

1-1 By: Whitmire S.B. No. 1312
1-2 (In the Senate - Filed March 7, 2007; March 19, 2007, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 18, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; April 18, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1312 By: Brimer

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to providing a civil penalty for a violation of the
1-11 Antiquities Code of Texas.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 442.011, Government Code, is amended to
1-14 read as follows:

1-15 Sec. 442.011. PENALTY. A person who violates this chapter
1-16 or Chapter 191, Natural Resources Code, is subject to a civil
1-17 penalty of not less than \$50 nor more than \$1,000 for each day of
1-18 violation.

1-19 SECTION 2. Subsections (a) and (c), Section 442.012,
1-20 Government Code, are amended to read as follows:

1-21 (a) The attorney general or any resident of this state may
1-22 file suit in district court to restrain and enjoin a violation or
1-23 threatened violation of this chapter or Chapter 191, Natural
1-24 Resources Code, to recover on behalf of the state a civil penalty
1-25 provided by this chapter, including a civil penalty provided for a
1-26 violation of Chapter 191, Natural Resources Code, or for both
1-27 injunctive relief and a civil penalty.

1-28 (c) If the attorney general substantially prevails in an
1-29 action to recover a civil penalty under this section, the court
1-30 shall award the attorney general reasonable expenses incurred in
1-31 recovering the penalty, including court costs, reasonable
1-32 attorney's fees, expert witness fees, and deposition expenses [In
1-33 issuing a final order in the action, the court may award costs of
1-34 litigation, including reasonable attorney's and expert witness's
1-35 fees].

1-36 SECTION 3. This Act takes effect September 1, 2007.

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