

**LBB Staff:** JOB, SD, DB, MS, BTA, KK, TP





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 7, 2009**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

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

**IN RE: HB1998** by McCall (Relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims. ), **Committee Report 2nd House, Substituted**

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**LBB Staff:** JOB, DB, MS, BTA, KK, TP



LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 4, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

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

IN RE: **HB1998** by McCall (Relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims.), **As Engrossed**

The fiscal impact to the state cannot be determined due to the unknown size, duration, and location of any future disaster.

The bill requires that the state reimburse a city or county that provides temporary housing or emergency shelters during an emergency or disaster declared by the Governor. The bill provides reimbursable costs are all expenses, excluding lost revenue, associated with the use of public facilities for temporary housing or emergency shelters, and salaries and benefits of city/county personnel performing duties associated with the evacuation of persons during an emergency or disaster.

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**Source Agencies:** 301 Office of the Governor, 405 Department of Public Safety

**LBB Staff:** JOB, KK, MS, BTA, TP



LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 15, 2009

**TO:** Honorable Frank Corte, Jr., Chair, House Committee on Defense & Veterans' Affairs

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

**IN RE: HB1998** by McCall (Relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims.), **As Introduced**

The fiscal impact to the state cannot be determined due to the unknown size, duration, and location of any future disaster.

The bill requires that the state reimburse a city or county that provides temporary housing or emergency shelters during an emergency or disaster declared by the Governor. The bill provides reimbursable costs are all expenses, including lost revenue, associated with the use of public facilities for temporary housing or emergency shelters, and salaries and benefits of city/county personnel performing duties associated with the evacuation of persons during an emergency or disaster.

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