



## **Capitol Update (1-30-25)**

Greetings from your Texas Capitol! Just over a week ago, the peaceful transition of power from President Biden to President Trump took place, a practice described by Ronald Reagan in 1981 as “in the eyes of many in the world...nothing less than a miracle.” Even in this important week of events in Washington, D.C., the Capitol in Austin has been busy with activity. In the last two weeks alone, Lt. Gov. Patrick has announced the new Senate committee assignments, set high goals for the Senate Finance Committee with our bi-annual budget, and in the Senate and House alike, the business of planning, crafting and filing bills is happening swiftly. Constituents, public interest groups, and others are visiting with their legislators on a daily basis, informing elected officials and their staffs on the key issues they wish to see addressed this session. My team in the Austin office is taking as many as 12-15 meetings each day—a majority of them with constituent groups. I appreciate everyone who is contacting us on their legislative interests, and I continue to seek your input on the session. Let's dive right into this edition of the update.



*My wife, Mel, and I at the opening day ceremonies of the 89th Legislative Session.*

### **Committee Announcements**

One of the key functions of the Lt. Gov. is appointing Senators to serve on a number of standing committees which contemplate all legislation, broken up by subject matter, prior to bills potentially advancing to the Senate floor for a full vote.

On Jan. 17th, Lt. Gov. Dan Patrick announced Senate committee assignments for the 89th Legislative Session. I was extremely pleased to continue serving as Chairman of both the Senate Committee on Natural Resources, as

well as the Senate Committee on Border Security. I was humbled to be appointed as Chairman of two standing committees again this session and look forward to the rigorous workload that comes with it. As Chairman of Natural Resources, I will continue the great work we have done in the past three sessions as well as build on the countless efforts we put into the Border Security Committee since I became chair in 2022.

In addition to these roles, I am excited about the high volume of critical work ahead of me as a member of a rigorous slate of committees. A list of all my committees, including a brief description of their jurisdiction, is listed below.

***Natural Resources, Chairman*** — The Natural Resources Committee is responsible for holding hearings and reviewing legislation relevant to our oil and gas industry, air quality, waste, and environmental permitting and quality at the state and local level. This includes oversight of the Texas Railroad Commission and the Texas Commission on Environmental Quality.

***Border Security, Chairman*** — This committee will craft, review and submit legislation focused on securing the porous Texas-Mexico border, and through those steps, enhancing the security of all Texans. While border security is the responsibility of the federal government, Texas has devoted significant resources to combat the unprecedented threat that the State is facing. With the 2<sup>nd</sup> Trump Administration now in office, Texas has a faithful federal partner. While federal performance of duty is welcome, Texas will continue its current border security operations in order to supplement our new faithful partner.

***State Affairs, Member*** — As another comprehensive committee, the Senate Committee on State Affairs oversees legislation affecting Texas state government, including its interaction with state and federal entities. In addition, State Affairs has jurisdiction over topics such as the defense of constitutional rights and the government's proper role and function. Most recently, some of the following charges State Affairs held hearings throughout the interim over were: maintaining election security and efficiency, protecting Texas land and assets, stop noncitizen voting, right of self defense, and other elements of general government.

***Water, Agriculture, and Rural Affairs, Member*** — The Committee on Water, Agriculture, and Rural Affairs is responsible for a range of issues affecting the state's water resources, agricultural activities, and rural communities. I have worked on several of these policy areas while serving as Chairman of the Texas Sunset Advisory Committee three interims ago, as well as some crossover in my role as Chairman of the Natural Resources Committee, but this will be my first session serving on this committee and I look forward to this new assignment.

***Nominations, Member*** — The authority to make governmental appointments is one of the powers given to the Governor by the Constitution of the State of Texas. During a four-year term, a Governor will make approximately 3,000 appointments of state officials; members of state boards, university system board of regents, commissions and councils; members of task forces that advise the Governor or executive agencies; and judicial offices when vacancies occur. The constitutional appointments process for the vast majority of these boards and commissions requires that nominees must be approved by the Senate Committee on Nominations and confirmed by the Texas Senate. I am excited to return to my role on this Committee after serving as Chair in both the 84<sup>th</sup> and 85<sup>th</sup> sessions.

You can read more about the Senate standing committees and past interim reports here:

<https://senate.texas.gov/committees.php>.

### **First Bills Filed**

Thus far, I have filed fifteen pieces of legislation, though I anticipate filing several more in the coming weeks. The bill-filing deadline for both the House and Senate is March 14th. I am continuing to work on my priority legislation and expect to file those bills shortly. I will have a detailed explanation of those bills in the capitol update after filing. For now, here are highlights of the legislation I have already filed, and all can be found online [here](#):

**SJR 37**: Proposes a constitutional amendment clarifying that non-citizens of the United States may not vote in any election within the State of Texas. Should this bill affirmatively pass the legislature, the proposed constitutional amendment shall be submitted to Texas voters as a ballot proposition, in November of this year.

**SJR 38:** Proposes a constitutional amendment that provides the legislative branch with a mechanism in which to re-establish the checks and balances of the Texas government. If approved by the voters, this constitutional amendment stipulates that the Governor may not veto a bill that was passed by both chambers of the legislature by a vote of at least two-thirds of the members present. However, this constitutional amendment does not pertain to the Governor's constitutional ability to line-item veto sections of the budget.

**SJR 39:** This legislation would propose a constitutional amendment establishing an automatic veto session if the Governor vetoes legislation that received at least a two-thirds vote in one of the two chambers. The veto session will convene 30 days after Sine Die to consider vetoed legislation that received a two-thirds affirmative vote, and the veto session will last no longer than five days. The vetoed legislation will first be considered in the chamber that passed the bill by a two-thirds vote - regardless of which chamber originated the bill. This affords the legislature the opportunity to be heard after the Governor's decision and not have to wait two years to refile the legislation in the next regular session.

**SJR 40 and SB 871:** I re-filed two of my priority bills for this legislative session. This constitutional amendment will rebalance the legislative and executive responsibilities in times of disaster and emergency. These two bills passed the Senate 30-1 in the 2021 session and 30-0 last session (2023), as well as 12-0 out of the House State Affairs Committee, but did not make it to the House floor. Current disaster law, which is based on the Texas Disaster Act of 1975, was designed to empower the executive branch to oversee an unencumbered, uniform response to potential threats facing Texas. However, the Act was also intended to engage the legislative branch as a check to this power — a check of power that is conspicuously unavailable outside of the regular session, which lasts for 140 days every two years.

In the weeks ahead, I look forward to working with my Senate and House colleagues to get this legislation passed and to put the constitutional amendment in front of you this coming November.

**SJR 41:** In 2017, the Texas Legislature passed SJR 2 which formally called for a convention of the states under Article V of the United States constitution with a specific focus on imposing fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials and members of Congress. SJR 38 was also passed in the same session, which issued a call for a convention of the states with an established expiration date of eight years. Last session, I filed, and the Senate passed SJR 52, which would've extended the expiration date on Texas's call for a convention of states. My joint resolution for the 89th Legislature, SJR 41, will eliminate the sunset date on Texas's call for a convention of the states, removing its current expiration date.

**SJR 42:** SJR 42 proposes a constitutional amendment to replace the 60-day preclusionary period at the start of every legislative session to a 30-day preclusionary period. This allows the Legislature to consider and act on legislation sooner and have more opportunities to hear legislation during the legislative session. Additionally, this amendment would amend Section 5(c), Article III to require an affirmative three-fifths vote within either chamber to determine its order of business.

The Texas Legislature has a constitutional time stipulation of convening 140 days every odd year. Additionally, the first 60 days is limited to specific items outlined in Article III, Sections 5(b) of the Texas Constitution, further constraining the legislature's time and ability to consider important legislation. The first 30 days are devoted to emergency appropriations, confirming Governor appointees, and emergency items submitted by the Governor. The remaining 30 days the various committees should hold hearings for pending business and the Governor's emergency items. Either chamber can determine its order of business and forgo the 60-day stipulation with an affirmative four-fifths vote of its membership.

With Texas being a part time legislature, convening only 140 days every other year, the Legislature already faces a major time constraint to consider and pass legislation. The 60-day preclusionary period further limits the period of time in which legislation may be considered. Realistically, the legislature has 80 days to act on legislation every other year. Eliminating this provision would allow the legislature more time to consider and act upon legislation for the citizens of Texas within the entire 140-day session.

**SB 869:** In 2019, the Legislature adopted SB 548 into law which directed the Texas Ethics Commission (TEC) to either dismiss or propose a resolution for a formal complaint within a 120-day period; the only exception

would be if the complaint were to proceed to litigation. The TEC, however, adopted without explicit authority what is now Rule 12.23 (d), which provides the 120-day deadline is tolled (delayed) upon the issuance of a subpoena and resets "on the date the person to whom the subpoena is directed complies with the subpoena." SB 869 clarifies that during an investigation of an official complaint, the TEC must either dismiss or propose a resolution within a 120 period without tolling unless litigation is brought by the respondent or the commission regarding the complaint.

**SB 870:** In 2013, I supported, and Texas Legislators passed a bill that allowed for the appointments of school marshals by public school districts and open-enrollment charter schools. Current statute states that if appointed, school marshals are only permitted to conceal carry a handgun on school premises. This bill will authorize a school marshal, appointed by a school district's board of trustees or the governing body of an open-enrollment charter school, to open carry a handgun on school property while wearing a uniform that clearly identifies the individual as a school marshal.

**SB 872:** Under Texas law, burglary of a vehicle can range from a Class A misdemeanor to a third-degree felony dependent on various factors such as criminal history and type of vehicle. Currently, the only vehicle of a burglary offense in which specific items are taken is burglary of a wholesale distributor with the intent to steal a controlled substance. No other items are specifically mentioned within this section of code, leaving a gap regarding the theft of other dangerous items. For example, theft of a firearm during a vehicle burglary only qualifies as a Class A misdemeanor. This issue has been on the rise in recent years and poses serious public safety concerns. SB 872 aims to fill this dangerous gap in the law by creating the offense of theft of a firearm during the burglary of a vehicle. This offense will qualify as a third-degree felony in the Texas Penal Code. This legislation passed the Senate during the 88<sup>th</sup> session, 31-0 and House Criminal Jurisprudence 6-0. SB 872 aims to deter this criminal activity by increasing the penalty on would-be thieves, if convicted.

**SB 873:** In September 2024, the Texas Court of Criminal Appeals ruled in a 6 to 3 decision that the Texas Ethics Commission (TEC) has exclusive jurisdiction over campaign and election law violations listed in Chapter 571 of the Texas Government Code; which means that the agency is vested with the power to initially review and then refer election offenses for criminal prosecution. Due to this ruling, the alleged violations must first be presented to the TEC and its administrative remedies must be exhausted before a prosecutor may criminally charge a defendant. SB 873 removes the requirement to exhaust TEC's administrative and civil remedies as a prerequisite for campaign and election violations to be charged in a court of law. This change affords county, and district attorneys to prosecute at their discretion campaign and election law violations without waiting on the Ethics Commission process.

**SB 874:** Under current statute, an individual cannot serve on the school board or as an employee of a charter school if they have ever been convicted of a crime of "moral turpitude" which is undefined in the Texas Education Code. Because "moral turpitude" is not defined, a patch work of definitions that vary throughout the state have developed a barrier of entry for citizens who paid their debt to society and want to be involved in their children's education. SB 874 takes the definition of what is considered a "misdemeanor of moral turpitude" created via rulemaking in the Texas Administrative Code and defines it in the Texas Education Code, so that we have uniform definitions across multiple chapters.

**SB 875:** Presently under state law, Texas school officials may not use public resources to advocate for or against particular political candidates and/or groups of political candidates, but there is no penalty for such violations. SB 875 prohibits schoolboard members and superintendents from using official independent school district (ISD) resources or property for election activities by creating a criminal offense if a school official chooses to engage in this activity. This bill creates a Class A misdemeanor if a member of the school board or superintendent uses funds or ISD resources, including a district email, telephone, mailing list, or property, to electioneer for or against any candidate, measure or political party. Secondly, this bill creates Class B misdemeanor if the chief administrator of an ISD campus, a principal or superintendent, knowingly permits the posting of political signs for longer than 48 hours. However, if the school is a polling location, then political signs are allowed during voting periods where the school is a polling location.

**SB 876:** The Cresson Bypass – officially termed the US 377 Cresson Relief Route – is a three mile route just west of the city of Cresson. This bill will designate the newly constructed "Cresson Bypass" on US 377 connecting Hood and Johnson Counties as the Bob Cornett Parkway in honor of the late William "Bob" Cornett, who served as the



mayor of the City of Cresson from 2003 to 2020. The bypass, which Mayor Cornett was a driving force behind the project, was built to route traffic over the Ft. Worth Western RR switch yard and provides major relief to traffic between Hood and Erath Counties and the greater Fort Worth area.

**SB 878:** Citizens deserve input and transparency when their local governments use their tax dollars for economic development. The primary economic development agreements that are used to create those incentives are authorized by Chapters 380 and 381 of the Local Government Code. While there are several instances of beneficial and creative agreements between local governments and businesses, the statute is written broadly with minimal transparency measures. For example, some of these agreements would give a business a portion of local sales tax revenue for multiple decades without review and analysis during the life of the agreement. As such, SB 878 would require local governments to afford the citizens the opportunity to engage in public meetings following appropriate notice to the public while implementing sensible guardrails regarding the duration of each agreement. In particular, the bill will limit the duration of agreements to ten years with as many as three renewals up to five years each time, so long as the business meets the performance measures the local government is required to establish.

**SB 879:** This bill “cleans up” an issue that occurred when the Railroad Commission of Texas (RRC) worked to implement a bill I passed last Session that provided regulatory certainty for owners and operators by consolidating oversight of geothermal wells to one primary agency, the RRC. Previously, Texas law arbitrarily split oversight of geothermal wells between the RRC and the Texas Commission on Environmental Quality (TCEQ), causing confusion and uncertainty for individuals and businesses that sought to drill and operate a geothermal well. As the two agencies worked to transfer the relevant duties, it became clear that a provision in current law would impose certain, unnecessary requirements on some of the small, closed-loop geothermal wells that are more similar to basic water wells. In fact, these particular wells are often used to circulate water through pipes to use the earth’s heat to assist with air conditioning units and water heaters. SB 879 will fix the issue by granting an exception for small, closed-loop geothermal wells from the requirements that shouldn’t be applicable to those types of wells, while ensuring RRC will maintain the requirements necessary to appropriately regulate the larger wells.

### **Senate Bill 1: The 2026-2027 State Budget**

As I mentioned earlier, the Senate Finance Committee has begun the rigorous process of crafting the 2026-2027 budget. Though the budget the Senate negotiates with the House won’t get to the Governor’s desk till late April or early May and these numbers are not yet final, I wanted to provide you with a brief overview of some of the highlights from the Senate’s initial base budget offerings.

The 2026-2027 “All Funds” (state and federal funds combined) state budget, totaling \$332.9 billion, a decrease of \$55.3 million, or a zero percent change. Healthcare and Education make up 70% of the total All Funds budget. All State Funds total \$234.4 billion, an increase of \$9.7 billion, or 4.3%.

Some of the SB 1 highlights from the Lt. Gov.’s press release:

