

By: Cook

H.B. No. 1808

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the continuation and functions of the State Soil and
3 Water Conservation Board.

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

5 SECTION 1. Subchapter B, Chapter 201, Agriculture Code, is
6 amended by adding Section 201.0111 to read as follows:

7 Sec. 201.0111. APPOINTMENTS. Appointments to the state
8 board shall be made without regard to the race, color, disability,
9 sex, religion, age, or national origin of the appointees.

10 SECTION 2. Sections 201.0142(a) and (c), Agriculture Code,
11 are amended to read as follows:

12 (a) A person who is elected or appointed and qualifies for
13 office as a member of the state board may not vote, deliberate, or
14 be counted as a member in attendance at a meeting of the state board
15 until the person completes a training program that complies with
16 this section.

17 (c) A person elected or appointed to the state board is
18 entitled to reimbursement, as provided by the General
19 Appropriations Act, for the travel expenses incurred in attending
20 the training program, regardless of whether attendance at the
21 program occurs before or after the person qualifies for office.

22 SECTION 3. Section 201.0151(a), Agriculture Code, is
23 amended to read as follows:

24 (a) It is a ground for removal from the state board that a

1 member:

2 (1) does not:

3 (A) if the member is elected, have at the time of
4 election the qualifications required by Section 201.013(c); or

5 (B) if the member is appointed, have at the time
6 of taking office the qualifications required by Section 201.011(2)
7 ~~[Subsection (c) of Section 201.013 of this code]~~;

8 (2) does not maintain during service on the state
9 board the qualifications required by Section 201.011(2) or
10 201.013(c) ~~[Subsection (c) of Section 201.013 of this code]~~;

11 (3) is ineligible for membership under Section
12 201.0141 ~~[of this code]~~;

13 (4) cannot, because of illness or disability,
14 discharge the member's duties for a substantial portion of the
15 member's term; or

16 (5) is absent from more than half of the regularly
17 scheduled state board meetings that the member is eligible to
18 attend during a calendar year, without an excuse approved by a
19 majority vote of the state board.

20 SECTION 4. Section 201.0231, Agriculture Code, is amended
21 to read as follows:

22 Sec. 201.0231. COMPLAINTS. (a) The state board shall
23 maintain a central database of complaints filed with state board
24 offices and a system to promptly and efficiently act on a complaint
25 filed with a state board office. The state board shall maintain
26 information about parties to the complaint, ~~[file on each written~~
27 ~~complaint filed with the state board.~~

1 ~~[(b) The file must include:~~

2 ~~[(1) the name of the person who filed the complaint;~~

3 ~~[(2) the date the complaint is received by the state~~
4 ~~board;~~

5 ~~[(3)] the subject matter of the complaint,~~~~]~~

6 ~~[(4) the name of each person contacted in relation to~~
7 ~~the complaint;~~

8 ~~[(5)] a summary of the results of the review or~~
9 ~~investigation of the complaint,~~ and its disposition~~;~~ ~~and~~

10 ~~[(6) an explanation of the reason the file was closed,~~
11 ~~if the state board closed the file without taking action other than~~
12 ~~to investigate the complaint].~~

13 (b) The state board shall make information available
14 describing its procedures for complaint investigation and
15 resolution.

16 ~~(c) [The state board shall provide to the person filing the~~
17 ~~complaint and to each person who is a subject of the complaint a~~
18 ~~copy of the state board's policies and procedures relating to~~
19 ~~complaint investigation and resolution.~~

20 ~~[(d)] The state board,~~ ~~at least quarterly until final~~
21 ~~disposition of the complaint,~~ shall periodically notify the
22 parties to ~~[person filing]~~ the complaint ~~[and each person who is a~~
23 ~~subject of the complaint]~~ of the status of the complaint until final
24 disposition ~~[investigation unless the notice would jeopardize an~~
25 ~~undercover investigation].~~

26 SECTION 5. Section 201.025, Agriculture Code, is amended to
27 read as follows:

1 Sec. 201.025. SUNSET PROVISION. The State Soil and Water
2 Conservation Board is subject to Chapter 325, Government Code
3 (Texas Sunset Act). Unless continued in existence as provided by
4 that chapter, the board is abolished and this chapter expires
5 September 1, 2023 [~~2011~~].

