

By: Ogden

S.B. No. 667

A BILL TO BE ENTITLED

AN ACT

relating to the establishment or use of certain cemeteries.

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) to read as follows:

(a) Except as provided by Subsections (b), ~~[(c),]~~ (f), (g), 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) Not later than December 1, 2003, a corporation may file a written application with the governing body of a municipality that has a population of at least 27,000 and not more than 30,000 and that is located in a county with a population of at least

1 245,000 and not more than 250,000 to establish or use a cemetery
2 located outside the municipality but within two miles of the
3 municipal boundaries. The municipality by ordinance shall
4 prescribe the information to be included in the application. The
5 governing body by ordinance may authorize the establishment or use
6 of the cemetery if the municipality determines and states in the
7 ordinance that the establishment or use of the cemetery does not
8 adversely affect public health, safety, and welfare.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2003.