

Suspending limitations on conference committee  
jurisdiction, S.B. No. 3 (Averitt/Puente)

By: Averitt

S.R. No. 1206

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 80th  
2 Legislature, Regular Session, 2007, That Senate Rule 12.03 be  
3 suspended in part as provided by Senate Rule 12.08 to enable the  
4 conference committee appointed to resolve the differences on Senate  
5 Bill 3 (the development, management, and preservation of the water  
6 resources of the state; providing penalties) to consider and take  
7 action on the following matters:

8 (1) Senate Rule 12.03(2) is suspended to permit the  
9 committee to omit the following section of the bill:

10 SECTION 3.01. LEGISLATIVE FINDINGS. The legislature finds  
11 that:

12 (1) the development of new water supplies to meet the  
13 growing demand for water is necessary for the sound economic  
14 development of this state and is of concern and importance to this  
15 state;

16 (2) feasible sites for new reservoirs are identified  
17 as having unique value in the 2006 regional water plans and the 2007  
18 state water plan;

19 (3) most of the proposed reservoirs are also part of  
20 recommended strategies for fulfilling identified needs in the 2007  
21 state water plan that may occur as early as 2010 and 2020;

22 (4) it is necessary to preempt actions that could  
23 circumvent the state's primacy over surface water in the state; and

24 (5) designation of these sites as unique reservoir

1 sites or river or stream segments of unique ecological value is  
2 necessary for the sound economic development of this state, for the  
3 protection of natural resources, and for the purpose of promoting  
4 the public health, safety, and general welfare of this state.

5 Explanation: The omission of the legislative findings  
6 regarding designation of unique reservoir sites is necessary  
7 because the bill substitutes for the lists designating specific  
8 sites contained in the versions of the bill as passed by the senate  
9 and house a provision to the effect that a site is considered to be a  
10 unique reservoir site if the site is recommended for designation in  
11 the state water plan adopted by the Texas Water Development Board.

12 (2) Senate Rule 12.03(1) is suspended to permit the  
13 committee to change, alter, or amend text pertaining to the  
14 designation of unique reservoir sites that is not in disagreement  
15 by substituting the following section:

16 SECTION 4.01. Section 16.051, Water Code, is amended by  
17 adding Subsection (g-1) to read as follows:

18 (g-1) Notwithstanding any other provisions of law, a site is  
19 considered to be a designated site of unique value for the  
20 construction of a reservoir if the site is recommended for  
21 designation in the 2007 state water plan adopted by the board and in  
22 effect on May 1, 2007. The designation of a unique reservoir site  
23 under this subsection terminates on September 1, 2015, unless there  
24 is an affirmative vote by a proposed project sponsor to make  
25 expenditures necessary in order to construct or file applications  
26 for permits required in connection with the construction of the  
27 reservoir under federal or state law.

1           Explanation: The senate engrossed version of the bill  
2 designated certain specific sites as unique reservoir sites. The  
3 version of the bill as passed by the house designated a slightly  
4 different list of sites for that purpose. The amendment to Section  
5 16.051, Water Code, is necessary to substitute for those lists a  
6 provision to the effect that a site is considered to be a unique  
7 reservoir site if the site is recommended for designation in the  
8 state water plan adopted by the Texas Water Development Board and to  
9 the effect that such a designation terminates unless certain  
10 conditions are met.