

1-1 By: Hilderbran (Senate Sponsor - Williams) H.B. No. 1011
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 April 26, 2005, read first time and referred to Committee on
1-4 Administration; May 6, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 6, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the removal of the dedication for certain cemeteries.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 711.010, Health and Safety Code, is
1-11 amended by amending Subsection (b) and adding Subsection (c) to
1-12 read as follows:

1-13 (b) On petition of the owner of the property, a district
1-14 court of the county in which an unknown cemetery is discovered or an
1-15 abandoned cemetery is located may ~~[shall]~~ order the removal of any
1-16 dedication for cemetery purposes that affects the property. If a
1-17 court orders the removal of a dedication of a cemetery and ~~[If]~~ all
1-18 human remains on the property have not previously been removed, the
1-19 court shall order the removal of the human remains from the cemetery
1-20 to a perpetual care cemetery. [A petition under this subsection
1-21 shall be made ex parte in the name of the owner of the property
1-22 without naming any defendant or joinder of any other person.]

1-23 (c) In addition to any notice required by Section 711.004,
1-24 notice of a petition filed under Subsection (b) must be given to the
1-25 Texas Historical Commission and to the county historical commission
1-26 of the county in which the cemetery is located. The Texas
1-27 Historical Commission and the county historical commission may
1-28 intervene and become parties to the suit.

1-29 SECTION 2. This Act applies only to a suit to remove a
1-30 cemetery dedication filed on or after the effective date of this
1-31 Act. A suit to remove a cemetery dedication filed before the
1-32 effective date of this Act is governed by the law in effect on the
1-33 date the suit was filed, and the former law is continued in effect
1-34 for that purpose.

1-35 SECTION 3. This Act takes effect September 1, 2005.

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