6 SECTION 6. Subchapter B, Chapter 201, Agriculture Code, is
7 amended by adding Sections 201.029, 201.030, and 201.031 to read as
8 follows:

9 Sec. 201.029. GRANT PROGRAM ADMINISTRATION. (a) In this
10 section, "grant program" means a grant program administered by the
11 state board under this title and funded primarily by state funds.
12 The term includes a program for water quality management, water
13 supply enhancement, or flood control.

14 (b) The state board shall:

15 (1) develop goals for each grant program, including
16 desired program results and descriptions of program beneficiaries;

17 (2) establish statewide evaluation criteria to
18 document grantee compliance with grant conditions;

19 (3) monitor compliance with the evaluation criteria
20 described by Subdivision (2) by gathering, maintaining, and
21 analyzing comprehensive data on grant program activities;

22 (4) analyze the extent to which grant programs achieve
23 the goals developed under Subdivision (1), using either empirical
24 or nonempirical evidence; and

25 (5) publish the analysis required by Subdivision (4)
26 on the state board's Internet website or in any annual publication
27 the state board is required by statute to publish.

1 Sec. 201.030. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
2 RESOLUTION. (a) The state board shall develop and implement a
3 policy to encourage the use of:

4 (1) negotiated rulemaking procedures under Chapter
5 2008, Government Code, for the adoption of state board rules; and

6 (2) appropriate alternative dispute resolution
7 procedures under Chapter 2009, Government Code, to assist in the
8 resolution of internal and external disputes under the state
9 board's jurisdiction.

10 (b) The state board's procedures relating to alternative
11 dispute resolution must conform, to the extent possible, to any
12 model guidelines issued by the State Office of Administrative
13 Hearings for the use of alternative dispute resolution by state
14 agencies.

15 (c) The state board shall:

16 (1) coordinate the implementation of the policy
17 adopted under Subsection (a);

18 (2) provide training as needed to implement the
19 procedures for negotiated rulemaking or alternative dispute
20 resolution; and

21 (3) collect data concerning the effectiveness of those
22 procedures.

23 Sec. 201.031. INVASIVE SPECIES AUTHORITY. The state board
24 is the state's lead agency in controlling terrestrial invasive
25 plant species. The state board may accept and administer
26 conditional or other loans, grants, gifts, or other funds from the
27 state or federal government or other sources to carry out its

1 function as the lead agency.

2 SECTION 7. Section 201.202(b), Agriculture Code, is amended
3 to read as follows:

4 (b) The board shall designate priorities among the various
5 land improvement measures, including:

6 (1) brush control and other water supply enhancement
7 activities;

8 (2) forest improvement measures;

9 (3) returning erosive cropland to pasture and other
10 practices that maximize water conservation;

11 (4) increasing water use efficiency;

12 (5) increasing water quality;

13 (6) reducing erosion; and

14 (7) maximizing public benefits.

15 SECTION 8. The heading to Chapter 203, Agriculture Code, is
16 amended to read as follows:

17 CHAPTER 203. WATER SUPPLY ENHANCEMENT [~~BRUSH CONTROL~~]

18 SECTION 9. Section 203.001, Agriculture Code, is amended by
19 adding Subdivisions (5), (6), (7), and (8) to read as follows:

20 (5) "Area" means a sub-basin or other portion of land
21 within a project.

22 (6) "Project" means a watershed or portion of a
23 watershed in which water supply enhancement activities are
24 performed.

25 (7) "Proposal" means a request submitted by a soil and
26 water conservation district or other political subdivision for
27 state funds to be used in a watershed or portion of a watershed for

1 water supply enhancement activities.

2 (8) "Water supply enhancement" includes brush
3 control.

4 SECTION 10. Section 203.002, Agriculture Code, is amended
5 to read as follows:

6 Sec. 203.002. PURPOSE [~~CREATION~~] OF PROGRAM. The water
7 supply enhancement program [~~Texas Brush Control Program is created~~
8 ~~and~~] shall be implemented, administered, operated, and financed as
9 provided by this chapter. The purpose of the water supply
10 enhancement program is to increase available surface water and
11 groundwater through:

12 (1) selective control, removal, or reduction of
13 noxious brush species that are detrimental to water conservation;
14 and

15 (2) revegetation of land on which noxious brush has
16 been controlled, removed, or reduced.

17 SECTION 11. Section 203.011, Agriculture Code, is amended
18 to read as follows:

19 Sec. 203.011. AUTHORITY OF BOARD. The board has
20 jurisdiction over and, with the assistance of local districts,
21 shall administer the water supply enhancement [~~brush control~~]
22 program under this chapter. This chapter does not limit the board's
23 authority to control, remove, or reduce brush under any program the
24 board administers under Chapter 201.

25 SECTION 12. Section 203.016, Agriculture Code, is amended
26 to read as follows:

27 Sec. 203.016. CONSULTATION. The State Soil and Water

1 Conservation Board shall consult with:

2 (1) the Texas Water Development Board in regard to the
3 effects of the water supply enhancement [~~brush control~~] program on
4 water quantity;

5 (2) the department in regard to the effects of the
6 water supply enhancement [~~brush control~~] program on agriculture;
7 and

8 (3) the Parks and Wildlife Department in regard to the
9 effects of the water supply enhancement [~~brush control~~] program on
10 fish and wildlife.

11 SECTION 13. Section 203.051, Agriculture Code, is amended
12 to read as follows:

13 Sec. 203.051. STATE PLAN. (a) The board shall prepare and
14 adopt a state water supply enhancement [~~brush control~~] plan that
15 includes [~~shall~~]

16 [~~(1) include~~] a comprehensive strategy for managing
17 brush in all areas of the state where brush is contributing to a
18 substantial water conservation problem[~~, and~~

19 [~~(2) rank areas of the state in need of a brush control~~
20 ~~program, as provided by Section 203.053]~~.

21 (b) The plan adopted under this section must list the goals
22 the board establishes under Section 201.029 for the water supply
23 enhancement program. These goals must include:

24 (1) a goal describing the intended use of a water
25 supply enhanced or conserved by the program, such as agricultural
26 purposes or drinking water purposes; and

27 (2) a goal describing the populations that the water

1 supply enhancement program will target.

2 SECTION 14. Section 203.053, Agriculture Code, is amended
3 to read as follows:

4 Sec. 203.053. CRITERIA FOR ACCEPTING AND PRIORITIZING WATER
5 SUPPLY ENHANCEMENT PROJECTS [~~EVALUATING BRUSH CONTROL AREAS~~]. (a)

6 The board shall adopt rules establishing:

7 (1) criteria for accepting project proposals; and

8 (2) a system to prioritize projects, giving priority
9 to projects that balance the most critical water conservation need
10 and the highest projected water yield.

11 (b) The criteria required by Subsection (a)(1) must include
12 a requirement that each proposal state the projected water yield of
13 the proposed project, as modeled by a person with expertise in
14 hydrology, water resources, or another technical area pertinent to
15 the evaluation of water supply.

16 (c) The board shall consult with stakeholders, including
17 hydrologists and representatives from soil and water conservation
18 districts, to develop by rule standard methods of reporting the
19 projected water yield under Subsection (b).

20 (d) In prioritizing projects under Subsection (a)(2)
21 [~~ranking areas under the plan~~], the board shall consider:

22 (1) the need for conservation of water resources
23 within the territory of the project, based on the state water plan
24 adopted under Section 16.051, Water Code [~~the location of various~~
25 ~~brush infestations~~];

26 (2) projected water yield of the project, based on
27 soil, slope, land use, types and distribution of trees, brush, and

1 other vegetative matter, and proximity of trees, brush, and other
2 vegetative matter to rivers, streams, and channels [~~the type and~~
3 ~~severity of brush infestations~~];

4 (3) any method the project [~~the various management~~
5 ~~methods that~~] may use [~~be used~~] to control brush;

6 (4) cost-sharing contract rates within the territory
7 of the project [~~the amount of water produced by a project and the~~
8 ~~severity of water shortage in the project area~~]; [~~and~~]

9 (5) the location and size of the project;

10 (6) the budget of the project and any associated
11 requests for grant funds submitted under this title;

12 (7) the implementation schedule of the project; and

13 (8) the administrative capacities of the board and the
14 entity that will manage the project.

