CHAPTER 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 take appropriate enforcement action under this section, including action against a utility, if any of the utility’s feeders 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.
(c) In an enforcement action by a district against any person that is a governmental entity for a violation of district rules, the limits on the amount of fees, costs, and penalties that a district may impose under Section 36.122, 36.205, or this section, or under a special law governing a district operating under this chapter, constitute a limit of liability of the governmental entity for the violation. This subsection shall not be construed to prohibit the recovery by a district of fees and costs under Subsection (d) in an action against any person that is a governmental entity.

SECTION 2. Section 311.031(a), Government Code, applies to the amendments by this Act to Section 36.102, Water Code.

SECTION 3. 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 May 1, 2009: Yeas 140, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 2063 on May 20, 2009: Yeas 137, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 18, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 426

H.B. No. 2065

AN ACT
relating to the applicability of the moratoriums on the acceptance of certain political contributions and caucus contributions to contributions delivered by common or contract carrier.

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

SECTION 1. Section 253.034(b), Election Code, is amended to read as follows:

(b) A statewide officeholder, a member of the legislature, or a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or member of the legislature may not knowingly accept a political contribution, and shall refuse a political contribution that is received, during the period prescribed by Subsection (a). A political contribution that is received and refused during that period shall be returned to the contributor not later than the 30th day after the date of receipt. A contribution made by United States mail or by common or contract carrier is not considered received during that period if it was properly addressed and placed with postage or carrier charges prepaid or prearranged [and properly addressed] in the [United States] mail or delivered to the contract carrier before the beginning of the period. The date indicated by the post office cancellation mark or the common or contract carrier documents is considered to be the date the contribution was placed in the mail or delivered to the common or contract carrier unless proven otherwise.

SECTION 2. Section 253.0341(b), Election Code, is amended to read as follows:

(b) A legislative caucus may not knowingly accept from a nonmember a contribution, and shall refuse a contribution from a nonmember that is received, during the period prescribed by Subsection (a). A contribution that is received and refused during that period shall be returned to the contributor not later than the 30th day after the date of receipt. A contribution made by United States mail or by common or contract carrier is not considered received during that period if it was properly addressed and placed with postage or carrier charges prepaid or prearranged [and properly addressed] in the [United States] mail or delivered to the contract carrier before the beginning of the period. The date indicated by the post office cancellation mark or the common or contract carrier documents is considered to be the date the contribution was placed in the mail or delivered to the common or contract carrier unless proven otherwise.

1021