

VOTING RECORD FOR EDWARDS AQUIFER LEGISLATORS, 79TH LEGISLATIVE SESSION

<i>Representatives</i>	Party-District	SB 848 Grandfathering local control	SB 848 GEAA Amendment Water quality regulations	HB 2833 Takings	HJR 80 Tax subsidies I	HB 918 Tax subsidies II	HJR 79 Six-year terms RMA's	HB 2120 PGA Village	HB 86 TCEQ	GRADE
David Leibowitz	D-117	+	+	+	+	--	+	--	+	75%
Michael Villareal	D-123	+	+	+	--	--	--	+	+	63%
Elliott Naishtat	D-49	+	+	+	+	--	--	--	+	63%
Carlos Uresti	D-118	+	+	+	--	A	--	--	+	57%
Joaquin Castro	D-125	+	+	+	--	--	--	--	+	50%
Dawna Dukes	D-46	+	+	+	--	--	--	--	+	50%
Trey Martinez Fischer	D-116	+	+	+	--	--	--	--	+	50%
Ruth McClendon	D-120	+	+	--#	--	--	--	--	+	50%
Robert Puente	D-119	+	+	+	--	--	--	--	+	50%
Eddie Rodriguez	D-51	--	+	+	+	--	--	--	+	50%
Jose Menendez	D-124	A	+	+	--	--	+	--	--	43%
Pete Gallego	D-74	+	+	--	--	--	--	--	+	38%
Patrick Rose	D-45	+	+	+	--	--	--	--	--	38%
Tracy King	D-80	--	--	+	+	--	--	--	A	29%
Mark Strama	D-50	--	+	+	--	--	--	--	--	25%
Terry Keel	R-47	--	--	--	A	+	--	--	--	14%
Todd Baxter	R-48	--	--	--	--	--	--	--	--	0%
Carter Casteel	R-73	--	--	--	--	A	--	--	--	0%
Robert Cook	D-17	--	--	--	--	--	--	--	--	0%
Frank Corte, Jr.	R-122	--	--	--	A	--	A	--	--	0%
Dan Gattis	R-20	A	A	--	--	--	--	--	--	0%
Suzanna Hupp	R-54	--	--	--	--	--	--	--	--	0%
Mike Krusee	R-52	--	--	--	--	--	--	--	--	0%
Edmund Kuempel	R-44	--	--	--	--	--	--	--	--	0%
Joe Straus	R-121	--	--	--	--	--	--	--	A	0%

<i>Senators</i>	Party-District	SB 848 Grandfathering local control	SB 848 GEAA Amendment Water quality regulations	HJR 80 Tax subsidies I	HJR 79 Six-year terms RMA's	SB 1022 Bee Cave	HB 2120 PGA Village	SB 1857 Kinney County	SB 1740 TCEQ permits	SB 623 Public Information	GRADE
Judith Zaffirini	D-21	+	+	--	--	--	--	+	--	--	33%
Gonzalo Barrientos	D-14	+	+	--	--	--	--	--	--	--	22%
Frank Madla	D-19	+	+	--	--	--	--	--	--	--	22%
Leticia Van de Putte	D-26	--	+	--	--	--	--	--	--	--	11%
Jeff Wentworth	R-25	--	--	--	--	A	--	--	A	--	0%
Kenneth Armbrister	D-18	--	--	--	--	--	--	--	--	--	0%
Troy Fraser	R-24	--	--	--	--	--	--	--	--	--	0%
Steve Ogden	R-5	--	--	--	--	--	--	--	--	--	0%

+ = vote in favor of GEAA's position; -- = vote against GEAA's position; A = absent, did not vote; # = mistaken vote due to alleged recording malfunction

When available, second reading votes were used; otherwise, third reading votes were used. If neither were available, other record votes were used.

Introduction to the Voting Record:

Legislation was selected based on relevance to GEAA priorities and availability of record votes. The legislation used to compile the record are not necessarily the items that GEAA focused on most during the session, but do reflect issues that affect protection of the Edwards Aquifer, including Local Control of Water Quality, Development Subsidies, Transportation, Groundwater Districts, TCEQ Permitting, and Open Government. There are many other pieces of legislation, some of which were passed into law and some that were not, which had direct impacts on the Edwards Aquifer but there was no record vote taken and therefore cannot be included in the voting record. Additionally, many bills are not voted out of committee, or due to the chairperson of the committee are never given a hearing.

