

By: Eltife

S.B. No. 1343

A BILL TO BE ENTITLED

AN ACT

relating to archeological cemeteries.

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

SECTION 1. Section 711.001, Health and Safety Code, is amended by amending Subdivisions (1) and (1-a) and adding Subdivision (1-b) to read as follows:

(1) "Archeological cemetery" means an unmarked or abandoned cemetery that has been designated as an archeological cemetery by the Texas Historical Commission in accordance with criteria established under commission rule.

(1-a) "Burial park" means a tract of land that is used or intended to be used for interment in graves.

(1-b) [~~(1-a)~~] "Campus" means the area:

(A) within the boundaries of one or more adjacent tracts, parcels, or lots under common ownership;

(B) on which the principal church building and related structures and facilities of an organized religious society or sect are located; and

(C) that may be subject to one or more easements for street, utility, or pipeline purposes.

SECTION 2. Subsection (a), Section 711.010, Health and Safety Code, is amended to read as follows:

(a) The owner of property on which an unknown cemetery is discovered or on which an abandoned cemetery is located may not

1 construct improvements on the property in a manner that would
2 further disturb the cemetery until the human remains interred in
3 the cemetery are removed under:

4 (1) either:

5 (A) a written order issued by the state registrar
6 or the state registrar's designee under Section 711.004(f); or

7 (B) for an archeological cemetery, a permit
8 issued by the Texas Historical Commission; and

9 (2) [~~under~~] an order of a district court as provided by
10 this section.

11 SECTION 3. Subsection (a), Section 711.0105, Health and
12 Safety Code, is amended to read as follows:

13 (a) Except as provided by this subsection, the [~~The~~] removal
14 of remains authorized under this chapter shall be supervised by a
15 cemetery keeper, a licensed funeral director, a medical examiner, a
16 coroner, or a professional archeologist. The removal of remains
17 from an archeological cemetery may only be supervised by a
18 professional archeologist that meets any qualifications
19 established by the Texas Historical Commission.

20 SECTION 4. Subsection (a), Section 711.011, Health and
21 Safety Code, is amended to read as follows:

22 (a) Except as otherwise provided by this subsection, a [A]
23 person who discovers an unknown or abandoned cemetery shall file
24 notice of the cemetery with the county clerk of the county in which
25 the cemetery is located not later than the 90th [~~10th~~] day after the
26 date of the discovery. The notice must contain a legal description
27 of the land on which the unknown or abandoned cemetery was found and

1 describe the approximate location of the cemetery and the evidence
2 of the cemetery that was discovered. To protect an archeological
3 cemetery from looting or other desecration, a person who discovers
4 a cemetery the person reasonably believes might be an archeological
5 cemetery shall report the discovery to the Texas Historical
6 Commission but is not required to file notice with the county clerk
7 as required by this section.

8 SECTION 5. Section 711.041, Health and Safety Code, is
9 amended by adding Subsection (d) to read as follows:

10 (d) Notwithstanding any other provision of this section, a
11 member of the public may access an archeological cemetery only if
12 the Texas Historical Commission issues a written authorization for
13 the public access.

14 SECTION 6. This Act takes effect September 1, 2011.