

1-1 By: Bell, et al. (Senate Sponsor - Nichols) H.B. No. 487
 1-2 (In the Senate - Received from the House April 4, 2013;
 1-3 April 8, 2013, read first time and referred to Committee on State
 1-4 Affairs; April 29, 2013, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; April 29, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to liability of certain persons assisting in man-made or
 1-20 natural disasters.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 370, Local Government Code, is amended
 1-23 by adding Section 370.006 to read as follows:

1-24 Sec. 370.006. ASSISTANCE IN MAN-MADE OR NATURAL DISASTER.

1-25 (a) The governing body of a municipality, the chief of the fire
 1-26 department, or an emergency management director or coordinator
 1-27 designated for the municipality under Section 418.1015, Government
 1-28 Code, may request or accept any care, assistance, or advice
 1-29 described by Section 79.003(a), Civil Practice and Remedies Code,
 1-30 including the loan or operation of construction equipment or other
 1-31 heavy equipment by the owner or operator of the equipment, as
 1-32 applicable, or the donation of resources to the extent the
 1-33 governing body, chief, or emergency management director or
 1-34 coordinator believes necessary to address a man-made or natural
 1-35 disaster.

1-36 (b) The commissioners court of a county, the county judge,
 1-37 the county fire marshal, an incorporated volunteer fire department
 1-38 under contract with a county under Section 352.001, a volunteer
 1-39 fire department described by Section 352.005, as applicable, or an
 1-40 emergency management director or coordinator designated for the
 1-41 county under Section 418.1015, Government Code, may request or
 1-42 accept any care, assistance, or advice described by Section
 1-43 79.003(a), Civil Practice and Remedies Code, including the loan or
 1-44 operation of construction equipment or other heavy equipment by the
 1-45 owner or operator of the equipment, as applicable, or the donation
 1-46 of resources to the extent the commissioners court, county judge,
 1-47 county fire marshal, volunteer fire department, or emergency
 1-48 management director or coordinator believes necessary to address a
 1-49 man-made or natural disaster.

1-50 (c) A person as defined by Section 79.001, Civil Practice
 1-51 and Remedies Code, who provides care, assistance, or advice to a
 1-52 municipality or county in the manner described by this section is
 1-53 immune from civil liability as provided by Section 79.003, Civil
 1-54 Practice and Remedies Code.

1-55 (d) Subsection (a) or (b) does not authorize the acceptance
 1-56 of care, assistance, or advice in violation of any other law or
 1-57 contractual agreement that prohibits the acceptance of that care,
 1-58 assistance, or advice.

1-59 SECTION 2. Section 370.006, Local Government Code, as added
 1-60 by this Act, is intended only to clarify existing law with respect
 1-61 to:

2-1 (1) the power of certain local officials to request or
2-2 accept certain assistance in certain situations; and
2-3 (2) the applicability of Section 79.003, Civil
2-4 Practice and Remedies Code, to certain persons providing certain
2-5 assistance in certain situations.
2-6 SECTION 3. This Act takes effect immediately if it receives
2-7 a vote of two-thirds of all the members elected to each house, as
2-8 provided by Section 39, Article III, Texas Constitution. If this
2-9 Act does not receive the vote necessary for immediate effect, this
2-10 Act takes effect September 1, 2013.

2-11

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