

BILL ANALYSIS

Senate Research Center

C.S.S.B. 708
By: Jackson
Natural Resources
4/26/1999
Committee Report (Substituted)

DIGEST

Currently, no approved management plans are in place to protect Texas estuaries. This bill would implement and finance approved management plans for designated estuaries of national significance in the state

PURPOSE

As proposed, S.B. 708 provides for the implementation and financing of approved management plans for designated estuaries of national significance in the state.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 5, Water Code, by adding Subchapter M, as follows:

SUBCHAPTER M. ESTUARY MANAGEMENT PLANS

Sec. 5.551. DEFINITIONS. Defines “approved implementation program,” “approved comprehensive conservation and management plan,” “implementing agency,” and “National Estuary Program.”

Sec. 5.552. RECOGNITION OF NATIONAL SIGNIFICANCE OF ESTUARIES OF TEXAS COAST. Recognizes the state and national significance of Texas coast estuaries and recognizes that the cooperative efforts created by the National Estuary Program serve a public and state purpose. Sets forth that by virtue of that state purpose, an approved implementation program established under the National Estuary Program is eligible to receive state funds through a grant program administered by the Texas Natural Resource Conservation Commission (TNRCC).

Sec. 5.553. FINDING OF BENEFIT AND PUBLIC PURPOSE. Recognizes the importance of implementing estuary management plans by protecting and improving water quality and restoring estuarine habitat that makes the bays and estuaries productive, protecting the economies of those areas, and continuing the involvement of the public and the many interests who use and appreciate the estuarine resources of Texas. Provides that state and local government participation in estuary programs to protect state resources serves a public use and benefit. Provides that the state and the implementing agencies recognize the prerogatives of local governments and the sanctity of private property rights. Provides that no action by an estuary program is intended to usurp the authority of any local government. Provides that a local government’s participation in or withdrawal from an estuary program is at the sole discretion of the local government and is subject only to the local government’s obligation to complete any financial commitment it has made.

Sec. 5.554. LEAD STATE AGENCY. Provides that TNRCC is the lead state agency for the implementation of approved comprehensive and management plans developed under the National Estuary Program. Authorizes TNRCC to accept federal grants for the purposes of this subchapter and award grants and enter contracts with an implementing agency for the implementation of approved plans under this subchapter.

Sec. 5.555. STATE AGENCY PARTICIPATION. Requires certain state agencies to participate and provide assistance to the estuary programs in implementing approved comprehensive conservation and management plans.

Sec. 5.556. ESTUARY PROGRAM OFFICES. Requires the estuary program office of any estuary of the state included in the National Estuary Program and for which TNRCC is the implementing agency to be maintained in the region of the estuary involved.

Sec. 5.557. IMPLEMENTATION FUNDING. Sets forth that funding for the implementation of approved comprehensive conservation and management plans is to be shared by the state, local governments in the area of the estuaries, the federal government, and other participants.

Sec. 5.558. ELIGIBILITY FOR STATE FUNDING. Provides that a comprehensive conservation and management plan is eligible for state funding to assist in implementation of the plan if certain conditions are met.

Sec. 5.559. ADMINISTRATION. Authorizes TNRCC, as the lead state agency for administering the state's share of funds, and any state agency designated as an implementing agency for an approved comprehensive conservation and management plan to accept and make grants and enter into contracts to accomplish the actions identified in the approved plan and to further the purposes of this subchapter.

SECTION 2. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Chapter 5, Water Code, by adding Subchapter M, regarding estuary management plans. Redesignates proposed SECTIONS 1-9 as Sections 5.551-5.559, Water Code, as follows:

Sec. 5.551. Redefines "approved comprehensive conservation and management plan."

Sec. 5.552. Sets forth that by virtue of that state purpose, an approved implementation program established under the National Estuary Program is eligible to receive state funds through a grant program administered by TNRCC, rather than the Coastal Coordination Council.

Sec. 5.553. Provides that the state and the implementing agencies recognize the prerogatives of local governments and the sanctity of private property rights. Provides that no action by an estuary program is intended to usurp the authority of any local government. Provides that a local government's participation in or withdrawal from an estuary program is at the sole discretion of the local government and is subject only to the local government's obligation to complete any financial commitment it has made.

Sec. 5.554. Authorizes TNRCC to accept federal grants for the purposes of this subchapter and award grants and enter contracts with an implementing agency for the implementation of approved plans under this subchapter. Makes a conforming change.

Sec. 5.555. Revises the state agencies required to participate and provide assistance to the estuary programs in implementing approved comprehensive conservation and management plans. Makes a nonsubstantive change.

Secs. 5.556-5.559. Makes conforming and nonsubstantive changes.

SECTION 2. Emergency clause.

Effective date: upon passage.