

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 18, 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 board to oversee and guide the state's coordinated response to federal actions regarding endangered species.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 83 of the Parks and Wildlife Code regarding endangered species habitat conservation. The bill would establish the Coordinated State Endangered Species Governing Board (CSESGB), which would be composed of seven 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), the director of the Texas A&M AgriLife Extension Service, 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 CSESGB. Agency staff of the chair of the CSESGB, which would rotate every two years between the statewide elected members, would provide administrative support to the CSESGB. The CSESGB 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 CSESGB would submit a report to the Governor, Lt Governor and Speaker of the House no later than December 1st of each even-numbered year.

The CSESGB in collaboration with three members from House State Affairs, three members of Senate Natural Resources, and two stakeholders representing landowner interest would conduct a study to determine state policy regarding certain actions of the US Fish and Wildlife Service. This portion of bill provisions is not anticipated to have a significant fiscal implication.

Under bill provisions, the Texas Parks and Wildlife Department (TPWD) or another state agency designated by the CSESGB 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 establish a science and biology workgroup to work under the direction of the CSESGB. The bill would direct the Comptroller to identify funds to reimburse state institutions of higher education for certain research related to bill provisions. The bill would provide that only

the Comptroller would hold certain funds related to mitigation.

The bill would repeal certain statutory provisions relating to the purpose and duties of the Task Force on Economic Growth and Endangered Species, with other provisions to expire on September 1, 2015.

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.

The Department of Agriculture, the General Land Office, the Railroad Commission, the Comptroller of Public Accounts, the Texas A&M AgriLife Extension Service, and Texas Economic Development and Tourism Office in the Office of the Governor indicate that duties under bill provisions could be implemented using each agency's existing resources. The Texas Parks and Wildlife Department anticipates costs related to public notices and meetings associated with the state response to the federal notices regarding species status changes. This analysis assumes such costs could reasonably be absorbed within the department'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, 710 Texas A&M University System Administrative and General Offices, 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