By: Wentworth

S.B. No. 131

## A BILL TO BE ENTITLED

1	AN ACT
2	relating to cemeteries in certain municipalities.
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
4	SECTION 1. Section 711.008, Health and Safety Code, is
5	amended by amending Subsection (a) and adding Subsection (h) to
6	read as follows:
7	(a) Except as provided by Subsections (b), (f), (g), (h),
8	and (k), an individual, corporation, partnership, firm, trust, or
9	association may not establish or operate a cemetery, or use any land
10	for the interment of remains, located:
11	(1) in or within one mile of the boundaries of a
12	municipality with a population of 5,000 to 25,000;
13	(2) in or within two miles of the boundaries of a
14	municipality with a population of 25,000 to 50,000;
15	(3) in or within three miles of the boundaries of a
16	municipality with a population of 50,000 to 100,000;
17	(4) in or within four miles of the boundaries of a
18	municipality with a population of 100,000 to 200,000; or
19	(5) in or within five miles of the boundaries of a
20	municipality with a population of at least 200,000.
21	(h) Not later than September 1, 2014, a person may file a
22	written application with the governing body of a municipality to
23	establish or use a cemetery located inside the boundaries of the
24	municipality. The municipality by ordinance shall prescribe the

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1	information to be included in the application. The governing body
2	by ordinance may authorize the establishment or use of a cemetery
3	located inside the boundaries of the municipality if the
4	municipality determines and states in the ordinance that the
5	establishment or use of the cemetery does not adversely affect
6	public health, safety, and welfare. This subsection applies only
7	to a municipality that:
8	(1) is located in three or more counties;
9	(2) has a population of 18,000 or more; and
10	(3) does not have a cemetery within its boundaries,
11	other than a family cemetery.
12	SECTION 2. This Act takes effect September 1, 2011.