

By: Gonzales

H.B. No. 4068

A BILL TO BE ENTITLED

1 AN ACT
2 relating to procedures for a coordinated response for the
3 transaction of essential judicial functions in the event of a
4 disaster.

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

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

8 (c) The rules may provide for:

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

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

14 (3) [~~2~~] any other matter necessary to carry out this
15 chapter or to improve the administration and management of the
16 court system and its auxiliary services.

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

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

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

1 (2) prepare for prompt and efficient rescue, care, and
2 treatment of persons victimized or threatened by disaster;

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

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

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

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

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

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

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

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

27 Sec. 418.016. SUSPENSION OF PROCEDURAL LAWS AND RULES.

1 (a) The governor may suspend the provisions of any regulatory
2 statute prescribing the procedures for conduct of state business or
3 the orders or rules of a state agency if strict compliance with the
4 provisions, orders, or rules would in any way prevent, hinder, or
5 delay necessary action in coping with a disaster.

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

11 (1) provide abatements and stays;

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

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

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

18 (5) provide for alternative notice requirements.

19 (c) In the event that a disaster prevents the supreme court
20 from acting, the chief justice may act on behalf of the supreme
21 court. In the event that a disaster prevents either the supreme
22 court or the chief justice from acting, the court of criminal
23 appeals may act on behalf of the chief justice. In the event that a
24 disaster prevents either the supreme court, the chief justice, or
25 the court of criminal appeals from acting, the presiding judge of
26 the court of criminal appeals may act on behalf of the court of
27 criminal appeals.

1 SECTION 4. Section 418.042(b), Government Code. is amended
2 to read as follows:

3 (b) In preparing and revising the state emergency
4 management plan, the division shall seek the advice and assistance
5 of local government, the judicial branch, business, labor,
6 industry, agriculture, civic organizations, volunteer
7 organizations, and community leaders.

8 SECTION 5. This Act takes effect September 1, 2009.