

BILL ANALYSIS

Senate Research Center
86R5614 TSR-D

S.B. 2027
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Water & Rural Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, when a petitioner challenges a desired future condition final order adopted by a groundwater conservation district in court, the court decides the case under the substantial evidence standard of review which does not allow further evidence to be submitted.

S.B. 2027 changes the evidence standard to trial de novo which would allow further evidence than what was presented at the original hearing.

As proposed, S.B. 2027 amends current law relating to the standard of judicial review for a suit involving a groundwater conservation district.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.10835(a), Water Code, as follows:

(a) Requires a case to be decided under the trial de novo standard of review in accordance with Section 2001.173 (Trial De Novo Review), Government Code, rather than requiring a case to be decided under the substantial evidence standard review as provided by Section 2001.174 (Review Under Substantial Evidence Rule or Undefined Scope of Review), Government Code.

SECTION 2. Amends Section 36.253, Water Code, to provide that the review on appeal is by trial de novo in accordance with Section 2001.173, Government Code, rather than to provide that the review on appeal is governed by the substantial evidence rule as defined by Section 2001.174, Government Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date; September 1, 2019.