



AUSTIN NEWSLETTER

Texas Farm Bureau's Weekly Newsletter for the 87th Legislature

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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.

Legislative Update

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 \(R\)](#)

On April 12, SB 723 was heard in the Senate Committee on State Affairs.

Click [here](#) to read our summary of HB 2042 and SB 723 in Issue 7 of the *Austin Newsletter*.

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

HB 2041 and **SB 721**: Relating to the regulation of groundwater conservation districts.

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

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

On April 12, SB 721 was voted favorably from the Senate Committee on State Affairs. Shortly after—on April 13—HB 2041 was voted favorably from the House Committee on Land and Resource Management.

Summary

HB 2041 and SB 721 would require condemnors to provide appraisals used at special commissioner's hearings at least three business days before the hearing. Landowners are already required to provide this same information, so disclosure by both parties would even the playing field in eminent domain proceedings.

TFB **supports** HB 2041 and SB 721. (TFB 2021 Policy: Eminent Domain 151, Page 61, Lines 30-33.)

HB 2044 and **SB 726**: Relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity.

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

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

On April 12, the Committee Substitute for SB 726 was voted favorably from the Senate Committee on State Affairs. Shortly after—on April 13—the Committee Substitute for HB 2044 was voted favorably from the House Committee on Land and Resource Management.

Summary

HB 2044 and SB 726 propose updating the definition of “actual progress” in eminent domain acquisitions. Current law allows property owners to repurchase land acquired through eminent domain if the property is not used for the stated purpose within 10 years. The exception to that rule is when the entity has made “actual progress” toward the public use.

Whereas current statute requires just two actions to be taken, HB 2044 and SB 726 would require the condemnor to complete three of the actions listed below:

- Performing significant labor to develop the properties acquired for the project.
- Provision of a significant amount of materials to develop the properties acquired for the project.
- Hiring or contracting with a professional who completes a significant amount of work in preparing a plan, plat, or easement in furtherance of acquiring property for the same project.
- Applying for state or federal funds to develop the properties acquired for the project.
- Applying for state or federal permits or certificates to develop the properties acquired for the project.

Because of the nature of their projects, navigation districts and port authorities would be required to meet only one of the above requirements to display actual progress.

TFB **supports** HB 2044 and SB 726. (TFB 2021 Policy: Eminent Domain 151, Page 62, Lines 69-76.)

Sunset Review

Texas Department of Agriculture, Prescribed Burning Board, and Texas Boll Weevil Eradication Foundation

HB 1835 and **SB 703**: Relating to the continuation and functions of the Department of Agriculture, the Prescribed Burning Board, and the Texas Boll Weevil Eradication Foundation and the abolishment of the Early Childhood Health and Nutrition Interagency Council.

[Rep. Canales, Terry \(D\)](#)

[Sen. Buckingham, Dawn \(R\)](#)

On April 13, the Committee Substitute for SB 703 was voted favorably from the Senate Committee on Water, Agriculture, & Rural Affairs. It will now be taken up by the full Senate.

Author's/Sponsor's Statement Of Intent:

"The purpose of SB 703 is to enact the statutory recommendations of the Sunset Advisory Commission on the Texas Department of Agriculture (TDA), the Texas Boll Weevil Eradication Foundation, the Prescribed Burning Board, and the Early Childhood Health and Nutrition Interagency Council.

Since its creation in 1907, TDA has grown to play a significant role in both agricultural and rural affairs across this state. The Sunset Commission concluded TDA is well-managed but identified several opportunities to provide a firmer foundation for staff to successfully perform TDA's many functions, such as using data on violation trends and risk-based analyses to prioritize its regulatory inspections. The commission also determined TDA's regulation of aquaculture businesses provides no meaningful public benefit and should be eliminated. TDA is subject to abolishment under the Sunset Act on September 1, 2021, unless continued by the legislature.

The commission's review included several smaller entities associated with TDA. The commission recommends continuing the Texas Boll Weevil Eradication Foundation for critical prevention of boll weevil re-infestation, as well as the Prescribed Burning Board that regulates prescribed burning to reduce risk of wildfires but recommends formally abolishing the Early Childhood Health and Nutrition Interagency Council that voluntarily disbanded in 2018."

TFB **supports** HB 1835 and SB 703. (TFB 2021 Policy: Texas Department of Agriculture 106, Page 4, Lines 1-6 and 30-32.)

Texas Parks and Wildlife Department

SB 700 and **HB 1615**: Relating to the continuation and functions of the Texas Parks and Wildlife Department.

[Sen. Buckingham, Dawn \(R\)](#)

[Rep. Cyrier, John \(R\)](#)

On April 12, the Committee Substitute for SB 700 was voted favorably from the Senate Committee on Natural Resources and Economic Development.

Summary

HB 1615 and SB 700 are sunset bills continuing the operations of the Texas Parks and Wildlife Department (TPWD) until 2033. The TPWD mission is "to manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations."

The Sunset Advisory Commission adopted recommendations aimed to improve consistency and fairness for individuals and small business owners licensed by TPWD in

occupations like commercial fishing, retail and wholesale fish dealing, and deer breeding. These provisions include requiring the agency to implement a risk-based approach to inspections. The commission also found the agency's multiple strategic planning processes have become muddled over time. This has impeded the agency's ability to best plan its operations, and to identify and address its future needs. Accordingly, the commission recommends requiring the agency to refine the scope, and measure the effectiveness, of its Land and Water Resources Conservation and Recreation Plan. Other recommendations included in the bill aim to ensure the agency is up to date with best practices for open and effective government.

TFB **supports** HB 1615 and SB 700. (TFB 2021 Policy: Wildlife 130, Page 19, Lines 6-8.)

Rural Development

HB 570 and **SB 1710**: Relating to small business recovery funds and insurance tax credits for certain investments in those funds.

[Rep. Paddie, Chris \(R\)](#)

[Sen. Springer, Drew \(R\)](#)

On April 1, the committee substitute for HB 570 was voted favorably from the House Committee on International Relations and Economic Development.

Click [here](#) to read our original summary of HB 570 and SB 1710 in Issue 10 of the *Austin Newsletter*.

TFB **supports** HB 570 and SB 1710. (TFB 2021 Policy: Rural Living 183, Page 117, Line 56).

Commodities

HB 2089 and **SB 731**: Relating to the detection and mitigation of plant pests and diseases.

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

[Rep. Burrows, Dustin \(R\)](#)

On April 12, HB 2089 was passed to the third reading by the House. On April 13, HB 2089 was passed out of the House with 148 votes for and 0 against.

Click [here](#) to read our summary of HB 2089 and SB 731 in Issue 8 of the *Austin Newsletter*.

TFB **supports** HB 2089 and SB 731. (TFB 2021 Policy: Wheat and Feed Grains 129, Page 19, Lines 9-12 / Animal Species Generally 148, Page 55, Lines 13-15 & 31-34 / Fruits and Vegetables 116, Page 12, Lines 4-7 / Pecans 123, Page 18, Lines 6-7 / Plant Diseases and Insects 136, Page 29, Lines 6-8 & 31 & 39-44.)

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