

By: West, et al.
(Cunningham)

S.B. No. 586

A BILL TO BE ENTITLED

AN ACT

relating to establishing the Historic Texas Cemeteries Designation Program; authorizing a fee.

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

SECTION 1. Chapter 442, Government Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. HISTORIC TEXAS CEMETERIES DESIGNATION PROGRAM

Sec. 442.351. DEFINITION. In this subchapter, "program" means the Historic Texas Cemeteries Designation Program.

Sec. 442.352. ESTABLISHMENT AND PURPOSE. The commission shall establish the program to alert the public, as well as current and future owners of land adjacent to a cemetery, of the cemetery's existence.

Sec. 442.353. ELIGIBILITY. To be eligible for a designation under the program, a cemetery must:

(1) be worthy of recognition and preservation for the cemetery's historical associations; and

(2) be established at least 50 years before the date an application is submitted to the commission to designate the cemetery under the program, unless the commission determines the cemetery is exceptionally significant.

Sec. 442.354. APPLYING FOR DESIGNATION. (a) Any person may submit an application to the commission to designate a cemetery under the program.

1 (b) The applicant must include as part of the application
2 information establishing the existence of the cemetery.

3 Sec. 442.355. NOTICE OF APPLICATION. (a) After the
4 commission receives an application to designate a cemetery under
5 the program, the commission shall notify the following persons of
6 the application:

7 (1) the owner of the property containing the cemetery;

8 (2) each owner of property adjacent to the cemetery;

9 and

10 (3) the county historical commission established
11 under Chapter 318, Local Government Code, for the county in which
12 the cemetery is located, if applicable.

13 (b) The commission shall provide a county historical
14 commission described by Subsection (a)(3) with a copy of the
15 application materials to designate a cemetery under the program.

16 Sec. 442.356. APPLICATION REVIEW; DECISION. (a) The
17 commission shall review each application it receives for
18 designation of a cemetery under the program and determine whether
19 the cemetery qualifies for designation under the program.

20 (b) If the commission determines the cemetery qualifies for
21 a designation under the program, the commission shall:

22 (1) approve the application;

23 (2) notify the applicant of the approval of the
24 application;

25 (3) send to the applicant a declaration of dedication
26 to be filed with the appropriate county clerk's office; and

27 (4) inform the applicant that the cemetery may be

1 recognized with an Official Texas Historical Marker available for
2 purchase from the commission to certify the cemetery's
3 participation in the program.

4 (c) A cemetery is officially recognized under the program on
5 the commission's receipt of a copy of the filed declaration of
6 dedication described by Subsection (b)(3), including any exhibits
7 filed with the declaration. The copy of the declaration of
8 dedication must show the date the declaration was filed and the
9 recording information for the declaration.

10 (d) If the commission determines the cemetery does not
11 qualify for designation under the program, the commission shall
12 either:

13 (1) request additional information from the applicant
14 to support the application; or

15 (2) deny the application.

16 (e) If the commission denies the application for
17 designation under the program, the commission shall notify the
18 applicant of the denial and inform the applicant of the ability to
19 appeal the decision to the members of the commission.

20 Sec. 442.357. APPLICATION FORM; FEE. (a) The commission
21 shall develop an application form and procedure for applying for a
22 designation under the program. The application may require any
23 information the commission considers necessary, including a deed
24 and title, plot records, archival documents, photographs, oral
25 histories, and archaeological data.

26 (b) The commission shall make the application available at
27 the commission's office or post the application on the commission's

1 Internet website.

2 (c) The commission may charge a processing fee not to exceed
3 \$25 for each application submitted under this subchapter.

4 Sec. 442.358. EFFECT OF DESIGNATION; REMOVAL. (a) A
5 historic cemetery designation under the program does not restrict
6 in any way a property owner's use of land outside the designated
7 cemetery's boundaries.

8 (b) A historic cemetery designation under the program may be
9 removed only by:

10 (1) commission action; or

11 (2) an order of a court of competent jurisdiction:

12 (A) removing the designation; or

13 (B) removing the dedication and returning the
14 land to other purposes.

15 (c) A transfer of ownership of property containing a
16 cemetery designated under the program does not result in a removal
17 of the designation.

18 Sec. 442.359. RULES. The commission shall adopt rules as
19 necessary to implement this subchapter.

20 SECTION 2. This Act takes effect September 1, 2025.