



GOOD, BAD & UGLY

EVERY TEXAN'S SPECIAL SESSION WRAP-UP

The third and final special session ended on October 19, 2021. It was a grueling summer and fall of non-stop special sessions, division, and acrimony as Gov. Abbott and Lt. Governor Patrick pushed a litany of conservative legislative agenda items that had little to do with the pandemic, the electric grid, health insurance gaps, or education loss from the pandemic. Every Texan staff followed, advocated, and explained the good, the bad, and even the ugly legislation every step of the way.

Let's start with the good — or, at least, the not so bad.



State Interference of Local Employee Benefits is Defeated

During the pandemic, city and county officials were on the front lines to make policy decisions to keep their communities safe. In the regular session, over 100 bills were filed attempting to strip the authority of local officials. The most egregious of these bills reared its head in the second special session. SB 14, which would have prohibited all local ordinances related to worker benefits died again on the last day of the session. This version of the bill would have repealed rest break ordinances, paid leave policies, fair scheduling, fair chance hiring, Crown Act ordinances (which protect against hair discrimination), and other anti-discrimination ordinances. Fortunately, after strong opposition from House members, the

community, and advocates, SB 14 died when a Point of Order was sustained late in the second session, and it was not revived in the third special session.

13th Check for Retired Teachers Passes

SB 7 passed in the second special session, providing for a 13th check for retired teachers. With federal COVID-19 relief funds and a plush Economic Stabilization Fund, it was good to see some of the money go towards teachers who have more than paid their dues in the classrooms. It's unfortunate that it took a special session for it to happen, and we certainly wonder whether or not it would have happened at all if Democrats had not broken quorum in the regular session. At the end of the day, our Texas teachers will be a little better off for it.

Missed Opportunity to Make Transformational Change with American Recovery Plan Act (ARPA) Funds — But It Could Have Been Worse

The \$16 billion dollars allocated to Texas in ARPA funds would have been a game changer for low-income Texans, schools, health care access, infrastructure, and housing needs in our growing state. Unfortunately, the Legislature prioritized bailing out businesses in paying unemployment insurance and property tax cuts. Thankfully, the Legislature passed a Constitutional Amendment to increase the school property tax homestead exemption from \$25K to \$40K. Senate Joint Resolution 2 was introduced and passed in both chambers in one day and will

need to be approved by the voters to amend the Texas Constitution. Every Texan has supported a flat-dollar homestead exemption in the past, since the benefit is a larger proportion of a lower-income homeowner's income than that of a higher-income homeowner, and businesses receive no benefit. However, the drawback is renters (38% of Texas households) receive no benefit either since they are not homeowners. In a pandemic with a lot of needs related to housing, education, health care access, and infrastructure needs, it's disappointing that tax breaks became such a priority. The homestead approach does, however, represent a political compromise in sessions where compromise was almost nonexistent.

Long-term, the homestead exemption will create a fiscal hole that will need to be filled, assuming voters approve it. Technically, the ARPA funds will not fund the homestead exemption, but the revenue was generated for it this session because ARPA funding will pay for a number of general revenue priorities that opened the door for the homestead exemption. A breakdown of the ARPA funds can be [found here](#). Approximately \$7.2 billion is going to unemployment insurance, which represents the biggest chunk of the funds, and \$3 billion will be left pending for future tax cuts. Many of the funded items are worthwhile, like expanding access to broadband and food security programs, but the small amount of funds for these priorities shows we have a lot of work to do in Texas policymaking to shift priorities to actually meet the needs of everyday Texans.

X BAD

Pattern of Voter Suppression Continues

SB 1, known as the voter suppression bill, instigated the special session in the first place: during the last days of the regular session, Democrats broke quorum after the bill returned from the conference committee with unvetted and inexplicable changes. In the first special session, the initial hearings in the House and the Senate made it clear that reasonable amendments would not be considered and House Democrats broke quorum again, effectively ending the first special session. Every Texan [provided testimony](#) in both chambers over the course of the two sessions, pointing out the history of voter discrimination in Texas, the concerns of disenfranchising eligible voters with database matching and purging, and the economic considerations of low voter turnout. Many provisions, especially those around database matching, improved over the course of the special sessions. Ultimately, however, many of the innovative procedures to increase voter turnout implemented



[CLICK TO LISTEN](#) > Texas Standard featuring Luis Figueroa's testimony



ENGAGEMENT BY THE NUMBERS



IMPRESSIONS: 459,196
ENGAGEMENTS: 7,604



IMPRESSIONS: 50,511
ENGAGEMENTS: 2,538



We leveraged our cross-issue partnerships and relationships with health care providers to recruit over 100 doctors and nurses to [send a letter](#) to the legislature asking them to stop state interference with local health and safety efforts. Every Texan continued to mobilize Texans to contact their legislators in opposition to harmful state interference. **Constituents took 7,116 total actions** on this issue between regular and special sessions.



