

AN ACT

relating to monuments, markers, medallions, and antiquities controlled by or in the custody of the Texas Historical Commission; authorizing civil penalties.

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

SECTION 1. Section 442.006, Government Code, is amended by adding Subsections (i) and (j) to read as follows:

(i) Notwithstanding any other law, a monument, marker, or medallion installed by the commission is state property solely under the commission's custody and control and may not be altered, removed, relocated, covered, obscured, or concealed without the express written permission of the commission.

(j) The attorney general may file suit in district court to seek civil penalties in accordance with Section 442.011 and equitable relief in accordance with Section 442.012 against a person who violates this section. Governmental immunity to suit of any county, municipality, or other political subdivision is waived and abolished to the extent liability is created by this section.

SECTION 2. Section 442.011, Government Code, is amended to read as follows:

Sec. 442.011. PENALTY. A person who violates this chapter or Chapter 191, Natural Resources Code, is subject to a civil penalty of not less than \$50 nor more than \$1,000 for each day of violation. Each day a violation continues may be considered a

1 separate violation. If the party seeking a civil penalty
2 demonstrates the same violation occurred on more than one day, it is
3 presumed that the person committed a violation on each intervening
4 day between the days of violation, including the days on which a
5 violation was demonstrated.

6 SECTION 3. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 3584 was passed by the House on May 11, 2021, by the following vote: Yeas 140, Nays 3, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3584 was passed by the Senate on May 27, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor