

By: West, et al.
(Dutton)

S.B. No. 217

A BILL TO BE ENTITLED

AN ACT

relating to establishing the Historic Texas Freedmen's Cemetery Designation Program; authorizing a fee.

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

SECTION 1. This Act shall be known as the Historic Texas Freedmen's Cemetery Designation Act.

SECTION 2. Chapter 442, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. HISTORIC TEXAS FREEDMEN'S CEMETERY DESIGNATION
PROGRAM

Sec. 442.301. DEFINITION. In this subchapter, "program" means the Historic Texas Freedmen's Cemetery Designation Program.

Sec. 442.302. ESTABLISHMENT AND PURPOSE. The commission shall establish the program to alert the public, as well as current and future owners of land adjacent to the cemetery:

(1) of the existence of the cemetery; and
(2) that the cemetery contains the graves of freed slaves.

Sec. 442.303. ELIGIBILITY. To be eligible for a designation under the program, a cemetery must:

(1) contain the grave of at least one freed slave; and
(2) meet other requirements determined by the commission.

Sec. 442.304. APPLYING FOR DESIGNATION. (a) Any person may

1 submit an application to the commission to designate a cemetery
2 under the program.

3 (b) The applicant must include as part of the application
4 information establishing:

5 (1) the existence of the cemetery; and

6 (2) that the cemetery contains the grave of at least
7 one freed slave.

8 Sec. 442.305. NOTICE OF APPLICATION. After the commission
9 receives an application to designate a cemetery under the program,
10 the commission shall notify the following persons of the
11 application:

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

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

14 and

15 (3) the cemetery organization, as defined by Section
16 711.001, Health and Safety Code, if applicable.

17 Sec. 442.306. APPLICATION REVIEW; DECISION. (a) The
18 commission shall review each application it receives for
19 designation of a cemetery under the program and determine whether
20 the cemetery qualifies for designation under the program.

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

23 (1) approve the application;

24 (2) notify the applicant of the approval of the
25 application; and

26 (3) inform the applicant that the cemetery may be
27 recognized with a medallion available for purchase from the

1 commission to certify the cemetery's participation in the program.

2 (c) If the commission determines the cemetery does not
3 qualify for designation under the program, the commission shall
4 either:

5 (1) request additional information from the applicant
6 to support the application; or

7 (2) deny the application.

8 (d) If the commission denies the application for
9 designation under the program, the commission shall notify the
10 applicant of the denial and inform the applicant of the ability to
11 appeal the decision to the members of the commission.

12 Sec. 442.307. APPLICATION FORM; FEE; MEDALLION. (a) The
13 commission shall develop an application form and procedure for
14 applying for a designation under the program. The commission shall
15 post the application on the commission's Internet website.

16 (b) The commission may charge an application fee not to
17 exceed \$25 for each application submitted under this subchapter.

18 (c) The commission shall design a medallion that may be used
19 to identify cemeteries that receive a designation under the
20 program.

21 Sec. 442.308. RULES. The commission shall adopt rules as
22 necessary to implement this subchapter.

23 SECTION 3. Not later than June 1, 2026, the Texas Historical
24 Commission shall adopt rules to administer the Historic Texas
25 Freedmen's Cemetery Designation Program established under
26 Subchapter H, Chapter 442, Government Code, as added by this Act.

27 SECTION 4. This Act takes effect September 1, 2025.