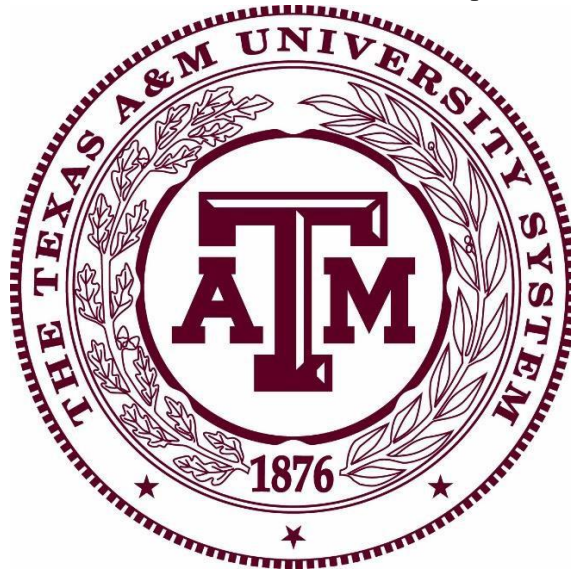


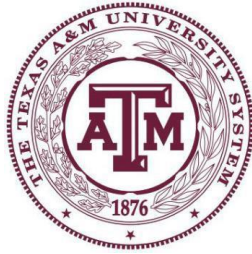
# **The 87<sup>th</sup> Legislature, Regular and 1<sup>st</sup> Called Session**

**Cumulative Report**



**The Texas A&M University System**

**August 2021**



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# Overview of the 87<sup>th</sup> Legislature, Regular Session

Shortly after the conclusion of the 86th Legislative Session, Speaker of the House Dennis Bonnen announced he would not be seeking re-election for his House seat in the 2020 election. Despite having concluded his first term with what many deemed a successful 86<sup>th</sup> Session leading the Texas House, Speaker Bonnen chose to leave office after being secretly tape-recorded speaking disparagingly of members of both parties while suggesting political challenges by a conservative activist to 10 GOP House members in the upcoming primary elections. This led to a second consecutive legislative session where the House speakership would be open.

Entering the 2020 elections, Democrats were optimistic that their momentum from Democratic House seat gains in the 2018 election would continue, given that a controversial President Trump was leading the Republican ticket. Despite President Trump's narrower margin of victory in Texas in 2020 than in 2016, and in the state's tightest race for President since 1996, the Democrats did not gain any additional seats, and the House remained firmly in Republican control, with a majority of 83 seats to the Democrat's 67.

The day following the 2020 elections, **Representative Dade Phelan** (R-Beaumont) announced he had support from 83 Texas House members, making him the presumptive Speaker of the Texas House for the 87<sup>th</sup> Legislature. His list included a diverse coalition of both parties, rural and urban, hardline conservatives, and longstanding liberals. Presumptive Speaker Phelan entered the 87<sup>th</sup> Legislature amid a pandemic. The state was facing a significant budget shortfall while hoping to re-instill trust in the Texas House between both parties after a volatile and divisive interim.

Lt. Governor Dan Patrick would lead the Texas Senate for the fourth straight session. Republicans maintained control of the upper chamber with an 18-13 majority, one fewer than in the 86<sup>th</sup> Legislature. As the 2021 session approached, it was clear that the pandemic would create a unique legislative session. Health and safety measures intended to address pandemic concerns led to restricted public access to the Capitol. They necessitated pre-scheduled appointments, frequently virtual rather than in-person meetings, to gain access to various offices. The Texas Senate required face masks and wristbands indicating a negative daily COVID test before allowing admission to any committee hearings. The Texas House set similar rules at its members' discretion to enforce but did not require a negative COVID test for admission to hearings. These differences led to confusion among the public as to what was required as they sought to work with and meet elected officials.

In contrast to the 2019 legislative session, Republican leaders regarded the 2020 election results as a conservative mandate for the 2021 session. With both the Governor and Lieutenant Governor up for re-election in 2022, Republican leadership set an ambitious conservative agenda. Top priorities included: election integrity, constitutional carry gun rights, and additional limitations on abortion rights, defining transgender student participation in high school sports, and eliminating critical race theory from being taught in public schools.

The 87<sup>th</sup> Legislative Session would also have to address seemingly less controversial issues, including unprecedented economic uncertainty caused by the pandemic, broadband disparities in rural and low-income areas of the state, and an electric grid that failed and endangered millions of Texans during the winter storm of February 2021. Additionally, the Legislature was aware from the onset they would be required to return in the fall for a special session to address constitutionally required decennial redistricting maps when the federal census data was finally released.

Newly-elected Speaker Dade Phelan appointed several first-time chairs to crucial committees.

**Representative Briscoe Cain** (R – Deer Park), a member of the conservative Freedom Caucus, was appointed Chair of the House Elections Committee. **Representative Harold Dutton** (D – Houston) was appointed Chair of the Public Education Committee, following a successful 86<sup>th</sup> Session which saw the state’s public-school finance system reformed. Speaker Phelan would go on to appoint 12 members to lead committees for the first time.

Unlike the relatively cohesive 86<sup>th</sup> Legislative Session, the tension between the upper and lower chamber, between the two parties, and among members within their parties took center stage during the 87<sup>th</sup> Legislature, most notably regarding the participation of transgender student-athletes and election integrity. Chair Dutton caused a backlash within the Democratic Party when he advanced **SB 29**, which would require transgender students to play on public school sports teams based on their biological sex instead of their gender identity. Initially, SB 29 failed to pass the House Public Education Committee. Chair Dutton revived the bill after his legislation, **HB 3270**, which would have allowed the Texas Education Agency to take over failing school districts, was derailed on a procedural technicality by fellow Houston Democrat **Representative Alma Allen**. A day after Chair Dutton’s HB 3270 was killed, he brought back SB 29 for a committee vote, stating HB 3270 affected more children than SB 29 ever would. When SB 29 failed to pass the Texas House, Lt. Governor Patrick demanded a special session to take up and reconsider the issue. Governor Greg Abbott responded that only he could call a special session and set priority issues as governor.

When **HB 6**, the election integrity bill and a high priority of the leadership, was set to be heard by the Texas House Elections Committee, Chair Cain handed over the gavel to his Vice-Chair, **Jessica Gonzalez** (D – Dallas), as he, the bill’s author, sought to introduce it. The majority of Democrats regarded HB 6 as voter suppression. When **Representative Nicole Collier** (D – Fort Worth), Chair of the Black Caucus, arrived to question Chair Cain on specific provisions of HB 6, he demanded the gavel back from Vice-Chair Gonzalez. He recessed the committee hearing without announcing a specified time to return. Due to the chair’s failure to set a specific time to return, the House parliamentarian ruled the committee would no longer meet on the same day. Thus the hearing had to be rescheduled for a subsequent date. This procedural error caused hundreds of people who had traveled to testify to make a second return trip later.

The election integrity legislation would later go to a conference committee as Chairman Cain substituted the language of his HB 6 in **SB 7**, the election integrity bill passed by the Senate. During passing SB 7 on the House floor, Democrats negotiated amendments to the bill to make it more acceptable on some issues. Ultimately, they were infuriated and embittered when conference committee negotiations not only stripped most of their amendments but added new and more restrictive language that had not previously been considered in either chamber. On May 30<sup>th</sup>, the Session’s last day to pass legislation,

Democrats chose to break quorum, killing SB 7 and several other bills. Immediately after that, Governor Abbott declared he would veto the entire Legislature's budget in Article X of the Appropriations Act due to the Democrats breaking quorum, which he did.

Subsequently, Governor Abbott announced that the First-Called Special Session to begin on July 8, 2021, to address the Legislature's funding and other unfinished business. Prospects for a harmonious special session, even among the controlling party, were rendered fragile when reports emerged that Lt. Governor Patrick indicated he considered Speaker Phelan "the worst Speaker he has ever dealt with," exposing the strained relationship among the leadership of both chambers and the executive branch.

# Overview of Higher Education Issues

The 86<sup>th</sup> Legislature succeeded in addressing long-needed reforms to public education finance. At the legislative session's conclusion, Governor Abbott and other state leaders declared the 87<sup>th</sup> Legislature would focus on similar higher education advancements. Unbeknownst to Governor Abbott and the rest of Texas, the 87<sup>th</sup> Legislature was destined to enter its regular session with a budget shortfall due to the COVID-19 pandemic. Furthermore, the worst winter storm in Texas' history would require the Legislature to focus on other wider-reaching and urgent issues. Nonetheless, legislators still contemplated significant higher education funding and policy changes.

## Comprehensive Regional Universities

Texas has 37 General Academic Institutions which the Coordinating Board organizes into accountability groups. The first two groups, Research Universities and Emerging Research Universities include 10 universities providing undergraduate education, extensive research capabilities, and robust graduate programs. The remaining 27 institutions are referred to as Comprehensive Regional Universities (CRUs). While many of these remaining institutions also conduct research and have graduate degree programs, the primary mission of these 27 institutions is undergraduate education.

CRUs serve a growing and proportionally greater population of at-risk students than Research and Emerging Research institutions. Students attending CRUs are often less college-ready, come from historically underrepresented demographic groups and economically disadvantaged families, and need more cost-intensive services and support to educate. CRUs educate almost 40 percent of the state's university students. They overwhelmingly serve students from the area surrounding their campuses while helping to meet the workforce needs to drive their local economies. These institutions lack the financial resources to provide specialized, costly programs required for their at-risk students to succeed. Yet, they must keep tuition affordable and entrance requirements within reach to serve their students.

In recent years, the Legislature has made strategic, outcomes-based investments in various sectors of higher education. The previous initiatives have benefited the two Research and eight Emerging Research Universities, certain Health-Related Institutions, the 50 Community Colleges, the Texas State Technical Colleges, and the three Lamar State Colleges. As a group, CRUs have yet to receive a targeted investment of this kind.

**Chairman Brandon Creighton** (R – Conroe) filed **SB 1295**, which provides CRUs with an outcomes-based funding model focused on student success designed to incentivize institutions to improve their performance in graduating at-risk students. **Representative Geanie Morrison** (R – Victoria) carried the bill in the House. The bill passed and becomes effective on September 1, 2021.

While no funding was appropriated for the bill, SB 1295 establishes an outcomes-based funding model structure where each eligible institution would receive an amount equal to the sum of (1) a base amount of \$500,000; and (2) \$1,000 for every at-risk graduate based on a three-year average. The funding would support institutions in serving at-risk students, helping to meet the state's workforce needs, and

strengthening the institution's regional economy. The bill also requires the Coordinating Board, in consultation with a representative group from eligible institutions, to study the funding model to determine whether the model allocates state funds fairly and equitably and effectively promotes student success. The report is due to the Governor and Legislative Budget Board by September 1, 2022.

### **Name, Image, or Likeness**

In recent years, the discussion of student-athletes' earning compensation for their name, image, or likeness (NIL) has been at the forefront of the conversation for collegiate athletes across the nation. In 2019, California passed the first NIL bill, the Fair Play for Pay Act, prohibiting athletic associations, conferences, or institutions from preventing a student-athlete from earning compensation due to the use of the student's name, image, or likeness. The passage of the Fair Play for Pay Act and the lack of action by the National Collegiate Athletic Association (NCAA) and the federal government to create a uniform NIL rule led dozens of other states to introduce their legislation.

**Representative Matt Krause** (R – Arlington) filed **HB 920**, and **Senator Judith Zaffirini** (D – Laredo) filed **SB 660** to level the playing field with the six states that had passed NIL legislation before the 87<sup>th</sup> Session. However, Senate Higher Education **Chairman Brandon Creighton's** (R – Conroe) **SB 1385** was ultimately the only NIL bill heard in committee.

Chairman Creighton stated that when the session opened, he was opposed to student-athletes earning compensation. However, through discussions with stakeholders and other states passing their NIL legislation, he understood Texas needed to pass its legislation or risk losing student-athletes to institutions in states that offered NIL opportunities.

Under SB 1385, an institution may not prohibit a student-athlete from earning compensation for using the student-athlete's name, image, or likeness or from obtaining professional representation. The student-athlete must notify the institution before entering into a contract to ensure no conflicts with an existing team contract. Additionally, the student-athlete may not be compensated by the institution for athletic performance or attendance at the institution or in exchange for property owned by the institution.

The Senate Higher Education Committee discussed at length what a student-athlete would be prohibited from endorsing, including none of the following: alcohol, tobacco products, anabolic steroids, sports betting, gambling, sexually-oriented businesses, and any firearm the student-athlete cannot legally purchase. Members also voiced concern about the contract conflict resolution process, settling on the provision that the student-athlete or their representation is responsible for resolving any contract conflicts within 10 days of the disclosure.

In addition, SB 1385 requires student-athletes to attend a financial literacy and life skills workshop at the beginning of their first and third academic years. The workshop must be at least five hours in duration and include information on financial aid, debt management, time management, budgeting, and academic resources available to the student-athlete.

SB 1385 was heard on the Senate floor with some concern voiced regarding what the bill's passage would mean for collegiate athletics, but ultimately it was passed 28-2 on April 22<sup>nd</sup>.

House Higher Education **Chairman Jim Murphy** (R – Houston) carried the bill in the House and shared a conversation he had with his son. The latter played collegiate football, which helped him understand the benefits of NIL to student-athletes. The House added an amendment moving the effective date to July 1, 2021, and SB 1385 was passed with over two-thirds vote in each chamber.

Governor Abbott signed SB 1385 on June 14<sup>th</sup>.

## **Textbook Transparency**

In recent years, there has been growing interest in increasing billing transparency for students attending an institution of higher education. Some institutions have contracted with book publishers to purchase course material in “bulk.” The contracts between the institutions and publishers allow students to opt-out of automatic course material purchases. However, some have argued that the opt-out option is not transparent enough to students.

To address the transparency of automatic charges, **Representative Tan Parker** (R – Flower Mound) filed **HB 1027**, requiring institutions to provide a website link to provide students with information about the cost of textbooks. During committee hearings, students discussed the importance of billing transparency. Representatives of textbook publishing companies informed committee members how the partnership between the publishers and institutions reduces the cost of course materials through bulk purchasing. The contracts signed between the publishers and institutions allow publishers to estimate the number of course materials better to produce. In return, institutions can save students money through reduced costs.

**Chairman Brandon Creighton** filed similar legislation in **SB 1092** and heard the same arguments between students and publishers. In late March, Chairman Creighton brought together institution stakeholders to discuss the transparency issue. Stakeholders were able to discuss the benefits of the contracts formed between the institutions and publishers and the potential challenges of implementing the legislation.

After several discussions between publishers, students, institutions, and the two committees, the Legislature advanced Representative Parker’s HB 1027. The legislation asks institutions to post the cost of course materials transparently along with any associated fees. Institutions are also compelled to inform students of any provisions that allow students to opt-out of a fee or charge due to the cost of course materials.

HB 1027 received bipartisan support in both chambers and was sent to the Governor on May 31<sup>st</sup>. Governor Abbott signed HB 1027 on June 15, 2021, which will take effect on September 1, 2021.

## **Tuition Revenue Bonds**

The Texas Legislature typically invests in public higher education capital planning through Tuition Revenue Bonds (TRBs), which are self-supporting bonds backed by tuition and other funds of the institutions, but for which the Legislature has historically appropriated General SB 1385 Revenue to reimburse institutions for debt service payments.



The last time the Legislature passed a TRB bill was HB 100, by **Representative John Zerwas** (R – Richmond) in 2015 during the 84<sup>th</sup> Session; the bill authorized \$3.1 billion in TRBs for capital construction projects at institutions of higher education. From 1991 to 2006, a TRB bill was traditionally passed each alternating legislative session. However, no statewide public higher education infrastructure package was passed between 2006 and 2015.

After failing to pass a TRB bill in the 86<sup>th</sup> Session and the face of a pandemic during the interim, many institution leaders highlighted the need for capital projects in the 87<sup>th</sup> Session.

**Chairman Jim Murphy** (R – Houston) filed **HB 1530**, an omnibus TRB package. However, Chairman Murphy acknowledged there may not be enough money in the 87<sup>th</sup> Session to support the bill throughout the process. It was more likely that the funding would come during a special session that anticipated addressing federal COVID relief funding. Chairman Murphy met with the stakeholders from each system and independent institution, ranking each TRB request. Several institution's projects were removed in the committee substitute but eventually were returned to the bill through floor amendments. The engrossed HB 1530, if finally passed, would have authorized \$4.8 billion in TRBs. In the 86<sup>th</sup> regular session, the House passed a TRB bill, but the Senate declined to hear the bill.

In the upper chamber, **Chairman Brandon Creighton** (R – Conroe) filed **SB 1701**, which included a provision to rename Tuition Revenue Bonds as Capital Improvement Debt Assistance bonds. Chairman Creighton argued that the name Tuition Revenue Bonds is misleading and asserted that a name that accurately reflects the bond projects would be easier to pass. However, SB 1701 did not provide any funding and simply authorized a name change of the bonds.

Chairman Murphy incorporated the name change onto HB 1530, but the Senate did not move the bill. There remains optimism that a portion of the \$16 billion Texas will receive from the American Rescue Plan will be used for TRBs during a special session in the fall.

# Overview of Major Statewide Issues

The following summarizes significant issues impacting the 87<sup>th</sup> Texas Legislative Session. Most of the topics have statewide implications, and the debate over each shaped the session's tone.

## **Budget**

In the last session, a primary focus of the 86<sup>th</sup> Legislature was investing in public education and enacting reforms to strengthen the school financing system. After this focus on public education, much early discussion was about whether the 87<sup>th</sup> Legislative Session would be a higher education session, resulting in significant focus and financial investment in institutions across the state. However, the unprecedented economic uncertainty caused by the COVID-19 pandemic sidelined the opportunity for a higher education-focused session.

In the summer before the 87<sup>th</sup> Legislative Session, state leadership required most state agencies to reduce their 2020-21 biennial GR budgets by five percent. The 5 percent reductions were required for higher education for all General Academic Institutions, A&M System Agencies, and the Higher Education Coordinating Board. All Health-Related Institutions and Two-Year Institutions were exempted from such reductions. However, all institutions were required to reduce their non-formula support funding requests for the 2022-23 biennium by five percent.

As the legislative session approached, the outlook remained uncertain about the level of available revenue for the Legislature to appropriate for the 2022-23 biennium. While the economy had begun to rebound, the Comptroller of Public Accounts' Biennial Revenue Estimate (BRE) in January projected that total available general-purpose spending for the 2022-23 biennium would decrease \$0.44 billion from the 2020-21 biennium, providing no additional funding to meet the growing needs of the state.

Given the relatively flat level of funding available, very little new funding was added to higher education during the preliminary House and Senate budget process. However, the state economy improved in the spring as businesses reopened and more people became vaccinated. Subsequently, the Comptroller revised the BRE in May 2021 to project that total available general-purpose spending would increase by \$2.2 billion from the 2020-21 biennium. With this new level of funding available, the legislature added \$380 million in funding to the general academic and health-related formulas to address a portion of enrollment growth since the previous base period. It provided additional funding for select non-formula support items.

Despite the lack of funding available before the end of the session, the A&M System could accomplish two major funding priorities in collaboration with other systems across the state relating to Expansion Funding and Mission Specific Formulas.

## **Expansion Funding**

The Legislature provides essential funding to six of the state's smaller regional institutions, including

Texas A&M – Central Texas, Texas A&M – San Antonio, and Texas A&M – Texarkana, to better meet their communities' growing higher education needs and the State. Previously known as Transition Funding and Downward Expansion Funding, the 86<sup>th</sup> Legislature renamed this funding, cut the amount, and included rider language to establish scheduled phasing out of this funding – cutting the funding by 25 percent each succeeding biennium.

In the base bill filed for the 87<sup>th</sup> Legislative Session, the Senate followed the legislative intent set in the rider and cut Expansion Funding (and Upper-Level Institution Support as this funding is named for Texas A&M – Central Texas) by 25 percent while the House maintained Expansion Funding at 2020-21 base funding levels and removed the rider directing additional reductions in the future. Through a collaborative effort among the Texas A&M, University of North Texas, and University of Houston Systems, this funding was restored to 2020-21 appropriated levels in the final budget. The corresponding rider language was amended to provide this funding to each institution until the institution reaches 6,000 full-time student equivalents (FTSE), aligning with the original enrollment threshold established for this funding. Additionally, the rider sets forth a predictable phase-out schedule for the funding, reducing by one-fourth each biennium over the four biennia following the biennium; the institution reaches 6,000 FTSEs. Accomplishing this fulfilled one of the primary goals of the A&M System.

### **Mission Specific**

Mission-specific formulas are unique formulas that provide performance-driven funding to a single health-related institution. Created in 2007 and 2009, UT MD Anderson and UT Health Science Center at Tyler were the only two institutions with mission-specific formulas before the 86<sup>th</sup> Legislature, with formulas based on their unique statutory patient care missions. In the 86<sup>th</sup> Legislature, four new mission-specific pilot programs were created, increasing the level of performance-driven funding for these institutions and reducing their reliance on non-formula support funding. This created significant structural funding disparities between the six UT System health-related institutions with mission-specific formulas and the four other legacy health-related institutions in the University of North Texas, Texas A&M, and Texas Tech University Systems.

To equitably align funding structures across all institutions and avoid disproportionate funding reductions to these institutions, the four remaining legacy health-related institutions (including Texas A&M Health Science Center) pursued and successfully established their mission-specific formulas in the 2022-23 biennium. The mission-specific formula for Texas A&M Health Science Center is performance-based, with incentive funding tied to research performance, similar to the performance-based research formulas for UT Southwestern, UT Health Science Center Houston, and UT Health Science Center San Antonio.

All four new mission-specific formulas are funded with appropriations previously used for existing non-formula support items. Texas A&M Health Science Center identified research-related funds within the College of Medicine and College of Pharmacy that were transferred into the new mission-specific formulas as seed funding. Unlike the formulas established in the 86<sup>th</sup> Legislature for UT Southwestern, UT Health Science Center Houston, and UT Health Science Center San Antonio, no new funding was added to the new formulas.

Texas A&M Health Science Center will capitalize on new research dollars to receive additional state

funding through the new mission-specific formula. It will be less reliant on non-formula support in the future. Furthermore, in tight budget sessions like the 87<sup>th</sup> Legislature, a more significant portion of our budget will be protected from statewide funding cuts since formula funding is often excluded from such cuts.

## **Abortion**

Conservative members of the Texas Legislature have long sought to restrict abortion. With former President Trump adding three conservative Judges to the Supreme Court, pro-life conservatives entered the 87<sup>th</sup> Session reinvigorated to pursue such legislation. Lt. Governor Dan Patrick listed two abortion bills among his priorities for the session: **SB 8**, dubbed the “heartbeat bill,” and **SB 9**, a “trigger bill” that would ban abortions should the Supreme Court overturn Roe v. Wade.

The 87<sup>th</sup> Session saw four-dozen abortion bills filed, and each chamber heard and passed several bills, each out of committee. However, SB 8, authored by **Chair Bryan Hughes** (R – Mineola), the heartbeat bill, became the primary focus with 16 of the 18 Republicans signing as co-sponsors and Democrat **Eddie Lucio Jr.** (D – Brownsville).

SB 8 is known as the “heartbeat bill” because it bans abortions except for medical emergencies after a heartbeat has been detected, which can be as early as six weeks into the pregnancy. Many other states have attempted to pass similar legislation, but the courts have struck it down. However, SB 8 was drafted so that anyone in Texas can sue an abortion provider if they believe the law has been violated. The individual suing would not need to connect with the abortion provider or the person receiving the abortion. Advocates of abortion rights believe the broad writing of the legislation could lead family members and counselors to be subject to litigation because anyone who “aids or abets” an abortion could also be subject to lawsuits. People who sue will be awarded at least \$10,000 and the cost of attorney fees if they prevail.

Supporters of SB 8 patterned the legislation on a Louisiana law that allows women to sue their abortion provider years after the procedure was performed. In this case, the 5<sup>th</sup> U.S. Circuit Court of Appeals determined Louisiana officials cannot be sued because it was a private matter in which the State was not involved. In the past, abortion providers would immediately sue the State shortly after passing similar legislation, stopping the bill in the courts before it ever takes effect. Proponents of SB 8 maintain that no state official is enforcing it, so no state official is to sue. Thus, abortion providers would have to wait to be sued. Nonetheless, legal scholars disagree whether this argument would prevail in the courts and if so, provide a departure from current law requiring a party to be connected to the abortion provider or person receiving the abortion to sue.

SB 8 passed through the upper chamber along party lines, with Democrat Senator Lucio also voting in favor. The House quickly passed SB 8 through committee and brought it to debate in early May. **Representative Shelby Slawson** (R – Stephenville) tacked an amendment denying those who impregnate a woman through rape or incest to file a lawsuit under SB 8. While the amendment was added and prohibits those who impregnate a woman through rape or incest to sue, SB 8 does not allow for the impregnated woman to have an abortion due to rape or incest, only for medical emergencies.

The House ultimately passed SB 8 on a vote of 83 to 64, along party lines with **Representative Ryan Guillen** (D – Rio Grande City) as the lone House Democrat supporting the legislation.

The Senate concurred with the House amendments and sent SB 8 to Governor Abbott in mid-May. Days after the Supreme Court agreed to hear a Mississippi law that would ban most abortions after 15 weeks; Governor Abbott signed SB 8, which will take effect September 1, 2021.

Less than one week after Governor Abbott signed SB 8, the Senate passed **HB 1280** authored by **Representative Giovanni Capriglione** (R – Southlake), the companion to SB 9, prohibiting an abortion should the Supreme Court overturn *Roe v. Wade*. In addition, HB 1280 would make it a second-degree felony to perform or attempt to perform an abortion. The penalty would be upgraded to the first-degree felony, with a potential for a life sentence should the fetus die. Furthermore, there would be a civil penalty of at least \$100,000 and revocation of a medical license of doctors who violate the ban. Similar to SB 8, there are no exceptions for pregnancies that result from rape or incest, only for pregnant women who face medical emergencies.

Governor Abbott signed HB 1280 on June 16<sup>th</sup>, and it will take effect on September 1, 2021, before the Supreme Court taking up the Mississippi law in the fall.

## **Broadband**

More than 800,000 rural Texans lack adequate broadband infrastructure. In the 86<sup>th</sup> Legislative Session, the Legislature created the Governor’s Broadband Development Council to research barriers preventing adequate broadband provision and study possible solutions. However, the issue became even more salient during the pandemic when many were forced to work from home, attend school virtually, and find modes of entertainment from the comfort of their own home.

Governor Abbott partnered with the Texas Education Agency to form Operation Connectivity to provide mobile hotspots and e-learning devices for students and families transitioning to remote learning due to the pandemic. But September 2020, well into the COVID-19 pandemic, 88 members of the Legislature, led by **Representative Trent Ashby** (R – Lufkin) and **Senator Robert Nichols** (R – Jacksonville), wrote a letter to Governor Greg Abbott urging him to further address broadband access across the state. The letter stressed that many rural students lived in areas with neither broadband nor reliable cellular service and asked the Governor to establish a timeline to address the problem, including clear goals to measure progress.

The letter sent to the Governor included members from both parties, from rural, urban, and suburban areas, indicating the widespread need across Texas. Experts indicate more than nine million people do not have access to broadband internet connection owing to either lack of infrastructure to their home or the prohibitively high cost of service for low-income individuals. Texas is one of six states that does not have a broadband plan to address the digital divide, leaving the state at a severe disadvantage when applying for federal funds to address the issue.

Representative Ashby authored **HB 5**, creating the “Broadband Development Office” within the Texas Comptroller of Public Accounts. HB 5 also establishes a broadband development map to identify areas of the state lacking sufficient broadband access. Additionally, HB 5 creates a broadband development

program so the areas with high broadband needs can receive support and funding to build the necessary infrastructure. Notably, HB 5 creates a state broadband plan to establish long- and short-term goals to guide the development and investment of broadband infrastructure for Texas.

HB 5 became one of the few pieces of legislation in the 87<sup>th</sup> Session to pass with overwhelming bipartisan support. Governor Abbott signed HB 5 on June 16, 2021, stating broadband is an essential tool for education, business, and healthcare and promising that the legislation will narrow the digital divide throughout Texas.

## **Constitutional Carry**

For several legislative sessions, gun rights activists have pushed for “constitutional carry” legislation to allow people to carry handguns without permits. However, state leaders, primarily Lt. Governor Dan Patrick, have repeatedly stated there was not enough support in the Legislature to pass a constitutional carry bill. Additionally, in the 84<sup>th</sup> and 85<sup>th</sup> legislative sessions, Lt. Gov. Patrick cited law enforcement concerns that the policy would make it difficult to know which individuals are allowed to carry a handgun openly.

During a discussion of the issue in the 86<sup>th</sup> Legislative Session, an advocate for permitless carry went to then-Speaker Dennis Bonnen’s home unannounced, angering Speaker Bonnen. Immediately afterward, Speaker Bonnen proclaimed constitutional carry dead, stating the act was a form of intimidation. Shortly after the 86<sup>th</sup> Session, a gunman in El Paso killed 23 people and injured dozens more. Governor Greg Abbott held roundtable discussions seeking to make gun violence less prevalent and develop an acceptable solution in the 87<sup>th</sup> Session. Governor Abbott and Lt. Governor Patrick both stated they favored requiring background checks before the sale of firearms, specifically between private sellers and buyers.

However, after Democrat Joe Biden won the Presidency and Dade Phelan became the new Speaker of the House, many gun right activists believed this could be the session where Texas joined roughly 20 other states in passing a constitutional carry bill. In the 85<sup>th</sup> Session, Phelan had been one of the authors of HB 1911 allowing permit less carry, though the bill never made it to the floor for a vote.

In the 87<sup>th</sup> Legislative Session, **Representative Matt Schaefer** (R – Tyler) filed **HB 1927**, eliminating the requirement for Texas residents to obtain a license to carry handguns if they are not prohibited by state or federal law from possessing a firearm. With a new speaker at the helm, the constitutional carry legislation was able to make it to the floor for a discussion. **Representative Joe Moody** (D – El Paso), surrounded by other El Paso members, spoke emotionally about the lack of action in the wake of the El Paso massacre and the unfulfilled promises made during the roundtable discussions. After several hours and contentious debate on the floor, the bill passed out of the House on April 16<sup>th</sup> with a record vote of 87-58.

Soon after the House passed HB 1927, Lt. Governor Patrick maintained there were not enough votes in the Senate to pass it. However, after further discussions Lt. Governor Patrick created and referred HB 1927 to a new Senate Special Committee on Constitutional Issues and appointed **Senator Charles Schwertner** (R – Georgetown) as the Chair. A few days later, Governor Abbott announced that he supported and would sign a constitutional carry bill.

In early May, HB 1927 made it to the Senate floor for debate with uncertainty of how the upper chamber would vote. Many Republicans stated they were worried what this legislation would mean for police officers and victims of domestic violence. The Sheriffs' Association of Texas sent a letter to Chairman Schwertner outlining three key areas of the bill that needed clarification or amendments. On the floor, Chairman Schwertner offered amendments to strike from the bill a provision that would have expunged certain weapons-related charges from criminal records, allow law enforcement to temporarily disarm a person detained, and temporarily strip the permitless carry rights of people accused of certain violent crimes. However, the upper chamber rejected amendments offered by **Senator Cesar Blanco** (D – El Paso) that would codify gun safety provisions Governor Abbott had proposed after the El Paso massacre. In the end, the Sheriffs' Association supported HB 1927 with the amendments added, and the bill passed the Senate 18-13 along party lines.

Representative Schaefer drew cheers on the House floor when he announced he rejected the Senate amendments and requested a conference committee to negotiate their differences. Speaker Phelan appointed three Republicans and two Democrats who voted in favor of HB 1927 as conferees to negotiate with the Senate. The compromise between the two chambers kept a number of the Senate amendments that satisfied the law enforcement community. HB 1927 also enhanced criminal penalties for felons and family violence offenders caught carrying a gun. Additionally, a requirement that the Texas Department of Public Safety offers a free online course on gun safety was added. Days before the conclusion of the 87<sup>th</sup> Legislature, HB 1927 was sent to Governor Abbott, who signed it on June 16<sup>th</sup>. Beginning September 1, 2021, Texans can carry handguns without a license or training.

## **Electric Reliability Council of Texas (ERCOT)**

In February 2021, Texas experienced one of its worst winter storms in history, prompting Governor Gregg Abbott to declare an emergency for all 254 counties. The Electric Reliability Council of Texas (ERCOT), which oversees the electric grid for about 90 percent of Texas, warned of possible rolling blackouts due to the power demand created by the extreme cold. However, what was expected to be an hour or two of intermittent loss of electricity turned to days without power for many Texans. By the storm's end, more than 4.8 million customers were impacted, and over 100 people died due to the loss of power. To bring more power to the grid, regulators set the maximum rate of \$9,000 per megawatt-hour. Natural gas prices spiked more than 700 percent, costing electric companies millions and individual consumers thousands of dollars. The winter storm was so catastrophic for the electric grid, ERCOT informed leaders that Texas was minutes away from losing power for weeks, if not months, had operators not acted when they did by imposing some of the blackouts to relieve demand on the power system.

Members of the legislature were incredulous when they learned several of the board of directors of ERCOT, including the chair and vice-chair, did not live in Texas. Governor Abbott and other state leaders demanded the resignation of those directors, prompting six of the directors to tender their resignation, primarily due to their lack of Texas residency. Governor Abbott added ERCOT as an emergency item for the 87<sup>th</sup> Legislative Session, allowing state lawmakers to take up legislation related to it during the first 60 days of the session.

