

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 23, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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 board to oversee and guide the state's coordinated response to federal actions regarding endangered species.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code regarding endangered species habitat conservation. State agencies would be given authority to hold a federal permit for a habitat conservation plan, candidate conservation plan, or similar plan. Certain public notice activities would be required.

A new habitat protection research fund would be created and held by the Comptroller inside of the treasury to fund research personnel, capital expenditures, and research grants related to habitat protection. 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.

Private money contributed to the existing habitat protection fund under Government Code, Chapter 403.452 would be held by the Comptroller outside of the treasury as well as funds collected pursuant to a mitigation plan.

The Comptroller could identify funds from the habitat protection and research fund to reimburse state institutions of higher education for their science and biology research work.

The bill would amend the Government Code regarding the authority of the Comptroller for habitat conservation plans. Except as provided by bill provisions, the Comptroller would no longer have the authority to apply for and hold a federal permit issued in connection with a habitat conservation plan or candidate conservation plan for any species except the dunes sagebrush lizard after September 1, 2013.

The bill would amend provisions relating to the Task Force on Economic Growth and Endangered Species to authorize the task force to select the holder of a federal permit issued in connection with a habitat conservation plan, candidate conservation plan, or similar plan.

Five existing task force members comprised of the Comptroller, Commissioner of Agriculture, Executive Director of the Soil and Water Conservation Board, Executive Director of the Parks and Wildlife Department, and Executive Director of the Texas Department of Transportation would be joined by four new members: the Commissioner of the General Land Office, the Chair of the

Railroad Commission, the Director of the Texas A&M AgriLife Extension Service, and the Executive Director of the Texas Commission on Environmental Quality. Bill provisions would direct the Attorney General, upon request, to provide legal advice to the task force.

The position of presiding officer would rotate among the statewide elected members of the task force instead of the Comptroller filling the position. The presiding officer's agency would maintain a public website for the task force.

This analysis assumes any additional duties as a result of bill provisions could reasonably be absorbed within the existing resources of agencies with members on the task force.

The composition of certain advisory committees to the task force would be amended to include affected business interests. The task force would be authorized to create a science and biology advisory committee, as described, for a specific species.

The task force also would be required to conduct a study no later than December 1, 2014 regarding the state's policies to defend against the overreaching inclusion of species on the Endangered Species List. The study would be prepared in collaboration with members of the House and Senate, and one member representing landowner interests, and would be submitted to the Governor, Lieutenant Governor, Speaker of the House, and members of the Legislature.

This 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, 710 Texas A&M University System Administrative and General Offices, 802 Parks and Wildlife Department, 592 Soil and Water Conservation Board, 601 Department of Transportation

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