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## INTRODUCTION

This final report provides a synopsis of key legislation that passed during the Texas 88th regular legislative session. The report is predominantly relevant to community colleges. Its purpose is to provide an overview of the session's results. It also positions Houston Community College (HCC) to comply with newly enacted state laws.

As the reader considers this final report, general observations include:

- The Texas Legislature approved \$321.34 billion (all funds)
- HB 8, the newly established outcomes-based funding model for Texas community colleges, rewards these public junior colleges for awarding degrees, certificates, and other credentials.
- ▶ HB 8 allocates \$683 million additional funding to Texas public junior colleges.
- ▶ HCC successfully expanded its service area via passage of HB 5330 to include the part of the Fort Bend Independent School District, which is not located in the service area of the Wharton County Junior College District and that is adjacent to the HCC System District.
- Financial aid programs for higher education institutions total \$1.54 billion, inclusive of funds for Texas Education Opportunity Grants.

The 88th regular legislative session adjourned sine die May 29, 2023. During the session, HCC tracked 791 bills of which HCC subject matter experts deemed 45 high priority. This report provides an overview of those bills and other relevant legislation and information. It describes each bill's purpose, and the effective date of implementation of the same to ensure that HCC is aware of and complies with newly enacted laws.

This is HCC's final report of the 88th regular legislative session.

#### STATE OF TEXAS APPROPRIATIONS

The 2024-2025 biennium appropriation for the State of Texas includes:

- \$321.34 billion in All Funds, representing a 10.54% increase over the prior biennium
- \$144.13 billion in General Revenue, representing a 5.95% increase over the prior biennium
- \$1.54 billion for higher education financial aid programs, including TEXAS Grants, Tuition Equalization Grants, Texas Educational Opportunity Grants, Texas Leadership Scholars Program and TEXAS Transfer Grants

#### COMMUNITY COLLEGES APPROPRIATIONS

The 2024-2025 biennium general revenue appropriation for all community colleges is subject to the new outcomes-based funding model.

At the time of publishing this report, only the budget runs for FY 2024 - formula and nonformula - are readily available:

- > \$1,133,240,836 (Formula)
- \$20,824,921 (Non-Formula)
- **\$1,154,065,756** (FY 2024 Total)

## HCC SPECIFIC APPROPRIATIONS

The HCC specific appropriation is as follows:

- \$62,670,854 (FY 2024 Formula)
- > \$1,187,500 (FY 2024 Non-Formula)
- **\$63,858,354** (FY 2024 Total)

**Note:** This appropriation represents the best information available upon publication of this report. Notably, fiscal year 2025 is unavailable, but will follow at or near March 2024. The provided figures are from a budget run provided by the Texas Association of Community Colleges on July 14, 2023. Additional information will follow in accordance with the Texas Higher Education Coordinating Board's timeline for fully implementing the new outcomes-based funding model, resulting from passage of HB 8.

# HCC REGIONAL RESILIENCY OPERATIONS CENTER FUNDING

HCC was successful in securing a non-formula appropriation totaling **\$2,375,000** for its Regional Resiliency Operations Center project. The funding emerges from HB 1 and is for the 2024-2025 biennium.

## KEY LEGISLATIVE INITIATIVES

#### INVESTING IN COMMUNITY COLLEGES

HCC helped successfully advance the passage of HB 8 that creates a new funding model for Texas public junior colleges. Notably, the Texas Commission on Community College Finance (TxCCCF), established during the 87th legislative session, made recommendations to the 88th Texas Legislature to create a new funding model for public junior colleges.

HB 8, the policy vehicle advancing the TxCCCF recommendation, amended the law and established an outcomes-based funding model for all Texas public junior colleges. Resulting from passage of HB 8, the state will provide \$683 million additional funds to assist Texas public junior colleges in Building a Talent Strong Texas.

#### DUAL CREDIT AND SENIOR WAIVERS-DISADVANTAGED STUDENT SUPPLEMENT

HCC helped successfully advance legislation (i.e., HB 8, relating to the new community college outcomes-based funding model), which allows in part disadvantaged students to enroll at no cost in dual credit courses at participating institutions of higher education.

#### EQUITABLE ACCESS AND ADEQUATE FUNDING

HCC successfully advanced HB 5330 that ensures equitable access and Builds a Talent Strong Texas to promote high quality programs for certain student populations. HB 5330 amends the Education Code to expand the service area of the HCC System District to include the part of Fort Bend Independent School District (Fort Bend ISD) that is outside of the service area of the Wharton County Junior College District and that is adjacent to the Houston Community College System District.

## OTHER RELEVANT LEGISLATION

#### APPROPRIATIONS/FISCAL MATTERS

#### **HB 1** (by Bonnen/Huffman)

#### General Appropriations Bill.

The legislation details the State budget from 2023 to 2025. In each year, the legislature dedicates approximately \$50 billion to Health and Human Services and another \$50 billion to Education Agencies. Over \$20 billion each year is reserved for Business and Economic Development. The budget allots approximately \$170 billion for 2023-2024 and approximately \$150 billion for 2024-2025.

Effective Date: September 1, 2023.

#### HB 8 (by VanDeaver/Creighton)

Relating to public higher education, including the public junior college state finance program.

The legislation offers performance tier funding for community colleges based on the number of credentials of value (including degrees and certificates) awarded; the number of students who earn at least 15 semester credit hours and either transfer to a general academic teaching institution or are enrolled in a co-enrollment program; and the number of students who complete at least 15 hours of dual credit courses. It also creates the Financial Aid for Swift Transfer (FAST) scholarship program, which would allow low-income students to take dual-credit courses for free. The Texas Higher Education Coordinating Board will determine the exact amount of additional funding provided.

Effective Date: September 1, 2023 (except for Sections 1-4, 7, 9, 10-12, 19, 25, 28, 29, 31, 45, and 51, which took effect on June 9, 2023).

#### **SB30** (by Huffman/Bonnen)

Relating to supplemental appropriations and reductions in appropriations and giving direction and adjustment authority regarding appropriations.

The legislation makes supplemental appropriations and gives direction and adjustment authority regarding certain appropriations to address revised revenue estimates and supplemental needs.

Effective Date: June 9, 2023

#### ELECTIONS

#### HB 1217 (by Swanson/Kolkhorst)

Relating to the administration of and procedures relating to early voting by personal appearance.