The Senators and Representatives listed in the voting record represent districts that overlie the Edwards Aquifer, its contributing watersheds, or depend on the Aquifer as a water source. The + symbol represents a vote in accordance with the GEAA position on the legislation. Likewise, a – indicates a vote in opposition to the GEAA position. The percentage total reflects the percentage that the legislator voted in accordance with the GEAA position of the legislation listed in the table.

LOCAL CONTROL OF WATER QUALITY

SB 848 “Grandfathering” (by Shapiro, R-8)

STATUS: *Became law*

GEAA POSITION: *Oppose*

DESCRIPTION: This bill (companion bill is HB 1704 by Kuempel, R-44) expands grandfather of development plans. When a developer completes a permit application, the regulations valid at that date apply to the development authorized by the permit, even if the actual construction takes place much later when those regulations have been changed or repealed. This bill allows grandfathering upon mailing of an incomplete application rather than receipt of a completed application; in addition, water and wastewater utility service agreements serve as a permit for grandfathering purposes. Also, as an alternative to submitting a permit application, a developer can submit a “plan for development of real property,” which requires only “fair notice” of the development.

CONSEQUENCES: By setting the date for grandfathering at the time of mailing and by allowing incomplete applications to count, this bill allows developers to freeze even earlier regulations than had been possible before. It also allows a developer to freeze regulations merely by getting a utility to agree to provide water or wastewater service, which is regularly done without any consideration of what kind or size of

project can be built under current regulations, or even a development application being filed. The bill also leaves the terms “plan for development of real property” and “fair notice” undefined, which could potentially allow a developer to grandfather a development plan with nothing more than a scribbled note on a napkin. Newer water quality regulations protect the Edwards Aquifer from pollution, but this bill enables developers to circumvent these regulations and build under old, outdated standards.

SB 848 GEAA Amendment “Water Quality Regulations” (by Barrientos, D-14, and Leibowitz, D-117)

STATUS: *Did not become law*

GEAA POSITION: *Support*

DESCRIPTION: This amendment prevents grandfathering of regulations for the protection of drinking water in the Edwards Aquifer.

CONSEQUENCES: This amendment protects our drinking water and the Aquifer from pollution allowed under antiquated regulations.

HB 2833 “Takings” (by Cook, D-17)

STATUS: *Did not become law*

GEAA POSITION: *Oppose*

DESCRIPTION: This bill (companion bill is SB 1647 by Staples, R-3) requires the government to compensate developers for complying with impervious cover limits of less than 45% as a regulatory “taking.” The bill also requires compensation when municipal regulations such as zoning devalue property by 25% or more.

CONSEQUENCES: Impervious cover creates runoff, which is one of the primary sources of pollution for the Edwards Aquifer. Scientific consensus is that in particularly sensitive areas of the Aquifer, impervious cover must be limited to 15% to 20% in order to prevent runoff pollution and flooding. This bill will prevent enforcement of impervious cover limitations by cities because they do not have the resources to compensate for every “taking.” It also prevents cities from enforcing regulations such as zoning that are designed to protect the health, safety, and property values of all citizens.

DEVELOPMENT SUBSIDIES

HJR 80 “Tax Subsidies I” (by Krusee, R-52)

STATUS: *Passed, awaiting vote in November election*

GEAA POSITION: *Oppose*

DESCRIPTION: This bill proposes a constitutional amendment that allows cities to give taxes to corporations and developers. Currently, the Texas Constitution prohibits multi-year debts without certain protections. Without these protections, an unconstitutional debt is created, as the court found in *SOS v. Village of Bee Cave and Shops at the Galleria*. In response to this decision, the legislature is asking Texas voters to amend the constitution and allow cities to agree to multi-million dollar developer subsidies that endure for decades at a time.

CONSEQUENCES: The constitutional amendment allows public tax dollars to be used in subsidizing development in environmentally sensitive areas. By committing to tax payments over twenty or thirty year terms, these contracts circumvent the democratic process by locking in future city councils and preventing them from making their own decisions about how to spend tax dollars.