Reforming ERCOT also became one of the few bipartisan efforts in the 87<sup>th</sup> Legislature. The only specific



area of contention is how the Legislature would work to keep such a disaster from happening again. **SB 3**, authored by **Senator Charles Schwertner** (R – Georgetown), requires power generation companies to “weatherize” facilities to withstand extreme weather conditions better. **Representative Dan Huberty** (R – Kingwood) authored **HB 2000**, which would create a \$2 billion fund to help companies pay for upgrades through the State’s Economic Stabilization Fund, known as the Rainy Day Fund. The House passed HB 2000, but the Senate did not move the bill or add the provisions to SB 3, which ultimately became law.

Some experts believe SB 3 fails to go far enough since it lacks requirements for weatherization for homes, pipes, and other consumer infrastructure. Through a House amendment, SB 3 would have created a grant program for projects to improve the resiliency of water, electric, and health care infrastructure, including hospitals, nursing homes, and dialysis centers. However, the amendment was deleted during negotiations in the conference committee. Instead, the bill directs electric providers to give customers information about registering as “critical” to ensure their power is not cut for life-saving medical devices. Additionally, after conference committee negotiations, the legislation only requires gas facilities deemed “critical” by regulators to weatherize.

The Legislature also advanced **SB 2** by **Chair Kelly Hancock** (R – North Richland Hills), reducing the number of seats on ERCOT’s board of directors from 16 to 11. A selection committee made up of three individuals – one appointed by the governor, one by the lieutenant governor, and one by the speaker – will appoint eight of the 11 board members. The selection committee will use an outside consulting firm to select the members to serve on the board of directors. This legislation is criticized by energy experts because the political appointees are not required to and may not have the same level of energy expertise as the former members of the board.

Addressing the financial losses caused by the winter storm, the Legislature passed **HB 4492** by **Chair Chris Paddie** (R – Marshall) that allows electric companies to finance up to \$2.1 billion for electricity the companies paid for but never received during the storm. Additionally, another \$800 million will be loaned to ERCOT through the Rainy Day Fund to pay for debts to the grid operator. Lt. Governor Dan Patrick indicated he was not in favor of passing HB 4492 as it did not include direct relief to ratepayers but, in the end, wanted to resolve ERCOT’s liquidity crisis.

Governor Abbott signed SB 2 and SB 3 on June 8, 2021, a week after the end of the 87<sup>th</sup> Legislative Session, and HB 4492 on June 16, 2021. All three bills go into effect immediately.

## **Voting Rights**

President Trump raised doubts about election integrity since he first joined the political scene, stating the only way he could lose were if an election were stolen from him. In 2020, before the November elections took place, President Trump argued there was widespread voter fraud across America and proposed that poll watchers be appointed to observe the actual election process. Even though the chief of elections at the Texas Secretary of State’s office affirmed that Texas had a smooth and secure election and Governor Greg Abbott acknowledged that he did not know the outcome of any elections in Texas that were altered because of fraud, he added election integrity as one of the emergency items for the 87<sup>th</sup> Legislative Session. Lt. Governor Dan Patrick responded by placing Election and Ballot Security among his top legislative priorities. Speaker Phelan echoed this priority legislative status by giving the



election integrity legislation a preferred bill number of **HB 6**.

The House and Senate offered different versions of legislation to tackle election integrity but both seemed to focus on tightening some of the voting policies initiated by the bigger counties in Texas because of COVID and, in particular, Harris County. In the November 2020 elections, Harris County extended early voting hours past the usual 7 p.m. closing time at over 100 locations and hosted a 24-hour voting day at eight different locations. Additionally, Harris County opened 10 drive-thru voting locations to mitigate person-to-person contact amidst the COVID-19 pandemic. Furthermore, Harris County mailed unrequested voting applications to all 2.4 million registered voters in the county with specific instructions to determine if they were eligible to vote by mail; however, the Texas Supreme Court ultimately blocked this effort.

In response, **Chair Bryan Hughes** (R- Mineola) authored **SB 7**, a comprehensive bill attempting to address the concerns shared by most members of the GOP. SB 7 sets a 12-hour cap on early voting hours but allows polling places to stay open until 9 p.m. If a county like Harris wants to stay open as late as 9 p.m., they would have to open at 9 a.m. Additionally, SB 7 would prohibit drive-thru voting and distribute applications for mail-in ballots to voters who do not request them. Under SB 7, counties with over one million people who use countywide voting would be subject to a formula for distributing polling places based on the number of registered voters. Opponents argue the formula would likely reduce the number of polling places in counties that largely vote for Democrats. SB 7 would also require all Texas counties to use voting machines that produce an auditable paper record of ballots cast and create an online tracker for votes cast by mail.

SB 7 also enhances poll watcher freedoms. Under SB 7, poll watchers would be able to video record voters receiving assistance in filling out their ballots if the poll watcher “reasonably believes” the help is unlawful. Additionally, poll watchers will have “free movement” within a polling place, except at a voting station when a voter is filling out a ballot. An election worker who attempts to distance or obstruct the view of the poll watcher would be committing a criminal offense. Lastly, SB 7 would require video surveillance at counties’ central counting stations where votes are totaled.

The Senate moved quickly on SB 7, moving it through committee within two weeks of the filed legislation. In early April, the Senate debated SB 7 for over seven hours on the floor. Democrats argued the bill referred to as election integrity could be impede voting by many voters, especially minority groups. **Senator Carol Alvarado** (D – Houston) cited an analysis by Harris County’s election office, estimating that about half of the votes cast at drive-thru sites and were cast by Black and Latino voters during extended hours. Lt. Governor Patrick defended SB 7 to reporters, stating it is a bill on voter security, not voter suppression, and was indignant at what he considered the questioning of his integrity and the integrity of those Republicans who voted in favor of it.

In the House, **Representative Briscoe Cain** (R – Deer Park), the newly appointed Chair of the Elections Committee, struggled to pass his **HB 6** legislation. During a committee hearing, **Representative Nicole Collier** (D – Fort Worth) asked to participate in the hearing. In a rush to recess the hearing to avoid answering questions, Chair Cain failed to announce a time-certain for the committee to reconvene, a procedural error leaving the legislation vulnerable to later procedural challenges. This required Chair Cain to hold a subsequent hearing on HB 6 the following week, where 17 hours of divided testimony was heard.

In another controversial move, Chair Cain substituted the language of his HB 6 for that of the Senate's previously approved SB 7. Vice-Chair **Jessica Gonzalez** (D – Dallas) immediately objected to the move, stating that the committee cannot vote on a piece of legislation without first holding a hearing. Chair Cain ignored the motion and attempted to hold a vote, but **Representative Travis Clardy** (R – Nacogdoches) refused to cast a vote out of concern of another procedural error. Nevertheless, the committee would return later that day to cast a vote, setting the stage for the two chambers to decide which bill language would ultimately prevail in the conference committee.

SB 7 was returned to the Senate, not only with the substituted HB 6 language but with new amendments negotiated between House Democrats and Republicans during floor debate, softening some of the original restrictions. A new provision negotiated by the two parties in the House included a requirement for judges to inform people if a conviction would prohibit them from voting. Other negotiated points eliminated the ban on drive-thru and 24-hour voting, the provision which could force larger counties to reduce the number of polling locations provided, and the ability of poll watchers to video record or photograph voters.

The Saturday before *Sine Die*, Chair Hughes proclaimed the two chambers had struck a deal during the conference committee. With a Sunday midnight deadline for consideration of the bill looming, he motioned for the Senate to take up the legislation just hours later and postpone the 24-hour posting requirement. Senate Democrats protested that they did not have enough time to review the conference committee report, which included 12 pages that had not been debated on the Senate floor. Nevertheless, the Senate took up SB 7 and passed it along party lines.

In the House, House Democrats gathered to discuss options in response to and concerns about the newly negotiated SB 7. The conference committee version of the bill moved much closer to the original Senate version, and included new provisions not previously debated including provisions enabling a judge to overturn an election without determining if the alleged fraud would have changed the outcome of the election. The House did not move to suspend its rules to immediately take up and consider SB 7. Therefore, such debate would not be allowed by rule to commence until 5 p.m. the following day. Shortly before SB 7 was taken up by the House, Speaker Phelan was invited to speak to the full House Democratic Caucus. Speaker Phelan informed the caucus that if they chose to walk out, it was their right, and he would not order state troopers to lock the doors nor force them back to the floor. As soon as the debate began it became clear Democrats would not be able to delay SB 7 through normal tactics. Democrats proceeded to slowly empty the House chamber, breaking quorum shortly after 10:30 pm and effectively killing SB 7 for the Regular 87<sup>th</sup> Legislative Session.

# Overview of the 87<sup>th</sup> Legislature, 1<sup>st</sup> Called Special Session

On June 22, 2021, Governor Greg Abbott announced that he planned to call the Texas Legislature back for a special session in the near future. On July 7, 2021 the Governor released his proclamation convening a special session at 10 am on July 8th. Only legislation that is specifically listed in the Governor's call is eligible for final passage during a special called session. The Governor included the following priority items on his call for the first called special session:

- *Legislation reforming the bail system in Texas to protect the public from accused criminals who may be released on bail.*
- *Legislation strengthening the integrity of elections in Texas.*
- *Legislation providing funding to support law-enforcement agencies, counties, and other strategies as part of Texas' comprehensive border security plan.*
- *Legislation safeguarding the freedom of speech by protecting social-media users from being censored by social-media companies based on the user's expressed viewpoints, including by providing a legal remedy for those wrongfully excluded from a platform.*
- *Legislation providing appropriations to the Legislature and legislative agencies in Article X of the General Appropriations Act.*
- *Legislation similar to Senate Bill 1109 from the 87th Legislature, Regular Session, requiring schools to provide appropriate education to middle- and high-school students about dating violence, domestic violence, and child abuse, but that recognizes the right of parents to opt their children out of the instruction.*
- *Legislation identical to Senate Bill 29 as passed by the Texas Senate in the 87th Legislature, Regular Session, disallowing a student from competing in University Interscholastic League athletic competitions designated for the sex opposite to the student's sex at birth.*
- *Legislation similar to Senate Bill 394 from the 87th Legislature, Regular Session, which prohibits people from providing abortion-inducing drugs by mail or delivery service, strengthens the laws applicable to the reporting of abortions and abortion complications, and ensures that no abortion-inducing drugs are provided unless there is voluntary and informed consent.*
- *Legislation similar to House Bill 3507 from the 87th Legislature, Regular Session, relating to a "thirteenth check" or one-time supplemental payment of benefits under the Teacher Retirement System of Texas.*
- *Legislation similar to House Bill 3979 concerning critical race theory as originally passed by the Texas Senate in the 87th Legislature, Regular Session.*
- *Legislation providing appropriations from additional available general revenue for the following purposes:*
  - *property-tax relief*
  - *enhanced protection for the safety of children in Texas' foster-care system by attracting and retaining private providers for the system; and*
  - *to better safeguard the state from potential cybersecurity threats.*

Over 50 of the Texas House Democrats were joined by several Texas Senate Democrats in leaving Texas for Washington DC in a coordinated quorum break. The majority of the House Democrats remained in DC and were ultimately successful in denying a quorum for official action in the Texas House of Representatives. Four Senate Democrats remained in the state and facilitated a quorum of the Texas Senate. While the Senate went on work on passing Governor Abbott's priority items out of the Texas Senate, the items died as they could not be acted upon by a Texas House that lacked a quorum. The following is a list of the 13 bills the Texas Senate passed during the first called session.

- **SB1 by Hughes**, Relating to election integrity and security, including by preventing fraud in the conduct of elections in this state.
- **SB2 by Perry**, Relating to requiring public school and public institution of higher education students to compete in interscholastic athletic competitions based on biological sex.
- **SB3 by Hughes**, Relating to the social studies curriculum in public schools.
- **SB4 by Lucio**, Relating to abortion complication reporting and the regulation of drug-induced abortion procedures, providers, and facilities.
- **SB5 by Hughes**, Relating to complaint procedures and disclosure requirements for, and to the censorship of users' expressions by, social media platforms.
- **SB6 by Huffman**, Relating to rules for setting the amount of bail, to the release of certain defendants on a monetary bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case.
- **SB7 by Huffman**, Relating to a one-time supplemental payment of benefits under the Teacher Retirement System of Texas.
- **SB8 by Bettencourt**, Relating to the authority of a person who acquires a residence homestead to receive an ad valorem tax exemption for the homestead in the year in which the property is acquired.
- **SB12 by Bettencourt**, Relating to the reduction of the amount of a limitation on the total amount of ad valorem taxes that may be imposed by a school district on the residence homestead.
- **SB32 by Perry**, Relating to requiring public school students to compete in interscholastic athletic competitions based on biological sex.
- **SB72 by Huffman**, Relating to requiring public schools to provide instruction and materials and adopt policies relating to the prevention of child abuse, family violence, and dating violence.
- **SJR3 by Huffman**, Proposing a constitutional amendment requiring a judge or magistrate to impose the least restrictive conditions of bail that may be necessary and authorizing the denial of bail under some circumstances to a person accused.
- **SJR4 by Bettencourt**, Proposing a constitutional amendment authorizing the legislature to provide for the reduction of the amount of a limitation on the total amount of ad valorem taxes.

The first called special session wrapped up on Friday, August 6, 2021 with most House Democrats remaining outside of Texas. On Thursday, August 5, 2021 Governor Abbott announced that the second called special session would begin on Saturday, August 7, 2021 at noon. The call for this session added items related to appropriations for COVID-19 health care expenses, strategies for PreK-12 education during the pandemic including prohibiting mandatory masking and vaccines, and legislative quorum requirements. The full list of items on the call included the following:

- *Legislation reforming the bail system in Texas to protect the public from accused criminals who*

*may be released on bail.*

- *Legislation strengthening the integrity of elections in Texas,*
- *Legislation providing appropriations from unappropriated available revenues for COVID-19-related healthcare expenses, such as those listed below, taking into consideration the approximately \$10.5 billion in funds received by local governments intended to be used on COVID-19 from the American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2:*
  - *healthcare staffing needs, including physicians, nurses, and other medical professionals;*
  - *establishing, staffing, and operating alternative care sites;*
  - *supporting the operations of nursing homes, state supported living centers, assisted living facilities, and long-term care facilities;*
  - *vaccine administration; • testing sites;*
  - *supplies and equipment, such as personal protective equipment (PPE) and ventilators; and*
  - *standing up and operating infusion centers.*
- *Legislation providing strategies for public-school education in prekindergarten through twelfth grade during the COVID-19 pandemic, which ensures:*
  - *students receive a high-quality education and progress in their learning;*
  - *in-person learning is available for any student whose parent wants it;*
  - *the wearing of face coverings is not mandatory; and*
  - *COVID-19 vaccinations are always voluntary.*
- *Legislation enhancing criminal laws or providing funding from unappropriated available revenues to support law-enforcement agencies, counties, and other strategies as part of Texas' comprehensive border security plan.*
- *Legislation safeguarding the freedom of speech by protecting social-media and email users from being censored based on the user's expressed viewpoints, including by providing a legal remedy for those wrongfully excluded from a platform.*
- *Legislation providing appropriations from unappropriated available revenues to the Legislature and legislative agencies in Article X of the General Appropriations Act.*
- *Legislation similar to Senate Bill 1109 from the 87th Legislature, Regular Session, requiring schools to provide appropriate education to middle- and high-school students about dating violence, domestic violence, and child abuse, but that recognizes the right of parents to opt their children out of the instruction.*
- *Legislation identical to Senate Bill 29 as passed by the Texas Senate in the 87th Legislature, Regular Session, disallowing a student from competing in University Interscholastic League athletic competitions designated for the sex opposite to the student's sex at birth.*
- *Legislation similar to Senate Bill 394 from the 87th Legislature, Regular Session, which prohibits people from providing abortion-inducing drugs by mail or delivery service, strengthens the laws applicable to the reporting of abortions and abortion complications, and ensures that no abortion-inducing drugs are provided unless there is voluntary and informed consent.*
- *Legislation similar to House Bill 3507 from the 87th Legislature, Regular Session, relating to a "thirteenth check" or one-time supplemental payment of benefits under the Teacher Retirement System of Texas.*
- *Legislation similar to House Bill 3979 concerning critical race theory as originally passed by the Texas Senate in the 87th Legislature, Regular Session.*

- *Legislation providing appropriations from unappropriated available revenues for the following purposes:*
  - *property-tax relief;*
  - *enhanced protection for the safety of children in Texas' foster-care system by attracting and retaining private providers for the system; and*
  - *to better safeguard the state from potential cybersecurity threats.*
- *Legislation modifying the filing periods and related election dates, including any runoffs, for primary elections held in Texas in 2022.*
- *Legislation reforming the laws governing radioactive waste to protect the safety of Texans, including by further limiting the ability to store and transport high-level radioactive materials in this state.*
- *Legislation shielding private employers and employees from political subdivision rules, regulations, ordinances, and other actions that require any terms of employment that exceed or conflict with federal or state law relating to any form of employment leave, hiring practices, employment benefits, or scheduling practices.*
- *Legislation relating to legislative quorum requirements.*

At the time of printing this report, the 87<sup>th</sup> Legislature was in the second called special session.

# Appropriations / Riders

Instead of the usual kick-off of the budget process beginning with the Legislative Appropriations Request submission, the process began on May 20, 2020, when the Governor, Lt. Governor, and Speaker issued a letter requesting all state agencies to submit a plan to reduce their 2020-21 General Revenue and General Revenue Related budgets by 5 percent. Certain agencies and functions were exempted from the reductions, including debt service requirements, benefits, health-related institutions, the two-year institutions, certain pandemic response functions, including the Texas Division of Emergency Management, and other functions. The general academic institutions, the A&M System Agencies, and the Texas Higher Education Coordinating Board all remained included in the budget reductions in higher education. Plans were submitted to the LBB in June 2020. The plans were implemented beginning with state agencies and institutions of higher education lapsing the planned FY2020 reductions in USAS at the end of the fiscal year. The FY2021 reductions were included in the supplemental appropriations bill, House Bill 2 by Bonnen/Nelson, during the 87<sup>th</sup> Regular Session. Savings from the budget reductions totaled \$793.3 million in General Revenue and General Revenue – Dedicated Funds. This was one of the tools used by the Legislature to balance the appropriations for both the 2020-21 and 2022-23 biennia.

In January 2021, the Comptroller issued the constitutionally mandated (Art. III, Section 49a of the Texas Constitution) Biennial Revenue Estimate (BRE). The estimate stated that there would be \$112.5 billion in funds available for general-purpose spending, a decrease of 0.4 percent from the corresponding funds available for the 2020-21 biennium. As a direct result of the COVID-19 pandemic, which caused revenue collections to fall well short of what was expected, the BRE included a negative balance of \$946 million for the 2020-21 biennium, setting the stage for a challenging budget session. The Comptroller revised his estimate in May 2021 to \$115.65 billion available for general-purpose spending for the 2022-23 biennium, including an ending balance for 2020-21 estimated to be \$725 million. This estimate did not include any supplemental appropriations made by the 87<sup>th</sup> Legislature or account for any savings from the five percent budget reductions or the use of federal relief funds.

During the Regular Session, the Legislature passed two key pieces of appropriation legislation: Senate Bill 1, the General Appropriations Act (GAA), and House Bill 2, the supplemental appropriations bill.

**Senate Bill 1 by Nelson/Bonnen** appropriates \$116.4 billion in **General Revenue** Funds (GR) for the 2022-23 biennium, an increase of \$6.1 billion compared to the 2020-21 biennium 5.5 percent increase. The 2020-21 biennium numbers reflect the adjusted level of spending after the five percent budget reductions. See the table on the following page. The **All Funds** budget totals \$248.6 billion, decreasing \$13.6 billion, or 5.2 percent.

The bill fully funds the state's commitment to public education investments made by the 86<sup>th</sup> Legislature with funding for projected enrollment growth for the 2022-23 biennium and funding for a targeted program to help students and schools affected by the pandemic. In addition, the budget provides increased support for mental health services, women's health programs, rural hospitals, and child protective services. In public safety, the bill provides for salary increases for law enforcement personnel and correctional officers, increased security along the border and throughout the Capitol complex, and



increased funding to combat human trafficking. The bill provides an additional \$486 million for the formulas in higher education, including the transfer of non-formula funding items to newly created mission-specific formulas, funding to maintain the current level of financial aid support, and funding for the 1.1 to 1.0 GME ratio. Finally, the bill increases the contribution rate to the Teacher's Retirement System.

Following the passage of SB1, the Governor vetoed all of Article X, which supports the Legislature and legislative branch agencies such as the Legislative Budget Board and State Auditor's Office. The veto was in response to actions by the House Democrats to stop the passage of Senate Bill 7 related to voting rights. The Governor called a special session beginning July 8, 2021, to address the vetoed Art. X funding as well as other issues.

**House Bill 2, by Bonnen/Nelson**, totals a net savings of \$5.1 billion in General Revenue Funds and \$3.4 billion in All Funds. The FY2021 certification savings in HB2, combined with the FY2020 lapse, result in a net 2020-21 biennial certification savings of \$1.7 billion overestimates in the revised BRE. The bill includes net appropriations reductions of \$5.1 billion from General Revenue; net appropriations increases of \$30.9 million from General Revenue • Dedicated Accounts; appropriations from the Economic Stabilization Fund of \$531.1 million; and appropriations from other funds, federal funds, and accounts not mentioned above of \$1.14 billion.

Significant items funded in HB2 that help balance the entire appropriation equation for the 87<sup>th</sup> Legislature include:

- \$5.2 billion in GR savings related to increased growth in property values, lower than anticipated average daily attendance, increased non-GR funding, and federal COVID-related relief funding,
- \$2.4 billion in GR savings related to swapping specific salaries of public health and safety functions with Coronavirus Relief Funds. An additional \$1.6 billion in salary swaps occurred in FY20, bringing the 2020-21 biennial total to \$4 billion,
- \$0.6 billion in savings for the FY2021 share of state agency budget reductions, and
- \$1 billion in All Funds to implement Senate Bill 321, related to changes to the Employees Retirement System contribution and benefits.

For higher education, \$254.3 million of the \$577.0 million in FY2021 reductions, or 44 percent, is attributable to higher education institutions. Funding increases for higher education totals \$180.9 million, of which \$115.3 million is from General Revenue. \$63.6 million is from the Economic Stabilization Fund, and \$2.1 million is from Fund 36 (totals do not add due to rounding).

Higher education appropriations in HB2 total \$181 million and include:

- \$56.4 million to the **Texas A&M Forest Service** for reimbursement for an emergency response to wildfires (Section 15),
- \$0.5 million to University of Texas Health Science Center Houston for faculty recruitment (Section 16),
- \$5.7 million to South Texas College for the state share of contributions for higher education group insurance (Section 17),



- \$1.47 million to Lamar State College-Orange for recovery from Hurricane Laura (Section 18),
- \$5.7 million to Lamar University for recovery from Tropical Storm Imelda (Section 19),
- \$2.1 million to the **Texas A&M Forest Service** for vehicles (Section 37),
- \$60 million to **Texas Division of Emergency Management** for warehouses (Section 44),
- \$1.6 million to The University of Texas at Austin for a formula funding adjustment for the 2020-21 biennium (Section 56),
- \$2.5 million to the **Texas A&M Engineering Experiment Station** for the Army Futures Command project funded by the 86<sup>th</sup> Legislature to cover the five percent reduction (Section 57), and
- \$45 million to **Texas A&M University at Galveston** for Maritime Infrastructure Support to support dock and infrastructure changes needed to accept the new larger vessel provided by the United States Department of Transportation and the United States Maritime Administration (MARAD) (Section 59).

Additionally, federal funds are to be provided to the two years lower-level institutions for the provisions of Senate Bill 1102, by Creighton/Parker, for the Texas Reskilling and Upskilling through Education (TRUE) program. HB 2 does not mention a specific amount, but the fiscal note and discussion during the session assumed \$50 million would be needed for this program. (Section 47)

Another key bill passed that could impact future spending limits on General Revenue Appropriations. **Senate Bill 1336, by Hancock/Bonnen** relates to a limit on the rate of growth of certain appropriations. This bill creates a “consolidated general revenue appropriations” spending limit that applies to appropriations of general revenue, general revenue-dedicated funds, and general revenue-related funds. This additional limit would cap state appropriations from these consolidated funds at a rate of population growth, as adjusted by the rate of inflation. Exceeding this limit would require a three-fifths vote of the legislature on a resolution declaring an emergency.

### **Constitutional Spending Limits**

Texas has four constitutional limits on spending: the pay-as-you-go limit, the limit on growth in state appropriations or "spending limit," the limit on welfare spending, and the limit on tax-supported debt. The 2022-23 biennial appropriations are within all four of these spending limits. Under the pay-as-you-go limit, the remaining spending authority is \$0.3 billion, and under the constitutional "spending limit," it is \$6.3 billion.

### **Economic Stabilization Fund (Rainy Day Fund)**

The Comptroller's *Biennial Revenue Estimate* update in May forecasted that by the end of FY2021, the balance in the Economic Stabilization Fund (ESF) or "Rainy Day Fund" would be \$12.12 billion before any legislative action. HB2 includes \$531.1 million in appropriations from the ESF.

**OVERVIEW OF THE STATE BUDGET**  
**General Revenue, in millions**  
**2020-21 Expended/Budgeted Level Compared to 2022-23**

GENERAL REVENUE FUNDS		2020-21	2022-23	Change	Percent Change
Art. I	General Government	\$3,977.4	\$4,064.3	\$86.9	2.2%
Art. II	Health and Human Services	33,629.6	34,291.4	661.8	2.0%
Art. III	Education	60,402.8	62,745.1	2,342.3	3.9%
	<i>Public Education</i>	44,561.5	46,551.3	1,989.8	4.5%
	<i>Higher Education</i>	15,841.3	16,193.8	352.5	2.2%
Art. IV	The Judiciary	553.8	551.6	(2.3)	(0.4%)
Art. V	Public Safety & Corrections	11,869.5	12,055.0	185.5	1.6%
Art. VI	Natural Resources	933.1	1,002.1	69.0	7.4%
Art. VII	Business & Eco. Dev.	520.9	490.1	(30.8)	(5.9%)
Art. VIII	Regulatory	367.8	301.7	(66.1)	(18.0%)
Art. IX	General Provisions		456.8	456.8	NA
Art. X	The Legislature	408.1	410.2*	2.1	0.5%
HB2		(\$2,393.4)			
<b>Total</b>		<b>\$110,269.6</b>	<b>\$116,368.2</b>	<b>6,098.6</b>	<b>5.5%</b>

Source: Legislative Budget Board, May 2021.

Notes: Amounts for 2020-21 include the 5 percent reduction, both those lapsed in FY20 and the appropriation reductions from HB2 for FY21. Contingency funding remains in Art. IX for this comparison. The biennial change and percent change are calculated on actual amounts before rounding so may not sum due to rounding. \* All of Article X was vetoed in the Governor's Veto Proclamation but that adjustment is not reflected here.

# Higher Education Appropriations

## Higher Education SB1 General Revenue Appropriations for 2022-23 Compared to 2020-21 in millions

	2020-21	2022-23	Change	% Change
General Academics/System Offices	5,173.4	5,667.1	493.8	9.8%
Health Related Institutions	3,052.1	3,119.4	67.2	2.9%
A&M System Agencies	431.1	495.8	64.7	15.0%
Two Year Institutions	2,158.6	2,168.5	9.9	0.5%
Coordinating Board	1,567.7	1,818.0	250.2	16.0%
Higher Education Group Insurance	1,417.9	1,423.1	5.3	0.4%
Optional Retirement Program	256.6	259.7	3.1	1.2%
Higher Education Fund	787.5	787.5	-	0.0%
Hazlewood	28.5	28.5	-	0.0%
<b>Total, Higher Education</b>	<b>14,873.5</b>	<b>15,767.7</b>	<b>894.3</b>	<b>6.0%</b>

*Notes: The table does not include the higher education portion of certain retirement or social security benefits included in the statewide functional table at the beginning of the appropriations section of this report. Funding for the 2020-21 base reflects the 5 percent reduction as applicable. GRD funds that are base funding for the Texas A&M Forest Service are reflected as GR in this table and others following unless otherwise noted. For TEES, the \$47.5 million for the Army Futures Command is not reflected in 2020-21.*

For General Revenue funds, higher education-specific appropriations total \$15.2 billion in Article III plus an additional \$380 million in formula funding and \$133.5 million in non-formula support and other items in Art. IX, for a total of \$15.8 billion in General Revenue, increased \$0.9 billion or 6.0 percent. Highlights of Higher Education funding are below, followed by detailed funding decisions for each higher education sector.

Higher education's most significant funding stream is the base funding formulas for the general academics, health-related institutions, and two-year institutions. The higher education formulas total \$8.53 billion in General Revenue Funds and \$1.4 billion in General Revenue–Dedicated Funds, primarily statutory tuition and certain fees. For the 2022-23 biennium, higher education formulas increased by \$478.4 million but did not maintain all of the formula rates. The general academic institution and state and technical college formulas were increased by \$324.2 million, the health-related institutions' formulas increased by \$155.9 million, and the community college formulas decreased by \$1.7 million.

Increase funding for non-formula support items in SB1 totals \$235 million in General Revenue.

For the Texas A&M University System, appropriations, including HEF allocations for the six non-PUF eligible institutions and Higher Education Group Insurance (HEGI), total \$2.77 billion in GR. The table below provides detail by system members of SB1 appropriations, including those made outside the direct bill pattern appropriations.

**Texas A&M University System  
General Revenue Appropriations in SB 1,  
including Direct Appropriations and Appropriations Made Elsewhere  
2022-23 Biennium**

	<b>SB1 Direct Appropriations Art. III and IX</b>	<b>HB2 Supplemental Appropriations</b>	<b>Higher Education Group Insurance</b>	<b>Higher Education Fund</b>	<b>Grand Total</b>
Texas A&M	704,355,646		78,240,826		782,596,472
Texas A&M at Galveston	43,606,229	45,000,000	3,656,886		92,263,115
Prairie View A&M	98,373,817		9,880,202		108,254,019
Tarleton State	96,107,371		11,842,342		107,949,713
Texas A&M - Central Texas	36,120,992		1,668,050		37,789,042
Texas A&M - Corpus Christi	107,574,068		10,586,306	11,478,824	129,639,198
Texas A&M - Kingsville	76,474,521		9,587,890	8,858,060	94,920,471
Texas A&M - San Antonio	61,179,685		4,531,082		65,710,767
Texas A&M International	73,384,338		5,488,542	7,462,384	86,335,264
West Texas A&M	68,612,010		10,007,450	7,446,495	86,065,955
Texas A&M - Commerce	87,335,258		12,184,254	11,123,859	110,643,371
Texas A&M - Texarkana	50,229,556		3,833,730	2,050,273	56,113,559
Texas A&M Univ HSC	304,931,772		17,589,246		322,521,018
Texas A&M AgriLife Research	127,191,486		18,302,656		145,494,142
Texas A&M AgriLife Extension	97,542,614		28,798,092		126,340,706
Texas A&M Eng. Exp. Station	55,568,809	2,500,000	5,184,598		63,253,407
Texas A&M Trans. Institute	14,338,321		3,479,132		17,817,453
Texas A&M Eng. Ext. Service	16,599,282		1,534,334		18,133,616
Texas A&M Forest Service	113,851,833	58,445,326	8,442,276		180,739,435
Texas A&M Vet. Med. Diag. Lab	18,465,081		1,042,076		19,507,157
Texas Div. of Emergency Mgmt. A&M System Offices	52,240,791 1,463,052	60,000,000	996,605		113,237,396 1,463,052
<b>Grand Total, A&amp;M System</b>	<b>2,305,546,532</b>	<b>165,945,326</b>	<b>246,876,575</b>	<b>48,419,895</b>	<b>2,766,788,328</b>

Notes: GRD funds that are base funding for the Texas A&M Forest Service are reflected as GR in this table, and others following unless otherwise noted. For TEES, the \$47.5 million for the Army Futures Command is not reflected in 2020-21.

The following sections provide detailed information on appropriations by the higher education sector.

## **General Academic Institutions / System Offices**

Direct appropriations to the general academic institutions and system offices total \$7.8 billion in All Funds and \$5.67 billion in General Revenue Funds. Overall General Revenue for the 2022-23 biennium for the general academics and system offices is up to \$493.8 million or 9.5 percent from the 2020-21 biennium base adjusted for the five percent reduction. These totals include \$396.1 million appropriated in Article IX attributable to increases in formula funding and non-formula support items. These numbers do not include HEF or HEGI appropriations, which are appropriated separately, or PUF funding appropriated separately and is not general revenue.

There are several ways to consider the funding changes, so multiple tables are included to highlight those differences. The table below provides the direct **total** General Revenue appropriations in each institution's bill pattern and appropriations made in Art. IX compared to the previous biennium for each Texas A&M University System General Academics and the System Offices. The 2020-21 biennium base includes the five percent reduction in all tables unless expressly noted.

**Texas A&M University System General Academics and System Offices  
SB1 Total Direct and Art. IX General Revenue Appropriations for 2022-23  
Compared to 2020-21  
(excluding HEF and HEGI)**

<b>General Academics</b>	<b>2020-21</b>	<b>2022-23</b>	<b>Change</b>	<b>% Chg</b>
Texas A&M	650,516,086	704,355,646	53,839,560	8.3%
Texas A&M at Galveston	42,912,507	43,606,229	693,722	1.6%
Prairie View A&M	92,268,307	98,373,817	6,105,510	6.6%
Tarleton State	87,962,871	96,107,371	8,144,500	9.3%
Texas A&M - Central Texas	33,317,514	36,120,992	2,803,478	8.4%
Texas A&M - Corpus Christi	99,578,701	107,574,068	7,995,367	8.0%
Texas A&M - Kingsville	74,399,466	76,474,521	2,075,055	2.8%
Texas A&M - San Antonio	60,743,756	61,179,685	435,929	0.7%
Texas A&M International	61,809,438	73,384,338	11,574,900	18.7%
West Texas A&M	67,426,447	68,612,010	1,185,563	1.8%
Texas A&M - Commerce	80,506,024	87,335,258	6,829,234	8.5%
Texas A&M - Texarkana	43,557,482	50,229,556	6,672,074	15.3%
<b>Total, A&amp;M System Academics</b>	<b>1,394,998,599</b>	<b>1,503,353,491</b>	<b>108,354,892</b>	<b>7.8%</b>

Once the tuition revenue bond debt service is excluded, the **net** General Revenue funds remaining are the funds available to the institutions for operations. Statewide, the net GR funding level for the General Academic Institutions and System Offices is \$530.9 million over the 2020-21 net GR level as adjusted for the five percent reduction. The table on the following page includes the net General

Revenue appropriations excluding tuition revenue bond debt service for the A&M System General Academics and the System Offices.

