

By: \_\_\_\_\_ .B. No. \_\_\_\_\_

Substitute the following for .B. No. \_\_\_\_\_:

By: \_\_\_\_\_ C.S..B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to state and local government responses to a pandemic  
3 disaster, including establishment of the Pandemic Disaster  
4 Legislative Oversight Committee.

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

6 SECTION 1. Subtitle C, Title 3, Government Code, is amended  
7 by adding Chapter 329 to read as follows:

8 CHAPTER 329. PANDEMIC DISASTER LEGISLATIVE OVERSIGHT COMMITTEE

9 Sec. 329.001. DEFINITIONS. In this section:

10 (1) "Committee" means the Pandemic Disaster  
11 Legislative Oversight Committee.

12 (2) "Pandemic disaster" has the meaning assigned by  
13 Section 418A.003(2).

14 Sec. 329.002. ESTABLISHMENT; COMPOSITION. (a) The Pandemic  
15 Disaster Legislative Oversight Committee is established to  
16 consider the impact on the state and its residents of a state of  
17 pandemic disaster declared by the governor and provide oversight by  
18 the legislative branch of pandemic disaster declarations.

19 (b) The committee is composed of 10 members as follows:

- 20 (1) the lieutenant governor;  
21 (2) the speaker of the house of representatives;  
22 (3) the chair of the Senate Committee on Finance;  
23 (4) the chair of the Senate Committee on State  
24 Affairs;

- 1           (5) the chair of the Senate Committee on Health and  
2 Human Services;  
3           (6) the chair of the Senate Committee on Education;  
4           (7) the chair of the House Committee on  
5 Appropriations;  
6           (8) the chair of the House Committee on State Affairs;  
7           (9) the chair of the House Committee on Public Health;  
8 and  
9           (10) the chair of the House Committee on Public  
10 Education.

11           Sec. 329.003. PRESIDING OFFICERS. The lieutenant governor  
12 and speaker of the house of representatives serve as joint chairs of  
13 the committee.

14           Sec. 329.004. POWERS AND DUTIES. (a) The committee has  
15 authority to act only when the legislature is not convened in  
16 session.

17           (b) The committee has the authority to:

18           (1) review any pandemic disaster declaration issued by  
19 the governor that has been in effect for more than 30 days as a  
20 result of renewal by the governor of the pandemic disaster  
21 declaration under Chapter 418A;

22           (2) review proclamations, orders, or rules issued or  
23 adopted by the governor that are associated with a pandemic  
24 disaster declaration described by Subdivision (1); and

25           (3) terminate, under Section 418A.053:

26                   (A) the state of pandemic disaster; or

27                   (B) specified provisions of proclamations,

1 orders, or rules issued or adopted by governor that are associated  
2 with the pandemic disaster declaration.

3 (c) Except as otherwise provided by this chapter, the  
4 committee has all other powers and duties provided to a special  
5 committee by:

6 (1) Subchapter (B), Chapter 301;

7 (2) the rules of the senate and house of  
8 representatives; and

9 (3) policies of the senate and house committees on  
10 administration.

11 Sec. 329.005. MEETINGS; QUORUM. (a) The committee shall  
12 meet at the call of the joint chairs.

13 (b) A majority of the members of the committee from each  
14 house constitutes a quorum to transact business. Termination of a  
15 state of pandemic disaster must be ordered by a majority of the  
16 membership of the committee. If a quorum is present, the committee  
17 may act on any other matter within its jurisdiction by a majority  
18 vote.

19 (c) Notice of a meeting of the committee must be posted at  
20 least five calendar days before the meeting, in the same manner that  
21 meeting notices are posted for standing committees of the senate  
22 and house of representatives.

23 (d) As an exception to Chapter 551 and other law, the  
24 committee may meet by use of video conference call. This subsection  
25 applies for purposes of constituting a quorum, for purposes of  
26 voting, and for any other purpose allowing a member of the committee  
27 to fully participate in any meeting of the committee. A meeting

1 held by use of video conference call:

2 (1) must be open to the public, which requirement may  
3 be satisfied by video broadcasting the meeting in real time through  
4 the Internet website of the senate or house of representatives;

5 (2) must specify in the meeting notice the link to the  
6 broadcast on the Internet website of the senate or house of  
7 representatives; and

8 (3) must provide two-way video communication between  
9 all members of the committee attending the meeting during the  
10 entire meeting, and if the two-way video communication link with  
11 any member attending the meeting is disrupted at any time, the  
12 meeting may not continue until the two-way video communication link  
13 is reestablished.

