



## Capitol Update: Special Session Edition (7/20/21)

Greetings from your Texas Capitol! As I'm writing to you, we have just completed the 11th day of the special session called by Governor Abbott. Thus, this edition of the Capitol Update is much different than usual. Unlike a regular session, special sessions are so compressed—both in time and in content—that it is difficult to walk constituents through legislation due to how quickly individual bills can change. Below, I will outline each piece of legislation that has been passed so far by the Senate in the special session which began July 8th.

Between committee meetings and floor debate, the Texas Senate was in action on each of the first eight days of the special session. As of Friday, July 16th, 10 of the 11 items outlined by the governor in his call were passed by the Senate and sent to the House of Representatives for action. As you all know, the House Democrats and a few Senate Democrats decided to abandon their post at the Texas State Capitol. This not only hurts their constituents but all Texans statewide. I'm proud that the Senate continues to work and pass important legislation that will protect our elections, give our retired teachers a much-needed 13th check, and other very important legislation as detailed below.

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

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

This bill also makes a number of changes which increase accessibility for all voters by increasing the hours a polling place may operate and by creating guidelines for those who need assistance while voting. This bill creates uniform voting hours throughout the state. Specifically, voting must occur between the hours of 6 a.m. and 9 p.m. SB 1 extends the voting house for 60+ counties, which currently can keep locations open "during business hours only." SB 1 ensures that voting is easier and cheating is harder by placing penalties for violation of proper election conduct and by limiting the most common fraudulent voter practices. Under this bill, the polls will be accessible to more Texans through the requirement that employers must allow their workers to take time off to vote if work is interfering with their ability to vote. Additionally, SB 1 provides a provision which states during early voting, anybody in line at the time of poll closure is still able to submit their ballot. Currently, this protection is only provided on Election Day. These additions to the election code make voting in Texas easier, not harder. There is no truth to the claim that voting will be more burdensome for those with disabilities, or any lawful voter for that matter. SB 1 expands eligibility for assistance to include a person who cannot read a ballot, and provides curbside voting with the same protections as voting inside a polling place. Not only are there specified provisions in this bill to address that concern, but SB 1 also allows for discretion to remain with the local election official when accommodating individuals with disabilities.

I was proud to offer an amendment to this legislation which was added to the bill. The amendment accounted for possible emergencies or disasters which affect polling places, rendering them un-useable. My amendment allows county commissioner courts the discretion to decide when a previously determined polling location is un-useable and gives them authority to establish a temporary polling location adjacent to the original structure that had been designated to be a polling location.

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

SB 2 requires University Interscholastic League (UIL) athletes and collegiate athletes who attend a public university to compete in sports associated with their biological sex as determined at or near birth and that was properly listed on the student's birth certificate. In addition, SB 2 allows female athletes to compete in male sports if a corresponding female sport is not available and the leadership at the campus at which the request is made allows for it. It is simply not fair to allow boys to compete in girls' sports. In Texas schools, the athletic statistics show the reality of sports competition — boys run faster, they throw farther, they jump higher. To pretend they don't deny women and girl athletes the right to compete on a level playing field and be the best in their sport.

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

During the 87th regular session, the Legislature passed HB 3979 which addressed the issue of critical race theory's inclusion in much of our public schools' curriculum. Critical race theory is an academic concept which views history solely through the lens of racial relations, placing one race in a superior position. It employs

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

SB 3 creates a civics training program for teachers and administrators. This program is to be reviewed and approved by the State Board of Education annually. It clarifies that the Texas Essential Knowledge and Skills should contain an understanding of the foundation of the American government, including its history and features of civic engagement. SB 3 encourages this education in a way that does not promote one race or gender over another. This bill adds protections for teachers by prohibiting the requirement of teachers to discuss certain current events or controversial issues. Additionally, a floor amendment on SB 3 clarified that the bill does not limit teaching anything included in the Texas Essential Knowledge and Skills.

