

**INSIDE: OUR
PICKS FOR BEST &
WORST LEGISLATORS!**



**TEXAS LEAGUE OF CONSERVATION VOTERS
2011 LEGISLATIVE SCORECARD**

TEXAS LEAGUE OF CONSERVATION VOTERS WHO WE ARE...AND WHAT WE DO

The Texas League of Conservation Voters works to preserve and enhance the quality of life of Texans by making conservation a top priority with Texas elected officials, political candidates and voters. When we succeed, all conservation groups and issues benefit.

WE ELECT CHAMPIONS. With money and other resources, we help elect candidates to the Texas Legislature who will fight for clean air, clean water and access to public lands, water, fish and wildlife. TLCV conducts rigorous candidate research and we concentrate on the races we can impact. We educate candidates on how to use pro-conservation positions to win votes. We put money into hard-hitting, independent media campaigns contrasting the candidates' positions on the issues—making sure that an effective message reaches voters.

WE FIGHT AT THE LEGISLATURE. We aggressively lobby the Texas Legislature on the most important conservation bills and work to make sure your voice is heard. Through our endorsements, active grassroots network and campaign work, TLCV creates deep, long-term relationships on behalf of the conservation community. Relationships like these are key to getting our issues addressed and legislation passed.

WE HOLD POLITICIANS ACCOUNTABLE. At the end of each legislative session we publish and distribute our **Legislative Scorecard**. We rate the performance of each individual legislator on key environmental legislation and describe the key conservation issues. We then distribute our Scorecard to TLCV supporters, friends, partner organizations and the media.

ABOUT THE SCORECARD

Our Scorecard provides objective, factual information about conservation voting records. It's just one way TLCV works to hold the Texas Legislature accountable.

The TLCV Scorecard covers a range of votes and issues. Each vote scored represents a clear choice for our elected officials to uphold the conservation values that millions of Texans share. Scored bills are determined by TLCV staff and board members working in consultation with other environmental groups and stakeholders. Generally speaking, scored bills are those with statewide policy implications. Unless otherwise noted, all votes are the final vote cast by the House or Senate on a particular bill or amendment.

The scorecard does not include some votes that passed with unanimous or near-unanimous consent, so as to highlight differences in legislators' voting records on important conservation issues that also would have an immediate impact on the state.

Scores reflect only part of each legislator's conservation record. Leadership in committee, in caucuses and during floor debate, as well as vision and determination, also play a crucial role in establishing a legislator's record. This year, to provide more of a narrative on the important role legislators play on conservation issues at the Capitol, we have included a Best and Worst list of conservation legislators from the 2011 session (see "Best and Worst Conservation Legislators," page 7).

The pro-conservation votes are marked as positive and anti-conservation votes are marked as negative. Absences are marked with an (A) and are counted negatively because it has the same effect as a "no" vote. Excused Absences (EA), Present Not Voting (PNV) and members not voting while serving as Chair are not counted as negative votes.

THE 2011 SESSION IN REVIEW

The 2011 Texas legislative session provided a mixed bag of successes and failures for environmental policy in the Lone Star State. A surprising amount of green legislation passed the Legislature and was signed into law by the governor. Fewer environmental policy or regulatory rollbacks gained traction than expected. Unfortunately, the gains in positive legislation were largely offset by a state budget that resulted in some of the deepest and most perilous cuts in conservation and the environment in the history of the state.

HITS GOOD LEGISLATION

On this year's **Legislative Scorecard**, TLCV counts 22 bills signed into law on a range of issues. Comparatively, only five bills graded on the TLCV Scorecard from the 2009 session were signed into law.

Some of these new laws represent incremental steps in a particular area of public policy, missing larger opportunities (see "Missed Opportunities," page 4). Nonetheless, these measures represent progress from the nation's second largest state by size and population — and the country's energy leader — and should not be discounted. This year's pro-conservation bills were authored by a healthy mix of Republican and Democratic legislators, and TLCV applauds the non-partisan nature of the session in that regard.

Conservation highlights of the 82nd Legislature include:

- The nation's first law requiring public disclosure of the chemical compounds used in hydraulic fracturing;

BALANCING ENERGY PRODUCTION WITH CONSERVATION

“ I noticed many of the new benefits and innovations related to energy efficiency as Chair of the Senate Committee on Business and Commerce. As a leader in energy, I knew Texas needed to make changes to ensure not only ground-breaking, but effective methods to produce and capture more energy, while also realizing the associated economic savings. Consequently, I and other lawmakers carried legislation to ensure Texas taxpayers and businesses realized the benefits of more efficient energy while protecting the state as a leader in energy production and security. ”

— **Sen. John Carona** (R-Dallas) on the Legislature’s focus on energy efficiency legislation during the 82nd Regular Session

- Programs to incentivize the use of more alternative fuels and alternative-fuel vehicles;
- A measure to encourages landowners to partner with the state to increase water conservation;
- A bill to prevent homeowners associations from arbitrarily disapproving the installation of solar panels on homes;
- Improvements in third-party ownership of solar equipment and solar energy storage;
- The state’s first television recycling program;
- Numerous bills making improvements in the areas of energy efficiency goals, energy efficiency in state buildings, energy efficiency loans for non-profits and better energy efficiency reporting by municipalities and co-ops.

STRIKEOUTS BAD LEGISLATION

While the Capitol dome took on a greener shade this session, some bad pieces of environmental legislation unfortunately made their way through the legislative process and were signed by Governor Rick Perry. While not an exhaustive list, the following four pieces of bad, anti-environment legislation highlight some of the session’s bigger downsides for a greener Texas.

- The Contested Case Hearing process, an important tool for citizens to challenge the permits of big polluters, was under attack throughout session. While the worst efforts to dismantle the process failed, some detrimental changes did get through via the Sunset bill to reauthorize the Texas Commission on Environmental Quality. Most damaging, under new law, state agencies, including the Texas Parks and Wildlife Department, can no longer actively participate in the contested case hearing process.

