

1-1 By: West S.B. No. 217  
1-2 (In the Senate - Filed November 12, 2024; February 3, 2025,  
1-3 read first time and referred to Committee on Economic Development;  
1-4 April 7, 2025, reported favorably by the following vote: Yeas 4,  
1-5 Nays 1; April 7, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	King	X		
1-9	Sparks	X		
1-10	Alvarado	X		
1-11	Johnson	X		
1-12	Schwertner		X	

1-13 A BILL TO BE ENTITLED  
1-14 AN ACT

1-15 relating to establishing the Historic Texas Freedmen's Cemetery  
1-16 Designation Program; authorizing a fee.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. This Act shall be known as the Historic Texas  
1-19 Freedmen's Cemetery Designation Act.

1-20 SECTION 2. Chapter 442, Government Code, is amended by  
1-21 adding Subchapter H to read as follows:

1-22 SUBCHAPTER H. HISTORIC TEXAS FREEDMEN'S CEMETERY DESIGNATION  
1-23 PROGRAM

1-24 Sec. 442.301. DEFINITION. In this subchapter, "program"  
1-25 means the Historic Texas Freedmen's Cemetery Designation Program.

1-26 Sec. 442.302. ESTABLISHMENT AND PURPOSE. The commission  
1-27 shall establish the program to alert the public, as well as current  
1-28 and future owners of land adjacent to the cemetery:

- 1-29 (1) of the existence of the cemetery; and  
1-30 (2) that the cemetery contains the graves of freed  
1-31 slaves.

1-32 Sec. 442.303. ELIGIBILITY. To be eligible for a  
1-33 designation under the program, a cemetery must:

- 1-34 (1) contain the grave of at least one freed slave; and  
1-35 (2) meet other requirements determined by the  
1-36 commission.

1-37 Sec. 442.304. APPLYING FOR DESIGNATION. (a) Any person may  
1-38 submit an application to the commission to designate a cemetery  
1-39 under the program.

1-40 (b) The applicant must include as part of the application  
1-41 information establishing:

- 1-42 (1) the existence of the cemetery; and  
1-43 (2) that the cemetery contains the grave of at least  
1-44 one freed slave.

1-45 Sec. 442.305. NOTICE OF APPLICATION. After the commission  
1-46 receives an application to designate a cemetery under the program,  
1-47 the commission shall notify the following persons of the  
1-48 application:

- 1-49 (1) the owner of the property containing the cemetery;  
1-50 (2) each owner of property adjacent to the cemetery;  
1-51 and

1-52 (3) the cemetery organization, as defined by Section  
1-53 711.001, Health and Safety Code, if applicable.

1-54 Sec. 442.306. APPLICATION REVIEW; DECISION. (a) The  
1-55 commission shall review each application it receives for  
1-56 designation of a cemetery under the program and determine whether  
1-57 the cemetery qualifies for designation under the program.

1-58 (b) If the commission determines the cemetery qualifies for  
1-59 a designation under the program, the commission shall:

- 1-60 (1) approve the application;  
1-61 (2) notify the applicant of the approval of the

application; and

(3) 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.

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

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

(2) deny the application.

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

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

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

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

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

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

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

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