



TEXAS CEMETERIES & CREMATORIES ASSOCIATION

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87TH TEXAS LEGISLATIVE SESSION BILLS FOLLOWED

Bills sent to the Governor:

HB723 - This bill was filed in the House on 12/03/2020 by representative Jared Patterson. Currently, there is no law that requires the next of kin to be notified when a family member's cause of death on their death certificate is changed. H.B. 723 requires that the next of kin be contacted when the cause of death on a loved one's death certificate is amended. This bill was signed by the Governor on May 15, 2021 and becomes effective September 1, 2021.

HB1011 - This bill was filed in the House on 01/07/2021 by representative John Turner. H.B. 1011 would authorize a person to submit a written request to expedite the completion of a death certificate if the requestor demonstrates the following: the expedited completion is necessary for religious purposes; the decedent's remains will be interred, entombed, buried, cremated, or otherwise laid to rest in a foreign country; and the requestor is authorized to obtain a copy of the death certificate. This bill was signed by the Governor on June 4, 2021 and becomes effective September 1, 2021.

HB1526 - This bill was filed in the House on 02/02/2021 by representative John Kuempel. Cemeteries located within the corporate limits of New Braunfels are at or near full utilization, and a similar problem exists in Seguin. State law prohibits the establishment or operation of a cemetery or the use of any land for the interment of remains within the boundaries of certain municipalities. This prevents the creation of additional space for burials. H.B. 1526 seeks to provide an exception to the prohibition that would allow the establishment or use of a new cemetery in specified municipalities. This bill was sent to the Governor on May 31, 2021 and filed without his signature. The bill becomes effective September 1, 2021.

HB1571 - This bill was filed in the House on 02/02/2021 by representative Sergio Munoz, Jr. The City of Mission has not had a cemetery built within the city limits in the past 15 years. Unfortunately, due to the ongoing COVID-19 pandemic and the number of related deaths in the area, Mission has seen an increased need for burial plots beyond those already utilized by the city. The current cemeteries within the city's limits are reaching over 90 percent capacity and current statute does not allow the development of

a new cemetery, despite the increased need for plots. H.B. 1571 grants statutory authority for the City of Mission to develop a new cemetery within its city limits. Once authority is granted, the regulation of the cemetery or any other type of perpetual care would continue as the law is already written. This bill was sent to the Governor on May 24, 2021 and filed without his signature. The bill becomes effective September 1, 2021.

HB2005 - This bill was filed in the House on 03/12/2021 by representative Morgan Meyer. In 2019, the George W. Bush Foundation engaged with Jack Goodnoe Cemetery Planning and Design to create options for President and Mrs. Bush to be laid to rest at the Bush Center. There is an important legal step necessary to secure a state legislative exemption necessary to establish the private family cemetery. Legislation is required to permit the establishment of a private family cemetery at the site of a presidential library and museum. Current law prohibits the establishment or operating of a cemetery, or use of any land for the interment of remains, located in or within five miles of the boundaries of a municipality with a population of at least 200,000. There are certain exemptions for this law, but currently, the establishment and use of a private family cemetery at the site of a presidential library and museum is not one of them. H.B. 2005 seeks to remedy this by amending Section 711.008(b), Health and Safety Code, by adding Subdivision (8). This addition will exempt a private family cemetery at the site of a presidential library and museum from the current prohibited sites. This bill was signed by the Governor on May 15, 2021 and becomes effective September 1, 2021.

HB3644 - This bill was filed in the House on 03/10/2021 by representative Trent Ashby. There are numerous monuments decorating the grounds of the State Capitol in Austin that honor groups such as the Texas National Guard, volunteer firemen, and peace officers. However, it has been noted that there is currently no monument on the capitol grounds dedicated to emergency medical services (EMS) personnel. H.B. 3644 seeks to memorialize these public servants who have died in the line of duty, such as Mike Howard of Leon County, and provide a place for their families to honor them, by authorizing the State Preservation Board to establish an appropriate memorial monument on the capitol grounds dedicated to EMS personnel in Texas. H.B. 3644 amends current law relating to the establishment of a memorial monument dedicated to emergency medical services personnel on the Capitol grounds. This bill was signed by the Governor on June 4, 2021 and becomes effective September 1, 2021.

Bills left pending:

HB1591 - This bill was filed in the House on 02/04/2021 by representative Jeff Leach. This bill would have allowed the installation of a columbarium in a licensed funeral home within the city limits. Currently the only exceptions for allowing a columbarium to be installed on non-dedicated cemetery property is on property owned by a 501(c)(3) religious organization (church), or a 501(c)(3) religious university. This law would have allowed for the permanent interment of cremated remains in a columbarium installed on the premises of a licensed funeral home. The same law would not have permitted a cemetery organization to install columbaria in a structure that is located on non-dedicated cemetery property. The TCCA opposed this bill.

HB3199 - This bill was filed in the House on 03/08/2021 by representative Teresa Meza. Concerns have been raised that due to current statutory restrictions on the location of a cemetery it may be difficult for families in large urban areas to find a cemetery for the remains of their loved ones that is convenient for both burial and future visitation. Due to these restrictions and such factors as the affordability and limited availability of space at existing cemeteries, some families often find themselves driving quite a distance to bury or visit a loved one. Existing statutes governing where a new cemetery may be located are in need of an update due to the state's population growth and municipal expansion. H.B. 3199 seeks to help alleviate this issue by providing for a process for the establishment or use of a cemetery in certain municipalities and counties. The TCCA opposed this bill as originally written.

HB1404 - This bill was filed in the House on 01/27/2021 by representative Ann Johnson. This bill was another attempt to have the process of alkaline hydrolysis added to the definition of cremation. It would have required the Texas Funeral Service Commission to promulgate procedures and requirements for Alkaline Hydrolysis Cremation. This bill was never assigned to a committee. The TCCA opposed this bill.

HB3056 - This bill was filed in the House on 03/08/2021 by representative Vikki Goodwin. This bill would have prohibited the erection or maintenance of billboards on dedicated cemetery property, and included the power of injunctive relief by the Texas Attorney General. It also included civil penalties of \$1,000 per violation. The TCCA opposed this bill as originally written.

HB4108 - This bill was filed in the House on 03/12/2021 by representative R. D. "Bobby" Guerra. There is a trend in the cemetery industry whereby corporations are obtaining the ownership rights of cemeteries that were previously family run. When that ownership transfers to these corporations, maintenance and upkeep fees often increase without warning for family members. C.S.H.B. 4108 seeks to address this issue and provide certain consumer protections for families when following a change in ownership of a perpetual care cemetery. This bill would have required a new owner to "notify" every plot owner of the change in ownership and of "costs." This would have been a virtually impossible requirement. The TCCA opposed this bill.