The legislation allows state funds to be used to keep polling places open during early voting in counties of less than 55,000 people. It also specifies that elections for state and county officers in all counties, rather than counties with populations greater than 55,000, shall be open for at least 12 consecutive hours on each weekday of the last week of early voting, and 12 consecutive hours on the last two days of early voting.

Effective Date: September 1, 2023.

#### HB 3372 (by Thimesch/Parker)

Relating to the reporting of political contributions, including in-kind contributions, and expenditures made using a credit card.

The legislation adds a new section to the Election Code requiring candidates and officeholders to report political contributions and expenditures made using credit cards.

Effective Date: September 1, 2023.

#### **SB 994** (by Schwertner/Burrows)

Relating to the declaration of a candidate's ineligibility on the basis of failure to pay a filing fee or submit a petition in lieu of a filing fee.

The legislation allows the Texas Secretary of State to declare a candidate administratively ineligible if he fails to pay the filing fee or to submit a petition in lieu of the fee.

#### FINANCIAL AID/SCHOLARSHIPS

#### HB 1211 (by Guillen/Zaffirini)

Relating to financial assistance, including repayment of loans, for certain students attending postsecondary educational institutions.

This legislation addresses the shortage of Licensed Specialists in School Psychology (LSSPs). The legislation expands eligibility for mental health professional education loan repayment programs to include LSSPs, recognizing their role in providing mental health and educational services to students in school settings.

Effective Date: September 1, 2023.

#### HB 1590 (by Burns/West)

Relating to the establishment of the Texas Leadership Scholars Program.

The legislation establishes the Texas Leadership Scholars Program, which is a merit-based scholarship and leadership opportunity program for high-achieving, financially disadvantaged undergraduate, and graduate students. The program aims to provide academic achievement support, leadership development opportunities, and research scholarships to eligible students attending general academic teaching institutions. The legislation also empowers the Texas Higher Education Coordinating Board to adopt rules and administer the program.

Effective Date: June 12, 2023.

#### HB 1755 (by Button/Alvarado)

Relating to the creation of the Lone Star Workforce of the Future Fund.

This legislation establishes the Lone Star Workforce of the Future Fund along with a grant program to fund workforce training programs. The legislation requires the Texas Workforce Commission to administer the fund and award grants to eligible entities such as public junior colleges, technical institutes, and nonprofit organizations that offer performance-based workforce training programs aligned with high-demand occupations. The legislation sets eligibility criteria, establishes performance benchmarks, and requires reporting on program progress.

#### **HB 2100** (by Price/Schwertner)

Relating to eligibility requirements for student loan repayment assistance for certain mental health professionals.

This legislation extends eligibility for loan repayment assistance to mental health professionals who provide services either to patients in a state hospital or to individuals receiving community-based mental health services from a local mental health authority.

Effective Date: September 1, 2023.

#### **HB 2177** (by Stucky/Lamantia)

Relating to establishing a digital course materials pilot program.

The legislation establishes a pilot program that provides financial assistance to eligible students for accessing digital course materials. The Texas Higher Education Coordinating Board (THECB) will award grants to participating public junior colleges, technical institutes, and state colleges for this purpose. The legislation requires THECB to adopt rules for selecting eligible institutions, allocating funds, and evaluating digital course materials.

Effective Date: June 10, 2023.

#### HB 4005 (by Raney/Parker)

Relating to the establishment of the Texas Competency-Based Education Grant Program for certain students enrolled in competency-based baccalaureate degree programs and to formula funding and dropped and repeated course restrictions for students enrolled in those degree programs at public institutions of higher education.

This legislation establishes the Texas Competency-Based Education Grant Program to provide financial assistance to eligible students enrolled in competency-based baccalaureate degree programs at private or public institutions of higher learning. The legislation outlines the administration of the program, eligibility criteria for students and institutions, and guidelines for application, disbursement, and funding of the grants.

Effective Date: June 12, 2023.

#### HB 4363 (by Kuempel/Hinojosa)

Relating to the establishment of the Future Texas Teachers Scholarship Program for certain students at public institutions of higher education.

This legislation establishes the Future Texas Teachers Scholarship Program, which seeks to recruit, prepare, and retain talented and diverse teachers by providing financial assistance for tuition, fees, and other costs of attendance at eligible institutions. The bill outlines eligibility criteria for both educator preparation programs and scholarship recipients, along with the administration and distribution of the scholarships.

Effective Date: June 13, 2023.

#### SB 25 (by Kolkhorst/Klick)

Relating to support for nursing-related postsecondary education, including scholarships to nursing students, loan repayment assistance to nurses and nursing faculty, and grants to nursing education programs.

The legislation addresses the shortage of registered nurses in Texas by establishing grant programs to support nursing education and training and allowing part-time nursing faculty to be eligible for loan repayment assistance. The Texas Higher Education Coordinating Board is granted rulemaking authority to implement and administer the grant programs.

Effective Date: June 18, 2023.

#### <u>SB 371</u> (by Eckhardt/Turner)

Relating to the Texas Armed Services Scholarship Program.

The legislation modifies the eligibility requirements of the Texas Armed Services Scholarship Program. Currently, students must complete four years of ROTC training to qualify, which can be impractical for those who require fewer than four years to graduate. The legislation amends this requirement, providing that students complete one year of ROTC training for each year of scholarship funding.

#### **HUMAN RESOURCES**

#### HB 915 (by Craddick/Parker)

Relating to a requirement that employers post notice of certain information regarding reporting instances of workplace violence or suspicious activity.

The legislation requires employers to conspicuously post the Department of Public Safety's (DPS's) contact information for reporting workplace violence or suspicious activity. The notice must also inform employees that they may make reports to the DPS anonymously.

Effective Date: September 1, 2023.

#### HB 1361 (by Morales Shaw/Eckhardt)

Relating to the designation of liaison officers to assist certain students at public institutions of higher education who are parents.

The legislation requires institutions of higher education to designate an employee as a liaison officer for students who are the parent or guardian of a child who is less than 18 years old. The liaison officer must provide information regarding resources available to these students, including medical care, public benefit programs, childcare resources, employment assistance, transportation assistance, and student academic success strategies. Higher education institutions must also report demographic data regarding these students to the coordinating board.

Effective Date: June 12, 2023.

