

BILL ANALYSIS

C.S.H.B. 2056
By: Homer
Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Antiquities Code empowers the Texas Historical Commission to protect and preserve Texas archeological and historical resources. Current law only provides for criminal penalties. C.S.H.B. 2056 adds civil penalties for non-compliance with the Antiquities Code and provides for the awarding of general reasonable expenses.

RULEMAKING AUTHORITY

C.S.H.B. 2056 does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

ANALYSIS

SECTION 1. Adds Chapter 191, Natural Resources Code, (the Texas Antiquities Code) to Section 442.011, Government Code, to make violations of Chapter 191 subject to civil penalties.

SECTION 2. Adds Chapter 191, Natural Resources Code (the Texas Antiquities Code), to Subsection (a) of Section 442.012, Government Code, to include violations or threatened violations of Chapter 191 as matters subject to suit in district court for injunctive relief and/or civil penalties.

Also amends Subsection (c) of Section 442.012 of the Government Code by removing the current language and replacing it with more specific language to provide for the awarding of general reasonable expenses, including court costs, reasonable attorney's fees, expert witness fees and deposition expenses if the attorney general substantially prevails in recovering a civil penalty.

SECTION 3. Provides an effective date.

EFFECTIVE DATE

This Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.2056 amends subsection (c) of Section 442.012, Government Code, by removing current language and replacing it with more specific language which provides that, if the attorney generally substantially prevails, the court shall award reasonable expenses, including court costs, reasonable attorneys' fees, expert witness fees and deposition expenses.