15 (e) In prioritizing projects under Subsection (a)(2), the
16 board may consider:

17 (1) scientific research on the effects of brush
18 removal on water supply; and

19 (2) any other criteria that the board considers
20 relevant to assure that the water supply enhancement [~~brush~~
21 ~~control~~] program can be most effectively, efficiently, and
22 economically implemented.

23 [~~(b) In ranking areas, the board shall give priority to~~
24 ~~areas with the most critical water conservation needs and in which~~
25 ~~brush control and revegetation projects will be most likely to~~
26 ~~produce substantial water conservation.~~]

27 SECTION 15. Subchapter C, Chapter 203, Agriculture Code, is

1 amended by adding Section 203.0531 to read as follows:

2 Sec. 203.0531. PRIORITIZATION OF AREAS WITHIN PROJECTS.
3 The board by rule shall develop a system to prioritize areas within
4 projects. The system must give priority to areas with the most
5 critical water conservation need balanced with the highest
6 projected water yield.

7 SECTION 16. Section 203.056(a), Agriculture Code, is
8 amended to read as follows:

9 (a) Before January 31 of each year, the board shall submit
10 to the governor, the speaker of the house, and the lieutenant
11 governor a report of the activities of the water supply enhancement
12 [brush control] program during the immediately preceding calendar
13 year, including a comprehensive analysis of the program's
14 effectiveness and a report on program participant compliance with
15 plans created under Section 203.162.

16 SECTION 17. Subchapter C, Chapter 203, Agriculture Code, is
17 amended by adding Section 203.057 to read as follows:

18 Sec. 203.057. FEASIBILITY STUDIES. (a) The board shall
19 establish a process for providing to persons submitting project
20 proposals assistance in locating a person with expertise in
21 hydrology, water resources, or another technical area pertinent to
22 the evaluation of water supply to conduct a feasibility study for a
23 project using a water yield model as described by Section
24 203.053(b).

25 (b) The board may:

26 (1) dedicate a portion of the money appropriated to
27 the board that it considers appropriate to fund part or all of a

1 feasibility study under this section; and

2 (2) establish procedures to distribute the money under
3 Subdivision (1).

4 (c) To receive funding for a feasibility study under
5 Subsection (b), a person must submit to the board an application for
6 funding that includes a statement of the project's anticipated
7 impact on water resources.

8 SECTION 18. Section 203.101, Agriculture Code, is amended
9 to read as follows:

10 Sec. 203.101. GENERAL AUTHORITY. Each district may
11 administer the aspects of the water supply enhancement [~~brush~~
12 ~~control~~] program within the jurisdiction of that district.

13 SECTION 19. Section 203.102, Agriculture Code, is amended
14 to read as follows:

15 Sec. 203.102. PROVIDE INFORMATION RELATING TO PROGRAM. The
16 board shall prepare and distribute information to each district
17 relating generally to the water supply enhancement [~~brush control~~]
18 program and concerning the procedures for preparing, filing, and
19 obtaining approval of an application for cost sharing under
20 Subchapter E [~~of this chapter~~].

21 SECTION 20. The heading to Section 203.104, Agriculture
22 Code, is amended to read as follows:

23 Sec. 203.104. SUPERVISION OF COST-SHARING CONTRACTS
24 [~~PROJECTS~~].

25 SECTION 21. Sections 203.104(a) and (c), Agriculture Code,
26 are amended to read as follows:

27 (a) Each district on behalf of the board may inspect and

1 supervise cost-sharing contracts [~~projects~~] within its
2 jurisdiction in which state money is provided under Subchapter E
3 [~~of this chapter~~].

4 (c) The board may direct a district to manage any problem
5 that arises under a cost-sharing contract for water supply
6 enhancement [~~brush control~~] in that district and to report to the
7 board.

8 SECTION 22. The heading to Subchapter E, Chapter 203,
9 Agriculture Code, is amended to read as follows:

10 SUBCHAPTER E. COST SHARING FOR WATER SUPPLY ENHANCEMENT [~~BRUSH~~
11 ~~CONTROL~~]

12 SECTION 23. Section 203.151, Agriculture Code, is amended
13 to read as follows:

14 Sec. 203.151. CREATION OF COST-SHARING PROGRAM. As part of
15 the water supply enhancement [~~brush control~~] program, a
16 cost-sharing program is created to be administered under this
17 chapter and rules adopted by the board.

18 SECTION 24. Section 203.154, Agriculture Code, is amended
19 to read as follows:

20 Sec. 203.154. LIMIT ON COST-SHARING PARTICIPATION. (a)
21 Not more than 70 percent of the total cost of a single cost-sharing
22 contract [~~brush control project~~] may be made available as the
23 state's share in cost sharing.

24 (b) A person is not eligible to participate in [~~the state~~
25 ~~brush control program~~] or to receive money from the state water
26 supply enhancement [~~brush control~~] program if the person is
27 simultaneously receiving any cost-share money for brush control on

1 the same acreage from a federal government program.

2 (c) The board may grant an exception to Subsection (b) if
3 the board finds that joint participation of the state water supply
4 enhancement [~~brush control~~] program and any federal brush control
5 program will:

6 (1) enhance the efficiency and effectiveness of the
7 water supply enhancement program [~~a project~~];

8 (2) lessen the state's financial commitment to the
9 person receiving money from the water supply enhancement program
10 through a cost-sharing contract [~~project~~]; and

11 (3) not exceed 80 percent of the total cost of the
12 cost-sharing contract [~~project~~].

13 (d) A political subdivision of this state is eligible for
14 cost sharing under the water supply enhancement [~~brush control~~]
15 program, provided that the state's share may not exceed 50 percent
16 of the total cost of a single cost-sharing contract [~~project~~].

17 (e) Notwithstanding any other provision of this section,
18 100 percent of the total cost of a single cost-sharing contract
19 [~~project~~] on public lands may be made available as the state's share
20 in cost sharing.

21 SECTION 25. Section 203.156, Agriculture Code, is amended
22 to read as follows:

23 Sec. 203.156. APPLICATION FOR COST SHARING. A person,
24 including a political subdivision of this state, that desires to
25 participate with the state in the water supply enhancement program
26 [~~a brush control project~~] and to obtain cost-sharing participation
27 by the state shall file an application for a cost-sharing contract

1 with the district board in the district in which the land on which
2 the contract [~~project~~] is to be performed [~~accomplished~~] is
3 located. The application must be in the form provided by board
4 rules.

5 SECTION 26. Subchapter E, Chapter 203, Agriculture Code, is
6 amended by adding Section 203.1561 to read as follows:

7 Sec. 203.1561. PRIORITIZATION OF COST-SHARING CONTRACTS.

8 The board by rule shall develop a system to prioritize cost-sharing
9 contracts. The system must:

10 (1) give priority to cost-sharing contracts with the
11 most critical water conservation needs balanced with the highest
12 projected water yields; and

13 (2) determine the state's share of the cost of a
14 cost-sharing contract, allocating a lower state share to lower
15 priority contracts than to higher priority contracts.

16 SECTION 27. Section 203.157, Agriculture Code, is amended
17 to read as follows:

18 Sec. 203.157. CONSIDERATIONS IN PASSING ON APPLICATION. In
19 passing on an application for cost sharing, the board shall
20 consider:

21 (1) the location of the land that is subject to the
22 cost-sharing contract [~~project~~];

23 (2) the method of control the applicant will use [~~that~~
24 ~~is to be used by the project applicant~~];

25 (3) the plans for revegetation;

26 (4) the total cost of the contract [~~project~~];

27 (5) the amount of land to be included in the contract

1 ~~[project]~~;

2 (6) whether the applicant ~~[for the project]~~ is
3 financially able to provide the applicant's ~~[his]~~ share of the
4 money for the project;

5 (7) the cost-share percentage, if an applicant agrees
6 to a higher degree of financial commitment;

7 (8) any comments and recommendations submitted by a
8 local district, the department, the Texas Water Development Board,
9 or the Parks and Wildlife Department; and

10 (9) any other pertinent information considered
11 necessary by the board.

