



## 81st Legislative Roundup and Luncheon

Hyatt Regency Austin  
Texas Ballroom  
August 31, 2009



*(Pictured above from left: Wade Cooper, Jim Walker, Senator Glenn Hegar, Senator Jeff Wentworth, Jeff Coffee, Representative Valinda Bolton, Representative Eddie Rodriguez, Representative Patrick Rose, Senator Kirk Watson)*



## ECT 81st Legislative Roundup and Luncheon Agenda

- I. Welcome & Introductions *Jim Walker, ECT Chair*
- II. Summary of ECT Advocacy Working Group Issues  
*Craig Smith, Chair*  
County Growth Management Working Group  
*John Langmore, Chair*  
Transportation Funding Working Group
- III. Overview Comments from Texas Legislative Panel
- ♦ *Senator Glenn Hegar (R)*, District 18, representing Bastrop and Caldwell Counties and 17 others
  - ♦ *Senator Kirk Watson (D)*, District 14, representing Travis County (part)
  - ♦ *Senator Jeff Wentworth (R)*, District 25, representing Hays and Travis Counties (part) and 4 others
  - ♦ *Representative Valinda Bolton (D)*, District 47, representing Travis County (part)
  - ♦ *Representative Eddie Rodriguez (D)*, District 51, representing Travis County (part)
  - ♦ *Representative Patrick Rose (D)*, District 45, representing Blanco, Hays, and Caldwell Counties
- IV. Next Steps Discussion *Jim Walker*
- V. Questions from audience *(submitted on cards)* *Jim Walker*
- VI. Summary and Adjournment *Jim Walker*

Thank You to Our Generous Table Sponsors:

*The Bend at Onion Creek*  
*BikeTexas*  
*Bluebonnet Electric Cooperative*  
*Guadalupe-Blanco River Authority*  
*HDR Engineering*  
*Home Builders Association of Greater Austin*  
*Jackson Walker LLP*  
*Seton Family of Hospitals*  
*TateAustinHahn*



## ECT 81st Legislative Roundup and Luncheon Meeting Notes

### I. Welcome & Introductions

- Jim Walker
  - What happened in the 81<sup>st</sup> legislature and what steps need to be taken before the 82<sup>nd</sup> legislature?
  - Challenge: Our fast-growing region faces critical infrastructure needs but has severely limited resources.
  - Need help from help from the State legislature to create tools and resources to help shape growth
  - Envision Central Texas (ECT) established a deliberative process to identify and define two issue areas impacting vision; developed position statements
  - ECT interested in issue of coordinating infrastructure resource needs

### II. Summary of ECT Advocacy Working Groups

- Craig Smith: County Growth Management
  - Recommended expanding ability of Texas counties to manage growth outside of cities
  - Only one bill passed: SB 1299, (Watson & Rodriguez; relating to the regulation of stormwater management by certain counties; authorizing a county with a population of 800,000 or more that contains a portion of the Edwards Aquifer to take any necessary or proper action to comply with the requirements of the stormwater permitting program under the national pollutant discharge elimination system).
  - Lessons from the legislative session:
    - Failure is not equivalent to a lack of statewide concern; progress *was* made
    - Opponents need to be included as stakeholders
    - Counties are the most important stakeholders
    - A coalition of state-wide and regional organizations would be the best mechanism for promoting legislative change
    - Many counties are not using all of the powers they already have: this makes it is difficult to ask for more
  - Recommends 3 steps:
    - ECT should seek to form a coalition to advocate for a legislative interim committee to study the issue and recommend solutions. If a committee is formed, we should not be shy about promoting the measures in the ECT position paper
    - ECT should support CAPCOG in drafting model county ordinances.
    - ECT should seek collaboration with other envisioning groups in Texas, to keep these issues at the forefront of policy concerns

- John Langmore: Transportation Funding
  - The State allocated an additional \$6 billion for transportation funding, but it is all borrowed from general revenue fund and State highway fund
  - Rail Relocation Fund did pass but is still waiting for certification by the State Comptroller
  - Local option transportation funding bill failed
  - Conclusion: we have bought two more years, but we do not have a transportation plan
  - SB 1382 (Carona & McClendon; relating to the coordination of the planning, construction, operation, and maintenance of a statewide passenger rail system by the Texas Department of Transportation) did pass

### III. Overview Comments from Texas Legislative Panel

- Senator Glen Hegar
  - In the last session, for my counties, some of the important issues did not pass, for example, reforming some TxDOT issues.
  - Senator Watson and I worked on transportation issues, and Senator Wentworth
  - The big issues require change in attitude
    - More cooperation between TxDOT and the MPOs
    - Local funding
    - Rail relocation
  - Land planning comes up in every legislative session, but is difficult to pass
    - E.g.: [in my district] seaside communities want to preserve oak trees [describes how they are unique]; this passed this time
  - Water planning: with the state population exploding, [we need to figure out] how to preserve water quantity – for individual, business, agriculture, and electrical capacity, and also quality.
    - The Colorado Basin needs attention
    - LCRA study called for regional cooperation
- Senator Kirk Watson
  - Said before it began that the legislative session had the opportunity to be the best session with regard to local control of decisions: history will say that in this regard it was a failure.
  - Transportation:
    - The State of Texas has abdicated its responsibility with regard to transportation – so it should get out of the way and let local communities plan it
  - County planning authority
    - Importance of coalitions in forwarding local option and local control issues
- Senator Jeff Wentworth
  - SB 578 (Wentworth; relating to the authority of a county to regulate land development after a local option election) did not pass
  - I've been working for local control – for more power to county commissioners – a few bills have passed, but only a very few
  - We need a new rule in the Senate, requiring a committee chair to give a bill a hearing if the hearing is requested in writing
  - Following bills filed at the request of the Travis County Commissioners Court, but all failed:
    - SB 2202 / HB 4262 (Wentworth / Rodriguez: relating to authorizing municipalities and counties to regulate land development in certain unincorporated areas; providing a penalty)

- SB 2451 / HB 4175 (Wentworth / Bolton; relating to authorizing certain counties to adopt buffer zone regulations and comprehensive land development plans; providing a penalty)
    - SB 2452 (Wentworth; relating to granting Travis County authority to regulate certain land use and impose certain development fees; providing penalties)
  - I have requested an interim study relating to county authority; also relating to local ability to preserve adequate water pressure for fighting fire
  - Only the House can introduce taxes
  - We need a gasoline tax increase; we tried, but the Governor said he'd veto it
    - SB 942 (Wentworth; relating to local option methods for financing transportation projects and services)
    - SB 855 (Carona et al; relating to a county motor fuels tax in certain counties for mobility improvement projects; providing authority to impose the tax, issue bonds, and impose penalties)
- Representative Valinda Bolton
  - Had not heard the words "county," "land," and "use" together before I ran for office; but now it dominates my attention; not a sexy topic, but nonetheless consequential
  - Assumptions people have regarding local control:
    - People go to look at houses; don't know which ones are in city and which in county; might choose county because of lower taxes; but don't know what they are giving up:
      - Municipal fire and EMS
      - Guarantee of water and wastewater management
      - Control over incompatible uses and road planning
    - They complain and want to know why county does not do something: it is difficult to tell them that the county *cannot* do anything
  - Throughout the 150 years of Texas history, counties have only had the authority the State gives them; some reasons State does not give power:
    - There is a level of distrust of local officials
    - The state is unwilling to give up its power
  - Urban counties have begun to ask for more control
  - With HB 4175 / SB 2451 (see under Wentworth, above) we worked with ECT, the League of Women Voters, and the home builders – they get it
    - The bill almost made it to the floor – and that headway is encouraging
- Representative Eddie Rodriguez
  - Working for local authority – I've learned that a bill with "Travis County" in it is difficult to pass; it's not as bad as it used to be, but...
  - We had success with stormwater management and runoff control (see SB 855, above)
  - The session was a failure on the big issues
    - Transportation:
      - if the gas tax is not going to be raised, we need the local option; Watson and I tried, but did not make it; we have requested an interim charge to study the issue
    - Water:
      - will be a major issue of the next session; we need conservation
- Representative Patrick Rose
  - The new leadership (Straus) is good for this region
  - High and low points of the session:
    - rail relocation funding – high point

