

# 85<sup>th</sup> Legislative Session

## Higher Education Highlights

### **TAMU Analysis on Filed Bills**

Prior to the start of the bill filing period (Fall 2016) and throughout the session, our office reached out to almost 30 unit leaders across campus to solicit analyses of filed bills and their potential impact on Texas A&M University.

Thousands of bills are filed each session and about **20%** make it to the Governor’s desk. This session, the House and Senate filed a total of **6,631** bills (not including continuing or joint resolutions), of which **1,091 (16%)** made it out of both chambers and were signed into law by Governor Abbott (Texas Legislature Online, n.d.).

During the session, various units across the Texas A&M campus community provided analyses on **442** higher education-related filed bills, of which **59 (13%)** were signed into law. Having analyses on bills that did not pass is also beneficial since they can be refiled in future sessions.

We appreciate the critical role each Texas A&M unit had in providing our administration and state relations team with information on the potential impacts of legislation on Texas A&M. This aided our ability to provide university impacts for Legislators and staff. Thank you!

We are working to enhance our analysis program for the next session to automatically pull analyses on re-filed bills. This will make the process more efficient for our analysts.

### **Special Session**

On June 6<sup>th</sup> Governor Greg Abbott announced a legislative special session to begin on July 18<sup>th</sup> and address 20 items (see <https://gov.texas.gov/news/post/governor-abbott-announces-special-session>) to be included on the special session call. It should be noted that none of the 20 items directly impact higher education.

### **Appropriations**

Broadly speaking, the Legislature decided to continue to distribute base funding appropriations using the established formula methodology and adopted slightly higher rates for general academic institutions and slightly less for health related institutions. However, in response to the session-long concern over special items, significant cuts were made in special items varying by program type.

Because debt service on revenue bonds is included in the General Revenue numbers—and an important funding item that institutions request—it is not used in instruction and general operations. Therefore, changes from 2016-17 to 2018-19 below are presented with both perspectives:

<b>Biennial Change</b>	<b>Texas A&amp;M</b>	<b>TAMUG</b>	<b>HSC</b>
GR With Debt Service	\$19.1 million (3.3%)	\$2.7 million (6.6%)	\$12.2 million (4.4%)
GR Without Debt Service	\$13.6/\$9.3* million (2.4%/1.7%*)	-\$1.9 million (-6.8%)	\$2.1 million (.9%)

Because Texas A&M grew in enrollment and semester credit hours from the last base period and has fewer special items relative to other institutions, the effects of cutting special items (33% for each A&M item) were not as severe as for other general academic institutions (in some cases over 60%).

\*Research funds are cut by 10 percent and reallocated based on updated data. In addition the \$4.3 million that A&M received from the Emerging Technology Fund last biennium was not renewed. This results in a reduction of \$8.95 million from the Texas Research University Fund for Texas A&M. Thus the General Revenue is up, but operationally the increase for the university is \$9.3 million.

Because TAMUG had more of its funding in special items, particularly in Institutional Enhancement, its cuts are more severe relative to total General Revenue.

The Health Science Center did experience cuts in special items, from 8% to 22%. In terms of the overall operations funding level compared to the current biennium, the cuts were countered by the HSC's enrollment growth in the formula, despite a decline in the per student (FTSE) rate, as well as funding provided in the Graduate Medical Education Formula for 550 added medical residents.

### **Highlights of Higher Education-Related Legislation**

**The following highlights of new legislation are categorized by the Texas A&M unit or division that provided analysis on the bill during the session.**

<b><u>Division of Research</u></b>
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**HB 1549 by Burkett/Kolkhorst – Relating to the provision of services by the Department of Family and Protective Services, including child protective services and prevention and early intervention services.** This bill amends current law to include and add amended or new Sections and Subsections relating to activities of the Department of Family and Protective Services. Section 265.008 (Evaluation of Prevention and Early Intervention Services) has been added to allow the department to enter into agreements with institutions of higher education to conduct efficacy reviews of any prevention and early intervention services provided under this chapter that have not previously been evaluated for effectiveness in a research evaluation. The review would include a cost-benefit analysis of the program to the state and the return on investment of the program to the state. Agreements with institutions of higher education must be cost neutral and protect the identity of individuals who are receiving services from the department that are being evaluated. **Effective on: 9/1/17**

**SB 81 by Nelson/Davis – Relating to the operations of the Cancer Prevention and Research Institute of Texas.** This bill amends current law, updating Section 102.003, Sunset Provision to 2023. The bill also authorizes the oversight committee to conduct a closed meeting to discuss issues related to managing, acquiring, or selling securities or other revenue-sharing obligations realized under the standards established as required in Section 102.256. The oversight committee may also transfer its management and disposition authority over the state's interest in securities, equities, royalties, income, and other benefits to the Texas Treasury Safekeeping Trust Company. If this transfer occurs, the trust company has any power necessary to accomplish the purposes of Section 6. (d)

contains additional amendments to current law relating to additional guidelines for managing assets. **Effective on: 9/1/17**

### **Academic Affairs**

**HB 66 by Guillen/Zaffirini – Relating to the appointment by certain elected officials of students to receive a Texas Armed Services Scholarship.** This bill allows for the elected official who appointed a student to receive a Texas Armed Services Scholarship to appoint another scholarship recipient should the original student fail to maintain eligibility or otherwise meet the requirements to continue receiving the scholarship. This bill allows for the elected official, beginning with the academic year following the determination, to appoint another eligible student to receive any available funds designated for the student who no longer meets the requirements for the scholarship. **Effective on: N/A**

**HB 655 by Clardy/Zaffirini – Relating to the filing of a degree plan by students at junior colleges.** This bill amends current law to require community college students, enrolled in an associate or bachelor's degree program at a public junior college, to select a pathway through a major or meta major not later than after having completed 30 semester credit hours. **Effective on: Immediately**

**HB 846 by Raney/Menendez – Relating to the implementation of student financial assistance programs for veterans and their families.** This bill prohibits a public institution of higher education from imposing additional fees, obligations, or burdens concerning payment or registration on a student eligible for state or federal military related student financial assistance programs for military veterans or their family members that are not otherwise required by those programs to be imposed for the purpose of receiving that assistance. The bill requires an institution to provide for such a student to defer payment of tuition and fees if the receipt of military related financial assistance awarded to the student is delayed and requires the Texas Veterans Commission, in cooperation with institutions of higher education, to prescribe a standard deferment request form for such purpose. The bill does not prohibit an institution of higher education from requiring an applicable student to submit a free application for federal student aid (FAFSA). **Effective on: 9/1/17**

**HB 928 by White/Uresti – Relating to assisting certain children who are in foster care or who have been adopted in the process of applying to institutions of higher education.** This bill amends current law requiring existing community resource groups to coordinate with school districts to identify foster youth eligible for existing tuition and fee waivers. The bill also requires Department of Family and Protective Services to coordinate with school districts to help foster youth with filling out applications, preparing and paying for college entrance exams, visiting schools, and identifying scholarship opportunities. **Effective on: Immediately**

**HB 1117 by Wray/Zaffirini - Relating to eligibility for the Texas Armed Services Scholarship Program.** This bill gives a student the option, to enroll in or be a member in good standing of an undergraduate officer commissioning program such as the U.S. Marine Corps Platoon Leaders Class while enrolled in that institution as an alternative to being enrolled in and being a member in good standing of a Reserve Officers' Training Corps (ROTC)

program while enrolled in that institution. **Effective on: Immediately**

**HB 3083 by Price/Hinojosa – Relating to eligibility requirements for the repayment of certain mental health professional education loans.** This bill amends current law to include “chemical dependency counselor” in the list of “mental health professional” definitions in Section 61.601. The bill also amends Section 61.607(b)(5) to include \$10,000 for assistance from the state received by a licensed chemical dependency counselor, if the counselor has received an associate degree related to chemical dependency counseling or behavioral science. **Effective on: 9/1/17**

**HB 3808 by Clardy/Menendez – Relating to student loan repayment assistance for certain mental health professionals.** This bill amends current law to include a “licensed marriage and family therapist” in the list of “mental health professional” definitions in Section 61.601. The bill also amends Subsection 61.604 (e) to give priority in awarding grants to those mental health professionals described in Subsections 61.601(1)-(5). Section 61.607 of the Education Code is amended to include repayment assistance of \$80,000 to a licensed marriage and family therapist if the therapist has received a doctoral degree related to marriage and family therapy and \$40,000 for a licensed marriage and family therapist. Section 501.003 has been amended to include updated definitions and descriptions of the “practice of psychology.” **Effective on: 9/1/17**

**SB 49 by Zaffirini/Guillen – Relating to the appointment by certain elected official of students to receive a Texas Armed Services Scholarship.** This bill allows for the elected official who appointed a student to receive a Texas Armed Services Scholarship to appoint another scholarship recipient should the original student fail to maintain eligibility or otherwise meet the requirements to continue receiving the scholarship. This bill allows for the elected official, beginning with the academic year following the determination, to appoint another eligible student to receive any available funds designated for the student who no longer meets the requirements for the scholarship. **Effective on: 9/1/17**

**SB 802 by Seliger/Howard – Relating to a study and report regarding best practices in the transfer of course credit between public institutions of higher education.** This bill amends current law requiring the Texas Higher Education Coordinating Board (THECB) to collect data and report to the legislature on best practices between higher education institutional partnerships. Institutions of higher education are also required, on request, to provide information to the THECB as necessary for the THECB to perform its duties under Sec. 61.0667. The bill also requires the THECB to submit to the legislature any results of its study under this section and recommendations for legislative or other action. **Effective on: Immediately**

**SB 810 by Kolkhorst/Howard – Relating to the use of open educational resources.** This bill requires the Texas Higher Education Coordinating Board to establish and administer a temporary grant program to encourage faculty at public institutions of higher education to adopt, modify, redesign, or develop courses that use only open educational resources, which the bill defines as a teaching, learning, or research resource that is in the public domain or has been released under an intellectual property license that permits the free use, adaptation, and redistribution of the resource by any person. This bill further requires a

faculty member who receives a grant to ensure that any open educational resource used in each applicable course is provided to a student enrolled in the course at no cost other than the cost of printing and to submit to the coordinating board for each of the four semesters immediately following the implementation of each applicable course a report that includes certain information on the course and the use of open educational resources in the course. The bill authorizes a faculty member who receives a grant to continue to submit such a report for a semester that occurs after the faculty member's duty to submit the report has expired and authorizes the coordinating board to consider a faculty member's failure to submit additional reports in evaluating a subsequent grant application submitted by the faculty member. **Effective on: Immediately**

**SB 887 by Seliger/Clardy – Relating to a requirement that certain participating institutions under the student loan program administered by the Texas Higher Education Coordinating Board provide loan debt information to students.** This bill requires institutions receiving state financial aid administered by the Texas Higher Education Coordinating Board and that receives education loan information for a student provide to that student at least annually estimates regarding the student's education loan obligations in an electronic form. The bill limits this required disclosure to education loan debt information regarding the student that the institution receives or otherwise obtains from the U.S. Department of Education central database for student aid and may reasonably collect from its own records and requires the disclosure to identify the types of education loans included in the institution's estimates and to include a statement that the disclosure is not a complete and official record of the student's education loan debt and an explanation regarding why the disclosure may not be complete or accurate. **Effective on: Immediately**

