

**SUBJECT:** Authorization to change monuments and memorials on state property

**COMMITTEE:** State Affairs — committee substitute recommended

**VOTE:** 7 ayes — Swinford, Miller, B. Cook, Farrar, Gattis, Martinez Fischer, Wong  
0 nays  
2 absent — J. Keffer, Villarreal

**WITNESSES:** For — Jerry Patterson, commissioner, General Land Office  
Against — None

**BACKGROUND:** Government Code, sec. 2166.5011 prohibits the removal, relocation, or alteration of a memorial on state property that honors a state citizen for military or war-related service unless that change is authorized by the Legislature, the Texas Historical Commission, or the State Preservation Board. A monument or memorial includes a statue, portrait, plaque, seal, symbol, building name, or street name. A memorial may be removed, relocated or altered if necessary to accommodate the construction, repair, or improvement of the monument or the surrounding grounds. If permanently removed from its original site, it must be relocated to a prominent location.

**DIGEST:** HB 946 would expand the definition of monuments and memorials covered by sec. 2166.5011 to include any monument or memorial located on state property that honors a current or former citizen of the United States or a person from a state, territory, or nation that is now part of the United States.  
  
The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS SAY:** HB 946 would ensure the full and complete depiction of Texas history by protecting monuments of all U.S. citizens whose service to this state has

been honored with a monument or memorial on state property. Under current law, only monuments and memorials of Texas citizens who served in the military or war-related service, including confederate soldiers, have this protection. Meanwhile, monuments of many important historical figures are not protected because they did not serve in the military or in war-related service or because they were not a citizen of this state.

HB 946 is meant to ensure that all monuments on any type of state property, including public universities, that honor citizens of the United States be protected from arbitrary or capricious removal, relocation, or alteration in order to conform to changing conceptions of the propriety or value of those monuments. For example, the proposed Tejano and Juneteenth monuments, should they be approved and erected, would not be protected under current law because they would not depict military figures. These monuments, which are often paid for through the hard-raised funds of public groups, should not be moved or altered without proper consideration.

While the Texas Historical Commission has guidelines and policies on monument removal, they have not proven adequate. In at least one prominent example in June 2000, two confederate plaques were removed from the Texas Supreme Court building without proper authorization, clearly demonstrating that monuments and memorials have been and can be moved without consulting with the Historical Commission, the Legislature, or State Preservation Board. Under the changes made by the Legislature in 2001, some monuments and memorials, including those to confederate soldiers, are now protected. This protection should be extended to all monuments on state property.

**OPPONENTS  
SAY:**

HB 946 is unnecessary. The State Preservation Board and the Historical Commission already oversee the removal and relocation of monuments and memorials on the Capitol grounds and state property.

Public universities should retain the right to determine the monuments and memorials on their campuses, including their removal or relocation, without being second guessed by another agency. HB 946, if applicable to public universities, could prevent or delay the relocation of controversial monuments, such as that of Jefferson Davis on the University of Texas at Austin campus. As inclusive institutions that serve diverse populations, universities should be able to remove or relocate monuments to reflect changing needs.

OTHER  
OPPONENTS  
SAY:

It is unclear whether the provisions in HB 946 would apply to universities, since public institutions of higher learning generally are exempted from the provisions of ch. 2166.