

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



Feb. 15, 2019 | Regular Session, Issue 6  
86th Regular Session

Every Friday, this newsletter will keep you up to speed on some of the legislation important to Texas Farm Bureau members that Austin staff are following.

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

### **Eminent Domain Co-Authors**

We have many verbal commitments to support SB 421 and HB 991, but we need visible support for eminent domain reform. It is important to our effort for legislators to show that support by co-authoring SB 421 and HB 991. Each week, we will provide a list of the current co-authors.

### **If your legislator isn't on these lists, please contact them.**

As of Feb. 14, 2019 this is the list of co-authors:

### **HB 991 by Burns**

- |                        |              |                 |
|------------------------|--------------|-----------------|
| Charles "Doc" Anderson | Trent Ashby  | Keith Bell      |
| Brad Buckley           | Dan Flynn    | James Frank     |
| Kyle Kacal             | Stan Lambert | Mike Lang       |
| Dr. J.D. Sheffield     | Hugh Shine   | Phil Stephenson |
| Gary VanDeaver         | James White  |                 |

### **SB 421 by Kolkhorst**

Charles Perry



## Industrial Hemp

**HB 1325**, by Rep. Tracy King (D-Uvalde), relates to the production and regulation of hemp and products made from hemp; requiring authorization to produce hemp; and authorizing penalties and fees. The bill creates a production plan and a state hemp program.

### State Hemp Production Plan

The bill gives the Texas Department of Agriculture (TDA) primary regulatory authority over hemp production in Texas.

Under the bill, TDA would:

1. maintain relevant information regarding where hemp is produced, including a legal description;
2. establish a procedure for testing the THC concentration of hemp produced;
3. establish a procedure for disposal of plants in violation;
4. establish a procedure for enforcement;
5. establish a procedure for inspections;
6. a procedure for submitting certain information to USDA;
7. certify the state has necessary resources and personnel to carry out the practices and procedures of items 1-6.

TDA shall submit the plan to USDA for approval. If the plan is not approved, TDA shall consult with USDA to amend the rules as needed to obtain approval.

### State Hemp Program

Additionally, the bill establishes a state hemp program to regulate hemp production and promote the cultivating and processing of hemp. TDA shall adopt rules through consultation with relevant public agencies, as well as private, nonprofit associations.

The rules adopted by TDA must:

1. establish requirements by which TDA authorizes an individual or business entity to participate in the state program as a hemp producer;
2. prescribe the manner in which an institution of higher education may participate;
3. prescribe sampling and testing procedures;
4. provide due process to protect hemp producers from the consequences of imperfect test results;
5. prescribe enforcement procedures.

TDA shall set and collect fees to cover the costs of administering and enforcing the program.

The bill requires participation in the state hemp program in order to cultivate, handle, or process hemp in Texas. To apply to be an authorized hemp producer, a person must provide a legal description and the GPS coordinates for where they intend to cultivate or process hemp; consent to allowing TDA, DPS, or any other state or local law enforcement agency to enter onto all premises for inspection compliance; pay any fees required; and provide any other information required. A person convicted of a felony related to a controlled substance cannot receive authorization for at least 10 years.

The bill allows for processing or manufacturing of hemp or hemp products. The bill also allows for the possession, transportation, and sale of hemp products. TDA may adopt rules to regulate the sale of hemp oil. Retail sales of hemp products processed out of state may be conducted. Hemp products may be transported across state lines and exported to other countries.

TDA shall adopt penalties for violations of rules at an amount of not more than \$5,000.

The bill also de-classifies hemp and other hemp substances as a controlled substance in the Health and Safety Code.

**[HB 1230](#)**, by Rep. Dominguez (D-Brownsville), and **[HB 1657](#)**, by Roland Gutierrez (D-San Antonio), relates to the production and regulation of hemp. The bill creates a production plan identical to the plan outlined in HB 1325 by Rep. Tracy King, but does not create a state hemp program.

The bill also de-classifies hemp and other hemp substances as a controlled substance in the Health and Safety Code.

**[HB 989](#)**, by Rep. Ryan Guillen (D-Rio Grande City), and **[SB 116](#)**, by Sen. Jose Menendez (D-San Antonio), relates to industrial hemp, requiring an occupational license and authorizes fees. TDA and selected institutions of higher education with expertise in agricultural research shall promote the research and development of industrial hemp and commercial markets.

The bills would classify industrial hemp seed as "agriculture seed" in the agriculture code. They authorize a person to grow hemp only to the extent allowed by federal law. The bill requires TDA to establish an industrial hemp research program for at least five years. As part of the program, TDA, through the institution of higher education, will oversee and analyze hemp growth by license holders for the analysis of soil compositions, optimal growing conditions, harvest methods, and various seed varieties. Research shall be conducted to study the plant types, economic feasibility, value-add benefits, environment benefits, as well as hemp in new energy technologies and assessment of production costs. Worldwide research on hemp and feasibility of federal and private funding for the research program shall be studied. These bills also promote the awareness of financial incentives that may be available to agribusiness and manufacturing companies. TDA will be required to present a report detailing the status and progress of the research each year no later than Dec. 31.

TDA shall adopt rules to regulate hemp production including the application and licensing procedures, inspection requirements, procedures to notify law enforcement, notice requirements, and fee collection. License holders would be responsible for growing and cultivating department-approved seeds that meet the THC compliance threshold. If the hemp seed is found to contain levels above the THC compliance threshold, the license to produce hemp will be revoked, and the crop shall be destroyed at the license holder's expense.

The bill de-classifies hemp grown or cultivated by TDA, an institution of higher education, or a license holder or a hemp-derived product that meets the THC compliance threshold as a controlled substance in the Health and Safety Code.

**TFB supports HB 1325, HB 1230, HB 1657, HB 989, and SB 116.** (TFB Policy: Agriculture Commodities 109, lines 23-25)

## **Taxes**

**[HB 1247](#)**, by Rep. Trent Ashby (R-Lufkin), and **[SB 555](#)**, by Sen. Charles Schwertner (R-Georgetown), relate to identifying the party that is to be held liable for the additional tax imposed when appraised land for ad valorem tax purposes as agriculture land changes use because of condemnation.

HB 1247 and SB 555 add an additional provision to the current tax code concerning the appraisal of land. The bill states that the entity responsible for condemning land must also be the one held liable for paying the additional taxes required when land use is changed from agriculture land due to condemnation.

**TFB supports HB 1247 and SB 555.** (TFB Policy: Real Property Rights 150, lines 144-145, Eminent Domain 151 lines 14-17 and 75-80)

## **Transportation**

**HB 1234**, by Rep. Cecil Bell (R-Magnolia), requires a high-speed rail operator to file a bond with the Texas Department of Transportation.

Before any private entity begins operations of a high-speed rail service, the entity must file a bond. The bond will include the amount of money that would be needed to return real property being used back to its original condition if the rail service ceases its operations.

**TFB supports HB 1234.** (TFB Policy: Rail Transportation 162, line 48 and Eminent Domain 151, lines 48-60)

## **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](mailto: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](mailto: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](mailto: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](#)

Marissa Patton: [@TFBAUS\\_Marissa](#)

Mike Pacheco: [@TFBAUS\\_Mike](#)

Texas Farm Bureau: [@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®**

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 [jtomascik@txfb.org](mailto:jtomascik@txfb.org) in collaboration with



Try it free today