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

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

#### **SB 5 - Freedom of Speech Protection on Social Media**

The original intent of Section 230 of the federal Communications Decency Act of 1996 is to protect web-based social platforms from being sued for removing non-protected speech that is currently prohibited (inciting violence or overtly sexual). There is reason to believe that the current administration is working with these social media platforms to censor speech, which is a clear violation of the First Amendment. Under section 230, states have the ability to regulate social media platforms. Until congress acts to protect the First Amendment rights of Texas citizens, the state must take action to ensure protected speech is not being censored simply because a social media platform disagrees with a viewpoint. Senate Bill 5 prohibits social media sites with at least 50 million users from censoring content that reflects the viewpoint of any user. This legislation creates a cause of action for aggrieved individuals to seek injunctive relief against liable social media sites. The protection of our freedom of speech is paramount, especially in today's political climate. All Texans should be able to lawfully speak their mind and be heard without fear of repercussion. SB 5 grants this protection to our citizens and punishes violators. This bill operates in congruency with section 230 of federal law which dictates that social media sites, which host or republish speech, are free from the legal responsibility of what their users might post. This prescribed protection should offset social media sites' "fear" of carrying their user's language with which they do not agree. Nothing in section 230 prevents the State from enforcing this legislation as it is consistent with federal regulations. Additionally, SB 5 still affords social media companies the ability to remove non-protected speech from their platforms.

#### **SB 6 and SJR 3 - Bail Reform**

The current bail system in Texas is broken. It simply allows for the continual release of habitual and violent offenders on multiple felony personal bonds. A personal bond is a sworn agreement by the defendant that they will return to court as ordered and will comply with the conditions placed on their release. These bonds don't require any cash or financial obligation, only the promise by the accused. SB 6 and its corresponding constitutional amendment SJR 3 will morally address the release practices surrounding habitual and violent offenders by prohibiting judges from releasing those accused of violent crimes on personal bonds and aims to better protect the safety of their victims, law enforcement officers, and communities as a whole. Harris County is notorious for its broken bail system. Just this last session, the Harris County District Attorney testified on behalf of the bill and testified that between 2015 and 2020, the number of people who had committed crimes while out on bond had risen from approximately 3,200 to approximately 10,500. The number of offenses those individuals were arrested for while out on bond rose from 6,348 to 18,796. As I write this, six innocent lives have been taken in Texas by accused violent individuals who were bonded out on felony personal bonds and went on to commit an additional violent crime. All of this has happened since the House Democrats walked out at the end of the regular session, leaving Bail Reform to die at the completion of the regular session, and thus requiring Gov. Abbott to add this issue to the special session call. The most recent example that the current bail system is broken brings us to rural Texas in Lubbock county: a person, who was released on bond who had a domestic violence record resulted not only in a retaliatory domestic violence dispute, but he is accused of killing a Texas sheriff's sergeant and wounding three other officers.

### **SB 7 - TRS 13th Check**

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

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

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

### **SB 12 and SJR 4 - Property Tax Relief**

The 86th Legislature passed H.B. 3, the school finance reform bill. House Bill 3 provided school maintenance and operations (M&O) tax rate compression for property taxpayers, where the state provides additional dollars to school districts in return for lower local school tax rates. One group of Texans did not receive this reduction, those with an Over 65/Disabled exemption. This legislation would put to the voters the option to extend the tax rate compression from H.B. 3 to those who have an Over 65/Disabled exemption so that they too would see their school M&O tax rate reduced.

### **SB 72 - Family Violence Prevention**

This bill provides for educational instruction pertaining to the prevention of child abuse, family violence, and dating violence. SB 72 will require students exposure to this educational instruction a minimum of one time between middle school and junior high and at least one time in high school. This bill maintains parental discretion by mandating that a parent be provided notice of the instruction, the right to review the material, and the parent's right to remove the student from the instruction if desired. SB 72 aims to promote awareness of domestic issues and provide students with resources to manage these challenges.

As of this writing, 19 days remain in the 30 day special session. The Senate is now in a holding pattern for the next several days until we know if the House will be able to perform their duties. I am eager to continue the debate and discussion on these issues with my colleagues from both chambers as the session continues.

In closing, I want to reiterate that just like in the regular session, my team and I want to hear from you on these issues during the special session. Though I hear from countless citizens on many subjects, input from those I serve is always fully considered, regardless of differing politics or viewpoints.

Thank you again for reading this update from 'Team Birdwell.' I hope you found it to be informative and that you'll share it with your friends, family, and colleagues in Senate District 22, who may subscribe to the Capitol Update by clicking here. God Bless,



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