



## Capitol Update: Second Special Session Edition (9/8/21)

Greetings from your Texas Capitol! The Legislature has adjourned "sine die" from the second called special session. During these last 30 days, we worked to pass landmark legislation that will provide for more election security, property tax relief, and other important issues. Below, I will outline each piece of legislation that was passed and is now on Governor Abbott's desk, as well as a few that the Senate passed but did not make it all the way through the process. A lot of these will look familiar, as many of them were passed by the Senate during the first called special session. Because the House Democrat members broke quorum, the Legislature was frozen from accomplishing any of the issues the governor placed on the first special session agenda. The governor called us back into a second special session and added additional items to the call beyond those of the first called session. The Senate once again worked diligently to pass these important issues for the State of Texas.

As in the first called special session, the Senate worked quickly in the first nine days on the items outlined in Governor Abbott's call. As we waited on the House to address the issues, I had the opportunity to remain busy attending events in the district. We were able to pass many pieces of landmark legislation, and I'm proud of the accomplishments of the Legislature over the last 30 days.

In addition, Governor Abbott has now announced that there will be a third called special session starting on September 20th on redistricting and a few additional items. That announcement can be seen [here](#). As you know, I am a member of the Senate Special Committee on Redistricting, and I look forward to working with my colleagues on this extremely important issue over the coming months..

Now, onto the update.

### **Bills on Governor Abbott's Desk**

#### **SB 1 - Election Integrity**

Senate Bill 1 places provisions in the election code that will protect the integrity of our elections in Texas. SB 1 protects voters as well as election workers by promoting transparency through the requirement of accurate record maintenance and the allowance of poll watchers to effectively observe. Additionally, it creates security and chain of custody provisions such as requiring in-person and mail-in ballots to be sorted and reported separately.

This bill also makes a number of changes that increase accessibility for all voters by increasing the hours a polling place may operate and by creating guidelines for those who need assistance while voting. This bill creates uniform voting hours throughout the state. Specifically, voting must occur between the hours of 6 a.m. and 10 p.m. SB 1 extends the voting hours for 60+ counties, which currently can keep locations open "during business hours only." SB 1 ensures that voting is easier and cheating is harder by placing penalties for violation of proper election conduct and by limiting the most common fraudulent voter practices, such as vote harvesting, ineligible voters casting a ballot, and improper voter influence. Under this bill, the polls will be accessible to more Texans through the requirement that employers must allow their workers to take time off to vote if work is interfering with their ability to vote. Additionally, SB 1 provides a provision which states during early voting, anybody in line at the time of poll closure is still able to submit their ballot. Currently, this protection is only provided on Election Day. These additions to the election code make voting in Texas easier, not harder. There is no truth to the claim that voting will be more burdensome for those with disabilities, or any lawful voter for that matter. SB 1 expands eligibility for assistance to include a person who cannot read a ballot, and provides curbside voting with the same protections as voting inside a polling place. Not only are there specified provisions in this bill to address that concern, but SB 1 also allows for discretion to remain with the local election official when accommodating individuals with disabilities.

I was proud to offer an amendment during the first special session to this legislation which was added to the bill. The amendment accounted for possible emergencies or disasters which affect polling places, rendering them un-useable. My amendment allows county commissioner courts the discretion to decide when a previously determined polling location is un-useable and gives them authority to establish a temporary polling location adjacent to the original structure that had been designated to be a polling location. I want to thank Sen. Hughes for including this as part of his filed bill during the second called special session.

### **SB 3 - Banning Critical Race Theory**

During the 87th regular session, the Legislature passed HB 3979, which addressed the issue of critical race theory's inclusion in much of our public schools' curriculum. Critical race theory is an academic concept which views history solely through the lens of racial relations, placing one race in a superior position. It employs American racism as the vehicle which shaped our current public policy and creates hostility between ethnic groups. The promotion of critical race theory threatens the education system by promulgating a radical doctrine that frames history through the lens of white supremacy. This doctrine is the exact opposite of Dr. Martin Luther King's "I Have a Dream Speech," where we should be evaluated by the content of our character, not by the color of our skin. SB 3 furthers the work started by HB 3979 by striking the language added by a House amendment that explicitly stated specific works which must be included in schools' curriculum. This amendment circumvented the intent of the bill by requiring certain works which would be used as avenues to teach critical race theory. SB 3's removal of this requirement is by no means meant to thwart the merit and value of these works. However, they do not need to be specifically stated in this bill in order to be taught in the proper context in our schools.

