

BILL ANALYSIS

Senate Research Center

S.B. 1465
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Natural Resources & Economic Development
4/2/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Chapter 418 (Emergency Management) of the Government Code, the governor of the State of Texas (governor) has the authority to declare a state of disaster. Disaster declarations under this statute allow the governor to control access to certain areas of the state, designate evacuation routes, and commandeer private property if the governor finds it necessary to do so in order to deal with the disaster. It is not necessary in most situations to issue a full disaster declaration as described in Chapter 418.

The purpose of S.B. 1465 is to create a limited purpose disaster declaration which the governor can utilize in the case of a non-statewide emergency. Under a limited purpose disaster declaration the governor will retain the ability to suspend state agency rules in order to facilitate expedient state action as well as respond to local requests for assistance.

As proposed, S.B. 1465 amends current law relating to creating limited purpose disaster declaration authority for the governor.

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 B, Chapter 418, Government Code, by adding Section 418.025, as follows:

Sec. 418.025. LIMITED-PURPOSE DECLARATION. (a) Authorizes the governor of the State of Texas (governor), if the governor determines that a disaster can be adequately addressed without invoking all the powers and duties provided by this subchapter, to, by proclamation or executive order, issue a limited-purpose disaster declaration invoking only the authority provided by Sections 418.016(a) (authorizing the governor to suspend the provision of any regulatory statute relating to state business under certain conditions) and 418.016(e) (authorizing the governor to suspend a deadline imposed by a statute at the request of a political division).

(b) Provides that a declaration made under this section is subject to Section 418.014 (Declaration of State of Disaster) of this subchapter.

SECTION 2. Effective date: upon passage or September 1, 2015.