

- SUBJECT:** Composition and duties of the State Soil and Water Conservation Board
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 4 ayes — Hardcastle, Miller, B. Brown, Swinford  
3 nays — Burnam, D. Jones, Laney
- SENATE VOTE:** On final passage, May 1 — voice vote
- WITNESSES:** For — Jose Dodier, Jr., Association of Texas Soil and Water Conservation Districts; Ed Small, Texas and Southwestern Cattle Raisers Association; (*On committee substitute:*) Denise Rhodes  
  
Against — Jerry Henderson, Jack Soil and Water Conservation District; Billy Howe, Texas Farm Bureau; J.C. Matthews; Jim B. Paschall, Wise Soil and Water Conservation District; Jule Richmond; Leland White, Lynn County Soil and Water Conservation District  
  
On — Edward Albrecht, W.T. “Dub” Crumley, and James Moore, Texas State Soil and Water Conservation Board
- BACKGROUND:** The State Soil and Water Conservation Board is responsible for conserving and protecting soil resources. The board comprises five members elected from five geographic areas. The board administers the Texas brush-control program and must prepare a plan that includes a comprehensive strategy for managing brush in areas of the state where brush is contributing to a substantial water conservation problem and that designates areas of critical need in which to implement the program.
- DIGEST:** CSSB 1828 would add to the State Soil and Water Conservation Board two members appointed by the governor. Neither of the two new members could serve as chairman nor be delegated powers or duties of the board. Each would have to be engaged in an agriculture-related business and own or lease land for that business. The new members could not be members of a board of directors of a conservation district but would have to meet the qualifications to serve as one.

The board would have to prepare a report twice annually on the status of its activities, including outreach, grants, federal funding, special projects, and oversight of districts. The state auditor would have to conduct a management audit of the board, including an evaluation of the board's administrative budget, by March 1, 2004, and report the findings to the governor, lieutenant governor, and House speaker.

The board would have to administer the brush-control program with the assistance of local districts. It would have to consult with the Texas Water Development Board and the Texas Department of Agriculture regarding the program's effects on water quality and agriculture, respectively. The state brush-control plan would have to include a strategy for managing brush in all areas of the state and would have to rank areas by need, instead of designating areas of critical need. In publishing notice of a hearing on the plan, the board would have to include instructions for districts to submit written comments. At the hearing, the board would have to record and consider any comments received on the plan before taking final action.

The state's share of a brush-control project could not exceed 70 percent of the total cost, rather than 80 percent, as in current law. A political subdivision would be eligible for cost sharing if the state's share did not exceed 50 percent of the cost of a single project. Notwithstanding other provisions, the state could pay 100 percent of the cost of a project on public lands. The bill would repeal a current restriction that limits cost sharing to projects in critical areas and using an approved method of brush control.

Before approving an application for a project, the board would have to find that the project was a higher priority than other projects submitted in accordance with the state plan. If demand for funding was greater than the amount of funds available, the board would have to establish priorities favoring areas with the most critical needs and projects most likely to produce substantial water conservation.

The bill would take effect January 1, 2003.

**SUPPORTERS  
SAY:**

CSSB 1828 would increase the accountability of the State Soil and Water Conservation Board. Although the current board receives an appropriation from the state, its members all are elected by local districts and are not

directly accountable to the Legislature. The bill would ensure greater accountability and cooperation by allowing the governor to appoint two new board members. Sunset Advisory Commission staff made a similar recommendation regarding the board's composition in 2001. Also, the bill would require a management audit of the board, including an evaluation of the board's administrative budget.

The bill would revise the state brush-control program to give the board more flexibility in determining where to implement the program. It would allow 100 percent state participation in a brush-control project on public land, such as a project to remove salt cedar from a state-owned riverbed.

**OPPONENTS  
SAY:**

The board's composition does not need to be changed. The current board of elected members is accountable and has done a good job of representing local district concerns. Adding gubernatorial appointees to the board would not necessarily make the board more accountable and could make the board less responsive to the local districts, shifting power from the districts to Austin. Also, unlike the current board, of which each member represents a specific geographic area, the gubernatorial appointees could be from anywhere in the state, allowing one area to have a larger amount of representation than others.

**NOTES:**

The committee substitute modified the Senate engrossed version of SB 1828 by adding qualifications for the two new board members and by revising the state brush-control program.