

2022 Regular Session

HOUSE BILL NO. 783

BY REPRESENTATIVE DAVIS

LEGISLATION: Provides for technical corrections and revision of provisions of Title 8 of the Louisiana Revised Statutes

1 AN ACT

2 To amend and reenact R.S. 8:1(introductory paragraph), (5), (8), (9), (11), and (13) through

3 (40), 67, 70, 76(A) and (B), 78(D), 103, 105, 107, 122(A), 123(B)(introductory

4 paragraph), 131(A), 131.1(A), 132.1(A), 133.1(A), 133.2(B)(introductory

5 paragraph), 135.1(A), 135.2(B)(introductory paragraph), 141, 141.1(C), 141.3(B),

6 (C), (E), and (F), 204, 302(A) through (C), 303, 305 through 307, 308(A) and (C),

7 311, 314, 316 through 401, 402(introductory paragraph), 403, 404, 407, 408,

8 411(introductory paragraph), 412(B)(2), 451, 453, 454.1(A), 455, 457 through 459,

9 459.1(A) and (B), 460, 461(B), 465(A)(1)(introductory paragraph), (b), and (c), (2),

10 (4)(h), and (5)(d), (B), and (C), 501(A), 502(A)(1)(a) and (D), 502.2(introductory

11 paragraph) and (5), 503, 504, 505, 505.2(introductory paragraph) and (3), 506(B) and

12 (C)(1), 506.1(A), 507, 508, 601, 604, 605, 606(B), 653(B), 663(B), (C), (D)(2) and

13 (4), (E)(introductory paragraph) and (1), (F)(3), and (G)(4), 673(introductory

14 paragraph), 676(A)(6), (B), and (C), 680(A) and (C), 701 through 705, 706(C), 801,

15 802(B), (E), and (F), 803, 805 through 809, 813, 901, 902, 903(A) and (B), 903.1,

16 904, and 905(C) and to enact R.S. 8:1(41) through (44), relative to providing

17 technical corrections for Title 8 of the Louisiana Revised Statutes of 1950; to provide

18 for technical corrections; to provide for standardization of language; and to provide

19 for related matters.

20 Be it enacted by the Legislature of Louisiana:

21 Section 1. R.S. 8:1(introductory paragraph), (5), (8), (9), (11), and (13) through (40),

22 67, 70, 76(A) and (B), 78(D), 103, 105, 107, 122(A), 123(B)(introductory paragraph),

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 131(A), 131.1(A), 132.1(A), 133.1(A), 133.2(B)(introductory paragraph), 135.1(A),  
 2 135.2(B)(introductory paragraph), 141, 141.1(C), 141.3(B), (C), (E), and (F), 204, 302(A)  
 3 through (C), 303, 305 through 307, 308(A) and (C), 311, 314, 316 through 401,  
 4 402(introductory paragraph), 403, 404, 407, 408, 411(introductory paragraph), 412(B)(2),  
 5 451, 453, 454.1(A), 455, 457 through 459, 459.1(A) and (B), 460, 461(B),  
 6 465(A)(1)(introductory paragraph), (b), and (c), (2), (4)(h), and (5)(d), (B), and (C), 501(A),  
 7 502(A)(1)(a) and (D), 502.2(introductory paragraph) and (5), 503, 504, 505,  
 8 505.2(introductory paragraph) and (3), 506(B) and (C)(1), 506.1(A), 507, 508, 601, 604,  
 9 605, 606(B), 653(B), 663(B), (C), (D)(2) and (4), (E)(introductory paragraph) and (1),  
 10 (F)(3), and (G)(4), 673(introductory paragraph), 676(A)(6), (B), and (C), 680(A) and (C),  
 11 701 through 705, 706(C), 801, 802(B), (E), and (F), 803, 805 through 809, 813, 901, 902,  
 12 903(A) and (B), 903.1, 904, and 905(C) are hereby amended and reenacted and R.S. 8:1(41)  
 13 through (44) are hereby enacted to read as follows:

14 §1. Definitions

15 As used in this Title<sub>2</sub> the following ~~words and phrases~~, terms have the  
 16 following meanings unless the context ~~otherwise~~ clearly indicates otherwise, ~~shall~~  
 17 ~~have the meaning hereinafter ascribed to each:~~

18 \* \* \*

19 (5) "Care", "endowed care", or "perpetual care" means the maintenance,  
 20 repair<sub>2</sub> and care of all places where interments have been or are to be made, including  
 21 the improvements ~~thereon~~ made upon the places, in keeping with a well maintained  
 22 cemetery, and general overhead expense necessary for such purposes.

23 \* \* \*

24 (8) "Cemetery authority" means any person, firm, corporation, limited  
 25 liability company, trustee, partnership, association<sub>2</sub> or municipality owning,  
 26 operating, controlling<sub>2</sub> or managing a cemetery or holding lands within this state for  
 27 interment purposes.

28 (9) "Cemetery business" and "cemetery purposes" mean any and all business  
 29 and purposes requisite to, necessary for, or incident to establishing, maintaining,

1 operating, improving, or conducting a cemetery, interring human remains, and the  
2 care, preservation, and embellishment of a cemetery.

3 \* \* \*

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

9 (a) ~~individual~~ Individual salesmen or sales managers employed by and  
10 contracting directly with cemetery authorities operating ~~under~~ in accordance with  
11 this law;

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

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

20 \* \* \*

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

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

27 ~~(14.1)~~ (15) "Corporation" means any corporation or limited liability  
28 company ~~now or hereafter organized,~~ which is ~~or may be~~ authorized by its articles

1 or an operating agreement to conduct any one or more of the businesses of a  
2 cemetery.

