

1-1 By: Giddings (Senate Sponsor - West) H.B. No. 2128
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 2009, read first time and referred to Committee on Business
1-4 and Commerce; May 22, 2009, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 22, 2009, sent to printer.)

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

1-8 relating to the enforcement of regulations regarding the sale of
1-9 plastic bulk merchandise containers.

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

1-11 SECTION 1. Section 35.63, Business & Commerce Code, as
1-12 added by Chapter 307, Acts of the 80th Legislature, Regular
1-13 Session, 2007, is amended by amending Subsection (f) and adding
1-14 Subsection (g) to read as follows:

1-15 (f) The attorney general or appropriate prosecuting
1-16 attorney may:

1-17 (1) investigate an alleged violation of this section;
1-18 and

1-19 (2) sue to collect a civil penalty under this section.

1-20 (g) The attorney general or appropriate prosecuting
1-21 attorney may recover reasonable expenses, including court costs,
1-22 attorney's fees, investigative costs, witness fees, and deposition
1-23 expenses, incurred in recovering a civil penalty under this
1-24 section.

1-25 SECTION 2. Section 204.004, Business & Commerce Code, as
1-26 effective September 1, 2009, is amended to read as follows:

1-27 Sec. 204.004. INVESTIGATIVE AND ENFORCEMENT AUTHORITY [~~OF~~
1-28 ~~CIVIL PENALTY~~]. (a) The attorney general or appropriate
1-29 prosecuting attorney may:

1-30 (1) investigate an alleged violation of this chapter;
1-31 and

1-32 (2) sue to collect a civil penalty under this chapter.

1-33 (b) The attorney general or appropriate prosecuting
1-34 attorney may recover reasonable expenses, including court costs,
1-35 attorney's fees, investigative costs, witness fees, and deposition
1-36 expenses, incurred in recovering a civil penalty under this
1-37 section.

1-38 SECTION 3. (a) Section 1 of this Act takes effect only if
1-39 the Act of the 81st Legislature, Regular Session, 2009, relating to
1-40 nonsubstantive additions to and corrections in existing codes does
1-41 not become law. If the Act of the 81st Legislature, Regular
1-42 Session, 2009, relating to nonsubstantive additions to and
1-43 corrections in existing codes becomes law, Section 1 of this Act has
1-44 no effect.

1-45 (b) Section 2 of this Act takes effect only if the Act of the
1-46 81st Legislature, Regular Session, 2009, relating to
1-47 nonsubstantive additions to and corrections in existing codes
1-48 becomes law. If the Act of the 81st Legislature, Regular Session,
1-49 2009, relating to nonsubstantive additions to and corrections in
1-50 existing codes does not become law, Section 2 of this Act has no
1-51 effect.

1-52 SECTION 4. This Act takes effect September 1, 2009.

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