

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 4, 2005

TO: Honorable Harvey Hilderbran, Chair, House Committee on Culture, Recreation, & Tourism

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1011 by Hilderbran (Relating to the removal of the dedication for certain cemeteries.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would provide discretion to a district court whether to order the removal of any dedication for cemetery purposes that affects property in which an unknown cemetery is discovered. The bill would also add a requirement to file a notice of a petition with the Texas Historical Commission (THC) and the county historical commission if the district court orders the removal. THC and the county historical commission would be authorized to intervene and become parties to a suit. The bill would take effect September 1, 2005 and would apply only to a suit to remove a cemetery dedication filed on or after that date.

Under current statute, upon receipt of a petition to remove a dedication for a discovered cemetery, the district court was required to order the removal of any dedication. Current statute does not require providing notice of a petition filed to THC or the county historical commission. It is anticipated that THC and the county historical commissions would be able to use existing resources to process notices submitted. If THC or the county historical commissions intervene and become party to the suit, they would incur legal costs. The amount of legal costs would vary depending on the circumstances of each individual suit.

Local Government Impact

No significant fiscal implication to units of local government is anticipated unless the county historical commission chooses to intervene and become party to a suit, in which case the county would incur legal costs that would vary in level based on the particulars of the suit.

Source Agencies: 808 Historical Commission

LBB Staff: JOB, WK, DLBa