



October 15, 2021 Legislative Update

Third Called Special Session

There are four more days remaining in the Third Called Special Session, which concludes by midnight on Tuesday, October 19, 2021.

Vaccine Mandates

Governor Greg Abbott issued an executive order on Monday, October 11 that private companies may no longer impose vaccine requirements for employees or customers. The Governor also added this issue to the special session call. The executive order states that no entity in Texas can compel receipt of a COVID-19 vaccination by any individual who objects to vaccination for any reason of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19. The Executive Order expires when legislation is approved that will accomplish the same. The conflict that exists between Texas's executive order and anticipated federal regulations that will require vaccine mandates puts many businesses in a challenging position.

Because of the Governor's announcement, the House State Affairs Committee heard HB 155 by Rep. Tom Oliverson on Wednesday, October 13. The legislation would require that all entities, including private businesses, provide certain exemptions from vaccine mandates. The bill also creates a private cause of action against businesses that do not properly comply. The bill was left pending in committee.

On Thursday, October 14, the Senate State Affairs Committee considered and voted out another bill related to vaccine mandates, SB 51 by Sen. Bryan Hughes. The bill also includes required exemptions from any vaccine mandate by a private business. Any violation by a business can lead to an employment discrimination suit under the Labor Code. In addition, the bill includes complete prohibitions on vaccine mandates for political subdivisions, schools and universities. While the Senate bill was voted from committee as filed, Chairman Hughes said the bill would be amended on the Senate floor to address some concerns.

Property Tax Relief

A House committee substitute for SB 1 passed out of the House Ways and Means Committee on Tuesday, October 12 and is set on the House calendar for Friday, October 15. The substitute substantially changes the Senate proposal and would instead use \$3 billion in American Rescue Plan Act (ARPA) funds to provide a \$533 check to everyone who claims a homestead in Texas without differentiating between property values. By contrast, the Senate's proposal would provide a \$100 tax break for the owners of \$300,000 homes.

HB 90, which would dedicate 90% of any revenue in excess of the state's new limit on general revenue-related spending for school property tax relief, was voted favorably from House Ways and Means, but has not been set for consideration on the House calendar.



Redistricting Continues to Progress

Texas Senate: Texas House leadership appears to have put congressional, Texas Senate, and State Board of Education maps on track to conclude by Tuesday. The House redistricting committee voted out the Texas Senate map (SB 4) on Monday. The Senate map is set on the House calendar for Friday, October 15, along with the State Board of Education map (SB 7).

Texas House: HB 1, the House redistricting bill, was considered on the House floor this past Tuesday, October 12. After a long night, the full house passed HB 1. Several significant changes were made to the maps on the floor, including the redrawing of the Lower Rio Grande Valley district left open by the retirement of Rep. Eddie Lucio, III (D) to make it competitive. The House maps will be considered in the Senate Committee on Redistricting on Friday, October 15.

Congress: After passing the full Senate last week, the House Committee on Redistricting approved the congressional maps (SB 6) in a 8-6 vote along party lines on Wednesday. Surprisingly, the House committee made no changes to the Senate-approved maps. The proposed plan has to be approved by the full House and may still change before it is signed into law by Governor Abbott. House Calendars Committee Chairman Dustin Burrows indicated the congressional map could be on the floor Saturday.

American Rescue Plan Act of 2021 (“ARPA”) Appropriation

On Tuesday, October 12, the House Appropriations Committee voted 25-0 to substitute SB 8, the ARPA bill, with the House’s language. In addition, the committee chose to break its ARPA funding into three bills: a substitute for Senate Bill 8, plus House Bill 160 and House Bill 161. The committee sub for SB 8 will no longer have the Article II and III funding portions in the bill. SB 8 includes \$7.2 billion to the unemployment insurance trust fund, \$500 million for rural broadband and more.

House Bill 160 includes expenditures typically assigned to Article III, like education initiatives, institutions, and related agencies. The bill covers COVID-related healthcare costs, childhood mental health costs and a new \$300 million emergency operations center for the Texas Department of Emergency Management.

House Bill 161 includes expenditures that are typically funded through Article II relating to health and human services. That includes \$2 billion for the Department of State Health Services, \$237 million for the Dallas State Hospital and \$300 million to address staffing shortages.

There are some differences between the Senate and House proposals, so negotiations will be ongoing to get this bill to the Governor’s desk before Tuesday night.



Retirement Announcements

The latest retirement announcement came from Rep. Lyle Larson. Larson has represented his San Antonio district for 12 years. In addition, some members, including James Talarico (D) and Kyle Biedermann (R), have announced plans to run in districts other than their current districts, which were redrawn. The complete list of current retirements includes:

House (15)

Not seeking reelection (13)

- Chris Paddie - HD 9 (R)
- Ben Leman - HD 13 (R)
- James White - HD 19 (R)
- Cecilia Israel - HD 59 (D)
- Phil King - HD 61 (R)
- Tan Parker - HD 63 (R)
- Michelle Beckley - HD 65 (D)
- Scott Sanford - HD 70 (R)
- Matt Krause - HD 93 (R)
- John Turner - HD 114 (D)
- Jim Murphy - HD 133 (R)
- Eddie Lucio, III - HD 38 (D)
- Lyle Larson - HD 122 (R)

Resigned (2)

- Jake Ellzey - HD 10 (R)
- Leo Pacheco - HD 118 (D)

Senate (2)

Not seeking reelection (2)

- Jane Nelson - SD 12 (R)
- Dawn Buckingham - SD 24 (R)

Looking Ahead

The Senate is expected to conduct a full day of business on Friday, October 15. The House will be in session Friday, as well. Both chambers may work over the weekend to wrap up their legislative priorities prior to the last day of the special session on Tuesday.