

Suspending limitations on conference committee  
jurisdiction, S.B. No. 660

By: Hinojosa

S.R. No. 1250

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 82nd Legislature, Regular Session, 2011, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 660 (review and functions of the Texas Water Development Board, including the functions of the board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area), to consider and take action on the following matters:

(1) Senate Rules 12.03(1) and (4) are suspended to permit the committee to change text not in disagreement and to add text on a matter not included in either the house or senate version of the bill in proposed Section 17 of the bill, by adding Section 36.1083, Water Code, to read as follows:

Sec. 36.1083. APPEAL OF DESIRED FUTURE CONDITIONS.

(a) In this section, "development board" means the Texas Water Development Board.

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

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

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

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

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

(2) Senate Rule 12.03(1) is suspended to permit the

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

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

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

(3) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in Section 25 of the senate and house versions of the bill that reads as follows:

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

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

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President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 29, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate