

BILL ANALYSIS

H.B. 459
By: Miller
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, monuments or memorials located on state property may be removed, relocated or altered only by the legislature, Texas Historical Commission, or State Preservation Board if they honor a citizen from Texas for military or war-related service. House Bill 459 would expand current statute to protect a monument or memorial on state property that honors a citizen or former citizen of the United States, or a person from a state, territory, or nation that is now part of the U.S. This ensures that monuments of people such as, Martin Luther King, Cesar Chavez, or Stephen F. Austin are protected.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends the Government Code to authorize the removal, relocation, or alteration of monuments or memorials located on state property that honor citizens or former citizens of the United States, or a person from a state, territory, or nation that is now part of the United States to be made only by the legislature, the Texas Historical Commission, the State Preservation Board, or as necessary under law to accommodate construction, repairs, or improvements. Broadens the meaning of "monument or memorial" by deleting the phrase "for war or military-related service." Provides that projects constructed by and for the Texas Department of Transportation, a state institution of higher education, and the Texas Parks and Wildlife Department can only be removed, relocated, or altered when authorized by the legislature, the Texas Historical Commission, the State Preservation Board, or as necessary under law to accommodate construction, repairs, or improvements.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.