

TEXAS FARM BUREAU

86th Session of the Texas Legislature

Session Wrap-up Bill Summary

AGRICULTURE

- **HB 1** by Rep. John Zerwas and Sen. Jane Nelson – Effective Sept. 1, 2019 (TFB Supported)
 - Provided \$17.35 million for Texas Tech School of Veterinary Medicine.
 - Restored the Texas Department of Agriculture’s (TDA) Unexpended Balance Authority providing additional operation funds for TDA.
- **HB 32** by Rep. Mary Gonzalez – FAILED (TFB Neutral)
 - Required certain pecan purchasers in western Texas counties to complete a proof of purchase form through TDA and retain the form for at least 24 months after.
 - A buyer who fails to complete a proof of purchase form could be penalized up to \$250 for each violation.
- **HB 70** by Rep. Mary Gonzalez and Sen. Bob Hall – VETOED (TFB Supported)
 - Requires TDA to include in their strategic plan a goal of preventing crop disease and plant pests. This can be achieved by improving preventative management practices, creating and implementing a strong surveillance program, evaluating TDA’s procedures, and addressing how TDA will educate farmers and producers about crop disease and plant pest prevention.
- **HB 136** by Rep. Mary Gonzalez – FAILED (TFB Supported)
 - Required Texas A&M AgriLife and the Texas Department of Agriculture to develop educational materials to be included in existing pesticide applicator trainings along with creating a “Task Force on Pollinator Health” designed to study this issue.
- **HB 191** by Rep. Phil Stephenson – Effective Sept. 1, 2019 (TFB Supported)
 - The bill requires the Texas Department of Agriculture, in coordination with the Texas Commission on Environmental Quality and the Texas A&M AgriLife Extension Service, to organize a statewide program for the safe disposal of pesticide waste and containers.
- **HB 503** by Rep. Dan Flynn – FAILED (TFB Opposed)
 - HB 503 relates to the regulation of raw milk/products. Raw milk/products may not be sold at or on the premises of a grocery store, supermarket, or retail market. A person who holds a permit may sell raw milk/products to a consumer at their place of their business, consumer’s residence, or a farmers market.
 - A person who sells raw milk/products shall include a container label that includes the name or business name, permit number, the date the product was put into containers and a statement indicating the contents is unpasteurized raw milk/products and warnings related to food-borne illnesses.
 - A person who sells raw milk/products must comply with the container and transportation requirements. The product must be in an antiseptic single-use container and sold before the fifth day after filled unless it has been frozen. When transporting these products, they must be stored at or below 41 degrees Fahrenheit and protected from direct sunlight.
- **HB 1325** by Rep. Tracy King and Sen. Charles Perry – Effective Immediately (TFB Supported)
 - HB 1325 legalizes the cultivation, transportation, processing, and sale of hemp and hemp-derived products in Texas. It requires hemp and hemp products to contain no more than 0.3% THC, consistent with federal law, and codifies other requirements of the 2018 Farm Bill.
 - Under HB 1325, a state hemp production plan will be established to monitor and regulate the production of hemp in Texas. Texas Department of Agriculture (TDA) will write a plan that includes procedures for sampling, inspection, certification, and testing to ensure hemp plants and products do not exceed federal THC concentration limits.

