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AN ACT

relating to the composition and duties of the State Soil and Water Conservation Board.

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

SECTION 1. Section 201.011, Agriculture Code, is amended to read as follows:

Sec. 201.011. COMPOSITION. The State Soil and Water Conservation Board is a state agency composed of seven [~~five~~] members as follows:

(1) [~~with~~] one member elected from each of the state districts in accordance with this subchapter; and

(2) two members appointed by the governor, each of whom is:

(A) actively engaged in the business of farming, animal husbandry, or other business related to agriculture and who wholly or partly owns or leases land used in connection with that business; and

(B) not a member of the board of directors of a conservation district.

SECTION 2. Subsection (b), Section 201.015, Agriculture Code, is amended to read as follows:

(b) The term of office of an elected [~~a~~] member of the state board begins on the day after the day on which the member was elected. The term of one member appointed by the governor expires

1 February 1 of each odd-numbered year, and the term of the other
2 member appointed by the governor expires February 1 of each
3 even-numbered year.

4 SECTION 3. Subchapter B, Chapter 201, Agriculture Code, is
5 amended by adding Section 201.0152 to read as follows:

6 Sec. 201.0152. APPLICATION. Sections 201.0141, 201.0142,
7 and 201.0151 apply to the governor's appointees under this chapter.

8 SECTION 4. Section 201.016, Agriculture Code, is amended to
9 read as follows:

10 Sec. 201.016. VACANCY. Vacancies in the state district
11 positions on the state board are filled by election in the manner
12 provided by this subchapter for an unexpired term or for a full
13 term.

14 SECTION 5. Subchapter B, Chapter 201, Agriculture Code, is
15 amended by adding Sections 201.028 and 201.029 to read as follows:

16 Sec. 201.028. SEMIANNUAL REPORT. Not later than January 1
17 and July 1 of each year, the state board shall prepare and deliver
18 to the governor, the lieutenant governor, and the speaker of the
19 house of representatives a report relating to the status of the
20 budget areas of responsibility assigned to the board, including
21 outreach programs, grants made and received, federal funding
22 applied for and received, special projects, and oversight of water
23 conservation district activities.

24 Sec. 201.029. MANAGEMENT AUDIT. (a) Not later than March
25 1, 2004, the state auditor, in coordination with the Legislative
26 Budget Board, shall conduct a management audit of the State Soil and
27 Water Conservation Board and deliver the audit report to the

1 governor, the lieutenant governor, and the speaker of the house of
2 representatives. The audit report must include an evaluation of
3 the administrative budget for the board.

4 (b) This section expires April 1, 2004.

5 SECTION 6. Sections 203.011, 203.012, 203.013, 203.016, and
6 203.051, Agriculture Code, are amended to read as follows:

7 Sec. 203.011. AUTHORITY OF BOARD. The board has
8 jurisdiction over and, with the assistance of local districts,
9 shall administer the brush control program under this chapter.

10 Sec. 203.012. RULES. The board, after consulting with
11 local districts, shall adopt reasonable rules that are necessary to
12 carry out this chapter.

13 Sec. 203.013. AUTHORITY OF DISTRICTS. Each district [~~in~~
14 ~~which all or part of a critical area is located~~] may carry out the
15 responsibilities provided by Subchapter D [~~of this code~~] as
16 delegated by the board [~~in that critical area~~].

17 Sec. 203.016. CONSULTATION. The State Soil and Water
18 Conservation Board [~~board~~] shall consult with:

19 (1) the Texas Water Development Board in regard to the
20 effects of the brush control program on water quantity;

21 (2) the department in regard to the effects of the
22 brush control program on agriculture; and

23 (3) the Parks and Wildlife Department in regard to the
24 effects of the brush control program on fish and wildlife.

25 Sec. 203.051. STATE PLAN. The board shall prepare and adopt
26 a state brush control plan that shall:

27 (1) include a comprehensive strategy for managing

1 brush in all areas of the state where brush is contributing to a
2 substantial water conservation problem; and

3 (2) rank [~~designate~~] areas of [~~critical need in~~] the
4 state in need of a [~~which to implement the~~] brush control program,
5 as provided by Section 203.053.

