



LEGISLATIVE AGENDA  
AS OF 3-20-2009

# Texas Land & Mineral Owners Association

## 81st Legislative Session – 2009

### **PRIORITIES:**

Defend against any efforts to pass legislation mandating forced pooling/forced unitization.

Improve Texas statutes to require operators to remove old junk equipment associated with wells that have been inactive for many years.

Modify laws that allow inactive wells to remain unplugged in a manner that encourages timely plugging of non-producing wells.

Fully fund the Railroad Commission to increase the number of field inspectors.

Support changes to eminent domain laws to ensure landowners are treated fairly.

**DETAILS:** Bill filing deadline was March 13, 2009. Committee activity has begun and TLMA will be testifying on many of these bills.

### ENERGY

- HB 108 (Phillips) – Relating to persons eligible to be appointed as a receiver for certain mineral interest.
- HB 177 (Creighton) / SB 273 (Nichols) – Relating to testing requirements for certain commercial injection wells.
- HB 178 (Creighton) / SB 274 (Nichols) – Relating to limitations on the location of injection wells.
- HB 179 (Creighton) / SB 275 (Nichols) - Relating to the application of new requirements for commercial underground injection control wells to be adopted by the Texas Commission on Environmental Quality.
- HB 225 (Aycock) / HB 1816 (Rose)- Relating to an exemption from ad valorem taxation of the portion of the appraised value of a person's property attributable to the implementation on the property of water conservation initiatives, desalination and brush control
- HB 352 (Orr) – Relating to coverage of mineral interests in title insurance policies, commitments, binders and endorsements.
- HB 472 (Hilderbran) SB 1907 (Hinojosa) – Relating to the requirements regarding reporting by a common carrier or pipeline owner or operator of contamination.
- HB 499 (Orr) / SB 341 (Wentworth) – Relating to changing the name of the Railroad Commission of Texas to the Texas Energy Commission.
- HB 569 (Miller, Sid) – Relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well.
- HB 737 (Quintanilla) – Relating to the duty to notify local governmental entities about the existence of proposed hazardous liquid pipeline projects.
- HB 834 (Miller) - relating to reporting ownership of mineral interests severed from the surface estate and the vesting of title by judicial proceeding to certain abandoned mineral interests.

- HB 872 (King, P) – Relating to the repeal of goals for natural gas use in energy production.
- HB 876 (Orr) / SM 686 (Davis, W) – Relating to the installation of natural gas pipelines in controlled access highway rights-of-way.
- HB 1125 (Corte) – Relating to the eminent domain authority of common carriers.
- HB 1210 (Strama) – Relating to the oil production tax rate reduction for oil recovered through certain enhanced oil recovery projects.
- HB 1231 (Farabee) – Relating to providing that the Railroad Commission of Texas is governed by a single railroad commissioner.
- HB 1405 (Geren) / SB 1154 (Davis, W) – Relating to the licensing and regulation of landmen by the Texas Real Estate Commission.
- HB 1420 (Orr) – Relating to the regulation by the Railroad Commission of Texas of the transportation of drilling mud.
- HB 1526 (Crownover) / SB 1679 (Hinojosa) – Relating to the authority of a common purchaser that transports natural gas by pipeline to use a public right-of-way for a pipeline.
- HB 1533 (Burnam) – Relating to notice of and action on applications for permits to drill certain gas wells.
- HB 1535 (Burnam) – Relating to the requirement that gas corporations obtain a permit from the Railroad Commission of Texas before condemning property to construct certain gas pipelines.
- HB 1536 (Burnam) – Relating to the elimination of the power of eminent domain for the certain gas corporations when constructing a pipeline for the gathering or transmission of natural gas.
- HB 1537 (Burnam) – Relating to safety requirements applicable to gas pipelines in certain counties.
- HB 1538 (Burnam) – Relating to the authority of certain municipalities or counties to adopt and enforce safety standards applicable to certain gas pipelines.
- HB 1566 (England) – Relating to the authority of municipalities to regulate natural gas compressor station structures.
- HB 1796 (Chisum) – Relating to the offshore geologic storage of carbon dioxide.
- HB 1883 (Farabee) / SB2143 (Duncan) – Relating to the authority of the Railroad Commission of Texas to determine whether certain transporters of natural or synthetic gas are gas utilities.
- HB 1890 (Creighton) – Relating to notification of applications for permits for certain injection wells.
- **HB 2259 (Crownover) / SB 1378 (Duncan) – Relating to the plugging of inactive oil or gas wells.**
- HB 2333 (Geren) – Relating to the lease of certain oil, gas, or mineral land by a municipality.
- HB 2336 (Truitt) / SB 894 (Nelson) – Relating to municipal investment of public funds received from the management and development of mineral rights.
- HB 2356 (Crownover) – Relating to the filing with the state of well logs by operators of oil-related or gas-related wells.
- HB 2634 (Guillen) – Relating to disposition of proceeds from the development or sale of the rights to natural resources or minerals in land held for the county permanent school fund.
- HB 2669 (Crownover) / SB 1387 (Seliger) – Relating to the injection and geologic storage of anthropogenic carbon dioxide.
- HB 2811 (Hardcastle) / SB 2111 (Averitt) – Relating to the implementation of and incentives for projects involving the capture, transportation, injection, sequestration, geologic storage, or abatement of carbon dioxide.
- HB 2853 (Farabee) – SB 2170 (Seliger) – Relating to the amount and use of certain fees imposed in connection with oil and gas activities.
- HB 2872 (Chisum) – Relating to the establishment by the State Soil and Water Conservation Board of a carbon dioxide sequestration or emissions offset program.
- HB 2915 (McReynolds) – Relating to oil and gas operations in connection with certain state land.
- HB 3288 (McReynolds) – Relating to the lease of certain oil, gas, or mineral land by a municipality.

- HB 3292 (Crownover) / SB 1658 (Averitt) – Relating to an increase in the fee for natural gas pipeline safety inspections.
- HB 3332 (Merritt) – Relating to an exemption from the oil severance tax for oil produce from certain low-producing wells.
- HB 3374 (Deshotel) – Relating to permits for air contaminant emissions of stationary natural gas engines.
- HB 3402 (King, P) – Relating to a restriction on the location of a well drilled for oil or gas.
- HB 3404 (King, P) – Relating to fees imposed by certain counties on operators of gas wells and oil and gas waste disposal wells.
- HB 3516 (Howard, C) – Relating to the rate and calculation of the franchise tax for certain oil and gas related entities.
- HB 3590 (Burnam) – Relating to the creating by the Texas Commission on Environmental Quality of an inventory of emissions of air contaminants from oil or gas production , transportation, or processing facilities.
- HB 3591 (Burnam) – Relating to the control of emissions from crude oil and condensate storage tanks in certain areas of this State.
- HB 3644 (Orr) – Relatin got the authority of the commissioners court of certain counties to regulate certain matters pertaining to gas wells and natural gas compressor stations.
- HB 3729 (King, P) – Relating to the installation of certain pipelines in county road rights-of-way.
- HB 3761 (King, P) – Relating to a grant program to assist counties in repairing county roads damaged by certain natural gas activities.
- HB 3781 (Shelton) – Relating to the resolution of disputes pertain to the urban drilling of certain oil or gas wells.
- HB 3899 (Oliveira) / SB 997 (Duncan) – Relating to the administration of and exemptions from the gas production tax.
- HB 4026 (Christian) – Relating to the application of new requirements for Class II injection wells to be adopted by the Railroad Commission of Texas.
- HB 4027 (Christian) – Relating to limitations on the location of Class II injection wells.
- HB 4028 (Christian) – Relating to testing requirements for certain commercial injection wells.
- HB 4063 (Gonzalez-Tourelles) – Relating to the periods for applying for and receiving designation of a well as a two-year inactive well for purposes of the oil and gas severance tax exemption.
- HB 4246 (Keffer) – Relating to the reporting of lost or unaccounted for gas by the first purchaser and the tax due by the first purchaser on lost or unaccounted for gas.
- HB 4300 (Herrero) / SB 2055 (Williams) – Relating to safety rules for gas pipeline facilities and public awareness.
- HB 4433 (Rodriguez) – Relating to an exemption from oil and gas severance taxes for oil and gas produced in association with the production of geothermal energy.
- HB 4441 (Gonzalex-Tourelles) – Relating to the authority of the Railroad Commission of Texas to establish standards regarding certain pipeline and appurtenant facilities.
- HB 4540 (Raymond) – Relating to disposition of proceeds from the development or sale of the rights to natural resources or minerals in land held for the county permanent school fund.
- HB 4618 (Flynn) – Relating to limitations on certain non-express easements.
- HB 4654 (Chisum) – Relating to the authority of a county or municipality to regulate the drilling of oil and gas wells.
- HJR 62 (Farabee) – Providing that the Railroad Commission of Texas is governed by a single elected railroad commissioner.

