



## **Senator Birdwell's Capitol Update** **Special Session Edition (Part III)**

Greetings from your Texas Capitol! The Legislature has now adjourned "sine die" from the third called special session. During these last 30 days, we worked to pass legislation providing property tax relief, protecting girls' sports, and appropriating federal funding meant for supporting states through the pandemic recovery. Additionally, the Legislature fulfilled our constitutional redistricting obligation to redraw maps for the state Senate, House, State Board of Education (SBOE), and the U.S House of Representatives for Texas. Below, I have outlined each piece of legislation that was passed and is now on Governor Abbott's desk and a few that the Senate passed but did not make it through the process.

### **Bills on Governor Abbott's Desk**

#### **Redistricting**

- **S.B. 4 - Texas Senate Redistricting Map**

I am honored to serve the people of Senate District 22. That includes the counties I currently serve and those added to the Texas Senate map during the redistricting process. The relationships I've built over the last 11 years in these counties are very important to me, and my commitment is to serve where I'm called. I believe these maps represent a fair and equitable representation of the immense population growth we have had across the State of Texas. If the citizens choose to re-elect me, I will continue to serve all the citizens in Senate District 22. I remain dedicated to working hard for the constituents that depend on me and my office for the services that we provide. To view the new senate maps, please click here: <https://dvr.capitol.texas.gov/Senate/43/PLANS2168>.

- **S.B. 6 - U.S. House of Representatives Redistricting Map**

Senate bill 6 incorporates the new map for the U.S House of Representatives. Texas' population growth grew our congressional delegation from 36 to 38 congressional seats. New district 37 is located in Travis County and district 38 is located in Harris County. I look forward to continuing to work with the Congressmen and Congresswomen whose districts overlap with SD 22. To view the new U.S. House of Representatives map, please click here: <https://dvr.capitol.texas.gov/Congress/55/PLANC2193>.

- **S.B. 7 - State Board of Education (SBOE) Map**

Senate bill 7 reflects the newly drawn maps for the SBOE based on population growth throughout the state. The SBOE sets policies and standards for Texas public schools. The primary responsibilities of the SBOE include:

- Setting curriculum standards
- Reviewing and adopting instructional materials
- Establishing graduation requirements
- Overseeing the Texas Permanent School Fund
- Appointing board members to military reservation and special school districts
- Providing final review of rules proposed by the State Board for Educator Certification
- Reviewing the commissioner's proposed award of new charter schools, with authority to veto a recommended applicant

The board is made up of SBOE members elected from single-member districts. To view the new SBOE districts, please click here: <https://dvr.capitol.texas.gov/SBOE/43/PLANE2106>.

- **H.B. 1 - Texas House Redistricting Map**

House Bill 1 incorporates the new maps for the Texas House of Representatives. It's customary for each chamber to defer to the other in drawing up maps for its own members. Again, I look forward to working with the Texas House delegation that overlaps with Senate District 22. To view the new Texas House of Representatives map, please click here: <https://dvr.capitol.texas.gov/House/43/PLANH2316>

### **S.B. 1/SJR 2 - Property Tax Relief**

S.B. 1, combined with SJR 2, will raise the homestead exemption for school district property taxes from \$25,000 to \$40,000. This increase amounts to an annual savings of \$176 for most homeowners. The ultimate decision lies with you, the voter, who will determine whether or not to adopt this constitutional amendment during the May 2022 election date. Rather than a one-time rebate, if passed, this exemption will remain on the home in perpetuity, providing a home owner years of savings on their school property taxes.

### **S.B. 5 - Dog Tether Bill**

Nearly 15 years ago, the Texas Legislature enacted laws relating to the conditions under which a dog must be restrained by a tether (i.e., a leash, rope, chain, etc.). These laws were established to protect the public from dogs that may pose a threat when allowed to roam freely. However, many have noted that these laws permit—and potentially encourage—inhumane tethering practices. Animal control officers, law enforcement agencies, county prosecutors, and animal advocates have requested that the tethering laws be reformed to prevent cruel and abusive tethering. S.B. 5 accomplished this goal by updating Texas' dog restraint requirements to ensure that dogs are restrained in a humane manner while minimizing the burden of compliance on owners.

