

By: Kolkhorst

S.B. No. 2485

A BILL TO BE ENTITLED

AN ACT

relating to the establishment, administration, and use of the land and water conservation fund.

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

SECTION 1. Chapter 31, Natural Resources Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. LAND AND WATER CONSERVATION FUND

Sec. 31.201. DEFINITIONS. In this subchapter:

(1) "Advisory committee" means the land and water technical advisory committee.

(2) "Agricultural conservation easement" has the meaning assigned by Section 84.002, Parks and Wildlife Code.

(3) "Conservation board" means the land and water conservation board.

(4) "Conservation easement" has the meaning assigned by Section 183.001, Natural Resources Code.

(5) "Fund" means the land and water conservation fund.

(6) "Nature-based project" means a project or practice that uses protected, restored, or constructed natural features or an engineered project or practice that mimics natural processes.

(7) "Public access" means a land or water area for human use and enjoyment that is relatively free of man-made structures and includes land and water parks owned or operated by the state or a political subdivision.

1 Sec. 31.202. LAND AND WATER CONSERVATION BOARD. (a) The
2 land and water conservation board is composed of five members as
3 follows:

4 (1) the commissioner or the commissioner's designee;

5 (2) the executive director of the Texas Commission on
6 Environmental Quality or the executive director's designee;

7 (3) the executive director of the Parks and Wildlife
8 Department or the executive director's designee;

9 (4) the executive administrator of the Texas Water
10 Development Board or the executive administrator's designee; and

11 (5) the chair of the advisory committee established by
12 Section 31.209 or the chair's designee.

13 (b) The commissioner or the commissioner's designee is the
14 chair of the conservation board.

15 (c) The conservation board may appoint to the conservation
16 board not more than two nonvoting members with professional or
17 academic experience in a field related to the conservation board's
18 duties. A member appointed under this section may serve for a term
19 of not more than two years.

20 Sec. 31.203. LAND AND WATER CONSERVATION FUND. (a) The
21 land and water conservation fund is created as a special fund in the
22 state treasury outside the general revenue fund.

23 (b) The fund may be used:

24 (1) without further legislative appropriation; and

25 (2) only as provided by this subchapter.

26 (c) The fund consists of:

27 (1) money transferred to the fund in accordance with

1 Sections 49-g(c) and (c-1), Article III, Texas Constitution;

2 (2) money appropriated to the fund by law;

3 (3) the proceeds of fees or other sources of revenue
4 dedicated by law for deposit to the fund;

5 (4) interest and other earnings on the investment of
6 money in the fund;

7 (5) gifts, grants, or donations to the fund; and

8 (6) money from other sources designated by the
9 conservation board for deposit to the fund as authorized by law.

10 (d) The conservation board may use the fund only to:

11 (1) award a grant to an entity for a conservation,
12 restoration, or public access project as provided by Section
13 31.204;

14 (2) award a grant to provide matching funds to an
15 entity to participate in a federal program for a conservation,
16 restoration, or public access project as provided by Section
17 31.204; and

18 (3) pay the necessary and reasonable expenses to
19 administer the fund, not to exceed three percent of money disbursed
20 from the fund in any given year.

21 Sec. 31.204. ELIGIBLE PROJECTS AND PERSONS ELIGIBLE FOR
22 GRANT; PRIORITY. (a) Projects eligible for a grant awarded from
23 the fund include:

24 (1) a public parks or natural areas project that
25 benefits, protects, or enhances the local park grant program
26 administered by the Parks and Wildlife Department, a private or
27 public local park, a recreation trail or trail easement, or public

1 access in general; and

2 (2) a natural resource conservation project that
3 benefits, protects, or enhances:

4 (A) farm, ranch, and forest land, including:

5 (i) by creating an agricultural
6 conservation easement;

7 (ii) by creating a conservation easement;

8 (iii) by conserving forest lands; and

9 (iv) through a project related to the Texas
10 Farm and Ranch Lands Conservation Program under Chapter 84, Parks
11 and Wildlife Code;

12 (B) wildlife or a wildlife habitat, including
13 acquisition of a land or conservation easement for protection of a
14 wetland or wildlife habitat; and

15 (C) a nature-based project that uses water
16 resources for water quality and quantity, including:

17 (i) aquifer recharge area protection;

