

Bills We Love

✓ **HB 595 Leibowitz & SB 822 Van de Putte – Effluent Discharge**

Prohibits discharge of sewage effluent into any water in the Contributing or Recharge Zones of the San Antonio or Barton Springs segment of the Edwards Aquifer. This bill will help to ensure that Central Texans continue to enjoy high quality ground water, and will not impact development that does not unnecessarily harm the Edwards Aquifer.

Status: Both referred to Natural Resources; HB 595 left pending in committee

✓ **HB 1508 Bolton & SB 1099 Watson – Effluent Discharge**

Prohibits discharge of sewage effluent into the portions of the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer that are under the jurisdiction of the Barton Springs-Edwards Aquifer Conservation District.

Status: Both referred to Natural Resources; HB 1508 Committee report sent to Calendars (4/28/09)

✓ **HB 2506 Villarreal – Grandfathering**

Current state law exempts development projects from city ordinances that were passed after a city received the first plats or permit applications. The grandfathered exemption may be continued regardless of how vague or old the original applications were, whether the property is sold or used for a different purpose, or how many years or decades pass before any construction begins. As a result, communities have often been unable to enforce local requirements regarding protection of the water supply, trees, or other local resources.

HB 2506 would limit the ability of a developer to seek exemptions from current city ordinances on the basis of dated plat or permit application. Currently, a developer may bring suit if a city denies the developer's petition to transfer the vested development rights of a dated plat or permit to a new permit for construction at the same location as the dated plat or permit. The bill would require that the developer bring suit in such a case within five years after submitting the original plat or permit application.

Status: Referred to Judiciary & Civil Jurisprudence; left pending in committee

✓ **HB 1449 Farias – No \$\$ for Toll Roads Over the Aquifer**

Prohibits toll roads to be constructed or expanded if the construction or expansion will affect renewable resource land, including aquifers and aquifer recharge areas, resulting in a substantial loss or reduction of long-range water productivity.

Status: Referred to Transportation

Bills We Love (continued)

✓ HB 4280 Frost & SB 1414 Williams – Quarry Registration and Inspection

Requires registration of a quarry operation with the TCEQ prior to beginning extraction activities, and annual renewal of registration as extraction activities continue. TCEQ will annually conduct a physical survey of the state to identify all quarry operations in Texas and ensure that each operation is registered. Additionally, TCEQ will inspect each quarry operation for compliance with environmental laws and rules (specifically those pertaining to water and air quality) at least once every three years. TCEQ will establish inspection fees of no more than \$1,000 per year, and a penalty fee of no less than \$5,000 and no more than \$10,000 for failure of a quarry operation to register.

Status: Both referred to Natural Resources; **SB 1414 passed as substituted 4/16/09, received by House from Senate 4/17/09, reported favorably without amendments 5/14/09**

✓ HB 2501 Leibowitz – Creation of the Scenic Loop-Boerne Stage Road Driving Trail

Creates a scenic driving trail that follows part of the Old Spanish Trail highway in Bexar and Kendall Counties and consists of four legs, starting at State Highway 16 in Helotes and ending at the Scenic Loop Road in Boerne. This bill also includes promotion for the scenic driving trail in materials and travel brochures for the Texas Heritage Trails Regions.

Status: Referred to Transportation; left pending in committee

✓ HB 2016 Villarreal – Closing Loophole in San Antonio’s Tree Preservation Ordinances

Tightens requirements for the tree clearing agriculture exemption. If a county, municipality, or municipal corporation determines that the use of land has been changed to a nonagricultural use, the government agency may apply its governmental requirements to the land for the five years preceding the date on which the use of the land is determined to have changed.

Status: Referred to Agriculture & Livestock

✓ HB 1295 Aycock – CCN Notification

Includes county and groundwater conservation districts in list of parties to be notified of applications for or amendments to CCN’s.

Status: Referred to Natural Resources; passed without amendments 5/15/09, received by Senate from House 5/18/09

✓ HB 3543 Lucio III – Watershed Protection

Creates Don’t Mess with Texas Water program to prevent illegal dumping that affects the surface waters of this state. Status: Referred to Natural Resources; **Passed as amended 5/05/09, received by Senate from House 5/05/09, referred to Natural Resources 5/06/09, reported favorable without amendment 5/12/09, placed on Local & Uncontested Calendar 5/12/09**

Bills We Love (continued)

County Authority

The Texas Hill Country is among the fastest growing areas in the nation, yet the State of Texas currently denies county governments the authority needed to impose sanity and civility upon new development to protect our farms and ranches, our natural and cultural resources, and to preserve the rural character of this unique region that is the source of the Edwards Aquifer.