**SB 1119 by Zaffirini/Howard – Relating to an annual report on employment positions provided through the Texas college work-study program.** This bill requires THECB to annually report and post on their website a report on the Texas college work-study program. This bill further requires that the report include the total number of students employed through the program, disaggregated by race, ethnicity, and gender, major and certificate or degree program, classification, enrollment in a full course load or less than a full course load, as determined by THECB. **Effective on: Immediately**

**SB 1781 by West/Gonzalez – Relating to the regulation of certain degree-granting postsecondary educational institutions by the Texas Higher Education Coordinating Board.** This bill amends current law to charge THECB with the oversight of certain career colleges, making the agency's authority explicit, requiring compliance with accrediting bodies, federal financial rules, and state statutes and rules. The bill also clarifies THECB's ability to revoke certificates of authorization for cause and establishes the THECB repository for student records of closed career colleges, and provides the resources necessary to maintain the repository. **Effective on: 9/1/17<sup>1</sup>**

**SB 1782 by West/Clardy Relating to the elimination of certain formula funding and dropped course restrictions for returning adult students at public institutions of higher**

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<sup>1</sup> This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85<sup>th</sup> Legislature. [tx.ag/570s9F8](http://tx.ag/570s9F8)

**education and to the tuition rate that may be charged to those students.** This bill requires the Texas Higher Education Coordinating Board to adopt rules in connection with institutions that require institutions to permit a student to drop one additional course under beyond the maximum number of courses permitted to be dropped under state law or institution policy, if a student has reenrolled at the institution following a break in enrollment covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment and successfully completed at least 50 semester credit hours of course work at the institution before that break in enrollment.

Further this bill requires THECB to include funding for the first 15 additional semester credit hours earned by a student who has reenrolled at the institution following a break in enrollment covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment and successfully completed at least 50 semester credit hours of course work at the institution before that break in enrollment in the coordinating board's funding formulas without consideration of certain restrictions, makes that requirement applicable beginning with funding recommendations for the 2020-2021 state fiscal biennium, and prohibits an institution of higher education from charging tuition to a resident undergraduate student at a higher rate based on repeated or excessive undergraduate hours for courses taken by the student that are required to be included by the coordinating board in its funding formulas under the bill's provisions. **Effective on: Immediately**

**SB 1799 by West/Clardy Relating to the student loan default prevention and financial aid literacy pilot program.** This bill requires the Texas Guaranteed Student Loan Corporation to administer the student loan default prevention and financial aid literacy pilot program in accordance with an agreement with the Texas Higher Education Coordinating Board. Further this bill authorizes the coordinating board to contract with one or more entities to administer the pilot program according to criteria established by coordinating board rule, and requiring the coordinating board and each institution participating in the pilot program to submit annual reports regarding the outcomes of the pilot program, as reflected in the federal student loan default rates reported for the participating institutions. **Effective on: Immediately**

**SB 1813 by Buckingham/Turner Relating to common admission application forms for institutions of higher education.** This bill allows THECB to include representatives of private or independent institutions of higher education among the members of the advisory committee with whose assistance the Texas Higher Education Coordinating Board adopts specified common admission application forms and to include high school counselors as a party with whose assistance the coordinating board adopts the forms. **Effective on: Immediately**

**SB 2082 by Taylor/Clardy Relating to the work-study student mentorship program administered by the Texas Higher Education Coordinating Board.** This bill authorizes role for a student employed under the work-study student mentorship program as part of the Texas college work-study program supporting student interventions at participating eligible institutions that are focused on increasing completion of degrees or certificates, such as interventions occurring through advising or supplemental instruction. The bill replaces the

requirement that the Texas Higher Education Coordinating Board partner with participating nonprofit organizations to establish additional GO Centers or similar high school-based recruiting centers with an authorization for the coordinating board to do so and includes improving student success in higher education as an additional objective of such centers. The bill includes an advisor employed under the work-study student mentorship program as a person with whom an eligible institution participating in the program may require students who are on academic probation to be matched, as an alternative to a student mentor employed under the program. **Effective on: Immediately**

### **Athletics**

**HB 1424 by Murphy/Birdwell – Relating to operation of unmanned aircraft over certain facilities or sports venues.** This bill came out of conference committee and amends current law to define “correctional facility,” “detention facility,” and “sports venue” and includes details of the operation of unmanned aircraft over any as a criminal offense (with the exception of a sports venue, where unmanned aircraft are required to be above 400 ft.). The bill includes Subsection 423.0046, for guidelines of operation of an unmanned aircraft over a sports venue. The Section does not apply to the federal government, state, or government entity. An offense under this section is a Class B misdemeanor, unless there has been a previous conviction under this section. **Effective on: 9/1/17**

### **Human Resources and Organizational Effectiveness**

**HB 451 by Moody/Creighton – Relating to waiver of immunity in certain employment discrimination actions in connection with a workers’ compensation claim.** This bill amends current law to authorize a first responder who alleges a violation of employment discrimination by a state or local government entity that employs the first responder based on the responder’s pursuit of a workers’ compensation claim to sue the government entity for relief. The bill also waives and abolishes sovereign or governmental immunity from suite to the extent of liability created by statutory provisions prohibiting such discrimination. The provisions in the bill do not affect the immunity of a person who has official or individual immunity from a claim for damages. Amends current law to provide that the liability of a political subdivision is limited to money damages in a maximum amount of \$100,000 for each person aggrieved by and \$300,000 for each single occurrence of a violation of Chapter 451. A single occurrence is considered to be a single employment policy or employment action that results in discrimination against or discharge of one or more employees concurrently. **Effective on: 9/1/17**

