

By: Whitmire

S.B. No. 1312

A BILL TO BE ENTITLED

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AN ACT

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

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

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

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

SECTION 2. Subsections (a) and (c), Section 442.012, Government Code, are amended to read as follows:

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

(c) If the attorney general substantially prevails in an action to recover a civil penalty under this section, the court shall award the attorney general reasonable expenses incurred in recovering the penalty, including court costs, reasonable 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.