

Amend CSHB 3335 (Senate committee report) by inserting the following SECTIONS to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_. Sections 8801.204 (a) and (c), Special District Local Laws Code, are amended to read as follows:

(a) If it appears that a person 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 paid to an alternative water supplier; or

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

(3) both injunctive relief and civil penalties.

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

SECTION \_\_. Sections 43(a) and (b), Chapter 1045, Acts of the 71st Legislature, Regular Session, 1989, are amended to read as follows:

(a) If a person has violated, is violating, or is threatening to violate a provision of this Act or a rule, regulation, permit, or other order of the district, the district may bring a civil action in a district court within the district

for:

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

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

(A) not less than \$50 nor more than \$5,000 for each violation and for each day of 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 paid to an alternative water supplier; or

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

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

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

HEGAR