**Texas A&M University System General Academics and System Offices**  
**SB1 NET General Revenue Appropriations for 2022-23**  
**Compared to 2021-22**  
**(excluding HEF, HEGI, and TRB debt service)**

<b>General Academics</b>	<b>2020-21</b>	<b>2022-23</b>	<b>Change</b>	<b>% Chg</b>
Texas A&M	633,960,275	687,828,027	53,867,752	8.5%
Texas A&M at Galveston	26,370,628	27,815,961	1,445,333	5.5%
Prairie View A&M	78,928,559	86,942,349	8,013,790	10.2%
Tarleton State	66,495,231	74,627,652	8,132,421	12.2%
Texas A&M - Central Texas	24,235,463	27,048,751	2,813,288	11.6%
Texas A&M - Corpus Christi	79,811,775	90,039,156	10,227,381	12.8%
Texas A&M - Kingsville	61,205,814	64,451,308	3,245,494	5.3%
Texas A&M - San Antonio	45,365,865	45,805,423	439,558	1.0%
Texas A&M International	44,642,611	57,817,197	13,174,586	29.5%
West Texas A&M	54,977,027	57,835,566	2,858,539	5.2%
Texas A&M - Commerce	69,937,143	76,786,483	6,849,340	9.8%
Texas A&M - Texarkana	28,514,305	35,179,116	6,664,811	23.4%
<b>Total, A&amp;M System Academics</b>	<b>1,214,444,696</b>	<b>1,332,176,989</b>	<b>117,732,293</b>	<b>9.7%</b>

**Formulas**

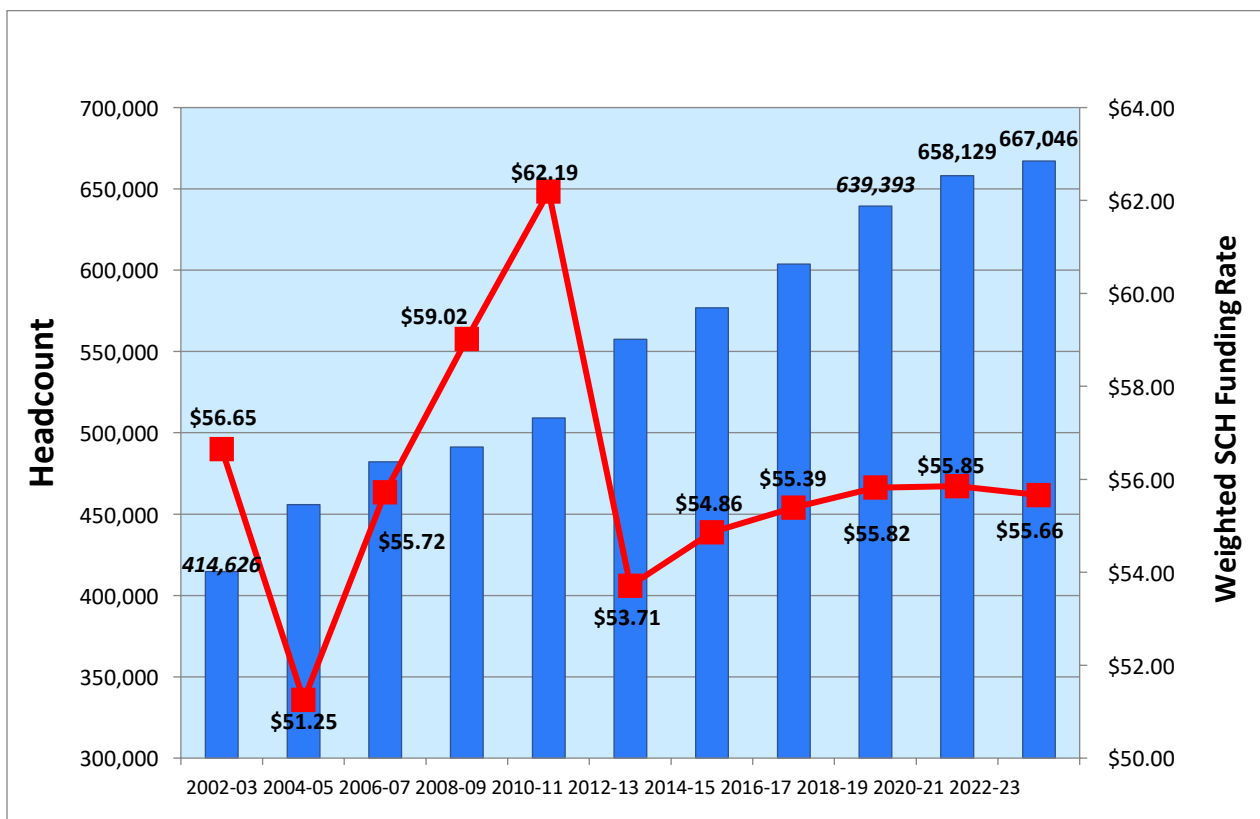
Beginning with the base bills, the House and Senate were aligned in their approach to higher education formula funding. The base bills funded the general academic formulas at the 2020-21 appropriated GR level and did not continue the 5 percent reduction from the FY20-21 biennium. Even with no reduction, this resulted in reduced rates for the Instruction and Operations (I&O) from \$55.85 appropriated in 2020-21 to \$53.17 in the base bills, and likewise for the Infrastructure formulas, from \$5.47 to \$5.38.

Unique to this session was the lack of discussion of the formulas during the House and Senate markup of the base bills despite being the top priority of most, if not all institutions. This was most likely due to two reasons: 1) there was no funding available at that point in the process to add to the formulas, and 2) there was the perception that higher education had federal COVID relief funding available to cover formula needs. When additional funding was made available by the Comptroller in May, the discussion on additional funding for the formulas began. However, higher education had to explain that the COVID relief funding was tied to increased costs and lost revenues related to COVID and were not specifically available for costs that would be covered by increased formula funding.

In the final decisions of the Conference Committee, the Legislature added \$300 million to the formulas to cover most of the enrollment growth from last biennium. This additional funding restored the Infrastructure rate to the 2020-21 rate of \$5.47 and brought the I&O rate up to \$55.66. Without the

additional \$300 million the I&O rate would have dropped to \$52.31, or the lowest rate since the 2004-05 biennium. The I&O rate remains slightly below the 2020-21 appropriated rate of \$55.85. The table below shows the change in the I&O rate since the 2002-03 biennium and the growth in headcount enrollment at the general academic institutions. The decreases in funding and the funding rate shown in the table coincide with legislative sessions when there were significant shortfalls in the state budget. This is the first time that the Legislature has not at least fully funding enrollment growth when there were funds available.

**General Academic Institutions  
Instruction and Operations Rate compared to General Academic Headcount\* Enrollments**



*\*Headcount numbers are the statewide general academic fall headcounts in the base period used to determine formula funding for that biennium. 2022-23 is adopted rate in SB1.*

Funding for the Small Institution Supplement maintains the increased base funding amount for institutions of 5,000 headcount or fewer that was implemented by the 86<sup>th</sup> Legislature. The Legislature codified this methodology and funding level in the Art. III Special Provisions, Sec. 26. The total funding for the Small Institution Supplement increases by \$2.9 million from last biennium to \$30.2 million. This is due to enrollment decreases at some institutions, many of whom saw enrollment declines due to the COVID-19 pandemic.

A&M System institutions receive \$12.5 million through this supplement, an increase of \$0.9 million compared to the 2020-21 appropriated levels received by the institutions. A&M System institutions receiving the Small Institution Supplement and the 2022-23 amounts are listed below:

- A&M Galveston:** \$2,633,134
- Prairie View A&M:** \$396,024
- A&M – Central Texas:** \$2,633,134
- A&M – Kingsville:** \$1,624,644
- A&M – San Antonio:** \$1,716,276
- A&M International:** \$911,064
- A&M – Texarkana:** \$2,633,134

### Non-Formula Support Items

Non-formula support items are generally funded at the level requested by the institutions in their Legislative Appropriations Request, which reflects a five percent reduction to the total of non-formula support items. Institutions were allowed to distribute the total five percent reduction target in the LAR across the items as desired. Some institutions allocated the reduction evenly across all non-formula support items while others applied the reductions differently across different items to reach their total reduction. In the base bills the five percent reductions were restored for the University of Houston and Texas Southern University.

Six institutions – A&M-Central Texas, A&M-San Antonio, A&M-Texarkana, University of Houston-Clear Lake, University of Houston-Victoria, and University of North Texas-Dallas – receive funding called "Expansion Funding" (or "Upper Level Institution Support" in the case of A&M-Central Texas) to enable them to meet the growing higher education needs of their communities and the state. Previously known as transition funding and downward expansion funding, the 86th Legislature renamed this funding, cut the amount, and included rider language to establish scheduled phasing out of this funding by 25 percent over the next four biennia.

For the 87<sup>th</sup> Legislative Session, maintaining this funding at the 2020-21 levels was a priority of the six institutions and their respective systems. In the House base bill the funding was maintained at the requested rate without implementing the reductions called for in the rider. In the Senate base bill, these items were all reduced by 25 percent per the rider. In the Conference Committee decisions, these items are not reduced and funded at the 2020-21 appropriated levels. Additionally, the rider language for each institution is modified to include language that the phase out does not begin until the institution reaches 6,000 full time student equivalents.

New funding for non-formula support items totals \$104.4 million, including \$12.2 million in Article III and \$92.2 million in Article IX, Sec. 17.34. These items include:

<b>Institution</b>	<b>Funding Item</b>	<b>Amount (in millions)</b>
UT Arlington	Center for Rural Health and Nursing*	4.0
UT Austin	Liberty Institute	6.0
UT Austin	Marine Science Institute Reduction Restoration*	0.4



UT SA	Cybersecure Advanced Manufacturing*	5.0
UT SA	Institute of Texan Culture*	0.1
UT-Tyler	Palestine Campus	0.2
Prairie View A&M	Healthy Houston*	6.0
Prairie View A&M	Booker T Washington Community Project*	0.4
Tarleton State	Health Science and Rural Health Program*	2.0
A&M Central Texas	Transfer Central – Student Transfer Initiative*	1.2
A&M Central Texas	Upper Level Institution Support (Expansion Funding)	0.5
A&M Corpus Christi	Unmanned Aircraft Emergency Management*	3.0
A&M Kingsville	Citrus Center*	1.5
A&M International	Path to Academic and Student Success*	6.0
A&M Texarkana	Nursing Restoration*	0.9
A&M Texarkana	Better East Texas	4.9
A&M Texarkana	Expansion Funding	0.1
UH Clear Lake	5% Reduction Restoration	0.1
UNT	Center for Agile and Adaptive Manufacturing*	0.5
UNT Dallas	Center for Economic Mobility through Education*	3.5
UNT Dallas	Expansion Funding	0.4
Stephen F. Austin State	Center for Applied Research & Rural Innovation*	2.0
Texas Southern	Health and Safety Campus Improvement*	4.0
Texas Tech	Academic Sciences Building*	12.5
Texas Tech	Veterinary Medicine*	5.6
Angelo State	Cybersecurity Project*	0.5
Lamar	Center for Resiliency *	5.0
Lamar	Equity Funding*	17.0
Sam Houston State	Homeland Security Institute*	5.0
Texas State	Ctr. for Community Health & Economic Resiliency Research*	5.1
Sul Ross State	Institutional Enhancement*	1.0

\*Item funded in Art. IX.

Non-formula items funded from GRD accounts remain at the 5 percent reduced 2020-21 level for the 2022-23 biennium, including **Prairie View A&M's** Center for Juvenile Justice and A&M Galveston's Oyster program. The two criminal justice programs at Sam Houston State University are collectively reduced 1.9 percent from the 2020-21 appropriated level when both the income into the accounts and unexpended balances are taken into account.

## Debt Service

Debt service for the general academics decreases by \$28.6 million due to lower debt service requirements. No new projects were authorized or included in the debt service appropriations.

## Research Funds

The three general academic research funds – Texas Research University Fund (TRUF), Core Research Support (CRS) and Comprehensive Research Fund (CRF) – are reallocated based on updated research expenditure data and funded at the 2020-21 General Revenue funding level.

Other research funding is appropriated outside the institutions' bill patterns.

- Texas Research Incentive Program (TRIP) funding is appropriated to the THECB with the allocation detailed in Art. III, Special Provisions, Section 58 for informational purposes. Funding for the TRIP is \$33.25 million for the biennium which reflects the five percent reduction and is reallocated among the institutions.
- The Available National Research University Fund (NRUF) is appropriated under its own bill pattern in a lump sum (similar to how the AUF and HEF are appropriated). Estimated funding totals \$50.5 million, an increase of \$1.1 million from the 2020-21 level.
- Funding for the Governor's University Research Initiative (GURI) is funded in the Governor's Office Trusteed Programs bill pattern and is estimated to be \$40.0 million in unexpended balances in the General Revenue-Dedicated Governor's University Research Initiative Account No. 5161.

## System Offices

General Revenue for system office operations is generally maintained at the 2020-21 five percent reduced level for those that receive operating funds or non-formula support items. For the UT System, \$2.4 million is transferred from UT Health Science Center San Antonio for the Laredo regional campus and \$4.8 million in new funding added in Art. IX. All non-formula support funding for the **Texas A&M University System** is consolidated under the Scholarships line item. Non-formula support items for the UNT System are maintained at the 2020-21 appropriated level, and funding for system office operations is reduced by 6.1 percent. Debt service funding at UT System, UH System, and UNT System decreases by \$8.6 million in total.

## Health Related Institutions

Funding for the health related institutions totals \$3.4 billion in All Funds and \$3.1 billion in General Revenue Funds. General Revenue funding for the health related institutions increased by \$67.3 million for the 2022-23 biennium as compared to the 2020-21 biennium. The health related institutions were not subject to the 5 percent budget reduction so their 2020-21 base is the same as the 2020-21 appropriated except for minor adjustments in actual TRB debt service paid. Of the total GR increase, \$80 million in formulas and \$1.7 million for non-formula support are appropriated in Art. IX. The **Texas A&M Health Science Center** shows an overall increase in GR of \$14.0 million or 4.8 percent in *gross* GR. The increase in *net* GR, which adjusts for tuition revenue bond debt service, is \$14.0 million or 5.5 percent.

Funding for the Baylor College of Medicine is reflected in the Texas Higher Education Coordinating Board appropriations and is not included in the totals below except as noted specifically.

**Health Related Institutions**  
**SB1 General Revenue Appropriations for 2022-23**  
**Compared to 2020-21**

	2020-21	2022-23	Change	% Change
UT Southwestern Medical Center	339,138,664	356,843,817	17,705,153	5.2%
UT Medical Branch at Galveston	535,551,198	539,882,298	4,331,100	0.8%
UT Health Science Center at Houston	376,561,422	386,974,095	10,412,673	2.8%
UT Health Science Center-San Antonio	294,921,181	293,142,236	(1,778,945)	-0.6%
UT RGV	64,571,630	69,207,580	4,635,950	7.2%
UT M.D. Anderson Cancer Center	404,185,973	410,883,832	6,697,859	1.7%
UT Health Science Center at Tyler	97,208,082	99,950,676	2,742,594	2.8%
<b>Texas A&amp;M Health Science Center</b>	290,943,350	304,931,772	13,988,422	4.8%
UNT Health Science Center	190,235,778	191,881,830	1,646,052	0.9%
Texas Tech Health Sciences Center	296,352,605	275,385,310	(20,967,295)	-7.1%
Texas Tech Health Sciences at El Paso	140,493,096	135,386,828	(5,106,268)	-3.6%
UT Austin Dell	21,970,718	28,434,096	6,463,378	29.4%
UH College of Medicine	-	26,468,004	26,468,004	n/a
<b>TOTAL - Health Relateds</b>	<b>3,052,133,697</b>	<b>3,119,372,374</b>	<b>67,238,677</b>	<b>2.2%</b>

**Formula Funding and Mission Specific Funding**

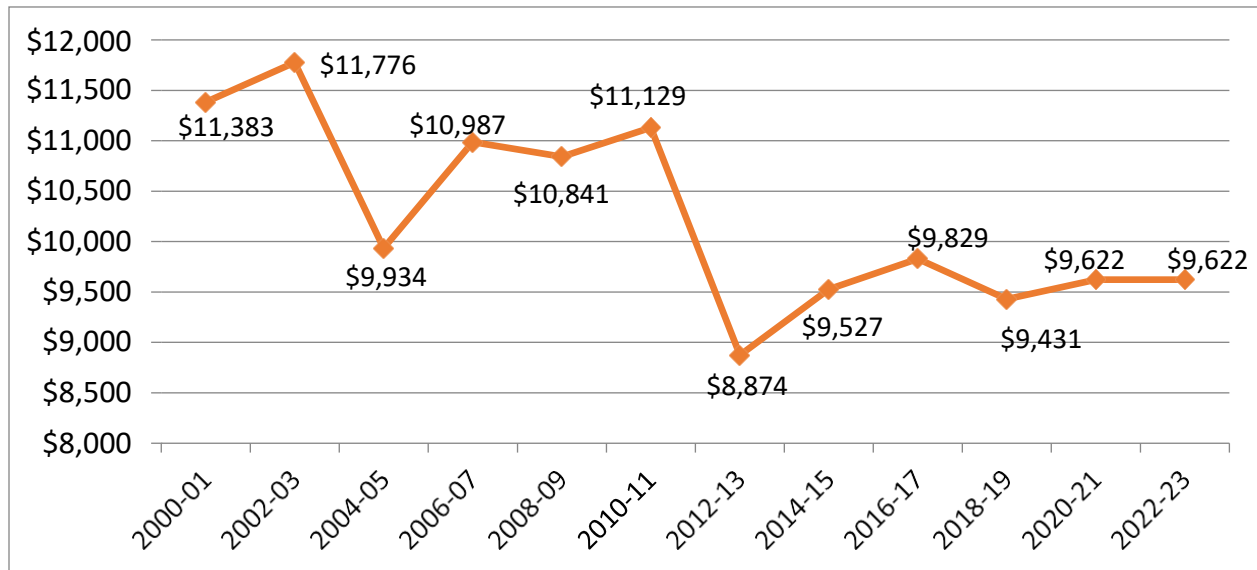
Funding for the existing health related formulas total \$2.57 billion, an increase of \$155.9 million in General Revenue Funds over the 2020-21 biennium. The increase includes the shift of \$75.9 million in non-formula support to mission specific funding (details below). Similar to the general academics, the base bills in both the House and Senate kept the formula GR at 2020-21 appropriated level. This resulted in all health related institutions effectively "paying for" the new medical school at the University of Houston and the additional cohorts at UT Austin Dell Medical School and the UT Rio Grande Valley Medical School in the initial decisions. However, among the last decisions of the conference committee, \$80 million was added to the health related formulas. This additional funding maintains the rates for the Instructions and Operations, Infrastructure, and Graduate Medical Education formulas at the 2020-21 levels. The Research formula is decreased slightly from 1.18 percent to 1.17 percent on top of the same base rate of \$1.4 million.

General Revenue funding for the formula appropriations, excluding Baylor College of Medicine except where noted, include:

- \$1,205.9 million for the Instruction and Operations formulas, an increase of \$34.3 million and funded at a rate of \$9,622 per weighted FTSE.
- \$286.5 million for the Infrastructure formula, an increase of \$27.7 million and funded at a rate of \$6.14 per predicted square foot.
- \$96.5 million for the Research Enhancement formula, an increase of \$12.0 million and funded at a base rate of \$1,412,500 for each institution plus 1.17 percent of reported research expenditures.

- \$86.7 million for the GME formula, an increase of \$5.4 million resulting in a rate of \$5,970 per residency slot. In addition, Baylor College of Medicine receives \$16.8 million for GME, a decrease of \$0.3 million.

**Health Related Institutions  
Instruction and Operations Rate (per Weighted FTSE)**



Mission specific formulas for MD Anderson and UT Health Science Center Tyler are funded at the 2020-21 GR level. The mission specific formula for UTMB is increased by \$0.7 million over the 2020-21 level due to the transfer of the Cancer Stop Clinic in McAllen from UT RGV School of Medicine. The research based mission specific formulas established in the 2020-21 biennium are maintained at the same funding level as last biennium.

The four new Mission Specific formulas established as pilot programs by the 86<sup>th</sup> Legislature are continued at the same level of GR funding as the 2020-21 appropriations. These include research performance based formulas for UT Southwestern, UT HSC San Antonio and UT HSC Houston with specific parameters for each institution and a hospital operations formula for UTMB tied to hospital operations, similar to the existing mission specific formulas for MDA and UT Health Center Tyler.

The 87<sup>th</sup> Legislature established new mission specific formulas for the four remaining legacy health related institutions. These include performance based research formulas for **Texas A&M University Health Science Center**, UNT Health Science Center, and Texas Tech Health Sciences Center that are similar to the research formulas created in the 2020-21 biennium with specific parameters for each institution. The research formulas transfer \$48.4 million in existing non-formula support items to these new formulas, including \$24.5 million for **Texas A&M Health Science Center**, \$20.7 million for UNT Health Science Center, and \$3.2 million for Texas Tech Health Sciences Center. In addition, a border health performance formula is established for Texas Tech Health Sciences Center El Paso and is similar to the other existing health care mission specific formulas. This formula shifted \$27.5 million for their

existing non-formula support funding. In total these new formulas transfer \$75.9 million from non-formula support items to these new performance based formulas.

The **Texas A&M Health Science Center** received \$218.5 million in formula General Revenue; this is a \$13.0 million increase in formula General Revenue, or 6.3 percent. This reflects significant increases in funding in the Infrastructure and Research formulas. In addition as mentioned above, the A&M Health Science Center also shifted \$24.5 million from existing non-formula support items to the new research based performance formula.

### **Non-Formula**

Existing non-formula support items are reduced by five percent. New non-formula support funding compared to the five percent reduced base includes:

<b>Institution</b>	<b>Funding Item</b>	<b>Amount (in millions)</b>
UT Southwestern	Public Health	\$10
Texas A&M Health Science Center	Improving Access to Sexual Assault Care	\$3.4
UNT Health Science Center	5 Percent Restoration	\$0.5
Texas Tech Health Sciences Center	Permian Basin Residency Program*	\$1.7

\*Item funded in Art. IX.

Additionally, \$0.7 million for the Cancer Stop Center is transferred from UT RGV to UTMB's mission specific formula and \$2.4 million is transferred from UT Health Science Center San Antonio for the Laredo regional campus.

See the THECB section for actions related to graduate medical education expansion and other programs that impact the health related institutions.

### **Debt Service**

Debt service for the health related institutions decreases by \$11.8 million due to lower debt service requirements. No new projects were authorized or included in the debt service appropriations.

### **Two Year Institutions**

Funding for the Two Year Institutions, including the community colleges, Lamar State Colleges, and Texas State Technical College System, increases by \$9.9 million over 2020-21. For these institutions the 2020-21 base is the same as the 2020-21 appropriated base because the five percent reduction did not apply.

Key formula changes include:

- Increase of \$16.6 million for the Lamar State Colleges for tuition parity. These institutions received the initial tranche for parity in the 2020-21 biennium.

- Increase of \$7.6 million for the return value formula for the TSTC System institutions.
- New funding of \$11 million for the community colleges for need based supplements for 11 institutions.
- Decrease of \$1.7 million in the community college formulas due to decreases in enrollment. Additionally, \$86.5 million shifts from the contact hour formula to success points.

Key non-formula support item changes in SB1 include:

- Funding for new non-formula support items: \$5 million for North Central Texas College for the Texas Medal of Honor Museum; \$1 million for Lamar State College–Port Arthur for a generator, and \$1.3 million for TSTC System.
- Elimination of \$29.6 million in one-time funding at TSTC-Waco.

## **Texas A&M University System Agencies**

Overall, total General Revenue and certain GR Dedicated funds for the A&M Agencies in SB1 increases by \$64.7 million or 15 percent for the 2022-23 biennium. The amounts below include the GR Dedicated funds for Texas A&M Forest Service in all years.

For Texas A&M Engineering Experiment Station, the amounts in the 2020-21 biennium exclude \$47.5 million for Army Futures Command that was appropriated through the Governor's Office Trusteed Funds in order to show the actual change in operating funds for the agency.

Additionally, HB2 provides an additional \$120.9 million to the A&M System Agencies.

### **Texas A&M University System Agencies SB1 General Revenue for 2022-23 Compared to 2020-21**

<b>A&amp;M System Agencies</b>	<b>2020-21</b>	<b>2022-23</b>	<b>Change</b>	<b>% Chg</b>	<b>HB2</b>
Texas A&M AgriLife Research	104,477,903	127,191,486	22,713,583	21.7%	
Texas A&M AgriLife Extension	92,043,033	97,542,614	5,499,581	6.0%	
Texas A&M Eng. Exp. Station	44,421,062	55,568,809	11,147,747	25.1%	2,500,000
Texas A&M Trans. Institute	14,465,237	14,338,321	(126,916)	-0.9%	
Texas A&M Eng. Extension Service	16,954,720	16,599,282	(355,438)	-2.1%	
Texas A&M Forest Service	110,010,827	113,851,833	3,841,006	3.5%	58,445,326
Texas A&M Vet. Med. Diag. Lab	17,899,311	18,465,081	565,770	3.2%	
Texas Div. of Emergency Mgmt.	30,802,976	52,240,791	21,437,815	69.6%	60,000,000
<b>Total, TAMUS Service Agencies</b>	<b>431,075,069</b>	<b>495,798,217</b>	<b>64,723,148</b>	<b>15.0%</b>	<b>120,945,326</b>

*Notes: Includes GR and GRD for Texas A&M Forest Service since these funds are considered operating funds for the agency. Excludes the \$47.5 million to TEES for AFC one-time funding 2020-21.*

For Texas A&M Forest Service, Fund 36 is recapped as GR Dedicated by the LBB beginning in 2022-23 instead of GR as it had been previously.

Changes in appropriations to the Texas A&M AgriLife Agencies restore the funding for infrastructure outside Brazos County to the 2020-21 expended levels rather than reallocating based on the Texas Higher Education formula for out of Brazos infrastructure. The formula did not direct funding to these agencies in a manner that aligned with actual facilities and resources needed to support them.

New funding items for each agency are detailed below:

- **Texas A&M AgriLife Research**
  - \$18 million for Advancing Health Through Agriculture
  - \$5.6 million for restoration of the five percent reduction
- **Texas A&M AgriLife Extension**
  - \$5.9 million for restoration of the five percent reduction
  - \$0.3 million for additional family and community health agents in West Texas
  - \$15,000 for grape crush report
  - \$500,000 for feral hog study
- **Texas A&M Forest Service**
  - \$4.5 million for restoration of the five percent reduction
  - \$2.1 million for vehicles (HB2)
- **Texas A&M Veterinary Medical Diagnostic Laboratory**
  - \$0.6 million for programs transferred from the Animal Health Commission
- **Texas A&M Engineering Experiment Station**
  - \$10 million for Rio Grande Valley Advanced Manufacturing Innovation Hub
  - \$0.16 million for NASA projects
  - \$0.16 million for Capstone Design Projects program
  - \$2.5 million to restore five percent reduction associated with Army Futures Command
- **Texas Division of Emergency Management**
  - \$17.2 million for Agency Operations, including \$5.5 million for vehicles
  - \$0.3 for implementation of provisions in Senate Bill 3
  - \$60 million for Warehouses (HB2)

Several riders are included in SB1 that improve business practices for several agencies and provide important relief. More detail is included in the rider section of this report. Changes include:

- **All Agencies:** new section to the A&M System Higher Education Group Insurance (HEGI) rider (Rider #3 in HEGI bill pattern) that allows agencies to use regular appropriations to pay for shortfalls in state HEGI funding.
- **Texas A&M Veterinary Medical Diagnostic Laboratory:** new rider to improve benefit calculations.
- **Engineering Agencies:** new rider exempting the three engineering agencies from hiring freezes.
- **Texas Division of Emergency Management:** new riders that provide a cash flow contingency mechanism and authorization to hold any indirect costs locally.
- **Texas A&M Engineering Experiment Station:** changes an existing rider title from Nuclear Power Institute to Nuclear Engineering and Secure Manufacturing, thereby broadening program activities.
- **Texas Division of Emergency Management:** provides unexpended balance authority for loan program. TDEM retained \$10 million from the loan program from the 2020-21 biennium.

- **Texas A&M AgriLife Extension:** authority to pay for certain compensatory time similar to authority already authorized for TEEX and TDEM.

## **Texas Higher Education Coordinating Board**

### **New Funding**

The General Revenue budget for the Texas Higher Education Coordinating Board (THECB) totals \$1,818.0 million, an increase of \$250.2 million from 2020-21 appropriated levels. This increase is primarily due to new funding for three programs:

- \$110 million for financial aid in a new Student Financial Aid strategy to be used for the TEXAS Grant Program, Tuition Equalization Grant Program, Texas Educational Opportunity Grant Program-Community Colleges, and Texas Educational Opportunity Grant Program-State and Technical Colleges.
- \$48.6 million for Graduate Medical Education Expansion for a total of \$199.1 million in All Funds for GME expansion and \$22 million in distributions from the Permanent Fund Supporting Graduate Medical Education to meet the 1.1 to 1.0 ratio of first year residency slots for each Texas medical school graduate.
- \$19.5 million for the Texas Mental Health Care Consortium for a total of \$118.5 million in General Revenue.

### **Other Funding Decisions**

- \$56.8 million to restore reductions to financial aid programs to 2020-21 appropriated levels, including the TEXAS Grant Program (\$43 million), Tuition Equalization Grant Program (\$8.9 million), Texas Educational Opportunity Grant Program-Community Colleges (\$4.4 million), and Texas Educational Opportunity Grant Program-State and Technical Colleges (\$0.4 million).
- \$9.47 million to reflect the transfer of the OnCourse program from the University of Texas at Austin to the THECB. This program provides educators, students, and parents access to resources for college and career planning.
- Funding for the Texas Research Incentive Program is maintained for the 2022-23 biennium at 2020-21 five percent reduced level, reflecting the reduction from \$35 million 2020-21 appropriated level to \$33.25 million for the 2022-23 biennium.

### **Structural Changes to the Bill Pattern**

The THECB bill pattern is reduced from 54 total strategies to 32 strategies, eliminating several strategies due to budget reductions as well as consolidating multiple related strategies. Consolidated strategies include:



- A new Agency Operations Strategy which combines \$41.4 million previously individual administrative strategies.
- A general Educational Loan Repayment Strategy, including a rider listing the amounts for six specific loan repayment programs that were previously stand-alone strategies.
- A College Readiness and Success Strategy which includes appropriations for Advise TX and developmental education.

## **Rider Changes**

- The Professional Nursing Shortage Reduction Program rider was modified to reflect one program category eligible for appropriations (“Regular Program”) instead of the three program categories previously specified. The “Over 70” and “Under 70” program categories were removed from the rider as recommended by the THECB.
- An intent rider was added relating to administration of the GME expansion funds that requires the THECB to consider timing of the grant application and award process and the timing needed to receive accreditation approval for new residency programs.

## **Constitutional / Permanent Funds**

### **Available University Fund**

Estimated earnings distributed to the Available University Fund (AUF) are anticipated to be \$2,496.5 million, a decrease of about \$71.9 million from the 2020-21 base. This decrease is due to special distribution included in fiscal year 2020.

In order to clarify how lapsed AUF funds are allocated, a new rider was added explicitly allowing for unexpended balance authority between fiscal years.

### **Higher Education Fund**

The 86<sup>th</sup> Legislature passed legislation to update the Higher Education Fund (HEF) allocation among the eligible institutions beginning with fiscal year 2021 (Senate Bill 709 by West/Frullo). The overall funding level of \$787.5 million and allocation amounts for the six A&M System HEF-eligible institutions remains unchanged from the 2020-21 funding levels.

### **Support for Military and Veteran Exemptions**

This appropriation bill pattern includes both the funding from the Permanent Fund Supporting Military and Veterans Exemptions (MVE) and General Revenue to partially offset the cost to institutions for the Hazlewood Legacy Program (HLP) exemptions. The amount allocated to eligible institutions is in proportion to each institution’s respective share of the aggregate cost to all institutions for the HLP exemptions, as determined by the Legislative Budget Board using HLP data provided by the Texas Veterans Commission.

For the 2022-23 biennium the amount appropriated to the MVE is estimated to be \$18.4 million, an increase of \$0.74 million from the 2020-21 biennium in Other Funds. The total value in the permanent fund on August 31, 2020 was \$266.2, which is a 0.4 percent decrease from the prior year. The general revenue appropriation for the HLP totals \$28.5 million, a decrease of \$1.5 million from 2020-21 appropriated levels due to mandatory five percent reductions.

### **Available National Research University Fund**

Estimated funding totals \$50.5 million, an increase of \$1.1 million from the 2020-21 base level. The NRUF funding is allocated by a formula based on the earnings in the fund and number of eligible institutions. Currently, the University of Houston, Texas Tech University, the University of Texas at Dallas (UT Dallas) are eligible to receive NRUF appropriations for the 2020-21 and 2022-23 biennia. Additionally, the University of Texas at Arlington (UT Arlington) is newly eligible to receive NRUF appropriations for fiscal year 2021 and the 2022-23 biennium, pending the required audit by the State Auditor's Office. Of the remaining emerging research universities, the University of Texas at San Antonio (UT San Antonio) may also become eligible to receive NRUF appropriations in the 2022-23 biennium according to the Texas Higher Education Coordinating Board (THECB). If the current four institutions are the only institutions that are eligible, their distribution from the fund would be \$12.9 million per institution, a decrease from \$14.5 million in the 2020-21 biennium due to the inclusion of the fourth institution (UT Arlington) becoming eligible in fiscal year 2021. If a fifth institution (UT San Antonio) becomes eligible in fiscal year 2023, the distribution would drop to \$11.6 million.

