

By: Wentworth
(Kuempel)

S.B. No. 131

A BILL TO BE ENTITLED

AN ACT

relating to cemeteries in certain municipalities.

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 (h) to read as follows:

(a) Except as provided by Subsections (b), (f), (g), (h), 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.

(h) Not later than September 1, 2014, a person may file a written application with the governing body of a municipality to establish or use a cemetery located inside the boundaries of the municipality. The municipality by ordinance shall prescribe the

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.