



article by GARY JOINER

Many TWA Successes Highlight 83rd Legislature

The Texas Wildlife Association identified a core list of policy issues as Legislative Priorities for the 83rd Legislature prior to the regular session's start.

Over 6000 filed bills later, and upon the regular session's adjournment on May 27, 2013, TWA characterizes the session as being successful for not only those bills supported by TWA that were approved, but successful as a result of those bills opposed by TWA that were defeated.

Not all of the legislative measures promoted by TWA were successful in the 140-day regular session, which is disappointing and more work remains, if specific policy positions are to be pursued again in 2015. At the same time, the Legislature did not approve any bills that TWA actively opposed during the session. TWA was

successful in nearly each legislative effort in which its principles and positions were clearly communicated and heard. Over 1400 bills were approved by the Legislature in the regular session.

As of this writing, the 83rd Legislature was in a first called session by Governor Perry to consider the issues of redistricting, funding of transportation infrastructure projects, abortion and juvenile justice.

A special "Thank You" to TWA Legislative Program Coordinator Joey Park for all of his outstanding work and representation in Austin. Special thanks to the TWA Legislative Committee and Chairman Mac Stringfellow and to all of the great TWA volunteer leaders, members, and supporters who effectively advocated on behalf of the organization this session.

TWA Legislative Priorities

EMINENT DOMAIN

"We have made great strides in assuring the laws of this state protect private property owners from government intrusion and unfair takings. We will continue to monitor these efforts to ensure that nothing occurs to amend or lessen the reform accomplishments and protections that have been achieved, and if additional opportunities become available to further strengthen these laws, TWA will support passage and ensure that our member's needs are addressed in the legislative effort."

ACCOMPLISHED

The biggest legislative battleground on eminent domain reform involved efforts relating to the common carrier permit application process for private pipeline companies at the Texas Railroad Commission. The issue became a legislative stalemate. Neither the bill supported by TWA (HB 3547 by State Rep. Renee Oliveira) nor the bill opposed by TWA (HB 2748 by State Rep. Tryon Lewis) were approved by lawmakers.

These applications are submitted by private pipeline companies. If these application permits are approved, then private companies are automatically granted the power of eminent domain to condemn private property to construct a pipeline.

The intent of HB 3547 (supported by TWA) was to create a meaningful process for review and approval of these applications. Without these requirements, private property rights will be compromised and

the interests of Texas landowners not adequately protected.

The issue of common carrier pipeline applications may very well be a topic of an interim study by the Legislature.

FUNDING FOR TEXAS PARKS AND WILDLIFE DEPARTMENT AND FUND 9 APPROPRIATIONS

"We have watched in recent sessions as the department's budget has been cut due to statewide budget shortfalls. Programs and personnel have been reduced, even though hunting and fishing license sales have provided more revenue than has been appropriated. Fund estimates are as high as \$75 million in un-appropriated revenue from these funds. There will be efforts to reduce these fund balances and restrict the Legislature from certifying the budget with these unexpended balances. TWA will support these efforts and ensure that the money paid by sportsmen and sportswomen are available to TPWD for the programs and personnel in which the funds are intended."

ACCOMPLISHED

The Legislature restored many of the cuts to TPWD's budget in recent years with increases in appropriations for the coming biennium, including the utilization of account balances in dedicated funds to which sportsman's dollars had been deposited. TPWD's major priorities were funded either in full or in part. Emergency items were addressed.

TPWD's Legislative Appropriations Re-

quest (LAR) included a base budget request of \$507 million and a request for additional funding totaling \$103 million in six exceptional items. In addition, TPWD had two key emergency items that needed additional funding to support – recovery efforts at Bastrop State Park and replacement of a helicopter that is absolutely essential to performing mission critical activities such as law enforcement surveillance, emergency response, and wildlife surveys.

The Legislature approved almost all of TPWD's exceptional item requests for additional funding in Article XI of the state budget. The exceptional items that were approved include, in two-year biennial amounts:

- For item one requesting about \$18.9 million for state parks, the Legislature approved close to \$17.9 million.
- For item two requesting \$11.9 million to restore capital budget reductions, the Legislature approved \$10.4 million.
- For item three requesting \$40 million for capital repairs and construction, the Legislature recommended funding \$8 million for Fund 9/fisheries and wildlife facility capital construction and \$11 million in bonds for repairs at any existing TPWD facility.
- The Legislature approved all of item four, providing \$13 million to restore fish and wildlife funding.

