87R30467 SCL-D

By:  Kolkhorst S.C.R. No. 59

CONCURRENT RESOLUTION

WHEREAS, Senate Bill No. 968 has been adopted by the senate and the house of representatives and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 87th Legislature of the State of Texas, That the enrolling clerk of the senate be instructed to make the following corrections to the enrolled version of Senate Bill No. 968:

(1)  In the SECTION of the bill amending the heading to Subtitle D, Title 2, Health and Safety Code, immediately after "DISASTERS", insert "AND EMERGENCIES".

(2)  In the SECTION of the bill amending the heading to Chapter 81, Health and Safety Code, immediately after "DISASTERS", insert "; PUBLIC HEALTH EMERGENCIES".

(3)  Strike the recital to the SECTION of the bill amending Section 81.003(7), Health and Safety Code, and substitute the following:

SECTION \_\_\_\_.  Section 81.003, Health and Safety Code, is amended by amending Subdivision (7) and adding Subdivision (7-a) to read as follows:

(4)  In the SECTION of the bill amending Section 81.003, Health and Safety Code, immediately after amended Section 81.003(7), Health and Safety Code, insert the following:

(7-a)  "Public health emergency" means 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:

(A)  potentially poses a risk of death or severe illness or harm to the public; and

(B)  potentially creates a substantial risk of harmful exposure to the public.

(5)  In the SECTION of the bill adding Sections 81.0813, 81.0814, and 81.0815, Health and Safety Code, in the heading to added Section 81.0813, Health and Safety Code, between "DISASTER" and the underlined period, insert "OR ORDER PUBLIC HEALTH EMERGENCY".

(6)  In the SECTION of the bill adding Sections 81.0813, 81.0814, and 81.0815, Health and Safety Code, in added Section 81.0813(a), Health and Safety Code, in the first sentence of that subsection, between "disaster" and "if", insert "or order a statewide or regional public health emergency".

(7)  In the SECTION of the bill adding Sections 81.0813, 81.0814, and 81.0815, Health and Safety Code, in added Section 81.0813, Health and Safety Code, strike Subsections (b), (c), (d), and (e) of that section and substitute the following:

(b)  Except as provided by Subsection (c), a public health disaster or public health emergency continues until the governor or commissioner terminates the disaster or emergency on a finding that:

(1)  the threat or danger has passed; or

(2)  the disaster or emergency has been managed to the extent emergency conditions no longer exist.

(c)  A public health disaster or public health emergency expires on the 30th day after the date the disaster or emergency is declared or ordered by the commissioner. A public health disaster may only be renewed by the legislature or by the commissioner with the approval of a designated legislative oversight board that has been granted authority under a statute enacted by the legislature to approve the renewal of a public health disaster declaration. Each renewal period may not exceed 30 days.

(d)  A declaration or order issued under this section must include:

(1)  a description of the nature of the disaster or emergency;

(2)  a designation of the area threatened by the disaster or emergency;

(3)  a description of the condition that created the disaster or emergency; and

(4)  if applicable:

(A)  the reason for renewing the disaster or emergency; or

(B)  the reason for terminating the disaster or emergency.

(e)  A declaration or order issued under this section must be disseminated promptly by means intended to bring its contents to the public's attention. A statewide or regional declaration or order shall be filed promptly with the office of the governor and the secretary of state. A regional declaration or order shall be filed with the county clerk or municipal secretary in each area to which it applies, unless the circumstances attendant on the disaster or emergency prevent or impede the filing.

(8)  In the SECTION of the bill adding Sections 81.0813, 81.0814, and 81.0815, Health and Safety Code, in added Section 81.0814, Health and Safety Code, between "disaster" and the underlined comma, insert "or ordering a public health emergency".

(9)  Strike the SECTION of the bill repealing Sections 81.082(d) and (e), Health and Safety Code, and substitute the following:

SECTION \_\_\_\_.  Section 81.082(e), Health and Safety Code, is repealed.