

1-1 By: Wentworth S.B. No. 2534
1-2 (In the Senate - Filed April 16, 2009; April 17, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 30, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 30, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2534 By: Averitt

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of an interagency task force on economic
1-11 growth and endangered species; providing information and direction
1-12 regarding endangered species issues in certain areas of the state.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 4, Government Code, is amended
1-15 by adding Chapter 490E to read as follows:

1-16 CHAPTER 490E. TASK FORCE ON ECONOMIC GROWTH AND ENDANGERED SPECIES

1-17 Sec. 490E.001. PURPOSE. The purpose of this chapter is to
1-18 establish a mechanism for state agencies to provide policy and
1-19 technical assistance regarding compliance with endangered species
1-20 laws and regulations to local and regional governmental entities
1-21 and their communities engaged in economic development activities so
1-22 that compliance with endangered species laws and regulations is as
1-23 effective and cost efficient as possible.

1-24 Sec. 490E.002. DEFINITIONS. In this chapter:

1-25 (1) "Endangered species" has the meaning assigned by
1-26 Section 68.002, Parks and Wildlife Code.

1-27 (2) "Task force" means the interagency task force on
1-28 economic growth and endangered species created under this chapter.

1-29 Sec. 490E.003. CREATION. (a) The task force on economic
1-30 growth and endangered species is created and is composed of:

1-31 (1) the comptroller;

1-32 (2) the commissioner of agriculture;

1-33 (3) the executive director of the Parks and Wildlife
1-34 Department;

1-35 (4) the executive director of the Texas Department of
1-36 Transportation; and

1-37 (5) the executive director of the State Soil and Water
1-38 Conservation Board.

1-39 (b) The comptroller is the presiding officer of the task
1-40 force.

1-41 (c) The task force shall meet as often as necessary to
1-42 fulfill its duties under this chapter.

1-43 (d) New members may be added to the task force by the
1-44 unanimous consent of the existing members.

1-45 (e) A member of the task force may designate another person
1-46 to act on the member's behalf.

1-47 Sec. 490E.004. FUNCTIONS AND DUTIES. (a) The task force
1-48 may:

1-49 (1) assess the economic impact on the state of
1-50 federal, state, or local regulations relating to endangered
1-51 species;

1-52 (2) assist landowners and other persons in this state
1-53 to identify, evaluate, and implement cost-efficient strategies for
1-54 mitigation of impacts to and recovery of endangered species that
1-55 will promote economic growth and development in this state; and

1-56 (3) facilitate state and local governmental efforts to
1-57 effectively implement endangered species regulations in a
1-58 cost-efficient manner.

1-59 (b) If requested by a local government or a state official,
1-60 the task force may review state and local governmental efforts to
1-61 address endangered species issues and provide recommendations to
1-62 make those efforts more cost effective. The task force shall
1-63 consider all available options as part of its recommendations. The

2-1 options considered must include:
2-2 (1) fee simple acquisition of land;
2-3 (2) conservation easements;
2-4 (3) use of land owned by local governments or this
2-5 state;
2-6 (4) recovery crediting; and
2-7 (5) all relevant federal programs.
2-8 Sec. 490E.005. ADVISORY COMMITTEES. (a) With the advice
2-9 of the task force, the comptroller may create advisory committees
2-10 to assist the task force with its work. Of the members of an
2-11 advisory committee:
2-12 (1) one-third must be representatives of affected
2-13 landowners;
2-14 (2) one-third must be representatives of conservation
2-15 interests; and
2-16 (3) one-third must be representatives of
2-17 municipalities or other affected jurisdictions.
2-18 (b) The composition of an advisory committee must provide
2-19 the balance necessary to address economic, environmental, and
2-20 policy issues related to the specific issue or action under
2-21 consideration.
2-22 (c) The comptroller shall designate one member of an
2-23 advisory committee as interim presiding officer for the purpose of
2-24 calling and conducting the initial meeting of the committee.
2-25 (d) An advisory committee shall:
2-26 (1) at its initial meeting, select a presiding officer
2-27 from among its members for the purpose of conducting meetings;
2-28 (2) conduct meetings as necessary to perform the
2-29 business of the advisory committee; and
2-30 (3) provide recommendations to the task force as
2-31 requested by the task force.
2-32 (e) Chapter 2110 does not apply to the size, composition, or
2-33 duration of an advisory committee created under this section.
2-34 Sec. 490E.006. COORDINATION WITH OTHER ENTITIES. (a) The
2-35 task force shall work in coordination with the United States Fish
2-36 and Wildlife Service, institutions of higher education, and
2-37 agriculture and conservation organizations in performing its
2-38 functions and duties.
2-39 (b) The Texas A&M University System shall, within its
2-40 expertise:
2-41 (1) assist in the analysis of biological and economic
2-42 impacts of proposed actions; and
2-43 (2) direct programs recommended by the task force.
2-44 Sec. 490E.007. REPORTS. The task force may provide reports
2-45 as needed on:
2-46 (1) innovative programs to address endangered species
2-47 issues while promoting economic growth;
2-48 (2) the activities of the task force; and
2-49 (3) recommendations for future programs or
2-50 legislation.
2-51 Sec. 490E.008. ADMINISTRATIVE SUPPORT. The comptroller's
2-52 office shall provide administrative support to the task force.
2-53 SECTION 2. (a) In this section:
2-54 (1) "Endangered Species Act" means the federal
2-55 Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.).
2-56 (2) "Task force" has the meaning assigned by Section
2-57 490E.002, Government Code, as added by this Act.
2-58 (b) Not later than the 30th day after the effective date of
2-59 this Act, the comptroller of public accounts shall create an
2-60 advisory committee to assist the task force in identifying
2-61 cost-efficient and effective recommendations for economic
2-62 development and Endangered Species Act compliance in the Camp
2-63 Bullis area in Bexar County.
2-64 (c) Not later than October 31, 2009, the task force, with
2-65 input from the advisory committee created under Subsection (b) of
2-66 this section, shall provide a recommendation on a specific,
2-67 coordinated program of work to assist Camp Bullis in accomplishing
2-68 its training missions in a manner consistent with applicable
2-69 endangered species regulations and programs.

3-1 (d) Not later than January 15, 2011, the task force shall
3-2 provide a report to the legislature on the activities of the task
3-3 force and the status of efforts to mitigate harm to and efforts
3-4 toward recovery of endangered species at Camp Bullis.

3-5 (e) The advisory committee created under this section is
3-6 abolished on the completion of its duties as determined by the task
3-7 force.

3-8 SECTION 3. This Act does not make an appropriation. A
3-9 provision in this Act that creates a new governmental program,
3-10 creates a new entitlement, or imposes a new duty on a governmental
3-11 entity is not mandatory during a fiscal period for which the
3-12 legislature has not made a specific appropriation to implement the
3-13 provision.

3-14 SECTION 4. This Act takes effect immediately if it receives
3-15 a vote of two-thirds of all the members elected to each house, as
3-16 provided by Section 39, Article III, Texas Constitution. If this
3-17 Act does not receive the vote necessary for immediate effect, this
3-18 Act takes effect September 1, 2009.

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