

2021 Post-Legislative Conference


OVERVIEW OF THE LEGISLATIVE PROCESS AND LEGISLATIVE SESSION

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Types of Legislation

- **Bill** – House Bills (HB's) and Senate Bills (SB's) are the primary vehicle of adding, editing, or redacting statute
- **Joint Resolution** – Filed in either House (HJR or SJR), this type of filing is necessary to amend the Texas Constitution. Unlike the simple majority required to pass a bill, JR's require 2/3 elected members approval and will then require approval from a majority of voters in a subsequent General Election. Often, they require enabling legislation, or an accompanying bill to implement in Code what the Constitution might now permit after the passage of the JR. NOTE: No action required by the Governor.
- **Concurrent Resolution** – A type of legislative measure that requires adoption by both chambers and generally requires action by the governor. A concurrent resolution may be used to convey the sentiment of the legislature or offer a commendation, a memorial, a statement of congratulations, a welcome, or a request for action by another governmental entity. – from TX Legislative Council site, these are HCR's and SCR's.
- **Simple Resolution** – these typically honor a local Boy/Girl Scout troop, mourn the loss of the town's oldest WWII vet, or declare things like "chips and salsa" as the official snack of Texas. These normally pass without debate, unless we're talking about adopting *the rules* for the Chambers.



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8th Legislative Session



Legislative Process

A Representative/Senator **files a Bill** to add, amend or repeal statutory language.

Bill is introduced in one of the two Houses and referred to committee on **first reading** on the Floor, or not. **§**
 Bill is heard in committee, or not. **§** – **Most bills die this way.**

Bill is **voted favorably out of committee**, voted unfavorably **§**, or left pending.

The bill might be amended or entirely substituted in committee. The bill might be recommended for a local calendar or the Floor for debate – BOTH CHAMBERS HAVE DIFFERING "LOCAL" OPTIONS

HOUSE – pass to "Local and Consent" calendar, which is created in secret by the Committee on Local and Consent Calendars and read weekly in a block on the Floor (Ask me about "chubbing")

SENATE – Senate Admin Committee certifies Local & Uncontested calendar for weekly Floor reading

If the bill is left pending, it can be brought back up in committee any time, or not **§**.


Second Reading: debate, amendment by majority vote, vote to pass to third reading or not. **§** (Ask me about "3/5" rule)

Note: Being read on a local calendar will get a bill its 2nd and 3rd readings on the respective Floor


Third Reading (usually the next day unless rules suspended), debate, amendment by 2/3 vote, final passage, or not. **§**

Passing one chamber leads to **ENGROSSMENT** and a similar process in the other Chamber for passage to **ENROLLMENT**

If the other chamber has amended the bill in an unfavorable way, then the originating chamber can call for a conference committee (5 from each Chamber) to hash out (or not **§**) differences confined to what already passed and then both chambers vote to pass the **conference committee report** to the Governor (or not **§**)



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Legislative Process – (Continued)

- Once the bill is Engrossed and Enrolled, it is sent to the governor for signature.
- During most of the session, the governor has 10 days to sign the bill, allow it to become law without signature, or veto it. ✖
- If sent to the governor within 10 days of final adjournment, the governor has 20 days after adjournment (6/20/21) to sign the bill, allow it to become law without signature, or veto it. ✖
- The Governor can make "line-item" vetoes in the General Appropriations Act (the "budget")
- If a bill is vetoed during Session, a 2/3 majority of each chamber can override the veto.
- Somewhere in the process, 80% of bills filed= ✖



DATES OF INTEREST

- November 9, 2020: Bill pre-filing begins (House Rule 8, Section 7 and Senate Rule 7.04(a))
- January 12, 2021: 87th Legislature convenes at noon (Texas Constitution, Article III, Section 5(a); Texas Government Code, Section 301.001)
- March 12, 2021: 60-day bill filing deadline (Texas Constitution, Article III, Section 5(b))
- May 31, 2021: Adjournment sine die (Texas Constitution, Article III, Section 24(b))
- June 20, 2021: Post-session 20-day deadline for Governor to sign or veto (Texas Constitution, Article IV, Section 14)
- August 30, 2021: Effective date (91st day after adjournment) (Texas Constitution, Article III, Section 39)



Effective Dates

- The date a bill, if passed into law, takes effect. A bill's effective date is usually specified in the bill itself, but if one is not specified the bill takes effect on the 91st day after the adjournment of the session in which it was enacted.
- A bill may have multiple effective dates for different sections of the bill.



