

CHAPTER 35

S.B. No. 35

An Act relating to the participation by joint airports in law enforcement interlocal assistance agreements with counties and municipalities; amending Sections 1 through 5, Chapter 81, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 999b, Vernon's Texas Civil Statutes).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 1 through 5, Chapter 81, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 999b, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. *In this Act:*

"(1) 'Municipality' [as used herein] means any city or town, including home-rule city or a city operating under the general law or a special charter.

"(2) 'Joint airport' means any airport operated jointly by two municipalities and situated in two counties.

"(3) 'Law enforcement officer' [as used herein] means any policeman, sheriff, [or] deputy sheriff, constable, [or] deputy constable, marshal, or deputy marshal or any police officer of a joint airport commissioned as a peace officer under the laws of this state.

"Section 2. Any county, [or] municipality, or joint airport shall have the power by resolution or order of its governing body to make provision for, or to authorize its major or chief administrative officer, chief of police or marshal to make provision for, its regularly employed law enforcement officers to assist any other county, [or] municipality, or joint airport, when in the opinion of the mayor, or other officer authorized to declare a state of civil emergency in such other county, [or] municipality, or joint airport, there exists in such other county, [or] municipality, or joint airport a need for the services of additional law enforcement officers to protect the health, life, and property of such other county, [or] municipality, or joint airport, its inhabitants, and the visitors thereto, by reason of riot, threat of concealed explosives, unlawful assembly characterized by the use of force and violence, or threat thereof by three or more persons acting together or without lawful authority, or during time of natural disaster or man-made calamity.

"Section 2a. A county, [or] municipality, or joint airport may by resolution or order of its governing body enter into an agreement with any neighboring municipality, joint airport, or contiguous county to form a mutual aid law enforcement task force to cooperate in the investigation of criminal activity and enforcement of the laws of this state. Peace officers employed by counties, [or] municipalities, or joint airports entering into such agreements shall have only such additional investigative authority throughout the region as may be set forth in the agreement. The counties, [or] municipalities, or joint airports shall provide for compensation of peace officers involved in the activities of a mutual aid law enforcement task force, which provision for compensation shall be contained in the agreement.

"A law enforcement officer employed by a county, [or] municipality, or joint airport covered by an agreement authorized by this section may make arrests outside the county, [or] municipality, or joint airport in which he is employed, but within the area covered by the agreement, provided however, that the law enforcement agencies within such county, [or] municipality, or joint airport shall be notified of such arrest without delay. Such notified agency shall make available the notice of such arrest in the same manner as if said arrest were made by a member of the law enforcement agency of said county, [or] municipality, or joint airport.

"Section 3. While any law enforcement officer regularly employed as such in one county, [or] municipality, or joint airport is in the service of another county, [or] municipality, or joint airport pursuant to this Act, he shall be a peace officer of such other county, [or] municipality, or joint airport and be under the command of the law enforcement officer therein who is in charge in that county, [or] municipality, or joint airport, with all the powers of a regular law enforcement officer in such other county, [or] municipality, or joint airport, as fully as though he were within the county, [or] municipality, or joint airport where regularly employed and his qualification, respectively, for office where regularly employed shall constitute his qualification for office in such other county, [or] municipality, or joint airport, and no other oath, bond, or compensation need be made.

"Section 4. Any law enforcement officer who is ordered by the official designated by the governing body of any county, [or] municipality, or joint airport to perform police or peace duties outside the territorial limits of the county, [or] municipality, or joint airport where he is regularly employed as such officer, shall be entitled to the same wage, salary, pension, and all other compensation and all other rights for such service, including injury or death benefits, the same as though the service had been rendered within the limits of the county, [or] municipality, or joint airport where he is regularly employed, and shall also be paid for any reasonable expenses of travel, food, or lodging that he may incur while on duty outside such limits.

"Section 5. All wage and disability payments, pension payments, damage to equipment and clothing, medical expense, and expenses of travel, food, and lodging shall be paid by the county, [or] municipality, or joint airport regularly employing such law enforcement officer. Upon making such payments, the county, [or] municipality, or joint airport that furnished the services shall, when it so requests, be reimbursed by the county, [or] municipality, or joint airport whose

authorized official requested the services out of which the payments arose. Each such county, [or] municipality, or joint airport is hereby expressly authorized to make such payments and reimbursements notwithstanding any provision in its charter or ordinances to the contrary.”

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 6, 1985, by the following vote: Yeas 30, Nays 0; passed the House on April 4, 1985, by the following vote: Yeas 124, Nays 0, one present not voting.

Approved: April 16, 1985

Effective: Immediately