AN ACT

To amend and reenact R.S. 8:1(introductory paragraph), (5), (8), (9), (11), and (13) through (40), 67, 70, 76(A) and (B), 78(D), 103, 105, 107, 122(A), 123(B)(introductory paragraph), 131(A), 131.1(A), 132.1(A), 133.1(A), 133.2(B)(introductory paragraph), 135.1(A), 135.2(B)(introductory paragraph), 141, 141.1(C), 141.3(B), (C), (E), and (F), 204, 302(A), (B), and (C), 303, 305 through 307, 308(A) and (C), 311, 314, 316 through 401, 402(introductory paragraph), 403, 404, 407, 408, 411(introductory paragraph), 412(B)(2), 451, 453, 454.1(A), 455, 457 through 459, 459.1(A) and (B), 460, 461(A)(introductory paragraph) and (B), 465(A)(1)(introductory paragraph), (b), and (c), (2), (4)(h), and (5)(d), (B), and (C), 501(A), 502(A)(1)(a) and (D), 502.2(introductory paragraph) and (5), 503(A), (B), and (D), 504, 505, 505.2(introductory paragraph) and (3), 506.1(A), 507, 508, 601, 604, 605, 606(B), 653(B), 663(B), (C), (D)(2) and (4), (E)(introductory paragraph) and (1), (F)(3), and (G)(4), 673(introductory paragraph), 676(A)(6), (B), and (C), 680(A) and (C), 701 through 705, 706(C), 801, 802(B), (E), and (F), 803, 805 through 809, 813, 901, 902, 903(A) and (B), and 903.1 through 905 and to enact R.S. 8:1(41) through (44), relative to providing technical corrections for Title 8 of the Louisiana Revised Statutes of 1950; to provide for technical corrections; to provide for standardization of language; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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Section 1. R.S. 8:1(introductory paragraph), (5), (8), (9), (11), and (13) through (40),
67, 70, 76(A) and (B), 78(D), 103, 105, 107, 122(A), 123(B)(introductory paragraph),
131(A), 131.1(A), 132.1(A), 133.1(A), 133.2(B)(introductory paragraph), 135.1(A),
135.2(B)(introductory paragraph), 141, 141.1(C), 141.3(B), (C), (E), and (F), 204, 302(A),
(B), and (C), 303, 305 through 307, 308(A) and (C), 311, 314, 316 through 401,
402(introductory paragraph), 403, 404, 407, 408, 411(introductory paragraph), 412(B)(2),
451, 453, 454.1(A), 455, 457 through 459, 459.1(A) and (B), 460, 461(A)(introductory
paragraph) and (B), 465(A)(1)(introductory paragraph), (b), and (c), (2), (4)(b), and (5)(d),
(B), and (C), 501(A), 502(A)(1)(a) and (D), 502.2(introductory paragraph) and (5), 503(A),
(B), and (D), 504, 505, 505.2(introductory paragraph) and (3), 506.1(A), 507, 508, 601, 604,
605, 606(B), 653(B), 663(B), (C), (D)(2) and (4), (E)(introductory paragraph) and (1),
(F)(3), and (G)(4), 673(introductory paragraph), 676(A)(6), (B), and (C), 680(A) and (C),
701 through 705, 706(C), 801, 802(B), (E), and (F), 803, 805 through 809, 813, 901, 902,
903(A) and (B), and 903.1 through 905 are hereby amended and reenacted and R.S. 8:1(41)
through (44) are hereby enacted to read as follows:
§1.  Definitions
As used in this Title, the following words and phrases, terms have the
following meanings unless the context otherwise clearly indicates otherwise, shall
have the meaning hereinafter ascribed to each:
* * *
(5) "Care", "endowed care", or "perpetual care" means the maintenance,
repair, and care of all places where interments have been or are to be made, including
the improvements made upon the places, in keeping with a well maintained
cemetery, and general overhead expense necessary for such purposes.
* * *
(8) "Cemetery authority" means any person, firm, corporation, limited
liability company, trustee, partnership, association, or municipality owning,
operating, controlling, or managing a cemetery or holding lands within this state for
interment purposes.
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are additions.
(9) "Cemetery business" and "cemetery purposes" mean any and all business and purposes requisite to, necessary for, or incident to establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of a cemetery.

* * *

(11) "Cemetery sales organization" means any legal entity contracting as an independent contractor with a cemetery authority to conduct sales of one or more cemetery spaces, whether by deed, servitude, grant of right to use or otherwise, and/or cemetery products. It "Cemetery sales organization" does not mean any of the following:

(a) individual salesmen or sales managers employed by and contracting directly with cemetery authorities operating under this law;

(b) nor does it mean funeral establishments or funeral directors operating under licenses authorized by R.S. 37:831 et seq., when dealing directly with a cemetery authority, with members of the family of a deceased person or other persons authorized by law to arrange for the funeral and/or interment of such deceased human being;

(c) or with an individual negotiating the sale of cemetery property as a part of his or her pre-need arrangements under Chapter 6 hereof of this Title.

* * *

(13) "Columbarium" means a building, or a structure, room, or other space in a building or structure containing niches for permanent inurnment of cremated remains in a place used or intended to be used, and dedicated, for cemetery purposes.

(14) "Community cemetery" means a cemetery owned, operated, controlled, or managed by any association or organization in which the sale of lots, graves, crypts, vaults, or niches is restricted principally to individuals within a community.

(15) "Corporation" means any corporation or limited liability company now or hereafter organized, which is or may be authorized by its articles of incorporation.
or an operating agreement to conduct any one or more of the businesses of a 
cemetery.

(15) "Cremated remains" means human remains after cremation in a 
crematory.

(16) "Cremation" means the reduction of the body of a deceased person 
to cremated remains in a crematory.

(17) "Crematory" means a building or structure containing one or more 
retorts for the reduction of bodies of deceased persons to cremated remains.

(18) "Crematory and columbarium" means a building or structure 
containing both a crematory and columbarium.

(19) "Crypt" or "vault" means a space in a mausoleum of sufficient size, 
used or intended to be used, to entomb human remains.

(20) "Directors" means the board of directors, board of trustees, or other 
governing body of a cemetery authority, cemetery sales organization, or cemetery 
management organization.

(21) "Disposition" means the interment, burial, cremation, or 
anatomical donation of the body of a deceased person or parts of the body of a 
deceased person. Disposition shall not include any prohibited act under Part I of 
Chapter 12 of Title 17 of the Louisiana Revised Statutes of 1950, the Louisiana 
Anatomical Gift Act, the Louisiana Unmarked Human Burial Sites Preservation Act, 
or the Louisiana Historic Cemetery Preservation Act.

(22) "Entombment" means the placement of human remains in a 
mausoleum.

(23) "Family burial ground" means a cemetery in which no lots are sold 
to the public and in which interments are restricted to a group of persons related to 
each other by blood or marriage.

(24) "Force majeure" means any of the following circumstances:

(a) A major storm, major flood, or other similar natural disaster.
(b) A major accident beyond the cemetery authority's control and not ultimately found to be the fault of the cemetery authority.

(c) The delay by the federal government or any of its agencies, or the state or any of its agencies or political subdivisions in granting necessary permits.

(d) A valid order of any federal or state court of competent jurisdiction that prevents the timely completion of a project.

(23) (26) "Fraternal cemetery" means a cemetery owned, operated, controlled or managed by any fraternal organization or auxiliary organization thereof, in which the sale of lots, graves, crypts, vaults or niches is restricted principally to its members.

(24) (27) "Grave" means a space of ground in a cemetery, used or intended to be used, for burial.

(25) (28) "Human remains" means the body of a deceased person and includes the body in any stage of decomposition, as well as cremated remains.

(26) (29) "Interment" means the disposition of human remains by inurnment, scattering, entombment, or burial in a place used or intended to be used, and dedicated, for cemetery purposes.

(27) (30) "Inurnment" means placing cremated remains in an urn or other suitable container and placing it in a niche, crypt or vault in a place used or intended to be used, and dedicated, for cemetery purposes.

(28) (31) "Lawn crypts" means space for interment in preplaced chambers, or burial vaults, either side by side or multiple depth, covered by earth and/or sod and known also as below-ground crypts, westministers or turf top crypts.

