

**SUBJECT:** Eliminating Soil and Water Conservation Board gubernatorial appointees

**COMMITTEE:** Agriculture and Livestock — committee substitute recommended

**VOTE:** 5 ayes — Hardcastle, Anderson, Brown, Herrero, Olivo

0 nays

2 absent — Burnam, Farrar

**SENATE VOTE:** On final passage, May 3 — 31-0, on Local and Uncontested Calendar

**WITNESSES:** None

**BACKGROUND:** The Texas State Soil and Water Conservation Board administers the Texas Soil Conservation Law. The board is composed of seven members. One member is elected from each of the five districts designated in Agriculture Code, sec. 201.012, and two members are appointed by the governor. A gubernatorial appointee cannot be a member of the board of directors of a conservation district and must actively be engaged in the business of farming, animal husbandry, or other business related to agriculture. In addition, a gubernatorial appointee must wholly or partly own or lease land used in connection with that business.

**DIGEST:** SB 806 would eliminate the two gubernatorial appointees to the Texas State Soil and Water Conservation Board.

SB 806 would take effect September 1, 2005. The bill would not affect a gubernatorial appointee serving on the board immediately before the bill's effective date. That member would be able to continue to serve as a member of the board for the remainder of his or her term, which would expire September 1, 2007.

**SUPPORTERS SAY:** CSSB 806 is necessary to return the Soil and Water Conservation Board to the governing structure that works best for it. The board traditionally had five elected members, until the 78th Legislature in 2003 added the two gubernatorial appointees. Because the governor has failed to make the required appointments to the board, it would be best simply to eliminate

the requirement for two gubernatorial appointees.

The traditional five-member, elected board did a good job of representing local district concerns and was accountable for its actions. Returning to this structure would keep the focus on local matters and ensure equal representation for the entire state. Continuing to have at-large gubernatorial board members could shift power from the districts to Austin and could allow one area of the state to have a larger amount of representation than others.

CSSB 806 would allow any gubernatorial appointment made before the bill's effective date to stay on the board until September 1, 2007. If the governor made appointments and the service of any of the appointees proved valuable to the board, the board's composition could be changed by the 80th Legislature in 2007 to retain the gubernatorial appointees.

**OPPONENTS  
SAY:**

Among the reasons gubernatorial appointees were added to the board by the 78th Legislature was to help ensure greater accountability of board members and to ensure that some board members had statewide, rather than regional, perspectives. The need for this type of representation on the board still exists, and its composition should not be changed.

**NOTES:**

The Senate-passed version would have revised the qualifications and eligibility requirements for the gubernatorial appointees. The House committee substitute would eliminate the gubernatorial appointees, except those appointed before the bill's effective date could serve one more term.