3 ~~(15)~~ (16) "Cremated remains" means human remains after cremation in a  
4 crematory.

5 ~~(16)~~ (17) "Cremation" means the reduction of the body of a deceased person  
6 to cremated remains in a crematory.

7 ~~(17)~~ (18) "Crematory" means a building or structure containing one or more  
8 retorts for the reduction of bodies of deceased persons to cremated remains.

9 ~~(18)~~ (19) "Crematory and columbarium" means a building or structure  
10 containing both a crematory and columbarium.

11 ~~(19)~~ (20) "Crypt" or "vault" means a space in a mausoleum of sufficient size,  
12 used or intended to be used, to entomb human remains.

13 ~~(20)~~ (21) "Directors" means the board of directors, board of trustees, or other  
14 governing body of a cemetery authority, cemetery sales organization, or cemetery  
15 management organization.

16 ~~(20.1)~~ (22) "Disposition" means the interment, burial, cremation, or  
17 anatomical donation of the body of a deceased person or parts of the body of a  
18 deceased person. Disposition shall not include any prohibited act ~~under~~ pursuant to  
19 Part I of Chapter 12 of Title 17 of the Louisiana Revised Statutes of 1950, the  
20 ~~Louisiana~~ Anatomical Gift Act, the Louisiana Unmarked Human Burial Sites  
21 Preservation Act, or the Louisiana Historic Cemetery Preservation Act.

22 ~~(21)~~ (23) "Entombment" means the placement of human remains in a  
23 mausoleum.

24 ~~(22)~~ (24) "Family burial ground" means a cemetery in which no lots are sold  
25 to the public and in which interments are restricted to a group of persons related to  
26 each other by blood or marriage.

27 ~~(22.1)~~ (25) "Force majeure" means any of the following circumstances:

28 (a) A major storm, major flood, or other similar natural disaster.

1 (b) A major accident beyond the cemetery authority's control and not  
2 ultimately found to be the fault of the cemetery authority.

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

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

7 ~~(23)~~ (26) "Fraternal cemetery" means a cemetery owned, operated,  
8 controlled, or managed by any fraternal organization or auxiliary organization  
9 thereof, in which the sale of lots, graves, crypts, vaults, or niches is restricted  
10 principally to its members.

11 ~~(24)~~ (27) "Grave" means a space of ground in a cemetery, used or intended  
12 to be used, for burial.

13 ~~(25)~~ (28) "Human remains" means the body of a deceased person and  
14 includes the body in any stage of decomposition, as well as cremated remains.

15 ~~(26)~~ (29) "Interment" means the disposition of human remains by inurnment,  
16 scattering, entombment, or burial in a place used or intended to be used, and  
17 dedicated, for cemetery purposes.

18 ~~(27)~~ (30) "Inurnment" means placing cremated remains in an urn or other  
19 suitable container and placing it in a niche, crypt, or vault in a place used or intended  
20 to be used, and dedicated, for cemetery purposes.

21 ~~(28)~~ (31) "Lawn crypts" means space for interment in preplaced chambers;  
22 or burial vaults, either side by side or multiple depth, covered by earth ~~and/or~~ or sod  
23 and known also as below-ground crypts, ~~westministers~~ Westminster crypts, or turf  
24 top crypts.

25 ~~(29)~~ (32) "Lot" or "plot" means land in a cemetery used or intended to be  
26 used for the interment of human remains within a grave, mausoleum, lawn crypt, ~~or~~  
27 ~~lawn crypt~~ or columbarium.

1           ~~(30)~~ (33) "Mausoleum" or "tomb" means a structure or building for the  
2           entombment of human remains in crypts or vaults in a place used or intended to be  
3           used, and dedicated, for cemetery purposes.

4           ~~(31)~~ (34) "Municipal cemetery" means a cemetery owned, operated,  
5           controlled, or managed by a municipality or other political subdivision of the state,  
6           or instrumentality thereof authorized by law to own, operate, or manage a cemetery.

7           ~~(32)~~ (35) "Niche" means a space in a columbarium used or intended to be  
8           used for inurnment of cremated human remains.

9           ~~(33)~~ (36) "Owner" means a person to whom the cemetery authority has  
10          transferred full title to or the right of use of ~~and/or~~ or interment in any cemetery  
11          space and who appears as the title holder in the official records of the cemetery  
12          authority.

13          ~~(34)~~ (37) "Perpetual care cemetery" or "endowed care cemetery" means a  
14          cemetery wherein lots and other interment spaces are sold or transferred under the  
15          representation that the cemetery will receive perpetual or endowed care.

16          ~~(35)~~ (38) "Person" means an individual, corporation, limited liability  
17          company, partnership, joint venture, association, trust, or any other legal entity.

18          ~~(36)~~ (39) "Privately owned cemetery" means any cemetery except a fraternal,  
19          municipal, or religious cemetery, or a family burial ground.

20          ~~(36.1)~~ (40) "Rearrangement" or "reuse" means the act of removing and  
21          disposing of a previously interred casket and the gathering and placing of human  
22          remains in an alternative container within the same cemetery space in order to  
23          accommodate additional interments.

