

AN ACT

relating to the enforcement of rules by a groundwater conservation district.

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

SECTION 1. Section 36.102, Water Code, is amended to read as follows:

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

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

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

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

1 court.

2 (e) In an enforcement action by a district against any
3 person that is a governmental entity for a violation of district
4 rules, the limits on the amount of fees, costs, and penalties that a
5 district may impose under Section 36.122, 36.205, or this section,
6 or under a special law governing a district operating under this
7 chapter, constitute a limit of liability of the governmental entity
8 for the violation. This subsection shall not be construed to
9 prohibit the recovery by a district of fees and costs under
10 Subsection (d) in an action against any person that is a
11 governmental entity.

12 SECTION 2. Section 311.031(a), Government Code, applies to
13 the amendments by this Act to Section 36.102, Water Code.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 2063 was passed by the House on May 1, 2009, by the following vote: Yeas 140, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2063 on May 20, 2009, by the following vote: Yeas 137, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2063 was passed by the Senate, with amendments, on May 18, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor