



SENATOR BRIAN BIRDWELL

CAPITOL

82ND
LEGISLATIVE
SESSION

update

The Senate of The State of Texas

HIGHER EDUCATION, VICE-CHAIR
ECONOMIC DEVELOPMENT



VETERANS AFFAIRS, VICE-CHAIR
GOVERNMENT ORGANIZATION

Dear Friends,

Now that the 82nd Legislative Session has adjourned Sine Die and I am spending the vast majority of the time traveling and visiting with the constituents of SD-22, I wanted to take the time to update you on the highlights and accomplishments of the session.

Before and during the regular and special sessions, members of the Texas Legislature knew the challenges our state was facing, such as public and higher education, immigration reform, health care policy and the usage of key resources like energy and water.

Chief among these legislative challenges was our state's 2012-2013 budget. As you are certainly aware, Texas faced a historic budget shortfall for the upcoming biennium and nearly a \$4 billion deficit for the current biennium, both of which required tough decisions to be made over the past six months. To cover the 2010-2011 deficit, the Legislature used \$3 billion from the Rainy Day Fund and made \$1 billion in essential cuts to government, all the while leaving more than \$6 billion of the Rainy Day fund untouched. In order to balance the 2012-13 budget, I am proud to say that we balanced the Texas budget without raising taxes on citizens or businesses.

Beyond the budget, the Legislature passed important bills such as the voter photo identification requirement (Voter ID), reforms to further reduce frivolous lawsuits (Loser Pays), private property owner's rights reform (Eminent Domain), the expansion of the Woman's Right to Know Act/sanctity-of-life sonogram requirement (Sonogram Bill), and the affirmation of a citizen's right to store a firearm in their private vehicle in their employer's parking lot (Commuter Carry). These are just a handful of the important bills passed this session to ensure the essential protection of individual citizens, private businesses and taxpayer dollars.

Throughout the interim, I will be traveling to all 10 counties in the district, where I look forward to hearing from constituents and sharing some of my thoughts on the regular and special sessions. During this time, communicating with constituents will remain one of my top priorities, so I welcome and invite you to contact the Waco, Granbury or Austin office with your questions, comments or concerns.

Each day I am honored to serve the residents of Senate District 22, and I thank you for your continued support and prayer. I look forward to seeing you in the district soon!

God Bless,

Brian Birdwell
State Senator, District 22



82nd Legislature Highlights

BUDGET

Texas faced a historic budget shortfall during the 82nd legislative session. Although many tough decisions had to be made, I am proud to say that the legislature balanced the budget without raising taxes. To cover the 2010-2011 deficit, the Legislature used \$3 billion from the Rainy Day Fund and made \$1 billion in cuts, leaving \$6 billion in the Rainy Day Fund. With regard to the 2012-2013 budget, below are some specific numbers:

Total spending:

- ★ All Funds spending decreased by \$15.2 billion, or 8.1 percent, compared to 2010-2011 spending levels.
- ★ General Revenue spending decreased by \$1.6 billion, or 2.0 percent, compared to 2010-2011 spending levels.
- ★ “\$9.9 billion in federal American Recovery and Reinvestment Act (or “stimulus”) funds were used to offset state costs (i.e. General Revenue Funds) during the 2010-2011 biennium, primarily in Medicaid and the Foundation School Program (which are not “one-time expenditures”). This fact, in my opinion, created more problems for our state’s budget this biennium.



Senator Birdwell discussing legislation with Lt. Governor David Dewhurst and Senator Joan Huffman.

HEALTH & HUMAN SERVICES

- ★ Health and Human Services (HHS) accounts for \$54 billion, or 31 percent, of the State’s All Funds budget. It accounts for \$23 billion, or 26 percent, of the State’s General Revenue Funds.
- ★ HHS All Funds Spending decreased 17.2% and increased 3.2% in GR spending.

Medicaid

- ★ Of the \$54 billion in All Funds HHS spending, \$40.6 of that is spent on Medicaid alone (\$17.1 billion GR).
- ★ Medicaid is a federally mandated entitlement program over which the states have very little flexibility and have very little ability to contain costs.