## **Other Appropriations**

### **Cancer Prevention and Research Institute of Texas (CPRIT)**

The 86<sup>th</sup> Legislature passed HJR 12 by Zerwas/Nelson which was the constitutional amendment to provide a second \$3 billion in General Obligation Bonds for CPRIT. HJR 12 was approved by the voters at the general election on November 5, 2019. Funding this session for CPRIT includes \$300 million each year in GO bonds, which is the full amount authorized.

### **Governor's University Research Initiative (GURI)**

The legislature appropriated \$40 million for GURI in estimated unexpended balances.

## **Benefits**

### **Higher Education Group Insurance**

Higher Education Group Insurance (HEGI) contributions total \$1,428.6 million, an increase of \$10.8 million over 2020-21. This \$10.8 million increase is for community college group insurance which is required by statute to be funded at 50 percent of the full ERS rates. HEGI contributions for the remainder of higher education (Non-community College) are held flat and reallocated based on updated

data. Funding for the **Texas A&M University System** totals \$246.9 million, which is a decrease of \$1.8 million over the 2020-21 base.

Higher education employees within the Employees Retirement System group health insurance program are funded at 78.6 percent, down from 79.9 percent, of ERS general state employee premium rates; higher education employees within the University of Texas and **Texas A&M University Systems** are funded at 78.2 percent, down from 79.4 percent, of ERS rates. These funding rates are updated in a provision in the Article III Specials Provisions to provide transparency regarding the funding level for higher education health insurance benefits.

State agencies and institutions of higher education that participate in the ERS group insurance program are required to pay a 1 percent payroll assessment (Article IX, Sec. 17.03). UT System and **A&M System** institutions are exempt because they fund their own insurance programs.

Additionally, the Texas A&M System Group Insurance rider was modified to authorize the long standing practice of the agencies to use regular General Revenue appropriations to pay for shortfalls in HEGI funding.

## **Retirement Benefits**

**Teachers Retirement System:** As outlined in legislation passed by the 86<sup>th</sup> Legislature (SB 12 Huffman/Bonnen), a number of increases take effect in the 2022-23 biennium. The state contribution rate for the teacher retirement program will increase from 7.5 percent for the 2020-21 biennium to 7.75 percent in fiscal year 2022 and 8.0 percent in fiscal year 2023. Employee contributions will increase from 7.7 percent for the 2020-21 biennium to 8 percent for both years of the 2022-23 biennium. Additionally, the contribution rate paid by public education employers will increase from 1.6 percent for the 2020-21 biennium to 1.7 percent in fiscal year 2022 and 1.8 percent in fiscal year 2023. In the following biennium, 2024-25, public education employer rates are scheduled to increase to 2.0 percent.

**Optional Retirement Program:** The state contribution rates are 6.6 percent in both years of the biennium.

# Article III Special Provisions

The following summarizes the changes to the Article III Special Provisions:

## Amended Sections

**Sec. 3. Definition of Terms.** Adds UT Austin Dell Medical School and UH College of Medicine to the list of institutions defined as “health related institutions.”

**Sec. 19. Self-Insurance Fund.** Amended to authorize vacation-sick leave reserve payout account as an allowed self-insurance fund.

**Sec. 22. Ethics Policy.** Aligns ethics policy with statute, requiring institutions to adopt an ethics policy which includes the requirements of Government Code, Sec. 572.051.

**Sec. 26. General Academic Funding.** Aligns with formula funding rates with decisions for the General Academic Institutions. Removes language requiring the Formula Advisory Committee to review the expenditure study and growth in costs and to review the space project model related to distance education courses. Adds new subsection (Sec. 26.6) outlining the calculation and funding amounts for the Small Institution Supplement.

**Sec. 27. Health Related Institutions Funding.** Aligns with formula funding rates with decisions with formula funding decisions for the Health Related Institutions. Regarding the mission specific rider provisions:

- Removes “pilot program” designation for the four mission specific formulas established by the 86<sup>th</sup> Legislature for UT Southwestern, UT Medical Branch at Galveston, UT Health Science Center at Houston, and UT Health Science Center at San Antonio.
- Adds new language to the UT Southwestern, UT Health Science Center Houston, and UT Health Science Center San Antonio mission specific riders stating that in a biennium in which is funding in not available to meet the institution’s performance-driven target, the formula mechanisms and performance-calculated match rates remain while the Legislature determines the GR provided.
- Adjusts the base match rate structure for UT Health Science Center at Houston and UT Health Science Center at San Antonio to be dynamic base match rates, similar to UT Southwestern.
- Adds language for each of the new mission specific formulas for TAMU Health Science Center, UNT Health Science Center, TTU Health Sciences Center, and TTU Health Sciences Center at El Paso.

**Sec. 44. Texas A&M University System Cost Efficiencies.** Updates A&M service agencies subject to this provision to include the Texas Division of Emergency Management.

**Sec. 49. State Two Year Institution Funding.** Adds new subsection (Sec. 49.1) outlining the calculation and funding amounts for the Small Institution Supplement.

## **Deleted Sections**

**Sec. 41. Report on Real Property.** Report deleted as part of regulatory relief.

**Sec. 42. Limitation on the Use of Funds.** Report deleted as part of regulatory relief.

## **New Sections**

**Sec. 62. Exclusion of Non-General Revenue Related Funds from State Imposed Hiring Freezes.** Exempts federal funds, appropriated receipts, and indirect cost recovery appropriated to Texas A&M Engineering Extension Service, Texas A&M Engineering Experiment Station, and Texas A&M Transportation Institute from any state-wide hiring freezes.

**Sec. 63. Information Related to the Coronavirus Pandemic.** Requires institutions that receive federal funds related to the coronavirus pandemic to report the amount of the awards, expenditures, and uses of funds to the Coordinating Board in a format determined by the LBB in consultation with the Coordinating Board. The Coordinating Board will provide a report to the Governor, LBB, and appropriate standing committees in January and July of each fiscal year.

# Article XI – General Provisions

The following sections list selected major changes to provisions in Article IX.

## **Amended Sections**

**Sec. 2.01. Position Classification Plan.** Adds multiple positions and updated existing position titles.

**Sec. 3.01. Salary Rates.** Provides targeted pay raises for certain Department of Public Safety positions.

**Sec. 3.04. Scheduled Exempt Positions.** Authorizes pay raises for the Executive Directors at the Texas Public Finance Authority and the Alcoholic Beverage Commission.

**Sec. 3.12. Exceptions for Salary Schedule C.** Consistent with a statutory change made by the 86<sup>th</sup> Legislature, amends the section to add the Texas Department of Insurance to the list of state agencies required to pay its employees classified as commission peace officers salary stipends at rates that exceed the maximum rates designated in Salary Schedule C of the State’s Position Classification Plan. Provides targeted pay raises for certain Department of Public Safety positions.

**Sec. 6.08. Benefits Paid Proportional by Method of Finance.** Exempts funds appropriated to: (1) TDCJ and provided to UTMB or Texas Tech HSC for correctional health care services; and (2) HHSC and provided to UTHSC Houston for the operation of the Harris County Psychiatric Center (HCPC), from the requirement that those funds may not be expended for employee benefit costs if the salaries and wages are paid from funds not appropriated by the GAA. Requires UTMB and TTUHSC, with regards to correctional managed health care, and UTHSC Houston, with regards to the operation of HCPC, to disclose information on the amount of interagency contract proceeds used to pay salaries and wages as well as the associated general revenue benefits for the specified programs.

**Sec. 6.10.** Revised language for clarity – no substantive change. New language added specifying that the A&M service agencies are included in the definition of institution.

**Sec. 7.11. Notification of Certain Purchases or Contract Awards, Amendments, and Extensions.** Changes the deadline for reporting to the LBB contracts with a value over \$10 million, or non-competitively procured contracts with a value over \$1 million, from prior to the date on which first payment is made, but no later than 30 days of contract award, to 15 days of contract award. Changes the deadline for reporting to the LBB emergency contracts with a value over \$1 million from 48 hours of making payment to 5 calendar days of contract award.

**Sec. 7.12. Document Production Standards.** Removes the requirement that agencies report any cost savings or other efficiencies achieved from implementing changes to document transmission and production standards in the agency’s Legislative Appropriations Request.

**Sec. 8.02. Reimbursements and Payments.** Requires that if an agency recovers federal money through a recovery audit, the payment made to the recovery audit consultant be made from the agency's current appropriations items from non-federal methods of finance, unless the rules of the federal program allow payment from the recovered federal funds.

**Sec. 9.04. Information Technology Replacement.** Includes among the items for which the Department of Information Resources is required to coordinate in bulk purchase efforts, any additional IT commodity items that may produce cost savings from bulk purchases.

**Sec. 10.04. Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.** New subsection (e) requires the statewide Behavioral Health Coordinating Council to submit a report, no later than January 15, 2023, regarding the council's thorough review and complete vetting of all behavioral health exceptional items submitted with each state agency's legislative appropriations request.

**Sec. 11.05. State Agency Emergency Leases.** Revised language for clarity – no substantive change.

**Sec. 13.02. Report of Additional Funding.** Consolidates former Sections 13.02 (Report of Additional Funding) and 13.03 (Report of Expanded Operational Capacity). The consolidated provision makes clear that it applies to institutions of higher education in addition to state agencies. A change is made to the threshold for LBB notification requirement: LBB notification is now required if an existing federal program that previously granted an agency \$10 million or more per year increases its grant by at least 100 percent; the threshold was previously 1,000 percent.

**Sec. 14.03. Transfers – Capital Budget.** Added clarifying language that an agency may transfer appropriations for data center consolidation or data center services only with written permission from LBB as provided by Sec. 2054.386, Government Code.

**Sec. 17.07. Use of Sporting Goods Sales Tax Transfers to the General Revenue-Dedicated State Parks Account No. 64.** Pursuant to an amendment of the Texas Constitution and related statutory changes, the section is amended to require the Texas Parks and Wildlife Department to transfer an amount equal to the actual cost of debt service to the Texas Public Finance Authority from the Sporting Goods Sales Tax (SGST) allocation in GRD State Parks Account No. 64. Requires additional amounts, in the event that the sum of the actual costs for debt service exceeds SGST cash available for these purposes, to be funded from the available remaining balance of the State Parks Account No. 64.

### **Deleted Sections**

**Sec. 6.24. Notification Requirement for Certain RESTORE Act Funds.** Deletes rider and removes notification requirement with regards to certain RESTORE Act funds.

**Sec. 7.10. Reporting Requirement for Deepwater Horizon Spill Funds.** Deletes rider and removes a reporting requirement with regards to Deepwater Horizon Oil Spill Funds as no longer necessary.

**Sec. 17.07. Border Security.** Informational listing of border security appropriations is deleted.

### **New Sections**

**Sec. 8.16. Deaccessioned Items.** Appropriates all receipts collected from the sale of deaccessioned items as provided by Sec. 2175.909 of the Government Code. Provision added as the result of HB 1422, 86<sup>th</sup> Legislature.

**Sec. 17.15. Contingency Appropriation for the Capitol Complex Zone.** Contingent on enactment of legislation relating to the creation of the Capitol Complex Safety Zone by the 87<sup>th</sup> Legislature, Regular Session, funds are appropriated to the Comptroller of Public Accounts from the dedicated fund created by the legislation upon declaration that a public safety zone is created by the Governor. Requires the Comptroller to transfer funding from the account to, and upon request of, the Board of the Capitol Complex Safety Zone for specified purposes. Upon notification that the zone has been dissolved by order of the Governor, the Board shall pay all remaining expenses and obligations and shall notify the Comptroller, LBB, and Office of the Governor.

**Sec. 17.16. Contact Tracing.** Prohibits any funds appropriated by the GAA to be used for the purpose of contact tracing of COVID-19 in the 2022-23 biennium.

**Sec. 17.17. Reporting: Texas Opioid Settlement Receipts.** Requires state agencies and institutions that receive Texas opioid settlement receipts during the 2022-23 biennium to report, within 15 calendar days of the receipt of the funds, to the LBB, the Speaker of the House, the Office of the Lieutenant Governor, the House Appropriations Committee and the Senate Finance Committee: (1) the amount of funds received; (2) the date on which the funds were received; (3) the purposes for which the funds are to be expended; and (4) any other information requested by the LBB.

**Sec. 17.18. Informational Listing: Pro-rata Share of Texas Opioid Settlement Receipts Received by Municipal Areas and Regions.** Provides informational listing of the pro-rata share to be received by municipal areas from the 15 percent allocation of receipts of political subdivisions from the opioid settlement and an informational listing of the pro-rata share each regional that the Texas Opioid Council will adopt when making an initial distribution of opioid abatement strategy allocations from a portion of funds received from opioid litigation.

**Sec. 17.19. Agency's Participation in Master Lease Purchase Program.** Provides legislative intent that all agencies participate in the Master Lease Purchase Program to the extent that the program would be the most cost-effective type of financing when using a lease-purchase method for acquisition of capital assets.

**Sec. 17.21. Informational Listing: Federal Elementary and Secondary School Emergency Relief Funds.** Informational listing of Elementary and Secondary School Emergency Relief (ESSER) II and III funds made available to school districts. Provides legislative intent that these funds be used for purposes that are



one-time and targeted in nature and that no district create an ongoing obligation that cannot be sustained with existing state and local funds.

## Other GAA Provisions

The following sections list selected major changes to other provisions in the General Appropriations Act.

### Amended Sections

**Higher Education Group Insurance: Rider 3. Texas A&M System Group Health Insurance Contributions.** Language added to authorize the long standing practice of the agencies to use regular General Revenue appropriations to pay for shortfalls in HEGI funding.

**Higher Education Coordinating Board: Rider 27. Professional Nursing Shortage Reduction Program.** Modified to reflect one program category eligible for appropriations (“Regular Program”) instead of the three program categories previously specified. The “Over 70” and “Under 70” program categories were removed from the rider as recommended by the THECB.

**Texas A&M University – Central Texas: Rider 4. Upper Level Institution Support.** Modified to explain that once the institution reaches a threshold of 6,000 full-time student equivalents, this funding will be phased out over four biennia.

**Texas A&M University – San Antonio: Rider 3. Expansion Funding.** Modified to explain that once the institution reaches a threshold of 6,000 full-time student equivalents, this funding will be phased out over four biennia.

**Texas A&M University – Texarkana: Rider 4. Expansion Funding.** Modified to explain that once the institution reaches a threshold of 6,000 full-time student equivalents, this funding will be phased out over four biennia.

**Texas A&M Engineering Experiment Station: Rider 4. Nuclear Engineering and Secure Manufacturing.** Modified rider to broaden program activities.

### Deleted Sections

**Texas A&M AgriLife Extension Service: Rider 8. Appropriation Restriction on Feral Hog Abatement Using Toxic Substances.** Deletes rider prohibiting the use of warfarin on feral hogs. (related new rider added also)

**Texas A&M Forest Service. Rider 8. Rural Boarder County Emergency Services.** Deletes rider directing funding to support emergency services in rural border counties.

## **New Sections**

### **Higher Education Coordinating Board: Rider 54. Graduate Medical Education Expansion**

**Administration.** Requires the THECB to consider timing of the grant application and award process and the timing needed to receive accreditation approval for new residency programs.

### **Texas A&M AgriLife Extension Service: Rider 8. Experimental Use Program for Feral Hog Abatement.**

Provides legislative intent for the agency to implement an experimental use program for the use of pesticide products containing warfarin, including a report on the results for pesticide products evaluated to the legislature and the Department of Agriculture.

**Texas A&M AgriLife Extension Service: Rider 11. Pay for Regular Compensatory Time.** Allows the agency to offer pay for regular compensatory time to exempt employees assisting with state response during times of emergency consistent with other TAMUS agencies.

**Texas A&M Veterinary Medical Diagnostic Laboratory: Rider 5. Texas A&M Veterinary Medical Diagnostic Laboratory Fee Revenue.** Provides an informational listing of estimated fee revenues and specifies that these amounts are not included in calculating benefits proportionality.

**Texas Division of Emergency Management. Rider 8. Cash Flow Contingency for Federal Funds.** Authorizes the A&M System to establish a local account for TDEM to utilize general revenue funds for temporary cash flow needs during a disaster or emergency response.

**Texas Division of Emergency Management. Rider 9. Indirect Cost funds Received.** Authorizes any indirect cost funds received by TDEM to be deposited in a local account established by the A&M System and for these funds to be accounted for as institutional funds.

**Texas Division of Emergency Management. Rider 10. Audit Plan for Local Emergency Communication Systems.** Provides legislative intent for the agency to develop with the State Auditor's Office an audit plan regarding the utilization of emergency communications systems.

## **Additional Sections of Interest**

**Texas Department of Transportation: Rider 44. Limitation on Expenditure of Funds.** Prohibits the use of state appropriations for construction of the Pelican Island bridge project in Galveston without legislative approval.

# Bill Facts

## Legislation Filed & Passed

The following table provides a summary comparison of legislative bill activity from the 86<sup>th</sup> and 87<sup>th</sup> Regular Sessions.

86 <sup>th</sup> Legislative Session				87 <sup>th</sup> Legislative Session		
Type	Filed	Passed	%	Filed	Passed	%
HBs	4765	969	20%	4671	587	13%
HJR	147	7	5%	163	4	2%
SBs	2559	460	18%	2256	486	22%
SJR	70	3	4%	58	4	7%
<b>TOTAL</b>	<b>7,541</b>	<b>1,439</b>	<b>19%</b>	<b>7,148</b>	<b>1,081</b>	<b>17%</b>

## Bill Analysis Task Force

A legislative session requires the highest and best efforts of enormous numbers of the A&M System institutions' faculty, administration, and staff. In addition, because the Texas Legislature meets regularly only 140 days every other year, a session necessarily operate son its own highly compressed cock and takes no prisoners when it demands responses from institutions. One of the principal instruments we have created to response to the demands o of a session is the Bill Analysis Task Force (BATF). The BATF provides a timely synopsis of all legislation that affects the A&M System member universities and agencies. These analyses of key bills are provided to the chancellor, his Executive Officers, System CEO's and the State Relations Team, so that they will be better prepared to furnish information and communicate the A&M System's legislative program to the legislature and governor during the fast paced session. Notably, all the BATF members serve voluntarily, taking on these extra duties while continuing to carry out their regular duties, and without extra compensation.

This session the Office of State Relations tracked and kept watch over **3,586 bills, or 50% of the total 7,148 bills that were filed across both chambers.** The Task Force members provided analyses for **879 of these tracked bills.**

Without the support and assistance of all the individuals who serve on the Bill Analysis Task Force, the Texas A&M University System would not have been able to provide legislators and their staff the information they required during the session.

The names and affiliations of members of the Bill Analysis Task Force may be found in the Appendix.

# Texas A&M University System Institution-Specific Legislation

The following summary includes legislation that directly affects a member institution of The Texas A&M System or the entire System.

## Texas A&M Health Science Center

**HB 62 by Craddick/Zaffirini – Relating to the use of a wireless communication device while operating a motor vehicle.** This bill prohibits the use of a wireless communication device for messaging while operating a motor vehicle in order to address the risks associated with distracted driving. It establishes that an operator of a motor vehicle commits a criminal offense “if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped.” The bill provides for exceptions in cases of use of a wireless device with a “hands-free device,” for use in an emergency situation, to activate a function that plays music, or for navigation with a GPS system. It requires that the exam taken by applicants for a license “include knowledge of the effect of using a wireless communication device” and other possible distractions upon safe driving. The Texas DOT is required to post signage about the prohibition and possible fine at each entrance of an interstate highway or U.S. highway to the state. It prohibits persons under 18 from using a device *in any way* while operating a vehicle, except in cases of emergency. Officers who stop a motor vehicle for a violation are prohibited from “taking possession of or otherwise inspecting” the wireless device of the vehicle operator unless otherwise authorized by law. This newly established violation constitutes a misdemeanor, but drivers cannot have points assigned to their license for conviction.

**HB 280 by Howard/Buckingham – Relating to a grant program for reducing workplace violence against nurses.** This bill seeks to reduce the severity and frequency of workplace violence against nurses and to alleviate the trauma of these events by providing grants to hospitals and other health facilities. Grant recipients must file periodic reports describing the outcomes of the approach or activities funded through the grant, including changes in the severity or frequency of verbal and physical violence against nurses. The bill requires the nursing advisory committee to serve in an advisory capacity for the program and for the Department of State Health Services (DSHS) to provide administrative assistance to the nursing resource section in administering the grants. The executive commissioner of the Health and Human Services Commission (HHSC) will adopt rules to implement the program, including rules concerning the submission and approval of grant requests and reporting procedures for recipients. The bill also requires the nursing resource section to publish an annual report describing the grants awarded and the amount, purpose, and reported outcome of the adopted approach for each grant recipient.

**HB 281 by Howard/Huffman – Relating to establishing a statewide electronic tracking system for evidence collection kits used to collect and preserve evidence of a sex offense.** This bill seeks to address the backlog of untested sexual assault evidence collection kits in the state and to ensure that survivors of sexual violence have access to information about the status and analysis of their evidence kits. It details the implementation of a statewide tracking system of evidence collected following a sexual assault for use by healthcare facilities, crime laboratories, law enforcement, prosecutors, and survivors of a sex offense. Survivors of sexual assault and employees at these entities will be able to track the location and status of a kit from initial collection in a forensic medical setting until its destruction following laboratory analysis. Records entered into the tracking system are confidential except to the survivor and employees of entities participating in the tracking system. DPS employees or employees of participating entities may not release information to parent or guardian of a survivor if that person is known to be a suspect in the offense.

**HB 2561 by S. Thompson/ V. Taylor – Relating to the continuation and functions of the Texas State Board of Pharmacy.** This bill enacted the recommendation of the Sunset Advisory Commission that the Texas State Board of Pharmacy (TSBP) continue for 12 years. There are several changes from current law contained in the legislation. First, the bill amends the law to require pharmacists to search the Prescription Monitoring Program database before dispensing certain controlled and addictive substances. It also requires pharmacists to enter dispensing information in that database within one business day of dispensing controlled substances. The bill also states that “a pharmacist has the exclusive authority to determine whether or not to dispense a drug.” It authorizes the TSBP to use proactive electronic notifications to highlight potentially dangerous prescribing and dispensing patterns. It also allows the TSBP to “develop guidelines identifying patterns that may indicate” a specific patient who is engaged in drug abuse or drug diversion and to send a prescriber or dispenser an electronic notification regarding the potential issue. The bill includes multiple new requirements related to pharmacy technicians, including the development of continuing education standards for pharmacy technicians by the TSBP and a system of graduated penalties for late renewal of pharmacy technician certifications. The bill also includes specific provisions for the creation of guidelines regarding the prescription of opioids, benzodiazepines, barbiturates, and carisoprodol; it requires any “regulatory agency that issues a license, certification, or registration to a prescriber” to disseminate guidelines for the prescription of these substances and to monitor for “potentially harmful prescribing patterns.” The bill also includes provisions for the donation and safe distribution of prescription drugs. Finally, as a result of an amendment added on the Senate floor, the bill clarifies the law relating to the location of the Rangel College of Pharmacy. The Education Code will now require the college to be known as Texas A&M University System Health Science Center Irma Lerma Rangel College of Pharmacy and the primary building where the school is operated to be located in Kleberg County.

**SB 8 by Schwertner/Burkett – Relating to certain prohibited abortions and the treatment and disposition of a human fetus, human fetal tissue, and other tissue resulting from pregnancy.** This bill defines and bans partial-birth abortions, which are banned in federal statute but has not yet been codified in state statute. This does not apply to partial-birth abortions performed to save the life of the mother. It prohibits the donation of human fetal tissue acquired as a result of an elective abortion. Authorized medical facilities are only allowed to donate fetal tissue from non-elective abortions with the “informed consent of the woman from whose pregnancy the fetal tissue is obtained.” In addition, this tissue may only be donated to accredited public institutions of higher education or teaching hospitals. Authorized facilities must report all instances of fetal tissue donation to the Department of State Health

Services (DSHS), keep records of informed consent for at least seven years, and keep records of which universities receive fetal tissue donations. The bill also creates a criminal offense for the receipt of any payment exchanged for human fetal tissue and prohibits the offering of incentives to undergo an abortion procedure or donate fetal tissue. It also requires physicians to certify that nothing was altered in terms of timing, method, or procedure to terminate the pregnancy in order to obtain the tissue. The bill does not relate to fetal tissue obtained for diagnostic or pathological testing, criminal investigation, or for the disposition of human remains. It specifies that the placenta and umbilical cord are considered human tissue, not fetal tissue, and can be donated with restriction along with umbilical cord blood. The bill also defines and prohibits dismemberment abortions unless “necessary in a medical emergency” and creates a criminal offense. In addition, physicians must submit monthly reports on each abortion they perform through an electronic system established by DSHS. The department must publish a monthly report on its website of aggregate data from these reports.

**SB 1066 by Schwertner/Lozano – Relating to meeting the graduate medical education needs of new medical degree programs offered by public institutions of higher education.** This bill requires that all new M.D. and D.O. programs create a residency program with enough first-year positions to accommodate the number of medical graduates it produces per year. The purpose of this requirement is to retain more medical graduates within the state of Texas. It includes a provision to provide limited liability for medical residents employed by a state-sponsored medical residency program, which would confirm that sovereign immunity applies whether a resident is located in hospital or clinic that is public or non-profit.

**SB 1107 by Schwertner/Price – Relating to telemedicine and telehealth services.** This bill allows a face-to-face consultation to no longer be required following a telemedicine service if the physician has never seen that patient before. It defines a valid patient-practitioner relationship for a telemedicine encounter as either (A) a relationship already exists between the provider and patient, (B) there is a call coverage relationship as established by Texas Medical Board rules, or (C) the practitioner uses “audiovisual interaction” or “store and forward technology” (defined in the bill) and complies with provisions for guidance on follow-up care *and*, if the patient consents and has a primary care physician, sends records of the treatment to that provider within 72 hours. Rulemaking authority of the Texas State Board of Medical Examiners would be rescinded and given to the Texas Medical Board (for practice-related rules), the Texas Board of Nursing, the Texas Physician Assistant Board, and the Texas State Board of Pharmacy (for prescription-related rules). The bill establishes that the standard of care for a telemedicine service is the same as that of an in-person service and prohibits “any agency with regulatory authority over a health professional” from raising that standard of care. It also requires that practitioners use all “relevant clinical information” that would be necessary for an in-person consultation. It does not require insurance coverage, but requires that fully insured plans “publish their policies and payment practices” for telemedicine and telehealth on their websites.

## **Texas A&M University-Corpus Christi**

**SB 1072 by Hinojosa/Hunter – Relating to the procedure for conducting public land surveys, including the requirements regarding field notes and coordinate systems.** This bill was brought forward by faculty and staff at Texas A&M Corpus Christi to help facilitate upcoming changes regarding mapping and surveying. The United States horizontal and vertical control components for all mapping will change

in 2022. The Texas Natural Resource Code, Chapter 21, has been modified by this bill to allow these changes in Texas and immediate future, periodic changes.

The National Geodetic Survey is scheduled to introduce a new dynamic spatial reference that will replace the current North American Datum of 1983. This update requires each state to update its State Coordinate System project zones. Additionally, the National Institute of Standards and Technology will allow the definition of the U.S. Survey Foot to expire, leaving the International Foot to take its place. Senate Bill 1072 addressed these changes to our datum by assigning the TAMUCC Texas Spatial Reference Center to facilitate the adoption and publication of the definitions for the public. The bill also reflects the changes needed in the Field Notes of a Survey of Public Land (Nat. Res. Code 21.041) and defines the International Foot.

The Texas Spatial Reference Center is the State's official repository for its spatial datum's. It was created in the 2007 State Legislature (Ed. Code 88.503) to facilitate the National Height Modernization program. Since then, the Center has been responsible for establishing and maintaining the State's spatial reference system for geodetic control and mapping.

## **Texas A&M AgriLife Extension Service**

### **HB 3959 by Buckley/Perry – Relating to the establishment of the Texas Youth Livestock Show Fund.**

HB 3959 requires the office of the Governor to establish and administer the Texas youth livestock show grant program. The office of the Governor will have to establish grant eligibility requirements, a grant application process, and encourage participation from livestock shows of varying sizes, types of entries, and needs. Grants under the program can be used only to provide financial assistance to youth livestock shows in the state. A youth livestock show is eligible for a grant under this section if the livestock show is part of a county or state youth livestock validation program and has Texas 4-H and Texas FFA engagement or sanction. The bill creates the Texas youth livestock show fund as an account in the general revenue fund administered by the office of the Governor. Money in the account could be used only by the office to provide grants under section 50E.001 and to promote and encourage donations to the fund. The office of the Governor can accept grants, gifts, or donations from any source that were made for the purposes of the grant program. Money from gifts, grants, or donations would have to be deposited in the Texas youth livestock show fund.

Worked with the author and other member staff regarding the bill and provided a resource witness for committee hearings.

**SB 1772 by Zaffirini/Zwiener - Relating to the establishment of the Texas Pollinator-Smart program for solar energy sites.** SB 1772 charged Texas A&M AgriLife Extension, in consultation with the Department of Agriculture and the Parks and Wildlife Department, with establishing and implementing the Texas Pollinator-Smart program to encourage the voluntary establishment and conservation of habitats for bees, birds, and other pollinators in and near solar energy sites. Texas A&M AgriLife Extension was tasked with developing and distributing educational materials for the program, and providing advice and technical assistance to participants, including reports evaluating the suitability of solar energy sites. In discussions with staff, we conveyed that the bill would require the agency to create a new position and thus would require additional funding. Senator Zaffirini offered a floor amendment that stated

**Vetoed**



Texas A&M AgriLife Extension would be required to implement the act only if the legislature appropriated funding specifically for that purpose. No funding was appropriated, so the bill was permissive. We worked extensively with the bill author and provided resource witnesses for committee hearings.

## **Texas A&M Forest Service**

**SB 713 by Buckingham/Cyrier - Relating to the sunset review process and certain governmental entities subject to that process.** SB 713 revised the review cycle for certain entities subject to the Texas Sunset Act, removed certain entities from the review process, and provided an exemption from review during a declared disaster. The bill removed the Texas A&M Forest Service from the Sunset review cycle.

Worked closely with the staff of Senator Buckingham and Representative Cyrier and conveyed to then the level of oversight and auditing the agency is subjected to as a part of the Texas A&M University System.

## **Texas A&M Veterinary Medical Diagnostic Laboratory**

**SB 705 by Lucio/Cyrier - Relating to the continuation and functions of the Texas Animal Health Commission.** SB 705 continues the Texas Animal Health Commission (TAHC) until September 1, 2033, and adopted certain Sunset Advisory Commission recommendations for the commission. The bill replaces the TAHC lab and names the Texas A&M Veterinary Medical Diagnostic Laboratory (TVMDL) as the state's regulatory animal health lab, requiring certain rulemaking and the regular trend analysis of compliance data, and authorizes the establishment of advisory committees. The bill establishes TVMDL as the state's regulatory animal health laboratory. TAHC and the laboratory are required to enter into a memorandum of understanding to: (1) establish the laboratory services to be performed by TVMDL; (2) provide reporting requirements for TVMDL on all test requests received from the commission; and (3) set fees associated with laboratory services. The memorandum would have to be adopted by January 1, 2022, and would be annually reviewed by TAHC and TVMDL. TAHC is not be prevented from using a laboratory other than TVMDL for a test as needed or from collecting specimens and performing field tests to diagnose animal diseases.

Worked with Sunset throughout the process (Spring / Summer / Fall 2020 and Session) re: transfer of lab functions from TAHC to TVMDL with appropriate funding. Dr. Akey and Dr. Swinford served as resource witnesses during House and Senate hearings.

## **Texas A&M Transportation Institute**

**HB 2223 by Canales and Wilson / Nichols – Relating to a study by the Texas Department of Transportation on the impact of certain classifications of motor vehicles on the roads and bridges of this state.** This bill requires the Texas Department of Transportation (TxDOT), in consultation with Texas A&M Transportation Institute (TTI), The University of Texas Center for Transportation Research (CTR), and transportation industry representatives, to conduct a study on the impact on roads and bridges of this state by motor vehicles classified as passenger vehicles, commercial motor vehicles, and oversize or

overweight vehicles. This bill requires that the study determine, for each classification of vehicle, these items: (1) the number of vehicles that drive on roads and bridges in Texas each year; (2) the number of miles driven on the roads and bridges of this state each year; (3) the total revenue of taxes and fees collected each year for the construction and maintenance of roads and bridges of this state. This bill requires that the study assess the overall economic benefits of commercial motor vehicles and oversize or overweight vehicles to this state and recommend one or more changes to existing tax or fee structures regarding the construction and maintenance of roads and bridges in Texas. The report will be submitted to the governor, lieutenant governor, and legislature by 01 December 2022.

**HB 4472 by Landgraf/Birdwell– Relating to the Texas emissions reduction plan.** This bill makes several changes to the Texas Emissions Reduction Program (TERP). The bill allows the Texas Commission on Environmental Quality (TCEQ) more flexibility to administer the program. It also provides for additional funding and programs to achieve maximum reductions in oxides of nitrogen to demonstrate compliance with the state implementation plan, prevent areas of the state from violating national ambient air quality standards, and achieves cost-savings and multiple benefits of reducing emissions by advancing new technologies that reduce oxides of nitrogen and other emissions. The new funding is provided for congestion mitigation and air quality improvement projects by the Texas Department of Transportation (TxDOT).

