



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

The first major procedural deadline is next week. House bills must pass out of the House Chamber by Thursday, May 13, or the legislation dies.

Eminent Domain

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

Primary Author:

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

Joint Authors:

[Rep. Burns DeWayne \(R\)](#)

[Rep. Geren, Charlie \(R\)](#)

[Rep. King, Ken \(R\)](#)

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

On May 4, the Committee Substitute for HB 2730 was voted favorably from the House Committee on Land and Resource Management with seven votes for, one vote against, and one absent. Click [here](#) to see the committee vote in the meeting minutes.

The language in HB 2730 that was passed out of committee was the language negotiated between Representative Burns and the Coalition for Critical Infrastructure (CCI). CCI would not support the compromise unless Chairman Deshotel authored the bill to protect it from amendments in the Senate. Therefore, to finally pass important reforms to the eminent domain process, Representative

Burns graciously agreed to support passing his negotiated language in HB 2730; and has agreed to be a joint author on the bill.

HB 2730, as reported from committee, does the following:

- Requires the Landowner Bill of Rights (LOBR) to be updated every two years by the Attorney General. It also requires the A.G. to allow public comment on the LOBR prior to approval. (TFB Supports)
- Adds a requirement to the LOBR that it include notice of the minimum easement terms and terms that can be negotiated a landowner will receive with or before the initial offer. (TFB Supports)
- Adds a notice to the LOBR that a property owner may file a complaint with the Texas Real Estate Commission against a land agent that acts unethically in negotiations. (TFB Supports)
- Requires land agents to go through additional education and creates a penalty if they low ball a landowner. (TFB Supports)
- The new initial offer requirements apply to BOTH public and private entities. (TFB Supports)
- Requires a statement “bold print and larger font” in the initial offer that informs the landowner whether the offer includes damages to the remainder. (TFB Supports)
- Requires LOBR with or before the initial offer. (TFB Supports)
- Requires PRIVATE entities to provide the landowner with an instrument of conveyance that includes the minimum easement terms and notice of the other terms that may be negotiated. (TFB Supports)
- Landowners that want to use a different easement document can refuse the required document voluntarily. (TFB Neutral)
- Distribution pipelines and electric lines servicing end users don’t have to use the required easement document, because these are usually voluntarily given without compensation to receive service. (TFB Neutral)
- Provides new notice provisions to ensure landowners get good notice of the condemnation petition being filed, the appointment of special commissioners and the condemnation hearing. (TFB Supports)
- Creates reasonable timelines on the appointment of special commissioners. (TFB Neutral)

Click [here](#) to read our update on HB 2730 in Issue 16 of the *Austin Newsletter*.

HB 2730 is now in the House Calendars Committee, where it can be set for a vote, next week. Thursday, May 12, is the last day the House can vote on a House bill.

The Burns-negotiated language in HB 2730 will make meaningful improvements to the eminent domain process. Texas Farm Bureau **supports** HB 2730 with this

language. (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 \(R\)](#)

Passed by House, on to Senate: HB 448 was passed unanimously by the House on May 4. The amended version of this bill removes several sections of the filed version.

[HB 448 Engrossed Summary](#)

HB 448 proposes adding a section to the Landowner's Bill of Rights (LBOR). The new section would inform the landowner they can file a written complaint with the Texas Real Estate Commission (TREC) regarding a land agent's alleged misconduct.

Click [here](#) to read our summary of HB 448 in Issue 16 of the *Austin Newsletter*.

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

SB 721: Relating to the disclosure of appraisal reports in connection with the use of eminent domain authority.

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

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

Passed Texas Legislature, on to Texas Governor: SB 721 was passed unanimously on May 4.

Click [here](#) to see the record vote for the second reading.

Click [here](#) to read our summary of SB 721 in Issue 14 of the *Austin Newsletter*.

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

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 \(R\)](#)

Passed Texas Legislature, on to Texas Governor: SB 726 was passed on May 5 with 112 votes *for* and 30 votes *against*.

Click [here](#) to see the record vote for the third reading.

Click [here](#) to read our summary of SB 726 in Issue 14 of the *Austin Newsletter*.

TFB **supports** SB 726. (TFB 2021 Policy: Eminent Domain 151, Page 61, Lines 30-33.)

Texas Farm Bureau Health Plan

HB 3924: Relating to health benefits offered by certain nonprofit agricultural organizations.

[Rep. Oliverson, Tom \(R\)](#)

On May 5, HB 3924 was passed out of the House with 106 votes *for* and 39 votes *against*.

Click [here](#) to see the record vote for the third reading.

Click [here](#) to read our summary of HB 3924 in Issue 16 of the *Austin Newsletter*.

TFB **supports** HB 3924 because it will allow the organization to provide a valuable service to members.

