

SUBJECT: Allowing a columbarium on church grounds in cities other than Houston

COMMITTEE: Public Health — favorable, without amendment

VOTE: 8 ayes — Kolkhorst, Naishtat, Coleman, J. Davis, Gonzales, Hopson, McReynolds, Zerwas

0 nays

3 absent — S. King, Laubenberg, Truitt

WITNESSES: For — William Freeman; Thomas Timmins, Northaven United Methodist Church

Against — None

On — Chet Robbins, Texas Funeral Service Commission

BACKGROUND: A “columbarium” is a vault or other fireproof structure containing niches for the housing of cremated remains. “Campus” encompasses an area of commonly owned adjacent tracts of land on which a principal church building stands.

Health and Safety Code, sec. 711.008(a) generally prohibits the creation or operation of a cemetery, or other place where remains are interred, within the boundaries of a municipality. Exceptions include:

- an existing cemetery;
- a new or existing columbarium attached to the principal church building of a religious organization that is exempt from income taxation under the federal Internal Revenue Code, sec. 501(a);
- in a municipality with a population of at least 1.8 million (Houston), a new or existing freestanding columbarium located on campus land owned by a tax-exempt religious organization and with an existing principal church building; and
- a new or existing columbarium located on land owned by a properly accredited, religiously affiliated, tax-exempt private institution of higher education.

The Houston exemption was added by SB 350 by Lindsay, enacted in 2005 by the 79th Legislature in response to a request by St. Martin's Episcopal Church. The restrictions on columbaria in other municipalities remained the same.

DIGEST: HB 1404 would allow the establishment and use of a columbarium on campus land owned by a tax-exempt religious organization with an existing principal church building in a municipality of any size.

The bill would take effect September 1, 2009.

SUPPORTERS SAY: HB 1404 would enable religious organizations to offer better access to interment services to people in small and mid-size municipalities. The bill would allow a freestanding columbarium on the property of a religious organization with an existing principal church building in municipalities of any size. Demand for cremation and interment services is rising statewide, and the current restrictions unfairly limit the range of options for people of faith living outside of Houston. The bill would treat all cities and towns equally and make it easier for religious organizations to assist their members in ordering their personal affairs.

OPPONENTS SAY: No apparent opposition.