

Dear GEAA members and friends,

Things are moving fast towards the end of this legislative session; here is your weekend update and call to action. As always, a word from you on any of the following bills can make a real difference.

We understand that SB 234 passed in the Senate yesterday but still needs a bit of help.

✓ [SB 234](#) - Zaffirini Relating to the creation and operation of a park and recreation district in counties that share a border on the San Marcos River. This bill allows Hays and Caldwell counties to create a Water Oriented Recreation District that may adopt reasonable rules and ordinances applicable to activity on this stretch of the San Marcos River. We heartily support the efforts of those who live in Martindale and others along the San Marcos River who worked hard to get this legislation filed.

The House requires any special district to receive the approval of the [Special Purpose Districts](#) Committee. [Representative Doug Miller](#) is the Chair of that Committee, so a message to him urging approval, especially from folks in New Braunfels, might really help. Once SB 234 gets approval of the Committee, it can proceed to the full House for approval. Word is that if the Committee is given the opportunity to vote on the formation of this San Marcos River district - it'll easily pass. You can watch the May 6th hearings on the bill [here](#) and [here](#).

Coming up on Monday and next week:

In [House Natural Resources](#) on Monday, May 18th

✓ [SB 551](#) - Seliger Relating to the duty of the Water Conservation Advisory Council to submit a report and recommendations regarding water conservation in this state. The required report submitted by Water Conservation Advisory Council must include recommendations for legislation to advance water conservation in this state.

In [Senate Agriculture, Water, and Rural Affairs](#) on Monday, May 18th

✓ [HB 928](#) - Guillen Relating to state and local planning for and responses to drought. This bill directs Council to the Texas Water Development Board to monitor and develop strategies for responding to

drought and monitor new drought response technologies for possible inclusion by the board as best management practices in the TWDB best management practices guide recommend methodologies for conducting drought contingency plan evaluations.

✗ [SB 1907](#) Perry / [HB 3298](#) – Larson Relating to a study conducted by the Texas Water Development Board regarding the development of a market and conveyance network for water in this state. We agree with the Lone Star Chapter of the Sierra Club, who dubbed this the Gridzilla bill, that *“such a study would focus the attention of the state away from what is needed first and foremost to meet our state’s water challenges and because the prospect of a massive market and conveyance network to move water around the state poses threats to protection of the environment and undermines the prospects for building a consensus on water policy that balances rural and urban interests.”*

You can read GEAA’s comments to the Committee [here](#). You can read Sierra Club’s comments [here](#).

**In Senate Natural Resources and Economic Development on Tuesday.,
May 19th**

✗ [HB 2595](#) - Keffer see more on this bill below...

Gridzilla and the following bills could move to the Senate floor next week:

✗ [HB 1794](#)- Geren Relating to maximum penalties for certain environmental violations

This bill imposes standards that would effectively prevent local governments from protecting their citizens and the environment from careless, negligent, reckless, and even grossly negligent behavior.

HB 1794 would radically change existing law to require that local governments (and the state, in actions filed by local governments) prove a bad actor's criminal intent in civil cases seeking civil penalties – never the law in Texas. Under existing law, local governments are empowered to seek civil penalties from anyone who “causes, suffers, allows, or permits” pollution in Texas. The “cause/suffer/allow” standard is characteristic of laws designed to protect public health and the environment because the legislature has recognized the importance of creating an ironclad incentive for responsible and careful conduct when protecting public health and the environment. Proof of criminal intent, or that a defendant acted “knowingly or intentionally” – terms of art in law requiring proof of a much higher level of intent, care, or knowledge – has never been required. Besides being very difficult to prove in environmental cases, that standard would leave local governments and the state, as a necessary party in local government actions, powerless to penalize a person responsible for careless, negligent, reckless, or even grossly negligent conduct resulting in air, water, solid waste, or hazardous waste pollution or public harm, no matter how serious.

Another bad bill that is rearing its ugly head is  [HB 2595](#) – Keffer Relating to the use of municipal initiative and referendum to restrict property rights. This bill would strip citizens of the power to initiate and vote on ordinances that interfere with an individual's use of his or her property. This bill is written so broadly that we believe that it would have prohibited the citizens of Austin from passing the SOS Ordinances had it been in effect. This bill further provides that a person whose rights are affected by a violation of this section may sue for injunctive relief to enforce this section. GEAA believes it is essential to reserve the rights of citizens to enact reasonable ordinance through the process of initiative and referendum to protect our natural resources. Read more [here](#) and GEAA's comments [here](#).

 [HB 912](#) – Isaac Relating to the dismissal of protests against certain decisions and actions of the Texas Commission on Environmental Quality regarding wastewater discharge permits. This bill amends Subchapter B, Chapter 26, of the Water Code , requiring the TCEQ to dismiss any protest opposing a wastewater discharge permit if the protest is filed by a municipality that is subject to less stringent wastewater treatment requirements than the

requirements established by the permit. This bill stems from the City of Austin's protest against such a permit for Dripping Springs.

Call or email your local Senator and ask him to oppose these bills should they move to the Senate floor next week.

Thanks so much to all of you who have been acting on these alerts!

Have a wonderful weekend,

Annalisa Peace

Executive Director

[Greater Edwards Aquifer Alliance](#)