



FLOOR AMENDMENT NO. _____

BY: VASUT
SVs '09

1 Amend S.B. No. 1567 (house committee report) on page 3 by
2 striking lines 6 through 14 and substituting the following:

3 Sec. 211.057. CIVIL ACTION. (a) A person who owns property
4 in or a tenant who resides in a municipality who is adversely
5 affected or aggrieved by the municipality's violation of this
6 subchapter may bring an action against the municipality or an
7 officer or employee of the municipality in the officer's or
8 employee's official capacity for relief described by Subsection
9 (c).

10 (b) A claimant must bring an action under this section in a
11 county in which the real property that is the subject of the action
12 is wholly or partly located.

13 (c) In an action brought under this section, a court may:

14 (1) enter a declaratory judgment under Chapter 37,
15 Civil Practice and Remedies Code;

16 (2) issue a writ of mandamus compelling a defendant
17 officer or employee to comply with this subchapter; and

18 (3) issue an injunction preventing the defendant from
19 violating this subchapter.

20 (d) A court shall award reasonable attorney's fees and court
21 costs incurred in bringing an action under this section to a
22 prevailing claimant.

23 (e) The Fifteenth Court of Appeals has exclusive
24 intermediate appellate jurisdiction over an appeal or original
25 proceeding arising from an action brought under this section.