

Amend CSHB 1794 (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 7.354, Water Code, is amended to read as follows:

Sec. 7.354. DIVISION OF PENALTY; AWARD OF COSTS AND FEES.

(a) A penalty collected in a suit under this subchapter for a violation of Chapter 28 of this code or Chapter 401, Health and Safety Code, shall be paid to the state.

(b) A penalty assessed in a suit brought by a local government under this subchapter, other than a suit described by Subsection (a), shall be divided as follows:

(1) the local government is entitled to receive an amount equal to the lesser of:

(A) one-half of the amount collected; or

(B) \$4.3 million; and

(2) the state is entitled to receive the remainder of the amount collected.

(c) If the suit is brought by a local government or, in the case of a violation of Chapter 401, Health and Safety Code, a person affected as defined in that chapter, the court shall include in any final judgment in favor of the local government or affected person an award to cover reasonable costs and attorney's fees.

SECTION _____. Section 7.107, Water Code, is repealed.