



# 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.

## Water

**[SB 28:](#)** Relating to financial assistance provided and programs administered by the Texas Water Development Board.

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

### Summary:

SB 28 creates the new water supply for Texas fund. This is a special fund in the state treasury to be used for "finance projects...that will lead to the acquisition or creation of seven million acre-feet of new water supplies by 12/31/33." Low interest loans may be provided to political subdivisions and wholesale water suppliers developing these projects.

The fund specifically addresses helping rural water systems, desalination of brackish groundwater and sea water, and reusing wastewater from oil and gas production.

The Texas Water Development Board will oversee the application process for fund requests.

**[SJR 75:](#)** Relating to financial assistance provided and programs administered by the Texas Water Development Board.

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

### Summary:

SJR 75 is the enabling statute for SB 28. It creates a constitutional amendment to appropriate the funds necessary to create the new water supply for Texas fund.

### Current Status:

SB 28 and SJR 75 were voted favorably out of the Senate committee on Water, Agriculture and Rural Affairs on Monday, March 20.

TFB **supports** SB 28 and SJR 75. (TFB Policy: Water Management Section 155, Page 79, Lines 46-48; Water Management Section 155, Page 80, Lines 136-138)

## **Right to Farm**

[HJR 126](#): Proposing a constitutional amendment protecting the right to engage in farming, ranching, timber production, and wildlife management.

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

### **Summary:**

#### **Background:**

Several cities are restricting or prohibiting generally accepted agricultural practices, and some cities are prohibiting all 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.

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 or safety.

#### **Proposed Changes:**

HJR 126 would ensure farmers' and ranchers' right to farm in the Texas Constitution. The resolution states "the people have the right to engage in generally accepted farm, ranch, timber production, or wildlife management practices" in Texas. However, cities may "regulate where there is clear and convincing evidence that the law or regulation is necessary to protect the public health and safety from imminent danger."

HJR 126 also recognizes that ag operations can be regulated to preserve, conserve, and develop the state's natural resources to prevent claims that the constitutional amendment would allow ag producers to ignore regulations related to these resources. The constitutional amendment also allows regulations to protect animal

health and crop production to ensure any livestock or crop disease or pest can be addressed.

### **Current Status:**

HJR 126 was heard by the House Agriculture & Livestock Committee on Wednesday, March 22.

Texas Farm Bureau President Russell Boening [testified](#) in support of the resolution, emphasizing the need to protect the production of food and fiber in Texas.

President Boening made clear to the committee there are many questions on the legal front left open without this constitutional amendment: "As development comes our way, how will it affect our operation? Will our new neighbors appreciate the fact that we are a typical ag operation providing the beef, milk, and other products they consume every day? Or will they complain and ask the county or state to place restrictions on our operation? We don't know."

For more of President Boening's comments on HJR 126, [click here to read his op-ed on the proposed legislation](#).

TFB **supports** HJR 126. (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).

## **Labor**

**HB 883:** Relating to the regulation of migrant labor housing facilities.

[Romero, Ramon \(D\)](#)

### **Summary:**

HB 883 makes a number of changes to the licensing and fee required for migrant labor housing facilities. Any facility, whether owned or leased, must be licensed. This bill also lets the board of the Texas Department of Housing and Community Affairs determine the license application fee. If the applicant seeks to substitute a federal or other inspection conducted in lieu of the required pre-occupation inspection, the following must be included:

1. Photos of the premises and the facility to prove where the images were taken.
2. Personal statements to ensure the facility is following each state standard.

The fees collected are used to cover the costs of conducting inspections and reinspection. HB 883 clarifies the requirements needed if the facility does not meet

set standards. The issues with the facility must be noted in writing, and the applicant has 10 days to fix the facility for reinspection. The department must also notify a current license holder of the need to renew 60 days prior to expiration. Third parties, including advocacy groups, are now allowed to appeal the issuance or denial of a license. The license must be posted in the facility, along with information on how to file a complaint.

This bill also addresses the required duties to provide housing on suspension or revocation of license. The housing provider must relocate the occupants to another facility, at their own cost, in the same area that meets state standards. HB 883 also sets our requirements for inspections and the handling of complaints.

Under current law, a facility may be fined \$200 a day until a violation is rectified. HB 883 strikes the facility fine and replaces it with a penalty of not less than \$50 per day for each person residing in the facility, along with the attorney's fees of the complainant. This bill prohibits retaliation against the person filing a complaint.

