

1-1 By: Homer (Senate Sponsor - Whitmire) H.B. No. 2056  
1-2 (In the Senate - Received from the House April 30, 2007;  
1-3 May 2, 2007, read first time and referred to Committee on Natural  
1-4 Resources; May 11, 2007, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 11, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to providing a civil penalty for a violation of the  
1-9 Antiquities Code of Texas.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 442.011, Government Code, is amended to  
1-12 read as follows:

1-13 Sec. 442.011. PENALTY. A person who violates this chapter  
1-14 or Chapter 191, Natural Resources Code, is subject to a civil  
1-15 penalty of not less than \$50 nor more than \$1,000 for each day of  
1-16 violation.

1-17 SECTION 2. Sections 442.012(a) and (c), Government Code,  
1-18 are amended to read as follows:

1-19 (a) The attorney general or any resident of this state may  
1-20 file suit in district court to restrain and enjoin a violation or  
1-21 threatened violation of this chapter or Chapter 191, Natural  
1-22 Resources Code, to recover on behalf of the state a civil penalty  
1-23 provided by this chapter, including a civil penalty provided for a  
1-24 violation of Chapter 191, Natural Resources Code, or for both  
1-25 injunctive relief and a civil penalty.

1-26 (c) If the attorney general substantially prevails in an  
1-27 action to recover a civil penalty under this section, the court  
1-28 shall award the attorney general reasonable expenses incurred in  
1-29 recovering the penalty, including court costs, reasonable  
1-30 attorney's fees, expert witness fees, and deposition expenses [In  
1-31 issuing a final order in the action, the court may award costs of  
1-32 litigation, including reasonable attorney's and expert witness's  
1-33 fees].

1-34 SECTION 3. This Act takes effect September 1, 2007.

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