

Senator Brian Birdwell's Capitol Update (4-6-17)

Greetings from your Texas Capitol! To put it simply, we are now deep in the throes of the legislative session. With just 55 days left before *sine die*, the House and Senate are passing bills in our respective chambers and working these pieces of legislation across the Capitol in our best efforts to get good bills sent to Governor Abbott's desk and ultimately signed into law. Below I'll touch on a few of the bills I'm working this week, plus a lot more. The biggest bill of the session, though, is nearing completion—let's start there.

Texas Senate Unanimously Passes State Budget

Last week, all 11 democrats and 20 republicans in the Texas Senate unanimously passed CSSB 1, the 2018-19 biennial state budget. As I shared on our Facebook page, I applaud the work of each of my fellow Senate Finance Committee members and the outstanding leadership of our chair, Jane Nelson, who appropriately called our work product "a smart budget that meets our priority needs and keeps Texas on path to a successful future [and] fully funds the Foundation School Program, fulfills our commitment to transportation and stays true to the policies of fiscal discipline that have served Texas well." Some critical highlights of the budget are as follows:

- Establishes a \$106.3 billion budget for the 2018-2019 fiscal year
- Does not increase spending (reduces overall spending by 0.5%)
- Allocates \$2.6 billion for public education student-enrollment growth
- Provides \$3.4 billion for critical Child Protective Services
- Dedicates \$5 billion to transportation funds
- Maintains \$800 million for border security
- Contains \$25 million to bring broadband infrastructure and technology to our schools
- Provides \$20 million to support Texas Veteran mental health care
- Supplies \$25 million for high caliber bullet proof vests for police officers

As a member of the Senate Finance Committee, I think it's important to share how deeply the committee delved when crafting this budget, looking equitably for savings and examining ways to make our agencies more efficient. Sixteen different state agencies were placed under "strategic fiscal review"—essentially a zero-based budgeting requirement—and nine unique workgroups were created to dive into our spending structures. In balancing the state's needs against our available revenue, we took important, additional steps: we eliminated one-time expenditures from the previous budget; we included numerous agency-driven recommendations for 4% across-the-board savings; and we called for a 1.5% across-the-board budget reduction (exempting the Foundation School Program). Finally, I am personally proud to report that we maintained all \$5 billion for transportation. This effort was bolstered by the overwhelming support (83%) voters gave to Proposition 7 in 2015.

After the budget (CSSB 1) passed the Senate, it went to the House Committee on Appropriations, where it was considered and modified. On Thursday, the full House will consider their updated version of the budget, after which, pending any changes through that process, the final version of the bill will come be debated and shaped through conference committee—a policy working-group comprised of five representatives and five senators. This will be the final work done on our biennial state budget before it returns to each chamber for one final vote of approval.

Legislation Coming to the Senate Floor

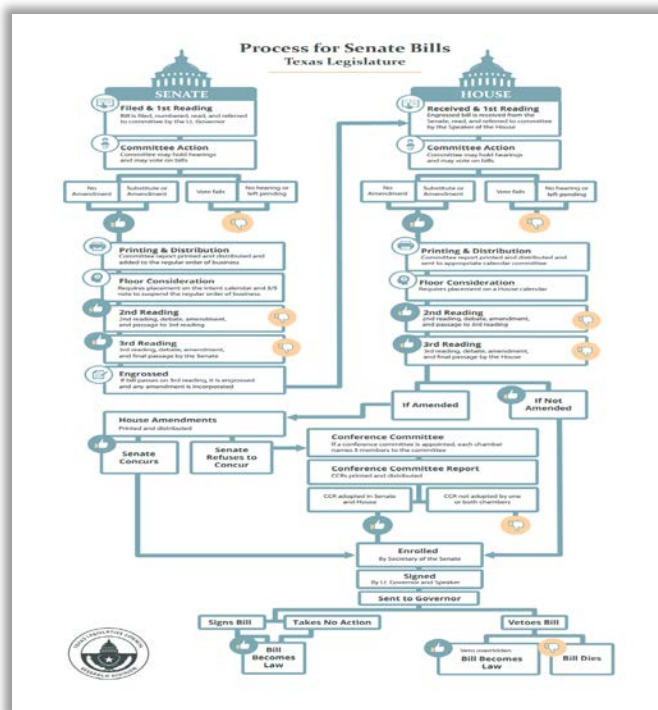
Here are a few of my bills up for consideration the Senate floor this week. You can follow each of them by clicking the hyperlinked bill number.

- [SB 522](#) – Protects the religious liberties and First Amendment rights of officials responsible for issuing marriage licenses (e.g. county clerks) and performing civil marriage ceremonies (e.g. judges).
- [SB 528](#) – Provides government efficiency by clarifying the exact term of service for the chief administrative law judges (ALJs) of our state.
- [SB 612](#) – Implements necessary reforms at the Texas Ethics Commission to ensure elected officials and political action committees (PACs) are both in compliance with the law and provided a due process standard owed to those against whom a complaint is filed.

