

BILL ANALYSIS

Senate Research Center

H.B. 1460
By: Williams (Armbrister)
State Affairs
4/23/2001
Engrossed

DIGEST AND PURPOSE

Under current law, certain cemeteries without endowment funds or with insufficient endowment funds are able to use the terms “perpetual” or “endowment” in the cemetery’s name or advertising. There are concerns that the use of these terms is misleading and confusing. H.B. 1460 amends the Health and Safety Code to prohibit a cemetery corporation that does not operate as a perpetual care cemetery from using those words in relation to the cemetery. The bill requires a cemetery corporation that is not in compliance with the prohibition on using these terms in its name to amend its articles of incorporation to comply with this Act not later than December 31, 2002.

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 711.021, Health and Safety Code, to prohibit a cemetery corporation, including a corporation described by Subsection (d), that does not operate as a perpetual care cemetery in accordance with Chapter 712 from using the words “perpetual care” or “endowment care,” or any other term that suggests “perpetual care” or “endowment care” standards, in the cemetery’s name or any advertising relating to the cemetery.

SECTION 2. Requires a cemetery corporation that is not in compliance with Section 711.021(h) (1), Health and Safety Code, on the effective date of this Act, to amend its articles of incorporation to comply with this Act not later than December 31, 2002.

SECTION 3. Effective date: September 1, 2001.