



## **Senator Birdwell's Capitol Update (4-25-19)**

Greetings from your Texas Capitol! The clock is ticking, and with only 32 days left in the regular legislative session, this is a critical time for many of the bills filed by the 181 members of the Texas legislature. I'm pleased to report that 19 of my original bills have already passed the in the Senate—21 by the time this will hit your inbox—as have dozens of other good measures that I have jointly authored with individual colleagues. As always, however, we're aiming for quality—not quantity. Let me update you on a few of these issues below.

### **Senate Bill 2 Passed the Senate (Property Tax Reform)**

Over the past 18 months, I have been listening to my constituents and elected officials with whom I share those same constituents. The citizens of Senate District 22 and Texas have demanded property tax reform, and Senate Bill 2, of which I am now a co-author, will have a significant effect on curtailing the rapid growth in property valuations and rate of growth in property tax bills that is, in its current form, unsustainable. Senate Bill 2 as passed out of the Senate puts a 3.5% rollback trigger on the rate all local government entities, apart from school districts whose rate is 2.5%, can raise taxes without triggering an automatic public vote. The bill will also provide for an exemption to geo-political subdivisions for indigent defense costs that impact all the counties but disproportionately impact the small rural communities. SB 2 allows for an increase in tax rates only if a county's indigent defense expenditures exceed the amount of those expenditures for the preceding year, helping alleviate these unpredictable expenses that can vary drastically based on how many crimes are committed, and the financial limitations on that person, within that county in a single year. SB 2 strengthens voter-approval and provides a balance between both fast-growing, more suburban counties like McLennan and the northern counties that abut the DFW metroplex, as well as the more rural counties in the district. Texas is number 3 in property tax rates across the country. Senate Bill 2 lets the people vote on any yearly property tax increase above the 3.5% rollback rate for local government entities and 2.5% for school districts and give voters more control over the rate of growth. Senate Bill 2 is now in the House for consideration.



*Pictured here with Senator Ted Cruz, Senator John Cornyn, Lt. Gov. Dan Patrick, and the Senate Republican Caucus at a press conference discussing the crisis at our Southern border.*

### **My First Bill to make it to Governor Abbott's Desk (SB 533)**

One of my bills is now on its way to the Governor's desk. Senate Bill 533 revives a program which provides severance tax relief for oil and gas wells that have been returned to active status, after two years or more of inactivity. The goal of this legislation is to incentivize operators to bring inactive wells back into production. Bringing inactive wells back into production provides benefits to the state and local governments through increased sales taxes, property taxes, employment, and eventual severance taxes from production. The bill also reduces the time period for the severance tax exemption from 10 years in the previous program, to 5 years; and has no cost to the state. Providing an incentive to bring inactive wells back online may also reduce the taxpayer burden on the Rail Road Commission's (RRC) abandoned well program and we should take every opportunity to lessen the burden on the state taxpayers to plug dangerous abandoned wells. Representative Chris Paddie

(R-Marshall) was the House sponsor for this legislation. It received final passage from both chambers and is now on its way to Governor Abbott's desk.

### **Our Work in the Senate Natural Resources and Economic Development Committee**

This session has been my first as Chairman of the Senate Natural Resources and Economic Development Committee, and I have enjoyed diving straight into the subject matter. Several of the bills I've filed have gone through this committee as well as many other good pieces of legislation. I wanted to highlight a few of those below:

- **Senate Bill 698 by Birdwell** – This bill gives the Texas Commission on Environmental Quality (TCEQ) the ability to dedicate additional employees to expedite the processing of air permit applications to ensure the State of Texas remains an economic leader and continues to be a favorable place to conduct business. There has been a significant increase in the number of air permit applications submitted to TCEQ, which has resulted in increased processing times--with some applications taking up to two years to process. Speed at which a company can receive a permit affects decisions on whether to expand or bring a business into the State. By allowing TCEQ to use additional employees dedicated to the expedited processing of air permit applications, the TCEQ will be better suited to meet industry demand and reduce processing times to ensure Texas continues to be the economic engine of the United States.
- **Senate Bill 1400 by Campbell** – SB 1400 ensures that the Alamo Cenotaph cannot be moved from its current location unless the move is approved by at least two of the following three entities: 1.) General Land Office; 2.) Texas Historical Commission; and 3.) the Daughters of the Republic of Texas (DRT). This will help provide assurance to Texans that the Defenders of the Alamo and their sacrifice are appropriately honored and it brings DRT back to the table as a decision making entity.
- **Senate Bill 1516 by Birdwell** – SB 1516 was successfully voted out of committee and out of the Senate Chamber on April 16th. The bill would enable the Texas Workforce Commission to recover unemployment benefits that were paid out to recipients in error, ensuring that no one is unfairly allowed to keep benefits that they should not have received. The bill has now been sent to the House of Representatives for review, most recently being referred to the House Committee on Business & Industry.
- **Senate Bill 1663 by Creighton** – SB 1663 deals with the alteration, removal, or relocation of state or local monuments, such as memorials, designations, statutes, portraits, plaques, seals, symbols, cenotaphs, building names, bridge names, park names, area names, or street names that are on state or local property. Under the bill, a monument or memorial in existence for at least 25 years could only be removed, relocated, or altered if authorized by a concurrent resolution by a 2/3rds vote of each house of the *legislature*. Local monuments, such as those in cities or counties that are not on state property, in existence for at least 25 years could only be removed, relocated, or altered if authorized by approval of a majority of *voters* in the municipality or county. Monuments, whether on state property or local property, in existence for less than 25 years could only be removed, relocated, or altered by action of the commissioners court, city council or governing board that owns and erected the monument. Recently, we have seen colleges, cities and activist groups remove monuments that they deem controversial. This bill ensures there is adequate debate and input before something is removed, and requires public input and a comprehensive study take place before monuments that meet a certain criteria are destroyed.

