

By: Bonnen

H.B. No. 2250

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the abolition of the Coastal Coordination Council and  
3 the transfer of its functions to the General Land Office.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 201.026(g), Agriculture Code, is amended  
6 to read as follows:

7 (g) In an area that the state board identifies as having or  
8 having the potential to develop agricultural or silvicultural  
9 nonpoint source water quality problems or an area within the  
10 "coastal zone" designated by the commissioner of the General Land  
11 Office [~~Coastal Coordination Council~~], the state board shall  
12 establish a water quality management plan certification program  
13 that provides, through local soil and water conservation districts,  
14 for the development, supervision, and monitoring of individual  
15 water quality management plans for agricultural and silvicultural  
16 lands. Each plan must be developed, maintained, and implemented  
17 under rules and criteria adopted by the state board and comply with  
18 state water quality standards established by the Texas Commission  
19 on Environmental Quality. The state board shall certify a plan  
20 that satisfies the state board's rules and criteria and complies  
21 with state water quality standards established by the Texas  
22 Commission on Environmental Quality under the commission's  
23 exclusive authority to set water quality standards for all water in  
24 the state.

1 SECTION 2. Section 33.004, Natural Resources Code, is  
2 amended by adding Subdivision (2-a) to read as follows:

3 (2-a) "Committee" means the Coastal Coordination  
4 Advisory Committee.

5 SECTION 3. Section 33.051, Natural Resources Code, is  
6 amended to read as follows:

7 Sec. 33.051. GENERAL DUTY. The board, [~~the council,~~] the  
8 land office, and the network shall perform the duties provided in  
9 this subchapter.

10 SECTION 4. Section 33.052(a), Natural Resources Code, is  
11 amended to read as follows:

12 (a) The commissioner shall develop a continuing  
13 comprehensive coastal management program pursuant to the policies  
14 stated in Section 33.202 [~~of this code. The program is not~~  
15 ~~effective until approved by a majority of the council under Section~~  
16 ~~33.204 of this code].~~

17 SECTION 5. Section 33.052(b), Natural Resources Code, as  
18 amended by Chapters 165 (S.B. 971) and 416 (H.B. 3226), Acts of the  
19 74th Legislature, Regular Session, 1995, is reenacted and amended  
20 to read as follows:

21 (b) In developing the program, the land office shall act as  
22 the lead agency to coordinate and develop a long-term plan for the  
23 management of uses affecting coastal natural resource areas, in  
24 cooperation with other state agencies that have duties relating to  
25 coastal matters[~~, including those agencies represented on the~~  
26 ~~council].~~ The program shall implement the policies stated in  
27 Section 33.202 [~~of this code]~~ and shall include the elements listed

1 in Section 33.053 [~~of this code~~].

2 SECTION 6. Section 33.052(e), Natural Resources Code, is  
3 amended to read as follows:

4 (e) This section does not add to or subtract from the duties  
5 and responsibilities of a state agency other than the land office[~~7~~  
6 ~~the council~~] and the board.

7 SECTION 7. Section 33.055, Natural Resources Code, is  
8 amended to read as follows:

9 Sec. 33.055. PUBLIC HEARINGS TO CONSIDER COASTAL MANAGEMENT  
10 PROGRAM. In developing, reviewing, or amending the coastal  
11 management program, after due notice to affected persons and the  
12 public generally, the commissioner [~~and the council~~] shall hold or  
13 have held public hearings as the commissioner determines [~~and the~~  
14 ~~council determine~~] to be appropriate.

15 SECTION 8. Sections 33.204(a), (e), (f), and (g), Natural  
16 Resources Code, are amended to read as follows:

17 (a) The commissioner [~~council~~] by rule shall adopt goals and  
18 policies of the coastal management program. A goal or policy may  
19 not require an agency or subdivision to perform an action that would  
20 exceed the constitutional or statutory authority of the agency or  
21 subdivision to which the goal or policy applies.

22 (e) In conducting reviews under Section 33.205 [~~of this~~  
23 ~~code~~], the commissioner [~~council~~] shall receive and consider the  
24 oral or written testimony of any person regarding the coastal  
25 management program as the testimony relates to the agency or  
26 subdivision action or federal agency action or activity or outer  
27 continental shelf plan under review. The commissioner [~~council~~]

1 may reasonably limit the length and format of the testimony and the  
2 time at which it will be received. Notice of the period during  
3 which the testimony will be received shall be published in the Texas  
4 Register and in a newspaper of general circulation in each county  
5 directly affected by the matter under review before the  
6 commencement of that period. The commissioner [~~council~~] shall  
7 consider only the record before the agency or subdivision involved  
8 in the matter under review, the agency's or subdivision's findings,  
9 applicable laws and rules, any additional information provided by  
10 that agency or subdivision, and public testimony under this  
11 subsection, provided that if the agency or subdivision did not hold  
12 a hearing, make a record, or make findings, the commissioner  
13 [~~council~~] may hold a hearing and make findings necessary to a  
14 complete and thorough review.

