

BILL ANALYSIS

C.S.S.B. 61
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Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The threat of natural and man-made disasters is increasingly a consideration in local governmental planning at all levels. A catastrophic event - such as a flu pandemic or a bio-terrorism incident - could prevent elected and appointed officials from meeting or from following established statutory procedures.

Texas counties and municipalities should be prepared to respond quickly in such situations by adopting an internal plan for the delegation of administrative authorities, chain of succession to cover essential local governmental functions, and meeting procedures during a declared emergency.

Currently, these political subdivisions are not explicitly authorized to adopt and implement such internal plans. In the interest of providing efficient and effective response during a disaster, it would be appropriate to allow and encourage Counties and municipalities to adopt internal plans that address such issues as the incapacitation of local governmental offices. CSSB 61 allows the governing body of a political subdivision to adopt a plan for the continuity of functions of the political subdivision during a declared disaster or other catastrophic event.

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

CSSB 61 amends the Government Code to allow the governing body of a political subdivision to adopt a plan for the continuity of functions of the political subdivision during a declared disaster as provided by law by the president of the United States or the governor or during another catastrophic event. The plan may provide for delegating any administrative duty of the governing body or any official or employee of the political subdivision to another appropriate person; the plan may not provide for the delegation of a duty that the governing body or official is required to perform by the Texas Constitution. The plan may establish orders of succession for performing essential functions of the political subdivision and meeting procedures for the governing body for the political subdivision.

Further, CSSB 61 sets out an exception for a quorum requirement for the governing body of a local governmental entity if the entity's jurisdiction is located in the area of a declared disaster; and a majority of the members of the governing body are unable to be present at a meeting of the governing body as a result of the disaster.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSSB 61 clarifies the plan may be used during a disaster declared as provided by law by the president of the United States or the governor or during another catastrophic event.

CSSB 61 clarifies that the plan may not provide for the delegation of a duty that the governing body or official is required to perform by the Texas Constitution.