



Senator Birdwell's Capitol Update (5-9-23)

Greetings from your Texas Capitol! The clock is ticking, and with only 21 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 22 of my original bills have already passed the Senate—and one already on the Governor's desk!—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 11 Passes the Senate Unanimously (Keeping our Schools Safe and Secure)

On June 1, 2022, Lieutenant Governor Dan Patrick appointed me to the Senate Special Committee to Protect All Texans. The Committee, chaired by Senator Robert Nichols, studied ways to ensure students can enjoy a quality education in a safe environment. SB 11, by Sen. Nichols was the result of this committee's work over the interim. The bill adopts a new structure for schools to increase security and provides additional ongoing resources to schools for safety initiatives, including additional money to be used for making schools safer. SB 11 will make the school safety response structure more efficient and will help to establish better communication within the school system and with parents relating to school safety. In addition, SB 11 creates the Office of School Safety and Security within the Texas Education Agency to help school districts eliminate vulnerabilities for intrusion and to help schools establish active-shooter protocols. The new office will work with the Texas School Safety Center to develop guidelines, techniques, best practices, and procedures to improve the school safety and security of our schools statewide.

Senate Unanimously Passes SB 26 – Expanding Mental Health Care Beds Across Texas

SB 26 creates an "Innovation Grant" program to direct state funding to improve mental health bed capacity and services across Texas. SB 26 also increases accountability and transparency for Texas community-based mental and behavioral health authorities to better assess services provided and ongoing treatment needs and directs the establishment of statewide discharge planning from state hospitals to community placement options. The bill does this by requiring them to submit to regular performance audits and to increase data reporting related to the populations they serve to better assess needs in communities. Additionally SB 26 directs the development of incentives to support long-term placement for elderly Texans with intense behavioral health needs.

My First Bill to make it to Governor Abbott's Desk (SB 1017)

One of my bills is now on the Governor's desk. Senate Bill 1017 will prevent political subdivisions in Texas from adopting or enforcing any regulation that prohibits or restricts the use, sale, or lease of an engine based on its fuel source. The bill would ensure that a political subdivision can still adopt or enforce regulations relating to an engine that does not effectively prohibit or restrict the engine and is not preempted by state or federal law. The bill would also prohibit political subdivisions from enacting regulations that would limit access to an energy source or that results in the effective prohibition of a wholesaler, retailer, energy producer, or related infrastructure that is necessary to provide access to a specific energy source. There has been a growing number of cities across the nation, including several in Texas, looking to ban gas powered lawn equipment being used by private citizens and/or businesses. Texans deserve the right to make choices for what is right for their homes and businesses. Policies that mandate a single energy source for their homes and businesses take away choices and raises prices for all customers. I am thankful for Rep. Brooks Landgraf and his staff for working with me on this legislation and helping get it through the House and to the Governor's desk.



Pictured here with Baylor President, Dr. Linda Livingstone, her chief of staff, Tiffany Hogue, Rep. Doc Anderson, and all of the Baylor Bullock Scholars on Baylor Day at the Capitol. The Bullock Scholars are part of an internship through Baylor which students come and work in the Capitol during session. Happy to have our own Bullock Scholar, Allie Barnet, on Team Birdwell this session!

Our Work in the Senate Natural Resources and Economic Development Committee and the Senate Committee on Border Security

This session has been my third as Chairman of the Senate Natural Resources and Economic Development Committee, and my first as the Chairman of the Senate Committee on Border Security. Being a Chairman of two committees is a lot of work, but I have enjoyed diving into the subject matter in both! Several of the bills I've filed have gone through these committees as well as many other good pieces of legislation. I wanted to highlight a few of those below:

