

KBH KAY BAILEY HUTCHISON

CENTER FOR ENERGY, LAW & BUSINESS™

[Make a Gift](#)[SUBSCRIBE](#)[MENU](#)

House Bills 3620 and 3621, by Representative Isaac, Erode Water Quality and Open Space Protections in the Hill Country

[Vanessa Puig-Williams](#)[May 4, 2015](#)[1 Comment](#)

On April 13th, the Texas House of Representatives Committee on Land and Resource Management [heard](#) House Bills [3620](#) and [3621](#), authored by State Representative Jason Isaac of Dripping Springs. In a maneuver likely designed to avoid heated debate over his bills, which critics argue will fuel development in environmentally sensitive areas of the Hill County, Representative Isaac successfully raised a point of order to [suspend the posting rule](#) to allow the Committee to hear his bills at the last minute without advance notification to the public.

Representative Isaac has couched House Bills 3620 and 3621 as

The KBH Energy Center blog is a forum for faculty at The University of Texas at Austin, leading practitioners, lawmakers and other experts to contribute to the discussion of vital law and policy debates in the areas of energy, environmental law, and international arbitration. Blog posts reflect the opinions of the authors and not of The University of Texas at Austin or the KBH Energy Center.

Popular Tags

[Texas \(66\)](#)[water \(49\)](#)[energy \(28\)](#)[oil and gas \(24\)](#)[fracking \(23\)](#)[natural gas \(23\)](#)

efforts to expand the property tax base of Hays County, but this oversimplified description of the bills' intent belies the negative environmental repercussions that will result if either one becomes law.

House Bill 3620, essentially, requires a city that purchases private property outside of its extraterritorial jurisdiction to obtain written consent to purchase the property from the county or city in which the property is located. Additionally, the bill requires the city to waive its right to exempt the property from ad valorem taxes, or in the alternative, pay an amount equal to the ad valorem taxes based on the value of the property the prior year.

What is not clear from House Bill 3620's mundane language is how it will impede the ability of the City of Austin to purchase and preserve undeveloped private property outside of its boundaries for purposes of protecting the quality of the public's drinking water resources.

In 1998, voters approved bonds to fund the purchase of undeveloped land over the contributing and recharge zones of the Barton Springs segment of the Edwards Aquifer. Since 1998, the City of Austin has purchased over 6,000 acres of [water quality protection land](#) (WQPL) outside of its jurisdiction in Travis and Hays Counties to ensure the quality of water flowing from Barton Springs and into the Colorado River. Through either fee simple acquisition of land or through conservation easements, approximately 28,000 acres of WQPL have been protected since 1998, whereas development has occurred on approximately 25,000 acres of land over the Barton Springs segment of the Edwards Aquifer. Protecting the source of water to Barton Springs, which discharges into Lady Bird Lake and the Colorado River, is even more significant today as the City of Austin is investigating additional sources of water from the Colorado River to meet its growing demand.

But while the WQPL Program is designed specifically to protect the City of Austin's water resources, it has also resulted in the preservation of thousands of acres of open space and wildlife habitat in the fastest growing areas of the Hill Country west of Austin. There would be far less scenic vistas in Hays County were it

climate change (23)

drought (18)

greenhouse gas emissions (16)

epa (13)

endangered species (12)

coal (12)

Clean Air Act (10)

groundwater (9)

methane (9)

not for the City of Austin's WQPL Program. Additionally, the WQPL Program helps protect the drinking water source for approximately 60,000 central Texans in Hays and Travis counties who rely solely on the Edwards Aquifer for their drinking water via domestic and water supply wells.

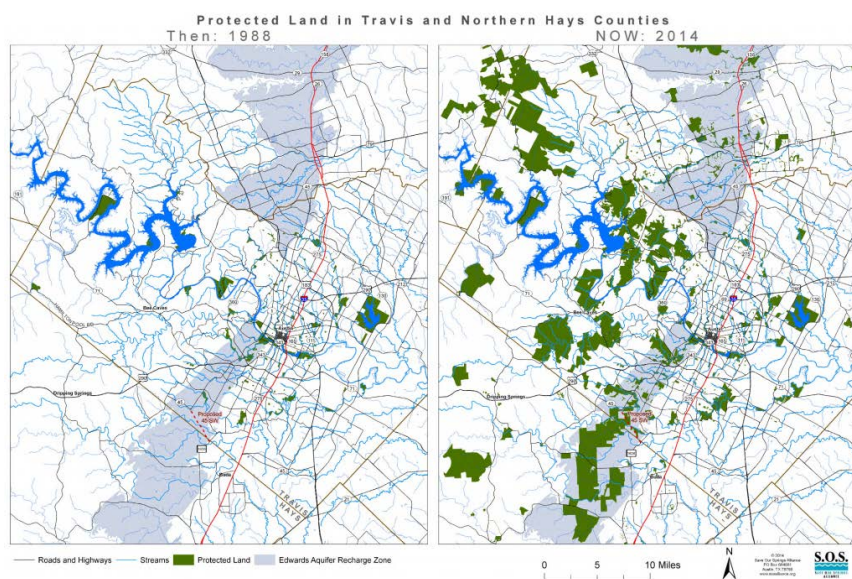
House Bill 3620 would derail this program, making it extremely difficult, if not impossible, for the City of Austin to purchase water quality protection lands, thus opening the door for development on environmentally-sensitive land in the Hill Country. Hays County or Dripping Springs could choose to veto transactions between the City of Austin and private landowners. Moreover, the bill's requirement that the City of Austin pay property taxes would make the purchase of property through the WQPL Program a financial impossibility.

But this is obviously Representative Isaac's intent. As he claimed during his presentation to members of the House Land and Resource Management Committee, the City of Austin, an entity exempt from paying property taxes, is taking land off the tax roll in Hays County to meet the City of Austin's "conservation requirements." During the hearing, Representative Isaac appeared more concerned with Hays County's ability to collect property taxes than with the reality that his bill might limit the protection of groundwater resources and the preservation of open space in Hays County. Representative Isaac also ignored the fact that some of the WQPL acquired by the City of Austin is already taxed at a lower rate due to existing agricultural exemptions. Nor did he address the issue of how his bill meddles with the right and freedom of private property owners to sell their property to whomever they choose. In the case of the WQPL Program, the buyer happens to be the City of Austin, but what if it were a tax-exempt nonprofit land trust that acquired title to the property and restricted development? Will Representative Isaac seek to interfere with this type of transaction in Hays County simply because it too reduces the amount of taxes the county can collect?

House Bill 3621 would also result in increased development over environmentally sensitive areas of Hays County. The bill provides that a general-law city can take, through an ordinance or resolution, land contiguous to its own extraterritorial jurisdiction (ETJ) but in

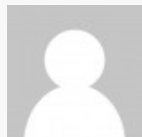
the ETJ of a home-rule city without that city's consent. If the bill passes, a city, such as Dripping Springs, could take land within the City of Austin's ETJ that is contiguous to its own ETJ. The result would be that Austin's land-use and water-quality protection rules, such as the Save Our Springs (SOS) Ordinance, would no longer apply and additional development could occur on environmentally-sensitive land.

Hays County is one of the fastest growing counties in Texas. This fact should be a reason for political representatives, such as Representative Isaac, to do more to ensure that development takes place in an environmentally-responsible and sustainable manner and that environmentally-sensitive land remain natural and undeveloped, preserving the character of the Hill Country and protecting the region's drinking water supplies. In this era, where accelerated growth is placing pressure on limited natural resources, there is no place for legislation that seeks to erode existing regulations designed to protect water quality and open space.



[environmental repercussions](#) [Hill Country](#) [open space protections](#) [water quality](#) [water quality protection land](#)

One comment



catherine weaver

May 8, 2015 8:57 pm

As a responsible citizen in Travis County and central Texas, I avoid water waste daily! Reduce, reuse and recycle saves water...I even have installed a large water collection tank for rain water.

I applaud the KBH center for addressing this key issue in the future of this region, and bringing to the attention of those not engaged in water conservation how vital it is!

Access to usable water has long been a key factor to development in Texas, and all of us have a responsibility to protect that access, while avoiding waste and ambitious political plans for water supplies that are crucial to life.

REPLY

Leave a Reply

Your email address will not be published. Required fields are marked *

Comment

Name *

Email *

Website

Copyright © The KBH Energy Center · University of Texas at Austin · School of Law · McCombs School of Business
Privacy Policy · Web Accessibility