18 (ii) acquisition of land or conservation
19 easements for protection and enhancement of a water resource; and

20 (iii) dedication for 10 years or more of a
21 water right or permit allocation to maintain or improve instream
22 flows, spring flows, and bay and estuary inflows;

23 (D) a restoration project that:

24 (i) improves water quality, prevents soil
25 erosion, reduces loss of wildlife habitat, or restores native
26 grassland on agricultural land;

27 (ii) restores critical wildlife habitat,

1 maintains or enhances fish or wildlife habitat, or restores a
2 wetland; and

3 (iii) enhances spring flow, restores a
4 stream, river, or riparian area, improves habitat, or improves
5 water quality.

6 (b) The conservation board may award a grant under this
7 chapter only to a district or authority created under Section 52,
8 Article III, or Section 59, Article XVI, Texas Constitution, a
9 municipality, a county, a state agency, or a nongovernmental
10 entity.

11 (c) The conservation board by rule shall establish criteria
12 for setting priorities for the projects eligible to receive grants
13 under this subchapter. The criteria must include:

14 (1) the project's use of matching funds;

15 (2) the potential to maximize benefits in multiple
16 eligible project areas;

17 (3) the long-term sustainability and benefits of the
18 project;

19 (4) coordination and integration with other relevant
20 projects necessary for the success of the project;

21 (5) regional and eco-regional diversity of the
22 project; and

23 (6) the overall ecological benefit of the project.

24 Sec. 31.205. APPLICATION PREPARATION ASSISTANCE. (a) The
25 conservation board shall establish a grant program to provide
26 financial assistance to eligible entities for conservation
27 planning, application preparation, and administrative costs

1 associated with eligible projects described by Section 31.204.

2 (b) The conservation board shall provide guidance to
3 applicants for projects that are eligible under more than one
4 funding category.

5 Sec. 31.206. FUNDING DETERMINATIONS; APPLICATION PROCESS.

6 (a) The conservation board shall implement an application process
7 to select eligible projects in accordance with the priority
8 criteria established under Section 31.204(b).

9 (b) If the conservation board receives a sufficient number
10 of applications for eligible projects, the conservation board shall
11 allocate:

12 (1) not less than 80 percent of the funding in any
13 cycle to public parks and natural area projects as described by
14 Section 31.204(a)(1); and

15 (2) not more than 20 percent of the funding in any
16 cycle to natural resource conservation projects as described by
17 Section 31.204(a)(2).

18 Sec. 31.207. APPROVAL OF APPLICATIONS. The conservation
19 board may approve an application only if the conservation board
20 finds that:

21 (1) the application and the assistance applied for
22 meet the requirements of this subchapter and rules adopted under
23 this subchapter; and

24 (2) the applicant demonstrates the ability to complete
25 the project.

26 Sec. 31.208. RULES. The conservation board shall adopt
27 rules necessary to implement this subchapter, including rules that

1 establish procedures for:

2 (1) the administration of the fund; and

3 (2) an application for a project grant from the fund.

4 Sec. 31.209. LAND AND WATER CONSERVATION TECHNICAL ADVISORY
5 COMMITTEE. (a) The land and water conservation technical advisory
6 committee is composed of the following nine members:

7 (1) one representative from each state agency
8 specified by Sections 31.202(a)(1)-(4);

9 (2) three representatives appointed by the
10 conservation board from nongovernmental entities who have relevant
11 experience; and

12 (3) two representatives appointed by the conservation
13 board from institutions of higher education who have relevant
14 professional experience.

15 (b) The advisory committee shall assist in developing and
16 evaluating:

17 (1) the application process and scoring criteria for
18 project funding by the conservation board;

19 (2) recommendations to the conservation board; and

20 (3) other items as directed by the conservation board.

21 Sec. 31.210. MONITORING AND REPORTING. (a) Not later than
22 September 1 of every second year, the conservation board shall
23 prepare and submit to the legislature a report quantifying the
24 benefits of projects that have received grants under this
25 subchapter.

26 (b) The conservation board may use money from the fund to
27 prepare the report required by this section.

1 SECTION 2. The land and water conservation board shall
2 submit to the legislature the initial report required by Section
3 31.210, Natural Resources Code, as added by this Act, not later than
4 September 1, 2027.

5 SECTION 3. This Act takes effect September 1, 2023.