



SAFE-D FALL EVENT

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Legislative Report and Outlook

SAFE-D
18th Annual Conference
February 9, 2019



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Legislative
Report and Outlook
3RD SPECIAL SESSION!

SAFE-D
18th Annual Conference
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3rd Special Session

Legislation providing
appropriations from
the American Rescue
Plan Act of 2021
(ARPA), Pub. L. No.
117-2.



PROCLAMATION BY THE Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, GOVERNOR OF THE STATE OF TEXAS, by the authority vested in me by Article III, Sections 5 and 40, and Article IV, Section 8 of the Texas Constitution, do hereby call an extraordinary session of the 87th Legislature, to convene in the City of Austin, commencing at 10:00 a.m. on Monday, September 20, 2021, for the following purposes:

To consider and act upon the following:

Legislation relating to the apportionment of the State of Texas into districts used to elect members of the Texas House of Representatives, the Texas Senate, the State Board of Education, and the United States House of Representatives.

Legislation providing appropriations from the American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2.

Legislation identical to Senate Bill 29 as passed by the Texas Senate in the 87th Legislature, Regular Session, disallowing a student from competing in University Interscholastic League athletic competitions designated for the sex opposite to the student's sex at birth.

Legislation regarding whether any state or local governmental entities in Texas can mandate that an individual receive a COVID-19 vaccine and, if so, what exemptions should apply to such mandate.

Legislation similar to Senate Bill 474 as passed by 87th Legislature, Regular Session, but that addresses the concerns expressed in the governor's veto statement.

Such other subjects as may be submitted by the Governor from time to time after the session convenes.

The Secretary of State will take notice of this action and will notify the members of the legislature of my action.



IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this 7th day of September, 2021.

GREG ABBOTT
Governor of Texas

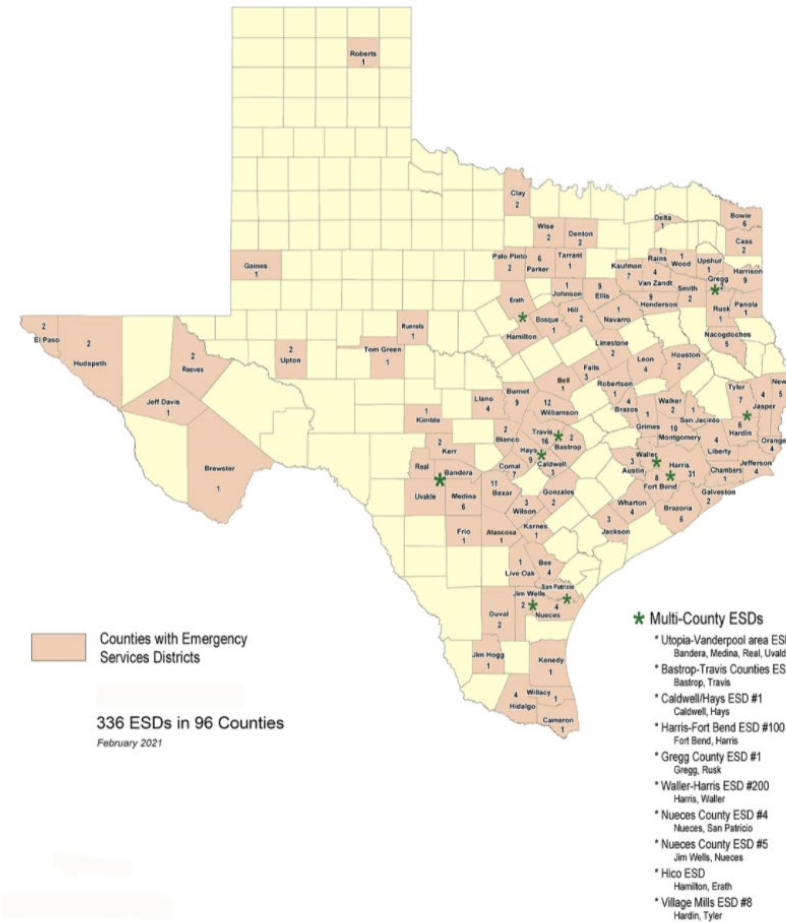
FILED IN THE OFFICE OF THE
SECRETARY OF STATE
SEP 10 10:00
SEP 10 2021

