

## **BILL ANALYSIS**

Senate Research Center  
85R21520 JCG-D

C.S.S.B. 1897  
By: Perry  
Agriculture, Water & Rural Affairs  
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Committee Report (Substituted)

### **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 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.

C.S.S.B. 1897 makes a conforming change to expressly authorize the governor to waive or suspend a deadline imposed by statute or the orders or rules of a state agency relating to a budget or ad valorem tax on the political subdivision if such a request is made by the presiding officer of the political subdivision.

C.S.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) Authorizes the presiding officer of the governing body of a political subdivision to 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 is authorized to declare a local state of disaster.

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

(c) Requires an order or proclamation issued under this section, rather than declaring, continuing, or terminating a local state of disaster, to be given prompt and general publicity and to be filed promptly with the city secretary, the county clerk, or the joint board's official records, as applicable. Requires the political subdivision, if a political subdivision to which the order or proclamation applies maintains an Internet website, to post a copy of the order on the political subdivision's Internet website.

(d-1) Authorizes the governor, on request of the presiding officer of the governing body 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, 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 state of disaster declared under this section.

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