Senate Research Center   H.B. 2214
85R7884 AJZ-D   By: Schofield (Kolkhorst)
                                                     Intergovernmental Relations
                                                                    5/16/2017
                                                                    Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2214 addresses an issue by allowing any nonprofit organization to file an application by September 1, 2020, to a municipality's governing body to establish or use a cemetery within its boundaries.

Under current state law, municipalities cannot create a new cemetery within a certain distance of their boundaries.

H.B. 2214 only applies to municipalities that are located wholly or partially within a county with a population of 3.3 million or more. The governing body can authorize the cemetery so long as it will not affect the public's general health or safety.

H.B. 2214 amends current law relating to cemeteries in certain municipalities.

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 711.008, Health and Safety Code, by amending Subsection (a) and adding Subsection (g-1), as follows:

(a) Creates an exception under Subsection (g-1).

(g-1) Authorizes a nonprofit organization, not later than September 1, 2020, to file a written application with the governing body of a municipality to establish or use a cemetery located inside the boundaries of the municipality. Requires the municipality, by ordinance, to prescribe the information to be included in the application. Authorizes the governing body, by ordinance, to authorize the establishment or use of a cemetery located inside the boundaries of the municipality if the municipality determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare. Provides that this subsection applies only to a municipality that is wholly or partly located in a county with a population of more than 3.3 million.

SECTION 2. Effective date: upon passage or September 1, 2017.