14 SECTION 2. Subtitle B, Title 4, Government Code, is amended  
15 by adding Chapter 418A to read as follows:

16 CHAPTER 418A. PANDEMIC EMERGENCY MANAGEMENT

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Sec. 418A.001. SHORT TITLE. This chapter may be cited as  
19 the Texas Pandemic Response Act.

20 Sec. 418A.002. PURPOSES. The purposes of this chapter are  
21 to:

22 (1) protect and preserve individual liberties  
23 guaranteed under the United States Constitution and the Texas  
24 Constitution;

25 (2) reduce the vulnerability of residents and  
26 communities in this state to damage, injury, and loss of life and  
27 property resulting from a pandemic disaster;

1           (3) prepare for prompt and efficient care and  
2 treatment of persons victimized or threatened by a pandemic  
3 disaster;

4           (4) maintain employment levels for state residents to  
5 the extent possible;

6           (5) provide a setting conducive to the rapid and  
7 orderly restoration and rehabilitation of persons and property  
8 affected by a pandemic disaster;

9           (6) clarify the roles of the governor, state agencies,  
10 the judicial branch of state government, and local governments in  
11 the prevention of, preparation for, response to, and recovery from  
12 a pandemic disaster;

13           (7) authorize and provide for cooperation in pandemic  
14 disaster mitigation, preparedness, response, and recovery;

15           (8) authorize and provide for coordination of  
16 activities relating to pandemic disaster mitigation, preparedness,  
17 response, and recovery by state agencies and officers and similar  
18 state-local, interstate, federal-state, and foreign activities in  
19 which this state and the political subdivisions of this state may  
20 participate;

21           (9) provide an emergency management system embodying  
22 all aspects of pandemic preparedness and response; and

23           (10) assist in the mitigation of pandemic disasters  
24 aggravated by inadequate planning for and regulation of public and  
25 private resources.

26           Sec. 418A.003. DEFINITIONS. In this chapter:

27           (1) "Division" means the Texas Division of Emergency

1 Management.

2 (2) "Pandemic disaster" means the occurrence or  
3 imminent threat of an outbreak of an infectious disease that  
4 spreads to a significant portion of the population of multiple  
5 countries or the world and that threatens widespread or severe  
6 damage, injury, or loss of life or property in this state resulting  
7 from any natural or man-made cause related to the outbreak.

8 (3) "Political subdivision" means a county or  
9 municipality.

10 Sec. 418A.004. LIMITATIONS. This chapter does not:

11 (1) grant the governor authority to enact law;

12 (2) expand the authority granted to the governor under  
13 Chapter 418;

14 (3) limit the authority of the governor to apply for,  
15 administer, or spend a grant, gift, or payment in aid of pandemic  
16 disaster mitigation, preparedness, response, or recovery;

17 (4) interfere with the course or conduct of a labor  
18 dispute, except that actions otherwise authorized by this chapter  
19 or other laws may be taken when necessary to forestall or mitigate  
20 imminent or existing danger to public health or safety;

21 (5) interfere with dissemination of news or comment on  
22 public affairs, provided any communications facility or  
23 organization, including radio and television stations, wire  
24 services, Internet and cellular services, and newspapers, may be  
25 requested to transmit or print public service messages providing  
26 information or instructions in connection with a pandemic disaster  
27 or potential pandemic disaster;

1           (6) affect the jurisdiction or responsibilities of a  
2 law enforcement agency, fire department, or unit of the armed  
3 forces of the United States, or any of their personnel when on  
4 active duty, if state, local, or interjurisdictional emergency  
5 management plans rely on the agencies, departments, or units to  
6 perform duties related to pandemic disasters;

7           (7) limit, modify, or abridge the authority of the  
8 governor to exercise any other power vested in the governor under  
9 the constitution or laws of this state independent of or in  
10 conjunction with any provision of this chapter;

11           (8) authorize the seizure or confiscation of any  
12 firearm or ammunition from an individual who is lawfully carrying  
13 or possessing the firearm or ammunition;

14           (9) authorize any person to prohibit or restrict the  
15 business operations of a firearms or ammunition manufacturer,  
16 distributor, wholesaler, supplier, or retailer or a sport shooting  
17 range, as defined by Section 250.001, Local Government Code; or

18           (10) affect the level of scrutiny review for  
19 constitutional violations.

