



TEXAS LAND & MINERAL OWNERS ASSOCIATION

OFFICIAL NEWSLETTER

Volume 21, Number 3

3rd Quarter 2021

TEXAS LEGISLATURE ENTERS MARATHON SPECIAL SESSIONS

As mentioned in the previous newsletter, Governor Greg Abbott called the first special session of the 87th Legislature to begin on July 8, 2021 with eleven items on the call. During special sessions that are limited to 30 days, only the topics included by the governor may be addressed. The governor may add items as he deems necessary throughout the 30 days. The eleven items included on the first call were:

- Bail reform
- Election integrity
- Border security
- Social-media censorship
- Article X funding (Legislature and legislative agencies)
- Youth sports
- Abortion-inducing drugs
- Thirteenth check for retired teachers
- Critical race theory education
- Appropriations for property-tax relief, foster care, and cybersecurity threats.

During the first week of the special session, a significant portion of the Democratic House members broke quorum. This prevented the House from conducting any business. Those absent remained out of state for the remainder of the first called session. The Senate, which continued to maintain a quorum, passed all items on the Governor's call. None of the items on the first agenda were signed into law.

On August 5, one day prior to the end of the first special session, Governor Abbott announced the second session to begin on Saturday, August 7. In addition to all items on the first call, the governor added the following items: appropriating federal funds received from the American Rescue Plan Act of 2021, public education strategies during the COVID-19 pandemic, modifying election dates for primary elections in 2022, and limiting the ability to store and transport high-level radioactive materials in Texas.

Enough, but not all, Democrats returned to Austin during the second special session to restore a quorum of members. By doing so, the House and Senate passed all items on the Governor's call. All but one item, youth sports, were passed by both chambers and are being sent to the Governor.

Once the second special session ended, the wait for the third session to be called began.

Continued on page 7

IN THIS ISSUE

- **UPDATE FROM THE EXECUTIVE DIRECTOR**
- **UPCOMING DATES OF INTEREST**
- **2021 STATEWIDE MEMBERS MEETING INFO**

- **STATEWIDE MEMBERS MEETING SPONSORS**
- **QUESTIONS FROM TIFFANY'S DESK: WHAT SIGNS DO I NEED ON MY FARM/RANCH?**
- **TEXAS LEGISLATURE ENTERS MARATHON SPECIAL SESSIONS CONTINUED**

BOARD OF DIRECTORS

Chairman Kimberley K. McTee

*Catharine C. Whittenburg Trusts; Turkey
Track Ranch*

Chairman-Elect James Broussard

*J.E. Broussard Heirs O&G, LP; LaBelle
Properties Ltd.*

Vice Chairman Tom Daniel

Six Mountain Partners LP

Treasurer E.O. "Trey" Scott, III

Trinity Mineral Management

John D. Alexander, Jr.

King Ranch, Inc.

Carolyn Frost Keenan

Keenan Family Interests

Barry Coates Roberts

Coates Energy Trust

Lorin Runnels

EIA Properties, Ltd./Stag Holdings, Ltd.

James P. "Rick" Walker

Huisache Cattle Co., Ltd.

R. Neal Wilkins

East Foundation

DISTRICT REPRESENTATIVES

Dr. John S. Baen—*Univ. of North Texas*

Clay C. Cash—*Triple C Properties LLC*

Leslie el-Effendi—*Catharine C.*

Whittenburg Trusts

Amy Smiley—*The Stieren Ranch*

ADVISORY DIRECTORS

Joseph B.C. Fitzsimons

John B. McFarland

Howard P. Newton

George J. Person

Dr. Kitty-Sue Quinn

HONORARY DIRECTORS

The Honorable Dolph Briscoe*

Jack Hunt

Roger Welder

J.A. Whittenburg, III*

The Honorable Cullen Looney

Doug Beveridge

Chaunce Thompson, Jr.

Morgan Dunn O'Connor

Lica Pinkston

Scott Petty, Jr.

George Tanner

EXECUTIVE DIRECTOR

Jennifer Bremer

UPDATE FROM THE EXECUTIVE DIRECTOR

TLMA Members—

After a long legislative session and pandemic, it felt like life as we knew it before the pandemic was beginning to return. I was able to attend in-person conferences and really enjoyed seeing some faces I hadn't seen in quite some time! TLMA even began planning the 2021 TLMA Statewide Members Meeting.