(29) (32) "Lot" or "plot" means land in a cemetery used or intended to be used for the interment of human remains within a grave, mausoleum or lawn crypt or columbarium.

(30) (33) "Mausoleum" or "tomb" means a structure or building for the entombment of human remains in crypts or vaults in a place used or intended to be used, and dedicated, for cemetery purposes.
"Municipal cemetery" means a cemetery owned, operated, controlled or managed by a municipality or other political subdivision of the state, or instrumentality thereof authorized by law to own, operate or manage a cemetery.

"Niche" means a space in a columbarium used or intended to be used for inurnment of cremated human remains.

"Owner" means a person to whom the cemetery authority has transferred full title to or the right of use or interment in any cemetery space and who appears as the title holder in the official records of the cemetery authority.

"Perpetual care cemetery" or "endowed care cemetery" means a cemetery wherein lots and other interment spaces are sold or transferred under the representation that the cemetery will receive perpetual or endowed care.

"Person" means an individual, corporation, limited liability company, partnership, joint venture, association, trust or any other legal entity.

"Privately owned cemetery" means any cemetery except a fraternal, municipal, or religious cemetery or a family burial ground.

"Rearrangement" or "reuse" means the act of removing and disposing of a previously interred casket and the gathering and placing of human remains in an alternative container within the same cemetery space in order to accommodate additional interments.

"Religious cemetery" means a cemetery that is owned, operated, controlled or managed by a recognized church, religious society, association or denomination, or by a cemetery authority or a corporation administering or through which is administered the temporalities of any recognized church, religious society, association or denomination.

"Sale" means the sale of the full title to any cemetery space or the sale of the right of use or interment in any cemetery space.

"Temporary receiving vault" means a cemetery space used or intended to be used for the temporary placement of human remains.
"Trustee" means the separate legal entity designated as trustee of a cemetery care fund.

§67. Rules and regulations

The board may establish necessary rules and regulations for the administration and enforcement of this title and prescribe the form of statements and reports provided for herein in this Title, but such rules and regulations shall not be in conflict with or contrary to any of the provisions of this title or of R.S. 49:951, et seq.

§70. Application for certificate of authority

The initial application for a certificate of authority, including without limitation an application for a new certificate required by R.S. 8:76, shall be made in writing by a cemetery authority to the board on a form prescribed by the board, accompanied by an application fee set by the board not to exceed one thousand dollars. Applications for renewal of a valid, subsisting, and unsuspended certificate of authority shall be made in similar fashion, accompanied by the regulatory charge provided for in this Title. All initial applications must show that the cemetery authority owns or is actively operating a cemetery which is subject to the provisions of this Title.

§76. Sale or transfer of cemetery authority; application for new certificate of authority; compliance required; late charge

A. Within thirty days after the sale or transfer of ownership or control of a cemetery or cemetery authority, the transferor must return its certificate of authority to the board. The transferee must file an application, within thirty days, after the sale or transfer of ownership or control of a cemetery authority, and

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meet all the requirements of this Chapter. The application for a certificate of
authority shall be accompanied by the prescribed regulatory charge.

B. Transferees which fail to file an application for a certificate of authority
at the time required herein in Subsection A of this Section shall, in addition to the
prescribed regulatory charge, pay an additional late charge of fifty percent of the
prescribed regulatory charge or one hundred dollars whichever is lesser.

*          *          *

§78. Exemptions; exempt certificates of authority; renewal; fees

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D. Notwithstanding the provisions of this Section, every cemetery authority
or person, hereinafter referred to in this Subsection referred to as the "applicant",
seeking to be identified as a cemetery or columbarium facility that is exempt
pursuant to the provisions of this Section, shall provide the board such proof as the
board deems necessary to determine whether an applicant meets the qualifications
for exemption. If the board determines that an applicant is qualified for exemption,
the applicant shall apply for an exempt certificate of authority on a form prescribed
by the board, accompanied by an application fee of two hundred fifty dollars to cover
the board's reasonable and ordinary expenses associated with determining whether
the applicant is in compliance with applicable provisions of this Title.

*          *          *

§103. Anticipation of revenues; bonds or certificates; taxes

In order to provide a site or grounds and additions thereto and to provide and
maintain streets, curblings, aisles, walkways, outside fences, drainage, and any
building that may be needed for the use of a sexton or caretaker, as well as any
electrical illumination needed, and to provide for the employment of a sexton or
caretaker and the cutting of grass and the acquisition of and planting and care of
trees, shrubbery and flowers, the governing authority of the municipality may either
anticipate the revenues of the municipality or issue bonds or certificates based
thereon as provided by law, or submit to the taxpayers at a special election to be

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called and held in the municipality by the governing authority, pursuant to the law, to vote negotiable bonds, within the limitations authorized by law, for any of the above purposes, and thereafter levy and collect taxes and pay and retire the bonds authorized at the election.

§105. Maximum tax; use of proceeds

The special election called in accordance with the provisions of R.S. 8:103 and 104 may be for a sum not in excess of one mill on the dollar assessment on all real property subject to taxation, and may be held under the election laws relative to voting special taxes. It shall not be necessary to fund the revenues into bonds, but revenues may be spent as received for the purposes herein set forth in this Chapter.

§107. Gifts, donations and contributions

The municipal governing authority may accept gifts for purposes of establishing and/or maintaining a public cemetery, provided there is no condition thereto inconsistent with the purposes herein set forth in this Chapter.

§122. Board, qualification of members; appointment; vacancies; removal of members; officers

A. The St. Mary Parish Cemetery District shall be governed by a board of five commissioners, hereinafter referred to in this Chapter as the board, who shall be qualified voters and residents of the district and who shall serve without compensation. The board shall be appointed by the parish governing authority, one member to be from each of the following: the unincorporated area of Police Jury District 3, that part of Police Jury District 5 lying outside of 1980 Census Enumeration Districts 150T, 150U, and 151, the municipalities of Berwick and Morgan City, and the area of Bayou Vista. Three of the initial commissioners so appointed shall serve for two years, two for four years, and one for five years.
§123. Corporate status; purpose; powers and duties

B. The district, through its board of commissioners, is hereby granted and shall have and may exercise all powers necessary or convenient for carrying out its purposes, including but not limited to the following:

§131. Rapides Parish Cemetery District; creation; location

A. The Rapides Parish Police Jury is hereby authorized to create the Rapides Parish Cemetery District, hereinafter referred to in this Chapter as the "district", to be composed of that part of Rapides Parish located outside the incorporated municipalities of the parish. The objective and purpose of the district shall be the preservation and restoration of ancestral resting places, and abandoned or historic cemeteries, thereby preserving heritage and encouraging tourism.

§131.1. Board of commissioners; membership; appointment; vacancies; removal of members; officers

A. The Rapides Parish Cemetery District shall be governed by a board of nine commissioners, hereinafter referred to in this Chapter as the board, who shall be qualified voters and residents of the district and who shall serve without compensation. The police jury shall appoint one commissioner from each of the police jury districts. Three of the initial commissioners so appointed shall serve for two years, three for three years, and three for four years.

§132.1. Board, qualification of members; appointment; vacancies; removal of members; officers

A. The Grant Parish Cemetery District shall be governed by a board of five commissioners, hereinafter referred to in this Chapter as the "board", who shall be registered voters and residents of Grant Parish and who shall serve without compensation. The board shall be appointed by the governing authority of Grant...
Parish. Two of the initial commissioners so appointed shall serve for two years, two
for four years, and one for five years.

§133.1. Board, qualification of members; appointment; vacancies; removal of
members; officers

A. The LaSalle Parish Cemetery District shall be governed by a board of five
commissioners, hereinafter referred to in this Chapter as the "board", who shall be
registered voters and residents of LaSalle Parish and who shall serve without
compensation. The board shall be appointed by the governing authority of LaSalle
Parish. Two of the initial commissioners so appointed shall serve for two years, two
for four years, and one for five years.

§133.2. Corporate status; powers and duties

B. The district, through its board of commissioners, is hereby granted and
shall have and may exercise all powers necessary or convenient for carrying out its
purposes, including but not limited to the following:

§135.1. Board, qualification of members; appointment; vacancies; removal of
members; officers

A. The Sweet Lake - Grand Lake Community Cemetery District shall be
governed by a board of five commissioners, hereinafter referred to in this Chapter
as the "board", who shall be qualified voters and residents of the district and who
shall serve without compensation. The board shall be appointed by the governing
authority of Cameron Parish. Two of the initial commissioners so appointed shall
serve for two years, two for four years, and one for five years.