**HB 1463 by Smithee/Seliger – Relating to procedures for actions alleging failure to comply with certain standards to accommodate persons with disabilities.** Certain entities have become the target of frivolous lawsuits under state law prohibiting discrimination against persons with disabilities that represent an attempt to force the entity to settle claims for alleged minor violations to avoid expending time and resources to defend itself in court. HB 1463 seeks to reduce the negative impact of such lawsuits by requiring a claimant to give notice to such an entity of intent to file a claim under the act and by providing the entity an opportunity to correct the violation before judicial intervention. HB 1463 amends the Human Resource Code to establish procedures governing claims alleging certain violations of the prohibition against discrimination on the basis of disability. The bill

requires a claimant to provide written notice of an alleged violation before filing an action to allow a respondent an opportunity to cure the violation. **Effective on: 9/1/17**

**HB 1983 by Wray/Whitmire – Relating to the eligibility of a firefighter or a peace officer for workers’ compensation benefits for post-traumatic stress disorder.** This bill amends current law to define “first responder,” “post-traumatic stress disorder,” or PTSD, and provides that PTSD suffered by a first responder is a compensable injury (under Workers’ Compensation Insurance Coverage for Certain Government Employees) only if it is based on a diagnosis that it was caused by an event occurring in the course of the first responder’s employment, and the evidence indicates the event was a substantial contributing factor of the disorder. **Effective on: 9/1/17**

**HB 2119 by Kacal/West – Relating to workers’ compensation death benefits eligibility for certain spouses of first responders killed in the line of duty.** This bill amends current law to provide that Section 408.183(b-1) applies regardless of the date on which the death of the first responder occurred. The bill also repeals Section 2 (relating to change in law applying to claims for worker’s compensation benefits based on compensable injury), Chapter 1018 (HB 1094), Acts of the 84<sup>th</sup> Legislature, Regular Session, 2015. Section 3 makes application of this Act prospective and goes into effect September 1, 2017. **Effective on: 9/1/17**

**SB 255 by Zaffirini/Simmons - Relating to contracts with and training for governmental entities and vendors, including purchasing and contract management training; authorizing fees.** This bill requires state agencies that spend more than \$5,000 per fiscal year for a training or education program to an individual employee to submit certain agency training information to the Legislative Budget Board. The bill requires the Comptroller of Public Accounts to develop and provide a purchasing and contract management training program to meet the needs of state agencies. SB 255 authorizes the Comptroller to assess a fee for training in an amount not to exceed the costs incurred to provide the training. The bill would authorize state agencies, in consultation with the Comptroller, to develop agency-specific purchasing and contract management training programs to be administered by the agency to the agency's employees instead of or as a supplement to training programs developed by the Comptroller under the bill's provisions.

SB 255 requires state agency personnel directly involved in contract negotiations for the purchase of information resources technologies to complete the training developed by the Department of Information Resources. The bill adds to the items to be included in this training, information on how to use cooperative contracts entered into by the Department of Information Resources.

Section 5 of SB 255 adds three new exemptions to the list of those that do not have to file the disclosure of interested parties form as required by HB 1295 (84<sup>th</sup> Session); (1) a publicly traded business entity, including a wholly owned subsidiary of the business entity; (2) an electric utility; and (3) a gas utility are now exempt from having to file the 1295 form. SB 255 specifies that the disclosure of interested parties, submitted on a form prescribed by the Texas Ethics Commission, is: (1) required to include, among other things, a written and sworn declaration that is substantially similar to a form specified by the bill's provisions, and (2) to be subscribed as true by the authorized agent of the contracting business entity, under the

penalty of perjury. SB 255 requires the declaration to be made in lieu of the signature of the authorized agent acknowledging that the disclosure is made under oath and under the penalty of perjury. **Effective on: 9/1/17**

**SB 968 by Watson/Alvarado – Relating to requiring certain public and private institutions of higher education to provide students and employees an option to electronically report certain offenses to the institution.** This bill, which came out of a conference committee, amends current law to apply to all “postsecondary educational institutions,” including private or independent institutions of higher education. It amends the definition of Sec. 51.9363 from “Campus Sexual Assault Policy” to “Sexual Assault Policy,” requiring each institution to adopt a policy on sexual assault (rather than a campus policy) applicable to each enrolled student and employee of the institution. Institutions are required to develop and implement a public awareness campaign to inform enrolled students and employees of the institution’s sexual assault policy. Part of the campaign includes providing students information regarding the protocol for reporting incidents of sexual assault, including contact information for the Title IX coordinator. The campaign would also provide counselors (to the greatest extent practicable based on the number of counselors employed by the institution) for each alleged victim or alleged perpetrator, or any other person who reports such an incident. It also allows an alleged victim or alleged perpetrator to drop a course in which both parties are enrolled without academic penalty.

SB 968 requires institutions to review their sexual assault policy every biennium and revise as necessary, with approval of the institution’s governing board.