#### HB 1393 (by Frank/Perry)

Relating to an optional service retirement annuity that provides an increasing annuity under the Employees Retirement System of Texas.

The legislation creates an optional service retirement annuity, which will reduce the member's annuity for a period immediately following the member's retirement then increase the annuity percentage annually during the implementation period. This option must be actuarially equivalent to the standard or optional annuity that the member would otherwise have been entitled to receive.

#### HB 1996 (by Hull/Johnson)

Relating to the regulation of group family leave insurance issued through an employer to pay for certain losses of income.

The legislation expands paid family leave benefits in Texas by allowing state regulators to approve private insurance policies for paid family leave that build upon the existing short-term disability income insurance framework. The legislation authorizes insurance policies for paid family leave benefits through optional employer-sponsored group coverage or voluntarily purchased employee policies. It introduces regulations and minimum standards for group family leave insurance policies, including covered family leave reasons, benefit periods, and waiting periods.

Effective Date: September 1, 2023.

#### HB 2157 (by Metcalf/Zaffirini)

Relating to the salary of certain employees who transfer within a state agency.

The legislation provides more flexibility to state agencies in adjusting the salaries of employees who transfer to new positions within the same agency. The legislation allows agencies to set the salary of transferring employees at any rate within the appropriate salary group, if the positions have the same title and are publicly listed with the corresponding salary.

Effective Date: September 1, 2023.

#### HB 2468 (by Burrows/Perry)

Relating to the entitlement of an injured employee to lifetime income benefits under the workers' compensation system.

The legislation expands lifetime income benefits for severely injured first responders. It provides for coverage for permanent unemployability due to severe injuries, introduces insurance carrier reviews, and establishes certification and dispute resolution procedures.

Effective Date: September 1, 2023.

#### HB 3335 (by Canales/Kolkhorst)

Relating to employment activities of certain peace officers responding to an emergency call for purposes of the Texas Workers' Compensation Act.

The legislation extends workers' compensation coverage to peace officers responding to emergency calls, aligning them with firefighters and emergency medical personnel who are already covered under current law.

Effective Date: June 13, 2023.

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**HJR 2** (by Bonnen/Huffman)

Proposing a constitutional amendment authorizing the 88th Legislature to provide a cost-of-living adjustment to certain annuitants of the Teacher Retirement System of Texas.

This joint resolution proposes a constitutional amendment to authorize the 88th Legislature to provide a cost-of-living adjustment to certain annuitants of the Teacher Retirement System of Texas and to appropriate money from the general revenue fund for this purpose. The proposed amendment will be submitted to the voters on November 7, 2023, with the ballot presenting the choice of supporting or opposing the authorization of the cost-of-living adjustment for eligible annuitants.

Effective Date: Filed with the Secretary of State on May 30, 2023, and to be considered by the voters at a special election on November 7, 2023.

#### **SB 10** (by Huffman/Bonnen)

Relating to certain benefits paid by the Teacher Retirement System of Texas.

This legislation provides a cost-of-living adjustment to certain annuitants of the Teacher Retirement System of Texas using money from the general revenue fund. The legislation is contingent upon the approval of the constitutional amendment proposed by HJR 2.

Effective Date: January 1, 2024, contingent upon approval of the constitutional amendment proposed by HJR 2 at the special election to be conducted on November 7, 2023.

#### SB 222 (by Nichols/Metcalf)

Relating to paid leave by certain state employees for the birth or adoption of a child.

The legislation establishes a paid parental leave benefit for State of Texas employees. The law provides that employees would be entitled to 30 days (six weeks) of paid leave following the birth of a child and 10 days (two weeks) of paid leave following the adoption of a child, birth via gestational surrogate, or birth by the employee's spouse.

#### SB 252 (by Alvarado/Guillen)

Relating to the licensing of certain veterans by the Texas Commission on Law Enforcement and the hiring of those veterans by political subdivisions.

The legislation allows political subdivisions to appoint or to employ honorably discharged veterans who are legal permanent residents of the United States and hold the appropriate Texas Commission on Law Enforcement (TCOLE) license to positions requiring TCOLE licensure. The law also requires TCOLE to issue licenses to legal permanent resident veterans who meet certain criteria and have applied for U.S. citizenship.

Effective Date: September 1, 2023.

#### SB 412 (by Paxton/Guillen)

Relating to protections for pregnant and parenting students enrolled in public institutions of higher education.

The legislation prohibits public institutions of higher education from imposing leave of absence or other limitations on pregnant and parenting students due to their status and requires the provision of reasonable accommodations to ensure the health and safety of such students and their unborn children. The law also requires that institutions adopt a policy on pregnancy and parenting discrimination that includes contact information for students requesting protections and accommodations. The THECB is tasked with establishing rules to administer these provisions.

Effective Date: September 1, 2023.

#### SB 622 (Parker/Smithee)

Relating to the disclosure of certain prescription drug information by a health benefit plan.

The legislation requires health benefit plan issuers to disclose prescription drug information to enrollees and prescribing providers upon request. Such information includes the issuer's list of generic and brand-name prescription drugs covered by a specific health insurance plan, enrollee eligibility, cost-sharing information, and utilization management requirements.

#### SB 729 (by Huffman/Bonnen)

Relating to the cash balance benefit under the Employees Retirement System of Texas.

The legislation amends provisions of law regarding the Employees Retirement System of Texas (ERS) to address technical changes needed for implementation of the recently adopted cash balance benefit structure.

Effective Date: May 19, 2023.

#### SB 867 (by West/Rose)

Relating to the recipients of opioid antagonists under the opioid antagonist program.

This legislation adds institutions of higher education to the list of institutions and individuals likely to be in a position to respond to an opioid overdose, and thus allowed to be provided opioid antagonists by the executive commissioner of the Health and Human Services Commission as part of the opioid antagonist program.

Effective Date: June 17, 2023.

#### SB 1376 (by Parker/Wilson)

Relating to an employment preference for members of the military and their spouses for positions at state agencies.

The legislation extends veteran hiring preferences to the spouses of veterans who are unable to work due to disability.

Effective Date: September 1, 2023.

#### INFORMATION TECHNOLOGY

#### HB 4553 (by Longoria/Johnson)

Relating to the eligibility of certain entities for services and commodity items provided by the Department of Information Resources and statewide technology centers.