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ESDs in Texas

336

NUMBER OF EMERGENCY SERVICES DISTRICTS BY COUNTY



From: **Texas State Association of Fire and Emergency Districts|SAFE-D** <safed@texas.net>

Date: Tue, Aug 3, 2021, 11:13 AM

Subject: For Access to Federal Funds: Let Us Know How Your ESD Has Been Affected

To: <smorgan.hcesd29@gmail.com>

HELLO, SAFE-D COLLEAGUE:

The State of Texas will be receiving almost **\$16 BILLION** as its share of the American Rescue Plan Act, which Congress passed in March. Congress made it clear that it intended states to distribute some of that money to special purpose districts -- like ESDs.

SAFE-D has been working on several fronts to secure some of that funding for ESDs. SAFE-D is spearheading a group of other associations serving Texas special purpose districts to tell the Legislature about our needs. SAFE-D's expanded lobbying team has been contacting key policy makers to make it clear that the **millions of Texans** served by special purpose districts have needs that can be addressed with this federal money.

We need hard data to make our case. Please take a few moments to share your ESD's experiences during the pandemic.

USE THIS LINK TO RESPOND.

We need to hear from you so we can represent you better.

Thanks,

SAFE-D

This email was sent on behalf of SAFE-D located at PO Box 676, TX 78691. [To unsubscribe click here.](#) If you have questions or comments concerning this email, contact safed@texas.net.



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Responses

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Date: Tue, Sep 14, 2021, 8:01 AM

Subject: Help Us Advocate for Access to ARPA Funds

To: <smorgan.hcesd29@gmail.com>

SAFE-D Member:

The third Special Session of the Legislature begins Monday, Sept. 20. One of the tasks that the Legislature faces is appropriating almost **\$16 BILLION** that the State received from the Federal Government as part of the American Rescue Plan Act passed in March.

SAFE-D is working with other groups that represent special purpose districts. This coalition has already written Legislative Leadership to press for some consideration of districts and their needs.

FUN FACT: ESDs provide fire protection, emergency medical services or both to about 10 million Texans. That means they serve a population greater than 41 states in the Union. Yet, Texas ESDs don't get the same direct access to federal funds that municipalities are getting.

We want to change that. But we need your help by getting information we can take to lawmakers.

Please take a few minutes to complete this survey about how much ARPA money you received from your County:

<https://form.jotform.com/212545577678167>

Based on your response, we may contact you to try and get more information.

We know surveys are a bother, but obtaining accurate information is the only way we can convince lawmakers that Texans served by ESDs should have access to funds from their federal government.

Thanks, in advance, for your participation.



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The American Recovery Plan Act ARPA



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ARPA

See Page 21 of your
Conference Program

Texas Emergency Services Districts and the American Recovery Plan Act

About ESDs

- ESDs serve an estimated 10 million Texans in urban, suburban and rural areas.
- ESDs are political subdivisions of the State of Texas created by voters to provide fire protection, emergency medical services or both.
- ESDs are limited in the Texas Constitution to a tax rate of no more than 10 cents per \$100 of assessed value (\$300,000 home pays \$300/year - \$25/month).
- Median ESD tax rate is 8 cents per \$100. Median ad valorem levy is about \$543,000. About 1/3 of the state's ESDs collect less than \$250,000 year in ad valorem revenue.
- ESDs employ 5,021 paid full-time or part-time firefighters or EMTs (source: Texas Forest Service).

About ARPA

- Texas is receiving \$16.7 Billion from the Act.
- Special districts did not receive a direct allocation; however, language was included that indicated Congressional intent was for state and local government recipients of direct assistance to transfer funding to special districts.

Use of ARP Funds

- To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality.
- To provide premium pay to workers performing essential work (e.g., firefighters and EMTs) during the COVID-19 public health emergency.
- To replace revenue losses relative to revenues collected in the most recent full fiscal year prior to the emergency.

