

BILL ANALYSIS

S.B. 662
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Section 711.008, Health and Safety Code, relating to location of a cemetery, allows churches to construct columbariums, which are durable, fireproof structures or rooms used to contain cremated remains. This section regulates where cemeteries are authorized to be established and contains certain exceptions concerning where sites and structures used for the disposition of remains can be built. Unfortunately, mausoleums, which are very similar to columbariums in structure and purpose, are not included in the list of exceptions. This prevents certain religions from practicing the longstanding tradition of using mausoleums for the internment of the remains of clergy members beneath their main building of worship.

S.B. 662 excepts from a prohibition against the use of land for the internment of remains the establishment and use of a mausoleum constructed beneath the principal church building owned by an organized religious society or sect to be used only for the internment of the remains of ordained clergy of that organized religious society or sect.

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

S.B. 662 amends the Health and Safety Code to except from a prohibition on the use of land for the internment of remains the establishment and use of a mausoleum that is constructed beneath the principal church building owned by an organized religious society or sect that is exempt from federal income taxation and has recognized religious traditions and practices of interring the remains of ordained clergy in or below the principal church building and is to be used only for the internment of the remains of ordained clergy of that organized religious society or sect.

EFFECTIVE DATE

September 1, 2009.