

1 AN ACT

2 relating to the removal of the dedication for certain cemeteries.

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

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

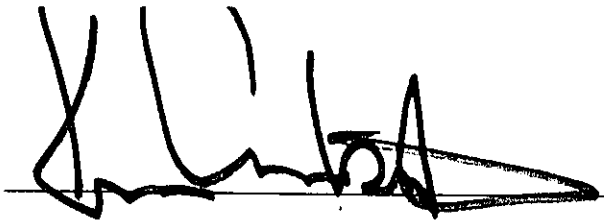
7 (b) On petition of the owner of the property, a district  
8 court of the county in which an unknown cemetery is discovered or an  
9 abandoned cemetery is located may ~~[shall]~~ order the removal of any  
10 dedication for cemetery purposes that affects the property. If a  
11 court orders the removal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

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

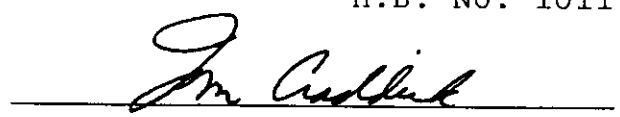
23 SECTION 2. This Act applies only to a suit to remove a  
24 cemetery dedication filed on or after the effective date of this

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.

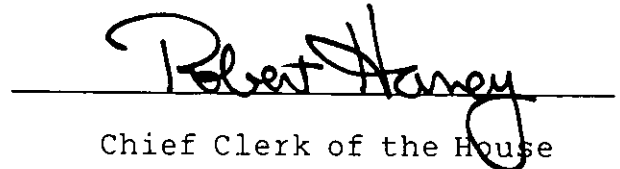


President of the Senate



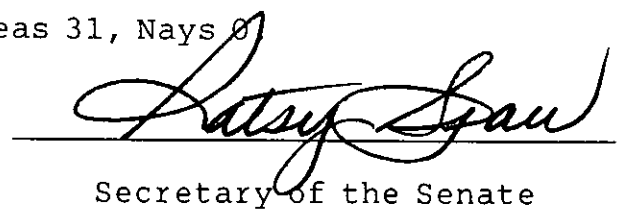
Speaker of the House

I certify that H.B. No. 1011 was passed by the House on April 22, 2005, by a non-record vote.



Chief Clerk of the House

I certify that H.B. No. 1011 was passed by the Senate on May 17, 2005, by the following vote: Yeas 31, Nays 0



Secretary of the Senate

APPROVED: 30 MAY 05

Date

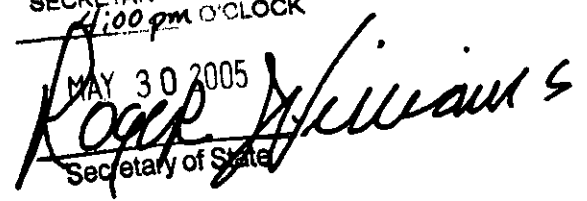


Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

1:00 pm O'CLOCK

MAY 30 2005



Secretary of State