

**SUBJECT:** Creating limited purpose disaster declaration authority for the governor

**COMMITTEE:** State Affairs — favorable, without amendment

**VOTE:** 8 ayes — Cook, Giddings, Craddick, Farney, Kuempel, Minjarez, Oliveira, Smithee

4 nays — Farrar, Harless, Huberty, Sylvester Turner

1 absent — Geren

**SENATE VOTE:** On final passage, April 13 — 31-0

**WITNESSES:** None

**BACKGROUND:** Government Code, ch. 418, subch. B, outlines the emergency management powers and duties of the governor. Under sec. 418.014, the governor may declare a state of disaster if a disaster has occurred or one is imminent. This provision details the requirements and procedures associated with a declaration.

Under sec. 418.016(a), the governor may suspend any regulatory statute on procedures for conduct of state business if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

Sec. 418.016(e) allows the governor, at the request of a political subdivision, to waive or suspend a deadline imposed by a statute or the orders or rules of a state agency on the political subdivision if the waiver or suspension is reasonably necessary to cope with a disaster.

**DIGEST:** SB 1465 would allow the governor, if the governor determined that a disaster could be adequately addressed without invoking all the powers and duties provided in the provisions governing emergency management, to issue a limited purpose disaster declaration that invoked the authority of only secs. 418.016(a) and 418.016(e).

A limited purpose disaster declaration would be subject to the same requirements as a regular declaration under Government Code, sec. 418.014.

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, 2015.

**SUPPORTERS  
SAY:**

SB 1465 would allow the governor to declare a limited purpose disaster, which could help reduce government intrusion into the lives of residents during a disaster. A disaster declaration is a broad tool, and as the law currently stands, the governor does not have more limited options available to deal with a disaster. The bill would provide flexibility so the governor could tailor a response appropriate to the scale of a disaster.

The governor would retain the ability to suspend state agency rules in order to expedite state action and respond to local requests for assistance. The bill also would allow the governor to bypass signage requirements, as they may be unnecessary in the event of a minor disaster such as a drought.

**OPPONENTS  
SAY:**

SB 1465 would effectively allow the governor to bypass signage requirements in the event that a law, rule, or regulatory statute was temporarily suspended. In such an event, the installation of signage would be an important measure to ensure the public knew about the temporary suspension.