TTI research was provided during the legislative process. TTI was inserted in the bill language to evaluate TERP programs and recommend methods for improvement during the many iterations of the legislation. However, upon final passage, the directive for TTI was not included. Any future involvement from TTI will require TCEQ to determine an appropriate contract for specific research.

**SB 1308 by Blanco/Canales – Relating to a study on the impacts of using certain motor vehicle technologies.** This bill amends the Transportation Code by tasking the Texas Department of Transportation (TxDOT) and Texas Department of Public Safety (DPS), in consultation with Texas A&M Transportation Institute (TTI) and the appropriate federal agencies, jointly to conduct a study on (i) the potential benefits of using automated driving systems, connected driving systems, and other emerging technologies to alleviate motor vehicle traffic congestion at ports of entry between this state and the United Mexican States; and (ii) the overall impact of using automated driving systems, connected driving systems, and other emerging technologies on the transportation industry workforce, including the effects on driver and public safety.

**SB 1907 by Blanco / Martinez – Relating to a feasibility study on the colocation of federal and state motor vehicle inspection facilities at ports of entry.** This bill requires Texas A&M Transportation Institute (TTI), in consultation with the Texas Department of Transportation (TxDOT) and Texas Department of Public Safety (DPS), to conduct a feasibility study on building and maintaining a collocated federal and state inspection facility at each port of entry in Texas for the inspection of motor vehicles for compliance with federal and state commercial motor vehicle regulations. This bill requires TTI to submit to the legislature a report of the study results no later than 01 December 2022 and arrange with the Federal Motor Carrier Safety Administration receipt of the report.

## **Texas A&M Engineering Experiment Station**

**HB 4472 by Landgraf/Birdwell – Relating to the Texas emissions reduction plan.** House Bill 4472 makes several changes to the Texas Emissions Reduction Program (TERP). The bill allows the Texas Commission on Environmental Quality (TCEQ) more flexibility to administer the program. It also provides for additional funding and programs to achieve maximum reductions in oxides of nitrogen to demonstrate compliance with the state implementation plan, prevent areas of the state from violating national ambient air quality standards, and achieves cost-saving and multiple benefits by reducing emissions advancing new technologies that reduce oxides of nitrogen and other emissions. The Energy Systems Laboratory (ESL) at Texas A&M Engineering Experiment Station (TEES) would be used as a part of this bill.

## **Texas Division of Emergency Management**

**SB 3 by Schwertner/Paddie - Relating to preparing for, preventing, and responding to weather emergencies and power outages; increasing the amount of administrative and civil penalties.** This bill is in response to Winter Storm Uri, and the associated electric generation and distribution failures in February 2021. It is an omnibus bill that creates several new duties and responsibilities for TDEM. The General Appropriation Act appropriated 1.2 FTEs for each year of the biennium for administration of the bill. Key provisions of the bill for TDEM include:

- The bill requires TDEM to create a list of suggested actions for state agencies and the public to take to prepare for storms and to develop certain disaster preparedness educational materials. TDEM shall post the educational materials on the agency's website and distribute these materials to local governments and businesses.
- The bill creates the Texas Energy Reliability Council as a 25 member committee, with TDEM's chief serving as presiding officer. Twice a year meetings are required, with TDEM providing administrative support. The Council shall foster communication and planning to ensure preparedness for making energy available and delivering energy and electricity to ensure human needs are met and Critical infrastructure needs are addressed. Under the bill, an annual report to the legislature on the reliability and stability of the electricity supply chain is required with required recommendations on strengthening the electricity supply chain.
- The bill also creates the Texas Electricity Supply Chain Security and Mapping Committee, with TDEM's chief serving as a member. The bill requires quarterly meetings, with TDEM staffing as necessary. The committee shall: map the state's electricity supply chain, identify and designate the sources in the supply chain necessary to operate critical infrastructure, develop a communication system between critical infrastructure sources, the commission, and the independent ERCOT grid operator, and establish best practices to prepare facilities to maintain service in extreme weather events. The committee is required to produce a report by January 1, 2022 that describes the activities and findings undertaken by the committee to date. The report shall make recommendations on communication systems and best practices to ensure that electricity supply is prioritized during extreme weather events.

**SB 437 by Blanco / J. Turner - Relating to the establishment of a personal protective equipment reserve advisory committee.** The bill requires TDEM to establish the Personal Protective Equipment Reserve Advisory Committee, consisting of 15 Members appointed by TDEM. The Committee shall make

recommendations on procurements needed for a statewide PPE reserve, storage of equipment in reserve, and distribution of PPE to health care workers and essential personnel. The Committee is abolished September 1, 2023.

**SB 968 by Kolkhorst/Klick - Relating to public health disaster and public health emergency preparedness and response; providing a civil penalty.** This bill is an omnibus bill in response to the COVID-19 pandemic that seeks to better prepare the state for future pandemics while balancing the rights of individuals vs the rights of the state. The bill creates several new responsibilities for TDEM.

- Personal protective equipment -- TDEM shall enter into contract with a manufacturer or wholesale distributor of PPE that guarantees a set amount and stocked supply of equipment during a public health disaster. The bill requires that the manufacturer is located within the United States to the extent practicable. The bill requires TDEM to make a determination prior to purchasing PPE that the state's supply will be insufficient based on the evaluation of PPE held in reserve and supplied by the federal government. The bill authorizes TDEM to pursue all available federal funding to cover the cost of PPE.
- Wellness Checks for the Medically Fragile Individuals During Certain Emergencies – The bill requires TDEM to develop a process for designating individuals who are included in the emergency assistance registry as medically fragile. The bill establishes the following groups to be included: 1) A person with Alzheimer's disease and other related disorders; 2) A person receiving dialysis services; 3) A person diagnosed with a debilitating chronic illness; 4) A person dependent on oxygen treatment; or 5) A person with a medical condition that require 24-hour supervision from a skilled nurse. The legislation also authorizes the following people to access the emergency assistance registry to assist medically fragile individuals during a defined events: 1) The Health and Human Services Commission (HHSC); 2) the Department of State Health Services (DSHS); 3) first responders; and 4) local government and local health departments. TDEM is required to collaborate with these entities and municipalities and counties to ensure that a wellness check is conducted on each person listed in the registry. TDEM, in collaboration with DSHS and HHSC, SHALL adopt rules regarding which events require a wellness check, including an extended power, water or gas outage; a state of disaster; and any other event considered necessary. TDEM, in collaboration with DSHS and HHSC, shall adopt rules regarding the minimum standards for conducting a wellness check, including: an automated telephone call and text to the individual, a personalized telephone call, and if unresponsive to the calls an in-person wellness check should be conducted in accordance to the rules created by TDEM. Wellness checks must be conducted as soon as practicable but no later than 24 hours after the event.

# Overview of Key Higher Education Legislation

## Academic Affairs Related Legislation

### General Bills

**HB 1027 by Parker/Creighton - Relating to certain information about textbooks and learning content management systems by certain higher education institutions.** This bill requires institutions to include required and recommended textbooks, course materials, supplemental materials, and open educational resources. The bill requires each public institution of higher education, no later than the 30th day before the first day that classes are conducted for each semester or academic term, to compile the course schedule and list of required and recommended course materials, make that information available to college bookstores and other providers of course materials, and state or provide in a prominent location in the schedule a website link with the total amount of any fee or charge for course materials assessed by the institution or another entity under an agreement with the institution, including a statement regarding whether the fee or charge is included in the cost of tuition. It further requires information on if the course material is primarily electronic, the terms under which the publisher or provider collects and uses student data obtained through the course material. Finally, it must include any provision that allows the student to opt out of the fee or charge.

This bill requires an institution of higher education to itemize a fee or charge for course materials assessed by the institution or another entity under an agreement with the institution separately from any other fees or charges assessed for a course or course section in the institution's billing to the student. This provision expressly prohibits an institution of higher education from including a fee or charge for course materials as part of the institution's tuition.

Finally, this bill requires an institution of higher education that designates in its course schedule certain courses or sections as having low course material costs or a similar designation to state or provide a website link to the designation criteria in a prominent location in the schedule. The bill prohibits its provisions from being construed to affect any authority granted to a faculty member by an institution of higher education to select course materials for courses taught by the faculty member. The bill applies beginning with the 2022 fall semester.

**SB 165 by Blanco/Fierro - Relating to an exception to dropped course limitations at public higher education institutions for courses dropped during a disaster that results in a bar or limit on in-person course attendance.** This bill amends the Education Code to require the Texas Higher Education Coordinating Board to adopt rules under which a public institution of higher education must permit a student to drop more than the maximum permitted several courses that would otherwise apply if a disaster is declared by the governor under the Texas Disaster Act of 1975 and results in a bar or limit on in-person course attendance at the institution. This requirement applies beginning with the 2021 fall semester.

**SB 1525 by Creighton/Parker - Relating to the administration of the governor's university research initiative.** This bill requires the Texas Economic Development and Tourism Office (TEDTO) to consult with the commissioner of higher education in exercising its authority to adopt any rules TEDTO considers necessary to administer the governor's university research initiative. The bill requires the commissioner to recommend to TEDTO the types of national academic recognitions that are considered highly prestigious for determining which individuals or groups qualify as distinguished researchers for purposes of the initiative. The bill revises the definition of "distinguished researcher" to a researcher who qualifies because of the researcher's status as a Nobel laureate or member of an applicable National Academy as an individual researcher. It includes in the definition an individual researcher or group of researchers who have attained another highly prestigious national academic recognition, as defined by the TEDTO rule.

**SB 788 by Creighton/Howard - Relating to developing a model data-sharing agreement for sharing student information between public schools and public and private postsecondary educational institutions.** This bill directs the Texas Higher Education Coordinating Board, Texas Education Agency, and Texas Workforce Commission to develop and make available model FERPA-compliant data-sharing agreements for voluntary use by school systems and postsecondary institutions. This will streamline the current administrative burden of having to negotiate varying legal definitions of FERPA. Guiding principles of data use and how FERPA should be interpreted would streamline inefficiencies and allow for more substantial information sharing.

This bill amends current law relating to developing a model data-sharing agreement for sharing student information between public schools and public and private postsecondary educational institutions.

### **TEA/Dual Credit/Community College Related**

**HB 885 by Harris/Birdwell - Relating to the requirements for a junior college district to receive approval from the Texas Higher Education Coordinating Board to offer baccalaureate degree programs.** This bill exempts Navarro College from the requirement for its junior college district to meet a \$6 billion threshold level of district property valuation for purposes of offering a baccalaureate nursing degree program that the Texas Higher Education Coordinating Board approves concerning specific special requirements applicable to such programs.

**HB 3348 by Pacheco/Creighton - Relating to the number of baccalaureate degree programs specific public junior colleges may offer.** This bill allows the Texas Higher Education Coordinating Board to authorize certain baccalaureate degree programs at eligible public community colleges. Previous legislation limited eligible community colleges to offering three baccalaureate degree programs at any time. This bill removes that restriction and allows certain community colleges currently eligible to offer up to five baccalaureate degree programs.

**SB 1102 by Creighton/Parker - Relating to establishing the Texas Reskilling and Upskilling through Education (TRUE) Initiative to support workforce education at public junior colleges.** This bill establishes the Texas Reskilling and Upskilling through Education (TRUE) program for the stated purpose of strengthening the Texas workforce and building a more robust Texas economy. The bill requires the Texas Higher Education Coordinating Board (THECB) to administer the program following the bill's provisions and associated rules. The bill requires the THECB to award program grants to eligible entities, beginning with the 2021 fall semester and using funds appropriated or otherwise available for that

purpose, to create, redesign, or expanding workforce training programs and delivering education and workforce training.

**SB 1230 by Taylor/Pacheco - Relating to establishing the Texas Commission on Community College Finance.** This bill establishes a 12-member Texas Commission on Community College Finance to make recommendations for consideration by the 88th Legislature regarding the state funding formula and funding levels for public junior colleges that would be sufficient to sustain viable junior college education and training offerings throughout the state and improve student outcomes in alignment with state postsecondary goals. This bill requires the commission to examine trend and forecast data, seek stakeholder input, account for equity in student outcomes, and, based on its findings, make recommendations on the components of state funding for public junior colleges and the feasibility of establishing shared service agreements or inter-institutional collaborations for the performance of certain administrative services.

**SB 1227 by Taylor/Metcalf - Relating to granting undergraduate course credit at public institutions of higher education for certain scores on examinations administered through the College-Level Examination Program.** This bill amends current law relating to granting undergraduate course credit at public institutions of higher education for certain scores on examinations administered through the College-Level Examination Program. This bill Prohibits an institution of higher education in establishing the minimum required score on a CLEP examination for granting course credit for a particular lower-division course under Subsection (c) (relating to requiring the institution to establish conditions for granting course credit and to identify the proper course credit or requirements), from requiring a score higher than the minimum score recommended by the American Council on Education for granting course credit for that examination.

**SB 1277 by West/J. Turner - Relating to an agreement between a school district and public institution of higher education to provide a dual credit program to high school students enrolled in the district.** This bill requires school districts and public higher education institutions that offer dual credit programs to designate at least one employee to provide academic advising for each student enrolled in a dual credit course before enrollment.

**SB 1351 by West/C. Turner - Relating to formula funding for excess undergraduate credit hours at public institutions of higher education and to the tuition rate that may be charged for those credit hours.** This bill authorizes an institution of higher education to charge a resident undergraduate student tuition at a higher rate than the rate charged to other resident undergraduate students, not to exceed the rate charged to nonresident undergraduate students, if before the semester or other academic session begins the student has previously attempted several semester credit hours for courses taken at any institution of higher education while classified as a resident student for tuition purposes that exceeds the number of semester credit hours required for completion of the degree program in which the student is enrolled by at 25%.

**SB 1888 by Creighton/Parker - Relating to the establishment of specific programs to facilitate early high school graduation and enrollment at public institutions of higher education.** This bill establishes the Texas First Scholarship Program. It requires the Texas Education Agency (TEA), in coordination with the Texas Higher Education Coordinating Board (THECB), to establish the Texas First Early High School Completion Program to allow public high school students who demonstrate early readiness for college



to graduate early from high school. The bill requires the THECB, by rule and in consultation with TEA and eligible institutions, to establish standards for use in the early high school completion program.

## **Finance/Tuition/Financial Aid Related Legislation**

**HB 1259 by Darby/Seliger - Relating to the Rural Veterinarian Incentive Program.** This bill redesigns the existing (but unfunded) program by transferring the administration to the Texas Animal Health Commission, and adds new members to the committee that administer the program: the deans of the accredited colleges of veterinary medicine in Texas, a mixed-practice veterinarian representing each university system in the state with an accredited vet school, and a vet who serves as a commissioner of the Texas Animal Health Commission. The legislation also establishes the fund's structure at the THECB, allows for the fund to accept donations, and designates how the fund pays for tuition assistance or loan repayment.

**HB 4361 by Raney/Bettencourt - Relating to off-campus workforce education or lower-division programs offered by a public institution of higher education at an employer's request.** This bill authorizes an institution of higher education to agree with an employer to provide a credit or noncredit off-campus workforce education or lower-division program to the institution's students at a site requested by the employer without the approval of a higher education regional council, regardless of whether the site at which the program would be offered is located within the institution's uniform state service region or, if the institution is a public junior college, within the junior college district's service area, if the employer has solicited an agreement to offer the program at that site with another institution of higher education that offers the same or substantially equivalent coursework as that requested by the employer.

**SB 702 by Paxton/Paddie - Relating to the continuation and functions of the Prepaid Higher Education Tuition Board.** The Prepaid Higher Education Tuition Board underwent a review by the Texas Sunset Advisory Commission in 2020-2021. This bill follows the Sunset Advisory Commission recommendations, continuing the Prepaid Higher Education Tuition Board for twelve (12) years through September 1, 2033. Additionally, it amends board member training and complaint tracking provisions and authorizes the board to appoint advisory committees in rule, as necessary.

**SB 1019 by Zaffirini/J. Turner - Relating to a requirement for the Texas Higher Education Coordinating Board to report specific student loan data.** This bill requires the Texas Higher Education Coordinating Board (THECB) to include a breakdown of student loan data disaggregated by race, ethnicity, sex, degree type, and enrollment status in its annual report on financial aid in this state including whether the student has graduated. Further it requires THECB to provide an explanation of any limitation on the scope and accuracy of the data.

**SB 1094 by Creighton/Frullo - Relating to the payment of apprenticeship education expenses using the state's programs for paying, prepaying, or saving toward the costs of attending an institution of higher education.** This bill adds registered apprenticeships to the types of expenses that a Texas Prepaid Higher Education Tuition contract may pay for. Traditionally the statute has only allowed the program to pay for undergraduate tuition and required fees at a public or private university, 2-year school, medical or dental unit, and career schools. To be eligible, an apprenticeship must be certified with the



US DOL National Apprenticeship Act.

**SB 1490 by Creighton/C. Turner - Relating to the authority of the Texas Higher Education Coordinating Board to issue a certificate of authority or certificate of authorization regarding professional degrees.**

This bill authorizes the Texas Higher Education Coordinating Board to issue a certificate of authority for a private postsecondary educational institution to grant a professional degree or to represent that credits earned in Texas are applicable toward a professional degree only if the THECB determines that the capacity and ability of similar professional degree programs at public, private, and independent institutions of higher education are insufficient to meet the state's current market needs. This bill also ensures that the institution seeking the certificate of authority has the necessary faculty and other resources to ensure student success and is subject to and agrees to meet the same standards for approval and all academic criteria applicable to similar professional degree programs offered by public, private, or independent institutions of higher education.

**SB 1860 by Powell/Neave - Relating to creating an electronic application system for state student financial assistance.** In 2019, the Legislature passed HB 2140, requiring the Coordinating Board to create an online version of the Texas Application for Student Financial Aid (TASFA), similar to the Free Application for Federal Student Aid (FAFSA). The federal Coronavirus Response and Relief Supplemental Appropriation Act (signed 12/27/2020) included funding for a substantial rewrite of the FAFSA. The TASFA mirrors the FAFSA in many ways, so it makes sense to postpone the implementation of the online TASFA to match the implementation of the redesigned FAFSA. This bill postpones the implementation of the online TASFA to the 23-24 Academic Year. Subsequent to the 87<sup>th</sup> Regular Session in Texas, the US Department of Education announced that despite the language in the bill, the changes to the FAFSA would not be “fully” implemented until the 24-25 Academic Year. As of this writing, the Coordinating Board has not yet announced how they plan to deal with this setback.

**SB 1888 by Creighton/Parker - Relating to the establishment of certain programs to facilitate early high school graduation and enrollment at public institutions of higher education.** The bill repeals the current Texas Early High School Graduation Scholarship Program, and creates the Texas First Scholarship Program in conjunction with the Texas Early High School Completion Program. To be eligible for an award under the program, a student would have to: 1) be a resident of this state as determined by THECB rules; 2) have graduated early from high school under the Texas First Early High School Completion Program; and 3) comply with certain financial aid application requirements. A student who graduated from high school two or more semesters or the equivalent earlier than the student's high school cohort would receive the maximum annual TEXAS grant award determined by THECB for the applicable academic year. A student who graduated from high school less than two semesters or the equivalent early would receive half that amount. The bill creates a funding scheme whereby the school districts transfer funds to the Coordinating Board for distribution to higher ed. institutions. The bill becomes effective for students with the 21-22 Academic Year

## **Sexual Assault/Harassment Legislation**

**SB 1371 by Huffman/Murphy - Relating to the reporting of certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public or private institutions of higher education.**

This bill was a narrowly tailored clarification to SB 212 from the 86<sup>th</sup> Legislative Session. The bill makes clear that campus peace officers do not have to report an alleged victim's name or their identifying

information if a victim chooses to file a pseudonym report. The bill also makes clear that an alleged victim may use the pseudonym form to report such an incident.

## **Student Affairs Legislation**

**HB 1027 by Parker/Creighton - Relating to the disclosure of certain information regarding textbooks and learning content management systems by certain institutions of higher education.** This bill establishes new requirements for disseminating information about textbooks and related course materials. 30 days prior to a semester, institutions shall publish in a prominent location, such as an internet website: a schedule for each course offered that includes required and recommended course materials that specifies to the extent practicable: the retail price, the author, publisher or provider, the most recent copyright date, the ISBN (if any), whether the material is open educational resource, and any associated fee or charge such as a technology charge, library use charge or printing or publication fee. Institutions shall include information regarding whether the fees or charges are included in the cost of tuition, the terms under which the publisher or provider collects and uses student data obtained through a student's use of the course materials, and any provisions that allows the student to opt out of a fee or charge. Institutions shall update the schedule as soon as practicable when information changes. Institutions shall itemize fees or charges for course materials assessed by the institution or contracted entity separately. Additional requirements are established for searching the schedule, especially as it relates to open educational resources.

**SB 36 by Zaffirini/Turner - Relating to creation of a higher education task force focused on mental health services and the offense of hazing.** The bill would have expanded the format of reporting hazing incidents to include non-written communication and would have allowed peace officers and law enforcement agencies to receive reports of hazing. The bill also would have created a task force on Mental Health Services that would have researched the capacity of higher education institutions to deal with the mental health aspect of hazing incidents. The task force was charged with a wide-ranging topics relating to the mental health aspects of the hazing. The Governor's veto proclamation identified the task force as the reason for the veto.

**SB 165 Blanco - Relating to an exception to dropped course limitations at public institutions of higher education for courses dropped during a disaster that results in a bar or limit on in-person course attendance.** The bill requires the Texas Higher Education Coordinating Board to adopt rules under which a public institution of higher education could not count toward the maximum number of courses permitted to be dropped a course dropped by a student if a disaster was declared by the governor which resulted in limiting in-person course attendance at the institution.

**SB 279 by Hinojosa/Bucy - Relating to the inclusion of suicide prevention information on certain student identification cards issued by a public school or public institution of higher education.** The bill requires that student identification cards include information related to suicide prevention. The information must contain the contact information for the National Suicide Prevention Lifeline and the Crisis Text Line. The information may also contain contact information for campus police, campus health clinic or contact information for local law enforcement, health clinic, or suicide prevention hotline where applicable.

**SB 797 by Hughes/Oliverson - Relating to the display of the national motto in public schools and institutions of higher education.** The bill requires public elementary schools and institutions of higher education to display a durable poster or framed copy of the US motto, "In God We Trust." The legislation requires the words to appear above a representation of the US flag and a state flag. No other words, images, or other information may be depicted. The duty to display the motto only applies to donated displays, or those purchased with donated funds. The bill requires that the display be "in a conspicuous place in each building."

**SB 1385 by Creighton/Murphy - Relating to Name, Image, and Likeness (NIL) compensation for student-athletes.** This bill allows student-athletes to hire professional representation and enter into third-party agreements for the individual student-athletes name, image, or likeness, including the selling of their autograph. All NIL contracts must be submitted to the university to ensure no conflicts with university and/or team contracts or team rules. In addition, a student-athlete may not enter into NIL agreements with a third party that promotes alcohol, tobacco products, e-cigarettes or any other type of nicotine delivery device, anabolic steroids, sports betting, casino gambling, a firearm the student-athlete cannot legally purchase, or a sexually oriented business. The bill clarifies that student-athletes are not university employees and that no NIL agreements can be used as recruiting inducements to individual universities. Finally, student-athletes must complete a financial literacy course beginning their first and third academic years. The bill's effective date is July 1, 2021.

## **General Counsel Related Legislation**

**HB 29 by Swanson/Hughes - Relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.** The bill amends Chapter 2165, Government Code to authorize state agencies to provide temporary secure storage of weapons in buildings under their control, for a person who enters the building or portion of the building with a weapon that is prohibited in that building or portion of the building. This bill does not apply to an institution of higher education.

**HB 2116 by Krause/Powell - Relating to certain agreements by architects and engineers in or in connection with certain construction contracts.** HB 2116 updates language providing that claims involving negligence of, fault of, or breach of contract by the owner, the owner's agent, the owner's employee or another entity over which the owner exercises control. The bill also allows for recover of owner's reasonable attorney fees in proportion to the engineers or architect's liability. Similar to SB 219, this amends the standard of care to the Civil Practices and Remedies code and establishes the proposed standard from as that of a "competent architect". HB 2116 provides that differing standards of care in contracts are void and unenforceable.

**HB 2730 by DeShotel/Kolkhorst - Relating to the acquisition of real property by an entity with eminent domain authority and the regulation of easement or right-of-way agents.** This bill makes several changes to the eminent domain process, including changes to the Landowner Bill of Rights promulgated by the Attorney General's office, changes to the licensure requirements for right-of-way agent certification, provides for minimum values of an initial offer, provides required terms for an easement conveyance by a private entity, provides for alternative special commissioners and deadlines for the appointment of special commissioners and the hearing, and creates additional requirements for the delivery of notices.

**HB 3069 by Holland/Hughes - Relating to statutes of limitation and repose for certain claims involving the construction or repair of an improvement to real property or equipment attached to real property.** HB 3069 shortens the limitations period under which a governmental entity can bring a suit for damages for certain claims against design professionals who designed, planned, or inspected the construction of an improvement to real property or equipment attached to real property, or against a person who constructed or repaired an improvement to real property, from not later than 10 years after the substantial completion of the improvement or the beginning of the operation of the equipment to not later than 8 years after the completion or operation of the equipment. The bill also decreases the extension of the limitations period for governmental entity claimants that presents a written claim within the limitations period from two years from the date the claim was presented to one year from that date.

**SB 219 by Hughes/Leach - Relating to civil liability and responsibility for the consequences of defects in the plans, specifications, or related documents for the construction or repair of an improvement to real property or of a road or highway.** The bill amends the Business and Commerce Code to limit a contractor from liability related to the accuracy, adequacy, sufficiency, or suitability of plans, specifications, or other design documents provided to the contractor by a person other than the contractor's agents, contractors, fabricators, or suppliers, or its consultants, of any tier.

A contractor would be required to disclose in writing to the person with whom the contractor enters into a contract the existence of any known defect in the plans, specifications, or other design documents discovered by the contractor before or during construction within a reasonable time of learning of the defects, or that reasonably should have been discovered by the contractor using ordinary diligence. Failure to disclose as required may make the contractor liable for the consequences of defects.

SB 219 amends the Business and Commerce Code to make the subchapter on contractor responsibility inapplicable to certain contracts for the construction or repair of certain critical infrastructure facilities. The bill, under certain circumstances, would also not apply to the construction, repair, alteration, or remodeling of certain improvements to real property or construction and repair of critical infrastructure.

Similar to HB 2116, SB 219 amends the Civil Practice and Remedies Code to provide that a construction contract for architectural or engineering services or a contract related to the construction or repair of an improvement to real property that contain certain services as a component part must require the services be performed with the professional skill and care ordinarily provided by competent architects or engineers practicing under the same or similar circumstances and professional license.

**SB 282 by Alvarado/Meyer – Relating to a prohibition against the appropriation of money to settle or pay a sexual harassment claim made against certain members of the executive, legislative, or judicial branch of state government and to a prohibition against the use of other public money to settle such a claim.** SB 282 prohibits the appropriation and use of state money to settle or pay sexual harassment claims. Specifically, SB 282 amends the Government Code by adding a chapter prohibiting the Texas Legislature from appropriating money and state agencies from using appropriated money to settle or pay a sexual harassment claim against an elected or appointed member of the executive, legislative, or judicial branch of state government, and their staff.

**SB 797 by Hughes/Oliverson - Relating to the display of the national motto in public schools and institutions of higher education.** SB 797 amends the Education Code to require each public school and institution of education to display in a prominent place in each building of the institution a poster or framed copy of the US national motto “In God we trust” that also contains an image of the US and Texas flags. This requirement applies if the poster/framed copy is donated to the institution or purchased from donated funds AND contains the specific requirements for the poster/framed copy as stated in the bill. The size of the poster/framed copy is not stated, and presumably could be any size.

**SB 1225 by Huffman/Paddie - Relating to the authority of a governmental body impacted by a catastrophe to temporarily suspend the requirements of the public information law.** SB 1225 narrows and clarifies the existing Texas Public Information Act provision that allows a governmental body to temporarily suspend the requirements of the TPIA during a catastrophe. The current process requires a formal notification to the OAG, and publicly posting the suspension notice. This bill narrows the definition of a catastrophe to exclude periods of required remote work when responsive public information is accessible electronically, but the physical office of the governmental body is closed. The bill also limits the body to invoking the suspension once during each catastrophe for a total of 14 calendar days.

Section 2 of the bill adds a provision to the TPIA that addresses periods when a governmental body's physical offices are closed, but its employees are required to work remotely. The body is required to make a good faith effort to continue responding to open records requests, to the extent that staff have access to responsive public information. Failure to comply with the provision may subject the governmental body to a civil mandamus petition.

**SB 1821 by Huffman/Canales - Relating to procurement of a contingent fee contract for legal services by certain governmental entities.** SB 1821 amends the Government Code to revise the definition of “contingent fee contract” for certain legal services to provide that a “contingent fee contract” includes an amendment to a contingent fee contract if the amendment changes the scope of representation or may result in the filing of a lawsuit or the amending of a petition in an existing lawsuit.

## **Health Related Legislation**

*Unless otherwise indicated, earliest effective date is 09/01/2021*

**SB 1780 by Creighton/Burrows - Relating to the protection of public health in this state, including through the establishment of the Texas Epidemic Public Health Institute at The University of Texas Health Science Center at Houston.** The bill calls for the board of regents at the University of Texas System to create the Texas Epidemic Public Health Institute (TEPHI) at the University of Texas Health Science Center at Houston. TEPHI is charged with establishing and maintaining a public health reserve network including public health professionals, community health workers, state and local public health agencies, health care organizations and universities, with the goal of preparing for future pandemics and protecting public health. The Department of State Health Services is required to provide access to any data needed to fulfill the duties under this legislation.

TEPHI is required to contract with a certified public accounting firm on a biennial basis to perform a financial audit of its activities. The comptroller must review and evaluate the audit and issue a public

report detailing their review. The bill also expands the comprehensive state emergency management plan maintained by the Texas Division of Emergency Management to include provisions for protecting public health.

The fiscal note for the bill is \$59.1 million for the biennium. The legislature did not appropriate general revenue to establish TEPHI; federal COVID-relief dollars which may be allocated during a fall special session could provide the funding for TEPHI.

**SB 1490 by Creighton/C. Turner - Relating to the authority of the Texas Higher Education Coordinating Board to authorize certain degree programs offered by private postsecondary educational institutions.**

SB 1490 strengthens the Texas Higher Education Coordinating Board's (THECB) process by which it grants authorization to private, out-of-state medical and other professional schools to operate in Texas. For unaccredited, private, out-of-state professional schools (e.g. medical, dental, etc.) seeking a certificate of authority, the THECB may issue the certificate only if they determine that:

- The capacity and ability of Texas (public and private) schools are insufficient to meet market demand;
- The seeking institution has the necessary faculty and resources to ensure student success;
- There is sufficient availability of clerkship sites; and
- The seeking institution meets the same program approval standards as Texas institutions.

For accredited, private, out-of-state professional schools seeking a certificate of authorization, the legislation would clarify that the THECB has an approval process to grant such authorization. It also would prohibit such schools from operating in Texas other than via the well-established State Authorization Reciprocity Agreement framework that includes its own requirements that keep the operation and expansion of clerkships manageable.

**HB1565/SB 701 by Paddie/Buckingham - Relating to the continuation and transfer of the regulation of willed body programs to the Texas Funeral Service Commission, the regulation of willed body programs and non-transplant anatomical donation organizations, and the creation of the State Anatomical Advisory Committee; authorizing a fee.**

**SB 713 by Buckingham/Cyrier - Relating to the sunset review process and certain governmental entities subject to that process.** HB 1565 and SB 701, companion bills, were authored to fulfill the recommendations of the Sunset Commission review of the State Anatomical Board (SAB). As filed, both bills abolished the SAB and transferred its functions to the Texas Funeral Service Commission. SB 701 was heard in committee but left pending. The House passed HB 1565 as amended to provide that entities accredited by the American Association of Tissue Banks (AATB) were exempt from state regulation. AATB accreditation includes for-profit and non-profit entities that operate willed body and/or non-transplant tissue programs and is voluntary for its members. The Senate passed a substitute for HB 1565 which deleted the exemption for AATB accredited entities. The House refused to concur with the Senate substitute. Both chambers appointed conferees but they never convened. HB 1565 ultimately failed to pass; however, SB 713 was passed and extends the SAB until September 1, 2023.

*Background*

The chief concern of the SAB centered on the failure of uniform applicability of state authority over all willed/donated whole bodies and/or non-transplant tissue programs, whether operated by Texas



institutions of higher education or by for-profit/non-profit companies. The basis of the SAB's concern derived primarily on the difference in standards of the SAB vis-a-vis those of the AATB for its members, should members choose to be so accredited. The standards of the SAB under current law are applicable to institutions of higher education and are mandatory with respect to facilities, receipt, transport, storage, embalming, dissection and the return/disposal of cadavers/cadaveric tissue remains, and are enforced through inspection by members of the SAB. In contrast, AATB standards, established and operated by and for its own for-profit and non-profit members' programs, while comparatively meaningful in some areas, are nonetheless not as rigorous as those of the SAB, and most importantly, are "encouraged" but only voluntary. Thus, the position of the SAB was that regardless if an individual AATB member entity were accredited by the AATB, state policy should provide that all willed body and non-transplant tissue programs, whether operated by institutions of higher education or for-profit/non-profit companies, and regardless whether bodies/tissue specimens were obtained within or outside of Texas, if used in Texas should be held to the same state oversight and standards.

**SB 1827 by Huffman/Holland – Relating to the creation of the opioid abatement account, an opioid abatement trust fund, and a statewide opioid settlement agreement.** The bill establishes a council and two separate funds to manage the allocation of funding the state receives from a statewide opioid abatement settlement agreement. The bill requires that 15 percent of the money obtained from the settlement agreement be deposited into an opioid abatement account and 85 percent into an opioid abatement trust fund. Money deposited into the account may be appropriated to state agencies, and money deposited into the trust fund will be distributed in part to cities and counties and in part to the council established by the bill to further distribute the funds.

