

CHAPTER 736

H.B. No. 1696

AN ACT

relating to the location of cemeteries in certain municipalities.

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

SECTION 1. Section 711.008, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (k) to read as follows:

(a) Except as provided by Subsections (b), (c), ~~and~~ (e), *and* (k), an individual, corporation, or association may not inter remains in a cemetery located:

(1) in or within one mile of the boundaries of a municipality with a population of 5,000 to 25,000;

(2) in or within two miles of the boundaries of a municipality with a population of 25,000 to 50,000;

(3) in or within three miles of the boundaries of a municipality with a population of 50,000 to 100,000;

(4) in or within four miles of the boundaries of a municipality with a population of 100,000 to 200,000; or

(5) in or within five miles of the boundaries of a municipality with a population of at least 200,000.

*(k) This subsection applies only to a municipality with a population of 100,000 or more that is located in a county with a population of less than 120,000. Not later than September 1, 1994, a person may file a written application with the governing body of the municipality to establish or use a cemetery located inside the boundaries of the municipality. The municipality by ordinance shall prescribe the information to be included in the application. The governing body by ordinance may 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.*

SECTION 2. This Act takes effect September 1, 1993.

SECTION 3. 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 12, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1696 on May 28, 1993, by a non-record vote; passed by the Senate, with amendments, on May 27, 1993, by a viva-voce vote.

Approved June 16, 1993.

Effective Sept. 1, 1993.