

By: Jones of Dallas

H.B. No. 1077

A BILL TO BE ENTITLED

1 AN ACT

2 relating to removal of remains interred in a cemetery.

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

4 SECTION 1. Sections 711.004(a) and (e), Health and Safety
5 Code, are amended to read as follows:

6 (a) Remains interred in a cemetery may be removed from a
7 plot in the cemetery with the written consent of the cemetery
8 organization operating the cemetery and the written consent of the
9 current plot owner or owners and the following persons, in the
10 priority listed:

- 11 (1) the decedent's surviving spouse;
- 12 (2) the decedent's surviving adult children;
- 13 (3) the decedent's surviving parents;
- 14 (4) the decedent's adult siblings; or
- 15 (5) the adult person in the next degree of kinship in
16 the order named by law to inherit the estate of the decedent.

17 (e) Subsections (a)-(d) do not apply to the removal of
18 remains:

19 (1) ~~[from one plot to another plot in the same~~
20 ~~cemetery,~~

21 ~~[(2)]~~ by the cemetery organization from a plot for
22 which the purchase price is past due and unpaid, to another suitable
23 place; or

24 (2) ~~[(3)]~~ on the order of a court or person who

1 conducts inquests.

2 SECTION 2. This Act takes effect September 1, 2003, and
3 applies only to removal of remains from a cemetery on or after that
4 date. Removal of remains from a cemetery before the effective date
5 of this Act is governed by the law as it existed immediately before
6 the effective date of this Act, and that law is continued in effect
7 for that purpose.