15 (f) [~~The land office shall assist the council in carrying~~  
16 ~~out its duties. The council members may not receive compensation~~  
17 ~~for services but may receive reimbursement for actual and necessary~~  
18 ~~expenses.~~] The land office, in coordination with other agencies  
19 and subdivisions, shall prepare an annual report on the  
20 effectiveness of the coastal management program. [~~The land office~~  
21 ~~shall submit the report to the council for approval.~~] On or before  
22 January 15 of each odd-numbered year, the land office shall send to  
23 the legislature each of the previous two annual reports.

24 (g) The commissioner [~~council~~] may award grants to projects  
25 that further the goals and policies of the commissioner with regard  
26 to the coastal management program [~~council~~]. The commissioner  
27 [~~council~~] shall establish the procedures for making any

1 determination related to awarding a grant.

2 SECTION 9. Section 33.2041, Natural Resources Code, is  
3 amended to read as follows:

4 Sec. 33.2041. COASTAL COORDINATION ADVISORY COMMITTEE  
5 ~~[COMPOSITION OF COUNCIL; TERMS]~~. (a) The commissioner by rule  
6 shall establish the Coastal Coordination Advisory Committee to  
7 advise the commissioner on matters related to the coastal  
8 management program. The committee ~~[council]~~ shall consist of:

9 (1) a representative of each of the following entities  
10 designated by the presiding officer of that entity ~~[ex officio~~  
11 ~~members]~~:

12 (A) the land office ~~[commissioner]~~;

13 (B) the ~~[presiding officer of the]~~ Parks and  
14 Wildlife Department ~~[Commission or a member of the commission~~  
15 ~~designated by the presiding officer]~~;

16 (C) the ~~[presiding officer of the]~~ Texas  
17 Commission on Environmental Quality ~~[Natural Resource Conservation~~  
18 ~~Commission or a member of the commission designated by the~~  
19 ~~presiding officer]~~;

20 (D) ~~[a member of]~~ the Railroad Commission of  
21 Texas ~~[appointed by that commission]~~;

22 (E) the ~~[presiding officer of the]~~ Texas Water  
23 Development Board ~~[or a member of the board designated by the~~  
24 ~~presiding officer]~~;

25 (F) the ~~[presiding officer of the]~~ Texas  
26 Department of Transportation ~~[Commission or a member of the~~  
27 ~~commission designated by the presiding officer]~~;

1 (G) [~~a member of~~] the State Soil and Water  
2 Conservation Board [~~appointed by that board~~]; and

3 (H) the [~~director of the~~] Texas [~~A&M University~~]  
4 Sea Grant College Program to serve as a nonvoting member; and

5 (2) the following members to be appointed by the  
6 commissioner [~~governor with the advice and consent of the senate to~~  
7 ~~serve a two-year term~~]:

8 (A) a city or county elected official who resides  
9 in the coastal area;

10 (B) an owner of a business located in the coastal  
11 area who resides in the coastal area;

12 (C) a resident from the coastal area; and

13 (D) a representative of agriculture.

14 (b) The commissioner by rule shall establish the terms of  
15 office for committee members [~~The terms of the positions on the~~  
16 ~~council held by the city or county elected official who resides in~~  
17 ~~the coastal area and the resident from the coastal area expire May~~  
18 ~~31 of each even-numbered year. The terms of the positions on the~~  
19 ~~council held by the owner of a business located in the coastal area~~  
20 ~~who resides in the coastal area and the representative of~~  
21 ~~agriculture expire May 31 of each odd-numbered year~~].

22 (c) Chapter 2110, Government Code, does not apply to the  
23 size, composition, or duration of the committee [~~Appointments to~~  
24 ~~the council shall be made without regard to the race, color,~~  
25 ~~disability, sex, religion, age, or national origin of the~~  
26 ~~appointees~~].