The Texas opioid abatement fund council is established to implement opioid abatement strategies and manage the distribution of money allocated to the council from the opioid abatement trust fund. The council is administratively attached to the comptroller and is composed of the following 14 members: (1) six regional members, appointed by the executive commissioner of the Health and Human Services Commission (HHSC), who are from academia or are physicians and who each are appointed to represent one of the following groups of regional health care partnership regions:

- (A) regions 9 and 10;
- (B) region 3;
- (C) regions 11, 12, 13, 14, 15, and 19;
- (D) regions 6, 7, 8, and 16;
- (E) regions 1, 2, 17, and 18; and
- (F) regions 4, 5, and 20;

(2) four members who are current or retired health care professionals holding or formerly holding a license under Title 3, Occupations Code, with significant experience in treating opioid-related harms and who are appointed as follows:

- (A) one member appointed by the governor;
- (B) one member appointed by the lieutenant governor;
- (C) one member appointed by the speaker; and
- (D) one member appointed by the attorney general;

(3) one member who is employed by a hospital district and is appointed by the governor;

(4) one member who is employed by a hospital district and is appointed by the attorney general;

(5) one member appointed by the governor and who is a member of a law enforcement agency and has experience with opioid-related harms; and

(6) one nonvoting member who serves as the presiding officer of the council and is the comptroller or the comptroller's designee.

The appointments made by the executive commissioner of HHSC must be from a list of two qualified candidates provided by the governing bodies of counties and municipalities that: (1) brought a civil action for an opioid-related harm against a released entity; (2) released an opioid-related harm claim in a statewide opioid settlement agreement; and (3) are located within the regions for which the member is being appointed. All appointments to the council are required to be made no later than 60 days from the bill's effective date.

Of the funding allocated to the council, they are directed to allot one percent of the money to the comptroller to administer the council; 15 percent to hospital districts; and the remaining amount to entities based on opioid abatement strategies developed by the council for the state. Any strategies the council approves must include an annual regional allocation methodology to distribute 75 percent of the money based on population health information and prevalence of opioid incidences and an annual targeted allocation to distribute 25 percent of the money for targeted interventions as identified by opioid incidence information. The council is also tasked with reallocation of funding among regions; developing an application and award process for funding and awarding grants and funding; providing oversight of grant agreements; and determining the percentage of money that can be utilized to develop education and outreach programs. The council must also provide a written report to the legislature on an annual basis which details all expenditures made during the previous fiscal year.

The opioid abatement account created by SB 1827 is made up of 15 percent of the money obtained from the statewide opioid abatement agreement; money received by the state from any other source resulting directly or indirectly from an action by the state against an opioid-related entity; money appropriated or transferred by the legislature; gifts and grants; and earnings on the principal of the account. Funds from within the account are only allowed to be appropriated to a state agency for opioid-related harms abatement. The bill includes parameters for the types of expenses a state agency may use the appropriated dollars for, including: opioid-use prevention efforts; increasing access to opioid antagonists; opioid addiction treatment and training; reduction in addictive prescription medications misuse; access to opioid-abuse treatment in underserved and rural areas; and criminal justice focused opioid addiction.

The opioid abatement trust fund established within the bill is located outside the state treasury and is administered by a trust company. The trust company is required to distribute 15 percent of the amount received under the statewide opioid settlement agreement to counties and municipalities, and 70 percent to the opioid abatement fund council for distribution, with the exception of \$5 million specified to be given to Texas Access to Justice Foundation to provide basic civil legal services to indigent persons directly impacted by opioid-use disorders. *Earliest effective date: 06/16/2021*

**HB 1325 by Coleman - Relating to the participation of the medical school at the University of Houston and the college of osteopathic medicine at Sam Houston State University in the Joint Admission Medical Program.** The bill allows the medical school at the University of Houston and the college of osteopathic medicine at Sam Houston State University to participate in the Joint Admission Medical Program, a program that supports and encourages highly qualified, economically disadvantaged Texas resident students pursuing a medical education. *Earliest effective date 05/15/2021*



**SB 1525 by Creighton/Parker - Relating to the administration of the governor's university research initiative.** The bill expands the definition of who is considered a distinguished researcher for the purposes of the Governor's University Research Initiative (GURI), a program designed to assist Texas public institutions of higher education recruit researchers by providing matching grants to those institutions of up to \$5 million dollars. The expanded definition includes an individual or group of researchers who have obtained a highly prestigious national academic recognition, as determined by the administering office for GURI, in consultation with the commissioner of the Texas Higher Education Coordinating Board. *Earliest effective date 06/07/2021*

**HB 885 by Harris/Birdwell - Relating to the requirements for a junior college district to receive approval from the Texas Higher Education Coordinating Board to offer baccalaureate degree programs.** The bill allows Navarro College to establish a Bachelor of Science in nursing (BSN) degree. Specifically, the bill states a junior college district with a taxable property valuation amount of not less than \$4 billion in the preceding year and without a four-year institution of higher education located within their same county is exempt from the current restrictions placed on junior colleges seeking to offer a bachelor's degree. The bill specifies that this exemption only applies for the purpose of offering a BSN at a junior college. *Earliest effective date 06/15/2021*

**SB 1251 by Miles/A. Johnson - Relating to authorizing certain joint graduate degree programs between The University of Texas Health Science Center at Houston and The University of Texas M. D. Anderson Cancer Center.** The bill allows the University of Texas Health Science Center at Houston and the University of Texas M.D. Anderson Cancer Center to provide joint graduate degree programs in the fields of population and public health. *Earliest effective date 05/28/2021*

**HB 1535 by Stephanie Klick/Schwertner – Relating to the medical use of low-THC cannabis by patients with certain medical conditions and the establishment of compassionate-use institutional review boards to evaluate and approve proposed research programs to study the medical use of low-THC cannabis in the treatment of certain patients.** HB 1535 expands the conditions that can be treated with low-THC cannabis to include all cancers, post-traumatic stress disorder and any medical condition approved by the executive commissioner (EC) of the Health and Human Services Commission (HHSC) for a compassionate-use research program established by the bill and for which a patient is being treated. It also increases the percentage of THC within a plant that is considered low-THC cannabis from .5 percent to one percent. The bill provides for the establishment of one or more compassionate-use institutional review boards that will be responsible for evaluating and approving proposed research programs to study the medical use of low-THC cannabis in treating certain medical conditions designated by the EC of HHSC, and overseeing patient treatment undertaken as part of an approved research program, including the certification of treating physicians. The bill would require an institutional review board to be affiliated with a dispensing organization and meet certain criteria, one of which includes an affiliation with a medical school. Each review board is required to submit written reports on their research findings to HHSC and the legislature.

**HB 4 by Price/Buckingham – Relating to the provision and delivery of certain health care services in this state, including services under Medicaid and other public benefits programs, using telecommunications or information technology and to reimbursement for some of those services.** The bill as passed will allow for many of the Medicaid and CHIP waivers related to reimbursement for

telehealth services to remain post-pandemic. It also addresses several technology-related issues identified during the pandemic as barriers to care and care coordination. Specifically, it allows for participants of any state public benefits program to receive the following services via telehealth: preventative health and wellness; case management; behavioral health; occupational, physical, and speech therapy; nutritional counseling; and assessments, including nursing assessments under certain Section 1915(c) waiver programs. It also allows for behavioral health treatment to be provided, and reimbursed, utilizing an audio-only platform. The bill allows home telemonitoring services to be provided to certain Medicaid clients and authorizes telehealth and telemedicine services to be included as part of a Medicaid managed care organization's (MCO) provider network. It also permits MCOs to utilize telecommunications for conducting assessments and care coordination services and permits outpatient chemical dependency treatment programs be provided using telecommunications. HHSC is required to establish rules to implement the legislation. *Earliest effective date 06/15/2021*

**HB 2056 by Klick/Perry - Relating to the practice of dentistry and the provision of teledentistry dental services.** HB 2056 allows for the practice and reimbursement of teledentistry dental services. The bill stipulates that within Medicaid and CHIP, teledentistry services must be reimbursed at the same rate as an in-person visit would be for the same service. It places limitations on prescribing controlled substances, including opiates that can be prescribed via teledentistry. It requires that a person located out of state who provides dental services via telehealth to a patient in Texas must be licensed to practice dentistry within the state. The State Board of Dental Examiners, in conjunction with the Texas Department of Insurance, is responsible for adopting the rules related to the practice of teledentistry. The Health and Human Services Commission is responsible for rulemaking related to implementing this in Medicaid and CHIP.

**SB 437 by Blanco/J. Turner - Relating to the establishment of a personal protective equipment reserve advisory committee.** The bill calls for the Texas Department of Emergency Management (TDEM) to establish the Personal Protective Equipment Reserve Advisory Committee and appoint representatives from the following entities: 1) a hospital and health system association; 2) a nursing facility association; 3) a primary care clinic association; 4) a nursing association; 5) a home hospice care provider association; 6) a statewide physician association; 7) labor organizations that represent essential personnel (two representatives); 8) the personal protective equipment (PPE) manufacturing industry; 9) a consumer representative; 10) an association representing counties; 11) a regional advisory council from one of this state's trauma service areas; 12) the Department of State Health Services; 13) TDEM; and 14) the Health and Human Services Commission. The committee is charged with making recommendations to TDEM on procurements needed for a statewide PPE reserve; PPE reserve storage processes; and PPE distribution to health care workers and essential personnel. The committee is abolished on September 1, 2023. *Earliest effective date 06/16/2021*

**HB 1434 by Oliverson/Zaffirini – Relating to limitations on pelvic examinations; authorizing disciplinary action, including an administrative penalty.** HB 1434 prohibits a health care practitioner from performing or delegating to another person, including a medical student, a pelvic exam on an anesthetized or unconscious patient. Exceptions to this are permitted in certain cases, including: a situation in which the exam was part of the standard scope of the procedure being performed on the patient; the patient or their representative consented to the pelvic exam; the pelvic exam was necessary to diagnose or treat the patient's condition; or the pelvic exam was performed in order to collect evidence. Currently, patients may have pelvic examinations performed on them while under anesthesia

without their knowledge or consent. The bill outlines how informed consent must be obtained from a patient and provides for disciplinary action if a health care practitioner violates the provisions within the bill.

**SB 476 by Nelson/Stucky – Relating to establishment of county adult sexual assault response teams.**

SB 476 requires the commissioners' court in each county to establish an adult sexual assault response team (SART). Adjacent counties with 250,000 or less in population are permitted to form a multicounty response team. SARTs are required to develop a written protocol for the coordinated response to adult sexual assault reports made within their county and provide that protocol to any agency that is involved in sexual assault cases. The protocol must address various factors, including: procedures to be used in investigating and prosecuting sexual assault cases; interagency information sharing protocols; sexual assault forensic examinations locations; information on the availability of and access to medical care and mental and behavioral health services; survivor access to sexual assault program advocates; law enforcement notification procedures to update survivors on the status of any criminal case and court proceeding; an assessment of relevant community trends related to sexual assault; a biennial evaluation through sexual assault case reviews of the effectiveness of individual agency and interagency protocols and systems; a minimum of four hours of annual cross-agency training for SARTs on the dynamics of sexual assault; and procedures for maintaining the confidentiality of information shared among the response team. The bill stipulates that failure to follow a protocol developed by a SART does not constitute the basis for a claim or defense to a civil or criminal action or preclude the admissibility of evidence. SARTs are only permitted to review the case of an adult sexual assault survivor with the signed, written consent of the survivor.

The county commissioners' court appoints the members of a SART. The response team must include: a county sexual assault program chief administrator or their designee; a county prosecutor who handles adult sexual assault cases; the municipal police department chief or their designee; the sheriff or their designee; a behavioral health services provider or a county health department representative if there is no behavior health provider in the county; and a sexual assault nurse examiner (SANE) or forensic examiner from a facility that conducts such exams for the county, or a representative from the largest health care provider operating in the county if there is no SANE or forensic examiner.

Each SART is required to submit a biennial report to their county commissioners court including their written protocol, and detailing the number of sexual assault reports received by law enforcement; the number of investigations and indictments stemming from those reports; as well as the number of reports from which no indictment was presented. The bill requires the county commissioners court to appoint members and call the first meeting of their county's SART by December 1, 2021. By December 1, 2022, each response team must have developed a written protocol.

**SB 884 by Zaffirini/Raymond - Relating to the management and operation by The University of Texas System of a multi-institution center in the city of Laredo.** Currently, the Regional Campus at Laredo (RCL) is operated by the University of Texas Health Science Center at San Antonio (UTHSC-San Antonio) as a satellite campus, with the purpose of providing undergraduate and graduate medical and dental education and other health education work in the region. Under the provisions of the bill, the RCL will become a multi-institution center operated by the University of Texas (UT) System and will cease to be a satellite campus of UTHSC-San Antonio. In addition to providing health education, the bill states the center will conduct and facilitate research and engage in community outreach. The legislation provides

for the collaboration between UT component institutions and other public institutions of higher education the UT board of regents deems appropriate; it removes the direct reference to Texas A&M International University and any component institution of the Texas A&M University System.

**SB 6 by Hancock/Leach – Relating to liability for certain claims arising during a pandemic or disaster related to a pandemic.** Among other provisions, this bill provides physicians, healthcare providers and first responder’s civil liability protections in certain situations when providing care, treatment or failing to provide care during a pandemic or a disaster declaration related to a pandemic. In cases of reckless conduct or intentional, willful, or wanton misconduct the healthcare providers would not be exempt from liability. In defending themselves against liability for negligent care or failing to provide treatment, they would not be allowed to use the fact that the individual was diagnosed with or suspected of being sick with the pandemic diseases if the claimant is able to show that the diagnosis, treatment or reasonable suspicion of infection with a pandemic disease at the time of care was not a substantial factor in their injury or death. The bill provides descriptions of what may constitute care, treatment or failure to provide care during a pandemic or related disaster declaration. The provisions of the bill would only apply during the declared period of disaster made by the president or the governor.

**SB 966 by Kolkhorst/Klick - Relating to legislative oversight during a public health disaster or public health emergency, including the establishment of a legislative public health oversight board.** SB 966 establishes the Legislative Public Health Oversight Board charged with overseeing declarations of public health disasters and orders of public health emergencies made by the commissioner of the Department of State Health Services (DSHS). Board members include the lieutenant governor and speaker as the joint chairs; two legislators appointed by each of the joint chairs; and the committee chairs of the following committees: Finance, Senate State Affairs, Senate Health and Human Services, Senate Education, Appropriations, House State Affairs, House Public Health and House Public Education. Under the provisions of the bill, a renewal of a public health disaster determination would have to be made by the legislature or by the DSHS commissioner with approval from the board. The commissioner could extend a public health emergency order for an additional 30 days. Members of the board are permitted to participate in meetings via phone or video conference provided that the joint chairs attend the meeting in person. The bill also requires the DSHS commissioner to consult with the board within seven days after initially declaring a public health disaster or an order of a public health emergency. *Earliest effective date 06/16/2021*

**SB 968 by Kolkhorst/Klick - Relating to public health disaster and public health emergency preparedness and response; providing a civil penalty.** SB 968 makes several changes related to the state’s response in future pandemics.

- The Texas Medical Board (TMB) is restricted from limiting or prohibiting non-elective medical procedures during a declared state of disaster, but may issue a temporary limitation on other medical procedures if needed to conserve resources for non-elective medical procedures; the bill institutes a timeframe for such a limitation, not to exceed 15 days unless renewed by TMB.
- If the Texas Department of Emergency Management (TDEM) determines the state has insufficient personal protective equipment (PPE) either in its reserve or as expected from the federal government, then TDEM is permitted to enter into a contract for PPE that guarantees the state has a set, stocked amount to use during a public health disaster.
- Certain construction, real estate and associated services are protected from limitations or prohibitions during a declared state of disaster.

- The Department of State Health Services (DSHS) is required to develop a disease prevention information system to provide immunization-related information. DSHS must also ensure that immunization-related educational materials are available to local health authorities for community distribution.
- TDEM is charged with developing a process to identify medically fragile individuals and storing such information in an emergency assistance registry. Certain stakeholders responding to an emergency situation are authorized to have access to the registry via TDEM, in order to assist medically fragile individuals. Wellness checks must be provided to the individuals listed in the registry who are in areas experiencing certain events that warrant such checks, as determined by TDEM, DSHS and the Health and Human Services Commission (HHSC). TDEM, DSHS and HHSC are required to develop minimum standards for conducting wellness checks, but the bill includes parameters of what the minimum standards must include.
- DSHS commissioner is permitted to declare a statewide or regional public health emergency if they determine an occurrence or threat to public health is imminent. They may only declare a public health disaster if the governor declares a state of disaster for the occurrence or threat. The bill provides parameters around how long a public health disaster or public health emergency may continue and details the information that must be included in any declaration and a requirement of immediate dissemination.
- COVID-19 vaccine passports are prohibited. Businesses in the state are restricted from requiring a customer to provide proof of their vaccination status upon entering the business or to receive services. A business that doesn't comply cannot receive state funding.
- The bill establishes the Office of Chief State Epidemiologist within DSHS to be headed by the newly created chief state epidemiologist. The duties of both the office and the chief epidemiologist are outlined in the bill.
- The Preparedness Coordinating Council, in collaboration with the Emergency Management Council, is directed to examine the roles of DSHS, HHSC and TDEM related to public health disaster and emergency planning and response efforts in order to evaluate whether the state emergency operations plan appropriately outlines agency responsibilities. The council may work with an institution of higher education to complete the study. The council has until nine months after the date the 2019 COVID public health disaster officially ends, or September 1, 2023, whichever is earlier, to submit a report on their findings to the legislature.

*Earliest effective date 06/16/2021*

**HB 2706 by Howard/Nelson - Relating to the emergency services and care provided to victims of sexual assault and other sex offenses and to the processes associated with preserving and analyzing the evidence of those offenses.** The bill establishes the standards required to be designated as a Sexual Assault Forensic Exam (SAFE) program. The Health and Human Services Commission (HHSC) is authorized to designate such a program if HHSC is notified that the program contracts or employs a sexual assault forensic examiner or sexual assault nurse examiner (SANE) or has access to one via telehealth. The program must also meet the certain minimum standards including: operating under the oversight of a licensed medical director; providing medical treatment under a physician's order or a standing medical or delegation order; employing or contracting with a sexual assault examiner; providing access to a sexual assault program advocate; providing HIV testing, treatment for potential sexually transmitted diseases, counseling and prophylactic medication as needed; providing survivors with information on crime victims compensation and local sexual assault programs' contact information;

collaborating with sexual assault programs in the area; establishing and maintaining capacity for appropriate triage either at the program's facility or through an agreement with another health facility; and collaborating with law enforcement agencies, the legal system and the local sexual assault response team.

The bill provides for reimbursement via the attorney general's office to a health care provider that operates a SAFE program for the costs of a forensic exam and the evidence collection kit, provided that the exam was conducted by a sexual assault forensic examiner or a SANE.

**HB 1616 by Bonnen/Huffman - Relating to the Interstate Medical Licensure Compact; authorizing fees.**

The bill enacts the Interstate Medical Licensure Compact (IMLC) in Texas, which will provide for an expedited path to licensure for physicians who wish to practice in multiple states. Through the IMLC, Texas will coordinate with other participating states to streamline the licensing process for physicians. Texas will be the 30th state to join the IMLC. The bill also authorizes the state to participate in the Interstate Medical Licensure Compact Commission (IMLCC), which administers the rules and procedures for the IMLC. The bill outlines the parameters of the compact, including physician eligibility; application, renewal and termination processes; fees, investigations and disciplinary actions; oversight and enforcement; and the procedure for withdrawal from the compact.

**SB 640 by Menendez/Cortez - Relating to a study on the interoperability needs and technology readiness of behavioral health service providers in this state.** Under the provisions of the bill, the Health and Human Services Commission (HHSC) must conduct a study on the technological readiness of behavioral health providers in the state. As part of the study, HHSC must determine which providers utilize an electronic health record management system, and collect information on the type of systems used; the type of information collected within the system; and any connections with outside systems, among other things. HHSC must determine through the study what barriers providers identify to using an electronic health record management system. By August 31, 2022, HHSC must submit a report to the legislature, detailing a state plan and timeline for better alignment of behavioral health providers' technological capabilities. The report must also provide recommendations for standardizing the use of social determinants of health. The bill specifies what constitutes a behavioral health provider for the purposes of the study.

**SB 1414 by Huffman/Oliverson - Relating to the time frame for passing certain licensing examinations for applicants seeking a license to practice medicine.** The bill extends the time required to pass certain licensing examinations for those simultaneously seeking a doctor of medicine (MD) or osteopathy (DO) degree and a doctor of philosophy degree (PhD). The current timeframe is 10 years; the bill extends the deadline to take any qualifying examinations to the earlier of 12 years from when the individual began their graduate medical training or to the second anniversary of the date when the individual completes all their graduate medical training. *Earliest effective date 06/07/2021*

**SB 969 by Kolkhorst/Klick - Relating to reporting procedures for and information concerning public health disasters and to certain public health studies; providing a civil penalty.** The bill requires the Department of State Health Services (DSHS) to make all de-identified public health data pertaining to a declared public health disaster available on their website during said disaster. DSHS is also required to collaborate with local health authorities, hospitals and other parties who submit information to DSHS during a public health disaster in order to design and implement a standardized method for sharing



information needed during a disaster or response to a disaster. The bill requires additional reporting and information tracking by DSHS during a public health disaster, including laboratory and hospital compliance reports. Failure to comply with reporting requirements could result in a \$1,000 civil penalty to the health care facility for each failure. Finally, DSHS is directed to conduct several evaluations of the state's response and capabilities with regard to public health disasters and submit reports on their findings to the legislature.

**SB 40 by Zaffirini/Price - Relating to the provision of telehealth services by certain health professionals licensed by the Texas Department of Licensing and Regulation.** The bill allows for health professionals regulated by the Texas Department of Licensing and Regulation (TDLR) to provide telehealth services. TDLR regulates such health-related professions as behavior analysts, podiatrists, dieticians, midwives and speech-language pathologists. The bill clarifies that direct observation or care of a patient by such a health professional includes providing such services via telehealth. TDLR may adopt rules related to providing appropriate and quality telehealth services; preventing abuse and fraud through telehealth; protecting patients receiving care via telehealth; and providing for remote supervision of assistants, apprentices, interns or trainees using telecommunications or information technology.

*Earliest effective date 06/03/2021*

**SB 1136 by Kolkhorst/Frank - Relating to implementation of certain health care provider initiatives and measures designed to reduce costs and improve recipient health outcomes under Medicaid.** The bill requires that the Health and Human Services Commission (HHSC) coordinate with hospitals and other providers that receive uncompensated care supplemental payments under the 1115 Waiver to identify and implement initiatives that expand Medicaid recipients' access to primary care providers and reduce their use of emergency rooms for non-emergent health care needs. The bill requires HHSC to encourage Medicaid providers to continue implementing best practices that were developed within the 1115 Waiver's Delivery System Reform Incentive Payment (DSRIP) program, which is set to end in September of 2021. Such practices and cost-effective interventions could be implemented via existing or new provider incentive programs; terms within managed care organization contracts with HHSC; or through alternative payment models. HHSC must submit a report to the legislature on these efforts on a biannual basis.

**SB 8 by Hughes/Slawson - Relating to abortion, including abortions after detection of an unborn child's heartbeat; authorizing a private civil right of action.** The bill prohibits a physician from performing or inducing an abortion unless they perform a test to check for a fetal heartbeat. The physician may not perform an abortion if a fetal heartbeat is detected or if they failed to perform a test to detect the heartbeat. A physician is required to include documentation on the test and its results within a woman's medical record. A physician may perform or induce an abortion in the event of a medical emergency, but they must document the reasons behind the decision within the woman's medical record. The bill allows for private civil enforcement actions only in response to violations. The legislation is known as the Texas Heartbeat Act.

**HB 2509 by Lucio/Hinojosa - Relating to measures to support or enhance graduate medical education for the practice of podiatric medicine in this state.** The bill adds a doctor of podiatric medicine (D.P.M.) to the definition of a graduate medical education (GME) program for the purposes of being eligible to receive state GME expansion dollars. *Earliest effective date 06/14/2021*

**SB 1353 by Miles/Guerra - Relating to the biennial legislative report on immunizations issued by the Department of State Health Services.** The bill requires health care providers who submit immunization records to the Department of State Health Services (DSHS) during a declared public health disaster to include data on the race, age, ethnicity and county of residence of the immunized individual. The bill also expands the information DSHS is required to report to the legislature every other year on immunizations. DSHS must include information on access to immunizations by race, age and geographic location; the estimated economic benefit of reducing immunization access disparities; and recommendations for reducing such disparities. The new reporting requirements are specific to immunizations for a disease subject to a declared public health disaster. *Earliest effective date 06/14/2021*

**HB 3088 by Coleman/Kolkhorst - Relating to the administration of county mental health grant services established by the Health and Human Services Commission.** The bill changes the local match requirements and allows for additional non-state or federal sources of funding to be used for certain community mental health grant programs. HB 3088 also removes current requirements that a program receiving a grant be self-sustaining within seven years in order to establish or expand a community collaborative or to avoid a reduction or cessation of state funding. *Earliest effective date 06/14/2021*

**SB 44 by Zaffirini/Leach - Relating to leave for state employees who are volunteers of certain disaster relief organizations.** The bill provides that a state employee who volunteers with a member organization of the Texas Voluntary Organizations Active in Disaster is able to serve as a volunteer during a governor-declared state of disaster without a loss of salary or leave time. The employee's supervisor must authorize the leave and the executive director of the employee's state agency must approve it. Total leave for these purposes cannot exceed 10 days each fiscal year.

**SB 967 by Kolkhorst/Klick - Relating to the expiration and extension of certain public health orders issued by a health authority.** The bill places parameters on the expiration and extension of public health orders issued by health authorities. It stipulates that a public health order issued by a health authority automatically expires on the 15<sup>th</sup> day following the issue date of the order, unless it is extended by their local elected official: the mayor for municipal health departments and the county judge for county health departments.

## **General Operations Related Legislation**

### **Contracting / Procurement**

**HB 1476 by K. Bell/Nichols - Relating to a vendor's remedies for nonpayment of a contract with this state or a political subdivision of this state.** HB 1476 amends the Texas Prompt Payment law by requiring a governmental entity to notify a vendor of any disputed amount, in addition to an error on an invoice submitted for payment by the vendor, within 21 days after receiving the invoice. The notice must include a detailed statement of the disputed amount. The governmental entity would be able to withhold from required payments no more than 110 percent of the disputed amount.



**HB 3583 by Paddie/Hinojosa - Relating to energy savings performance contracts.** Section 1 of the bill is applicable to higher education, which utilizes the Local Government Code definition of an “energy savings performance contract.” It amends the definition to state that these contracts do not include the design or new construction of a water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, or drainage project.

**SB 13 by Birdwell/P. King - Relating to state contracts with and investments in certain companies that boycott energy companies.** SB 13 creates a new Chapter 2274, under Title 10, Subtitle F of the Texas Government Code. Section 2274.002(b) prohibits a governmental entity, which includes institutions of higher education, from entering into a contract with a company for goods or services unless the contract contains written verification from the company that it does not boycott energy companies and will not boycott energy companies during the term of the contract. This provision only applies to a company with 10 or more full time employee and that has a contract value of \$100,000 or more. Section 2274.002(c) provides an exemption from this requirement, if the governmental entity determines that the prohibition is inconsistent with the governmental entity's constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds.

SB 13 also adds Chapter 809 to Subtitle A, Title 8 of the Texas Government Code, which prohibits certain Texas state entities that invest funds from investing in financial companies that boycott energy companies. However, this prohibition does not impact institutions of higher education because they are not included in the definition of “government entity” stated in Section 809.001(7).

**SB 19 by Schwertner/Capriglione - Relating to prohibited contracts with companies that discriminate against the firearm or ammunition industries.** SB 19 amends the Government Code to prohibit a state agency, including an institution of higher education, or political subdivision from entering into a contract paid partly or wholly from public funds with a company for the purchase of goods or services unless the contract contains a written verification from the company that 1) it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association based solely on the entity's or association's status as such; and 2) it will not engage in any such discrimination during the contract term. The prohibition applies only to a contract between a state agency or political subdivision and a company with at least 10 full-time employees that has a value of at least \$100,000. SB 19 does include an exclusion from the contracting requirements for all contracts between the government entity with a sole-source provider, or in the situation where the government entity does not receive any bids from a company that is able to provide the written verification described in this legislation.

**SB 799 by Nelson/Paddie - Relating to contracting procedures and requirements for governmental entities.** This was the omnibus contracting bill for the session. Sections of the bill directing impacting higher education include:

- Section 7 of the bill clarifies in statute that institutions of higher education do not have to report vendor performance information to the Comptroller.
- LBB reporting regarding construction projects is increased from \$14,000 to \$50,000. The time frame to report these contracts is increased from 10 days to 30 days.
- LBB reporting re professional services is increased from \$14,000 to \$50,000. The time frame to report these contracts is increased from 10 days to 30 days.

- Modifies what is required in regard to professional service contracts for physicians, optometrist, and register nurses by permitting state agencies to procure these services based on the professional's agreement to receive payment as a set fee or lump sum amount and verification of necessary licensure and experience, not solely qualifications.

Other sections of the bill amend Government Code (2155, 2157, and 2262) sections that higher education is exempt from; however, some system/institutional regulations or rules closely mirror these statutes, so these sections will need to be reviewed. For example, Section 8 of the bill changes for state agencies, per Government Code 2155.132, delegated purchasing authority up to \$50,000; the previous amount was set at \$15,000.

**SB 968 by Kolkhorst/Klick - Relating to public health disaster and public health emergency preparedness and response; providing a civil penalty.** SB 968 is an omnibus bill dealing with public health disasters and coordination between state agencies. Section 14 of the bill has a section dealing with state contracting. It prohibits a business in Texas from requiring a customer to provide any documentation certifying the customer's COVID-19 vaccination or post-transmission recovery on entry to, to gain access to, or to receive service from the business. If a business fails to comply with this requirement, the business is not eligible to receive a grant or enter into a contract payable with state funds. Each appropriate state agency shall ensure that businesses in the state comply with this requirement, and agencies may require compliance by businesses as a condition for license, permit, or other state authorization necessary for conducting business in the state.

**SB 2116 by Campbell/Parker - Relating to prohibiting contracts or other agreements with certain foreign-owned companies in connection with critical infrastructure in this state.** SB 2116 prohibits business (under new Chapter 113 of the Texas Business Code) or governmental entities (under new Chapter 2274 of the Texas Government Code), including institutions of higher education, from entering into contracts or other agreements relating to state critical infrastructure with certain foreign-owned companies. "Critical infrastructure" is defined as a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility. A business or governmental entity could not enter into such a contract or agreement if, under the contract or agreement, the company would be granted direct or remote access to or control of critical infrastructure, excluding access specifically allowed by the entity for product warranty and support purposes. A business or government entity also would be prohibited from contracting with a company if the company was headquartered in China, Iran, North Korea, Russia, or a country designated by the governor, or if the business or government entity knew that the company was owned by or the majority of stock or other ownership interest of the company was held or controlled by citizens of China, Iran, North Korea, Russia, or a country designated by the governor; or a company or other entity, including a governmental entity, that was owned or controlled by citizens of or was directly controlled by the government of China, Iran, North Korea, Russia, or a country designated by the governor. The prohibition applies regardless of whether the company's or its parent company's securities were publicly traded or the company or parent company was listed on a public stock exchange as a Chinese, Iranian, North Korean, or Russian company or a company of a country designated by the governor.

The governor, after consultation with the public safety director of the Department of Public Safety, may designate a country as a threat to critical infrastructure for purposes of the bill. The governor, after consultation with the public safety director of the Department of Public Safety may designate a country

as a threat to critical infrastructure. The governor must consult with the Homeland Security Council to assess a threat to critical infrastructure for purposes of making a designation.

## **Information Technology**

**HB 5 by Ashby/Nichols - Relating to the expansion of broadband services to certain areas.** HB 5 amends the Government Code to provide for the expansion of broadband Internet service in Texas. The bill establishes the broadband development office within the office of the Comptroller of Public Accounts and tasks the broadband development office with preparing, updating, and publishing a state broadband plan; serving as a repository for information relating to broadband service and digital connectivity in Texas and engaging in community outreach; creating, annually updating, and publishing a broadband development map to classify areas in Texas as eligible for broadband expansion assistance; and establishing a broadband development program to award grants, low-interest loans, and other financial incentives to applicants in the areas classified as eligible for assistance on the map for the purpose of broadband expansion. The bill establishes the broadband development account within the general revenue fund as a source of funding for the broadband development office.

HB 5 revises provisions relating to the governor's broadband development council to change the council's composition, provide for the alternation of the position of chair and vice chair between members that are from urban and rural counties, increase transparency regarding council meetings, provide for the council's meetings to be held remotely, and expand the council's duties.

**HB 1576 by Parker/Paxton - Relating to the creation of a work group on blockchain matters concerning this state.** HB 1576 creates a 16 member work group on blockchain matters concerning the state and require the workgroup to develop a master plan for the expansion of the blockchain industry within the state. Two members of the work group will represent institutions of higher education and will be appointed by the Governor. The master plan must be submitted to certain legislative committees of the Senate and House of Representatives no later than October 31, 2022.

**HB 4018 by Capriglione/Nelson - Relating to legislative oversight and funding of improvement and modernization projects for state agency information resources.** HB 4018 amends Chapter 2054 of the Government Code to create the Technology Improvement and Modernization Fund (fund) in the state treasury outside of the General Revenue Fund. The fund consist of appropriations, money received from the federal government for the purposes of improving and modernizing state agency information resources, gifts, grants, and donations, and earned interest. The bill provides that money in the fund would be used to improve and modernize state agency information resources, including legacy system and cybersecurity projects.