Also, plaintiffs will now be hampered in discovery proceedings with expert witnesses as discovery will now be cut off after pre-filed testimony.

- Senate Bill 875 took away an important local governmental enforcement tool, namely nuisance or trespass actions, related to greenhouse gases. The bill could bar a local government from protecting groundwater that is contaminated by oil and gas operations and could also stop local governments from trying to contain or remediate contamination due to methane or other greenhouse gases.
- Senate Bill 1504, a bill to authorize the importation of radioactive waste to a facility in Andrews County in West Texas, is also among the low points this session. While the operation of the site is in part a matter of federal jurisdiction, the version of the bill passed in the House was a bad deal for Texas in that it did not provide adequate environmental, safety or liability provisions. Nor did the bill provide an opportunity to increase financial benefits to the state from the site's operation in an era of recurring structural budget deficits. An amendment by Republican Ways and Means Committee Chair Harvey Hildebran to leave the door open for Texas to recoup higher revenues from the site was defeated.
- In what took the form more of political grandstanding than substantive policymaking, the Texas House passed a Concurring Resolution urging the U.S. Congress to take such action as to prevent the Environmental Protection Agency from regulating greenhouse gases from stationary sources. Such an effort is contrary to the widespread consensus of the scientific community that greenhouse gas pollution provides a threat to our environment. A changing atmosphere and rising temperatures provide an acute threat to Texas by exacerbating periods of drought, imperiling Texas residents and Texas agriculture and threatening coastal communities, including Houston and Galveston.

A SWING AND A MISS MISSED OPPORTUNITIES

The 82nd Legislative Session failed to make progress on some big-ticket items on environmental policy. Chief among these failures was, for the second consecutive session, the Legislature's inability to act on providing incentives to grow the use of solar power and the solar industry in Texas. A bill supported by environmental groups and the solar industry, House Bill 2691 by Rep. Drew Darby (R-San Angelo), failed to make it out of the House State Affairs Committee.

While the Legislature made some incremental progress with bills on discrete issues related to energy efficiency, the Legislature missed an opportunity to create a better governance structure for implementing energy efficiency programs in the state when legislation by Rep. Rafael Anchia (D-Dallas) and Sen. John Carona (R-Dallas) to create an Energy Efficiency Coordinating Council died at the end of session on the House floor.

The Legislature also missed an opportunity to codify a proposed 500 megawatt non-wind renewable carve-out for the State’s Renewable Portfolio Standard (RPS) to allow the state’s Public Utility Commission to move ahead with growing the solar, geothermal and biomass industry in Texas. Following the legislative session, the PUC declined to move on the 500 MW rule, lacking clear legislative intent. Thankfully, there is still some good news in this area to report. While the state failed to act, as this Scorecard was going to press, CPS — San Antonio’s city-owned utility — was expanding a project to install as much as 400 megawatts of new solar generation in Bexar County.

FAILING TO GROW THE SOLAR INDUSTRY IN TEXAS

“ Texas is a state of big ideas and big energy projects, but our progress on solar power has been small and inconsistent, all while the solar industry experiences an unparalleled boom in the rest of the U.S. Solar installations have doubled annually for the last few years, and this year over 1,800 MW are expected to be installed. Unfortunately, because of our Legislature’s inaction on solar power and other renewables, Texas has fallen behind. As a result, the solar boom has passed us by, depriving Texas of local jobs and leaving Texans with little access to install solar panels or buy solar power from their electric company. ”

— **Colin Meehan**, Clean Energy Analyst for the Texas Office of the Environmental Defense Fund, on Texas’ place among renewable energy leaders

STRIKEOUTS **THE STATE BUDGET**

TLCV generally does not score the state budget in our Scorecard but we chose to include it this session because the budget was so damaging for the environment and conservation in a number of different ways. And, like many other areas of the budget, including health care and education, there were ways legislators could have softened the blow of budget cuts, even without raising taxes.

The state’s Economic Stabilization Fund, or Rainy Day Fund, as it’s commonly called, is revenue generated by severance taxes paid by oil and gas producers. Lawmakers, led by the Tea Party-supported supermajority of House Republicans, opted not to tap the Fund for the 2012-2013 biennium but did take a limited dip into the fund to cover a shortfall in the 2011 budget year. Certain environmental and utility funds, including the Texas Emission Reduction Plan (TERP) and the System Benefit Fund, were left to accrue literally hundreds of millions in fund balances instead of using those funds during the current biennium. Lawmakers instead opted for deep cuts across essential state services and agencies to balance the budget.

The resulting effect is one of the worst environmental budgets Texas has ever passed, gutting agencies by upwards of a third and virtually eliminating certain programs in their entirety. It was

only through the heroic effort of some advocates, legislators and agency staff that the Texas Parks and Wildlife Department did not have to permanently shutter or transfer parks out of the state park system. For much of the session it appeared that upwards of seven parks throughout the state were on the block to be closed.

Among the lowlights of the state budget for environmental programs and agencies were the following:

- The Texas Commission on Environmental Quality’s budget was cut by 30.2 percent. Based on the Appropriations Act for FY ‘12-’13, including contingency riders and the transfer in the Sunset legislation of a program to Railroad Commission, the TCEQ’s FTE (full time equivalents) cap will be reduced by 240 positions. The agencies’ popular and successful “Drive A Clean Machine” program was crippled when its funding was cut by 87.5%, from \$100 million to \$12.5 million.
- The Texas Parks and Wildlife Department will see its funding cut by 27.9 percent. Grants for development and acquisition of new local parks are zeroed out. The agencies critical maintenance budget took a significant hit. The agency estimated that it would have to lay off at least 169 employees.
- The Texas Emission Reduction Plan (TERP), a program that allocates funding for the replacement of old, polluting heavy equipment, including locomotives and other massive diesel engines, lost nearly half its funding, or \$98.3 million.

We believe the State Budget was also a bad vote for conservation because it shortchanged Texas’s public schools. Science and environmental science education will suffer as a result, leaving Texas school children at a disadvantage in terms of being prepared for the information-driven workforce of the 21st Century and being able to learn about Texas’s vast natural environment and ecosystems.

HOW THE STATE BUDGET FAILED ON CONSERVATION IN THE CLASSROOM

“Public Education should be the Legislature’s top priority. Instead, the Legislature chose to reduce the funding of our public schools by \$4 billion, including completely cutting out grants for science labs and reducing advanced placement incentives by 29.9 percent.”

—Rep. Mark Strama (D-Austin) on the hit state education and natural science instruction took in the budget.

BEST AND WORST CONSERVATION LEGISLATORS



BEST CONSERVATION LEGISLATORS

REPRESENTATIVE JIM KEFFER (R- EASTLAND) For his leadership on passing the nation's first mandatory hydraulic fracturing disclosure law. Rep. Keffer took on the burden of tackling a difficult and controversial subject as well as the long hours of negotiation with industry, environmental and other stakeholders to craft a bill that would pass through the Legislature. Without his efforts, there would have been no bill. While not perfect, the legislation marks an important first step in improving natural gas drilling practices in an area of critical importance. We also laud Rep. Keffer for his even-handedness in his administration of the Texas House Energy Resources Committee.



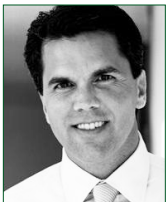
SEN. JOHN CARONA (R- DALLAS) Sen. Carona's efforts to increase and expand money-saving energy efficiency measures in the state of Texas was extraordinary in the 82nd legislative session, and he is to be commended for his efforts. In total, four energy efficiency bills authored by Sen. Carona made their way to the governor's desk for his signature, including measures on energy efficiency goals and reporting. Sen. Carona also carried an important bill to create an Energy Efficiency Coordinating Council that was unfortunately derailed late in the legislative process. In addition to energy efficiency, Sen. Carona co-authored two important solar bills on third-party ownership and solar-energy storage.



SENATOR KIRK WATSON (D-AUSTIN) Once again, Sen. Kirk Watson was an environmental champ at the Legislature. This session, Sen. Watson successfully shepherded two important bills through the Legislative process: a landmark bill on water stewardship and another to implement a television recycling program in Texas. Sen. Watson also played a vital role in floor debate on TCEQ Sunset and limiting the damage of Senate Bill 875, and he earned another perfect 100% voting record on this year's Scorecard.



REPRESENTATIVE MARK STRAMA (D-AUSTIN) For his passage of legislation to incentivize the use of cleaner-burning Texas natural gas in transportation, taking dirty diesel trucks off Texas' roads (SB20), as well as a bill to reduce natural gas flaring in small-power generation (SB365). Rep. Strama also passed out of committee bills to increase the use of solar power at Texas schools and create renewable energy development zones in the state. Rep. Strama was also an important member of the House Energy Resources Committee, and he earned another "A" on this year's Scorecard.



BEST continued next page

BEST CONSERVATION LEGISLATORS continued

REPRESENTATIVE LON BURNAM (D- FORT WORTH) No list of best conservation



legislators would be complete without the inclusion of eight-term Rep. Lon Burnam from Ft. Worth. Rep. Burnam reprised his role as a guardian of Texas' environment in a very challenging pro-industry legislative session. In addition to passing important legislation expanding the vehicles eligible under LIRAP, Rep. Burnam fought to improve natural gas drilling practices in his hometown of Fort Worth and worked to improve bills including TCEQ Sunset on the House floor through the amendment process — this year attempting to pass a sunshine clause prohibiting TCEQ Executive Directors from jumping over to lobby for the industries they've been responsible for regulating. Rep Burnam also reprised his role as environmental policeman on the House floor, frequently questioning the authors of bills on their motives and supporters, even on measures as seemingly innocuous as a bill by Rep. Jimmie Don Aycock on the labeling of invasive species plants sold at plant nurseries.

HONORABLE MENTION

REP. DREW DARBY (R-SAN ANGELO) For his efforts to move Texas forward in the expansion of Texas' solar industry and bringing more solar power to Texas via HB 2691.

SEN. TOMMY WILLIAMS (R-THE WOODLANDS) For passing important legislation to improve sand and gravel regulations at construction sites, and to provide incentives for natural gas vehicles and alternative fuels. Also for supporting his constituents in hearings by calling for adequate regulation of waste injection disposal wells.

REP. EDDIE RODRIGUEZ (D-AUSTIN) For his work in passing energy efficiency legislation and his efforts to move Texas forward on incentivizing the use of alternative-fuel vehicles.

REP. RAFAEL ANCHIA (D-DALLAS) For being a strong leader on the environment, teaming up with Senator John Carona to pass important bills on energy efficiency and solar power. Representative Anchia was also a critical voice for the environment during House floor debate, particularly on the TCEQ Sunset bill.

REP. JESSICA FARRAR (D-HOUSTON) For pushing legislation to improve air quality and waste reduction in Texas, and for her work and floor leadership on TCEQ Sunset and other environmental bills.



WORST CONSERVATION LEGISLATORS

REPRESENTATIVE DENNIS BONNEN (R-ANGLETON)



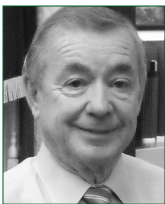
The Regular Session of the 82nd Legislature was winding down in what was by many measures a decent session for environmental policy. Not content to allow this story line to unfold, Rep. Bonnen in the 11th hour slipped an amendment into a bill on second reading which created a political firestorm by virtue of it being *one of the worst environmental ideas of all time!* Rep. Bonnen wanted to give blanket immunity to polluters against any and all nuisance lawsuits so long as the offender was properly permitted by the state. The measure would have handcuffed cities, property owners, farmers, ranchers and mineral royalty owners from protecting their property against pollution. Bonnen's amendment was so extreme it drew a harsh rebuke from interest groups from across the political spectrum, including a strong campaign by TLCV, leading a bipartisan majority of 82 legislators to vote to remove the amendment on third reading.

REPRESENTATIVE WAYNE SMITH (R-HOUSTON)



Rep. Smith earned this distinction for running the House Environmental Regulation Committee as if it were a wing of the Texas Chemical Council. Whereas many bills in the Senate, particularly Sunset bills, made their way through the committee process relatively unscathed and unchanged, there was rarely a bill dealing with pollution or regulation of industry which went through Enviro Reg that didn't get larded up with industry wish-lists of bad ideas. To highlight one example, the House TCEQ Sunset committee substitute bill was so badly mangled, its deviations from the Sunset Commission recommendations resulted in over seven hours of contentious testimony in House Enviro Reg, lasting into the early morning hours. In Senate Natural Resources, the Senate TCEQ Sunset bill was largely a reflection of the Sunset Commission's recommendations and testimony was a brisk 30+ minutes, leading Natural Resources Chair Sen. Troy Fraser to openly remark on the different approaches between the two chambers. Even worse, Rep. Smith refused to allow good environmental bills to even have a hearing. Despite his hometown *Houston Chronicle* editorializing on the subject, Rep. Smith refused to let a beverage-container deposit bill by Rep. Garnet Coleman see the light of day.

REPRESENTATIVE WARREN CHISUM (R-PAMPA)



This was a difficult choice. Despite carrying good bills on energy efficiency and electronics recycling, Rep. Chisum makes this list for his efforts to dismantle the Contested Case Hearing (CCH) process in Texas. This was an effort that, if successful, would have wrought far more environmental damage than the benefits of the good bills he carried this session. Rep. Chisum's proposed changes to the CCH process would have severely undercut the ability of the public to challenge the permits of big polluters including power plants, chemical facilities and refineries. Rep. Chisum's methods are also to be questioned. After failing to pass these measures as stand-alone bills, Chisum added the bills in amendment form to the House

TCEQ Sunset bill, where they did not reflect the recommendations of the Sunset Committee Report, and where they stood to face less scrutiny and vetting in the legislative process.

REPRESENTATIVE KELLY HANCOCK (R-FORT WORTH)



In the 2011 Legislative Session, Rep. Hancock played the lead role in a string of bad environmental bills, outdoing even some of the traditionally least green members of the Texas Legislature. A sampling of Rep. Hancock's various environmental offenses included authoring a resolution bucking the EPA's authority to enforce the Clean Air and Clean Water Acts, a bill to override the ability of municipalities to enforce a ban on plastic bags, and a bill to prevent cities from bringing nuisance lawsuits for greenhouse gas pollution. More vexing behavior on the part of Rep. Hancock was voting against legislation that enjoyed broad, bipartisan support and that served the interests of his Tarrant County district. Hancock broke with his colleagues to be one of only 12 votes against a hydraulic fracturing disclosure bill of significant importance to constituents in his drilling-intensive Barnett Shale district.

SENATOR BRIAN BIRDWELL (R-WACO)



It could almost be said that Sen. Birdwell never met a good conservation measure in the Senate this session he liked. While his Republican colleagues in the Senate had an average of nearly 80% on this year's TLCV Scorecard, Birdwell stuck out like a sore thumb, voting against his Republican colleagues on issues of low-income weatherization, improving building energy efficiency, and television recycling. This is particularly disheartening as Sen. Birdwell takes over a seat from Sen. Kip Averitt, who consistently had a strong conservation voting record. We hope Sen. Birdwell's record on conservation improves for his central Texas constituents — many of whom face serious issues dealing with air pollution — if he returns to the Legislature in 2013.

DISHONORABLE MENTION

REPRESENTATIVES SID MILLER (R-STEPHENVILLE) and LINDA HARPER-BROWN (R-IRVING)

For once again failing the TLCV Scorecard with flying colors, breaking from the majority of their Republican colleagues to vote against numerous reasonable measures for a greener Texas.

REPRESENTATIVE JIM PITTS (R-WAXAHACHIE)

For overseeing appropriations in the House that produced a budget that is so harmful to science education, state environmental agencies and clean air programs.

REPRESENTATIVE BYRON COOK (R-CORSICANA)

For presiding over a House State Affairs Committee that was a virtual graveyard for good environmental bills, including incentives for solar, raising the state renewable portfolio standard, netmetering and a statewide energy plan.

SENATOR DAN PATRICK (R-HOUSTON)

For not faring much better than his colleague Sen. Birdwell and frequently breaking ranks from his Republican colleagues in the Senate to vote against good, reasonable and bipartisan-supported conservation measures.

AN OVERVIEW OF THE SCORES

Average House Democrat score: 93%*

Average House Republican score: 65%

Highest House Democrat scores: Alvarado, Burnam, Castro, Mallory Caraway, Marquez (all 100%)

Lowest House Democrat score: Tracy King (75%)

Highest House Republican scores:

Aaron Pena (90%), Jason Isaac (81%)

Lowest House Republican scores:

Linda Harper-Brown (44%), Sid Miller (47%)

Average Senate Democrat score: 94%

Average Senate Republican score: 79%

Highest Senate Democrat score: Kirk Watson (100%)

Lowest Senate Democrat score: Juan Hinojosa (85%)

Highest Senate Republican score:

Jeff Wentworth (89%), six Republican senators at 85%

Lowest Senate Republican score:

Brian Birdwell (56%), Dan Patrick (63%)

* Rep. Garnet Coleman's previous TLCV scorecards have consistently reflected a strong commitment to environmental protection. This year, Rep. Coleman was absent some of the session and unable to participate in several key votes. However, Rep. Coleman made his positions very clear and urged his colleagues to support pro-conservation measures. In light of these facts, we chose not to score Rep. Coleman this year.

THE VOTES

We've numbered the key votes used in our scoring; to find out how your senator or representative voted on a particular measure, look for this number at the top of the columns on our scorecards. You'll notice that numbers 9 and 30 are missing from the House scorecard; they were voted on only in the Senate. Likewise, several measures were voted on only in the House and aren't addressed in the Senate scorecard.

THE BAD

1 HB 1 / State budget decimates environmental and clean air programs

No one doubted that the 82nd Regular Session would present significant challenges and result in deep cuts to state programs. A \$27 billion shortfall and a Republican super-majority in the Texas House resulted in a budget that slashed funding for the environment, natural resource conservation parks, and science education, as well as transportation, health and human services. The refusal to tap more of the state's Rainy Day Fund made cuts even more draconian (see "Strikeouts, The State Budget" on page 5).

2 SB 875 / Blocks legal protections against greenhouse gas pollution

Sen. Troy Fraser (R-Marble Falls) and

Rep. Kelly Hancock (R-Fort Worth) pressed successfully for passage of a bill that leaves cities without any viable legal vehicle for protecting its citizens against public harm caused by greenhouse gases. Its passage guts Texas' common law right to protect health and welfare through nuisance and trespass lawsuits. What's more tragic about the bill is that it falsely seeks to assure the public that the government is already protecting their interests. Under the new law, immunity from nuisance or trespass suits would be granted if the Texas Commission on Environmental Quality or the Environmental Protection Agency exercised enforcement discretion, yet "discretion" could mean that they considered enforcement but ultimately took no action.

3 SB 875 / Amendment to remove blanket affirmative defense against nuisance suits for polluters

TLCV sounded the alarm on a late-session move by Rep. Dennis Bonnen (R-Angleton) that would have infringed on private property rights and eliminated the public's right to protect itself from pollution. Municipalities would also have lost their ability to address environmental contamination from pollutants that pose a direct threat to city water supplies. In Rep. Bonnen's amendment to SB 875, polluters would have enjoyed immunity for personal injury and property damage. While the House approved the amendment, a broad-based opposition, led by TLCV, successfully pressed the Senate not to concur with the House version that included the amendment. TLCV scored an amendment by Rep. Craig Eiland (D-Galveston) to remove the Bonnen amendment on third reading. (YES was the correct vote)

● **House vote only; no vote in Senate.**

4 SB 1134 / Two-year delay in oil and gas permitting rules
Sen. Glenn Hegar (R-Katy) and Rep. Tom Craddick (R-Midland) successfully toed the line for industry and created special treatment for the oil and gas industry in a delay of any new permitting rules at the Texas Commission on Environmental Quality (TCEQ). The measure delays any new air emission regulations for oil and gas facilities until TCEQ conducts air quality monitoring and modeling to prove the need for any additional rules or updates. The bill also cripples the state’s ability to use “worst-case scenario” air modeling that protects public health.

5 HB 2694 / TCEQ Sunset, Chisum Contested Case Hearing Amendment
This amendment to the TCEQ Sunset bill (House Bill 2694) would have represented a major change in the way the state would handle water quality, air quality, injection wells, sewage and toxic chemical permitting. Under the amendment, Texas law would force the public to carry the burden of proof in any challenges to the TCEQ permitting of coal and chemical plants and other facilities. Every day Texans would be forced to hire experts, pay lawyers, undertake costly modeling and bear the burden of proof against proposed facilities that could harm public health and safety.
● House vote only; no vote in Senate.

6 HB 125 / Burdensome reviews before new regulations
A bill passed in the House but left without a vote in the Senate would have created a burdensome new level of environmental review before TCEQ could proceed with rulemaking. Rep. Ken Legler’s (R-Pasadena) bill would have required cost-benefit analysis before TCEQ could adopt new rules.

Rep. Legler’s bill also showed bias toward costs over benefits or public concerns in new rules.
● House vote only; no vote in Senate.

7 Senate Bill 1504 / Importation of radioactive waste
Authorized the importation of radioactive waste to a facility in Andrews County in West Texas. While the operation of the site is partially a federal matter, this bill — and in particular the version that passed in the House — did not provide adequate environmental, safety or liability provisions. Nor did SB 1504 provide an opportunity to expand financial benefits to the state from the site’s operation in an era of recurring structural budget deficits. An amendment by Republican Ways and Means Chair Rep. Harvey Hildebran to open the door to a possible higher recoup of revenue from the site was defeated.
● House vote only; no vote in Senate.

8 HCR 66 / Limiting EPA authority in Texas
In what could best be described as political grandstanding, Rep. Kelly Hancock (R-Fort Worth) successfully passed a resolution in the Texas House that would limit the Environmental Protection Agency’s authority in Texas by urging Congress to act to limit its authority in regulating greenhouse gases. The non-legally binding resolution, while approved in the House, never received serious consideration, or a vote, in the Texas Senate.
● House vote only; no vote in Senate.

9 House Bill 1665 with Fraser Amendment
In a single amendment (by Sen. Troy Fraser, R-Horseshoe Bay) to House Bill 1665, that was ultimately ruled not germane by members in the Texas House, lawmakers stood poised to make a change in law that would

have made George Washington, his axe and all those cherry trees blush. Effectively the amendment as considered and voted on by state senators would have ended a city’s ability to protect trees on certain tracts of land, including near or around defense installations. In particular, this bill would have hamstrung the city of San Antonio from protecting trees above the environmentally sensitive Edwards Aquifer which provides most of the city’s drinking water.
● Scored only in the Senate.

THE GOOD

NATURAL GAS DRILLING

10 HB 3328 / Hydraulic fracturing disclosure
Texas took a significant step forward by becoming the first state with a mandatory chemical disclosure law for hydraulic fracturing. While not perfect, the Texas measure, authored by Rep. Jim Keffer (R-Eastland) and Sen. Troy Fraser (R-Marble Falls) and signed into law by Gov. Perry, represents an improvement in natural gas drilling practices by making it mandatory to disclose the often closely guarded mixture of chemicals used in hydraulic fracturing. While there’s still work to be done on this issue, the Texas law moves the state closer to a more complete understanding of the potential impact and public health implications of hydraulic fracturing fluids used in natural gas production.

