



AUSTIN NEWSLETTER

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

April 30, 2021 | Regular Session, Issue 16 | 87th 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 Update

—ACTION ALERT!—

HB 3924 by Oliverson - Farm Bureau Health Plan Bill

Scheduled for a vote on the House Floor for Tuesday, May 4.

HB 3924 by Oliverson would allow Texas Farm Bureau to provide members with an option to purchase an affordable health plan, with extensive health coverage as a member benefit.

Texas Farm Bureau members have made it clear that finding affordable health coverage is challenging and sometimes seems impossible. This legislation will allow Texas Farm Bureau to use our statewide infrastructure and resources to provide that service to our members without the burdensome insurance regulations that drive up the cost of health insurance. These health plans are not insurance, which makes them more flexible and affordable.

These non-insurance health plans are a proven, reliable approach to health coverage. Other state farm bureaus—such as Tennessee, South Dakota, Indiana, Iowa, and Kansas—offer these plans to their members. Tennessee Farm Bureau Federation first started offering these plans in 1993, and it has been very successful for their organization and their members.

However, opposition is targeting this bill for many reasons, including anti-competition with the traditional carriers; labeling Farm Bureau health plans as “junk” or “skimpy” plans; and falsely saying those with pre-existing conditions will be denied coverage outright.

These plans are not subject to the same requirements as the Affordable Care Act plans, and that is how Farm Bureau health plans provide extensive coverage, as a free-market, affordable option for those in Texas who do not have access to health care from their employer or do not receive a subsidy for an ACA plan. HB 3924 would provide an additional option for Texans without health coverage, and it does not take away from the existing health coverage options.

[CLICK HERE TO VIEW THE FAQ ON HB 3924.](#)

PLEASE CONTACT YOUR REPRESENTATIVE IMMEDIATELY AND ASK THEM TO SUPPORT HB 3924 ON THE HOUSE FLOOR.

To find contact information for your representative(s), click [here](#).

Eminent Domain

HB 2730: Relating to the acquisition of real property by an entity with eminent domain authority.

[Rep. Deshotel, Joe \(D\)](#)

For the past few weeks, Representative DeWayne Burns has engaged in intense negotiations with the industry representatives on eminent domain reform language that both industry and landowner groups can agree to. The language makes significant improvements to the initial offer and providing an instrument of conveyance with minimum easement terms. Texas Farm Bureau has reviewed this language and agreed to support it.

However, Chairman Deshotel is requiring the language to be amended into his bill, HB 2730, to ensure the language is not amended on the House floor or in the Texas Senate. To help ensure meaningful eminent domain reform passes this session, Representative Burns has agreed to support putting his negotiated language into HB 2730, and he has signed on as a joint author of the bill.

At this time, Chairman Deshotel intends to vote the bill out of committee on Monday, May 3. However, this is subject to change, depending on the action of stakeholders or legislators that Chairman Deshotel feels are adversarial to maintaining the Burns-negotiated language without amendment.

The bill being passed from committee, as soon as possible, is critical at this point. The deadline for House bills to pass the House is Thursday, May 13.

TFB **supports** HB 2730. (TFB 2021 Policy: Eminent Domain 151, Pages 61-62, Lines 9-15 and 52-62.)

HB 448: Relating to the right of property owners to file complaints against certain entities regulated by the Railroad Commission of Texas regarding alleged misconduct by the entities while exercising eminent domain authority.

[Rep. Bailes, Ernest \(R\)](#)

On April 21, the Committee Substitute for HB 448 was reported from the House Committee on Land and Resource Management.

Summary

CSHB 448 proposes the establishment of a landowners' ombudsman office. The office would receive complaints and provide information to landowners whose real property is subject to eminent domain condemnation. Landowners would be allowed to file complaints alleging an entity's misconduct when the entity misrepresents the landowner's rights, the entity's power to condemn, the intended use for the property, or the condemnation procedure. Criminal trespass would also constitute as misconduct.

The bill would add the owner's right to file this complaint to the Landowner's Bill of Rights.

TFB **supports** HB 448. (TFB 2021 Policy: Eminent Domain 151, Page 63, Lines 125-127.)

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 \(R\)](#)

After passing the Senate last week, SB 723 was referred to the House Committee on Land and Resource Management on April 26.

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).

Water

SB 601 and **HB 3096:** Relating to the creation and activities of the Texas Produced Water Consortium.

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

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

On April 26, the Committee Substitute for SB 601 was reported favorably from the House Committee on Natural Resources.

Committee Substitute Changes

The Committee Substitute differs from SB 601 Engrossed in the following ways:

- Includes an additional duty to study environmental and public health considerations.
- Adds one position to the agency advisory council—a representative from the General Land Office.
- The consortium must make recommended changes to laws. The committee Substitute adds administrative rules to the recommendation list.
- Published consortium research may not be privileged, proprietary, or confidential. This is an important caveat for private companies who choose to participate in the project.

