

# TEXAS LAWYER

## Contrast in Bills Pending Before the 88th Texas Legislative Session

Elisa Reiter and Daniel Pollack | April 3, 2023



In 2021, we wrote an [article](#) addressing new Texas legislation that every lawyer should know about. We are tracking pending legislation, and hope to provide an update in Summer, 2023. In the interim, here in Texas, State Representatives and State Senators, lobbyists and constituents are all hard at work in Austin (and beyond), crafting new legislation to be considered by the 88th Texas Legislature. As always, there is a marked contrast in proposed legislation. Let's focus on some of the pending bills working their way through the legislative process.

Representative Julie Johnson (D) is the author of [Texas House Bill 1100](#). While H.B. 1100 remains a work in progress, the bill relates to the regulation of certain senior living facilities, with the goal in mind of securing seniors' safety. There is a companion bill in process, [S.B. 651](#). These bills seek to mandate criminal history checks for individuals working at such facilities, and further prohibit a senior living facility from:

1. Preventing or penalizing a resident from communicating with a law enforcement officer, a social worker, a family member or any other interested person regarding the safety and security at the facility;
2. Preventing a law enforcement officer or a court officer from entering a common area at such a facility to engage in a voluntary interview with a resident in the course of investigating criminal activity at the facility;
3. Including waivers of liability under Section 95.005 of the Texas Property Code in its residential lease agreements; and
4. Creates civil liability against senior living facilities for failing to comply with the terms of the (proposed) statute.

Why is this a cause for Representative Johnson? Rep. Johnson wants to secure the safety of elderly Texans. The case of [Billy Chemirmir](#) illustrated that many senior facilities do not advise residents when criminal activity takes place on site. [Shannon Dion, of Fort Worth-based "SOSS: Secure Our Seniors Safety"](#) hopes that Representative Johnson will consider two amendments to H.B. 1100:

1. Sign-in requirements and name ID badges for visitors at senior care facilities; and
2. Mandating that senior care facilities advise residents and their loved ones of any criminal activity impacting on elderly residents at said facilities.

Should hairstyle be a subject of commentary at a public school or places of employment? State Rep. [Rhetta Bowers](#), D-Garland drafted [House Bill 567](#) seeking to prevent schools and workplaces from discriminating regarding certain

hairstyles (such as braids, dreadlocks and twists). While the bill does not specify dreadlocks, it does mention “locks”, which can be used to describe hairstyles that include dreadlocks. Rep. Bowers proposed legislation is based on laws referred to as the [Crown Act, which were developed after two young men in Mont Belvieu, east of Houston](#), made international headlines in regard to discrimination based on their hairstyles. A companion bill is pending in the Texas Senate, initiated by [Sen. Borris Miles, D-Houston](#).

[S.B. 17](#), offered by Texas State Senator Brandon Creighton (R), seeks to prohibit “institutions of higher education from requiring or giving preferential consideration for certain ideological oaths or statements that undermine academic freedom and open inquiry and impede the discovery, preservation, and transmission of knowledge”, and in essence, seeks to undermine attempts to develop policies that embrace diversity, equity and inclusion (“DEI”). As presently drafted, S.B. 17 would preclude Texas public colleges and universities from having DEI offices, or from hiring within the school, or from hiring outside consultants to perform DEI functions. In its current form, the bill prohibits any public institution of higher learning from attempts “designed or implemented in reference to race, color, or ethnicity.” At present, S.B. 17 prohibits training or seminars “designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation” — unless such education is otherwise mandated by state or federal law.

Texas [House Bill 2889](#), propounded by state Rep. Bryan Slaton (R), would supply a homestead tax credit to “certain married couples” in the state with either biological or adopted children of any age. However, the bill specifically excludes LGBTQ couples as well as divorced parents with children, as well as others, from receiving tax benefits. For instance, if a couple had a child out of wedlock, or chose to adopt a child prior to marrying, such a couple would not receive the homestead tax credit. During this legislative session, Rep. Slaton [introduced bills](#) that seek to prohibit minors from attending drag show performances and that seek to classify gender-affirming health care for transgender youth [as child abuse under Texas law](#).

Will these bills pass as drafted? Will there be dealmaking across party lines? Do these bills protect the rights of Texas citizens, or seek to restrict the rights of some individuals? You be the judge. [Contact your legislators](#) if you wish to have your voice heard.

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