

By: Hilderbran

H.B. No. 1011

A BILL TO BE ENTITLED

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AN ACT

relating to the removal of the dedication for certain cemeteries.

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

SECTION 1. Section 711.010, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) On petition of the owner of the property, a district court of the county in which an unknown cemetery is discovered or an abandoned cemetery is located may ~~[shall]~~ order the removal of any dedication for cemetery purposes that affects the property. If a court orders the removal of a dedication of a cemetery and ~~[If]~~ 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. ~~[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.]~~

(c) 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. This Act applies only to a suit to remove a cemetery dedication filed on or after the effective date of this

1 Act. A suit to remove a cemetery dedication filed before the
2 effective date of this Act is governed by the law in effect on the
3 date the suit was filed, and the former law is continued in effect
4 for that purpose.

5 SECTION 3. This Act takes effect September 1, 2005.