

Summary of legislation affecting the Texas Hill Country Region

County Authority – HB 3265 filed by Rose along with Miller and Gallego managed to pass out of the House County Affairs Committee only to be left to die in Calendars. The bill would have granted three minimal tools to specific Hill Country counties including density average rules, buffers between incompatible land uses and new development fees to help with the cost of roadway safety improvements. These new tools would have been subject to voter approval.

Other county authority legislation filed by Representative Bolton and Senator Wentworth never made it out of the committees they were assigned to.

SB 2223 to enhance development planning authority around Camp Bullis in Bexar, Comal and Kendall Counties died in committee; however Senator Wentworth was successful adding language to HB 2919 to keep this initiative alive. The bill is pending the Governor's signature.

River Authority Review – Three bills were filed to consider more careful review of the activities of the State's River Authorities. One of those bills, Howard's HB 4756 dealt specifically with the LCRA and would have given each county in the basin one appointment to the agency's board of directors. None of these bills moved beyond their committee assignments.

Scenic Roadways – Like every session, numerous bills were filed to protect scenic roadways and prohibit new billboards. We watched 15 bills that varied from protecting State Highway 71 to individual county roads, to groups of hill country roadways. Representative Miller took things one step further and filed HB 2948 which would have taken this issue to the local counties where it belongs. Rose, Wentworth, Miller and Bolton all worked on this issue however none of the bills survived the lobby of the outdoor advertising industry.

Groundwater Management – Groundwater Conservation Districts are the only means to evaluate and regulate groundwater resources in Texas. That ability rests on the authority granted by the Legislature. Three areas in the Hill Country have minimal or no protection at all; Hays, Comal and SW Travis Counties. Little was filed to remedy this situation and nothing at all was

passed. The best effort by Bolton and Watson would have allowed the BSEACD to annex SW Travis County but it died in the end. The word from TCEQ is that since the legislature failed again, they will now take action to create GCD's in Comal and Travis Counties.

Wind Farms – While a beneficial source of energy, wind farms have created much opposition from landowners who fear the facilities will have a negative impact on property values. Fraser filed two bills relating to location and regulation of wind energy facilities. Neither proposal made it out of committee.

Purchase of Development Rights Funding (PDR's) – A proposal to create a revenue source for the PDR program at the General Land Office passed and is on it's way to the Governor's office. While still tragically underfunded, someday this could be a wonderful program for the Hill Country providing financial benefits to those landowners who choose to stay on their land and conserve their land, rather than develop.

Direct Discharge Permits – Two bills to prohibit direct discharge permits in the Hill Country were filed, one by Leibowitz pertaining to the entire Edwards Aquifer and the other by Bolton relating only to the Barton segment. Neither bill passed. Efforts have been underway by a broad coalition of cities, counties and GCD's to initiate rules changes at TCEQ prohibiting these permits in small streams where flow is often extremely low or non-existent. Belterra in Hays County and Lerin Hills in Kendall County are the two developments that have raised awareness of the seriousness of these permits that allow treated wastewater to be dumped directly into a waterway rather than reused on-site or limited.

Park Funding and TPWD – Efforts lead by the Texas Coalition for Conservation to secure park funding were successful. To quote George Bristol, “the approved budget bill is kind to parks, conservation and the Texas Parks and Wildlife Department.

Rainwater Harvesting - HB 4299 by Representative Rose provided, for the first time, authorization for local government to provide incentives for rainwater use. The failure of the

legislature to act on this measure means at least two more years of many, many missed opportunities to reduce dependence on ground and surface water.

Transportation – Transportation did get desperately needed reforms this session. Efforts to grant local option fees and taxes to fund transportation projects failed. TxDot was left to “sunset” or die, however it is unlikely that Perry will let that happen.

Western Edwards Aquifer Pipeline – Legislation to study the creation of a major new pipeline project to transport water from Uvalde and Kinney Counties closer to San Antonio was filed, widely opposed and never made it out of committee.

Riverbed Access – Legislation to expand access by vehicles to rivers and riverbeds passed the House but was left in committee in the Senate.

Eminent Domain Reform – Legislation to reform eminent domain policy promoted by the Texas Wildlife Association, SB 18 did not pass as expected. The bill would have instructed all condemning authorities to first make a good faith offer based on market value before taking it by force for less. Some of that language was amended to HB 300 the TxDOT sunset bill, but that bill died too.

The passage of HJR 14 means no more “Kelo” type takings in Texas. The voters of Texas will decide in November, via a constitutional amendment, if it is OK for governments in Texas to take a family's ranch then sell that ranch for a private development (using public authority for private gain).

Smart Growth Policy – SB 2169 did pass and is on its way to the Governors office. This establishes a work group on smart growth policy composed of representatives of 11 state agencies who are required to work with MPOs, COGs and federal agencies to develop a plan to be submitted to the legislature to prepare for the projected population growth in the state.