24          ~~(37)~~ (41) "Religious cemetery" means a cemetery that is owned, operated,  
25          controlled, or managed by a recognized church, religious society, association, or  
26          denomination, or by a cemetery authority or a corporation administering or through  
27          which is administered the temporalities of any recognized church, religious society,  
28          association, or denomination.

1                   ~~(38)~~ (42) "Sale" means the sale of the full title to any cemetery space or the  
2 sale of the right of use of ~~and/or~~ or interment in any cemetery space.

3                   ~~(39)~~ (43) "Temporary receiving vault" means a cemetery space used or  
4 intended to be used for the temporary placement of human remains.

5                   ~~(40)~~ (44) "Trustee" means the separate legal entity designated as trustee of  
6 a cemetery care fund.

7   \*           \*           \*

8           §67. Rules and regulations

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

14   \*           \*           \*

15           §70. Application for certificate of authority

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

25   \*           \*           \*

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

28                   A. Within thirty days after the sale or transfer of ownership or control of a  
29 cemetery or cemetery authority, the transferor ~~must~~ shall return its certificate of

1 authority to the board. The transferee ~~must~~ shall file an application, within thirty  
2 days, after the sale or transfer of ownership or control of a cemetery authority, and  
3 meet all the requirements of this Chapter. The application for a certificate of  
4 authority shall be accompanied by the prescribed regulatory charge.

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

9 \* \* \*

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

11 \* \* \*

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

22 \* \* \*

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

24 In order to provide a site or grounds and additions thereto and to provide and  
25 maintain streets, curbing, aisles, walkways, outside fences, drainage, and any  
26 building that may be needed for the use of a sexton or caretaker, as well as any  
27 electrical illumination needed, and to provide for the employment of a sexton or  
28 caretaker and the cutting of grass and the acquisition of and planting and care of  
29 trees, shrubbery, and flowers, the governing authority of the municipality may either



1 anticipate the revenues of the municipality or issue bonds or certificates ~~based~~  
2 ~~thereon~~ as provided by law, or submit to the taxpayers at a special election to be  
3 called and held in the municipality by the governing authority, pursuant to the law,  
4 to vote negotiable bonds, within the limitations authorized by law, for any of the  
5 above purposes, and thereafter levy and collect taxes and pay and retire the bonds  
6 authorized at the election.

7 \* \* \*

8 §105. Maximum tax; use of proceeds

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

15 \* \* \*

16 §107. Gifts, donations and contributions

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

20 \* \* \*

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

23 A. The St. Mary Parish Cemetery District shall be governed by a board of  
24 five commissioners, ~~hereinafter~~ referred to in this Chapter as the board, who shall be  
25 qualified voters and residents of the district and who shall serve without  
26 compensation. The board shall be appointed by the parish governing authority, one  
27 member to be from each of the following: the unincorporated area of Police Jury  
28 District 3, that part of Police Jury District 5 lying outside of 1980 Census  
29 Enumeration Districts 150T, 150U, and 151, the municipalities of Berwick and

1 Morgan City, and the area of Bayou Vista. Three of the initial commissioners ~~so~~  
2 appointed shall serve for two years, two for four years, and one for five years.

3 \* \* \*

4 §123. Corporate status; purpose; powers and duties

5 \* \* \*

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

9 \* \* \*

10 §131. Rapides Parish Cemetery District; creation; location

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

17 \* \* \*

18 §131.1. Board of commissioners; membership; appointment; vacancies; removal of  
19 members; officers

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

26 \* \* \*

1 §132.1. Board, qualification of members; appointment; vacancies; removal of  
2 members; officers

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

9 \* \* \*

10 §133.1. Board, qualification of members; appointment; vacancies; removal of  
11 members; officers

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

18 \* \* \*

19 §133.2. Corporate status; powers and duties

20 \* \* \*

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

24 \* \* \*

25 §135.1. Board, qualification of members; appointment; vacancies; removal of  
26 members; officers

27 A. The Sweet Lake - Grand Lake Community Cemetery District shall be  
28 governed by a board of five commissioners, ~~hereinafter~~ referred to in this Chapter  
29 as the "board", who shall be qualified voters and residents of the district and who

1 shall serve without compensation. The board shall be appointed by the governing  
2 authority of Cameron Parish. Two of the initial commissioners ~~so~~ appointed shall  
3 serve for two years, two for four years, and one for five years.

4 \* \* \*

5 §135.2. Corporate status; powers and duties

6 \* \* \*

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

10 \* \* \*

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

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

18 §141.1. Board; qualification of members; appointment; vacancies; officers

19 \* \* \*

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

24 \* \* \*

25 §141.3. District as a political subdivision; election imposing taxes, maximum tax;  
26 authority

27 \* \* \*

28 B. The board shall have the power to levy and collect, within ~~said~~ the  
29 boundaries of a district, an ad valorem tax not exceeding one mill on the dollar of

1 assessed valuation on all immovable property in the district, for a period not to  
2 exceed ten years, as authorized by R.S. 33:2740.1.

