

STPRA 84th Texas Legislative Report (June, 2015)

Border Security

H.B. 11 by Rep. Bonnen contains the following provisions:

Keeps the national guard on the border until DPS has the personnel to fully secure the border region without the assistance of the Texas National Guard.

Adds aggravated promotion of prostitution and compelling prostitution as an enumerated offense in the state wiretap statute.

Requires the attorney general to establish a transnational and organized crime divisions to address matters related to border security and organized crime.

Directs DPS to periodically review the department's existing information technology system and to make any necessary improvements.

Authorizes DPS, at the time a commissioned officer is hired, to elect to credit up to four years of experience as a peace officer in Texas as years of services for the purpose of calculating the officer's salary under Schedule C.

Authorizes DPS to implement a 10-hour workday and 50-hour workweek statewide for all commissioner officers.

Creates a new multiagency crime information center in the Rio Grande Valley that will be operated by local law enforcement and DPS called the Texas Transnational Intelligence Center. The bill requires DPS to assist the county sheriff's department and the municipal police department in the establishment and operation of the center. It requires each law enforcement agency in a county located along the Texas-Mexico border, a county with a federal checkpoint, the Texas Alcohol and Beverage Commission (TABC), and the Texas Parks and Wildlife Department (TPWD) to report certain criminal activity to the center. The information reported to the center must be made available to each law enforcement agency in Texas, as well as to TABC and TPWD.

Creates a DPS Officer Reserve Corps comprised of retired DPS officers who will assist with background investigations, sex offender compliance checks and other duties.

Requires DPS to assist federal authorities in setting up southbound check points.

Ensures uniformity and transparency of crime data between law enforcement agencies through the adoption of the National Incident Based Reporting System (NIBRS) for certain law enforcement agencies.

Authorizes the Texas Facilities Commission (TFC) to build a multi-use training facility to be used by DPS, county and municipal law enforcement agencies, and any other military or law enforcement agency, including agencies of the federal government, for training purposes.

The bill reiterates that the criminal justice division shall administer a competitive grant program to support regional, multidisciplinary approaches to combat gang violence through the coordination of gang prevention, intervention, and suppression activities. It also reiterates that it should be a priority of the state to issue these grants to regions that have demonstrably high levels of gang violence.

Private Property Rights

HB 1925 by Rep Geren & Senator Kolkhorst Passed
Transfers management authority of the Texas Farm and Ranch Lands Conservation Program from the General Land Office to the Texas Parks and Wildlife Department.

HB 2119 by Rep Lozano & Senator Zaffirini Passed
Allows charitable organizations to conduct prescribed burning with volunteers, provided the leader of the burn has completed approved training curriculum and the group maintains insurance coverage established by the Prescribed Burning Board. Allows charitable organizations to achieve insurance coverage for volunteers who participate in the burn under the guidance of a qualified burn manager.

HB 1190 by Rep Guillen & Senator Zaffirini Passed
Allows landowners whose property is damaged as a result of a pursuit involving a federal law enforcement agency to be compensated from public funds acquired by the auction of abandoned vehicles.

HB 801 by Rep King, K. & Senator Eltife Passed
Requires TPWD to adopt and implement general and specific prescribed burn plans, as well as standards for how burns are executed, and sets up a mechanism by which private landowners are reimbursed for damages that occur as a result of department conducted prescribed burns on state owned land.

SB 610 by Senator Perry & Rep Murr Passed
Provides liability protection for landowners and members of the agricultural community who provide agri-tourism-related services and activities on their property.

Eminent Domain

SB 474 by Kolkhorst

Relating to the recovery of costs and fees in connection with certain eminent domain proceedings.

This bill died in the House Committee.

SB 1812 by Senator Kolkhorst & Rep Geren Passed

Clarifies statutes that require certain entities with power of eminent domain to register with the Comptroller to include all entities with power of eminent domain.

Water

There were a wide variety of water bills this session, mostly dealing with groundwater. We were successful in maintaining the rights and ownership of groundwater and maintain local control in regards to how things are managed. The list below details the variety of bills we were engaged in this session and the outcome of these bills.

