



# Summer Newsletter



Volume 4, Issue 1

July 5, 2011

## **IN THIS ISSUE:**

*82nd Session:  
Legislative  
Update*

*From the  
Executive  
Director*

*2011 New  
Members*

## **UPCOMING EVENTS:**

**July 7, 2011**  
*TWA Wildlife  
Convention  
San Antonio*

**July 9, 2011**  
*Marco Peña  
Fishing  
Tournament  
Corpus Christi*

**August 4, 2011**  
*Profiling Profit-  
able Ranches;  
Ranch  
Management  
Clinic  
Beeville*

**Oct. 13, 2011**  
*STPRA Annual  
Meeting &  
Fundraiser  
Kingsville*

## ***82nd Legislative Session Update*** **A Remarkable Session for Property Owners**

By Robert Howard

While the 82<sup>nd</sup> legislative session may have been a disappointment to many groups interested in the state budget, it was exceptionally good for STPRA and private property interests. Whether working in support of our bigger allies on broad, state-wide concerns or taking the lead on issues more crucial to our region with the support of those same allies, we had many notable successes.

We didn't get everything we wanted, but there were so many accomplishments, it is hard to know where to begin. Here we go:

### **Eminent Domain**

After two previous tries, including the efforts of STPRA, this time the legislature got it right. A good law was passed two sessions ago, but it was vetoed by the Governor, probably because his administration feared it would conflict with the then-current plans to implement the Trans-Texas Corridor. Last session, a constitutional amendment stating that eminent domain could only be used for public purposes was passed and later approved by the voters, but strengthening legislation was stalled from also passing during that session. This session, the Governor called for strong legislation to be passed as an emergency item and, happily, the legislature complied. A few groups thought that the language should be even stronger, but we joined with our allies to push for the consensus bill, SB 18, so that the clock would not run out while arguments raged. Some of the highlights of the new legislation are:

- It 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 landowner's attorney's fees and expenses.
- A landowner must be compensated for limited access to his/her property and assisted with expenses if relocation is necessary.
- It strengthens and supports the "public purpose" requirements passed in the constitutional amendment.
- The property owner has 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.

### **Groundwater Ownership**

Groundwater ownership was a huge initiative this session spearheaded by TSCRA, TWA, and the Farm Bureau and supported by STPRA, including a \$1,000 donation to the cause. There was a particular urgency in getting the legislation passed in advance of a pending Texas Supreme Court ruling in the "Day Case", which could have potentially harmed private ownership of groundwater.

SB 332 establishes that groundwater below the surface is the "real property" of the

Article continued on Page 2

## Board of Directors

Walter Negley

Hugo Berlanga

Lavoyger J. Durham

Mauro R. Garcia, Jr.

W.T. "Tommy" Guerra

Eduardo Hinojosa

Jesse W. Howell

Lee Lytton, III

Robin Kennedy

Beth Knolle-Naiser

Berdon Lawrence

James McAllen, Jr.

Alonzo Peña

John Prukop

Samuel Rodriguez, Jr.

## Honorary Advisors

Presnall Cage

Gen. Marc Cisneros

Helen K. Groves

A.R. "Felo" Guerra

Sarita Hixon

A.C. "Dick" Jones, IV

Cullen Looney

Norberto Lopez

James A. McAllen, Sr.

## Staff

Susan Durham  
Executive Director

Tobi Kibbe  
Marketing Director

Robert Howard  
Consultant

# Legislative Update Continued

landowner and that the "landowner's lessees, heirs, or assigns" have the right to produce water below the surface. The groundwater authorities still have the responsibility to regulate groundwater production as long as the landowners' rights are fairly protected.

## **Trans-Texas Corridor**

HB 1201 by Rep. Lois Kolkhorst to finally end any legislative authority for the Trans-Texas Corridor was passed.

## **Border Security and Immigration Reform**

Understandably there were a large number of bills introduced this session 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 is no way for the state to adequately address these issues, all of those bills failed. We were supportive of a resolution introduced by leading members of the Hispanic Republican Caucus which basically re-stated our long-held position of calling on Congress and the President to act in a responsible manner. This resolution, HCR 88, was passed unanimously in the House State Affairs Committee, where Rep. 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.

## **Landowner Liability**

As you have hopefully seen in our previous update, we were hugely successful in passing language 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, SB 1417 and HB 2950, became part of another bill, SB 1160, which prevents courts from limiting liability protection beyond that which has already been established in case law.

