



AUSTIN NEWSLETTER

Texas Farm Bureau's Weekly Newsletter for the 88th Legislature

January 27, 2023 | Regular Session, Issue 2 | 88th 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.

88th Legislative Session Senate Committee Assignments

On Jan. 23, Lt. Gov. Dan Patrick released the 88th Session Senate Committee assignments. The following committees have jurisdiction over Texas Farm Bureau priority issue areas:

[Click here](#) for the full list of Senate Committee assignments.

Senate Committee on Water, and Rural Affairs

Charles Perry, Chair (R)
Kelly Hancock, Vice Chair (R)
César Blanco (D)
Pete Flores (R)
Roland Gutierrez (D)
Nathan Johnson (D)
Lois Kolkhorst (R)
Kevin Sparks (R)
Drew Springer (R)

Senate Committee on Natural Resources and Economic Development

Brian Birdwell, Chair (R)
Judith Zaffirini, Vice Chair (D)
Carol Alvarado (D)
César Blanco (D)
Kelly Hancock (R)
Bryan Hughes (R)
Lois Kolkhorst (R)
Borris Miles (D)

Senate Committee on Transportation

Robert Nichols, Chair (R)
Royce West, Vice Chair (D)
Carol Alvarado (D)
Sarah Eckhardt (D)
Kelly Hancock (R)
Phil King (R)
Borris Miles (D)
Tan Parker (R)
Charles Perry (R)

Senate Committee on State Affairs

Bryan Hughes, Chair (R)
Angela Paxton, Vice Chair (R)
Paul Bettencourt (R)
Brian Birdwell (R)
Morgan LaMantia (D)
José Menéndez (D)
Mayes Middleton (R)
Tan Parker (R)
Charles Perry (R)

Kevin Sparks (R)

Senate Committee on Finance

Joan Huffman, Chair (R)
Juan "Chuy" Hinojosa, Vice Chair (D)
Paul Bettencourt (R)
Donna Campbell (R)
Brandon Creighton (R)
Peter Flores (R)
Bob Hall (R)
Kelly Hancock (R)
Bryan Hughes (R)
Lois Kolkhorst (R)
Robert Nichols (R)
Angela Paxton (R)
Charles Perry (R)
Charles Schwertner (R)
Royce West (D)
John Whitmire (D)
Judith Zaffirini (D)

Mayes Middleton (R)

Tan Parker (R)

Senate Committee on Local Government

Paul Bettencourt, Chair (R)
Drew Springer, Vice Chair (R)
Sarah Eckhardt (D)
Roland Gutierrez (D)
Bob Hall (R)
Robert Nichols (R)
Tan Parker (R)
Angela Paxton (R)
Royce West (D)

Water

SB 156: Relating to the regulation of groundwater conservation.
[Sen. Perry, Charles \(R\)](#)

Summary:

Petition to Change Rules: SB 156 creates a process for changing the rules within a Groundwater Conservation District (GCD). A person seeking to change the rules of their district must petition the GCD, and the GCD will make a decision within 90 days of receiving the petition.

Attorneys' fees: Under current law, if a landowner loses a challenge to a GCD in court, the landowner is required to pay the district's attorney fees. Conversely, the landowner has no right to attorney fees if he or she wins the case.

The unfair, one-sided awarding of attorney fees burdens any landowner that has a legitimate complaint about a GCD's rule or permitting decision. It forces landowners to accept unfair rules or permit decisions because they cannot take the financial risk of losing the case. It further prevents landowners from holding GCDs accountable and prevents regulatory overreach.

Perry's bill removes the mandatory payment of the GCD's attorney's fees.

Notice: SB 156 sets forth certain notice requirements for permits to drill a well or increase the production capacity of an existing well. Each district has the option to provide notice directly to affected landowners or post the permit applications on their website.

TFB **supports** SB 156. (TFB 2023 Policy: Real Property Rights 150, Page 58, Lines 2-5; Groundwater 153, Page 69, Lines 33-36; Page 70 45-48; 57-59.)

Farm Animal Liability

HB 73: Relating to landowner liability arising in connection with livestock or agricultural land.

[Murr, Andrew \(R\)](#)

Summary:

HB 73 proposes more protection for landowners against lawsuits involving livestock.

Under HB 73, landowners and those who lease land for livestock (lessees) are not liable for any accident involving their livestock under certain circumstances. The new language casts a wider net of protection for those who own or lease land. While current law provides some protection, HB 73 expands the coverage to include **any** accident that involves livestock.

In its current form, the Texas Civil Practice and Remedies Code does not protect lessees from lawsuits arising from an accident involving livestock. HB 73 protects lessees the same as it would landowners.

The bill also adds a provision stating trespassers cannot sue landowners or lessees for incidents involving livestock. Further, they are not liable for accidents involving livestock due to acts of God.

