

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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

H.B. No. 1861

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.

ADOPTED

MAY 21 2009

*Leta Spaw*  
Secretary of the Senate

By: Caron

H.B. No. 1861

Substitute the following for   .B. No.       :

By: Caron

C.S.  .B. No.       

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Subchapter A, Chapter 22, Government Code, is  
6 amended by adding Section 22.0035 to read as follows:

7 Sec. 22.0035. MODIFICATION OR SUSPENSION OF CERTAIN  
8 PROVISIONS RELATING TO COURT PROCEEDINGS AFFECTED BY DISASTER. (a)  
9 In this section, "disaster" has the meaning assigned by Section  
10 418.004.

11 (b) Notwithstanding any other statute, the supreme court  
12 may modify or suspend procedures for the conduct of any court  
13 proceeding affected by a disaster during the pendency of a disaster  
14 declared by the governor. An order under this section may not  
15 extend for more than 30 days from the date the order was signed  
16 unless renewed by the supreme court.

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

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

23 (e) If a disaster prevents the court of criminal appeals  
24 from acting under Subsection (d), the presiding judge of the court

1 of criminal appeals may act on behalf of the supreme court under  
2 Subsection (b).

3 SECTION 2. Section 74.093(c), Government Code, is amended  
4 to read as follows:

5 (c) The rules may provide for:

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

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

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

14 SECTION 3. Section 418.002, Government Code, is amended to  
15 read as follows:

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

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

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

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

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

1 state agencies, the judicial branch of state government, and local  
2 governments in prevention of, preparation for, response to, and  
3 recovery from disasters;

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

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

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

14 (8) assist in mitigation of disasters caused or  
15 aggravated by inadequate planning for and regulation of public and  
16 private facilities and land use; and

17 (9) provide the authority and mechanism to respond to  
18 an energy emergency.

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





**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 23, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1861** by Eiland (Relating to the operation and administration of the judiciary in the event of a disaster.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code relating to the operation and administration of the judiciary in the event of a disaster. The bill would authorize certain actions by the Chief Justice of the Supreme Court, Supreme Court, Presiding Judge of the Court of Criminal Appeals, or the Court of Criminal Appeals in the event of a disaster. The bill would provide that district and statutory county judges in each county adopt administrative rules for a coordinated response for the transaction of essential judicial functions in the event of a disaster. The LBB's analysis of the bill anticipates any additional work for the courts resulting from passage of the bill could be reasonably absorbed within current resources. The bill would take effect immediately if it receives two-thirds votes in each house, otherwise the bill would take effect September 1, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, SD, JP, TB, MN



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 14, 2009**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1861** by Eiland (Relating to the operation and administration of the judiciary in the event of a disaster.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code relating to the operation and administration of the judiciary in the event of a disaster. The bill would authorize certain actions by the Chief Justice of the Supreme Court, Supreme Court, Presiding Judge of the Court of Criminal Appeals, or the Court of Criminal Appeals in the event of a disaster. The bill would provide that district and statutory county judges in each county adopt administrative rules for a coordinated response for the transaction of essential judicial functions in the event of a disaster. The LBB's analysis of the bill anticipates any additional work for the courts resulting from passage of the bill could be reasonably absorbed within current resources. The bill would take effect immediately if it receives two-thirds votes in each house, otherwise the bill would take effect September 1, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, JP, TB, MN



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 12, 2009**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1861** by Eiland (Relating to the operation and administration of the judiciary in the event of a disaster.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code relating to the operation and administration of the judiciary in the event of a disaster. The bill would authorize certain actions by the Chief Justice of the Supreme Court, Supreme Court, Presiding Judge of the Court of Criminal Appeals, or the Court of Criminal Appeals in the event of a disaster. The LBB's analysis of the bill anticipates any additional work for the courts resulting from passage of the bill could be reasonably absorbed within current resources. The bill would take effect immediately if it receives two-thirds votes in each house, otherwise the bill would take effect September 1, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, JP, TB, MN



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 14, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1861** by Eiland (Relating to the operation and administration of the judiciary in the event of a disaster.), **Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Government Code relating to the operation and administration of the judiciary in the event of a disaster. The bill would authorize certain actions by the Chief Justice of the Supreme Court, Supreme Court, Presiding Judge of the Court of Criminal Appeals, or the Court of Criminal Appeals in the event of a disaster. The LBB's analysis of the bill anticipates any additional work for the courts resulting from passage of the bill could be reasonably absorbed within current resources. The bill would take effect immediately if it receives two-thirds votes in each house, otherwise the bill would take effect September 1, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, JP, TB, MN





**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 2, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1861** by Eiland (Relating to the rulemaking authority of the Supreme Court of Texas and the Texas Court of Criminal Appeals to extend the statute of limitations and certain other legal deadlines in a county in which a disaster has occurred.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Government Code relating to the rulemaking authority of the Supreme Court of Texas and the Texas Court of Criminal Appeals to extend the statute of limitations and certain other legal deadlines in a county in which a disaster has occurred. The bill would give rulemaking authority to the state's highest level civil and criminal courts to extend the statutes of limitations and certain other legal deadlines in a county in which a disaster has occurred. To the extent the bill would change the statute of limitations and legal deadlines in certain counties, the rules change is not anticipated to increase the workload of the courts.

The bill would take effect immediately if it receives a two-thirds vote from both houses. If the bill does not receive the necessary two-thirds votes, it would take effect September 1, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, MN, JP, TB

