

BILL ANALYSIS

C.S.H.B. 3227
By: Gerdes
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that current law lacks clarity regarding the requirements and procedures needed for approval of removal, relocation, or alteration of monuments or memorials located on state, county, or municipal property, and that the existing definition of monuments or memorials is overly narrow. C.S.H.B. 3227 seeks to ensure that a decision to remove, relocate, or alter a historical monument or memorial is made with proper oversight and public input.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3227 sets out and revises provisions relating to the removal, relocation, alteration, or construction of certain monuments or memorials located on public property.

Monuments or Memorials on State Property

C.S.H.B. 3227 amends the Government Code to revise provisions relating to the removal, relocation, or alteration of a monument or memorial located on state owned or leased property by removing provisions that do the following:

- restrict the removal, relocation, or alteration of a monument or memorial to the legislature, the Texas Historical Commission, or the State Preservation Board;
- authorize a monument or memorial to be removed, relocated, or altered in a manner otherwise provided by the Government Code as necessary to accommodate construction, repair, or improvements to the monument or memorial or to the surrounding state property on which the monument or memorial is located; and
- require any monument or memorial that is permanently removed for the purpose of accommodating construction, repair, or improvements to be relocated to a prominent location.

The bill replaces those provisions with provisions that do the following:

- condition the removal, relocation, or alteration of a monument or memorial located on state owned or leased property for at least 25 years on the approval of a concurrent resolution authorizing the removal, relocation, or alteration, including alteration to maintain historical accuracy, by a two-thirds vote of the members of each house of the legislature;
- condition the removal, relocation, or alteration, including alteration to maintain historical accuracy, of a memorial or monument located on state owned or leased property for less

than 25 years on a formal action of the governing body of or the single state officer who governs the state agency that erected the monument or memorial; and

- authorize an additional monument or memorial to be added to the surrounding state owned or leased property on which a monument or memorial is located to complement or contrast with the monument or memorial.

C.S.H.B. 3227 does the following:

- makes provisions relating to the removal, relocation, alteration, or construction of a monument or memorial located on state owned or leased property applicable to a monument or memorial on property of a public institution of higher education;
- includes a temporary provision set to expire January 2, 2028, making those provisions inapplicable to the Alamo Complex; and
- makes the bill's provisions conditioning the removal, relocation, or alteration of a monument or memorial located on state owned or leased property for at least 25 years on the approval of a concurrent resolution authorizing the removal, relocation, or alteration, including alteration to maintain historical accuracy, by a two-thirds vote of the members of each house of the legislature inapplicable to the William P. Hobby building in Austin.

C.S.H.B. 3227 revises the definition of "monument or memorial" applicable to these provisions by doing the following:

- including a cenotaph, bridge name, park name, or area name among the designations that constitute a monument or memorial;
- clarifying that the criteria that a monument or memorial is located on state property applies to state owned or leased property; and
- replacing the criteria that a monument or memorial honors a Texas citizen for military or war-related service with the criteria that it honors an event or person of historical significance.

Alamo Cenotaph

C.S.H.B. 3227 prohibits any entity from altering, removing, or relocating the Alamo Cenotaph, defined as the memorial to the Alamo defenders located in the Alamo complex, from the location where the cenotaph was first placed following its completion.

Monuments or Memorials on Municipal or County Property

C.S.H.B. 3227 amends the Local Government Code to set out provisions that do the following:

- condition the removal, relocation, or alteration, including alteration to maintain historical accuracy, of a monument or memorial located on municipal or county property for at least 25 years on approval of a majority of the municipality or county voters, as applicable, voting at an election held for that purpose;
- restrict such actions for a monument or memorial located on municipal or county property for less than 25 years to the governing body of the municipality or the commissioners court of the county, as applicable;
- authorize an additional monument or memorial to be added to the surrounding municipal or county property on which a monument or memorial is located to complement or contrast with the monument or memorial; and
- define "monument or memorial" for these purposes as a permanent monument, memorial, or other designation, including a statue, portrait, plaque, seal, symbol, cenotaph, building name, bridge name, park name, area name, or street name, that honors an event or person of historical significance.

C.S.H.B. 3227 authorizes a municipality or county resident, as applicable, to file with the attorney general a complaint asserting facts supporting an allegation that the municipality or county has violated the bill's provisions regarding the removal, relocation, or alteration of a monument or memorial located on municipal or county property. The bill requires the resident to include with the complaint a sworn statement stating to the best of the resident's knowledge all

of the facts asserted in the complaint are true and correct. If the attorney general determines the complaint is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Travis County or in the county in which the suspected violation is alleged to have occurred to compel the municipality or county to comply with the bill's provisions relating to the removal, relocation, or alteration of a monument or memorial located on municipal or county property. The bill subjects a municipality or county found by a court to have intentionally violated those provisions to a civil penalty in the following amounts:

- an amount of not less than \$1,000 and not more than \$1,500 for the first violation; and
- an amount of not less than \$25,000 and not more than \$25,500 for each subsequent violation.

The bill establishes that each day of a continuing violation constitutes a separate violation for purposes of the civil penalty, requires the court hearing the action brought against a municipality or county to determine the amount of the civil penalty, and requires the collected civil penalty to be deposited to the credit of the general revenue fund. The bill waives and abolishes sovereign immunity of the state and governmental immunity of a county or municipality to suit to the extent of liability created under these provisions.

Use of Certain Funds for Additional Monuments or Memorials

C.S.H.B. 3227 amends the Government Code to authorize the Texas Historical Commission to use distributions from the Texas preservation trust fund account to provide financial assistance to public or private entities for the construction of an additional monument or memorial that may be added to the surrounding state, municipal, or county property on which a monument or memorial is located to complement or contrast with the monument or memorial as provided by the bill.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3227 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While the introduced defined "monument or memorial" as a permanent monument, memorial, or other designation, including a statue, portrait, plaque, seal, symbol, cenotaph, building name, bridge name, park name, area name, or street name, that is located on state property and honors an event or person of historical significance, the substitute clarifies that the criteria that a monument or memorial is located on state property applies to state owned or leased property. Accordingly, the substitute replaces references to "state property," as in the introduced, with references to "state owned or leased property."

The substitute includes the following provisions absent from the introduced:

- a temporary provision set to expire January 2, 2028, making provisions relating to the removal, relocation, alteration, or construction of a monument or memorial located on state owned or leased property inapplicable to the Alamo complex;
- a provision making the bill's provisions conditioning the removal, relocation, or alteration of a monument or memorial located on state owned or leased property for at least 25 years on the approval of a concurrent resolution authorizing the removal, relocation, or alteration by a two-thirds vote of the members of each house of the legislature inapplicable to the William P. Hobby building in Austin; and
- a prohibition against any entity altering, removing, or relocating the Alamo Cenotaph, defined as the memorial to the Alamo defenders located in the Alamo complex, from the location where the cenotaph was first placed following its completion.