

Hill Country Alliance Review of the 2011 Legislative Session

While some well funded lobbyists claim victories, others breathe a sigh of relief knowing threats were thwarted. Still, others return home to ponder whether or not they have the energy to return in two years to try to make a difference and continue their good work.

HCA generated resources, provided public education, and facilitated dialog among diverse stakeholders throughout the session. Perhaps the greatest accomplishment for the Hill Country is the fact that, now more than ever, county elected officials, groundwater districts and members of the legislature are regularly convening as a united region to address critical issues that affect us all. And, now more than ever, rural landowners are coming together with urban conservationists to recognize common goals such as managing water supplies for future generations, balancing private property rights with necessary rules for new development, guiding new infrastructure in ways that do not negatively impact scenic resources or burden existing taxpayers and landowners. The Hill Country is worth protecting.

Below, we are providing a brief outline of issues and pieces of legislation to pay attention to in the Hill Country. We encourage everyone to do their own research, stay informed through HCA and come to the table to work cooperatively on these critical issues.

[Texas Legislature Online](#) is a very user friendly tool for researching bill text, analysis, and lists of those who support and oppose specific legislation.

Scenic Beauty and Billboards:

Scenic beauty is one of the most valuable assets of our region. Yet new billboards are being erected at an increasing rate on our county roads and highways, and counties do not have authority to deal with this issue on a local level.

[More on scenic Hill Country Issues](#)

HB 1360 by Chairman Coleman – left pending: This initiative would have given counties the ability to manage billboards in unincorporated areas of their counties pending voter approval. A strong showing of support turned out from several Hill Country counties however the bill was left pending in House County Affairs Committee.

Rainwater Harvesting

With our drought-and-flood climate and stressed water supply, rainwater is an obvious alternative resource, yet policy has taken much time to catch up with demand and interest in advancing rainwater harvesting.

[More on Rainwater Harvesting](#)

HB 3391 by Representative Doug Miller - Passed: This comprehensive rainwater harvesting bill allows for systems that support indoor potable use, opens the door for financial institutions to offer loans for rainwater systems, limits liability for adverse health effects from the consumption of rainwater and advances training and incentives that will encourage more use of rainwater – fantastic!

Groundwater Management

Groundwater supply is limited and under increasing pressure from growing population. If this resource is to sustain our communities, ranchlands, future generations and environmental treasures of this region it must be carefully managed.

SB 332 (substitute version) originally introduced by Senator Fraser – Passed: What began as one of the most controversial initiatives of this session resulted in a compromise after long and passionate hearings and public debate.

The Farm Bureau, Texas Cattle Raiser and Texas Wildlife Association coordinated a campaign to pass legislation that would confirm Texas landowners' "vested right" in water beneath their land and in essence entitle them to produce that water. The issue remains, how will this affect the ability of groundwater districts' to manage the dwindling supply for future generations and will this bring on a wave of legal battles. What passed is a confirmation of groundwater as a "real property right" which some argue already existed, and confirmation that groundwater districts have state support to continue to manage the resource (although three districts including the EAA were singled out not to be effected). [More on SB 332](#)

HB 814 by Representative Gutierrez – left pending: This water marketing proposal which was intended to allow for what's known as the Western Edwards Pipeline project was avoided. A strong united group of local landowners and stakeholders will continue to monitor efforts to move water from the Uvalde area to the San Antonio area without a complete understanding of the consequences to the Nueces River system, the Western Edwards Aquifer and ecosystems this water supports.

SB 660 by Hinojosa – passed: Changes the term "managed available groundwater" to "modeled available groundwater" and makes comprehensive changes to DFC process. See TAGCD link below for details.

Additional legislation related to groundwater management has been summarized by the Texas Alliance of Groundwater Conservation Districts (TAGCD), [click here for more](#).

County Authority:

Rapid population growth is putting immense stress on Hill Country counties. No one has the authority to deal with "incompatible" adjacent uses such as an industrial facility next to a ranch or subdivision. Water supply is threatened when impervious cover and density are left unchecked. And taxpayers pick up the tab when new development creates the need for new or improved roads.

[More on County Authority](#)

HB 2317 by Representative Doug Miller – left pending: This bill intended to grant minimal county growth management tools to address incompatible land use buffers, roadway infrastructure fees and density tools for Bandera, Comal, Kendall and Gillespie Counties. Though the effort had broad support from county commissioners and local stakeholders, it also had opposition from some in the building and development industry.

SB 136 and SB 137 by Senator Wentworth: Filed but never considered for hearings. These state-wide county authority bills were proposed to address unmanaged growth, water resource protection and development rules after a local election. Well worth another look in two years.

Land Stewardship and Conservation for Water Resources

Well stewarded lands and riparian areas have direct beneficial effects on our water supply. Finding ways to encourage landowners to take care of their land in ways that protect precious and dwindling water resources is a high priority in the Hill Country.

[More on Land Stewardship](#)

[More on Riparian Management](#)

[More on Conservation Easements](#)

SB 449 by Senator Kirk Watson – Passed: This is a terrific new tool that creates a tax incentive similar to wildlife or agriculture valuation for water stewardship practices. A way to incentivize and reward landowners for protecting water resources, this is a result of good work from The Nature Conservancy of Texas.

SB 1044 by Senator Watson – Passed: This important new legislation allows counties to implement purchase of development rights (PDR) programs that fund voluntary conservation easements. This will allow significantly more land to be conserved, while remaining in private hands and providing numerous “ecosystem services” including water protection for the benefit of all.

HB 1388 by Representative Chuck Hobson – died in Calendars: San Antonio is one of few cities with responsible rules for regarding tree clearing in its ETJ in order to protect recharge and water resources. This legislation became known as the “Tree Bill” and it was an attempt to restrict San Antonio and other cities from managing destructive clear cutting often witnessed as new development pushes beyond the city limits. Thankfully, it did not pass.

Historic Preservation and Parks

The Texas Historical Commission and the Texas Parks and Wildlife Department were both legitimately concerned that widespread budget cuts would cripple these agencies as the session began.

Organizations including [Preservation Texas](#) and the Texas Coalition for Conservation united support for parks, conservation and preservation and report that while significant cutbacks were inevitable, operations will continue though funding has been described as “just enough to live”. A huge 93.3% cut came to the local parks grant program which had been funded adequately by “sporting good tax”. There’s work to be done.

HB 1499 by Lyle Larson – Passed: Designates the Scenic Loop Road—Boerne Stage Road—Touant Beauregard Road Historic Corridor. This area was one of Preservation Texas’ *2009 Texas’ Most Endangered Places*.

HB 3421 by Doug Miller – Passed: Designates the El Camino Real de los Tejas National Historic Trail as a historic highway.