

BILL ANALYSIS

Senate Research Center
84R18674 SLB-F

C.S.S.B. 1597
By: Kolkhorst
Agriculture, Water & Rural Affairs
4/14/2015
Committee Report (Substituted)

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.

The committee substitute:

- Puts in new language that requires the Texas Farm and Ranch Lands Conservation Council to give priority to applications that protect highly productive agricultural lands that are susceptible to development, including subdivision and fragmentation.
- Requires two of the ex officio members of the council to take over leadership positions. One would serve as the presiding officer's designee and the other as the executive director of the Texas A&M Institute of Renewable Natural Resources.
- Cleans up language saying that the presiding officer of the commission shall be the presiding officer of the council. If that individual is not able, the position passes to the executive director.

C.S.S.B. 1597 amends current law relating to the transfer of the Texas Farm and Ranch Lands Conservation Program to the Parks and Wildlife Department.

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. 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 Section 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 AWARDING GRANTS. Redesignates existing Section 183.060, Natural Resources Code, as Section 84.010, Parks and Wildlife Code. Requires the Texas Farm and Ranch Lands Conservation Council (council) to:

- (1) give priority to applications that protect highly productive agricultural lands that are susceptible to development, including subdivision and fragmentation; and
- (2) Creates this subdivision from existing text and makes no further change;
 - (A) Creates this paragraph from existing text and makes no further change;
 - (B) Redesignates existing Subdivision (3) as Paragraph (B) and renumbers subsequent subdivisions accordingly.

Deletes existing text referencing the protection of highly productive agricultural lands and existing text referencing the susceptibility of the subdivision's fragmentation or other development from consideration in evaluating grant applications.

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 12 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 referencing one member from a state institution of higher education who has significant experience with natural resource issues.

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

(A) the executive director of the State Soil and Water Conservation Board, 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 Texas 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 Texas Parks and Wildlife Commission or the presiding officer's designee, who must be a member of the commission;

(F) the executive director of the Texas A&M Institute of Renewable Natural Resources.

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

(d) Requires the presiding officer of the commission or the presiding officer's designee, rather than the commissioner or the commissioner's designee, to serve as the presiding officer of the council unless, at the presiding officer of the commission's discretion, the executive director of the department is required to serve as the presiding officer of the council. Requires the presiding officer of the council to designate from among the members of the council an assistant presiding officer of the council to serve in that capacity at the will of the presiding officer of the council, rather than the commissioner. Authorizes the council to choose from its appointed members other officers as the council considers necessary.

(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 OF TRANSPORTATION. 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 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.