

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 8, 2015

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2179 by Lucio III (Relating to hearings that concern the issuance of permits by a groundwater conservation district.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code relating to the hearing on an application to groundwater conservation districts for permits for groundwater wells. The bill would permit a board of directors of a groundwater conservation district to take action on any uncontested application at a public meeting. A board would be permitted to issue a written order to grant the application, grant the application with special conditions, or deny the application. Under the provisions of the bill, a board would be required to schedule a preliminary hearing to hear a request for a contested case which may be conducted by a quorum of the board, an individual designated by the board or by the State Office of Administrative Hearings. The bill would permit an individual to request a contested hearing case if certain conditions exist. Under the provisions of the bill, a presiding officer would be permitted to determine how to apportion among the parties the costs related to a contract for the services of a presiding officer and the preparation of the official hearing record. The bill puts forth the requirements of the final hearing. The bill would require a district to provide an administrative law judge with a written statement of applicable rules and policies and require an administrative law judge to consider those policies while conducting the hearing. The bill would permit a board to change a finding of fact or conclusion made by the administrative law judge or vacate or modify the order issued by the judge.

Local Government Impact

The costs to a municipality would depend on the number of cases appealed through SOAH as set forth by the provisions of the bill.

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 360 State Office of Administrative Hearings, 580 Water Development Board

LBB Staff: UP, SZ, SD, EK