ESDs' Funding Needs from COVID, Winter Storm

- ESDs need to replace Personal Protective Equipment.
- To compete with municipalities, ESDs need to offer their firefighters and ESDs premium pay.
- ESDs need compensation for state-ordered projects (e.g., administering COVID tests to nursing home residents; providing post-vaccination support for local authorities).
- ESDs need funding to improve emergency communications with other local jurisdictions.
- ESDs need funds to keep up with inflation after major infrastructure projects were delayed by pandemic.



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ARPA Funds Eligibility

- US Treasury's guidance for the State and Local Fiscal Recovery Funds states:
 - “By permitting these transfers, Congress recognized the importance of providing flexibility to governments seeking to achieve the greatest impact with their funds, including by working with other levels or units of government or private entities to assist recipient governments in carrying out their programs. This includes special-purpose districts that perform specific functions in the community, such as fire, water, sewer, or mosquito abatement districts.”
- Treasury guidance further states that fire, water, wastewater, and mosquito abatement districts are not an exclusive set of eligible services transfer-eligible units of local government may provide.

Use of ARPA Funds

- The American Rescue Plan Act allows state and local fiscal recovery funds to be used for COVID-19 expenditures and responses to the economic downturn, revenue losses, providing premium pay for essential workers; and “necessary investments” in water, wastewater and broadband infrastructure.
- Under the May 10 guidance, Treasury states that “recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities.” Treasury outlines the parameters for the use of funds as follows:



Support public health expenditures

- Support public health expenditures, by, for example, funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff. Treasury guidance builds upon the CARES Act/Coronavirus Relief Fund's eligible use of funds. This includes, but is not limited to:



Support public health expenditures

- This includes, but is not limited to:
 - COVID-19 vaccination, testing and contact tracing programs.
 - Enforcement of public health orders.
 - Public communication efforts.
 - Purchase of personal protective equipment and sanitization.
 - Payroll and benefits of directly responding to COVID-19.



Provide premium pay for essential workers

- Provide premium pay for essential workers, offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors.



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Provide premium pay for essential workers

- Workers in the sectors of healthcare, public health and safety, childcare, education, sanitation, transportation are included in guidelines; however, recipients of funds have discretion to add additional sectors to the list so long as they are deemed “critical to protect the health and well-being of residents.”
- Low-income workers should be prioritized.
- A recipient may provide up to \$13 per hour, with a maximum of \$25,000, for eligible employees.
 - Recipients would be required to publish an explanation of why any employee whose wage, with premium pay, totals 150 percent of the state’s average annual wage for all occupations, and how providing the worker with premium pay meets the goals of this provision.
- Recipients may grant funds to a contracted entity to provide contracted employees with premium pay.
- When calculating loss, governments may include what they expected to receive in revenues without COVID-19’s interference/impacts. In doing so, Treasury states:
 - Recipients may use a growth adjustment of either 4.1 percent per year or the recipients’ average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency, whichever is higher.



Invest in water, sewer, and broadband infrastructure

- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.



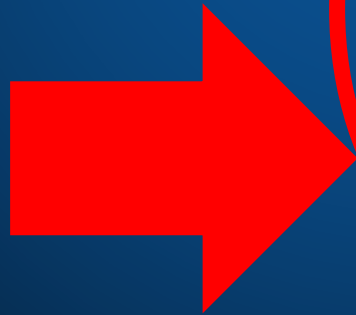
Invest in water, sewer, and broadband infrastructure

- Treasury states:
- A “necessary investment” would provide adequate, minimum levels of services that are unlikely to be made using private funds. Projects must maintain a level of services that:
 - Meets applicable health-based standards
 - Takes into account climate resiliency
 - Establishes or improves broadband service to unserved or underserved populations.
- Eligible use of water and wastewater infrastructure investment is aligned with projects eligible to receive financial assistance through the Environmental Protection Agency’s Clean Water State Revolving Fund or Drinking Water State Revolving Fund.
- In addition to a focus on climate resiliency, Treasury encourages recipients to consider “green infrastructure investments.”
- Reporting requirements on how state and local governments utilize infrastructure projects will be offered in future guidance.