## **Landowner Compensation**

You have also hopefully seen our recent announcement that we were successful in passing legislation to allow sheriffs to adequately compensate landowners from their seizure funds for damages resulting from bail-outs. HB 3422 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.



Butch Thompson, King Ranch; Lavoyger Durham, STPRA Board Member; Susan Durham, STPRA Executive Director, J.M. Lozano, State Representative; Robert Howard, STPRA Consultant at the capitol during the 82nd legislative session

## **Budget Issues**

While we had our successes, we were not completely immune from the budget realities. The Animal Health Commission's budget was cut drastically and they will have to gain more revenue through fees, as will the Texas Department of Agriculture, which also lost much of its rural economic development capacity.

## **Need More Info?**

Please do not hesitate to contact us if we can provide additional information about these or other issues related to the state legislature or Congress.



**PLEASE CALL TO PLACE YOUR ORDER:**

**956.383.1960**

**OR EMAIL: ASHLEY@MCALENRANCH.COM**

**ONLINE ORDERS COMING SOON AT**

**MCALENRANCH.COM !**

## ***STPRA New Members***

Karen and Ronnie Schneider, Kendalia  
 Eric Opiela, Karnes City  
 Miguel Agustin Pena, Roma  
 David Edwards, Sinton  
 Ben and Patricia Wallace, Corpus Christi  
 Brian Vogt, Philadelphia  
 Hause Circle Ltd.; H.B. Hause, Beeville  
 Randy and Stacey Morris, San Juan  
 Kyle Haley, San Antonio  
 Scott Petty, San Antonio  
 Tommy Arnin, San Antonio  
 Philip Milburn, Rio Medina  
 George and Daryl Anne Tanner, Corpus Christi  
 Texas Ag Finance, Robstown  
 Sam Bell Steves II, San Antonio  
 Carl Family Partner, Ltd., Corpus Christi  
 Les Ballard, Houston  
 John Edgerton, Houston  
 Jim Borglum, Hermusa  
 Grady and Caroline Cage, San Antonio  
 Cell Gate/ Wireless Traps, Dallas  
 Delbert Van Cleve, Houston  
 Jim Devlin, Corpus Christi  
 Walt Franklin, Tilden  
 Mr. and Mrs. Roque Garcia, Falfurrias  
 John Hall, Alvin  
 Charles Maley, Crawford  
 Joe Maley, Valley Mills  
 David Porter, Giddings  
 Barry Putegnat, Brownsville  
 Linda Joy Stovall, El Campo  
 Pete & Camille Tassos, San Antonio  
 Mary Sue and Tom Nelson, Victoria  
 Kathy and Randy Davis, Brownsville

## ***From the Executive Director***

STPRA continues to live up to its mission to support and actively participate in the resolution of various issues. As you've read in the legislative update, we had remarkable successes, and I would be remiss if I didn't acknowledge the team effort that produced such outstanding results. Many thanks to: Berdon Lawrence, STPRA Issues Committee chairman; Robert Howard, STPRA consultant; Rep. J. M. Lozano and staff; Rep. Jim Jackson; Senator Juan "Chuy" Hinojosa and staff; Senator Kel Seliger; Dave Delaney, King Ranch; Jason Skaggs, TSCRA; Kirby Brown and Joey Parks, TWA; and to those that provided verbal testimony on behalf of SB 1160 and HB 3422: STPRA members Charles Lawrence and Dr. Mike Vickers; Butch Thompson, King Ranch; Norman Garza, TFB; and Victoria County Sheriff, T. Michael O'Connor.

STPRA will continue to serve as a catalyst for finding solutions to the important challenges that exist for South Texas property owners and managers. God bless Texas and God bless our nation as we celebrate the 235th year of our nation's independence this week!

## ***Gate Signs are for Sale***

**\$25.00 each & \$5.00 for Shipping**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Number of Signs:** \_\_\_\_\_



**Please mail form to:**

**STPRA**

**P.O. Box 397**

**Falfurrias, TX 78355**



## **South Texans' Property Rights Association**

PO Box 397

Falfurrias, TX 78355

Phone: (361) 348-3020

Fax: (361) 348-3121

***Making a Difference for a Better South Texas***

Mark Your Calendar for the  
***2011 STPRA Annual Meeting  
& Fundraiser***

***October 13, 2011***

Caesar Kleberg Wildlife Center  
Kingsville, TX  
2:00 p.m.

Guest Speakers, Exhibitors,  
Silent Auction, Raffle, Live Auction,  
Dinner & Drinks

