

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 30, 2015

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3405 by Isaac (Relating to the territory, jurisdiction, and powers of the Barton Springs-Edwards Aquifer Conservation District, including its authority to regulate certain wells for the production of groundwater; imposing a cap on certain fees.), **Conference Committee Report**

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

The bill amends the Special District Local Laws Code relating to the territory, jurisdiction, board composition, elections and powers of the Barton Springs-Edwards Aquifer. Under the provisions of the bill, a holder of a temporary or regular permit subject to a district order to reduce the amount of water production would be permitted to contest the reduction by requesting a hearing conducted by the State Office of Administrative Hearings (SOAH). The bill would require the district to contract with SOAH to conduct the hearings. In order for SOAH to recommend overturning a district order reducing the amount of groundwater authorized, the bill would require the permit holder to demonstrate by a preponderance of the evidence that the production of the amount of groundwater authorized will not cause a failure to achieve desired future conditions of the aquifer or an unreasonable impact on existing wells.

Based on information provided by SOAH, this analysis assumes that all duties and responsibilities necessary to implement the provisions of the bill could be accomplished utilizing existing staff and resources.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies: 360 State Office of Administrative Hearings

LBB Staff: UP, SZ, SD, EK, ER