87S21003 YDB-F

By:  Johnson S.B. No. 95

A BILL TO BE ENTITLED

AN ACT

relating to the governor's issuance of executive orders, proclamations, and regulations regarding the wearing of face masks or coverings during a declared state of disaster.

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

SECTION 1.  Section 418.012, Government Code, is amended to read as follows:

Sec. 418.012.  EXECUTIVE ORDERS. (a) Under this chapter, the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law.

(b)  Notwithstanding Subsection (a), the governor may not issue an executive order, proclamation, or regulation under this chapter that prohibits an institution of higher education as defined by Section 61.003, Education Code, school district, open-enrollment charter school, municipality, county, or health authority from adopting a policy or issuing an order requiring the wearing of face masks or coverings during a declared state of disaster.

SECTION 2.  The changes in law made by this Act apply to an order, proclamation, or regulation that is in effect on the effective date of this Act or that is issued or renewed on or after the effective date of this Act. An order, proclamation, or regulation in effect on the effective date of this Act that conflicts with the law as amended by this Act is void as of that date and not enforceable against any person.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.