

By: Murr

H.B. No. 3584

Substitute the following for H.B. No. 3584:

By: Clardy

C.S.H.B. No. 3584

A BILL TO BE ENTITLED

AN ACT

1
2 relating to monuments, markers, medallions, and antiquities
3 controlled by or in the custody of the Texas Historical Commission;
4 authorizing civil penalties.

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

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

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

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

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

21 Sec. 442.011. PENALTY. A person who violates this chapter
22 or Chapter 191, Natural Resources Code, is subject to a civil
23 penalty of not less than \$50 nor more than \$1,000 for each day of
24 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.