

1-1 By: Eiland (Senate Sponsor - Huffman) H.B. No. 3851
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 6, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2009, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 18, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3851 By: Patrick

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of the governor or a political
1-11 subdivision to suspend statutory or local deadlines during a
1-12 disaster.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 418.016, Government Code, is amended to
1-15 read as follows:

1-16 Sec. 418.016. SUSPENSION OF CERTAIN [~~PROCEDURAL~~] LAWS AND
1-17 RULES. (a) The governor may suspend the provisions of any
1-18 regulatory statute prescribing the procedures for conduct of state
1-19 business or the orders or rules of a state agency if strict
1-20 compliance with the provisions, orders, or rules would in any way
1-21 prevent, hinder, or delay necessary action in coping with a
1-22 disaster.

1-23 (b) On request of a political subdivision, the governor may
1-24 waive or suspend a deadline imposed by a statute or the orders or
1-25 rules of a state agency on the political subdivision, including a
1-26 deadline relating to a budget or ad valorem tax, if the waiver or
1-27 suspension is reasonably necessary to cope with a disaster.

1-28 SECTION 2. Subchapter E, Chapter 418, Government Code, is
1-29 amended by adding Section 418.1075 to read as follows:

1-30 Sec. 418.1075. SUSPENSION OF DEADLINES IMPOSED BY LOCAL
1-31 LAW. (a) Notwithstanding any other law, a deadline imposed by
1-32 local law on a political subdivision, including a deadline relating
1-33 to a budget or ad valorem tax, is suspended if:

1-34 (1) the territory of the political subdivision is
1-35 wholly or partly located in the area of a disaster declared by the
1-36 president of the United States or the governor; and

1-37 (2) the presiding officer of the political subdivision
1-38 or, if there is no presiding officer, the political subdivision's
1-39 governing body, proclaims the political subdivision is unable to
1-40 comply with the requirement because of the disaster.

1-41 (b) The presiding officer of the political subdivision or,
1-42 if there is no presiding officer, the political subdivision's
1-43 governing body, may issue an order ending the suspension of a
1-44 deadline under this section. A deadline may not be suspended for
1-45 more than 30 days after the date the presiding officer or governing
1-46 body, as appropriate, makes the proclamation described by
1-47 Subsection (a)(2).

1-48 SECTION 3. This Act takes effect immediately if it receives
1-49 a vote of two-thirds of all the members elected to each house, as
1-50 provided by Section 39, Article III, Texas Constitution. If this
1-51 Act does not receive the vote necessary for immediate effect, this
1-52 Act takes effect September 1, 2009.

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