

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 12, 2025

TO: Honorable Will Metcalf, Chair, House Committee on Culture, Recreation & Tourism

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3227 by Gerdes (relating to the removal, relocation, alteration, or construction of certain monuments or memorials located on public property; authorizing a civil penalty.), **Committee Report 1st House, Substituted**

The fiscal implications of the bill cannot be determined at this time due to the unknown amount of civil penalties that would be imposed resulting from actions authorized by the bill.

The bill would modify the requirements for removing, relocating, altering, or constructing monuments on state owned or leased property. The bill would also add requirements prior to the removal, relocation or alteration of memorials on municipal or county property. The bill would authorize the Office of the Attorney General (OAG) to pursue civil penalties against municipalities or counties for violation of the act. The bill would prohibit the alteration, removal, or relocation of the Alamo Cenotaph.

According to the Texas Facilities Commission, including leased space in the bill provisions could result in limitations on landlords. The bill is unclear if a landlord would be restricted from removing, relocating, altering, or construction of certain monument, memorials, or designations associated with space leased to a state agency.

It is assumed that any costs associated with the bill's implementation could be absorbed using existing resources.

Any potential increase to the General Revenue Fund from the deposit of civil penalties resulting from actions authorized by the bill cannot be estimated at this time.

Note: This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either in, with, or outside the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

The bill would provide that to alter a monument or memorial located on municipal or county property for at least 25 years, the measure must be approved by a majority of the municipality or county voters. For monuments or memorials located on municipal or county property for less than 25 years, the governing body of the municipality or the commissioners court of the county would have to approve the measure. The bill would provide procedures for a municipal or county resident to file complaint with the attorney general, asserting facts supporting an allegation that the municipality or county has violated this act. The bill allows the attorney general to impose civil penalties upon a municipality or county for intentional violations of the procedures.

The fiscal implications to units of local government from imposition of civil penalties cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 303 Facilities Commission, 304 Comptroller of Public Accounts, 710 Texas A&M University System Administrative and General Offices, 717 Texas Southern University, 719 Texas State Technical College System Administration, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 775 Texas Woman's University System, 783 University of Houston System Administration, 808 Historical Commission, 809 Preservation Board

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