

By: Schaefer

H.B. No. 2196

A BILL TO BE ENTITLED

AN ACT

relating to state emergency management during a state of disaster.

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

SECTION 1. Section 418.004(1), Government Code, is amended to read as follows:

(1) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, ~~[other public calamity requiring emergency action,~~] or energy emergency.

SECTION 2. Section 418.012, Government Code, is amended to read as follows:

Sec. 418.012. EXECUTIVE ORDERS. Under this chapter, the governor may, subject to Section 418.016(a), issue executive orders, proclamations, and regulations and amend or rescind them. ~~[Executive orders, proclamations, and regulations have the force and effect of law.]~~

SECTION 3. Section 418.0155, Government Code, is amended to read as follows:

Sec. 418.0155. SUSPENSION LIST. (a) The governor's

1 office, using existing resources, shall compile and maintain a
2 comprehensive list of state agency [~~regulatory statutes and~~] rules
3 that may require suspension during a disaster.

4 (b) On request by the governor's office, a state agency that
5 would be impacted by the suspension of a [~~statute or~~] rule on the
6 list compiled under Subsection (a) shall review the list for
7 accuracy and shall advise the governor's office regarding any
8 [~~statutes or~~] rules that should be added to the list.

9 SECTION 4. The heading to Section 418.016, Government Code,
10 is amended to read as follows:

11 Sec. 418.016. SUSPENSION OF CERTAIN [~~LAWS AND~~] RULES AND
12 REQUIREMENTS; APPLICATION OF CERTAIN CONTRACTING REQUIREMENTS.

13 SECTION 5. Section 418.016, Government Code, is amended by
14 amending Subsections (a) and (e) and adding Subsection (a-1) to
15 read as follows:

16 (a) The governor may not suspend a state agency order or
17 rule except as specifically authorized by this chapter. The
18 governor may suspend [~~the provisions of any regulatory statute~~
19 ~~prescribing the procedures for conduct of state business or~~] the
20 orders or rules of a state agency if strict compliance with the
21 [~~provisions,~~] orders[~~7~~] or rules would in any way prevent, hinder,
22 or delay necessary action or prompt response in coping with a
23 disaster.

24 (a-1) During a state of disaster declared by the governor
25 and notwithstanding any other law, the contracting requirements in
26 Subtitle D, Title 10, that inhibit or prevent prompt response to a
27 disaster do not apply to a state agency in contracting for goods or

1 services related to the declared state of disaster.

2 (e) On request of a political subdivision, the governor may
3 waive or suspend a deadline imposed by [~~a statute or~~] the orders or
4 rules of a state agency on the political subdivision, including a
5 deadline relating to a budget or ad valorem tax, if the waiver or
6 suspension is reasonably necessary to cope with a disaster.

7 SECTION 6. Section 418.020(c), Government Code, is amended
8 to read as follows:

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

16 SECTION 7. Section 418.042(c), Government Code, is amended
17 to read as follows:

18 (c) All or part of the state emergency management plan may
19 be incorporated into regulations of the division or executive
20 orders [~~that have the force and effect of law~~].

21 SECTION 8. Section 22.001(1), Labor Code, is amended to
22 read as follows:

23 (1) "Disaster" means the occurrence or imminent threat
24 of widespread or severe damage, injury, or loss of life or property
25 that results from a natural or man-made cause, including fire,
26 flood, earthquake, wind, storm, wave action, oil spill or other
27 water contamination, volcanic activity, epidemic, air

1 contamination, blight, drought, infestation, explosion, riot,
2 hostile military or paramilitary action, [~~or other public calamity~~
3 ~~requiring emergency action,~~] or an energy emergency.

4 SECTION 9. The following provisions are repealed:

5 (1) Section 418.019, Government Code; and

6 (2) Section 207.0212, Labor Code.

7 SECTION 10. On the effective date of this Act, any law that
8 is suspended under Chapter 418, Government Code, or Section
9 207.0212, Labor Code, as those laws existed immediately before the
10 effective date of this Act, is reinstated.

11 SECTION 11. The changes in law made by this Act apply only
12 to an order, proclamation, or regulation issued on or after the
13 effective date of this Act.

14 SECTION 12. This Act takes effect immediately if it
15 receives a vote of two-thirds of all the members elected to each
16 house, as provided by Section 39, Article III, Texas Constitution.
17 If this Act does not receive the vote necessary for immediate
18 effect, this Act takes effect September 1, 2021.