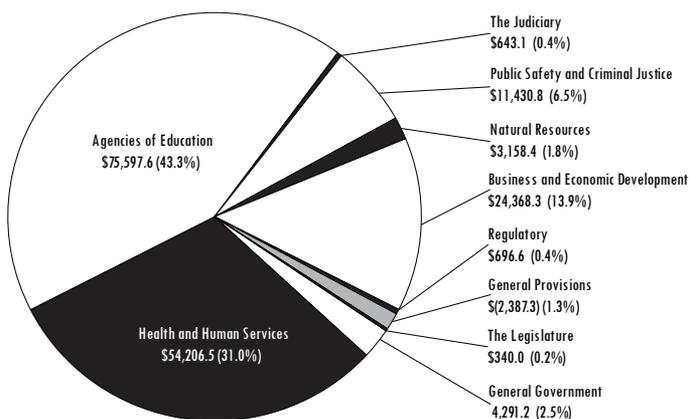
Other HHS spending

- ★ Mental Health Services funding maintained 2010-2011 service levels for community mental health programs and 2011 bed capacity at state mental health hospital beds.

ALL FUNDS

IN MILLIONS

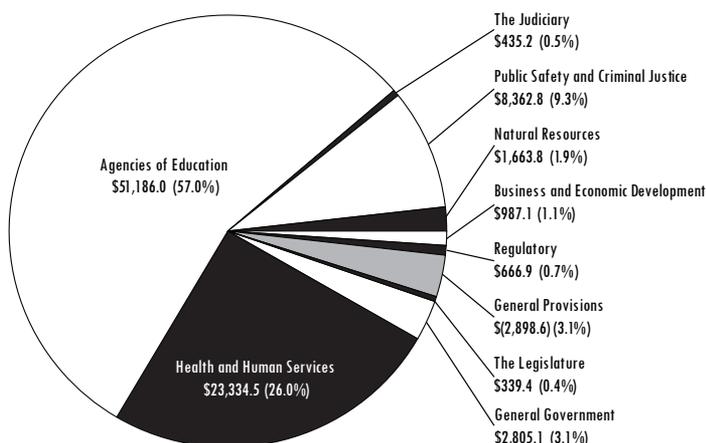
TOTAL = \$172,345.1



GENERAL REVENUE FUNDS AND GENERAL REVENUE-DEDICATED FUNDS

IN MILLIONS

TOTAL = \$86,882.2



PUBLIC EDUCATION

- ★ Education spending consumes \$51 billion, or 57 percent, of GR spending.
- ★ Overall, Public Education spending increased 0.2% All Funds and 9.0% GR.
- ★ \$32.3 billion is provided for the Foundation School Program (money given directly to school districts). This represents a \$1.6 billion increase in GR. However, total appropriations for the FSP are estimated to be about \$4 billion below the amount required to fund school finance formulas. This represents an estimated 5.6 percent reduction in state and local entitlements compared to current law.

HIGHER EDUCATION

- ★ Higher Education spending decreased 4.3% All Funds and 9.3% GR.
- ★ Higher Education spending was reduced by \$180 million in formula funding: a 5 percent reduction to General Academic institutions, 10 percent reduction to Health-related institutions and no reduction to community colleges.
- ★ No General Academic institutions received a reduction of more than 15 percent in total GR funds.
- ★ Funding was decreased to state financial aid programs. TEXAS Grants was cut 10%, Tuition Equalization Grants by 20%, Top 10 Percent Scholarship by 23%, and B-On-Time by 23 percent.

Senator Birdwell had a 100% attendance record during the 82nd Regular & Special Sessions

82nd Legislature Highlights

BORDER SECURITY

- ★ Border Security was one of the few areas of the budget that was increased. It was increased \$108.5 million above 2010-2011 biennial spending levels.

OTHER MAJOR BUDGET ITEMS

- ★ Public Safety/Criminal Justice All Funds spending decreased 5.3 percent .
- ★ Natural Resources All Funds spending decreased 13.4 percent (23.3% GR).
- ★ Business and Economic Development All Funds spending decreased 40.3 percent (19.1% GR).
- ★ Transportation All Funds spending increased 3.9%.



