



## 2021 Texas Legislative Session Summary

---

During the 87th Texas Legislative Session, 7,385 pieces of legislation were filed with 1,174 bills making it to the Governor's desk. Texas and Southwestern Cattle Raisers Association (TSCRA) was actively involved with and tracked 798 bills, registering a public position on 68 of those pieces of legislation.

This legislative session was unlike anything in recent memory, shaped heavily by the COVID-19 pandemic, protests and Winter Storm Uri. Mask requirements, mandatory COVID-19 testing each day prior to entering the Capitol, abbreviated schedules, limited entry points and a large increase in State Troopers amidst heightened security made a dramatic impact on TSCRA's work in the Capitol.

The session began slowly due to COVID-19 restrictions, but after Winter Storm Uri devastated the state in February and plunged millions into darkness, the legislature returned with new urgency. Determined to fix the State's broken power grid, things picked up quickly at the Capitol. Though the winter storm and pandemic took up much of the debate, it also brought opportunities. In the aftermath of Uri, the House Agriculture & Livestock Committee held a hearing on the impacts to agriculture, where TSCRA provided testimony on behalf of cattle producers, directly resulting in several bills being filed. Rural broadband and rural healthcare also received a lot of attention due to challenges brought on by COVID-19.

In addition to these and many other important issues, the Texas Legislature also passed sunset legislation that will allow the Texas Animal Health Commission, Texas Department of Agriculture and Texas Parks and Wildlife Department to continue their duties. However, there is still work to be done. A delay in Census data means the legislature will be called back for a special session in the Fall of 2021 to address redistricting. Governor Abbott is also expected to call at least one additional special session to work on voting reform issues and possibly other topics.

Below you will find several of the important bills that TSCRA worked on during the regular session. It was a hard-fought session and though there is still much to do, a lot was accomplished for TSCRA members.

---

### **H.B. 5 – Rep. Trent Ashby/Sen. Robert Nichols (TSCRA SUPPORTED; SIGNED INTO LAW) Expansion of broadband service**

H.B. 5 creates the State Broadband Development Office (SBDO) within the Comptroller. The SBDO would be required to make and update a map of underserved areas and establish a program to award financial incentives from the new Broadband Development Account to applicants for expanding access to broadband service in underserved areas.

### **H.B. 222 – Rep. Andrew Murr/ Sen. Drew Springer (TSCRA SUPPORTED; SIGNED INTO LAW) Relating to liability of burn bosses in connection with certain prescribed burns**

H.B. 222 would amend current law related to the liability of burn bosses in connection with certain prescribed burns. This bill will help to ensure that landowners consistently have access to burn bosses who can carry out their burning needs by expanding on the limitation of burn boss liability to ensure that these overseers are not liable for property damage, personal injury, or death caused by or resulting from the burn more than the insurance requirements established by the Prescribed Burning Board (board) for certified and insured prescribed burn managers. This bill would not apply to a burn boss who commits gross negligence or intentionally causes property damage, personal injury, or death.

### **H.B. 365 – Rep. Andrew Murr/Sen. Drew Springer (TSCRA SUPPORTED; SIGNED INTO LAW)**

### **Limitation of liability for farm animal activities**

H.B. 365 expands the Farm Animal Liability Act so farm owners or lessees are not liable for property damage or damages arising from the personal injury or death of a participant in a farm animal activity or livestock show. Signs required by the bill will be available from TSCRA as with the similar Agritourism liability signs.

### **H.B. 1034 – Rep. Vikki Goodwin (TSCRA OPPOSED; FAILED)**

#### **Adoption of county fire or wildland-urban interface codes**

TSCRA advocated against this legislation because of the potential harm to TSCRA members—it was not passed. H.B. 1034 would have allowed counties to impose a Wildland-Urban Interface Code, specifying certain costly building codes and regulations, including on the storage of hay.

### **H.B. 1259 – Rep. Drew Darby/ Sen. Kel Seliger (TSCRA SUPPORTED; SIGNED INTO LAW)**

#### **Relating to the rural veterinarian incentive program**

USDA identified 31 Texas counties with a shortage of veterinarians in 2021. This persistent shortage is why the rural veterinarian incentive program (RVIP) was created in 1999 to help selected veterinarians pay their student loans if they practice in an underserved area. However, RVIP was never funded and never had a single participant. H.B. 1259 would restructure the program so that it is administered by the Texas Animal Health Commission, similar to the very successful Veterinary Medicine Loan Repayment Program (VMLRP) funded by USDA, allowing for additional methods of funding for the program's account.

### **H.B.1480 – Rep. John Cyrier/ Sen. Louis Kolkhorst (TSCRA SUPPORTED; SIGNED INTO LAW)**

#### **Relating to the protection of animal and crop facilities**

Animal rights activists have grown increasingly brazen in their attempts to free or remove animals from farms, ranches, livestock trailers, and other facilities. H.B. 1480 creates a criminal offense for entering a tractor, trailer, pasture, field, livestock market, etc. to release or cause the loss of an animal or crop. When enacted, this law will also criminalize actions resulting in the damage or theft of records, materials, equipment, facilities, property, animals, or crops.

