

By: Biedermann

H.B. No. 2648

A BILL TO BE ENTITLED

1 AN ACT

2 relating to maintaining certain monuments and memorials and the
3 names of certain public institutions; providing civil penalties.

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

5 SECTION 1. This Act may be cited as the Texas Historical
6 Protection Act.

7 SECTION 2. Subchapter F, Chapter 11, Education Code, is
8 amended by adding Sections 11.256 and 11.257 to read as follows:

9 Sec. 11.256. DISTRICT AND CAMPUS NAME CHANGES. (a) If a
10 school district or campus has operated under its current name for at
11 least 20 years, the name may be changed only by approval of a
12 majority of the voters of the school district voting at an election
13 held for that purpose.

14 (b) No public funds may be expended to change the name of a
15 district or campus under this section.

16 Sec. 11.257. ENFORCEMENT BY ATTORNEY GENERAL; CIVIL PENALTY
17 AND INJUNCTION. (a) The attorney general may institute an action
18 in district court to:

19 (1) recover a civil penalty for a violation of Section
20 11.256(a); and

21 (2) seek equitable relief to enjoin the violation.

22 (b) A school district or campus that violates Section
23 11.256(a) is subject to a civil penalty of \$1,000 for each
24 violation. Each day a violation continues is a separate violation

1 for purposes of a civil penalty assessed under this section.

2 (c) A civil penalty collected under this section shall be
3 deposited to the credit of the general revenue fund.

4 SECTION 3. Section 2166.5011, Government Code, is amended
5 by amending Subsections (a) and (b) and adding Subsections (d) and
6 (e) to read as follows:

7 (a) In this section, "monument or memorial" means a
8 permanent monument, memorial, or other designation, including a
9 statue, portrait, plaque, seal, symbol, building name, bridge name,
10 park name, area name, school name, or street name, that:

11 (1) is located on state property; and

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

15 (b) Notwithstanding any other provision of this code and
16 except as provided by Subsection (c), a monument or memorial that
17 has been located on state property:

18 (1) for at least 20 years may be removed, relocated, or
19 altered only by approval of a concurrent resolution authorizing the
20 removal, relocation, or alteration by a two-thirds vote of the
21 members of each house of the legislature; or

22 (2) for less than 20 years may be removed, relocated,
23 or altered only by:

24 (A) [~~(1) by~~] the legislature;

25 (B) [~~(2) by~~] the Texas Historical Commission; or

26 (C) [~~(3) by~~] the State Preservation Board [~~, or~~

27 [~~(4) as provided by Subsection (c)~~].

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

4 (e) Except as provided by Subsection (c), no public funds
5 may be expended to remove, relocate, or alter a monument or memorial
6 under this section.

7 SECTION 4. Subchapter K, Chapter 2166, Government Code, is
8 amended by adding Section 2166.5012 to read as follows:

9 Sec. 2166.5012. ENFORCEMENT BY ATTORNEY GENERAL; CIVIL
10 PENALTY AND INJUNCTION. (a) The attorney general may institute an
11 action in district court to:

12 (1) recover a civil penalty for a violation of Section
13 2166.5011(b); and

14 (2) seek equitable relief to enjoin the violation.

15 (b) An entity that violates Section 2166.5011(b) is subject
16 to a civil penalty of \$1,000 for each violation. Each day a
17 violation continues is a separate violation for purposes of a civil
18 penalty assessed under this section.

19 (c) A civil penalty collected under this section shall be
20 deposited to the credit of the general revenue fund.

21 SECTION 5. Subtitle C, Title 10, Local Government Code, is
22 amended by adding Chapter 338 to read as follows:

23 CHAPTER 338. MONUMENTS AND MEMORIALS

24 Sec. 338.001. DEFINITION. In this chapter, "monument or
25 memorial" means a permanent monument, memorial, or other
26 designation, including a statue, portrait, plaque, seal, symbol,
27 building name, bridge name, park name, area name, or street name,

1 that honors an event or person of historical significance.

2 Sec. 338.002. REMOVAL, RELOCATION, OR ALTERATION OF
3 MONUMENT OR MEMORIAL. (a) Except as provided by Section 338.003, a
4 monument or memorial that has been located on municipal or county
5 property for at least 20 years may be removed, relocated, or altered
6 only by approval of a majority of the voters of the municipality or
7 county, as applicable, voting at an election held for that purpose.

8 (b) No public funds may be expended to remove, relocate, or
9 alter a monument or memorial under this section.

10 Sec. 338.003. CONSTRUCTION, REPAIR, OR IMPROVEMENTS. (a)
11 A monument or memorial that is located on municipal or county
12 property may be removed, relocated, or altered as necessary to
13 accommodate construction, repair, or improvements to the monument
14 or memorial or to the surrounding property on which the monument or
15 memorial is located.

16 (b) Any monument or memorial that is permanently removed
17 under this section must be relocated to a prominent location.

18 Sec. 338.004. ENFORCEMENT BY ATTORNEY GENERAL; CIVIL
19 PENALTY AND INJUNCTION. (a) The attorney general may institute an
20 action in district court to:

21 (1) recover a civil penalty for a violation of Section
22 338.002(a); and

23 (2) seek equitable relief to enjoin the violation.

24 (b) A municipality or county that violates Section
25 338.002(a) is subject to a civil penalty of \$1,000 for each
26 violation. Each day a violation continues is a separate violation
27 for purposes of a civil penalty assessed under this section.

1 (c) A civil penalty collected under this section shall be
2 deposited to the credit of the general revenue fund.

3 SECTION 6. (a) Section 11.256, Education Code, as added by
4 this Act, applies only to a school district or campus name change
5 made on or after the effective date of this Act. A name change made
6 before the effective date of this Act is governed by the law in
7 effect immediately before that date, and that law is continued in
8 effect for that purpose.

9 (b) Section 2166.5011, Government Code, as amended by this
10 Act, applies only to a monument or memorial removed, relocated, or
11 altered on or after the effective date of this Act. A monument or
12 memorial removed, relocated, or altered before the effective date
13 of this Act is governed by the law in effect immediately before that
14 date, and that law is continued in effect for that purpose.

15 (c) Chapter 338, Local Government Code, as added by this
16 Act, applies only to a monument or memorial removed, relocated, or
17 altered on or after the effective date of this Act. A monument or
18 memorial removed, relocated, or altered before the effective date
19 of this Act is governed by the law in effect immediately before that
20 date, and that law is continued in effect for that purpose.

21 SECTION 7. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2019.