THE 87TH....

Highlights of the 2021 Legislative Session

The 87th Texas Legislature completed its biennial session on May 31, 2021. The backdrop for the session was shaped by three sets of historic events which are not likely to impact a legislative session for many years to come: the worldwide COVID Pandemic; the February winter storm and resulting effects on the state’s electric grid; and the unprecedented level of security in and around the Texas Capitol resulting from the George Floyd demonstrations and the January 6th U.S. Capitol Riot and the gatherings that followed throughout the Nation. The events made for a session like no other and accommodated a lot of “elbow room” in the Capitol.

IN BRIEF.... COVID-19 has revealed much over the past 15 months. And when the 87th Texas Legislature completed its biennial session on May 31, 2021, one more thing became undoubtedly clear: UTRGV is The Future of Texas.

Directly below is a quick summary of the passed bills that will or may directly impact the University, as well as resolutions that recognize or congratulate programs and people at UTRGV. A more complete summary of related legislative actions and legislation begins on page 3.

LEGISLATION PASSED ON BEHALF OF UTRGV

SB 1 - General Appropriations Bill: The new Appropriations Act will help to keep UTRGV in strong financial standing. The Texas legislature funded enrollment growth (i.e., Weighted Student Credit Hour [WSCH] growth), which resulted in an overall General Revenue Appropriations increase of over 14%, helping UTRGV overcome FY20-21’s statewide budget cuts. UTRGV topped all four-year general academic institutions in terms of All Funds formula funding percentage increases.

At the center of this growth is UTRGV’s Instruction & Operations (I&O) formula funding — the General Academic Unit’s largest set of funding strategies — which increased by 20%. These gains in I&O are largely attributed to UTRGV’s expanding enrollment, especially at the graduate level, ahead of and during the COVID-19 pandemic.

**General Academic Unit**
$303.9 MILLION

**School of Medicine**
$73.8 MILLION

**Combined**
$377.7 MILLION
The General Academic Unit will receive a net increase of $22.3 million over the next biennium, resulting from WSCH growth, particularly at the graduate level.

The SOM will receive an additional $4.6 million in net revenue over the biennium resulting from headcount enrollment growth.

Additionally, all non-formula funding items (NFF), previously known as Special Items, continue to receive funding at prior levels, minus 5%.

Finally, the legislature maintained funding for the statewide TEXAS Grants financial aid program at FY20-21 levels by restoring the 5% General Revenue reduction of $43 million and added a new strategy with an additional $100 million for several financial aid programs, including TEXAS Grants.

**HB 2509 - Related to UTRGV School of Podiatry:** This bill amends the definition of “Graduate medical education program” in the Education Code to include nationally accredited post-doctor of podiatric medicine (DPM) programs, thereby allowing schools and teaching hospitals with nationally accredited DPM programs to qualify for funding to support first-year residency slots through the General Medical Education (GME) Expansion Program administered by the Coordinating Board. The law is significant for UTRGV because:

- UTRGV is opening the first School of Podiatry in Texas (Fall 2022).
- UTRGV educated podiatrists will not have to leave the state for residencies.
- Before this legislation, only MD and DO programs could apply for such funding.

**SB 1467 - Fees Clean-up & Restructuring:** This bill allows UTRGV to restructure its student services fee to create separate fees for student activities and intercollegiate athletics. The move enhances transparency and creates opportunities for UTRGV Athletics and student programs and activities to grow. Most importantly, the changes are revenue neutral and WILL NOT increase current fees.

**RESOLUTIONS**

While most laws are crafted with a specific goal or agenda, some are passed purely to acknowledge significant achievements and extraordinary character. Below are the resolutions that were passed during the biennial legislative session and the groups and individuals from UTRGV they honor:

- UTRGV Chess Team (HR 651; HR 1471; SR 289)
- UTRGV CHAPS Program (HR 1720; SR 512)
- Valley Legislative Internship Program (HR 1772; SR 490)
- Coach Lew Hill (HR 339; SR 111)
- Dr. Eluterio Blanco Jr. (HR 188)
- Monica Reyes (HR 371)
- Dr. Cristina Villalobos (HR 377)
- Teresa Feria (HR 378)
- Dr. John Krouse (SR 492)
THE BIG THREE
The 87th witnessed a change among the “The big three” - the Governor, Lt. Governor, and Speaker of the House – as there was a new Speaker elected at the onset of the session. Speaker Dade Phelan of Beaumont took the Speaker’s Oath of Office on January 12 and with it the reins of the Texas House; the 140-day session proceeded in a mostly harmonious fashion; this would not be the way the Big Three would finish the session.

REVENUE ROLLER COASTER
As Texas and the Nation descended into the Pandemic, Comptroller Glenn Hager revised his revenue estimate in July 2020, saying that the economic contraction associated with the spread of COVID-19 and volatility in oil markets warranted a downward estimate of General Revenue-related (GR-R) funds available for general-purpose spending by 9.5 percent. The estimate resulted in a projected fiscal 2021 ending deficit of $4.58 billion, previously projected as a $2.89 billion surplus. This estimate was preceded by the Big Three’s requirement to reduce agency budgets by 5 percent.

On January 11, 2021, the Comptroller released the Biennial Revenue Estimate (BRE) showing the state was projected to have $112.5 billion in revenue available for general-purpose spending during the 2022-23 biennium. The estimate was a 0.4 percent decrease from funds available for the 2020-21 biennium, equating to close to a negative $1 billion.

Then in May, with less than a month before the end of session, Comptroller Hegar revised the BRE upwards showing 2020-21 revenue to be $113.88 billion and the ending balance in GR-R funds to be $725 million, an increase of $1.67 billion from the negative balance projected in the January BRE.

The increased ending balance, combined with the increase for the 2022-23 biennium, resulted in an estimate of $115.65 billion available for general-purpose spending in 2022-23, an increase of $3.12 billion from the BRE. This was welcome news to the SB 1 conference committee working on final appropriations.

Most recently, just prior to the July 8 start of the 1st Called Session, Hegar released a new estimate projecting 2022-23 revenue available for general-purpose spending to be $123.02 billion, and the 2022-23 ending balance in General Revenue-Related (GR-R) funds to be $7.85 billion, saying the estimate is based on surging revenue collections, savings from state agency budget reductions during the Regular Session, and the replacement of eligible GR-R.

Hegar projects 2020-21 revenue available for general-purpose spending to be $116.13 billion and the fiscal 2021 ending balance in GR-R funds to be $5.01 billion.
SB 1 by Nelson - GENERAL APPROPRIATIONS BILL (Conference Committee Version) - The state's two-year budget plan calls for spending roughly $249 billion (All Funds) on priorities including public school funding, teacher salaries and higher education programs, as well as funding for transportation, healthcare, public safety, prisons, and much more. This represents a 5.2% decrease in overall funding mostly because of a disproportionate decrease in federal funds, whereas General Revenue Funds increased by 5.5%.

UTRGV did much better than last session; in fact, the university faired best in terms of All Funds formula funding percentage increases among all the four-year general academic institutions. UTRGV’s Instruction & Operations (I&O) formula funding, by far its largest set of funding strategies for the general academic unit, increased by 20%; this was due in large part to increasing enrollment prior to and during the COVID Pandemic. Likewise, the UTRGV School of Medicine (SoM) was consistently among the highest in terms of increased formula funding.

What is still UNKNOWN is how a Fall special session, which may include additional federal funds allocations, might impact the state budget as passed by the Legislature or higher education. But here’s what we do know:

- SB 1 included an increase in biennial appropriations for higher education agencies and institutions of 2.2% in General Revenue Funds, from $15.8 billion in FY20-21 to $16.2 billion for FY22-23.

- Because the state rebounded from the Pandemic and the legislature funded enrollment growth (i.e., Weighted Student Credit Hour [WSCH] growth) this session, the result was an overall General Revenue Appropriations increase of over 14%, helping UTRGV overcome the cuts that we sustained in FY20-21.

- For UTRGV, because of weighted semester credit hour (WSCH) growth in the General Academics and the headcount enrollment growth in SOM, the General Academic Unit will receive a net increase of $22.3 million over the next biennium. The School of Medicine (SoM) will receive an additional $4.6 million in net revenue over the biennium as the result of headcount enrollment growth.

Most of UTRGV’s increases came in the form of formula funding, as the formulas reward enrollment growth, something that UTRGV was able to strategically increase; late in the process, the SB 1 conference committee added more than $380 million to the general academic and health related institutions formulas and as a result, UTRGV’s formula funding increased by over 13 million.
• Total FY 2022-23 state appropriations for UTRGV:
  o General Academic Unit = $303.9 million
  o School of Medicine = $73.8 million
  o Combined = $377.7 million

• Taken annually, state appropriations represent about 28% of UTRGV’s overall annual budget and remains the University’s largest single source of funding. The combination of state appropriations with TEXAS Grant funding comprises about 35% of the annual budget.

• Graduate Medical Education (GME) - The Legislature also added $48 million to the Texas Higher Education Coordinating Board’s GME Expansion Grants program. The appropriation maintains the 1.1 to 1 ratio of first-year residency positions for each Texas medical school graduate. GME funding becomes increasingly important to UTRGV as the SoM matures and the School of Podiatry comes online.

• I&O - The GAI Instruction and Operations (I&O) Formula rate is funded at $55.66 per weighted semester credit hour (SCH), nearly to the current level of $55.85. SB 1 maintained the Infrastructure Support Formula rate at $5.47 per square foot.

• I&O for Health-Related Institutions - SB 1 maintains the I&O formula rate at $9,622 per student, the Infrastructure Support Formula rate at $5.58 per square foot, the Graduate Medical Education rate at $5,970, and the Research Enhancement Formula rate decreased slightly to 1.17% from 1.18%.

Financial Aid - SB 1 also maintains funding for the statewide TEXAS Grants financial aid program at 2020-21 levels by restoring the 5% General Revenue reduction of $43 million. SB1 also includes a new strategy with an additional $110 million for several financial aid programs including Texas Grants. The program has proven to have a very positive impact on the retention and graduation rates of students statewide, particularly at UTRGV where over two-thirds of our students rely on some sort of financial aid.

FACT / To finance construction of the Texas Capitol, the state traded more than 3 million acres of state-owned land in the Texas Panhandle to a Chicago corporation called the Capitol Syndicate.
The following are some of the bills designated as emergency items by the Governor or as priorities of the Lt. Governor and/or Speaker of the House:

**TELEMEDICINE**

**HB 4 by Price / Effective 15 JUNE 2021** – 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.
- Makes permanent most of the Medicaid/CHIP waivers that were put in place as part of the State’s COVID-19 response while upholding the standard of care and expands the types of services that qualify for reimbursement.

**SB 40 by Zaffirini / Effective 3 JUNE 2021** – Relating to the provision of telehealth services by certain health professionals licensed by the Texas Department of Licensing and Regulation.
- Ensures that patients receiving telehealth services receive appropriate, quality care.
- Prevents abuse and fraud using telehealth services, including the filing of claims and records required to be maintained in connection with telehealth services.
- Provides for remote supervision of certain providers and for remote education practices.

**BROADBAND**

**HB 5 by Ashby / Effective 15 JUNE 2021** - Relating to the expansion of broadband services to certain areas.
- Creates a Broadband Development Office (BDO) within the State Comptroller’s office for the purpose of promoting the expansion of access to broadband in Texas, including establishment of a broadband development program to award grants, low-interest loans and other financial incentives, and the creation of a map displaying number of service providers across state.

**FIREARMS / PERMITLESS CARRY OF HANDGUNS**

**HB 1927**
by Schaefer / Effective 1 SEPT 2021 – Allowing people to carry handguns in Texas without a concealed handgun license.
Amends current law relating to provisions governing the carrying of a firearm by a person who is 21 years of age or older and not otherwise prohibited by state or federal law from possessing the firearm and to other provisions related to the carrying, possessing, transporting, or storing of a firearm or other weapon, and creates criminal offenses.
- Did not change prior Campus Carry law.
HB 1500 by Hefner / Effective 1 SEPT 2021 – Relating to authority of the governor and certain political subdivisions to regulate firearms, ammunition, knives, air guns, explosives, and combustibles and certain businesses during certain disasters and emergencies.

- Ensures that neither the governor, nor local governments, have the authority to prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range during a declared state of disaster.

SB 20 by Campbell / Effective 1 SEPT 2021 – Relating to carrying and storing a handgun or handgun ammunition by a hotel guest.

- Strengthens legal protections for lawful gun owners by prohibiting hotels from adopting certain restrictive handgun policies.

**K-12 Civics Instruction / Critical Race Theory Ban**

HB 3979 by Toth / Effective 1 SEPT 2021 - Amends what the State Board of Education is required to adopt as the essential knowledge and skills for the social studies curriculum in public K-12 schools, banning the teaching of critical race theory and limiting what public school students can be taught about the United States’ history of subjugating people of color.

- Adds requirements for certain topics to be included in the public-school social studies curriculum and makes several changes to how civics are taught in public schools, including prohibiting requirement for teacher training on certain matters related to race and sex in public schools.

**National Anthem Requirement**

SB 4 by Buckingham / Effective 1 SEPT 2021 - Relating to provisions in agreements between governmental entities and professional sports teams.

- Requires any professional sports teams with contracts with the state government to play the national anthem before the start of a game.

**Fetal “Heartbeat”**

SB 8 by Hughes / Effective 1 SEPT 2021 - Relating to abortion, including abortions after detection of an unborn child’s heartbeat; authorizing a private civil right of action.

- This new law does not specify a time frame but would ban abortions after a fetal heartbeat can be detected, which proponents say can be as early as six weeks. The measure would be enforced by private citizens empowered to sue abortion providers and others who help someone get an abortion after six weeks, for example, by driving them to an abortion clinic.

**Winter Storm Response**

SB 2 by Hancock / Effective 8 JUNE 2021 – ERCOT reform; Relating to the governance of the Public Utility Commission of Texas, the Office of Public Utility Council and an independent organization certified to manage a power region.
SB 3 by Schwertner / Effective 8 JUNE 2021 - Relating to preparing for, preventing, and responding to weather emergencies and power outages; increasing the amount of administrative and civil penalties.
  • The bill was in response to February’s deadly winter storm. The legislation creates a statewide emergency system to alert Texans if power outages are expected and require power generation companies to better prepare their facilities to withstand extreme weather.

HB 16 by Hernandez / Effective 1 SEPT 2021 - Relating to the regulation of certain retail electric products.

The intent is to protect consumers and ensure that any future costs of a system-wide electric grid failure are not passed along to ratepayers.

COVID PANDEMIC RESPONSE

SB 6 by Hancock / Effective 14 JUNE 2021 - Relating to liability for certain claims arising during a pandemic or disaster related to a pandemic.
  • Liability protection from COVID Pandemic-related lawsuits.
  • Educational institutions included.

SB 22 by Springer / Effective 14 JUNE 2021 – First Responders Pandemic Care Act.

Establishes that an individual who is a full-time detention officer, corrections employee, firefighter, peace officer, or emergency medical technician and who, based on a federally approved test, suffers from SARS-CoV-2 or COVID-19 that results in death or total or partial disability is presumed to have contracted the virus or disease for purposes of benefits or compensation that the individual is otherwise entitled to receive.

SB 1780 by Creighton et al / Effective 16 JUNE 2021 – 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.

SB 809 by Kolkhorst et al / Effective 1 SEPTEMBER 2021 – Relating to health care institution reporting of federal money received for the coronavirus disease public health emergency.
  • Require UT Health RGV and other health related institutions, to report relief funding monthly to HHSC.

LOCAL POLICE FUNDING / DEFUNDING

SB 23 by Huffman / Effective 1 JANUARY 2022 - Relating to an election to approve a reduction or reallocation of funding or resources for certain county law enforcement agencies.
  • The intent of the legislation is to prevent local defunding of police departments.
The following bills and resolutions were passed by Rio Grande Valley legislators on UTRGV’s behalf. The legislation will or could have direct impact to UTRGV, and the resolutions seek to recognize or congratulate programs and UTRGV faculty and students:

**POLICY LEGISLATION...**

**PODIATRY**

**HB 2509** by Lucio III / Effective 14 JUNE 2021 – Relating to measures to support or enhance graduate medical education for the practice of podiatric medicine in this state.

Amended the definition of “Graduate medical education program” to include nationally accredited post-doctor of podiatric medicine (DPM) programs, thereby allowing schools and teaching hospitals with nationally accredited DPM programs to qualify for funding to support first-year residency slots through the GME Expansion Program.

**FEES CLEAN-UP & RESTRUCTURING**

**SB 1467** by Hinojosa / Effective 30 MAY 2021 – Relating to The University of Texas Rio Grande Valley, to student fees imposed by the university, and to the elimination of certain obsolete statutory references in relation to the university.

This legislation updated 13 sections of the Education, Government and Health & Safety Codes that referenced UTRGV’s legacy institutions, The University of Texas at Brownsville (UTB) and The University of Texas-Pan American (UTPA), making them specific to UTRGV; one section updated the university’s Sports Recreation and Wellness Fee and another section created a separate, free-standing fee for Athletics without increasing what students pay.