✓ HB 3265 Rose – County Authority

After a local option election, the Commissioners Court of a Hill Country county may adopt land development regulations to provide for the safe, orderly, and healthful development in the unincorporated area of the county. The Commissioners Court can establish density of development standards; building and set-back lines; infrastructure cost recovery fees; and land use compatibility. Applies to Bandera, Blanco, Burnet, Comal, Edwards, Gillespie, Hays, Kendall, Kerr, Kimble, Llano, Mason, Medina, Real, and/or Uvalde County.

Status: Referred to County Affairs; **House Committee report sent to Calendars (4/28/09)**

✓ HB 1119 Bolton – County Authority

Gives Commissioners Courts authority to adopt zoning regulations pertaining to noise levels and the location and use of buildings (business, industrial, residential, etc.) for unincorporated areas. Applies to counties with populations greater than 800,000.

Status: Referred to Land & Resource Development

✓ SB 578 Wentworth – County Authority

After a local option election, the Commissioners Court of a county may regulate land development in unincorporated areas by establishing regulations for limited fire suppression systems, buffer zones between land uses, and developer guidelines for meeting off-site roadway needs. (Does not apply to land dedicated to agricultural use.)

Status: Referred to Intergovernmental Relations

✓ HB 2919 King, S.; HB 143 McClendon – County Authority

Give counties limited power to regulate land use around military facilities.

Status: Both referred to Defense & Veterans' Affairs; HB 143 left pending; **HB 2919 passed by House 5/14/09 and received by Senate 5/15/09, referred to Senate Veteran Affairs & Military Installments 5/18/09**

Bills We Love (continued)

Rainwater Harvesting and Water Conservation

Groundwater resources will not be sufficient to provide for our rapidly growing population. Rainwater harvesting reduces reliance on finite water resources while mitigating flooding.

✓ HB 1818 Rose & HB 4299 Rose – Promotion of Rainwater Harvesting

Rainwater harvesting system technology for non-potable indoor use and landscape watering will be incorporated into the design and construction of each new state building with a roof measuring at least 10,000 ft² that is located in an area of Texas in which the average annual rainfall is at least 28 inches. Each municipality and county is encouraged to promote rainwater harvesting at residential, commercial, and industrial facilities through various incentives. The Texas Water Development Board will hold quarterly training seminars on rainwater harvesting for the members of the permitting staffs of municipalities and counties (mandatory attendance for certain cities and counties). HB 1818 also includes the tax exemption text from HB 225/1816.

Status: HB 1818 Referred to Ways & Means; HB 4299 Referred to Natural Resources; **Committee Substitute for HB 4299 passed by House on 5/14/09 and received by Senate from House on 5/15/09, referred to Senate Natural Resources 5/18/09**

✓ HB 225 & HJR 25 Aycock; HB 1816 & HJR 74 Rose – Tax Exemptions for Water Conservation Technology

A person is entitled to a tax exemption for property attributable to the implementation of rainwater harvesting or other water conservation initiatives, desalination projects, or brush control initiatives. The comptroller will adopt standards for determining whether property qualifies for an exemption under this section (i.e., minimum capacities for rainwater harvesting or desalination systems, or minimum size of area for brush control initiatives).

Status: All referred to Ways & Means

Worthy of Your Support

✓ HB 1867 Anchia and SB 338 Van de Putte – Resource Conservation

Requires large grocery stores to offer affordable reusable bags for sale.

Status: HB 1867 referred to Environmental Regulation and left pending; SB 338 referred to Business & Commerce, **passed as substituted and received by House from Senate on 4/09/09; Referred to House Environmental Regulation 4/16/09**

Much Needed Reforms Commercial Injection Wells

✓ **HB 177 Creighton; HB 4028 Christian; SB 273 Nichols – Injection Wells Monitoring**

Requires on-site monitoring and shallow soil testing, and immediate reporting to TCEQ in case of a change detected in water quality, as well as on a regular basis, as designated by TCEQ.

Status: All referred to Natural Resources Committee and left pending

✓ **HB 179 Creighton; SB 275 Nichols – Commercial Injection Wells**

Calls for suspension of the permitting process for any pending application of underground injection wells until any new rules are adopted.

Status: Both referred to Natural Resources Committee; **HB 179 reported favorably as substituted and placed on General State Calendar 5/11/09; SB 275 reported favorably as substituted, passed by Senate on 4/30/09, received by House from Senate on 5/01/09, and reported favorably without amendments 5/14/09**

✓ **HB 2254 Hancock; SB 752 Davis, W. – Commercial Injection Wells**

Prohibits the Railroad Commission from issuing a permit for an underground injection well if a local government has determined that an area is unsuitable due to its proximity to a water table, and notifies the TCEQ or RRC as applicable.