SB 968 also includes a new electronic reporting option for certain offenses and defines “dating violence,” “sexual assault,” “sexual harassment,” and “stalking,” requiring each institution to provide an easily accessible electronic option for anonymous reporting, regardless of the location where the alleged offense occurred. The bill includes language allowing the Texas Higher Education Coordinating Board (THECB) to adopt rules to administer this section and the commissioner of higher education to establish an advisory committee to recommend rules for adoption under Subsection (e) to the THECB. This Act applies beginning with the 2017-18 academic year and requires each public or private institution to provide electronic reporting no later than January 1, 2018. **Effective on: Immediately**

**SB 1533 by Rodriguez/Moody – Relating to mental health first aid training for university employees.** This bill allows a university employee, eligible for training provided through Department of State Health Services grants for certain mental health first aid training provided by local mental health authorities. The bill expands the authorization for a local mental health authority to contract with a regional education service center to provide a mental health first aid training program to educators to include the provision of such a program to university employees, school district employees, and school resource officers. **Effective on: Immediately**

<b>Finance &amp; Operations</b>
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**HB 89 by King/Creighton – Relating to state contracts with and investments in companies that boycott Israel.** This bill amends the Government Code to require a governmental entity contracting for goods or services to include in its contract a written verification from the contracting company stating the company does not boycott Israel and

will not boycott Israel during the term of the contract. The bill requires the Comptroller of Public Accounts (CPA) to prepare and maintain a list of all companies that boycott Israel. Under certain circumstances, HB 89 requires state pension systems, and the Permanent School Fund to sell, redeem, divest, or withdraw publicly traded securities of a company that boycotts Israel. Pursuant to the bill's reporting and notification provisions, the Attorney General would receive both CPA's list of companies that boycott Israel and reports from state governmental entities regarding their divestment from listed companies. The bill grants the Attorney General civil enforcement authority with regards to the bill's provisions relating to prohibition on investment in companies that boycott Israel. **Effective on: 9/1/17**

**HB 355 by Raney/Buckingham – Relating to prohibiting certain sex offenders from residing on the campus of a public or private institution of higher education.** This bill prohibits certain registered sex offenders from residing on the campus of a public or private institution of higher education. This bill protects college students by prohibiting certain registered sex offenders from residing on the campus of a public or private institution of higher education. **Effective on: 9/1/17**

**HB 493 by Perez/Campbell – Relating to reporting requirements for the College Credit for Heroes program.** This bill establishes a reporting requirement for the College Credit for Heroes program. This bill requires the Texas Workforce Commission to submit to the legislature and governor concerning the college credit for heroes program the number of academic or workforce education semester credit hours awarded under the program and applied toward a degree or certification program at a public institution of higher education during the most recent academic year. **Effective on: 1/1/18**

**HB 846 by Raney/Menendez – Relating to the implementation of student financial assistance programs for veterans and their families.** This bill prohibits a public institution of higher education from imposing additional fees, obligations, or burdens concerning payment or registration on a student eligible for state or federal military related student financial assistance programs for military veterans or their family members that are not otherwise required by those programs to be imposed for the purpose of receiving that assistance. The bill requires an institution to provide for such a student to defer payment of tuition and fees if the receipt of military related financial assistance awarded to the student is delayed and requires the Texas Veterans Commission, in cooperation with institutions of higher education, to prescribe a standard deferment request form for such purpose. The bill does not prohibit an institution of higher education from requiring an applicable student to submit a free application for federal student aid (FAFSA). **Effective on: 9/1/17**

**HB 1424 by Murphy/Birdwell – Relating to the operation of an unmanned aircraft over certain facilities or sports venues; creating a criminal offense.** This bill came out of conference committee and amends current law to define “correctional facility,” “detention facility,” and “sports venue” and includes details of the operation of unmanned aircraft over any as a criminal offense (with the exception of a sports venue, where unmanned aircraft are required to be above 400 ft.). The bill includes Subsection 423.0046, for guidelines of operation of an unmanned aircraft over a sports venue. The Section does not apply to the federal government, state, or government entity. An offense under this section is a Class B

misdemeanor, unless there has been a previous conviction under this section. **Effective on: 9/1/17**

**HB 2812 by Oliverson/White – Relating to the use of certain lighting equipment on security patrol vehicles.** Amends current law relating to the use of certain lighting equipment on security patrol vehicles. Defines “security patrol vehicle” and authorizes a security patrol vehicle to only be equipped with green, amber or white lights. Effective date is September 1, 2018. **Effective on: N/A**

**HB 2908 by Hunter/Huffman – Relating to increasing the punishment for an offense committed against a person because of bias or prejudice on the basis of service as peace officer and to an education campaign regarding the importance of peace officers.** Amends current law relating to the punishment for a criminal offense committed against a person because of bias or prejudice on the basis of status as a peace officer or judge and increases a criminal penalty. Amends Article 42.014(1), Code of Criminal Procedure to require a judge, in the trial of an offense under certain statutes, to make an affirmative finding of fact that the defendant’s bias or prejudice against a group, including a peace officer or judge. The bill also amends Sections of the Penal code to add Subsections dealing with offenses relating to restraining or retaliating against a public servant, peace officer or judge if the actor knows the individual is a public servant, peace officer or judge, and additional offenses if the actor knows restrains or retaliates while they are lawfully discharging an official duty. The bill also amends Section 22.07 of the Penal Code, adding Subsection (c-1) that a threat to commit any violent offense to any person or property with the intent to place the person in fear of imminent serious bodily injury, is a state jail felony if the offense is committed against a person the actor knows is a peace officer. **Effective on: 9/1/17**

**SB 59 by Zaffirini/Kuempel – Relating to energy and water management planning and reporting requirements for state agencies and institutions of higher education.** This bill amends current law relating to energy and water management planning and reporting requirements for state agencies and institutions of higher education. SB 59 changes the due date of the State Energy Conservation Office’s (SECO) biennial report on the status and effectiveness of the utility management and conservation efforts of state agencies and higher education institutions. This would ensure that SECO has additional time to collect the necessary information for the report. SB59 also broadens the language concerning the percentage goals for reducing a state agency's or institution's energy use in its comprehensive energy and water management plan so as to account for other types of alternative fuels such as natural gas or electricity that agencies or higher education institutions may use. **Effective on: 9/1/17**

