

Senate District 14 Special Election
Blanket (aka “Jungle”) Primary on July 14th
Early Voting June 29 thru July 10

Candidate Instructions: Please return your answers no later than 5 pm, May 29. Feel free to explain any of your answers, without word limits. This questionnaire will be distributed widely to all regardless of party affiliation and posted at LIVTexas.org/SD-14

[Senate District 14](#) straddles two counties -- Travis and Bastrop -- that have conflicting interests. The special election to replace SD-14’s Senator Kirk Watson is a “blanket primary”, a non-partisan primary. In the midst of crisis, this election could actually bring us together across the county line.

The focus of this questionnaire is on Bastrop County for a reason. Bastrop’s issues have been minimized as “parochial,” when in fact they are central to the health, safety and welfare not only of SD 14, but the region.

The blanket primary is a rare occurrence. Otherwise known as a “[jungle primary](#)”, it places independent (unaffiliated) candidates and party candidates on the same ballot. If no one receives votes equaling 50% plus one on July 14th, a runoff will take place between the top two candidates. The runoff is called by the Governor and can be set for any time 22 days or later from the first round.

Candidates running in this race are, in alphabetical order: Waller Thomas Burns II (Republican), Sarah Eckhardt (Democrat), Pat Dixon (Libertarian), Jeff Ridgeway (independent – no party), Eddie Rodriguez (Democrat) and Don Zimmerman (Republican).

Travis County v. Bastrop County, or Are We Really in This Together?

Travis County pursues fast growth policies that drive the affordability crisis in the Austin area. Simply put, fast-paced in-migration by those with more dollars to spend on housing has led to the displacement of Austin’s lower and moderate-income residents, who can no longer afford to live in Austin.

Many of those fleeing Austin’s affordability crisis are relocating to Bastrop County and often to RV and mobile home parks. The problem here is not the additional people. It is the strain on the County’s schools, public services, and infrastructure because RV and mobile home parks provide little tax base.

In addition, Bastrop, for all intents and purposes, has also become Austin’s dumping ground. Waste facilities and other businesses no longer welcome in Travis County are coming here for cheaper land, less regulation and oversight, and proximity to the IH-35 growth corridor. Bastrop’s population of working and poor residents is challenged to mitigate the problems posed by these facilities, especially now at a time when they are struggling to take care of their families.

Bastrop’s Looming Groundwater in Crisis -- Mega-Permits

Bastrop is one of four counties -- along with Lee, Milam, and Burleson -- overlying aquifer formations that have long been targeted by private interests and municipalities for groundwater to serve development along the IH-35 growth corridor.

No one is arguing that there isn't a lot of water in these counties. But we are arguing against *mining* (aka "managed depletion") of these slow-to-no-recharge sand artesian aquifers far beyond their recharge, and potentially damaging them by pumping them too fast. These aquifers are already being mined without any of the mega-projects mentioned in this section. Texas is gravely mistaken in promoting speculation and mega-projects to move water to developing areas with inadequate local supplies - a model disproved by California's water crisis.

The last thing Texas needs is a groundwater crisis on top of an oil and gas crisis and COVID.

This [fact sheet](#) explains the dilemma facing landowners and ratepayers. It also lays the foundation for legislation yet to be developed, and the leadership by legislators that will be required for upcoming legislative sessions.

The most imminent threat is the Vista Ridge (aka "The San Antone Hose") water pipeline. Its 50,000 acre-feet per year (AFY), 30-year permit makes Vista Ridge the largest public-private partnership water pipeline carrying the most expensive water in the nation. In 2014, the San Antonio City Council used an absurdly opaque process to rush the project through to final approval in just 30 days. San Antonio's water utility, San Antonio Water System (SAWS), has touted the project across the world as a game-changer. True. However, it changes the game in the wrong direction.

Vista Ridge, in itself, threatens the sustainability of aquifers relied on by hundreds of thousands of users, including residents of cities Bryan and College Station (Brazos County). The drawdowns to private-well owners will be staggering, and it is only one of several mega-permits that will access the same aquifer. ([This well-documented plea for intervention in Vista Ridge was sent to state officials and county officials in August 2019.](#))

Vista Ridge quietly came online on April 15th. "The Hose" currently pumps 18 million gallons per day and will increase to 45 million gallons per day in July.

In addition, the Lower Colorado River Authority (LCRA) has applied for a mega-permit (25,000 AFY) to get into the groundwater business. Bastropian's pleas to stop LCRA from moving beyond their mission to protect the Colorado River fell on deaf ears during the Sunset Review Commission's limited review of LCRA in 2019. Bastrop's own State Senator, Kirk Watson, served on that Sunset Commission.

