

BILL ANALYSIS

Senate Research Center
77R11356 QS-D

H.B. 2690
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

Currently, the board of a water district is allowed to set reasonable civil penalties for the breach of a rule established by the board. H.B. 2690 authorizes the board to delineate which penalties the district may seek, and sets limits to court awards. H.B. 2690 also provides for the district to recover any attorney's fees and other costs associated with a suit to enforce its rules.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to any district or authority under Section 52, Article III, or Section 59, Article XVI, Texas Constitution in SECTION 2 (Section 36.102, Water code) in this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.066(g), Water Code, to provide that if the district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution (district) prevails in any suit other than a suit in which it voluntarily intervenes, it may, in the same action, recover reasonable attorney's fees, costs for expert witnesses, and other costs incurred by the district before the court. Makes a conforming change.

SECTION 2. Amends Sections 36.102(b) and (d), Water Code, as follows:

(b) Authorizes a district board of directors by rule to set reasonable civil penalties for breach of any rule of the district. Prohibits the penalties from exceeding the jurisdiction of a justice court as provided by Section 27.031 (Jurisdiction), Government Code. Authorizes the district to recover a penalty not to exceed a certain amount of the economic benefit gained from the violation.

(d) Makes conforming changes.

SECTION 3. Effective date: upon passage or September 1, 2001.