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

9 \* \* \*

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

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

25 \* \* \*

26 §204. Specific powers; rule making and enforcement

27 A cemetery authority may make, adopt, amend, add to, revise, repeal, or  
28 modify, and enforce rules and regulations for the use, care, control, management,

1 restriction, and protection of all or any part of its cemetery, including without  
2 limitation the following:

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

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

6 (3) It may regulate or prohibit the erection ~~and/or~~ or installation of  
7 monuments, markers, effigies, structures, and foundations within the cemetery;

8 (4) It may regulate or prevent the introduction or care of plants or shrubs  
9 within the cemetery;

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

13 (6) It may regulate the conduct of persons and prevent improper assemblages  
14 in the cemetery, ~~and~~;

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

20 \* \* \*

21 §302. Surveys and maps

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

1           B. The preparation and use of any survey, map<sub>2</sub> or plat ~~hereinabove~~  
 2 ~~contemplated~~ required by Subsection A of this Section shall not constitute the  
 3 dedication of the property depicted thereon solely for cemetery purposes, ~~until and~~  
 4 unless such property is actually used for ~~said~~ those purposes. Accordingly, each  
 5 such survey, map<sub>2</sub> or plat may include undeveloped areas which may be marked  
 6 "reserved for future development" and, when so marked, ~~said~~ those areas, when  
 7 subsequently developed and used for cemetery purposes shall be considered  
 8 dedicated for such purposes, but if such areas are not to be used for cemetery  
 9 purposes, the cemetery authority shall have the right to use such areas for any other  
 10 lawful purposes.

11           C. Copies of such surveys, maps<sub>2</sub> or plats shall be available for inspection  
 12 by any interested party at the office of the cemetery authority.

13                                   \*       \*       \*

14       §303. Maps and plats; amendment

15           Any part or subdivision of the property as shown in the survey, map<sub>2</sub> or plat  
 16 referred to in R.S. 8:301 may, by order of the directors of the cemetery authority, be  
 17 resurveyed and altered in shape and size and an amended survey, map<sub>2</sub> or plat may  
 18 be prepared so long as such change does not disturb the interred remains of any  
 19 deceased person. ~~Said~~ The amended survey, map<sub>2</sub> or plat shall be available for  
 20 inspection as ~~hereinabove~~ provided in R.S. 8:302(C).

21                                   \*       \*       \*

22       §305. Rule against perpetuities, etc., inapplicable

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

28       §306. Removal of dedication; procedure

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

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

4 (2) Notice of a judicial proceeding shall be given to the ~~Louisiana Division~~  
5 ~~of Archaeology~~ Department of Culture, Recreation and Tourism, division of  
6 archaeology and the attorney general in an action to cause the cemetery's dedication  
7 protection to be removed.

8 B. Property dedicated to cemetery purposes shall be held and used  
9 exclusively for cemetery purposes ~~unless and~~ until the dedication is removed from  
10 all or any part of it by judgment of the district court of the parish in which the  
11 property is situated in a proceeding brought by the cemetery authority for that  
12 purpose and upon notice of hearing to the board, and by publication as ~~hereinafter~~  
13 provided in R.S. 8:307, and proof satisfactory to the court:

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

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

19 C. When a petition is filed in court pursuant to Subsection B of this Section,  
20 a copy of the petition shall be served upon the ~~Louisiana Division of Archaeology~~  
21 Department of Culture, Recreation and Tourism, division of archaeology and the  
22 attorney general.

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

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



1 §307. Notice of hearing

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

7 (1) ~~describe~~ Describe the portion of the cemetery property sought to be  
8 removed from dedication;

9 (2) ~~state~~ State that all remains have been removed or that no interments have  
10 been made in the portion of the cemetery property sought to be removed from  
11 dedication; ~~and~~

12 (3) ~~specify~~ Specify the time and place of hearing.

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

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

20 \* \* \*

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

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

26 (2) ~~in~~ (b) In the event such interment space is no longer fit for human burial,  
27 there has been no interment in the preceding twenty-five years and the cemetery  
28 authority shall have been unable, ~~after diligent efforts for one year,~~ to locate any of

1 the owners or their successors or heirs to provide care, maintenance, or repairs for  
2 an interment space after diligent efforts for one year.

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

6 ~~(1) has~~ (a) Has advertised a notice stating that such authority proposes to  
7 acquire such interment space pursuant to this Section, which notice shall be  
8 advertised:

9 ~~(a) in (i)~~ In the case of the ~~twenty-five year~~ twenty-five-year period:  
10 ~~provided herein~~

11 ~~(i) once~~ (aa) Once a year in each of the first twenty-four years of such  
12 period, ~~and~~

13 ~~(ii) once~~ (bb) Once a month during the last year of such ~~twenty-five year~~  
14 twenty-five-year period, ~~and~~

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

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

27 ~~(4) be~~ (c) If the cemetery authority is determined by a court of competent  
28 jurisdiction to have exercised diligent efforts to locate the owners; provided,  
29 however, that prior to the initiation of any such legal action the cemetery authority

1 has conformed with the requirements of the ~~one year~~ one-year period of monthly  
2 advertisements, postings, and mailings as provided ~~hereinabove~~ in Subparagraph (a)  
3 of this Paragraph and evidence of such notices has been exhibited to the court.

4 \* \* \*

5 §311. Commission on sales prohibited

6 It shall be unlawful for a cemetery authority, directly or indirectly, to pay or  
7 offer to pay to any person, firm, or corporation not licensed ~~under this title~~ pursuant  
8 to this Title, a ~~commission or bonus or rebate~~ commission, bonus, rebate, or other  
9 thing of value for the sale of an interment space. This shall not apply to a person  
10 employed by the cemetery authority to make such sales.

