

1-1 By: West S.B. No. 586
1-2 (In the Senate - Filed December 13, 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 Cemeteries Designation
1-16 Program; authorizing a fee.

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

1-18 SECTION 1. Chapter 442, Government Code, is amended by
1-19 adding Subchapter I to read as follows:

1-20 SUBCHAPTER I. HISTORIC TEXAS CEMETERIES DESIGNATION PROGRAM

1-21 Sec. 442.351. DEFINITION. In this subchapter, "program"
1-22 means the Historic Texas Cemeteries Designation Program.

1-23 Sec. 442.352. ESTABLISHMENT AND PURPOSE. The commission
1-24 shall establish the program to alert the public, as well as current
1-25 and future owners of land adjacent to a cemetery, of the cemetery's
1-26 existence.

1-27 Sec. 442.353. ELIGIBILITY. To be eligible for a
1-28 designation under the program, a cemetery must:

1-29 (1) be worthy of recognition and preservation for the
1-30 cemetery's historical associations; and

1-31 (2) be established at least 50 years before the date an
1-32 application is submitted to the commission to designate the
1-33 cemetery under the program, unless the commission determines the
1-34 cemetery is exceptionally significant.

1-35 Sec. 442.354. APPLYING FOR DESIGNATION. (a) Any person may
1-36 submit an application to the commission to designate a cemetery
1-37 under the program.

1-38 (b) The applicant must include as part of the application
1-39 information establishing the existence of the cemetery.

1-40 Sec. 442.355. NOTICE OF APPLICATION. (a) After the
1-41 commission receives an application to designate a cemetery under
1-42 the program, the commission shall notify the following persons of
1-43 the application:

1-44 (1) the owner of the property containing the cemetery;

1-45 (2) each owner of property adjacent to the cemetery;

1-46 and

1-47 (3) the county historical commission established
1-48 under Chapter 318, Local Government Code, for the county in which
1-49 the cemetery is located, if applicable.

1-50 (b) The commission shall provide a county historical
1-51 commission described by Subsection (a)(3) with a copy of the
1-52 application materials to designate a cemetery under the program.

1-53 Sec. 442.356. APPLICATION REVIEW; DECISION. (a) The
1-54 commission shall review each application it receives for
1-55 designation of a cemetery under the program and determine whether
1-56 the cemetery qualifies for designation under the program.

1-57 (b) If the commission determines the cemetery qualifies for
1-58 a designation under the program, the commission shall:

1-59 (1) approve the application;

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

(3) send to the applicant a declaration of dedication to be filed with the appropriate county clerk's office; and

(4) inform the applicant that the cemetery may be recognized with an Official Texas Historical Marker available for purchase from the commission to certify the cemetery's participation in the program.

(c) A cemetery is officially recognized under the program on the commission's receipt of a copy of the filed declaration of dedication described by Subsection (b)(3), including any exhibits filed with the declaration. The copy of the declaration of dedication must show the date the declaration was filed and the recording information for the declaration.

(d) 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.

(e) 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. 442.357. APPLICATION FORM; FEE. (a) The commission shall develop an application form and procedure for applying for a designation under the program. The application may require any information the commission considers necessary, including a deed and title, plot records, archival documents, photographs, oral histories, and archaeological data.

(b) The commission shall make the application available at the commission's office or post the application on the commission's Internet website.

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

Sec. 442.358. EFFECT OF DESIGNATION; REMOVAL. (a) A historic cemetery designation under the program does not restrict in any way a property owner's use of land outside the designated cemetery's boundaries.

(b) A historic cemetery designation under the program may be removed only by:

(1) commission action; or

(2) an order of a court of competent jurisdiction:

(A) removing the designation; or

(B) removing the dedication and returning the land to other purposes.

(c) A transfer of ownership of property containing a cemetery designated under the program does not result in a removal of the designation.

Sec. 442.359. RULES. The commission shall adopt rules as necessary to implement this subchapter.

SECTION 2. This Act takes effect September 1, 2025.

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