

Greater Edwards Aquifer Alliance 81st Texas Legislature

Overview

Several dynamic scenarios characterized the 81st legislative session: 1. An abnormally collegial House of Representatives suddenly imploding over a controversial voter identification bill – killing several hundred bills in its aftermath; 2. A \$9 billion budget deficit which had appropriators scrambling; and 3. A reluctance on the part of the Legislature to wrangle with the time-honored developer / environmental debates.

The session ended abruptly, leaving many issues unresolved, including dozens of bills affecting renewable energy, transportation reform and many bills important to GEAA members. GEAA's aggressive legislative agenda fell short of expectations, but we were not alone in that regard. The good news is that bills we opposed died ignominious deaths *and* GEAA was able to solidify its position as a credible player in the legislative realm.

The most notable change this year was the openness of the House of Representatives, due mostly to the leadership of Speaker Joe Strauss R- San Antonio. At all times, GEAA had access to all levels of the House leadership and staff. Because of GEAA's great work in the past, members and their staffs gave us unfettered access, which accorded us numerous opportunities to make our case.

That said, the Legislature seemed in no mood to referee the developer / water quality debates featured so prominently in past legislatures. That was puzzling to us given the importance of water quality in Texas – now underscored by severe drought conditions in many areas of the state. That was never more evident when we advocated for HB 595 by Rep. David Leibowitz, D-San Antonio and SB 822 by Sen. Leticia Van de Putte, D-San Antonio. These bills would have protected the aquifer by prohibiting the discharge of sewage effluent into any water in the Contributing or Recharge Zones.

Clearly, GEAA and its array of outstanding witnesses carried the day in the House Natural Resources Committee with cogent and lucid arguments based on scientific facts. Curiously, the developer lobby did not show up like they usually do and their arguments were weak, in our opinion. Yet the bills did not move out of committee, in spite of yeomen's efforts by Leibowitz and Van de Putte.

We saw the same dynamic play out with Rep. Mike Villarreal's, D-San Antonio grandfathering legislation, HB 2506 that limited grandfathered rights to five years after submitting an application. The bill never made out of committee.

Successes

GEAA had a significant role in bottling up the recurring regulatory takings bill by Sen. Dan Patrick, R-Houston. This bill is filed every session and is a direct assault on impervious cover standards and a municipality's right to govern itself.

We also had a major role in defeating the legislation that would have made it significantly more difficult to gather signatures for municipal referendums.

HB 3265 by Rep. Patrick Rose, D-Dripping Springs, that would have given counties over the aquifer the ability to create land development regulations. As you know, it has been challenging to convince lawmakers on the notion of county ordinance making authority of any kind. Two county authority bills by Rep. Valinda Bolton, D-Austin and Sen. Jeff Wentworth, R-San Antonio never even received a committee hearing. The Rose bill, however, did make out of committee and was received by the House Calendars Committee that schedules bills for floor debate. Most likely this legislation died when the debate over voter ID stopped the process in its tracks. Even still, the progress was encouraging.

Rose's rainwater collection bill, HB 4299, did make through the House and was on the Senate Intent Calendar, when the Senate shut down due to frustration with the House. This bill stood an excellent chance of passage.

One excellent bill we advocated vigorously for did pass: SB 1414, by Sen. Tommy Williams, R-Woodlands that regulates renegade quarry operations. We are very proud to have contributed to this bill's passage.

Summation

The Texas Legislature chose to not engage in many issues vitally important to us, but it is clear that attitudes will be impelled to change based on that fact Texas may be facing persistent drought conditions. These issues cannot be ignored for much longer and GEAA has a well-earned presence at the table when it does. It is encouraging that GEAA made large strides at the legislature by enhancing its reputation. GEAA was relied upon repeatedly as an invaluable resource.

Where To Go From Here

1. *The Texas Commission on Environmental Quality* will be going through Sunset Review. This is a legislative process to ascertain whether an agency is still relevant. It is also an opportunity to advance major reforms. We can link with other likeminded groups and individuals to craft an agenda and strategy to advocate these reforms. The time between legislative sessions is where the rubber usually meets the road.

2. *Interim Studies*: We have an opportunity to raise the profile of certain issues in the legislative arena by requesting a House or Senate committee to conduct an interim study. Committee Chairman will be assembling interim study requests soon and submit them to the Speaker and the Lt. Governor. Leadership will approve or disapprove the requests in November or December 2009. This is a valuable tool in that the legislature can examine issues outside the frenetic nature of the legislative session.