This legislation establishes statewide technology centers to serve as resources for eligible entities, such as institutions of higher education, to gain access to services regarding information resources and IT.

#### INSTRUCTIONAL SERVICES

#### HB 584 (by Capriglione/Zaffirini)

Relating to the development of a state information technology credential offered by public junior colleges or public technical institutes to address shortages in the state information resources workforce.

The legislation requires the Department of Information Resources (DIR) to analyze whether entering an agreement with a public junior college district or public technical institute will help DIR meet staffing needs. It permits DIR to enter agreements with a public junior college district or public technical institute to offer programs that provide a state information technology credential. The legislation also requires that the program be approved by the Texas Higher Education Coordinating Board; teach the necessary knowledge and skills for an entry-level information technology position in a state agency; and include an apprenticeship with a state agency, an organization working on a major information resources project, or a regional network security center.

Effective Date: September 1, 2023.

#### HB 621 (by Shaheen/Hughes)

Relating to creating a temporary certification to teach career and technology education for certain military service members and first responders.

This legislation creates a temporary certification program for military service members and first responders seeking to teach career and technology education. The State Board for Educator Certification is tasked with proposing rules for the issuance of, and conditions upon, the temporary certificates, which are valid for up to three years and not subject to renewal. School districts employing teachers with temporary certificates must assign them a mentor teacher, and new employees with temporary certificates must complete at least 20 hours of classroom management training.

#### HB 1391 (by Schaefer/Perry)

Relating to the requirements to obtain a residential wireman license.

The legislation provides that students who successfully complete a career and technology education program in the electrical trade can apply for a residential wireman license without having to complete the usual on-the-job training requirements. The Texas Commission of Licensing and Regulation must establish standards for the education program, including classroom instruction and a practical component, and instructors in the program must hold appropriate electrician licenses.

Effective Date: September 1, 2023.

#### HB 1602 (by Guillen/Zaffirini)

Relating to performance criteria for the award of adult education and literacy funds.

The legislation addresses performance objectives for state-funded adult education and literacy programs. It requires the Texas Workforce Commission to establish annual performance requirements, including enrollment targets and benchmarks, for entities receiving funds, and prioritizes awarding funds to entities that consistently meet such requirements.

Effective Date: September 1, 2023.

#### HB 1859 (by Schaefer/Perry)

Relating to the regulation of air conditioning and refrigeration contracting, including eligibility for an air conditioning and refrigeration technician registration or certification.

Details the standards and expectations by which an institution of higher education may provide a career and technology education program that awards students with an air conditioning and refrigeration contractor license or technician certification. Allows the Commission to adopt rules to waive renewal fees or reduce continuing education hours requirements to students who are renewing their license or certification and provide instruction in a career and technology education program.

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#### HB 2209 (by Lozano/Hinojosa)

Relating to establishing the Rural Pathway Excellence Partnership (R-PEP) program and creating an allotment and outcomes bonus under the Foundation School Program to support the program.

This legislation establishes the Rural Pathway Excellence Partnership (R-PEP) program to

incentivize and support partnerships between colleges, districts, and different career organizations to expand opportunities for academic success for underserved students in rural areas. The legislation requires representation from members of regional higher education organizations on the coordinating entity's governing board. The legislation also requires that the Texas Education Agency commissioner establish and administer the program to incentivize and support rural college and career pathway partnerships that would be multi-district, cross-sector, and that would expand opportunities for underserved students to succeed in school and life while promoting economic development in rural areas.

Effective Date: This legislation went into effect immediately upon enactment on June 2, 2023, except for Section 2, which takes effect on September 1, 2023.

#### HB 2059 (by Price/Zaffirini)

Relating to mental health first aid training provided by local mental health authorities and local behavioral health authorities.

This legislation provides funding for grants to local mental health authorities to train their employees as mental health first aid trainers and extends participation in such training programs to employees of public schools and institutions of higher education.

#### HB 2920 (by Paul/Bettencourt)

Relating to the distribution, posting, or provision of information regarding postsecondary education and career opportunities and to the confidentiality of certain information relating to persons provided assistance in accessing postsecondary education.

This legislation requires the Texas Higher Education Coordinating Board (THECB) to develop electronic tools or platforms that provide information comparing higher education institutions and programs. This information must include the total cost of tuition, median student loan debt, typical debt-to-income ratio for alumni, and graduation rates, transfer rates, and withdrawal rates. The legislation also requires that certain forms and applications include prominent links to the electronic tools developed by THECB and that certain information be provided to prospective college students, including the annual starting wages and educational requirements for high-demand jobs, as well as the baccalaureate degree programs and associate degree or certificate programs with the highest average annual wages following graduation.

Effective Date: June 18, 2023.

#### HB 3993 (by Paul/Middleton)

Relating to the automatic admission of students with a nontraditional secondary education to certain public institutions of higher education.

The legislation clarifies the college admissions process for homeschool graduates. The law provides that homeschool graduates are to be assigned a class rank for purposes of college admissions, including the "top 10 percent" rule, using a specified formula based on standardized test scores.

Effective Date: September 1, 2023.

#### SB 55 (by Zaffirini/Gonzalez)

Relating to a study and report by the Texas Higher Education Coordinating Board regarding best practices for assisting students with autism spectrum disorder.

The legislation aims to improve the support and outcomes for students with autism spectrum disorder (ASD) in Texas institutions of higher education. The law directs the Texas Higher Education Coordinating Board (THECB) to conduct a study to identify best practices for assisting students with ASD in colleges and universities.

Effective Date: June 18, 2023.

#### **SB 427** (by Kolkhorst/Gonzalez)

Relating to requiring certain institutions of higher education to enter into an agreement to offer undergraduate courses in Texas History.

The legislation requires any institution of higher education receiving state support or aid to offer a course (of at least three semester credit hours or the equivalent) in Texas history to undergraduate students. Institutions that do not offer such a course must enter into an agreement with another educational institution to provide students with access to a course in Texas history.

Effective Date: June 18, 2023.

#### SB 459 (by Paxton/Harris)

Relating to early registration for parenting students at public institutions of higher education.

This legislation requires a public institution of higher education to provide early registration for courses or programs for an enrolled student who is the parent or legal guardian of a child under 18 years of age in the same manner early registration is provided for those courses or programs for any group of students, if applicable. The legislation further requires the Texas Higher Education Coordinating Board, in consultation with public institutions of higher education, to adopt rules as necessary to administer the law's provisions.