Texas State Technical College (TSTC) Presidents were honored in the Senate Chamber. Pictured, from left to right are Senator Brian Birdwell, TSTC West Texas President, Gail Lawrence; TSTC Harlingen President, Dr. Cesar Maldonado; TSTC Marshall President, Colonel Randall Wooten; TSTC Waco President Dr. Elton Stuckley; Chancellor Mike Reeser; and Senator Eddie Lucio.

During the 82nd Regular Session, 5,796 bills were filed, 1,379 became law, and 24 were vetoed. In the 82nd Special Session, 114 bills were filed, 8 became law, and 0 were vetoed.

COMMITTEE ASSIGNMENTS

Senator Birdwell currently serves on four Senate Committees: Higher Education, Veteran's Affairs and Military Installations, Economic Development, and Government Organization. He serves as Vice-Chairman on both the Senate Committee on Higher Education and Veteran's Affairs & Military Installations. Below are highlights of what each committee accomplished during the 82nd Legislature.

Higher Education

This session, the Senate Committee on Higher Education passed several bills aimed at improving graduation rates, lowering the cost of attending college, and maximizing the use of financial aid dollars by adding a merit component to TEXAS Grants.

Senate Bill (SB) 28 established priority criteria for the TEXAS grant program. Under this new law, higher education institutions must prioritize students who have met two of four academic criteria. If a student meets two of these criteria, the student is placed ahead of those students who do not meet the criteria. Once an institution has provided all academically prioritized students with a TEXAS grant, it can then distribute remaining funds to need eligible yet academically ineligible students. During times of budgetary constraints, the state must decide to most efficiently use limited dollars, and this change to TEXAS grants will help to maximize state grant dollars per graduate. By prioritizing students who have demonstrated higher levels of academic ability and therefore a greater probability of graduating, the state will receive a greater return on investment on limited state dollars.

House Bill (HB) 9 granted the Texas Higher Education Coordination Board the authority to make recommendations to the legislature to implement "outcomes-based funding" centered on graduation rates. If the legislature implements such recommendations in the future, this approach would encourage universities to improve their students' success by incentivizing universities to improve student outreach, course rigor, and graduation rates. Better results mean more bang for the buck for Texas taxpayers.

HB 33 put into place some simple guidelines for both universities and textbook publishers in an effort to create a fairer, market-based textbook market. The new guidelines will give students more time to shop around for the best textbook prices, allow them to see what books are required before enrolling in a course, and prevents the unfair practice of "bundling" (which previously forced students to buy unnecessary instructional materials along with the book they needed).

Veteran's Affairs & Military Installations

During Session, the Veteran's Affairs & Military Installations Committee oversaw all matters pertaining to the relations between the State of Texas and the federal government involving defense, emergency preparedness, and veterans issues; the various branches of the military service of the United States; the realignment or closure of military bases; the defense of the state and nation, including terrorism response; emergency preparedness; veterans of military and related services; and various state agencies.

Economic Development

The Senate Committee on Economic Development handles legislation relating to workforce training, economic and industrial development, development and support of small businesses, job creation and job-training programs, and matters relating to unemployment compensation. This session, the committee worked hard to create transparency in economic programs so that

taxpayers can see where money is being spent and whether those investments are yielding returns.

Government Organization

The Government Organization committee is responsible for overseeing the organization, operation, powers, regulations, and management of state departments, agencies, institutions, and advisory committees; eliminating inefficiencies in the provision of state services; and handling all Sunset Advisory Commission legislation. This session, the committee reviewed the following agencies that were undergoing their Sunset Review process: the Texas Railroad Commission, the Texas Department of Insurance, and the Texas Department of Transportation.



Senator Birdwell speaking at a Senate Committee on Higher Education hearing.

What's on the November 2011 constitutional amendment ballot?

The following proposed amendments to the Texas Constitution will be decided by voters in the upcoming election on November 8, 2011. Visit the Secretary of State online at www.sos.state.tx.us for more information.

Proposition 1 (S.J.R. 14) authorizes the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

Proposition 2 (S.J.R. 4) would provide for the issuance of additional general obligation bonds by the Texas Water Development Board in an amount not to exceed \$6 billion.

