



# AUSTIN NEWSLETTER

Texas Farm Bureau's Weekly Newsletter for the 86th Legislature

May 31, 2019 | Regular Session, Issue 21  
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.

## **Legislative Deadlines**

Sine Die was Monday, May 27. This was the last day for the House and Senate to pass conference committee reports or concur on House/Senate amendments.

June 16 will be the last day the governor may sign or veto bills passed during the regular session. We will send a final session wrap-up Austin Newsletter after the veto period has ended.

## **Eminent Domain Update**

**[The conference committee report for CSSB 421](#)** by Sen. Lois Kolkhorst (R-Brenham) failed due to the lack of signatures by the House conferees-Craddick, Munoz, Minjarez, Phil King and Stickland. The House conferees ignored the will of the House that was demonstrated by the fact that the House voted to support a motion to instruct the conferees by Rep. Mary Gonzalez. This motion instructed the conferees to support the language offered to the House by Kolkhorst.

Kolkhorst presented the House conferees with a conference committee report (CCR) that included all the issues the industry groups had agreed to during months of negotiations. This included a bona fide offer based upon a valuation done by a licensed appraiser or real estate broker, the easement terms needed to protect landowner's rights and mandatory property owner information meetings if a project affected 25 or more separate landowners. Industry groups had agreed to all of this in the negotiations with Kolkhorst and Burns. But they would not support Kolkhorst's CCR.

Instead, they chose to support Chairman Craddick's CCR that had a loophole that would not require condemning entities to comply with the reforms when negotiating with most landowners. Only landowners the company would need to condemn would get the bona fide offer or easement terms. But the easement terms had been reduced from 26 to only 9, and meetings would only be held if 25% of landowners requested a meeting with no guarantee of when the meeting would take place. In fact, under the bill, a company could condemn landowners without ever holding a meeting. Yet, the industry groups are claiming it would have been eminent domain reform, because it included the "three things the landowner groups requested."

Statements like that, and the fact that these groups would not stand by the commitments they made in negotiations, demonstrated that these groups were not dealing in good faith.

The legislative staff would like to express our sincere appreciation to all our leaders and staff who engaged in our grassroots effort this session. Even though we were not able to pass eminent domain reform, you represented our organization well and showed that Texas Farm Bureau is truly engaged on this issue. We sent a strong message to the Capitol that Texas Farm Bureau is as strong as ever, and we will continue work to improve our effectiveness.

## **Brackish Groundwater**

**CSHB 722** by Rep. Lyle Larson (R-San Antonio) and sponsored by Sen. Charles Perry (R-Lubbock) was passed by both the House and Senate on May 27.

The development of brackish groundwater is one of the water supply strategies that can be used to meet the state's future water needs. Such development could provide an alternative to traditional water sources that is both reliable and drought resistant.

CSHB 722 aims to encourage and facilitate the development of brackish groundwater by setting out provisions relating to groundwater conservation district rules for permits in brackish groundwater production zones.

**HB 2545** by Rep. Ryan Guillen (D-Rio Grande City) and sponsored by Sen. Chuy Hinojosa (D-McAllen) was left pending in the Senate Finance Committee on May 17.

Currently, Texas is experiencing a water dilemma because of the rapidly increasing population, our increasing vulnerability to drought, expanding demand on current water supplies, the never-ending quest for "new water," virtually all our surface water is currently subscribed and the increased use of current groundwater resources is problematic.

The solutions to these problems are vast reserves of attainable brackish groundwater, endless supply of gulf seawater, increasing supply of oil and gas "produced water" and the use of current technology converting unusable water to usable. The proposed legislation offered acceptable incentives to reduce overall costs, reduce the need to inject "produced water" in disposal wells, created drought proof solutions to new water and created a new non-existing water market in Texas. The bill also allows tax incentives to be sold or transferred.

**TFB supports CSHB 722 and HB 2545.** (TFB Policy: Groundwater 153, Lines 61-63, 207-208, 220-221)

**[CSHB 2771](#) by Rep. J.M. Lozano (R-Kingsville) and sponsored by Sen. Bryan Hughes (R-Mineola)** was passed by the House on May 26 and the Senate on May 27.

This bill addresses the discharge of certain pollutants from oil and gas activities into water courses in Texas. CSHB 2771 gives the Texas Commission on Environmental Quality the power it needs to ensure that certain water and effluent discharged meets established water quality standards.

Texas Farm Bureau supports alternatives to injecting this waste under the ground. We prefer for this waste to be treated whereby the water is available for beneficial use.