### **S.B. 8 - Appropriating the American Rescue Plan Act (ARPA)**

In March, the federal government authorized the American Rescue Plan Act (ARPA)—a \$1.9 trillion relief allocation intended to support states through the pandemic recovery phase. S.B. 8 appropriates Texas' share of these funds, which amounted to \$13.3 billion distributed in the following manner:

- \$7.2 billion to replenish the Unemployment Compensation Fund, ensuring that businesses can offset unemployment taxes due to pandemic-related layoffs;
- \$2 billion to deploy staff relating to surging hospitalizations, purchase therapeutic drugs, and support regional infusion centers;
- \$500.5 million for broadband expansion, with \$75 million of those funds designated for a broadband pole replacement program (out of the Coronavirus Capital Projects Fund);
- \$325 million for construction projects at institutions of higher education (contingent on passage legislation relating to the issuance of the capital construction assistance program [see SB 52 below for more detail]);
- \$378 million to HHSC for one-time grants for critical staffing needs at medical facilities;
- \$360 million to the Department of Criminal Justice to offset budget diversions necessitated by the crisis at the border;
- \$300 million for the State Operations Center to aid the state in unified disaster response;
- \$286 million to the Teacher Retirement System to cover COVID-related health claims and to ensure no active or retired teacher faces an increase in health care premiums due to the pandemic;
- \$180 million to the Governor's Office for new tourism, travel, and hospitality recovery program;
- \$266 million to shore up funding for organizations serving sexual assault survivors and other crime victims;
- \$100 million to support Texas food banks;
- \$75 million to support rural hospitals who have suffered steep staffing shortages exacerbated by the President's proposed vaccine mandate;
- \$35 million to the General Land Office (GLO) for air conditioning upgrades to all nine of the state's veteran homes as well as the construction of a new home in Fort Worth; and
- \$20 million to DSHS to administer the federally qualified health center incubator program, including the Waco Family Medicine Center, which serves over 60,000 people a year in the Heart of Texas region. This money will further assist these health centers in providing care to the highest-risk, most complex, and most vulnerable patient population.

### **S.B. 52 - Capital Construction Assistance Programs**

Senate Bill 52 gives authority to public universities to fund capital improvement projects through the use of revenue bonds. Among the schools afforded this authority in the bill is Texas State Technical College (TSTC) who is authorized to raise \$208.5 million to fund an increase in the capacity of seven programs on five campuses and create eight new programs on five campuses. These new or expanded programs would increase potential TSTC graduates by approximately 2,300 per year, with the possibility of 18,000 new skilled workers in the workforce by 2030. These funds will increase student capacity at the TSTC-Waco campus in the following programs: Automotive Technology, Diesel Equipment Technology, Building Construction Technology, Solar Energy Technology/Electrical Construction, Plumbing & Pipefitting Technology, and Electrical Lineworker Technology.

In addition, with the new Senate maps, I will soon be representing Erath County, which has Tarleton State University located there. In this bill, Tarleton State is authorized to raise \$90 million using revenue bonds. The Stephenville campus is authorized for \$65 million to outfit and construct a new College of Health Sciences and Human Services building to expand on their School of Nursing as well as new programs for physical therapy, occupational therapy and physician assistant programs. Additionally, \$25 million is authorized to provide a second building on Tarleton's Fort Worth campus. This building will add 100,000 square feet of classroom and specialized laboratory space for health sciences and kinesiology programs.

### **H.B. 25 - Protecting Girls Sport**

H.B. 25 requires University Interscholastic League (UIL) athletes to compete in sports associated with their biological sex as determined at or near birth, and that was properly listed on the student's birth certificate. In addition, H.B. 25 allows female athletes to compete in male sports if a corresponding female sport is not available, and the leadership at the campus at which the request is made allows for it. It is simply not fair to allow biological males to compete in girls' sports. In Texas schools, the athletic statistics show the reality of sports competition — boys have greater lung capacity, larger hearts, and greater muscle mass, affording them

the ability to run faster, throw farther, and jump higher. To pretend they don't denies women athletes the right to compete on a level playing field and be the best in their sport.

### **HB 133 - Line of Duty Death Benefits**

Current law provides higher education benefits for surviving spouses and minor children of certain public servants who are killed in the line of duty. However, the law is limited to surviving children who are minors making many surviving children who may be college students over age 18 ineligible for these benefits. HB 133 extends these benefits to surviving children up to the age of 25 to ensure these benefits can be used by children and families of first responders who have paid the ultimate sacrifice in the line of duty.

## **Bills Passed out of Senate or Committee**

### **S.B. 10 - Election Fraud Penalties**

Prior to S.B. 1 from the second called special session, the penalty for organized election fraud such as ineligible voting was a second-degree felony if the act was consummated and a state jail felony if the act was merely attempted. A second-degree felony carries a minimum of two years in prison and a max of twenty, whereas a state jail felony carries a minimum of 180 days and a maximum of two years. S.B. 1 "softened" the penalties associated with these offenses by separating them into two classes: (1) completed crimes and (2) attempted crimes. After the passage of S.B. 1, completed crimes were considered Class A misdemeanors, and attempted crimes were distinguished as only Class B misdemeanors. We returned for this third special session to readdress the penalties for election fraud and produced legislation that offers just punishment to election fraud perpetrators. S.B. 10 eliminates the distinction and treats all "organized election fraud"—completed or attempted—as Class A misdemeanors. The punishment for a Class A misdemeanor is up to one-year imprisonment, with no mandatory minimum sentence. S.B. 10 passed the Senate but, unfortunately, did not make it out of the House chamber.

