

BILL ANALYSIS

S.B. 966
By: Kolkhorst
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law provides the commissioner of state health services the authority to issue a 30-day public health disaster declaration and then a one-time 30-day renewal of that declaration. The executive commissioner of the Health and Human Services Commission is able to extend the disaster declaration indefinitely by declaring a new public health disaster at the end of each 60-day cycle. It has been suggested that the current process limits the involvement of elected officials, making it less responsive to the concerns of Texans during a public health disaster. S.B. 966 seeks to involve the state legislature in this process by establishing a legislative public health oversight board to provide oversight for declarations of public health disasters and orders of public health emergencies issued by the commissioner of state health services and granting the legislature or the oversight board the authority to renew a declaration or emergency order after 30 days.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 966 amends the Health and Safety Code to establish the legislative public health oversight board to provide oversight for declarations of public health disasters and orders of public health emergencies issued by the commissioner of state health services under the Communicable Disease Prevention and Control Act and to perform other duties required by law. The bill defines "public health emergency," for purposes of that act, as a determination by the commissioner, evidenced in an emergency order issued by the commissioner, that there exists an immediate threat from a communicable disease, health condition, or chemical, biological, radiological, or electromagnetic exposure that potentially poses a risk of death or severe illness or harm to the public and potentially creates a substantial risk of harmful exposure to the public. The bill revises the definition of "public health disaster" to provide that the term means a declaration by the governor of a state of disaster and a determination by the commissioner that there exists an immediate threat from a communicable disease, health condition, or chemical, biological, radiological, or electromagnetic exposure that poses a high risk of death or serious harm to the public and creates a substantial risk of harmful public exposure.

S.B. 966 establishes that the board is composed of the following members:

- 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.

The bill designates the lieutenant governor and the speaker as joint chairs and requires them to appoint the legislative members to the board.

S.B. 966 provides the following with respect to meetings of the board:

- a majority of the board members from each house of the legislature constitutes a quorum to transact business and if a quorum is present, the board by majority vote may act on any matter within the board's jurisdiction;
- the board meets as often as necessary to perform its duties, and meetings may 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; and
- the board meets in Austin, except that if a majority of the board members from each house of the legislature agree, the committee may meet in any location determined by the board.

As an exception to state open meetings law and other law, for a meeting in Austin at which both joint chairs of the board are physically present, S.B. 966 authorizes any number of the other board members to attend the meeting by use of telephone conference call, video conference call, or other similar telecommunication device. This authorization applies for purposes of establishing a quorum or voting or any other purpose allowing the members to fully participate in any board meeting and without regard to the subject or topics considered by the members at the meeting. A board meeting held by use of telephone conference call, video conference call, or other similar telecommunication device is subject to the notice requirements applicable to other meetings and must specify in the meeting notice the location in Austin at which the joint chairs will be physically present. The meeting must be open to the public and audible to the public at the location specified in the notice and must 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 may not continue until that link is reestablished.

S.B. 966, with respect to a public health disaster declaration or a public health emergency order, does the following:

- specifies that a disaster declaration or emergency order may continue for not more than 30 days after the date the disaster or emergency is declared or ordered by the commissioner;
- removes the authority of the commissioner to issue a one-time 30-day renewal of a disaster declaration or emergency order;
- grants the legislature or the legislative public health oversight board the authority to renew a declaration or emergency order after 30 days;
- prohibits each renewal period from exceeding 30 days;
- requires the declaration or order to continue, if the legislature or the board is unable to meet to consider renewing a disaster declaration or emergency order, until the legislature or the board meets unless the declaration or order is terminated by the commissioner or the governor; and
- requires the commissioner, not later than the seventh day after the date the commissioner issues an initial disaster declaration or emergency order, 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 or emergency.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.