

By: Hegar

S.B. No. 2543

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of rules by the Harris-Galveston  
Subsidence District and the Fort Bend Subsidence District;  
providing penalties.

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

SECTION 1. Subsections (a) and (c), Section 8801.204,  
Special District Local Laws Code, are amended to read as follows:

(a) If it appears that a person, including a political  
subdivision, has violated or is violating or threatening to violate  
this chapter or a rule, permit, or other order of the district  
issued or adopted under this chapter, the district may institute an  
action in a district court in the district for:

(1) injunctive relief to restrain the person from  
continuing the violation or threat of violation;

(2) the assessment and recovery of a civil penalty of:  
(A) not less than \$50 and not more than \$5,000 for  
each violation and for each day of a continuing violation, if the  
person is not a political subdivision or an agency of a political  
subdivision; or

(B) if the person is a political subdivision or  
an agency of a political subdivision, an amount equal to the greater  
of:

(i) 120 percent of the sum of the fees  
assessed against the person and the amount the person would have

1 paid to an alternative water supplier; or  
2 (ii) \$5,000 for each violation and for each  
3 day of a continuing violation; or  
4 (3) both injunctive relief and civil penalties.

5 (c) At the request of the board, or the general manager if  
6 authorized by the board, the attorney general shall institute and  
7 conduct an action against any person in the name of the district for  
8 injunctive relief or to recover a civil penalty, or both.

9 SECTION 2. Subsections (a) and (b), Section 43, Chapter  
10 1045, Acts of the 71st Legislature, Regular Session, 1989, are  
11 amended to read as follows:

12 (a) If a person, including a political subdivision, has  
13 violated, is violating, or is threatening to violate a provision of  
14 this Act or a rule, regulation, permit, or other order of the  
15 district, the district may bring a civil action in a district court  
16 within the district for:

17 (1) an injunction to restrain the person from  
18 continuing the violation or the threat of violation;

19 (2) the assessment and recovery of~~[, for]~~ a civil  
20 penalty of:

21 (A) not less than \$50 nor more than \$5,000 for  
22 each violation and for each day of violation, if the person is not a  
23 political subdivision or an agency of a political subdivision; or

24 (B) if the person is a political subdivision or  
25 an agency of a political subdivision, an amount equal to the greater  
26 of:

27 (i) 120 percent of the sum of the fees

1 assessed against the person and the amount the person would have  
2 paid to an alternative water supplier; or

3 (ii) \$5,000 for each violation and for each  
4 day of a continuing violation; or

5 (3) [for] both injunctive relief and civil penalty.

6 (b) At the request of the board, or the general manager if  
7 authorized by the board, the attorney general shall institute and  
8 conduct an [the] action against any person in the name of the  
9 district for injunctive relief or to recover a civil penalty, or  
10 both. However, the district in its sole discretion may employ  
11 attorneys of its choice to institute the action.

12 SECTION 3. The changes in law made by this Act apply only to  
13 a violation that occurs on or after the effective date of this Act.  
14 A violation that occurs before the effective date of this Act is  
15 governed by the law in effect at the time the violation occurred,  
16 and the former law is continued in effect for that purpose.

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