SB 3 creates a civics training program for teachers and administrators. This program is to be reviewed and approved by the State Board of Education annually. It clarifies that the Texas Essential Knowledge and Skills (TEKS) should contain an understanding of the foundation of the American government, including its history and features of civic engagement. SB 3 encourages this education in a way that does not promote one race or gender over another. After the first special session, there was concern this bill might prevent teachers from assigning classwork which includes communication with elected officials. As a response to this concern, the House added a clarifying amendment to SB 3, which explicitly reiterates a teacher's ability to prescribe work that encourages interaction between their students and the political process, so long as the teacher does not influence the content of the student's communication. Additionally, this bill adds protections for teachers by prohibiting the requirement of teachers to discuss certain current events or controversial issues. Additionally, a floor amendment on SB 3 clarified that the bill does not prohibit teaching anything already included in the TEKS.

### **SB 4 - Stronger Restrictions on Abortion Inducing Drugs**

The United States Supreme Court has recently reinstated the requirement for women to visit a medical center to receive an abortion drug after a lower court suspended the regulation in light of the pandemic. When the regulation was lifted, FDA requirements were ignored, and women were allowed to receive drugs for medication-induced abortions through the mail. Abortion inducing drugs deliberately cause a miscarriage and create the potential for serious side effects and even death. My colleagues and I share the concern that current federal regulations regarding these types of abortions are at risk of being revoked. If these regulations are revoked, abortion-inducing drugs (AID) could become available without a physical examination, ultrasound, or labs. Given the possibility of federal regulations being weakened or revoked completely, SB 4 creates state protection for women receiving AID at the state level by creating a state standard for the use of these drugs and prohibiting any manufacturer, supplier, physician, or other individuals from providing AID via mail service. I supported this legislation because it continues the standard that a doctor must oversee any use of such currently legal drugs to protect the health and safety of the mother.

### **SB 6 - Bail Reform**

The current bail system in Texas is broken. It simply allows for the continual release of habitual and violent offenders on multiple felony personal bonds. A personal bond is a sworn agreement by the defendant that they will return to court as ordered and will comply with the conditions placed on their release. These bonds don't require any cash or financial obligation, only the promise by the accused. SB 6 will address the release practices surrounding habitual and violent offenders by prohibiting judges from releasing those accused of violent crimes on personal bonds and aims to better protect the safety of their victims, law enforcement officers, and communities as a whole. Harris County is notorious for its broken bail system. Just this last session, the Harris County District Attorney testified on behalf of the bill and testified that between 2015 and 2020, the number of people who had committed crimes while out on bond had risen from approximately 3,200 to approximately 10,500. The number of offenses those individuals were arrested for while out on bond rose from 6,348 to 18,796. As I write this, six innocent lives have been taken in Texas by previously accused violent individuals who were bonded out on felony personal bonds and then are alleged to go on to commit additional violent crimes. All 6 of these lives taken happened after the House Democrats broke quorum at the end of the regular session, leaving Bail Reform to die uncompleted at the conclusion of the regular session, and thus Gov. Abbott added it to the special session calls for both the first and second special sessions. The most recent example that the current bail system is broken by releasing violent accused citizens comes from Lubbock County: a person from Harris County, who was released on bond and had a domestic violence record resulted not only in a retaliatory domestic violence dispute, but he is accused of killing a Lubbock County sheriff's sergeant and wounding three other officers. I am positive this legislation will save the lives of countless Texans and am thankful it finally passed.

### **SB 7 - Teacher Retirement System (TRS) 13th Check**

In this special session, the Legislature has been given the opportunity, thanks to an increase in revenue not previously available, to provide a 13th check to eligible retired teachers. SB 7 requires TRS to make a one-time supplemental payment of a retirement or death benefit to eligible retirees or beneficiaries no later than January 2022. The amount of this "13th check" would be equal to the lesser of \$2,400 or the regular monthly annuity payment.

### **SB 8 - Homestead Exemption**

Under current law, when a homeowner purchases their home, the homeowner must wait until January 1 of the

following tax year to receive the benefit of their homestead exemption provided by Texas law. This means that a new homeowner loses out on anywhere from a few months to almost a full year of their homestead exemption, depending on when their property was purchased. SB 8 will allow a homeowner to receive their homestead exemption in the year that they acquire the property, rather than having to wait for January 1 of the following year. When a homeowner provides the appropriate central appraisal district with all of the required and necessary documents to receive a homestead exemption, that exemption will begin at that time and remove the penalties that currently take place.