- To cultivate or handle hemp in Texas, a person must apply and be licensed to participate through TDA and pass background checks. This legislation requires all crops in Texas to be tested by an accredited testing laboratory prior to harvest, as well as be subject to random testing and inspection. A postharvest test will be permitted, as will federally approved corrective actions should a sample exceed 0.3% THC, otherwise the crop must be destroyed.
 - HB 1325 also authorizes the Texas Department of State Health Services (DSHS) to adopt rules, consistent with the state production plan, to regulate the processing, manufacturing, and commercial sale of all consumable hemp products in Texas. In order to process, manufacture, or sale a consumable hemp product in Texas, a person or business must be licensed or permitted through DSHS.
 - The transportation of hemp plants and consumable hemp products must be accompanied by a shipping certificate or cargo manifest so law enforcement can identify the legally produced plant or product. HB 1325 also establishes comprehensive labeling requirements for all consumable hemp products to ensure product safety.
- **HB 1694** by Rep. Stan Lambert and Sen. Nathan Johnson – Effective Sept. 1, 2019 (TFB Supported)
 - Reduces the unnecessary and impractical requirements imposed on small farmers and food businesses selling at farmers' markets by clearly stating that a local health department may not impose additional permitting requirements on farmers' market vendors who wish to provide samples. Vendors will still be subject to regulations requiring sanitary handling of samples but will be free of additional and unreasonable local regulations of sampling.
 - **HB 2166** by Rep. Kyle Kacal and Sen. Pete Flores – FAILED (TFB Supported)
 - Allowed the State Seed and Plant Certification Council and the Texas Crop Improvement Association to certify seed, instead of the Texas Department of Agriculture.
 - **HB 2900** by Rep. Art Fierro and Sen. Bob Hall – Effective Immediately (TFB Neutral)
 - Allows a board or committee to hold an open or closed meeting by telephone conference call, if the meeting is inconvenient for a member of the board or committee.
 - **HB 4519** by Rep. Ken King- FAILED (Neutral)
 - Required the Secretary of State to create a statewide electronic filing system for the buying and selling of farm products.
 - **SB 743** by Sen. Bob Hall and Rep. Brad Buckley – Effective Immediately (TFB Neutral)
 - Established an Olive Oil Industry Advisory Board within TDA to advise the commissioner of agriculture on the emerging industry.
 - **SB 1884** by Sen. Lois Kolthorst and Rep. Drew Springer – FAILED (TFB Supported)
 - Amends the Agriculture Code to create an offense for a person who does the following:
 - intentionally releases, steals, destroys, or otherwise causes the loss of an animal or crop from an animal or crop facility without the consent of the animal's or facility's owner or operator;
 - damages, vandalizes, or steals any property on or from an animal or crop facility;
 - breaks and enters into an animal or crop facility with the intent to destroy or alter records, data, materials, equipment, animals, or crops;
 - knowingly obtains control by theft or deception or exerts unauthorized control over any materials, equipment, animals, or crops of an animal or crop facility for the purpose of depriving the facility's owner or operator or the facility of materials, equipment, animals, or crops; or
 - enters or remains on an animal or crop facility with the intent to commit any of this prohibited conduct.
 - Required the court to order a defendant convicted of an offense under the bill's provisions to pay restitution to the owner or operator of the animal or crop facility in an amount equal to the amount of the loss caused by the actor, including the value of any animal or crop damaged, destroyed, or lost.

- Authorizes the owner or operator of an animal or crop facility to bring an action for injunctive relief against a person who engages or threatens to engage in conduct that constitutes an offense under the bill's provisions.
- **SB 1939** by Sen. Kelly Hancock and Rep. Dustin Burrows - Effective Sept. 1, 2019 (Neutral)
 - SB 1939 will allow grape growers to retain title over their grape product at the grower's discretion.
 - SB 1939 also adds a section that states the necessary information that needs to be included on the receipt issued to the owner or depositor of the grapes. SB 1939 creates a receipt that holds the warehouse operator liable for the full value of the grapes that are represented on the receipt.

EDUCATION

- **HB 3** by Rep. Dan Huberty and Sen. Larry Taylor – Effective Sept. 1, 2019 (TFB Supported)
 - HB 3 seeks to improve public education, lower school district taxes, and pay teachers. School administrators will have the flexibility to allocate the additional funding to address local priorities and to increase benefits and salaries for teachers, librarians, nurses, and counselors.

EMINENT DOMAIN

- **SB 421/HB 991** by Sen. Lois Kolkhorst and Rep. DeWayne Burns – FAILED – Conference Committee Report Was Not Filed (TFB Supported)
 - Required an initial offer based on an appraisal, broker price opinion, current market analysis, or market study conducted by a licensed appraiser or real estate broker.
 - Required private condemning entities to offer landowners basic easement terms for pipelines or electric transmission lines. Required the easement terms to be included in a condemnation petition.
 - Required private entities with eminent domain to conduct an information meeting for property owners if 25 or more separately owned tracts would be affected by a project. Property owners that would not qualify for a group meeting could request to meet with the company.
 - TFB did not support the House-passed version of SB 421. We requested a conference committee to reinstate the above provisions that had been amended.

