



## **Senator Birdwell's Capitol Update (4-25-17)**



Greetings from your Texas Capitol! The clock is ticking, and with only 35 days left in the regular legislative session, this is life-or-death time for many of the bills filed by the 181 members of the Texas legislature. I'm pleased to report that 17 of my original bills have already passed the in the Senate—18 by the time this will hit your inbox—as have dozens of other good measures that I have jointly authored with individual colleagues. As always, however, we're aiming for quality—not quantity. Let me update you on a few of these issues below.

### **SB 975 Heads to the House**

On Monday the Senate passed one of my key bills—Senate Bill 975—and sent it to the House, where it will be sponsored by State Representative Leighton Schubert (R-Brenham). Recently, there has been much legislative debate regarding the future of private high-speed rail in Texas. Longtime followers of our Capitol Updates, press releases or social media channels know my personal views on this subject; specifically regarding the impact the proposed Dallas-to-Houston high-speed rail would have on a large swath of the constituents I represent in Ellis and Navarro Counties. With that said, if at some point the free market becomes conducive to a high-speed rail project, regardless of potential disagreements on its use as a realistic solution to the transportation needs of our state, most Texans would agree that ensuring public safety during the operation of that rail system is of the utmost importance. Thus, SB 975 takes several necessary steps to preemptively ensure the safety of both the passengers and employees on such a rail system and the communities in and along any potential rail route. Most notably, SB 975 requires a private high-speed rail entity to coordinate with local, state and federal law enforcement on issues of public safety, and clarifies that any such entity must follow all federal safety and security regulations applicable to rail systems throughout the United States. I appreciate the coordination we enjoyed with groups on both sides of this issue—including private businesses, interest groups and House and Senate colleagues—to craft a good bill for our state. This is just one piece of a larger legislative package I have been working with several colleagues, including Senators: Charles Schwertner, Lois Kolkhorst, Brandon Creighton (a co-author of SB 975) and Robert Nichols. Their efforts and those of our collective counterparts in the House are making a tangible impact on this critical issue.



*Visiting with nominees to the Texas A&M University System board of regents at the most recent meeting of the Senate Nominations Committee, which I proudly chair. Pictured alongside me (L-R) are veteran Committee Director Robert Haley and Committee Clerk John Ryan Isaacson, a Baylor University junior and Bullock Scholar assigned to our office.*

## **Our Work on the Senate Criminal Justice Committee**

This session has been my first as a member of the Senate Criminal Justice Committee, but I have enjoyed diving straight into the subject matter. I particularly enjoy the nonpartisan nature of some of the bills which come through this committee, as issues of criminal penalties and public safety often know no political party. Several of the bills I've filed and worked through the committee are good examples, and I'm proud that each idea was brought to me by local leaders in Senate District 22.

- **Senate Bill 524** – Under current law, the egregious offense of abusing a corpse is classified as simply a Class A misdemeanor. Such abuse includes unlawfully disinterring a body, negligently handling a body during a burial or cremation process, etc. My bill enhances the punishment of that crime by making it a state jail felony, as previous instances—like the 2015 Johnson Family Mortuary case in Tarrant County—have proven difficult to prosecute. SB 524 passed the full Senate this afternoon.
- **Senate Bill 527** – This legislation extends the amount of time a court has in determining whether an indigent defendant has the means to pay for all or part of the legal services provided to them. Instead of this determination ending at the defendant's sentencing, the court can make this judgment at any time during the judicial process. SB 527 will be heard in the committee this week.
- **Senate Bill 707** – In the difficult law enforcement and judicial interactions following an alleged physical or sexual abuse of a child, video interviews conducted by trained, non-partisan third parties are largely inadmissible in court. SB 707 would seek to remedy this by creating specific criteria in which these interviews could be more readily admissible in court while ensuring the Sixth Amendment rights of the accused are not infringed. This bill passed the full Senate on April 20<sup>th</sup>.
- **Senate Bill 1728** – With this legislation we seek to establish a clear criteria in which a juvenile court judge can close public proceedings of a specific case. A motion for public closure must be filed at least three days before the hearing, that motion must meet specific criteria to be granted, and any party can request an appellate review. SB 1728 passed the full Senate on April 20<sup>th</sup>.