**TFB supports CSHB 2771.** (TFB Policy: Water Management 155, Lines 13-15)

## **Reservoirs**

**[HB 2846](#) by Rep. Lyle Larson (R-San Antonio) and sponsored by Sen. Joan Huffman (R-Houston)** was sent to the governor on May 21.

HB 2846 would facilitate the construction of the Allen's Creek Reservoir in Waller County, near Seale. Allen's Creek Reservoir is an off-channel project that will capture excess flows from the Brazos River. This project will help satisfy downstream water demands and could help alleviate some of the drought pressures felt by irrigators in the Brazos River basin.

Texas Farm Bureau policy supports these types of off-channel reservoir projects. In addition, policy explicitly supports the expedited construction of the Allen's Creek Reservoir project.

**TFB supports HB 2846.** (TFB Policy: Surface Water 154, Lines 128-129)

## Wind Turbines

[CSHB 2845](#) by Rep. Terry Canales (D-Edinburg) and sponsored by Sen. Brandon Creighton (R-Conroe) was sent to the governor on May 26.

CSHB 2845 creates standards for the decommissioning of wind turbines across Texas. The bill will require wind facility agreements to contain language describing how the facility owner would remove turbines and restore the land.

As a leader in wind power, Texas should not abuse the landowners who provide the land needed for generation. CSHB 2845 will require a negotiation with landowners to restore the surface of the land to similar standard prior to the installation and deliver an estimate of the removal cost and salvage value to financially secure the removal of the facility.

**TFB supports CSHB 2845.** (TFB Policy: Renewable Energy 145, Lines 40-42)

## Taxes

[HB 1743](#) by Rep. Tracy King (D-Uvalde) and sponsored by Sen. Brandon Creighton (R-Conroe) was sent to the governor on May 22.

HB 1743 addresses the concern that the change-of-use roll back tax is far too excessive. The current change-of-use roll back was implemented decades ago at a time of much higher interest rates and a slower growing state.

HB 1743 lowers the time frame from five years to three years preceding the change-of-use and the interest applied to those years is lowered from seven percent to five percent.

**TFB supports HB 1743.** (TFB Policy: Property Taxes 142, Lines 56-62)

[HB 3348](#) by Rep. Ryan Guillen (D-Rio Grande City) and sponsored by Sen. Chuy Hinojosa (D-McAllen) was sent to the governor on May 21 and immediately took effect.

HB 3348 will help preserve Texas' cattle industry while combating a tick that threatens the entire industry. South Texas remains one of the last fronts battling the fever tick. HB 3348 will exempt land from being penalized or valued differently that has stopped raising cattle if the land is in a temporary quarantine zone established by the Texas Animal Health Commission (TAHC) to help eradicate the tick.

**TFB supports HB 3348.** (TFB Policy: Livestock 120, Lines 14-21 and Property Taxes 142, lines 381-387)

**[CSHB 1409](#) by Rep. Trent Ashby (R-Lufkin) and sponsored by Sen. Robert Nichols (R-Jacksonville)** was signed by the governor on May 16 and will become effective on Sept. 1.

CSHB 1409 clarifies an oversight in statute when certain changes take place on someone's property who is actively devoted to the production of timber. The bill clarifies that appraisers may not consider roads, right-of-ways or firebreaks that are used in generally accepted timber production practices; and right-of-ways that were taken through eminent domain.

Additionally, the bill clarifies that if oil and gas activity within the jurisdiction of the Railroad Commission has caused the stop of timber or restricted-use timber the land will still qualify. This provision of the bill lines up the bill with language that was passed during the 85th session.

**TFB supports CSHB 1409.** (TFB Policy: Property Taxes 142, Lines 31-34)

## **Rural Healthcare**

**[HB 871](#) by Rep. Four Price (R-Amarillo) and sponsored by Sen. Charles Perry (R-Lubbock)** was signed by the governor on May 28 and will become effective on Sept. 1.

This bill addresses the inability of certain health care facilities in rural Texas to satisfy requirements of a Level IV trauma facility due to staffing shortages. HB 871 seeks to address these concerns by allowing health facilities located in certain counties to meet such requirements through the use of telemedicine medical services. This is a critical issue for rural healthcare.

**TFB supports HB 871.** (TFB Policy: Health 182, Lines 36-39)

## **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](https://twitter.com/TFBGovAff_Billy)

Marissa Patton: [@TFBAUS\\_Marissa](https://twitter.com/TFBAUS_Marissa)

Mike Pacheco: [@TFBAUS\\_Mike](https://twitter.com/TFBAUS_Mike)

Texas Farm Bureau: [@texasfarmbureau](https://twitter.com/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®**