HEALTH CARE

- **HB 871** by Rep. Four Price and Sen. Charles Perry – Effective Sept. 1, 2019 (TFB Supported)
 - Allows rural health facilities to meet Level IV Trauma Center requirements by accessing trauma-certified doctors using telemedicine medical services.
- **HB 1065** by Rep. Trent Ashby and Sen. Lois Kolkhorst – Effective June 10, 2019 (TFB Supported)
 - Establishes the Rural Resident Physician Grant Program to encourage the creation of new graduate medical education positions in rural areas. The state will provide grants to rural medical facilities for residency programs.
- **SB 170** by Sen. Charles Perry and Rep. Four Price – Effective Sept. 1, 2019 (TFB Supported)
 - Ensures rural hospitals will be reimbursed for the full cost of treating Medicaid patients.

TAXES

- **HB 639** by Rep. Drew Springer and Sen. Robert Nichols – Effective Jan. 1, 2021 (TFB Supported)
 - Requires property to be used as an "eco-lab" 5 of 7 years to qualify for open-space valuation.
 - Those who may not meet the 5 of 7 threshold, but already qualify as of the 2019 tax year, will be grandfathered in.
- **HB 1743** by Rep. Tracy King and Sen. Brandon Creighton – Effective Sept. 1, 2019 (TFB Supported)
 - Lowers the time frame for paying rollback taxes from five years to three years preceding the change-of-use. And, it lowers the interest applied to those years from 7% to 5%.

- **HB 3348** by Rep. Ryan Guillen and Sen. Chuy Hinojosa - Effective Immediately (TFB Neutral)
 - This bill will exempt land in a temporary fever tick quarantine zone from being penalized or valued differently that has stopped raising cattle to help eradicate fever ticks.
- **SB 2** by Sen. Paul Bettencourt and Rep. Dustin Burrows – Multiple Effective Dates for Bill Sections in 2019, 2020, and 2021 (TFB Supported)
 - Cities, counties, and other taxing units must hold an election if they wish to raise 3.5% more property tax revenue than the previous year. The growth rate excludes taxes levied on new construction and can be averaged over three years, allowing taxing units to exceed the 3.5% threshold in some of them.
 - Community colleges, hospital districts, and small taxing units—with rates of 2.5 cents per \$100 of taxable value or less—will need voter approval to increase a property tax levy by more than 8% annually.
 - SB 2 DID NOT address school districts.

TRANSPORTATION

- **HB 1262** by Rep. Keith Bell and Sen. Robert Nichols – Effective Immediately (TFB Supported)
 - Provides the option to register trailers under 7,500 pounds in 5 year increments.
- **HB 2290** by Rep. Brad Buckley and Sen. Pete Flores – Effective Sept. 1, 2019 (TFB Supported)
 - Currently, slow-moving vehicles are required to mount an emblem three to five feet above the road surface on the rear of the vehicle.
 - This bill will remove the height requirement and allow the owner to mount the emblem at a height that does not impair the visibility of the emblem.
- **HB 2837** by Rep. Terry Canales and Sen. Chuy Hinojosa – Effective Sept. 1, 2019 (TFB Supported)
 - Revises certain requirements relating to the operation and equipment of certain vehicles, such as covered farm vehicles, slow-moving vehicles, authorized emergency vehicles, and certain trailers.
 - This bill adds vehicles that are being used for the purpose of participating in equine activities or attending livestock shows and covered farm vehicles to the list of vehicles exempt from being operated by a driver with a commercial driver’s license.
 - It also authorizes an improved shoulder as lane of traffic for slow-moving vehicles. This adjustment is a common sense change that should bring relief to rural communities.

