

## **BILL ANALYSIS**

Senate Research Center  
87R9073 MP-F

S.B. 1118  
By: Johnson  
Water, Agriculture & Rural Affairs  
4/8/2021  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas State Soil and Water Conservation Board (TSSWCB) is the state agency responsible for working with farmers, ranchers, and other private landowners to protect Texas' natural resources through planning, implementation, and management of voluntary conservation programs. TSSWCB operates in conjunction with a statewide network of local Soil and Water Conservation Districts (SWCDs), providing technical and financial assistance to landowners. Since 95 percent of land in Texas is privately owned, TSSWCB occupies a critical role in encouraging the wise and productive use of natural resources.

TSSWCB manages several programs funded by the state, but also acts as the central authority for managing and distributing outside funds from agencies including United States Department of Agriculture's Natural Resources Conservation Service (NRCS), United States Fish and Wildlife Service, and the Environmental Protection Agency. From 2015-2020, TSSWCB secured \$268,812,353 from non-GR sources, ultimately passing on this funding to local landowners across the state for conservation programs as diverse as watershed protection, oil spill damage restoration, feral hog control, and monarch butterfly habitat protection.

With years of experience, TSSWCB staff have developed the impressive skills, institutional knowledge, and relationships necessary to effectively secure conservation funding for the benefit of Texans. However, the agency's current statutory mandate does not encompass the full range of outside conservation funding available. The aforementioned funding for monarch butterfly habitat protection was secured only because the program's second-order benefits overlapped with the agency's water quality mandate.

S.B. 1118 unlocks the full potential of TSSWCB to draw down outside sources of conservation funding by creating the "On-The-Ground Conservation Program" — essentially, a broader statutory authority to connect outside conservation resources with Texas landowners.

The "On-The-Ground" program allows TSSWCB to designate priority conservation measures. These measures would include environmental goals identified by the agency including soil health improvements, erosion control, invasive species control, habitat protection, and land restoration. The agency may then pursue these goals by securing outside funding and providing cost-share assistance, grants, and technical assistance — the proven functions of TSSWCB that already result in measurable and verifiable conservation improvements on the ground.

S.B. 1118 does not require an appropriation from the state. Instead, TSSWCB may implement the program through the utilization of portions of outside funding sources set aside for administrative expenses. The bill simply provides TSSWCB with a superior statutory tool to leverage available outside resources. Ultimately, S.B. 1118 could result in tens of millions in additional conservation funding to Texas, distributed to local landowners through voluntary programs in order to maximize public and environmental benefits.

As proposed, S.B. 1118 amends current law relating to the creation and administration of the On-The-Ground Conservation Program by the State Soil and Water Conservation Board.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas State Soil and Water Conservation Board in SECTION 1 (Section 201.353, Agriculture Code) of this bill.

## **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 201, Agriculture Code, by adding Subchapter J, as follows:

### **SUBCHAPTER J. ON-THE-GROUND CONSERVATION PROGRAM**

Sec. 201.351. DEFINITIONS. Defines "priority conservation measure," "program," and "soil health characteristics."

Sec. 201.352. CREATION OF PROGRAM. Requires the Texas State Soil and Water Conservation Board (TSSWCB) to develop and administer the On-The-Ground Conservation Program (program) to maximize public benefits by facilitating priority conservation measures and other soil and water conservation land improvement measures by landowners and operators in Texas.

Sec. 201.353. PROGRAM FUNCTIONS. (a) Requires TSSWCB to provide through the program technical assistance, cost-share assistance, direct grants, and help in obtaining technical assistance, cost-share assistance, and direct grants from other public or private sources.

(b) Requires TSSWCB to create rules, forms, and procedures necessary for the administration of the program.

(c) Authorizes TSSWCB to obtain grants, cost-sharing assistance, or other forms of funding from other state or federal governmental entities, coordinate, receive, and use gifts, grants, and donations from private sources, work with qualified nonprofit organizations and universities to provide technical assistance, and designate one or more conservation districts to administer the program locally.

Sec. 201.354. PROGRAM COST-SHARE RATES. Requires TSSWCB to establish cost-share rates for eligible soil and water conservation land improvement measures under the program.

Sec. 201.355. PRIORITY CONSERVATION MEASURES. (a) Requires TSSWCB to designate and give priority under the program to priority conservation measures that maximize public benefits to the state. Provides that priority conservation measures include measures that improve soil health characteristics, conserve and manage water resources, prevent and manage flooding, control invasive and nuisance species, improve resilience to weather extremes, climate variability, and natural disasters, protect and enhance native habitats, including the protection of endangered species, mitigate and reduce soil erosion, restore land damaged by development, and sequester carbon to provide environmental benefits.

(b) Provides that TSSWCB is required to establish standards and specifications for each priority conservation measure designated under this section, and is authorized to consider local priorities and needs in designating a priority conservation measure under this section.

Sec. 201.356. REPORT. Requires TSSWCB to include information regarding the program's activities in the annual report required by Section 201.028 (Annual Report).

SECTION 2. Provides that TSSWCB is required to create and implement the On-The-Ground Conservation Program as provided by this Act only if the legislature appropriates money specifically for that purpose. Provides that, if the legislature does not appropriate money specifically for that purpose, TSSWCB is authorized, but is not required, to create and

implement the On-The-Ground Conservation Program as provided by this Act using other appropriations available for that purpose.

SECTION 3. Effective date: September 1, 2021.