

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	7 - 0 - 1
Yeas:	Clem, Matthews, Sheehan, Smith J., Weidner, Holvey, Whisnant
Nays:	0
Exc.:	Cameron
Prepared By:	Jan Nordlund, Administrator
Meeting Dates:	2/15, 2/17

WHAT THE MEASURE DOES: Prescribes the procedure and form of notice for cemetery authority to follow for disposition of abandoned burial spaces. Requires 75 years of no contact with owner of unused burial space before cemetery can begin process to reclaim burial space. Requires notice be sent to last known address of owner, that notice be posted at cemetery, and that notice be published for four weeks. Requires cemetery to wait 120 days after sending notice before unclaimed burial space is declared abandoned.

ISSUES DISCUSSED:

- Whether 50 years of no contact is sufficient
- Whether 90-day notice is sufficient
- Expense of current process to foreclose abandoned burial space
- Waiting list for burial spaces in some cemeteries
- Position of Department of State Lands regarding unclaimed property

EFFECT OF COMMITTEE AMENDMENT: Requires 75 years of no contact, as opposed to 50 years, before cemetery can begin process to reclaim abandoned burial space. Requires notice period of 120 days, as opposed to 90 days.

BACKGROUND: For a cemetery operator to declare a burial space as abandoned under existing law, a nuisance lawsuit must be filed followed by a judicial foreclosure. Many cemetery operators find the process too expensive and time consuming to pursue, and are thus left with grave plots that cannot be put to use. Metro discovered in 2007 that it had sold more than 600 cemetery plots that were previously sold but had long been unoccupied.