

By: Callegari, Creighton

H.B. No. 2063

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the enforcement of rules by a groundwater conservation  
3 district.

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

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

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

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

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

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

1 court.

2           SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2009.