



CAPITOL UPDATE 7-2-13

Greetings from your Texas Capitol!

With the regular session having adjourned at the end of May, the legislature went immediately into special session. Governor Rick Perry held the House and Senate in Austin to ratify the legislative and congressional redistricting maps into law, but later added the issues of transportation funding, juvenile justice and medical standards for abortion procedures to the agenda. I discuss each of these subjects in detail below, but before we move on, I want to briefly address the regular session.

Most of my colleagues agreed that there were three major priorities going into this legislative session: water, roads and public education. As is any session, there are highs and there are lows. On the high end, we made some important reforms in public education and took major steps toward implementing the statewide water plan. On the low end, we failed to address critical transportation infrastructure needs and our budget lacked substantive tax relief for Texas families and businesses.

Personally, I was proud to pass important statewide legislation—like our ‘Fast Start’ career-readiness program and our citizen-centric eminent domain reform bill—and specific local legislation—like our bill expanding Weatherford College into Hood County. I was also very pleased with our work on the Sunset Advisory Commission, and I’m looking forward to another session on that committee.

A more detailed run down of these issues and many others will be included in my biennial Capitol Update Newsletter, which will be sent out district-wide in August. With that, let’s talk about the first—and second—special session and other legislative news.

THE FILIBUSTER

By now you’ve no doubt seen the news coverage of the filibuster against SB 5, authored by Senator Glen Hegar (R-Katy), which I was pleased to co-author by myself and several other senators. This comprehensive pro-life legislation addresses medical best-practices for providers of abortion services in Texas and seeks to ensure the health and well-being of the mother and her unborn child. What you might not know, however, is the uncontrollable and unprecedented behavior of hundreds of protestors in the Senate gallery on Tuesday night not only sank SB 5, but two other important measures related to transportation funding and juvenile justice, which I will discuss in later paragraphs.

Though I was greatly disappointed with the fact that my colleagues and I were unable to complete the debate on Senate Bill 5—and other bills—in a coherent and professional manner, I am pleased that Governor Perry

has called the legislature back for a second special session to address issues of importance to the people of Texas. This second “called session,” or special session, began Monday and will last for 30 days or until our business has been completed.

TRANSPORTATION – SJR 1

Originally filed by Senator Robert Nichols (R-Jacksonville) as Senate Joint Resolution (SJR) 2 during the first special session, SJR 1 (as filed in the second special session) is a significant transportation bill which will help to expand/improve Texas roads and pay down debt, all without raising taxes or creating toll roads. I gave the statement below after voting for this bill during the first special session, and my stance on the issue has not changed.

“Today I voted in support of SJR 2, which proposes to Texas voters a constitutional amendment dedicating half of all oil- and gas-severance taxes currently transferred to the Economic Stabilization Fund (“rainy day fund”) to the state highway fund (Fund 6). This transparent dedication of revenue allows for the specific and limited purpose of construction, maintenance and right-of-way acquisition for public roadways. Equally important, SJR 2 also allows the state highway fund to repay the principal and interest on debt from Prop 12 transportation funding. While I had initial concerns about the utilization of the Economic Stabilization Fund for the creation of a constitutionally-protected revenue stream, I was graciously afforded the opportunity to work side by side with my colleague and the author of SJR 2, Senator Robert Nichols, to ensure a minimum balance was implemented for the protection of the Economic Stabilization Fund. I believe strongly that transportation funding must be prioritized within general revenue budgeting, and I will work to see that this happens in the future. Still, I am pleased that this innovative legislation will promptly serve to construct and maintain the crucial highway infrastructure of our rapidly growing state.”

JUVENILE JUSTICE – SB 2

Offered by Senator Joan Huffman (R-Houston) during the first special session as SB 23, the re-filed SB 2 updates the sentencing structure for juveniles convicted of a capital offense in Texas. Current state law permits life imprisonment without parole for a capital offender who is 17 years-old or younger. However, the U.S. Supreme Court recently declared that it is “cruel and unusual” to commit a juvenile to life in prison without the possibility of parole. As such, SB 2 will now require that anyone under the age of 18 convicted of a capital offense must be given an opportunity for parole in the future. This simple but important piece of legislation which will bring Texas law in line with constitutional requirements. Just like the transportation bill mentioned above, SB 2 died as a result of the filibuster on Tuesday.

PERRY SIGNS REDISTRICTING BILLS, FINALIZES MAPS

Though it may not be the final word in the state’s ongoing redistricting litigation, Governor Perry took a major step in finalizing the process by signing into law three bills which ratified the Texas House, Texas Senate and U.S. House maps. There will be no change to the current makeup of Senate District 22, which includes Bosque, Ellis, Falls, Hill, Hood, Johnson, McLennan, Navarro, Somervell Counties and a portion of Tarrant County. Additionally, while no major changes were made to the Texas or U.S. House maps within Senate District 22, you can visit www.fyi.legis.state.tx.us to find more information about your individual districts and those around the state.

U. S. SUPREME COURT RULING ALLOWS TEXAS TO ENACT VOTER ID

The Supreme Court held recently that Section 4 of the Voting Rights Act is unconstitutional. Section 4 determines which states must get federal government approval before changing voting laws or procedures, and Texas was one of the states that fell under this law. With this news, I am pleased to share that our Voter ID law – which I co-authored and helped to pass in 2011 – will finally be utilized, thus reducing voter fraud in

Texas. Beginning immediately, Texas voters will be required to show one of the following forms of photo identification at any polling location:

- Texas driver license issued by the Texas Department of Public Safety (DPS)
- Texas Election Identification Certificate issued by DPS
- Texas personal identification card issued by DPS
- Texas concealed handgun license issued by DPS
- United States military identification card containing the person's photograph
- United States citizenship certificate containing the person's photograph
- United States passport

With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 60 days before being presented at the polling place. Election identification certificates are now available only for voters who do not already have a required form of photo identification. There is no fee for the certificate. Information on how to obtain an election identification certificate can be found at www.dps.texas.gov or www.votetexas.gov.

TWO TRAGIC LOSSES FOR SD-22

Our condolences, thoughts and prayers go out to the family and friends of two fine public servants who were tragically slain in the line of duty during June. Hood County Sheriff's Deputy Lance McLean, 38, was shot while trying to stop an armed assailant and passed away the following morning. U.S. Army Specialist William Moody, 30, was killed by a Taliban attack during his third tour of duty in Afghanistan. Let us not forget their selfless service.

As always, I encourage you to check out live video coverage of the [House](#) and [Senate](#) and to track legislative activity on the [Texas Legislature Online \(TLO\)](#) website, especially during the special sessions. Until the next Update, I want to say thank you for your interest in the activities of [your](#) State Senate office and for your continued support!

God Bless,



Brian Birdwell
State Senator, District 22

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