

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 966
By: Kolkhorst
Health & Human Services
4/1/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the law allows the commissioner of the Department of State Health Services (DSHS) 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.

C.S.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 30 days have expired from the "Public Health Oversight Board."

The Public Health Oversight Board is created in C.S.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.

C.S.S.B. 966 also provides separate definitions for what constitutes a public health emergency and a public health disaster.

C.S.S.B. 966 amends current law relating to legislative oversight during a public health disaster or public health emergency, 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 Subtitle D, Title 2, Health and Safety Code, to read as follows:

SUBTITLE D. PREVENTION, CONTROL, AND REPORTS OF DISEASES; PUBLIC
HEALTH DISASTERS AND EMERGENCIES

SECTION 2. Amends the heading to Chapter 81, Health and Safety Code, to read as follows:

CHAPTER 81. COMMUNICABLE DISEASES; PUBLIC HEALTH DISASTERS; PUBLIC
HEALTH EMERGENCIES

SECTION 3. Amends Section 81.003, Health and Safety Code, by amending Subdivision (7) and adding Subdivision (7-a), to redefine "public health disaster" and to define "public health emergency" for Chapter 81.

SECTION 4. Amends the heading to Subchapter E, Chapter 81, Health and Safety Code, to read as follows:

SUBCHAPTER E. CONTROL; PUBLIC HEALTH DISASTERS; PUBLIC HEALTH EMERGENCIES

SECTION 5. Amends Section 81.082, Health and Safety Code, by amending Subsection (d) and adding Subsections (d-1) and (d-2), as follows:

(d) Authorizes a declaration of a public health disaster or an order of public health emergency to continue for not more than 30 days after the date the disaster or emergency is declared or ordered by the commissioner of state health services (commissioner). Authorizes a public health disaster or public health emergency to be renewed by the legislature or the legislative public health oversight board (board) established under Section 81.0821, rather than renewed one time by the commissioner, for an additional 30 days. Prohibits each renewal period from exceeding 30 days.

(d-1) Requires that the declaration or order, notwithstanding Subsection (d), if the legislature or legislative public health oversight board is unable to meet to consider renewing a declaration of a public health disaster or an order of a public health emergency, continue until the legislature or the board meets unless the declaration or order is terminated by the commissioner or the governor.

(d-2) Requires the commissioner, not later than the seventh day after the date the commissioner issues an initial declaration of a public health disaster or an order of a public health emergency, to consult with the chairs of the standing committees of the Texas Senate and Texas House of Representatives (house) with primary jurisdiction over public health regarding the disaster or emergency.

SECTION 6. 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 and orders of public health emergencies issued by the commissioner under Chapter 81 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 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 7. Requires the lieutenant governor and the speaker of the house, as soon as practicable after the effective date of this Act, to appoint the legislative members to the board as required by Section 81.0821, Health and Safety Code, as added by this Act.

SECTION 8. Effective date: upon passage or September 1, 2021.