

Capitol Update 3-8-19

Greetings from your Texas Capitol! Things have been so busy in Austin these past two weeks with committee hearings starting and Gubernatorial declared emergency items coming up on the Senate floor, so I have much to share. Let's dive right in.



Citizens from Navarro County visiting the Capitol to discuss legislative issues with State Representative Cody Harris (R-Palestine) and myself on "Navarro County Day."

Senate Finance Committee & Budget Updates

The Senate Finance Committee recently finished weeks of budget hearings, having received extensive testimony on all state agency budget requests. The committee began hearings on January 22 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. Members will be required to prioritize critical spending issues 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 the workgroup addressing Articles VI, VII, and VIII. More on this workgroup is discussed below.

Article VI, VII, and VIII Work Group Assignment

- Article VI of the state budget represents the funding for all agencies relating to Natural Resources, including the Department of Agriculture; Animal Health Commission; Commission on Environmental Quality (TCEQ); General Land Office and Veterans Land Board; Parks and Wildlife Department; Railroad Commission; Soil and Water Conservation Board; and Water Development Board. As the Chairman of Natural Resources and Economic Development Committee, I'm happy for the opportunity to be engaged in the discussions involving appropriations made to agencies that fall under the purview of the committee.
- Article VII of the state budget represents the funding for all agencies relating to Business and Economic Development, including Department of Housing and Community Affairs; Texas Lottery Commission; Department of Motor Vehicles; Texas Department of Rural Affairs; Department of Transportation; and Texas Workforce Commission. This article currently is the third largest in our proposed state budget this session; only behind education and health care. I have been working with my colleagues to make responsible recommendations to ensure we are maintaining and funding new infrastructure while increasing efficiencies.
- Article VIII of the state budget represents the funding for all 24 of the State's regulatory agencies, including Texas Department of Licensing and Regulation; Texas Medical Board; Texas Department of

Insurance and many others. Ensuring these boards are working efficiently and effectively to provide licenses to our regulated industries is important to the state's economy.

Senate Passes Senate Bill 3

The Texas Senate unanimously approved SB 3 by Texas State Senator Jane Nelson (R-Flower Mound), providing a permanent \$5,000 annual salary increase for every classroom teacher and librarian in the state.

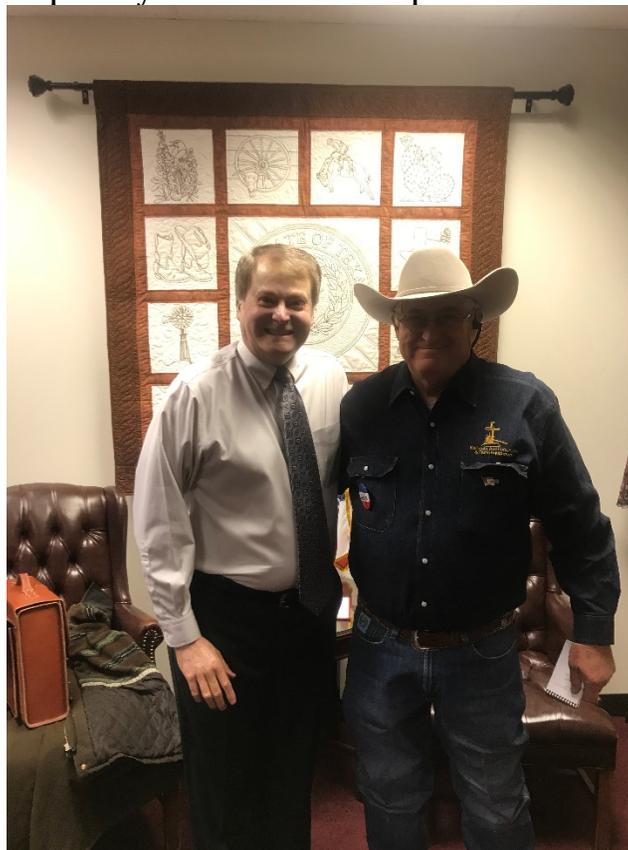
Specifically, SB 3:

- Establishes a new Classroom Teacher Salary Allotment;
- Directs that each classroom teacher and librarian is entitled to a \$5000 salary increase above their 2018-19 school year salary;
- Specifies that raise is paid for by the state;
- Clarifies that this bill does not preclude districts from offering merit raises; and
- Ensures that districts may not use these dollars to supplant current salaries.

Teacher pay was designated as an emergency item by Governor Abbott in his State of the State Address, and SB 3 is one step in the right direction to investing in Texas students and getting the best teachers in our classrooms.

Senate Committee on State Affairs

As expected, the Senate Committee on State Affairs is off to a quick start. Throughout the past few weeks, the committee has considered and voted upon important pieces of legislation. In response to Hurricane Harvey, we approved legislation streamlining the process of relocating Texas' court cases that could not be heard in their original jurisdiction due to damages caused by a natural disaster as well as legislation aimed at enhancing penalties for certain criminal activities carried out during a declared natural disaster. Additionally, the committee overwhelmingly passed legislation which strengthens sexual assault and sexual harassment reporting requirements for institutions of higher education. Moreover, I was proud to support Senator Nelson (R-Flower Mound) on Senate Bill 72, which establishes a statewide Human Trafficking Prevention Coordination Council to enhance coordination amongst state and local resources determined to combat this abhorrent and heinous crime. Senate Bill 15 by Senator Creighton (R-Conroe) was another important bill recently passed out of committee. This bill ensures a uniform, statewide, approach concerning employment regulations to further prevent onerous regulations of private employers that would deter job creation. Finally, this past week we took up and considered a very important piece of legislation, Senate Bill 421 by Senator Kolkhorst (R-Brenham). This piece of legislation takes a comprehensive approach to reform eminent domain and the condemnation process in the State of Texas. As has been the case since I was first elected to office, I firmly believe in private property rights and look forward to continuing to work with Senator Kolkhorst on her legislation to provide greater transparency and fairness to this process.



