

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 16, 2013

TO: Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3509 by Bonnen, Dennis (Relating to endangered species habitat conservation and to the creation of a committee to oversee and guide the state's coordinated response to federal actions regarding endangered species.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would establish the Coordinated State Endangered Species Response Committee (CSESRC), which would be composed of six members or their designees: the commissioner of the Department of Agriculture, the commissioner of the General Land Office, the chair of the Railroad Commission, the Comptroller of Public Accounts, the executive director of the Texas Parks and Wildlife Department (TPWD), and the executive director of the Texas Economic Development and Tourism Office in the Office of the Governor. Bill provisions would direct the attorney general, upon request, to provide legal advice to the CSESRC. Agency staff of the chair of the CSESRC, which would rotate every two years, would provide administrative support to the CSESRC. The CSESRC would guide a response to listings of endangered species and the State's official position in response to actions from the US Fish and Wildlife Service and select the state agency that would hold any federal permit issued for each candidate or endangered species plan. The CSESRC would submit a report to the Governor, Lt Governor and Speaker of the House no later than December 1st of each even-numbered year.

Under bill provisions, the Texas Parks and Wildlife Department (TPWD) or another state agency designated by the CSESRC could apply for a permit from or enter into an agreement with the US Department of Interior (USDOI) or another federal agency in connection with plans for habitat conservation or endangered species. State agency permit applicants would cooperate with TPWD and would receive an interagency contract from TPWD for permitting activities. The bill would set requirements for the composition of any advisory committees created by TPWD or a state agency relating to habitat conservation or endangered species permit. The bill would repeal statutory provisions relating to the purpose and duties of the Task Force on Economic Growth and Endangered Species.

The bill would establish a new Habitat Protection Research Fund to be held by the Comptroller, outside the treasury, and funded by appropriations, interest earnings, and gifts and grants. A state agency could use the fund or could award grants from the fund for candidate or endangered species research.

The bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

All agencies with members composing the CSERSC indicate that duties under bill provisions could be implemented using each agency's existing resources. The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office of the Governor, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 305 General Land Office and Veterans' Land Board, 455 Railroad Commission, 551 Department of Agriculture, 802 Parks and Wildlife Department

LBB Staff: UP, SZ, TB, AG, LCO, KKR