

BILL ANALYSIS

Senate Research Center
80R7439 BEF-D

S.B. 1312
By: Whitmire
Natural Resources
3/29/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the Texas Historical Commission's (commission) sunset review, it was discovered that the commission has never taken any type of enforcement action under the Antiquities Code (Chapter 191, Natural Resources Code). A difficulty in the commission's use of this power is that the penalty provided for violation of the Antiquities Code is a criminal offense which the local or county district attorney has to prosecute. A conflict of interest may arise from such prosecution if the county government has itself violated the Antiquities Code.

As proposed, S.B. 1312 authorizes the Texas Historical Commission to use the Texas attorney general to pursue civil penalties for a violation of the Antiquities Code of Texas.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 442.011, Government Code, to provide that a person who violates Chapter 191 (Antiquities Code), Natural Resources Code, or Chapter 442 (Texas Historical Commission), Government Code, is subject to a civil penalty of not less than \$50 nor more than \$1,000 for each day of violation.

SECTION 2. Amends Section 442.012(a), Government Code, to make conforming changes.

SECTION 3. Effective date: September 1, 2007.