The Board and I were extremely excited to welcome all of our members to an in-person event this fall. As mentioned in a letter from Chairman Kim McTee, with the impacts of the Delta variant, the Board chose to host the TLMA Statewide Members Meeting Virtually again. The speakers we have lined up are phenomenal and I know they will still provide great information for our members. Registration is open, but you are welcome to contact me if you have any questions. I look forward to seeing you all online soon!



On the legislative front, special sessions continue. TLMA is monitoring all topics covered, but so far we have not been impacted. Interim charges are usually released in the fall, but may be delayed to the ongoing sessions.

I hope that you and your family continue to stay healthy and I look forward to seeing you again in person when the time is right!

Jennifer

UPCOMING DATES OF INTEREST

September 20—Special Session #3 Begins

September 28—RRC Open Meeting

Thursday, October 7—2021 TLMA Statewide Members Meeting

October 12—RRC Open Meeting

October 26—RRC Open Meeting

November 10—RRC Open Meeting

December 7—RRC Open Meeting

RRC Meetings are all being held virtually and can be viewed online at the RRC's Website www.rrc.texas.gov.

Legislative Hearings are available to livestream at house.texas.gov or senate.texas.gov.

2021 STATEWIDE MEMBERS MEETING REGISTRATION



The TLMA Board of Directors was excited to host an in-person Statewide Members Meeting this fall following a virtual event in 2020. However, due to recent rises in cases and keeping the safety of our guests in the front of their minds, the Board has chosen to host the meeting **virtually**.

Registration is **OPEN online** at www.tlma.org. There's a "Quick Link" to the registration on the Home page or you can click "Statewide Members Meeting" under "News & Events". You may also register by filling out the registration form on page 5 and mail with payment to the TLMA office: 1005 Congress Ave., Ste. 360, Austin, TX 78701. If you mail in the application, please make sure you mail in the correct amount.

We are still seeking sponsors and exhibitors! If you or someone you know is interested in sponsoring the event, please email execdir@tlma.org for the appropriate form and more details on the opportunities available.

2021 STATEWIDE MEMBERS MEETING AGENDA

TLMA is excited to have the following presentations and speakers for our members.

10 am	Welcome, Kim McTee
10:05 am (or immediately after the welcome)	Jason Modglin, President of Texas Alliance of Energy Producers Economic outlook and current trends of the energy industry
10:45 a.m.	Jim Bradbury, Attorney at James D. Bradbury PLLC Federal Issues: WOTUS, drilling ban, tax proposals impacting land and mineral owners
11:25 a.m.	Bill Kingman, Attorney at Law Offices of William B. Kingman Bankruptcies and H.B. 3794 by Representative Charlie Geren
1 p.m.	Billy Phenix, TLMA Government Affairs 87th Legislative Session Recap and Update
1:40 p.m.	Kim McTee & Jennifer Bremer Business Meeting and Closing

The schedule is subject to minor changes, but all speakers and topics are confirmed. Any changes will be listed on the website.

2021 STATEWIDE MEETING ZOOM WEBINAR INFORMATION & INSTRUCTIONS

As we did in 2020, TLMA will use the Zoom Webinar platform to conduct our Statewide Members Meeting. This is different than Zoom Meeting. As a participant, you will be able to see the presenter and their presentation at the same time, but will be in a listen only function. This means you can only listen and cannot freely communicate back to the speaker. However, Zoom Webinar enables the chat and raise your hand functions. You will be able to “chat” with each other during the presentations, as well as submit any questions you may have.

You do not have to have internet access to listen to the presentations. If you do not have access to the internet or a computer to use Zoom Webinar, you will be able to call in from your phone and listen. If you do not have internet access, TLMA will mail a copy of the presentations and call in information to you **by request only**. If you have access to internet, PLEASE do not request the presentations. The presentations and video recordings will be available to you after the meeting. Meeting packets must be requested by **September 24**. **They will be mailed the following week.** To request a packet:

- If you have registered, call or email the TLMA office.
- If you have not registered, check the box on the registration form when you mail it in.

If you have questions prior to the meeting for a presenter, please submit those by October 4, 2021. This will allow the presenter to answer any questions throughout their presentation. If there are additional questions that arise, you will be able to “raise your hand” to ask a question.

There is a download required for Zoom. I highly suggest logging into the meeting 10-15 minutes prior to ensure you have the software downloaded. Once it is downloaded, you will not have to download again.