- **[Senate Bill 602](#) by Birdwell** – Currently, U.S. Border Patrol Agents are only authorized to detain individuals suspected of committing a federal felony offense. This power does not include the authority to arrest or detain such individuals under State law. This bill would grant a U.S. Border Patrol Agent the powers of a Texas peace officer to arrest and conduct search and seizure for any felony offense under Texas law in the border regions of the State. This grant of power would not qualify a U.S. Border Patrol Agent as a peace officer of the State. Currently, Texas has granted this power to 18 other federal agencies, and leaders in the Border Patrol have requested this authority to help Texas defend our border. The Texas Senate passed this bill out unanimously and it is currently in the House Calendars Committee waiting to go to the House floor for their consideration. Rep. Sam Harless is carrying this legislation in the House.
- **[Senate Bill 784](#) by Birdwell** – SB 784 provides that regulatory certainty by providing that to the extent not preempted by federal law, the state has exclusive jurisdiction over the regulation of greenhouse gas emissions in Texas. Greenhouse gas regulation cannot be piecemeal and political in the state of Texas. Texas businesses and individuals need regulatory certainty from the state and the appropriate regulator, the Texas Commission on Environmental Quality. This bill is also sitting in the House Calendars Committee waiting for consideration on the House floor. I have also worked with Rep. Landgraf on this bill and appreciate his working on moving it through the House.

- **[Senate Bill 1133](#) by Blanco** – SB 1133 will establish a grant program under the Office of the Attorney General to compensate landowners who suffered property damage on agricultural land by a trespasser in the course of smuggling of persons, bailouts, human trafficking, and drug trafficking. During our interim hearings for the Border Security Committee and my visits to the border counties I heard from many landowners who have suffered record financial losses and property damage in the form of destroyed crops, fence damage, farm equipment damage and lost livestock. Many of those property owners also have massive cleanup each week of vast amounts of trash and debris. SB 1133 is a direct result from that testimony and I was happy to be a coauthor on it. This legislation is also currently sitting in the House Calendars Committee.
- **[Senate Bill 1403](#) by Parker** – SB 1403 empowers participating states to share the resources and intelligence needed to strengthen their capabilities in addressing this crisis & to finish construction on our southern border wall. Texas will continue to lead and provide the necessary support to secure our border. SB 1403 empowers participating states to share the resources & intelligence needed to strengthen their capabilities in addressing this crisis & to finish construction on our southern border wall. Texas will continue to lead and provide the necessary support to secure our border. This legislation was voted out of the Senate 26-5 and is currently in the House Calendars Committee.
- **[Senate Bill 1420](#) by Birdwell** – SB 1420 clarifies and corrects confusing and sometimes contradictory provisions relating to the local hotel occupancy tax. The history of the local hotel occupancy tax, sometimes referred to as the HOT, dates to the 1960s, and the Tax Code has been amended many times over the decades. This bill seeks to increase transparency for the collection and use of hotel occupancy taxes as well as the qualified hotel project program. SB 1420 also addresses the significant increase in authorizations for the qualified hotel project program and concerns that unchecked growth of the program could lead to a deterioration of its intent and effectiveness. As such, the bill institutes a claw back provision to further ensure future projects are given the necessary consideration by local leaders to insure good stewardship of state revenue. Pleased to work with Rep. Doc Anderson on this legislation, which was voted out of the House committee last week after being passed Unanimously out of the Senate.
- **[Senate Concurrent Resolution 23](#) by Kolkhorst** – SCR 23 urges the federal government to declare foreign drug cartels as foreign terrorist organizations. Texas law enforcement have been forced to respond to the criminal activity resulting from foreign drug cartels which have drained resources from protecting local communities and are proving to be the main driver in the distribution of fentanyl. Texas has called upon the federal government to send increased border security resources and Texas taxpayers have spent billions responding to the lack of federal resources to the state.

Senate Passes [SB 1648](#)/ [SJR 74](#) Establishing the Centennial Parks Conservation Fund

SB 1648/ SJR 74 by Senator Tan Parker will provide a dedicated funding source for the acquisition, development, and maintenance of state parks in Texas. By creating this fund, the state hopes to ensure that Texans and visitors can continue to enjoy the beauty of Texas' parks for generations to come. The Centennial Parks Conservation Fund will provide stable, long-term funding for new park acquisition that will empower us to protect Texas' unique natural and cultural treasures, while making them accessible to our growing population.

Texas boasts some of the most beautiful and diverse natural landscapes in the country. Despite the state's abundant natural resources, many of its parks and wildlife areas are facing challenges that threaten their continued existence. One of the primary challenges is the lack of funding for the acquisition, development, and maintenance of state parks. In recent years, Texas has struggled to keep up with the demand for new parks and to maintain existing ones.



