



Capitol Update (1-20-17)

Greetings from your Texas Capitol! Just moments ago, the peaceful transition of power from President Obama 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. As you know, the 85th session of the Texas Legislature convened last Tuesday, January 10th. I was honored to be sworn in alongside many of my fellow senators to officially begin my fourth legislative session. For the next several months, an overwhelming majority of my time will be spent in Austin, studying legislation and debating critical issues with my legislative colleagues. In order to make sure I'm providing topical and pertinent information to you, the citizens I serve, my staff and I typically compile this newsletter on a bi-weekly basis throughout the session. Let's dive right into this edition of the update.

Committee Announcements

This week Lieutenant Governor Dan Patrick announced Senate committee assignments for the 85th legislative session. I was extremely pleased to be reappointed as Chairman of the Senate Committee on Nominations, where I will be honored to again lead the seven-member committee charged with administering the Senate's constitutional role of providing "advice and consent" to gubernatorial appointees. In addition to this role, I am excited about the high volume of critical work ahead of me as a member of three of the most rigorous Senate committees: State Affairs, Criminal Justice and Finance—the latter of which begins the budget-crafting process on Monday.

One of the key functions of the Lieutenant Governor 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. I appreciate the confidence expressed in me by Lieutenant Governor Patrick after the announcement:

“Senator Birdwell is a proven conservative leader who has served the people of Texas well with focus, discipline and hard work on each of the committee assignments I have given him. I trust his leadership and know he will get the job done.”

You can read more about the Senate standing committees here: <http://www.senate.state.tx.us/committees.php>.

First Bills Filed

Thus far, I have filed nine 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 10th. Here's a brief summary of some of my key bills:

- **SB 522**, *County Clerk & Judges Religious Liberty Bill* – This bill prevents officials such as county clerks and magistrates from having to perform weddings or sign marriage certificates in instances that might violate a sincerely-held religious belief.
- **SB 523**, *Correctional Facility Protection Bill* – This act would make it illegal to operate an unmanned aircraft (e.g. a drone) over a correctional facility.
- **SB 524**, *Abuse of Corpse Felony Bill* – Increasing the penalty for the offense of abuse of a corpse or human remains in a mortuary setting to a state jail felony.

- **SB 525, District Court Inventory Bill** – Requires the Sunset Commission to review the laws of the state to identify each statute and state agency rule that requires an action or proceeding to be brought or considered in Travis County, a Travis County district or statutory county court, or the Court of Appeals for the Third Court of Appeals District and to make recommendations on whether the location of the action or proceeding in each statute or state agency rule identified serves a legitimate state purpose, other than the convenience of the state agency.
- **SB 527, Defendant's Payment of Costs Bill** – This bill enables a court to order a defendant to pay all or part of the cost of legal services at any time during the defendant's confinement, placement on community supervision, or period of deferred adjudication, and allows local governments to recover the cost of legal services provided if a defendant acquires sufficient financial resources subsequent to sentencing.
- **SB 21/SJR 2, Convention of States** – Subscribers of this newsletter and our press releases have already read our previous announcement on this issue, and we'll be sharing more about it in a coming Capitol Update!

Joint Authored and Co-Authored Bills

With thousands of bills filed each legislative session, legislators are often unable to carry a particular piece of legislation due to their existing workload. Additionally, a colleague may file a bill with which a member has strong agreement or before that member is able to do so. In either instance, the option exists to “joint author” or “co-author” a particular bill. These terms mean essentially the same thing: a legislator is adding his or her signature to a bill, offering the bill author a seconding voice of support. The only difference between a joint- and co-author is the time at which a legislator signs onto a bill. A summary of some of the bills I have joint authored/co-authored can be found below:

- **SB 4** by Perry (R - Lubbock) - This bill would end the practice of "sanctuary cities" in Texas by requiring local governments to comply with federal immigration laws and cooperate with ICE when detaining an illegal immigrant after they have committed a crime.
- **SB 6** by Kolkhorst (R - Brenham) - Legislation prohibiting public entities from creating bathroom and/or changing room policies that allow an individual to use a facility opposite of their biological sex.
- **SB 9** by Hancock (R - North Richland Hills) - Capping the growth of the state budget to a rate no greater than the rate of combined growth of the state's population and rate of inflation.
- **SB 13** by Huffman (R - Houston) - This bill would prohibit the automatic collection of union dues from employees of governmental entities.
- **SB 16** by Nelson (R - Flower Mound) – Eliminating the fee for the issuance of an original, duplicate, modified or renewed license to carry a handgun.
- **SB 23** by Schwertner (R - Georgetown) - This bill would require any businesses that contract with the state government to participate in the federal electronic verification of employment authorization program, more commonly known as E-Verify.
- **SB 24** by Huffman (R - Houston) - Safeguarding religious liberty by shielding written copies and digital audio or video copies of sermons from subpoena power.
- **SB 329** by Creighton (R - Conroe) - This bill would give adult adoptees the ability to obtain a copy of their original birth certificate without needing a court order, as is the current case. This will save adoptees time and money, and allow them easier access to vital information.

Senate Bill 1: The Budget

As the Senate Finance committee begins the rigorous process of crafting the 2018-2019 budget, some of our main priorities include focusing on our school finance system, evaluating the ballooning cost of healthcare, addressing mental health needs for our most vulnerable citizens, ensuring the continued security of our southern border, providing safe, reliable transportation statewide, and as always, finding ways to fulfill our constitutional responsibilities and state services while seeking out tax relief for hard-working Texans. While initial budget proposals have been submitted by both the House and Senate, the details associated with how we fund the major components of state government will come together in the next two months of our biennial budgetary process. As this is perhaps my most rigorous committee responsibility this session, I anticipate this will be the first of several budget updates I provide to you.

Texas Senate to Continue with '3/5 Rule'

For a number of years, the Texas Senate operated under a rule whereby no legislation could be considered on the floor without consent from at least two-thirds of the body. With 31 members comprising the Texas Senate,

this meant that no bills could be brought up for a vote—under almost any circumstance—without the support of at least 21 senators. When the Senate gathered to set its rules for the 84th legislative session in 2015, I was compelled to make an argument for the removal of the so-called “two-thirds rule,” just as I had at the beginning of my first two sessions. I was opposed to this rule then and now because, in short, it serves as a mechanism by which a minority of the members of the Texas Senate may block any piece of legislation, thus overcoming the will of the majority. As James Madison alluded to in Federalist 58, the fundamental character of our republic maintains that the will of the majority shall prevail. It is for that reason that I cast a vote in favor of the rule lowering the two-thirds (21 vote) threshold to a three-fifths (19 vote) threshold in 2015, and why I supported the continuation of this rule when the Senate voted on rules for the 85th legislative session last week. I am compelled to note, however, that I still support a simple majority (16 vote) threshold, as I remain firm in my belief that a simple-majority voting rule would most accurately reflect the intentions of our Founders and, more importantly, the citizens of Texas.



On January 10th, I again took the oath of office (*second from left*) alongside several reelected members of the Texas Senate and our three newly-elected members, Dawn Buckingham of Lakeway (*red jacket*), Bryan Hughes of Mineola (*left of Buckingham*) and Borris Miles of Houston (*right of Buckingham*).

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](#).

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

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