11 \* \* \*

12 §314. Record of ownership and transfers

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

18 \* \* \*

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

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

1 §317. Certain cemetery lands exempt from taxes

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

5 §401. License to engage in business

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

9 §402. Application for license

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

16 \* \* \*

17 §403. Application fee; annual fee

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

24 §404. Investigation by board

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

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

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

7 \* \* \*

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

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

16 §408. Penalties

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

22 §411. Definitions

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

25 \* \* \*

1 §412. Application for license; qualifications; fees

2 \* \* \*

3 B.

4 \* \* \*

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

7 \* \* \*

8 §451. Corporate operation

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

16 \* \* \*

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

18 No owner of a cemetery in existence on August 1, 1962, who previously to  
19 such date has not sold or contracted to sell any interment space in ~~said~~ the cemetery  
20 with a provision for perpetual or endowed care shall thereafter advertise or otherwise  
21 hold out to the public that ~~said~~ the cemetery or any individual interment space  
22 therein is entitled to perpetual or endowed care unless the owner has established a  
23 trust fund for perpetual or endowed care as provided by this ~~chapter~~ Chapter.

24 \* \* \*

25 §454.1. Administration of trust funds; maintenance; exemption from seizure

26 A. The principal of the trust fund shall remain permanently intact and only  
27 the income therefrom shall be expended. The income shall be used solely for the  
28 care of those portions of the cemetery in which interment spaces have been sold with  
29 a provision for perpetual or endowed care. It is the intent of this Section that the

1 income of ~~said~~ the fund shall be used solely for the care of interment spaces sold  
 2 with a provision for perpetual or endowed care and for the care of other portions of  
 3 the cemetery immediately surrounding ~~said~~ the spaces as may be necessary to  
 4 preserve the beauty and dignity of the spaces sold. The fund or its income shall  
 5 never be used for the development, improvement, or embellishment of unsold  
 6 portions of the cemetery so as to relieve the cemetery authority of the ordinary cost  
 7 incurred in preparing such property for sale.

8 \* \* \*

9 §455. Annual report by cemeteries

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

14 \* \* \*

15 §457. Application of Chapter

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

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

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

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

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

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

13 §458. Prohibited acts; injunctions

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

21 §459. Cemeteries exempt

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

24 §459.1. Trust fund transfers

25 A. The provisions of R.S. 8:459 notwithstanding, whenever the ownership  
26 or management of a cemetery is transferred and by virtue of such transfer becomes  
27 a family burial ground or a religious, fraternal, municipal, state, or federal cemetery,  
28 the existing perpetual care trust fund of such transferred cemetery shall remain



1 permanently intact and only the income therefrom shall be expended. The income  
2 shall be used solely for the upkeep and maintenance of ~~said~~ the cemetery.

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

7 \* \* \*

8 §460. Penalties

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

12 §461. Examination of endowment funds; expenses

13 \* \* \*

14 B. The expense of the examination as provided ~~herein~~ in Subsection A of  
15 this Section shall not exceed two hundred fifty dollars per day for each examiner  
16 engaged in the examination, but when the examination requires more than two days,  
17 the cost shall be paid by the cemetery authority in an amount not to exceed a total of  
18 five hundred dollars, unless irregularities are found, in which case the cemetery  
19 authority shall pay the full cost of the examination. The examination shall be  
20 privately conducted in the principal office of the cemetery authority or trustee.

21 \* \* \*

22 §465. Order requiring reinvestment in compliance with law; actions for preservation  
23 and protection

24 A. All funds held in trust for perpetual care purposes shall be administered  
25 by the trustee with such skill and care as a man of ordinary prudence, discretion, and  
26 intelligence would exercise in the management of his own affairs, not in regard to  
27 speculation but in regard to the permanent disposition of his funds, considering the  
28 probable income as well as the probable safety of his capital, subject to the following  
29 restrictions:

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

3 \* \* \*

4 (b) Any trustee of ~~said~~ the funds.

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

7 \* \* \*

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

11 \* \* \*

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

13 \* \* \*

14 (h) Loans secured by a mortgage or mortgages on improved immovable  
15 property situated exclusively in ~~the~~ this state ~~of Louisiana~~ for not more than an  
16 aggregate of seventy-five percent of the appraised value of the property and for a  
17 term amortized over a period not exceeding thirty years<sub>2</sub>; and unless otherwise  
18 provided by regulation of the Louisiana Cemetery Board ~~must~~ shall bear interest at  
19 not less than the maximum rate permitted at the time of investment by the Federal  
20 Housing Administration for loans to be insured.

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

25 \* \* \*

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

29 \* \* \*

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

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

13 (1) ~~Transferred~~ Transferred or attempted to transfer any property to or make any loan  
14 from or investment with the endowment or perpetual care funds in violation of  
15 Subsection A of this Section.

16 (2) ~~failed~~ Failed to reinvest endowment or perpetual care funds in  
17 accordance with a board order issued ~~under~~ pursuant to the authority of Subsection  
18 B of this Section; ~~or,~~ .

19 (3) ~~invested~~ Invested endowment or perpetual care funds in violation of this  
20 ~~title;~~ Title.

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

23 (5) ~~become~~ Become financially irresponsible or transferred control of the  
24 cemetery authority to any person who, or business entity which, is financially  
25 irresponsible; ~~or,~~ .

26 (6) ~~become~~ Become in danger of insolvency or has gone into bankruptcy or  
27 receivership; ~~or,~~ .

