

## **BILL ANALYSIS**

S.B. 131  
By: Wentworth  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

According to interested parties, certain municipalities that wish to establish a cemetery, other than a family cemetery, within their boundaries are unable to do so because current law sets forth specific requirements for where a cemetery may be located. S.B. 131 seeks to address this issue by amending current law relating to cemeteries in certain municipalities.

### **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. 131 amends the Health and Safety Code to authorize a person, not later than September 1, 2014, to file a written application with the governing body of a municipality to establish or use a cemetery located inside the boundaries of the municipality if the municipality is located in three or more counties; has a population of 18,000 or more; and does not have a cemetery within its boundaries, other than a family cemetery. The bill requires the municipality by ordinance to prescribe the information to be included in the application. The bill authorizes the governing body by ordinance to authorize the establishment or use of a cemetery located inside the boundaries of the municipality 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.

### **EFFECTIVE DATE**

September 1, 2011.