### **SB 9 - Family Violence Prevention**

This bill provides for educational instruction pertaining to the prevention of child abuse, family violence, and dating violence. SB 9 will require student's exposure to this educational instruction a minimum of one time between middle school and junior high and at least one time in high school. This bill maintains parental discretion by mandating that a parent be provided notice of the instruction, the right to review the material, and the parent's right to remove the student from the instruction if desired. SB 9 aims to promote awareness of domestic issues and provide students with resources to manage these challenges.

### **SB 12 and SJR 2 - Property Tax Relief**

The 86th Legislature passed HB 3, the school finance reform bill. House Bill 3 provided school maintenance and operations (M&O) tax rate compression for property taxpayers, where the state provides additional dollars to school districts in return for lower local school tax rates. One group of Texans did not receive this reduction: those with an Over 65/Disabled exemption. Since the 87th Legislature adjourned during the regular session, the Comptroller of Public Accounts has adjusted the amount of funds available to the Legislature. Due to Texas' economy doing so well, we now have the funds available to provide this exemption for Over 65/disabled Texans. This legislation would put to the voters the option to extend the tax rate compression from HB 3 to those who have an Over 65/Disabled exemption so that they too would see their school M&O tax rate reduced. This bill, along with SB 8, will provide over \$100 million in property tax relief to Texas citizens.

### **SB 13 - Election Timeline**

Under the current election code, general primary elections are to take place on the first Tuesday in March in each even-numbered year. Runoff elections are set for the fourth Tuesday in May following the general primary election. However, The United States Census Bureau has delayed delivery of the 2020 census data that drives the redistricting process executed by the states. In response to this delay, SB 13 gives the Legislature an opportunity to carry out its redistricting duty using census data by adjusting the timeline for the 2022 election cycle to allow additional time for legislative action. The bill sets new dates for the candidate-filing period, primary election, and primary runoff election in the 2022 election cycle based on when the Legislature completes redistricting. Our goal is to set a new redistricting plan into law before November 15, triggering the first option of new election dates under SB 13. In this case, an application for a place on the general primary election ballot would need to be filed no earlier than November 29, 2021, and no later than December 13, 2021. The general primary election would be March 1, 2022, and the runoff election date would be May 24, 2022.

### **SB 15 – Expanding Virtual School Options**

SB 15 seeks to grant public school districts and open-enrollment charter schools the ability to establish or continue full-time virtual learning programs and to receive equivalent attendance funding from the state for doing so. Under the proposed legislation, parents and guardians are ensured the option of in-school learning if that is what they prefer. The bill also provides for virtual and off-campus electronic instruction at a public school, the satisfaction of teacher certification requirements through an internship teaching certain virtual courses, and a method of determining the allotment for certain special-purpose school districts under the foundation school program. For accountability purposes, these virtual campuses would receive the same ratings as a brick-and-mortar school and would affect the overall accountability rating for the districts. We must ensure students are getting a good, quality education. Virtual programs would have to establish an engagement policy that maintains participation, and students would have to return to in-person instruction if the failure to meet standards persists. This expansion is only temporary, as the legislation stipulates that the legislation expires in September 2023. This will allow for parents, school districts, and the Legislature to have a better understanding of virtual schooling as an option for some students is beneficial.

### **HB 5 - Supplemental Appropriations**

Each legislative session, state agencies project the costs of fulfilling their functions and providing important services for the following two-year budget cycle. This projection, when combined with the biennial revenue estimate, is a key component in the construction of the biennial General Appropriations Act. These estimates are not always accurate and may require certain supplemental appropriations and adjustments to previously appropriated sums to align with revised revenue estimates and supplemental needs. Since the 87th Legislature adjourned, the Comptroller of Public Accounts of the State of Texas has updated the estimate of available revenue. HB 5 provides the funding necessary to support the costs associated with the homestead tax exemption bill SB 8 and the property tax reduction bill SB 12. Additionally, HB 5 provides the funding for the retired teacher 13th check bill SB 7 and the bail reform bill SB 6. This bill appropriates money to the Department of Information Resources (DIR) for the purpose of providing cybersecurity enhancements for the state and additional funding to the Department of Family and Protective Services (DFPS) to improve the capacity of foster care in the state. HB 5 provides the funding for the legislative branch of the Texas government, funding that had initially been vetoed by the Governor after the completion of the 87th Regular Legislative Session.

