

BILL ANALYSIS

H.B. 1472
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that there is a conflict between laws governing court jurisdiction over certain matter relating to the removal of remains interred in a cemetery. Health and Safety Code provisions currently require permission to remove such remains to be obtained from a district court if proper consent for removal cannot be obtained otherwise. However, provisions of the Government Code grant statutory probate courts the jurisdiction provided by law for a county court to hear and determine actions, cases, matters, or proceedings relating specifically to such removal of remains. H.B. 1472 seeks to resolve this conflict.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1472 amends the Health and Safety Code to specify that permission to remove remains from a cemetery, if the required consent for the removal cannot be obtained from the cemetery organization operating the cemetery and from the appropriate relative of the decedent, must be obtained from the statutory probate court, rather than a district court, of the county in which the cemetery is located. The bill specifies that, if there is not a statutory probate court in that county, permission may then be obtained from a district court of that county.

EFFECTIVE DATE

91st day after the last day of the legislative session.