27 SECTION 10. The heading to Section 33.205, Natural

1 Resources Code, is amended to read as follows:

2           Sec. 33.205. CONSISTENCY WITH COASTAL MANAGEMENT PROGRAM;  
3 COMMISSIONER [~~COUNCIL~~] REVIEW.

4           SECTION 11. Section 33.205, Natural Resources Code, is  
5 amended by amending Subsections (c), (d), (e), (f), (g), and (h) and  
6 adding Subsections (f-1) and (f-2) to read as follows:

7           (c) The commissioner [~~council~~] may not review a proposed  
8 action subject to the requirements of Subsections (a) and (b) [~~of~~  
9 ~~this section~~] for consistency with the goals and policies of the  
10 coastal management program unless:

11           (1) the consistency determination for the proposed  
12 action was contested by:

13                   (A) a member of the committee [~~a council member~~]  
14 or an agency that was a party in a formal hearing under Chapter  
15 2001, Government Code, or in an alternative dispute resolution  
16 process; or

17                   (B) another [~~a council member or other~~] person by  
18 the filing of written comments with the agency before the action was  
19 proposed if the proposed action is one for which a formal hearing  
20 under Chapter 2001, Government Code, is not available; and

21           (2) a person described by Subdivision (1) [~~of this~~  
22 ~~subsection~~] files a request for referral alleging a significant  
23 unresolved dispute regarding the proposed action's consistency  
24 with the goals and policies of the coastal management program[~~, and~~

25                   [~~(3) any three members of the council other than the~~  
26 ~~director of the Texas A&M University Sea Grant Program agree that~~  
27 ~~there is a significant unresolved dispute regarding the proposed~~

1 ~~action's consistency with the goals and policies of the coastal~~  
2 ~~management program and the matter is placed on the agenda for a~~  
3 ~~council meeting].~~

4 (d) If consistency review thresholds are in effect under  
5 Section 33.2052, the commissioner [~~council~~] may not review a  
6 proposed action subject to the requirements of Subsections (a) and  
7 (b) for consistency with the goals and policies of the coastal  
8 management program unless the requirements of Subsection (c) are  
9 satisfied and:

10 (1) if the proposed action is one for which a formal  
11 hearing under Chapter 2001, Government Code, is available:

12 (A) the action exceeds the applicable thresholds  
13 and the agency's consistency determination was contested in a  
14 formal hearing or in an alternative dispute resolution process; or

15 (B) the action does not exceed the applicable  
16 thresholds but may directly and adversely affect a critical area,  
17 critical dune area, coastal park, wildlife management area or  
18 preserve, or gulf beach and a state agency contested the agency's  
19 consistency determination in a formal hearing; or

20 (2) if the proposed action is one for which a formal  
21 hearing under Chapter 2001, Government Code, is not available to  
22 contest the agency's determination, the action exceeds the  
23 applicable thresholds.

24 (e) The commissioner [~~council~~] must consider and act on a  
25 matter referred under Subsection (c) or (d) before the 26th day  
26 after the date the agency or subdivision proposed the action. For  
27 purposes of this section, an action subject to the contested case

1 provisions of Chapter 2001, Government Code, is proposed when  
2 notice of a decision or order is issued under Section 2001.142,  
3 Government Code.

4 (f) The commissioner [~~council~~] by rule shall establish a  
5 process by which an applicant for a permit or other proposed action  
6 described in Section 33.2053, or an agency or subdivision proposing  
7 an action, may request and receive a preliminary consistency  
8 review. The rules shall:

9 (1) create a permitting assistance group composed of  
10 representatives of committee [~~council~~] member agencies and other  
11 interested committee [~~council~~] members to coordinate the  
12 preliminary reviews; and

13 (2) require that the following written information be  
14 produced not later than the 45th day after the date of the request  
15 for preliminary review:

16 (A) a statement from each agency or subdivision  
17 required to permit or approve the project as to whether the agency  
18 or subdivision anticipates approving or denying the application;

19 (B) if an agency or subdivision intends to deny  
20 an application, the agency's or subdivision's explanation of the  
21 grounds for denial and recommendations for resolving the grounds in  
22 a way that would allow the application to be approved;

23 (C) if enough information is already available, a  
24 preliminary finding as to whether the project is likely to be found  
25 consistent with the goals and policies of the coastal management  
26 program; and

27 (D) if the project is likely to be found

1 inconsistent with the goals and policies of the coastal management  
2 program, an explanation and recommendation for resolving the  
3 inconsistency in a way that would allow the project to be found  
4 consistent.

