



Capitol Update 3-2-17

As things have been so busy in Austin this week, our Capitol Update is a few days behind our normal schedule. Naturally, we have much to share. Let's dive right in.



Citizens from Hood County visiting the Capitol to discuss legislative issues with myself and State Representative Mike Lang (R-Granbury) on "Hood County Day."

Senate Finance Committee & Budget Updates

The Senate Finance Committee recently finished its first four weeks of budget hearings, having received extensive testimony on all state agency budget requests. The committee began hearings on January 24 and was presented with budget requests from 167 agencies, boards and commissions. The committee will now turn its attention to making decisions about funding priorities. In a lean budget year, our members will be required to prioritize critical spending issues in order to pass a responsible budget that meets the needs of our state. That process is handled almost exclusively through "work groups," or small subsets of the committee focused on specific aspects of the state budget. I was humbled to be appointed to workgroups addressing Articles II and III. More on these work groups is discussed below.

Article II Work Group Assignment

Article II of the state budget represents the funding for all agencies relating to health and human services. This article currently makes up over 30 percent of our proposed all-funds budget this session. I look forward to working with my colleagues to make responsible recommendations to increase efficiencies in state healthcare policy, trim wasteful spending and to help the most vulnerable among our population.

Article III Work Group Assignment

In an effort to take a closer look at how Texas public schools are funded, a work group was appointed to cover school finance and to work toward a school finance system that is "less complicated, innovative, and most importantly, meets the needs of our students." The workgroup met in late January to hear testimony from groups and individuals with an interest in school finance, and a number of interesting ideas were discussed. It is my belief that this workgroup, and those who testified, have laid the groundwork to continue a productive conversation on how to fund our schools. I look forward to hearing more ideas throughout the Legislative Session and this upcoming interim.

Newly Authored Legislation

As we approach the March 10th bill-filing deadline, my team and I are still working on some final pieces of important legislation. Here are a few examples of bills I filed in the past two weeks:

- SB 612, *Ethics Commission Reform Bill* – This bill will seeks to implement several necessary reforms at the Texas Ethics Commission (TEC). The Legislature determines the powers and duties of the TEC, and the intent of SB 612 is to provide the TEC with clear direction on how to carry out these duties and to help

ensure elected officials and political action committees are in compliance with the laws passed by the Legislature, as well as providing a due process standard to protect those against whom a complaint is filed.

- SB 670, *Health & Human Services Appointments Reform* – The Health and Human Services Commission (HHSC) along with its subsidiaries, the Department of Family and Protective Services (DFPS) and the Department of State Health services (DSHS), account for roughly one-third of our budget. Currently, the HHSC Executive Commissioner is the only head of these three agencies appointed by the Governor and confirmed by the Senate. SB 670 would change that and require that the commissioners of both DFPS and DSHS also be appointed by the Governor and confirmed by the Senate.
- SB 750, *Package Store Bill* – Current Texas law limits the number of package store permits a person can hold to five. However, the law does not treat all Texans the same. Certain individuals and families are allowed to own more than five package stores while all other individuals are limited by law to five. SB 750 removes the anti-competitive cap on package store ownership and will allow all individuals to operate under the same set of laws, to return this retail commodity to free-market principles.
- SB 975, *High-Speed Rail Safety Bill* – As an outspoken opponent of the current high-speed rail project being proposed from Dallas to Houston and the negative impact it would have on the citizens I represent, my fight to stop this reckless project has not ceased. I filed SB 975 to provide a framework of security requirements to be followed during the construction and operation of any private high-speed rail line that might otherwise be constructed in the future. It also requires a high-speed rail authority to coordinate security efforts with state and local law enforcement, as well as disaster response agencies.



As one of my “Pastor of the Day” guests this session, Pastor Booker T. Washington of Galilee Baptist Church in Ennis did a magnificent job of providing the invocation for the Texas Senate earlier this month.

Joint-Authored & Co-Authored Bills

As always, I welcome the opportunity to lend my signature and support to colleagues who are filing quality legislation, such as:

- SB 7 (Bettencourt), *Inappropriate Educator Relationships* – Inappropriate educator-student relationships have been on the rise in Texas for a number of years. This is utterly unacceptable. In response, I am proud to co-author Senator Bettencourt's Senate Bill 7. Among some of the strongest aspects of SB 7 is the revocation of an educator's certificate if an individual receives deferred adjudication or have to be on the sex offender registry for any sex crime. This removes a teacher's ability to remain in the profession in the state of Texas. Additionally, SB 7 will expand reporting obligations to include principals and makes failing to report an incident a Class A misdemeanor criminal offense. Furthermore, SB 7 requires continuing education that would include preventing, recognizing and reporting inappropriate sexual conduct between an educator and a student. All together SB 7 sends a strong signal to all, inappropriate educator-student relationships will no longer be tolerated in the state of Texas or merely sent to a different school district elsewhere in the state.
- SB 24 (Huffman), *Sermon Safeguard Act* – In response to recent efforts by some city leaders to encroach upon religious leaders and organizations right to freely practice their religion. I am proud to co-author Senator Huffman's Senate Bill 24. SB 24 protects the First Amendment rights of religious leaders by prohibiting governmental entities from compelling them to divulge the contents of their sermons in civil proceedings. SB 24 is designed to protect religious leaders' First Amendment rights and prevent government overreach and intimidation.
- SB 25 (Creighton), *Wrongful Birth Cause of Action* – Many medical providers think as though current law incentivizes them to overcautiously promote abortions when there is any disability or abnormality during