The issue with the proposed legislation is it targets federally licensed facilities, such as for H2A workers, that are already regulated and doesn't address the real problem with underground, sub-standard facilities.

TFB **opposes** HB 883. (TFB Policy: Farm Labor Section 142, Page 37-38, Lines 121-125)

## **Property Rights**

**HB 376:** Relating to a landowner's bill of rights statement in connection with the acquisition of real property through eminent domain.

[Rogers, Glenn \(R\)](#)

### **Background:**

Under current law, the Landowner Bill of Rights must be provided to a property owner that receives an offer to acquire property from an entity that has the power of eminent domain.

Unknown to most, a landowner can fill out a form provided by the Comptroller's office stating the property has been devalued as a result of a taking. For example, the landowner suffers damages to the remainder as the result of a pipeline project.

This form can be turned in to the appropriate appraisal district to initiate a re-appraisal of the property that takes into account this devaluation. Of course, this would result in lowering the property taxes on that property.

### **Summary:**

HB 376 requires the Landowners Bill of Rights to give landowners notice of this form and to include a copy of this form.

TFB **supports** HB 376. (TFB Policy: Eminent Domain Section 151, Page 63, Lines 40-45)

## **Transportation**

**SB 505:** Relating to imposing an additional fee for the registration of an electric vehicle.

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

### **Background:**

The funding of road and transportation projects in Texas is heavily derived from gasoline and diesel fuel tax. With the continuous increase of alternatively fueled vehicles, such as electric vehicles, there is a loss in revenue for these projects. Electric, propane, and hydrogen vehicles all use the same roads as conventionally fueled vehicles, so they should share in the cost of transportation funding.

### **Summary:**

SB 505 amends the transportation code by creating an additional fee for electric vehicles. This fee is remitted when a vehicle is registered. The proposed fees are:

- \$400 for the initial two-year inspection, and
- \$200 for the annual registration renewal.

Both fees will be deposited to the credit of the state highway fund.

TFB **supports** SB 505. (TFB Policy: Other Taxes Section 145, Page 47, Lines 35-37)

**HB 2684:** Relating to the issuance of oversize or overweight permits for vehicles transporting agricultural commodities during or preceding a disaster.

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

### **Summary:**

HB 2684 allows ag producers to obtain an emergency permit, prior to or during a declared disaster, to exceed the maximum weight set by the Texas Department of Transportation. This bill ensures producers have the opportunity to transport livestock, commodities, or necessary supplies up to 120 days after a disaster is declared.

TFB **supports** HB 2684. (TFB 2023 Policy Book: Truck Transportation Section 164, Page 98, Lines 84-85. Truck Transportation Section 164, Page 97, Lines 23-29. Truck Transportation Section 164, Page 98, Line 67.)

**HB 2683:** Relating to the use of dyed diesel fuel to operate a motor vehicle during and for a limited period following certain disasters.

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

**Summary:**

Off-road diesel is dyed red to clearly identify that fuel taxes have not been collected on it since it is to be used strictly off-road. HB 2683 allows for unpenalized use of dyed diesel to fuel vehicles during a period of declared disaster, so long as the vehicle is operated either (1) in the disaster area or (2) the dyed fuel was placed in the vehicle while the vehicle was located in the disaster area. The use expires 30 days after the disaster declaration expires.

TFB **supports** HB 2683. (TFB Policy: Other Taxes Section 145, Page 47, Lines 23-24.)

## Property Taxes

**HB 159:** Relating to the procedure by which a taxing unit is required to provide public notice of certain ad valorem tax-related information.

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

**Summary:**

Whenever the voter approved tax rate is changed, HB 159 requires the new rate to be published in a local newspaper so taxpayers are informed and can take action if they so choose.

TFB **supports** HB 159. (TFB Policy: Property Taxes Section 144, Page 49, Lines 122-123)

## Rural Affairs

**HB 2851:** Relating to grant amounts under the Young Farmer Grant. Program.

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

**Summary:**

**Background:**

The Young Farmer Grant Program was established during the 81st Texas Legislature in 2009. Farmers between the ages of 18-46 can apply for a state grant of \$5,000-\$20,000, which may be used toward their operation. Because farming has such high overhead costs, especially for a new farmer, this grant was a way to support the younger people in the agricultural industry.

**Proposed Changes:**

HB 2851 increases the cap of the Young Farmer Grant Program to \$35,000.

TFB **supports** HB 2851. (TFB Policy: Banking & Credit Section 175, Page 110, Lines 34-35)

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