



AUSTIN NEWSLETTER

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

March 3, 2023 | Regular Session, Issue 7 | 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.

Landowner Liability

SB 815: Relating to limitation of certain liability of owners, lessees, and occupants of land in connection with livestock and agricultural land.

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

Summary:

SB 815 offers more protection to landowners and lessees against lawsuits due to incidents involving livestock or agricultural land.

Under SB 815, landowners and those who lease land for livestock 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, SB 815 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. SB 815 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.

While not the identical companion bill to HB 73 by Rep. Andrew Murr, SB 815 amends the same code and is similar in effect.

TFB **supports** SB 815. (TFB 2023 Policy: Livestock, Pages 15, Lines 43-44; Real Property Rights, Page 59-60, Lines 62-64, 90-92.)

Water

HB 2735: Relating to security required before filing suit against a groundwater conservation district.

[King, Tracy \(D\)](#)

Summary:

HB 2735 creates a bond requirement to file suit against a groundwater conservation district (GWCD). Anyone wishing to file suit against a district to challenge a rule or order by the district, "including an appeal of a decision on a permit application," must put up this bond.

While the district determines the amount of the bond, it must not exceed \$100,000, unless needed to cover the permit applicant's cost to defend the permit or permit amendment.

When putting up this security bond for an appeal, the bond must equal the sum of: "(1) the amount of any civil penalty awarded; (2) interest for the estimated duration of the suit or appeal; and (3) attorney's fees and costs required for the district to defend against the suit and appeal.

This requirement will work with the unfair mandatory awarding of attorney fees to a district to add another obstacle to a landowner trying to protect their property rights.

TFB **opposes** HB 2735. (TFB Policy: Groundwater Section 153, p. 71, Lines 140-145)

HB 2827: Relating to the failure of and performance of annual soil tests for certain concentrated animal feeding operations by the Texas Commission on Environmental Quality.

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

Summary:

HB 2827 states the Texas Commission on Environmental Quality (TCEQ) may not require the operator of a "concentrated animal feeding operation" to "receive training on animal waste management."

However, these operators will be required to submit to a TCEQ request for "the amount of manure, litter, or wastewater from the operation" used on a third-party waste application field," as well as results from soil sample tests.

This bill requires general permits to specify the depth of soil samples in the operation's annual report. However, no sampling is required by the operator of third-party fields.

Burns' bill repeals the requirement of operators to file a new or amended nutrient utilization plan based on phosphorus levels. The bill also repeals the prohibition against the commission issuing a general permit to "authorize the discharge of agricultural waste into or adjacent to waters...if such waters are within a major sole source impairment zone."

TFB **supports** HB 2827. (TFB Policy: Water Quality Section 156, Page 83, Lines 67-69)

Real Property Rights

HB 92: Relating to the authority of a municipality, county, or property owners' association to prohibit or regulate certain activities on residence homestead property.

[Landgraf, Brooks \(R\)](#)

Summary:

Rep. Landgraf calls HB 92 the Homesteaders' Bill of Rights. The bill lays out the allowed activities on residence homestead properties, some of which are activities often prohibited by local governments and HOAs.

Activities such as the following would be protected under HB 92:

- Growing fruits and vegetables
- Raising or keeping six or fewer domestic fowl or rabbits
- Installing a rainwater collection system

TFB **supports** HB 92. (TFB Policy: Real Property Rights Section 150, Page 58, Section 2-5; Real Property Rights Section 150, Page 60, Lines 107-108)

Texas Farm Bureau State Legislative Team

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

Regan Beck, Director of Government Affairs

Email: rbeck@txfb.org

Billy Howe, Associate Director of Government Affairs

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

Email: bhowe@txfb.org

Charlie Leal, State Legislative Director

Issue Areas: Right to Farm, Utility Regulation, Energy Regulation, Transportation Infrastructure, and Appropriations

Email: cleal@txfb.org

Joy Davis, Associate Legislative Director

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

Email: jdavis@txfb.org

Blake Roach, Associate Legislative Director

Issue Areas: Land Use Regulation, Wildlife, Rural Affairs, Liability, Criminal Justice, and Appropriations

Email: broach@txfb.org

Janelle Aello, Legislative Assistant

Email: jaello@txfb.org

Cahil Murchison, Legal Intern

Email: cmurchison@txfb.org

Victoria Benavides, Legislative Intern

Email: vbenavides1@txfb.org

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)

Blake Roach: [@TFB_Blake](https://twitter.com/TFB_Blake)

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)