



AUSTIN NEWSLETTER

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

Right to Farm

HB 1750: Relating to the applicability of certain city requirements to agricultural operations.

[Burns, DeWayne \(R\)](#)

Summary:

HB 1750 addresses one of [Texas Farm Bureau's priority issues](#) for this legislative session: the right to farm. This bill strengthens protections for agricultural operations within city limits.

History

Several cities are restricting or prohibiting generally accepted agricultural practices, and some cities are prohibiting any agricultural use of land through their zoning regulations. These cities are not providing evidence that these regulations are necessary to address a threat to public health and safety.

For example, farmers are being forced to cut hay before it reaches the proper height because some cities don't recognize that hay is a crop. They consider hay to be tall grass that must be kept mowed short. Cities are enforcing these height restrictions on grass being grazed by livestock, as well. Ranchers are being forced to remove their cattle or face legal action due to zoning restrictions that prohibit agricultural use of land. Staging equipment, inputs, or harvested commodities are also being restricted or prohibited as illegal "onsite storage."

Current law only protects ag operations annexed after August 31, 1981. Trying to verify with a city which operations were annexed has proven to be a challenge. Due to this confusion, cities are enforcing ordinances and zoning against all ag

operations without following the requirement in current law to prove a governmental requirement is necessary to protect public health.

Proposed Changes

Rep. Burns' bill will prohibit cities from imposing "governmental requirements" on **all** agricultural operations within city limits, no matter when the land was annexed by the city. Governmental requirements include rules, regulations, ordinances, zoning, licenses, or permits.

Cities may only impose restrictions on an ag operation if the city can prove it is necessary to protect the public from danger. Some of these dangers include the likelihood of an explosion, flooding, an infestation of vermin or insects, physical injury, and crops that cause traffic hazards.

To prove an ag practice imposes a danger, the city must obtain a report from the city health officer or consultant. The report must show evidence of a health and safety hazard, determine what regulation or preventative measure is needed, and state whether the recommended regulation will restrict or prohibit a generally accepted ag practice. Cities are not allowed to prohibit "generally accepted agricultural practices" except to address a danger listed in the bill.

The bill also calls on Texas A&M AgriLife Extension Service to develop a manual detailing what a generally accepted ag practice is. The manual will also describe which of those practices do and do not present a danger to public health. The city will be required to consult this manual when adopting any restrictions on ag operations.

TFB **supports** HB 1750. (TFB 2023 Policy: Real Property Rights Section 150, Page 58, Lines 2-5; Real Property Rights Section 150, Page 59, Lines 27-31; Real Property Rights Section 150, Page 61, Lines 153-154)

Truth in Labeling

HB 1788 and **SB 664**: Relating to the labeling of analogue and cell-cultured products.

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

Summary:

HB 1788 and SB 664 address one of [Texas Farm Bureau's priority issues](#) for this legislative session: truth in labeling. These pieces of legislation clarify the labeling language that must be used on certain meat alternatives.

History

Some consumers are interested in alternative-protein products that taste like traditional meat products (i.e., plant-based hamburgers and meatless chicken nuggets). They prefer these products for a variety of reasons, including religious requirements and personal health choices.

However, some producers of the “meat alternatives” have been labeling their products in a manner that confuses consumers. Intentional or not, they put deceptive figures and wording on the labeling of their products to make them seem more like “real” meat.

These misconceptions have a two-prong effect on consumers. Those who do not want to eat animal-based products are having a difficult time figuring out what is a plant-based product and what is not. Sometimes, they purchase the wrong item. Those who want to eat “real” meat are having the same issue. The labels and packaging for meat and “meat alternatives” are often so similar, they are indistinguishable from each other. Clarity for all consumers is needed.

Proposed Changes

The bills require “analogue products” (food products made from processed plant products, insects, or fungus with food additives to mimic meat, poultry, or egg products) to be clearly labeled with one of the following: “analogue; meatless; plant-based; made from plants; or a similar qualifying term.”

HB 1788 and SB 664 also address “cell-cultured” products. Recent advancements in technology now allow scientists to harvest animal cells and artificially replicate them in a laboratory. This process of cell culturing leads to tissue growth and results in a meat “tissue,” designed to replicate meat just as analogue products do.

