

By: Zaffirini

S.B. No. 61

Substitute the following for S.B. No. 61:

By: Corte

C.S.S.B. No. 61

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 at any time adopt a plan for the continuity of functions of the political subdivision to be carried out during a disaster declared as provided by law by the president of the United States or the governor or during another 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.

(c) 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.

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

5 (b) Notwithstanding any other law, a quorum is not required
6 for the governing body of a local governmental entity to act if:

7 (1) the entity's jurisdiction is wholly or partly
8 located in the area of a disaster declared by the president of the
9 United States or the governor; and

10 (2) a majority of the members of the governing body are
11 unable to be present at a meeting of the governing body as a result
12 of the disaster.

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