### **H.B. 1505 – Rep. Chris Paddie/Sen. Kelly Hancock (TSCRA SUPPORTED; SIGNED INTO LAW)**

#### **Attachment of broadband infrastructure to electric cooperative polls**

H.B. 1505 streamlines the process by which cable broadband providers attach their cables to electric cooperative poles. TSCRA worked with stakeholders and legislators to ensure property rights are preserved and balanced with the need for broadband. As a result, cable providers must seek a new easement when using electric cooperative poles.

### **H.B. 1958 – Rep. Mary Gonzalez/ Sen. Drew Springer (TSCRA SUPPORTED; SIGNED INTO LAW)**

#### **Relating to the regulation of livestock export-import processing facilities**

H.B. 1958 alleviates a significant health threat to Texas livestock. When enacted, it will require Texas' nine import/export facilities along the Texas-Mexico border to report to the Texas Animal Health Commission (TAHC) any U.S. origin animals that have been rejected by Mexico. The bill also authorizes TAHC to enforce appropriate disease mitigation protocols before these animals are released by the facility to a premise in Texas.

The need for this legislation was evident when a slaughter horse from out-of-state was rejected by Mexico in June 2019 due to the horse having an Asian Longhorned Tick, one of the most prolific and concerning disease vectors emerging in the U.S. today. That animal was then released in Texas without appropriate mitigation measures or meeting basic Texas entry requirements.

**H.B. 2004 – Rep. Trent Ashby/ Sen. Robert Nichols (TSCRA SUPPORTED; SIGNED INTO LAW)**

**Relating to a limitation on liability and sanctions in connection with certain prescribed burns**

H.B. 2004 would help to reduce the financial liability, only for certified and insured prescribed burn managers, when smoke of a prescribed fire drifts down range from the burn and is out of their control. This bill will help to ensure that TCEQ is not taking disciplinary action against a certified and insured prescribed burn manager based on a complaint that the prescribed fire is a nuisance.

**H.B. 2730 – Rep. Joe Deshotel/Sen. Lois Kolkhorst (SIGNED INTO LAW)**

**Eminent domain requirements**

H.B. 2730 is the remnants of TSCRA's eminent domain reform efforts over the past several sessions. The legislation revises requirements for pipelines and powerlines for the exercise of eminent domain. Overall, the provisions do not help or harm property owners.

**H.B. 3833 – Rep. Phil King/Sen. Kelly Hancock (TSCRA SUPPORTED; SIGNED INTO LAW)**

**Eliminating interest imposed as a result of change in use of ag land**

H.B. 3833 eliminates the interest penalties associated with the change in use of agriculture and open-space land. Three years of back taxes would still be required.

**H.B. 3853 – Rep. Doc Anderson/Sen. Charles Perry (TSCRA SUPPORTED; SIGNED INTO LAW)**

**Allowing use of electric utility polls for middle mile broadband service**

H.B. 3853 allows private electric companies to use their existing fiber optic cables to extend broadband service to internet service providers. TSCRA worked with the stakeholders and legislators to ensure the bill requires the utility to provide an opt-out to property owners if they do not agree to the change in use of their existing easement.

**H.B. 4107 – Rep. Dustin Burrows/Sen. Lois Kolkhorst (TSCRA SUPPORTED; SIGNED INTO LAW)**

**Requiring common carrier pipelines to provide notice of survey**

H.B. 4107 would require common-carrier pipelines to provide written notice and satisfy certain requirements before entering a property to survey for purposes of obtaining an easement by eminent domain.

**H.B. 4346 – Rep. Ben Leman/Sen. Drew Springer (TSCRA SUPPORTED; SIGNED INTO LAW)**

**Allowing transportation of firearms across access easements**

H.B. 4346 ensures that land-locked property owners can transport firearms and alcohol across access easements to reach their property. TSCRA worked with the bill author and Senate sponsor to ensure it was clear that it only applied to access easements and that landowners could still prohibit such things on right-of-way easements for pipelines, powerlines, etc.

**S.B. 367 – Sen. Borris Miles/Rep. Ron Reynolds (TSCRA OPPOSED AMENDMENT; FAILED)**

**Amended to include allocation wells**

S.B. 367 was amended in the House by Rep. Tom Craddick to statutorily allow allocation wells, also known as forced pooling. TSCRA opposed the Craddick amendment which was not concurred upon in the Senate. The amendment would have hindered the ability for mineral owners to fairly negotiate with an operator for long lateral oil and gas wells and punished small mineral owners and royalty owners with older leases.

**S.B. 576 – Sen. Chuy Hinojosa/Rep. Jose Lozano (TSCRA SUPPORTED; SIGNED INTO LAW)**

**Increasing the penalty for human smuggling**

S.B. 576 includes in the definition of smuggling a person who assists, guides, or directs two or more individuals to enter or remain on agricultural land without the consent of the owner, making it a third-degree felony and enhances the penalty for smuggling to a second-degree felony in certain instances.

