

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 19, 2023

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1104 by Birdwell (Relating to the authority of the legislature, governor, and certain political subdivisions with respect to disasters and emergencies.), **As Introduced**

The provisions of the bill would result in a cost to the state which cannot be determined at this time. The fiscal impact would be contingent upon whether a state of disaster is declared within the biennium.

The bill would amend Chapter 418 of the Government Code to identify purposes of the chapter and to define "disaster" as it relates to the provisions outlined in the code.

The bill would specify that during a declared state of disaster only the legislature has the authority to restrict or impair the operation of businesses. The bill would provide the governor the ability to convene the legislature in a special session to respond to a declared state of disaster, as described by Section 8(c), Article IV, Texas Constitution.

The bill would require the Office of the Governor to publish a compiled list on its website of regulatory statutes and rules that may require suspension during a disaster. Each agency that is impacted by a statute or rule included on the Office of the Governor's published list would be required to publish a list of those statutes or rules.

The bill would provide specific parameters to rules and laws that the governor may suspend during state of disaster. The bill would set parameters for the governor declaring a state of emergency.

The bill is contingent upon the passage of the constitutional amendment proposed by S.J.R. No. 58 of 88th Legislature, Regular Session, or a similar constitutional amendment.

According to the Office of the Governor, the fiscal implication of this bill and its potential impacts on federal disaster reimbursements, are unknown.

According to the Legislative Council, a fiscal impact cannot be determined. It is unknown how often and when the governor would call a special session in order to ratify the extension of an emergency or disaster declaration.

Local Government Impact

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

Source Agencies: 103 Legislative Council, 300 Trusteed Programs Within the Office of the Governor, 537 State Health Services, Department of

LBB Staff: JMc, SMAT, LCO, HGR, NV