

By: Toth

H.B. No. 3948

A BILL TO BE ENTITLED

AN ACT

relating to the removal, relocation, alteration, or construction of certain monuments or memorials located on public property.

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

SECTION 1. Section 442.015(b), Government Code, is amended to read as follows:

(b) The commission may use distributions from the Texas preservation trust fund account to provide financial assistance to public or private entities for the acquisition, survey, restoration, or preservation, or for planning and educational activities leading to the preservation, of historic property in the state that is listed in the National Register of Historic Places or designated as a State Archeological Landmark or Recorded Texas Historic Landmark, or that the commission determines is eligible for such listing or designation or for the construction of a monument or memorial described by Section 2166.5011(c) or by Section 338.003, Local Government Code. The financial assistance may be in the amount and form and according to the terms that the commission by rule determines. The commission shall give priority to property the commission determines to be endangered by demolition, neglect, underuse, looting, vandalism, or other threat to the property. Gifts and grants deposited to the credit of the account specifically for any eligible projects may be used only for the type of projects specified. If such a specification is not

1 made, the gift or grant shall be unencumbered and accrue to the
2 benefit of the Texas preservation trust fund account. If such a
3 specification is made, the entire amount of the gift or grant may be
4 used during any period for the project or type of project specified.

5 SECTION 2. Section [2166.5011](#), Government Code, is amended
6 to read as follows:

7 Sec. 2166.5011. REMOVAL, RELOCATION, ~~[OR]~~ ALTERATION, OR
8 CONSTRUCTION OF A MONUMENT OR MEMORIAL. (a) In this section,
9 "monument or memorial" means a permanent monument, memorial, or
10 other designation, including a statue, portrait, plaque, seal,
11 symbol, cenotaph, building name, bridge name, park name, area name,
12 or street name, that:

13 (1) is located on state property; and

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

16 (b) Notwithstanding any other provision of this code, a
17 monument or memorial that is 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,
23 including alteration to maintain historical accuracy, by a
24 two-thirds vote of the members of each house of the legislature; or

25 (3) for less than 20 years may be removed, relocated,
26 or altered, including alteration to maintain historical accuracy,
27 only[+]

1 ~~[(1)]~~ by the legislature~~[-~~
2 ~~[(2) by the Texas Historical Commission;~~
3 ~~[(3) by the State Preservation Board; or~~
4 ~~[(4) as provided by Subsection (c)].~~

5 (c) An additional [A] monument or memorial may be added
6 ~~[removed, relocated, or altered in a manner otherwise provided by~~
7 ~~this code as necessary to accommodate construction, repair, or~~
8 ~~improvements]~~ to the ~~[monument or memorial or to the]~~ surrounding
9 state property on which a [the] monument or memorial is located to
10 complement or contrast with the monument or memorial. ~~[Any monument~~
11 ~~or memorial that is permanently removed under this subsection must~~
12 ~~be relocated to a prominent location.]~~

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

16 SECTION 3. Subtitle C, Title 10, Local Government Code, is
17 amended by adding Chapter 338 to read as follows:

18 CHAPTER 338. MONUMENTS AND MEMORIALS

19 Sec. 338.001. DEFINITION. In this chapter, "monument or
20 memorial" means a permanent monument, memorial, or other
21 designation, including a statue, portrait, plaque, seal, symbol,
22 cenotaph, building name, bridge name, park name, area name, or
23 street name, that honors an event or person of historic
24 significance.

25 Sec. 338.002. REMOVAL, RELOCATION, OR ALTERATION. A
26 monument or memorial that is located on municipal or county
27 property:

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

3 (2) for at least 20 years but less than 40 years may be
4 removed, relocated, or altered, including alteration to maintain
5 historical accuracy, only by approval of a majority of the voters of
6 the municipality or county, as applicable, voting at an election
7 held for that purpose; or

8 (3) for less than 20 years may be removed, relocated,
9 or altered, including alteration to maintain historical accuracy,
10 only by the governing body of the municipality or the commissioners
11 court of the county, as applicable.

12 Sec. 338.003. ADDITIONAL MONUMENT OR MEMORIAL. An
13 additional monument or memorial may be added to the surrounding
14 municipal or county property on which a monument or memorial is
15 located to complement or contrast with the monument or memorial.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2019.