HB 4018 establishes a joint oversight committee on investment in information technology improvement and modernization projects. The committee will report to the legislature on projects to improve or modernize state agency information technology (IT) systems, the method of funding and amount necessary to fully fund each project, and strategies to ensure a long-term investment solution for IT projects, including strategies to access federal funding. The Department of Information Resources will provide staff support for the committee.

**SB 475 by Nelson/Capriglione – Relating to state agency and local government information management and security, including establishment of the state risk and authorization management program and the Texas volunteer incident response team; authorizing fees.** This was the Department of Information Resources (DIR) omnibus bill. Below find a section by section analysis.

- Section 1 of the bill requires the board of DIR to appoint a data management advisory committee composed of its chief data officer and each state agency's data management officer.
- Section 2 requires DIR to establish a state risk and authorization management program to provide a standardized approach for security assessment, authorization, and continuous monitoring of cloud computing services that processed state agency data. DIR by rule would have to prescribe the categories and characteristics of cloud computing services subject to the program and the requirements for vendor certification.  
State agencies would have to require vendors with whom they contracted to provide cloud computing services to comply with the program's requirements throughout the term of the contract. DIR would be required to evaluate vendors to determine whether a vendor qualified for certification issued by the department reflecting compliance with program requirements. Agencies would have to ensure that each contract for cloud computing services they entered into or renewed on or after January 1, 2022, complied with the program.
- Section 3 of the bill requires DIR to establish a framework for regional cybersecurity working groups to execute mutual aid agreements that allow state agencies, local governments, regional planning commissions, public and private institutions of higher education, the private sector, and the Texas Volunteer Incident Response Team to assist with responding to a cybersecurity event in the state.
- Section 4 requires each state agency, including institutions of higher education, with more than 150 full-time employees to designate a full-time employee of the agency to serve as a data management officer. The data management officer for a state agency would be required to coordinate with the chief data officer of DIR to ensure the agency performed the duties assigned by statute. Each state agency would have to designate a data management officer as soon as practicable after the effective date of the bill.
- Section 5 deals with record retention for state agencies. On initiation of an information resources technology project, a state agency would have to classify the data produced from or used in the project and determine appropriate data security and applicable retention requirements
- Section 6 creates the Texas Volunteer Incident Response Team; participation with this newly created team is solely voluntarily. The purpose of the team is to provide rapid response assistance to a participating entity during a cybersecurity event.
- Section 7 requires state agencies to conduct an information security assessment of the agency's data governance program as part of the agency's biennial information security assessment due November 15 of each even numbered year.
- Section 8 of the bill adds "robotic process automation" to the list of the next generation technologies.
- Section 9 of the bill creates the Regional Network Security Centers; participation in the regional centers is voluntary. This section does state that DIR will partner with a university system or an institution of higher education when creating a regional center.
- Section 10 of the bill deals with individual identifying information. The bill would prohibit a state agency from using global positioning system technology, individual contact tracing, or

technology designed to obtain biometric identifiers to acquire information that alone or in conjunction with other information identified an individual or their location without the individual's consent. State agencies also could not retain such information about an individual or disseminate such information about an individual to another person unless the state agency first obtained the individual's written or electronic consent.

A state agency could acquire, retain, and disseminate such information about an individual without the individual's consent if the acquisition, retention, or dissemination was required or permitted by a federal statute or certain state statute or was made by or to a law enforcement agency for a law enforcement purpose. A state agency would have to retain the written or electronic consent of an individual in the agency's records until the contract or agreement under which the information was acquired, retained, or disseminated expired

**SB 799 by Nelson/Paddie - Relating to contracting procedures and requirements for governmental entities.** This is an omnibus contract bill; IT issues addressed in the bill include the following:

- Section 2 of the bill includes among the projects classified as a major information resources project any information resources technology project of a state agency designated for additional monitoring by the state auditor (per Government Code 2261.21(a)(1)).
- Section 3 extends the deadline for a state agency to provide written notice to the Legislative Budget Board (LBB) for a contract for a major information system from the 10th day to the 30th day after the date the agency entered into the contract.
- Section 4 requires the Department of Information Resources to provide additional oversight services, including risk management, quality assurance services, independent project monitoring, and project management, for major information resources projects described by Section 2054.003(10)(C) and for other major information resources projects selected for oversight by the governor, lieutenant governor, or Speaker of the Texas House.

**SB 851 by Blanco/Dominguez – Relating to the composition of the cybersecurity council.** SB 851 adds an employee of the Elections Division in the SOS as a member of the Texas Cybersecurity Council.

**SB 1541 by Zaffirini/ Raymond – Relating to the definition of business case for major information resources projects.** SB 1541 would require a business case for any proposed major state information resources project to use an evidence-based scoring method delivered by an independent third party that includes measurement and corrective actions for the state agency's operational and technical strengths and weaknesses related to the project. It also requires the evaluation of alternative financing models, such as system as a service.

## **Facilities**

**HB 692 by Shine/Creighton - Relating to retainage requirements for certain public works construction projects.** House Bill 692 amends the Government Code to revise retainage requirements for certain public works contracts to establish limits on the amount of retainage withheld to prevent the withholding of excessive retainage and to prohibit the misuse of retainage to confer additional liability or free warranty work, while also providing for the partial release of retainage to incentivize project completion. Among other provisions, the bill requires a governmental entity to include in each applicable public works contract a provision that establishes the circumstances under which the project

that is the subject of the contract is considered substantially complete and the circumstances under which the entity may release all or a portion of the retainage for substantially completed portions or fully completed and accepted portions of the project. HB 692 requires a governmental entity to maintain an accurate record of accounting for the retainage withheld on periodic contract payments and the retainage released to the prime contractor for a public works contract. The bill provides for the maximum amount of retainage that a governmental entity may withhold based on the price and type of a public works contract and for the maximum amount that a prime contractor or subcontractor may withhold from a subcontractor with respect to those contracts.

HB 692 prohibits a governmental entity from withholding retainage after completion of a public works contract or for the purpose of requiring the prime contractor, after completion of the contract, to perform work on manufactured goods or systems that were specified by the designer of record and properly installed by the contractor. The bill sets out provisions relating to the continued withholding by a governmental entity of retainage after application to the entity for final payment and release of retainage due to a bona fide dispute and entitles the prime contractor, if there is no bona fide dispute between the entity and the contractor and neither party is in default under the contract, to cure any noncompliant labor, services, or materials or offer the governmental entity a reasonable amount of money as compensation for any noncompliant labor, services, or materials that cannot be promptly cured. The bill provides that a governmental entity is not required to accept the offer of compensation and provides that the bill's provisions may not be construed to limit an applicable party's right to pursue any remedy available under the contract or other applicable law.

**HB 1477 by K. Bell/Nichols - Relating to performance and payment bonds for public work contracts on public property leased to a nongovernmental entity.** House Bill 1477 amends the Government Code to extend the applicability of provisions governing the use of performance and payment bonds for an applicable public work contract to a public work contract of qualifying value for work performed on public property leased by a nongovernmental entity from a governmental entity. The bill's provisions do not apply to a contract entered into by a nongovernmental entity that leases property from a river authority that owns electric generation capacity in excess of 1,000 megawatts.

**Vetoed**

**HB 3583 by Paddie/Hinojosa - Relating to energy savings performance contracts.** Section 1 of the bill is applicable to higher education, which utilizes the Local Government Code definition of an "energy savings performance contract." It amends the definition to state that these contracts do not include the design or new construction of a water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, or drainage project.

**SB 783 by Creighton/Murphy - Relating to the purchase of iron and steel products made in the United States for certain projects by public institutions of higher education.** SB 783 clarifies that public institutions of higher education whose uniform general conditions for certain construction projects would have to require the bid documents and contract for such projects include requirements that any iron or steel products produced through a manufacturing process and used in the project be produced in the United States.



## **Benefits**

**HB 428 by K. King/Zaffirini - Relating to health benefit plan coverage for ovarian cancer testing and screening.** HB 428 requires health benefit plans that cover diagnostic medical procedures to include coverage for an annual medically recognized diagnostic examination for the early detection of ovarian and cervical cancer. Any woman 18 or older and enrolled in the plan is entitled to the coverage.

**HB 2090 by Burrows/Hancock - Relating to the establishment of a statewide all payor claims database and health care cost disclosures by health benefit plan issuers and third-party administrators.** HB 2090 amends the Insurance Code relating to the establishment of a statewide all payor claims database and health care cost disclosures by health benefit plan issuers and third-party administrators. The bill also establishes disclosure requirements around health care costs to enrollees, including via an internet-based self-service tool and a physical copy of requested information. HB 2090 directs the Center for Healthcare Data (CHD) at The University of Texas Health Science Center at Houston to serve as the administrator of the database and manage the information submitted for inclusion in the database.

**SB 827 by Kolkhorst/Lucio - Relating to health benefit plan cost-sharing requirements for prescription insulin.** SB 827 prohibits a health benefit plan from imposing a cost-sharing provision for prescription insulin in the plan's formulary if the enrollee had to pay more than \$25 per prescription for a 30-day supply, regardless of the amount or type of insulin needed to fill the enrollee's prescription. The bill requires a health plan to include at least one insulin from each therapeutic class in the plan's formulary.

**SB 1065 by Alvarado/Bernal - Relating to coverage for diagnostic imaging for breast cancer under certain health benefit plans.** SB 1065 amends the Insurance Code relating to coverage for diagnostic imaging for breast cancer under certain health benefit plans. The bill requires that a health benefit plan that provides coverage for screening mammogram must provide coverage for diagnostic imaging that is no less favorable than the coverage for a screening mammogram.

SB 1065 states that the Texas Department of Insurance, the Employees Retirement System of Texas, the Teacher Retirement System of Texas, the University of Texas System, the Texas A&M University System, and any other state agency or institution subject to the bill would be required to implement the provisions of the bill only if the Legislature appropriates money specifically for that purpose.

## **Retirement**

**HB 1585 by Lambert/Lucio – Relating to the operations and functions of the Teacher Retirement System of Texas.** HB 1585 amends the Government Code and Insurance Code relating to the operations and functions of the Teacher Retirement System of Texas (TRS). The bill updates TRS' Sunset review date to 2033. The bill implement the following sunset recommendations:

- It requires TRS to develop a communication and outreach plan to better help members and employers plan for retirement.
- SB 1585 adjusts employment after retirement penalties to reduce the impact on certain TRS retirees who return to work and exceed existing limitations. HB 1585 changes the employment after retirement work restrictions to only those that retire on or after 1/1/2021



- The bill requires TRS to respond to appeals at all levels of staff review within the same amount of time that members have to appeal agency decisions.
- HB 1545 requires the TRS Board of Trustees to appoint an ombudsman to monitor the agency's interactions with members; investigate complaints; report to the board on member issues; and recommend changes to agency operations to better assist members.
- The bill requires TRS to make improved efforts to return contributions to inactive members before funds are forfeited.
- Included in HB 1545 is a clarification regarding notifying the state auditor an institution of higher education that has failed to remit payment within the required period.
- The bill also abolishes and modifies several of TRS' reporting requirements.

**HB 3207 by Herrero/Menendez** - Relating to preventing the loss of benefits by certain retirees of the Teacher Retirement System of Texas who resume service during a declared disaster. HB 3207 provides that TRS may not withhold an annuity payment if a TRS retiree returns to work in a position in an area subject to a disaster declaration by the Governor or a declaration of local disaster while the declaration is in effect.

Vetoed

**SB 202 by Schwertner/Anchia** - Relating to the payment of certain employer contributions for employed retirees of the Teacher Retirement System of Texas. SB202 amends the Government Code to provide that an employer who reports the employment of a retiree to the Teacher Retirement System of Texas is ultimately responsible for payment of the employer contributions to TRS for that retiree. The employer may not directly or indirectly pass that cost on to the retiree through any means designed to recover the cost.

**SB 288 by Seliger/Wu** - Relating to preventing the loss of benefits of and the payment of certain employer contributions for certain retirees of the Teacher Retirement System of Texas who resume service. SB 288 provides that if the Teacher Retirement System (TRS) determines that a retiree who has returned to work is in violation of employment after retirement (EAR) laws and rules, TRS shall first provide a written warning regarding the consequences of further employment that exceeds EAR limitations. If, after the retiree has been notified, the member is still in violation, TRS would be required to provide notice to the retiree and either require the retiree to pay a prorated amount of their annuity that is attributable to when the violation occurred, or pay TRS the difference between the amount of hours the retiree was permitted to work and the amount of hours the retiree actually worked. If the retiree were still in violation after the second notice, TRS would be authorized to withhold the entire monthly annuity.

**SB 321 by Huffman/Bonnen** - Relating to contributions to, benefits from, and the administration of the Employees Retirement System of Texas. This bill authorizes additional funding to pay of the Retirement Trust Fund's current \$14.7 billion unfunded liability over the next three decades and requires ERS to implement a cash balance retirement benefit for state employees hired after August 31, 2022. The combination of additional state money and new benefit design will help stabilize the fund and return it to actuarial soundness.

## **Human Resources**

**HB 7 by Button/Nelson - Relating to the computation of the replenishment ratio used to determine an employer's unemployment compensation contribution tax rate.** HB 7 excludes from the calculation of the replenishment ratio benefits paid and not effectively charged to an employer's account as a result of an order or proclamation by the governor declaring at least 50 percent of the state's counties to be in a state of disaster or emergency. The bill would apply only to an employer's unemployment compensation contribution tax liability that accrued on or after the bill's effective date.

**HB 21 by Neave/Zaffirini - Relating to the statute of limitations applicable to a sexual harassment complaint filed with the Texas Workforce Commission.** HB 21 extends the statute of limitations for filing complaints regarding sexual harassment with the TWC to 300 (from 180) days after the date when the misconduct allegedly occurred.

**HB 1589 by Davis/Menedez - Relating to paid leave for public officers and employees engaged in certain military service.** HB 1589 provides for paid leave for public officers and employees engaged in certain military service who are called to state active duty by the governor or another appropriate authority in response to a disaster. Specifically, the employee is entitled to a paid leave of absence from the person's duties for each day the person is called to active duty during the disaster, not to exceed seven workdays in a fiscal year. During a leave of absence under this subsection, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

**HB 2063 by Perez/Schwertner - Relating to the establishment of a state employee family leave pool.** HB 2063 amends the Government Code to establish a state employee family leave program to provide eligible state employees more flexibility in bonding with and caring for children during a child's first year following birth, adoption, or foster placement and in caring for a seriously ill family member or the employee themselves. The bill requires the governing body of a state agency, through the establishment of a program, to allow an agency employee to voluntarily transfer sick or vacation leave to a family leave pool. HB 2063 makes eligible to use time in a family leave pool an employee who has exhausted their eligible compensatory, discretionary, sick, and vacation leave for a qualifying purpose and caps the amount of time an employee may withdraw from the pool at the lesser of one-third of the total time in the pool or 90 days.

**SB 22 by Springer/Patterson - Relating to certain claims for benefits, compensation, or assistance by certain public safety employees and survivors of certain public safety employees.** SB 22 amends the Government Code to specify the death or total or partial disability to custodial officers, detention officers, firefighters, peace officers, and emergency medical technicians who suffer from Severe Acute Respiratory Syndrome (SARS-CoV-2) or Coronavirus Disease (COVID-19) is presumed to have been sustained in the line of duty under certain circumstances.

The provisions of the bill would authorize payment of claims related to SARS-CoV-2 or COVID-19 made on or after the effective date of the Act, regardless of whether that claim is otherwise considered untimely. SB 22 would also apply to claims previously denied and subsequently re-submitted; those claims authorized under the Act must be filed not later than six months after the effective date of the Act.

**SB 44 by Zaffirini/Leach - Relating to leave for state employees who are volunteers of certain disaster relief organizations.** Senate Bill 44 amends the Government Code to provide for up to 10 days of paid leave each fiscal year for executive and judicial branch state employees who are volunteers of any organization that is a member of the Texas Voluntary Organizations Active in Disaster to participate in disaster relief services for a state of disaster declared by the governor. The bill repeals provisions providing for paid leave for state employees who are, or are in training to become, certified disaster service volunteers of the American Red Cross.

**SB 1359 by Hughes/White - Relating to adoption by law enforcement agencies of a mental health leave policy for peace officers.** SB 1359 amends the Government Code to require each law enforcement agency, which includes institutions of higher education that have police officers, to develop and adopt a policy allowing the use of mental health leave by the peace officers employed by the agency who experience a traumatic event in the scope of that employment.

## **Reporting**

**HB 3388 by E. Thompson/Hancock - Relating to information regarding state agency vehicle fleets.** HB 3388 amends the Government Code to exempt a state agency with a fleet of more than 2,500 vehicles from existing quarterly vehicle fleet reporting requirements. The bill requires such an agency instead to establish and maintain a vehicle reporting system to assist the agency in the management of its vehicle fleet and to annually submit applicable information to the office of vehicle fleet management within the office of the comptroller of public accounts regarding the agency's vehicle fleet for the previous state fiscal year.

HB 3388 authorizes the Texas Department of Transportation to provide aircraft transportation to a destination under the State Aircraft Pooling Act to state officers and employees who are traveling on official business, to persons in the care or custody of those state officers or employees, and to persons whose transportation furthers official state business if the time required to use a commercial carrier interferes with passenger obligations or a representative of the Department of Public Safety determines that security concerns for a passenger warrant the use of a state aircraft.

**SB 800 by Nelson/Paddie - Relating to certain required reports or information received or prepared by state agencies and other governmental entities.** SB 800 streamlines agency reporting requirements by repealing obsolete reports, reducing frequency of some reports, and redirecting some reports to relevant recipients. Sections of the bill that impact institutions of higher education include:

Section 4 of the bill modifies the Comptroller's report re state report on "State Programs not Funded Appropriations" to a biennial report (odd number years).

The following sections of the bill amend Department of Information Resources reporting requirements.

- Section 9 of the bills amends Section 2054.077(b) of the Government Code to require the information security officer of a state agency to prepare or have prepared a report, including an executive summary of the findings of the biennial report, not later than June 1, rather than October 15, of each even-numbered year, assessing the extent to which certain devices, networks, or programs of the agency or of a contractor of the agency are vulnerable to unauthorized access or harm, including the extent to which the agency's or contractor's

electronically stored information is vulnerable to alteration, damage, erasure, or inappropriate use.

- Section 10 of the bill amends Section 2054.515(b) of the Government Code to require a state agency to report the results of agency's information security assessment to certain entities not later than December 1 of the year in which a state agency conducts the assessment under Subsection (a) or the 60th day after the date the agency completes the assessment, whichever occurs first.
- Section 11 of the bill amends 2054.516(a) of the Government Code to require each state agency implementing an Internet website or mobile application that processes any sensitive personal or personally identifiable information or confidential information to submit a biennial data security plan to the Texas Department of Information Resources (DIR) not later than June 1, rather than October 15, of each even-numbered year to establish planned beta testing for the website or application.
- Section 12 of the bill amends Section 2054.5192(e) of the Government Code to require the person who oversees contract management for a contracting state agency to, not later than August 31 of each year, report the contractor's completion of the required cybersecurity training program to DIR.

**SB 1677 by Buckingham/Frullo - Relating to eliminating certain reporting and posting requirements for public institutions of higher education and other state agencies and the requirement for a plan by certain school districts to increase enrollment in public institutions of higher education.** SB 1677 allows the Higher Education Coordinating Board to discontinue reporting requirements if the commissioner of higher education determines that the required data can be obtained from a different source.

The bill eliminates two duplicative statutory reports, as proposed by a Coordinating Board statutorily required negotiated rulemaking committee composed of institutional representatives. These reports are the Report on Affordability and Access report (Education Code 51.4031), and the Plan to Increase Enrollment (Education Code 29.904)

SB 1677 also amends the Faculty Workloads and Services report as required by Education Code Section 51.402(b) (Faculty Workloads and Services). This information will not be required to be in institutions' to operating budgets.

SB 1677 deletes the report requirement required by Government Code Section 659.026 (HB 12 Report). The majority of this information is already collected and reported to the Legislative Budget Board (LBB) and the State Auditor's Office (SAO). A report to SAO regarding salary supplementation will continue to be collected.

### **Environment, Safety, and Security**

**SB 199 by Nelson/Price - Relating to automated external defibrillators.** SB 199 amends the Health and Safety Code to require a person or entity that owns or leases an automated external defibrillator to conduct a monthly inspection to verify the defibrillator is placed at its designated location, reasonably appears to be ready for use, and does not reasonably appear to be damaged in a manner that could

prevent operation. SB 199 also revises provisions exempting a person or entity from liability for civil damages relating to the prescription, acquisition, or training in the use of an automated external defibrillator.

**HB 103 by Landgraf/Zaffirini - Relating to establishment of the Texas Active Shooter Alert System.** HB 103 requires the Department of Public Safety (DPS) to develop and implement the alert system with the cooperation of the Texas Department of Transportation (TxDOT), the governor's office, and other appropriate law enforcement agencies and designates the public safety director of DPS as the statewide coordinator of the alert system. The bill provides for the recruitment of public and private entity participants and the activation and termination of the alert system by DPS and sets out related requirements for local law enforcement agencies and state agencies, including a conditional requirement for TxDOT to establish a plan for providing relevant active shooter information to the public through an existing system of dynamic message signs. The bill exempts DPS and local law enforcement agencies from liability for failure to activate the alert system.

## Bills with Reporting or Posting Requirement

**HB 707 by Moody / Blanco** – Relating to a study on expanding recovery housing in this state.

**HB 1516 by Parker / Springer** – Relating to regular efficiency audits of public benefits programs.

**HB 1576 by Parker / Paxton** – Relating to the creation of a work group on block chain matters concerning this state.

**HB 1802 by Dominguez / Campbell** – Relating to a study evaluating the use of alternative therapies for treating certain mental health and other medical conditions.

**HB 2056 by Klick / Perry** – Relating to the practice of dentistry and the provision of tele dentistry dental services.

**HB 2462 by Neave / Paxton** – Relating to a forensic medical examination occurring with respect to a sexual assault reported to a law enforcement agency.

**HB 2595 by Price / Nelson** – Relating to educational materials and parity law training regarding benefits for mental health conditions and substance use disorders to be made available through a complaint portal and otherwise.

**HB 2633 by A. Johnson / Huffman** – Relating to resources provided to human trafficking victims and the establishment of the trafficked persons grant program

**HB 2658 by Frank / Kolkhorst** – Relating to the operation and administration of certain health insurance programs and medical assistance program.

**HB 2831 by White / Miles** – Relating to the confinement in county jail of persons with intellectual or developmental disabilities.

**SB 284 by Seliger / Allison** – Relating to a study of out-of-state physicians who practiced in this state during the COVID-19 pandemic.

**SB 454 by Kolkhorst / Lambert** – Relating to mental health services development plans as updated by local mental health authority groups.

**SB 640 by Menendez / Cortez** – Relating to a study on the interoperability needs and technology readiness of behavioral health service providers in this state.

**SB 809 by Kolkhorst / Oliverson** – Relating to health care provider reporting of federal money received for the coronavirus disease public health emergency.

**SB 969 by Kolkhorst / Klick** – Relating to reporting procedures for and information concerning public health disasters and to certain public health studies; providing a civil penalty.

**SB 1136 by Kolkhorst / Frank** – Relating to implementation of certain health care provider initiatives and measures designed to reduce costs and improve recipient health outcomes under Medicaid.

**SB 1138 by Hughes / Noble** – Relating to a study on streamlining public safety net programs to reduce costs and improve outcomes for recipients under the programs.

**SB 1648 by Perry / Krause** – - Relating to the provision of certain benefits under Medicaid, including the coordination of private health benefits, and to reimbursement for some of those benefits.

**SB 1827 by Huffman / Holland** – Relating to the creation of the opioid abatement account.



## Other Bills of Interest That Passed

**HB 4 by Price / Buckingham** – Relating to telemedicine, telehealth, and technology-related health care services.

**HB 5 by Ashby / Nichols** – Relating to the expansion of broadband services to certain areas.

**HB 9 by Klick / Campbell** – Relating to the criminal punishment and conditions of community supervision for the offense of obstructing a highway or other passageway, increasing a criminal penalty.

**HB 19 by Leach / Taylor** – Relating to civil liability of a commercial motor vehicle owner or operator, including the effect that changes to that liability have on commercial automobile insurance.

**HB 33 by Dominguez / Zaffirini** – Relating to measures to facilitate the award of postsecondary course credit leading to workforce credentialing based on military experience, education, and training.

**HB 103 by Landgraf / Zaffirini** – Relating to establishing the Texas Active Shooter Alert System.

**HB 113 by Oliverson / Schwertner** – Relating to peer-to-peer car-sharing programs.

**HB 139 by Buckley / Powell** – Relating to state occupational licensing of certain military veterans and military spouses.

**HB 159 by M. Gonzalez / Lucio** – Relating to improving training and staff development for primary and secondary educators to serve all students effectively.

**HB 222 by Murr / Springer** – Relating to liability of burn bosses in connection with specifically prescribed burns.

**HB 365 by Murr / Springer** – Relating to liability arising from farm animals.

**HB 632 by Darby / Seliger** – Relating to establishing an advisory committee for the TexNet seismic monitoring program.

**HB 738 by Paul / Nichols** – Relating to the residential building codes of municipalities.

**HB 957 by Oliverson / Springer** – Relating to local, state, and federal regulation of firearm suppressors.

**HB 963 by Lozano / Zaffirini** – Relating to the Texas natural gas vehicle grant program.

**HB 1069 by Harris / Birdwell** – Relating to the carrying of a handgun by certain first responders.

**HB 1116 by E. Thompson / Alvarado** – Relating to toll collection and enforcement on state highway toll lanes by entities other than the Texas Department of Transportation.

**HB 1118 by Capriglione / Zaffirini** – Relating to the state agency and local government compliance with cybersecurity training requirements.

Vetoed

**HB 1228 by Lemán / Kolkhorst** – Relating to the membership of the board of managers for certain emergency communication districts.

**HB 1240 by Coleman / Miles** – Relating to the offense of failure of comply with an order from a fire marshal and the authority of certain county employees to issue citations for certain violations, changing a criminal penalty.

**HB 1247 by Lozano / Powell** – Relating to the development of and report on a tri-agency work-based learning strategic framework by the Texas Workforce Commission, the Texas Education Agency, and the Texas Higher Education Coordinating Board.

**HB 1257 by Ashby / Nichols** – Relating to the definition of personal property for purposes of removing personal property from a roadway or right-of-way.

**HB 1259 by Darby / Seliger** – Relating to the rural veterinarian incentive program.

**HB 1281 by Wilson / Schwertner** – Relating to the operation of golf carts in certain areas.

**HB 1284 by Paddie / Hancock** – Relating to the jurisdiction of the Railroad Commission of Texas over the injection and geologic storage of carbon dioxide.

**HB 1371 by Guerra / Lucio** – Relating to the continuation of the Trade Agricultural Inspection Grant Program.

**HB 1480 by Cyrier / Kolkhorst** – Relating to the protection of animal and crop facilities.

**HB 1505 by Paddie / Hancock** – Relating to attachments for broadband service on utility poles owned by an electric cooperative.

**HB 1545 by Cyrier / Hall** – Relating to the continuation and functions of the Commission on Jail Standards.

**HB 1560 by Goldman / Buckingham** – Relating to the continuation and functions of the Texas Department of Licensing and Regulation.

**HB 1576 by Parker / Paxton** – Relating to creating a workgroup on blockchain matters concerning this state.

**HB 1677 by Holland / Springer** – Relating to establishing the Texas Police Service Animals Memorial Monument in the Capitol Complex.

**HB 1698 by Raney / Schwertner** – Relating to authorizing an optional county fee on vehicle registration in certain counties to be used for transportation projects.

**HB 1699 by Raney / Buckingham** – Relating to the taking of unbanded pen-reared quail and pheasants by certain landowners.

**HB 1758 by Krause / Birdwell** – Relating to the operation and use of an unmanned aircraft.

**HB 1759 by Krause / Hancock** – Relating to the operation of vehicles and certain equipment at railroad grade crossings when on-track equipment is approaching.

**HB 1799 by Button / Zaffirini** – Relating to the administration of apprenticeship training programs.

**HB 1900 by Goldman / Huffman** – Relating to municipalities that adopt budgets that defund municipal police departments.

**HB 1904 by Harris / Kolkhorst** – Relating to the use of the water infrastructure fund.

**HB 1927 by Schaefer / Schwertner** – Relating to carrying a firearm by a person 21 years of age or older and who is not otherwise prohibited from possessing the firearm and to criminal offenses otherwise related to the carrying of a firearm.

**HB 1938 by Jetton / Kolkhorst** – Relating to a grant program for law enforcement agencies to defray the cost of data storage for recordings created with body-worn cameras.

**HB 1958 by M. Gonzalez / Springer** – Relating to the regulation of livestock export-import processing facilities.

**HB 2004 by Ashby / Nichols** – Relating to a limitation on liability and sanctions in connection with certain prescribed burns. Provided resource witness.

**HB 2048 by Krause / Powell** – Relating to the criminal offense of passing certain vehicles on the highway.

**HB 2089 by Burrows / Perry** – Relating to the detection and mitigation of plant pests and diseases. Provided resource witness.

**HB 2116 by Krause / Powell** – Relating to certain agreements by architects and engineers in or in connection with specific construction contracts.

**HB 2152 by Meyer / Nichols** – Relating to the online renewal of vehicle registration.

**HB 2201 by Ashby / Nichols** – Relating to the location of pits used in oil and gas production.

**HB 2219 by Canales / Nichols** – Relating to the issuance of Texas Mobility Fund obligations.

**HB 2366 by Buckley/ Hughes** – Relating to criminal conduct that endangers law enforcement; creating a criminal offense and increasing a criminal penalty.

**HB 2404 by Meyer/ Zaffarini** – Relating to creating and maintaining a database of information regarding certain local economic development agreements.

**HB 2462 by Neave / Paxton** – Relating to the reporting of a sexual assault, evidence of a sexual assault or other sex offense, and other law enforcement procedures occurring with respect to a sexual assault or other sex offense.

**HB 2483 by King / Hancock** – Relating to utility facilities for restoring service after a widespread outage.

**HB 2494 by Metcalf / Nichols** – Relating to the election of emergency services commissioners in certain emergency services districts.

**HB 2586 by Thierry / Hall** – Relating to an annual audit of the independent organization certified in the ERCOT power region.

**HB 2610 by Harless / Miles** – Relating to the deadline to begin a county fire code inspection in certain counties.

**HB 2633 by A. Johnson / Huffman** – Relating to resources provided to human trafficking victims and the establishment of the trafficked persons grant program.

**HB 2708 by Patterson / Paxton** – Relating to the use of specific fees deposited to the hazardous and solid waste remediation fee account for environmental remediation at a closed battery recycling facility site located in a municipality.

**HB 2730 by Deshotel / Kolkhorst** – Relating to the acquisition of real property by an entity with eminent domain authority and the regulation of easement or right-of-way agents.

**HB 2748 by Ellzey / Birdwell** – Relating to the enforcement of commercial motor vehicle safety standards in certain municipalities.

**HB 2840 by Longoria / Hinojosa** – Relating to the inapplicability of state citrus fruit maturity standards to grapefruit and oranges processed for juice.

**HB 2841 by Longoria / Hinojosa** – Relating to suits to collect assessments owed by certain citrus producers.

**HB 2850 by Kacal / Springer** – Relating to the liability of certain volunteers who provide veterinary care or treatment and certain confidential or privileged information related to veterinary care or treatment.

**HB 3026 by Canales / Alvarado** – Relating to the operation and regulation of certain automated motor vehicles.

**HB 3212 by Sherman / West** – Relating to the inclusion of information relating to street racing in the curriculum of driver education courses and driving safety courses.

**HB 3215 by Geren / Hughes** – Relating to energy efficiency building standards.

**HB 3282 by Canales / Nichols** – Relating to the authority of a district engineer for the Texas Department of Transportation to temporarily lower the speed limit at a highway maintenance activity site.

**HB 3289 by M. Gonzalez / Blanco** – Relating to the penalties for a quarantine violation or rule to protect pecans or pecan trees from diseases or pests.

**HB 3319 by Meyer / Hancock** – Relating to certain measures to promote compliance with and improve public awareness of the state's move over or slow down law concerning the passing of certain vehicles.

**HB 3390 by E. Thompson / Blanco** – Relating to the purchase of cybersecurity insurance coverage by the Texas Department of Transportation.

**HB 3395 by Ashby / Hinojosa** – Relating to the knowledge test required for a commercial driver's license.

**HB 3399 by Ortega / Blanco** – Relating to the authority of the Texas Department of Transportation to provide road services on federal military property.

**HB 3514 by Canales / Seliger** – Relating to the functions of the Texas Department of Motor Vehicles; authorizing a penalty.

**HB 3516 by King / Perry** – Relating to regulating the recycling of oil and gas waste.

**HB 3521 by Hunter / Huffman** – Relating to the definition of coercion for purposes of trafficking of purposes.

**HB 3606 by Leach / Bettencourt** – Relating to the provision of vocational training to inmates confined in a Texas Department of Criminal Justice transfer facility.

**HB 3643 by King / Taylor** – Relating to the creation of the Texas Commission on Virtual Education.

**HB 3648 by Geren / Hancock** – Relating to the eligibility and designation of certain gas entities and gas facilities as critical during an emergency.

**HB 3665 by Ordaz-Perez / Blanco** – Relating to expanding the definition of bicycle to include devices with more than two wheels, including to accommodate modifications necessary for adaptive riding by persons with disabilities.

**HB 3712 by E. Thompson / West** – Relating to the training of and policies for peace officers.

**HB 3721 by Ellzey / Kolkhorst** – Relating to the inclusion of information for reporting suspicious activity to the Department of Public Safety on certain human trafficking signs or notices.