WATER

"Finding a source of revenue to fund the





State Water Plan will be prominent in many of the water discussions this session. There may also be additional issues pertaining to the State Water Plan, as well as possible changes to issues related to groundwater management and groundwater conservation district rules. TWA will evaluate each of these proposals to ensure that our member's interests are addressed and protected. TWA will also ensure that there is nothing done that will reverse or weaken the positive changes made in SB 332 last session (vested water rights for landowners in this state). Surface water management will also be an issue, as lakes continue to dry up. Agriculture water rights have been altered in recent years to protect surface water levels in certain parts of the state."

ACCOMPLISHED

Governor Perry has signed HB 4 by State Rep. Allan Ritter that creates the State Water Implementation Fund for Texas (SWIFT) – a water infrastructure bank that operates as a revolving fund for financing projects included in the State Water Plan.

HB 1025 by State Rep. Jim Pitts and SJR 1 by State Sen. Tommy Williams have also been signed by the Governor. The 83rd Texas Legislature set up a historic revolving loan program available to governmental entities sponsoring local water projects, provided Texas voters the opportunity to approve a fiscally responsible investment in our water future, and dedicated \$2 billion to finance the loan program, if voters approve the proposition on November 12, 2013. TWA supports the constitutional amendment established by SJR 1.

DEER AND WILDLIFE ISSUES

"We will continue to advocate for TWA positions on Hunting Heritage and fair and safe management of our state's wildlife resources. TWA will promote its "Public Values of Wildlife on Private Lands" statement as a model for the Legislature and decision makers to guide any changes that may occur. This issue might also involve animal welfare protection efforts by the anti-hunting and HSUS groups. TWA will ensure that no changes are made that would negatively affect hunting or hunting rights for the people of this state."

ACCOMPLISHED

The Committee Substitute for SB 820 by Sen. Tommy Williams has been signed by the Governor. The new law relates to the management, breeding, and destruction of deer and to procedures regarding certain deer permits. It was commonly referred to

as the "Due Process" bill for deer breeders.

TWA supported the Committee Substitute for SB 820 and is pleased the bill has been signed by the Governor. The new law contains agreed-to language coordinated by State Rep. Ryan Guillen, Chairman of the House Committee on Culture, Recreation, and Tourism. TWA, Texas Deer Association, and the Texas Parks & Wildlife Department supported the language of the committee substitute. TWA appreciates the leadership efforts of Chairman Guillen and his staff in crafting language that could be supported by all stakeholder entities.

Specifically, the new law provides a more objective appeal system for permit holders. It allows for a thorough and fair review by a district judge. The new law requires TPWD to provide written notice in the event the department seeks to depopulate some or all of a breeder's deer herd. This gives the breeder the opportunity to seek legal counsel prior to the depopulation.

The new law also allows for one-, three- and five-year deer breeder permits, instead of the current annual permit. TPWD still retains the authority to revoke breeder permits due to violations, but more defined and detailed processes are created.

Other bills of interest that were approved:

SB 174 by State Sen. Craig Estes was signed into law by Governor Perry on May 10, and the law becomes effective immediately. TWA supported SB 174, which added bison to the current Estray Law. The bill was brought forward by the Texas Bison Association.

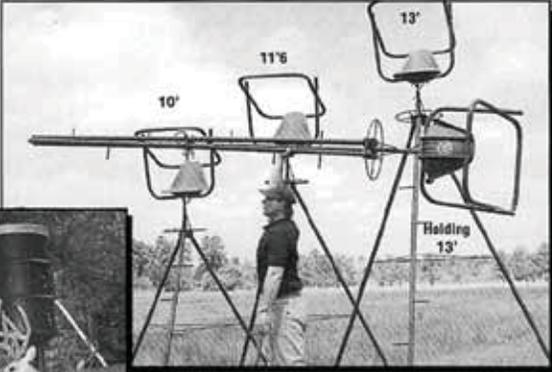
Under previous law, when a bison roamed from its owner's land onto another person's property, the property owner was not required to provide notice to the owner of the bison, as was the case with roaming cattle under the Estray Law. The property owner could dispose of the animal, as he saw fit. The new law strikes a balance between the private property rights of bison owners and the real property rights of neighboring landowners by adding bison to the current Estray Law.

HB 677 by State Rep. Charlie Geren of Fort Worth (TWA Life Member) provides permanent exemption from unreasonable Texas Commission on Environmental Quality (TCEQ) rules and the agency's overreach against owners of dams where total capacity is 500 acre feet or less and in counties with a population of less than 350,000. 🇺🇸

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