

BILL ANALYSIS

Senate Research Center
77R8169 YDB-D

H.B. 3069
By: Chisum (Duncan)
State Affairs
5/3/2001
Engrossed

DIGEST AND PURPOSE

Under current Texas law, a commissioners court is authorized to use public funds, county employees, and county equipment (property) to maintain a cemetery that has a grave marker more than 50 years old, but does not address the question of whether a county commissioner may use county property to open or close a grave in such a cemetery. The attorney general concluded in a recent opinion that a county commissioner may not use county property to open and close graves in a private cemetery. H.B. 3069 authorizes a commissioners court to use public funds for any activity necessary for the continued operation of a cemetery with a grave marker more than 50 years old, including the opening or closing of graves.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 713.028(a), Health and Safety Code, to provide that maintenance of a cemetery under this subsection includes any activity necessary for the continued operation of the cemetery, including the opening and closing of graves.

SECTION 2. Effective date: upon passage or September 1, 2001.