

BILL ANALYSIS

Senate Research Center
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S.B. 788
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Jurisprudence
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DIGEST AND PURPOSE

Currently, state law allows a plot owner who finds that a perpetual care cemetery owner is not meeting the obligations under a contract to sue the cemetery owner. As proposed, S.B. 788 adds a provision enabling the winner of such a lawsuit to collect attorney's fees and court costs from the other party.

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 712.026, Health and Safety Code, to require, in a suit for relief under this section, court costs and attorney's fees to be awarded to the directors of the corporation, if it is found that the directors are substantially expending the available net income of the fund as required by this subchapter; or to the plot owners initiating the suit, if it is found that the directors are not substantially expending the available net income of the fund as required by this subchapter.

SECTION 2. Effective date: September 1, 2001.
Makes application of this Act prospective.