Effective Date: September 1, 2023.

#### SB 544 (by Blanco/Moody)

Relating to the issuance of a temporary teaching certificate to and requirements regarding educator certification for certain persons with experience as instructors for the Community College of the Air Force.

The legislation provides a direct pathway for military members teaching at the Community College of the Air Force (CCAF) to become K-12 teachers. The law allows qualified CCAF instructors to bypass the educator preparation program and instead take necessary certification exams to enter the K-12 classroom.

#### **SB 1429** (by Hinojosa/Herrero)

Relating to the use of standardized examinations by a school of nursing or educational program.

The legislation addresses the use of vendor-created standardized exams in nursing education programs in Texas. The law prohibits the use of such exams as graduation requirements or as a basis for denying students an affidavit of graduation. The legislation also grants the Texas Board of Nursing the authority to adopt rules related to the use of standardized exams, allowing their use for specific purposes, such as admissions criteria, remediation, and program evaluation.

Effective Date: September 1, 2023.

#### **SB 1509** (by Huffman/Bonnen)

Relating to the service retirement eligibility and benefits of certain members of the Employees Retirement System of Texas.

The legislation repeals Section 814.109 of the Government Code, which describes the eligibility of certain members for service retirement. This change applies to individuals who retire on or after May 19, 2023.

Effective Date: May 19, 2023.

#### SB 1887 (by West/Turner)

Relating to the requirements for the early college education program and the transfer of course credit among public institutions of higher education.

The legislation allows the THECB to approve a core curriculum of fewer than 42 credits for an associate degree program in the Early College Education Program. The Board may also authorize a teaching institution to require a minimum of six credit hours worth of courses specific to a specific field of study for that field's curriculum. If an institution denies a student's application of course credit to the core curriculum or a field of study curriculum, the institution must explain why it was denied and resolve the dispute within 45 days. The legislation requires junior colleges, public state colleges, and public technical institutes to include a "Texas District" associate degree if a student meets certain requirements.

Effective Date: May 23, 2023.

#### SB 2158 (by King/Murr)

Relating to the establishment of an adult education pilot program by the Windham School District.

The legislation requires the Windham School District to establish a pilot program under which nonprofit entities can provide an adult education program for certain incarcerated individuals that enables them to earn a high school diploma. The district, in conjunction with the nonprofit entities, must identify at least three schools that are suitable locations for this pilot program. Windham School District must establish this pilot program by no later than September 1, 2024.

Effective Date: May 23, 2023.

#### SB 2294 (by Creighton/Kuempel)

Relating to the Texas First Early High School Completion Program and the Texas First Scholarship Program.

The legislation amends the Education Code to define an "eligible institution" under the Texas First Early High School Completion Program as any institution of higher education. It requires, rather than merely allows, a school district or open-enrollment charter school to allow a student to graduate and receive a high school diploma if the student demonstrates mastery in certain areas and in a non-English language.

Effective Date: September 1, 2023.

#### LEGAL

#### HB 567 (by Bowers/Miles)

Relating to discrimination on the basis of hair texture or protective hairstyle associated with race.

The legislation amends the Education Code to ban school dress policies that discriminate against a hair texture or hairstyle commonly associated with race. It also amends the Labor Code to forbid employers, labor unions, and employment agencies from enacting dress policies that discriminate against a hair texture or hairstyle commonly associated with race. The legislation further specifies that references to racial discrimination in the Property Code include discrimination based on hair texture or hairstyle commonly associated with race.

#### HB 1598 (by Darby/Perry)

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Relating to local government and other political subdivision regulation of certain solid waste facilities.

The legislation exempts municipal solid waste facilities from obtaining permits from local governments or political subdivisions prior to seeking a permit from the Texas Commission on Environment Quality ("TCEQ"). The legislation also prohibits local governments from adopting any rules, ordinances, or orders regarding municipal solid waste facilities that conflict with TCEQ rules, while preserving local government authority to regulate the processing or disposal of solid waste.

Effective Date: June 18, 2023.

#### HB 1760 (by Hefner/Hughes)

Relating to the prosecution of the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary educational institutions.

This legislation clarifies an ambiguity in the Texas Penal Code regarding the prohibition on carrying a firearm on school premises. The law provides that, for a location to be considered part of a school, it must be owned by, or under the control of, the school or institution of higher education.

Effective Date: September 1, 2023

#### HB 1817 (by Capriglione/Hancock)

Relating to the validity of a contract for which a disclosure of interested parties is required.

The legislation addresses the issue of public contracts being voided due to the contractor's failure to submit a disclosure of interested parties (Form 1295). The legislation allows for a cure period of 10 business days if a Form 1295 is found to be missing. The legislation also provides a presumption of proper execution for contracts executed before the effective date of the legislation.

Effective Date: June 9, 2023.

#### HB 2012 (by Oliverson/Hughes)

Relating to the display of the national motto in public school and institution of higher education classrooms.

The legislation allows faculty members in public schools or institutions of higher education to display a copy of the national motto, "In God We Trust," in their classrooms, provided it meets certain requirements. The legislation ensures that teachers and professors are not prohibited from displaying the national motto.

Effective Date: June 9, 2023.

#### HB 2518 (by Bell/Nichols)

Relating to required lease terms for public property leased to a nongovernmental entity; creating a criminal offense.

The legislation provides protections for subcontractors and suppliers involved in construction on publicly owned property that is leased to private entities. The legislation seeks to ensure that payment and performance bonds are in place for such construction contracts and creates a criminal offense for material misrepresentation in the notice of commencement.

Effective Date: September 1, 2023.

#### HB 2626 (by Tepper/Paxton)

Relating to the availability on the Internet of certain reports of political contributions and expenditures.

The legislation requires that all political subdivisions receiving campaign finance reports promptly make such reports publicly accessible on a website for at least five years.

Effective Date: September 1, 2023.

#### HB 3033 (by Landgraf/Zaffarini)

#### Relating to the public information law.

The legislation addresses concerns regarding delays in the release of public information by governmental bodies. The legislation requires governmental bodies to release information within 30 days after receiving an opinion from the attorney general indicating that such information may not be withheld. The legislation also includes provisions related to calculation of deadlines, training requirements for public officials, limitations on requestors who exceed established limits, and electronic submission of requests for attorney general decisions.

