

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 4, 2013

TO: Honorable John Carona, Chair, Senate Committee On Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB661 by Carona (Relating to cemeteries and perpetual care cemetery corporations; creating an offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to include the definitions of “cremains receptacle” and “cremated remains” as “cremains.” The Finance Commission of Texas would be authorized to adopt rules to enforce and administer sections relating to perpetual care cemeteries; and the Funeral Service Commission would be authorized to adopt rules, establish procedures, and prescribe forms to enforce and administer sections relating to cemeteries that are not perpetual care cemeteries.

The bill would include requirements for private for-profit and nonprofit corporations conducting business for cemetery purposes. The bill would create a second degree felony offense if a person, firm, association, corporation, municipality, or officer, agent, or employee of the aforementioned makes more than one interment in a cemetery plot; or removes remains from a cemetery plot operated by a cemetery corporation without complying with Section 711.004 of the Health and Safety Code.

The fiscal impact that may be generated in association with implementing the provisions of the bill for the Department of Banking, Office of Consumer Credit Commissioner, and the Credit Union Department are not considered in this analysis because any fiscal implication for the agencies would be realized outside of the Treasury due to the agencies being Self-Directed and Semi-Independent.

Creating an offense is expected to increase correctional supervision and/or incarceration populations and thereby increase demands on county and/or state correctional resources. The state is responsible for confining convicted felony offenders and supervising them when released to parole. With funding assistance from the state, local probation departments are responsible for supervising convicted felony offenders under community supervision. However, it is assumed that the number of offenders supervised or incarcerated under this statute would not significantly impact state correctional agency resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 451 Department of Banking, 466 Office of Consumer Credit Commissioner, 469 Credit Union Department

LBB Staff: UP, RB, TP