This bill requires all cell-cultured products to be labeled as either cell-cultured, lab grown, or a similar qualifying term.

TFB **supports** HB 1788 and SB 664. (TFB 2023 Policy: Livestock Section 120 Page 15, Lines 45-55; Marketing Section 134, Page 26, Lines 68-70)

Water

SB 638: Relating to the governance and decision-making of groundwater conservation districts in contested cases.

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

Summary:

SB 638 provides more certainty to the permitting process for groundwater conservation districts. The bill acknowledges the importance of timely decisions in granting permits. Delays increase uncertainty and expense throughout the process.

SB 638 addresses groundwater conservation district (GCD) board members that purposely break quorum to delay action on a permit. Their absence may lead to an inadequate number of members to hold a vote on the permit. To further grant certainty in the timing of the voting, the bill does not allow GCDs to approve a continuance beyond the timeline laid out in the bill.

If a permit is contested and a hearing is held where an administrative law judge recommends the granting or denial of the requested permit, the GCD must provide the findings of facts and conclusions of law that is the basis of their decision on a permit. The GCD can't make a decision without explaining it. The GCD's decision must be made within 180 days of the Administrative Hearing.

If the GCD does not make a decision within 180 days, the recommendations on the permit from the administrative law judge is adopted. This decision can be appealed.

TFB **supports** SB 638. (TFB 2023 Policy: Groundwater Section 153, Page 70, Lines 45-48; Groundwater Section 153, Page 71, Lines 140-145)

State Regulation of Renewable Energy Projects

SB 624: Relating to landowner liability arising in connection with livestock or agricultural land.

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

Summary:

SB 624 establishes a regulatory framework for renewable energy projects (wind and solar developments) in Texas. Currently, there is little regulation or oversight over wind and solar developments at the state level. For wind turbines, the only statute at the state level requires wind turbines to be at least 25 nautical miles from military airports. While there are multiple federal requirements, the renewable energy sector has practically no state oversight.

Sen. Kolkhorst's bill requires the Texas Public Utility Commission (PUC) and Texas Parks and Wildlife Department (TPWD) to establish oversight over renewable energy projects.

Permit Required; Application

SB 624 would require a person seeking to operate a renewable energy generation facility to apply for a permit from the PUC. This permit would include all information filed with the Federal Energy Regulatory Commission regarding the project, an environmental impact statement conducted by TPWD, and an affidavit that lists the names and addresses of all those who may be affected by the application.

Notice and Hearing on Application

When the application is filed, the PUC will give notice to affected parties, including any property owner located within 25 miles of the boundary of the proposed facility. Larger facilities (15+ megawatts) must notify the county judge for all counties within 25 miles of the facility, if requested.

Conditions of Permit

Each permit will describe conditions of the facility such as where it can be located, how many turbines/panels it may contain, and any other monitoring requirements.

The PUC may also require permit holders to make sure the turbines/panels are not within 500 feet of any property line and 1,000 feet from any "habitable structure."

Monitoring and Reporting

The PUC and TPWD may require permit holders to report to them and conduct wildlife assessments around the facility.

Facility Removal by Commission

If the PUC determines the permit holder did not properly remove their facilities in accordance with Chapter 301 and 302 of the Texas Utilities Code, the PUC may come onto the project and remove the facilities themselves. The PUC and its employees would not be liable for any damages they cause, and they may recover all costs from the permit holder.

Cleanup Fund

Sen. Kolkhorst's bill establishes a "Cleanup Fund" consisting of private contributions, legislative appropriations, and environmental impact fees.

Environmental Impact Fee

This fee is imposed on every permit holder. Twenty percent of the fee goes to the cleanup fund. The PUC will determine the amount of the fee by considering each project's efficiency, size, and environmental impact score given to them by TPWD.

Environmental Impact Statements for REGF

TPWD will create a system for providing an environmental impact statement to each applicant when they apply for a permit.

Criteria considered in each statement includes: the facility's conservation of natural resources, the amount of land being used which is typically used for agriculture and wildlife, and if the project is using agricultural best practices. TPWD is required to

coordinate with Texas A&M AgriLife Extension on what agricultural best practices are.

The statement will also include an environmental impact score.

TFB **supports** SB 624. (TFB 2023 Policy: Renewable Energy Section 147, Page 51, Lines 40-44)

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