

## **BILL ANALYSIS**

Senate Research Center  
87R17584 EAS-D

H.B. 1526  
By: Kuempel (Campbell)  
Business & Commerce  
5/15/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Cemeteries located within the corporate limits of New Braunfels are at or near full utilization, and a similar problem exists in Seguin. State law prohibits the establishment or operation of a cemetery or the use of any land for the interment of remains within the boundaries of certain municipalities. This prevents the creation of additional space for burials. H.B. 1526 seeks to provide an exception to the prohibition that would allow the establishment or use of a new cemetery in specified municipalities.

H.B. 1526 amends current law relating to cemeteries in certain municipalities.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 711.008, Health and Safety Code, by amending Subsection (a) and adding Subsection (g-2), as follows:

(a) Prohibits an individual, corporation, partnership, firm, trust, or association, except as provided by certain subsections including Subsection (g-2) from establishing or operating a cemetery, or using any land for the interment of remains, in certain locations.

(g-2) Authorizes an individual, corporation, partnership, firm, trust, or association, not later than December 1, 2022, to file a written application with the governing body of a municipality to establish or use a cemetery located inside the legal boundaries of the municipality. Requires the municipality by ordinance to prescribe the information to be included in the application. Authorizes the governing body by ordinance to authorize the establishment or use of the cemetery if the municipality determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare. Provides that this subsection applies only to a municipality that has a population of:

(1) at least 55,000 and not more than 60,000 and that is located in two counties, each of which has a population of less than 132,000; or

(2) at least 24,000 and not more than 26,000 and that is the county seat of a county that has a population of at least 130,000 and not more than 135,000.

SECTION 2. Effective date: upon passage or September 1, 2021.