

Having trouble viewing this email? [Click here](#)



AUSTIN NEWSLETTER

Texas Farm Bureau's Weekly Newsletter for the 83rd Legislature

March 22, 2013 | Regular Session, Issue 11

Common Carrier Pipelines and Eminent Domain Issues

Currently, private pipeline companies apply for common carrier status to get the power of eminent domain by submitting a T-4 form with the Texas Railroad Commission (RRC). Applicants may simply check a box indicating they are common carriers and automatically receive the power of eminent domain. Currently, a person may challenge the common carrier status in court, and the Texas Farm Bureau supports maintaining this opportunity for landowners.

Four bills have been introduced this session relating to standards for determining whether a company is or operates as a common carrier.

- * [SB 1625](#) by Senator Wendy Davis (D-Fort Worth)
- * [SB 1637](#) by Senator Robert Duncan (R-Lubbock)
- * [HB 2748](#) by Representative Tryon Lewis (R-Odessa)
- * [HB 3547](#) by Representative René Oliveira (D-Brownsville)

Texas Farm Bureau has not taken a position on these bills. However, we will be actively advocating for provisions in these bills to protect our members' property rights. (TFB Policy 149, pg. 50, lines 1-6.)

Railroad Commission Sunset

The Railroad Commission of Texas (RRC) is up for Sunset Review this year. [HB 2166](#), by Representative Dennis Bonnen (R-Angleton), and [SB 212](#), by Senator Robert Nichols (R-Jacksonville), are the bills filed to continue the agency. The bills also make major changes to the agency, including a proposal to change the name of the Railroad Commission of Texas to the Texas Energy Resources Commission. The bill also updates several provisions of the renamed agency, including the election procedures and terms of commissioners, the guidelines for determining penalties, and determining pipeline safety and regulatory fees.

We will be monitoring these bills closely and will update you on their status. TFB does not

have a position on the bills at this time.

Agriculture

[HB 2778](#), by Representative Drew Darby (R-San Angelo), and the companion bill [SB 818](#), by Senator Robert Duncan (R-Lubbock), provide for the transfer of funds between boll weevil eradication zones and maintenance areas. Prior to transferring funds, the board of directors of the Texas Boll Weevil Eradication Foundation must consult with affected cotton-growing steering committees and make recommendations to the Texas Commissioner of Agriculture.

TFB supports HB 2778 and SB 818. (TFB Policy 111, pg. 8, lines 65-68.)

Real Property Rights

[HB 677](#), by Representative Charlie Geren (R-River Oaks), exempts dams that are located in an unincorporated area of a county with a population of less than 350,000 and impound less than 500 acre-feet of surface water from TCEQ dam safety requirements for dams located on private property. However, these dams must still be constructed and maintained to TCEQ safety standards. HB 677 was voted favorably from the House Committee on State Affairs without change.

TFB supports HB 677. (TFB Policy 148, pg. 47, lines 1-4 and pg. 48, lines 20-23.)

Agricultural Commodities

[HB 910](#), by Representative Lois Kolkhorst (R-Brenham), provides that permits to sell food directly to consumers at farmers' markets, roadside stands, and on farms may not be revoked for at least one year after issuance, may not be subject to a fee of greater than \$50, and must cover sales at all locations within the jurisdiction of the permitting authority. HB 910 was voted favorably from the House Committee on Public Health.

TFB supports HB 910. (TFB Policy 109, pg. 6-7, lines 22-25.)

Livestock

[SB 174](#), by Senator Craig Estes (R-Wichita Falls), was passed by the Senate by a vote of 31-0. The Senate passed the committee substitute version of SB 174, which adds bison to the "estrays law" to allow the owner an opportunity to reclaim the animal from the local law enforcement department and allows the sheriff's department alternatives to impounding the bison if a perilous condition exists that may cause harm to the public or officers.

TFB supports SB 174. (TFB Policy Book 118, pg. 14, lines 154-156.)

Water Conservation

SB 198, by Senator Kirk Watson (D-Austin), recently passed the Senate by a vote of 31-0. The engrossed version of SB 198 prevents property owners' associations from placing restrictions on "using drought-resistant landscaping or water-conserving natural turf."

TFB supports SB 198. (TFB Policy 153, pg. 66, lines 138-141.)

Eminent Domain

SB 655, by Senator Brian Birdwell (R-Granbury), was passed unanimously by the Senate. SB 655 adds Water and Wastewater Districts to the list of government entities that may only exercise eminent domain powers for a public use.

TFB supports HB 2586 and SB 655. (TFB Policy 149, pg. 51, lines 27-29.)

Texas Farm Bureau State Legislative Team

Billy Howe, State Legislative Director

Issue areas: Natural Resources, Environmental Regulation and Land Use Regulation

E-mail: bhowe@txfb.org

Twitter: tfbaustinlegis

Ken Hodges, Associate Legislative Director

Issue Areas: Agriculture Commodities, Animal Issues, Energy, Election Law, Labor, Taxes and Wildlife

E-mail: khodges@txfb.org

Waco Office: 254-751-8741

Norman Garza Jr., Associate Legislative Director

Issue Areas: Eminent Domain, Transportation, Criminal Justice, Utility Regulation and Rural Affairs

Email: ngarza@txfb.org

Contact

State Office

P.O. Box 2689
Waco, Texas 76702-2689
254.772.3030

Austin Office

1005 Congress, Suite 555
Austin, Texas 78701
512.472.8288
Fax: 512.472.9120



[Forward this email](#)



Try it FREE today.

This email was sent to shornick@txfb.org by noreply@txfb.org | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Texas Farm Bureau | 7420 Fish Pond Rd | Waco | TX | 76710