WATER

- **HB 720** by Rep. Lyle Larson and Sen. Charles Perry – Effective June 10, 2019 (TFB Supported)
 - Expands the authority of TCEQ to permit Aquifer Storage and Recovery projects to include projects for the purpose of aquifer recharge.
- **HB 722** by Rep. Lyle Larson and Sen. Charles Perry – Effective Sept. 1, 2019 (TFB Supported)
 - Allows a landowner or groundwater owner to petition a groundwater conservation district to adopt rules for brackish groundwater.
 - If the GCD adopts rules, the rules only apply to municipal or electric generation.
 - Permits would be issued the same as fresh water permits, but production under the permit would be for 30 years and based on the TWDB brackish groundwater production zone study of how much water can be produced without detrimental effects.
 - Permittees would have to monitor and report any effects the production has on fresh water or other adverse impacts.
 - Rules can be adjusted based on evidence of any adverse impacts.
- **HB 2122/SB 2026** by Rep. Cody Harris and Sen. Charles Perry – FAILED (TFB Supported)
 - This bill relates to regulating the production of a retail public utility well by a ground water conservation district.
 - The bill 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.

- **HB 2123** by Rep. Cody Harris – FAILED (TFB Supported)
 - Allows landowners or groundwater owners to petition a groundwater conservation district to consider amending its rules.
 - The petition must demonstrate that the current rules don't protect private property rights or the regulations don't provide reasonable management of the groundwater.
- **HB 2125** by Rep. DeWayne Burns – FAILED (TFB Supported)
 - 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.
 - HB 2125 removed 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.
- **HB 2249** by Rep. Eddie Lucio III – FAILED (TFB Opposed)
 - This bill was promoted for the third legislative session by the Texas Rural Water Association.
 - HB 2249 proposes that when regulating the production of groundwater based on tract size or acreage, a district shall consider not just the acreage the utility actually owns but also the acreage of their service area.
 - The bill presents some serious legal issues regarding constitutional rights of landowners by attempting to statutorily convey landowners groundwater rights to the utility, it takes private groundwater for a public use without compensation or the landowners consent, and requires groundwater conservation districts to illegally discriminate.
- **HB 2771** by Rep. Jose Lozano and Sen. Bryan Hughes – Effective Sept. 1, 2019 (TFB Supported)
 - This bill addresses the ability to discharge treated water from oil and gas activities into a state water course.
 - HB 2771 gives the Texas Commission on Environmental Quality the authority to permit treated waste water to be discharged into the water in Texas if it meets established water quality standards.
- **HB 2846** by Rep. Lyle Larson and Sen. Joan Huffman – Effective June 2, 2019 (TFB Supported)
 - Facilitates 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.
- **HJR 4** by Rep. Dade Phelan and Sen. Brandon Creighton – On the Nov. 5, 2019 Ballot (TFB Supported)
 - Recent catastrophic flood events have highlighted the need for our state to have plan and the funding necessary to address these major weather events. These flood events have had a major impact on Texas agriculture and rural communities.
 - HJR 4 is the constitutional amendment that creates the flood infrastructure fund to assist in financing drainage, flood mitigation, and flood control projects.
- **SB 7** by Sen. Brandon Creighton and Rep. Dade Phelan – Effective Immediately (TFB Supported)
 - Creates the Flood Infrastructure Fund to be used by the Texas Water Development Board and provides for a \$3.26 billion appropriation from the rainy day fund.
 - The fund creates the following four accounts: floodplain management, Hurricane Harvey, flood plan implementation account, and the federal matching account.
- **SB 8** by Sen. Charles Perry and Rep. Lyle Larson – Effective June 10, 2019 (TFB Supported)
 - Creates a State Flood Plan to prepare for floods, guide public policy, and contribute to water development.
 - Plan must include evaluation of flood control infrastructure, rank projects and strategies, analyze projects, analyze 100-year flood plains, and develop legislative recommendations.
 - Creates regional flood planning groups to develop regional plans.
 - Provides for a 10-year Soil and Water District dam repair and maintenance plan.