Fiscal Analysis

- Fiscal Notes are official documents produced by the Legislative Budget Board (LBB) that determine how much a bill will cost the State
 - Some bills have positive fiscal notes by generating revenue or ending an existing expense
- All bills receive a Fiscal Note before hearing in Committee
- In tight Sessions, bills with fiscal notes above a certain amount often do not get recognized on the Floor even if passed by Committee
- A negative Fiscal Note (cost) prevents a bill's eligibility for a Local Calendar
- Agencies often submit fiscal analysis to the LBB but that does not mean that is gets published in the subsequent official fiscal note



Bill Tracking

- The Texas Legislature Online (TLO – www.capitol.texas.gov) is a website free to the public that provides limited legislative tracking, bill search features, and links to various helpful state resources like the Texas Constitution, Statutes, and links to individual legislative House sites.
- Note: Video (live and archived) of committee hearings or Floor debate are on the House or Senate websites individually
 - www.house.texas.gov
 - www.senate.texas.gov



PROHIBITION ON GOVERNMENT FUNDED LOBBYING AFFECTS AGENCIES' ROLES

Texas Government Code -Sec. 556.006. LEGISLATIVE LOBBYING.
 (a) A state agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure.

(b) This section does not prohibit a state officer or employee from using state resources to provide public information or to provide information responsive to a request.



87th Regular Session – Setting the Stage

- 140 days (per Constitution – NOTE: Special Sessions are 30 days)
- By the Constitution, only a budget must pass
 - Compared to a Special Session where bills for consideration are limited *only* to what relates to a specific provision in the Governor's call for the Special Session.
- First Session since onset of COVID-19 pandemic
- After a month of Session, the power grid failed due to Winter Storm Uri



87th Regular Session – What Passed

- SB 1: State budget
- HB 4: Expansion of telemedicine
- HB 1927: Permitless carry of handguns
- SB 8: Fetal "heartbeat" bill
- HB 1280: Ban abortion if Roe v. Wade is overturned
- HB 133: Extend moms' time on Medicaid
- SB 3: Winter storm response
- HB 3979: Critical race theory in schools
- SB 4: National anthem bill
- HB 1239: Protecting churches from closure during disasters



87th Regular Session – JJ Bills Passed

- **HB 1664** will allow all youth at county and state level held in a secure facility to qualify for Medicaid if they have an overnight stay in a hospital.
- **HB 3165** allowing for an affirmative defense to truancy if a youth is abused.
- **HB 1401** allowing electronic means to request sealing of records.
- **HB 454** allowing local jurisdictions to create a specialty court for parents with youth in the system.
- **HB 4158** granting HHSC access to youth information.
- **HB 2107** providing for competency services for youth with intellectual disabilities being adjudicated.
- **SB 2049** providing greater consistency with guardian ad litem appointment for dual-status youth, and
- **SB 511** and **HB 4568** are clean up bills for operations for Lubbock and Rockwall Counties.
- **HB 4544** will make it easier for TJJD to ensure that youth have all of the identification available at the time of release, including state-issued ID, birth certificate, and social security card.



87th Regular Session – What did not pass

- SB 7: Elections reform
 - Conference Committee report dies on last day for consideration after House Democrats break quorum – 2/3 of members required to conduct business according to House Rules
- SB 29: Transgender students and school sports
- SB 1311: Revoke physician's medical licenses for providing gender-affirming medical care
- SB 10: Taxpayer-funded lobbying
- SB 12: Social media expression bill
- SB 1529: Statewide appeals court
- HB 20: Changes to bail
- HB 3: Governor's pandemic powers
- Raise the Age – see next slide



87th Regular Session – Raise the Age

- Several differing versions – HB 486 & 487 (Wu), HB 967 & HB 1430 (Dutton), HB 1783 (White), and HB 4371 (Rose)
 - Most bills all replace the age of majority from 17 to 18 in numerous instances in statute most notably to include criminal culpability
 - Other age references in statute went up a year, e.g. juvenile probation ends at 19 vs 18; jailing at 18 vs 17
 - Some bills raised the “floor” age for being considered a juvenile from ten to twelve- or thirteen-years-old




