

1-1 By: Kolkhorst S.B. No. 966
 1-2 (In the Senate - Filed March 3, 2021; March 11, 2021, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 7, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 7, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 966 By: Seliger

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to legislative oversight during a public health disaster
 1-22 or public health emergency, including the establishment of a
 1-23 legislative public health oversight board.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. The heading to Subtitle D, Title 2, Health and
 1-26 Safety Code, is amended to read as follows:

1-27 SUBTITLE D. PREVENTION, CONTROL, AND REPORTS OF DISEASES; PUBLIC
 1-28 HEALTH DISASTERS AND EMERGENCIES

1-29 SECTION 2. The heading to Chapter 81, Health and Safety
 1-30 Code, is amended to read as follows:

1-31 CHAPTER 81. COMMUNICABLE DISEASES; PUBLIC HEALTH DISASTERS; PUBLIC
 1-32 HEALTH EMERGENCIES

1-33 SECTION 3. Section 81.003, Health and Safety Code, is
 1-34 amended by amending Subdivision (7) and adding Subdivision (7-a) to
 1-35 read as follows:

1-36 (7) "Public health disaster" means:

1-37 (A) a declaration by the governor of a state of
 1-38 disaster; and

1-39 (B) a determination by the commissioner that
 1-40 there exists an immediate threat from a communicable disease,
 1-41 health condition, or chemical, biological, radiological, or
 1-42 electromagnetic exposure that:

1-43 (i) poses a high risk of death or serious
 1-44 harm [long-term disability] to the public [a large number of
 1-45 people]; and

1-46 (ii) creates a substantial risk of harmful
 1-47 public exposure [because of the disease's high level of contagion
 1-48 or the method by which the disease is transmitted].

1-49 (7-a) "Public health emergency" means a determination
 1-50 by the commissioner, evidenced in an emergency order issued by the
 1-51 commissioner, that there exists an immediate threat from a
 1-52 communicable disease, health condition, or chemical, biological,
 1-53 radiological, or electromagnetic exposure that:

1-54 (A) potentially poses a risk of death or severe
 1-55 illness or harm to the public; and

1-56 (B) potentially creates a substantial risk of
 1-57 harmful exposure to the public.

1-58 SECTION 4. The heading to Subchapter E, Chapter 81, Health
 1-59 and Safety Code, is amended to read as follows:

2-1 SUBCHAPTER E. CONTROL; PUBLIC HEALTH DISASTERS; PUBLIC HEALTH
 2-2 EMERGENCIES

2-3 SECTION 5. Section 81.082, Health and Safety Code, is
 2-4 amended by amending Subsection (d) and adding Subsections (d-1) and
 2-5 (d-2) to read as follows:

2-6 (d) A declaration of a public health disaster or an order of
 2-7 public health emergency may continue for not more than 30 days after
 2-8 the date the disaster or emergency is declared or ordered by the
 2-9 commissioner. A public health disaster or public health emergency
 2-10 may be renewed [one time] by the legislature or the legislative
 2-11 public health oversight board established under Section 81.0821
 2-12 [commissioner] for an additional 30 days. Each renewal period may
 2-13 not exceed 30 days.

2-14 (d-1) Notwithstanding Subsection (d), if the legislature or
 2-15 the legislative public health oversight board is unable to meet to
 2-16 consider renewing a declaration of a public health disaster or an
 2-17 order of a public health emergency, the declaration or order shall
 2-18 continue until the legislature or the board meets unless the
 2-19 declaration or order is terminated by the commissioner or the
 2-20 governor.

2-21 (d-2) Not later than the seventh day after the date the
 2-22 commissioner issues an initial declaration of a public health
 2-23 disaster or an order of a public health emergency, the commissioner
 2-24 shall consult with the chairs of the standing committees of the
 2-25 senate and house of representatives with primary jurisdiction over
 2-26 public health regarding the disaster or emergency.

2-27 SECTION 6. Subchapter E, Chapter 81, Health and Safety
 2-28 Code, is amended by adding Section 81.0821 to read as follows:

2-29 Sec. 81.0821. LEGISLATIVE PUBLIC HEALTH OVERSIGHT BOARD.
 2-30 (a) In this section, "board" means the legislative public health
 2-31 oversight board established under this section.

2-32 (b) The legislative public health oversight board is
 2-33 established to provide oversight for declarations of public health
 2-34 disasters and orders of public health emergencies issued by the
 2-35 commissioner under this chapter and perform other duties required
 2-36 by law.

2-37 (c) The board consists of the following members:

- 2-38 (1) the lieutenant governor;
 2-39 (2) the speaker of the house of representatives;
 2-40 (3) the chair of the senate committee with primary
 2-41 jurisdiction over public health;
 2-42 (4) the chair of the house committee with primary
 2-43 jurisdiction over public health;
 2-44 (5) a member of the senate appointed by the lieutenant
 2-45 governor; and

2-46 (6) a member of the house appointed by the speaker.

2-47 (d) The lieutenant governor and the speaker of the house of
 2-48 representatives are joint chairs of the board.

2-49 (e) A majority of the members of the board from each house of
 2-50 the legislature constitutes a quorum to transact business. If a
 2-51 quorum is present, the board by majority vote may act on any matter
 2-52 within the board's jurisdiction.

2-53 (f) The board shall meet as often as necessary to perform
 2-54 the board's duties. Meetings may be held at any time at the request
 2-55 of either chair or on written petition of a majority of the board
 2-56 members from each house of the legislature.

2-57 (g) The board shall meet in Austin, except that if a
 2-58 majority of the board members from each house of the legislature
 2-59 agree, the committee may meet in any location determined by the
 2-60 board.

2-61 (h) As an exception to Chapter 551, Government Code, and
 2-62 other law, for a meeting in Austin at which both joint chairs of the
 2-63 board are physically present, any number of the other board members
 2-64 may attend the meeting by use of telephone conference call, video
 2-65 conference call, or other similar telecommunication device. This
 2-66 subsection applies for purposes of establishing a quorum or voting
 2-67 or any other purpose allowing the members to fully participate in
 2-68 any board meeting. This subsection applies without regard to the
 2-69 subject or topics considered by the members at the meeting.

3-1 (i) A board meeting held by use of telephone conference
3-2 call, video conference call, or other similar telecommunication
3-3 device:

3-4 (1) is subject to the notice requirements applicable
3-5 to other meetings;

3-6 (2) must specify in the notice of the meeting the
3-7 location in Austin at which the joint chairs will be physically
3-8 present;

3-9 (3) must be open to the public and audible to the
3-10 public at the location specified in the notice under Subdivision
3-11 (2); and

3-12 (4) must provide two-way audio communication between
3-13 all board members attending the meeting during the entire meeting,
3-14 and if the two-way audio communication link with any member
3-15 attending the meeting is disrupted at any time, the meeting may not
3-16 continue until the two-way audio communication link is
3-17 reestablished.

3-18 SECTION 7. As soon as practicable after the effective date
3-19 of this Act, the lieutenant governor and the speaker of the house of
3-20 representatives shall appoint the legislative members to the
3-21 legislative public health oversight board as required by Section
3-22 81.0821, Health and Safety Code, as added by this Act.

3-23 SECTION 8. This Act takes effect immediately if it receives
3-24 a vote of two-thirds of all the members elected to each house, as
3-25 provided by Section 39, Article III, Texas Constitution. If this
3-26 Act does not receive the vote necessary for immediate effect, this
3-27 Act takes effect September 1, 2021.

3-28 * * * * *