6 SECTION 7. Subsections (b), (c), and (d), Section 203.052,
7 Agriculture Code, are amended to read as follows:

8 (b) Not less than 30 days before the date the hearing is to
9 be held, the board shall mail written notice of the hearing to each
10 district in the state. The notice must:

11 (1) include the date and place for holding the
12 hearing;

13 (2) [~~and must~~] state the purpose for holding the
14 hearing; and

15 (3) include instructions for each district to submit
16 written comments on the proposed plan.

17 (c) At the hearing, representatives of a district and any
18 other person may appear and present testimony including information
19 and suggestions for any changes in the proposed plan. The board
20 shall enter into the record any written comments received on the
21 proposed plan and shall consider all written comments and testimony
22 before taking final action on the plan.

23 (d) After the conclusion of the hearing, the board shall
24 consider the testimony, including the information and suggestions
25 made at the hearing and in written comments, and[7] after making any
26 changes in the proposed plan that it finds necessary, the board
27 shall adopt the plan.

1 SECTION 8. Sections 203.053, 203.055, and 203.101,
2 Agriculture Code, are amended to read as follows:

3 Sec. 203.053. CRITERIA FOR EVALUATING BRUSH CONTROL
4 [~~DESIGNATING CRITICAL~~] AREAS. (a) In ranking [~~designating~~
5 ~~critical~~] areas under the plan, the board shall consider:

6 (1) the location of various brush infestations;

7 (2) the type and severity of [~~various~~] brush
8 infestations;

9 (3) the various management methods that may be used to
10 control brush; [~~and~~]

11 (4) the amount of water produced by a project and the
12 severity of water shortage in the project area; and

13 (5) any other criteria that the board considers
14 relevant to assure that the brush control program can be most
15 effectively, efficiently, and economically implemented.

16 (b) In ranking [~~designating critical~~] areas, the board
17 shall give priority to areas with the most critical water
18 conservation needs and in which brush control and revegetation
19 projects will be most likely to produce substantial water
20 conservation.

21 Sec. 203.055. APPROVED METHODS FOR BRUSH CONTROL. (a) The
22 board shall study and must approve all methods used to control brush
23 under this chapter [~~Act~~] considering the overall impact of the
24 project [~~will have within critical areas~~].

25 (b) The board may approve a method for use under the
26 cost-sharing program provided by Subchapter E [~~of this chapter~~] if
27 the board finds that the proposed method:

1 (1) has proven to be an effective and efficient method
2 for controlling brush;

3 (2) is cost efficient;

4 (3) will have a beneficial impact on the development
5 of water sources and wildlife habitat;

6 (4) will maintain topsoil to prevent erosion or
7 silting of any river or stream; and

8 (5) will allow the revegetation of the area after the
9 brush is removed with plants that are beneficial to stream flows,
10 groundwater levels, and livestock and wildlife.

11 Sec. 203.101. GENERAL AUTHORITY. Each district may
12 administer the aspects of the brush control program [~~within any~~
13 ~~critical area located~~] within the jurisdiction of that district.

14 SECTION 9. Section 203.154, Agriculture Code, is amended by
15 amending Subsections (a) and (c) and adding Subsections (d) and (e)
16 to read as follows:

17 (a) Not more than 70 [~~80~~] percent of the total cost of a
18 single brush control project may be made available as the state's
19 share in cost sharing.

20 (c) The board may grant an exception to Subsection (b) [~~of~~
21 ~~this section~~] if the board finds that joint participation of the
22 state brush control program and any federal brush control program
23 will:

24 (1) enhance the efficiency and effectiveness of a
25 project; [~~and~~]

26 (2) lessen the state's financial commitment to the
27 project; and

1 (3) not exceed 80 percent of the total cost of the
2 project.

3 (d) A political subdivision is eligible for cost sharing
4 under the brush control program, provided that the state's share
5 may not exceed 50 percent of the total cost of a single project.

