

SENATE CONCURRENT RESOLUTION

WHEREAS, Senate Bill No. 1604 has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the senate be instructed to correct Senate Bill No. 1604 in SECTION 32 of the bill by striking proposed Subsections (d) and (e), Section 27.0513, Water Code, and substituting the following:

(d) Notwithstanding Sections 5.551, 5.556, 27.011, and 27.018, an application for an authorization submitted after September 1, 2007, is an uncontested matter not subject to a contested case hearing or the hearing requirements of Chapter 2001, Government Code, unless the authorization seeks any of the following:

- (1) an amendment to a restoration table value;
- (2) the initial establishment of monitoring wells for any area covered by the authorization, including the location, number, depth, spacing, and design of the monitoring wells, unless the executive director uses the recommendation of an independent third-party expert chosen by the commission; or
- (3) an amendment to the type or amount of bond required

1 for groundwater restoration or by Section 27.073 to assure that
2 there are sufficient funds available to the state for groundwater
3 restoration or the plugging of abandoned wells in the area by a
4 third-party contractor.

5 (e) The executive director may use an independent
6 third-party expert if:

7 (1) the expert meets the qualifications set by
8 commission rules for such experts;

9 (2) the applicant for the authorization agrees to pay
10 the costs for the work of the expert; and

11 (3) the applicant for the authorization is not
12 involved in the selection of the expert or the direction of the work
13 of the expert.

14 (f) An application seeking approval under Subsections
15 (d)(1)-(3) is subject to the public notice and contested hearing
16 requirements provided in Section 27.018.

President of the Senate

Speaker of the House

I hereby certify that S.C.R. No. 89 was adopted by the Senate on May 28, 2007.

Secretary of the Senate

I hereby certify that S.C.R. No. 89 was adopted by the House on May 28, 2007.

Chief Clerk of the House

Approved:

Date

Governor