**RESOLUTIONS...**

**UTRGV CHESS TEAM**

**SR 289** by Hinojosa, et al., **HR 651** by Canales, and **HR 1471** by Dominguez, et al. / Reported Enrolled – Congratulating The University of Texas Rio Grande Valley Chess Team on winning the 2021 President’s Cup tournament.

**SR 512** by Lucio and **HR 1720** by Lucio III, et al. / Reported Enrolled – Honoring the Community Historical Archaeology Project with Schools program on its receipt of the 2020 Governor’s Award for Historic Preservation.
**Valley Legislative Internship Program**

**HR 1772 by Canales, et al. / Reported Enrolled** – Commending the participants in the Rio Grande Valley Legislative Internship Program during the 87th Session.

**SR 490 by Hinojosa, et al. / Reported Enrolled** – Recognizing the 2021 class of participants in the Rio Grande Valley Legislative Internship Program.

**Honoring Coach Lew Hill**

**SR 111 by Hinojosa, et al. and HR 339 by Canales / Reported Enrolled** – In memory of Lewis Daniel Hill Sr., head men's basketball coach at The University of Texas Rio Grande Valley.

**Congratulating Dr. Eluterio Blanco Jr.**

**HR 188 by Guerra / Reported Enrolled** - Congratulating Dr. Eluterio Blanco Jr. on his selection as a 2021 Emerging Scholar by the journal Diverse: Issues in Higher Education.

**Congratulating Monica Reyes**

**HR 371 by Canales / Reported Enrolled** - Congratulating Monica Reyes on her receipt of a 2020 UT Regents' Outstanding Teaching Award.

**Congratulating Dr. Cristina Villalobos**

**HR 377 by Canales / Reported Enrolled** – Congratulating Dr. Cristina Villalobos on her receipt of a 2020 Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring.

**Congratulating Teresa Feria**

**HR 378 by Canales / Reported Enrolled** – Congratulating Teresa Feria of The University of Texas Rio Grande Valley on her receipt of a 2020 UT Regents' Outstanding Teaching Award.

**Recognizing Dr. John Kouse**

**SR 492 by Hinojosa / Reported Enrolled** – Recognizing John H. Krouse for his service to The University of Texas Rio Grande Valley School of Medicine.
Below are some of the more significant bills that passed the 2021 Regular Session. Bills are “hot-linked” to the Texas Legislature Online website for easy access to the history, background, and fiscal and policy analysis for each bill. For a more exhaustive list or for assistance with questions about specific legislation, please contact the Office of Governmental Relations.

**TUITION / FEES**

**SB 1531** by West / Effective 1 SEPT 2021 - 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.

- The new law expands the definition of excessive credit hours to include those that exceed associate degree requirements by 15 or more hours. While students not in a degree program are still to be considered as pursuing a baccalaureate degree, the 120-hour threshold is removed.
  - By avoiding excessive credit hours, students will not be faced with additional tuition charges, and institutions will not lose the associated formula funding.

**ENROLLMENT / STUDENT SERVICES / FINANCIAL AID**

**SB 165** by Blanco / Effective 14 JUNE 2021 – 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 new law clarifies procedures an institution can follow to comply with “six-drop” laws, adds disasters declared by the Governor to the list of good cause reasons to drop more than six courses, and stipulates that IHEs may not count courses dropped because of and during the COVID Pandemic towards the six-drop limit.

**SB 1677** by Buckingham / Effective 1 SEPT 2021 – 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 1860** by Powell / Effective 1 SEPT 2021 - Relating to creating an electronic application system for state student financial assistance.

- Delays implementation of the electronic TASFA to applications submitted for the 2023-24 academic year to support a more efficient and seamless implementation (to align with the FAFSA Simplification Act).

**SB 1019** by Zaffirini / Effective 1 SEPT 2021 – Relating to a requirement for the Texas Higher Education Coordinating Board to report certain student loan data.
• Amends the Education Code to require the THECB to include in its annual report on financial aid in Texas, a breakdown of student loan data disaggregated by race, ethnicity, sex, degree type, and enrollment status, including whether the student has graduated.

**College Level Examination Programs (CLEP)**

**SB 1227** by Taylor / Effective 14 June 2021 - Relating to the granting of undergraduate course credit at public institutions of higher education for certain scores on examinations administered through the College-Level Examination Program.

• Adopts a uniform statewide credit-granting policy for CLEP, requiring that IHEs cap their CLEP scores for course credit at the American Council on Education (ACE) recommended score of 50, and allows IHEs to require a higher CLEP score on courses that are prerequisites for advanced level courses.

**Textbook/Course Materials Transparency**

**HB 1027** by Parker / Effective 1 Sept 2021; Section 51.452 applies beginning of 2022 Fall Semester - Relating to the disclosure of certain information regarding course materials by public institutions of higher education.

• Requires IHEs: to post course schedules and information on course material including price, international standard book numbers, author, etc.; to post any associated fee or charge such as technology, library, printing, etc.; to post any provisions that allow a student to opt out of a fee or charge; and directs IHEs to provide a searchable list of courses and sections of courses that require or recommend only open educational resources.

**Sale of Personal Data**

**SB 15** by Nichols / Effective 18 June 2021 - Relating to the Texas Consumer Privacy Act Phase I; creating criminal offenses; increasing the punishment for an existing criminal offense.

• Restricts disclosure of personal information to essential government agencies and forbids personal information from redisclosure or resale to private entities such as marketing and technology companies.

**SB 475** by Nelson / Effective 14 June 2021, except Section 10 takes effect September 1, 2021 - 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. Fees are authorized.

• The new law is intended to address third party provider’s security, establishing a volunteer cybersecurity incidence response team, implementation of best practices for managing and securing data, and prohibiting state agencies from acquiring, retaining, or disseminating data used to identify an individual or the individual's location without written consent.

**Data Sharing**

**SB 788** by Creighton et al / Effective 1 September 2021 – Relating to the development of model data-sharing agreements for sharing certain student information between public schools, public and private institutions of higher education, and other entities. The bill would require the Texas Education Agency, Texas Higher Education
Coordinating Board and the Texas Workforce Commission to develop a model data-sharing agreement of student’s information between public schools and postsecondary institutions.

