

## **BILL ANALYSIS**

Senate Research Center

S.B. 2534  
By: Wentworth  
Natural Resources  
9/1/2009  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

State agencies need a mechanism to provide policy and technical assistance regarding compliance with endangered species laws and regulations to local and regional governmental entities and their communities engaged in economic development activities so that compliance with endangered species laws and regulations is as effective and cost efficient as possible. This bill establishes such a mechanism by creating the Task Force on Economic Growth and Endangered Species.

S.B. 2534 amends current law relating to the creation of an interagency task force on economic growth and endangered species issues in certain areas of the state.

### **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 Subtitle F, Title 4, Government Code, by adding Chapter 490E, as follows:

#### **CHAPTER 490E. TASK FORCE ON ECONOMIC GROWTH AND ENDANGERED SPECIES**

Sec. 490E.001. PURPOSE. Provides that the purpose of this chapter is to establish a mechanism for state agencies to provide policy and technical assistance regarding compliance with endangered species laws and regulations to local and regional governmental entities and their communities engaged in economic development activities so that compliance with endangered species laws and regulations is as effective and cost efficient as possible.

Sec. 490E.002. DEFINITIONS. Defines "endangered species" and "task force."

Sec. 490E.003. CREATION. (a) Provides that the task force on economic growth and endangered species (task force) is created and composed of the comptroller of public accounts (comptroller), the commissioner of agriculture, the executive director of the Parks and Wildlife Department, the executive director of the Texas Department of Transportation, and the executive director of the State Soil and Water Conservation Board.

(b) Provides that the comptroller is the presiding officer of the task force.

(c) Requires the task force to meet as often as necessary to fulfill its duties under this chapter.

(d) Authorizes new members to be added to the task force by the unanimous consent of the existing members.

(e) Authorizes a member of the task force to designate another person to act on the member's behalf.

Sec. 490E.004. FUNCTIONS AND DUTIES. (a) Authorizes the task force to assess the economic impact on the state of federal, state, or local regulations relating to endangered species; assist landowners and other persons in this state to identify, evaluate, and implement cost-efficient strategies for mitigation of impacts to and recovery of endangered species that will promote economic growth and development in this state; and facilitate state and local governmental efforts to effectively implement endangered species regulations in a cost-efficient manner.

(b) Authorizes the task force, if requested by a local government or state official, to review state and local governmental efforts to address endangered species issues and provide recommendations to make those efforts more cost effective. Requires the task force to consider all available options as part of its recommendations. Requires that the options considered include fee simple acquisition of land, conservation easements, use of land owned by local governments or this state, recovery crediting, and all relevant federal programs.

Sec. 490E.005. ADVISORY COMMITTEES. (a) Authorizes the comptroller, with the advice of the task force, to create advisory committees to assist the task force with its work. Provides that of the members of an advisory committee one-third are required to be representatives of affected landowners, one-third are required to be representatives of conservation interests, and one-third are required to be representatives of municipalities or other affected jurisdictions.

(b) Requires that the composition of an advisory committee provide the balance necessary to address economic, environmental, and policy issues related to the specific issue or action under consideration.

(c) Requires the comptroller to designate one member of an advisory committee as interim presiding officer for the purpose of calling and conducting the initial meeting of the committee.

(d) Requires an advisory committee to, at its initial meeting, select a presiding officer from among its members for the purpose of conducting meetings; conduct meetings as necessary to perform the business of the advisory committee; and provide recommendations to the task force as requested by the task force.

(e) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the size, composition, or duration of an advisory committee created under this section.

Sec. 490E.006. COORDINATION WITH OTHER ENTITIES. (a) Requires the task force to work in coordination with the United States Fish and Wildlife Service, institutions of higher education, and agriculture and conservation organizations in performing its functions and duties.

(b) Requires the Texas A&M University System to, within its expertise, assist in the analysis of biological and economic impacts of proposed actions and direct programs recommended by the taskforce.

Sec. 490E.007. REPORTS. Authorizes the task force to provide reports as needed on innovative programs to address endangered species issues while promoting economic growth, the activities of the task force, and recommendations for future programs or legislation.

Sec. 490E.008. ADMINISTRATIVE SUPPORT. Requires the comptroller's office to provide administrative support to the task force.

SECTION 2. (a) Defines "Endangered Species Act" and "task force."

(b) Requires the comptroller of public accounts, not later than the 30th day after the effective date of this Act, to create an advisory committee to assist the task force in identifying cost-efficient and effective recommendations for economic development and Endangered Species Act compliance in the Camp Bullis area in Bexar County.

(c) Requires the task force, with input from the advisory committee created under Subsection (b) of this section, not later than October 31, 2009, to provide a recommendation on a specific coordination program of work to assist Camp Bullis in accomplishing its training missions in a manner consistent with applicable endangered species regulations and programs.

(d) Requires the task force, not later than January 15, 2011, to provide a report to the legislature on the activities of the task force and the status of efforts to mitigate harm to and efforts toward recovery of endangered species at Camp Bullis.

(e) Provides that the advisory committee created under this section is abolished on the completion of its duties as determined by the task force.

SECTION 3. Provides that this Act does not make an appropriation. Provides that a provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION 4. Effective date: upon passage or September 1, 2009.