

## CHAPTER 720

## H.B. No. 1401

An Act relating to the use of county funds for the maintenance of certain cemeteries.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 8, Chapter 516, Acts of the 61st Legislature, Regular Session, 1969 (Article 2351f-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8. Except as otherwise provided by Article 2351f-3, Revised Statutes, and except as provided for counties with a population of 8,200 or less, the trustee, the commissioners court, and other elected public officials of the county are hereby prohibited from paying or using any public funds, or using county employees or county equipment and property for the purpose of maintenance and upkeep of neglected and unkept public and private cemeteries.

**SECTION 2.** Title 44, Revised Statutes, is amended by adding Article 2351f-3 to read as follows:

*Art. 2351f-3. CARE OF CEMETERIES FOR REASONS OF HISTORICAL PRESERVATION OR PUBLIC HEALTH. The commissioners court may, for purposes of historical preservation or public health, safety, or welfare, use public funds, county employees, and county equipment to provide maintenance and upkeep of a cemetery that has a grave marker more than 50 years old. This article does not apply to a perpetual care cemetery or a cemetery maintained by a religious or fraternal organization.*

**SECTION 3.** This Act takes effect September 1, 1985.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 9, 1985, by the following vote: Yeas 145, Nays 0, 1 present, not voting; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 14, 1985

Effective: September 1, 1985