

## TSCRA CATTLEMEN'S COLUMN

# Some Remarkable Bright Spots in a Tough 2011

BY: JOE PARKER JR.



There is no denying that 2011 was a tough year for cattle raisers. Ranchers across the state are still facing an unprecedented drought and rebuilding from the crippling wildfires, but through all the dust and smoke, there were some definite bright sides of 2011. Because of the hard work of our members, TSCRA chalked up major victories at the Texas and U.S. Capitols. A few of the highlights are listed below.

### Eminent Domain Reformed

After a decade of hard work from legislators and landowner groups including TSCRA, SB 18, the eminent domain bill was finally signed into law.

SB 18 secures stronger eminent domain laws that will protect landowners. Highlights of the new law include requiring condemning entities to make a bona fide offer in writing and compensate landowners for loss of access to their property. SB 18 goes further to require condemning entities to take a public and record vote to initiate eminent domain proceedings, keeping them more accountable. All entities with eminent domain authority must also register with the Comptroller by December 2012 or they lose their authority.

Additionally, SB 18 gives landowners the right to repurchase their condemned land at the original price if it is not used within 10 years. SB 18 also puts in statute that eminent domain can be used only to acquire property for public use, and that use has to be put in writing before the condemnation process can begin.

### Groundwater Ownership Secured

Groundwater ownership rights were also secured in 2011, putting to rest any question of who owns the groundwater below the surface of a landowner's land.

SB 332 makes clear that landowners own the groundwater below their land as real property, and clarifies that it is subject to the same legal protections as other private property. SB 332 also recognizes that groundwater may continue to be produced and conserved while ensuring fair and impartial regulation of landowners' groundwater ownership rights.

### EPA Rural Dust Regulation Stopped

TSCRA and other agricultural groups successfully blocked the Environmental Protection Agency (EPA) from imposing regulations that would have allowed the federal government to regulate rural dust. This regulation would have had a devastating economic impact on ranchers at a time when our industry is battling an unprecedented drought and wildfires alongside a list of proposed burdensome and unnecessary government regulations.

Had this regulation been implemented, ranchers could have been fined for working in dusty environments. Ranchers could have been subject to expensive and burdensome compliance costs such as having to implement dust suppression practices on their ranch. Fines for noncompliance were estimated to reach up to \$37,500 per day.

### Free Trade Agreements Passed

TSCRA worked to ensure passage of the long-stalled free trade agreements (FTA) with Panama, Colombia and South Korea. Passage of these FTAs will increase U.S. beef exports by an estimated \$3 billion at a time when Texas beef producers need it most.

According to the U.S. International Trade Commission, the implementation of these 3 FTAs will increase all U.S. exports by at least \$13 billion and add \$10 billion to the U.S. Gross Domestic Product. Additionally, exports of U.S. goods generate more than 8,000 U.S. jobs for every billion dollars shipped overseas.

Passage of these agreements will not only add additional exports for Texas beef, but they will help speed up our industry's recovery from this unprecedented drought. When ranchers do see relief there will be a hungry market overseas eager for Texas beef.

### Remaining Trans-Texas Corridor Provisions Repealed

TSCRA worked with the state house and senate to repeal all remaining provisions of the Trans-Texas Corridor, solidifying the end of the proposal.

### Burdensome CDL Requirements Stopped

The U.S. Department of Transportation (DOT) was considering a proposal that would have required tractors and loaded stock trailers weighing 26,000 pounds or more to obtain a commercial driver's license (CDL), but TSCRA was able to stop this from happening.

This proposal had the potential to severely harm the Texas cattle industry, especially during times of natural disasters such as drought and wildfires.

It was a good year on the legislative and regulatory front, but there is still work to be done in 2012. Thanks to each and every TSCRA member, ranchers and landowner who called their elected officials, wrote letters and emails, and made visits to the Capitol. Your contributions paid off tremendously.

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