12 SECTION 28. Section 203.158, Agriculture Code, is amended
13 to read as follows:

14 Sec. 203.158. APPROVAL OF APPLICATION. The board may
15 approve an application for cost sharing if, after considering the
16 factors listed in Section 203.157 and any other relevant factors,
17 the board finds:

18 (1) the owner of the land fully agrees to cooperate in
19 the cost-sharing contract ~~[project]~~;

20 (2) the method of eradication is a method approved by
21 the board under Section 203.055; and

22 (3) the application ~~[project]~~ is a higher priority
23 than other applications classified under Section 203.1561
24 ~~[projects submitted in accordance with the board's plan]~~.

25 SECTION 29. Sections 203.160(a), (d), and (e), Agriculture
26 Code, are amended to read as follows:

27 (a) On approval of an application for cost sharing by the

1 board, the board or the governing board of the designated district
2 shall negotiate cost-sharing contracts with the successful
3 applicants in the project territory [~~area~~].

4 (d) The board shall examine the contract and if the board
5 finds that the contract meets all the conditions of the board's
6 resolution, instructions, and rules, it shall approve the contract
7 and provide to the individual on faithful performance of the terms
8 of the contract [~~completion of the project~~] the money that
9 constitutes the state's share of the project.

10 (e) The board may develop guidelines to allow partial
11 payment of the state's share of a cost-sharing contract [~~brush~~
12 ~~control project~~] as certain portions or percentages of contracted
13 work are completed, but state money may not be provided in advance
14 for work remaining to be done.

15 SECTION 30. Subchapter E, Chapter 203, Agriculture Code, is
16 amended by adding Section 203.162 to read as follows:

17 Sec. 203.162. WATER SUPPLY ENHANCEMENT PLANS. (a) The
18 board shall consult with each successful applicant for a
19 cost-sharing contract to create a 10-year plan for the land that is
20 subject to the contract to enhance the water supply in the area.

21 (b) A plan created under this section must include:

22 (1) provisions for brush control or other water supply
23 enhancement activities;

24 (2) a provision for follow-up brush control;

25 (3) a provision requiring the landowner to limit the
26 average brush coverage on the land that is subject to the contract
27 to not more than five percent throughout the course of the 10-year

1 plan; and

2 (4) periodic dates throughout the course of the
3 10-year plan on which the board will inspect the status of brush
4 control on the land that is subject to the contract.

5 (c) A plan created under this section may not condition
6 implementation of the provision for follow-up brush control on
7 receipt of additional funding for the follow-up brush control from
8 a state source other than the original cost-sharing contract.

9 SECTION 31. Section 505.154, Local Government Code, is
10 amended to read as follows:

11 Sec. 505.154. PROJECTS RELATED TO WATER SUPPLY FACILITIES
12 AND WATER CONSERVATION PROGRAMS. For purposes of this chapter,
13 "project" includes land, buildings, equipment, facilities, and
14 improvements found by the board of directors to be required or
15 suitable for:

16 (1) the development or improvement of water supply
17 facilities, including dams, transmission lines, well field
18 developments, and other water supply alternatives; or

19 (2) the development and institution of water
20 conservation programs, including incentives to install
21 water-saving plumbing fixtures, educational programs, brush
22 control and other water supply enhancement programs, and programs
23 to replace malfunctioning or leaking water lines and other water
24 facilities.

25 SECTION 32. Sections 11.32 and 151.355, Tax Code, are
26 amended to read as follows:

27 Sec. 11.32. CERTAIN WATER CONSERVATION INITIATIVES. The

1 governing body of a taxing unit by official action of the governing
2 body adopted in the manner required by law for official actions may
3 exempt from taxation part or all of the assessed value of property
4 on which approved brush control initiatives or other water supply
5 enhancement initiatives as described by Chapter 203, Agriculture
6 Code, water conservation initiatives, or desalination projects[~~7~~
7 ~~or brush control initiatives~~] have been implemented. For purposes
8 of this section, approved brush control or other water supply
9 enhancement, water conservation, and desalination[~~7~~, ~~and brush~~
10 ~~control~~] initiatives shall be designated pursuant to an ordinance
11 or other law adopted by the governing unit.

