

BILL ANALYSIS

Senate Research Center

S.B. 1897
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 418, Government Code, relates to emergency management and contains provisions governing both the declaration of a state disaster by the governor and a declaration of local disaster by the presiding officer of the governing body of a political subdivision. The current provisions that govern the declaration of a local disaster are not consistent with the current provisions that govern the declaration of a state of disaster by the governor. Currently, the governor can only declare a state of disaster if the governor finds a disaster has occurred or that the occurrence or threat of disaster is imminent, and the governor's disaster proclamation is required to contain a description of the conditions that brought the disaster about or make possible the termination of a state of disaster. The current provisions that govern the declaration of a local disaster do not contain those same requirements. Current law also allows the governor, upon request of a political subdivision, to suspend certain deadlines imposed by statute or state agency rules relating to a budget or ad valorem tax, but the provisions governing the declaration of a local disaster do not contain an express grant of authority for a political subdivision to make such a request.

The purpose of S.B. 1897 is to amend the current provisions that govern the declaration of a local disaster to make those provisions consistent with current provisions governing the declaration of state of disaster by the governor that relate to the criteria for declaring a disaster and the required contents of a disaster proclamation. S.B. 1897 also makes a conforming change to expressly grant a political subdivision the authority to request to governor to suspend deadlines imposed by statute or state agency rules relating to a budget or ad valorem tax. S.B. 1897 also adds a requirement for a political subdivision to which a local disaster declaration applies to post a copy of the order or proclamation declaring the local disaster on the political subdivision's Internet website, if the political subdivision maintains an Internet website.

As proposed, S.B. 1897 amends current law relating to the declaration of a local state of 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 Section 418.108, Government Code, by amending Subsections (a) and (c) and by adding Subsections (b-1) and (d-1), as follows:

(a) Provides that the presiding officer of the governing body of a political subdivision may declare a local state of disaster if the presiding officer finds a disaster has occurred or that the occurrence or threat of disaster is imminent, rather than may declare a local state of disaster.

(b-1) Requires that an order or proclamation declaring, continuing, or terminating a local state of disaster issued under this section include certain information.

(c) Requires a copy of the order or proclamation to be posted on the political subdivision's Internet website, if the political subdivision to which the order or proclamation applies maintains an Internet website.

(d-1) Authorizes the presiding officer of a political subdivision to, in accordance with Section 418.016(e) (relating to a waiver or suspension of a deadline imposed rules of a state agency on the political subdivision), request the governor to waive or suspend a deadline imposed by a statute or the orders or rules of a state agency on the political subdivision, including a deadline relating to a budget or ad valorem tax, if the waiver or suspension is reasonably necessary for the political subdivision to cope with a local disaster declared under this section.

SECTION 2. Effective date: upon passage or September 1, 2017.