Every Texan created an [ARP Toolkit](#) and provided [educational materials](#), resources, and presentations to partners, policymakers, and everyday Texans. In addition, Every Texan engaged Texans by encouraging folks to email their legislators to advocate for an equitable process, submit public comments to the House of Representatives, and respond to a form that allowed Every Texan to directly share with legislators the needs of everyday Texans.

by urban counties, like 24-hour voting, drive-thru voting, and expanded vote-by-mail applications, will be eliminated or severely curtailed as a result of the eventual passage of SB 1. Texas continues to lag behind other states in terms of voter turnout, and voter discrimination abounds against Black, Latino, and Asian Americans. The courts will have the final say if this will continue to be the case in our state.

Redistricting Again Fails to Reflect Growth of Communities of Color

Unfortunately, it's a broken record that every ten years, the Legislature embarks on redistricting to find ways to prevent Latino, Black, and Asian communities from electing their candidates of choice. If you were hoping this year would be different and the Legislature would learn from past voter discrimination findings, prepare to be disappointed. Despite people of color representing 95% of the state's [population growth](#), the reworked maps fail to reflect this growth. MALDEF has already filed a lawsuit asking the federal court to toss out the new maps on the grounds that they are unconstitutional and violate Section 2 of the Voting Rights Act of 1965.

Border Security Funds

Prior to the regular session, when the pandemic and economic recession were at their peak, there was discussion that the \$2 billion designated for border security funding should be reduced for priorities

like long-term education and health care funding. Unfortunately, politics prevailed over policy. The surge of Haitian immigrants in Del Rio added fuel to the fire and, once again, leadership devolved into hateful [anti-immigrant rhetoric](#).

There has been no political will to reduce border security funding or increase revenue sources to pay for it. Not only was there no reduction, but by the end of the second special session, funding for border security nearly tripled, bringing the total to \$1.88 billion (HB 9). Furthermore, metrics and accountability for the funding have been lacking. For years, members and advocates have asked for measures of success to learn if the funding increase has had any demonstrable results that make communities safer, but these questions remain unanswered.

UGLY

The regular session ended with a potential constitutional crisis when Gov. Abbott vetoed the legislative branch's budget. The authority for funding staff and legislative agencies was slated to end on September 1. Abbott believed his veto would force members of the Democratic party to participate in the [special session](#). However, it had no such effect, as the Democrats broke quorum for the majority of the first special session. Heading into September, the funding authority had still not been restored



Every Texan lifted the voices of everyday Texans by capturing video testimonies opposing classroom censorship and advocating for teachers to be able to teach the truth through [Soapboxx](#). These testimonies were shared on social media and viewed hundreds of times.

When the Texas Legislature attempted to silence the voices of concerned Texans, Every Texan joined TLEEC to host a People's Hearing opposing classroom censorship. Concerned educators, students, and community members raised their voices against the harm classroom censorship bills bring to students, teachers, and our state.

despite the salaries and per diem of the members being protected by the Constitution. Apparently, the entire crisis was just a bluff by Abbott and Lt. Gov. Patrick, because the Legislative Budget Board transferred emergency funding to the Legislature [near the deadline](#), and by the end of the second special session, Article X funding was restored in HB 5. The whole ordeal is a [reminder of basic civics](#) and the need for checks and balances. If one person can defund another branch of government, it starts looking less like a representative democracy and more like an authoritarian system. Threatening the livelihood of non-partisan staff and agencies as collateral damage in partisan politics is beyond reproach. Hopefully, the fact that the threat did not work will put an end to this dictatorial practice.

Attacks on Race and Gender Equity

The special sessions contained many carryover legislative priorities from the regular session that were not policy emergencies, but instead political dog whistles for the conservative base. These included prohibiting transgender studies from participating in UIL sports (SB 2), teacher censorship on the history of racism and discrimination (SB 3), and making it harder for low-income Texans to afford bail (SB 6). Every Texan worked to uplift and support the good work of our partners and affected communities in these blatantly dehumanizing attacks. All three of these divisive issues eventually passed despite strong opposition and hurdles, although the bail reforms failed to pass as a Constitutional amendment.

Accountability and Transparency Fell By the Wayside

The special sessions furthered bad practices from the regular session that eroded public accountability, transparency, and access. Hearings on SB 14 in the second special session were held in the House without any public testimony. There were virtually no COVID-19 mitigation procedures in place in the House, and the Senate rammed legislation through with very little debate or amendments — notwithstanding Sen. Alvarado's 15-hour filibuster on SB 1. It became common practice to suspend rules on hearing notices and to waive the rules on layout periods for members and the public to vet moving legislation. Even on the last possible day, a Texas Constitutional Amendment that will have lasting impacts for funding schools and other priorities was passed in both chambers in under 24 hours, while members were distracted by redistricting maps. Legislation passed in the dark without expert or public input has a good chance of having unintended consequences. Unfortunately, this is what happens in special sessions where the business at hand is supposed to be an emergency. Using special sessions for political ends and filing non-essential bills sets a dangerous precedent for unvetted harmful policymaking.



EVERY TEXAN

Formerly Center for Public Policy Priorities

At **Every Texan**, we envision a Texas where people of all backgrounds can contribute to and share in the prosperity of our state. We advance social justice through public policy because it is one of the most effective ways to deliver strategic and systemic change. We are proven experts in strengthening public policy to expand opportunity and equity for every Texan.

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