Click [here](#) to read our original summary of SB 601 in Issue 5 of the *Austin Newsletter*.

TFB **supports** SB 601 and HB 3096. (TFB 2021 Policy: Water Management 155, Page 78, Lines 146 – 147.)

SB 152 and **HB 668**: Relating to the regulation of groundwater conservation districts.

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

[Rep. Harris, Cody \(R\)](#)

After passing the Senate unanimously, SB 152 was referred to the House Committee on Natural Resources. The bill was voted favorably from the House Committee on April 29.

The attorney's fees provision has been removed from SB 152 due to opposition from groundwater conservation districts. Had it remained, the provision would have allowed judges to use their discretion when awarding attorney's fees in a groundwater regulation suit. Current law mandates the judge to award attorney's fees to the Groundwater Conservation District if they prevail in a suit, whereas SB 152 would have allowed the judge to decide whether such an award is necessary. Nevertheless, the provision has been removed from the bill while the other TFB supported provisions remain.

Not addressing the attorney fees provision in Chapter 36 of the Texas Water Code is more detrimental to the districts, than landowners. Due to the federal 5th Circuit of Court of Appeals decision in the Stratta Fazzino takings suit, landowners can file constitutional challenges in federal court against local districts. Under federal law, a prevailing landowner is likely to be awarded attorney fees against the district. And the federal court is unlikely to award attorney fees to the district, unless the lawsuit was frivolous. So, by not addressing the attorney fees provision in state law, landowners

are likely to continue filing suits in federal court, which puts districts at risk of having to pay a prevailing landowner's attorney fees. Therefore, this will certainly be an issue in the future.

Click [here](#) to read our original summary of SB 152 and HB 668 in Issue 3 of the *Austin Newsletter*.

TFB **supports** SB 152 and HB 668. (TFB 2021 Policy: Real Property Rights 150, Page 57, Lines 13-16; Groundwater 153, Pages 67 and 69, Lines 9-13, 45-59 and 140-145.)

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 \(R\)](#)

SB 703 was heard in the House Committee on Agriculture and Livestock on April 29.

Click [here](#) to read our summary of HB 1835 and SB 703 in Issue 14 of the *Austin Newsletter*.

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

Commodities

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

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

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

HB 2089 was placed on the Senate Local & Uncontested Calendar for April 29.

Click [here](#) to read our original 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.)

Sunset Review

Texas Animal Health Commission

HB 1830 and **SB 705**: Relating to the continuation and functions of the Texas Animal Health Commission.

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

[Sen. Lucio Jr., Eddie \(D\)](#)

SB 705 was heard in the House Committee on Agriculture and Livestock on April 29.

Click [here](#) to read original summary of HB 1830 and SB 705 in Issue 11 of the *Austin Newsletter*.

TFB **supports** HB 1830 and SB 705. (TFB 2021 Policy: Livestock 120, Pages 15-16, Lines 88-91).

Texas Farm Bureau State Legislative Team

Billy Howe, Associate Director of Government Affairs

Issue Areas: Natural Resources, Environmental Regulations, Ethics & Elections, and Appropriations

Email: bhowe@txfb.org

Austin Office Phone: [512-472-8288](tel:512-472-8288)

Waco Office Phone: [254-751-2208](tel:254-751-2208)

Charlie Leal, State Legislative Director

Issue Areas: Tort, Utility Regulation, Rural Affairs, Transportation Infrastructure, and Appropriations

Email: cleal@txfb.org

Austin Office Phone: [512-472-8288](tel:512-472-8288)

Joy Davis, Associate Legislative Director

Issue Areas: Eminent Domain, Agriculture, Taxes, Trucking Regulations, Labor, and Appropriations

Email: jdavis@txfb.org

Austin Office Phone: [512-472-8288](tel:512-472-8288)

Harold Stone, Associate Legislative Director

Issue Areas: Wildlife, Land Use Regulation, Criminal Justice, Energy Regulation, and Appropriations

Email: hstone@txfb.org

Austin Office Phone: [512-472-8288](tel:512-472-8288)

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)

Charlie Leal: [@TFB_Charlie](https://twitter.com/TFB_Charlie)

Joy Davis: [@TFB_Joy](https://twitter.com/TFB_Joy)

Harold Stone: [@TFB_Harold](https://twitter.com/TFB_Harold)

Contact Us

State Office

P.O. Box 2689
Waco, TX 76702
[254-772-3030](tel:254-772-3030)

Austin Office

600 W. 12th St.
Austin, TX 78701
[512-472-8288](tel:512-472-8288)