

By: Creighton

S.B. No. 317

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the removal, relocation, alteration, or construction of  
3 certain monuments or memorials located on public property;  
4 authorizing a civil penalty.

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

6 SECTION 1. Section [442.015\(b\)](#), Government Code, is amended  
7 to read as follows:

8 (b) The commission may use distributions from the Texas  
9 preservation trust fund account to provide financial assistance to  
10 public or private entities for the acquisition, survey,  
11 restoration, or preservation, or for planning and educational  
12 activities leading to the preservation, of historic property in the  
13 state that is listed in the National Register of Historic Places or  
14 designated as a State Archeological Landmark or Recorded Texas  
15 Historic Landmark, or that the commission determines is eligible  
16 for such listing or designation or for the construction of a  
17 monument or memorial described by Section [2166.5011\(c\)](#) or by  
18 Section 338.003, Local Government Code. The financial assistance  
19 may be in the amount and form and according to the terms that the  
20 commission by rule determines. The commission shall give priority  
21 to property the commission determines to be endangered by  
22 demolition, neglect, underuse, looting, vandalism, or other threat  
23 to the property. Gifts and grants deposited to the credit of the  
24 account specifically for any eligible projects may be used only for

1 the type of projects specified. If such a specification is not  
2 made, the gift or grant shall be unencumbered and accrue to the  
3 benefit of the Texas preservation trust fund account. If such a  
4 specification is made, the entire amount of the gift or grant may be  
5 used during any period for the project or type of project specified.

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

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

14 (1) is located on state property; and

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

18 (b) Notwithstanding any other provision of this code, a  
19 monument or memorial located on state property:

20 (1) for at least 25 years may be removed, relocated, or  
21 altered only by approval of a concurrent resolution authorizing the  
22 removal, relocation, or alteration, including alteration to  
23 maintain historical accuracy, by a two-thirds vote of the members  
24 of each house of the legislature; or

25 (2) for less than 25 years may be removed, relocated,  
26 or altered, including alteration to maintain historical accuracy,  
27 only by formal action of the governing body of or the single state

1 officer who governs the state agency that erected the monument or  
2 memorial[-

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

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

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

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

20               CHAPTER 338. MONUMENTS AND MEMORIALS

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

27       Sec. 338.002. REMOVAL, RELOCATION, OR ALTERATION. A

1 monument or memorial located on municipal or county property:

2 (1) for at least 25 years may be removed, relocated, or  
3 altered, including alteration to maintain historical accuracy,  
4 only by approval of a majority of the municipality or county voters,  
5 as applicable, voting at an election held for that purpose; or

6 (2) for less than 25 years may be removed, relocated,  
7 or altered, including alteration to maintain historical accuracy,  
8 only by the governing body of the municipality or the commissioners  
9 court of the county, as applicable.

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

14 Sec. 338.004. COMPLAINT; EQUITABLE RELIEF; CIVIL PENALTY.  
15 (a) A municipality or county resident, as applicable, may file with  
16 the attorney general a complaint asserting facts supporting an  
17 allegation that the municipality or county has violated Section  
18 338.002. The resident must include with the complaint a sworn  
19 statement stating to the best of the resident's knowledge all of the  
20 facts asserted in the complaint are true and correct.

21 (b) If the attorney general determines a complaint filed  
22 under Subsection (a) against a municipality or county is valid, the  
23 attorney general may file a petition for a writ of mandamus or apply  
24 for other appropriate equitable relief in a district court in  
25 Travis County or in the county in which the suspected violation of  
26 Section 338.002 is alleged to have occurred to compel the  
27 municipality or county to comply with that section.

1       (c) A municipality or county found by a court to have  
2 intentionally violated Section 338.002 is subject to a civil  
3 penalty in an amount of:

4               (1) not less than \$1,000 and not more than \$1,500 for  
5 the first violation; and

6               (2) not less than \$25,000 and not more than \$25,500 for  
7 each subsequent violation.

8       (d) Each day of a continuing violation of Section 338.002  
9 constitutes a separate violation for purposes of a civil penalty  
10 under this section.

11       (e) The court hearing an action brought under this section  
12 against a municipality or county shall determine the amount of the  
13 civil penalty.

14       (f) A civil penalty collected under this section shall be  
15 deposited to the credit of the general revenue fund.

16       (g) Sovereign immunity of this state and governmental  
17 immunity of a county or municipality to suit is waived and abolished  
18 to the extent of liability created by this section.

19       SECTION 4. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2025.