

## **BILL ANALYSIS**

C.S.H.B. 3178  
By: Phillips  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

When a natural disaster occurs, part of the recovery process may include seeking disaster relief assistance from the Federal Emergency Management Agency (FEMA). However, interested parties report that FEMA has cited parts of current Texas law regarding the statewide mutual disaster aid system as a reason to decline disaster relief to some jurisdictions. Under the law, local governments may enter into mutual aid agreements to assist one another when response needs exceed an individual jurisdiction's capabilities. While the law was originally intended to encourage local governments in a planning region to work together within the region, critics assert that local governments and others involved in emergency management have found that certain procedures and requirements for regional mutual aid overstep local control of emergency management planning and thus have not endorsed or adhered to the policies. FEMA has identified this situation as a reason to decline federal funding. C.S.H.B. 3178 seeks to address this issue.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3178 amends the Government Code to repeal statutory procedures for mutual aid provided under the Texas Statewide Mutual Aid System by the political subdivisions in a state planning region in response to a request by a political subdivision in the region or outside of the region, or by the state. The bill removes the deadline for confirming in writing a verbal request for mutual aid and makes the requirement that a local government entity requesting mutual aid assistance from another such entity under the system reimburse the actual costs of providing the assistance to the entity contingent on the assistance requiring a response that exceeds 12 consecutive hours.

C.S.H.B. 3178 repeals Section 418.114, Government Code.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3178 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sec. 418.114, Government Code, is repealed.

SECTION 2. Sec. 418.115, Government Code, is amended

SECTION 3. Section 418.1181, Government Code, is amended.

No equivalent provision.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 3. Same as introduced version.

SECTION 1. Substantially the same as introduced version.

SECTION 2. Substantially the same as introduced version.

SECTION 4. Sections 418.115(a) and 418.1181(a), Government Code, as amended by this Act, apply only to mutual aid assistance requested on or after the effective date of this Act. Mutual aid assistance requested before the effective date of this Act is governed by the law in effect on the date the aid was requested, and the former law is continued in effect for that purpose.

SECTION 5. Same as introduced version.