

Suspending limitations on conference committee
jurisdiction, H.B. No. 928 (Guillen/Hinojosa)

By: Guillen

H.R. No. 3507

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, 84th Legislature, Regular Session, 2015, 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 House Bill 928 (the management of water,
6 including the authority of certain entities to issue bonds to
7 finance certain water resource projects) to consider and take
8 action on the following matters:

9 (1) House Rule 13, Section 9(a)(4), is suspended to permit
10 the committee to add text on a matter not included in either the
11 house or senate version of the bill by adding proposed SECTIONS 5
12 and 11 to the bill, amending Section 11.139, Water Code, and
13 governing the applicability of the amendment, to read as follows:

14 SECTION 5. Section 11.139, Water Code, is amended by
15 amending Subsection (a) and adding Subsection (a-1) to read as
16 follows:

17 (a) Except as provided by Section 11.148 ~~[of this code]~~, the
18 commission may grant an emergency permit, order, or amendment to an
19 existing permit, certified filing, or certificate of adjudication
20 after notice to the governor for an initial period of not more than
21 270 ~~[120]~~ days if the commission finds that:

22 (1) emergency conditions exist which present an
23 imminent threat to the public health and safety and which override
24 the necessity to comply with established statutory procedures; and

1 (2) there are no feasible practicable alternatives to
2 the emergency authorization.

3 (a-1) Such emergency action may be renewed once for not
4 longer than 60 days.

5 SECTION 11. The change in law made by Section 5 of this Act
6 applies only to an application for an emergency authorization or
7 renewal of an emergency authorization that is submitted to the
8 Texas Commission on Environmental Quality on or after the effective
9 date of that section. An application for an emergency
10 authorization or renewal of an emergency authorization that is
11 submitted to the commission before the effective date of that
12 section is governed by the law in effect immediately before the
13 effective date of that section, and that law is continued in effect
14 for that purpose.

15 Explanation: The addition of text is necessary to extend the
16 initial period of certain emergency authorizations to use state
17 water issued by the Texas Commission on Environmental Quality.

18 (2) House Rule 13, Sections 9(a)(1) and (3), are suspended
19 to permit the committee to change, alter, or amend text and to add
20 text on a matter not in disagreement in proposed SECTION 12 of the
21 bill, the effective date provision of the bill, to read as follows:

22 SECTION 12. (a) Except as provided by Subsection (b) of this
23 section, this Act takes effect September 1, 2015.

24 (b) Sections 5 and 11 of this Act take effect immediately if
25 this Act receives a vote of two-thirds of all the members elected to
26 each house, as provided by Section 39, Article III, Texas
27 Constitution. If this Act does not receive the vote necessary for

those sections to have immediate effect, those sections take effect September 1, 2015.

Explanation: The change in the effective date provision is necessary to ensure that the amendment to Section 11.139, Water Code, extending the initial period of certain emergency authorizations to use state water issued by the Texas Commission on Environmental Quality, takes effect immediately if H.B. No. 928 receives a vote of two-thirds of all the members elected to each house.

(3) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding proposed SECTION 7 to the bill, amending Section 1372.042, Government Code, to read as follows:

SECTION 7. Section 1372.042, Government Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) Notwithstanding Subsections (a), (a-1), and (b), an issuer shall close on bonds issued for a water resource project that is part of the state water plan or an approved initially prepared regional water plan for Regional Water Planning Area L, as designated under Section 16.053, Water Code, submitted to the Texas Water Development Board and for which a reservation was granted after August 15 not later than the 220th day after the reservation date.

(c) Notwithstanding Subsections (a), (a-1), ~~[and]~~ (b), and (b-1), if the 120-day period, the 150-day period, ~~[or]~~ the 180-day

1 period, or the 220-day period, as applicable, expires on or after
2 December 24 of the year in which the reservation was granted, the
3 issuer shall close on the bonds before December 24, except that if
4 the applicable period expires after December 31 of that year, the
5 issuer may notify the board in writing before December 24 of the
6 issuer's election to carry forward the reservation and of the
7 issuer's expected bond closing date. In compliance with the
8 requirements of Section 146(f), Internal Revenue Code of 1986, the
9 board shall file in a timely manner a carryforward election with
10 respect to any bonds expected to close after December 31 to permit
11 the bonds to close by the expected date, except that the board may
12 not file the carryforward election after February 15 of the year
13 following the year in which the reservation was granted. The grant
14 of the reservation for the balance of the 120-day period, the
15 150-day period, ~~or~~ the 180-day period, or the 220-day period, as
16 applicable, is automatically and immediately reinstated on the
17 board's filing of a carryforward election with respect to the
18 reservation.

19 Explanation: The addition of text is necessary to extend the
20 deadline for closing on bonds issued for a water resource project
21 that is part of the state water plan or an approved initially
22 prepared regional water plan for Regional Water Planning Area L.

23 (4) House Rule 13, Section 9(a)(4), is suspended to permit
24 the committee to add text on a matter not included in either the
25 house or senate version of the bill by adding proposed SECTION 8 to
26 the bill, amending Section 501.159, Local Government Code, to read
27 as follows:

SECTION 8. Section 501.159, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) A corporation described by Section 501.107(a)(1) may issue bonds to finance a water resource project for Regional Water Planning Area L, as designated under Section 16.053, Water Code, that involves a minimum of 30,000 acre-feet, regardless of whether a request required by Subsection (a) has been made.

Explanation: The addition of text is necessary to allow a development corporation in certain border counties to issue bonds to finance a water resource project for Regional Water Planning Area L without a request for the project by the governing body of the development corporation or governmental unit in which the project is located.