

BILL ANALYSIS

Senate Research Center

C.S.S.B. 451
By: Duncan
Intergovernmental Relations
2-20-97
Committee Report (Substituted)

DIGEST

Currently, state law only allows cities in counties with a population of at least 122,000 but no more than 128,000 to eliminate or assign to another entity perpetual care trust funds for cemeteries. During the 74th Legislature, the City of Lubbock was unsuccessful in pursuing legislation that would have allowed the city to sell its cemeteries. A number of private entities have shown interest in acquiring the cemeteries currently operated by the city. S.B. 457 would allow the City of Lubbock to eliminate or assign to another entity perpetual care trust funds for cemeteries.

PURPOSE

As proposed, S.B. 451 outlines provisions regarding municipal trust funds for cemeteries.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 713.008, Health and Safety Code, as follows:

Sec. 713.008. New heading: TERMINATION OF MUNICIPAL PERPETUAL TRUST FUND BY CERTAIN MUNICIPALITIES. Authorizes the governing body of a municipality in a county with a population of at least 122,000 but not more than 128,000 to abolish the municipality's perpetual trust fund and use the fund for cemetery improvements. Authorizes the governing body of a municipality with a population of at least 185,000 but not more than 250,000, on the sale, conveyance, transfer, or lease of a municipal cemetery, to abolish or assign to a third party the municipality's perpetual trust fund for the cemetery.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1, Section 713.008, Health and Safety Code, regarding the termination of municipal perpetual trust funds by certain municipalities with certain populations.