20           Sec. 418A.005. APPLICABILITY OF OTHER LAW. The following  
21 provisions of Chapter 418 apply to a state of pandemic disaster  
22 declared under this chapter:

23           (1) Subchapter C-1 (Disaster Recovery Loan Program);

24           (2) Subchapter D (Finance);

25           (3) Section 418.107 (Local Finance);

26           (4) Section 418.1075 (Suspension of Deadlines  
27 Imposed);

1           (5) Section 418.171 (Qualifications for Rendering  
2 Aid);

3           (6) Section 418.1881 (Shelter Operations);

4           (7) Section 418.1882 (Personnel Surge Capacity  
5 Planning);

6           (8) Section 418.191 (Medical Special Needs  
7 Volunteers);

8           (9) Section 418.193 (Attorney General as Legal Advisor  
9 on Issues Related to a Declared Disaster).

10         Sec. 418A.006. CONFLICT WITH OTHER LAW. To the extent of  
11 any conflict between this chapter and Chapter 418, this chapter  
12 controls.

13         Sec. 418A.007. CIVIL LIABILITY DURING PANDEMIC DISASTER.

14         (a) Section 418.006 applies during a state of pandemic disaster.

15         (b) A business or an entity operating during a pandemic  
16 disaster in this state is not liable for an injury caused by  
17 exposing or potentially exposing an individual to a disease if on  
18 the date of the exposure or potential exposure:

19           (1) the business or entity is authorized to do  
20 business in this state;

21           (2) the business or entity made a reasonable effort to  
22 comply with applicable state laws, rules, ordinances,  
23 declarations, and proclamations related to the pandemic disaster;  
24 and

25           (3) the act or omission giving rise to the exposure or  
26 potential exposure was not wilful, reckless, or grossly negligent.

27         (c) A person who provides goods or renders services during a



1 pandemic disaster in support of disaster response efforts and at  
2 the request of the governor or the governor's designee is not liable  
3 for an injury caused by the goods or services, regardless of the  
4 circumstances, so long as the act or omission giving rise to the  
5 injury was not wilful, reckless, grossly negligent, or inconsistent  
6 with a limit specified in the governor's request.

7 SUBCHAPTER B. POWERS AND DUTIES OF GOVERNOR

8 Sec. 418A.051. LIMITATIONS ON AUTHORITY OF GOVERNOR. (a)

9 Except as expressly provided by this chapter, the governor may  
10 exercise the same authority granted to the governor under  
11 Subchapter B, Chapter 418, to address a pandemic disaster.

12 (b) The following provisions of Subchapter B, Chapter 418  
13 (Powers and Duties of Governor), do not apply during a pandemic  
14 disaster:

15 (1) Section 418.014 (Declaration of State of  
16 Disaster);

17 (2) Sections 418.016(b), (c), and (d), relating to  
18 enforcement of the regulation of on-premise outdoor signs;

19 (3) Section 418.019 (Restricted Sale and  
20 Transportation of Materials);

21 (4) Section 418.0195 (Disconnection of State Computer  
22 Networks); and

23 (5) Section 418.023 (Clearance of Debris).

24 Sec. 418A.052. RELIGIOUS FREEDOM. Actions taken under a  
25 declared state of pandemic disaster must satisfy the religious  
26 freedom protections of Chapter 110, Civil Practice and Remedies  
27 Code, and the Religious Freedom Restoration Act of 1993 (42 U.S.C.

1 2000bb et seq.).

2 Sec. 418A.053. DECLARATION OF STATE OF PANDEMIC DISASTER.

3 (a) The governor by executive order or proclamation may declare a  
4 state of pandemic disaster if the governor determines that a state  
5 of pandemic disaster is occurring in this state or that the  
6 occurrence or threat of a pandemic disaster is imminent.

7 (b) Subject to Subsections (c) and (d), a state of pandemic  
8 disaster continues until the governor:

9 (1) determines that:

10 (A) the threat of a pandemic disaster has passed;

11 or

12 (B) the pandemic disaster has been addressed to  
13 the extent that emergency conditions no longer exist; and

14 (2) terminates the state of pandemic disaster by  
15 executive order or proclamation.

