

## **Bills We Love**

### **HB 1529 Villarreal - Grandfathering**

Exempts from state grandfathering statute regulations that protect from threats to imminent destruction of property and injury to persons.

Status: Referred to Land & Resource Management

### **HB 3039 Rose – Water Quality**

Prohibits discharge of sewage effluent in Barton Springs/Edwards Aquifer contributing zone.

Status: Referred to House Natural Resources

### **HB 3570 Rose - Quarries**

Restricts locations of rock quarries and requires commission to adopt rules for permitting quarries.

Status: Referred to Natural Resources

## **Much Needed Reforms**

### **HB 1089 Raymond – Frivolous Law Suits**

Creates statutory burden of proof to reign in SLAPP suits by requiring specific showings for court to determine if complaint was made in good or bad faith and specific elements that must be shown for damages arising from complaint. Good faith complainants are provided protections under the bill.

Status: Pending in Civil Practices Committee

### **HB 1130 Leibowitz – Frivolous Law Suits**

Protects citizens who file complaints with governmental agencies from SLAPP suits claiming complaint is libel or slander by requiring specific showings of damage and complaint having been made in bad faith; generally protects complainants.

Status: Pending in Civil Practices Committee

### **HJR 38 Leibowitz – Parks Funding**

A constitutional amendment dedicating the revenue received from the sporting goods sales tax to the Parks and Wildlife Department.

Status: Referred to Culture, Recreation and Tourism

### **SB 661 Wentworth/HB 1591 Rose – Groundwater Conservation Districts**

Allows Hays Trinity Groundwater Conservation District to finance its administrative operations through fees.

Status: Referred to Natural Resources

### **SB 747 Watson/HB 3572 Rose – Groundwater Conservation Districts**

Allows Barton Springs/Edwards Aquifer Conservation District to increase rates for groundwater.

Status: Set for Hearing in Senate Natural Resources April 11

**Bills We Need - COUNTY AUTHORITY**

The Texas Hill Country is being rapidly consumed by high-density suburban development. County governments in Texas, unlike most states and all Texas cities, have very little authority to manage this growth. GEAA supports the following measures designed to give Hill Country county governments the tools they need to plan and pay for new growth.

**HB 3447 Rose**

Authorizes specific counties dealing with suburban development to regulate land development by requiring buffer zones, minimum standards for water and wastewater service, requiring improvements to streets and roads and regulating density and other land development issues. Applies in: Travis, Hays, Blanco, Kendall, Bexar, Comal, Kerr, Bandera, and Gillespie counties. Status: Referred to County Affairs

**HB 3328 Leibowitz**

Authorizes specific counties dealing with suburban development to regulate land development by requiring buffer zones, minimum standards for water and wastewater service, requiring improvements to streets and roads and regulating density, historic and natural preservation districts, and other land development issues. Applies in Bandera, Bexar, Blanco, Comal, Gillespie, Hays, Kendall, Kerr, Medina, and Travis counties. Requires local option election. Status: Referred to Land and Resource Management

**SB 1577 Wentworth**

Authorizes counties to regulate land use compatibility and some subdivision standards after a local option election. Gives counties specific and limited authority. Status: Referred to Senate Intergovernmental Relations

**SB 1636 Wentworth**

Authorizes specific and limited land development authority by counties after a local option election; including charging impact fees. Status: Referred to Senate Intergovernmental Relations

**HB 3520 Bolton**

Authorizes counties limited authority to regulate some aspects of subdivision development after a local option election, including: requiring certification adequate groundwater is available, adopt stormwater specifications for drainage within a subdivision, and require minimum road specifications. Status: Referred to Land and Resource Management

**HB 1771 Villarreal - Impact Fees for Municipalities**

Local governments assess impact fees on new development to pay for certain new public facilities that have a life expectancy of more than three years. The impact fees ensure that growth partly pays for itself. HB 1771 would expand the applicability of impact fees to include the financing of traffic signals, police substations, fire stations, public libraries, and parks.

### **Mulch Fire Bills**

On Christmas Day 2006, a 400 feet long, 225 feet wide and 70 feet tall pile of trash atop the Edwards Aquifer Recharge Zone caught on fire in Helotes, Texas. Efforts to put out the fire resulted in immediate contamination detected in nearby Edwards wells. Government officials were face with the choice of dousing the fire and polluting the aquifer, or letting it burn—choking nearby residents and school children. The fire burned for three months. We support the following bills to make sure this never happens again.

#### **HB 1882 Leibowitz**

Requires Bexar County to give approval before TCEQ can issue permits affecting air and water quality in Bexar County.

Status: Pending in Environmental Regulation

#### **HB 2541 Leibowitz**

Requires disposal of recycling materials within specific timeframe so huge piles don't accumulate, also requires stricter rules for facilities over Edwards Aquifer recharge including fire control lanes.