12 Sec. 151.355. WATER-RELATED EXEMPTIONS. The following are
13 exempted from taxes imposed by this chapter:

14 (1) rainwater harvesting equipment or supplies, water
15 recycling and reuse equipment or supplies, or other equipment,
16 services, or supplies used solely to reduce or eliminate water use;

17 (2) equipment, services, or supplies used solely for
18 desalination of surface water or groundwater;

19 (3) equipment, services, or supplies used solely for
20 activities [~~brush control~~] designed to enhance the availability of
21 water, including brush control activities;

22 (4) equipment, services, or supplies used solely for
23 precipitation enhancement;

24 (5) equipment, services, or supplies used solely to
25 construct or operate a water or wastewater system certified by the
26 Texas Commission on Environmental Quality as a regional system;

27 (6) equipment, services, or supplies used solely to

1 construct or operate a water supply or wastewater system by a
2 private entity as a public-private partnership as certified by the
3 political subdivision that is a party to the project; and

4 (7) tangible personal property specifically used to
5 process, reuse, or recycle wastewater that will be used in
6 fracturing work performed at an oil or gas well.

7 SECTION 33. Sections 223.044(e) and (f), Transportation
8 Code, are amended to read as follows:

9 (e) The commission may authorize the department to contract
10 with the Texas Department of Criminal Justice for the provision of
11 inmate labor or the labor of persons placed on community
12 supervision for ~~[a] brush control~~ or other water supply enhancement
13 activities ~~[project]~~, as defined by Section 203.001, Agriculture
14 Code, on an area located on or adjacent to a state highway system
15 improvement project.

16 (f) The State Soil and Water Conservation Board may also
17 enter into a contract with the Texas Department of Criminal Justice
18 for the provision of inmate labor or the labor of persons placed on
19 community supervision to perform ~~[a] brush control~~ or other water
20 supply enhancement activities ~~[project]~~ described by Subsection
21 (e) or under Chapter 203, Agriculture Code.

22 SECTION 34. Section 17.898(a), Water Code, is amended to
23 read as follows:

24 (a) A conservation project is a project that:

25 (1) improves water use efficiency of water delivery
26 and application on existing irrigation systems;

27 (2) prepares irrigated land for conversion to dryland

1 conditions;

2 (3) prepares dryland for more efficient use of natural
3 precipitation;

4 (4) purchases and installs on public or private
5 property devices designed to indicate the amount of water withdrawn
6 for irrigation purposes;

7 (5) prepares and maintains land to be used for brush
8 control activities and other water supply enhancement activities in
9 areas of the state where those activities in the board's judgment
10 would be most effective, including activities conducted under
11 Chapter 203, Agriculture Code; or

12 (6) implements any other agricultural water
13 conservation project defined by board rule.

14 SECTION 35. The following sections of the Agriculture Code
15 are repealed:

16 (1) Section 201.0152;

17 (2) Section 203.152;

18 (3) Section 203.153; and

19 (4) Section 203.159.

20 SECTION 36. Notwithstanding Section 201.025, Agriculture
21 Code, as amended by this Act, the Sunset Advisory Commission shall
22 conduct a special-purpose review of the State Soil and Water
23 Conservation Board as part of the Sunset Advisory Commission's
24 review of agencies for the 84th Legislature. The Sunset Advisory
25 Commission's report to the 84th Legislature regarding the
26 special-purpose review of the State Soil and Water Conservation
27 Board must be limited to evaluating the State Soil and Water

1 Conservation Board's implementation of the Sunset Advisory
2 Commission's recommendations to the 82nd Legislature regarding
3 flood control, the water quality management plan, and the water
4 supply enhancement program. The report may include any
5 recommendations the Sunset Advisory Commission considers
6 appropriate based on the special-purpose review.

7 SECTION 37. This Act takes effect immediately if it
8 receives a vote of two-thirds of all the members elected to each
9 house, as provided by Section 39, Article III, Texas Constitution.
10 If this Act does not receive the vote necessary for immediate
11 effect, this Act takes effect September 1, 2011.