

By: Fallon

S.B. No. 226

A BILL TO BE ENTITLED

AN ACT

relating to maintaining certain monuments and memorials and the names of certain public institutions; providing civil penalties.

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

SECTION 1. This Act may be cited as the Texas Historical Protection Act.

SECTION 2. Subchapter F, Chapter 11, Education Code, is amended by adding Sections 11.256 and 11.257 to read as follows:

Sec. 11.256. DISTRICT AND CAMPUS NAME CHANGES. (a) If a school district or campus has operated under its current name for at least 20 years, the name may be changed only by approval of a majority of the voters of the school district voting at an election held for that purpose.

(b) No public funds may be expended to change the name of a district or campus under this section.

Sec. 11.257. ENFORCEMENT BY ATTORNEY GENERAL; CIVIL PENALTY AND INJUNCTION. (a) The attorney general may institute an action in district court to:

(1) recover a civil penalty for a violation of Section 11.256(a); and

(2) seek equitable relief to enjoin the violation.

(b) A school district or campus that violates Section 11.256(a) is subject to a civil penalty of \$1,000 for each violation. Each day a violation continues is a separate violation

1 for purposes of a civil penalty assessed under this section.

2 (c) A civil penalty collected under this section shall be  
3 deposited to the credit of the general revenue fund.

4 SECTION 3. Section 2166.5011, Government Code, is amended  
5 by amending Subsections (a) and (b) and adding Subsections (d) and  
6 (e) to read as follows:

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

11 (1) is located on state property; and

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

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

18 (1) for at least 20 years may be removed, relocated, or  
19 altered only by approval of a concurrent resolution authorizing the  
20 removal, relocation, or alteration by a two-thirds vote of the  
21 members of each house of the legislature; or

22 (2) for less than 20 years may be removed, relocated,  
23 or altered only by:

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

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

26 or

27 (C) [~~(3) by~~] the State Preservation Board [~~, or~~

1           ~~[(4) as provided by Subsection (c)].~~

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

5           (e) Except as provided by Subsection (c), no public funds  
6 may be expended to remove, relocate, or alter a monument or memorial  
7 under this section.

8           SECTION 4. Subchapter K, Chapter 2166, Government Code, is  
9 amended by adding Section 2166.5012 to read as follows:

10          Sec. 2166.5012. ENFORCEMENT BY ATTORNEY GENERAL; CIVIL  
11 PENALTY AND INJUNCTION. (a) The attorney general may institute an  
12 action in district court to:

13               (1) recover a civil penalty for a violation of Section  
14 2166.5011(b); and

15               (2) seek equitable relief to enjoin the violation.

16          (b) An entity that violates Section 2166.5011(b) is subject  
17 to a civil penalty of \$1,000 for each violation. Each day a  
18 violation continues is a separate violation for purposes of a civil  
19 penalty assessed under this section.

20          (c) A civil penalty collected under this section shall be  
21 deposited to the credit of the general revenue fund.

22          SECTION 5. Subtitle C, Title 10, Local Government Code, is  
23 amended by adding Chapter 338 to read as follows:

24               CHAPTER 338. MONUMENTS AND MEMORIALS

25          Sec. 338.001. DEFINITION. In this chapter, "monument or  
26 memorial" means a permanent monument, memorial, or other  
27 designation, including a statue, portrait, plaque, seal, symbol,

1 building name, bridge name, park name, area name, or street name,  
2 that honors an event or person of historical significance.

3 Sec. 338.002. REMOVAL, RELOCATION, OR ALTERATION OF  
4 MONUMENT OR MEMORIAL. (a) Except as provided by Section 338.003,  
5 a monument or memorial that has been located on municipal or county  
6 property for at least 20 years may be removed, relocated, or altered  
7 only by approval of a majority of the voters of the municipality or  
8 county, as applicable, voting at an election held for that purpose.

9 (b) No public funds may be expended to remove, relocate, or  
10 alter a monument or memorial under this section.

11 Sec. 338.003. CONSTRUCTION, REPAIR, OR IMPROVEMENTS.  
12 (a) A monument or memorial that is located on municipal or county  
13 property may be removed, relocated, or altered as necessary to  
14 accommodate construction, repair, or improvements to the monument  
15 or memorial or to the surrounding property on which the monument or  
16 memorial is located.

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

19 Sec. 338.004. ENFORCEMENT BY ATTORNEY GENERAL; CIVIL  
20 PENALTY AND INJUNCTION. (a) The attorney general may institute an  
21 action in district court to:

22 (1) recover a civil penalty for a violation of Section  
23 338.002(a); and

24 (2) seek equitable relief to enjoin the violation.

25 (b) A municipality or county that violates Section  
26 338.002(a) is subject to a civil penalty of \$1,000 for each  
27 violation. Each day a violation continues is a separate violation

1 for purposes of a civil penalty assessed under this section.

2 (c) A civil penalty collected under this section shall be  
3 deposited to the credit of the general revenue fund.

4 SECTION 6. (a) Section 11.256, Education Code, as added by  
5 this Act, applies only to a school district or campus name change  
6 made on or after the effective date of this Act. A name change made  
7 before the effective date of this Act is governed by the law in  
8 effect immediately before that date, and that law is continued in  
9 effect for that purpose.

10 (b) Section 2166.5011, Government Code, as amended by this  
11 Act, applies only to a monument or memorial removed, relocated, or  
12 altered on or after the effective date of this Act. A monument or  
13 memorial removed, relocated, or altered before the effective date  
14 of this Act is governed by the law in effect immediately before that  
15 date, and that law is continued in effect for that purpose.

16 (c) Chapter 338, Local Government Code, as added by this  
17 Act, applies only to a monument or memorial removed, relocated, or  
18 altered on or after the effective date of this Act. A monument or  
19 memorial removed, relocated, or altered before the effective date  
20 of this Act is governed by the law in effect immediately before that  
21 date, and that law is continued in effect for that purpose.

22 SECTION 7. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2019.