By:  Perry, et al. S.B. No. 1424

(In the Senate - Filed March 2, 2023; March 16, 2023, read first time and referred to Committee on Water, Agriculture & Rural Affairs; April 4, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 0; April 4, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Perry           X

Hancock         X

Blanco          X

Flores          X

Gutierrez       X

Johnson                   X

Kolkhorst       X

Sparks          X

Springer        X

COMMITTEE SUBSTITUTE FOR S.B. No. 1424 By:  Perry

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the State Soil and Water Conservation Board and the Texas Invasive Species Coordinating Committee.

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

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

(b)  The training program must provide the person with information regarding:

(1)  the law governing [~~legislation that created the~~] state board operations;

(2)  the programs, functions, rules, and budget of [~~operated by~~] the state board;

(3)  the scope of and limitations on the rulemaking authority [~~role and functions~~] of the state board;

(4)  [~~the rules of the state board, with an emphasis on the rules that relate to disciplinary and investigatory authority;~~

[~~(5)  the current budget for the state board;~~

[~~(6)~~]  the results of the most recent formal audit of the state board;

(5) [~~(7)~~]  the requirements of:

(A)  laws relating to [~~the~~] open meetings, [~~law, Chapter 551, Government Code;~~

[~~(B)  the~~] public information, [~~law, Chapter 552, Government Code;~~

[~~(C)  the~~] administrative procedure, and disclosing conflicts of interest [~~law, Chapter 2001, Government Code~~]; and

(B) [~~(D)~~]  other laws applicable to members of a state policy-making body in performing their duties [~~relating to public officials, including conflict-of-interest laws~~]; and

(6) [~~(8)~~]  any applicable ethics policies adopted by the state board or the Texas Ethics Commission.

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

SECTION 2.  Section 201.019(i), Agriculture Code, is amended to read as follows:

(i)  The state board [~~agency~~] shall develop and implement policies that [~~which~~] clearly separate the policy-making [~~respective~~] responsibilities of the state board and the management responsibilities of the executive director and the staff of the state board.

SECTION 3.  Sections 201.0231(a) and (c), Agriculture Code, are amended to read as follows:

(a)  The state board shall maintain a [~~central database of complaints filed with state board offices and a~~] system to promptly and efficiently act on complaints [~~a complaint~~] filed with the [~~a~~] state board [~~office~~]. The state board shall 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.

(c)  The state board shall periodically notify the complaint parties [~~to the complaint~~] of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

SECTION 4.  Subchapter B, Chapter 201, Agriculture Code, is amended by adding Section 201.0226 to read as follows:

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

(b)  With input from stakeholders, the state board shall:

(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)  In adopting rules or policies for the grant program, the state board shall:

(1)  ensure any local matching fund requirement adopted by the state board 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)  The state board shall ensure guidance documents for the grant program, including the 10-year dam repair, rehabilitation, and maintenance plan adopted under Section 201.0227, are consistent with the goals, criteria, and metrics established under Subsection (b).

SECTION 5.  Section 201.0227, Agriculture Code, is amended by adding Subsection (f) to read as follows:

(f)  The state board shall consider the timelines for grant applications for the dam structural repair grant program under Section 201.0226 when preparing and adopting a plan under this section.

SECTION 6.  Section 201.025, Agriculture Code, is amended to read as follows:

Sec. 201.025.  SUNSET PROVISION.  The State Soil and Water Conservation Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the state board is abolished [~~and this chapter expires~~] September 1, 2035 [~~2023~~].

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

(a)  The committee shall:

(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)~~]  facilitate the exchange of information so that each member agency is informed of committee plans, recommendations, and proposals for research, education, and implementation of activities to:

(A)  prevent, detect, assess, monitor, contain, and control or eradicate invasive species; and

(B)  reduce environmental and economic threats and threats to human health from invasive species; and

(2) [~~(5)~~]  provide a forum for developing coordinated interagency strategies and policies for invasive species control[~~;~~

[~~(6)  provide technical information and input to regional and national invasive species control coordination efforts, including the National Invasive Species Management Plan;~~

[~~(7)  facilitate the review of committee technical decisions and work product by specialists and interested persons; and~~

[~~(8)  report as needed to the governor, lieutenant governor, and speaker of the house of representatives on committee plans, work product, and accomplishments~~].

(a-1)  The committee may:

(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 committee 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 committee plans, work product, and accomplishments.

SECTION 8.  Chapter 776, Government Code, is amended by adding Section 776.0051 to read as follows:

Sec. 776.0051.  MEETINGS. (a) The committee shall meet at least annually at the call of the committee chair or the State Soil and Water Conservation Board's representative on the committee.

(b)  The State Soil and Water Conservation Board shall ensure the committee meets at least annually.

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

(a)  The committee is subject to Chapter 325 (Texas Sunset Act). [~~Unless continued in existence as provided by that chapter, the committee is abolished and this chapter expires September 1, 2023.~~]

(c)  The committee shall be reviewed during each period in which the State Soil and Water Conservation Board is reviewed.

SECTION 10.  Section 776.006(b), Government Code, is repealed.

SECTION 11.  (a) Except as provided by Subsection (b) of this section, Section 201.0142, Agriculture Code, as amended by this Act, applies to a member of the State Soil and Water Conservation Board appointed before, on, or after the effective date of this Act.

(b)  A member of the State Soil and Water Conservation Board 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. A member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the State Soil and Water Conservation Board held on or after December 1, 2023, until the member completes the additional training.

SECTION 12.  (a) For purposes of Section 201.025, Agriculture Code, as amended by this Act, the Sunset Advisory Commission shall conduct a limited-scope review of the State Soil and Water Conservation Board for the 90th Legislature.

(b)  In conducting the limited-scope review under this section, the Sunset Advisory Commission staff evaluation and report must be limited to reviewing the State Soil and Water Conservation Board's dam structural repair grant program.

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

SECTION 13.  This Act takes effect September 1, 2023.

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