

BILL ANALYSIS

S.B. 217
By: West
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to *Texas Highways*, 489 freedom colonies, defined as communities or towns founded by persons who were formerly enslaved or born into slavery, have been verified to have existed in Texas. The bill sponsor has informed the committee that nearly every freedom colony in Texas had a freedmen's cemetery, in which predominantly persons of color who were formerly enslaved and died free are buried. S.B. 217 seeks to require the Texas Historical Commission to establish the Historic Texas Freedmen's Cemetery Designation Program to alert the public, as well as current and future owners of land adjacent to an eligible freedmen's cemetery, of the existence of the cemetery and that the cemetery contains the graves of freed slaves.

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 rulemaking authority is expressly granted to the Texas Historical Commission in SECTION 2 of this bill.

ANALYSIS

S.B. 217 amends the Government Code to require the Texas Historical Commission to establish the Historic Texas Freedmen's Cemetery Designation Program to alert the public, as well as current and future owners of land adjacent to an eligible cemetery, of the existence of the cemetery and that the cemetery contains the graves of freed slaves. The bill requires a cemetery to contain the grave of at least one freed slave and meet other requirements determined by the commission to be eligible for a designation under the program.

S.B. 217 authorizes any person to submit an application to the commission to designate a cemetery under the program and requires an applicant to include as part of the application information establishing the existence of the cemetery and that the cemetery contains the grave of at least one freed slave. The bill requires the commission, after receiving an application to designate a cemetery, to notify the following persons of the application:

- the owner of the property containing the cemetery;
- each owner of property adjacent to the cemetery; and
- the cemetery organization, defined by reference to general Health and Safety Code provisions relating to cemeteries, if applicable.

S.B. 217 requires the commission to review each application it receives for designation of a cemetery under the program and to determine whether the cemetery qualifies for designation. The bill requires the commission to do the following with respect to that determination:

- if the commission determines the cemetery qualifies for a designation, do the following:

- approve the application;
- notify the applicant of the approval of the application; and
- inform the applicant that the cemetery may be recognized with a medallion available for purchase from the commission to certify the cemetery's participation in the program;
- if the commission determines the cemetery does not qualify for designation, do either of the following:
 - request additional information from the applicant to support the application; or
 - deny the application; and
- if the commission denies the application, do the following:
 - notify the applicant of the denial; and
 - inform the applicant of the ability to appeal the decision to the members of the commission.

S.B. 217 requires the commission to do the following:

- develop an application form and procedure for applying for a designation;
- post the application on the commission's website;
- design a medallion that may be used to identify cemeteries that receive a designation; and
- adopt rules as necessary to implement the bill's provisions not later than June 1, 2026.

The bill authorizes the commission to charge an application fee for each application and caps the fee at \$25.

EFFECTIVE DATE

September 1, 2025.