## **Key Legislative Effort: SJR 34 – Appointment Holdovers**

Article XVI, Section 17 of the Texas Constitution allows for all officers appointed to serve in a state capacity to continue performing the duties of their offices until their successors are duly qualified. This is also known as the “holdover provision,” and has long served as a safeguard preventing vacancies and ensuring the continuation of government functions. Unfortunately, though, this mechanism has been used in the recent past to serve as an undue extension of terms in office. Senate Joint Resolution 34 proposes a constitutional amendment to modify the holdover provision by making clear that there is a timeline on how long a holdover appointee can serve. SJR 34 proposes that the period for which an officer will continue to perform the duties of office ends on the last day of the legislative session that begins after their term expiration. Said more concisely: expired appointees cannot continue their service without reappointment to office. This constitutional amendment is critical for ensuring the Senate has fulfilled its responsibility to provide advice and consent on all appointees, allowing the Governor to recruit the best nominees willing to serve, and providing accountability to those for whom these appointees work—the people of Texas. SJR 34 passed the full Senate on April 20<sup>th</sup> and is being sponsored in the House by State Representative Charlie Geren (R-Fort Worth).



*An impromptu photo alongside Senators (L-R) Bob Hall, Eddie Lucio, Royce West and Larry Taylor after the Senate honored the outstanding young members of Boy Scout Troop 410 (pictured), who acted quickly to aid their Scoutmaster after he suffered a heart attack on a boat in the middle of Lake Belton.*

## **Creating the Deputy Clifton Taylor Memorial Highway**

Alongside my friend and colleague, State Representative DeWayne Burns, with whom I represent Johnson and Bosque Counties, I proudly authored Senate Bill 1732 (HB 3809) designating a portion of I-35W in Johnson County as the Deputy Clifton Taylor Memorial Highway. Clifton Taylor was an officer with the Johnson County Sheriff's Office who gave his life heroically aiding a fellow law enforcement officer during a disturbance call.

Clifton loved his job serving the community, and he had fun doing it. New markers at the beginning and end of this roughly 10-mile stretch of I-35W around the City of Alvarado will read “Deputy Clifton Taylor Memorial Highway” to recognize the life and service of this fine young man.

### **Private Property & Annexation Legislation**

Another important piece of legislation making its way through the 85th Legislature is Senate Bill 715 by Senator Donna Campbell (R-New Braunfels). Also known as the Texas Annexation Reform Act (TARA), SB 715 is particularly significant for Senate District 22 given the recent increase in municipal annexations in our growing region. Responding to constituent concerns shared with my team, I was pleased to co-author the TARA, which passed favorably out of the Senate last week. This important legislation makes the municipal annexation process more democratic by requiring the consent of the majority of registered voters in an area proposed for annexation, prior to the actual annexation proceeding. Further, the TARA promotes greater transparency in all annexation processes by instructing a municipality to adopt a resolution specifying the intended purpose and scope of the annexation of an area as well as a detailed description of the services to be provided by the municipality upon annexation. Finally, SB 715 encourages increased public engagement throughout the entire municipal annexation process by ensuring a municipality conducts at least one public hearing prior to annexing a proposed area. This change gives all parties involved a forum to voice their concerns and directly impact what can be a very contentious process. I commend Senator Campbell for crafting the Texas Annexation Reform Act. This is an important step for protecting property rights while also providing a clear and mechanized process for municipal annexation.



*Even during this extremely busy time of session, I was humbled by the opportunity to welcome retiring U.S. Representative Sam Johnson, whose incredible résumé of public service includes 29 years in the U.S. Air Force and nearly seven years as a Prisoner of War in Hanoi during the Vietnam War, 42 months of which were spent in solitary confinement.*

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](http://www.capitol.state.tx.us) or via my Senate website by clicking the screenshot below.

God bless,

Brian Birdwell  
State Senator, District 22

**P.S. – Did you see our press release on the Senate passage of SB 522, my bill guaranteeing religious protections for marriage-certifying officials?**

**If not, please feel free to [review it here](#).**

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