

AN ACT

relating to the authority of the governor or a political subdivision to suspend statutory or local deadlines during a disaster.

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

SECTION 1. Section 418.016, Government Code, is amended to read as follows:

Sec. 418.016. SUSPENSION OF CERTAIN [~~PROCEDURAL~~] LAWS AND RULES. (a) The governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

(b) On request of a political subdivision, the governor may 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. Subchapter E, Chapter 418, Government Code, is amended by adding Section 418.1075 to read as follows:

Sec. 418.1075. SUSPENSION OF DEADLINES IMPOSED BY LOCAL LAW. (a) Notwithstanding any other law, a deadline imposed by local law on a political subdivision, including a deadline relating

1 to a budget or ad valorem tax, is suspended if:

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

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

9 (b) The presiding officer of the political subdivision or,  
10 if there is no presiding officer, the political subdivision's  
11 governing body, may issue an order ending the suspension of a  
12 deadline under this section. A deadline may not be suspended for  
13 more than 30 days after the date the presiding officer or governing  
14 body, as appropriate, makes the proclamation described by  
15 Subsection (a)(2).

16 SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2009.

H.B. No. 3851

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3851 was passed by the House on April 28, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3851 on May 29, 2009, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3851 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor