



Published Quarterly for Members of the Texas Lone Star Chapter of SWANA

What Does The 81st Legislature Have in Store for Texans?

By Brian Sledge and Mindy Martinez

While the dust has barely settled from the last time they assembled in Austin, the 81st Texas Legislature gavelled-in on January 13th for its 140-day regular session. It is always an exciting time for people inside and outside the Texas Capitol, and this session will be no different. With 1,000 bills (and counting) already filed in the House and Senate, you can bet on another busy and high-volume session.

As you may recall, the last session ended much like it began, with a group of House members attempting to replace Speaker of the House Tom Craddick. This session, Speaker Craddick gave up his speaker reelection bid on Sunday, January 4, 2009, after a group of Republican and Democratic representatives disenfranchised with his leadership successfully secured the number of votes necessary to replace him. And with that, Joe Straus (R-San Antonio) was elected as the new Speaker of the House on opening day by acclamation. Speaker Straus was first

elected to the Texas House of Representatives in a special election in February 2005 to represent House District 121, which includes the communities of Alamo Heights, Olmos Park, Terrell Hills, Windcrest, and northeast San Antonio.

So, with a flip-flop of recent historic roles, opening day in the House was somewhat of a love-fest, while tempers and turmoil abounded in the Senate. The source of the Senate controversy was an attempt by some Senate republicans to change the Senate's historic "two-thirds rule," which requires a two-thirds majority to agree to consider a bill on the Senate floor, to a "three-fifths" rule on all or certain types of legislation. Such a change could mean that Senate Democrats are unable to block divisive legislation from being debated or voted upon. There are various proposals on the table that are being considered by the senators behind closed doors as of the date of this writing.

(Continued on page 4)

Table of Contents

President's Message	3
Spring is in the Air, and that's <u>NOT</u> the Only Thing, by Garland "Tony" Gross	8
2009 Scholarship Announcement	11

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Visit www.swana.org for
a membership application.

Message from the President

By Ron Smith

As we enter 2009, the State of Texas faces the same challenges our country will overcome as one united team. I cannot emphasize the tremendous accomplishments already attained as Houston moves forward from one of the most destructive of Mother Nature's storms. I saw personally how teams of workers from around our state faced devastation far in excess of anything ever witnessed before, and yet they pulled together and moved thousands of tons of material in a way that continues to be talked about today. Our industry will be faced with challenges brought on by tough economic times and we as industry leaders will have to find extraordinary methods to continue to do our jobs to the same high expectations the public has of our departments. I have no doubts that a year from now we will look back and congratulate everyone on a great job under trying circumstances. Please call upon your TxSWANA members throughout our great state for ideas on how we have

"I saw personally how teams of workers from around our state faced devastation far in excess of anything ever witnessed before"

hurdled the challenges you may be facing, you'll find we are all very willing to share our ideas freely with all that ask. Let me welcome you all to attend our state conference in Dallas, Texas



March 30-April 1, 2009. We have a very exciting and informative agenda that should appeal to everyone in the solid waste field. Our host hotel is located directly across from Dallas Love Field which should help everyone faced with travel budgets that may be more limited than past years. Everyone be extremely safe in your daily activities and I look forward to seeing you all in the spring.

(Continued from page 1)

What can Texans expect from the Legislature this year? For starters, there were a few losing efforts during the 80th legislative session that are expected to be revisited by lawmakers this year, such as the eminent domain reform bill, efforts to impose market power restrictions and other changes to the deregulated electric market, and the statewide smoking ban.

The first of this session's eminent domain bills, House Bill 4, has been filed by Rob Orr (R-Burleson). The use of eminent domain =authority by governmental entities has been a controversial issue for the last few sessions. While there are not many Texans who would be pleased with the State coming in and taking their land for a public purpose, the need for new roads, water infrastructure, and other essential governmental services that require land acquisition is a growing problem for the state of Texas, as the population expands and its infrastructure needs to expand accordingly. To add to the controversy, it is one that weighs the needs of the many against the few who lose their property. This will be a divisive issue that will come down more to rural vs. urban than Republican vs. Democrat. In 2007, House Bill 2006 was filed by Beverly Woolley (R- Houston) to try to address eminent domain issues, but was vetoed by the Governor after Senate amendments were added that would have substantially increased the costs to the public associated with a condemnation proceeding. Legislation similar to the version of HB 2006 as it left the House last session and prior to Senate

amendments is expected to be filed in the Senate this session as the starting point for its discussion.

Going hand in hand with eminent domain are the transportation problems facing our ever growing state population. The 81st Legislature is sure to take up transportation issues as Texas Department of Transportation is up for sunset review. The agency will be under legislative review and could see many changes after well-publicized problems that have plagued the agency in the recent past.