Proposition 3 (S.J.R. 50) would empower the legislature to authorize the Texas Higher Education Coordinating Board or its successor to issue and sell state general obligation bonds for the purpose of financing student loans.

Proposition 4 (H.J.R. 63) authorizes the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area and to pledge for repayment of the bonds or notes increases in ad valorem taxes imposed by the county on property in the area.

Proposition 5 (S.J.R. 26) authorizes the legislature to authorize a city or county to enter into interlocal contracts with other cities or counties without meeting the requirement that, before incurring any debt, the city or county provide for the assessment and collection of a sufficient tax to pay the interest on the debt and that it create a sinking fund of at least two percent.

Proposition 6 (H.J.R. 109) would amend the constitution to clarify references to the permanent school fund, allowing the General Land Office to distribute revenue from permanent school fund land or other properties to the available school fund to provide additional funding for public education, and providing for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund.

Proposition 7 (S.J.R. 28) authorizes the legislature to permit conservation and reclamation districts in El Paso County to issue bonds supported by ad valorem taxes to fund the development and maintenance of parks and recreational facilities.

Proposition 8 (S.J.R. 16) would provide for the appraisal for ad valorem tax purposes of open-space land devoted to water-stewardship purposes on the basis of its productive capacity.

Proposition 9 (S.J.R. 9) authorizes the governor, in all criminal cases except treason and impeachment, and on the board's written signed recommendation and advice, to grant a pardon to a person who is not convicted but who successfully completes a term of deferred adjudication community supervision.

Proposition 10 (S.J.R. 37) would change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office.

Joint resolutions are used to propose amendments to the Texas Constitution. A Senate Joint Resolution (S.J.R.) originates in the Senate, and a House Joint Resolution (H.J.R.) originates in the House.

SELECT BILLS AUTHORED AND SPONSORED BY SENATOR BIRDWELL

Senator Birdwell was the primary Author or Sponsor of 74 bills. A small sample of Senator Birdwell's bills is included below. To review all of Senator Birdwell's bills, please visit the Texas Legislature Online at www.capitol.state.tx.us.

SB 514 removed an unnecessary stage of government bureaucracy through an incorrect statute in the Texas Education Code. The code in question required Texas State Technical College (TSTC) campuses to secure approval from the Governor to be able to purchase or acquire land. The bill deleted this requirement, streamlining TSTC's due diligence, standardizing procedures for all TSTC campuses, and treating TSTC equally with other Texas institutions of higher education.

HB 91 gave the City of Corsicana in Navarro County the tools needed to address ongoing public health problems relating to illegal trash dumping and illegal sewage leaking in sub-standard housing developments on some of the major arteries leading into the town.

HB 801 prevented the dissolution of the Southern Trinity Groundwater Conservation District (STGCD) located in McLennan County. When the district was created by the Legislature in 2007, the enabling legislation required the district to join with a contiguous county by September 2011 or be dissolved. HB 801 removes the original provision requiring STGCD to join with a contiguous county, thereby preventing the state from dissolving the already well-functioning, locally-controlled district and avoiding placing its functions under the direction of the Texas Commission on Environmental Quality.

HB 2338 created a "Truth in Taxation Summary" by requiring county tax assessor-collectors to post certain tax information for each political subdivision within the respective county on their website for five years. HB 2338 promotes transparency of property tax rates and strengthens existing truth-in-taxation laws. Each of these individual tax rates is already calculated by each political subdivision, and by only requiring the county tax assessor-collector to post the tax rate information once per year, there will not be a recurring cost or unfunded mandate upon counties for continuous maintenance of the website.

HB 592 gave Ellis County much needed flexibility by allowing the county to have the option to run a Juvenile Justice Alternative Education Program (JJAEP) instead of the state mandating it, saving the county resources in a time of economic uncertainty.



Senator Birdwell recognizes Coach Leta Andrews of Granbury, the winningest coach in American high school basketball history and National High School Hall of Fame inductee, and her family on the Senate Floor.

