

## **BILL ANALYSIS**

Senate Research Center  
88R17967 MP-D

C.S.S.B. 1424  
By: Perry et al.  
Water, Agriculture & Rural Affairs  
4/3/2023  
Committee Report (Substituted)

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

The Texas State Soil and Water Conservation Board (TSSWCB) supports the state's 216 local soil and water conservation districts through state and federal grants, and together they work with landowners to encourage voluntary natural resource conservation throughout the state. The agency's responsibilities have increased over the last decade to include addressing agricultural and forestry-related water pollution, and providing funding to help maintain, repair, and rehabilitate the state's over 2,000 flood control dams built by the USDA Natural Resources Conservation Service.

The Sunset Advisory Commission recommended several changes to improve the agency's grant administration and management practices related to the dam structural repair grant program. Additionally, the commission recommended continuing the agency for 12 years, with a limited-scope re-review in the 2026-2027 biennium focused on the dam structural repair grant program. S.B. 1424 also continues the Texas Invasive Species Coordinating Committee attached to the agency for 12 years, and updates its statute to reflect the committee's current needs and core function of interagency coordination.

TSSWCB and the Texas Invasive Species Coordinating Committee are subject to abolishment under the Sunset Act on September 1, 2023, unless continued by the legislature.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1424 amends current law relating to the continuation and functions of the State Soil and Water Conservation Board and the Texas Invasive Species Coordinating Committee.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the State Soil and Water Conservation Board in SECTION 4 (Section 201.0226, Agriculture Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 201.0142, Agriculture Code, by amending Subsection (b) and adding Subsection (d), as follows:

- (b) Requires that the training program provide the person with information regarding:
  - (1) the law governing the Texas State Soil and Water Conservation Board (TSSWCB) operations;
  - (2) the programs, functions, rules, and budget of TSSWCB;
  - (3) the scope of and limitations on the rulemaking authority of TSSWCB;
  - (4) creates this subdivision from existing text;
  - (5) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of a state policy-making body in performing their duties; and

(6) creates this subdivision from existing text.

Deletes existing text providing that the training program is required to provide the person with information regarding certain information concerning the TSSWCB.

(d) Requires the executive director of TSSWCB (executive director) to create a training manual that includes the information required by Subsection (b). Requires the executive director to distribute a copy of the training manual annually to each member of TSSWCB. Requires each member of TSSWCB to sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 2. Amends Section 201.019(i), Agriculture Code, as follows:

(i) Requires TSSWCB to develop and implement policies that clearly separate the policy-making responsibilities of TSSWCB and the management responsibilities of the executive director and the staff of TSSWCB. Deletes existing text requiring the agency to develop and implement policies which clearly separate the respective responsibilities of TSSWCB and the staff of TSSWCB.

SECTION 3. Amends Sections 201.0231(a) and (c), Agriculture Code, as follows:

(a) Requires TSSWCB to maintain a system to promptly and efficiently act on complaints filed with TSSWCB. Requires TSSWCB to maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition. Deletes existing text requiring TSSWCB to maintain a central database of complaints filed with TSSWCB offices and a system to promptly and efficiently act on a complaint filed with a TSSWCB office.

(c) Requires TSSWCB to periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation. Makes nonsubstantive changes.

SECTION 4. Amends Subchapter B, Chapter 201, Agriculture Code, by adding Section 201.0226, as follows:

Sec. 201.0226. DAM STRUCTURAL REPAIR GRANT PROGRAM. (a) Requires TSSWCB to develop and implement a program to provide grants for the structural repair and maintenance of flood control dams.

(b) Requires TSSWCB, with input from stakeholders, to:

(1) establish goals, criteria, and metrics for the grant program; and

(2) assess the need for funding the structural repair and maintenance of flood control dams throughout this state, including the number of projects a grant sponsor can complete each year.

(c) Requires TSSWCB, in adopting rules or policies for the grant program, to:

(1) ensure any local matching fund requirement adopted by TSSWCB accounts for the financial capacity of the grant sponsor; and

(2) consider dams that are classified as high-hazard by the Texas Commission on Environmental Quality.

(d) Requires TSSWCB to ensure guidance documents for the grant program, including the 10-year dam repair, rehabilitation, and maintenance plan adopted under Section 201.0227 (Ten-Year Dam Repair and Maintenance Plan; Reports), are consistent with the goals, criteria, and metrics established under Subsection (b).

