

BILL ANALYSIS

C.S.H.B. 2153
By: Callegari
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides for wind erosion conservation districts to conserve soil by preventing unnecessary erosion caused by wind. Interested parties indicate that this law is now obsolete, having gone unused for several decades due in part to the soil conservation programs maintained by the State Soil and Water Conservation Board. C.S.H.B. 2153 seeks to remove these unnecessary districts and to transfer the net proceeds of the disposal of district assets to the county in which each district is located.

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.H.B. 2153 amends the Agriculture Code to repeal provisions relating to the creation and governance of wind erosion conservation districts. The bill provides for the dissolution of such districts by specified county officials in a county in which a district is located and requires the county judge or the judge's designee, after paying all debts and disposing of all assets of the district, to transfer to the county in which the district is located all net proceeds of the disposal of assets.

C.S.H.B. 2153 repeals Chapter 202, Agriculture Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2153 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 202, Agriculture Code, is repealed.

SECTION 1. Same as introduced version.

SECTION 2. (a) The State Soil and Water Conservation Board shall proceed with the dissolution of each wind erosion

SECTION 2. (a) The county judge of each county in this state in which a wind erosion conservation district is located or the judge's

conservation district in this state as soon as possible.

(b) The board shall conduct an inventory of the assets of each wind erosion conservation district and determine the debt owed by each district.

(c) The board shall control and administer the property, funds, and other assets and the debts of each wind erosion conservation district until all assets have been disposed of and all debts, including outstanding bonds, of each district have been paid or settled.

(d) After the board has paid all debts and has disposed of all assets of a wind erosion conservation district as prescribed by this section, the board shall:

(1) transfer to the county where the district is located all net proceeds of the disposal of the assets; and

(2) file a written report with the commissioners court of the county setting forth a summary of the board's actions in dissolving the district.

(e) Not later than the 10th day after the date the commissioners court receives the report under Subsection (d)(2) of this section and determines that the requirements of this section have been fulfilled, the commissioners court shall enter an order dissolving the district.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

designee shall proceed with the dissolution of the district as soon as possible.

(b) The county judge or the judge's designee shall conduct an inventory of the assets of the wind erosion conservation district and determine the debt owed by the district.

(c) The county judge or the judge's designee shall control and administer the property, funds, and other assets and the debts of the wind erosion conservation district until all assets have been disposed of and all debts, including outstanding bonds, of the district have been paid or settled.

(d) After the county judge or the judge's designee has paid all debts and has disposed of all assets of the wind erosion conservation district as prescribed by this section, the county judge or the judge's designee shall:

(1) transfer to the county in which the district is located all net proceeds of the disposal of the assets; and

(2) file a written report with the commissioners court of the county setting forth a summary of the county judge's or the judge's designee's actions in dissolving the district.

(e) Not later than the 10th day after the date the commissioners court receives the report under Subsection (d)(2) of this section and determines that the requirements of this section have been fulfilled, the commissioners court shall enter an order dissolving the district.

SECTION 3. Same as introduced version.