**SB 252 by V. Taylor/Davis – Relating to prohibiting governmental contracts with a company doing business with Iran, Sudan, or a foreign terrorist organization.** This bill amends Chapter 2252 of the Government Code, regarding contracts with governmental entities, including institutions of higher education, to prohibit such entities from entering into a contract with companies engaged in active business operations with Sudan, Iran, or a foreign terrorist organization. The bill requires the Texas Comptroller of Public Accounts to prepare, maintain, and make available to each governmental entity, a list of companies

known to have contracts with or provide supplies or services to a foreign terrorist organization. **Effective on: 9/1/17**

**SB 537 by Hinojosa/Lozano – Relating to requiring the disclosure of special course fees at public institutions of high education.** This bill require each public institution of higher education to include in the institution's online course catalog, a description and the amount of any special course fee, including an online access fee or lab fee, to be charged specifically for the course. **Effective on: Immediately**

**SB 736 by Hancock/Clardy – Relating to a report on the sale of retail electric power by the General Land Office.** This bill requires the General Land Office (GLO) to submit a report by September 1, 2018, to the Legislature regarding its sale of electric power. The report shall collect information as it relates to the number of participants, aggregate rates, general contract terms, and the extent of any fiscal impact on state resources of administering the program. **Effective on: 9/1/17**

**SB 966 by Watson/Neave – Relating to criminal offenses regarding the consumption or possession of alcoholic beverages by a minor.** This bill amends current law relating to criminal offenses regarding the consumption or possession of alcoholic beverages by a minor. The bill addresses the problem of victims and bystanders who are unlikely to report sexual assault when it may subject them to criminal charges for underage drinking. This bill provides “Good Samaritan” protections for victims or bystanders, who are minors committing an offense of consuming an alcoholic beverage, who report sexual assault to health care providers, law enforcement employees or a Title IX coordinator at the victim’s college or university. The bill amends Sections 106.04 and 106.05 of the Alcoholic Beverage Code by adding Subsections regarding these protections. **Effective on: 9/1/17**

**SB 968 by Watson/Alvarado – Relating to requiring certain public and private institutions of higher education to provide students and employees an option to electronically report certain offenses to the institution.** This bill, which came out of a conference committee, amends current law to apply to all “postsecondary educational institutions,” including private or independent institutions of higher education. It amends the definition of Sec. 51.9363 from “Campus Sexual Assault Policy” to “Sexual Assault Policy,” requiring each institution to adopt a policy on sexual assault (rather than a campus policy) applicable to each enrolled student and employee of the institution. Institutions are required to develop and implement a public awareness campaign to inform enrolled students and employees of the institution’s sexual assault policy. Part of the campaign includes providing students information regarding the protocol for reporting incidents of sexual assault, including contact information for the Title IX coordinator. The campaign would also provide counselors (to the greatest extent practicable based on the number of counselors employed by the institution) for each alleged victim or alleged perpetrator, or any other person who reports such an incident. It also allows an alleged victim or alleged perpetrator to drop a course in which both parties are enrolled without academic penalty. SB 968 requires institutions to review their sexual assault policy every biennium and revise as necessary, with

approval of the institution's governing board.

SB 968 also includes a new electronic reporting option for certain offenses and defines "dating violence," "sexual assault," "sexual harassment," and "stalking," requiring each institution to provide an easily accessible electronic option for anonymous reporting, regardless of the location where the alleged offense occurred. The bill includes language allowing the Texas Higher Education Coordinating Board (THECB) to adopt rules to administer this section and the commissioner of higher education to establish an advisory committee to recommend rules for adoption under Subsection (e) to the THECB. This Act applies beginning with the 2017-18 academic year and requires each public or private institution to provide electronic reporting no later than January 1, 2018. **Effective on: Immediately**

**SB 969 by Watson/Leach – Relating to requiring certain public and private institutions of higher education to provide amnesty to students who report incidents of sexual assault.** SB 969 amends current law relating to requiring certain public and private institutions of higher education to provide amnesty to students who report certain incidents, including sexual harassment, sexual assault, dating violence, or stalking. Section 1 of the bill amends Subchapter Z, Chapter 51, Education Code, by adding 51.9366 "Amnesty for Students Reporting Certain Incidents" and defines "coordinating board," "dating violence," "postsecondary educational institution," "sexual assault," "sexual harassment," and "stalking." Subsections (b-h) of the bill prohibit institutions from taking any disciplinary action against an enrolled student, who in good faith reports being the victim or witness to one of the aforementioned incidents, for a violation by the student of the institution's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any. It authorizes the institution to investigate to determine if the report of one of the aforementioned incidents was made in good faith. It also provides that a determination that a student is entitled to amnesty under Subsection (b) is final and prohibits the determination from being revoked. Amnesty doesn't apply to a student who reports their own commission or assistance in the commission of one of the aforementioned incidents and Subsection (f) prohibits the section from being construed to limit an institution's ability to provide amnesty from application of the institution's policies in circumstances not described by Subsection (b).

