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H.B. No. 1861
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               Eiland, Gonzales, Flores
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               (Senate Sponsor - Carona)
(In the Senate - Received from the House April 27, 2009;
        May 1, 2009, read first time and referred to Committee on Jurisprudence; May 15, 2009, reported adversely, with favorable Committee Substitute by the following vote: Yeas 5, Nays 0;
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        May 15, 2009, sent to printer.)
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        COMMITTEE SUBSTITUTE FOR H.B. No. 1861
                                                                                    By: Carona
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                                        A BILL TO BE ENTITLED
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                                                  AN ACT
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        relating to the operation and administration of the judiciary in
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        the event of a disaster.
                 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
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        SECTION 1. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.0035 to read as follows:
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                 Sec. 22.0035. MODIFICATION OR SUSPENSION
        PROVISIONS RELATING TO COURT PROCEEDINGS AFFECTED BY DISASTER. (a)
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        In this section, "disaster" has the meaning assigned by Section
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        418.004
                 (b)
                       Notwithstanding any other statute, the supreme
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              modify or suspend procedures for the conduct of any court
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        proceeding affected by a disaster during the pendency of a disaster
        declared by the governor. An order under this section may not extend for more than 30 days from the date the order was signed unless renewed by the supreme court.

(c) If a disaster prevents the supreme court from acting
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        under Subsection (b), the chief justice of the supreme court may act
        on behalf of the supreme court under that subsection.

(d) If a disaster prevents the chief justice from acting under Subsection (c), the court of criminal appeals may act on behalf of the supreme court under Subsection (b).
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                 (e) If a disaster prevents the court of
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                                                                             criminal appeals
        from acting under Subsection (d), the presiding judge of the court of criminal appeals may act on behalf of the supreme court under Subsection (b).

SECTION 2. Section 74.093(c), Government Code, is amended
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                                Section 74.093(c), Government Code, is amended
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        to read as follows:
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                 (C)
                       The rules may provide for:
                               the selection and authority of a presiding judge
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        of the courts giving preference to a specified class of cases, such
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        as civil, criminal, juvenile, or family law cases; [and]
                      (2) a coordinated response for the transaction of judicial functions in the event of a disaster; and

(3) any other matter necessary to carry out this
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        essential
        (3) any other matter necessary to carry out this chapter or (3) improve the administration and management of the
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        court system and its auxiliary services.
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                 SECTION 3. Section 418.002, Government Code, is amended to
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        read as follows:
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                Sec. 418.002. PURPOSES. The purposes of this chapter are
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        to:
        (1) reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property
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        resulting from natural or man-made catastrophes, riots, or hostile
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        military or paramilitary action;
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                        (2) prepare for prompt and efficient rescue, care, and
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        treatment of persons victimized or threatened by disaster;
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orderly restoration and rehabilitation of persons and property

state agencies, the judicial branch of state government, and local

governments in prevention of, preparation for, response to, and

(3) provide a setting conducive to the rapid and

(4) clarify and strengthen the roles of the governor,

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affected by disasters;

recovery from disasters;

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2-1 (5) authorize and provide for cooperation in disaster 2-2

mitigation, preparedness, response, and recovery;

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

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

- (8) assist in mitigation of disasters caused or aggravated by inadequate planning for and regulation of public and private facilities and land use; and
- (9) provide the authority and mechanism to respond to

an energy emergency.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

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