

By: McClendon

H.B. No. 3744

A BILL TO BE ENTITLED

AN ACT

relating to the performance of the functions of the governing body of a political subdivision in the event of a disaster.

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

SECTION 1. Subchapter E, Chapter 418, Government Code, is amended by adding Sections 418.111 and 418.112 to read as follows:

Sec. 418.111. PLAN FOR CONTINUITY OF FUNCTIONS. (a) The governing body of a political subdivision may adopt a plan for the continuity of functions of the political subdivision during a declared disaster or other catastrophic event.

(b) The plan may provide for:

(1) delegating any administrative duty of the governing body of the political subdivision or any official or employee of the political subdivision to another appropriate person;

(2) establishing orders of succession for performing essential functions of the political subdivision; and

(3) establishing meeting procedures for the governing body of the political subdivision.

Sec. 418.112. EXCEPTION TO QUORUM REQUIREMENTS. (a) This section applies to a local governmental entity created and operating under the laws of this state, including a political subdivision, school district, or special district or authority.

(b) Notwithstanding any other law, a quorum is not required

1 for the governing body of a local governmental entity to act if:

2 (1) the entity's jurisdiction is wholly or partly
3 located in the area of a declared disaster; and

4 (2) a majority of the members of the governing body are
5 unable to be present at a meeting of the governing body as a result
6 of the disaster.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2007.