

By: Creighton

S.B. No. 112

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the removal, relocation, or alteration of certain
3 monuments or memorials located on public property.

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

5 SECTION 1. Section [2166.5011](#), Government Code, is amended
6 by amending Subsections (a) and (b) and adding Subsection (d) to
7 read as follows:

8 (a) In this section, "monument or memorial" means a
9 permanent monument, memorial, or other designation, including a
10 statue, portrait, plaque, seal, symbol, building name, bridge name,
11 park name, area name, or street name, that:

12 (1) is located on state property; and

13 (2) honors an event or person of historic significance
14 ~~[a citizen of this state for military or war-related service].~~

15 (b) Notwithstanding any other provision of this code and
16 except as provided by Subsection (c), a monument or memorial that is
17 located on state property:

18 (1) for at least 40 years may not be removed,
19 relocated, or altered;

20 (2) for at least 20 years but less than 40 years may be
21 removed, relocated, or altered only by approval of a concurrent
22 resolution authorizing the removal, relocation, or alteration by a
23 two-thirds vote of the members of each house of the legislature; or

24 (3) for less than 20 years may be removed, relocated,

1 or altered only by:

2 (A) [~~(1)~~ ~~by~~] the legislature;

3 (B) [~~(2)~~ ~~by~~] the Texas Historical Commission; or

4 (C) [~~(3)~~ ~~by~~] the State Preservation Board [~~, or~~
5 [~~(4)~~ ~~as provided by Subsection (c)~~].

6 (d) Notwithstanding Section 2166.003, this section applies
7 to a monument or memorial on property of an institution of higher
8 education, as defined by Section 61.003, Education Code.

9 SECTION 2. Subtitle C, Title 10, Local Government Code, is
10 amended by adding Chapter 338 to read as follows:

11 CHAPTER 338. MONUMENTS AND MEMORIALS

12 Sec. 338.001. DEFINITION. In this chapter, "monument or
13 memorial" means a permanent monument, memorial, or other
14 designation, including a statue, portrait, plaque, seal, symbol,
15 building name, bridge name, park name, area name, or street name,
16 that honors an event or person of historic significance.

17 Sec. 338.002. REMOVAL, RELOCATION, OR ALTERATION OF
18 MONUMENT OR MEMORIAL. Except as provided by Section 338.003, a
19 monument or memorial that is located on municipal or county
20 property:

21 (1) for at least 40 years may not be removed,
22 relocated, or altered; or

23 (2) for at least 20 years but less than 40 years may be
24 removed, relocated, or altered only by approval of a majority of the
25 voters of the municipality or county, as applicable, voting at an
26 election held for that purpose.

27 Sec. 338.003. CONSTRUCTION, REPAIR, OR IMPROVEMENTS. (a)

1 A monument or memorial that is located on municipal or county
2 property may be removed, relocated, or altered as necessary to
3 accommodate construction, repair, or improvements to the monument
4 or memorial or to the surrounding property on which the monument or
5 memorial is located.

6 (b) Any monument or memorial that is permanently removed
7 under this section must be relocated to a prominent location.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect December 1, 2017.