

By: Cook of Colorado

H.B. No. 3379

A BILL TO BE ENTITLED

AN ACT

1
2 relating to groundwater conservation districts regulation of
3 groundwater use by political subdivisions.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 36, Water Code, is amended
6 by adding Section 36.003 to read as follows:

7 Sec. 36.003. APPLICABILITY OF GROUNDWATER REGULATIONS. All
8 persons, entities, and political subdivisions of the state are
9 subject to groundwater regulation under this chapter, except as
10 exempted under Section 36.117.

11 SECTION 2. Subchapter D, Chapter 36, Water Code, Section
12 36.102 is amended by adding Subsection (e) to read as follows:

13 Sec. 36.102. ENFORCEMENT OF RULES. (a) A district may
14 enforce this chapter and its rules by injunction, mandatory
15 injunction, or other appropriate remedy in a court of competent
16 jurisdiction.

17 (b) The board by rule may set reasonable civil penalties for
18 breach of any rule of the district not to exceed \$10,000 per day per
19 violation, and each day of a continuing violation constitutes a
20 separate violation.

21 (c) A penalty under this section is in addition to any other
22 penalty provided by the law of this state and may be enforced by
23 complaints filed in the appropriate court of jurisdiction in the
24 county in which the district's principal office or meeting place is

1 located.

2 (d) If the district prevails in any suit to enforce its
3 rules, the district may seek and the court shall grant, in the same
4 action, recovery for attorney's fees, costs for expert witnesses,
5 and other costs incurred by the district before the court. The
6 amount of the attorney's fees shall be fixed by the court.

7 (e) Sovereign immunity to suit is waived for all political
8 subdivisions of the state for the purpose of enforcement of this
9 chapter and district rules.

10 SECTION 3. The legislature finds that a political
11 subdivision was subject to groundwater regulation under this
12 chapter prior to the effective date of this Act.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2007.