

Texas Legislative Update Summary of 88th Session

Before the 88th Regular Texas Legislative Session began in January 2023, we submitted our Legislative Priorities Statement (sbtexas.com/wp-content/uploads/2023/01/TERLC-Priorities-letter-2023-edited.pdf) to the Governor, Lt. Governor, Speaker of the House, and many Representatives and Senators. Our 7 Legislative Priorities are listed below:

1. Religious Liberty
2. Sanctity of Life and Orphan Care
3. Gender Identity
4. The Family, Education of Children, and Parental Rights
5. Sex Trafficking, Pornography, and Sexual Abuse
6. Gambling
7. Economic Freedom

The Session concluded on May 31, 2023. After hard work by so many, there were several important victories, but also work still left to be done.

Governor Abbott has called the legislature back into a 30-day special session to pass property tax relief and border security. He has the authority to determine what issues will be on the call for a special session and it is understood he will be calling several special sessions this year to complete unfinished business.

The governor can add our remaining priorities that did not pass to the agenda for the special session such as conscience protections for healthcare professionals and lawyers and the requirement for public schools to seek parental approval for a student's participation in human sexuality instruction. Listed below are the victories for our priorities that we that we are celebrating. (Priority Victories). Also listed below is the unfinished business for some of our priorities that we are praying will be placed on a special session agenda. (Priority Prayers)

I. Priority Victories That We Are Celebrating

1. Religious Liberty: Passed (Victory)

HB2012 by Rep. Tom Oliverson - This bill allows a teacher at a public elementary or secondary school or professor at an institution of higher education to display a poster or framed copy of the national motto in the classroom.

2. Sanctity Of Life And Orphan Care: Passed (Victory)

HB 3162 by Rep. Stephanie Klick - This bill addresses the 10-Day Rule and Texas Advance Directives Act and prohibits hospitals from withdrawing life-sustaining treatment from competent patients against their will; prevents hospital committees from making life-and-death decisions against a patient's will; and requires hospitals to perform procedures necessary to facilitate a transfer to another facility.

3. Gender Identity: Passed (Victory)

SB 14 by Sen. Donna Campbell and Rep. Tom Oliverson - This bill will protect children by prohibiting medical providers from performing procedures and treatments for gender transitioning, gender reassignment, and gender dysphoria on minors and prohibits puberty blocking hormones.

SB 15 by Sen. Mayes Middleton and Rep. Valoree Swanson - This bill will protect women's sports at the collegiate level and prohibits the opposite biological sex from competing in women's only sports programs.

4. The Family, Education Of Children, And Parental Rights: Passed (Victory)

SB 29 by Sen. Birdwell - This bill prohibits public schools and other government entities from enforcing a vaccine or mask mandate for the purposes of COVID-19.

HB 18 by Rep. Shelby Slawson and Sen. Bryan Hughes - This bill amends current law and provides protections of minors from harmful, deceptive, and unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school.

5. Sex Trafficking, Pornography, And Sexual Abuse: Passed (Victory)

SB 12, Sen. Bryan Hughes and Rep. Matt Shaheen - This bill will help to protect children under 18 by restricting certain sexually oriented performances, including drag shows, on public property, on the premises of a commercial enterprise, or in the presence of a child; authorizing a civil penalty; creating a criminal offense.

HB 900 by Rep. Jared Patterson and Sen. Angela Paxton - This bill prohibits sexually explicit books in public schools.

HB 1181 by Rep. Matt Shaheen and Sen. Angela Paxton - This bill will ban minors under 18 from viewing explicit content online by requiring distributors and publishers of explicit content to require 18+, commercially reasonable age verification to view content. Publishers and distributors of explicit content are held liable if they fail to perform age verification. The users' data is not retained after verification.

SB 1527 by Sen. Joan Huffman - This bill amends and strengthens current law relating to human trafficking to include the prosecution and punishment of soliciting prostitution and other sexual or assaultive offenses, increasing the criminal penalty for sexually grooming children, and creates a criminal offense.

