

## **BILL ANALYSIS**

Senate Research Center

H.B. 1737  
By: Carter (Staples)  
State Affairs  
3/30/2001  
Engrossed

### **DIGEST AND PURPOSE**

Current law authorizes a cemetery organization operating a cemetery in accordance with distance requirements to acquire land that is adjacent but not necessarily contiguous to the cemetery for cemetery purposes if additional land is required. The phrasing of adjacent, but not necessarily contiguous may inhibit the completion of a transaction for the acquisition of land for use by cemeteries. As proposed, H.B. 1737 allows for the acquisition of land that is, at the closest point, no more than 200 feet from an existing cemetery.

### **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. Repealer: Section 711.008(c) (regarding the location of a cemetery), Health and Safety Code.

SECTION 2. Amends Section 711.033, Health and Safety Code, by redesignating Subsections (b), (c), and (d), respectively, as Subsections (c), (d), and (e) and adding a new Subsection (b), as follows:

(b) Authorizes a cemetery organization operating a cemetery located and operated in accordance with the distance requirements prescribed in Section 711.008 to acquire land adjacent to the cemetery for cemetery purposes. Defines “adjacent” under this subsection. Prohibits the closest points of the property to be acquired and the cemetery from being more than 200 feet apart.

SECTION 3. Effective date: upon passage or September 1, 2001.