SECTION 5. Amends Section 201.0227, Agriculture Code, by adding Subsection (f), as follows:

(f) Requires TSSWCB to consider the timelines for grant applications for the dam structural repair grant program under Section 201.0226 when preparing and adopting a plan under Section 201.0227.

SECTION 6. Amends Section 201.025, Agriculture Code, as follows:

Sec. 201.025. SUNSET PROVISION. Provides that TSSWCB is subject to Chapter 325 (Sunset Law), Government Code. Provides that TSSWCB is abolished September 1, 2035, unless continued in existence as provided by that chapter. Deletes existing text providing that unless continued in existence as provided by that chapter, Chapter 201 (Soil and Water Conservation) expires September 1, 2023.

SECTION 7. Amends Section 776.004, Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Deletes existing text requiring the Texas Invasive Species Coordinating Council (TISCC) to serve as a catalyst for cooperation between state agencies in the area of invasive species control; to facilitate governmental efforts, including efforts of local governments and special districts, to prevent and manage invasive species; to make recommendations to state agencies regarding research, technology transfer, and management actions related to invasive species control; to provide technical information and input to regional and national invasive species control coordination efforts, including the National Invasive Species Management Plan; to facilitate the review of committee technical decisions and work product by specialists and interested persons; and to report as needed to the governor, lieutenant governor, and speaker of the house of representatives on committee plans, work product, and accomplishments. Makes nonsubstantive changes.

(a-1) Authorizes TISCC to:

- (1) serve as a catalyst for cooperation between state agencies in the area of invasive species control;
- (2) facilitate governmental efforts, including efforts of local governments and special districts, to prevent and manage invasive species;
- (3) make recommendations to state agencies regarding research, technology transfer, and management actions related to invasive species control;
- (4) provide technical information and input to regional and national invasive species control coordination efforts, including the National Invasive Species Management Plan;
- (5) facilitate the review of TISCC technical decisions and work product by specialists and interested persons; and
- (6) report as needed to the governor, lieutenant governor, and speaker of the house of representatives on TISCC plans, work product, and accomplishments.

SECTION 8. Amends Chapter 776, Government Code, by adding Section 776.0051 as follows:

Sec. 776.0051. MEETINGS. (a) Requires TISCC to meet at least annually at the call of the TISCC chair or TSSWCB's representative on the TISCC.

(b) Requires TSSWCB to ensure that TISCC meets at least annually.

SECTION 9. Amends Section 776.007, Government Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Deletes existing text providing that TISCC is abolished and Chapter 776 (Texas Invasive Species Coordinating Committee) expires September 1, 2023, unless continued in existence as provided by Chapter 325.

(c) Requires TISCC to be reviewed during each period in which TSSWCB is reviewed.

SECTION 10. Repealer: Section 776.006(b) (relating to requiring TSSWCB to provide one full-time equivalent employee to serve as TISCC coordinator), Government Code.

SECTION 11. (a) Provides that Section 201.0142, Agriculture Code, as amended by this Act, except as provided by Subsection (b) of this section, applies to a member of TSSWCB appointed before, on, or after the effective date of this Act.

(b) Provides that a member of TSSWCB who, before the effective date of this Act, completed the training program required by Section 201.0142, Agriculture Code, as that law existed before the effective date of this Act, is only required to complete additional training on the subjects added by this Act to the training program required by Section 201.0142, Agriculture Code. Prohibits a member described by this subsection from voting, deliberating, or be counted as a member in attendance at a meeting of TSSWCB held on or after December 1, 2023, until the member completes the additional training.

SECTION 12. (a) Requires the Sunset Advisory Commission, for purposes of Section 201.025, Agriculture Code, as amended by this Act, to conduct a limited-scope review of TSSWCB for the 90th Legislature.

(b) Requires that, in conducting the limited-scope review under this section, the Sunset Advisory Commission staff evaluation and report be limited to reviewing TSSWCB's dam structural repair grant program.

(c) Authorizes the Sunset Advisory Commission's recommendations to the 90th Legislature to include any recommendation the commission considers appropriate based on the limited-scope review conducted under this section.

SECTION 13. Effective date: September 1, 2023.