5 (f-1) Not later than January 1, 2012, the commissioner shall  
6 evaluate the functions, including any pending initiatives,  
7 membership, and usefulness of the permitting assistance group  
8 established under Subsection (f). The evaluation must include  
9 input from all members of the permitting assistance group. This  
10 subsection expires April 1, 2012.

11 (f-2) The commissioner may adopt rules as necessary to:

12 (1) restructure or abolish the permitting assistance  
13 group;

14 (2) expand the functions of the permitting assistance  
15 group; or

16 (3) add members to the permitting assistance group.

17 (g) The commissioner [~~council~~] by rule shall establish a  
18 process by which an individual or small business may request and  
19 receive assistance with filing applications for permits or other  
20 proposed actions described by Section 33.2053. The rules shall  
21 provide for:

22 (1) the coordination of preapplication assistance  
23 through the permitting assistance group; and

24 (2) the provision of the following, by the permitting  
25 assistance group, to an individual or a small business, on request:

26 (A) a list of the permits or other approvals  
27 necessary for the project;

1 (B) a simple, understandable statement of all  
2 permit requirements;

3 (C) a coordinated schedule for each agency's or  
4 subdivision's decision on the action;

5 (D) a list of all the information the agencies or  
6 subdivisions need to declare the applications for the permits or  
7 other approvals administratively complete;

8 (E) assistance in completing the applications as  
9 needed; and

10 (F) if enough information is already available, a  
11 preliminary finding as to whether the project is likely to be found  
12 consistent with the goals and policies of the coastal management  
13 program.

14 (h) If an agency, subdivision, or applicant has received a  
15 preliminary finding of consistency under Subsection (f)(2)(C) or  
16 (g)(2)(F) and a request for referral was filed on that action under  
17 Subsection (c)(2), the commissioner [~~council~~] may accept the  
18 request for referral only if the agency or subdivision has  
19 substantially changed the permit or proposed action since the  
20 preliminary finding was issued.

21 SECTION 12. Section 33.2051(e), Natural Resources Code, is  
22 amended to read as follows:

23 (e) The commissioner [~~council~~] may not review a proposed  
24 rule of the [~~Texas~~] Department of Agriculture.

25 SECTION 13. Section 33.2052, Natural Resources Code, is  
26 amended to read as follows:

27 Sec. 33.2052. CERTIFICATION OF AGENCY RULES; AGENCY ACTIONS

1 CONSIDERED CONSISTENT. (a) The commissioner [~~council~~] by rule  
2 shall establish a process by which an agency may submit rules and  
3 rule amendments described by Section 33.2051 to the commissioner  
4 [~~council~~] for review and certification for consistency with the  
5 goals and policies of the coastal management program.

6 (b) The process must provide that an agency may submit to  
7 the commissioner [~~council~~] consistency review thresholds for the  
8 agency's actions described in Section 33.2053. After the  
9 commissioner [~~council~~] certifies that an agency's rules are  
10 consistent and approves the agency's thresholds, the agency's  
11 consistency determination under Section 33.205(b) for an action is  
12 final and is not subject to referral and review, except as provided  
13 by Section 33.205(d).

14 (c) The commissioner [~~council~~] by rule shall provide that  
15 the commissioner [~~council~~] may revoke the commissioner's [~~its~~]  
16 certification under Subsection (b) if the commissioner [~~council~~]  
17 finds that an agency has:

18 (1) implemented certified rules in a manner that  
19 conflicts with the goals and policies of the coastal management  
20 program; or

21 (2) amended certified rules in a manner inconsistent  
22 with the goals and policies of the coastal management program.

23 SECTION 14. Sections 33.2053(j) and (k), Natural Resources  
24 Code, are amended to read as follows:

25 (j) An action to renew, amend, or modify an existing permit,  
26 certificate, lease, easement, approval, or other action is not an  
27 action under this section if the action is taken under a rule that

1 the commissioner [~~council~~] has certified under Section 33.2052 and:

2 (1) for a wastewater discharge permit, if the action  
3 is not a major permit modification that would:

4 (A) increase pollutant loads to coastal waters;  
5 or

6 (B) result in relocation of an outfall to a  
7 critical area;

8 (2) for solid, hazardous, or nonhazardous waste  
9 permits, if the action is not a Class III modification under rules  
10 of the Texas [~~Natural Resource Conservation~~] Commission on  
11 Environmental Quality; or

12 (3) for any other action, if the action:

13 (A) only extends the period of the existing  
14 authorization and does not authorize new or additional work or  
15 activity; or

16 (B) is not directly relevant to Sections  
17 33.205(a) and (b).