SB 969 authorizes the Texas Higher Education Coordinating Board (THECB) to adopt rules as necessary to implement and enforce the amended section and requires the commissioner of higher education to establish an advisory committee to recommend THECB rules for adoption. The advisory committee would have nine members appointed by the commissioner and each member is required to be a Chief Executive Officer (CEO) of the institution, or a designee of the CEO. The committee is required to submit recommendations to the THECB by December 1, 2017. The Act applies beginning with the 2018 spring semester. **Effective on: Immediately**

**SB 1501 by Zaffirini/Kuempel – Relating to the regulation of motor vehicle towing, booting, and storage and to the elimination of required state licensing for vehicle booting companies and operators; creating a criminal offense.** This bill repeals state licensing and regulation requirements for boot operators and booting companies effective September 1, 2018. The bill authorizes local authorities to regulate booting activities in areas

where the authorities regulate parking or traffic, including the authority to incorporate requirements for booting companies and operators, establish procedures for vehicle owners and operators to file complaints, provide for the imposition of penalties on a booting company or operator, and provide for the revocation of the authority to boot vehicles. SB 1501 also repeals the tow training license.

Section 18 of the bill addresses towing at universities. An individual designated by a university may request that a vehicle parked at a university parking facility be towed to another location on the university campus to facilitate a special event. The bill prohibits a vehicle from being towed from a university to facilitate a special event unless signs meeting specified criteria are installed on the parking facility for the 72 hours preceding towing enforcement for the special event and for 48 hours after the conclusion of the special event. There is language that requires personnel to be available if a vehicle is towed from a university to facilitate a special event to release the vehicle within two hours after a request for release of the vehicle and to accept any payment required for the release of the vehicle. The bill prohibits a university from charging a fee for such a tow that exceeds 75 percent of the private property tow fee established by rule of the Texas Commission of Licensing and Regulation. Language specifies that a vehicle towed from a university to facilitate a special event that is not claimed by the vehicle owner or operator within 48 hours after the conclusion of the special event may only be towed without further expense to the vehicle owner or operator and to another location on the university campus. The bill requires the university to notify the owner or operator of a vehicle towed to facilitate a special event of the right of the vehicle owner or operator to a hearing. This section also exempts a vehicle towed from a university to facilitate a special event from a provision requiring a towing company making a non-consent tow to tow the vehicle to a vehicle storage facility operated by a person licensed to operate the facility. **Effective on: Immediately<sup>2</sup>**

**SB 1649 by Watson/Moody – Relating to increasing the punishment for certain conduct constituting the offense of criminal trespass.** This bill amends the Penal Code by enhancing the penalty for repeated criminal trespassing on the property of a public institution of higher education. The penalty would be punishable as a Class A misdemeanor.

**SB 1782 by West/Clardy – Relating to the elimination of certain formula funding and dropped course restrictions for returning adult students at public institutions of higher education and to the tuition rate that may be charged to those students.** This bill requires the Texas Higher Education Coordinating Board to adopt rules in connection with institutions that require institutions to permit a student to drop one additional course under beyond the maximum number of courses permitted to be dropped under state law or institution policy, if a student has reenrolled at the institution following a break in enrollment covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment and successfully completed at least 50 semester credit hours of course work at the institution before that break in enrollment.

Further this bill requires THECB to include funding for the first 15 additional semester credit hours earned by a student who has reenrolled at the institution following a break in

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<sup>2</sup> This Act takes effect immediately, except Sections 7, 10, 20(b) take effect September 1, 2018 [tx.ag/OL8ke9X](http://tx.ag/OL8ke9X)

enrollment covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment and successfully completed at least 50 semester credit hours of course work at the institution before that break in enrollment in the coordinating board's funding formulas without consideration of certain restrictions, makes that requirement applicable beginning with funding recommendations for the 2020-2021 state fiscal biennium, and prohibits an institution of higher education from charging tuition to a resident undergraduate student at a higher rate based on repeated or excessive undergraduate hours for courses taken by the student that are required to be included by the coordinating board in its funding formulas under the bill's provisions. **Effective on: Immediately**

**SB 1849 by Whitmire/Coleman – Relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses and the confinement or release of those individuals prior to prosecution.** Amends current law relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement. The bill amends current law to require jails to have access to health and mental health professionals, either in person or through tele-health, automated sensors to ensure accurate cell checks, and an independent ombudsman office to oversee county jails. The bill also amends current law to improve training for jailers and creates a grant program for county jails to afford implementing changes set out in this bill. SB 1849 amends current law to increase officer training in de-escalation and mental health de-escalation tactics and improve data collection for traffic stops. **Effective on: Immediately**

<b>Student Affairs</b>
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**HB 355 by Raney/Buckingham – Relating to prohibiting certain sex offenders from residing on the campus of a public or private institution of higher education** This bill prohibits certain registered sex offenders from residing on the campus of a public or private institution of higher education. This bill protects college students by prohibiting certain registered sex offenders from residing on the campus of a public or private institution of higher education. **Effective on: 9/1/17**

**HB 492 by Craddick/Perry – Relating to a waiver for certain programs from youth camp licensing.** This bill amends current law relating to a waiver for certain programs from youth camp licensing. Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission. Amends Chapter 141 to authorize the department of State Health Services (DSHS) to grant a waiver from the requirements of this chapter (Youth Camps) to a program that meets certain criteria. It also provides that a waiver granted by DSHS is valid until the waiver is revoked for cause by DSHS. Authorizes a person who operates a program for which an application for a waiver under this section has been denied or for which under this section has been revoked to appeal the action in the manner provided for appeal of contested cases. Requires the executive commissioner of the Health

and Human Services Commission, as soon as practicable after the effective date of this Act, to adopt rules necessary to implement Section 141.0025, as added by this Act. **Effective on: 9/1/17**

**HB 2895 by Price/Seliger – Relating to the requirement that certain public institutions of higher education post mental health resources on the institution's Internet website.**

This bill requires institutions to create a web page dedicated to information regarding the mental health resources available to students at the institution applies regardless of whether those resources are provided by the institution. The bill requires such an institution to maintain a conspicuous link to the web page on the institution's website home page. **Effective on: 9/1/17**

