

1-1 By: Zaffirini S.B. No. 61
1-2 (In the Senate - Filed November 13, 2006; January 23, 2007,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; February 5, 2007, reported favorably by the
1-5 following vote: Yeas 6, Nays 0; February 5, 2007, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the performance of the functions of the governing body
1-10 of a political subdivision in the event of a disaster.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter E, Chapter 418, Government Code, is
1-13 amended by adding Sections 418.111 and 418.112 to read as follows:

1-14 Sec. 418.111. PLAN FOR CONTINUITY OF FUNCTIONS. (a) The
1-15 governing body of a political subdivision may adopt a plan for the
1-16 continuity of functions of the political subdivision during a
1-17 declared disaster or other catastrophic event.

1-18 (b) The plan may provide for:

1-19 (1) delegating any administrative duty of the
1-20 governing body of the political subdivision or any official or
1-21 employee of the political subdivision to another appropriate
1-22 person;

1-23 (2) establishing orders of succession for performing
1-24 essential functions of the political subdivision; and

1-25 (3) establishing meeting procedures for the governing
1-26 body of the political subdivision.

1-27 Sec. 418.112. EXCEPTION TO QUORUM REQUIREMENTS. (a) This
1-28 section applies to a local governmental entity created and
1-29 operating under the laws of this state, including a political
1-30 subdivision, school district, or special district or authority.

1-31 (b) Notwithstanding any other law, a quorum is not required
1-32 for the governing body of a local governmental entity to act if:

1-33 (1) the entity's jurisdiction is wholly or partly
1-34 located in the area of a declared disaster; and

1-35 (2) a majority of the members of the governing body are
1-36 unable to be present at a meeting of the governing body as a result
1-37 of the disaster.

1-38 SECTION 2. This Act takes effect immediately if it receives
1-39 a vote of two-thirds of all the members elected to each house, as
1-40 provided by Section 39, Article III, Texas Constitution. If this
1-41 Act does not receive the vote necessary for immediate effect, this
1-42 Act takes effect September 1, 2007.

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