### **Senate Passes Bills to Protect Retired Law Enforcement Animals (SB 2100/SJR32)**

Last summer, Sheriff Waybourn from Tarrant County and Sheriff Edge from Ellis County approached my office regarding issues each of them were having relating to K-9 service dogs. In Tarrant County specifically, the deputy specifically trained to handle the animal had retired from the force, and the dog had exceeded its work capability. Unlike his handler, however, the dog could not be legally retired. Current Texas law classifies law enforcement animals as state, county, or municipal salvage or surplus property that can only be auctioned, donated, or destroyed; not retired. Sections 51 and 52 of Article III of the Constitution also generally prohibits the state, a county, a municipality, or other political subdivision from transferring valuable property to a private person or organization for no payment to the government. This creates a problem when a law enforcement animal has exceeded their work capability or they need to be retired due to the fact that they are trained to work with specific handlers. My bills, SJR 32 and SB 2100, solve a statewide dilemma, brought to my attention by these two local sheriffs, by amending the constitution and statute to permit counties and cities to transfer a law-enforcement dog, horse, or other animal to the animal's handler or other qualified caretaker for no consideration on (meaning no payment or fee) at the time of the animal's retirement, or other time in the animal's service life. Few people are qualified to humanely care for and properly supervise a police dog or horse, and these animals need to be cared for by a capable individual at the end of their service. These bill protect these animals to ensure they are going to a proper home after their retirement from service and save taxpayer dollars from continued housing and care of the animal.



*I'm pictured here with three young men from the Schreiner Shooting Stars National Championship team. From L-R, Key Stickland from Johnson County, Colton Back from Erath County (Grandparents live in Hood County), and Brendan Eaglen from Ellis County.*

### **Senate Passes Bill to Protect Integrity the Election Process (SB 9)**

Senate Bill 9 by Senator Bryan Hughes (R-Mineola) passed out of the Texas Senate last week. This important piece of legislation is aimed at providing greater integrity to a variety of policies and procedures governing our elections system. One of the main components of SB 9 is a requirement that all voting systems have a voter verifiable paper audit trail. Paper trails have been proven valuable in verifying vote totals in contested elections as well as conducting randomized audits to confirm electronic systems are functioning properly. Additionally, SB 9 requires an automatic recount if the total number of votes cast in a precinct exceeds the number of registered voters in that precinct, addressing discrepancies recently witnessed in precincts throughout the state. Finally, SB 9 contains a number of provisions addressing issues observed around the state related to mail-in voter fraud and improper assistance of voters by third parties. There is nothing more important to the preservation our democracy than the integrity of our elections system and it was for this reason I was proud to support SB 9.

### **Senate Passes Bill to Prohibit Tax Payer Funded Lobbying (SB 29)**

Senate Bill 29 by Senator Bob Hall (R-Edgewood) prohibits any political subdivision's governing body from spending taxpayer dollars for the purpose of lobbying for or against any piece of legislation before the legislature. While fundamentally I agree with this principle, for the legislature too represents and works on behalf of the people, it is critical that the practical effect of this prohibition does not limit an individual's right to voice their opinion before the legislature, regardless if they are privately or publically employed. For this reason, I was pleased to see SB 29 make clear an employee or officer of a political subdivision maintains the right to come before the legislature to provide information or express their opinion on any legislation being considered by the legislature. Constructed in this manner, SB 29 finds the appropriate balance between protecting taxpayer dollars from inappropriate professional lobbying expenses and maintaining any individual's right to express their opinion before the legislature, irrespective of their employer.

As always, I hope our Capitol Update is informative and that you'll share it with your friends, family and colleagues in Senate District 22, who may subscribe to the Capitol Update [by clicking here](#). You can follow us on Twitter and Facebook, or keep in touch with legislative happenings via [www.capitol.state.tx.us](http://www.capitol.state.tx.us) or via my Senate website by clicking the screenshot below.

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](mailto:Brian.Birdwell@senate.texas.gov) // [www.senate.texas.gov](http://www.senate.texas.gov)