§135.2. Corporate status; powers and duties

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are additions.
B. The district, through its board of commissioners, is hereby granted and shall have and may exercise all powers necessary or convenient for carrying out its purposes, including but not limited to the following:

§141. St. Landry Parish Cemetery District; creation; boundaries; purpose

The governing authority of St. Landry Parish is hereby authorized to create the St. Landry Parish Cemetery District, hereinafter referred to in this Chapter as the "district", the boundaries of which shall be coterminous with the boundaries of St. Landry Parish. The objective and purpose of the district created under the provisions of this Chapter shall be the acquisition, establishment, operation, and maintenance of one or more public cemeteries within the district.

§141.1. Board; qualification of members; appointment; vacancies; officers

C. The commission shall be governed by a board of commissioners and shall be known as the Board of Commissioners of _________ District Cemetery Commission of St. Landry Parish, hereinafter referred to in this Chapter as the "board".

§141.3. District as a political subdivision; election imposing taxes, maximum tax; authority

B. The board shall have the power to levy and collect, within said the boundaries of a district, an ad valorem tax not exceeding one mill on the dollar of assessed valuation on all immovable property in the district, for a period not to exceed ten years, as authorized by R.S. 33:2740.1.

C. The imposition, collection, and enforcement of the tax and any procedural details necessary to be established to supplement the provisions of this Section and to make provisions applicable to the tax imposed hereunder in Subsection B of this Section shall be fixed by the resolution of the commission. The commission shall
have the authority to contract with the sheriff, the Department of Revenue, or any
other agency or political subdivision for the collection of the tax.

*   *   *

E. The tax shall be adopted by a commission only after the question of the
imposition of such tax and the funding thereof into bonds under pursuant to the
provisions of this Section shall have been submitted to the qualified electors within
the boundaries of such district at an election to be called, conducted, canvassed, and
promulgated by the governing authority of such district in accordance with the
general laws of the state governing the authorization of general obligation bonds and
the majority of the qualified electors voting in such election shall have voted in favor
of such additional tax and the funding thereof into bonds.

F. The resolution imposing any tax hereunder in Subsection B of this
Section, or amendments hereto, shall specify that the avails of proceeds of the tax
after payment of collection costs shall be used solely by such commission for the
maintenance of all areas that fall under the heading of Public Cemetery. The
proposition approved at said election shall constitute a full and complete dedication
of the avails or proceeds of said tax and its provisions shall control the allocation and
expenditure thereof.

*   *   *

§204. Specific powers; rule making and enforcement

A cemetery authority may make, adopt, amend, add to, revise, repeal, or
modify, and enforce rules and regulations for the use, care, control, management,
restriction and protection of all or any part of its cemetery, including without
limitation the following:

(1) It may restrict and limit the use of all property within its cemetery.

(2) It may regulate the uniformity, class and kind of all markers, monuments
and other structures within the cemetery and its subdivisions.

(3) It may regulate or prohibit the erection or installation of
monuments, markers, effigies, structures and foundations within the cemetery.

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are additions.
(4) It may regulate or prevent the introduction or care of plants or shrubs
within the cemetery.

(5) It may prevent interment in any part of the cemetery of human remains
not entitled to interment and prevent the use of interment spaces for purposes
violative of its restrictions or rules and regulations.

(6) It may regulate the conduct of persons and prevent improper assemblages
in the cemetery.

(7) It may make and enforce rules and regulations for all other purposes
deemed necessary by the cemetery authority for the proper conduct of the business
of the cemetery, for the transfer of any interment space or the right of interment, and
the protection and safeguarding of the premises, and the principles, plans, and ideals
on which the cemetery is conducted.

*          *          *

§302. Surveys and maps

A. Every cemetery authority from time to time as its property is developed
for cemetery purposes shall, in the case of land, survey and subdivide it into sections,
blocks, plots, avenues, walks, or other subdivisions, and make a good and substantial
map or plat showing the sections, plots, avenues, walks, or other subdivisions, with
descriptive names or numbers. In the case of a mausoleum or a columbarium, it shall
make a good and substantial map or plat on which shall be delineated the sections,
halls, rooms, corridors, elevations and other divisions, with descriptive names or
numbers.

B. The preparation and use of any survey, map, or plat hereinafter
contemplated required by Subsection A of this Section shall not constitute the
dedication of the property depicted thereon solely for cemetery purposes, until and
unless such property is actually used for said those purposes. Accordingly, each
such survey, map, or plat may include undeveloped areas which may be marked
"reserved for future development" and, when so marked, said those areas, when
subsequently developed and used for cemetery purposes shall be considered

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dedicated for such purposes, but if such areas are not to be used for cemetery purposes, the cemetery authority shall have the right to use such areas for any other lawful purposes.

C. Copies of such surveys, maps, or plats shall be available for inspection by any interested party at the office of the cemetery authority.

§303. Maps and plats; amendment

Any part or subdivision of the property as shown in the survey, map or plat referred to in R.S. 8:301 may, by order of the directors of the cemetery authority, be resurveyed and altered in shape and size and an amended survey, map or plat may be prepared so long as such change does not disturb the interred remains of any deceased person. Said amended survey, map or plat shall be available for inspection as provided in R.S. 8:302(C).

§305. Rule against perpetuities, etc., inapplicable

Dedication to cemetery purposes pursuant to this title is not invalid as violating any laws against perpetuities or the suspension of the power of alienation of title to or use of property but is expressly permitted and shall be considered to be in respect for the dead, a provision for the interment of human remains, and a duty to and for the benefit of the general public.

§306. Removal of dedication; procedure

A. Legislative intent. The following is the intent of the legislature:

(1) That the protection of unmarked human burial sites has been entrusted to the Louisiana Division of Archaeology, Department of Culture, Recreation and Tourism, division of archaeology and the attorney general.

(2) Notice of a judicial proceeding shall be given to the Louisiana Division of Archaeology, Department of Culture, Recreation and Tourism, division of archaeology and the attorney general in an action to cause the cemetery's dedication protection to be removed.
B. Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes unless and until the dedication is removed from all or any part of it by judgment of the district court of the parish in which the property is situated in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing to the board, and by publication as hereinafter provided in R.S. 8:307, and proof satisfactory to the court:

(1) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed; and

(2) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

C. When a petition is filed in court pursuant to Subsection B of this Section, a copy of the petition shall be served upon the Louisiana Division of Archaeology and the attorney general.

D.(1) The board or Louisiana Division of Archaeology Department of Culture, Recreation and Tourism, division of archaeology shall have the right to intervene in any action filed pursuant to Subsection B of this Section.

(2) The attorney general may represent the board or the Louisiana Division of Archaeology Department of Culture, Recreation and Tourism, division of archaeology in any action filed pursuant to Subsection B of this Section.

§307. Notice of hearing

The notice of hearing by publication provided in R.S. 8:306 shall be given by publication once a week for at least three consecutive weeks in a newspaper of general circulation in the parish where the cemetery is located and the posting of copies of the notice in three conspicuous places on that portion of the property from which the dedication is to be removed. The notice shall:

(1) describe the portion of the cemetery property sought to be removed from dedication;
(2) State that all remains have been removed or that no interments have
been made in the portion of the cemetery property sought to be removed from
dedication;

(3) Specify the time and place of hearing.

§ 308. Sale of cemetery spaces; abandoned spaces; defined; sale of abandoned
spaces

A. After completing the map or plat, a cemetery authority may sell and
convey interment spaces, subject to such rules and regulations as may be then in
effect or thereafter adopted by the cemetery authority, and subject to such other
limitations, conditions and restrictions as may be included in the instrument
of conveyance of such cemetery spaces.

* * *

C. (1) Interment space shall be deemed to have been abandoned when one of
the following occurs:

(1) After a cemetery authority shall have been unable after diligent
efforts for twenty-five years to locate any of the owners or their successors or heirs
after diligent efforts for twenty-five years.
or;

(2) In the event such interment space is no longer fit for human burial,
there has been no interment in the preceding twenty-five years and the cemetery
authority shall have been unable, after diligent efforts for one year, to locate any of
the owners or their successors or heirs to provide care, maintenance or repairs for an
interment space after diligent efforts for one year.

