

1-1 By: Wentworth S.B. No. 131
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 7, 2011, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; March 7, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to cemeteries in certain municipalities.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 711.008, Health and Safety Code, is
1-11 amended by amending Subsection (a) and adding Subsection (h) to
1-12 read as follows:

1-13 (a) Except as provided by Subsections (b), (f), (g), (h),
1-14 and (k), an individual, corporation, partnership, firm, trust, or
1-15 association may not establish or operate a cemetery, or use any land
1-16 for the interment of remains, located:

1-17 (1) in or within one mile of the boundaries of a
1-18 municipality with a population of 5,000 to 25,000;

1-19 (2) in or within two miles of the boundaries of a
1-20 municipality with a population of 25,000 to 50,000;

1-21 (3) in or within three miles of the boundaries of a
1-22 municipality with a population of 50,000 to 100,000;

1-23 (4) in or within four miles of the boundaries of a
1-24 municipality with a population of 100,000 to 200,000; or

1-25 (5) in or within five miles of the boundaries of a
1-26 municipality with a population of at least 200,000.

1-27 (h) Not later than September 1, 2014, a person may file a
1-28 written application with the governing body of a municipality to
1-29 establish or use a cemetery located inside the boundaries of the
1-30 municipality. The municipality by ordinance shall prescribe the
1-31 information to be included in the application. The governing body
1-32 by ordinance may authorize the establishment or use of a cemetery
1-33 located inside the boundaries of the municipality if the
1-34 municipality determines and states in the ordinance that the
1-35 establishment or use of the cemetery does not adversely affect
1-36 public health, safety, and welfare. This subsection applies only
1-37 to a municipality that:

1-38 (1) is located in three or more counties;

1-39 (2) has a population of 18,000 or more; and

1-40 (3) does not have a cemetery within its boundaries,
1-41 other than a family cemetery.

1-42 SECTION 2. This Act takes effect September 1, 2011.

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