The LCRA's proposed well field is in the center of Bastrop County. The permit is being contested by non-profit organizations, water suppliers, the Lost Pines Groundwater Conservation District, scores of landowners, and even a private marketer, Recharge Water LLC (formerly End Op). A hearing will take place at the Lost Pines Groundwater Conservation District sometime soon to review a recommendation by Administrative Law Judges to grant the permit with certain restrictions. [See releases by non-profits here.](#)

Recharge Water LLC was granted a mega-permit for 46,000 AFY by the Lost Pines Groundwater Conservation District in 2016. [It's a long story](#) of protesting landowners and residents winning in a lower court only to lose to a technicality on appeal. The Legislature buried its head throughout. Recharge Water LLC has yet to produce a customer.

Our point in reviewing these projects is the redundancy in groundwater pumping and conveyance systems in central Texas -- a virtual gold rush. Is this the way to manage and sustain the most precious resource on the planet? .

Conclusion

Landowners who do not wish to sell their groundwater have long argued for equal protection with those who do. Non-profit conservation and landowner advocates also have long argued for enforcement of the Texas Constitution's Conservation Amendment, which protects our aquifers in perpetuity. The "game changer" Vista Ridge Project has made plain the need for P3 reform (*vis a vis* transparency and accountability), and protections to end ratepayer abuse. These concerns may eventually make their way to the Texas Supreme Court. However, the Legislature must end the practice of punting these issues to the courts. Now is the time to undertake the tough job of protecting the sustainability of our most precious resource for incoming generations through balanced landowner and ratepayer rights, conservation and development.

Bastrop County Can Make Big Difference in Coming Blanket Primary Early Voting June 29 thru July 10, Election Day July 14

Despite the fact the number of Bastrop's registered voters (nearly 47,000) is dwarfed by that of Travis County, we believe Bastrop County could provide the crucial voter turnout in the upcoming blanket primary race. This is especially true since Congressional District 10 overlaps a significant portion of Bastrop County with over 26,000 eligible voters. The runoff for CD 10's Democratic nomination between Mike Siegel and Pritesh Gandhi will also take place on July 14th.

In this blanket primary, the concerns of Bastrop Countians can serve as a call to Bastrop's citizens regardless of party affiliation.

Questions for SD 14 candidates:

1. What, in your opinion, can state legislators do to protect the aquifers underlying Bastrop County from multiple groundwater mega-permit demands outlined in this paper? Please include your ideas on what you would do to reform our water code to give landowners who do not wish to sell or lease their groundwater equal protections with those who do.

State legislators can do much to protect the aquifers underlying Bastrop County. Central Texas is one of the fastest growing economic regions in the country, and as the next state senator for District 14, I would work to facilitate a collaborative, regional effort to plan for and manage our region's growth in a sustainable way if elected.

I believe that we must reform the process by which such permits are approved to ensure robust opportunities for public input and that environmental standards are respected. Creating an Office of Public Interest Counsel to participate in public hearings on major permit applications as suggested by the League of Independent Voters could help to ensure that the community has strong, informed and unbiased representation in these important official proceedings. I will oppose legislation that limits groundwater districts' rulemaking and enforcement authority to protect groundwater quality.

It is also clear that we need a better understanding of our groundwater resources and the surface groundwater exchange to inform decision making in the permitting process. The state could play a role by funding a study, though such a study may have to wait depending on the fiscal impact due to the state's unprecedented economic situation.

I strongly believe that the Texas Legislature should direct the Texas Water Development Board to complete a comprehensive study of how we can maximize water conservation.

Some cities and counties have achieved significant progress on the conservation front. Progress is also being made in agriculture and industry. However, this progress has not occurred in all communities, and in many places and commercial activities, there is little effort paid towards conservation. Maximizing our water conservation and efficiency would reduce the need for thirsty cities to look elsewhere when their surrounding natural resources are no longer capable of satisfying their demand.

I am troubled by the information shared above regarding the lack of transparency/accessibility to the public in the permitting process for the Vista Ridge project and the feeling among rural and agricultural communities that they have had no recourse throughout these recent permitting processes. I am also concerned by the suggestion above that there are projects under the State Water Plan “that could have provided the same amount of water at less than half the cost and would have allowed the city to share the cost of operation and maintenance of the project with other communities.”

I would consider sponsoring a version of The Sustainable Groundwater Development Act based on the following major pillars described by the League of Independent Voters:

- Adding a chapter to the water code promoting groundwater development on a sustainable basis
- Restoring a reasonable definition of need to prevent speculation in groundwater
- Clarifying that Permits issued by Groundwater Conservation Districts neither convey property rights, nor limit existing property rights
- Requiring political subdivisions to consider regional alternatives before undertaking groundwater projects
- Enhancing the economic value of state property rights in the beds and banks of Texas rivers
- Ensuring that groundwater projects do not diminish existing surface water rights or environmental flows
- Requiring river authorities to monitor and collect data on the surface groundwater exchange
- Creating an Office of Public Interest Counsel to participate in public hearings on major permit applications

I would welcome further conversation with the LIV or with any interested Texan on the subject of reforming our water code to give landowners who do not wish to sell or lease their groundwater equal protections with those who do. I have not yet determined my position on the issue, and I would highly value the opportunity to engage with your membership in order to learn what they expect from and need in their next state senator.

2. Bastrop County has become the target of waste facilities. Do cities and counties lack the tools to adequately regulate them, and if so, what are your ideas for how to deal with this problem?

I believe that cities and counties should be allowed greater local control over regulating land use in keeping with their community’s needs and values, including in regards to waste facilities. If I am elected the next state senator for District 14, I will bring the community together with local, county and state officials to improve regulation/oversight and reform the permitting process to allow for greater opportunities for public participation. We must ensure that there are multiple opportunities for public input that are widely advertised and that the opportunities for public participation are accessible to

people who are not familiar with the process or may be struggling to take care of their families. I also believe that we should explore means of empowering individuals to participate in such official processes virtually.

3. The Vista Ridge water project is a public-private partnership but it has been allowed by the Texas Attorney General to withhold records behind its private partner. What are your ideas for reforming transparency and public accountability of P3 projects in Texas? Please also address in your answer SAWS Resolution 33* which gives unprecedented and unlimited power to the general manager to execute contracts, using COVID-19 as the reason. *([Resolution 33](#) was passed at the SAWS [San Antonio Water System] Board meetings on April 7 and again on May 5 and remains in effect until at least June 2.) [This letter](#) was sent to state officials, including former State Senator Kirk Watson on April 16.

It is clear that there is the potential for problems with the transparency and public accountability of P3 projects if so many rural and agricultural communities feel like their interests and their property rights have been disregarded during the permitting process for recent projects. I believe that we must increase transparency and that public information related to P3 projects should be subject to disclosure (especially in light of the information shared above that “The Council’s own appointees on the SAWS Rate Advisory Committee have been denied records they seek.”) with certain protections for privacy and trade secrets, though the Attorney General has been loose in his definition/application of these terms and abused them to protect business and industry.

We should examine the public notice requirement and scrutinize how it’s executed in the real-world. We must ensure that proceedings subject to the public requirement are widely advertised and that the public notice that is provided lives up to the spirit of the law: letting people in the community who stand to be affected by important decisions know about opportunities to participate and make their voices heard (especially important on such large, costly and controversial projects).

In regards to SAWS Resolution 33, I can see there being compelling reasons why the board might delegate authority in the time of crisis, such as to increase the systems’ ability to respond nimbly to an emergent crisis when the board is not able to meet in-person and carries out its duties as usual. However, the LIV letter mentions comments by Board Member Amy Hardberger that call into question the need for the expansive authority granted to the general manager, particularly the broad authority to negotiate and execute contracts without prior approval.

4. What are your ideas – especially, in our time of crisis - for giving cities and counties additional tools to ensure private business pays its fair share of the costs of growth for infrastructure, e.g. roads, water, and other services needed to serve new residents?

This has been a huge issue in the district that I have represented in the Texas House of Representatives, where we have fought for the ability to assess impact fees on new development. Unfortunately, our efforts have been stifled and defeated by the anti-local government Republican state leadership and majorities in both chambers of the legislature.

This is a great question and an ongoing discussion that is more relevant now than ever. I will continue engaging with the state’s local government partners, our communities, subject matter experts and other stakeholders on this issue. We are still relatively early on in this process, but we must proceed with a sense of urgency ahead of the upcoming 87th Legislative Session in 2021.

5. Recently, TxDOT and CAMPO chose to ignore [a letter](#) by the Texas House and Senate Transportation chairs to refrain from moving forward with big funding decisions in the midst of the pandemic, crashing oil prices, and financial crisis. Instead, TxDOT and CAMPO used a specially called meeting to set in place an opaque process to rush through funding of \$633 million for widening IH-35. What are your ideas for outmaneuvering the road lobby, and what are your ideas for *affordable transportation options* – especially needed in our time of economic crisis?

The growth occurring across our region, state, nation and continent are driving incredible strain on our transportation infrastructure. Improvements in our transportation infrastructure have not kept up with the pace of our growth and Central Texans are feeling the consequences worse and worse everyday, though this has temporarily changed due to the pandemic.

I believe that we must plan for the future needs of our communities, our region and our state. We need to empower more people to live closer to where they work, subsidize public transportation and invest in mass transit with regional service in order to improve mobility, equity and access in a sustainable way that prioritizes affordable transportation options.

6. A number of eminent domain reforms to level the playing field between landowners and condemning authorities have been promised and repeatedly defeated in session after session. Of all of them, most critical is awarding attorney's fees for those landowners to whom the industry gives low-ball offers, hoping the landowner will not have the resources to go to court. Where do you stand on this single eminent domain reform? ([See this post for details.](#))

It is important to me to represent the interests of all of my constituents and of all Texans. I have developed relationships across rural, unincorporated Travis and Bastrop counties (also with advocates like the Texas Farm Bureau and others) that have helped me to be a more effective state representative. I was a coauthor of the bipartisan eminent domain reform bill ([HB 991/SB 421](#)) during the 86th Legislative Session.

I believe that eminent domain reform is a critical issue and I support legislation that would award attorney's fees for those landowners to whom the industry gives low-ball offers. I supported Senator Kolkhorst's legislation in the Texas House of Representatives, and, if elected to the Texas Senate, I will help advance the cause however I can.

7. On oil and gas reform in Texas, check which, if any, of these you support. We recommend you use [this background piece](#) by Mark Miller, PhD, an oil and gas expert, retired UT professor of petroleum engineering, author and LIV Advisor:

Would you support refraining from using the Economic Stabilization Fund (ESF), aka "Rainy Day Fund", to fund state agencies such as TxDOT and to, instead take advantage of the next oilfield boom cycle to build up the cushion for the next rainy day? (Note: We hope you agree that the COVID-19 crisis is a legitimate and necessary use of these funds.)

Would you support using a portion of the ESF to close thousands of uncapped wells, aka "orphaned wells", that endanger our groundwater?

Do you support at last changing the name of the Railroad Commission, to a name that indicates what its job is -- to regulate oil and gas production in Texas?

8. In the 2019 session, the Texas Legislature made important improvements to the Texas Public Information Act, such as ensuring basic elements of government contracts with private entities are once again accessible to the public. Do you support protecting and further enhancing the Public Information Act in any of the following ways? Check all that you support:

- Closing loopholes to prevent governments from disregarding the act during times of emergency.
- Mandating that the state release the names and locations of nursing homes and long-term care facilities with COVID-19 outbreaks.
- Restoring access to dates of birth in most public records to ensure accuracy of information
- Clarifying in law that governments must provide public information in the electronic format requested
- Requiring governments to respond to Public Information Act requests

9. Check any of the following electoral reforms you support -- additional comments welcome:

- Vote By Mail
- Rank Choice Voting ([more here](#))
- Allowing Petitioning Online ([more here](#))
- Protecting Municipal Petition Rights ([more here](#))
- Fair Ballot Access for Independent and other Minor Party Candidates ([more here](#))
- Ending Gerrymandering via Independent Redistricting Commissions ([more here](#))
- Elimination of Straight Ticket Voting ([more here](#))

10. Are there any limitations you have placed on contributions you're willing to accept? Please include in your answer if you have any limitations at all on contributions you will take from donors who work in the real estate industry, including land and water development and water conveyance.

I will not be accepting any donations from the payday lending industry as I believe they prey on low-income families. I will also not be accepting any donations from pro-life groups and the charter school industry, which is currently exploiting the pro-charter bias in our state's public school funding formulas in East/Southeast Travis County, Del Valle and Bastrop. There are limitations on the contributions that I will take from donors who work in the real estate industry, including land and water development and water conveyance. I will not accept contributions from donors in that space if they are seeking to curry favor or gain access in order to help them advance their projects. I would be happy to continue this conversation with LIV and answer any questions or address any concerns that members might have.

Return to: League of Independent Voters • info@independentleaguetx.org • 512.213.4511

Note: LIV is a 501c4 non-profit, non-partisan organization and does not endorse candidates.