86R22151 EAS-F

By:  Miller, Reynolds, Zerwas, Stephenson H.B. No. 4179

Substitute the following for H.B. No. 4179:

By:  Cole C.S.H.B. No. 4179

A BILL TO BE ENTITLED

AN ACT

relating to the cemeteries in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter B, Chapter 713, Health and Safety Code, is amended by adding Section 713.0271 to read as follows:

Sec. 713.0271.  CEMETERY OWNED BY CERTAIN COUNTIES. A county with a population of more than 550,000 that borders a county with a population of more than 3.3 million may own, operate, and maintain a cemetery.

SECTION 2.  Section 713.028(a), Health and Safety Code, is amended to read as follows:

(a)  For purposes of historical preservation or public health, safety, or welfare, a commissioners court may use public funds, county employees, county inmate labor as provided by Article 43.10, Code of Criminal Procedure, and county equipment to maintain a cemetery that is at least [~~has a grave marker more than~~] 50 years old.

SECTION 3.  Section 713.026(a), Health and Safety Code, is amended to read as follows:

(a)  Except as provided by Sections 713.027, 713.0271, and 713.028, a trustee of a fund established under this subchapter or a member of the commissioners court or any other elected county officer may not pay or use public funds or county employees, equipment, or property to maintain a neglected or unkept public or private cemetery.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.