TLMA is requiring registration for the meeting. **The meeting link will be sent via email October 4.** We will send additional reminders with the link closer to the meeting.

There will be one continuous link that is active for the day, so you can join and leave as needed.

2021 STATEWIDE MEMBERS MEETING SPONSORS AND EXHIBITORS

Thank you to all of our sponsors and exhibitors who help make this meeting successful!

Bissett Ranch Partnership
Caldwell, East & Finlayson, PLLC
Catharine C. Whittenburg Testamentary Trusts
East Foundation
Friend of TLMA
Gary and Teralea Jones
Graves, Daugherty, Hearon, & Moody

J.E. Broussard Heirs O&G
LaBelle Properties, Ltd.
P7 Kettle & Bass Breeze Lakes Ranches
Petty Group, LLP
PMBG PLLC
Trinity Mineral Management
Uhl, Fitzsimons, Jewett, Burton, Wolff, & Rangel, PLLC



2021 STATEWIDE MEMBERS MEETING

REGISTRATION FORM

THURSDAY, OCTOBER 7, 2021

VIRTUAL VIA ZOOM WEBINAR

The Texas Land & Mineral Owners Association will host a virtual Statewide Members Meeting this fall. The meeting will feature outstanding speakers who present information on a variety of legislative topics affecting your land and mineral interests.

Registration Information

Registration for the TLMA Statewide Members Meeting is available online at www.tlma.org or by mailing this form with your check to TLMA. You may also pay by credit card over the phone by calling TLMA at (512) 479-5000.

The registration cost listed for non-member registrants includes a one-year TLMA membership at the Individual level. If you would like to join at a higher level, please include the additional amount and the level at which you'd like to join in the memo line of your check.

Registration Prices:

Individual Member	\$125
Non-Member	\$195

2021 TLMA Statewide Members Meeting Registration

Name(s) _____

Organization/Ranch Name _____

Address _____

City _____ State _____ Zip _____

Phone Number _____ Email _____

Make checks payable to TLMA and mail to 1005 Congress Ave., Suite 360, Austin, TX 78701

QUESTIONS FROM TIFFANY'S DESK: WHAT SIGNS DO I NEED ON MY FARM/RANCH?

By: Tiffany Dowell Lashmet, Texas Ag Law Blog (original article containing links on <https://agrillife.org/texasaglaw/home/>)

After my blog post about amendments to the Texas Farm Animal Liability Act, my email inbox was bombarded with questions about the various signs that landowners should consider having, what the differences are between the signs, and where to purchase the signs. I thought it might be helpful to do a rundown on the common signs landowners should consider having from a liability protection perspective.

Rural landowners should consider hanging two signs from a liability protection perspective: The Texas Farm Animal Liability Act sign and the Texas Agritourism Act sign. Additionally, although not liability-related, rural landowners often have questions related to hanging "No Trespassing" signage, so I will address that as well.

Texas Farm Animal Liability Act Signage

The Texas Farm Animal Liability Act protects farm animal owners from liability if a participant in a farm animal activity is injured due to a risk inherent to a farm animal activity. The classic example is that there is always an inherent risk that someone who gets on a horse could get bucked off. This statute aims to shield the horse owner from liability in that situation. For a much more in depth discussion about the Farm Animal Liability Act and recent changes made by the Texas Legislature, [click here](#).

As of September 1, 2021, the Farm Animal Liability Act will require Texas farms and ranches, farm animal professionals, and farm or ranch lessees to hang a Farm Animal Liability Act sign pursuant to the statute.

The required sign language is:

WARNING

UNDER TEXAS LAW (CHAPTER 87, CIVIL PRACTICE AND REMEDIES CODE), A

FARM ANIMAL PROFESSIONAL OR FARM OWNER OR LESSEE IS NOT LIABLE FOR

AN INJURY TO OR THE DEATH OF A PARTICIPANT IN FARM ANIMAL

ACTIVITIES, INCLUDING AN EMPLOYEE OR INDEPENDENT CONTRACTOR,

RESULTING FROM THE INHERENT RISKS OF FARM ANIMAL ACTIVITIES.

This sign must be posted at a clearly visible location.

Landowners or lessees can certainly make their own signs, or various groups sell these signs. This includes the Texas & Southwestern Cattle Raisers Association and Texas Farm Bureau. Because the required language will change as of September 1, I recommend ensuring you obtain a sign with the most recent statutory language.

