

BILL ANALYSIS

Senate Research Center

S.B. 1828
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Government Organization
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DIGEST AND PURPOSE

Currently, the Texas State Soil and Water Conservation Board is an agency of the state. As proposed, S.B. 1828 transfers the Texas State Soil and Water Conservation Board, and its mission, functions, and appropriations, to the Texas Department of Agriculture.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.001(d), Agriculture Code, to provide that it is declared as a matter of legislative intent and determination of policy that the State Soil and Water Conservation Board (state board) is responsible for implementing, rather than is the state agency responsible for implementing, the constitutional provisions and state laws relating to the conservation and protection of soil resources.

SECTION 2. Amends Section 201.011, Agriculture Code, to make a conforming change.

SECTION 3. Amends Chapter 201B, Agriculture Code, by adding Section 201.0111, as follows:

Sec. 201.0111. STATE BOARD IN DEPARTMENT. (a) Provides that the state board is within the Texas Department of Agriculture (TDA).

(b) Requires the state board to exercise its functions, duties, and powers under the direction of the commissioner of agriculture (commissioner).

SECTION 4. Amends Section 201.0151(c), Agriculture Code, to require the chairman of the state board to notify the commissioner, the governor, and the attorney general that a potential ground for removal of a board member exists. Makes a conforming change.

SECTION 5. Amends Sections 201.019(a), (f), and (i), Agriculture Code, as follows:

(a) Requires the commissioner, rather than the state board, to designate one of the board's members as chairman.

(f) Makes a conforming change.

(i) Requires the state board, rather than agency, to develop and implement policies which clearly separate the respective responsibilities of the state board and the staff of the board.

SECTION 6. Amends Section 201.0191(c), Agriculture Code, to make a conforming change.

SECTION 7. Amends Sections 201.023(a) and (b), Agriculture Code, as follows:

(a) Requires the fund to be appropriated to TDA, rather than the state board, for use in the administration of this chapter and provides that it is subject to the same care and

control while in the state treasury as other funds of the state.

(b) Requires the state board to file annually, with the commissioner, the governor, and the presiding officer of each house of the legislature, a complete and detailed written report that accounts for all funds received and disbursed by the board during the preceding year.

SECTION 8. Amends Section 201.026(e), Agriculture Code, as added by Chapter 1095, Acts of the 77th Legislature, Regular Session, 2001, to require state agencies, rather than other state agencies, with responsibility for abating agricultural and silvicultural nonpoint source pollution to coordinate any abatement programs and activities with the state board.

SECTION 9. Effective date: September 1, 2003.

SECTION 10. Provides that the transfer of the State Soil and Water Conservation Board under this Act does not affect or impair any act done, any obligation, complaint, review, program, report, standard, or requirement existing, any investigation begun, or any penalty accrued under former law, and that law remains in effect for any action concerning those matters.