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

4 \* \* \*

5 §501. Application

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

13 \* \* \*

14 §502. Payments to trust; amounts required

15 A.(1)(a) Any cemetery authority or other entity entering into a contract for  
16 the sale of such personal property as described in R.S. 8:501 ~~of this Chapter~~, when  
17 the delivery of the personal property within the meaning of R.S. 8:502.1, is made  
18 more than one hundred twenty days after entering into such contract, shall deposit  
19 seventy percent of the price charged, less sales taxes, for each item of personal  
20 property contracted for, contracted for at a discount, or contracted for without charge  
21 into a trust fund established for that purpose.

22 \* \* \*

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

29 \* \* \*

1 §502.2. Suppliers

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

4 \* \* \*

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

9 \* \* \*

10 §503. Withdrawals from trust

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

26 B. If for any reason a cemetery authority or other entity that has entered into  
27 a contract for the sale of personal property or services and has made the deposit into  
28 the trust fund as ~~herein~~ required in this Section to be made cannot or does not  
29 provide the personal property or perform the services called for by the contract

1 within a reasonable time after request in writing to do so, the purchaser or his heirs  
2 or assigns or duly authorized representative shall have the right to provide such  
3 personal property or services, and, having done so, shall be entitled to receive the  
4 deposit to the credit of that particular contract. Written instructions to the trustee by  
5 the cemetery authority or other entity directing the trustee to refund the amount of  
6 money on deposit, or an affidavit by either the purchaser or one of his heirs or  
7 assigns or duly authorized representative, stating that the personal property or  
8 services were not provided, shall be sufficient authority for the trustee to make  
9 refund of the funds on deposit to the person submitting the affidavit. The trustee  
10 shall not be held responsible for any such refunds made on account of the cemetery  
11 authority's or other entity's written direction or an affidavit submitted in accord with  
12 ~~this section~~ Section. However, nothing ~~herein~~ contained in this Section shall relieve  
13 the cemetery authority or other entity from any liability for nonperformance of the  
14 contract terms.

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

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

26 §504. Payments to purchaser; change of domicile

27 If after final payment a purchaser moves his domicile to a point that makes  
28 delivery of the personal property or services impossible or impractical, the trustee  
29 shall refund to the purchaser the principal amount of money on deposit to the credit

1 of that particular contract, less the income earned ~~thereon~~, which shall be paid to the  
2 seller.

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

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

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

16 \* \* \*

17 §505.2. Resignation of trustee; orderly transfer of trust fund

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

21 \* \* \*

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

24 \* \* \*

25 §506. Examination by board; expenses

26 \* \* \*

27 B. The expense of the examination as provided ~~herein~~ in this Section shall  
28 not exceed two hundred fifty dollars per day for each examiner engaged in the  
29 examination, but when the examination requires more than two days, the cost shall

1 be paid by the cemetery authority or other entity in an amount not to exceed a total  
2 of five hundred dollars, unless irregularities are found, in which case the cemetery  
3 authority or other entity shall pay the full cost of the examination.

4 C. In making such examination, the board shall:

5 (1)(a) Have free access to the books and records relating to the merchandise  
6 trust funds; 2 their collection and investment, and individual contracts for the sale of  
7 personal property or services as described in this Chapter; ~~said~~.

8 (b) Make the books and records ~~shall be made~~ available for examination in  
9 the principal office of the cemetery authority, other entity, 2 or trustee located within  
10 the state of Louisiana.

11 \* \* \*

12 §506.1. Failure to make required deposits; action

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

18 \* \* \*

19 §507. Nonwaiver of provisions of ~~chapter~~ Chapter

20 Any provision of any contract for the sale of personal property or the  
21 performance of services ~~herein~~ contemplated in this Chapter which waives any of the  
22 provisions of this Chapter ~~8~~ shall be void.

23 §508. Penalties

24 Any cemetery authority or other entity, as defined in this Chapter ~~8~~, failing  
25 to make the required deposits to the trust fund or otherwise violating the provisions  
26 of this Chapter ~~8~~ shall be guilty of a misdemeanor, punishable by fine of not less  
27 than two hundred dollars or more than one thousand dollars, or by imprisonment of  
28 not less than thirty days nor more than one year, or both, and each violation of this  
29 Chapter ~~8~~ shall constitute a separate offense.

30 \* \* \*



1 §601. Application of ~~chapter~~ Chapter

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

7 \* \* \*

8 §604. Improper construction a nuisance; penalty

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

14 §605. Construction in compliance with existing laws

15 The penalties of this ~~chapter~~ Chapter shall not apply as to any structure that  
16 is in existence on July 31, 1974, which at the time of construction was constructed  
17 in compliance with the laws then existing, provided its continued use is not in  
18 violation of the laws for the protection of the public health.

19 §606. Commencement and completion requirements; application form; application  
20 fee

21 \* \* \*

22 B. A cemetery authority shall be required to commence construction  
23 pursuant to the plans filed with the board within forty-eight months after the date of  
24 the first sale of each section of the structure in which sales, contracts for sales, or  
25 reservations for sales are being made, and the construction of each such section shall  
26 be completed within five years after the date of the ~~said~~ first sale. However,  
27 extensions not to exceed one year; may be granted by the board for reasonable cause.  
28 Further extensions may be granted pursuant to Subsection C of this Section. If the  
29 structure is not completed within the time specified ~~herein~~ in this Subsection, all

1 monies paid plus any monetary penalties assessed by the board shall be paid to the  
2 purchasers, unless the cemetery authority delivers a completed interment space  
3 acceptable to the purchaser in lieu of the interment space purchased.

