

SUBJECT: Brush control program

COMMITTEE: Agriculture and Livestock — committee substitute recommended

VOTE: 9 ayes — Swinford, McReynolds, B. Brown, Christian, Crownover, Green,  
Hardcastle, Hupp, C. Jones

0 nays

WITNESSES: For — None

Against — None

On — Laurie McLaughlin, Comptroller of Public Accounts

BACKGROUND: The State Soil and Water Conservation Board is responsible for implementing constitutional provisions and state laws relating to the conservation of soil and water resources. The board develops and maintains a state brush control plan designed to improve water yields in the state. Some species of brush have been linked by researchers to decreases in the water supply.

DIGEST: CSHB 3349 would allow the State Soil and Water Conservation Board to consult with other appropriate state agencies to develop methods of evaluating brush control projects. This would include consideration of water flow into aquifer supplies, the rehabilitation of grasslands to support livestock and native species, and other concerns of landowners participating in a project. The bill would require the board to review available watershed studies, as well as to develop and collect data on each brush control project.

The board would be authorized to obtain available federal funds, including funds from the Environmental Quality Incentives Program, as long as conditions of funding would not adversely affect the program. CSHB 3349 also would permit the board to contract for use of inmate labor for a brush control project.

CSHB 3349 would provide that persons participating in existing brush control cost-sharing programs would be given additional guidance on water storage, pumping, and rights and responsibilities in conserving water.

This bill would take effect September 1, 1999.

**SUPPORTERS  
SAY:**

Infestations of noxious brush are robbing and degrading Texas aquifers and may well account for a large portion of the decreased flow in the state's watershed. Water-taking brush has diminished stream flow, water in watersheds, irrigation, water quality, aquatic habitats, and public water supply from reservoirs. One way to better measure the total damage such brush has done to water supplies is to remove brush from certain areas and evaluate the results on water availability.

CSHB 3349 would make clarifying changes to the current statute on brush control. This bill would place the criteria used to evaluate brush control projects into statute, following recommendations of the Comptroller's Office.

This bill also would authorize the board to contract for prison inmate labor to remove brush for the public benefit and at low cost to the state. Brush removal by inmates could have the effect of helping increase the water supply for a municipality.

**OPPONENTS  
SAY:**

Using inmate labor instead of contracting with private sector companies would be unfair because the private sector cannot compete with the cheaper inmate labor.

**NOTES:**

The Article 11 wish list for the House-passed version of HB 1 by Junell, the general appropriations bill for fiscal 2000-01, includes \$9,163,189 of general revenue and one full time employee for the board for brush control. The majority of that money would be spent on a pilot project in the North Concho River watershed. Another Article 11 proposal would give the board \$200,000 for the biennium to fund other brush control pilot projects.

HB 1592 by Junell, also dealing with the brush control program, passed the House on the Local, Consent, and Resolutions Calendar on April 16 and was reported favorably, as amended, by the Senate Natural Resources Committee on May 10.

The original bill would have allowed the board to consult only with the Texas Water Development Board. The original bill also contained provisions that would have:

- ! required the board specifically to consider the findings of the North Concho watershed study and other studies conducted by state or local government,
- ! required the board to designate areas with critical water conservation needs including the Edwards Aquifer recharge zone, the Nueces River basin, and the North Concho River basin.
- ! authorized the board to approve certain brush control methods.
- ! eliminated enhancement of endangered species habitat from criteria for evaluating brush control projects.