

House Bill 1861
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	<p>SECTION 1. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.0035 to read as follows:</p> <p><u>Sec. 22.0035. MODIFICATION OR SUSPENSION OF CERTAIN PROVISIONS RELATING TO COURT PROCEEDINGS AFFECTED BY DISASTER. (a) In this section, "disaster" has the meaning assigned by Section 418.004.</u></p> <p><u>(b) Notwithstanding any other statute, the supreme court may modify or suspend procedures for the conduct of any court proceeding affected by a disaster during the pendency of a disaster declared by the governor. An order under this section may not extend for more than 30 days from the date the order was signed unless renewed by the supreme court.</u></p> <p><u>(c) If a disaster prevents the supreme court from acting under Subsection (b), the chief justice of the supreme court may act on behalf of the supreme court under that subsection.</u></p> <p><u>(d) If a disaster prevents the chief justice from acting under Subsection (c), the court of criminal appeals may act on behalf of the supreme court under Subsection (b).</u></p> <p><u>(e) If a disaster prevents the court of criminal appeals from acting under Subsection (d), the presiding judge of the court of criminal appeals may act on behalf of the supreme court under Subsection (b).</u></p>	

SECTION 1. Section 74.093(c), Government Code, is	SECTION 2. Same as House version.
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House Bill 1861
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 treatment of persons victimized or threatened by disaster;

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

(4) clarify and strengthen the roles of the governor, state agencies, the judicial branch of state government, and local governments in prevention of, preparation for,

SENATE VERSION

SECTION 3. Same as House version.

CONFERENCE

House Bill 1861
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

response to, and recovery from disasters;

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

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

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

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

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

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

Sec. 418.016. SUSPENSION OF 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.

No equivalent provision.

House Bill 1861
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
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(b) Notwithstanding any other law, the supreme court, by rule or order, or on a case-by-case basis, may exercise the court's inherent authority, with or without the consent of the parties, to suspend procedures for the conduct of any court proceeding affected by a disaster. The supreme court may:

- (1) provide abatements and stays;
- (2) toll limitations;
- (3) toll or modify other filings and service deadlines;
- (4) provide for hearings or trials at locations other than the county of suit;
- (5) provide for courts of appeal to accept filings and hear arguments in remote courthouses; and
- (6) provide for alternative notice requirements.

(c) If a disaster prevents the supreme court from acting under Subsection (b), the court of criminal appeals may act on behalf of the supreme court. If the disaster prevents both the supreme court and the court of criminal appeals from acting under Subsection (b), the chief justice of the supreme court and the presiding judge of the court of criminal appeals may act on behalf of the judicial branch of state government.

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

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House Bill 1861
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

September 1, 2009.