Effective Date: September 1, 2023.

#### HB 3222 (by Guillen/Kolkhorst)

Relating to eligibility for a loan under the disaster recovery loan program.

The legislation provides more flexibility for political subdivisions affected by natural disasters to apply for recovery loans through the Texas Division of Emergency Management's disaster recovery loan program. The legislation extends the deadline for submitting an operating budget from 15 days to 30 days after its adoption by the governing body of the political subdivision.

#### HB 3223 (by Guillen/Kolkhorst)

Relating to the management of a declared state of disaster.

The legislation amends the process for managing a declared state of disaster. The legislation removes the requirement for the public safety director of the Department of Public Safety to appoint a commanding officer from the Texas Highway Patrol to serve as chair of each of the state's disaster district committees. Instead, the law requires the chair of the Emergency Management Council to appoint a chair to each such committee based on the declared disaster and phase of disaster response in accordance with the National Incident Management System guidelines.

Effective Date: September 1, 2023.

#### HB 3440 (by Canales/Hinojosa)

Relating to the governmental bodies required to post on the Internet agendas for meetings under the open meetings law.

The legislation amends the Government Code to expand the requirement under the Open Meetings Law for governmental bodies and economic development corporations to post meeting agendas online. Currently, only certain entities with a qualifying population are required to do so. The legislation also extends this requirement to include special purpose districts.

Effective Date: September 1, 2023.

#### HB 3553 (by Thierry/Whitmire)

Relating to increasing the criminal penalty for certain offenses if committed at certain locations.

This legislation seeks to deter human trafficking and exploitation on college campuses by enhancing the penalty from a second-degree felony to a first-degree felony for the offense of trafficking of a person on the premises of, or within 1000 feet of, a public, private, or independent institution of higher education.

#### HB 4337 (by Canales/Hinojosa)

Relating to licenses and similar documents issued by certain foreign governments.

The legislation provides clarity for prosecutors in Texas when dealing with offenses involving tampering with a governmental record related to fictitious foreign documents, particularly Mexican commercial driver's licenses. The legislation classifies licenses, certificates, permits, seals, titles, letters of patent, or similar documents issued by a foreign government involved in a reciprocal treaty or memorandum of understanding with the United States as governmental records.

Effective Date: September 1, 2023.

#### HB 5180 (by Wilson/Hughes)

Relating to the public inspection of election records.

The legislation requires election records, including images of voted ballots (if kept by the county) and cast vote records, to be made available for public inspection beginning on the 61st day after election day. The custodian of the election records is also required to adopt procedures to redact personally identifiable information of the voter before making the voted ballot available for public inspection.

Effective Date: September 1, 2023.

#### **SB 15** (by Middleton/Swanson)

Relating to requiring public institution of higher education students who compete in intercollegiate athletic competitions to compete based on biological sex.

The legislation requires collegiate athletes to compete on teams based on their biological sex as stated on their birth certificate. It prohibits male students from competing on female teams and allows female students to compete on male teams only when there is no corresponding female team available.

#### **SB 17** (by Creighton/Kuempel)

Relating to diversity, equity, and inclusion initiatives at public institutions of higher education.

The legislation prohibits public institutions of higher education from establishing or maintaining diversity, equity, and inclusion ("DEI") offices, officers, employees, or contractors, and prohibits such institutions from requiring anyone to undergo DEI training as a condition of participation in any institutional function. The law also prohibits such institutions from "giv[ing] preference" to anyone based on race, sex, color, ethnicity, or national origin with respect to participation in any function of the institution.

Effective Date: January 1, 2024.

#### **SB 18** (by Creighton/Kuempel)

Relating to the tenure and employment of faculty members at certain public institutions of higher education.

The legislation revises certain academic tenure policies in public institutions of higher education in Texas. The legislation authorizes only a public institution's governing board to grant tenure, based on the recommendation of the institution's chief executive officer and the university system's chancellor (if applicable). The law replaces the requirement for public institutions to establish periodic performance evaluations with a requirement that institutions adopt policies and procedures regarding tenure, which address the granting of tenure, specific dismissal criteria, and due process. The law also authorizes institutions to adopt policies allowing for summary dismissal of tenured faculty based on serious misconduct.

Effective Date: September 1, 2023.

#### **SB 29** (by Birdwell/Lozano)

Relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.

The legislation prohibits governmental entities from mandating face coverings, vaccines, or closures of private businesses, public schools, charter schools, or private schools to prevent the spread of COVID-19. The law excepts certain facilities and institutions, such as state supported living centers, facilities operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department, and hospitals or health care facilities owned by governmental entities.

#### **SB 37** (by Zaffirini/Gonzalez)

#### Relating to the criminal offense of hazing.

The legislation clarifies Texas's anti-hazing law by specifying that reports of violations that are made to university officials or to law enforcement qualify for immunity and exempt the reporter from personal hazing offense charges for failure to report. The legislation also expands the list of persons eligible for immunity to include corporations and other entities that support student organizations.

Effective Date: September 1, 2023.

#### SB 336 (by Zaffirini/Cole)

Relating to compliance programs at public institutions of higher education.

The legislation expands confidentiality protection for individuals involved in compliance reporting or investigations at public institutions of higher education, including agents, contractors, subcontractors, and others acting on behalf of such institutions.

Effective Date: June 18, 2023.

#### SB 532 (by West/Kuempel)

Relating to providing mental health services information to certain higher education students and to the repayment of certain higher education loans.

This legislation expands the loan repayment assistance program for mental health professionals. The legislation also expands the mental health services that institutions of higher education must provide to students. In addition to other mental health awareness initiatives, such institutions must provide a campus map with mental health service locations identified and include said locations in campus tours. Institutions must also provide all entering students with information regarding available mental health and suicide prevention services offered by the institution or by any associated organizations or programs, as well as information regarding early warning signs that are often present in, and appropriate intervention for, persons who may be considering suicide.

#### **SB 943** (by Kolkhorst/Hunter)

Relating to publication of notices by a governmental entity on the Internet websites of a newspaper and the Texas Press Association.