HB 30 by Rep Lyle Larson & Senator Charles Perry – Sent to the Governor
Requires Texas Water Development Board to identify and designate Brackish Groundwater Production Zones. These zones are areas that are conducive to desalination projects.

The bill was amended to remove all the regulatory provisions from the bill.

HB 200 by Rep Jim Keffer & Senator Charles Perry – Passed

Repeals the appeal of a Desired Future Condition to the Texas Water Development Board.

Allows an “affected person” including landowners to appeal the adoption of a Desired Future Condition by a groundwater conservation district. The appeal is whether or not the DFC sets a “reasonable” limit on groundwater production for the area.

States that protecting private property rights is one of the purposes of groundwater conservation districts.

HB 898 by Rep Trent Ashby and SB 611 by Senator Charles Perry – FAILED

Allows a private groundwater user to request that their withdrawal data be kept confidential.

HB 655 by Rep Lyle Larson & Senator Charles Perry Passed

Establishes the authority of TCEQ to permit aquifer storage and recovery (ARS) projects.

HB 1153 by Rep Scott Turner- FAILED

Repealed the “junior water rights” provision on interbasin transfer permits.

HB 1232 by Rep Eddie Lucio III & Senator Craig Estes- Passed

Requires the TWDB to conduct a comprehensive study of the state’s aquifers.

HB 2892 by Rep Andrew Murr – FAILED

Defines the process and procedures TCEQ must use before declaring a stream navigable.

HB 2647 by Rep Trent Ashby & Senator Craig Estes – Vetoed by the Governor

Allows a power generator to delay the curtailment groundwater production from wells used for power generation or mining to protect the public health and safety or electric reliability.

HB 3163 by Rep John Cyrier & Senator Kirk Watson- Passed

Protects Groundwater Conservation District Board members from being sued personally for decisions made as a board member.

HB 3298 by Rep Lyle Larson & Senator Charles Perry-FAILED

Requires TWDB to study how to construct and operate a statewide water “grid.”

HB 3324 by Rep Lyle Larson- FAILED

Made several amendments to the permitting process of an interbasin transfer of surface water, including a repeal of the “junior water rights” provision to protect the basin of origin.

HB 3356 by Rep Eddie Lucio, III – FAILED

Requires a groundwater conservation district to “consider” regulating the production of groundwater by retail public utilities based on the service needs or area served by the utility.

HB 4097 by Rep Todd Hunter & Senator Lois Kolkhorst- Sent to Gov

Streamlines the permitting of desalination projects for industrial use.

HB 4112 by Rep DeWayne Burns- Passed

Recognizes the “common law” property rights in groundwater.

SB 413 by Senator Kel Seliger – FAILED

Requires one member of the Texas Water Development Board be a person who actively participates in agricultural production.

SB 521 by Senator Troy Fraser- FAILED

Extend the time frame for TCEQ to grant an emergency authorization to 270 days.

SB 523 by Senator Brian Birdwell & Rep Jim Keffer- Passed
Places the state's river authorities under a performance review by the Sunset Advisory Commission.

SB 854 by Senator Judith Zaffirini & Rep Eddie Lucio III- Passed
Allow groundwater permits to automatically renew as long as there has not been a change in aquifer conditions or production under the permit.

Prescribed Burns

HB 2119 by Rep. Lozano & Sen. Zaffirini allows charitable organizations to conduct prescribed burning with volunteers, provided the leader of the burn has completed approved training curriculum and the group maintains insurance coverage established by the Prescribed Burning Board. It allows charitable organizations to achieve insurance coverage for volunteers who participate in the burn under the guidance of a qualified burn manager.

Right to Hunt and Fish

SJR 22 by Senator Creighton & Rep Ashby
Constitutionally guarantees the people's right to hunt, fish and harvest wildlife by traditional methods subject to conservation and wildlife management laws. This constitutional amendment is contingent upon voter approval on November 3, 2015.