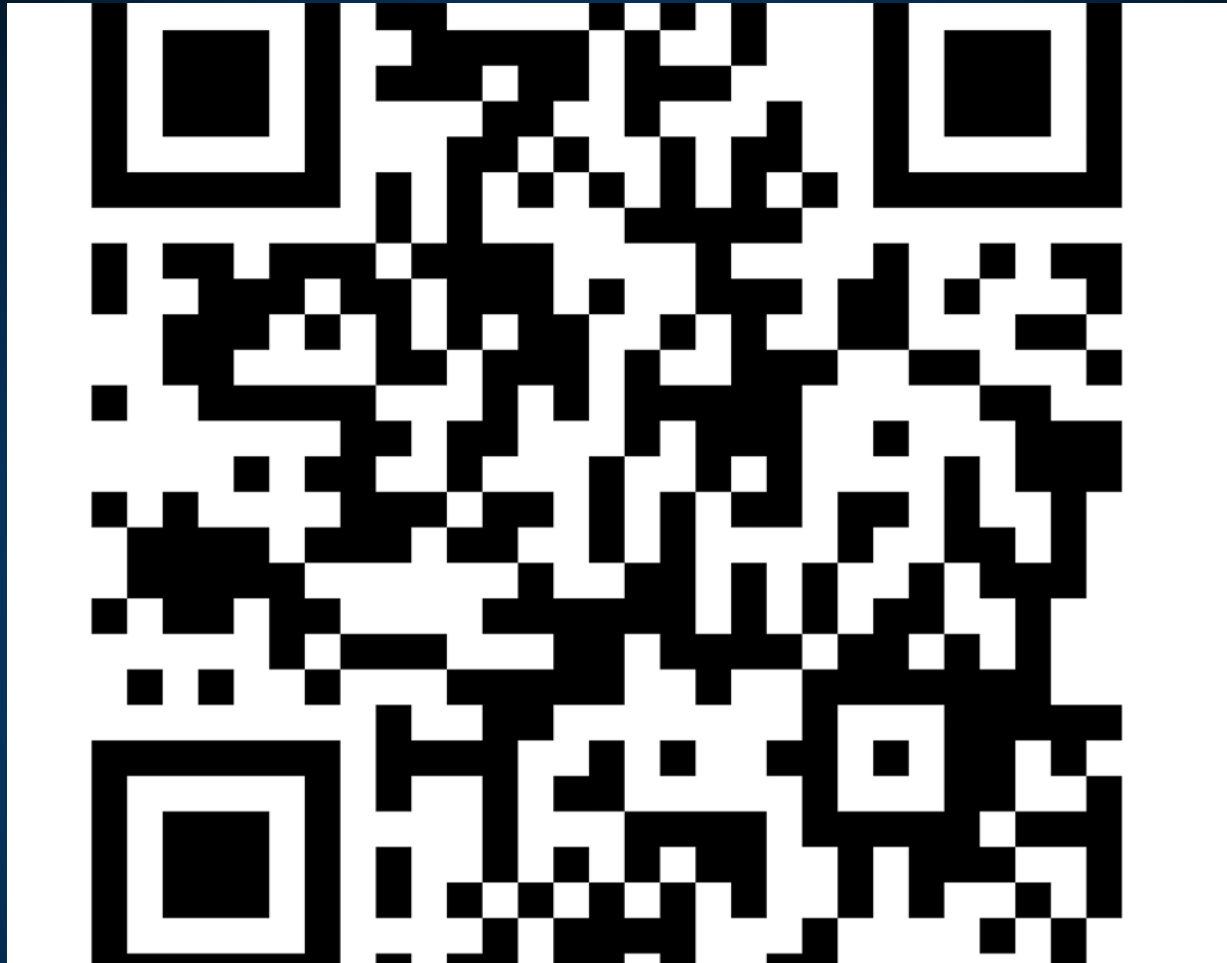


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SAFE-D
Needs You!
Now!



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County Sharing Survey



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COVID Costs Survey



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Questions?



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