

SUBJECT: Allowing governing bodies to create contingency plans for emergencies

COMMITTEE: Defense Affairs and State-Federal Relations — committee substitute recommended

VOTE: 6 ayes — Corte, Herrero, Hodge, Noriega, Merritt, Raymond

0 nays

3 absent — Escobar, Garcia, Moreno

SENATE VOTE: On final passage, March 14 — 30-0, on Local and Uncontested Calendar

WITNESSES: For — Angelo Zottarelli, Bexar County

Against — None

DIGEST: CSSB 61 would allow a political subdivision's governing body to adopt a plan for the continuity of its functions that would be implemented either during a disaster declared by the president or the governor or during another catastrophic event. It also would create an exemption for quorum requirements in a disaster.

A contingency plan could not provide for delegation of a constitutionally assigned duty of a governing body or official. It could provide for:

- delegating any administrative tasks to appropriate people;
- establishing orders of succession for performance of essential functions; and
- establishing meeting procedures for the governing body.

Any local government entity, including a political subdivision, school district, special district, or authority, would be exempt from quorum requirements, notwithstanding any other law, if:

- at least part of the entity's jurisdiction was in the area of the disaster, as defined by the governor or the president; and

- the disaster prevented a majority of members of the governing body from attending the meeting.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

CSSB 61 would authorize local governments to plan for succession and continuation of other duties in the event of an emergency and would provide for an exception from quorum requirements during such unusual circumstances. The bill would give local governments the same powers granted the Legislature in emergencies caused by enemy attack (Texas Constitution, Art. 3, sec. 62), but would expand the scope of the disaster to natural and man-made sources.

Current law does not explicitly authorize political subdivisions to establish succession and delegation of certain duties in the event of an emergency. The events of the last few years — including the response to hurricanes Rita and Katrina, statewide wildfires, and flooding in El Paso — have demonstrated the need for local governments to be as prepared as possible. The role of government is vitally important at such times, when many people are either trapped in their houses or stranded far from home.

The bill would provide for governing body members to waive quorum requirements and would allow for administrative and essential tasks to be delegated to other parties. By tailoring these provisions to areas in which the governor or the president had declared a disaster, the bill would not allow governments to circumvent existing law except in times of true emergency.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The committee substitute added language to the Senate-passed version to specify that a disaster contingency plan could be adopted at any time and that it could not provide for delegation of a constitutionally assigned duty.