

By: Ogden S.B. No. 667
(In the Senate - Filed February 24, 2003; February 27, 2003,
read first time and referred to Committee on Intergovernmental
Relations; March 20, 2003, reported favorably by the following
vote: Yeas 5, Nays 0; March 20, 2003, sent to printer.)

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
245,000 and not more than 250,000 to establish or use a cemetery
located outside the municipality but within two miles of the
municipal boundaries. The municipality by ordinance shall
prescribe the information to be included in the application. The
governing body by ordinance may authorize the establishment or use
of the cemetery 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.

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

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