(2) A cemetery authority shall be deemed to have made diligent efforts to
locate the owners or their successors or heirs of an interment space for a specified
period of time if such authority:

(a) Has advertised a notice stating that such authority proposes to
acquire such interment space pursuant to this Section, which notice shall be
advertised;

b) In the case of the twenty-five year period; provided herein

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(i) once (aa) Once a year in each of the first twenty-four years of such period, and
(ii) once (bb) Once a month during the last year of such twenty-five year period, and

(b) in (ii) In the case of the one year period, provided herein, once a month during such one year period;

(2) has (b) Has posted a notice on the space to the same effect as that specified in clause (1) of this sentence, Subparagraph (a) of this Paragraph, once a month during the last year of either of such periods of time; and (2) has mailed a registered/certified letter to the last known owners of said interment space, which letter shall contain a notice to the same effect as that specified in clause (1) of this statement, Subparagraph (a) of this Paragraph; provided, however, that the requirement requirements of clause (3) of this sentence of this Subparagraph shall not be applicable to the extent that the records of the cemetery authority acting pursuant to this Section do not contain the name and address of any owner of said interment space, or

(4) be (c) The cemetery authority is determined by a court of competent jurisdiction to have exercised diligent efforts to locate the owners; provided, however, that prior to the initiation of any such legal action the cemetery authority has conformed with the requirements of the one year period of monthly advertisements, postings, and mailings as provided hereinafore Subparagraph (a) of this Paragraph and evidence of such notices has been exhibited to the court.

*   *   *

§311. Commission on sales prohibited

It shall be unlawful for a cemetery authority, directly or indirectly, to pay or offer to pay to any person, firm or corporation not licensed under this title pursuant to this Title, a commission or bonus or rebate or other thing of value for the sale of an interment space. This shall not apply to a person employed by the cemetery authority to make such sales.
§314. Record of ownership and transfers

A record shall be kept by each cemetery authority of the ownership of each interment space in the cemetery conveyed by the cemetery authority and of all transfers thereof made of each interment space. No transfer of any interment space heretofore or hereafter made, or of any right of interment, shall be complete or effective until actually recorded in the official records of the cemetery authority.

§316. Opening of roads, railroads through cemetery; consent required, exception

After dedication pursuant to this title, and as long as the property remains dedicated to cemetery purposes, no railroad, street, road, alley, pipe line, pole line or other public thoroughfare, or utility shall be laid out, through, over or across any part of it without the consent of the cemetery authority owning and operating it. If the cemetery authority is not in existence or not operating, then the consent of not less than two-thirds of the owners of interment spaces shall be required.

§317. Certain cemetery lands exempt from taxes

Property dedicated for cemetery purposes, including cemetery spaces and the land on which they stand, shall be exempt from all taxation to the fullest extent permitted by the Constitution of Louisiana and laws of this state.

§401. License to engage in business

No person shall engage in the business of a cemetery sales organization or a cemetery management organization except as authorized by this title and without first obtaining a license from the board.

§402. Application for license

Any person wishing to establish and operate the business of a cemetery sales organization or a cemetery management organization must operate as a corporation as required by R.S. 8:201 and shall file with the board a written...
application for a license to operate. The application shall be on a form issued by the
board which shall require, as at a minimum, that the documents and information
submitted to the board shall include:

*          *          *

§403. Application fee; annual fee

The application shall be accompanied by an initial filing fee of two hundred
fifty dollars for each cemetery sales organization and each cemetery management
organization. An annual fee of a like amount shall be paid. If ninety percent or more
of the applicant is owned by an existing cemetery authority operating under the
provisions of this Title, the initial filing fee, as well as the annual fee, shall be one-
half of the sums set out herein in this Section.

§404. Investigation by board

Upon receipt of an application, together with the filing fee, the board shall
cause an investigation to be made, prior to approval of an applicant, to determine
each of the following:

(1) The legal entity that is to conduct the business of applicant and if said the
entity is a foreign corporation, whether or not it is qualified to do business in
Louisiana;

(2) The identity of the principal owners, principal stockholders, and of all
directors and officers, and the ability, experience, financial stability and integrity of
each of said the parties to conduct the business stated in the application.

*          *          *

§407. Sale or transfer of cemetery sales or cemetery management organization;
application for new license; compliance required

Within ten days after the sale or transfer of ownership or control of a
cemetery sales or management organization, the transferor organization must shall
return its license to the board. The transferee, within ten days, must shall apply for
a new license and meet all the requirements of this Chapter. Upon the filing of a
completed application, the transferee may operate the business until its application is acted upon by the board.

§408. Penalties

Any person, cemetery sales organization or cemetery management organization violating the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment of not less than thirty days nor more than one year, or both, and shall be subject to revocation of his or its license to operate.

§411. Definitions

As used in this Chapter, the following terms have the following meanings hereinafter ascribed to them:

§412. Application for license; qualifications; fees

B. (2) Nothing herein in this Section shall restrict a licensee from paying necessary expenses and maintenance costs to contractors.

§451. Corporate operation

It shall be unlawful to operate a perpetual or endowed care cemetery in this state except by means of a corporation organized under in accordance with the laws of this state. This Section, however, shall not apply to any person, firm, or corporation which, prior to August 1, 1962, owned and operated a cemetery in which said the persons, firm, or corporation had sold or contracted to sell interment spaces with a provision for perpetual or endowed care, if said the person, firm, or corporation has complied with the provisions of R.S. 8:457.

§453. Cemeteries in existence on August 1, 1962; acts prohibited

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
No owner of a cemetery in existence on August 1, 1962 who previously to such date has not sold or contracted to sell any interment space in said the cemetery with a provision for perpetual or endowed care shall thereafter advertise or otherwise hold out to the public that said the cemetery or any individual interment space therein is entitled to perpetual or endowed care unless the owner has established a trust fund for perpetual or endowed care as provided by this chapter.

§454.1. Administration of trust funds; maintenance; exemption from seizure

A. The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the care of those portions of the cemetery in which interment spaces have been sold with a provision for perpetual or endowed care. It is the intent of this Section that the income of said the fund shall be used solely for the care of interment spaces sold with a provision for perpetual or endowed care and for the care of other portions of the cemetery immediately surrounding said spaces as may be necessary to preserve the beauty and dignity of the spaces sold. The fund or its income shall never be used for the development, improvement, or embellishment of unsold portions of the cemetery so as to relieve the cemetery authority of the ordinary cost incurred in preparing such property for sale.

§455. Annual report by cemeteries

All cemeteries subject to the provisions of this chapter shall file with the trustee, as defined herein in this Chapter, not later than ninety days after the close of the business year, a report setting forth the volume and the gross selling price of sales upon which a deposit with the trustee is required by this chapter.

§457. Application of Chapter

A. Any cemetery in existence on August 1, 1962, which, prior to such date, sold or contracted to sell interment spaces with a provision for perpetual or endowed
care, qualifies for the exceptions set forth in this Chapter if the owner of said the
cemetery filed in the office of the recorder of mortgages for the parish in which said
the cemetery is located, a sworn affidavit executed by said the owner, or its principal
officer, setting forth all of the following:

(1) That a care fund was in existence for said the cemetery, the principal of
which was equal to a minimum of ten percent of the gross sales of interment spaces
made by said the cemetery since its inception or since January 1, 1961, whichever
date is later.

(2) The nature and character of the assets comprising such care fund.

(3) The name of the financial institution or trustees or other entity which had
custody and control of such fund.

B. A like affidavit shall be filed with the board at the end of each fiscal year
thereafter for the operation of such cemetery.

C. No cemetery in existence on August 1, 1962, which prior to such date had
sold or contracted to sell lots in said the cemetery with a provision for perpetual or
endowed care shall thereafter continue to operate as a perpetual or endowed care
cemetery without having filed and without thereafter filing the affidavits required by
this section Section. However, an affidavit filed by a cemetery before July 31, 1974
and recorded in the mortgage records of the parish of its domicile, setting forth that
the perpetual care or endowed care fund has been properly and continually
maintained since January 1, 1961, shall be considered conclusive proof that the
provisions of this section Section have been complied with and shall place said the
cemetery authority within the excepted cemeteries.