82nd Legislature Highlights



Certificates & Proclamations of Recognition

A congratulatory document signed by the Senator can be provided in recognition of special events such as birthdays, graduations, wedding anniversaries, Eagle Scouts' Court of Honor, church anniversaries, etc. Call our capitol office for more details (512) 463-0122.



On Saturday, May 28th, as part of the Memorial Day commemoration, the Senate and House held a joint session to honor the fallen heroes of Texas. Pictured at the dais are Governor Perry (center), President Pro Tempore of the Senate, Senator Ogden (left), and Speaker Straus (right). Senator Birdwell and Representative Berman, each a career military officer from their respective Chamber, read the names of the fallen heroes whose families were unable to attend the ceremony. Senator Birdwell was privileged later to join Governor Perry in expressing solemn condolences to three families of heroes from Senate District 22 who fell in the last 2 years during the Global War on Terror.

HONORARY PAGES

When the Senate is in session, students between the ages of 8 to 18 are invited to serve as honorary pages. Working under the supervision of the Senate Sergeant-At-Arms, these honorary pages have a unique opportunity to serve half-a-day in the Senate Chamber, delivering messages to Senators and distributing documents to various offices. This session Cooper Nall from Woodway, Jacob Waddle from McGregor, and Autumn Parker from Midlothian, participated (pictured).



Autumn Parker of Midlothian served as an Honorary Page during the 82nd Session.

VISITORS & CONSTITUENT CONTACT

Over a thousand constituents visited our State Capitol office during Session. Senator Birdwell welcomed many school groups, Chambers of Commerce, representatives and students from Senate District 22 colleges, and other leadership organizations. During the 82nd Regular and 1st Called Session, our office received more than 4,000 phone calls, 10,000 emails, 900 letters and 300 post cards.



Jim Gray, Associate Pastor for Senior Adults, Woodway First Baptist Church.

PASTOR OF THE DAY

Each day during the session, the Texas Senate begins with a prayer. Clergy members from across Texas are invited to deliver the opening prayer. This session, six Pastors from Senate District 22 were recognized in the Senate Chamber as "Pastor of the Day". Rev. Mark Forrest of Granbury, Rev. James Barnes of Waxahachie, Rev. Russ Weaver of Cleburne, Rev. Billy Sanders of Copperas Cove, Pastor Danny Reeves of Copperas Cove, and Rev. Jim Gray, pictured, from Woodway.



Baylor University President Ken Starr and members of the Board of Regents - Harold Riley, Rick Riley, Gale Galloway, and Tommye Lou Davis - were introduced in the Senate Chamber on Baylor Day. Also pictured is Lt. Governor David Dewhurst (far left), Senator Kirk Watson (right of Dewhurst), and Senator Chris Harris (far right)

Ordering a Texas Flag

A Texas flag can be flown over the State Capitol on a specified future date and a personalized certificate will be created for the recipient of the flag. Call our capitol office for more details.

3' x 5' nylon flag is \$15.25

3' x 5' cotton flag is \$20.25.

SENATOR BRIAN BIRDWELL

Hometown: Granbury

Family: Wife, Mel and son, Matt

Education:

B.S. - Lamar University, Beaumont, TX

MPA - University of Missouri, Kansas City

Graduate - US Army Command & General Staff College,
Ft. Leavenworth, Kansas

Occupation:

Lt. Colonel (Retired), U S Army

President and Founder of Face the Fire Ministry

Legislative Experience:

June, 2010 - Elected in a Special Session to fill an unexpired term

November, 2010 - Re-elected to serve a full term

Awards:

Military Service - Legion of Merit, Bronze Star,
Purple Heart

Committees:

Vice-Chair Higher Education Committee,

Vice-Chair Veteran Affairs & Military Installations,
Economic Development, Government Organization

Counties in Senate District 22: Bosque, Coryell, Ellis, Falls, Hill, Hood, Johnson, McLennan, Navarro, Somervell



Senator Birdwell with Austin and District staff on the senate floor. From left to right are Scott Hutchinson, Ben Stratmann, Barbara Erickson, Anna Paulson, Senator Birdwell, Elizabeth White, Casey Kelley, Tyler Norris, and Bretta Conaway.



Senator Birdwell with his wife, Mel Birdwell.



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