TFB **supports** HB 73. (TFB 2023 Policy: Livestock, Pages 15, Lines 43-44; Real Property Rights, Page 59-60, Lines 62-64, 90-92.)

Rural Connectivity

SB 377: Relating to the Texas Connectivity Fund and to the allocation and the use of certain proceeds

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

In response to years of declining funding, this bill seeks to reform the funding process for the Texas Universal Service Fund (TUSF). The TUSF is a subsidy that is provided to rural telecommunications companies to provide phone service in remote areas of the state.

SB 377 would create the Texas Connectivity Fund to fund both the TUSF and the state's new Broadband Development Office. It would be funded by dedicating 50% of all telecommunications sales tax (for 10 years) and eliminating the TUSF fee that is currently included on all phone bills.

Last year, the total sales tax from telecommunications purchases was about \$1.4 billion, which would have resulted in \$700 million for the new fund.

The creation of this fund and dedication of the sales tax revenue would have to be approved by constitutional amendment: **SJR 27** by Perry.

The bill would provide significant funding for the Broadband Development Office and the TUSF.

TFB **supports** SB 377. (TFB 2023 Policy: Utilities Section 148, Page 53, lines 50-53; Rural Living Section 183, Page 119, Lines 46-53.)

SJR 27: A joint resolution proposing a constitutional amendment creating the Texas Connectivity Fund for the development of broadband and other telecommunications services in all areas of the state and authorizing the appropriation to that fund of a portion of revenue received from the existing state sales and use taxes on telecommunications services while not increasing the rate of the sales and use taxes.

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

SJR 27 is a Constitutional Amendment which creates the Texas Connectivity Fund, as discussed in Sen. Perry's SB 377 (see above). This Senate Joint Resolution is required in order to dedicate 50% of the telecommunications state sales tax revenues to the Texas Connectivity Fund.

TFB **supports** SJR 27. (TFB 2023 Policy: Utilities Section 148, Page 53, lines 50-53; Rural Living Section 183, Page 119, Lines 46-53.)

Property Rights/Land Use Regulation

HB 1075: Relating to certain property interests of a foreign government in agricultural land.

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

Summary:

HB 1075 prohibits foreign governments and companies/entities in which the entirety or majority of its stock is owned by certain foreign governments from purchasing agricultural land in Texas.

However, any foreign entity which holds an interest in United States property may retain that interest if it was gained before Aug. 31, 2023.

TFB is **neutral** on HB 1075. TFB policy opposes foreign ownership only in cases where it creates **unequal and unfair foreign trade advantages**. In addition, TFB policy supports the right of landowners to sell or lease their property. Therefore, TFB policy is neutral on this legislation because it is broader than current policy.

(TFB 2023 Policy: Real Property Rights Section 150, Page 61, lines 132-135; Real Property Rights Section 150, Page 60, Lines 109-110; Real Property Rights Section 150, Page 62, Lines 209-215.)

SB 147: Relating to the purchase of or acquisition of title to real property by certain aliens or foreign entities.

[Kolkhorst, Lois \(R\)](#)

Summary:

SB 147 is similar to HB 1075 in that it prohibits foreign governments and companies owned by foreign governments from purchasing land in Texas. However, SB 147 is more specific. It specifically lists the countries of China, Iran, North Korea and Russia as the countries prohibited.

However, any foreign entity which holds an interest in United States property may retain that interest if it was gained before Aug. 31,2023.

TFB is **neutral** on SB 147. TFB policy opposes foreign ownership only in cases where it creates **unequal and unfair foreign trade advantages**. In addition, TFB policy supports the right of landowners to sell or lease their property. Therefore, TFB policy is neutral on this legislation because it is broader than current policy.

(TFB 2023 Policy: Real Property Rights Section 150, Page 61, lines 132-135; Real Property Rights Section 150, Page 60, Lines 109-110; Real Property Rights Section 150, Page 62, Lines 209-215.)

SB 552: relating to prohibiting contracts or other agreements with certain foreign-owned companies in connection with agricultural land.

[Campbell, Donna \(R\)](#)

Summary:

SB 552 prohibits businesses and citizens of China, Iran, North Korea, and Russia from entering into "an agreement relating to agricultural land" and/or "critical infrastructure" in Texas. Those businesses and citizens cannot enter into contracts and land deals where those types of land are a part of the agreement.

SB 552 adds the language of "agricultural land" to the Business and Commerce Code. It also specifies the prohibited countries of China, Iran, North Korea, and Russia.

TFB is **neutral** on SB 552. TFB policy opposes foreign ownership only in cases where it creates **unequal and unfair foreign trade advantages**. In addition, TFB policy supports the right of landowners to sell or lease their property. Therefore, TFB policy is neutral on this legislation because it is broader than current policy.

(TFB 2023 Policy: Real Property Rights Section 150, Page 61, lines 132-135; Real Property Rights Section 150, Page 60, Lines 109-110; Real Property Rights Section 150, Page 62, Lines 209-215.)

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