16 (c) A state of pandemic disaster may not continue for more  
17 than 30 days unless renewed by the governor. If the legislature is  
18 convened in session, the legislature by law may terminate a state of  
19 pandemic disaster at any time. If the legislature is not convened  
20 in session, the Pandemic Disaster Legislative Oversight Committee  
21 created under Chapter 329 may terminate, at any time:

22 (1) a state of pandemic disaster that has been in  
23 effect for more than 30 days as a result of renewal by the governor  
24 of the pandemic disaster declaration; or

25 (2) specified provisions of proclamations, orders, or  
26 rules issued or adopted by governor that are associated with a  
27 pandemic disaster declaration described by Subdivision (1).

1       (d) On termination by the legislature or the Pandemic  
2 Disaster Legislative Oversight Committee under Subsection (c), the  
3 governor shall issue an executive order ending the state of  
4 pandemic disaster or rescinding the specified provisions of the  
5 relevant proclamations, orders, or rules, as appropriate.

6       (e) An executive order or proclamation issued under this  
7 section:

8           (1) must include:

9                   (A) a description of the nature of the pandemic  
10 disaster;

11                   (B) a designation of the areas affected or  
12 threatened; and

13                   (C) a description of the conditions that caused  
14 the pandemic disaster or allowed the termination of the pandemic  
15 disaster; and

16           (2) must be posted on the Internet website of the  
17 governor's office and any state agency whose authority is affected  
18 by the order or proclamation.

19       (f) The governor shall:

20           (1) promptly disseminate an executive order or  
21 proclamation by any means intended to bring its contents to the  
22 attention of the public; and

23           (2) unless the circumstances related to the pandemic  
24 disaster prevent or impede the filing, promptly file the order or  
25 proclamation with:

26                   (A) the division;

27                   (B) the secretary of state; and

1           (C) the county clerk or municipal secretary in  
2 each area in which it applies.

3           Sec. 418A.054. SALE AND TRANSPORTATION OF CERTAIN  
4 MATERIALS. The sale, dispensing, or transportation of firearms and  
5 ammunition may not be suspended or limited in response to a pandemic  
6 disaster.

7           SUBCHAPTER C. LOCAL AND INTERJURISDICTIONAL PANDEMIC EMERGENCY  
8   MANAGEMENT

9           Sec. 418A.101. PANDEMIC EMERGENCY MANAGEMENT DIRECTORS.

10 (a) The presiding officer of the governing body of a political  
11 subdivision is designated as the pandemic emergency management  
12 director for that political subdivision.

13           (b) A pandemic emergency management director serves as the  
14 governor's designated agent in the administration and supervision  
15 of duties under this chapter. A pandemic emergency management  
16 director shall execute the duties prescribed by the emergency  
17 management plan and carry out the state declaration or executive  
18 order.

19           (c) A pandemic emergency management director may designate  
20 a person to serve as pandemic emergency management coordinator.  
21 The pandemic emergency management coordinator shall serve as an  
22 assistant to the pandemic emergency management director for  
23 pandemic emergency management purposes.

24           (d) A person, other than a pandemic emergency management  
25 director exercising under Subsection (b) a power granted to the  
26 governor, may not seize state or federal resources without prior  
27 authorization from the division or the state or federal agency

1 responsible for those resources.

2 Sec. 418A.102. PREEMPTION. Any local order or rule issued  
3 in response to a state or local state of pandemic disaster is  
4 superseded and void to the extent that it is inconsistent with  
5 orders, declarations, or proclamations issued by the governor or  
6 the Department of State Health Services.

7 Sec. 418A.103. LIMITATION ON ALTERATION OF VOTING  
8 PROCEDURES. (a) An election official of a political subdivision  
9 seeking to alter, in response to a pandemic disaster, any voting  
10 standard, practice, or procedure in a manner not otherwise  
11 expressly authorized by the Election Code, must first obtain  
12 approval of the proposed alteration from the secretary of state by  
13 submitting a written request for approval to the secretary of  
14 state.

15 (b) The secretary of state by written order may approve a  
16 proposed alteration requested under Subsection (a). An election  
17 official of a political subdivision may not alter any voting  
18 standard, practice, or procedure in a manner not otherwise  
19 expressly authorized by the Election Code without a written order  
20 of approval from the secretary of state.