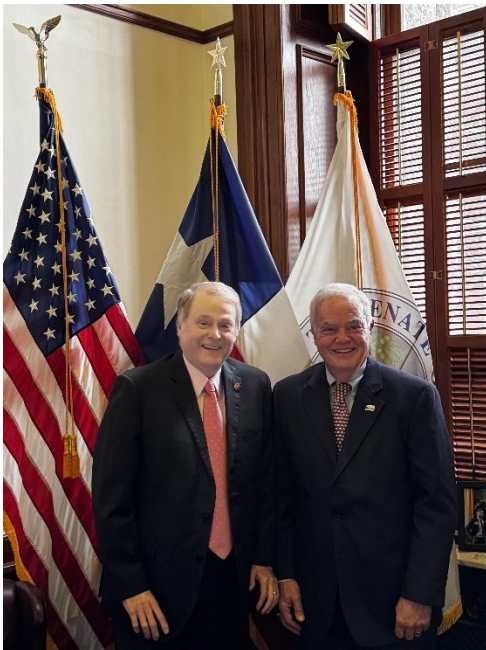
- \$32.2 billion to extend last biennium’s record-setting tax cuts, provide additional compression under HB 3 (86R, 2019), and increase the homestead exemption to \$140,000 for regular homeowners and \$150,000 for seniors. This brings the total state funds provided for property tax relief to \$51 billion since the passage of HB 3 (86R).
- \$73.1 billion in All Funds to fully fund the Foundation School Program, including enrollment growth.
- \$5.3 billion in additional funding for public education:
  - \$4.9 billion increase to the Foundation School Program for teacher pay and changes to the Teacher Incentive Allotment .
  - Teacher pay would increase \$4,000 for all teachers, plus an additional \$6,000 for rural teachers, resulting in a \$10,000 pay raise for our rural teachers to close the salary gap between our rural and larger school districts. The Senate passed several bills last session to close that gap, but all the bills the Senate passed to raise teacher pay died in the House.
  - \$400 million for school safety.
- \$1 billion for school choice.
- \$850 million to create a new higher education endowment to assist the capital infrastructure needs of career and technical education programs offered by the Texas State Technical College System (TSTC).

- \$46.5 billion from All State Funds for Health and Human Services for the 2026-2027 biennium, an increase of \$845.2 million, or 1.9%, from the 2024-2025 biennium. \$756 million to increase base wages for community attendants.
- \$6.5 billion to continue Texas' strong presence at the border and maintain current border security operations.
- \$402 million for 567 new Department of Public Safety troopers and 159 related enforcement personnel with needed equipment.
- \$5 billion for a second transfer to the Texas Energy Fund, for a grand total of \$10 billion, to continue to strengthen our electric grid.
- \$2.5 billion for comprehensive funding for water and flood infrastructure, emphasizing new supply development (will be in the supplemental budget).
- \$3 billion to create the Dementia Prevention and Research Institute of Texas (DPRIT).
- \$509 million for emergency preparedness and response capabilities, including \$315 million for seven new Texas Division of Emergency Management regional centers across the state, and \$194 million for the Texas A&M Forest Service to add additional specialized planes and helicopters to help with wildfire suppression (will be in the supplemental budget).
- \$40.4 billion for the Texas Department of Transportation for the 2026-2027 biennium. Texas has increased the transportation budget by \$17.3 billion since I became Lt. Governor in 2015.
- \$498 million to revamp the Texas Film Incentive, making Texas the movie capital of the world. It will consist of two parts: \$48 million in grants for small films and TV commercials, and up to \$450 million in new tax credits, including Texas residency requirements for workers. Texas gets \$4 back for every \$1 invested while creating new jobs for Texans.
- \$1 billion to reduce state obligations for unfunded pension liability (will be in the supplemental budget)
- \$10 million for the Texas Ranger Hall of Fame and Museum.

Though many people were involved in the budget-writing process, I applaud my friend and colleague, Senate Finance Chair Joan Huffman (R-Houston), for her steady leadership in her second session as chair. I look forward to the work over the coming months related to our bi-annual budget.

### **Capitol Visits from SD-22**

In just the past week alone, my team and I have enjoyed the honor of welcoming numerous constituents and elected officials from Senate District 22 at the Capitol! Citizens from Mansfield, Arlington, Waco, Stephenville, Ellis and Comanche County have made the trek to Austin to learn about the legislative process and voice their questions and concerns about Texas public policy. It is always my pleasure to see them and answer their thoughtful questions about the work of the Legislature, and to visit about the direct impact our work will have on them, the citizens we serve.



*Pictured on the left with Commissioner Christian of the Texas Railroad Commission and above with Comanche County Judge Stephanie Davis*

In closing, I want to thank you again for reading this update from 'Team Birdwell.' I hope you found it to be 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](#). And if you missed our last Capitol Update from Opening Day you can find it [here](#)!

God Bless,

A handwritten signature in black ink that reads "Brian Birdwell". The signature is written in a cursive, flowing style.

Brian Birdwell  
State Senator, District 22

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