

## **BILL ANALYSIS**

C.S.S.B. 1828  
By: Averitt  
Agriculture & Livestock  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, the Texas State Soil and Water Conservation Board is an agency of the state. C.S.S.B. 1828 amends the statutes governing the Texas State Soil and Water Conservation Board to increase the number of the Board members and to increase the efficiency of the Board.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B.1828 expands the board membership of the State Soil and Water Conservation Board (Board) from five to seven members. The bill sets forth the membership requirements for the two members appointed by the governor, provisions for filling a vacancy, and terms for the Board members. The bill requires the chair of the state board to be one of its elected members. The bill sets forth reporting requirements of the Board to be prepared and delivered to the governor, lieutenant governor, and the speaker of the house of representatives. The bill requires an audit to be conducted by the state auditor not later than March 1, 2004, to be delivered to the governor, lieutenant governor, and the speaker of the house of representatives. The bill requires the Board to consult with local districts before administering and adopting rules for the brush control program. The bill adds the Texas Water Development Board and the Texas Department of Agriculture as agencies, in addition to the Texas Parks and Wildlife Department, that the Board shall consult with in regard to the effects of brush control projects. The bill requires the Board to prepare a state plan that ranks areas of the state in need of brush control, rather than designating critical areas in need and it sets forth notice of hearing requirements and criteria for evaluating brush control areas. The bill provides limits on cost sharing participation by the state, with exceptions. The bill amends sections relating to passing on applications for cost sharing. The bill allows 100% of the total cost of brush control projects on public lands be made available as the state's share in cost sharing. The bill removes permissive language and requires the Board to establish priorities favoring areas with the most critical water conservation needs. The bill repeals two sections in the Agriculture Code relating to the term "critical area" which is removed from previous sections. The bill directs the governor, when making his initial appointments to the State Soil and Water Conservation Board, to appoint one member with a term expiring February 1, 2004, and the second member with a term expiring February 1, 2005.

### **EFFECTIVE DATE**

September 1, 2003.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute modifies the original by adding qualification requirements for the governor appointees. The substitute further requires that the chair of the board be an elected member of the board whereas the original does not. The substitute modifies the authority of the board relating to the brush control program including approved methods for brush control and considerations in passing on an application whereas the original does not. The substitute repeals two sections of the Agriculture Code relating to the term “critical areas” whereas the original does not. A provision in the original relating to conflict of interest for a member of the state board is not included in the substitute.

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