

Independent Texans Endorsement Survey – Texas House District 17

Note: Please keep your answers, if possible, to no more than approximately 300 words.
Feel free to link to documents for background.

Independent Texans is a general purpose political action committee formed in 2001 to represent the interests of non-aligned voters in Texas. We believe the open-primary system in Texas lends itself to contested primaries – when candidates decide to reach out to self-identified independent voters, of which there are millions in Texas. We have a long history of working to protect water and land resources, and efforts to open up and clean up the electoral process in Texas. You can find out more about us at *IndyTexans.org*.

1. Please tell us your key reasons for running for this office.

This is a critical time for our state and for the communities of this district, with important water, growth, and energy related issues being decided at the Capital in Austin and in our local communities. This is my home and I am committed to doing my dead level best to address the challenges we face in a matter-of-fact way. I am a consensus builder who believes that we are best served when political bickering and divisions take a back seat to solving the problems at hand. During my first term in office, I believe that I have shown myself an effective advocate for our district who works hard for our area and sticks to his principles, and I hope that I will be honored with another term representing us in the Texas House. This is a hard job, and a time consuming job, and I'm doing it out of a deep and very personal sense of calling and service to a cause greater than myself.

2. Please tell us what you believe qualifies you to run for this position.

First and foremost, I have been involved in contributing to and giving back to the community long before I ever put my name on a ballot. I built a business from the ground up, and today I employ more than 50 people. I feel a very personal responsibility for them and their families, and I work hard every day to honor the trust they have placed in me. That has nurtured a strong sense of leadership and stewardship within me that goes all the way back to my childhood and days as an Eagle Scout. My community leadership involves serving on the boards of large non-profits like the Capitol Area Food Bank of Texas and Caritas of Austin. I was a founding member of my local education foundation, to support our area public schools, and I was a Caldwell County Commissioner. I ran for the Texas House because I believed that we our district needed a representative who was hardworking and no-nonsense. I believe that my first term in office has shown that to be the case. I was pleased to file and pass important legislation for our district and for the state, and if the voters see fit to return me to Austin, I will work just as hard to get results that matter.

Growth and the Texas economy:

3. [We hope that HB 3425](#), introduced by Rep. Tan Parker in the 2015 legislative session, will be reintroduced and passed in the 2017 session. The legislation would create an intrastate investment market for purposes of trading securities issued under the intrastate crowd-funding exemption from federal securities laws. Essentially, this will give Texas investors more opportunities to move their

investment dollars from Wall Street to Main Street, Texas. Would you support such legislation?

I am familiar with this bill and spoke about it with Chairman Parker on Monday. He is Chair of the Investments and Financial Services Committee, and he is working on this issue right now during the interim. He has asked the Director of the Securities Board to draft a plan to address the issue. One goal is to increase the cap on crowd-funding from \$1M to \$3M or possibly \$5M. Another is to create a pathway for a secondary new exchange or Texas specific exchange. If the issue is not resolved before next session, Chairman Parker has offered to joint author a bill with me next session on it, and has also offered to present an update with me to this group on HB 3425 and ways to address this issue in the coming years.

4. We are concerned that the common practice of offloading the costs of in-migration growth in Texas is leading to increased unaffordability, stress on tax and ratepayer dollars, and tremendous stress on our natural resources, especially water resources. Do you support adding categories eligible for impact fees (from roads, water, sewer, storm water, to police, fire, libraries, solid waste and schools) on new developments in Texas to make growth come closer to paying for itself? (Note: [This chart](#) shows how Texas compares with other states on impact fees.)

This is an issue I have a lot of experience with as a former county commissioner. When I joined the commissioner's court in Caldwell County, our subdivision development fees had not been adjusted since 1991. Because of that, taxpayers of Caldwell County were essentially subsidizing developers. It is important—and I say this as someone who works in construction—for developers to pay their fair share of impact fees when developing real estate. That is simply the fair, neighborly, and right thing to do. I took the lead on restructuring our impact fee schedule in Caldwell County, modeled after higher growth neighboring counties like Bastrop and Hays. To put this into perspective, there is a proposed 3,400-acre development for eventual build out of about 10,000 homes in Caldwell County. Had it sought approval prior to revising our impact fee schedule, it would have paid about \$750 total in impact fees. Today, it would pay closer to \$4.3 million. That is money that will be used for infrastructure, sheriff's service, fire and EMS service, and so forth. Without the impact fee revision, existing Caldwell County property owners would have shouldered that burden. Today, developers pay a much larger portion of the cost to develop real estate within the county. I support policy changes at the state level aligned with the experience and perspective that I have just set forth, and as someone who comes from the ranks of municipal leadership, I believe that I can help to make these policy changes.

5. We hope you share our concern about the abuse of local and state taxpayer dollars in corporate subsidies. Would you support a requirement of "total accounting" for public subsidies, that is that the granting authority must compare the benefit of the proposed subsidy with the actual total costs of both annual expenses and cost of new infrastructure? (Note: Use [this slide show](#) by Austin developer, Brian Rodgers, for more information.)

Yes. I voted to end the Emerging Tech Fund in the Governor's office and believe that we should put more restrictions on the Enterprise Fund to ensure greater

accountability with the taxpayer's dollars, including removing the fund from the Governor's office and placing it in the hands of the Comptroller.

Water, our most precious resource:

6. Will you support the development – through a vigorous stakeholder process and public hearings in each State Senate District – of a water conservation plan for Texas that would prioritize efficient use of water and recommend ways to reduce excessive demands for surface and ground water?

I support water conservation as our best strategy to ensure that our water resources are sustainable into the future. Science and experience have shown that water conservation is more effective (and cost effective) than water development at achieving sustainability. I was selected by the Texas Water Development Board as spokesperson, along with Comptroller Glenn Hager, on the Texas Water Smart Project to promote conservation.

7. Do you support giving groundwater conservation districts the right to prioritize local and historic water needs first over those outside their basin coming in for large export permits?

Yes, this was the basis of House Bill 3116, which I was able to get passed through the House during the 84th Legislative Session (with the much appreciated help of the League of Independent Voters) and plan to file again in the 85th. This bill was authored with the assistance of Lost Pines Groundwater Conservation District, members of this organization, and other likeminded policy experts. The bill caused a major discussion during session with water distributors and some municipalities, and they were undoubtedly a headwind against which we had to fight in order to pass the legislation through the House. My question to them was: "if you do not think your permits will hurt the levels of the aquifer, why do you worry about disproportional cutbacks?" This bill was given a second hearing before passing through the Natural Resources Committee which is unheard of. At that second hearing, it passed unanimously and was then passed on the House floor, just before the deadline for second readings. Unfortunately, it became evident that HB 3116 would not be able to pass the Senate, but it nonetheless produces two important outcomes. First, it provided leverage to help move HB 3163 through the legislative process and into law. Second, Forestar saw that HB 3116 was able to eventually gain consensus among the House Natural Resources Committee and the House chamber, which (I believe) influenced their decision to cut back at 2-to-1 of historic permits in their final agreement with Lost Pines. I do plan to re-file and pass this legislation in the 85th Legislature, because I believe it is sound policy and making a meaningful difference.

8. Do you support or oppose a "water grid" for mass movement of groundwater to areas of the state lacking in groundwater? If so, why and if not, why not? ([Use this](#) for backup on this question.)

I am opposed to the water grid. I was one of 28 "nay" votes on HB 3298. I made it clear to other members that the bill did not give enough consideration to conservation or allow enough input from areas from which water would be taken.

9. Will you fight to defend the rights of communities to have local control over groundwater resources through regulation by local groundwater conservation districts?

Yes, in line with the progress made by passing HB 3163 into law, I will continue to defend and protect the rights of local control of our groundwater resources.

10. Do you believe that the oil and gas industry should be required to protect our groundwater from excessive use in fracking practices and pollution and be required to report how much water they are using to groundwater conservation districts? Will you work with us to call the problem of the RRCs' enforcement response into question at the next Sunset Advisory Commission hearing on the agency scheduled for 2017? (Please use [this peer-reviewed study](#) released in June 2015, [this WFAA investigative news article](#), this report printed by the [Courthouse News Service](#), and [this report](#) of hearings held at the legislature in May 2014 -- which we attended -- as background.)

