

## **BILL ANALYSIS**

H.B. 783  
By: Meza  
Land & Resource Management  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In some municipalities and counties, cemeteries may be subject to regulations and zoning laws. These laws may dictate where cemeteries can be located, how they can be constructed, and what types of activities are allowed on cemetery grounds. Some areas may prohibit the use of certain materials or require that graves be a certain distance from nearby buildings or bodies of water.

In addition to regulations and zoning laws, many municipalities and counties also have programs to help maintain and preserve cemeteries. These programs may provide funding for cemetery maintenance and restoration, as well as educational resources for those who are interested in learning more about the history and significance of cemeteries in their community.

H.B. 783 seeks to create a regulatory framework for the establishment or use of cemeteries in certain counties or municipalities to ensure that those seeking to do so follow a formal application process and obtain authorization from the appropriate governing body.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 783 amends the Health and Safety Code to set out provisions relating to cemeteries applicable only to the following:

- a county:
  - with a population of more than 750,000; or
  - that is adjacent to a county with a population of more than 750,000; and
- a municipality that is located in one of these counties.

H.B. 783 authorizes an individual, corporation, partnership, firm, trust, or association to file a written application with the governing body of a municipality or the county commissioners court, as applicable, to establish or use a cemetery located inside municipal or county limits, as applicable. The bill requires the governing body by ordinance or commissioners court by order to prescribe the information to be included in the application. The bill authorizes the governing body by ordinance or commissioners court by order to authorize the establishment or use of the cemetery if the governing body or commissioners court determines and states in the ordinance or order that the establishment or use does not adversely affect public health, safety, and welfare.

**EFFECTIVE DATE**

September 1, 2023.