

BILL ANALYSIS

Senate Research Center
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S.B. 217
By: West
Economic Development
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to *Texas Highways*, 489 "Freedom Colonies" have been verified to have existed in Texas. Freedom Colonies are communities or towns founded by persons who were formerly enslaved or born into slavery. Nearly every Freedom Colony in Texas had a cemetery. A Freedmen's Cemetery is a cemetery in which the burials are predominantly those of persons of color who were formerly enslaved and died free.

S.B. 217 seeks to create a framework by which the Texas Historical Commission (THC) may designate a cemetery as a Historic Freedmen's Cemetery in a similar fashion to how the Historic Texas Cemetery designation program presently works at THC.

Organizations or persons in charge of Freedmen's Cemeteries, and members of local historical commissions, may apply to THC for the Historic Freedmen's Cemetery Designation. If granted, the designation would come with a medallion to be designed by THC, at a cost to the cemetery. Additionally, the designation will result in the cemetery being recorded in deed records to ensure future development does not result in the inadvertent destruction of the cemetery.

This legislation further gives THC rulemaking authority to determine the definition of a Freedmen's Cemetery and to further administer the program.

As proposed, S.B. 217 amends current law relating to establishing the Historic Texas Freedmen's Cemetery Designation Program and authorizes a fee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Historical Commission in SECTION 2 (Section 442.308, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires that this Act be known as the Historic Texas Freedmen's Cemetery Designation Act.

SECTION 2. Amends Chapter 442, Government Code, by adding Subchapter H, as follows:

SUBCHAPTER H. HISTORIC TEXAS FREEDMEN'S CEMETERY DESIGNATION PROGRAM

Sec. 442.301. DEFINITION. Defines "program."

Sec. 442.302. ESTABLISHMENT AND PURPOSE. Requires the Texas Historical Commission (THC) to establish the Historic Texas Freedmen's Cemetery Designation Program (program) to alert the public, as well as current and future owners of land adjacent to the cemetery of the existence of the cemetery and that the cemetery contains the graves of freed slaves.

Sec. 442.303. ELIGIBILITY. Requires that the cemetery, to be eligible for a designation under the program, contain the grave of at least one freed slave and meet other requirements determined by THC.

Sec. 442.304. APPLYING FOR DESIGNATION. (a) Authorizes any person to submit an application to THC to designate a cemetery under the program.

(b) Requires the 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.

Sec. 442.305. NOTICE OF APPLICATION. Requires THC, after THC receives an application to designate a cemetery under the program, to notify the owner of the property containing the cemetery, each owner of property adjacent to the cemetery, and, if applicable, the cemetery organization, as defined by Section 711.001 (Definitions), Health and Safety Code, about the application.

Sec. 442.306. APPLICATION REVIEW; DECISION. (a) Requires THC to review each application it receives for designation of a cemetery under the program and determine whether the cemetery qualifies for designation under the program.

(b) Requires THC, if THC determines the cemetery qualifies for a designation under the program, to approve the application, notify the applicant of the approval of the application, and inform the applicant that the cemetery is authorized to be recognized with a medallion available for purchase from THC to certify the cemetery's participation in the program.

(c) Requires THC, if THC determines the cemetery does not qualify for designation under the program, to either request additional information from the applicant to support the application or deny the application.

(d) Requires THC, if THC denies the application for designation under the program, to notify the applicant of the denial and inform the applicant of the ability to appeal the decision to the members of THC.

Sec. 442.307. APPLICATION FORM; FEE; MEDALLION. (a) Requires THC to develop an application form and procedure for applying for a designation under the program. Requires THC to post the application on THC's Internet website.

(b) Authorizes THC to charge an application fee not to exceed \$25 for each application submitted under this subchapter.

(c) Requires THC to design a medallion that is authorized to be used to identify cemeteries that receive a designation under the program.

Sec. 442.308. RULES. Requires THC to adopt rules as necessary to implement this subchapter.

SECTION 3. Requires THC, not later than June 1, 2026, to adopt rules to administer the program established under Subchapter H, Chapter 442, Government Code, as added by this Act.

SECTION 4. Effective date: September 1, 2025.