§458. Prohibited acts; injunctions

No person or cemetery authority shall offer for sale or sell any interment
space in any cemetery with a provision for perpetual or endowed care, or in any
manner represent, advertise, or hold out to the public that said the cemetery, or any
portion thereof, is entitled to perpetual or endowed care unless and until such person
or authority has complied with the provisions of this Chapter. The board may
institute legal proceedings to enjoin any person or cemetery authority from violating the provisions of this Section.

§459. Cemeteries exempt

The provisions of this chapter shall not apply to any family burial ground or religious, fraternal, municipal, state, or federal cemetery.

§459.1. Trust fund transfers

A. The provisions of R.S. 8:459 notwithstanding, whenever the ownership or management of a cemetery is transferred and by virtue of such transfer becomes a family burial ground or a religious, fraternal, municipal, state, or federal cemetery, the existing perpetual care trust fund of such transferred cemetery shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the upkeep and maintenance of the cemetery.

B. The trustee of any such perpetual care trust fund shall be a federally insured financial institution or trust company located in Louisiana and authorized to exercise trust or fiduciary powers under accordance with the laws of Louisiana or the United States.

* * *

§460. Penalties

Whoever violates any of the provisions of this chapter shall, upon conviction, be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

§461. Examination of endowment funds; expenses

A. The board shall examine the endowment care funds of each cemetery authority governed by the provisions of this Title, including those organized before and after August 1, 1962, at the following time or times:

* * *

B. The expense of the examination as provided herein in Subsection A of this Section shall not exceed two hundred fifty dollars per day for each examiner engaged in the examination, but when the examination requires more than two days,
the cost shall be paid by the cemetery authority in an amount not to exceed a total of
five hundred dollars, unless irregularities are found, in which case the cemetery
authority shall pay the full cost of the examination. The examination shall be
privately conducted in the principal office of the cemetery authority or trustee.
§465. Order requiring reinvestment in compliance with law; actions for preservation
and protection
A. All funds held in trust for perpetual care purposes shall be administered
by the trustee with such skill and care as a man of ordinary prudence, discretion, and
intelligence would exercise in the management of his own affairs, not in regard to
speculation but in regard to the permanent disposition of his funds, considering the
probable income as well as the probable safety of his capital, subject to the following
restrictions:

(1) No such funds shall hereafter, directly or indirectly, be loaned to or
invested with any of the following:

*   *   *

(b) Any trustee of said the funds.

(c) Anyone related by blood, adoption, or marriage to any individuals
included in Subparagraphs (a) and (b) above of this Paragraph.

*   *   *

(2) An affidavit from the borrower that, to the best of said the borrower's
knowledge and belief, the subject loan is not in violation of these restrictions, shall
suffice to establish for the trustee a conclusive presumption that such is the case.

*   *   *

(4) Investment of such funds shall only be made in any of the following:

*   *   *

(h) Loans secured by a mortgage or mortgages on improved immovable
property situated exclusively in the this state of Louisiana for not more than an
aggregate of seventy-five percent of the appraised value of the property and for a
term amortized over a period not exceeding thirty years; and unless otherwise
provided by regulation of the Louisiana Cemetery Board must shall bear interest at
not less than the maximum rate permitted at the time of investment by the Federal
Housing Administration for loans to be insured.

(5) Whenever any of the funds of an endowment or perpetual care trust are
invested in or secured by a mortgage or whenever such a mortgage represents part
of the assets of such a fund, the trustee shall retain in its own or constructive custody
and furnish the cemetery authority with the following documents:

*          *          *

(d) An original, or photo copy, of an appraisal current at the time of the
mortgage, said the appraisal to be made by an appraiser meeting the qualifications
of the board, as provided by rule and regulation.

*          *          *

B. Whenever the board finds, after notice and hearing, that any endowment
or perpetual care funds have been invested in violation of this title, it shall, by
written order mailed to the trustee and to the cemetery authority, require the
reinvestment of the funds in conformity with this title within the period specified by
it, which shall not be more than six months. Such period may be extended by the
board in its discretion.

C. The board may bring actions for the preservation and protection of
endowment or perpetual care funds in the district court of the parish in which the
cemetery is located, and the court may appoint a substitute trustee or trustees and
make any other order necessary for the preservation, protection, and recovery of
endowment or perpetual care funds whenever a cemetery authority or the trustee of
such funds has:

(1) Transferred or attempted to transfer any property to or make any loan
from or investment with the endowment or perpetual care funds in violation of
Subsection A of this Section.
(2) **failed** to reinvest endowment or perpetual care funds in accordance with a board order issued under pursuant to the authority of Subsection B of this Section; or,

(3) **invested** endowment or perpetual care funds in violation of this title; or,

(4) **taken** action or failed to take action to preserve and protect the endowment or perpetual care funds, evidencing a lack of concern therefor; or,

(5) **become** financially irresponsible or transferred control of the cemetery authority to any person who, or business entity which, is financially irresponsible; or,

(6) **become** in danger of insolvency or has gone into bankruptcy or receivership; or,

(7) **taken** any action in violation of this title or failed to take action required by this title or has failed to comply with lawful rules, regulations, and orders of the board.

§501. Application

A. Except as hereinafter provided in this Chapter, no person or legal entity, including a cemetery authority, shall, directly or indirectly, enter into a contract for the sale of personal property or services which may be used in a cemetery in connection with the disposing or commemorating of the memory of a deceased human being, if delivery of such personal property or performance of such services is to be made more than one hundred twenty days after entering into such contract, except as provided in R.S. 8:502(A), 502.1, and 502.2.

§502. Payments to trust; amounts required

A. (1)(a) Any cemetery authority or other entity entering into a contract for the sale of such personal property as described in R.S. 8:501 of this Chapter, when the delivery of the personal property within the meaning of R.S. 8:502.1, is made

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more than one hundred twenty days after entering into such contract, shall deposit
seventy percent of the price charged, less sales taxes, for each item of personal
property contracted for, contracted for at a discount, or contracted for without charge
into a trust fund established for that purpose.

* * *

D. Each deposit herein required in Subsection A of this Section shall be paid
into the trust fund so established within twenty days after the close of the month of
receipt from the purchaser by the cemetery authority or other entity, except that the
entire amount required to be deposited based upon the sales price, less sales taxes,
shall be so deposited in trust within seven years from the date of the original sale,
regardless of whether or not all amounts due therefor shall have actually been paid.

* * *

§502.2. Suppliers

No person, firm, or corporation shall be deemed considered a supplier for
purposes of R.S. 8:502.1 unless it does all of the following:

* * *

(5) Submits evidence insuring that all personal property purchased through
a Louisiana cemetery authority or other entity and being stored by said the supplier
is insured for casualty, theft, or other loss normally assumed by a compensated
depositary and/or or bailee for hire.

§503. Withdrawals from trust

A. The funds shall be held in trust both as to principal and income earned
thereon, and shall remain intact, except that the costs of operation of the trust may
be deducted from the income earned thereon, until delivery of the personal property
is made or the services are performed by the cemetery authority or other entity or
until the death of the person for whose benefit the contract was made. Upon delivery
of the personal property or performance of the services, the cemetery authority or
other entity shall certify such delivery or performance to the trustee and the amount
of money plus income on deposit with trustee to the credit of that particular contract.
Upon such certification, or in case of death prior to such certification, and upon
submission of documentation as required by rules and regulations promulgated by
the board, the amount of money on deposit to the credit of each particular contract,
including principal and income earned thereon, shall be forthwith paid to the
cemetery authority or other entity. The trustee may rely upon all such certifications
herein required to be made and shall not be liable to anyone for such reliance.

B. If for any reason a cemetery authority or other entity that has entered into
a contract for the sale of personal property or services and has made the deposit into
the trust fund as herein required in this Section to be made cannot or does not
provide the personal property or perform the services called for by the contract
within a reasonable time after request in writing to do so, the purchaser or his heirs
or assigns or duly authorized representative shall have the right to provide such
personal property or services, and, having done so, shall be entitled to receive the
deposit to the credit of that particular contract. Written instructions to the trustee by
the cemetery authority or other entity directing the trustee to refund the amount of
money on deposit, or an affidavit by either the purchaser or one of his heirs or
assigns or duly authorized representative, stating that the personal property or
services were not provided, shall be sufficient authority for the trustee to make
refund of the funds on deposit to the person submitting the affidavit. The trustee
shall not be held responsible for any such refunds made on account of the cemetery
authority's or other entity's written direction or an affidavit submitted in accord with
this section. However, nothing herein contained shall relieve the cemetery authority
or other entity from any liability for nonperformance of the contract terms.

