

## **BILL ANALYSIS**

Senate Research Center  
77R15392 YDB-D

H.B. 3069  
By: Chisum (Duncan)  
State Affairs  
5/10/2001  
Committee Report (Amended)

### **DIGEST AND PURPOSE**

Under current Texas law, a commissioners court is authorized to use public funds, county employees, and county equipment (property) to maintain a cemetery that has a grave marker more than 50 years old, but does not address the question of whether a county commissioner may use county property to open or close a grave in such a cemetery. The attorney general concluded in a recent opinion that a county commissioner may not use county property to open and close graves in a private cemetery. H.B. 3069 authorizes a commissioners court to use public funds for any activity necessary for the continued operation of a cemetery within certain counties with a grave marker more than 50 years old, including the opening or closing of graves.

### **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 713.028, Health and Safety Code, by adding Subsection (c), to provide that maintenance of a cemetery under Subsection (a) includes any activity necessary for the continued operation of the cemetery, including the opening and closing of graves. Provides that this subsection applies only to a county with a population of 40,000 or less.

SECTION 2. Effective date: upon passage or September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

Committee Amendment No. 1.

Strikes previously proposed SECTION 1 and inserts a new SECTION 1 to add a new Subsection (c) to Section 713.028, Health and Safety Code, regarding the maintenance of a cemetery within certain counties. The original did not include the limitation of this provision to a county with a population of 40,000 or less.