House Bill 5 is a statewide smoking ban bill that would ban smoking in indoor workplaces, including bars and restaurants. The proposed statewide law would not take precedence over stricter city ordinances. The bill was filed by Myra Crownover (R – Denton), who also filed the same proposal in 2007. Last session, a diluted version of the bill passed the House and went to the Senate, but never made it to the Senate floor.

Although the 80th Legislature passed Senate Bill 3 (the major omnibus water bill), this session is expected to again have numerous water issues on the plate, including groundwater rights and regulation, reservoir development, surface water rights, and development issues related to certificates of convenience and necessity (CCNs).

None of the legislative efforts can be accomplished without means. Balancing a budget against the needs of a growing state will be a major challenge for lawmakers, as they will need to craft a formula that prioritizes spending and limits expenditures -- a difficult task for a growing state with the recent downturn in the economy. In 2007, a state budget of \$152.5 billion was approved, which included property tax relief, state employees' raises, increases for teacher salaries, spending for state parks, and also made room for 128,000 children to be added to the Children's Health Insurance Program.

As always, legislation will no doubt be filed that will impact the solid waste industry in Texas. Last

(Continued on page 6)



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session TxSWANA and its legislative team identified and tracked over 60 bills with direct implications to municipal solid waste service providers. Over a dozen of those measures passed and became law. From setbacks and other sitting issues to the regulatory authority of the TCEQ, counties, and municipalities to continue to provide solid waste services, lawmakers are sure to file plenty of waste management and air quality bills that would have direct impacts on the TxSWANA membership if they make it through the Capitol and the Governor's desk. Stay tuned to see what bills will surface that could potentially affect the industry.

With the change in House leadership, and new committee appointments, there is no telling what will pop up as a major issue this session. Cities and consumers are expecting the recent changes to make the House much more receptive to efforts to promote competition in the electric industry and bring price relief to millions of Texans and Texas businesses who have suffered paying oppressive electric bills each month since electric deregulation passed the Legislature a decade ago in 1999. After ten years, none of the lower electric rates promised in 1999 have ever materialized. Efforts over the last several legislative sessions to address the issue have been squashed by the electric industry, who have enjoyed record profits over the same time period. Many Capitol players are hopeful that the new House leadership will tackle this issue and stop favoring one Texas industry at the expense of all others and residential customers.

Stay tuned as the session gets under way.

Legislative Dates of Interest

Friday, March 13, 2009 60th day	Deadline for filing bills and joint resolutions other than local bills, emergency appropriations, and bills that have been declared emergency by the Governor
Monday, June 1, 2009 140th day	Sine Die - Last day of 81st Regular Session; corrections only in House and Senate
Sunday, June 21, 2009 20th day following final adjournment	Last day Governor can sign or veto bills passed during the regular legislative session
Monday, August 31, 2009 91st day following final adjournment	Date that bills without specific effective dates (that could not be effective immediately) become law

This article was prepared by Brian Sledge and Mindy Martinez of Lloyd Gosselink Rochelle & Townsend, P.C.'s Government Relations Practice Group, in Austin, Texas. If you have any questions concerning legislative issues or would like additional information concerning the Firm's legislative tracking and monitoring services or legislative consulting services, please contact Brian at (512) 322-5839 or bsledge@lglawfirm.com, or Mindy at (512) 322-5824 or mmartinez@lglawfirm.com.

Dallas



On behalf of the Solid Waste Association of North America
- *Texas Lone Star Chapter*-

We have the great pleasure to invite you to the
2009 TxSWANA Annual Conference
To be held in the City of Dallas, Texas.

The conference will be held at the *Wyndham Dallas Love Field*, less than a quarter of a mile from Dallas Love Field Airport, on *March 29-April 1, 2009*. Those attending will have an opportunity to come together to discover new technologies, exchange ideas, share philosophies, and further promote solid waste management and reduction efforts.

*NOTICE: T. Boone Pickens is the Keynote
Speaker for Tuesday's Opening Luncheon*



**Interested individuals are requested to visit
our website at www.txswana.org for
additional conference information.**

Sponsorship affords you the unique opportunity to attach your name to a memorable event, location, or item. It's a way to make sure that everyone at the conference leaves remembering you. Sponsorship opportunities are still available. Don't miss your opportunity to show all of Texas and the surrounding region what you have to offer. Electronic conference documents are available at www.txswana.org.



Spring is In the Air, and that's Not the Only Thing



By Garland "Tony" Gross

When asked by SMART to write a Safety article for the January newsletter, I chose to write about things to come, and based on where you live in this great state Spring may already be here. Obviously, Spring comes and means one thing if you live in Brownsville and means something entirely different if you live near Amarillo.

Whether your Spring comes in February or April it brings certain common denominators for those of us in the municipal solid waste business. Mother Nature can (and does) unleash a vast array of hazards. Our customers, often unknowingly, will dispose of hazardous items in an effort to make their homes safer, to the detriment of waste collectors. Also, Spring is a season of change, in our homes, vehicles, and municipalities.

Years ago there was a margarine commercial whose catch phrase was "it's not nice to fool with Mother Nature." There is a reason for this; she holds all of the cards. In Texas, nature can unleash floods, tornadoes, hurricanes, or droughts that contribute to wildland fires. A simple fix for our folks in situations like these are to develop driving techniques that address particular weather phenomenon (fog, ice, snow, dust storms etc.) and brief them early and often.

Spring also ushers in the growing season, which in turn unleashes just about every allergy known to man. My allergist has told me, if it grows or sprouts I'm allergic to it. Many of our people will tend to solve their allergies with over the counter medication without paying attention to the warnings on the back of the packages.



Caution your employees to alert their supervisors if they are taking these medications.

While a cool Spring or a late freeze can delay or diminish pollen production, and rain does have the positive impact of washing some of the pollen out of the air, it can also stimulate the growth of mold, making allergies worse for those sensitive to mold spores.

The change of seasons and warmer temperatures re-introduces ticks, wasps, and other stinging insects to the neighborhood. While most of us develop a red, itchy, and swollen area at the site

of a sting, individuals with an allergy to insect venom need to be vigilant in carrying the proper medications in case of an emergency.

Spring clean-up efforts by our customers has a myriad of issues that range from tossing last year's chemical supplies for fresher ones, to the stuffing of heavy lawn and leaf products into cans, thus increasing the weight our collectors will have to lift.

One of my assistant directors told me of a collection crew that was picking up refuse from one resident who was throwing out last years pool supplies, which was followed by the collection of someone's old break fluid three doors down. When the load was compacted, there was a lot of smoke and multiple crew members had a very hard time breathing.



To help reduce the placement of hazardous materials in cans or overloading with lawn material, nothing beats a good media campaign. Get with your city public information officers (with their concurrence) and your local media to get your message out to the citizens about how to properly dispose of their Hazardous Household Waste (San Antonio has mobile collection events), and how to compost their lawn clippings.

Since this is the time of year that we "Spring forward," a time that we traditionally check our fire alarms and their batteries. Take this time to also check your fire extinguishers for serviceability. This time of year has the challenges of morning glare occurring at a different time than our driver's are use to; brief them ahead of time to this challenge.

In closing, Spring is the time of year people are Springing forward. If we Spring forward with timely safety programs our departments are sure to blossom.



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The Safety Management and Resource Team is a network of Safety professionals organized to effectively share methods of injury and collision prevention. Contact Ellen Jensen at 512-974-1998 to obtain safety support, exchange safety strategies, or to arrange an onsite audit of your work practices.



MEMBERSHIP

We Welcome the Following New Members (Through January 26, 2009)

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Gary Chandler—City of Abilene

Richard Coward—City of Abilene

Danny Rogers—City of Abilene

Tyrone Auzenne—City of Houston

James Bennett—City of Houston

DeMarcus Glass—City of Houston

Melisa Hatherly—City of Austin

Maurice Renfro—City of Houston

Jeffrey William—City of Houston

Brad Hastings—Landfill Service Corporation

Sam Wiley—MRW Technologies, Inc.

Paul Hesson—Waste Management, Inc.

Peter Spano—City of Plano

Danielle Forget—SCC Americas

Renee Voyt—Montauk Energy LLC

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Scholarships

The Texas Chapter of SWANA will once again in 2009 offer up to \$6,000 in scholarships for college students. This excellent Scholarship Program has awarded over \$42,000 in Scholarships since its inception. To be eligible for the scholarship you must be the son, daughter, stepson, stepdaughter, grandson or granddaughter of a TXSWANA member in good standing at the time of recommendation, the selection, and the award,

-and-

A. A graduating high school senior, or graduate equivalent certified candidate, who has been accepted for enrollment in a junior college, four-year college or university,

-or-

B. A currently enrolled full-time college or university student.

If you are interested in applying, an Application Form is available on line at the TXSWANA web site at www.txswana.org under the “Education” link on the home page. **You may also request a form by mail from:**

**Robert H. (Holly) Holder, P.E.
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4222 85th Street
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In addition, you may call Holly at: (806) 473-2200, or contact him by email at: hholder@team-psc.com.

The deadline for submission of the application is June 12, 2009.

Winners will be announced in August 2009.



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Calendar of Events

BOARD OF DIRECTORS MEETINGS	
Feb. 26, 2009	Dallas
April 23, 2009	Houston
May 28, 2009	San Antonio
June 19, 2009	Beaumont

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2009 TXSWANA Road-E-O June 20, 2009 Beaumont, TX