HB 4520 by Rep. Cody Harris and Sen. Paul Bettencourt - This bill adds sale, distribution, or display of harmful material to a minor to the list of offenses which require the State Board for Educator Certification to revoke an educator's license and report the person to the Do Not Hire Registry. It also adds a felony offense of sale, distribution, and display of harmful material to a minor to the list of offenses that disqualify a person from receiving retirement benefits from the Teacher Retirement System. This bill seeks to protect children from inappropriate material and increase penalties on educators who fail to follow current and new proposed guidelines.

6. Gambling: Not Passed (Victory)

https://sbtexas.com/wp-content/uploads/2023/01/TERLC-Sentinel_Jan-2023.pdf

HJR 155 by Rep. Charlie Geren, and **HB 2843** by John Kuempel - These two bills would have legalized casinos and other forms of state-predatory gambling.

HJR 102 and HB 1942 by Rep. Jeff Leach - These two bills would have legalized Sports Betting in Texas which is known to be highly addictive, especially for young people.

HB 904 and HB 2142 by Rep. Moody and Rep. Guillen - These two bills would have legalized state-predatory Daily Fantasy Sports by amending the definition of a bet.

ACTION: Please call or email Governor Abbott and express your gratitude for his support and signing into law these important victories.

Governor Greg Abbott - 512-463-2000, texas.gov/contact, PO Box 12428, Austin, TX 78711-2428

II. Priority Bills To Be Placed On Special Session Agenda- Please Be Praying for These to Be Included.

1. Religious Liberty: Not Passed (Pray)

HB 319 by Rep. Tom Oliverson and **SB 2199** by Sen. Bob Hall - These bills would have brought conscience protections to individuals in a health care service.

SB 559 by Sen. Bryan Hughes and Rep. Briscoe Cain - This bill would have prohibited the state bar from limiting the ability to obtain, maintain, or renew a law license based on the person's religious belief, free exercise of religion, freedom of speech about their faith, membership in any religious organization, or freedom of association.

SB 1721 by Sen. Angela Paxton - This bill would have allowed for historically significant documents of the Declaration of Independence, U.S. Constitution, and the Ten Commandments to be displayed in a conspicuous place in public schools and institutions of higher education. The bill SB 1515 requiring the Ten Commandments in the classroom also did not get passed but the wording on SB 1515 is constitutionally problematic which is why SB 1721 needs to be passed first, or either in addition to SB 1515.

2. Sanctity Of Life And Orphan Care: Not Passed (Pray)

HB 522 by Rep. Briscoe Cain - This bill would have designated a Celebration of Life Day as a state holiday.

SB 1195 by Sen. Bob Hall and **HB 4549** by Rep. Steve Toth - These bills would have given the attorney general the power to prosecute election crimes, abortion crimes, human trafficking crimes, bribery, corruption, and abuse of office offenses if no proceedings have begun after six months have passed.

SB 648 by Sen. Mayes Middleton - This bill would have provided procedures for removing certain prosecuting attorneys for their policies on the enforcement of criminal offenses; providing a private cause of action.

HB 4026 by Rep. Schofield - This bill would have created the office of state special prosecutor to prosecute crimes when Texas county and/or district attorneys refuse to litigate certain classes of crimes.

HB 4138 by Rep. Nate Schatzline and Sen. Mayes Middleton - This bill would have established the Texas Adoption Assistance Program.

HB 1280 by Rep. Tom Oliverson - This bill would have prevented a taxable entity from subtracting the cost of health care benefits provided to the entity's officers, directors, owners, partners, or employees for benefits that included coverage for items or services that facilitate access to abortion, including travel vouchers; or provides sick leave as a benefit for procuring an abortion.

HB 2690 by Rep. Steve Toth - This bill would have created civil liability for the distribution of abortion-inducing drugs and duties of Internet service providers; creating a criminal offense; authorizing a private civil right of action.