Yes. Protecting groundwater is important for local communities that are most affected by the consequences of fracking, and collecting data is highly valuable as we ascertain appropriate long-term solutions to a variety of water issues. I authored HB 3298 which would give local authorities, most cases commissioners courts a say in the location of disposal wells.

11. What have you done since the special election to protect the water resources of Bastrop and Lee counties?

During the legislative session, I focused heavily on protecting the water resources in District 17. Through this, I was in consistent contact with Lost Pines GCD, and the Gonzales and Plum Creek Watershed GMs. Local leaders and members of the League of Independent Voters were helpful in providing compelling and informed testimony to committees and working HB 3163 through the legislative process and into law.

Eminent Domain Reform:

12. [Over 9,000 entities in Texas](#) have the power of eminent domain to condemn private property, including certain non-profit entities formed and/or controlled by for-profit businesses for projects that primarily and directly benefit the for-profit business. Would you agree to work to develop legislation to address such projects as abuses of eminent domain?

Yes, eminent domain abuse is a problem. Take this recent example, for instance: In the recent water grab battles in western Hays County, a private water marketing firm was poised to use the eminent domain power of a small utility district along the Hays-Caldwell County line to condemn land for a pipeline across the entire county, and far beyond the district's own boundaries, for essentially commercial purposes. There was virtually no representation by local communities. These kinds of abuses need to be curbed in order to better protect property rights and legitimate local control of local issues and resources.

13. Would you co-sponsor legislation, similar to legislation in 25 other states, to award attorney's and expert's fees and expenses to landowners who go out-of-pocket and

make their case for fair compensation, by appealing offers by either governmental or private entities in eminent domain proceedings? (Note: [SB 474](#), introduced by Sen. Lois Kolkhorst and nearly passed in the last session, is one form of such legislation that would begin to level the playing field by reducing industry's incentive to make low-ball offers in eminent domain proceedings.)

I heard this bill in committee as a member of the House Land and Resource Committee, and worked with my fellow committee member Rep. Cecil Bell to push for a vote. Unfortunately, the committee chairman pushed back and would not allow this to come up for a vote. The measure was also supported by Farm Bureau. I believe that we have a good chance at getting this passed next Session, and I plan to co-author the bill.

14. Other entities with the power of eminent domain take advantage of loopholes that allow abuses of common carrier status in condemnation proceedings. Would you work to develop legislation to address the Railroad Commission's failure to close these loopholes by giving the power to grant or deny common carrier status to a randomly selected review panel comprised of Texas landowners from each Senate District?

Common carrier status needs to be addressed. It should be harder than simply checking a box to achieve this status, and there are not enough checks in the process to ensure that those who receive common carrier status are legitimately serving the public interests. More needs to be on the front end for applicants to prove that their project meets the legal requirements for common carrier status, and more resources and procedures need to be in place afterward for verification.

15. Do you share our concern for the lack of local control by County Commissioners Courts to protect land and water resources? If so, what would you propose to do about it? If not, why not?

There are some instances where counties could benefit from greater authority, particularly in more rural areas. In the previously mentioned example in Hays County, there was virtually no check for commissioners to be able to review, veto, etc., the SUD's potential abuse of eminent domain. However, counties are not toothless by any stretch. For example, they appoint GCD members (in several instances), they develop development rules and regulations. They need to make full use of these domains of authority, and the power of persuasion and cooperation by working with other local governmental entities. If a constitutional expansion of county governmental authority takes place, it must be a very measured and cautious process to also ensure that landowner rights are respected.

The rights of citizens to petition in home rule cities:

16. Will you promise to support the rights of citizens in home rule cities to petition for a public vote on initiatives, referendums and recalls, and will you agree to oppose any and all attempts to change this 103-year old law guaranteeing Texans the fundamental right to petition? ([Use this](#) as background.)

The ability to petition one's government is a basic right of democratic citizenship. Last session, a bill was proposed to curb this right. I was one of only 29 members (only one of two Republicans) who voted "No" on Chairman Keffer's HB 2595 in the

House. The bill died in the senate. If the bill is refilled, I will also oppose it next year, and others like it.