The legislation requires newspapers to publish legal notices on their public internet websites and submit them to the Texas Press Association's website, which will serve as a statewide repository for such notices. The association's website must be accessible to the public, constantly updated, searchable by subject matter and location, and must offer electronic subscription notifications.

Effective Date: September 1, 2023.

#### SB 997 (by West/Leach)

Relating to the publication of certain photographs of human remains by certain individuals for a purpose other than an authorized purpose; providing a civil penalty.

The legislation, also known as the Kobe and Gianna Bryant Act, addresses the unauthorized publication of photographs depicting human remains by first responders, coroners, and law enforcement officials. The legislation establishes a criminal offense and civil penalty for publishing such photographs without an authorized purpose, while providing an affirmative defense for official law enforcement and medical purposes. The law also creates a civil cause of action for persons who are victimized by the publication of photos of human remains of a loved one, with governmental units being jointly and severally liable for damages up to \$100,000.

Effective Date: September 1, 2023.

#### SB 999 (by West/King)

Relating to the requirement that providers of active shooter training at public schools and institutions of higher education obtain a certificate issued by the Texas Commission on Law Enforcement (TCOLE).

The legislation requires that companies that provide active shooter training to students or employees at public schools or institutions of higher education in Texas use certified instructors and possess a certification at the company level issued by TCOLE. The legislation prohibits school districts and institutions of higher education from contracting with training providers that do not hold a TCOLE certification.

#### **SB 1017** (by Birdwell/Landgraf)

Relating to the authority of a political subdivision to regulate an energy source or engine.

The legislation restricts the authority of political subdivisions in Texas to regulate energy sources and engines. The law prohibits political subdivisions from adopting or enforcing regulations that limit access to, or use of, an energy source, or that effectively prohibit or restrict the use, sale, or lease of an engine based on its fuel source.

Effective Date: September 1, 2023.

#### SB 1517 (by King/Paul)

Relating to prohibiting certain academic boycotts of foreign countries by public institutions of higher education.

The legislation prohibits institutions of higher education from academically boycotting a foreign country, which would prevent a student or faculty member from studying in the country, researching in or about the country, or interacting with scholars from the country. Nevertheless, an institution of higher education may implement an academic boycott of a foreign country that the United States Department of State lists as a state sponsor of terrorism.

Effective Date: September 1, 2023.

#### **SB 1780** (by Parker/Capriglione)

#### Relating to online notarizations.

The legislation requires online notary publics to keep a record of all the notarized documents that are tangible instruments with a tangible symbol. When a principal is signing a document with a tangible signature, online notaries must reasonably confirm that the document before the online notary public is the same as the tangible document. The legislation also specifies that an online notary public may administer an oath as an online notarization if the online notary public identifies the principal and creates and retains a video or audio recording of the principal taking the oath.

Effective Date: January 1, 2024.

#### SB 1893 (by Birdwell/Anderson)

Relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities.

The legislation defines social media services that pose a risk to the state and requires that governmental entities remove these applications from government-owned devices. However, these services may be used for law enforcement purposes or to implement information security measures, as long as measures are taken to mitigate the risks associated with using this software. Additionally, the Department of Information Resources must annually submit a list of these applications to the Governor and periodically update this information on its website.

Effective Date: June 14, 2023.

#### PEACE OFFICERS

#### **HB 64** (by Landgraf/Sparks)

Relating to the peace officers authorized to operate an authorized emergency vehicle used to conduct a police escort.

The legislation amends the Transportation Code to specify that a "police escort" includes peace officers who are commissioned by the Ector County Hospital District's board of directors and who are involved in traffic disruptions for public safety purposes.

Effective Date: September 1, 2023.

#### HB 4528 (by Wilson/Whitmire)

Relating to the requirement that a peace officer take possession of a person's driver's license following the person's failure to pass or refusal to consent to a test for intoxication.

The legislation eliminates the requirement for peace officers in Texas to confiscate an individual's driver's license upon refusal to take, or failure to pass, an intoxication test. The legislation recognizes that the Department of Public Safety can suspend a driver's license electronically and no longer needs to seize the physical card, such that a suspended individual may continue to use his physical driver's license to access services.

#### HB 4906 (by Hefner/West)

Relating to the installation and use of tracking equipment and access to certain communications by certain peace officers.

The legislation addresses an oversight in current law by revising the definition of "authorized peace officer" to include school or university police officers. The legislation grants such officers the explicit authority to apply for, and to be issued, search warrants for the collection of certain electronic evidence.

Effective Date: September 1, 2023.

#### **SB 806** (by Paxton/Manuel)

Relating to the duties of peace officers regarding interactions with victims of sexual assault.

The legislation requires peace officers to provide written notice to sexual assault victims containing information about their rights and available resources. This includes referrals to sexual assault programs, information about the statewide electronic tracking system, coordination with local response teams, and the provision of a comprehensive written notice. The law also mandates law enforcement agencies to collaborate with local sexual assault programs to develop the written notice.

Effective Date: September 1, 2023.

#### SB 1852 (by Flores/Metcalf)

Relating to active shooter training for peace officers.

The legislation requires peace officers to complete an active shooter training program that is at least 16 hours long during the officers' continuing education training period or basic training course.

#### SERVICE AREAS

#### HB 1114 (by Kacal/Kolkhorst)

Relating to the service area of the Blinn Junior College District.

The legislation expands the Blinn Junior College District to include the part of the Waller Independent School District that is located in Harris County.

Effective Date: June 7, 2023.

#### HB 5330 (by Reynolds/Miles)

Relating to the service area of the Houston Community College System District.

The legislation amends the Education Code to expand the service area of the Houston Community College System District to include the part of the Fort Bend Independent School District that is not located in the service area of the Wharton County Junior College District and that is adjacent to the Houston Community College System District.

Effective Date: September 1, 2023.

#### TAXATION

#### **HB 3273** (by Thierry/Bettencourt)

Relating to public notice of the availability on the Internet of property-tax-related information.

The legislation amends the Tax Code by requiring chief appraisers and assessors to post notices on their respective websites informing property owners regarding the availability of property tax information and repealing the requirement to deliver such notices by regular mail or e-mail.

Effective Date: January 1, 2024.

#### **HB 4077** (by Noble/Eckhardt)

Relating to the procedure for qualifying for an exemption from ad valorem taxation of the residence homestead of an elderly person.