Property Taxes

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 \(R\)](#)

Passed Texas Legislature, on to Texas Governor: SB 725 was passed unanimously on May 4.

Click [here](#) to see the record vote for the third reading.

Click [here](#) to read our summary of SB 725 in Issue 7 of the *Austin Newsletter*.

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

Truth in Labeling

HB 316 and **SB 883:** Relating to the advertising and labeling of certain meat food products.

[Rep. Buckley, Brad \(R\)](#)

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

On April 15, the Committee Substitute for HB 316 was voted favorably from the House Committee on Public Health. HB 316 has been scheduled for a vote on the House floor for May 7. The substitute differs from the bill as filed in the following ways:

- Amends the Texas Meat and Poultry Act instead of creating an entirely new chapter under the Health and Safety Code.
- Includes “cell-cultured product” and “analogue product” in definitions and clarifies how those types of products could be misbranded.

Click [here](#) to read our summary of HB 316 in Issue 2 of the *Austin Newsletter*.

Click [here](#) to read the Committee Report Bill Analysis for CSHB 316.

TFB **supports** HB 316 and SB 883. (TFB 2021 Policy: Dairy 113, Page 10, Line 9, Livestock 120, Page 15, Lines 45-57 and 177-181, Marketing 132, Page 23, Lines 69-74.)

Rural Connectivity

HB 5: Relating to small business recovery funds and insurance tax credits for certain investments in those funds.

[Rep. Ashby, Trent \(R\)](#)

[Sen. Nichols, Robert \(R\)](#)

The House refused to concur with the Senate’s Amendments to HB 5, so now the bill will go to conference. The conference committee will negotiate the differences.

The House and Senate versions differ in the following ways:

- Membership of the Broadband Council and Board of Advisors differs in scope and representatives
- The House version establishes the Broadband Development Office within the Comptroller's office while the Senate version establishes a standalone office with administration in the University of Texas System.

Click [here](#) to see the two versions side-by-side.

Click [here](#) to read our original summary of HB 5 in Issue 9 of the *Austin Newsletter*.

TFB **supports** HB 5. (TFB 2021 Policy: Rural Living Section 183, Pages 116-117, Lines 47-54.)

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 \(R\)](#)

Passed House, on to Senate: On April 29, HB 570 passed the third reading with 134 votes *for* and 13 votes *against*.

Click [here](#) to see the record vote.

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.)

Sunset Review

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

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 voted favorably from the House Committee on Agriculture and Livestock on April 29.

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

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

Sunset Review

Texas Animal Health Commission

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. It was reported from the committee on May 3.

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

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

Commodities

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

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

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

Passed Texas Legislature, on to Texas Governor: HB 2089 was passed out of the Senate unanimously on April 29.

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

TFB **supports** HB 2089. (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.)

HB 3948 and **SB 1778:** Relating to the production and regulation of hemp and consumable hemp products; authorizing a fee.

[Rep. King, Tracy \(R\)](#)

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

Passed House, on to Senate: HB 3948 was passed out of the House with 132 votes *for* and 13 votes *against*.

Click [here](#) to see the record vote for third reading.

Committee Substitute Summary

USDA recently modified federal law regarding hemp production, making changes in state law necessary. CSHB 3948 seeks to incorporate these federal updates into state law by revising provisions governing the production and regulation of hemp and consumable hemp products in Texas. CSHB 3948 also addresses necessary changes to the state plan in response to feedback from industry participants since the state plan was adopted.

The bill would require the Texas Department of Agriculture (TDA) to issue hemp growing licenses to institutions of higher education that conduct research involving hemp and exempts the institution from several fees and requirements usually required of commercial producers. However, the bill prohibits the institution from selling or transferring hemp, unless it first complies with commercial standards.

The bill would adjust other commercial production provisions:

- Revise reporting provisions to align with federal reporting standards.
- Extend the methods by which seeds, and plant varieties may be approved to produce hemp.
- Allow transport of immature, propagated plants into Texas if the plants are accompanied by strict documentation.
- Remove fee for transport of crops from location to location when they are owned by the same license holder.
- Adjusts required license holder data.

TFB **supports** HB 3948 and SB 1778. (TFB 2021 Policy: Commodities - General 109, Page 7, lines 26-28.)

Livestock

HB 1958 and **SB 1342**: Relating to the regulation of livestock export-import processing facilities.

[Rep. Gonzales, Mary \(D\)](#)

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

HB 1958 was referred to the Senate Committee on Water, Agriculture, and Rural Affairs on May 4.

Click [here](#) to read our summary of HB 1958 in Issue 7 of the *Austin Newsletter*.

TFB **supports** HB 1958 and SB 1342. (TFB 2021 Policy: Texas Animal Health Commission 107, Pages 5 & 6, Lines 14-18 / Livestock 120, Page 16, Lines 138-139.)

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