

BILL ANALYSIS

Senate Research Center
84R6351 SLB-F

S.B. 1597
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Farm and Ranch Lands Conservation Program (program) was created by the legislature in 2005 as a tool to respond to natural resource policy priorities. The program is modeled on programs found in approximately 25 other states and provides grants to land trust/landowner partnerships to purchase voluntary conservation easements.

Unfortunately, the program has never received an appropriation. Currently, the program, which is housed at the General Land Office (GLO), has used federal funds from the Coastal Improvement Assistance Program to execute the program, which has limited conservation only to coastal regions. To date the program has spent \$2,943,217 directly on conservation easements to conserve 3,263 acres of working agricultural lands and wildlife habitat.

S.B. 1597, which is supported by GLO and the Texas Parks and Wildlife Department (TPWD), moves the program to TPWD.

TPWD already has a direct role in the conservation of our state's land, water, and open space. The intent of the legislation that created the program is in alignment with the mission of TPWD. Moving this program to TPWD makes it possible for the program to become an energized and robust program that can make a positive impact on the conservation of Texas' natural resources. TPWD has a vast field network of specialists that actively work with landowners to promote the stewardship and conservation of private land. The bill offers a solution to the alarming problem of fragmentation and loss of rural property.

As proposed, S.B. 1597 transfers the Texas Farm and Ranch Lands Conservation Program to the Parks and Wildlife Department.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Farm and Ranch Lands Conservation Council in SECTION 1 (Section 84.009, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Transfers Subchapter B, Chapter 183, Natural Resources Code, to Subtitle E, Title 5, Parks and Wildlife Code, redesignates it as Chapter 84, Parks and Wildlife Code, and amends it as follows:

CHAPTER 84. TEXAS FARM AND RANCH LANDS CONSERVATION PROGRAM

Sec. 84.001. PURPOSE. Redesignates existing Section 183.051, Natural Resources Code, as Section 84.001, Parks and Wildlife Code, and changes a reference to Subchapter B to Chapter 84.

Sec. 84.002. DEFINITIONS. Redesignates existing Section 183.052, Natural Resources Code, as 84.002, Parks and Wildlife Code, and makes conforming changes. Defines "conservation easement" and "holder." Deletes the definitions for "commissioner" and "land office."

Sec. 84.003. PROGRAM. Redesignates existing Section 183.053, Natural Resources Code, as Section 84.003, Parks and Wildlife Code, and makes conforming change.

Sec. 84.004. TERMS OF AGRICULTURAL CONSERVATION EASEMENT. Redesignates existing Section 183.054, Natural Resources Code, as Section 84.004, Parks and Wildlife Code, and makes a conforming change.

Sec. 84.005. TERMINATION OF EASEMENT. Redesignates existing Section 183.055, Natural Resources Code, as Section 84.005, Parks and Wildlife Code, and makes conforming changes.

Sec. 84.006. REPURCHASE BY LANDOWNER. Redesignates existing Section 183.056, Natural Resources Code, as Section 84.006, Parks and Wildlife Code, and makes conforming changes.

Sec. 84.007. PROTECTED LAND; NOTICE OF TAKING. Redesignates existing Section 183.057, Natural Resources Code, as Section 84.007, Parks and Wildlife Code, and makes conforming changes.

Sec. 84.008. TEXAS FARM AND RANCH LANDS CONSERVATION FUND. Redesignates existing Section 183.058, Natural Resources Code, as Section 84.008, Parks and Wildlife Code, and makes conforming changes.

Sec. 84.009. ADMINISTRATION OF FUND. Redesignates existing Section 183.059, Natural Resources Code, as Section 84.009, Parks and Wildlife Code, and makes conforming changes.

Sec. 84.010. CRITERIA FOR AWARDED GRANTS. Redesignates existing Section 183.060, Natural Resources Code, as Section 84.010, Parks and Wildlife Code, and makes conforming changes.

Sec. 84.011. TEXAS FARM AND RANCH LANDS CONSERVATION COUNCIL. Redesignates existing Section 183.061, Natural Resources Code, as Section 84.011, Parks and Wildlife Code.

(a) Makes conforming changes. Provides that the council consists of eleven members as follows:

(1) six members appointed by the governor as follows:

(A) Two members who each operate a family farm or ranch in this state, rather than one member who operates a family farm or ranch in this state;

(B) Makes no change to this paragraph;

(C) Makes a nonsubstantive change to this paragraph;

(D) Makes no change to this paragraph; and

(E) Deletes existing paragraph.

(2) five, rather than four, ex officio members as follows:

(A) the commissioner of the Texas Commission on Environmental Quality or the commissioner's designee, rather than the commissioner of the General Land Office;

(B) makes no change to this paragraph;

(C) the chair of the Texas Water Development Board or the chair's designee, rather than the presiding officer of the Parks and Wildlife Commission or the presiding officer's designee;

(D) Makes a nonsubstantive change to this paragraph; and

(E) the presiding officer of the Parks and Wildlife Commission or the presiding officer's designee, who must be a member of the commission.

(b) and (c) Makes no change to these subsections.

(d) Makes conforming changes to this subsection.

(e)-(k) Makes no change to these subsections.

(l)-(n) Makes conforming changes to these subsections.

(o) Makes no change to this subsection.

Sec. 84.012. EFFECT ON TAX APPRAISAL. Redesignates existing Section 183.062, Natural Resources Code, as Section 84.012, Parks and Wildlife Code, and makes conforming changes.

Sec. 84.013. REPORT TO TEXAS DEPARTMENT. Redesignates existing Section 183.063, Natural Resources Code, as Section 84.013, Parks and Wildlife Code, and makes conforming changes.

SECTION 2. Amends Section 31.065(d), Natural Resources Code, to make a conforming change.

SECTION 3. Amends Section 31.066(d), Natural Resources Code, to make a conforming change.

SECTION 4. (a) Requires the governor to make the appointments described by Section 84.011, Parks and Wildlife Code, as amended by this Act, not later than January 1, 2016.

(b) Requires the General Land Office (GLO) and the Texas Parks and Wildlife Department (TPWD) to enter into a memorandum of understanding relating to the transfer of the administration of the Texas Farm and Ranch Lands Conservation Program (program) from GLO to TPWD not later than January 1, 2016. Requires the memorandum of understanding to include a timetable and specific steps and methods for the transfer on September 1, 2016, of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, personnel, and unspent and unobligated appropriations and other funds relating to the administration of the program from GLO to TPWD.

(c) Provides that, on September 1, 2016, the following are transferred to the TPWD:

(1) all powers, duties, obligations, and liabilities of GLO relating to the administration of the program;

(2) all unobligated and unexpended funds appropriated to GLO designated for the purpose of the administration of the program;

(3) all equipment and property of GLO used for the administration of the program;

(4) all personnel, as described by the memorandum of understanding entered into under Subsection (b) of this section; and

(5) all files and other records of GLO kept by the office regarding the program.

(d) Authorizes GLO to agree with TPWD to transfer any property of GLO to TPWD to implement the transfer required by this Act before September 1, 2016.

(e) Requires GLO, in the period beginning on the effective date of this Act and ending on September 1, 2016, to continue to perform functions and activities under Subchapter B (Texas Farm and Ranch Lands Conservation Program), Chapter 183, Natural Resources Code, as if that subchapter had not been transferred, redesignated, and amended by this Act, and the former law is continued in effect for that purpose.

SECTION 5. Effective date: upon passage or September 1, 2015.