Texas Agritourism Act Signage

The Texas Agritourism Act, passed in 2015, provides limited liability for rural landowners of "agricultural land" if someone is injured on the land while engaged in a recreational or educational activity. For the purposes of this statute, "agricultural land" is land that is suitable for growing crops or raising livestock. A recreational activity is broadly defined as including hunting, fishing, hiking, biking, swimming, pleasure driving, picnicking, nature photography, and "anything else associated with enjoying nature or the outdoors." For example, if someone were injured while hunting or while participating in a field day, this statute would be a potential defense for the rural landowner. To read more about the Texas Agritourism Act, [click here](#).

Continued on page 7

WHAT SIGNS DO I NEED ON MY FARM/RANCH? CONTINUED

In order to receive the Agritourism Act's protections, a landowner must either hang a Texas Agritourism Act sign or obtain a signed Texas Agritourism Act release signed by the injured participant.

The required language to be included on the signs is as follows:

WARNING: UNDER TEXAS LAW (CHAPTER 75A, CIVIL PRACTICE AND REMEDIES CODE), AN AGRITOURISM ENTITY IS NOT LIABLE FOR ANY INJURY TO OR DEATH OF AN AGRITOURISM PARTICIPANT RESULTING FROM AN AGRITOURISM ACTIVITY.

The sign must be clearly visible on or near the premises where the activity is conducted.

A number of groups sells these signs, and I've compiled a list and relevant links here.

No Trespassing Signage

Again, although no trespassing signs are not related to landowner liability protection, these signs generate a number of questions from landowners.

Keep in mind that there are two types of trespassing claims: Civil and criminal. The presence of a no trespassing sign is irrelevant in the civil trespass context. The signs are important, however, in a criminal trespass claim. To read more about each of these types of trespass claims, click here and go to Chapter 7.

Texas Penal Code Section 30.05 provides that for a person to be found guilty of criminal trespass, he must have entered the property of another without permission and with knowledge that such entry was prohibited. A landowner, lessee, or occupier can provide this notice that entry is forbidden in a number of ways under the statute including no trespassing signs, purple paint, verbal or written warnings, by having crops under harvest or cultivation, or by having the area completely fenced in obviously designed to keep animals in or people out.

So, while landowners must take some action to inform someone that entry is not allowed, they may do so by hanging a no trespassing sign, or may select one of the other options. A landowner choosing to post the sign must do so at a location reasonably likely to come to the attention of intruders. The sign's language must simply indicate that entry is forbidden.

TEXAS LEGISLATURE ENTERS MARATHON SPECIAL SESSIONS CONT.

As you may recall, after every Census, Texas must redraw the boundaries for the United State House of Representatives, Texas House of Representatives, Texas Senate, and State Board of Education districts. Since the Census numbers were not released during the regular legislative session, a special session is required to complete the redrawing of the maps. Census numbers were finally released on August 12, 2021.

Governor Abbott announced the third special session on September 7 to begin on September 20, 2021. In addition to redistricting, the Governor added the following items to the third call: appropriations from the American Rescue Plan Act of 2021, youth sports, vaccine mandates, and unlawful restraint of a dog.

The third special session will end no later than October 19, but can end sooner if all items pass both chambers and the governor doesn't add any items to the call. Following the third special session, it is to be determined if there will be any additional legislative sessions or if the chambers will release their interim studies to begin work for the 88th legislative session.

All legislative hearings can be viewed live at house.texas.gov and senate.texas.gov.



Texas Land & Mineral Owners Association
1005 Congress Avenue, Suite 360
Austin, TX 78701



TLMA Membership Information Form

☐ I would like to join TLMA ☐ I am a member, please update my contact info

Please return to: TLMA, 1005 Congress Ave., Suite 360, Austin, TX 78701

Name _____

Organization/Ranch Name _____

Address _____

City _____ State _____ Zip _____

Telephone Number _____

Email Address _____

Referred by _____

Don't forget!

If your contact information changes, be sure to update TLMA and avoid delays in receiving your newsletters, renewal notices, and other correspondence.

To change your address or any other membership information, contact Robbie Quemer at (512) 479-5000, mail in this form, or log in to your membership account online at www.tlma.org.

Find more information, join TLMA, or renew your membership online at www.tlma.org