

By: Duncan

S.C.R. No. 89

CONCURRENT RESOLUTION

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

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

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

11 (d) Notwithstanding Sections 5.551, 5.556, 27.011, and
12 27.018, an application for an authorization submitted after
13 September 1, 2007, is an uncontested matter not subject to a
14 contested case hearing or the hearing requirements of Chapter 2001,
15 Government Code, unless the authorization seeks any of the
16 following:

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

23 (3) an amendment to the type or amount of bond required
24 for groundwater restoration or by Section 27.073 to assure that

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

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

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

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

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

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