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

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.