

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



Jan. 11, 2019 | Regular Session, Issue 1
86th Regular Session

The 86th Session of the Texas Legislature started Tuesday, Jan. 8. Every Friday, this newsletter will keep you up to speed on some of the legislation important to Texas Farm Bureau members that the Austin staff is following.

Please do not hesitate to contact the appropriate staff with any questions.

State Legislative Priorities for 86th Texas Legislature

The Texas Farm Bureau board of directors adopted the following legislative priorities for the 86th Session:

Eminent Domain

Ensure property owners' rights are protected under eminent domain law.

Water

Protect the rights of landowners and agricultural producers to surface water and groundwater. Oppose legislation that attempts to take any constitutionally-protected rights to water.

Taxes

Ensure state tax policy does not adversely impact or burden agricultural producers or the agricultural industry. Protect the current state tax provisions that limit the burden on producing food, fiber and other agricultural products for consumers.

Land Use Regulation

Protect the rights of agricultural producers to engage in normally-accepted agricultural practices on their land. Oppose unnecessary regulatory authority over rural land.

Transportation

Ensure vehicle, trailer and driver license regulations do not adversely impact or burden agricultural producers or the agricultural industry.

Animal Care

Protect the ability of agricultural producers to utilize generally-accepted, scientifically-proven production practices for livestock, poultry and other animals present on agricultural operations.

Feral Hog Control

Support legalizing reasonable chemical controls for feral hogs. Support maintaining all current legal methods of controlling feral hogs.

Texas Department of Agriculture

Support the adequate funding of the agency by the Legislature.

Eminent Domain Reform Effort Begins with Grassroots Action

Our effort to pass meaningful eminent domain reform went into action immediately following the Texas Farm Bureau Annual Meeting in Corpus Christi. From Dec. 10-21, volunteer leaders held meetings with their legislators to layout the specific changes that are needed to the eminent domain process and ask for their legislator's support. In all, 34 meetings were held across the state during this two-week period.

This is an unprecedented effort undertaken by our organization. Normally, contact with legislators is not made until the start of the session. However, our success on this issue depends on our grassroots taking the lead in asking the Legislature to fix eminent domain. It is only through our grassroots engaging that we will be able to overcome the political power of the private entities that oppose us. And, as many of our local leaders found out, the opposition already knows about our effort and is working against us.

During the next five months, we will ensure our grassroots has an opportunity to stay engaged and advocate on eminent domain reform. You will be provided more information through this newsletter, TFB social media, organizational email and your field staff. Stay tuned.

How do we fix the abuse of eminent domain by private companies?

What is Texas Farm Bureau focusing on to level the playing field between landowners and private companies with eminent domain? The following provides an outline of how we plan to fix it:

Issues with the Eminent Domain Process

- Property owner is not given the information they need to evaluate the initial offer:
 - no evidence of how value was determined (appraisal or market study)
 - no disclosure if initial offer includes damages to the remainder
 - no information on how the easement will be used or landowner's protections
 - no disclosure about what real property interests they want to acquire that can be negotiated because they can't be condemned
 - no Landowner Bill of Rights
- During the 30 days between the initial offer and final offer, the property owner must ask all the "right" questions or they are at risk of giving away rights they could have protected or compensation to which they had a right.
- There is no consequence when a bad actor low balls the landowner or tries to get the landowner to give up rights they could have protected.
- Information on the scope of most private projects isn't made available to affected property owners before property acquisitions begin.

How do we fix it?

1) Require basic protections in easement terms

- Require pipeline and electric utility easement agreements to include a list of basic terms to protect the landowner during construction and future use of the easement.

Current law provides the landowner NO basic rights with regards to easement agreements. A landowner must be knowledgeable enough to ask for protections and restrictions or hire an attorney to represent them. There are certain basic rights a landowner should have under any easement agreement to protect the remaining property and their rights regarding any changes to the future use of the easement.

- Require these companies to use a standard document provided by the Attorney General that include these protections.

Other real estate transactions use a standard form. But these companies all use their own forms drafted to their benefit by their attorneys. Landowners who can have their land taken by eminent domain should be protected by requiring these companies to use a standard form that ensures the landowner's basic rights are protected.

2) Provide landowners with information about the project and their rights

- Require a public meeting in each county where affected landowners can ask questions about the project and the company's eminent domain authority.
- Require the condemning entity inform landowners of their rights and how fair compensation will be determined.

Public entities with eminent domain hold public meetings to inform landowners how they may be impacted by a project. This creates a transparent process where landowners are able to be informed and ask questions prior to the commencement of the project. Private companies should be required to follow this model.

Most of these companies DO NOT get appraisals of the property they want to acquire. So, they should have to explain how they determine fair market value and damages to the remainder.

3) Protect the Landowner's Right to Receive a Bona Fide Offer

- Require ANY offer to be based on fair compensation. The law does not currently require it until the final offer. Require the information necessary for the landowner to evaluate whether the initial offer is based on fair compensation.

The landowner must pay out of their pocket for experts to evaluate the offer. They never recoup those costs because all they have a right to is fair market value for their taken property and damages to the remaining property.

- Require a bad actor that didn't make a fair offer to make an additional payment to the property owner in addition to the damages awarded by the court.

If a landowner refuses to accept a low offer, they will have the added expense of being taken to court by the condemning entity.

Under current law, if the special commissioners validate that the landowner wasn't offered fair compensation, the condemning entity doesn't have any consequence. This creates an incentive for condemning entities to try and get property for less than fair market value from landowners. These bad actors should be held accountable by having to make an additional payment to the landowner in addition to the damages for taking the property.

Eminent Domain shouldn't be a game. It should be fair and transparent!



Texas Farm Bureau State Legislative Team

Billy Howe, Associate Director of Government Affairs

Issue Areas: Natural Resources, Environmental Regulation, Ethics & Elections, Rural Affairs, and Appropriations

Email: bhowe@txfb.org

Austin Office Phone: 512-472-8288

Marissa Patton, Associate Legislative Director

Issue Areas: Agriculture, Eminent Domain, Land Use Regulation, and Appropriations

Email: mpatton@txfb.org

Mike Pacheco, Associate Legislative Director

Issue Areas: Criminal Justice, Energy, Labor, Taxes, Transportation, Utility Regulation, Tort, and Appropriations

Email: mpacheco@txfb.org

FOLLOW US ON TWITTER!

If you would like immediate updates on the action in Austin, follow the Austin Legislative Staff on Twitter.

Billy Howe: [@TFBGovAff_Billy](https://twitter.com/TFBGovAff_Billy)

Marissa Patton: [@TFBAUS_Marissa](https://twitter.com/TFBAUS_Marissa)

Mike Pacheco: [@TFBAUS_Mike](https://twitter.com/TFBAUS_Mike)

Texas Farm Bureau: [@texasfarmbureau](https://twitter.com/texasfarmbureau)

Contact

State Office

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

Austin Office

600 W. 12th Street
Austin, Texas 78701
512.472.8288
Fax: 512.472.9120



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

[SafeUnsubscribe™ {recipient's email}](#).

[Forward this email](#) | [Update Profile](#) | [About our service provider](#)

Sent by governmentaffairs@txfb.org in collaboration with



Try it free today