

By: Shapleigh

S.B. No. 300

A BILL TO BE ENTITLED

AN ACT

relating to regulation of perpetual care cemeteries.

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

SECTION 1. Section 712.008, Health and Safety Code, is amended to read as follows:

Sec. 712.008. RULES. (a) The Finance Commission of Texas may adopt rules to enforce and administer this chapter, including rules establishing fees to defray the costs of enforcing and administering this chapter.

(b) The Finance Commission of Texas shall adopt rules establishing standards for:

(1) timely placement of burial markers or monuments in a perpetual care cemetery; and

(2) timely and appropriate response to consumer complaints made to a corporation that operates a perpetual care cemetery.

SECTION 2. Section 712.025, Health and Safety Code, is amended to read as follows:

Sec. 712.025. USE OF FUND INCOME. Fund income ~~[may be applied in the manner the directors of a corporation determine to be for the best interest of the corporation's perpetual care cemetery and]~~ may be used only to directly provide ~~[for]~~ the perpetual care described by resolution, bylaw, or other action or instrument that established the fund, including the general care and maintenance of

1 the property entitled to perpetual care in the perpetual care
2 cemetery.

3 SECTION 3. Sections 712.028(a) and (c), Health and Safety
4 Code, are amended to read as follows:

5 (a) A corporation shall deposit in its fund an amount that
6 is at least:

7 (1) the greater of:

8 (A) \$1.75 [~~\$1.50~~] a square foot of ground area
9 conveyed as perpetual care property; or

10 (B) 15 [~~10~~] percent of the total purchase price
11 of that ground area;

12 (2) the greater of:

13 (A) \$90 for each crypt interment right for
14 mausoleum interment or lawn crypt interment conveyed as perpetual
15 care property, or \$50 for each crypt interment right if that crypt
16 is accessible only through another crypt; or

17 (B) five percent of the total purchase price of
18 that crypt interment right; and

19 (3) the greater of:

20 (A) \$30 for each niche interment right for
21 columbarium interment conveyed; or

22 (B) 10 percent of the total purchase price of
23 that niche interment right.

24 (c) If a plot owner exchanges a plot for another plot in a
25 corporation's perpetual care cemetery, the amount to be deposited
26 in the corporation's fund in respect of the plot received by the
27 plot owner in the exchange may be reduced by the amount deposited in

1 the fund in respect of the plot contributed by the plot owner in the
2 exchange. The amount required to be deposited with respect to an
3 exchanged plot is the amount required at the time the plot was
4 originally conveyed to a plot owner.

5 SECTION 4. The change in law made by this Act to Section
6 712.028, Health and Safety Code, applies only to the conveyance of
7 ground area as perpetual care property or the exchange of a plot in
8 a perpetual care cemetery on or after the effective date of this
9 Act. The conveyance of ground area as perpetual care property or
10 the exchange of a plot in a perpetual care cemetery before the
11 effective date of this Act is governed by the law as it existed
12 immediately before that effective date, and that law is continued
13 in effect for this purpose.

14 SECTION 5. This Act takes effect September 1, 2003.