

By: Kolkhorst

S.B. No. 966

A BILL TO BE ENTITLED

AN ACT

1
2 relating to legislative oversight during a public health disaster,
3 including the establishment of a legislative public health
4 oversight board.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Subchapter E, Chapter 81, Health
7 and Safety Code, is amended to read as follows:

8 SUBCHAPTER E. CONTROL; PUBLIC HEALTH DISASTERS

9 SECTION 2. Section 81.082, Health and Safety Code, is
10 amended by amending Subsection (d) and adding Subsection (d-1) to
11 read as follows:

12 (d) A declaration of a public health disaster may continue
13 for not more than 30 days. A public health disaster may be renewed:

14 (1) one time by the commissioner for an additional 30
15 days; and

16 (2) following the initial renewal, by the commissioner
17 for an additional 30 days only if each subsequent renewal is
18 approved by the legislative public health oversight board
19 established under Section 81.0821.

20 (d-1) Not later than the seventh day after the date the
21 commissioner issues an initial declaration of a public health
22 disaster, the commissioner shall consult with the chairs of the
23 standing committees of the senate and house of representatives with
24 primary jurisdiction over public health regarding the disaster.

1 SECTION 3. Subchapter E, Chapter 81, Health and Safety
2 Code, is amended by adding Section 81.0821 to read as follows:

3 Sec. 81.0821. LEGISLATIVE PUBLIC HEALTH OVERSIGHT BOARD.

4 (a) In this section, "board" means the legislative public health
5 oversight board established under this section.

6 (b) The legislative public health oversight board is
7 established to provide oversight for declarations of public health
8 disasters issued by the commissioner under this chapter and perform
9 other duties required by law.

10 (c) The board consists of the following members:

11 (1) the lieutenant governor;

12 (2) the speaker of the house of representatives;

13 (3) the chair of the senate committee with primary
14 jurisdiction over public health;

15 (4) the chair of the house committee with primary
16 jurisdiction over public health;

17 (5) a member of the senate appointed by the lieutenant
18 governor; and

19 (6) a member of the house appointed by the speaker.

20 (d) The lieutenant governor and the speaker of the house of
21 representatives are joint chairs of the board.

22 (e) A majority of the members of the board from each house of
23 the legislature constitutes a quorum to transact business. If a
24 quorum is present, the board by majority vote may act on any matter
25 within the board's jurisdiction.

26 (f) The board shall meet as often as necessary to perform
27 the board's duties. Meetings may be held at any time at the request

1 of either chair or on written petition of a majority of the board
2 members from each house of the legislature.

3 (g) The board shall meet in Austin, except that if a
4 majority of the board members from each house of the legislature
5 agree, the committee may meet in any location determined by the
6 board.

7 (h) As an exception to Chapter 551, Government Code, and
8 other law, for a meeting in Austin at which both joint chairs of the
9 board are physically present, any number of the other board members
10 may attend the meeting by use of telephone conference call, video
11 conference call, or other similar telecommunication device. This
12 subsection applies for purposes of establishing a quorum or voting
13 or any other purpose allowing the members to fully participate in
14 any board meeting. This subsection applies without regard to the
15 subject or topics considered by the members at the meeting.

16 (i) A board meeting held by use of telephone conference
17 call, video conference call, or other similar telecommunication
18 device:

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

21 (2) must specify in the notice of the meeting the
22 location in Austin at which the joint chairs will be physically
23 present;

24 (3) must be open to the public and audible to the
25 public at the location specified in the notice under Subdivision
26 (2); and

27 (4) must provide two-way audio communication between

1 all board members attending the meeting during the entire meeting,
2 and if the two-way audio communication link with any member
3 attending the meeting is disrupted at any time, the meeting may not
4 continue until the two-way audio communication link is
5 reestablished.

6 SECTION 4. As soon as practicable after the effective date
7 of this Act, the lieutenant governor and the speaker of the house of
8 representatives shall appoint the legislative members to the
9 legislative public health oversight board as required by Section
10 81.0821, Health and Safety Code, as added by this Act.

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2021.