

STPRA Issues & Legislative Updates

The 82nd Texas Legislative session began January 11, 2011. In the 140 day regular session, STPRA was able to make the following accomplishments on five of its seven issues. The 82nd Texas Legislative special session began May 31st and ended June 29, 2011. There were no STPRA issues addressed during the special session.

Border Security & Immigration Reform

There were a large number of bills introduced this session that were trying to make up for the failures of the federal government to do its duty in securing the border and implementing an enforceable immigration system holding both the workers and the employers accountable. Probably because there was no way for the state to adequately address these issues, all of the bills failed. STPRA supported a resolution introduced by leading members of the Hispanic Republican Caucus which basically restated our long-held position of calling on Congress and the President to act in a responsible manner. The resolution, HCR 88, was passed unanimously in the House State Affairs Committee, where Representative Charlie Geren, Republican from Ft. Worth, said that it was the best piece of immigration legislation submitted this session.

Regrettably, the resolution was never allowed to be heard on the floor by the Calendars Committee.

STPRA will remain engaged in the future to find a solution for ag workers by implementing a viable guest worker program. We are currently working directly with U.S. Congressman Lamar Smith to pass legislation that will implement a solid guest worker program that includes the E-Verify system.

Eminent Domain

S.B. 18 was passed after two previous tries in earlier sessions. STPRA joined with its allies to achieve the following outcomes: S.B. 18 requires a public vote to initiate eminent domain proceedings; it more clearly defines what kinds of entities may condemn property; each condemning entity must make a bona fide, good faith payment offer in writing. If it fails to do so, it must pay the landowners' attorney's fees and expenses; landowners must be compensated for limited access to his/her property and assisted with expenses if relocation is necessary; strengthens and supports the "public purpose" requirements passed in an earlier constitutional amendment; property owners have the right to buy back the property for the original payment price if the land is not used for the originally intended purpose within 10 years.

This legislation was necessary to strengthen the earlier constitutional amendment "Proposition 11" passed by Texas voters on November 3, 2009 due to the 2005 U.S. Supreme Court ruling, commonly known as the "Kelo" decision, which said that a public entity is justified in condemning private property for the sake of furthering economic development, even if the beneficiary is another private entity.

Governor Perry signed the bill May 19, 2011. It will go into effective September 1, 2011.

S.B. 18 deals with all important protections of eminent domain and STPRA declares a major victory in assisting in the passage of this legislation.

Fever Tick Eradication

Legislation was passed this session that changed the Texas Animal Health Commission's (TAHC) revenue stream from general revenue to a fee based service income. The livestock producers are lobbying against these fee based services. The Texas Animal Health Commissioners will be meeting, July 19, 2011 to vote on whether to approve these fees. If they are not approved, five part-time and full-time employees who assist federal employees in Zapata and Starr Counties will lose their jobs. USDA will then take over complete authority of fever tick eradication in the state of Texas.

STPRA will remain engaged on this issue.

Groundwater Ownership

S.B. 332, "Groundwater Ownership" was a very important initiative this session. Groundwater is an integral part of the land that is owned by private landowners. STPRA signed on in support of the "Groundwater Ownership" group led by the Texas and Southwestern Cattle Raisers Association (TSCRA), the Texas Wildlife Association (TWA) and the Texas Farm Bureau (TFB). S.B. 332 established that groundwater below the surface is the "real property" of the landowner and that the landowner has the right to produce water below the surface. The groundwater authorities still have the responsibility to regulate groundwater production to insure that landowners' rights are protected.

Governor Perry signed the bill June 17, 2011. It goes into effective September 1, 2011.

STPRA believes that S.B. 332 is a major victory for landowners.

Landowner Compensation

STPRA's H.B. 3422, by J.M. Lozano, enables sheriffs to reimburse landowners for damages, regardless of the value of any vehicle abandoned on the property and regardless of how many landowners suffered damages in a particular incident. The new law also does not require the property owner to file an insurance claim. STPRA will work with county sheriffs and landowners to educate them about the new changes in the landowner compensation law.

Governor Perry signed the bill June 17, 2011, and it became effective immediately.

STPRA declares this legislation a major victory for landowners! We still believe that the additional component of ensuring that law enforcement notifies landowners before leaving the damaged fences should be addressed in the future session. This will help in preventing cattle from getting out on a public road.

Landowner Liability

S.B. 1160, STPRA was highly successful in passing legislation that protects property owners from liability for the actions and omissions of peace officers and firefighters on their properties and for injuries and deaths of trespassers who enter their properties. Our legislation, S.B. 1417 and H.B. 2950, became part of another bill, S.B. 1160, which prevents courts from limiting liability protection beyond that which has already been established in case law.

Governor Perry signed the bill into law May 20, 2011, and it became effective immediately.

STPRA is delighted that we were so successful with the passage of this legislation and declares a huge victory for landowners!

Trans-Texas Corridor

H.B. 1201, by Representative Lois Kolkhorst, was passed to end any legislative authority for the Trans-Texas Corridor (TTC).

Governor Perry signed the bill on June 17, 2011, and it became effective immediately.

STPRA believes that the TTC concept is now officially dead and no future action by STPRA is necessary.