

BILL ANALYSIS

Senate Research Center
82R427 VOO-D

S.B. 131
By: Wentworth
Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Certain municipalities wish to locate a cemetery, other than a family cemetery, within their boundaries but are unable to do so because current law sets forth specific distance requirements, based on population size, where a cemetery may be located.

As proposed, S.B. 131 amends current law relating to cemeteries in certain municipalities.

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 711.008, Health and Safety Code, by amending Subsection (a) and adding Subsection (h), as follows:

(a) Creates an exception under Subsection (h).

(h) Authorizes a person, not later than September 1, 2014, to file a written application with the governing body of a municipality to establish or use a cemetery located within the boundaries of the municipality. Requires the municipality by ordinance to prescribe the information to be included in the application. Authorizes the governing body by ordinance to authorize the establishment or use of a cemetery located inside the boundaries of the municipality if the municipality determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare. Provides that this subsection applies only to a municipality that is located in three or more counties, has a population of 18,000 or more, and does not have a cemetery within its boundaries, other than a family cemetery.

SECTION 2. Effective date: September 1, 2011.