Great to have Alvin Kaddatz from Hillsboro pop by the Capitol Office before he testified in support of SB 421 in State Affairs

Newly Authored Legislation

As we've reached the March 8th bill-filing deadline, my team and I have filed some final pieces of important legislation. Here are a few examples of bills I filed in the past two weeks:

- ***SJR 32/SB 2100*** – *Proposing a constitutional amendment to allow the transfer of a dog used for county law enforcement purposes to the dog's handler on the dog's retirement. This constitutional amendment and its enabling legislation amend the constitution and statute to establish the qualifications for retiring all law enforcement animals, including dogs and horses, used by state agencies, counties, and municipalities. In statute, these animals are considered salvage or surplus property and at the end of their service can only be auctioned, donated, or destroyed. This creates a*

problem when a law enforcement animal has exceeded their work capability or, they need to be retired because they are trained to work with specific handlers. SJR 32/SB 2100 would allow these animals to be retired and transferred to their handler, the handler's family, or another person who meets the necessary qualifications established by the legislation. Without this legislation, the animal will likely have to remain within the custody of the law enforcement entity instead of being able to transfer with the handler or the handler's family. Thanks to both Sheriff Wayborn from Tarrant County and Sheriff Edge from Ellis County for bringing this issue to my attention and helping me draft language to fix the problem.

- **SB 1516** - *Relating to liability for obtaining improper unemployment compensation benefits.* Through the passage of SB 1516, if an individual receiving unemployment benefits is inadvertently given an overpayment, the Texas Workforce Commission would have the ability to recover the overpaid compensation. Currently, if an individual is given more in their monthly allowance than they are supposed to receive, there is no mechanism for recovery. SB 1516 empowers the state to respond decisively in the face of such an error and ensure thoughtful stewardship of taxpayer dollars.
- **SB 1993** - *Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.* Current law provides very minimal criminal and civil liability for persons intending to damage critical infrastructure facilities, like pipelines, refineries, and electrical power substations. SB 1993 will close the gaps in current law to include criminal liability for a person who damages, destructs, vandalizes, defaces, or tampers with a critical infrastructure facility. It also includes penalties for a person who impedes, inhibits, or interferes with the operation or construction of a critical infrastructure facility as well as one who intends to do, but does not accomplish, those actions. It would do so by providing felony punishment to individuals committing these crimes as well as monetary punishment to business entities that compensate individuals for committing these crimes. In addition to the criminal charges, individuals and business entities would be civilly liable for damages to the property owner.
- **SB 1994** - *Relating to reporting requirements for certain accidental discharges or spills.* SB 1994 would require industrial facilities to notify appropriate local government officials whenever an accidental discharge or spill occurs which may cause pollution. Notification would be required to take place as soon as possible and not later than 24 hours after the occurrence. This bill is responsive to incidents that occurred during Hurricane Harvey, and addresses concerns posed to the legislature by local law enforcement and emergency response personnel who dealt with these types of incidents during and after the storm.

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 8** (Perry) – Texas experienced the devastating effects from Hurricane Harvey in 2017 and several large-scale floods in 2015. To create a more coordinated and collaborative statewide watershed-based flood plan that brings all stakeholders together to plan and mitigate floods in the future, this bill creates a network of regional watershed groups developed and overseen by the Texas Water Development Board (TWDB). SB 8 will help consolidate efforts across political boundaries for flooding solutions.
- **SB 17** (Perry) – Senate Bill 17 ensures that no person is excluded from seeking an occupational license nor, if already in possession of one, loses their occupational license based on their religious sentiment. This bill provides a defense to losing their license if the person comes in front of their occupational licensing board based on their speech or conduct, as long as their conduct or speech is based on their religious sentiment or sincerely held religious beliefs.
- **SB 22** (Campbell) – While the Legislature largely removed state funding from Planned Parenthood and abortion providers in 2011, that decision did not impact transactions made by political subdivisions at the local level. Senate Bill 22 seeks to correct that by prohibiting the state and political subdivisions from using taxpayer dollars to fund abortion providers and their affiliates, with exemptions for certain hospitals, physician offices, and residency programs.
- **SB 1891** (Hancock) – The current constitutional spending limit does not include state spending from general revenue-dedicated accounts, which account for nearly 2.5 percent of our state budget. SB 1891 addresses this issue by creating a "consolidated general revenue appropriations" spending limit that applies to the appropriation of general revenue, general revenue-dedicated funds, and general revenue-related funds. This additional limit would cap state appropriations from these consolidated funds at a rate of population plus inflation and would allow an exception to the limit for the purpose of a rebate of state taxes, tax relief, or costs associated with natural disaster recovery.

Senate Passes SB 10

On Tuesday, the Senate unanimously passed SB 10 by Senator Jane Nelson (R-Flower Mound), which establishes the Texas Mental Health Care Consortium to foster collaboration among health-related institutions with the goal of improving early intervention and access to mental health services, addressing psychiatry workforce issues, promoting and coordinating mental health research, and strengthening judicial training on juvenile mental health. All services under SB 10 require written parental consent. I was proud to be a joint author of this legislation and look forward to it being passed in the Texas House and on to Governor Abbott's desk.



Great to see friends Peggy and Bill Johnson from Waco.



Meeting with the Copp family from Waco discussing the unique challenges of families with special needs children.

Thanks for reading, and God bless,

Brian Birdwell

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