

AN ACT

relating to the enforcement of regulations regarding the sale of plastic bulk merchandise containers.

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

SECTION 1. Section 35.63, Business & Commerce Code, as added by Chapter 307, Acts of the 80th Legislature, Regular Session, 2007, is amended by amending Subsection (f) and adding Subsection (g) to read as follows:

(f) The attorney general or appropriate prosecuting attorney may:

(1) investigate an alleged violation of this section;

and

(2) sue to collect a civil penalty under this section.

(g) The attorney general or appropriate prosecuting attorney may recover reasonable expenses, including court costs, attorney's fees, investigative costs, witness fees, and deposition expenses, incurred in recovering a civil penalty under this section.

SECTION 2. Section 204.004, Business & Commerce Code, as effective September 1, 2009, is amended to read as follows:

Sec. 204.004. INVESTIGATIVE AND ENFORCEMENT AUTHORITY [~~OF CIVIL PENALTY~~]. (a) The attorney general or appropriate

prosecuting attorney may:

(1) investigate an alleged violation of this chapter;

1 and

2 (2) sue to collect a civil penalty under this chapter.

3 (b) The attorney general or appropriate prosecuting
4 attorney may recover reasonable expenses, including court costs,
5 attorney's fees, investigative costs, witness fees, and deposition
6 expenses, incurred in recovering a civil penalty under this
7 section.

8 SECTION 3. (a) Section 1 of this Act takes effect only if
9 the Act of the 81st Legislature, Regular Session, 2009, relating to
10 nonsubstantive additions to and corrections in existing codes does
11 not become law. If the Act of the 81st Legislature, Regular
12 Session, 2009, relating to nonsubstantive additions to and
13 corrections in existing codes becomes law, Section 1 of this Act has
14 no effect.

15 (b) Section 2 of this Act takes effect only if the Act of the
16 81st Legislature, Regular Session, 2009, relating to
17 nonsubstantive additions to and corrections in existing codes
18 becomes law. If the Act of the 81st Legislature, Regular Session,
19 2009, relating to nonsubstantive additions to and corrections in
20 existing codes does not become law, Section 2 of this Act has no
21 effect.

22 SECTION 4. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 2128 was passed by the House on May 15, 2009, by the following vote: Yeas 127, Nays 12, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2128 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor