

From *Livestock Weekly* April 23, 2015 (used with permission)

Rural Lobbyist Offers Update On 84th Legislative Session

By Colleen Schreiber

SAN ANGELO — At a recent water forum focusing on issues pertaining to Groundwater Management Area 7, former state representative turned lobbyist Bob Turner, who is in his 25th year working at the Capitol, offered an overview of the 84th legislative session to date.

“I promise you I’ve seen a lot of changes over the last 24 years, and if anyone says they know what will happen these next few days they are talking off the top of their head. I assure you, they don’t have a real clue any more than you.”

Turner pointed to the changes in the makeup of the legislative body, the Senate in particular.

“There are nine new members of the Senate,” Turner told listeners. “I’ve never heard of that. I’ve never heard of more than four new members in the Senate on any one reelection cycle.”

Furthermore, nearly half of the entire membership of the House is freshmen and sophomore members.

In addition, the new lieutenant governor, Turner said, has his own approach to leadership.

“There are two ways that I figured out to work sheep — to call them in with a sack of feed or run myself crazy with a horse trying to pen them. The lieutenant governor’s leadership style is to drive them to the pen.”

He noted, too, that not only are there new players on the various committees, but the responsibilities of the committees have also changed. For example, in previous sessions the Senate’s Natural Resources Committee handled the water issues. This session, however, water is going to the Senate’s Ag, Water and Rural Affairs Committee. Senator Charles Perry, Lubbock, is the committee chair.

“In the past several sessions, Senator Fraser has always chaired the Natural Resources Committee, and he’s been the one who dealt with the water issues coming before the Senate.”

With only about a third of the session left to go, basically there are only two weeks left for bills to be vetted and discussed in committee. More than 5000 bills have been filed, said Turner, and 1028 deal with water in some form or fashion.

Though many of the water bills don’t impact West Texans, those pertaining to subsidence for example, there are 50 or so that Turner has been keeping a close eye on. One is HB 30,

dealing with brackish groundwater, offered by Rep. Lyle Larson, San Antonio. Turner said he sees this bill as another way to “incapacitate” groundwater districts by taking away their authority to control brackish groundwater.

“The groundwater district would not be able to keep up with their DFC (desired future condition) if they don’t know what’s being used and they don’t have control over what’s being used.”

Another SB 1122 would make it more difficult for groundwater conservation districts to curtail or limit groundwater production from permitted wells used for power generation or mining.

“This is a bill that I have opposed, and most agriculture, probably all agriculture, has opposed,” said Turner. “There have been some amendments to the bill, but I still think the bill is very dangerous.”

HB 40, a bill relating to fracking by Rep. Drew Darby, San Angelo, is another of particular interest. Though it does not relate directly to water, Turner said that in a recent hearing on the full floor of the House he became more concerned that the bill might also be intended to inhibit or control groundwater districts’ rulemaking and enforcement authority.

“Word apparently got to Darby that some of us had some concerns, and during the hearing Rep. Tracy King read into the permanent record that the intent of the bill was not to have any control over groundwater districts and their authority to continue to make the decisions to control the activities of groundwater districts,” said Turner. “Those of you who have been watching this for a long time know that the intent of the legislation goes a long ways, especially when the verbiage is a little fuzzy, and most legislative bills are pretty fuzzy.”

The finance or state budget bill also has significant impact on all Texans, but there are a couple of key pieces of that finance bill that impact agriculture specifically, in particular the animal damage control budget and the Texas Animal Health Commission budget. Specific to TAHC, Turner told listeners that in 2011 when all of the state agencies took massive budget cuts, TAHC lost four of the veterinarians dedicated to the state’s Mexican border.

“Right now the state has one veterinarian working the border from Laredo to El Paso,” he said.

TAHC is asking for an increase in their budget that would enable them to re-fill those four veterinarian positions. One of the animal disease issues that TAHC continues to battle is the fever tick problem in the lower Rio Grande Valley. Texas has thus far been spared from avian influenza, but it’s in nearby states, he noted.

“The problem is, it’s hard to tell an urbanite why these are important issues.”

Both the House and the Senate have approved their versions of a finance bill. He reminded that every other legislative session the House and Senate take turns carrying the

finance bill. This year it happens to be the House's turn. The House's bill, Turner said, is probably "more realistic."

"Last week the House sent their version over to the Senate and the Senate simply overlaid their own bill completely, substituting it for the House bill. I can promise you, when it goes back to the House they will not approve that bill, so it will go into conference committee."

The conference committee is composed of five members of the Senate, one of whom is the Senate Finance chair, and five members of the House, one being the House Appropriations chair.

"It will remind you of two Rambouillet bucks meeting head to head."

The state, he opined, has never been more well off financially than it is right now. Even with the money being taken out of the Rainy Day Fund for highways and for water, the Rainy Day Fund is still estimated to have \$9 to \$11 billion left over. Nonetheless, he told listeners that there is a difference of opinion over tax cuts. The major part of the Rainy Day Fund, he reminded, comes from oil and gas, and given where oil prices are today, legislators are likely to be a little more apprehensive about giving a tax cut for fear they may have to turn around in the next session and raise taxes if oil continues lower and stays lower for long.

Turner reminded listeners that anyone can follow specific bills through Texas Legislature Online.

Turner also talked about how rural Texas is losing its voice in the legislature. When Turner became a state representative in 1991, some 13 million people lived in Texas; today there are about 27 million Texans, and most of that growth, he pointed out, has occurred along the interstate highways and not in rural Texas. Each legislative district has to be configured in such a way that each district represents the same number of constituents, plus or minus five percent. Consequently, as a result of this growth, the legislative districts are largely represented by the urban/suburban population.

"It takes a long time to scare up 160,000 people west of Angelo. It's just pretty hard to do," said Turner. "So most districts have to have a pie-shaped wedge that includes some part of San Antonio or Fort Worth or some other urban metropolitan area. So our influence and our clout is diminishing with each election cycle, especially with each redistricting cycle."

The next census will come in 2020 with redistricting the following year. Based on the anticipated growth, each district will have to represent 185,000 to 190,000 Texans.

"It will be a whole new picture again."

A native of Coleman County, Coleman grew up during the 1950s drouth.

"We used a No. 3 washtub full of water to take a bath and then we poured the water on the tomato plants at the end of Mom's porch," Turner told listeners. "We didn't waste a drop; we

didn't have a drop to waste. We are getting to that point again today, and yet we see water being used for ornamental purposes for country clubs and lawns in urban areas; we still see water running down the street in too many towns."

A phenomenon he's become acutely aware of and concerned about is city dwellers drilling their own water wells on their city lots. He saw one just the other day being drilled in one of the affluent neighborhoods in Austin.

He also voiced concern about the continued subdividing of ranches into 10, 15 and 25-acre tracts.

"Each one of those little tracts has built their own stock tank; they call it a pond. Think about this. Every one of those has to be filled before any water will run into the Colorado, the Llano, the San Saba," said Turner. "Until water goes into the Colorado, the Llano, and the San Saba, there's not going to be any in the Highland Lakes.

"I'm not sure how we cope with this issue, but it's something we're going to have to control to some degree in the future, and I'm not sure how we do it, because I don't like state control."

Turner wrapped up his comments telling listeners again that how this session will come out is really anyone's guess.

"The session is being conducted in a different manner," he reiterated. "It's going to be interesting to see how the conference committees work out. We're in that time of the session now where the brotherly love is over; the back-patting is all gone, and it's the best man win."