

BILL ANALYSIS

C.S.H.B. 1808

By: Cook

Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The State Soil and Water Conservation Board was created by the Legislature to work directly with owners and operators of agricultural land to develop and implement conservation plans involving land treatment measures for erosion control, water quantity, and water quality purposes. The State Board provides technical and financial assistance to assist the operation of 216 local soil and water conservation districts; serves as the lead state agency for the prevention, management, and abatement of nonpoint source pollution resulting from agricultural and forestry-related activities; and administers grant programs for the maintenance and repair of flood control dams, water supply enhancement, development of water quality management plans, and management and abatement of agricultural nonpoint source pollution.

The State Soil and Water Conservation Board is subject to the Sunset Act and will be abolished on September 1, 2011, unless continued by the Legislature. As a result of its review of the State Soil and Water Conservation Board, the Sunset Advisory Commission recommended continuation of the agency and several statutory modifications to provide processes and systems to ensure that agency programs are effective and accountable.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Soil and Water Conservation Board in SECTION 14 of this bill.

ANALYSIS

Requires Establishment of Program Goals and Standard Grant Practices

C.S.H.B. 1808 requires the State Board to establish specific program goals for its state-funded competitive grant programs and provide a method for ensuring compliance with grant conditions and seeing that goals are met.

Clarify the State Board's Focus on Water Supply Enhancement

The bill clarifies that the purpose of the State Board's brush control efforts is water supply enhancement, and changes the name of the Program from Brush Control to Water Supply Enhancement. The bill clarifies that by dealing with water supply enhancement, the Program does not limit the State Board's brush control authority as a general land improvement measure. The bill also requires the State Board to establish goals for the water supply enhancement program, including describing the intended use of the water and the population targeted.

Strengthens Selection and Compliance Processes for the Water Supply Enhancement Program

C.S.H.B. 1808 requires the State Board to develop a system to rank and prioritize water supply enhancement projects, rather than areas of the State, each funding cycle based on water conservation need and water yield. The bill also specifies criteria for project prioritization, including the need for water conservation based on the state water plan and projected water yield of areas of the project based on the characteristics of the project land. The bill requires projected water yield to be expressed through a model by a person with

expertise in hydrology or water resource or supply matters and establishes a process to contract for feasibility studies on new water supply enhancement projects. The bill provides for stakeholder input for standardized reporting of projected water yield.

The bill clarifies terminology in statute for what is a watershed project, a sub-basin or area within a watershed project, and a cost-share contract within areas of a watershed and makes conforming changes to reflect clarification of terminology. The bill also requires the State Board to ensure follow-up brush control treatment and assess overall program effectiveness.

Clarifies the Administrative Role of the State Board Regarding the Texas Invasive Species Coordinating Committee

C.S.H.B. 1808 clarifies the State Board's authority to accept and administer loans, grants, gifts, or other funds to carry out its functions as the administrator of the Texas Invasive Species Coordinating Committee.

Continuation of the State Board

The bill continues the Texas State Soil and Water Conservation Board for 12 years.

Applies standard Sunset across-the-board recommendations

C.S.H.B. 1808 adds standard Sunset language requiring impartial appointments to the State Board and requiring the State Board to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution. The bill also modifies standard Sunset language specifying the grounds for removing a State Board member and requiring members of the State Board to complete training before assuming their duties to apply the language to appointed, as well as elected, board members. C.S.H.B. 1808 also updates standard Sunset language requiring the State Board to maintain information on all complaints and notify the parties about policies for and status of complaints.

The bill repeals the following statutory provisions:

Texas Agriculture Code, §201.0152

Texas Agriculture Code, §203.152

Texas Agriculture Code, §203.153

Texas Agriculture Code, §203.159

Instructional Provisions

The bill also requires a special purpose review of the State Board's implementation of Sunset Commission recommendations as part of the 2015 Sunset review cycle.

EFFECTIVE DATE

The bill takes effect September 1, 2011.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1808 removes the requirement in the original version that would have prioritized cost-share contracts and to stagger cost-share rates.

The substitute removes the requirement in the original version that would have prioritized areas within watershed projects.

C.S.H.B. 1808 modifies the list of factors the State Board must consider when prioritizing and establishing a project to require the State Board to evaluate the highest water yielding areas within a project.

The substitute requires the State Board to re-evaluate its prioritization of projects for each new funding cycle.

C.S.H.B. 1808 clarifies that requirements for grant programs apply only to *competitive* grants, and not all grants the State Board provides to all local Soil and Water Conservation Districts.

C.S.H.B. 1808 removes a provision clarifying the State Board is the lead agency for the control of terrestrial invasive plant species, and moves proposed new language in the original bill authorizing the State Board to accept loans, grants, gifts, and other funds to the section in the Government Code regarding the Texas Invasive Species Coordinating Committee.

The substitute removes conforming changes related to the term “brush control” from the Local Government Code, Tax Code, Transportation Code, and the Water Code.

The substitute changes the effective date to September 1, 2011 from provisions for taking immediate effect in the original version.