

BILL ANALYSIS

H.B. 3847
By: Hilderbran
Culture, Recreation, & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The State of Texas considers many species endangered or threatened, even though much of the privately owned land in the state has not been reviewed to determine which endangered or threatened species live on the land. To maintain the populations of the specific species, there are state and federal programs in place. HB3847 seeks to evaluate the private land in order to obtain a more realistic number of the threatened or endangered species that live in Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Parks and Wildlife Department in SECTION 1 of this bill.

ANALYSIS

SECTION 1. Amends Subtitle B, Title 5, Parks and Wildlife Code by adding Chapter 69 regarding a pilot project for habitat and species conservation. It includes definitions of "Endangered species," "Fish or Wildlife," "Pilot Project," and "Species of Concern". Sections 69.002-69.020 are reserved for expansion. HB3847 sets forth the purpose of the pilot project as a program to recover endangered species in the state and prevent other species from being listed as endangered. The bill provides for a recovery credit system for private landowners who participate in the habitat management programs and Department sponsored conservation efforts. A participating landowner is eligible for compensation by the Department based on the increase over 10 years in suitable habitats, population, or productivity of listed species. In the first year of landowner participation, the Department shall document the initial baseline amount of suitable habitat available or the status of the population of endangered species on the property. The bill also sets up and describes a pioneering shares program as an incentive to identify areas where species of concern are located. A team of experts will lead the effort to document species of concerns in a selected priority area, and landowners within certain area may participate in a pioneering share program, which shall provide shares to each landowner who participates. The pilot project may add landowners to the program until the project accumulates enough land to determine the status of the species of concerns. Landowners may convert shares into cash payments at a time determined by the Department.

HB3847 provides confidentiality by applying Section 12.103 of the Parks and Wildlife Code to information obtained on privately owned land under the project. The Parks and Wildlife Department shall submit a report to the legislature regarding the pilot project results by December 1, 2012. What is to be included in the report is described, including an assessment of the continuing need for the pilot project and a recommendation on whether the project should be continued. The Parks and Wildlife Department may use certain monies specified in the bill to pay for the costs of the project, but not more than \$250,000 a year for the first five years of the project. The Texas Parks and Wildlife Department shall adopt rules necessary to implement the chapter, and the chapter expires September 1, 2017.

SECTION 2. Effective date: Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

EFFECTIVE DATE

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