

BILL ANALYSIS

Senate Research Center
82R22296 YDB-D

H.B. 3207
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Health & Human Services
5/6/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3207 amends current law relating to the establishment and operation of perpetual care cemeteries by certain organized religious societies and sects in certain populous 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 (b) and adding Subsection (h), as follows:

(b) Provides that Subsection (a) (relating to prohibiting an individual, corporation, partnership, firm, trust, or association from establishing or operating a cemetery) does not apply in certain situations, including the establishment and operation, if authorized in accordance with Subsection (h), of a perpetual care cemetery by an organized religious society or sect that:

(A) is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code;

(B) has been in existence for at least five years;

(C) has at least \$500,000 in assets; and

(D) establishes and operates the cemetery on land that is owned by the society or sect, together with any other land owned by the society or sect and adjacent to the land on which the cemetery is located, is not less than 10 acres, and is in a municipality with a population of at least one million that is located predominantly in a county that has a total area of less than 1,000 square miles.

(h) Authorizes the governing body of a municipality described by Subsection (b)(6)(D)(iii) (relating to a municipality with a population of less than one million that is located predominantly in a county that has a total area of less than 1,000 square miles) to authorize the establishment and use in accordance with Subsection (b)(6) (relating to a perpetual care cemetery of an organized religious society or sect) of a cemetery located inside the boundaries of the municipality 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.

SECTION 2. Effective date: upon passage of September 1, 2011.