

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 22, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2769** by Rodriguez, Justin (Relating to the process for appealing the desired future conditions adopted by a groundwater conservation district for an aquifer.), **As Introduced**

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

The bill would amend the Water Code to provide that the State Office of Administrative Hearings (SOAH) conduct contested case hearings on appeals of the desired future conditions (DFC) adopted by a Groundwater Conservation District (GCD) for an aquifer. Bill provisions would allow a person affected by a DFC determination to file a petition with the GCD, requesting that the GCD contract with SOAH to conduct a hearing to appeal the DFC.

SOAH indicates that office would have minimal costs relating to hearing appeals of DFC conditions adopted by a GCD. However, under bill provisions, the petitioner would be required to pay all costs of the GCD associated with a contract with SOAH for the hearing. Accordingly because any SOAH costs could be recovered through third-party reimbursements, no significant fiscal implication to SOAH is anticipated. Under bill provisions, the Water Development Board could be required to provide technical analysis to SOAH in any hearing of an appeal of a DFC. This analysis assumes the WDB could absorb the duties associated with bill provisions within the WDB's existing resources. Under bill provisions, a SOAH decision on an DFC appeal could be then be appealed to a district court in Travis County.

The bill would take effect September 1, 2013.

**Local Government Impact**

Because the bill would require petitioners to pay a Groundwater Conservation District's costs for SOAH appeals, no significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 360 State Office of Administrative Hearings, 580 Water Development Board

**LBB Staff:** UP, SZ, TB, KKR