

BILL ANALYSIS

Senate Research Center
87R16382 EAS-F

C.S.S.B. 629
By: Hinojosa
Business & Commerce
4/1/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The City of Mission has not had a cemetery built within the city limits in the past 15 years. Unfortunately, due to the ongoing COVID-19 pandemic and the number of related deaths in the area, Mission has seen an increased need for burial plots beyond those already utilized by the city. The current cemeteries within the city's limits are reaching over 90 percent capacity and current statute does not allow them to develop a new cemetery, despite the increased need for plots.

S.B. 629 would ensure the community has the statutory ability to create space for burials.

S.B. 629 grants statutory authority for the City of Mission to develop a new cemetery within its city limits. Once authority is granted, the regulation of the cemetery or any other type of perpetual care would continue as the law is already written.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 629 amends current law relating to cemeteries in certain 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 (a) and adding Subsection (1), as follows:

(a) Prohibits an individual, corporation, partnership, firm, trust, or association, except as provided by Subsections (b), (f), (g), (g-1), (h), (k), and (1), from establishing or operating a cemetery, or using any land for the interment of remains, located in or within certain distances of certain municipalities.

(1) Authorizes an individual, corporation, partnership, firm, trust, or association, not later than September 1, 2022, to file a written application with the governing body of a municipality to which this subsection applies to establish or use a cemetery located inside the legal boundaries of the municipality. Requires that the municipality by ordinance prescribe the information to be included in the application. Authorizes the governing body by ordinance to authorize the establishment or use of the cemetery 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. Provides that this subsection applies only to a municipality with a population of not less than 75,000 and not more than 95,000, and in which a state veterans cemetery is located.

SECTION 2. Effective date: September 1, 2021.