The legislation streamlines the process for elderly individuals to qualify for property tax exemptions.

Effective Date: January 1, 2024.

#### HB 4645 (by Flores/Zaffirini)

Relating to the exemption from ad valorem taxation of certain property used to provide low-income or moderate-income housing.

The legislation grants a ground lease tax exemption to low-to-moderate-income housing. The exemption would apply to organizations leasing land under a ground lease and constructing or rehabilitating housing for individuals or families who meet the income eligibility requirements.

Effective Date: January 1, 2024.

#### SB 617 (by Blanco/Gonzalez)

Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

The legislation protects the confidentiality of Border Patrol Agents and their families by amending the Tax Code to include them along with other law enforcement officials in the provision that safeguards appraisal records from public accessibility.

Effective Date: May 19, 2023.

#### SB 1381 (by Eckhardt/Hefner)

Relating to the eligibility of the surviving spouse of an elderly person who qualified for a local option exemption from ad valorem taxation by a taxing unit of a portion of the appraised value of the deceased person's residence homestead to continue to receive an exemption for the same property from the same taxing unit in an amount equal to that of the exemption for which the deceased person qualified without applying for the exemption.

The legislation simplifies the process for the surviving spouses of individuals who received property tax exemptions due to age or disability to renew such exemptions.

Effective Date: January 1, 2024.

#### SB 2350 (by Bettencourt/Shine)

Relating to the voter-approval tax rate used to calculate the unused increment rate of a taxing unit for ad valorem tax purposes.

The legislation amends the Tax Code to define the "voter-approval tax rate" as a taxing unit's voter-approval tax rate in the applicable preceding tax year, as adopted by the taxing unit during the applicable preceding tax year, minus the unused increment rate for that preceding tax year.

Effective Date: June 18, 2023.

#### **SJR 87** (by Huffman/Bonnen)

Proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation equipment or inventory held by a manufacturer of medical or biomedical products to protect the Texas healthcare network and strengthen our medical supply chain.

The legislation would amend the Texas Constitution to authorize the legislature to exempt the tangible personal property of a medical or biomedical manufacturer from ad valorem taxation, as long as the property is held as a finished good or used to manufacture or process medical or biomedical products.

Status: Sent to Secretary of State; vote to take place during the November 7, 2023 election.

### RELEVANT VETOED BILLS

#### SB 498 (by Johnson/Smithee)

Relating to the operation of statewide technology centers.

The bill would have amended the Government Code to allow the Department of Information Resources (DIR) to provide services to a governmental entity by operating statewide technology centers even if these services were not provided to two or more governmental entities. Additionally, it would have required DIR to specify the services a statewide technology center may provide. Governor Abbott vetoed the bill because it conflicts with House Bill 4553, which he already signed into law.

Veto Date: June 17, 2023.

#### SB 526 (by West/Cook)

Relating to requiring prior approval by the Texas Higher Education Coordinating Board to offer a degree or certificate program to certain persons who are incarcerated or subject to involuntary civil commitment.

The bill defined a "penal institution" and required board approval for entities that offer degree programs to certain incarcerated people. Governor Abbott vetoed the bill, claiming that the legislature should first focus on providing property tax relief to Texans.

Veto Date: June 16, 2023.

#### HB 1466 (by Clardy/Johnson)

Relating to the regulation of certain continuing education programs.

The bill amended the Insurance Code to forbid the commissioner from adopting rules that devalue certain certificates of training or that require more than eight hours of continuing education for any license renewal period. Governor Abbott vetoed the bill because it would unnecessarily hinder the ability to remain licensed to install fire alarms.

Veto Date: June 17, 2023.

#### HB 2629 (by Rogers/Middleton)

Relating to the reporting of direct campaign expenditures by certain persons and political committees.

The bill required that reports filed under Chapter 254 of the Election Code (Political Reporting) include the names of each candidate for whom a direct campaign expenditure was made to support or oppose. Governor Abbott vetoed this bill, claiming that the legislature should instead focus on providing education freedom to Texans.

Veto Date: June 18, 2023.

#### HB 3159 (by Leach/Hughes)

Relating to the use of an accessible absentee mail system by certain voters.

The bill would have permitted people who can vote by mail to use an electronic voting system, which would help voters with disabilities mark and read their ballots. Governor Abbott vetoed the bill because it allowed anyone who qualifies to vote by mail, not just voters with disabilities, to receive an electronic ballot.

Veto Date: June 17, 2023.

#### **SB 200** (by Eckhardt/Howard)

Relating to the period for which an applicant for admission as an undergraduate student to a public institution of higher education is entitled to an academic fresh start.

The bill would have allowed public universities, when considering applicants for the Right to an Academic Fresh Start program, to disregard academic credits or grades earned within 10 years before the semester for which the applicant enrolled, but not the five years prior to that date. Universities would have been required to publicize their admission policy, including the period during which applicants' grades and credits would be considered. Governor Abbott vetoed the bill, claiming that the Texas Legislature should instead focus on reducing property taxes.

Veto Date: June 18, 2023.

#### SB 1615 (by Zaffirini/Wilson)

#### Relating to the cosmetology licensure compact.

The bill created a Cosmetology Licensure Compact, designed to improve public access to cosmetology services, increase the safety of these services, and reduce burdens to acquiring a cosmetology license. This would have established a regulatory framework for a multistate licensing program. Governor Abbott vetoed the bill, preferring to wait and see which states adopt the Compact Commission before joining.

Veto Date: May 19, 2023.

#### SB 1998 (by Bettencourt/Shine)

#### Relating to the calculation of certain ad valorem tax rates.

The bill would have required certain officials to ensure that tax rate calculation forms can include a hyperlink to verify the entry's accuracy. Additionally, it adjusted the formula for calculating adjustments to certain property taxes. Governor Abbott vetoed this bill because it would have implemented additional measures for reporting tax data without reducing property taxes.

Veto Date: June 15, 2023.

#### SB 2035 (by Bettencourt/Capriglione)

Relating to the issuance of certain anticipation notes and certificates of obligation.

Except under certain conditions, the bill would have prohibited an issuer's governing body from authorizing certain anticipation notes if, within the past five years, voters rejected a proposition to authorize bonds for the same purpose. Governor Abbott vetoed the bill because it contained too many loopholes.

Veto Date: June 13, 2023.

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