

June 2017 Austin Report

The 85th legislative session which ended on May 29th was marked with ill will and public verbal jousting between the House and the Senate. Those bitter disagreements led by Speaker Joe Straus, who tends to be more pragmatically oriented, and Lt. Governor Dan Patrick, who is more ideologically driven, resulted in collateral damage to a number of unrelated bills and potential compromises. As long-time property rights lobbyist Ed Small said, “In all my time, I’ve never seen anything like it”.

On Tuesday, the Governor announced that he is calling a special session to address many of the hot-button issues that have divided the two chambers. Time will tell if he has chosen to “put out a fire with gasoline”.

Unrelated to that situation, the core issue for landowner groups this session, eminent domain reform, hit a brick wall. Despite the valiant attempts of our lead negotiators representing “the big three” of the Farm Bureau, Texas and Southwestern Cattle Raisers, and the Texas Wildlife Association, little headway could be achieved toward a consensus agreement with condemning entities, mainly the oil and gas industry. Toward the end of the session, our negotiators decided that there was too much bad faith on the other side to continue the effort. As a result, the fate of future reform initiatives is yet to be determined and will undoubtedly be the subject of much vigorous discussion among our allies in the interim.

Despite the disappointments of the session, there were some definite bright spots for our areas of interest. In a very tight budget year, border security retained its funding. Also, with our and our allies’ help, the Texas Animal Health Commission was able to garner a \$700,000 supplemental line item for fever tick control. Additionally, our allied groups joined forces to discourage the passage of legislation that could have hindered the Animal Commission’s and the Texas Parks and Wildlife Department’s ability to manage the spread of Chronic Wasting Disease.

A very notable success was the passage of HB 3198, which was initially pushed by the Texas Land and Mineral Owners Association. The original bill was designed to prevent landowners from having to pay roll-back property taxes when the surface of agricultural land is converted to mineral production. Our own board member, Eric Opiela, also had a bill introduced which would enable land with an open-space appraisal to retain that status in spite of a new use for mineral production. His bill was having a hard time getting traction, so our public affairs consultant, Joey Park, convinced the Senate to add Eric’s bill to HB 3198 as an amendment, with which the House concurred for final passage.

While a number of groundwater bills that would have strengthened groundwater ownership rights were not passed, two exceptions of note were HB 2377 and 2378. One of those bills will streamline the permitting process and the other will facilitate brackish water production. Another bill passed with the impetus of some of our allies was HB 2943 which will enable the Texas Water Development Board to take advantage of federal funds to purchase conservation

easements to enhance water quality. Unfortunately, all of these bills are possibly in danger of veto because they were sponsored by Rep. Larson, who challenged the Governor over his appointment process. The Governor's veto deadline is June 18th.

And finally, we would like to acknowledge the hard work and dedication of our South Texas legislative delegation, led by our close friends Senator Chuy Hinojosa and Representatives J.M. Lozano and Ryan Guillen. Senator Hinojosa continued to do yeoman's duty on the Finance, Agriculture, Water and Rural Affairs, and Transportation Committees. Representative Lozano did an exemplary job in performing his new assignment in the powerful position of chairing the Higher Education Committee. And we would particularly like to thank Representative Guillen, one of the most effective legislators in the state, for passing H.B. 2306, which enables law enforcement agencies to use the proceeds of abandoned vehicle sales to compensate land owners for damages from pursuits.