

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 82nd Legislature, Regular Session, 2011, That House Rule 13,  
3 Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on Senate Bill 660 (review and functions of  
6 the Texas Water Development Board, including the functions of the  
7 board and related entities in connection with the process for  
8 establishing and appealing desired future conditions in a  
9 groundwater management area), to consider and take action on the  
10 following matters:

11 (1) House Rule 13, Sections 9(a)(1) and (4), are suspended  
12 to permit the committee to change text not in disagreement and to  
13 add text on a matter not included in either the house or senate  
14 version of the bill in proposed Section 17 of the bill, by adding  
15 Section 36.1083, Water Code, to read as follows:

16 Sec. 36.1083. APPEAL OF DESIRED FUTURE CONDITIONS. (a) In  
17 this section, "development board" means the Texas Water Development  
18 Board.

19 (b) [(1)] A person with a legally defined interest in the  
20 groundwater in the [~~groundwater~~] management area, a district in or  
21 adjacent to the [~~groundwater~~] management area, or a regional water  
22 planning group for a region in the [~~groundwater~~] management area  
23 may file a petition with the development board appealing the  
24 approval of the desired future conditions of the groundwater

1 resources established under this section. The petition must  
2 provide evidence that the districts did not establish a reasonable  
3 desired future condition of the groundwater resources in the  
4 [~~groundwater~~] management area.

5       (c) [~~(m)~~] The development board shall review the petition  
6 and any evidence relevant to the petition. The development board  
7 shall hold at least one hearing at a central location in the  
8 management area to take testimony on the petition. The development  
9 board may delegate responsibility for a hearing to the executive  
10 administrator or to a person designated by the executive  
11 administrator. If the development board finds that the conditions  
12 require revision, the development board shall submit a report to  
13 the districts that includes a list of findings and recommended  
14 revisions to the desired future conditions of the groundwater  
15 resources.

16       (d) [~~(n)~~] The districts shall prepare a revised plan in  
17 accordance with development board recommendations and hold, after  
18 notice, at least one public hearing at a central location in the  
19 [~~groundwater~~] management area. After consideration of all public  
20 and development board comments, the districts shall revise the  
21 conditions and submit the conditions to the development board for  
22 review.

23       Explanation: This change is necessary to restore language in  
24 current law regarding the method for appealing desired future  
25 conditions that was bracketed out by the house and senate versions  
26 of the bill.

27       (2) House Rule 13, Section 9(a)(1), is suspended to permit

1 the committee to change text not in disagreement in proposed  
2 Section 24 of the bill to read as follows:

3 SECTION 24. The requirement that a groundwater conservation  
4 district's management plan under Subsection (a), Section 36.1071,  
5 Water Code, as amended by this Act, include the desired future  
6 conditions adopted under Section 36.108, Water Code, as amended by  
7 this Act, for submission to the executive administrator of the  
8 Texas Water Development Board before the plan is considered  
9 administratively complete applies only to a district management  
10 plan submitted to the executive administrator on or after the  
11 effective date of this Act. A management plan submitted before the  
12 effective date of this Act is governed by the law in effect on the  
13 date the plan was submitted, and that law is continued in effect for  
14 that purpose.

15 Explanation: This change is necessary to correct an error in  
16 a cross-reference.

17 (3) House Rule 13, Section 9(a)(2), is suspended to permit  
18 the committee to omit text not in disagreement in Section 25 of the  
19 senate and house versions of the bill that reads as follows:

20 SECTION 25. A petition filed and pending on the effective  
21 date of this Act before the Texas Water Development Board to appeal  
22 the adoption of desired future conditions by a groundwater  
23 management area under former Subsection (l), Section 36.108, Water  
24 Code, shall be handled by the Texas Water Development Board in  
25 compliance with Subsections (l), (m), and (n), Section 36.108,  
26 Water Code, as those subsections existed before the effective date  
27 of this Act.

H.R. No. 2659

1           Explanation:    This change is necessary to reflect the  
2 addition of Section 36.1083, Water Code, which restores language in  
3 current law that was bracketed out by the house and senate versions  
4 of the bill.

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H.R. No. 2659

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Speaker of the House

I certify that H.R. No. 2659 was adopted by the House on May 29, 2011, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

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Chief Clerk of the House