

BILL ANALYSIS

Senate Research Center
87R14614 MTB-F

H.B. 3584
By: Murr et al. (Buckingham)
Natural Resources & Economic Development
5/19/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Historical markers belong to the Texas Historical Commission (THC), and they include language stating that fact. However, both public and private property owners have with some frequency moved markers from place to place without consulting with THC. More recently, markers have been removed completely, and in one case covered up so that the marker text is no longer visible. The bill simply puts into statute what the agency's policy has always been: that these markers are THC property and they cannot be moved, removed, concealed, etc. without the agency's explicit permission, and doing so will result in fines.

H.B. 3584 amends current law relating to monuments, markers, medallions, and antiquities controlled by or in the custody of the Texas Historical Commission and authorizes civil penalties.

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 442.006, Government Code, by adding Subsections (i) and (j), as follows:

(i) Provides that, notwithstanding any other law, a monument, marker, or medallion installed by the Texas Historical Commission (THC) is state property solely under THC's custody and control and is prohibited from being altered, removed, relocated, covered, obscured, or concealed without the express written permission of THC.

(j) Authorizes the attorney general to file suit in district court to seek civil penalties in accordance with Section 442.011 (Penalty) and equitable relief in accordance with Section 442.012 (Lawsuits) against a person who violates Section 442.006 (State Historical Marker Program). Provides that governmental immunity to suit of any county, municipality, or other political subdivision is waived and abolished to the extent liability is created by Section 442.006.

SECTION 2. Amends Section 442.011, Government Code, as follows:

Sec. 442.011. PENALTY. Authorizes each day a violation of Chapter 442 (Texas Historical Commission) or Chapter 191 (Antiquities Code), Natural Resources Code, continues to be considered a separate violation. Provides that, if the party seeking a civil penalty demonstrates the same violation occurred on more than one day, it is presumed that the person committed a violation on each intervening day between the days of violation, including the days on which a violation was demonstrated.

SECTION 3. Effective date: September 1, 2021.