

## **BILL ANALYSIS**

Senate Research Center  
77R1058 JAT-D

S.B. 300  
By: Lucio  
Natural Resources  
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As Filed

### **DIGEST AND PURPOSE**

Currently, the Coastal Coordination Council (CCC) establishes goals and policies and oversees implementation of the Texas Coastal Management program. As proposed, S.B. 300 continues the CCC for another 12 years, subject to the sunset provisions of Chapter 326, Government Code, and directs the CCC to amend certain governing statutes.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Coastal Coordination Council in SECTION 3 (Section 33.204, Natural Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 33.052(c), Natural Resources Code, to authorize the advisory committee appointed by the Coastal Coordination Council (council) to only include persons with expertise in coastal matters, not necessarily including persons who live in the Texas coastal area.

SECTION 2. Amends Section 33.203(20), Natural Resources Code, to redefine “council.” Deletes text regarding council members and their terms of office.

SECTION 3. Amends Section 33.204, Natural Resources Code, by amending Subsection (b) and adding Subsection (g), to require the council to meet once each calendar quarter and to set aside time at each meeting for public comment on any issue under the jurisdiction of the council. Authorizes the council to award grants to projects that further the goal of protecting and preserving the state’s coastal natural resources. Requires the council by rule to establish the procedures for making any determination related to awarding a grant.

SECTION 4. Amends Chapter 33F, Natural Resources Code, by adding Sections 33.2041, 33.2042, 33.2043, 33.2044, and 33.2045, as follows:

Sec. 33.2041. COMPOSITION OF COUNCIL; TERMS. Requires the council to consist of certain ex officio members and certain other members to be appointed by the governor with the advice and consent of the senate to serve a two-year term. Provides that the terms of the positions on the council held by one of the city or county elected officials who reside in the coastal area, the resident from the coastal area, and the representative of the public interest expire May 31 of each even-numbered year. Provides that the terms of the positions on the council held by the other of the city or county elected officials who reside in the coastal area, the owner of a business located in the coastal area who resides in the coastal area, and the representative of agriculture expire May 31 of each odd-numbered year. Requires the appointments to the council to be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

Sec. 33.2042. ELIGIBILITY OF COUNCIL MEMBERS. Defines “Texas trade association.” Prohibits a person from being a public member of the council if the person is an officer,

employee, or paid consultant of a Texas trade association in a field directly related to the operations of the council, or if the person's spouse is an officer, manager, or paid consultant of a Texas trade association in a field directly related to the operations of the council. Prohibits a person from being a member of the council or acting as the general counsel to the council if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the council.

Sec. 33.2043. **GROUND FOR REMOVAL.** Provides grounds and certain procedures for removal from the council. Provides that the validity of an action of the council is not affected by the fact that it is taken when a ground for removal of a council member exists.

Sec. 33.2044. **STANDARDS OF CONDUCT.** Requires the council chair or the council chair's designee to provide to members of the council, as often as necessary, information regarding the requirements for office under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers.

Sec. 33.2045. **TRAINING.** Prohibits a person who is appointed to and qualifies for office as a member of the council from voting, deliberating or being counted as a member in attendance at a meeting of the council until the person completes a training program that complies with this section. Requires the training program to provide the person with information regarding certain topics. Provides that a person appointed to the council is entitled to reimbursement, as provided by the General Appropriations Act, for travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION 5. Amends Section 33.205(c), Natural Resources Code, to prohibit the council from reviewing a proposed action under this section for consistency with the coastal management program's goals and policies unless any regular council member agrees, rather than three regular council members agree, that there is a significant unresolved dispute.

SECTION 6. Amends Section 33.207, Natural Resources Code, to require the council to report to the legislature on population growth of, infrastructure needs of, and use of resources on the coast.

SECTION 7. Amends Section 33.211, Natural Resources Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the council is abolished and this subchapter expires September 1, 2013, rather than 2001.

SECTION 8. Amends Chapter 33F, Natural Resources Code, by adding Section 33.212, as follows:

Sec. 33.212. **COMPLAINTS.** Requires the council to maintain a file on each written complaint filed with the council. Requires the file to include certain information. Requires the council to provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the council's policies and procedures relating to complaint investigation and resolution. Requires the council, at least quarterly until final disposition of the complaint, to notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

SECTION 9. Requires the governor, as soon as possible on or after the effective date of this Act, to appoint to the Coastal Coordination Council a city or county elected official who resides in the coastal area for a term expiring May 31, 2002, and a representative of the public's interest with a demonstrated interest in preserving and maintaining the coastal region's ecological, aesthetic, and recreational value for a term expiring May 31, 2003. Makes application of this Act otherwise prospective to a member appointed on or after the effective date.

SECTION 10. Effective date: September 1, 2001.