

## **BILL ANALYSIS**

Senate Research Center  
81R19819 KFF-F

H.B. 4068  
By: Gonzales (Hinojosa)  
Jurisprudence  
5/18/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 4068 relates to the conduct of judicial proceedings and transaction of other essential judicial functions in the event of a disaster.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 (Section 22.0035, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 22, Government Code, by adding Section 22.0035, as follows:

Sec. 22.0035. SUSPENSION OF CERTAIN PROVISIONS RELATING TO COURT PROCEEDINGS AFFECTED BY DISASTER. (a) Defines "disaster" in this section.

(b) Authorizes the Supreme Court of Texas (supreme court), notwithstanding any other statute and to the extent permitted by the Texas and United States Constitutions, to exercise the court's inherent authority by rule or order or on a case-by-case basis, with or without the consent of the parties, to temporarily suspend the provisions of any order, rule, or statute prescribing procedures for the conduct of any court proceeding affected by a disaster for the period the proceeding is affected. Provides that this authority includes the authority to provide an abatement or stay, toll or modify a filing or service deadline, provide for a hearing or trial to occur at a location other than the municipality or county in which the proceeding was commenced, provide for a court of appeals to accept a filing, hear a case, or transact business in a remote courthouse, and provide alternate notice requirements.

(c) Authorizes the chief justice of the supreme court, if a disaster prevents the supreme court from acting under Subsection (b), to act on behalf of the supreme court under that subsection.

(d) Authorizes the court of criminal appeals, if a disaster prevents the chief justice from acting under Subsection (c), to act on behalf of the supreme court under Subsection (b).

(e) Authorizes the presiding judge of the court of criminal appeals, if a disaster prevents the court of criminal appeals from acting under Subsection (d), to act on behalf of the supreme court under Subsection (b).

SECTION 2. Amends Section 74.093(c), Government Code, to authorize the rules to provide for a coordinated response to ensure the transaction of essential judicial function in the event of a disaster, as defined by Section 418.004 (Definitions), among other certain matters. Makes a nonsubstantive change.

SECTION 3. Amends Section 418.002, Government Code, to set forth the purposes of this chapter, including to clarify and strengthen the roles of the governor, state agencies, the judicial

branch, and local governments in prevention of, preparation for, response to, and recovery from disasters.

SECTION 4. Amends Section 418.042(b), Government Code, to require the division of emergency management in the office of the governor, in preparing and revising the state emergency management plan, to seek the advice and assistance of local government, the judicial branch, business, labor, industry, agriculture, civic organizations, volunteer organizations, and community leaders.

SECTION 5. Effective date: September 1, 2009.