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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.

Grassroots Eminent Domain Action Plan Kicks Off

Texas Farm Bureau is making a significant commitment to using our grassroots leadership to advocate for eminent domain reform this session. It is our strength and the key to successfully passing legislation.

Until the end of April, each week county Farm Bureau (CFB) leaders will visit the Capitol to advocate for SB 421 and HB 991. This was the first week of that effort. Thirty-six CFB leaders representing 25 CFBs traveled to Austin on Wednesday. These CFB leaders traveled to Austin from all areas of the state.

They visited over 50 legislative offices in support of eminent domain reform. The legislative offices they visited were not just rural. Many were urban legislators that will be critical to our success on this legislation. We will continue this theme of visiting with legislators from all areas of Texas in the coming weeks.

If you have interest in attending one of these trips, please contact your field staff.

Taxes

HB 163, by Rep. Terry Canales (D-Edinburg), relates to the additional tax imposed on land appraised for ad valorem tax purposes as it reduces the current five-year roll

back provision to three years and decreases the annual interest rate from 7 percent to 5 percent.

The roll back provision was created several decades ago, when agriculture received ag valuation on their land. The roll back is designed to keep land in agriculture and prevent abuse of ag valuation. The property tax associated with the land is calculated based on the productive agricultural value rather than the market value of the land.

The changes in law made by this act would only apply to the appraisal of open-spaced land.

HB 163 was referred to the House committee on Ways and Means.

This bill is a refile from last session by Rep. Larry Phillips (R-Sherman).

TFB supports HB 163. (TFB Policy: Property Taxes 142, lines 1-7, 56-62)

Bills Filed to Protect Groundwater Rights

Three bills were filed this week aimed at protecting landowners' groundwater rights. HB 2122 and 2123 by Rep. Cody Harris and HB 2125 by Rep. DeWayne Burns.

[HB 2122](#) protects landowners from public water utilities attempting to use landowners' groundwater without compensation or consent. These utilities have asked groundwater conservation districts and the Legislature to allow them to be credited with the acreage in their service area. They want credit for this acreage so that they can pump groundwater from under this acreage without compensating landowners or getting the landowners' consent. This is a taking of private property for public use in violation of the constitution.

HB 2122 requires the utilities to either buy, lease or get permission from the affected landowners to pump the groundwater under acreage the utility doesn't own. This method of determining how much a utility can pump is consistent with groundwater ownership.

TFB supports HB 2122. ((TFB Policy: Real Property Rights 150, Lines 2-5; Groundwater 153, Lines 9-13; 78-82; 175-178)

[HB 2123](#) gives a landowner or groundwater rights owner the right to petition the groundwater conservation district to consider amending its rules. Currently, the law

does not give anyone a legal right to formally request that a district amend its rules.

HB 2123 allows a petition to be submitted to amend the rules to protect private property rights or effectively manage the groundwater. The burden of proof is on the petitioner to prove the rulemaking is needed, and they must provide notice to all the landowners that may be affected by the rule change. The district may grant, deny or partially grant the petition after a hearing.

TFB supports HB 2123. (TFB Policy: Groundwater 153, lines 57-59)

[HB 2125](#) addresses the unfair attorney fees language in the Water Code. Under current law, if a landowner loses a court challenge to a groundwater conservation district's rules or permitting decision, the landowner is required to pay the district's attorney fees. The landowner has no right to have their attorney fees paid if the landowner wins the challenge.

This unfair, one-sided awarding of attorney fees burdens any landowner that has a legitimate complaint about a rule or permitting decision. It forces landowners to accept unfair rules or permit decisions, because they can't take the financial risk of losing a court challenge. This prevents landowners from being able to hold these districts accountable and prevent regulatory overreach.

HB 2125 removes the mandate that a losing party has to pay the district's attorney fees. Instead, the judge would have the discretion to award the district attorney fees if the judge believes it is justified. This would likely only be if the court challenge was frivolous. The bill also caps the attorney fees that could be awarded at \$100,000.

TFB supports HB 2125. (TFB Policy: Property Rights, lines 2-5; Groundwater 153, lines 140-145)



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