

BILL ANALYSIS

Senate Research Center
81R33233 NC-D

C.S.H.B. 3851
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Intergovernmental Relations
5/13/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Hurricane Ike caused a considerable amount of water damage to a variety of tax-related documents in the Galveston area, and lack of access to the island further impeded the normal course of civic affairs. Communication difficulties following the hurricane also resulted in missed statutory deadlines and the inability to notify the public of relevant hearings.

C.S.H.B. 3851 amends current law relating to the authority of the governor or a political subdivision to suspend statutory or local deadlines during a disaster.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 418.016, Government Code, as follows:

Sec. 418.016. New heading: SUSPENSION OF CERTAIN LAWS AND RULES. (a)
Creates this subsection from existing text.

(b) Authorizes the governor, on request of a political subdivision, to waive or suspend a deadline imposed by a statute or the orders or rules of a state agency on the political subdivision, including a deadline relating to a budget or ad valorem tax, if the waiver or suspension is reasonably necessary to cope with a disaster.

SECTION 2. Amends Subchapter E, Chapter 418, Government Code, by adding Section 418.1075, as follows:

Sec. 418.1075. SUSPENSION OF DEADLINES IMPOSED BY LOCAL LAW. (a)
Provides that a deadline imposed by local law on a political subdivision, notwithstanding any other law, including a deadline relating to a budget or ad valorem tax, is suspended if:

(1) the territory of the political subdivision is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and

(2) the presiding officer of the political subdivision or, if there is no presiding officer, the political subdivision's governing body, proclaims the political subdivision is unable to comply with the requirement because of the disaster.

(b) Authorizes the presiding officer of the political subdivision or, if there is no presiding officer, the political subdivision's governing body, to issue an order ending the suspension of a deadline under this section. Prohibits a deadline from being suspended for more than 30 days after the date the presiding officer or governing body, as appropriate, makes the proclamation described by Subsection (a)(2).

SECTION 3. Effective date: upon passage or September 1, 2009.