**Athletics / Name, Image, & Likeness (NIL)**

**SB 1385** by Creighton / Effective 1 July 2021 - Relating to the compensation and professional representation of student athletes participating in intercollegiate athletic programs at certain institutions of higher education.

- Allowing student athletes at Texas institutions of higher education to earn compensation for their name, image, and likeness (NIL) and to obtain professional representation in making related contracts.

**Title IX**

**SB 1371** by Huffman / Effective 7 June 2021 – Reporting of certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public or private institutions of higher education.

Provides that a campus peace officer who receives information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking from an alleged victim who chooses to complete an official pseudonym form, in making the required report, shall state only the type of incident reported and is prohibited from including the victim’s name, phone number, address, or other information that may directly or indirectly reveal the victim’s identity.

**HB 1172** by Howard / Effective 1 Sept 2021 - Relating to the rights of victims of sexual assault or other prohibited sexual conduct.

- Would improve the survivor experience by guaranteeing that sexual assault victims have the right to an advocate’s presence during law enforcement interviews and any forensic medical examinations, and prohibits the use of polygraphs on victims.
- Ensures that law enforcement officers cannot decline to request a forensic medical examination for a sexual assault reported within the applicable period.

**HB 2706** by Howard / Effective 1 Sept 2021 - 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.

- Bill enacts certain recommendations from the Sexual Assault Survivors’ Task Force to increase access to SAFE-ready facilities for survivors, clarify the reimbursement process for forensic medical exams, and codify the state’s commitment to survivors by removing the word "alleged" when referencing a sexual assault or other sex offense within state statute.

**Suicide Prevention**

**SB 279** by Hinojosa / Effective 14 June 2021 - Relating to the inclusion of suicide prevention information on certain student identification cards issued by a public school or public institution of higher education.
• Requires certain contact information for suicide prevention to be printed on all public-school student ID cards for grades 6-12, as well as community colleges and public universities.

**Teaching Degree / Special Education**

**HB 2256 by Guerra / Effective 1 SEPT 2021** - Relating to creating a bilingual special education certification to teach students of limited English proficiency with disabilities.

• Requires the State Board for Educator Certification (SBEC) to propose rules establishing requirements and prescribing an examination for a bilingual special education certificate and establishing standards to govern the approval and renewal of approval of educator preparation programs for such certification.

**SB 1590 by Bettencourt / Effective 1 SEPT 2021** - Relating to rules by the SBEC regarding virtual observation options for field-based experiences and internships required for educator certification.

• The new law authorizes the current practice of candidate observations in a virtual setting. If SBEC had not amended their rules during COVID-19, the certified teacher pipeline would have been completely disrupted.

**National Motto / “In God We Trust”**

**SB 797 by Hughes / Effective 16 JUNE 2021** - Relating to the display of the national motto in public schools and institutions of higher education.

• Any public elementary, secondary school or institution of higher education, that receives a donated durable poster or framed copy of the US national motto, “In God We Trust” (or purchases one with private donations) must display it in a conspicuous place.

**Medical Regulation / School of Medicine**

**HB 1616 by Bonnen / Effective 1 SEPT 2021** - Relating to the Interstate Medical Licensure Compact; authorizing fees.

• Creates a voluntary, expedited pathway to licensure for qualified physicians who wish to practice in multiple states through the Interstate Medical Licensure Compact while ensuring that physicians are still subject to the laws and licensing regulations of each state in which the respective physician delivers care.

**HB 1164 by Oliverson / Effective 1 SEPT 2021** - Relating to patient safety practices regarding placenta accrete spectrum disorder.

• The intention of the new law is to create improved patient safety practices regarding placenta accreta spectrum (PAS) disorder. The bill requires HHSC, in consultation with Department State Health Services and the Perinatal Advisory Council, to establish rules for patient safety practices related to PAS.
SB 1414 by Huffman / Effective 7 JUNE 2021 - Relating to the time frame for passing certain licensing examinations for applicants seeking a license to practice medicine.

Clarifies the amount of time within which an applicant for a physician’s license must pass the state board’s license exam or any of the comparable exams. The law now states the exam must be passed within two years of the completion of any graduate medical training. The law further limits the time to complete the exam to no longer than twelve years after the applicant began graduated medical training.

SB 1490 by Creighton / Effective 1 SEPT 2021 - Relating to the authority of the Texas Higher Education Coordinating Board to authorize certain degree programs offered by private postsecondary educational institutions.

Stipulates criteria THECB must follow to provide a certificate of authority for certain accredited and unaccredited schools.

Governor’s University Research Initiative (GURI)

SB 1525 by Creighton / Effective 7 JUNE 2021 – Relating to the administration of the Governor’s University Research Initiative.

- Expands the GURI to allow funds to be used to recruit talented mid-career researchers rather than only Nobel Laureate researchers and those from national honorific societies such as the National Academy of Sciences, the National Academy of Engineering, or the National Academy of Medicine.

Comprehensive Research Universities (CRU)

SB 1295 by Creighton / Effective 1 SEPT 2021 – Relating to financial support and incentives for comprehensive regional universities.

- Bill is designed to provide additional state support (Outcomes-based funding model focused on at-risk student success) for the 27 comprehensive regional universities, including UTRGV. While the bill passed, no funding was appropriated this session.

Veterans

HB 33 by Dominguez / Effective 1 SEPT 2021 - Relating to measures to facilitate the award of postsecondary course credit leading to workforce credentialing based on military experience, education, and training and to prepare veterans for employment in certain industries.

- The Texas Workforce Commission will evaluate what courses and programs of study at career schools or colleges align with skills obtained through military experience, education, or training.
SB 937 by Campbell / Effective 4 JUNE 2021 - Relating to an excused absence from a public institution of higher education for a student called to required military service.

