

BILL ANALYSIS

C.S.H.B. 1031
By: Miller, Sid
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Department of Banking currently oversees perpetual care cemeteries and the funds created to maintain the properties. However, the statutes pertaining to the maintenance of perpetual care cemeteries is broad and does not explicitly list what must be included in the properties' upkeep. As a result, there has been some issue as to whether the roads on cemetery property must be maintained as part of general upkeep. In some instances, these cemeteries have not adequately maintained drivable roads, resulting in impassible areas on the property. This is problematic for those who have pre-purchased plots in a perpetual care cemetery and paid into the perpetual care funds overseen by the Department of Banking.

C.S.H.B. 1031 specifies that the perpetual care obligation of a corporation operating a perpetual care cemetery includes the maintenance, repair, and care of roads on cemetery property.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1031 amends the Health and Safety Code to incorporate a provision into a statement that must be included in each sales contract, certificate of ownership, or other instrument of conveyance of the exclusive right of sepulture of a corporation operating a perpetual care cemetery specifying that the perpetual care obligation of the corporation includes the maintenance, repair, and care of roads on cemetery property.

C.S.H.B. 1031 provides that its provisions are intended to clarify rather than change existing law.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1031 removes a provision in the original requiring a corporation that operates a perpetual care cemetery to properly maintain and repair the roads on cemetery property.