

BILL ANALYSIS

Senate Research Center
86R11561 MTB-D

S.B. 1663
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Natural Resources & Economic Development
4/8/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent attempts across this nation and even in the State of Texas to remove valuable pieces of the past from the public show a deliberate disdain for our state's unique history. Texas should not shy away from our history, we should learn from it. S.B. 1663 will open up the Texas Preservation Trust Fund Account to be used for the erection of additional monuments as well as create a process for which monuments, cenotaphs, structures, plaques, statues, etc. may be altered, removed, or relocated.

As proposed, S.B. 1663 amends current law relating to the removal, relocation, alteration, or construction of certain monuments or memorials located on public property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 442.015(b), Government Code, to authorize the Texas Historical Commission (THC) to use distributions from the Texas preservation trust fund account to provide financial assistance to public or private entities for the acquisition, survey, restoration, or preservation, or for planning and educational activities leading to the preservation, of historic property in the state that is listed in the National Register of Historic Places or designated as a State Archeological Landmark or Recorded Texas Historic Landmark, or that THC determines is eligible for such listing or designation or for the construction of a monument or memorial described by Section 2166.5011(c) or by Section 338.003, Local Government Code.

SECTION 2. Amends Section 2166.5011, Government Code, as follows:

Sec. 2166.5011. New heading: REMOVAL, RELOCATION, ALTERATION, OR CONSTRUCTION OF A MONUMENT OR MEMORIAL. (a) Redefines "monument or memorial" to mean 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:

(1) makes no changes to this subdivision; and

(2) honors an event or person of historic significance, rather than honors a citizen of this state for military or war-related service.

(b) Provides that a monument or memorial that is located on state property, notwithstanding any other provision of this code:

(1) for at least 40 years is prohibited from being removed, relocated, or altered;

(2) for at least 20 years but less than 40 years is authorized to be removed, relocated, or altered only by 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; or

(3) for less than 20 years is authorized to be removed, relocated, or altered, including alteration to maintain historical accuracy, only by the legislature, rather than is authorized to be removed, relocation, or altered, only by the legislature, by THC, by the State Preservation Board, or as provided by Subsection (c).

(c) Authorizes an additional monument or memorial to be added to the surrounding state property on which a monument or memorial is located to complement or contrast with the monument or memorial, rather than authorizing a monument or memorial to be removed, relocated, or altered in a manner otherwise provided by this 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. Deletes existing text requiring any monument or memorial that is permanently removed under this subsection to be relocated to a prominent location.

(d) Provides that, notwithstanding Section 2166.003 (Exceptions), this section applies to a monument or memorial on property of an institution of higher education, as defined by Section 61.003 (Definitions), Education Code.

SECTION 3. Amends Subtitle C, Title 10, Local Government Code, by adding Chapter 338, as follows:

CHAPTER 338. MONUMENTS AND MEMORIALS

Sec. 338.001. DEFINITION. Defines "monument or memorial" for purposes of this chapter.

Sec. 338.002. REMOVAL, RELOCATION, OR ALTERATION. Provides that a monument or memorial that is located on municipal or county property:

(1) for at least 40 years is prohibited from being removed, relocated, or altered;

(2) for at least 20 years but less than 40 years is authorized to be removed, relocated, or altered, including alteration to maintain historical accuracy, only by approval of a majority of the voters of the municipality or county, as applicable, voting at an election held for that purpose; or

(3) for less than 20 years is authorized to be removed, relocated, or altered, including alteration to maintain historical accuracy, only by the governing body of the municipality or the commissioners court of the county, as applicable.

Sec. 338.003. ADDITIONAL MONUMENT OR MEMORIAL. Authorizes 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.

SECTION 4. Effective date: upon passage or September 1, 2019.