pregnancy out of fear they will be sued for a disability they did not cause. It is my belief that all lives are equally valuable and should be cherished. SB 25 prohibits the wrongful birth cause of action in which parents seek legal action against their doctors for failing to inform them that their child would be born with a disability. SB 25 will not only protect doctors from frivolous lawsuits but also ensure that parents still receive the same information provided by doctors during the course of a pregnancy as they do now.

- SB 740-SB742 (Kolkhorst), *Eminent Domain* – Since the beginning of my time as your state senator, I have made strengthening private property rights one of my highest priorities. In continued pursuit of this goal, I have proudly signed on as co-author to a series of bills that seek to reform the eminent domain process and which make it fairer for private property owners. Key functions of these critical bills are:
 - One proposal will ensure that property owners are given more complete and detailed information as to how their land will be used by requiring the condemning entity to provide minimum property rights protection and delineate the uses for the condemned property. Many of these protections are specifically directed to pipelines and electrical transmission right-way-easements, as these condemning entities most often deviate from their specified purpose and are not subject to the voters at an election.
 - Another component of this legislative package requires a more fair process in which appraisals are submitted to a court during a contested condemnation proceeding. It requires a condemning entity to provide any appraisal it intends to use at a Special Commissioners hearing at least 3 days prior to the hearing, thereby applying the same standard for both the private property owner and the condemning entities.
 - Additionally, this legislative package includes a measure that requires a condemning entity to reimburse property owners for attorney's and professional fees in eminent domain proceedings where it is determined that the condemner's lowest offer for the property is 20 percent or more lower than the amount determined by a special commissioner or other court. This will help private property owners who are far too often forced to accept diminished compensation for their land in eminent domain cases because they cannot afford the legal costs to challenge the offer through litigation.
 - Another important aspect of this legislative package will allow a condemning entity to offer royalty payments or percentage of the net profits generated from the project as part of their bona fide offer. This is designed to allow landowners to more directly participate in projects as full partners with the potential to reap a benefit. It will also allow courts access to information to help them set a price that correctly reflects the market conditions in pipeline and power line condemnations.

Senate Committee on Nominations

As required by the Texas Constitution, the Governor submits names of nominees to the Senate for confirmation. The Committee meets once per week during the regular legislative session, to confirm or reject nominees appointed both during the legislative session, as well as the prior interim. So far this session the Committee has had the opportunity to recommend for confirmation several individuals to high profile positions, including the Texas Secretary of State, University of Texas System Board of Regents, and the Texas Tech University System Board of Regents. At upcoming hearings, we will review the State Board of Education Chair and the State Commissioner of Education.



Welcoming some sharply-dressed Honorary Senate Pages from Ellis County to my Capitol office. Great looking kids!

Honorary Pages, Pastors of the Day, and Legislative Days

The Senate provides a unique opportunity for young folks across Texas to come to the Capitol for a day to act as an Honorary Page. While here, the pages assist in making deliveries to various Senate offices, have the opportunity to sit on the Senate Floor if the Senate is in session on the day of their visit, and get their photo

taken with their respective Senator. Already this session, I have had Honorary Pages from both McLennan County and Ellis County, pictured above. If you would like more information on having your child be an Honorary Page, please contact Liz Sanchez in my Capitol office at 512-463-0122.

It's also my privilege to ask pastors from my district to come to Austin to serve as Pastor of the Day for the Senate to offer the invocation before the Senate. Thus far this session, I've had the pleasure of hosting Pastor Washington of Ennis—pictured above—and look forward to welcoming more of our men and women of faith from the district.

And of course, I always feel grateful to see constituents from Senate District 22 at the Capitol--students, citizens, and city and county leaders alike. We have had two large groups visit so far-one from my hometown of Granbury and Hood County, and one from Hill County. Some of the upcoming city and county groups we have scheduled are from Navarro County and the cities of Grand Prairie, Arlington and Waco.

My staff has been busy meeting with constituents and various interest groups to gain all the needed information for me to make an educated vote on each and every bill on which I may have the opportunity to vote. In just this week alone, my team has been meeting with groups like the Greater Fort Worth Builders Association, the Texas Dental Society, the Texas Wildlife Association, the Waco Cultural Arts Delegation, Superintendents from across the district, and many more engaging groups of individuals. We appreciate your visits to the office and the valuable information you share.

Thanks for reading, and God bless,



Brian Birdwell
State Senator, District 22

Austin: (512) 463-0122 // Waco: (254) 776-6225 // Granbury: (817) 573-9622
Brian.Birdwell@senate.texas.gov // www.senate.texas.gov