### **HB 7 – Prohibiting High-Level Radioactive Waste Storage in Texas**

House Bill 7 prohibits the disposal and storage of high-level radioactive waste in Texas. There is an exception to such storage that allows the Comanche Peak Nuclear Reactor power generator, which is located in Senate District 22, as well as the South Texas Project reactor facilities. It also affords the nuclear engineering programs at the University of Texas and the Texas A&M University to continue to store radioactive materials on-site as is their current practice before it is shipped away to be disposed of or stored elsewhere. With the federal US Nuclear Regulatory Commission looking to issue a license for the storage of high-level radioactive waste from all over the country in Texas, specifically at the facility in Andrews County in far west Texas, House Bill 7 will be a clear message that Texas does not want it here. I filed a similar bill during the regular session, but it did not make it through the process. As chairman of the Senate's Natural Resources and Economic Development Committee, I was pleased to be the Senate sponsor of HB 7 and worked to move it quickly through committee and get it onto the Senate floor for final passage. I am thankful that Governor Abbott added this topic to his call so that we can once and for all send the message that high-level radioactive waste cannot be stored or disposed of in the State of Texas without the expressed approval of the state legislature.

### **HB 9 - Border Security**

This bill addresses the crisis at the Texas-Mexico border, which was outlined by hours of public testimony from Texas residents who have been struggling with the challenges that follow a vulnerable border, including drugs and weapons trafficking, a high volume of illegal immigrants, human trafficking, and other crimes. HB 9 works to protect Texans and their property by providing agencies with the funds necessary to create and maintain a strong border. This legislation appropriates \$1.8 billion in general revenue to seven state entities for border security efforts. HB 9 appropriates \$1 billion to the Truusted Programs within the Office of the Governor for border security operations through border security grants. The Truusted Programs will also receive an additional \$3.8 million in funding for 27 full-time equivalents (FTEs) for training for district and county attorneys on the handling of misdemeanor crimes. \$301 million will be afforded to the Texas Military Department for additional personnel to support border security operations. Additionally, the Department of Public Safety will receive funds to aid in their fight to protect the border. In order to increase the efficiency of correctional security operations and assist the legal system, HB 9 appropriates \$273 million to the Texas Department of Criminal Justice and \$32 million to the Office of Court Administration. The bill also takes health services into account by appropriating \$5 million to the Department of State Health Services.

### **HB 20 - Freedom of Speech Protection on Social Media**

The original intent of Section 230 of the federal Communications Decency Act of 1996 is to protect web-based social platforms from being sued for removing non-protected speech that is currently prohibited (inciting violence or overtly sexual). There is reason to believe that the current administration is working with these social media platforms to censor speech, which is a clear violation of the First Amendment. Under section 230, states have the ability to regulate social media platforms. Until Congress acts to protect the First Amendment rights of Texas citizens, the state must take action to ensure protected speech is not being censored simply because a social media platform disagrees with a viewpoint, or what is termed viewpoint discrimination. House Bill 20 prohibits social media sites with at least 50 million users from censoring content that reflects the viewpoint of any user. Between the first and second special sessions, the Legislature added an additional provision, which now includes electronic mail messages in the content of the bill, by prohibiting e-mail platforms from blocking the transmission of another person's e-mail message based on the content of the message unless the provider was authorized to block the transmission under certain provisions of the Business and Commerce Code or other state or federal law, or had good faith, reasonable belief that the message contained a computer virus or material that was obscene, depicted sexual conduct, or violated other law.

This legislation creates a cause of action for aggrieved individuals to seek injunctive relief against liable social media sites. The protection of our freedom of speech is paramount, especially in today's political climate. All Texans should be able to lawfully speak their mind and be heard without fear of repercussion, and HB 20 grants this protection to our citizens and punishes violators. This bill operates in congruency with section 230 of federal law, which dictates that social media sites, which host or republish speech are free from the legal responsibility of what their users might post. This prescribed protection should offset social media sites' "fear" of carrying their user's language with which they do not agree. Nothing in section 230 prevents the State from enforcing this legislation as it is consistent with federal regulations. Additionally, HB 20 still affords social media companies the ability to remove non-protected speech from their platforms.

## **Bills Passed out of Senate or Committee**

### **SJR 1 - Fighting Quorum Busting**

In keeping with our nation's founding principles, it is imperative that Texas adopt a quorum standard that will prevent a minority from wielding a disproportionate power so as to render the Texas Legislature incapable of responding to the will of the majority of Texans. When a fraction of the Legislature vacates from the main body, it renders the legislative branch disabled. A disabled legislature quickly begins to unravel the constitutional principles underlying our republic. The ultimate will of the people resides in the legislative branch, and to grind the legislative process to a halt is to silence the voice of the people. For these reasons, I filed SJR 1, which would have amended Article III, Section 10 of the Texas Constitution by lowering the legislative quorum threshold from two-thirds to a simple majority, just like 46 other states and the federal congress threshold. SJR 1 passed the Senate Special Committee on Constitutional Issues unanimously. However, constitutional amendments require a two-thirds vote to pass, unlike a regular piece of legislation. Unfortunately, I did not have the two-thirds vote necessary among the senators to get this constitutional amendment passed and sent to the House. If

re-elected, I will continue to fight to pass this issue in the next regular session for your subsequent approval in November of 2023

### **SB 2 - Protecting Girls Sport**

SB 2 requires University Interscholastic League (UIL) athletes and collegiate athletes who attend a public university to compete in sports associated with their biological sex as determined at or near birth and that was properly listed on the student's birth certificate. In addition, SB 2 allows female athletes to compete in male sports if a corresponding female sport is not available, and the leadership at the campus at which the request is made allows for it. It is simply not fair to allow biological males to compete in girls' sports. In Texas schools, the athletic statistics show the reality of sports competition — boys have greater lung capacity, larger hearts, and greater muscle mass, affording them the ability to run faster, throw farther, and jump higher. To pretend they don't deny women and girl athletes the right to compete on a level playing field and be the best in their sport. I, along with many of my colleagues, want to continue to push for this issue to be added to the redistricting special session so that we can work to protect female athletes.

### **SB 91 - Maintenance and Operation Tax Compression**

Senate Bill 91 would have reduced school maintenance and operation (M&O) tax rates for all property owners in Texas by allowing state dollars to replace local dollars for the 2022-2023 school year. School districts would not have seen any reduction in formula funding due to SB 91 tax rate compression. In 2019, the Legislature authorized huge tax cuts by directing funds toward reducing M&O property tax rates. Of the \$11.6 billion in the new school finance law, \$5 billion was directed toward reducing M&O property tax rates. The M&O property tax rate was designed to continue to be reduced each year in the future at both the statewide and individual school district level — ultimately creating a glide path toward the elimination of the M&O tax. Senate Bill 91 provides additional M&O tax rate compression for the 2022-2023 school year of at least \$2 billion. SB 91 directs the Comptroller to provide an updated revenue estimate by June 1, 2022. Based on that revised estimate, if there are additional unappropriated state dollars the amount of tax compression may be increased. While SB 91 passed the Senate with bipartisan support, it, unfortunately, died in the House. I was proud to be a co-author of this legislation as it would have provided much-needed property tax relief to my constituents. The Senate is committed to getting this done and will continue to push for any additional property tax relief for hard-working Texans!

### **SB 97 - Election Accountability**

Under current law, election irregularities are most frequently addressed only if there is a contested election result, which rarely occurs. The result is irregularities that are identified by election judges, candidates, proponent/opponents of a measure, and party chairs are not always attended to and create a lack of confidence in the system. Irregularities might include a failure to use appropriate documentation, a failure to follow Election Code procedures, inconsistent reporting, more votes cast than registered voters, or a polling location that remains open much later than other polling locations. Currently, there are limited processes to identify and address these issues. Texas is in need of a standardized process to bring irregularities to light and ensure they do not occur in future elections. SB 97 would have provided a vehicle for election judges, candidates, proponents/opponents of a measure, and political party chairs the opportunity to seek answers regarding observed irregularities. Under this bill, the group would work with the county clerks, election administrators, and the Secretary of State to improve the quality of elections and everyone's confidence in elections. Additionally, in the November 2020 election, there were a significant number of irregularities that occurred yet were not addressed, leaving many with questions about the election process. SB 97 would have provided a mechanism to perform a sample review of the November 2020 election to identify any significant irregularity. I was happy to vote in favor of this legislation, both in committee and on the Senate floor. While it passed the Senate, it, unfortunately, died in the House.

In closing, I want to reiterate that just like in the regular session my team and I want to hear from you on issues that are important to you, my constituents. Though I hear from countless citizens on many subjects, input from those I serve is always fully considered, regardless of differing politics or viewpoints. In the coming weeks, my formal newsletter report will be mailed to all registered voters of the district. It will cover the regular session, and after the redistricting special session, I will send a second newsletter covering all of the special sessions in greater detail. Be looking for your regular session newsletter in the coming weeks.

Thank you again for reading this update. I hope you found it to be informative and that you'll share it with your friends, family, and colleagues in Senate District 22, who may subscribe to the Capitol Update by clicking [here](#).

God Bless,



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