**HB 3746 by Capriglione / Nelson** – Relating to certain notifications required following a breach of security of computerized data.

**HB 3767 by Murphy / Bettencourt** – Relating to measures to support workforce development in the state, including establishing the Tri-Agency Workforce Initiative and additional employer workforce data reporting.

**HB 3853 by Anderson / Perry** – Relating to middle-mile broadband service provided by an electric utility.

**HB 3927 by Hefner / Nichols** – Relating to certain temporary motor vehicle tags.

**HB 3932 by Bernal / Menendez** – Relating to establishing the State Advisory Council on Educational Opportunity for Military Children

**HB 3938 by K. Bell / Powell** – Relating to establishing the industry-based certification advisory council and the transfer of certain duties to that advisory council.

**HB 4018 by Capriglione / Nelson** – Relating to legislative oversight and funding of improvement and modernization projects for state agency information resources.

**HB 4107 by Burrows / Kolkhorst** – Relating to the exercise of the power of eminent domain by a common carrier pipeline.

**HB 4436 by Cyrier / Perry** – Relating to the operation of aircraft in or on protected freshwater areas.

**HCR 25 by Krause / Powell** – Expressing support for full funding of the US Army's Future Vertical Lift program, including the Future Long-Range Assault Aircraft and Future Attack Reconnaissance Aircraft.

**HJR 99 by Canales / Nichols** – Proposing a constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county; authorizing the issuance of bonds and notes.

**SB 3 by Schwertner / Paddie** – Relating to preparing for, preventing, and responding to weather emergencies and power outages; increasing the amount of administrative and civil penalties.

**SB 19 by Schwertner / Capriglione** – Relating to prohibited contracts with companies that discriminate against the firearm or ammunition industries.

**SB 24 by Huffman / Bonnen** – Relating to the procedures required before a law enforcement agency hires certain persons.

**SB 40 by Zaffarini / Price** – Relating to the use of telehealth in health professional programs administered by the Texas Department of Licensing and Regulation (TDLR).

**SB 44 by Zaffarini / Leach** – Relating to leave for state employees who are volunteers of certain disaster relief organizations.

**SB 64 by Nelson / White** – Relating to a peer support network for certain law enforcement personnel.

**SB 69 by Miles / Rose** – Relating to the use of force by peace officers.

**SB 149 by Powell / Goldman** – Relating to the prosecution of the offense of operation of an unmanned aircraft over certain facilities.

**SB 160 by Perry / Darby** – Relating to certain county road reports.

**SB 168 by Blanco / Ordaz-Perez** – Relating to active shooter drills conducted by public schools.

**SB 198 by Nelson / White** – Relating to the demonstration of weapons proficiency by qualified retired law enforcement officers.

**SB 226 by Paxton / Lozano** – Relating to instruction in educator training programs regarding digital learning, virtual learning, and virtual instruction.

**SB 230 by Seliger / Ortega** – Relating to the continuing education requirement for county commissioners.

**SB 291 by Schwertner / Bucy** – Relating to posting certain project information at a commercial building construction site.

**SB 335 by N. Johnson / Wu** – Relating to retention and preservation of toxicological evidence of certain intoxication offenses.

**SB 337 by Powell / Dominguez** – Relating to the award of grants by the Texas Workforce Commission (TWC) to facilitate the participation of certain veterans and military personnel in apprenticeship training programs.

**SB 374 by Seliger / Shine** – Relating to municipal annexation of certain rights-of-way.

**SB 398 by Menendez / Deshotel** – Relating to distributed renewable generation resources.

**SB 415 by Hancock / Holland** – Relating to the use of electric energy storage facilities in the Electric Reliability Council of Texas (ERCOT) power region.

**SB 437 by Blanco / Thierry** – Relating to establishing a personal protective equipment reserve advisory committee.

**SB 445 by Hughes / Canales** – Relating to using a flashing warning signal light and certain other equipment by a person operating a school bus.

**SB 475 by Nelson / Capriglione** – Relating to a state agency and local government information management and security, including establishing the state risk and authorization management program and the Texas volunteer incident response team; authorizing fees.

**SB 507 by Nichols / Anderson** – Relating to an accommodation process authorizing the use of state highway rights-of-way by broadband-only providers.

**SB 538 by Blanco / Longoria** – Relating to information technology purchased through the Department of Information Resources (DIR).

**SB 550 by Springer / Spiller** – Relating to the manner of carrying a handgun by a person who holds a license under Subchapter H, Chapter 411, Government Code.

**SB 572 by Springer / White** – Relating to in-person visitation of religious counselors with certain health care facility patients and residents during a public health emergency.

**SB 601 by Perry / Burrows** – Relating to the creation and activities of the Texas Produced Water Consortium.

**SB 632 by Buckingham / Buckley** – Relating to the provision of broadband infrastructure and connectivity by the Lower Colorado River Authority (LCRA).

**SB 634 by Kolkhorst / Anderson** – Relating to the confidentiality of the identity of certain landowners who participate in a State Soil and Water Conservation Board program to manage or eradicate an invasive species.

**SB 635 by Lucio / Lucio** – Relating to the terms and qualifications of the members of the port commission of, and the powers, duties, and territory of, the port of Harlingen Authority; authorizing the imposition of a tax.

**SB 678 by Alvarado / Button** – Relating to the creation of the small business disaster recovery loan program.

**SB 703 by Buckingham / Canales** – Relating to the continuation and functions of the Department of Agriculture, the Prescribed Burning Board, and the Texas Boll Weevil Eradication Foundation.

**SB 709 by Hall / Canales** – Relating to the continuation and functions of the Texas Commission on Fire Protection.

**SB 741 by Birdwell / Sanford** – Relating to the carrying or storage of a handgun by a school marshal.

**SB 763 by Powell / Cook** – Relating to the creation of the urban air mobility advisory committee.

**SB 770 by Hughes / Button** – Relating to eligibility for job-training programs provided under the self-sufficiency fund.



**SB 780 by Hinojosa / Raymond** – Relating to the authority of a local government to enter into an intergovernmental support agreement with a branch of the armed forces of the United States.

**SB 782 by Hinojosa / Herrero** – Relating to authorizing the sale of particular real property by the State of Texas to the Port of Corpus Christi Authority of Nueces County, Texas.

**SB 785 by Creighton / Hefner** – Relating to the expiration of a school marshal license issued or renewed by the Texas Commission on Law Enforcement.

**SB 801 by Kolkhorst / Leman** – Relating to the development of an agriculture education program for public elementary schools.

**SB 841 by Hughes / Schaefer** – Relating to the availability of personal information of individuals who are honorably retired from certain law enforcement positions.

**SB 851 by Blanco / Dominguez** – Relating to the composition of the cybersecurity council.

**SB 876 by Hancock / E. Thompson** – Relating to the county where a motor vehicle dealer may apply for the registration of and title for certain vehicles sold by the dealer.

**SB 877 by Hancock / Morrison** – Relating to the inspection of municipal buildings during a declared disaster.

**SB 901 by Perry / Landgraf** – Relating to the enforcement of commercial motor vehicle safety standards in certain counties.

**SB 941 by Buckingham / E. Morales** – Relating to adopting a state scenic byways program.

**SB 952 by Hinojosa / Walle** – Relating to plot plan requirements for an application for a standard permit for a concrete batch plant issued by the Texas Commission on Environmental Quality.

**SB 959 by Zaffarini / Romero** – Relating to student success-based funding recommendations for certain continuing workforce education courses offered by public junior colleges.

**SB 966 by Kolkhorst / Klick** – Relating to legislative oversight during a public health disaster or public health emergency, including establishing a legislative public health oversight board.

**SB 968 by Kolkhorst / Klick** – Relating to public health disaster and public health emergency preparedness and response; providing a civil penalty.

**SB 984 by Schwertner / Klick** – Relating to public health disaster and public health emergency preparedness and response, including the operation of the Task Force on Infectious Disease Preparedness and Response.

**SB 1047 by Seliger / Smithee** – Relating to the execution of a search warrant for taking a blood specimen from certain persons in certain intoxication offenses.

**SB 1055 by Huffman / Reynolds** – Relating to motor vehicle accidents involving a pedestrian or other vulnerable road user within the area of a crosswalk.

**SB 1056 by Huffman / Wu** – Relating to criminal liability for reporting false information to draw an emergency response.

**SB 1064 by Alvarado / Schofield** – Relating to the extended registration of certain county fleet vehicles.

**SB 1095 by Creighton / Dutton** – Relating to notice regarding the availability to public school students of college credit and work-based education programs and subsidies for fees paid to take certain advanced placement tests.

**SB 1102 by Creighton / Parker** – Relating to establishing the Texas Reskilling and Upskilling through Education (TRUE) Initiative to support workforce education at public junior colleges.

**SB 1118 by N. Johnson / Wilson** - Relating to the creation and administration of the On-The-Ground Conservation Program by the State Soil and Water Conservation Board.

**SB 1125 by Perry / Collier** – Relating to the disposition of certain controlled substance property and plants seized by or forfeited to a law enforcement agency.

**SB 1191 by Seliger / VanDeaver** – Relating to the definition of a school resource officer.

**SB 1202 by Hancock / Paddie** – Relating to the applicability of specific utility provisions to a vehicle charging service.

**SB 1245 by Perry / Murr** – Relating to the farm and ranch survey conducted by the comptroller to estimate the productivity value of qualified open-space land as part of the study of school district taxable values.

**SB 1267 by West / Lozano** – Relating to continuing education and training requirements for educators and other school district personnel.

**SB 1270 by Seliger / E. Thompson**– Relating to the procurement of certain goods and services related to highways by the Texas Department of Transportation.

**SB 1277 by West / J. Turner** – Relating to an agreement between a school district and public institution of higher education to provide a dual credit program to high school students enrolled in the district.

**SB 1315 by Lucio / Dominguez** – Relating to the determination that certain property is used as an aid or facility incidental to or useful in the operation or development of a port or waterway or aid of navigation-related commerce for purposes of the application of certain *ad valorem* tax laws.

**SB 1334 by Hinojosa / Canales** – Relating to the donation to the United States of certain facilities regarding a toll bridge by certain counties and municipalities.

**SB 1343 by Taylor / Bonnen** – Relating to certain meetings of a commissioner's court during a disaster or emergency.

**SB 1359 by Hughes / White** – Relating to adoption by law enforcement agencies of a mental health leave policy for peace officers.

**SB 1465 by Hinojosa / Guillen** – Relating to operation of the Texas small and rural community success fund program administered by the Texas Economic Development Bank as successor to the Texas leverage fund program.

**SB 1474 by Perry / Price** – Relating to the I-27 Advisory Committee.

**SB 1490 by Creighton / C. Turner** – Relating to the authority of the Texas Higher Education Coordinating Board to issue a certificate of authority or certificate of authorization regarding professional degrees.

**SB 1495 by Huffman / J. Turner** – Relating to certain criminal offenses related to highways and motor vehicles; creating a criminal offense; increasing a criminal penalty.

**SB 1525 by Creighton / Parker** – Relating to the administration of the governor’s university research initiative (GURI).

**SB 1550 by Nelson / Goldman** – Relating to airport police forces, including the authority to commission peace officers and those officers' rights, privileges, and duties.

**SB 1590 by Bettencourt / VanDeaver** – Relating to rules by the State Board for Educator Certification regarding virtual observation options for field-based experiences and internships required for educator certification.

**SB 1642 by Creighton / Canales** – Relating to the administration of navigation districts.

**SB 1643 by Creighton / Deshotel** – Relating to special purpose territory of the Port of Beaumont Navigation District of Jefferson County, Texas.

**SB 1696 by Paxton / Wilson** – Relating to establishing a system for sharing information regarding cyberattacks or other cybersecurity incidents occurring in schools in this state.

**SB 1727 by Nichols / Ashby** – Relating to certain local government corporations created for the development, construction, operation, management, or financing of transportation projects.

**SB 1774 by Alvarado / Canales** – Relating to the conveyance of certain real property by certain navigation districts.

**SB 1780 by Creighton / Burrows** – Relating to the establishment of the Texas Epidemic Public Health Institute.

**SB 1814 by Seliger / Martinez** – Relating to oversize and overweight vehicle permits.

**SB 1815 by Seliger / Martinez** – Relating to motor vehicle size and weight limitations.

**SB 1990 by Miles / Thierry** – Relating to the powers of certain freight rail districts.

**SB 1997 by Springer / Rogers** – Relating to the control of diseases of swine.

**SB 2062 by Menendez / Goldman** – Relating to the establishment of the Motor Fuel Metering and Quality Advisory Board.

**SB 2116 by Campbell / Parker** – Relating to prohibiting contracts or other agreements with certain foreign-owned companies connected with critical infrastructure in this state.

**SB 2154 by Schwertner / Paddie** – Relating to the membership of the Public Utility Commission of Texas (PUC).

**SB 2212 by West / S. Thompson** – Relating to the duty of a peace officer to request and render aid for an injured person.

**SB 2222 by Nelson / White** – Relating to certain equipment provided for use by the officers of the Texas Highway Patrol.

**SB 2243 by Hinojosa / Canales** – Relating to approval for certain projects related to bridges over the Rio Grande.

### **Health Science Center**

**HB 549 by S. Thompson / Zaffirini** – Relating to an exemption from civil liability for certain professionals for the disclosure of certain mental health information.

**HB 797 by Howard / Buckingham** – Relating to the possession and administration of certain vaccines by a home and community support services agency or its employees. *E*

**HB 1172 by Howard / Zaffirini** – Relating to rights of victims of sexual assault or other prohibited sexual conduct.

**HB 1280 by Capriglione / Paxton** – Relating to prohibition of abortion; providing a civil penalty; creating a criminal offense.

**HB 1363 by Minjarez / Hughes** – Relating to treatment of a patient by a physical therapist without a referral.

**HB 1706 by Neave / Huffman** – Relating to a specialist court program to provide victim services in sexual assault cases.

**HB 1763 by Oliverson / Hughes** – Relating to the contractual relationship between a pharmacist or pharmacy and a health benefit plan issuer or pharmacy benefit manager.

**HB 1919 by Harris / Schwertner** – Relating to prohibited practices for certain health benefit plan issuers and pharmacy benefit managers.

**HB 1967 by S. Thompson / Powell** – Relating to a database of information about women with uterine fibroids and to uterine fibroid education and research.

**HB 2093 by Cortez / Blanco** – Relating to including certain licensed physician assistants in the definition of non-physician mental health professional for purposes of certain provisions applicable to non-physician mental health professionals.

**HB 2462 by Neave / Paxton** – Relating to the reporting of a sexual assault, to evidence of a sexual assault or other sex offense, and to other law enforcement procedures occurring with respect to a sexual assault or other sex offense.

**HB 4048 by Allison / N. Johnson** – Relating to the authority of an advanced practice registered nurse or physician assistant regarding death certificates.

**SB 73 by Miles / Klick** – Relating to providing access to local public health entities and certain health service regional offices under Medicaid.

**SB 224 by Perry / Walle** – Relating to simplified certification and recertification requirements for certain persons under the supplemental nutrition assistance program.

**SB 284 by Seliger / Allison** – Relating to a study of out-of-state physicians who practiced in this state during the COVID-19 pandemic.

**SB 295 by Perry / Minjarez** – Relating to the confidential and privileged communications and records of victims of certain sexual assault offenses.

**SB 454 by Kolkhorst / Lambert** – Relating to mental health services development plans as updated by the Health and Human Services Commission and local mental health authority groups.

**SB 464 by Lucio / Lopez** – Relating to reports on deaths from reportable and other communicable diseases to county health authorities and health departments.

**SB 623 by Blanco / Minjarez** – Relating to the investigation and punishment of certain sexual offenses, to protective orders issued on the basis of certain sexual offenses, to crime victims' compensation, and to the establishment of a state sexual offense prevention and response program for the Texas Military Department.

**SB 672 by Buckingham / Bonnen** – Relating to Medicaid coverage of certain collaborative care management services.

**SB 809 by Kolkhorst / Oliverson** – Relating to health care provider reporting of federal money received for the coronavirus disease public health emergency.

**SB 984 by Schwertner / Klick** – Relating to public health disaster and public health emergency preparedness and response, including the operation of the Task Force on Infectious Disease Preparedness and Response.

**SB 993 by Hancock / Klick** – Relating to the practice of therapeutic optometry.

**SB 1138 by Hughes / Noble** – Relating to a study on streamlining public safety net programs to reduce costs and improve outcomes for recipients under the programs.

**SB 1341 by Springer / Shaheen** – Relating to eligibility for certain benefits provided under public assistance programs.

**SB 1397 by Hinojosa / Guerra** – Relating to regional protocols and processes for patient transfers and related services within the geographic area served by certain trauma service area regional advisory councils.

**SB 1648 by Perry / Krause** – Relating to the provision of benefits under the Medicaid program, including to recipients with complex medical needs.

**SB 1856 by Powell / Klick** – Relating to certain vocational nursing students providing services during a declared state of disaster.

**SB 1895 by Huffman / Klick** – Relating to a Texas Medical Board complaint for a violation described by Section 22.011(b)(12), Penal Code.

**SB 1917 by Lucio/Meza** – Relating to a public outreach campaign for aging adults with visual impairments.

## Other Bills of Interest That Did Not Pass

**HB 3 by Burrows/Birdwell** – Relating to the authority of the legislature, governor, and certain political subdivisions with respect to disasters, including pandemic disasters, and emergencies.

**HB 15 by S. Thompson/Kolkhorst** – Relating to the creation of the Texas brain university research initiative.

**HB 136 by Thierry** – Relating to the confidentiality and reporting of certain information on maternal mortality to the Department of State Health Services and to a work group establishing a maternal mortality and morbidity data registry.

**HB 173 by Rosenthal** – Relating to civil liability for discriminatory, false reports to law enforcement agencies or emergency service providers.

**HB 195 by Bernal** – Relating to the regulation of migrant labor housing facilities.

**HB 209 by Thiery** – Relating to a franchise tax credit for entities establishing a grocery store or healthy corner store in a food desert.

**HB 261 by Murr** – Relating to the labeling of beef, pork, beef products, and pork products.

**HB 271 by Murr** – Relating to the procedure by which a state agency may issue an opinion that a watercourse is navigable.

**HB 280 by Cortez** – Relating to an action plan to expand telemedicine medical services and telehealth services and increase access to critical medical care and health care services in this state.

**HB 316 by Buckley** – Relating to the advertising and labeling of certain meat food products.

**HB 318 by VanDeaver** – Relating to the prohibition of certain employment discrimination regarding an employee who is a volunteer emergency responder.

**HB 324 by Howard** – Relating to the establishment of the Texas Computational Health Research Institute.

**HB 326 by Howard** – Relating to workplace violence prevention in certain health care facilities.

**HB 396 by Moody** – Relating to the eligibility of nurses for workers' compensation benefits for coronavirus disease (COVID-19) and payment of those benefits.

**HB 429 by King** – Relating to the coverage of damage from tornadoes and wildfires by the Texas Windstorm Insurance Association.

**HB 548 by Frank** – Relating to the temporary licensing of certain military veterans as health care providers to practice in underserved areas.

**HB 554 by Lopez** – Relating to the operation of a motor vehicle passing a pedestrian or a person operating a bicycle, creating a criminal offense.

**HB 578 by J. Turner** – Relating to the health literacy advisory committee and health literacy in the state health plan.

**HB 602 by Hinojosa** – Relating to the provision of comprehensive health care benefits coverage through a publicly funded program to be known as the Healthy Texas Program; authorizing a fee.

**HB 761 by Israel** – Relating to the operation of a public transit motor bus by certain mass transit entities on an improved shoulder.

**HB 898 by White** – Relating to an interagency grant program to support and sustain the operations of community recovery organizations.

**HB 934 by Raymond** – Relating to the operation of motor-assisted scooters.

**HB 982 by Howard** – Relating to an expedited licensing process for certain advanced practice registered nurses; authorizing a fee.

**HB 985 by Burns** – Relating to the inclusion of information relating to human trafficking prevention in driver education curriculum and driving safety courses.

**HB 1034 by Goodwin** – Relating to the authority of a county to adopt a fire or wildland-urban interface code. Provided resource witness.

**HB 1044 by Anchia** – Relating to establishing the Texas Climate Change Mitigation and Adaptation Commission to study and address the impacts of climate change in this state.

**HB 1078 by Landgraf** – Relating to liability arising from farm animal activities

**HB 1117 by Shaheen** – Relating to the cessation of tolls by toll project entities in certain circumstances.

**HB 1181 by Middleton** – Relating to the authority of certain counties to authorize the operation of a golf cart or off-highway vehicle on certain roads.

**HB 1266 by Kacal** – Relating to seed and plant certification administration in this state by the State Seed and Plant Certification Council and the Texas Crop Improvement Association.

**HB 1462 by Goodwin** – Relating to the prescriptive authority of certain psychologists; authorizing a fee.

**HB 1524 by Lucio** – Relating to the prescribing and ordering of Schedule II controlled substances by certain advanced practice registered nurses and physician assistants.

**HB 1575 by Cyrier** – Relating to certain provisions applicable to state agencies subject to review by the Sunset Advisory Commission.

**HB 1600 by Canales** – Relating to the review date for certain governmental entities subject to the sunset review process.

**HB 1629 by Guerra** – Relating to improvements to the Texas Medicaid Provider Procedures Manual designed to prevent fraud, waste, or abuse in the provision of Medicaid dental services.



**HB 1821 by Zwiener** – Relating to climate change planning and reporting.

**HB 1830 by Cyrier** – Relating to the continuation and functions of the Texas Animal Health Commission.

**HB 1835 by Canales** – Relating to the continuation and functions of the Department of Agriculture, the Prescribed Burning Board, and the Texas Boll Weevil Eradication Foundation, and the abolishment of the Early Childhood Health.

**HB 1845 by Canales** – Relating to the continuation and functions of the Texas Commission on Fire Protection.

**HB 1855 by Cyrier** – Relating to the continuation and functions of the Texas Racing Commission.

**HB 1860 by Cyrier** – Relating to the sunset review process and certain governmental entities subject to that process.

**HB 1912 by Wilson** – Relating to air quality permits for aggregate production operations and concrete batch plants.

**HB 1949 by Crockett** – Relating to information on projected changes in weather, water availability, and climate variability in strategic plans of certain state agencies.

**HB 1956 by Beckley** – Relating to information on projected changes in weather, water availability, and climate variability in strategic plans of certain state agencies.

**HB 2017 by Thierry** – Relating to information on projected changes in weather, water availability, and climate variability in strategic plans of certain state agencies.

**HB 2028 by Lambert** – Relating to egg grading.

**HB 2029 by Klick** – Relating to the licensing and authority of advanced practice registered nurses.

**HB 2053 by Klick** – Relating to the licensing and regulation of genetic counselors; requiring an occupational license; authorizing a fee. (*Senate companion: SB 557 by N. Johnson*)

**HB 2095 by Wilson** – Relating to water research conducted by The University of Texas Bureau of Economic Geology.

**HB 2126 by Walle** – Relating to eligibility for the supplemental nutrition assistance program and the provision of employment and training services under the program.

**HB 2166 by Raymond** – Relating to a Texas Division of Emergency Management study of the potential effects of droughts and wildfires in this state.

**HB 2206 by Talarico** – Relating to the Texas Climate Action Act.

**HB 2217 by Price** – Relating to the misbranding of certain food.

**HB 2277 by Rogers** – Relating to marketing and labeling requirements for certain food products, including imitation meat food products.

**HB 2348 by Klick** – Relating to the regulation of the practice of dental hygiene.

**HB 2350 by Zwiener** – Relating to financial assistance provided to political subdivisions by the Texas Water Development Board for nature-based water quality enhancement projects.

**HB 2397 by Rodriguez** – Relating to the administration, implementation, and enforcement of federal produce safety standards by the Department of Agriculture.

**HB 2409 by Dean** – Relating to the waiver of requirements for removing a person's license from inactive status during a state of disaster.

**HB 2425 by Murr** – Relating to land eligibility for an appraisal for ad valorem tax purposes as qualified open-space land based on its use for wildlife management.

**HB 2473 by A. Johnson** – Relating to the licensing and regulation of music therapists; requiring an occupational license; authorizing fees. (*Senate companion: SB 1452 by Alvarado*)

**HB 2496 by Buckley** – Relating to the issuance of specialty license plates for certain volunteer firefighters and fire protection personnel.

**HB 2538 by J. Turner** – Relating to the Task Force on Infectious Disease Preparedness and Response.

**HB 2616 by White** – Relating to a voluntary labeling program for meat and poultry products originating in this state.

**HB 2619 by Wilson** – Relating to the creation and administration of the On-The-Ground Conservation Program by the State Soil and Water Conservation Board.

**HB 2771 by Campos** – Relating to the prices of fruits and vegetables during a declared disaster.

**HB 2792 by Darby** – Relating to a pilot project to provide emergency telemedicine medical services and telehealth services in rural areas.

**HB 2858 by Darby** – Relating to a study and analysis by the comptroller on delivery methods used for specific projects of the Texas Department of Transportation and the Texas Water Development Board.

**HB 2902 by Rodriguez** – Relating to the creation of a task force to study factors contributing to disproportionate COVID-19 outcomes.

**HB 3096 by Burrows** – Relating to the creation and activities of the Texas Produced Water Consortium.

**HB 3192 by Meza** – Relating to the prohibition of glyphosate herbicides on the grounds of a public or private school or institution of higher education.

**HB 3246 by Reynolds** – Relating to information on projected changes in weather, water availability, and climate variability in strategic plans of certain state agencies.

**HB 3331 by Murr** – Relating to solicitation of patients and other prohibited marketing practices and the establishment of the task force on patient solicitation; increasing criminal penalties.

**HB 3383 by Rogers** – Relating to requiring coursework in agriculture for a baccalaureate degree program at a public institution of higher education.

**HB 3518 by Dominguez** – Relating to an annual report by the Texas Division of Emergency Management regarding building trade services following disasters.

**HB 3653 – C. Turner** – Relating to matching private grants given to enhance additional research activities at public institutions of higher education.

**HB 3730 by Howard** – Relating to the establishment of a task force to study workforce shortages and care practices in assisted living facilities and nursing facilities.

**HB 3736 by Howard** – Relating to the establishment of a task force on racial diversity in the nursing workforce.

**HB 3854 by Rogers** – Relating to animal disease control by the Texas Animal Health Commission.

**HB 3855 by Rogers** – Relating to the control of diseases of swine.

**HB 3921 by Bailes** – Relating to the use of certain drugs in bovine breeding stock by or on a veterinarian's prescription.

**HB 3948 by Tracy King** – Relating to the production and regulation of hemp and consumable hemp products.

**HB 3975 by Armando Martinez** – Relating to the sanitary transportation of human and animal food.

**HB 4004 by Glenn Rogers** – Relating to a study by Texas A&M University of the appraisal of agricultural land for ad valorem tax purposes.

**HB 4178 by Art Fierro** – Relating to information on projected changes in weather, water availability, and climate variability in strategic plans of certain state agencies.

**HB 4319 by Hugh Shine** – Relating to land eligibility for an appraisal for ad valorem tax purposes as qualified open-space land based on its use to raise or keep bees.

**HB 4506 by Morales-Shaw** – Relating to the regulation of certain hazardous substances used in firefighting products.

**HB 4508 by Ashby** – Relating to the dedication to the state highway fund of certain permit fee revenue attributable to oversize or overweight vehicles.

**HB 4513 by Morales-Shaw** – Relating to planning for equity of access to and safety and diversity of transportation systems.

**HB 4515 by Morales-Shaw** – Relating to design considerations of transportation projects by the Texas Department of Transportation.

**HB 4520 by Morales-Shaw** – Relating to equitable representation in decision-making for transportation planning.

**HB 4535 by Guillen** – Relating to axle weight limitations for certain vehicles transporting aggregates.

**HJR 5 by S. Thompson** – Proposing a constitutional amendment authorizing the issuance of general obligation bonds and the dedication of bond proceeds to the Brain Institute of Texas established to fund brain research in this state.

**HJR 82 by Craddick** – Proposing a constitutional amendment providing for the creation of and using money in the Grow Texas fund and allocating certain general revenues to that fund, the economic stabilization fund, and the state highway fund.

**HJR 109 by Walle** – Proposing a constitutional amendment to permit additional uses of certain dedicated general revenue transferred each fiscal year to the state highway fund.

**SB 42 by Zaffirini** – Relating to using a wireless communication device while operating a motor vehicle.

**SB 146 by Powell** – Relating to student loan repayment assistance for certain nurses employed by a long-term care facility.

**SB 221 by Zaffirini** – Relating to the *prima facie* speed limit in certain urban districts.

**SB 264 by Menendez** – Relating to the establishment of the Texas Research Consortium to Cure Infectious Diseases (TRANSCEND); authorizing the issuance of bonds.

**SB 306 by Eckhardt** – Relating to information on projected changes in weather, water availability, and climate variability in strategic plans of certain state agencies.

**SB 336 by N. Johnson** – Relating to egg grading.

**SB 358 by Miles** – Relating to a franchise tax credit for entities establishing a grocery store or healthy corner store in a food desert.

**SB 371 by Powell** – Relating to matching private grants given to enhance additional research activities at public institutions of higher education.

**SB 453 by Blanco** – Relating to a study and report by the comptroller on local and state supply chain disruptions caused by the COVID-19 pandemic.

**SB 472 by Kolkhorst** – Relating to the protection of animal and crop facilities.

**SB 677 by Springer** – Relating to seed and plant certification administration in this state by the State Seed and Plant Certification Council and the Texas Crop Improvement Association.

**SB 704 by Buckingham** – Relating to the continuation and functions of the Texas Racing Commission.

**SB 731 by Perry** – Relating to the detection and mitigation of plant pests and diseases.

**SB 883 by Springer** – Relating to the advertising and labeling of certain meat food products.

**SB 1049 by Lucio** – Relating to demonstration programs for childhood obesity and chronic disease prevention in certain border counties.

**SB 1078 by Springer** – Relating to liability arising from farm animals.

**SB 1128 by Powell** – Relating to pollinator health.

**SB 1145 by Perry** – Relating to marketing and labeling requirements for certain food products, including imitation meat and egg food products.

**SB 1239 by Buckingham** – Relating to the taking of wildlife by a person on the person's property for purposes of disease diagnosis, management, or prevention.

**SB 1272 by Paxton** – Relating to the sunset review process and certain governmental entities subject to that process.

**SB 1306 by Blanco** – Relating to the creation of a COVID-19 Health Equity Task Force and state agency response to the COVID-19 pandemic.

**SB 1342 by Springer** – Relating to the regulation of livestock export-import processing facilities.

**SB 1376 by Hughes** – Relating to the administration, implementation, and enforcement of federal produce safety standards by the Department of Agriculture.

**SB 1380 by Gutierrez** – Relating to the creation of the farmer mental health and suicide prevention program.

**SB 1447 by Seliger** – Relating to the rural veterinarian incentive program.

**SB 1521 by Zaffirini** – Relating to creating a mental health task force to study mental health services provided at institutions of higher education.

**SB 1562 by Lucio** – Relating to the sanitary transportation of human and animal food.

**SB 681 by Blanco** – Relating to requiring school districts to adopt a policy regarding the idling of the engine of a school bus.

**SB 1685 by Powell** – Relating to a study on comprehensive development agreements entered into for transportation projects in this state.

**SB 1721 by Sarah Eckhardt** – Relating to the management of wildlife and wildlife habitat by a home-rule municipality.

**SB 1728 by Schwertner** – Relating to the equalization for road use by and public charging infrastructure for alternatively fueled vehicles; authorizing a fee and a surcharge.

**SB 1778 by Perry** – Relating to the production and regulation of hemp and consumable hemp products.

**SB 1839 by Eckhardt** – Relating to establishing an advisory board to study creating an entity to facilitate the certification, buying, and selling of carbon capture and sequestration credits.

**SB 1994 by Springer** – Relating to land eligibility for an appraisal for ad valorem tax purposes as qualified open-space land based on its use to raise or keep bees.

**SB 1996 by Springer** – Relating to animal disease control by the Texas Animal Health Commission.

**SB 2073 by Menendez** – Relating to the regulation of certain hazardous substances used in firefighting products.

**SJR 17 by Menendez** – Proposing a constitutional amendment providing for the establishment of the Texas Research Consortium to Cure Infectious Diseases (TRANSCEND) and authorizing the issuance of general obligation bonds to fund collaborative research on and development of infectious disease treatments and cures for humans.

# Bill Analysis Task Force

The following is a listing of those individuals that served as analysts on the BATF during the 87<sup>th</sup> Legislative Session.

## Academic Related Issues

Ken Poenisch

## Facilities/Construction Related Issues

James Davidson

## Finance Related/General Operation Issues

Jeff Zimmerman

Wade Wynn

## Equal Opportunity/Diversity Issues

Nicole Roberson

## Information Technology Related Issues

Mark Stone

## Health Science Center

Laurie Charles

## HR/Benefit/Workers Comp Related Issues

Adam Davidson

Henry Judah

Jessica Palacios

Sheri Meyer

## Legal Related Issues

Andrea Pereira

Ashlea Hewlett

Bret Davis

Brain Bricker

Brooks Moore

Claudene Marshall

David Halpern

Elinore Tecson

Gina Joseph

Glenda Rogers

Jan Faber

Jennifer Wright

Jerry Brown

Jorge Canales

Julie Masek

Kate Pharr

Lynda Cook

Mark Kelley

Melisa Jones

Steve Garrett

Tom Silver

## Student Affairs

Brandon Griggs

## Texas Division of Emergency Management

Ashley Hyten

Blair Walsh

Chuck Pinney

Jacob Yeager

Seth Christiansen

## Treasury/Investment Related Issues

Maria Robinson



# THE TEXAS A&M UNIVERSITY SYSTEM

## State Relations

Organizational Chart (through May 31, 2021)