11 SB 527 / Barnett Shale air monitoring
Sen. Fraser on the Senate side and Rep. Charlie Geren (R-River Oaks/Fort Worth) on the House side successfully advanced a bill that was signed by Gov. Perry to provide for

air quality monitoring in the Barnett Shale area of North Texas, in and around Fort Worth. The City of Houston already has an established network of air quality monitoring stations covering Houston, Galveston and Brazoria areas. The data collected at these stations provided the public, industry and government with measures of regulated pollutants. SB 527 establishes a similar network for the Dallas-Fort Worth area by revising the allocation of the Texas Emissions Reduction Plan (TERP).

GREEN FLEETS & ALT FUELS

12 SB 20 / Natural gas vehicle grant program

Sen. Tommy Williams and Rep. Mark Strama led the charge this session to create two new grant programs to encourage the use of natural gas vehicles in Texas. SB 20, as signed into law by Gov. Perry, will allocate 20 percent of the funds for the Emissions Reduction Incentive Grants Program in TERP for the Texas Natural Gas Vehicle Program. SB 20 should help reduce diesel emissions by encouraging the creation of the Texas Clean Transportation Triangle, a network of alternative fueling systems linking Houston, San Antonio and the Metroplex along IH-10, IH-35, IH-45.

13 SB 385 / Alternative fuels program

In the passage of SB 385, a bill by Sen. Williams and Rep. John Otto (R-Dayton), the state will encourage the development of the infrastructure that is needed to support the growth of alternative fuel vehicles. The bill makes it easier for people to purchase and use vehicles powered by natural gas, propane, electricity and other clean sources with the creation of a new TERP program, the Texas Alternative

Fueling Facilities Program (TAFFP). TAFFP would offset the cost of fueling facilities for alternative fuel in nonattainment areas.

14 HB 3272 / Expand vehicle eligibility under LIRAP

HB 3272 fine-tunes and expands a successful program under the state's Low-Income Repair Assistance Program (LIRAP) that provides support to low-income Texans encouraging the replacement of older, higher emissions cars and trucks. The bipartisan measure by Rep. Lon Burnam (D-Fort Worth) and Sen. Bob Deuell (R-Greenville) expands the eligibility of cleaner replacement vehicles and provides for higher replacement assistance through the state's LIRAP program. HB 3272 adds electric cars, natural gas vehicles and future technologies with low emissions to the already approved hybrid vehicles covered under the assistance program.

WATER POLICY

15 HB 571 / Better sand and gravel regulation

Under HB 571, the state levels the playing field by requiring all aggregate operators to meet TCEQ's environmental standards for permitting. The bill by Rep. Dan Huberty (R-Kingwood) and Sen. Tommy Williams (R-The Woodlands) will implement new regulations for aggregate (sand and gravel) production operations. Unregulated aggregate mining operations have led to significant land erosion along Texas rivers and previously operators were not required to hold a permit as long as sediment did not enter the water.

16 SB 449 / Water stewardship
SB 449 will increase the quantity and quality of water stewardship

among private landowners. Sen. Kirk Watson (D-Austin) and Rep. Alan Ritter (R-Nederland) carried the measure that would create an incentive for landowners to partner with the state to protect water quality and increase conservation efforts. Since 90 percent of Texas water flows through or under land owned by private individuals or entities, SB 449 helps to spur good stewardship of water. The bill does not broaden agricultural valuation but simply encourages landowners who qualify for the valuation to manage their water resources.

17 HB 3391 / Rainwater harvesting

As the state's population grows and demands for water further increase, meeting private and commercial water needs will be difficult. HB 3391, by Rep. Doug Miller (R-New Braunfels) and Sen. Kel Seliger (R-Amarillo) will remove the requirement that a rainwater harvesting system be used only for nonpotable indoor purposes. The bill also requires rainwater harvesting to be incorporated into new designs for future state buildings, as well, and the bill encourages the use of incentives at the local level to spur residential and commercial adoption of rainwater harvesting.

18 SB 181 / Better water reporting

Sen. Florence Shapiro (R-Plano) and Rep. Jodie Laubenberg (R-Murphy) introduced SB 181 to require every regional water-planning group to include in its regional water plan submission to the Texas Water Development Board information on their expected water use and conservation for the planning and implementation of water plan projects. SB 181, which was signed by Gov. Perry, will allow Texas to more accurately determine its water use by standardizing methodolo-

gies and calculation practices across the state. The bill will help Texas accurately account for water use and help develop effective water conservation plans to manage future droughts and increasing demands on consumption.

SOLAR ENERGY

19 HB 362 / HOA solar reforms
Rep. Burt Solomons (R-Carrollton) and Sen. Royce West (D-Dallas) carried HB 362 to prevent homeowners' associations from arbitrarily disapproving the installation of solar panels on homes. HB 362 prevents a property owners' association like an HOA from including or enforcing a provision that would prohibit a homeowner from installing a solar energy device, voiding any existing deed restrictions against solar energy devices.

20 SB 981 / Solar energy ownership options
Sen. John Carona (R-Dallas) and Rep. Rafael Anchia (D-Dallas) successfully passed SB 981, a bill that will remove existing bureaucratic obstacles that interfere with the expanded development of solar power and other renewable energy generation. The bill updates Texas law, allowing Texans to enjoy the benefits of solar but without the responsibility of ownership or maintenance of the technology itself. The bill also opens the door to lease options which may help some Texans overcome the initial high cost of converting to renewable energy sources like solar.

21 SB 943 / Solar energy storage
Sen. Carona and Rep. Anchia carried another solar measure during the 82nd Regular Session focused on solar energy storage. In Texas, various parts of the electricity continuum are regulated differently, and energy storage is a developing technology that

can help improve our ability to leverage renewable energy sources more effectively and efficiently. SB 943 seeks to redefine what the state considers a "power generation company" to include owning storage, allowing for interconnection rights and registration as a power generators.

ENERGY EFFICIENCY

22 SB 1125 / Energy efficiency goals and programs
Sen. Carona and Rep. Anchia also teamed up to introduce SB 1125, a bill that will update the state's energy efficiency goals and programs with an eye toward reducing overall consumption. The new law will also allow utilities to communicate directly with their customers to promote and assist with promotion of energy efficiency programs and provide direct rebates to consumers. SB 1125 also expands demand-side management programs, like "Load Resource," to residential and commercial classes as long as reliability standards are maintained.

23 SB 898 / Energy efficiency goals in state buildings
Sen. Carona and Rep. Byron Cook (R-Corsicana) carried a measure that will spur greater energy efficiency and reduce consumption among political subdivisions, higher education institutions and state agencies. Under SB 898, the State Energy Conservation Office (SECO) would oversee an effort to establish a goal to reduce electric consumption by at least 5 percent each state fiscal year for 10 years beginning Sept. 1, 2011. The bill, signed by the governor, also includes standardized reporting requirements to allow the state to assess the effectiveness of its energy programs.

24 HB 2077 / Energy efficiency loans for non-profits
Rep. Eddie Rodriguez (D-Austin) and Sen. Deuell introduced HB 2077 as a way to expand access to the state's energy efficiency loan program to certain non-profits, including churches and community based organizations (CBOs). The bill directs SECO to establish and oversee a pilot program under the existing LoneSTAR program to provide loans for energy efficiency and renewable energy upgrades in buildings that these non-profits owned or operated.

25 SB 924 / Energy efficiency reporting by municipalities and co-ops
Sen. Carona and Rep. Keffer saw little opposition to SB 924, a bill that will create a standardized reporting system for electric utilities and cooperatives that would capture information on energy savings, demand and assist in forecasting energy load demands. It's a measure that not only offers an opportunity for a cleaner analysis of data across reporting entities but also provides greater transparency and easier quantification of an energy program's results.

26 HB 1728 / Energy efficiency performance contracts
Receiving bipartisan support in both chambers and signed by the governor, HB 1728 (Rep. Keffer and Sen. Chris Harris, R-Arlington) would allow local school districts, higher education institutions state agencies and local governments to use any available funds — except for monies borrowed from the state — to pay for an energy savings performance contract. The ultimate goal of the legislation is to reduce energy and water consumption or operating costs of new or upgraded existing facilities.

27 SB 1434 / Low-income weatherization

Sen. Carona and Rep. Geren introduced SB 1434 as a way to update the funding mechanism for low-income energy efficiency programs, reflecting current needs and ensuring the program can continue to operate. The bill mandates that funding for targeted low-income energy efficiency programs is restored to at least 15 percent of a transmission and distribution utility's energy efficiency budget for the year.

28 HB 51 / Improving building energy efficiency codes

HB 51, carried by Rep. Eddie Lucio, III (D-Brownsville) and Sen. Chuy Hinojosa (D-McAllen), would require that certain state-owned buildings adopt energy-efficiency standards that align with high-performance design, construction or renovation standards. By encouraging greater energy efficiency in state buildings, the state would be demonstrating a commitment to energy conservation and promote a responsible use of taxpayer dollars through the reduction in energy consumption on state properties.

29 HB 3268 / Cogeneration

HB 3268 (Rep. Lanham Lyne, R-Wichita Falls) involves combined heat and power systems (CHP), commonly referred to as cogeneration systems, that generate electricity and thermal energy in a single, integrated system. CHP systems capture heat that would otherwise be lost in the traditional generation of electricity. HB 3268 requires the Texas Commission on Environmental Quality (TCEQ) to issue a standard permit or permit by rule for stationary natural gas engines used in a CHP system that would establish emission limits for air contaminants released by the engines. CHP systems offer many positive benefits related to fuel efficiency, water conserva-

tion and local economic development. By capturing excess heat, CHP systems use heat that would be wasted in a conventional power plant, potentially reaching efficiency of up to 89 percent.

PUBLIC HEALTH

30 SB 506 / Mercury reporting in fish

Sen. Deuell's bill to improve public health reporting tied to mercury levels in fish cleared the Senate but got stalled in the House Public Health Committee. SB 506 would have allowed the Department of State Health Services to use a survey of levels of mercury and mercury compounds in fish, shellfish and other aquatic and terrestrial animals to enhance its notification system of consumption advisories. The bill sought to establish a level of .3 mg/kg or higher as the trigger for issuing advisories.

● Senate vote only; no vote in House.

31 HB 1906 / Reducing idling vehicles

Rep. Donna Howard (D-Austin) and Sen. Fraser carried a bill that establishes a criminal penalty (Class C Misdemeanor) for motorists that violate established limitations on vehicle idling. The intent of the bill was to establish a penalty for idling of heavy-duty vehicles which will foster more efficient enforcement of idling at a local level.

RECYCLING

32 SB 329 / Television Recycling

Sen. Watson and Rep. Warren Chisum (R-Pampa) introduced a bill that will establish a program for the recycling of televisions in the state of Texas. The bill, which received strong, bipartisan support in both chambers, will establish a comprehensive, convenient and environmentally sound program for the collection and recycling

of television equipment. It's a measure that places responsibility and cooperation across individual manufacturers, as well as consumers, retailers and governments in Texas.

33 HB 695 / Mercury thermostat recycling

Rep. Alma Allen (D-Houston) offered up legislation that would have created a program to spur the collection, recycling or proper disposal of thermostats with mercury-added. Similar to the proposal for television recycling, the thermostat-recycling program would have created an opportunity for the state to ensure we limited mercury in our landfills. Unfortunately, while the bill passed the House, it died in the Senate.

● House vote only; no vote in Senate.

ENVIRONMENTAL ENFORCEMENT

34 HB 2694 / TCEQ Sunset, Farrar Compliance History Amendment

Another amendment to the TCEQ Sunset Bill that's included in our scorecard is something Rep. Jessica Farrar (D-Houston) carried but, after some debate in the House, was ultimately and unfortunately tabled. The Farrar amendment would have added criminal convictions at the local level to the compliance history rating system for TCEQ. The amendment would have strengthened the compliance history rating system by requiring TCEQ to check local convictions for individuals or entities permitted through the TCEQ. Bad operators frequently come with a long trail of complaints or convictions, and Rep. Farrar's amendment had it not be tabled would have ensured regulators had and utilized a more complete picture of those who are licensed or permitted through TCEQ.

● House vote only; no vote in Senate.

+ = Good conservation vote - = Bad conservation vote A = Absent (counted as "bad" vote) EA = Excused absence (not used in score) C = In chair, not voting PNV = Present, not voting (not used in score)

For explanations of votes, see pages 11-15. • TLCV favored NO votes on numbers 1-2, 4-8 and 34, and YES votes on number 3 and numbers 10-33.

	Score	Grade	1	2	3	4	5	6	7	8	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	31	32	33	34
Eissler, Rob (R-15)	73%	C-	-	-	-	-	-	-	EA	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	EA
Elkins, Gary (R-135)	59%	F	-	-	-	-	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	+	A	+	-	+	+	+	A	+	-	+	+	-
Farias, Joe (D-118)	94%	A	+	+	+	-	+	EA	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Farrar, Jessica (D-148)	97%	A	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Fletcher, Allen (R-130)	63%	D-	-	-	-	-	-	-	-	-	+	+	+	-	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	+	+	+	+	+
Flynn, Dan (R-2)	53%	F	-	-	-	-	-	-	-	-	+	+	+	-	+	+	+	+	+	+	+	+	-	+	-	A	+	+	-	+	-	+	+	-
Fruzzo, John (R-84)	68%	D+	-	-	-	-	-	EA	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	-	+	+	-
Gallego, Pete (D-74)	93%	A-	+	+	+	-	+	+	+	-	+	+	+	+	+	+	+	+	+	EA	+	+	+	+	+	+	+	+	+	+	+	+	+	EA
Garza, John (R-117)	59%	F	-	+	+	-	-	-	-	-	+	+	+	+	+	-	+	+	+	-	+	+	A	-	+	-	+	+	+	A	+	+	+	-
Geren, Charlie (R-99)	68%	D+	-	-	-	-	-	EA	EA	-	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	A	EA	C	+	+	-
Giddings, Helen (D-109)	90%	A-	+	+	+	+	+	-	+	-	+	+	A	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	EA	EA	+	+	+
Gonzales, Veronica D-41)	94%	A	+	+	+	-	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Gonzales, Larry (R-52)	75%	C	-	-	+	-	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Gonzalez, Naomi (R-76)	94%	A	+	+	+	-	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Gooden, Lance (R-4)	69%	D+	-	+	+	-	-	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	-	+	+	+	+	-
Guillen, Ryan (D-31)	81%	B-	+	A	A	-	+	-	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Gutierrez, Roland (D-119)	97%	A	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	A	+	+	+	EA	EA	+	+	EA	+
Hamilton, Mike (R-19)	63%	D-	-	-	-	-	-	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	-	+	-
Hancock, Kelly (R-91)	59%	F	-	-	-	-	-	-	-	-	-	+	+	+	+	+	+	A	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	-
Hardcastle, Richard "Rick" (R-68)	75%	C	-	-	+	-	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Harless, Patricia (R-126)	68%	D+	-	-	-	-	-	-	EA	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	-
Harper-Brown, Linda (R-105)	48%	F	-	-	-	-	-	-	-	-	+	+	-	-	-	+	+	+	+	+	+	+	-	+	+	+	C	+	-	+	-	+	-	
Hartnett, Will (R-114)	69%	D+	+	+	+	-	+	-	A	-	A	+	+	-	-	+	+	+	+	+	+	+	A	+	+	-	+	+	+	+	+	+	+	-
Hernandez Luna, Ana (D-143)	91%	A-	+	+	A	-	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Hilderbran, Harvey (R-53)	72%	C-	-	+	+	-	-	-	EA	-	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	PNV	+	A	+	+	+	-	EA
Hochberg, Scott (D-137)	94%	A	+	+	+	-	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Hopson, Charles "Chuck" (R-11)	70%	C-	-	-	-	-	+	-	-	-	+	+	+	+	+	+	+	EA	+	+	+	+	+	+	EA	+	+	+	+	+	+	+	+	-
Howard, Donna (D-48)	97%	A	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Howard, Charlie (R-26)	66%	D	-	-	-	-	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	A	+	+	+	+	+	+	-	+	+	+	+	-
Huberty, Dan (R-127)	60%	D-	-	-	-	-	-	-	-	-	+	+	PNV/PNV	+	+	+	+	+	+	+	+	+	+	A	+	+	+	+	+	+	-	+	-	
Hughes, Bryan (R-5)	63%	D-	-	+	+	-	-	-	-	-	-	+	+	A	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	-	+	+	+	-
Hunter, Todd (R-32)	68%	D+	-	-	-	-	-	-	EA	-	+	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	-
Isaac, Jason (R-45)	81%	B-	-	+	+	-	-	-	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Jackson, Jim (R-115)	72%	C-	-	A	-	-	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Johnson, Eric (D-100)	94%	A	+	+	+	+	+	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Keffer, James "Jim" (R-60)	73%	C-	-	-	-	-	-	-	EA	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	EA
King, Tracy (D-80)	75%	C	+	A	A	-	+	-	-	-	+	+	+	+	+	+	A	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
King, Susan (R-71)	73%	C-	-	+	-	-	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	EA	EA	+	+	+

+ = Good conservation vote - = Bad conservation vote **EA** = Excused absence (not used in member's score)

For explanations of votes, see pages 11-15. ● TLCV favored NO votes on numbers 1-9 and YES votes on number 10-32.

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