

## **BILL ANALYSIS**

C.S.H.B. 3584  
By: Murr  
Culture, Recreation & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that certain monuments, markers, medallions, and antiquities controlled by or in the custody of the Texas Historical Commission could be better protected from possible alteration or removal. There have been calls to ensure that these items are fully protected by clarifying the civil penalties for which someone may be liable for altering, covering, or otherwise interfering with the property. C.S.H.B. 3584 seeks to address this issue by establishing that these items are state property under the commission's custody and control and by authorizing the attorney general to seek civil penalties against anyone who interferes with the property.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3584 amends the Government Code to establish that a monument, marker, or medallion installed by the Texas Historical Commission under the state historical marker program is state property solely under the commission's custody and control. The bill prohibits the monument, marker, or medallion from being altered, removed, relocated, covered, obscured, or concealed without the commission's express written permission. The bill authorizes the attorney general to file suit in district court to seek civil penalties and equitable relief in accordance with applicable provisions against a person who violates provisions relating to the program. The bill waives and abolishes the governmental immunity to suit of any county, municipality, or other political subdivision to the extent liability is created by those provisions.

C.S.H.B. 3584 establishes that each day a violation of the Antiquities Code of Texas or of provisions governing the commission continues may be considered a separate violation for civil penalty purposes. If the party seeking a civil penalty demonstrates that 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.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3584 differs from the original only by amending the caption.