

By: Springer

H.B. No. 173

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Emergency Powers Board and its powers during a declared state of disaster or public health disaster.

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

SECTION 1. Subchapter A, Chapter 418, Government Code, is amended by adding Section 418.007 to read as follows:

Sec. 418.007. EMERGENCY POWERS BOARD. (a) The Emergency Powers Board is established to provide oversight during a declared state of disaster, including a public health disaster declared as provided by Chapter 81, Health and Safety Code.

(b) The board is composed of:

(1) the governor;

(2) the lieutenant governor;

(3) the speaker of the house of representatives;

(4) the chair of the committee of the senate with primary jurisdiction over state affairs; and

(5) the chair of the committee of the house of representatives with primary jurisdiction over state affairs.

(c) On or after the eighth day after the date the governor issues an executive order, proclamation, or regulation under this chapter, including an order, proclamation, or regulation related to a public health disaster declared as provided by Chapter 81, Health and Safety Code, the board by majority vote may set an expiration

1 date for the order, proclamation, or regulation.

2 (d) Notwithstanding Chapter 551 or any other law, the board
3 may meet by telephone conference call, videoconference, or other
4 similar telecommunication method. A meeting held by telephone
5 conference call, videoconference, or other similar
6 telecommunication method is subject to the requirements of Sections
7 551.125(c), (d), (e), and (f).

8 (e) If an executive order, proclamation, or regulation
9 issued by the governor has as an expiration date set by the governor
10 and not modified by the board a date that is on or after the 22nd day
11 after the date the order, proclamation, or regulation is issued,
12 the governor shall convene the legislature in special session to
13 determine whether any legislation is necessary to implement,
14 modify, or repeal the order, proclamation, or regulation.

15 SECTION 2. This Act takes effect January 1, 2022, but only
16 if the constitutional amendment proposed by the 87th Legislature,
17 Regular Session, 2021, requiring the governor to call the
18 legislature into special session following certain disaster or
19 emergency declarations and specifying the powers of the legislature
20 in those special sessions is approved by the voters. If that
21 amendment is not approved by the voters, this Act has no effect.