

By: Homer

H.B. No. 2056

A BILL TO BE ENTITLED

AN ACT

1
2 relating to providing a civil penalty for a violation of the
3 Antiquities Code of Texas.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 442.011, Government Code, is amended to
6 read as follows:

7 Sec. 442.011. PENALTY. A person who violates this chapter
8 or Chapter 191, Natural Resources Code, is subject to a civil
9 penalty of not less than \$50 nor more than \$1,000 for each day of
10 violation.

11 SECTION 2. Sections 442.012(a) and (c), Government Code,
12 are amended to read as follows:

13 (a) The attorney general or any resident of this state may
14 file suit in district court to restrain and enjoin a violation or
15 threatened violation of this chapter or Chapter 191, Natural
16 Resources Code, to recover on behalf of the state a civil penalty
17 provided by this chapter, including a civil penalty provided for a
18 violation of Chapter 191, Natural Resources Code, or for both
19 injunctive relief and a civil penalty.

20 (c) If the attorney general substantially prevails in an
21 action to recover a civil penalty under this section, the court
22 shall award the attorney general reasonable expenses incurred in
23 recovering the penalty, including court costs, reasonable
24 attorney's fees, expert witness fees, and deposition expenses [~~In~~

1 ~~issuing a final order in the action, the court may award costs of~~
2 ~~litigation, including reasonable attorney's and expert witness's~~
3 ~~fees].~~

4 SECTION 3. This Act takes effect September 1, 2007.