

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 2, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1053 by Perry (Relating to an appeal of a desired future condition in a groundwater management area.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to revise the procedures for an appeal from a groundwater conservation district's adoption of certain desired future conditions. The bill would remove the involvement of the State Office of Administrative Hearings (SOAH) from the appeals process and would eliminate the option for a groundwater conservation district to request that the Texas Water Development Board (TWDB) conduct mediation between the parties. The bill would require TWDB to conduct an administrative review and a study of the desired future condition and to provide the court with a report of its finding. The court would be required to strike any condition it finds unreasonable.

Based on the analysis of the Office of Court Administration, SOAH, and TWDB, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources. According to SOAH, it has only received one request for a hearing to date related to matters governed under the provisions of the bill.

Local Government Impact

According to the Rusk County Groundwater Conservation District, the bill would have a significant fiscal impact with an estimated additional \$250,000 for a district lawsuit. The District's current budget this fiscal year is \$186,375.72.

According to the Goliad County Groundwater Conservation District, the bill would have a significant fiscal impact to the District.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 360 State Office of Administrative Hearings, 580 Water Development Board

LBB Staff: UP, SZ, MW, PBO, JGA, PM