17. Will you work to develop a petitioner's bill of rights to send a message to municipal governments that they should not abuse taxpayer dollars by unduly interfering with the exercise of the right to petition in Texas? (Example: This reform would address actions recently conducted by the City of San Marcos, which included suing petitioners in an apparent attempt to keep an anti-flouride petition off the ballot. The court ruled in favor of petitioners. [Details here.](#))

The decision of a city to spend taxpayer money to oppose an effort by citizens to influence local government and policy is highly questionable, but insofar as the court decided in favor of petitioners, the system appears to have worked. The right to petition, as I have said, is a basic constitutional right. If additional legal protections are necessary to ensure this right, I am disposed to support them and welcome your additional thoughts.

Political reform to open up and clean up Texas politics:

18. Would you vote for legislation for an independent citizens non-partisan redistricting commission to draw legislative district lines, ending the practice of politicians (and the party in power) drawing their own district lines? (Note: We suggest a model for the commission be the first independent citizens redistricting commission in Texas established by the passage of a charter amendment in the city of Austin, placed on the 2012 ballot via a citizens petition. [More here.](#))

I would support redistricting reform but there are very strong headwinds to such a proposal ever moving in the Legislature. One of the Republican presidential candidates, Gov. Kasich of Ohio, recently called for a similar style of redistricting reform, so the issue is at least being talked about more. By reducing the number of "safe" districts and making them more competitive in general elections, representatives will be more beholden to the mainstream of their constituency than to the extremes.

19. Rep. Ron Simmons introduced [HB 1288](#) in the last session to eliminate straight ticket voting. Would you have voted for the bill had it reached the House floor? Yes, I think elections would benefit from evaluating candidates in a race-by-race basis. Party line voting does make voting easier and quicker by a small degree, but it also allows some races (especially local races) to be decided by straight-party (and possibly uninformed) decisions.

Open, ethical and non-partisan government: (Note: much of this section was informed by [this recent Texas Tribune article.](#))

20. Do you support the Texas Ethics Commission having the power and funding to conduct random independent audits of lobby reports and financial disclosures filed by executive agency heads and candidates running for public office?

The ethics commission is unfortunately under-funded, under-staffed, and under-resourced. My feeling is that, if you serve as an elected leader or agency head, and if you file required paperwork on policymaking activities, you should be honest, abide

by the law, and have nothing to hide. Therefore, no one should fear a random audit. If anything, it keeps people honest. However, this will require significantly more resources for the commission, which can't even do its current job in a thorough and timely manner.

21. Do you support full campaign finance disclosure of political donors to entities, including 501c4 and other non-profits that are making political expenditures for ballot measures and candidates to the Texas Ethics Commission?

Yes, and I co-authored an ethics bill this past session to promote greater transparency. Unfortunately, that bill became mired down and politicized to the point that I had to stop supporting it. I do think that it is important that we take care to protect religious organizations when tightening disclosure laws, though, in order to protect their First Amendment right to free exercise from government entanglement.

22. Do you support the Texas Ethics Commission having the power and budget to effectively enforce our campaign finance and ethics laws?

Yes, there is a significant backlog at the commission and they lack the staff and resources to thoroughly accomplish their job.

23. Do you support the public's right to access contractor information related to government contracts or public service delivery and a defined mechanism for citizens to access it with reasonable, limited exceptions for security, trade secrets, or individual privacy?

Yes, this should be readily available and accessible, and possibly even searchable online.

24. Do you intend to represent all registered voters in HD 17, regardless of party or lack thereof and regardless of their ideological leanings?

Yes, during the session and during the interim, my door and meeting schedule is and remains open to everyone. My cell phone is printed on all the materials I send out (from my campaign – no state resources used for that), and my capitol staff is free to give my cell phone out to whoever wants to speak with me. I have spent substantial time in all five counties. Our district is a diverse area and rich in natural resources, which requires vigilance on our part to protect and steward them, and also makes us a central part of the most important policy conversations of the next 50-100 years. We are a largely rural area in a quickly urbanizing state, which again requires vigilance to ensure that these communities are not shortchanged in policy debates. We need a strong and effective member to stand up for us, and I believe that I have shown my ability to do that. I am proud and deeply honored to be your representative in Austin, and I have done my best to work as your partner for the common good. If you believe in the work we have accomplished together and the trust that we are building with each other and within the communities of this district, I humbly ask for your support to build on our successes for another term.