C. If the cemetery authority or other entity cannot deliver the personal
property sold because of a national emergency, the provisions of Subsection B shall
be suspended for the duration of said the emergency and for fifteen days following
the termination thereof.

D. If the purchaser defaults in making payments, the cemetery authority or
other entity shall have the right to cancel the contract and to withdraw from the trust
fund the entire balance to the credit of the defaulting purchaser's account as liquidating damages. In such event, the trustee shall deliver said balance to the cemetery authority or other entity upon its certification, and upon receiving said certification the trustee may rely thereon the certification and shall not be liable to anyone for such reliance.

§504. Payments to purchaser; change of domicile

If after final payment a purchaser moves his domicile to a point that makes delivery of the personal property or services impossible or impractical, the trustee shall refund to the purchaser the principal amount of money on deposit to the credit of that particular contract, less the income earned thereon, which shall be paid to the seller.

§505. Annual reports by trustee; final accounting by trustee required

A. Every year after August 15, 1997, a trustee, within ninety days after the close of the cemetery authority's business year, shall file with the board a financial report of the merchandise trust fund, setting forth the principal thereof, the investments and payments made therefrom, and the income earned and disbursed. The board may require the trustee to make such additional financial reports as it deems reasonably advisable.

B. Within sixty days of the resignation of a trustee and transfer of the trust fund to the successor trustee, the resigning trustee shall file with the board a financial report of the merchandise trust fund, setting forth the principal thereof, the investments and payments made therefrom, and the income earned and disbursed from the last reporting period through the date of resignation and transfer of the trust fund to the successor trustee.

* * *

§505.2. Resignation of trustee; orderly transfer of trust fund

Whenever a trustee resigns, all of the following documentation must be filed with the board to insure an orderly transfer of the trust fund from the resigning trustee to the successor trustee:
*  *  *

(3) A written statement from the successor trustee, qualified under in accordance with R.S. 8:454(B)(1), accepting the trust fund.

*  *  *

§506. Examination by board; expenses

*  *  *

B. The expense of the examination as provided herein in this Section shall not exceed two hundred fifty dollars per day for each examiner engaged in the examination, but when the examination requires more than two days, the cost shall be paid by the cemetery authority or other entity in an amount not to exceed a total of five hundred dollars, unless irregularities are found, in which case the cemetery authority or other entity shall pay the full cost of the examination.

C. In making such examination, the board shall:

(1) (a) Have free access to the books and records relating to the merchandise trust funds; their collection and investment, and individual contracts for the sale of personal property or services as described in this Chapter; and

(b) The books and records shall be made available for examination in the principal office of the cemetery authority, other entity or trustee located within the state of Louisiana.

*  *  *

§506.1. Failure to make required deposits; action

A. If any report filed with, or any examination made by, the board show shows that the minimum amounts required have not been collected and deposited in the merchandise trust fund, the board shall require the cemetery authority, or other legal entity required to establish a merchandise trust fund, to immediately comply with the requirements of this Title.

*  *  *

§507. Nonwaiver of provisions of chapter
Any provision of any contract for the sale of personal property or the performance of services herein contemplated in this Chapter which waives any of the provisions of this Chapter § shall be void.

§508. Penalties

Any cemetery authority or other entity, as defined in this Chapter §, failing to make the required deposits to the trust fund or otherwise violating the provisions of this Chapter § shall be guilty of a misdemeanor, punishable by fine of not less than two hundred dollars or more than one thousand dollars, or by imprisonment of not less than thirty days nor more than one year, or both, and each violation of this Chapter § shall constitute a separate offense.

*          *          *

§601. Application of chapter

This chapter applies to all structures, including but not limited to mausoleums, tombs, columbariums, niches, lawn crypts and underground crypts used, intended to be used or converted or altered for use for the interment of the remains of two or more persons, whether erected under, above or partially below the surface of the earth.

*          *          *

§604. Improper construction a nuisance; penalty

Every owner or builder of a structure erected or converted in violation of this title shall be guilty of maintaining a public nuisance and, upon conviction, shall be punishable by a fine of not less than five hundred dollars nor more than five thousand dollars or by imprisonment for not less than one month nor more than six months, or both.

§605. Construction in compliance with existing laws

The penalties of this chapter shall not apply to any structure that is in existence on July 31, 1974, which at the time of construction was constructed in compliance with the laws then existing, provided its continued use is not in violation of the laws for the protection of the public health.
§606. Commencement and completion requirements; application form; application fee

B. A cemetery authority shall be required to commence construction pursuant to the plans filed with the board within forty-eight months after the date of the first sale of each section of the structure in which sales, contracts for sales, or reservations for sales are being made, and the construction of each such section shall be completed within five years after the date of the said first sale. However, extensions not to exceed one year, may be granted by the board for reasonable cause. Further extensions may be granted pursuant to Subsection C of this Section. If the structure is not completed within the time specified herein in this Subsection, all monies paid plus any monetary penalties assessed by the board shall be paid to the purchasers, unless the cemetery authority delivers a completed interment space acceptable to the purchaser in lieu of the interment space purchased.

§653. Opening graves; stealing body; receiving same

B. Whoever purchases or receives, except for interment or cremation, any such dead body or any part thereof, knowing that the same has been removed in violation of this section, shall be punished by imprisonment for not more than three years or by a fine of not more than one thousand dollars, or both.

§663. Collection, analysis, and reburial of exposed human skeletal remains

B. This Section shall apply only to municipal cemeteries as defined in R.S. 8:1, and to cemeteries that do not currently hold a certificate of authority under in accordance with this Title.

C. The words and phrases in this Section shall have the meanings given to them in Chapter 10-A of this Title unless the context clearly indicates otherwise.
D.

* * *

(2) Upon a failure or refusal of the cemetery authority to comply with a demand made under in accordance to Paragraph (1) of this Subsection and with the express written permission of the cemetery authority, the attorney general or students and instructors of institutions of higher education from the disciplines of anthropology, archaeology, biology, and mortuary science may undertake the systematic collection of human skeletal remains and burial items that are exposed to the surface and are at risk of being looted from cemeteries within the state.

* * *

(4) The attorney general may collect the exposed human skeletal remains or may delegate that authority to a qualified party under pursuant to this Subsection.

E. The following procedures and protocols shall be followed in undertaking any collection program under as provided in this Section:

(1) Prior to any collection activity notification, proof of compliance with this Section shall be provided to the Louisiana Cemetery Board, the Louisiana Division of Archaeology Department of Culture, Recreation and Tourism, division of archaeology, and the attorney general, in writing.

* * *

F. The following protocols shall be the responsibility of the cemetery authority:

* * *

(3) In the event that no cemetery authority is identifiable, such human skeletal remains shall be curated by the collecting entity in a manner that conforms to the Louisiana Division of Archaeology Department of Culture, Recreation and Tourism, division of archaeology curation guidelines. Such human skeletal remains may be re-interred in an unused portion of the subject cemetery pursuant to an order of a court of competent jurisdiction.
G. There shall be no liability on the part of, and no action for damages
against, any of the following:

*          *          *

(4) The Louisiana Cemetery Board, the Louisiana Division of Archaeology
Department of Culture, Recreation and Tourism, division of archaeology, and the
attorney general, and their agents or employees, shall not be liable in damages under
any law of the state or any political subdivision for their role in administering
portions of this Section.

*          *          *

§673. Definitions

As used in this Chapter, unless the context clearly indicates otherwise, the
following terms shall have the following meanings indicated unless the context
clearly indicates otherwise:

*          *          *

§676. Powers and duties of the secretary

A. The secretary shall have the following powers and duties:

*          *          *

(6) To issue permits for the disinterment and/or for the scientific study of
human skeletal remains and burial artifacts found in unmarked burial sites. The
secretary may adopt rules and regulations to provide for the issuance of emergency
permits by the state archaeologist.

