

By: Martinez

H.B. No. 4327

A BILL TO BE ENTITLED

AN ACT

relating to the establishment or use of perpetual care cemeteries located outside 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 (l) to read as follows:

(a) Except as provided by Subsections (b), (f), (g), (g-1), (h), ~~and~~ (k), and (l), 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.

(l) Not later than September 1, 2021, an organized religious society or sect that is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under

1 Section 501(c) of that code, may file a written application with the
2 governing body of a municipality that has a population of at least
3 18,000 and not more than 20,000 and that is located in a county with
4 a population of at least 750,000 to establish or use a perpetual
5 care cemetery located outside the municipality but within one-half
6 mile of the municipal boundaries. The governing body by ordinance
7 shall prescribe the information to be included in the application.
8 The governing body by ordinance may authorize the establishment or
9 use of the cemetery if the municipality determines and states in the
10 ordinance that the establishment or use of the cemetery does not
11 adversely affect public health, safety, and welfare.

12 SECTION 2. This Act takes effect September 1, 2019.