

1-1 By: Eltife S.B. No. 1343
1-2 (In the Senate - Filed March 9, 2011; March 22, 2011, read
1-3 first time and referred to Committee on Administration;
1-4 March 30, 2011, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; March 30, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to archeological cemeteries.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 711.001, Health and Safety Code, is
1-11 amended by amending Subdivisions (1) and (1-a) and adding
1-12 Subdivision (1-b) to read as follows:

1-13 (1) "Archeological cemetery" means an unmarked or
1-14 abandoned cemetery that has been designated as an archeological
1-15 cemetery by the Texas Historical Commission in accordance with
1-16 criteria established under commission rule.

1-17 (1-a) "Burial park" means a tract of land that is used
1-18 or intended to be used for interment in graves.

1-19 (1-b) [~~(1-a)~~] "Campus" means the area:

1-20 (A) within the boundaries of one or more adjacent
1-21 tracts, parcels, or lots under common ownership;

1-22 (B) on which the principal church building and
1-23 related structures and facilities of an organized religious society
1-24 or sect are located; and

1-25 (C) that may be subject to one or more easements
1-26 for street, utility, or pipeline purposes.

1-27 SECTION 2. Subsection (a), Section 711.010, Health and
1-28 Safety Code, is amended to read as follows:

1-29 (a) The owner of property on which an unknown cemetery is
1-30 discovered or on which an abandoned cemetery is located may not
1-31 construct improvements on the property in a manner that would
1-32 further disturb the cemetery until the human remains interred in
1-33 the cemetery are removed under:

1-34 (1) either:

1-35 (A) a written order issued by the state registrar
1-36 or the state registrar's designee under Section 711.004(f); or

1-37 (B) for an archeological cemetery, a permit
1-38 issued by the Texas Historical Commission; and

1-39 (2) [~~under~~] an order of a district court as provided by
1-40 this section.

1-41 SECTION 3. Subsection (a), Section 711.0105, Health and
1-42 Safety Code, is amended to read as follows:

1-43 (a) Except as provided by this subsection, the [The] removal
1-44 of remains authorized under this chapter shall be supervised by a
1-45 cemetery keeper, a licensed funeral director, a medical examiner, a
1-46 coroner, or a professional archeologist. The removal of remains
1-47 from an archeological cemetery may only be supervised by a
1-48 professional archeologist that meets any qualifications
1-49 established by the Texas Historical Commission.

1-50 SECTION 4. Subsection (a), Section 711.011, Health and
1-51 Safety Code, is amended to read as follows:

1-52 (a) Except as otherwise provided by this subsection, a [A]
1-53 person who discovers an unknown or abandoned cemetery shall file
1-54 notice of the cemetery with the county clerk of the county in which
1-55 the cemetery is located not later than the 90th [10th] day after the
1-56 date of the discovery. The notice must contain a legal description
1-57 of the land on which the unknown or abandoned cemetery was found and
1-58 describe the approximate location of the cemetery and the evidence
1-59 of the cemetery that was discovered. To protect an archeological
1-60 cemetery from looting or other desecration, a person who discovers
1-61 a cemetery the person reasonably believes might be an archeological
1-62 cemetery shall report the discovery to the Texas Historical
1-63 Commission but is not required to file notice with the county clerk
1-64 as required by this section.

2-1 SECTION 5. Section 711.041, Health and Safety Code, is
2-2 amended by adding Subsection (d) to read as follows:

2-3 (d) Notwithstanding any other provision of this section, a
2-4 member of the public may access an archeological cemetery only if
2-5 the Texas Historical Commission issues a written authorization for
2-6 the public access.

2-7 SECTION 6. This Act takes effect September 1, 2011.

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