

By: Eiland, Gonzales, Flores

H.B. No. 1861

A BILL TO BE ENTITLED

AN ACT

relating to the operation and administration of the judiciary in the event of a disaster.

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

SECTION 1. Section 74.093(c), Government Code, is amended to read as follows:

(c) The rules may provide for:

(1) the selection and authority of a presiding judge of the courts giving preference to a specified class of cases, such as civil, criminal, juvenile, or family law cases; ~~and~~

(2) a coordinated response for the transaction of essential judicial functions in the event of a disaster; and

(3) any other matter necessary to carry out this chapter or to improve the administration and management of the court system and its auxiliary services.

SECTION 2. Section 418.002, Government Code, is amended to read as follows:

Sec. 418.002. PURPOSES. The purposes of this chapter are to:

(1) reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural or man-made catastrophes, riots, or hostile military or paramilitary action;

(2) prepare for prompt and efficient rescue, care, and

1 treatment of persons victimized or threatened by disaster;

2 (3) provide a setting conducive to the rapid and
3 orderly restoration and rehabilitation of persons and property
4 affected by disasters;

5 (4) clarify and strengthen the roles of the governor,
6 state agencies, the judicial branch of state government, and local
7 governments in prevention of, preparation for, response to, and
8 recovery from disasters;

9 (5) authorize and provide for cooperation in disaster
10 mitigation, preparedness, response, and recovery;

11 (6) authorize and provide for coordination of
12 activities relating to disaster mitigation, preparedness,
13 response, and recovery by agencies and officers of this state, and
14 similar state-local, interstate, federal-state, and foreign
15 activities in which the state and its political subdivisions may
16 participate;

17 (7) provide an emergency management system embodying
18 all aspects of predisaster preparedness and postdisaster response;

19 (8) assist in mitigation of disasters caused or
20 aggravated by inadequate planning for and regulation of public and
21 private facilities and land use; and

22 (9) provide the authority and mechanism to respond to
23 an energy emergency.

24 SECTION 3. Section 418.016, Government Code, is amended to
25 read as follows:

26 Sec. 418.016. SUSPENSION OF PROCEDURAL LAWS AND RULES. (a)
27 The governor may suspend the provisions of any regulatory statute

1 prescribing the procedures for conduct of state business or the
2 orders or rules of a state agency if strict compliance with the
3 provisions, orders, or rules would in any way prevent, hinder, or
4 delay necessary action in coping with a disaster.

5 (b) Notwithstanding any other law, the supreme court, by
6 rule or order, or on a case-by-case basis, may exercise the court's
7 inherent authority, with or without the consent of the parties, to
8 suspend procedures for the conduct of any court proceeding affected
9 by a disaster. The supreme court may:

10 (1) provide abatements and stays;

11 (2) toll limitations;

12 (3) toll or modify other filings and service
13 deadlines;

14 (4) provide for hearings or trials at locations other
15 than the county of suit;

16 (5) provide for courts of appeal to accept filings and
17 hear arguments in remote courthouses; and

18 (6) provide for alternative notice requirements.

19 (c) If a disaster prevents the supreme court from acting
20 under Subsection (b), the court of criminal appeals may act on
21 behalf of the supreme court. If the disaster prevents both the
22 supreme court and the court of criminal appeals from acting under
23 Subsection (b), the chief justice of the supreme court and the
24 presiding judge of the court of criminal appeals may act on behalf
25 of the judicial branch of state government.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2009.