- [SB 706](#) – Cuts unnecessarily duplicative state bureaucracy by abolishing the State Council on Competitive Government, the duties of which are either outdated or, if still needed, housed within other state agencies.
- [SB 750](#) – Abolishes two archaic, protectionist and anti-free market sections of the Texas Alcohol Beverage Code, freeing small business to grow and succeed regardless of their familial makeup.

Tracking Legislation

In the final two months of a session, bills move more and more rapidly through the legislature. Because my staff frequently receive calls at the Capitol and District offices asking about the status of certain bills or issues, we wanted to share this helpful infographic outlining what can sometimes be a convoluted process. While swift at times, this process is purposefully transparent, and I think it's essential for citizens to be able to follow along 24/7 without having to call or jump through hoops just to get information. Everything outlined in this chart can be found at <http://www.legis.state.tx.us/>. I hope this is helpful!



Don't worry—you can click the image above for a full-size version of the chart.

SB 3 & Education Savings Accounts

Last week the Senate passed landmark school-choice legislation in Senate Bill 3 by Education Committee Chairman Larry Taylor (R-Friendswood). This bill creates two programs aimed at expanding educational options and opportunities for Texas parents regarding the education of their children.

First, SB 3 creates a program of Educational Savings Accounts (ESA) to be administered by the Comptroller of Accounts. Under the ESA program, parents of children currently enrolled in a public school will have the option to enroll their child in a school of their choice and receive 75% of the average state expenditure [per student] to put towards tuition—or 90% if the student has a disability—the remaining 25% or 10% of which, respectively, goes back to the student's originating district in the following school year. Second, SB 3 creates a Tax Credit Scholarship (TCS) program to which businesses may donate in return for a tax credit. Parents of children currently enrolled in a public school could apply to this program to receive a scholarship towards private school tuition or up to \$500 to be used for other educational expenses such as tutoring or after-school programs.

I believe it is important to note that the Senate included measures to ensure that the program is specifically targeted at those students who will benefit the most from it. Both programs will apply only to districts within counties with a population of 285,000 or greater, while voters in a district that doesn't currently qualify will have the option to opt-in to the program through a petition of their school board and a subsequent election. Likewise, both programs will be targeted at students whose families fall within 175% of federal guidelines for the free and reduced price lunch program, and the TCS program will extend to children in foster care, institutional care, or to those whose parents are on active duty in the military.

Texting-and-Driving Ban Passes Senate Committee

Recently the Senate Committee on State Affairs—of which I am a member—considered Senate Bill 31 by Senator Judith Zaffirini (D-Laredo), a statewide ban on utilizing a mobile device while operating a motor vehicle; or, as it's more commonly known, the "texting-and-driving" bill. After the vote, I shared the following with the Cleburne Times Review in Johnson County regarding my "nay" vote on SB 31.

"While well-intentioned, this legislation has extremely limited enforceability. I'm against any kind of distracted driving, not just one certain type, and believe that drivers should be held responsible for any and all unsafe actions taken while operating a motor vehicle via the laws we have in place."

During deliberations in committee, I continually landed on two serious concerns surrounding the implementation of SB 31. First, its enforcement: as written, SB 31 would prohibit the sending and receiving of a text message (or any other data) while operating a motor vehicle, but would still allow an individual to use a cell phone to conduct a phone call under these circumstances. I think this poses a completely impractical

burden on our law enforcement officers (LEOs) when they are forced to determine—for example—whether an individual is sending a text message or scrolling through a phone's contacts to make a phone call. Without clearer guidelines, an LEO might assume all interactions involving an individual operating a motor vehicle and using a cell phone are, in fact, text messages or data transmission, thus creating a fineable offense. My second concern is with the protection of civil liberties. How is an individual making a phone call to a loved one (i.e. not texting while driving) reasonably supposed to prove his or her innocence under SB 31? I do not believe in creating a situation where the only possible option to prove one's innocence is to provide a cell phone to a law enforcement officer for review, divulging private and personal information. For these reasons, I support a more effective and justly deterrent to the “texting-and-driving” issue such as strengthening current laws for distracted driving and/or updated and expanded standards for Texas driver education courses.



Visiting with students from Joshua Christian Academy in Johnson County (left) and one of our Senate visiting pastors, Stephen Johnson (right), from Upper Zion Baptist Church in Falls County.

Strengthening the State Spending Formula

This week, the full Senate passed Senate Bill 9 by Senator Kelly Hancock (R-North Richland Hills), which limits the growth of government spending to the rate of growth of population plus inflation. Not only was I a co-author of SB 9, but I was proud to have voted for it in both the Senate Finance Committee and on the floor. Under current law, the growth of state government spending is limited by wide-ranging estimations of the growth in personal incomes. While this is a valuable metric by which we set our state budget, this limit also only applies to the portion of the budget known as "general revenue." SB 9 uses more accurate, accountable and conservative measures of our state population plus the rate of inflation, and also expands the base of funds subject to the state spending limit to include general revenue-dedicated spending. Said more succinctly, this transparent metric will ensure that state government will continue to live within its means while fulfilling its appropriate duties and meeting the needs of our growing state.

As always, I hope our Capitol Update is 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](#). You can follow us on Twitter and Facebook, or keep in touch with legislative happenings via www.capitol.state.tx.us or via my Senate website by clicking the screenshot below.

God bless,

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