

BILL ANALYSIS

Senate Research Center
76R13787 DLF-F

H.B. 817
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Administration
5/13/1999
Committee Report (Amended)

DIGEST

In addition to human remains, cemeteries also contain historical information about our society and its various cultures. Current state laws have been enacted to protect cemeteries; however, they have been inadequate in protecting cemeteries and graves from destruction and desecration by some land owners, land developers, and governmental units. H.B. 817 would establish conditions regarding the regulation of cemeteries.

PURPOSE

As proposed, H.B. 817 establishes conditions regarding the regulation of cemeteries.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 711A, Health and Safety Code, by adding Sections 711.010 and 711.011, as follows:

Sec. 711.010. UNKNOWN OR ABANDONED CEMETERY. Prohibits an owner of property on which an unknown cemetery is discovered or on which an abandoned cemetery is located from constructing improvements on the property that would further disturb the cemetery until the human remains interred in the cemetery are removed under a written order issued by the state registrar or the state registrar's designee. Requires the district court of the county, on petition of the owner of the property, upon discovery of a cemetery, to order the removal of any dedication for cemetery purposes that affects the property. Requires the court to order the removal of human remains from the cemetery to a perpetual care cemetery, if all human remains have not been previously removed. Requires a petition to be made ex parte in the name of the owner of the property without naming any defendant or joinder of any other person.

Sec. 711.011. FILING RECORD OF UNKNOWN CEMETERY. Requires a person who discovers an unknown or abandoned cemetery to file notice of the cemetery with the county clerk of the county in which the cemetery is located. Prohibits a county clerk from charging a fee for filing notice. Requires the notice to contain a legal description of the land on which the unknown, abandoned cemetery was found and describe the approximate location of the cemetery and the evidence of the cemetery that was discovered.

SECTION 2. Amends Chapter 711C, Health and Safety Code, by adding Section 711.042, as follows:

Sec. 711.042. AUTHORITY OF NONPROFIT CEMETERY ORGANIZATION. Sets forth conditions regarding the property and business purposes that a nonprofit cemetery organization organized by plot owners is authorized to take.

SECTION 3. Emergency clause.
Effective date: upon passage.