21 Sec. 418A.104. LIMITATION ON AD VALOREM TAX RATE OF CERTAIN  
22 COUNTIES AND MUNICIPALITIES. (a) In this section:

23 (1) "No-new-revenue tax rate" and "voter-approval tax  
24 rate" have the meanings assigned by Section 26.04, Tax Code.

25 (2) "Tax year" has the meaning assigned by Section  
26 1.04, Tax Code.

27 (b) This section applies only to a county or municipality:

1           (1) for which the presiding officer of the governing  
2 body issues an order requiring the closure of a private business in  
3 response to a pandemic; and

4           (2) for which the governor issues a written  
5 determination finding that the presiding officer of the governing  
6 body of the county or municipality has taken an action described by  
7 Subdivision (1).

8           (c) Notwithstanding Chapter 26, Tax Code, or any other law,  
9 the governing body of a county or municipality to which this section  
10 applies may not adopt an ad valorem tax rate for the current tax  
11 year that exceeds the lesser of the county's or municipality's  
12 no-new-revenue tax rate or voter-approval tax rate for that tax  
13 year.

14           (d) For purposes of making the calculation required under  
15 Section 26.013, Tax Code, in a tax year in which this section  
16 applies to a county or municipality, the difference between the  
17 county's or municipality's actual tax rate and voter-approval tax  
18 rate is considered to be zero.

19           (e) A county or municipality is no longer subject to the  
20 limitation prescribed by this section in the first tax year after  
21 the governor rescinds the written determination issued under  
22 Subsection (b)(2).

23           (f) The governor shall adopt rules and procedures necessary  
24 for determining if the presiding officer of a county or  
25 municipality has taken an action described by Subsection (b)(1).

26                   SUBCHAPTER D. MISCELLANEOUS PROVISIONS

27           Sec. 418A.151. PENALTY FOR FAILURE TO COMPLY WITH PANDEMIC

1 COMPONENTS OF EMERGENCY MANAGEMENT PLAN. Section 418.173 applies  
2 to the failure to comply with the pandemic components of an  
3 emergency management plan or a rule, order, or ordinance adopted  
4 under those components of the plan, except that a person who commits  
5 an offense under this section may not be punished by confinement in  
6 jail.

7 Sec. 418A.152. PERSONNEL SURGE CAPACITY PLANNING.  
8 Personnel surge capacity planning for a pandemic disaster conducted  
9 under this chapter must include plans for providing personal  
10 protective equipment for pandemic disaster relief workers and  
11 volunteers.

12 SECTION 3. Section 418.004(1), Government Code, is amended  
13 to read as follows:

14 (1) "Disaster" means the occurrence or imminent threat  
15 of widespread or severe damage, injury, or loss of life or property  
16 resulting from any natural or man-made cause, including fire,  
17 flood, earthquake, wind, storm, wave action, oil spill or other  
18 water contamination, volcanic activity, epidemic, air  
19 contamination, blight, drought, infestation, explosion, riot,  
20 hostile military or paramilitary action, extreme heat,  
21 cybersecurity event, other public calamity requiring emergency  
22 action, or energy emergency. The term does not include a pandemic  
23 disaster, as defined by Section 418A.003(2).

24 SECTION 4. Section 418.005(b), Government Code, is amended  
25 to read as follows:

26 (b) Each person described by Subsection (a) shall complete a  
27 course of training provided or approved by the division of not less

1 than three hours regarding the responsibilities of state and local  
2 governments under this chapter and Chapter 418A not later than the  
3 180th day after the date the person:

4 (1) takes the oath of office, if the person is required  
5 to take an oath of office to assume the person's duties as a public  
6 officer;

7 (2) otherwise assumes responsibilities as a public  
8 officer, if the person is not required to take an oath of office to  
9 assume the person's duties; or

10 (3) is designated as an emergency management  
11 coordinator under Section 418.1015(c).

12 SECTION 5. Section 418A.007, Government Code, as added by  
13 this Act, applies only to a cause of action that accrued on or after  
14 March 13, 2020. A cause of action that accrued before March 13,  
15 2020, is governed by the law applicable to the cause of action  
16 immediately before the effective date of this Act, and that law is  
17 continued in effect for that purpose.

18 SECTION 6. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2021.