

March 11, 2021

RE: HB 3:

From: Luis Figueroa, Legislative and Policy Director, Every Texan

Dear Chair Paddie and Members of the House State Affairs Committee:

Every Texan (formerly Center for Public Policy Priorities) appreciates the opportunity to submit written testimony in opposition to HB 3: Relating to state and local government responses to a pandemic disaster.

LOCAL AND INTERJURISDICTIONAL PANDEMIC EMERGENCY MANAGEMENT

First, we encourage the committee to consider local communities including local health authorities, school districts, mayors and city councils, and county government as partners in addressing the emergency. The Governor should play the largest role in creating guidelines, assessing threats, coordinating with the federal government, and setting the appropriate tone focused on the most vulnerable but in a state as large as Texas, it is naïve to think a one-size solution or mandate will work. Texans need leadership and help from the state, not finger-pointing and attacks on local leaders and government, especially in our Latino and Black communities across the state that bore the brunt of COVID and the 2021 February Winter storm and shutdown. Case in point: In November of 2020, El Paso was so overwhelmed by COVID-19 cases that it surpassed Bexar, Travis and Tarrant counties in number of cases — counties with far greater populations. El Paso was forced to draft inmates to [transport bodies](#) to the morgue.

Railing against communities like Austin is not going to solve the problems of El Paso, the Rio Grande Valley, or other suburban and rural communities across Texas. We cannot afford to take away the tools local elected leaders need to address the situation for their community.

Recommendations:

- Local communities should have the ability to decide the level of risk a local community is willing to take with the health and safety of the public. The state should set a floor, while allowing communities to decide if they want more protection.
- Strike 418A.105 that improperly freezes city and county property tax revenue if local officials order a safety measure in response to a pandemic that the Texas Governor believes to contradict an executive order.

Sec. 418A.059 RULES

This section would grant the Governor authority to establish a broad array of standards and procedures for “benefits related to the pandemic disaster.” It should be clarified that federal

disaster benefits administered by the state--such as Pandemic EBT, Disaster-SNAP, or any future health care pandemic benefit--would be governed by any applicable federal eligibility standards or procedures, and the Governor's authority would be limited to benefits for which no such federal standards or procedures are in place. As federal disaster benefits must be applied for by the Governor, it would be helpful if the bill language directed the Governor to apply for all available federal disaster benefits including programs like Pandemic EBT to meet the needs of suffering Texans.

Sec. 418A.153 SHELTER OPERATIONS

This section proposes to empower DSHS to establish minimum health-related standards for shelters "operated with state funds or receiving state assistance." It would be helpful to clarify whether an allocation of federal funds by a state agency i.e., without the inclusion of state GR) would be subject to this DSHS oversight.

Sec. 418A.155 MEDICAL SPECIAL NEEDS VOLUNTEERS

Every Texan appreciates the attention to this important aspect of disaster planning.

Sec. 418A.157. OFF-CAMPUS PROGRAMS APPROVED FOR AVERAGE DAILY ATTENDANCE DURING PANDEMIC DISASTER

Every Texan is concerned that this provision in the original bill would constitute a school voucher. We oppose any diversion of state tax dollars to private institutions of K-12 education and believe that any voucher is bad policy for Texas children and their families. We support the removal of this provision in the committee substitute.

Sec. 418A.007 Civil Liability During Pandemic Disaster

Every Texan believes essential workers should be protected during a pandemic and best protected with access to personal protective equipment (PPE), vaccines and enforced safety guidelines. Making it harder for workers to defend their rights in court is counterintuitive to these goals.

Every Texan staff are happy to be a resource to the committee members and their staff as this important legislation is debated this session. Ultimately, we believe that working together from the federal government to the state to the local officials will result in the best outcomes for Texan in the unfortunate event of a pandemic or natural disaster. I