3. Gender Identity: Not Passed (Pray)

HB 888 by Rep. Shelby Slawson and **SB 1198** by Sen. Bob Hall - These bills would have extended the statute of limitations on a health care liability claim involving gender modification drugs provided to and performed on a minor.

HB 1029 by Rep. Brian Harrison - This bill would have prohibited taxpayer funding for gender reassignment on all ages.

HB 1532 by Rep. Nate Schatzline - This bill would have included under the definition of abuse, procedures and treatments for gender transitioning, gender reassignment, or gender dysphoria of a child.

4. The Family, Education Of Children, And Parental Rights: Not Passed (Pray)

SB 163 by Sen. Donna Campbell - This bill would have made it a permanent requirement that school districts must obtain written consent from a student's parent before the student may be provided with human sexuality instruction.

SB 400/SB 595 by Sen. Bob Hall and Lois Kolkhorst and **HB 1149** by Rep. Valoree Swanson - These bills would have defined "psychological or psychiatric examination, test, or treatment" in a similar manner as the federal Protection of Pupil Rights Amendment and establish a process for a district to receive parental consent for psychological or psychiatric examination, testing, or treatment conducted by a school district employee.

HB 1927 by Rep. Lacey Hull - This bill would have provided for a parent who is made aware that their child is being placed under an emergency detention the right to take custody of their child.

HB 2716 by Rep. Lacey Hull - This bill would have ensured that parental rights concerning medical consent to or refusal of psychiatric or psychotropic medications or treatments remain intact without the risk of governmental intervention. It also makes sure that removals of children and terminations of parental rights are not based on such grounds, unless evidence of actual neglect is taking place.

5. Sex Trafficking, Pornography, And Sexual Abuse: Not Passed (Pray)

HB 869 by Rep. Cole Hefner, **HB 571** by Rep. Terri Leo-Wilson, **HB 552** by Rep. Ellen Troxclair- These bills would have repealed the affirmative defense to prosecution for the criminal offense of sale, distribution, or display of harmful material to a minor.

HB 111 by Rep. Steve Toth, **HB 976** by Rep. Jared Patterson and **SB 437** by Sen. Mayes Middleton - These bills would have removed the affirmative defenses to prosecution for certain offenses involving material or conduct that is obscene or otherwise harmful to children.

SB 828, by Sen. Bob Hall and **HB 5035** by Rep. Steve Toth - These bills would have allowed for prosecution of the criminal offense of sale, distribution, or display of harmful material to a minor.

HB 1253 by Rep. Matt Shaheen - This bill would have increased a criminal penalty to a state jail felony for the offense of sale, distribution, or display of harmful material to a minor.

HB 20 by Rep. Matt Schaefer - This bill would have set up measures to ensure the safety and welfare of the southern border region of this state, including protection from ongoing criminal activity (which includes sex trafficking) and public health threats; creating a criminal offense; creating a civil penalty.

6. Gambling: Passed (Pray)

https://sbtexas.com/wp-content/uploads/2023/01/TERLC-Sentinel_Jan-2023.pdf

HB 1759 by Rep. John Bucy - This is an Electronic Raffle Bill lobbied by professional Sports Teams. The sale of online raffles is restricted to being within the arena/venue of the rodeo or professional sports team, but there are questions about whether this opens Texas up for Class III federal gaming laws with IGRA. It is a dangerous precedent that will need to be watched in future legislative sessions.

7. Economic Freedom (Pray)

There were no property tax relief bills passed during the regular session, however there are two proposals being debated in the current special session. Please pray for wisdom over our state resources and a wise resolution regarding property tax relief. Read more here -

<https://texasscorecard.com/state/dan-patrick-says-senate-wont-accept-houses-take-it-or-leave-it-tax-plan/>

ACTION: Please call or email Governor Abbott ask that these specific bills that were not passed to be included on the call in the next special session. Also, share concerns about VI. GAMBLING and VII. ECONOMIC FREEDOM.

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