

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 1, 2019

TO: Honorable Lyle Larson, Chair, House Committee on Natural Resources

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2125 by Burns (Relating to the award of attorney's fees and other costs in certain suits involving a groundwater conservation district.), **As Introduced**

<p>No fiscal implication to the State is anticipated.</p>
--

The bill would amend the Water Code to make the award of attorney's fees in certain cases where a groundwater conservation district (GCD) prevails optional and caps these fees at an amount less than \$100,000.

Local Government Impact

According to Commission on Environmental Quality, potential impacts to the GCDs through the setting of a cap, and providing the courts with discretion on an award, cannot be quantified by the agency.

According to the Bandera County RAGD, the fiscal impact to the District cannot be determined because the number of cases cannot be estimated.

According to Clear Water Conservation District, the District has not experienced litigation related to Chapter 36.066 but would redirect budgetary funds as necessary to meet the financial demands of a suit up to \$275,000.

According to Rusk County GCD, the main fiscal implication would be failure to recover attorneys fees in full after litigation. The District state that the District would not be equipped financially to bear legal costs even when the District is confident it is following the law. The district's budget for the current year is approximately \$204,000.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: WP, SZ, SD, GP