4 \* \* \*

5 §653. Opening graves; stealing body; receiving same

6 \* \* \*

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

11 \* \* \*

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

13 \* \* \*

14 B. This Section shall apply only to municipal cemeteries as defined in R.S.  
15 8:1, and to cemeteries that do not currently hold a certificate of authority ~~under~~ in  
16 accordance with this Title.

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

19 D.

20 \* \* \*

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

28 \* \* \*

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

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

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

9 \* \* \*

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

12 \* \* \*

13 (3) In the event that no cemetery authority is identifiable, such human  
14 skeletal remains shall be curated by the collecting entity in a manner that conforms  
15 to the ~~Louisiana Division of Archaeology~~ Department of Culture, Recreation and  
16 Tourism, division of archaeology curation guidelines. Such human skeletal remains  
17 may be re-interred in an unused portion of the subject cemetery pursuant to an order  
18 of a court of competent jurisdiction.

19 G. There shall be no liability on the part of, and no action for damages  
20 against, any of the following:

21 \* \* \*

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

27 \* \* \*

1 §673. Definitions

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

5 \* \* \*

6 §676. Powers and duties of the secretary

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

8 \* \* \*

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

13 \* \* \*

14 B. Civil damages, except for attorney fees, recovered by the secretary,  
15 subject to applicable provisions of law, shall be used by the secretary to implement  
16 and enforce this Chapter and to fund activities of the Department of Culture,  
17 Recreation and Tourism, division of archaeology<sub>2</sub> in regard to restoration and  
18 protection of burial sites, in accordance with regulations adopted by the secretary and  
19 other applicable laws. Attorney fees shall be paid to the Louisiana Department of  
20 Justice.

21 C. Provisional permits may be used by the Department of Culture,  
22 Recreation and Tourism, division of archaeology<sub>2</sub> until rules and regulations  
23 governing permitting are adopted.

24 \* \* \*

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

27 A. Any person who has reason to believe he ~~or she~~ has discovered an  
28 unmarked burial site or received human skeletal remains from an unmarked burial  
29 site shall notify the law enforcement agency of the jurisdiction where the site or

1 remains are located within twenty-four hours of discovery. Any person who has  
2 reason to believe he ~~or she~~ has discovered or received burial artifacts shall notify the  
3 secretary through the Department of Culture, Recreation and Tourism, division of  
4 archaeology<sub>2</sub> within seventy-two hours of the discovery. Failure to give notice as  
5 required is a misdemeanor punishable by a fine of not less than one hundred dollars  
6 nor more than one thousand dollars.

7 \* \* \*

8 C. Each law enforcement agency that receives notice of an unmarked burial  
9 site or human skeletal remains shall immediately notify the coroner of the parish  
10 where the site or remains are found. The law enforcement agency shall also notify  
11 the secretary through the Department of Culture, Recreation and Tourism, division  
12 of archaeology<sub>2</sub> within two business days of any discovery unless circumstances  
13 indicate that the death or burial is less than fifty years old or that there is need for a  
14 criminal investigation or legal inquiry by the coroner.

15 \* \* \*

16 §701. Application

17 This ~~chapter~~ Chapter applies to all undeveloped land of a cemetery authority  
18 that is used, intended to be used<sub>2</sub> or converted into use for the interment of human  
19 remains.

20 §702. Standards of construction

21 No undeveloped land shall be sold or otherwise disposed of for use for the  
22 interment of human remains unless the person, cemetery authority<sub>2</sub> or other entity  
23 that intends to sell or otherwise dispose of such land for such use has made  
24 reasonable and adequate provisions for the installation of the necessary roadways,  
25 walkways, drainage, embellishments, features, landscaping<sub>2</sub> and other facilities that  
26 will insure the completion of ~~said~~ the undeveloped land into the kind of cemetery  
27 that is being or will be represented for sale to the buying public.

1 §703. Compliance with ordinances and specifications

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

5 §704. Improper use a nuisance; penalty

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

12 §705. Construction in compliance with existing laws

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

16 \* \* \*

17 §706. Commencement and completion requirements

18 \* \* \*

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

23 §801. Recognized owner of title

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

1 §802. Transfer of ownership rights

2 \* \* \*

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

7 \* \* \*

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

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

23 §803. Descent of title to cemetery space

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

28 \* \* \*

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

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

13 §806. Rights of co-owners

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

20 §807. Co-owners; identification

21 An affidavit by any informed but disinterested person having knowledge of  
22 the facts setting forth the fact of the death of one co-owner and establishing the  
23 identity of the surviving co-owner named in the deed to any cemetery space or right  
24 of interment, when filed with the cemetery authority, shall constitute complete and  
25 sufficient authorization to the cemetery authority to permit the use of one unoccupied  
26 portion of ~~said~~ the space in accordance with the directions of the surviving co-owner.

27 §808. Co-owners may designate representative

28 When there are two or more owners of a cemetery space or right of interment,  
29 they may designate one or more persons, firms or corporations, trustees, or other



1 entities to represent them and, upon filing written notice of designation with the  
2 cemetery authority, the cemetery authority in its discretion shall have the right to  
3 deal with such representative unless the cemetery authority receives written  
4 revocation of the designation executed by all of the co-owners or their heirs or legal  
5 representatives.