### **S.B. 47 - Election Audit**

Under current law, the only way to address any irregularity is through a civil or criminal action. This leaves a limited number of options to respond to these issues. To ensure that election irregularities are identified and addressed, there needs to be a process to recognize issues and correct them for future elections. S.B. 47 would have provided a vehicle for election judges, candidates, proponents/opponents of a measure, and political party chairs to seek answers regarding observed irregularities. This group would have worked with county clerks, election administrators, and the Secretary of State to improve the quality of elections and everyone's confidence in elections. Additionally, in the November 2020 election, there were a significant number of irregularities that occurred yet were not addressed, leaving many with questions about the election process. S.B. 47 would have provided a mechanism to perform an audit of the November 2020 election to identify any significant irregularity. I was proud to vote for this piece of legislation in committee and on the Senate floor. However, it did not pass out of the House.

### **S.B. 51 - Vaccine Choice**

With just over a week left in the special session, the Governor added vaccine mandates to the call for the Legislature to address. As I write this, Texans are preparing to face a sweeping executive mandate wherein certain businesses will be forced to enact oppressive and obtuse workforce vaccination policies. S.B. 51 was filed to combat the unconstitutional power the President is using to coerce private companies to act in a manner commensurate with his worldview. S.B. 51 would have required businesses who comply with this vaccine mandate to allow and accept exemptions from their employees based on either reason of conscience or medical situations. The bill required the employee to provide their employer with a signed affidavit testifying to their objection to receiving the vaccine.

Although this bill did not make it to the Senate floor, I voted in favor of S.B. 51 in committee. This bill required a considerable amount of deliberation due to the mechanisms we intended to use in order to pass this legislation. With SB 51, we were effectively responding to a constitutional crisis by exacerbating the problem using the same tactics as the federal government. In President Washington's farewell address to the nation, he said: "Let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free government is destroyed." If we allow ourselves to ignore the constitution in this one case to achieve our desired policy goal, we will have opened the door to continuous disregard of our founding principles, rendering them irrelevant. One unconstitutional mandate does not justify another, just as one usurpation by the federal government does not justify a usurpation by the state.

While S.B. 51 rightfully elicited constitutional criticism, it sought to respect an individual's medical circumstances and right to religious sentiment. This measure is distinct from the federal mandate in that it would not have prohibited businesses from mandating vaccination. It still allowed the employer to create their own policy while affording the employee a modicum of exemption freedom.

The State Affairs committee was faced with two choices - acquiesce to the federal government's unconstitutional orders by not taking action or encroach upon business owners in a similar manner as the federal government to enjoin the court battle. In either case, both constitutions would have been injured. Still, with this bill, the state legislature could have attempted to prevent the graver moral injustice perpetrated against the citizens of Texas by the federal government.

The United States Constitution expressly protects the private property rights of its citizens, which includes the businesses they own. Within this bundle of property rights exists an individual's freedom of contract. Between an employer, who owns the property of the business, and an employee, vaccination status falls squarely inside

the two parties' right to contract freely between themselves. When a government disrupts this freedom, it begins to overstep its constitutional limits, which has been the case with the current presidential administration.

In my time as a lawmaker, I have been guided by our constitutions as ordained by God. While it deeply wounded me to choose between the moral harm to my constituents and the precedential harm to our federal and state constitutions, I chose to prioritize the security of citizens in the attempt to protect them from their federal government. But let us be forewarned that we must never become comfortable inserting ourselves between the employer and the employee. S.B. 51 was voted favorably out of committee but did not make it to the floor because it lacked majority support in the Senate.

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In closing, I want to reiterate that just like in the regular session, my team and I want to hear from you on issues that are important to you, my constituents throughout the interim. Though I hear from countless citizens on many subjects, input from those I serve is always fully considered, regardless of differing politics or viewpoints. In the coming weeks, I will be sending out another newsletter to all district-registered voters updating you on all three of the special sessions in greater detail and cumulative results. Be looking for your special session newsletter in the coming weeks.

Thank you again for your interest in our updates. I hope you find them to be informative and that you'll share them with your friends, family, and colleagues in Senate District 22, who may subscribe to the Capitol Update [by clicking here](#).

God Bless,



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