Status: Pending in Environmental Regulation

#### **SB 1280 Van de Putte**

Requires disposal of recycling materials and rules limiting size of recycling piles that can accumulate.

Status: Hearing April 10 in Senate Natural Resources

#### **SB 585 Van de Putte**

Authorizes EAA to adopt rules for fire control within the Edwards Aquifer Recharge Zone.

Status: Hearing April 10 in Senate Natural Resources

#### **SB 1281 Van de Putte**

Heightens standards for municipal solid waste facilities over recharge and contributing zones and requires fire lanes and other protective features at recycling and municipal solid waste facilities.

Status: Hearing April 10 in Senate Natural Resources

#### **SB 1282 Van de Putte**

Designates TCEQ funds for emergencies such as the Helotes Mulch Fire.

Status: Hearing April 10 in Senate Natural Resources

#### **SB 1621 Van de Putte**

Requires TCEQ to adopt rules assuring that recyclers have sufficient financial assurance for extinguishing fires.

Status: Hearing April 10 in Senate Natural Resources

**Bills That Are Bad for the Aquifer / We oppose the following:**

**HB 3580 Howard**

Allows landowners within groundwater conservation districts to pump groundwater at limits related to their acreage of land owned rather than GCD rules and sustainable yield.

Status: Referred to Natural Resources

**SB 1675 Hegar** - Removes cities' authority to regulate water quality; limits cities to only enforcing TCEQ regulations.

Status: Pending in Senate Natural Resources

**SB 1677 Hegar**

Removes cities' ability to restrict impervious cover greater than 45% and use zoning by making such regulations compensable "takings."

Status: Pending in Senate Natural Resources

**HB 3883 Gattis** - Gives MUDs power to regulate land use, structures, businesses and related activities with same authority as cities.

Status: Referred to Land and Resource Management

**HB 252 Mowery** - Limits cities ability to use zoning by requiring compensation to landowners when a changed zoning classification causes a 10% or greater diminution in land value.

Status: heard in Land and Resource Mgmt committee

**HB 1732 Kuempel**

Limits cities ability to enforce zoning regulations affecting the appearance of buildings or open spaces.

Status: Pending in Calendars

**HB 1736 Kuempel**

Limits cities ability to regulate impervious cover and floor to area ration through zoning.

Status: Pending in Calendars

**SB 1184 Watson**

Raises signature requirement to qualify citizen initiated city charter amendment for ballot.

Status: Referred to Senate IGR, no hearing set yet.

**SB 889 Wentworth**

Limits citizens' and non-profits' ability to acquire public information from government agencies by allowing agencies to assess unlimited charges for responding to information requests.

Status: Voted favorably from Senate State Affairs, on its way to the Senate Floor.

**HB 3964 Castro**

Limits ability of City Planning Commission to disapprove condemnation of land for utility infrastructure (water and sewer lines, electric) by requiring planning commission approval within a specific timeframe or condemnation deemed approved; allows city council to overrule planning commission in specially noticed meeting and requires aggrieved landowners to bring claim for violation of procedure within 7 days or waive claims.

Status: Hearing Postponed April 11 in Land and Resource Management

**We support the following:**

**HB 1697 Hilderbran**

An act relating to the protection of property subject to certain conservation easements.

Natural Resources Code § 183

This bill prohibits municipalities or non-profits that hold conservation easements for the benefit of municipalities for the purpose of wildlife preservation, open space, or protection of a natural resource from erecting buildings or infrastructures on the property subject to the conservation easement unless the improvements are directly related to the operation of the property as a park, wildlife preserve, or to protect a natural resource. The statute provides for a cause of action, damages and liability where a municipality violates the statute that can be brought by a taxpayer of the municipality or an owner of land subject to the easement. The bill is retroactive in that it relates to easements executed on or after 1996.

Status: Reported favorably from Culture, Recreation and Tourism and Local and Consent

**HB 1698 Hiderbran -**

An act relating to the definition of surface waters for purposes of the prohibition on diverting or impounding the natural flow of surface water in a manner that damages the property of another by the overflow of the water diverted or impounded.

This bill expands the definition of water within this Water Code section to specifically include “waters that flow on the surface of the earth in a sheet or a natural or manmade conveyance” such that overflow of these such waters due to impoundment that damages another landowner are subject to liability and damages.

Status: Referred to Natural Resources

**HB 1927 Chisum**

Relating to the liability of manufacturers or sellers of fuel additives and components and fuels.

Status: Pending in Civil Practices

**SB 1676 Hegar – Sunset Review**

Requires LCRA to undergo sunset review

Status: Heard in Senate Natural Resources

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**Wait Until Next Session –**

**After the Recovery Implementation Process Comes Up With Some Good Answers**

**Proposed Amendments to Edwards Aquifer Authority Act - Puente**

The member organizations of the Greater Edwards Aquifer Alliance have come to a consensus in support of the Lone Star Sierra Club position on the proposed amendments to HB 1477. We feel that passage of these amendments at this time would compromise the Recovery Implementation Process, which seeks to inform through research and reach consensus on preservation of the Threatened and Endangered Species reliant on continued flows of Edwards Aquifer Springs.

## **Ten Transportation Bills to Consider We Support:**

### **HB 549, Farrar – Environmental**

This bill would require TxDOT, RMA's, and tolling authorities to perform an Environmental Impact Statement (EIS) for all state toll projects, and help ensure that adequate environmental review is undertaken with state, as well as federally funded projects.

Status: Pending in Transportation Committee

**HB 2047, Farias** -This bill would prohibit, among other things, construction or expansion of toll projects by private entities if a TxDOT study shows that the project would significantly damage (1) areas of historic, cultural, or archeological value, or (2) renewable resource land, including aquifers and their recharge zones, causing substantial loss or reduction to long-term water output.

Status: Pending in Transportation Committee

### **Making RMA's more accountable**

Regional Mobility Authorities do not require voter approval for their creation, nor for their selection or funding of toll projects. They are un-elected, political subdivisions of the State that have no oversight to speak of.

### **SB 995, Nelson**

Before a toll project entity, such as an RMA, enters into a contract for a toll project, the RMA must publish information (e.g. debt financing, toll rates, non-compete and buy-back provisions) in newspapers located in the affected counties. A public hearing must also be held.

Status: Placed on Intent Calendar

### **SB 668, Watson/HB 1574, Strama (identical)**

This bill that requires an RMA to obtain the approval of the local Metropolitan Planning Authority (MPO) for certain actions (including plans to lease or sell a toll project, increase toll rates, refinance, use surplus revenue on another toll project, and continue tolls after the bonds are paid off). Also requires an RMA board to have at least one member who is an elected official.

Status: Pending in Transportation Committee

### **Stopping Toll Privatization: TxDOT, the Trans-Texas Corridor, and CDA's**

On everyone's mind in the Legislature right now are the nefarious Comprehensive Development Agreements (CDA's) - the public-private partnership agreements, or back-room deals, that hand over toll project construction, operation, and collection to private entities for as long 50 years and possibly 70. A recent State Auditor's report on TxDOT and the Trans-Texas Corridor has raised serious concerns about the sorts of powers, protections and benefits being given to private corporations.

### **HB 857, Leibowitz/HB 1881, Kolkhorst (duplicates)**

These bills would repeal the authority to construct and operate the Trans-Texas Corridor.

Status: Pending in Transportation Committee

## Ten Transportation Bills to Consider (continued)

### We Support:

#### **HB 154, Pickett**

This bill would provide for an elected, state-officer position of commissioner of transportation serving for terms of 4 years. Currently the Texas Transportation Commission, which controls TxDOT, is a five-member body that is appointed by the governor.

Status: Pending in Transportation Committee

#### **SB 719, SB 991, Ogden**

Two bills that seek to address toll road spending that benefits private companies rather than the public. SB 719 would prevent TxDOT from leasing highways, and SB 991 would prevent surplus toll money from being used for more toll projects by stopping tolls when the projects have been paid for.

Status: Pending in Transportation Committee

#### **SB 1267, Nichols/HB 2772, Kolkhorst**

Provide a two-year moratorium on CDA's that allow private entities to operate or collect or tolls.

Status: Pending in Transportation and Homeland Security Committee

#### **HB 1321, Farias**

Relating to prohibiting an agency or political subdivision of this state, in connection with a public road, highway, toll road, port, or related infrastructure under its jurisdiction, from granting an interest in the property to a private entity.

Status: Pending in Transportation Committee

#### **HB 998, Coleman**

Relating to a moratorium on tolls by the Texas Department of Transportation.

Status: Pending in Transportation Committee

### We Oppose:

#### **HJR 8, Krusee, and its enabling legislation, HB 3783, Krusee**

The constitutional amendment proposes to allow the Texas Transportation Commission to authorize TxDOT to issue general obligation bonds for highway improvements.

Status: Pending in Transportation Committee

#### **HB 3783, Krusee/SB 1929, Carona**

These 2 bills calling for the creation of the "Texas Transportation Company," a private, non-governmental entity that would be formed as a for-profit corporation, LLC, or LLP to run the toll projects. The State and toll authorities would have no liability for the debts and obligations of the Texas Transportation Commission.

Status: Pending in Transportation Committee