18 (k) The commissioner [~~council~~] shall establish a program  
19 boundary to limit the geographic area in which the requirements of  
20 Sections 33.205(a) and (b) apply. The boundary is the coastal  
21 facility designation line as defined by Appendix 1 to 31 TAC Section  
22 19.2 as that appendix existed on the effective date of this section,  
23 as modified by Section 33.203(7). Except as provided by  
24 Subsections (f)(8)-(10), this subchapter does not apply to an  
25 agency action authorizing an activity outside the program boundary.

26 SECTION 15. Section 33.206, Natural Resources Code, is  
27 amended to read as follows:

1           Sec. 33.206. [~~COUNCIL~~] ACTION BY COMMISSIONER. (a) A  
2 proposed action is consistent with the goals and policies of the  
3 coastal management program and approved by the commissioner  
4 [~~council~~] unless[~~, on the affirmative vote of at least two-thirds~~  
5 ~~of the members of the council,~~] the commissioner [~~council~~]  
6 determines the action to be inconsistent with the coastal  
7 management program and protests the action.

8           (b) If the commissioner [~~council~~] protests the proposed  
9 action, the commissioner [~~council~~] shall report the commissioner's  
10 [~~its~~] findings on the matter to the agency or subdivision. The  
11 report shall specify how the proposed action is inconsistent with  
12 the goals and policies of the coastal management program and  
13 include specific recommendations of the commissioner [~~council~~]  
14 regarding how the proposed action may be modified or amended to make  
15 it consistent with the program. Before the 21st day after the date  
16 the agency or subdivision receives the report, the agency or  
17 subdivision shall review the findings and recommendations and  
18 determine whether to modify or amend the proposed action to make it  
19 consistent with the goals and policies of the coastal management  
20 program and shall notify the commissioner [~~council~~] of its  
21 decision.

22           (c) If an agency or subdivision does not modify or amend a  
23 proposed action to be consistent with the goals and policies of the  
24 coastal management program, the commissioner [~~council~~] shall  
25 request the attorney general to issue an opinion on the consistency  
26 of the proposed action with the coastal management program. The  
27 agency or subdivision is stayed from taking the proposed action

1 until the attorney general issues the opinion. The attorney  
2 general shall issue an opinion before the 26th day after the date  
3 the commissioner [~~council~~] requests the opinion.

4 (d) The commissioner [~~council~~] shall adopt procedural rules  
5 for the review of federal actions, activities, and outer  
6 continental shelf plans that incorporate the provisions of federal  
7 regulations governing those reviews. The rules shall provide that  
8 the commissioner [~~chair or any three members~~] may request  
9 additional information from a federal agency or additional time for  
10 review as provided by the federal regulations.

11 (e) The commissioner [~~council~~] shall review any federal  
12 action, activity, or outer continental shelf plan that the  
13 commissioner determines presents [~~any three members of the council~~  
14 ~~agree presents~~] a significant unresolved issue regarding  
15 consistency with the goals and policies of the coastal management  
16 program [~~and place the matter on the agenda of a meeting of the~~  
17 ~~council for review~~].

18 (f) If an activity requiring an agency or subdivision action  
19 described by Section 33.2053 that falls below thresholds in effect  
20 under Section 33.2052 also requires an equivalent federal permit or  
21 license, the commissioner [~~council~~] may only determine the agency  
22 or subdivision action's consistency. If an activity requiring an  
23 agency or subdivision action above thresholds requires an  
24 equivalent federal permit or license, the commissioner [~~council~~]  
25 may determine the consistency of the agency or subdivision action  
26 or the federal license or permit, but not both. The determination  
27 regarding the consistency of an action made by the commissioner

1 ~~[council]~~ under this subsection constitutes the state's  
2 determination regarding consistency of the equivalent agency or  
3 subdivision action or federal action.

4 (g) If, after review, the commissioner ~~[council]~~ finds a  
5 proposed federal agency action or activity or outer continental  
6 shelf plan is inconsistent with the coastal management program, and  
7 the federal agency does not modify the action, activity, or outer  
8 continental shelf plan to achieve consistency with the program, the  
9 governor, with the assistance of the commissioner ~~[chair of the~~  
10 ~~council]~~, may seek mediation of the matter in accordance with  
11 federal law.

12 (h) The commissioner ~~[council]~~ may not protest a proposed  
13 action by an agency or subdivision pertaining to an application  
14 filed with that agency or subdivision before the date the coastal  
15 management program is adopted.

