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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.

Winter Storm Resources

Texas Farm Bureau Hosts Call with Governor's Office and Ag Groups

At the request of the Governor's Office, Texas Farm Bureau hosted a call with other agricultural organizations to discuss the impacts of the recent winter storm on Texas agriculture.

TFB and other ag groups shared accounts of losses and estimates of long-term damage to various commodity industries, what could be done to assist farmers and ranchers during the recovery process, and measures needed to ensure adequate preparedness for future extreme weather events. During the visit, groups also advocated for easing regulatory burdens related to farm highway transit and the need for a guaranteed power supply to processing facilities.

The governor's office was very receptive, and TFB feels that this meeting was a productive step toward enhanced natural disaster preparedness among the industry.

For more information about disaster assistance, visit TFB's [Winter Storm Resources Page](#).

Legislative Update

Lieutenant Governor declares Texas Farm Bureau Priority Issues as part of his 31 Priority Items

Lt. Gov. Dan Patrick announced his top priorities for the 2021 legislative session on Tuesday. Among those priorities are two of TFB's priority issues: rural connectivity and transportation. As written in the Lt. governor's [press release](#) on the matter, his "priorities are designed to protect taxpayers and the Texas economy as it rebuilds following the pandemic and to secure Texas' future, including addressing power failures in the recent winter storm. As always, the legislation he is championing also includes continued support for life, liberty, and conservative Texas values."

Of the 31 prioritized bills, Patrick has created placeholders for "Statewide Broadband Access" as SB 5 and "Protect Texas Trucking" as SB 17.

Although most of the bills on his priority list have not yet been filed, Lt. Gov. Patrick's list covers all six emergency items that Gov. Greg Abbott has designated.

Eminent Domain

HB 2042 and **SB 723**: Relating to certain requirements in connection with the acquisition of real property for public use by an entity with eminent domain authority.

[Rep. Leman, Ben \(R\)](#)

[Sen. Schwertner, Charles \(R\)](#)

Summary

Companion bills HB 2042 and SB 723 propose safeguards for landowners during the initial examination and survey of potential properties.

The bills propose that condemning authorities should make property owners aware of their rights during the early phases of condemnation. Condemnors would be required to disclose the following with the initial offer:

- the condemning entity's obligation to pay property owners for damages arising from the surveying of a property,
- the property owner's right to refuse entry onto their land for a survey,
- the property owner's right to negotiate the terms of the survey,
- the condemning entity's right to file suit for a court order to enter and survey the property.

In addition to providing the disclosures with the initial offer, entities would be required to obviously display them on their survey permission forms.

HB 2042 and SB 723 aim to rewrite the sections of code that allow condemners to withhold the Landowner Bill of Rights until the final offer—it would instead be required with the initial offer.

Also proposed are requirements for those same entities who seek to acquire portions of a property *without using condemnation*. If the entity would like to acquire some portion of the property separately from the condemnation proceeding, it must be pointed out to the property owner. This is likely to prevent confusion on whether the entire property is being condemned. The only exception to this provision would be state highways.

TFB **supports** HB 2042 and SB 723. (TFB 2021 Policy: Eminent Domain 151, Page 61, Lines 30-33).

Property Taxes

HB 2043 and **SB 725**: Relating to the qualification of land for appraisal for ad valorem tax purposes as agricultural land and the liability for the additional tax imposed on such land if the use of the land changes because of a condemnation.

[Rep. Leman, Ben \(R\)](#)
[Sen. Schwertner, Charles \(R\)](#)

Summary

Companion bills HB 2043 and SB 725 propose that the tax code be changed to provide additional protections for landowner's remaining property after a condemnation.

The bills propose that land remain qualified for agricultural use tax valuation if the landowner was forced to stop using the property for agricultural use because of a condemnation. The qualification would only apply if the property owner continued to use the unaffected portions of land for agricultural use and the condemned right-of-way is less than 200 feet wide.

If the land cannot remain qualified under the provision, the condemning entity would be required to pay the owner's additional taxes and interest.

TFB **supports** HB 2043 and SB 725. (TFB 2021 Policy: Real Property Rights 150, Page 56, Lines 32-35. Property Taxes 142, Page 37, Lines 65-68).

Livestock

HB 1958: Relating to the regulation of livestock export-import processing facilities; creating a criminal offense.

[Rep. González, Mary \(D\)](#)

Summary

This bill proposes regulation of livestock import-export facilities in Texas, particularly when an animal's export application is denied. Under this bill, the Texas Animal Health Commission may require the detained animal to be tested and treated for the disease or pest that caused the denied export application. In addition, the animal owner, not the commission, is responsible for the cost of testing or treating the animal.

The criminal offense—a Class C Misdemeanor—would arise from a person knowingly transporting an afflicted animal.

TFB **supports** HB 1958. (TFB 2021 Policy: Texas Animal Health Commission 107, Pages 5 & 6, Lines 14-18 / Livestock 120, Page 16, Lines 138-139.)

Tort Reform

A Proposed Change to the Texas Recreational Use Statute

HB 1794: Relating to the liability of an owner, lessee, or occupant of real property in connection with the use of or entry onto the property.

[Rep. Johnson, Julie \(D\)](#)

Background: The Current Statute

The Texas Recreational Use Statute applies to landowners who use their property for recreational purposes if it meets one of the three monetary criteria: (1) a fee is not charged; (2) the fee charged by the landowner is less than 20 times the amount of ad valorem taxes paid by the landowner last year; or (3) the landowner maintains insurance coverage as defined by the statute.

“This statute differs from the Agritourism Act or Farm Animal Liability Act in that it requires no signage or signed documents. Instead, owners, lessees, and occupiers of agricultural land need only ensure they meet one of the three monetary requirements listed in the statute.” Lashmet, T., [Landowner Liability Protections](#), page 3.

HB 1794 concerns the third monetary criterion: insurance coverage. Agricultural landowners who elect to meet this option are usually afforded an additional statutory benefit—a limit on the damage amount that may be awarded in

cases where an agricultural landowner, lessee, or occupant carried this level of insurance.

[Texas A&M AgriLife Extension's Tiffany Dowell Lashmet](#) keeps property owners informed with articles and courses on landowner liability in Texas. For more information, see: [Texas Recreational Use](#) or [Landowner Liability Protections](#) (pages 1-3).

Summary: The Proposed Change

HB 1794 proposes removing the third monetary criterion entirely. This means that the insurance coverage criterion would no longer be an option for those who do not qualify under criteria 1 or 2. As a result, it would also remove the statutory benefit of award limits.

TFB **opposes** HB 1794. (TFB 2021 Policy: Real Property Rights 150, Page 58, Lines 97-99.)

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