

## **BILL ANALYSIS**

Senate Research Center  
86R9947 SRA-D

H.B. 2198  
By: Clardy (Nichols)  
Intergovernmental Relations  
4/26/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The City of Nacogdoches wants to dissolve the permanent trust for Sunset Memorial Park Cemetery. This was created in 1954 under a City Ordinance, number 12-7-54, to create a perpetual care cemetery trust fund for the Sunset Memorial Park. Under this rule there are unclear and overly burdensome restrictions which make the use of funds to manage this cemetery extremely difficult. The termination of this trust would allow the cemetery to use these funds more freely for cemetery preservation and improvements. The City Council voted 5-0 on March 5, 2019, to support this legislation.

H.B. 2198 amends current law relating to the use of a perpetual trust fund for a cemetery by 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 713.008, Health and Safety Code, as follows:

Sec. 713.008. TERMINATION OF MUNICIPAL TRUST BY CERTAIN MUNICIPALITIES. (a) Creates this subsection from existing text.

(b) Authorizes the governing body of a municipality in a county with a population of at least 40,000 but not more than 80,000 and that contains a portion of the Angelina National Forest to abolish the municipality's perpetual trust fund for a cemetery and use the fund, including both principal and interest, for permanent improvements to the cemetery. Provides that termination of a trust fund under this subsection does not constitute renouncement of a trust or failure to act as its trustee under this subchapter (Municipal Regulation of Cemeteries).

SECTION 2. Effective date: September 1, 2019.