

BILL ANALYSIS

Senate Research Center
76R9286 MCK-F

H.B. 3694
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Administration
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Engrossed

DIGEST

Currently, Section 714.003, Health and Safety Code, attempts to regulate the sale of abandoned lots in nonprofit cemeteries. Certain portions of the section are outdated and need to be clarified. H.B. 3694 would establish provisions regarding abandoned burial plots.

PURPOSE

As proposed, H.B. 3694 establishes provisions regarding abandoned burial plots.

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 the heading to Section 714.003, Health and Safety Code, as follows:

Sec. 714.003. ABANDONED PLOTS IN PRIVATE CEMETERIES

SECTION 2. Amends Sections 714.003(a), (b), (c), (e), (g), and (i), Health and Safety Code, to provide that the ownership or right of sepulture in an unoccupied plot, rather than an unoccupied lot or part of a lot, for which adequate perpetual care has not been provided in a private cemetery operated by a nonprofit organization reverts to the cemetery on a finding by the court that the plot is abandoned. Requires a cemetery, after deducting reasonable expenses related to the reacquisition and sale of an abandoned plot, including restoration, expenses of the sale, court costs and legal fees, to deposit the balance of the funds from the sale of the plot into an account to be used for the care of the cemetery. Redefines “nonprofit organization,” and “private cemetery.” Defines “plot.” Makes conforming and nonsubstantive changes.

SECTION 3. Emergency clause.

Effective date: upon passage.