

By: Averitt

S.B. No. 1828

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the transfer of the State Soil and Water Conservation
3 Board to the Department of Agriculture.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subsection (d), Section 201.001, Agriculture
6 Code, is amended to read as follows:

7 (d) It is the policy of the legislature to provide for the
8 conservation of soil and related resources of this state and for the
9 control and prevention of soil erosion, and thereby to preserve
10 natural resources, control floods, prevent impairment of dams and
11 reservoirs, assist in maintaining the navigability of rivers and
12 harbors, preserve wildlife, protect the tax base, protect public
13 lands, and protect and promote the health, safety, and general
14 welfare of the people of this state, and thus to carry out the
15 mandate expressed in Article XVI, Section 59a, of the Texas
16 Constitution. It is further declared as a matter of legislative
17 intent and determination of policy that the State Soil and Water
18 Conservation Board is [~~the state agency~~] responsible for
19 implementing the constitutional provisions and state laws relating
20 to the conservation and protection of soil resources.

21 SECTION 2. Section 201.011, Agriculture Code, is amended to
22 read as follows:

23 Sec. 201.011. COMPOSITION. The State Soil and Water
24 Conservation Board is [~~a state agency~~] composed of five members,

1 with one member elected from each of the state districts in
2 accordance with this subchapter.

3 SECTION 3. Subchapter B, Chapter 201, Agriculture Code, is
4 amended by adding Section 201.0111 to read as follows:

5 Sec. 201.0111. STATE BOARD IN DEPARTMENT. (a) The state
6 board is within the department.

7 (b) The state board shall exercise its functions, duties,
8 and powers under the direction of the commissioner.

9 SECTION 4. Subsection (c), Section 201.0151, Agriculture
10 Code, is amended to read as follows:

11 (c) If the executive director has knowledge that a potential
12 ground for removal exists, the executive director shall notify the
13 chairman of the state board. The chairman shall then notify the
14 commissioner, the governor, and the attorney general that a
15 potential ground for removal exists. If the potential ground for
16 removal involves the chairman, the executive director shall notify
17 the next highest ranking officer of the state board, who shall then
18 notify the commissioner, the governor, and the attorney general
19 that a potential ground for removal exists.

20 SECTION 5. Subsections (a), (f), and (i), Section 201.019,
21 Agriculture Code, are amended to read as follows:

22 (a) The commissioner [~~state board~~] shall designate one of
23 its members as chairman.

24 (f) The executive director or the executive director's
25 designee shall provide to the commissioner, members of the state
26 board, and state board employees, as often as necessary,
27 information regarding the requirements for office or employment

1 under this chapter, including information regarding a person's
2 responsibilities under applicable laws relating to standards of
3 conduct for state officers and employees.

4 (i) The state board [~~agency~~] shall develop and implement
5 policies which clearly separate the respective responsibilities of
6 the state board and the staff of the board.

7 SECTION 6. Subsection (c), Section 201.0191, Agriculture
8 Code, is amended to read as follows:

9 (c) The policy statement must:

10 (1) be filed with the commissioner and the
11 governor's office;

12 (2) be updated annually; and

13 (3) be reviewed by the Commission on Human Rights for
14 compliance with Subsection (b)(1).

15 SECTION 7. Subsections (a) and (b), Section 201.023,
16 Agriculture Code, are amended to read as follows:

17 (a) Except as provided by Section 201.081, the state board
18 shall deposit all money and securities received by it in the state
19 treasury to the credit of a special fund known as the state soil
20 conservation fund. That fund shall be appropriated to the
21 department [~~state board~~] for use in the administration of this
22 chapter and is subject to the same care and control while in the
23 state treasury as other funds of the state.

24 (b) The financial transactions of the state board are
25 subject to audit by the state auditor in accordance with Chapter
26 321, Government Code. The state board shall file annually with, the
27 commissioner, the governor, and the presiding officer of each house

1 of the legislature a complete and detailed written report that
2 accounts for all funds received and disbursed by the board during
3 the preceding year. The form of the annual report and the time for
4 the report shall be prescribed in the General Appropriations Act.

5 SECTION 8. Subsection (e), Section 201.026, Agriculture
6 Code, as added by Chapter 1095, Acts of the 77th Legislature,
7 Regular Session, 2001, is amended to read as follows:

8 (e) State [~~Other state~~] agencies with responsibility for
9 abating agricultural and silvicultural nonpoint source pollution
10 shall coordinate any abatement programs and activities with the
11 state board.

12 SECTION 9. This Act takes effect September 1, 2003.

13 SECTION 10. The transfer of the State Soil and Water
14 Conservation Board under this Act does not affect or impair any act
15 done, any obligation, complaint, review, program, report,
16 standard, or requirement existing, any investigation begun, or any
17 penalty accrued under former law, and that law remains in effect for
18 any action concerning those matters.