- **SB 851** by Sen. Charles Perry – FAILED (TFB Supported)
 - This bill addresses the current law that requires a landowner to pay the attorney fees of a groundwater conservation district, but does not allow the landowner to be awarded their attorney fees.
 - SB 851 removed the mandated awarding of attorney fees to GCDs. Instead, it gives discretion to the court to award attorney fees to either prevailing party. Capped fees at \$250,000.

MISCELLANEOUS

- **HB 347** by Rep. Phil King and Sen. Brian Birdwell – Effective Immediately (TFB Supported)
 - This legislation allows all property owners the right to vote on whether a city can annex them. Currently, only counties with a population of 500,000 or more are given the right to vote prior to annexation. Counties less than 500,000 in population are only able to vote on annexation if 10% or more of the voters in the county petition for the vote to occur. HB 347 eliminates the need to petition for an annexation vote by removing the population brackets.
- **HB 1995** by Rep. Tracy King and Sen. Juan Hinojosa – Effective Sept. 1, 2019 (TFB Supported)
 - Changes the distribution of the money deducted from simulcast pari-mutuel pools for the Texas Racing Commission.
 - The bill will allow the 1% from simulcast pari-mutuel pools and the 1.25% collected from cross-species pari-mutuel pools from general revenue to TRC's administration.
- **HB 1526** by Rep. Cecil Bell and Sen. Angela Paxton – Effective Jan. 1, 2020 (TFB Supported)
 - Exempts nursery weather protection units, or hoop houses from ad valorem taxes.
- **HB 2422** by Rep. Charles "Doc" Anderson – Effective Sept. 1, 2019 (TFB Supported)
 - This bill will require public notification from TxDOT of certain road projects.
 - Notification will be to make broadband providers aware of exposed ROW to lay fiber by joint trenching opportunities.
- **HB 2463** by Rep. Tracy King and Sen. Lois Kolkhorst – Effective Sept. 1, 2019 (TFB Supported)
 - This bill seeks to provide a mechanism for purse matching by requiring certain tax revenue to be deposited to a horse industry escrow account for use as purses.
 - HB 2463 requires the deposit of state sales and use taxes collected on the sale, storage, or use of horse feed, horse supplements, and horse tack into the Racing Commission Escrowed Purse Trust Account. The bill ensures at least \$50 million of this revenue is deposited into this account.
- **HB 3366** by Rep. Kyle Kacal and Sen. Lois Kolkhorst – Effective Sept. 1, 2019 (TFB Supported)
 - Helps Texas' horse industry by easing concerns about the funds for the Texas-Bred program.
 - The bill creates an escrow account for the money in the Texas-bred incentive fund. The Texas Racing Commission will deposit the money that is for the program or under provisions of Texas Racing Act. This will ensure protection for the incentive fund and deliver it to the audience targeted by the Legislature.
 - The creation of the escrow account will set the money outside the racing commission therefore reflecting a more accurate picture of the Texas Racing Commission's budget. HB 3366 will help reduce costs to the Texas Racing Commission and the fees it assesses to the Texas racing industry.
- **SB 14** by Sen. Robert Nichols and Rep. John Kuempel – Effective Immediately (TFB Neutral)
 - SB 14 seeks to make high-speed internet more available to rural Texans by authorizing Texas electrical cooperatives and their affiliates to deploy broadband to their members using the cooperatives' existing electricity easements.
 - TFB asked for an amendment requiring electrical cooperatives to notify landowners that the coop will use existing easements for this new use.
 - Landowners will have 60 days to protest if they don't want their easement used for this purpose.

- **SB 317** by Sen. Bryan Hughes and Rep. Steve Toth – Effective Sept. 1, 2019 (TFB Supported)
 - Under current law, feral hogs must be causing depredation in order to be taken without a hunting license.
 - SB 317 strikes "causing depredation" from statute to allow all feral hogs in Texas to be taken anytime without a hunting license and anyone can take one with the landowner's permission.

- **SB 2070** by Sen. Jose Menendez and Rep. Geanie Morrison – FAILED (TFB Supported)
 - This bill would have prohibited the Texas Commission on Environmental Quality from issuing a permit, registration or other authorization for direct land application of grease trap waste or grit trap waste.