*          *          *

B. Civil damages, except for attorney fees, recovered by the secretary,
subject to applicable provisions of law, shall be used by the secretary to implement
and enforce this Chapter and to fund activities of the Department of Culture,
Recreation and Tourism, division of archaeology in regard to restoration and
protection of burial sites, in accordance with regulations adopted by the secretary and
other applicable laws. Attorney fees shall be paid to the Louisiana Department of
Justice.

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
C. Provisional permits may be used by the Department of Culture, Recreation and Tourism, division of archaeology until rules and regulations governing permitting are adopted.

§680. Discovery of unmarked burial sites, human skeletal remains, and burial artifacts

A. Any person who has reason to believe he or she has discovered an unmarked burial site or received human skeletal remains from an unmarked burial site shall notify the law enforcement agency of the jurisdiction where the site or remains are located within twenty-four hours of discovery. Any person who has reason to believe he or she has discovered or received burial artifacts shall notify the secretary through the Department of Culture, Recreation and Tourism, division of archaeology within seventy-two hours of the discovery. Failure to give notice as required is a misdemeanor punishable by a fine of not less than one hundred dollars nor more than one thousand dollars.

C. Each law enforcement agency that receives notice of an unmarked burial site or human skeletal remains shall immediately notify the coroner of the parish where the site or remains are found. The law enforcement agency shall also notify the secretary through the Department of Culture, Recreation and Tourism, division of archaeology within two business days of any discovery unless circumstances indicate that the death or burial is less than fifty years old or that there is need for a criminal investigation or legal inquiry by the coroner.

§701. Application

This chapter applies to all undeveloped land of a cemetery authority that is used, intended to be used, or converted into use for the interment of human remains.

§702. Standards of construction

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
No undeveloped land shall be sold or otherwise disposed of for use for the
interment of human remains unless the person, cemetery authority or other entity that
intends to sell or otherwise dispose of such land for such use has made reasonable
and adequate provisions for the installation of the necessary roadways, walkways,
drainage, embellishments, features, landscaping and other facilities that will insure
the completion of said undeveloped land into the kind of cemetery that is being
or will be represented for sale to the buying public.

§703. Compliance with ordinances and specifications

The development of said undeveloped land shall comply with the laws,
ordinances, building codes and any and all other lawful requirements of the state,
parish and municipality in which the said land is located.

§704. Improper use a nuisance; penalty

Every landowner who sells or otherwise disposes of or causes or permits the
sale or other disposition of undeveloped land for use for the interment of human
remains in violation of this section shall be guilty of maintaining a public
nuisance and, upon conviction, shall be punishable by fine of not less than five
hundred dollars nor more than five thousand dollars or by imprisonment for not less
than one month nor more than six months, or both.

§705. Construction in compliance with existing laws

The penalties of this title shall not apply as to any land that is being used
for the interment of human remains if the continued use of such land is not in
violation of the laws for the protection of public health.

§706. Commencement and completion requirements

C. Failure to commence and/or complete development within the time
herein required in this Section shall be a misdemeanor punishable by fine of not less
than two hundred dollars nor more than one thousand dollars or by imprisonment of
not less than thirty days nor more than one year, or both.
§801. Recognized owner of title

The person or persons or entity in whose names the official title to a cemetery space appears in the official records of a cemetery authority shall be treated as the owner of said the space by the cemetery authority.

§802. Transfer of ownership rights

* * *

B. A cemetery authority may refuse to give its consent to a sale, use, or transfer of, or may refuse to issue a deed or other evidence of title to a cemetery space or the right of interment, so long as if there is any indebtedness due on such right of interment or cemetery space.

* * *

E. Whenever a cemetery authority makes an interment on the authority of a person who presents the official title to the cemetery space in which the said interment is to be made, the right of the cemetery authority to make said the interment shall be conclusively presumed, but it shall have the right to refuse to permit an interment if it receives a written protest from any person who, in the sole judgment of an officer of the cemetery authority, has a reasonable basis for objecting.

F. In dealing with an owner, a cemetery authority may rely upon, for all purposes, the last address of said owner that is on file in the office of the cemetery authority, and any notice forwarded to the owner of record at said address shall be conclusively considered as sufficient and proper legal notification for any and all purposes. If an owner wishes to change his official address, it shall be his duty to notify the cemetery authority, in writing, and when such a notice is received by the cemetery authority, the owner's address shall be promptly changed and, thereafter, said new address shall prevail for all purposes.

§803. Descent of title to cemetery space

Except as herein otherwise provided in this Chapter, every right of interment and cemetery space shall be subject to the laws of Louisiana pertaining to
community property, inheritance, including but not limited to the laws of intestacy,
donations inter vivos and mortis causa, and successions.

§805. When right of interment or cemetery space is inalienable

Subject to the approval of the cemetery authority, any cemetery space in any
cemetery may be conveyed by the owner or owners, by proper instrument in a form
approved by the cemetery authority, or such conveyance may be so provided in the
last will and testament of the owner to the cemetery authority in perpetual trust for
its preservation as a place of interment and shall thereafter remain forever inalienable
by act of the parties. The right to use the said cemetery space as a place of interment
of the dead of the family of the owner and his descendants shall descend from
generation to generation, unless the act of conveyance in trust provides that
interments in the said space shall be confined to the remains of specified persons, in
which case the said space shall be forever preserved for the remains of the persons
so specified and shall never be used for any other purpose.

§806. Rights of co-owners

When the record title to a cemetery space or right of interment is in the names
of two or more persons, each shall be considered as having a vested right therein and
no conveyance or other disposition of said space or right shall be recognized without
the written concurrence of each said record owner, but each owner shall have the
right of interment in any unoccupied portion of the cemetery space at the time of
death.

§807. Co-owners; identification

An affidavit by any informed but disinterested person having knowledge of
the facts setting forth the fact of the death of one co-owner and establishing the
identity of the surviving co-owner named in the deed to any cemetery space or right
of interment, when filed with the cemetery authority, shall constitute complete and
sufficient authorization to the cemetery authority to permit the use of one unoccupied
portion of said space in accordance with the directions of the surviving co-owner.
§808. Co-owners may designate representative

When there are two or more owners of a cemetery space or right of interment, they may designate one or more persons, firms or corporations, trustees, or other entities to represent them and, upon filing written notice of designation with the cemetery authority, the cemetery authority in its discretion shall have the right to deal with such representative unless the cemetery authority receives written revocation of the designation executed by all of the co-owners or their heirs or legal representatives.

§809. Waiver of right of interment

Any surviving spouse, parent, child, or heir having a right of interment in an interment space may waive such right in favor of any other relative or spouse of a relative of the deceased record owner. Upon such waiver, the remains of the person in whose favor the waiver is made may be interred in the interment space.

*          *          *

§813. Correction of errors

A cemetery authority shall have the right to correct any and all errors that may occur in or in connection with the operation of the cemetery, including without limitation those involving or in connection with the making of an interment, disinterment or removal, or the description, transfer, granting the right of use or conveyance of a cemetery space, and in this connection, the cemetery authority shall have the right to substitute, grant the right of use, or convey, in order to correct any such errors, other interment rights, approximately equal in value and location as far as feasible, as selected by said the authority; or, in the sole discretion of said the authority, the correction of an error may be accomplished by the refunding of the amount of money paid on account of the acquisition or use of a cemetery space. If an error involves an interment, the cemetery authority shall have the right to remove and transfer the remains that are involved.

§901. Unlawful to use, lease or sell for drilling, mining, or prospecting; penalty
A. It shall be unlawful to use, lease or sell any tract of land which is platted, laid out, or dedicated for cemetery purposes and in which human bodies are interred, on any part of such tract, for the purpose of prospecting, drilling or mining; provided that the prohibition of leasing contained in this section shall not apply to any oil, gas, or mineral lease that contains a stipulation forbidding drilling or mining operations upon that portion of the leased premises which is included within the cemetery.

B. Whoever violates this section shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned for not less than thirty days nor more than six months, or both, and each day during which drilling, mining or prospecting is conducted or prosecuted shall be considered a separate offense.

§902. Underground burials; depth

Any cemetery sexton or other person digging graves for underground interments shall dig sufficiently deep to allow for at least two feet of soil to cover the entire area of the casket, unless the said interment is in a burial vault, coping or lawn crypt.

