

BILL ANALYSIS

Senate Research Center

S.B. 1828
By: Averitt
Government Organization
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Enrolled

DIGEST AND PURPOSE

Currently, the Texas State Soil and Water Conservation Board is an agency of the state. S.B. 1828 amends the statutes governing the Texas State Soil and Water Conservation Board.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.011, Agriculture Code, as follows:

Sec. 201.011. COMPOSITION. Provides that the State Soil and Water Conservation Board (SSWCB) is a state agency composed of seven, rather than five, certain members.

SECTION 2. Amends Section 201.015(b), Agriculture Code, to provide that the term of office of an elected member of SSWCB begins on the day after the day on which the member was elected. Provides that the term of one member appointed by the governor expires February 1 of each odd-numbered year, and the term of the other member appointed by the governor expires February 1 of each even-numbered year.

SECTION 3. Amends Subchapter B, Chapter 201, Agriculture Code, by adding Section 201.0152, as follows:

Sec. 201.0152. APPLICATION. Provides that Sections 201.0141, 201.0142, and 201.0151 apply to the governor's appointees under this chapter.

SECTION 4. Amends Section 201.016, Agriculture Code, as follows:

Sec. 201.016. VACANCY. Provides that vacancies in the state district positions on SSWCB are filled by election in the manner provided by this subchapter for an unexpired term or for a full term.

SECTION 5. Amends Subchapter B, Chapter 201, Agriculture Code, by adding Sections 201.028 and 201.029, as follows:

Sec. 201.028. SEMIANNUAL REPORT. Requires SSWCB, not later than January 1 and July 1 of each year, to prepare and deliver to the governor, the lieutenant governor, and the speaker of the house of representatives a report relating to the status of the budget areas of responsibility assigned to SSWCB, including outreach programs, grants made and received, federal funding applied for and received, special projects, and oversight of water conservation district activities.

Sec. 201.029. MANAGEMENT AUDIT. (a) Requires the state auditor, in coordination with the Legislative Budget Board, not later than March 1, 2004, to conduct a management audit of SSWCB and deliver the audit report to the governor, the lieutenant governor, and the speaker of the house of representatives. Requires the audit report to

include an evaluation of the administrative budget for SSWCB.

(b) Provides that this section expires April 1, 2004.

SECTION 6. Amends Sections 203.011, 203.012, 203.013, 203.016, and 203.051, Agriculture Code, as follows:

Sec. 203.011. **AUTHORITY OF THE BOARD.** Provides that SSWCB has jurisdiction over and requires SSWCB, with the assistance of local districts, to administer the brush control program under this chapter.

Sec. 203.012. **RULES.** Requires SSWCB, after consulting with local district, to adopt reasonable rules that are necessary to carry out this chapter.

Sec. 203.013. **AUTHORITY OF DISTRICTS.** Deletes existing text relating to a critical area.

Sec. 203.016. **CONSULTATION.** Requires SSWCB to consult with certain entities in regard to certain information.

Sec. 203.051. **STATE PLAN.** Requires SSWCB to prepare and adopt a state brush control plan that meets certain criteria.

SECTION 7. Amends Sections 203.052(b), (c), and (d), Agriculture Code, as follows:

(b) Requires a written notice of a hearing to include and state certain information.

(c) Requires SSWCB to enter into the record any written comments received on the proposed plan and to consider all written comments and testimony before taking final action on the plan.

(d) Makes a conforming change.

SECTION 8. Amends Sections 203.053, 203.055, and 203.101, Agriculture Code, as follows:

Sec. 203.053. **New heading: CRITERIA FOR EVALUATING BRUSH CONTROL AREAS.** Deletes existing text in heading "DESIGNATING CRITICAL" relating to critical areas.

(a) Requires SSWCB, in ranking areas, rather than designating critical areas, under the plan, to consider certain information.

(b) Makes a conforming change.

Sec. 203.055. (a) Requires SSWCB to study and approve all methods used to control brush under this chapter, rather than Act, considering the overall impact of the project. Makes a conforming change.

(b) Authorizes SSWCB to approve a method for use under the cost-sharing program provided by Subchapter E if SSWCB finds that the proposed method meets certain requirements. Makes a nonsubstantive change.

Sec. 203.101. Makes a conforming change.

SECTION 9. Amends Section 203.154, Agriculture Code, by amending Subsections (a) and (c) and adding Subsections (d) and (e), as follows:

(a) Authorizes not more than 70, rather than 80, percent of the total cost of a single brush control project to be made available as the state's share in cost sharing.

(c) Authorizes SSWCB to grant an exception to Subsection (b) if SSWCB finds that joint participation of the state brush control program and any federal brush control program will cause certain results. Makes a nonsubstantive change.

(d) Provides that a political subdivision is eligible for cost sharing under the brush control program, provided that the state's share may not exceed 50 percent of the total cost of a single project.

SECTION 10. Amends Sections 203.156, 203.157, and 203.158, Agriculture Code, as follows:

Sec. 203.156. Requires a person, including a political subdivision, that desires to participate with the state in a brush control project and to obtain cost-sharing participation by the state to file an application with the district board in the district in which the land on which the project is to be accomplished is located.

Sec. 203.157. Requires SSWCB, in passing on an application for cost sharing, to consider certain information. Makes a conforming change.

Sec. 203.158. Authorizes SSWCB to approve an application if, after considering the factors listed in Section 203.157 and any other relevant factors, SSWCB makes certain findings.

SECTION 11. Amends Sections 203.159(a) and (c), Agriculture Code, as follows:

(a) Requires, rather than authorizes, SSWCB, if the demand for funds under the cost-sharing program is greater than funds available, to establish priorities favoring the areas with the most critical water conservation needs and projects that will be most likely to produce substantial water conservation.

(c) Provides that the quantity of stream flows or groundwater or water conservation from the eradication of brush is a consideration in assigning priority. Deletes existing text relating to the amount of land dedicated to the project that will produce significant water conservation as a priority.

SECTION 12. (a) Repealer: Section 203.001(5), Agriculture Code (definition of "critical area").

(b) Repealer: Section 203.155, Agriculture Code (Limit to Critical Areas and Approved Methods).

SECTION 13. Requires the governor, in making initial appointments to SSWCB under Section 201.011, Agriculture Code, as amended by this Act, to designate one member to serve a term expiring February 1, 2004, and the other member to serve a term expiring February 1, 2005.

SECTION 14. Requires SSWCB to prepare and deliver the first report required by Section 201.028, Agriculture Code, as added by this Act, not later than January 1, 2004.

SECTION 15. Effective date: September 1, 2003.