**S.B. 634 – Sen. Lois Kolkhorst/ Rep. Doc Anderson (TSCRA SUPPORTED; SIGNED INTO LAW)  
Relating to the confidentiality of the identity of landowners who participate in a State Soil and Water Conservation Board program to manage or eradicate an invasive species**

S.B. 634 addresses a unique situation plaguing Carrizo Cane eradication efforts that has developed along our U.S./Mexico border. Border regions with Carrizo Cane resemble a bamboo forest, providing great cover for people who are trying to enter the United States illegally. TSSWCB has been working to eradicate the grass to enhance border protection.

Currently, any landowner who allows state agents on their land to participate in the program is subject to public information requests. This information can then be passed on to international crime syndicates, endangering the landowner and disincentivizing them from participating in the program. If not for the disclosure of their involvement to international crime syndicates that endangers them, many property owners would participate in these programs. This program is more beneficial to Texas as a whole than to any particular landowner, and S.B. 634 merely seeks to increase participation in a program run by TSSWCB or a conservation district.

**S.B. 721 – Sen. Charles Schwertner/Rep. Ben Leman (TSCRA SUPPORTED; SIGNED INTO LAW)  
Requiring the equal disclosure of appraisals in eminent domain proceedings**

S.B. 721 requires condemnors to provide appraisals used at commissioner court hearings at least three business days before the hearing, the same as currently required of landowners.

**S.B. 725 – Sen. Charles Schwertner/Rep. Ben Leman (TSCRA SUPPORTED; SIGNED INTO LAW)  
Treatment of ag use valuation following a change in use because of condemnation**

S.B. 725 ensures that property owners are not forced to pay rollback taxes on condemned land they were forced to sell.

**S.B. 726 – Sen. Charles Schwertner/Rep. Ben Leman (TSCRA SUPPORTED; SIGNED INTO LAW)  
Requirements for actual progress to repurchase property from a condemning entity**

S.B. 726 strengthens the definition of actual progress, so landowners in practice may be able to repurchase condemned property if it is not used for the purpose it was condemned for and the condemnor has not made actual progress on the project within 10 years.

**S.B. 760 – Sen. Drew Springer/Rep. Matt Shaheen (TSCRA SUPPORTED; SIGNED INTO LAW)  
Requiring removal of solar power facilities**

S.B. 760 requires that solar generation facilities be removed from private property at the company's expense, similar to existing requirements for oil, gas and wind energy equipment.

**S.B. 1118 – Sen. Nathan Johnson/ Rep. Terry Wilson (TSCRA SUPPORTED; SIGNED INTO LAW)  
Creating the On-The-Ground Conservation Program by the State Soil and Water Conservation Board**

S.B. 1118 would allow the Texas State Soil and Water Conservation Board (TSSWCB) to designate priority conservation measures that would include environmental goals identified by TSSWCB including invasive species control, erosion control, soil health improvements, etc. They may then pursue these goals by securing outside funding and providing cost-share assistance, technical assistance and grants to help Texas landowners.

The bill does not require an appropriation from the state but instead, TSSWCB may implement the program through the utilization of portions of outside funding source set aside for administrative expenses. By giving TSSWCB this statutory tool to leverage available outside resources this program could potentially result in a large sum of money in additional conservation funding to the state, distributed to local landowners through voluntary programs.

**S.B. 1168 – Sen. Donna Campbell/Sen. Cecil Bell (TSCRA SUPPORTED; SIGNED INTO LAW)  
Restricting the authority of cities of impose fines or fees in the ETJ**

S.B. 1168 prohibits municipalities from imposing fines and fees in the ETJ of an area that has either been disannexed or where an annexation attempt has failed at the ballot box.

**S.B. 1245 – Sen. Charles Perry/Rep. Andrew Murr (TSCRA SUPPORTED; SIGNED INTO LAW)**

**Requiring the comptroller to conduct an annual farm and ranch survey to determine taxable values**

S.B. 1245 requires the Comptroller to conduct an annual farm and ranch survey for estimating the productivity value of qualified open space land as part of the school district property value study. It also requires that the Comptroller implement instruction guides and sessions to assist the public in completing the survey.

**S.B. 1145 – Sen. Charles Perry and H.B. 316 – Rep. Brad Buckley (TSCRA SUPPORTED; FAILED TO PASS)**

**Relating to the advertising and labeling of certain food products**

S.B. 1145 and H.B. 316 were the two bills this legislative session addressing food labeling concerns with products advertised as “meat” when they are plant-based imitations or cell-cultured products. TSCRA delivered public testimony in support of H.B. 316 in the House Public Health Committee hearing and for S.B. 1145 in the Senate Business and Commerce Committee hearing.

During the last few weeks of session, H.B. 316 overwhelmingly passed the House but was never heard in the Senate. S.B. 1145 passed the Senate, was voted favorably from the House Public Health Committee, and placed on the last possible House calendar. Just before the midnight deadline an illegitimate Point of Order was called on the bill which consumed precious time, ultimately killing the bill.