§903. Maintenance of cemetery spaces more than fifty years old; sale of repaired abandoned cemetery spaces

A. Cemetery authorities may renovate and repair but not demolish, at their own cost or in conjunction with any private, state, or federal grant or fund, cemetery spaces within their cemeteries that are more than fifty years old and which have deteriorated, when the record owner or his spouse or heirs have neglected to do such renovation within one year after written notice mailed by registered or certified mail to the last known address of the last record owner on the records of the cemetery authority, the posting of notice on each of such cemetery spaces, and advertising in the official journal of the parish or municipality notifying the owner thereof that such renovation and repair will be made, unless the owner thereof objects by written notice to the office of the cemetery authority before the end of the
one year period. Upon failing to receive any objections, after due notice has been
given, the cemetery authority may proceed with the repairs or renovations with
impunity.

B. Cemetery authorities may require the payment of all documented repair
and renovation costs before any such renovated or repaired interment space
may thereafter be used.

* * *

§903.1. Cemeteries; maintenance of vaults and wall vaults more than fifty years old;
reclamation by authority

A. Cemetery authorities of municipal, religious, and nonprofit cemeteries
may renovate, repair, and maintain vaults and wall vaults in question,
at their own cost in conjunction with any private, state, or federal grant or
fund, vaults and wall vaults over fifty years old or vaults and wall
vaults located in cemeteries more than one hundred years old, which have
deteriorated or are in a ruinous state under the following conditions:

(1) In the event that the cemetery authority has no evidence of ownership or
interments in the vault or wall vault in question, it may immediately make the
repairs, renovations, and maintenance and after same have been completed, publish
as part of a general notice in the official journal of the parish or municipality a notice
notifying all persons that if no one comes forward to the office of the cemetery
authority with written evidence of ownership of the vault or wall vault in
question within sixty days of the date of publication then the cemetery authority shall
have the right to reclaim the ownership of the vault or wall vault in question
and resell same.

(2) In the event that there is evidence of an interment or interments in the
vault or wall vault in question, and the cemetery authority has no evidence of
ownership, the remains may be immediately removed and temporarily reinterred at
another location, and the cemetery authority shall then have the power to
immediately make the renovations, repairs, and maintenance necessary, and the same
notice procedure set forth in Paragraph (1) of this Subsection shall be followed, except that all persons shall have six months to come forward to the office of the cemetery authority and present written evidence of ownership in the vault and/or wall vault in question, and in the event that anyone fails to do so within the time prescribed, then the vault and/or wall vault may be reclaimed by the cemetery authority and resold.

(3) In the event that records of the cemetery authority indicate that there is a record owner of the vault and/or wall vault in question, the remains, if any, may be immediately removed and temporarily reinterred at another location, and the cemetery authority shall have the right and power to immediately make the necessary renovations, repairs, and maintenance, then the cemetery authority shall attempt to contact the owner by registered or certified mail at his last known address, and also publish as part of a general notice in the official journal of the parish or municipality in question a notice stating that in the event the owner or his heirs fail to come forward to the office of the cemetery authority within six months of the date of the notice and submit written proof of ownership, then the vault and/or wall vault in question may be reclaimed and resold by the cemetery authority.

(4) In addition to the notifications called for in Paragraphs (1), (2), and (3) hereinabove of this Subsection, the cemetery authority shall also post a common or general sign or notice in a conspicuous place in the cemetery informing the public of the above so that claimants may come forward in the manner prescribed herein to assert their rights.

(5) Under no circumstances shall the cemetery authority be prevented from doing repairs, renovations, and maintenance to vaults and/or wall vaults if same are necessary for the preservation of the section of vaults and/or wall vaults in question and/or the beautification of the cemetery. If it becomes necessary to remove remains therefrom, the cemetery authority shall have this right and power as set forth above, but the remains must be kept separate until the herein prescribed time period has elapsed so that they can be identified.
(6) After the renovations, repairs, and maintenance have been completed and
the prescribed time period has lapsed, and the cemetery authority has reclaimed the
ownership of the vault and/or wall vault in question, then all of the remains
removed in accordance with the provisions of this Paragraph, shall be interred in a
common burial place, but the cemetery authority shall retain records, tablets, stones,
and other information regarding which vaults and/or wall vaults same were
removed from and the interments therein, and the names of the deceased persons in
question, if they are available.

(7) Under no circumstances shall any of the above be construed in such a
fashion as to prevent a cemetery authority from immediately making repairs,
renovations, and maintenance of wall vaults in the event that same is necessary
for the protection of the health and welfare of the general public.

(8) If a person comes forward to the cemetery authority within the time
periods prescribed in Paragraphs (1) through (3) hereof of this Subsection with
satisfactory written evidence of ownership or title to the vault and/or wall vault
in question, the cemetery authority may require that they pay their pro rata share, to
be reasonably determined by the cemetery authority, of all actual costs and expenses
of repairs, renovations, and maintenance before the said vault and/or wall vault
may thereafter be used by them and their title thereto confirmed. If there is some
other impediment or objection to reuse of the vault and/or wall vault in question,
they must still pay their pro rata share of all costs as set forth hereinabove in this
Section to confirm their title to same, otherwise ownership or title may be reclaimed
by the cemetery authority and the space resold. Under no circumstances shall the
owner of the vault and/or wall vault in question be able to object to the repairs,
renovations, and maintenance done or to be done if it is necessary for the
preservation of the section of vaults, and/or wall vaults in question, or the
protection of the health and welfare of the general public.

B. The provisions hereof in this Section shall be inapplicable with respect
to any tomb, vault, or wall vault placed in perpetual care.
§904. Speculative sales and purchases prohibited; penalties

A. It is declared to be against the public policy of this state for any person, firm, corporation, association, or other legal entity to speculate in interment spaces. Accordingly, it shall be unlawful for any person, firm, corporation, association, or other legal entity, except a licensed cemetery authority, to sell or buy an interment space or spaces for the purpose of resale at a profit.

B. Whoever violates this section shall be fined no more than five hundred dollars or be imprisoned for not more than six months, or both, for each interment space so bought or sold.

§905. Upkeep of cemeteries; local ordinance authorized; penalty; definition of "shareholder"

A. Each municipality having a population of twenty-five thousand or less persons according to the latest federal decennial census and having a commission form of government shall be authorized to adopt an ordinance requiring owners or shareholders of a cemetery to insure that the owner or corporation's cemetery is kept neat and orderly.

B. Such a municipality may also adopt as a penalty a fine not to exceed five hundred dollars or imprisonment for not more than six months, or both.

C. As used in this Section, "shareholder" shall mean any person who owns a controlling share or a majority of the stock of the cemetery corporation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 783 Original 2022 Regular Session Davis

Proposed law makes technical corrections to various cemetery laws in Title 8.

(Amends R.S. 8:1(intro. para.), (5), (8), (9), (11), and (13) through (40), 67, 70, 76(A) and (B), 78(D), 103, 105, 107, 122(A), 123(B)(intro. para.), 131(A), 131.1(A), 132.1(A), 133.1(A), 133.2(B)(intro. para.), 135.1(A), 135.2(B)(intro. para.), 141, 141.1(C), 141.3(B), (C), (E), and (F), 204, 302(A), (B), and (C), 303, 305 through 307, 308(A) and (C), 311, 314, 316 through 401, 402(intro. para.), 403, 404, 407, 408, 411(intro. para.), 412(B)(2), 451, 453, 454.1(A), 455, 457 through 459, 459.1(A) and (B), 460, 461(A)(intro. para.) and (B), 465(A)(1)(intro. para.), (b), and (c), (2), (4)(h), and (5)(d), (B), and (C), 501(A),

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
502(A)(1)(a) and (D), 502.2(intro. para.) and (5), 503(A), (B), and (D), 504, 505, 505.2(intro. para.) and (3), 506.1(A), 507, 508, 601, 604, 605, 606(B), 653(B), 663(B), (C), (D)(2) and (4), (E)(intro. para.) and (1), (F)(3), and (G)(4), 673(intro. para.), 676(A)(6), (B), and (C), 680(A) and (C), 701 through 705, 706(C), 801, 802(B), (E), and (F), 803, 805 through 809, 813, 901, 902, 903(A) and (B), and 903.1 through 905; and Adds R.S. 8:1(41) through (44))