HB 918 “Tax Subsidies II” (by Krusee, R-52)

STATUS: *Became law*

GEAA POSITION: *Oppose*

DESCRIPTION: This bill extends cities’ ability to commit tax payments, such as the illegal agreement between the Village of Bee Cave and the Shops at the Galleria, to developers and corporations beyond the city limits to areas annexed for limited purposes and extra-territorial jurisdictions.

CONSEQUENCES: This bill facilitates development in environmentally sensitive watersheds by making it easier for developers and corporations to finance development.

SB 1022 “Bee Cave Development District” (by Barrientos, D-14)

STATUS: *Did not become law*

GEAA POSITION: *Oppose*

DESCRIPTION: This bill creates a special district to finance improvements associated with the Hill Country Galleria.

CONSEQUENCES: This bill allows developers to use tax-exempt bonds to build infrastructure for their private, for-profit Hill Country Galleria, a high-density development that will pollute the Barton Springs segment of the Edwards Aquifer.

HB 2120 Amendment #9 “PGA Village” (by Wentworth, R-25)

STATUS: *Became law*

GEAA POSITION: *Oppose*

DESCRIPTION: This amendment creates a special district to finance development for a PGA Tour golf resort and residential development near San Antonio.

CONSEQUENCES: The PGA Village development will be located on the recharge zone of the Edwards Aquifer. The impervious cover created by the development will pollute the Aquifer, the primary source of drinking water for San Antonio. This amendment would significantly facilitate the creation of the development.

TRANSPORTATION

HJR 79 “Six-Year Term Limits for RMAs” (by Krusee, R-52)

STATUS: *Passed, awaiting vote in November election*

GEAA POSITION: *Oppose*

DESCRIPTION: This bill proposes a constitutional amendment that allows the legislature to fix terms for board members of a regional mobility authority (RMA) to six years.

CONSEQUENCES: The Texas Constitution limits all public offices to two-year terms. Extending RMA director terms to six years allows irreversible long-term road

building and financing decisions to be made with no public accountability or opportunity to change the composition of the RMA board.

GROUNDWATER DISTRICTS

SB 1857 “Kinney County District” (by Madla, D-19)

STATUS: *Did not become law*

GEAA POSITION: *Oppose*

DESCRIPTION: This bill (companion bill is HB 3571 by Puente, D-119) abolishes the Kinney Country Groundwater Conservation District and subsumes it into the Edwards Aquifer Authority.

CONSEQUENCES: This bill removes local control of water resources for Kinney County.

TCEQ PERMITTING

HB 86 “TCEQ Violations” (by Smith, R-128)

STATUS: *Did not become law*

GEAA POSITION: *Oppose*

DESCRIPTION: This bill (companion bill is SB 519 by Armbrister, D-18) changes the classification of “repeat violator” for purposes of administering violation penalties by the Texas Commission on Environmental Quality. Instead of considering the violations that have occurred on all of the violator’s sites, the agency will now consider only similar violations that occur at a single site. Also, the bill requires information about a site to undergo quality assurance and optional review by the site’s owner/operator before it can be accessed online.

CONSEQUENCES: This bill makes it harder for a violator to qualify as a repeat violator and consequently indirectly encourages repeat violations, as long as those violations are committed on different sites. Furthermore, the bill impedes public access to information by delaying online access. Impeding public access to information weakens the democratic process.

SB 1740 “TCEQ Permits” (by Staples, R-3)

STATUS: *Became law*

GEAA POSITION: *Oppose*

DESCRIPTION: This bill allows for construction of permitted facilities to proceed while the permit is still under review at TCEQ.

CONSEQUENCES: This bill allows construction to proceed when a facility design has not been reviewed for environmental compliance. This circumvents and makes moot public participation in permitting and may allow a facility to be constructed that does not meet regulatory requirements.

OPEN GOVERNMENT

SB 623 “Payments After 10 Days” (by Hinojosa, D-20)

STATUS: *Became law*

GEAA POSITION: *Oppose*

DESCRIPTION: This bill requires a person requesting public information to make the necessary payments within 10 days after they are required.

CONSEQUENCES: This bill makes it more difficult for citizens to acquire public information, which impedes their ability to participate in government.

DISCLAIMER: *GEAA is a nonpartisan organization that neither supports nor opposes any political candidate for office.*