6 §809. Waiver of right of interment

7 Any surviving spouse, parent, child<sub>2</sub> or heir having a right of interment in an  
8 interment space may waive such right in favor of any other relative or spouse of a  
9 relative of the deceased record owner. Upon such waiver, the remains of the person  
10 in whose favor the waiver is made may be interred in the interment space.

11 \* \* \*

12 §813. Correction of errors

13 A cemetery authority shall have the right to correct any and all errors that  
14 may occur in or in connection with the operation of the cemetery, including without  
15 limitation those involving or in connection with the making of an interment,  
16 disinterment<sub>2</sub> or removal, or the description, transfer, granting the right of use<sub>2</sub> or  
17 conveyance of a cemetery space, and in this connection, the cemetery authority shall  
18 have the right to substitute, grant the right of use, or convey, in order to correct any  
19 such errors, other interment rights, approximately equal in value and location as far  
20 as feasible, as selected by ~~said~~ the authority; or, in the sole discretion of ~~said~~ the  
21 authority, the correction of an error may be accomplished by the refunding of the  
22 amount of money paid on account of the acquisition or use of a cemetery space. If  
23 an error involves an interment, the cemetery authority shall have the right to remove  
24 and transfer the remains that are involved.

25 §901. Unlawful to use, lease or sell for drilling, mining, or prospecting; penalty

26 A. It shall be unlawful to use, lease<sub>2</sub> or sell any tract of land which is platted,  
27 laid out<sub>2</sub> or dedicated for cemetery purposes and in which human bodies are interred,  
28 on any part of such tract, for the purpose of prospecting, drilling<sub>2</sub> or mining; provided  
29 that the prohibition of leasing contained in this ~~section~~ Section shall not apply to any

1 oil, gas, or mineral lease that contains a stipulation forbidding drilling or mining  
2 operations upon that portion of the leased premises which is included within the  
3 cemetery.

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

9 §902. Underground burials; depth

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

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

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

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

4 \* \* \*

5 §903.1. Cemeteries; maintenance of vaults and wall vaults more than fifty years old;  
6 reclamation by authority

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

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

22 (2) In the event that there is evidence of an interment or interments in the  
23 vault ~~and/or~~ or wall vault in question, and the cemetery authority has no evidence of  
24 ownership, the remains may be immediately removed and temporarily reinterred at  
25 another location, and the cemetery authority shall then have the power to  
26 immediately make the renovations, repairs, and maintenance necessary, and the same  
27 notice procedure set forth in Paragraph (1) of this Subsection shall be followed,  
28 except that all persons shall have six months to come forward to the office of the  
29 cemetery authority and present written evidence of ownership in the vault ~~and/or~~ or

1 wall vault in question, and in the event that anyone fails to do so within the time  
2 prescribed, then the vault ~~and/or~~ or wall vault may be reclaimed by the cemetery  
3 authority and resold.

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

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

20 (5) Under no circumstances shall the cemetery authority be prevented from  
21 doing repairs, renovations, and maintenance to vaults ~~and/or~~ or wall vaults if same  
22 are necessary for the preservation of the section of vaults ~~and/or~~ or wall vaults in  
23 question ~~and/or~~ or the beautification of the cemetery. If it becomes necessary to  
24 remove remains therefrom, the cemetery authority shall have this right and power as  
25 set forth above, but the remains ~~must~~ shall be kept separate until the herein  
26 prescribed time period has elapsed so that they can be identified.

27 (6) After the renovations, repairs, and maintenance have been completed and  
28 the prescribed time period has lapsed, and the cemetery authority has reclaimed the  
29 ownership of the vault ~~and/or~~ or wall vault in question, then all of the remains

1 removed in accordance with the provisions of this Paragraph, shall be interred in a  
2 common burial place, but the cemetery authority shall retain records, tablets, stones,  
3 and other information regarding which vaults ~~and/or or~~ or wall vaults ~~same~~ were  
4 removed from and the interments therein, and the names of the deceased persons in  
5 question, if they are available.

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

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

25 B. The provisions ~~hereof~~ in this Section shall be inapplicable with respect  
26 to any tomb, vault, or wall vault placed in perpetual care.

27 §904. Speculative sales and purchases prohibited; penalties

28 A. It is declared to be against the public policy of this state for any person,  
29 firm, corporation, association, or other legal entity to speculate in interment spaces.

1 Accordingly, it shall be unlawful for any person, firm, corporation, association, or  
 2 other legal entity, except a licensed cemetery authority, to sell or buy an interment  
 3 space or spaces for the purpose of resale at a profit.

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

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

9 \* \* \*

10 C. As used in this Section, "shareholder" ~~shall mean~~ means any person who  
 11 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 Reengrossed

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)-(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)-(C), 303, 305-307, 308(A) and (C), 311, 314, 316-401, 402(intro. para.), 403, 404, 407, 408, 411(intro. para.), 412(B)(2), 451, 453, 454.1(A), 455, 457-459, 459.1(A) and (B), 460, 461(B), 465(A)(1)(intro. para.), (b), and (c), (2), (4)(h), and (5)(d), (B), and (C), 501(A), 502(A)(1)(a) and (D), 502.2(intro. para.) and (5), 503, 504, 505, 505.2(intro. para.) and (3), 506(B) and (C)(1), 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), 701-705, 706(C), 801, 802(B), (E), and (F), 803, 805-809, 813, 901, 902, 903(A) and (B), and 903.1, 904, and 905(C); and Adds R.S. 8:1(41)-(44))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.