



853046

FLOOR AMENDMENT NO. _____

BY: GEREN

1 Amend C.S.S.B. No. 1172 (house committee report) on
2 page 2, between lines 4 and 5, by inserting the following:

3 Sec. 61.020. JUDICIAL RELIEF. (a) A person may bring
4 a suit to enjoin the enforcement of an order, ordinance, or
5 other measure adopted by a political subdivision if:

6 (1) the person is required to obtain a license,
7 permit, or registration issued by the state to conduct the
8 person's business; and

9 (2) the order, ordinance, or other regulation
10 establishes requirements for, imposes restrictions on, or
11 otherwise regulates the business activity of the person in
12 a manner that is more stringent than the state law that
13 governs the person's business.

14 (b) A suit brought under this section must be brought
15 in a district court:

16 (1) for a judicial district in which any portion
17 of the territory of the political subdivision that adopted
18 the local regulation is located; or

19 (2) in Travis County.

20 (c) In a suit brought under this section, the
21 political subdivision has the burden of establishing by
22 clear and convincing evidence that the order, ordinance, or
23 other measure the political subdivision seeks to enforce
24 does not conflict with state law.