Status: Both referred to Natural Resources Committee; **HB 2254 left pending; SB 752 reported favorably as substituted 4/14/09, passed 4/21/09 and received by House from Senate 4/22/09, referred to House Natural Resources 4/28/09, reported favorably without amendment 5/5/09, House committee report sent to Local & Consent Calendar 5/08/09**

✓ **HB 1890 Creighton – Injection Wells**

If an application is received for a permit for an injection well, and the proposed location of the injection well is in the territory of a groundwater conservation district, the executive director will submit a copy of the application to the governing body of the groundwater conservation district, along with all other mandated recipients. The groundwater conservation district may make recommendations to the commission concerning any aspect of the application.

Status: Referred to Natural Resources and left pending

Sunset Review

✓ **HB 300 Isett, SB 1019 Hegar (identical) – Sunset Review for TxDOT**

GEAA supports HB 300 in essence. TxDOT has failed to develop a comprehensive approach to addressing the state's transportation needs that goes beyond dependence on roads as main arteries; take into consideration and address the full environmental and other social impacts of its road projects; and provide for meaningful and effective public involvement in shaping the agency's decisions. HB 300 as filed will not cure all of TxDOT's ills, but it is an important start.

Status: HB 300 referred to Transportation; SB 1019 referred to Transportation & Homeland Security and left pending; **HB 300 passed with MANY amendments 5/11/09, received by Senate from House and referred to Transportation & Homeland Security 5/12/09, scheduled for Public Hearing on 5/18/09**

Bad Bills

X HB 1669 Callegari – Power to grant CCNs

If a municipality refuses to provide service to property located in the municipality's ETJ, a retail public utility may apply to the commission for a CCN to serve the property. The commission can grant the certificate irrespective of whether the municipality consents to the certification.

Status: Referred to Natural Resources; **Passed as substituted and amended 5/14/09, received by Senate from House 5/15/09, referred to Senate Natural Resources 5/18/09**

X SB 690 Wentworth; HB 3458 Branch – Increase in Signatures Required for Referendums

Nearly quintuples the number of signatures needed to trigger a referendum to amend the charters in Austin and Dallas, and at least doubles the signatures needed in the rest of the 346 Home Rule Texas cities.

Status: SB 690 Referred to Intergovernmental Relations and left pending; HB 3458 referred to Urban Affairs

X SB 1180 Patrick – Redefining “Takings”

Redefines “taking” to include any governmental action that limits impervious cover to less than 35% and eliminates several exceptions that give government agencies more power to regulate land use. Also extends the suit filing window to two years.

Status: Referred to State Affairs

Bills to Watch

? HB 43 Corte – Groundwater Permits

Establishes a single permit for applicants who wish to withdraw and transfer groundwater. This permit will authorize the drilling of a well and the transfer of the water produced from the well. Currently, the bill calls for a permit term of at least 30 years, with periodic permit reviews by a district and flexibility for the district to manage supplies during drought; however, these terms may change during the review process.

Status: Referred to Natural Resources and left pending

? SB 2459 Averitt

Creates the Edwards Aquifer Transport Study Group, comprised of 12 members, with representatives from: the Edwards Aquifer Authority, SAWWS, GBRA, SARA, NRA, South Central Texas Water Advisory Committee, county judges of Bexar, Comal, Hays, Medina, and Uvalde counties, and one representative “of an environmental interest identified by the study group.” The group will consider all reasonably available science to assess possible methods and options to transport groundwater from Uvalde and Medina counties; potential impacts on aquifer levels and on spring discharge rates of this transport; secondary impacts of any transport project (i.e., economic impacts on local economies, employment, businesses), etc. (see bill for complete assessment list).

Status: Referred to Natural Resources

X HB 1741 King, T. – Artificial Recharge Compensation Guidelines

Relating to recharge of the Edwards Aquifer. A political subdivision that causes artificial recharge of the aquifer is entitled to withdraw the measured amount of water it recharged, less an amount that accounts for recharge water discharged through springs and water that compensates the authority in lieu of users’ fees. The subdivision is also entitled to compensation by the authority for the cost of operating any facility that causes artificial recharge, regardless of its primary function.

This bill, created to achieve a worthy goal: that of funding much needed repairs for the Medina Dam, would result in raising the pumping caps enforced by the Edwards Aquifer Authority by designating recharge credits for the water recharged at the Medina Dam site – not a good idea.

Status: Referred to Natural Resources; Passed as substituted 4/30/09, received by Senate from House 5/01/09, referred to Senate Natural Resources 5/06/09, Public Hearing on 5/12/09, left pending