

Amend CSSB 987 (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 22), strike "Subsection (f)" and substitute "Subsections (f), (g), and (h)".

(2) In SECTION 1 of the bill, following Section 229.001(f), Local Government Code (page 1, between lines 25 and 26), insert the following:

(g) A person or an organization whose membership is adversely affected by a regulation adopted by a municipality in violation of this section may file suit against the municipality in the appropriate court for equitable relief, including a declaratory judgment and injunctive relief, and for actual and consequential damages. Notwithstanding any other provision of law and in addition to other remedies available, a person who brings an action under this section is entitled to recover reasonable attorney's fees and costs and:

(1) actual damages if, not later than the 30th day after the date the suit is filed and not earlier than the date of the court's final determination of the case, the municipality repeals the regulation adopted in violation of this section;

(2) an amount equal to three times the total of actual prejudgment damages if, after the 30th day after the date the suit is filed and not earlier than the date of the court's final determination of the case, the municipality repeals the regulation adopted in violation of this section; or

(3) an amount equal to three times the total of actual damages if the court makes a final determination in favor of the person bringing the action under this section.

(h) Sovereign immunity to suit and from liability is waived and abolished to the extent of liability created by Subsection (g), and a claimant may sue a municipality for damages allowed by that subsection.

(3) In SECTION 2 of the bill, in amended Section 236.002, Local Government Code (page 1, between lines 39 and 40), insert the following:

(c) A person or an organization whose membership is adversely affected by a regulation adopted by a county in violation

of this section may file suit against the county in the appropriate court for equitable relief, including a declaratory judgment and injunctive relief, and for actual and consequential damages. Notwithstanding any other provision of law and in addition to other remedies available, a person who brings an action under this section is entitled to recover reasonable attorney's fees and costs and:

(1) actual damages if, not later than the 30th day after the date the suit is filed and not earlier than the date of the court's final determination of the case, the county repeals the regulation adopted in violation of this section;

(2) an amount equal to three times the total of actual prejudgment damages if, after the 30th day after the date the suit is filed and not earlier than the date of the court's final determination of the case, the county repeals the regulation adopted in violation of this section; or

(3) an amount equal to three times the total of actual damages if the court makes a final determination in favor of the person bringing the action under this section.

(d) Sovereign immunity to suit and from liability is waived and abolished to the extent of liability created by Subsection (c), and a claimant may sue a county for damages allowed by that subsection.