- The new law revises statutory provisions relating to an excused absence from a public institution of higher education for a student called to active military service of a reasonably brief duration, as determined by THECB rule, to refer instead to required military service.

**Postsecondary Education / Career Counseling**

HB 2827 by Gonzalez / Effective 18 JUNE 2021 - Relating to the transfer from UT Austin to the THECB certain responsibilities relating to postsecondary education and career counseling.

- The bill updates state law to reflect the transfer of responsibility to develop and make available postsecondary education and career counseling academies for public school counselors from UT Austin to THECB to allow the program to be expanded and scaled across the state.

SB 1888 by Creighton / Effective 18 JUNE 2021 - Relating to the establishment of certain programs to facilitate early high school graduation and enrollment at public institutions of higher education and to the repeal of the Early High School Graduation Scholarship program.

- Establishes the Texas First Early High School Completion Program to allow Texas resident students who demonstrate early readiness for college to graduate from a Texas public high school early and to receive a scholarship at an eligible Texas institution during the first full academic year following the student's early high school graduation.

SB 1277 by West/ Effective 18 JUNE 2021 - 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.

- The new law requires school districts and public IHEs that offer dual credit programs to designate at least one employee to provide academic advising for each student enrolled in a dual credit course prior to enrollment.

**Community College Baccalaureate Degree Expansion**

HB 3348 by Pacheco / Effective 16 JUNE 2021 - Relating to the number of baccalaureate degree programs certain public junior colleges may offer.

S.B. 2118 (85R) allowed the THECB to authorize certain baccalaureate degree programs, limit of three, at eligible public community colleges (except that those that had previously participated in a pilot program still could offer up to five); HB 3348 raises the general cap on the number of baccalaureate degree programs a public junior college may offer from three to five.

HB 885 by Harris / Effective 15 JUNE 2021 - Relating to the requirements for a junior college district to receive approval from the THECB to offer baccalaureate degree programs.

- Allows Navarro College to offer a BA in Nursing.
**WORKFORCE DEVELOPMENT / WORKFORCE ED. PROGRAMS**

**HB 4361 by Raney / Effective 14 JUNE 2021** - Relating to off-campus workforce education or lower-division programs offered by a public institution of higher education at the request of an employer.

- Authorizes an IHE to enter into an agreement 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, and allows for employer-driven workforce training.

**HB 3767 by Murphy / Effective 1 SEPT 2021** - Relating to measures to support the alignment of education and workforce development in the state with state workforce needs, including the establishment of the Tri-Agency Workforce Initiative.

- Makes permanent the temporary collaborative work of the Texas Education Agency (TEA), the Texas Workforce Commission (TWC), and the Texas Higher Education Coordinating Board (THECB) over the past two interims.

**DUAL CREDIT**

**SB 1277 by West / Effective 30 MAY 2021** – 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.

- Provides for academic advising to students enrolled in a dual credit course before the student begins the course.

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**FACT / Groundbreaking Ceremonies for the Texas Capitol were held on February 1, 1882. The cornerstone, located on the northeast corner, laid on March 2, 1885, and the celebration of the Capitol’s completion and its dedication were held in May 1888.**
Special Session(s)?

Governor Abbott called legislators back to Austin for a special session on July 8; as expected, this 1st Called Session includes the resurrection of voter reform and bail bond legislation, two priority bills that died during the regular session. A list of agenda items for the special session, which only the Governor is allowed to designate, is found further below.

Earlier this year it was made clear that the U.S. Census Bureau would not have census/population data to the states in time for the Texas Legislature to begin the redistricting process that the Texas House is charged with doing; accordingly, the Governor is expected to call a subsequent special session to take up redistricting.

The Governor is not limited in the number of special sessions he may call, and with approximately 50 House democrats fleeing the Texas Capitol for our Nation’s Capital shortly after the 1st Called Session began, as expected, he called for a 2nd special session at the conclusion of the 1st on August 7.

The Senate meanwhile had enough members to gavel in, hold committee hearings, and passed several bills to satisfy a few of the Governor’s agenda items; but none of the legislation could finally pass for lack of a quorum and any work being done in the House. As of this writing the House has been able to achieve a quorum and work is underway. The complete agenda is as follows:

- **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.
- **PRIMARY ELECTIONS**: Legislation modifying the filing periods and related election dates, including any runoffs, for primary elections held in Texas in 2022.
- **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 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.
• **FAMILY VIOLENCE PREVENTION:** Legislation similar to SB 1109 from the 87th Legislature, Regular Session, 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.

• **YOUTH SPORTS:** Legislation identical to SB 29 as passed by the Texas Senate in the 87th Legislature, Regular Session, disallowing a student from competing in UIL athletic competitions designated for the sex opposite to the student’s sex at birth.

• **ABORTION-INDUCING DRUGS:** Legislation similar to SB 394 from the 87th Legislature, Regular Session, relating to various prohibitions on abortion.

• **THIRTEENTH CHECK:** Legislation similar to HB 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 HB 3979 concerning critical race theory as originally passed by the Texas Senate in the 87th Legislature, Regular Session.

• **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 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.

• **PROHIBITING VACCINE MANDATES:** Legislation regarding whether any state or local governmental entities in Texas can mandate that an individual receive a COVID-19 vaccine and, if so, what exemptions should apply to such mandate.

• **STATE LEGISLATURE:** Legislation relating to legislative quorum requirements.

• **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.

• **ARTICLE X FUNDING:** Legislation providing appropriations to the Legislature and legislative agencies in Article X of the General Appropriations Act.

• **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.

The 2\textsuperscript{nd} Called Session appears to be an opportunity to restore Article X funding (legislative offices) and to appropriate higher than expected revenue balances in the State Treasury, among other things. The entirety Article X was vetoed by the Governor early in the summer.
FACT / Article 4 of the Texas Constitution authorizes the Governor, on extraordinary occasions, to convene the Legislature at the seat of Government or at a different place in certain circumstances. These Special Sessions can last up to 30 days and may consider only those items designated by the Governor in his proclamation calling for the special session.

FACTOID / A special session of the legislature amounts to “legislative overtime.”
JUST AS IMPORTANT... STUFF THAT DID NOT PASS

The data below represents the typical dynamics of a Legislative Session...

➢ An enormous workload – more than 7,100 pieces of substantive legislation filed.
➢ Less than 20% of bills pass and are sent to the Governor for signature.
➢ The Governor has until the 20th day following final adjournment of a regular session to sign or veto bills. (June 20th is his deadline for the 2021 Session)
➢ So more than 80% of the bills filed do not pass...
   o They die in committee
   o Never get a hearing
   o Die in the opposite chamber
   o Die from a fatal procedural mistake (Point of Order)
   o Fall victim to the “Lobby”
   o Run out of time

The bills found in the following section are of interest but did not pass, hence they are included as a reference and because it is common for bills that do not pass one session to be refiled the next session.

BILLS/JOINT RESOLUTIONS OF INTEREST NOT PASSED...

HAZING

SB 36 by Zaffirini / Vetoed by the Governor - Relating to creation of a higher education task force focused on mental health services and the offense of hazing.

DEMISE – Vetoed by the Governor.

   • Amends current law relating to creation of a task force focused on mental health services and the offense of hazing. The Task Force is charged with certain projects and assessments.
   • The bill also stipulates immunity standards for certain persons reporting hazing.

LAW SCHOOL IN THE RIO GRANDE VALLEY

HB 695 by Martinez / Not Passed - Relating to the establishment of a public law school in the Rio Grande Valley.

DEMISE – Passed the House but did not get a hearing in the Senate Higher Education Committee

   • The bill did not create a law school in the RGV, but simply gave any higher education university system the ability to create a law school in Cameron County or Hidalgo County.

CPRIT FUNDING CARVEOUT

SB 1653 by Hinojosa : HB 3579 by Guerra / Not Passed – Relating to the university advisory committee of and procedure for making awards by the Cancer Prevention and Research Institute of Texas.
DEMISE – Bill did not get a committee hearing in either chamber.

- Would carve out CPRIT funds for projects in counties that are designated as medically underserved, that contain a hospital and whose expenditures for R&D in previous year was not in the top three among health-related institutions.

**TUITION REVENUE BONDS**

**HB 1530 by Murphy / Not Passed** - Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

DEMISE – Bill passed House but did not get a hearing in the Senate Higher Education Committee.

- Tuition Revenue Bond legislation to fund Capital Construction Projects at institutions of higher education financed through the issuance of bonds are passed every few years, but not on any specific timeline. Last time was in 2015.

**SB 1701 by Creighton / Not Passed** – Renaming TRBs as Capital Improvement Debt Assistance.

DEMISE – Bill passed Senate but did not get a hearing in the House Higher Education Committee.

**ELECTION REFORM**

**SB 7 by Hughes / Not Passed** – Controversial legislation relating to election integrity and security.

DEMISE – The bill died when the House Democrats left the chamber in order to prevent a quorum from being established and allowing time to run out for there to be a vote.

Several new election fraud-related criminal offenses would have been created punishable at the felony and misdemeanor level.

**BAIL BONDS**

**HB 20 by Murr / Not Passed** - Relating to rules for fixing the amount of bail, to the release of certain defendants on a bail bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds.

DEMISE – Different versions passed by House and Senate; conference committee report not adopted by House.

**CURRICULUM**

**SB 1889 by Creighton / Not Passed** - Relating to measures to support public secondary and postsecondary American history and civics education, including the satisfaction of curriculum requirements in American History at institutions of higher education and the establishment of the American History and Civics Project.
DEMISE – The bill passed the Senate but was left pending in the House Higher Education Committee.

- Requires institutions to offer survey courses to students that address the major themes of American history from the nation's founding onward. Students may take these survey history courses to satisfy the current requirement in statute.
- Also directs the Texas Higher Education Coordinating Board (THECB) to develop the American History and Civics Project.

HB 1744 by Guerra / Not Passed – Relating to measures to prepare students to teach bilingual education, English as a second language, or Spanish.

DEMISE – The bill passed the House but was not considered by the Senate.

- Would have created financial incentives for students to pursue certificates to teach bilingual education, ESL, or Spanish.

TUITION FREEZE / REPORTING

SB 167 by Blanco / Not Passed – Relating to a limitation on the amount of tuition charged by public institutions of higher education.

DEMISE – Bill died in Senate Higher Education committee.

The bill would have provided that tuition charged may not exceed the total amount of tuition that the institution would have charged to a similarly situated student for the 2020-21 academic year.

HB 4383 by Murphy / Not Passed – Reporting of fixed or flat tuition rates provided by certain institutions of higher education.

DEMISE – Bill passed House but did not get to a vote in the Senate.

Would have required colleges and universities to explain in registration and financial aid correspondence the effect of fixed and flat-rate tuition programs on the cost per credit hour.

FACULTY TENURE

SB 1159 by Creighton / Not Passed – Relating to performance evaluations of tenured faculty at public institutions of higher education.

DEMISE – Bill died in Senate Higher Education Committee.

The bill would have amended post-tenure periodic performance reviews.

SB 1623 by Bettencourt / Not Passed – Relating to good cause for revoking the tenure of or otherwise disciplining a faculty member of a public institution of higher education in this state.

DEMISE – Bill died in Senate Higher Education Committee.
• Specifies that "good cause" for revoking tenure or otherwise disciplining a faculty member includes initiating a civil suit against a student enrolled at the faculty member’s institution, regardless of whether the claim is subsequently litigated or dismissed.

**Syllabus**

**SB 810 by Kolkhorst / Not Passed** - Relating to the course information required to be posted on a public institution of higher education's Internet website.

*DEMISE — Bill passed the Senate but did not get to a vote in the House.*

Would have revised the requirement for each public IHE, other than a medical and dental unit, to make available on the institution’s website for each undergraduate classroom course offered for credit, a syllabus, instructor curriculum vitae, and, if available, a departmental budget report.

**Transfer Report Card**

**SB 1963 by West / Not Passed** - Reporting by certain public institutions of higher education on the transferability of credit and to a transferability report card for those institutions.

*DEMISE — Bill passed the Senate but did not get to a vote in the House; withdrawn from the calendar.*

**Notice of Certain Criminal Conduct**

**SB 1360 by Hughes / Not Passed** - Notice of certain criminal conduct by a student or employee of a public or private institution of higher education in this state.

*DEMISE — Bill passed the Senate Higher Ed. Committee but did not get to a vote by the full Senate.*

The bill required a succession of reporting ultimately ending with the governor and others, of certain criminal conduct at IHEs, and for penalties for IHE presidents who fail to timely provide the written notice as required.

**Student Organizations**

**SB 1699 by Hughes / Not Passed** - Protection of expressive rights of student organizations at public institutions of higher education.

*DEMISE — Bill never got a vote by the full Senate.*

Would have required an IHE to permit a student organization formed for the purpose of exercising expressive rights to establish and maintain membership and leadership qualifications for the organization that further the organization’s purpose.

**Homeless & Foster Care Students**

**HB 1482 by Johnson, Jarvis / Not Passed** – Relating to measures to assist students enrolled at public institutions of higher education who are homeless or who are or were in foster care.
DEMISE – Bill passed House but never got a hearing in the Senate Higher Education Committee.

- Provides for the appointment of liaison officers to assist students who are homeless and for temporary housing assistance between terms, and requires students who are homeless to be given priority access to student housing facilities.

**Top 10%**

**SB 1091** by Creighton / Not Passed - Automatic admission of students to general academic teaching institutions.

DEMISE – The bill was heard but was not voted on in the Senate Higher Education Committee.

The bill would expand the automatically admitted freshman class percentage cap to all public general academic institutions in Texas. The bill would also decrease the institutional automatic admission percentage cap from 75 percent to 30 percent.

**SB 1617** by Bettencourt / Not Passed - Relating to the automatic admission of certain students to general academic teaching institutions in The University of Texas System.

DEMISE – The bill did not get a hearing in the Senate Higher Education Committee.

For those students offered admission to UT Austin under the Top 10% rule, the university shall, to each applicant for admission, offer admission to each other general academic teaching institution in the system.

**Texas Transfer Grant Pilot**

**HB 4387** by Gonzalez, Mary / Not Passed - Establishment of the Texas Transfer Grant Pilot Program.

DEMISE – Bill passed the House but did not get a hearing in the Senate Higher Education Committee.

- Would have established a pilot program to provide financial assistance in the form of grants specifically to transfer students enrolled in baccalaureate degree programs at eligible institutions.

**Medicaid Expansion Carveout**

**HB 3419** by Guillen, Mary / Not Passed – Relating to the participation and reimbursement of certain children’s hospitals under Medicaid.

DEMISE – The bill was considered in the House Human Services Committee and left pending.

Would expand children’s hospitals to include “Medicaid-only” hospitals.

- Would give UTRGV the opportunity to expand our GME training sites because more local hospitals would qualify.

> **FOURTH COHORT OF VLIP INTERNS AT THE TEXAS CAPITOL**
> **11 INTERNS PLACED IN 10 OF THE VALLEY DELEGATION OFFICES PLUS THE OFFICE OF SEN. MENENDEZ (S.A.)**
> **TREMENDOUS LEARNING AND NETWORKING OPPORTUNITY FOR OUR STUDENTS**
> **EXTREMELY HELPFUL TO LEGISLATORS AND THEIR CONSTITUENTS**
> **VLIPERS ARE OUR ADVOCATES IN AUSTIN AND ADD AN EXTRA SET OF "EYES & EARS" AT THE CAPITOL**
> **MANY GO ON TO LAW SCHOOL OR TO A CAREER IN GOVERNMENT**

**QUOTABLE QUOTES FROM OUR VLIP INTERNS:**

“**The joy, connections, and overall experience serves as a dream come true for any young student hoping to make a change in their worlds!**”

“**I have learned that if no one takes action against unjust legislation, no change will ever come.”**

“**It has been amazing to see people of color and people that look like me in the State Capitol. . . There is hope in diversifying the Texas House and Senate.”**

“**I was stunned about how much work goes on to make a law.”**

“**Tasks related to actual lawmaking made me feel like I was contributing to the wider world . . . It felt relevant and pertinent to the community and making a difference.”**

“**Without a doubt, I want to work with government in any sense of the word due to that being the best way to invoke change.”**

“**My time in the legislature felt like I was walking through an educational lab because everything I would do was something I read in classes.”**
A Special Note of Thanks

On behalf of the students, faculty, staff, and administration of UTRGV, we extend our gratitude to our Valley Legislative delegation for their strong advocacy and dedication to the Valley during the 87th Legislative session. An additional note of thanks goes out to Sen. Menendez of San Antonio for hosting one of our VLIP interns this session.

Sen. Eddie Lucio, Jr.  
Sen. Juan “Chuy” Hinojosa  
Sen. Judith Zaffirini  
Sen. Jose Menendez

Rep. Ryan Guillen  
Rep. Eddie Lucio, III  
Rep. Armando Martinez  
Rep. Bobby Guerra  
Rep. Oscar Longoria  
Rep. Terry Canales  
Rep. Alex Dominguez

FACT / Sine Die (sī-ni-'dī)... The term is used by the Texas Legislature to signify the final adjournment of a session of the legislative body. The Latin origins of the term translate to “without day” and Merriam-Webster defines the term as without any future date being designated (as for resumption).