

By: Kolkhorst

S.C.R. No. 59

CONCURRENT RESOLUTION

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

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

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

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

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

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

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

22 (4) In the SECTION of the bill amending Section 81.003,
23 Health and Safety Code, immediately after amended Section
24 81.003(7), Health and Safety Code, insert the following:

1 (7-a) "Public health emergency" means a determination
2 by the commissioner, evidenced in an emergency order issued by the
3 commissioner, that there exists an immediate threat from a
4 communicable disease, health condition, or chemical, biological,
5 radiological, or electromagnetic exposure that:

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

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

10 (5) In the SECTION of the bill adding Sections 81.0813,
11 81.0814, and 81.0815, Health and Safety Code, in the heading to
12 added Section 81.0813, Health and Safety Code, between "DISASTER"
13 and the underlined period, insert "OR ORDER PUBLIC HEALTH
14 EMERGENCY".

15 (6) In the SECTION of the bill adding Sections 81.0813,
16 81.0814, and 81.0815, Health and Safety Code, in added Section
17 81.0813(a), Health and Safety Code, in the first sentence of that
18 subsection, between "disaster" and "if", insert "or order a
19 statewide or regional public health emergency".

20 (7) In the SECTION of the bill adding Sections 81.0813,
21 81.0814, and 81.0815, Health and Safety Code, in added Section
22 81.0813, Health and Safety Code, strike Subsections (b), (c), (d),
23 and (e) of that section and substitute the following:

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

1 (1) the threat or danger has passed; or

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

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

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

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

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

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

20 (4) if applicable:

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

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

25 (e) A declaration or order issued under this section must be
26 disseminated promptly by means intended to bring its contents to
27 the public's attention. A statewide or regional declaration or

1 order shall be filed promptly with the office of the governor and
2 the secretary of state. A regional declaration or order shall be
3 filed with the county clerk or municipal secretary in each area to
4 which it applies, unless the circumstances attendant on the
5 disaster or emergency prevent or impede the filing.

6 (8) In the SECTION of the bill adding Sections 81.0813,
7 81.0814, and 81.0815, Health and Safety Code, in added Section
8 81.0814, Health and Safety Code, between "disaster" and the
9 underlined comma, insert "or ordering a public health emergency".

10 (9) Strike the SECTION of the bill repealing Sections
11 81.082(d) and (e), Health and Safety Code, and substitute the
12 following:

13 SECTION _____. Section 81.082(e), Health and Safety Code, is
14 repealed.