6 (e) Notwithstanding any other provision of this section,
7 100 percent of the total cost of a single project on public lands
8 may be made available as the state's share in cost sharing.

9 SECTION 10. Sections 203.156, 203.157, and 203.158,
10 Agriculture Code, are amended to read as follows:

11 Sec. 203.156. APPLICATION FOR COST SHARING. A person,
12 including a political subdivision, that [~~who~~] desires to
13 participate with the state in a brush control project and to obtain
14 cost-sharing participation by the state shall file an application
15 with the district board in the district in which the land on which
16 the project is to be accomplished is located. The application must
17 be in the form provided by board rules.

18 Sec. 203.157. CONSIDERATIONS IN PASSING ON APPLICATION. In
19 passing on an application for cost sharing, the board shall
20 consider:

21 (1) the location of [~~whether~~] the project [~~is to be~~
22 ~~carried out in a critical area~~];

23 (2) the method of control that is to be used by the
24 project applicant;

25 (3) the plans for revegetation;

26 (4) the total cost of the project;

27 (5) the amount of land to be included in the project;

1 (6) whether the applicant for the project is
2 financially able to provide his share of the money for the project;

3 (7) the cost-share percentage, if an applicant agrees
4 to a higher degree of financial commitment;

5 (8) any comments and recommendations submitted by a
6 local district, the department, the Texas Water Development Board,
7 or [of] the Parks and Wildlife Department; and

8 (9) any other pertinent information considered
9 necessary by the board.

10 Sec. 203.158. APPROVAL OF APPLICATION. The board may
11 approve an application if, after considering the factors listed in
12 Section 203.157 [~~of this code~~] and any other relevant factors, the
13 board finds:

14 (1) the owner of the land fully agrees to cooperate in
15 the project;

16 (2) the method of eradication is a method approved by
17 the board under Section 203.055 [~~of this code~~]; and

18 (3) the project is a higher priority than other
19 projects submitted in accordance with [~~to be carried out in a~~
20 ~~critical area designated under~~] the board's plan.

21 SECTION 11. Subsections (a) and (c), Section 203.159,
22 Agriculture Code, are amended to read as follows:

23 (a) If the demand for funds under the cost-sharing program
24 is greater than funds available, the board shall [~~may~~] establish
25 priorities favoring the areas with the most critical water
26 conservation needs and projects that will be most likely to produce
27 substantial water conservation.

1 (c) The quantity of stream flows or groundwater or [amount
2 ~~of land dedicated to the project that will produce significant]~~
3 water conservation from the eradication of brush is a consideration
4 in assigning priority.

5 SECTION 12. (a) Subdivision (5), Section 203.001,
6 Agriculture Code, is repealed.

7 (b) Section 203.155, Agriculture Code, is repealed.

8 SECTION 13. In making initial appointments to the State
9 Soil and Water Conservation Board under Section 201.011,
10 Agriculture Code, as amended by this Act, the governor shall
11 designate one member to serve a term expiring February 1, 2004, and
12 the other member to serve a term expiring February 1, 2005.

13 SECTION 14. The State Soil and Water Conservation Board
14 shall prepare and deliver the first report required by Section
15 201.028, Agriculture Code, as added by this Act, not later than
16 January 1, 2004.

17 SECTION 15. This Act takes effect September 1, 2003.

David Schweikert

President of the Senate

Tom Cudde

Speaker of the House

I hereby certify that S.B. No. 1828 passed the Senate on May 1, 2003, by a viva-voce vote; May 30, 2003, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 31, 2003, House granted request of the Senate; June 1, 2003, Senate adopted Conference Committee Report by a viva-voce vote.

Letsy Shaw
Secretary of the Senate

I hereby certify that S.B. No. 1828 passed the House, with amendment, on May 28, 2003, by a non-record vote; May 31, 2003, House granted request of the Senate for appointment of Conference Committee; June 1, 2003, House adopted Conference Committee Report by a non-record vote.

Robert Hance
Chief Clerk of the House

Approved:

20 JUN '03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:30 PM O'CLOCK

JUN 20 2003
Ann Shea
Secretary of State