CH. 424

H.B. No. 2052

AN ACT
relating to electric service reliability measures.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 38.005(b), Utilities Code, is amended to read as follows:
(b) The commission may [shall] take appropriate enforcement action under this section, including [but not limited to] action against a utility, if any of the utility’s feeders [feeder] with 10 or more customers [appears on the utility’s list of worst 10 percent performing feeders for any two consecutive years or] has had a SAIDI or SAIFI average that is more than 300 percent greater than the system average of all feeders during any two-year period, beginning in the year 2000. In determining the appropriate enforcement action, the commission shall consider:

1. the feeder’s operating and maintenance history;
2. the cause of each interruption in the feeder’s service;
3. any action taken by a utility to address the feeder’s performance;
4. the estimated cost and benefit of remediating a feeder’s performance; and
5. any other relevant factor as determined by the commission.

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

Passed by the House on April 17, 2009: Yeas 149, Nays 0, 1 present, not voting; passed by the Senate on May 26, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 425

H.B. No. 2063

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 court.