

BILL ANALYSIS

Senate Research Center
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S.B. 966
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the law allows the commissioner of the Department of State Health Services to declare a 30-day public health disaster, and follow it up with a 30-day extension. The executive commissioner is able to further extend the disaster declaration indefinitely by simply declaring a new public health disaster at the end of each 60-day cycle described above.

This current process limits the involvement of elected officials, making it less responsive to the concerns of Texans.

S.B. 966 seeks to involve the state's legislative branch in this process by requiring the DSHS commissioner to obtain approval for subsequent renewals after the initial 60 days have expired from the "Public Health Oversight Board."

The Public Health Oversight Board is created by S.B. 966 and consists of the following: the lieutenant governor, the speaker of the house of representatives, the chair of the senate committee with primary jurisdiction over public health, the chair of the house committee with primary jurisdiction over public health, a member of the senate appointed by the lieutenant governor, and a member of the house appointed by the speaker. It is jointly chaired by the lieutenant governor and the speaker of the house of representatives.

Specifically, the DSHS commissioner shall consult with the Public Health Oversight Board no later than the seventh day after the initial declaration, and seek their approval for any further renewals.

As proposed, S.B. 966 amends current law relating to legislative oversight during a public health disaster, including the establishment of a legislative public health oversight board.

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 the heading to Subchapter E, Chapter 81, Health and Safety Code, to read as follows:

SUBCHAPTER E. CONTROL; PUBLIC HEALTH DISASTERS

SECTION 2. Amends Section 81.082, Health and Safety Code, by amending Subsection (d) and adding Subsection (d-1), as follows:

(d) Authorizes a declaration of a public health disaster to continue for not more than 30 days. Authorizes renewal of a public health disaster:

(1) one time by the commissioner of state health services (commissioner) for an additional 30 days; and

(2) following the initial renewal, by the commissioner for an additional 30 days only if each subsequent renewal is approved by the legislative public health oversight board (board) established under Section 81.0821 (Legislative Public Health Oversight Board).

(d-1) Requires the commissioner, not later than the seventh day after the date the commissioner issues an initial declaration of a public health disaster, to consult with the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over public health regarding the disaster.

SECTION 3. Amends Subchapter E, Chapter 81, Health and Safety Code, by adding Section 81.0821, as follows:

Sec. 81.0821. LEGISLATIVE PUBLIC HEALTH OVERSIGHT BOARD. (a) Defines "board."

(b) Provides that the board is established to provide oversight for declarations of public health disasters issued by the commissioner under Chapter 81 (Communicable Diseases) and perform other duties required by law.

(c) Sets forth the composition of the board.

(d) Provides that the lieutenant governor and the speaker of the house of representatives are joint chairs of the board.

(e) Provides that a majority of the members of the board from each house of the legislature constitutes a quorum to transact business. Authorizes the board by majority vote, if a quorum is present, to act on any matter within the board's jurisdiction.

(f) Requires that the board meet as often as necessary to perform the board's duties. Authorizes that meetings be held at any time at the request of either chair or on written petition of a majority of the board members from each house of the legislature.

(g) Requires the board to meet in Austin, except that if a majority of the board members from each house of the legislature agree, the committee is authorized to meet in any location determined by the board.

(h) Authorizes any number of the other board members, as an exception to Chapter 551 (Open Meetings), Government Code, and other law, for a meeting in Austin at which both joint chairs of the board are physically present, to attend the meeting by use of telephone conference call, video conference call, or other similar telecommunication device. Provides that this subsection applies for purposes of establishing a quorum or voting or any other purpose allowing the members to fully participate in any board meeting. Provides that this subsection applies without regard to the subject or topics considered by the members at the meeting.

(i) Provides that a board meeting held by use of telephone conference call, video conference call, or other similar telecommunication device:

(1) is subject to the notice requirements applicable to other meetings;

(2) is required to specify in the notice of the meeting the location in Austin at which the joint chairs will be physically present;

(3) is required to be open to the public and audible to the public at the location specified in the notice under Subdivision (2); and

(4) is required to provide two-way audio communication between all board members attending the meeting during the entire meeting, and if the two-way audio communication link with any member attending the meeting is disrupted at any time, the meeting is prohibited from continuing until the two-way audio communication link is reestablished.

SECTION 4. Requires the lieutenant governor and the speaker of the house of representatives, as soon as practicable after the effective date of this Act, to appoint the legislative members to the legislative public health oversight board as required by Section 81.0821, Health and Safety Code, as added by this Act.

SECTION 5. Effective date: upon passage or September 1, 2021.