

By: Kuempel

H.B. No. 1526

A BILL TO BE ENTITLED

AN ACT

relating to cemeteries in certain municipalities.

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

SECTION 1. Section 711.008, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (g-2) to read as follows:

(a) Except as provided by Subsections (b), (f), (g), (g-1), (g-2), (h), and (k), an individual, corporation, partnership, firm, trust, or association may not establish or operate a cemetery, or use any land for the interment of remains, located:

(1) in or within one mile of the boundaries of a municipality with a population of 5,000 to 25,000;

(2) in or within two miles of the boundaries of a municipality with a population of 25,000 to 50,000;

(3) in or within three miles of the boundaries of a municipality with a population of 50,000 to 100,000;

(4) in or within four miles of the boundaries of a municipality with a population of 100,000 to 200,000; or

(5) in or within five miles of the boundaries of a municipality with a population of at least 200,000.

(g-2) Not later than December 1, 2022, an individual, corporation, partnership, firm, trust, or association may file a written application with the governing body of a municipality to establish or use a cemetery located inside the legal boundaries of

1 the municipality. The municipality by ordinance shall prescribe the  
2 information to be included in the application. The governing body  
3 by ordinance may authorize the establishment or use of the cemetery  
4 if the municipality determines and states in the ordinance that the  
5 establishment or use of the cemetery does not adversely affect  
6 public health, safety, and welfare. This subsection applies only  
7 to a municipality that has a population of:

8 (1) at least 55,000 and not more than 60,000 and that  
9 is located in two counties, each of which has a population of less  
10 than 132,000; or

11 (2) at least 24,000 and not more than 26,000 and that  
12 is the county seat of a county that has a population of at least  
13 130,000 and not more than 135,000.

14 SECTION 2. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2021.