

BILL ANALYSIS

H.B. 1011
By: Hilderbran
Culture, Recreation, & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The purpose of H.B. 1011 is to provide a district court with the discretion to order the removal of any dedication for cemetery purposes. Currently, a district court, upon petition of the property owner whose property is currently dedicated, is required to order removal of any such dedication. The bill also strikes language which allows the petition to be made ex parte and now requires notice be given to the Texas Historical Commission as well as the county historical commission of the county in which the cemetery is located and allows them to properly appear at the hearing.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to any other state officer, institution or agency.

ANALYSIS

SECTION 1.

Section 711.010(b) is amended by striking the language *shall* and providing that a district court *may*, upon petition of the owner of the property where an unknown cemetery is discovered or located, order the removal of any dedication for cemetery purposes that affects the property.

Section 711.010(b) is amended by adding language: *if a court orders the removal of a dedication of a cemetery and all human remains on the property have not previously been removed, the court shall order the removal of the human remains from the cemetery to a perpetual care cemetery.*

Section 711.010(b) is amended by *striking* the following language: "A petition under this subsection shall be made ex parte in the name of the owner of the property without naming any defendant or joinder of any other person."

Subsection (c) is added, providing that *In addition to any notice required by Section 711.004, notice of a petition filed under Subsection (b) must be given to the Texas Historical Commission and to the county historical commission of the county in which the cemetery is located. The Texas Historical Commission and the county historical commission may intervene and become parties to the suit.*

SECTION 2. Provides that this Act only pertains to de-dedication proceedings filed after the effective date.

EFFECTIVE DATE

SECTION 3. Effective date: September 1, 2005