



LEGISLATIVE REPORT

85TH REGULAR TEXAS LEGISLATIVE SESSION

Executive Summary

During the 85th Texas Legislative Session, 6,800 pieces of legislation were filed. The Texas and Southwestern Cattle Raisers Association (TSCRA) was actively involved with and tracked more than 800 bills and resolutions, approximately 12% of the total filed, on behalf of TSCRA members.

TSCRA brought two important proposed statute changes to the legislature within the law enforcement arena. Those proposed changes ultimately became House Bill 2817, authored by Rep. Mary Gonzalez and sponsored by Sen. Charles Perry. Provisions within the bill ensure that those who criminally kill cattle, horses and bison will face a stiffer minimum penalty and that TSCRA will be able to continue its cattle inspection activities in the future. House Bill 2817 was passed by the legislature and signed by the Governor.


Eminent domain reform was another big issue that dominated TSCRA's efforts during the legislative session. TSCRA, along with 24 other landowner organizations, brought a legislative reform package to the legislature that became multiple House and Senate bills. The original versions of these bills represented significant progress for landowners. Unfortunately, late in the legislative session, the bills were allowed to be weakened and no longer adequately solved the problems that many TSCRA members are facing and requested to be addressed by the legislature. Unfortunately, TSCRA and other landowner organizations had to withdraw support of the legislation or else be faced with a weak new law while also forfeiting the opportunity to bring the issue back in future legislative sessions. TSCRA will continue its efforts on eminent domain reform in the next regular legislative session.

TSCRA also played an active role in opposing many pieces of legislation that ultimately did not pass. This included, but was not limited to, legislation that would have negatively affected the groundwater rights of landowners, created opportunities for animal rights activists, weakened animal disease control efforts and expanded the legal authority of entities wishing to have more control over the property rights of landowners.


Below is a summary of key legislation that TSCRA supported that passed and became law.

Budget


The legislature approved additional funding for the Texas Animal Health Commission (TAHC) specifically for control of cattle fever tick outbreaks. This funding totaled over \$7.8 million and included authorization of up to 36 new full-time employees.



6,800
BILLS FILED



1,209
BILLS PASSED



815
BILLS TSCRA
TRACKED

Law Enforcement

House Bill 1257

Rep. Kyle Kacal and Sen. Brian Birdwell

Increases the penalty to a state jail felony for the whole or partial impairment of property used for flood control purposes, including dams.

House Bill 1643

Rep. Drew Springer and Sen. Kel Seliger

Classifies certain concentrated animal feeding operations as critical infrastructure, thus allowing for prosecution of individuals who operate an unmanned aircraft over those facilities.

House Bill 2306

Rep. Ryan Guillen and Sen. Judith Zaffirini

Allows the use of auction proceeds from the sale of abandoned vehicles to reimburse law enforcement agencies for compensation paid to certain property owners who had property damaged in law enforcement pursuits.

★ House Bill 2817

Rep. Mary Gonzalez and Sen. Charles Perry

Increases the minimum penalty for the criminal killing of cattle, horses and bison to a third-degree felony and includes language in state law to ensure the continuation of TSCRA law enforcement cattle inspection activities.

Senate Bill 631

Sen. Dawn Buckingham and Rep. Terry Wilson

Allows for the hearing to also be held in the county where the property was stolen to ease the burden on victims. At present, a judge may hold a hearing to determine the rightful owner of stolen property, but that hearing must be held in the county where the property is being held.

Natural Resources

House Bill 2215

Rep. Four Price and Sen. Borris Miles

Makes changes to the process for the proposal and adoption of desired future conditions for aquifers in a groundwater management area in order to increase stakeholder certainty and better synchronize the five-year joint groundwater and regional water planning cycles.

Senate Bill 864

Sen. Charles Perry and Rep. Tracy King

Amends current law relating to the procedure for obtaining a right to use state water if the applicant proposes an alternative source of water that is not state water. Requires that notice be provided to a groundwater conservation district whenever a surface water permit at the Texas Commission on Environmental Quality proposes to use groundwater as an alternate source.

Senate Bill 1009

Sen. Charles Perry and Rep. Lyle Larson

Clarifies the items that a groundwater conservation district may consider for an application to be deemed administratively complete and that a groundwater conservation district may only require the current statutorily listed information be included when considering a permit to be administratively complete.

Senate Bill 1430

Sen. Charles Perry and Rep. Eddie Lucio III

Encourages the development and use of desalinated seawater by allowing existing surface water right holders who begin using desalinated seawater to have the right to expedited consideration of an application to amend their water right to add or move a diversion point. This amended right would only be allowed for an amount of water equal to or less than the amount of desalinated seawater they are using.

Property Rights

Senate Bill 975

Sen. Brian Birdwell and Rep. Leighton Schubert

Requires that any high-speed rail system implement the same security measures utilized by Amtrak and abide by the same regulations adopted for Amtrak by the Transportation Security Administrations (TSA)

Senate Bill 977

Sen. Charles Schwertner and Rep. Trent Ashby

Prohibits the legislature and state agencies from making an appropriation related to a high-speed rail project operated by a private entity to ensure Texas taxpayers will not financially support a private project. Exemptions exist for certain federally required environmental duties.

Senate Bill 1172

Sen. Charles Perry and Rep. Charlie Geren

Prohibits a political subdivision from adopting a measure that regulates agricultural seed, vegetable seed or any other seed in any manner, including planting seed or cultivating plants grown from seed.

Tax

House Bill 3198

Rep. Drew Darby and Sen. Sen. Craig Estes

Requires that the eligibility of land for special open-space appraisal does not end because a lessee under an oil and gas lease begins conducting oil and gas operations over which the Railroad Commission of Texas has jurisdiction on the land if the portion of the land on which oil and gas operations are not being conducted otherwise continues to qualify for such appraisal.

Senate Bill 1767

Sen. Dawn Buckingham and Rep. Drew Darby

Entitles a property owner to elect to present evidence and argument at a appraisal roll correction hearing before, after, or between the cases presented by the chief appraiser and each taxing unit and to elect to present the property owner's case at a protest hearing either before or after the appraisal district.

