

BILL ANALYSIS

C.S.H.B. 1526
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Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. C.S.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.

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

C.S.H.B. 1526 amends the Health and Safety Code to authorize an individual, corporation, partnership, firm, trust, or association, not later than December 1, 2022, to file a written application with the governing body of certain municipalities to establish or use a cemetery located inside the legal boundaries of the respective municipality. The bill applies to a municipality that satisfies either of the following conditions:

- the municipality has a population of at least 55,000 and not more than 60,000 and is located in two counties, each of which has a population of less than 132,000; or
- the municipality has a population of at least 24,000 and not more than 26,000 and is the county seat of a county that has a population of at least 130,000 and not more than 135,000.

C.S.H.B. 1526 requires the municipality by ordinance to prescribe the information to be included in the application and authorizes the municipality's governing body by ordinance to authorize the cemetery's establishment or use if the municipality determines and states in the ordinance that the establishment or use does not adversely affect public health, safety, and welfare.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1526 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes an additional population bracket that was not in the original making the bill's provisions applicable to a municipality that has a population of 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.