**SB 966 Watson/Neave – Relating to criminal offenses regarding the consumption or possession of alcoholic beverages by a minor. Identical to HB 4015.** This bill amends current law relating to criminal offenses regarding the consumption or possession of alcoholic beverages by a minor. The bill addresses the problem of victims and bystanders who are unlikely to report sexual assault when it may subject them to criminal charges for underage drinking. This bill provides “Good Samaritan” protections for victims or bystanders, who are minors committing an offense of consuming an alcoholic beverage, who report sexual assault to health care providers, law enforcement employees or a Title IX coordinator at the victim’s college or university. The bill amends Sections 106.04 and 106.05 of the Alcoholic Beverage Code by adding Subsections regarding these protections. **Effective on: 9/1/17**

**SB 968 by Watson/Alvarado – Relating to requiring certain public and private institutions of higher education to provide students and employees an option to electronically report certain offenses to the institution.** This bill, which came out of a conference committee, amends current law to apply to all “postsecondary educational institutions,” including private or independent institutions of higher education. It amends the definition of Sec. 51.9363 from “Campus Sexual Assault Policy” to “Sexual Assault Policy,” requiring each institution to adopt a policy on sexual assault (rather than a campus policy) applicable to each enrolled student and employee of the institution. Institutions are required to develop and implement a public awareness campaign to inform enrolled students and employees of the institution’s sexual assault policy. Part of the campaign includes providing students information regarding the protocol for reporting incidents of sexual assault, including contact information for the Title IX coordinator. The campaign would also provide counselors (to the greatest extent practicable based on the number of counselors employed by the institution) for each alleged victim or alleged perpetrator, or any other person who reports such an incident. It also allows an alleged victim or alleged perpetrator to drop a course in which both parties are enrolled without academic penalty.

SB 968 requires institutions to review their sexual assault policy every biennium and revise as

necessary, with approval of the institution's governing board.

SB 968 also includes a new electronic reporting option for certain offenses and defines "dating violence," "sexual assault," "sexual harassment," and "stalking," requiring each institution to provide an easily accessible electronic option for anonymous reporting, regardless of the location where the alleged offense occurred. The bill includes language allowing the (THECB) to adopt rules to administer this section and the commissioner of higher education to establish an advisory committee to recommend rules for adoption under Subsection (e) to the THECB. This Act applies beginning with the 2017-18 academic year and requires each public or private institution to provide electronic reporting no later than January 1, 2018. **Effective on: Immediately**

**SB 969 by Watson/Leach – Relating to requiring certain public and private institutions of higher education to provide amnesty to students who report incidents of sexual assault.** SB 969 amends current law relating to requiring certain public and private institutions of higher education to provide amnesty to students who report certain incidents, including sexual harassment, sexual assault, dating violence, or stalking. Section 1 of the bill amends Subchapter Z, Chapter 51, Education Code, by adding 51.9366 "Amnesty for Students Reporting Certain Incidents" and defines "coordinating board," "dating violence," "postsecondary educational institution," "sexual assault," "sexual harassment," and "stalking." Subsections (b-h) of the bill prohibit institutions from taking any disciplinary action against an enrolled student, who in good faith reports being the victim or witness to one of the aforementioned incidents, for a violation by the student of the institution's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any. It authorizes the institution to investigate to determine if the report of one of the aforementioned incidents was made in good faith. It also provides that a determination that a student is entitled to amnesty under Subsection (b) is final and prohibits the determination from being revoked. Amnesty doesn't apply to a student who reports their own commission or assistance in the commission of one of the aforementioned incidents and Subsection (f) prohibits the section from being construed to limit an institution's ability to provide amnesty from application of the institution's policies in circumstances not described by Subsection (b).

SB 969 authorizes the THECB to adopt rules as necessary to implement and enforce the amended section and requires the commissioner of higher education to establish an advisory committee to recommend THECB rules for adoption. The advisory committee would have nine members appointed by the commissioner and each member is required to be a Chief Executive Officer (CEO) of the institution, or a designee of the CEO. The committee is required to submit recommendations to the THECB by December 1, 2017. The Act applies beginning with the 2018 spring semester. **Effective on: 9/1/17**

**SB 1367 by Menendez/Howard – Relating to policies and training regarding the use of**

**epinephrine auto-injectors by public institutions of higher education; providing immunity. Identical to HB 3851.** This bill allows each public institution of higher education to adopt and implement a policy regarding the maintenance, storage, administration, and disposal of epinephrine auto-injectors on the institution's campus. The bill requires such a policy to provide that personnel or volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on the institution's campus.

Should an institution choose to create such a policy this bill would require institutions to have volunteers authorized and trained to administer an epinephrine auto-injector present. The bill requires the supply of epinephrine auto-injectors at a campus to be stored in a secure location and be easily accessible to personnel or volunteers authorized and trained to administer an epinephrine auto-injector. The bill requires an institution of higher education, not later than the 10th business day after the date a personnel member or volunteer administers an epinephrine auto-injector in accordance with the institution's policy, to report specified information regarding the incident to the physician who prescribed the epinephrine auto-injector and the commissioner of state health services. The bill establishes reporting requirements on trainings. **Effective on: 9/1/17**

**SB 1533 by Rodriguez/Moody - Relating to mental health first aid training for university employees.** This bill allows a university employee, eligible for training provided through Department of State Health Services grants for certain mental health first aid training provided by local mental health authorities. The bill expands the authorization for a local mental health authority to contract with a regional education service center to provide a mental health first aid training program to educators to include the provision of such a program to university employees, school district employees, and school resource officers. **Effective on: Immediately**