87th 1st Special Session – Governor's Call

- **BAIL REFORM:** Legislation reforming the bail system in Texas to protect the public from accused criminals who may be released on bail.
- **ELECTION INTEGRITY:** Legislation strengthening the integrity of elections in Texas.
- **BORDER SECURITY:** Legislation providing funding to support law-enforcement agencies, counties, and other strategies as part of Texas' comprehensive border security plan.
- **SOCIAL MEDIA CENSORSHIP:** 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.
- **ARTICLE X FUNDING:** Legislation providing appropriations to the Legislature and legislative agencies in Article X of the General Appropriations Act.
- **FAMILY VIOLENCE PREVENTION:** 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.
- **YOUTH SPORTS:** 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.
- **ABORTION-INDUCING DRUGS:** 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.
- **THIRTEENTH CHECK:** 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.
- **CRITICAL RACE THEORY:** Legislation similar to House Bill 3977 concerning critical race theory as originally passed by the Texas Senate in the 87th Legislature, Regular Session.
- **APPROPRIATIONS:** 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.




87th 1st Special Session – Epilogue

- On July 12th, Democrats broke quorum again with nearly 60 of the House delegation and eventually nine of the Senate delegation headed to DC to raise awareness on Texas’ proposed new election reforms as well as lobby Congress to pass a bill that would supersede the proposed state reforms
- Governor Abbott’s line-item veto from the FY 2022-23 budget funding the Legislature, its staff, and support agencies will take effect when the new fiscal year begins on 9/1/2021
- On 8/5, Governor calls a 2nd Special Session to begin on 8/7
 - Note: Census data is scheduled to arrive (for Redistricting) mid-August




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87th 2nd Special Session – Governor’s Call

- BAIL REFORM:** Legislation reforming the bail system in Texas to protect the public from accused criminals who may be released on bail.
- ELECTION INTEGRITY:** Legislation strengthening the integrity of elections in Texas.
- FEDERAL RELIEF APPROPRIATIONS:** 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.
- EDUCATION:** 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.
- BORDER SECURITY:** Legislation enhancing criminal laws or providing funding from unappropriated available revenues to support law-enforcement agencies, counties, and other strategies as part of Texas’s comprehensive border security plan.
- SOCIAL MEDIA CENSORSHIP:** 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.




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- YOUTH SPORTS:** Legislation identical to Senate Bill 27 as passed by the Texas Senate in the 87th Legislature, Regular Session, disallowing a student from competing in interscholastic leagues athletic competitions designated for the sex opposite to the student’s sex at birth.
- ABORTION-INDUCING DRUGS:** 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 the abortion-inducing drugs are provided unless there is voluntary and informed consent.
- THIRTEENTH CHECK:** Legislation similar to House Bill 3529 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.
- CRITICAL RACE THEORY:** Legislation similar to House Bill 3979 concerning critical race theory as originally passed by the Texas Senate in the 87th Legislature, Regular Session.
- APPROPRIATIONS:** 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.
- PRIMARY ELECTIONS:** Legislation modifying the filing periods and related election dates, including any runoff, for primary elections held in Texas in 2022.
- RADIOACTIVE WASTE:** 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.
- EMPLOYMENT:** Legislation shielding private employers and employees from political subdivision rules, regulations, ordinances, and other actions that require any person to demonstrate success or conflict with Texas or state law relating to any form of employment, leave, hiring practices, employment benefits, or scheduling practices.
- STATE LEGISLATURE:** Legislation relating to legislative quorum requirements.



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87th 2nd Special Session – Considerations

- On 8/6, the Governor, Lt. Governor, House Speaker, and Chairs of the budget committees in both Chambers announced the Legislature would receive one more month of funding through September
 - Article X (the Legislature) funding includes members’ offices but also the LBB, Texas Legislative Council, and the Sunset Commission
 - Totals about 2,100 staffers total
- The Texas Legislative Council drafts bills as well as draws maps for consideration during redistricting
 - Note: Census data projected to arrive around 8/12 – 8/16, but redistricting is not on the call for the 2nd Special Session



TJJD undergoes Sunset

- Sunset Commission consists of five Senators, five Representatives, and two members of the public, which rotate by appointment of the House Speaker and Lt. Governor
 - Commission is also staffed by 25+ employees
- Under Sec. 202.010 of the Human Resources Code, TJJD is abolished on 9/1/2023 without legislative intervention under the Sunset Act
- Sunset Commission reviews most state agencies every 12 years
 - Agency does self evaluation
 - Sunset staff perform deep dive and make recommendations to Commission
 - Commission adopts report
 - Report leads to filing of Sunset Bill – goes through Legislative process



QUESTIONS?

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