

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**Revision 1**

**May 5, 2011**

**TO:** Honorable Allan Ritter, Chair, House Committee on Natural Resources

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2166** by Price (Relating to the appeal to a district court of the desired future conditions adopted for a groundwater management area.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Water Code to authorize a petition to be filed in a district court by trial de novo to appeal the desired future conditions of the groundwater resources established and adopted. Under current statute, an entity is authorized to file a petition with the Texas Water Development Board. The court hearing the appeal would be required to set the costs for the appeal. The bill would authorize a party to the appeal to demand a jury trial upon filing the requisite fee.

A district could be required to meet to revise the desired future conditions if required by a court's order, and to hold at least one public hearing and upon consideration of all public comments, adopt the revised desired future conditions for submittal to the Texas Water Development Board (TWDB).

The bill would repeal Sections 36.108(a) and (m) of the Water Code.

According to the Office of Court Administration (OCA), there are not expected to be a significant number of these appeals and thus, the impact on the workload of the court system is anticipated to be light. Accordingly, no significant fiscal impact is anticipated.

**Local Government Impact**

There could be a significant fiscal impact to a district or a regional water planning group that chooses to file an appeal regarding the desired future conditions of the groundwater resources. It is assumed that an entity would only file an appeal if sufficient funds were available to pay the fees for the appeal.

According to information provided by several groundwater conservation districts, if the desired future conditions are petitioned in a district court by trial de novo, the costs could be significant depending on how the court costs would be divided among the groundwater management area districts. The costs cannot be accurately estimated since it could be \$0 and it could be \$500,000 or more.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 580 Water Development Board

**LBB Staff:** JOB, SZ, TP