

BILL ANALYSIS

Senate Research Center

S.B. 61
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Transportation & Homeland Security
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A catastrophic event—such as a flu pandemic or a bio-terrorism incident—could prevent elected and appointed officials from meeting or from following established statutory procedures. In current law, local governments are not authorized to adopt or implement plans during a declared disaster for the delegation of administrative authority, chain of succession to cover essential county functions, and meeting procedures. Quorum requirements for county commissioners courts, as set forth in Section 81.006, Local Government Code, do not include exceptions for disasters or declared emergencies or provide for the process of establishing a quorum in such circumstances.

S.B. 61 authorizes Texas' political subdivisions to update their emergency management plans to include procedures regarding the delegation of administrative authorities, chain of succession to cover essential functions, and meeting procedures during a declared emergency. This legislation also creates an exception to the quorum requirements of local governments to allow political subdivisions to take action if a majority of the governing board members are incapacitated as a result of the disaster.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 418, Government Code, by adding Sections 418.111 and 418.112, as follows:

Sec. 418.111. PLAN FOR CONTINUITY OF FUNCTIONS. (a) Authorizes the governing body of a political subdivision to adopt a plan at any time for the continuity of functions of the subdivision to be carried out during a disaster declared as provided by law by the president of the United States or the governor or during another catastrophic event.

(b) Sets forth the provisions that are authorized to be included in the plan.

(c) Prohibits the plan from providing for the delegation of a duty that the governing body or official is required to perform by the Texas Constitution.

Sec. 418.112. EXCEPTION TO QUORUM REQUIREMENTS. Specifies that this section applies to a local governmental entity created and operating under the laws of Texas, including a political subdivision, school district, or special district or authority. Provides that, notwithstanding any other law, a quorum is not required for the governing body of a local governmental entity to act if the entity's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor, and a majority of members of the governing body are unable to be present at a meeting of the governing body as a result of the disaster.

SECTION 2. Effective date: upon passage or September 1, 2007.