- State and higher education – some successes: money to study stream flow; UT fixed, to some extent, the top 10% problem
- Hill Country county judges worked hard to build consensus during the last interim; with ECT, all here [in audience], and home builders working during the interim, we can figure this out
- Electric cooperative reform legislation – we had a sound bill, and we will bring it back next session
- Rainwater harvesting
- There is a lack of bipartisanship
- The time horizon for items considered is too short: we need to think about the middle and long term: kudos to ECT for doing this

#### IV. Next Steps Discussion

- Walker: What should we look for as the deliverable from interim coalition building?
  - Wentworth: We need the Texas Association of Builders to come to the table
  - Rodriguez: Coleman (Chair of House Committee on County Affairs) requested an interim charge to build consensus on these issues
  - Bolton: we need some missionary zeal: these issues need to pass statewide; talk to friends and get them to call their reps; bill for “central Texas” has difficulty
- Walker: What will be the emerging drivers for county growth issues: Water? Transportation?
  - Watson: both: Central Texas is appealing because we have the best mix of urban, suburban, and non-urban, but we won’t be able to continue. Urban and suburban growth follows transportation; but water is also a critical issue; even though development does not follow water availability
  - Rodriguez: ACC with other colleges on I35 corridor – they are doing wonderful things; we must act regionally, following their example
  - Bolton: water will trump all other issues
- Walker: How can large metro areas collaborate better to ensure local funding options for transportation?
  - Watson: DFW has led the charge; just do it; we know what a collaborative effort looks like.
  - Hegar: with regard to the local option: adjacent areas need to feel comfortable with collaboration stopping at their counties. When one county has one quarter of Texas population – such as Harris – I represent suburban counties next to Harris – Harris County could outvote the concerns of adjacent counties.
  - Bolton: so many industries are impacted by transportation decisions; for example, convenience stores said they would move to another county without a local option tax. Crafting regional local option election boundaries that discourage businesses from relocating to areas not impacted by a local option tax increase will be difficult.
  - Watson: Work needs to be done at the local level, with judges and commissioners, to be in position to communicate with legislators; ask local officials in favor to be willing to think beyond their community to the entire region.
- Walker: ECT needs to have a heightened sense of collaboration beyond urban/suburban boundaries.

#### V. Questions from Audience

- Walker: With regard to transportation funding: what options are being considered by the legislature?
  - Watson: Texas will be out of money for new projects by 2012 – actually, it is out of money now. The bottom line is that the only option left to us by state leadership is privatized toll roads. The 2011 budget cycle will be very difficult. It is a myth that we

passed the budget with no new taxes; we had the \$12 billion federal stimulus. Because of federal rescissions, the stimulus money for transportation only allows us to break even.

- Walker: What are state leaders doing with regard to social equity?
  - Bolton: we make the budget lean and mean – often more mean than lean.
  - Rose: Education is not an equity issue – it is an economic issue; being too fiscally conservative is anti-business; we need critical investments for education infrastructure.
  - Rodriguez: the biggest equity issue is public education; we must change the way we look at education. Now we are punitive – as in closing schools.
  - Bolton: If we want to improve conditions for future economic growth and address social equity issues, then we need more collaboration with education groups like E3Alliance who use data-driven regional strategies to improve public education.
  - Hegar: It's not just a matter of adding money to the budget, but how the money is spent. Recession lags, so the next budget will be difficult. 41% of the state budget goes to education, 26% to Health and Human Services, Medicaid; 100,000 kids are added to the rolls each year; 6.5% of the budget is for criminal justice, and 9.4% for transportation.

## **VI. Summary and Adjournment**