

BILL ANALYSIS

H.B. 1656
By: Murphy
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In an emergency, it is imperative that Texans know who has the authority to take action and issue directives. State law grants the governor broad authority to declare a disaster and issue executive actions and proclamations to effectively manage the emergency. However, in some instances, local authorities have taken actions that conflict with an action or order by the governor. In these situations, confusion often ensues and the courts are forced to step in and determine which action is valid and has effect. H.B. 1656 seeks to address this issue and reduce confusion during future disasters by clarifying that actions by the governor in these situations supersede a conflicting action by a local authority.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1656 amends the Government Code to establish that an executive order, proclamation, or regulation issued by the governor under the Texas Disaster Act of 1975 prevails over an order, proclamation, or regulation issued by the presiding officer of the governing body of a political subdivision under that act to the extent of any conflict.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.