I was happy to have the Meridian ISD High school band, under the direction of Daniel Yguerabide, play in the Capitol Rotunda on April 17th.

SB 2565 (Creighton) – 21st Century Curriculum for Tomorrow's Leaders

Senate Bill 2565 by Senator Brandon Creighton provides school districts access to more and upgraded instructional material resources. School districts will still maintain the authority to use whatever materials they choose. The Texas Education Agency will provide the State Board of Education (SBOE)-adopted K-8th grade open educational resources to all districts, which they can choose to use. These materials are on-grade level and are designed to support students in mastery of the Texas Essential Knowledge and Skills (TEKS). SB 2565 provides a revised instructional materials review process which will help provide greater transparency regarding the quality of instructional materials to districts looking for new resources, as well as additional support for teachers and teachers-in-training that are using the state's open educational resources to maximize these materials' efficacy. Additionally, a parent portal for SBOE-approved materials and options for instructional materials reviews give parents ways to engage with the materials that their children are using to learn.

Senate Passes Bill to Prohibit Tax Payer Funded Lobbying (SB 175)

Senate Bill 175 by Senator Mayes Middleton 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 publicly employed. For this reason, I was pleased to see SB 175 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 175 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.

SB 1884 by Flores Passes Senate (Identifying & Sanctioning Corrupt Foreign Actors)

In 2020, Congress passed the United States-Northern Triangle Enhanced Engagement Act, which requires the U.S. Department of State to provide an annual report, the Engel List, on corrupt and undemocratic actors in the Northern Triangle countries. This report is used to hold corrupt actors accountable with sanctions such as asset freezing and denying visas. With foreign corruption spilling over into Texas, SB 1884 will establish such a list for Texas by requiring the Secretary of State's Office to post a report on its website identifying foreign nationals who have engaged in actions that undermine the security and sovereignty of this state, or in significant corruption in their home country. Sanctions can then be imposed on an individual or affiliated entity by denying an application

for or revoking any business registration obtained to do business in this state, prohibiting contracts with state agencies, and prohibiting attendance in public institutions of higher education. This report will be powerful simply for the attention it brings to corrupt actors and can truly be a dynamic and impactful means to fight corruption.

The Texas Data Privacy and Security Act (HB 4) by Rep. Capriglione (Sp. Sen. Hughes) Passes the Senate Committee on State Affairs and Placed on the Senate Intent Calendar

House Bill 4 by Representative Giovanie Capriglione, sponsored by Senator Bryan Hughes, is part of a larger movement by state legislatures to set standards for the collection and use of consumer data. The goal of the bill is to maximize both the utility of the rights provided to consumers and interoperability with other states to minimize compliance costs for businesses. In doing so, the Texas Data Privacy and Security Act aims to be the strongest data privacy law in the country. HB 4 seeks to provide Texans with the right to control their personal data. A person would be able know when data is being collected and correct and delete personal data that is stored. Additionally, they would be able to opt out of the collection and sale of personal data and the bill ensures that retaliation or discrimination would not arise from exercising these rights.



Always happy when we have a “Pastor of the day” from the district; Pictured here with Mark Roath from Acton Baptist Church in Hood County.

Update on New District Office in Arlington

As announced in my first Capitol Update from this session, with the changes from the redistricting process to Senate District 22, we will be opening an additional office in Arlington. We’ve had many delays in the opening of the office. With six new Senators and all of the Senate Districts changing, the Senate Support Services crew, who provide the furniture, phones, and help set up the offices, have been very busy setting up offices all across the State. We plan on being moved in by May 15th and will have the new phone number and office hours on my official Senate [website](#) once that is finalized next week.

The office will be located at 3900 Arlington Highland Blvd., Suite 265, Arlington, TX 76018. My Senior District Manager & Special Projects Coordinator, Shelly Verlander, will be operating out of this office as well as spending part of her time in my Granbury Office.

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](#). If you missed any of my previous Capitol Updates and want to read them too, you can find them [here](#)! You can follow us on Twitter and Facebook, or keep in touch with legislative happenings via www.capitol.state.tx.us or via my Senate [website](#).

God bless,

A handwritten signature in black ink that reads "Brian Birdwell". The signature is written in a cursive style with a large, prominent initial "B".

Brian Birdwell
State Senator, District 22

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