

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 2690  
By: Walker (Staples)  
Natural Resources  
4/28/2001  
Committee Report (Substituted)

### **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. C.S.H.B. 2690 authorizes the board to delineate which penalties the district may seek, and sets limits to court awards. C.S.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 not to exceed \$10,000 per day per violation, and provides that each day of a continuing violation constitutes a separate violation.

(d) Authorizes the district, if the district prevails in any suit to enforce its rules, to seek and the court to grant, in the same action, recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the district before the court.

Deletes text regarding jurisdiction of a justice court. Deletes text regarding recover reasonable fees. Deletes reference to attorneys. Makes a conforming change.

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

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 2. Amends As Filed H.B. 2690, Section 36.102, Water Code, by amending proposed Subsection (b) and adding Subsection (d).