- HJR 72 (Leibowitz) – Relating to exempting from ad valorem taxation a renewable energy device, structure, facility, or system installed or constructed on residential property, agricultural land, or open-space land devoted to farm or ranch purposes.
- HJR 88 (Guillen) – Relating to the disposition of proceeds from the development or sale of the rights to natural resources or minerals in land held for the county permanent school fund.
- HJR 140 (Strama) – Dedicating certain royalties from oil production on permanent university fund lands to create an endowment within the fund to support research and development in alternative energy, renewable energy and energy conservation.
- HJR 142 (Raymond) – Relating to the disposition of proceeds from the development or sale of the rights to natural resources or minerals in land held for the county permanent school fund.
- SB 273 (Nichols) – Relating to testing requirements for certain commercial injection wells.
- SB 274 (Nichols) – Relating to limitations on the location of injection wells.
- SB 275 (Nichols) – Relating to the application of new requirements for commercial underground injection control wells to be adopted by the Commission on Environmental Quality.
- SB 341 (Wentworth) / HB 499 (Orr) – Relating to changing the name of Railroad Commission to the Energy Commission.
- SB 483 (Seliger) – Relating to the establishment of incentives by this state for the implementation of certain projects to capture and sequester in geological formations carbon dioxide that would otherwise be emitted into the atmosphere.
- SB 540 (Estes) – Relating to notice of an application for permit to dispose of oil and gas waste in a disposal well.
- SB 752 (Davis, W) / HB 2254 (Hancock) / HB 2087 (Homer) – Relating to the authority of a local government to prohibit the Railroad Commission of Texas or the Texas Commission on Environmental Quality from issuing a permit for a disposal well.
- SB 846 (Averitt) / HB 4022 (Branch) – Relating to the exemption of oil and gas royalty interests owned by private institutions of higher education from oil and gas severance taxes.
- SB 894 (Nelson) – Relating to municipal investment of public funds received from the management and development of mineral rights.
- SB 902 (Davis, W) / HB 2255 (Hancock) – Relating to restrictions on the release into the air of natural gas associated vapors from a gas well.
- SB 940 (Wentworth) / HB 2821 (Chisum) – Relating to the regulation of the public practice of geoscience.
- SB 941 (Wentworth) / HB 2820 (Chisum) – Relating to contracts by governmental entities for professional services relating to geoscience.
- SB 949 (Estes) / HB 4496 (King, P) – Relating to the ad valorem tax situs of certain portable drilling rigs and associated equipment.
- SB 1823 (Seliger) / HB 2087 (Homer) – Relating to the state’s statutory and contractual liens to secure the payment of unpaid royalty and other amounts due under oil and gas leases of state land.
- **SB 1908 (Hinojosa) – Relating to safety and financial responsibility in the operating of oil and gas well.**
- SB 2236 (Seliger) – Relating to exempting electrical cooperatives and their subsidiaries that store natural gas underground and offer or provide gas storage services from status as a gas utility, public utility, common carrier, or common purchaser.
- SB 2402 (Davis, W) – Relating to the authority of certain counties to regulate the exploration for and development and production of natural gas; providing a penalty.

