

## **BILL ANALYSIS**

Senate Research Center  
86R22151 EAS-F

H.B. 4179  
By: Miller et al. (Miles)  
Intergovernmental Relations  
5/15/2019  
Engrossed

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

An unmarked 19th century burial site that contained the remains of a number of inmates was recently uncovered in Fort Bend County. The issue of the disposition of the remains has become a major local issue. It was suggested that the county step in and agree to purchase the land where the remains were discovered for proper reburial, but the county lacks the necessary statutory authority. H.B. 4179 seeks to address this issue by authorizing certain counties to own, operate, and maintain a cemetery.

H.B. 4179 amends current law relating to the cemeteries in certain counties.

### **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 Subchapter B, Chapter 713, Health and Safety Code, by adding Section 713.0271, as follows:

Sec. 713.0271. CEMETERY OWNED BY CERTAIN COUNTIES. Authorizes a county with a population of more than 550,000 that borders a county with a population of more than 3.3 million to own, operate, and maintain a cemetery.

SECTION 2. Amends Section 713.028(a), Health and Safety Code, as follows:

(a) Authorizes a commissioners court, for purposes of historical preservation or public health, safety, or welfare, to use public funds, county employees, county inmate labor as provided by Article 43.10 (Manual Labor), Code of Criminal Procedure, and county equipment to maintain a cemetery that is at least 50 years old, rather than to maintain a cemetery that has a grave marker more than 50 years old.

SECTION 3. Amends Section 713.026(a), Health and Safety Code, as follows:

(a) Prohibits a trustee of a fund established under this subchapter (County Regulation of Cemeteries) or a member of the commissioners court or any other elected county officer, except as provided by Sections 713.027 (Cemetery Owned by County of 8,200 or Less), 713.0271, and 713.028 (County Care of Cemetery Older Than 50 Years), rather than Section 713.027 and 713.028, from paying or using public funds or county employees, equipment, or property to maintain a neglected or unkept public or private cemetery.

SECTION 4. Effective date: upon passage or September 1, 2019.