16 SECTION 16. Section 33.207, Natural Resources Code, is  
17 amended to read as follows:

18 Sec. 33.207. COMMISSIONER ~~[COUNCIL]~~ RECOMMENDATIONS. In  
19 addition to the report required by Section 33.206, the commissioner  
20 ~~[council]~~:

21 (1) may periodically submit recommendations to an  
22 agency or subdivision designed to encourage the agency or  
23 subdivision to carry out its functions in a manner consistent with  
24 the coastal management program, including recommendations for  
25 methods to simplify governmental procedures and changes in  
26 applicable rules or statutes; and

27 (2) shall report to the legislature on:

1 (A) recommended statutory changes needed to make  
2 more effective and efficient use of public funds and provide for  
3 more effective and efficient management of coastal natural resource  
4 areas, including recommendations on methods to simplify  
5 governmental procedures;

6 (B) agency or subdivision actions that are not  
7 consistent with the coastal management program; and

8 (C) population growth of, infrastructure needs  
9 of, and use of resources on the coast.

10 SECTION 17. Sections 33.208(b) and (c), Natural Resources  
11 Code, are amended to read as follows:

12 (b) If the attorney general issues an opinion under Section  
13 33.206(c) that a proposed agency or subdivision action is  
14 inconsistent with the coastal management program and the agency or  
15 subdivision fails to implement the commissioner's [~~council's~~]  
16 recommendation regarding the action, the attorney general shall  
17 file suit in a district court of Travis County to enforce this  
18 subchapter. The court shall consider the attorney general's  
19 opinion in determining whether the proposed action is consistent  
20 with the coastal management program.

21 (c) Notwithstanding the request of an opinion from, or the  
22 filing of suit by, the attorney general, the commissioner [~~council~~]  
23 and the agency or subdivision may enter into a settlement agreement  
24 with regard to the proposed action. If the commissioner [~~council~~]  
25 and the agency or subdivision enter into a settlement agreement,  
26 the commissioner [~~council~~] may rescind the commissioner's [~~its~~]  
27 request for an opinion from the attorney general.

1 SECTION 18. Section 33.209, Natural Resources Code, is  
2 amended to read as follows:

3 Sec. 33.209. PROHIBITION ON SPECIAL AREA MANAGEMENT PLANS.  
4 The land office [~~council~~] may not develop or approve a special area  
5 management plan, including a plan for an area designated under the  
6 national estuary program.

7 SECTION 19. Sections 33.004(13), 33.052(c), 33.203(20),  
8 33.204(b), (c), and (d), 33.2042, 33.2043, 33.2044, 33.2045,  
9 33.2053(g), 33.211, and 33.212, Natural Resources Code, are  
10 repealed.

11 SECTION 20. (a) Effective September 1, 2011, the Coastal  
12 Coordination Council is abolished and the powers and duties of the  
13 council are transferred to the General Land Office in accordance  
14 with Chapter 33, Natural Resources Code, as amended by this Act.

15 (b) As soon as possible after the effective date of this  
16 Act, the presiding officers of the appropriate entities shall  
17 appoint the members of the Coastal Coordination Advisory Committee  
18 in accordance with Section 33.2041, Natural Resources Code, as  
19 amended by this Act.

20 (c) All rules of the Coastal Coordination Council are  
21 continued in effect as rules of the General Land Office until  
22 superseded by a rule of the land office. A certification issued by  
23 the council is continued in effect as provided by the law in effect  
24 immediately before the effective date of this Act. A complaint,  
25 investigation, contested case, or other proceeding pending on the  
26 effective date of this Act is continued without change in status  
27 after the effective date of this Act. An activity conducted by the

1 council is considered to be an activity conducted by the land  
2 office.

3 (d) A reference in another law or an administrative rule to  
4 the Coastal Coordination Council means the General Land Office.

5 (e) On September 1, 2011, or as soon as is possible after  
6 that date, the commissioner of the General Land Office shall adopt a  
7 comprehensive plan to ensure the smooth transition of all programs  
8 operated by the Coastal Coordination Council before September 1,  
9 2011, from the council to the land office. During the transition,  
10 the General Land Office shall consult with the National Oceanic and  
11 Atmospheric Administration as necessary to ensure continued  
12 compliance with federal requirements and to maintain federal  
13 approval of the Texas Coastal Management Program.

14 (f) All money, records, property, and equipment in the  
15 possession of the Coastal Coordination Council on September 1,  
16 2012, shall be transferred to the possession of the General Land  
17 Office on September 1, 2012, or as soon as possible after that date.

18 SECTION 21. This Act takes effect September 1, 2011.