

SENATE AMENDMENTS

2nd Printing

By: Eiland

H.B. No. 3851

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 418.1075. SUSPENSION OF STATUTORY DEADLINES. (a)

Notwithstanding any other law, a statutory deadline imposed on a political subdivision, including a deadline relating to a budget or ad valorem tax, is suspended if:

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

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

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

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2009.

ADOPTED

MAY 26 2009

Atalay Spaw
Secretary of the Senate

By: ELAND / *John Hoffman*

H.B. No. 3851

Substitute the following for H.B. No. 3851 :

By: PATRICK

C.S. H.B. No. 3851

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AN ACT

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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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

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

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

IN RE: HB3851 by Eiland (Relating to the authority of the governor or a political subdivision to suspend statutory or local deadlines during a disaster.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend Section 418.016, Government Code, to authorize the Governor, on request from a political subdivision, to 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.

The bill would add Section 418.1075 to Subchapter E, Chapter 418 of the Local Government Code, which would suspend statutory deadlines for political subdivisions in the event of a disaster declared by the president of the United States, the Governor, or the presiding officer of the political subdivision. The suspension may be ended by the presiding officer or, if there is no presiding officer, the political subdivision's governing body. The statutory deadline may not be suspended for more than 30 days after the date of the disaster declaration

Based on analysis provided by the Office of the Governor, no fiscal impact to the state is anticipated.

Local Government Impact

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

Source Agencies: 301 Office of the Governor

LBB Staff: JOB, SD, DB, KK, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 14, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

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

IN RE: HB3851 by Eiland (Relating to the authority of the governor or a political subdivision to suspend statutory or local deadlines during a disaster.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Section 418.016, Government Code, to authorize the Governor, on request from a political subdivision, to 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.

The bill would add Section 418.1075 to Subchapter E, Chapter 418 of the Local Government Code, which would suspend statutory deadlines for political subdivisions in the event of a disaster declared by the president of the United States, the Governor, or the presiding officer of the political subdivision. The suspension may be ended by the presiding officer or, if there is no presiding officer, the political subdivision's governing body. The statutory deadline may not be suspended for more than 30 days after the date of the disaster declaration

Based on analysis provided by the Office of the Governor, no fiscal impact to the state is anticipated.

Local Government Impact

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

Source Agencies: 301 Office of the Governor

LBB Staff: JOB, DB, KK, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 11, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

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

IN RE: HB3851 by Eiland (Relating to the authority of a political subdivision to suspend statutory deadlines during a disaster.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would add Section 418.1075 to Subchapter E, Chapter 418 of the Local Government Code, which would suspend statutory deadlines for political subdivisions in the event of a disaster declared by the president of the United States, the Governor, or the presiding officer of the political subdivision.

The suspension may be ended by the presiding officer or, if there is no presiding officer, the political subdivision's governing body. The statutory deadline may not be suspended for more than 30 days after the date of the disaster declaration

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, DB, KK, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 5, 2009

TO: Honorable Frank Corte Jr., Chair, House Committee on Defense & Veterans' Affairs

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

IN RE: HB3851 by Eiland (Relating to the authority of a political subdivision to suspend statutory deadlines during a disaster.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would add Section 418.1075 to Subchapter E, Chapter 418 of the Local Government Code, which would suspend statutory deadlines for political subdivisions in the event of a disaster declared by the president of the United States, the Governor, or the presiding officer of the political subdivision.

The suspension may be ended by the presiding officer or, if there is no presiding officer, the political subdivision's governing body. The statutory deadline may not be suspended for more than 30 days after the date of the disaster declaration

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, KK, KJG