## EMINENT DOMAIN / PRIVATE PROPERTY RIGHTS

- HB 2 (Otto) – Relating to the appraisal of property, including residence homesteads, for ad valorem tax purposes.
- HB 4 (Orr) / SB 533- Relating to eminent domain, including certain limitations, procedures, and standards relating to the use of eminent domain.
- HB 11 (Leibowitz) / HB 1253 (Bohac) - Relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.
- HB 12 (Leibowitz) – Relating to the membership of the Transportation Commission.
- HB 13 (Leibowitz) – Relating to the operation of a state highway or segment of a state highway as a toll project.
- HB 369 (Brown, Betty) – Relating to assessment of damages in a condemnation proceeding
- HB 402 (Woolley) – Relating to the use of eminent domain authority.
- HB 1385 (Davis, Y) – Relating to the assessment of damages to a property owner from condemnation.
- HB 1483 (Pitts) – Relating to the use of eminent domain authority.
- HB 1534 (Burnam) – Relating to the property valuation information required to be provided regarding property to be acquired by eminent domain.
- HB 1951 (Alonzo) – Relating to the offer of certain unusable remainder real property acquired by the Texas Department of Transportation to nonprofit corporations.
- HB 2016 (Villareal) – Relating to the regulation of the use of land appraised for ad valorem tax purposes as agricultural land.
- HB 2063 (Callegari) / SB 1190 (Duncan) – Relating to the enforcement of rules by a groundwater conservation district.
- HB 2685 (Callegari) – Relating to the landowner’s bill of rights.
- HB 3818 (Smithee) / SB 1253 (Seliger) – Relating to the repeal of the power of certain districts and water supply corporations to allow the use of right-of-way easement for certain energy-related purposes.
- HB 3819 (Smithee) / SB 1254 (Seliger) – Relating to limits on the purpose and power of a fresh water supply district.
- HJR 14 (Corte) – Relating to the limiting the taking of private property.
- HJR 25 (Aycock) / HJR 74 (Rose) - Relating to exemption from ad valorem taxes the portion of the assessed value of property attributable to the implementation on the property of a water conservation initiative, desalination project or brush control initiative.
- HJR 31 (Anderson) - Relating to prohibiting the state of a political subdivision of the state from taking private property for the primary purpose of economic development or to benefit a particular private party
- HJR 36 (Otto) / SJR 48 (Williams) - Ad valorem taxation of a residence homestead solely on the basis of the property's value as a residence homestead; authorizing a single board of equalization for two or more adjoining appraisal entities.
- HJR 65 (Davis, Y) – Requiring compensation for certain property taken where the use is public and necessary.
- SB 18 (Estes) – Relating to the use of eminent domain authority.
- SB 219 (Nichols) – Relating to prohibiting the use of eminent domain to take private property for recreational purposes.
- SB 505 (Ogden) - Authorizing the designation of an area adjacent to a state highway project as a transportation finance zone and requiring the revenue from the taxes imposed in the zone be used to pay obligations in connection with the project.

- SB 533 ( Duncan) / HB 4 (Orr) – Relating to eminent domain, including certain limitations, procedures, and standards relating to the use of eminent domain.
- SB 622 (Hegar) – Relating to access to the state highway system and damages for diminished access to the state highway system.
- SB 678 (Shapleigh) – Relating to the additional tax imposed on land appraised for ad valorem tax purposes as open-space land if a change of use of the land occurs.
- SB 728 (Carona) – Relating to the exercise of eminent domain authority by private entities.
- SB 967 (Hegar) – Relating to the disclosure by the developer of the subdivision of planned highway projects that will go through or be adjacent to a subdivision.
- SB 1023 (Ogden) – Relating to the exercise of eminent domain authority.
- SB 1180 (Patrick, D) – Relating to regulatory takings.
- SJR 18 (Ogden) - Permitting the Texas Transportation Commission to designate the area adjacent to a state highway project as a transportation finance zone and dedicating the proceeds of taxes in the zone to the Texas Mobility Fund.